

CITY COUNCIL MINUTE RECORD

The City of San Angelo
Tuesday, October 15, 2013

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Vol. 104

OPEN SESSION

BE IT REMEMBERED City Council convened in a regular meeting at 4:33 P.M., Tuesday, October 15, 2013, in the San Angelo McNease Convention Center, 500 Rio Concho Drive, San Angelo, Texas. All duly authorized members of the Council, to-wit:

Mayor, Dwain Morrison
Councilmember Rodney Fleming
Councilmember Marty Self
Councilmember Johnny Silvas
Councilmember Don Vardeman
Councilmember H.R. Wardlaw
Councilmember Charlotte Farmer

were present and acting, with the exception of Councilmembers Silvas and Vardeman, thus constituting a quorum. Whereupon, the following business was transacted:

Councilmember Wardlaw requested Executive Session item Section 551.074(a)(1) regarding the evaluation and duties of the City Manager be postponed until the full attendance by City Council. Council concurred.

RECESS

At 4:34 P.M., Mayor Morrison called a recess.

RECONVENE

At 4:45 P.M., Council reconvened, and the following business was transacted:

EXECUTIVE/CLOSED SESSION

At 4:45 P.M., Council convened in Executive Session under the provision of Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Subchapter D. Exceptions to Requirement that Meetings be Open under the following sections: Section 551.071 (1)(a) to consult with attorney on pending or contemplated litigation; or (b) a settlement offer relating to ATMOS rates under rate review mechanism tariff; Section 551.071(1)(a) to consult with attorney on pending or contemplated litigation; (b) or a settlement offer to ACAP Health for clinical care engineering services for the City health insurance program; Section 551.072 to deliberate the purchase, exchange, lease, or value of real property for Hickory Water Supply Project relating to Ford Ranch located within McCulloch, Menard and Concho Counties; and, West Texas Water Partnership; and, Section 551.074(a)(1) to deliberate the evaluation and duties of the City Manager.

RECESS

At 5:27 P.M., Mayor Morrison called a recess.

RECONVENE

At 5:40 P.M., Council reconvened, and the following business was transacted:

FOLLOW UP AND ADMINISTRATIVE ISSUES

CONSIDERATION OF MATTERS DISCUSSED IN EXECUTIVE/CLOSED SESSION

No action was taken on matters discussed in Executive/Closed Session.

OPEN SESSION

An invocation was given by Rev. Tim Davenport-Herbst of St. Paul Presbyterian and pledge was led by Zach Fleming, son of City Council member Rodney Fleming and student at Wall Junior High School.

PROCLAMATIONS AND RECOGNITIONS

“Red Ribbon Week”, October 28th-November 1st, was accepted by Mary A. Payton, Prevention Coordinator, Alcohol & Drug Abuse Council for the Concho Valley.

Ziphron Temple No. 100, Daughters of the Nile, “Every Child a Gem” Day, October 26, 2013, was accepted by Mary McGlamery, Ziphron Temple Representative.

“Medical Assistants Recognition Week”, October 21, 15, 2013, was accepted by Sandy Buschardt, Medical Assisting Externship Coordinator, Career Services Coordinator, American Commercial College.

Recognizing the City of San Angelo’s Neighborhood Paint and Clean-Up Blitz, winner of the Texas Municipal League Excellence Awards, City Spirit category for cities over 25,000 population; and, City of San Angelo’s A Creative Approach to Storm Water Education, winner of the Texas Municipal League Excellence Awards, Public Works category for cities over 25,000 population.

Tim Archuleta honoring his 10 years of service at the San Angelo Standard Times.

PUBLIC COMMENT

Public comments were made by Councilmember Self regarding City Council’s compliance with City Charter qualification requirements and requested such be handled in open session at the next City Council meeting. Councilmember Wardlaw commented on the qualifications to run for office and commended him for bringing the matter forward.

Public comments were made by Dr. James Phelps, Angelo State University professor, regarding the Emergency Management Manager vacancy. Mr. Valenzuela stated the hiring process has begun and assured Dr. Phelps there are numerous staff personnel with tremendous experience in this area. Further comments were made by Citizens Barbara Pratt commending City Council for holding an evening meeting; Vera Kirkpatrick, of Twin Oaks Prestonwood Addition, submitting to City Council a petition to remain as a single family resident zoning classification; Jerry Sea regarding the school bus stop on 19th Street; Rick Abbott, member of Lake Nasworthy Home Owners Association, regarding Z13-32; Dave Gurker regarding the quality of street maintenance and materials used; and Parks and Recreation Director Carl White promoting the River Fest event on October 18-19, 2013.

Responding to a statement from Councilmember Farmer in her request to register her opinion to uphold the laws and charter of the City and request the City Attorney Lysia H. Bowling render an opinion whether there is a factual determination of such and to clarify there is no issue. Ms. Bowling advised to date no such determination has been made and Council may proceed with the meeting.

Mayor Morrison stated due to deaths in their family, Councilmembers Vardeman and Silvas would not attend today’s meeting.

CONSENT AGENDA

APPROVAL OF THE SEPTEMBER 24, 2013 CITY COUNCIL SPECIAL MEETING AND OCTOBER 1, 2013 CITY COUNCIL REGULAR MEETING MINUTES

AUTHORIZATION FOR THE SALE OF THE FOLLOWING PROPERTIES FOR THE APPRAISED VALUE AND AUTHORIZING THE MAYOR, CITY MANAGER, OR WATER UTILITIES DIRECTOR TO EXECUTE ALL NECESSARY LEGAL DOCUMENTS PERTAINING TO THE SALE OF SUBJECT PROPERTIES, SUBJECT TO COMPLETION OF ALL CURATIVE REQUIREMENTS

6002 Knickerbocker, Lot 1, Group 2, \$343,335.00 (Glen Meadows Baptist Church)
6437 Lincoln Park Road East, Lot 10, Group Lincoln Park, \$27,787.00 (Ramos)
1812 Shady Point Circle Drive, Lot 18, Group Shady Point, \$76,808.00 (Barnes)
2650 Kings Road, Lot 47, Group Fishermans Road, \$107,410.00 (Halfmann)

ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TAX-RESALE (QUITCLAIM) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST OF THE CITY OF SAN ANGELO, AND ALL OTHER TAXING UNITS INTERESTED IN THE TAX FORECLOSURE JUDGMENT (Page 849, #2013-10-131)

1704 Magnolia Street, (Jamie), Lots 19 & 20, Block 4, Avondale, \$3,011, Suit No. A-08-0080-T
2115 Brown Street, (Hernandez), N 50' of S ½ of Lot 5, Block 3, Home Acres, \$1,700, Suit No. B-03-0156-T
201 W 11th Street, (Hernandez), Lot 1, Block 72, Miles, \$1,300, Suit No. B-03-0141-T
721 & 720 Traver Street, (Ortiz/Luna), Lots 13-15, Block 1, Spencer, \$5,100, Suit No. D-11-0060-TAX
613 W 15th Street, (Perez), Lot 6, Block 5, Mineola Annex, \$750, Suit No. B-94-0062-T
1811 Hudson Street, (Perez), N50' of Lot 1, Block 2, Mineola Heights, \$750, Suit No. TAX90-0179-B

ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TAX-RESALE (QUITCLAIM) DEED FOR THE PURPOSE OF URBAN REDEVELOPMENT, CONVEYING ALL RIGHT, TITLE AND INTEREST OF THE CITY OF SAN ANGELO, AND ALL OTHER TAXING UNITS INTERESTED IN THE TAX FORECLOSURE JUDGMENT (Page 851, #2013-10-132)

2100 Lillie Street, (Feist), N 71.4' of W 153' of Lot 4 & S 28.82' of W 153' of Lot 5, Block 4, Home Acres Addition, \$1,500, B-98-0129-T

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TRANSFER AGREEMENT BETWEEN THE UNITED STATES OF AMERICA ("FAA") AND CITY OF SAN ANGELO WHEREBY CITY ACCEPTS OWNERSHIP OF ASSETS DESCRIBED IN RESOLUTION #2012-11-159; BEING A KOHLER 175KW ENGINE GENERATOR, A 14' X 22' EG BUILDING SITUATED ON A CONCRETE PAD, AN ABOVE GROUND FUEL STORAGE TANK, A 4' X 10' STORAGE BUILDING SITUATED ON A CONCRETE PAD, LOCATED AT 8485 HANGAR ROAD, ANGELO REGIONAL AIRPORT – MATHIS FIELD (AIRPORT) AND FURTHER AUTHORIZING CITY MANAGER TO EXECUTE SUPPLEMENTAL LEASE AGREEMENT TO LEASE NO. DTFACN-13-L-00111, BETWEEN CITY OF SAN ANGELO AND THE UNITED STATES OF AMERICA, DELETING AFOREMENTIONED ASSETS FROM LEASE AGREEMENT AND UPDATE CLAUSES AS A GOVERNMENT REQUIREMENT (Page 853, #2013-10-133)

ADOPTION OF A RESOLUTION RATIFYING THE APPLICATION FOR A STATE HOMELAND SECURITY PROGRAM (SHSP) SUBRECIPIENT GRANT UNDER FEDERAL GRANT AWARD NUMBER EMW-2013-SS-00045, IN THE SUM OF TWENTY-SEVEN THOUSAND NINE DOLLARS (\$27,009.00), ACCEPTING THE AWARD OF SAID SHSP SUBRECIPIENT GRANT FUNDS, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE 2013 SUB-RECIPIENT AWARD AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY / TEXAS HOMELAND SECURITY STATE ADMINISTRATIVE AGENCY (DPS / THSSA) TO ENABLE THE CITY OF SAN ANGELO/TOM GREEN COUNTY EMERGENCY OPERATIONS CENTER TO MAINTAIN WEBEOC SERVERS FOR RELIABLE EMERGENCY OPERATIONS COMMUNICATIONS (Page 855, #2013-10-134)

CONSIDERATION OF AWARDING AP-01-13, TO RURAL ELECTRIC, INC. FOR RUNWAY 3-21 HIGH INTENSITY RUNWAY LIGHTS (HIRL) REPLACEMENT PROJECT, IN THE AMOUNT OF \$179,920.00, AT SAN ANGELO REGIONAL AIRPORT, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS (discussed in Regular Agenda)

CONSIDERATION OF AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO. 16 AND ALL RELATED DOCUMENTS BETWEEN THE CITY OF SAN ANGELO AND KSA ENGINEERS FOR ARCHITECTURAL / ENGINEERING SERVICES IN THE AMOUNT OF \$195,272.00, FOR UPDATE TO THE RENTAL CAR AREAS ASSOCIATED WITH THE TERMINAL BUILDING RENOVATIONS PROJECT AT SAN ANGELO REGIONAL AIRPORT (discussed in Regular Agenda)

CONSIDERATION OF AUTHORIZING THE CITY MANAGER TO EXECUTE TASK ORDER NO. 24 BETWEEN THE CITY OF SAN ANGELO AND KSA ENGINEERS FOR ARCHITECTURAL / ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$114,400.00, FOR AN ON SITE RESIDENT PROJECT REPRESENTATIVE INSPECTOR FOR THE REMAINDER OF THE TERMINAL BUILDING RENOVATIONS PROJECT AT THE SAN ANGELO REGIONAL AIRPORT (discussed in Regular Agenda)

ADOPTION OF A RESOLUTION BY THE CITY OF SAN ANGELO, TEXAS ("CITY"), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; DIRECTING ATMOS ENERGY TO REIMBURSE THE CITY'S RATE-CASE EXPENSES; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL (Page 857, #2013-10-135)

ADOPTION OF A RESOLUTION ACCEPTING THE DEPARTMENT OF JUSTICE 2013 BULLETPROOF VEST PARTNERSHIP GRANT IN THE AMOUNT OF \$8,731.00 AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE SUCH GRANT AWARD AND RELATED DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT FOR ACCEPTANCE OF THE GRANT (Page 873, #2013-10-136)

CONSIDERATION OF ADOPTING A RESOLUTION RATIFYING THE APPLICATION AND ACCEPTING A FY2014 TEXAS DEPARTMENT OF STATE HEALTH SERVICES, PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT IN THE SUM OF NINETY-NINE THOUSAND SEVENTY-NINE DOLLARS (\$99,079.00), AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE CONTRACT 2014-001269-00, WITH THE DEPARTMENT OF STATE HEALTH SERVICES ACCEPTING SAID GRANT FUNDS AND OBLIGATING THE CITY TO A TEN PERCENT (10%) MATCH IN THE SUM OF NINE THOUSAND NINE HUNDRED AND EIGHT DOLLARS (\$9,908.00) TO CARRY OUT CENTERS FOR DISEASE CONTROL PUBLIC HEALTH EMERGENCY PREPAREDNESS GOALS (discussed in Regular Agenda)

CONSIDERATION OF ADOPTING A RESOLUTION RATIFYING THE APPLICATION AND ACCEPTING A FY2014 TEXAS DEPARTMENT OF STATE HEALTH SERVICES, REGIONAL LOCAL SERVICES SYSTEM (RLSS)/LOCAL PUBLIC HEALTH SERVICES (LPHS) PART B GRANT FUNDS IN THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00), AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE CONTRACT 2014-001317-00, WITH THE DEPARTMENT OF STATE HEALTH SERVICES ACCEPTING SAID GRANT FUNDS TO ADDRESS PUBLIC HEALTH IMMUNIZATION AND DISEASE PREVENTION ACTIVITIES AND SERVICES (discussed in Regular Agenda)

CONSIDERATION OF ADOPTING A RESOLUTION RATIFYING THE APPLICATION AND ACCEPTING A FY2014 TEXAS DEPARTMENT OF STATE HEALTH SERVICES, REGIONAL AND LOCAL SERVICES SYSTEM (RLSS)/LOCAL PUBLIC HEALTH SERVICE (LPHS) GRANT IN THE SUM OF \$119,433.00, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE CONTRACT

2014-001291-00, WITH THE DEPARTMENT OF STATE HEALTH SERVICES ACCEPTING SAID GRANT FUNDS TO ADDRESS PUBLIC HEALTH ENVIRONMENTAL AND FOOD SAFETY ISSUES (discussed in Regular Agenda)

CONSIDERATION OF ADOPTING A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CONCHO VALLEY CENTER FOR HUMAN ADVANCEMENT D/B/A MHMR SERVICES TO FUND COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION PROGRAMS AND SERVICES FOR THE 2013-2014 FISCAL YEAR IN THE SUM OF FIFTY-FIVE THOUSAND FOUR HUNDRED TWENTY-THREE DOLLARS (\$55,423.00); AND PROVIDING FOR AN EFFECTIVE DATE (discussed in Regular Agenda)

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY AND THE SAN ANGELO AREA FOUNDATION FOR CONSTRUCTING AND MAINTAINING ONE AWNING ON THE WEST SIDE OF IRVING STREET AND TWO AWNINGS ON THE NORTH SIDE OF CONCHO STREET OVER SIDEWALK AREA AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST CONCHO AVENUE WITH SOUTH IRVING STREET, AND SUCH OTHER INSTRUMENTS AS MAY BE NECESSARY OR CONVENIENT FOR CARRYING OUT SUCH PURPOSES; AND, FINDING A PUBLIC PURPOSE AND BENEFIT THEREIN (Page 875, #2013-10-137)

ADOPTION OF A RESOLUTION APPROVING THE FIRST AMENDED CONVENTION AND VISITORS BUREAU CONTRACT TO AMEND THE PAYMENT SCHEDULE FROM QUARTERLY TO MONTHLY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT (Page 877, #2013-10-138)

SECOND HEARING AND ADOPTION OF THE AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 879, #2013-10-139)

Z13-27: Greg Huling

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: An unaddressed 17.91 acre tract, located at the southeast corner of the intersection of South Chadbourne Street and Christoval Road. This property specifically occupies the C Potter Survey 160, Abstract 7278, in southeast San Angelo, changing the zoning classification from Light Manufacturing (ML), Ranch & Estate (R&E) and Heavy Commercial (CH) to Light Manufacturing (ML) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 881 #2013-10-140)

Z13-31: Baptist Memorials Ministries

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: 902, 904, 916 Holcomb Street and 426 and 428 East 8th Street, specifically occupying the proposed subdivision approved August 19, 2013 by the Planning Commission, entitled, Baptist Retirement Community AL-MC Houses, Section 1, Block 1, Lot 1, being a replat of Cornick's

Addition, Block 2, Lots 8-11 and 0.8 acres of the Michael Himmer Survey 321, Abstract 355, in northern San Angelo, changing the zoning classification from Two-Family Residential (RS-2) to Multi-Family Residential (RM-1) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND CONSIDERATION OF ADOPTING AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (discussed in Regular Agenda)

Z 13-32: Fleet Equipment Leasing, LLP.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: An unaddressed tract occupying a 25.822 acres tract located south of Red Bluff Road and Hillside Drive; more specifically being 25.822 acres out of 96.314 acres of the Christoph Voight Survey 181, Abstract 3931 and Carl Dammann Survey 180, Abstract 141 in far southwest San Angelo. This property is described on a Preliminary Plat titled "The Canals at Lake Nasworthy" and occupies all of Blocks 6 and 7, changing the zoning classification from a Ranch & Estate (R&E) to a Single-Family Residential (RS-1) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 883, #2013-10-141)

Z 13-33: COSA Planning Commission

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: 5237 South Bryant Boulevard, located approximately 700 feet south from the intersection of South Bryant Boulevard Frontage Road and Kimrey Lane. This property specifically occupies the Parkview Acres Addition, portions of Blocks 9 & 10 being 3.0966 acres in southern San Angelo, changing the zoning classification from Ranch & Estate (R&E) to Office Commercial (CO) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE AUTHORIZING ABANDONMENT OF A PUBLIC RIGHT-OF-WAY FOR "COUNTY ROAD" EXTENDING APPROXIMATELY 400' NORTHEAST OFF OF LINK ROAD, IMMEDIATELY WEST OF THE CONCHO RIVER ESTATES, BLOCK 34, IN SOUTHERN SAN ANGELO (Page 885, #2013-10-142)

AN ORDINANCE PROVIDING FOR THE ABANDONMENT AND CLOSING OF THE FOLLOWING STREET SEGMENT, TO WIT: An approximately 400 foot x 60 foot street segment situated approximately 2,600 feet northwest of the intersection of Link Road and Christoval Road along Link Road, immediately west of the Concho River Estates, Block 34, in southern San Angelo; AUTHORIZING THE CONVEYANCE THEREOF TO THE ABUTTING PROPERTY OWNERS; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE; AND PROVIDING FOR THE MAYOR TO EXECUTE AND DELIVER A QUIT CLAIM DEED TO THE ABUTTING PROPERTY OWNERS

City Council requested the following items be considered in Regular Agenda: AP-01-13, Amendment No. 2 to Task Order No. 16 KSA Engineers for architectural / engineering services, Task Order No. 24 KSA Engineers for architectural / engineering services, FY2014 Texas Department of State Health Services, Public Health Emergency Preparedness (PHEP) grant for \$99,079.00, FY2014 Texas Department of State Health Services, Regional Local Services System (RLSS)/Local Public Health Services (LPHS) Part B grant funds for

\$20,000.00, Fy2014 Texas Department of State Health Services, Regional and Local Services System (RLSS)/Local Public Health Service (Lphs) grant for \$119,433.00, Concho Valley Center for Human Advancement d/b/a MHMR Services, and Z 13-32: Fleet Equipment Leasing, LLP.

Motion, to approve the Consent Agenda, as presented, was made by Councilmember Fleming and seconded by Councilmember Farmer. Motion carried unanimously.

REGULAR AGENDA: PUBLIC HEARING AND COMMENT

AWARD OF AP-01-13, TO RURAL ELECTRIC, INC. FOR RUNWAY 3-21 HIGH INTENSITY RUNWAY LIGHTS (HIRL) REPLACEMENT PROJECT, IN THE AMOUNT OF \$179,920.00, AT SAN ANGELO REGIONAL AIRPORT, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS

Responding to a question by Councilmember Farmer, Airport Director Luis Elguezabal presented background information verifying no General Fund monies will be expended on the projects.

Mr. Valenzuela informed the directors are held responsible for monitoring their respective contracts as well as following the specified purchasing policy. Mr. Elguezabal provided a brief update on the project.

Public comment was made by Citizen Lee Bell.

Motion, to award the bid, as presented, was made by Councilmember Farmer and seconded by Councilmember Fleming. Motion carried unanimously.

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO. 16 AND ALL RELATED DOCUMENTS BETWEEN THE CITY OF SAN ANGELO AND KSA ENGINEERS FOR ARCHITECTURAL / ENGINEERING SERVICES IN THE AMOUNT OF \$195,272.00, FOR UPDATE TO THE RENTAL CAR AREAS ASSOCIATED WITH THE TERMINAL BUILDING RENOVATIONS PROJECT AT SAN ANGELO REGIONAL AIRPORT (SUBMITTED BY AIRPORT DIRECTOR LUIS ELGUEZABAL)

Airport Director Luis Elguezabal presented background information and provided a brief update on the project.

Motion, to authorize the amendment, as presented, was made by Councilmember Farmer and seconded by Councilmember Fleming. Motion carried unanimously.

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE TASK ORDER NO. 24 BETWEEN THE CITY OF SAN ANGELO AND KSA ENGINEERS FOR ARCHITECTURAL / ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$114,400.00, FOR AN ON SITE RESIDENT PROJECT REPRESENTATIVE INSPECTOR FOR THE REMAINDER OF THE TERMINAL BUILDING RENOVATIONS PROJECT AT THE SAN ANGELO REGIONAL AIRPORT

Airport Director Luis Elguezabal presented background information and provided a brief update on the project.

Motion, to authorize the amendment, as presented, was made by Councilmember Farmer and seconded by Councilmember Fleming. Motion carried unanimously.

ADOPTION OF A RESOLUTION RATIFYING THE APPLICATION AND ACCEPTING A FY2014 TEXAS DEPARTMENT OF STATE HEALTH SERVICES, PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT IN THE SUM OF NINETY-NINE THOUSAND SEVENTY-NINE DOLLARS (\$99,079.00), AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE CONTRACT 2014-001269-00, WITH THE DEPARTMENT OF STATE HEALTH SERVICES ACCEPTING SAID GRANT FUNDS AND OBLIGATING THE CITY TO A TEN PERCENT (10%) MATCH IN THE SUM OF NINE THOUSAND NINE HUNDRED AND EIGHT DOLLARS (\$9,908.00) TO CARRY OUT CENTERS FOR DISEASE CONTROL PUBLIC HEALTH EMERGENCY PREPAREDNESS GOALS (Page 887, #2013-10-143)

Responding to a question from Councilmember Farmer, Health Director Sandra Villarreal clarified and provided a brief history of the grant. She noted staff is aware the positions are grant funded and employment is contingent on grant funding availability. Ms. Villarreal noted staff is seeking other grant funding alternatives.

Motion, to adopt the Resolution, as presented, was made by Councilmember Farmer and seconded by Mayor Morrison. Motion carried unanimously.

ADOPTION OF A RESOLUTION RATIFYING THE APPLICATION AND ACCEPTING A FY2014 TEXAS DEPARTMENT OF STATE HEALTH SERVICES, REGIONAL LOCAL SERVICES SYSTEM (RLSS)/LOCAL PUBLIC HEALTH SERVICES (LPHS) PART B GRANT FUNDS IN THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00), AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE CONTRACT 2014-001317-00, WITH THE DEPARTMENT OF STATE HEALTH SERVICES ACCEPTING SAID GRANT FUNDS TO ADDRESS PUBLIC HEALTH IMMUNIZATION AND DISEASE PREVENTION ACTIVITIES AND SERVICES (Page 889, #2013-10-144)

Motion, to adopt the Resolution, was made by Councilmember Farmer and seconded by Mayor Morrison. Motion carried unanimously.

ADOPTION OF A RESOLUTION RATIFYING THE APPLICATION AND ACCEPTING A FY2014 TEXAS DEPARTMENT OF STATE HEALTH SERVICES, REGIONAL AND LOCAL SERVICES SYSTEM (RLSS)/LOCAL PUBLIC HEALTH SERVICE (LPHS) GRANT IN THE SUM OF \$119,433.00, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE CONTRACT 2014-001291-00, WITH THE DEPARTMENT OF STATE HEALTH SERVICES ACCEPTING SAID GRANT FUNDS TO ADDRESS PUBLIC HEALTH ENVIRONMENTAL AND FOOD SAFETY ISSUES (Page 891, #2013-10-145)

Motion, to adopt the Resolution, was made by Councilmember Farmer and seconded by Mayor Morrison. Motion carried unanimously.

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CONCHO VALLEY CENTER FOR HUMAN ADVANCEMENT D/B/A MHMR SERVICES TO FUND COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION PROGRAMS AND SERVICES FOR THE 2013-2014 FISCAL YEAR IN THE SUM OF FIFTY-FIVE THOUSAND FOUR HUNDRED TWENTY-THREE DOLLARS (\$55,423.00); AND PROVIDING FOR AN EFFECTIVE DATE (Page 893, #2013-10-146)

Motion, to adopt the Resolution, was made by Councilmember Farmer and seconded by Mayor Morrison. Motion carried unanimously.

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 895, #2013-10-147)

Z 13-32: Fleet Equipment Leasing, LLP.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: An unaddressed tract occupying a 25.822 acres tract located south of Red Bluff Road and Hillside Drive; more specifically being 25.822 acres out of 96.314 acres of the Christoph Voight Survey 181, Abstract 3931 and Carl Dammann Survey 180, Abstract 141 in far southwest San Angelo. This property is described on a Preliminary Plat titled "The Canals at Lake Nasworthy" and occupies all of Blocks 6 and 7, changing the zoning classification from a Ranch & Estate (R&E) to a Single-Family Residential (RS-1) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

Interim Senior Planner Jeff Hintz presented background information.

Public comment was made by Citizen Rick Abbott regarding the Gateway Planning consultant hired for the development of Lake Nasworthy.

Councilmember Fleming explained a public meeting will be held on October 21, 2013. General discussion was held on whether the adoption of the plan was premature.

Motion, to adopt the Ordinance, as presented, was made by Councilmember Fleming.

Responding to a question from Councilmember Farmer, Mr. Hintz and Ms. Fawver stated the item required Council action and postponing may be made as the action.

Item seconded by Councilmember Self.

Public comments were made by Citizen Tad Logan, President of Lake Nasworthy Association, regarding the sewer capacity and other infrastructure and services which would be adequate for the area. Ms. Fawver replied the area is under private ownership and such improvements would be the responsibility of the developer.

Further public comments were made by Citizen Richard Bastardo.

Councilmember Fleming clarified the plan is in conjunction with the request of the private landowner.

A vote was taken on the motion on the floor. Motion carried unanimously.

RECESS

At 6:48 P.M., Mayor Morrison called a recess.

RECONVENE

At 7:09 P.M., Council reconvened, and the following business was transacted:

CONSIDERATION OF AND POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE/CLOSED SESSION, IF NEEDED

PRESENTATION BY DAVID TOOMEY OF ACAP HEALTH

Mr. Toomey presented background information and requested payment for his services by the City of San Angelo. *A copy of the presentation is part of the Permanent Supplemental Record.*

Mayor Morrison requested a copy of the signed contract outlining the various points presented by Mr. Toomey.

PRESENTATION AND UPDATE ON THE RED ARROYO HIKE AND BIKE TRAIL PROJECT

Requested by Councilmember Fleming, City Engineer Karl Bednarz presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

General discussion was held on the project amenities, project start date of July 2014, project costs and necessary reviews, flood retention ponds, flood certification through FEMA, and project conception since 2005.

In conclusion, Council agreed to proceed with the project.

Public comments were made by Citizen Rob Ehlers regarding the material of the pathway, suggesting the City use cinder, asphalt, or other material versus concrete.

PRESENTATION AND DIRECTION TO STAFF REGARDING ISSUES RELATED TO GUN CLUB HILL ROAD AT LAKE NASWORTHY

Councilmember Fleming suggested decreasing the number of pedestrian traffic on this road. He proposed installing pipe fencing in the illegal parking area and removing the park benches and trash receptacles from the area. Mr. Fleming suggested utilizing Lake Nasworthy trust funds to pay for the project.

Public comments were made by Citizens Tad Logan, Rob Ehlers, Marilyn Ross, and Kirby Vanover in support of the project.

Councilmember Fleming suggested moving forward with the prohibition of parking within the area.

Responding to a question by Councilmember Farmer, Chief Tim Vasquez stated citations are issued, pedestrians are policed, the area is regularly patrolled, and he suggested privatizing the road or designate as a one-way road.

In conclusion, City Council suggested staff present options at a future meeting possibly utilizing the Lake Nasworthy Trust funds to fund the project.

PRESENTATION OF THE DOWNTOWN SAN ANGELO (DSA), INC., 2013 2ND QUARTERLY REPORT

Del Velasquez, DSA Executive Director and Brenda Gunter, DSA President presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

General discussion was held on targeted other businesses other than bars, thereby continuing to change the living conditions and the culture and dynamics of the downtown area.

RECESS

At 8:11 P.M., Mayor Morrison called a recess.

RECONVENE

At 8:23 P.M., Council reconvened, and the following business was transacted:

PRESENTATION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION (COSADC) CALENDAR YEAR 2012 ANNUAL REPORT AND DISCUSSION AND POSSIBLE ACTION REGARDING GOALS, OBJECTIVES, AND PROCEDURES FOR COSADC

Interim Economic Development Director Bob Schneeman presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

Councilmember Farmer requested an allocation breakdown for each year per the 21% and 78% authorized half cent sales tax designation. Further discussion was held on recommended changes regarding the eligibility requirements and other changes requested by City Council. Council directed staff to provide statistics regarding downtown promotion and San Angelo revitalization endeavors. Ms. Farmer suggested focusing on other areas within the City and requested staff provide an updated map depicting the various funded projects within the City.

CONSIDERATION AND NO ACTION ON MATTERS RELATING TO WATERING OF THE CITY PARKS, SPORTS FIELDS, SANTA FE GOLF COURSE, AND FAIRMOUNT CEMETERY

Parks Superintendent Roger Havlak presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.* Mr. Havlak proposed decreasing the per gallon usage rate in order to irrigate at least 38" of water per year.

Motion, to authorize staff to irrigate the Parks, Sports Complex, Cemetery, and Golf Course prudently, as recommended by staff, for a 12 month period, abiding by the Ordinance, was made by Councilmember Wardlaw and seconded by Councilmember Farmer.

Mayor Morrison commented on the current drought condition and suggested waiting three to four months.

Further discussion was held on the City's expense versus revenue in regarding the payment of the water fee in which the City is basically charging themselves for the service, the public's perception, abiding by the ordinance and possibly watering less than what is allowed, protecting the City's investment of the various revenue generating property.

Mayor Morrison commented on the public's perception of such action and cautioned the negative impacts of authorizing such action due to the impending drought level conditions.

Councilmember Wardlaw modified his motion to include "no budget allocation will be made at this time, staff must follow the restrictions of the Conservation Ordinance, and staff should water prudently".

Public comment was made by Citizen Jim Turner.

A vote was taken on the motion on the floor. AYE: Fleming, Wardlaw, and Farmer. NAY: Morrison and Self. Motion failed 3-2 (four votes required to authorize an action).

Assistant City Manager Rick Weise stated the departments will continue to work within their current authorized budget.

POSTPONEMENT OF ADOPTING A RESOLUTION IN PREPARATION FOR STAFF TO PROVIDE FOR BUDGET GOALS AND POLICIES THAT INCLUDE THE FOLLOWING OPTIONS FOR TERMINATING THE WASTEWATER PAYMENT IN LIEU OF TAXES TRANSFER

Mayor Morrison suggested postponing the item until the next regular meeting. Council concurred.

POSTPONEMENT OF PROVIDING CITY STAFF DIRECTION RELATING TO CHANGING FROM TRADITIONAL BIDDING (LOWEST RESPONSIBLE BIDDER) PROCESS TO THE REQUEST FOR COMPETITIVE SEAL PROPOSAL PROCESS THAT PROVIDES SELECTION CRITERIA RELATING TO LOCAL BUSINESSES

Mayor Morrison suggested postponing the item until the next regular meeting. Council concurred.

POSTPONEMENT OF ADOPTING A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A LETTER OF INTENT AMONG THE CITIES OF ABILENE, MIDLAND, AND SAN ANGELO, TEXAS FOR WATER SUPPLY DEVELOPMENT AND DELIVERY

Mayor Morrison suggested postponing the item until the next regular meeting. Council concurred.

POSTPONEMENT OF AUTHORIZING FOR FUNDING AND PAYMENT FOR CITY'S PROPORTIONATE SHARE OF COSTS INCURRED FOR SERVICES PURSUANT TO THE INTERLOCAL AGREEMENT BETWEEN CITIES OF ABILENE, MIDLAND AND SAN ANGELO, EFFECTIVE APRIL 9, 2011 (WEST TEXAS WATER PARTNERSHIP), FOR THE QUARTERLY INVOICE DATED SEPTEMBER 17, 2013

Mayor Morrison suggested postponing the item until the next regular meeting. Council concurred.

DISCUSSION AND NO ACTION REGARDING THE DISSEMINATION OF NEWS RELEASES BY THE CITY OF SAN ANGELO

Requested by Councilmember Farmer, Mr. Valenzuela explained there are established news sources in which both sides of a news story are reported; however, after further review, he noted all press releases are available to the public on the City's home page and any person may register to receive a media notice by submitting their email address.

General discussion was held regarding constitutional rights, the definition of a noteworthy new media, blogger, suppressing certain groups, and noting the information is available to all via the City's website.

Motion, the City will not determine whether a group is defined as a blogger or an established new source, and upon request, will provide such information, was made by Councilmember Farmer and seconded by Councilmember Wardlaw.

Mr. Wilson explained the issue regarding the reporting of a blogger, how the individual was approached to receive information from both sides of story, and noted the relationship was not to par of a noteworthy news media.

Mayor Morrison expressed concern of suppression certain groups from receiving information.

Public comments were made by Citizens Harry Thomas and Jim Turner.

A vote was taken on the motion on the floor. AYE: Self, Wardlaw, and Farmer. NAY: Morrison and Fleming. Motion failed 3-2 (four votes required for an affirmative vote).

FOLLOW UP AND ADMINISTRATIVE ISSUES

CONSIDERATION OF MATTERS DISCUSSED IN EXECUTIVE/CLOSED SESSION

ADOPTION OF A RESOLUTION BY THE CITY OF SAN ANGELO, TEXAS (“CITY”), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION (“ATMOS”) AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES (“ATM”) UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; DIRECTING ATMOS ENERGY TO REIMBURSE THE CITY’S RATE-CASE EXPENSES; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL (item considered and approved under the Consent Agenda)

Mayor Morrison explained the settlement as outlined in the proposed ordinance.

Motion, to adopt the Resolution, as presented, was made by Councilmember Fleming and seconded by Mayor Morrison. Motion carried unanimously.

ANNOUNCEMENTS AND CONSIDERATION OF FUTURE AGENDA ITEMS

City Manager Daniel Valenzuela distributed the proposed November 5, 2013 Agenda and solicited Council comments and suggestions.

ADJOURNMENT

Motion, to adjourn, was made by Councilmember Wardlaw and seconded by Mayor Morrison. Motion carried unanimously.

The meeting adjourned at 9:45 P.M.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

Alicia Ramirez, City Clerk

In accordance with Chapter 2, Article 2.300, of the Official Code of the City of San Angelo, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk’s Office or a video of the entire meeting may be purchased from the Public Information Officer at 481-2727. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)