



**CITY COUNCIL REGULAR MEETING AGENDA**  
**AUGUST 10, 2021 @ 5:00PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

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City Council meetings are open to the public with social distancing and sanitation protocols in place. 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.
  - *Address the Council by phone*: Submit a registration card as directed above and by 4:45p.m. call [\(346\) 248-7799](tel:3462487799) or (800) 731-0285. **Enter Meeting ID 995-6991-0537 and then press #.**
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**I. ROLL CALL AND CALL TO ORDER BY MAYOR**

**City Council:**

**Scott Cain, Mayor**  
**Derek Weathers, SMD 1**  
**Chris Boedeker, Mayor Pro Tem/SMD 2**  
**Mike Mann, SMD 3**  
**John Warren, SMD 4**

**Administration:**

**Steve Polasek, City Manager**  
**Ashley Dierker, City Attorney**  
**Ivy Peterson, City Secretary**

**II. INVOCATION** by Pastor Neale Oliver, Henderson Street Baptist 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.

**VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

**CMP1. Proclamation – Wendell Lewis Day, August 22, 2021**

**CMP2. Public Works Projects Update by Jeremy Hutt, Director of Public Works**

**CMP3. Covid-19 Update by Scott Lail, Fire Chief**

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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 JULY 27, 2021 REGULAR COUNCIL MEETING.****RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL AUGUST 24, 2021.**

Presented by: Steve Polasek, City Manager

Summary: On March 23, 2020, the Mayor executed a Declaration of Local Disaster (“Declaration”) for the City of Cleburne pursuant to Section 418.108(a) of the Texas Government Code, which was for a period of seven days. In accordance with 418.108(b) of the Texas Government Code and following Governor Greg Abbott’s executive orders, the City Council has approved extensions to said Declaration, and continues to take actions to promote health and safety, and suppress the spread of COVID-19 in the community. This resolution for your consideration is to extend the existing Declaration to the next regular council meeting date of August 24, 2021 at 11:59 p.m. central standard time.

**RS2. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF FOX MEADOW ADDITION, PHASE II, BEING ±9.257 ACRES, GENERALLY LOCATED ON THE EAST SIDE OF TREMONT STREET, BETWEEN CEDAR STREET AND MANSFIELD ROAD, AS REQUESTED BY J. FOX INVESTMENTS, REPRESENTED BY TRANS TEXAS SURVEYING, CASE PC21-025.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of the final plat for Fox Meadow Addition, Phase 2, which is comprised of 34 single-family residential lots. The final plat meets all of the minimum requirements as outlined in Chapter 154 and Chapter 155 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their July 26, 2021 meeting and recommended approval with a vote of 7-0.

**RS3. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF MW LANDING, PHASE II, BEING ±37.74 ACRES, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF PEARL STREET AND EAST SECOND STREET, AS REQUESTED BY MW TEXAN STAR HOMES, LLC, REPRESENTED BY KIMBERLY MALONE, CASE PC21-026.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of the final plat for MW Landing, Phase 2, which is comprised of 170 single-family residential lots. The final plat meets all of the minimum requirements as outlined in Chapter 154 and Chapter 155 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their July 26, 2021 meeting and recommended approval with a vote of 7-0.

**RS4. CONSIDER A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$68,331.08 TO TOTAL – TEP BARNETT USA, LLC FOR THE PLUGGING AND ABANDONMENT OF THE C PAD WELLS PURSUANT TO THE COMPROMISE AND SETTLEMENT AGREEMENT DATED JANUARY 29, 2021.**

Presented by: Steve Polasek, City Manager

Summary: As part of the Settlement Agreement with Chesapeake Energy and Total Energies, Total agreed to plug and abandon a well site located on city property at the northwest corner of Sparks Drive and the Chisholm Trail Parkway. The settlement agreement was negotiated over a period of several years and included an original estimate of \$115,000 for plugging and abandoning the wells. Unfortunately, prices for materials and labor have increased significantly over time, especially during the last year, and the actual cost was \$155,831.08. Our settlement credit of \$87,500 was applied to the cost leaving an unpaid balance of \$68,331.08 due to Total. Funding is available in the Gas Disposal Well Fund, which currently has an unencumbered balance of \$548,868.

**ORI. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2020 TO SEPTEMBER 30, 2021 (#14) BY APPROPRIATING \$10,000.00 FROM FUND BALANCE RESERVES IN THE GENERAL FUND FOR ADDITIONAL APPROPRIATIONS FOR THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: The Economic Development Division desires to increase appropriations in Other Services (0140-8699) in the amount of \$10,000 for the Façade Improvement Matching Incentive Program in FY 2021. The purpose of this agenda item is to amend the General Fund budget to add the appropriation for this expenditure.

**RS5. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH CLEBURNE NUTRITION FOR PROPERTY LOCATED AT 115 EAST HENDERSON STREET UNDER THE TERMS OF THE CITY OF CLEBURNE FAÇADE IMPROVEMENT ECONOMIC DEVELOPMENT INCENTIVE PROGRAM.**

Presented by: Grady Eason, Economic Development Manager

Summary: Cleburne Nutrition has submitted an application under the terms of the City's Façade Improvement program for reimbursement of expenses related to eligible improvements to property located at 115 E. Henderson, which is owned by Tom Burkett. Planned improvements consist of painting the existing storefront columns, painting front double doors, painting the pickup area, and installation of a 3' x 3' corner-mounted backlit sign including installation of required electrical

wiring and sign mounting hardware.

Total cost of improvements is \$6,500.00; therefore, the 50% reimbursement would be \$3,250.00. Should the Council approve the budget amendment on this agenda authorizing an additional \$10,000 for the Facade Program, as well as this request, there will be \$8,773.00 remaining bringing the total program funding to \$60,000 for FY 2021.

**RS6. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH FORT WORTH AREA HABITAT FOR HUMANITY, INC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES UP TO A MAXIMUM OF \$4,000 FOR CONSTRUCTION OF A NEW HOME LOCATED AT 101 OLIVE STREET, CLEBURNE, TEXAS.**

Presented by: Grady Easdon, Economic Development Manager

Summary: The Company has submitted an application for reimbursement of impact fees under the Infill Lot Impact Fee Rebate Incentive Program that was first adopted by City Council at the January 28, 2020 meeting and renewed as part of the Fiscal Year 2021 budget that was adopted at the September 8, 2020 City Council meeting. Their approximate investment will be \$117,000.00 for a 1,253 square foot home to be constructed at 101 Olive Street. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. As part of the Program, the builder must meet certain design and development standards and other criteria in order to qualify for reimbursement of these fees. Based upon a copy of the application documents and building plans submitted, the project meets the required criteria for Council consideration. Should this request be approved, there will be \$8,000 remaining for future projects under this program.

**RS7. CONSIDER A RESOLUTION AMENDING RESOLUTIONS RS07-2021-89 AND RS07-2021-90 FOR THE PURPOSE OF CORRECTING ADDRESSES THAT WERE SUBMITTED FOR INFILL LOT IMPACT FEE REBATE INCENTIVE PROGRAM AGREEMENTS FOR PROPERTIES LOCATED AT 1138A AND 1138B ALVARADO STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: This action is needed in order to correct addresses on two adjoining lots that were approved for reimbursement of paid and collected impact fees under the Infill Lot Impact Fee Reimbursement Program at the July 27, 2021 meeting of the City Council. The addresses submitted on the applications were 1139A Alvarado Street and 1139B Alvarado Street, when in fact the correct addresses are 1138A Alvarado Street and 1138B Alvarado Street. One of the applicants, Lisa Fox, notified us of the error after corrective measures with the appropriate City & County taxing entities had been taken.

**RS8. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH VEPO, LLC FOR THE MANAGEMENT OF THE CITY'S BACKFLOW PREVENTION PROGRAM.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The TCEQ requires a public water utility to protect the water distribution system from potential contamination by maintaining a backflow prevention assembly program. A backflow prevention assembly is used to protect a potable water distribution system from potential contamination due to sudden unexpected loss of pressure within the distribution system. These assemblies are required to be tested and certified on a regular basis. Backflow Prevention Assembly Testers are individuals licensed by the TCEQ to perform the certifications. All certification records must be maintained and available during a TCEQ inspection. The maintenance of this program requires an inordinate amount of staff time. In an effort to improve efficiency, staff has researched the use of web based backflow management systems. Many public water utilities are moving toward this new technology as a matter of improved effectiveness and efficiency. Vepo, LLC has offered a favorable proposal for the administration of the City's backflow prevention program. Their technology is in operation in over 30 other areas including Fort Worth, Weatherford, Justin, Haslet, San Angelo, Conroe, The Woodlands, Southlake, and Georgetown. Their proposal is at no cost to the City.

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## ACTION AGENDA

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**OR2. \*PUBLIC HEARING\*** CONSIDER AN ORDINANCE REZONING ±109.09 ACRES FROM A (AGRICULTURAL DISTRICT) AND SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED ON THE WEST SIDE OF SOUTH NOLAN RIVER ROAD, NORTH OF MILLBRAE ROAD AND WEST OF DUBLIN DRIVE, AS REQUESTED BY JACK BURTON FAMILY LTD, REPRESENTED BY D.R. HORTON TEXAS, LTD, CASE ZC21-011.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 109 acres from A (Agricultural District) and SF-4 (Single-Family Dwelling District) to SF-4 (Single-Family Dwelling District) for the property generally located on the west side of South Nolan River Road, north of Millbrae Road and west of Dublin Drive. The applicant is requesting to rezone the subject property for future single-family residential development.

The Planning and Zoning Commission considered this request at their July 26, 2021 meeting and recommended *denial* by a vote of 7-0. *The recommendation of denial requires a supermajority vote for approval by City Council.*

**OR3. \*PUBLIC HEARING\*** CONSIDER AN ORDINANCE REZONING ±0.34 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 314 ELMO STREET, AS REQUESTED BY STEVE CRISP, CASE ZC21-012.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 0.34 acres from M1 (Light Industrial District) to SF-4 (Single-Family District) for the property located at 314 Elmo Street. The applicant has indicated their intent to rezone the subject property for future residential development.

The Planning and Zoning Commission considered this request at their July 26, 2021 meeting and recommended approval by a vote of 7-0.

**OR4. \*PUBLIC HEARING\* HOLD FIRST PUBLIC HEARING TO CONSIDER AN ORDINANCE READOPTING AND CONTINUING SECTION 130.18: “CURFEW HOURS FOR MINORS” OF TITLE XIII, CHAPTER 130: GENERAL OFFENSES OF THE CODE OF ORDINANCES.**

Presented by: Rob Severance, Chief of Police

Summary: State law requires the Juvenile Curfew ordinance be reviewed and renewed every three years, in order to keep in force.

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**BUDGET AND TAX RATE**

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**CMP4. Distinguished Budget Presentation Award by the Government Finance Officers Association**

**WS1. BUDGET WORKSHOP SESSION TO DISCUSS THE PROPOSED FISCAL YEAR 2022 BUDGET AND CAPITAL IMPROVEMENTS PLAN.**

Presented by: Steve Polasek, City Manager

**OC1. CONSIDER SCHEDULING A PUBLIC HEARING FOR THE ADOPTION OF THE FISCAL YEAR 2022 BUDGET FOR AUGUST 24, 2021, AT 5:00 PM, DURING THE REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter states, “At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof.” For compliance with this Charter requirement, the City Council is stating its intent to schedule and hold the public hearing to adopt the budget on August 24, 2021, at 5:00 pm, which is a regularly scheduled meeting of the City Council in the City Council Chambers.

**OC2. CONSIDER APPROVAL AND ADOPTION OF THE 2021 CERTIFIED APPRAISAL ROLL AS PRESENTED BY THE JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 26 of the Texas Property Tax Code outlines several property tax related items that must be presented to council. These are the certified appraisal roll, the certified collection rate and the No New Revenue and Voter Approval Tax Rates. The Chief Appraiser of Johnson County Central Appraisal District (JCCAD) certified our 2021 appraisal roll on July 23, 2021. In accordance with Section 26.04 (b) of the Texas Property Tax Code, the following values are submitted:

Total Appraised/Assessed Value	\$2,845,702,203
Total Exemptions	177,728,853
Total Taxable Value (Includes values under protest and new value)	2,667,973,350
Total Estimated Value Loss on Protests	(55,403,902)
Total Taxable Value of New Property	92,628,506
Total Taxable Value of Property Newly Annexed	745,945
Total Tax Increment Financing Captured Appraised Value	58,458,182

Including the anticipated values for properties under protest, the total anticipated certified value for the City of Cleburne for Fiscal Year 2022 is \$2,612,569,448 a 12.21% increase over the Fiscal Year 2021 certified values. The City's Tax Assessor Collector presented the Excess Debt Collections and the Anticipated Debt Collections Rate on July 16, 2021 and presented the No New Revenue and Voter Approval tax rates on July 30, 2021. The anticipated debt collection rate is 116%. The No-New-Revenue rate is calculated as \$0.710738 and the Voter-Approval rate is \$0.690499. The Interest and Sinking (Debt Service) component of the tax rate is \$0.060750 for the repayment of debt service.

**RS9. CONSIDER A RESOLUTION STATING THE CITY COUNCIL'S INTENT TO ADOPT A TAX RATE OF \$0.690498 PER HUNDRED DOLLARS OF VALUATION FOR FISCAL YEAR 2022 AT THE TUESDAY, SEPTEMBER 14, 2021 REGULAR COUNCIL MEETING ADOPTING THE TAX RATE.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Texas Tax Code, Chapter 26, requires taxing units to comply with "Truth-in-Taxation" laws in setting ad valorem tax rates, and that a no-new-revenue tax rate and voter-approval tax rate calculations are performed. The calculated rates for Fiscal Year 2022 (FY 2022) / Tax Year 2021 utilized the July 23, 2021 certified appraisal roll as the basis for calculation.

The proposed rate for FY 2022 is \$0.690498 per \$100 of valuation, which is the rate presented to City Council at the FY 2022 budget workshop on August 10, 2021. The proposed rate of \$0.690498 is lower than the adopted FY 2021 tax rate, the no-new-revenue rate of \$0.710738 and the voter-approval tax rate of \$0.690499; therefore no public hearings on the tax rate are required by the Texas Property Tax Code.

Section 26.061 of the Texas Tax Code, Notice of Meeting to Vote on Proposed Tax Rate that does not Exceed Lower of No-New Revenue or Voter-Approval Tax Rate, requires that the City Council vote to set the date, time and place of the vote on the tax rate. This notice will be published in the Cleburne Times-Review on Saturday, August 28, 2021.

The allocation for the FY 2022 tax rate for the interest and sinking rate (Debt Service Fund rate) is \$0.060750 and the operations and maintenance (General Fund rate) is \$0.629748. The ordinance adopting the FY 2022 tax rate will reflect these rates.

**RS10. CONSIDER A RESOLUTION APPROVING THE EMPLOYEE BENEFIT PLANS FOR FISCAL YEAR 2022.**

Presented by: Debra Powledge, Director of Human Resources

Summary: Staff and HUB International, the City's Insurance advisor, have worked together evaluating renewals submitted for the City's insurance medical insurance plans. Previous presentations to the Council were presented in March, June, and July providing overviews of the plan status, renewal increases, and recommended plan adjustments. Staff recommends passage of this resolution. Brent Weegar, Senior Vice President with HUB International is here to provide a brief overview presentation for City Council.

Staff is recommending the reduction of plan offerings by eliminating both the CORE PPO and the CORE THA Plans. Alongside the reduction of plans, plan adjustments will be made to include in and out of network coinsurance adjustments, emergency room and pharmacy copay increases.

- The City would continue funding 100% of the employee premiums under the HDHP and the HDHP- THA value and a variable portion of the dependent subsidy. The difference in the increased premiums for the buy up plans would be 100% employee funded as well as any additional dependent coverage for all plans.
- The City's dental coverage is being renewed with MetLife with no rate increase.
- The City will continue with Superior Vision for the second year of a three-year rate guarantee.
- The City will continue with Symetra Life Insurance for our Life Insurance, AD&D, and Long Term Disability plans. All voluntary life insurance plans are the responsibility of the employee. This will be the second year of a three-year rate guarantee.
- The City will continue with Symetra for its voluntary Accident and Critical Illness plans. All premiums are the employee's responsibility. This will be the second year of a three-year rate guarantee.
- The City will continue with Deer Oaks as the City's Employee Assistance Program provided by Deer Oaks. This program is funded by the City and this will be the second year of a three-year rate guarantee.
- The City will continue with Flores and Associates as the City's Flexible Benefits and Section 125 Administrator. This is the second year of a five-year rate guarantee.

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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:

**EXE1.** Discuss Wright Farms Municipal Utility District

**EXE2.** Discussion of the gas well inspection fees

**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 on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551 and to deliberate the purchase, exchange, lease, or value of real property related to the following:

**EXE3.** Discuss city-owned real property located at 1701 Park Boulevard

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

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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 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 at all times, as well as the City’s official website at [www.cleburne.net](http://www.cleburne.net) and said Notice was posted on **Friday, August 6, 2021**, 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.