

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, February 19, 2019

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, February 19, 2019, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

An invocation was provided by San Angelo Police Department Chaplain Ralph Hawkins.

3. Pledges

The pledges were led by Central High School 2018 Varsity Football Captains – Seniors Gunner Couch, Daylon Green, Maverick McIvor, and Jackson Timme.

4. Proclamations/Recognitions

No proclamations/recognitions were presented.

5. Public Comment

Sharon Troy, Housing Navigator at Disability Connection, spoke regarding the need for more accessible housing for those with disabilities.

Council Member Carter announced the need for volunteers at the March 2, 2019 Twin Buttes cleanup event.

6. Consent Agenda

- a. Approval of the February 5, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Adoption of a resolution authorizing the City Attorney to begin termination of a Lake Nasworthy Residential Lot Lease and eviction proceedings for non-payment of annual rent (more than 90 days delinquent) on 2017 Willow Rd.; Lot 6, Group 13, Lake Nasworthy Addition (\$1,649) (Cindy Preas) (Pg. 79, #2019-021)
- c. Authorization of the City Manager to enter into a two (2) year commercial lease with DLH Wendland, LLC for 0.604 acres of land out of M. Himmer Survey No. 321, Abstract No. 355 and sign all documents necessary or convenient to remove land use restrictions on leased premises (Cindy Preas)
- d. 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 10 W. 31st St.; W50' of E104.35' of S208.7' of Block 7, Mather Addition No. 1 (\$2,100) (Cindy Preas) (Pg. 80, #2019-022)

- e. Authorization of the City Manager to enter into a new Recreational and Agricultural Lease Agreement with Jackie O'Neal Wheat, Jr. and Julie E. Wheat for 0.31 acres out of Peter Duffy Survey 171, Abstract No. 133 and P. W. McNeese Survey 1, Abstract No. 5739 (Cindy Preas)
- f. Authorization of the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the property (Cindy Preas):
 - 1. 2650 Kings Rd.; Lot 47, Block 1, Section 1, Group Fisherman's Road, Lake Nasworthy Addition (\$131,950)
 - 2. 3121 East Red Bluff Rd.; Lot 85, Block 4, Section 4, Group Red Bluff, Lake Nasworthy Addition (\$70,609)
- g. Award of FD-01-19 Vehicle Exhaust Removal System to Clean Air Concepts (Cincinnati, OH) in the amount of \$286,703 and authorizing the City Manager to execute all related documents. This system is funded \$81,665 by the City with remaining funds provided by a 2019 budgeted federal grant (Brian Dunn)
- h. Approval of a Memorandum of Understanding with AEP Texas North Division for energy consulting services (SCORE/City Smart Program) at no cost to the City and authorizing the City Manager to execute all related documents (Ron Lewis)
- i. Approval of Tax Increment Reinvestment Zone (TIRZ) incentive funding for one private project in the North TIRZ area for the property located at 2020 N. Bryant totaling \$75,000 and six private projects in the South TIRZ area for the properties located at 6 E. Concho, 8 E. Concho, 101 S. Chadbourne, 123 N. Chadbourne, 200 S. Magdalen and 305 W. Twohig totaling \$254,000 (Jon James)
- j. Adoption of a resolution authorizing the City Manager to apply for and accept a grant award under the Homeland Security Grant Program in the sum of \$7,291 with no City match for a 14' Search and Rescue series inflatable boat, a 25 HP Suzuki motor and trailer (Todd Sanford) (Pg. 81, #2019-023)
- k. Adoption of a resolution authorizing the City Manager to apply for and accept a grant award under the Homeland Security Grant Program in the sum of \$38,750 with no City match for an Emergency Management Rehab Trailer, rehab kit and 3000 watt generator (Todd Sanford) (Pg. 82, #2019-024)
- l. Second reading and adoption of a budget ordinance to update the number of authorized fire fighters (Brian Dunn) (Pg. 83, #2019-025)
- m. Approval of a Memorandum of Understanding between the City of San Angelo and the San Angelo Police Officer's Association for the completion of the Police Memorial Statue Project (Frank Carter)

Motion: Council Member DeWitt made a motion, seconded by Council Member Carter, to approve the Consent Agenda, with the exception of items 6g, 6h, 6i, and 6m. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Carter, to approve item 6g, as presented by Fire Chief Brian Dunn. The motion carried unanimously (7) ayes to (0) nays.

Citizen Steve Hampton requested the average electric bill. [Mayor Gunter offered to provide that amount later date. However, staff provided the details to Mr. Hampton during the break.]

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 6h, as presented by Construction and Facilities Manager Ron Lewis. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve item 6i, as presented by Planning & Development Services Director Jon James. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve item 6m, as presented by Assistant Police Chief David Howard. The motion carried unanimously (7) ayes to (0) nays.

7. Regular Agenda

- a. Report from the Convention & Visitors Bureau (CVB) and Chamber of Commerce Economic Development Council (Presentations made by CVB Director Diann Bayes and Chamber Vice President for Economic Development Michael Looney)

No action taken on this item.

- b. Public hearing and second reading adopting an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Ethicon, Inc. to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank as an Enterprise Project (Presentation made by Economic Development Project Manager Bob Schneeman) (Pg. 85, #2019-026)

Ethicon Plant Manager Ray Gonzales thanked the City Council for their past and ongoing support.

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

- c. Public hearing and first reading of an amendment to the City of San Angelo's Code of Ordinances, Chapter 5, Sec. 5.02.033 Prohibited Licenses, establishing an exception or variance procedure for on-premise sale of alcoholic beverages at a restaurant less than 300-ft from a school facility in the Central Business District (Presentation made by Planning & Development Services Director Jon James)

Citizens Steve Hampton and Teri Jackson expressed concern and opposed the item.

Motion: Council Member Thomas made a motion, seconded by Council Member Thompson, to approve the item, as presented. The motion failed (3) ayes to (4) nays, with Mayor Gunter, Council Member Hiebert, Council Member Gonzales, and Council Member DeWitt casting the dissenting votes.

- d. First reading and public hearing of an ordinance approving case PD19-01, a rezoning from the Neighborhood Commercial (CN) Zoning District to a Planned Development (PD) Zoning District to allow Neighborhood Commercial (CN) uses, as well as self-service storage and a single-family detached dwelling, located at 909 W. Beauregard Ave. (Presentation made by Planning & Development Services Director Jon James)

Property owner Rob Watkins, designer Amberly Watkins, and realtor Steve Eustis spoke in favor of the item. Lamar Advertising employee Tommy Roberts spoke regarding the onsite billboard.

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to approve the item, with conceptual landscape and architectural design changes

incorporated prior to second reading. The motion carried unanimously (7) ayes to (0) nays.

- e. First reading and public hearing of an ordinance approving case PD19-02, a request for approval of a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Planned Development (PD) Zoning District to allow for uses permitted within the General Commercial/Heavy Commercial (CG/CH) Zoning District and an off-site sign with digital billboard face, located at 3410 Knickerbocker Rd. (Presentation made by Planning & Development Services Director Jon James)

Numerous citizens spoke both in favor and in opposition to the item. Comments were largely focused on the sign aspects, though some spoke regarding the zoning change.

Citizen Linda Wilson spoke regarding the sign and zoning change. Lamar Advertising's Tommy Roberts spoke in favor of relocating the static sign and rezoning to General Commercial. Citizen Susan Mertz spoke in opposition of relocating the sign. Planning Commission member Teri Jackson spoke in favor of relocating the sign. Citizen Duke Wilson spoke in opposition of relocating the sign. Sonic Drive-In representative David Bryant requested a zoning of General Commercial or higher usage. Executive Vice President of San Angelo Association of Realtors Candy Pool expressed concern over rezoning the property.

Motion: Council Member Carter made a motion, seconded by Council Member Thompson, to allow for a static sign relocation and change the zoning to Neighborhood Commercial. The motion failed (3) ayes to (4) nays, with Mayor Gunter, Council Member Hiebert, Council Member Thomas, and Council Member DeWitt casting the dissenting votes.

Citizen Linda Wilson spoke concerning property values. Citizen Steve Hampton spoke regarding the existing ordinance. Realtor Steve Eustis spoke regarding rezoning in the area. Lamar Advertising's Tommy Roberts clarified the existing sign permits and removal of existing sign.

Motion: Council Member Carter made a motion, seconded by Council Member Thomas to allow the static sign to move from the current location to the Sonic Drive-In property location via the Planned Development. The motion carried (4) ayes to (3) nays, with Mayor Gunter, Council Member Hiebert, and Council Member DeWitt casting the dissenting votes.

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales to change the property to General Commercial. The motion carried (4) ayes to (3) nays, with Mayor Gunter, Council Member Hiebert, and Council Member DeWitt casting the dissenting votes.

- f. First reading and public hearing of an ordinance approving the abandonment and vacation of a 15-ft wide by 400-ft long, 0.137-acre (6,000-sq ft.) public alley; located east of Bowie St. and south of E. 44th St., within Block 38 of the Lake View Addition (Presentation made by Planning & Development Services Director Jon James)

Citizen Ann Joseph spoke in support of the abandonment.

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

- g. Award of contracts for services related to the Hickory Groundwater Expansion project and potential funding from Texas Water Development Board and authorizing the City Manager to execute any related documents (Presentation made by Water Utilities Director Allison Strube)
1. RFP WU-02-19 Bond Counsel to McCall, Parkhurst, & Horton LLP
2. RFP WU-03-19 Financial Advisor to Specialized Public Finance Inc.

3. RFQ WU-04-19 Engineering Services for Water System Improvements to Enprotec / Hibbs & Todd

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

- h. Update on Sales Tax revenue performance (Presentation made by Finance Director Tina Dierschke)

No action taken on this item.

8. 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 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person on:
 - 1. The Gillis Addition
 - 2. City Farm
 - 3. 122 W. 1st St.
 - 4. Spring Creek Marina
- b. Section 551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee regarding:
 - 1. Board/commission appointments
 - 2. Appointing Judge Jay Daniel as Presiding Judge of the City of San Angelo Municipal Court effective February 28, 2019 (City Charter, Section 50)
- c. Section 551.071(2) to consult with an 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 contract negotiations with court consultant

9. Follow Up and Administrative Issues

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

Motion: Council Member Thompson made a motion, seconded by Council Member Carter, to appoint Jay Daniel as Presiding Judge of the San Angelo Municipal Court effective February 28, 2019. The motion carried unanimously (7) ayes to (0) nays.

- b. Approval of various Board nominations
Animal Shelter Advisory Committee: Ryan Smith (city resident) to a second term ending January 2021, Carah Dunagan (city resident) to a first full term ending January 2021, and Morgan Chegwiddden (animal shelter daily operations)
Construction Board of Adjustments and Appeals: Richard Hanby (Mayor/Realtor) to a second term ending February 2021
Development Corporation: Edward Carrasco (SMD1) to a second term ending February 2020 and Max Puello (SMD3) to a first full term ending February 2021
Fort Concho Museum Board: Monty Stanley (Mayor) to a third term ending January 2021 and Burley Smith (SMD3) to a first term ending January 2021
Keep San Angelo Beautiful Board: Neil Townley (SMD1) to a first term ending September 2020
Parks and Recreation Advisory Board: Kenneth Dierschke (SMD1) to a second term ending December 2020 and Laurie Dicello (SMD3) to a second term ending December 2020

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Planning Commission: Teri Jackson (SMD3) to a second term ending January 2021

Tax Increment Reinvestment Zone Board: Jon Mark Hogg (SMD1) to a first term ending July 2020 and Tom Maurer (SMD6) to an unexpired term ending July 2019

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

c. Announcements and consideration of future agenda items

Mayor Gunter announced the February 26, 2019 3:00 p.m. Strategic Planning Workshop and requested a discussion and review of the road study at that time.

10. Adjournment

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

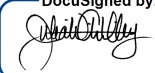
There being no further business, the meeting was adjourned at 2:12 p.m.

THE CITY OF SAN ANGELO, TEXAS:

DocuSigned by:

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Brenda Gunter, Mayor

ATTEST:

DocuSigned by:

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Julia Antilley, 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.)