

**CITY OF SAGINAW  
MINUTES OF CITY COUNCIL MEETING  
AND PUBLIC HEARING  
HELD AT THE SAGINAW CITY HALL  
333 WEST MCLEROY BLVD.  
APRIL 17, 2018**

Present at the meeting:

Mayor	Todd Flippo
Mayor Pro-Tem	David Flory
Councilmember	Patrick Farr
Councilmember	Valerie Tankersley
Councilmember	Cindy Bighorse
Councilmember	Mary Copeland
City Attorney	Bryn Meredith
City Engineer	Dana Shumard, P.E.
City Manager	Gabe Reaume
Asst. City Manager	Dolph Johnson
Finance Director	Kim Quin
City Secretary	Janice England
Interim Police Chief	Doug Spears
Interim Fire Chief	Scott Craver
Director of Public Works	Rick Trice, P.E.
Human Resource Director	Melanie McManus
Library Director	Ellen Ritchie
Chief Building Official	Kevin McMillin
Senior Building Inspector	Larry Little
Police Officer	Brandon Papenthein

Absent from the meeting:

Councilmember	Sheri Adams
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Visitors at the meeting:

Chris Carter	Charles Tucker
Lawrence Lakey	Pam Lakey
Ben Raef	Randi McMillin
Misty Farr	Jan Young
Stephen Brim	Marc Paquette
Charity Deville	

(1) Call to Order

Mayor Flippo called the meeting to order at 6:00 p.m. with a quorum present.

Pledge of Allegiance to the United States

Pledge of Allegiance to the State of Texas

(2) Invocation

In the absence of Pastor Orr, Councilmember Bighorse gave the invocation.

(3) Audience Participation

This item was covered on the video screen.

(4) Consent Agenda

a. CC-0418-07

Action regarding Minutes, April 3, 2018

b. CC-0418-08

Action regarding Resolution No. 2018-09, Readopting Guidelines and Criteria for Tax Abatement Agreements

*Summary: Resolution No. 2018-09 re-adopts the guidelines and criteria for tax abatements within the City of Saginaw. The City is required to review and adopt guidelines every two years. The current guidelines were adopted on April 19, 2016. There are no recommended changes to the guidelines and criteria. The resolution and guidelines have been reviewed by the City Attorney.*

c. CC-0418-09

Action regarding Joint Election Agreement and Contract with Tarrant County for Election Services for May 5, 2018 General and Special Election

*Summary: This agreement and contract is with Tarrant County for their election services for the May 5, 2018 General and Special Election (Mayor, Council Places 2 and 4). As in prior years, Tarrant County will provide the services, personnel, and equipment for early voting as well as voting on Election Day. Early voting will be held at multiple locations throughout Tarrant County from April 23<sup>rd</sup> through May 1<sup>st</sup>. The local early voting site will be Eagle Mountain-Saginaw ISD Administration Building 6-Training Room (1200 Old Decatur Road). Voting on Election Day will be held at the Senior Citizens Center (405 S. Belmont St.). The estimated financial impact will be \$11,061.16 with a deposit of \$8,300 due fifteen days after execution of the agreement. Funds for this expenditure are budgeted in the General Administrative Budget, Account 01-5000-02, Election Expenses (Total of \$7,000 was included in the 2017-2018 fiscal year budget and an additional \$4,000 is included in the 2017-2018 Mid Year Adjustments. This account will be reviewed again at year end following receipt of the final bill from Tarrant County.*

d. CC-0418-10

Action regarding recommendation from Beautification Committee and Advisory Recreation and Parks Board to purchase one "Santa's Toy Shop" Christmas Display and one 24' Christmas Tree

*Summary: On March 19, 2018 the Advisory Recreation and Parks Board and the Beautification Committee held a joint meeting to discuss the selection of Christmas decorations to be used to supplement and enhance the City's 2017 Christmas light displays. Discussions concluded with the recommendation that one additional large display be purchased along with a replacement tree for the Recreation Center. The total cost for both items will be \$35,689.26 (Parks Donation Fund--\$17,844.63 and Beautification Donation Fund--\$17,844.63).*

e. CC-0418-11

Action regarding Resolution No. 2018-10, denying the DCRF (Distribution Cost Recovery Factor) Application to increase distribution rates proposed by Oncor Electric Delivery Company

*Summary: On April 5, 2018, Oncor Electric Delivery Company filed an application for approval of a Distribution Cost Recovery Factor to increase distribution rates with each of the cities in their service area. Resolution No. 2018-10 authorizes the City to join with the Steering Committee of Cities Served by Oncor to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.*

Motion was made by Councilmember Tankersley with a second by Councilmember Bighorse to approve the consent agenda as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Flipppo, Mayor Pro-Tem Flory, Councilmembers Farr, Tankersley, Bighorse, and Copeland

Against: None  
Abstain: None  
Absent: Councilmember Adams

(5) CC-0418-12  
**Public Hearing** – Consideration and Action regarding Resolution No. 2018-11,  
2017-2018 Mid Year Budget Revisions

Mayor Flippo declared the public hearing opened at 6:02 p.m. Finance Director Quin briefly explained the proposed mid year budget revisions. Resolution No. 2018-11 addresses the proposed revisions.

Mayor Flippo called for any public input. There was none. Mayor Flippo declared the public hearing closed at 6:05 p.m.

Motion was made by Councilmember Farr with a second by Mayor Pro-Tem Flory to approve Resolution No. 2018-11, 2017-2018 Mid Year Budget Revisions. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Flory, Councilmembers Farr,  
Tankersley, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Councilmember Adams

*Mayor Flippo left the room at this point due to a Conflict of Interest regarding Item 6.*

(6) CC-0418-13  
**Public Hearing** – Consideration and Action regarding on Recommendation from Planning and Zoning Commission on Request for Approval of a Replat for Basswood Crossing Phase 2, being 51.773 acres out of the E. Meredith Survey, Abstract 1081 and the D. Strickland Survey, Abstract 1408 (Instrument Number D2185050102)

Mayor Pro-Tem Flory declared the public hearing opened at 6:06 p.m. Director of Public Works Trice explained that this request is for a replat for Basswood Crossing Phase 2. He stated that the final plat for Basswood Phase 2 was approved on August 1, 2017. He briefly explained the revisions on the proposed plat. He explained that the Planning and Zoning Commission considered this replat at their meeting on April 9, 2018 and voted unanimously to recommend approval to the Council.

There was a lengthy discussion regarding the lot located at the corner of East Bailey Boswell Road and Basswood Boulevard. Councilmember Farr expressed his concern that it appears the proposed replat will free up space for branding by D.R. Horton Homes on that particular corner. Mr. Ben Raef of Peloton Land Solutions stated that originally this particular lot was an open private space but following conversations with the City Council, it was changed to a commercial lot. He explained that the designated open space on the lot is to provide an area for landscaping and a monument type sign for the Basswood Crossing Development. Councilmember Farr again expressed his concern that D.R. Horton Homes would use this area for branding because the Basswood Crossing Development is ¼ mile away from the corner. Mr. Stephen Brim of D.R. Horton Homes stated that it is standard practice to place a monument sign to direct buyers and residents to developments. He added that it will be similar to

what is on the north side of Bailey Boswell for a development. Councilmember Farr stated that he is opposed to the idea of branding an intersection when it is not at the entrance of the development.

There was a lengthy discussion regarding the height of the proposed sign. There was a discussion of tabling action on the replat. City Attorney Meredith explained that according to the Local Government Code the Council has thirty days from the date of the Planning and Zoning action to take action on plats and replats. After the thirty day period, if no action is taken then the plat or replat is deemed approved. He explained the only alternative would be if the applicant were agreeable to tabling the item which would suspend the thirty day period. Mr. Brim stated that they would not be in favor of tabling this item tonight. He explained that they are selling homes in this development and it is important to get the easements platted as soon as possible. City Manager Reaume stated that he understands the concerns expressed about the sign. However this item is for action on the replat which meets the City's requirements so according to the Local Government Code it must be approved. He added that this item does not concern the land use.

There was additional discussion regarding signage. Chief Building Official McMillin stated that sign permit applications were submitted today for two signs. He explained that after preliminary review of the applications as well as consideration of current regulations and ordinances one of the permits will be denied. Councilmember Farr reiterated his opposition to branding the intersection at East Bailey Boswell Road and Basswood Boulevard. Mr. Brim explained that they are willing to work with City Staff regarding the signage. He stated that they want the sign to be pleasing when people pass it. He added that it is not their intent for the sign to be unique to the D.R. Horton Homes brand. The sign is intended to be an entry sign on a major corridor to indicate the direction to the housing development. Councilmember Farr stated that he doesn't have a problem with sign saying "Basswood Crossing" but is opposed to the sign saying "D.R. Horton Homes" on it.

City Attorney Meredith stated that the action tonight will be on the replat only which acknowledges that the replat meets the City's subdivision criteria. He explained that wording on the sign, etc. cannot be included as conditions on the vote regarding the replat.

Mayor Pro-Tem Flory called for any public input. There was none. Mayor Pro-Tem Flory declared the public hearing closed at 6:38 p.m.

Motion was made by Councilmember Farr with a second by Councilmember Tankersley to approve the recommendation from the Planning and Zoning Board that the replat for Basswood Crossing Phase 2 be approved. Motion carried unanimously. 5-0-1-1

For: Mayor Pro-Tem Flory, Councilmembers Farr, Tankersley, Bighorse, and Copeland

Against: None

Abstain: Mayor Flippo

Absent: Councilmember Adams

*Mayor Flippo returned to the room.*

- (7) CC-0418-14  
**Public Hearing** - Consideration and Action regarding Recommendation from Planning and Zoning Commission regarding an amendment to the Code of Ordinances Appendix A (Zoning Ordinance No. 2002-04) to adopt regulations governing "Mobile Food Unit Park" (Ordinance No. 2018-03)

Mayor Flippo declared the public hearing opened at 6:39 p.m. Director of Public Works Trice explained that Ordinance No. 2018-03 is in response to increasing interest in the development of Mobile Food Unit Parks within the

City. Chief Building Official McMillin gave a brief overview of the proposed ordinance. He explained that the proposed ordinance adds “Mobile Food Unit Park” as an allowed use under the “Commercial, Retail and Service” category with a Specific Use Permit required in the NC (Neighborhood Commercial) and CC (Community Commercial) zoning districts and by right in the LI (Light Industrial) and HI (Heavy Industrial) zoning districts. He added that the proposed ordinance will require on-site restroom facilities, a paved surface, and access to refuse containers. Also, if connections to city utilities are provided, a properly sized grease trap must be installed to serve the park. He also explained that the ordinance defines a “Mobile Food Unit Park” as “an area designed to accommodate two or more mobile food units and offering food and/or beverages for sale to the public as the primary use of the property”. The Planning and Zoning Commission considered this ordinance at their meeting on April 9, 2018 and voted unanimously to recommend approval to the Council.

Mayor Flippo called for any public input. There was none. Mayor Flippo declared the public hearing closed at 6:48 p.m.

Motion was made by Mayor Pro-Tem Flory with a second by Councilmember Tankersley to approve the recommendation from the Planning and Zoning Commission that Ordinance No. 2018-03 amending the Code of Ordinances Appendix A (Zoning Ordinance No. 2002-04) to adopt regulations governing “Mobile Food Unit Park” be approved. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Flory, Councilmembers Farr, Tankersley, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Councilmember Adams

(8) CC-0418-15  
Consideration and Action regarding approval of Resolution No. 2018-12, creating a Charter Review Commission and appointing members to the Charter Review Commission

City Manager Reaume explained that Resolution No. 2018-12 creates a Charter Review Commission and appoints the members to it. He stated that the Council has discussed the need for City Charter to be reviewed and made the decision to appoint a Commission to make recommendations for revisions to the Council. City Attorney Meredith explained the functions of a Charter Review Commission. City Manager Reaume stated that the City Attorney will be involved with the Charter Review Commission meetings as well as members of the City Staff. There was a discussion regarding Section 3 of the proposed Resolution and whether it was necessary to require a minimum number of meetings each month. City Attorney Meredith explained that section could be rewritten to state that the Commission will meet as needed.

The eleven citizens nominated by Councilmembers to serve on the Charter Review Commission are as follows: Rick Russell, Brian Holliday, Pat Malott, Beth Stringer, Sandee Nickerson, John Dreese, Joe Knox Reed, Bradley Webb, Donna Webb, Ed Larson, and Chris Wagner.

Motion was made by Mayor Pro-Tem Flory with a second by Councilmember Tankersley to approve Resolution No. 2018-12 creating a Charter Review Commission and appointing members as stated to the Charter Review Commission with the change to the wording of Section 3 to state the Commission will meet as needed. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Flory, Councilmembers Farr, Tankersley, Bighorse, and Copeland

Against: None  
Abstain: None  
Absent: Councilmember Adams

- (9) CC-0418-16  
Consideration and Action regarding acceptance of resignation of Board of Adjustment Place 1 Member Courtney Bailey; and appointment of vacancies on Board of Adjustment

City Secretary England explained that Courtney Bailey, Board of Adjustment Place 1 Member, recently submitted his resignation because he is moving out of the city. She stated that it has been customary in the past for the Council to move alternate members to vacant regular member positions. She suggested that the Council consider moving 1<sup>st</sup> Alternate Member Petina Powers to the vacant Place 1 Member Position; and moving 2<sup>nd</sup> Alternate Member James Burgdorf to the 1<sup>st</sup> Alternate Member Position. She added that the remaining vacant 2<sup>nd</sup> Alternate Member Position can be filled during the annual reappointment and appointment of board members in June.

Motion was made by Councilmember Farr with a second by Mayor Pro-Tem Flory to accept the resignation of Board of Adjustment Member Place 1 Courtney Bailey; appoint Petina Powers to Member Place 1; and appoint James Burgdorf to 1<sup>st</sup> Alternate Member. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Flory, Councilmembers Farr, Tankersley, Bighorse, and Copeland

Against: None  
Abstain: None  
Absent: Councilmember Adams

- (10) CC-0418-17  
Consideration and Action regarding acceptance of 3.9021 acre Permanent Drainage Easement from Ryder Truck Rental, Inc.

Director of Public Works Trice explained that Ryder Truck Rental, Inc. is currently developing a facility on Lot 1, Block 1, Steele Folsom Martin Addition (1325 Triad Blvd.) west of Fuel City. He stated the drainage easement was defined from a drainage study to convey 100-year storm water runoff through the property. He recommended the Council accept the permanent drainage easement.

Motion was made by Mayor Pro-Tem Flory with a second by Councilmember Copeland to accept the 3.9021 acre Permanent Drainage Easement from Ryder Truck Rental, Inc. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Flory, Councilmembers Farr, Tankersley, Bighorse, and Copeland

Against: None  
Abstain: None  
Absent: Councilmember Adams

*Councilmember Farr left the room at this point due to a Conflict of Interest regarding Item 11.*

- (11) CC-0418-18  
Consideration and Action regarding Resolution No. 2018-13, Project Dream Play

City Manager Reaume explained that Resolution No. 2018-13 commits pending funding from the City to match funds for a playground that is accessible for all children. He stated that Project Dream Play will be responsible for raising half of the funds. Once that is done, the City will make the budget appropriation for the remaining half not to exceed \$178,675. He stated that the City will oversee the construction and also be the owner of the playground and responsible for maintenance.

There was discussion of the existing park located in the area for the new playground. Concern was expressed over cost increases if the playground isn't built during the next year or so. City Manager Reaume stated that, based on previous experience with projects of this type, approval of the proposed resolution should help accelerate the fund raising efforts of Project Dream Play. There was discussion of the proposed equipment accessibility for children that must remain in wheelchairs. Locations of similar accessible playgrounds in the area were mentioned.

Motion was made by Mayor Pro-Tem Flory with a second by Councilmember Copeland to approve Resolution No.2018-13 as presented. Motion carried unanimously. 5-0-1-1

For: Mayor Flippo, Mayor Pro-Tem Flory,  
Councilmembers Tankersley, Bighorse, and Copeland

Against: None

Abstain: Councilmember Farr

Absent: Councilmember Adams

*Councilmember Farr then returned to the room.*

- (12) CC-0418-19  
Update on Bailey Boswell Road Phase 2 Project

City Engineer Shumard briefly updated the Council on the status of the Bailey Boswell Road Phase 2 Project. She stated that this phase is projected to be open to traffic in late July. She explained that she should have a better completion timeline in the next few weeks and would provide that information to the Council.

- (13) CC-0418-20  
Discussion of Rental Inspection Program

City Manager Reaume explained that there are a large number of rental homes in Saginaw that are owned by companies located out of state. He stated that several area cities have rental inspection programs which address health and safety concerns associated with rental properties. He added that the intent tonight is to give the Council information on rental inspection programs and get the Council's direction on this type of program.

Chief Building Official McMillin gave a brief power point presentation regarding rental inspection programs. He explained that the costs associated with this type of program are usually covered through fees paid by the owners of the properties. He stated that the program can be set up to include training and incentives for property owners to comply with the program's requirements. After some discussion, City Manager Reaume stated that more specifics regarding a rental inspection program will be presented during the budget process. The Council agreed for staff to move forward with a proposal for a rental inspection program to be considered during the 2018-2019 Fiscal Year Budget Process.

(14) Executive Session

1 § 551.071. Texas Government Code. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

- a. Any Posted Item

(15) Adjournment

Motion was made by Councilmember Farr with a second by Councilmember Tankersley to adjourn the meeting. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Flory, Councilmembers Farr, Tankersley, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Councilmember Adams

Mayor Flippo declared the City Council Meeting of April 17, 2018 adjourned at 7:54 p.m.

ATTEST:

APPROVED:

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City Secretary Janice England

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Mayor Todd Flippo