



CITY COUNCIL REGULAR MEETING AGENDA
JANUARY 9, 2024 @ 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

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. December 2023 All Star – Mark Pugh, Streets & Drainage Superintendent, 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 DECEMBER 12 2023, REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH FREESE AND NICHOLS, INC FOR ENVIRONMENTAL MONITORING OF THE CITY OF CLEBURNE LANDFILL FOR AN AMOUNT NOT TO EXCEED \$59,905 WITH AN OPTION TO RENEW FOR THE 2025 CALENDAR YEAR.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Environmental monitoring of the City of Cleburne's landfill is necessary to comply with the requirements specified within the City's landfill operating permit. Freese and Nichols, Inc has performed the monitoring services, is familiar with the current site, and has always done an excellent job for the City, not only for what is specified in the agreement, but with any other issues in which the City has needed direction or assistance.

The proposed agreement will set the conditions of the work and compensation at \$59,905, with an option to renew if the City so chooses for the 2025 calendar year. Funding for this agreement will be from the current sanitation budget (01-91-8664).

RS2. CONSIDER A RESOLUTION AUTHORIZING A RENEWAL AGREEMENT FOR CITYWORKS SOFTWARE LICENSING, MAINTENANCE, AND SUPPORT FOR ONE YEAR FROM AZTECA SYSTEMS, LLC IN AN AMOUNT NOT TO EXCEED \$97,966.

Presented by: David Raybuck, Director of Information Technology

Summary: Cityworks is an enterprise application for asset management, work orders, inspections, permitting, and planning/development tracking the city started implementing in 2019. The software is now in use by these divisions: Airport, Animal Services, Building Permits, Code Compliance, Engineering, Fire Prevention, Fleet Maintenance, Health, Meter Services, Planning & Zoning, Parks & Recreation, Sanitation, Sports Complex, Streets/Drainage, Wastewater Collection, Wastewater Treatment, Water Distribution, and Water Treatment.

The initial three-year term ended on January 31, 2023, and it can be renewed annually henceforth. Council authorized a one-year renewal extending the agreement to January 31, 2024. This resolution will authorize renewal of Cityworks licensing, maintenance, and support for the period of February 1, 2024, to January 31, 2025. The not-to-exceed amount of \$97,966 includes a 5% contingency of \$4,666 over the quoted cost of \$93,300. This is a sole source purchase, as Azteca Systems, LLC is the only seller of Cityworks licensing and support.

RS3. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±15.00 ACRE TRACT LOCATED AT 7925 COUNTY ROAD 1228, CASE GC23-014.

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for the release from the City's extraterritorial jurisdiction (ETJ) has been filed by the property owner, Bret Walters, of approximately 15 acres of land located at 7925 County Road 1228.

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 in the area, or 2) a majority in value of the holders of title of land in the area. The petition was received on December 19, 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.

RS4. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±25.061 ACRE TRACT LOCATED AT 1568 COUNTY ROAD 1224, CASE GC23-013

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for the release from the City's extraterritorial jurisdiction (ETJ) has been filed by the property owner, Sunny Starrett, of approximately 25.061 acres of land located at 1568 County Road 1224.

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 in the area, or 2) a majority in value of the holders of title of land in the area. The petition was received on December 21, 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.

RS5. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±11.878 ACRE TRACT LOCATED AT 1517 AND 1523 WEST TRAIL LANE, CASE GC24-001.

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for the release from the City's extraterritorial jurisdiction (ETJ) has been filed by the property owners, Tracy Lamm and Steven Gill, of approximately 11.878 acres of land located at 1517 and 1523 West Trail Lane.

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 in the area, or 2) a majority in

value of the holders of title of land in the area. The petition was received on December 18, 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.

RS6. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±8.184 ACRE TRACT LOCATED AT 1513 WEST TRAIL LANE, CASE GC24-002.

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for the release from the City's extraterritorial jurisdiction (ETJ) has been filed by the property owner, Jeffrey Liebel, of approximately 8.184 acres of land located at 1513 West Trail Lane.

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 in the area, or 2) a majority in value of the holders of title of land in the area. The petition was received on December 19, 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.

RS7. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±5.00 ACRE TRACT LOCATED AT 1501 WEST TRAIL LANE, CASE GC24-003.

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for the release from the City's extraterritorial jurisdiction (ETJ) has been filed by the property owners, BC S Roque and Lori Noelle Roque, of approximately 5 acres of land located at 1501 West Trail Lane.

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 of the area, or 2) a majority in value of the holders of title of land in the area. The petition was received on December 22, 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 RENEWAL OF AN AMBULANCE USE PERMIT TO CAREFLITE.

Presented by: Scott Lail, Fire Chief

Summary: CareFlite requests the renewal of an operations permit to provide backup ambulance services within the City of Cleburne when the Cleburne Fire Department units are unavailable. There is no cost to the City as a result of granting said permit. CareFlite has satisfied all requirements for the 2024 renewal and has held an operations permit since 2003.

RS9. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH FRONT LINE MOBILE HEALTH TO PROVIDE COMPREHENSIVE MEDICAL AND WELLNESS SERVICES FOR PUBLIC SAFETY PERSONNEL.

Presented by: Scott Lail, Fire Chief

Summary: After Huguley Assessment Center closed its doors in the Spring of 2023, the Fire and Police Departments sought a vendor to provide annual physicals, medical and psychological exams, behavioral health assessments, and training on health issues and ancillary medical services for fire/police personnel. Front Line Mobile Health has experience providing these services to Fire and Law Enforcement agencies, and their staff are appropriately licensed. The cost is \$575 per firefighter/police officer for an estimated annual cost of \$67,850 and funding is included in the Fiscal Year 2024 budget.

RS10. CONSIDER A RESOLUTION IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE 2024 COMPETITIVE HOUSING TAX CREDIT PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS BY NATIONAL CHURCH RESIDENCES, FOR THE REHABILITATION OF LINCOLN RIDGE APARTMENTS.

Presented by: Grady Easdon, Economic Development Manager

Summary: As part of their application process through the Texas Department of Housing and Community Affairs (TDHCA), the National Church Residences has requested a resolution of support from the City of Cleburne, in addition to waiver of up to \$500 in building permit fees in conjunction with a renovation project for the Lincoln Ridge apartments. The City's support through the resolution and fee waivers will enable the applicant to receive 9% in Low Income Housing Tax Credits for the project.

OR1. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#11) FOR YEAR-END CLOSE AND AUDIT PREPARATION HOUSEKEEPING ITEMS.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: During the Fiscal Year 2024 budget process, in addition to developing the departmental budgets for 2024, each department reviewed their expenditures for Fiscal Year 2023 and estimated the expenditures anticipated for the remainder of the year. In preparing for the 2023 audit, it was determined some expenditures for the remainder of the year were

underestimated. For housekeeping purposes, an amendment to the 2023, budget appropriations is presented for approval for all governmental funds.

OR2. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2024 (#3) TO PROVIDE FUNDING FOR AN ASSISTANT CITY MANAGER POSITION EFFECTIVE MARCH 1, 2024, AND FUNDING FOR APPROVED ECONOMIC DEVELOPMENT PROPERTY TAX INCENTIVES.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This budget amendment, if approved, will increase General Fund appropriations by \$276,710 from unreserved fund balance in the General Fund (Fund 01). Funding in the amount of \$187,710 is associated with funding an Assistant City Manager, and \$89,000 is for the required property tax reimbursement incentives related to the approved Cleburne Station Development and Incentive Agreement dated October 11, 2016.

RS11. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF A PNEUMATIC TIRE LIFT TRUCK FROM DARR EQUIPMENT COMPANY FOR A TOTAL COST OF \$76,417.94.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The CAT GP55N1 12,000 LB Capacity LP Pneumatic Tire lift truck is the standard size forklift needed to support the various function of the Fleet Services Division of the Public Works Department. This forklift is replacing the existing 1981 Allis Chalmers forklift, which has exceeded its typical lifespan. Replacing the old forklift will increase reliability, as well as provides parts readily available for repairs. The total cost as quoted by DARR Equipment Co. is \$76,417.94. The vendor has been awarded a Sourcwell contract, #091520-MCF, so all competitive purchasing requirements have been met. Funding for all purchases listed above are available in the budget approved in the city's Fiscal Year 2024 Budget.

ACTION AGENDA

RS12. **PUBLIC HEARING CONSIDER A RESOLUTION OFFICIALLY RENAMING THE CLEBURNE SPORTS COMPLEX, A CITY OWNED FACILITY LOCATED AT 900 ALLSTAR PARKWAY, IN HONOR OF JOHN WARREN.**

Presented by: Steve Polasek, City Manager

Summary: This item provides for the renaming of the Cleburne Sports Complex to the John Warren Sports Complex. Per the City's Policy for Naming Municipal Property, the City Council has the sole right and responsibility to approve the names of municipal properties.

OR3. **PUBLIC HEARING CONSIDER AN ORDINANCE REZONING FROM CI (COMMERCIAL/INDUSTRIAL FLEX DISTRICT) TO SF-7 (SINGLE-FAMILY DWELLING DISTRICT), ON ±0.36 ACRES LOCATED AT 1925 NORTH WILHITE STREET, CASE ZC23-043.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Jorge Sandoval, has requested to rezone approximately 0.36 acres from CI (Commercial/Industrial Flex District) to SF-7 (Single-Family Dwelling District) for the property located at 1925 North Wilhite Street. The applicant intends to rezone the property for the construction of two (2) single-family residences. The Planning and Zoning Commission considered this request at its December 11, 2023, meeting and recommended approval with a vote of 7-0.

OR4. *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR AN AUTOMOBILE SERVICE GARAGE (MAJOR), ON ±7.60 ACRES ZONED RC (REGIONAL COMMERCIAL DISTRICT), LOCATED AT 1106, 1106A, AND 1106B WEST KILPATRICK AVENUE, CASE ZC23-042.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Jessie's Performance, represented by Stacie Rivers, has requested a Specific Use Permit (SUP) for an Automobile Service Garage (Major) for their car restoration business located at 1106, 1106A, and 1106B W. Kilpatrick Avenue. The applicant is proposing to utilize the existing buildings on-site for the business, including two (2) on premise residences, a main shop for car restoration with a future expansion, and vehicle storage. The applicant has provided a Letter of Intent and Site Plan detailing the proposed business and use of the property. The Planning and Zoning Commission considered this request at its December 11, 2023, meeting and recommended approval with the vote of 4-3 with the following condition:

- i. The SUP be tied to the specific business, Jessie's Performance.

DISCUSSION & UPDATES

OC1. PRESENTATION AND DISCUSSION OF THE DEVELOPMENT OF THE CEMETERY MASTER PLAN.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: Staff will present an overview of the Cemetery Master Plan with a focus on the activations of undeveloped land, fiscal and sustainable development, setting development timelines, and showing options for future flexibility.

The Cleburne Cemeteries Master Plan represents a pivotal milestone in the community to honor and preserve its rich history and heritage, while providing a development plan through 2076. This comprehensive plan ensures the fiscal and sustainable development and maintenance of the City's cemeteries, but also provides opportunities for growth, flexibility, and scope adjustments for shifting community needs.

OC2. PRESENTATION – PUBLIC WORKS PROJECTS AND OPERATIONS UPDATE.

Presented by: Jeremy Hutt, Director of Public Works

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 City of Cleburne's legal options for water right acquisitions and long-term water sources

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 Horizontal

EX3. Discuss Project Sunrise

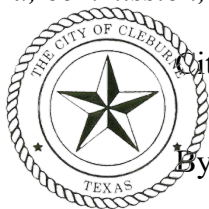
EX4. Discuss Project Cyprus

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, January 5, 2024**, 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.