

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, August 15, 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 8:33 a.m. on Tuesday, August 15, 2017, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Prayer and Pledge

An invocation was provided and the pledges were led by Steve Hamm, Pastor of Cross Road Assembly of God

3. Proclamations/Recognitions

The Public Information Office was recognized for receiving two statewide awards, including a first-place trophy, at this year's Texas Association of Municipal Information Officers state conference.

4. Public Comment

Citizen Steve Hampton made comments about financial and spiritual stability of our community.

Anthony Wilson spoke about the Small Business Association's effort to relieve the effects of the recent storms.

5. Consent Agenda

- a. Approval of the August 1, 2017 and August 8, 2017 City Council meeting minutes
- b. Adoption 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 properties: (Pg. 14, #2017-08-117)
 1. 800 West 18th; Lot 1, Block 4, Mineola Heights Addition; Sepulveda (\$1,300)
 2. 711 West 15th; Lot 6, Block 4, Mineola Annex; Sepulveda (\$1,100)
- c. Approval of Task Order No. 108 with KSA Engineers, Inc. (awarded under AP-02-15) in the amount of \$64,235 and authorizing City Manager to negotiate and execute all related documents
- d. Approval of ratifying the purchase of liquid chlorine from DPC Industries (WU-04-16) and a resolution approving an emergency purchase pursuant to Texas Local Government Code §252.022(a)(2) in the amount of \$9,930, budgeted within FY17, and authorizing the City Manager or designee to execute any related documents (Pg. 149, #2017-08-118)

- e. Approval of Task Order No. 109 with KSA Engineers, Inc. (awarded under AP-02-15) in the amount of \$288,095 and authorizing City Manager to negotiate and execute all related documents
- f. Approval of awarding RFB No. AP-03-17 Aircraft Rescue and Fire Fighting (ARFF) vehicle to Oshkosh Corporation, Inc. in the amount of \$605,959 and authorizing the city manager to execute any related documents
- g. Approval of awarding RFB No. AP-02-17 Taxiway Reconfiguration project to Reece Albert, Inc. in the amount of \$3,299,700.04 and authorizing the city manager to execute any related documents
- h. Approval of the Federal Aviation Administration's FY-2017 Grant No. 35 (AIP Project No. 3-48-0191-035-2017) estimated at \$3,587,796 for improvements at San Angelo Regional Airport and authorizing City Manager to execute all related documents
- i. Approval of the Federal Aviation Administration's FY-2017 Grant No. 36 (AIP Project No. 3-48-0191-036-2017) estimated at \$670,194 for improvements at San Angelo Regional Airport and authorizing City Manager to execute all related documents
- j. Approval of a contract with the San Angelo Cultural Affairs Council (SACAC) allocating five percent of Hotel Occupancy Tax receipts for eligible activities and authorizing the City Manager to or designee to execute any related documents
- k. Adoption of a resolution approving the Capital Asset policy (Pg.150 #2017-08-119)
- l. Second reading and adoption 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(Pg. 152, #2017-08-120)
- m. Approval of authorizing the San Angelo Police Department to enter into an interlocal agreement with the Tom Green County Sheriff's Office to apply for the Edward Byrne Memorial Justice Assistance Grant and authorization for the City Manager or his designee to execute any necessary related documents
- n. Adoption of a resolution authorizing the San Angelo Police Department to apply for \$98,938 from the Rifle-Resistant Body Armor Grant Program and authorizing the City Manager to execute any documents necessary to apply for and accept any awarded funds (Pg. 154, #2017-08-121)
- o. Approval of authorizing the City Manager to execute an interlocal agreement between Public Safety Communications and the Concho Valley Council of Governments (CVCOG) for E9-1-1 Public Safety Answering Point (PSAP) Services, being effective from September 1, 2017 to August 31, 2019
- p. Second reading and adoption 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 (Pg. 155, #2017-08-122)

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to approve the consent agenda with the exception of items 5c, 5e, 5f, 5g, 5h, and 5i. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Carter made a motion, seconded by Council Member Thompson, to approve items 5c, 5e, 5f, 5g, 5h, and 5i, as presented. The motion carried unanimously (7) ayes to (0) nays.

6. Regular Agenda

- a. Update and Presentation on the Ports to Plains Alliance (A presentation was made by Ports-to-Plains Alliance President Michael Reeves)
- b. Presentation of the biannual report from Downtown San Angelo, Inc. (A presentation was made by DSA Executive Director Del Velasquez)
- c. Presentation on the Household Hazardous Waste Event hosted by SAFE Recycling on June 3, 2017 (A presentation was made by Director of SAFE Recycling Lloyd Paschal)
- d. Presentation of the actuarial report by Towers Watson on the status of the workers' compensation, liability, and property insurance programs (A presentation was made by Risk Manager Charles Hagen and Towers Watson Senior Consultant Jason Martin)
- e. Adoption of an ordinance authorizing the issuance of City of San Angelo, Texas, General Obligation refunding bonds, series 2017B; appointing a Pricing Officer and delegating to the Pricing Officer the authority to approve on behalf of the City the sale of the bonds, the terms of the bonds and the offering documents for the bonds; establishing certain parameters for the approval of such matters by the Pricing Officer; levying an annual ad valorem tax and providing for the security for and payment of said bonds; providing an effective date; and enacting other provisions relating to the subject (A presentation was made by Finance Director Tina Dierschke and Vince Viaille with specialized public finance) **(Pg. 157, #2017-08-123)**

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.

- f. Consider approving amendments to the TIRZ-North and TIRZ-South Incentives Policies (A presentation was made by Planning & Development Services Director Jon James)

Several citizens expressed concerns about allowing TIRZ funding of non-profit organizations.

Motion: Mayor Brenda Gunter made a motion, seconded by Council Member Lane Carter, to approve the South TIRZ Policy amendment to state Non-profit organizations may not be eligible for TIRZ incentives. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve the North TIRZ Policy amendment as presented. The motion carried (6) ayes to (1) nays, with Mayor Gunter casting the dissenting vote.

- g. Adoption of a resolution authorizing the City Manager to execute a Temporary Nonexclusive Sidewalk Use License Agreement for 280-square feet of landscape planters, seating areas, and an existing porch and canopy and 320-square feet of seating areas, awnings, and an electric smoker to be located within the right-of-way of Oakes Street for properties located at 204 and 208 South Oakes Street (A presentation was made by Planning & Development Director Jon James) **(Pg. 184, #2017-08-124)**

Motion: Council Member Thomas made a motion, seconded by Mayor Gunter, to adopt the resolution as presented with the addition of allowing the electric smoker to remain in place until the end of the current lease (April 2018). The motion carried unanimously (7) ayes to (0) nays.

- h. First reading and public hearing of an ordinance amending Chapter 1, Section IV, Subsection C, "Appeal to City Council" of the City's Land Development and Subdivision Ordinance to allow the Planning Director or Director of Public Works to appeal variances, granted or denied by the Planning Commission, to City Council (A presentation was made by Planning & Development Services Director Jon James)

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

- i. First reading and public hearing of an ordinance amending Chapter 12, Article 12.03 Division 2 of the City Code of Ordinances and Chapter 12, Article 3 of Exhibit "A," City's Zoning Ordinance to allow for an approval process for manufactured homes to be placed on residentially-zoned properties with additional development standards (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 the ordinance, as presented. The motion carried unanimously (7) ayes to (0) nays.

- j. Postponement of first reading and public hearing of an ordinance amending Chapter 5, Article 5.02 Alcohol and Beverage Regulations of the City Code of Ordinances to add a minimum 300-foot separation for the sale of any alcoholic beverage, liquor, beer, wine, or vinous liquor from a church (A presentation was made by Planning & Development Services Director Jon James)

Pastor Charles Davis spoke in support of this ordinance amendment and against the Planning Commission denial.

Consensus: The consensus of City Council was to bring back the ordinance with additional information at a future meeting.

- k. First reading and public hearing of an ordinance amending the City Code of Ordinances, Chapter 4, Section 4.04.035, Concrete and Foundation Construction, which would introduce a procedure for ensuring the accurate placement of residential building foundations (A presentation was made by Planning & Development Services Director Jon James)

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.

- l. 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 \$574,099 and authorizing the City Manager to negotiate and execute all related documents (A presentation was made by Water Utilities Director Bill Riley)

Several citizens expressed concerns about hiring consultants.

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the contract, as presented. The motion carried (5) ayes to (2) nays, with Mayor Gunter and Council Member Carter casting the dissenting votes.

- m. REMOVED: Consider authorizing the City Manager to negotiate and execute a construction contract with Reece Albert, Inc. pursuant to RFB No. ES-11-17 Bell Improvement Project for street

reconstruction, sidewalk and ADA accessibility and utility construction services in the sum of \$7,392,042

This item was removed from the agenda.

- n. Adoption of a resolution authorizing the acquisition of permanent easements and rights-of-way across various parcels of real property required for the Bell Street Improvement Project; and authorizing the City Manager to execute all related documents; finding a public use and benefit therefore; and authorizing initiation of eminent domain proceedings pursuant to law if necessary to acquire the property for said easements and rights-of-way (A presentation was made by Director of Operations Shane Kelton) **(Pg. 194, #2017-08-125)**

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

- o. First public hearing and introduction of an ordinance amending the 2016-2017 budget for incomplete projects, equipment replacement, and grants (A presentation was made by Finance Director Tina Dierschke)

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

- p. Discussion and consideration of matters regarding the fiscal year 2017-18 budget preparation including but not limited to: 1) Council direction regarding General Fund expenditures; and 2) Other items needing Council direction (A presentation was made by Finance Director Tina Dierschke)

No action was taken on this item.

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

No action was taken on this item.

- r. Approval of authorizing the City Manager to negotiate and execute an interlocal agreement with Tom Green County for joint participation in a Texas Department of Agriculture 2017 Texas Community Development Block Grant Program – Texas Capital Fund project, if grant funds are awarded to construct sewer improvements to benefit the Alcohol and Drug Abuse Council of the Concho Valley's Journey Recovery Center development project (A presentation was made by Tom Green County Commissioner Rick Bacon)

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, 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 551.071(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~~

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~~2. Templeton Construction, Inc.~~

~~3. Alsay, Inc. v. City of San Angelo, Texas Carollo Engineers, Inc.~~

- b. Section 551.072 Deliberations about Real Property regarding Lot 9-A, Block 2, Section 9-A, Red Arroyo Hills Addition

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session:

Motion: Mayor Gunter made a motion, seconded by Council Member Hiebert, to approve the sale of Lot 9-A, Block 2, Section 9-A, Red Arroyo Hills Addition for \$25,000 with the condition that COSADC would be responsible for the environmental and engineering studies along with any remediation cost; additionally the City and COSADC would have an equal share in any profits made from the eventual final sale of the property. The motion carried unanimously (7) ayes to (0) nays.

- b. Announcements and consideration of Future Agenda Items

Council Member Thomas noted that he and Council Member DeWitt had received letters from a citizen about the bus routes. However the letter did not have contact information and he asked for the citizen who sent the letter to contact them again so they could help resolve the issue.

9. Adjournment

Motion: Council Member Thompson made a motion, seconded by Council Member Hiebert, 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 1:45 p.m.

THE CITY OF SAN ANGELO

DocuSigned by:

Brenda Gunter

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Brenda Gunter, Mayor

ATTEST:

DocuSigned by:

Bryan Kendrick

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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.)