



CITY COUNCIL REGULAR MEETING AGENDA
MARCH 26, 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 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.

COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. PRESENTATION – Fiscal Year 2022 Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers 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 MARCH 12, 2024, REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH LINDA STUDER UNDER THE TERMS OF THE CLEBURNE PRIDE HOME IMPROVEMENT INCENTIVE PROGRAM, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1305 WEST WESTHILL DRIVE.

Presented by: Grady Easdon, Economic Development Manager

Summary: Ms. Studer has submitted an application for reimbursement of expenditures related to improvements to be made on the property located at 1305 W. Westhill Dr. The home was constructed in 1955, and the applicant meets all required Program criteria to be eligible for consideration. The scope of work includes the following:

- Replace all exterior single-pane windows with new energy-efficient double-pane windows

Total estimated cost of the project is \$18,400, 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 \$5,000. If this request is approved, there will be \$26,415 in remaining funding for other projects during FY 2024.

RS2. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BILLY WILLIAMS UNDER THE TERMS OF THE CLEBURNE PRIDE HOME IMPROVEMENT INCENTIVE PROGRAM, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 208 SUNSET DRIVE.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Williams has submitted an application for reimbursement of expenditures related to improvements to be made on the property located at 208 Sunset Dr. The home was constructed in 1954, and the applicant meets all required Program criteria to be eligible for consideration. The scope of work includes the following:

- Replace deteriorating driveway and sidewalk with new concrete driveway and sidewalk
- Construct new concrete curb (currently no curb exists)

Total estimated cost of the project is \$6,000, 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 \$1,800. If this request is approved, there will be \$24,615 in remaining funding for other projects during FY 2024.

RS3. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH MARK P. WILSON UNDER THE TERMS OF THE CLEBURNE PRIDE HOME IMPROVEMENT INCENTIVE

PROGRAM, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 301 WEEKS ROAD.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Wilson has submitted an application for reimbursement of expenditures related to improvements to be made on the property located at 301 Weeks Rd. The home was constructed in 1958, and the applicant meets all required Program criteria to be eligible for consideration. The scope of work includes the following:

- Repair and repaint front porch ceiling
- Paint metal roof trim
- Repair and repaint siding and both end gables
- Reset leaning decorative cinder block wall

Total estimated cost of the project is \$4,830, 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 \$1,450. If this request is approved, there will be \$23,165 in remaining funding for other projects during FY 2024.

RS4. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH CANNON MADISON UNDER THE TERMS OF THE CLEBURNE PRIDE HOME IMPROVEMENT INCENTIVE PROGRAM, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1323 HEMPHILL DRIVE.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Madison has submitted an application for reimbursement of expenditures related to improvements to be made on the property located at 1323 Hemphill Dr. The home was constructed in 1975, and the applicant meets all required Program criteria to be eligible for consideration. The scope of work includes the following:

- Replace front exterior windows

Total estimated cost of the project is \$8,733, 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 \$2,620. If this request is approved, there will be \$20,545 in remaining funding for other projects during FY 2024.

RS5. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BASILEIA, LLC UNDER THE TERMS OF THE CLEBURNE PRIDE HOME IMPROVEMENT INCENTIVE PROGRAM, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1002 MARENGO STREET AND 1017 NORTH ANGLIN STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Basileia, LLC, represented by Luiz and Marta Oliveira, has submitted an application for reimbursement of expenditures related to improvements to be made on the properties located at 1002 Marengo St. and 1017 N. Anglin St. The homes were constructed in 1950 and 1920 respectively, and the applicant meets all required Program criteria to be eligible for consideration. The scope of work includes the following:

- Remove old driveways and sidewalks and replace with new concrete driveways and sidewalks

Total estimated cost of the project is \$9,000, 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 \$2,700. If this request is approved, there will be \$17,845 in remaining funding for other projects during FY 2024.

RS6. CONSIDER A RESOLUTION AUTHORIZING THE CHANGE OF AUTHORIZED REPRESENTATIVES FOR TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL).

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This item is necessary to add Michael Marrero, City Manager, and Zane Graham, Assistant Finance Director, as authorized representatives to invest funds for the City of Cleburne with TexPool.

RS7. CONSIDER A RESOLUTION DESIGNATING THE CITY MANAGER AND CHIEF FINANCIAL OFFICER/DIRECTOR OF FINANCE AS BANKING SIGNATORIES.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This agenda item proposes a resolution to officially designate the City Manager and Chief Financial Officer (CFO) as banking signatories for the City's banking depository accounts. The resolution aims to streamline banking procedures and enhance efficiency by authorizing these key officials to sign financial documents and conduct banking transactions, subject to established policies, procedures and legal requirements, on behalf of the city. This action aligns with best practices in municipal financial management and will contribute to the effective administration of the city's financial affairs.

RS8. CONSIDER A RESOLUTION APPROVING ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF FEBRUARY 2024.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Accounts payable payments for the month of February 2024 total \$14,915,894.58, and there were no budget transfers for the month of February 2024.

ACTION AGENDA

RS9. CONSIDER A RESOLUTION ACCEPTING THE ANNUAL AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2023.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Section 8.12 of the City of Cleburne Charter states an independent firm of certified public accountants will perform the annual audit and present the results to the City Council.

On Wednesday, March 20, 2024, the Audit Committee met with John Manning, the audit engagement partner with the City's audit firm, Pattillo, Brown and Hill, LLP, to review the

results of the annual audit for Fiscal Year ended September 30, 2023, and the Statement on Auditing Standards 114 audit management letter. The City received an unmodified opinion (Independent Auditor's Report), which is the most favorable audit opinion an entity can receive. Mr. Manning will be present to give a brief presentation regarding the annual audit. Once the report is accepted by City Council, it will be available on the City's website.

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT (SUP) FOR A TEMPORARY CONSTRUCTION TRAILER FOR THE BELLE MEADOWS, PHASE 4 SUBDIVISION ON LOT 11, BLOCK G, ON ±0.23 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 1715 SUDBURY DRIVE, CASE ZC24-010.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Antares Homes, has submitted a request for a Specific Use Permit (SUP) for a temporary construction trailer for Phase 4 of the Belle Meadows subdivision. The temporary construction trailer will be on Lot 11, Block G located at 1715 Sudbury Dr. for a duration of six (6) months until anticipated construction of homes is complete. Should the construction extend past six (6) months, staff may grant a one (1) time administrative extension for up to 12 months. The SUP would be required to be amended beyond a cumulative total 18 months on-site. The applicant has provided a Letter of Intent, Site Plan, and a Floor Plan and Exterior Elevation describing and showing the location and design of the temporary construction trailer. The Planning and Zoning Commission considered this request at its March 11, 2024, meeting and voted 7-0 to approve the SUP request as presented.

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT (SUP) FOR A TOBACCO, VAPOR, E-CIGARETTE STORE ON ±0.70 ACRES, ZONED RC (REGIONAL COMMERCIAL DISTRICT) AND WITHIN THE MS (MAIN STREET OVERLAY), LOCATED AT 1611 NORTH MAIN STREET IN AN EXISTING COMMERCIAL STRIP CENTER, CASE ZC24-002.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, Khalid Jafari, has submitted a request for a Specific Use Permit (SUP) for a tobacco, vapor, and e-cigarette store located at 1611 N. Main St., within an existing commercial strip center. The applicant has provided a Letter of Intent and Conceptual Floor Plan detailing the proposed business, Exclusive Smokes. The Planning and Zoning Commission considered this request at its March 11, 2024, meeting and voted 7-0 to approve the SUP request with the following conditions:

- i. The proposed hours of operation; and
- ii. The waiver from the 1,000-foot distance requirement from two (2) existing churches.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, ON ±121.18 ACRES GENERALLY LOCATED NEAR THE

SOUTHWEST INTERSECTION OF EAST SECOND STREET AND SOUTH BRAZOS AVENUE, CASE ZC24-007.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant, FV Development III, LLC, represented by Mike Varrichio, has requested to rezone approximately 121.18 acres from SF-7 (Single-Family Dwelling District) to PD (Planned Development District) for a single-family residential development known as Lankford Farms, generally located near the southwest intersection of E. Second St. and S. Brazos Ave. The subdivision is currently under civil construction of the public infrastructure for Phase 1 of the subdivision.

The preliminary plat for the subdivision was approved in November 2021, for 244 single-family residential lots and 11 open space lots under the previous zoning district designation of SF-4 (Single-Family Dwelling District). As such, the subdivision is vested under the rules and regulations of the SF-4 (Single-Family Dwelling District) that existed at the time of preliminary plat approval.

Although the property is currently under construction and zoned for single-family residential development, the applicant is requesting a PD specifically to modify the minimum building setbacks established by the vested SF-4 (Single-Family Dwelling District). The applicant has stated their intent is to reduce the building setbacks in order to accommodate larger pad sites in order to allow the home builder to offer larger homes and a wider variety of homebuilder elevations. The applicant has included additional development regulations for the subdivision, including but not limited to building design, landscaping, and subdivision features that are not required by the vested SF-4 (Single-Family Dwelling District).

The Planning and Zoning Commission considered this request at its March 11, 2024, meeting and voted 6-1 to approve the PD request as presented.

RS10. CONSIDER A RESOLUTION RESTATING THE PRIMARY INTENDED USES OF THE CITY OF CLEBURNE'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: At the September 28, 2021, regular council meeting, City Council heard a presentation about the American Rescue Plan Act of 2021 and what this funding allotment meant for the City of Cleburne. At the October 12, 2021, regular council meeting, City Council approved resolution RS10-2021-137, stating the primary intended uses of the City of Cleburne's allotment of the ARPA grant funds.

The purpose of this proposed resolution is to amend the 2021 resolution to restate the intended use that had specified \$5,614,710.36 be expended for a portion of the Water Reuse Line project. The restatement will designate those funds to the allowable United States Department of the Treasury (USDT) category of "Water & Sewer Infrastructure" instead of a specific project within the category, providing flexibility for the City Council and staff to utilize the ARPA funds for projects where needed, while remaining in compliance with the USDT regulations.

There is no budget impact at this time. The funds received are recorded as revenue as the expenditure is made. A corresponding budget amendment is also proposed on this agenda to appropriate ARPA funds for this project.

OR4. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2024 (#6) BY INCREASING APPROPRIATIONS BY \$3,500,000 WITH AN EQUAL INCREASE IN PROJECTED GRANT REVENUE FOR COSTS ASSOCIATED WITH THE STANWOOD AVENUE / CONGER STREET PROJECT.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This budget amendment is being requested to appropriate grant revenue and corresponding expenditures for the Stanwood Avenue / Conger Street project approved by council at the March 12, 2024, council meeting with the passage of RS03-2024-49. The proposed amendment will revise the total adopted Water & Sewer Fund budget for revenue and expenditures by \$3,500,000, resulting in a net zero effect on the budgeted fund balance.

RS11. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH GLOBAL BUILDING MAINTENANCE, INC FOR BUILDING MAINTENANCE JANITORIAL SERVICES, FOR AN ANNUAL AMOUNT NOT TO EXCEED \$112,000.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Building Maintenance Division of the Public Works Department maintains various city facilities with two janitorial or custodial employees (one full time and one part time employee). Due to recent vacancies, an evaluation was performed if contractual services would provide a high-service level at a lower overall cost. The evaluation determined contractual services would provide a cost-effective solution for the janitorial needs of the city. Due to existing vacancies in the custodial full-time and part-time positions, no changes to existing personnel will result from this service contract.

The proposed service contract was advertised and on February 23, 2024, the city received 11 bids ranging from \$89,960 to \$190,736 for the base services outlined in the agreement. The contractor, Global Building Maintenance, Inc submitted a bid of \$89,960 and is considered to be the best value to the city. The resolution will authorize the agreement and the City Manager to execute future renewal options and change orders up to an annual cost of \$112,000.

This service contract will result in approximately a 25% cost reduction for the same service level. Funding for this contract is available in the FY2024 budget and will be sourced from the savings associated with the 1.5 full-time positions that are currently and will remain vacant.

RS12. CONSIDER A RESOLUTION ADOPTING TEXAS DEPARTMENT OF TRANSPORTATION'S SPECIAL SPECIFICATION 6505 "LED INTERNALLY LIGHTED STREET NAME SIGNS" POLICY AND GUIDELINES.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In FY2020, the city began incorporating backlit illuminated street name signage at traffic signals. The City has since installed this illuminated signage at seven (7) of the city-owned and operated traffic intersections.

In an effort to have this signage type installed on all traffic signals within the City, staff have been coordinating with Texas Department of Transportation for corridors under their

jurisdiction, which include: Henderson Street (US 67 Business), Chambers Street (US 67 Business), North Main Street (SH 174), South Main Street (SH 171), Caddo Street (SH 171), East Second Street (FM 4), Country Club Road (FM 1718), Kilpatrick Avenue (FM 4), Weatherford Highway (SH 171), and the service roads of US 67. The TxDOT requirement is to approve the state's policy and guidelines on the use of LED illuminated street name signs prior to any design and construction plan approvals.

The proposed resolution establishes the policies and guidelines the City of Cleburne needs to adopt for the use of LED Illuminated Street Name Signs on a TxDOT managed roadway. Once these policies and guidelines are adopted, the City can proceed with design and engineering of the illuminated street signs with a TxDOT approved vendor.

DISCUSSION & UPDATES

OC1. DISCUSS CREATING TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER FOUR.

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 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).

EX2. Discuss request for incentives related to proposed retail project at E. Kilpatrick Ave. and Hix Rd.

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, March 22, 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) 645-0900.