

**MINUTES: CITY COUNCIL MEETING
OCTOBER 21, 2008**

MEMBERS

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

OTHERS

PRESENT: Mike Brice City Manager, Tami Taber Assistant to the City Manager, Shannon Graves -Sanger Courier, and Billy Ezell

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

Mayor Higgs called meeting to order, Councilman Muir led the invocation, followed by Councilman Walker 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: October 6, 2008 - Work Session
October 6, 2008 - City Council
b) Disbursements**

City Manager clarified a disbursement from Tommy Marshall that represented the appraisal for Mr. Millar's property.

Motion was made by Glenn Ervin to approve the consent agenda as presented. Seconded by Councilman Walker. Motion carried unanimously.

4. Consider any Items Removed from Consent Agenda.

- 5. Consider and Possible Action of Bid Award to Conatser Construction TX, L.P., for CIP Phases III & IV for the Base Bid Amount of \$3,314,925.50 and Authorize City Manager and City Engineer to Approve Change Orders.**

City Manager indicated that the reason they are requesting Council to allow them to approve the change orders is to keep the project flowing in case something should come up during the construction phase. He will continue to keep the Council informed of what change orders will be done. The City Manager explained the procedure on how this would be done.

Councilman Garza expressed a concern with the change orders and specified this is how the City had lost a lot of money in the past.

City Manager indicated State Law dictates that a change order can't exceed 10% of the total contract. The City will never go over the 10%.

Council also expressed that the project is not to begin until all bonds are in place.

The time line on the phases was discussed on the project. City Manager was not sure if there was a time line specified for the project completion. He explained this will be a difficult project.

Motion was made by Councilman Garza to award the bid to Conatser Construction TX, L.P. for the CIP Phases III & IV for the base bid amount of \$3,314,925.50, and to authorize the City Manager and City Engineer to approve the change orders. Seconded by Councilman Patton. Motion carried unanimously.

- 6. Consider and Possible Action on Ordinance #10-34-08 - Amending Chapter 12 "Traffic and Vehicles" of the Code of Ordinances by Adding a New Article 12.1400, "Use of Hand Held Mobile Telephones Prohibited in Certain Locations," and a New Section 12.1401, "Use of Hand Held Mobile Telephones Prohibited in Active School Zones."**

City Manager explained the ordinance prohibits the use of handheld devices inside active school zones. The use of hands-free devices is allowed. It does not apply if school is not active.

Councilman Patton asked if this included placement of signage.

City Manager indicated it did.

Councilman Ervin inquired on the status of the ordinance updates that are not in place concerning the school zones.

City Manager advised that the City is currently in the process of contracting with an engineer to conduct the traffic studies. This will be done within a few weeks.

Councilman Ervin indicated the ordinance could not go into effect until the study is completed.

The City Manager indicated this will apply to the two schools on 455 and the one on 5th Street. The studies were conducted by the State and the ordinance does apply to these schools.

There was discussion concerning Willow Street school zone. City Manager advised he will discuss this matter with Mr. Biggerstaff, Superintendent of SISD. He will advise Council at a later date concerning this matter.

Councilman Garza indicated he does support this ordinance, but strongly feels this should not be regulated on a City level. He expressed the regulation should be a statewide mandated legislative effort and more pressure should be placed on the State for this to happen.

Councilman Patton indicated he agreed with Councilman Garza and expressed that until this happens on the State level it is important to get something in place to avoid any unfortunate accidents.

Councilman Ervin made the motion to approve Ordinance #10-34-08. Seconded by Councilman Patton. Motion carried unanimously.

Caption As Follows:

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, AMENDING CHAPTER 12 "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES, BY ADDING A NEW ARTICLE 12.1400. "USE OF HANDHELD MOBILE TELEPHONES PROHIBITED IN CERTAIN LOCATIONS," AND A NEW SECTION 12.1401, "USE OF HANDHELD MOBILE TELEPHONES PROHIBITED IN ACTIVE SCHOOL ZONES"; PROVIDING FOR A PENALTY CLAUSE OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200) FOR EACH OFFENSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

7. Consider and Possible Action on Nominating Curtis Reese for Possible Appointment to the Appraisal Review Board.

City Manager advised that Shirley Haisler has served three consecutive terms and can't be reappointed. The only nominee that has expressed an interest in serving is Mr. Reese.

There was a brief discussion concerning eligibility requirements.

Motion was made by Councilman Patton to nominate Curtis Reese for possible appointment to the Appraisal Review Board. Seconded by Councilman Muir. Motion carried 4 to 1.

Councilman Walker abstained.

8. Information Items:

- a) **City of Sanger Financial Statement**
- b) **City of Sanger Monthly Investment Report**
- c) **Monthly Library Report**
- d) **Legislative Update**

9. Adjournment

Mayor Higgs adjourned the meeting.