

**CITY OF SANTA FE
REGULAR COUNCIL MEETING
JANUARY 26, 2023 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 Pittman.

Roll Call: Present: Mayor Bill Pittman
Councilmember Brandon Noto
Councilmember Melanie Collins
Councilmember John Dickerson
Councilmember Dana Marks

Absent: Councilmember Jason O'Brien

The invocation was given by Alton Wall from Santa Fe Baptist Church, and Mayor Pittman then led those present in the Pledge of Allegiance to the U. S. Flag and to the Texas Flag.

Mayor's and City Manager's Report:

1. Presentation of the Government Finance Officers Association's Distinguished Budget Presentation Award to the City of Santa Fe for Fiscal Year 2022-2023. Acting City Manager Alun Thomas welcomed Katina Hampton, Director of Administrative Services for the City of Friendswood and current President of the Government Finance Officers Association's of Texas. Ms. Hampton expressed how honored she was to present the City of Santa Fe with its first ever Government Finance Officers Association's Distinguished Budget Presentation Award and explained that this recognition from the Governmental Finance Association is the highest award in governmental budgeting. Ms. Hampton presented Mayor Bill Pittman with the award. Mayor Bill Pittman thanked Ms. Hampton for taking time to come to the City of Santa Fe to present the award, and then also thanked staff, council, and especially Finance Director Rudy Zepeda for all of their hard work.

2. Presentation of departmental reports by staff, specifically a recap of the activities performed during the previous month and a report of upcoming activities, events, and projects on the horizon

- 1) Finance – city finance activities (including cash flow, financial reports, investment reports, utility audit services, PEG channel development), and Santa Fe Economic Development Corporation project updates

Citizens' Comments:

None.

Business:

Old Business:

1. Consideration and possible action: Second and final reading of an ordinance reestablishing a curfew for minors and establishing curfew times for minors in the City of Santa Fe, Texas

Acting City Manager Alun Thomas explained this is the second reading of the curfew times for minors which was approved at the last regular meeting on January 12, 2023, and this would be the final reading so the city can readopt the ordinance.

Motion by Councilmember Dickerson, seconded by Councilmember Marks, to approve the second and final reading of the ordinance to reestablish a curfew for minors as presented. The motion passed the roll call vote unanimously.

New Business:

1. Consideration and possible action: Regarding a request from Mulberry Farms, LLC for the acceptance of the infrastructure associated with the Construction Plans for Detention Ponds "A" and "B" to serve Mulberry Farms

Mayor Pittman asked Council to consider this Item at the same time as Items Two and Three, given that the infrastructure for the Mulberry Farms development is interdependent, and Council agreed. City Engineer Matt Johnson spoke at considerable length about the development, noting that there were several aspects of both the development and its associated paperwork that are currently incomplete, missing, or deficient. Of particular note, Mr. Johnson drew Council's attention to:

- Submission of required documents:
 - A very large number of required documents for this project, totaling hundreds of pages, were submitted to the City at approximately 2:00 p.m. today, so staff has not had sufficient time to review them for suitability, accuracy, or compliance with the City's requirements.
- Power distribution within the development:
 - Chapter 8, Section 6.8.1 of the City's Engineering Design Standards requires all "utility facilities, including but not limited to gas, electric power, telephone, and CATV cables shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public streets and rights-of way, they shall be removed and placed underground." However, there is a portion of the development on the eastern side that has elevated power lines in place.
- Required certifications:
 - The Geotechnical certification received by the City states that all concrete areas tested met project specification requirements for compressive strength and pavement thickness. This is inaccurate, since two of the concrete compressive strength test reports (numbers 52 and 54) did not meet the 4,000 psi compressive strength requirement during the 7-day break. Not all of the testing reports were included in the submission, although they were all required.
 - Engineer of Record certification letter:
 - This is the required letter that is to be signed and sealed by the Engineer of Record certifying the elevations and grades were taken by an on-site survey on a certain date and that all pavement, inlets, manholes and appurtenances were constructed to grade as shown on the drawings and in compliance with the approved plans and specifications. The letter must also certify that all trunk storm sewers and leads are of the proper size and that all improvements are capable of performance as designed and approved. This letter has not yet been presented to the City.
 - The letter from the Engineer of Record requesting acceptance of the infrastructure has been signed, but critically, it is lacking the required engineer's seal.
 - As-built drawings:
 - The record drawings have been presented to the City, however, there are issues with them:
 - Some construction activities shown in the plans are still being constructed, so are not actually present.
 - The Engineer of Record has not added his "Record Drawing" certification to each sheet.

- The signatures for both the paving contractor and the utilities contractor are typewritten with a cursive font and simply typed on the sheets, which is insufficient to show that the signatures are authentic.
- Bonds:
 - The submitted maintenance bonds do not have the following additional language, which has been requested by the City and its attorney: "The City of Santa Fe shall have the exclusive right to determine if the infrastructure covered by the bond needs repair or replacement due to material or workmanship defects. The City of Santa Fe shall provide notice to the contractor named in this bond of the defect(s) to be repaired or replaced as soon as practicable upon discovery. The contractor shall respond with a corrective action plan within five (5) working days of the notification. Once the corrective action plan is approved by the City, the contractor shall begin the repair/replacement within five (5) working days of the City's approval. Should the contractor fail to perform the required work within the time frame agreed to, the City of Santa Fe shall have the authority to seek the bond funds to complete the work. Proof of defect is made through the act of the City making application to the surety for funds." The developer has stated that their contractors are running the language through their sureties to see if it can be added.
- Stormwater management:
 - Some of the storm sewers have been installed improperly, resulting in some pipes having either zero slope or a slope that is negative (that is, the opposite slope to that called for in the designs).

The developer, Daniel Blanco, and the developer's engineer, Jorge Gonzales from LJA Engineering, addressed Mr. Johnson's concerns and provided Council with more information. Mr. Blanco expressed his frustration that Mr. Johnson had identified deficiencies in the project of which he as the developer had until that point been unaware. He assured Council that despite several such examples of deficiencies only just recently being identified, he and his team would work diligently to quickly correct the problems. Mr. Blanco told Council that, per request from the City, he will issue two-year maintenance bonds for the concrete work within the development rather than the usual one-year bond that is issued for infrastructure, and said that he would have the silt removed from any and all drainage areas within the development's boundaries immediately prior to the conclusion of the project.

Mr. Gonzales explained to those present that due to Santa Fe's very flat topography, designing a subdivision with acceptable drainage is very difficult, necessitating using material that was dug out of future drainage ditches as fill to help further elevate the homesites. This use of fill is what has caused the homesites to be significantly higher in elevation than preexisting homesites in the vicinity of Mulberry Farms, which he acknowledged was a recurring cause of concern. When asked by Council about the drainage impacts that Mulberry Farms is already having on McGregor Street, Mr. Gonzales said that the developer had already dug out the ditches along that street so as to increase its stormwater conveyance capacity, which should sufficiently mitigate the issue. Council discussed the drainage issues along McGregor at length, with some members expressing their frustration that the new development appears to have already increased the flood risks to its neighbors, which is something that Council has adamantly opposed and tried to guard against for years.

In response to one of Mr. Johnson's concerns regarding some drainage pipes having been installed horizontally or with the slope in the opposite direction of the designed flow for stormwater, Mr. Gonzales said that his company's surveyors are rushed, so can often make mistakes while taking measurements, such as measuring from on top of a rock or a piece of concrete instead of on top of a drainage pipe. However, he said, he has run drainage calculations based on the surveyors' measurements and can assure the City that the drainage system will still function as necessary. When pressed by Mr. Thomas to explain how his calculations can provide such an assurance despite

being based on what are admittedly flawed measurements, Mr. Gonzales equivocated but concluded that it would not affect or change his overall determination that the system would perform adequately.

Richard Gage, who lives at 12004 McGregor Street (the house immediately adjacent to Mulberry Farms), echoed Council's concerns about the drainage along his street. He disagreed with Mr. Blanco's assurance to Council that the developer had cleaned the culverts out along McGregor Street when they came to dig the ditches out further. He also noted that the lack of slope on the newly-dug ditches serves to create a perfect place for standing water and mosquito breeding. Mr. Gage concluded his comments by complaining that the easternmost part of the development, which abuts his fence, has a swale with sides that are too steep to allow for proper maintenance, which he fears exacerbate the flooding issues that the development is now causing for his property.

Frank Trochesset, who lives at 3605 Avenue F, was upset that Council kept telling the developer to frequently remove the accumulated silt from the drainage system at Mulberry Farms. Mr. Trochesset said that mud and silt is not fully controllable until building projects have been completed, and that the developer is sufficiently incentivized to clean up the site once construction has been completed.

Motion by Councilmember Noto, seconded by Councilmember Collins, to accept the infrastructure associated with the Construction Plans for Detention Ponds "A" and "B" to serve Mulberry Farms once the City Engineer is satisfied that the City's requirements have been met. The motion passed the roll call vote unanimously.

2. Consideration and possible action: Regarding a request from Mulberry Farms, LLC for the acceptance of the infrastructure associated with the Construction Plans for Water, Sanitary Sewer, and Drainage Facilities and Paving & Appurtenances to serve Mulberry Farms Entry Road

Discussion for this Item was had during Item One.

Motion by Councilmember Marks, seconded by Councilmember Noto, to accept the infrastructure associated with the construction plans for water, sanitary sewer, and drainage facilities and paving & appurtenances to serve Mulberry Farms' entry road once the City Engineer is satisfied that the City's requirements have been met. The motion passed the roll call vote unanimously.

3. Consideration and possible action: Regarding a request from Mulberry Farms, LLC for the acceptance of the infrastructure associated with the Construction Plans for Water, Sanitary Sewer, Force Main and Drainage Facilities and Paving & Appurtenances to serve Mulberry Farms Section 1

Discussion for this Item was had during Item One.

Motion by Councilmember Marks, seconded by Councilmember Noto, to accept the infrastructure associated with the construction plans for water, sanitary sewer, force main and drainage facilities and paving & appurtenances to serve Mulberry Farms Section 1 once the City Engineer is satisfied that the City's requirements have been met. The motion passed the roll call vote unanimously.

4. Consideration and possible action: Adoption of a resolution of the City Council of Santa Fe, Texas, establishing a "City of Santa Fe Financial Policies" document; determining that such document be comprised of the City's Financial Controls & Review, Budget & Fund Balance Policy, Special Projects Fund Policy, Investment Policy, Purchasing Policy, Capital Asset Policy and Procedures, Code of Conduct, Purchasing Card Program Policies and Procedures, and Procedures for Grant Payments; providing for the incorporation of preamble; and providing an effective date

Acting City Manager Alun Thomas explained that at the moment the City has these financial policies in different locations and would like to centralize these documents. Mr. Thomas explained that by centralizing these documents it would help the staff make sure they are following policies and also ensure staff is up to date on City policies.

Motion by Councilmember Noto, seconded by Councilmember Marks, to adopt a resolution of the City of Santa Fe establishing a "City of Santa Fe Financial Policies" document as presented. The motion passed the roll call vote unanimously.

5. Consideration and possible action: Adoption of a resolution of the City Council of Santa Fe, Texas, authorizing submission of grant application number 4719501 for the Santa Fe Police Department Officer Safety Enhancement Project to the Office of the Governor, and designating the City Manager as the grantee's authorized official

Police Captain Robert Shores explained this is a reimbursement body armor grant that will replace some of the body armor the police department currently has. Captain Shores also explained the proposed body armor to be purchased will provide officers with additional protection compared to the department's current body armor. Captain Shores explained the grant is smaller than the previous grant however, it does not require matching City funds.

Motion by Councilmember Dickerson, seconded by Councilmember Marks to approve the submission of the grant and to designate the City Manager as the authorized official. The motion passed the roll call vote unanimously.

6. Consideration and possible action: Attendance of Board of Adjustment members and alternate members, and possible changes to the Board membership

Acting City Manager Alun Thomas explained to Council that out of 5 members and 2 alternate members on the Board of Adjustment in order to have a quorum there should be at least 4 members in attendance. However, the Board has had to cancel multiple meetings this year due to not having a quorum present. Mr. Thomas spoke with the members at the last meeting, and they acknowledged that poor attendance by the members was hampering the City's ability to conduct its work. He explained to Council that the Board had agreed to move its meeting dates and time to the second Monday of the month at 7:30 p.m. in order to better accommodate the members' schedules. Board of Adjustment Chairperson Dawn Sharp addressed Council, discussed the composition of the board and stated her belief that the proposed changes will significantly lessen the likelihood of meetings failing to make a quorum. It was the consensus of Council to not make changes to the composition of the Board today, but to continue to monitor its members' attendance.

7. Discussion and direction: Proposed Fiscal Year 2023-2024 Budget preparation and development calendar

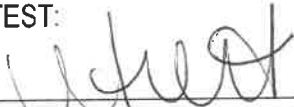
Acting City Manager Alun Thomas explained that there were feelings that the budget process was conducted differently this recent year than previous years which still worked out well. However, staff would like to make sure Council is comfortable and will not feel rushed during the upcoming budget process. Mr. Thomas explained to Council that staff has put together a comprehensive calendar that shows what the City will be accomplishing at each phase of the budget process. Mr. Thomas said the dates for workshop meetings may be spread far apart however, more meetings could be added to the calendar should Council wish. Accounting Specialist Roberto Cisneros presented the proposed calendar to Council and let Council know if there were any questions or changes to be made, to let staff know since this is just the proposed calendar and changes can be made to it. Mayor Bill Pittman explained at the beginning, workshop meetings should focus on the budget process rather than going straight into discussing the numbers.

Announcements: Councilmember Brandon Noto wished the Future Farmers of America (FFA) good luck at the Livestock show and Rodeo. Councilmember Noto also reminded the public about the Santa Fe Chamber of Commerce awards at the Fire Station Friday, January 27, 2023, at 6:00 p.m., and invited the public to the Santa Fe Police Officers Association's annual cook-off this Saturday, January 28, 2023, at Runge Park. Acting City Manager Alun Thomas invited the public to Hidden Palms to attend a public engagement event for the Comprehensive Plan on February 2, 2023, at 6:00 p.m.

Summary of action from this agenda, request for future agenda items, and scheduling future meetings: The next regular Council meeting is currently scheduled for February 9, 2023.

Motion by Councilmember Noto to adjourn. The motion passed and the meeting adjourned at 9:05 p.m.

ATTEST:



Natalie Arnett, Assistant City Secretary



BILL PITTMAN, MAYOR