



**CITY COUNCIL REGULAR MEETING AGENDA**  
**OCTOBER 10, 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 Pastor Daniel Gibbs, Open Heart Ministries

**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

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**COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

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**CMP1. AUGUST 2023 ALL STAR – CINDY MOORE, WATER DEPARTMENT**

**CMP2. UPDATE FROM CHISHOLM TRAIL OUTDOOR MUSEUM REGARDING OPERATIONS AND UPCOMING EVENTS**

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**CONSENT AGENDA**

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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 SEPTEMBER 26, 2023, REGULAR COUNCIL MEETING.**

**RS1. CONSIDER A RESOLUTION CANCELLING THE SECOND REGULAR COUNCIL MEETINGS IN NOVEMBER AND DECEMBER FOR THE CALENDAR YEARS 2023 AND 2024.**

Presented by: Ivy Peterson, City Secretary

Summary: The City Council has adopted Rules of Order and Procedure that include the setting of regular meeting dates to be held the second and fourth Tuesdays of each month. The Council may, when it deems appropriate, cancel one or more regular meetings with a majority vote. This resolution is presented to consider cancelling the second regular meetings in November and December due to the Thanksgiving and Christmas holidays for the calendar years 2023, and 2024. The meeting dates being considered for cancellation are November 28, 2023, December 26, 2023, November 26, 2024, and December 24, 2024.

**RS2. CONSIDER A RESOLUTION CONFIRMING THE APPOINTMENT OF SHANE WICKSON TO THE CLEBURNE POLICE RESERVE FORCE.**

Presented by: Rob Severance, Chief of Police

Summary: Chief Severance is requesting Council confirm the appointment of Shane Wickson to the Cleburne Police Reserve Force, thereby permitting him to carry a weapon and act as a peace officer at all times, in accordance with Texas Local Government Code §341.012 and City of Cleburne, Texas Code of Ordinances §33.03. Lieutenant Wickson has announced his intent to retire from his full-time position with the Cleburne Police Department, effective October 13, 2023, with 20 years of service. Shane holds a Texas master peace officer certification and a master's degree in criminal justice. He is also a licensed telecommunications operator.

**RS3. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF SERVERS AND DEPLOYMENT SERVICES FROM SEQUEL DATA SYSTEMS, INC IN AN AMOUNT NOT TO EXCEED \$108,483.**

Presented by: David Raybuck, Director of Information Technology

Summary: The City currently used Cisco UCS servers to host over 85 virtual servers used for critical systems such as email, phones, intranet, file sharing, GIS, and many other important applications. The current servers will reach their end-of-life in February 2024, and will no longer be supported afterwards. This will authorize the purchase of eight HPE ProLiant servers, all related parts, three years of support, and professional deployment services from Sequel Data Systems, Inc to replace the existing equipment. This is a trusted vendor that has completed many successful information technology infrastructure projects for the City and who is highly familiar with the City's server/network environment. The not to exceed amount of \$108,483 includes a

1.5% contingency of \$1,589 over the quoted cost of \$106,894. This will be purchased on the DIR and TIPS cooperative contracts to meet competitive purchasing requirements.

**RS4. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH DILLER'S BARBER SHOP UNDER THE TERMS OF THE DOWNTOWN BUILDING REHABILITATION MATCHING INCENTIVE PROGRAM FOR PROPERTY LOCATED AT 202 EAST CHAMBERS STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Diller's Barber Shop has submitted an application for reimbursement of eligible expenditures under the terms of the Program related to improvements to the property at 202 East Chambers Street. The scope of work to be performed includes the following:

- Repair and replace subflooring and floor tile
- Repair and replace damaged ceiling tiles and install new suspended ceiling in rear portion of the building
- Paint all interior walls

Total estimated cost of the project is \$7,894, and under the terms of the Program, 50% of eligible costs are reimbursable up to a maximum of \$25,000. In this case, the reimbursement would be \$3,947. If this request is approved, there will be \$28,415 in remaining funding for other projects during FY 2024.

**RS5. CONSIDER A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS NOT TO EXCEED \$75,000 FOR THE REPAIR OF A REFUSE TRUCK AND DECLARING THE PURCHASE AN EMERGENCY UNDER THE PROVISIONS OF SECTION 252.022 OF THE LOCAL GOVERNMENT CODE.**

Presented by: Laura Melton, Assistant Director of Public Works

Summary: On August 17, 2023, a refuse truck (unit #0191093) caught fire overnight while parked at the City's transfer station facility. The fire department and sanitation personnel responded to the fire and were able to control the fire prior to the refuse truck being completely destroyed.

The City has been coordinating with the repair facility to determine the needed repairs in order to make this unit roadworthy and place it back in service. Upon a thorough overview and assessment of the damage and needed repairs, the cost of the restoration is estimated at \$60,560.95. It is likely additional repairs may be identified during the repair, therefore, the authorization being considered is for an amount not to exceed \$75,000.

Per Section 252.022 (a) (3) of the Local Government Code, there is an exemption from bidding requirements when "a procurement necessary because of unforeseen damage to public machinery, equipment, or other property".

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## ACTION AGENDA

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**RS6. CONSIDER A RESOLUTION AFFIRMING NOMINATION OF CANDIDATE(S) FOR THE 2024-2025 BOARD OF DIRECTORS OF THE JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT.**

Presented by: Ivy Peterson, City Secretary

Summary: The Johnson County Central Appraisal District (CAD) will hold an election for its five-member Board of Directors for the 2024-2025 term. All taxing entities located in-whole or in-part of Johnson County are provided the opportunity to submit nomination of up to five candidates, for which all eligible candidates will be included on the ballot. Eligible candidates are residents in the District for at least 2 years immediately preceding the date the individual takes office. The deadline for submitting nominations is October 15, 2023. The current CAD Board of Directors are Toby Ford-Chairman, Don Beeson-Vice Chairman, Brenda Web-Secretary, Byron Black, and Vance Castles.

**OR1. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE AMENDING SPECIFIC USE PERMIT ORDINANCE NO. OR10-2022-73 TO AUTHORIZE A PIERCING STUDIO WITHIN AN EXISTING TATTOO STUDIO ON ±0.06 ACRES, ZONED RC (REGIONAL COMMERCIAL DISTRICT) AND WITHIN THE DTC (DOWNTOWN CORE OVERLAY), LOCATED AT 103 EAST HENDERSON STREET, CASE ZC23-035.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicants, Chanler Hobbs and Malenna Watrak, have submitted a request to amend the Specific Use Permit approved by Council Ordinance No. OR10-2022-73 in order to incorporate a piercing studio within the existing tattoo/permanent cosmetic studio located downtown at 103 E. Henderson Street. The applicant has provided a letter of intent and conceptual floor plan detailing the proposed piercing studio within The Painted Rose. The Planning and Zoning Commission considered this request at its September 25, 2023, meeting and recommended approval with a vote of 5-0.

**RS7. CONSIDER A RESOLUTION RELEASING THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±114.96 ACRE TRACT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH COUNTY ROAD 1226 AND WOODARD AVENUE, CASE GC23-008.**

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for the release of approximately 114.96 acres of land located at the southeast corner of North County Road 1226 and Woodard Avenue from the City's extraterritorial jurisdiction (ETJ) has been filed by the owner, Big Horn 124, LLC, represented by Brandon Martino.

Pursuant to SB 2038, effective September 1, 2023, a resident/owner of an area within the City's ETJ may file a petition for the area to be released from the ETJ. The petition must be signed by either 1) more than 50 percent of the registered voters, or 2) a majority in value of the holders of title of land in the area. The petition was received on September 20, 2023, and signature of the owner was verified by the City Secretary's Office.

Pursuant to Section 42.105 of the Texas Local Government Code and Section 1.3 of the City's Charter, the City Council shall by resolution release the area from its ETJ boundaries

within 30 days from the date the petition is received. Action not taken by the deadline deems the area released by operation of law. No public hearing is required for this request.

**RS8. CONSIDER A RESOLUTION AUTHORIZING THE EXPENDITURE OF OPIOID SETTLEMENT DISTRIBUTION PAYMENTS RECEIVED BY THE CITY OF CLEBURNE FOR THE IMPLEMENTATION OF PROGRAMS OR STRATEGIES THAT DISCOURAGE OR PREVENT THE MISUSE OF OPIOIDS.**

Presented by: Rob Severance, Chief of Police

Summary: Texas, along with a broad coalition of states and subdivisions, has now reached final agreements with eleven companies to resolve legal claims for their role in the opioid crisis. The 87th Texas Legislature passed Senate Bill 1827 in 2021, creating the Texas Opioid Abatement Fund Council (OAFC) to address the opioid crisis across the state. Texas' combined share is \$3 billion. The City of Cleburne has received \$71,631.46 from the Opioid Abatement Fund with an additional \$156,552.54 anticipated. Staff recommends using the settlement funds to implement programs or strategies that discourage or prevent the misuse of opioids. This includes evidence-informed school and community education programs and campaigns for students, families, and school employees.

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**EXECUTIVE SESSION**

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**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.** 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)

**EX2.** Discuss Cleburne Airport Hangar 99

**EX3.** Discuss Right of Way Encroachment

**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).

**EX4.** Discuss Project Sunrise

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

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### CERTIFICATION

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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](http://www.cleburne.net) and said Notice was posted on **Friday, October 6, 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.