

**MINUTES: CITY COUNCIL MINUTES WORK SESSION
March 2, 2009**

MEMBERS

**PRESENT: Mayor Joe Higgs, Councilman Andy Garza, Councilman Robert Patton,
Councilman Mike Walker, Councilman Thomas Muir**

MEMBERS

ABSENT: Councilman Glenn Ervin,

OTHERS

**PRESENT: Mike Brice City Manager, Rose Chavez City Secretary/Asst. City Manager, Joe
Iloff Director of Development Services, Bill Hancock President of the Board of
Directors of Clear Creek WaterShed Authority, Craig Waggoner, Joyce Herzog,
Joe Horn, Peggy Hinklewolfe, Shannon Cox**

1. Call Meeting to Order.

Mayor Higgs called meeting to order.

**2. Presentation by the Clear Creek Watershed Authority on Proposed Legislation
Regarding the District and its Effect on the City of Sanger.**

**Craig Waggoner, resident of Bolivar, addressed the City Council regarding pending
legislation involving Clear Creek Watershed Authority. He gave a brief summary on
how it was established.**

**In 1959, the Texas Legislature established Clear Creek Watershed Authority due to
flooding and damages involving neighboring counties of Wise and Montague. It is a tax
supported District within the boundaries of the Watershed. The current tax rate is 6.5
per \$100.00 with a ceiling of 10 cents. In mid 1970, legislation was introduced and
passed that said anyone that is annexed into the City of Sanger or the City of Denton is
removed from the Watershed tax. It did not remove them from any flood danger. The
Watershed consists of government built Corp of Engineer lakes, in Wise, Denton, Cooke
and Montague Counties. The water flows from those counties and Red River and is
centered along Clear Creek and the tributaries that feed Clear Creek. There are 52
dams that catch these run-offs that are released out at a metered rate to slow down the
flood waters.**

**The legislation proposed by Senator Craig Estes is to amend State Law relating to Clear
Creek Watershed Authority. There are two requests and the difference is that one
becomes retroactive back to June 1, 2005 and the other one goes into effect January 1,
2009. It basically states that anyone who is within the boundaries of the watershed and
is currently paying the watershed tax, if annexed into the city limits of Denton or Sanger
will continue to pay this tax. It will not drop off as the old legislation allowed. This is**

done to protect their tax base. They do not want to introduce new taxes to anyone that is already paying the watershed taxes. He also indicated Section 2, 3, and Section 4 is to “clean-up” on how they are doing things. One of the sections will provide a complete tax-exemption status since they are a state supported agency.

Mr. Waggoner indicated that Senator Estes is asking for the City of Sanger and the City of Denton to write a letter to indicating that that Sanger does not oppose this legislation. The City of Denton has already written their letter.

Discussion continued regarding proposed legislation. Property owners are made aware of this tax at time of purchase of the property. Mr. Waggoner indicated if the legislation passes and property is annexed, that is within the boundaries of Clear Creek Watershed, the property owner will continue to pay this tax. He emphasized that they have to protect their tax base in order to maintain the watershed. The dams are approaching 50 years old, and this was their life span when they were built. They have several sites that are in need of repair, with two areas that need major repairs. They have received a grant from NRCS to pay for the two major repairs in Wise and Montague counties. He indicated Council can visit their website address at www.ccwa-tx.net for additional information.

Mayor Higgs asked if they had any idea of how many acres have been lost through annexation.

Mr. Waggoner indicated they have lost 68 taxable properties and does not know how many acres that includes. He is not sure all of these were through annexations. He thanked the Council for listening and hoped that they have their support.

Jim Horn, residing east of Sanger, addressed the Council. He indicated in his opinion this was the analysis done by the Watershed attorney, and he is not sure another attorney would interpret the language of the bill the same. He has not reviewed the entire bill, but what he has seen was not exactly what he heard in this presentation. His main concern is that when someone is annexed into the City they are awarded the privilege of paying city taxes. They pay water, sewer, and wastewater through these taxes. The reason they have had prior legislation, was that property owners within the watershed were being double taxed. The cities finally agreed that people were double taxed and those properties were removed from the tax of the watershed. If this legislation is going to put them back in, he is not sure it is fair for the individuals. He agreed with the Council that property owners need to be notified at the time of purchase that they are in the boundaries of Watershed Authority and of the tax they are required to pay.

Mayor Higgs expressed a concern regarding property that has its taxation in place and will this new legislation go back and pick up those properties.

Mr. Waggoner indicated that the new legislation does not go back and it only affects future annexation. It does not add anyone back in.

Mr. Hancock, President of the Watershed indicated this is true for Sanger as proposed by the current law, but he is not sure it is for Denton.

3. Discussion on the Masonry Ordinance and the Metal Building Ordinance.

City Manager indicated that in recent months staff has had some issues come up that were either vague in the ordinances or not addressed in the ordinance. They found some clean-up that is needed. He wanted to have some discussion with the Council on the intent of the ordinances and then they can enforce their intent.

The points of discussion on the Masonry Ordinance were as follows:

- Use of “Hardy Board” and similar materials for limited purposes on both residential and commercial property.**
- Eliminating concrete block as an accepted material in residential construction.**
- Waiver for “grant-funded properties”.**
- Waiver for reconstruction.**
- Application to residential reconstruction or additions. Current ordinance only applies to new construction.**
- Exemption for “Old Town” to allow for wood frame and/or Hardy Plank construction matching the neighborhood.**
- Modification for large industrial on industrial zoned property within 250’ of IH 35. Allowance for tilt wall construction with some aesthetic enhancement.**

The City Manager gave a brief power point presentation in areas in Denton where they have hardy board.

Councilman Patton’s concern was the longevity of hardy board.

Councilman Walker’s concern was the fading of the color, but felt it is a very stable product.

City Manager indicated if they are going to allow construction in the old part of town to look like the old part of town, the hardy plank will last longer than wood.

Councilman Garza and Mayor Higgs both expressed a concern on the quality of the hardy board.

City Manager indicated they can address this in a couple of ways. If there are standards out there, Council can adopt those standards. The other thing they can do is to request samples at time of submittal of the permit.

Discussion continued regarding the use of hardy plank and tilt wall construction.

Councilman Garza expressed a concern that if hardy board is approved, that eventually requests will be made for it to be used in new subdivisions.

City Manager indicated it depends where they will be located. It can be controlled by allowing it in certain zoning districts.

Discussion continued regarding a subdivision in Denton that is all hardy plank construction.

City Manager also discussed using it below the first floor line. They have run into a couple of issues on some houses. They had a bay window where they did not allow it and they had to use stucco. The finish product did not look appealing. In interior porches hardy board will enhance the area. The mixture of the material makes it more appealing.

Councilman Garza indicated hardy plank does crack, and he does not like it to be used in new subdivisions. He suggested to differentiate you can use stone or masonry.

Councilman Walker also agrees with Councilman Garza, but his concern is how they can regulate the use.

The City Manager indicated they can regulate it by percentage of use.

Councilman Patton indicated he would like to allow the use as long as it is regulated.

Councilman Muir indicated he would like to allow it in the old part of Sanger and allow a small use in new subdivisions on accent areas. He does not want it on the back side of homes, and would like to possibly name the areas it can be used. He also supported the use of brick in all areas out of old town Sanger.

The City Manager continued to address the other areas of concern in the ordinance. He discussed the sections that needs to come out of the residential construction are the use of concrete block and the waiver for the grant funded properties. His recommendation is to remove this from the ordinance. The waiver for reconstruction is removed if they allow hardy plank in the old part of town. There is also a section in the ordinance that does not have any specifications for additions. He would like to propose they maintain the same ratio that currently exists.

The other issue the City Manager addressed was the requirement of 100% masonry within 250 feet from Interstate 35. They need to allow flexibility for large warehouse, distribution-type and production-type facilities. He would hate to lose the possibility of having 300 jobs because of a brick ordinance. He needed Council input on the I-1 zoning in regards to the masonry requirement.

Councilman Muir indicated it makes sense in the Industrial district. He does not want everything along the highway to be metal building.

City Manager indicated they will work on a draft ordinance and put it in another work session to get some input from Council.

4. Discussion on Future use of Property Located at 125 Bolivar.

City Manager indicated this is the location of Denton County Builders Supply. Their lease runs out in June. He would like to send them notice of the termination of the lease, advise them the City is interested in negotiating the lease on a month to month with a 60 or 90 day out, and the rent to be set at the market rate. The current rent is \$1.00 a month. The City paid retail price when they purchased the building. City Manager advised the owner is interested in re-negotiating the lease.

It was discussed that the original intent of Denton County Builders was to relocate; however, due to the economy they are not sure when they will move in this direction. The lease was for a two year term and terminates on June 1. The wording in the lease specifies you have to give them a 60 day notice and it could be that August 1 would be when the lease terminates. This is an action item on the agenda.

5. Discussion on Amendment to City Smoking Ban to Include Athletic Fields (Article 8.800).

This item will be at another work session meeting.

6. Overview of Items on Regular Agenda.

7. Adjournment.

Mayor adjourned the work session.