



CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 27, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

I. ROLL CALL AND CALL TO ORDER BY MAYOR PRO TEM @ 5:00 PM

City Council:

- X Scott Cain, Mayor**
- ✓ Derek Weathers, SMD 1**
- ✓ Chris Boedeker, Mayor Pro Tem/SMD 2**
- ✓ Mike Mann, SMD 3**
- ✓ John Warren, SMD 4**

Administration:

- ✓ Steve Polasek, City Manager**
- ✓ Bradley Anderle, City Attorney**
- ✓ Ivy Peterson, City Secretary**
- ✓ Chris Fuller, Deputy City Manager**

II. INVOCATION by Pastor Matt Barker Cornerstone Pentecostal Church of God

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
Mayor Pro Tem Boedeker waived the reading of the guidelines to speak until such a time is necessary.

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda.

Dr. Elizabeth Gilmore addressed the council with her concerns about water fowl at Hulen Park. She is a driver for Meals on Wheels and complained on the lack of marked house numbering in Cleburne.

Raul Ignacio with the Iglesia Ni Cristo (Church of Christ) issued an invitation to the council and the public to a Care for Humanity event scheduled for Friday, September 30, 2022 from 4:00 pm until 7:00 pm where care packages will be distributed to those in need.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. PRESENTATION – Visit Cleburne Logo and Zartigo Visitors Information, Tara Janzen and Heather Juarez of the Chamber of Commerce

Summary: Visit logos are utilized by communities to entice guests to spend their tourism dollars in the community. The Cleburne Chamber of Commerce and Cleburne Visitors Bureau (CVB) created a committee to review the current Visit Cleburne logo. The committee reviewed various options and recommended a new Visit Cleburne logo for the Chamber of Commerce Board. The

new logo highlights Cleburne's location in Texas, utilizes attractive styles with a rustic appeal, and has an established date showing Cleburne's age. The Chamber Board unanimously approved the new Visit Cleburne logo.

The Chamber of Commerce and CVB invested in Zartico destination operating system that identifies visitors, visitor spending, geolocation, and events. This technology will be utilized to strategically maximize marketing efforts and increase hotel occupancy tax revenue for the community. Information will be provided about the system, visitor classification, Cleburne visitor market, and points of interest in the community.

This item was informational with no formal action taken. Heather Juarez, the Tourism/Marketing Director covered the Zartico portion of the report and Tara Janzen, Chamber President covered the CVB logo change portion.

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and were enacted with one motion.

MN1. CONSIDER MINUTES FOR THE SEPTEMBER 13, 2022 REGULAR COUNCIL MEETING.

RS1. RS09-2022-124 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL OCTOBER 11, 2022.

Presented by: Steve Polasek, City Manager

Summary: On March 23, 2020, the Mayor executed a Declaration of Local Disaster ("Declaration") for the City of Cleburne pursuant to Section 418.108(a) of the Texas Government Code, which was for a period of seven days. In accordance with 418.108(b) of the Texas Government Code and following Governor Greg Abbott's executive orders, the City Council has approved extensions to said Declaration, and continues to take actions to promote health and safety, and suppress the spread of COVID-19 in the community. This resolution for your consideration is to extend the existing Declaration to the next regular council meeting date of October 11, 2022 at 11:59 p.m. central daylight time.

RS2. RS09-2022-125 CONSIDER A RESOLUTION FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED.

Presented by: Rhonda Daugherty, Director of Finance

Summary: On May 13, 2022, Oncor Electric Delivery Company, LLC filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. Oncor asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. The impact of this requested increase on an average residential customer using 1,300 kWh/month would be about \$6.02 per month.

At the May 24, 2022 regular council meeting, City Council approved Resolution RS05-2022-67, whereby Oncor's rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with the Steering Committee of Cities Served by Oncor (Steering Committee), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of the experts engaged by the Steering Committee, Oncor's request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by Oncor. Once the Resolution is adopted, Oncor will have 30 days to appeal the decision to the Public Utility Commission of Texas where the appeal will be consolidated with Oncor's filing that is currently pending at the Commission (i.e. PUC Docket No. 53601).

RS3. RS09-2022-126 CONSIDER A RESOLUTION AUTHORIZING A 380 AGREEMENT WITH TROVATO, LLC UNDER THE TERMS OF THE CITY OF CLEBURNE FAÇADE IMPROVEMENT ECONOMIC DEVELOPMENT INCENTIVE PROGRAM FOR PROPERTY LOCATED AT 106 EAST HENDERSON STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Trovato, LLC has submitted an application under the terms of the City's Façade Improvement Incentive Program for enhancements to exterior street-facing facades on their building located at 106 East Henderson Street. The work includes installation of a custom-made double-sided lighted neon "ROOT BEER" sign projecting from the front façade of the building, along with the necessary electrical work and permitting required for compliance with the City's current sign ordinance. Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project is \$11,476.00; therefore \$5,000 would be the maximum match by the City. If the work is completed and a reimbursement request is submitted prior to 10/31/22, funds remaining in the Program would be \$1,104.00. However, it is possible that the work may not be completed until after 10/31/22, in which case the reimbursement would come from FY 2023 funding. In that case, there would be \$45,000.00 remaining in program funds for FY 2023.

OC1. CONSIDER RATIFYING PREVIOUS ACTIONS TAKEN TO APPROVE ITEMS RS3, OR5, AND OR6 AT THE SEPTEMBER 13, 2022 CITY COUNCIL MEETING.

Presented by: Garrett Watson, Interim Airport Manager

Summary: The City Council considered and approved the following three items on September 13, 2022: 1) RS3 - Airport Tract #501 land lease agreement; 2) OR5 - Airport use and privilege fees; 3) and OR6 - Airport minimum standards and requirements. The Airport Division failed to properly post their September 12, 2022, Airport Board meeting agenda and as such, the actions of the Airport Board, as previously reported to City Council, were not official as required by the Board's duties outlined in § 90.109 of the City Code.

In order to correct this discrepancy, and in accordance with open meeting rules, the Airport Advisory Board met on Tuesday, September 20th and through their actions officially

recommends to the Council approval of these items. Tonight’s action by Council will ratify the approvals of September 13, 2022.

OC2. CONSIDER APPROVING ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF AUGUST 2022.

MOTION: to approve as presented in its entirety

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X				X	Approved as presented
Boedeker			X					Approved as amended
Mann			X					Denied
Warren	X		X					Withdrawn
Cain						X		Postponed until:
X	Motion Carried		Motion Failed					Roll Call

ACTION AGENDA

OR1. OR09-2022-70 *PUBLIC HEARING* CONSIDER AN ORDINANCE APPROVING THE REZONING OF ±0.915 ACRES FROM I (INDUSTRIAL DISTRICT) TO RC (REGIONAL COMMERCIAL DISTRICT) FOR RETAIL COMMERCIAL DEVELOPMENT ALONG US HIGHWAY 67, ON PROPERTY LOCATED AT 2221 PIPELINE ROAD, CASE ZC22-024.

Presented by: David Jones, Community Development Director

Summary: The applicant, Jack Fincher, has submitted a request to rezone approximately 0.915 acres from I (Industrial District) to RC (Regional Commercial District) for the property located at 2221 Pipeline Road. The applicant intends to rezone the subject property for retail commercial development fronting onto Pipeline Road. The surrounding area to the east, across Pipeline Road, primarily serves a commercial retail function, housing two commercial anchors, a restaurant and a bank. These retail uses are housed within the “C” Commercial Districts within the Zoning Ordinance. The Planning and Zoning Commission considered this request at their September 12, 2022 meeting and recommended approval by a vote of 5-0.

Mayor Pro Tem Boedeker opened the public hearing, and with no speakers, the public hearing was closed.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers	X		X				X	Approved as presented
Boedeker			X					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain						X		Postponed until:
X	Motion Carried		Motion Failed					Roll Call

RS4. RS09-2022-127 *PUBLIC HEARING* CONSIDER A RESOLUTION APPROVING THE REPLAT OF DURAN ESTATES (FORMERLY ORIGINAL TOWN OF CLEBURNE), FOR 3 SINGLE-FAMILY RESIDENTIAL LOTS WITH A VARIANCE REQUEST ON ±0.526 ACRES, LOCATED AT 704, 706, AND 708 ROBBINS STREET, CASE PC22-060.

Presented by: David Jones, Community Development Director

Summary: The applicant, Lonestar Land Surveying, is requesting approval of a residential replat for Duran Estates (formerly Original Town of Cleburne), which consists of three (3) single-family residential lots, located at 704, 706, and 708 Robbins Street.

The applicant has requested a variance to the minimum lot depth for each of the proposed lots to be considered as part of the request for plat approval. The Planning and Zoning Commission considered this request at their September 12, 2022 meeting and recommended approval with a vote of 5-0.

Mayor Pro Tem Boedeker opened the public hearing and invited those who registered to speak to come forward.

Proponent Chris Duran spoke in support of the item and stated the plans are to build three beautiful homes.

With no further speakers, the public hearing was closed.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			X				X	Approved as presented
Boedeker			X					Approved as amended
Mann		X	X					Denied
Warren	X		X					Withdrawn
Cain						X		Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

RS5. RS09-2022-128 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF BELLE LAGOS PHASE 3, FOR 89 SINGLE-FAMILY RESIDENTIAL LOTS AND 1 OPEN SPACE LOT ON ±27.828 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED WEST OF BASS LAKE LANE AND FUTURE UNIVERSITY DRIVE, CASE PC22-058.

Presented by: David Jones, Community Development Director

Summary: The applicant, MKP Development, represented by Adlai Pennington, is requesting approval of the final plat for Belle Lagos Phase 3, which consists of 89 single-family residential lots and one (1) open space lot.

The final plat meets all of the minimum requirements as outlined in PD OR02-2016-10, Chapter 154 of the Code of Ordinances, and conforms with the approved preliminary plat. The

Planning and Zoning Commission considered this request at their September 12, 2022 meeting and recommended approval with a vote of 4-1.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X				X	Approved as presented
Boedeker			X					Approved as amended
Mann	X		X					Denied
Warren			X					Withdrawn
Cain						X		Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

RS6. RS09-2022-129 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF MEADOWBROOK ADDITION, FOR 177 SINGLE-FAMILY RESIDENTIAL LOTS AND 3 OPEN SPACE LOTS ON ±35.95 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF WOODARD AVENUE AND HARLIN DRIVE, CASE PC22-062.

Presented by: David Jones, Community Development Director

Summary: The applicant, MKP Development, represented by Adlai Pennington, is requesting approval of the final plat for Meadowbrook Addition, which consists of 177 single-family residential lots and three (3) open space lots.

The final plat meets all of the minimum requirements as outlined in PD OR09-2021-49, Chapter 154 of the Code of Ordinances, and conforms with the approved preliminary plat. The Planning and Zoning Commission considered this request at their September 12, 2022 meeting and recommended approval with a vote of 4-1.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X				X	Approved as presented
Boedeker			X					Approved as amended
Mann	X		X					Denied
Warren			X					Withdrawn
Cain						X		Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

RS7. RS09-2022-130 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF BLACKBIRD MEADOWS, FOR 45 RESIDENTIAL LOTS AND 2 OPEN SPACE LOTS, ON ±58.448 ACRES IN THE EXTRATERRITORIAL JURISDICTION OF CLEBURNE, GENERALLY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 904 AND APPROXIMATELY 2,100 FEET WEST OF CHISHOLM TRAIL PARKWAY, EAST OF COUNTY ROAD 1017, CASE PC22-066.

Presented by: David Jones, Community Development Director

Summary: The applicant, Shelby Hoffman, is requesting approval of the final plat for Blackbird Meadows, which consists of 45 residential lots and two (2) open space lots, generally located on the north side of County Road 904 and approximately 2,100 feet west of Chisholm Trail Parkway, east of County Road 1017, within the City’s Extraterritorial Jurisdiction (ETJ).

The final plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their September 12, 2022 meeting and recommended approval with a vote of 5-0.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			X				X	Approved as presented
Boedeker			X					Approved as amended
Mann		X	X					Denied
Warren	X		X					Withdrawn
Cain						X		Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

Councilman Warren recused himself from discussion and voting on **Item #OR2** due to a conflict of interest and has filed a conflict of interest affidavit with the City Secretary’s Office.

OR2. OR09-2022-71 CONSIDER AN ORDINANCE AUTHORIZING THE RELEASE OF CERTAIN INTEREST DUE ON A DEMOLITION LIEN FILED AGAINST THE PROPERTY LOCATED AT 104 OLIVE STREET; AS REQUESTED BY PROPERTY OWNERS BETHEL SALTER AFRICAN METHODIST EPISCOPAL CHURCH.

Presented by: Ivy Peterson, City Secretary

Summary: On September 19, 2007 a structure located at 104 Olive Street, Lot 3 Block 277, Original Cleburne owned by Bethel Salter AME Church was condemned by the Building and Standards Commission. On June 3, 2008, the structure was demolished at the city’s expense. A lien was filed to cover the cost of the demolition being \$15,000, the cost of the asbestos survey (assessment) being \$750, and an administrative fee for county clerk filing expenses of \$32, bringing the total principal to \$15,782.

This lien has accumulated \$45,148.99 in interest since the initial filing 14 years ago. The pay-off including the interest is \$60,930.99. The church has petitioned Council to waive the accumulated interest fees and allow them to pay off the lien amount for the demolition and related fees totaling \$15,782. The lot where the structure was located is part of the current church complex.

MOTION: to approve as presented with stipulation that interest be waived and principal paid within 30 days

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X				X	Approved as presented
Boedeker			X					Approved as amended
Mann	X		X					Denied
Warren					X			Withdrawn
Cain						X		Postponed until:
X	Motion Carried		Motion Failed					Roll Call

RS8. RS09-2022-131 CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH JR WEST TEXAS CONCRETE, LLC, FOR THE TIF 2-2022 DOWNTOWN SIDEWALK - ANGLIN STREET PROJECT IN THE AMOUNT OF \$285,330.20, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SUBSEQUENT CHANGE ORDERS, AND ESTABLISHING A TOTAL CONSTRUCTION BUDGET AMOUNT NOT TO EXCEED \$313,952.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The 2022 Downtown Sidewalk - Anglin Street Project will extend the city’s investment in redeveloping infrastructure in the downtown area. The project includes reconstruction and repair of curb and gutters, sidewalks, and driveway approaches on Anglin Street, between East Henderson Street and East James Street downtown.

The City engaged engineering services to provide design for the project with Childress Engineers. The project was posted and advertised for bids, with a bid opening on August 24, 2022. Four (4) bids were received, with JR West Texas Concrete, LLC being the apparent low offer.

JR West Texas Concrete, LLC meets the minimum qualifications required by the contract and Childress Engineers has provided a letter recommending award of the contract to this contractor in the amount of \$285,330.20. This project has a construction duration of 90 days. The proposed resolution will award the contract to JR West Texas Concrete, LLC, authorize the City Manager to execute the contract documents, and authorize the City Manager to utilize contingency funds in the amount of \$28,621.80 to execute change orders and provide construction testing services that may be required in order to complete the project, and establish a total construction budget of \$313,952.

Funding for this contract is available in TIF 2 funds. A total budget of \$361,452 was established for this project at the November 5, 2021 meeting of the TIF 2 Reinvestment Zone Board of Directors meeting, and the Project Plan was adopted by City Council at the December 14, 2021 meeting in OR12-2021-71.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers	X		X				X	Approved as presented
Boedeker			X					Approved as amended
Mann			X					Denied
Warren		X	X					Withdrawn
Cain						X		Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

DISCUSSION & UPDATES

OC3. DISCUSS THE CLEBURNE POLICE DEPARTMENT’S COMMUNITY ENGAGEMENT PLAN.

Presented by: Linn Goodman, Assistant Chief of Police

Summary: The Cleburne Police Department recently completed a written Community Engagement Plan. Council will be briefed on the plan, and current and upcoming community engagement activities. This report will provide an opportunity for questions or discussion regarding Police Department community engagement activities.

Johnson County constables are assisting at the elementary schools where no resource officer has been assigned by the City.

This item was informational with no formal action taken.

ACTION AGENDA – CON’T

Mayor Pro Tem Chris Boedeker recused himself from discussion and voting on **Item #RS9** due to a conflict of interest and has filed a conflict of interest affidavit with the City Secretary’s Office. Councilman Mike Mann presided over this item.

RS9. RS09-2022-132 CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE COMMUNICATIONS SYSTEM AGREEMENT WITH JOHNSON COUNTY THAT ALLOWS THE CITY OF CLEBURNE TO OPERATE RADIOS ON THE COUNTY-OWNED PROJECT 25 RADIO SYSTEM FOR AN AMOUNT NOT TO EXCEED \$46,000.

Presented by: Linn Goodman, Assistant Chief of Police

Summary: Due to the addition of users to the Johnson County Radio System, the fees to use the radio system have been reduced. The City currently pays \$19.80 per radio per month. Effective October 12, 2022 the rate will be \$18.52 per month per radio. The estimated annual cost is \$46,000 which has been budgeted in the FY 2023 budget.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X				X	Approved as presented
Boedeker					X			Approved as amended
Mann			X					Denied
Warren	X		X					Withdrawn
Cain						X		Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

Mayor Pro Tem Chris Boedeker recused himself from discussion and voting on **Item #RS10** due to a conflict of interest and has filed a conflict of interest affidavit with the City Secretary’s Office. Councilman Mike Mann presided over this item.

RS10. RS09-2022-133 CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF THE INTERLOCAL COOPERATION AGREEMENT WITH JOHNSON COUNTY FOR THE PROVISION OF JAIL SERVICES.

Presented by: Linn Goodman, Assistant Chief of Police

Summary: Since 2001, the City of Cleburne has had an agreement in place with Johnson County for the incarceration of the city’s Class C Misdemeanor offenders. Incarceration of all other prisoners is provided through other agreements and state statutes. This proposed Interlocal Agreement is a renewal changing the per-day rate per prisoner from \$58.28 to \$69.94. The estimated annual cost is \$39,000 and has been included in the FY 2023 budget.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers	X		X				X	Approved as presented
Boedeker					X			Approved as amended
Mann			X					Denied
Warren		X	X					Withdrawn
Cain						X		Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, and the Texas Disaster Act, Chapter 418 of the Texas Government Code, Executive Session may be held at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to any posted subject matter of this City Council Meeting.

No Executive Session was held.

ADJOURNMENT

ADJOURNED AT: 6:09 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: OCTOBER 11, 2022

CITY OF CLEBURNE

Chris Boedeker, Mayor Pro Tem

ATTEST

Ivy Peterson, City Secretary