

CITY COUNCIL MINUTE RECORD

The City of San Angelo
Tuesday, June 18, 2013

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Vol. 104

OPEN SESSION

BE IT REMEMBERED City Council convened in a regular meeting at A.M., Tuesday, June 18, 2013, in the San Angelo McNease Convention Center, 500 Rio Concho Drive, San Angelo, Texas. All duly authorized members of the Council, to-wit:

Mayor, Alvin New
Councilmember Paul Alexander
Councilmember Marty Self
Councilmember Johnny Silvas
Councilmember Don Vardeman
Councilmember Kendall Hirschfeld
Councilmember Charlotte Farmer

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

An invocation was given by Rev. Jerry Roach and pledge was led by Jonathan Thompson, son of Steven Thompson, Computer Support Specialist, for the City's Information Technology Division.

PROCLAMATION AND RECOGNITIONS

"Small Business Week", week of June 17-21, 2013, to be accepted by Dave Erickson, Small Business Development Center Director

"Monte Maxwell", Organist, United States Naval Academy, Performing at the First Christian Church, Thursday, June 20, 2014 at 7:00 p.m.

"Public Information Office", recognized by the Texas Association of Municipal Information Officers State Conference on June 7 and received a statewide award for the Best Use of Social Media, 2nd Place, and Best Media Relations, 3rd Place was accepted by Anthony Wilson, Public Information Officer, and Brian Groves, Multimedia Coordinator.

PUBLIC COMMENT

Public comment was made by Jerry Sea, member of St. Paul Baptist Church and West Texas Opportunity Strategy regarding rental housing gouging and possibly utilizing the ½ cent sales tax revenue as a supplemental program.

CONSENT AGENDA

APPROVAL OF THE JUNE 4, 2013 CITY COUNCIL REGULAR MEETING MINUTES

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE SAN ANGELO CULTURAL AFFAIRS COUNCIL (SACAC) FOR THE PROVISION OF PROGRAMS WHICH ENCOURAGE, DEVELOP, PROMOTE AND IMPROVE EDUCATIONAL AND CULTURAL OPPORTUNITIES IN THE COMMUNITY, PROVIDE PROGRAMS WHICH ENCOURAGE PARTICIPATION AND APPRECIATION OF THE ARTS, AND PROVIDE FOR THE ADMINISTRATION OF SUBGRANTS TO QUALIFYING ORGANIZATIONS, THROUGH FUNDING ALLOCATED FROM

CITY HOTEL OCCUPANCY TAX REVENUE; AND PROVIDING FOR AN EFFECTIVE DATE (Page 603, #2013-06-089)

ADOPTION OF A RESOLUTION AUTHORIZING APPLICANT, SPECIALTY SPORTS, INC., DBA SKI SKELLER SPORTS, TO HOLD A SPECIAL EVENT AT LAKE NASWORTHY KNOWN AS "WAKE THE DESERT"; PERMITTING SPECIFIED ACTIVITIES; IMPOSING REQUIREMENTS ON APPLICANT; AND GRANTING VARIANCES RELATING TO RULES AND REGULATIONS OF LAKE NASWORTHY, PARK ORDINANCES AND THE CITY'S NOISE ORDINANCE (Page 605, #2013-06-090)

CONSIDERTATION OF APPROVING OF A RECREATIONAL OR AGRICULTURAL LEASE AGREEMENT (PRICE) FOR 2.616 ACRES OF LAND LOCATED ADJACENT TO THE LAKE OR RIVER AND AUTHORIZING THE CITY MANAGER OR WATER UTILITIES DIRECTOR TO EXECUTE THE SAME (SUBMITTED BY WATER UTILITIES DIRECTOR RICKY DICKSON) (Discussed in Regular Agenda)

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 609, #2013-06-091)

Z13-17: P.V. McMinn, Jr.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: An unaddressed 1 acre tract, located at the northwest corner of the intersection of West Beauregard Avenue and Moritz Circle. This property specifically occupies the Clar-Mor Heights Addition, Block 1, Lots 4 - 6, in southwest San Angelo, changing the zoning classification from Single-Family Residential (RS-1) to Zero Lot Line, Twinhome and Townhouse Residential (RS-3) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 611, #2013-06-092)

Z 13-18: Loren Edwards

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: 4398 Jackrabbit Trail; located approximately 1,390 feet southeast from the intersection at Jackrabbit Trail and South Chadbourne Street; property specifically occupies the Concho River Estates, 2.4170 Acres in Tract 19-B, south central San Angelo, changing the zoning classification from a Ranch & Estate (R&E) to a Heavy Commercial (CH) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 613, #2013-06-093)

Z 13-12: NE Interests- Charlie Nicholas

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: An unaddressed tract of land; specifically occupying 15.00 acres of land out of the Deaf & Dumb Asylum Lands Survey 2, Abstract 82. This property occupies a proposed Final Plat of the Boulevard San Angelo, Section 2, Block D, Lot 1 in far southwest San Angelo, changing the zoning classification from a Ranch & Estate (R&E) to a High Rise Multifamily Residential (RM-2) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 615, #2013-06-094)

Z13-16: OK Holdings, LLC

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: An unaddressed 5 acre tract, located approximately 900 feet northwest of the intersection of Link Road and Christoval Road. This property specifically occupies the Concho River Estates, proposed Lot 35B, in southern San Angelo, changing the zoning classification from Heavy Commercial (CH) to Office Warehouse (OW) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 617, #2013-06-095)

Z 13-19: Rocky Spoons

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: 815 South Abe Street, located on the northwest corner of the intersection of South Abe Street and West Washington Avenue. This property specifically occupies the Park Heights addition, Block 16, east 145 feet of lots 9-10, and the south 37 feet of the east 145 feet of Lot 8 in central San Angelo, changing the zoning classification from Low Rise Multi-Family Residential (RM-1) to Office Commercial (CO) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE AUTHORIZING ABANDONMENT OF PUBLIC RIGHT-OF-WAY FOR ELLIS STREET EXTENDING APPROXIMATELY 315' EAST/WESTWARD BETWEEN BLOCKS 5 & 6 OF THE EASTLAND HEIGHTS ADDITION, IMMEDIATELY ADJACENT TO PROPERTY OWNED BY A RAILROAD COMPANY IN NORTH CENTRAL SAN ANGELO (Page 619, #2013-06-096)

AN ORDINANCE PROVIDING FOR THE ABANDONMENT AND CLOSING OF THE FOLLOWING STREET SEGMENT, TO WIT: An approximately 42' wide portion of the unimproved public right-of-way for Ellis Street, extending approximately 315' eastward between Blocks 5 & 6 of the Eastland Heights

Addition, immediately adjacent to property owned by a railroad company in north central San Angelo; AUTHORIZING THE CONVEYANCE THEREOF TO THE ABUTTING PROPERTY OWNERS; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE; AND PROVIDING FOR THE MAYOR TO EXECUTE AND DELIVER A QUIT CLAIM DEED TO THE ABUTTING PROPERTY OWNERS

Motion, to approve the Consent Agenda, as presented, with the exception of #4, was made by Councilmember Silvas and seconded by Councilmember Hirschfeld. Motion carried unanimously.

REGULAR AGENDA: PUBLIC HEARING AND COMMENT

APPROVAL OF A RECREATIONAL OR AGRICULTURAL LEASE AGREEMENT (PRICE) FOR 2.616 ACRES OF LAND LOCATED ADJACENT TO THE LAKE OR RIVER AND AUTHORIZING THE CITY MANAGER OR WATER UTILITIES DIRECTOR TO EXECUTE THE SAME

Water Utilities Director Ricky Dickson presented background information.

Councilmember Alexander commented on the lake area in regards to removal of trees in the area and allowing the lessee the ability to remove the large trees as by this contract

Motion, to approve the lease agreement, was made by Councilmember Hirschfeld and seconded by Councilmember Silvas. Motion carried unanimously.

ADOPTION OF A RESOLUTION AUTHORIZING THE RENAMING "RIO VISTA PARK" LOCATED AT THE 2700 BLOCK OF BEN FICKLIN ROAD AS "JAIME PADRON MEMORIAL PARK", IN HONOR OF JAIME PADRON, PURSUANT TO THE RECOMMENDATION OF THE CITY OF SAN ANGELO PARKS AND RECREATION ADVISORY BOARD (Page 621, #2013-06-097)

Parks and Recreation Director Carl White presented background information. *A copy of the presentation is part of the Permanent Supplement Record.* Mr. White distributed additional letters of support.

Public comments in support of the park renaming were made by Austin Chief of Police Art Acevedo, Linda Diaz, Officer Brian Bylsma, San Angelo Police Chief Tim Vasquez, and Officer Matt Baldwin.

Councilmember Silvas commended Mr. Prichard for his idea to rename the park and the Padron Family.

Motion, to adopt the Resolution, was made by Councilmember Silvas and seconded by Councilmember Hirschfeld.

Responding to a question by Councilmember Alexander, Mr. White explained a plaque will be displayed of the memorial.

A vote was taken on the motion on the floor. Motion carried unanimously.

APPROVAL OF AN AMENDMENT TO VISION PLAN COMPONENT OF THE SAN ANGELO COMPREHENSIVE PLAN UPDATE ADOPTED IN 2009, SPECIFICALLY PROPERTIES SITUATED SOUTH AND EAST FROM THE INTERSECTION OF DAN HANKS LANE AND SOUTH CHADBOURNE STREET AND EXTENDING EASTWARD ON THE SOUTH SIDE OF SOUTH CHADBOURNE STREET, CONTINUING TO OLD EOLA ROAD, THEN SOUTHWARDS ALONG SOUTH LOOP 306, ENCOMPASSING THE EXISTING CITY LIMITS AND PROPERTIES SITUATED JUST OUTSIDE THE CURRENT CITY LIMITS IN THE FAR SOUTHEAST PORTION OF SAN ANGELO

Interim Senior Planner Jeff Hintz presented background information. *A copy of the presentation is part of the Permanent Supplement Record.*

General discussion was held on various zoning classifications within the area, future growth, the thoroughfare plan,

Public comment was made by Brandon Sanders of Steve Eustis Realty.

Motion, to approve, was made by Councilmember Silvas and seconded by Councilmember Vardeman. Motion carried unanimously.

RECESS

At 10:11 A.M., Mayor Pro Tempore Farmer called a recess.

RECONVENE

At 10:28 P.M., Council reconvened, and the following business was transacted:

Public comment was made by Eva Horton, President of Fairmount Cemetery Board regarding the City Council consideration during the budget sessions and the water issues.

Councilmember Farmer suggested City Manager Daniel Valenzuela include the subject matter during the budget sessions.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS FOR AND AGAINST ANNEXATION OF CERTAIN PROPERTIES SITUATED IMMEDIATELY WEST/SOUTHWEST OF SAN ANGELO AND ENCOMPASSING A VACANT 24.484 ACRE TRACT EXTENDING NORTHWEST FROM MILLS PASS DRIVE, AND LOCATED DIRECTLY WEST OF AN 8.995 ACRE TRACT ANNEXED TO THE CITY LIMITS ON MARCH 5, 2013 THAT COMPRISES THE PROPOSED PRESTONWOOD ADDITION, SECTION TWO

Interim Director of Development Services AJ Fawver presented background information. *A copy of the presentation is part of the Permanent Supplement Record.*

Mayor Pro Tem Farmer opened the floor to receive public comment. No public comment was received. Farmer closed the comment period.

PUBLIC HEARING TO RECEIVE CITIZEN INPUT ON REQUESTED PROJECTS TO BE CONSIDERED FOR FUNDING WITH GRANT YEAR 2013 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND DISCUSSION AND DELIBERATION ON FUNDING ALLOCATIONS FOR SAID FUNDS

Neighborhood and Family Services Housing Coordinator Mauri Rodriguez presented background information. *A copy of the presentation is part of the Permanent Supplement Record.*

General discussion was held on the rental subsidy program, increases in the various programs, and dramatic decrease in the housing rehab project. Mr. Salas explained the decreases in the emergency repairs project were result of a previous year carryover, which would not be eligible for this year, as well as cuts to the federal program.

General discussion was held on the client escrow accounts, maintenance costs, and home buyers assistance program.

Mayor Pro Tem Farmer opened the floor to receive public comment. No public comment was received. Farmer closed the comment period.

DISCUSSION ON CITY OF SAN ANGELO CODE OF ORDINANCES SEC. 8.105: NOISE FROM A MOTOR VEHICLE REGARDING ENFORCEMENT MEASURES OF LOUD STEREO MUSIC EMITTING FROM VEHICLES

Requested by Councilmember Silvas, Police Chief Tim Vasquez and Assistant Police Chief Robert Martinez presented background information.

Responding to questions by Councilmember Silvas, Mr. Martinez informed the ordinance is enforced, the majority of offenders plead out their cases which do not go to Municipal Court, officers citing the offenders, imposing stricter penalties to offenders in moving vehicles, citizens having the right to file charges in

Municipal Court of any offender, the lack of intent within the ordinance language, and mobile apps to report violations available to the public.

City Attorney Lysia H. Bowling remarked on the Transportation Code statute.

DISCUSSION REGARDING THE FISCAL YEAR 2013-2014 BUDGET PREPARATION

Budget Manager Morgan Chegwiddden presented background information. *A copy of the presentation is part of the Permanent Supplement Record.*

UPDATE AND PRESENTATION REGARDING THE HICKORY AQUIFER WATER SUPPLY PROJECT

Water Utilities Director Ricky Dickson presented background information. *A copy of the presentation is part of the Permanent Supplement Record.*

General discussion was held on the engineering costs, the amount expended to date, estimated cost figures for well expansion #1 and #2, utilizing contingency funds for overages or unexpected costs,

Councilmember Vardeman: pumping restrictions under the Hickory Water Development water district, reasons for expanding the well field, capacity of the filtration plant, associated costs per 1000 gallons of water to be passed on the customer \$5.29, current conditions of the area lakes, limited resources, critical path in continuing the project, the seriousness of the matter, amendments to the existing water conservation ordinance in regards to the drought level stages, and exploring other options for water resources.

Public comments were made by Jerry Sea, member of West Texas Opportunity Strategy.

UPDATE AND PRESENTATION REGARDING THE STATUS AND PROGRESS OF THE HOUSING COMMITTEE AND SUBCOMMITTEES IN REFERENCE TO MULTI-FAMILY LIVING, SINGLE FAMILY LIVING, AND TEMPORARY HOUSING IN THE FORM OF CAMPGROUNDS/RV PARKS AND EXTENDED STAY SITUATIONS AS DIRECTED BY CITY COUNCIL AT THE APRIL 2, 2013 JOINT SESSION WITH THE PLANNING COMMISSION

City Manager Daniel Valenzuela, Interim Senior Planner Jeff Hintz, and Assistant City Manager/Chief Financial Officer Michael Dane presented background information. *A copy of the presentation is part of the Permanent Supplement Record.*

Mr. Valenzuela remarked on staff's concerns regarding the over building of housing and the negative impact or adverse affects once the economic growth slows down.

General discussion was held on utilizing existing manufactured home parks, as well as designated areas within the city, and balancing the risk to reward ratio.

RECESS

At 12:03 P.M., Mayor Pro Tem Farmer called a recess.

RECONVENE

At 12:20 P.M., Council reconvened, and the following business was transacted:

EXECUTIVE/CLOSED SESSION

At 12:20 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 551.071(2) to consult with 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.

RECESS

At 1:45 P.M., Mayor Pro Tem Farmer called a recess.

RECONVENE

At 1:51 P.M., Council reconvened, and the following business was transacted:

CONTINUANCE OF THE UPDATE AND PRESENTATION REGARDING THE HICKORY AQUIFER WATER SUPPLY PROJECT

Mayor Pro Tem Farmer requested further discussion be held on the Hickory Aquifer Water Supply Project. City Council concurred.

Ms. Farmer directed staff to provide the contract term dates pertaining to Hickory Project regarding the engineering firm, the percentage of project completed to date, and a budget analysis of the project outlining the initial contract value, the amount of expenditures paid to date, and the remaining balance of the project to be paid at the next scheduled meeting in July 2013. Councilmember Hirschfeld suggested staff utilize the same line item format presented in today's presentation to illustrate the actual expenditures.

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 A BOARD NOMINATION BY COUNCIL AND DESIGNATED COUNCILMEMBERS:

Planning Commission: Mark Crisp (SMD2) to an unexpired term January 2014

Motion, to approve the board nominations by Council and designated Councilmembers, was made by Councilmember Hirschfeld and seconded by Councilmember Vardeman. Motion carried unanimously.

ANNOUNCEMENTS AND CONSIDERATION OF FUTURE AGENDA ITEMS

City Manager Daniel Valenzuela distributed the proposed July 2, 2013 Agenda and solicited Council comments and suggestions.

Councilmember Farmer provided the Ports-to-Plains Report update for the record.

Councilmember Farmer announced she and Dwain Morrison would be attending the Ports-to-Plains conference in Sonora July 2013.

Councilmember Farmer requested the water conservation ordinance amendment on regarding the Stage III drought level language on the July 16, 2013 meeting. She also requested an update on stormwater fee, uses, and potential uses during the budget sessions.

Councilmember Hirschfeld suggested staff continue to consider implementing water conservation efforts and programs, and possibly utilizing stormwater revenue to fund in part an incentive program.

Councilmember Alexander commented that Stormwater fees can only be utilized to assist in quality issues, and suggested staff research the possibly be utilizing the fee for future quantity issues, e.g. flood control. He also suggested staff clarify the duties between departments, specifically noting the Stormwater Department is tasked with mowing various areas, and the maintenance and cost of the equipment.

Councilmember Silvas requested an update on the MedHab economic incentive project. He also requested information on the bids going out to contractors to cut dead trees along the river and requested an update at a future meeting.

ADJOURNMENT

Motion, to adjourn, was made by Councilmember Hirschfeld and seconded by Councilmember Alexander. Motion carried unanimously.

The meeting adjourned at 2:02 P.M.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

Alicia Ramirez, 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.)