



**REGULAR CITY COUNCIL MEETING AGENDA
JULY 28, 2020 @ 5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

City Council meetings are open to the public with social distancing protocols in place. A member of the public wishing to participate in the meeting may do so via the following options:

- In person: Complete a speaker/comment registration card and turn in to the City Secretary before the meeting begins.
 - Submit questions/comments online: Complete a speaker/comment registration card found on the city's website (<https://www.cleburne.net/agendacenter>). Registration cards received by 4:00 p.m. the same day will be distributed to the Council for consideration.
 - Address the Council by phone: Submit a registration card as directed above by 4:00 p.m. the same day and by 4:45 p.m. call [\(346\) 248-7799](tel:3462487799) or (888) 788-0099. **Enter Meeting ID 995-6991-0537 and then press #.**
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I. ROLL CALL AND CALL TO ORDER BY MAYOR

City Council:

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

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Ashley Dierker, City Attorney
- ✓ Ivy Peterson, City Secretary

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- Proclamation: Cleburne Purple Heart Medal Recipients' Day of Honor, August 7, 2020
- Presentation: Railroad Museum Expansion Project Update on Design of Phase III – Aaron Dobson, Director of Parks and Recreation

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 JULY 14, 2020 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL AUGUST 11, 2020, AT 11:59 PM.

Person presenting this item: Steve Polasek, City Manager

BRIEF: On March 13, 2020, the Mayor executed a Declaration of Local Disaster (“Declaration”), for the City of Cleburne pursuant to Section 418.108(a) of the Texas Government Code, which is for a period of seven days. In order to extend the Declaration, the City Council must consent to an extension pursuant 418.108(b) of the Texas Government Code.

The Council has approved extensions to the Declaration on March 13th by RS03-2020-32 until March 29th, on March 24th by RS03-2020-35 until April 14th, on April 14th by RS04-2020-45 until April 28th, on April 28th by RS04-2020-49 until May 12th, on May 12th by RS05-2020-54 until May 26th, on May 26, 2020 by RS05-2020-59 until June 9th, on June 9, 2020 by RS06-2020-61 until June 23rd, and on June 30, 2020 by RS06-2020-73 until August 3rd.

Following Governor Abbott’s announcement of Open Texas, the City continues to take actions to promote health and safety, and suppress the spread of COVID-19 in the community. This resolution for your consideration is to extend the Declaration to the next regular council meeting date of August 11, 2020 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE’S SEMI-ANNUAL, 2020 MID-YEAR REPORT.

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

BRIEF: Pursuant to Chapter 395 of the Texas Local Government Code, the City of Cleburne Capital Improvements Advisory Committee (CIAC) is required to file semi-annual reports to the City Council on the administration of the city’s impact fee program.

Staff provided the semi-annual presentation of revenues and expenditures for water, wastewater, and roadway impact fees to the CIAC on July 13, 2020. The CIAC’s recommendation on the City of Cleburne’s water, wastewater, and roadway impact fee program is to continue forward with no changes at this time, and is included in their report to the City Council.

RS3. CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE'S INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2020.

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 ended June 30, 2020, the City invested solely in four Local Government Investment Pools along with a trust account for the funds received from Texas Water Development Board (LOGIC, Texas Class, TexPool, TexSTAR, and Amegy). 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.

As of June 30, 2020, there was \$124,578,743.94 invested in the four investment pools, along with the loan proceeds held by TWDB at Amegy Bank, with total quarterly interest income of \$184,842.67 (see attached quarterly investment reports for the four investment pools). The percentage allocation by investment pool at March 31, 2020 is LOGIC: 19.55%, Texas Class: 30.13%, TexPool: 5.94%, TexSTAR: 12.20% and Amegy: 32.17%.

OR1. CONSIDER AN ORDINANCE DESIGNATING SCOTT PORTER, THE TAX ASSESSOR-COLLECTOR OF JOHNSON COUNTY TO FULFILL THE DUTIES REQUIRED BY CHAPTER 26 OF THE TAX CODE.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Every taxing unit has as an officer or employee contracted, or directly employed, a person who functions as Tax Assessor, Tax Collector, or Tax Assessor/Collector. The City has contracted with Johnson County to have the County Assessor/Collector perform those functions. Therefore, concerning the units in Johnson County, Scott Porter is each units' Tax Assessor/Collector. The Tax Code 26.04 has always required the tax calculations be performed by a designated officer or employee and historically that function has been done by whoever is contracted to be the Assessor/Collector (considered an officer of the unit by case law). Historically, the contract with Johnson County has been treated as the designation of the County TAC to perform the calculations without any other formal action by the governing body. However, given the additional responsibilities given in SB2 to the designee, the City wishes to formally designate Johnson County Tax Assessor/Collector, Scott Porter to perform the necessary tax calculations for the City of Cleburne.

OC1. CONSIDER APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF JUNE 2020.

Person presenting this item: Troy Lestina, Director of Finance

ORDINANCE

****PUBLIC HEARING****

OR2. CONSIDER AN ORDINANCE REZONING ±38.376 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), LOCATED APPROXIMATELY 184 FEET NORTH OF MANN COURT, APPROXIMATELY 122 FEET SOUTH OF MIMOSA STREET AND APPROXIMATELY 248 FEET WEST OF GRAND AVENUE; AS REQUESTED BY XR DEVELOPMENT, LLC, CASE ZC20-008.

Person presenting this item: Shane Pace, Executive Director of Development Services

BRIEF: The applicant's Planned Development of approximately 38.376 acres includes both single-family detached and single-family attached home products. The applicant is requesting a base zoning of the SF-4 District for the single-family detached homes, with some deviations, including minimum lot area and building setbacks. The applicant is requesting a base zoning of the SF-A District for the single-family attached homes, with a deviation to the minimum building setbacks. The applicant is also proposing some amenities including residential landscaping, and 7-acres of open space to be dedicated to the City of Cleburne as a future public park. Further detail is provided below. For full planned development details, see Staff's Agenda Report included in the backup.

The Planning and Zoning Commission considered this request at their July 13, 2020 meeting. During the public hearing, several citizens voiced their concerns regarding the proposed request, including traffic safety, flooding and privacy. Additionally, several speaker registration cards were submitted (attached) citing opposition to this request.

The Planning and Zoning Commission recommended approval by a vote of 4-1 with the following conditions:

1. The applicant must build a temporary drainage berm along the existing properties located along Mann Court during construction until completion of the road;
2. The minimum lot size in Area A be 6,000 square feet with the exception of two (2) lots allowed to be 5,600 square feet; and
3. The minimum rear yard setback in Area B to be 30-feet.

Following the Planning & Zoning Commission meeting, the applicant submitted a letter (attached) to staff responding to some of the concerns that were presented that evening. The applicant has indicated that a traffic study has been initiated as well as a restriction for one (1) lot within the townhome development (Area B) to a single-story home. Additionally, the applicant has agreed to provide a 30-foot rear yard setback for the townhome lots (Area B) as recommended by the Commission.

A total of ninety (90) property owners within 200 feet were notified of the proposed rezoning request. Staff received a total of thirty (30) letters of opposition (see backup). Per State Law and Section 155.15 of the Zoning Ordinance, should a protest of 20% or more of the property owners within the 200 feet notification boundary be submitted, a super majority vote by City Council is required. Staff has evaluated the submitted opposition letters and it does not constitute a super majority vote given that the percentage of opposition is 17.6%.

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.**

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.

1. Cause no. DC-C201900937; RT General, LLC v. City of Cleburne / Case No. 10-20-0037-CV; City of Cleburne v. RT General, LLC – Steve Polasek, City Manager
2. Discuss Municipal Utility District – Shane Pace, Executive Director of Development Services

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

CERTIFICATION

THIS IS TO CERTIFY that the Notice of Meeting of the Cleburne City Council is a true and correct copy of said Notice and that I posted said Notice on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, as well as the City's official website at www.cleburne.net and said Notice was posted on **July 24, 2020**, by **5:00 pm** in compliance with Chapter 551, Texas Government Code.

Note: A quorum of any Cleburne board, commission, or committee may participate during this meeting.

City of Cleburne

By _____
Ivy Peterson, City Secretary



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.