



CITY COUNCIL REGULAR MEETING AGENDA
NOVEMBER 8, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

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 4:45 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
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 Carol 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 – Cleburne Veterans Day, November 11, 2022, Marty Peters

CMP2. PROCLAMATION – National Native American Heritage Month, Iva Foster

CMP3. PRESENTATION – 2022 Texas Planning Award by the Texas Chapter of the American Planning Association

CONSENT AGENDA

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 OCTOBER 11, 2022 AND OCTOBER 25, 2022 REGULAR COUNCIL MEETINGS.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL DECEMBER 13, 2022.

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 December 13, 2022 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION AUTHORIZING THE ASSIGNMENT OF EXISTING TRACT 501 LEASE AGREEMENT WITH PARTNERS AVIATION, INC TO STEPHEN M. REID, II.

Presented by: Garrett Watson, Interim Airport Manager

Summary: Mr. Clifford Holden of Partners Aviation, Inc. would like to assign the remainder of his existing lease to Stephen M. Reid, II. Mr. Holden built the hangar on tract 501 in 2000 and has a current lease with eight (8) years remaining. Council had previously approved a new lease agreement extending the lease for another 30 years. However, after consideration by Mr. Holden and Mr. Reid, it is preferred to utilize the existing lease and are asking the remaining eight years be transferred. The current rates in the existing lease are \$0.0681 per square foot per year, which is calculated as follows:

- 6,700 square feet x \$0.0681 = \$456.27 and paid to Landlord on an annual basis no later than the last day of the month in which the lease assignment is commenced.

The Airport Board met for a Special Meeting on Monday, October 26 and unanimously approved a recommendation to Council to approve the lease assignment.

RS3. CONSIDER A RESOLUTION ACCEPTING THE CLEBURNE PUBLIC LIBRARY FIVE YEAR PLAN (2023 – 2028).

Presented by: Tina Dunham, Library Director

Summary: The Texas State Library requires each public library applying for membership in the Texas Library System to have a long-range plan approved by its governing body. This plan will

provide a framework for the delivery of services and programs for the Library for the next five years (2023 – 2028).

RS4. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH FREESE AND NICHOLS, INC FOR CONSULTING SERVICES TO UPDATE CHAPTER 156: SIGN REGULATIONS OF THE CODE OF ORDINANCES FOR AN AMOUNT NOT TO EXCEED \$63,235.

Presented by: David Jones, Community Development Director

Summary: Chapter 156 of the Code of Ordinance regulates commercial and non-commercial signage within the City of Cleburne. The current ordinance was developed between 2014 and 2015 in conjunction with updates to the City's Comprehensive Plan and Future Land Use Map. Signage allowed under the current code generally depends on which Future Land Use District the property lies within.

With the City's update to the Future Land Use Map in April 2022, the previous land use districts have been superseded by the revised map. It is also considered best practice to align signage regulations with a property's zoning district and/or roadway frontage (including length of frontage, road classification, and number of driveways), two factors that provide more direct present-term benefit to the property owner than the future land use designation and thus a stronger legal framework for regulation.

The proposed professional services agreement would enable the City to update Chapter 156 with regulations based on zoning and roadway frontage, along with other layout and administrative improvements within the code, such as greater use of diagrams and images and more specific regulations governing temporary and portable signage. Permanent signage allowed under the new code is anticipated to mirror what is allowed under the existing code, with photo documentation and approved plans of existing conforming signs being used to ensure that the new regulations do not unintentionally create a large number of non-conforming signs in Cleburne.

Under the terms of the contract, Freese and Nichols, Inc. would be retained to develop the revised ordinance and to assist staff with conducting up to three workshops with Council to obtain feedback on the proposed changes. Because the update would consist largely of layout and administrative improvements (with minimal to no change to allowable signage size, number of signs allowed, or signage types), public outreach would consist of one educational session with local sign contractors following adoption of the changes. The project is anticipated to take nine months from contract approval to presentation for adoption.

OC1. CONSIDER AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE LAYLAND MUSEUM'S WEST ELEVATION REPOINT RENOVATION BY MID-CONTINENTAL RESTORATION COMPANY, INC FOR AN AMOUNT NOT TO EXCEED \$57,437.56.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The purpose of the Layland Museum mortar repoint is to preserve and protect a community icon located in the downtown corridor. The second of a three-phased project calls for a contractor to mobilize and remove deteriorated mortar from the joints, place and seal new sound mortar, and protect the historic building. The second phase will address repointing on the west façade of the building. The first phase addressed the north façade and was completed in

fiscal year 2022 by Mid-Continental Restoration, Inc. The third phase is anticipated for fiscal year 2024 and will potentially address the east and south facades.

The Layland Museum was opened in 1905 as a Carnegie Library and served as the City's primary library until 1978, when it was established as a museum. The museum houses over one thousand artifacts celebrating Cleburne and Johnson County's past.

Mid-Continental Restoration, Inc. is recommended for this project utilizing TIPS Contract #200201, for an amount not to exceed \$57,437.56. Following approval by City Council, Mid-Continental Restoration, Inc. will work with the Texas Historical Commission to review the museum's plan to ensure that all work will conform to the Secretary of the Interior's Standards for the treatment of historic properties.

OC2. CONSIDER AUTHORIZING THE EXPENDITURE OF FUNDS FOR MAIN DECK RENOVATION AND STAIRCASES AT CLEBURNE GOLF LINKS BY BROOKS COMMERCIAL CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED \$66,000.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: On October 21, 2022, three bids were opened for the renovation of the main golf course deck, along with three alternatives. Cleburne Golf Links was opened in 2009. A waterproof barrier system and joists were not utilized for the original deck and in 2018 renovations were made to the support system to remove untreated lumber. Staff recommends selecting Brooks Commercial Construction for this project including the alternative Option 3 (staircases) for an amount not to exceed \$66,000. The main deck renovation consists of the following:

- Demo existing deck flooring and damaged nailer boards
- Haul off and replace any damaged or rotted nailer/joist boards.
- Install waterproof nailer/joists or waterproof barrier system beneath Trex surface, over joists to prevent premature deterioration
- Install new Trex decking using Trex hidden fastener system
- Provide all labor, materials, and equipment necessary to complete the demo and install new Trex decking
- Protect building and surrounding areas & structure from future damage
- Quote must include the total price for the deck, including labor, materials, and equipment

Add-On Option #3

- Demo existing Trex surface on staircases at each end of the deck; haul off debris
- Replace any support structures needed

ACTION AGENDA

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR PARKING HEAVY LOAD VEHICLES ON ±4.902 ACRES, ZONED I (INDUSTRIAL DISTRICT), LOCATED AT 1807 SOUTH MAIN STREET, ZC22-028.

Presented by: David Jones, Community Development Director

Summary: The applicant, Pinnacle Transport Group, represented by Felix Wong, has submitted a request for a Specific Use Permit (SUP) for a parking lot for heavy load vehicles for short-term staging and delivery located at 1807 S. Main Street. The applicant is proposing to utilize the existing building on-site for the storage of office supplies and vehicle maintenance equipment as well as proposing a new building that will serve as an administration office. The applicant has provided a letter of intent and a site plan detailing the proposed business.

The Planning and Zoning Commission considered this request at their October 24, 2022 meeting and recommended approval by a vote of 5-1 with the following condition:

- i. The landscaped edge along the north and northwest property line (along the Main Street ramp to State Highway 171) be installed and meet the landscaping requirement per the Zoning Ordinance.

Following the Planning and Zoning Commission meeting, the applicant submitted a revised site plan showing the required trees within the landscape buffer along the north and northwest property line as recommended.

OR2. CONSIDER AN ORDINANCE CONSENTING TO THE EXPANSION OF THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE TO INCLUDE THE ENTIRETY OF A 148.87 ACRE TRACT OUT OF THE JACKSON COUNTY SCHOOL LAND SURVEY, ABSTRACT 435, JOHNSON COUNTY, TEXAS, CASE GC22-013.

Presented by: David Jones, Community Development Director

Summary: A petition for voluntary expansion of the City's extraterritorial jurisdiction (ETJ) has been filed by Morgan Acres, LLC and MKP Unlimited Investments, LLC, represented by JW Morgan, the owners of land located at the northeast corner of FM 1434 and County Road 1224. Currently, a 74-acre portion of the 149-acre property lies within the City's ETJ with the remainder (approximately 75 acres) located within unincorporated Johnson County.

The owners are requesting to be brought into the City's ETJ for the purpose of submitting a plat for single-family residential development, with the City as the sole platting jurisdiction. The Future Land Use Map shows the surrounding area as Low-Density Residential, and limited utilities exist at or near the site. If this request and subsequent plat are approved, the property would likely be served by Johnson County Special Utility District (JCSUD) or well water along with individual septic systems. No zoning would apply within the ETJ.

Pursuant to Section 42.022 of the Texas Local Government Code and 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.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS, CHAPTER 50: GARBAGE AND TRASH, SECTION 50.11 HAULING GARBAGE TO LANDFILL OR TRANSFER STATION; FEE SCHEDULE: CITY CLEANUP WEEK.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City has contractually granted Progressive Waste Solutions of TX, Inc. (Service Provider) the exclusive franchise, license, and privilege to collect, haul, and recycle or dispose of municipal solid waste, construction and demolition waste and recyclable materials within the

City's corporate limits. The contract allows for rate adjustments based on Consumer Price Index or Operating Cost Adjustments. The weighed dump rates assessed by the City include a rate for the costs charged by the Service Provider for waste hauling and disposal. The City desires to adjust its fees and establish a process to pass through fee adjustments that occur by the Service Provider in accordance with the franchise contract.

The proposed ordinance amendment will adjust the rate charged for refuse deposited at the transfer station from \$56.02 per ton to \$65.00 per ton for non-residents and business not located within the cooperate City Limits of Cleburne. The ordinance will also be amended to reflect an adjustment of the rate in the event the rate charged by the Service Provider for waste hauling and disposal is adjusted, per the terms of the agreement. The adjustment shall be passed through to the customers of the City of Cleburne's Transfer Station and any percentage change shall be applied to the per ton rate in Section 50.11, Subsection (B)(3)(b)(2).

OC3. CONSIDER AUTHORIZING THE EXPENDITURE OF FUNDS FOR ATHLETIC FIELD RENOVATIONS OF FIELDS 4, 5, AND 6 AT THE SPORTS COMPLEX BY TEXAS MULTI-CHEM, LTD FOR AN AMOUNT NOT TO EXCEED \$175,357; FUNDING OVERAGES OF \$45,357 WILL BE UTILIZED FROM THE ROBOTIC FIELD PAINTER; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The purpose of this project is to renovate athletic fields 4, 5 & 6 at the Cleburne Sports Complex to address long-standing drainage and grading issues by replacing the infield mix on these fields with a composition of approximately 60% clay, 20% sand and 20% silt. This composition is considered the best mix of these three materials for maintenance and drainage purposes.

This project has been reduced in scope (originally included skinned infields on field 3 and 7). The initial budget for this project was quoted at \$130,000 and included five fields. Costs from original projections have increased significantly due to inflation, and increases in fuel and material. Staff recommends moving forward with the renovations to fields 4, 5 & 6 at this time. These fields will require the most intensive and extensive work and are baseball-only fields, with baseball being the primary usage. Cost quotes for fields 4, 5 & 6 total \$159,415. An additional \$15,941 contingency (10%) is being included should change orders be required during the project. A Robotic Field Painter was included in the budget for the Sports Complex at \$52,000. Staff recommends utilizing the funding from the robotic field painter to offset the increased amount for field renovations.

Additionally, staff will be contributing to the success of this project by performing the initial demolition and removal of the existing infield mix on these fields. This mix will be reused to augment the infields at the Old Sports Complex and likely Don Moore Field and Carver Park field as well. Staff will conduct a preconstruction meeting with the contractor to establish the scheduling and sequencing of the work. Barring unforeseen complications, the renovations will be complete no later than Mid-February 2023. This timing is intended to ensure the 2023 season can begin on time.

Texas Multi-Chem is being considered for this project utilizing TMC BuyBoard Contract #611-20, for an amount not to exceed \$175,357. The 4B Economic Development Board of

Directors considered and unanimously recommended this purchase at their November 3, 2022, meeting.

OR4. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#1) BY APPROPRIATING FUND 55 FUND BALANCE RESERVES TO EXPENDITURES.

Presented by: Rhonda Daugherty, Director of Finance

Summary: As discussed at the October 25, 2022 regular city council meeting, staff is recommending to appropriate available fund balance reserves in Fund 55, Performance Bond Fund for Fiscal Year 2023.

Fund 55 was developed to track savings and costs associated with the performance contract. Project related savings and increased revenue, as applicable, from the General Fund, Transportation Fund, Airport Fund and Water & Wastewater fund were transferred to Fund 55 to provide for the payment of the SECO Revolving Loans and the 2009 Combination Tax and Revenue Bonds. As of Fiscal Year 2021, the outstanding debt has been paid. The remaining funds may be used for any purpose designated by Council.

OR5. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#2) BY INCREASING APPROPRIATIONS BY \$194,704 FOR DEBT SERVICE EXPENDITURES ASSOCIATED WITH THE LEASE-PURCHASE FINANCING OF A PUMPER TRUCK APPROVED IN NOVEMBER 2021.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Staff is requesting a budget amendment to the Debt Service Fund budget appropriations to include the first installment on the lease financing for the Spartan 4-door Custom Cab 1500 GPM Pumper Truck approved for purchase by RS11-2021-161, approved by Council at the November 9, 2021 Council meeting. The first payment for the lease obligation was included in calculation of the FY2023 interest and sinking property tax rate, therefore included in the FY2023 revenue projections. However, the payment was excluded from the expenditure budget for Fiscal Year 2023.

The proposed addition will be funded from the Debt Service Fund fund balance and will result in total adopted Debt Service Fund expenditures from \$1,131,182 to \$1,325,886, reducing the projected ending fund balance from \$1,526,902 to \$1,332,198.

DISCUSSION & UPDATES

OC4. DISCUSS PROVIDING ENTERTAINMENT AT MARKET SQUARE IN COLLABORATION WITH SPRINGFEST UTILIZING AVAILABLE HOTEL-MOTEL FUNDS PREVIOUSLY ALLOCATED TO THE MARKET SQUARE CONCERT SERIES.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: Historic Downtown Cleburne hosted SpringFest with the intent for this event to become a premier draw for Cleburne. This event provides activities for community members and

guests alike. Happenings include vendor booth areas, children's activities, games, food trucks, and live music. The event spans downtown from Wright Plaza to E. Willingham St. and Main St. to N. Anglin St.

During the budget process, funding from the Market Square Concert Series was reallocated to the Chisolm Trail Outdoor Museum. Staff was encouraged to develop new opportunities for the utilization of funding. Although generally well received, the Market Square Concert Series was limited for future expansion without partnerships from other organizations. Working with the SpringFest organizers will allow for such an expansion. The event hosts will be able to focus on vendors, food trucks, and other activities, while the Parks & Recreation team can provide entertainment during the two-day event. Utilizing Market Square will expand the footprint of SpringFest, allowing for more activities to be held downtown. Working with SpringFest will further establish it as a premier event in Cleburne and a draw for tourism in our community.

OC5. UPDATE ON POTENTIAL AMENDMENTS TO THE ZONING ORDINANCE (CODE OF ORDINANCES CHAPTER 155) FOR THE PURPOSE OF ADDRESSING IMPACTS OF MEDIUM AND HIGH-DENSITY HOUSING.

Presented by: David Jones, Community Development Director

Summary: Since the Zoning Ordinance was adopted in April 2022, multiple requests for medium and high-density residential zoning (MF-1 and MF-2) have come before the Planning and Zoning Commission and City Council or are currently proposed. Several of these requests have included a proposal for duplexes, which are currently allowed only in the MF-1, multi-family district. Others have proposed higher-density multi-family consisting of multiple three-story buildings. Two additional proposals for high-density multi-family zoning have been proposed, but not yet presented to P&Z and Council.

While the new Zoning Ordinance introduced or modified certain design and density requirements for medium and high-density housing (housing that consists of more than one unit on a lot or more than eight (8) dwelling units per gross acre), additional improvements may reduce the impacts these developments potentially create with respect to lower-density housing and increase the quality of higher-density developments. Impacts include, but are not limited to, increased traffic, inappropriate height or scale compared to neighboring single-family development, and uncertainty regarding the end product due to the range of multi-family types available in the MF districts.

Six proposed improvements are presented for Council's consideration. Five are specific to non-single-family residential while the sixth is considered beneficial for all residential development:

1. Creation of a standalone duplex district, similar to the D district in the old zoning ordinance;
2. Allowing duplexes by SUP in the SF-6, single-family district and by conditional approval in both MF-1 and MF-2, multi-family districts;
3. Height limitations (overall height and/or number of stories) for multi-family when adjacent to single-family or duplex development;
4. Height slope applicable to multi-family when adjacent to single-family or duplex development;
5. Requirement for a binding concept plan when rezoning to a non-SF district;
6. Requirement for meandering streets or reduced block length in residential districts.

EXECUTIVE SESSION

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 City of Cleburne's legal options for water right acquisitions and long term water sources
- EXE2.** Seek legal advice from the City Attorney regarding the Cleburne Station Development and Incentive Agreement

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 **Friday, November 4, 2022**, 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



Reasonable accommodations to furnish auxiliary aids or services for persons with special needs will be provided when at least two working days' notice is given. Contact the City Secretary's office at (817) 645-0908 or by fax (817) 556-8848.