

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, December 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 8:37 a.m. on Tuesday, December 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 Bishop Michael Sis; and the pledges were led by Ketcher Joiner, a seventh grader at Trinity Lutheran and President of the National Jr. Honor Society

3. Proclamations/Recognitions

"Buckle down & Stay Strapped in Week" December 12-19, 2016 was accepted by Police Chief Frank Carter and SAPD Public Information Officer Tracy Gonzalez

4. Public Comment

No public comments were made.

5. Consent Agenda

- a. Approval of the November 15, 2016 City Council Regular and November 15, 2016 City Council Special Joint Meeting minutes
- b. Approval of awarding WU-01-17 Liquid Ammonium Sulfate to Chameleon Industries in the amount of \$60,000 annually for one (1) year with two (2) additional one (1) year term extensions, budgeted for purchase FY2017, FY2018, and FY2019, and authorizing the City Manager or designee to execute any related documents
- c. Approval of awarding RFB SB-01-17 Street Paving Materials to CSA Materials, Inc. and Vulcan Construction Materials in an amount of \$600,000, budgeted annually, and authorizing the City Manager or designee to execute any related documents
- d. Approval of the proposed Fire Alarm Installation for the auditorium & annex project with Ener-Tel Services, Inc. under the CFM-07-15 contract; in the amount of \$54,940, all to be funded by the project budget; and authorizing the City Manager to execute said contract
- e. Adoption of a resolution authorizing the Mayor, on condition stated, to execute a tax-resale (quitclaim) deed conveying all right, title and interest of the City of San Angelo, Trustee and all other taxing units interested in the tax foreclosure judgment to Mike Gotschall for \$3,000: 1218 N. Garfield: Lots 24 and 25, Block 44, Forest Park Addition (Pg.791, #2016-12-129)

- f. Approval of a resolution authorizing the City Attorney to begin termination of Lake Nasworthy Residential Lot Lease and eviction proceedings for non-payment of annual rent (more than 160 days delinquent) on the following properties (C. Preas): (Pg.793, #2016-12-130)
 - 1. 2562 Sleepy Hollow; Lot 25, Group Fisherman's Road (\$502)
 - 2. 6638 Knickerbocker Road; Lot 114, Group Shady Point (\$461)
- g. Approval of new Lake Nasworthy residential lot leases with the current tenants of the following properties (C. Preas):
 - 1. 1637 Canal Road; Lot 140, Block 9, Section 2, Group Shady Point
 - 2. 1836 Shady Point Circle Dr.; Lot 29, Block 7, Section 2, Group Shady Point
 - 3. 1838 Shady Point Circle Dr.; Lot 31, Block 7, Section 2, Group Shady Point
 - 4. 1912 Shady Point Circle Dr.; Lot 42, Block 7, Section 2, Group Shady Point
 - 5. 2026 Mermaid Road; Lot 10, Block B, Section 2, Group 2
 - 6. 2041 American Legion Road; Lot 22, Block A, Group 2
 - 7. 2041 Beaty Road; Lot 3, Block 1, Section 1, Group 1
 - 8. 2145 Hillside Dr.; Lot 13, Block 1, Group 2
 - 9. 2550 Sleepy Hollow Rd.; Lot 22, Block 1, Section 1, Group Fishermans Road
 - 10. 2165 Gun Club Road; Lot 10, Group 10
 - 11. 3141 Red Bluff Road; Lot 91,Block 4, Section 4, Group Red Bluff
 - 12. 1850 Shady Point; Lot 36A, Block 7, Section 2, Group Shady Point
 - 13. 2540 Sleepy Hollow; Lot 18, Block 1, Section 1, Group Fisherman's Road
 - 14. 2462 Fisherman's Road; Lot 11, Block 1, Group 14
 - 15. 3330 Middle Concho; Lot 4, Block 4, Section 1, Group Middle Concho
- h. Adoption of a resolution requesting the members of the 85th Legislative Session of the State of Texas support the passage of legislation for fair distribution of the sporting tax revenue for local and state parks and requiring Texas Recreation and Parks Account funded projects be subject to the competitive scoring system established by the Texas Parks and Wildlife Department, and there is no expenditure related to the passage of this resolution (Pg.795, #2016-12-131)
- i. Approval of authorizing the City Manager to negotiate and execute an agreement between the City of San Angelo and The Corporation for National and Community Service (AmeriCorps National Civilian Community Corps - NCCC) for a service project (from January 5 to March 31, 2017), and providing in-kind support for lodging that will not result in additional budgeted expenditures
- j. Approval of an agreement with Concho Valley Transit District for the provision of transit services and authorizing the City Manager to negotiate and execute such agreement
- k. Approval of authorizing the expenditure of up to \$10,000 in Tax Increment Reinvestment Zone (TIRZ) funds for the purpose of repair, replacement, and general maintenance of streetscaping along Chadbourne Street installed using TIRZ funds
- l. Second Reading for Case PD16-05, and adoption of an Ordinance approving a request for a rezoning from the General Commercial (CG) Zoning District to the Planned Development (PD) Zoning District for a Construction Yard with an Office, Shop, and Outdoor Storage, generally located along the northeast side of South Chadbourne Street, approximately 588 feet northwest of Texas Farm-to-Market Road 765, on approximately 8.140 acres. (Pg.797, #2016-12-132)
- m. Second Reading and adoption of an Ordinance for a text amendment to Chapter 12, Exhibit "A" Zoning Ordinance, for Accessory Structures (Pg. 807, #2016-12-133)
- n. Second Reading and adoption of an Ordinance for a text amendment to Chapter 12, Exhibit "A" Zoning Ordinance, for Intermodal Containers (Pg. 809, #2016-12-134)
- o. Second Reading and adoption of an Ordinance approving a request for the following alley right-of-way abandonments: (a) two 10-foot-wide alleys within Blocks A & B of the J.P. Holmes'

Resubdivision, consisting of approximately 1,912 square feet and (b) a 20-foot-wide alley in the south ½ of Block C, Baze Addition of the Malone Subdivision, consisting of approximately 7,898 square feet, generally located north of Upton Street, east of North Baze Street, south of Veck Street and west of the Texas-Pacific Railway line (Pg. 815, #2016-12-135)

- p. Second Reading and adoption of an ordinance amending the 2016-2017 budget for grants and capital projects (Pg. 825, #2016-12-136)

Motion: Council Member Thomas made a motion, seconded by Council Member Farmer, to approve the consent agenda with the exception of items 5g and 5m. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member Self, to approve item 5g, as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Mayor Morrison made a motion, seconded by Council Member Richardson, to approve item 5m, with the exception of adding the a grandfather clause for all currently legally permitted containers. The motion carried (5) ayes to (2) nays, with Council Members Thomas and Self casting the dissenting votes.

6. Regular Agenda

- a. Ratification of a resolution by COSADC approving an economic development (BREP) incentive to Principal LED, LLC. in an amount up to \$350,000, and authorizing the Board President to negotiate and execute a performance agreement - (A presentation was made by Economic Development Director Roland Peña)

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

- b. Adoption of an ordinance authorizing the issuance of one or more series of city of San Angelo, Texas waterworks and sewer system revenue bonds; delegating the authority to certain city officials to execute certain documents relating to the sale of the bonds; establishing procedures for the sale and delivery of the bonds; providing for the security for and payment of such bonds; and authorizing and enacting other matters and provisions relating to the subject - (A presentation was made by Finance Director Tina Dierschke) (Pg. 827, #2016-12-137)

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

- c. Approval of First Reading and Public Hearing on an Ordinance amending Chapter 12, Exhibit "A," Zoning Ordinance, for Bed and Breakfast Establishments and Short Term Rentals - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Mayor Morrison made a motion, seconded by Council Member Gonzales, to the ordinance, as presented. The motion carried (4) ayes to (3) nays, with Council Members Richardson, Farmer, and Carter casting the dissenting votes.

- d. Approval of awarding FS-06-17 Asphalt Paving and Recycling Equipment to Angelo Benedetti, Inc., in an amount of \$1,200,000, budgeted in FY17, for the purchase of one system, and authorizing the City Manager or designee to execute any related documents - (A presentation was made by Operations Director Shane Kelton)

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

- e. Approval of the Parks and Recreation Advisory Board's recommendation to amend the park renovation plan funded by 4B Half-cent sales tax revenues - (A presentation was made by Parks and Recreation Director Carl White)

Motion: Council Member Farmer made a motion, seconded by Council Member Carter, to approve the recommendation, as presented. The motion carried (4) ayes to (3) nays, with Mayor Morrison and Council Members Gonzales and Self casting the dissenting votes.

- f. Authorization for the City Manager to negotiate and execute a second amendment to the "Agreement for the Management and Operation of Old Town at El Paseo de Santa Angela" to increase the managed area to allow for the construction of a small chapel designed by Oscar Ruffini, and to negotiate and execute all related documents - (A presentation was made by Parks and Recreation Director Carl White)

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

- g. Approval of first reading and public hearing on an ordinance closing the public hearing on the proposal to assess abutting property and owners for improvements to the Northwest one half of Twin Mountain Drive between April Street and Tarin Street; assessing the cost of constructing such improvements in accordance with Article 4.08 of the City Code of Ordinances; providing the time, terms and conditions of payment and default of such assessment, and prescribing the rate of interest thereon - (A presentation was made by City Engineer Russell Pehl)

Motion: Council Member Farmer made a motion, seconded by Mayor Morrison, to approve ordinance, establishing an assessed amount of \$17,000, to be assessed as lots are sold, proportionally and an interest rate established at 2.178%. The motion carried unanimously (4) ayes to (3) nays, with Council Members Richardson, Self and Thomas casting the dissenting vote.

- h. Presentation on water and wastewater fund performance following the first year of Council adopted rate plan and consideration of the possibility of issuing rebates of water fees - (A presentation was made by Water Utilities Director Bill Riley and Budget Manager Morgan Chegwiddden)

Motion: Council Member Self made a motion, seconded by Council Member Thomas, to wait and review this again in April 2017. The motion carried (5) ayes to (2) nays, with Mayor Morrison and Council Member Richardson casting the dissenting votes.

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 551.071(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.
- b. 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 the West Texas Water Partnership

c. Section 551.072 Deliberations about Real Property regarding:

1. The Ford Ranch
2. Lake Nasworthy Residential Lots
3. Purchase of properties for use by City Departments

8. Follow Up and Administrative Issues

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

No action taken was on this item.

b. Approval of the following board nomination:

Fort Concho Museum Board: Iskandar Atajanow (SMD5) to an unexpired term ending January 2019

Motion: Council Member Self made a motion, seconded by Council Member Carter, 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

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 2:04 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.)