



**REGULAR CITY COUNCIL MEETING AGENDA**  
**DECEMBER 11, 2018**  
**5:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET**

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**I. ROLL CALL AND CALL TO ORDER BY MAYOR**

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Gayle White, SMD 2
- ✓ Dale Sturgeon, Mayor Pro Tem
- ✓ John Warren, SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney

**II. INVOCATION** by Pastor Kenny Rigoulot, United Presbyterian Church

**III. PLEDGE OF ALLEGIANCE**

**IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

**V. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL**

**VI. CITIZENS COMMENTS**

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

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**CONSENT ITEMS**

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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. There will be no separate discussion of these items unless a Council Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

**M1. APPROVAL OF MINUTES FOR THE NOVEMBER 27, 2018 COUNCIL MEETING.**

**OC1. APPROVE FINAL PLAT OF LOTS 1-23, BLOCK 1, FOX OAKS ADDITION (BEING 59.671 ACRES IN THE CITY'S ETJ, LOCATED AT THE SOUTHWEST CORNER OF CR 312 AND CR 310); AS REQUESTED BY JERRY FOX, REPRESENTED BY TRANS TEXAS SURVEYING.**

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

**BRIEF:** This is a request to create twenty-three (23) residential lots in the ETJ. This plat meets all platting requirements set in the City's Ordinance. The Comprehensive Land Use Plan shows this area to be in the Farmland Community District. The Planning and Zoning Commission considered this request at their November 26, 2018 meeting and recommended approval by a vote of 7-0.

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## ORDINANCES

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**OR1. AN ORDINANCE ACCEPTING BIDS AND APPROVING SALE OF SEVEN PROPERTIES ACQUIRED AT DELINQUENT TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE RESALE DEEDS; AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY FOR PROPERTY LOCATED AT 112 HARMON ST; 117 KATY ST; 213 W BROWN ST; 501 MANSFIELD RD; 501 WILLINGHAM ST; 831 FULLER AVE AND 1506 N BUFFALO ST.**

Person presenting this item: Shelly Doty, 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 Sheriff's 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 resale. Received bids were opened on November 16, 2018 and the results are as follows:

- **112 Harmon St**, to the high bidder Kevin & Robyn Marriot in the amount of \$3,000 and the City is to receive \$3,000.00 in maintenance fees
- **117 Katy St**, to the high bidder Kevin & Robyn Marriot in the amount of \$3,500 and the City is to receive \$3,500.00 in maintenance fees
- **213 W Brown St**, to the high bidder Kevin & Robyn Marriot in the amount of \$1,200 and the City is to receive \$1,200.00 in maintenance fees
- **501 Mansfield Rd**, to the high bidder, Elite Developers, Inc. in the amount of \$9,650 and the City is to receive \$2,194.78 in maintenance fees and \$1234.42 in back taxes
- **501 E Willingham St**, to the high bidder Juan Menchaca in the amount of \$5,000 and the City is to receive \$4,502.78 in maintenance fees
- **831 Fuller Ave**, to the high bidder Zachary Thompson in the amount of \$9,000 and the City is to receive \$4,067.62 in maintenance fees, \$903.60 in back taxes, and \$96.46 in excess
- **1506 N Buffalo St**, to the high bidder Elite Developers, Inc. in the amount of \$15,200 and the City is to receive \$1,859.62 in maintenance fees, and \$1,472.80 in back taxes, and \$2,612.00 in excess

The total amount to be received by the City is \$20,324.80 in maintenance fees, \$2,499.82 in back taxes, and \$2,708.46 in excess funds.

**OR2. AN ORDINANCE AUTHORIZING THE RELEASE OF ACCRUED INTEREST ON LIEN FILED AGAINST PROPERTY LOCATED AT 302 S KOUNS ST; AS**

**REQUESTED BY VERA STEELE FOR DORAN WALKER.**

Person presenting this item: Shelly Doty, City Secretary

**BRIEF:** On February 20, 2006 the City of Cleburne removed a dilapidated structure on the property located at 302 South Kouns Street, Lots 21 & 22, Block 663, Original Cleburne owned by Doran Walker. The City filed a demolition lien with the County Clerk of Johnson County on March 13, 2006, Book 3752 Page 0621 for \$3,182.00. The payoff for this lien is now \$10,735.47 having accrued \$7,553.47 in interest over 12 years and 9 months. Verna Steele manages this estate for her nephew Doran Walker. She has been keeping the property mowed and paying taxes for a number of years. Ms. Steele wishes to sell this property to Jose Lopes, the adjacent property owner. Ms. Steele is requesting a release of the accrued interest since the payoff of the lien now exceeds the value of the property. There are no mowing liens on file with the City for this property. Property taxes are up to date as well.

**OR3. \*PUBLIC HEARING\* AN ORDINANCE REZONING FOUR PARCELS OF STRUCK-OFF PROPERTIES TO SINGLE FAMILY DWELLING DISTRICT, BEING 606 N ATLANTIC AVE FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT); 107 AUSTIN ST FROM MI (LIGHT INDUSTRIAL DISTRICT); 1001 N BORDER ST FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT) AND 110 HOLLINGSWORTH ST FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT); AS REQUESTED BY THE CITY OF CLEBURNE.**

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

**BRIEF:** The City of Cleburne is requesting to rezone four (4) properties from various zoning districts (described above) to the SF-4 (Single-Family Dwelling District) for the purposes of constructing a single-family home on each lot.

Each of the four (4) properties up for consideration were “struck off” to the City. This essentially means that each property has been foreclosed, gone to auction, and did not sell. When a property fails to sell at auction, it is “struck off” to the taxing entity, in this case the City of Cleburne. Once the City becomes the owner of the property, the maintenance (i.e. mowing) becomes the City’s responsibility, and ultimately the taxpayer.

In an effort to revitalize neighborhoods, and put new single-family homes on vacant lots, the City has undertaken the process of preparing these properties for sale, or donation. A key part of this preparation includes rezoning properties that are not currently zoned residential to assist in the redevelopment process.

All four (4) of the properties are consistent with the Future Land Use Plan. The properties are located within existing residential neighborhoods, which happen to be zoned inconsistent with the existing land use, or conditions on the ground.

The Planning and Zoning Commission considered this request at their November 26, 2018 meeting and recommended approval by a vote of 7-0.

**OR4. \*PUBLIC HEARING\* AN ORDINANCE ABANDONING A PORTION OF LIBERTY ST FROM THE SOUTH RIGHT-OF-WAY LINE OF CRANE STREET TO THE NORTH PROPERTY LINE OF LOT 9, BLOCK 762, PEARCE & JESTER ADDITION, AS REQUESTED BY JEFF GILBERT, REPRESENTED BY KYNDAL**

**HALL.**

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

**BRIEF:** Applicant's representative has requested that the right of way for a portion of Liberty Street between Crane and Pearce Street be abandoned as they are in the process of platting the property adjacent to the right of way. Notice was given as required by State Law and the adjoining property owners were notified along with the utility companies and applicable city departments. A portion of the street must be retained as a 25' wide utility easement since the City of Cleburne, AT&T, Oncor, and Atmos Energy have facilities within the limits of the request. Upon closure, the street will revert to the owners of the adjacent property on each side as of the date of adoption of the Ordinance and the Ordinance shall be recorded in the Official Public Records of Johnson County, Texas.

**OR5. \*PUBLIC HEARING\*      AN ORDINANCE ABANDONING A 15-FOOT BY 125-FOOT ALLEY LOCATED BETWEEN ERIE ST AND LIBERTY ST, SOUTH OF CRANE AVE, ON LOT 5, BLOCK 762, PEARCE & JESTER ADDITION; AS REQUESTED BY JEFF GILBERT, REPRESENTED BY KYNDAL HALL.**

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

**BRIEF:** Applicant's representative has requested that the alley on Lot 5, Block 762 be abandoned. The applicant is in the process of platting the adjacent property. Abandonment of the alley will provide consistency within the neighborhood, as they alley to the north was previously abandoned, and there is no existing driving surface on the property to the south, and is not necessary for access to the property. Notice was given to the utility companies and applicable city departments. Upon closure, the alley will revert to the owners of the adjacent property on each side as of the date of adoption of the Ordinance and the Ordinance shall be recorded in the Official Public Records of Johnson County, Texas.

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**OTHER COUNCIL MATTERS**

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**OC2. APPROVE PLAT AMENDMENT OF LOT 1, BLOCK 1, PRESCHER ADDITION I (BEING 0.15 ACRES, LOCATED AT 612 N WALNUT ST); AS REQUESTED BY PRESCHER CUSTOM HOMES LLC.**

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

**BRIEF:** This is a request to amend the plat for one residential lot. This plat meets all platting requirements set in the City's Ordinance with the exception to the waiver being requested for the required eight-foot (8') utility easement located in the side yards on the subject property. The subject property is zoned SF-4 (Single-Family Dwelling District) and the Comprehensive Land Use Plan shows this area to be in the City Center North District. The applicant has requested a waiver to reduce the minimum width required for a utility easement. Section 154.05 – Easement Standards of the City's Subdivision Ordinance requires an eight-foot (8') utility easement on each side of the property line to assure the proper design, installation and maintenance of either underground or aerial utilities. The applicant is requesting to reduce the required easement by one-foot to provide a seven-foot (7') utility easement. Staff has reviewed the requested waiver,

and has determined the reduction will not adversely affect the subject property, or adjacent properties. The Planning and Zoning Commission considered this request at their November 26, 2018 meeting and recommended approval by a vote of 7-0.

**OC3. \*PUBLIC HEARING\* APPROVE REPLAT OF LOT 1, BLOCK 1, VILLEGAS ADDITION IV (BEING 0.249 ACRES, LOCATED AT 122 KATY ST); AS REQUESTED BY PAULO VILLEGAS, REPRESENTED BY TRANS TEXAS SURVEYING.**

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

**BRIEF:** This is a request to create one residential lot. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned SF-4 (Single-Family Dwelling District) and the Comprehensive Land Use Plan shows this area to be in the Village District. The Planning and Zoning Commission considered this request at their November 26, 2018 meeting and recommended approval by a vote of 7-0.

**OC4. APPOINTMENT OF MEMBERS TO VARIOUS CITY BOARDS AND COMMISSIONS.**

Person presenting this item: Shelly Doty, City Secretary

**BRIEF:** The Board and Commission Committee has met and reviewed applications for potential candidates and is prepared to make recommendations to the City Council. The terms will run from December 2018 – December 2020. Each candidate has been contacted and is willing to serve if appointed. The recommendations are as follows:

The recommendation for 1<sup>st</sup> term appointments are as follows:

Michelle Kennon	4B	Trish Kilburn	
Museum			
Debby Miller	4B	Karrie Wallace	Parks
Dr Renee Brockett	Animal Shelter	Rhonda Crass	P&Z
Ellen Shelby	Animal Shelter	Michael Arthurs	ZBA
Brent Kiel	Building Standards	Rosemarie Wileman	ZBA
Franki Collins	Library		

The recommendation for 2<sup>nd</sup> term reappointments are as follows:

Steve Shaffer	4B	Thomas Kavadas	P&Z
Christi Bradley	Airport	Stephanie Philips	P&Z
Elizabeth Jeffcoat	Animal	Dr Robert Kelly	Type A
Chloe Northrop	Museum	Dale Sturgeon	Type A
Kim Lively	Parks		

**OC5. AUTHORIZE RELEASE OF ESCROW FUNDS TO NELTEX AND CLEBURNE RAILROADERS BASEBALL, LLC RESULTING FROM THE SALE OF THE RAILROADERS BASEBALL TEAM.**

Person presenting this item: Steve Polasek, City Manager

**BRIEF:** The Cleburne Railroaders baseball team was recently sold by Neltex and Cleburne Railroaders Baseball, LLC to Cleburne Baseball, LLC, a group led by New Era Partners. Per the Stadium Lease Agreement, Article XVIII, Sec. 18.14, Proceeds from Sale of Baseball Team, the City is entitled to an amount equal to the lessor of twenty-five percent (25%) of the net profit (according to GAAP) received by Tenant or \$250,000. As presented to Council at the October 23, 2018 meeting, in order to allow the City time to perform the due diligence review of this clause while permitting the sale of the team to progress, the City and Neltex agreed to escrow funds in the amount of \$200,000 at the time of closing.

The City's Chief Financial Officer, Director Terry Leake, performed an in-depth financial audit of all proceeds and expenses tied to the purchase, operations and sale of the Cleburne Railroaders baseball team for calendar years 2016, 2017 and 2018 (through the date of sale). The review included such items as cash statements, operating revenues and expenses, equity contributions, and assets and liabilities. The results indicate a net loss of just under \$70,000 for the three year period. A negative amount is not unusual for a new business due to start-up costs and anticipated year over year growth.

Upon completion of the audit, the information was then reviewed with the city's auditing firm of Pattillo, Brown and Hill, LLP for confirmation of findings. Pattillo, Brown and Hill has confirmed our findings and the methodology on which they are based. As such, per Article XVIII, Sec. 18.14, the results dictate the city is not due any proceeds from Neltex and Cleburne Railroaders Baseball, LLC resulting from the recent sale of the baseball team.

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### EXECUTIVE SESSION

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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.**

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

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### ADJOURNMENT

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#### **ADJOURNED AT:**



City Hall is wheelchair accessible. Access to the building and special parking are available at the southeast entrance facing Chambers Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817/645-0908 or by FAX 817/556-8848 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.