

CITY COUNCIL

MEETING MINUTES

OCTOBER 03, 2022, 7:00 PM

CITY COUNCIL REGULAR MEETING

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



CALL THE REGULAR MEETING TO ORDER AND ESTABLISH A QUORUM

Mayor Muir called the regular meeting to order at 7:20 p.m.

COUNCILMEMBERS PRESENT

Mayor	Thomas Muir
Councilmember, Place 1	Marissa Barrett
Councilmember, Place 3	Dennis Dillon
Councilmember, Place 4	Allen Chick
Councilmember, Place 5	Victor Gann

COUNCILMEMBERS ABSENT

Mayor Pro Tem, Place 2	Gary Bilyeu
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STAFF MEMBERS PRESENT:

City Manager John Noblitt, City Secretary Kelly Edwards, City Attorney Hugh Coleman, Finance Director Clayton Gray, Director of Development Services Ramie Hammonds, Director of Human Resources and Special Projects Jeriana Staton, Director of Economic Development Shani Bradshaw, Assistant Chief of Police Jonathan Perkins, and Director of Public Works Jim Bolz.

INVOCATION AND PLEDGE

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

CITIZENS COMMENTS

No one addressed the Council.

CONSENT AGENDA

1. Consideration and possible action on an agreement with the Texas Utility Help program to assist low-income households in paying for utility services and authorize City Manager to execute all necessary documents.
2. Consideration and possible action on the minutes from the September 19, 2022, meeting.

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

Voting Yea: Councilmember Chick and Councilmember Dillon.

Motion passed unanimously.

PUBLIC HEARING ITEMS

3. Conduct a public hearing on a request for a variance from Chapter 10 Subdivision Regulations, Article 10.100 Subdivision Ordinance, Section 10.105 to allow a variance from the improvement of sidewalks and to allow no sidewalks be installed for 21.36 acres of land described as A0658A JANUARY TR 3 within the City of Sanger's ETJ, and generally located on Sam Bass Rd approximately 1323 feet north of the intersection of FM 455 and Sam Bass Rd.

Mayor Muir opened the public hearing at 7:24 p.m.

Director Hammonds provided an overview of the item stating that Staff recommends denial.

Mayor Muir closed the public hearing at 7:26 p.m.

4. Conduct a public hearing on a request for a variance from Chapter 10 Subdivision Regulations, Article 10.100 Subdivision Ordinance, Section 10.105 to allow a variance from the required 31 feet street, face to face of curb and a 50 foot right-of-way with sidewalks, storm sewers, and utilities in the right-of-way and to allow for county requirements of no minimum street width in a 60 foot right-of-way without curb and gutter and storm sewers for 21.36 acres of land described as A0658A JANUARY TR 3 within the City of Sanger's ETJ and generally located on Sam Bass Rd approximately 1323 feet north of the intersection of FM 455 and Sam Bass Rd.

Mayor Muir opened the public hearing at 7:24 p.m.

Director Hammonds provided an overview of the item.

Matt Fuller, 2501 Santa Fe, spoke in opposition to the request.

Mayor Muir closed the public hearing at 7:29 p.m.

5. Conduct a public hearing on Ordinance No. 10-28-22 regarding a zoning change from A (Agricultural District) to PD (Planned Development) for approximately 12.01 acres of land, described as A1241A TIERWESTER, TR 264 AND 265 generally located on the southeast corner of 5th St and Cowling Rd.

Mayor Muir opened the public hearing at 7:29 p.m.

Director Hammonds provided an overview of the item and stated Staff received six (6) responses in opposition.

Mayor Muir closed the public hearing at 7:32 p.m.

ACTION ITEMS

6. Consideration and possible action on a request for a variance from Chapter 10 Subdivision Regulations, Article 10.100 Subdivision Ordinance, Section 10.105 to allow a variance from the improvement of sidewalks and to allow no sidewalks be installed for 21.36 acres of land described as A0658A JANUARY TR 3 within the City of Sanger's ETJ, and generally located on Sam Bass Rd approximately 1323 feet north of the intersection of FM 455 and Sam Bass Rd.

Discussion ensued regarding similar requests received for other developments in the Extraterritorial Jurisdiction (ETJ) and action taken on those requests.

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

Voting Yea: Councilmember Gann.

Voting Nay: Councilmember Chick.

Motion passed 3-1-0

7. Consideration and possible action on a request for a variance from Chapter 10 Subdivision Regulations Article 10.100 Subdivision Ordinance, Section 10.105 to allow a variance from the required 31 feet street, face to face of curb and a 50 foot right-of-way with sidewalks, storm sewers, and utilities in the right-of-way and to allow for county requirements of no minimum street width in a 60 foot right-of-way without curb and gutter and storm sewers for 21.36 acres of land described as A0658A JANUARY TR 3 within the City of Sanger's ETJ and generally located on Sam Bass Rd approximately 1323 feet north of the intersection of FM 455 and Sam Bass Rd.

Discussion ensued regarding the County's standard street width, the width of Sam Bass Road, platting, and on-street parking.

Motion to deny the variance request from Chapter 10 Subdivision Regulations Article 10.100 Subdivision Ordinance, Section 10.105 to allow a variance from the required 31 feet street of paved surface made by Councilmember Barrett, Seconded by Councilmember Chick.

Voting Yea: Councilmember Dillon and Councilmember Gann.

Motion passed unanimously.

Second motion to approve the variance request from Chapter 10 Subdivision Regulations Article 10.100 Subdivision Ordinance, Section 10.105 to allow for county requirements without curb and gutter and storm sewers for land as described made by Councilmember Barrett, Seconded by Councilmember Gann,
Voting Yea: Councilmember Dillon.
Voting Nay: Councilmember Chick.
Motion passed 3-1-0

8. Consideration and possible action on Ordinance No. 10-28-22 regarding zoning change from A (Agricultural District) to PD (Planned Development) for approximately 12.01 acres of land, described as A1241A TIERWESTER, TR 264 AND 265 generally located on the southeast corner of 5th St and Cowling Rd.

Discussion ensued regarding the ingress and egress to the property, phasing of construction, a traffic study, meeting HUD housing requirements, signalization at Cowling Road, drainage, and the retail in the front of the property.

Marie Freeman addressed questions during the Council discussion.

Motion to approve made by Councilmember Barrett, Seconded by Councilmember Dillon.
Voting Yea: Councilmember Chick.
Voting Nay: Councilmember Gann.
Motion passed 3-1-0

9. Consideration and possible action on a Minor Plat of Lot 1, Block A of the Enderby Gas Addition, being 1.22 acres in the City of Sanger, and generally located on the south east corner of the I-35 access road and Southside Drive.

Director Hammonds provided an overview of the item.

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

10. Consideration and possible action on Ordinance No. 10-29-22 providing for increased prior and current service annuities under the Act governing the Texas Municipal Retirement System for retirees and beneficiaries of deceased retirees of the City of Sanger Texas Municipal Retirement System (TMRS) 70% cost of living adjustment for retirees on an ad hoc basis.

Director Staton provided an overview of the item, stating that the cost of the one-time adjustment was budgeted and approved in the Fiscal Year 2022-2023 budget.

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

Voting Yea: Councilmember Dillon.

Voting Nay: Councilmember Chick.

Motion passed 3-1-0

11. Consideration and possible action to approve Ordinance 10-30-22 an Ordinance of the City Council of the City of Sanger, Denton County, Texas, repealing Ordinance 09-17-06; And Authorizing and Allowing, under the Act Governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by Qualifying Members of such system who at the effective date of the allowance are in the employment of the City of Sanger; to increase the rate of deposits to the Texas Municipal Retirement System by the employees of the City.

Director Staton provided an overview of the item that would change the City's contribution from 6% to 7% into the retirement system.

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

Voting Yea: Councilmember Chick and Councilmember Dillon.

Motion passed unanimously.

12. Consideration and possible action on Resolution 2022-14, amending the Property Enhancement Incentives Policy.

Director Bradshaw provided an overview of the items and listed the proposed revisions of increasing the grant amount, the sign grant amount and removing the requirement that a business must be operating for a minimum of six (6) months before applying for a grant.

Discussion ensued regarding the number of businesses that have applied and have been approved for a grant and a strategy advertising the policy.

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

Voting Yea: Councilmember Chick and Councilmember Dillon.

Motion passed unanimously.

13. Consideration and possible action on Change Order No. 8 in the amount of \$92,160.00 with Quality Excavation, LLC for the FM 455 Project to insert four 8" valves to connect new waterlines at 7th St. and 10th St., install a 6" sewer line, lower existing waterline, and add a 12" x 6" tie in with a gate valve; and authorize the City Manager to execute said Change Order No. 8.

Director Bolz provided an overview of the item.

Discussion ensued regarding the status of the construction.

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

Voting Yea: Councilmember Chick and Councilmember Gann.

Motion passed unanimously.

FUTURE AGENDA ITEMS

To conduct a future work session regarding development.

INFORMATIONAL ITEMS

14. 2022 August All American Dogs Monthly Report
15. Disbursement Report July 2022
16. Financial Statement July 2022
17. Disbursement Report August 2022
18. CIP Report September 21, 2022

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, the City Council Will Meet in a Closed Executive Session in Accordance with the Texas Government Code:

Section 551.071. CONSULTATION WITH ATTORNEY

For deliberations regarding legal (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- Transmission Operator

Section 551.072. DELIBERATION REGARDING REAL PROPERTY

For deliberations regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person specifically, Michael Riley, Laura Riley, and J. Mike Riley Ranch Properties, LLC, (collectively the "Owner").

Council convened into executive session at 8:55 p.m.

RECONVENE INTO REGULAR SESSION

Reconvene into Regular Session and take any action deemed necessary as a result of Executive Session.

Council reconvened into open session at 9:31 p.m.

No action taken.

ADJOURN

There being no further business, Mayor Muir adjourned the meeting at 9:31 p.m.

Thomas E. Muir, Mayor

Kelly Edwards, City Secretary