



CITY COUNCIL REGULAR MEETING AGENDA
JULY 25, 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 by Dr Ron Shultz, Nolan River Road 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. PROCLAMATION – Purple Heart Recipients' Day of Honor – Marty Peters

CMP2. PRESENTATION – Quarterly Financial Report through June 2023, Rhonda Daugherty, CFO/Director of Finance

CMP3. PRESENTATION – Quarterly Economic Development Update, Grady Easdon, Economic Development Manager

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 JULY 11, 2023, REGULAR COUNCIL MEETING.

OR1. CONSIDER AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2023, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR SINGLE MEMBER DISTRICT THREE; AND AUTHORIZING AN ELECTION SERVICES AGREEMENT WITH JOHNSON COUNTY FOR THE ADMINISTRATION OF SAID ELECTION.

Presented by: Ivy Peterson, City Secretary

Summary: This Ordinance constitutes the official order and calling of a Special Election for the City of Cleburne to be held on Tuesday, November 7, 2023. This election will be held for the purpose of filling a vacancy for a Councilmember representing Single Member District Three (SMD3). The City Council duly ordered and the City held a General Election on May 6, 2023, to elect councilmembers for Single Member Districts Two and Three, but on May 16, 2023, SMD3 councilmember-elect declined to take office, thus creating a vacancy.

Johnson County is also conducting a Special Constitutional Amendment Election on November 7, 2023, and at the City's request, the County Elections Administrator has prepared an agreement for the administration of the City's election. Pursuant to the provisions of the Texas Election Code, elections may be combined maintaining consistency and accessibility in voting practices, polling places, and election procedures to best assist the voters of Cleburne. The City's estimated cost for the special election is \$21,000 and is to be expensed from the Fiscal Year 2024 budget.

RS1. CONSIDER A RESOLUTION FINDING ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO INCREASE RATES BE DENIED AND AUTHORIZE PARTICIPATION WITH THE STEERING COMMITTEE AND LEGAL COUNSEL FOR THE SETTLEMENT OF THE APPLICATION.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: On June 30, 2023, Oncor Electric Deliver Company, LLC filed an Application to Amend its Distribution Cost Recovery Factor and Update its Mobile Generation Riders to increase distribution rates within each of the cities in its service area. In the filing, the Company asserts it is seeking an increase in distribution revenues of approximately \$152.78 million. Oncor is also seeking to update its Rider Mobile Generation and Rider Wholesale Mobile Generation to recover revenue related to mobile generation unit leasing and operation. The Rider would recover approximately \$1.07 million. The resolution authorizes the City to join with the Steering Committee of Cities Served by Oncor to evaluate the filing, determine whether the filing

complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

RS2. CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2023.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Chapter 2256.023 of the Texas Government Code states a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ending June 30, 2023, the City invested unrestricted funds in four Local Government Investment Pools (LGIP): TexPool, TexSTAR, Texas Class and LOGIC. Included with the investment report are the newsletters from each of the pools, providing information on the average yield, net asset value, weighted average maturity, and portfolio composition for each investment pool at the end of the reporting quarter.

As of June 30, 2023, there was \$161,424,629.02 invested in the four investment pools, along with the loan proceeds held by Texas Water Development Board at Amegy Bank, with total quarterly interest income of \$2,024,843.15. The percentage allocation by investment pool is LOGIC: 33.89%, Texas Class: 34.74%, TexPool: 9.89%, TexSTAR: 8.32%, and Amegy: 13.17%.

RS3. CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF THE AUDIT ENGAGEMENT CONTRACT WITH PATTILLO, BROWN, & HILL, LLP IN THE AMOUNT OF \$58,700 FOR FISCAL YEAR ENDED SEPTEMBER 30, 2023.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: On July 12, 2022, the City Council approved a contract with Pattillo, Brown, & Hill, LLP (PBH) to provide audit services over a term of five years, from Fiscal Years 2022-2026. This is the second year of this five-year audit engagement contract. The terms of the approved contract include a 0% increase for the second year, for an amount not to exceed \$58,700 for the Fiscal Year 2023. The audit engagement contract includes auditing of all city funds, audit services for federally required single audit programs, Texas Commission on Environmental Quality computation assurances, issuance of a HUD SAS29 letter, and the preparation and printing of the Annual Financial Report.

Peer reviews are periodic outside reviews, performed by another accounting firm, of a firm's quality control system in accounting and/or auditing. Peer reviews maintain and improve the quality of the auditing services performed by firms. PBH received a peer review of pass, which is the highest rating that a firm can receive.

RS4. CONSIDER A RESOLUTION AUTHORIZING A DRAINAGE EASEMENT LOCATED ON THE CLEBURNE SPORTS COMPLEX PROPERTY FOR DRAINAGE IMPROVEMENTS NECESSARY FOR THE CONSTRUCTION OF THE FM 4 WIDENING PROJECT, AS REQUESTED BY TEXAS DEPARTMENT OF TRANSPORTATION.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Texas Department of Transportation (TXDOT) is preparing plans to improve and widen Farm-to-Market 4 (Second Street) from Caddo Street east to the city limits. All widening will be done within the existing right-of-way (ROW). The project includes installation of a storm drain system to improve drainage in the area. A portion of this work will require easements outside of the ROW. Texas Department of Transportation has requested an easement from the City to accommodate the storm drain improvements. The easement runs along the edge of the Sports Complex, outside of the existing fence along the Park property and will not affect the operations of the Sports Complex. There is no compensation proposed to the City for granting of the easement. The 4B Economic Development Corporation Board of Directors reviewed this item at their meeting on June 22, 2023, and voted unanimously to recommend approval to City Council.

RS5. CONSIDER A RESOLUTION APPROVING THE REPLAT OF BERKLEY SQUARE ADDITION, PHASE ONE, FOR ONE MULTI-FAMILY LOT ON ±2.19 ACRES ZONED MF-1 (MEDIUM-DENSITY RESIDENTIAL DISTRICT), LOCATED AT 1006 COUNTRY CLUB ROAD, CASE PC23-032.

Presented by: David Jones, Community Development Director

Summary: The applicant, Topographic, represented by Forrest Nance, requests approval of the replat for Berkley Square Addition, Phase One, for one (1) multi-family lot, located at 1006 Country Club Road. The replat 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 July 10, 2023, meeting and recommended approval with a vote of 7-0.

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

ACTION AGENDA

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±34.56 ACRES FROM IH (INTERIM HOLDING DISTRICT) AND PD (PLANNED DEVELOPMENT DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) BY AMENDING THE PLANNED DEVELOPMENT (PD) DISTRICT CREATED BY ORDINANCE NO. OR03-2022-26, KNOWN AS SHARP MEADOWS TO INCORPORATE ADDITIONAL PROPERTY INTO THE SHARP MEADOWS PLANNED DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH NOLAN RIVER ROAD, WEST OF BROWNING LANE AND EMERSON DRIVE, AND NORTH OF OLD FOAMY ROAD, CASE ZC23-027 AND EMERSON DRIVE, AND NORTH OF OLD FOAMY ROAD, CASE ZC23-027.

Presented by: David Jones, Community Development Director

Summary: The applicant, Fuller Land Surveying, represented by Trey Fuller, is requesting to amend the Sharp Meadows Planned Development (PD) that was originally approved in March 2022. The subdivision sits on approximately 34.56 acres and is generally located on the east side of S. Nolan River Road, west of Browning Lane and Emerson Drive, and north of Old Foamy

Road. The applicant is requesting to incorporate approximately 3.14 acres along the current southern PD boundary to utilize as open space for a nature trail. The proposed PD amendment would not allow an increase in the number of lots and there are no changes proposed to the PD development regulations. The Planning and Zoning Commission considered this request at their July 10, 2023, meeting and recommended approval by a vote of 7-0.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±7.60 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO SF-20 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF WEST FARM-TO-MARKET ROAD 4 AND COUNTY ROAD 1229, GODLEY, TX, CASE ZC23-028.

Presented by: David Jones, Community Development Director

Summary: The applicant, Lonestar Land Surveying, represented by Marcus Miller, has requested to rezone approximately 7.60 acres from IH (Interim Holding District) to SF-20 (Single-Family Dwelling District) for the property generally located near the northwest corner of the intersection of W. Farm-to-Market Road 4 and County Road 1229. The applicant intends to rezone and subdivide (plat) the property into three (3) lots for the construction of single-family homes. The Planning and Zoning Commission considered this request at their July 10, 2023, meeting and recommended approval by a vote of 5-2, with Commissioner Svendsen and Commissioner Saunders voting against the motion.

OR4. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±71.59 ACRES FROM RC (REGIONAL COMMERCIAL DISTRICT) AND A (AGRICULTURAL DISTRICT), A PORTION OF WHICH LIES WITHIN THE F, FREEWAY OVERLAY, TO PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED SOUTH OF US HIGHWAY 67, WEST OF NORTH NOLAN RIVER ROAD, AND NORTH OF RIVER BEND ROAD, CASE ZC23-029.

Presented by: David Jones, Community Development Director

Summary: The property owner, Sandstone Cleburne 40 Partners, LP, represented by Bart Irby, has requested to rezone approximately 71.59 acres from RC (Regional Commercial District) and A (Agricultural District) to PD (Planned Development District). The applicant intends to rezone the subject property for the construction of multi-family residential development at a density of no more than 24 dwelling units per acre with the following deviations:

- Reduction in minimum unit size for 2-bedroom and 3-bedroom units;
- Reduction in setback for buildings over 40 feet when adjacent to single-family residential;
- Reduction in required Class 1 building materials; and
- Modification of certain parking and building design standards.

The Planning and Zoning Commission considered this request at their July 10, 2023, meeting and recommended approval by a vote of 7-0 with the following conditions:

1. Amend the bedroom sizes to 650 square feet for one bedroom, 950 square feet for two bedrooms, and 1100 square feet for three bedrooms;
2. Limit height of all buildings to three (3) stories; and
3. Provide a minimum of five (5) design features on all buildings.

RS6. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CP&Y, INC, DBA STV INFRASTRUCTURE, FOR ENGINEERING DESIGN SERVICES FOR THE THUNDERBAY LIFT STATION AND FORCE MAIN IMPROVEMENTS PROJECT IN THE AMOUNT OF \$599,625.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Thunderbay Lift Station and Force Main Improvements are listed as Project 18 in the Wastewater Master Plan. This project provides for the expansion of Thunderbay Lift Station to a firm capacity of two (2.0) million gallons per day (MGD). The project also includes the expansion and relocation of the existing force main. The expansion of Thunderbay Lift Station, and other gravity sewer main improvements, will allow the City to decommission the Meadowview and Woodard Lift Stations, and will accommodate additional development in the western area of town.

The proposed agreement includes basic engineering services, design and bid phase services for a lump sum price of \$439,850. Additional design phase services are to be charged hourly, for a not-to-exceed price of \$159,775, for a total contract amount of \$599,625. The design phase is expected to take approximately 14 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.

RS7. CONSIDER A RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH FORESTAR DEVELOPMENT, LLC FOR THE CONSTRUCTION OF UNIVERSITY DRIVE FROM WEST HENDERSON STREET TO SURRY PLACE DRIVE FOR A TOTAL CITY PARTICIPATION COST OF \$3,169,897.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The subject Agreement will facilitate the construction of University Drive between West Henderson Street and Surry Place Drive, in a timely manner and at a significant savings, utilizing and leveraging a partnership between the developer and the City. Forestar Development, LLC, is the developer of the 147-acre Legado subdivision with approximately 500 single family lots, located south of West Henderson Street and east of Mayfield Drive. The preliminary plat for the subdivision has been approved, and Phase 1 infrastructure is nearing completion.

A portion of University Drive, a new minor arterial roadway on the Master Thoroughfare Plan, is contained within the Legado subdivision. University Drive is proposed as a 4-lane divided parkway with turn lanes, a landscaped median, a 10-foot trail on one side and a 6-foot sidewalk on the opposite side. University Drive will eventually tie South Nolan River Road to West Henderson Street, providing a much-needed alternate north/south route for traffic in the area, and relieving traffic on South Nolan River Road.

In order to accelerate the build timeframe for University Drive, as well as avoid the difficulty and cost associated with having multiple developments build partial sections as each development occurs, the City and Legado developer entered into discussions about completion of the full roadway, from Henderson Street to Surry Place, in two (2) Phases. After more than a year of discussions and negotiations, the subject Agreement has been developed between both

parties, which outlines the responsibilities and cost-sharing proposal for various segments of University Drive.

RS8. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TRANSPORTATION AND MUNICIPAL ENGINEERS, LLC, FOR DESIGN SERVICES ON THE KILPATRICK AND PHILLIPS WATER LINE IMPROVEMENTS PROJECT IN THE AMOUNT OF \$320,000.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Kilpatrick Avenue water line improvements consist of Project 7 and a portion of Project 5 described in the in the City's Water Master Plan. The improvements include installation of a 12-inch water main on Kilpatrick between Liberty Street to Raylene Road and a 16-inch water main on Kilpatrick, beginning at Nolan River Road and extending east approximately 500 feet. Both of these projects will improve water distribution by connecting existing portions of large lines. Also, as part of this project, utility renewals of aging infrastructure will be made along Phillips Street and Roberts Street. These improvements include approximately 4,300 linear feet of water and sewer replacements along Phillips Street, from Granbury Street to Grand Avenue, and 3,300 linear feet along Roberts Street, from Grand Avenue to Southern Boulevard.

The proposed agreement includes basic engineering services, design and bid phase services for a lump sum price of \$297,575. Additional construction phase services are to be charged hourly, for a not-to-exceed price of \$22,425, for a total contract not-to-exceed amount of \$320,000. 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 budgets approved in the City's FY23 Budget.

DISCUSSION & UPDATES

OC2. EMPLOYEES' HEALTH AND WELFARE BENEFITS UPDATE

Presented by: Brooke Clifton, Risk Manager

Summary: On April 11, 2023, the City Council authorized a contract renewal with HUB International for health and welfare benefits consulting services. Consultant Mr. Heath Haigood is to present the recommendations resulting from negotiations with existing vendors and evaluation of requests for proposals received in response to the advertisement in May 2023. The recommendations being presented are to maintain the level and quality of benefits provided to employees and their families, while trying to mitigate the increased costs of providing such plans.

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 551.087. Deliberation Regarding Economic Development Negotiations This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

EX1. Discuss request for economic development incentives for Project AVN.

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

CERTIFICATION

THIS IS TO CERTIFY 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, as well as the City's official website at www.cleburne.net and said Notice was posted on **Friday, July 21, 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) 556-8848.