

Regular Meeting of the City Council of the City of Lindsay

Mayor	Scott Neu
Alderman	Klay Gilbert
	Jeff Neu
	Glenn Block
	Robert Sharp
	Sam Sparkman
City Secretary	Monica Laux
Police Chief	Jimmy Yarbrough

Visitors: Steve Snyder; *The Lindsay Letter*, Bradley Anderle; *TOASE*, Brandon Miller; *JBM Homes*, David Perkins; *KSA Engineering*, Chris Frerich; *Eikon*, Jacob Fuhrmann; *Fuhrmann Buildings*, Melinda Fuhrmann, Scott Fuhrmann, Greg Cashion

Invocation and Pledge of Allegiances were led by Glenn Block. The Roll Call was then taken showing all present. Establishing a quorum, Mayor Neu called the meeting to order at 7:18PM.

Brandon Miller; *JBM Homes* signed in to speak under Citizen's Comments but spoke at a later time in the meeting.

The Consent Agenda was approved as presented on a motion by Jeff Neu and a second by Glenn Block. Motion carried 5-0.

The Council entered into Executive Session with a motion from Klay Gilbert, a second from Robert Sharp. Motion carried 5-0. The Council entered into Executive Session at 7:20PM, pursuant to Sec. 551.071 of the Texas Government code, the Board of Aldermen reserves the right to convene in Executive Session (s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law. In addition, the Board may convene in executive session to receive advice from its attorney regarding the following: a: Pending or contemplated litigations or a settlement offer. b. 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 the chapter.

- Discuss Bailey Ranch
- Discuss Hess Grocery Store

The Council reconvened at 7:41PM with a motion from Glenn Block, seconded by Klay Gilbert. Motion carried 5-0.

A Public Hearing regarding the zoning change from 'agriculture' to 'planned development' for the 15.977 acres located on the north side of Hwy 82 and west of FM 1199, was opened at 7:41PM. Mayor Neu stated fifteen letters were mailed out, two were returned, opposing the zoning change. Jana Beck's letter stated concern that the school would not be able to facilitate the new population. Melinda Fuhrmann's letter showed opposition but she chose to speak to the Council. She expressed her concerns; the lot sizes are too small, too many houses in a small area, the new development would increase traffic on Hwy 82, the possibility of a signal light needed and limited space for landscaping. The Public Hearing closed at 7:45PM.

Before the Council took action on the proposed zoning change for Bailey Ranch Estates, Brandon Miller informed the Council the requested lot size is 70' down from the required 75 feet, the lot size depth will increase to 110' from the required 100' and the minimum lot size square feet will increase to 7700 square feet from the required 7500 square feet. The 45 percent coverage requirements for the SF2 zoning will be met as the five percent land use will be upheld with the additional 2400 square feet added from the

commercial lot. More discussion took place regarding the green space, the walking path and a HOA. A motion to accept Ordinance 0320-1, the zoning change from 'agriculture' to 'planned development' was made by Jeff Neu, seconded by Klay Gilbert. Motion carried 5-0.

David Perkins recommended the approval of the preliminary plat for Bailey Ranch Estates and will be watchful for the final plat to include any changes. A motion to accept the preliminary plat was made by Jeff Neu, seconded by Robert Sharp. Motion carried 5-0.

At 7:59PM the public hearing for the proposed preliminary/final plat for Hess Market was opened. No one signed up to speak at the public hearing, therefore the hearing was closed at 7:59PM.

The next item discussed was the variance requests for Hess Market Addition. Bradley Anderle explained the options available for Council. They can accept the variance to allow an unspecified amount of time to pave or concrete the parking surface or they can deny the variance and enter into a Public Improvement Agreement for a period of two years which would allow Mr. Hess to build the store while allowing him time to surface the parking area. The agreement would contain a \$200,000 line of credit to ensure the parking lot be completed, paved handicap parking, along with a side of the building paved, the fire lane constructed, and the fire hydrant completed and dedicated. The agreement would not begin until the building permit has been issued.

A motion to deny the gravel surface parking variance was made by Klay Gilbert, seconded by Jeff Neu. Motion carried 5-0. A motion to approve the parking place variance to allow 77 places conditional with occupancy limited to 150 was made by Klay Gilbert, seconded by Robert Sharp. Motion carried 5-0.

A motion to accept the preliminary/final plat for the Hess Market Addition was made by Robert Sharp. The motion reads as "I move that we approve the final plat for Hess Market Addition conditioned upon satisfying all the comments of the City Engineer and conditioned upon the execution of a Public Improvement Agreement requiring the construction of concrete parking for all required handicapped parking and a minimum construction of concrete parking 20' deep along the entire length of the side of the building facing Highway 82, prior to the recording of the final plat and requiring the construction of concrete parking for the fire lane and all of the parking on the property within the two years.". Klay Gilbert seconded the motion. Motion carried 5-0.

A Public Hearing addressing the decision to continue the effect of Chapter 131 of the Code of Lindsay establishing hours to which minors cannot be in public places or on public property was opened at 8:21PM. With no one commenting at the hearing, the hearing was closed at 8:21PM. A motion to take action on Ordinance 0320-2, readopting the juvenile curfew, was made by Jeff Neu, seconded by Glenn Block. The ordinance carried 5-0 and will expire on March 2023.

A motion made by Jeff Neu, seconded by Klay Gilbert to accept the Certificate of Unopposed Candidates. Motion carried 5-0.

Klay Gilbert made a motion to accept the Order of Cancellation of the Election to be held on May 2, 2020. The motion carried 5-0.

A motion to take action on Ordinance 0320-3, amending the 2019-2020 budget was made by Klay Gilbert. Seconded by Robert Sharp. Motion carried 5-0.

Under the Information Report agenda item, Robert Sharp requested the monthly police report to include the activity of the part-time police officer. Klay Gilbert stated he has been in contact with David Tharp regarding the water on his property. Bradley Anderle informed the Council he has been in communication with Mr. Tharp. Prior to Mayor Neu ending the meeting, he stated the recent park survey breakdown will be discussed at the next City Council meeting. Meeting adjourned at 8:26PM.

There being no further business before the Council, the meeting adjourned at 9:11PM. (For more detailed information you may consult the recording of this meeting available at City Hall).