



**CITY COUNCIL REGULAR MEETING AGENDA**  
**MAY 23, 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.

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**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**  
**Lindsey Hale, City Attorney**  
**Ivy Peterson, City Secretary**

**II. INVOCATION** by Pastor Ty Campbell, Landmark Baptist Church

**III. PLEDGE OF ALLEGIANCE**

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**ELECTION MATTERS**

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**OC1. SWEARING IN CEREMONY**

***For Councilmember representing Single Member District 2***

- Administration of Statement of Elected Officer
  - Administration of Oath of Office
  - Presentation of Certificate of Election

**OC2. ACCEPTANCE OF COUNCILMEMBER-ELECT'S DECLINATION NOTICE**

Presented by: Ivy Peterson, City Secretary

Summary: At a Special Council Meeting held on May 15, 2023, the City Council officially accepted the results of the City/CISD Joint General Election held on May 6, 2023. Councilmember-elect for Single Member District #3, Joseph Mims, has officially declined the appointment and submitted notice in accordance with the Texas Election Code Sec. 201.001. An item will be presented at a future meeting to call a special election to fill the vacancy to be held at the next uniform General Election on November 7, 2023.

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**COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

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**V. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL**

**VI. CITIZENS COMMENTS**

An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda.

**CMP1. PROCLAMATION** – Memorial Day, May 29, 2023, Marty Peters

**CMP2. PROCLAMATION** – National Public Works Week, May 21-May 27, 2023, Jeremy Hutt, Public Works Director

**CMP3. PRESENTATION** – Update on the Christmas-in-Action program, Teresa Bednar and Sherri Hamilton

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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 MAY 9, 2023 REGULAR COUNCIL MEETING AND THE MAY 15, 2023 SPECIAL COUNCIL MEETING.**

**RS1. CONSIDER A RESOLUTION AUTHORIZING AN EASEMENT BETWEEN THE CITY OF CLEBURNE AND ONCOR ELECTRIC DELIVERY FOR THE RELOCATION OF OVERHEAD POWER LINES NECESSARY FOR THE CONSTRUCTION OF THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne operates a wastewater treatment plant (WWTP) on property that has overhead power lines along the western border. As a result of the WWTP expansion project, future facilities and the associated maintenance activities in the operation of the new facilities will be in conflict with the existing overhead power lines along the border of the property.

The City’s design team has worked with Oncor to reach a solution that will allow for the relocation of existing overhead power lines to the western side of Park Boulevard. This relocation will prevent future conflicts for the facilities at the WWTP. In order to perform the relocation, Oncor is requiring an easement for the new location of the relocated power lines.

**RS2. CONSIDER A RESOLUTION AUTHORIZING AN EASEMENT FROM TEXAS HEALTH RESOURCES TO THE CITY OF CLEBURNE FOR THE**

**INSTALLATION OF A SANITARY SEWER LINE ASSOCIATED WITH THE RIVER RIDGE DEVELOPMENT PROJECT.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The developer of the River Ridge subdivision is in the process of obtaining easements required to construct an offsite sanitary sewer line to serve their development, as well as future development in the western corridor of the City. The developer has negotiated with Texas Health Resources and obtained an easement across their property, as required for the construction. Because this will be a public sewer line, the easement is dedicated to the City of Cleburne. The easement agreement includes a 30' Sanitary Sewer Easement as well as a 30' Temporary Construction Easement. The easement was obtained at no cost to the City.

**RS3. CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH HUBER TECHNOLOGY, INC AND SOLE SOURCE PURCHASE OF SANITARY SEWER STEP SCREENS AND A ROTAMAT TRASH AUGER FOR THE WASTEWATER TREATMENT PLANT FOR AN AMOUNT NOT TO EXCEED \$150,000.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: On December 13, 2022, the City authorized an agreement with Huber Technology, Inc. for the repair of the sanitary sewage Step Screens and Trash Augers. The existing sanitary sewage Step Screens and Trash Augers were initially installed at the Wastewater Treatment Plant in 2005 and have been regularly maintained, but have a limited life span. They have reached a point that replacement of these critical components is needed to maintain reliable performance.

The original agreement was based on the repair of known conditions and had an estimated cost of \$81,974.66. During the repair process, additional repairs are needed to fully restore the units and prevent failures in the near future. The additional work will necessitate additional funding for the unit to be fully restored. The replacement parts will be purchased from Huber Technology, Inc., who is the only manufacturer to offer parts for these units in the United States and Canada. Huber Technology, Inc. will be the service provider performing the installation of these products, and is a sole-source vendor.

The initial funding (\$82,000) for this project is included in the FY23 budget and is allocated from the M&R – Structures account of the Wastewater Treatment Fund. The remaining \$68,000 will be made available from existing operating funds in the Wastewater Treatment operations budget.

**RS4. CONSIDER A RESOLUTION RATIFYING RS04-2022-53 AUTHORIZING THE CITY MANAGER TO NEGOTIATE A FOUR-YEAR LEASE PURCHASE AGREEMENT WITH GOVERNMENT CAPITAL CORPORATION.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: At the April 12, 2022 Regular City Council meeting, Resolution RS04-2022-53 was approved authorizing the City Manager to negotiate a lease purchase agreement with Government Capital Corporation to finance the purchase of 78 Club Car golf carts, one beverage service cart, and one carry-all range picker vehicle (“equipment”). All competitive purchasing requirements were met.

At the same meeting, City Council approved RS04-2022-54, authorizing a 10-month extension of the existing lease agreement for the old golf carts to ensure availability until the new equipment was available for delivery. The vendor for the new equipment, Club Car, notified staff the equipment is expected to be delivered around May 24, 2023. Due to the rising interest rates since April 2022, the terms of the financing have changed slightly. The purpose of this agenda item is to obtain Council ratification of the prior funding resolution, RS04-2022-53, with the changes in the financing interest rate.

Utilizing a lease-purchase agreement, in which the City receives title during the lease term, will eliminate the cost associated with property taxes. Structuring the final payment to include both the portion for the last year's equipment usage, as well as the residual value, preserves the integrity of the tax-exempt status of the interest income. Upon the last payment, the City, with a repurchase agreement directly with the vendor Metro Golf, an authorized dealer for Club Car, will have two options:

1. The City may make the final payment in total and keep the equipment, or
2. The City may return the equipment to the vendor under the terms of the repurchase agreement with Metro Golf (\$280,000) by exercising the option for the repurchase of the equipment in the stated price in the agreement.

Under this option, the City would still be responsible for the full payment amount. However, if the City decides not to keep the equipment, the net cost to the City would be the difference between the final payment amount less the proceeds under the repurchase agreement.

**RS5. CONSIDER A RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF FUNDS FROM THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, FOR THE FY2024-2025 NCTCOG SOLID WASTE IMPLEMENTATION GRANT PROGRAM FOR CLEBURNE HOUSEHOLD HAZARDOUS WASTE EVENTS.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: The Grant Administrator, on behalf of the Public Works Department (Sanitation and Environmental Services) is seeking a resolution from the City Council to support the submission of a grant application to North Central Texas Council of Governments. This request will help fund an expansion of household hazardous waste events allowing for an increase in services provided to citizens. This request will also help defray the rising cost of disposing of hazardous waste for city households.

**OC2. CONSIDER ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF APRIL 2023.**

Presented by: Rhonda Daugherty, CFO/Director of Finance

**OC3. CONSIDER CONFIRMING THE APPOINTMENT OF BRIAN WEERSTRA TO THE CLEBURNE POLICE RESERVE FORCE IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE AND CITY OF CLEBURNE CODE OF ORDINANCES.**

Presented by: Rob Severance, Police Chief

Summary: Chief Severance is requesting Council confirm the appointment of Brian Weerstra to the Cleburne Police Reserve Force, thereby permitting him 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. Weerstra has prior service with Johnson County Sheriff's Office, Bursleson Police Department, Midland Police Department, and US Border Patrol. He holds a Texas Advanced Peace Officer certification.

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### ACTION AGENDA

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**OR1. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR A NON-PROFIT SERVICE OFFICE FOR S.H.I.N.E. TOGETHER ON ±0.44 ACRES ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT) LOCATED AT 1903 GRANBURY STREET, CASE ZC23-019.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Shana Peacock, has submitted a request for a Specific Use Permit (SUP) to utilize the existing building located at 1903 Granbury Street as an office for a non-profit organization, S.H.I.N.E. Together. The applicant has provided a letter of intent and site plan detailing the use of the building as an office for the non-profit organization. The Planning and Zoning Commission considered this request at their May 8, 2023, meeting and recommended approval by a vote of 7-0.

**OR2. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR THE PLACEMENT OF A SINGLE MANUFACTURED HOME ON ±0.21 ACRES, ZONED SF-7 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 1418 OLD BRIDGE ROAD IN AN EXISTING MANUFACTURED HOME SUBDIVISION, CASE ZC23-021.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Joshua Copes, has submitted a request for a Specific Use Permit (SUP) for the placement of a manufactured home for the property at 1418 Old Bridge Road, located within an existing manufactured home subdivision. The applicant has provided a site plan, floor plan, and building elevations detailing the proposed manufactured home. The Planning and Zoning Commission considered this request at their May 8, 2023, meeting and recommended approval by a vote of 7-0.

**RS6. CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF CLEBURNE ACRES FOR 62 RESIDENTIAL LOTS, BEING ±106.01 ACRES IN THE EXTRATERRITORIAL JURISDICTION OF CLEBURNE, GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF FARM TO MARKET ROAD 1434 AND COUNTY ROAD 1224, CASE PC23-010.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Phil Essex, is requesting approval of the preliminary plat for Cleburne Acres, which consists of 62 residential lots, generally located near the southeast intersection of Farm to Market Road 1434 and County Road 1224, within the City's Extraterritorial Jurisdiction

(ETJ). The applicant has requested a waiver to the maximum cul-de-sac length requirement to be considered as part of the request for plat approval. This is further detailed in the waiver request section of the report. The Planning and Zoning Commission considered this request at its May 8, 2023, meeting and recommended approval with a vote of 7-0 with the requested waiver.

**RS7. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH SOMA GLOBAL AND VERTOSOFT TO PROVIDE PUBLIC SAFETY PLATFORM SOFTWARE SERVICES TO THE POLICE AND FIRE DEPARTMENTS FOR AN AMOUNT NOT TO EXCEED \$387,148.**

Presented by: Shane Wickson, Police Lieutenant

Summary: In cooperation with public safety stakeholders across the county, Johnson County has selected SOMA Global and Vertosoft to provide a unified public safety software platform to service the entire county. Johnson County is funding the first year of service and onboarding for participating agencies provided they enter into their own agreement with the software providers. The contract includes the costs for years 2 through 5 of service, with year 2 becoming due in FY24. The year 2 cost is \$89,823, with a 5% increase in subsequent years. The total cost of the contract is \$387,148.

**RS8. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH 2R CONSTRUCTION SERVICES, LLC FOR THE EASTSIDE DRAINAGE – WENDELL STREET IMPROVEMENTS PROJECT FOR THE BASE BID PLUS ALTERNATES IN THE TOTAL AMOUNT OF \$2,259,633.90, AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT DOCUMENTS AND ANY SUBSEQUENT CHANGE ORDERS, AND ESTABLISHING A TOTAL PROJECT BUDGET OF \$2,280,000.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: In 2019, the City commissioned a study of the drainage conditions of the east side of Cleburne. This project resulted in the Eastside Drainage Study, which focuses on the area or the community bound by Boone Street to the north, BNSF Railroad to the west, and East Buffalo Creek to the east and Henderson Street to the south. The Eastside Drainage Study identified significant needs that are included in the Capital Improvements Program and are moving forward as funding becomes available. The City funded \$1,000,000 in FY22 and an additional \$350,000 in FY23, with the intent for future funding for the identified drainage projects.

The City initiated the design of this project May of 2022, intending to proceed with construction as funding becomes available. A recent drainage pipe failure at this project location has resulted in a sinkhole along Wendell Street. This recent development has increased the priority of this project and staff are working to move this project immediately to the construction phase.

Construction bids were received on May 9, 2023, and the City received six bids ranging from \$2,259,633.90 to \$3,505,301 (including Add Alternates). The contractor, 2R Construction Services, LLC submitted the low bid and is considered the lowest responsible bidder.

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## DISCUSSION & UPDATES

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### **OC4. DISCUSS AMENDING THE CODE OF ORDINANCES TO ENABLE ENFORCEMENT OF THE TEXAS DEPARTMENT OF TRANSPORTATION TRUCK ROUTES FOR CLEBURNE.**

Presented by: Rob Severance, Police Chief

Summary: Council passed a Resolution No. RS01-2019-05 on January 22, 2019, supporting City staff work with the Texas Department of Transportation (TxDOT) and the North Central Texas Council of Governments to designate a commercial north-south truck route along Main Street that will prohibit commercial truck traffic from traveling east and west through the Downtown Cleburne area. Texas Department of Transportation prepared a truck route map and signs. Additionally, TxDOT has an internal restriction on Business 67 for oversize loads. This means they avoid issuing permits for oversize loads that are listed to go on Business 67 (Henderson) from SH 171 to US 67 on the west side of town. The City's goal is voluntary compliance and observationally it appears there are through trucks using the TxDOT truck routes. However, to enable enforcement it will be necessary to amend the Code of Ordinances revising Title VII, "Traffic Code," Chapter 71, "Traffic Regulations," Section 71.25, "Operation of Large Trucks on City Streets," which currently designates all state-maintained highways running through or into the City as truck routes.

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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 551.087. 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).

### **EXE1. Discuss Project Sunrise**

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, May 19, 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.