

## **CITY OF SANGER, TEXAS**

**MINUTES: REGULAR CITY COUNCIL MEETING**  
**December 03, 2018, 7:00 p.m.**  
**502 Elm Street, Sanger, Texas**

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

**COUNCIL MEMBERS ABSENT:** None.

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

**STAFF MEMBERS PRESENT:** City Manager Alina Ciocan; City Secretary Cheryl Price; Director of Development Services Ramie Hammonds; Planner Muzaib Ruiz; Director of Public Works Neal Welch; Director of Economic Development Shani Bradshaw; Director of Electric Utilities Mike Prater.

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

Mayor Muir called the Regular City Council Meeting to order on December 3rd, 2018 at 7:11 p.m. Councilman Allison gave the Invocation and Councilman Boutwell 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 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 Minutes, November 19, 2018**
- 2) City Council Regular Meeting Minutes, November 19, 2018**

A motion was made by Councilman Boutwell to approve 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.**

No items were removed from the Consent Agenda.

**REGULAR AGENDA**

**5. Consider, Discuss and Possibly Act on Approving and Authorize the Mayor to Execute an Engineering Contract with LCRA for an Electric System Study.**

Mike Prater, Director of Electric Utilities for Sanger was recognized. He introduced Allan Kunze with LCRA. He noted Mr. Kunze would answer any questions they may have

regarding the system study. This would allow the City to have a complete study and a mapping system of our electrical system. Allan Kunze, LCRA was recognized. He provided a summary of the organization and noted that he has been with the company for 45 years. He noted that a system study is one of the most important things for the City to consider because it is a plan and foundation. The system will be computer modeled and mapped with recommendations and analysis of the system. They will provide a proposal of items that the City can budget and plan out systematically over time. It will provide recommendations of items that can be planned systematically so that the City is not caught in a bind. He summarized some of the ways that a plan would be beneficial in the future as the city grows and would be helpful to the economic development feasibility of the city. They have done this for about 20 other cities. They would start the project sometime in January and complete it sometime in the fall. Mayor Muir provided a summary of how LCRA got involved with the City that AEP would not take on the Transmission Operation (TO) designation for the City so LCRA stepped in. There was discussion as to the requirements and how they perform the function of a TO. This plan would also help with knowing what the City has and how to shed the load when, if it becomes necessary. He noted that LCRA has over 5200 miles of transmission lines and is the second largest transmission company in the State behind Oncor. There was detailed discussion as to what they would receive with the project. It was noted that it should be updated every five years. It was noted that the total cost of the study is \$75,000. The payment has been divided over 5 years and it has been budgeted for this year. Mike Prater noted that we have not done a study in at least 15 years. Mayor Muir noted this will give us an example of what LCRA can do for us. City Manager Alina Ciocan noted that we recently approved an Interlocal Agreement with LCRA where we can purchase materials through their process. Mr. Kunze noted that there are quite a few other things that they will work with the City on because of their size they have a lot of capabilities and they try to share them when they can.

A motion was made by Mayor Pro Tem Bilyeu to approve and authorize the Mayor to execute an engineering contract with LCRA for an electric system study. The motion was seconded by Councilman Clark. The motion carried unanimously (5-0).

**6. Consider, Discuss, and Possibly Act on Approving and Authorizing the Mayor to Execute an Engineering Contract with Dannenbaum Engineering Company Dallas, LLC, for the FM 455 Water and Wastewater Utilities Relocation.**

Public Works Director Neal Welch was recognized and introduced Bart Hines of Dannenbaum Engineering to answer any questions regarding the utility relocation on the FM 455 project. Mr. Hines noted this contract was drafted around the concept that the utilities would be relocated first. This is for the design and coordination of the utilities and as more information becomes available, they will meet at a later date with the Council as to what the viable options are. City Manager Alina Ciocan advised that the Attorney has reviewed it. There were some minor form changes and those have been implemented. The contract is not to exceed \$230,707. There was discussion regarding reimbursements and how changes would be handled since this is being done so far ahead of schedule.

A motion was made by Mayor Pro Tem Bilyeu to approve and authorize the Mayor to execute an engineering contract with Dannenbaum Engineering Company Dallas, LLC, for the FM 455 water and wastewater utilities relocation. The motion was seconded by Councilman Boutwell. The motion carried unanimously (5-0) vote.

**7. Consider, Discuss and Act on Resolution # 12-01-18 – Approving an Amendment to the Terms and Conditions of an Agreement by and between the City of Sanger and Sanger Lodging LLC Attached as Exhibit “A”; Providing For a Repealing Clause; Providing For a Severability Clause; and Providing an Effective Date.**

City Manager Alina Ciocan noted that earlier this year we approved an incentive agreement with Sanger Lodging for them to build a Holiday Inn Express. There were some triggers built into the agreement and they are here tonight requesting to amend some of the terms. One of the triggers is that they were going to submit for a building permit, have a permit issued and construction started by June 1 of 2018. Unfortunately, they were not able to hit that deadline. While they did apply for the permit within the timeline prescribed in the agreement, they were not able to get it issued on time. There have been some unforeseen circumstances on the developer’s part as Holiday Inn Express made some changes to the plans. Once we received the plans, we took them through our engineering process. There have been several months of comments going back and forth. The permit was issued in October and they have started construction. At staff level we feel this was done in good faith and staff recommends approval. They are also asking to modify the amount of time to completion of the project from 24 months to 26 months from issuance of the building permit. It was also noted that Keep in mind that the issuance of the building permit would be November 1<sup>st</sup> 2018 instead of June 1<sup>st</sup> 2018. This item has been reviewed by the City Attorney and he was the one that completed the amendment. Dev Surati representing the project was present to answer any questions. There were various questions regarding the construction process and the incentives and if there would be any hold ups and it was noted everything was on schedule. Councilmembers noted the good faith effort of the developer of the project and that it is a good example of how a project should be done.

A motion was made by Councilman Boutwell to approve the amendment to the terms and conditions of an agreement by and between the City of Sanger and Sanger Lodging LLC attached as Exhibit “A”; providing for a repealing clause; providing for a severability clause; and providing an effective date. The motion was seconded by Councilman Allison. The Motion to approve carried unanimously (5-0).

**8. Conduct a Public Hearing Regarding a Zoning Change From “A” Agricultural District to “B-2” Business District-2 for 0.258 Acres of the 57.74 Acres Tract of Land, Described as A1241 TIERWESTER TR 57 (PT) OLD DCAD SHT 5, TR 6; and, Generally Located Approximately 185 Feet East of Sanger West Boulevard and Approximately 45 Feet North East of Acker Street.**

Mayor Muir read the item noting that the property is northwest of Acker Street. Ramie Hammonds, Director of Development Services summarized that this is a situation that has been caused by the FM 455 expansion. Because of the expansion O’Rileys is losing their front row of parking. They are acquiring the property next to them in hopes of moving the parking to the side. Staff sent out nineteen (19) notifications and received no responses back.

Mayor Muir opened the Public Hearing at 7:54 PM and solicited anyone who wished to speak on the item.

There being no one approaching the podium who wished to speak the public hearing was closed at 7:55 PM.

9. **Consider, Discuss and Act on Ordinance # 12-31-18 Regarding A Zoning Change From “A” Agricultural District to “B-2” Business District-2 for 0.258 Acres of the 57.74 Acres Tract of Land, Described as A1241 TIERWESTER TR 57 (PT) OLD DCAD SHT 5, TR 6 and Generally Located Approximately 185 Feet East of Sanger West Boulevard and Approximately 45 Feet North East of Acker Street; Providing for a Severability Clause; Providing for a Penalty of Fine in Accordance with Section 1.109 of the Code of Ordinances for Violations; and, providing for an Effective Date.**

Councilman Allison noted from the drawings that there appeared to be a common access behind the property and it was noted that it was an alley and or parking area for the duplexes. It was noted Fire would have a lane required for them and it will still have to go through platting.

A motion was made by Pro Tem Bilyeu to Approve Ordinance # 12-31-18 regarding a Zoning Change From “A” Agricultural District to “B-2” Business District-2 for 0.258 Acres of the 57.74 Acres Tract of Land, described as A1241 TIERWESTER TR 57 (PT) OLD DCAD SHT 5, TR 6 and generally located approximately 185 feet east of Sanger West Boulevard and approximately 45 feet north east of Acker Street; providing for a severability clause; providing for a penalty of fine in accordance with Section 1.109 of the Code of Ordinances for violations; and, providing for an Effective Date. The motion was seconded by Councilman Clark. The motion to approve carried unanimously (5-0) vote.

10. **Conduct a Public Hearing Regarding A Specific Use Permit for a Temporary Concrete Batch Plant on Property Zoned PD-05-06-18 Planned Development (Lake Ridge Estates), and Generally Located 500 Feet East of the Intersection of Waterfront Drive and Lakeside Drive.**

Ramie Hammonds, Director of Development Services summarized noting that this a batch plant permit like the ones the Council has seen before for construction of the streets in the subdivision.

Mayor Muir opened the Public Hearing at 7:59 PM and solicited anyone who wished to speak on the item.

There being no one approaching the podium who wished to speak the public hearing was closed at 8:00 PM.

11. **Consider, Discuss and Act on Ordinance # 12-32-18 Regarding A Specific Use Permit for a Temporary Concrete Batch Plant on Property Zoned PD-05-06-18 Planned Development (Lake Ridge Estates), and Generally Located 500 Feet East of the Intersection of Waterfront Drive and Lakeside Drive; Providing for a Severability Clause; Providing for a Penalty of Fine in Accordance with Section 1.109 of the Code of Ordinances for Violations; and, Providing for an Effective Date.**

Ramie Hammonds, Director of Development Services noted that the developer is present to answer any questions. There was one response received in opposition to this request and it is in the Council Packets. The concern expressed at the Planning and Zoning meeting was the access to the concrete batch plant. The developer is working on a way to access the plant without going through the neighborhood. Councilman Allison noted he had a

comment from reading the response form. He noted the hours on the weekend as to when the would be doing the construction and that we really need to be able to inspect on Friday afternoons and Saturdays to help these projects get through and out of the way, not just for the contractors but for the benefit of the neighbors. Staff noted that we are working toward a solution for that and we have some staff that is willing to come in after hours if necessary. Councilman Allison also asked why we need a SUP for a batch plant and it was noted that staff is also looking into this.

A motion was made by Mayor Pro Tem to approve Ordinance # 12-32-18 regarding a Specific Use Permit for a temporary Concrete Batch Plant on property Zoned PD-05-06-18 Planned Development (Lake Ridge Estates), and generally located 500 Feet East of the Intersection of Waterfront Drive and Lakeside Drive; providing for a severability clause; providing for a penalty of fine in accordance with Section 1.109 of the Code of Ordinances for violations; and, providing for an effective date. The motion was seconded by Councilman Boutwell. The motion to approve passed unanimously (5-0).

**12. Consider, Discuss and Act on the Final Plat of Lots 1-14, Block A, Lakeside Addition, Being 62.91 Acres in the Carmel Manchaca Survey, Abstract Number 790, Within the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, Generally Located Between FM 2164 on the West and FM 455 on the East and Approximately 1200 Feet South of the Intersection of FM 2164 and FM 455.**

Ramie Hammonds, Director of Development Services summarized noting the Council has approved the preliminary plat. This is the final plat and the Planning and Zoning Commission recommended approval with a 6-0 vote. This is the plat that half of the lots have access off of FM 455 and the other half of lots have access off of FM 2154. There were questions before about the shared access points and there are shared access points on some of the lots and some of them have individual access. TxDOT has agreed to all of the access point. Staff does not have any issues with the plat and recommends approval. The applicant is present for any questions. The lots range in size from three to five acres.

Councilman Allison noted that the only lot he sees with a minimum finished floor elevation is Lot 10, but sees several lots impacted by flood plain. He asked if a drainage study was submitted. The applicant noted that the County only required it on the one lot because it was the only lot that did not have a buildable lot out of the zone. Every other lot can be clearly built out of the zone. It was noted that the City did not require a drainage analysis. Councilman Allison noted that since this is in our ETJ we can protect our future property and there is no reason that we should not be asking for these types of things. The applicant noted that the main reason there was not a requirement was the size of the lots. Staff noted that the Interlocal Agreement with the County leaves drainage in the County's hands. Staff noted that we have spoken with the County and are looking into updating the agreement to work on some issues in the Interlocal Agreement.

A motion was made by Mayor Pro Tem Bilyeu to approve the Final Plat of Lots 1-14, Block A, Lakeside Addition, being 62.91 Acres in the Carmel Manchaca Survey, Abstract Number 790, within the Extraterritorial Jurisdiction (ETJ) of the City of Sanger, generally located between FM 2164 on the West and FM 455 on the East and approximately 1200 Feet South of the intersection of FM 2164 and FM 455. The motion was seconded by Councilman Allison. The motion carried with four (4) in favor and one (1) in opposition, Councilman Chick voting in opposition.

- 13. Conduct a Public Hearing Regarding an Amendment of the Future Land Use Map From Industrial To Commercial For Proposed Lot 1R and Lot 2R of the Sanger Industrial Addition Being 1.17 Acres, Situated in Reuben Bebee Survey, Abstract No. 29, and Generally Located North of Bolivar Street and Approximately 110 Feet East of North 2<sup>nd</sup> Street.**

Ramie Hammonds, Director of Development Services summarized that this is the City's property and was discussed at the last Council meeting. This is a rezoning and we have to change the Future Land Use Map because it is currently Industrial so in order for us to match it needs to be changed to a B-3 Zoning as a proposed business use instead of Industrial. Mayor Muir noted that the following Items 13 – 16 were all related.

Mayor Muir opened the Public Hearing at 8:14 PM and solicited anyone who wished to speak on the item.

There being no one approaching the podium who wished to speak the public hearing was closed at 8:15 PM.

- 14. Consider, Discuss and Act on Ordinance # 12-33-18 Regarding An Amendment of the Future Land Use Map From Industrial to Commercial For Proposed Lot 1R and Lot 2R of the Sanger Industrial Addition Being 1.17 Acres, Situated in Reuben Bebee Survey, Abstract No. 29, and Generally Located North of Bolivar Street and Approximately 110 Feet East of North 2<sup>nd</sup> Street; Providing for a Severability Clause; Providing for a Penalty of Fine in Accordance with Section 1.109 of the Code of Ordinances for Violations and Providing for an Effective Date.**

Ramie Hammonds, Director of Development Services advised that staff received two responses in regard to the notification and they were both in favor. Planning and Zoning unanimously recommended approval.

A motion was made by Mayor Pro Tem Bilyeu to approve Ordinance # 12-33-18 regarding an amendment of the Future Land Use Map from Industrial to Commercial for proposed Lot 1R and Lot 2R of the Sanger Industrial Addition being 1.17 Acres, situated in Reuben Bebee Survey, Abstract No. 29, and generally located North of Bolivar Street and approximately 110 Feet East of North 2<sup>nd</sup> Street; Providing for a severability clause; providing for a penalty of fine in accordance with Section 1.109 of the Code of Ordinances for violations and providing for an effective date. The motion was seconded by Councilman Boutwell. The motion carried unanimously (5-0).

- 15. Conduct a Public Hearing Regarding a Zoning Change From "I-2" Heavy Industrial District to "I-1" Industrial District for Lot 3R of Sanger Industrial Addition Being 3.89 Acres, and From "I-1" Industrial District to "B-3" Central Business District for Lot 1R and Lot 2R of the Sanger Industrial Addition Being 1.17 Acres, Situated in the Reuben Bebee Survey, Abstract No. 29, and Generally Located North-East of the Intersection of Bolivar Street and North 2<sup>nd</sup> Street.**

Ramie Hammonds noted that this is the Zoning Change and is the next step on the City's property to change the zoning. Staff has included the zoning charts so Council can see the types of business which would be allowed in Industrial and B-3 zoning districts.

Mayor Muir opened the Public Hearing at 8:18 PM and solicited anyone who wished to speak on the item.

There being no one approaching the podium who wished to speak the public hearing was closed at 8:19 PM.

16. **Consider, Discuss and Act on Ordinance # 12-30-18 Regarding a Zoning Change From “I-2” Heavy Industrial District to “I-1” Industrial District for Lot 3R of Sanger Industrial Addition Being 3.89 Acres, and From “I-1” Industrial District to “B-3” Central Business District for Lot 1R and Lot 2R of the Sanger Industrial Addition Being 1.17 Acres, Situated in the Reuben Bebee Survey, Abstract No. 29, and Generally Located North of Bolivar Street and Approximately 110 feet East of North 2<sup>nd</sup> Street; Providing for a Repealing Clause; Providing For a Severability Clause; and Providing an Effective Date.**

Ramie Hammonds, Director of Development Services noted she would answer any questions Council may have.

There was discussion regarding the adjacent properties and the current Industrial Zoning, and it was noted that the property owners would have to bring requests for zoning changes; however, staff is in the process of initiating the update of the Future Land Use Plan and this area would be a good area to look at. General consensus of Councilmembers was not to have Industrial Zoning in the downtown area. This will be looked at on the updated Comprehensive Plan.

A motion was made by Mayor Pro Tem Bilyeu to Ordinance #12-30-18 regarding a Zoning Change from “I-2” Heavy Industrial District to “I-1” Industrial District for Lot 3R of Sanger Industrial Addition Being 3.89 Acres, and from “I-1” Industrial District to “B-3” Central Business District for Lot 1R and Lot 2R of the Sanger Industrial Addition being 1.17 Acres, situated in the Reuben Bebee Survey, Abstract No. 29, and generally located north of Bolivar Street and approximately 110 feet east of North 2<sup>nd</sup> Street; providing for a repealing clause; providing for a severability clause; and providing an effective date. The motion was seconded by Councilman Boutwell. The motion to approve carried unanimously (5-0).

17. **Conduct a Public Hearing regarding a Zoning Change From “A” Agricultural District to “B-2” Business District-2 for 0.258 Acres of the 57.74 Acres Tract of Land Described as A1241 TIERWESTER TR 57 (PT) OLD DCAD SHT 5, TR 6 and Generally Located Approximately 185 Feet East of Sanger West Boulevard and Approximately 45 Feet North East of Acker Street.**

Mayor Muir noted this Item is a duplicate of Item #8.

18. **Consider, Discuss and Act on Ordinance #12-31-18 Regarding A Zoning Change From “A” Agricultural District to “B-2” Business District-2 for 0.258 Acres of the 57.74 Acres Tract of Land Described as A1241 TIERWESTER TR 57 (PT) OLD DCAD SHT 5, TR 6 and Generally Located Approximately 185 Feet East of Sanger West Boulevard and Approximately 45 Feet North East of Acker Street. Providing for a Repealing Clause; Providing for a Severability Clause; and Providing an Effective**

**Date.**

Mayor Muir noted this Item is a duplicate of Item #9.

**19. INFORMATION ITEMS:**

- a) **Monthly Financial Report – October 31, 2018**
- b) **Capital Projections Recap – November 28, 2018**

**20. 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 the change in the interlocal regarding the finished floor elevations being a requirement.

Councilman Boutwell asked if the City could look at the rundown building on the south side of Bolivar Street across from the Lumber Yard where the roof is falling in.

Councilman Chick asked a few questions regarding the moving of the Electric Utilities by the City for FM 455.

**21. ADJOURN.**

There being no further discussion, Mayor Muir adjourned the meeting at 8:36 PM.