



**CITY COUNCIL REGULAR MEETING AGENDA**  
**FEBRUARY 28, 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 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: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**

**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 by Pastor Todd Barham, Hope Church**

**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**

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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 FEBRAURY 14, 2023 REGULAR COUNCIL MEETING.**

**RS1. CONSIDER A RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE'S SEMI-ANNUAL REPORT, YEAR-END 2022, AS TO THE PROGRESS OF THE CAPITAL IMPROVEMENT PLAN OF THE CITY OF CLEBURNE WATER, WASTEWATER, AND ROADWAY IMPACT FEE ORDINANCE.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: Pursuant to Chapter 395 of the Texas Local Government Code, the City of Cleburne Capital Improvements Advisory Committee (CIAC) is required to file semi-annual reports to the City Council on the administration of the city's impact fee program. Staff provided the semi-annual presentation of revenues and expenditures for water, wastewater, and roadway impact fees to the CIAC on February 13, 2023. The CIAC's recommendation on the City of Cleburne's water, wastewater, and roadway impact fee program is to continue forward with no changes at this time.

**OC1. CONSIDER AUTHORIZING THE EXPENDITURE OF FUNDS FOR TURF CHEMICAL MAINTENANCE AT THE SPORTS COMPLEX BY TEXAS MULTI-CHEM FOR AN AMOUNT NOT TO EXCEED \$22,538; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Presented by: Brian Daly, Assistant Director of Parks & Recreation

Summary: This item calls for Texas Multi-Chem to oversee the application of post-emergent, pre-emergent, and ant control for the year. The selected fertilizer is based on the facility's needs and will help provide guests with safe and vibrant field conditions. Texas Multi-Chem was chosen for this program utilizing BuyBoard (#611-20) for an amount not to exceed \$22,538. The 4B Economic Development Corporation Board of Directors considered and unanimously recommended this purchase at the February 16, 2023, meeting.

**OC2. CONSIDER ACCEPTING THE ANNUAL RACIAL PROFILING REPORTS FOR THE POLICE DEPARTMENT, CITY MARSHAL'S OFFICE, AND FIRE MARSHAL'S OFFICE.**

Presented by: Rob Severance, Chief of Police

Summary: A report is submitted to City Council pursuant to Texas Code of Criminal Procedure 2.132 and Cleburne Police Department's General Order 2.2 directing such report shall be made annually to the governing body of the City of Cleburne. There are two additional agencies within the City which have law enforcement responsibilities, the Cleburne City Marshal's Office and the Cleburne Fire Marshal's Office. Each agency files the appropriate paperwork annually with the Texas Commission on Law Enforcement.

**OC3. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF JANUARY 2023.**

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**ACTION AGENDA**

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**RS2. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF 4 POINTS ESTATES PHASE I, FOR 14 RESIDENTIAL LOTS, ON ±16.73 ACRES IN THE EXTRATERRITORIAL JURISDICTION OF CLEBURNE, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FM HIGHWAY 4 AND COUNTY ROAD 424, CASE PC22-087.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Prescher Custom Homes, represented by Lisa Prescher, is requesting approval of the final plat of 4 Points Estates Phase I, consisting of 14 residential lots, generally located southwest of the intersection of FM Highway 4 and County Road 424, within the City's Extraterritorial Jurisdiction (ETJ).

The final plat of 4 Points Estates Phase I conforms with the approved preliminary plat and generally complies with the requirements as outlined in Chapter 154 of the Code of Ordinances, with the exception of textual and graphical updates needed on the face of the plat, as detailed in the plat approval process section of the report.

The Planning and Zoning Commission considered this request at its February 13, 2023 meeting and recommended approval with a vote of 5-0, with the conditions as detailed in the plat approval process section of the staff report.

**RS3. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF 4 POINTS ESTATES PHASE II, FOR 45 RESIDENTIAL LOTS AND ONE OPEN SPACE LOT, ON ±59.07 ACRES IN THE EXTRATERRITORIAL JURISDICTION OF CLEBURNE, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FM HIGHWAY 4 AND COUNTY ROAD 424, CASE PC22-091.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Prescher Custom Homes, represented by Lisa Prescher, is requesting approval of the final plat of 4 Points Estates Phase II, consisting of 45 residential lots and one (1) open space lot, generally located southwest of the intersection of FM Highway 4 and County Road 424, within the City's Extraterritorial Jurisdiction (ETJ).

The final plat of 4 Points Estates Phase II conforms with the approved preliminary plat and generally complies with the requirements as outlined in Chapter 154 of the Code of Ordinances, with the exception of textual and graphical updates needed on the face of the plat, as detailed in the plat approval process section of the report.

The Planning and Zoning Commission considered this request at its February 13, 2023 meeting and recommended approval with a vote of 5-0 with the conditions as detailed in the plat approval process section of the staff report.

**OR1. *\*PUBLIC HEARING\** CONSIDER AN ORDINANCE ABANDONING AN ALLEY LOCATED BETWEEN 711 & 713 WEST HENDERSON STREET, BETWEEN LOTS 1 & 1B, BLOCKS 524 & 525 OF THE ORIGINAL TOWN OF CLEBURNE, AS REQUESTED BY JAMES & LINDA WRIGHT FAMILY LP, REPRESENTED BY STEVE LEHRMANN.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The applicant has requested the alley located between Lots 1 & 1B, Blocks 524 & 525 be abandoned. The southern half of the alley was previously abandoned by in 2005 by Ordinance OR05-2005-34.

Notice was given to utility companies and applicable city departments. A utility easement shall be retained with this abandonment as requested by three (3) private utility companies.

Upon closure, the alley will revert to the owner of the adjacent property on each side as of the date of adoption of the Ordinance and the Ordinance shall be recorded in the Official Public Records of Johnson County, Texas.

**RS4. CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH LIONWOOD CLEBURNE, LLC FOR OVERSIZING AND OFFSITE IMPROVMENTS OF SANITARY SEWER AND WATER MAINS ASSOCIATED WITH THE RIVER RIDGE DEVELOPMENT.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: On April 13, 2021, Council approved a Development Agreement with Lionwood Cleburne, LLC in order to extend public water and wastewater facilities, as well as establish development standards for the mixed-use development. At the same meeting, the 327.883 acres were annexed into the City, completing one of the developer obligations in the Agreement.

Work on the development is proceeding, including the submission of construction plans for Phase 1, which will include 145 single family residential lots. As stated in the original agreement, it was anticipated that additional offsite utility projects would be incorporated as an amendment to the agreement, once the scope of those improvements was known. The proposed amendment incorporates four (4) new utility projects, as well as a slight adjustment to the original off-site sewer agreement. The main components of the agreement include:

Establishes Developer Obligations for Design and Construct the following

- Off-site sewer
- Off-site water
- Oversized of lines within the development, to accommodate future growth
- Decommission and reroute sewer from the Woodard Lift Station
- Oversize lines required for the lift station re-route

Establishes City Obligations

- Off-Site Wastewater Cost Participation - \$1,958,698
- Off-Site Water Cost Participation - \$2,003,169
- Participation in the oversize component of sewer lines within the proposed development - \$839,027
- Participation in the decommissioning and re-routing of the Woodard Lift Station - \$981,833
- Participation in the oversize component of sewer lines required to re-route the lift station - \$78,996

**OR2. *\*PUBLIC HEARING\** CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING, SECTION 155.2: ZONING DISTRICTS; SECTION 155.3: ZONING LAND USE REGULATIONS; SECTION**

**155.4: SITE DEVELOPMENT REQUIREMENTS; AND SECTION 155.5: ZONING APPLICATION SUBMITTAL AND PROCESSING PROCEDURES, OF THE CODE OF ORDINANCES, TO AMEND AND ADD REQUIREMENTS DESIGNED TO REDUCE THE IMPACT OF PROPOSED DEVELOPMENT UPON CERTAIN RESIDENTIAL LAND USES, CASE GC22-014.**

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. Several of these requests have included proposals for duplexes, which are currently only allowed in the MF-1, Medium-Density Residential District. Other requests have proposed higher-density multi-family development, consisting of multiple, three-story buildings.

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) and non-residential development, additional improvements such as those proposed here have been shown to reduce impacts to adjacent lower-density housing. Impacts include, but are not limited to, increased traffic, inappropriate height or scale compared to neighboring single-family or duplex residences, and uncertainty regarding the end product due to the range of multi-family types available in the MF districts.

Staff brought forward to the City Council a number of suggested improvements to address these concerns at Council's September 13, 2022 meeting. Council advised staff to take these proposed improvements to the members of the former Zoning Ordinance Advisory Committee for discussion and feedback. Staff met with the members on Monday, October 17, 2022 and received valuable input regarding each of the proposed improvements.

Since that time, staff has worked on refining the language to be incorporated into the Zoning Ordinance for six proposed improvements detailed in this report. Five of the improvements are specific to non-single-family development and the sixth is in direct response to the number of variance requests received when replatting property in the SF-7 District.

The amendments brought forward for consideration include the following:

1. Creation of the D, Duplex Dwelling District;
2. Permitting duplexes in the D District, by SUP in the SF-6 District, and by conditional approval in the MF-1 and MF-2 Districts;
3. Height limitations and height slope applicability for non-residential and multi-family buildings when adjacent to single-family or duplex residences;
4. Complementary building design requirement for non-residential and multi-family buildings when adjacent to single-family or duplex residences;
5. Voluntary concept plan with a straight zoning request; and
6. Substandard replatting exemption in the SF-7 District.

The Planning and Zoning Commission considered these proposed zoning ordinance updates at their February 13, 2023 meeting and voted 4-1 to recommend approval, with Commissioner Svendsen voting against the motion.

**OR3. *\*PUBLIC HEARING\** CONSIDER AN ORDINANCE REQUESTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION TO ESTABLISH THE PRIMA FACIE SPEED LIMITS ON US HWY 67 BYPASS INSIDE THE CLEBURNE CITY LIMITS.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Texas Department of Transportation (TxDOT) has performed a traffic speed study and formally requests the City adopt an ordinance approving their recommended speed limit of 65 MPH to 70 MPH on US Highway 67 Bypass within Cleburne's city limits.

**RS5. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHILDRESS ENGINEERS, INC FOR ENGINEERING SERVICES ON THE CITY OF CLEBURNE AND JOHNSON COUNTY SPECIAL UTILITY DISTRICT WATER CONNECTION PROJECT, FOR AN AMOUNT NOT TO EXCEED \$146,000.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: As the City continues to grow, it is necessary for planning efforts to coincide with the demands placed on the City, including the Water Utility. The City is currently working toward diversifying and expanding the source water for the community. Johnson County Special Utility District is an adjacent utility provider that has the ability to sell potable water to the City of Cleburne. This project includes design of a connection between the two water utilities and associated improvements.

The proposed engineering services agreement includes basic survey and engineering design for lump sum price of \$55,000. Special Engineering Services include detailed site surveying, preparation of easements and ROW descriptions, subsurface utility locations, right of way acquisition and electrical engineering. The total additional compensation for special engineering services shall not exceed \$91,000.00. The total contract not-to-exceed amount is \$146,000.

The design phase for this project will begin immediately and construction is intended to take place this summer. Funding for the project is available from unallocated Utility Fund reserves and will require a budget amendment. The preliminary construction estimates indicated a construction cost of \$550,000.

**RS6. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC FOR DESIGN SERVICES ON THE NOLAN RIVER ROAD INTERSECTION IMPROVEMENTS - WEST HENDERSON & COUNTRY CLUB PROJECT, FOR AN AMOUNT NOT TO EXCEED \$123,000.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City's 2022 Master Thoroughfare Plan identified key intersections throughout the city where improvements could be made to improve traffic flow and safety. The intersections of Nolan River Road with W. Henderson and with Country Club were the two highest ranked of these intersections. This contract will provide for a traffic study and improvements evaluation of



both intersections, providing information that will allow the City to determine the feasibility of future improvements to the intersections.

The intersection of Nolan River at W. Henderson Street will be evaluated for options to correct the offset alignment and determine the need for turn lanes. Because the properties surrounding the intersection are fully developed and widening of the road could have significant impacts to one or more properties, this proposal includes a Phase 1, to provide deliverables of 30% conceptual design plans, and a Phase 2, to provide full construction plans. Only Phase 1 will be authorized under this contract. Phase 1 work will provide adequate information for the City to determine the feasibility of intersection improvements. Phase 2, if the City elects to proceed with design plans, will require a separate, future approval by City Council.

The intersection of Nolan River at Country Club will be evaluated for traffic issues related to the school traffic in the area, identifying and summarizing any suggested improvements. The work will also include an evaluation of traffic circulation within the school property and meeting with school officials to obtain their input on school circulation needs.

The proposed agreement with Kimley-Horn and Associates, Inc., includes the base scope of services as described above for a lump sum fee of \$78,000. Proposed additional services, to be provided on an as-needed basis, are included for a lump sum price of \$45,000. This work includes subsurface data collection and coordination with the Texas Department of Transportation (TXDOT) and utility companies. The total not-to-exceed contract amount is \$123,000, and the time to complete is approximately 4 months. Funding for the design contract was included in the FY23 budget.

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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 City of Cleburne's legal options for water right acquisitions and long-term water sources.

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, February 24, 2023**, by **5:00pm** 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.