

MINUTES: CITY COUNCIL MEETING

December 21, 2015

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

OTHERS

PRESENT: City Manager Mike Brice, Deputy City Secretary Cheryl Price, City Attorney Robert Dillard, Eddie Piercy, Meghann Piercy, Amanda Epps, Joe Falls, Linda Hartman, Roger Hartman, Joseph Hartman, Teresa Shell, Schafer Smartt, Audrey Tolle, Peter Worthington, Sam Alexander, Kelly Alexander, James Stovall

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

Mayor Muir called the meeting to order at 7:03 p.m. Councilman Allison led the Invocation followed by Councilman Chick leading the Pledge of Allegiance.

2. Appoint Mayor Pro-Tem.

A Motion was made by Councilman Chick nominating Gary Bilyeu for Mayor Pro-Tem. No other Nominations were made. Motion was seconded by Councilman Boutwell. Motion carried with a 4-0 vote with Councilman Bilyeu Abstaining.

3. 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).

None.

CONSENT AGENDA

**4. a) Approval of Minutes: December 7, 2015 - Work Session
December 7, 2015 - City Council**

b) Disbursements

c) Approve an Interlocal Agreement for Fire and Ambulance Services Between Denton County and the City of Sanger

d) Approve Appointing Casey Barclay to the 4A Board

e) Approve Appointing Scott Stephens to the Sanger Cultural Education Facilities Finance Corporation.

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

5. Consider any Items Removed From Consent Agenda.

REGULAR AGENDA

6. Consider, Discuss and Possibly Approve Resolution #R12-17-15 - For a Low Income Housing Tax Credit Program for MWF Properties.

A Motion was made by Councilman Bilyeu approving Resolution #R12-17-15 for a Low Income Housing Tax Credit Program confirming the City of Sanger will provide a loan, grant, reduced fee or contribution of other value for the benefit of the development in the amount of \$10.00. Motion was seconded by Councilman Clark. Motion carried 4-1 vote Councilman Chick opposed.

7. Consider, Discuss and Possibly Approve a Purchase and Sale Agreement Between the City of Sanger and the Sanger Industrial Development Corporation Regarding 125 Bolivar Street.

A Motion was made by Councilman Bilyeu to approve a Purchase and Sale Agreement between the City of Sanger and the Sanger Industrial Development Corporation regarding 125 Bolivar Street for the purchase price of \$100,000.00. Motion was Seconded by Councilman Boutwell. Motion carried unanimously.

8. EXECUTIVE SESSION: CLOSED MEETING

Pursuant to the Open Meetings Act, Chapter 551, the City Council will Meet in a Closed Executive Session in Accordance With the Texas Government Code: Section 551.071 – Consultation With City Attorney to Receive Legal Advice Pertaining to Acquisition of Property on McReynolds Road.

Council convened at 7:25 p.m.

9. RECONVENE: OPEN MEETING

Any Action Taken.

Council reconvened at 8:14 p.m.

10. Consider, Discuss and Possibly Approve Resolution #R12-16-15 – Authorizing the use of Eminent Domain to Condemn Property for the Acquisition of Slope, Drainage and Temporary Construction Easements on the Private Property of the Following for the Improvement of McReynolds Road (see Exhibit “A” of Proposed Resolution for Legal Description and Depiction of Easements).

a) Roger Wayne Hartman and Linda Walden Hartman at 3000 McReynolds Road

b) Alexander Living Trust at 3219 McReynolds Road

c) Joe R. Falls and Patty J. Falls Revocable Living Trust and Falls Family Partners, Ltd, at 4489 McReynolds Road

Mayor Muir recognized members of the audience who wished to speak on this item.

Sam Alexander, 3219 McReynolds Road was recognized stating that there have never been any negotiations with him whatsoever. The first offer he got was the same as the last offer

he got. No one has ever come out and explained what exactly they were going to do with his property. He was concerned about the bulldozing of the hill on his property and said there will be a problem if that happens because that is his property. He said you may get an easement but when you start taking dirt from his property down the hill you are doing a taking and not doing an easement. The only person that has come to him is the group that the City hired and came out and asked what they could do to make it right and he told them everything he was concerned about and what he wanted out of the deal and got nothing. He noted the contract has problems because it says they are guaranteeing that property does not have any easements or encumbrances on the property. He does not know what is there and he said he could not sign that paper because it puts liability back on him. He noted concerns about the temporary and permanent easements. He wanted a definitive time line on the how long the temporary easements would be utilized. He noted he has an electric fence for his dogs on the property. His concern regarding the trees. He noted he has the closest house to the road and he is concerned about that. He said he is still waiting for the phone call and nobody has contacted him yet. He said he is willing to work with the city to an extent but no one has negotiated with him.

Linda Hartman, 3000 McReynolds Road was recognized. She said that they are outside of the City limits and none of the Council represents them because they did not get to vote for them. She said she has a problem with the Council getting to vote to condemn their land. She e-mailed Neal Welch and spoke with Rene Molunet because her property has a creek running through it down her driveway. She noted her concern regarding the construction and the increasing of the drainage on her property and was told that the drainage was not studied. She wanted to ask the city to study the drainage. She has to be able to get to her home. When it rains now she has to take the truck through it now and is worried what it will be like after the construction. She brought up the market value concern she had mentioned at the last meeting. She reiterated that she felt the flooding is a big deal and needs to be looked at and the tree where her brother's ashes are.

Joe Falls, 4489 McReynolds Road was recognized. He advised when he came to Sanger 45 years ago McReynolds Road was a two lane paved road. He advised his whole issue is that from the first half of mile from the bridge out ½ a mile should be three lanes. There has been talk that someday the road would be four lanes. It needs at least three lanes because of the schools and growth. He noted that when this goes to Eminent Domain he does not know what his tax dollars will be paying for. He does not want to see Eminent Domain. He noted his history with Eminent Domain and reiterated that he feels it needs at least three lanes.

Motion was made by Councilman Boutwell to approve Resolution 12-16-15 to authorize the use of the power of Eminent Domain to acquire slope easements, and/or drainage easements, and temporary construction easements on the properties described in Exhibit A of the Resolution at 3000 McReynolds Road, 3219 McReynolds Road and 4489 McReynolds Road for public road purposes. Motion was seconded by Councilman Bilyeu.

There was discussion on the Motion.

Councilman Allison advised he wanted to make some comments. He noted that he intends to abstain from the vote primarily because he is a new councilmember and though he has had some general briefing, he has not been able to study it in detail. He noted that from what he has heard from affected residents that there are some concerns that he would like to have

more information about. Potential drainage problems are one of them. He noted that we need to keep our engineering separate from the acquisition of this property to the greatest extent as we can. To the extent that additional Engineering may cause requirement of additional right-of-way, if the project demands. He also noted that he felt negotiations should continue regarding some personal concerns voiced. We need a clear understanding of what the parties want in addition to a higher appraised value. He felt that the parties should put in writing what it is they want. He noted that McReynolds Road needs the improvement and elaborated that studies have been done on three lanes and it is not a good idea.

Recorded vote as follows:

Councilmember	Vote Aye (Yes)	Vote Nay (No)	Abstain
Councilman Boutwell	X		
Councilman Allison			X
Councilman Clark		X	
Councilman Bilyeu	X		
Councilmember Chick	X		

Motion carried with with a 3-1 Vote. Councilman Clark voting in opposition and Councilman Allison Abstaining.

11. INFORMATION ITEMS:

a) All American Dogs Report – November 2015

No discussion.

12. Adjourn.

Mayor Muir adjourned the meeting at 9:08 p.m.

