



CITY COUNCIL REGULAR MEETING AGENDA
JANUARY 24, 2023 @ 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.
- *Address the Council by phone*: Submit a registration card as directed above and by 4:45 p.m. call [\(346\) 248-7799](tel:346-248-7799) 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

Mike Mann, Mayor Pro Tem/SMD 3

John Warren, SMD 4

Administration:

Steve Polasek, City Manager

Ashley Dierker, City Attorney

Ivy Peterson, City Secretary

II. INVOCATION by Pastor Adam Mathews, Nolan River Road 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. PRESENTATION - Presentation of a historical marker plaque for the Harrell Street Bridge to the City of Cleburne from the Johnson County Historical Commission

CMP2. PRESENTATION - Public Works Projects and Operations Update, Jeremy Hutt, Director of Public Works

CMP3. PRESENTATION - Quarterly Economic Development Update, Grady Eason, Economic Development Manager

CMP4. PRESENTATION - Quarterly Financial Report for December 2022, Rhonda Daugherty, Director of Finance

CMP5. PRESENTATION - Highlights of the Utility Billing Management Study, Rhonda Daugherty, Director of Finance

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 JANUARY 10, 2023 REGULAR COUNCIL MEETING.

OR1. CONSIDER AN ORDINANCE ORDERING A GENERAL ELECTION IN THE CITY OF CLEBURNE TO BE HELD MAY 6, 2023, AND IF NECESSARY, A RUN-OFF ELECTION JUNE 17, 2023, FOR THE PURPOSE OF ELECTING COUNCILMEMBERS FOR SINGLE MEMBER DISTRICTS TWO AND THREE.

Presented by: Ivy Peterson, City Secretary

Summary: This Ordinance constitutes the official Order and Calling of a General Election for the City of Cleburne, Texas, to be held on the first Saturday in May, which is May 6, 2023. This election will be held for the purpose of electing Councilmembers for Single Member Districts Two and Three. Should a runoff be necessary, such election will be held Saturday, June 17, 2023. The Ordinance establishes the purpose of election, time, locations for early voting by personal appearance and details for submitting applications for ballots by mail.

RS1. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH ALLIANCE GEOTECHNICAL GROUP, INC FOR ANNUAL MATERIALS TESTING SERVICES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE YEARLY CONTRACT EXTENSIONS FOR FOUR (4) ADDITIONAL TERMS, FOR AN AMOUNT NOT TO EXCEED \$100,000 PER YEAR.

Presented by: Jeremy Hutt, Director of Public Works

Summary: There are multiple Capital Improvements Program (CIP) projects both underway and planned in the coming years, as City Council continues to approve expenditures on projects that improve or expand the current infrastructure. To ensure the integrity and longevity of the new infrastructure, materials testing services are used in compliance with the City's construction specifications.

The proposed agreement will establish an annual contract with Alliance Geotechnical Group, Inc, that is renewable for four (4) additional 1-year terms, or five (5) years total, at a not-to-exceed amount of \$100,000 per term (year). Under the contract, they will provide miscellaneous materials testing and inspection services on an "on-call" basis for road, water,

sewer, drainage and other types of civil works construction projects. Alliance will provide itemized bills of the work performed for each project based on the fee schedule contained within the contract. Alliance has performed this work for the city during the past year with good success. Funding for this contract is included in the FY23 budget and in the overall budgets for the various CIP projects, and no additional funding is required.

RS2. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH FREEMAN-MILLICAN, INC FOR ENGINEERING DESIGN SERVICES FOR THE MISCELLANEOUS DRAINAGE IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$135,000.00.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Improvements needed to drainage infrastructure around the city have been identified in various studies and capital improvements documents from recent years. The proposed engineering services agreement will address two (2) of these projects.

The first project is the completion of a concrete lined channel that is part of the Stone Lake drainage system. The proposed channel will connect two existing sections of channel, improving hydraulics and flow through the drainage system, which will reduce flooding potential for 22 homes in the area. This project includes 1,470 linear feet of channel improvements along Stone Lake Creek between Surry Place and Westhill Drives, located behind homes along Hyde Park Boulevard and Stone Lake Drive. The engineering contract includes the design and preparation of construction plans for this project.

The second project is an evaluation of two low-water crossings of West Buffalo Creek – one at Mill Street, just north of West Henderson Street, and the other on Heard Street, just east of Buffalo Street. The engineering contract includes survey and hydraulic analysis of each crossing with options for improvements based on the 25- and 100-year storms, and cost estimates for each. Construction plans are not included for this project.

The contract includes basic survey, hydrology study and engineering design services for a lump sum price of \$122,000. Bid and construction phase services for the channel project are also included, to be charged hourly, for a not-to-exceed price of \$13,000. The total contract not-to-exceed amount is \$135,000 and funding is available in the FY23 budget for both projects. The design phase is expected to take approximately nine (9) months for both projects. The channel project will move into construction once full funding is available.

RS3. CONSIDER A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR THE FEDERAL AVIATION ADMINISTRATION SUPPLEMENTAL DISCRETIONARY GRANT PROGRAM FOR AN AMOUNT OF \$628,980 TO PERFORM SAFETY IMPROVEMENTS AT THE AIRPORT.

Presented by: Garrett Watson, Interim Airport Manager

Summary: On December 22, 2022, the Federal Aviation Administration (FAA) unexpectedly announced a Competitive Supplemental Discretionary Grant opportunity to apply for a share of approximately \$268,728,965 for all airports in the National Plan of Integrated Airport Systems. The purpose of the grant is to aid in airport construction projects and other improvement projects. The deadline for applying for the grant is January 31, 2023, giving airports a very small window to apply. Staff is seeking approval to submit a grant application for a total amount not to

exceed \$628,980, which includes the estimated engineering and construction costs, along with a 10% project contingency.

With the Master Plan being recently completed, including estimates for the specific project intended for the application, staff feels the application aligns with the priorities and requirements described in the grant notice. This is a federal grant and will be a 90%/10% match with the City being required to provide 10% (\$62,898) in order to proceed once and if the grant is awarded.

Utilizing the Capital Improvement Program within the Master Plan, several short-term projects have been identified which are federally eligible, but not currently included in the TxDOT Capital Improvement Projects schedule. The projects are safety-related and include: 1) removing and relocating Taxiway G from its current location, a safety hazard according to FAA design standards, to 650' south of its current location (item 5 on Master Plan page 6-4); 2) removal of excess pavement on Taxiway A (item 4); and 3) removing excess holding bay pavement on Taxiway H (item 10).

Should the grant be awarded, the completion of these projects will provide meaningful safety improvements and bring the airport fully in line with FAA design standards. Further, it will eliminate having to wait for this work to be scheduled with future federal grant funds administered by TxDOT and allow those funds to be used on other projects identified in our Master Plan.

The Airport Advisory Board is scheduled to meet on Monday, January 23, 2023 to consider a recommendation to the Council.

RS4. CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE'S INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2022.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 2256.023 of the Texas Government Code states a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ending December 31, 2022, the City invested unrestricted funds in four Local Government Investment Pools (LGIP): TexPool, TexSTAR, Texas Class and LOGIC. Included with the investment report are newsletters from each of the pools providing information on the average yield, net asset value, weighted average maturity, and portfolio composition for each investment pool at the end of the reporting quarter. As of December 31, 2022, there was \$161,702,384.61 invested in the four investment pools, along with the loan proceeds held by TWDB at Amegy Bank, with total quarterly interest income of \$1,380,444.04. The percentage allocation by investment pool at December 31, 2022 is TexPool: 9.33%, TexSTAR: 8.50%, Texas Class: 33.23%, LOGIC: 30.85%, and Amegy: 18.09%.

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTHS OF NOVEMBER AND DECEMBER 2022.

Presented by: Rhonda Daugherty, Director of Finance

ACTION AGENDA

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING FROM IH (INTERIM HOLDING DISTRICT) TO SF-6 (SINGLE-FAMILY DWELLING DISTRICT), ON ±107.33 ACRES GENERALLY LOCATED NORTH OF US HIGHWAY 67, EAST OF COUNTY ROAD 1123, WEST OF BUDDY STEWART PARK, AND ±2,100 FEET SOUTH OF WOODARD AVENUE, CASE ZC22-034.

Presented by: David Jones, Community Development Director

Summary: The applicant, Hakuna Matata Investments, represented by Chad Dannheim, has requested to rezone approximately 107.33 acres from IH (Interim Holding District) to SF-6 (Single-Family Dwelling District) for the property generally located on the north side of US Highway 67, on the east side of County Road 1123, west of Buddy Stewart Park, and approximately 2,100 feet south of Woodard Avenue. The applicant intends to rezone the subject property for single-family residential development.

The Planning and Zoning Commission considered this request at their January 9, 2023 meeting and voted 5-0 to recommend *denial*. The recommendation of denial requires a supermajority vote from City Council to approve the rezone ordinance.

RS5. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF LANKFORD FARMS PHASE 1, FOR 91 SINGLE-FAMILY RESIDENTIAL LOTS AND 6 OPEN SPACE LOTS, BEING ±33.18 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST SECOND STREET AND SOUTH BRAZOS AVENUE, CASE PC22-090.

Presented by: David Jones, Community Development Director

Summary: The applicant, FV Development III, LLC, represented by Mike Varrichio, requests approval of the final plat for Lankford Farms, Phase 1, which consists of 91 single-family residential lots and six (6) open space lots.

The final plat complies with the minimum requirements outlined in Chapters 154 and 155 of the Code of Ordinances and conforms with the approved preliminary plat, with the exception of the county filing information on the face of the plat for various easements to be dedicated by separate instrument. This is further detailed in the Plat Approval Process section of the report.

The Planning and Zoning Commission considered this request at their January 9, 2023 meeting and recommended conditional approval by a vote of 5-0, with the following condition:

- i. Prior to filing the plat for recordation at the Johnson County Clerk's office, include the county filing information on the face of the plat for all easements dedicated by separate instrument, per Section 154.025.C.11 of the Subdivision Ordinance.

RS6. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF FOX MEADOW ADDITION, PHASE III, FOR 42 SINGLE-FAMILY RESIDENTIAL LOTS AND 1 OPEN SPACE LOT, BEING ±29.55 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED SOUTHEAST OF

THE INTERSECTION OF CEDAR STREET AND TREMONT STREET, CASE PC22-093.

Presented by: David Jones, Community Development Director

Summary: The applicant, Trans Texas Surveying and Mapping, LLC, represented by Laura Brown, is requesting approval of the Final Plat for Fox Meadow Addition, Phase III, which consists of 42 single-family residential lots and one (1) open space lot.

The Final Plat complies with the minimum requirements outlined in Chapters 154 and 155 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their January 9, 2023 meeting and recommended approval with a vote of 5-0.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154: SUBDIVISIONS, SECTION 154.007: FILING FEE SCHEDULE ADDING AN APPLICATION FEE FOR CONVEYANCE PLATS, AND ADDING SECTION 154.030: CONVEYANCE PLATS, CREATING A CONVEYANCE PLAT APPROVAL PROCESS AND ASSOCIATED STANDARDS FOR APPROVAL, CASE GC22-010.

Presented by: David Jones, Community Development Director

Summary: The purpose of a conveyance plat is to allow the subdivision of land in order to convey or sell property that is not part of a development application or project. This includes subdivision without installation of public infrastructure or improvements (roadways or water and sewer lines). A conveyance plat is not considered a step in the development of a project, does not establish vested rights to develop, and does not constitute any approval of development on the property.

The use of a conveyance plat is common in cases where a property owner desires to convey land to end users who will bear later responsibility for private and public improvements associated with a development, which may include situations ranging from dividing rural family property to commercial land that may be part of a future multi-phase commercial project.

OR4. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154: SUBDIVISIONS, SECTION 154.080 STREET AND RIGHT-OF-WAY DESIGN OF THE CODE OF ORDINANCES.

Presented by: Jeremy Hutt, Public Works Director

Summary: The proposed ordinance update will establish requirements for new developments with streets in excess of 1,000 feet in length to utilize a curvilinear design. This will help with providing character to the development and aid in traffic calming. With the addition of design elements such as curvilinear streets, the infrastructure can better serve the community. The amendments include the addition of Section (F) which is as follows:

- (F) Any newly constructed local street or minor collector of 1,000 linear feet or more shall meet the following curvilinear requirements, unless otherwise approved by the Director of Public Works:
- (1) A minimum centerline deviation of 50 feet from the projected straight line path between beginning and ending points of the street.
 - (2) A minimum of forty (40) percent of the length of the street must be on a curve

- (3) A maximum curve radius of 1,200 feet for local streets and 2,500 feet for collectors
- (4) The street must meet all requirements outlined in §154.080
- (5) Developer/applicant shall provide an exhibit detailing how proposed development meets the requirement for curvilinear streets prior to any plat submittal.

RS7. CONSIDER A RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF FUNDS FROM THE TEXAS A&M FOREST SERVICE, IN COOPERATION WITH THE USDA FOREST SERVICE, FOR THE 2023 COMMUNITY FORESTRY GRANT PROGRAM FOR CLEBURNE PARKS AND RECREATION.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: Texas A&M Forest Service, in cooperation with the USDA Forest Service, is now accepting proposals for the 2023 Community Forestry Grant Program. This grant is designed to establish and promote sound urban and community forestry principles throughout the state of Texas. Healthy trees and forests are essential to the community's economic, environmental, physical, and mental well-being.

If awarded, the Parks Department would look at planting trees along the East and West Buffalo Creek linear parks, John S. Butner Park, Bradshaw Park, Booker T. Washington, and Westhill Park. If the grant is approved, projects must be completed in 12 months. This is a 50% match, and once work is completed and proper paperwork filed, the city will be reimbursed up to 50% of the amount originally approved for funding.

OC2. CONSIDER APPOINTMENTS TO CERTAIN BOARDS HELD BY MEMBERS OF THE CITY COUNCIL AND JOHNSON COUNTY COMMISSIONERS COURT.

Presented by: Ivy Peterson, City Secretary

Summary: In accordance with Chapter 31: Boards, Commissions and Public Bodies, Section 31.11 of the Code of Ordinances, city staff is to notify the City Council, of the expiration of terms of appointments, or vacancies, in the membership of boards and commissions. Certain vacancies were created with the recent election of Councilman Boedeker as County Judge and the retirement of former County Judge Roger Harmon. The following positions for your consideration are for two-year terms:

Board/Commission	Positions held by Current City Council	Term Expiration	Term #
POP Committee	John Warren	02/01/23	2
TIRZ #1	Derek Weathers	12/2022	2
Board/Commission	Vacancies held by City Council	Term Expiration	Term #
4B EDC	Christopher Boedeker	12/31/22	
TIRZ #1	Christopher Boedeker	12/31/22	
TIRZ #3	Christopher Boedeker	12/31/22	
Type A EDC	Christopher Boedeker	12/31/22	

Board/Commission	Vacancies held by County Commission	Term Expiration	Term #
TIRZ #1	Roger Harmon	12/31/22	
TIRZ #3	Roger Harmon	12/31/22	

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:

- EXE1.** Discuss City of Cleburne’s legal options for water right acquisitions and long-term water sources

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, January 20, 2023**, by **5:00pm** 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.