

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING
August 6, 2018 – 7:00 PM.
502 Elm Street, Sanger, Texas

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

COUNCIL MEMBERS ABSENT: The Mayor and all Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: City Manager, Alina Ciocan; Ramie Hammonds, Building Official; Muzaib Riaz, Planner; Clayton Gray, Finance Director; 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, August 6, 2018 at 7:06 PM. The Invocation was given by Councilman Chick. The Pledge of Allegiance was led by Councilman Boutwell.

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).*

3. **CONSENT AGENDA:**

Mayor Muir noted that there were some Councilmembers that were not present at some of the meetings so the minutes were voted on separately.

a) Approval of Minutes:

1. City Council Special Work Session Meeting, July 9, 2018

A motion was made by Councilman Boutwell to approve the minutes of the Special Work Session Meeting, July 9, 2018. The motion was seconded by Councilman Chick. The Motion carried with three (3) in favor, none (0) against and two (2) abstentions; Councilman Bilyeu and Councilman Clark were not at the meeting.

2. City Council Work Session Regular Meeting, July 16, 2018

3. City Council Regular Meeting, July 16, 2018

A motion was made by Councilman Chick to approve the minutes of the of the Work Session and Regular Meeting of July 16, 2018. The motion was seconded by Councilman Boutwell. The Motion carried with Four (4) in favor none (0) against and one (1) abstention; Councilman Bilyeu was not at the meeting.

b) Disbursements.

- c) **Approve Re-appointing The Following Existing Board Member For A Two-Year Term:**

**Library Board –
Beth Avery**

- d) **Approve Interlocal Cooperation Agreement for Tax Collection Between Denton County and The City of Sanger, Texas.**

A motion was made by Councilman Boutwell, to approve Items 3b, 3c and 3d of the Consent Agenda as presented. The motion was seconded by Councilman Clark. The motion carried unanimously (5-0).

4. Consider Any Items Removed from Consent Agenda.

None.

REGULAR AGENDA

Mayor Muir recused himself from the meeting for items 5 through 8 because he is associated with items 5 and 6; and, is one of the applicants on Items 7 and 8. He turned the meeting over to Mayor Pro Tem Bilyeu. Mayor Muir left the room.

5. **Conduct A Public Hearing Regarding the Replat of Part of Lot 1, Block A, of O’Dell Addition, and Being 9.23 Acres in the C. Manchaca Survey, Abstract No. 790, and Being in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located South of the Intersection of FM 455 and McReynolds Road.**

Mayor Pro Tem Bilyeu read the Item and opened the Public Hearing at 7:13 PM.

Planner Muzaib Ruiz was recognized to give a summary of the replat. This is a request to divide the 9.23 acres into two lots. One lot being 6.16 acres and the second lot being 3.07 acres. It is in the Lake Ray Roberts Zoning District – R-2 Zoning District with two-acre minimum lot size. The plat meets the City’s subdivision regulations. Nine (9) Public Hearing notices were sent out to properties within 200 feet of the subject property. There was no response. The Planning and Zoning Commission recommends approval.

Mayor Pro Tem Bilyeu solicited anyone who wished to come forward to speak in the Public Hearing regarding the replat. There being no one who wished to speak, the Public Hearing was closed at 7:15 PM.

6. **Consider, Discuss and Act on the Replat of Part of Lot 1, Block A, of O’Dell Addition, and Being 9.23 Acres in the C. Manchaca Survey, Abstract No. 790, and Being in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located South of the Intersection of FM 455 and McReynolds Road.**

A motion was made by Councilman Bilyeu to approve the Replat of part of Lot 1, Block A, of O’Dell Addition, and being 9.23 Acres in the C. Manchaca Survey, Abstract No. 790, and being

in the extraterritorial jurisdiction (ETJ) of the City of Sanger, generally located south of the intersection of FM 455 and McReynolds Road. The motion was seconded by Councilman Allison. The motion carried unanimously with a 5-0 vote.

7. **Conduct A Public Hearing Regarding the Replat of Lot 1, Block A of SBRC Addition, Being A Replat of Part of Lot 1, Block A, of O'Dell Addition, and Adding Part of 22.35 Acres of Tract, Being 2.00 Acres of Tract, Being 2.00 Acres in the C. Manchaca Survey, Abstract No. 790, and Being in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located North of FM 455 and Approximately 1190 Feet East of the Intersection of FM 455 and McReynolds Road.**

Mayor Pro Tem Bilyeu read the Item and opened the Public Hearing at 7:18 PM.

Planner Muzaib Ruiz was recognized to give a summary of the replat. This is a request to add one (1) acre from a 22.35 acre tract of land located on the east of the O'Dell Addition to make a two (2) acre lot of Lot one, Block A of SBRC Addition. It is in the Lake Ray Roberts Zoning District – R-2 Zoning District with two-acre minimum lot size. The plat meets the City's subdivision regulations. Seventeen (17) Public Hearing notices were sent out to properties within 200 feet of the subject property. There was no response. The Planning and Zoning Commission recommends approval.

Councilman Allison asked about clarification on the lines on the map presentation. Planner Muzaib Ruiz noted that if the tract of land is more than five acres that all of the land does not need to be included on the replat. There was brief discussion and it was noted that staff would look into this to make sure it is all in conformance.

Mayor Pro Tem Bilyeu solicited anyone who wished to come forward to speak in the Public Hearing regarding the replat. There being no one who wished to speak, the Public Hearing was closed at 7:25 PM.

8. **Consider, Discuss and Act on the Replat of Lot 1, Block A of SBRC Addition, Being A Replat of Part of Lot 1, Block A, of O'Dell Addition, and Adding Part of 22.35 Acres of Tract, Being 2.00 Acres of Tract, Being 2.00 Acres in the C. Manchaca Survey, Abstract No. 790, and Being in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located North of FM 455 and Approximately 1190 Feet East of the Intersection of FM 455 and McReynolds Road.**

There was more discussion regarding the replat area and the lines on the map. Muzaib Ruiz noted that they just added the amount of land to make the required two acres of land. Councilman Bilyeu noted that how it is drawn up is between the two landowners and they have agreed to the transaction and staff could make sure it meets the law. Planner Muzaib Ruiz noted that if the tract of land is more than five acres that all of the land does not need to be included on the replat.

A motion was made by Councilman Allison to approve the Replat of Lot 1, Block A of SBRC Addition, Being A Replat of Part of Lot 1, Block A, of O'Dell Addition, and Adding Part of 22.35 Acres of Tract, Being 2.00 Acres of Tract, Being 2.00 Acres in the C. Manchaca Survey, Abstract No. 790, and Being in the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located North of FM 455 and Approximately 1190 Feet East of the Intersection of

FM 455 and McReynolds Road with a suggestion to work with the landowners to make sure the replat is within regulation. The motion was seconded by Councilman Boutwell. The motion carried unanimously with a 5-0 vote.

At this point in the meeting Mayor Muir returned to the meeting and Mayor Pro Tem passed the gavel for continuation of the meeting.

9. Consider, Discuss and Act on the Final Plat of Lots 1-16, Block A of Arrowhead Estates Addition, Being 3.504 Acres Situated in the H. Tierwester Survey, Abstract No. 1241, and Generally Located East of Railroad Avenue and Approximately 215 Feet South of the Intersection of Railroad Avenue and Willow Street.

Muzaib Ruiz was recognized to present the final plat and noted they are subdividing 7 tracts of land into 16 residential lots. The property is in Single Family-10 (SF-10) Zoning District and meets the minimum setback and lot size requirements. The subject properties will be served by all City of Sanger Utilities. The applicant has submitted Civil Engineering Plans which are under review at the time of the report. Staff has found the plat to be in compliance with the Subdivision Ordinance. The Planning and Zoning Commission unanimously recommended approval. He noted there were comments from the engineer that needed to be addressed to provide an easement from the adjacent property owner for them drainage easement. There was discussion regarding the right of way for the drainage easement for the storm sewer and it would be required to have an easement from the adjacent property owner. Chris Ferick, Civil Engineer for the owner was recognized and noted that the piece of property that is adjacent to willow street is 5 feet off of the edge of the pavement and that piece of land has been used for 75 years as prescriptive right-of-way. They are not proposing any changes to that and will continue to use it for roadway drainage and utilities. He noted that staff (the engineer) has asked for dedicated right-of-way and the property that is being asked for is not theirs's to plat. He noted that they have to put one piece of pipe in the prescriptive right-of-way. There was discussion regarding prescriptive right-of-way. The applicant noted he just found out about this about 3:00 pm today and has not received a response from the owner of the property. Councilman Allison suggested a letter of commission and recognition from the property owner for the right-of-way. Councilman Bilyeu noted that the adjacent property owner should be notified and before the driveway is cut there needs to be an understanding. Mr. Ferick noted he did not have a problem with that but was concerned with what the property owner would say and if they would not give them the right-of-way. Councilman Allison noted that Council is not the authority on the prescriptive right-of-way and can not give the ok that they can go on someone's property or provide legal information regarding the specifics. There was discussion regarding the stormwater drainage and how it is currently running now and how it would be improved and it would be an improvement to what they have now instead of a high-water crossing.

A motion was made by Mayor Pro Tem Bilyeu to approve the Final Plat of Lots 1-16, Block A of Arrowhead Estates Addition, being 3.504 Acres situated in the H. Tierwester Survey, Abstract No. 1241, and generally located east of Railroad Avenue and approximately 215 feet south of the intersection of Railroad Avenue and Willow Street. With the caveat that the applicant will coordinate with the adjacent landowner on the right-of-way to make the drainage utility connection in an agreeable manner. The motion was seconded by Councilman Boutwell. The motion carried unanimously with a 5-0 vote.

10. Discuss Tax Rate, Take Record Vote on Tax Rate and Schedule Two Public Hearings on Tax Rate and Approve Resolution R #08-11-18 – Establishing Date, Time and Place for Public Hearings on Budget and Tax Rate.

Mayor Muir noted the proposal is to keep the rate the same as our current rate.

Councilman Allison noted that with all of the concerns from the citizens to fix the streets that he did not see a reason to reduce the tax rate, but would like to keep it the same so we could meet some of the needs of the city and bring up the standards so we can bring in quality development.

Councilman Boutwell noted that he hoped that our citizens realize is that their property values have been elevating over the past three years and what they see on their tax statement is not due to the City Council raising the property tax rate. It is due to their investment escalating which is a good thing, but unfortunately it increases their taxes.

Mayor Muir noted that to keep the infrastructure in place and in a growing community this is what it takes to do it. When we get to the time when there are no potholes in the city, then we may be able to reduce the tax rate sometime in the future.

Mayor Muir noted for the record that the proposed tax rate will be \$0.679100.

A motion was made by Mayor Pro Tem Bilyeu to approve the proposed tax Rate of \$0.679100 which is the same as was the 2017 tax rate; and, Schedule Two Public Hearings on Tax Rate and Approve Resolution R #08-11-18 – Establishing Date, Time and Place for Public Hearings on Budget and Tax Rate. The first Public Hearing on the proposed tax rate is on Monday August 20th and the second Public Hearing will be on Tuesday, September 4th; On Monday September 17th 2018 the City Council will vote to adopt the Budget and Levy the Tax Rate. The motion was seconded by Councilman Boutwell and a record vote was called by the City Secretary as follows:

VOTED IN FAVOR	VOTED AGAINST
Mayor Pro Tem Bilyeu Councilman Chick Councilman Clark Councilman Allison Councilman Boutwell	None

The motion carried unanimously.

11. INFORMATION ITEMS:

- a. Monthly Financial Report – June 2018**
- b. Capital Projects Recap – July 30, 2018**
- c. Update to Atmos Energy Corporation’s Conservation and Energy Efficiency Tarif.**
- d. Rider GCR – Rate Filing Under Docket No. 10170 Dated July 26, 2018**

No discussion.

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 Boutwell stated he would like to see something on parking along the road on access road adjacent to I-35, specifically near Dairy Queen. Eighteen wheelers park along the road to go get food and he has seen several accidents almost occur because they block the view of exiting traffic and you can not see around them.

Councilman Chick noted he would like to see a Work Session on the Wastewater Treatment Plant.

Councilman Clark noted he would like to see the McReynolds Road Project update.

13. **ADJOURN.**

There being no further business Mayor Muir adjourned the meeting at 8:06 PM.