

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, September 17, 2019

Present:

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, SMD 2
Council Member Lucy Gonzales, SMD 4
Council Member Lane Carter, SMD 5
Council Member Billie F. DeWitt, SMD 6

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:32 a.m. on Tuesday, September 17, 2019, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

An invocation was provided by San Angelo Police Department Chaplain Gary Jenkins.

3. Pledges

Pledges were led by homeschoolers Jace Clatworthy (4th grade) and Robbie Clatworthy (6th grade).

4. Proclamations/Recognitions

September 15 - October 15, 2019 was proclaimed as National Hispanic Heritage Month

The City of Odessa was proclaimed as West Texas Strong

5. Public Comment

Citizen Steven Hampton (SMD6) spoke regarding concerns of trash along Loop 306 and the police revenue shortfall.

Citizen Jatón Giese (Twohig) spoke regarding animal shelter closures (handouts were scanned to the official packet).

6. Consent Agenda

- a. Approval of the September 4, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Authorization of the City Attorney to begin termination of Lake Nasworthy Residential Lot Lease and eviction proceedings for non-payment of annual rent (more than 120 days delinquent) on 2562 Sleepy Hollow, being Lot 25, Block 1, Fishermans Rd., Lake Nasworthy (\$882) (Cindy Preas)
- c. Award of WU-11-19: Professional Services – America's Water Infrastructure Act Risk & Resiliency Assessment and Emergency Response Plan to CDM Smith in the amount of \$200,000, budgeted for purchase in fiscal year 2019, and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)
- d. ~~Consider awarding IT 02-19: IDIQ for Mobile Telecommunications Devices to West Central Wireless and authorizing the City Manager to negotiate and execute all related documents (Bucky Hasty)~~

- e. Award of PK-02-19: Sulfur Springs Irrigation Project to Entrenos, Inc. dba Farmer's Daughter Landscape (San Angelo, TX) in the amount of \$158,500, budgeted for purchase in fiscal year 2019, and authorizing the City Manager to negotiate and execute all related documents (Roger Havlak/Allison Strube)
- f. Approval of an agreement for uniform rentals with UniFirst Corporation through BuyBoard Contract # 587-19 and authorizing the City Manager to negotiate and execute all related documents (Nolan Sosa)
- g. Approval of an interlocal agreement between San Angelo Police Department and the Tom Green County Sheriff's Department for Edward Byrne Memorial Justice Assistance Grants, allocating \$17,561 to the San Angelo Police Department and \$6,932 to the Tom Green County Sheriff's Department, and authorizing the City Manager to execute all related documents (Frank Carter)
- h. Approval of an interlocal service agreement with Upper Colorado River Authority in the amount of \$7,725 monthly and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)
- i. Approval of an interlocal agreement with Tom Green County for a joint election November 2019 and authorizing the City Manager to execute all related documents (Julia Antilley)
- j. Approval of the following MHMR Concho Valley items:
 - a revised interlocal agreement authorizing the Mayor to execute all related documents in compliance with Senate Bill 632
 - reappointments to the Board of Trustees of the MHMR Services for a term of November 1, 2019 through October 31, 2021: Tim Davenport-Herbst, Jeff Gibson, Linda Kujawski, Dianna Spieker, and Pat Trevino (Julia Antilley)
- k. Approval of reappointments to the Concho Valley Council of Government's Transit Board for a term of September 2019 to August 2021: Council Member Harry Thomas (Vice Chair), Council Member Lucy Gonzales, and Council Member Billie DeWitt (Julia Antilley)
- l. Second reading for:
 - 1. An amendment to the zoning ordinance creating a new Section 212 "River Corridor District Overlay Zone, Downtown District Overlay Zone, and Cultural District Overlay Zone" and establishing standards for development within these zones; creating a new Section 309 "River Corridor District Overlay Zone", Section 310 "Downtown District Overlay Zone", and Section 311 "Cultural District Overlay Zone" and identifying their purpose, applicability and review procedures; rezoning properties along the Concho River to apply the River Corridor Overlay Zoning District; rezoning properties generally located north of Neff's Way, east of Randolph St., south of 3rd St., and west of N. Emerick St. to apply the Downtown Overlay Zoning District; and rezoning properties generally located north of Ave. A, east of Oakes St., south of the Concho River to apply the Cultural Overlay Zoning District (Pg. 444, 2019-120)
 - 2. An amendment to the zoning ordinance revising the standards in Section 211 "Historic Overlay Zone" and Section 308 "HO – Historic Overlay Zone" to clarify when a Certificate of Appropriateness is required; amending Section 12.04.017 "River Corridor Area," of the City Code of Ordinances, replacing the "River Corridor" sign review area with the new "River Corridor District," "Downtown District," and "Cultural District" overlays; and repealing Article 12.06, "River Corridor Development Ordinance" (Pg.452, 2019-121)
 - 3. An amendment to the zoning ordinance revising Section 301 "Establishment of Districts" by providing designations for River Corridor, Downtown, and Cultural District Overlay Zones (Jon James) (Pg.457, 2019-122)

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve the Consent Agenda with the exception of item 6d (removed by staff) and item 6f. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thompson made a motion, seconded by Council Member Thomas, to approve item 6f as presented by Nolan Sosa (handouts were scanned to the official packet). The motion carried unanimously (7) ayes to (0) nays.

7. **Regular Agenda**

- a. First reading and public hearing of an ordinance amending PD18-03, a rezoning from the Single-Family Residential (RS-1) Zoning District to the Planned Development (PD) Zoning District to expand the existing PD18-03 boundary to allow for uses permitted in the General Commercial (CG) Zoning District, with a principal use of Campground/Recreational Vehicle Park, being 40.58 acres located at 2680 and 2698 Camper Rd. (Presentation made by Planning & Development Services Director Jon James)

Citizen June Bell (Kings Rd.) expressed traffic concerns.

Applicant Ray Broadway responded to questions from City Council.

Motion: Council Member Hiebert made a motion, seconded by Council Member DeWitt, to approve the item as presented, with the following stipulations: 1) in addition to a 200-ft buffer from homes, there can be no development on the "finger" to maintain the visual buffer as shown on the map presented, 2) the lease must include a requirement that any expansion to the RV portion of the project come back to City Council, and 3) the street paving requirement is waived. The motion carried unanimously (7) ayes to (0) nays.

- b. Public hearing and adoption of a resolution approving a Special Use to allow an indoor multi-use recreational facility and related recreational activities, daycare, community outreach, community services, and educational programs, on properties zoned Single-Family Residential (RS-1) and Two-Family Residential (RS-2); located at 810 & 811 Austin St. and 818 Kenwood Dr. (Presentation made by Planning & Development Services Director Jon James) (Pg.459, 2019-123)

Applicant Jay Clatworthy spoke in favor of the item.

Texas Tumbleweeds owner Landa Knight responded to questions from City Council.

Don Payne (SMD5), Joyce McLaughlin (SMD5), and Tom Banks (SMD5) all spoke in opposition.

Sarah Negovetich (Cumberland Dr.), Ashley Panter (Briarwood Dr.), Paula McClure (Chadbourn St.), Russell Smith (church member), Constantine Knotting (Foster Rd.), Braxton Gilbert (Oxford Ave.), Teal Landon (Royal Oak Ct.), and Melissa Bruns (Windemere Cir.) all spoke in favor.

Motion: Council Member Carter made a motion, seconded by Council Member Thompson, to approve the item as presented by staff, with the following clarification: weekend tournament hours 7 a.m. – 9 p.m., weekday hours 7 a.m. – 8 p.m., and no additional illuminated signs allowed for commercial uses (excluding any allowable church signage). The motion carried (6) ayes to (1) nay, with Council Member Thomas dissenting.

- c. First reading and public hearing of an ordinance approving the abandonment of approximately 105,000-sq ft of the E. Ave. D public right-of-way; generally located between S. Oakes St. and Rust St. in the Fort Concho Addition (Presentation made by Planning & Development Services Director Jon James)

Daniel Cardenas (SMD3) (handouts provided by D. Cardenas were scanned to the official packet), Peter Haidinger (SMD3), Fred Dietz (Powell St.), Michelle Malone (Christoval, TX), Tara Haidinger (Baker St.), Rosendo Valadez (Powell St.), Leroy Anderson (Powell St.), Rosantina Matta (E. Ave. D), David Montes (E. Ave. D), Kenneth Quint (E. Ave. D), Kathryn Stein (Grandview) spoke in opposition.

Staff members Assistant Fire Chief Patrick Brody, Assistant Police Chief David Howard, and Operations Director Shane Kelton responded to questions from City Council.

Diann Bayes (Vice President of Convention and Visitors Bureau) and Bob Bluthardt (Fort Concho Manager) clarified the contributions of Fort Concho to the city.

Kathy Keane (Fort Concho Board Chair), Wayland Cooksey (Fort Concho Board Member and neighborhood resident), and Roger Banks (Fort Concho Board Member) all spoke in favor.

Citizen Steve Hampton (SMD6) expressed concern regarding street maintenance and upkeep in the area.

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve the item, as presented. The motion carried (5) ayes to (2) nays, with Council Members DeWitt and Gonzales dissenting.

- d. Ratification of COSADC's resolution authorizing the use of Sales and Use Tax funds in an amount not to exceed \$70,000 to provide an Economic Development Incentive to Double Barrel Outfitters, LLC (Presentation made by Business, Retention & Expansion Coordinator Shannon Scott)

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to approve the item, as presented. The motion carried unanimously (7) ayes to (0) nays.

- e. Approval of an agreement with Texas Commission on Environmental Quality for the participation in the Sanitary Sewer Overflow Initiative Program, adopting a Sanitary Sewer Overflow Initiative Plan and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Water Utilities Director Allison Strube)

City Engineer Lance Overstreet responded to questions from City Council.

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve the item, as presented. The motion carried unanimously (7) ayes to (0) nays.

- f. Second public hearing and adoption of an ordinance of the City of San Angelo approving and adopting the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020. This budget will raise more total property taxes than last year's budget by \$1,365,635 (3.58%), and of that amount, \$405,140 is tax revenue to be raised from new property added to the tax roll (Presentation made by Finance Director Tina Dierschke) (Pg.462, 2019-124)

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to adopt the ordinance, as presented. A record vote was taken and the motion carried unanimously (7) ayes (Council Members Hiebert, Thompson, Thomas, Gonzales, Carter, and DeWitt and Mayor Brenda Gunter) to (0) nays.

- g. Final public hearing and adoption of an ordinance levying property taxes for the City of San Angelo for the 2019 tax year. An ordinance fixing and levying ad valorem taxes for the current tax year for use and support of the municipal government of the City of San Angelo, Texas, for the 2019-2020 budget year; providing for the assessment and collection thereof; providing when the tax shall become due; providing when the tax shall become delinquent; providing for exemptions; providing for severability; providing for publication on the city operated web site;

and, providing for an effective date (Presentation made by Finance Director Tina Dierschke)
(Pg.473, 2019-125)

Motion: Council Member DeWitt made a motion, seconded by Council Member Carter, to adopt an ordinance with a property tax rate that remains the same by the adoption of a tax rate of 0.7760 per \$100 valuation. A record vote was taken and the motion carried unanimously (7) ayes (Council Members Hiebert, Thompson, Thomas, Gonzales, Carter, and DeWitt and Mayor Brenda Gunter) to (0) nays.

h. Update on Sales Tax revenue performance (Presentation made by Finance Director Tina Dierschke)

No action taken on this item.

i. Discussion and direction allocating funding for public safety and streets (Presentation made by Finance Director Tina Dierschke)

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve the funding allocations as presented for the public safety items, with the addition of marking the funds for automatic carryover into fiscal year 2020. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to approve the sales tax surplus funds to be used for street infrastructure (with a proposal of projects presented at a future meeting by Operations Director Shane Kelton), with the addition of marking the funds for automatic carryover into fiscal year 2020. The motion carried unanimously (7) ayes to (0) nays.

j. Approval of a fiscal year 2020 Fort Concho Building Repair Plan and provide direction for allocating funding methods (Presentation made by Fort Concho Manager Bob Bluthardt)

Fort Concho Manager Bob Bluthardt and Construction Manager Al Torres responded to questions from City Council.

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve the item as presented, with the addition of marking the funds for automatic carryover into fiscal year 2020. The motion carried unanimously (7) ayes to (0) nays.

k. Rejection of all bids for FC-02-19: Repairs to Fort Concho Post Hospital, Officers' Quarters 6 and 8, and roof vents (Presentation made by Fort Concho Manager Bob Bluthardt)

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to reject all bids, as presented. The motion carried unanimously (7) ayes to (0) nays.

l. Adoption of a resolution nominating candidates to serve on the Board of Directors of the Tom Green County Appraisal District for the 2020-2021 term (Presentation made by City Clerk Julia Antilley (Pg.476, 2019-126))

Motion: Mayor Gunter made a motion, seconded by Council Member Gonzales, to nominate the the existing candidates (John Begnaud, John Conn, Louis Gomez, Kandi Pool, and Bob Reeves) for a place on the Board of Directors ballot. The motion carried unanimously (7) ayes to (0) nays.

8. Closed Session

Executive Session under the provision of Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Subchapter D. Exceptions to Requirement that Meetings be Open under the following sections:

- a. Section 551.072 to deliberate 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 regarding lease of the Coliseum to the San Angelo Stock Show and Rodeo Association for their annual events
[Council Member Thompson recused himself from the discussion.]
- b. Section 551.072 to deliberate 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 regarding Millspaugh Addition, Block 24

New Quorum Present:

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, SMD 2
Council Member Lane Carter, SMD 5

9. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session

[Council Member Thompson recused himself from the discussion.]

Motion: Mayor Gunter made a motion, seconded by Council Member Hiebert, authorizing the City Manager to negotiate and execute a contract with the San Angelo Stock Show and Rodeo Association. The motion carried with (4) ayes, (0) nays, and (1) abstention, with Council Member Thompson abstaining from the vote.

- b. Consider approving the following board nomination:
Design and Historic Review Commission: Clay Engdahl (SMD1), James Thomas (SMD2), and Lisa Wallace (SMD5) to first full terms ending September 2021 and Henry Schmidt (SMD6) to a second term ending September 2021

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to approve the nomination, as presented. The motion carried unanimously (5) ayes to (0) nays.

New Quorum Present:

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, SMD 2
Council Member Lucy Gonzales, SMD 4
Council Member Lane Carter, SMD 5
Council Member DeWitt, SMD 6

- c. Discussion and consideration of November meeting schedule
- regular meeting dates November 5 & 19
- election day November 5
- election results must be canvassed NLT Monday, November 18

Consensus: The decision was made to meet November 12 and November 19, 2019 (with Special Election canvassing held November 12, 2019) to allow for two November meetings, with one falling within the State's canvassing dates.

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d. Announcements and consideration of Future Agenda Items

No items.

10. Adjournment

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to adjourn the meeting. The motion carried unanimously (7) ayes to (0) nays.

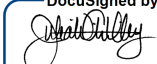
There being no further business, the meeting adjourned at 12:59 p.m.

THE CITY OF SAN ANGELO

DocuSigned by:

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Brenda Gunter, Mayor

ATTEST:

DocuSigned by:

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Julia Antilley, City Clerk

In accordance with Chapter 2, Article 2.300, of the Official Code of the City of San Angelo, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office or a video of the entire meeting may be purchased from the Public Information Officer at 481-2727. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)