

**CITY OF TIOGA**  
**MINUTES**  
City Council Regular Meeting  
August 10, 2020

**Call to order and declaration of a quorum.** Mayor Craig Jezek called the meeting to order on August 10, 2020 at 7:00 p.m. Council members Heather Nesmith, Kurt Hall, Tommy Hunter, Jeff Moncrief, and Mead McGee were present. A quorum was declared.

**Invocation.** Mead McGee offered a prayer.

**Questions or comments regarding agenda items.** No questions or comments regarding the agenda items were made.

**PUBLIC HEARING to receive comments on a request from Metallic Land Company, LLC., to change the zoning on a 15.0024 acre piece of property located on the ~~southwest~~ northeast corner of FM 922 and Texas Street, Sarah Cross Survey, Abstract 210 to C-2 (General Commercial) to allow the development of retail, and multi-family apartment homes.** Mayor Jezek opened a public hearing at 7:01 p.m. He stated the purpose of the hearing was to receive public comments regarding a request to change the zoning on a piece of property located on the northeast corner of FM 922 and Texas Street, Sarah Cross Survey, Abstract 210 to General Commercial (C2). No comments were offered by those present. Mayor Jezek closed the public hearing at 7:02 p.m.

**Consider and Act on Consent Agenda\*:**

- a. Discuss and consider approving the minutes of June 8 and July 8 and 27, 2020\*.
- b. Discuss and consider approving expenditures for the month of June and July, 2020\*.
- c. Discuss and consider approving the public fund investment report for the quarter ending June 30, 2020.\*

Motion by Heather Nesmith, second by Tommy Hunter, to approve the consent agenda. Votes all ayes, motion carried.

**Departmental Reports on work activities conducted during June and July 2020.\*\*.**The City Council received a mixture of verbal and written reports on work activity conducted during June and July. No action was taken.

**Consider and Act on a request from Metallic Land Company, LLC., to change the zoning on a 15.0024 acre piece of property located on the ~~southwest~~ northeast corner of FM 922 and Texas Street, Sarah Cross Survey, Abstract 210 to C-2 (General Commercial) to allow the development of retail, and multi-family apartment homes.** Motion by Mead McGee, second by Kurt Hall, to approve a request to change the zoning of a 15.0024 acre piece of property located on the northeast corner to FM 922 and Texas Street, Sarah Cross Survey, Abstract 210 to C-2 (General Commercial). Votes all ayes, motion carried.

**Discuss and Act on award of administrative services for the HOME grant.** Motion by Mead McGee, second by Tommy Hunter, to award administrative services for the HOME grant to Resource Management & Consulting Company. Votes all ayes, motion carried.

**Consider and Act on a request by Kaitlyn Slay to clarify Ordinance 381, Section 6.1 regarding removing a Mobile Food Unit from the stationary location to the commissary location during prohibited hours of operation and to amend Section 6.1 to change the operating hours of mobile food units and to allow a Mobile Food Unit to remain at a combined stationary/commissary location, if needed.** Motion by Tommy Hunter, second by Mead McGee, to have an ordinance prepared amending Ordinance 381, Section 6.1 to allow a mobile food unit to remain at its location during non-operating hours as long as it is also their commissary location and to change the opening operating hour to 5:00 a.m. Votes all ayes (with Kurt Hall abstaining), motion carried.

**Dallas Slay, Planning and Zoning Chairman, to address the council regarding questions related to the Planning and Zoning Commission.**

Planning and Zoning Chairman Dallas Slay addressed the council regarding some questions he had regarding (1) the Planning and Zoning Boards duties as the Capital Improvement advisory committee, (2) verification that the recommendations that are made by the Planning and Zoning Board will be followed up on, and (3) getting city staff involved with meetings. Mayor Jezek stated that Michelle Hestand had been the last council member appointed to the advisory committee and the City needed to appoint a new one, who would also serve as a liaison between the P & Z and the City Council. He assured Mr. Slay that the council always took the recommendations of the Planning and Zoning Board into consideration and said that at this time he did not feel that it was necessary for city staff to be involved.

**Consider and Act on a petition for annexation from the City of Tioga on a .3999 acre tract of land located in the Sarah Cross Survey, Abstract 210, into the city limits.** Motion by Heather Nesmith, second by Tommy Hunter, to accept the petition for annexation of .3999 acres from the City of Tioga. Votes all ayes, motion carried.

**Consider and Act on a resolution setting the dates and times for public hearings on a petition of annexation from the City of Tioga, on a .3999 acre tract of land located in the Sarah Cross Survey, Abstract 210 into the city limits.** Motion by Tommy Hunter, second by Kurt Hall, to pass a resolution setting two public hearings on the petition of annexation of a .3999 acre tract of land located in the Sarah Cross Survey for August 25, 2020 at 7:00 p.m. and 7:10 p.m. Votes all ayes, motion carried.

**Consider and Act on a petition for annexation filed by Redstone Construction Commercial, Inc., Jimmy E. Smith, and Nicholas A. Smith for a 68.904 acre tract of land in the D.C. Bailey Survey, Abstract 94 and the Sarah Cross Survey, Abstract 210, into the city limits.** Motion by Heather Nesmith, second by Tommy Hunter, to accept the petition of annexation for 68.904 acres from Redstone Construction, Jimmy Smith and Nicholas Smith. Votes all ayes, motion carried.

**Consider and Act on a resolution setting the dates and times for public hearings on a petition of annexation from Redstone Construction Commercial, Inc. and Jimmy E. Smith and Nicholas A. Smith for a 68.904 acre tract of land in the D.C. Bailey Survey, Abstract 94 and the Sarah Cross Survey, Abstract 210, into the city limits.**

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Motion by Tommy Hunter, second by Kurt Hall, to approve a resolution setting a public hearing on the petition of annexation of a 68.904 acre tract of land in the D.C Bailey Survey, Abstract 94 and the Sarah Cross Survey, Abstract 210, for August 25, 2020 at 7:00 p.m. Votes all ayes, motion carried.

**Consider and Act on a concept plan and planned development standards for Whispering Hills, a Planned Development by Redstone Construction Commercial, Inc and Nashwood Homes, Inc. and sending it to the City Attorney for preparation of an Ordinance Amendment creating the Planned Development.** Motion by Kurt Hall, second by Jeff Moncrief, to accept the concept plan and planned development standards for the Whispering Hills planned development with the additional requirement of trees and bushes on the lots and send it to the City Attorney for preparation of an Ordinance. Votes all ayes, motion carried.

**Brandon Miller to discuss Timber Creek Development with the City Council.** Brandon Miller discussed his plans for the Timber Creek subdivision and the improvements that would need to be made to the land and the off site capital improvements needed. He asked the City to commit to paying him back for one half of the offsite capital improvements, approximately \$61,000, and to credit his improvements to the land to the impact fees. Discussion continued for a while with the City Council refusing to commit anything without a written agreement.

**Consider and Act on a petition for annexation filed by Brandon Miller for a ~~25.585~~ 20.033 Acre tract of land in the A. Woolem Survey, Abstract No. 1338, into the city limits.** Motion by Heather Nesmith, second by Tommy Hunter, to accept a petition of annexation for 20.033 acres of land from Brandy Miller. Votes all ayes, motion carried.

**Consider and Act on a resolution setting the date and time for a public hearing on a petition of annexation from Brandon Miller, for a ~~25.585~~ 20.033 Acre tract of land in the A. Woolem Survey, Abstract No. 1338 into the city limits.** Motion by Kurt Hall, second by Mead McGee, to approve a resolution setting a public hearing on the petition to annex 20.033 acres of land in the A. Woolem Survey, Abstract no. 1338 for August 25, 2020 at 7:00 p.m. Votes all ayes, motion carried.

**Consider and act on approving a minor plat for Anderson Acres, Block A, Lots 1 and 2.** Motion by Kurt Hall, second by Jeff Moncrief, to approve a minor plat for Anderson Acres, Block A, Lots 1 and 2. Votes all ayes, motion carried.

**Consider and Act on appointing Nick Smith to serve on the Planning and Zoning Commission.** Motion by Tommy Hunter, second by Kurt Hall, to appoint Nick Smith to serve on the Planning and Zoning Commission. Votes all ayes, motion carried.

**Consider and Act on setting a proposed tax rate for the 2020 tax year.** Motion by Heather Nesmith, second by Tommy Hunter, to set the no-new-revenue tax rate of \$0.480339 as the rate for the 2020 tax year. Votes all ayes, motion carried.

**Consider and Act on approving a revised order of a general election to be held November 3, 2020 for the purpose of electing three council members to serve \*two-year terms. (\* term ends after the May 2022 election).** Motion by Kurt Hall, second by Heather Nesmith to approve a revised order of election for a general election to be held November 3, 2020 for the purpose of election three council members to service two year terms. Votes all ayes, motion carried.

**Consider and act on approving a contract with Grayson County for election services for an election to be held November 3, 2020.** Motion by Heather Nesmith, second by Mead McGee, to approve a contract with Grayson County for election services for an election to be held November 3, 2020. Votes all ayes, motion carried.

**Consider and act on developing an ordinance governing the operation of recreational off-highway vehicles on public streets.** Police Chief Curtis Macomb discussed the change in state law regarding the operation of off-highway vehicles on public streets and show the council a sample of an ordinance passed by the City of Collinsville. Motion by Mead McGee, second by Tommy Hunter to develop an ordinance governing the operation of recreational off-highway vehicles on public streets. Votes all ayes, motion carried.

**Citizens to be heard.** No one present asked to be recognized.

**Budget Workshop.** The City Council resumed discussion of the proposed budget for the 2020-2021 fiscal year. After making one change, they agreed the budget was complete and ready for public review and a public hearing.

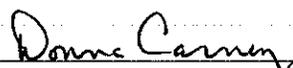
**Adjournment.** Motion by Mead McGee, second by Heather Nesmith, to adjourn at 8:53 p.m. Votes all ayes, motion carried.

Submitted by Secretary Donna Carney, TRMC.

PASSED AND APPROVED this 14<sup>th</sup> day of September, 2020.

  
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Mayor Craig Jezek

ATTEST:

  
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City Secretary Donna Carney, TRMC