



CITY COUNCIL REGULAR MEETING AGENDA
FEBRUARY 27, 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.

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 David Raybuck, Stonewater 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. PRESENTATION – 2023 Achievement of Excellence in Libraries Award by the Texas Municipal Library Directors Association

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 FEBRUARY 13 2024, REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH GARVER, LLC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WASTEWATER TREATMENT PLANT (SOUTH PLANT) CRITICALITY ASSESSMENT PROJECT, FOR AN AMOUNT NOT TO EXCEED \$89,800.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Wastewater Treatment Plant (South Plant) Criticality Assessment Project will evaluate the condition of the existing wastewater treatment facility. The primary objective is to develop a Capital Improvement prioritization plan for the South Plant based on major unit process areas. These major unit process areas include: Headworks, Influent Lift Station, Aeration Basins and Blower Facilities, Final Clarifiers, Chemical Storage and Feed Facilities, Diversion Pump Stations, Tertiary Treatment Facilities, Solids Holding Tanks, Electrical and SCADA System and Effluent Discharge Flume. The proposed engineering services agreement includes basic services to complete a criticality assessment for a lump sum price of \$89,800.

The criticality assessment is expected to take approximately five months to complete and upon completion of the assessment, the consultant will provide the City with a technical memorandum outlining a capital improvement prioritization plan along with budget-level project costs. Funding for this contract is available in the project design budget approved in the city's FY24 Budget.

RS2. CONSIDER A RESOLUTION AUTHORIZING A PUBLIC UTILITY AND TEMPORARY CONSTRUCTION EASEMENT FROM AMJ DEVELOPMENT, LC FOR THE NEIGHBORHOOD STREET REBUILD, STANWOOD AVENUE / CONGER STREET IMPROVEMENTS PROJECT, FOR AN AMOUNT OF \$12,694.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Neighborhood Street Rebuild, Stanwood Avenue / Conger Street Improvements Project includes the replacement of water and sewer mains, with street resurfacing along various neighborhood streets south of the Hulen Park area. To facilitate the better circulation of the water system in the area, a public utility easement is required to loop the existing water mains, and for the installation of the looped water main, a temporary construction easement is also required.

The City has negotiated with AMJ Development, LC and obtained a public utility easement and a temporary construction easement across the property, as required for the construction. The temporary construction easement will be in effect for a period of twelve months from the execution of the easement agreement. Funding for this easement is available in the Neighborhood Street Rebuild, Stanwood Avenue / Conger Street project account.

RS3. CONSIDER A RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE'S SEMI-ANNUAL REPORT, END-YEAR 2023, AS

TO THE PROGRESS OF THE CAPITAL IMPROVEMENT PLAN OF THE CITY OF CLEBURNE WATER, WASTEWATER, AND ROADWAY IMPACT FEE ORDINANCE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Pursuant to Chapter 395 of the Texas Local Government Code, the City of Cleburne Capital Improvements Advisory Committee (CIAC) is required to file semi-annual reports to the City Council on the administration of the impact fee program. Staff provided the semi-annual presentation of revenues and expenditures for water, wastewater, and roadway impact fees to the CIAC on February 12, 2024. The CIAC's recommendation on the City of Cleburne's water, wastewater, and roadway impact fee program is to continue forward with no changes at this time.

RS4. CONSIDER A RESOLUTION ACCEPTING THE ANNUAL RACIAL PROFILING REPORTS FOR THE POLICE DEPARTMENT, CITY MARSHAL'S OFFICE, AND FIRE MARSHAL'S OFFICE.

Presented by: Rob Severance, Police Chief

Summary: Article 2.134 of the Texas Code of Criminal Procedure has required law enforcement agencies in Texas to submit a report of motor vehicle stops to their governing body and the state each year since 2001. The Cleburne Police Department's report, which provides information on 6,828 motor vehicle stops conducted in 2023, was submitted to the Texas Commission on Law Enforcement (TCOLE) on February 9, 2024. The Cleburne City Marshal's Office and Fire Marshal's Office do not make traffic stops in the routine performance of their official duties.

RS5. CONSIDER A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS WITH SUNBELT POOLS, INC TO REPLACE AND INSTALL PUMP MOTORS AND VALVES IN THE SLIDE PUMP PIT AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$68,127, AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Presented by: Brian Daly, Assistant Director of Parks & Recreation

Summary: This project calls for the replacement of five (5) pump motors and multiple control valves in the pump pit behind the slides at Splash Station. Sunbelt Pools, Inc will install, prime, test, and perform a three-hour test of the new system. The valves and four of the five motors are original to the 20-year-old facility, and the fifth motor was installed 10 years ago, all of which have reached useful life. The new equipment is anticipated to have a service life of up to 20 years with proper maintenance and has a one-year warranty. The City put this project out to bid via Public Purchase in December 2023. Sunbelt Pools, Inc is the recommended contractor to perform this work utilizing the BuyBoard Contract #701-23 for an amount not to exceed \$68,127. The 4B Economic Development Corporation Board of Directors considered this request on February 15, 2024, and recommended unanimous approval.

RS6. CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR LOTS 2 AND 3, BLOCK 1 OF NOLAN RIVER RETAIL ADDITION, FOR TWO (2) COMMERCIAL LOTS BEING ±4.95 ACRES, GENERALLY LOCATED ON

THE NORTH SIDE OF WEST HENDERSON STREET AND APPROXIMATELY 285 FEET WEST OF NORTH NOLAN RIVER ROAD, CASE PC24-003.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Claymoore Engineering, represented by Clay Cristy, requests approval of the preliminary plat for Lots 2 and 3, Block 1 of Nolan River Retail Addition, which consists of two (2) commercial lots generally located on the north side of West Henderson Street and approximately 285 feet west of North Nolan River Road. The preliminary plat complies with the requirements as outlined in Chapters 154 and 155 of the City's Code of Ordinances. The Planning and Zoning Commission considered this request at its February 12, 2024, meeting and voted 7-0 to approve the plat as presented.

RS7. CONSIDER A RESOLUTION APPROVING ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF JANUARY 2024.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Accounts payable payments for the month of January 2024 total \$7,360,581.62. Budget transfers processed for the month of January 2024 total \$393,636.00.

ACTION AGENDA

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT (SUP) FOR THE PLACEMENT OF A MANUFACTURED HOME ON ±0.18 ACRES, ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 1415 SMOOTHIE STONE DRIVE IN AN EXISTING MANUFACTURED HOME SUBDIVISION, CASE ZC24-003.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Courtney Pocock, has submitted a request for a Specific Use Permit (SUP) for placement of a manufactured home on the property at 1415 Smoother Stone Drive, located within an existing manufactured home subdivision. The applicant has provided a letter of intent, site plan, and conceptual home photo detailing the proposed manufactured home. The Planning and Zoning Commission considered this request on February 12, 2024, and recommended approval with the vote of 7-0.

RS8. *PUBLIC HEARING* CONSIDER A RESOLUTION APPROVING THE MINOR REPLAT OF LOT 1, BLOCK 1 OF WALNUT STREET CHURCH OF CHRIST ADDITION, FOR ONE (1) RESIDENTIAL LOT WITH A VARIANCE REQUEST TO THE MINIMUM LOT DIMENSIONS, BEING ±0.22 ACRES, LOCATED AT 306 SOUTH WALNUT STREET, CASE PC24-001.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Trans Texas Surveying, on behalf of the property owner, South Walnut Church of Christ, represented by Melvin Blalock, requests approval of the minor replat for Lot 1, Block 1 of Walnut Street Church of Christ Addition for one (1) residential lot, located at 306 South Walnut Street.

The applicant is requesting a variance to the minimum lot dimensions of the MF-2 (High-Density Residential District), specifically the lot width 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) must have a minimum lot width of 100 feet and minimum lot size of 10,000 square feet. The applicant is requesting a variance to allow the proposed lot to be approximately 57 feet in width and approximately 9,539 square feet in size. The applicant has indicated that it is the property owner's intent to replat in order to create a legal lot of record for future expansion of the church.

The Planning and Zoning Commission considered this request at its February 12, 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 and lot size.

RS9. *PUBLIC HEARING* CONSIDER A RESOLUTION APPROVING THE REPLAT OF LOTS 1-18, BLOCK 2, LOTS 1-14, BLOCK 3, LOTS 1-20, BLOCK 4, LOTS 1-29, BLOCK 5 AND LOTS 13-15, BLOCK 6 OF MW LANDING PHASE 2, FOR 84 SINGLE-FAMILY RESIDENTIAL LOTS WITH A VARIANCE REQUEST TO THE MINIMUM WIDTH FOR UTILITY EASEMENTS, BEING ±16.50 ACRES, GENERALLY LOCATED NEAR THE NORTHEAST INTERSECTION OF PEARL STREET AND EAST SECOND STREET, CASE PC24-005.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Roger McInnis, on behalf of the property owner, Century Land Holdings of Texas, LLC, requests approval of the replat for 84 single-family residential lots within the MW Landing Phase 2 subdivision, generally located near the northeast intersection of Pearl Street and E. Second Street. The applicant is requesting a variance to the minimum width required for utility easements, specifically a one (1) foot reduction to the utility easement widths along the side and rear property lines, to be considered as part of this request for replat approval.

The applicant has requested a variance to the minimum width required for utility easements as outlined in Section 154.045(B)(2) of the City's Subdivision Ordinance: *Utility easement along all property lines shall be eight (8) feet on each side of the property line.* No construction, other than flatwork, is permitted within the existing 8-foot utility easements. The applicant is requesting a one (1) foot reduction to the eight (8) foot width requirement for the utility easements along the side and rear property lines. The applicant has indicated their intent is to allow the new single-family homes to be constructed at the minimum seven (7) foot interior side yard building setback as required by the SF-7 District.

The replat generally complies with the requirements as outlined in Chapters 154 and 155 of the Code of Ordinances, with the exception of the requested variance and revision of the utility easement notes to identify the location of the filed Oncom easements dedicated via separate instrument prior to recordation. The Planning and Zoning Commission will consider this request at its February 26, 2024, meeting.

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE AUTHORIZING PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM, AND NOMINATING JOHNS MANVILLE, LOCATED AT 200 WEST INDUSTRIAL BOULEVARD, AS A TEXAS ENTERPRISE PROJECT.

Presented by: Grady Easdon, Economic Development Manager

Summary Statement: Johns Manville desires to submit an application to the Texas Enterprise Zone Program ("TEZ Program") for consideration as a Qualified Project with plans to invest approximately \$25 million over the next five years on capital improvement projects at the Cleburne plant aimed at improving productivity, reliability, quality and safety. Specifically, Johns Manville will be upgrading and servicing its furnaces, fiber manufacturing lines, and ovens in order to maintain production efficiency. In addition to mechanical upgrades, Johns Manville will be enhancing its electrical systems with improvements to ensure continued employee safety. One of the more immediate projects included in the 5-year CIP will be a \$10 - \$12 million rebuild project of one of the production lines.

Over the previous 60 years, Johns Manville has performed numerous upgrades to plant facilities in an effort to remain competitive and adapting to changes in the industry, while maintaining a well-trained workforce and retaining jobs through numerous periods of challenging economic conditions. These investments will allow Johns Manville to continue producing high-performance and cost-effective products. As of December 2023, Johns Manville employed 322 full time employees and fully anticipates maintaining its current level of employment throughout the five-year designation.

City or county sponsorship of an application to the TEZ Program is required for companies desiring consideration by the State of Texas. Benefits to Johns Manville, if approved as a Qualified Project, are available to them under the Texas Enterprise Zone Program in the form of rebates of a percentage of the State portion of the Sales and Use taxes collected within the city. Cleburne has previously sponsored similar TEZ applications for companies such as Lowe's Home Improvement Centers, Johns Manville and James Hardie Building Products.

RS10. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±5.95 ACRE TRACT LOCATED AT 1309 RIVERVIEW DRIVE, CASE GC24-016.

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, Kayla Fowler, of approximately 5.95 acres of land located at 1309 Riverview Drive. The City Secretary's Office received the original petition on January 17, 2024, but it was deemed incomplete due to missing documentation required per Section 42.104(d) of the Texas Local Government Code. Staff notified the property owner via email of the required documentation on January 25, 2024. The property owner subsequently submitted the required documentation, deeming the petition complete on February 13, 2024, and the City Secretary's Office has verified property ownership.

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.

RS11. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±1.014 ACRE TRACT LOCATED AT 1543 FARM-TO-MARKET ROAD 2135, CASE GC24-017.

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, Stanley Mack and Shelley Berkley, of approximately 1.014 acres of land located at 1543 Farm-to-Market Road 2135. The City Secretary's Office received the petition on January 31, 2024, and the property ownership has been verified.

RS12. CONSIDER A RESOLUTION RELEASING EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE FOR THE ENTIRETY OF A ±3.643 ACRE TRACT LOCATED AT 3001 LOYD COURT, CASE GC24-018.

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, Robert and Victoria Oliveira, of approximately 3.643 acres of land located at 3001 Loyd Court. The City Secretary's Office received the petition on January 31, 2024, and the property ownership has been verified.

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. Legal advice related to Senate Bill 2038

EX2. 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).

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.

ADJOURNMENT

ADJOURNED AT:

CERTIFICATION

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 and said Notice was posted on **Friday, February 23, 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.