



REGULAR CITY COUNCIL MEETING MINUTES
MARCH 26, 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 Pastor Eddie Scheler, Ascension Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- February 2019 All Star Award – Anthony Meeker, Fire Services
- Update on the Cleburne Station Development, Daryn Eudaly, New Era Partners
- Property Maintenance Code Update, Scott Lail, Rob Severance and Peter Svendsen

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

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

MIN.

APPROVAL OF MINUTES FOR THE MARCH 12, 2019 REGULAR COUNCIL MEETING AND MARCH 19, 2019 SPECIAL COUNCIL MEETING.

OR1. OR03-2019-13
AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2019 (#4) BY APPROVING CITY MANAGER'S LINE ITEM BUDGET TRANSFERS.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Section 8.2 of the City of Cleburne Charter (Transfer of Appropriations) states “The City Manager may at any time with the approval of the City Council transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the City Manager, the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.” At the June 13, 2017 City Council meeting, Council approved a resolution providing for the following process to improve budgetary control and operational effectiveness within a department and meet the above charter requirements:

- City Council authorizes the City Manager to make transfers within budget line items that are within a department, as deemed appropriate by the City Manager.
- The City Manager will provide to the City Council a monthly statement of these intradepartmental line item budget transfers as a Consent agenda item.

Attached is information regarding the intradepartmental transfers with the supporting Departmental Line Item Budget Transfer Request forms for the month of March 2019. This transfer is deemed appropriate to be made by the City Manager for City Council approval. The transfer is as follows:

- Human Resources - transfer funds to cover the expenses related to purchase a computer scanner in Minor Equipment (0136-8364 - \$450)
- Splash Station – transfer funds related to purchase of a replacement Train Fund Form for the competitive pool in M&R Structures (0956-8419 - \$4800). This transfer was approved by the 4B Corporation Board at their February 28, 2019 meeting.
- Airport – transfer funds related to the purchase of a tailgate spreader for ice met that will be attached to the Airport pickup truck (Minor Equipment -6154-8364 -\$1,948)

OC1.
APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF FEBRUARY 2019.

Person presenting this item: Terry Leake, Director of Finance

OC2.
APPROVE FINAL PLAT OF LOTS 1-9, BLOCK 1, BELL RANCH ADDITION, BEING 18.42 ACRES IN THE CITY'S ETJ, LOCATED SOUTH OF 2300 CR 801A (AKA HOPEWELL RD); AS REQUESTED BY RICHARD BELL, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: This is a request to create nine (9) residential lots in the City's Extraterritorial Jurisdiction. The Comprehensive Land Use Plan shows this property to be located in the Sustainable Community District. As submitted, this plat meets all minimum 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 March 11, 2019 meeting and recommended approval by a vote of 5-0.

OC3.

APPROVE FINAL PLAT OF LOTS 1-3, BLOCK 3, P.F.'S HOME ON THE RANGE WHERE THE BUFFALO STILL ROAM ADDITION, BEING 14.98 ACRES IN THE CITY'S ETJ, LOCATED AT 2201 CR 1123; AS REQUESTED BY FLOYD AND PHYLLIS MILLER, REPRESENTED BY BLUESTAR SURVEYING.

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

BRIEF: This is a request to create one residential lot in the City's Extraterritorial Jurisdiction. The Comprehensive Land Use Plan shows this property to be located in the Future Traditional Neighborhoods District and Farmland Community District. As submitted, this plat meets all minimum 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 March 11, 2019 meeting and recommended approval by a vote of 5-0.

MOTION: Approved 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>

ORDINANCES

CONTINUED PUBLIC HEARING

OR2.

OR03-2019-14

AN ORDINANCE REZONING 1648 W HENDERSON ST (BEING 1.74 ACRES) FROM 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: At the March 12, 2019 City Council meeting the applicant requested to continue this item to the next regularly scheduled meeting. Council moved to approve the request, and the item was continued. The applicant has provided a revised site plan (Conceptual Site Plan 2), identifying all structures as single-story per the recommendation by P&Z. In an effort to support the request for two-story units, the applicant has also provided additional information related to the surrounding

multifamily development (Adjacent Apartments), and a revised rendering of the proposed two-story duplex. The revised renderings contain 100 percent brick front façade and the staircase relocated to the side of the building out of sight from the public right-of-way (Proposed 2-Story Elevation Concept 2). Should the request be approved by City Council, the applicant requests to complete the drainage study in conjunction with a plat application. For more details on the proposed development standards, see the attached Action Report and Backup.

Original Brief: The applicant has requested to amend the existing Planned Development for the property located at 1648 W. Henderson The subject property was rezoned from the C2 (General Business District) to the 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 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.

Speakers: Proponent Brian Forrester spoke in favor of request.

****CLOSED PUBLIC HEARING****

MOTION: Approved as presented and as recommended by P&Z

	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>

****OPENED PUBLIC HEARING****

OR3. OR03-2019-15

AN ORDINANCE REZONING 301, 305 AND 307 S ROBINSON ST AND 302 S WILHITE ST FROM MF (MULTIPLE FAMILY HOUSING DISTRICT) TO C3 (COMMERCIAL

DISTRICT), AS REQUESTED BY KIMBALL BEND OF CLEBURNE, LLC; REPRESENTED BY PETER SVENDSEN.

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

BRIEF: The applicant has requested to rezone approximately 0.52 acres from the MF (Multiple Family Housing District) to the C3 (Commercial District) with the intent to construct a new building to serve as an expansion of the Plaza Theatre for storage of more than 10,000 costumes. The Comprehensive Land Use Plan shows this property to be located in the Preservation District. The proposed rezoning request is consistent with the intent of the district as defined by the Comprehensive Land Use Plan. The Planning and Zoning Commission considered this request at their March 11, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: Proponent Peter Svendsen spoke in favor of request.

****CLOSED PUBLIC HEARING****

MOTION: Approved 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****

OR4. OR03-2019-16

AN ORDINANCE REZONING 303 S ROBINSON ST FROM MF (MULTIPLE FAMILY HOUSING DISTRICT) TO C3 (COMMERCIAL DISTRICT); AS REQUESTED BY PLAZA THEATRE COMPANY, REPRESENTED BY PETER SVENDSEN.

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

BRIEF: The applicant has requested to rezone approximately 0.14 acres from the MF (Multiple Family Housing District) to C3 (Commercial District) with the intent to construct a new building to serve as an expansion of the Plaza Theatre for storage of more than 10,000 costumes. The Comprehensive Land Use Plan shows this property to be located in the Preservation District. The proposed rezoning request is consistent with the intent of the district as defined by the Comprehensive Land Use Plan. The Planning and Zoning Commission considered this request at their March 11, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: Proponent Peter Svendsen spoke in favor of request.

****CLOSED PUBLIC HEARING****

MOTION: Approved 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>

OR5. OR03-2019-17
AN ORDINANCE ACCEPTING BIDS FOR AND APPROVING THE SALE OF REAL PROPERTY ACQUIRED AT A DELINQUENT TAX SALE, AUTHORIZING THE MAYOR TO EXECUTE A DEED AND AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY AGAINST SAID PROPERTIES LOCATED AT: 301, 303 AND 304 PEACOCK ST, 606 ATLANTIC ST, 107 AUSTIN AVE AND 110 HOLLINGSWORTH ST.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: City of Cleburne, for itself and the use and benefit of Johnson County, Hill College and the Cleburne ISD acquired title to certain tracts of real estate at Sheriffs sales. It is in the best interest of the City and its taxpayers to return these properties to a productive use, therefore, staff requested Perdue Brandon Fielder Collins & Mott, LLP to conduct a resale. Received bids were opened on February 15, 2019 and the results are as follows:

- **301 Peacock**, to high bidder, Martha Miranda & Monica Moreno in the amount of \$10,000. City to receive \$670.32 in maintenance fees, \$871.74 in back property taxes, and \$1,389.30 in excess funds upon completion of resale.
- **303 Peacock**, to high bidder, Garza Custom Homes & Real Estate, LLC, \$12,000. City to receive \$3,384.43 in maintenance fees, \$1,033.23 in back property taxes, and \$996.33 in excess funds upon completion of resale.
- **304 Peacock**, to high bidder Martha Miranda & Monica Moreno, \$10,000. City to receive \$4,569.46 in maintenance fees, \$828.88 in back property taxes, and \$113.76 in excess funds upon completion of resale.
- **606 Atlantic**, to high bidder Martha Miranda & Monica Moreno, \$10,000. City to receive \$1,547.60 in maintenance fees, \$811.32 in back property taxes, and \$1,224.41 in excess funds upon completion of resale.
- **107 Austin**, to high bidder Martha Miranda & Monica Moreno, \$5,000. City to receive \$3,216.80 in maintenance fees, \$4.14 in back property taxes.
- **110 Hollingsworth**, to high bidder, Martha Miranda & Monica Moreno, \$10,000. City to receive \$1,859.62 in maintenance fees, 928.50 in back property taxes, and \$546.89 in excess funds upon completion of resale.

As detailed above, the total amount to be received by the City is \$15,248.23 in maintenance fees, \$4,477.81 in back taxes and \$4,270.69 in excess funds upon completion of these resales.

MOTION: Approved 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	Motion Carried		Motion Failed			Roll Call		

WORKSHOP

I. CITY MANAGER’S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss collaborative effort with the Chamber of Commerce for a community event, North Texas Mariachi Festival & Competition – Aaron Dobson

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 6:22 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:

- A. § 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
2. Discuss Project Odyssey

B. § 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 City of Cleburne, Texas and Johnson County, Texas v. Harrington Environmental Services, LLC

ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, MARCH 26, 2019 at 7:51 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: 7:54 pm

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: APRIL 9, 2019

CITY OF CLEBURNE