

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING

Tuesday September 4, 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, Councilman David Clark.

COUNCIL MEMBERS ABSENT: Councilman Allen Chick.

The Mayor and four (4) Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: City Manager Alina Ciocan; Finance Director Clayton Gray; Public Works Director, Neal Welch; Library Director Audrey Tolle; Human Resources Coordinator, Jeriana Staton; Utility Billing Kristen Wallace; Parks and Recreation Director Jim Berman; City Secretary Cheryl Price.

1. **Call Meeting to Order¹, Invocation, Pledge of Allegiance.**

Mayor Muir called the Tuesday, September 4, 2018 City Council Meeting to order at 7:13 PM. The Invocation was given by Councilman Allison and the Pledge of Allegiance was led by Councilman Clark.

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).**

No citizens approached the podium wishing to speak.

3. **CONSENT AGENDA:**

a) **Approval of Minutes:**

Mayor Muir noted that the Consent Agenda will be divided into two votes: Item a) and Item b) because Councilman Clark was not at the last meeting and would not vote on the minutes but would like to vote on Item b).

1. **City Council Regular Meeting, August 20, 2018**

A motion was made by Councilman Boutwell to approve the minutes of the City Council Regular Meeting of August 20, 2018 as presented. The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried with three (3) in favor and one (1) abstention (Councilman Clark abstained because he was not at the meeting)(Councilman Chick absent).

b) **Approve Ratification of the Following Change Orders Related to the I-35 Outfall Sewer Phase III Project:**

1. **Change Order #1 With Dickerson Construction Company, Inc. for Additional Boring Under View Road for Water and Sewer at a Cost of \$42,478.00.**
2. **Change Order #2 With Dickerson Construction Company, Inc. for Additional Boring at a Cost of \$16,701.00.**

A motion was made by Councilman Allison to approve the ratification of the following change orders related to the I-35 Outfall Sewer Phase III Project: Change Order #1 with Dickerson Construction Company, Inc. for additional boring under View Road for water and sewer at a cost of \$42,478.00; Change Order #2 with Dickerson Construction Company for additional boring at a cost of \$16,701.00, as presented. The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried unanimously (Councilman Chick absent).

4. **Consider Any Items Removed from Consent Agenda.**

None.

REGULAR AGENDA

5. **Consider, Discuss and Act on a Proposal for Award of Contract for Solid Waste and Recycling Services: Choosing a Provider; Frequency for Residential Service at One (1) or Two (2) Times a Week at the Rates Provided in the Request for Proposal (RFP); and, Direct City Manager to Notify Provider and Negotiate the Solid Waste and Recycling Services Agreement for Council Award and Approval.**

Mayor Muir summarized the City Council Work Session discussion where the staff committee presented the information to the City Council. Councilman Boutwell advised that Council should determine once a week or twice a week service. Councilman Allison noted that he did not think that once or twice a week would reduce the load on the road. There is a certain amount of garbage to be hauled whether it is once a week or twice a week. He noted the more often there are out here picking up trash may be more often disruption on the roads, but he did not see it being more detrimental to the roads. Mayor Muir noted that was his concern regarding the streets and that Councilman Allison may be right that the amount of garbage to remove is the same. There was lengthy discussion regarding the streets and each provider gave a brief comment on their observation on the street wear.

John Gustafson with Frontier Waste Solutions was recognized. He stated that it is a big issue to take communities from twice a week to once a week from a consumer's prospective. In regard to street wear it is the same amount of garbage being hauled out to the city and it is the issue of the 35,000-pound truck going down the street. He noted the big question is whether twice a week service is what the City needs and what the residents and voters want. How are you going to quantify the street wear versus the dollar savings on the table. The additional truck weight, street wear is immaterial in the grand scheme of things.

Greg Raymer, President of Community Waste Disposal (CWD) was recognized. He pointed out

two things on the street wear and tear. He reminded the Council of their four-axle vehicle that is weight compliant. It is a really big deal and cost them an extra \$20,000 a vehicle and they would be better for the streets. He noted if they drive the City five days a week they would only come through the entire town once a week and would have fewer road miles. It makes more sense if you calculate the miles the truck has to drive down the streets and two day a week service is going to be more miles. Fewer miles should be better for the truck because they are big and heavy. The other item he wanted to mention is the recycling. They are the original recycler in DFW and received their first contract for recycling in 1992 in Euless, Texas and they still do it. He elaborated on their recycling benefits. Mayor Muir asked about the question at hand, with once or twice a week pick up and that CWD's proposal was considerably higher on the twice a week pick up and asked if he had a comment on the difference in pricing at twice a week. Mr. Raymer advised that it is better utilization of the equipment. If you are going to generate about of 50 pounds per week of trash and if it is picked up twice, they would have to have more equipment and there is less utilization of their capital. They do 22 municipalities and a lot of them have switched from twice to once a week. Nobody likes it and it is kind of hard to do but everybody does it and they get used to it and nobody has switched back.

Marty Grant with Waste Connections was recognized and stated he agreed with CWD on twice to once a week that the less time you have the vehicles on the streets in front of the homes the better it is for everyone. What that equates to with damage to the road is a hard thing to tell. He noted he lives in the City of Fort Worth and the whole City is once a week. He noted that he has large families living in his neighborhood and it does not seem to be a big issue. He noted that if there was some extra trash outside of the cart he would promise that it would be moved as long as it was put out on the day of service. Mayor Muir asked if there was any differential in cleanliness of the city with the excess trash. Mr. Grant stated that if the trash is put out on the day of service it would get removed by the trash pick up whether it is in a bag or a container provided by the resident.

Mayor Pro Tem noted that we are under a time constraint and asked about if we could change from two to one pick up at a later date in the contract maybe in twelve months. All of the vendors noted that they would not have a problem with that addition to the contract. City Manager Alina Ciocan noted that it is a five-year contract. After discussion, Mayor Muir summarized that all of the vendors agreed that we could sign a multiyear deal with a provision in the contract to go to once a week anytime during the contract. It was noted that it would be easier to go from twice a week to once a week. Mayor Muir noted that what he is hearing is that the Council would like further discussion before going to once a week service and likely start the contract at twice a week and possibly go to once a week later in the contract or continue the twice a week for the duration of the contract.

Mayor Pro Tem Bilyeu asked about rate increases and noted the current contractor uses the CPI for the annual rate increases and it is built into the contract. and asked if that is what the other contractors use and Frontier noted that it is the standard. CWD noted that they have provided a comprehensive rate adjustment model in their Proposal which is based on third party numbers and could be easily calculated. Mayor Muir noted on that point that there were years when the current Contractor Waste Connections did not propose a CPI rate increase, that they were a good partner on this issue by not bumping the rate every time they could.

Mayor Pro Tem Bilyeu asked if there were any citizens who wished to speak on this Agenda Item.

Mr. Gustafson was recognized and stated he was sorry and had to step out a minute ago and realized that he did not answer the Mayors question regarding Frontiers long term prospects. He noted to be clear he has an agreement with their current shareholders that in the event that they desire to seek liquidity and choose to go somewhere else, they are prepared buy them out.

Marissa Barrett, 607 South 3rd Street. She noted she has grown up in the City and her parents still live here. She has a family of four, two little boys that destroy everything in the house every other day and they only take their trash out once a week now. She noted that she is not speaking for everyone that lives in Sanger. She noted that she also has friends of the same family size and they only put their trash out once a week. Part of the time because they forget and part of the time because there is just not enough garbage in it. She noted everybody in Sanger would like to see the streets last longer, so if there is any chance of not having as much traffic or as heavy of traffic on the road once a week would be beneficial.

Joe Strittmatter, Milam Road was recognized and stated that they have trash pick-up once a week. If it did anything it made them recycle more. There were some weeks they would only have half full cans and the weeks they had more trash than usual they would just recycle more.

There was additional discussion regarding once or twice a week pick up and the pros and cons of each.

Councilman Clark noted that each of the providers have things that he likes and a couple have things that he does not like. The scoring is subjective. He noted he would make a motion.

A motion was made by Councilman Clark to approve Award of Contract for Solid Waste and Recycling Services to Frontier Waste Solutions. With a beginning frequency of twice a week service including an option in the contract to go to once a week for Residential Service.at the Rates Provided in the Request for Proposal (RFP); and, Direct City Manager to Notify Provider and Negotiate the Solid Waste and Recycling Services Agreement for Council Award and Approval. The motion was seconded by Councilman Allison. Discussion was called. Councilman Boutwell noted that if you look at the final scores the motion is not in line with the final scores and the current provider has been here for years and we know they can do the job. He noted that they do need to replace the commercial dumpsters, but he has seen them out replacing the residential containers. He noted that when there is extra trash out that he has spoken highly of them for picking up everything that is put out so for him they do a very good job for us. As the Mayor pointed out there were times when they could have increased their existing contract but did not and gave our citizens a break. Councilman Boutwell stated he is against the motion. Councilman Clark noted that any score is subjective and he likes the idea of saving the residents some money. We have increased water and wastewater for five years now and this is a way to cut some of the cost. Councilman Allison noted that the contract would have a termination clause which could be terminated during the five-year period. Mayor Muir noted that what Councilman Allison is saying is that we have raised some issues at this meeting and we should maybe do a more proactive job managing the contract and level of service to our citizenry – not necessarily negotiating but setting expectations. Councilman Allison noted that he would like to see the possibility of small negotiations like just as an example, painting all of the commercial containers one color during the price increase adjustment periods each year. Mayor Pro Tem Bilyeu asked each of the vendors a question regarding the recycling and asked if there were carbon credits associated with the recycling program. All of the vendors noted there were none. There being no

further discussion, motion was called. The vote on the motion was a 2 to 2 vote requiring the Mayor to vote. (Councilman Clark and Councilman Allison voting in favor and Mayor Pro Tem Bilyeu and Councilman Boutwell voting against). Mayor Muir voted against the motion breaking the tie with a 3 against-2 favor vote causing the motion to fail (Councilman Chick absent).

Discussion ensued. Mayor Muir noted that the committee scoring scored the current provider a little higher and that sometimes we think the grass is greener on the other side of the fence and sometimes it is not. He noted that the current provider has offered an improvement of service, replacement of the containers, and the goodwill of not having bumped the rates every time they could have during the contracts annual review.

A motion was made by Councilman Boutwell to approve Award of Contract for Solid Waste and Recycling Services to Waste Connections with a beginning frequency of twice a week service and including an option in the contract to go to once a week for Residential Service at the Rates Provided in the Request for Proposal (RFP); and, direct City Manager to notify provider and negotiate the Solid Waste and Recycling Services Agreement for Council award and approval. The motion was seconded by Councilman Allison. Discussion was called. Mayor Muir noted that there were key points brought up that were discussed and need to be handled and dealt with if the contract is awarded to Waste Connections. Painting or replacing the commercial containers at the front end of the contract within the first 60 days; corrections to the billing; handling of customer service calls (which is currently in the current contract); communication on the routes being missed, etc.; residential recycling container size increased from 65 to 95 gallon. Councilman Allison noted that staff needs to be cognizant of the negotiation of the contract regarding the levels of service and items that need to be improved and mentioned in detail in the contract to assure that the current concerns are eliminated or at least minimized. Mayor Pro Tem Bilyeu asked if it was an option if the contract could not be negotiated and we could not get what we are looking for that staff would have the ability to negotiate with the other proposers. It was noted that the contract needed to be negotiated in a timely manner due to the time constraints. Marty Grant with Waste Connections noted that if the City needed more time that they are willing to extend their current contract if that is what the City needs. Mayor Pro Tem Bilyeu noted that he appreciated Waste Connections offering that. The motion carried with a 3-1 vote Councilman Clark voting in opposition to the vote (Councilman Chick absent).

6. **Conduct a Public Hearing Regarding a Request for a Variance to Allow Open Channel for Storm Water Runoff Which can be Contained Within two (2) – 60” Pipes; and for Delaying Construction of the Detention Facility to Return Downstream Discharge to Pre-Development Conditions, for Proposed Final Plat of Lots 1 & 2, Block A, Lois Business Park Addition, Being 4.29 Acres and Generally Located South of Lois Road East and Approximately 1000 Fee East of the Intersection of Lois Road East and I-35 Northbound Service Road.**

Planner Muzaib Ruiz was recognized to summarize the request. The applicant is requesting a variance to allow and open channel for storm water runoff instead of using two 60-inch pipes and the second part of the variance is to remove the requirement to build a detention facility for downstream discharge. The intention of the applicant was to delay the construction of the detention pond and not to remove it. The applicant and engineer, Earl Escobar was recognized and stated they are in the process of developing a final plat of a total of four acres with two lots one being two acres and one being 1.93 acres. They only have development plans for one lot at

this time. They were required to convey offsite drainage to be piped through the development and since they are only proposing on the one lot a 30,000 square foot warehouse it is cost prohibitive to extend pipe through the development. They are proposing an earthen channel which will still accomplish the same end goal to convey all flows. It would be privately owned and maintained; however, the City would still have access to the property. Drainage details were discussed between the engineer and City Council. In terms of detention they are not asking for it to be removed but asking that it be included in future development which in their case would be the second lot which is the bigger lot. At that point they would build the detention for future development. If phase two is built the open ditch will remain. It was noted that the City's third-party engineer was present to answer any questions. Mr. Belcheff was recognized and noted that they have reviewed the project for the City. He clarified that there are two variances being requested on the subdivision ordinance. The ordinance requires that all flows be carried in two 60-inch pipes underground and it is an expensive thing to do, but not an unusual request. Their pipe flows are not enough to fill those two sixty-inch pipes. He noted it would be a mix of culverts and open channel and they are asking for a variance to leave most of the channels open except for driveways, etc. that they would have to cross. This is not an unusual request. The second variance is to delay the detention pond to a future phase. The plat is currently only proposing one lot and the detention pond requirement should be noted on the plat for a future phase and/or tied to specific conditions and gave examples as to upon completion of 2/3 of the development, before building permit, etc.

Mayor Muir opened the public hearing at 8:24 PM and solicited anyone who wished to speak on this item. There being no persons recognized who wished to speak the public hearing was closed at 8:25 PM.

7. **Consider, Discuss and Act on a Request for a Variance to Allow Open Channel for Storm Water Runoff Which can be Contained Within two (2) – 60” Pipes; and for Delaying Construction of the Detention Facility to Return Downstream Discharge to Pre-Development Conditions, for Proposed Final Plat of Lots 1 & 2, Block A, Lois Business Park Addition, Being 4.29 Acres and Generally Located South of Lois Road East and Approximately 1000 Fee East of the Intersection of Lois Road East and I-35 Northbound Service Road.**

Councilman Allison asked Mr. Belcheff if he knew why the City is requiring the pipe instead of open channels. He noted he personally has a problem with open channels. Mr. Belcheff noted that it is his concern that it is usually runoff from another property and there is more of a maintenance issue with open channels. They have offered to put a property owner association that would maintain this earthen channel. There was discussion between Mr. Belcheff and Councilman Allison regarding the channels, maintenance and revisions to the ordinance. Mayor Muir asked if the land around the property develops will the open channel fit with future development of the other land surrounding it. It was noted the property is right on I-35 and it is Industrial Zoning which is an intense zoning and it may into effect future development. Mayor Muir asked how staff should go about noting the detention pond, by just platting one lot now and noting it for future development or putting it on the plat. Mr. Belcheff noted that the channel is on Lot 3 he suggested putting the notes on the plats and it is best to have a development agreement noting all of the requirements. Once Lot 1 is platted it is going to be hard to make them do something that is on someone else's property. Councilman Boutwell asked what type of business they would put on the property. They said anyone that wants to put a business in a 30,000

building. Mayor Pro Tem Bilyeu noted that if the Engineer says that an open channel will suffice he is good with that, but maintenance needs to be addressed and has to be their responsibility. The note on the plat will say that the City has the right to access the channel to maintain it and site the owner and put a lien on the property for maintenance. There are a couple of steps that the City can take to assure that the channel is maintained. Mayor Pro Tem Bilyeu asked how to trigger the detention pond since it is on a different lot. Mr. Belcheff noted it does complicate the issue and that is why a development agreement should be done and it be tied to the entire development of the tract so that as these pieces are sold off so that it runs with all of the properties. If it is not documented it could become a problem in the future and he would not encourage it not being noted. He advised noted that the drainage channel is on Lot 3 and they are not planning on platting it. He also noted that detention facilities do fail and may not be maintained. Mayor Muir asked how best is it for the Council to tie the obligation into clarification for a possible motion how this would be addressed. Mr. Belcheff noted that the channel that they are talking about is actually offsite of Lot 1 and 2 so it is not even on those two lots which they are trying not to plat. He suggested putting the notes on the plats for Lot 1 or Lot 1 and 2 or the whole entire plat but it is best to have a development agreement that memorializes the agreement and what they are doing in lieu of in exchange for getting the variance and it follows the property as it sells. He recommended approval of the two variances as presented in the requests contingent on staff developing a development agreement that the future development of the detention pond attach to the entire property and the maintenance of the channel is addressed with appropriate penalties to enforce said maintenance. Staff will deal with what is best as far as if there is an association formed for maintenance.

A motion was made by Mayor Pro Tem Bilyeu to approve a variance to allow open channel for storm water runoff with the maintenance being the sole responsibility of the property owner; and that they be allowed to initially delay the development of the detention pond with a development agreement developed by staff to implement that detention pond to be developed on the future lots and immediately place the responsibility of the maintenance of the open channel and the detention pond to the owners of the property and providing for a remedy if the property is not maintained, for proposed final plat of Lots 1 & 2, Block A, Lois Business Park Addition, being 4.29 acres and generally located south of Lois Road East and approximately 1000 feet east of the intersection of Lois Road East and I-35 Northbound Service Road. The motion was seconded by Councilman Boutwell. Mayor Pro Tem Bilyeu noted he wanted to add the word allowing for "remedy" if the property is not maintained. Mayor Muir asked if Councilman Boutwell was ok with adding the wording to the motion and Councilman Boutwell stated yes (included in motion above). The motion carried unanimously with a 4-0 vote (Councilman Chick absent).

8. **Consider, Discuss and Act on the Final Plat of Lots 1 and 2, Block A, of Red Willow Addition, Being 9.118 Acres in the R. Bebee Survey A-29, and Being in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located South of Lake Ray Roberts Drive and Approximately 375 Feet East of the Intersection of Lake Ray Roberts Drive and Union Hill Road.**

Planner Muzaib Ruiz was recognized to summarize the request. He stated that it a final plat for Red Willow Addition and they are dividing into two lots. It is in the Lake Ray Roberts Zoning District. It was originally in Agricultural zoning and they recently got R-4 Zoning approved. The lots meet the minimum zoning criteria of four acres and they meet the subdivision regulations.

A motion was made by Mayor Pro Tem Bilyeu to approve the Final Plat of Lots 1 and 2, Block A, of Red Willow Addition, being 9.118 Acres in the R. Bebee Survey A-29, and being in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, generally located south of Lake Ray Roberts Drive and approximately 375 feet east of the intersection of Lake Ray Roberts Drive and Union Hill Road. The motion was seconded by Councilman Allison. The motion carried unanimously with a 4-0 vote (Councilman Chick absent).

9. **Consider, Discuss and Act on the Final Plat of Lake Ridge Estates. Phase 3, Being 11.15 Acres of Land Situated in the Reuben Bebee Survey, Abstract No. 29, an Addition to the City of Sanger, Generally Located North of the Intersection of McReynolds Road and Lake Ridge Drive, and North and East of Lake Ridge Phase I.**

Planner Muzaib Ruiz was recognized to summarize. He advised the applicant is proposing to subdivide the property into 54 lots of record within the Lake Ridge Subdivision. The lots meet the Lake Ridge Planned Development Standards per the Ordinance. A letter of Map revision for floodplain was issued from FEMA on June 26, 2018. The plat meets the City of Sanger Subdivision regulations and Planned Development Ordinance #05-06-18 and Staff recommends approval contingent upon the following conditions:

1. Off-site easements will be acquired by separate instrument(s) and acknowledged (with filing information noted on the Plat) by the City prior to Plat filing.
2. Building Permits for individual lots and final acceptance by the City of public facilities not be provided until after November 9, 2018, the effective date contained in the FEMA Letter of Map Revision Determination Document.

Mayor Pro Tem Bilyeu asked what prompted the requirement #1. Planner Muzaib Ruiz noted that there are easements offsite that are not acquired yet and we are asking them to acquire them by separate instrument and record them on the plat before it is filed. Mayor Pro Tem Bilyeu asked what if those are not recorded on the plat. Staff noted the plat will not be filed.

Councilman Allison asked why the minimum finished floor elevations were not on the plat. The developer noted that he took them off because they are no longer in the flood zone. Councilman Allison stated that they should be on the plat. Councilman Allison noted that the City Ordinance states that the homes in a subdivision need to be built at least two feet above the base floor elevation and when issuing the building permits staff looks at the plat and notes the finished floor elevation and that it has to be met. The City's third-party engineer Mr. Belcheff was recognized and stated that he agreed with Councilman Allison that they should be on the plat. He also noted that they would be required to obtain a flood certificate for any lots that are adjacent to or near a flood plain.

A motion was made by Mayor Pro Tem Bilyeu to approve the final plat of Lake Ridge Estates. Phase 3, being 11.15 acres of land situated in the Reuben Bebee Survey, Abstract No. 29, an addition to the City of Sanger, generally located north of the intersection of McReynolds Road and Lake Ridge Drive, and north and east of Lake Ridge Phase I with the following conditions:

1. Off-site easements will be acquired by separate instrument(s) and acknowledged (with filing information noted on the Plat) by the City prior to Plat filing.

2. Building Permits for individual lots and final acceptance by the City of public facilities not be provided until after November 9, 2018, the effective date contained in the FEMA Letter of Map Revision Determination Document.

3. Add the Finished Floor Elevations for each lot to the final plat.

The motion was seconded by Councilman Clark. The motion carried unanimously (Councilman Chick absent).

10. **Consider, Discuss and Act on the Final Plat of Estates at Wind Song Hill Addition, being 66.181 Acres in the J.P.B. January Survey, Abstract No. 658, and Being in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located North of Kildee Trail and East of Bob White Way.**

Planner Muzaib Ruiz summarized noting the applicant is proposing to subdivide the property into 57 lots of record for single family residential development with a minimum of one acre lots. The property is located within the ETJ of the City of Sanger. The plat was sent to Denton County for a courtesy review. Water service will be Bolivar Water, electric will be provided by CoServ Electric. The plat meets Denton County subdivision regulations. The applicant has also submitted construction/civil plans to Development Services which are currently being reviewed by a third-party engineer.

Councilman Allison asked about Flood Plain and was concerned about the plat not having all of the review comments from the civil engineer. Mayor Pro Tem Bilyeu noted that we are some of getting these developments in that are not complete and is hard for staff to keep up with all of this. Planner Muzaib Ruiz noted that the Texas Local Government Code gives us 30 days to approve the plat and the actual construction plans take more than 30 days. Councilman Allison said we could do what other cities do and get a waiver or we can always deny it. It does not mean we have to approve it. Mayor Muir noted that it seems that developers are pushing us to get items on the agenda before they are complete. Mayor Muir noted that he got a call regarding the property from adjacent residents and that they said they were moving dirt. Planner Muzaib Ruiz noted that they were doing that and the City went out and gave them a stop work order. There was lengthy discussion regarding the review of the plans and other items such as TCEQ septic requirements.

A motion was made by Councilman Allison to approve the final plat of Estates at Wind Song Hill Addition, being 66.181 Acres in the J.P.B. January Survey, Abstract No. 658, and being in the extraterritorial jurisdiction (ETJ) of the City of Sanger, Generally Located North of Kildee Trail and East of Bob White Way with the following stipulation:

1. Contingent upon the construction plans being completed and review being acceptable by City staff and all of the easements and right-of-way being accommodated by the plans.

The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried unanimously with a 4-0 vote (Councilman Chick absent).

There was a short four-minute break taken at this point in the meeting. Meeting reconvened at

9:13 PM

11. **Consider, Discuss and Act on the Amended Plat of Lots 1-A and 2-A, Block A of Kirkland Street Addition, Being an Amendment of Lots 1-3, Block A of Kirkland Street Addition, Being 0.473 Acres in the R. Bebee Survey A-29, an Addition to the City of Sanger, Generally Located Southwest of the Intersection of Kirkland Street and Sims Street.**

Planner Muzaib Ruiz was recognized to provide a summary of the project. The final plat was platted about a month ago and initially was platted into three lots and the applicant would like to replat the lots into two lots. The applicant is proposing to amend the existing plat of Lots 1-3, Block A of Kirkland Street Addition to decrease the total number of lots from 3 to 2 lots. The property is zoned SF-10 and meets all SF 10 zoning standards.

A motion was made by Councilman Boutwell to approve the final plat of the amended plat of Lots 1-A and 2-A, Block A of Kirkland Street Addition, being an amendment of Lots 1-3, Block A of Kirkland Street Addition, being 0.473 Acres in the R. Bebee Survey A-29, an addition to the City of Sanger, generally located southwest of the Intersection of Kirkland Street and Sims Street. The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried unanimously with a 4-0 vote (Councilman Chick absent).

12. **Conduct the Second 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 of \$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). Schedule and Announce Meeting Date and Time to Adopt Tax Rate (3-14 Days From This Date).**

Mayor Muir read the above caption noting that at the Monday September 17th 2018 City Council Meeting would be the Meeting Date for final adoption of the proposed budget, the tax rate, and approving the tax rolls. Mayor Muir opened the Public Hearing at 9:17 PM to hear from anyone who wished to speak on the proposed tax rate. Mayor Muir noted that the tax rate is staying the same. The property valuations as they go up produces additional revenue as the City is a growing City and we produce additional revenue as we grow so we are holding the tax rate at the same rate.

There being no one approaching the podium who wished to speak, the Public Hearing was closed at 9:18 PM.

13. **Consider, Discuss and Possibly Act on Approving and Authorizing the City Manager to Execute Amendment #5 With Alan Plummer Associates, Inc. in the Amount of \$47,923 for Additional Resident Project Representation Fees Related to the Sanger Wastewater Treatment Plan Improvement Project.**

Public Works Director Neal Welch was recognized and stated if the Council has any questions he would be glad to answer them. Mayor Muir noted that Jeff Caffey with Alan Plummer is present at the meeting. There was discussion regarding the item and Mayor Muir noted that this puts extra representation for the City on the ground for this project with inspections. Mr. Jeff Caffey with Alan Plummer noted that time and material is completed and there is no more structural work and most of the work is above ground and can be inspected and addressed in two

days a month. He noted that there was some discussion of having a Class A Plant Operator on-site on the start up of plant one to make sure it goes well, and this item is not included in this amendment. Mr. Caffey explained the inspection process for the concrete and underground piping.

A motion was made by Mayor Pro Tem Bilyeu to approve and authorizing the City Manager to execute Amendment #5 with Alan Plummer Associates, Inc. in the amount of \$47,923 for additional resident project representation fees related to the Sanger Wastewater Treatment Plan Improvement Project. The motion was seconded by Councilman Boutwell. The motion carried with a 3-1 vote. Councilman Clark voting in opposition (Councilman Chick absent).

14. **Consider, Discuss and Possibly Act on Approving and Authorizing the City Manager to Execute Change Order No. 3 Between the City of Sanger and Felix Construction Company Related to the Sanger Wastewater Treatment Plan Improvement Project Which Includes (\$390.48) in Credit and Seventy (70) Additional Days of Contract Time.**

Public Works Director Neal Welch was recognized and stated there were several things that made up Change Order #3 (noted below) and summarized each item for Council.

PCM-08 – Delete one channel of the UV facility. This was a redundant channel that was originally included in the expansion for the future.

PCM-09 – Requires the contractor, Felix Construction to provide heat tract tape, heat trace junction boxes, additional insulation and additional air release valves.

CMR – 12 – Requires the contractors to utilize shotcrete in place of concrete on the east and west slopes of the peak flow storage basin

CMR – 13 – Additional steel tank repairs on Plant #1 that were not planned and discovered when the plant was emptied

CMR-14- Additional cost for Hydrotank

Councilman Allison asked about PCM-08 and the redundant channel for the UV and if it was for when one channel is out the other could be in operation. He noted that it says something about future expansion. Mr. Welch noted that if there is an occasion where we need to do that we can add the channel real easy. We could add a second channel without a whole lot of work if we ever need it. Councilman Allison asked why we needed a hydrotank if we were tied into City water. Mr. Caffey noted that the plant is on City water but they are using plant recycled water. It is for washing out the storage basin and spray water on the clarifiers. Through questioning by Councilman Clark it was noted that the UV Channel was easy maintenance with a plug and play system and the heat trace tape was an add-in.

Mayor Pro Tem Bilyeu asked what the trigger points of the project are now with the timeline changes. Mr. Caffey noted that the Start up of Plant 1 is going to be completed during the second week of October. At that point they will start introducing sludge into Plant 1 and starting the treatment process. It was noted the rotary press is already operational. October 15th is the start of the testing date and November 15th will be the handover date.

Mayor Muir noted as an FYI that there are discussions regarding extra personnel that should be on-site during the start-up of the plant and it is not budgeted and will be something we see in the future. Councilman Clark asked about the plant operators licenses the city has. It was noted that we have an A, B and C Licensed Plant Operators.

Mayor Pro Tem Bilyeu voiced his concerns regarding the contract amount for the wastewater plant. It was noted that the project being an 11-million-dollar project that we are over approximately \$73,000. City Manager Alina Ciocan noted that we do still have about a year to go.

Councilman Allison voiced his concern regarding the future upkeep and maintenance of the wastewater plant.

A motion was made by Councilman Allison approving and authorizing the City Manager to execute Change Order No. 3 between the City of Sanger and Felix Construction Company related to the Sanger Wastewater Treatment Plan Improvement Project Which includes (\$390.48) in credit and seventy (70) additional days of contract time. The motion was seconded by Councilman Boutwell. The motion carried unanimously with a 4-0 vote (Councilman Chick absent).

15. **Consider, Discuss and Possibly Act on Approving and Authorizing the City Manager to Execute Change Order No. 2 for the McReynolds Road Project with Pavecon Public Works, LP for a Reconciliation for the Total Project with a Projected Reduction in Cost of \$222,202.04 Before Considering Additional Change Orders.**

Mayor Muir noted that Item #16 is an additional \$33,978 additional to this amount.

Public Works Director Neal Welch summarized. This is a reconciliation to begin to finalize the numbers and reconcile to date. There will be some additional change orders that will change this amount. The net result is that we are still below the contract amount. We are approximately \$11,000 in the positive.

Councilman Bilyeu asked if the fence was included in this. Mr. Welch noted that the barbed wire fence is a better fence, however the corners and the tie-in posts need to be improved and they are looking at an updated cost to reinforce the fencing to make the homeowners happy. They were done to TxDOT specifications and need to be done to NRCS specifications. The fence itself meets the specifications but the corner posts and tie-in need to be improved to meet those specifications. There was discussion and concern as to why the specified TxDOT fence for the cattle and what improvements need to be made to improve and beef up the fence structure bracing to meet NRCS specifications and satisfy the property owners.

Mayor Pro Tem Bilyeu to approve and authorizing the City Manager to execute change Order No. 2 for the McReynolds Road Project with Pavecon Public Works, LP for a reconciliation for the total project with a projected reduction in cost of \$222,202.04 before considering additional change orders. The motion was seconded by Councilman Clark. The motion carried unanimously with a 4-1 vote (Councilman Chick absent).

16. **Consider, Discuss and Possibly Act on Approving and Authorizing the City Manager to Execute Change Order No. 3 for the McReynolds Project with Pavecon Public Works, LP for an Additional Cost of \$33,978.00 for Changing a Typical Wing Wall for a Storm Water Structure to a Parallel Wing Wall.**

Director of Public Works Neal Welch summarized. One of the structures toward the east end of the project is a wing wall that would go over the top of an ATMOS gas line and ATMOS does not want any concrete over their line. They are changing the structure to a Parallel Wing Wall to accommodate the request and it will cost an additional \$33,978.00. This is a solution to alleviate the problem.

A motion was made by Councilman Boutwell to approving and authorizing the City Manager to execute Change Order No. 3 for the McReynolds Project with Pavecon Public Works, LP for an additional cost of \$33,978.00 for changing a typical wing wall for a storm water structure to a parallel wing wall. The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried unanimously with a 4-0 vote (Councilman Chick absent).

17. **Update on Capital Projects: The Wastewater Treatment Plant and McReynolds Road provided by Director of Public Works, Neal Welch.**

Director of Public Works Neal Welch provided an updated power point presentation of photos of the Wastewater Treatment Plant and McReynolds Road projects and there were various questions posed about some of the photos by the Mayor and Councilmembers.

18. **INFORMATION ITEMS:**

- a. **Financial Report – July 2018**
- b. **Capital Projects Recap – August 30, 2018**
- c. **Library Quarterly Report and Update**

City Manager Alina Ciocan noted that a few months ago when City Council waived the late fees for the Library Fines Mayor Pro Tem Bilyeu requested a six-month update from staff. Library Director Audrey Tolle was recognized to give an update. She there has been no significant changes; the number of long-term overdues has not increased. One thing that they have noticed is that it is new patrons that come in and check out books. There used to be limits for first time check outs and in looking at those numbers we should start limiting the number to two items for the first time check out and when they are returned the amount would be increased. The consortium is also planning to do autorenewals. There was a question as to how many times you can renew. She provided figures regarding the overdues and there was 298 for the year and there was a jump in the summer when people went on vacation and now that summer is over some of the books are coming back. They are seeing more people in the Library and more people are checking out books now that they do not have the threat of overdues hanging over them.

- d. **Monthly Disbursement Report – August 2018**

Councilman Clark asked a disbursement for dry cleanings of 359 shirts (Page 137). City

Manager Alina Ciocan noted that she would look into it.

19. **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).*

20. **ADJOURN.**

There being no further business Mayor Muir adjourned the meeting at 10:20 PM.