



REGULAR CITY COUNCIL MEETING AGENDA
AUGUST 11, 2020
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 or view the [live broadcast](#):

- *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 Agenda Center online](#). 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 and by 4:45p.m. call [\(346\) 248-7799](tel:346-248-7799) 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

CONSENT ITEMS

MN1. CONSIDER MINUTES FOR THE JULY 28, 2020 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 25, 2020 AT 11:59 PM.

Presented by: 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, on June 30, 2020 by RS06-2020-73 until August 3rd, and on July 28, 2020 by RS07-2020-81 until August 11th.

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 25, 2020 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF A MEMORANDUM OF UNDERSTANDING WITH JOSHUA INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT ESTABLISHING COMMON POLICY AND PROCEDURE PRACTICES.

Presented by: Robert Severance, Chief of Police

BRIEF: The Joshua Independent School District has requested to enter into another memorandum of understanding with the City of Cleburne to set out a common understanding of the policies and procedures that the Joshua ISD Police Department, and the Cleburne Police Department, will follow in providing police service to Joshua ISD schools in Cleburne, Johnson County and/or The State of Texas. This MOU is a formal agreement to clarify jurisdiction, define parameters and areas of responsibilities, and to establish a spirit of cooperation to enhance the services that both agencies provide to the citizens residing within the city limits of Cleburne, Texas, in accordance with the provisions of the Texas Education Code, Section 37.081. There is no cost to the City of Cleburne.

This agreement shall be in full force and effect from the date of the last party to sign this Agreement until July 31, 2021. This agreement may be renewed annually upon approval by both parties. Either party may terminate this agreement upon giving written notice thirty (30) days prior to the date of termination.

OR1. CONSIDER AN ORDINANCE AMENDING THE ORDER OF ELECTION APPROVED ON FEBRUARY 11, 2020 AND HOLD ITS GENERAL ELECTION ON NOVEMBER 3, 2020, IN THE CITY OF CLEBURNE, TEXAS, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCILMEMBERS FOR SINGLE MEMBER DISTRICTS ONE AND FOUR.

Presented by: Ivy Peterson, City Secretary

BRIEF: On February 11, 2020, the City Council approved Ordinance No. OR02-2020-12 calling its General Election to be held on May 2nd. Due to public health and safety concerns related to the novel coronavirus (COVID-19), Governor Greg Abbott issued a proclamation on March 18, 2020, authorizing political subdivisions that hold elections on May 2nd to move their general elections to November 3rd. Therefore, on March 24th, the City Council approved a resolution postponing its General Election to the next uniform election date of November 3rd.

This Ordinance amends certain elements of the original Order of Election adopted in February to define the new procedures, dates, times, and locations of voting, and by statute, the amendment must be adopted no later than August 17, 2020.

ORDINANCES

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.1 ACRES FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR A TATTOO STUDIO), LOCATED AT 3445 W US HWY 67; AS REQUESTED BY BPOE CLEBURNE LODGE NO. 811 [AKA CLEBURNE ELKS LODGE NO. 811], REPRESENTED BY KAYLA R. JAMES, CASE ZC20-011.

Presented by: Shane Pace, Executive Director of Community Development

BRIEF: The SUP is for the existing building, approximately 336 square feet in size, and the associated parking area. The building is situated on a larger property, home to the Cleburne Elks Lodge. The applicant has indicated their intent to lease the building for an art studio, gallery and tattoo studio by appointment. An art studio and gallery are both permitted uses by right in the C3 (Commercial District) and therefore, the only use up for consideration with the SUP is the tattoo parlor. The applicant has indicated that the hours of operation will be Monday through Saturday, 12pm to 10pm, by appointment only. The applicant has also indicated that at this time, there will only be one tattoo artist on staff.

In Section 155.30(B)(31) of the Zoning Ordinance, approval of an SUP for a tattoo [or body piercing] studio must comply with the following conditions:

1. Tattoo [or body piercing] studios located in secondary structures on lots currently having a primary structure shall have a 15-foot setback from all sides of the tattoo or body piercing studio and any property line. No main structure or secondary structure may be located within this 15-foot setback distance.
2. A tattoo [or body piercing] studio shall not be operated within 300 feet of another tattoo [or body piercing] studio.
3. Tattoo studios shall not be located within 300 feet of a residentially zoned parcel of land, churches or schools.
4. Tattoo or body piercing studios shall not be located within a C4 district or within 300 feet of a C4 district.
5. The site plan shall be accompanied by a copy of any certificate, license, or registration by state or federal agency.

The applicant has indicated that the proposed tattoo studio meets all of the conditions as outlined above and as set forth by the Zoning Ordinance. The applicant has provided a copy of their Bloodborne Pathogens (BBP) English Certificate as well as blank copy of the Tattoo Studio License Application for the Texas Department Health Services. The applicant has indicated that

this application will be submitted following the completion of the SUP request from the City of Cleburne.

In addition to the conditions outlined above, Section 155.30(B)(31)(g) also states the following: *Approval of an application to locate a tattoo studio or body piercing studio shall be deemed a temporary permit. Said permit shall be in effect as long as the current tenant, at the time the approval was granted, operates within the location.*

The property to the north, across US Highway 67, is zoned IH (Interim Holding District) and is currently undeveloped. The properties to the west, south and east are located within the City's Extraterritorial Jurisdiction (ETJ). The Future Land Use Plan shows this property to be located in the Sustainable Communities District, whose purpose is to encourage development that responds to the natural landscape. The proposed SUP request for a commercial business is considered a specially permitted use within this district.

A total of two (2) property owners within 200 feet were notified. Staff did not receive any responses in support of or in opposition to this request. The Planning and Zoning Commission considered this request at their July 27, 2020 meeting and recommended approval by a vote of 5-0.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.136 ACRES FROM C1 (LOCAL BUSINESS DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 215 PEACOCK STREET, AS REQUESTED BY JLY ENTERPRISES, INC., REPRESENTED BY JARED YARBROUGH, CASE ZC20-012.

Presented by: Shane Pace, Executive Director of Community Development

BRIEF: The applicant has requested the rezone with the intent to build a single-family home. The subject property is currently a portion of Lot 11, Block 240 of Original Cleburne. Although the SF-4 District requires a minimum width of 60 feet and minimum lot area of 7,000 square feet, the lot is approximately 47 feet in width and approximately 5,900 square feet in size. This lot has existed in this configuration since before the establishment of the rules and regulations of the Zoning Ordinance (March 22, 1996). Section 155.08 (K) allows a substandard parcel or tract to be used for a single-family residential use provided that all other development regulations are satisfied. Additionally, a building permit may be issued on a substandard parcel or tract, and no plat shall be required.

The properties immediately surrounding the subject property are all similarly zoned in the C1 District. There are several existing single-family homes to the north, an existing church to the south across Peacock Street and several undeveloped tracts of land to the east and west of the subject property.

The Future Land Use Plan shows this property to be located in the City Center East District, whose purpose is to improve neighborhood definition by promoting infill development. The proposed rezone request is considered an appropriate use within this district.

A total of twenty-two (22) property owners within 200 feet were notified. Staff did not receive any responses in support of or in opposition to this request. The Planning and Zoning Commission considered this request at their July 27, 2020 meeting and recommended approval by a vote of 5-0.

OTHER COUNCIL MATTERS

OC1. CONSIDER THE FINAL PLAT OF BELLE LAGOS, PHASE 2, BEING ±18.508 ACRES, GENERALLY LOCATED WEST OF CANYON LAKE COURT AND RADCLIFF DRIVE, ALONG WESTHILL DRIVE; AS REQUESTED BY EDWARD PETERS AND KENNETH LYNN LEE, REPRESENTED BY ADLAI PENNINGTON, CASE PC19-041.

Presented by: Shane Pace, Executive Director of Community Development

BRIEF: The applicant is requesting approval of a final plat for seventy-four (74) single-family residential lots and one (1) common area lot for Belle Lagos Phase 2. The subject property is currently zoned PD (Planned Development District) Ordinance OR2-2016-10, for single-family residential development. The minimum setbacks, as set by the PD for this subdivision, are as follows: 20-foot front yard setback, 10-foot rear yard setback, 5-foot side yard setback and a 15-foot side yard setback adjacent to a street.

The surrounding properties are all zoned the SF-4 (Single-Family Dwelling District). The property to the east is Belle Lagos Phase 1, which is currently under construction. When complete, phase 1 will contain fifty-one (51) single-family homes and one (1) common area lot. The property to the southwest is the Belle Meadows subdivision, while the property to the southeast is currently undeveloped. The properties to the north and west are currently undeveloped.

Section 212.009 of the Local Government Code allows the governing body that approves plats to approve with conditions or disapprove the plat. As submitted, the request is for the final plat to be approved with the conditions outlined below:

1. Revise the “sidewalk easement detail” exhibit to “visibility easement detail” and the associated call out.
2. Prior to filing the plat for recordation at the Johnson County Clerk’s office, include the county filing information on the face of the plat for all easements dedicated via separate instrument.

Section 212.0091 states that the governing body that conditionally approves a plat shall provide the applicant a written statement of the conditions for the conditional approval that clearly articulates each specific condition. Upon conditional approval of the final plat, Staff will issue a written statement to the applicant citing the items listed above that must be revised prior to the filing of the plat for recordation.

The Planning and Zoning Commission considered this request at their July 27, 2020 meeting and recommended conditional approval with a vote of 5-0 with the two conditions as outlined above.

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) Legal advice regarding 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 – Steve Polasek, City Manager
- 3) Discuss Municipal Utility District – Shane Pace, Executive Director of Community Development

BUDGET & TAX RATE

WS1. BUDGET WORKSHOP SESSION TO DISCUSS THE PROPOSED FISCAL YEAR 2021 BUDGET AND CAPITAL IMPROVEMENTS PLAN.

Presented by: Steve Polasek, City Manager

OC2. CONSIDER SCHEDULING A PUBLIC HEARING FOR THE ADOPTION OF THE FISCAL YEAR 2021 BUDGET TO BE HELD DURING THE CITY COUNCIL REGULARLY SCHEDULED MEETING ON AUGUST 25, 2020, AT 5:00 PM.

Presented by: Troy Lestina, Director of Finance

BRIEF: Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter states, “At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof.” For compliance with this Charter requirement, the City Council is stating its intent to schedule and hold the public hearing to adopt the budget on August 25, 2020, at 5:00 pm, which is a regularly scheduled meeting of the City Council in the City Council Chambers.

OC3. CONSIDER ADOPTION OF THE 2020 CERTIFIED TAX ROLL AS SUBMITTED BY THE JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT.

Presented by: Troy Lestina, Director of Finance

BRIEF: On July 25, 2020, Jim Hudspeth, Chief Appraiser of Johnson County Central Appraisal District, certified the 2020 tax roll to be levied October 1, 2020 (Fiscal Year 2021), in the amount of \$2,047,973,648. This total includes taxable value of \$100,622,734 that is the value of properties currently under appeal to the Appraisal Review Board of which \$30,186,820 is estimated as potential value loss and needs to be netted from the certified total. The two amounts

net to a total of \$2,017,786,828 of projected assessed valuation, and are the totals that are used to calculate the no-new-revenue tax rate. From the certified valuation, taxes frozen total \$1,715,900. Included in this total are new construction values of \$41,579,682, which are net of exemptions and new tax abatements. This represents a total increase of 3.3% (\$70,216,471) over the current year's certified valuation of \$1,896,546,479, and the taxable value of all property on the tax roll increased to \$1,966,762,952.

The value for properties located outside of the three Tax Increment Financing (TIF) Districts is \$1,915,739,072. The incremental value for the properties within the three TIF Districts are as follows: TIF Number 1 - \$18,574,718, TIF Number 2 - \$16,042,572, and TIF Number 3 - \$16,406,588.

Per the 2020 Tax Rate Calculation Worksheet, the calculated No-New-Revenue tax rate is \$0.770197 and the calculated Voter-Approval rate is \$0.766429. The Interest and Sinking component of the tax rate is set at \$0.110391 for the repayment of debt service.

RS3. CONSIDER A RESOLUTION STATING THE CITY COUNCIL'S INTENT TO ADOPT A TAX RATE OF \$0.760092 PER HUNDRED DOLLARS OF VALUATION FOR FISCAL YEAR 2021 AND SCHEDULING A PUBLIC HEARING FOR THE REGULAR COUNCIL MEETING ON AUGUST 25, 2020 AT 5:00PM WHICH IS PRIOR TO THE ADOPTION OF THE TAX RATE SCHEDULED FOR THE TUESDAY, SEPTEMBER 11, 2020 REGULAR COUNCIL MEETING.

Presented by: Troy Lestina, Director of Finance

BRIEF: Chapter 26, Texas Property Tax Code, requires taxing units to comply with "Truth-in-Taxation" laws in setting ad valorem tax rates, and that a no-new-revenue tax rate calculation is performed. The calculated Fiscal Year 2021 (FY 2021) / Tax Year 2020 no-new-revenue tax rate is \$0.770197 utilizing the July 25, 2020 certified tax roll as the basis for calculation. The proposed rate for FY 2021 is \$0.760092 per \$100 of valuation, which is the rate presented to City Council at the FY 2021 budget workshop on August 11, 2020. The proposed rate of \$0.760092 is lower than the rate from FY 2020. Additionally, the proposed tax rate is less than the voter-approval tax rate of \$0.766429.

As the proposed rate of \$0.773206 is lower than the no-new-revenue tax rate of \$.770197, a city must take several actions for compliance with Chapter 26 of the Texas Property Tax Code. The City Council, must take a record vote to set the date, time, and place of a public hearing for public comment on the proposed FY 2021 tax rate. This public hearing must be held prior to the adoption of the tax rate during the regularly scheduled Council meeting on Tuesday, September 8, 2020 at 5:00 p.m. Staff recommends that the hearing is held in the Council Chambers at City Hall on Tuesday, August 25, 2020 at 5:00 p.m. The information about this public hearing held prior to tax rate adoption is required to appear in the "Notice of 2020 Tax Year Proposed Property Tax Rate for the City of Cleburne". This notice is required by Section 102.006 of the Local Government Code, and will be published in the Cleburne Times-Review on Tuesday, August 18, 2020.

Additionally, the allocation for the FY 2021 tax rate for the interest and sinking rate (Debt Service Fund rate) is \$0.110391 and the operations and maintenance (General Fund rate) is \$0.649701. The ordinance adopting the FY 2021 tax rate will reflect these rates.

RS4. CONSIDER A RESOLUTION APPROVING EMPLOYEE BENEFIT PLANS FOR FISCAL YEAR 2021.

Presented by: Debra Powledge, Director of Human Resources

BRIEF: Staff and HUB International, the City's insurance advisor, have worked together evaluating competitive proposals submitted for the City's insurance/benefit plans. Mr. Brent Weegar, Senior Vice President with HUB International will present an overview for the City Council. Staff recommends passage of this resolution for the following plans:

- The City will be introducing (3) new Texas Health Aetna value medical plans alongside our current lineup. With this soft introduction, the City would continue funding 100% of the employee premiums under the HDHP and the HDHP- THA value and a variable portion of the dependent subsidy. The difference in the increased premiums for the buy up plans would be 100% employee funded as well as any additional dependent coverage for all plans.
- Accept proposal provided by Superior Vision with 100% funding for the employee only coverage and approximately 66% of dependent coverage. This proposal reflects a decrease in premium costs.
- Renewal with Symetra Life Insurance for our life insurance, AD&D, and long term disability plans. All voluntary life insurance plans are the responsibility of the employee. This proposal reflects a decrease in premium costs.
- Acceptance of Symetra's proposal for its voluntary accident and critical illness plans. All premiums are the employee's responsibility. This proposal reflects a decrease in premium costs.
- Accept proposal of no rate increase or decrease for the Employee Assistance Program provided by Deer Oaks. This program is funded by the City.
- Continue dental coverage with MetLife for the second year of a two-year rate guarantee with current funding structure of 100% City paid premiums and the employee is responsible for 100% dependent coverage.

ADJOURNMENT

ADJOURNED AT:

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 **August 7, 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.