



CITY COUNCIL REGULAR MEETING AGENDA
SEPTEMBER 12, 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

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

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. PROCLAMATION - Constitution Week, September 17 – 23, 2023, Betsy Ruffin and the Nathaniel Winston Chapter National Society Daughters of the American Revolution

CMP2. PROCLAMATION - POW/MIA Recognition Day, September 17, 2023

CMP3. PRESENTATION – July 2023 All Star - James “Jimmy” Green, 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 AUGUST 22, 2023, REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION AUTHORIZING AN EASEMENT BETWEEN THE CITY OF CLEBURNE AND ONCOR ELECTRIC DELIVERY FOR THE PLACEMENT OF OVERHEAD POWER SERVICE LINES NECESSARY FOR THE CONSTRUCTION OF THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne operates a wastewater treatment plant (WWTP). As a result of the upcoming WWTP expansion project, future facilities and the associated maintenance activities in the operation of the new facilities will necessitate new electric power service lines and a transformer pad located within the facility. The City's design team has worked with Oncor to develop a solution that will allow the new infrastructure and Oncor is requiring an easement for the new facilities that will be located within the WWTP property.

RS2. CONSIDER A RESOLUTION APPROVING 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, Director of Finance

Summary: City/County Transportation was awarded grant funds through the Texas Department of Transportation (TXDOT) for the purchase of an additional bus. This bus is the same as the bus approved by Council at the April 11, 2023, council meeting. This grant, 5339-D-2022-CLEBURNE-00137, in addition to the remaining funds in grant 5339-R-2022-CLEBURNE-00041 and funds from fares and contributions will be used for the purchase of one (1) replacement transit vehicle in the amount of \$141,633.00.

The vehicle, like the one approved at the April 11, 2023, council meeting, 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.

RS3. CONSIDER A RESOLUTION AUTHORIZING CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH DP THRIFT, LLC UNDER THE TERMS

OF THE DOWNTOWN BUILDING REHABILITATION MATCHING INCENTIVE PROGRAM FOR IMPROVEMENTS TO PROPERTY LOCATED AT 107 SOUTH CADDO STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: DP Thrift, LLC has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting reimbursement of expenditures related to improvements to their property located at 107 South Caddo Street, which is the former site of the Cleburne Masonic Temple. This building will house a new satellite office for AlevCare Hospice administrative functions and also the company's first AlevCare Home Store. The project entails an extensive list of interior renovations and upgrades, but the scope of work associated with this reimbursement request is for asbestos abatement, which has an estimated cost of \$100,000.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Due to the estimated cost of the asbestos abatement, the reimbursement would be the maximum of \$25,000. If this request is approved, there would be \$9,038 remaining in Program funds for other projects for Fiscal Year 2023.

RS4. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH DP THRIFT, LLC UNDER THE TERMS OF THE FAÇADE IMPROVEMENT ECONOMIC DEVELOPMENT INCENTIVE PROGRAM FOR IMPROVEMENTS TO PROPERTY LOCATED AT 107 SOUTH CADDO STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: DP Thrift, LLC, has submitted an application under the City of Cleburne's Façade Improvement program seeking reimbursement of expenditures for improvements to their property located at 107 South Caddo Street, which is the former site of the Cleburne Masonic Temple. The building will house the administrative offices of AlevCare Hospice and also the company's first AlevCare Home Store.

The scope of work for this project includes replacement of the exterior windows at an estimated cost of \$25,000. Under the terms of the Façade Improvement Economic Development Matching Incentive Program, this project would qualify for the maximum reimbursement of \$5,000. If this request is approved, there will be \$12,182 in remaining funds for other projects under the program for Fiscal Year 2023.

RS5. CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR HADLEY STATION, CONSISTING OF 22 SINGLE-FAMILY DETACHED RESIDENTIAL LOTS AND 1 COMMON AREA LOT, BEING ±5.486 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT) AND MF-2 (HIGH-DENSITY RESIDENTIAL DISTRICT) AND WITHIN THE DTT (DOWNTOWN TRANSITION OVERLAY), GENERALLY LOCATED ON THE EAST SIDE OF NORTH WILHITE STREET, BETWEEN MEREDITH STREET AND HEATH STREET, CASE PC23-038.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Bannister Engineering, represented by Mike Davis, requests approval of the preliminary plat for Hadley Station, which consists of 22 single-family detached residential lots and one (1) common area lot on approximately 5.486 acres. The property is generally located on the east side of N. Wilhite Street, between Meredith Street and Heath Street. The Planning and Zoning Commission considered this request at its August 28, 2023, meeting and recommended approval with a vote of 7-0.

RS6. CONSIDER A RESOLUTION AMENDING RESOLUTION #RS03-2023-28 BY INCREASING THE AUTHORIZED FUNDS TO PURCHASE A 2023 RAM TRADESMAN 2500 4X4 DUE TO PRICE INCREASES FOR VEHICLE GRAPHICS AND ACCESSORY EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$95,000.00.

Presented by: Robert Severance, Chief of Police

Summary: On March 14, 2023, the Council approved Resolution #RS03-2023-28 authorizing the purchase of a 2023 Ram Tradesman 4x4, with upfit for Police Department use. Due to an increase in cost of vehicle graphics and accessory equipment, the cost of the vehicle increased from \$86,211 to \$87,511. This resolution is to authorize funds for an amount not to exceed \$95,000, which includes a contingency price increase.

The vehicle will be purchased from a vendor who has a current contract with a cooperative purchasing program and will utilize the Tarrant County Cooperative Purchasing Program to satisfy competitive purchasing requirements. Funding for the increase cost of this vehicle is available in Fiscal Year Budget for FY2023.

RS7. CONSIDER A RESOLUTION AMENDING RESOLUTION # RS12-2022-165 BY INCREASING AUTHORIZED FUNDS TO PURCHASE (10) TEN CHEVROLET TAHOES, (1) ONE FORD F750, AND (1) ONE COLT SKID STEER DUE TO PRICE INCREASES FOR VEHICLE GRAPHICS AND ACCESSORY EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$925,000.

Presented by: Robert Severance, Chief of Police

Summary: On December 13, 2022 the Council approved Resolution # RS12-2022-165 for the purchase of (10) ten Chevrolet Tahoes, (1) one Ford F750, and (1) one Colt Skid Steer. The cost of the vehicles was approved by Council for \$860,273.12. This resolution is for Council to consider amending Resolution RS12-2022-165 to the not-to-exceed amount of \$925,000.

Each of the ten Chevrolet Tahoes were originally approved for \$66,511.00. Due to an increase in vehicle graphics and accessory equipment, the price of each Chevrolet Tahoe increased to \$69,143.00. The increased cost of the Chevrolet Tahoes resulted in the total cost of all vehicles listed in the resolution to increase from \$860,273.12 to \$886,593.12. The vehicles will be purchased from a vendor who has a current contract with the BuyBoard and Sourcwell cooperative purchasing programs to satisfy competitive purchasing requirements. Each Tahoe was budgeted for \$97,062, therefore funding for the increased cost is available in the Fiscal Year 2023 Budget.

RS8. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF TEN (10) APX8500 MOBILE RADIOS FROM MOTOROLA SOLUTIONS INC, FOR USE

IN POLICE DEPARTMENT PATROL VEHICLES, FOR AN AMOUNT NOT TO EXCEED \$65,518.42.

Presented by: Robert Severance, Chief of Police

Summary: This resolution will approve the purchase of ten (10) Motorola APX8500 Mobile Radios for the ten (10) new Chevrolet Tahoes for Police Department use. The cost of the radios was included in the Fiscal Year 2023 Budget.

The cost of each mobile radio is \$5,956.22 and the total cost for the purchase of ten mobile radios is \$59,562.20. The not-to-exceed amount of \$65,518.42 includes a 10% contingency for unanticipated price increases, although not anticipated at this time. The purchase is made through HGAC RA05-21 contract pricing with additional discounts applied as a primary user on NTIRN (044A) system per Fort Worth contract # 50054.

ACTION AGENDA

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING FROM I (INDUSTRIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR SINGLE-FAMILY DEVELOPMENT ON ±33.89 ACRES LOCATED AT 496 WEST VAUGHN ROAD, CASE ZC23-022.

Presented by: Danielle Castillo, Planning Manager

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 5-foot setback from the lot line. The subdivision will consist of 213 single-family detached lots and eight (8) open space lots that contain community amenities including a playground, gazebos, 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 deviations outlined below.

- The reduction of the minimum lot size from 6,000 square feet to 3,500 square feet (~~Minimum lot size of 2,450 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 previous deviations from the original request are notated in parenthesis using strikethrough.

The Planning and Zoning Commission considered this request at its August 28, 2023, meeting and recommended approval with a vote of 5-2, with Chairman Archer and Vice-Chairman Albertson voting against the motion

OR2. *PUBLIC HEARING* CONSIDER AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING, TO RECLASSIFY FIBER CEMENT PANEL OR

BOARD (SUCH AS “HARDIE” BOARD) AS A CLASS 1 BUILDING MATERIAL AND AMEND ASSOCIATED SECTIONS OF CHAPTER 155, CASE GC23-006.

Presented by: Danielle Castillo, Planning Manager

Summary: At the August 8, 2023, regular meeting, City Council directed staff to develop an ordinance that amends the definition of Class 1 Building Materials within the Zoning Ordinance to include Fiber Cement Panel or Board (such as “Hardie” Board).

Chapter 155 of the Code of Ordinances provides standards for the minimum percentage of certain building materials on residential and non-residential structures. These are grouped into two classes. Class 1 Building Materials are typically required on at least 70%-80% of the surface of primary building facades. Class 1 Building Materials are defined in Section 155.4.05 as any of the following:

- (1) Brick or stone stacked and mortared in place (stone means granite, limestone, marble, or other naturally-occurring stone);
- (2) Glazed ceramic or porcelain tile;
- (3) Stucco consisting of exterior Portland cement, hand-applied in three coats to a minimum thickness of three-quarters of an inch;
- (4) Concrete tilt-wall or other concrete finish technique (up to 80% of a building's overall façade).

Fiber cement panel (often referred to as “Hardie board”) is included as a Class 2 Building Material, along with other recognized building materials such as CMU (engineered concrete block), EIFS (synthetic stucco), engineered wood or metal, and curtain wall.

The proposed amendment would reclassify fiber cement panel as a Class 1 Building Material, which would allow builders and developers greater utilization of fiber cement panel as a building material on new and remodeled buildings in Cleburne. The amendment would apply to buildings in all districts, including the Downtown Core (DTC) Overlay. The Downtown Transition (DTT) Overlay already requires that single-family and duplex buildings utilize at least 80% treated or painted wood or fiber cement panel, which would remain a requirement under the proposed amendment.

At its August 28, 2023, meeting, the Planning and Zoning Commission voted 7-0 to recommend approval of the ordinance amendment.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE REAUTHORIZING TITLE XV: LAND USAGE, SECTION 150.016: FEES ADOPTED, RELATING TO BUILDING PERMIT FEES.

Presented by: Chris Fuller, Deputy City Manager

Summary: As a result of House Bill 1922, as passed by the 88th Regular Session of the Texas Legislature, the City of Cleburne needs to update the Code of Ordinances to remain in compliance with state law prior to the January 1, 2024, effective date. The State of Texas recently enacted House Bill 1922, which states a city’s governing body must hold a public hearing and vote to reauthorize any city fee charged as a condition of constructing, renovating, or remodeling a residential or commercial structure at least once every ten years. Under the bill, if a city fails to do so by the tenth anniversary of the fee being adopted or reauthorized, the fee will be automatically abolished by law.

RS9. CONSIDER A RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENTS WITH PROPERTY OWNERS ADJACENT TO LAKE PAT CLEBURNE.

Presented by: Jeremy Hutt, Public Works Director

Summary: Lake Pat Cleburne is owned by the City of Cleburne and the City has water rights in Lake Pat Cleburne, which is a drinking water source for residents. Properties that are adjacent to Lake Pat Cleburne do not have direct access to the water front due to the city property that separates the water from the private property. The adjacent properties desire to have access rights to the lake while being able to maintain a level privacy and security for their respective properties. The proposed Encroachment Agreement provides for the following:

- Grants to Grantee exclusive permission to encroach upon, use and occupy, for personal purposes only, the property located between the edge of the lake and their property line.
- Establishes that the Grantee agrees to maintain the Encroachment Area in a neat, safe, and good condition at all times.
- Restrict the Grantee from constructing any improvements without the City's consent.
- Maintains that the City may enter and utilize the Encroachment Area and that the City may terminate Grantee's right to use the Encroachment Area upon ninety (90) days written notice.
- The initial term of this Agreement shall be for three (3) years, with successive automatic one (1) year renewals.
- Provides City Council has sole discretion in determining a public need that requires the termination of the agreement for public improvements, such as underground, surface or overhead communication, drainage, wastewater collection, transfer and disposal, transmission of natural gas or electricity or other utility lines, park purposes or other recreational facilities or any other public purpose.

Lake Pat Cleburne also provides a habitat for numerous species of plants and animals, and is a regional center for water recreational activities for the City of Cleburne's citizens and visitors. The City has taken steps to protect the health and safety of the citizens of Cleburne and the recreational users of the lake by establishing regulations for the use of Lake Pat Cleburne and the surrounding area. The current regulations limit the use of the land and require a land-use easement or license agreement allowing for the use of the land. Existing private facilities are grandfathered in accordance with Section 98.130, and an Encroachment Agreement is needed to clarify the responsibilities and access rights of the property owners. The proposed resolution authorizes the City Manager to execute encroachment agreements with existing and future lake-adjacent property owners.

BUDGET AND TAX RATE

OC1. *PUBLIC HEARING* HOLD A PUBLIC HEARING FOR PUBLIC INPUT ON THE FISCAL YEAR 2024 PROPOSED TAX RATE OF \$0.581318 PER HUNDRED DOLLARS OF VALUATION IN ACCORDANCE WITH CHAPTER 26 OF THE TEXAS TAX CODE.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 26 of the Texas Property Tax Code details the requirements for taxing units to comply with “Truth-in-Taxation” laws in setting property tax rates. Chapter 26.05(d) states the governing body of a taxing unit must hold a public hearing on the proposed tax rate when the proposed rate “exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate”.

The calculated Fiscal Year (FY) 2024 (tax year 2023) no-new-revenue tax rate is \$0.562985 and the voter-approval rate is \$0.581318. On August 8, 2023, the City Council adopted a resolution stating its intent to adopt a tax rate of \$0.581318, a decrease from the FY 2022 tax rate of \$0.640476. The proposed rate is higher than the no-new-revenue tax rate, and therefore, the City Council is required to hold a public hearing.

This public hearing provides the public an opportunity to speak on the proposed tax rate. As required by Section 26.06(b-2), a “NOTICE OF PUBLIC HEARING ON TAX INCREASE” was published on Saturday, August 26, 2023, which is at least five (5) days prior to the public hearing.

As a point of reference, the voter-approval tax rate calculation sets the interest and sinking rate (Debt Service rate) at \$0.021610. The remainder of the proposed tax rate, \$0.559708, will be allocated to operations and maintenance (General Fund rate). The proposed ordinance adopting the FY 2024 tax rate reflects these rates, as required by Section 26.05 of the Texas Property Tax Code. On this agenda, the City Council is to consider an ordinance adopting the FY 2024 tax rate.

OR4. CONSIDER AN ORDINANCE ADOPTING AND APPROVING THE BUDGET FOR THE CITY OF CLEBURNE FOR THE FISCAL YEAR OCTOBER 1, 2023, TO SEPTEMBER 30, 2024.

Presented by: Rhonda Daugherty, Director of Finance

Summary: In accordance with Section 6.2 of the City of Cleburne Charter, Preparation and Submission of Budget, the City Manager filed the proposed budget on August 4, 2023, and presented it to the City Council at the August 8, 2023, budget work session. At the conclusion of the work session, City Council gave direction to the City Manager to move forward on September 12, 2023, for adoption of the proposed Fiscal Year (FY) 2024 budget as amended.

The proposed budget for FY 2024 is based on conservative fiscal management practices and balances the needs of the community with available resources. It is founded primarily on the assumptions as discussed during the March 23, 2023, Council’s Strategic Planning Workshop, as well as the five key focus areas of economic development, planning and growth management, public infrastructure enhancements, aesthetics/quality of life programs, and information sharing/communications.

Revenue:

- No planned tax rate increase
- Conservative revenue estimates
- Continue pursuit of economic development opportunities
- Fee schedule revisions as appropriate
- Identify and implement operational cost savings initiatives
- Pursue grant opportunities (in house)
- Public/Private partnership opportunities

Expenditures:

- Continue to invest in our employees
 - Support current compensation plan
 - Adjust for cost-of-living expenses as warranted
 - Pay plan adjustments
- Potential for new positions

Human Resources Manager	IT Solutions Analyst
Maintenance Foreman – Golf	Cons. Inspector – Engineering (4/1/24)
Firefighters (3) – Fire (7/1/24)	Conference Center Manager (7/1/24)
Seasonal Mtc. Worker – Parks	Seasonal Mtc. Worker – Sports Complex
Seasonal Attendants (2) – Golf	(PT) Custodian – Building Maintenance
(PT) Records Clerk – Police	(PT) Bailiff - Courts
- Absorb Conference Center Positions effective October 1, 2023

Operations Supervisor	Custodian
Booking and Sales Coordinator	Event Attendant Coordinator
PT Event Attendant (2)	
- Invest in infrastructure (streets, W/WW, drainage, facilities)
- Invest in technology, tools, vehicles, and equipment
- Enhance fund balance reserves where possible

Below are some, but not all, of the major proposed FY 2024 city-wide capital purchases and large operating expenses:

- Enterprise ERP – financial management system update
- Neighborhood Police facility
- Annual street improvement program
- Major street repair projects
- General Vehicle Replacements for Police, Fire, Sanitation, Engineering and Parks
- Parks facilities improvements at Splash Station and Sports Complex
- Infield Turf replacement at The Depot baseball stadium
- Annual Water/Wastewater line rehabilitation program
- Major water line and pressure plane improvements
- West Buffalo Creek 27” sewer line replacement
- FM 4 Utility relocations
- Eastside drainage project

As a point of reference, this item was presented as a public hearing for compliance with Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter that 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.” To be in compliance with this Charter requirement, at the August 22, 2023, City Council meeting, the City Council held the required public hearing and stated its intent to adopt the budget on September 12, 2023, at 5:00 pm, a regularly scheduled meeting of the City Council.

OR5. CONSIDER AN ORDINANCE SETTING THE 2023 AD VALOREM TAX RATE AT A \$0.581318 PER ONE HUNDRED DOLLARS PROPERTY ASSESSMENT AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF CLEBURNE FOR THE OPERATION OF THE MUNICIPAL GOVERNMENT FOR FISCAL YEAR 2024.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 26 of the Texas Property Tax Code requires taxing units to comply with “Truth-in-Taxation” laws in setting tax rates. As discussed at the August 8, 2023, and August 22, 2023, council meetings, a tax rate of \$0.581318 per \$100 valuation has been proposed by the City Council. This rate is lower than the Fiscal Year (FY) 2023 rate, higher than the no-new-revenue rate of \$0.562985, and not higher than the voter-approval rate of \$0.581318 per \$100 of valuation.

The no-new-revenue tax rate is the rate that will raise the same amount of property tax revenue for City of Cleburne from the same properties in this and the previous tax year. The voter-approval tax rate is the highest rate the City of Cleburne may adopt without holding an election to seek voter approval of the rate. The proposed rate is greater than the no-new-revenue tax rate. As such, a public hearing on the tax rate was held at this meeting to give citizens an opportunity to express support or opposition to the proposed tax rate.

As a point of reference, the voter-approval tax rate calculation sets the interest and sinking rate (debt service rate) at \$0.021610. The remainder of the tax rate of \$0.559708 will be allocated to operations and maintenance (general fund rate). The ordinance adopting the FY 2024 tax rate reflects these rates, as required by Texas Tax Code 26.04(c).

This item is to consider adoption of an ordinance setting the FY 2024 (tax year 2023) property tax rate to support the FY 2024 Annual Budget. The vote on the ordinance must be a record vote and 60% of the council (3 of 5) must vote in favor of the adoption of the tax rate for passage of the ordinance. Because the proposed tax rate is higher than the no-new-revenue rate, the motion to adopt the ordinance must be made in the following form: *“I move that the property tax rate be increased by the adoption of a tax rate of 0.581318 percent, which is effectively a 3.26% percent increase in the tax rate.”*

RS10. CONSIDER A RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE INCLUDED FISCAL YEAR 2024 BUDGET AS REQUIRED BY CHAPTER 102.007 OF THE LOCAL GOVERNMENT CODE.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 102.007 Subsection (c) of the Local Government Code requires that, after the adoption of a budget that will raise more property tax revenue than the last year’s budget, a separate agenda item and vote is required for a City Council to ratify the revenue increase. This agenda item provides for the ratification of the proposed Fiscal Year 2024 General Fund and Debt Service Fund budgets. The tax rate of \$0.581318 is lower than the prior fiscal year, however, the total appraised values increased by 19.1%, producing a property tax revenue increase of \$920,323, including \$513,490 from new construction. The motion to adopt the resolution must be made in the following form: *“This budget will raise more revenue from property taxes than last year’s budget by an amount of \$920,323, which is a 5.69 percent increase from last year’s budget. The property tax revenue to be raised from new property added to the tax roll this year is \$513,490.”*

ACTION AGENDA – CONTINUED

RS11. CONSIDER A RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH TYLER TECHNOLOGIES, INC FOR ENTERPRISE RESOURCE PLANNING SOFTWARE, HARDWARE, HOSTING, AND PROFESSIONAL IMPLEMENTATION SERVICES IN AN AMOUNT NOT TO EXCEED \$3,078,929.

Presented by: David Raybuck, Director of Information Technology

Summary: Enterprise Resource Planning (ERP) software is used for financial, human resources, and utility billing management. The current ERP software in use was implemented in 1999, and lacks important functionality for a growing municipality of Cleburne's size. With the assistance of Sciens, LLC (contract was approved by Council Resolution RS04-2022-52 on April 12, 2022), City staff conducted a needs assessment, published a Request for Proposals, and evaluated multiple ERP platforms in order to ultimately select Tyler Technologies' Enterprise ERP platform as the recommended solution. The ERP system is to be implemented in three phases starting with financials in Fiscal Year (FY) 24, human resources/payroll in FY25, and utility billing in FY26.

The initial term of this agreement is five years and will renew automatically for additional one-year terms unless terminated by either party. The agreement also sets the cost for years 6 - 10 in addition to the initial term. The total not to exceed amount for 10 years is \$3,078,929 which includes a 5% contingency. This includes \$1,223,232 in implementation, travel, and data conversion costs in the first three years, and \$10,000 for point-of-sale hardware in FY24. Payments will start on or after October 1, 2023 (FY24).

RS12. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT FOR CONSULTING SERVICES WITH SCIENS, LLC FOR ENTERPRISE RESOURCE PLANNING SOFTWARE PROJECT MANAGEMENT IN AN AMOUNT NOT TO EXCEED \$306,180.

Presented by: David Raybuck, Director of Information Technology

Summary: The City uses Incode software for an Enterprise Resource Planning (ERP) system used for financial, human resources, and utility billing management. Incode was implemented in 1999, and it no longer meets the City's growing needs. Enterprise Resource Planning replacement projects are large, complex, and too risky to take on without the assistance of an experienced firm that specializes in this area. Sciens, LLC was contracted in April 2022, (approved by Council Resolution RS04-2022-52) to assist City staff with assessing needs, scoping the project, drafting the request for proposals, selecting a platform, and negotiating the contract. City staff were satisfied with their pre-project services and are now recommending procurement of their project management services for the ERP implementation that will occur in three phases starting with financials in Fiscal Year (FY) 24, human resources/payroll in FY25, and utility billing in FY26. At \$97,200 per year, the cost for three years will not exceed \$306,180 which includes a 5% contingency of \$14,580. The procurement of these services will utilize the TIPS contract #200105 to meet competitive purchasing requirements.

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:

EX1. Discuss process and options for collection of delinquent hotel occupancy taxes related to American Inn

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).

EX2. Discuss Project Sunrise

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

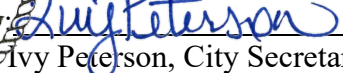
CERTIFICATION

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, September 8, 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.