



**CITY COUNCIL REGULAR MEETING AGENDA**  
**JANUARY 11, 2022 @ 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](#) 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

Ashely Dierker, City Attorney

Ivy Peterson, City Secretary

**II. INVOCATION** by Pastor Jack Garr, Buffalo Creek 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**

**CMP1.** Proclamation of Recognition and Appreciation – Marty Peters

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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 DECEMBER 14, 2021 REGULAR COUNCIL MEETING.**

**RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JANUARY 25, 2022.**

Presented by: Steve Polasek, City Manager

**RS2. CONSIDER A RESOLUTION GRANTING A REQUEST FOR A PRIVATE WATER WELL AT 1151 WEST KATHERINE P RAINES DRIVE IN ACCORDANCE WITH SECTION 51.004: WATER WELLS OF THE CODE OF ORDINANCES; AS REQUESTED BY VICTRON ENERGY.**

Presented by: Jeremy Hutt, Public Works Director

Summary: Saldena Properties, L.P., a subsidiary of Victron Energy, Inc., the Company, is in the process of developing a 9,000 square foot multi-faceted convenience/travel center at 1151 W. Katherine P. Raines Dr. known as the Texas Best Smokehouse of Cleburne. This development is currently under construction.

Victron Energy, Inc. has submitted an application for a private water well for the purposes of irrigation and water level control within their pond. An exemption from the Prairielands Groundwater Conservation District has been given to Victron Energy, Inc.

The convenience store and restaurants will be served by City water and sewer systems. Section 51.004 of the Code of Ordinances allows for water wells within the City Limits if City Council approves the request for the water well.

**OR1. CONSIDER AN ORDINANCE AMENDING THE FISCAL YEAR 2022 ANNUAL BUDGET (#1) FOR AMBULANCE REPAIRS.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Staff is requesting a budget amendment to the Fire Department budget appropriations for maintenance & repair in the amount of \$70,950. With the loss of Medic-2 as a frontline response unit, the Fire Department must move Medic-4, a 2003 model used as a special events standby unit, into service as a full-time backup ambulance. The requested budget amendment is to fund updates for Medic-4 to meet the rigors of multiple daily transports and retrofit to the current stretcher style that CFD uses. The estimated amount for the work and equipment is \$64,500. The requested amendment amount reflects a 10% contingency for possible unforeseen increases in parts costs. Additionally, \$23,000 of the total is for the stretcher that will be transferred to the ambulance CFD most recently ordered once received.

The proposed General Fund budget amendment in the amount of \$70,950 will revise the total adopted General Fund budget of \$43,983,253 (Ordinance OR09-2021-45) to \$44,054,203, funded with fund balance reserves.

**OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF NOVEMBER 2021.**

Presented by: Rhonda Daugherty, Director of Finance

**RS3. CONSIDER A RESOLUTION AUTHORIZING A CONSERVATION EASEMENT AGREEMENT WITH MITIGATION FUTURES CONSERVANCY, AS REQUIRED FOR THE SPARKS DRIVE PROJECT.**

Presented by: Jeremy Hutt, Public Works Director

Summary: During the permitting process of the Sparks Drive connection to the Chisholm Trail Parkway, it was determined that the project impacts a small area of wetlands (1.023 acres). The City was required to prepare a wetlands mitigation plan to meet permit requirements of the U.S. Army Corps of Engineers (USACE). The USACE permit, issued on December 4, 2019, contains conditions to ensure perpetual protection of the wetlands. Specifically, the USACE permit requires the City enter into a Conservation Easement Agreement with a qualified third-party that will perpetually monitor the area and to ensure the conditions of the permit are being met.

The Tax Increment Financing District Reinvestment Zone No. I (TIF I) Board of Directors met on December 3, 2018, where they unanimously approved spending up to \$45,000 for a conservation easement. The City Council of the City of Cleburne approved the TIF #1 board's recommendation to spend up to \$45,000 for the development of a Conservation Easement for Sparks Drive on April 23, 2019 by Resolution RS04-2019-34.

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**ACTION AGENDA**

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**OR2. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154: SUBDIVISIONS, SECTION 154.084: SIDEWALK REQUIREMENTS.**

Presented by: Jeremy Hutt, Public Works Director

Summary: The existing Ordinance language included in Section 154.084 is in need of an update. The proposed language will include requirements for new sidewalks and have the following sections: Purpose, Sidewalk Requirements, Design Standards, Architectural Barriers Act, Waivers, and Appeal Process.

**OR3. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±4.05 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO D (DUPLEX OR TWO-FAMILY DWELLING DISTRICT), LOCATED ALONG PITTMAN STREET, BETWEEN BOONE STREET AND CEDAR STREET, AS REQUESTED BY J FOX INVESTMENTS, REPRESENTED BY COLDWELL BANKER APEX, CASE ZC21-025.**

Presented by: David Jones, Community Development Director

Summary: The applicant has requested to rezone approximately 4.05 acres from SF-4 (Single-Family Dwelling District) to D (Duplex or Two-Family Dwelling District) for the property generally located along Pittman Street, between Boone Street and Cedar Street. The applicant has indicated their intent to rezone and re-plat the subject property for the future construction of duplexes.

The Planning and Zoning Commission considered this request at their December 13, 2021 meeting and recommended approval with a vote of 6-1.

**OR4. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±0.68 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 208 POST OAK STREET, AS REQUESTED BY JACK BARNES, REPRESENTED BY RICKEY MARRS, CASE ZC21-030.**

Presented by: David Jones, Community Development Director

Summary: The applicant has requested to rezone approximately 0.68 acres from M1 (Light Industrial District) to SF-4 (Single-Family District) for the property located at 208 Post Oak Street. The applicant has indicated their intent to rezone the subject property for future construction of a single-family residence adjacent to the existing single-family home.

The Planning and Zoning Commission considered this request at their December 13, 2021 meeting and recommended approval with a vote of 7-0.

**OR5. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±13.92 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO M1/SUP (LIGHT INDUSTRIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR PARKING LOT TRUCKS/TRAILERS AND MINI WAREHOUSES) LOCATED SOUTH OF INDUSTRIAL BOULEVARD AND APPROXIMATELY 680 FEET EAST OF NORTH MAIN STREET, AS REQUESTED BY INDUSTRIAL PROPERTY, LLC, CASE ZC21-026.**

Presented by: David Jones, Community Development Director

Summary: The applicant is requesting a Specific Use Permit (SUP) to develop a parking lot for trucks, trailers, and recreational vehicles (RVs) for the property located south of Industrial Boulevard and east of North Main Street. The property is located in the Commercial/Industrial Overlay District, whose purpose is to provide for a combination of commercial and industrial uses in a consistent manner throughout the overlay as well as enhance the visual image of the Chisholm Trail Parkway and U.S. Highway 67 corridors. Within the Commercial/Industrial Overlay District, the proposed use of a parking lot for trucks, trailers and RVs requires approval of an SUP from the Planning and Zoning Commission and City Council.

The applicant has provided a site plan that will be included as part of the SUP ordinance. The applicant has indicated that the parking lot will consist of 86 parking spaces that will be 14 feet wide by 80 feet long to accommodate truck, trailer and RV parking and will be developed in two phases, as generally shown on the site plan. Phase 1 will consist of 31 parking spaces and Phase 2 will consist of 55 parking spaces.

The Planning and Zoning Commission considered this request at their December 13, 2021 meeting and recommended approval with a vote of 7-0 with the following conditions:

1. Limit the parking lot for trucks and trailers only (no RVs);
2. Provide a 10-foot landscape buffer along US Highway 67 with trees planted along the fence line; and
3. A waiver from remaining landscaping requirements, as requested by the applicant.

**OR6. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±84.73 ACRES FROM C0 (NON-RETAIL DISTRICT) AND SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), LOCATED APPROXIMATELY 1,700 FEET WEST OF NOLAN RIDGE DRIVE, BETWEEN WEST KILPATRICK AVENUE AND U.S. HIGHWAY 67, AS REQUESTED BY BATES FARMS LP, REPRESENTED BY CLAYMOORE ENGINEERING, CASE ZC21-021.**

Presented by: David Jones, Community Development Director

Summary: The applicant has requested to rezone approximately 84.73 acres from C0 (Non-Retail District) and SF-4 (Single-Family Dwelling District) to PD (Planned Development District) for the property generally located approximately 1,700 feet west of Nolan Ridge Drive, between West Kilpatrick Avenue and US Highway 67.

The Planned Development (PD) is for a single-family residential development, to be known as the Bates Ridge subdivision. The proposed development will contain 375 single-family lots, with a total of 280 50-foot wide lots and 95 60-foot wide lots. The proposed density is 4.43 units per acre, with an average lot area of 7,247 square feet. The applicant is requesting a base zoning of the SF-4 District with some deviations, including minimum lot width, lot area and building setbacks. The applicant is proposing amenities within approximately 3.5 acres of open space, including enhanced landscaping along US Highway 67 and pocket parks for the community that include a dog park and play-scape area.

The Planning and Zoning Commission considered this request at their October 25, 2021 meeting and at the request of the applicant; it was tabled to December 13, 2021. Following the October meeting the applicant submitted a revised development plan based on P&Z's feedback and at the December 13<sup>th</sup> meeting, the revised plan was recommended for approval with a vote of 6-1 with the following conditions:

1. Provide trees in the dog park; and
2. Include the visuals of the open space amenities as shown in the applicant's presentation.

**OR7. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±109.09 ACRES FROM A (AGRICULTURAL DISTRICT) AND SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), LOCATED ON THE WEST SIDE OF SOUTH NOLAN RIVER ROAD, NORTH OF MILLBRAE ROAD AND WEST OF DUBLIN DRIVE, AS REQUESTED BY BURTON JACK FAMILY LTD, REPRESENTED BY D.R. HORTON TEXAS, LTD, CASE ZC21-029.**

Presented by: David Jones, Community Development Director

Summary: Since the time of property owners' notification, this case has been withdrawn per the applicant's request and no formal action is needed at this time.

**RS4. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF LIVE OAKS APARTMENTS, BEING ±29.072 ACRES, LOCATED 1,000 FEET NORTH OF MT. CARMEL ROAD AND ON THE WEST SIDE OF NORTH MAIN STREET; AS REQUESTED BY CLEBURNE OZF, LLC, REPRESENTED BY C. RYAN VOORHEES, CASE PC21-054.**

Presented by: David Jones, Community Development Director

Summary: The applicant is requesting approval of the final plat for Live Oaks Apartments, which consists of one multi-family residential lot and one commercial lot.

The final plat meets all of the minimum requirements as outlined in PD-OR02-2020-17 and Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their December 13, 2021 meeting and recommended approval with a vote of 7-0.

**RS5. CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF CATES RANCH, AN ADDITION TO THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF CLEBURNE BEING ±84.292 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 1229 AND APPROXIMATELY 3,000 FEET NORTH OF WEST FM 4, AS REQUESTED BY GODLEY PROPERTIES, LLC AND CAROLYN L. PREISSINGER, REPRESENTED BY TRENNON MASSENGALE, CASE PC21-056.**

Presented by: David Jones, Community Development Director

Summary: The applicant is requesting approval of the preliminary plat for Cates Ranch, which consists of 36 residential lots, generally located on the east side of County Road 1229, approximately 3,000 feet north of West FM 4 within the City's Extraterritorial Jurisdiction (ETJ).

The preliminary 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 December 13, 2021 meeting and recommended approval with a vote of 6-0-1, with Commissioner Saunders abstaining from the vote.

**OR8. CONSIDER AN ORDINANCE EXTENDING AND EXPANDING THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS FOR A PORTION OF PROPERTY LOCATED IN THE JAMES WALLACE SURVEY, ABSTRACT NO 890, LOCATED AT 2908 EAST FM 4, AS REQUESTED BY DOUG AND ROGER MATHIS, REPRESENTED BY OAK AND ASH REALTY, CASE GC21-010.**

Presented by: David Jones, Community Development Director

Summary: A petition for voluntary expansion of the City's extraterritorial jurisdiction (ETJ) has been filed by the property owners of land located at 2908 East FM 4. Although the majority of the approximately 77.17 acre property is already located in Cleburne's ETJ, approximately 23 acres is located solely within Johnson County's jurisdiction.

The property owners are requesting the City's ETJ be extended to include the approximately 23 acres of land, pursuant to Section 42.022 of the Texas Local Government



Code. Pursuant to Section 1.3 of the City's Charter, the City Council may by ordinance extend its ETJ boundaries and no public hearing is required for this request.

**OR9. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE APPROVING AN AMENDED FINANCE AND PROJECT PLAN FOR TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE.**

Presented by: Chris Fuller, Deputy City Manager

Summary: The Tax Increment Reinvestment Zone Number One (TIRZ 1) Board of Directors met on December 10, 2021, where they unanimously approved changes to the Finance and Project Plan, which was last revised on November 10, 2020. The purpose of this item is to amend the Financing and Project Plan for TIRZ 1 to increase the total estimated project costs from \$9,158,400 to \$10,204,545, while leaving existing projects in the plan unchanged.

The funding allocation within the Project Plan:

- 1) Allocate \$1,046,145 to project #6 "Sparks Drive (SH121 to east)"

**RS6. \*PUBLIC HEARING\* CONSIDER A RESOLUTION ESTABLISHING THE CITY OF CLEBURNE PROPERTY ASSESSED CLEAN ENERGY ("PACE") PROGRAM.**

Presented by: Grady Easdon, Economic Development Manager

Summary: On December 14, 2021, City Council adopted a Resolution of Intent to establish the Property Assessed Clean Energy (PACE) Program for the City of Cleburne and set January 11, 2022 as the public hearing date for establishing the program.

The Property Assessed Clean Energy (PACE) Program is an economic development tool that provides low-cost, long-term financing for commercial, industrial, and multi-family properties. Under the program, loans are made available by financial institutions to property owners for buildings that implement energy-efficient, distributed generation, water conservation and other "green" building strategies. The program is authorized by Chapter 399 of the Local Government Code in 2013 and has been approved for use in 33 states, and 500 counties and cities nationwide. In Texas, approximately 50 cities and counties have adopted PACE programs. The PACE program encourages energy efficiency, conservation, green building strategies and economic development without the use of taxpayer dollars.

There are limited risks with the program. The City is indemnified from all financial risk related to the loans. Risks are associated with requirements for notifications to property owners related to liens or assessments or risks related to the administrators. If the City becomes dissatisfied with an administrator, the agreement may be terminated with 30 days' notice. If an administrator goes out of business, the City may assign its properties to an alternate administrator.

A professional services agreement with Lone Star PACE for administration of the program is also on this agenda (January 11, 2022). Program administration is not exclusive and agreements for program administration with other companies may be forwarded to Council for consideration at a later date.

**RS7. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LONE STAR PACE, LLC TO ACT AS AUTHORIZED**

**REPRESENTATIVE IN THE ADMINISTRATION OF THE CITY OF CLEBURNE PROPERTY ASSESSED CLEAN ENERGY (“PACE”) PROGRAM.**

Presented by: Grady Easdon, Economic Development Manager

Summary: The Professional Services Agreement is with Lone Star PACE for administration of loans associated with the program. The agreement has specific scope included, but generally includes the following:

- Community Outreach. This involves promoting the program, training contractors, and maintaining documents and an associated website.
- Application and Approval Process. This involves making the application available, reviewing applications to ensure that they are appropriate and complete, and coordinating with reviewers, owners, contractors, and lenders from application through closing of the loan.
- Managing and Reporting. This involves tracking status of loans, providing notices for assessments, and providing annual reports to the City.

There is no expenditure of City funds with this agreement. All costs are paid through loan application fees, loan closing fees, and a percentage of the outstanding balance on the loan. Program administration is not exclusive and agreements for program administration with other companies may be forwarded to Council for consideration at a later date.

**OR10. CONSIDER AN ORDINANCE AWARDING BIDS AND AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTIES.**

Presented by: Grady Easdon, Economic Development Manager

Summary: City staff solicited sealed bids for the sale of city-owned properties located at 1903 North Granbury Street, (old fire station #3) and three vacant lots located at 401 Royal Street, 402 Robbins Street, and 403 Royal Street (site of old Earl Williams Grocery, formerly 614 North Brazos Street). Advertisements were placed in the Cleburne Times Review on November 13 and November 20 editions, which included a QR code directing to the website where the bid specifications and appraisals were located. Signs with QR codes were also posted at each location as well. Friday, December 3, 2021 at 5:00 was the deadline for all sealed bids. Bid openings were conducted separately for each property location beginning at 2:00 pm on Monday, December 6, 2021.

The bid results are as follows:

- 1903 North Granbury Street, Lot 14, Block 106, College Heights Addition
  - High Bidder – Shine Together, a non-profit charity represented by Shana Peacock
  - Bid amount - \$102,345.67
- 401 Royal Street, Lot 7R, Block 3, Santa Fe Addition
  - High Bidder – United Trinity Homes, LLC, Joel Sesmas
  - Bid amount - \$18,000
- 402 Robbins Street, Lot 2R, Block 3, Santa Fe Addition
  - High Bidder – United Trinity Homes, LLC, Joel Sesmas
  - Bid amount - \$2,000
- 403 Royal Street, Lot 6R, Block 3, Santa Fe Addition
  - High Bidder – United Trinity Homes, LLC, Joel Sesmas



- Bid amount - \$18,000

Initially, there were no bids submitted for 402 Robbins St. Therefore, the high bidder for 401 and 403 Royal St, Joel Sesmas with United Trinity Homes, was given an opportunity to submit a bid.

**RS8. CONSIDER A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH CLEBURNE INDEPENDENT SCHOOL DISTRICT REGARDING THE WAIVING OF CERTAIN BUILDING PERMIT AND INSPECTION FEES FOR THE EXPANSION AND RENOVATION OF WHEAT AND SMITH MIDDLE SCHOOLS.**

Presented by: Steve Polasek, City Manager

Summary: The Cleburne Independent School District (CISD) is currently in the early stages of a significant expansion and renovation project involving the Wheat Middle School campus and minor improvements to the Smith Middle School campus. Estimated at approximately \$66.0 million dollars, this project will play a prominent role in the community for generations to come. Given the size, scope and cost, these projects will generate significant building permit and inspection fees initially estimated at about \$40,000. There exists the opportunity for the City to assist the CISD by waiving a portion of the building permit fees (fifty percent) up to an amount not to exceed \$20,000, excluding any mechanical, electrical and plumbing contractor registration permits or any costs tied to the delivery of water and waste water service. This would allow the CISD to invest these additional funds back into the projects for the long-term benefit of the students and community. Since we are not anticipating any third party reviews with these projects, it would also ensure that the City is able to recover its costs pertaining to inspections and the issuance of permits.

The City previously provided a similar exemption in August of 2017 by agreeing to waive a portion of the fees (up to \$60,000) associated with the improvements to Cleburne High School.

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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 551.074. Deliberation regarding Personnel Matters.** The City Council may convene in executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees:

**EXE3.** Succession planning for City Management

**Section 551.087. Deliberation Regarding Economic Development Negotiations.** The City Council will convene into executive session to deliberate the offer of financial or other incentives to a business prospect that the City seeks to have locate in the City and with which the City is conducting economic development negotiations related to the following matter:

**EXE4.** Discuss the Legado Development (Formally Mayfield Ranch) project and their request for a development agreement