



**CITY COUNCIL REGULAR MEETING AGENDA**  
**OCTOBER 24, 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 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

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**COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

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**CMP1. PRESENTATION** – September Stars Award - Martina Bartolowits, Police Department

**CMP2. PRESENTATION** – City of Cleburne Awarded the Aetna Wellness Bronze Award

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

**CMP4. PRESENTATION** – Quarterly Financial Report through September 30, 2023 (unaudited), Rhonda Daugherty, CFO/Director of Finance

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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 OCTOBER 10, 2023, REGULAR COUNCIL MEETING.**

**RS1. CONSIDER A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS PER THE EXISTING JOINT FACILITY AGREEMENT FOR THE REPAIR AND MAINTENANCE OF THE RAW WATER INTAKE FACILITY AT LAKE AQUILLA IN THE AMOUNT OF \$89,644.41.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City has received an invoice from the Aquilla Water Supply District (AWSD) for emergency repairs performed in 2022 on October 2, 2023, as well as a notice of upcoming repairs scheduled for November 2023.

The emergency repairs performed in 2022 were necessary to address siltation in the raw water intake that was preventing the flow of raw water. The cost of the repair was \$133,125 and in accordance with the Joint Facility Agreement, approved by Resolution RS03-1999-79, the City of Cleburne is responsible for 56.89% of the costs (\$75,734.81). The AWSD provided the initial payment for the project and are now seeking reimbursement from the City of Cleburne in accordance with the existing agreement.

The AWSD has also provided the City notice of an upcoming maintenance project that will result in a cost that will be split between the City and AWSD. The estimated cost of the project is \$24,450 with this City share being \$13,909.60. The proposed action is the authorization of the expenditure of funds for the reimbursement and future maintenance project in the amount of \$89,644.41.

**RS2. CONSIDER A RESOLUTION AUTHORIZING CONTRACTS FOR ANNUAL SUPPLY OF WATER TREATMENT CHEMICALS RESERVING THE OPTION TO PURCHASE FROM SECONDARY SUPPLIERS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 252.022(2).**

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff has solicited bids for the chemicals that are used in the operation of the water utilities. Several companies submitted bids to provide the chemicals at various rates. No single bidder submitted a bid to provide all required chemicals. The chart below shows the vendors for each of the chemicals. Primary and secondary vendors are being recommended to ensure consistent supply and best cost to provide the city multiple options to acquire the necessary chemicals in a timely manner.

Item Description	Primary Vendor	Item Cost	Secondary Vendor	Item Cost
Liquid Ferric Sulfate	CHEMTRADE CHEMICALS US LLC	\$288.00/wet ton	PENCCO INC	\$350/ton
Sodium Bisulfite	TR INTERNATIONAL TRADING COMPANY	\$0.4225/ dry lb \$0.169/wet lb	SOUTHERN IONICS	\$0.4575/dry lb
Potassium Permanganate	UNIVAR SOLUTIONS USA INC	\$2.39/lb	CHEMRITE, INC	\$2.43/lb
Chlorine Liquified Gas	DPC INDUSTRIES INC	\$305/150lb-\$10 cyl/mo \$2,447/ton-\$50 cyl/mo	NA	NA
Liquid Ammonium Sulfate 40% Sol	CHAMELEON INDUSTRIES INC	\$1.38/gal	CHEMTRADE CHEMICALS US LLC	\$1.48/gal
Powder Activated Carbon	CARBON ACTIVATED CORP	\$1.34/50lb bag	TR INTERNATIONAL TRADING COMPANY	\$0.38/dry lb
Cationic Polymer	CHAMELEON INDUSTRIES INC	\$0.85/lb	POLYDYNE INC	\$0.85/lb
Aluminum Sulfate	CHAMELEON INDUSTRIES INC	\$0.174/dry lb (\$0.933/GAL OR \$0.0844/LB)	UNIVAR SOLUTIONS USA INC	\$0.266/lb
FLOPAM EMR 2600 Cationic Polymer	CLEARWATER LAB LLC	\$2.19/lb	NA	NA
CLARIFLOC A-210P Polymer Centrifuge	POLYDYNE INC	\$1.25/lb	NA	NA

The agreements will have a term of October 25, 2023, through October 24, 2025, with a renewal option. The proposed resolution authorizes the City Manager to execute agreements as needed with each of the vendors and any subsequent renewals.

**RS3. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT RENEWAL WITH WESTHILL CONSTRUCTION, INC FOR THE 2024 PAVEMENT REPAIR CONTRACT FOR AN AMOUNT NOT TO EXCEED \$250,000.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: This is a contract between the City of Cleburne and Westhill Construction, Inc. for the miscellaneous repair of asphalt pavement, concrete pavement, and concrete curbs within the City. This agreement allows the City to provide prompt repair of roadways when the repairs require a third-party contractor.

The City of Fort Worth bid a similar contract at much larger quantities resulting in lower unit pricing than what would be available to the City of Cleburne. The City of Fort Worth has awarded a contract to Westhill Construction, Inc that includes the same type of work with associated unit pricing. The City of Cleburne, through an interlocal agreement with the City of Fort Worth, is able to utilize the unit prices from the Fort Worth contract with Westhill Construction so that all state and local bidding requirements have been met. Funding for this agreement will be sourced from the M&R – Streets, Curbs, and Alley accounts of Water Distribution, Wastewater Collections, Drainage, and Street Maintenance.

**RS4. CONSIDER A RESOLUTION DECLARING THE INTENT TO REQUEST AND ACCEPT GRANT FUNDING THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE ENGINEERING, REHABILITATION, AND CONSTRUCTION OF CLEBURNE AIRPORT APRON AND CONNECTING TAXIWAYS.**

Presented by: Garrett Watson, Airport Manager

Summary: The Federal Aviation Administration dedicates funds for improving airport facilities and provides funding through state agencies. The Texas Department of Transportation (TxDOT) administers these funds as part of the Aviation Capital Improvement Program. Cleburne airport eligible projects, as identified by TxDOT, are: 1) engineering and design for the apron, taxi lane, connector removal, Taxiway G, I and E in an amount of \$300,000; and 2) reconstruct ramp pavement east side of Taxiway B, grading and drainage work, adjust inlets, reconstruct SE and NE corners of Terminal Apron, reconstruct Taxiway B and three (3) connectors to Taxiway A, construction administration, closeout, material testing, inspection, and rehabilitate terminal apron for an amount of \$4,017,118.

The proposed resolution authorizes the City Manager to submit formal application for the grant funds, and if awarded, authorizes the City Manager to execute the agreement with TxDOT committing a 10% match (approx. \$431k) for these projects. The 10% match for the engineering/design project is \$30,000 and is included in the FY2024 budget. The City's portion of the construction phase, to be undertaken in FY2025, is \$401,711. Fifty percent of the construction cost (\$201k) is already included in the FY 2024 budget, with the remaining portion to be budgeted as part of the FY 2025 budget.

The Airport Advisory Board considered this item at their October 10, 2023, meeting and recommended approval.

**RS5. CONSIDER A RESOLUTION AUTHORIZING THE PROCUREMENT OF SERVICES BY SUNBELT POOLS FOR THE COMPLETION OF THE COOL DECKING APPLICATION ON THE REMAINING POOL DECK AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$109,706.14.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: Completion of the next phase of cool decking at Splash Station was approved in the Fiscal Year 2024 Budget. This phase of the project will complete the cool decking application on the deck surrounding the competition pool, under the air-supported dome and under the shade canopies on the pool deck. This will be the next phase of this project, which will provide the same application on the leisure pool deck before the 2023 operating season.

Sunbelt Pools is the recommended supplier and installer utilizing BuyBoard Contract #701-23 for an amount not to exceed \$109,706.14. The proposed amount includes the base proposal of \$99,732.85 and a 10% contingency fund of \$9,973.29.

On October 19, 2023, the 4B Economic Development Corporation Board of Directors considered and unanimously recommended approval of this item.

**RS6. CONSIDER A RESOLUTION AUTHORIZING THE PROCUREMENT OF A DETHATCHER MACHINE FOR THE CLEBURNE SPORTS COMPLEX FROM ZIMMERER KUBOTA & EQUIPMENT, INC FOR AN AMOUNT NOT TO EXCEED \$20,040.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: A dethatcher machine was approved in the Fiscal Year 2024 Budget for the Cleburne Sports Complex. This machine will be integral to the implementation of a turfgrass nutrient management program for the sports complex, and will allow staff to provide inputs to the athletic

fields for best turf management practices. Dethatching is an essential component of best practices in turfgrass cultivation, allowing air exchange to the rhizome layer of warm-season grasses and assists in the growth of healthy root zones. Zimmerer Kubota & Equipment is the recommended supplier utilizing BuyBoard Contract #706-23 for an amount not to exceed \$20,040.

On October 19, 2023, the 4B Economic Development Corporation Board of Directors considered and unanimously recommended approval of this item.

**RS7. CONSIDER A RESOLUTION AUTHORIZING THE PROCUREMENT OF A ROBOTIC ATHLETIC FIELD LINE PAINTER FOR THE CLEBURNE SPORTS COMPLEX FROM TURF TANK FOR AN AMOUNT NOT TO EXCEED \$52,700.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: A robotic athletic field line painting machine was first approved in the Fiscal Year 2023 Budget for the Cleburne Sports Complex. However, due to cost increases beyond expected limits for athletic field renovations at the sports complex, the painter was not procured in FY2023. It was requested again in the FY2024 budget and was approved.

An examination of staff time expended in painting lines on the twenty-nine (29) athletic fields at the sports complex revealed more than 2,200 hours annually. Using the robotic painter will save over a full staff year of hours that can be redirected to other tasks, including implementing a turfgrass nutrient management program at the Sports Complex. Turf Tank is the recommended supplier for this equipment, utilizing BuyBoard Contract #706-23, for an amount not to exceed \$52,700.

On October 19, 2023, the 4B Economic Development Corporation Board of Directors considered and unanimously recommended approval of this item.

**RS8. CONSIDER A RESOLUTION AUTHORIZING THE PROCUREMENT OF A TOP DRESSER MACHINE FOR THE CLEBURNE SPORTS COMPLEX FROM UNITED AG & TURF FOR AN AMOUNT NOT TO EXCEED \$48,683.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: A top dresser machine for the Cleburne Sports Complex was approved in the Fiscal Year 2024 Budget. This machine will be integral to implementing a turfgrass nutrient management program for the sports complex and will allow staff to provide inputs to the athletic fields for best turf management practices. United Ag and Turf is the recommended supplier utilizing BuyBoard Contract #706-23 for an amount not to exceed \$48,683.

On October 19, 2023, the 4B Economic Development Corporation Board of Directors considered and unanimously recommended approval of this item.

**RS9. CONSIDER A RESOLUTION AMENDING THE NAME OF THE TEMPORARY LAKE PARKS ADVISORY COMMITTEE TO 4B CAPITAL IMPROVEMENT PROJECTS ADVISORY COMMITTEE AND ADDING THE OVERSIGHT OF THE DESIGN AND IMPROVEMENTS OF HULEN PARK TO THEIR CHARGE.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The purpose of this item is to amend the name of the established a Lake Parks Advisory Committee to 4B Capital Improvement Projects Advisory Committee, along with their

charge to include the oversight of design and improvements for Hulen Park. This committee will continue to make recommendations to the City Council regarding the design and improvements for Kirtley Park and Byron “Buddy” Stewart Park. The Committee consists 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 Lake Parks Advisory Committee was established by the City Council on June 27, 2023. It was charged to establish the date, times, and work schedule for the Committee meetings. All meetings will be open work sessions, where the general public is invited to attend, listen, and observe. At a minimum, the meeting schedule shall consist of a kickoff meeting, 30% review, 60% review, 90% review, and a final review. The Committee Chair can call a meeting at any time.

**OR1. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2024 (#2) TO AMEND THE OPIOID ABATEMENT FUND (43), THE GENERAL FUND (01), AND THE WATER AND SEWER FUND (60) APPROPRIATIONS.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This budget amendment is being requested to add budgeted funds for the following:

1. Opioid abatement funds approved for expenditure in RS10-2023-140 in the amount of \$71,631;
2. Carryover of Fiscal Year 2023, appropriations into Fiscal Year 2024, for Police Department rifles with a delayed delivery after the fiscal year in which they were funded in the amount of \$3,874; and
3. Appropriate additional funds in the Water & Sewer fund for costs associated with the repair and maintenance of the Lake Aquilla raw water intake facility in the amount of \$89,645.

**RS10. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT FOR CUSTARD FARMS ADDITION, PHASE VIII, FOR ONE MULTI-FAMILY RESIDENTIAL LOT, BEING ±11.043 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), LOCATED AT 100 EAST VAUGHN ROAD, CASE PC23-051.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Trafalgar Homes, represented by Megan Leatherwood, requests approval of the final plat for Custard Farms Addition, Phase VIII, for one multi-family lot for an apartment complex known as The Alps. The final plat of Custard Farms Addition, Phase VIII generally complies with the requirements as outlined in Chapter 154 of the Code of Ordinances and PD Ordinance OR05-2023-32, with the exception of including county filing information on the face of the plat for on-site easements needed for development prior to recordation. The Planning and Zoning Commission will consider this request at its October 23, 2023 meeting.

**RS11. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH TODO VERDE CONSULTING VENTURES, LLC FOR POLICE DISPATCH AND RECORDS MANAGEMENT SOFTWARE IMPLEMENTATION CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$64,800.**



Presented by: David Raybuck, Director of Information Technology

Summary: The Cleburne Police Department is implementing new Computer-Aided Dispatch and Records Management System (CAD/RMS) software alongside other participating agencies in the Johnson County public safety software consortium with a target launch date of October 1, 2024. Current and projected staffing shortages necessitate the procurement of implementation consulting services to ensure successful project completion. Todo Verde Consulting Ventures, LLC is a consulting firm that is currently contracted by Johnson County to provide technical CAD/RMS implementation services, and they have the law enforcement expertise needed for this project. This resolution would authorize the purchase of up to 480 professional service hours at a rate of \$135 per hour for a total amount not to exceed \$64,800, and will be procured using the TIPS contract to meet competitive purchasing requirements. This block of time is estimated to cover six months of project work based on 20 hours per week.

**RS12. CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 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 September 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 September 30, 2023, there was \$150,034,074.93 invested in the four investment pools, along with the loan proceeds held by TWDB at Amegy Bank. The quarterly interest income is \$2,090,210.40, with year-to date interest income of \$7,307,604.76. The percentage allocation by investment pool is LOGIC: 35.63%, Texas Class: 36.87%, TexPool: 10.78%, TexSTAR: 7.73%, and Amegy: 9.00%.

**RS13. CONSIDER A RESOLUTION APPROVING ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF SEPTEMBER 2023.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Accounts payable payments for the month of September 2023, total \$5,429,718.95. There were no budget transfers processed for September 2023.

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**ACTION AGENDA**

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**RS14. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF AN AMBULANCE TO BE USED BY THE FIRE DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$568,306.**

Presented by: Scott Lail, Fire Chief

Summary: Staff is requesting approval to purchase a new Ford F550 Braun Chief XL Type I Ambulance through Siddons-Martin Emergency Group for the amount of \$568,306. This vehicle

is new and equipped with the latest patient/crew safety features. The unit includes a 14-foot patient compartment that allows for ample room for crews to treat patients, a liquid-spring suspension system for improved patient comfort during transports, climate control system to ensure medication and patient compartment are kept at ideal temperatures, and a Stryker Power Load and Power Pro patient cot system. Based on the Fire Department's vehicle requirements, this vehicle meets all required specifications. Siddons-Martin Emergency Group is on HGAC - Contract # AM10-23, so all competitive purchasing requirements have been met. Funding for this purchase is available in the Fiscal Year Budget for FY2024.

**RS15. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF SIXTEEN MOTOROLA APX RADIOS TO BE USED BY THE FIRE DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$109,922.**

Presented by: Scott Lail, Fire Chief

Summary: The FY2024 budget includes funding to begin a 3-year program to replace all of the fire department's portable handheld radios. The current radios are over 10 years of age and no longer supported with repairs and parts by the manufacturer. The retired radios will be retained for parts and/or backup when radios are out of service. The new radios will be purchased using HGAC Contract RA05-21 with additional discounts applied as primary user on 044A system per Fort Worth contract #50054.

**OR2. CONSIDER AN ORDINANCE ADOPTING AN UPDATED PAY SCALE FOR CIVIL SERVICE EMPLOYEES.**

Presented by: Debra Powledge, Director of Human Resources

Summary: The City Council approved the FY2024 Budget providing a 2.5% cost of living adjustment to all employees. This ordinance reflects the new pay scale that was included with the new budget year effective October 1, 2023.

**OR3. CONSIDER AN ORDINANCE ESTABLISHING ELIGIBLE TYPES OF PAY FOR CIVIL SERVICE EMPLOYEES WITHIN THE POLICE AND FIRE DEPARTMENTS.**

Presented by: Debra Powledge, Director of Human Resources

Summary: The City of Cleburne has adopted Chapter 143 of the Texas Local Government Code or "Civil Service", and the City Council has the authority as the governing body to set extra pay types by ordinance as defined in that section for classified police and fire positions. The City Council has reviewed and approved a budget for the City for fiscal year 2024. This budget contains a program of planned expenditures for authorized positions within the police and fire departments. The ordinance would allow for special assignment pays as recommended by the department head and approved by the City Manager under Sections 143.042 and 143.044 of the Texas Local Government Code. This would also allow the City to pay for defined certifications. The City Council adopts the Civil Service Step Pay Plan Scale and all applicable extra pays as part of the City's budget and this ordinance will supplement the Step Pay Plan.



**OR4. CONSIDER AN ORDINANCE ESTABLISHING A SPECIAL SENIORITY PAY FOR HIRING POLICE OFFICERS WITH PRIOR FULL-TIME PAID LAW ENFORCEMENT EXPERIENCE AND SETTING FORTH CRITERIA FOR THE PAY.**

Presented by: Debra Powledge, Director of Human Resources

Summary: The City has adopted Chapter 143 of the Local Government Code or “Civil Service”. The governing body has the authority to set extra pay types by ordinance as defined in the statute for classified police positions. The City of Cleburne recognizes that recruiting a person with prior full-time paid law enforcement experience is an asset to the Police Department and its citizens. This ordinance would allow the City’s Police Department to hire experienced peace officers with experience into a higher step in the City of Cleburne’s Step Pay Plan. This equates to not only less training time, but also a more attractive recruiting package.

**OR5. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT (SUP) FOR A TEMPORARY SALES TRAILER FOR THE BAKER FARMS SUBDIVISION ON LOT 54, BLOCK E, ±0.20 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), LOCATED AT 1909 APACHE CIRCLE, CASE ZC23-040.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Impression Homes, represented by Wendie Hubbard, has submitted a request for a Specific Use Permit (SUP) for a temporary sales trailer for the future Baker Farms subdivision, generally located north of W. Henderson Street, east of N. Nolan River Road, and immediately south of the Remington Ridge subdivision. The temporary sales trailer will be located on Lot 54, Block E at 1909 Apache Circle for no longer than 150 days upon the start of construction of the model home (proposed to be located at 1806 Apache Circle) and exiting of the trailer. The applicant has provided a letter of intent, site plan, and exterior elevation photos describing and showing the location and design of the temporary sales trailer. The Planning and Zoning Commission considered this request at its October 9, 2023, meeting and recommended approval with a vote of 5-0 with the following condition:

- i. Allowance for staff to grant an administrative extension for a duration of the temporary sales trailer for an additional 120 days.

**OR6. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO SF-6 (SINGLE-FAMILY DWELLING DISTRICT) ON ±25.077 ACRES, GENERALLY LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTH BRAZOS AVENUE AND EDGEWOOD LANE, CASE ZC23-036.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Martha Miranda, has requested to rezone approximately 26.07 acres from SF-7 (Single-Family Dwelling District) to SF-6 (Single-Family Dwelling District) for the property generally located at the southeast intersection of S. Brazos Avenue and Edgewood Lane. The applicant has provided a Letter of Intent detailing the proposed rezoning request. The

Planning and Zoning Commission considered this request at its October 9, 2023, meeting and recommended approval with a vote of 5-0.

**OR7. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING, SECTION 155.5: “ZONING APPLICATION SUBMITTAL AND PROCESSING PROCEDURES” TO INCLUDE A PROVISION RELATED TO DENIAL OF ZONING CHANGES, CASE GC23-007.**

Presented by: Danielle Castillo, Planning Manager

Summary: Chapter 155 of the Code of Ordinances, the Zoning Ordinance, outlines the application submittal and processing procedures for zoning applications. More specifically, Section 155.05 outlines the approval authority and public hearing process for zoning map amendments, also known as rezoning requests. However, this section does not detail next steps for an applicant should a rezoning request be denied by City Council. This was an oversight during the Zoning Ordinance amendment process and subsequent adoption in April 2022.

The proposed amendment to be included within this section is a direct carry over from the previous Zoning Ordinance adopted in 1996. The provision states that rezoning requests, unless otherwise stated in the motion, are denied with prejudice, meaning that no additional application can be accepted which involves all or any part of the same property within a period of six (6) months. The provision also allows an applicant, upon written request to the City Council, to request that the six (6) month waiting period be waived.

The Planning and Zoning Commission considered this request at its October 9, 2023, meeting and recommended approval with a vote of 5-0.

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## DISCUSSION & UPDATES

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**OC1. DISCUSS ESTABLISHING THE “CLEBURNE PRIDE HOME IMPROVEMENT INCENTIVE PROGRAM”.**

Presented by: Grady Easdon, Economic Development Manager

Summary: The purpose of the Cleburne Pride Home Improvement Incentive Program is to be designed to encourage investment in Cleburne’s single-family housing stock by providing homeowners with financial incentives for making certain exterior improvements to their properties through a matching funds incentive program. The Program applies to single-family homes that are at least thirty (30) years of age. Objectives of the proposed Program include:

- Improving neighborhood “curb appeal”
- Supporting community pride in ownership
- Revitalizing and rehabilitating older residential structures for the purpose of preservation and protection of the ad valorem tax base
- Offering the potential for energy cost savings as a byproduct of certain improvements

In general, the Program will provide reimbursement to the property owner a 30% match for costs associated with eligible exterior improvements to single-family homes located within the city limits of Cleburne. The maximum reimbursement award will be \$5,000, and eligible projects must have a minimum cost of \$4,000. City Council shall have the discretion to increase or decrease the award amount based on the scope of the project or other extenuating factors.

**OC2. DISCUSS REVISIONS TO SECTION 155.4.05 DESIGN STANDARDS; 155.4.06 OVERLAY REGULATIONS REGARDING REQUIRED WINDOW COVERAGE; AND SECTION 155.4.05 ALTERNATIVE COMPLIANCE.**

Presented by: Danielle Castillo, Planning Manager

Summary: City Council adopted Ordinance OR04-2022-34, the City of Cleburne Zoning Ordinance, on April 12, 2022. The Zoning Ordinance introduced design standards regarding building façade window coverage and glass type: transparent versus opaque. Since the adoption of the Zoning Ordinance, retail and commercial businesses have provided practical and site safety concerns regarding these requirements that may hinder economic development efforts. The Zoning Ordinance also provides limited relief to certain provisions through an Alternative Compliance process. Consideration may be given to researching the applicability and scope of the Alternative Compliance process as this provision does not address window coverage and types.

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**EXECUTIVE SESSION**

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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.** 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 City of Cleburne's legal options for water right acquisitions and long-term water sources
- EX3.** Discussion of city policies related to water and wastewater service outside city limits
- EX4.** Discuss Interlocal Agreement with Johnson County

**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).

**EX5.** Discuss Project Sunrise

**Section 551.074. Deliberation regarding Personnel Matters, and Section 551.071. Consultation with Attorney** - The City Council may convene in 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 and/or to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees:

**EX6.** Discuss City Manager transition and succession planning for city management

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 20, 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.