

MINUTE RECORD OF THE CITY OF THE SAN ANGELO ZONING BOARD OF ADJUSTMENT MEETING HELD ON MONDAY, JULY 6, 2015, AT 1:30 PM, AT THE KENNETH MCNEASE CONVENTION CENTER

PRESENT: Fred Adams II, Jim Turner, David Nowlin, Louis Rork, Debbie Cunningham

ABSENT: Rick Cortijo (AE, Alternate), Haydn John (AE, Alternate),

STAFF: Rebeca A. Guerra, AICP, Planning Manager
Jeff Fisher, Planner

I. Call to order and establish that a quorum is present.

The meeting was called to order at 1:30 pm. A quorum was established with five members present.

II. Review and take any action related to minute record of the regular meeting held on Monday, May 4, 2015.

Mr. Nowlin asked if the Board had an opportunity to review the draft minutes from the May 4, 2015, meeting.

Mr. Turner motioned to approve the minutes, and Mr. Adams seconded. The Motion passed unanimously, 5-0.

III. Consideration of the Zoning Board of Adjustment for the City of San Angelo, Texas for a Text Amendment to the By-Laws of the Zoning Board of Adjustment of the City of San Angelo providing for a Board of seven (7) regular members and two (2) alternate members, nominations by the Mayor and Single Member District Council Members, filling vacancies on the Board, pre-appeal hearing requirements, and appeal hearing procedures.

Rebeca Guerra, Planning Manager, explained the proposed amendments to the Zoning Board of Adjustment (ZBA) By-Laws are to follow the amendments to Chapter 2 of the City Code of Ordinances adopted by City Council on June 2, 2015. She indicated that these amendments were reviewed by the ZBA at their meeting of May 4, 2015, and the ZBA conveyed their support for them. The ZBA now has the opportunity, she explained, to institute those amendments into its own By-Laws.

Ms. Guerra outlined the proposed changes to the ZBA By-Laws as follows: Article 1 removes chapters and article numbers; Article 2 is clean-up of language; Article 3 outlines the Membership of the Board, including 7 regular board members and 2 alternates, formerly 5 members and 2 alternates; how vacancies are filled and the implementation of filling seats; and Article 5, which removes some article and chapter

numbers, states actions have to be made prior to an appeal, and outlines procedural orders for appeal hearings.

Ms. Guerra indicated that Article 5.01 needs to be corrected to say 6 members instead of 4, and a total of 7 instead of 5, to meet the Texas Local Government Code for items that require a vote of 2/3's of the ZBA Members.

Mr. Rork asked which document was being revised.

Ms. Guerra responded that only the ZBA By-Laws are being amended today.

Mr. Rork asked why the Mayor was not mentioned in Article 3 which states that City Council nominates Board Members.

Ms. Guerra explained that the Mayor's proposed appointments must also be approved by City Council as a whole, which includes the Mayor and all of the Council Members.

Mr. Rork indicated that Article 3.06 which terminates Members who don't attend two-thirds of the meetings in a calendar year as being "low expectations."

Ms. Guerra explained the article states Members must attend "at least" two thirds of the meetings, not one-third of the meetings. She also indicated that this provision is consistent with the Chapter 2 changes to the City Code of Ordinances, as well as with the provisions of other Boards in this respect. Mr. Rork thanked Ms. Guerra for clarifying.

Ms. Guerra then outlined that the Board Secretary would decide on what is considered an unexcused absence but that common sense would be applied in each case.

Mr. Rork asked for clarification on Article 3.07.b, if the Mayor can nominate the two alternate positions. Ms. Guerra responded this is correct, but that the nominations would still require approval by a vote from City Council.

Ms. Guerra outlined Article 6 which refers to keeping Minutes of the Meetings. Section 6 is essentially a cleanup of language, Ms. Guerra explained, including changing the Planning Director to the Planning and Development Services Department Director, allowing the Director, or his or her designee, to maintain the Minutes in the Department Office.

Mr. Rork indicated that Article 7.02 should reference 7 Board Members, not 5. Ms. Guerra agreed and explained this would be changed.

Mr. Rork asked if in Section 9.02, where it states "remainder of the term," referred to the Chair or Vice Chair. Ms. Guerra indicated she will add "of the Chair" so it is clear this statement is only referring to the Chair.

Ms. Guerra explained the By-Law Amendments will now make it clear who is a Board Member and who is an Alternate, as they specifically outline that the Mayor and

Council Members can each appointment a Member, and that the Mayor also can appoint two alternates.

A Motion to approve as presented by staff, with corrections, for the proposed Text Amendment to the By-Laws made by Fredd Adams II, and seconded by Jim Turner. The Motion passed unanimously, 5-0.

IV. Confirmation of availability for a joint meeting between the Zoning Board of Adjustment and City Council at 12:00pm on Tuesday, August 4, 2015 at the McNease Convention Center, in Council Chambers (South Meeting Room).

Ms. Guerra indicated that City Council is requesting that the ZBA members be available on Tuesday, August 18, 2015, for a joint meeting and that both Board Members and Alternates are invited. She explained that the meeting would be held at noon and that lunch would be provided.

Mr. Nowlin asked if this item needed to be voted on.


Ms. Guerra responded that a vote was not required, that the purpose of the discussion was to confirm availability of the Board Members and Alternates. All of the members confirmed they could attend except for Ms. Cunningham who mentioned she needed to check her schedule.

V. Next meeting agenda.

Mr. Nowlin announced that the next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on Monday, August 3, 2015, in the McNease Convention Center.

VI. Adjournment

A Motion to adjourn was made by Fredd Adams II, and seconded by Jim Turner. The Motion passed unanimously, 5-0. The meeting ended at 2:03 pm.



David Nowlin, Chairperson
Zoning Board of Adjustment