



**CITY COUNCIL REGULAR MEETING AGENDA**  
**JUNE 13, 2023 @ 5:00 PM**  
**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 PM the same day will be distributed to the Council for consideration.

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**I. ROLL CALL AND CALL TO ORDER**

**City Council:**

**Scott Cain, Mayor**  
**Derek Weathers, SMD 1**  
**Blake Jones, SMD 2**  
**Mike Mann, Mayor Pro Tem/SMD 3**  
**John Warren, SMD 4**

**Administration:**

**Steve Polasek, City Manager**  
**Ashley Dierker, City Attorney**  
**Ivy Peterson, City Secretary**

**II. INVOCATION** - Pastor Johnathan Halton, Cleburne Full Gospel Holy Temple

**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. PRESENTATION** - 2023 March All Star Austin Nguyen, Water Distribution

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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 MAY 23, 2023 REGULAR COUNCIL MEETING.**

**OR1. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#6) BY INCREASING APPROPRIATIONS BY \$15,000 FOR FREIGHT CHARGES ASSOCIATED WITH RETURNING LEASED GOLF CARTS FOR CLEBURNE GOLF LINKS.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This proposed budget amendment is to increase appropriations in the Cleburne Golf Links division for unanticipated freight charges associated with the return of the golf carts leased in 2017. This amendment results in an increase to the appropriations for Cleburne Municipal Golf – Other Services (01-55-8699) in an amount of \$15,000.

Under an agreement approved by Resolution RS07-2017-55, Cleburne Municipal Golf leased golf carts from EZ-GO, a Textron Company (Lessor), to provide golf carts for the municipal golf course operations. This lease, dated June 27, 2017, was extended by Resolution RS04-2022-54 due to the delivery delays experienced for replacement carts. The replacement carts are now in the process of being delivered and the return of the old carts is being coordinated with the Lessor.

The original agreement approved in 2017 requires the return of the carts at the Lessee's expense to a location designated by the Lessor. At the time of the lease arrangement, the intended delivery location was at the Lessor's DFW facility. The City has been informed by the Lessor that there is no available space at this location, therefore the golf carts must be returned to their location in Augusta, Georgia. The freight cost was not known at the time of development of the Fiscal Year 2023 budget, thus the need for the budget amendment. The proposed additions to the General Fund (Fund 01) will be funded from fund balance reserves, increasing total adopted expenditures and transfers from \$53,355,971 to \$53,370,971 and decreasing the adopted Fund Balance from \$13,263,538 to \$13,248,538.

**RS1. CONSIDER A RESOLUTION AUTHORIZING THE CHANGE OF MAJORITY CONTROL IN OWNERSHIP OF CLEBURNE BASEBALL, LLC AND AMENDING THE STADIUM LEASE AGREEMENT.**

Presented by: Steve Polasek, City Manager

Summary: The City of Cleburne currently has a stadium lease agreement with Cleburne Baseball, LLC (CBLLC) for use of La Moderna Field to host their professional league baseball team (Cleburne Railroaders), as well as a variety of other activities. CB Investors, LLC is currently the majority stakeholder in CBLLC with a 51.5% interest. CB Investors, LLC has entered into an agreement to sell and assign their 51.5% interest in CBLLC to Railroaders Baseball Partners, LLC (RBPLLC). Railroaders Baseball Partners, LLC is a group of existing minority investors of CBLLC, along with some additional baseball and entertainment executives.

Per Section 18.4 of the stadium lease agreement between the City and CBLLC, CBLLC must notify and request written consent from the City prior to a Change of Control. Such consent shall not be unreasonably withheld. A formal written request from CBLLC was submitted to the City on May 22, 2023, and is included as an attachment to this memo.

**18.4 Change of Control.** *Tenant shall not cause or permit to occur a Change of Control without the prior written consent of Landlord; provided, that if the Change of Control will result in a*

*Tenant under this Lease (1) with substantial experience in the management and operation of a professional baseball team and related stadium (2) who can demonstrate reasonable financial strength to conduct such operations and (3) who has entered into franchise agreement relating to playing of professional baseball games at the Demised Premises, then Landlord shall not be entitled to unreasonably withhold or delay its consent to the Change of Control.*

If Change of Control is approved, RBPLLC would obtain 100% interest in CBLLC. Railroaders Baseball Partners, LLC includes members with ownership interest in Top Tier Sports. Top Tier Sports is currently a minority owner of the Cleburne Railroaders, as well as several other professional sports teams including minor league hockey and lacrosse. The proposed majority ownership group also includes investors with direct ties to the Texas Rangers organization and REV Entertainment, a full-service sports, events and entertainment company.

The Cleburne Railroaders play in the American Association of Professional Baseball (AAPB). The Commissioner's Office of the AAPB has received the application for Change in Controlling Interest. The Commissioner's Office has reviewed the application and undertaken their due diligence determining that the new majority stakeholders meet the ownership requirements of the league. As such, they are prepared to submit the application to the AAPB Board of Directors for approval on June 14, 2023, assuming City consent for Change of Control has been obtained. With the exception of contact name and notification information, there would be no changes to the existing stadium lease agreement as a result of the Change of Control.

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## ACTION AGENDA

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**OR2. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 90: AIRPORT, REPEALING AND REPLACING SECTIONS 90.080 THROUGH 90.091 BY ADOPTING A HEIGHT HAZARD ZONING ORDINANCE AND ASSOCIATED AIRPORT HAZARD ZONING MAP FOR CLEBURNE REGIONAL AIRPORT, AND AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING, BY REPLACING THE AIRPORT HAZARD ZONING MAP REFERENCED BY SECTION 4.06.F.3.b WITH THE AIRPORT HAZARD ZONING MAP DEVELOPED UNDER THE ADOPTED CLEBURNE REGIONAL AIRPORT MASTER PLAN, CASES GC23-003 AND GC23-004.**

Presented by: David Jones, Community Development Director

Summary: The Cleburne City Council adopted the Cleburne Regional Airport Master Plan developed by Coffman Associates on December 13, 2022. Included with the Master Plan was the Airport Height Hazard Zoning Map and a model airport hazard zoning ordinance developed to implement the hazard map. The draft regulations presented for consideration are based on the model ordinance included in the Airport Master Plan. Pursuant to Texas Local Government Code Chapter 241, the City Council is required to adopt the airport hazard zoning ordinance following a public hearing and recommendation from the Joint Cleburne-Johnson County Airport Zoning Board and the Planning and Zoning Commission.

**OR3. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±0.29 ACRES FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO D (DUPLEX DWELLING DISTRICT) WITH AN ASSOCIATED CONCEPT PLAN FOR ONE**

**(1) DUPLEX DWELLING CONSISTING OF TWO (2) UNITS AT 516 MARENGO STREET, CASE ZC23-023.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Nicole Williams, has requested to rezone approximately 0.29 acres from SF-7 (Single-Family District) to D (Duplex Dwelling District) for the property located at 516 Marengo Street. The applicant intends to rezone the subject property for the construction of one (1) duplex consisting of two (2) units. The applicant has submitted a conceptual site plan and building elevation to be considered as part of this straight zoning request. The Planning and Zoning Commission considered this request at their May 22, 2023 meeting and recommended approval by a vote of 7-0.

**OR4. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING, SECTION 3.04 CONDITIONAL DEVELOPMENT STANDARDS, BY ADOPTING STANDARDS RELATED TO THE USE AND SCREENING OF OUTDOOR APPLIANCE STORAGE, CASE GC23-005.**

Presented by: David Jones, Community Development Director

Summary: The proposed amendment consists of updates to outdoor storage regulations to specifically address storage of appliances at retailers and repair shops. Existing outdoor storage regulations in Chapter 155 are general in scope, addressing a wide variety of stored items and locations. The proposed regulations would create screening requirements specifically for the outdoor storage of appliances such as refrigerators, ovens, dishwashers, and similar items. The storage of such items often occurs at visible locations at retail businesses and along busy commercial corridors, where adequate screening of outdoor storage is of utmost value and effectiveness.

Appliance storage may occur as an accessory to a variety of uses, including retail sales, secondhand stores, thrift stores, consignment stores, or repair shops. Outside storage may also occur as a principal use, which in most cases requires a Specific Use Permit (SUP). The included text amends Section 3.04 – Conditional Use Standards by establishing a size limitation for the outdoor storage of appliances, screening material requirements, and provisions for expansion of existing outdoor appliance storage in the City.

These regulations would apply to outside storage that is conducted with an underlying by-right use. Site plan approval would be required before commencement of the use. In cases where the underlying use requires an SUP, the Planning and Zoning Commission and City Council would retain the ability to require additional measures to mitigate the outside storage.

At its May 22, 2023 meeting, the Planning and Zoning Commission voted 7-0 to recommend approval of the ordinance amendment with the following considerations for City Council:

- i. Review the safety protocols, specifically related to air tight appliances, to prevent children from accessing the appliances; and
- ii. Review the proposed screening devices both for appearance and effectiveness of screening from the neighboring properties.

**RS2. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF RUSTIC ELM, CONSISTING OF RESIDENTIAL, COMMERCIAL, AND OPEN SPACE LOTS ON ±17.346 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF WEST KILPATRICK AVENUE AND APPROXIMATELY 1,400 FEET WEST OF GRANBURY STREET, CASE PC23-022.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Topographic, represented by Forrest Nance, requests approval of the final plat for Rustic Elm, which consists of 37 single-family detached residential lots, six (6) duplex lots, two (2) commercial lots, and one (1) open space lot. The property is generally located on the north side of W. Kilpatrick Avenue and approximately 1,400 feet west of Granbury Street. The final plat complies with the requirements as outlined in Chapters 154 and 155 of the Code of Ordinances. The Planning and Zoning Commission considered this request at its May 22, 2023, meeting and recommended approval with a vote of 7-0.

**OR5. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE AMENDING THE CODE OF ORDINANCES REVISING TITLE VII, "TRAFFIC CODE," CHAPTER 71, "TRAFFIC REGULATIONS," SECTION 71.25, "OPERATION OF LARGE TRUCKS ON CITY STREETS" TO DESIGNATE A COMMERCIAL NORTH-SOUTH TRUCK ROUTE ALONG MAIN STREET TO PROHIBIT COMMERCIAL TRUCK TRAFFIC FROM TRAVELING EAST AND WEST THROUGH DOWNTOWN CLEBURNE.**

Presented by: Rob Severance, Police Chief

Summary: City Council passed Resolution No. RS01-2019-05 on January 22, 2019, supporting the City staff in working with the Texas Department of Transportation (TxDOT) and the North Central Texas Council of Governments to designate a commercial north-south truck route along Main Street that will prohibit commercial truck traffic from traveling east and west through the Downtown Cleburne area. Texas Department of Transportation prepared a truck route map and signs. Additionally, TxDOT has an internal restriction on Business 67 for oversize loads. This means that they avoid issuing permits for oversize loads that are listed to go on Business 67 (Henderson) from SH 171 to US 67 on the west side of town. The City's goal is voluntary compliance, and observationally, it appears there are through trucks using the TxDOT truck routes. However, to enable enforcement it will be necessary to amend the Code of Ordinances revising Title VII, "Traffic Code," Chapter 71, "Traffic Regulations," Section 71.25, "Operation of Large Trucks on City Streets," which currently designates all state-maintained highways running through or into the City as truck routes. Staff will also need to work with TxDOT to place "No Thru Trucks" signage.

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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.** 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)
- EXE2.** Actions taken and to be taken related to water line damage cost of repair located at 1004, 1006, and 1100 blocks of Spell Street

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

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### CERTIFICATION

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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](http://www.cleburne.net) and said Notice was posted on **Friday, June 9, 2023**, 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.