



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

I. ROLL CALL AND CALL TO ORDER BY MAYOR PRO TEM @ 5:01 PM

City Council:

- X 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**
- ✓ Alicia Krey, City Attorney**
- ✓ Ivy Peterson, City Secretary**

II. INVOCATION by Pastor Adam Mathews, Nolan River Road Baptist Church

III. PLEDGE OF ALLEGIANCE

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

V. CITIZENS COMMENTS

An opportunity was made for the public to make comments or address concerns for any matter whether or not posted on the agenda. There were no speakers.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Proclamation – Bleeding Disorders Awareness Month - Bill Bumgardner was present to receive the proclamation read by Mayor Pro Tem Warren
- ☆ Presentation – Quarterly Economic Development Update – Grady Easdon
- ☆ Presentation – Annual Police Department report to City Council on Racial Profiling Data for 2019 – Rob Severance

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 FEBRUARY 25, 2020 COUNCIL MEETING.

RS1. RS03-2020-29

CONSIDER RESOLUTION AUTHORIZING A RENEWAL OF THE INTERLOCAL AGREEMENT WITH JOHNSON COUNTY EMERGENCY SERVICES DISTRICT #1 FOR FIRE DISPATCH SERVICES.

Person presenting this item: Scott Lail, Fire Chief

BRIEF: Approve renewal of the Interlocal Agreement with Johnson County Emergency Services District #1 to provide fire dispatch services and continuing maintenance and upgrades to Fire/EMS dispatching software and equipment for an annual fee of \$10,000. All additional compensation is in the form of exchange of services by responses to emergencies using mutual or automatic aid of Cleburne resources to areas outside the city limits of Cleburne and Johnson County ESD #1 resources into the city limits of Cleburne as agreed upon by Cleburne and Johnson County ESD #1.

RS2. RS02-2020-30

CONSIDER RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE'S SEMI-ANNUAL REPORT FOR YEAR END 2019.

Person presenting this item: Cheryl Taylor, Director of Engineering

BRIEF: Pursuant to Chapter 395 of the Texas Local Government Code, the City of Cleburne Capital Improvements Advisory Committee (CIAC) is required to file semi-annual reports to the City Council on the administration of the city's impact fee program. Staff provided the second semi-annual presentation of revenues and expenditures for water, wastewater, and roadway impact fees to the CIAC on February 24, 2020. The CIAC's recommendation on the City of Cleburne's water, wastewater, and roadway impact fee program is to continue forward with no changes at this time, and is included in their report to the City Council.

OC1. CONSIDER FINAL PLAT OF LOTS 1-7, BLOCK 1, OF GARZA EAST ADDITION, BEING ±1.704 ACRES OF LAND, LOCATED AT THE NORTHEAST CORNER OF TREMONT STREET AND MANSFIELD ROAD; AS REQUESTED BY GARZA GROUP, REPRESENTED BY COLBY GARZA.

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

BRIEF: The applicant is requesting approval of a final plat comprised of seven (7) single-family residential lots, located at the northeast corner of Tremont Street and Mansfield Road.

The property is currently undeveloped and is zoned SF-4 – Single-Family Dwelling District. All of the proposed lots meet the minimum lot area of 7,000 square feet and the minimum lot width of 60 feet. The minimum required setbacks are as follows: 30' front yard, 20' rear yard and 7' side yard. The surrounding properties are all zoned in the SF-4 - Single-Family Dwelling District. There are several single-family residential homes in the vicinity as well as some areas of undeveloped land.

As submitted, the final plat meets all of the minimum requirements of Chapter 154 (Subdivision) and Chapter 155 (Zoning) of the Code of Ordinances. The Planning and Zoning

Commission considered this request at their February 24, 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				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>

RESOLUTIONS

RS3. RS03-2020-31

CONSIDER RESOLUTION APPROVING CHANGE ORDER FOR RESURFACING OF THE COMPETITION POOL AT SPLASH STATION WITH SUNBELT POOLS, INC IN THE AMOUNT OF \$29,868 FOR AN INCREASE IN THE AUTHORIZED CONTRACT AMOUNT TO \$148,138.

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

BRIEF: The contract with Sunbelt Pools was awarded on November 12, 2019, in an amount not to exceed \$118,270. This change order in the amount of \$29,868 would bring the total contract amount to \$148,138, exceeding the prior contract’s maximum approved amount. The original contract was to replace the original plaster surfacing of the competition pool at Splash Station. The current surfacing material is beyond the material lifespan and has signs of deterioration. The change order is needed because once the contractor began work on the pool the damage was more extensive than anticipated, requiring the need to:

- Remove all layers of plaster to reach the original concrete and create the superior bond which hydroblasting gives;
- Replaster the grout for the waterline tile up to the nosing as well as the step tile where the grout is missing;
- Determine the severity/existence of structural cracks by stripping the plaster to the concrete/gunite. The change order pricing takes into account worst case scenario for the cracks unless there is a structural deformity in the original concrete construction (that cannot be determined at this point and is unlikely, per the contractor).

The total contract amount for this project, including this change order, is \$148,138. 4B has recommended approval of this expenditure.

MOTION: to approve as presented

Motion	Second	Aye	No	Abstain	Absent	Result
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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>

ORDINANCES

OR1. OR03-2020-20

CONSIDER ORDINANCE AMENDING CHAPTER 154: SUBDIVISIONS, SECTION 154.060: CONSTRUCTION AUTHORIZATION, AND SECTION 154.061: INSPECTIONS, TO PROVIDE THAT DEVELOPERS MUST PAY FOR LABORATORY TESTING AND RE-TESTING REQUIRED FOR THE CONSTRUCTION OF COMMUNITY FACILITIES.

Person presenting this item: Cheryl Taylor, Director of Engineering

BRIEF: This ordinance amendment requires developers to pay for materials testing, as required for the construction of public infrastructure. In the past several years, testing has been provided by the developer, at no cost to the city, so materials testing is not currently included in the operating budget. On a recent project, a developer pointed out that the ordinance states that the city is responsible for that testing. The city has executed a contract with a geotechnical engineering firm to provide those professional services for the developer’s projects. If the city were to cover the cost of all required testing, a budget amendment from the General Fund will be required for all future developments. The ordinance amendment addresses the need for the testing and outlines the responsibility for the cost of the required testing on all new developments installing public facilities which will belong to the city at final acceptance. The City Attorney’s Office has reviewed and approved the proposed amendment.

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>

OR2. DENIED

CONSIDER ORDINANCE DISANNEXING TERRITORY FROM THE CITY OF CLEBURNE, BEING ±25 ACRES AT THE NORTHEAST CORNER OF CR 1009 AND

SH 171; AMENDING BOUNDARY LIMITS OF SAID CITY; AS REQUESTED BY STREAMLINE LEASING INC.

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

BRIEF: Streamline Leasing Inc., represented by John Sheffield Sr., is the owner of approximately 25 acres of land, generally located at the northeast corner of County Road 1009 and State Highway 171. The property owner has requested to have their property disannexed from the corporate limits of the City of Cleburne. The subject property was annexed in 2012 as part of the larger annexation proceedings taking place at the time. The owner of the property at the time of the annexation proceedings did not enter into a development agreement.

The subject property is currently an undeveloped tract of land. The property owner has indicated their intent to develop the property at a future date; however, they have not provided specific details of the proposed development plans. The adjacent properties to the north, east and south are located within the city limits of Cleburne. The adjacent property to the west is outside the city’s jurisdiction.

Section 1.3 Extension of Boundaries - of the City of Cleburne Charter authorizes the City Council to disannex territory by ordinance, without limitation, and at its discretion. A public hearing is not required for this action. Should the request for disannexation be approved, the minimum 1,000 foot width requirement, per Section 43.054-Width Requirements of the Texas Local Government Code will be maintained.

The property owner has paid City taxes each year following annexation as required. Section 43.148: Refund of Taxes and Fees, of the Texas Local Government Code requires a municipality disannexing a property to review the amount of property taxes collected, and provide a refund in the event the taxes paid exceed the pro rata costs of direct services available and/or provided to the property owner. Staff has reviewed the taxes paid to date, and evaluated the pro rata cost of basic services available. The results of this analysis indicate a refund is not required. There are no plans to extend city water or sewer infrastructure into this area in the near future.

Proponent John Sheffield, Sr was present and spoke of his intentions for the property and reasoning for the disannexation request.

The Council offered comments and asked questions of staff regarding the services the City has provided since the property was annexed.

MOTION: to deny

	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

OTHER COUNCIL MATTERS

OC2. CONSIDER MINOR REPLAT OF LOTS 2R AND 3R, BLOCK 738, OF PEARCE AND JESTER ADDITION, BEING ±0.495 ACRES OF LAND, LOCATED AT 406 ERIE STREET, INCLUDING A MINIMUM SETBACK VARIANCE AS APPROVED BY THE ZONING BOARD OF ADJUSTMENT; AS REQUESTED BY CARL HERRING, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: The applicant is requesting approval of a minor replat for two (2) residential lots, located at 406 Erie Street. The lot, in its current configuration is a portion of Lot 2 and all of Lots 3 and 4, Block 748, of the Pearce and Jester Addition. The applicant has submitted a replat in order to subdivide the existing lot into two (2) lots. With the proposed replat, the lot will be subdivided to maintain one (1) lot for the existing primary structure (home) and accessory structure, and one (1) lot for future residential development. The property is zoned in the MF – Multiple-Family Housing District. The proposed lots meet the minimum lot area of 7,000 square feet and the minimum lot width of 60 feet. The surrounding properties are primarily zoned MF – Multiple-Family Housing District, with the property at 407 Erie currently zoned in the C0 – Non-retail District. There are several single-family residential homes in the vicinity.

The applicant requested a variance from the Zoning Board of Adjustment at the February 18, 2020 meeting to allow for a reduction of the minimum setbacks for the existing primary and accessory structures. Both structures are currently encroaching upon the minimum setbacks required by the Zoning Ordinance and as such, are considered non-conforming structures. The variance request was approved with a vote of 5-0 for the following:

1. To allow the primary structure to maintain the existing side yard setback at 4-feet (required to be 7-feet 3 inches); and
2. To allow the accessory structure to maintain the existing rear yard setback at 2-feet 7 inches (required to be 3-feet).

All new buildings or structures must comply with the requirements of the Zoning Ordinance, including but not limited to minimum home size and minimum building setbacks. Typically, minor replats are approved administratively by Staff. Given that the applicant requested and received a variance from the Zoning Board of Adjustment, the minor replat is required to be approved by the Planning and Zoning Commission and City Council. The minor replat 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 February 24, 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	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

EXECUTIVE SESSION

The Council did not convene a Closed Meeting to discuss items legally posted in executive session.

~~§ 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).~~

~~— EXE1. Discuss request for development incentive proposal~~

ADJOURNMENT

ADJOURNED AT: 5:59 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: MARCH 24, 2020