

CITY OF TIOGA
MINUTES
City Council Regular Meeting
September 14, 2020

Call to order and declaration of a quorum. Mayor Jezek called the meeting to order at 7:00 p.m. Council members Heather Nesmith, Kurt Hall, Jeff Moncrief, Mead McGee and Tommy Hunter were present. A quorum was declared. A quorum of Tioga Planning and Zoning Commission members were also present but took no action on any item.

Invocation. Mead McGee led those present in prayer.

Public Hearing to receive comments on a request for a Single Family Residential Zoning Designation for 0.399 acre tract located in the D.C. Bailey Survey, Abstract 94. Mayor Jezek opened the public hearing at 7:01 p.m. He stated the purpose of the hearing was to receive comments on a request for a zoning designation of single family residential on a 0.399 acre tract of land located in the D.C. Bailey Survey, Abstract 04.

Randy Barta said that was the wrong zoning designation for a future well site.

Kevin Colteryahn questioned whether there was a public facilities designation.

No further comments were offered. Mayor Jezek closed the public hearing at 7:06 p.m.

Public Hearing to receive comments on a proposed ordinance approving a Planned Development for the Whispering Hills Development, a 68.904 acre tract located in the D. C. Bailey Survey, Abstract 94 and the Sarah Cross Survey, Abstract 210. Mayor Jezek opened a public hearing at 7:06 p.m. to receive comments on a proposed ordinance approving a Planned Development for the Whispering Hills Development, a 68.904 acre tract located in the D.C. Bailey Survey, Abstract 94 and the Sarah Cross, Abstract 210.

Kristi Staples, a member of the Planning and Zoning Commission, read a prepared letter expressing her regret for voting to recommend passage of the ordinance to the City Council at the August 31, 2020 Planning and Zoning meeting. She stated that she felt pressured to vote in favor of the development.

Paul Rodarmer read a prepared letter opposing the development on the basis of traffic and public safety.

Kim Chimblo, a member of the Planning and Zoning Commission, read a prepared letter. She expressed that she felt the Planning and Zoning Commission had not received the information from their chairman in time to properly prepare for the meeting and she was under the impression that the City Council had already approved the project. She said that most of the public in attendance at the Planning and Zoning meeting were opposed to the density of the subdivision. She stated that developer Nick Smith and Planning and Zoning Chairperson Dallas Slay, who prepared the subdivision plat, had a vested interest in the project.

John Teltschick, who owns land adjacent to the development, spoke in opposition to the subdivision on the basis of density, traffic, public safety, and drainage issues. He brought up several instances where he felt there were conflicts of interests involved with this development that a more sophisticated City would be able to avoid.

Danny Ratliff stated that it has been his experience that when City Council's were not prepared for growth they allowed projects with too dense a population to be pushed through and the town houses needed to go.

Rick Staples handed out a letter to the Council members discussing the Capital Improvement plan and the cost estimates of infrastructure upgrades. He also stated his belief that development needed to be aimed at middle class, long term residents instead of "starter home" families.

Danny Ratliff spoke again and stressed that the developers should be forced to upgrade the roads all the way to Highway 377.

Frank and John Loncar spoke against the development due to safety, traffic congestion, and fire safety.

Jo Watkins stated she was disturbed by what she had heard.

Dallas Slay, chairperson of the Planning and Zoning Commission, stated that the Planning and Zoning meeting on August 31 had been held legally with all the notices and postings required by law. He further stated that while he was employed by the company that prepared the plat, he did not work on the project and had no financial interests in it. He stated that it was not a bad development and in fact, the developers were doing more that they were required to do in regards concrete streets and gutters.

City Council Minutes

September 14, 2020

Page 2

Tom Artim said the costs of studies and improvements were on the builder.

Phyllis James, Grayson County Commissioner, Pct. 3, discussed that the road would be going in and out of City and County jurisdiction.

Nick Smith, developer, discussed that he was asked to serve on the Planning and Zoning Commission and pointed out that he had abstained from any action on the development. He stated that he did not tell the Planning and Zoning Commission that the City Council had already approved the project. Then he reminded everyone that the purpose of the public hearing was to receive comments on a land use application. It was not a hearing on drainage or engineering, just land use.

Dr. Charles Holloway, Superintendent of the Tioga Independent School District, expressed his dislike of the density of the subdivision and stated when the subdivision broke ground, the school district would need to break ground on a new school.

Kevin Colteryahn spoke against Planning and Zoning members being developers and involved with development projects in Tioga. He complained that not everyone takes the paper and therefore did not receive notification of the meeting.

Randy Barta complained that the Planning and Zoning Commission did not have all the information in a timely manner and stated that no one was comfortable with the development and requested it be tabled.

Sharon Lawton said that while all legally required notice had been given it didn't mean that all ethical notice had been given to surrounding property owners. She feels that a lack of communication is a problem.

Duane Brignac reminded those present that this was a hearing on land use, not procedures or other things.

Mayor Jezek asked if anyone else had anything to say. When no one spoke, Mayor Jezek closed the public hearing at 8:30 p.m.

Questions or comments regarding agenda items. Mayor Jezek asked any one who had any questions on the upcoming agenda items to discuss those matters at this time. No one present asked to be recognized.

Consent Agenda*:

- a. **Discuss, consider and act on approving the minutes of August 10 and 25, 2020.***
- b. **Discuss, consider and act on approving expenditures for the month of August, 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 August 2020.** The City Council received a mixture on written and verbal reports on work activities conducted during August, 2020. No action was taken

Discuss, consider, and act on a First Amendment to a Developer Agreement between the City of Tioga and Redstone Construction Commercial, Inc, and Nashwood Homes, Inc., concerning a 68.904 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 and the Sarah Cross Survey, Abstract No. 210.

Motion by Mead McGee, second by Tommy Hunter, to table this matter. Votes all ayes, motion carried.

Discuss, consider, and act on approving Ordinance number 2020-397, making appropriations for the support of the City of Tioga for the Fiscal year beginning on October 1, 2020; appropriating the money into a sinking fund to pay interest and principal due to the city's indebtedness; and adopting the annual budget for the 2020-2021 fiscal year. Motion by Kurt Hall, second by Tommy Hunter, to approve Ordinance number 2020-397 adopting the budget for the 2020-2021 fiscal year. Votes all ayes, motion carried.

Discuss, consider, and act on approving Ordinance number 2020-398 levying ad valorem taxes for use and support of the municipal government of the City of Tioga, for the 2020-2021 fiscal year; setting ad valorem taxes for use and support of the municipal government of the City of Tioga for the 2020-2021 fiscal year; setting a tax rate of \$0.480339/\$100; providing for apportioning each levy for specific purposes; and providing when taxes

shall become due and when same shall become delinquent if not paid. Motion by Heather Nesmith, second by Mead McGee, to approve Ordinance number 2020-398 levying ad valorem taxes for use and support of the municipal government of the city of Tioga for the 2020-2021 fiscal year and setting a tax rate of \$0.480339/\$100. Votes all ayes, motion carried.

Discuss, consider, and act on approving City Ordinance number 2020-399 extending the boundary limits of the City of Tioga to include a certain .399 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94, within said city limits. Motion by Tommy Hunter, second by Kurt Hall, to approve Ordinance number 2020-399 extending the boundary limits of the City of Tioga to include a certain .399 acre tract or tracts for land situated in the D.C. Bailey Survey, Abstract No. 94 within the city limits. Votes all ayes, motion carried.

Discuss, consider, and act on approving City Ordinance number 2020-400 extending the boundary limits of the City of Tioga to include a certain 68.904 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 and the Sarah Cross Survey, Abstract No. 210, within said city limits. Motion by Heather Nesmith, second by Mead McGee, to approve City ordinance number 2020-400 extending the boundary limits of the City of Tioga to include a certain 68.904 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 and the Sarah Cross Survey, Abstract No. 210 within said city limits. Votes all ayes, motion carried.

Discuss, consider, and act on setting the zoning designation of a certain .399 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 as Single-Family Residential (R1). Motion by Heather Nesmith, second by Kurt Hall, to set the zoning designation of a certain .399 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 and Single-Family Residential (R1). Votes all ayes, motion carried.

Discuss, consider, and act on approving City Ordinance number 2020-401, setting the zoning designation of a certain 68.904 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 and the Sarah Cross Survey, Abstract No. 210 as a Planned Development (PD). Motion by Heather Nesmith, second by Kurt Hall to table City Ordinance number 2020-401, setting the zoning designation of a certain 68.904 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 and the Sarah Cross Survey, Abstract No. 210. Votes all ayes, motion carried.

Discuss, consider, and act on a preliminary plat of a certain 68.904 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 and the Sarah Cross Survey, Abstract No. 210, to be known as Whispering Hills. Motion by Heather Nesmith, second by Mead McGee, to table action on a preliminary plat of a certain 68.904 acre tract or tracts of land situated in the D.C. Bailey Survey, Abstract No. 94 and the Sarah Cross Survey, Abstract No. 210, to be known as Whispering Hills. Votes all ayes, motion carried.

Discuss, consider, and act on resolution number 170 appointing an official city newspaper for the 2020-2021 fiscal year. Motion by Heather Nesmith, second by Mead McGee, to approve resolution number 170 appointing the Whitesboro News Record as the official city newspaper for the 2020-2021 fiscal year. Votes all ayes, motion carried.

Discuss, consider, and act on resolution number 171 renewing the Public Funds Investment Policy for the 2020-2021 fiscal year. Motion by Heather Nesmith, second by Tommy Hunter to approve resolution number 171 renewing the public funds investment policy for the 2020-2021 fiscal year. Votes all ayes, motion carried.

Discuss, consider, and act on adjustments to the 2019-2020 budget. Motion by Heather Nesmith, second by Tommy Hunter, to approve adjustments to the 2019-2020 budget. Votes all ayes, motion carried.

Discuss, consider, and act on an interlocal agreement between Grayson County and the City of Tioga for Fire Protection Services for the 2020-2021 fiscal year. Motion by Tommy Hunter, second by Kurt Hall, to approve an interlocal agreement between Grayson County and the City of Tioga for Fire Protection Services for the 2020-2021 fiscal year. Votes all ayes, motion carried.

Discuss, consider, and act on an interlocal agreement between the City of Tioga and the City of Whitesboro, providing for ambulance service within the City of Tioga, Grayson County for the 2020-2021 fiscal year. Motion by Tommy Hunter, second by Mead McGee, to approve the interlocal agreement between the City of Tioga and the City of Whitesboro for ambulance service with the City of Tioga. Votes all ayes, motion carried.

Discuss, consider, and act on appointing a council member to serve on the Impact Fee Advisory committee and serve as a liaison for the Planning and Zoning Commission. Motion by Tommy Hunter, second by Kurt Hall, to appoint Heather Nesmith to the Impact Fee Advisory committee and to serve as a liaison for the Planning and Zoning Commission. Votes all ayes, motion carried.

Discuss, consider, and act on casting votes for the Texas Municipal Intergovernmental Risk Pool Board of Trustees election. Motion by Tommy Hunter, second by Heather Nesmith, not to cast votes for the Texas Municipal Intergovernmental Risk Pool Board of Trustee election. Votes all ayes, motion carried.

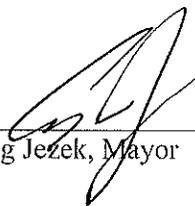
Discuss, consider, and act on donating City Funds to the Tioga I.S.D. for the Coronavirus Relief Fund – Bulk Purchase Local Match Reimbursement Program. Dr. Charles Holloway, and Josh Ballenger discussed the CRF Operation Connectivity Bulk-Purchase Local Match Reimbursement Program for LEA's with the City Council. They asked the City for any amount of funds the City felt comfortable donating to the school for this program and stated the TEA would match it dollar for dollar. Motion by Tommy Hunter, second by Mead McGee, to donate \$5,000.00 to the Tioga I.S.D. under this program. Votes all ayes, motion carried.

Citizens to be heard. Rick Staples thanked the City Council for listening. Randy Barta thanked them also. Dr. Holloway thanked Police Chief Curtis Macomb and the fire department for their willingness to help the School.

Adjournment. Motion by Mead McGee, second by Tommy Hunter, to adjourn at 9:25 p.m. Votes all ayes, motion carried.

Submitted by Donna Carney, City Secretary.

PASSED AND APPROVED this 12th day of October, 2020.



Craig Jezek, Mayor

ATTEST:



Donna Carney, City Secretary