



REGULAR CITY COUNCIL MEETING MINUTES
JUNE 25, 2019
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

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

City Council:

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

Administration:

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

II. INVOCATION by Pastor Dean Elliott, Cleburne Bible Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Proclamation – Parks and Recreation Month, July 2019 presented to Aaron Dobson, Kristi Dempsey, Rodney Carlock and Katherine Eason
- ☆ Presentation – Update on the Cleburne Station Development by Dan Rogers
- ☆ ~~Presentation – Update on the HOPE Program from Christmas In Action~~ – this presentation is postponed to a regular meeting in July, 2019

V. CITY SECRETARY READ 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.

Herb Cohen discussed platting requirements in the City’s extra-territorial jurisdiction, desiring representation as a citizen being held to the platting regulations.

CONSENT ITEMS

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and enacted with one motion.

M1. APPROVE MINUTES FOR THE JUNE 11, 2019 REGULAR COUNCIL MEETING.

BQ1.

AUTHORIZE PURCHASE OF A NEW VACSTAR 800 DIESEL VACUUM UTILITY TRAILER FROM CLS SEWER EQUIPMENT CO, INC FOR AN AMOUNT NOT TO EXCEED \$54,813.00 UTILIZING THE BUYBOARD CONTRACT #513-16.

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

BRIEF: The utilities department is requesting to purchase a new hydro-excavator to assist in the operation and maintenance of the distribution system. This machine will be used to hydro-excavate around existing utilities saving time and money by helping prevent damage and this type of excavation will help reduce the area of disturbance and limit the size of the excavation.

CLS Sewer Equipment Co., INC. was awarded the BuyBoard contract for this unit; so all competitive purchasing requirements have been met. This purchase was included in the Fiscal Year 2019 Budget.

OR1. OR06-2019-34

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2018 TO SEPTEMBER 30, 2019 (#8) BY APPROVING THE CITY MANAGER'S LINE ITEM BUDGET TRANSFERS FOR THE MONTH OF MAY 2019.

Person presenting this item: Troy Lestina, 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.

Included in the backup is the Departmental Line Item Budget Transfer Request forms for the month of May 2019. These transfers are deemed appropriate to be made by the City Manager for City Council approval. The transfers are as follows:

- Economic Development - transfer funds to cover the expenses related to purchase of fuel due to more travel and increased fuel prices in Fuel & Lubricants (0140-8336 - \$300);
- Municipal Court - transfer funds to cover the expenses related to overage on embroidering of staff sweaters in Clothing (0137-8322 - \$10);
- 4A Sales Tax Fund - transfer funds to cover the expenses related to construction of drainage channel for storm water at the Depot in M&R - Structures (1769-8419 - \$2,500);
- Police – transfer funds to cover expenses related to the purchase of OSSI, marketing & supplies for Mobile Command Post, repurpose two vehicles and Overtime – (Other Supplies 0141-8399 - \$1,750); (M&R Software 0141-8577 - \$2,809); (Communications – 0141-8636 - \$4,472); (Postage – 0141-8660 - \$48); (Professional Services – 0141-8664 - \$2,424); (Training 0141-8684 - \$29,167); (Travel – 0141-8690 - \$14,159); (Other Services – 0141-8699 - \$40,915); (M&R Vehicles – 0141-8557 - \$12,900); (Minor Equipment – 0141-8364 - \$17,200) & (Overtime – 0141-5130 - \$45,000).

OC1.

APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF MAY 2019.

Person presenting this item: Troy Lestina, Director of Finance

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

RS1.

RS06-2019-47

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN TO A LEASE AGREEMENT WITH CLEBURNE STATION INVESTMENTS, LP, FOR USE OF A PLANNED LED SIGN AT THE CORNER OF NOLAN RIVER ROAD AND US 67.

Person presenting this item: Steve Polasek, City Manager

BRIEF: The City of Cleburne and developers of the Cleburne Station, have previously planned for the installation of an LED sign to be included on the marquee tower sign to be located at the corner of Nolan River Road and US 67. Financial participation was included in an amount of \$100,000 in the City’s Hotel Occupancy Tax budget. The LED sign viewing area is 16 feet in height by 11 feet in width and was presented as part of the signage variance request from New Era as approved by the City Council on April 23, 2019. New Era is currently in the process of pulling the necessary permits to begin construction of the tower with LED signage and the final step involves implementation of city participation through the proposed lease agreement.

The proposed lease agreement is for a period of ten (10) years for an amount of \$100,000 or \$10,000 per year. The lease provides the city use of the LED sign fifty percent of each minute of each day (12 hours per day). The City would be responsible for producing its own advertising and marketing content in accordance with the laws governing use of the Hotel Occupancy Tax. The City would use their allotted time for advertising various city and community events and facilities such as the Dragon Boat Races, Market Square Concert series, Whistle Stop Christmas, Layland and Railroad Museums, and Pioneer Days, to name a few. All costs relating to the operation, maintenance and repair of the LED sign would be the responsibility of Cleburne Station Investments. Further, as part of the agreement, Cleburne Station Investments would also construct and maintain “Welcome to Cleburne” signage at the base of the tower sign as depicted in the exhibits. The agreement allows for an additional ten-year renewal at the same cost and terms.

Lease costs vary based on market, location and billboard size. While there is no apples to

apples comparison, staff used general market cost information in providing a method of cost assessment. As an example, a digital billboard in Abilene, Texas will cost approximately \$2,000 per four weeks or between \$1,200 and \$2,000 per month for a junior (smaller) digital billboard (Lamar Advertising). In the Killeen-Temple area a digital billboard is \$2,000-\$3,000 per four weeks or \$850-\$1,050 per four weeks for a digital poster board (even smaller than the junior digital billboard) (Lamar Advertising). In some markets, digital advertising is sold based on an eight-second ad running on a sixty-four second loop at costs ranging from \$3,500-\$25,000 per four weeks. In general, a baseline minimal cost for digital advertising is \$1,000 per month. The proposed lease with Cleburne Station Investments averages \$833.00 per month and is guaranteed at that price for a period of ten years. As stated previously, the lease also includes “Welcome to Cleburne” signage along the base of the tower sign.

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	Motion Carried		Motion Failed			Roll Call		

ORDINANCES

****OPENED PUBLIC HEARING****

OR2. OR06-2019-35

AN ORDINANCE REZONING 0.11 ACRES, LOCATED AT 510 E WILLINGHAM ST FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY RHONDA WATKINS, REPRESENTED BY JOHN YOUNG.

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

BRIEF: The applicant has requested to rezone approximately 0.11 acres from the M1 (Light Industrial District) to the SF-4 (Single Family Dwelling District) with the intent of reconstructing a single family home on the subject property. The Comprehensive Land Use Plan shows this property to be located in the City Center East District. The proposed rezoning request is consistent the intent of the district as defined by the Comprehensive Land Use Plan.

The Planning and Zoning Commission considered this request at their June 10, 2019 meeting and recommended approval by a vote of 4-0.

Speakers: John Young

****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					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. OR06-2019-36

AN ORDINANCE REZONING 0.883 ACRES, LOCATED AT 1305 NORTH ANGLIN STREET, FROM MF (MULTIPLE FAMILY DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY BLUEMOUNTAIN TEXAS LLC, REPRESENTED BY COOMBS LAND SURVEYING.

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

BRIEF: The applicant has requested to rezone approximately 0.883 acres from the MF (Multiple Family Housing District) and C3 (Commercial District) to the SF-4 (Single Family Dwelling District) with the intent to subdivide the property into three lots for construction of new single family residential homes. 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 June 10, 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
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>

****OPENED PUBLIC HEARING****

OR4. OR06-2019-37

AN ORDINANCE REZONING 0.229 ACRES, LOCATED AT 1608 GRANBURY STREET, UNITS A&B, FROM T (TOWNHOME DISTRICT) TO D (DUPLEX DISTRICT); AS REQUESTED BY RBMW, LLC, REPRESENTED BY MATT POWELL.

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

BRIEF: The applicant has requested to rezone approximately 0.229 acres from the T (Townhome District) to the D (Duplex District) with the intent to construct a duplex on the subject property. The Comprehensive Land Use Plan shows this property to be located in the Traditional Neighborhoods District. The proposed rezoning request is considered a specially permitted use in this district.

The Planning and Zoning Commission considered this request at their June 10, 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
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>

OR5. Considered later in the meeting following executive session
CONSIDER AN ORDINANCE REZONING 5.732 ACRES, LOCATED AT 912 FULLER AVENUE FROM SF-4 (SINGLE FAMILY DWELLING DISTRICT) TO D (DUPLEX DISTRICT); AS REQUESTED BY NEXTERA HOMEBUYERS, LLC & WALSWORTH PROPERTY SOLUTIONS, LLC, REPRESENTED BY CCM ENGINEERING

****OPENED PUBLIC HEARING****

OR6. DENIED
AN ORDINANCE REZONING 2.31 ACRES, LOCATED AT 1901 AND 1905 EAST HENDERSON STREET FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR A CAMPGROUND WITH RECREATIONAL VEHICLES); AS REQUESTED BY JUAN TERRAZAS, REPRESENTED BY LAWRENCE BREECHER.

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

BRIEF: The applicant has requested a specific use permit (SUP) to permit a Campground with Recreational Vehicles. The property is currently zoned C3 (Commercial District) and the proposed use requires approval of an SUP. The Comprehensive Land Use Plan designates the subject property as Approach Corridor. The proposed land use is an appropriate use in this District.

The applicant has provided a Site Plan and Park Rules for the proposed park. The Site Plan includes thirty (30) back-in spaces, served by a gravel drive. The dimensions of the proposed spaces are 15 x 40 feet with 10 feet (10') between pad-sites. The applicant proposes to install a six-foot (6') screening fence along the north and west property lines. The proposed material for the screening fence has not been provided by the applicant. A list of park rules is included for review.

For this SUP, staff requested a narrative describing the intent of the proposed project, along with additional information regarding site development including, but not limited to, site amenities, details of the proposed business operations, and safety measures such as lighting, security, etc. To date, staff has not received this information, and therefore it has not been included with this request.

The Planning and Zoning Commission considered this request at their June 10, 2019 meeting and recommended *denial* by a vote of 4-0.

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to deny

	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>

OTHER COUNCIL MATTERS

****OPEN PUBLIC HEARING****

OC2.

APPROVE REPLAT OF LOTS 2R-1, 2R-2 & 2R-3, BLOCK 1, K. SMITH NOLAN RIVER ADDITION (BEING 3.069 ACRES, LOCATED AT 3010 AND 3014 SOUTH NOLAN RIVER ROAD); AS REQUESTED BY LUIS LOPEZ, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: This is a request to replat two residential lots into three 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 Sustainable Community 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 June 10, 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

Boedeker			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>

OC3.

APPOINTMENTS AND REAPPOINTMENTS OF MEMBERS TO VARIOUS CITY BOARDS AND COMMISSIONS.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: The Board and Commission Committee has met and reviewed applications for potential candidates to fill vacancies and is prepared to make recommendations to the City Council. The terms will run from June 2019 – June 2021. Each candidate has been contacted and is willing to serve if appointed.

BOARD/COMMISSION	RECOMMENDATIONS	APPOINT/REAPPOINT	Term #
Airport	Susan Ford	Appointment	1
Building & Standards	Gary Estes, II	Reappointment	2
Building & Standards	Blake Jones	Reappointment	2
Building & Standards	Barbara Rose	Reappointment	2
Building & Standards	Aaron Keen	Appointment	1
Building & Standards		Appointment	
Civil Service	Mary C. Davis	Appointment	1
Library	Essie Smith	Reappointment	2
Library	Janet Helmcamp	Appointment	1
Library	Helen Knight	Appointment	1
Library	Larry Grisby	Appointment	1
Museum	Tammy Miller	Reappointment	2
Museum	Rhonda Fisher	Appointment	1
Museum	Jo Ann Ellis	Appointment	1
Museum		Appointment	
Parks	Jonathan Laureles	Appointment	1
Planning & Zoning	Dena Burns Day	Reappointment	2
TIF #2	Roger Harmon	Reappointment	4
TIF #2	Larry Wooley	Reappointment	2
ZBA	Barbara Chayer	Reappointment	2
ZBA	Robert Ledlow	Reappointment	2
ZBA	Gina Giesen	Appointment	1

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

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 6:10 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. § 551.071. 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 impact of and potential changes in light of HB 2439.

ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, June 25, 2019 at 6:49 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.

ORDINANCE

****OPENED PUBLIC HEARING****

OR5. POSTPONED
CONSIDER AN ORDINANCE REZONING 5.732 ACRES, LOCATED AT 912 FULLER AVENUE FROM SF-4 (SINGLE FAMILY DWELLING DISTRICT) TO D (DUPLEX DISTRICT); AS REQUESTED BY NEXTERA HOMEBUYERS, LLC & WALSWORTH PROPERTY SOLUTIONS, LLC, REPRESENTED BY CCM ENGINEERING.

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

BRIEF: The applicant has requested to rezone approximately six (6) acres from SF-4 (Single Family Dwelling District) to D (Duplex District) with the intent to develop a sixteen (16) lot duplex subdivision. The applicant has provided a zoning exhibit which is conceptual in nature and not up for consideration as part of the zoning request. The Comprehensive Land Use Plan shows this property to be located in the Traditional Neighborhoods District. The proposed rezoning request is considered a specially permitted use in this district.

The Planning and Zoning Commission considered this request at their June 10, 2019 meeting. The original request submitted by the applicant was a straight zoning change from SF-4 to Duplex. At the June 10th meeting, the applicant distributed renderings of the proposed building elevations and floorplans for the proposed duplexes. The Planning and Zoning Commission moved to incorporate those elevations and the concept plan provided to staff, by recommending a change to a Planned Development with duplex uses with specific conditions. The recommendation for a Planned Development (PD) with Duplex Uses carried by a vote of 4-0, with the following conditions:

1. The elevations and site plan provided by the applicant shall be incorporated into the ordinance;
2. Playground equipment shall be included in the open space area;
3. One 3-inch caliper tree must be placed in every other front yard;
4. Brick entryway signage shall be included;
5. A perimeter screening wall shall be included along.

Speakers: Jason McDougall with Nextra Homebuyers and Chad Walsworth

****CLOSED PUBLIC HEARING****

MOTION: to postpone to July 9th regular meeting at 5:00pm

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				Approved as presented
Boedeker	X		X				Approved as amended
Mann			X				Denied
Warren			X				Withdrawn
Cain			X			X	Postponed until: 7/9
X	Motion Carried		Motion Failed				Roll Call

ADJOURNMENT

ADJOURNED AT: 7:06 PM