

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING

June 3, 2019, 7:00 p.m.

502 Elm Street, Sanger, Texas

COUNCIL MEMBERS PRESENT: Mayor Thomas Muir; Mayor Pro Tem Gary Bilyeu; Councilmember Allen Chick; Councilmember Bill Boutwell; Councilmember Lee Allison;

ELECTED COUNCIL MEMBERS TO BE SWORN IN PRESENT: Councilmember Marissa Barrett; Councilmember Dennis Dillion; Councilmember David Clark.

Councilmember Bill Boutwell and Councilmember Lee Allison officially leaving their positions on the City Council at this meeting.

COUNCIL MEMBERS ABSENT: None.

The Mayor and all Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: City Manager Alina Ciocan; Director of Development Services Ramie Hammonds; City Planner Muzaib Riaz; City Engineer Tracy LaPiene; Cheryl Price, City Secretary, Josh Bishop, Police Department.

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

Mayor Muir called the Regular City Council Meeting to order on June 3rd, 2019 at 7:10 PM. Councilmember Dillion gave the Invocation and Councilmember Barrett led the Pledge of Allegiance.

2. **CITIZEN INPUT:**

(Citizens are allowed 3 minutes to speak. The City Council is unable to respond or discuss any issues brought up during this section.)

Sharon Pereira, 301 E. Willow was recognized and noted her concern regarding flooding on her property from the extensive rain Saturday. She provided pictures to the City Council for viewing. She noted the Ravine near the house that it is dangerous for the children and that there is no retaining wall to keep the kids from going into it and also guard the water coming over the Ravine. Also, the properties behind their house has high grass and weeds that are three feet (3') tall and has been told in the past that it is not in the city limits and she does not believe that is a true statement. She noted that when it does get mowed that she is concerned about snakes, etc., because it is so high. She advised that she is concerned about these issues and wanted to know what the City was going to do about these items.

Joe Falls, 4489 McReynolds Road was recognized. He noted that he is the general partner of Ranger Creek Development which is on the agenda Item 11. He provided history of his citizenship in Sanger noting he has been here since 1969 and owns 400 plus acres. He provided history of his contributions to the community for the benefit of the new Councilmembers. He noted with over 50 years of experience in this City he is willing to help the community move forward.

3. CONSENT AGENDA:

a. [Reappoint Presiding Judge, Alternate Judge and Prosecutor.](#)

Reappoint Presiding Judge Danny Spindle, Alternate Judge Kenneth Hartless, and Prosecutor Hugh Coleman for a Two-Year Term for The City of Sanger Municipal Court.

b. [Reappoint Court Clerk and Deputy Court Clerk](#)

Reappoint Christy Dyer as Municipal Court Clerk and Victoria Eakman as Deputy Court Clerk for a Two-Year Term, and Authorize City Manager to Oversee the Daily Operations and Performance of the Municipal Court Clerk and the Deputy Court Clerk.

c. [Board and Commission Reappointments](#)

Approve Reappointing Existing Board Members to a Two-Year Term:

Planning and Zoning Commission and Zoning Board of Adjustment:

Jackie Turner

Matt Fuller

Philip Surles

Park Board

Brett Bumpus

Jackie Turner

Kelsey Stuart

Library Board:

Kandyce LaFleur

Judith Rodgers

Sharon Knappe

d. [Board and Commission Appointments](#)

Approve Appointing the Following Citizens to the Following Open Board Positions for a Two-Year Term:

Planning and Zoning Commission Place 1 -Shane Stone

Planning and Zoning Commission - Alternate - Raymond Cunningham

Zoning Board of Adjustment - Place 1 - Shane Stone

Zoning Board of Adjustment - Alternate - Raymond Cunningham

Park Board - Alternate - Tiffany Stone

A motion was made by Mayor Pro Tem Bilyeu to approve the Consent Agenda as presented. It was noted that some of the new board appointments were in the audience and were introduced Raymond "Paul" Cunningham, Shane Stone, and Tiffany Stone. The Mayor welcomed and thanked them for coming to the meeting tonight for introduction and for volunteering their time. The motion was seconded by Councilman Barrett. The motion carried unanimously (5-0 vote).

4. Consider Any Items Removed from Consent Agenda.

REGULAR AGENDA

5. [Proclamation #06-01-19](#)

Approve and Present Proclamation #06-01-19 Celebrating The Denton County Master Gardener Association's 30 Years of Service to the People of Denton County.

Pat Moyer, President of the Denton County Master Gardeners Association (DCGMA) was recognized. He noted that they are an organization of about 300 in Denton County and some members are here in Sanger. They have tried to provide as much support as they can and like to have any sort of participation as they can. They have been here for thirty years and contributed quite a bit to the County. They also do programs for the Sanger Library. Liz Moyer Communications Director was recognized and noted their website is www.DCMGA.com and it has helpful information and upcoming events on it. She also noted that citizens can also sign up and get the DCMGA newsletter, which was just voted second best newsletter in the State of Texas.

A motion was made by Councilmember Barrett to approve Proclamation #06-01-19 celebrating the Denton County Master Gardener Association's 30 years of service to Denton County. The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried unanimously. (5-0 vote).

Mayor Muir read and presented the Proclamation celebrating The Denton County Master Gardener Association's 30 years of service. Photos were taken and the Mayor and Councilmembers congratulated the Denton County Master Gardeners Association on their 30 years of service to the County.

6. [Sable Creek Phase 4 & 5 Preliminary Plat](#)

Consider, Discuss, and Act on a Preliminary Plat of Sable Creek Addition Phase 4, Being 12.697 Acres, and Sable Creek Addition Phase 5, Being 17.886 Acres, Generally Located East of Railroad Line, South of FM 455 and North of East Willow Street.

Ramie Hammonds Director of Development Services noted that the applicant is proposing to develop two additional phases to the Sable Creek Addition Phase 4 will have 50 residential lots and phase 5 will have 26 residential lots. They are currently working on a CLOMAR for the area to bring part of it out of the flood plain. It is an SF 7 Zoning district which is what all of Sable Creek is other than the small piece in the PD. It is all served by Sanger utilities. The applicant is present if there are any questions. This has been reviewed by staff and it does conform to all of the subdivision regulations.

Lee Allison of Allison Engineering Group was recognized. This represents Sable Creek Phases 4 and 5 and will be the last phases of Sable Creek. He provided paper copies of the plats to the Council noting the cross-hatch lines on it and that it has been submitted for a CLOMAR. He summarized the process to officially remove the lots out of the flood plain and the designing of drainage and street sections. He noted the park dedication has been made once before with extra lots in Phase 4 and they are going to work with the City to clarify that and make the appropriate dedications for the lots in Phase 5. He noted that there is a common lot and they would like to talk with the City about the dedication of it for a trail or a way to put some local playgrounds in place. He noted that this is not unusual as Porter Park is in a flood plain with the exception of the concession stand. He noted that they will work closely with the City and work out the details with the City's Engineer. He noted he would respond to any questions they may have. Councilmember Dillon asked how this would change the plat if the CLOMAR was approved. Mr. Allison noted that their proposal includes the approval of the CLOMAR. If they do not get the CLOMAR approval this does not go through as presented. There was discussion regarding the common lot and Mr. Allison noted that the HOA could also develop it for those purposes but he noted an opportunity to create a pedestrian bridge and connect the subdivision with the downtown area. There was brief discussion regarding the open spaces.

A motion was made by Mayor Pro Tem Bilyeu to approve the preliminary plat of Sable Creek Addition Phase 4, being 12.697 Acres, and Sable Creek Addition Phase 5, being 17.886 Acres, generally located east of Railroad, south of FM 455 and north of East Willow Street. The motion was seconded by Councilmember Dillon. The motion carried unanimously (5-0 vote).

7. [2040 N Stemmons St FLUM Amendment - Public Hearing](#)

Conduct a Public Hearing Regarding an Amendment of the Future Land Use Map from Industrial to Commercial for Proposed 4.084 Acres Tract, Described as A0029A R. Beebe, TR 109, OLD DCAD SHT 3, TR 12, and Generally Located South-East of the Intersection of Lois Road East and IH-35.

Mayor Muir opened the Public Hearing at 7:39 PM and solicited anyone who wished to speak.

Director of Development Services Ramie Hammonds was recognized to summarize. She advised that the staff is proposing to change the future land use map because the applicant is proposing to change from Agricultural to B-2 and that it would be also be in a companion case later in the agenda. This is the site for the old KT video store and the applicant is requesting a B-2 zoning to place a convenience store, a gas station and two bay tire shop. This particular case is just to change the land use map. If Council wishes to change the land use map, the next case would change the zoning.

Chris Frerich, Civil Engineer Eikon Consulting Group, Sanger, Texas was recognized. He noted he is the Civil Engineer on the project. This request is so they can build Sportsman II. It will be approximately eight (8) gas pumps and five (5) diesel pumps. He noted he would be happy to answer any questions.

Mayor Muir noted that Council could ask questions after the public hearing is closed and

again solicited anyone who wished to speak on this item to come forward. There being no citizens who wished to speak the public hearing was closed at 7:41 PM.

8. [2040 N Stemmons St FLUM Amendment - Action Item](#)

Consider, Discuss and Act on Ordinance # 06-15-19 Regarding an Amendment of the Future Land Use Map from Industrial to Commercial for Proposed 4.084 Acres Tract, Described as A0029A R. Beebe, TR 109, OLD DCAD SHT 3, TR 12, and Generally Located South-East of the Intersection of Lois Road East and IH-35; 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.

Mayor Pro Tem Bilyeu asked if this approval was contingent on a sale of the property and staff noted that the property has been purchased. Director of Development Services Ramie Hammonds noted that the zoning does match the zoning across the highway.

Mayor Pro Tem Bilyeu asked if it was going to be a complete tear down or a remodel. It was noted that the building would be completely torn down.

A motion was made by Mayor Pro Tem Bilyeu to approve Ordinance # 06-15-19 Amending the Future Land Use Map from Industrial to Commercial for Proposed 4.084 Acres Tract, Described as A0029A R. Beebe, TR 109, OLD DCAD SHT 3, TR 12, and Generally Located South-East of the Intersection of Lois Road East and IH-35; 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 Councilmember Dillon. The motion carried unanimously (5-0 vote).

9. [2040 N Stemmons St Rezoning - Public Hearing](#)

Conduct a Public Hearing Regarding a Zoning Change From A Agricultural District to B-2 Business 2 District for 4.084 Acres of Land, Described as Abstract A0029A R. Beebe, TR 109, OLD DCAD SHT 3, TR 12, and Generally Located South-East of the Intersection of Lois Road East and IH-35.

Mayor Muir opened the Public Hearing at 7:45 PM and solicited anyone who wished to speak.

Director of Development Services Ramie Hammonds summarized. She advised that this is the companion case to the future land use plan which was just amended. The applicant is requesting to go from Agricultural to B-2. They are proposing an 8,000 square foot convenience store with eight regular gas pumps and five diesel pumps with canopy's in the front and the back. There will also be a standalone two bay tire shop. All of these uses are allowed in the B-2 zoning district. Two public notices were mailed out and there were no responses as of this date. Staff recommends approval.

Mayor Muir summarized that this is the public hearing for the rezoning case. We did the future land use map on a previous agenda item. He solicited anyone who wished to speak regarding the zoning of this item. There being no citizens who approached the podium wishing to speak, the public hearing was closed at 7:46 PM

10. [2040 N Stemmons St Rezoning - Action Item](#)

Consider, Discuss and Act on Ordinance # 06-16-19 Regarding a Zoning Change From An Agricultural District to B-2 Business 2 District for 4.084 Acres of Land, Described as Abstract A0029A R. Beebe, TR 109, OLD DCAD SHT 3, TR 12, and Generally Located South-East of the Intersection of Lois Road East and IH-35; 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.

A motion was made by Mayor Pro Tem Bilyeu to approve Ordinance # 06-16-19 regarding zoning change From A Agricultural District to B-2 Business 2 District for 4.084 acres of land, described as Abstract A0029A R. Beebe, TR 109, OLD DCAD SHT 3, TR 12, and generally located south-east of the intersection of Lois Road East and IH-35; 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 Councilmember Barrett. The motion carried unanimously (5-0 vote).

11. [Ranger Creek Estates Replat - Public Hearing](#)

Conduct a Public Hearing and Consider, Discuss and Act on the Replat of Lot 16R, Block E, of Ranger Creek Estates Phase 2, Being a Replat of Lot 16 and Lot 17, Block E of Ranger Creek Estates Phase 2, Being Approximately 0.369 Acres, and Generally Located North-West of the Intersection of La Paloma Road and Eastridge Park Road.

The Public Hearing was opened at 7:48 AM. Director of Development Services Ramie Hammonds summarized. The applicant is proposing to replat Lots 16 and 17, Block E of Ranger Creek Estates, Phase 2 into a single lot for a single-family residence. They meet all of the criteria, the lot width and lot depth and staff recommends approval.

Joe Falls, General Partner of the Ranger Creek Subdivision was recognized. He noted that the two lots were pie shaped and the requirement for setbacks would not allow houses on them individually. He summarized the history of the lots and noted there are only two corner lots left. He noted that all of the builders in Ranger Creek have looked at the lots and they could not build on them without multi-story. He provided a public notice form to the City Council in favor of the request. He noted he would answer any questions.

Sandra Howard, Howard Construction was recognized. She stated they have a customer who would like to build a single-story home. She noted that they could not fit anything on it with the corner lot setbacks required without combining the lots. The home will be between 2800 and 3000 square feet. She noted they built the home at 701 Dove Ridge. She stated it will be a great asset to the neighborhood. They will design it to fit on the lot once this is finalized.

Mayor Muir noted that more questions could be asked during the action item and noted this is a public hearing and solicited anyone else who wished to speak during the public hearing. There being no citizens who wished to speak approaching the podium the public hearing was closed at 7:53 PM.

12. [Ranger Creek Estates Replat - Action Item](#)

Consider, Discuss and Act on the Replat of Lot 16R, Block E, of Ranger Creek Estates

Phase 2, Being a Replat of Lot 16 and Lot 17, Block E of Ranger Creek Estates Phase 2, Being Approximately 0.369 Acres, and Generally Located North-West of the Intersection of La Paloma Road and Eastridge Park Road.

Director of Development Services, Ramie Hammonds noted she provided a summary during the public hearing portion but would like to add that there were 16 notices sent out and staff received nine (9) back in favor and one (1) opposed. Mayor Muir noted the one that Joe Falls provided to Council and it was noted that it was not included in the count which would be ten (10) in favor.

Councilmember Chick asked if the lot affected the lot to the west. Ms. Hammonds stated that it does not affect that lot and it stands as it is.

Councilmember Dillion asked what the zoning is. Ms. Hammonds noted that Ranger Creek is a Planned Development. Councilmember Chick asked what the maximum house size was and Ms. Hammonds stated that the maximum house size is 2,400 square feet. The minimum is 1,350 square feet. Ms. Hammonds noted they would have to have a variance to exceed the maximum.

Mayor Pro Tem Bilyeu noted concern that a 1,350 size home could be built on the replatted two lots, and staff noted that there nothing that could be done with the replat. Mayor Muir noted that now you could have two 1,350 square foot homes on the lot and if it was replatted there would only be one 1,350 square foot home. It was noted that the one request of opposition to the replat comment was regarding that there were no house plans submitted. Mayor Muir noted that house plans are not required to be submitted with a replat.

Councilmember Clark noted that his concern is that he wanted to know what they are building, he noted he had heard several things about what was going to be built. Sandra Howard, Howard Construction noted that it would be a 2800 to 3000 square foot single story home.

There was discussion regarding amendment of the Planned Development and resolving some of the issues in it. Mr. Falls noted that there are several houses in the subdivision that Roger Otwell built that are over the 2400 square foot minimum. It was noted it would be a side entry garage and would be addressed off of LaPaloma. There was brief discussion regarding the need for updating of the Planned Development.

A motion was made by Mayor Pro Tem Bilyeu to approve the replat of Lot 16R, Block E, of Ranger Creek Estates Phase 2, being a replat of Lot 16 and Lot 17, Block E of Ranger Creek Estates Phase 2, being approximately 0.369 acres, and generally located north-west of the intersection of La Paloma Road and Eastridge Park Road. The motion was seconded by Councilmember Dillon. The motion carried unanimously (5-0 vote).

13. [Amendment to Appendix A "Fee Schedule", Article 2.000 "Building and Construction Fees](#)

Consider, Discuss and Possibly Act on Ordinance # 06-18-19 – Amending Appendix A “Fee Schedule” of the Code of Ordinances, Article 2.000 “Building and Construction Fees”.

Director of Development Services Ramie Hammonds summarized. She noted that the State just passed new Legislation with HB 852 which made basing a permit fee off of a valuation

prohibited, effectively immediately. You cannot use construction cost or valuation of the home to determine a permit fee. We had two fees that were based on this (new residential and residential remodel). It only affects residential and does not affect commercial. We have spoken with other cities and talked with the Builders Association and the ICC to see what other cities are doing. Some of the things that can be done are a flat fee, a square foot fee, a combination of these two. She noted that 10 of the 13 cities that were assessed when we did a poll last month did their assessment on valuation. There were three cities that did not. We looked at what they did and what the Building Officials Association had to say and put the information together into a new fee schedule. What staff is proposing for new homes it will be a \$700 base fee and 45 cents a square foot, with unheated space at 15 cents a square foot. For residential alteration there will be a \$200 base fee with 20 cents per square foot. She summarized some of the other city structures of the fee. The Building Association is looking at a new model ordinance, and it may be updated in the future. Mayor Muir noted that the reason this is coming to the Council on short notice is that the Governor signed the bill on the 21st and it was effective on the 21st. Staff has not processed or issued any permits since the passing of the bill. It was noted that the amount of fees would be similar to what we were collecting. There was general discussion regarding how they figured the fees.

Councilmember Barrett asked if this was just to cover our costs to do this. Staff noted she was correct it would cover the costs within Development Services to include things such as inspections, engineering, processing, etc.

Councilmember Chick stated that this is not a profit center that it just covers the cost of what we are doing. That this is in line with what other cities are doing. It was noted that we will probably still be at the lower end of the fees compared to what other cities charge.

Ms. Hammonds noted that there may be a few more bills that may have to come before Council.

A motion was made by Mayor Pro Tem Bilyeu to approve Ordinance #06-18-19 – amending Appendix A “Fee Schedule” of the Code of Ordinances, Article 2.000 “Building and Construction Fees”. The motion was seconded by Councilmember Barrett. The motion carried unanimously (5-0 vote).

14. [Amend Chapter 3 "Building Regulations" of the Code of Ordinances, Article 3.2500 "Energy Conservation Code"](#)

Consider, Discuss and Possibly Act on Ordinance # 06-19-19 - Amending Chapter 3 “Building Regulations” of the Code of Ordinances, Article 3.2500 “Energy Conservation Code”.

Director of Development Services Ramie Hammonds summarized. She noted this is the energy amendment that came in at the last hour before we did our code amendments. Councilman Bilyeu asked staff to bring it back in hard form. This has been done administratively since we have adopted the code and they have come out this year with the code language so we are proposing to add it to make it official. This is the official amendment and is word for word the COG amendment that was recommended. She noted that it allows for some trade-offs such as if you use a duct insulation that is an R-8, you don't have to have a radiant barrier, but you could drop to an R-6 if you want to increase the radiant barrier. It gives the builder some options in order to meet the energy code. They still

have to meet it but it just gives them options.

A motion was made by Councilmember Barrett to approve Ordinance # 06-19-19 - amending Chapter 3 "Building Regulations" of the Code of Ordinances, Article 3.2500 "Energy Conservation Code". The motion was seconded by Councilmember Dillon. The motion carried unanimously (5-0 vote).

15. [Amend Chapter 10 "Subdivision Regulation", Exhibit A "Subdivision Ordinance", Section 6.05 "Water Systems"](#)

Consider, Discuss and Possibly Act on Ordinance # 06-17-19 – Amending Chapter 10 "Subdivision Regulation"; Exhibit A "Subdivision Ordinance"; Section 6.05 "Water Systems".

Ramie Hammonds Director of Development Services summarized. She stated that this is the part of the ordinance we have found that needs to be clarified. The way our old ordinance read could be interpreted that the ETJ could not develop without fire protection/without fire hydrants, which a lot of our ETJ does not have access to. This language is to clarify the intent as it relates to the ETJ. We don't want to limit development where it is not possible to have a water system in the ETJ. Discussion ensued.

Staff noted that Bolivar Water is beginning to put in hydrants, but they are not guaranteeing them. It was noted that development in ETJ does not affect the rating.

Councilmember Barrett asked if there was a reason why we could not require this. Ms. Hammonds noted that we cannot make another water company provide water. She also noted that many of the cities around us do not require fire protection in the ETJ. Ms. Hammonds noted that she has received an idea from Lee Allison regarding the update of the subdivision ordinance that we look at writing into the subdivision ordinance that we require the pipe to be installed so that if they were ever brought into the city limits all that we would have to do is make the connection. Mayor Pro Tem Bilyeu asked if this could be made a priority to get this added into the subdivision ordinance.

She noted there is one administrative correction to the Ordinance noting that the Texas Department of Health is no longer the regulating agency, that it is TCEQ.

A motion was made by Mayor Pro Tem Bilyeu approving Ordinance #06-17-19 – Amending Chapter 10 "Subdivision Regulation"; Exhibit A "Subdivision Ordinance"; Section 6.05 "Water Systems" and to include changing the regulating agency from the Texas Department of Health to TCEQ. The motion was seconded by Councilmember Dillon. The motion carried unanimously (5-0) vote.

16. 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).

City Manager Alina Ciocan stated that staff will bring forward a budget amendment to Council as a future agenda item due to expenses incurred as a result of the storm over the weekend.

City Manager Alina Ciocan updated Council regarding the joint meeting with City Council and the 4A and 4B Boards. She advised that she has not heard back from all of the 4A and 4B Board members but the date is June 17th (same day as the City Council and Work Session meetings) at 4:30 PM. A majority of the Councilmembers noted they could attend.

17. ADJOURN.

There being no further discussion, Mayor Muir adjourned the meeting at 8:38 p.m.