



## Minutes

Granbury City Council  
Regular Meeting

City Hall, 116 W Bridge St.  
Granbury, Texas

Tuesday, November 1, 2016  
6:00 p.m.

The City Council of the City of Granbury, Texas, convened in regular session on November 1, 2016, at 6:00 p.m. in the Council Chambers of City Hall, 116 West Bridge Street, with the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present, to-wit:

Nin Hulett, Mayor Place 1  
Tony Allen, Councilmember Place 2  
Gary Couch, Councilmember Place 3  
Rose Myers, Councilmember Place 4  
Tony Mobly, Councilmember Place 5  
Mickey Parson, Mayor Pro Tem Place 6

Chris Coffman, City Manager  
Walter Leonard, City Attorney  
Carla Walker, City Secretary

### **CALL TO ORDER**

Mayor Hulett called the meeting to order at 6:04 p.m. announcing that all Councilmembers are present.

### **INVOCATION**

Deacon Craig McAlister of Saint Francis Cabrini Catholic Church gave the invocation.

### **PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE**

The Pledge of Allegiance and Texas Pledge were recited.

### **CITIZEN PARTICIPATION**

Sam King, Crockett Street, stated that there is a request from forty business owners around the square to put a footprint of the proposed streetscape layout on the square before the project begins.

John Luton, Dunn Court, thanked Sam King for the work he did around the square and asked that Council consider this request for a footprint.

Kay Collerain, Crockett Street., asked that the City do a footprint of the streetscape project so that everyone will know where traffic, buses, and deliveries are going. Collerain added that she would like the footprint done of the whole downtown square and not just one portion.

Rock Pistillo, Bridge Street, explained there are several new business owners on the square. Current business owners are not sure what is going to occur, and Pistillo stated that he is not aware if new business owners know about the project. There is concern and anxiety of disruption over the course of a year. Pistillo also pointed out that the Historic Preservation Commission recommendations concerning the project were not adopted.

## CONSENT AGENDA

1. Consider approving Council meeting minutes: October 18, 2016 Regular Meeting.
2. Consider adopting Resolution 16-15 authorizing the submission of a State of Texas Office of the Governor Criminal Justice Division grant in the amount of \$23,566 to purchase an Incident Based Reporting System and authorize the Chief of Police to accept funds and to execute all contract documents associated with the grant, if awarded.
3. Consider adopting Ordinance 16-49 amending the Court Technology Fund budget for Fiscal Year 2016-2017.

Councilmember Couch made a motion to approve the consent agenda as presented. Motion seconded by Councilmember Allen. Motion carried with 5 ayes and 0 nays.

## DELIBERATION AGENDA

Mayor Hulett announced that item 7 will be moved to after item 18.

4. Discuss the current status of the Downtown Streetscape Improvement Project and take any action as necessary based on those discussions.

Chris Bosco, Freese and Nichols, detailed a construction schedule for the project.

Councilmember Couch asked that Bosco clarify incentives for early completion. Bosco stated for the first phase, there is a 75 working day schedule. The contractor could achieve up to 15 working days where he could finish early and get an incentive. The second phase, is a 20 working day schedule and the contractor could achieve up to a 5 day incentive. The third phase, the contractor could achieve up to a 10 day incentive

Councilmember Mobly pointed out that several citizens have requested a footprint and asked Bosco if that has been done for previous projects. Bosco stated he has not done a footprint, but that he recently saw in Bryan, Texas where they laid the footprint with sandbags. Mobly then asked if that project was modified after the footprint or if it remained the same. Bosco explained that some aspects of the project were modified.

Councilmember Mobly reiterated that Bosco's main point of contact is the City Manager, as specified in prior Council meetings.

Chris Coffman, City Manager, asked if Freese and Nichols had a survey crew to paint lines and place sandbags for the footprint. Bosco stated that there is a team they can contact and have them submit a cost estimate to the City.

Councilmember Allen asked how major events will not be disrupted during construction. Bosco stated when approaching a designated event, construction will stop on a Wednesday then clean up on Thursday and Friday. This is built into the schedule. Councilmember Allen also asked about the drainage issue near First National Bank. Bosco stated that area will be reshaped and is included in the first phase.

In regards to the proposed sandbags to identify the footprint, Councilmember Couch asked if the source of the damaged sandbag is unknown, how will that be useful. Bosco stated that the study would want to have video to capture trucks making a turn. If there is an area of damaged sandbags, then simulations would be repeated in that area to investigate.

Mayor Hulett asked if the simulations could be done in half a day by having fire trucks, delivery trucks, vehicles, excreta ready for the study. Bosco stated that is a possibility.

Coffman clarified that citizens would like to see the footprint for themselves rather than the software drawings provided at earlier meetings because they want to ensure that it works. Coffman also confirmed the importance of engineered projects.

With no further discussion, Mayor Hulett closed the agenda item. No action taken.

**5. Consider adopting Resolution 16-16 requesting financial assistance from the Texas Water Development Board, and authorizing the filing of an application for financial assistance.**

On October 18, 2016, Keith Kindle with Enprotec/ Hibbs and Todd gave a presentation on the necessary water distribution model improvements needed to compliment the current Water Treatment Plant expansion. The objectives of the modeling efforts were three-fold: identify the water distribution improvements needed to compliment the current Water Treatment Plant Expansion, identify the water distribution improvements needed once the SWATS Line ends October 1, 2017, identify low-pressure areas or deficiencies in the water distribution system. Council authorized staff to present this resolution to request financial assistance from the Texas Water Development Board to fund the necessary improvements utilizing the low interest loans available.

Keith Kindle explained that the application will be for \$15 million, but the proposed resolution is set at \$16 million because the amount listed on the resolution cannot be increased.

**Councilmember Mobly made a motion to adopt Resolution 16-16 requesting financial assistance from the Texas Water Development Board, and authorizing the filing of an application for financial assistance. Motion seconded by Mayor Pro Tem Parson. Motion carried with 5 ayes and 0 nays.**

**6. Public hearing and consider adopting Ordinance 16-50 approving the 2016 Comprehensive Plan for the City of Granbury.**

Cody Richardson, Freese and Nichols, highlighted key areas within the Comprehensive Plan. In comparing the 2016 Comprehensive Plan to the adopted 2008 Plan, Richardson stated that the 2016 Plan was updated based on planning process input, it is now parcel-based rather than concept-based, it incorporated new developments such as HEB and Kroger, it incorporated proposed developments such as Knox Ranch and the airport expansion, and it expanded the categories to now include new mixed-use, medium density, and retail/office strategies on Highway 377.

Richardson then presented and commented on the Thoroughfare Plan.

Jason Claunch, Catalyst Commercial Consultants, spoke on the Economic Development, Business Sector and Tourism portion of the Comprehensive Plan. Claunch identified the retail demand and key retail catalyst areas.

Mayor Hulett opened the public hearing at 7:15 p.m.

Ned Roehrig, Avalon Court, spoke on the Future Land Use Plan change of the Hill Property from Medium Density to High Density. Roehrig pointed out that Don Murphy's Brazos Crossing application was denied and asked that be changed back to Medium Density.

Larry Abrigg explained that the change to High Density by the Planning and Zoning Commission was made to support their recommendation of High Density on the Hill Property.

Mayor Hulett closed the public hearing at 7:25 p.m.

Mayor Pro Tem Parson stated that he promotes making Granbury a regional retail center and asked if the Comprehensive Plan supports this idea. Claunch stated that the changes accommodate additional commercial land; more choices for the commercial component is important.

Mayor Pro Tem Parson explained that a proposal is for Temple Hall Highway to be the next loop around Granbury and asked if the Thoroughfare Plan shows potential accommodation for six lanes. Richardson stated that the sizing was based on land use and current traffic count. Chris Coffman pointed out that the study utilized 2014 data for traffic counts and stated that he would like to included newer data.

Councilmember Myers stated that her concern is protecting the residents in Stonegate On Lake Granbury Townhomes. Dan Sefko, Freese and Nichols, stated that Council can adopt the plan as presented showing High Density or can approve subject to changing the track to Medium Density.

**Mayor Pro Tem Parson made a motion to adopt Ordinance 16-50 approving the 2016 Comprehensive Plan, subject to the provisions of utilizing Alternate A as the Thoroughfare Plan, updating the traffic data as it becomes available, and changing the Hill Property located next to Stonegate on Lake Granbury Townhomes on Hill Boulevard to Medium Density Residential. Motion seconded by Councilmember Myers. Motion carried with 5 ayes and 0 nays.**

**8. Public hearing and consider adopting Ordinance 16-51 approving the request of Jim & Pennie Gehring for renewal of a Specific Use Permit (SUP) to allow for a hosted, 3 guest suite Bed and Breakfast in a Single Family Residential-8,400 (R-8.4) Zoning District. The property is addressed as 512 N. Travis St.**

Scott Sopchak, Community Development Director, stated that an existing historic single-family residence with cottages and other accessory buildings are on this site. The principal structure is used as a residence; the 3 cottages are used as guest suites. The property is currently zoned Residential 8,400. It was zoned R-8.4 in 2013 along with the 2013 Specific Use Permit (SUP) request. A previous un-hosted Bed and Breakfast was operating as a legal non-conforming business before it was re-zoned to LC from R-8,400 in 2006 to accommodate a retail flower shop.

All surrounding properties are in the Historic Compatibility Overlay District (HCO). It has been 3 years since the last renewal and no known incidents have been reported during the term of the prior SUP.

The Planning and Zoning Commission unanimously recommends approval of the SUP to allow for a hosted bed/breakfast including the following condition:

1. The Specific Use Permit shall automatically expire 5 years from City Council approval.

Mayor Hulett opened the public hearing for this item at 7:47 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 7:47 p.m.

**Councilmember Mobly made a motion to adopt Ordinance 16-51 approving the request of Jim & Pennie Gehring for renewal of a Specific Use Permit to allow for a hosted, 3 guest suite Bed and Breakfast with the condition that the Specific Use Permit shall automatically expire 5 years from approval. Motion seconded by Mayor Pro Tem Parson. Motion carried with 5 ayes and 0 nays.**

**9. Public hearing and consider approving a request of Samuel Weir to Replat Lot 16, Block 6 and Lot C of the Lakewood Hills, Section Two Addition as Lot 16-R, Block 6 of the Lakewood Hills, Section Two Addition and vacate a portion of Mesa Ct. The property is located west of Mesa Ct., extending north to Lake Granbury.**

Scott Sopchak explained that this residential area is in the Granbury Extra Territorial Jurisdiction (ETJ) portion of Hood County. The applicant wished to Replat to enlarge the lot. The Hood County Commissioners Court approved to abandon a right-of-way portion of Mesa Court on September 13. All Development Review Committee comments have been addressed. The City Engineer has submitted a letter of approval of the requested variances.

The Planning and Zoning Commission unanimously recommends approval of the Replat along with the following variances:

1. Variance is requested to Section 3.1.E to not upgrade street to design standards.
2. Variance is requested to Section 3.9 and 4.5 to not upsize/install a sanitary sewer line.
3. Variance is requested to Section 3.9 and 4.6 to not upsize the existing water line.

Mayor Hulett opened the public hearing for this item at 7:50 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 7:50 p.m.

**Councilmember Allen made a motion to approve the Replat of Lot 16, Block 6 and Lot C of the Lakewood Hills, Section Two Addition as Lot 16-R, Block 6 of the Lakewood Hills, Section Two Addition and vacate a portion of Mesa Court with the variances to Sections 3.1.E, 3.9, 4.5, and 4.6 as presented. Motion seconded by Councilmember Couch. Motion carried with 5 ayes and 0 nays.**

**10. Public hearing and consider adopting Ordinance 16-52 approving a request of Harbor Lakes Development to rezone a 3.29-acre tract of the Martin Setzer Survey, Abstract # 502 and the J.C. Armstrong Survey, Abstract # 3 from Planned Development/Multiple-Family (PD/MF) to Planned Development/Single Family Residential (PD/R-7) for Section 7. The property is located on Harbor Lakes Dr., south of Prestwick Ct.**

Scott Sopchak stated that the proposed use for this site is for 12 single family residences. This is an undeveloped portion of Harbor Lakes subdivision; 8 lots will be on the golf course. The subdivision was zoned Planned Development/Multiple-Family in 2001. On the Harbor Lakes master plan, the area was designated as “Villas” – similar to Vineyards and Heron’s Nest townhomes that were built at Clubhouse Drive and Harbor Lakes intersection.

The Future Land Use Map of the 2008 Comprehensive Plan calls for lower density residential and open space. The development complies with the adopted 2008 Comprehensive Plan.

The Planning and Zoning Commission unanimously recommends approval of the Rezoning request and the following requested variances to the standard R-7 zoning base district as part of their Planned Development:

1. Side Yard, Interior Lot: 5 feet on each side
2. Rear Yard: 20 feet minimum

All other R-7 requirements shall apply, including street side yard at 15 feet minimum.

Mayor Hulett opened the public hearing for items 10 and 11 at 7:55 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 7:55 p.m.

**Councilmember Myers made a motion to adopt Ordinance 16-52 approving a request of Harbor Lakes Development to rezone a 3.29-acre tract of the Martin Setzer Survey, Abstract # 502 and the J.C. Armstrong Survey, Abstract # 3 to Planned Development/Single Family Residential (PD/R-7) for Section 7 with variances to side and rear yard as presented. Motion seconded by Councilmember Couch. Motion carried with 5 ayes and 0 nays.**

**11. Public hearing and consider approving a request of Harbor Lakes Development to Preliminary Plat a 3.29-acre tract of the Martin Setzer Survey, Abstract # 502 and the J.C. Armstrong Survey, Abstract # 3 as Lots 1-12, Block 1 of the Harbor Lakes, Section 7 Addition. The property is located on Harbor Lakes Dr., south of Prestwick Ct.**

Scott Sopchak explained this is the same property discussed in item 10. The parcel is still in survey. All Development Review Committee Comments have been addressed.

The Planning and Zoning Commission unanimously recommends approval of the Preliminary Plat. The City Engineer recommends approval of the following variances as presented by the applicant:

1. Variance is requested to Section 3.1.E to construct laydown curbs instead of the standard curb
2. Variance is requested to Section 3.5 to not provide double frontage along both Harbor Lakes Drive and Turnbury Court for Lots 1-3, Block 2. Frontage for the platted lots will only be allowed along Turnbury Court.

Public hearing information is listed with item 10.

Chris Coffman asked if the laydown curbs would be monolithic. Doug Stewart, Harbor Lakes Land Development, confirmed that is correct.

**Councilmember Allen made a motion to approve a request of Harbor Lakes Development to Preliminary Plat a 3.29-acre tract of the Martin Setzer Survey, Abstract # 502 and the J.C. Armstrong Survey, Abstract # 3 as Lots 1-12, Block 1 of the Harbor Lakes, Section 7 Addition with variances to Sections 3.1.E and 3.5. Allen added to his motion that the variance to Section 3.1.E is contingent on the use of monolithic curbing. Motion seconded by Councilmember Myers. Motion carried with 5 ayes and 0 nays.**

**12. Public hearing and consider adopting Ordinance 16-53 approving a request of Harbor Lakes Development to rezone a 4.5-acre tract of the Martin Setzer Survey, Abstract # 502 to Planned Development /R8.4 Single Family Residential (PD/R8.4) for Section 10. The property is located on Harbor Lakes Dr. south of Clubhouse Dr.**

Scott Sopchak stated that the proposed use for this site is for 13 single family residences. This is an undeveloped portion of Harbor Lakes subdivision; 9 lots will be on the golf course and 4 lots will be double frontage lots between Palmer Court and Harbor Lakes Drive.

The subdivision was zoned Planned Development/Multiple-Family/Office in 2001. On the Harbor Lakes master plan, the area was designated as "Villas/Office" – which would have been a mix of small office and townhomes. The Future Land Use Map of the 2008 Comprehensive Plan calls for lower density residential and open space. The development complies with the Comprehensive Plan.

The Planning and Zoning Commission unanimously recommends approval of the rezoning including the following requested variances:

1. Side Yard, Interior Lot: 5 feet on each side
2. Rear Yard: 20 feet minimum

All other R-8.4 requirements shall apply, including street side yard at 15 feet minimum.

Mayor Hulett opened the public hearing for items 12 and 13 at 8:03 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 8:03 p.m.

**Councilmember Myers made a motion to adopt Ordinance 16-53 approving a request of Harbor Lakes Development to rezone a 4.5-acre tract of the Martin Setzer Survey, Abstract # 502 to Planned Development /R8.4 Single Family Residential (PD/R8.4) for Section 10, with the side and rear yard variances as presented. Motion seconded by Councilmember Allen. Motion carried with 5 ayes and 0 nays.**

**13. Public hearing and consider approving a request of Harbor Lakes Development to Preliminary Plat a 4.5-acre tract of the Martin Setzer Survey, Abstract # 502 and the J.C. Armstrong Survey, Abstract # 3 as Lots 1-10, Block 1 and Lots 11-14, Block 2 of the Harbor Lakes Addition, Section 10. The property is located on Harbor Lakes Dr., south of Clubhouse Dr.**

Scott Sopchak explained that this is the same property discussed in item 12. The parcel is still in survey. All Development Review Committee Comments have been addressed.

The City Engineer recommends approval of the variances as presented by the applicant. The Planning and Zoning Commission unanimously recommends approval of the preliminary plat including the following requested variances:

1. Variance is requested to Section 3.1.E to construct laydown curbs instead of the standard curb
2. Variance is requested to Section 3.5 to not provide double frontage along both Harbor Lakes Drive and Palmer Court for Lots 1-4, Block 2. Frontage will only be allowed along Palmer Court. A note has been placed on the plat stating that "No direct driveway access will be allowed on to Harbor Lakes Drive from Lots 1-4, Block 2."

Public hearing information is listed with item 12.

**Councilmember Mobly made a motion to approve a request of Harbor Lakes Development to Preliminary Plat a 4.5-acre tract of the Martin Setzer Survey, Abstract # 502 and the J.C. Armstrong Survey, Abstract # 3 as Lots 1-10, Block 1 and Lots 11-14, Block 2 of the Harbor Lakes Addition, Section 10. Mobly added to his motion that the variance to Section 3.1.E is contingent on the use of monolithic curbing. Motion seconded by Councilmember Couch. Motion carried with 5 ayes and 0 nays.**

**14. Public hearing and consider adopting Ordinance 16-54 approving a request of the Catalina Bay Owners Association, Inc. to amend the Planned Developments (PD's R-12 & R-8.4) adopted by Ordinances #03-939 & #06-116 to allow for 80% EIFS material for Lots 1-54, Lot 55R, Lots 57-58, Lot 60R, Lots 61-75, Lots 94-98, (Phase I), and Lots 76-101 (Phase II-A), of the Catalina Bay II Addition located west of the 1700 block of Waters Edge Dr.**

Councilmember Allen removed himself from discussion and voting due to a personal conflict of interest.

Scott Sopchak explained that the Catalina Bay Owners Association is requesting the use of 80 percent exterior insulation and finish system (EIFS) within the Planned Development for Catalina Bay.

In 2003 the City Council approved Portland-based cement stucco as an exterior material in addition to the adopted masonry requirement for Catalina Bay in order to provide a 'Tuscany' look as requested by the Catalina Bay's applicant. The zoning ordinance requires 80 percent masonry for residences City wide unless there are special exceptions approved by the Zoning Board of Adjustment (ZBA) or a property is in a Planned Development with variances. The 80 percent masonry city wide must be stone or brick. Stucco and EIFS are allowed on 20 percent of the residence.

Being effective on January 1, 2016, the 2015 Amendment to the Catalina Bay Declaration of Covenants, Restrictions and Easements included the addition of synthetic stucco in the Exterior Dwelling Wall Materials section. The Catalina Bay Owners Association approved the new governing documents on December 12, 2015 by a vote of 80/0 with 23 members not voting. The vote exceeded the 67 percent required by the Texas Property Code.

The Planning and Zoning Commission unanimously recommends approval of the exterior material change to the Planned Development ordinance to allow EIFS. EIFS is not an approved exterior material in Granbury. It is only permitted on 20 percent of a building per the Zoning Ordinance, outside of the required 80 percent masonry standard.

If this request is approved the following paragraph will be in the new Planned Development adopting ordinance paralleling Catalina's Bay's covenants, and restrictions recently adopted.

"Ordinances 03-939, 06-116 and 15-36 shall be amended to allow for Synthetic Stucco [EIFS], Portland based cement stucco, and 'masonry' as defined by the City for Exterior Dwelling Walls."

Mayor Hulett opened the public hearing for this item at 8:14 p.m.

John Hall, applicant, explained that approval was received by 84 percent of the homeowners.

Bill Reardon, made himself available for questions.

Mayor Pro Tem Parson stated that when EIFS first came out there were mold issues and asked if those have been resolved. Reardon stated that those have been resolved by tightening up the installation method. Reardon added that a lot of the existing homes in Catalina Bay are built with EIFS; only in the last several years has the City enforced the specification that it not be allowed.

Councilmember Couch stated that he talked to a couple builders and they said they would not use this product. Couch asked what the motive is for this request. Reardon explained that one reason is a new insulation requirement; stucco does not meet that requirement. Another is the problems residents have had with stucco cracking.

Jim Cook, Building Official, stated that he has had a number of builders ask for this product. The City would need to require that whoever is putting it on is certified. The people that buy a EIFS product have to be certified.

Chris Coffman asked if there is maintenance with stucco and EIFS. Reardon stated that residents are having to refinish stucco due to cracking. Cook stated that maintenance is the issue with EIFS because from the outside you cannot see damage. As long as it stays calked and sealed, it is a good product.

Councilmember Mobly pointed out that EIFS would be an approved option for this Planned Development but if there is no demand, nothing will change.

With no additional speakers, Mayor Hulett closed the public hearing at 8:36 p.m.

**Councilmember Mobly made a motion to adopt Ordinance 16-54 approving a request of the Catalina Bay Owners Association, Inc. to amend the Planned Developments (PD's R-12 & R-8.4) adopted by Ordinances #03-939 & #06-116 to allow for 80 percent EIFS material for Lots 1-54, Lot 55R, Lots 57-58, Lot 60R, Lots 61-75, Lots 94-98, (Phase I), and Lots 76-101 (Phase II-A), of the Catalina Bay II Addition. Motion seconded by Mayor Pro Tem Parson. Motion carried with 4 ayes and 0 nays.**

Councilmember Allen returned to the meeting.

**15. Public hearing and consider adopting Ordinance 16-55 approving a request of Tri-County Development, LLC to rezone a 10.798-acre tract of the Uriah Martin Survey, Abstract # 384 from Planned Development/Patio Home (PD/PH) to Duplex (MD-1). The property is located on Old Granbury Rd., west of Gemstone Estates.**

Scott Sopchak stated that the proposed use is for 49 duplex lots; 98 dwelling units. The property was zoned Interim Holding (IH) upon the voluntary annexation of the property in October of 2008. In 2009 the property was zoned Planned Development, Town Home (PD/TH). In 2014 the property was re-zoned Planned Development, Patio Home (PD/PH). The applicant is now requesting Duplex zoning (MD-1).

Approximately 15.25 percent of neighboring property owners within the 200-foot halo have submitted letters in protest.

The Planning and Zoning Commission, by a vote of 6-1 at their October 24 meeting, recommended approval to amend the Future Land Use Map within the 2008 Comprehensive Plan, direct the City Manager and staff to change the area on the Future Land Use Map in the Plan, and approve with reasonable design modifications.

The applicant's representative offered to include in their request the size of each duplex unit. It was stated at the hearing and accepted by the Planning and Zoning Commission that each individual dwelling unit will be at least 1,000 square feet making both dwelling units of the duplex building 2,000 square feet. Also, each individual unit will have a 2 car garage. The site plan lists design standards offered by the developer that will be a part of the zoning ordinance for this request.

Mayor Hulett opened the public hearing for items 15 and 16 at 8:48 p.m.

Wayne Browder, Temple Hall Highway, stated that he is against this proposal. Browder explained that it is a quiet neighborhood and he would like it to remain that way. Browder added that traffic on Temple Hall and Old Granbury Road is a problem.

Anna Browder, Temple Hall Hwy, explained that duplexes rather than patio homes will lower the property value in the area and drainage is already an issue. Browder added that she would like the fence put up before construction and would like to know who will be responsible for maintenance of the fence, asking if there would be a homeowners' association. Browder also stated that she would like the fence taller than six foot to protect their animals on the adjoining property.

With no additional speakers, Mayor Hulett closed the public hearing at 8:52 p.m.

Councilmember Couch stated that this request does not coincide with the Comprehensive Plan and Council needs to be consistent. Couch added that the density was already increased when patio homes were approved.

**Councilmember Mobly made a motion to amend the Future Land Use Map within the 2008 Comprehensive Plan from Single-family residential to High-density residential and direct the City Manager and staff to change the area on the Future Land Use Map in the Plan. Motion failed with 2 ayes by Councilmember Mobly and Parson; and 3 nays by Councilmembers Allen, Couch, and Myers.**

**Councilmember Allen made a motion to postpone action until December 6, 2016. Motion seconded by Councilmember Myers. Motion carried with 5 ayes and 0 nays.**

**16. Public hearing and consider approving a request of Tri-County Development, LLC to Preliminary Plat a 10.798-acre tract of the Uriah Martin Survey, Abstract # 384 as Lots 1-27, Block 1 and Lots 1-22, Block 2 of the Hilltop Village Addition. The property is located on Old Granbury Rd., west of Gemstone Estates.**

Scott Sopchak stated that this is the same property discussed in item 15. The applicant is proposing to Preliminary Plat and subsequently Final Plat the subject property to allow for the creation of 49 duplex lots; 98 total dwelling units.

The Planning and Zoning Commission voted unanimously to approve the Preliminary Plat including the variances and the alternate detention based drainage system.

1. Variance is requested to Section 3.1.E to not improve Old Granbury Rd. to urban standards.
2. Variance is requested to Section 3.6.A.4 to not provide sidewalks along Old Granbury Rd.
3. Variance is requested to Section 3.9 & 4.5 to not provide sanitary sewer along the entire frontage of Old Granbury Rd.

The City Engineer recommends approval of the variances and the concept of using a detention drainage system.

Public hearing information is listed with item 15.

Mayor Pro Tem Parson asked how the detention pond will work.

Ben Shanklin, Childress Engineers, commented on the drainage plan. Shanklin stated that all drainage is being collect in the street. There are a set of curb inlets/ storm drains that go to the southeast corner of the development, then there is a two cell detention pond. The final discharge is to a concrete flume headed west towards Rucker Creek. Shanklin confirmed they are aware of the drainage problems that have accrued in the past.

Mayor Pro Tem Parson asked who will be maintaining and mowing around the detention pond.

John Hall, representative of the developer, stated that there will be a homeowners' association and a reserve account to accumulate funds. Hall added that this development backs up to Gemstone Estates which has smaller lots so he feels it will be compatible.

Chris Coffman asked if modeling has been done on the concrete drainage ditch from the detention pond. Shanklin explained that there will not be additional flow, the two cells will store water before flowing down. The calculations have been reviewed by the City Engineer.

Councilmember Mobly asked what the plans are for the perimeter fence. Hall stated that it will be a City standard 6-foot tall, cedar privacy fence going around the community. It will be built out over a year and a half as the duplexes are built.

Chris Coffman asked the City Engineer if the plan is designed for a 100-year flood. Martin Smith, Freese and Nichols, confirmed that it is.

**Councilmember Allen made a motion to postpone action on this item to November 15, 2016 at 6:00 p.m. in City Hall. Motion seconded by Councilmember Couch. Motion carried with 5 ayes and 0 nays.**

**17. Public hearing and consider adopting Ordinance 16-56 approving a request of Michaels Stores, Inc. to renew a Specific Use Permit (SUP) to allow daily outdoor display of merchandise and placement of a cargo container for storage of bulk merchandise in a Light Commercial (LC) zoning district. The property is addressed as 3906 E. Hwy. 377, Ste. 114.**

Scott Sopchak explained that the applicant is requesting renewal of a Specific Use Permit (SUP) that allows for daily outdoor merchandise display, and the placement of 1 cargo container for bulk merchandise storage behind the store. The property is currently zoned Light Commercial (LC). The Zoning Ordinance requires an SUP in conjunction with the current zoning district to allow daily outdoor display and the placement of a cargo container. An existing multi-tenant retail/office center is located on the site. Michaels is currently unable to expand within the center due to the fact that the space immediately next door is leased to another tenant.

The existing SUP was approved by the Planning and Zoning Commission and City Council in 2013, 2014 and 2015 for one year each time. No significant alterations to the proposal have been made since the time of the last SUP application. Also, there have been no complaints about the display or the container.

The Planning and Zoning Commission unanimously recommends approval of the SUP renewal to allow for the outdoor display of products along the storefront and placement of a cargo container along the back, as presented with the following conditions that were approved previously:

1. The outdoor display of products offered for sale at the designated locations along the store-front as presented with the following conditions:
  - a. The placement or merchandise, equipment and goods will be located in a manner as to not block or impede pedestrian or emergency ingress and egress to the store or necessary equipment

2. The Cargo Container with the following conditions:
  - a. The length of the container shall not exceed 40 lineal feet
  - b. The color of the container shall match the exterior of the building/store
  - c. The term of the placement of the container shall be for (1) one year after which the allowance for placement shall become null and void.

Mayor Hulett opened the public hearing for this item at 9:14 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 9:14 p.m.

**Councilmember Couch made a motion to adopt Ordinance 16-56 approving a request of Michaels Stores, Inc. to renew a Specific Use Permit to allow daily outdoor display of merchandise and placement of a cargo container for storage of bulk merchandise with the conditions as presented. Motion seconded by Councilmember Myers. Motion carried with 5 ayes and 0 nays.**

**18. Public hearing and consider adopting Ordinance 16-58 approving a request of Nicole Karlake of Rue 21 for a Specific Use Permit (SUP) to allow daily outdoor display of merchandise in a Light Commercial (LC) zoning district. The property is addressed as 3740 E. Hwy. 377.**

Scott Sopchak explained that the proposed use is for daily outdoor display of merchandise. Daily Outdoor Display in Light Commercial zoning districts requires a valid Specific Use Permit (SUP). Supplemental Standard #21 applies in addition to the SUP requirement, which limits display between the hours of 7:00 a.m. and 7:00 p.m. During all other times, the items for sale must be moved inside an enclosed building.

The Planning and Zoning Commission unanimously recommends approval of the SUP for Daily Outdoor Display which needs to include the following conditions.

1. The Specific Use Permit shall automatically expire 1 year from City Council approval
2. Daily Outdoor Display is allowed in the front yard during the hours of 7:00 a.m. to 7:00 p.m. During all other hours the items must be moved inside an enclosed building or moved to an area completely screened from public view.
3. Parking spaces shall not be used for display
4. The outdoor display will not impede emergency and pedestrian ingress/egress on front entryway

Mayor Hulett opened the public hearing for this item at 9:17 p.m. With no one present who requested to speak, Mayor Hulett closed the public hearing at 9:17 p.m.

**Councilmember Allen made a motion to adopt Ordinance 16-58 approving a request of Nicole Karlake of Rue 21 for a Specific Use Permit (SUP) to allow daily outdoor display of merchandise with the conditions as presented. Motion seconded by Councilmember Couch. Motion carried with 5 ayes and 0 nays.**

**7. Discuss and consider action of the governance and social media policies related to social media and news media.**

Councilmember Myers stated that it is important for this Council to look transparent, honest, and have respect for one another; and also to be respectful of the municipal boards. Myers explained that she is asking for a valent effort to ensure that Council display integrity between themselves, the media, and the general public.

Councilmember Allen stated that Council needs to try to get along because it hurts the City when developers see negative stories in the local newspaper. Allen asked that Council think positive.

Mayor Hulett stated that he agrees, the City does not want to see negative headlines in the paper.

Chris Coffman stated that the previous Assistant City Manager was charged with creating a monthly newsletter to utility customers to distribute accurate information. Coffman added that his job as a City Manager is to build the integrity and trust of the community. To do that, everyone has to work together.

Councilmember Couch stated that when speaking to the media, Council has to be careful. One of the first things taught when becoming a Council member is, after a vote you have to put that behind you.

Councilmember Mobly stated that he lives a life of ethics, fiduciary duty, and the law. Several Councilmember have been reported in the newspaper over the last several months. The reporter reports what Council says and does, therefore, if that is not well perceived, then Council needs to change its ways.

Mayor Pro Tem Parson commented that when the Rules of Procedure is reviewed, Council could consider revisions to Section 9. Speaking on Behalf of the Council.

With no further discussion, Mayor Hulett closed this item. No action taken.

**EXECUTIVE SESSION**

Mayor Hulett announced at 9:38 p.m. that the City Council would recess to meet in closed session, and that all Councilmembers were present. Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may convene in Executive Session to deliberate regarding the following matters:

- Sec. 551.071. Consultation with Attorney – Threatened or pending litigation
- Sec. 551.072. Deliberation Regarding Real Property – 805 Lipan Hwy

**RECONVENE IN OPEN SESSION**

Mayor Hulett reconvened in open session at 10:46 p.m. announcing that no action was taken in closed session.

Mayor Pro Tem Parson made a motion to authorize the City Manager to negotiate an agreement on the property at 805 Lipan Highway as discussed in executive session. Motion seconded by Councilmember Myers. Motion carried with 5 ayes and 0 nays.

**ADJOURNMENT**

There being no further business, Mayor Hulett announced the meeting adjourned at 10:46 p.m. on November 1, 2016.

  
\_\_\_\_\_  
Nin Hulett, Mayor

11/15/2016  
\_\_\_\_\_  
Date

ATTEST:  
  
\_\_\_\_\_  
Carla Walker, City Secretary

