

**MINUTES: CITY COUNCIL MEETING
SEPTEMBER 02, 2008**

**PRESENT: Mayor Joe Higgs, Councilman Robert Patton, Councilman Glenn Ervin,
Councilman Thomas Muir, Councilman Andy Garza**

MEMBERS

ABSENT: Councilman Mike Walker

OTHERS

**PRESENT: City Manager Mike Brice, City Secretary/Asst. City Manager Rose Chavez
Brad Hughes, Tammy Jenkins, Will Tate, Shannon Graves with the Sanger
Courier, Director of Development Services Joseph Iliff**

1. Call Meeting to Order, Invocation, Pledge of Allegiance.

**Mayor called meeting to order, Councilman Garza led the invocation, followed by
Councilman Patton leading the Pledge of Allegiance.**

2. Citizens Input:

**Citizens are allowed 3 minutes to speak. The City Council is unable to respond or to discuss any
issues that are brought up during this section.**

None

CONSENT AGENDA

- 3. a) Approve Minutes: August 18, 2008 -Work Session
August 18, 2008 - City Council**
- b) Disbursements**
- c) Approve First Amendment to Local Agreement with the Denton County
Criminal District Attorney for Chapter 59 Seizures and Forfeitures**
- d) Approve Pro-Rata Agreement for Marion Road Lift Station.**

**City Manager advised item (3) is the continuation of the agreement with the District
Attorney. He asked that item (d) be tabled for the next Council Meeting. The
agreement did not have a signature page.**

**Councilman Muir made a correction to the minutes on page 5 to reflect the word
“fleet”.**

**Motion was made by Councilman Patton to approve the consent agenda as
presented with the exception of item (d) to be tabled for the next Council meeting
and with the noted typographical error on page 5. Seconded by Councilman Ervin.
Motion carried unanimously.**

4. **Consider and Possible Action Regarding Resolution #R08-13-08 - Permitting a Tent Service for a Specific Period on Property Between Church Street and Wood Street, East of I-35.**

City Manager advised it is his understanding this location is where they have had their service in the past. They have met all the requirements that the City has requested.

There was a brief discussion concerning the parking if it was to rain. Mr. Hughes indicated in the past that location has had excellent run-off and it has never been a problem.

Motion was made by Councilman Ervin to approve Resolution R08-13-08 permitting a tent service for a specific period on property between Church Street and Wood Street. Seconded by Councilman Garza. Motion carried unanimously.

5. **Consider and Possible Action Approving 4B Expenditures of \$17,025.00 for Downtown Park Improvements.**

City Manager reviewed the improvements which include the remodel of the Veterans' Memorial: redoing the concrete around it, replacing the metal fence, and putting up new flag poles and lights. This will also include: replacing the park benches and trash can holders, and picnic tables to match the ones downtown. The picnic tables will be constructed in metal and painted black.

Motion was made by Councilman Muir to approve the 4B expenditures in the amount of \$17,025.00 for the downtown park improvements. Seconded by Councilman Ervin. Motion carried unanimously.

6. **Consider and Possible Action Authorizing City Manager to Negotiate on the City's Behalf to Purchase the Millar Property.**

City Manager advised he needs the authorization from Council to proceed with the negotiating proceedings to purchase the Millar property.

Councilman Patton made the motion to authorize Mr. Brice, City Manager, to negotiate on the City's behalf to purchase the Millar property. Seconded by Councilman Ervin. Motion carried unanimously.

7. **Conduct Public Hearing on Ordinance #08-26-08 - Amending the Comprehensive Zoning Ordinance and Central Zoning Map, by Changing the Zoning Classification From B-2 (Business District 2) and FP (Flood Plain District) to I-1 (Industrial District) on Property Legally Described as a Portion of the Property Legally Described as Tract 123 of the Ruben Bebee Survey and a Portion of the Property Legally Described as Tract 124 of the Ruben Bebee Survey.**

Mayor declared public hearing opened. There was not anyone present to speak for or against. The Mayor declared the public hearing closed.

8. Consider and Possible Action on Ordinance #08-26-08 - Amending the Comprehensive Zoning Ordinance and Central Zoning Map, by Changing the Zoning Classification From B-2 (Business District 2) and FP (Flood Plain District) to I-1 (Industrial District) on Property Legally Described as a Portion of the Property Legally Described as Tract 123 of the Ruben Bebee Survey and a Portion of the Property Legally Described as Tract 124 of the Ruben Bebee Survey.

The City Manager advised this is the tract behind Miguelito's, and the request is to put a motorcycle shop in that location.

Councilman Ervin asked if the motorcycle shop falls under I-1 zoning will the building be all metal. In addition to this question he asked if the zoning in this area was under a different zoning category. If we change the zoning will this blend in with what they have in that area.

Councilman Garza asked if Miguelito's had been contacted to see how they feel about the zoning change.

City Manager advised he is not sure, and the requirement is to notify property owners within a two hundred foot radius.

Joseph Iliff, Director of Planning Services, gave a brief summary on the requirements on what type business types are allowed in I-1 and B-2.

Councilman Ervin and Councilman Garza expressed a concern regarding placing this metal building behind Miguelito's.

Lengthy discussion concerning metal buildings and changing the zoning. The basic concern was that the metal building would devalue Miguelito's property.

Councilman Ervin asked if there is a requirement on a zoning change for notice to be posted on the lots. This has been discussed in the past concerning zoning changes. It is important that people are given proper notice.

City Manager indicated they have to notify everyone by mail within two hundred feet, and this is the requirement.

The discussion continued concerning the mail list of the property owners who were notified. It was discussed most of the property is in the flood plain. There were concerns to how the rest of the property will be utilized.

Mr. Iliff indicated the Planning and Zoning Commission recommended approval of the request.

Councilman Garza indicated the value of Miguelito's property will definitely go down by changing this property to I-1 zoning. All the property is currently zoned as B-2.

Councilman Ervin asked if this is spot zoning.

Mr. Iliff indicated this is not spot zoning.

Councilman Garza indicated the request is to change from B-2 Business District and Flood Plain District to I-1, and does this not create spot zoning.

Mr. Iliff indicated this was not spot zoning, and there is Industrial Zoning to the South edge of this area. This makes it consistent with the Master Plan of that area. This type of zoning is less restrictive.

Councilman Patton asked if there was any other zoning possibilities that would satisfy the use of this property.

Mr. Iliff indicated it can fall under the B-2 District as well.

Councilman Ervin asked if this can be built under B-2, then what is the reason for changing the zoning.

Lengthy discussion followed concerning what is allowed in the B-2 District. City Manager indicated he was not sure this business could fall under B-2.

Councilman Patton expressed if the business is allowed in B-2 District it would uphold the property to a higher standard than I-1.

City Manager discussed the possibility of a Planned Development District. He was not sure the business is allowed in the B-2 District.

Councilman Garza asked if the cost of the metal building would be less since I-1 zoning does not require brick or masonry facade.

Mr. Iliff indicated the option to do a metal building gives them more choices on can be built, that otherwise would not be allowed in B-2 District.

Councilman Garza indicated this is not fair to the people who have built in this area and have spent a lot of money to build a building that looks decent. He is not against metal buildings as long as they are in the appropriate areas.

Motion was made by Councilman Ervin to disapprove Ordinance 08-26-08. Seconded by Councilman Garza. Amending the Comprehensive Zoning Ordinance and Central Zoning Map, by Changing the Zoning Classification From B-2 (Business District 2) and FP (Flood Plain District) to I-1 (Industrial District) on Property Legally Described as a Portion of the Property Legally Described as Tract 123 of the Ruben Bebee Survey and a Portion of the Property Legally Described as Tract 124 of the Ruben Bebee Survey. Motion carried unanimously.

9. **Conduct Public Hearing on Ordinance #08-27-08 - Amending the Comprehensive Zoning Ordinance and Central Zoning Map, by Changing the Zoning Classification From Old SF-3 (Single Family District) to SF-8 (Single Family Residential District 8) on Property Legally Described as Tract 348 of the Henry Tierwester Survey.**

Mayor declared public hearing opened. There was not anyone present to speak for or against. Mayor declared public hearing closed.

10. **Consider and Possible Action on Ordinance #08-27-08 - Amending the Comprehensive Zoning Ordinance and Central Zoning Map, by Changing the Zoning Classification From Old SF-3 (Single Family District) to SF-8 (Single Family Residential District 8) on Property Legally Described as Tract 348 of the Henry Tierwester Survey.**

The City Manager indicated that most of the property in this area is currently in SF-8 District. The Planning and Zoning Commission unanimously approved the change.

Motion was made by Councilman Muir to approve Ordinance 08-27-08- Amending the Comprehensive Zoning Ordinance and Central Zoning Map, by Changing the Zoning Classification From Old SF-3 (Single Family District) to SF-8 (Single Family Residential District 8) on Property Legally Described as Tract 348 of the Henry Tierwester Survey. Seconded by Councilman Patton. Motion carried unanimously.

11. **Consider and Possible Action on Ordinance #08-28-08 - Amending the Subdivision Ordinance, Section 5 “General Plat Requirements” and Section 6, “Improvements” by Adding Estate Residential Street Classification to Section 5.**

City Manager recommended that Council deny the ordinance. Staff will make the necessary changes, and will bring it back to Council.

Councilman Ervin moved to deny Ordinance #08-28-08, Amending the Subdivision Ordinance, Section 5 “General Plat Requirements” and Section 6, “Improvements” by Adding Estate Residential Street Classification to Section 5. Seconded by Councilman Patton. Motion carried unanimously.

12. **Conduct Public Hearing on Proposed Budget for Fiscal Year 2008/2009.**

Mayor Higgs declared public hearing opened. There was not anyone present to speak for or against. Mayor declared public hearing closed.

13. **Consider and Possible Action on Ordinance #08-29-08 - Adopting Budget for Fiscal Year 2008/2009.**

There was brief discussion concerning the budgeted revenues. City Manager advised that if the Council decides to adopt the budget as is, then he will make it work.

Councilman Muir made the motion to adopt Ordinance #08-2-08 adopting the budget for fiscal year 2008/2009. Seconded by Councilman Patton. Motion carried unanimously.

14. Consider and Possible Action on Ordinance #08-30-08 - Adopting Tax Rate for Fiscal Year 2008/2009.

The City Manager gave a brief summary on the property valuation, the proposed effective tax rate of 0.63888, and the projected tax revenues that will generate the same amount of revenue as last year.

The Council discussed that the Wal-Mart valuation is not included in the calculation and how this will impact the budget.

Councilman Garza asked if they approve the effective tax rate and after Wal-Mart valuation is settled, can this money be put in a reserve. He also asked if next year could the tax rate be lowered.

City Manager indicated the money could be placed in a contingency fund and next year the tax rate would have to be evaluated. In the past the City has always received the tax valuation from the appraisal district on the personal property from Wal-Mart.

Lengthy discussion continued. The Council expressed concerns regarding the tax rate. They also discussed the decrease in the property values that impacted the calculations.

The City Manager advised that in the preparation of the budget the revenues are projected from the preliminary tax totals. The projections from the Appraisal District kept decreasing each time they sent a report. In his projections he was trying to hold the current rate of 0.59960.

Discussion continued. Councilman Muir gave estimated calculations for consideration concerning the tax rate. The City Manager also advised that the utility rate increases are not included in the budget. This is to help with the building of the new sewer plant, and that expense is not included in the budget.

The City Secretary emphasized that if the Council does not want to approve the effective tax rate, at least to consider a rate somewhere in the medium. This helps with future bond ratings. There was discussion concerning the bond debt budgeted for this year.

Councilman Garza continued expressing his concerns with the tax rate.

Councilman Ervin indicated that in the future water and sewer rates are also coming up in the future for consideration. This will also impact the citizens.

The discussion continued regarding the tax rate.

Motion was made by Councilman Patton to approve the tax rate to .0062 (0.62000) per \$100 per valuation. Seconded by Councilman Muir. Motion carried 3-1.

Voted Ayes: Councilman Muir, Councilman Patton, and Councilman Garza.

Voted Nays: Councilman Ervin.

15. Consider and Possible Action on the Final Plat of the Isbell Addition.

Motion was made by Councilman Ervin to approve the final plat for Isbell Addition. Seconded by Councilman Garza. Motion carried unanimously.

16. Consider and Possible Action on the Final Plat of the G&W Ventures Addition.

Joseph Iliff indicated this is the plat to include the property that was rezoned earlier in this meeting. The City Council needs to grant the variance to the Subdivision Ordinance permitting Lot 1 and Lot 2 to have less than 100ft lot depth required in the SF-8 zoning. Each lot exceeds the minimum requirement of 9,000 sq. ft.

Motion was made by Councilman Ervin to approve the final plat for G & W Ventures Addition with the amendments to include the granting of the variance request permitting Lot 1 & 2 to have less than 100ft lot depth and changing the zoning from Old SF3 to SF8. Seconded by Councilman Garza. Motion carried unanimously.

17. Information Items:

a) Summary of New City Hall Expenses

The City Manager advised the tentative move-in date is scheduled for October 11, 2008. The tube for the drive-thru has not been installed and is scheduled for next week.

b) List of Texas Senators and U.S. Representatives

18. Adjournment.

Mayor adjourned the meeting.