

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING

April 3, 2017, 7:00 PM

502 Elm Street, Sanger, Texas

COUNCIL MEMBERS PRESENT: Mayor Thomas Muir, Councilman Bill Boutwell, Councilman Lee Allison, Councilman David Clark, Councilman Gary Bilyeu, Councilman Allen Chick

The Mayor and All Council Members Were Present Constituting a Quorum.

STAFF MEMBERS PRESENT: Mike Brice City Manager, Cheryl Price City Secretary, Alina Ciocan, Director of Economic and Development Services, Ramie Hammonds Building Official.

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

Mayor Muir called the meeting to order at 7:05 p.m. The Invocation led by Councilman Allison, followed by the Pledge of Allegiance led by Councilman Clark.

2. Citizens Input: (Citizens are allowed 3 minutes to speak. The City Council is unable to respond or to discuss any issues brought up during this section).

James Frank Jones, 3087 Belz Road was recognized and noted he was at the Chevrolet Dealership today and they told him they were going expand the road and they were going to have to move their dealership back, he asked if staff knew when that would occur? It was noted that at this time, there has been no indication of any exact time frames on the I-35 Expansion project from TxDOT.

Artis Price, 400 Railroad Avenue, spoke regarding two different issues. First, is the maintenance of Kammie Patton Park. He noted that he has had to trim the trees himself. He asked why that this park does not get the priority that other parks throughout the City get. He asked if it could be looked into and if more attention could be given to Kammie Patton Park. Secondly, they live on 400 Railroad Avenue by the ballpark and his children and other children can not ride their bikes on the street because of the traffic, and excessive speeding. There is no Police patrol in the area. He requested if someone could look into these issues.

3. CONSENT AGENDA:

a) Approval of Minutes:

a. City Council Work Session, March 20, 2017

b. Regular City Council Meeting, March 20, 2017

b) Disbursements

There was brief questioning by Councilmembers regarding disbursements.

A motion was made by Councilman Boutwell to approve the Consent Agenda as presented. The Motion was seconded by Councilman Bilyeu. Motion carried unanimously (5-0).

4. Consider any Items Removed from Consent Agenda.

No items were moved from the consent agenda.

5. Consider, Discuss and Possibly Act on Resolution #04-03-17 Designating May 20, 2017 as The Day of The 2017 Sanger Citywide Garage Sale.

Alina Ciocan, Director of Economic and Development Services was recognized. She advised that in 2015 the Sanger Downtown Association approached the Council to partner with them for a Citywide Garage Sale. As a result, an Ordinance was passed in February of 2015 allowing for the City-Wide Garage Sale. The current situation is that the Sanger Downtown Association is no longer active; however, the Chamber of Commerce would like to take on that initiative to designate May 20, 2017 as the Day of the 2017 Sanger Citywide Garage Sale. It was noted the Garage sale would be a designated Saturday in the spring (March, April, May). It was noted to correct a typographical error on the Resolution to read March, April, May. Debbie Reaves representing the Chamber was recognized and advised they will be bringing a flyer to put into the utility bills next month. She noted this is to benefit all of the downtown businesses. People still need to sign up for the permit, but there is no charge. With information, a list will be generated and that complete list will be provided by the businesses downtown.

A motion was made by Councilman Bilyeu to approve Resolution #04-03-17 Designating May 20, 2017 as the Day of the 2017 Sanger Citywide Garage Sale. The Motion was seconded by Councilman Clark. Motion carried unanimously (5-0).

6. Consider, Discuss and Possibly Approve Awarding the Bid for the City of Sanger Wastewater Treatment Rehabilitation and Improvement Contract to Felix Construction Company For the Total Bid Amount of \$10,992,845.00.

City Manager Brice noted there is a representative from Felix Construction present. Councilman Boutwell requested information on any ways that we could save any funds during the construction phase. City Manager Brice noted that staff has met with Felix Construction and had some very productive discussion regarding where we could save some money and will continue those discussions once the contract is awarded. Councilman Allison said that he would like to hear from a representative of Felix Construction regarding what they see as the challenges and the things we need to look out for the most as we go forward with this project.

Matt Phillips with Felix Construction was recognized. He stated that their niche is from \$1 to \$20 million. He advised that they are a Wastewater/Water General Contractor they build water and wastewater treatment plants exclusively. He noted that the biggest challenge on this project is the geological area we are in, and that is the Rock. It will be the biggest impact on the project. He further stated that he knows this is a big project for the City of Sanger and he noted they really like to involve the engineer, and the owner, and plan ops in the operations because at the end of the day they want to save money but don't want to cut where it impacts the operations because, in the end, the City is the one

that is going to take it over and run the plant for the next 50 years. They want to be sure that the client is happy. He noted they would be there and would come out and help, because they want to be sure that the City feels comfortable running the plant. It is going to be night and day from what we have now and what we will have at the end of the project. Councilman Allison advised that it was important that they address community awareness and responsiveness. He summarized the past problems we have had with the plant and that they were finally getting it under control. He also noted the concerns of residents and the traffic with trucks going up and down the road. Mr. Phillips noted that they tailor themselves to that, walking around, getting involved with the community and making sure everything is ok. Councilman Bilyeu asked (noting he was not going to hold him to it) roughly when they would begin the project? Mr. Phillips advised he would like to mobilize a week from today if he could. At least get an officer on site and start to smell the dirt because where they are going to save the City money is they are going to get with Ops and see the plan, understand the plan, and get to know it with the ability go in and say, maybe we can do this, or change this. Get involved, not just bulldozing and building concrete structures. He noted the anticipated time for completion would be 18 to 24 months. He really thinks it could be done sooner, closer to 18 months to 20 months. It was noted that Alan Plummer would be involved as the Engineer for the project. Councilman Allison asked if there was an RPR for the project? Jeff Caffey with Alan Plummer noted that there is a part time RPR that there is about \$70,000 for an RPR in the project, which over an 18-month period is about one day a week. When they will be more heavily invested is when there is underground work and you can see it and concrete work that gets hidden – that is really when we need to have the RPR out. Mayor Muir noted that their bid came in less and asked what they attribute that to, is there a motivation to be more competitive. Mr. Phillips stated that was correct, he was a successful bidder in the town of Little Elm and the second-place contractor decided to sue the Town as a deficiency in the bid and he was notified that he was the apparent low bidder and at the same time was notified by an attorney that he was not the low bidder. He has had Sanger on his radar and actually has a superintendent that grew up here in Sanger, Chris Sunderberg, who will be the site superintendent for the project. Chris has been with him for two and a half years. He has been a construction engineer for 25 years and has to drive to Dallas. He felt this would be a good project for him. He noted he was aggressive with it and he feels he gave the city a good price, a fair price. Jeff Caffey advised that he had talked to the other contractors and they had a lot of other work and did not sharpen their pencils the same. As some companies do when they really don't want the additional work but if they get it they want to make a lot of money so they bid the project higher. Mr. Phillips noted he was the Vice-President of the company and he and his wife moved here from Arizona about three years ago. They live in Forney and their office is in Carrollton. Mayor Muir asked if Alan Plummer has worked with Felix Construction before? Jeff Caffey noted they have worked with them on a couple of projects. They have not seen any issues with references on a small project they are working on with them in Denison and they gave another reference for this project and no issues there. There was further discussion regarding the biggest challenge – the rock excavation.

A Motion was made by Councilman Bilyeu to approve awarding the bid for the City of Sanger Wastewater Treatment Rehabilitation and Improvement Contract to Felix Construction Company for the Total Bid Amount of \$10,992,845.00. Motion was seconded by Councilman Boutwell. Discussion was called. Councilman Chick noted that it was a good thing the amount was increased to \$10,000, 000; and, asked where the rest

would come from and City Manager Brice advised that there was money left over from the Bond package that we did two years ago to cover the rest of it. Joe Falls interrupted the motion and demanded a chance to speak because it is an agenda item and he owns the property all around the plant. Mayor Muir gave him three minutes to speak. Joe Falls stated he needs to have input because he owns the property all around this and it is there through his generosity. He said he was hoping to say that you should delay this, you should perhaps rebid but can see that you are going to railroad this through. Alan Plummer has failed to have any discussion with him about how to better manage this system. He noted this is over 2.5 million more than the projection last February for this project. This rivals the 10 million dollar estimate on building a half a million plant on the site a half of a mile to the south. He stated he would like to see this revisited on upgrading this plant to its present authorized capacity to 99,000,000 and building a half a million plant a mile to the south and working to phase this plant out. As far as lowering the cost of this plant he stated he knows of ways to make this plant less costly and more efficient but he has to talk to the man doing the construction and Alan Plummer, because he has had input with all of the plant additions through the years and has not input on this. This is not the right thing for Sanger, the right thing is to have this plant moved. The program is how to do that and get a time table to do it. Yes, things must be improved at this plant, but not 11, million dollars. We have already spent over 2 million dollars. He stated he wants authorization to converse one-on-one with the construction people and the engineers like I have in the past He said it was rudeness not to include him like he has been included in the past and that situation should be corrected. Mayor Muir noted that part of lengthy delay in getting to this point is the time it took to get the property necessary in order to accomplish this, that it would have been some time ago that we would have been able to start this and improve the situation sooner had we not had significant delays in obtaining the acreage to do the improvements. There have been points where discussions were had and where there was no satisfaction. Councilman Bilyeu noted he does take issue as being characterized as "railroading" this through. As Mayor Muir just stated, it has been three years to five years we have been working on this. It has been an on-going project and is not being "railroaded". He addressed Mr. Falls and noted that the land was his land, the city compensated him for it, and the city now owns the land. Also, we have hired people with credentials that have backgrounds and expertise in this, and, unless he is mistaken he is not aware that Mr. Falls has credentials in wastewater treatment. He reiterated that this has not been a "railroaded" item and has been discussed for many years. This is the way to double the capacity for the least amount of money for the taxpayers. He noted to Mr. Falls that he acknowledged his objection to it, but to the taxpayers and the citizens you can't say that the cost of this project goes up and the one you propose stays the same, it has also gone up proportionately. This is a way to double the capacity for the least amount of money for the taxpayers. He asked Mayor Muir to go forward with the motion on the floor. Councilman Boutwell added that Mr. Falls is not employed by the city and does not have the authority to interfere in any actions between the city department and the people hired for construction. Mr. Falls noted he had worked with the various wastewater treatment projects in the past and the he is not dictating anything but he has ideas that need to be looked at and requested to speak with Felix Construction about how to make this plant better and less costly. Councilman Clark added comment that he will vote to pay the 11-million just to make it stop stinking. Mayor Muir called the motion for approval on the floor. He summarized that the Motion was made by Councilman Bilyeu to approve awarding the bid for the City of Sanger Wastewater Treatment Rehabilitation and Improvement Contract to Felix Construction Company for the Total Bid Amount of \$10,992,845.00. The Motion was seconded by Councilman Boutwell. A vote was taken.

The Motion carried unanimously (5-0).

7. Conduct a Public Hearing Concerning a Request to Rezone Approximately 4.16 Acres of Land Located Off of Jones Street Approximately 1,100 Feet South of E. Willow Street From "A" Agricultural District to "I-1" Industrial District 1.

Mayor Muir Opened the Public Hearing at 7:42 pm. Alina Ciocan Director of Economic and Community Development was recognized. She advised that the applicant is Mr. Joe Falls. He is proposing to rezone approximately 4.16 acres off of Jones Street approximately 1,00 feet south of East Willow Street from "A" Agricultural District to "I-1" Industrial District. 1. The surrounding land use is, to the north SF-10 Residential District to the east and south the property is vacant and currently zoned Agricultural, to the west you have Single Family-10 Residential. The future land use designates the subject area as urban low designated residential. Therefore, staff finds that the proposed rezoning is not in conformance.

Mayor Muir advised that anyone who wished to speak could come forward. He asked Joe Falls if he wished to say anything on his request and he declined noting he would rather hear the objections first so he could address them.

Georgia Royal, 203 East Willow Street was recognized. She stated she objected to this rezoning especially if it is for these outlets for commercial vehicles. She noted the traffic is a concern and that Jones Street just got fixed and all of the extra traffic and the large vehicles will tear up all of the work that they have done. The Recreation Vehicles will be coming in at all hours of the night. It is not going to benefit anybody but him. She reiterated that she objects to the zoning.

Mary Price, 400 Railroad Avenue was recognized in opposition to the request. She asked that this be rejected because there seems to be an agreeable amount of enough land that he would put in this type of facility and not disrupt a community that is an established community which has been here for generations. She does not see where the need is to put this in the middle of a neighborhood where children are playing and elderly people are trying to rest. She noted she did not want to look out of her windows at tin buildings.

Ruby Davis, 203 Jones Street was recognized. She thanked the City for repairing Jones Street and thanked the City for working on the sewage situation noting that she knows it is a process and it is going to take time. She noted that Jones Street is very narrow and you can barely get two cars side by side. It has been a residential area for years, she noted that there is already speeding on the street. There is one gentleman with a boat at the end of the street by the sewage plant and when he is coming down the road there is not room for anything else to get through. She advised she did not feel the rezoning is good for that location, citing the traffic, the narrow road, and the fact that the tax payers would have to foot another bill to repair the road again.

Marcia Jackson, 222 Railroad Avenue was recognized. She advised she is in opposition to the request for the reasons everyone has so far stated. She also noted that if it is rezoned Industrial that he can sell it to anyone and they could put anything industrial they want on that. It could become hazardous to our young. Already they are dealing with the sewer. They do not need anything industrial in a residential area.

Mable Price Coleman, 303 Kirkland was recognized. She said she pays taxes at 303 Kirkland and is moving back to Sanger to retire. Willow Street is a very hazardous street as it is and coming across the railroad tracks is very dangerous. She felt that with the railroad tracks and Jones being so narrow with all the traffic there will be a lot of accidents in the area. She noted the major problem is the traffic is horrible and the speeding needs to be monitored. She reiterated that she objects to the request.

Adrian Tatum, 215 Jones Street was recognized. She stated she objects to the zoning for all of the reasons everyone has previously mentioned. She has lived there all of her life and has never seen as much commotion as she has since all of this new construction. It is good to expand, but the street is busy and you can't get down the street and the speeding is a problem and they worry about their children, they do not need anything industrial in the neighborhood.

Lynn Price (no address noted) was recognized. She stated this is a residential area. It has homes, it has people. Would you want an Industrial site by your home? Would you want a storage facility by your home? It is people's homes it seems every 2- or 30 years they have to fight because someone wants to make that area industrial You don't see that happening in other areas. It is zoned as residential. Respect the people that live there, that have lived there and let them have a neighborhood like your neighborhood is.

Artis Price 400 Railroad was recognized. He noticed that there is a creek that goes from second street and noted that it is not flowing anymore. He advised how it occurred and noted that the water backs up and it is like a flood zone. He questioned if anything is built back there would all of that be repaired and stop the flooding or is it going to be worse. He noted that when we get a good rain, the water backs up almost to the house.

Joe Falls was recognized and noted he appreciated the concerns. He noted that years ago when Nel Armstrong tried to get it zoned Industrial because Railroad Avenue already had Industrial on it and they had this opposition. He noted that the idea was that Railroad Avenue has Industrial structures on it and because of the Train traffic and noise. He noted that he would answer some of the questions. He stated that there would be slower traffic and very minimum traffic with what he proposed. He noted that Kirkland Street is one of the narrow streets and Jones Street is one of the widest streets and it was improved greatly and is wider than Willow street is going to be. He noted that Willow Street will have a lot more traffic on it but Jones Street would not. He noted that he weighed this very carefully for what would be the most advantageous use for that property. He determined this because of the improvement to the street and the six inch water line that goes down Jones Street all the way to the Sewer Plant and loops back over and comes in through the Price property on Railroad Avenue so this property other than being next to the sewer plant is right for residential but chose to put the storage units there because it would be less traffic than residential. He noted he would revisit it and look at putting housing units on it. Mr. Falls began talking about his concerns and ideas on the sewer plant. Councilman Clark asked if he could speak on the issue at hand. Mr. Falls noted it was all tied together. He noted he would look at revisiting it.

Jacqueline Larking, 309 Kirkland was recognized. She noted that at the Planning and Zoning Meeting she could have sworn that she heard Joe Falls ask for an easement off of Jones Street to get to his proposed project. She asked Mr. Falls if this was correct? Joe Falls said that she was mistaken and the easement to the sewer plant is an easement. She

noted that there will be construction for 18 to 24 months on the sewer plant and asked when would he building the storage units? That all of this would be more traffic on Jones Street.

Lynn Price was recognized. She noted if the access won't be from Jones street what is the proposed access? Joe Falls said that Jones street is a public street and has been a public street since year one. The City owns Jones Street. He noted that he had played a small part in getting Jones Street upgraded and he is trying to help. She noted that she is not trying to oppose at this time but if she did she wanted accurate footing. She asked if the access to the storage would be off of Jones Street. Mr. Falls said the access will be Jones Street and the easement street that goes down to it – Jones Street is a dead-end street right now. He can request housing units there and convert that easement into a street. Ms. Price stated she would just like to say that she thinks it would be better for a residential area and the city would get tax money.

Jacqueline Larkins, 309 Kirkland was recognized and noted. If you build an industrial property off of that road, she has seen children going up and down that road and as a grandmother of 8 she does not think it is a good idea. There is no speed zone it is not safe with the roads being busy and there is a lot of traffic. To put anything more there she would oppose it as well.

There being no further proponents, opposition or comments from the citizens in the audience the Public Hearing was closed at 8:07 p.m.

8. Consider, Discuss and Possibly Act on Ordinance #04-10-17 – Amending the Official Zoning Map to Rezone Approximately 4.16 Acres of Land Located Off of Jones Street Approximately 1,100 Feet South of E. Willow Street From “A” Agricultural District to “I-1” Industrial District 1.

Alina Ciocan advised because of the written opposition there will need to be a super majority vote on this item. Five members would have to vote in favor of the item for it to pass.

Councilman Bilyeu commented that the Council normally votes for improvements in the city. He also wants to point out that the Council places a lot of emphasis when the citizens come out to voice their opposition. He noted the most compelling statement to him was, would he want it in his neighborhood. Would he want industrial zoning in his neighborhood? No, he would not want it in his neighborhood.

It was noted that if the item was turned down without prejudice he could bring something back in to the next meeting. If they turned it down with prejudice it would drive the time frame and be six months before he could bring something back in. There was brief discussion as to why the Planning and Zoning Commission voted in favor of the proposal.

The Council asked Mr. Falls if he was interested in bringing it back in to the Council as residential. Mayor Muir asked Mr. Falls he wanted to pull the item or did he want the Council to vote on it tonight.

Mr. Falls stated he wanted to see the Council vote on it because it is a benefit for the City

and he weighed heavily on this to put the Boat and RV Storage there.

Councilman Allison suggested that it might be a transitional use if he visited with the neighbors and worked things out with them and come back with residential or something you worked out with the neighbors.

Councilman Clark noted that the straight I-1 zoning is a pretty big blank canvas to work with in his opinion. He told Mr. Falls that there is a way he can work around and fit everybody's needs. He noted that he too is a neighbor. Joe Falls said there is a difference in that side of Ranger Creek and the other side.

A Motion was made by Councilman Bilyeu to Deny Action on Ordinance #04-10-17 – Amending the Official Zoning Map to Rezone Approximately 4.16 Acres of Land Located Off of Jones Street Approximately 1,100 Feet South of E. Willow Street From “A” Agricultural District to “I-1” Industrial District 1. Motion was seconded by Councilman Allison. Motion carried unanimously (5-0).

9. Consider, Discuss and Possibly Act on Ordinance# 04-11-17 – Amending Appendix A “Fee Schedule” of the Code of Ordinances, Article 2.000 “Building and Construction Fees”.

No Action taken on this item. It will be brought back on another agenda. This item was discussed during the Work Session Agenda and there was concern that there should be some minor changes made by staff before it is considered.

10. INFORMATION ITEMS

a) Financial Report and Investment Report – February

There was some brief discussion and questions regarding financials.

b) Capital Project Update – As of March 29, 2017

No discussion.

11. ADJOURN.

There being no further items Mayor Muir adjourned the meeting at 8:18 p.m.