



**CITY COUNCIL REGULAR MEETING AGENDA**  
**JANUARY 23, 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 p.m. 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:**

**Michael Marrero, City Manager**  
**Ashley Dierker, City Attorney**  
**Ivy Peterson, City Secretary**

**II. INVOCATION** by Pastor David denHartog, 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.

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**COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

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**CMP1. SPECIAL RECOGNITION** – 2023 Super Star, Brian Wintermeier, Building Maintenance Facility Manager

**CMP2. SPECIAL RECOGNITION** – Jimmie Baze as the Texas Recreation and Parks Society Part-Time Employee of the Year

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

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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 JANUARY 9, 2023, REGULAR COUNCIL MEETING.**

**OR1. CONSIDER AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD ON MAY 4, 2024, AND A RUN-OFF ELECTION, SHOULD SAME BE REQUIRED, ON JUNE 15, 2024.**

Presented by: Ivy Peterson, City Secretary

Summary: This Ordinance constitutes the official order and calling of a General Election for the City of Cleburne, Texas, for the first Saturday in May, which is May 4, 2024. This election is to elect a Mayor and Councilmembers for Single Member Districts One and Four. Should a runoff be necessary, such election will be held Saturday, June 15, 2024. The Ordinance establishes the purpose of election, time, locations for early voting by personal appearance, details for submitting applications for ballots by mail, and the candidate filing period, which is January 17 – February 16, 2024.

**RS1. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF WATER METERS AND ASSOCIATED ACCESSORIES FROM MASTER METER FOR AN AMOUNT NOT TO EXCEED \$641,888.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: This purchase will allow the City to have meters in stock and ready for new installs and replaced meters on an as-needed basis. This order will contain a total of 1,600 meters, 1,000 replacement dials, and 100 replacement antennas. Master Meter is a sole-source vendor and funding for the meters is provided in the FY2024 budget.

**OR2. CONSIDER AN ORDINANCE 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 Technical Services Lieutenant

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.” 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. The proposed changes were presented to Council for discussion at the December 12, 2023, regular meeting.

**RS2. CONSIDER A RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT FROM LYLE LAND COMPANY, LLC ASSOCIATED WITH THE ROADWAY AND DRAINAGE IMPROVEMENTS PROJECT FOR INDUSTRIAL BOULEVARD FROM CHISHOLM TRAIL PARKWAY TO STATE HIGHWAY 171, FOR AN AMOUNT NOT TO EXCEED \$12,180.**

Presented by: Jeremy Hutt, P.E., Director of Public Works

Summary: The Industrial Boulevard from Chisholm Trail Parkway to State Highway 171 Improvements project includes rebuilding and widening the existing roadway to a 38-foot-wide curb and gutter section, which will better accommodate the heavy truck traffic that utilizes the roadway. Turn lanes at the intersections, as well as drainage improvements, are included in the project. To facilitate the ease of construction, temporary construction easements are required for the construction of the improvements.

The City has negotiated with the Lyle Land Company, LLC and obtained temporary construction easements across the property, as required for the construction. The temporary construction easement will be in effect for a period of twelve months from the beginning of construction activities. Funding for this easement is available in the Industrial Boulevard project design budget.

**RS3. CONSIDER A RESOLUTION AUTHORIZING THE PAYMENT OF REIMBURSEMENT FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH THE RAILHEAD PROJECT FOR AN AMOUNT NOT TO EXCEED \$116,926.25.**

Presented by: Jeremy Hutt, P.E., Director of Public Works

Summary: The developer of the Railhead Project is developing a mixed-use development in the City of Cleburne, and in conjunction with developing the property, the developer is constructing a new public roadway, Railhead Parkway. In 2016, the city acquired land for regional drainage improvements and as part of that acquisition agreed (by OR09-2016-43) to provide for the installation of a drainage system at the intersection of Railhead Parkway and the US 67 Service Road.

The developer has constructed this portion of the City committed infrastructure in order to take advantage of economies of scale and to maintain their respective project schedules. The infrastructure included the construction of 97 LF of 8' by 4' Reinforced Concrete Box and 2

safety end treatments at the intersection of Railhead Parkway and the service road for US 67, at a cost of \$116,926.25.

This action is authorizing the reimbursement to the developer for the costs incurred during the construction of the infrastructure that was previously committed to be the city in the 2016 agreement.

**OR3. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023 (#4) TO PROVIDE FUNDING FOR PUBLIC IMPROVEMENT REIMBURSEMENTS ASSOCIATED WITH THE RAILHEAD PROJECT.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This budget amendment will increase General Fund appropriations by \$116,926 from unreserved fund balance in the General Fund (Fund 01). Funding is for the required reimbursement for developer completed public improvements associated with the Railhead project pursuant to the Development, Purchase and Sale Agreement approved by City Council in September 2016 by Ordinance OR09-2016-43.

**RS4. CONSIDER A RESOLUTION RELEASING THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR A ±6.841 ACRE TRACT LOCATED AT 1509 WEST TRAIL LANE, CASE GC24-004.**

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, Mahlon and Shawn Massingill, of approximately 6.841 acres of land located at 1509 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 27, 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 THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR A ±1.028 ACRE TRACT LOCATED AT 2628 COUNTY ROAD 429, CASE GC24-005.**

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, Sandra Long, of approximately 1.028 acres of land located at 2628 County Road 429. The City Secretary's Office received the petition on December 29, 2023, and the owner's signature has been verified.

**RS6. CONSIDER A RESOLUTION RELEASING THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR A ±5.073 ACRE TRACT LOCATED AT 1924 COUNTY ROAD 1224, CASE GC24-006.**

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, Matthew Hood, of approximately 5.073 acres of land located at 1924 County Road 1224. The City Secretary's Office received the petition on January 2, 2024, and the owner's signature has been verified.

**RS7. CONSIDER A RESOLUTION RELEASING THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR A ±5.00 ACRE TRACT LOCATED AT 3260 COUNTY ROAD 1227, CASE GC24-007.**

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, Ronald Lynn Burks, of approximately 5 acres of land located at 3260 County Road 1227. The City Secretary's Office received the petition on January 10, 2024, and the owner's signature has been verified.

**RS8. CONSIDER A RESOLUTION RELEASING THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR A ±1.25 ACRE TRACT LOCATED AT 413 FERGASON ROAD, CASE GC24-008.**

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, Angelia Westbrook, of approximately 1.25 acres of land located at 413 Fergason Road. The City Secretary's Office received the petition on January 8, 2024, and the owner's signature has been verified.

**RS9. CONSIDER A RESOLUTION ADOPTING THE CEMETERIES MASTER PLAN AS RECOMMENDED BY THE CEMETERY ADVISORY BOARD.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: 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. A conceptual plan for future build-out was presented to the Cemetery Board and City Council in March 2023. This master plan represents a build-on-demand development model. 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. On December 18, 2023, the Cemetery Advisory Board unanimously recommended approval of the proposed plan, and Council reviewed the final draft on January 9, 2024.

**RS10. CONSIDER A RESOLUTION AUTHORIZING APPLICATION AND AWARD FROM THE TEXAS PRESERVATION TRUST FUND OF TEXAS HISTORICAL COMMISSION FOR FAÇADE IMPROVEMENTS TO THE LAYLAND MUSEUM.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The Layland Museum is housed in the former Cleburne Carnegie Library built in 1905, is Cleburne's first building on the National Register, and is an anchor in downtown. For a number of years, the museum has been undergoing façade improvements. The Texas Preservation Trust Fund Grant, through the Texas Historical Commission, is for an amount up to \$35,000. The funds would contribute to the completion of the final phase of a four-year project by restoring the front façade to include masonry repair and repointing and repair of a damaged architectural capital. This resolution authorizes application for a 50% match grant with the funds being available in Fiscal Year 2025.

**RS11. CONSIDER A RESOLUTION AUTHORIZING APPLICATION AND AWARD FROM THE TEXAS PARKS & WILDLIFE DEPARTMENT FOR A RECREATIONAL TRAIL GRANT, AND DESIGNATING A REPRESENTATIVE TO ACT ON RELATED MATTERS OF THE PROGRAM.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: The Finance Department, on behalf of the Parks and Recreation Department, is seeking a resolution from the City Council to support the submission of a grant application to Texas Parks and Wildlife Department (TPWD). Applications for TPWD Recreational Trails Grants are due February 1, 2024. Texas Parks & Wildlife Department grants will be awarded in early summer 2024 at an 80% reimbursement with a maximum reimbursement of \$300,000. This application is for the trail portion of the Kirtley Park Project consisting of trails spanning over 26.89 acres. To apply for the grant, the city must designate an official as being responsible for the application and certify that funding for the project is available if the application is selected.

**RS12. CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE'S INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 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 December 31, 2023, the City invested unrestricted funds in four Local Government Investment Pools: 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 December 31, 2023, there was \$148,706,984.22 invested in the four investment pools, along with the loan proceeds held by TWDB at Amegy Bank. The quarterly interest income is \$2,051,300.16 with year-to date interest income of \$2,051,300.16. The percentage allocation by investment pool is LOGIC: 37.47%, Texas Class: 37.39%, TexPool: 8.91%, TexSTAR: 7.81%, and Amegy: 7.52%.



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

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Accounts payable payments for the month of December 2023, total \$6,358,829.34. There were no budget transfers processed for December 2023.

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**ACTION AGENDA**

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**OR4. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE GRANTING A VARIANCE TO ALLOW FOR OFF-PREMISE ALCOHOL SALES AT PRIME CORNER, A CONVENIENCE STORE LOCATED AT 1713 COUNTRY CLUB ROAD.**

Presented by: Ivy Peterson, City Secretary

Summary: The applicant, Mansoor Aziz, submitted an application for a Texas Alcoholic Beverage Commission permit to sell beer and wine for off-premise consumption at Prime Corner, located at 1713 Country Club Road. The City's application review process includes confirming the property is appropriately zoned, and if it meets the distance requirements (or is in the Downtown Overlay District). Chapter 120.04 of the City's Code of Ordinances requires a business selling alcohol to be located at least 300 feet from a public school and the distance is measured in a direct line from the property line of the public or private school to the property line of the business, and in a direct line across intersections.

The nearest property line of Smith Intermediate School, located at 1710 Country Club Road, is located approximately 80 feet from the property line of Prime Corner. Smith Intermediate School is defined as a "public school" under Section 120.01 and alcohol sales are prohibited within 300 feet of the school property line without a variance.

This CISD campus was opened in 2001 as Cleburne Middle School, and was later renamed in honor of Lowell Smith, Jr. It is now known as Smith Intermediate School serving grades 5 and 6.

**RS14. \*PUBLIC HEARING\* CONSIDER A RESOLUTION APPROVING THE REPLAT OF LOT 1, BLOCK 1 OF VAQUERO LEWIS ADDITION, BEING ±1.12 ACRES ZONED RC (REGIONAL COMMERCIAL DISTRICT), GENERALLY LOCATED NEAR THE SOUTHWEST INTERSECTION OF EAST HENDERSON STREET AND LEWIS STREET, CASE PC23-056.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Deaco Group, represented by Larae Deagen, requests approval of the replat for Lot 1, Block 1 of Vaquero Lewis Addition, for one (1) commercial lot generally located near the southwest intersection of E. Henderson Street and Lewis Street. The applicant is requesting a variance to the minimum distance from the proposed driveway on Lewis Street to the intersection at E. Henderson Street, to be considered as part of this request for plat approval. The Planning and Zoning Commission considered this request at its January 8, 2024, meeting and recommended approval with a vote of 7-0 to approve the plat with the variance to the driveway spacing on Lewis Street as presented.

**OR5. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT (SUP) FOR AN AUTOMOBILE BODY SHOP, ON ±1.29 ACRES ZONED RC (REGIONAL COMMERCIAL DISTRICT), LOCATED AT 282 SOUTH COLONIAL DRIVE, CASE ZC23-045.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Cross Architects, represented by Melissa Hernandez, has requested a Specific Use Permit (SUP) for an Automobile Body Shop for Caliber Collision located at 282 S. Colonial Drive. The applicant has provided a Letter of Intent, Site Plan, Landscape Plan, and Building Elevations describing and showing the proposed auto body shop. The Planning and Zoning Commission considered this request at its January 8, 2024, meeting and recommended approval with the vote of 4-3 with the following conditions:

- i. The SUP be tied to the specific business, Caliber Collision; and
- ii. Denial of the request for a wooden dumpster enclosure and to utilize the required masonry-screening wall.

**OR6. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR A MULTI-FAMILY DEVELOPMENT CONSISTING OF 23 DUPLEX BUILDINGS FOR A TOTAL OF 46 UNITS, ON ±5.32 ACRES GENERALLY LOCATED ALONG PITTMAN STREET, BETWEEN BOONE STREET AND CEDAR STREET, CASE ZC22-019.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Coldwell Banker Apex, represented by DeAnna King, has requested to rezone approximately 5.32 acres from SF-7 (Single-Family Dwelling District) to PD (Planned Development District) for a multi-family development consisting of 23 duplex buildings, for a total of 46 units, for the property generally located along Pittman Street, between Boone Street and Cedar Street. The applicant is proposing a base zoning of the MF-1 (Medium-Density Residential District) with the following deviations:

- The abandonment of Pittman Street as a public right-of-way and the conversion to a private owned and maintained private street;
- *Previous deviation: A reduction to the minimum floor area of a two-bedroom unit from 950 square feet to 800 square feet;*
- A waiver to the minimum number of enclosed (garage or carport) parking spaces (25% of the required parking spaces); and
- The utilization of the duplex building design standards in lieu of the multi-family building design standards.

The applicant has provided a PD Design Statement and PD Concept Plan describing and showing the proposed multi-family development. The Planning and Zoning Commission considered this request at its January 8, 2024, meeting and recommended denial with the vote of 5-2. *Per Section 155.5.05.D of the Code of Ordinances, the recommendation of denial means the request cannot become effective except by three-fourths vote of the full City Council.*



**Update since January 8, 2024 P&Z Commission Meeting:** The applicant submitted a memorandum via email on Wednesday, January 17, 2024, with the following updates based on feedback received during the Planning & Zoning Commission meeting:

1. Increase the minimum square footage from 800 square feet to 950 square feet;
2. Revise the variance that building elevations will not be repeated or reversed within any cluster of two (2) homes; and
3. Increase the driveway length an additional two (2) feet from the private street to allow for more depth to the driveway for vehicle parking.

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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 Hangar facility (Hangar 99) at the Cleburne Airport.
- EX2.** 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).

**EX3.** Discuss Project Horizontal

**EX4.** Discuss Project Sunrise

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

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### ADJOURNMENT

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**ADJOURNED AT:**

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**CERTIFICATION**

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THIS IS TO CERTIFY that the Notice of Meeting of the Cleburne City Council is a true and correct copy 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, January 19, 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.