



NOTICE OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS

Notice is hereby given that a **REGULAR COUNCIL MEETING** of the above named City will be held on the **12th** day of **MARCH 2019**, at **5:00pm**, in the Council Chambers at Cleburne City Hall, 10 North Robinson Street, Cleburne, Texas 76031.

At which time the following subjects will be discussed, to-wit:

Refer to attached agenda

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board in City Hall of said City in Cleburne, Texas, 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 **March 8, 2019**, by **5:00 p.m.**



City of Cleburne

By Shelly Doty
Shelly Doty, City Secretary



City Hall is wheelchair accessible. Access to the building and special parking are available at the southeast entrance facing Chambers Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817/645-0908 or by FAX 817/556-8848 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

Note: A quorum of any Cleburne board, commission, or committee may be present at this meeting.

Agenda Removal Notice

Date:

Initials:



REGULAR CITY COUNCIL MEETING AGENDA
MARCH 12, 2019
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

I. ROLL CALL AND CALL TO ORDER BY MAYOR @

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Gayle White, SMD 2
- ✓ Dale Sturgeon, Mayor Pro Tem
- ✓ John Warren, SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney

II. INVOCATION by Reverend Keith Whitt, North Cleburne Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

V. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

VI. CITIZENS COMMENTS

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

CONSENT ITEMS

M1. APPROVAL OF MINUTES FOR THE FEBRUARY 26, 2019 COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING AN AGREEMENT WITH SUNBELT POOLS UTILIZING BUYBOARD CONTRACT #533-17 TO RESURFACE THE LEISURE POOL AT SPLASH STATION IN AN AMOUNT NOT TO EXCEED \$96,784.

Person presenting this item: Aaron Dobson, Director of Community Services

BRIEF: The current surfacing material in the leisure pool at Splash Station is beyond material life and has started to deteriorate which has resulted in visible cracking in the pool surface. City staff have taken this project out for bid, but found the best solution from Buy Board pricing with total purchase price of \$96,784. This Capital Improvement item had an original budget of \$65,000. At their meeting on February 28, 2019, the 4B Economic Development Board of Directors approved this purchase and recommended adjusting the Splash Station Capital Improvement budget by adding \$31,784 to offset the cost of this project.

OR1. AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2019 4B SALES TAX CORPORATION FUND BUDGET TRANSFERRING \$31,784 FROM SALES TAX REVENUE TO ACCOUNT #0956-8419 TO FUND THE RESURFACING OF THE LEISURE POOL AT SPLASH STATION.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The resurfacing of the Leisure Pool at Splash Station was a project that was approved in the Fiscal Year 2019 4B Sales Tax Corporation Fund Budget in the amount of \$65,000. The actual amount of the project is \$96,784 to Sunbelt Pools for the resurfacing of the leisure pool. As the proposal is \$31,784 greater than the amount budgeted for the project, it is requested that the Fiscal Year 2019 4B Sales Tax Corporation Fund Budget Splash Station Department line item account number 0956-8419 be amended from \$107,400 to \$139,184 to provide the necessary funding for the proposal. This proposed budget amendment was discussed with the 4B Economic Development Corporation Board at their February 28, 2019 meeting. It was approved unanimously and recommended to be presented to City Council for their approval. The proposed 4B Corporation Fund budget amendment in the amount of \$31,784 will revise the total adopted 4B Corporation Fund budget of \$3,144,718 (Ordinance OR09-2018-64) to \$3,176,502. Anticipated funding source for the budget amendment is the Corporation's ½-cent sales tax receipts that are exceeding projected budget performance by 4.1%.

RESOLUTIONS

RS2. A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH BPC BUSINESS SOLUTIONS, INC (DBA BENNETT'S) LOCATED AT 300 E CHAMBERS ST FOR A FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM REIMBURSEMENT FOR AN AMOUNT NOT TO EXCEED \$5,000.00.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Bennett's has submitted an application under the terms of the City's Façade Improvement program seeking to replace four (4) existing awnings on the North (Chambers St.) side and one (1) existing awning on the West (Robinson St.) side. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements is \$14,077.91; therefore \$5,000.00 would be the maximum match by the City.

RS3. A RESOLUTION ACCEPTING THE ANNUAL AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2018.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Section 8.12 of the City of Cleburne Charter states that an independent firm of certified public accountants will perform the annual audit and present the results to the City Council. On Monday, March 4, 2019, the Audit Committee met with John Manning, the audit engagement partner with the City's audit firm, Pattillo, Brown and Hill LLP, to review the results of the annual audit for Fiscal Year ended September 30, 2018 and the Statement on Auditing Standards 114 audit management letter. The City received an unmodified opinion (Independent Auditor's Report), which is the most favorable audit opinion an entity can receive. John Manning of Pattillo, Brown and Hill LLP, will be present to give a brief presentation regarding the annual audit. The Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended September 30, 2018 is an exhibit to the staff report. A public copy of the CAFR is also available for review in the Finance Department, City Secretary's Office and Library. The CAFR will also be available on the City's website after acceptance by City Council.

ORDINANCES

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 305 PEARCE AVE (BEING 1.10 ACRES, LOTS 7-11, BLOCK 758, ORIGINAL CLEBURNE) FROM C1 (LOCAL BUSINESS DISTRICT) TO MF (MULTIPLE FAMILY HOUSING DISTRICT); AS REQUESTED BY DARRELL HIGHTOWER.

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

BRIEF: The applicant has requested to rezone approximately 1.10 acres from the C1 (Local Business District) to the MF (Multiple Family Housing District) with the intent to construct a multi-family development on the subject property. The Comprehensive Land Use Plan shows this property to be located in the Community Commercial and Preservation Districts. The proposed rezoning request is consistent the intent of the Community Commercial District as defined by the Comprehensive Land Use Plan. However, the proposed rezoning request is not consistent with the intent of the Preservation District. The Planning and Zoning Commission considered this request at their February 25, 2019 meeting and recommended approval by a vote of 6-0.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 1648 W. HENDERSON ST (BEING 1.74 ACRES, LOT 2, BLOCK 1, WRIGHT ADDITION) PD (PLANNED DEVELOPMENT DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY DWIGHT WOOTEN, SR.

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

BRIEF: The applicant has requested to amend the existing Planned Development for the property located at 1648 W Henderson St. The subject property was rezoned from the C2 (General Business District) to PD (Planned Development District) on September 9, 2003 (OR09-2003-44). The original request was made to permit the conversion of the existing structures from single family, to multi-family dwelling units. The property has been utilized as multi-family since the time of approval of the original Planned Development.

The applicant is proposing to construct seven (7) new duplexes on the subject property, four (4) single-story duplexes, and three (3) two-story duplexes. In addition to the proposed new construction, the applicant has indicated the desire for the existing structures to remain. The existing structures consist of one (1) single-family home, one (1) one-bedroom apartment, and one (1) duplex. Should the request be approved, the development will consist of 18 total units.

The subject property is located within the Traditional Neighborhoods District of the City’s Future Land Use Plan. Multi-Family uses are considered a “Specially Permitted Use” in this district.

The applicant has provided a Development Plan (attached) which includes development standards, building elevations, landscaping, conceptual site plan, and conceptual utility plan. As proposed, the current site plan meets all of the requirements of the zoning ordinance and no deviations are being requested.

The applicant is proposing to create two (2) multiple-family residential lots, 28,416 square feet, and 46,952 square feet respectively. As a point of reference, the table below details the current minimum standards for the MF (Multiple-Family Housing District) and the D (Duplex or Two-Family Dwelling District) as compared to the proposed PD Development Standards. Items in bold exceed the minimum standards.

| |
|---------------------------------|
| PD Development Standards |
|---------------------------------|

| Description | MF – Minimum Standards | D – Minimum Standards | PD – Proposed Standards |
|--------------------------------|------------------------|-----------------------|-------------------------|
| Minimum Lot Area (SF) | 6000 | 3,500 | 28,416 |
| Minimum Lot Width | NA | NA | 139 ft. |
| Minimum Lot Depth | NA | NA | 221 ft. |
| Front Yard Setback | 30-ft | 30-ft | 30 ft. |
| Rear Yard Setback | 20-ft | 20-ft | 20 ft. |
| Side Yard Setback | 7-ft | 7-ft | 10 ft. |
| Side Yard - Adjacent to Street | NA | 15-ft | NA |
| Minimum Living Area (SF) | 800 | 850 | 860 |

Proposed PD Standards Exceeding the Minimum MF and D Requirements:

Community Architectural Standards – The MF and D zoning districts do not contain residential design standards for development within these districts. The proposed PD standards include residential design standards to ensure a specific quality product is constructed within this development. These standards include a minimum of 100 percent brick veneer on the first floor of each unit with approximately 50 percent on the second floor of the two-story structures. The proposed building elevations are included in the agenda packet.

Landscaping – The MF and D zoning districts do not require landscaping with new residential developments. The proposed PD standards include planting of approximately twenty-four (24) trees ranging in size from one-inch to two-inch in diameter at the time of planting.

Perimeter Fencing/Screening – The MF and D zoning districts do not require perimeter fencing or screening. The applicant has proposed a six (6) foot wood fence with brick columns along N. Hyde Park Blvd.

Decorative Street Lighting – The applicant has proposed installation of decorative street lighting throughout the development

The Planning and Zoning Commission considered this request at their February 25, 2019 meeting and recommended approval by a vote of 6-0, with the following conditions:

1. All structures shall be single story.
2. A drainage study shall be completed and approved by staff.
3. The developer shall present a revised site plan to City Council with the single-story structures.

OTHER COUNCIL MATTERS

OC1. *PUBLIC HEARING* CONSIDER THE REPLAT OF LOT 2R, BLOCK 111, COLLEGE HEIGHTS ADDITION, BEING A 0.226 ACRE TRACT OF LAND LOCATED AT 715 TURNER ST; REQUESTED BY COLBY GARZA.

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

BRIEF: This is a request to replat one residential lot. The subject property is zoned SF-4 (Single-Family Dwelling District) and the Comprehensive Land Use Plan shows this property to be located in the City Center North District. As submitted, this plat meets all minimum requirements of the SF-4 District as described in Chapter 155, and platting requirements of Chapter 154 of the Code of Ordinances. The plat also meets the intent of the Comprehensive Land Use Plan.

The Planning and Zoning Commission considered this request at their February 25, 2019 meeting and recommended approval by a vote of 6-0.

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 p.m.

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 sections:

§ 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting 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).

1. Discuss project Clara.

ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, MARCH 12, 2019 at p.m.

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

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

ADJOURNMENT

ADJOURNED AT:



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