



CITY COUNCIL REGULAR MEETING AGENDA
APRIL 11, 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](#) or (888) 788-0099. **Enter Meeting ID 995-6991-0537 and then press #.**

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 Pastor Harly Charles, Cleburne First Seventh-Day Adventist 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

- CMP1. PRESENTATION – STARS Employee Recognition Program 2022 Super Star:**
Tina Dunham, Library Director

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 MARCH 28, 2023 REGULAR COUNCIL MEETING.

BQ1. APPROVE THE PURCHASE OF A GLAVAL UNIVERSAL FORD BUS FROM CREATIVE BUS SALES, INC FOR A TOTAL AMOUNT OF \$141,633 TO BE USED BY CITY/COUNTY TRANSPORTATION.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: City/County Transportation was awarded grant funds through the Texas Department of Transportation (TXDOT), 5339-D-2020-CLEBURNE-00283 (\$91,593) and 5339-R-2022-CLEBURNE-00041 (\$80,121) for the purchase of one (1) replacement transit vehicle in the amount of \$141,633.00.

The vehicle is a Glaval Universal Ford E450 7.3L V8 Gas 190" WB Bus from Creative Bus Sales, Irving, Texas, to be purchased through the State of Oklahoma Cooperative Contract SW0797C. This ensures all competitive purchasing requirements have been met. The anticipated delivery of the bus will be approximately 10 months after council approval and will replace an older bus that has exceeded its useful life. The replaced bus will be sold with the proceeds in excess of \$5,000 being returned to TXDOT.

Transportation Development Credits available through this grant will cover the 20% local match requirement, so these vehicles will be 100% funded and there is no fiscal impact on the budget.

RS1. CONSIDER A RESOLUTION AUTHORIZING THE USE OF NOT MORE THAN \$2,000 FROM THE NON-DEPARTMENTAL OVERTIME ACCOUNT TO PROVIDE OFF-DUTY POLICE OFFICERS FOR SECURITY AT SPRINGFEST.

Presented by: Linn Goodman, Assistant Chief of Police

Summary: SpringFest 2023 will occur April 28-29, 2023. The organizers of the event are requesting police officers to provide on-site security for a total of 24 hours over the course of the event. Officers will be required to work this event as an overtime assignment. The exact cost for the hours cannot be determined until officers have signed up or are assigned to work the event due to the different pay steps. This authorization would provide funds to pay the overtime rate for highest non-exempt members of the department. Officers working this event will likely be in a lower pay step than this authorization provides. Funds have been budgeted in a non-departmental special events account.

RS2. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH HUB INTERNATIONAL FOR HEALTH AND WELFARE BENEFITS CONSULTING SERVICES.

Presented by: Debra Powledge, Director of Human Resources

Summary: As healthcare costs continue to rise, and legislative and economic changes alter the benefit landscape, the City of Cleburne continues to seek innovative and cost-efficient employee

benefits solutions. The City must continue cost management, including strong vendor management and sound plan design.

The City of Cleburne requested proposals for health and welfare benefits consulting as the current service agreement was set to expire. There were 4 interested vendors to submit a Request For Proposal. Based upon qualifications, experience, pricing, and services provided, the City of Cleburne staff recommends the City enter into a service agreement with HUB International (HUB). The term for this agreement is 3 years with renewal options. HUB will be compensated by receiving 1.20% commission built into the fully insured premium costs for services rendered. Additionally, HUB would collect standard commissions on employee paid voluntary products (ex. Vision, Vol Life, AFLAC, etc.).

The recommended employee benefits consultant, HUB International, will provide consulting services relating to all City health plans and wellness initiatives to improve outcomes, as well as health and welfare benefits consulting services. This includes optimizing the City's health and welfare benefit plan designs as compared to market and making recommendations to address the City's specific benefits and financial requirements. This employee benefits consulting service will consist of compliance auditing and implementation, actuarial analytics and consulting, strategic consulting and implementation, and account management to include monthly and quarterly reporting, review, and analysis.

OC1. CONSIDER AUTHORIZING THE CITY MANAGER TO SUBMIT A LETTER OF SUPPORT DESIGNATING THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AS THE LEAD APPLICANT TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S CLIMATE POLLUTION REDUCTION GRANTS PROGRAM ON BEHALF OF THE DALLAS / FORT WORTH / ARLINGTON METROPOLITAN STATISTICAL AREA AND NEIGHBORING JURISDICTIONS.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: The proposed item is to approve a letter of support from the City Manager designating the North Central Texas Council of Governments (NCTCOG) as the lead applicant to the United States Environmental Protection Agency's Climate Pollution Reduction Grants (CPRG) program on behalf of the Dallas-Fort Worth-Arlington Metropolitan Statistical Area (DFW MSA) and neighboring jurisdictions. In doing so, the City of Cleburne understands and supports that, as the lead applicant, the NCTCOG accepts responsibility and oversight for managing grant funds and coordination of activities and deliverables pertaining to the CPRG planning grants.

The CPRG program provides an opportunity to advance environmental enhancements, increase energy security, and improve air quality. The plans developed through this program are intended to help the DFW MSA identify initiatives that comprehensively address air pollutants – not only greenhouse gases, but also ozone precursors. This is especially important to the Dallas-Fort Worth ozone nonattainment area, which was recently reclassified as severe nonattainment for the 2008 8-Hour Ozone National Ambient Air Quality Standards (NAAQS). Nonattainment classification resulting from high levels of air pollutants is a detriment to not only the health and wellbeing of area residents, but also negatively affects the city's ability to attract certain types of new industry.

RS3. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE GLOBAL OPIOID SETTLEMENT DOCUMENTS RELATING TO THE ALLERGAN, WALMART, CVS, AND WALGREENS SETTLEMENTS AND ANY FUTURE OPIOID SETTLEMENTS NEGOTIATED BY THE STATE ATTORNEY GENERAL; AUTHORIZING THE CITY MANAGER TO TRANSMIT THOSE DOCUMENTS TO THE ATTORNEY GENERAL.

Presented By: Steve Polasek, City Manager

Summary: After years of negotiations, proposed Texas settlement agreements (“Settlements”) have been reached that would resolve all opioid claims for Texas and its political subdivisions against Allergan, CVS, Walmart, and Walgreens, and brings Texas’ combined share to almost \$3 billion, with Allergan paying \$135 million, CVS paying \$304 million, Walgreens paying \$340 million, and Walmart paying \$170 million.

The settlements also contain injunctive relief provisions governing the opioid marketing and sale practices at the heart of the opioid claims in the lawsuits. The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

The City previously entered into settlement agreements through the State with McKesson, Cardinal Health, Amerisource Bergen, Teva, Janssen, Johnson and Johnson, and Endo.

ACTION AGENDA

OR1. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#5) BY INCREASING APPROPRIATIONS BY \$375,600 FOR ENGINEERING SERVICES ASSOCIATED WITH THE CLEBURNE STATION PARKWAY EXTENSION PROJECT.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This budget amendment is being requested to fund engineering services for the Cleburne Station Parkway Extension Project for an amount not to exceed \$375,600. The construction of this extension project is planned for Fiscal Year 2024 at an estimated cost of \$2.55 million. This amendment results in an increase to the appropriations for Transfer To - Capital Projects (01-30-7253) in an amount of \$375,600. There is a corresponding increase in the General Projects Fund (Fund 53), Transfer In - General Fund (53-21-7101), and Professional Services (53-79-8664) in the amount of \$375,600, respectively.

The proposed additions to the General Fund (Fund 01) will be funded from fund balance reserves, increasing total adopted expenditures and transfers from \$52,980,371 to \$53,355,971 and decreasing the adopted Fund Balance from \$13,639,138 to \$13,263,538. The proposed additions to the General Projects Fund (Fund 53) will increase total adopted revenue to \$5,411,600 and total adopted expenditures to \$7,950,600, with a no change to the ending fund balance.

RS4. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHILDRESS ENGINEERS, INC FOR ENGINEERING

SERVICES ON THE CLEBURNE STATION PARKWAY EXTENSION PROJECT FOR AN AMOUNT NOT TO EXCEED \$375,600.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Project includes design of Cleburne Station Parkway from Woodruff Road to SH171 along with reconstruction of Woodruff Road north of Cleburne Station Parkway. The proposed agreement includes:

- Design, plans and specifications for approximately 1,850 linear feet of 36' wide roadway with, curb and gutter, and drainage improvements
- Design acceleration and deceleration lanes for SH 171 in accordance with TxDOT requirements
- Coordinate the closing of the existing intersection of Woodruff Road and SH 171 with TxDOT
- Provide traffic signal design for the intersection of SH 171 & Cleburne Station Parkway.

The proposed engineering services agreement includes basic survey and engineering design for a lump sum price of \$247,600 and special engineering services for a not-to-exceed price of \$128,000. The total contract not-to-exceed amount is \$375,600.

This project is required as part of an agreement that was authorized by the City in 2016 by OR-09-2016-43. Section 5.03 of the agreement establishes that the City, at its sole cost and expense, shall cause the extension of Jackson Road (now known as Cleburne Station Parkway) to tie into State Highway 171.

Funding for this project is currently not included in the FY23 budget and a budget amendment is needed to assign funding for this design contract. The project is proposed to move into construction in Fiscal Year 2024.

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±15.9 ACRES FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO MU (MIXED-USE DISTRICT), LOCATED AT 3909 NORTH MAIN STREET, CASE ZC23-006.

Presented by: David Jones, Community Development Director

Summary: The applicant, Dominus Commercial, represented by Nathan Barkocy, has requested to rezone approximately 15.9 acres from SF-7 (Single-Family Dwelling District) to MU (Mixed Use District) for the property located at 3909 N. Main Street. The applicant intends to rezone the subject property in order to market it for future mixed-use development. The Planning and Zoning Commission considered this request at their March 27, 2023 meeting and recommended approval by a vote of 5-0.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±11.22 ACRES FROM CI (COMMERCIAL/INDUSTRIAL FLEX DISTRICT) AND A (AGRICULTURAL DISTRICT) TO I (INDUSTRIAL DISTRICT), LOCATED AT 2952 STATE HIGHWAY 171/WEATHERFORD HIGHWAY, CASE ZC23-005.

Presented by: David Jones, Community Development Director

Summary: The applicant, Davoil Inc., represented by Benji Hubbard, has requested to rezone approximately 11.22 acres from CI (Commercial/Industrial Flex District) and A (Agricultural

District) to I (Industrial District) for the property located at 2952 State Highway 171/ Weatherford Highway. The applicant intends to rezone the subject property for future industrial use. The Planning and Zoning Commission considered this request at their March 27, 2023 meeting and recommended approval by a vote of 5-0.

OR4. *PUBLIC HEARING* CONSIDER AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR THE CONSTRUCTION OF TWO DUPLEX DWELLINGS CONSISTING OF FOUR TOTAL UNITS ON ±0.27 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT) WITHIN THE NT (NEIGHBORHOOD TRANSITION OVERLAY), LOCATED AT 103 AND 105 SABINE AVENUE, CASE ZC23-003.

Presented by: David Jones, Community Development Director

Summary: The property owner, Martha Miranda, has requested a Specific Use Permit (SUP) for the construction of two (2) duplexes on two (2) lots, comprising of approximately 0.27 acres, for the properties located at 103 and 105 Sabine Avenue. The applicant has submitted a letter of intent, conceptual site plan, and building elevations to include with the request. The Planning and Zoning Commission considered this request at their March 27, 2023 meeting and recommended approval by a vote of 5-0.

OR5. *PUBLIC HEARING* CONSIDER AN ORDINANCE APPROVING A SPECIFIC USE PERMIT TO ALLOW OUTSIDE STORAGE FOR A METAL FABRICATION BUSINESS ON ±5.52 ACRES ZONED CI (COMMERCIAL /INDUSTRIAL FLEX DISTRICT) LOCATED AT 3507 NORTH MAIN STREET, CASE ZC23-008.

Presented by: David Jones, Community Development Director

Summary: The applicant, Patriot Erectors, LLC, represented by Jimmy Kepple, has submitted a request for a Specific Use Permit (SUP) for outside storage for a metal fabrication company on approximately 5.52 acres located at 3507 N. Main Street. The applicant is proposing to utilize the existing building for the metal fabrication business, including storage of tools and other equipment, while utilizing the remainder of the property for the storage of material and finished products. The applicant has provided a letter of intent, site plan, and photos detailing the proposed business and associated outside storage yard. The Planning and Zoning Commission considered this request at their March 27, 2023 meeting and recommended approval as presented by a vote of 5-0 with the following condition:

- Screening for the outside storage only be required along North Main Street

OR6. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±3.9 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO SF-20 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 2040 COUNTY ROAD 904, JOSHUA, TX, CASE ZC23-009.

Presented by: David Jones, Community Development Director

Summary: The property owner, Maria Popoca, has requested to rezone approximately 3.9 acres from IH (Interim Holding District) to SF-20 (Single-Family Dwelling District) for the property

located at 2040 County Road 904. The property owners intend to rezone the property for the construction of one (1) single-family home. The Planning and Zoning Commission considered this request at their March 27, 2023 meeting and recommended approval by a vote of 5-0.

OR7. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.6 ACRES FROM RC (REGIONAL COMMERCIAL DISTRICT) TO D (DUPLEX DWELLING DISTRICT) WITH A CONCEPT PLAN FOR TWO DUPLEX DWELLINGS CONSISTING OF FOUR TOTAL UNITS, LOCATED AT 308 LINCOLN PARK DRIVE, CASE ZC22-033.

Presented by: David Jones, Community Development Director

Summary: The applicant, A.G. Smith Homes LLC, represented by Jeff Dill, has requested to rezone approximately 0.6 acres from RC (Regional Commercial District) to D (Duplex Dwelling District) for the property located at 308 Lincoln Park Drive. The applicant intends to rezone the subject property for the construction of two (2) duplexes consisting of four (4) total units. The applicant has submitted a concept plan consisting of a letter of intent, a site plan and building elevations to be considered as part of this straight zoning request. The Planning and Zoning Commission considered this request at their March 27, 2023 meeting and recommended approval by a vote of 4-1.

OR8. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.42 ACRES FROM MF-1 (MEDIUM-DENSITY RESIDENTIAL DISTRICT) TO RC (REGIONAL COMMERCIAL DISTRICT), LOCATED AT 1203 AND 1205 EAST CHAMBERS STREET, CASE ZC23-004.

Presented by: David Jones, Community Development Director

Summary: The applicant, Cathy West, representing the property owners, Todd and Carolyn Johnston, has requested to rezone approximately 0.42 acres from MF-1 (Medium-Density Residential District) to RC (Regional Commercial District). The request includes the properties located at 1203 and 1205 E. Chambers Street. The same property owners own the contiguous properties located at 1106, 1112 and 1114 E. Henderson Street, which comprises approximately 0.81 acres, and all of which are currently zoned RC (Regional Commercial District) and are within the HS, Henderson Street Overlay. The applicant intends to rezone the properties at 1203 and 1205 E. Chambers Street in order to market the entire property under a single RC zoning designation for future commercial use. The Planning and Zoning Commission considered this request at their March 27, 2023 meeting and recommended approval by a vote of 5-0.

DISCUSSION & UPDATES

OC2. DISCUSS AMENDING THE CODE OF ORDINANCES REVISING THE GENERAL PENALTY CLAUSE; MODIFYING CITY REGULATIONS RELATED TO PARKING, JUNKED VEHICLES, AND DISABLED VEHICLES, AND NUISANCES; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND LOCAL AMENDMENTS.

Presented by: Rob Severance, Chief of Police

Summary: The International Code Council (ICC) publishes new codes every three years, including the International Property Maintenance Code (IPMC), the International Building Code (IBC), the International Residential Code (IRC), the International Energy Conservation Code (IECC), the International Existing Building Code (IEBC), the International Mechanical Code (IMC), the International Fuel Gas Code (IFGC), the International Plumbing Code (IPC), the International Swimming Pool and Spa Code (ISPS), and the International Fire Code (IFC).

The City adopted the 2015 IPMC on November 27, 2018. The City adopted the 2021 edition of the other I-Codes on October 25, 2022. Staff have been working with the original property maintenance code committee and city attorney to prepare a draft ordinance adopting the 2021 IPMC with local amendments, in addition to other associated code changes that will help ensure residential and commercial properties are upheld to modern standards. The 2021 IPMC is fully compatible with all of the other I-Codes adopted by the City.

OC3. DISCUSSION AND GENERAL DIRECTION FROM COUNCIL REGARDING POSSIBLE RESIDENTIAL FAÇADE IMPROVEMENT INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: In spite of the rapid rise in new home construction in Cleburne over the last several years, the existing housing stock is aging considerably and in need of revitalization. After doing some research, staff has found several Texas cities have implemented a program that provides homeowners with a financial incentive to perform certain repairs and upgrades to their homes that not only increase property values, but also enhance the neighborhood around them while also fostering a “partnership” with the City.

The program would operate similarly to the highly-successful Façade Improvement Incentive Program and the Downtown Building Rehabilitation Incentive Program, in that an amount equal to a portion of the homeowner’s expenditures in making façade improvements would be rebated upon completion of the repairs and upgrades. Funding for FY 2024 in the amount of \$40,000 previously allocated to the Infill Lot Impact Fee Rebate Program could be allocated to this program.

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 Cleburne Airport Hangar 99

- 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)
- EXE3.** Discuss City of Cleburne's legal options for water right acquisitions and long-term water sources
- EXE4.** 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.

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 **Thursday, April 6, 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

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.