

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING
August 20, 2018 – 7:00 PM.
502 Elm Street, Sanger, Texas

COUNCIL MEMBERS PRESENT: Mayor Thomas Muir, Mayor Pro Tem Gary Bilyeu, Councilman Lee Allison, Councilman Bill Boutwell,

COUNCIL MEMBERS ABSENT: Councilman Allen Chick, Councilman David Clark.

The Mayor and three (3) Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: City Manager Alina Ciocan; Finance Director Clayton Gray; Police Chief Curtis Amyx; City Secretary Cheryl Price.

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

The Regular City Council Meeting was called to order by Mayor Muir on Monday, August 6, 2018 at 7:17 PM. The Invocation was given by Councilman Boutwell. The Pledge of Allegiance was led by Councilman Bilyeu.

2. CITIZEN 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.*)

Dan Redding was recognized. He noted he has cattle on both sides of McReynolds Road. He advised that contractors have begun construction on the new permanent fence along McReynolds Road. They have had a temporary fence for a while. He noted he provided them with extra land for storage of their equipment during the construction of McReynolds. He stated that the agreement was, from the beginning, that their fence would be constructed up to Farm Service Agency Specifications, which is not anything more than just a good solid fence. What they are constructing is not that. He noted the pipe is too small and too light and the corners are not right. He noted the fence on the east side of the High School, on the south side is a good example, that there is a corner there that is the same type of material and it is almost pulled completely out of the ground. It seems that the contractor is doing everything as fast as he can and instead of asking permission he wants to build it and ask for forgiveness. He felt it would be good for everyone if it gets built right first, because it will be more expensive to have to go back and fix it. All they are asking for is what the agreement was for in the beginning.

Patricia White, 301 Oak, Sanger, Texas was recognized. She stated she is 83; and, has lived in Sanger for 20 years and wanted to express her concern regarding her utility bills. They have been running from \$400 to \$550 per month and it is really taking a toll on her finances. She wanted to know if Council would consider giving Seniors from 65 or 70 over a discount on their utility bills.

James Frank Jones, 3087 Belz Road, Sanger, Texas was recognized. He stated that his school taxes are frozen and asked if they pass a bond for the school district will his taxes still be frozen. Mayor Muir noted he could not speak for the school district. He posed several questions and concerns regarding his school district taxes. Mayor Muir noted that he would need to go to the

School Board to address his questions and concern. Staff noted that their meetings were posted online. He noted he did not have a computer so staff provided Mr. Jones with the date and time and place for the next School Board Meeting.

Joe Falls, McReynolds Road was recognized. He noted that staff has a copy of the agreement that was made with him regarding the McReynolds Project. He also noted staff has a CD where the property was flown over by drone if Council would like to see it. He noted he is available to work with anyone that can meet with him on what needs to be done. He is present to formally report this and get on record that this project needs to be completed. He is not new to public works issues and summarized reasons he could no longer work with Neal Welch. He noted he is getting exhausted because performance has not happened on getting his items completed.

3. CONSENT AGENDA:

a) Approval of Minutes:

- 1. City Council Work Session, August 06, 2018**
- 2. City Council Regular Meeting, August 6, 2018**

A motion was made by Mayor Pro Tem Bilyeu to approve the Consent Agenda as presented. The motion was seconded by Councilman Boutwell. The motion carried unanimously with 3-0 vote (Councilman Chick and Councilman Clark absent).

4. Consider Any Items Removed from Consent Agenda.

None.

REGULAR AGENDA

5. Proclamation for United Way of Denton County Declaring September 2018 Live United Month.

Representatives from United Way were recognized and introduced Jane McCloud, a resident of Sanger and a long time Board Member of the United Way to speak. She noted she has lived in Sanger for three week and loves it in Sanger. She stated she is proud of United Way and what Sanger had done to help with United Way. She just wanted to say thank you for the City of Sanger's support.

A motion was made by Mayor Pro Tem Bilyeu to approve the proclamation to September 2018 Live United Month. The motion was seconded by Councilman Boutwell. The motion carried unanimously with a 3-0 vote (Councilman Chick and Councilman Clark absent). Mayor Muir read the Proclamation declaring September 2018 Live United Month and a photo was taken with Mayor, Council and the United Way Representatives.

6. Public Hearing to Consider Continuing, Abolishing, or Modifying the City's Juvenile Curfew Ordinance.

Police Chief Curtis Amyx was recognized for a summary before the public hearing was opened. He advised that the Texas Local Government Code requires for the City to review the curfew

ordinance every three (3) years. He noted that after going through the Ordinance he found an item that needs to be changed. He pointed out the hours in 8.600 a. Curfew Hours

1. 11:00 p.m. Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day and
2. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday

He advised that there used be hours from 8:00 a.m. and 3:00 p.m. included in the ordinance. In November of 2001 our City Attorney advised us that we needed to take the daytime curfew out of our ordinance. We took the daytime hours out of the ordinance, but Curtis noticed when reviewing the ordinance for this agenda that we did not take out the additional language that pertains to the daytime curfew hours Section 8.603 Defenses, Subsection "c". This section needs to be deleted from the ordinance because it no longer has any bearing. That was the only change that he recommends. He advised that the curfew helps parents and gives them a reason to say you don't need to be out at night. It was noted that this applies to all minors 16 and under. He explained that a minor is 16 and under. That in law enforcement the age of 17 is considered an adult. In the Penal Code that is how it is worded.

Mayor Muir opened the Public Hearing at 7:42 PM and solicited anyone who wished to comment on the Curfew Ordinance. There being no persons coming forward to speak, the public hearing was closed at 7:43 PM.

7. **Consider, Discuss and Act on Ordinance #08-23-18 to Continue in Effect Chapter 8, "Offenses and Nuisances" Article 8.600 Sections 8.601 Through 8.605, The Juvenile Curfew Ordinance of the City of Sanger; Providing for a Repeal of All Ordinances, A Penalty Clause, A Severability Clause; and, Providing for an Effective Date.**

Councilman Boutwell asked a question citing No. 8 of 8.603 Defenses regarding rights protected by the United States Constitution such as free exercise of religion, freedom of speech and the right of assembly. Police Chief Amyx noted that what this section is meant for is an approved assembly that runs past curfew hours.

A motion was made by Mayor Pro Tem Bilyeu to approve Ordinance #08-23-18 to continue in effect Chapter 8, "Offenses and Nuisances" Article 8.600 Sections 8.601 Through 8.605 and striking subsection "c" under Section 8.602 Defenses of the Juvenile Curfew Ordinance of the City of Sanger; providing for a repeal of all ordinances, a Penalty Clause, a Severability Clause; and, providing for an Effective Date. The motion was seconded by Councilman Allison. The motion carried unanimously with a 3-0 vote (Councilman Chick and Councilman Clark absent).

8. **Conduct a Public Hearing for the Proposed Budget for the City of Sanger for Fiscal Year 2018-19.**

Mayor Muir provided a summary of the budget process the Council has been working on since the beginning of the summer. He noted that the proposal is keeping the same tax rate as last year \$0.6791 per \$100 of assessed valuation. Mayor Muir opened the public hearing on the budget at 7:48 PM and solicited anyone who wished to speak on the proposed budget. There being no one who wished to speak, the public hearing was closed at 7:49 PM.

9. **Conduct the First Public Hearing on a Proposal to Increase Total Tax Revenues from Properties on the Tax Roll in the Preceding Year by 12.70% with the Proposed Tax Rate \$0.6791 per \$100 of Assessed Valuation (Tax Rate is Proposed to Remain the Same as the Preceding Year's Tax Rate of \$0.6791 per \$100 of Assessed Valuation).**

The public hearing was opened at 7:50 PM and Mayor Muir solicited anyone who wished to speak on the rate. Patricia White, 301 Oak, Sanger, Texas was recognized and asked if anything was going to be done with the streets. Mayor Muir explained the process of the prioritization of the street improvements and also noted the challenge of the aging infrastructure under the streets in the core are of the City. He explained that the infrastructure (water and sewer) had to be replaced before we make new improvements on the streets; and, that we are trying to do it right the first time so we don't have to redo them. Mayor Muir provided information regarding the budget and informed her of the additional revenues that would be added into the streets. Mayor Pro Tem Bilyeu elaborated on the information the Mayor provided noting that Road Impact Fees have also been implemented. Councilman Boutwell noted McReynolds Road and that the Denton County Road and Bridges offered to do the road if the City paid for a portion that was less than a quarter of the cost so the City came up with the money to make the deal work. Mayor Muir noted that anytime we only have to spend a dollar and get five or six back on a project we are going to do it. Ms. White stated that she was glad to hear that the Council was aware of the concern over the roads.

There being no further citizens who wished to speak the Public Hearing was closed at 7:56 PM.

10. **INFORMATION ITEMS:**

a. **All American Dogs Report.**

11. **FUTURE AGENDA ITEMS:** *(The purpose of this item is to allow the Mayor and members of Council to bring forward items they wish to discuss at a future meeting, A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting. Items may be placed on a future meeting agenda with a consensus of the Council or at the call of the Mayor).*

Councilman Boutwell noted that he would like to see something regarding putting up no parking signs along the service road adjacent to IH-35 near Dairy Queen and Taco Bell. He noted the big 18 wheelers park along the road and there is no way to see to exit the parking lot. City Manager Alina Ciocan noted that she has already spoken with Chief Amyx and he is going to look into this issue. Police Chief Amyx noted at one time several years ago that there were no parking signs put up in that location by TxDOT, but they have disappeared.

12. **ADJOURN.**

There being no further business Mayor Muir adjourned the meeting at 8:00 PM.