



CITY COUNCIL REGULAR MEETING AGENDA
DECEMBER 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.

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 Dean Elliott, Cleburne Bible 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

COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. November 2023 All Star – Justin Medenwaldt, Meter Services Crew Leader, Public Works Department

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 NOVEMBER 14, 2023, REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF A 2024 CRANE CARRIER/BATTLE CHASSIS OUTFITTED WITH A 22-YARD LABRIE AUTOMIZER BODY AND A 2024 FORD F650 OUTFITTED WITH A PALFINGER ACC-80 CONTAINER CARRIER FOR A TOTAL COST OF \$525,165.80.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The 2024 Crane Carrier/Battle with a 22-Yard Labrie Automizer Body is an Automated Sideload Refuse Truck that will replace the existing unit 0191-081, which has served it useful life and will be disposed of at a future auction. The new Automated Sideload Refuse Truck unit will help continue effective and efficient waste collection operations in the Sanitation Division. There are two components to this truck: the cab/chassis and the body. The cost for the chassis is \$209,108 provided by Bond Equipment and the body, quoted by Reliance Truck and Equipment is \$178,569.80 for a total cost for the new refuse truck of \$387,677.80.

The 2024 Ford F650 will be utilized to support the Residential Dropoff Service at the Transfer Station. This vehicle will be used to more efficiently transport nine, eight-yard slant-frontload bins. The body and attachments for this vehicle are both included in the Chastang Ford quote for \$137,448.

All vendors were awarded BuyBoard contracts, so all competitive purchasing requirements have been met. Funding for all purchases listed above are available in the budget approved in the city's FY24 Budget.

RS2. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH LJA ENVIRONMENTAL SERVICES, INC FOR DESIGN SERVICES FOR THE LEAD AND COPPER RULE SERVICE LINE INVENTORY PHASE II FIELD INSPECTIONS PROJECT FOR AN AMOUNT OF \$267,500.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The proposed Agreement will establish an annual contract with LJA Environmental Services, Inc that is renewable for three (3) additional one-year terms, or four (4) years total. Each Agreement renewal may be adjusted by a maximum rate of 2.5% per one-year term beginning with the first renewal.

Under the Agreement, the consultant will provide field inspections of water service line connections within the City. These field inspections will include excavation and field documentation of the materials used to construct existing water service lines. Service line investigations will include both the public side and private side of the water service connection. The information gathered during the field investigations will be uploaded to a web-based GIS dashboard. This Professional Services Agreement also provides support with regulatory compliance with the Texas Commission on Environmental Quality (TCEQ) for the U.S. EPA's Revised Lead and Copper Rule.

The first one-year term of the Phase II – Field Inspections, for a lump sum price of \$267,500, is expected to take approximately 12 months. Funding for this contract is available in the project design budget approved in the city's FY24 Budget.

RS3. CONSIDER A RESOLUTION AUTHORIZING A SUPPLEMENTAL AGREEMENT NO. 2 WITH TEAGUE NALL & PERKINS, INC FOR DESIGN SERVICES FOR THE FM 4 UTILITY RELOCATION PROJECT BETWEEN MAIN STREET (SH 174) AND FM 3136 FOR AN AMOUNT NOT TO EXCEED \$49,100.

Presented by: Jeremy Hutt, Director of Public Works

Summary: This item is a professional services supplemental agreement with Teague Nall & Perkins, Inc for right-of-way acquisition, utility coordination, bidding and construction phase services associated with the FM 4 Utility Relocation Project between Main Street (SH 174) and FM 3136. The original agreement with Teague Nall & Perkins for the design of this project was established in December 2019. Due to factors outside the control of the City and the design firm, the project has taken longer than expected to complete due to shifting requirements by Texas Department of Transportation (TxDOT).

A professional services supplemental agreement No. 1 for \$40,000 was approved on May 5, 2023, by the City to provide for additional engineering brought about by TxDOT requiring the relocation of utilities from under the proposed roadway. After extensive redesign, and right-of-way investigations, TxDOT allowed the utilities to remain under the roadway. In order to complete the design of the project and proceed to the construction phase, which is slated for FY24, additional work is needed to complete the design. This supplemental agreement will allow the City to complete the design portion of the project and move quickly into the bidding and construction phase ahead of the TxDOT widening and drainage improvements of FM 4. The proposed professional services supplemental shall not exceed \$49,100.

The completion of the design phase is expected to take approximately three months and the project is proposed to move into construction upon completion of design. Funding for this supplemental agreement is available in the project design budget approved as a supplemental item in the city's FY23 Budget.

RS4. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH TEAGUE NALL & PERKINS, INC FOR DESIGN SERVICES FOR THE FM 4 TO GARDEGA ROAD 16-INCH WATER LINE IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$348,700.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The FM 4 to Gardega Road 16-inch Water Line Improvements Project is listed as Project 6 in the Water Master Plan. This project provides for the installation of approximately seven thousand (7,000) linear feet of 16-inch water transmission line. The project will provide a better network of water transmission lines increasing redundancy, available fire flow and the ability to more easily transfer water to the Mulberry Elevated Storage Tank and Pump Station #12. The proposed engineering services agreement includes basic engineering services, design, bid, and construction phase services for a lump sum price of \$348,700.

The design phase is expected to take approximately 10 months and the project is proposed to move into construction upon completion of design, depending on funding availability. Funding for this contract is available in the project design budget approved in the city's FY24 Budget.

RS5. CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXCLUSIVE FRANCHISE AGREEMENT WITH WASTE CONNECTIONS, INC, PREVIOUSLY KNOWN AS PROGRESSIVE WASTE SOLUTIONS, FOR SOLID WASTE MANAGEMENT.

Presented by: Jeremy Hutt, Director of Public Works

Summary: On September 1, 2014, the Parties (City of Cleburne and Progressive Waste Solutions, now known as Waste Connections, Inc) entered into that Exclusive Franchise Agreement for the collection, hauling, recycling and disposal of municipal solid waste, construction and demolition waste and recyclable materials in the City of Cleburne, Texas. This agreement had an initial term of 10 years, which expires on September 1, 2024. The agreement also has the option for an extension if both parties are in agreement.

Staff has worked with the contractor to develop the proposed amendment to the agreement that will authorize the five-year extension as well as address a few items. The proposed amendment will:

- Expands the definition section
- Limits future CPI increase with a cap of 6% per year

If approved, the amendments to the agreement will be effective September 1, 2024, and will extend the contract to September 1, 2029.

RS6. CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE TRANSFER STATION OPERATING AGREEMENT WITH WASTE CONNECTIONS, INC, PREVIOUSLY KNOWN AS PROGRESSIVE WASTE SOLUTIONS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: On September 1, 2014, the Parties (City of Cleburne and Progressive Waste Solutions, now known as Waste Connections, Inc) entered into a Transfer Station Operating Agreement in the City of Cleburne, Texas. This agreement had an initial term of 10 years, which expires on September 1, 2024. The agreement also has the option for an extension if both parties are in agreement.

Staff has worked with the contractor to develop the proposed amendment to the agreement that will authorize the five-year extension, as well as address a few items. The proposed amendment will:

- Establish a contract rate of \$40 per ton
- Fix a labeling error in the original agreement

If approved, the amendments to the agreement will be effective September 1, 2024, and extend the term of the contract to September 1, 2029.

RS7. CONSIDER A RESOLUTION OF SUPPORT TO AMEND THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLEBURNE AND JOHNSON COUNTY TO PROVIDE JOHNSON COUNTY EXCLUSIVE JURISDICTION OF PLAT APPROVAL IN THE CITY'S EXTRATERRITORIAL JURISDICTION, CASE GC23-011.

Presented by: Chris Fuller, Deputy City Manager

Summary: This proposed amendment to the existing Interlocal Agreement between the City of Cleburne and Johnson County will provide the County with exclusive jurisdiction to regulate all subdivision plats and approve all related permits in the City's Extraterritorial Jurisdiction (ETJ). During the 88th regular session, the Texas legislature passed Senate Bill 2038 which authorizes property owners in the city's ETJ to force the city to release property within the ETJ by petition or election. This could meaningfully obstruct municipal planning efforts for long-term sustainable growth. To provide planning continuity within the ETJ and Johnson County, this amendment grants the County with exclusive jurisdiction to regulate all subdivision plats and approve all related permits in City's ETJ. An effective date for the transfer of authority is January 1, 2024. Any plats submitted to the City for property located within the City's ETJ prior to January 1, 2024, and not approved by January 1, 2024, shall continue under the jurisdiction of the City in the same manner in effect prior to this amendment.

RS8. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH WESTHILL CONSTRUCTION, INC FOR THE REPLACEMENT OF SERVICE ROAD PAVEMENT AT THE AIRPORT FOR AN AMOUNT NOT TO EXCEED \$56,305.

Presented by: Garrett Watson, Airport Manager

Summary: The repairs for the service road were budgeted for FY24 due to the poor condition of the road, making some tenants use the airport ramp as access to their hangars. By fixing this section of pavement, the airport will be positioned to prohibit ramp access to all tenants other than those who request direct access to the ramp for loading/unloading of luggage or passengers from aircraft, thus increasing safety.

Westhill Construction, Inc is one of two bids that were received for this project and is recommended for selection based on the value of their bid and the experience they have shown in the past on other city pavement projects. The Airport Advisory Board is to consider this at a special meeting on December 11, 2023.

RS9. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH AVROOFING FOR AIRPORT HANGAR 101 ROOF REPAIR AND REHABILITATION FOR AN AMOUNT NOT TO EXCEED \$56,610.

Presented by: Garrett Watson, Airport Manager

Summary: AvRoofing has shown exemplary skills with hangar roofing repairs and rehabilitation at Cleburne's airport as well as other airports in the Dallas-Fort Worth area including Addison and Dallas Executive – both of whom speak highly of their work.

Of the nine bids received, AvRoofing stood out as the only one with considerable experience with hangar roof repairs and working on airport property, and not just general metal roofing. Staff recommends AvRoofing based on relevant experience and quality of work. The Airport Advisory Board is to consider this at a special meeting on December 11, 2023.

RS10. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT FOR LOT 1, BLOCK 4 OF RAILHEAD ADDITION, FOR ONE (1) MULTI-FAMILY RESIDENTIAL LOT, BEING ±19.96 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NEAR THE

**SOUTHWEST INTERSECTION OF CLEBURNE STATION PARKWAY AND
WOODRUFF ROAD, CASE PC23-055.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Harris Kocher Smith, represented by Chase Flanary, requests approval of the final plat for Lot 1, Block 4 of Railhead Addition, for a multi-family community to be known as Avilla Railhead. The final plat complies with the requirements as outlined in Chapter 154 of the Code of Ordinances and PD Ordinance OR10-2022-74. Since the recommendation from the Planning and Zoning Commission, staff has since determined the condition outlined below is no longer necessary for this final plat approval. More specifically, this final plat can be filed for recordation without the Railhead Parkway right-of-way dedication shown on the face of the plat as it will be handled through a separate process.

The Planning and Zoning Commission considered this request at their November 13, 2023, meeting and recommended conditional approval by a vote of 7-0, with the following condition:

- i. Prior to filing the plat for recordation at the Johnson County Clerk's office, include the county filing information on the face of the plat for the right-of-way dedication for Railhead Parkway, per Section 154.041(N) of the Subdivision Ordinance.

**RS11. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF LEGADO
PHASE 2, FOR 105 SINGLE-FAMILY RESIDENTIAL LOTS AND SIX (6) OPEN
SPACE LOTS, BEING ±36.03 ACRES ZONED PD (PLANNED DEVELOPMENT
DISTRICT), GENERALLY LOCATED NEAR THE SOUTHEAST
INTERSECTION OF UNIVERSITY DRIVE AND LEGACY DRIVE, CASE PC23-
054.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, LJA Surveying, Inc, represented by Jacob Satre, is requesting approval of the final plat for Legado Phase 2, which consists of 105 single-family residential lots and six (6) open space lots, generally located near the southeast intersection of University Drive and Legacy Drive. The final plat complies with the requirements as outlined in Chapter 154 of the City's Code of Ordinances and PD Ordinance OR08-2023-56. The Planning and Zoning Commission considered this request at their November 13, 2023, meeting and recommended approval by a vote of 7-0.

**RS12. CONSIDER A RESOLUTION AUTHORIZING A RIGHT-OF-WAY
ENCROACHMENT AGREEMENT IN THE CITY'S RIGHT-OF-WAY ON
OMAHA AVENUE FOR AN ARCHWAY SIGN FEATURE FOR THE BAKER
FARMS SUBDIVISION.**

Presented by: Danielle Castillo, Planning Manager

Summary: The Homeowners Association (HOA) of the Baker Farms subdivision, generally located east of US Highway 67 and north of W. Henderson Street, has requested to install an archway sign feature denoting entry into the subdivision. The archway sign is located above the City's right-of-way on Omaha Avenue at the entrance into the subdivision from W. Henderson Street. A Right-of-Way Encroachment Agreement with the HOA allows the archway sign to be

located within the City's right-of-way on Omaha Avenue, and to be maintained in compliance with the provisions outlined in the agreement.

RS13. CONSIDER A RESOLUTION AUTHORIZING A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IN THE CITY'S RIGHT-OF-WAY ON UNIVERSITY DRIVE FOR A MONUMENT SIGN AND LANDMARK FEATURE FOR THE LEGADO SUBDIVISION.

Presented by: Danielle Castillo, Planning Manager

Summary: The Developer, Forestar (USA) Real Estate Group, Inc of the Legado subdivision, generally located east of US Highway 67 and south of W. Henderson Street, has requested to install a monument sign and landmark feature denoting entry into the subdivision. The monument sign and landmark feature is proposed to be located in the median within the City's right-of-way on University Drive. A Right-of-Way Encroachment Agreement with the Developer could be granted to allow the monument sign and landmark feature to be located in the median within the City's right-of-way on University Drive. The agreement will allow the monument sign and landmark feature to be erected and maintained in compliance with the provisions outlined in the agreement.

RS14. CONSIDER A RESOLUTION AUTHORIZING A FIVE-YEAR EQUIPMENT LEASE-PURCHASE AGREEMENT WITH AXON ENTERPRISE, INC FOR FIFTEEN TASERS FOR A TOTAL AMOUNT NOT TO EXCEED \$57,229.50.

Presented by: Rob Severance, Chief of Police

Summary: The FY23 and FY24 budgets authorized \$11,445.90 per year for Taser X26P handles, holsters, batteries, live and training cartridges, and five years of maintenance to replace old Tasers that reached end of life. Five equal yearly payments of \$11,445.90 began on October 1, 2022, utilizing H-GAC Cooperative Purchasing Contract Q-294821-44308-695SM, with the final payment being due October 1, 2026. The total of the five lease/purchase payments is \$57,229.50.

RS15. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF AN ANIMAL ADOPTION-RESCUE TRAILER FROM JACKSON CREEK MANUFACTURING, INC FOR AMOUNT NOT TO EXCEED \$65,000.

Presented by: Rob Severance, Chief of Police

Summary: Animal Services currently uses wire-drop cages to attend off-site adoption events which requires 2-3 staff members and 2 vehicles to transport animals and equipment needed for the event. Wire-drop cages prevent Animal Services from hosting or attending adoption events during certain times of the year due to weather conditions. An adoption trailer will increase positive interactions with the community by allowing the hosting and attending of adoption events all year and only requires 1-2 staff members. The trailer can also be used for emergency response in the event of a natural disaster such as the severe winter storm in 2021.

Staff obtained sealed bids through Public Purchase BID 24-03 from Symmetry Trailers, LLC (\$68,692) and Jackson Creek Manufacturing, Inc (\$59,483) for the purchase of an Animal Adoption-Rescue Trailer. Staff recommends Jackson Creek Manufacturing, Inc for this purchase

for a not-to-exceed amount of \$65,000 that includes delivery fee, \$2,500 to equip the trailer to care for the animals, and 5% contingency.

RS16. CONSIDER A RESOLUTION ADOPTING AN UPDATED CITY/COUNTY TRANSPORTATION TITLE VI POLICY.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: As City/County Transportation is the recipient of federal grant funds, it is required a Title VI Policy be adopted by the City Council and submitted to the Federal Government. The most recent policy was updated in 2020 and approved by City Council on October 13, 2020, by Resolution RS10-2020-110.

Federal regulation requires the policy be updated every three years. To be in federal compliance, the proposed 2023 policy addresses the necessary updates that are noted in the 2020 policy. The Texas Department of Transportation has reviewed the 2023 Title VI Policy. Notification of concurrence to submit the plan to City Council for approval was received November 27, 2023.

RS17. CONSIDER A RESOLUTION APPROVING ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF OCTOBER 2023.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Accounts payable payments for the month of October 2023, total \$7,313,211.81. There were no budget transfers processed for October 2023.

RS18. CONSIDER A RESOLUTION APPROVING EXHIBIT K, CHAPTER 380 FUNDING PROCEDURES, OF THE CLEBURNE STATION DEVELOPMENT AND INCENTIVE AGREEMENT.

Presented by: Steve Polasek, City Manager

Summary: The Cleburne Station Development and Incentive Agreement was approved by the City Council and the Developer in October of 2016. The Agreement provides various tax rebate incentives, including sales tax, as defined under Section 9, Incentive Program. Per Section 9.5, the Agreement states the reimbursement of such sales tax shall be disbursed as set forth in Exhibit K of the Agreement. Exhibit K was not included as part of the approved agreement and this item simply establishes Exhibit K going forward.

ACTION AGENDA

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE APPROVING A SERVICE AGREEMENT AND VOLUNTARY ANNEXATION FOR ±1.255 ACRES LOCATED WITHIN A PORTION OF THE CHRISTOPHER CHANEY SURVEY, ABSTRACT NO. 124, LOCATED APPROXIMATELY 430 FEET EAST OF BLAKNEY STREET AND 430 FEET SOUTH OF BOONE STREET, AS REQUESTED BY JHRH INVESTMENTS, INC, REPRESENTED BY RONALD HESS, CASE GC23-009.

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for voluntary annexation has been filed with the City by the owner of approximately 1.255 acres, generally located approximately 430 feet east of Blakney Street and approximately 430 feet south of Boone Street, contiguous to the city limits of the City of Cleburne.

The applicant is requesting the property be annexed and become part of the City pursuant to Section 43.028 of the Texas Local Government Code. Pursuant to Section 43.0673 of the Texas Local Government Code, the City is required to hold a public hearing before it may initiate annexation proceedings for the property. The City Council will hold a public hearing and consider adoption of the annexation ordinance on December 12, 2023, at 5:00 pm in the City Hall Council Chambers.

The subject property is located within the Medium Density Residential Future Land Use District. The territory hereinafter annexed into the City shall be classified under the "IH" – Interim Holding District. The applicant has indicated their intent to request rezoning of the property for a proposed single-family residential subdivision to be submitted at a later date.

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO D (DUPLEX DWELLING DISTRICT) FOR TWO (2) DUPLEX DWELLINGS CONSISTING OF FOUR (4) TOTAL UNITS, ON ±0.59 ACRES LOCATED AT 1003 GRANBURY STREET, CASE ZC23-031.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Jennifer Rendon, has requested to rezone approximately 0.59 acres from SF-7 (Single-Family Dwelling District) to D (Duplex Dwelling District) for two (2) duplex dwellings consisting of four (4) total units, for the property located at 1003 Granbury Street. The applicant has included a Site Plan showing conceptually how the lots may develop. This Site Plan is for informational purposes only and is not considered to be included as part of this rezoning request. The Planning and Zoning Commission considered this request at its November 13, 2023, meeting and recommended approval with a vote of 6-0-1, with Commissioner Saunders abstaining from the motion

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING FROM A (AGRICULTURAL DISTRICT) TO LC (LOCAL COMMERCIAL DISTRICT), ON ±0.40 ACRES LOCATED AT 2400 NORTH NOLAN RIVER ROAD, CASE ZC23-037.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, A+ Floor Installers, represented by Justin Skiles, has requested to rezone approximately 0.40 acres from A (Agricultural District) to LC (Local Commercial District) for the property located at 2400 N. Nolan River Road. The applicant has stated in their Letter of Intent the request for the rezone is to convert the existing single-family residence into an office and light retail building for their flooring installation business. The applicant has stated they are working with an architect/designer to remodel the building to a commercial space that will meet ADA compliance. The Planning and Zoning Commission considered this request at its November 13, 2023, meeting and recommended approval with a vote of 6-1.

OR4. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO RC (REGIONAL COMMERCIAL DISTRICT) ON ±1.02 ACRES AND TO CI (COMMERCIAL/INDUSTRIAL FLEX DISTRICT) ON ±14.19 ACRES WITH A SPECIFIC USE PERMIT (SUP) FOR SELF-STORAGE (MINI WAREHOUSE FACILITIES) ON A ±7.94 ACRE PORTION OF THE PROPERTY TO BE REZONED CI (COMMERCIAL/INDUSTRIAL FLEX DISTRICT), LOCATED AT 3905 NORTH MAIN STREET, CASE ZC23-039.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Whitlock Family Interests, LP, represented by Michael Owen, has requested to rezone approximately 15.21 acres for future commercial development for the property at 3905 N. Main Street, currently zoned SF-7 (Single-Family Dwelling District). The first request is to rezone approximately 1.02 acres along the Main Street frontage to the RC (Regional Commercial District). The second request is to rezone the remaining approximately 14.19 acres to the CI (Commercial/Industrial Flex District). Within the acreage rezoned to CI (Commercial/Industrial Flex District), the applicant is requesting a Specific Use Permit (SUP) on approximately 7.94 acres for a self-storage facility that includes both enclosed storage units and coverings for Recreational Vehicle (RV) storage parking. The Planning and Zoning Commission considered this request at its November 13, 2023, meeting and recommended approval with a vote of 7-0.

OR5. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING THE PD (PLANNED DEVELOPMENT DISTRICT) AUTHORIZED BY ORDINANCE NO. OR04-2023-29 TO ALLOW CONSTRUCTION OF A LIGHT ASSEMBLY AND MANUFACTURING FACILITY ON THE PROPOSED FUTURE LOT IDENTIFIED WITHIN THE PD, ON ±15.23 ACRES LOCATED AT 1811 SPARKS DRIVE, CASE ZC23-046.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, MMA, Inc, represented by Douglas Cooper, is requesting to amend the Cleburne Business Park Planned Development (PD) for the property located at 1811 Sparks Drive that was originally approved in April 2023. The PD amendment is to allow for the construction of an approximately 31,000 square foot light assembly and manufacturing facility on the proposed “future lot” as identified in the original PD ordinance. This warehouse facility is associated with the Exist Multi-Family business, which provides cabinetry and granite to a variety of builders and other customers, and is proposed to be constructed prior to the approved Granite Shop and Cabinet/Millwork Shop. There are no changes proposed to the existing PD development regulations. The Planning and Zoning Commission will consider this request at its December 11, 2023, meeting.

RS19. *PUBLIC HEARING* CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF SHARP MEADOWS ADDITION FOR 75 SINGLE-FAMILY RESIDENTIAL LOTS AND FOUR (4) COMMON AREA LOTS, BEING ±34.45 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED ON THE EAST SIDE OF SOUTH NOLAN RIVER

ROAD, WEST OF BROWNING LANE AND EMERSON DRIVE, AND NORTH OF OLD FOAMY ROAD, CASE PC23-044.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Fuller Land Surveying, represented by Paul G. Fuller II, requests approval of the preliminary plat for Sharp Meadows Addition, for 75 single-family residential lots and four (4) common area lots, generally located on the east side of S. Nolan River Road, west of Browning Lane and Emerson Drive, and north of Old Foamy Road. The applicant is requesting a variance to the minimum right-of-way dedication requirement for a minor arterial to be considered as part of this request for plat approval. The Planning and Zoning Commission considered this request at its November 13, 2023, meeting and recommended approval with a vote of 6-1 to approve the plat with the variance to the ROW dedication as presented.

RS20. CONSIDER A RESOLUTION APPOINTING COMMUNITY MEMBERS TO BOARDS, COMMISSIONS, AND COMMITTEES.

Presented by: Ivy Peterson, City Secretary

Summary: At such time when members' terms expire or vacancies occur on city boards, the Board & Commission Recommendation Committee convenes to review applications of potential candidates for the Council's consideration. In accordance with Section 31.02 of the Code of Ordinances, the Committee is prepared to make recommendations for appointment of citizens representing a broad base of the community.

The members recommended for reappointment have fulfilled their previous term and are willing to continue service, and the new candidates were contacted and willing to serve if appointed. The terms are effective January 1, 2024, except the 4B EDC term was effective September 1, 2023.

RS21. CONSIDER A RESOLUTION APPOINTING CITY COUNCILMEMBERS TO CERTAIN BOARDS AND COMMITTEES.

Presented by: Ivy Peterson, City Secretary

Summary: In accordance with Chapter 31: Boards, Commissions and Public Bodies, Section 31.11 of the Code of Ordinances, city staff is to notify the Council through the agenda of the expiration of terms of appointments, or vacancies, in the membership of boards, commissions, committees. For Council's consideration, the following terms have expired, and includes a request by Councilman John Warren for the unexpired term on the POP Committee:

Board/Committee	Current Member	Terms Served
4B Economic Development Corporation Board of Directors	Mike Mann	2
4B Economic Development Corporation Board of Directors	John Warren	5
Partnership Opportunities for Progress (POP) Committee	Derek Weathers	1
Partnership Opportunities for Progress (POP) Committee	John Warren	1.5

RS22. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC FOR DESIGN SERVICES FOR THE

**LAKESHORE DRIVE AND HARVEST HILL ROAD IMPROVEMENTS
PROJECT FOR AN AMOUNT NOT TO EXCEED \$645,000.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Lakeshore Drive and Harvest Hill Road Improvements Project consists of reconstruction of these roadways from Country Club Road to Nolan River Road. The 7,400 linear feet of existing rural asphalt roadways will be rebuilt as standard width, concrete curb and gutter street sections. Improvements will also include sidewalks, trail, pedestrian safety enhancements, traffic calming features, drainage improvements, and on-street parking along Lakeshore Drive. The improvements will coordinate with and compliment the Kirtley Park Improvements Project, which is currently underway by the Parks Department. Kimley-Horn is also the consultant on the Park project, under a separate contract.

The proposed engineering services agreement includes basic engineering design and bid services for a lump sum fee of \$515,000. Construction phase and easement preparation services are to be billed hourly, on an as-needed basis, for an amount not to exceed \$130,000, bringing the total contract not-to-exceed amount to \$645,000.

The design phase is expected to take approximately twelve (12) months and the project is proposed to move into construction upon completion of design, depending on funding availability. Funding for this contract is available in the project design budgets approved in the FY24 Budget.

**RS23. CONSIDER A RESOLUTION AUTHORIZING AN AMENDED CHAPTER 380
ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH
201 E CHAMBERS, LLC (COMPANY) FOR PROPERTY LOCATED AT 201
EAST CHAMBERS STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: The Company, represented by Mr. Ed Vanston, has requested that certain timelines and required eligible improvements be amended due to the shift in economic market conditions, construction delays, and difficulty in obtaining building materials in a timely manner. The Company has requested that the deadlines for completion of eligible improvements and issuance of certificates of occupancy be extended for 120 days from the date of execution of the amended agreement. Additionally, the Company has requested that certain provisions in the original agreement be removed or amended.

DISCUSSION & UPDATES

**OC1. DISCUSS AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 119:
WRECKERS, TO EXPAND THE ELIGIBILITY REQUIREMENTS FOR
WRECKER SERVICES TO INCLUDE THOSE OUTSIDE THE CITY LIMITS,
BUT WITHIN JOHNSON COUNTY.**

Presented by: Kevin Dupre, Police Lieutenant - Technical Services

Summary: The Cleburne Police Department is currently using one towing company for all police towing needs. The department previously used two different tow companies for police tows on a weekly rotational schedule. However, one of those companies has recently

discontinued 24-hour tow service and is no longer eligible to participate in the rotational list. The current code restricts police to using tow services located within the city limits, which has created a situation where police only have one wrecker service available.

The Police Department is required by ordinance to maintain a rotational wrecker list. The suggested changes to this ordinance would allow qualifying tow services from outside the city limits, but within Johnson County to participate in the rotational police wrecker service list. The proposed changes would increase the maximum allowed time for a tow truck arrival from twenty minutes to thirty minutes, and would also change the language from 'in the city' to 'within the county.'

The proposed change to Section 119.35: Fees for Non-Consent Tow Generated Service would set a written tow fee schedule within the ordinance for all police non-consent tows, rather than the wording in the current code that suggests that each individual wrecker company determine fees.

OC2. COUNCIL DIRECTION ON THE RENAMING OF A CITY FACILITY IN HONOR OF COUNCILMAN JOHN WARREN.

Presented by: Steve Polasek, City Manager

Summary: At the request of Mayor Scott Cain, this item is placed on the agenda to seek City Council consideration of the renaming of the Cleburne Sports Complex to the John Warren Sports Complex. If direction is provided to proceed, after proper advertising and a public hearing, this item would be formally considered through the passage of a resolution at the January 9, 2024, City Council meeting.

OC3. PRESENTATION AND DISCUSSION OF THE STREET NETWORK AND THE STAFF RECOMMENDATION FOR FISCAL YEAR 2024 STREET MAINTENANCE PROJECTS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff will present an overview of the Street Maintenance Program, with a focus on recent project completions and a proposed listing of streets to be included in the FY24 cycle. These street segments, if approved, will become the maintenance projects to be performed during the 2024 paving season.

With the consensus of the City Council, staff will work to finalize the project listing and work to engage the services of a contractor to complete the paving projects this spring. A contract will be presented to the City Council at a later date.

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 551.076. Deliberation Regarding Security Devices or Security Audits - This chapter does not require a governmental body to conduct an open meeting to deliberate: (1) the

deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.

EX1. Discuss and consider plans for the deployment on specific occasions of security personnel for the purpose of safeguarding the public

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

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:

EX3. 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.

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, December 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
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.