

# **CITY COUNCIL**

## **MEETING MINUTES**

**APRIL 03, 2023, 6:00 PM**

**CITY COUNCIL REGULAR MEETING**

**HISTORIC CHURCH BUILDING - 403 N 7TH STREET, SANGER, TEXAS**



### **CALL THE WORK SESSION TO ORDER AND ESTABLISH A QUORUM**

Mayor Muir called the work session to order at 6:03 p.m.

### **COUNCILMEMBERS PRESENT**

Mayor	Thomas Muir
Mayor Pro Tem, Place 2	Gary Bilyeu
Councilmember, Place 1	Marissa Barrett
Councilmember, Place 3	Dennis Dillon
Councilmember, Place 4	Allen Chick
Councilmember, Place 5	Victor Gann

### **COUNCILMEMBERS ABSENT**

None

### **STAFF MEMBERS PRESENT:**

City Manager John Noblitt, Assistant City Manager Alina Ciocan, City Secretary Kelly Edwards, City Attorney Hugh Coleman, Finance Director Clayton Gray, Director of Development Services Ramie Hammonds, Marketing and Civic Engagement Director Donna Green, Interim Electric Director Ronnie Grace, Director of Public Works Jim Bolz, and Lieutenant Justin Lewis.

### **DISCUSSION ITEMS**

1. Discussion on potential design concepts for the IH-35 corridor.

Assistant City Manager Ciocan provided an overview of the item requesting Council direction on the concepts as drafted by Kimley-Horn.

Discussion ensued regarding funding options, the bridge concepts with and without the pillars, landscaping costs, Engineering costs, lighting, phasing options, carrying this railroad theme into the downtown area, and redesigning the sound wall along IH-35.

## **OVERVIEW OF ITEMS ON THE REGULAR AGENDA**

Director Hammonds provided an overview of the recommendations for denial on several of the plats.

## **ADJOURN THE WORK SESSION**

There being no further business, Mayor Muir adjourned the work session at 6:45 p.m.

## **CALL THE REGULAR MEETING TO ORDER AND ESTABLISH A QUORUM**

Mayor Muir called the regular meeting to order at 7:00 p.m.

## **COUNCILMEMBERS PRESENT**

Mayor	Thomas Muir
Mayor Pro Tem, Place 2	Gary Bilyeu
Councilmember, Place 1	Marissa Barrett
Councilmember, Place 3	Dennis Dillon
Councilmember, Place 4	Allen Chick
Councilmember, Place 5	Victor Gann

## **COUNCILMEMBERS ABSENT**

None

## **STAFF MEMBERS PRESENT:**

City Manager John Noblitt, Assistant City Manager Alina Ciocan, City Secretary Kelly Edwards, City Attorney Hugh Coleman, Finance Director Clayton Gray, Director of Development Services Ramie Hammonds, Marketing and Civic Engagement Director Donna Green, Interim Electric Director Ronnie Grace, Director of Public Works Jim Bolz, Assistant Police Chief Jonathan Perkins, and Assistant Fire Chief Casey Welborn.

## **INVOCATION AND PLEDGE**

Councilmember Dillon gave the invocation, the Pledge of Allegiance was led by Councilmember Barrett.

## **CITIZENS COMMENTS**

No one addressed the Council.

## **SPECIAL PRESENTATIONS AND ANNOUNCEMENTS**

2. Proclamation for CASA of Denton County in recognition of Child Abuse Prevention Month.

Mayor Muir read the proclamation. Ms. Janie McLeod accepted the proclamation on behalf of CASA.

## **CONSENT AGENDA**

3. Consideration and possible action on the minutes from the March 20, 2023, meeting.
4. Consideration and possible action on Resolution 2023-02, designating the method of making written requests for public information and naming a designee for the Officer for Public Information Act requests.

Motion to approve made by Councilmember Bilyeu, Seconded by Councilmember Gann.

Voting Yea: Councilmember Barrett, Councilmember Chick, and Councilmember Dillon  
Motion passed unanimously.

## **PUBLIC HEARING ITEMS**

5. Conduct a public hearing on a rezoning from "I-1" Industrial 1 to "B-2" Business 2 of approximately 0.251 acres of land, described as A1241A TIERWESTER, TR 50, OLD DCAD SHT 5, TR 15 within the City of Sanger, and generally located on the east side of N Stemmons Frwy and approximately 218 feet north of the intersection FM 455 and N Stemmons Frwy.

Mayor Muir recused himself from Items 5-8 of the agenda.

Mayor Pro Tem Bilyeu opened the public hearing at 7:09 p.m.

No one spoke.

Mayor Pro Tem Bilyeu closed the public hearing at 7:10 p.m.

6. Conduct a public hearing on a request for a Specific Use Permit (SUP) for a Personal Training Studio use, at 304 Acker Street, Ste. 101, located on approximately 1.365 acres of land described as Sanger Industrial Park Lot 4, and generally located on the east side of Acker Street approximately 183 feet north of the intersection of Acker Street. and Pecan Street.

Mayor Pro Tem Bilyeu opened the public hearing at 7:10 p.m.

Amanda Morris, applicant, spoke regarding her request to open a fitness business at the location.

Mayor Pro Tem Bilyeu closed the public hearing at 7:11 p.m.

7. Conduct a public hearing on a request for the Replat of Lot 2, of the IESI Industrial Park, being 2.993 acres located within the City of Sanger. Generally located along the north side of Utility Road approximately 1464 feet east of the intersection of North Stemmons Frwy and Utility Road.

Mayor Pro Tem Bilyeu opened the public hearing at 7:11 p.m.

No one spoke.

Mayor Pro Tem Bilyeu closed the public hearing at 7:12 p.m.

## **ACTION ITEMS**

8. Consideration and possible action on Ordinance No. 04-05-23 a rezoning from "I-1" Industrial 1 to "B-2" Business 2 of approximately 0.251 acres of land, described as A1241A TIERWESTER, TR 50, OLD DCAD SHT 5, TR 15 within the City of Sanger, and generally located on the east side of N Stemmons Frwy and approximately 218 feet north of the intersection FM 455 and N Stemmons Frwy.

Director Hammonds provided an overview of the item stating the business would be a Drive-thru coffee shop.

Discussion ensued regarding compliance with the Future Land Use map.

Motion to approve made by Councilmember Barrett, Seconded by Councilmember Dillon.

Voting Yea: Councilmember Bilyeu, Councilmember Chick, and Councilmember Gann.  
Motion passed unanimously.

9. Consideration and possible action on Ordinance No. 04-06-23 regarding a Specific Use Permit (SUP) for a Personal Training Studio use, at 304 Acker Street, Ste. 101, located on approximately 1.365 acres of land described as Sanger Industrial Park Lot 4, and generally located on the east side of Acker Street approximately 183 feet north of the intersection of Acker Street. and Pecan Street.

Director Hammonds provided an overview of the item.

Discussion ensued regarding the necessity for the Special Use Permit.

Motion to approve made by Councilmember Bilyeu, Seconded by Councilmember Dillon.

Voting Yea: Councilmember Barrett, Councilmember Chick, and Councilmember Gann.  
Motion passed unanimously.

10. Consideration and possible action on a request for the Replat of Lot 2, of the IESI Industrial Park, being 2.993 acres located within the City of Sanger. Generally located along the north side of Utility Road approximately 1464 feet east of the intersection of North Stemmons Frwy and Utility Road.

Director Hammonds provided an overview of the item stating the replat is adding easements.

Motion to approve made by Councilmember Barrett, Seconded by Councilmember Gann.

Voting Yea: Councilmember Bilyeu, Councilmember Chick, and Councilmember Dillon.  
Motion passed unanimously.

11. Consideration and possible action on the Final Plat of Coffee Bistro 1187, being 0.779 acres, located in the City of Sanger, and generally located on the east side of FM 455 and approximately 218 feet n of the intersection of FM 455 and N Stemmons Frwy corner of FM 455 and N Stemmons Frwy.

Director Hammonds stated that the applicant had not satisfied all Planning and Engineering comments.

Motion to deny made by Councilmember Bilyeu, Seconded by Councilmember Barrett.  
Voting Yea: Councilmember Chick, Councilmember Dillon, and Councilmember Gann.  
Motion passed unanimously.

12. Consideration and possible action on the Preliminary Plat of Clear Creek Intermediate School, being 13.356 acres, located in the City of Sanger, and generally located on the west side of South Stemmons Frwy approximately 667 feet south of the intersection of the Business I-35 ramp and South Stemmons Frwy.

Director Hammonds stated that the applicant had not satisfied all of the Engineering comments.

Kevin Ware, EIKON, is working with the City's Engineer to resolve the comments.

Motion to deny made by Councilmember Bilyeu, Seconded by Councilmember Barrett.  
Voting Yea: Councilmember Chick, Councilmember Dillon, and Councilmember Gann.  
Motion passed unanimously.

13. Consideration and possible action on the Preliminary Plat of Sanger Middle School, being 28.791 acres, located in the City of Sanger, and located at 105 Berry Street approximately 205 feet southwest of the intersection of Acker Street and Bolivar Street.

Director Hammonds stated that the applicant would be adding a new Agricultural (AG) facility to the campus and that they had not satisfied all of the Engineering comments.

Motion to deny made by Councilmember Bilyeu, Seconded by Councilmember Barrett.  
Voting Yea: Councilmember Chick, Councilmember Dillon, and Councilmember Gann.  
Motion passed unanimously.

14. Consideration and possible action on the Preliminary Plat of Sanger High School, being 55.886 acres, located in the City of Sanger, and generally located on the southeast corner of the intersection of FM 455 and Indian Lane.

Director Hammonds stated that the applicant would be creating one Lot from four tracts of land to build a new High School and had not satisfied all of the Engineering comments.

Motion to deny made by Councilmember Bilyeu, Seconded by Councilmember Barrett.  
Voting Yea: Councilmember Chick, Councilmember Dillon, and Councilmember Gann.  
Motion passed unanimously.

15. Consideration and possible action on the Preliminary Plat of Marley Meadows, being 19.653 acres, located in the City of Sanger's ETJ, and generally located on the west side of Sam Bass Road and approximately 1307 feet north of the intersection of FM 455 and Sam Bass Road.

Director Hammonds provided an overview of the item, stating that there would be 17 lots and that the applicant had not satisfied all of the Planning, Engineering, and County comments.

Motion to deny made by Councilmember Bilyeu, Seconded by Councilmember Barrett.  
Voting Yea: Councilmember Chick, Councilmember Dillon, and Councilmember Gann.  
Motion passed unanimously.

16. Consideration and possible action on Final Plat of the Glenn Polk Addition, being 9.936 acres, located in the City of Sanger, and generally located on the west side of I-35 approximately 670 feet south of Belz Road.

Director Hammonds provided an overview of the item stating the applicant would be building a office new building. She stated that the Preliminary Plat was denied at the previous meeting and that the applicant had not satisfied all of the Planning and Engineering comments.

Motion to deny made by Councilmember Bilyeu, Seconded by Councilmember Barrett.  
Voting Yea: Councilmember Chick, Councilmember Dillon, and Councilmember Gann.  
Motion passed unanimously.

17. Consideration and possible action on the Final Plat of the Sanger Storage Addition, being 9.325 acres, located in the City of Sanger, and generally located on the west side of Stemmons Road approximately 192 feet south of Duck Creek Road.

Director Hammonds provided an overview of the item stating that TxDOT had taken a portion of the property for the new roadway and the property had not been platted previously.

Discussion ensued regarding a minor versus a final plat, drainage in the area, and screening.

Motion to approve made by Councilmember Barrett, Seconded by Councilmember Dillon.

Voting Yea: Councilmember Bilyeu, Councilmember Chick, and Councilmember Gann.  
Motion passed unanimously.

18. Consideration and possible action on Change Order No. 10 in the amount of \$197,519.00 with Quality Excavation, LLC for the FM 455 Project and authorize the City Manager to execute said Change Order No. 10.

Director Bolz provided an overview of various reasons for the change order.

Discussion ensued regarding the scheduling conflict with QuikTrip.

Motion to approve made by Councilmember Barrett, Seconded by Councilmember Dillon.

Voting Yea: Councilmember Bilyeu, Councilmember Chick, and Councilmember Gann.  
Motion passed unanimously.

19. Consideration and possible action on the change order No. 4 for Primoris Distribution Services regarding the FM 455 Project and authorize the City Manager to execute said change order.

Interim Electric Director Grace provided an overview of the item and reasons for moving the lines overhead instead of boring under the freeway.

Discussion ensued regarding the material costs and acquisition of easements.

Motion to approve made by Councilmember Bilyeu, Seconded by Councilmember Gann.

Voting Yea: Councilmember Barrett, Councilmember Chick, and Councilmember Dillon.  
Motion passed unanimously.

20. Consideration and possible action on Ordinance 04-07-23, amending the budget for the 2022-2023 fiscal year and authorizing amended expenditures as provided; providing for the repeal of all ordinances in conflict; providing a cumulative clause; providing for a severability clause; and providing a savings clause; an establishing an effective date.

Director Gray provided an overview of the item providing funding for Primoris Change Order No. 4.

Motion to approve made by Councilmember Barrett, Seconded by Councilmember Bilyeu.

Voting Yea: Councilmember Chick, Councilmember Dillon, and Councilmember Gann.  
Motion passed unanimously.

21. Consideration and possible action to approve Resolution No. 2023-03, adopting the Denton County Hazard Mitigation Action Plan.

Assistant Fire Chief Welborn provided an overview of the item and listed several of the requested actions for the City in the County's plan.

Discussion ensued regarding any funding obligations and grant opportunities.

Motion to approve made by Councilmember Dillon, Seconded by Councilmember Barrett.

Voting Yea: Councilmember Bilyeu, Councilmember Chick, and Councilmember Gann.  
Motion passed unanimously.

22. Consideration and possible action on the interlocal agreement between the City of Aubrey and the City of Sanger with Level One Paving; and authorize the City Manager to execute said agreement.

Councilmember Bilyeu recused himself from this item.

Director Bolz provided an overview of the item the City of Aubrey requested.

Discussion ensued regarding the contract and catalog pricing.

Motion to approve made by Councilmember Barrett, Seconded by Councilmember Gann.

Voting Yea: Councilmember Chick and Councilmember Dillon.

Abstention: Councilmember Bilyeu

Motion passed 4-0-1.

23. Consideration and possible action to select Kimley Horn to Update the Roadway Impact Fee Study, and authorizing the City Manager to negotiate a possible contract with Kimley Horn.

Director Hammonds provided an overview of the item.

Motion to select Kimley-Horn made by Councilmember Barrett, Seconded by Councilmember Dillon.

Voting Yea: Councilmember Bilyeu, Councilmember Chick, and Councilmember Gann.  
Motion passed unanimously.



24. Consideration and possible action on authorizing staff to issue an RFP for Holiday Decorations.

Director Green provided an overview of the item and is requesting two one-year extensions for the proposed agreement.

Motion to approve made by Councilmember Bilyeu, Seconded by Councilmember Barrett.

Voting Yea: Councilmember Chick, Councilmember Dillon, and Councilmember Gann.  
Motion passed unanimously.

25. Consideration and possible action on the purchase of a certain tract of land of approximately 434 acres between the City of Sanger and Mike Riley, Laura Riley, and J Mike Riley Ranch Properties, LLC, and the purchase of a certain tract of land of approximately 15.5 acres between the City of Sanger and Lauren Riley Howe, and authorize the City Manager to execute the contracts of sale and all other necessary documents.

Assistant City Manager Ciocan provided an overview of the item to purchase the properties.

Sam Burke, applicant counsel, provided an overview of the agreements.

Mayor Muir requested the following statement with key points be recorded in the minutes.

The City was led to this project because of the lapse of another project and the strategic need by the City for several things:

- Control of a large portion of the stream bed that is an outfall from our current wastewater treatment.
- Strategic placement of a future wastewater treatment plant site that could serve a broader geographic footprint and meet the future growth needs of Sanger.
- Potential placement of water infrastructure, whether that be drilling a new well or raised/above ground storage.
- Annexation of a large block of future development, which allows us to spread the cost of services across a broader base in the future, whether this be spreading property taxes or utility rate payers over a larger base.
- Give a strategic tool to use in future negotiations with larger developers to gain other, more desirable, concessions from them.

The intent on the larger non-strategic portion is that we would seek a developer/investor that we could sell the land to and then pay off most of any bonds we issue for the acquisition. This is the reason for the potential issuance of taxable bonds, which gives us prepayment flexibility.

Motion to approve made by Councilmember Dillon, Seconded by Councilmember Gann.  
Voting Yea: Councilmember Barrett.  
Voting Nay: Councilmember Bilyeu and Councilmember Chick.  
Motion passed 3-2-0.

### **FUTURE AGENDA ITEMS**

None.

### **INFORMATIONAL ITEMS**

- 26. 2022 City of Sanger Police Department Racial Profiling Report
- 27. Financial Statements December 2022 and January 2023
- 28. Disbursement Report January 2023 and February 2023

### **ADJOURN**

There being no further business, Mayor Muir adjourned the meeting at 8:28 p.m.

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Thomas E. Muir, Mayor

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Kelly Edwards, City Secretary