

MINUTES: CITY COUNCIL MEETING

December 5, 2011

PRESENT: Mayor Thomas Muir, Councilmember Gary Bilyeu, Councilmember Scott Stephens, Councilmember Russell Martin, and Councilmember Andy Garza

ABSENT: Councilmember Marjory Johnson

OTHERS

PRESENT: Mike Brice City Manager, Cheryl Price Deputy City Secretary, Kelli Alexander, Robert Dillard, Bill Wright, Steve Senter, Mendie Schmidt

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

Mayor Muir called the meeting to order at 7:00 p.m. Councilmember Stephens led the Invocation followed by Councilmember Martin 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 brought up during this section).

Kelli Alexander, 3219 McReynolds Road, spoke about Animal Control and Noah's Ark.

3. CONSENT AGENDA:

- a) Approval of Minutes: November 21, 2011 - Council Meeting
- b) Disbursements

A motion was made by Councilmember Garza to approve the Consent Agenda as presented. The motion was seconded by Councilmember Martin. The motion carried unanimously.

4. Consider any Items Removed From Consent Agenda.

All items were approved as presented in Item 3 Consent Agenda. No items were removed.

REGULAR AGENDA

5. Consider, Discuss, and Possibly Act on Bids Received for Bolivar Street, 1st Street & 3rd Street Covering the Construction of Paving and Utility Improvements.

City Manager Brice advised that the City only received two bids for the project. The timing of the bid was during a very busy time for the contractors doing this type of work, so the two bids received came in at much higher prices. The City would like to reject the current bids and re-bid the project.

Councilmember Bilyeu noted concern as to how much delay this would cause the project. City Manager Brice advised that it would be about 30 days. He noted that even if one of the current bids were approved that the contractor would probably not

start until January. He advised that even if the project is re-bid, it is anticipated it still should be completed by the end of the Summer.

Councilmember Stephens asked how much staff expected the project to come in it at? City Manager Brice noted that hopefully it would come in for under \$200,000.

A motion was made by Councilmember Bilyeu, seconded by Councilmember Garza to reject all bids received for Bolivar Street, 1st Street and 3rd Street covering the construction, paving and utility improvements and re-bid the project. The motion carried unanimously.

6. **Conduct Public Hearing on Amending the Comprehensive Zoning Ordinance and Central Zoning Map by Changing the Zoning Classification From “A” Agricultural District to “I-1” Industrial District on Property Legally Described as Approximately 37.27 Acres Within Tract 123 of the Rueben Beebe Survey, Located on the East Side of Interstate 35 and Ranger Branch, Between Belz Road and Utility Road.**

Mayor Muir advised that the Planning and Zoning Commission did not have a quorum at their last regular meeting and they scheduled a special meeting tonight at 6:00 PM. The Planning and Zoning Commission voted unanimously to recommend approval of the zoning request.

Mayor Muir opened the Public Hearing at 7:12 PM and solicited citizens in the audience either in favor or against the zoning request.

Kelli Alexander, 3219 McReynolds Road was recognized and noted concern that she was not aware this item had come before Planning and Zoning. She asked about the posting of the Planning and Zoning Meetings. It was noted that the Planning and Zoning meetings are posted at 201 Bolivar where the official meetings are held. Ms. Alexander stated that the agendas and minutes were not posted on the internet. She also requested a list of Planning and Zoning Commission members. City Manager Brice advised Ms. Alexander that staff could provide her with a list of the Planning and Zoning Members.

Steve Senter, 725 Red Oak Lane, Friendswood, Texas, was recognized. He advised they are moving the Petroleum Terminal which was originally planned on 2164 to the property located behind Miguelitos. They have negotiated an agreement to purchase the property and build a pipeline.

Through Councilmember questioning to Mr. Senter, it was noted that the pipelines would be coming from two lines out of Houston to Arlington. There would be a small 8” line feeding through Denton to Ardmore, Oklahoma. The line would be located 2 miles to the east of I-35 almost north/south of Thackerville to Ardmore. The facility would consist of six storage tanks and a truck loading facility. A fire prevention tank and vapor recovery Tank. This facility location will completely replace the facility which was proposed on 2164 and is proposed to be located in the open field behind Miguelitos consisting of approximately 40 acres. The City of Sanger will be enforcing the International Fire Codes. They anticipate at full peak, the traffic will consist of approximately 150 trucks a day.

Discussion regarding concern as to Ingress and Egress was discussed. It was noted

that trucks would be using the cloverleaf north east of Miguelitos for access.

Kelli Alexander was recognized and asked if this was the only Public Hearing on the item.

Mayor Muir advised this is the final Public Hearing on the Zoning Change for the property.

There being no proponents or opponents or further comments, Mayor Muir closed the Public Hearing at 7:25 PM .

7. **Consider, Discuss and Possibly Approve Ordinance #12-39-11 – Amending the Comprehensive Zoning Ordinance and Central Zoning Map by Changing the Zoning Classification From “A” Agricultural District to “I-1” Industrial District on Property Legally Described as Approximately 37.27 Acres Within Tract 123 of the Rueben Beebee Survey, Located on the East Side of Interstate 35 and Ranger Branch, Between Belz Road and Utility Road.**

Discussion ensued regarding the truck traffic which would be generated and the reconfiguration of the cloverleaf access to IH-35 to accommodate it. Councilmember Garza pointed out that if it is left as it is currently configured any traffic coming from the north would have to go to FM 455 and u-turn under I-35 to get to the facility. There was concern that this would create more traffic to an already very busy intersection. It was suggested that a cloverleaf like the one at the Walmart Facility would be a good idea and not bring additional traffic to an already very busy intersection. It was noted that this would be a TxDOT issue. Mr. Senter advised that most of the traffic would be coming from the south.

Mayor Muir noted that this is currently only to approve the zoning.

Councilmember Bilyeu asked if there would be any economic impact from the facility. City Manager Brice advised that that there would be about 8 to 10 jobs and about 20 million in construction cost. They are not asking for any incentives. There are really no negatives. The fire concerns are being addressed with the educating of the firefighters and providing the foam dispensing systems.

Mr. Senter noted that if they go forward that they would like to start construction in 90 days and it will take about 12 to 18 months for construction. The permit process with the city will be bout a 60 day process and the Air permit 30-45 Days.

Mayor Muir noted that there is concern regarding traffic and we need to look at a permitting process with TxDOT. It was noted that there was nothing in the permitting process that would bring this back to the City Council; however, proposed preliminary and final plats would be submitted to Council.

A Motion was made by Councilmember Bilyeu. Seconded by Councilmember Martin, approving Ordinance 12-39-11 – Amending the Comprehensive Zoning Ordinance and Central Zoning Map by changing the Zoning Classification from “A” Agricultural District to “I-1” Industrial District on property legally described as approximately 37.27 acres within tract 123 of the Rueben Beebee Survey, located on the east side of Interstate 35 and Ranger Branch, between Belz Road and Utility

Road. The motion carried unanimously.

8. EXECUTIVE SESSION:

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 Attorney) - Regarding Contemplated or Pending Litigation.

The City Council Meeting was convened in Closed Session at 7:43 P.M.

RECONVENE:

Into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

The City Council Meeting was reconvened at 8:13 P.M. No Action was taken.

9. INFORMATION ITEMS

- a) 2012 Council Meeting Dates and City Observed Holidays**
- b) ATMOS Energy Rider GCR – Rate Filing Under Docket No. 9762**

City Manager Brice noted the information items bringing attention to the 2012 City Council Meeting dates. There was no discussion on the Information Items.

10. Adjourn.

Mayor Muir adjourned the meeting at 8:14 p.m.