



REGULAR CITY COUNCIL MEETING MINUTES
JANUARY 22, 2019
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
- ✓ 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 Minister John Stewart, Henderson Street Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

☆ December 2018 All Star Award – Maria Herrada, Cemetery Department

V. ~~CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL~~

*Mayor Cain waived the reading of the guidelines until such a time as necessary.

VI. CITIZENS COMMENTS

- Roger Pedigo – discussed his wish to have impact fees waived on his storage facility project.
- Herb Cohen – asked the Council to consider waiving fees to replat his property in the ETJ due to the fact that the property is being sold to his son.

CONSENT ITEMS

M1.

APPROVAL OF MINUTES FOR THE JANUARY 8, 2019 COUNCIL MEETING.

RS1.

RS01-2019-03

A RESOLUTION AUTHORIZING RENEWAL OF AN OPERATIONAL PERMIT FOR 2019 TO CAREFLITE AMBULANCE SERVICE PROVIDING AMBULANCE SERVICES IN THE CITY OF CLEBURNE.

Person presenting this item: Scott Lail, Fire Chief

BRIEF: Careflite is requesting renewal of the operations permit to provide ambulance services within the City of Cleburne. They have satisfied all requirements for the 2019 renewal.

RS2. RS01-2019-04

A RESOLUTION AUTHORIZING CONTRACT RENEWAL WITH TARRANT COUNTY FOR TRANSPORTATION SERVICES OF TARRANT COUNTY PUBLIC HEALTH CLIENTS.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Tarrant County Public Health proposes to renew the attached annual contract with them to provide transportation services for their clients that reside in the City/County Transportation service area. City/County Transportation will charge Tarrant County Public Health \$40.00 per one-way trip leaving Johnson County (\$80.00 per round trip) and \$12.00 per one-way trip for all trips that remain within Johnson County (\$24.00 per round trip). The term of the attached contract will be February 1, 2019 - January 31, 2022. The County is seeking a three year contract term, rather than the prior one-year contract term. All previous terms of the contract remain unchanged from the 2018 contract. Tarrant County Commissioner's Court will consider this agreement for approval after its approval by the Cleburne City Council.

OR1. OR01-2019-01

AN ORDINANCE APPROVING SPECIAL EVENT PERMIT OF HULEN PARK LOCATED AT 900 S HILLSBORO ST FOR A CARNIVAL DURING "SPRING FEST" FROM APRIL 1, 2019 THRU APRIL 8, 2019; AS REQUESTED BY DOWNTOWN CLEBURNE ASSOCIATION, REPRESENTED BY MAXINE AMMONS.

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

BRIEF: The applicant is requesting Temporary Use of Hulen Park described under §155.58: Temporary Uses and restrictions set by the Parks Board. This item was presented to the Parks and Recreation Advisory Board on December 3, 2018. The Board approved the event with the following restrictions:

- All noise must be turned off by 8pm during on-site preparation; noise must be turned off by 10pm each night of the event.
- Onsite electricity will not be available for this event.
- The sale of glass containers will be prohibited, as will any games/activities that utilize glass containers.
- Mats and/or protective coverings will be placed under all equipment in case of lubricants leaking; any leak must be cleaned by proper OSHA standards.
- A \$2,500 deposit will be delivered to the Parks Administrative office one (1) week prior to the on-site preparation.
- Barring a natural event, the park should be cleaned and placed in the same condition as it was found by April 8, 2019 at 5pm.

- A \$1,000 charge will be deducted from the deposit; additional charges may be applied for further delays or damage.
- If not discussed above, this event must comply with all other City of Cleburne Parks & Recreation ordinances.

The Carnival will begin setting up on Monday, April 1, 2019 and will complete clean up on Tuesday, April 8, 2019. Spring Fest will be held Thursday, April 4, 2019 through Sunday, April 7, 2019. The hours of operation will be 9 am to 10 pm.

The Planning and Zoning Commission considered this request at their January 14, 2019 meeting and recommended approval by a vote of 4-0 with the condition that the applicant confirm the dates of the event.

OC1.

APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF DECEMBER 2018.

Person presenting this item: Terry Leake, Director of Finance

OC2.

APPROVE FINAL PLAT OF LOTS 1-3, BLOCK 1, DOVE CREEK ROAD ADDITION (BEING 17.10 ACRES LOCATED AT 3507, 3509 & 3511 DOVE CREEK RD); AS REQUESTED BY GENEVA MANNING.

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

BRIEF: This is a request to create three residential lots. 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 Approach Corridor and Sustainable Community Districts. 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 January 14, 2019 meeting and recommended approval by a vote of 4-0.

OC3.

APPROVE FINAL PLAT OF LOTS 1-10, BLOCK 1, FORGOTTEN FARM ESTATES (BEING 35.876 ACRES LOCATED ON FOX ST IN THE CITY'S ETJ); AS REQUESTED BY FORGOTTEN FARMS, LLC, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: This is a request to create ten (10) residential lots in the City's ETJ. The Comprehensive Land Use Plan shows this property to be located in the Farmland Community District. As submitted, this plat meets all platting requirements as described in Chapter 154 of the City's Code of Ordinances and meets the intent of the Comprehensive Land Use Plan.

The Planning and Zoning Commission considered this request at their January 14, 2019 meeting and recommended approval by a vote of 4-0.

MOTION: to approve in its entirety

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

BIDS & QUOTES

BQ1.

AUTHORIZE PURCHASE OF A SPARTAN 4-DOOR CUSTOM CAB 105 FOOT HEAVY-DUTY AERIAL LADDER TRUCK FROM METRO FIRE APPARATUS SPECIALISTS, INC UTILIZING HGAC CONTRACT (FS12-17) FOR AN AMOUNT NOT TO EXCEED \$1,326,000 AND AUTHORIZING EXPENDITURE OF FUNDS TO EQUIP SAID APPARATUS WITH RADIO EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$9,000.

Person presenting this item: Scott Lail, Fire Chief

BRIEF: Staff is requesting approval to purchase a Spartan 4-door custom cab 105 foot Heavy Duty Aerial Ladder Truck with 2000 gpm CAFS pump and necessary firefighting tools, nozzles, and fire hose utilizing the Houston Galveston Area Council Cooperative (HGAC) Contract FS12-17 through Metro Fire Apparatus Specialists, Inc. for the amount of \$1,326,000. This vehicle will be used to replace Truck 1, which is currently over 23 years old. The vehicle is new and equipped with the latest aerial fire apparatus safety features and enhanced firefighting capabilities. Based on the fire department’s vehicle requirements, this vehicle meets all required specifications. Additional cost to equip this vehicle with necessary radio communication equipment will not exceed \$9,000.

MOTION: to approve as presented

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

RESOLUTIONS

RS3. RS01-2019-05

A RESOLUTION SUPPORTING COORDINATION EFFORTS WITH TXDOT AND NCTCOG FOR A COMMERCIAL TRUCK ROUTE THROUGH THE CITY OF CLEBURNE.

Person presenting this item: Cheryl Taylor, Director of Engineering Services

BRIEF: The vision expressed and understood by staff is to work towards creating a more vibrant downtown district whereby businesses such as restaurants, retail, office, government services and higher education can thrive. As recent and planned revitalization efforts come to fruition, the downtown area is becoming more active in both vehicular and pedestrian traffic. Certain challenges to this higher level of activity currently exist and may determine the level of vitality the downtown area can truly reach. One such challenge is commercial truck traffic. Truck traffic continues to be a significant source of noise pollution, traffic congestion and general discomfort for persons within the downtown area. Over the past year, the city has been working with representatives from the Texas Department of Transportation (TxDOT) and the North Central Texas Council of Governments (NCTCOG) to explore options that will reduce this issue while still providing suitable commercial truck routes utilizing existing roadways.

With this resolution of support by the City Council, staff will work with the NCTCOG and TxDOT 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.

MOTION: to approve as presented

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

ORDINANCES

OR2. OR01-2019-02

AN ORDINANCE APPROVING WAIVER TO REQUIRED INSTALLATION OF CURB AND GUTTER LOCATED AT 108, 110, 216 AND 218 MECHANIC STREET; AS REQUESTED BY GARZA GROUP, LLC.

Person presenting this item: Cheryl Taylor, Director of Engineering Services

BRIEF: This is a request to waive the installation of curb and gutter. The ordinance requires curb and gutter be installed with all new construction. No curb and gutter exists on the adjoining lots. This public improvement is not anticipated in the foreseeable future. The applicant has requested to waive this requirement in conjunction with the construction of new single-family residences. The zoning for this lot is SF-4 (Single Family Residential), and Mechanic Street is not a school access street. Therefore, sidewalk installation at this location is not required by ordinance and sidewalks are not included in this waiver request.

MOTION: to approve as presented

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

****OPENED PUBLIC HEARING****

OR3. OR01-2019-03

AN ORDINANCE APPROVING TWO-FEET ENCROACHMENT INTO PUBLIC RIGHT-OF-WAY BEING A NORTH/SOUTH ALLEY ABUTTING LOT 20R, BLOCK E, OAK GROVE ADDITION, KNOWN AS 1502 GLEASON AVE; AS REQUESTED BY HOLIDAY CUSTOM HOMES.

Person presenting this item: Cheryl Taylor, Director of Engineering Services

BRIEF: Holiday Custom Homes has requested to encroach two-feet into the public right-of-way, or alley, abutting the property at 1502 Gleason Ave. The request has been made to permit three existing storage buildings on the subject property to remain. The applicant is in the process of constructing a new home on the subject property. During the building permit review, it was discovered that the existing buildings were constructed over the property line, encroaching into the alley behind the property. Following discussions with the property owners, staff learned that two of the buildings were constructed more than 30 years ago. Given the condition of the existing buildings, the property owners contend that they cannot be relocated without demolition and reconstruction.

Staff contacted private utility companies and received information that both Atmos and AT&T have utilities located within the alley, so abandonment is not an option at this time.

Staff has reviewed the request, and has no issues or concerns with the proposed encroachment into the existing alley.

Speakers: Ronnie Pollock spoke in favor of this item. The property is owned by his wife.

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

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

OTHER COUNCIL MATTERS

****OPENED PUBLIC HEARING****

OC4.

APPROVE REPLAT OF LOT 1, BLOCK 1, IGLESIA BAUTISTA AGAPE DE CLEBURNE ADDITION (BEING 0.595 ACRES LOCATED AT 1029 N ANGLIN ST); AS REQUESTED BY IGLESIA BAUTISTA AGAPE DE CLEBURNE, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: This is a request to replat one existing lot. The subject property is zoned MF (Multiple-Family Housing District) and the Comprehensive Land Use Plan shows this property to be located in the Preservation District. As submitted, this plat meets all minimum requirements of the MF 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 applicant is requesting a waiver to the installation of curb & gutter requirement along Boone Court. Staff has reviewed this request and has no concerns.

The Planning and Zoning Commission considered this request at their January 14, 2019 meeting and recommended approval by a vote of 4-0 with a waiver to the requirement for curb and gutter along Boone Court.

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented with a waiver of requirement for curb and gutter along Boone Court

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

****OPENED PUBLIC HEARING****

OC5.

APPROVE REPLAT OF LOT 11-R, BLOCK 843, AVONDALE ADDITION (BEING 0.22 ACRES LOCATED AT 705 POINDEXTER AVE); AS REQUESTED BY ARGENIS JAMES.

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 platting 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 January 14, 2019 meeting and recommended approval by a vote of 4-0.

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

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

****OPENED PUBLIC HEARING****

OC6.

APPROVE REPLAT OF LOT 7-R1, BLOCK B, A.C. BARBER’S NORTH ADDITION (BEING 0.262 ACRES LOCATED AT 701 BARBER AVE); AS REQUESTED BY MACARIO & BERNARDINA JUAREZ, REPRESENTED BY TRANS TEXAS SURVEYING.

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 area to be in the City Center East 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 January 14, 2019 meeting and recommended approval by a vote of 4-0.

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

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

****OPENED PUBLIC HEARING****

OC7.

APPROVE REPLAT OF LOT 6R, BLOCK 2, LOVELADY PARK ADDITION (BEING 0.227 ACRES LOCATED AT 605 WILLIAMS AVE); AS REQUESTED BY MORGAN ACRES.

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 January 14, 2019 meeting and recommended approval by a vote of 4-0.

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

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

OC8.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, MADDEX ADDITION (BEING 5.421 ACRES LOCATED AT 201 S FRONT ST); AS REQUESTED BY MADOG INVESTMENTS, LLC, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: This is a request to create one lot. The subject property is zoned M1 (Light Industrial District) and the Comprehensive Land Use Plan shows this property to be in the Village District. As submitted, this plat meets all minimum requirements of the M1 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 applicant is requesting a waiver to the required installation of curb & gutter along S. Front Street. Staff has reviewed this request and has no concerns.

The Planning and Zoning Commission considered this request at their January 14, 2019 meeting and recommended approval by a vote of 4-0 with a waiver to the installation of the requirement to install curb and gutter along S. Front Street.

MOTION: to approve as presented with waiver of requirement to install curb and gutter along S. Front Street

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

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 6:05 p.m.

CALL TO ORDER: The Presiding Officer called 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:

A. § 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.

1. Discuss development of property being a portion of Tracts 21-24, Abstract 400, located in the H & TC RY Co Survey
2. Discuss legal action against Charter Matrix Group

ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, JANUARY 22, 2019 at 7:15 p.m.

THE PRESIDING OFFICER ANNOUNCED THE RECONVENING OF THE REGULAR MEETING SESSION.

Reconvened into open session for possible action resulting from any items posted and legally discussed in Executive Session. No action taken.

ADJOURNMENT

ADJOURNED AT: 7:17 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: FEBRUARY 12, 2019