



REGULAR CITY COUNCIL MEETING AGENDA
OCTOBER 22, 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
- ✓ Bryn D. Meredith, City Attorney
- ✓ Ivy Peterson, City Secretary

II. INVOCATION by Rev Zane Mitchell, Deeper Life Christian Fellowship

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

★ Proclamation – Honor Our American Military Veterans Days, November 9-11, 2019

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 OCTOBER 8, 2019 COUNCIL MEETING.](#)

BQ1. CONSIDER AUTHORIZING PURCHASE OF TWO 2020 HARLEY-DAVIDSON ROAD KING POLICE EQUIPPED MOTORCYCLE UNITS FROM LONGHORN HARLEY-DAVIDSON THROUGH THE CITY OF NORTH RICHLAND HILLS INTERLOCAL AGREEMENT FOR AN AMOUNT NOT TO EXCEED \$79,665.40.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: This purchase is for the replacement of units 2026 and 2028, both 2011 Honda motorcycles. These assets have reached the end of their useful life cycle and are scheduled for replacement. The units to replace them will be 2020 Harley Davidson Road King motorcycles upfitted with police equipment to include lighting and markings.

The quote is for two Harley-Davidson Road King motorcycles with complete emergency light setup and a five-year warranty. In addition, the quote includes a new radar unit for one of the motorcycles and updated microphone and helmet kits for the radio.

Competitive purchasing requirements have been met utilizing an interlocal agreement the City has with the City of North Richland Hills with which Longhorn Harley-Davidson has a contract. The existing police motorcycles will be removed from the fleet and auctioned.

RS1. CONSIDER A RESOLUTION APPROVING THE CLEBURNE'S INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2019.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter that ended September 30, 2019, the City invested solely in four local government investment pools (LOGIC, Texas Class, TexPool, and TexSTAR), and included in the investment report are the newsletters from each of the pools that provides information on their average yield, net asset value, weighted average maturity, and portfolio composition at the end of the reporting quarter. At September 30, 2019, there was \$76,811,999 invested in the four pools with total quarterly interest income of \$452,496 (see quarterly investment report). The percentage allocation by investment pool at September 30, 2019 is LOGIC: 23.58%, Texas Class: 45.08%, TexPool: 9.56%, and TexSTAR: 21.78%.

RS2. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH WESTHILL CONSTRUCTION INC FOR 2020 PAVEMENT REPAIRS FOR AN AMOUNT NOT TO EXCEED \$230,000 UTILIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH.

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

BRIEF: This is a contract for the miscellaneous repair of asphalt pavement, concrete pavement, and concrete curbs within the City. This agreement allows the City to provide prompt repair of roadways when the repairs require a third party contractor.

The City of Fort Worth bid a similar contract at much larger quantities resulting in lower unit pricing. The City of Fort Worth awarded their contract to Westhill Construction Inc. The City of Cleburne, through an interlocal agreement with the City of Fort Worth, is able to utilize the unit prices from the Fort Worth contract with Westhill Construction so that all state and local bidding requirements have been met.

Funding for this agreement will be sourced from the M&R – Streets, Curbs, and Alley accounts of Water Distribution, Wastewater Collections, Drainage, and Street Maintenance.

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

Person presenting this item: Troy Lestina, Director of Finance

OTHER COUNCIL MATTERS

OC2. CONSIDER DESIGNATION OF MRS. GAYLE WHITE AS A COMMUNITY LIAISON ON BEHALF OF THE MAYOR AND CITY COUNCIL.

Person presenting this item: Steve Polasek, City Manager

BRIEF: Due to work schedules and other commitments, it is not always easy for the Mayor and members of City Council to appear at all of the community activities and events that occur throughout the course of a year. Some examples of these might include Chamber ribbon cuttings, Parks, Recreation and Library events, and Community non-profit programs. As a result, Mayor Cain expressed an interest in appointing former City Councilor Gayle White to a new, volunteer position of Community Liaison for the City. Ms. White would be able to, on behalf of the Mayor and City Council, express welcomes, well wishes, sentiments of appreciation, or a show of support. She has performed this role previously as a councilmember and has the time and willingness to take on this endeavor should Council so desire. The Mayor and Council, either directly or through the City Secretary's Office, would be able to request Ms. White to represent the City on their behalf subject to availability.

For background purposes, Ms. White was elected in May 2009 as the council representative for Single Member District 2 and served until 2019. She graduated from the Cleburne Citizen Police Academy and served as the Council appointee to the Cemetery Board. Ms. White is a member of the Rotary Club, Chamber of Commerce (past Board of Directors member), served as a Chamber Ambassador, and served on the Kiwanis Club Board as Treasurer. Prior to her time on Council, Ms. White also served on two City boards; the Airport Board for two years and Planning and Zoning Commission for four years.

RESOLUTIONS

RS3. CONSIDER A RESOLUTION AUTHORIZING CONTRACT WITH MHS PLANNING AND DESIGN, LLC FOR THE PARKS, RECREATION, TRAILS AND OPEN SPACE MASTER PLAN.

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

BRIEF: The current Parks and Recreation Master Plan has expired. For a City to remain grant-eligible, Texas Parks and Wildlife Department recommends a current Master Plan be approved and locally endorsed.

Sealed bids were solicited for the Parks, Recreation, Trails and Open Space Master Plan. Bids were received from six (6) firms. The Selection Committee reviewed the bids and scored them based on the Request for Qualification criteria. The Selection Committee invited the two (2) firms with the highest overall scores to interview with the committee. After interviewing both firms the Selection Committee felt the MHS Planning and Design, LLC would best represent the City of Cleburne through this process. The anticipated completion date of the Parks, Recreation, Trails, and Open Space Master Plan is between 10-12 months.

RS4. CONSIDER A RESOLUTION CREATING A TEMPORARY PARKS, RECREATION, TRAILS AND OPEN SPACE MASTER PLAN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING THE MASTER PLAN, APPOINTING MEMBERS TO SAID COMMITTEE, AND ADOPTING A CHARGE TO SAID COMMITTEE.

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

BRIEF: The purpose of this item is to establish an Advisory Committee to assist and advise city staff, and to make recommendations to City Council regarding the development of the Parks, Recreation, Trails and Open Space Master Plan. The Committee shall consist of two City Council Members, the Park Board President, a Park Board Member, the 4B Board President, and a 4B Board Member. The City Council believes that an organized and coordinated approach to the creation of this master plan will work best and to that end, directs the Committee to use the Charge prepared for the Advisory Committee.

ORDINANCES

OPEN PUBLIC HEARING

OR1. CONSIDER AN ORDINANCE REZONING ±0.29 ACRES, LOCATED AT 805 NORTH BRAZOS AVENUE, FROM C1 (LOCAL BUSINESS DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), AS REQUESTED BY AGUSTIN AND MILDRED ESTRADA.

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

BRIEF: The applicant has indicated their intent to remodel the existing structure for a residential dwelling. The subject property is approximately 0.29 acres or 12,632 square feet in size. The existing structure is approximately 1,000 square feet in size, according to the Johnson County Appraisal District. This structure has been utilized over the years for various non-residential uses, including a church. It is the applicant's intent to remodel the existing structure into a single-

family residential home. Prior to the start of the remodel, the zoning must be changed to a residential district and therefore it is the applicant's request to rezone to the SF-4 District.

In the immediate vicinity, there is a mixture of uses, including the railroad company to the north, currently zoned the M1 District. The property to the west is zoned and used for a single-family home and the property to the east is zoned the C1 District and is an existing church. The properties to the immediate south are similarly zoned the C1 District and are vacant parcels of land. Several blocks to the south, along Peacock Street, Robbins Street and Royal Street, there is a multitude of existing single-family homes.

The Comprehensive Land Use Plan shows this property to be located in the City Center East District, whose purpose is to promote infill development with single-family development. The proposed rezone request is consistent with the intent of the City Center East District.

The Planning and Zoning Commission considered this request at their October 14, 2019 meeting and recommended approval by a vote of 4-0.

****CLOSE PUBLIC HEARING****

****OPEN PUBLIC HEARING****

OR2. 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 public hearings for this rezone application at their meeting on September 24, and October 8, 2019, and at the request of the applicant for more time to remedy some details of the PD, the Council moved to continue the public hearing to the next regular meeting of October 22nd.

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.

CLOSE PUBLIC HEARING

OR3. CONSIDER AN ORDINANCE CHANGING THE STREET NAME OF A SECTION OF SOUTH HILLSBORO STREET FROM WEST CHAMBERS STREET SOUTH APPROXIMATELY TWO HUNDRED FEET TO WEST BUFFALO CREEK TO “AMERICAN LEGION LANE”.

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

BRIEF: The City received a written request from Ms. Marty Peters, National Public Relations Chairman of the local American Legion Auxiliary, requesting to rename a portion of South Hillsboro Street to American Legion Lane. The proposed portion of road to be renamed is approximately two hundred (200) feet in length and dead ends into the West Buffalo Creek and has no property addresses currently assigned to it. Following the City’s policy for the naming of municipal property, the two abutting property owners were notified of the proposed street name change and a notice of public hearing was published at least ten (10) days in advance of the hearing. Based on staff review of the request there does not appear to be any conflict or operational concerns with renaming the section of roadway as requested. If approved any necessary utilities, 911 addressing and other pertinent agencies will be notified of the change and the intent would be to have the new sign in place prior to Veterans Day on November 11th.

OTHER COUNCIL MATTERS

OPEN PUBLIC HEARING

OC3. CONSIDER REPLAT OF LOTS 1R, BLOCK 748, OF PEARCE AND JESTER ADDITION, AN ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, BEING A ±0.224 ACRE TRACT, LOCATED AT 402 ERIE STREET, AS REQUESTED BY JUAN CARLOS JUAREZ CASTRO, CASE PC19-035.

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

BRIEF: The applicant is requesting approval of a replat for a residential use. The subject property is currently undeveloped and is zoned the MF (Multiple-Family Housing District). The lot meets the minimum lot area of 7,000 square feet and the minimum lot width of 60 feet. When the applicant is ready to develop, the minimum required setbacks are as follows: 30’ front yard, 20’ rear yard and 7’ side yard. The replat 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 October 14, 2019 meeting and recommended approval by a vote of 4-0.

CLOSE PUBLIC HEARING

OPEN PUBLIC HEARING

OC4. CONSIDER REPLAT OF LOT 1, BLOCK 1, OF QUEST TRUST ADDITION, AN ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, BEING A ±0.185 ACRE TRACT, LOCATED AT 216 S. BUFFALO STREET, AS REQUESTED BY QUEST TRUST CO., REPRESENTED BY SHELBY HOFFMAN, CASE PC19-038.

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

BRIEF: The applicant is requesting approval of a replat for one (1) residential lot. The subject property is currently undeveloped and is zoned the MF (Multiple-Family Housing District) and a portion in the SF-4 (Single-Family Dwelling District). The lot meets the minimum lot area of 7,000 square feet and the minimum lot width of 60 feet. When the applicant is ready to develop, the minimum required setbacks are as follows: 30' front yard, 20' rear yard and 7' side yard. The replat 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 October 14, 2019 meeting and recommended approval by a vote of 4-0.

****CLOSE PUBLIC HEARING****

OC5. CONSIDER FINAL PLAT OF BELCLAIRE-PHASE IV, BEING ±21.355 ACRES, LOCATED NORTH OF COUNTRY CLUB ROAD AND ON THE WEST SIDE OF SOUTH NOLAN RIVER ROAD, AS REQUESTED BY D.R. HORTON – TEXAS, LTD., REPRESENTED BY LANDON KING WITH JACOBS ENGINEERING, CASE PC18-049.

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

BRIEF: The applicant is requesting approval of a final plat for 84 residential lots and 2 HOA lots as Phase IV of the Belclaire subdivision. The subject property is currently zoned SF-4 (Single-Family Dwelling District). All proposed lots meet the minimum lot area of 7,000 square feet and the minimum lot width of 60 feet. On January 9, 2018, the City Council approved a 25' front yard setback during the preliminary plat approval of the Belclaire subdivision. All lots meet the other setback requirements as outlined in the SF-4 District of a 20' rear yard setback and 7' side yard setback. 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 October 14, 2019 meeting and recommended approval by a vote of 4-0.

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 p.m.

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:

§ 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.

- 1) Discuss City oil and gas leases, municipal regulation of oil and gas matters, and settlement negotiations with Chesapeake Energy and Total E&P USA, et al

§ 551.073. Deliberation Regarding Prospective Gift; Closed Meeting. A governmental body may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- 1) Discuss Lots 6, 7 and 8, Block 312 Original

ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, October 22, 2019 at p.m.

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

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.