



CITY COUNCIL REGULAR MEETING AGENDA
JUNE 27, 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.

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 by Pastor Keith Whitt, North Cleburne Baptist 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: 2023 APRIL ALL STAR - JEFF FAGAN, SANITATION DIVISION

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 JUNE 13, 2023 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH PALAZZO MANAGEMENT & CONSTRUCTION, LLC UNDER THE TERMS OF THE INFILL LOT IMPACT FEE REBATE INCENTIVE PROGRAM TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES, UP TO A MAXIMUM OF \$4,000 FOR CONSTRUCTION OF A NEW HOME TO BE LOCATED AT 209 ½ ERIE STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Palazzo Management & Construction LLC has submitted an application for reimbursement of impact fees under the Infill Lot Impact Fee Rebate Incentive Program that was first adopted by City Council at the January 28, 2020, meeting and extended through the end of Fiscal Year 2023. The program was renewed as part of the FY2023 budget that was adopted at the September 13, 2022, City Council meeting. The applicant's approximate investment will be \$237,966 for a new home to be constructed at 209 ½ Erie Street. Total living area will be 1,385 square feet, with a 421 square foot garage and 130 square foot covered porch. This is one of the remaining "infill lots" in Cleburne that has been acquired by builders or developers for the purpose of constructing a new home for resale. As part of the Program, the builder must meet certain design and development standards and other criteria in order to qualify for reimbursement of these fees. Based upon a copy of the application documents and building plans submitted, the project meets the required criteria for Council consideration. Should this request be approved, there will be \$36,000 remaining for future projects under this program.

RS2. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT FOR CONSULTING SERVICES FROM SCIENS, LLC FOR PROJECT MANAGEMENT OF THE COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM PROJECT IN AN AMOUNT NOT TO EXCEED \$216,000.

Presented by: Shane Wickson, Technical Services Lieutenant

Summary: In cooperation with public safety stakeholders across the county, Johnson County has selected SOMA Global and Vertosoft to provide a unified public safety software platform to service the entire county. Johnson County is funding the first year of service and onboarding for participating agencies. Johnson County is also currently funding project management services from Sciens, and has requested the City take over funding that portion of the project. The agreement would have the City assume the June payment of not more than \$12,000 and continue payments through the expected 18-month duration of the project, not to exceed \$216,000.

OR1. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#7) BY INCREASING APPROPRIATIONS BY \$22,450 WITH AN EQUAL INCREASE IN PROJECTED GRANT REVENUE FOR COSTS ASSOCIATED WITH TACTICAL VEST UPGRADES.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This budget amendment is being requested to record the revenue and corresponding expense for 21 grant funded tactical vest upgrades. The Cleburne Police Department applied for and was awarded the Rifle Resistant Body Armor Grant by the Office of the Governor-Criminal Justice Division. The tactical vest upgrades will provide additional Level IV vests for officers. The proposed amendment will revise the total adopted Grant Fund budget for revenue and expenditures by \$22,450, resulting in a net zero effect on budgeted fund balance.

OC1. APPROVE ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF MAY 2023.

ACTION AGENDA

RS3. CONSIDER A RESOLUTION AUTHORIZING APPLICATION TO, AND AWARD FROM, THE TEXAS PARKS & WILDLIFE DEPARTMENT FOR A LOCAL PARK GRANT, AND DESIGNATING A REPRESENTATIVE TO ACT ON RELATED MATTERS OF THE PROGRAM.

Presented by: Amanda Huddleston, Grants Administrator

Summary: The Grant Administrator, on behalf of the Parks and Recreation Department, is seeking a resolution from the City Council to support the submission of a grant application to Texas Parks and Wildlife Department (TPWD). Applications for TPWD Local Grants are due August 1, 2023. Texas Parks & Wildlife Department grants will be awarded in January 2024 for a maximum reimbursement of \$750,000. This application is for the Kirtley Park project consisting of a swim beach, sand volleyball courts, fishing pier(s), a boardwalk with viewing stations, and native trees and vegetation. To apply for the grant, the city must designate an official as being responsible for the application and certify that funding for the project is available if the application is selected.

RS4. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC FOR ARCHITECTURE AND ENGINEERING SERVICES FOR THE KIRTLEY PARK IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$1,312,000, AS RECOMMENDED BY THE PARKS & RECREATION BOARD AND 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The renovations to Kirtley Park will be one of the biggest projects undertaken by the Parks and Recreational Department utilizing the 2022 Sales Tax 4B Corporation Revenue Bond funds. This project is a reinvestment into the City's Park system. The renovation project calls for adding loop trails, boardwalks, volleyball, and swim beach renovations, new restrooms, park amenities, shade structures, parking, boat ramp/boat parking, concession area, wayfinding, and more.

Kimley-Horn and Associates, Inc (Kimley-Horn) is recommended for this project utilizing the 2022 Sales Tax 4B Corporation Revenue Bonds. Kimley-Horn was established in 1967, has over 100+ offices nationwide and has more than 6,800 employees, of which 250 are landscape architects and planners. Kimley-Horn's Fort Worth office will oversee all aspects of

design and development. Kimley-Horn prides itself on maintaining its culture and implementing a small firm mentality, that 90 percent of its work originates from repeat clients.

The Parks and Recreation Advisory Board considered and recommended Kimley-Horn for the design renovations to Kirtley Park at their June 20, 2023, meeting. The 4B Economic Development Corporation Board of Directors considered and also recommended Kimley-Horn for this project at their meeting on June 22, 2023.

This amount includes the base proposal of \$1,117,000 and an optional fee of \$195,000 for a total design budget of \$1,312,000. The \$195,000 encompasses \$175,000 for Additional Construction Contract Administration (Task 12 of the contract) and \$20,000 for Additional Tasks out of Scope (Task 13 of the contract). The Additional Construction Contract Administration covers changes to the construction contract documents during the construction phase, resident project representative to observe the progress and quality of the work, construction materials testing for verification as needed, and surveying for verification as needed. The Additional Tasks out of Scope references any services not specifically provided for in the Additional Construction Contract Administration scope and will be billed as additional services if performed.

RS5. CONSIDER A RESOLUTION CREATING A TEMPORARY LAKE PARKS ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING DESIGN AND IMPROVEMENTS OF KIRTLEY PARK AND BYRON “BUDDY” STEWART PARK; ADOPTING A CHARGE FOR AND APPOINTING MEMBERS TO SAID COMMITTEE.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The purpose of this item is to establish a Lake Parks Advisory Committee to make recommendations to City Council regarding the design and improvements for Kirtley Park and Byron “Buddy” Stewart Park. The Committee shall consist of Chair-Mayor Scott Cain, Vice Chair-Councilmember Blake Jones, 4B Board President or their designee, and Parks & Recreation Board President or their designee. The City Council of the City of Cleburne believes that an organized and coordinated approach to the design and improvements of the lake parks will work best and, to that end, directs the Committee to use the Charge prepared for the Committee.

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±33.89 ACRES FROM I (INDUSTRIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AT 496 WEST VAUGHN ROAD, CASE ZC23-022.

Presented by: David Jones, Community Development Director

Summary: The applicant, Shafiqul Abed, has requested to rezone approximately 33.89 acres from I (Industrial District) to PD (Planned Development District) for a single-family residential development to be known as Country Meadow Estates Phase II, located at 496 W. Vaughn Road.

The applicant is proposing a single-family, patio home-style development that utilizes smaller-than-average lot sizes. These are zero-lot line homes with one side of the home positioned along the lot line and the other side employing a minimum setback from the lot line. The subdivision will consist of 248 single-family detached lots and five (5) open space lots that

contain community amenities including a playground, gazebo, volleyball courts, walking trails, and a retention pond with aerating fountain feature. The applicant is requesting a base zoning of SF-6 (Single-Family Dwelling District) with the following deviations:

- The reduction of the minimum lot size from 6,000 square feet to 2,450 square feet, with an average lot size of 3,500 square feet;
- The reduction of the front yard setback from 25 feet to 20 feet;
- The allowance of a zero-side yard setback on one side of the home;
- The reduction of the rear yard setback from 20 feet to 10 feet; and
- The reduction of the tree canopy caliper from three-inches (3") to two-inches (2").

The Planning and Zoning Commission considered this request at their June 12, 2023 meeting and recommended denial by a vote of 5-1, which will require a super-majority vote of the Council to approve. **The applicant has requested to table this request to the July 11th City Council meeting.**

RS6. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF HERITAGE HILLS ADDITION, FOR SEVEN (7) RESIDENTIAL LOTS, BEING ±9.348 ACRES IN THE EXTRATERRITORIAL JURISDICTION OF CLEBURNE, GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF FARM-TO-MARKET ROAD 3136 AND COUNTY ROAD 425C, CASE PC23-018.

Presented by: David Jones, Community Development Director

Summary: The property owner and applicant, Courtney Coates, is requesting approval of the final plat for Heritage Hills Addition, which consists of seven (7) residential lots, generally located near the intersection of Farm-to-Market Road 3136 and County Road 425C, within the City's Extraterritorial Jurisdiction (ETJ). The final plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at its June 12, 2023 meeting and recommended approval with a vote 6-0.

RS7. CONSIDER A RESOLUTION AUTHORIZING THE USE OF NOT MORE THAN \$2,600 FROM THE NON-DEPARTMENTAL OVERTIME ACCOUNT TO PROVIDE OFF-DUTY POLICE OFFICERS FOR SECURITY AND TRAFFIC CONTROL AT THE LAKE PAT CLEBURNE INDEPENDENCE DAY CELEBRATION.

Presented by: Rob Severance, Chief of Police and D'Arla Tyler, Cleburne Chamber of Commerce

Summary: The Cleburne Chamber of Commerce is requesting Council waive or modify certain fees pursuant to Section 14 of the Special Events Policy adopted by Council on August 23, 2022 (RS08-2022-115). The annual Independence Day Celebration will be held at Lake Pat Cleburne on Tuesday, July 4, 2023. The Police Department provides approximately twenty officers and a dispatcher for security and traffic control. The lake area is staffed by officers from about 3 p.m. to about 12 a.m. Most officers working the lake detail are assigned to positions where they do not work holidays. They generally work this assignment and then flex their time off to avoid overtime, but there are instances where officers are not able to flex their time, thus, the exact cost for the hours cannot yet be determined. This authorization provides funds to pay the overtime

rate for five officers at the highest officer pay rate in the event they cannot flex their time. The FY23 Budget includes \$11,000 in a non-departmental special events account. The current balance is \$10,937.

RS8. CONSIDER A RESOLUTION WAIVING FEES FOR TWO MARKED POLICE VEHICLES, AN AMBULANCE AND CREW, AND A SMALL DUMPSTER FOR USE DURING THE TOUR DE GOATNECK IN THE AMOUNT NOT TO EXCEED \$1,400.

Presented by: Rob Severance, Chief of Police and Paige Harris, Cleburne Educational Foundation

Summary: The Cleburne Education Foundation (Foundation) is requesting Council waive or modify certain fees pursuant to Section 14 of the Special Events Policy adopted by Council on August 23, 2022 (RS08-2022-115). The annual Tour De Goatneck will be held Saturday, July 29, 2023. The event is a fundraiser for the Cleburne Education Foundation. Approximately 1,300 bicyclists and 300 volunteers participate. There are four routes of varying lengths that begin and end at Cleburne High School. The Foundation is hiring 19 off-duty law enforcement officers from multiple jurisdictions to provide traffic control at various intersections along the route. The Foundation is requesting the City waive the fees for two police vehicles, an ambulance and crew, and a small dumpster for a total cost to the city of not more than \$1,400. The FY23 Budget includes \$11,000 in a non-departmental special events account. The current balance is \$10,937.

OC2. CONSIDER APPOINTMENTS AND REAPPOINTMENTS OF COMMUNITY MEMBERS TO CITY OF CLEBURNE BOARDS AND COMMISSIONS.

Presented by: Ivy Peterson, City Secretary

Summary: At such time when members' terms expire or vacancies occur on city boards, the Board & Commission Recommendation Committee convenes to review applications of potential candidates for the Council's consideration. In accordance with Section 31.02 of the Code of Ordinances, the Committee is prepared to make recommendations for appointment of citizens representing a broad base of the community.

The members recommended for reappointment have fulfilled their previous term and are willing to continue service, and the new candidates were contacted and willing to serve if appointed. The terms will begin July 1, 2023.

Board/Commission	Recommendations	Appoint/ Reappoint	Term #
Airport Advisory Board	Austin Lindert	Reappointment	2
Airport Advisory Board	Keith Moreland	Reappointment	2
Building and Standards Commission	Christi Bradley	Reappointment	2
Building and Standards Commission	Aaron Keen	Reappointment	3
Building and Standards Commission	Tony Stevens	Appointment	1
Cemetery Advisory Board	Angie Boldt	Reappointment	2
Cemetery Advisory Board	Sue Rebstock	Reappointment	2
Cemetery Advisory Board	Carol Wray	Reappointment	2

Civil Service Commission	Francisco Agüero	Reappointment	2
Civil Service Commission	Michael Reagan	Appointment	1
Library Advisory Board	Alisa Carter	Appointment	1
Library Advisory Board	Janet Helmcamp	Reappointment	3
Library Advisory Board	Sarah Jo Hill	Reappointment	2
Library Advisory Board	Helen Knight	Reappointment	3
Library Advisory Board	Diann Wallace	Reappointment	2
Museum Advisory Board	Gissell Hall	Appointment	1
Parks and Recreation Advisory Board	Tiffany Howard	Reappointment	2
Planning and Zoning Commission	Robert Walker	Reappointment	3
Zoning Board of Adjustment	Virgil(Ross) Green	Reappointment	2
Zoning Board of Adjustment	Adam Mathews	Reappointment	2
Zoning Board of Adjustment	Raydean White	Reappointment	2

OC3. CONSIDER CITY COUNCIL/STAFF APPOINTMENTS TO CERTAIN BOARDS AND COMMITTEES.

Presented by: Ivy Peterson, City Secretary

Summary: In accordance with Chapter 31: Boards, Commissions and Public Bodies, Section 31.11 of the Code of Ordinances, city staff is to notify the Council through the agenda of the expiration of terms of appointments, or vacancies, in the membership of boards, commissions, committees. The following positions are presented for Council consideration and that such appointment is for a term of two years beginning July 1, 2023.

Board/Commission	Recommendations	Appoint/Reappoint	Term #
Audit Committee	Scott Cain	Reappointment	6
Audit Committee	Mike Mann	Reappointment	2
Audit Committee	Steve Polasek	Reappointment	4
TIRZ #1 Board	John Warren	Reappointment	8
TIRZ #1 Board	Vacant	Appointment	
TIRZ #3 Board	Mike Mann	Reappointment	3
TIRZ #3 Board	Vacant	Appointment	
Type A EDC Board	Scott Cain	Reappointment	5
Type A EDC Board	John Warren	Reappointment	5
Type A EDC Board	Vacant	Appointment	

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.** Actions taken and to be taken related to water line damage cost of repair located at 1004, 1006, and 1100 blocks of Spell Street
- EXE2.** Actions taken and to be taken regarding developer request to enter into a contract for services within the City's extraterritorial jurisdiction
- EXE3.** Seek legal advice regarding the Cleburne Station Development and Incentive Agreement and options for termination or modification of said Agreement

Section 551.072. Deliberation Regarding Real Property A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- EXE4.** Discuss City-owned property at 1800 Sparks Drive

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, June 23, 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
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) 556-8