

**CITY OF SANGER, TEXAS**

**MINUTES: REGULAR CITY COUNCIL MEETING**  
**July 16, 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 Allen Chick

**COUNCIL MEMBERS ABSENT:** Councilman Gary Bilyeu

The Mayor and four (4) Council Members were present constituting a quorum.

**STAFF MEMBERS PRESENT:** Alina Ciocan, City Manager; Cheryl Price, City Secretary;  
Clayton Gray, Finance Director, 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 16, 2018 at 7:14 PM. The Invocation was given by Councilman Allison. The Pledge of Allegiance was led by Councilman Clark.

**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, July 2, 2018**
- 2. City Council Regular Meeting, July 2, 2018**

**b) Disbursements.**

**c) Approve appointing the following citizens to open board positions for a two-year term:**

**Library Board –  
Amanda Ford**

**4A Board –  
Victor Gann**

**4B Board –  
Carrie Bilyeu**

Councilman Boutwell made a motion to approve the Consent Agenda as presented. Councilman Clark had a couple of questions regarding disbursements. He asked how

the City purchased vehicles and staff noted it was through the Buy Board. He asked who Belcheff was and staff noted it was the third-party engineer that does civil plan reviews for the city. The motion was seconded by Councilman Clark. The motion to approve carried unanimously with a 4-0 vote, Councilman Bilyeu absent.

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

None.

**REGULAR AGENDA**

**5. Presentation of the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award.**

City Manager Alina Ciocan proudly announced that the City has received a Distinguished Budget Presentation Award for the Fiscal year 2017-18 from the Government Finance Officer Association (GFOA). Also, Clayton Gray, Finance Director individually received a Certificate of Recognition for Budget Preparation. The Mayor and Council congratulated Clayton Gray and expressed appreciation to staff for a job well done through this transition period. A photo was taken of the awards with the Mayor, Council and Finance Director.

**6. Conduct a Public Hearing Concerning a Request for Approval of Alternative Exterior Building Materials and/or Design for a Proposed Commercial Building Located at 600 N. Stemmons Freeway.**

Director of Development Services Ramie Hammonds summarized the request for the public hearing. She advised this is the site where the Holiday Inn Express is proposed to be built. The applicant is proposing to use EIFS in place of stucco for a masonry requirement as an alternative building material. Our ordinance does require that anything built within 250 feet of I-35 be 100 percent masonry.

Mayor Muir opened the public hearing at 7:21 PM and solicited anyone wishing to speak on this item. There being no one who approached the podium, the public hearing was closed at 7:22 PM.

**7. Consider, Discuss, and Act on a Request for Approval of Alternative Exterior Building Materials and/or Design for a Proposed Commercial Building Located at 600 N. Stemmons Freeway.**

Dev Surati, the applicant for the Hotel site was recognized. He stated he and his father-in-law have built several hotels and they look at stucco as old school and EIFS as new school. He stated they like to use EIFS because it gives them a higher "R" value, it is easier to repair, you don't have to repaint it as often, it is not as heavy and it is flexible. When stucco gets hot it permeates the heat through the concrete and moisture can be an issue. Overall, it is a better product. Councilman Boutwell asked what exactly EIFS is, how it is done. Mr. Surati explained that they start with the plywood and on top of that they glue foam for "R" value and on top of that they put a mesh and a scratch-coat of cement and on top of that is where the EIFS goes which is a synthetic stucco which is polymers. It looks identical to stucco. It was noted there is a picture in the council packets. Staff noted that Taco Bell is also an EIFS facade. Councilman Allison noted that he did a little research on EIFS and noted the problems with EIFS were either poor design or poor construction. He noted there is a company that does moisture intrusion analysis specifically for EIFS. He explained what he learned in his research on the

subject and noted if we have sufficient coverage and inspections of the material it should not be a problem. He stated he did not know how comfortable staff is with this and if they would want to bring someone in for inspections. Director of Development Services Ramie Hammonds advised that if staff has concerns can require third party inspections and noted that our inspector has inspected EIFS before. If an expert opinion is wanted we could certainly do that. Mr. Surati noted that EIFS is more flexible than stucco. He also noted that they have several inspections; one from the city, IHG inspects and the banks third party inspection company on top of two other companies that come and inspect their building as well. There was additional minor discussion regarding the inspections. Councilman Allison noted that it sounded like staff is familiar with the product and if all inspections are made he did have a problem with it. Councilman Chick asked how many square feet the building was going to be. Mr. Surati stated 48,000 square feet. Councilman Clark noted the rendering of the facility and asked if the drawing was what it was going to look like. Mr. Surati stated it was exactly what it would look like. Mayor Muir suggested contingencies that if the alternative material is used that it conform with the visual and structural requirements and be attached to the approval. Councilman Clark asked how long EIFS has been out and Mr. Surati stated since the sixties. There was additional discussion regarding Taco Bell and it being the first building in Sanger with EIFS and it went before Council. Councilman Allison noted that most of the problems were between the sixties to the eighties, and most of the problems were just bad construction. Mr. Surati noted whether you do EIFS or stucco, it had to be done right.

A motion was made by Councilman Boutwell to approve the alternative exterior building materials and/or design for the proposed commercial building located at 600 N. Stemmons Freeway contingent on sufficient inspection to insure structural integrity of the EIFS and conformity with all of the visual renderings as presented in the agenda packets. The motion was seconded by Chick. There was additional discussion on EIFS and it was noted that all Dairy Queens are now constructed with EIFS and it is becoming a more preferred material than stucco. The motion to approve carried unanimously with a 4-0 vote, Councilman Bilyeu absent.

**8. Consider, Discuss and Possibly Approve Issuing a Request for Proposal (RFP) for Solid Waste and Recycling Services.**

Finance Director Clayton Gray summarized the Request for Proposal (RFP) for Solid Waste and Recycling Services. He noted the contract with our current provider is up on December 31<sup>st</sup> of this year and staff is proposing an RFP to go out for services. The current provider Waste Connections has been with the city for 20 years. The current contract that is expiring was from 2014-2018. The rates that we have right now went into effect February 1<sup>st</sup> of this year. Staff (Alina Ciocan, Cheryl Price, Clayton Gray) met with Waste Connections on June 14<sup>th</sup> and they came and met with Council on June 18<sup>th</sup> and made a presentation. In early June two other providers contacted the City Manager and wanted to meet which were Community Waste Disposal CWD and Frontier Waste Solutions. All three providers asked if we were issuing an RFP. There was discussion during the meetings regarding going to once a week pick up. Mr. Gray noted he did research and within a 30-mile radius there were 35 cities and out of the 35 cities, 31 of them have once a week residential collection. Only four cities still do twice a week collection other than Sanger. Outside of Denton and Gainesville, who do their own collection, there are five providers who provide for all of the rest of the collection. One of the providers is Sanitation Solutions and they only do one city, which leaves four providers for the area. He mentioned the recycling program and to what extent staff

has been proactively addressing the issue to improve the problems with the contamination of the recycling which recently has become an issue. Mayor Muir noted that Waste Connections told the Council that every city out there has the same problems, that it is not really just a Sanger issue. Staff would like to issue an RFP for services and would like to ask for pricing for once a week and for twice a week service. The proposal would ask for all of the same services we have right now. As far as rating and ranking the proposal, staff is looking at qualification criteria for the services; what is the level of service they are going to provide, does it match what we need; qualifications, their experience, references, reputation, financial stability; and, financial consideration – what is the impact to the consumer and what their bill is going to be and what is the consideration to the city and community. As an example, he noted that Waste Connections has helped the city and community out with some items such as the annual trash off and other such items; and, provided the services at no charge. Mayor Muir asked if we could be specific as to what we are asking for. Mr. Gray noted that our current contract does have specific language and staff is looking at including specific language in the RFP. There was brief discussion regarding bulk pick up and Waste Connections has done a good job at picking up the bulk. The current contract does not limit the amount. Councilman Allison noted he did not want to take advantage of a provider either. He also asked if it would have to be awarded to the lowest bidder. Mr. Gray stated that it did not and would be rated on all of the criteria he mentioned above. The RFP submittals could be rated by staff and council as well. The final factors would be charted and brought before Council for a final vote. Councilman Chick asked if we are required to put out an RFP. It was noted that we are not required to put out an RFP. City Manager Alina Ciocan noted that we have had the contract for 20 years and it may be a good idea to see what is out there on the market. Councilman Boutwell noted that after 20 years it should be looked at. Mayor Muir noted to Waste Connection's credit, they have done a good job through all these years. It was noted that we may do some separate outsourcing for brush pick up also because we have a hard time keeping up with it at certain times of the year. Brush collection will not be included in the RFP. Councilman Clark asked if there would there be a line item as to adding a second cart and what the cost would be. He also noted that a problem with only one pick up per week, there may a be a problem with trucks running overweight. There will be an additional cost for an extra cart and the cost will be listed. This request is for Council to approve for staff to go out for RFP.

A motion was made by Councilman Boutwell to approve issuing a Request for Proposal (RFP) for Solid Waste and Recycling Services. The motion was seconded by Councilman Chick. The motion carried unanimously with at 4-0 vote, Councilman Bilyeu absent.

9. **Consider, Discuss and Possibly Take Action on Ordinance #07-20-18 – Amending Chapter 10 Subdivision Regulation, Exhibit A Subdivision Ordinance, Section 7 Filing Fees and Charges. Providing for a Repeal, Severability Clause, Penalty; and, Effective Date.**

#### **ORDINANCE # 07-20-18**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING CHAPTER 10 "SUBDIVISION REGULATION" OF THE CODE OF ORDINANCES, EXHIBIT A "SUBDIVISION ORDINANCE" BY AMENDING SECTION 7 "FILING FEES AND CHARGES"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A**

**SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE IN ACCORDANCE WITH SECTION 1.109 OF THE CODE OF ORDINANCE FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

Director of Development Services, Ramie Hammonds summarized that the Ordinance is to add or amend fees where the city has been absorbing the costs. The following chart reflects the research done by staff which shows what other cities around us are doing; as well as, the fee(s) the city currently collects; and, the proposed fee(s).

She noted that we are looking at Conveyance Plat fees of \$200 + 3.00 per lot. This is in line with what other cities are doing. Some of them may be a lesser fee but, more per lot, it balances out. For a Plat Vacation we are looking at a flat \$200 fee. For a plat filing fee we are looking at \$100 which will cover the filing fee. Public Notification fee of \$100 to cover the advertising fees. There are two other fees, the Construction Plan Review and an a) 1% of the total public improvement construction cost, or b) 100% of all 3<sup>rd</sup> party review cost + 5% administrative fee (min \$150) \$3,000 deposit. She noted that staff was concerned with the way this is worded and came up with some different language, instead of just stating "or" state the following for "b) In the event that 3<sup>rd</sup> party review is utilized, the applicant shall be charged 100% of all 3<sup>rd</sup> party review cost plus an administrative fee of 5% of the total cost of the 3<sup>rd</sup> party review (minimum \$150.00)."

She noted this wording was not in the current ordinance and it could be changed and gave a few options. Either way it takes the question out of it being decided by the developer. Also, this was written so if we ever do have an engineer on staff we could charge the 1%. She noted that there is also a requirement for a \$3,000 deposit required at the time of plan submittal and if the cost exceeds the \$3,000 the remaining balance would be paid at the time of plan approval and if the cost is less than the \$3,000 the amount will be issued at the time of plan approval. This would allow for the city to pay for the review of the plans. She also noted that there is a Public Improvement Construction Inspection fee. She noted that this was for Public Improvements which include water, wastewater, streets, drainage. She noted we are in line with what other cities are charging, there are some lower, some the same as the proposed fee and two that are at 5%. Councilman Allision said that one thing that is supposed to be included in that fee is the city's cost to bring in a laboratory to run tests. He noted that a lot of the cities have quit doing the tests and are requiring the developer to do the testing and that is something that he felt we should be considerate of. He also noted that inspectors are available eight hours a day, five days a week, and it is very common to charge for weekend inspections. On the engineering fee the 1% he felt was very high – the average infrastructure per lot is \$20,000 and 1% is \$200 so for say, Sable Creek 75 lots that is \$15,000 for a review fee. Staff noted when we look at that 1% is we are looking at recouping costs that we are out which would not only be the salary of the engineer, but also his benefits, the equipment necessary to do his job, the building, etc. There was discussion regarding the 1% fee and Ramie Hammonds noted that it would also cover any legal issues or specialized 3<sup>rd</sup> party engineering type items that come up. That it seems to be a standard with several other cities. Mayor Muir noted he would like to see it adopted and we can always come back and adjust it. Councilman Allison noted if he had a choice he would pick the consultant review every time and he noted he does not have a problem as long as we go forward thinking about it. Councilman Chick noted he agreed with the Mayor and to come back and adjust it in the future but we do want our expenses covered. It was noted that the Council liked the wording for Construction Plan Review that, "The appropriate method of determining the civil plan review fee will be decided by staff." Councilman Clark asked about the various plat fees and it was

noted that there have not been any conveyances of plat and only one vacated plat in recent times.

A motion was made by Councilman Allision to approve Ordinance #07-20-18 – amending Chapter 10 Subdivision Regulation, Exhibit A Subdivision Ordinance, Section 7 Filing Fees and Charges. Providing for a Repeal, Severability Clause, Penalty; and, Effective Date, with the adjustment to the Construction Plan Review section that the appropriate method of determining the civil plan review fee will be decided by staff. The motion was seconded by Councilman Boutwell. The motion to approve carried unanimously with a 4-0 vote, Councilman Bilyeu absent.

10. **Consider, Discuss and Act on Ordinance #07-21-18 – Amending Ordinance #09-29-17, Which Will Amend the Budget for the 2017-2018 Fiscal Year and Authorizing Amended Expenditures as Provided.**

#### **ORDINANCE #07-21-18**

**AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, (BUDGET AMENDMENT 1) AMENDING ORDINANCE #09-29-17, WHICH WILL AMEND THE BUDGET FOR THE 2017-18 FISCAL YEAR AND AUTHORIZING AMENDED EXPENDITURES AS PROVIDED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR PUBLICATION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Muir noted for the record that Councilman Allision recused himself from the meeting because his engineering company has done work on the Willowood project. City Manager Alina Ciocan noted that this budget amendment is driven by the Willowood Development coming online this year. The last time we had a development of this size was about 13 years ago with the Quail Run Subdivision. Since it is a brand-new development that is completely in our CCN District for Electric, the proposed budget is for the amount needed to extend the city's electric system into the Willowood development. This is just for the cost of expenses that the city will have. She noted that moving forward, and looking into the future, in the budget for Fiscal Year 18-19 we are including the cost for known future Development. If any additional developments come in that we are not aware of, we may have to do budget amendments for them. This transfer will be made from fund balance so we are not tapping into reserves.

A motion was made by Councilman Boutwell to approve Ordinance #07-21-18 – Amending Ordinance #09-29-17, which will amend the budget for the 2017-2018 Fiscal Year and authorizing amended expenditures as provided. The motion was seconded by Councilman Clark. The motion to approve carried unanimously with a 3-0 vote, Councilman Allison did not vote, he recused himself from the meeting, Councilman Bilyeu absent.

#### **11. INFORMATION ITEMS:**

- a. Atmos Energy Rider GCR – Rate Filing under Docket No. 10170.

#### **12. 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).***

Councilman Allison noted he would like to see us update our zoning ordinance. Specifically, the Business and Industrial District Zoning Districts. He noted there were also a lot of "S" Specific Use Permits allowed in the tables and he did not feel that the zoning lines up with what our vision is for the types of zoning in the tables. Alina Ciocan noted that in next years budget there is a proposal for an update of the Comprehensive Land Use Plan and Future Land Use Map. This process will include everyone, the City Council, Planning and Zoning, 4A, 4B, the Chamber, and citizens.

**13. ADJOURN.**

There being no further business Mayor Muir adjourned the meeting at 8:19 PM.