

**CITY OF SANTA FE
REGULAR COUNCIL MEETING
AUGUST 9, 2012 7:00 P.M.
COUNCIL CHAMBERS
12002 HWY. 6
SANTA FE, TEXAS**

MINUTES

The meeting was called to order at 7:00 p.m. by Mayor Ralph Stenzel.

Roll Call: Present: Mayor Ralph Stenzel
Mayor Pro-tem Pat McCrary
Councilmember Jeff Tambrella
Councilmember Joe Carothers
Councilmember Bubba Jannett
Councilmember Wanda Wagner
City Manager Joe Dickson
City Secretary Janet L. Davis
Absent: City Attorney Ellis J. Ortego, excused

The invocation was given by and the pledge of allegiance to the U. S. Flag and to the Texas Flag was led by City Manager Joe Dickson.

Mayor's and City Manager's Report:

a. The minutes of 7/26/12 were approved as presented.

Planning and Zoning Business:

Old Business: None

New Business:

1. Consideration and possible action: Public Hearing and First reading of an ordinance of the City of Santa Fe, Texas, amending the text of ordinance No. 02-03, commonly known as the City of Santa Fe Unified Development Code, or the Santa Fe Zoning Ordinance, 2002 Edition, the official zoning map adopted under Section 3.08, by changing the zoning classification from Agricultural Residential (AR) and Highway Commercial (HC) to Light Manufacturing (LM) for 52.933 acres located along the west side of FM 646 and 2nd Street, being part of Lot 120 (120-0) and Lot 121 of Thamans 1st Subdivision, and Lots 369, 370, 381, and 382 of Thamans 2nd Subdivision, City of Santa Fe, Galveston County, Texas

Community Services Director Diana Steelquist said this request is from Hometown Bank, who is the current owner of the property through foreclosure. She said LA Valve Co. is a potential buyer of the property and they would like to construct a facility for the reconditioning and refurbishing of valve parts. The area would need to be rezoned to allow this type of use. The Planning and Zoning Commission has discussed this and has unanimously recommended approval of the request to change the zone. About five neighbors on 2nd Street attended the Planning and Zoning Commission meeting to express their concerns about

environmental safety, traffic noise and congestion, effects on property values, and hours of operation. Ms. Steelquist said the owner of LA Valve adequately addressed all the concerns. The valves come to the facility clean and the water to test the valves will be recycled. There will be no sandblasting and the facility would operate five days a week, Monday through Friday, from 6 a.m. to 6 p.m., and occasionally on Saturdays. The development is focused on the fifteen acres fronting on FM 646 N and access to the facility would be on FM 646 N. Residential property values should not be affected by this commercial development, but the development would add to the tax base of the city and bring in several jobs. Approval from Galveston County Drainage District No. 1 would also be necessary.

Mayor Stenzel opened the public hearing at 7:09 p.m. Mr. Tom Holtkamp of 12818 – 2nd Street said he is concerned about the environmental impact and mitigation of harmful waste and other contaminants. Mr. Thomas Hennigan of the LA Valve Co. (recently moved to Pearland to be close to his facility there) said he currently employs ten residents of Santa Fe. He said they have been in business for about 20 years, with ten of those years under the current structure. Mr. Hennigan said a norm meter is used for radiation detection and if it goes off, the valves are not unloaded from the truck. Any oils, gasoline, etc. are contained in barrels and then trucked offsite and disposed of according to regulations. He said they machine metal parts and the test water used is recycled and then reused. There is no contamination to the water, ground, or air, as they work to preserve the environment.

Mr. Charles Meyers of 12833 – 24th Street said he has experience in this line of work and moved to Santa Fe to get away from this type of industrial work. Ms. Toni Eldridge of 1308 FM 646 expressed concerns about the environmental impact, stating that she retired from Amoco pipeline and is aware of what is contained in pipe valves. She is concerned about this particular company being this close to her property.

There were no other comments, so Mayor Stenzel closed the public hearing at 7:18 p.m.

Motion by Councilmember Tambrella, seconded by Councilmember Carothers to pass the first reading of an ordinance of the City of Santa Fe, Texas, amending the text of ordinance No. 02-03, commonly known as the City of Santa Fe Unified Development Code, or the Santa Fe Zoning Ordinance, 2002 Edition, the official zoning map adopted under Section 3.08, by changing the zoning classification from Agricultural Residential (AR) and Highway Commercial (HC) to Light Manufacturing (LM) for 52.933 acres located along the west side of FM 646 and 2nd Street, being part of Lot 120 (120-0) and Lot 121 of Thamans 1st Subdivision, and Lots 369, 370, 381, and 382 of Thamans 2nd Subdivision, City of Santa Fe, Galveston County, Texas. The motion passed the roll call vote unanimously.

City Business (Other):

Old Business:

1. Consideration and possible action: First reading of an ordinance amending Chapter 9, Traffic Code, Code of Ordinances, by adding Section 13, Golf Carts, providing rules and regulations relating to the use and operation of golf carts in city; containing other provisions relating to the subject; containing penalties for violations of provision; providing for exceptions; providing for an effective date; providing a savings clause; and providing for severability

City Manager Joe Dickson said whether to allow golf carts on city streets was discussed at the last meeting. He said this ordinance was modeled after the regulations of three other communities and state law and would permit basic use and operation of golf carts on city streets. Councilmember Wagner questioned why daylight hours only, and then why we would require headlights, taillights, and reflectors. She expressed concerns about getting darker earlier during winter days and wanted to have the ability to drive down the street to her son's house even if it is not daylight. She feels we should remove the daylight restriction, and Councilmember Tambrella and Councilmember Carothers agreed the requirements were conflicting. Councilmember Carothers also felt requiring a seatbelt was too restrictive.

Police Chief Kenneth Campbell said the daylight restriction is not consistent with state law but the equipment requirement is. He said the proposed daylight restriction is a public safety issue that he has suggested we include in the regulations. Council discussed whether insurance should be required.

Mr. Charles Meyers of 12933 – 24th Street said if the safety equipment is required, then the regulations should not restrict use to daylight. Ms. Pam Schwertner of 4322 Jensen expressed her concern as to who is going to police the regulations if we put this in effect. She said other entities require registration of the cart to ensure compliance with the regulations. She felt this will cause more controversy and more work for the police than it will help. Municipal Court Administrator Cheryl Hopf said her office has received numerous calls regarding the use of 4-wheelers, mules, golf carts, etc.

Councilmember Tambrella said these regulations would make the operation of golf carts legal for some operators but it would still be illegal for children and drivers under age. Councilmember Jannett questioned whether we were being asked to allow golf cart use for work-related travel or recreational purposes.

Motion by Councilmember Tambrella, seconded by Councilmember McCrary to table this item for further discussion during a workshop. The motion passed the roll call vote unanimously.

New Business:

1. Consideration and possible action: Adoption of a resolution authorizing the Mayor to execute the Legal Services Agreement between the City and the Law Offices of Shaun Hodge and Tylka Law Center on a contingency fee basis to assist with the recovery of insurance proceeds owed the city for damages resulting from Hurricane Ike

City Manager Joe Dickson said Mr. Larry Tylka approached City Attorney Ellis Ortego about the possibility of representing the city for recovery of insurance proceeds that the TWIA inspector did not include in the Hurricane Ike claim. He said this agreement allows for a complete inspection of all our facilities and then they would file a claim with TWIA based on the results of that inspection. The fee would be on a contingency basis, so if we do not receive any money then we will not pay any fees. Mr. Tylka said he felt their initial walk through the police department showed evidence of holes caused by wind that now allows water to penetrate the building. He said if we are able to recover damages, we would also be eligible to recover penalties and interest for the past several years. Mr. Tylka said he represents several entities in Galveston County, and September 13 is the four-year deadline from when Hurricane Ike made landfall. Councilmember Tambrella and Councilmember Tambrella expressed concerns about the timeliness of the claim and questioned why we are pursuing this four years later. Mr. Tylka said they have found grave

differences in damages other communities have sustained and he would like review our claim following their inspection to see if we have a relevant claim that we were not fairly compensated for at the time. Motion by Councilmember Carothers, seconded by Councilmember McCrary to adopt the resolution authorizing the Mayor to execute the Legal Services Agreement between the City and the Law Offices of Shaun Hodge and Tylka Law Center on a contingency fee basis to assist with the recovery of insurance proceeds owed the city for damages resulting from Hurricane Ike. The motion passed the roll call vote four to one. Those voting for: Councilmember McCrary, Councilmember Tambrella, Councilmember Carothers, and Councilmember Wagner. Those voting against: Councilmember Jannett

2. Consideration and possible action: Ratifying execution of Mowing Contract and Indemnity Agreement between the City and Joe Jackson for mowing city property at FM 646 N near FM 1764

City Manager Joe Dickson said Mr. Joe Jackson approached the city about mowing our lot in exchange for the baling of the hay. Staff felt this was equitable to both parties and the city attorney drafted the agreement. Motion by Councilmember McCrary, seconded by Councilmember Tambrella to ratify the execution of the Mowing Contract and Indemnity Agreement between the City and Joe Jackson for mowing city property at FM 646 N near FM 1764. The motion passed the roll call vote unanimously.

3. Consideration and possible action: First and final reading of an ordinance amending the budget for the fiscal year beginning October 1, 2011

City Manager Joe Dickson explained the budget amendment. In summary, he said the amendment recognizes grant revenue and related expenditures along with seized funds that have been awarded to the city and spent on police equipment. The amendment also recognizes revenue from the sale of assets the state cable franchise fee and allocates additional funds for mold assessment, property appraisals, and legal fees for arbitration expenses. This amendment reduces the appropriated fund balance by \$36,656. Motion by Councilmember Tambrella, seconded by Councilmember Wagner to pass the first and final reading of an ordinance amending the budget for the fiscal year beginning October 1, 2011. The motion passed the roll call vote unanimously.

Announcements: None

Summary of action from this agenda, request for future agenda items, and scheduling future meetings
Budget workshops are scheduled for August 13 and August 14 at 6 p.m. August 23 at 7 p.m. is the regular meeting, August 28 at 6:30 p.m. is the first annexation public hearing, September 6 at 6:30 p.m. is the first public hearing on a tax increase, September 13 at 6:30 p.m. is the second public hearing on a tax increase, September 13 at 7 p.m. is the regular meeting, September 18 at 6:30 p.m. is the second annexation public hearing, and September 27 at 7 p.m. is the regular meeting.

Motion by Councilmember Jannett, seconded by Councilmember McCrary to adjourn. The motion passed and the meeting adjourned at 8:20 p.m.

ATTEST:

RALPH STENZEL, MAYOR

Janet L. Davis, City Secretary