

**CITY OF SANTA FE
REGULAR COUNCIL MEETING
MARCH 14, 2019 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 Jason Tabor.

Roll Call: Present: Mayor Jason Tabor
Mayor Pro-tem Corey Jannett
Councilmember Jason O'Brien
Councilmember Bill Pittman
Councilmember Bubba Jannett
City Attorney Ellis J. Ortego
City Manager Joe Dickson
City Secretary Janet L. Davis
Absent: Councilmember Joe Carothers, excused

The invocation was given by City Manager Joe Dickson 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:
The minutes of 2/14/19 were approved as presented.

Citizens' Comments: None

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 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 (R-1) to Highway Commercial (HC) for one tract totaling 1.985 acres located at 1625 FM 646 N, City of Santa Fe, Galveston County, Texas

Community Services Director Diana Steelquist said the applicant has requested to rezone her property on FM 646 Rd N to Highway Commercial from residential in order to be able to sell it for commercial development. She said the Planning and Zoning Commission held a public hearing last night with approximately 20 people speaking about the rezoning request before recommending denial six to one. Ms. Steelquist said a neighborhood petition in opposition to the rezoning has been submitted to staff to a super majority vote will be required for any change to become effective. Mayor Tabor requested the item be tabled until a full Council is present. Motion by Councilmember Pittman, seconded by Councilmember O'Brien to table this item until the April 11, 2019, regular meeting. 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 amending an existing conditional use permit to include a cellular communications tower on one tract totaling 1.345 acres located in the Highway Commercial (HC) Zoning District at 1307 FM 646 N, City of Santa Fe, Galveston County, Texas

Community Services Director Diana Steelquist said the Planning and Zoning Commission held a public hearing last night and in a five to two vote recommended denial, but she said the company requesting the permit submitted a withdrawal request today. Ms. Steelquist said the requestor changed the design to a monopole and changed the proposed location on the lot. Motion by Councilmember Pittman, seconded by Councilmember O'Brien to accept the withdrawal request. Mr. Omar Izfar, representing SBA Communications who operates the cell tower across FM 646 N with T Mobile as a current tenant, said this makes the fourth time this applicant has presented an application and then subsequently withdrawn it. Mr. Izfar requested Council hold the public hearing so he and others could have a chance to speak about the request. Those voting for: Councilmember Pittman and Councilmember O'Brien. Those voting against: Councilmember Corey Jannett and Councilmember Bubba Jannett. The motion failed because a petition was previously received by staff requiring a super majority vote to pass. Mayor Tabor opened the public hearing. Mr. Izfar reviewed the criteria for approval as laid out in the city's conditional use permit criteria and procedures and he said this request is also inconsistent with the city's land use goals. He said the city's ordinance from 2017 regulates wireless services in city rights-of-way to limit their intrusiveness, so why should these same regulations not apply to these types of services on private property adjacent to the public right-of-way. Mr. Izfar said that personal wireless services can be denied by a local government, but the government cannot discriminate against a specific carrier or not provide for gaps in coverage areas. He said there are no coverage gaps since his tower provides the same coverage area as the proposed tower range. Mr. Izfar said TMobile is wanting to build their own tower for economic reasons only, and he requested that Council deny their request for a conditional use permit because it will be a detriment to his business, employees, tenants, and adjacent residences, and it is a nuisance. Mr. Richard Little, the owner of adjacent property at 1223 and 1227 FM 646N, said he is opposed to placement of a new cell tower because of safety concerns, such as the fall radius and 5G network potential health concerns, and because how it may negatively affect adjacent property values. Ms. Toni Eldridge at 1308 FM 646 N said she is concerned about safety hazards in terms of location and technology emissions, as the existing tower is within 1000' of her home and the proposed tower would be closer. Mr. Mayor Tabor closed the public hearing at 7:43 p.m. Motion by Councilmember Bubba Jannett, seconded by Councilmember Corey Jannett to deny the amendment to the existing conditional use permit to include a cellular communications tower. The motion passed the roll call vote unanimously.

3. Consideration and possible action: Granting/denying request for abandonment of a portion of the 2nd Street public right-of-way between Jackson and Peck, Santa Fe, Texas, and authorizing the Mayor to execute the documents necessary to transfer ownership

Community Services Director Diana Steelquist said Mr. Armstrong and his neighbor, Mr. Iles, are requesting abandonment of a portion of the 2nd Street public right-of-way so they can divide it in half for their own use. She said the 2nd Street right-of-way on the other side was abandoned a few years ago, and the Planning and Zoning Commission has unanimously recommended approval of this request. Motion by Councilmember Pittman, seconded by Councilmember Bubba Jannett to grant the request to abandon a portion of the 2nd Street public right-of-way between Jackson and Peck, Santa Fe, Texas, and authorizing the Mayor to execute the documents necessary to transfer ownership. The motion passed the roll call vote unanimously.

City Business (Other):

Old Business:

1. Consideration and possible action: Second and final reading of an ordinance amending the Traffic Control Device Inventory – Schedule III in accordance with Chapter 9, Section 2, Subsection D, of the Code of Ordinances, City of Santa Fe, Texas, to add a stop sign on Pecan Trails Drive at Avenue S

City Manager Joe Dickson said this is the final reading of the ordinance approving installation of a new stop sign on Pecan Trails Drive at Avenue S. Motion by Councilmember Bubba Jannett, seconded by Councilmember Pittman to pass the second and final reading of an ordinance amending the Traffic Control Device Inventory – Schedule III in accordance with Chapter 9, Section 2, Subsection D, of the Code of Ordinances, City of Santa Fe, Texas, to add a stop sign on Pecan Trails Drive at Avenue S. The motion passed the roll call vote unanimously.

2. Consideration and possible action: First reading of an ordinance amending Chapter 9, Traffic Code, Section 5, creating a civil offense for passing a stopped school bus that is operating certain visual signals while loading and unloading students; creating a civil penalty; and providing for a civil fine and penalties

Police Chief Philip Meadows said Council has sample ordinances from the City of San Antonio and the City of Austin for creating civil offense for passing a stopped school bus, and he said the school district would have to meet certain requirements in order to have cameras installed on buses for video monitoring. Chief Meadows recommended responsibility for review and issuance of penalties fall upon the school district or a contracted entity so as not to create an obligation or expense for the city. City Attorney Ellis Ortego said he does not think the school has authority to create a civil penalty for passing a stopped bus but the Transportation Code authorizes the city to establish such regulations and the school district said the city has to support the program through an ordinance in order for the cameras to be installed. Mr. Ortego recommended we model our regulations after the City of San Antonio's ordinance which in his opinion provides more protections for the violator. Motion by Councilmember Bubba Jannett, seconded by Councilmember Pittman to pass the first reading of an ordinance amending Chapter 9, Traffic Code, Section 5, creating a civil offense for passing a stopped school bus that is operating certain visual signals while loading and unloading students; creating a civil penalty; and providing for a civil fine and penalties, as modeled after the ordinance from the City of San Antonio, Texas. The motion passed the roll call vote unanimously.

New Business: None

Announcements: Mayor Tabor thanked Street Superintendent Billy Creppon for working with DD#1 on drainage issues.

Summary of action from this agenda, request for future agenda items, and scheduling future meetings
The next regular meeting is scheduled for March 28, 2019.

Motion by Councilmember Bubba Jannett, seconded by Councilmember Pittman to adjourn. The motion passed and the meeting adjourned at 8:05 p.m.

ATTEST:

JASON TABOR, MAYOR

Janet L. Davis, City Secretary