

**MINUTES:** City Council Minutes  
April 21, 2008

**PRESENT:** Mayor Joe Higgs, Councilman Andy Garza, Councilman Glenn Ervin,  
Councilman  
Robert Patton, Councilman Mike Walker, Councilman Thomas Muir

**OTHERS**

**PRESENT:** City Manager Mike Brice, City Secretary/Asst. City Manager Rose Chavez,  
Engineering Coordinator Samantha Renz, Kim Hall & Don Hall, Steve &  
Trisa Koch, Tessa-Renee Reynolds, Scott Ezell

1. Mayor called Meeting to Order, Councilman Muir led the Invocation, and Councilman Ervin led the Pledge of Allegiance.
2. **Citizens Input:**  
Citizens are allowed 3 minutes to speak. The City Council is unable to respond or to discuss any issues that are brought up during this section.

No Discussion.

**CONSENT AGENDA**

3. a) Approve Minutes April 7, 2008 - Work Session  
April 7, 2008 - City Council
- b) Disbursements
- c) Approve Interlocal Cooperation Agreement Between Denton County, Texas, and the City of Sanger, Texas to Donate the Sam Bass Road Bridge to the City of Sanger
- d) Approve Appointment of James Adams to the Cultural and Educational Facilities Foundation, Gary Bilyeu to 4A Board and Scott Stephens to 4B Board
- e) Approve Agreement with Texas Department of Transportation for Construction, Maintenance and Operation of Safety Lighting Systems Within Municipalities
- f) Approve Ordinance #04-18-08 - Adopting the International Fire Code, 2006 Edition and Appendix Chapters B, C and D
- g) Approve Ordinance #04-19-08 - Adopting the 2006 Editions of the International Building Code, Residential Code, Plumbing Code and Mechanical Code

City Manager gave brief overview of items on the Consent Agenda.

Councilman Patton moved to approve the Consent Agenda, Councilman Ervin seconded. Motion carried unanimously.

**4. Consider any Items Removed from Consent Agenda.**

**No Discussion.**

**5. Appointment of Two Members to an Ad Hoc Committee to Review the Sign Ordinance.**

**Councilman Muir and Councilman Walker volunteered to serve on the committee.**

**6. Conduct First Public Hearing to Consider Proposed Annexation of the Following Properties:**

- A. ABSTRACT 29, REUBEN BEBEE SURVEY, TRACT 56A, BEING 2.012 ACRES IN DENTON COUNTY, TEXAS. (R179677)**
- B. ABSTRACT 1241, HENRY TIERWESTER SURVEY, TRACT 10, BEING 36.86 ACRES IN DENTON COUNTY, TEXAS. (R56265)**
- C. ABSTRACT 801 WM MASON SURVEY, TRACT 32, BEING 42.64 ACRES IN DENTON COUNTY, TEXAS. (R59794)**
- D. ABSTRACT 29, REUBEN BEBEE SURVEY, TRACT 22D, BEING 10.00 ACRES IN DENTON COUNTY, TEXAS. (R270616)**
- E. ABSTRACT 29, REUBEN BEBEE SURVEY, TRACT 22E, BEING 10.00 ACRES IN DENTON COUNTY, TEXAS. (R270617)**
- F. ABSTRACT 29, REUBEN BEBEE SURVEY, TRACT 22F, BEING 10.00 ACRES IN DENTON COUNTY, TEXAS. (R270618)**
- G. ABSTRACT 29, REUBEN BEBEE SURVEY, TRACT 22G, BEING 10.00 ACRES IN DENTON COUNTY, TEXAS. (R281945)**
- H. ABSTRACT 29, REUBEN BEBEE SURVEY, TRACT 22, BEING 15.357 ACRES IN DENTON COUNTY, TEXAS. (R59825)**
- I. ABSTRACT 29, REUBEN BEBEE SURVEY, TRACT 22A, BEING 4.625 ACRES IN DENTON COUNTY, TEXAS. (R266027)**
- J. ABSTRACT 1281, S. WILLIAMS SURVEY, TRACT 2A, BEING 15.83 ACRES IN DENTON COUNTY, TEXAS. (R268806)**
- K. ABSTRACT 462, GODDARD SURVEY, TRACTS 1A, 5A, 6A, AND 7, BEING 59.936 ACRES IN DENTON COUNTY, TEXAS. (R268819)**
- L. ABSTRACT 462, GODDARD, TRACT 8, BEING 11.71 ACRES IN DENTON COUNTY, TEXAS AND BEING THE RAILROAD RIGHT OF WAY. (R57863)**

**Mayor declared Public Hearing Opened.**

**No Discussion.**

**Mayor declared Public Hearing Closed.**

- 7. Conduct Public Hearing to Consider Amendments to the Comprehensive Zoning Ordinance and the Subdivision Regulations.**

**Mayor declared Public Hearing Opened.**

**No Discussion.**

**Mayor declared Public Hearing Closed.**

- 8. Consider and Possible Action on Ordinance #04-11-08 - Amendments to Chapter 14, Section 34, of the Comprehensive Zoning Ordinance. (Accessory Building Regulations).**

**City Manager indicated that this is the accessory building ordinance that had previously been discussed. The Planning and Zoning Commission added a section on Accessory Dwellings and a definition for “commercial purposes”.**

**Councilman Patton moved to approve Ordinance #04-11-08. Councilman Ervin seconded. Motion carried unanimously.**

**CAPTION AS FOLLOWS:**

**ORDINANCE #4-11-08**

**THAT CHAPTER 14, SECTION 34 “ACCESSORY BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF SANGER, TEXAS IS HEREBY AMENDED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 9. Consider and Possible Action on Ordinance #04-13-08 - Amending Appendix A - “Fee Schedule” in the Code of Ordinances of the City of Sanger.**

**City Manager indicated that this is the fee schedule with the previously discussed changes incorporated into it. He also wanted them to add an animal registration fee of \$5.00 and an adoption fee of \$25.00. On page 69, Item 2 he indicated they should only require remodels requiring a contractor to pull a permit.**

**Dangerous dog offenses discussed.**

**Councilman Muir moved to approve ordinance #04-13-08 as presented with the addition of the animal registration and adoption fees. Councilman Walker seconded. Motion carried unanimously.**

**CAPTION AS FOLLOWS:**

**ORDINANCE #04-13-08**

**THAT APPENDIX A “FEE SCHEDULE” OF THE CODE OF ORDINANCES OF THE CITY OF SANGER, TEXAS, IS HEREBY AMENDED; BY AMENDING IT IN IT’S ENTIRETY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR EFFECTIVE DATE.**

- 10. Consider and Possible Action on Ordinance #04-14-08 - Amending Chapter 14, Article 41, Section 41.1 of the Code of Ordinances of the City of Sanger. (Zoning Board of Adjustment).**

**City Manager indicated this is procedural to bring the ordinance in line with the Home Rule Charter.**

**Councilman Ervin moved to approve Ordinance #04-14-08. Councilman Patton seconded. Motion carried unanimously.**

**CAPTION AS FOLLOWS:**

**ORDINANCE #04-14-08**

**THAT CHAPTER 14, SECTION 41 ZONING BOARD OF ADJUSTMENT, ARTICLE 41.1 (2. “Membership” and 4. “Meetings”), ORGANIZATION AND PROCEDURE IN THE CODE OF ORDINANCES OF THE CITY OF SANGER, TEXAS IS HEREBY AMENDED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 11. Conduct Public Hearing to Consider Ordinance #04-15-08 - Being a Zoning Change Request from Agriculture to Planned Development (PD) on Property Legally Described as N.L. Hobbs Block 1, Lot 5R1 and 5R2. Property is Located on Marion Road.**

**Public Hearing Opened.**

**No Discussion.**

**Public Hearing Closed.**

- 12. Consider and Possible Action on Ordinance #04-15-08 - Being a Zoning Change Request from Agriculture to Planned Development (PD) on Property Legally Described as N.L. Hobbs Block 1, Lot 5R1 and 5R2. Property is Located on Marion Road.**

**Councilman Ervin moved to approve Ordinance #04-15-08 as presented. Councilman Patton seconded. Motion carried unanimously.**

**CAPTION AS FOLLOWS:**

**ORDINANCE #04-15-08**

**AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE CENTRAL ZONING MAP OF THE CITY OF SANGER, TEXAS, AND PROVIDING FOR A ZONING CHANGE AND A ZONING CLASSIFICATION FROM AGRICULTURE (AG) TO A PLANNED DEVELOPMENT OR “PD” ZONING CLASSIFICATION SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR IMMEDIATE EFFECT.**

- 13. Conduct Public Hearing to Consider Ordinance #04-16-08 - Being a Zoning Change Request from Agriculture (AG) to Industrial 1 (I-1) on Property Legally Described as Abstract 725 S.F. Lynch Survey, Tract 14A, Being 44.3076 Acres and Abstract 725 S.F. Lynch Survey, Tract 13A, Being 15.6924 Acres, and Abstract 1066 Jose Ruiz Survey, Tract 12, Being 48.004 Acres, and a Portion of Abstract 1066 Jose Ruiz Survey, Tract 12A, Being 146.999 Acres Save and Except a 5 Acre Portion to be Zoned Residential. This Property is Located South of Chisam Road, East of Interstate 35 and West of the Railroad Tracks.**

**Public Hearing Opened.**

**Jim Wiegert, Engineer for the project, showed a map of the property and indicated it was currently zoned agriculture. They were proposing to change the zoning of the 255 acres to Industrial, the Planning and Zoning Commission voted unanimously to approve the change.**

**Public Hearing Closed.**

- 14. Consider and Possible Action Regarding Ordinance #04-16-08 - Being a Zoning Change Request from Agriculture (AG) to Industrial 1 (I-1) on Property Legally Described as Abstract 725 S.F. Lynch Survey, Tract 14A, Being 44.3076 Acres and Abstract 725 S.F. Lynch Survey, Tract 13A, Being 15.6924 Acres, and Abstract 1066 Jose Ruiz Survey, Tract 12, Being 48.004 Acres, and a Portion of Abstract 1066 Jose Ruiz Survey, Tract 12A, Being 146.999 Acres Save and Except a 5 Acre Portion to be Zoned Residential. This Property is Located South of Chisam Road, East of Interstate 35 and West of the Railroad Tracks.**

**Councilman Patton moved to approve Ordinance #04-16-08. Councilman Muir seconded. Motion carried unanimously.**

**CAPTION AS FOLLOWS:**

**ORDINANCE #04-16-08**

**AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND CENTRAL ZONING MAP, AS HERETOFORE AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM AG (AGRICULTURE) TO I-1 (INDUSTRIAL - 1) ON PROPERTY LEGALLY DESCRIBED AS ABSTRACT 725, TRACT 14A AND TRACT 13A, ABSTRACT 1066 TRACT 12 AND A PORTION OF ABSTRACT 1066 TRACT 12A; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN**

**CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

15. **Conduct Public Hearing to Consider Ordinance #04-17-08 - Being a Zoning Change Request from Agriculture (AG) to Single Family 7-E (SF-7E) on Property Legally Described as a Five Acre Portion of Abstract 1066 Jose Ruiz Survey, Tract 12A, Being 146.999 Acres. Property is Located South of Chisam Road and West of the Railroad Tracks.**

**Public Hearing Opened.**

**Mayor indicated this was the five acre portion above the previous zoning request.**

**Public Hearing Closed.**

16. **Consider and Possible Action Regarding Ordinance #04-17-08 - Being a Zoning Change Request from Agriculture (AG) to Single Family 7-E (SF-7E) on Property Legally Described as a Five Acre Portion of Abstract 1066 Jose Ruiz Survey, Tract 12A, Being 146.999 Acres. Property is Located South of Chisam Road and West of the Railroad Tracks**

**Councilman Muir moved to approve Ordinance #04-17-08. Councilman Walker seconded. Motion carried unanimously.**

**CAPTION AS FOLLOWS:**

**ORDINANCE #04-17-08**

**AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND CENTRAL ZONING MAP, AS HERETOFORE AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM AG (AGRICULTURE) TO SF-7E (SINGLE FAMILY - 7E) ON PROPERTY LEGALLY DESCRIBED AS A FIVE ACRE PORTION OF ABSTRACT 1066 JOSE RUIZ SURVEY, TRACT 12A; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

17. **Consider and Possible Action on Ordinance #04-20-08 - Amending the Existing Gas Franchise Between the City of Sanger, Texas and Atmos Energy Corporation.**

**City Manager indicated per the contract, the City can increase the franchise fee from 3% to 5%. This will generate about \$26,000.00 a year in revenue.**

**Discussion regarding the franchise fee and affect on the bills.**

**Councilman Muir moved to approve Ordinance #04-20-08. Councilman Patton seconded. Motion carried 3-2. Voted Against: Councilman Garza and Councilman Ervin.**

**CAPTION AS FOLLOWS:**

**ORDINANCE # 04-20-08**

**AN ORDINANCE AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY OF SANGER, TEXAS AND ATMOS ENERGY CORPORATION TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

- 18. Consider and Possible Action Regarding a Preliminary Plat for Chisam Road Estates, Phase One-A Lot 33, Lot 34R-1, Lot 34R-2 and Lot 35R, Block 1. Property is Located on the Corner of Chisam Road and Interstate 35.**

**City Manager explained this is basically a clean up so the owner can sell his property. The storage buildings on a portion of the property were built over the property line.**

**Councilman Walker moved to accept the Preliminary Plat for Chisam Road Estates, Phase One-A Lot 33, Lot 34R-1, Lot 34R-2 and Lot 35R, Block 1. Councilman Garza seconded. Motion carried unanimously.**

- 19. Conduct Public Hearing to Consider a Final Plat of Chisam Road Estates Phase One-A Lot 34R-1, Lot 34R-2 and Lot 35R, Block 1, Being a Replat of Lots 34 and 35, Block 1, Chisam Road Estates, Phase One-A. Property is Located on the Corner of Chisam Road and Interstate 35.**

**Public Hearing Opened.**

**No Discussion.**

**Public Hearing Closed.**

- 20. Consider and Possible Action Regarding a Final Plat of Chisam Road Estates Phase One -A Lot 34R-1, Lot 34R-2 and Lot 35R, Block 1, Being a Replat of Lots 34 and 35, Block 1, Chisam Road Estates, Phase One-A. Property is Located on the Corner of Chisam Road and Interstate 35.**

**Councilman Patton moved to approve the Final Plat of Chisam Road Estates Phase One -A Lot 34R-1, Lot 34R-2 and Lot 35R, Block 1, Being a Replat of Lots 34 and 35, Block 1, Chisam Road Estates, Phase One-A. Councilman Ervin seconded. Motion carried unanimously.**

- 21. Information Items:**

**a) City of Sanger Investment Report**

**b) Library Monthly Report**

**22. Meeting Adjourned.**

**Mayor declared meeting adjourned.**