

**CITY OF SANTA FE
REGULAR COUNCIL MEETING
DECEMBER 9, 2010 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 Joe Carothers
Councilmember Jeff Tambrella
Councilmember Bubba Jannett
Councilmember Pat McCrary
City Attorney Ellis J. Ortego
City Manager Joe Dickson
City Secretary Janet L. Davis
Absent: Councilmember Jim Abney, 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.

Reports:

The minutes of 10/14/10 were approved as presented.

City Manager Joe Dickson reviewed the results of the Warrant Amnesty Program conducted in August and September. A total of 46 warrants were cleared and \$5,198 was collected during the two-month program. Mr. Dickson reviewed the September 30, 2010, quarterly and annual investment reports noting that interest rates are still flat.

Planning and Zoning Business:

Old Business: None

New Business:

1. Consideration and possible action: Public hearing and First reading of an ordinance amending 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 District (AR) to Highway Commercial District (HC) and adding a conditional use permit zoning classification for a warehouse located at 6717 FM 646 S, being 2.5 acres described as Abst 48 L Crawford Sur part of Outlot 196 (196-12) Alta Loma Outlots, City of Santa Fe, Galveston County, Texas

Community Services Director Diana Steelquist said the Planning and Zoning Commission met on Tuesday, December 7, and recommended approval of the zone change request. This tract was part of Area C annexed in March, 2008, and zoned in 2009. The original zoning recommendation was HC but during the public hearing, many residents along the corridor wanted their properties to remain AR. Council then designated HC for existing business with all other properties remaining AR until a proposed business development requests a change to HC. The property owner understood that the area was recommended for HC and moved forward with the project; however, the area was actually zoned AR following the public hearing. Ms. Steelquist said the lot size exceeds the requirements and no detention is required because the building is less than 5000 square feet. No platting is required, but the corridor development standards must be met and a storm water plan is needed. The property is served by a private well and septic and a 6' privacy fence is planned to surround the building with a chain link fence around the other areas. Ms. Steelquist said the owner will have to seek approval of the site plan from the Planning and Zoning Commission. Ms. Steelquist also said that Ms. Kim Debolt of 6719 FM 646S is adjacent to the property proposed for rezoning and is opposed to the request because of health and safety concerns and the potential decrease in the market value of her property. Mayor Stenzel opened the public hearing at 7:12 p.m. Mr. Karl Brown, one of the owners, said a 6' privacy fence is proposed along the FM 646 entrance and along side Ms. Debolt's residence for noise abatement. He said their business is oil field rental equipment which they clean and re-rent. No chemicals, other than acetylene, are stored on the property. There were no comments from the public. Mayor Stenzel closed the public hearing at 7:15 p.m. Motion by Councilmember Tambrella, seconded by Councilmember McCrary to pass the first reading of the ordinance amending 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 District (AR) to Highway Commercial District (HC) and adding a conditional use permit zoning classification for a warehouse located at 6717 FM 646 S, being 2.5 acres described as Abst 48 L Crawford Sur part of Outlot 196 (196-12) Alta Loma Outlots, City of Santa Fe, Galveston County, Texas. The motion passed the roll call vote unanimously.

2. Consideration and possible action: Public hearing and First reading of an ordinance amending 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 Single Family Residential District (R-1) to Medium Density Residential District (R-2) for 0.26 acres located on the NW corner of FM 646 N and Langford Street, described as Abst 47 Page 5 Lot 21, Langford Sub, City of Santa Fe, Galveston County, Texas

Community Services Director Diana Steelquist said Mr. Jimmy Devona has submitted an application to rezone the corner of FM 646 N and Langford from R1 to R2 for construction of a duplex. The Planning and Zoning Commission recommended approval of the request. Ms. Steelquist said the proposed project is 11,000 square feet, too small for a highway commercial designation, with water and sewer availability through WCID #8. No replatting is required; however, a variance may be needed because the depth requirement is 80' and the actual lot depth is 68'. The layout of the building could be redesigned or a variance could be granted if the situation meets hardship and uniqueness of lot requirements.

Mayor Stenzel opened the public hearing at 7:23 p.m. Mr. Ed Young of 12619 Langford said he is an adjacent property owner and opposes the rezoning because this project will increase traffic on the street, decrease property values, and increase crime. He presented a petition of 16 signatures of property owners in opposition. Council reviewed the reasons for opposition listed on the petition. Mr. Blevins of Avenue N ½ also stated his opposition. Mr. Jimmy Devona of 7235 Avenue L ½ said he is trying to build a 2,500 square feet brick duplex on a concrete slab at that site with the entrance off Langford that will be a source of retirement income. He said he has other rent properties that are well maintained and tenants are pre-screened. Mayor Stenzel closed the public hearing at 7:31 p.m. Councilmember McCrary felt this is spot zoning. Councilmember Jannett asked if the widening project will affect this property and Ms. Steelquist said that is a possibility. Motion by Councilmember Jannett, seconded by Councilmember McCrary to deny the requested zone change. The motion failed the roll call vote unanimously. Because of some confusion, a subsequent motion was made by Councilmember Jannett, seconded by Councilmember McCrary to deny the requested zone change. The motion passed the roll call vote three to one. Those voting for: Councilmember McCrary, Councilmember Tambrella, and Councilmember Jannett. Those voting against: Councilmember Carothers.

3. Consideration and possible action: Public hearing and First reading of an ordinance amending 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 Neighborhood Commercial (NC) to Highway Commercial (HC) for 0.5 acres located at 3508 Ave. J½, described as Abst 1 Page 11 Part of Lot 40 (40-4), McGregors Subdivision, City of Santa Fe, Galveston County, Texas

Community Services Director Diana Steelquist said Mr. Bubba Pyle has operated a mechanic shop at the corner of Avenue J ½ and FM 1764 for about ten years. Following a complaint that made the city aware of this business operation in a neighborhood commercial zone, a rezoning application was submitted by Mr. Pyle to change the zone from NC to HC. The Planning and Zoning Commission held a public hearing and ultimately recommended, 5 to 1, approval of the request. Ms. Steelquist that Mr. Mike Hebert lives at the end of Avenue J ½ and voiced his opposition at the planning and zoning commission meeting due to traffic issues on Avenue J ½. Mayor Stenzel opened the public hearing at 7:40 p.m. Mr. Steve Hillman of 5018 Avenue M said he has utilized Mr. Pyle's mechanic services for many years, and this is not only Mr. Pyle's residence, but also his livelihood. Mr. Hillman said he has a large driveway and an enclosed building and his property is tidier than most. Mr. Bubba Pyle of 3508 Avenue J ½ said he spoke with the water district about a water tap, and he is willing to pave a new concrete drive entrance off FM 1764 in addition to a new shop door facing FM 1764. Mr. Lane Harding of 3725 Avenue G ½ said this was originally his residence, and when FM 1764 was widened, he requested a curb cut for a drive through the shop. Mr. Mike Hebert said he lives at the end of Avenue J ½ and has for 16 years. He said traffic on the street has increased since the business has been there and he is opposed to the rezoning because of traffic issues, specifically people turning around in his driveway. Mr. Hebert said he also owns a business but he purchased commercial property for it. Mr. Theis of 3503 Avenue J ½ said he is in favor of the zone change especially if Mr. Pyle adds a drive off FM 1764. Neighbor Lena Hair said she has no problem and no concerns with the rezoning. Mayor Stenzel closed the public hearing at 7:47 p.m. Councilmember Carothers asked if

TxDOT was on board with the additional driveway and Mr. Pyle responded that TxDOT approved the curb cut when the highway was widened several years ago. Motion by Councilmember Tambrella, seconded by Councilmember Jannett to pass the first reading of the ordinance amending 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 Neighborhood Commercial (NC) to Highway Commercial (HC) for 0.5 acres located at 3508 Ave. J½, described as Abst 1 Page 11 Part of Lot 40 (40-4), McGregors 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: Ratifying execution of CDBG Disaster Recovery Contract Amendment No. 1 revising the Performance Statement by deleting Pecan Grove and adding the platted alley between 15th Street and 16 Street

Mr. John Mercer, the city's project engineer, said this amendment was necessary to revise the scope of the sewer line rehab project because one of the original areas is an unrecorded easement and TDRA will not allow projects on private property. Motion by Councilmember Joe Carothers, seconded by Councilmember McCrary to ratify execution of the CDBG Disaster Recovery Contract Amendment No. 1 revising the Performance Statement by deleting Pecan Grove and adding the platted alley between 15th Street and 16th Street. The motion passed the roll call vote unanimously.

New Business:

1. Consideration and possible action: Authorizing staff to solicit bids for the construction of a water well located at WCID #8's Water Plant No. 2 at 3636 Avenue L to be funded by TDRA Contract No. DRS010168 CDBG DR Program

Mr. John Mercer said this is one of the projects submitted for disaster recovery funding. It is a 2nd well for backup water supply. Motion by Councilmember McCrary, seconded by Councilmember Tambrella to authorize staff to solicit bids for the construction of a water well located at WCID #8's Water Plant No. 2 at 3636 Avenue L to be funded by TDRA Contract No. DRS010168 CDBG DR Program. The motion passed the roll call vote unanimously.

2. Consideration and possible action: Ratifying authorization of Mayor to withdraw letter requesting Contract Amendment No. 2 revising the Performance Statement Exhibit A for the contract between the City of Santa Fe and the Texas Department of Rural Affairs (TDRA), Contract No. DRS010168

Mr. John Mercer said when the elevated storage tank was designed, a small additional building for testing was not specifically listed in the performance statement. Since TDRA is requiring a complete new environmental assessment of the site before any amendments to the performance statement are

approved, we are withdrawing the addition of the small building because of the cost of a second assessment. Motion by Councilmember Tambrella, seconded by Councilmember Jannett to ratify authorization of the Mayor to withdraw the letter requesting Contract Amendment No. 2 revising the Performance Statement Exhibit A for the contract between the City of Santa Fe and the Texas Department of Rural Affairs (TDRA), Contract No. DRS010168. The motion passed the roll call vote unanimously.

3. Consideration and possible action: Authorizing staff to solicit bids for the construction of an elevated storage tank located at WCID #8's Water Plant No. 3 on First Street and Peck to be funded by TDRA Contract No. DRS010168 CDBG DR Program

Mr. John Mercer said the new elevated storage tank, to be funded through disaster recovery assistance funds, will supply additional water pressure to the northern end of the district. Motion by Councilmember Tambrella, seconded by Councilmember McCrary to authorize staff to solicit bids for the construction of an elevated storage tank located at WICD #8's Water Plant No. 3 on First Street and Peck to be funded by TDRA Contract No. DRS010168 CDBG DR Program. The motion passed the roll call vote unanimously.

4. Consideration and possible action: Authorizing Mayor to execute the Contract for Storm Water Pollution Prevention between the City of Santa Fe, the Galveston County Health District, and Galveston County Drainage District No. 1 for fiscal year 2011

Community Services Director Diana Steelquist said we have the MS2 plan in place as required by the EPA and TCEQ. This agreement is with the Galveston County Health District to provide services jointly, including public education in compliance with the plan, to avoid duplication of efforts by the health district, DD #1, and the City. The cost is \$12,000 annually and funds have been included in the current budget. Motion by Councilmember Carothers, seconded by Councilmember McCrary to authorize the Mayor to execute the Contract for Storm Water Pollution prevention between the City of Santa Fe, the Galveston County Health District, and Galveston County Drainage District No. 1 for fiscal year 2011. The motion passed the roll call vote unanimously.

5. Consideration and possible action: Adoption of a resolution authorizing the Mayor to execute the lease purchase financing documents for acquisition of municipal court software, video cameras and laptops for the police units, and labor and materials for the construction of a new metal building for the street department

City Manager Joe Dickson said financing proposals have been received and SunTrust submitted the most advantageous proposal at 2.52%. Motion by Councilmember Carothers, seconded by Councilmember Tambrella to adopt the resolution authorizing the Mayor to execute the lease purchase financing documents with SunTrust Equipment Finance & Leasing Corporation for acquisition of municipal court software, video cameras and laptops for the police units, and labor and materials for the construction of a new metal building for the street department. The motion passed the roll call vote unanimously.

6. Executive Session, closed to the public, under Section 551.074, Government Code, to discuss the evaluation of the City Manager

Council adjourned at 8:00 p.m. into executive session, closed to the public, under Section 551.074, Government Code, to discuss the evaluation of the City Manager and reconvened at 8:49 p.m.

7. Consideration and possible action: Authorizing Mayor to execute an Addendum to the Employment Agreement between the City and City Manager Joe Dickson

Motion by Councilmember Jannett, seconded by Councilmember Carothers to authorize the Mayor to execute the Addendum to the Employment Agreement between the City and City Manager Joe Dickson extending the agreement to December 31, 2012. Mayor Stenzel said the City Manager requested no increase in salary. The motion passed the roll call vote unanimously.

Announcements: Christmas parade tomorrow evening beginning at Runge Park at 7 p.m. and ending at Big Chief; the annual Christmas at the Depot will be held at the museum this Sunday.

Summary of action from this agenda, request for future agenda items, and scheduling future meetings
The next regular Council meeting is scheduled for January 13, 2011, at 7 p.m.

Motion by Councilmember Jannett, seconded by Councilmember McCrary to adjourn. The motion passed and the meeting adjourned at 8:50 p.m.

RALPH STENZEL, MAYOR

ATTEST:

Janet L. Davis, City Secretary