



REGULAR CITY COUNCIL MEETING AGENDA
DECEMBER 10, 2019
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

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

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Chris Boedeker, SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, Mayor Pro Tem/SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney
- ✓ Ivy Peterson, City Secretary

II. INVOCATION by Pastor Donnie Cappers, Faith Church

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
Mayor Cain waived the reading of the guidelines until such a time as necessary

V. CITIZENS COMMENTS
None

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ The Quarterly Economic Development Update was presented by Grady Eason, Manager of Economic Development

CONSENT ITEMS

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

M1. CONSIDER MINUTES FOR THE OCTOBER 22, 2019 COUNCIL MEETING.

M2. CONSIDER MINUTES FOR THE NOVEMBER 12, 2019 COUNCIL MEETING.

RS1. RS12-2019-85

CONSIDER A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH JML INVESTMENTS, LTD FOR THE PROPERTY LOCATED AT 1216 WEST HENDERSON STREET FOR A FACADE IMPROVEMENT MATCHING INCENTIVE PROGRAM REIMBURSEMENT FOR AN AMOUNT NOT TO EXCEED \$3,393.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Mr. James Lemons, representing JML Investments Ltd., has submitted an application under the terms of the City's Façade Improvement program seeking reimbursement of expenditures for improvements to his property located at 1216 W. Henderson St. The scope of work for this project includes painting the metal façade around the building, repainting the entryway, sign pole, rear doors and rear entrance railings, and re-striping of the parking lot. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements will be \$6,785.00, so the maximum reimbursement would be \$3,393.00.

RS2. RS12-2019-86

CONSIDER A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH FERNANDO RODRIGUEZ, FOR BUILDING REHABILITATION IMPROVEMENTS TO PROPERTY LOCATED AT 104 SOUTH MAIN STREET, FOR AN AMOUNT NOT TO EXCEED \$13,113.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Mr. Fernando Rodriguez has submitted an application seeking funds available under the Downtown Building Rehabilitation Matching Incentive Program ("Program") in the amount of \$13,113.00 to be used toward the cost of installing 3 new HVAC units in his building located at 104 S. Main St. Total cost of this project is \$26,225.00. Under the terms of the Program, matching funds of 50% of total project cost up to a maximum of \$25,000 would be available if the application is approved

OR1. OR12-2019-71

CONSIDER AN ORDINANCE APPROVING THE RESALE OF CERTAIN REAL PROPERTY ACQUIRED AT DELINQUENT TAX SALES.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: The City of Cleburne, for itself and the use and benefit of Johnson County, Hill College and the Cleburne ISD acquired title to certain tracts of real estate at Sheriffs' sales. It is in the best interest of the City and its taxpayers to return these properties to a productive use. Therefore, staff requested Perdue, Brandon, Fielder, Collins, & Mott, LLP to conduct a "Tax Resale" event allowing bids to be received for these struck-off properties. Bids were opened on October 18, 2019 and evaluated by Perdue and Staff. The following bids are for Council's consideration:

- **720 N Border St**, acquired on November 20, 2015; high bidder is M. Sharp Family, LP, for \$8,100.00. City is to receive \$1,348.82 in maintenance fees, \$313.18 in back property taxes, and \$2,358.63 in excess funds.
- **722 N Border St**, acquired on November 20, 2015; high bidder is M. Sharp Family, LP, for \$8,100.00. City is to receive \$1,348.82 in maintenance fees, \$313.18 in back property taxes, and \$2,358.63 in excess funds.
- **724 N Border St**, acquired on November 20, 2015; high bidder is Y & M Investments, LLC, for \$11,000.00. City is to receive \$1,348.81 in maintenance fees, \$313.19 in back property taxes, and \$3,618.49 in excess funds.

- **812 Colorado St**, acquired on August 7, 2018; high bidder is Phillip & Angeline Clark, for \$10,000.00. City is to receive \$1,683.48 in maintenance fees, and \$1,399.73 in back property taxes.
- **1210 Joslin St**, acquired on May 10, 2019; high bidder is Mirgon Enterprises Series, LLC c/o Martha Miranda, for \$18,100.00. City is to receive \$585.00 in maintenance fees, \$3,167.68 in back property taxes, and \$2,005.46 in excess funds.
- **225 Monroe St**, acquired on September 21, 2015; high bidder is Mirgon Enterprises Series, LLC c/o Martha Miranda, for \$20,000.00. City is to receive \$7,195.17 in maintenance fees, \$1,145.32 in back property taxes, and \$2,509.12 in excess funds.
- **709 Robbins**, acquired on September 22, 2017; high bidder is Gig 7 Property Leasing, LLC, for \$2,500. City is to receive \$2,274.72 in maintenance fees.
- **612 E Wardville St**, acquired on November 12, 2014; high bidder is FWD Contractors, for \$12,800.00. City is to receive \$2,455.73 in maintenance fees, \$1,925.98 in back property taxes, and \$2,454.08 in excess funds.

The total amount to be received by the City upon completion of the resale of the above eight properties is \$43,522.95 (\$18,240.55 for maintenance fees, \$8,578.26 for back taxes and \$16,704.14 as excess funds).

OR2. OR12-2019-72

CONSIDER AN ORDINANCE AMENDING CHAPTER 71: TRAFFIC REGULATIONS AND CHAPTER 74: TRAFFIC SCHEDULES BY ADOPTING NEW SCHOOL ZONES AND PROVIDING FOR THE REORGANIZATION OF SUCH TRAFFIC SCHEDULES.

Person presenting this item: Craig Huskey, Police Lieutenant

BRIEF: The Cleburne Independent School District has requested the City conduct a study to evaluate if school zones should be added on Harlin Dr and Woodard Ave. The study, conducted by Kimley-Horn and Associates, concluded that there is a need for the two additional school zones, one of which is on Harlin Dr, from 200 feet east of Colonial Dr to N Nolan River Road, and the other is on Woodard Ave, from 200 feet west of school property line to 200 feet east of Colonial Dr. The Chief of Police, the Public Works Director and CISD Superintendent concur with the recommended zones. It is also recommended that the school zone speed on N Nolan River Rd be changed from 20 mph to 25 mph during the established school zone times.

The proposed action would also make changes to Chapter 74: Traffic Schedules – School Zones and Speed Zones, to move and/or add signs within designated school zones to ensure consistency with the ordinance, posted signs, and rules governing roadway and school zone signage

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF OCTOBER 2019.

Person presenting this item: Troy Lestina, Director of Finance

MOTION: to approve in its entirety

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker		X	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>

RESOLUTIONS

RS3. RS12-2019-87

CONSIDER A RESOLUTION CASTING VOTES FOR MEMBERS TO THE JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR 2020 AND 2021.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: The City of Cleburne has received an official ballot for the Council to vote by resolution on the candidates nominated in October. The candidates on the official ballot are as follows: Albert Archer, Sr, Billy Baynes, Don Beeson, Byron Black, Toby Ford, Paul Jones, Amy Lingo, Shane McNeel and Larry Woolley. The City has a total of **283** votes which can be cast for one or more candidates. Securing a candidate on the board requires at least 834 votes.

Speakers: Craig Hundley and Kevin Gee spoke in favor of casting votes for Amy Lingo

MOTION: to cast 97 votes for Albert Archer, Sr and the remaining 186 for Amy Lingo

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			X				X Approved as presented
Boedeker	X		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>

RS4. RS12-2019-88

CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH TEAGUE NALL AND PERKINS INC FOR THE DESIGN, BIDDING, AND TXDOT COORDINATION ASSOCIATED WITH THE FM4 UTILITY RELOCATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$189,000.

Person presenting this item: Cheryl Taylor, Director of Engineering Services

BRIEF: This item is a professional services agreement with Teague Nall and Perkins, Inc. for the design, bidding, and Texas Department of Transportation (TxDOT) coordination associated with the utility relocation project that is necessitated by TxDOT’s FM4 widening project between SH174 South and FM3136 in an amount not to exceed \$189,000.

The City of Cleburne was notified by TxDOT earlier this year of their plan to widen FM4 (East 2nd Street) from SH174 (South Main Street) to the east to FM3136. As part of that widening project, TxDOT requires that all utilities in the existing TxDOT right of way (ROW) be relocated to accommodate the proposed roadway and drainage improvements. The City of Cleburne has water

and sanitary sewer lines within the TxDOT ROW that will need to be relocated to accommodate the drainage improvements and curb and gutter planned with the FM4 project.

Staff contacted the engineering firm Teague Nall and Perkins, Inc. to provide design, bidding and TxDOT coordination for the relocation, replacement, and/or extension of city facilities within the roadway project limits. The City of Cleburne Water Master Plan includes the extension of a 16-inch water line within the FM4 project limits that will be included with this utility project. The TxDOT construction for the FM4 project is scheduled to begin in 2023. The city’s relocation of utilities will need to be complete by mid-year 2022 to meet the construction schedule.

The total cost of the agreement shall not exceed \$189,000. Funding for the engineering design contract is included in the FY 2020 CIP budget for FM4 Utility Relocation Project.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker		X	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>

RS5. RS12-2019-89

CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH KRAFTSMAN FOR REPLACEMENT OF PLAYGROUND EQUIPMENT FOR THE SPORTS COMPLEX FOR AN AMOUNT NOT TO EXCEED \$44,628.77, AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT BOARD OF DIRECTORS.

Person presenting this item: Aaron Dobson, Director of Parks & Recreation

BRIEF: This playground equipment will replace existing playground equipment located at Fields 1-4 at the Sports Complex. Kraftsman was awarded the BuyBoard contract (#592-19) for this equipment, so all competitive purchasing requirements have been met. An amount of \$44,628.77 was budgeted in the FY ‘20 budget. The existing playground is nearing the end of its useful life after a high level of use. In the near future if not replaced, will be potentially be a source of safety liability. The 4B Economic Development Board considered and approved this purchase at their December 5, 2019 meeting.

MOTION: to approve as presented

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

RS6. RS12-2019-90

CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH KRAFTSMAN FOR SIX BLEACHER SHADE STRUCTURES FOR THE SPORTS COMPLEX FOR AN AMOUNT NOT TO EXCEED \$153,519.40, AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT BOARD OF DIRECTORS.

Person presenting this item: Aaron Dobson, Director of Parks & Recreation

BRIEF: The purpose of this item is to provide spectator shade for baseball/softball fields 5, 7, and 8 at the Sports Complex. Currently fields 1-4 have shade structures above the bleacher area for spectators to enjoy watching games. The proposed bleacher shade structures will be identical to the current shade structures to maintain a consistent aesthetic appeal for the facility. This purchase will allow for all four fields in this area to have spectator shade structures. It will assist Cleburne to attract tournaments, and potentially reduce the City of Cleburne risk level with foul balls that fall within the spectator/bleacher area. The staff have found BuyBoard pricing for shade structures and the total purchase will be \$153,519.40. The 4B Economic Development Board considered and approved this purchase at their December 5, 2019 meeting.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		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

RS7. RS12-2019-91

CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH SLIDE EXPERTS TO RECOAT AND REFURBISH THE SLIDES, TOWER AND PLAY FEATURE AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$74,000, AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT BOARD OF DIRECTORS.

Person presenting this item: Aaron Dobson, Director of Parks & Recreation

BRIEF: In 2018, Councilman Hunsaker conducted a facility audit and their report called for recoating and refurbishing the Slides, Towers, and Play Feature. The recoating and refurbishment to these features will not only enhance the facilities aesthetic appeal, but they will also insure their structural integrity, allow for continued use of the slides, and prolong the life of the play feature. This project will consist of cleaning, sanding and mitigating rust and corrosion as needed. The project will also utilize gel coating to paint the interior of the slides and paint the exterior surfaces, caulk all seams and sand, buff and wax the entrance area tubs. Sealed bids were solicited for this project and Slide Experts was awarded the project for \$74,000. The 4B Economic Development Board considered and approved this purchase at their December 5, 2019 meeting.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		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>

RS8. RS12-2019-92

CONSIDER A RESOLUTION AUTHORIZING CONTINGENCY IN THE AMOUNT OF \$57,000 AND AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDERS NEEDED TO COMPLETE THE WATER TREATMENT PLANT CLARIFIER NO. 2 LAUNDER REPLACEMENT PROJECT.

Person presenting this item: Jeremy Hutt, Director of Public Works

BRIEF: The City Council awarded the contract for the Water Treatment Plant Clarifier No. 2 Launder Replacement Project on August 27, 2019, to BAR Constructors, Inc. who was identified as the lowest, most responsible bidder. The original contract for the project was in an amount not to exceed \$381,000, which did not include any contingency funding to account for unforeseen circumstances. The base contract cost of \$381,000 was under the original budgeted amount of \$432,000 for this project.

As with all construction projects, there is a risk of situations arising that will have an impact on the actual final cost of the project. These situations often lead to contract amendments or change orders to address the needs of the project. Construction contingencies can help reduce associated delays and create a better end product by attending to these unforeseen conditions. The proposed contingency of \$57,000, roughly 15% of the project bid, will allow for small changes to the scope of work and provide the ability to adjust to any unknown field conditions. The requested contingency amount is available within originally budgeted funds for FY 2020.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		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>

ORDINANCES

OR3. OR12-2019-73

CONSIDER AN ORDINANCE AMENDING CHAPTER 155: ZONING, BY ADDING A NEW SUBSECTION (K) TO SECTION 155.08: NON-CONFORMING USES,

STRUCTURES, AND LOTS; PROVIDING BUILDING RIGHTS TO CERTAIN SUBSTANDARD TRACTS OR PARCELS UNDER CERTAIN CIRCUMSTANCES.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: Staff is proposing this amendment to address a need to promote and incentivize infill development on properties located in aging areas of the community. This item was presented to City Council as a workshop/discussion item on September 24, 2019, and to the Planning and Zoning Commission on November 11, 2019.

Over the past 2 years, staff noticed a trend of challenges facing development of infill lots. Infill lots are located within an existing neighborhood and are proposed for redevelopment. Repeatedly, staff received inquiries to build new homes on these existing, infill lots that did not meet the minimum requirements of the single-family zoning district. These lots were not legally platted so they did not qualify as a Lot of Record. A Lot of Record is defined in the Zoning Ordinance as:

“A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Clerk of Johnson County where the lot or tract is located.”

Most often, the lots in question have existed for many decades in their current configuration, so they are not self-created situations. Under current regulations, an unplatted lot that does not comply with the minimum zoning requirements (i.e. lot area, lot width, etc.) is only developable through a two-step process: 1. The variance approval from the Zoning Board of Adjustment, and 2. Plat approval by the Planning and Zoning Commission. This is a timely process, with significant up-front costs to the developer. Additionally, there is no guarantee of approval by the Zoning Board of Adjustment. When presented with this option, developers often choose to seek other properties, in turn leaving these substandard lots vacant in areas in need of reinvestment.

Staff conducted an analysis using ArcGIS mapping software to evaluate the true scope of the issue. The data showed that there are currently more than 1,200 lots that are potentially developable. Therefore, in an effort to provide a mechanism to facilitate infill development, staff drafted an ordinance amendment to permit the issuance of a building permit on a substandard parcel or tract of land, without the requirement for platting.

The proposed amendment will permit construction of a single-family home on existing lots that are a portion(s) of adjacent lots, conveyed by deed without platting. The proposed criteria for a substandard parcel or tract include the following:

1. To be entitled to the rights afforded by this subsection, a substandard parcel or tract must be recorded in the county real property records before March 22, 1996 and must:
 - a. have an area of not less than 4,000 square feet;
 - b. be not less than 40 feet wide at the street or at the building line; and
 - c. have frontage on an existing street.

Staff has included additional provisions in the proposed ordinance amendment to ensure every development maintains adequate setbacks and development standards.

The Planning and Zoning Commission considered this item at their November 11, 2019 meeting and recommended approval by a vote of 6-0 with the following recommendation:

- Revise Section 3.b. of the proposed ordinance to read as follows: *“No rear yard shall be less than ten feet (10’) or required to be greater than twenty feet (20’).”*

****OPENED PUBLIC HEARING****

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker		X	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>

MOTION: to approve as presented to include the recommended amendments by the Planning and Zoning Commission

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		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>

OR4. OR12-2019-74

CONSIDER AN ORDINANCE APPROVING VOLUNTARY ANNEXATION FOR ±41.436 ACRES LOCATED WITHIN THE CHRISTOPHER CHANEY SURVEY, ABSTRACT 124 AND GENERALLY LOCATED NEAR SOUTHEAST INTERSECTION OF BLAKNEY ST AND CEDAR ST, EAST OF TREMONT ST AND NORTH OF MANSFIELD RD; AS REQUESTED BY J FOX INVESTMENTS, LLC.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: A petition for voluntary annexation has been filed with the City by the owner of a portion on an approximately 41.436 acre tract of land, generally located near the southeast intersection of Blakney Street and Cedar Street, east of Tremont Street and north of Mansfield Road, contiguous to the City of Cleburne. The applicant is requesting that the property be annexed and become part of the City pursuant to Section 43.028 of the Texas Local Government Code. Pursuant to Section 43.0673 of the Texas Local Government Code, the City is required to hold one public hearing before it may initiate annexation proceedings for the property. The City Council will hold a public hearing and consider adoption of the annexation ordinance on December 10, 2019 at 5:00pm in the City Hall Council Chambers.

The subject property is located within the Traditional Neighborhoods Districts and City Center East Districts. The territory hereinafter annexed into the City shall be classified under the “IH” – Interim Holding District.

****OPENED PUBLIC HEARING****

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		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>

OR5. OR12-2019-75

CONSIDER AN ORDINANCE AMENDING THE LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.10: PARKING PROHIBITED, PROVIDING FOR PROPORTIONALITY OF IMPROVED SURFACE FOR PARKING, WHICH IS PART OF TITLE XV: LAND USAGE, CHAPTER 150: BUILDING REGULATIONS, SECTION 150.141: CODES ADOPTED.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: The City of Cleburne wants to ensure residents live in safe conditions and protect Cleburne’s opportunity for growth and prosperity. To achieve this, the City Council adopted the International Property Maintenance Code (IPMC), in addition to other associated code changes, to help ensure residential and commercial properties are upheld to modern standards. During a Special Council Workshop on November 5, 2019, the City Council discussed changes to Section 302.10 of the IPMC Amendments providing for proportionality of improved surface for parking, exempting an improved surface that existed prior to January 1, 2019, and providing a defense to prosecution if the parking surface was constructed pursuant to a permit issued by the City. The proposed changes are to help residents meet code as our goal is compliance, not enforcement.

MOTION: to approve as presented

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

OR6. OR12-2019-76

CONSIDER AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 98: PARKS AND RECREATION, SECTION 98.202: GOLF COURSE FEE SCHEDULE; PROVIDING FOR FEE ADJUSTMENT.

Person presenting this item: Aaron Dobson, Director of Parks & Recreation

BRIEF: The Cleburne Golf Links was constructed for the use of the citizens and visitors of Cleburne. The current fee structure was adopted and last evaluated in 2014, since that time the course has not seen any fee adjustment for play. This has resulted in Cleburne Golf Links being in the lowest tier in the competitive market. On November 11th a public meeting was held by the Parks and Recreation Board where they voted unanimously in favor of the recommended fee changes. Staff recommends the following fee schedule for the use of the facility and are confident that the proposed fees are competitive within the area market and will offer a great value to the City of Cleburne. Staff also recommends that fees should be reviewed annually to determine consistency with the area market and with Council budget goals. Staff recommends that the fee adjustments become effective March 1, 2020.

MOTION: to approve as presented

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

OTHER COUNCIL MATTERS

OC2.

CONSIDER APPOINTMENTS AND REAPPOINTMENTS OF MEMBERS TO VARIOUS BOARDS AND COMMISSIONS.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: At such time when members' terms expire or vacancies occur on City boards, the Board & Commission Committee convenes to review applications of potential candidates for the Council's consideration. In accordance with Section 31.02 of the Code of Ordinances, the Committee is prepared to make recommendations for appointment of citizens representing a broad base of the community. The candidates listed below have been contacted and are willing to serve a two-year term beginning December 2019 thru December 2021.

BOARD/COMMISSION	RECOMMENDATIONS	APPOINT/REAPPOINT	Term #
4B Economic Dev	Jean Moss	Appointment	1
4B Economic Dev	John Warren	Reappointment	4
Airport	Karla Carmichael	Appointment	1
Airport	Brandi Collins	Appointment	1
Airport	David Johnson	Reappointment	2
Animal Shelter	Theresa Whisenhunt	Appointment	1
Animal Shelter	Blair Herzig	Reappointment	2
Animal Shelter	Melinda Henry	Reappointment	2

Capital Improvements	John Finnell	Reappointment	2
Civil Service	Teri Wilson	Reappointment	6
Library	Mindi Jackson	Appointment	1
Library	Barbara Elaine	Reappointment	2
Museum	Sherri Bell	Appointment	1
Museum	Ron Layland	Reappointment	2
Museum	Dr Sandra Tinley	Reappointment	2
Parks & Recreation	Sheryl Gray	Appointment	1
Parks & Recreation	Shane Atkins	Reappointment	2
TIF#1	Dr Robert Kelly	Reappointment	6
TIF#2	Kimberly Gray	Appointment	1
TIF#2	Mike Mann	Reappointment	2
ZBA	Chris Saunders	Reappointment	2

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			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>

OC3.

CITY COUNCIL DIRECTION REGARDING PARTICIPATION WITH JOHNSON COUNTY ON PRELIMINARY PLANNING FOR PARKING LOT IMPROVEMENTS LOCATED AT LOTS 1, 2, 3, 4, BLOCK 11, ORIGINAL CLEBURNE (SOUTHWEST CORNER OF MILL STREET AND WEST CHAMBERS STREET).

Person presenting this item: Steve Polasek, City Manager

BRIEF: Johnson County is currently considering potential improvements to the property they own on the southwest corner of Mill Street and West Chambers Street. Previously used for a drive through bank (Bank of America), consideration is being given to re-develop the property as a downtown parking lot. The site is approximately .56 acres in size. It would require at a minimum the demolition of the existing structures and re-paving of the lot.

The idea was suggested that perhaps the City and County might collaborate to create additional public parking in downtown that would serve not only those conducting County business, but also visitors to the area. Prior to proceeding with more in depth discussions regarding design, in-kind contributions, construction cost estimates and a shared use agreement, staff is seeking Council direction on how they wish to proceed. No work has been done on the site to date; however, the Johnson County Commissioners Court recently approved moving forward with any asbestos abatement necessary in preparation for demolition of the structures.

Should both entities agree to move forward, City staff would work with the County to more fully define the scope of the project, establish preliminary design with cost estimates, negotiate the fiscal responsibilities of each, and determine parameters for public use. This information would then be presented to both governing bodies for final consideration.

MOTION: to direct the city manager and staff to begin discussions with Johnson County for development of the lot for public parking and report back to council

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		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>

The regular council meeting was recessed at 7:00 PM to discuss items legally posted in executive session.

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

The City Council went into Executive Session at 7:06 PM

CALL TO ORDER: The Presiding Officer shall call the Executive Session to order as authorized by Vernon's Texas Codes Annotated, Government Code, Title 5. Open Government Ethics, Subchapter D., Exceptions to Requirement that Meetings be open; as per following sections:

A. § 551.071. Consultation with Attorney; Closed Meeting A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

EXE 1. Discuss Cleburne Airport Hangar 98

B. § 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the

governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

EXE 2. Discuss Lifecycle Biotechnologies, LP

The Presiding Officer adjourned the Executive Session of Tuesday, DECEMBER 10, 2019 at 7:49 p.m.

THE PRESIDING OFFICER SHALL ANNOUNCE THE RECONVENING OF THE REGULAR MEETING SESSION.

Reconvened into open session at 7:51 PM and no action was taken resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 7:51 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: JANUARY 14, 2020