

City Council Agenda

SAGINAW CITY COUNCIL NOTICE OF MEETING

Meeting and/or Executive Session Agenda

6:00 PM - Tuesday, July 20, 2021

Saginaw City Hall Council Chambers

333 West McLeroy Blvd.

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at Saginaw City Hall, and distributed to the appropriate news media within the required time frame. All meetings of the Saginaw City Council are open to the public. Public participation and written comments are invited on all open session business items.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside to respond to a page or to conduct a phone conversation.

The City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required please contact the City Secretary a minimum of 72 hours in advance at 817-232-4640.

(1) Call to Order--Todd Flippo, Mayor

Pledge of Allegiance to the United States

Pledge of Allegiance to the State of Texas

"Honor the Texas Flag; I pledge allegiance to thee, Texas, one State under God, one and indivisible"

(2) Invocation--Pastor Dennis Hudson, Saginaw Park Baptist Church

(3) Audience Participation--On the Video Screen

(4) Consent Agenda--All items listed with lower case letters are part of the Consent Agenda. Public hearing and review are held collectively unless opposition is presented, in which case the contested item will be heard separately.

(a) Action regarding Minutes, July 6, 2021--Janice England, City Secretary

(b) Action regarding the findings and agreement for delinquent tax collection services with Linebarger, Goggan, Blair & Sampson, LLP and Resolution No. 2021-17 adopting a 20% collection fee--Kim Quin, Finance Director

(c) Action Regarding a License Agreement with the Union Pacific Railroad for a 140 Volt Wireline Crossing--Rick Trice, P.E., Director of Public Works

- (5) Consideration and Action regarding Approval of a Final Plat for Grand at Saginaw, Lot 1, Block B, Beltmill being 9.840 Acres in the B. Thomas Survey, Abstract No. 1497, City of Saginaw, Tarrant County, Texas--Rick Trice, P.E., Director of Public Works
- (6) Consideration and Action regarding Approval of a Final Plat for Beltmill Parkway and Millstone Road right-of-way--Rick Trice, P.E., Director of Public Works
- (7) Consideration and Action regarding a Development Agreement with HHS Residential regarding exterior masonry and neighborhood setback requirements, on land described as approximately 20.8587 acres of land, and described as Abstract 1849, Tarrant County, Texas, out of the Alexander F. Albright Survey being all of that certain tract of land conveyed to Lorin Boswell, Jr. Enterprises, LLC by deed thereof filed for record in Tarrant County Clerk's Instrument D211060065, Official Public Records, Tarrant County, Texas located east of Old Decatur Road and south of W. McLeroy Blvd.--Rick Trice, P.E., Director of Public Works
- (8) PUBLIC HEARING - Consideration and Action regarding Ordinance No. 2021-14, an Ordinance Amending Ordinance No. 2002-04, as amended, The Zoning Regulations of the City of Saginaw, Texas by amending Section 8-17 of Article 8 "Supplemental District Regulations"; and Section 12-2 of Article 12 "Definitions"; providing a deadline for compliance with the regulations set forth herein; amending the Definitions of Extended-Stay Hotel and Hotel/Motel--Rick Trice, P.E., Director of Public Works
- (9) PUBLIC HEARING – Consideration and Action regarding an Ordinance of the City of Saginaw, Texas, Amending Appendix A (Zoning) of the Code of Ordinances to Amend Section 7-2 Carport Overlay District; Providing that this Ordinance Shall Be Cumulative of All Ordinances; Providing a Severability Clause; Providing for a Savings Clause; Providing a Penalty Clause; Providing for Publication in the Official Newspaper; and Providing an Effective Date.(Ordinance No. 2021-16)--Rick Trice, P.E., Director of Public Works
- (10) Consideration and Action regarding approval of Ordinance No. 2021-15, authorizing the issuance and sale of the City of Saginaw, Texas General Obligation Bonds, Series 2021; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions

relating to the subject--Kim Quin, Finance Director

- (11) Consideration and Action regarding Resolution No. 2021-18 authorizing an internal borrowing between the General Fund and the Capital Projects Fund for the completion of the Bailey Boswell Overpass project--Kim Quin, Finance Director

(12) Recess into Workshop

- (13) FY2021/2022 Budget Workshop

(14) Reconvene Back into Regular Session

- (15) Executive Session--The City Council may take action on any Executive Session item posted.**

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

551.087 Texas Government Code.

Deliberation regarding Economic Development Negotiations. The City Council may convene in executive session to discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described above, including:

- (a) Building Improvement Grant Application--300 S. Belmont St.

(16) Adjournment--Todd Flippo, Mayor

Posted:

Date: 7-16-2021

Time: 9:30am

By: [Signature]

Removed:

Date: 7-21-2021

Time: 7:55am

By: [Signature]

**CITY OF SAGINAW
MINUTES OF CITY COUNCIL MEETING
AND PUBLIC HEARING
HELD AT THE SAGINAW CITY HALL
333 WEST MCCLEROY BLVD.
JULY 20, 2021**

Present at the meeting:

Mayor	Todd Flippo
Mayor Pro-Tem	Valerie Junkersfeld
Councilmember	Charles Beasley
Councilmember	Nicky Lawson
Councilmember	Charles Tucker
Councilmember	Mary Copeland
City Attorney	Bryn Meredith
City Engineer	Andrew Simonsen, P.E.
City Manager	Gabe Reaume
Asst. City Manager	Dolph Johnson
Finance Director	Kim Quin
City Secretary	Janice England
Police Chief	Lee Howell
Fire Chief	Doug Spears
Director of Public Works	Rick Trice, P.E.
Director of Comm. & Eco. Dev.	Keith Rinehart
Director of Human Resources	Melanie McManus
Library Director	Ellen Ritchie
Management Analyst	John Cervantes
Management Analyst	Kevin Pantoja
Police Officer	Christine Gaytan

Absent from the meeting:

Councilmember	Cindy Bighorse
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Visitors at the meeting:

Jerry Sylo	Kathryn Johnson
Wayne Giles	Brack St. Clair
Marilyn Tolbert	Dan Tolbert
Dallan Johnson	Brent Wooten
Starlyn Smith	Sarena Smith
Andrew Chavis	Dennis Hudson
Paul Felegy	Don Allen
Carmen Drake	Kelly Stewart
Mary Ann Bone	Steve Bone
John Harriff	Debra Smyser
Mary Ragle	Clark Kimball
Mayson Meyer	Mark McLiney

(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) Consent Agenda

a. Action regarding Minutes, July 6, 2021

b. Action regarding the findings and agreement for delinquent tax collection services with Linebarger, Goggan, Blair & Sampson, LLP and Resolution No. 2201-17 adopting a 20% collection fee

Summary: The proposed agreement addresses the collection of delinquent taxes. Linebarger, Goggan, Blair & Sampson, LLP has collected the City of Saginaw's delinquent court fines since 2016, and also collects delinquent taxes for Tarrant County. The collection fee of 20% as set forth in Resolution No. 2021-17 will be paid by the delinquent taxpayer. There will be no cost to the City.

c. Action regarding a License Agreement with the Union Pacific Railroad for a 140 Volt Wireline Crossing

Summary: During the construction of the Bailey Boswell Overpass it has been determined that a 140 volt electrical service is needed Across the Union Pacific Railroad right-of-way. The electrical service will provide electrical service for the bridge lighting. The License does not have an associated fee but does require that the City maintain perpetual insurance coverage as stipulated in the Proposed agreement.

Motion was made by Mayor Pro-Tem Junkersfeld with a second by Councilmember Tucker to approve Items 4a and 4c of the Consent Agenda as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld,
Councilmembers Beasley, Lawson, Tucker, and Copeland

Against: None

Abstain: None

Absent: Councilmember Bighorse

The Council then considered Item 4b (Action regarding the findings and agreement for delinquent tax collections services with Linebarger, Goggan, Blair & Sampson, LLP and Resolution No. 2021-17 adopting a 20% collection fee).

Motion was made by Mayor Pro-Tem Junkersfeld with a second by Councilmember Beasley to approve Item 4b of the Consent Agenda as presented. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld,
Councilmembers Beasley, Lawson, Tucker, and Copeland

Against: None

Abstain: None

Absent: Councilmember Bighorse

- (5) Consideration and Action regarding Approval of a Final Plat for Grand at Saginaw, Lot 1, Block B, Beltmill being 9.840 Acres in the B. Thomas Survey, Abstract No. 1497, City of Saginaw, Tarrant County, Texas

Motion was made by Mayor Pro-Tem Junkersfeld with a second by Councilmember Beasley to approve the Final Plat for Grand at Saginaw, Lot 1, Block B, Beltmill as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld,
Councilmembers Beasley, Lawson, Tucker, and Copeland

Against: None

Abstain: None

Absent: Councilmember Bighorse

- (6) Consideration and Action regarding Approval of a Final Plat for Beltmill Parkway and Millstone Road right-of-way

Motion was made by Councilmember Lawson with a second by Mayor Pro-Tem Junkersfeld to approve the Final Plat for Beltmill Parkway and Millstone Road right-of-way as presented. Motion **carried unanimously**. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld,
Councilmembers Beasley, Lawson, Tucker, and Copeland

Against: None

Abstain: None

Absent: Councilmember Bighorse

- (7) Consideration and Action regarding a Development Agreement with HHS Residential regarding Exterior masonry and neighborhood setback requirements, on land described as approximately 20.8587 acres of land, and described as Abstract 1849, Tarrant County, Texas, out of the Alexander F. Albright Survey being all of that certain tract of land conveyed to Lorin Boswell, Jr. Enterprises, LLC by deed thereof filed for record in Tarrant County Clerk's Instrument D211060065, Official Public Records, Tarrant County, Texas located east of Old Decatur Road and south of W. McLeroy Blvd.

Carmen Drake, representing residents in the area adjacent to the property in the request, addressed the Council and expressed the residents opposition. She explained that if the Council approves this request, she will hold another meeting with residents. Marilyn Tolbert, a property owner adjacent to the property in the request, expressed her support of the request.

Motion was made by Councilmember Lawson with a second by Councilmember Beasley to approve the Development Agreement with HHS Residential with the revision to include the waiver of building permit fees up to but not to exceed the first \$10,000 of application fee costs for new single-family detached structures within the property. Motion carried. 4-2-0-1

For: Mayor Flippo, Councilmembers Beasley, Lawson, and Tucker

Against: Mayor Pro-Tem Junkersfeld and Councilmember Copeland

Abstain: None

Absent: Councilmember Bighorse

- (8) PUBLIC HEARING – Consideration and Action regarding Ordinance No. 2021-14, an Ordinance amending Ordinance No. 2002-04, as amended, The Zoning Regulations of the City of Saginaw, Texas by amending Section 8-17 of Article 8 “Supplemental District Regulations”; and Section 12-2 of Article 12 “Definitions”; providing a deadline for compliance with the regulations set forth herein; Amending the Definitions of Extended Stay Hotel and Hotel/Motel

Mayor Flippo declared the public hearing for this item opened at 7:04 p.m. He called for public input. There was none. Mayor Flippo declared the public hearing closed at 7:12 p.m.

Motion was made by Mayor Pro-Tem Junkersfeld with a second by Councilmember Tucker to approve Ordinance 021-14 as presented. Motion carried. 5-1-0-1

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld, Councilmembers Beasley, Tucker, and Copeland

Against: Councilmember Lawson

Abstain: None

Absent: Councilmember Bighorse

- (9) PUBLIC HEARING – Consideration and Action regarding an Ordinance of the City of Saginaw, Texas, amending Appendix A (Zoning) of the Code of Ordinances to amend Section 7-2 Carport Overlay District; Providing that this Ordinance shall be cumulative of all Ordinances; Providing a Severability Clause; Providing for a Savings Clause; Providing a Penalty Clause; Providing for Publication in the Official Newspaper; and Providing an Effective Date (Ordinance No. 2021-16)

Mayor Flippo declared the public hearing for this item opened at 7:12 p.m. He called for public input. Brack St. Clair and Kathryn Johnson both expressed their support of the proposed ordinance and suggested carports in residential areas be discussed in the future. There being no additional public comment, Mayor Flippo declared the public hearing closed at 7:21 p.m.

Motion was made by Councilmember Copeland with a second by Mayor Pro-Tem Junkersfeld to approve Ordinance No. 2021-16 as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld,
Councilmembers Beasley, Lawson, Tucker, and Copeland

Against: None

Abstain: None

Absent: Councilmember Bighorse

- (10) Consideration and Action regarding approval of Ordinance No. 2021-15, authorizing the issuance and sale of the City of Saginaw, Texas General Obligation Bonds, Series 2021; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject

Motion was made by Mayor Pro-Tem Junkersfeld with a second by Councilmember Tucker to approve Ordinance No. 2021-15 as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld,
Councilmembers Beasley, Lawson, Tucker, and Copeland

Against: None

Abstain: None

Absent: Councilmember Bighorse

- (11) Consideration and Action regarding Resolution No. 2021-18, authorizing an internal borrowing between the General Fund and the Capital Projects Fund for the completion of the Bailey Boswell Overpass Project

Motion was made by Councilmember Tucker with a second by Mayor Pro-Tem Junkersfeld to approve Resolution No. 2021-18 as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld,
Councilmembers Beasley, Lawson, Tucker, and Copeland

Against: None

Abstain: None

Absent: Councilmember Bighorse

- (12) Recess into Workshop

Mayor Flippo declared the meeting recessed into Workshop at 7:34 p.m.

(13) FY2021/2022 Budget Workshop

Finance Director Quin presented a review of the following funds within the FY2021/2022 budget: **Crime** Control and Prevention District Fund; Drainage Utility Fund; Street Maintenance Fund; Donations Fund; and **General** Escrow Fund.

(14) Reconvene Back into Regular Session

Mayor Flippo declared the meeting back in Regular Session at 7:59 p.m.

(15) 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

1 § 551.087. Texas Government Code. Deliberation regarding Economic Development Negotiations. The City Council may convene in executive session to discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described above, including:

a. Building Improvement Grant Application—300 S. Belmont St.

Mayor Flippo declared the meeting recessed into Executive Session at 7:59 p.m.

Mayor Flippo declared the meeting back in Regular Session at 8:30 p.m.

(16) Adjournment

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

For: Mayor Flippo, Mayor Pro-Tem Junkersfeld,
Councilmembers Beasley, Lawson, Tucker, and Copeland

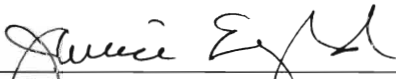
Against: None

Abstain: None

Absent: Councilmember Bighorse

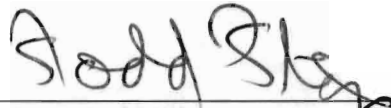
Mayor Flippo declared the City Council Meeting of July 20, 2021 adjourned at 8:30 p.m.

ATTEST:



City Secretary Janice England

APPROVED:



Mayor Todd Flippo



NOTICE OF A PUBLIC MEETING

Notice is hereby given that a meeting of the City of Saginaw, Texas ("City"), will be held on July 20, 2021 at 6:00 p.m. for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of an agreement with the law firm of Linebarger Goggan Blair & Sampson, LLP as special counsel to perform all legal services necessary to collect delinquent property taxes and authorizing the execution of such agreement.

The agreement to be considered is necessary for the delinquent taxes owed to the City to be collected in the most effective manner. The City desires that such delinquent tax, penalties and interest be collected as provided in the Texas Tax Code.

The Linebarger Goggan Blair & Sampson, LLP firm is fully qualified to provide this representation, being the largest delinquent tax collection law firm in the State of Texas, as well as the United States and having been engaged in this specialized legal service for more than 40 years. In addition, the Linebarger Goggan Blair and Sampson, LLP firm possesses infrastructure and technology, such as a dedicated ad valorem tax case management system, call center staff, and other tools that the City does not currently possess.

Linebarger Goggan Blair & Sampson, LLP has not represented previously represented City. The law firm has represented many nearby municipalities for 39 years with competence and professionalism, in the collection of delinquent property taxes. The law firm has also worked with the City for the past five years providing other legal counsel and collection services.

The specialized legal services required by this agreement cannot be adequately performed by the attorneys and supporting personnel of the City due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in-house attorneys and staff with the level of experience and competence necessary to perform these activities.

Linebarger will be compensated on a contingent fee basis as provided in the Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48. These Texas Tax Code sections specifically provide for an additional penalty on delinquent taxes to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the City.

Entering into the proposed agreement is in the best interests of the residents of the City because the delinquent taxes will be professionally and competently collected without the additional costs to the City of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis which would otherwise be required.

Posted:

Date: 7-16-2021

Time: 9:30am

By: [Signature]

Removed:

Date: 7-21-2021

Time: 7:55am

By: [Signature]