

MINUTES: CITY COUNCIL MINUTES

April 6, 2009

MEMBERS

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

OTHERS

PRESENT: Mike Brice City Manager, Rose Chavez City Secretary/Asst. Manager Director of Development Services Joe Iliff, Russell Martin, Adam North, Steve Hollingsworth, Keith Copp, Shannon Cox

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

Mayor Higgs called meeting to order, Councilman Garza led the invocation, followed by Councilman Muir leading 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.

CONSENT AGENDA

- 3. a) Approve Minutes: March 16, 2009 – Work Session
March 16, 2009 – City Council
b) Disbursements**

Motion was made by Councilman Muir to approve the consent agenda as presented. Seconded by Councilman Patton. Motion carried unanimously.

- 4. Consider any Items Removed from Consent Agenda.**
- 5. Authorize City Manager to Sign Agreed Order, Docket #2009-0183-MWD-E; Enforcement Case # 37147 with Texas Commission on Environmental Quality and pay \$5,700.00 Penalty.**

The City Manager advised that this is the agreed order between TCEQ and the City of Sanger pursuing an enforcement action for exceeding permit limits at the Wastewater Treatment Plant last August and September. The fine amount is \$5700.00. The problem has been corrected and we have been in compliance since then. TCEQ offers a program that allows the City to direct the fine to a preapproved program and one of those is Keep Texas Beautiful. Staff is recommending the fine be directed to Keep Texas Beautiful.

There was discussion concerning the fine amount. The City Manager advised it would come out of the wastewater treatment budget.

Motion made by Councilman Walker to authorize the City Manager to sign the agreed order for docket # 2009-0183-MWD-E, enforcement case #37147 with Texas Commission Environmental Quality and to pay the fine of \$5700.00. Seconded by Councilman Ervin. Motion carried unanimously.

- 6. Consider and Possible Action on Ordinance #04-04-09 – Amending Article 4.000 of Appendix A “Fee Schedule” of the Code of Ordinances of the City of Sanger, Amending Article 4.000 Utility Related Fees, Section 4.101 Utility Connection Fees, Section 4.103 Utility Service Fees (b), and 4.402 Electric Service Connections.**

The City Manager advised that this ordinance is changing the wording to clarify things. The fees will not change, it is changing the words from connect and reconnect fee to service fee. He explained we have had some problems concerning these fees. If a customer does not pay their bill by the end of business on the 27th and staff issues the disconnect list, then the customer is responsible for paying the reconnect fees. Even if the customer comes in after the list is generated to pay, he is still responsible to pay the reconnect fees. There is a cost to the City for time, preparation, and to send employees to disconnect services. We have had issues with customers concerning the payment of the fee because they argue they have not been disconnected and refuse to pay the reconnect fees. This will clarify the intent and do away with any misunderstandings customers may have.

Councilman Ervin indicated he had a problem with the fee. If the employee never gets to the customer’s address to cut off service, then they should not have to pay the fee. He indicated he can’t get paid for a service unless he actually does the service. He indicated that we are charging people without doing the job.

Councilman Garza also agreed with Councilman Ervin. He indicated if there are some people who are not paying their bills, and maybe there are some that don’t want to pay, he happens to believe that those people just can’t afford to pay their bills. If the City assesses another \$30.00 or \$60.00 fee this is not going to help them financially. He does not think this is right to charge the fee if the customer is not disconnected.

Councilman Ervin continued to express that he has a problem with the wording of the ordinance. He does not agree with the service or the after hour fees.

The City Manager indicated there has to be an incentive for the customer to come in and pay. He also advised that the customer always finds the means to pay the additional fees.

Discussion continued concerning the fees and the extensions allowed per year.

Councilman Patton asked if the customer is penalized if the bill becomes late.

The City Manager advised if the bills are not paid by the due date they incur a late fee.

Councilman Muir expressed the importance of payments to be made in a timely manner. The City has to operate and generate revenues. The service fee is an incentive to get the payment made and to stay current.

City Manager advised that staff does work with people every month, but there are those people who don't want to pay the bill.

Discussion continued concerning the time allowed for people to pay their bills. The City Manager advised that the City Attorney has reviewed the ordinance. There was a question as to the legality of the ordinance. The City Manager advised it is legal and the only thing that changed is the wording.

Discussion continued regarding the wording of the ordinance, the late fees that are assessed when the payment is not made on time, and the incentive to pay to avoid the extra service fees.

Motion made by Councilman Patton to accept ordinance # 04-04-09 amending Article 4.00 of Appendix A "Fee Schedule" of the Code of Ordinances of the City of Sanger, Texas, for Utility Related Fees. Seconded Councilman Muir. Motion carried 3-2. Voted For: Councilman Muir, Councilman Patton and Councilman Walker. Voted Against: Councilman Garza and Councilman Ervin.

Caption as Follows:

ORDINANCE 04-04-09

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, AMENDING ARTICLE 4.000 OF APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE CITY OF SANGER, TEXAS, AMENDING ARTICLE 4.000 UTILITY RELATED FEES, SECTION 4.101 UTILITY CONNECTION FEES, SECTION 4.103 UTILITY SERVICE FEES (b), AND 4.402 ELECTRIC SERVICE CONNECTIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 7. Conduct Public Hearing on Ordinance #04-05-09 - Amending the Comprehensive Zoning Ordinance and Central Zoning Map by Granting a Specific Use Permit for a Quick-Service Food and Beverage Shop Within an I-1 Industrial District on Property Legally Described as Tract 140 of the Rueben Beebe Survey. The Subject Property is Located at the Southeast Corner of the Intersection of 5th and 6th Street.**

Mayor Higgs declared public hearing opened.

Adam North addressed the Council concerning his request for a snow cone stand. The stand is an 8 x 10 wood structure and it will be removed in September. He had the snow cone stand in Pilot Point for three years and wants to move it to Sanger to be closer to home. He hopes to have a successful business. The building will have a self-contained hot water and in-line water pump. Mr. North advised he will bring water in every day and the building will have a kitchen sink. The gray water will be hauled off every evening after they close.

There was no one else who spoke for or against. Mayor declared public hearing closed.

- 8. Consider and Possible Action on Ordinance #04-05-09 – Amending the Comprehensive Zoning Ordinance and Central Zoning Map by Granting a Specific Use Permit for a Quick-Service Food and Beverage Shop Within an I-1 Industrial District on Property Legally Described as Tract 140 of the Rueben Beebee Survey. The Subject Property is Located at the Southeast Corner of the Intersection of 5th and 6th Street.**

The City Manager advised that the requirements of the SUP as recommended by Planning and Zoning Commission were as follows:

- The business be limited to the sale of snow cones and similar confections.**
- The sale of snow cones be conducted from a snow cone stand not larger than 180 square feet.**
- The snow cone stand be installed on site no earlier than April 1, 2009 and removed no later than September 11, 2009**
- The property be maintained in condition such that customers' cars do not block the flow of traffic on adjacent streets, and employees' cars are parked in a paved parking lot off site with the consent of the owner of that property.**

Councilman Ervin inquired as to how they can stop a traffic jam if they get a lot of customers, and if there is not any area for them to pull off the road.

The City Manager indicated the area has a circular drive to allow customers an area for parking. If parking becomes a major issue then they can revoke the SUP.

The City Manager advised this ordinance covers this location only. The building will have hot water and will be required to have a health inspection.

Motion was made by Councilman Walker to approve the Special Use Permit for Ordinance #04-05-09. Seconded by Councilman Ervin. Motion carried unanimously.

Caption as follows:

ORDINANCE 04-05-09

AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND CENTRAL ZONING MAP, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT FOR A QUICK-SERVICE FOOD AND BEVERAGE SHOP WITHIN AN I-1 INDUSTRIAL DISTRICT ON PROPERTY LEGALLY DESCRIBED AS TRACT 140 OF THE RUEBEN BEEBEE SURVEY; 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 (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 9. Conduct Public Hearing on Ordinance #04-06-09 – Amending the Comprehensive Zoning Ordinance and Central Zoning Map by Granting a Specific Use Permit for Outside Display and Sales Within a B-2 Business District on Property Legally Described as Tract 143 of the Henry Tierwester Survey, Abstract 1241. The Subject Property is Located at 1301 Bolivar Street, the Northeast Corner of Bolivar and North Stemmons.**

Mayor Higgs declared public hearing opened.

Keith Copp addressed the Council with his request concerning an open a retail business to sell fresh produce, plants, and outdoor furniture.

Councilman Walker inquired if they were planning to do anything with the big chain link fence.

Mr. Copp indicated this is one of the reasons they choice this site to be able to lock the facility.

Councilman Walker indicated this is an eye-sore.

Mr. Copp indicated the look will change and their goal is to upgrade it to attract the customers.

Steve Hollingsworth, owner of the property indicated he hopes this will work for Mr. Copp and it will be an improvement to the location.

Mayor declared public hearing closed.

- 10. Consider and Possible Action on Ordinance #04-06-09 – Amending the Comprehensive Zoning Ordinance and Central Zoning Map by Granting a Specific Use Permit for Outside Display and Sales Within a B-2 Business District on Property Legally Described as Tract 143 of the Henry Tierwester Survey, Abstract 1241. The Subject Property is Located at 1301 Bolivar Street, the Northeast Corner of Bolivar and North Stemmons.**

Motion was made by Councilman Patton to approve Special Use Permit for Ordinance #04-06-09 as presented. Seconded by Councilman Ervin. Motion carried unanimously.

Caption as follows:

ORDINANCE 04-06-09

AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND CENTRAL ZONING MAP, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT FOR OUTSIDE DISPLAY AND SALES WITHIN A B-2 BUSINESS DISTRICT ON PROPERTY LEGALLY DESCRIBED AS TRACT 143 OF THE HENRY TIERWESTER SURVEY; 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 (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

11. Information Items:

- a) Letter from Citizen Regarding Sanger Fire Department**
- b) Population Estimates**

12. Adjournment.

Mayor Higgs adjourned the meeting.