

**MINUTES: City Council Meeting
April 7, 2008**

**PRESENT: Mayor Joe Higgs, Councilman Andy Garza, Councilman Robert Patton,
Councilman Mike Walker, Councilman Thomas Muir**

MEMBERS

ABSENT: Councilman Glenn Ervin

OTHERS

**PRESENT: City Manager Mike Brice, City Secretary/Asst. City Manager Rose Chavez,
Russell & Barbara Martin, Jackie Echols, Janan & Jim Bob Kline, Richard
Hale, Lisa Kish, Stephanie Grant, Christopher Jones, Katherine Raum and
Jake Swaim**

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

Mayor called meeting to order, Councilman Garza led the invocation which was followed by Councilman Muir leading the Pledge of Alligance.

2. Citizens Input:

Citizens are allowed 3 minutes to speak. The City Council is unable to respond or to discuss any issues that are brought up during this section.

None

CONSENT AGENDA

- 3. a) Approve Minutes March 17, 2008 - Work Session
March 17, 2008 - City Council**
- b) Disbursements**
- c) Approve Removal of a Member from the 4B Board**
- d) Approve Final Payment and Acceptance for the Completion of Indian Springs CIP Phase I**
- e) Approve Award of the Construction Contract for the Marion Water Line Improvements to H2M Utilities Contractors**
- f) Approve Award of the Construction Contract for the Sanger Streetscape Improvements to Reliable Paving Inc.**
- g) Approve 4B Board Expenditure for Ballpark Improvements**

- h) Reject all Bids Received for the Presbyterian Church Renovation Project**
- i) Approve Second Amendment to Inducement and Development Agreement Between the City of Sanger and Wal-Mart Store East, Inc. Regarding Funding for Improvements to Lois Road**

Councilman Garza expressed a concern in the manner the Council is adopting the Consent Agenda. The items are adopted without discussion and he would like to see item (c) thru (i) pulled to allow Council an opportunity to discuss them.

City Manager advised that the Mayor needed to read them individually and each item had to be voted separately.

Councilman Muir indicated he had one change to the March 17, 2008 meeting, page 7, Item 8, 4th paragraph, to replace the word “everything” to “signage”.

Motion was made by Councilman Muir to adopt a) and b) under the Consent Agenda as corrected. Motion carried unanimously.

- c) Motion was made by Councilman Patton to remove Lyndall Mitchell from the 4B Board. Seconded by Councilman Garza. Motion carried.**
- d) Motion was made by Councilman Muir to approve the Final Payment of \$35,707.55 for the Completion of Indian Springs Phase I. Seconded by Councilman Walker. Motion carried unanimously.**
- e) City Manager advised the City received 12 bids and H2M was the low bid at \$164,419.00 for the Marion Water Line Improvements. They are a competent contractor and their references were checked. All the companies that submitted bids were bonded. The monies to pay for this project will be utilized from Water Capital Reserve Funds.**

Motion was made by Councilman Walker to award the bid to H2M for construction for Marion Water Line Improvements. Seconded by Councilman Patton. Motion carried unanimously.

- f) City Manager advised there were three bids received on this project. The low bidder was Reliable Paving in the amount of \$347,793.50. The 4B Board has approved the expense of the project. This does not include the light poles and benches that the City will be installing. He will address the 4B Board at a later date with a request for funding. The estimated cost will be between \$25,000 to \$35,000.**

Brief discussion concerning the contractor and the amount of the bid.

Councilman Muir made a motion to award the bid to Reliable Paving Inc., for the Sanger Streetscape Improvements. Seconded by Councilman Walker. Motion carried unanimously.

- g) City Manager advised that the 4B Board approved two of the items requested which included scoreboards and temporary fencing for a total of \$22,000.00. The main reason for the improvement is to be able to host tournaments.**

Motion was made by Councilman Patton to approve the 4B Board expenditure for ballpark improvements. Seconded by Councilman Garza. Motion carried unanimously.

- h) City Manager advised that 4B Board declined to fund the renovations to the Presbyterian Church due to the cost for the project. He is in the process of looking into possibilities for grants from private foundations.**

Motion was made by Councilman Walker to reject all bids for the Presbyterian Church Renovation Project. Seconded Councilman Garza. Motion carried unanimously.

Councilman Walker requested the building be secured to keep it from getting damaged.

- i) City Manager advised the agreement is between Wal-Mart, the County and TX-DOT. In the original agreement Wal-Mart agreed to pay some of this cost. The City was part of the original agreement and has to also approve the agreement. There is no monetary cost for the City regarding Lois Road. The City as part of the agreement is still responsible at some future date for the installation of water and sewer lines to that property.**

Discussion concerning the project.

Motion was made by Councilman Walker to accept and approve the Second Amendment to the Inducement and Development Agreement between the City of Sanger and Wal-Mart Store East, Inc., as indicated. Seconded by Councilman Garza. Motion carried unanimously.

- 4. Consider any Items Removed from Consent Agenda.**
- 5. Conduct Second Public Hearing on Re-Adopting and Continuing Curfew Ordinance #03-07-08.**

City Manager advised that State Law requires two hearings on this ordinance.

Mayor declared public hearing open.

No one spoke for or against.

Mayor declared public hearing closed.

- 6. Consider and Possible Action on Re-Adopting and Continuing Curfew Ordinance #03-07-08.**

Motion was made by Councilman Patton to Re-Adopt and Continue Curfew Ordinance

#03-07-08. Seconded by Councilman Muir. Motion carried unanimously.

CAPTION AS FOLLOWS:

ORDINANCE 03-07-08

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, CONTINUING 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 THE REVIEW OF THIS ORDINANCE WITHIN THREE YEARS AND EVERY THIRD YEAR THEREAFTER; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 7. Consider and Possible Action on Ordinance #04-08-08 - Making it Unlawful for Certain Sex Offenders to Reside Within 2000 Feet of Premises Where Children Gather.**

City Manager advised this ordinance has been passed by a couple of other cities in the North Texas Metroplex. He continued with a summary of the contents of the ordinance. A sex offender can't reside within 2,000 ft. of a place where children gather to include; public parks, schools, public or semi-private pools, public or semi-private playgrounds. The ordinance only applies to sex offenders where the victim was under 17 years old. It does not apply to someone who already has a residence in Sanger. If the sex offender moves then at that time the 2,000 ft. restriction applies. It does not apply to a juvenile who has been convicted as a sex offender and living with their parents. City Manager presented a map to the public that outlined the 2,000 ft. perimeter.

Council discussed the other issue raised in the workshop with some wording regarding loitering. The City Manager is to check on the legality of the wording and it will be incorporated into the ordinance and amended.

There were some citizens in attendance who addressed Council concerning this issue.

Ms. Janan Kline, 907 Elm, expressed her support to the Council in consideration of adoption of this ordinance. She advised there are two sex offenders who reside in the location of where she lives. There is one sex offender who continually exposes himself. Ms. Kline expressed her frustration with the situation. She has a concern for the children in the neighborhood.

Jacki Echols, 903 Elm Street, addressed the Council with the same concerns and for consideration for the adoption of this ordinance. She informed Council of an incident where this sex offender has exposed himself to her and family members.

Discussion concerning the adoption of this ordinance and the requirements concerning a sex offender who is on probation. Concerns were expressed by the citizens who were in attendance.

Jim Bob Kline resides at 907 Elm, emphasized Sanger needs an ordinance that makes it difficult for these offenders to reside in Sanger.

Councilman Patton made the motion to adopt Ordinance #04-09-08 making it unlawful for sex offenders to reside within 2,000 ft of premises where children gather. Seconded by Councilman Garza. Motion carried unanimously.

CAPTION AS FOLLOWS:

ORDINANCE #04-08-08

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, ADDING ARTICLE 8.900 OF THE SANGER CITY CODE MAKING IT UNLAWFUL FOR CERTAIN SEX OFFENDERS TO RESIDE WITHIN 2,000 FEET OF PREMISES WHERE CHILDREN GATHER; MAKING IT UNLAWFUL TO LEASE, RENT, OR PROVIDE LIVING SPACE TO CERTAIN SEX OFFENDERS WHEN SUCH WOULD RESULT IN VIOLATION OF THIS ORDINANCE; PROVIDING THAT A CULPABLE MENTAL STATE IS NOT REQUIRED FOR COMMITTING AN OFFENSE UNDER THESE PROVISIONS; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- 8. Conduct Public Hearing on Ordinance #04-09-08 - Amending the Comprehensive Zoning Ordinance and Granting a Specific Use Permit for Pharmacy and Medical Equipment Sales and Distribution on Property Legally Described as Utility Park, Block 1, Lot 3. Property is Located at 808 Utility Road.**

Mayor declared public hearing opened.

Stephanie Grant was in attendance in the meeting to address any questions and concerns Council may have regarding this request.

City Manager advised this item has been approved by the Planning and Zoning Commission.

Mayor declared public hearing closed.

- 9. Consider and Possible Action on Ordinance #04-09-08 - Amending the Comprehensive Zoning Ordinance and Granting a Specific Use Permit for Pharmacy and Medical Equipment Sales and Distribution on Property Legally Described as Utility Park, Block 1, Lot 3. Property is Located at 808 Utility Road.**

Motion was made by Councilman Muir to adopt Ordinance #04-09-08 as presented. Seconded by Councilman Walker. Motion carried unanimously.

CAPTION AS FOLLOWS:

ORDINANCE NO. 04-09-08

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SANGER, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT FOR RETAIL SALES ON A TRACT OF LAND PARTICULARLY DESCRIBED AS PATE ADDITION, LOT 3; PROVIDING SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

- 10. Conduct Public Hearing on Ordinance #04-10-08 - Amending the Comprehensive Zoning Ordinance and Granting a Specific Use Permit for Retail Sales in an Industrial 1 (I-1) Zoning District on Property Legally Described as Pate Addition Lot 3. Property is Located at 708 8th Street.**

Mayor declared public hearing opened.

Discussed that this property is located behind the Sonic.

Mayor declared public hearing closed.

- 11. Consider and Possible Action on Ordinance #04-10-08 - Amending the Comprehensive Zoning Ordinance and Granting a Specific Use Permit for Retail Sales in an Industrial 1 (I-1) Zoning District on Property Legally Described as Pate Addition Lot 3. Property is Located at 708 8th Street.**

City Manager advised this will be a T-shirt business and this was approved by Planning and Zoning Commission.

Motion was made by Councilman Pattion to adopt Ordinance #04-10-08 as presented. Seconded by Councilman Walker. Motion carried unanimously.

CAPTION AS FOLLOWS:

ORDINANCE NO. 04-10-08

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SANGER, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT FOR RETAIL SALES ON A TRACT OF LAND PARTICULARLY DESCRIBED AS PATE ADDITION, LOT 3; PROVIDING SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND

DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

- 12. Conduct Public Hearing on a Replat of Lot 1, Block A, Gaffke Replat Being a Replat of Lots 1-8, Block 1, Lots 1-7, Original Town Site of Sanger.**

Mayor declared public hearing opened.

Discussed that the owner is trying to replat all this property into one lot.

Mayor declared public hearing closed.

- 13. Consider and Possible Action Regarding a Replat of Lot 1, Block A, Gaffke Replat Being a Replat of Lots 1-8, Block 1, Lots 1-7, Original Town Site of Sanger.**

Motion was made by Councilman Garza to approve the Replat as presented. Seconded by Councilman Walker. Motion carried unanimously.

- 14. Information Items:**

- a) Monthly Financial Statement as of March 31, 2008**
- b) New City Hall Expense Summary**
- c) Resignation Letter from 4B Board Member**
- d) Letter from Citizen Regarding Recycling**
- e) Notice of Rate Change Request from Brazos Electric Power Cooperative, Inc.**
- f) Legislative Update**

- 15. Adjournment.**

Mayor adjourned the meeting.