



REGULAR CITY COUNCIL MEETING MINUTES
JANUARY 28, 2020
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:00 PM

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Chris Boedeker, SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, Mayor Pro Tem/SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney
- ✓ Ivy Peterson, City Secretary

II. INVOCATION by Pastor Eddie Scheler, Ascension Church

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
Mayor Cain waived the reading of the guidelines until such a time as necessary

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

- ☆ Presentation – December 2019 All Star Award – Neal Sandlin, Police Department
- ☆ Presentation – 2018 Comprehensive Annual Financial Report Award by GFOA

CONSENT ITEMS

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.

M1. CONSIDER MINUTES FOR THE JANUARY 14, 2020 COUNCIL MEETING.

RS1. RS01-2020-10

CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE'S INVESTMENT REPORT FOR QUARTER ENDED DECEMBER 31, 2019.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ended December 31, 2019, the City invested solely in four Local Government Investment

Pools (LOGIC, Texas Class, TexPool, and TexSTAR), and included in the investment report are the newsletters from each of the pools that provides information on their average yield, net asset value, weighted average maturity, and portfolio composition at the end of the reporting quarter. At December 31, 2019, there was \$122,435,374.22 invested in the four pools, along with the funds held by TWDB, with total quarterly interest income of \$405,865.21 (see attached quarterly investment report). The percentage allocation by investment pool at December 31, 2019 is LOGIC: 18.14%, Texas Class: 30.06%, TexPool: 6.02%, TexSTAR: 12.42% and Amegy: 33.36%.

RS2. RS01-2020-11

CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT FOR THE LEASE OF PARKING SPACES AT THE SMITH HISTORY CENTER PARKING LOT LOCATED AT 209 NORTH MAIN STREET.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: The current lease between the City of Cleburne and the Johnson County Central Appraisal District was signed in January 2016. The lease calls for eighteen (18) parking spaces to be dedicated to the Appraisal District. The proceeds, \$23 per space per month, from the lease will assist with ongoing operations at the Museum and Smith History Center. This agreement is for one year with four (4) one (1) year term extensions. During which time, the monthly rental amount per space shall increase 3% over the prior year.

RS3. RS01-2020-12

CONSIDER A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION – AVIATION DIVISION FOR A CAPITAL IMPROVEMENT PROJECT AT THE CLEBURNE REGIONAL AIRPORT FOR ENGINEERING DESIGN TO REHABILITATE AND MARK RUNWAY 15/33, TAXIWAY ALPHA AND RELOCATE CROSS-TAXIWAY DELTA.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: The Capital Improvement Grant is a 90/10 grant where the City of Cleburne is responsible for a 10% match of the total project cost. The total project cost is estimated to be \$5,630,000. The total match is estimated to be \$563,000.

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF DECEMBER 2019.

Person presenting this item: Troy Lestina, Director of Finance

OC2. CONSIDER PRELIMINARY PLAT OF HIDDEN VILLAGE, BEING ±22.795 ACRES OF LAND, LOCATED AT 1401 NORTH MAIN STREET; AS REQUESTED BY WILLIAM ROGER KELLY, REPRESENTED BY BANNISTER ENGINEERING.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: The applicant is requesting approval of a preliminary plat for Hidden Village, a proposed residential subdivision comprised of 75 single-family residential lots and one (1) lot for future development. The applicant requested a PD (Planned Development) rezone for approximately 13

acres of the subject property for the proposed Hidden Village subdivision. The PD was approved at the October 22, 2019 City Council meeting. The minimum standards for the subdivision include the following:

PD Development Standards	
Description	Minimum Standards
Minimum Lot Area (SF)	5,000
Minimum Lot Width (Feet)	50
Minimum Lot Width for Corner Lots (Feet)	60
Minimum Lot Depth (Feet)	95
Front Yard Setback (Feet)	20
Rear Yard Setback (Feet)	10
Side Yard Setback (Feet)	5
Side Yard - Adjacent to Street (Feet)	15
Minimum Living Area (SF)	1,200 (A/C Space)

As submitted, the preliminary plat meets all of the minimum requirements of the PD – Ord. 10-2019-66. The preliminary plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their January 13, 2020 meeting and recommended approval by a vote of 5-0.

MOTION: to approve as presented in its entirety

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

The regular council meeting was recessed at 5:10 PM to discuss items legally posted in executive session.

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

The City Council went into Executive Session at 5:11 PM

CALL TO ORDER: The Presiding Officer shall call the Executive Session to order as authorized by Vernon's Texas Codes Annotated, Government Code, Title 5. Open

Government Ethics, Subchapter D., Exceptions to Requirement that Meetings be open; as per following section:

§ 551.071. Consultation with Attorney; Closed Meeting A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) 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 this chapter.

EXE 1. Discuss city oil and gas leases, municipal regulation of oil and gas matter, and settlement negotiations with Chesapeake Energy and Total E&P USA, et al

The Presiding Officer adjourned the Executive Session of Tuesday, JANUARY 28, 2020 at 5:27 PM

THE PRESIDING OFFICER SHALL ANNOUNCE THE RECONVENING OF THE REGULAR MEETING SESSION.

Mayor Cain reconvened into open session at 5:29 PM for action taken resulting from any items posted and legally discussed in Executive Session.

MOTION: Move to direct and authorize the City Manager to negotiate and execute the final compromise settlement and release agreement between the City of Cleburne and Chesapeake Exploration, LLC, Chesapeake Operating, LLC, TEP Barnett USA, LLC, Total E&P USA, Inc., Total E&P USA Barnett, LLC.

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann			X					Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

BIDS & QUOTES

BQ1. CONSIDER AUTHORIZING PURCHASE OF AN AUTOMATED SANITATION TRUCK, CRANE CARRIER CHASSIS AND LABRIE 22 YARD AUTOMIZER ASL REFUSE BODY FROM BOND EQUIPMENT CO AND RELIANCE TRUCK & EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$326,085.

Person presenting this item: Jeremy Hutt, Director of Public Works

BRIEF: This purchase is for the replacement of unit #8188 a 2008 Mack Heavy Duty / Rear Load Refuse truck. The current unit is a 2008 Mack Heavy Duty / Rear Load Refuse truck that has reached the end of it useful life cycle and is scheduled for replacement this fiscal year.

Bond Equipment Company has been awarded the Buy Board contract for the requested chassis and Reliance Truck & Equipment has been awarded the Buy Board contract for the requested Labrie refuse body. The requested chassis has a cost of \$180,200, which includes the delivery, the Buy Board fees, and inspection of the chassis. The cost of the inspection is included which allows for a representative from fleet and a representative from sanitation to visit the plant to perform the chassis inspection and sign off on its “as ordered” status prior to it being sent to the body builder.

Reliance Truck & Equipment has been awarded the Buy Board contract for the Labrie refuse body in the amount of \$145,885, which includes the Buyboard fee. By using the Buyboard purchasing program, all competitive purchasing requirements have been met.

The existing units will be removed from the fleet and auctioned, or used to replace a lower priority unit within the fleet that is less desirable to maintain.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker			X					Approved as amended
Mann		X	X					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>			<i>Roll Call</i>		

RESOLUTIONS & ORDINANCES

RS4. RS01-2020-13

CONSIDER A RESOLUTION CREATING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE PROGRAM TO ENCOURAGE REDEVELOPMENT OF CERTAIN “INFILL” LOTS LOCATED WITHIN RESIDENTIAL AREAS.

Person presenting this item: Grady Eason, Economic Development Manager

BRIEF: Over the last two years, the city has experienced significant growth in terms of the number of infill lots being developed. As such, vacant lots have increased in price and many of those that are easy to develop (ie, platted, utilities available, zoned correctly, standard lot size) are being or have now been built on. There is still an abundance of infill lots remaining and many present a greater challenge and require an increase in resources, both in time and financial investment, in order to build upon. These lots are typically lots of record or substandard parcel or tracts, unplatted and not in compliance with minimum lot area and width requirements. These lots, in their present state, add minimal or no value to the tax rolls.

At their request, staff met with several builders to hear their concerns and discuss options that may assist in continuing the development of infill lots. Of major concern were development costs, specifically impact fees, versus return on investment. In cases where impact fees for roadways, water and sewer (approximately \$5,080 total) are required, in addition to surveying and platting costs, the revenue margins become very thin or non-existent due to the smaller size and lower value of the housing product.

Redevelopment of these lots in the form of new single-family residential homes brings benefit to many of our older or economically distressed neighborhoods. Additional residential construction and the addition of new residents helps to promote economic development citywide by creating jobs and stimulating business and commercial activity. Further, infill development will also boost surrounding property values, serve as a catalyst to improve neighborhood pride, and afford new housing options for a wider demographic. More details were provided in the staff report.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker			X					Approved as amended
Mann	X		X					Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

OR1. OR01-2020-03

CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FY2020 (#1) BY APPROPRIATING \$40,000 FOR THE BUILDING INCENTIVE PROGRAM FOR IN-FILL LOTS THROUGHOUT THE CITY.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Staff was directed by the City Council to offer builder incentives in the amount of \$40,000 a year for three years to entice in-fill lot development. This plan was presented to City Council on January 14, 2020. The proposed General Fund budget amendment in the amount of \$40,000 will revise the total adopted General Fund budget of \$39,757,226 (Ordinance OR09-2019-51) to \$39,797,226.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		X	X				X	Approved as presented
Boedeker			X					Approved as amended
Mann			X					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

Mayor Cain opened and closed public hearing on OR2 which is a companion item with RS5. There were no speakers during the public hearing.

RS5. RS01-2020-14

CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH LIFECYCLE BIOTECHNOLOGIES, A TEXAS LIMITED PARTNERSHIP FOR WAIVER OF CERTAIN BUILDING PERMIT AND INSPECTION FEES.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Lifecycle Biotechnologies, L.P. desires to consolidate its 3 existing facilities in other separate locations outside of Cleburne and Johnson County into one global location, and Cleburne is being considered for the relocation in addition to Fort Worth and Granbury. The company plans to acquire the real property located at 421 and 423 Marti Dr. and immediately renovate and retrofit the existing 20,000 s.f. facility at 421 Marti Dr., with construction of a second building at 423 Marti Dr. commencing in late 2020 or early 2021.

The company will also bring a highly skilled workforce of 32 employees that includes scientists, engineers, sales, and technical manufacturing positions with an annual payroll of \$2.1 million. Additionally, the company plans to increase their workforce to 50 employees with an annual payroll of approximately \$3.0 million by 2022.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker			X					Approved as amended
Mann	X		X					Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

OR2. OR01-2020-04

CONSIDER AN ORDINANCE AUTHORIZING A TAX ABATEMENT AGREEMENT WITH LIFECYCLE BIOTECHNOLOGIES, A TEXAS LIMITED PARTNERSHIP, FOR ABATEMENT OF AD VALOREM TAXES.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Lifecycle Biotechnologies, L.P. plans to consolidate its Colorado, San Antonio and Fort Worth operations in to one global headquarters and primary production operation in Cleburne. After considering other locations in Granbury, Fort Worth and Cleburne, the company submitted an application for tax incentives/abatement to locate this facility in Cleburne. The company is projected to bring an estimated \$5.0 million in new capital investment and fifty (50) new highly skilled positions in the technical research, manufacturing, and distribution field that will offer high-paying jobs with an estimated annual payroll of \$3.0 million by the end of 2022.

An economic impact analysis was prepared by Impact Data Source for this project that indicates that this company will be beneficial to the citizens of Cleburne, with an increase to the city’s tax base in addition to creating new ancillary jobs and adding more residents to the local population, and benefitting other local taxing entities.

The recommended abatement percentage is seventy-five percent (75%) for three years based on the company’s annual budgeted payroll of \$3.0 million and fifty (50) new jobs being created by the end of 2022. A Tax Abatement Agreement with specific annual payroll dollars and number of jobs includes a sliding scale reducing the abatement amount should the project fail to reach the

projected annual payroll value and number of jobs, subject to the Council approval of this tax abatement request.

The required “Notice of Public Hearing and Intent to Approve a Tax Abatement within a Reinvestment Zone within the City of Cleburne, Texas” was published in the Cleburne Times Review on December 28, 2019.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

RS6. RS01-2020-15

CONSIDER A RESOLUTION AUTHORIZING AN ANNUAL CONTRACT WITH WEBB’S LANDSCAPE MANAGEMENT INC. FOR GROUNDS AND LANDSCAPE BED MAINTENANCE OF RIGHT-OF-WAYS, MEDIANS, DRAINAGE, CITY FACILITIES, AND SELECT PARKS FOR AN AMOUNT NOT TO EXCEED \$153,853.24.

Person presenting this item: Aaron Dobson, Director of Parks & Recreation

BRIEF: In the past, The City has managed multiple ground and landscape bed maintenance contracts, including interlocal agreement contracts. Those contracts have expired and the interlocal contractor was not awarded the bid. Parks and Recreation and Public Works staff discussed strategies to address our mowing responsibilities, while utilizing our Maintenance Workers time to address various projects and other duties.

In December, the City solicited companies to bid on an annual mowing maintenance bid. The maintenance bid included all grounds and landscape bed maintenance for right-of-ways, medians, city facilities (including the Conference Center and Chamber of Commerce grounds), and smaller parks. Two bids were submitted and reviewed. Webb’s Landscape Management Inc. (\$153,853.24) and Hoots Lawn Care (\$231,359.51).

The contract is valid for twelve (12) months from the date on the contract and the contract may be renewed for four (4) additional one (1) year periods. Price increases and/or decreases, agreed by both parties, would be limited to the lesser of the average change over the prior twelve (12) months in the Consumer Price Index-All Urban Consumers-Dallas-Fort Worth Area, or in the Consumer Price Index-All Urban Consumers-US City Average.

The Parks and Recreation Department will oversee this contract and work directly with the contractor. Funding for this contract will utilize funds from Parks Contracting, Conference Center Grounds Maintenance, and Public Works Drainage Contracting.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		X	X				X	Approved as presented

Boedeker			X				Approved as amended
Mann			X				Denied
Warren	X		X				Withdrawn
Cain			X				Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

RS7. RS01-2020-16

CONSIDER A RESOLUTION AUTHORIZING A FINANCING AGREEMENT WITH GOVERNMENT CAPITAL CORPORATION FOR THE PURCHASE OF A GRADALL-D-152 EXCAVATOR FROM KIRBY-SMITH MACHINERY, INC FOR AN AMOUNT NOT TO EXCEED \$295,075.

Person presenting this item: Jeremy Hutt, Director of Public Works

BRIEF: This purchase is for a Gradall D 152, truck mounted telescopic boom hydraulic excavator. The city does not currently have this type of equipment; therefore this will be a new resource for operations staff. A Gradall unit has the ability to complete more work with a single machine with its full-tilting, telescoping boom. An operator can drive this excavators to job sites at roadway speeds without the need for a lowboy trailer.

During the FY2020 budget preparation, the option was discussed, and ultimately approved, to lease/purchase the Gradall to allow for the expansion of the fleet and improve operation capabilities. This resolution also establishes City Council approval to finance the purchase of the Gradall with Government Capital Corporation per the attached Finance Contract.

Kirby-Smith Machinery, Inc has been awarded the Tarrant County Bid for the Annual Contract for Purchase of Truck Mounted Telescopic Boom Hydraulic Excavators. The City of Cleburne has an interlocal agreement with Tarrant County which allows the City to utilize its

The Gradall D 152, truck mounted telescopic boom hydraulic excavator along with the requested options is at a cost of \$295,075.00.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				X Approved as presented
Boedeker	X		X				Approved as amended
Mann			X				Denied
Warren			X				Withdrawn
Cain			X				Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

OR3. OR01-2020-05

CONSIDER AN ORDINANCE AMENDING THE CODE OF ORDINANCES TITLE XV: LAND USAGE, CHAPTER 155: ZONING, SECTION 155.12: COMPLETENESS DETERMINATION, TO ESTABLISH REQUIREMENTS RELATING TO COMPLETENESS DETERMINATIONS FOR ZONING AND OTHER DEVELOPMENT APPLICATIONS; BY ADDING SECTION 155.13: VESTED RIGHTS, ESTABLISHING PROCEDURES FOR THE RECOGNITION OF VESTED RIGHTS AND PROVIDING FOR

APPEAL; AND BY ADDING SECTION 155.14: DORMANT PROJECTS, REGARDING THE EXPIRATION OF VESTED RIGHTS FOR DORMANT PROJECTS.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: In response to recent legislative actions regarding the plat approval process, staff is proposing the addition of three new sections to Chapter 155 of the City's Zoning Ordinance. The root of each amendment is the Texas Local Government Code, and this language is required to ensure the City's ordinances and practices are consistent with State Law. The specific provisions will provide language addressing completeness determinations, vested rights, and dormant projects. The three proposed amendments are interrelated, with each requiring the other, to provide a complete legal framework from which the City operates related to development projects.

Section 155.12 Completeness Determination – The general purpose of this section is to provide staff the opportunity to review application materials for zoning cases, plats, development plans, etc. to ensure all necessary materials have been submitted to conduct a review. This is important for many reasons, but specifically, when reviewing plats under the new “30-Day Shot Clock”. It is critical that staff determine an application is complete before the clock starts. This provision allows staff to request any necessary or missing documents prior to deeming an application complete, and the clock starting. The proposed amendment provides that following the acceptance of an application for a development project, staff has ten (10) business days to make a determination of completeness. Within the ten (10) day period, staff provides the applicant with a formal letter stating the completeness status, including a list of any items that may be missing and in need of resubmittal.

Section 155.13 Vested Rights –Vested rights freeze land use regulations affecting property related to zoning regulations (i.e. building size, lot size/dimension/coverage, etc.) and certain other matters once the owner or developer files a permit application for that project. Vested rights are often times referred to as “grandfathering” and only apply to a specific project, not a property. Vested rights do not apply to building or fire codes.

The proposed amendment details when and how a project is vested, what steps are necessary from both the City and a developer to establish this vesting, and also includes an appeal provision. The language proposed is consistent with State Law and provides the necessary legal protections and processes afforded by Chapter 245 of the Texas Local Government Code.

Section 155.14 Dormant Projects – The proposed amendment establishes guidelines for the expiration of permits or projects that do not have an explicit expiration period outlined in the City's zoning ordinance. This provision is a crucial piece of the overall amendment because it establishes a time period in which a permit or project will no longer be eligible for vesting. The amendment also includes specific criteria for the City to determine “progress towards completion” of a project. Again, without this specific section, a project may be eligible for vesting indefinitely.

The proposed amendments to the City's zoning ordinance will provide staff and the development community the tools necessary to protect both public and private interests. The amendments are needed to provide the City with the necessary legal tools to provide for the life, safety, and general welfare of the citizens of the City of Cleburne.

The Planning and Zoning Commission considered this request at their January 13, 2020 meeting and recommended approval by a vote of 5-0.

****OPENED PUBLIC HEARING****

Speakers: None

CLOSED PUBLIC HEARING

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker		X	X					Approved as amended
Mann			X					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

OR4. OR01-2020-06

CONSIDER AN ORDINANCE AMENDING THE CODE OF ORDINANCES TITLE XV: LAND USAGE, CHAPTER 155: ZONING, SECTION 155.17: BOARD OF ADJUSTMENT, TO PROVIDE THAT THE CITY COUNCIL MUST APPROVE BOARD RULES.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: In response to HB 2497, staff is proposing an amendment to Section 155.17, Board of Adjustment, of the City’s Zoning Ordinance to include provisions consistent with State Law.

HB 2497 requires that a Board of Adjustment obtain approval from the City Council when adopting rules of procedure. The new law also specifies that a person may not appeal a decision made by an administrative official that was related to a specific application, address, or project, unless that person:

- filed the application that was the subject of the decision;
- was the owner or representative of the property that was the subject of the decision;
- was aggrieved by the decision and was the owner of real property within 200 feet of the property that was the subject of the decision; or
- was an officer, department, board, or bureau of the municipality affected by the decision.

HB 2497 further specifies that the appellant must file an appeal no more than 20 days after the decision of an administrative official is made (i.e. denial of a permit). It goes on to require that the Board must decide the appeal at the next meeting for which notice can be provided, and not later than 60 days after the appeal was filed.

The bill became effective September 1, 2019, and applies only to rules adopted by the Board of Adjustment, or a decisions made by an administrative official on or after September 1, 2019.

The proposed amendment to Section 155.17, Board of Adjustment, contains four specific provisions addressing each of the items described above:

1. The requirement for City Council approval of the Board’s Rules of Procedure;
2. Amending the provision defining the person/party eligible for filing an appeal;
3. To provide a specific timeframe (20 days) for submittal of an appeal to the Zoning Board of Adjustment; and
4. To provide a specific timeframe (60 days) for the Board to act on an appeal.

The Planning and Zoning Commission considered this request at their January 13, 2020 meeting and recommended approval by a vote of 5-0.

OPENED PUBLIC HEARING

Speakers: None

CLOSED PUBLIC HEARING

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		X	X				X	Approved as presented
Boedeker			X					Approved as amended
Mann	X		X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed			Roll Call		

Council took action on OR6, and then OR5 as the companion item.

OR6. OR01-2020-07

CONSIDER AN ORDINANCE AMENDING THE CODE OF ORDINANCES TITLE III: ADMINISTRATION, BY AMENDING CHAPTER 31 BOARDS, COMMISSIONS AND PUBLIC BODIES, SECTION 31.62: DEFINITIONS, AND SECTION 31.63: COMMISSION ESTABLISHED, TO DESIGNATE THE CITY COUNCIL AS THE BODY ASSUMING THE ROLE OF THE HISTORIC PRESERVATION COMMISSION.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: Staff is presenting for consideration, an amendment to the Historic Preservation Commission Ordinance, Sections 31.62 and 31.63 of the Code of Ordinances. The purpose of the amendment is to designate City Council as the body assuming the role of the Historic Preservation Commission. This change proposed to simplify an overcomplicated and time-consuming process.

The current ordinance already designates City Council as the final approval authority for actions taken by the Historic Preservation Commission, so the amendment will ultimately reduce the number of meetings and approval authorities for any future request. The proposed language maintains City Council’s priority of preserving and protecting the historic heritage of the City of Cleburne.

The Planning and Zoning Commission considered this request at their January 13, 2020 meeting and recommended approval by a vote of 5-0.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed			Roll Call		

OR5. OR01-2020-08

CONSIDER AN ORDINANCE AMENDING THE CODE OF ORDINANCES TITLE XV: LAND USAGE, CHAPTER 155: ZONING, BY AMENDING HISTORIC LANDMARKS, SECTIONS 155.80 – 155.91 IN ITS ENTIRETY.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: Staff is presenting for consideration, an amendment to Sections 155.81 – 155.91 “Historic Landmarks” of the City’s Zoning Ordinance. The purpose of the amendment is to protect the historic heritage of our community while reducing bureaucracy, by simplifying an overcomplicated and time-consuming process. The amendment up for consideration provides text clean-ups to the entire chapter, streamlines the overall approval process, and removes sections no longer desired by City Council.

The proposed language reflects the companion amendment (also up for consideration) to Chapter 31, “Boards Commissions and Public Bodies,” Sections 31.62 and 31.63 of the City’s Code of Ordinances. The amendment to Chapter 31 proposes to designate City Council as the body assuming the role of the Historic Preservation Commission. This change will reduce the total number of public meetings required for approval from four (4) down to one (1). This will significantly reduce the amount of time required for issuance of a permit associated with a historical structure, and/or the designation process for a historic property or structure.

The proposed language maintains City Council’s priority of preserving and protecting the historic heritage of the City of Cleburne. This is accomplished by retaining historic designations for both residential and commercial properties, historic design standards, and maintaining checks and balances for alterations to historically designated properties.

The Planning and Zoning Commission considered this request at their January 13, 2020 meeting and recommended approval by a vote of 5-0.

****OPENED PUBLIC HEARING****

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				X Approved as presented
Boedeker	X		X				Approved as amended
Mann			X				Denied
Warren			X				Withdrawn
Cain			X				Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

OR7. OR01-2020-09

CONSIDER AN ORDINANCE REZONING ±0.313 ACRES, LOCATED AT 1214 NORTH BRAZOS AVENUE, FROM C1 (LOCAL BUSINESS DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT); AS REQUESTED BY DANIEL GALVAN.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: The applicant has requested to rezone approximately 0.313 acres from C1 (Local Business District) to SF-4 (Single-Family Dwelling District) located at 1214 N. Brazos Avenue. The applicant has indicated their intent of the rezoning request is to build two single-family residential homes.

The subject property is currently two lots of record, Lots 1 and 2, Block 219 of Original Cleburne. Although the SF-4 District requires a minimum lot area of 7,000 square feet and a minimum lot width of 60 feet, each lot of record is approximately 6,000 square feet in size, 50 feet in width by 120 feet in depth. These lots have existed in this configuration since before the establishment of the rules and regulations of the Zoning Ordinance (March 22, 1996). Section 155.08 (J) allows lots of record to be used for any valid use, provided that the setbacks, height, parking and all other development regulations are satisfied.

The Comprehensive Land Use Plan shows this property to be located in the City Center East District, whose purpose is to promote infill development with single-family development. The proposed rezone request is consistent with the intent of the City Center East District.

The Planning and Zoning Commission considered this request at their January 13, 2020 meeting and recommended approval by a vote of 5-0.

****OPENED PUBLIC HEARING****

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker			X					Approved as amended
Mann		X	X					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

OR8. OR01-2020-10

CONSIDER AN ORDINANCE REZONING ±60.423 ACRES, LOCATED IN THE 1800 BLOCK OF WEST HENDERSON STREET, FROM PD (PLANNED DEVELOPMENT DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY GOSSETT FARMS, LLC, REPRESENTED BY DREW DONOSKY.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: City Council considered this case at their meeting on January 14, 2020 and made a motion (5-0) to continue the public hearing to the January 28, 2020 meeting. This motion was made to allow the applicant additional time to work with staff to make modifications to this PD rezoning request. City Council provided the following feedback:

1. Include either a percentage or a number of homes that will fall between the 1,600 – 1,799 square foot range, with the remainder being 1,800 square feet and larger.
2. Increase the minimum lot size to 6,000 square feet.
3. Include the total number of lots that may be less than 6,000 square feet.
4. For Street “A”, remove the wall to allow cross access to neighboring commercial property.

5. Widen Street “A” to allow for at least three lanes at W. Henderson.
6. Revise the building elevations to include parameters that the builders must meet as opposed to conceptual elevations/photos that the builder must match.

Following the City Council meeting, the applicant worked with staff and proposes the following modifications to the PD rezoning request:

1. A maximum of 10% of the homes shall be allowed to be less than 1,800 square feet but must be a minimum of 1,600 square feet. No homes less than 1,800 square feet may be constructed adjacent to each other.
2. The minimum lot size has been increased from 5,000 square feet to 6,000 square feet. No proposed lot is less than 6,000 square feet.
3. The wall along Street “A” has been removed.
4. Street “A” has been designated to accommodate three lanes at W. Henderson (the lane configuration to be determined by the Traffic Impact Analysis (TIA)).
5. All primary residences will be required to have each of the following:
 - a. A covered front porch of a unified architectural design. The front porch shall have a minimum area of 72 square feet, with a minimum depth of six feet. The front porch shall face the street.
 - b. The minimum roof pitch of the dwelling shall be 6:12. The roof pitch over a front porch may be a minimum of 3:12.
 - c. No one architectural style may be repeated for a distance of four lots, either on the same side or opposite side of the street.
 - d. All garages will have decorative wood doors or wood overlay on insulated metal. All exposed wood accents and wooden garage doors will be stained, sealed or painted for protection and regularly maintained.
6. In addition, architectural design standards were added in lieu of conceptual building elevations. Each primary residence will be required to utilize at least four of the following design features to provide visual relief along the front residence:
 - i. Architectural pillars or posts. The pillars or posts shall be round, square, or tapered, and shall have a minimum diameter or diagonal dimension of six inches.
 - ii. Two or more dormer windows on the front elevation of the house.
 - iii. One or more roof gables on the front elevation of the house.
 - iv. One bay window with a minimum 24-inch projection.
 - v. One box window with a minimum 12-inch projection.
 - vi. Exterior decorative lighting on front elevation.
 - vii. All windows on the front elevation feature shutters. The shutters provided must be operational or appear to be operational and must be in scale with the corresponding window.
7. Finally, the applicant has retained the requirement that the exterior wall surfaces of all primary residential buildings shall be constructed of at least 90 percent masonry material. This percentage shall be applied as a total of all exterior walls on all stories of the structure, as measured below the fascia board at the roof line.

****CONTINUED PUBLIC HEARING****

Speakers: Drew Donosky and Steve Donosky were both available for questions and Drew expressed appreciation for staff’s efforts on this project and to the Council for their consideration.

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented and that the front porch requirement be option in the design standards

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann			X					Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>			<i>Roll Call</i>		

Mayor Cain recessed at 6:41 PM for a brief intermission and reconvened at 6:54 PM to discuss items on the workshop agenda.

WORKSHOP

I. CITY MANAGER’S UPDATE ON MUNICIPAL BUSINESS

- WS1. Update on first phase of design for the Railroad Museum Expansion Project and discuss upcoming phases – Aaron Dobson, Director of Parks & Recreation
- WS2. Discuss the naming of a City facility in honor of Cathy Marchel – Scott Cain, Mayor
Mayor Cain sought Council’s input on naming the Chamber building after the recently passed President of the Chamber, Cathy Marchel. Mayor Cain directed staff to consider naming options and present an action item at a future meeting.
- WS3. Presentation and update on the Wastewater Treatment Plant Expansion Project – Jeremy Hutt, Director of Public Works
Mr. David Jackson, Freese & Nichols, Inc representative gave an overview on the progress of the facility construction plans which remains on schedule. Mr. Robert Childress with Childress Engineers, Inc was also present.

The regular council meeting was recessed at 7:20 PM to discuss items legally posted in executive session.

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

§551.071. Consultation with Attorney; Closed Meeting A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) 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 this chapter.

EXE 2. Discuss development agreement for Wright Farms development concerning property in the Wright Farms Municipal Management District of Johnson County, located in the ETJ of the City along County Road 904 at its intersection with County Road 1017

§551.072. Deliberation Regarding Real Property; Closed Meeting A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

EXE 3. Discuss Wastewater Treatment Plant Expansion and the West Loop Reuse Pipeline Projects

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

Mayor Cain reconvened into open session at 8:33 PM and no action was taken resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 8:34 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: FEBRUARY 11, 2020