



CITY COUNCIL REGULAR MEETING AGENDA
SEPTEMBER 13, 2022 @ 5:00PM
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.
- *Address the Council by phone*: Submit a registration card as directed above and by 4:45p.m.call [\(346\) 248-7799](tel:3462487799) or (888) 788-0099. **Enter Meeting ID 995-6991-0537 and then press #.**

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 Matt Barker, Cornerstone Pentecostal Church of God

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

CMPI. Proclamation – Constitution Week, September 17 – 23, 2022

CONSENT AGENDA

MN1. CONSIDER MINUTES FOR THE AUGUST 23, 2022 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL SEPTEMBER 27, 2022.

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 September 27, 2022 at 11:59 p.m. central daylight time.

OC1. CONSIDER CONFIRMING THE APPOINTMENT OF ASHLEIGH GREEN TO THE CLEBURNE POLICE RESERVE FORCE.

Presented by: Rob Severance, Police Chief

Summary: Chief Severance and Reserve Deputy Chief Neal Sandlin are requesting Council confirm the appointment of Ashleigh Green to the Cleburne Police Reserve Force, thereby permitting her to carry a weapon and act as a peace officer at all times, in accordance with Texas Local Government Code § 341.012 and City of Cleburne, Texas Code of Ordinances § 33.03. Officer Green announced her intent to resign from her civil service position with the Cleburne Police Department, effective September 3, 2022, with 4 years of service. Officer Green holds a Texas Intermediate Peace Officer certification, bachelor’s degree, and serves as a field-training officer.

BQ1. CONSIDER AUTHORIZING PURCHASE OF WATER METERS WITH MASTER METER, A SOLE-SOURCE VENDOR, AND ASSOCIATED ACCESSORIES FOR AN AMOUNT NOT TO EXCEED \$407,444.

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 992 meters.

- 450 - ¾” Meters
- 110 - 1” Meters
- 90 - 1 ½” Meters
- 202 - 2” Meter
- 4 - 3” Meters
- 4 - 4” Meters
- 4 - 6” Meters

There is currently a 22+/- week lead-time on these meters. Funding for the meters is included in the FY2022 budget.

RS2. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDS FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM.

Presented by: Sharlette Wright, Airport Manager

Summary: The grant is a 50/50 match from the Texas Department of Transportation that is awarded on an annual basis to help with the grounds, building and weather station maintenance. The grant amount is \$50,000. Examples of eligible projects are:

- Runway/taxiway light bulbs and fixtures
- Maintenance agreement for the weather station AWOS (Automated Weather Observation Station)
- Hangar/building maintenance
- Self Service fuel island repairs
- Crack sealing of runway, taxiway and aprons

The airside maintenance needs that directly relate to the travel of aircraft come first before other items are addressed. The runway/taxiway lighting, pavements, drainage, and weather station are considered airside needs.

RS3. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND LEASE AGREEMENT WITH PARTNERS AVIATION, INC. FOR TRACT 501 AT THE CLEBURNE REGIONAL AIRPORT.

Presented by: Sharlette Wright, Airport Manager

Summary: Mr. Clifford Holden, of Partners Aviation, Inc. would like to enter into a new land lease for Tract 501. Mr. Holden built a hangar on this tract in 2000 and has a current lease with eight (8) years remaining. Due to the short term remaining on his lease, Mr. Holden would like to cancel his original lease and enter into a new lease so he can find a buyer for his hangar. Mr. Holden is requesting a 30-year lease.

The rate terms presented in the lease are as follows:

- i. Effective October 1, 2022, \$0.0681 per square foot per year, which is calculated as follows: 6,700 square feet x \$0.0681 = \$456.27 and paid to Landlord on an annual basis no later than the last day of the month;
- ii. Effective October 1, 2030, the rent shall be the most recent city commissioned appraised land value per square foot to be paid to Landlord on an annual basis no later than the last day of the month.

The current rate with CPI escalations will carry over to the new lease to account for the remaining 8 years of his existing lease. At the conclusion of the 8 years, on October 1, 2030 the lease rate will be adjusted to reflect the most current appraised land value per square foot.

Mr. Holden has reviewed the proposed lease and is in agreement with the terms. The City Attorney has also reviewed the proposed lease.

BUDGET AND TAX RATE MATTERS

OC2. *PUBLIC HEARING* HOLD A PUBLIC HEARING FOR PUBLIC INPUT ON THE FISCAL YEAR 2023 (TAX YEAR 2022) PROPOSED TAX RATE OF \$0.640476 PER ONE HUNDRED DOLLARS OF VALUATION IN ACCORDANCE WITH CHAPTER 26 OF THE TEXAS TAX CODE.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 26 of the Texas Property Tax Code spells out the requirements for taxing units to comply with “Truth-in-Taxation” laws in setting property tax rates. Chapter 26.05(d)

states the governing body of a taxing unit must hold a public hearing on the proposed tax rate when the proposed rate “exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate”.

The calculated FY 2023 (Tax Year 2022) no-new-revenue tax rate is \$0.635579 and the voter-approval rate is \$0.640476. On August 9, 2022, the City Council adopted a resolution stating its intent to adopt a tax rate of \$0.640476, a decrease from the FY2022 tax rate of \$0.690498. The proposed tax rate of \$0.640476 is higher than the no-new-revenue tax rate, and therefore, the City Council is required to hold a public hearing.

This public hearing provides the public an opportunity to speak on the proposed tax rate. As required by Section 26.06(b-2), a “NOTICE OF PUBLIC HEARING ON TAX INCREASE” was published on Saturday, August 27, 2022, which is at least five (5) days prior to the public hearing.

As a point of reference, the voter-approval tax rate calculation sets the interest and sinking rate (Debt Service rate) at \$0.029790. The remainder of the proposed tax rate, \$0.610686, will be allocated to operations and maintenance (General Fund rate). The proposed ordinance adopting the FY2023 tax rate reflects these rates, as required by Section 26.05 of the Texas Property Tax Code. On this agenda, the City Council is to consider an ordinance adopting the FY2023 tax rate.

OR1. CONSIDER AN ORDINANCE ADOPTING AND APPROVING THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 FOR THE CITY OF CLEBURNE.

Presented by: Rhonda Daugherty, Director of Finance

In accordance with Section 6.2 of the City of Cleburne Charter, Preparation and Submission of Budget, the City Manager filed the proposed budget on August 5, 2022 and presented it to the City Council at the August 9, 2022 budget work session. At the conclusion of the work session, City Council gave direction to the City Manager to move forward on September 13, 2022 for adoption of the proposed fiscal year 2023 budget as amended.

The proposed budget for fiscal year 2023 is based on conservative fiscal management practices and balances the needs of the community with available resources. It is founded primarily on the assumptions as discussed during the March 24, 2022 Council’s Strategic Planning Workshop, as well as the five key focus areas of economic development, planning and growth management, public infrastructure enhancements, aesthetics / quality of life programs, and information sharing / communications.

OR2. CONSIDER AN ORDINANCE SETTING THE 2022 AD VALOREM TAX RATE AT A \$0.640476 PER ONE HUNDRED DOLLARS PROPERTY ASSESSMENT AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF CLEBURNE FOR THE OPERATION OF THE MUNICIPAL GOVERNMENT FOR FISCAL YEAR 2023.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 26, Texas Property Tax Code requires taxing units to comply with “Truth-in-Taxation” laws in setting tax rates. As discussed at the August 9, 2022 and August 23, 2022 council meetings, a tax rate of \$0.640476 per \$100 valuation has been proposed by the City

Council. This rate is lower than the Fiscal Year 2022 rate, higher than the no-new-revenue rate of \$0.635579, and is not higher than the voter-approval rate of \$0.640476 per \$100 of valuation.

The no-new-revenue tax rate is the tax rate that will raise the same amount of property tax revenue for City of Cleburne from the same properties in this and the previous tax year. The voter-approval rate is the highest tax rate the City of Cleburne may adopt without holding an election to seek voter approval of the rate. The proposed tax rate is greater than the no-new-revenue tax rate. As such, a public hearing on the tax rate was held at this meeting to give citizens an opportunity to express support or opposition to the proposed tax rate.

As a point of reference, the voter-approval tax rate calculation sets the interest and sinking rate (debt service rate) at \$0.029790. The remainder of the tax rate of \$0.610686 will be allocated to operations and maintenance (general fund rate). The ordinance adopting the Fiscal Year 2023 tax rate reflects these rates, as required by Texas Tax Code 26.04(c).

This agenda item is to consider adoption of an ordinance setting the FY 2023 (TY 2022) property tax rate to support the FY2023 Annual Budget. The vote on the ordinance must be a record vote and 60% of the council (3 of 5) must vote in favor of the adoption of the tax rate for passage of the ordinance. Because the proposed tax rate is higher than the no-new-revenue rate, the motion to adopt the ordinance must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.640476, which is effectively a 0.77 percent increase in the tax rate."

RS4. CONSIDER A RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE INCLUDED FISCAL YEAR 2023 BUDGET AS REQUIRED BY CHAPTER 102.007 OF THE LOCAL GOVERNMENT CODE.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 102.007 Subsection (c) of the Local Government Code requires that, after the adoption of a budget that will raise more property tax revenue than the last year's budget, a separate agenda item and vote is required for a City Council to ratify that revenue increase. This agenda item provides for that ratification of the proposed Fiscal Year 2023 General Fund and Debt Service Fund budgets. The tax rate of \$0.640476 is lower than the prior fiscal year, however, the total appraised values increased by 12.3%, producing a property tax revenue increase of \$492,034.

The motion to adopt the resolution must be made in the following form: "This budget will raise more revenue from property taxes than last year's budget by an amount of \$492,034, which is a 3.17 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$505,315."

RS5. CONSIDER A RESOLUTION ESTABLISHING THE CITY'S CONTRIBUTION RATE TO THE CLEBURNE FIREFIGHTERS RELIEF AND RETIREMENT FUND.

Presented by: Debra Powledge, Director of Human Resources

Summary: Unlike other City employees, Cleburne firefighters do not participate in the Texas Municipal Retirement System (TMRS) or social security, rather, they participate in the Cleburne Firefighters Relief and Retirement Fund (CFRRF). The Mayor (or designee – City Manager) and the City's Finance Director serve on the Board of Directors for the CFRRF along with

representatives from the membership. During previous budget approvals, the City Council has appropriated funds to this program at a rate equivalent to the current City TMRS contribution plus 6% (in-lieu of social security) or 22%, whichever is greater.

The city currently contributes at a rate of 22.28%. This includes 16.28% for the TMRS rate and the additional 6%. The firefighters currently pay into the CFRRF fund 8.5% plus an additional 6% for a total of 14.5%.

Per an analysis performed by Foster & Foster Actuaries and Consultants, additional modifications to the plan is still needed to keep the fund financially viable into the future and reach the unfunded actuarial accrued liability (UAAL) amortization period of thirty (30) years. The proposed resolution suggests only if the CFRRF membership votes to adjust their contribution rates to a minimum of 15%, the City would agree to increase the City contribution rate to TMRS plus 6% or 23.79%, whichever is greater in order to provide a stabilizing factor for the CFRRF for FY2023. This would take effect no sooner than the first full pay period in October 2022 pending approval of the fiscal year 2023 budget and the employee CFRRF contribution increase to 15%. If the CFRRF does not vote to adjust their contribution rates, the City will continue the contribution rate to the CFRRF at the greater of the annual TMRS rate +6% or 22%.

ACTION AGENDA

OR3. **PUBLIC HEARING CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE PLACEMENT OF A MANUFACTURED HOME ON ±0.21 ACRES LOCATED AT 1420 SMOOTH STONE DRIVE, CASE ZC22-025.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Joe Utz, has submitted a request for a Specific Use Permit (SUP) for the placement of a manufactured home for the property at 1420 Smooth Stone Drive, located within an existing manufactured home subdivision. The applicant has provided a site plan, floor plan, pier layout and building elevations detailing the proposed manufactured home. The Planning and Zoning Commission will consider this request at their September 12, 2022 meeting.

OR4. **PUBLIC HEARING CONSIDER AN ORDINANCE AMENDING CHAPTER 154: “SUBDIVISIONS” OF THE CODE OF ORDINANCES TO MODIFY AND UPDATE STANDARD PLAT NOTES TO ALIGN WITH STATE LAW AND ADOPTED PLATTING PROCEDURES, CASE GC22-010.**

Presented by: David Jones, Community Development Director

Summary: Staff is proposing amendments to Sections 154.024 “Final Plats – Procedure for Approval,” 154.025 “Final Plats – Data Requirements,” and 154.026 “Replatting Procedures; Replats and Plat Revisions.” The proposed amendments include modifications and updates to the City’s standard plat notes, as well as updates to align the subdivision ordinance with state law and the City’s adopted platting procedures.

To provide greater consistency for the development community during the platting process, staff proposes amendments to modify and update the City’s standard plat notes. The amendments more accurately reflect the information that is required of each new plat submittal

and additionally provides staff specific language to refer to should a plat be conditionally approved or disapproved, consistent with state law. In addition to the proposed amendments, staff is proposing a list of plat notes that will standardize the information included on new plat submittals.

Other minor updates are proposed to the final plat and replatting approval processes that reflect adopted platting procedures. These amendments clarify the Planning and Zoning Commission is a recommending body for plat approval, and the proposed amendments do not make any material changes to the approval process.

OR5. CONSIDER AN ORDINANCE AMENDING CHAPTER 90: “AIRPORT,” SECTION 90.035: “FEES LEVIED AND IMPOSED” OF THE CODE OF ORDINANCES.

Presented by: Sharlette Wright, Airport Manager

Summary: To help offset the cost of maintenance and operations of the airport, and as required by the Federal Aviation Administration, the city charges a lease rate for the use of various facilities such as t-hangers, storage rooms, as well as land. This item is intended to update the lease rates to a fair market value. In order to achieve this and establish fair market value, two separate actions were undertaken. For land lease rates, the city contracted with an established airport appraiser to provide an appraisal for land value. With regard to t-hangers and storage room rates, staff participated in the annual rate survey of area airports. The city last updated the t-hanger and storage room rates in 2017. The land lease rates have not been updated in at least ten (10) years.

With regard to the land lease rates, the appraisal of the airport land divided the property into various parcels and the location of the parcels determine the price per square foot per year. The land that is closest to pavement and utilities is valued at a higher rate due to the infrastructure being in place at or near these locations.

For the t-hangers, the rates based on area survey amounts should be increased \$50 per month for both sizes of t-hangers where small t-hangers = \$280 per month and medium t-hangers = \$330 per month. The storage rooms should increase to \$50 per month. These proposed rates keep us very competitive and place us at the area average. Going forward, the intent is to review and recommend rate updates every two years.

OR6. CONSIDER AN ORDINANCE AMENDING CHAPTER 90: “AIRPORT,” SECTION 90.004: “MINIMUM STANDARDS AND REQUIREMENTS ADOPTED” OF THE CODE OF ORDINANCES.

Presented by: Sharlette Wright, Airport Manager

Summary: The Minimum Standards and Requirements document for the Airport have not been revised since 1994 and is deficient in several areas such as minimum insurance amounts and the defined use of hangers. Additionally, updates are necessary to meet various Federal Aviation Administration rules and regulations.

In addition to general housekeeping items, the proposed document has been revised to include the following:

1. An insurance addendum for Insurance Coverage Amounts and Requirements

2. Removal of CATEGORY D. PUBLIC AIRCRAFT FUELS AND OIL DISPENSING SERVICE, and CATEGORY D.(2). AUTOMATED PUBLIC AIRCRAFT FUELS AND OIL DISPENSING SERVICE due to the City having exclusive rights for providing aircraft fuel
3. CATEGORY M. AIRPORT TENANT has been expanded to define the use of aircraft hangars, what is allowed to be stored in the hangar, insurance requirement, proof of annual inspection and current registration on the aircraft.
4. All Airport Tenants will provide a key or code for management to access hangars for inspection. There will be an annual hangar inspection to verify all fire and building codes are being complied with and that the hangar is being used for aircraft storage only.
5. Each T-Hangar is to have a 10 lb. ABC Fire Extinguisher mounted on the wall and maintain a current certification.
6. All aircraft stored will have current registration, insurance and annual inspection. If the aircraft is not in compliance, the Airport Tenant will be given 30 days to comply. If the aircraft is in the process of being built or undergoing major maintenance, the Airport Tenant is to notify airport management of the estimated completion times. If an aircraft goes beyond the estimated time, the lease rate for the hangar it occupies will be adjusted to a Fair Market Value (FMV) storage rate for any non-aeronautical use of the leased facilities.
7. An acknowledgement form has been added to be signed by the tenant and returned within 30 days of receipt of the new Minimum Standards and Requirements for Fixed Base Operators and Tenants at the Cleburne Regional Airport. Failure to return the acknowledgement will be considered notice of termination of any lease or lease hold interest that is currently in place with the City.

The revised document has been reviewed by the City Attorney's office.

DISCUSSION & UPDATES

OC3. DISCUSS POTENTIAL AMENDMENTS TO THE ZONING ORDINANCE ADOPTED APRIL 12, 2022 FOR THE PURPOSE OF ADDRESSING IMPACTS OF MEDIUM AND HIGH-DENSITY HOUSING.

Presented by: David Jones, Community Development Director

Summary: Since the Zoning Ordinance was adopted in April 2022, multiple requests for medium and high-density residential zoning (MF-1 and MF-2) have come before the Planning and Zoning Commission and City Council or are currently proposed. Several of these requests have included a proposal for duplexes, which are currently allowed only in the MF-1, multi-family district. Others have proposed higher-density multi-family consisting of multiple three-story buildings. Two additional proposals for high-density multi-family zoning have been proposed, but not yet presented to P&Z and Council.

While the new Zoning Ordinance introduced or modified certain design and density requirements for medium and high-density housing (housing that consists of more than one unit on a lot or more than eight dwelling units per gross acre), additional improvements may reduce the impacts these developments potentially create with respect to lower-density housing and increase the quality of higher-density developments. Impacts include, but are not limited to, increased traffic, inappropriate height or scale compared to neighboring single-family

development, and uncertainty regarding the end product due to the range of multi-family types available in the MF districts.

Six proposed improvements are presented for Council's consideration. Five are specific to non-single-family residential while the sixth is considered beneficial for all residential development:

1. Creation of a standalone duplex district, similar to the D district in the old zoning ordinance;
2. Allowing duplexes by SUP in the SF-6, single-family district and by conditional approval in both MF-1 and MF-2, multi-family districts;
3. Height limitations (overall height and/or number of stories) for multi-family when adjacent to single-family or duplex development;
4. Height slope applicable to multi-family when adjacent to single-family or duplex development;
5. Requirement for a binding concept plan when rezoning to a non-SF district;
6. Requirement for meandering streets or reduced block length in residential districts.

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 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:

EXE1. Discuss City-owned Real Property located at 1801 Sparks Drive

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

CERTIFICATION

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 and said Notice was posted on **Friday, September 9, 2022**, 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.