



**CITY COUNCIL REGULAR MEETING AGENDA**  
**SEPTEMBER 14, 2021 @ 5:00PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

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City Council meetings are open to the public with social distancing and sanitation protocols in place. A member of the public wishing to participate in the meeting may do so via the options below 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 online Agenda Center](#). 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  
Derek Weathers, 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** by Pastor Clyde Slimp, Westhill Church of Christ

**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**

**CMP1. Proclamation – POW / MIA Recognition Day, September 17, 2021**

**CMP2. Proclamation – Constitution Week, September 17 – 23, 2021**

**CMP3. Presentation – Economic Refunding Opportunity, Rhonda Daugherty, Director of Finance**

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**CONSENT AGENDA**

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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.

**MN1. CONSIDER MINUTES FOR THE AUGUST 24, 2021 REGULAR COUNCIL MEETING.**

**RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL SEPTEMBER 28, 2021.**

Presented by: Steve Polasek, City Manager

Summary: On March 23, 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 was for a period of seven days. In accordance with 418.108(b) of the Texas Government Code and following Governor Greg Abbott’s executive orders, the City Council has approved extensions to said Declaration, and 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 existing Declaration to the next regular council meeting date of September 28, 2021 at 11:59 p.m. central standard time.

**RS2. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDS FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM.**

Presented by: Sharlette Wright, Airport Manager

Summary: The grant is a 50/50 match from the Texas Department of Transportation Aviation Division and received annually to help with grounds, building and weather station maintenance. This grant is available to all general aviation airports in Texas. It is for an amount up to \$50,000.00 and is included in the annual budget. An example of the items covered are: Runway/taxiway light bulbs and fixtures; Maintenance agreement for the weather station AWOS (Automated Weather Observation Station); Hangar/building maintenance; Self Service fuel island repairs; and Crack sealing of runway, taxiway, and aprons.

All airside maintenance needs come first. The runway/taxiway lighting, pavements, drainage, and weather station are considered airside. The items directly relate to the travel of aircraft come first before other items are addressed.

**RS3. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT RENEWAL WITH THE CLEBURNE CHAMBER OF COMMERCE FOR MANAGEMENT AND OPERATION OF THE CLEBURNE CONFERENCE CENTER AND PERFORMING ARTS CENTER.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: This contract renewal will authorize the Cleburne Chamber of Commerce to continue to manage and operate the Cleburne Conference Center and Performing Arts Center. The agreement includes the administration, reservations, and day-to-day operations of the facility and may be terminated with a 90-day written notice. The agreement will be valid from October 25, 2021, through September 30, 2022, with three (3) additional one (1) year automatic renewals. The City agrees to pay the Chamber of Commerce \$305,203 for all operation expenses at the Conference Center and the funds are included in the fiscal year 2022 budget.

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**BUDGET AND TAX RATE**

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**OR1. CONSIDER AN ORDINANCE ADOPTING AND APPROVING THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 FOR THE CITY OF CLEBURNE.**

Presented by: Steve Polasek, City Manager/Rhonda Daugherty, Director of Finance

Summary: In accordance with Section 6.2 of the City of Cleburne Charter, Preparation and Submission of Budget, the City Manager filed the proposed budget on August 6, 2021 and presented it to the City Council at the August 10, 2021 City Council Budget work session. At the conclusion of the work session, City Council gave direction to the City Manager to move forward on September 14, 2021 for adoption of the proposed fiscal year 2022 budget as presented.

The proposed budget for fiscal year 2022 is based on conservative fiscal management practices and balances the needs of the community with available resources. It is founded primarily on the assumptions as discussed during the March 11, 2021 Council's Strategic Planning Workshop, which outlines various projects addressing our key focus areas of Economic Development, Planning and Growth Management, Public Infrastructure Enhancements, Aesthetics/Quality of Life Programs, and Information Sharing/Communications.

To be in compliance with Section 6.4 of the City Charter, the City Council held the required public hearing at its meeting on August 24, 2021 and stated its intent to adopt the budget on September 14, 2021, at 5:00pm, a regularly scheduled meeting of the City Council.

**OR2. CONSIDER AN ORDINANCE SETTING THE AD VALOREM TAX RATE FOR FISCAL YEAR 2022 (TAX YEAR 2021) AT \$0.690498 PER ONE HUNDRED**

**DOLLARS PROPERTY ASSESSMENT AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF CLEBURNE.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 26, Texas Property Tax Code requires taxing units to comply with “Truth-in-Taxation” laws in setting tax rates. The proposed rate for Fiscal Year 2022 is \$0.690498 per \$100 of valuation, which was the rate presented to the City Council at the August 10, 2021 budget workshop. This rate is lower than Fiscal Year 2021. The calculated Fiscal Year 2022 no-new-revenue tax rate is \$0.710738 and the voter approval rate is \$0.690499 per \$100 of valuation utilizing the July 23, 2021 certified tax roll.

As the proposed rate of \$0.690498 is lower than the no-new-revenue tax rate and the voter approval rate, the Texas Property Tax Code requires no public hearings on the tax rate. The City Council, took a record vote to set the time, date, and place of the meeting to vote on the tax rate. Resolution RS08-2021-104 was approved by City Council on August 10, 2021 approving the proposal for intent to adopt the tax rate of \$0.690498. A “Notice of Meeting to Vote on Tax Rate” was published in the local newspaper on Saturday, August 28, 2021.

As a point of reference, the Voter-Approval Tax Rate calculation sets the interest and sinking rate (Debt Service rate) at \$0.060750. The remainder of the tax rate of \$0.629748 will be allocated to operations and maintenance (General Fund rate). The ordinance adopting the Fiscal Year 2022 tax rate reflects these rates, as required by Texas Tax Code 26.04(c).

**RS4. CONSIDER A RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE FOR THE FISCAL YEAR 2022 ANNUAL BUDGET, AS REQUIRED BY CHAPTER 102: MUNICIPAL BUDGET OF THE LOCAL GOVERNMENT CODE.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 102.007 Subsection (c) of the Local Government Code requires that after the adoption of a budget that will raise more property tax revenue than the last year’s budget, a separate agenda item and vote is required for a City Council to ratify that revenue increase. This agenda item provides for that ratification of the proposed Fiscal Year 2022 General Fund and Debt Service Fund budgets. Although the tax rate of \$0.690498 is lower than the prior fiscal year, the total property valuation increased by 13.2%, producing a property tax revenue increase of \$110,677 at the proposed tax rate of \$0.690498.

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**ACTION AGENDA**

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**OR3. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE APPROVING A SERVICE AGREEMENT WITH RUMFIELD PROPERTIES, INC AND VOLUNTARY ANNEXATION FOR ±28.5 ACRES LOCATED WITHIN A PORTION OF THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 90 AND GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF CHISHOLM TRAIL PARKWAY AND COUNTY ROAD 904, AS REQUESTED BY RUMFIELD PROPERTIES, INC, REPRESENTED BY ROBBIE RUMFIELD, CASE GC21-007.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: A petition for voluntary annexation has been filed with the City by the owner of approximately 28.5 acres, generally located near the southeast intersection of Woodard Avenue and County Road 904, contiguous to the City of Cleburne. The applicant is requesting that the property be annexed and become part of the City pursuant to Section 43.0671 of the Texas Local Government Code.

Pursuant to Section 43.0672 of the Texas Local Government Code, the City must first negotiate and enter into a written agreement with the owner, of which said agreement must include a list of each service the municipality will provide on the effective date of the annexation and a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

Pursuant to Section 43.0673 of the Texas Local Government Code, the City is required to hold one public hearing before it may initiate annexation proceedings for the property.

The subject property is located within the Community Commercial and Traditional Neighborhoods Districts. The territory hereinafter annexed into the City shall be classified under the "IH" – Interim Holding District. The applicant has indicated that a rezoning request will be submitted immediately following annexation of the subject property. Staff anticipates this item will be considered by the Planning and Zoning Commission at the October 11, 2021 meeting and subsequently considered by City Council on October 26, 2021.

**OR4. \*PUBLIC HEARING\*      CONSIDER AN ORDINANCE REZONING ±0.096 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 608 EAST BROWN STREET, AS REQUESTED BY AMY ADARGO, REPRESENTED BY BERNARD AUGUSTUS KELLY, JR, CASE ZC21-015.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 0.096 acres from M1 (Light Industrial District) to SF-4 (Single-Family District) for the property located at 608 East Brown Street. The applicant has indicated their intent to rezone the subject property for future construction of a single-family residence.

The Planning and Zoning Commission considered this request at their August 23, 2021 meeting and recommended approval with a vote of 7-0.

**OR5. \*PUBLIC HEARING\*      CONSIDER AN ORDINANCE REZONING ±35.95 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT), MF (MULTIPLE-FAMILY HOUSING DISTRICT), C2 (GENERAL BUSINESS DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF WOODARD AVENUE AND HARLIN DRIVE, AS REQUESTED BY CLEMENTS A L, LTD PARTNERSHIP, REPRESENTED BY MKP DEVELOPMENT, LLC, CASE ZC21-013.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 35.95 acres from SF-4 (Single-Family Dwelling District), MF (Multiple-Family Housing District), C2 (General Business District) and C3 (Commercial District) to PD (Planned Development District) for the property generally located near the southeast intersection of Woodard Avenue and Harlin Drive.

The Planned Development (PD) is for a single-family residential development, to be known as the Meadowbrook subdivision. The proposed development will contain 189 single-family lots, with a total of 86 50-foot wide lots, and 103 60-foot wide lot types. The applicant is requesting a base zoning of the SF-4 District with some deviations, including minimum lot area and building setbacks. The applicant is proposing amenities within approximately 2.15 acres of open space, including enhanced landscaping and a community loggia with a curvilinear walking path. Further detail is provided below.

The Planning and Zoning Commission considered this request at their August 23, 2021 meeting and recommended approval with a vote of 5-2 with the following conditions:

- a. Cementitious siding be used for the non-masonry building material;
- b. All lots to be fully irrigated and sodded in the front, sides and rear yards;
- c. Two 2-inch caliper trees required for each lot;
- d. A non-monotony clause that states a building elevation cannot be repeated adjacent to or across the street from every three (3) consecutive homes;
- e. For the 50-foot lots, all lots be a minimum of 5,300 square feet, with no more than 10% of the lots being 5,000 square feet;
- f. For the 60-foot lots, all lots be a minimum of 6,300 square feet, with no more than 10% of the lots being 6,000 square feet;
- g. A clause within the HOA that states there will be no overnight parking on the street; and
- h. Off-street parking provided along the southern open space lot (detention pond).

**RS5. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF LOTS 1 AND 1X, BLOCK 1, OF GODLEY ISD SCHOOL SITE, AN ADDITION TO THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, BEING ±15.996 ACRES, GENERALLY LOCATED NORTH OF COUNTY ROAD 905 AND EAST OF COUNTY ROAD 1010, AS REQUESTED BY SILO MILLS INVESTMENTS, LLC, REPRESENTED BY PELOTON LAND SOLUTIONS, CASE PC21-032.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of the final plat of Lots 1 and 1X, Block 1, of Godley ISD School Site, generally located north of County Road 905 and east of County Road 1010.

The property will be developed for a new elementary school for the Godley Independent School District. The majority of the property is located within the City of Cleburne's extraterritorial jurisdiction (ETJ) and a smaller portion of the property is located within the City of Burleson's ETJ. The subject property is also located completely within the boundaries of the Joshua Farms Municipal Management District (MMD). The final plat will require a dual approval platting process given that the property is located within both jurisdictions. Following



approval from the City of Cleburne, the final plat will be approved by the City of Burleson. There are notations on the plat that designate the dual jurisdiction.

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 August 23, 2021 meeting and recommended approval with a vote of 7-0.

**RS6. \*PUBLIC HEARING\* CONSIDER A RESOLUTION APPROVING MINOR REPLAT OF LOT 1, BLOCK 2, OF HOMES MX2 ADDITION, AN ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, BEING ±0.10 ACRES, LOCATED AT 728 AND 730 EAST BROWN STREET, AS REQUESTED BY MIRGON ENTERPRISES SERIES, LLC, MONICA MORENO, AND SARA MORENO, REPRESENTED BY MARTHA MIRANDA, CASE PC21-030.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of a minor replat for Lot 1, Block 2, of the Homes MX2 Addition. The lot is approximately 0.10 acres in size and the applicant is proposing to replat the subject property for future construction of a single-family residence.

The applicant has requested a variance to the requirements of Section 154.041 of the Cleburne Code of Ordinances. Section 154.041 requires a minimum of 50 feet of right-of-way (ROW) for local residential streets.

The applicant is requesting a variance from the right-of-way requirement for East Brown Street. The existing ROW is 45 feet. The road dead ends approximately 200 feet east of the subject property and is not listed on the City's Master Thoroughfare Plan for future continuation. A 45' ROW would allow a standard street section (32') to be constructed, but would not accommodate sidewalks on both sides of the roadway. The applicant has stated that the additional dedication of 2.5 feet will interfere with the applicant's ability to build her product on the lot due to the limited developable area.

Per Section 154.026(E) of the Subdivision Ordinance, if a minor replat of residential property is requesting a variance, the minor replat must go before the Planning and Zoning Commission and City Council for approval. The minor replat must go before the Commission within 30 days of the date the application is filed. This minor replat was filed on August 3, 2021. The Planning and Zoning Commission considered this request at their August 23, 2021 meeting and recommended approval with the variance as outlined below with a vote of 7-0:

- i. The right-of-way (ROW) dedication variance along East Brown Street be approved as presented.

**OR6. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE AMENDING THE 2008 MASTER THOROUGHFARE PLAN BY UPDATING THE THOROUGHFARE PLAN MAP TO COINCIDE WITH CURRENT APPROVED DEVELOPMENTS.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: On February 9, 2021, City Council approved a contract with Kimley-Horn and Associates to complete an update to the City's Master Thoroughfare Plan (MTP). The project, which will update the City's roadway thoroughfare system based on existing, proposed and projected development trends, is expected to be completed in late 2021.

Recently, two (2) major residential developments submitted projects that included adjustments to the current MTP. One development requested alignment changes, and one requested the reclassification of a local street to Minor Collector as well as an extension of that roadway.

After evaluation of the requests by staff, the consultant working on the MTP update project, and detailed discussions of traffic concerns at both the Planning and Zoning Commission and City Council public hearings, it was determined that the roadway changes proposed by the developments were beneficial to the city's road network, and good traffic solutions. The two (2) developments were approved with the proposed roadway network changes.

This item incorporates the associated MTP changes effected by these developments into the current MTP map. These changes will be carried forward into the full MTP update that will take place upon the completion of the MTP Update Project, expected in late 2021.

**Thoroughfare Plan Amendment #1 – Revision of Ridgeway Drive (Woodard Ave. to Kilpatrick Ave.)**

This thoroughfare plan amendment realigns the location of Ridgeway Drive through the Saddle Creek subdivision. The changes turn Ridgeway west to intersect with Nolan River Road and eliminates the section of Ridgeway that extends to Kilpatrick. This change coincides with the Saddle Creek Development that was approved on July 13, 2021 by Resolution RS07-2021-84.

**Thoroughfare Plan Amendment #2 – Addition of Park Boulevard as a Minor Collector and Extension of the Minor Collector to Nolan River Road**

This thoroughfare plan amendment changes the classification of Park Boulevard from a residential road to Minor Collector. In addition, the road is proposed to be extended to Nolan River Road, through the Madeline Meadows subdivision. This change provides a minor collector road connecting Nolan River Road to Country Club Drive. The collector will provide additional connections to major roadways and help disperse traffic in the general area. This change coincides with the Madeline Meadows Development that was approved on August 24, 2021 by Ordinance OR08-2021-42.

**RS7. CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF THE INTERLOCAL COOPERATION AGREEMENT WITH JOHNSON COUNTY FOR THE PROVISION OF JAIL SERVICES.**

Presented by: Rob Severance, Chief of Police

Summary: 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 \$50.71 to \$58.28.

**OR7. CONSIDER AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 116: PEDDLERS AND SOLICITORS; FOR THE PURPOSE OF ADDING NEW DEFINITIONS, ADDING NEW AND AMENDING CURRENT PROVISIONS.**



Presented by: Gary Moseley, Police Lieutenant

Summary: The amendments of Chapter 116 includes addition of definitions and amending the current ordinances to reflect changes in case law in reference to soliciting. Fees have also been revised to reflect current practices and offset the cost of operations. These changes were presented to Council as a workshop item on April 13, 2021. Recommendations from the Council have been incorporated. Staff recommends adoption of these code changes.

**RS8. CONSIDER A RESOLUTION ADOPTING CRITERIA FOR USE IN THE 2021 REDISTRICTING PROJECT.**

Presented by: Ivy Peterson, City Secretary

Summary: The City's legal counsel, Bickerstaff Heath Delgado Acosta, LLP, prepared two timelines for Council's consideration to determine what is the best course of action. The U.S. Census Bureau announced earlier this year there would be an additional delay in releasing the 2020 census data and on June 22, 2021, City Council received an update projecting the data would be released by September 30, 2021, thus causing a delay in redistricting and the ability to approve a new plan before the November 7, 2021 deadline as required by the City Charter. During this update, city staff proposed a future action item for Council's consideration adopting a timeline/criteria for the '2021 Redistricting Project'.

The Census Bureau releases its data in phases, one being the legacy format that was released in mid-August. Although this format requires several weeks of substantial reformatting and processing by GIS technicians before it can be used for redistricting purposes, it was released earlier than expected. However, the City Council desires to complete the decennial redistricting process in a deliberate and transparent manner that allows for sufficient public comment and community input.

**RS9. CONSIDER A RESOLUTION AUTHORIZING A LISTING AGREEMENT WITH AIRSPACE DFW, LLC FOR THE PURPOSE OF MARKETING HANGAR 98 LOCATED AT THE CLEBURNE REGIONAL AIRPORT TO PROSPECTIVE LEASE TENANTS.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Hangar 98, located within Cleburne Regional Airport property and owned by the City of Cleburne, is now vacant and available for lease to prospective tenants. Staff has determined that the best course of action, in order to reach the widest possible audience within the aviation field and to maximize the City's return on investment, is to engage the services of a broker who specializes in catering to this type of potential tenant.

During the process of communicating with other experts in the aviation field, the consensus was that Airspace DFW, LLC, represented by Ryan Cox, is the preferred choice for getting maximum exposure within the aviation industry in marketing Hangar 98 to potential tenants.

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## EXECUTIVE SESSION

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Pursuant to the Open Meetings Act, Chapter 551, and the Texas Disaster Act, Chapter 418 of the Texas Government Code, Executive Session may be held at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to any posted subject matter of this City Council Meeting.

**Section 551.071. Consultation with Attorney** The City Council will convene into executive session to receive legal advice from the City Attorney on the following matters in which the duty of the City Attorney to the City's governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code:

**EXE1.** Discuss Wright Farms Municipal Utility District

**EXE2.** Actions taken and to be taken related to securing the building located at 14 East Chambers Street (further described as the Southwest Corner of Caddo Street and Chambers Street)

**Section 551.087. Deliberation Regarding Economic Development Negotiations** - This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

**EXE3.** Discuss project regarding Ensign-Bickford former Goex 356-acre property

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