

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING
March 5, 2018, 7:00 P. M.
502 Elm Street, Sanger, Texas

COUNCIL MEMBERS PRESENT: Mayor Thomas Muir, Councilman Bill Boutwell, Councilman Gary Bilyeu, Councilman Lee Allison, Councilman David Clark, Councilman Allen Chick

COUNCIL MEMBERS ABSENT: None.

The Mayor and all five (5) Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: Alina Ciocan, Acting City Manager; Neal Welch, Public Works Director; Eddie Piercy, Streets Superintendent; Cheryl Price, City Secretary

1. Call Meeting to Order, Invocation, Pledge of Allegiance.

The Regular City Council Meeting was called to order by Mayor Muir on Monday, March 5, 2018 at 7:00 P.M. The Invocation was given by Councilman Boutwell. The Pledge of Allegiance was led by Councilman Allison.

2. Citizens Input: (Citizens are allowed 3 minutes to speak. The City Council is unable to respond or to discuss any issues brought up during this section).

There were no citizens who wished to speak.

3. CONSENT AGENDA:

a) Approval of Minutes:

- 1. City Council Work Session, February 20, 2018.**
- 2. City Council Regular Meeting, February 20, 2018.**

b) Disbursements

A motion was made by Councilman Boutwell, to approve the Consent Agenda as presented. The motion was seconded by Councilman Bilyeu. Motion carried unanimously (5-0 vote).

4. Consider Any Items Removed from Consent Agenda.

None.

REGULAR AGENDA

5. Conduct a Public Hearing Regarding a Request to Rezone Approximately 17.89 Acres from I-2 Heavy Industrial District to SF-7 Single Family Residential District-7, Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II.

Councilman Allison recused himself from the meeting and left the room because his engineering firm was representing the applicant.

The Public Hearing was opened at 7:04 PM. Mayor Muir solicited any citizens who wished to speak regarding the public hearing. Shafer Harris with Allison Engineering was recognized to give a summary of the request. He noted that they are aware that there was an objection or concern raised by one of the adjoining properties. They prepared an exhibit for the Council's review. Mayor Muir noted that this is the public hearing portion of the meeting and Council will have their discussion during the next item after the Public Hearing. There being no persons who wished to speak the public hearing was closed at 7:06 PM.

6. Consider, Discuss and Possibly Take Action on Ordinance #03-05-18 – Amending the Comprehensive Zoning Ordinance and the Official Zoning Map to Rezone Approximately 17.89 Acres of Land From I-2 Heavy Industrial District to SF-7 Single Family Residential District-7, Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II.

Alina Ciocan, Acting City Manager was recognized and summarized the request. The applicant came in last August and ~~asked was trying~~ to rezone Sable Creek, Phases III, IV and future Phase V (the property being presented tonight) ~~into a Planned Development.~~ There was a companion case on the agenda at that time to ~~amend the Comprehensive Land Use Plan to~~ incorporate this area. The land use ~~for the subject property~~ was changed from Industrial to Residential; however, the applicant withdrew the Planned Development ~~c~~Case from the agenda. Tonight, they are requesting that the 17.89 acres which is going to be incorporated in to the Sable Creek Development, future Phase V, be zoned SF-7. The development is going to have less than 35 homes. She explained SF-7 zoning and that it has different categories/specifications for dwelling size which can be specified ~~at the time of the rezoning~~. The applicant is requesting that this phase have the same specifications as they had in Phases I and III which is Category 7, a minimum dwelling size of 1200 square feet. Staff sent out nine (9) notices to adjoining property owners within 200 feet of the and at the time of this report staff has received one notice in opposition and it is included in the agenda packet. Mayor Muir asked if the desire and direction by the Council to have larger homes was presented to the Applicant was presented by staff. Staff noted it was presented to them. Lisa ~~DritschlerBirchler~~ was recognized representing the Applicant and McClintock Homes. She stated that this is a continuation of their subdivision, and right now their average is about 2000 square feet. A majority of the homes they build runs about 1574 square feet. They would like to have the opportunity to build smaller homes in the future if the market changes. Councilman Bilyeu asked what business it was that turned in the notice of opposition. It was noted that it was from Classic Fiberglass which is currently zoned I-2. Classic Fiberglass noted their concern with fumes and residential property being located adjacent to their property ~~and stated~~, that the builder should have a land buffer and build visual blocking fencing. There was discussion and it was noted that there was a natural buffer, the creek. Staff noted that the Planning and Zoning Commission heard the case and they recommended approval unanimously. It was noted that some of the lots are in the flood-plain. Shafer Harris of Allison Engineering was recognized and advised that there is a pending CLOMAR and to date they have had favorable feedback, ~~if~~ approved, the flood-plain will be removed outside of those lines. There was discussion regarding the procedures to remove the lots from the flood-plain. Lengthy discussion ensued regarding the size of the homes that the applicant was requesting. Council ~~m~~Members voiced that they preferred to see at least a minimum of 1500 square foot homes. Councilman Bilyeu noted that if the applicant is willing to accept it, the only modification he wants to make is that the square footage in SF-7 be a minimum of 1500 square feet.

A motion was made by Councilman Bilyeu to approve Ordinance #03-05-18 – Amending the

Comprehensive Zoning Ordinance and the Official Zoning Map to Rezone Approximately 17.89 Acres of Land From I-2 Heavy Industrial District to SF-7 Single Family Residential District-7, as presented, with the modification in SF-7 to Category 5 with the minimum square footage requirement of 1500 square feet. Councilman Bilyeu noted that there was concern regarding the fumes ~~ss and if the concern has been addressed and stated.~~ Councilman Bilyeu noted that it needs to be on record that the I-2 zoned business (Classic Fiberglass) was there first and it is heavy industrial. ~~and;~~ At some point, they may want to expand their business and they should have the ability to do that because they were there first. He also noted that future homeowners won't call the developer ~~or, they won't call~~ the builder, they will call the ~~City to~~ and complain, and it may create concern down the road. Schafer Harris, Allison Engineering was recognized and stated that it was a noted concern and that the backyard buffer is 122 feet and they felt that was a sufficient buffer. Furthermore, he noted that as far as the sightline is concerned properties will have backyard residential fencing; and, trees can be added as a buffer. Councilman Bilyeu wanted to emphasize that the I-2 zoning and the business was there first and wanted to be sure that it is on record for future reference. He did not want to limit the growth of a commercial business that is established and producing by putting these homes adjacent to the property. Councilman Clark noted concern with the access. Alina Ciocan noted that access would be addressed with the plat and be laid out with Phases IV and V. It was noted by the Engineer that there would be a continuation of a road in Sable Creek called Grouse into the subdivision. The motion was seconded by Councilman Boutwell. The motion carried unanimously (4-0 vote – Councilman Allison was not present to vote, he recused himself from the room at the beginning of the Public Hearing – Item #5 because his engineering firm was representing the applicant).

Councilman Allison re-joined the meeting.

7. Consider, Discuss and Act on the Final Plat of the Metz Estates Addition, being 17.43 Acres in the B.B.B. and C.R.R. Company Survey, Abstract Number 199, Generally Located North of Hoehn Road and West of Metz Road.

Alina Ciocan, Acting City Manager summarized. She noted the Applicant is here tonight and has recently been before the Council with a different project. The Applicant is proposing to subdivide the proposed tract into seven lots of record ranging from two (2) acres to three (3) acres. The property is located in our ETJ and they will not have any public improvements and it is served by Bolivar Water and they will be on ~~s~~Septic. The Applicant noted that it is ~~not~~ going to be served by Bolivar Water at this time and the lots will be served by wells. ~~The plat meets the County requirements for well and septic and they will have to apply to the County for permits.~~ The plat meets the Subdivision Ordinance. Councilman Bilyeu asked if the water issue ~~had~~ any effect on us in any way. It was noted if it was annexed it may affect the fire rating, but it is not high density. There was concern regarding the availability of fire protection. The Applicant noted that Bolivar Water may provide water in the future. ~~He also noted that he~~ That ~~he~~ reserved a spot for them at the north end of the property for when they decide to expand in the future. It was noted that each lot would have its own private well. ~~There~~ is no flood-plain on the site and they are located in the City's ETJ on the County line. The road right-of-way dedication is 40 feet. The Applicant noted that they brought in another project which is about a mile down the road from this project.

A motion was made by Councilman Bilyeu to approve the Final Plat of the Metz Estates Addition, being 17.43 Acres in the B.B.B. and C.R.R. Company Survey, Abstract Number 199, generally located north of Hoehn Road and west of Metz Road. The motion was seconded by Councilman Allison. Motion carried unanimously (5-0 vote).

8. Consider, Discuss and Possibly Act on Approving the Fourth Amendment to Option to Lease and Water Tower Lease Agreement Between the City of Sanger and New Cingular Wireless PCS, LLC.; and Authorize the Mayor to Execute the Agreement.

Alina Ciocan Acting City Manager summarized. She noted that we had this item on a previous agenda and Councilman Clark brought up a valid concern regarding the relocation and responsibility of equipment on the water tower if we painted it. ~~We looked back in~~ Staff researched the original agreement ~~which –and it contained~~ ~~did have~~ a section ~~that~~ which addressed his concerns. It notes ~~ds~~ that the tenant would be responsible to move the equipment and could erect a temporary tower on the property if needed. ~~Staff-We~~ did ask them to add that it would be at the tenant's expense and they added the ~~requested language under~~ requested language under paragraph under, Section 5 Improvements; Utilities; Access. It states that ...“In the event Tenant determines that said maintenance will interfere with Tenant's operations, Tenant shall be permitted to erect a temporary tower and relocate all its necessary equipment to the temporary tower at Tenant's expense on the Property in a location satisfactory to both Tenant and Landlord for the duration of said maintenance and shall promptly return its equipment to the Tower and remove the temporary tower upon Landlord's completion of said maintenance.” She noted that we also added to the agreement that if we choose to terminate the agreement ~~that~~ we can do so with sufficient notice.

A motion was made by Councilman Boutwell to approve the Fourth Amendment to Option to Lease and Water Tower Lease Agreement Between the City of Sanger and New Cingular Wireless PCS, LLC.; and authorize the Mayor to execute the agreement. The motion was seconded by Councilman Clark. The motion carried unanimously (5-0 vote).

9. Consider, Discuss and Possibly Approve or Reject Bid and Approve Re-Soliciting the Bid for Annual Concrete Labor and Material Contract and Asphalt Paving Material Contract.

Neal Welch, Director of Public Works was recognized. He stated that the two contractors that bid on the project did not have the appropriate insurance, so staff recommends that the bids be rejected and re-solicited. There was brief discussion regarding insurance, bonds, and workers compensation insurance requirements.

A motion was made by Councilman Bilyeu to reject the bids and approve re-soliciting the bid for Annual Concrete Labor and Material Contract and Asphalt Paving Material Contract. The motion was seconded by Councilman Boutwell. Motion carried unanimously (5-0 Vote).

10. INFORMATION ITEMS:

No information items.

Acting City Manager, Alina Ciocan noted the next meeting would be near Spring Break and staff asked if all members would be able to come to the next meeting on March 19th. Councilman Bilyeu noted he will not be in attendance at the meeting that he will be out of town.

11. ADJOURN.

There being no further business, Mayor Muir adjourned the meeting at 7:54 P.M.