



REGULAR CITY COUNCIL MEETING AGENDA
FEBRUARY 26, 2019
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

I. ROLL CALL AND CALL TO ORDER BY MAYOR

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 Reverend Jerry Cox, Crossroads Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Presentation – 2018 Super Star Award – Terry Broumley, Fire Department
- ☆ Presentation – 2018 Racial Profiling Report – Rob Severance, Chief of Police

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.

M1. APPROVAL OF MINUTES FOR THE FEBRUARY 12, 2019 COUNCIL MEETING.

RS1. A RESOLUTION NOMINATING JOHNS MANVILLE COMPANY FOR DESIGNATION AS A TEXAS ENTERPRISE PROJECT TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM, THROUGH THE TEXAS ECONOMIC DEVELOPMENT BANK.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Johns Manville Co. first came to Cleburne in September 1964 to establish their fiberglass insulating material manufacturing facility. JM has expanded, modified equipment, and upgraded technology several times over the last 55 years. The company currently employs 347 hourly and salaried employees and expects to retain approximately 327 jobs that might otherwise be lost if the needed upgrades and modifications are not made. JM desires to submit an application to the Texas Enterprise Zone Program (“TEZ Program”) for consideration as a qualified project with plans to invest approximately \$25 million over a five-year term in upgrades and replacement of their three curing ovens.

City or county sponsorship of an application to the TEZ Program is required for companies desiring consideration by the State of Texas. The benefits to JM, if approved as a qualified project, are available to them under the Texas Enterprise Zone Program in the form of rebates of a percentage of the state portion of the sales and use taxes collected within the city.

For participation in this program, an Enterprise/Reinvestment Zone is required, which was previously established by Ordinance OR11-2017-70 at a meeting of the City Council on November 14, 2017. JM, if approved by the State under this program, would be designated as a “Qualified Project” for a five (5) year period. The City of Cleburne has sponsored similar applications under this program within the city for other projects such as Lowe’s Home Improvement Center in 2005, James Hardie Building Products Co. in 2014 and Johns Manville in 2017.

RS2. A RESOLUTION AUTHORIZING RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PERMIT FOR 2019 TO PDK TRANSPORTATION LLC FOR TRANSPORTATION SERVICES-FOR-HIRE IN THE CITY OF CLEBURNE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: PDK Transportation LLC has submitted an application for a permit renewal to continue operating a transportation-for-hire business in Cleburne. PDK’s initial permit was approved by Council on January 23, 2018 with the same business plan being presented for the year 2019.

RS3. A RESOLUTION AUTHORIZING CONTRACT EXTENSION WITH FREESE & NICHOLS, INC FOR ENVIRONMENTAL MONITORING OF THE CITY OF CLEBURNE LANDFILL FOR 2019 FOR AN AMOUNT NOT TO EXCEED \$56,000.

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

BRIEF: This agreement between the City of Cleburne and Freese and Nichols, Inc (F&N) for

environmental monitoring for the City of Cleburne landfill was originally approved by City Council on March 13, 2018 and the agreement has a one-year extension option for 2019. These services are necessary to comply with the environmental monitoring requirements specified within our landfill's operating permit. F&N has performed our monitoring and they are familiar with our site and has done an excellent job for the City on what is specified and any other issues in which we need direction or assistance. The original agreement approved in 2018 established an option for service for 2019, which is being proposed to be enacted. Funding for this agreement will be from the current sanitation budget.

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

Person presenting this item: Terry Leake, Director of Finance

OC2. APPOINTMENT OF AN ALTERNATE JUDGE FOR SINGLE MEMBER DISTRICT THREE FOR THE CITY OF CLEBURNE'S GENERAL ELECTION HELD ON MAY 4, 2019.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Following the candidate filing deadline on Friday, February 15th, both Single Member Districts Two and Three have a contested race, therefore the City will hold an election in both districts. At the last meeting, Council approved Ordinance #OR02-2019-05 ordering the City's general election that included judge and alternate appointments, but with District Three's alternate judge to be determined. The role of the alternate is to serve as presiding judge if the appointed judge cannot serve, otherwise, the alternate serves as one of the clerks. Staff has sought qualified and experienced candidates and recommend appointment of Cynthia Paniagua.

OC3. APPROVE FINAL PLAT OF LOTS 1, BLOCK 1, WEAVER ADDITION (BEING 1.138 ACRES LOCATED AT 2216 CR 904 IN THE CITY'S ETJ); AS REQUESTED BY RICK AND TRESA WEAVER, REPRESENTED BY TRANS TEXAS 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 Traditional Neighborhoods 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.

This item was not considered by the Planning and Zoning Commission, as a quorum was not present at the February 11, 2019 meeting.

RESOLUTIONS

RS4. A RESOLUTION AUTHORIZING AN AMENDMENT TO THE JOSHUA LAND FARM LLC DEVELOPMENT AGREEMENT (NOW REFERRED AS SILO MILLS) LOCATED IN THE JOSHUA FARMS MUNICIPAL MANAGEMENT DISTRICT NO. 1.

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

BRIEF: On June 27, 2017, City Council approved a Development Agreement (the "Agreement") with Joshua Land Farm LLC. (Developer) and Joshua Farms Municipal Management District No. 1 (the "Joshua Farms MMD 1" or the "District"). The Agreement established the governing rules and regulations for the development of approximately 285 acres in the City's ETJ.

The Agreement's "Exhibit C" detailed the specific development standards for all future residential development on the subject property. Section III - Single Family Lot Type

Regulations, defined three specific “Lot Types” within the development. These were: SF-5, SF-7, and SF-10. For each “Lot Type”, the Agreement went into great detail defining the purpose, permitted uses, plan requirements, height, area, lot size, setbacks, and other development related items.

At this time, the Developer is requesting an amendment to Section III – Single Family Lot Type Regulations, specifically, the side yard setback requirement for the SF-7 Lot Type. The current Agreement establishes a minimum seven (7) foot side yard setback. The Developer has requested to reduce this setback to five (5) feet on all SF-7 lots. The developer contends that this will allow for a greater differentiation between housing products on each Lot Type. The Developer has not requested any additional amendments at this time.

The Agreement give Council discretion in approving or denying revisions to the approved development standards. Section 3.4 states that the “Development Standards may be revised by three methods:

- (i) ...
- (ii) the City Council may relieve Developer from strict compliance with the Development Standards on a case-by-case basis when Developer demonstrates, to the reasonable satisfaction of the City Council, that the requested exception:
 - 1) is not contrary to the public interest;
 - 2) does not cause injury to adjacent property; and
 - 3) does not materially adversely affect the quality of development; or
- (iii) Developer and the City may amend this Agreement to revise the Development Standards.

ORDINANCES

OR1. AN ORDINANCE AUTHORIZING REDUCTION IN ACCRUED INTEREST ON MOWING LIENS FILED AGAINST PROPERTIES LOCATED AT 101 PACIFIC ST AND 207 ELMIRA ST; AS REQUESTED BY JAMES L SWEATT.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: The City holds 7 outstanding mowing liens filed between March 1998 and March 2007 against the property located at 101 Pacific St. The payoff is \$21,020.64 which includes principal of \$5,052.28 and accumulated interest of \$15,777.64. The CAD value of the property is \$3,150.00 and the property taxes are current. This property is owned by J. L. Sweatt.

The City holds one outstanding mowing lien filed in March, 1998 against the property located at 207 Elmira St. The payoff is \$3,155.76 which includes principal of \$433.00 and accumulated interest of \$2,722.76. The CAD value of the property is \$7,500.00 and the property taxes are current. This property is also owned by J. L. Sweatt.

Mr Sweatt is prepared to pay the principal but is asking for a reduction in the interest due.

OTHER COUNCIL MATTERS

OC4. *PUBLIC HEARING* APPROVE REPLAT OF LOTS 1-8, BLOCK D, LOTS 1-12, BLOCK F, LOTS 1-8, BLOCK G AND LOTS 7-12, BLOCK I, BELLE MEADOWS ADDITION, PHASE III (BEING 9.771 ACRES IN THE JM STEINER SURVEY,

ABSTRACT 813); AS REQUESTED BY RAINTREE HOMES, INC.

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

BRIEF: This is a request to replat twenty-six (26) 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 Village District.

The applicant has submitted a request for a waiver to reduce the width of the utility easements along the interior property lines from eight (8) feet, to seven (7) feet. The easements do not currently contain utilities, and there are no plans for locating utilities in these easements at this time. Staff has reviewed this request and has no concerns.

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 with the exception of the waiver request for the reduction in width of the utility easements. The plat also meets the intent of the Comprehensive Land Use Plan.

This item was not considered by the Planning and Zoning Commission, as a quorum was not present at the February 11, 2019 meeting.

OC5. APPOINTMENT TO THE PLANNING AND ZONING COMMISSION.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Planning and Zoning Commission member Robert Bruchmann has submitted his resignation, therefore creating a vacancy. The Board and Commission Committee has met and reviewed applications for potential candidates and recommends to the City Council the appointment of Summerly Sherlock for a two-year term effective immediately. Ms. Sherlock has been contacted and is willing to serve if appointed.

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.**

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

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City Hall is wheelchair accessible. Access to the building and special parking are available at the southeast entrance facing Chambers Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as

interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817/645-0908 or by FAX 817/556-8848 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.