



**CITY COUNCIL REGULAR MEETING AGENDA**  
**FEBRUARY 13, 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 Todd Barham, Hope 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** by Cleburne Railroaders

**CMP2. PRESENTATION** – January 2024 All Star – Feliciano Resendiz, Maintenance Worker, Golf Course

**CMP3. PRESENTATION** – Quarterly Financial Report through December 31, 2023  
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 JANUARY 23, 2024, REGULAR COUNCIL MEETING.**

**RS1. CONSIDER A RESOLUTION APPOINTING CITY MANAGER MICHAEL MARRERO TO THE AUDIT COMMITTEE.**

Presented by: Ivy Peterson, City Secretary

Summary: With the recent appointment of City Manager Michael Marrero, this resolution formalizes appointment to the City's Audit Committee. In accordance with the policy adopted by Resolution #RS04-2017-31 on April 11, 2017, the term is for two years and will be effective immediately.

**RS2. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±1.31 ACRE TRACT LOCATED AT 3030 ALVIN COURT, CASE GC24-010.**

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, Jeremy and Kary Herrell, of approximately 1.31 acres of land located at 3030 Alvin Court. The City Secretary's Office received the petition on January 16, 2024, and the property ownership has been verified.

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.

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 completed 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.

**RS3. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±3.99 ACRE TRACT LOCATED AT 1601 AND 1603 RIVERVIEW DRIVE, CASE GC24-011.**

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for the release from the City's extraterritorial jurisdiction (ETJ) has been filed by the applicant, Kayla Fowler, on behalf of the property owner, Wesley Holliday, of approximately 3.99 acres of land located at 1601 and 1603 Riverview Drive. The City

Secretary's Office received the petition on January 17, 2024, and the property ownership has been verified.

**RS4. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±5.50 ACRE TRACT LOCATED AT 6820 WEST HIGHWAY 67, CASE GC24-012.**

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, Ronny and Vicky McPherson, of approximately 5.5 acres of land located at 6820 W. US Highway 67. The City Secretary's Office received the petition on January 23, 2024, and the property ownership has been verified.

**RS5. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±1.30 ACRE TRACT LOCATED AT 3011 ALVIN COURT, CASE GC24-013.**

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 owners, Larry and Denise Spurgin, of approximately 1.3 acres of land located at 3011 Alvin Court. The City Secretary's Office received the petition on January 26, 2024, and the property ownership has have been verified.

**RS6. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±8.20 ACRE TRACT LOCATED AT 2056 FARM TO MARKET ROAD 3136, CASE GC24-014.**

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 owners, Jonathan and Devohn Pugh, of approximately 8.2 acres of land located at 2056 FM 3136. The City Secretary's Office received the petition on January 29, 2024, and the property ownership has been verified.

**RS7. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF CATES RANCH PHASE 3, FOR FOUR (4) RESIDENTIAL LOTS, BEING ±8.655 ACRES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF CLEBURNE, GENERALLY LOCATED ON THE EAST SIDE OF COUNTY ROAD 1229 AND APPROXIMATELY 3,000 FEET NORTH OF WEST FM 4, CASE PC23-067.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Topographic, represented by Forrest Nance, requests approval of the final plat for Cates Ranch Phase 3, consisting of four (4) residential lots, generally located on the east side of County Road 1229 and approximately 3,000 feet north of West FM 4, within the City's Extraterritorial Jurisdiction (ETJ). The final plat of Cates Ranch Phase 3 conforms with the approved preliminary plat and generally conforms with the requirements as outlined in

Chapter 154 of the Code of Ordinances, with the exception of including the minimum finish floor elevation on the face of the plat prior to recordation for all lots within the floodplain. This is further detailed in the plat approval process section of the staff report. The Planning and Zoning Commission considered this request at its January 22, 2024, meeting and voted 7-0 to approve the plat with the following condition:

- i. Prior to filing the plat for recordation at the Johnson County Clerk's office, include the Minimum Finish Floor Elevation on the face of the plat for all lots within the floodplain, per Section 154.025(C)(19) of the Subdivision Ordinance.

**RS8. CONSIDER A RESOLUTION AUTHORIZING A GRANT FOR A FIRST RESPONDER MENTAL HEALTH RESILIENCY PROGRAM FOR THE POLICE DEPARTMENT FROM THE OFFICE OF THE GOVERNOR – VICTIMS OF CRIME ACT FORMULA GRANT PROGRAM.**

Presented by: Craig Huskey, Assistant Police Chief

Summary: The Cleburne Police Department has been awarded a grant in the amount of \$44,080 from the Office of the Governor – Victims of Crime Act Formula Grant Program. The purpose of the grant is for the implementation of a First Responder Mental Health Resiliency Program for employees of the Cleburne Police Department. The grant will provide 100% funding with no matching funds required. The grant funds will be used for the training of a peer support group made up of police department employees, mental health training for all police department personnel, and funding for mental health wellness checks with a licensed psychologist for all police department personnel.

**OR1. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2024 (#5) BY INCREASING APPROPRIATIONS BY \$44,080 WITH AN EQUAL INCREASE IN PROJECTED GRANT REVENUE FOR COSTS ASSOCIATED WITH THE FIRST RESPONDERS' MENTAL HEALTH RESILIENCY PROGRAM GRANT.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This budget amendment is being requested to record the revenue and corresponding expenditures for the First Responders Mental Health Resiliency Program. The grant was awarded to the City of Cleburne Police Department by the Office of the Governor- Victims of Crime Act Formula Grant Program. The proposed amendment will revise the total adopted Grant Fund budget for revenue and expenditures by \$44,080, resulting in a net zero effect on the budgeted fund balance.

**RS9. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH MEGAN LABER UNDER THE TERMS OF THE CLEBURNE PRIDE HOME IMPROVEMENT INCENTIVE PROGRAM, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1203 WEST WESTHILL DRIVE.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Ms. Laber has submitted an application for reimbursement of expenditures related to improvements to be made on the property located at 1203 W. Westhill Drive. The home was

constructed in 1956, and the applicant meets all required Program criteria to be eligible for consideration. The scope of work includes the following:

- Remove and replace siding, including front porch area and new paint
- Replace front entry door

Total estimated cost of the project is \$20,440, and under the terms of the Program, 30% of eligible costs are reimbursable up to a maximum of \$5,000, and therefore, the applicant would be eligible for the maximum reimbursement. If this request is approved, there will be \$35,000 in remaining funding for other projects during FY 2024.

**RS10. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH ILLONA ANDERSON UNDER THE TERMS OF THE CLEBURNE PRIDE HOME IMPROVEMENT INCENTIVE PROGRAM, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 302 BELLEVUE DRIVE.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Ms. Illona Anderson has submitted an application for reimbursement of expenditures related to improvements to be made on the property located at 302 Bellevue Drive. The home was constructed in 1929, and the applicant meets all required Program criteria to be eligible for consideration. The scope of work includes the following:

- Excavation and removal of old driveway and walkway material
- Pour new 4" thick concrete driveway and walkway

Total estimated cost of the project is \$4,860, and under the terms of the Program, 30% of eligible costs are reimbursable up to a maximum of \$5,000. Therefore, the applicant would be eligible for a reimbursement of \$1,458. If this request is approved, there will be \$33,542 in remaining funding for other projects during FY 2024.

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**ACTION AGENDA**

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**OR2. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE APPROVING A SERVICE AGREEMENT WITH JMCP VENTURES, LP AND VOLUNTARY ANNEXATION FOR ±127.90 ACRES LOCATED WITHIN A PORTION OF THE A. MCANIER SURVEY, ABSTRACT NO. 537, GENERALLY LOCATED ON THE WEST SIDE OF CHISHOLM TRAIL PARKWAY, BETWEEN US HIGHWAY 67 AND WEST INDUSTRIAL BOULEVARD, AS REQUESTED BY JMCP VENTURES, LP; REPRESENTED BY PATRICIA MANN, CASE GC24-009.**

Presented by: Danielle Castillo, Planning Manager

Summary: A petition for voluntary annexation has been filed with the City by the owner of approximately 127.9 acres, generally located on the west side of Chisholm Trail Parkway, between US Highway 67 and West Industrial Boulevard, 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 subject property is located within the Node Future Land Use District. The territory hereinafter annexed into the City shall be classified under the “IH” – Interim Holding District.

**RS11. \*PUBLIC HEARING\* CONSIDER A RESOLUTION APPROVING THE MINOR REPLAT OF LOTS 1 AND 2, BLOCK 1 OF CATOHIGH ADDITION, FOR TWO (2) RESIDENTIAL LOTS WITH A VARIANCE REQUEST TO THE MINIMUM LOT DIMENSIONS, BEING ±0.199 ACRES, LOCATED AT 205 AND 207 FORT WORTH AVENUE, CASE PC23-068.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Trans Texas Surveying, on behalf of the property owner, Darrell Hightower, requests approval of the minor replat for Lots 1 and 2, Block 1 of Catohigh Addition for two (2) residential lots, located at 205 and 207 Fort Worth Avenue. The applicant is requesting a variance to the minimum lot dimensions of the MF-2 (High-Density Residential District), specifically the lot width, lot depth, and lot size, to be considered as part of this request for plat approval.

All newly created lots in the MF-2 (High-Density Residential District) have a minimum lot width of 100 feet, lot depth of 100 feet, and lot size of 10,000 square feet. The applicant is requesting a variance to allow the proposed lots to be approximately 4,418 square feet (Lot 1) and 3,808 square feet (Lot 2) in size. The associated lot widths range between 55-58 feet and the associated lot depths range between 80-83 feet.

The applicant has indicated that it is the property owner’s intent to replat this property into two (2) lots in order to maintain ownership of one lot with a single-family residence and to sell the other lot with a single-family residence. The applicant has included an Existing Improvements Exhibit showing where the existing single-family residences will be situated on each of the newly created lots, and a 15-foot mutual access easement is proposed to be dedicated where the existing shared driveway is currently located.

The Planning and Zoning Commission considered this request at its January 22, 2024, meeting and voted 7-0 to approve the replat with the variance to the lot dimensions of the MF-2 (High-Density Residential District), more specifically the lot width, lot depth, and lot size.

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### DISCUSSION & UPDATES

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**OC1. DISCUSS THE PLANNING AND ZONING COMMISSION’S RECOMMENDATION FOR ZONING ORDINANCE TEXT AMENDMENTS AS OUTLINED IN SECTION 155.1.02.C.2 RELATED TO THE MINIMUM REQUIREMENTS OF THE SF-6, SF-7, SF-10, AND SF-20 ZONING DISTRICTS.**

Presented by: Danielle Castillo, Planning Manager

Summary: City Council adopted the Zoning Ordinance OR04-2022-34 on April 12, 2022. The Zoning Ordinance introduced a new single-family residential zoning district, SF-6, and increased the standards of the other SF Districts, including but not limited to minimum home size, landscaping, parking, and building design. Since the adoption of the Zoning Ordinance, the Planning and Zoning Commission has raised concerns about the current minimum standards related to single-family residential development.



Pursuant to Section 155.102.C.2, the Commission may initiate amendments to the Zoning Ordinance. The Commission expressed their desire to hold a work session to discuss, and come to a consensus, regarding proposed amendments to the minimum requirements for single-family residential development. The Commission held the work session on January 22, 2024, prior to their regular meeting and proposed the amendments listed below. The Commission also respectfully asked for City Council's consideration to host a joint public meeting to discuss these proposed amendments.

1. Eliminate the SF-6 zoning district.

*Reasoning as per P&Z:*

- *By removing this zoning district as an option for consideration, zoning applications submitted will not be less than the SF-7 zoning district.*
- *Anything less than the SF-7 zoning district can be handled through a variance or Planned Development (PD) rezoning request.*

2. Increase the SF-7 zoning district minimum floor area to 1,600 square feet, the SF-10 zoning district minimum floor area to 2,000 square feet, and the SF-20 zoning district minimum floor area to 2,500 square feet.

*Reasoning:*

- *The current minimum floor areas cater to first-time homebuyers and the Commission would like to see a variety of home types for other life stages.*
- *The number one request from realtors are larger homes and larger lots (not starter homes) and the City is losing citizens to other communities.*
- *Every Planned Development (PD) received are requesting the minimums so the overall minimums need to be raised.*

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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 and Section 551.072. Deliberation Regarding Real Property** - The City Council will convene into executive session to receive legal advice from the City Attorney regarding pending or contemplated litigation and to deliberate the purchase, lease, or value of real property related to the following matter:

- EX1.** Discuss the status of easement acquisitions for the purpose of obtaining utility easements for the construction and maintenance of a sanitary sewer line to be referenced as the Northwest Sewer Interceptor Project

**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:

- EX2.** Legal advice related to the merits of joining the City of Grand Prairie in its lawsuit to have Senate Bill 2038 declared unconstitutional
- EX3.** Discuss the status of risk management lawsuits regarding Mary Marin v. City of Cleburne, and Hector Ortega v. City of Cleburne”
- EX4.** Legal advice related to disannexation ordinance
- EX5.** Discuss Project Cypress

**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).

**EX6.** Discuss Project Horizontal

**EX7.** 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, February 9, 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.