

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, November 21, 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 8:34 a.m. on Tuesday, November 21, 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 City Clerk Bryan Kendrick; and the pledges were led by Council Member Tommy Hiebert.

3. Proclamations/Recognitions

The City's 20 Under 40 honorees were recognized (City Engineer Russell Pehl, Firefighter Mason Matthews and Parks & Recreation Advisory Board member Christina Woodard)

December 2, 2017 was proclaimed as "Concho Christmas Celebration Day"

November 28, 2107 was proclaimed as "Hazel M. Dooley Day"

City Videographer Brian Groves and ASU Multimedia Specialist Brandon Whitford were recognized for winning a Lone Star EMMY Award for the project "Shattered Dreams."

4. Public Comment

Citizen Steve Hampton spoke in favor of limiting spending and lowering taxes. Neighborhood and Family Services director introduced students from a government class at Angelo State University Andrew Russell and Kyle Shopper who made comments encouraging the City Council create an Explorer's Post program and education effort related to the healthiness of Wastewater Reuse.

Mayor Gunter spoke about the rules of decorum for conducting the City Council Meetings.

5. Consent Agenda

- a. Approval of the November 7, 2017 City Council regular 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 property: 405 W. 34th Street; Sepulveda (\$9,340) (#2017-11-156)
- c. Approval of authorizing the City Manager to enter into a new five (5) year Recreational Agricultural Lease Agreement for the following lands:

1. 2.40 acres out of JJ Schaefer Survey 0646, Abstract 1882, and adjacent to 2386 Fisherman's Road (V Holcomb Family, LP)
2. 5.50 acres out of G. Maurer Survey 0182, Abstract 1649, and located at the intersection of Red Bluff Road and Middle Concho Drive (Denny)
- d. Adoption 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 140 days delinquent) on the following properties: (#2017-11-157)
 1. 1623 Canal Road; Lot 133, Block 9, Section 2, Group Shady Point, Lake Nasworthy Addition (\$692)
 2. 1816 Shady Point Circle; Lot 20, Block 2, Section 1, Group Shady Point, Lake Nasworthy Addition (\$1,006)
 3. 1850 Shady Point Circle; Lot 35A, Block 7, Section 2, Group Shady Point, Lake Nasworthy Addition (\$1,208)
 4. 6638 Knickerbocker Rd; Lot 114, Group Shady Point, Lake Nasworthy Addition (\$900)
- e. Adoption of a resolution authorizing the City Manager to execute a Declaration of Easement, declaring a 20' wide perpetual easement for public utilities on a portion of J. Fenner Survey, Abstract No. 4985, owned by the City of San Angelo, for the benefit of Tom Green County and future development (#2017-11-158)
- f. Second reading and adoption of an ordinance amending Chapter 12 "Planning and Development," Article 12.044 "Signs," to require Council approval of certain signs that extend into the public right-of-way (#2017-11-159)
- g. Second reading and adoption of an ordinance amending Chapter 12 "Planning and Development," Exhibit "C" "Land Development and Subdivision Ordinance," Chapter 1 "General Provisions," Section IV "Variances" and Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review" to prevent inconsistencies in the Code (#2017-11-160)
- h. Second reading and adoption of an ordinance amending the 2017-2018 budget for:
 1. Grants and Capital Projects, and
 2. Staffing levels**(#2017-11-161)**

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

6. Regular Agenda

Note: Items were taken out of posted order (6g,6h,6e,6d,6b,6i,6a,6c,6j,6f,6l,and 6k) for various concerns.

- a. Approval of ratifying COSADC's resolution authorizing the use of sales and use tax funds in an amount not to exceed \$40,260 to provide an Economic Development Incentive to Elite Solutions, Inc., for a project related to Business Enterprises that create or retain primary jobs, as authorized for a Type B Corporation under Local Government Code Chapter 501 Subchapter C (A presentation was made by Economic Development Director Roland Peña)

Elite Solutions Vice President Chris Kinsey spoke in support of this resolution.

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

- b. Consider appeal of the Planning Commission's denial of two variances associated with the Third Replat in Block Two, Sunset Ranch Estates, Section Two: (1) a variance from Chapter 10.III.A.1 to

allow Grand Canal Road, a Collector Street, to maintain 50 feet of right-of-width in lieu of 60 feet and (2) a variance from Chapter 10.III.A.2 to allow Grand Canal Road, a Collector Street, to maintain 28 feet of paving width in lieu of 50 feet, on 3.795 acres generally located approximately 1,230 feet southwest from the intersection of South U.S. Highway 277 and Grand Canal Road (A presentation was made by Planning & Development Services Director Jon James)

Lorne Edwards expressed support to approve the appeal.

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve the appeal, overrule the denial, and approve the variances. The motion carried unanimously (7) ayes to (0) nays.

- c. Adoption of a resolution by the City of San Angelo, Texas, City Council authorizing the City Manager, or designee, to apply for and accept a Texas Historical Commission Certified Local Government Program Grant for Fiscal Year 2017-2018; approving provision for matching funds equal to fifty percent of the project costs in the form of a combination of matching funds and value of in kind services; and designating the City Manager as the Grantee's Authorized Official (A presentation was made by Planning & Development Services Director Jon James) **(#2017-11-162)**

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

- d. Approval of routine Planning and Development Services Items (A presentation was made by Planning & Development Services Director Jon James)
 - 1. First reading and public hearing of an ordinance for Z17-14, a rezoning from the Single-Family (RS-1) and Two-Family (RS-2) Zoning Districts to the Neighborhood Commercial (CN) Zoning District, on 0.74 acres located at 104, 108, and 112 North Milton Street and an unaddressed tract generally located north of Pecos Street between North Milton Street and North Van Buren Street

Dr. Henderson expressed support for this change.
 - 2. First reading and public hearing of an ordinance for Z17-15, a rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the Single-Family Residential (RS-1) Zoning District, on 5.03 acres located at 1901, 1902, & 1906 Colonial Street and an unaddressed tract of land generally located east of North Bentwood Drive and approximately 100 feet north of the intersection of Pine Valley Street

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

- e. Second reading and adoption of an ordinance for Z17-12, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District, on 92.36 acres located between West Loop 306 Frontage Road and Southwest Boulevard, generally known as the Sunset Mall and certain adjacent properties (A presentation was made by Planning & Development Services Director Jon James) **(#2017-11-163)**

Several citizens express concerns about adopting this ordinance.

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

- f. Presentation on the Stormwater Management Program - (A presentation was made by Stormwater Program Manager Shannon McMillan)

No action was taken on this item

- g. Second reading, public hearing and adoption of an ordinance amending Appendix A, Article A8.000 Utility Related Fees, A8.008 "water, sewer and trash deposits", by amending the deposits (A presentation was made by Water Utilities Assistant Director Allison Strube) **(#2017-11-164)**

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

- h. Approval of first reading and public hearing of an ordinance amending Appendix A, Article A8.000 Utility Related Fees, A8.007 "water billing charges", by amending the late fee (A presentation was made by Water Utilities Assistant Director Allison Strube)

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

- i. Second reading, public hearing and adoption of an ordinance amending Chapter 2, "Administration and Personnel", Article 2.08 "Classified Service", Section 2.08.017 "Bilingual (Spanish) Certification Pay" to provide bilingual pay to police officers that was lost through the expiration of the Meet and Confer Contract and expand the pay to all languages (A presentation was made by Police Chief Frank Carter) **(#2017-11-165)**

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

- j. Adoption of a resolution setting out number of votes to be cast for nominees for Board of Directors of Tom Green County Appraisal District (A presentation was made by City Clerk Bryan Kendrick) **(#2017-11-166)**

Motion: Mayor Gunter made a motion, seconded by Council Member Hiebert, to adopt the resolution allocating 1001 votes to Kandi Pool, and 292 votes to David Nowlin. The motion carried unanimously (7) ayes to (0) nays.

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

No action was taken on this item.

- l. Consideration of the possibility of issuing rebates of water fees (A presentation was made by Finance Director Tina Dierschke)

No action was taken on this item.

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:

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- 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 Templeton Construction, 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 to deliberate the purchase, exchange, lease, or value of real property related to the Avenue P drainage project
- d. Section 551.074(1) to deliberate the annual evaluation of the City Manager

8. Follow Up and Administrative Issues

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

Mayor Gunter announced that City Manager's evaluation was finalized at the "meets expectations" level

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to authorize the City Manager to negotiate and execute a purchase and sales agreement for 0.432 acres of the property located at 700 Knickerbocker Road for a price not to exceed \$90,000. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to authorize the City Manager to negotiate and execute a purchase and sales agreement for the purchase of approximately 40,000 square feet of a portion of the real property located at 650 Old Knickerbocker Road for a value not to exceed \$300,000. The motion carried unanimously (7) ayes to (0) nays.

- b. Announcements and consideration of Future Agenda Items

City Manager Daniel Valenzuela noted that Allison Strube would be appointed as the interim Water Utilities Director during the candidate search for that position.

City Clerk Bryan Kendrick reminded everyone watching the meeting that there would only be one City Council Meeting in December to be held December 12th.

9. Adjournment

Motion: Mayor Gunter 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 1:32 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

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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.)