

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING
July 2, 2018 – 7:00 PM.
502 Elm Street, Sanger, Texas

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

COUNCIL MEMBERS ABSENT: None

The Mayor and all Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: Alina Ciocan, City Manager; Cheryl Price, City Secretary; Ramie Hammonds, Director of Community Development; Muzaib Riaz, Planner.

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

The Regular City Council Meeting was called to order by Mayor Muir on Monday, July 2nd, 2018 at 7:07 PM. The Invocation was given by Councilman Bilyeu. The Pledge of Allegiance was led by Councilman Chick.

2. CITIZEN 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).*

No citizens approached the podium who wished to speak on items not on the agenda.

3. CONSENT AGENDA:

a) Approval of Minutes:

- 1. City Council Work Session Meeting, June 18, 2018**
- 2. City Council Regular Meeting, June 18, 2018**

b) Disbursements.

c) Consider, Discuss and Act on an Interlocal Cooperation Agreement Between Lower Colorado River Authority (LCRA) and the City of Sanger for Procurement of Materials; Authorize the Mayor to Execute the Agreement.

d) Approve Reappointing Existing Board Members for a Two-Year Term:

4A Board –

Elizabeth Springer
Don Gillum
Fred Yeatts

4B Board –

Jeff Springer
Beverly Branch

**John Payne
Beverly Howard
Will Dutton
Barbara Martin**

e) Approve Appointing the Following Citizens to Open Board Positions For A Two-Year Term:

**Planning and Zoning Commission -
Marissa Barrett, Place 2
Robert "Bo" Cooper, Place 6**

**Board of Adjustment -
Marissa Barrett, Place 2
Robert "Bo" Cooper, Place 6**

**4A Board –
Dennis Dillion**

**4B Board –
Debbie Reeves - From Alternate to Full Board Member**

Mayor Muir noted that Consent Item e) be pulled from the Consent Agenda because there is an issue that will need to be briefly addressed.

A motion was made by Councilman Allison to approve the Consent Agenda with Items a) through d) as presented and with the removal of Item e). The motion was seconded by Councilman Boutwell. Councilman Bilyeu stated he would abstain from voting since he was not at the last meeting. The motion carried with the following vote; four (4) in favor, zero (0)-against, and; one (1)-abstention, Councilman Bilyeu abstained because he was not at the last meeting.

4. Consider Any Items Removed from Consent Agenda.

3. Consent Agenda- Item e)

e) Approve Appointing the Following Citizens to Open Board Positions For A Two-Year Term:

**Planning and Zoning Commission -
Marissa Barrett, Place 2
Robert "Bo" Cooper, Place 6**

**Board of Adjustment -
Marissa Barrett, Place 2
Robert "Bo" Cooper, Place 6**

**4A Board –
Dennis Dillion**

4B Board –

Debbie Reeves - From Alternate to Full Board Member

Mayor Muir noted that on Item e) Debbie Reeves was on the 4B Board as an alternate and was proposed to be moved to full member for two years; however, she has resigned from the 4B Board so we do not have to appoint her as a full board member. Everything else may be approved as presented if the Council so moves.

A motion was made by Councilman Bilyeu to approve Item e) as presented, with the correction removing Debbie Reeves from the 4B Board. The motion was seconded by Councilman Clark. The motion carried unanimously with a 5-0 vote.

REGULAR AGENDA

- 5. Conduct a Public Hearing Regarding a Request for a Specific Use Permit (SUP) for a Temporary Concrete Batch Plant at 34.58 Acres of Willowood Addition Site Zoned Planned Development (PD-SF-06), Situated in the H. Tierwester Survey, Abstract No. 1241, Generally Located West of Rector Road and Railroad Line and North of Eider Drive and First Street.**

Mayor Muir noted this is a Public Hearing and opened it at 7:16 PM. He solicited anyone who wished to speak. Planner Muzaib Ruiz was recognized and summarized information for the Public Hearing. He advised that this is a request for a Temporary Concrete Batch Plant in the Willowood Addition. They are requesting a temporary batch plant for a period of 6 months. They have applied to TCEQ for a permit. The applicant is present to address any questions. The proposed temporary batch plant will be 350 feet away from any residential uses. TCEQ requirement is 300 feet. Staff sent out 118 public hearing notifications to all sites within 200 feet of the subject property and have received one (1) notification in opposition which is included the agenda packet. This temporary batch plant was denied by the Planning and Zoning Commission. In order for the City Council to approve the request, a super-majority vote is required. Mayor Muir advised that Councilman Allison has recused himself from the meeting (left the room) because he has done work on the Willowood Subdivision in the past. With the absence of Councilman Allison, a super-majority vote will require four (4) in favor and zero (0) against the vote to pass.

Bill Wait, Williamsburg Construction Services, Dallas Texas, was recognized. He apologized that he was not present at the Planning and Zoning Commission Meeting and there were three people who spoke in opposition and all three had concerns regarding environmental issues. He noted that he brought the manufacturer of the equipment with him this evening to present all of the data. Without the batch plant it would take about 450 concrete trucks versus 275 to 280 trucks that come in only when needed. Also, at this time of year a truck cannot sit very long. He noted they anticipate it would take 2-3 more weeks for the paving with the batch plant and without it could be a lot longer because they are going to be depending on a provider to bring the product in a timely manner which may not happen because they are servicing other people. They applied for the TCEQ permit on June the 11th and it takes 4-6 weeks to get it and a representative of TCEQ was out on the site today. He advised he brought with him a representative of Lacey Concrete which is one of the largest concrete companies in the metroplex. They are doing the paving and can answer any questions. The manufacturer of the batch plant equipment is also here to address the opposition regarding the dust, etc. at the Planning and Zoning Commission meeting. An un-named

representative of the Vince Hagan was recognized. He stated his company is the manufacturer of the concrete batching equipment. They are a member of the concrete manufacturer's bureau and are required to maintain certain standards and specifications that comply with dust control. He provided literature to the Mayor and Council. He noted that anytime there is a construction site there will be dust; however, in the process of making concrete and putting the cement in the silos; the equipment that Lacy will use, has a dust collector on it and is sucking the dust out of the mixer and the silos into vents. It is not just going into the atmosphere. The exhaust on the dust collector is rated for 99.9% efficient at 1 micron. That meets the EPA Guidelines and all of the TCEQ guidelines and if they were not doing what they are supposed to, there would be real problems. He noted he would address any questions. Mr. Brett Morris with Lacey Construction was recognized and made a quick presentation noting the SUP they have applied for will not need a full six months. If there is decent weather, the plant will be there about 10 days. It will actually take about 7 or 8 days and there will be a couple of days moving it in and out. In less than two weeks their footprint will not be there. Mayor Muir noted this information was for the public and this is a public hearing and solicited anyone who wished to speak in favor, opposition or had any questions. He noted that discussion would continue between Council during the next item. There being no further individuals approaching the podium who wished to during the public hearing it was closed at 7:25 PM.

6. **Consider, Discuss, and Act on a Request to Approve Ordinance #06-17-18 for a Specific Use Permit (SUP) for a Temporary Concrete Batch Plant at 34.58 Acres of Willowood Addition Site Zoned Planned Development (PD-SF-06), Situated in the H. Tierwester Survey, Abstract No. 1241, Generally Located West of Rector Road and Railroad Line and North of Eider Drive and First Street.**

ORDINANCE # 06-17-18

AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TEMPORARY CONCRETE BATCH PLANT AS A USE AT 34.58 ACRES OF WILLOWOOD ADDITION SITE ZONED PLANNED DEVELOPMENT (PD-SF-06), SITUATED IN THE H. TIERWESTER SURVEY, ABSTRACT NO. 1241, GENERALLY LOCATED WEST OF RECTOR ROAD AND RAILROAD LINE AND NORTH OF EIDER DRIVE AND FIRST STREET; 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) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Boutwell noted that in view of the handouts and all of the information that was provided, all of his questions have been answered and proceeded to make a motion to approve Ordinance #06-17-18 for a Specific Use Permit (SUP) for a Temporary Concrete Batch Plant at 34.58 acres of Willowood Addition site zoned Planned Development (PD-SF-06), situated in the H. Tierwester Survey, Abstract No. 1241, generally located west of Rector Road and Railroad Line and North of Eider Drive and First Street. The motion was seconded by Councilman Bilyeu. Discussion was called. Councilman Bilyeu noted he lived in Sable Creek saw the construction of the batch plant and it was in and out pretty quick and the dust and noise was not the biggest problem, but it was the vehicles coming in and the material staging. He understands to mix and pour it as you need it on-site is going to get things done a lot quicker. He noted that there was more dust from the trucks driving on the dirt roads than there ever was from

the plant. He noted the concern of 6 months and wanted to know if it could be reduced to a 30-day period. Mr. Wait stated they are willing to do whatever is going to work for the city, but they need enough time about two weeks. There was additional discussion regarding the contemplated time line. It was noted it would be about from around August or September before they would be on-site. Councilman Bilyeu noted that if the concrete was not going to start until August or September he was ok with a 6-month permit. It was noted that 6-months was the standard minimum requirement of TCEQ. Councilman Chick asked where it is located on the property and Council was presented a map showing the location of the batch plant. There was brief discussion. Councilman Clark noted that he was concerned they do not have a TCEQ permit. It was noted they could not bring in the batch plant without a permit. There was discussion and it was noted the motion could be contingent to having the TCEQ permit. Councilman Boutwell amended his motion as presented adding that they have a TCEQ permit before bringing in the concrete batch plant. Councilman Bilyeu amended his second to the motion. The motion carried unanimously with a 4-0 vote - Councilman Allison absent from the vote because he recused himself due to work he has done on the subdivision. The 4-0 vote met the requirement of a super-majority vote to pass.

Councilman Allison returned to the meeting.

7. Consider, Discuss and Possibly Approve and Authorize Mayor to Execute an Agreement Between the City of Sanger and the Sanger Chamber of Commerce for Hotel Occupancy Tax Funds.

Debbie Reeves, Sanger Area Chamber of Commerce Administrator was recognized. She noted they have provided the contract and the budget. She summarized some of the items she was working on such as tourism brochures and her recent participation in a tourism promotion workshop. There was addition discussion regarding some of the items the Chamber is planning. She inquired if there was any movement regarding the downtown historical signs. Staff noted they would look into it.

A motion was made by Councilman Bilyeu to approve and authorize Mayor to execute an agreement between the City of Sanger and the Sanger Chamber of Commerce for Hotel Occupancy tax funds. The motion was seconded by Councilman Clark. The motion carried unanimously (5-0 vote).

8. Conduct a Public Hearing Regarding the Replat of Lots 10AR1 & 10AR2, Block A, S.W.H. Addition, Being 2.88 Acres in the W. Mason Survey, Abstract Number 801, and Being a Replat of Lot 10A, Block A, S.W.H. Addition in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located East of Henderson Road and Approximately 622 Feet North of the Intersection of Lois Road West and Henderson Road.

Mayor Muir opened the public hearing at 7:45 PM. Muzuib Ruiz, Planner summarized the replat as described above and noted it is a request for a replat of one lot into two residential lots. It is in our ETJ and does conform to subdivision regulations. Notices were sent out to everyone within 200 feet of the proposed replat and no responses were received. Planning and Zoning unanimously recommended approval. There being no citizens who wished to speak, the public hearing was closed at 7:46 PM.

9. **Consider, Discuss, and Act on the Replat of Lots 10AR1 & 10AR2, Block A, S.W.H Addition, Being 2.88 Acres in the W. Mason Survey, Abstract Number 801, and Being a Replat of Lot 10A, Block A, S.W.H. Addition in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located East of Henderson Road and Approximately 622 Feet North of the Intersection of Lois Road West and Henderson Road.**

Muzaib Ruiz, Planner noted that the replat is in the ETJ and the plans were sent to Denton County Planning and their comments have been incorporated.

A motion was made by Councilman Boutwell to approve the replat of lots 10AR1 & 10AR2, Block A, S.W.H Addition, being 2.88 acres in the W. Mason Survey, Abstract Number 801, and being a Replat of Lot 10A, Block A, S.W.H. addition in the extraterritorial jurisdiction (ETJ) of the City of Sanger, generally located east of Henderson Road and approximately 622 feet north of the intersection of Lois Road West and Henderson Road. The motion was seconded by Councilman Allison. The motion carried unanimously (5-0 vote).

10. **Conduct a Public Hearing Regarding the Replat of Lots 10R-1, Block A, Ridgecrest North Phase 1-A, Adding Lots 12, 13, & 14, Block A, Ridgecrest North Phase 3, Being 52.41 Acres in the R. Bebee Survey, Abstract No. 29, and Being a Replat of Lot 10, Block A, Ridgecrest North Phase 1-A, in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located West of Union Hill Road and Approximately 667 Feet North of the Intersection of Union Hill Road and Ridgecrest Place.**

Mayor Muir opened the public hearing at 7:48 PM. Muzaib Ruiz, Planner summarized this is a replat where they are proposing to divide two tracts into three lots. One lot is 10 acres and the other two lots are 15 plus acres. This is in the ETJ and the subdivision does meet the city's subdivision regulations. They sent out 44 notices to properties within 200 feet of the site and they received one (1) notice back in favor. Planning and Zoning Commission unanimously recommended approval. The applicant is present to answer any questions. Mayor Muir noted for the record that Councilman Allison recused himself (left the meeting) from the Public Hearing and the next item because he has done work for this project in the past.

Kim Murphy, owner applicant was recognized. He noted he and his brother were developers of Lakecrest Meadow and Ridgecrest Meadow. This is the remaining land that they originally acquired and they feel the larger size of the lots is appropriate as you move further north of FM 455.

Mayor Muir solicited anyone else who wished to speak during the public hearing portion.

An unidentified citizen asked how large the lots are and what type of homes were going to be built. He also noted his concerns that he would like to see that there be no RV's allowed to be parked on the property. Mr. Murphy noted it was three large lots, one is slightly under 10 acres, one is over 22 acres and one is 19 acres. Under Lake Ray Roberts Zoning they are zoned for one acre lots. If these tracts are desired to be further subdivided they will have to come back for another public hearing. He noted they have not yet created deed restrictions for the property to date. It was noted by another

unidentified citizen that since it is in the Lake Ray Roberts Zoning area there may be specific requirements for the property. There being no further citizens who wished to speak, the public hearing was closed at 7:55 PM.

- 11. Consider, Discuss and Act on the Replat of Lots 10R-1, Block A, Ridgecrest North Phase 1-A, and Lots 12, 13, & 14, Block A, Ridgecrest North Phase 3, Being a 52.41 Acres in the R. Bebee Survey, Abstract Number 29, and Being a Replat of Lot 10, Block A, Ridgecrest North Phase 1-A, in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located West of Union Hill Road and Approximately 667 Feet North of the Intersection of Union Hill Road and Ridgecrest Place.**

Councilman Bilyeu asked some questions regarding the property acreage. Mr. Murphy noted that they are taking unplatted property right now that could be sold as unplatted property and brought it into the city as a process. Anything that occurs will have to come back through the city for the process. Councilman Bilyeu noted that this is a plat to subdivide property, and the only thing that the Council can do right now is approve it because it is conforming at this point. Platting does bring it under our subdivision ordinance, but not zoning since it is in the ETJ. When they go to build, they will have to build to the subdivision rules. He noted if the subdivision plat is conforming the Council has to approve it.

A motion was made by Councilman Bilyeu, to approve the replat of Lots 10R-1, Block A, Ridgecrest North Phase 1-A, and Lots 12, 13, & 14, Block A, Ridgecrest North Phase 3, Being a 52.41 Acres in the R. Bebee Survey, Abstract Number 29, and being a Replat of Lot 10, Block A, Ridgecrest North Phase 1-A, in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, generally located west of Union Hill Road and approximately 667 feet north of the intersection of Union Hill Road and Ridgecrest Place. The motion was seconded by Councilman Boutwell. The motion carried with a 4-0 vote, Councilman Allison absent from the vote because he recused himself due to work he has done on the subdivision.

Councilman Allison returned to the meeting.

- 12. Consider, Discuss and Act on the Amending Plat of Cottage Estates Lots 1A – 5A, Block A, Being 1.08 Acres of Land, Situated in the Henry Tierwester Survey, Abstract No. 1241, and Being an Amendment of Lots 1 – 5, Block A of Cottage Estates, and Generally Located Southeast of the Intersection of Willow Street and Railroad Avenue.**

Muzaib Ruiz, Planner summarized noting there was a surveying error on the plat, the applicant has come back to correct the sizes of Lot 1 and Lot 5 and they will still be larger than the rest of the lots. It meets our subdivision regulations and our zoning regulations. The Planning and Zoning Commission recommended approval. Councilman Bilyeu noted the lots on the southern boundary were the ones affected.

A motion was made by Councilman Bilyeu to approve amending the plat of Cottage Estates Lots 1A – 5A, Block A, being 1.08 acres of land, situated in the Henry Tierwester Survey, Abstract No. 1241, and being an amendment of Lots 1 – 5, Block A of Cottage Estates, and generally located southeast of the intersection of Willow Street and

Railroad Avenue. The motion was seconded by Councilman Clark. The motion carried unanimously (5-0 vote).

13. **Consider, Discuss and Act on the Preliminary Plat of Lake Country Estates Addition, Being Approximately 50.337 Acres of Land Situated in the Reuben Bebee Survey, Abstract No. 29, and the J. Morton Survey, Abstract No. 792, Generally Located North of Union Hill Road and South of FM 455.**

Muzaib Ruiz, Planner summarized that this is a proposed 75 lot subdivision. It is within the SF-3 Zoning District and the minimum dwelling size will be 2000 square feet for this subdivision. It meets the subdivision and zoning regulations. The Planning and Zoning Commission recommended approval of the project. There was miscellaneous discussion regarding the plat layout and entryways. City Manager, Alina Ciocan noted the plat is in the City limits. It was noted that water would be provided by Bolivar Water. The applicant brought in an engineer signed/sealed letter that Bolivar Water will provide a 12-inch water line to provide adequate pressure flow for fire protection. The lots are ½ acre lots and would have aerobic spray systems for wastewater.

A motion was made by Councilman Bilyeu to approve the preliminary plat of Lake Country Estates Addition, being approximately 50.337 acres of land situated in the Reuben Bebee Survey, Abstract No. 29, and the J. Morton Survey, Abstract No. 792, generally located north of Union Hill Road and South of FM 455. The motion was seconded by Councilman Boutwell. The motion carried unanimously (5-0 vote).

14. **Consider, Discuss and Possibly Approve Resolution #R 07-10-18 – Appointing One Member to the Board of Managers of the Denco Area 9-1-1 District.**

Mayor Muir noted that the list of nominees are included in the packets for review. He noted that the Council could put the votes behind any one of the candidates. Councilman Boutwell noted that after reading all of the material he would like to nominate Jim Carter. He noted when you look at his experience and read his resume it is more impressive than any of the others.

A motion was made by Councilman Boutwell to Approve Resolution #R 07-10-18 appointing Jim Carter to the Board of Managers of the Denco Area 9-1-1 District. The motion was seconded by Councilman Bilyeu. The motion carried unanimously (5-0 vote).

15. **INFORMATION ITEMS:**

- a. **May Financial Report as of May 31, 2018.**
- b. **Capital Projects Recap as of June 26, 2018.**

Councilman Allison noted he would like to see estimated costs on the projects. City Manager Alina Ciocan noted that we are working on the format and will include estimates, she noted that staff is also including the estimates in the 2018-19 Budget.

16. **FUTURE AGENDA ITEMS: *(The purpose of this item is to allow the Mayor and members of Council to bring forward items they wish to discuss at a future meeting, A Council Member may inquire about a subject for which notice has not***

been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting. Items may be placed on a future meeting agenda with a consensus of the Council or at the call of the Mayor).

No items.

17. ADJOURN.

There being no further business Mayor Muir adjourned the meeting at 8:24 PM.