



CITY COUNCIL REGULAR MEETING AGENDA
MARCH 14, 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 Daniel Gibbs, Open Heart Ministries

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 – [GOVERNMENT TREASURERS' ORGANIZATION OF TEXAS CERTIFICATE OF DISTINCTION FOR THE CITY OF CLEBURNE'S INVESTMENT POLICY.](#)

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: In a letter dated January 27, 2023, the City of Cleburne was notified the Government Treasurers' Organization of Texas awarded the Certificate of Distinction to the City for its Investment Policy. This award recognizes the City's commitment to maintain a comprehensive

written investment policy that meets the requirements of Government Code Chapter 2256, also known as the Texas Public Funds Investment Act (PFIA). The PFIA requires public entities have an investment policy that includes provisions regarding permissible investments, diversification, ethics, training and reporting. It also requires the governing body to annually review and affirm the investment policy, investment strategy and approved broker/dealers.

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 FEBRUARY 28, 2023 REGULAR COUNCIL MEETING.

OR1. CONSIDER AN ORDINANCE DESIGNATING VOTING DISTRICTS AND POLLING LOCATIONS, AND APPOINTING PRESIDING AND ALTERNATE JUDGES FOR CONDUCTING THE CITY OF CLEBURNE AND CLEBURNE INDEPENDENT SCHOOL DISTRICT MAY 6, 2023 JOINT GENERAL ELECTION.

Presented by: Ivy Peterson, City Secretary

Summary: The City of Cleburne and Cleburne Independent School District intend to engage in a Joint Election Agreement for the May 6, 2023 General Election. For the efficient administration of the joint election, this Ordinance is to establish election districts (i.e., precincts), designate election day polling locations, and appoint presiding and alternate judges for conducting said election. Staff has sought candidates and recommends appointment of the following for their respective District:

District Name	Location Of Polling Place	Judges/Alternates
"District 1/3"	Cooke Elementary School, Cafeteria 902 Phillips Street	Sherry Reeves, Judge Alyson Smith, Alt
"District 2"	Gerard Elementary, Cafeteria 1212 South Hyde Park Boulevard	Kimberly Spalding, Judge Lori (Janelle) Parker, Alt
"District 4"	Booker T Washington Community & Recreation Center, Banquet Hall, 100 Mansfield Road	Richard Gaurkee, Judge Beatrice Lopez, Alt
"Early Voting Ballot Board"	Cleburne City Hall, Conference Room 10 North Robinson Street	Heather Aikman, Judge Daniel Schall, Alt

RS1. CONSIDER A RESOLUTION AFFIRMING THE ANNUAL REVIEW OF THE INVESTMENT POLICY AND STRATEGY FOR THE CITY OF CLEBURNE.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: The Texas Public Funds Investment Act, Government Code 2256, requires public entities have an investment policy and have several provisions regarding permissible investments, diversification, ethics, training and reporting. The governing body is required to

review and affirm the investment policy, investment strategy and approved broker/dealers not less than annually. The governing body must adopt a written instrument by ordinance or resolution stating that it has reviewed the investment policy, investment strategies, approved broker/dealers, and that the written instrument so adopted shall record any changes made to the policy, strategy, and broker/dealers. City Council last approved the policy, which includes the investment strategy and approved broker/dealers, at the regular council meeting held December 14, 2021.

There is one change in the policy that is a result of the Government Treasurers' Organization of Texas (GTOT) review of the City's policy. The GTOT reviewer recommended that the investment policy require monitoring market prices of the investment portfolio on a monthly, rather than quarterly basis, as is stated in the policy. The monthly review has been the practice. However, the policy stated a minimum quarterly review. The proposed policy incorporates this change from a required quarterly review to a best practice monthly review of the investment portfolio. Other minor housekeeping updates, such as line spacing and paragraph headings, have been made.

RS2. CONSIDER A RESOLUTION AMENDING COUNCIL RESOLUTION # RS12-2021-172 FOR THE PURCHASE OF A VEHICLE FOR USE BY THE POLICE DEPARTMENT.

Presented by: Craig Huskey, Assistant Chief of Police

Summary: On December 14, 2021, Council approved Resolution #RS12-2021-172 authorizing the purchase of multiple vehicles and equipment that included a Chevrolet 2500 HD Silverado 4x4 with options, for use by the Police Department. Due to supply chain shortages, the approved supplier is unable to provide this make and model until 2024 at the earliest. Staff has identified other suitable brands with similar standard specifications that are available considerably sooner than the Chevrolet brand vehicle. This resolution is to amend the original resolution and allow the purchase of a suitable alternative brand vehicle with options that meet the same needs as would the Chevrolet 2500 HD Silverado 4x4 with options as originally requested. The vehicle purchased would remain a ¾ ton rated vehicle with options, with a total cost up to the budgeted amount of \$86,211.00.

RS3. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF A 2023 RAM TRADESMAN 2500 4X4 WITH UPFIT FOR POLICE DEPARTMENT USE, FOR AN AMOUNT NOT TO EXCEED \$86,211.00.

Presented by: Craig Huskey, Assistant Chief of Police

Summary: In order to maintain the City Fleet, it is important that outdated vehicles that are no longer meeting the needs of the City are replaced. Funds were budgeted in the FY2023 budget for the purchase of a ¾ ton vehicle, with upfit for police department use. Supply chain shortages have caused a delay in vehicle availability, but an available 2023 Ram Tradesman 2500 4x4 has been located for purchase. The vehicle meets the specifications needed for the use of this vehicle. The vehicle will be purchased from a vendor who has a current contract with a cooperative purchasing program and the purchase will utilize the Tarrant County Cooperative Purchasing Program to satisfy competitive purchasing requirements. The total price of the vehicle, with upfit for police department use, is \$86,186.00.

ACTION AGENDA

OR2. **PUBLIC HEARING CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE PLACEMENT OF ONE MANUFACTURED HOME ON ±2.097 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT) LOCATED AT 4140 AND 4160 WINDMILL ROAD, ZC23-001.**

Presented by: David Jones, Community Development Director

Summary: The applicant, David Mena, has submitted a request for a Specific Use Permit (SUP) for the placement of one (1) manufactured home on approximately 2.097 acres for the properties at 4140 and 4160 Windmill Road. The applicant has provided a letter of intent, site and landscaping plans, and building elevations detailing the proposed manufactured home.

The Planning and Zoning Commission considered this request at their February 27, 2023 meeting and voted 5-1 to recommend approval, with Vice-Chairman Albertson voting against the motion.

RS4. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHILDRESS ENGINEERS, INC., FOR DESIGN SERVICES ON THE WOODARD AVENUE WIDENING – NOLAN RIVER TO US 67 PROJECT, FOR AN AMOUNT NOT TO EXCEED \$399,280.

Presented by: Jeremy Hutt, Public Works Director

Summary: Woodard Avenue traffic volumes have increased significantly over the past several years, due to the growth on the western side of the city. This Project includes rebuilding and widening the existing narrow roadway to a 38' wide curb and gutter section, which will better accommodate the increasing traffic volume utilizing the roadway. Turn lanes at intersections will also be included, where warranted.

The proposed engineering services agreement includes basic engineering services, design and bid phase services for a lump sum price of \$334,000. Additional services, including survey, preparation of easements, subsurface utility location, traffic impact analysis and construction phase services are to be charged hourly, for a not-to-exceed price of \$65,280. The total contract not-to-exceed amount is \$399,280.

The design phase is expected to take approximately 12 months and the project is proposed to move into construction upon completion of design, depending on funding availability. Funding for this contract is available in the project design budget approved in the city's FY23 Budget.

RS5. CONSIDER A RESOLUTION AUTHORIZING CONTRACT WITH BCRT LLC DBA BLACKROCK CONSTRUCTION FOR THE WEST LOOP REUSE PIPELINE PROJECT IN AN AMOUNT OF \$5,983,278, WITH A \$266,722 CONTINGENCY FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$6,250,000.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne has exceeded 75% capacity of their existing Wastewater Treatment Plant (WWTP) and is in the process of construction for the Wastewater Treatment Plant Expansion and West Loop Reuse Pump Station Project. This project will increase the plant capacity by 40%, and includes a new 2 MGD pump station (expandable to 8.5 MGD in the future) for the West Loop Reuse System. The construction at the plant is approximately 55% complete and upon completion will be able to supply 2MGD of reuse water. In order to convey the reuse water to Lake Pat Cleburne, for future use in the water utility, a new 4.35-mile pipeline is needed. The West Loop Reuse Pipeline was designed in conjunction with the Wastewater Treatment Plant (WWTP) Expansion project and all necessary easements have been previously acquired for this project.

This project includes construction of 22,980 LF of 20-inch pipe, valves, appurtenances, steel bore casing, and associated vaults. The project was posted and advertised for bidding beginning on January 24, 2023 with a bid opening on February 21, 2023. Eight bids were received and are summarized below:

Name of Offeror	Addenda Received & Bid Bond Attached	Base Bid + PVC Pipe Alt.	Base Bid + DI Pipe Alt.	Base Bid + RCCP Pipe Alt.
Belt Construction of Texas, LLC	Yes	\$7,230,103	\$7,639,603	\$7,070,853
BRCT LLC dba Blackrock Construction	Yes	\$5,983,278	\$6,847,778	\$7,131,698
Blue Star Utilities, LLC	Yes	\$6,896,609	\$7,169,609	\$6,828,359
Canary Construction, Inc.	Yes	\$7,904,000	\$7,676,500	\$7,904,000
Circle H Contractors, LP	Yes	\$6,048,545	\$6,307,895	\$6,189,595
Dowager Utility Construction, LTD	Yes	\$6,895,106	\$6,849,606	\$7,850,606
Mountain Cascade	Yes	\$9,493,930	\$8,834,180	\$8,515,680
Western Municipal Construction of Texas, LLC	Yes	\$6,686,229	\$6,890,979	\$6,777,229
Bold Text = Apparent low offeror for pipe material				

The apparent low offeror, BRCT, LLC dba Blackrock Construction meets the minimum qualifications required by the contract documents and their total offer of \$5,983,278 is in-line with the design engineer's opinion of probable construction cost of \$6,500,000. The design engineer has reviewed all applicable documents and has issued a recommendation for the award to Blackrock Construction. This project has an initial construction duration of 270 days from the date of the Contractor's Notice to Proceed.

Prior to execution of the construction contract and beginning construction, the Texas Water Development Board will need to issue a concurrence of award, ultimately allowing the City to move forward with the construction phase project.

The proposed resolution will award the contract to Blackrock Construction and authorize the City Manager to execute the contract documents upon the issuance of the Texas Water Development Board concurrence of award and authorize the City Manager to utilize contingency funds to execute any change orders that may be required, for a total not to exceed amount of \$6,250,000, in order to complete the project. Funding for this contract is planned to be from proceeds of the fall 2019 issuance of Water and Sewer revenue bonds through the Texas Water Development Board.

RS6. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF CATES RANCH PHASE I, FOR 26 RESIDENTIAL LOTS, ON ±61.44 ACRES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF CLEBURNE, GENERALLY LOCATED ON THE EAST SIDE OF COUNTY ROAD 1229 AND APPROXIMATELY 3,000 FEET NORTH OF WEST FM 4, CASE PC23-005.

Presented by: David Jones, Community Development Director

Summary: The applicant, Topographic, represented by Forrest Nance, is requesting approval of the final plat of Cates Ranch Phase I, consisting of 26 residential lots, generally located on the east side of County Road 1229 and approximately 3,000 feet north of West F.M. 4, within the City's Extraterritorial Jurisdiction (ETJ).

The final plat of Cates Ranch 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 the county filing information on the face of the plat for a temporary access easement to be dedicated by separate instrument. This is further detailed in the plat approval process section of the report.

The Planning and Zoning Commission considered this request at its February 27, 2023 meeting and recommended approval with a vote of 6-0, with the condition as detailed in the plat approval process section of the report.

RS7. CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR RAILHEAD ADDITION, FOR FIVE COMMERCIAL, FOUR RESIDENTIAL, AND TWO COMMON AREA LOTS, BEING ±94.737 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY 67, APPROXIMATELY 330 FEET SOUTHWEST OF STATE HIGHWAY 171/WEATHERFORD HIGHWAY, AND WEST OF WOODRUFF ROAD, CASE PC23-006.

Presented by: David Jones, Community Development Director

Summary: The applicant, Topographic, represented by Erik Dumas, requests approval of the preliminary plat for Railhead Addition, which consists of five (5) commercial, four (4) residential, and two (2) common area lots, for horizontal mixed-use development. The property is generally located on the south side of US Highway 67, approximately 330 feet southwest of State Highway 171 (Weatherford Highway), and west of Woodruff Road.

The preliminary plat generally complies with the requirements as outlined in Chapter 154 of the Code of Ordinances and OR10-2022-74, with the exception of the county filing information on the face of the plat for a 20-foot utility and drainage easement to be abandoned by separate instrument, and easements for the final relocation of existing overhead electrical lines. This is further detailed in the plat approval process section of the report.

The Planning and Zoning Commission considered this request at its February 27, 2023 meeting and recommended approval with a vote of 6-0, with the condition as detailed in the plat approval process section of the report.

OR3. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#3) BY INCREASING APPROPRIATIONS BY \$696,000 FOR ENGINEERING AND CONSTRUCTION COSTS ASSOCIATED WITH THE CITY OF CLEBURNE AND JOHNSON COUNTY SPECIAL UTILITY DISTRICT WATER CONNECTION PROJECT.

Presented by: Rhonda Daugherty, Director of Finance

Summary: This budget amendment is being requested to fund engineering services, design and construction of a connection between the water utilities of Johnson County Special Utility District (JCSUD) and the City of Cleburne. Resolution #RS02-2023-25 was approved by City Council at the regular council meeting held on February 28, 2023. This resolution authorized the City Manager to negotiate and execute a professional services agreement with Childress Engineers, Inc. for engineering services for the SH 174N JCSUD connection Project in an amount not to exceed \$146,000. The preliminary construction estimates indicate a construction cost of \$550,000, for a total estimated project cost of \$696,000.

This amendment results in an increase to the appropriations in an amount of \$696,000. The proposed additions to the Water & Wastewater Fund (Fund 60) will be funded from fund balance reserves, increasing total adopted expenditures from \$39,696,672 to \$40,392,672.

OR4. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#4) BY INCREASING APPROPRIATIONS BY \$75,100 WITH AN EQUAL INCREASE IN PROJECTED GRANT REVENUE FOR COSTS ASSOCIATED WITH BULLET RESISTANT SHIELDS.

Presented by: Rhonda Daugherty, Director of Finance

Summary: This budget amendment is being requested to record the revenue and corresponding expense for 22 grant funded bullet-resistant shields. The grant was awarded to the Cleburne Police Department by the Office of the Governor-Criminal Justice Division. The bullet-resistant shields will provide Level III ballistic protection to officers. Each patrol unit will be equipped with a shield. The proposed amendment will revise the total adopted Grant Fund budget for revenue and expenditures by \$75,100, resulting in a net zero effect on budgeted fund balance.

RS8. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF 22 PROTECH ASSAULT VP LEVEL III BALLISTIC SHIELDS FOR AN AMOUNT NOT TO EXCEED \$75,081.69.

Presented by: Craig Huskey, Assistant Chief of Police

Summary: The Cleburne Police Department applied for and was awarded a grant through the Office of the Governor-Criminal Justice Division for 22 ballistic shields. The ballistic shields will provide Level III ballistic protection to officers, and each patrol unit will be equipped with a shield. The total cost of the ballistic shields is \$75,081.69, with freight.

RS9. CONSIDER A RESOLUTION AUTHORIZING A FINANCE AGREEMENT WITH GOVERNMENT CAPITAL CORPORATION FOR FINANCING \$475,542.85 PLUS INTEREST, FOR A TOTAL OF \$539,428.64, FOR THE PURCHASE OF GOLF MAINTENANCE EQUIPMENT.

Presented by: Rhonda Daugherty, Director of Finance

Summary: This financing agreement is for the purchase of the following golf maintenance equipment:

John Deere Mowers & Gators	Quantity
John Deere 7700A PrecisionCut Fairway Mower	2
John Deere 2550 PrecisionCut Triplex Mower	4
John Deere ProGator 2020A (Gas) Utility Vehicle	1
John Deere Gator TX Turf Utility Vehicle (Model Year 2023)	3
John Deere Quick-Adjust 5 Cutting Units for 2500B, 2500E, 2400, 2550, 2700, and 2750 Triplex Mowers	1
John Deere Z997R Diesel	1

The lease is for a term of 4 years at 5.24% interest, with an option to purchase the equipment for \$1 at the end of the term. The schedule of payments and option to purchase is shown in the following table:

Payment #	Payment Date	Principal	Interest	Total	Option to Purchase
1	3/21/2024	\$109,938.71	\$24,918.45	\$134,857.16	N/A
2	3/21/2025	115,699.50	19,157.66	134,857.16	\$252,542.66
3	3/21/2026	121,762.16	13,095.00	134,857.16	129,049.92
4	3/21/2027	128,142.48	6,714.68	134,857.16	1.00
Grand Totals		\$475,542.85	\$63,885.79	\$539,428.64	

This resolution establishes City Council approval to finance the purchase of the golf maintenance equipment with Government Capital Corporation, utilizing the Sourcewell Turf 031121-DAC (United Ag & Turf) contract. The city is a member of the Sourcewell Service Cooperative, which allows the city to utilize its purchasing contracts, therefore, all competitive purchasing requirements have been met.

DISCUSSION & UPDATES

OC1. PROVIDE AN UPDATE AND PROJECT OVERVIEW OF COMPREHENSIVE AMENDMENT TO CHAPTER 156: SIGN REGULATIONS OF THE CODE OF ORDINANCES.

Presented by: David Jones, Community Development Director

Summary: In November 2022, Freese and Nichols was retained to update the City's sign code (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 be very similar to 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. Temporary signage regulations will be updated as needed to address popular temporary signs that are not addressed in the current code. Off-premise signage (billboard) regulations will be updated as needed to comply with current federal case law and Supreme Court decisions.

Under the terms of the contract, Freese and Nichols, Inc. will assist staff with conducting up to three meetings with City Council to present and discuss the proposed changes. This is the first of those meetings and will consist of a presentation of project goals and approach, as well as an overview of various existing signs within Cleburne and how they will be accommodated within the updated code. The next scheduled update will occur after the revised code has been drafted.

OC2. PROVIDE AN UPDATE ON CEMETERY DEVELOPMENT OPPORTUNITY.

Presented by: Aaron Dobson, Parks & Recreation Director

Summary: With over six hundred remaining available plots, the Cleburne Cemetery System is nearing the build-out of its available plots. Staff has developed a conceptual plan for developing the twenty-seven acres of available land within Rose Hill Cemetery. This plan calls for seven development sections and follows a development based on demand approach.

OC3. UPDATE ON THE CURRENT DROUGHT CONDITIONS AND POSSIBLE AMENDMENTS TO THE WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff will provide City Council with an update on the current drought conditions and discuss possible amendments to the drought contingency plan.

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.

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, March 10, 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.