



REGULAR CITY COUNCIL MEETING AGENDA
OCTOBER 8, 2019
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

I. ROLL CALL AND CALL TO ORDER BY MAYOR

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 Jeremy Johnson, The Heights Church

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE [GUIDELINES](#) TO SPEAK BEFORE COUNCIL

V. CITIZENS COMMENTS

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

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

☆ Presentation – STARS Award for August 2019 – Theodore “Doug” Maas, Sanitation Dept

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. 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. CONSIDER MINUTES FOR THE [SEPTEMBER 24, 2019 COUNCIL MEETING.](#)

RS1. CONSIDER A RESOLUTION AUTHORIZING RENEWAL AGREEMENT WITH JOHNSON COUNTY HERITAGE FOUNDATION, INC. FOR THE PURPOSE OF CONTINUED FUNDING FOR A PART-TIME ADMINISTRATOR TO OPERATE AND MANAGE THE CHISHOLM TRAIL OUTDOOR MUSEUM.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: The Chisholm Trail Outdoor Museum (“CTOM”) has been in continuous operation on City of Cleburne property west of Lake Pat Cleburne along Hwy 67 since 2005, when a lease agreement was executed between the City and Johnson County Heritage Foundation Inc. (the “Foundation”). Since that time, several exhibits have been added and events such as the annual Pioneer Days Festival have been implemented, all of which have dramatically increased tourism traffic to the CTOM and Cleburne’s hotels and motels, restaurants, and shopping and entertainment venues. Additionally, the Foundation continues to construct new facilities to accommodate increased attendance and house additional displays.

As a result of the increased traffic, maintenance and operation of the facilities, and the fact that the CTOM is a 501(C) (3) organization staffed by volunteers, and through the monetary support of the City of Cleburne implemented through a 380 Agreement approved by Council in July 2018, the Foundation was able to hire a part-time administrator to head operations, maintenance, and marketing of the CTOM. The Foundation has requested once again that the City of Cleburne assist financially in subsidizing the salary of this position at \$20,000 annually for a minimum of 20 hours per week devoted to the position. See linked [Report](#) for the full staff briefing.

ATTACHMENTS: [Report](#), [Resolution](#), [Backup](#), [Agreement](#)

RESOLUTIONS

RS2. CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH JOHNSON COUNTY FOR THE PROVISION OF JAIL SERVICES.

Person presenting this item: Rob Severance, Director of Police Services

BRIEF: Since 2001, the City of Cleburne has had an agreement in place with Johnson County for the incarceration of our Class C Misdemeanors. Incarceration of all other prisoners is provided for under other agreements and state statutes. This proposed Interlocal Agreement is a renewal changing the per-day rate from \$48.14 to \$48.98.

ATTACHMENTS: [Report](#), [Resolution](#), [Backup](#)

RS3. CONSIDER A RESOLUTION AUTHORIZING AMENDMENT TO THE COMMUNICATIONS SYSTEM AGREEMENT WITH JOHNSON COUNTY FOR THE ANNUAL SUBSCRIBER UNIT FEE FOR OPERATING RADIOS ON THE COUNTY-OWNED MOTOROLA SOLUTIONS ASTRO SITE REPEATER SYSTEM, CONSOLE SYSTEM OR EQUIPMENT ATTACHED AND/OR INTERFACED TO THE CITY OF FORT WORTH’S PROJECT 25.

Person presenting this item: Rob Severance, Director of Police Services

BRIEF: The County has determined the fee needs to be increased to offset increases by the County in the operation and management of the system from \$19.35 per month per radio to \$19.41 per month per radio, effective October 1, 2019.

ATTACHMENTS: [Report](#), [Resolution](#), [Backup](#)

RS4. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH APOS BOOT OUTLET LOCATED AT 110 EAST CHAMBERS STREET UNDER THE TERMS OF THE DOWNTOWN BUILDING REHABILITATION INCENTIVE ECONOMIC DEVELOPMENT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$13,121.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Fernando Rodriguez, owner of Apos Boot Outlet, has submitted an application seeking funds available under the Downtown Building Rehabilitation Matching Incentive Program (“Program”) in the amount of \$13,121.00 to be used toward the cost of installing a new HVAC system on the 2nd and 3rd floors of his building located at 110 E. Chambers St. Total cost of this project is \$26,242.71. Under the terms of the Program, matching funds of 50% of total project cost or \$25,000, whichever is less, would be available if the application is approved.

ATTACHMENTS: [Report](#), [Resolution](#), [Backup](#), [Agreement](#)

RS5. CONSIDER A RESOLUTION AFFIRMING NOMINATION FOR CANDIDATE(S) FOR THE 2020-2021 BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: The Johnson County Appraisal District has offered the Council the ability to nominate candidates to be considered for board membership of the District for the years 2020 and 2021. The Council may offer up to five candidates or not offer any as it chooses. All taxing entities are offered the chance to nominate candidates and an election will be conducted in the near future. The City of Cleburne is entitled to 283 of the 5,000 votes and requires approximately 834 votes to secure a nominee.

The current Board Members include Byron Black-Chairman, Toby Ford-Vice Chairman, Don Beeson-Secretary, Larry Woolley and Albert Archer, Sr. All members are eligible to serve another two-year term and have expressed an interest in doing so.

ATTACHMENTS: [Report](#), [Resolution](#), [Backup](#)

RS6. CONSIDER A RESOLUTION AUTHORIZING A THREE-YEAR LEASE-PURCHASE AGREEMENT WITH GOVERNMENT CAPITAL CORPORATION (THROUGH BUYBOARD CONTRACT #529-17) TO PROVIDE MAINTENANCE EQUIPMENT FOR CLEBURNE GOLF LINKS FOR AN AMOUNT NOT TO EXCEED \$381,657.75.

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

BRIEF: The contract through Government Capital Corporation will provide the necessary equipment to maintain the golf course grounds: two (2) John Deere 7700A PrecisionCut Fairway Mowers, two (2) teabox and surrounds and two (2) greens John Deere 2500B PrecisionCut Diesel Riding Greens Mower with attachments, one (1) John Deere Gator TX Turf with attachments, John Deere ProGator 2030A with attachments, one (1) John Deere Z994R Diesel Commercial ZTrak, and three (3) year grinding contract for blades. The life span of the specialized equipment in this package is approximately 3-4 years due to daily usage. This lease agreement has been competitively bid per BuyBoard contract #529-17 (Austin Turf and Tractor), so all competitive purchasing requirements have been met.

Utilizing a tax exempt lease purchase agreement, in which the city receives title during the lease term, will eliminate the cost associated with property taxes. Structuring the final payment to include both the portion for the last year's equipment usage, as well as the residual value, preserves the integrity of the tax exempt status of the interest income.

Upon the last payment, the City, with a repurchase agreement directly with the vendor (Austin Turf and Tractor), will have two options. The City may keep the equipment by making the final payment in total. Or the City may return the equipment to the vendor under the terms of the repurchase agreement with Austin Turf and Tractor (\$75,057.32). This would be accomplished by the City exercising their option for the repurchase of the equipment in the stated price in the agreement. Under this option, the City would still be responsible for the full payment amount. However, if the City decides not to keep the equipment, the net cost to the City would be the difference between the final payment amounts less the proceeds under the repurchase agreement.

ATTACHMENTS: [Report](#), [Resolution](#), [Backup](#)

RS7. CONSIDER A RESOLUTION APPROVING A PRINCIPAL FORGIVENESS AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING IN THE AMOUNT OF \$1,000,000 FOR THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: The Texas Water Development Board has agreed to provide financial assistance to the City in the form of principal forgiveness in the amount of \$1,000,000 in order to finance the planning, design, acquisition and construction of the waste water treatment plant expansion. This resolution is approving the agreement and authorizing the Mayor as the City representative to execute the agreement.

ATTACHMENTS: [Report](#), [Resolution](#)

ORDINANCES

OR1. AN ORDINANCE AUTHORIZING THE ISSUANCE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2019 IN THE AMOUNT OF \$41,000,000 FOR THE WASTEWATER TREATMENT PLANT EXPANSION AND WEST LOOP REUSE PROJECTS.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: On September 24, 2019, the City Council heard a presentation from Jim Sabonis with Hilltop Securities on the Plan of Finance for the issuance of the City's Waterworks & Sewer System Revenue Bonds, Series 2019 for the expansion of the City's Wastewater Treatment Plant and West Loop Reuse project. The source of repayment for these bonds is the increased base rates that were authorized by City Council on September 24, 2019. This is the formal action authorizing the issuance of the bonds.

ATTACHMENTS: [Report](#), [Ordinance](#)

OR2. CONSIDER AN ORDINANCE AUTHORIZING THE ALLOCATION OF REVENUE BOND FUNDS ISSUED IN 2009 AND 2013 BY AMENDING AUTHORIZED PROJECTS TO BE UTILIZED FOR THE WASTEWATER TREATMENT PLANT EXPANSION AND WEST LOOP REUSE PROJECTS.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: This ordinance updates the definition of the authorized projects from the Series 2009B and Series 2013 Waterworks and Sewer System revenue bonds. These ordinances initially defined the project as the Lake Whitney water supply project. This ordinance redefines the project as the Wastewater Treatment Plant Expansion and the West Loop Reuse Project.

ATTACHMENTS: [Report](#), [Ordinance](#)

****CONTINUE PUBLIC HEARING****

OR3. CONSIDER AN ORDINANCE REZONING ±12.953 ACRES, LOCATED AT 1401 NORTH MAIN STREET, FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY WILLIAM ROGER KELLY, REPRESENTED BY BANNISTER ENGINEERING.

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

BRIEF: The City Council held a public hearing for this rezone application at their meeting on September 24, 2019, and at the request of the applicant to postpone, the Council moved to continue the public hearing to the next regular meeting of October 9th. The applicant is requesting more time to remedy some details of the PD and respectfully requests postponing action to the next regular meeting, October 22, 2019.

The applicant has requested to rezone approximately 12.953 acres from M1 (Light Industrial District) to PD (Planned Development District). The applicant is proposing the base zoning of the SF-4 (Single-Family Dwelling District) with intent to construct single-family residential homes.

The property is currently zoned M1 (Light Industrial District) and is surrounded by SF-4 (Single-Family Dwelling District) to the north and south, while the properties to the west and east are zoned M1 (Light Industrial District). The surrounding land use is primarily single-family residential, within several established neighborhoods including Preston Meadow to the north. There is an apartment complex to the west and vacant land to the east. The property is currently unplatted and a preliminary plat and final plat are required for the development of the subject property. The applicant has submitted a preliminary plat to the City and it is currently under review. There are some engineering concerns related to drainage of the property that are currently

being addressed. The site layout may potentially be affected based on said drainage requirements, however the applicant has indicated their intent to take the rezoning case forward for consideration.

The Future Land Use Plan shows this property to be located in the Traditional Neighborhoods District, whose purpose is to support future growth with family oriented development in a traditional neighborhood context. The proposed rezone request is consistent with the intent of the Traditional Neighborhoods District. See the linked [Report](#) for Development Standards.

The Planning and Zoning Commission considered this request at their August 26, 2019 meeting and recommended denial by a vote of 5-0.

ATTACHMENTS: [Report](#), [Ordinance](#), [Backup](#), [Maps](#), [Minutes](#), [Pictures](#)

****CLOSE PUBLIC HEARING****

****OPEN PUBLIC HEARING****

OR4. CONSIDER AN ORDINANCE REZONING ±10.545 ACRES, LOCATED AT 1304 COUNTRY CLUB ROAD, FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY JOHNSON COUNTY CHILDREN'S ADVOCACY CENTER, REPRESENTED BY TAMMY KING.

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

BRIEF: The applicant has requested this with the intent to construct a new office facility for the Johnson County Children's Advocacy Center (JCCAC). The proposed base zoning is the C0 (Non-Retail District) and the applicant has submitted a conceptual site plan, landscape plan, and building elevations to be included as part of the rezoning request.

The proposed facility will serve as the main business offices for the JCCAC staff, and will be the primary location for administration of their services. The JCCAC serves all of Johnson County by providing services for child victims of sexual abuse, severe physical abuse and child witnesses to homicides and other violent crimes. The JCCAC is a day facility that provides child victims and their non-offending family members critical services, which include Forensic Interviews, Therapeutic Services, Trauma Assessments and Family Advocacy. The Children's Advocacy Center is a safe place for victims and their non-offending family members to receive justice, hope and healing. The center uses a multi-disciplinary team approach that involves law enforcement, prosecution, child protective services and medical services working collaboratively to ensure each child's safety and physical and mental health.

At their September 23, 2019 meeting, the Planning and Zoning Commission recommended approval of the request by a vote of 6-0 with the following conditions:

1. a thirty (30) foot greenbelt be maintained along the western property line; and
2. no trees may be removed along the western property line; and
3. the colors of the building and roof shall reflect the natural surroundings.

See linked [Report](#) for the full staff briefing including the development plan details.

ATTACHMENTS: [Report](#), [Ordinance](#), [Backup](#), [Maps](#), [Minutes](#), [Pictures](#)

****CLOSE PUBLIC HEARING****

OR5. CONSIDER AN ORDINANCE GRANTING APPEAL TO ORDER THE REMOVAL OF AN ABANDONED SIGN LOCATED AT 1905 NORTH MAIN STREET, PURSUANT TO TITLE XV: LAND USAGE, CHAPTER 156: SIGN REGULATIONS, §156.23(B): REMOVAL OF UNLAWFUL AND ABANDONED SIGNS; AS REQUESTED BY KIMBALL BEND, REPRESENTED BY SCOTT DUDLEY.

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

BRIEF: On July 22, 2019, the Cleburne Marshals office initiated a sign ordinance violation case (2019-2970) on the property located at 1905 N Main St, also known as the old Walls Manufacturing facility. On July 22, 2019, written notice of the violation was provided by certified mail by the City and was received by the property owner. On September 6, 2019, the

property owner requested a hearing before the City Council in accordance with Section 156.23 (B) of the City's Sign Ordinance.

According to the City of Cleburne sign regulations, the sign located on the property is abandoned and dilapidated. Section 156.07 of the sign ordinance defines an Abandoned Sign as:

"A sign which, for at least six continuous months, does not identify or advertise a bona fide business, establishment, lessor, service, owner, product, or activity; for which no legal owner can be found; or which pertains to a time, event or purpose which no longer applies."

Photographs of the sign confirm the sign has been in its current dilapidated state for more than nine months. Section 156.07 of the sign ordinance further defines a Dilapidated Sign as a sign:

(1) *Where any portion of the finished material, surface or message portion of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or*

(2) *Whose elements or the structural support or frame members are visibly bent, broken, dented or torn, twisted, leaning or at angles other than those at which it was originally erected, such as may result from being blown or by the failure of a structural support.*

Photographs show the message portion of the sign is missing and the sign is in a state of disrepair. Due to the age of the sign, the property owner asked if the sign was "grandfathered." The term "grandfathered" is a lay term for a legal non-conforming sign. The City of Cleburne sign ordinance does have a provision for a legal non-conforming sign, but the sign must be in continuous use for that provision to be applicable.

Since the sign is dilapidated and has been out of service for more than six months, it is deemed abandoned and the legal non-conforming status of the "grandfathered" sign has been nullified. Any sign that ceases to advertise a bona fide business for a period of six months or longer, forfeits any claim to a legal non-conforming status the sign may have had prior to the adoption of the new ordinance, and all provisions of the new ordinance are applicable.

The property owner was offered an opportunity to remove the non-conforming sign and install a new sign that meets the standards of the new ordinance. The property owner did not wish to install a new sign that complies with the new ordinance and has elected to appeal the violation to City Council.

ATTACHMENTS: [Report](#), [Ordinance](#), [Backup](#), [Pictures](#)

OTHER COUNCIL MATTERS

OPEN PUBLIC HEARING

OC1. CONSIDER REPLAT OF LOTS 1R-A, 1R-B AND 1R-C, BLOCK 2, PRAIRIE VIEW FARMS, BEING ±7.98 ACRES, LOCATED AT 405 EAST VAUGHN ROAD, AS REQUESTED BY ROBERT CRUEY.

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

BRIEF: The applicant is requesting approval of a replat for three (3) residential lots. The Future Land Use Plan designates this property within the Sustainable Community District. The replat meets the intent of the Future Land Use Plan and meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The plat also complies with the minimum lot

area of 7,000 square feet and minimum lot width of 60 feet, as required by Chapter 155 – Zoning of the Code of Ordinances. The Planning and Zoning Commission considered this request at their September 23, 2019 meeting and recommended approval by a vote of 5-0.

ATTACHMENTS: [Report](#), [Backup](#), [Maps](#), [Minutes](#), [Pictures](#)

CLOSE PUBLIC HEARING

OPEN PUBLIC HEARING

OC2. CONSIDER REPLAT OF LOTS 1-R, 2-R, AND 3, BLOCK 1, OF M.R. ADDITION, BEING ±8 ACRES, LOCATED IN THE CITY'S ETJ AT 915 CR 1123, AS REQUESTED BY ALMA RODRIGUEZ.

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

BRIEF: The applicant is requesting approval of a replat for three (3) lots located within the City's Extraterritorial Jurisdiction (ETJ). The Future Land Use Plan designates this property within the Sustainable Community District. The replat meets the intent of the Future Land Use Plan and 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 23, 2019 meeting and recommended approval by a vote of 5-0.

ATTACHMENTS: [Report](#), [Backup](#), [Maps](#), [Minutes](#), [Pictures](#)

CLOSE PUBLIC HEARING

OC3. CONSIDER APPOINTMENT TO THE PLANNING & ZONING COMMISSION.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: Due to scheduling conflicts, Mr. Thomas Kavadas resigned from the Planning and Zoning Commission effective August 2019. The Board and Commission Committee met on September 24th to review applications from potential candidates and recommends the appointment of Mr. Robert Walker to serve a two-year term effective through October 2021. Mr. Walker has been contacted and is willing to serve if appointed.

ATTACHMENTS: [Report](#), [Backup](#)

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Presentation by New Era Partners on Cleburne Station Development

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.**

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

ADJOURNMENT

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.