

**CITY OF SAGINAW
MINUTES OF CITY COUNCIL MEETING
AND PUBLIC HEARING
HELD AT THE SAGINAW CITY HALL
333 WEST MCLEROY BLVD.
MAY 15, 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 Manager	Gabe Reaume
Asst. City Manager	Dolph Johnson
Finance Director	Kim Quin
City Secretary	Janice England
City Engineer	Andrew Simonsen, P.E.
Interim Police Chief	Doug Spears
Interim Fire Chief	Scott Craver
Director of Public Works	Rick Trice, P.E.
Director of Community Svcs.	Keith Rinehart
Human Resource Director	Melanie McManus
Director of Economic Dev.	Alora Wachholz
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:

Charles Tucker	Dennis Hudson
Deb Vopal	Misty Farr
Macy Farr	Avery Farr
Joshua Bucy	Lynne Arnold
John Peet	Theresa A. Peet
Ben Raef	Judy Kay Seaberry
Mike Seaberry	Elizabeth Ring
Kevin Watson	Lawrence Lakey
Pamela Lakey	Stephen Brim
Susan Bentley	Kaitlyn Bentley

Lisa Trussell
Justin Bentley
Chris Carter
Patty Ramirez
David M. Erck

Jane Lyon
Jacob Bentley
Linda Merck
Hector Ramirez
Andrew Friedman

(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

Pastor Dennis Hudson of the Saginaw Park Baptist Church gave the invocation.

(3) Audience Participation

This item was covered on the video screen.

(4) CC-0518-10
Consideration and Action regarding Minutes, May 8, 2018

Motion was made by Mayor Pro-Tem Flory with a second by Councilmember Tankersley to approve the minutes as presented. 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

(5) CC-0518-11
Presentations – 2018 Images of Saginaw Photo Contest

Director of Community Services Rinehart explained the criteria and categories for the “2018 Images of Saginaw Photo Contest”. He announced the winners of the “2018 Images of Saginaw Photo Contest”. They are as follows.

The Spirit of Saginaw: “Old Glory” by Kevin Watson

Saginaw Scenes: “Passing Train” by Kevin Watson

Saginaw Animals: “Highland Hawk” by Jane Lyon

Saginaw People: “Saginaw History” by Lisa Trussell

Best of Show: “Old Glory” by Kevin Watson

Mayor Flippo presented plaques to the winners.

- (6) CC-0518-12
Presentation of Annual Report from Saginaw Area Chamber of Commerce and Action regarding continued support

Saginaw Area Chamber of Commerce Executive Director Tasha Perez expressed her appreciation to the Council and staff for their support in 2017. She briefly explained the accomplishments of the Chamber during 2017 and the goals and activities planned for 2018. She stated that a webcam has been installed on the depot building to enable train watchers across the nation to view the trains going through Saginaw. The National Railroad History Association is sponsoring a twenty-four hour train watching event at the depot during Memorial Day Weekend. She added that in 2019, the Chamber hopes to partner with the City and EMS-ISD to bring back the Train and Grain Festival. Also in December 2018 the Chamber is planning a Christmas Parade. She thanked the Council for their time and consideration, and asked the Council for their continued support in 2018.

Motion was made by Councilmember Tankersley with a second by Mayor Pro-Tem Flory to continue the annual support of the Saginaw Area Chamber of Commerce in the amount of \$5,000 from the Hotel/Motel Tax Revenues to be paid in four quarterly installments of \$1,250. 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

- (7) CC-0518-13
Consideration and Action regarding Resolution No. 2018-14, Canvassing Returns and Declaring Results of General and Special Election held on May 5, 2018

City Attorney Meredith explained that Resolution No. 2018-14 canvasses the election held on May 5, 2018.

Motion was made by Councilmember Tankersley with a second by Councilmember Bighorse to approve Resolution No. 2018-14 as presented. 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-0518-14
Consideration and Action regarding Resolution No. 2018-15, Calling Runoff Election for Councilmember Place 4

City Secretary England explained that a runoff election for Councilmember Place 4 is necessary because none of the three candidates on the May 5th Ballot received more than 50% of the votes cast. She stated that the two candidates with the most votes cast were Chris Carter and Charlie Tucker. The runoff election between these two candidates will be held on Saturday, June 16th. The contract with Tarrant County for election services for the May Election automatically extends through the runoff election. She added that Resolution No. 2018-15 calls the runoff election.

Motion was made by Mayor Pro-Tem Flory with a second by Councilmember Tankersley to approve Resolution No. 2018-15 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

- (9) CC-0518-15
Oath of Office for Mayor and Councilmember Place 2

Mayor – Todd Flipppo, and Councilmember Place 2 – Patrick Farr were given the oath of office by City Secretary England.

- (10) CC-0518-16
Recognition of Years of Service—Mayor Flipppo (10 Years)
and Mayor Pro-Tem Flory (25 Years)

Mayor Pro-Tem Flory recognized Mayor Flipppo for completing ten years of service with the City. He stated that Mayor Flipppo was elected to the City Council in 2008. Then was elected to the position of Mayor in 2017. He presented Mayor Flipppo with his service pin that had been updated to indicate ten years of service.

Mayor Flipppo recognized Mayor Pro-Tem Flory for completing twenty-five years of service with the City. He explained that Mayor Pro-Tem Flory was elected to the City Council in 1993 and has served as Mayor Pro-Tem for many years. Mayor Flipppo presented Mayor Pro-Tem Flory with his service pin that had been updated to indicate twenty-five years of service.

- (11) CC-0518-17
Election of Mayor Pro-Tem

Motion was made by Councilmember Farr with a second by Councilmember Tankersley to appoint Councilmember Flory to serve as Mayor Pro-Tem. Motion carried unanimously. 6-0-0-1

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

Against: None
Abstain: None
Absent: Councilmember Adams

Mayor Flippo left the room at this time due to a Conflict of Interest regarding Items 12 and 13.

- (12) CC-0518-18
Public Hearing – Consideration and Action regarding recommendation from Planning and Zoning Commission on a request for approval of a replat of Basswood Crossing Phase 3, being 60.434 acres out of the E. Meredith Survey, Abstract 1081 and the D. Strickland Survey, Abstract 1408

Mayor Pro-Tem Flory declared the public hearing for this item open at 6:26 p.m. Director of Public Works Trice explained that D.R. Horton-Texas, Ltd. has submitted a request to replat Basswood Crossing Phase 3. He stated that the initial plat for this phase was approved on October 17, 2017. He briefly explained that the proposed replat includes the addition of a number of new and modified easements, adjusts a right-of-way alignment to provide a 90° intersection, modifies existing notations, and adds new notations. He added that the Planning and Zoning Commission considered this request at their meeting on May 7, 2018 and voted unanimously to recommend approval of the replat to the City Council.

Councilmember Farr asked if there are any plans to change the height of the eight foot masonry wall on the west side of the property along the railroad. Mr. Ben Raef representing D.R. Horton-Texas, Ltd. stated that he was not aware of any plans to change the height of this particular wall. He added that the eight foot masonry wall is noted on the replat.

Mayor Pro-Tem Flory called for any public input. There was none. Mayor Pro-Tem Flory declared the public hearing closed at 6:30 p.m.

Motion was made by Councilmember Tankersley with a second by Councilmember Copeland to accept the recommendation of the Planning and Zoning Commission and approve the replat of Basswood Crossing Phase 3, being 60.434 acres out of the E. Meredith Survey, Abstract 1081 and the D. Strickland Survey, Abstract 1408. 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

- (13) CC0518-19
Public Hearing – Consideration and Action regarding recommendation from Planning and Zoning Commission on a request for approval of a replat of Lots 16-21, Block 6, Basswood Crossing, Phase 2, and Lot 1X, Block 6, Basswood Crossing, Phase 3, both out of the E. Meredith Survey, Abstract 1408

Mayor Pro-Tem Flory declared the public hearing for this open at 6:31 p.m. Director of Public Works Trice explained that D.R. Horton-Texas, Ltd. has submitted a request to replat Lots 16-21, Block 6 of Basswood Crossing Phase 2 and

Lot 1X, Block 6 of Basswood Crossing Phase 3. He briefly explained that the proposed replat will increase the size of the residential lots 16-21 and reduce the size of Lot 1X which is a private open space. He stated that the Planning and Zoning Commission considered this request at their meeting on May 7, 2018 and voted unanimously to recommend approval of the replat to the City Council.

Councilmember Copeland asked why the lots were being enlarged. Mr. Raef explained that the lots are being enlarged to be consistent with the other lots in this development. Councilmember Farr asked if the homeowner's association or the property owners would be responsible for the maintenance of the fence. Mr. Raef stated that it will most likely be the property owner's responsibility. Councilmember Farr requested that Mr. Raef confirm the responsible party and pass that information on to the Council.

Mayor Pro-Tem Flory called for any public input. There was none. Mayor Pro-Tem Flory declared the public hearing closed at 6:34 p.m.

Motion was made by Councilmember Tankersley with a second by Councilmember Farr to accept the recommendation from the Planning and Zoning Commission and approve the replat of Lots 16-21, Block 6, Basswood Crossing, Phase 2, and Lot 1X, Block 6, Basswood Crossing, Phase 3, both out of the E. Meredith Survey, Abstract 1408. 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

- (14) CC-0518-20
Consideration and Action regarding Ordinance No. 2018-05, permitting the keeping of backyard chickens by amending Section 6-37 "Keeping of Animals and Fowl" in Chapter 6, Article II, Division 1 of the Code of Ordinances and amending the Master Fee Schedule to establish a \$20 permit fee for the keeping of backyard chickens

Director of Public Works Trice explained that Ordinance No. 2018-05 is a staff initiated request in response to public requests for the ability to keep backyard chickens. He stated that the ordinance, if approved, will allow each residential lot of record to keep a maximum of three chickens. Roosters are not allowed. It also defines the requirements and conditions for the proper keeping and caring of chickens, as well as establishing a permit fee of \$20. The permit is non-transferable and will be effective until the permit holder no longer resides at the residence, ceases to keep backyard chickens on the property, or the permit is revoked. He explained that a permit may be revoked if there are two documented violations of the ordinance within a twelve (12) month period.

Councilmember Farr asked if any other animals were regulated by City permit. Chief Building Official McMillin explained that dogs, cats, and wild, exotic animals require a permit. He added that the proposed ordinance allows for the revocation of a permit whereas complaints and violations regarding dogs, cats, and wild, exotic animals are handled through the Municipal Court. Councilmember Bighorse asked why the number of proposed allowed chickens is three. Chief Building Official McMillin explained that in researching backyard chickens and regulations in other cities, it was found that most cities have larger lot sizes than Saginaw. He stated that a comparison was done using averages and three chickens was the result. He added that the limited number should not create an odor nuisance.

Kaitlyn Bentley addressed the Council. She thanked the Council for considering allowing backyard chickens. She explained that she feels chickens will be helpful and will help the mosquito population.

Jacob Bentley addressed the Council. He stated that the chickens will eat other bugs which is helpful. He explained that the chickens will lay eggs each day which is good. He pointed out that there will be no chickens hatched since roosters won't be allowed.

Deb Vopal addressed the Council. She expressed her concern about the definition of noise and how loud three chickens might be. She stated that people living in the suburbs don't expect chicken noise. She played a recording of chickens to demonstrate the noise they create and what 70 decibels sounds like. Chief Building Official McMillin used a handheld decibel meter to register the recording. The result was 63 decibels and 65 decibels. Ms. Vopal added that the distance requirements should be such that makes the noise tolerable.

Lynne Arnold expressed her appreciation to the Mayor and Council for their service to the City. She stated that she lives in the Highland Station area and has been a real estate agent for ten years. She explained that last year one of her neighbors that lives three houses down from her got chickens and a rooster. She stated that they began seeing rats in her neighborhood along with snakes, and eventually chicken hawks and coyotes. She explained that they contacted Animal Control and the neighbors got rid of the chickens and rooster. Shortly thereafter the rats, snakes, chicken hawks and coyotes disappeared. She stated that she has been researching ordinances of other cities including Fort Worth. She added that according to Fort Worth's guidelines most property in Saginaw would be not be allowed to have chickens because of lot sizes. She also added that, as a real estate agent, the addition of chickens will not help property values in Saginaw.

Chris Carter addressed the Council. He stated that he has been a resident of Saginaw for eighteen years. He explained that his daughters and their families live in other cities and both have backyard chickens. He stated that the chickens are treated as pets by the grandchildren. He explained that he does not see any problems with allowing backyard chickens. He stated they are not noisy or messy. The chickens eat bugs and the children enjoy taking care of them. He added that three is a good number to allow.

Theresa Peet addressed the Council. She explained that she is a registered nurse. She stated that she grew up in Iowa where they had 500 acres for their chickens. She explained that chickens are inappropriate for a backyard. She added that chickens can carry diseases. She also stated that if her neighbors have backyard chickens, her family will not be able to enjoy their backyard and pool.

John Peet addressed the Council. He expressed his concern about backyard chickens and asked if the proposed ordinance was published for the public to review. He stated that he would like to see it.

City Manager Reaume explained the proposed ordinance is included in the Council Meeting packet that is posted on the City's website for the public to review. He stated that he has had the opportunity to interact with several residents on the telephone as well as through email regarding backyard chickens. He explained that he met with the Bentley Family recently regarding backyard chickens and the process for considering ordinances. He added that if the proposed ordinance is approved there may be some homeowners associations in the City that will prohibit backyard chickens. He stated that the homeowners associations would enforce their own restrictions. Mayor Pro-Tem Flory added that there may also be a restriction regarding backyard chickens in the deed restrictions of some property in the City.

Councilmember Farr pointed out that the ordinance includes on page 2 (1)(c) that a permit may be revoked after two written notices of documented violations within a twelve month period. Also on page 2 (3)(d) the ordinance states that "nuisance odors or excessive noise as defined in Sections 30-131 and 30-132 of this Code shall not be detectable at the property line of the lot, property, or tract". Chief Building Official McMillin explained that the proposed ordinance

will allow the City to revoke the permit. This is unlike a barking dog complaint that is handled through the Municipal Court. Councilmember Farr stated that the proposed ordinance allows for responsible ownership of backyard chickens and give the City the ability to revoke the permit. He added that the proposed ordinance was posted online as part of the Council’s meeting packet for tonight. Councilmember Copeland commented that there are a lot of positions and opinions on backyard chickens. She added that if the ordinance is approved tonight and later problems arise the Council can consider revising or amending the ordinance.

Chris Carter stated that there are some people that love to complain and he does not feel that it would be fair to allow anonymous complaints regarding backyard chickens. Chief Building Official McMillin stated that a complaint about chickens would require a signed affidavit complaint. He added that this is the same process as is currently in place for complaints about barking dogs. A signed complaint will serve to document the complaint and give time for the complaint to be investigated. Deb Vopal commented that dogs and chickens are different. She added that you can’t tell a chicken to be quiet. She suggested that the decibel level for noise at night be set at 50 decibels.

John Peet stated that chickens will cause noise, odor, diseases, and the waste from chickens will go into the soil that can leech into neighboring properties. He explained that there is a big difference between livestock and pets. He added that to document a noise complaint, the investigator will have to be present when the noise occurs.

Motion was made by Mayor Pro-Tem Flory with a second by Councilmember Tankersley to approve Ordinance No. 2018-05, permitting the keeping of backyard chickens 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

- (15) CC-0518-21
Consideration and Action regarding Ordinance No. 2018-06, amending Chapter 42, Article IV (Food and Food Establishments) of the Saginaw City Code to add definitions and regulations relating to the location and operation of Mobile Food Units within the City; and amending the Master Fee Schedule to add a fee for a Mobile Food Unit Permit

Director of Public Works Trice explained that proposed Ordinance No. 2018-06 is a staff initiated amendment based on requests for the ability to operate mobile food units within the City. If approved, it would allow for, and regulate mobile food units and amend the master fee schedule to provide a yearly operation permit fee. Chief Building Official McMillin gave a brief overview of Ordinance No. 2018-06. He explained the ordinance includes a definition of a mobile food unit, approved and prohibited locations, and required permits.

Motion was made by Councilmember Farr with a second by Mayor Pro-Tem Flory to approve Ordinance No. 2018-06 amending Chapter 42, Article IV of the Saginaw City Code to add definitions and regulations relating to the location and operation of Mobile Food Units 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

(16) Recess into Workshop

Mayor Flippo declared the meeting recessed into workshop at 7:29 p.m.

(17) WS-0518-02
a. Debt Capacity
b. Tax Rate Projection
c. Debt Policies

City Manager Reaume explained that tonight's workshop is a continuation of discussions in preparation for the 2018-2019 fiscal year budget.

a. Debt Capacity

Mr. Andrew Friedman of SAMCO Capital Markets, Inc. gave a presentation regarding debt capacity. He explained how growth in the area and the taxable assessed value affects the amount of debt that the City can afford. He stressed the importance of considering debt capacity and also adopting good debt management policies.

b. Tax Rate Projection

City Manager Reaume briefly explained the tax rate. He explained that the City has a strong fund balance which will allow for the consideration of some one-time expenditures in the 2018-2019 fiscal year budget. Mayor Flippo reminded everyone that personnel and salaries are recurring expenses. City Manager Reaume stated that the proposed 2018-2019 fiscal year budget is being calculated using the rollback tax rate. Finance Director Quin explained that the Tarrant Appraisal District will provide the necessary numbers for the calculation of the tax rate at the end of July. She stated for budgetary purposes an increase of 10% in property values has been used for calculating the proposed tax rate. She explained that a priority for the 2018-2019 fiscal year budget is public safety. There was a lengthy discussion regarding the tax rate and rollback tax rate. Councilmember Farr expressed his concern about the tax levy being higher than 8%.

c. Debt Policies

Finance Director Quin briefly gave the highlights of debt management policies. She stated that approval of financial management policies will be presented to the Council in September in conjunction with the 2018-2019 fiscal year budget.

(18) Reconvene into Regular Session

Mayor Flippo declared the meeting back in regular session at 8:06 p.m.

(19) 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

(20) Adjournment

Motion was made by Mayor Pro-Tem Flory with a second by Councilmember Farr 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 May 15, 2018 adjourned at 8:07 p.m.

ATTEST:

APPROVED:

City Secretary Janice England

Mayor Todd Flippo