

**Minutes of**  
Cresson City Council Meeting & Planning & Zoning Commission  
**March 8, 2022**

Mayor Conway called the City Council Meeting of Cresson, Texas to order at 7:00 P.M. March 8, 2022, at the City of Cresson Council Chambers. Attendance as follows:

Mayor Teena Conway	Ron Becker	Kenneth Benzenhoefer
Warren McKamey	Pam Manley	Lisa Clement

Fritz Quast, City Attorney

Councilperson Becker gave the invocation. Councilperson Manley led the U.S. Pledge and the Texas Pledge.

Meeting was opened to the public.

### **Citizen's Comments**

Roy Doolin of 104 E. Bluebonnet Drive asked if information regarding rezoning applications could be put on the city website.

### **Mayor Report and Comments**

- A. **Local Election Update-City Council and Mayor**-The election is Saturday, May 7, 2022, with early voting April 25-29 at Cresson City Hall. Places 2, 4, and 6 are up for re-election. The mayor's seat, #6 did not draw an opponent; Seat #2 drew two candidates, Roy Doolin and Dana Perdue; Seat #4 drew two candidates, Jack Farr, and Bambi Bridges.
- B. **Hood County's Spartan Race and Tough Mudder Race update**-Tammy Dooley from Visit Granbury has updated us that the two races will happen again this year. We had previously voted to utilize funds from our Hotel Motel tax, \$2,000 a year for 3 years so this is year 2, to help with advertising. This is the account that is only used for advertising purposes which leads to "heads in beds."
- C. **There is no subsidized housing in Cresson**-During Citizen's Comments last council meeting, the Cresson Pods were referred to as subsidized housing. This is incorrect as this is a privately owned apartment complex.
- D. **Next planned road repair**-The City Secretary as well as our Water Director have reviewed and determined the next set of roads that require repair. We are determining the proper prioritization. I know there are several in Bluebonnet Hills. On Old Granbury Road, we are waiting until the construction trucks are finished with all their traffic to determine out approach to repair if necessary.

### **Planning and Zoning Commission Agenda**

- A. **Continue Public Hearing from February 22, 2022 for a request from Mit-Mar Land LP for a change in zoning from Agricultural "A" to Planned Development "PD" for a tract of land consisting of approximately 427.29 acres out of the Nancy Smith Survey, Abstract Number 512, Hood County, Texas, same being a portion of the tract of land as described by deed to Mit-Mar Land, LP as recorded in Instrument No. 2021-0018871, Deed Records, Hood County, Texas (DRHCT), and being more particularly described by metes and bounds.**

The Planning and Zoning Commission and City Council public hearings will be held at the same time.

Public Hearing begins at 7:07 P.M. No one from Mit-Mar LP is present.

Mayor Conway notes that the letter from Leticia Morton was sent to each council member. She asks City Attorney, Fritz Quast, to address the local government code noted in her letter. Mr. Quast states that there is confusion on the citizens part regarding the code. The properties within 200 feet of the property requesting to be rezoned are those that the city is required to notify of the public hearing. If 20% of those property owners send a letter of protest to the city, then there needs to be a super majority vote, meaning that  $\frac{3}{4}$  of the council must vote in favor of the rezoning for it to pass. Mr. Quast will do further research into the rules surrounding the super majority and report back to the council.

Andrew Loudermilk of 7900 Clearview Court feels none of his concerns regarding the drainage, the ponds, the elevation changes, and the easement sizes have been answered by the developer. It is his belief that when the Pods were built the developer made variances after the rezoning was done. The council does not believe this happened. Mr. Loudermilk is concerned about Phase 8 because that is the area that butts up against the Clearview Estates. Mr. Loudermilk asks questions of Mayor Conway about Putteet Hill Ranch. Mayor Conway responds that her family sold the property, and her family is very proud of the development and wants to make Cresson a great place to live.

Leticia Morton of 614 Clear Skies Ct addresses the council. She states she has lived in Cresson for 43 years. She makes several comments to the council:

- She agrees with cleaning up Cresson
- She says no one understood what the Pods were going to be before the council voted on them
- She wants to keep the serenity of country living in Cresson
- She believes many believe the Mit-Mar development will be an eyesore
- She worries about the wildlife in regard to fertilizer and pesticides that could be used in the development
- She wants Cresson to be an oasis not a city of tract homes
- She questions where the council loyalties are and does not want them to rush into a decision
- She believes downtown Cresson homes are on larger lots
- She believes the Mit-Mar development Phases 1 and 2 will add 400 cars to Cresson
- She believes they should rezone to residential with larger lots to prevent overcrowding

Jonathon Stigall of 7916 Clearview Court is concerned about overcrowding and wonders what the council would consider overcrowding.

Public Hearing is continued at 7:34 P.M. until 7:00 P.M. on Tuesday, March 22, 2022.

### **Deliberation agenda**

- A. Request from Mit-Mar Land LP for a change in zoning from Agricultural “A” to Planned Development “PD” for a tract of land consisting of approximately 427.29 acres out of the Nancy Smith Survey, Abstract Number 512, Hood County, Texas, same being a portion of the tract of land as described by deed to Mit-Mar Land, LP as recorded in Instrument No. 2021-0018871, Deed Records, Hood County, Texas (DRHCT), and being more particularly described by metes and bounds.**

**1. Hold Public Hearing.**

Public Hearing is held at the same time as the Planning and Zoning Commission public hearing

**2. Consider and take any action to approve or disapprove ordinance to rezone the property from Agricultural “A” to Planned Development “PD” as requested by Mit-Mar Land LP.** No action taken.

**B. Approval of the minutes of the City Council Meeting held on February 22, 2022.** Mayor Conway asked the City Council to read the minutes of the City Council Meeting held on February 22, 2022. A motion is made by Councilperson Becker and seconded by Councilperson McKamey. 5 ayes and 0 nays. The motion passed unanimously.

**Executive Session**

Pursuant to the provisions of Chapter 551 of the Texas Government Code, the City Council may adjourn into Executive Session, in accordance with the authority contained in:

**Section 551.071, Government Code, Consultation with Attorney**

*The City Council may conduct a private consultation with its attorney when the City Council seeks the advice of its attorney concerning any item on this agenda, about pending and contemplated litigation, or a settlement offer, or on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Board of Texas clearly conflicts with Chapter 551.*

- Training regarding Legal Authority and Obligations of Elected and Appointed Officials on subdivisions, planning, zoning authority, open government, liability, and conflicts of interest (Fritz Quast, City Attorney)

Council adjourns into Executive Session at 7:36 P.M.

**Reconvene into Open Session**

Take any action deemed necessary as a result of the Executive Session.

Council returns at 9:12 P.M. No action is taken behind closed doors.

**Adjourn**

Meeting adjourned at 9:13 P.M.

  
Teena Conway, Mayor

  
Katy Froyd, City Secretary