City of San Angelo, Texas
Regular City Council Meeting
Tuesday, July 18, 2017

Present:

Mayor Brenda Gunter
Mayor Pro tem Charlotte Farmer, SMD 6
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, 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 Gunter called the regular session of the San Angelo City Council to order at 8:35 a.m. on Tuesday, July 18, 2017, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Prayer and Pledge

An invocation was provided by Christian Rabone with the Emmanuel Episcopal Church; and the pledges were led by Colton Chiacchia and Aidan Williams with the Boys Scouts of San Angelo.

3. Proclamations/Recognitions

Emergency Medical Services (EMS) Coordinator Lieutenant Santos Elizondo with the San Angelo Fire Department was recognized for receiving the 2017 EMS Recognition Award (Silver Level) from the American Heart Association

4. Public Comment

President of Lion's Charities Bob Salas thanked Council for the support of the recent Balloon Fest.

5. Consent Agenda

a. Approval of the June 20, 2017 City Council regular and June 22, 2017 special meeting minutes
b. Approval of authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value:
   1. 2177 Gun Club Rd, Lake Nasworthy Addition; $71,031
   2. 2650 Kings Rd; Lake Nasworthy Addition; $122,143
   3. 6429 Lincoln Park; Lake Nasworthy Addition; $28,700
c. Adoption of a resolution authorizing the mayor, as trustee for the taxing units, to grant the City of San Angelo an easement to construct, install and maintain a utility easement (sanitary sewer) and right-of-way across a portion of Lot 10, Block 9, Mrs. J. E. Douglas Addition
   (Pg. 73, #2017-07-092)
d. Approval to pay Midwest Employers Casualty Company for $89,958 renewal premium for Excess Workers Compensation insurance for policy year 2017-2018. This Premium is budgeted for in current fiscal year
e. Approval of extending the award of WU-01-16 Water Reclamation Facility Liquid Ferrous Chloride to OFS, Inc. in the amount of $69,552 annually for the two one-year term extensions,

budgeted for purchase in FY2017 and FY2018 and authorizing the City Manager or designee to execute any related documents

f. Adoption of a resolution approving an emergency purchase pursuant to Texas Local Government Code Section 252.022(a)(2) and awarding RFB#OP-03-17 to Austin Wood Recycling (Austin, Tx) in the amount of $113,800 for grinding and chipping of storm-related debris, and authorizing the City Manager or designee to execute any related documents **(Pg. 77, #2017-07-093)**

g. Approval of awarding SB-03-17 Emulsion Oil to Pavement Restoration, Inc. in the amount of $212,500, budgeted annually, for the purchase of emulsion oil, and authorizing the City Manager or designee to execute any related documents

h. Approval of authorizing the City Manger to negotiate and execute a Second Amendment to the lease agreement with El Camino Girl Scouts Council, now by merger Girl Scouts of Central Texas Inc., extending lease term and proving for approval of Lessee capital improvements

i. Approval of an agreement with ATMOS Energy in the amount of $19,708.23 for the execution of a low income weatherization program for San Angelo citizens who are ATMOS customers and authorizing the City Manager or his designee to execute related documents

j. Approval of a Lease Agreement with First United Methodist Church in the amount of $500 monthly for rent of space to host WIC satellite clinic services and authorizing City Manager to negotiate and execute all related documents

k. Adoption of a resolution authorizing City Manager to execute a Cancellation of Lease and Release Agreement with Lois Smith, d/b/a Town Room/Smith Real Estate, Ballinger, Texas, terminating lease of space for WIC Program **(Pg. 79, #2017-07-094)**

l. Adoption of a resolution accepting the appointment of and enter into contract with Dr. James Vretis as the Local Health Authority to be compensated in the amount of $24,000 per year **(Pg. 80, #2017-07-095)**

m. Adoption of a resolution approving an easement release of a 20-foot wide by 126.04-foot long water easement within the Third Replat in Tract 1, Section 29, Block 46, The Bluffs Addition, generally located approximately 740 feet northeast of FM 2288 and Houston Harte Expressway Frontage Road, on 0.057 acres **(Pg. 82, #2017-07-096)**

n. Second reading and adoption of an ordinance approving a request for the vacation and abandonment of an approximate 0.416-acre (18,107 s.f.) segment of the North Harrison Street public street right-of-way, generally located between Woodlawn Drive and Forest Park Avenue **(Pg. 87, #2017-07-098)**

o. Second reading and adoption of an ordinance for Case Z17-05, approving a request for a rezoning from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District, located at 1920 South Johnson Street, on 0.431 acres **(Pg. 91, #2017-07-099)**

p. Second reading and adoption of an ordinance for Case Z17-04, approving a request for a rezoning from the Single-Family Residence (RS-1) Zoning District to Manufactured Housing Subdivision (MHS), located at 2101 Marx Street, on 0.344 acres **(Pg. 93, #2017-07-100)**

q. *This item was pulled to the regular agenda*

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

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

6. Special Agenda

a. Adoption of a resolution canvassing returns and declaring the results of the Runoff Election held on the July 8, 2017 - (City Clerk Bryan Kendrick read the resolution into the record) **(Pg. 97, #2017-07-102)**

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

b. Administration of the Oath of Office and presentation of Certificate of Election - (Ceremonially Administered by Minister Gloria Pope and presentation by Mayor Gunter)

Immediate former SMD6 Council Member Farmer expressed her thanks to everyone that helped her during her time in office.

c. Introduction of Special Guests

Council Member DeWitt recognized special guests in the audience.

7. Note: A reception was held immediately follow the Special Agenda. The Regular Agenda with the newly seated Council Member was reconvened after the reception.

8. Regular Agenda

Item 5q *Second reading and adoption of an ordinance amending Chapter 11.02.043 raw water permit and Appendix A, Article A8.000 untreated water rates and raw water permit fee*

(Pg. 95, #2017-07-101)

This item was pulled from the Consent Agenda to the Regular Agenda

Water Utilities Director Bill Riley spoke concerning the ordinance.

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 5q and adopt the ordinance, as presented. The motion carried (6) ayes to (1) nay, with Mayor Gunter casting the dissenting vote.

a. Appointment of Council Member Carter as Mayor Pro-Tempore

Motion: Council Member Gonzales made a motion, seconded by Council Member DeWitt, to appoint Lane Carter as Mayor Pro-Tempore. The motion carried (4) ayes to (3) nays with Council Members Thomas, Thompson and Hiebert casting the dissenting votes.

b. Public hearing, discussion and deliberation on requested projects to be considered for funding with grant year 2017 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) grant funds from the U.S. Department of Housing and Urban Development (A presentation was made by Neighborhood & Family Services Director Bob Salas)

No action was taken on this item.

c. Adoption of a resolution approving an emergency contract in regards to installation and construction of the signalized intersection at Main Street and Pulliam Street (FM 380)/3rd Street pursuant to Texas Local Government Code §252.022(a)(2) and associated project costs; and authorizing the City Manager to execute related documents - (A presentation was made by Traffic Operations Superintendent Ryan Ward) **(Pg. 99, #2017-07-103)**

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

d. Discussion regarding late fee charges associated with the municipal statement - (This item was requested by City Council; a presentation was made by Water Utilities Director Bill Riley)

No action was taken on this item.

e. Approval of TIRZ incentive requests for seven South-TIRZ private projects totaling $112,920.62 and denial of one South-TIRZ public project that totals $37,000 that were approved by the TIRZ Board on 5/23/17 and also approval of TIRZ incentive requests for two North-TIRZ private projects totaling $124,150 and one South-TIRZ private project that totals $38,030 that were approved by the TIRZ Board 6/27/17 - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Mayor Gunter made a motion, seconded by Council Member Gonzales, to approve the private projects in both the North and South TIRZ, as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Mayor Gunter made a motion, seconded by Council Member Carter, to deny the public project funding. The motion carried (6) ayes to (1) nays, with Council Member DeWitt casting the dissenting vote.

f. Approval of amendments to the TIRZ-North and TIRZ-South Incentives Policies - (Presentation by Planning & Development Services Director Jon James)

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve the policies, as presented with the exception of not allowing non-profit applications for incentives. The motion carried unanimously (7) ayes to (0) nays.

g. First reading and public hearing of ordinances approving:
1. An amendment to the Comprehensive Plan, changing certain lands from the “Neighborhood Center” to the “Neighborhood” Future Land Use Category, located at 6101-6118 Katie Lane, 3401-3437 School House Drive, and 3440 Twin Mountain Drive, on approximately 7.68 acres, and an amendment to the Comprehensive Plan, changing certain lands from the “Neighborhood” to the “Neighborhood Center” Future Land Use Category, generally located at the intersection of Twin Mountain Drive and Alamito Drive, on approximately 2.96 acres
2. A rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District, on properties located at 3440 Twin Mountain Drive, on approximately 3.24 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to approve item 8g(1), as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Carter made a motion, seconded by Council Member Thompson, to approve item 8g(2), as presented. The motion carried unanimously (7) ayes to (0) nays.

h. First reading and public hearing of ordinances approving:
1. An amendment to the City's Comprehensive Plan, changing certain lands from the “Neighborhood Center” to the “Commercial” Future Land Use Category, generally located northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres

2. A rezoning from the Neighborhood Commercial (CN), the Office/Warehouse (OW), the General Commercial/Heavy Commercial (CG/CH), and the General Commercial (CG) Zoning Districts to the Heavy Commercial (CH) Zoning District, on properties generally located at northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to approve item 8h(1), as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve item 8h(2), as presented. The motion carried unanimously (7) ayes to (0) nays.

i. First reading and public hearing of ordinances approving:

1. an amendment to the City's Comprehensive Plan, changing certain lands from the "Neighborhood" to the "Commercial" Future Land Use Category, generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 3.311 acres
2. a rezoning from the General Commercial (CG) and Low Rise Multifamily Residential (RM-1) Zoning Districts to a Planned Development (PD) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscaping Care and Maintenance; and accessory uses; generally located approximately 400 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 6.774 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve item 8i(1), as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to approve item 8i(2). The motion carried unanimously (7) ayes to (0) nays.

j. Cases Z17-08-A and Z17-08-B: Brewer / City of San Angelo:
First reading and public hearing of an ordinance for a rezoning from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District, generally located at the northwest corner of Baker Street and Rust Street, on approximately 5.08 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 8j, as presented. The motion carried unanimously (7) ayes to (0) nays.

k. First reading and public hearing for Case Z17-06, an ordinance approving a rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1), generally located at the northeast corner of South Irving Street and West Avenue R, on 0.172 acres - (A presentation was made by Planning & Development Services Director Jon James)

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.

l. First reading and public hearing for Case SU17-03, an ordinance approving a Special Use to allow for an Auto and Boat Dealer as defined in Section 315.B. of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District, generally located east of South Bryant

Boulevard, between West Avenue Y and West Avenue Z, on 0.757 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 8l, as presented. The motion carried unanimously (7) ayes to (0) nays.

m. First reading and public hearing for an ordinance amending the Planned Development (PD12-03) Zoning District to modify Section 6A to allow for building façade consistency amongst similar building types and eliminate Section 7G thereby allowing metal buildings anywhere within the site, on property located at 3501 North US Highway 67, encompassing the area known as the Howard College, on approximately 34.707 acres - (A presentation by Planning & Development Services Director Jon James)

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

n. Approval of awarding RFCSP ES-08-17, 2017 Annual Sealcoat Project, to Ronald R. Wagner & Co., LP and authorizing the City Manager to negotiate and execute an agreement therefore in a sum not to exceed $2,440,000 - (Presentation by City Engineer Russell Pehl)

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve item 8n, as presented. The motion carried unanimously (7) ayes to (0) nays.

o. Approval of authorizing City staff to negotiate a public right of way agreement with a telecommunications company, Mobilitie - (Presentation by City Engineer Russell Pehl)

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve item 8o and authorize execution, as presented. The motion carried unanimously (7) ayes to (0) nays.

p. Update on Sales Tax revenue performance - (A presentation was made by Finance Director Tina Dierschke)

No action was taken on this item.

q. Consider an appointment of a Council Member to Represent the City of San Angelo on the Ports-to-Plains Advisory Board

Motion: Council Member Thomas made a motion, seconded by Council Member Thompson, to appoint Mayor Gunter to the Ports-to-Plains Advisory Board. The motion carried unanimously (7) ayes to (0) nays.

r. Appointment Council Member representation on Boards and Committees - (A presentation was made by City Clerk Bryan Kendrick)

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to approve the following appointments:

1. Audit Committee (Council Member Thomas);
2. CVCOG Executive Committee (Council Member Carter);
3. CVCOG General Assembly (Mayor Gunter and Council Member Gonzales);
4. CVCOG Transit Board (Council Members DeWitt, Gonzales and Thomas); and
5. Investment Oversight Committee (Council Members Carter and Thomas)

The motion carried unanimously (7) ayes to (0) nays.

9. 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. v. City of San Angelo, Texas Carollo Engineers, Inc.
   4. City of San Angelo v. Spillman Technologies, Inc.
b. Section 551.071(2) consultation with attorney regarding the expansion of the Hickory Well field
c. Section 551.072 Deliberations about Real Property regarding:
   ~~1. 703 S. Chadbourne~~
   2. Lake Nasworthy residential lot leases

10. Follow Up and Administrative Issues

a. Consider items discussed in Executive Session, if needed

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to authorized the city manager to negotiate and execute a settlement agreement in the amount of $1,250,000 with Spillman Technologies, Inc. The motion carried unanimously (7) ayes to (0) nays.

b. Approval of the withdrawal of a resignation and reinstatement of the Jenie Wilson (SMD2) to the Animal Services Advisory Committee

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to approve the item 10b, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

c. Consideration of approving various Board nominations:

Animal Services Advisory Committee: Timothy Davenport-Herbst(SMD1) to an unexpired term ending January 2018; Ryan Smith(SMD4) to a first full term ending January 2019
COSADC: Bill Dendle(SMD2) to a 1st full term ending February 2019
Fort Concho Museum Board: Kathy Keane(SMD6) to a 1st full term ending January 2020
Public Arts Commission: Suzanna Aguirre (SMD3) to a 1st full term ending April 2020
TIRZ: Jim Cummings (Mayor) to an unexpired term ending July 2019

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

d. Consider appointing a chair of the Tax Increment Reinvestment Zone Board (TIRZ)

Motion: Mayor Gunter made a motion, seconded by Council Member Carter, to appoint Jim Cummings as Chair of the TIRZ Board. The motion carried unanimously seven (7) ayes to zero (0) nays.

e. Discuss possible cancellation or rescheduling of the August 1, 2017 meeting due to the West Texas Legislative Summit (July 31-August 1, 2017)

Consensus of Council was to begin the August 1st meeting at 5:30 p.m.

f. Announcements and consideration of Future Agenda Items

Council Member Thomas noted an upcoming joint town hall meeting with SMD3 and SMD4.

Consensus of Council was to schedule a Strategic Planning Workshop for July 27th at 2:00 p.m. in the east mezzanine of City Hall.

11. Adjournment

Motion: Council Member Thomas 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 3:48 p.m.

THE CITY OF SAN ANGELO

DocuSigned by:
Brenda Gunter
65CC121DADBB40F...
Brenda Gunter, Mayor

ATTEST:

DocuSigned by:
EE8995EDAEA1475...
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.)