City of San Angelo, Texas
Regular City Council Meeting
Tuesday, September 6, 2016

Present:

Mayor Dwain Morrison
Mayor Pro tem Charlotte Farmer, SMD 6
Council Member Bill Richardson, SMD 1
Council Member Marty Self, SMD 2
Council Member Harry Thomas, SMD 3
Council Member Lucy Gonzales, SMD 4
Council Member Lane Carter, SMD 5

1. Call to Order

With a quorum of the City Council Members present, Mayor Morrison called the regular session of the San Angelo City Council to order at 8:36 a.m. on Tuesday, September 6, 2016, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Prayer and Pledge

An invocation was provided by Janie Kelley with Unity Spiritual Center; and the pledges were led by Airport Director Luis Elguezabal.

3. Proclamations/Recognitions

The City of San Angelo & Tom Green County was recognized by DSHS TXHC Representative Rachel Coughlin for achieving Silver level in the Department of State Health Services Texas Healthy Communities Program (Spring 2016).

Public Information Officer Anthony Wilson was recognized for graduating from the Certified Public Communicator program at Texas Christian University.

September 2016 was proclaimed "National Childhood Cancer Awareness Month" and the proclamation was accepted by Becky Powers.

September 8th - 21st, 2016 was proclaimed "Your Peace Matters! 2016 Season of Peace" and the proclamation was accepted by Becky Benes and Valerie Queen (Peace Ambassadors of West Texas).

4. Public Comment

Child Hunger Outreach Specialist Betty Teston invited everyone to Unidad Park for a Family Fitness Day on September 25th.

Council Member Farmer thanked staff for their efforts in coordinating the upcoming Ports-to-Plains conference.

Council Member Carter recognized the renovation of El Patio Inn and its impact on the area.

Council Member Richardson thanked the citizens of San Angelo for the opportunity to attend the Texas Municipal League training for newly elected officials.

5. Consent Agenda

a. Approval of the:

1. August 11, 2016 City Council Budget Workshop minutes
2. August 16, 2016 City Council regular meeting minutes

b. Approval of a resolution accepting the U.S. Department of Justice FY 2016 Justice Assistance Grant in the amount of $23,661 and authorizing the City Manager or his designee to execute such grant award and related documents as may be necessary or convenient for acceptance of the grant. **(Pg.587, #2016-09-089)**

c. Approval of declaring 201 Burlington Rd. surplus property and disposing of said surplus property for the highest sealed bid, being $13,100 submitted by Miguel Duran and authorizing the Mayor, City Manager or his designee to execute all documents necessary to convey the surface estate only in the surplus property by Special Warranty Deed, reserving unto the City of San Angelo mineral interests, surface and ground water rights.

d. Approval of authorizing the sale of the following Lake Nasworthy property to current residential lake lot lease holder for the appraised value:
   1. Lot 6, Block 1, Sec. 1, Red Bluff Group, Lake Nasworthy Addition (2722 Red Bluff Road) $109,000
   2. Lot 6A, Block 1, Group 13, Lake Nasworthy Addition (2021 Willow Rd.) $62,000

e. Approval of a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following property: Lot 6, Block 2, Fort Concho Vista Addition; Mary Lou Reyes ($1,000) **(Pg. 589, #2016-09-090)**

f. Approval of amendment no. 1 to the lease and license agreement between the City of San Angelo and Above the Clouds, LLC, allowing Above the Clouds, LLC to sell beer and wine within their leased premises at San Angelo Regional Airport.

g. Approval of a resolution authorizing the City Manager to execute an agreement with the Concho Valley Center for Human Advancement d/b/a MHMR Services to fund community mental health and mental retardation programs and services for the 2016-2017 fiscal year with an amount of $55,423, currently proposed in FY2017 Budget. **(Pg. 591, #2016-09-091)**

h. Approval of accepting the appointment of and enter into contract with Dr. Stephen Seifert as the Local Health Authority to be compensated in the amount of $24,000 per year, currently proposed in FY2017 Budget.

i. Approval of an Interlocal Agreement with Concho Valley Transit District to facilitate the provision and installation of signage along fixed bus routes within the City and authorizing City Manager to negotiate and execute all related documents.

j. Ratification of a resolution by COSADC approving an economic development (BREP) incentive to CalTech Software Systems Inc. in the amount of $603,050, and authorizing the Board President to negotiate and execute a performance agreement.

k. Ratification of the COSADC acceptance of an offer by INVERMEX, LLC for the purchase of 4.25 acres more or less at the Business & Industrial Park at a sales price of $29,000 per acre and authorizing the Board President to negotiate and execute a real estate sales contract subject to approval by City Council.

l. Ratification of the COSADC approval authorizing the Board President to negotiate and execute professional services contracts not to exceed $30,000, to include design, engineering and surveying services, with professional services providers deemed qualified by the City Council for the City of San Angelo pursuant to PUR-03-14 for Indefinite Delivery Indefinite Quantity professional services, and ES-04-15 for Indefinite Delivery Indefinite Quantity Professional Services, Infrastructure Engineering and Surveying Services, as needed for approved ½ cent sales tax projects.

m. Approval of a resolution supporting United States Army Special Operations Command, UWEX 16 Exercise, Realistic Military Training concept training within the City limits from March 10th to June 5th 2017. **(Pg. 593, #2016-09-092)**

n. Approval of a contract with Cellco Partnership d/b/a Verizon Wireless and its related entities for purchase of wireless services and products under DIR-TSO-3415, and authorizing the City Manager to execute the contract in substantially the attached form, and any related documents.

o. Approval of a revised Memorandum of Understanding by and between the City of San Angelo and the San Angelo Metropolitan Planning Organization.

p. Approval of the second reading and public hearing for Case PD16-02, an ordinance approving a request from Tom Green County to authorize a rezoning from the Ranch and Estate (R&E) Zoning District to the Planned Development (PD) Zoning District for the Tom Green County detention facility generally located off U.S. Highway 277, 880 feet west of the intersection of MH Morgan Trail and U.S. Highway 67, on 179.174 acres. **(Pg. 595, #2016-09-093)**

q. Approval of the second reading and consider adopting an ordinance amending Chapter One "General Provisions" of the Code of Ordinances. **(Pg. 599, #2016-09-094)**

Motion: Council Member Farmer made a motion, seconded by Council Member Richardson, to approve the Consent Agenda, with the exception of items 5i, 5j, 5l, and 5m. The motion carried unanimously seven (7) ayes to zero (0) nays.

Motion: Council Member Farmer made a motion, seconded by Council Member Richardson, to approve items 5i, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

Motion: Council Member Farmer made a motion, seconded by Council Member Carter, to approve item 5j, as presented.

Responding to questions from citizen Steve Hampton Business Retention Expansion Coordinator Bob Schneeman explained the process for this economic incentive contract.

The motion carried unanimously six (6) ayes to zero (0) nays, with Council Member Thomas' recusal from the vote.

Motion: Council Member Farmer made a motion, seconded by Council Member Self, to approve item 5l. The motion carried unanimously seven (7) ayes to zero (0) nays.

Motion: Council Member Farmer made a motion, seconded by Council Member Thomas, to approve item 5m.

Citizens Steve Hampton and R.A. Cantrell expressed concerns related to military operations inside the city limits.

The motion carried five (5) ayes to two (2) nays with Mayor Morrison and Council Member Richardson casting the dissenting votes.

6. Regular Agenda

a. Discussion and direction related to regulation of Pay Day Loans within the city limits.
This item was requested by Council Member Bill Richardson.

Council Members Richardson, Self, Thomas, Gonzales and Mayor Morrison expressed concerns related to predatory loans.

Council Member Farmer noted the validity of the concerns related to these types of loans, but expressed additional concerns over infringing on business owner rights and the possible impact local employment. Council Member Carter concurred with Council Member Farmer.

Several citizens spoke in support in the need for regulating this industry.

Consensus of Council was for staff to bring a proposed ordinance for discussion at a future meeting.

b. Approval of an amendment to WU-14-13 with Alan Plummer Associates for the Direct Potable Reuse Pilot Project in the amount of $300,000 to incorporate grant funding from the Bureau of Reclamation WaterSMART Title XVI Water Reclamation and Reuse Program, and authorizing the City Manager or designee to execute any related documents
A presentation was made by Water Utilities Assistant Director Allison Strube

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the amendment, as presented. The motion carried (5) ayes to (1) nays, with Council Member Richardson casting the dissenting vote. *Council Member Farmer had left the meeting before this item.*

c. Discussion and possible action on infrastructure rehabilitation prioritization and financing - A presentation was made by Water Utilities Director Bill Riley

Motion: Council Member Richardson made a motion, seconded by Council Member Thomas, to leverage the Cash Funded Capital amount allowed in the Water Rate Plan as debt service for the funding of infrastructure rehabilitation needs. The motion carried unanimously (7) ayes to (0) nays.

d. Approval of first public hearing and consideration of amending Chapter 7 "Health and Sanitation", Article 7.02 "Property Maintenance", Section 7.02.063 "Weeds & vegetation" of the San Angelo Code of Ordinances to add affirmative defenses in cases where developed property is ten (10) acres or more
This item was taken out of order before item 5b.
A presentation was made by Assistant Director of Neighborhood & Family Services James Flores.

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

e. Discussion and possible action to amend Chapter 7, Article 7.02 "Property Maintenance" Section 7.02.070 "Abatement, expenses and lien" to allow citizens an option to request a judicial case review and recommendation prior to abatement
This item was taken out of order before item 5b.
A presentation was made by Assistant Director of Neighborhood & Family Services James Flores.

Judge Allen Gilbert confirmed that the ordinance with option 3, to provide for an administrative hearing prior to abatement, would give the citizens an option to appeal to Municipal Court.

Developer Tony Jones expressed concerns related to the timing of notices of violation and the scheduling of work to remedy the situation within the given time frame.

Motion: Council Member Richardson made a motion, seconded by Council Member Gonzales, to approve the ordinance with option 3, to provide for an administrative hearing prior to abatement, as presented. The motion carried unanimously (7) ayes to (0) nays.

f. Consider allocating up to $500,000 for capital projects including $450,000 from the Civic Events Fund's fund balance for facility improvements.
A presentation was made by Civic Events Manager Sidney Walker.

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

g. Discussion and consideration of matters related to the fiscal year 2016-2017 operating budget including:

1. First public hearing and introduction of an ordinance of the City of San Angelo approving and adopting the budget for the fiscal year beginning October 1, 2016, and ending September 30, 2017; Authorizing employee compensation schedules; Providing for the general appropriation of funds; Reserving unto the City Council the authority to transfer appropriations budgeted, ratifying transfers of appropriations occurring in the 2015-2016 fiscal year and amending that budget ordinance accordingly; Providing for lapse of all unencumbered or unobligated funds for the prior fiscal year and for carryover of all appropriations of encumbered, obligated or restricted funds; Reserving unto the City Council the power, only as permitted by law, to amend or make changes in the budget for municipal purposes; Providing authority for the city manager or his designee to make certain adjustments from time to time in or between budgeted allocations; Authorizing the city manager or his designee to apply for certain grants and execute any related documents; and, providing for filing of the budget.
This budget will raise more total property taxes than last year's budget by $1,495,628 (4.34%), and of that amount, $442,215 is tax revenue to be raised from new property added to the tax roll this year.
2. Conduct a separate record vote to ratify the property tax revenue increase reflected in the budget and place the adoption of this tax rate on the agenda for the September 6, 2016 regular meeting of the City Council as an action item.
A presentation was made by Budget Manager Morgan Chegwidden.

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

Motion: Council Member Self made a motion, seconded by Council Member Thomas, to ratify the property tax revenue increase reflected in the budget and place the adoption of the tax rate, as presented. The motion carried unanimously (7) ayes to (0) nays.

h. First public hearing and introduction of an ordinance levying property taxes for the City of San Angelo for the 2016 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 2016-2017 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.
A presentation was made by Budget Manager Morgan Chegwidden.

Motion: Council Member Thomas made a motion, seconded by Council Member Self, to ratify the property tax revenue increase reflected in the budget and place the adoption of the tax rate, as presented. The motion carried unanimously (7) ayes to (0) nays.

i. First public hearing and introduction of an ordinance amending the 2015-2016 budget for grants and program expenses.
A presentation was made by Budget Manager Morgan Chegwidden.

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

7. 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 related to Lot 1, Group 7, Lake Nasworthy Addition.
b. Section 551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee regarding Planning Commission Member Travis Stribling
c. ~~Section 551.071(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding:~~
~~1. 2013 Sealcoating Program Contract~~
~~2. Templeton Construction, Inc.~~
~~3. Alsay, Inc.~~
d. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney 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, regarding:
1. Assignment of rights Hickory wellfield property
~~2. The Martifer Hirschfeld agreement~~

8. Follow Up and Administrative Issues

a. Consider items discussed in Executive/Closed Session, if needed

No action was taken on this item.

b. Consideration of approving various Board nominations:

Construction Board of Adjustments and Appeals: David Jacobo (At-Large) to a first term ending February 2018
Design & Historic Review Commission: Ashley Young-Turner (SMD3) to a second term ending September 2018
Fort Concho Museum Board: Brandon Allen (SMD1) to a first term ending January 2019

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

c. Announcements and consideration of Future Agenda Items.

Council Member Farmer asked for staff to look at the possibility of needed repairs at Unidad Park and the possibility of a meeting with the state on the addition of needed exit ramps on the loop.

Council Member Carter noted the upcoming citywide trash forum.

Council Member Self noted there would be an upcoming town hall meeting concerning flood zones in the county.

Council Member Richardson asked for a meeting to clarify the ordinance on the breeder's permit.

9. Adjournment

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

There being no further business, the meeting was adjourned at 1:55 p.m.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

Bryan Kendrick, 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.)