



REGULAR CITY COUNCIL MEETING MINUTES
JULY 9, 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/SMD 4

Administration:

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

II. INVOCATION by Rev. Josh Breslaw, College Heights Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Presentation – STARS Award for May 2019 – Autry Johnson
- ☆ Presentation – GFOA Budget Award – Troy Lestina
- ☆ Presentation – Update on HOPE program from Christmas in Action
- ☆ Presentation – Parks and Recreation Master Plan Update – Aaron Dobson
Mike Mann volunteered to serve as a member of the firm selection committee
- ☆ Presentation – Traffic Incident Management Program –Linn Goodman
Anthony White with Texas Department of Transportation explained the program detailing the purpose of preserving safety for first responders during incidents in the roadways and presented Deputy Police Chief Linn Goodman and Assistant Fire Chief Keith Scarbrough with recognition plaques for the Departments' contributions

V. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
Mayor Cain waived the reading of the guidelines until such a time is necessary

VI. CITIZENS COMMENTS

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

MINUTES

M1. CONSIDER APPROVAL OF MINUTES FOR THE JUNE 25, 2019 COUNCIL MEETING.

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| Warren | | | X | | | | | Withdrawn |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 | Motion Carried | | Motion Failed | | | Roll Call | | |

RESOLUTIONS

RS1. RS07-2019-48
CONSIDER A RESOLUTION AUTHORIZING A PUBLIC WORKS MUTUAL AID AGREEMENT ALLOWING THE CITY TO PROVIDE AND RECEIVE MUTUAL AID WITH OTHER CITIES IN THE NORTH CENTRAL TEXAS REGION AS NEEDED IN TIMES OF EMERGENCIES.

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

BRIEF: Based on lessons learned from several past natural disasters and large scale incidents, public works support has been identified as a necessary resource which needed a more regional approach to coordination. As a result, the North Central Texas Public Works Emergency Response Team (PWERT) was created to provide public works assistance when an emergency or disaster overwhelms local resources especially within the North Central Texas region. While it was formed by and for local governments and operates on a voluntary quid pro quo basis, the team is supported and facilitated by the NCTCOG Emergency Preparedness Department.

There are currently 61 member cities. While jurisdictions sign the mutual aid agreement to join the team, it is always up to that jurisdiction in any circumstance to either approve or deny a request for assistance. Signing the mutual aid agreement allows for this discretion by management, but it also offers the protection of payment terms and allowable Operational Period, which are required to protect the city if reimbursement is sought for a disaster in the future.

The Agreement does not obligate the City of Cleburne to do anything, but puts in place the legal framework for Cleburne to provide assistance to other municipalities in the region in times of natural disasters or other kinds of emergencies. The agreement complies with Chapter 791, the Interlocal Cooperation Act, and the Texas Statewide Mutual Aid System of Chapter 418 of the Texas Local Government Code.

While it is not possible to predict when or if Cleburne will be asked to provide aid to another city, or if Cleburne will ever request aid from another city, this agreement is beneficial to the interests of the city in times of emergency.

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> |

ORDINANCES

CONTINUED PUBLIC HEARING

OR1. OR07-2019-38

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; and
5. A perimeter screening wall shall be included along Fuller Avenue and along the southern

property boundary.

This request was considered by Council on June 25, 2019 at which time the Council moved to continue the public hearing to the July 9th meeting allowing the applicant to present a revised plan.

The applicants and staff have reviewed the following conditions for this rezone to Planned Development and present to the Council for consideration:

1. General

- a. The subject property shall be used only in the manner and for the purposes provided by the City of Cleburne Code of Ordinances, except where amended by this ordinance.
- b. The purpose of this Planned Development is for a single family attached/duplex development with a total of sixteen residential lots and one open space lot.

2. Conceptual Plan and Platting

- a. The street layout and arrangement of lots for the subdivision shall be generally consistent with the Conceptual Site Plan, labeled as Exhibit "A", which shall not be considered the preliminary plat. The actual street and lot layout may differ from that shown on Exhibit "A" only to accommodate topographic, drainage, engineering design limitations.
- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the City of Cleburne Code of Ordinances prior to development.

3. Permitted Uses

- a. Single Family Attached/Duplex dwelling units.
- b. Common open space areas.

4. Residential Lot Requirements and Setbacks

- a. Duplex lot requirements and setbacks shall comply with the following provisions
 1. Minimum Lot Size: 4,500 square feet
 2. Minimum Lot Width: 60 feet
 3. Minimum Lot Depth: 100 feet
 4. Minimum Living Area: 1,000 square feet
 5. Minimum Front Setback: 30 feet
 6. Minimum Rear Yard Setback: 20 feet
 7. Minimum Side Yard: 7 feet
 8. Minimum Side Yard Setback Adjacent to Street: 15 feet
 9. Maximum Height: 35 feet / 2 Stories
 10. Minimum Garage Size: 1 Car
 11. Minimum Driveway Width: 10 feet

5. Open Space

- a. Open space shall be provided and generally configured as shown in Exhibit "A".
- b. Open space shall be designated as such, on the approved plat.
- c. Playground equipment shall be included in the open space area.

- d. All open space areas shall be maintained by the property owner or Homeowner’s Association.
- e. All amenities within the open space shall be maintained by the property owner or Homeowner’s Association.

6. Fencing and Screening

- a. A six-foot cedar, board on board fence shall be constructed adjacent to Fuller Avenue, prior to final acceptance of public improvements.
- b. The existing chain link fence along the southern property line shall be permitted to remain.
- c. A masonry identification monument sign shall be provided in an easement at the subdivision entrance at Fuller Avenue. Detailed screening and monument plans shall be reviewed and approved with the submittal of final Engineering Plans.

7. Landscaping

- a. A minimum of one (1) three-inch (3”) caliper tree shall be planted for every forty (40) linear feet of frontage, in the open space area between the six-foot cedar fence and Fuller Avenue.
- b. A minimum of one (1) three-inch (3”) caliper tree shall be planted in every other front yard. A minimum of eight (8) trees shall be planted within the development.

8. Streets and Sidewalks

- a. All interior streets shall be constructed in accordance with the City of Cleburne Code of Ordinances, and shall meet the minimum design and construction standards set forth therein.
- b. A five-foot (5’) sidewalk shall be constructed adjacent to Fuller Avenue.
- c. Interior sidewalks shall be constructed with a minimum width of five-feet (5’).

9. Architectural Standards

- a. Building elevations for all structures shall be generally consistent with the Conceptual Elevations, as depicted in Exhibit “B”. Significant deviations from the conceptual elevations, shall require City Council approval.

Speakers: Jason McDougall with Nextra Homebuyers and Chad Walsworth were both available and answered questions of the Council

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented which includes the conditions recommended by the Planning and Zoning Commission

| | 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 |

****OPENED PUBLIC HEARING****

OR2. DENIED

CONSIDER AN ORDINANCE REZONING 0.29 ACRES, LOCATED AT 516 MARENGO STREET, FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT); AS REQUESTED BY RICHARD AND NICOLE WILLIAMS.

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

BRIEF: The applicant has requested this rezone with the intent to develop either a duplex or fourplex for rental on the subject property.

Existing Conditions: The subject property is currently zoned the SF-4 District and is surrounded on all sides with the same zoning designation. The surrounding land uses are primarily single-family residential homes. The property is currently platted as Lots 1 and 2, Block 851, of Original Cleburne. A replat may be required based on the proposed rezone request.

Comprehensive Plan: The Comprehensive Land Use Plan shows this property to be located in the City Center North District, whose development pattern is defined predominately as medium density single-family residential uses. The proposed rezone request to the MF District for a duplex or fourplex development is not considered an appropriate use or a specially permitted use within the City Center North District.

P&Z Action: The Planning and Zoning Commission considered this request at their June 24, 2019 meeting and recommended denial by a vote of 5-0.

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to deny

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

OR3. OR07-2019-39

CONSIDER AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 119: “WRECKERS” TO ESTABLISH RULES AND REGULATIONS FOR DUTY WRECKERS THAT OPERATE WITHIN CLEBURNE CITY LIMITS.

Person presenting this item: Linn Goodman, Deputy Chief of Police and Lieutenant Gary Mosely

BRIEF: Amendments to the City of Cleburne Code of Ordinances, Title XI: “Business Regulations”, Chapter 119: “Wreckers” by adding definitions, deleting a definition and Section 119.15 regarding pull forms, adding Section 119.17 authorizing impoundment for failure to show financial responsibility, revising the minimum equipment and insurance requirements, adding application and permit fees and adding renewals/denials by the Chief of Police.

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> |

ADJOURNMENT

ADJOURNED AT: 6:15PM

APPROVAL OF MINUTES
