

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, August 1, 2017

Present:

Mayor Brenda Gunter
Mayor Pro tem Lane Carter, SMD 5
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 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 5:30 p.m. on Tuesday, August 1, 2017, in the East Mezzanine of City Hall, 72 West College Avenue, San Angelo, Texas 76903.

2. Prayer and Pledge

Due to time constraints the meeting began immediately.

3. Public Comment

Gary Fulton from the United States Small Business Administration Office of Disaster Assistance made comments related to the assistance program that will be available to those affected by the recent storm.

Lance Overstreet with Engineering Services noted a change in the location for the meeting related to the Bell Street reconstruction.

4. Consent Agenda

- a. Approval of the July 18, 2017 City Council regular and July 27, 2017 special meeting minutes
- b. Approval of authorizing the City Manager to enter into new five (5) year Recreational Agricultural Lease agreement with David Jenkins for 29.7 acres of land (C. Preas)
- c. Adoption of a resolution accepting a warranty deed from the United States Department of the Interior, Bureau of Reclamation, conveying to the City of San Angelo a 4.423 acre tract, commonly known as Tom Flowers Law Enforcement Training Center, for use by the San Angelo Police Department (Pg. 107, #2017-08-104)
- d. Approval of authorizing the City Manager to execute a sanitary control easement as required by Texas Commission on Environmental Quality, said easement will encumber a 150 foot radius around each of the 22 water well sites on City-owned property commonly known as Ford Ranch
- e. Ratification of a Grant Application prepared by H2O Partners, Inc., and approved by the City Manager, for participation in FEMA's Hazard Mitigation Grant Program, and consider approving Professional Services Agreement with H2O Partners, Inc. (HGAC contract number HP07-16), for development of a FEMA approved All Hazard Mitigation Action Plan. The Grant application cost is \$500.00 and the Hazard Mitigation Action Plan development cost is \$64,500.00 with 75% of that being reimbursable by FEMA

- f. Adoption of a resolution designating Morgan Chegwiddden as the Local Rabies Control Authority in accordance with Sec. 826.017 of the State Health and Safety Code, Chapter 826
(Pg. 108, #2017-08-105)
- g. Approval of a purchase with Ener-Tel Services, Inc. utilizing pricing in awarded bid CFM-07-15 under Buyboard contract #493-15 in an amount of \$55,012, budgeted in FY17, for the purchase and installation of a security system for the Public Works Facility, and authorizing the City Manager or designee to execute any related documents
- h. Ratification of COSADC's Board approval of up to \$190,000 in economic development incentives and authorization of the COSADC Board President to negotiate and execute an Economic Development Performance Agreement for Netco Energy Products, Inc
- i. Second reading and adoption 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
(Pg. 109, #2017-08-106)
 - 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 **(Pg. 112, #2017-08-107)**
- j. Second reading and adoption 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 **(Pg. 114, #2017-08-108)**
 - 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 **(Pg. 117, #2017-08-109)**
- k. Second reading and adoption 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 **(Pg. 120, #2017-08-110)**
 - 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 **(Pg. 123, #2017-08-111)**
- l. Approval of Cases Z17-08-A and Z17-08-B: Brewer / City of San Angelo
Second reading and adoption 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
(Pg. 128, #2017-08-112)

- m. Second reading and adoption of an ordinance for 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 (Pg. 130, #2017-08-113)
- n. Second reading and adoption of 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 (Pg. 132, #2017-08-114)
- o. Second reading and adoption of 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 (Pg. 137, #2017-08-115)

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve the consent agenda with the exception of items 4e and 4h. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to approve item 4e, as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve item 4h, as presented. The motion carried unanimously (7) ayes to (0) nays.

5. Regular Agenda

- a. Public hearing and adoption of resolution approving the 2017 Annual Action Plan for use of CDBG and HOME grant funds and authorizing City Manager to execute the applications, required certifications, related documents and annual funding agreement for the allocation of \$688,898 of CDBG and \$249,197 HOME grant funds and \$56,000 in program income - (A presentation was made by Neighborhood Services Director Bob Salas) (Pg. 139, #2017-08-116)

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.

- b. Rejection of an appeal of a denial by the Planning Commission of a Conditional Use to allow for an Animal Kennel and Dog Boarding Facility in the General Commercial/Heavy Commercial (CG/CH) Zoning District on a 0.70-acre property located at 3930 Sunset Drive - (A presentation was made by Planning & Development Services Director Jon James)

Residents of the area expressed concerns about the conditional use. The proponent and a patron of the business spoke in support of the conditional use.

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas, to reject the denial of the planning commission and approve the conditional use with the four conditions, as presented. The motion required a super majority and failed receiving (4) ayes to (3) nays, with Council Members Thompson, Gonzales and Mayor Gunter casting the dissenting votes.

- c. Approval of first public hearing of an ordinance deleting Chapter 10, Article 10.03, Division 6 "Use of Wireless Communication Devices" from the City of San Angelo Code of Ordinances - (A presentation was made by City Attorney Theresa James)

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

- d. Approval of first public hearing of an ordinance amending Appendix A, "Fee Schedule", Article A2.000 "Building and Construction Related Fees", Section A2.002 "Building Permit Fees", amending subpart (c) review fee; amending Section A2.005 "Electrical Permit Fees", restating subpart (a), renaming fees as "building permit fees"; amending Section A2.006 "Plumbing and fuel/gas permit fees", restating subpart (a), renaming fees as "building permit fees"; amending Section A2.007 "Mechanical Permit Fees", restating subpart (a), renaming fees as "building permit fees"; and amending Section A2.014 "Registration", restating subpart (1) contractor annual fee - (A presentation was made by Building Official Al Torres)

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

- e. Postponement of considering the approval of a contract for RFQ WU-03-17 Professional Services Water Supply Engineering Feasibility Study with Alan Plummer Associates, Inc. in an amount not to exceed \$547,000 and authorizing the City Manager to negotiate and execute all related documents - (Presentation by Water Utilities Director Bill Riley)

This item was postponed by consensus of City Council

6. 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 Deliberations about Real Property regarding Lot 9-A, Block 2, Section 9-A, Red Arroyo Hills Addition
- ~~b. 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.~~

7. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed

No action was taken on this item.

- b. Announcements and consideration of Future Agenda Items

Council Member Thomas noted TIRZ funding partnerships need to be looked at on a case by case basis to maximize public benefit.

Council Member Carter noted the mulch resulting from the storm damage is currently available for free pickup at the designated locations.

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8. Adjournment

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

There being no further business, the meeting was adjourned at 7:02 p.m.

THE CITY OF SAN ANGELO

DocuSigned by:
Brenda Gunter
85CC121DADBB40F...
Brenda Gunter, Mayor

ATTEST:

DocuSigned by:
Bryan Kenrick
EE8905EDAEA1475...
Bryan Kenrick, 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.)