

**MINUTES: CITY COUNCIL MEETING**

December 07, 2015

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

**OTHERS**

**PRESENT: City Manager Mike Brice and Deputy City Secretary Cheryl Price, Joe Iliff, Joe Falls, Lee Allison, Sue Allison, Roger Hartman, Linda Hartman, Sam Alexander, Kelly Alexander, James Stovall**

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

Mayor Muir called the meeting to order at 7:10 p.m. Councilman Boutwell led the Invocation followed by Councilman Clark leading the Pledge of Allegiance.

**Mayor Muir noted to the audience that No Action would be taken tonight on Executive Session Item Nos. 12 and 13 and Item No. 14 and would be moved to the December 21, 2015 meeting. The City Attorney is stuck in traffic not able to make the meeting because it would be at least two hours before he would arrive according to Google Maps.**

**2. Appointment of Council Member to Fill Place I Vacancy.**

A motion was made by Councilman Boutwell, seconded by Councilman Bilyeu to Nominate Lee Allison to fill City Council Place I vacancy. The motion carried unanimously (4-0 Vote). Lee Allison was sworn in to fill City Council Place I and took his seat.

**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).**

Joe Falls, 4489 McReynolds Road, was recognized and spoke on Sin and explained it was the sin of omission he wanted to talk about. He challenged the City Council to put the effort into the cities needs and to study the agendas, the items proposed, the lay of the land and put in a great deal of effort to do the job they are appointed to do. On McReynolds Road, he noted they need to address the drainage issues and the right of way issues. He advised he does not want money but wants it for the safety of the public and the safety of the schools and the future of the road's needs. He said that it should be built in accordance to 10-15 years in advance. He noted that the school road part has satisfied his needs and he is not going to hold the project up. He wanted to find a way to avoid additional expenditures to the city and noted he could not speak for the other people in the audience that he is speaking for himself.

Sam Alexander, 3219 McReynolds Road. He noted that he did not like the way the project has been handled. He said he explained that there were specific things that he asked in negotiation and when they came back to meet again nothing had changed. He said they are taking a lot of his front yard and will not commit what is going to happen to the trees. He said they are offering \$1260 and they are going to level out the hills (his land is a hill) and his land would be shoved down the hill. He said when you start taking his dirt, it is his land, and you are taking his property. That nobody has come out to talk with him to tell him what exactly they are going to do. He noted he just got finished last year with the Bonnie Brae lawsuit in Denton, there was a utility line put on the people's property, and after two years, he

got those people 1.2 million dollars for the City doing that illegally. He noted that they are also asking for a temporary easement and it is supposed to be paid for too. They are two separate things. It is all being lumped into one thing and it is not right. He said he is still waiting for the negotiation.

Linda Hartman, 3000 McReynolds Road. Lived there for 20 years. Her daughter was hit by a car while getting on a school bus when she was in 2nd grade. They lowered the speed limit from 60 to 45 and put a sign up that said watch for school bus. She noted that the land was not a big deal and they were actually willing to give up the property for nothing until the city lowered the property values through the taxes which was pretty obvious what was going on. She said that property values have not gone down from what they were 10 years ago except for her property. She went to the Denton County Tax Office and fought them and they raised the value a little which she said is still not right. She added she wanted to make sure that all members were aware of the Amendment to the Constitution in 2012 that has to do with Eminent Domain and be very careful. She said she is not a vindictive person and not an unfair person, but will protect her family. She noted a Mesquite tree on her property that holds family memories and is where her brother's ashes are. She said that the tree is sacred; it is in the temporary easement, and they were willing to give her \$100 for it – she said that she would not take \$100,000 for that tree.

### **CONSENT AGENDA**

3. a) **Approval of Minutes: November 16, 2015 - Work Session  
November 16, 2015 - City Council**
- b) **Disbursements**
- c) **Approve Appointing Jason Collett to the Parks Board – Place 4**
- d) **Approve an Interlocal Agreement for Library Services Between Denton County and the City of Sanger**

Councilman Bilyeu made a motion to approve all items in the Consent Agenda as presented. Motion seconded by Councilman Boutwell. Motion carried unanimously (5-0).

4. **Consider any Items Removed From Consent Agenda.**

### **REGULAR AGENDA**

6. **Conduct a Public Hearing Regarding a Request for the use of Alternative Exterior Building Materials and/or Design for Proposed Single-Family Dwellings at 4907, 4909 and 4911 Lakepark Drive.**

Mayor Muir opened the Public Hearing at 7:40 and solicited any citizens who wished to speak either for or against. There were no citizens recognized. The Public Hearing was closed at 7:47.

7. **Consider, Discuss and Possibly Approve the use of Alternative Exterior Building Materials and/or Design for Proposed Single-Family Dwellings at 4907, 4909 and 4911 Lakepark Drive.**

James Stovall, Hometown Classic Builders, 3220 Pabloma, Grand Prairie Texas, was recognized. Mr. Stovall provided photos and plans of the pop out bay window he was proposing for the three addresses. He noted that they were planning to use James Hardy Cement Siding around the window, which is a deviation from the material requirement around

the window, and why he is here. He explained that the window is not considered an encroachment into the yard over the building line setback. Joe Iliff explained that there is an allowance in the Zoning to allow for projection into the setback where there is an overhang for an eave or projection out from the wall. The Building code deals with spacing from building to building. It was noted the pop out window would not project past the roofline. If approved this variance would only be for the three addresses provided tonight, any new requests would have to come before Council for approval.

Councilman Bilyeu made a motion to approve the pop out bay window as proposed with James Hardy Board Cement Siding in the portions around the window at the base and around the window consistent with the plans as presented at the meeting. Motion seconded by Councilman Clark. Motion carried unanimously (5-0).

**8. Consider, Discuss and Possibly Approve Change Order 1 for an Additional Amount of \$75,000 for Well #9.**

Mayor Muir explained that this proposal is to get added volume out of the well by increasing the size. It was noted that \$75,000 is the maximum amount. There was brief discussion regarding the the drilling of both of the wells. There was question as to whether the pump and motor would still work with the increase of volume. Mike Brice advised he would get with the Engineer tomorrow and let the Council know. This contract is for drilling the wells and does not include the pump, and the associated piping to get it into the system. These items will be included on the next contract.

Councilman Bilyeu made a motion to approve Change Order 1 for an additional amount of \$75,000 for Well #9. Motion was seconded by Councilman Boutwell. Motion carried unanimously (5-0).

**9. Consider, Discuss and Possibly Approve Soliciting a Request for Qualifications for General Engineering and Related Services.**

Councilman Bilyeu made a motion to approve soliciting a Request for Qualifications for General Engineering and related services. Motion was seconded by Councilman Clark. Motion carried unanimously (5-0)

**10. Consider, Discuss and Possibly Approve a Professional Services Agreement With Perkins Engineering Consultants, Inc. to Support Installation of Two Water Supply Wells (#8 & #9) and the Installation of Facilities to Connect the Wells to the Distribution System.**

There was brief discussion on the change from LNV to Perkins. There was also discussion regarding the quality of the water from the wells. It was noted this agreement was for both wells.

Councilman Bilyeu made a motion to approve a Professional Services Agreement with Perkins Engineering Consultants, Inc. to Support Installation of Two Water Supply Wells (#8 & #9) and the Installation of Facilities to Connect the Wells to the Distribution System. Motion was seconded by Councilman Clark. Motion carried unanimously (5-0).

**11. Consider, Discuss and Possibly Approve Ordinance #12-25-15 – Abandoning the Right-of-Way of Wagon Wheel Drive Between Sanger Circle Drive and Villas Drive.**

Joe Iliff was recognized and noted that this request is to abandon a small section of Wagon

Wheel Drive between Sanger Circle and Villas Drive. This portion was on the plan and not constructed. This street segment is not necessary any more. It will be open space maintained by the Homeowner's Association. It is not a buildable portion since it is only 50 feet. There is a utility easement on the property and it will be noted on the plat. The plat will be updated.

Councilman Boutwell made a motion to approve Ordinance #12-25-15 abandoning the Right-of-Way at Wagon Wheel Drive between Sanger Circle Drive and Villas Drive. Motion was seconded by Councilman Bilyeu. Motion carried unanimously (5-0).

**12. 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.**

No action taken. This Item will be on the December 21, 2015 Regular City Council meeting.

**13. RECONVENE: OPEN MEETING**

**Any Action Taken.**

No action taken. This Item will be on the December 21, 2015 Regular City Council meeting.

**14. 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**

No action taken. This Item will be on the December 21, 2015 Regular City Council meeting.

**15. INFORMATION ITEMS:**

**a) Financial and Investment Report – September & October 2015**

**b) ATMOS Energy Rider GCR – Rate Filing Under Docket No. 10170**

**16. Adjourn.**

Mayor Muir adjourned the meeting at 8:40 p.m.

