

**CITY OF SANTA FE
REGULAR COUNCIL MEETING
FEBRUARY 13, 2014 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 Wanda Wagner
 Councilmember Jeff Tambrella
 Councilmember Bubba Jannett
 Councilmember Joe Carothers
 Councilmember Pat McCrary
 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 1/9/14 were approved as presented.
- b. City Manager Joe Dickson presented the financial statement and investment report for the quarter ending December 31, 2013. He reviewed the investment portfolio consisting of seven CDs at Texas First Bank, the money market accounts at Compass Bank, LOGIC and TexPool investment pools, and restricted accounts, including the capital projects fund and the debt service fund.

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, by amending Article 2 to add the definition of Caretaker Residence, and by amending Appendix 4-F, Zoning District Matrix, to add Accessory Use as a Caretaker Residence with a conditional use permit in the Commercial Zoning Districts

Community Services Director Diana Steelquist said this is a staff-initiated change to the zoning ordinance to close the gap in overnight protection in our community to deter vandalism. She said our current regulations only allow for fences and dogs as security measures, but this amendment would permit a caretaker residence, as an accessory use with a conditional use permit, on the same property as the

commercial facility in commercial districts to provide overnight protection. Examples of such uses that may benefit from the amendment include facilities such as mini warehouse storage units. Council questioned whether a manufactured home could be used as a caretaker residence and preferred to expressly prohibit those types of buildings for such use. Mayor Stenzel opened the public hearing at 7:11 p.m. and there were no comments from the public. Motion by Councilmember Tambrella, seconded by Councilmember Jannett 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, by amending Article 2 to add the definition of Caretaker Residence, and by amending Appendix 4-F, Zoning District Matrix, to add Accessory Use as a Caretaker Residence with a conditional use permit in the Commercial Zoning Districts, and to add the express prohibition of manufactured, modular or industrial homes for use as a caretaker residence. The motion passed the roll call vote unanimously.

2. Consideration and possible action: Public Hearing and First reading of an ordinance of the City of Santa Fe, Texas, 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 30.973 acres located along the Northwest side of FM 1764 between Ave. S and 6th Street, containing 17 parcels, City of Santa Fe, Galveston County, Texas

Community Services Director Diana Steelquist said this is a staff-initiated change to the zoning map to change the zone on a portion of FM 1764 from Neighborhood Commercial to Highway Commercial. She said FM 1764 has become a major economic corridor and the neighborhood commercial use, usually more low-traffic volume, no longer suits the area. Ms. Steelquist said that all uses allowed in neighborhood commercial are allowed in highway commercial. She also said that public water is available in this area and public sewer is in close proximity and may be available upon request by a developer. This recommendation to change the zone was made to promote economic development in the community. Mayor Stenzel opened the public hearing. Mr. Gilbert Gustafson said he owns property around the Amoco Federal Credit Union and asked about the brick façade requirements on highway corridors and whether or not apartments would be allowed on his tracts. He was directed to speak with Ms. Steelquist after the meeting or during regular business hours because his questions did not pertain to the item on the agenda and his property was not included in the proposed zone change. Ms. Donna Yovan of 13234 FM 1764 (corner of FM 1764 and Ave. S) asked the differences between the two zones and why only the north side is being recommended for the change. Ms. Steelquist said the main difference is that a neighborhood commercial district is for low volume traffic uses, but another difference is that a residential piece of property in the highway commercial district cannot be subdivided for another residential use. She said the property north of FM 1764 was chosen because of its availability to public water. Mayor Stenzel closed the public hearing at 7:33 p.m. Motion by Councilmember Jannett, seconded by Councilmember McCrary to pass the first reading of an ordinance of the City of Santa Fe, Texas, 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 30.973 acres located along the Northwest side of FM 1764 between Ave. S and 6th Street, containing 17 parcels, City of Santa Fe, Galveston County, Texas. The motion passed the roll call vote unanimously.

3. Consideration and possible action: Granting/denying request by Mr. and Mrs. Thomas Vanier to abandon a portion of the alley located between 7th and 8th Streets, directly behind 4522 Jackson Street, and authorizing the Mayor to execute the Deed Without Warranty to transfer ownership of the property

Community Services Director Diana Steelquist said the Planning and Zoning Commission held a public hearing and then recommended abandonment of the requested portion of the alley between 7th and 8th Streets to allow the Vaniers to purchase the property and rebuild their storage shed. She said all utilities and abutting property owners have been notified, but the abutting property owner has not returned the signed release yet. Motion by Councilmember Tambrella, seconded by Councilmember McCrary to grant the request by Mr. and Mrs. Thomas Vanier to abandon a portion of the alley located between 7th and 8th Streets, directly behind 4522 Jackson Street, and authorizing the Mayor to execute the Deed Without Warranty to transfer ownership of the property, contingent upon receipt of required releases and other required documents. The motion passed the roll call vote unanimously.

City Business (Other):

Old Business:

1. Consideration and possible action: Adoption of a resolution reviewing and approving the city's investment policy

City Manager Joe Dickson said this item was tabled at the last meeting and the issue was whether the funds of the Santa Fe Economic Development Corporation can be collateralized by securities pledged to the corporation by the depository bank. Staff was concerned that the FDIC may not honor collateral pledged to the SFEDC because such government corporations do not fulfill the requirement of a public unit. The FDIC has been contacted for clarification and we are waiting to hear back from them with an opinion. However, the investment policy has been modified to prohibit EDC funds in excess of the FDIC coverage in any bank. Motion by Councilmember Tambrella, seconded by Councilmember Wagner to adopt the resolution reviewing and approving the city's investment policy, as amended. The motion passed the roll call vote unanimously.

New Business:

1. Consideration and possible action: Approval of Warrant Amnesty Program for the period February 17, 2014, through March 31, 2014

Municipal Court Administrator Cheryl Hopf requested approval of a warranty amnesty program for the period beginning February 17, 2014, and ending April 30, 2014. Last year's program proved successful with 140 warrants paid totaling \$45,271. Under the program, the violate promise to appear or the failure to appear is dismissed, with only the fine being collected. Motion by Councilmember Carothers, seconded by Councilmember Wagner to approve the Warrant Amnesty Program for the period February 17, 2014, through April 30, 2014. The motion passed the roll call vote unanimously.

2. Consideration and possible action: Presentation and acceptance of 2013 Annual Racial Profiling Report

Police Chief Kenneth Campbell provided a complete 93 page report of racial profiling statistics for 2013 to Mayor Stenzel which will be maintained in the office of the City Secretary. He summarized the report stating there were 1,817 Tier 1 contacts, with 160 of those resulting in arrest. He said the officer knew the race of 30 of the contacts prior to the stop. Motion by Councilmember Tambrella, seconded by Councilmember Wagner to accept the 2013 Annual Racial Profiling Report. The motion passed the roll call vote unanimously.

3. Consideration and possible action: Ratifying Change Request 2 pertaining to the Texas Community Development Block Grant Disaster Recovery Program Contract 13-078-000-7101, Round 2.2, to transfer funds from water facilities to sewer facilities and engineering for additional work under the program

Director of Administrative Services Pam Wood said this change is necessary in order to perform additional sewer work and related engineering costs with the \$45,359 in funds left over from the completed water facility project. Motion by Councilmember Carothers, seconded by Councilmember McCrary to ratify Change Request 2 pertaining to the Texas Community Development Block Grant Disaster Recovery Program Contract 13-078-000-7101, Round 2.2, to transfer funds from water facilities to sewer facilities and engineering for additional work under the program. The motion passed the roll call vote unanimously.

4. Consideration and possible action: Authorizing Mayor to execute Resale Deed conveying part of Lot 224, Thamans 2nd Subdivision, Galveston County, Texas, (tax acct #7056-0000-0224-002) to Galveston County Drainage District No. 1

City Manager Joe Dickson said this sale came to Council previously and was approved. However, DD1 did not approve the sale because they wanted the property to improve drainage in the area. He said Santa Fe I.S.D. did not approve DD1's request to acquire the property at no cost, so DD1 has agreed to purchase the property at the original bid price of \$32,000. Mr. David Wilkins of DD1 said the drainage district has acquired property throughout the community for drainage maintenance and improvements. He said they were unaware the property was up for sale originally, but they are willing to purchase the property for the original bid amount. Motion by Councilmember Wagner, seconded by Councilmember Carothers to authorize the Mayor to execute the resale Deed conveying part of Lot 224, Thamans 2nd Subdivision, Galveston County, Texas, (tax acct #7056-0000-0224-002) to Galveston County Drainage District No. 1. The motion passed the roll call vote unanimously.

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

Council adjourned at 7:55 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 8:21 p.m.

6. 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 Tambrella, seconded by Councilmember McCrary to authorize the Mayor to execute the Addendum to the Employment Agreement between the City and City Manager Joe Dickson

extending the agreement until December 31, 2015, with no pay increase at Mr. Dickson's request. The motion passed the roll call vote unanimously.

Announcements: There will be a top-out luncheon at the Justice Center on February 26, 2014, at noon. The lunch will be catered and is by invitation only.

Summary of action from this agenda, request for future agenda items, and scheduling future meetings

The next regular meeting is tentatively scheduled for February 27, 2014, at 7 p.m.

Future agenda items include a discussion of the purchase of the Santa Fe Fire and Rescue former EMS building on Main Street, disposition of the police department once construction of the Justice Center is complete, and a request by the masonic lodge to place a cornerstone in the Justice Center building.

Motion by Councilmember Jannett, seconded by Councilmember McCrary to adjourn. The motion passed and the meeting adjourned at 8:33 p.m.

RALPH STENZEL, MAYOR

ATTEST:

Janet L. Davis, City Secretary