



CITY COUNCIL REGULAR MEETING AGENDA
AUGUST 8, 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 Adam Mathews, 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. PRESENTATION – ALL STAR FOR MAY 2023 – DEWAYNE BELLAH

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 25, 2023, REGULAR COUNCIL MEETING.**RS1. CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF THE INTERLOCAL COOPERATION AGREEMENT WITH JOHNSON COUNTY FOR THE PROVISION OF JAIL SERVICES.**

Presented by: Rob Severance, Chief of Police

Summary: Since 2001, the City of Cleburne has had an agreement in place with Johnson County for the incarceration of the city's Class C Misdemeanor offenders. Incarceration of all other prisoners is provided through other agreements and state statutes. This proposed Interlocal Agreement is a renewal maintaining the per-day rate per prisoner of \$69.94. The estimated annual cost is \$29,000 and has been included in the FY 2024 budget.

RS2. CONSIDER A RESOLUTION APPROVING THE REPLAT OF COUNTRY MEADOW ESTATES, BEING ±8.13 ACRES ZONED MF-2 (HIGH-DENSITY RESIDENTIAL DISTRICT), GENERALLY LOCATED ON THE EAST SIDE OF WEST VAUGHN ROAD AND NORTH OF CELESTE ROAD, CASE PC23-036.

Presented by: David Jones, Community Development Director

Summary: The applicant, Shafiqul Abed, requests approval of the replat for Country Meadow Estates, for 32 duplex lots and one (1) common area lot, generally located on the east side of W. Vaughn Road and north of Celeste Road. The purpose of the replat is to eliminate a duplex lot in order to create a street stub out in the northeastern section of the subdivision for future street connection to the northern property and to increase the size of the detention pond. The replat generally complies with the requirements as outlined in Chapters 154 and 155 of the Code of Ordinances, with the exception of labeling the street names, updating the Director Certification, and adding standard plat notes to the face of the plat.

The Planning and Zoning Commission considered this request at their July 24, 2023, meeting and recommended conditional approval by a vote of 5-0, with the following conditions:

- i. Add the street names within the subdivision to the face of the plat exhibit, per Section 154.025(C)(3) of the Subdivision Ordinance;
- ii. Add the recorded covenants and restrictions standard plat note and the void unless recorded standard plat note, per Section 154.025(C)(9)(h) and 154.025(C)(9)(i) of the Subdivision Ordinance; and
- iii. Update the Director Certification, per Section 154.025(C)(20) of the Subdivision Ordinance.

ACTION AGENDA

OR1. **PUBLIC HEARING CONSIDER AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR A WIRELESS COMMUNICATION TOWER IN AN AREA CLASSIFIED AS "EDGE-COMMERCIAL" (WITHIN 600 FEET OF A RESIDENTIAL ZONING DISTRICT) FOR A PORTION OF ±2.37 ACRES LOCATED AT 1265 WEST KILPATRICK AVENUE, CASE ZC23-032.**

Presented by: David Jones, Community Development Director

Summary: The applicant, AT&T Mobility, represented by Jennifer Scivally, has submitted a request for a Specific Use Permit (SUP) to construct a wireless communication system (a 90-foot-tall cell tower) within a lease area on the property located at 1265 W. Kilpatrick Avenue. The applicant has provided a letter of intent and site plan detailing the location and construction of the proposed cell tower. The Planning and Zoning Commission considered this request at their July 24, 2023, meeting and recommended approval by a vote of 5-0.

DISCUSSION & UPDATES

OC1. DISCUSS REVISION TO SECTION 155.4.05 SITE DEVELOPMENT REQUIREMENTS REGARDING THE DEFINITION OF BUILDING MATERIALS.

Presented By: Mayor Scott Cain

Summary: At the request of Mayor Cain, this is to discuss building materials classification in the Code of Ordinances.

BUDGET AND TAX RATE

CMP2. DISTINGUISHED BUDGET PRESENTATION AWARD BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: In a letter dated March 10, 2023, the Government Finance Officers Association of the United States and Canada (GFOA) announced the Distinguished Budget Presentation Award is being presented to the City of Cleburne for its Annual Budget for the Fiscal Year 2023, beginning October 1, 2022. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by the city organization. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as a financial plan, as an operations guide, and as a communications device. This is the 32nd year the city has received this award.

OC2. BUDGET WORKSHOP SESSION TO DISCUSS THE PROPOSED FISCAL YEAR 2024 BUDGET AND CAPITAL IMPROVEMENTS PLAN.

Presented by: Steve Polasek, City Manager

RS3. CONSIDER A RESOLUTION ACCEPTING THE 2023 CERTIFIED APPRAISAL ROLL, THE CERTIFICATION OF ANTICIPATED EXCESS DEBT COLLECTION RATE, AND THE 2023 TAX RATE CALCULATIONS.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Chapter 26 of the Texas Property Tax Code outlines several property tax related items that must be presented to the governing body. These are the certified appraisal roll, the

certified collection rate, and the tax rate calculation worksheet that includes the No-New-Revenue and Voter-Approval tax rates.

In accordance with Section 26.01 (a-1) of the Texas Property Tax Code, the Chief Appraiser of Johnson County Central Appraisal District provided the 2023 Certification of Appraisal Roll on July 25, 2023, which includes the following values:

Total Appraised/Assessed Value	\$3,739,395,280
Total Exemptions	229,550,787
Total Taxable Value (Includes values under protest and new value)	3,509,844,493
Total Taxable Value Frozen Loss	(125,013,871)
Total Estimated Value Loss on Protests	(55,716,787)
Total Taxable Value of New Property	88,310,500
Total Taxable Value of Property Newly Annexed	21,573
Total Tax Increment Financing Captured Appraised Value	60,628,684

In accordance with Section 26.04 (b) of the Texas Property Tax Code, the City's Tax Assessor-Collector presented the Anticipated Excess Debt Collection Rate on July 18, 2023. The anticipated excess debt collection rate for tax year 2023 is 188%.

On July 28, 2023, the Tax Assessor-Collector also presented the 2023 Tax Rate Calculation Worksheet, calculating the no-new-revenue and voter-approval tax rates. The no-new-revenue rate is calculated as \$0.562985 and the voter-approval rate is \$0.581318. The interest and sinking (Debt Service) component of the tax rate is \$0.021610 for the repayment of debt service.

RS4. CONSIDER A RESOLUTION STATING THE CITY COUNCIL'S INTENT TO ADOPT A TAX RATE OF \$0.581318 PER HUNDRED DOLLARS OF VALUATION FOR FISCAL YEAR 2024 AT THE TUESDAY, SEPTEMBER 12, 2023, REGULAR COUNCIL MEETING.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Chapter 26 of the Texas Property Tax Code requires taxing units to give notice to the public before adopting a tax rate. The legislation requires that the notice contain specific content and information.

The required notice gives the general public important information about the proposed tax rate and adoption process. It must define and list the no-new-revenue tax rate and the voter-approval tax rate, as well as listing the proposed tax rate for the upcoming budget year. The notice must contain a table that compares the taxes imposed on the average residence homestead last year to the taxes proposed to be imposed for the year under consideration. The notice must also state the date and time of the meeting at which the tax rate will be discussed by City Council. In order to comply with this requirement, Council is to pass a resolution stating the intent to adopt a tax rate at a future council meeting. This resolution will establish the proposed tax rate and list how each Councilmember voted on the proposed rate, or indicate if absent.

The proposed tax rate under the City Manager's proposed budget for the 2023 tax year (fiscal year 2024) is \$0.581318 per \$100 of valuation, subject to final approval by City Council.

RS5. CONSIDER A RESOLUTION SCHEDULING PUBLIC HEARINGS FOR THE FISCAL YEAR 2024 BUDGET TO BE HELD ON AUGUST 22, 2023, AND FOR THE FISCAL YEAR 2024 TAX RATE TO BE HELD ON SEPTEMBER 12, 2023.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: City of Cleburne Charter Section 6.4 (Public Hearing on Budget) states, "At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof." For compliance with this requirement, the City Council is scheduling a public hearing for the Fiscal Year 2024 budget to be held on August 22, 2023, at 5:00 pm, during a Regular Council Meeting in the City Hall Council Chambers, 10 N. Robinson Street.

Chapter 26 of the Texas Property Tax Code requires taxing units to comply with "Truth-in-Taxation" laws in setting ad valorem tax rates, and that a no-new-revenue tax rate and voter-approval tax rate calculations are performed. The calculated rates for Fiscal Year 2024 / Tax Year 2023 utilized the July 25, 2023, certified appraisal roll as the basis for calculation. The proposed rate for Fiscal Year 2024 is \$0.581318 per \$100 of valuation, which is the rate presented to City Council at the budget workshop held on August 8, 2023. The proposed rate of \$0.581318 does not exceed the voter-approval tax rate of \$0.581318, however, it does exceed the no-new-revenue tax rate of \$0.562985, and therefore, a public hearing on the tax rate is required. For compliance with this requirement, the City Council is scheduling a public hearing for the Fiscal Year 2024 proposed tax rate to be held on September 12, 2023, at 5:00 pm, during a Regular Council Meeting in the City Hall Council Chambers, 10 N. Robinson Street.

RS6. CONSIDER A RESOLUTION APPROVING THE EMPLOYEE BENEFIT PLANS FOR FISCAL YEAR 2024.

Presented by: Debra Powledge, Director of Human Resources

Summary: Staff and HUB International, the City's Insurance advisor, have worked together evaluating renewals submitted for the City's insurance medical and dental plans. Previous presentations to the Council were presented in July providing an overview of the plan status, renewal increases, and recommended plan adjustments. Heath Haigood, Account Manager with HUB International will provide a brief overview presentation for City Council. The recommended plans are as follows:

- Continue with Aetna Healthcare for medical coverage and funding 100% of the employee medical premiums under the HDHP and the HDHP- THA value and a variable portion of the dependent subsidy. The difference in the increased premiums for the buy up plans would be 100% employee funded as well as any additional dependent coverage for all plans.
- Continue with United Healthcare for dental coverage, which is currently in the 2nd year of a 2-year rate guarantee.
- Renew with Superior Vision for vision coverage for the first of a four-year rate guarantee.
- Renew with Symetra Life Insurance for Life Insurance, AD&D, and Long-Term Disability plans. All voluntary life insurance plans are the responsibility of the employee. This will be the first year of a two-year rate guarantee.

- Renew with Symetra for its voluntary Accident and Critical Illness plans. All premiums are the employee's responsibility. This will be the first-year of a three-year rate guarantee.
- Renew with Deer Oaks as the City's Employee Assistance Program. This program is funded by the City and will be the first-year of a five-year rate guarantee.
- Continue with Flores and Associates as the City's Flexible Benefits and Section 125 Administrator. This is the fourth year of a five-year rate guarantee.
- Continue with Alight for Concierge Services.

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 Project Retention and expansion of potential project within the Industrial Park

Reconvene into open session for possible action resulting from any items posted and 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, August 4, 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, 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.