

CITY COUNCIL MINUTE RECORD

The City of San Angelo
Tuesday, June 2, 2015

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Vol. 106

OPEN SESSION

BE IT REMEMBERED City Council convened in a regular meeting at 9:03 A.M., Tuesday, June 2, 2015, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas. All duly authorized members of the Council, to-wit:

Mayor, Dwain Morrison
Council Member Rodney Fleming
Council Member Marty Self
Council Member Johnny Silvas
Council Member Lucy Gonzales
Council Member Elizabeth Grindstaff
Council Member Charlotte Farmer

were present and acting, with the exception of, thus constituting a quorum. Whereupon, the following business was transacted:

An invocation was provided by Ron Landers, Director of Christians in Action; and the pledges were led by Teagan Self (1st Grader), Ft. Concho Elementary.

PROCLAMATIONS AND RECOGNITIONS

“Colonel Charles Powell Day” was Thursday May 7, 2015 was accepted by Colonel Charles Powell

“National No Kill Day” June 11th, 2015 was accepted by Concho Valley PAWS Executive Director Jenie Wilson

“Men’s Health Week” June 15th – 21st, 2015 was accepted by Mike Campbell, CEO of Esperanza Health and Dental Centers

PUBLIC COMMENT

Mrs. Ami Mizell-Flint made public comments in support of the future Dog Park and encouraged all citizens to vote in the PetSafe contest via their Facebook page or website for possibility of prize money completing the fundraising efforts.

Council Member Farmer suggested all Council Members send letters of support for the Dog Park and asked Parks and Recreation Director Carl White to bring back with a proposed location of the Park.

Public Information Officer Anthony Wilson informed the public about upcoming town hall meetings.

Council Member Grindstaff announced that Single Member District Five would be having a Neighborhood Chat on June 22nd, noting discussions will be held on Animal Control and Code Compliance related issues.

Council Member Farmer thanked everyone for their participation in the most recent town hall meeting for Single Member District Six.

CONSENT AGENDA

APPROVAL OF THE MAY 19, 2015 CITY COUNCIL REGULAR MEETING MINUTES

APPROVAL OF AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN OFFICE LEASE AGREEMENT BETWEEN THE CITY OF SAN ANGELO AND SAN ANGELO

FLYING ENTERPRISE, LLC/SAN ANGELO CHARTERS, LLC IN THE AMOUNT OF \$346.75 PER MONTH AT THE SAN ANGELO REGIONAL AIRPORT TERMINAL BUILDING

ADOPTION OF A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A TEMPORARY NONEXCLUSIVE SIDEWALK USE LICENSE AGREEMENT WITH RUST STREET MINISTRIES FOR MAINTAINING A 343-SQUARE FOOT EXISTING LOADING DOCK, RAMPS, AND ATTACHED RAILINGS ADJACENT TO THE EAST SIDE OF THE PROPERTY LOCATED AT 801 RUST STREET, AND SUCH OTHER INSTRUMENTS AS MAY BE NECESSARY OR CONVENIENT FOR CARRYING OUT SUCH PURPOSES, AND FINDING A PUBLIC PURPOSE AND BENEFIT THEREIN

ADOPTION OF A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A TEMPORARY NONEXCLUSIVE SIDEWALK USE LICENSE AGREEMENT WITH SAAF HOLDINGS LLC FOR CONSTRUCTING BUILDING ADDITIONS, CANOPIES, SIDEWALKS, AND SIGNAGE WITHIN A 3,256-SQUARE FOOT ENCROACHMENT AREA ADJACENT TO THE WEST AND SOUTH SIDES OF THE PROPERTY LOCATED AT 82 GILLIS STREET, AND SUCH OTHER INSTRUMENTS AS MAY BE NECESSARY OR CONVENIENT FOR CARRYING OUT SUCH PURPOSES; AND, FINDING A PUBLIC PURPOSE AND BENEFIT THEREIN

APPROVAL AND RATIFICATION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION'S REAL ESTATE SALES CONTRACT FOR SALE OF THE INCUBATOR ANNEX BUILDING LOCATED AT 2009 WEST BEAUREGARD TO SUNBELT CONSTRUCTION LLC AND ANY OTHER ACTION IN CONNECTION THERETO

ADOPTION OF A RESOLUTION AUTHORIZING APPLICANT, SAN ANGELO CHAMBER OF COMMERCE TO HOLD A SPECIAL EVENT AT LAKE NASWORTHY KNOWN AS "SHOWDOWN IN SAN ANGELO"; PERMITTING SPECIFIED ACTIVITIES; IMPOSING REQUIREMENTS ON APPLICANT; AND GRANTING VARIANCES RELATING TO RULES AND REGULATIONS OF LAKE NASWORTHY AND PARK ORDINANCES

APPROVAL OF AWARDDING RFP # ES-01-15 TO ENTRENOS, INC., AS THE PROPOSAL THAT OFFERS THE BEST VALUE TO THE CITY FOR THE CONSTRUCTION OF ADA ACCESSIBLE SIDEWALKS ALONG THE SOUTH SIDE OF WEST 19TH STREET IN THE AMOUNT OF \$161,635.00; AND, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT THEREFORE IN SUBSTANTIALLY THE ATTACHED FORM, AND ANY RELATED DOCUMENTS NECESSARY OR CONVENIENT THERETO

CONSIDERATION OF AUTHORIZING CITY MANAGER TO EXECUTE A NON-EXCLUSIVE RIGHT OF WAY EASEMENT FOR GUY WIRE PLACEMENT TO CONCHO VALLEY ELECTRIC COOPERATIVE, INC.

SECOND HEARING ADOPTION OF THE FOLLOWING ORDINANCES:

A. AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION AND PERSONNEL," ARTICLE 2.07 "BOARDS, COMMITTEES AND COMMISSIONS," DIVISION 3 "ZONING BOARD OF ADJUSTMENT," SECTION 2.07.061 "ORGANIZATION AND PROCEDURE," BY PROVIDING FOR A ZONING BOARD OF ADJUSTMENT OF SEVEN REGULAR MEMBERS AND TWO ALTERNATE MEMBERS; PROVIDING FOR NOMINATIONS BY MAYOR AND SINGLE MEMBER DISTRICT COUNCIL MEMBERS; PROVIDING PROCEDURES FOR APPEAL HEARINGS; PROVIDING FOR FILLING VACANCIES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

B. AN ORDINANCE AUTHORIZING ABANDONMENT OF A VARIABLE WIDTH PORTION OF 8,295 SQUARE FEET OF THE UNIMPROVED PUBLIC RIGHT-OF-WAY OF BEN FICKLIN ROAD,

EXTENDING 325.68 FEET SOUTH FROM THE SOUTHEAST CORNER OF SOUTH BRYANT BOULEVARD AND SOUTH JACKSON STREET, AND MORE SPECIFICALLY BEING AN AREA OF 8,295 SQUARE FEET OF LAND OUT OF THE RIGHT-OF-WAY OF BEN FICKLIN ROAD AND BEING ADJACENT TO THE REPLAT OF LOT 2 OF THE REPLAT OF TRACT 1, CENTURY PARK ADDITION

C. AN ORDINANCE AUTHORIZING ABANDONMENT OF A VARIABLE WIDTH PORTION OF 10,182 SQUARE FEET OF THE UNIMPROVED PUBLIC RIGHT-OF-WAY OF BEN FICKLIN ROAD, LOCATED APPROXIMATELY 930 FEET NORTHEAST OF THE INTERSECTION OF SOUTH BRYANT BOULEVARD AND SOUTH JACKSON STREET, AND IMMEDIATELY EAST OF A 1.04 ACRE TRACT WITHIN THE H. HORNBERG SURVEY #175

D. AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, TEXAS, CHAPTER 10 "TRAFFIC CONTROL," ARTICLE 10.03 "OPERATION OF MOTOR VEHICLES," DIVISION 4 "SPECIFIC STREET REGULATIONS," SECTION 10.03.091 "ONE-WAY STREETS AND ALLEYS," BY ADDING A NEW SUBPART (43) TO SUBSECTION (B) TO PROVIDE THAT GILLIS STREET BE DESIGNATED ONE-WAY SOUTH TO NORTH BETWEEN COLLEGE AVENUE AND 3RD STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

E. AN ORDINANCE AMENDING HEALTH FEES

Council Member Silvas made a motion, seconded by Council Member Farmer, to approve the Consent Agenda, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

REGULAR AGENDA: PUBLIC HEARING AND COMMENT

UPDATE ON RFP ES-01-14 FOR PROFESSIONAL SERVICES FOR PAVEMENT DATA COLLECTION AND PAVEMENT MANAGEMENT MOST COMMONLY KNOWN AS THE STREET CONDITION STUDY

A presentation was made by Director of Operations Shane Kelton. *A copy of the report is part of the permanent supplemental record.*

Responding to a question from Council Member Grindstaff, Mr. Kelton noted this process would be coordinated with the replacement of water lines.

Responding to a question from Council Member Farmer, Mr. Kelton noted this process would include the need for any drainage infrastructure replacement.

Responding to a question from Council Member Self, Mr. Kelton noted this process would not duplicate the efforts on the Sealcoat Program.

CONSENSUS TO MOVE FORWARD ON MATTERS RELATED TO LEASE OF CITY OWNED BART DEWITT PARK PROPERTY FOR A PUBLIC HERITAGE MUSEUM

A presentation was made by Parks & Recreation Director Carl White. *A copy of the report is part of the permanent supplemental record.*

San Angelo Museum of Fine Arts Director Howard Taylor and Mr. Eric Eggemeyer provided information for City Council.

Council Member Farmer Spoke in support of historic revitalization and expressed concerns about this area not keeping pace with other improvements. Ms. Farmer also asked that staff be represented on the board of the non-profit to be established for this project.

Councilmember Grindstaff spoke in support of an approach to this project that would include a non-profit organization.

Consensus of Council was reached to direct staff to move forward with termination of the existing lease and establishing a new lease between a non-profit organization to be established, the City of San Angelo and Mr. Eggemeyer with more detailed terms.

RECESS

At 10:21 A.M., Mayor Morrison called a recess.

RECONVENE

At 10:44 A.M., Council reconvened, and the following business was transacted:

SECOND HEARING AND ADOPTION OF AN ORDINANCE ANNEXING (TO SAN ANGELO'S CITY LIMITS) OF CERTAIN PROPERTIES SITUATED IMMEDIATELY WEST OF SAN ANGELO, GENERALLY LOCATED ON THE NORTHWEST CORNER OF ARDEN ROAD AND F.M. HIGHWAY 2288, AND SPECIFICALLY DESCRIBED AS APPROXIMATELY 44.821 ACRES OF LAND OUT OF B.S. & F. SURVEY 5, ABSTRACT NO. 101 AND A.B. & M. SURVEY 3, ABSTRACT NO. 24, TOM GREEN COUNTY, TEXAS AND SAID 44.821 ACRE TRACT ALSO BEING OUT OF THAT CERTAIN 917.9 ACRE TRACT DESCRIBED AND RECORDED IN INSTRUMENT NO. 703583, OFFICIAL PUBLIC RECORDS OF TOM GREEN COUNTY, TEXAS AND SAID 44.821 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, IN TOM GREEN COUNTY, TEXAS

A presentation was made by Planning Manager Rebeca Guerra. *A copy of the report is part of the permanent supplemental record.*

Council Member Farmer made a motion, seconded by Council Member Silvas, to approve adopt the ordinance, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COMMUNICATIONS SYSTEM AGREEMENT WITH DAILY AND WELLS COMMUNICATIONS, INC., FOR PURCHASE OF A P25 PHASE II SIMULCAST SYSTEM UPGRADE UNDER THE HARRIS CORPORATION HGAC-BUY CONTRACT RA05-15, IN SUBSTANTIALLY THE ATTACHED FORM, NOT TO EXCEED \$5,733,692.16 AND ANY DOCUMENTS RELATED THERETO

A presentation was made by Network Administrator Bucky Hasty. *A copy of the report is part of the permanent supplemental record.*

Responding to a question from Council Member Grindstaff, Mr. Hasty, Assistant City Manager Michael Dane, and Police Chief Tim Vasquez noted that staffing issues/concerns in dispatch will prevent the ability to dedicate a position to monitor this channel.

Responding to a question from Council Member Farmer, Mr. Hasty noted this system would be able to communicate with all the area agencies.

Council Member Silvas made a motion, seconded by Council Member Fleming, to adopt the resolution, as presented. The motion carried six (6) ayes to one (1) nay with Council Member Self casting the dissenting vote.

DISCUSSION, CONSIDERATION AND ACTION RELATED TO PROPOSALS FROM CATALYST URBAN DEVELOPMENT AND CITY STAFF REGARDING:

- a. Recommendation of the DDC board to adopt incentive policy framework as proposed by Catalyst Urban Development and City staff
- b. Funding for incentive policy framework as recommended by DDC board, and as proposed by Catalyst Urban Development and City staff

A presentation was made by Planning & Development Services Director Patrick Howard, Administrator AJ Fawver, and Assistant City Manager Rick Weise. *A copy of the report is part of the permanent supplemental record.*

Downtown Development Commission member Jim Cummings, Downtown San Angelo Inc. President Brenda Gunter, and Council Members Grindstaff and Farmer all spoke in support of the recommendations and policy framework, as presented.

Ms. Mary Casper expressed concern with these recommendations and policy changes.

Mayor Morrison and Council Member Silvas both expressed concerns about protecting the current attractiveness of the river.

Council Member Self made a motion, seconded by Council Member Grindstaff, to accept the recommendations and policy framework, items A and B as presented. The motion carried six (6) ayes to one (1) nay with Mayor Morrison casting the dissenting vote.

DISCUSSION AND CONSIDERATION OF THE RECOMMENDATION OF THE TIRZ BOARD TO MODIFY THE ESTABLISHING ORDINANCE FOR THIS BOARD, TO ALLOW UNLIMITED REAPPOINTMENT OF MEMBERS BY THE CITY COUNCIL

A presentation was made by Planning & Development Services Director Patrick Howard and Administrator AJ Fawver. *A copy of the report is part of the permanent supplemental record.*

Council Members Grindstaff, Farmer, Fleming and Silvas all expressed concerns about unlimited terms for board members.

Mr. Craig Meyers and Mr. Floyd Crider spoke in support of rotating board members through term limitations.

TIRZ board member Bill Dendle spoke in support of unlimited terms.

Council Member Self made a motion, seconded by Council Member Grindstaff, to reject the possibility of unlimited terms, to review the ordinance and begin pursuing replacement of member whose terms have expired. The motion carried unanimously seven (7) ayes to zero (0) nays.

DISCUSSION, CONSIDERATION AND APPROVAL OF PETITION SEEKING ANNEXATION (TO SAN ANGELO'S CITY LIMITS) OF CERTAIN PROPERTIES SITUATED IMMEDIATELY SOUTH OF SAN ANGELO, GENERALLY LOCATED SOUTH OF LOOP 306 AND EAST OF KNICKERBOCKER ROAD AND SPECIFICALLY DESCRIBED AS APPROXIMATELY 5.850 ACRES OF LAND OUT OF CASPER BERBERICH SURVEY 177, ABSTRACT NO. 52 AND HEINRICH ZERBACH SURVEY 178, ABSTRACT NO. 4210, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS AND BEING OUT OF CERTAIN 54.872 TRACT DESCRIBED AND RECORDED IN INSTRUMENT NO. 201500372, OFFICIAL PUBLIC RECORDS OF TOM GREEN COUNTY, TEXAS AND SAID 5.850 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN TOM GREEN COUNTY, TEXAS

A presentation was made by Planning Manager Rebeca Guerra. *A copy of the report is part of the permanent supplemental record.*

Council Member Fleming made a motion, seconded by Council Member Farmer, to approve the petition, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

EXECUTIVE/CLOSED SESSION

At 12:31 P.M., Council convened in 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, Section 551.072 to deliberate the purchase, exchange,

lease, or value of real property; and, Section 551.087 to discuss an offer of financial or other incentive to a company or companies with whom the City of San Angelo is conducting economic development negotiations and which the City of San Angelo seeks to have, locate, stay or expand in San Angelo.

RECONVENE

At 1:12 P.M., Council reconvened, and the following business was transacted:

APPROVAL OF AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE A PERSONAL SERVICES CONTRACT AND RELATED DOCUMENTS WITH MUNISERVICES, LLC FOR HOTEL OCCUPANCY TAX (HOT) AUDIT SERVICES

A presentation was made by Director of Finance Tina Bunnell. *A copy of the report is part of the permanent supplemental record.*

Council Member Grindstaff made a motion, seconded by Council Member Silvas, to approve the authorization, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

DISCUSSION AND ANY ACTION IN CONNECTION THERETO REGARDING THE ANNUAL FEE REVIEW

A presentation was made by Budget Manager Morgan Chegwiddden. *A copy of the report is part of the permanent supplemental record.*

Council Members Grindstaff, Farmer, Self and Fleming spoke in support of moving these fees to the costs of providing the service.

Mayor Morrison and Council Member Silvas expressed concerns about increasing the fees too quickly.

Council Member Farmer made a motion, seconded by Council Member Fleming, to move forward with the recommendations presented, with the exception of moving the Final Plat, Variance and Conditional Use to full cost of service and moving the Easement fees to \$300. The motion carried five (5) ayes to two (2) nays with Council Members Grindstaff and Self casting the dissenting votes.

Council Member Farmer made a motion, seconded by Council Member Fleming, to move forward with the recommendations, as presented. The motion carried five (5) ayes to two (2) nays with Mayor Morrison and Council Member Silvas casting the dissenting votes.

DISCUSSION REGARDING REGULATION OF SEXUALLY ORIENTED BUSINESSES

This Item was requested by Councilmember Farmer. A presentation was made by Interim City Attorney Dan Saluri and Planning Manager Rebeca Guerra. *A copy of the report is part of the permanent supplemental record.*

No action was taken on this item.

FOLLOW UP AND ADMINISTRATIVE ISSUES

CONSIDERATION OF MATTERS DISCUSSED IN EXECUTIVE/CLOSED SESSION

No action was taken on matters discussed in Executive/Closed Session.

APPROVAL OF VARIOUS BOARD NOMINATIONS BY COUNCIL AND DESIGNATED COUNCILMEMBERS:

- Construction Board: Chris Cornell (SMD5) to an unexpired term February 2016

Council Member Farmer made a motion, seconded by Council Member Self, to move forward with the recommendations, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

ANNOUNCEMENTS AND CONSIDERATION OF FUTURE AGENDA ITEMS

Council Member Grindstaff thanked staff for providing updates on council requested items in the recent Friday packet to council.

Council Member Gonzales asked for staff to look in to the possibility of placing Welcome to San Angelo at the entrances of the City.

Council Member Farmer asked for staff to provide information to Council about required retention ponds that have not been completed. Ms. Farmer also asked for staff to look at ways to prevent stormwater effects and the wash out of hardscaping into streets. Ms. Farmer additionally requested Information/Education on the Sirens Policy and the possibility of creating a phone line to easily provide that information. Also, Ms. Farmer asked staff to look at naming the Dog Park "Meghan's Park".

ADJOURNMENT

Council Member Silvas made a motion, seconded by Council Member Grindstaff, to move forward with the recommendations, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

The meeting adjourned at 1:59 P.M.

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.)