

CITY COUNCIL MINUTE RECORD

The City of San Angelo
Tuesday, April 2, 2013

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Vol. 104

OPEN SESSION

BE IT REMEMBERED City Council convened in a regular meeting at 9:07 A.M., Tuesday, April 2, 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, Alvin New
Councilmember Paul Alexander
Councilmember Dwain Morrison
Councilmember Johnny Silvas
Single Member District #4 - Vacant
Councilmember Kendall Hirschfeld
Councilmember Charlotte Farmer

were present and acting, thus constituting a quorum. Whereupon, the following business was transacted:

An invocation was given by Father Rodney and pledge was led by Fort Concho Elementary 5th Graders, Hannah Brown, Drew Eisenbach, Holly Esposito, Mariah Martinez, and Emily Montoya.

PROCLAMATIONS AND RECOGNITION

Arrive Alive – Don't Text and Drive Month, April 2013, to be accepted by Texas Research Institute of Young Scholars (TRIYS), Fort Concho Elementary 5th Graders, Hannah Brown, Drew Eisenbach, Holly Esposito, Mariah Martinez, and Emily Montoya; and Mr. David Hooks, Teacher

National Service Recognition Day, April 9, 2013, to be accepted by Dolores Schwertner, Concho Valley RSVP Director; Sylvia Nombrano, Senior Companion Director, and Lindsey Elliott, Foster Grandparent Director

National Public Health Week, April 1-7, 2013, to be accepted by Marie Aguilar, Nursing Manager, Kevin Little and Cal Hurley, Environmental Health Inspectors, Bertha Trevino, Environmental Health Administrative Assistant, Gloria Hale, WIC Manager, James Flores, Code Compliance Manager, and Julie Vrana, Animal Services Manager

Animal Services and Tom Green County Sheriff's Office and Trustee Program Appreciation Day, April 2, 2013, to be accepted by Julie Vrana, Animal Services Manager, David Jones, Tom Green Co. Sheriff, and Jeremy Hunt, Jailer

A Special Time of Prayer for Rain, April 14, 2013, to be accepted by Bishop Michael Pfeifer, O.M.I, Sacred Heart Cathedral

Rex Rogers, for winning the contest suggesting the name for the City's government access channel SATV

PUBLIC COMMENT

Public comments were made by Citizen Jim Ryan.

Councilmember Farmer commented on *a recent heroic gesture* by a Republic Services employee.

CONSENT AGENDA

APPROVAL OF THE MARCH 19, 2013 CITY COUNCIL REGULAR MEETING MINUTES

CONSIDERATION OF SELECTING OF SELECTRON TECHNOLOGIES, INC. FOR RFP BR-01-12 INTERACTIVE VOICE RESPONSE SYSTEM IN THE AMOUNT OF \$35,000.00 FOR PROVIDING, IMPLEMENTING, AND MAINTAINING AN AUTOMATED PHONE-IN WATER BILLING CREDIT CARD PAYMENT SYSTEM, AUTHORIZING STAFF TO NEGOTIATE A CONTRACT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT (Discussed in the Regular Agenda)

SELECTION OF RENE BATES AUCTIONEERS FOR RFP VM-02-13 AUCTIONEERING SERVICES, AUTHORIZING STAFF TO NEGOTIATE A CONTRACT, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE SAID CONTRACT

CONSIDERATION OF APPROVING A SPECIAL RECREATIONAL LEASE AGREEMENT IN SUBSTANTIALLY THE ATTACHED FORM WITH JORGE R. ELLIS AND WIFE, AMY C. ELLIS FOR AN AREA 0.656 ACRE OF LAND OUT OF LOT 11, BLOCK 1, GROUP FOUR, LAKE NASWORTHY ADDITION AND AUTHORIZING THE WATER UTILITIES DIRECTOR TO EXECUTE THE SAME (Discussed in the Regular Agenda)

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE CONTRACT BETWEEN THE CITY AND DELTA DENTAL INSURANCE COMPANY, WHICH CONTRACT WAS EFFECTIVE JANUARY 1, 2012, TO PROVIDE THAT RETIRED EMPLOYEES OF THE CITY OF SAN ANGELO AND THEIR DEPENDENTS BECOME ELIGIBLE FOR DENTAL INSURANCE COVERAGE EFFECTIVE JANUARY 1, 2013, FOR STATED MONTHLY PREMIUMS PAYABLE BY THE INSURED RETIRED EMPLOYEE, PROVIDED THEY MEET EMPLOYER ELIGIBILITY REQUIREMENTS (Page 453, #2013-04-050)

CONSIDERATION OF APPROVING OF A REQUEST TO RELEASE A UTILITY EASEMENT IN THE WADE & TURNER ADDITION, FIRST REPLAT IN BLOCK ONE, RUNNING PARALLEL TO WEST 14TH AND 15TH STREETS BETWEEN MARTIN LUTHER KING DRIVE AND NORTH BRYANT BOULEVARD, IN NORTHWEST SAN ANGELO (Discussed in the Regular Agenda)

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEIGHBORHOOD STABILIZATION PROGRAM (NSP) ONE PROGRAM INCOME RESERVATION SYSTEM PARTICIPATION AGREEMENT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR PURPOSES OF PROVIDING CONTINUED ADMINISTRATION OF THE AWARD OF NSP FUNDS UNDER CONTRACT NO. 7709999128, AND COMMITMENT OF FUNDS (Page 455, #2013-04-051)

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING THE 2012-2013 BUDGET FOR NEW PROJECTS, INCOMPLETE PROJECTS, CAPITAL PROJECTS AND GRANTS (Page 457, #2013-04-052)

AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013, FOR NEW PROJECTS, INCOMPLETE PROJECTS, AND GRANTS

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING THE ALLOCATION METHOD OF HOTEL OCCUPANCY TAX AND RELATED MATTERS (Page 461, #2013-04-053)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, TEXAS, CHAPTER 5 "BUSINESS AND COMMERCE", ARTICLE 5.800 "HOTEL OCCUPANCY TAX", SECTION 5.805 "PURPOSE AND DISTRIBUTION OF TAX", BY REPEALING SAID SECTION IN ITS

ENTIRETY AND ADOPTING A NEW SECTION 5.805 ENTITLED, "USE OF REVENUE", TO REMOVE THE MANDATED ALLOCATION OF REVENUE FOR USES ON A FIXED PERCENTAGE BASIS AND TO PROVIDE FOR ALLOCATION OF REVENUE FOR USES PERMITTED BY LAW AS CITY COUNCIL MAY DETERMINE WILL PROVIDE THE BEST VALUE IN APPLICATION OF HOTEL OCCUPANCY TAX REVENUE TO THE CITIZENS OF SAN ANGELO BY RESOLUTION FROM TIME TO TIME

Mayor New requested the Selectron Technologies, Inc. bid, Ellis Recreational Lease, and utility easement release items be discussed in the Regular Agenda. Council concurred.

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

SPECIAL AGENDA: PUBLIC HEARING AND COMMENT

BE IT REMEMBERED City Council Planning Commission convened in a special joint meeting at 9:40 A.M., Tuesday, April 2, 2013, in the San Angelo McNease Convention Center, 500 Rio Concho Drive, San Angelo, Texas. All duly authorized members of the Planning Commission, to-wit:

Bill Lawrence - Chair
Joe Grimes - Vice Chair
Darlene Jones
Bill Wynne
Ryan Smith
Vacant
Vacant

were present and acting, thus constituting a quorum. Whereupon, the following business was transacted:

DISCUSSION AND DIRECTION TO STAFF ON MATTERS RELATED TO THE PLANNING COMMISSION AND THE CITY OF SAN ANGELO'S ZONING ORDINANCE

Interim Director of Development Services AJ Fawver presented background information. Mayor New recognized the topics of interest for the joint meeting included the recreational vehicles (RV), the housing initiative efforts conducted by staff, and other possible topics.

Mr. Lawrence opened the discussion coherent plan for the type of uses, current ordinance and the interpretation, locating the uses, whether the community prefers such uses, and possibly for City Council to share their concerns regarding the future development and zoning for the City.

Mayor New stated the housing committee and staff have been directed to research what other cities have accomplished regarding "snow birds", temporary or seasonal housing for three to six months, or process conducted by other cities affected by the oil industry activity.

City Manager Daniel Valenzuela informed the COSA has established a 26 member Housing Committee to deal with the future growth of the City. The committee has discussed and established the main priorities to be addressed, specifically the single family and multi-family housing, and temporary housing. He noted subcommittees have been tasked with researching each one of those priorities. He welcomed the Planning Commission's participation, input, and expertise on temporary housing and invited them to the upcoming Housing Meeting on April 5, 2013 at City Hall, 2nd Floor Conference Room from 3:00 p.m. to 5:00 p.m. This planning process will establish action steps and performance measures. Once established, the findings will be presented to both the City Council and Planning Commission.

Councilmember Morrison spoke in support of the RV parks and suggested staff establish and identify the RV parks regulations separate and apart from the temporary housing guidelines, specifically for those staying longer than 30 days. He also suggested the placement of the temporary housing be zoned in a specific geographic location within the City limits.

Responding to a question from Councilmember Silvas, Ms. Fawver stated staff is in the discovery stage in their research as to other cities, e.g. Midland and Odessa, successes and failures. Staff continues to work with the Commission. She noted in their research they discovered the majority of this type of housing development is located outside of the city limits. She also noted the cities have experienced some unintended consequences. Ms. Fawver informed staff is reviewing various cities ordinances and how to effectively use the various regulations within the City's ordinance. She stated staff will make the information available, as requested.

General discussion was held on the regulations for RV and temporary housing developments, the placement or development of the type of parks, ways to maximize housing while still maintaining a quality of life and property values, possible annexation strategies to incorporate such developments to avoid the damaging effect of an oil boom town, restrictions on time limits, areas in the city suitable for such developments, uses of development after temporary housing is vacated.

In conclusion, the Planning Commission was directed to research the temporary nature of RV parks that the current ordinance already governs, possibly create a strategy of where such developments should occur within the city via zoning or planned development, and restrictions on time based on other cities experiences.

Responding to a question from Councilmember Farmer, City Attorney Lysia H. Bowling stated such a practice is deemed unconstitutional to prevent people from the freedom to associate or travel and live and occupy in places within the city limits and is a consideration which should be taken seriously.

Mr. Lawrence inquired whether the City Council and PC should approve conditional uses for each type of request; further define temporary living arrangements, and the related uses; should such use be described to better control such development; should such establishments be developed within the city limits, and if so, what specific aesthetics or attributes are desirable; and the need to define and classify this type of development.

Mr. Grimes further stated the following issues should also be considered: addressing and further identifying use with cleaner definitions of the current RV park ordinance based on specific purpose; whether such development should be allowed within the city limits; the need to create a new ordinance as well as honoring and maintaining the existing RV ordinance; the need for disaster preparedness crews; protecting the quality of life of existing and future citizens; possibly making the City serve as the example for future developments; time requirement for such development, suggest input from Code Compliance and Police Departments, and implementing a provision to restore the land to its previous condition after one year of inactivity.

Mr. Smith concurred with the various suggestions by the Commission members.

General discussion was held on the proposed timeline for the Housing Committee to submit their findings and recommendations to City Council. Mr. Valenzuela stated the Committee will meet to establish the framework and action steps and should be able to present their findings within two to three weeks.

Ms. Fawver explained under the current ordinance, the average length of stay is 30-days or less. She also noted the zoning classification for this type of use, non-permanent temporary housing, would be addressed under two use classifications: 1) camp ground RV park use classification which is allowed in most of the zoning districts with the exception of many residential districts, but in any district, such use is only allowed through special use which the request is heard by both City Council and Planning Commission; and 2) Retail Use Classification which are mainly utilized in commercial areas.

In conclusion, City Council directed staff to conduct the appropriate research, work with the Housing Committee, and bring their findings at a future meeting for further action. Staff was directed to consider the following: information from other communities as to what has worked well and or what to avoid; and, outside

of the recreational use, consider geographic specificity. Staff was also directed to postpone action on any zoning application request until the Planning Commission and City Council reviews and authorizes the appropriate action procedure for this type of development.

Public comment was made by Citizen Jim Turner.

ADJOURNMENT

Motion, to adjourn special meeting, was made by Ms. Jones and seconded by Mr. Grimes. Motion carried unanimously.

RECESS

At 10:52 A.M., Mayor New called a recess.

RECONVENE

At 11:04 A.M., Council reconvened, with the exception of Councilmember Morrison, and the following business was transacted:

REGULAR AGENDA: PUBLIC HEARING AND COMMENT

SELECTION OF SELECTRON TECHNOLOGIES, INC. FOR RFP BR-01-12 INTERACTIVE VOICE RESPONSE SYSTEM IN THE AMOUNT OF \$35,000.00 FOR PROVIDING, IMPLEMENTING, AND MAINTAINING AN AUTOMATED PHONE-IN WATER BILLING CREDIT CARD PAYMENT SYSTEM, AUTHORIZING STAFF TO NEGOTIATE A CONTRACT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT

Water Utilities Director Ricky Dickson and Charlie Trimble of Neptune Technology Group presented background information. Mr. Dickson stated the software will assist staff, reduce call volume, and credit/debit card payment capability.

Councilmember Morrison arrived to the meeting at 11:07 a.m.

Motion, to approve the selection and purchase of the software, as presented, was made by Councilmember Farmer and seconded by Councilmember Hirschfeld. Motion carried unanimously.

APPROVAL OF A SPECIAL RECREATIONAL LEASE AGREEMENT IN SUBSTANTIALLY THE ATTACHED FORM WITH JORGE R. ELLIS AND WIFE, AMY C. ELLIS FOR AN AREA 0.656 ACRE OF LAND OUT OF LOT 11, BLOCK 1, GROUP FOUR, LAKE NASWORTHY ADDITION AND AUTHORIZING THE WATER UTILITIES DIRECTOR TO EXECUTE THE SAME

Responding to a question from Councilmember Alexander, Mr. Dickson explained the location of the property.

Motion, to approve the agreement, as presented, was made by Councilmember Farmer and seconded by Councilmember Alexander. Motion carried unanimously.

APPROVAL OF A REQUEST TO RELEASE A UTILITY EASEMENT IN THE WADE & TURNER ADDITION, FIRST REPLAT IN BLOCK ONE, RUNNING PARALLEL TO WEST 14TH AND 15TH STREETS BETWEEN MARTIN LUTHER KING DRIVE AND NORTH BRYANT BOULEVARD, IN NORTHWEST SAN ANGELO

Planner Jeff Hintz presented background information.

Public comment was made by Proponent Louis Blanek.

Motion, to approve the request, as presented, was made by Councilmember Farmer and seconded by Councilmember Hirschfeld. Motion carried unanimously.

PRESENTATION OF THE DOWNTOWN SAN ANGELO, INC. 3RD & 4TH 2012 QUARTERLY REPORT

Executive Director Del Velasquez presented background information. *A copy of the report/presentation is part*

of the Permanent Supplemental Record.

General discussion was held on current projects and developments, the number of issues related to the City's Boards and Commissions, specifically meetings canceled due the lack of a quorum and area of jurisdiction, that may hinder the completion schedule of a project.

DEMONSTRATION AND CONSIDERATION OF THE NEPTUNE N SIGHT IQ SOFTWARE WHICH WOULD ALLOW CITIZENS THE ABILITY TO ACCESS THEIR UTILITY DATA COLLECTED FROM THE CITY'S AUTOMATIC METER READING SYSTEM

Water Utilities Director Ricky Dickson, and Charlie Trimble and A.B. Grigsby of Neptune Technology Group presented background information. *A copy of the report/presentation is part of the Permanent Supplemental Record.*

General discussion was held on the positive impacts of the software benefits, support of the software capability, customers without the AMR meter, AMR installation projected completion date of 2015 with 68% installation completed, purchasing a URL to redirect customers to the feature, mobile version capability, \$11,900.00 annual hosting fee and \$2,900.00 annual web portal maintenance fee, prior customer's history not available due to security and privacy issues, Neptune procedural audit recently conducted, the savings to the City by the vendor providing the service,

Councilmember Morrison spoke in opposition of the software and AMR system. He recalled the additional service was part of the initial AMR project selling point and implementation.

Responding to a question from Councilmember Silvas, Customer Service Manager Toni Fox stated she was not part of the negotiations and did not know whether the software would be provided as part of the service.

Public comment was made by Citizen Jim Turner.

Motion, to approve the software accessibility, web hosting cost, and annual maintenance cost, as presented, was made by Councilmember Alexander and seconded by Councilmember Hirschfeld. AYE: New, Alexander, Hirschfeld, and Farmer. NAY: Morrison and Silvas. Motion carried 4-2.

RECESS

At 12:14 P.M., Mayor New called a recess.

EXECUTIVE/CLOSED SESSION

At 12:33 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, Section 551.071(2) to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter on issues related to the landfill; Section 551.072 to deliberate the purchase, exchange, lease, or value of real property; and, Section 551.087 to discuss an offer of financial or other incentive to a company or companies with whom the City of San Angelo is conducting economic development negotiations and which the City of San Angelo seeks to have, locate, stay or expand in San Angelo.

RECONVENE

At 1:06 P.M., Council reconvened, and the following business was transacted:

RECESS

At 1:06 P.M., Mayor New called a recess.

RECONVENE

At 1:16 P.M., Council reconvened, and the following business was transacted:

APPROVAL OF A PETITION SEEKING ANNEXATION BY AREA LANDOWNERS (TO SAN ANGELO'S CITY LIMITS) OF CERTAIN PROPERTIES SITUATED IMMEDIATELY WEST/SOUTHWEST OF SAN ANGELO AND ENCOMPASSING A VACANT 24.484 ACRE TRACT EXTENDING NORTHWEST FROM MILLS PASS DRIVE, AND LOCATED DIRECTLY WEST OF AN 8.995 ACRE TRACT ANNEXED TO THE CITY LIMITS ON MARCH 5, 2013 THAT COMPRISES THE PROPOSED PRESTONWOOD ADDITION, SECTION TWO

Interim Senior Planner Jeff Hintz presented background information. *A copy of the report/presentation is part of the Permanent Supplemental Record.*

Motion, to approve the request and authorize the proposed annexation schedule, as presented, was made by Councilmember Farmer and seconded by Councilmember Silvas. Motion carried unanimously.

General discussion was held on the unincorporated area next to the recent annexed area and whether the owner would be willing to annex the property. Mr. Hintz noted if the City implemented the petition request, that it would be a longer more extensive process as opposed to a landowner request. Council directed staff to approach the landowner regarding the annexation process.

ADOPTION OF A RESOLUTION RATIFYING THE FILING OF AN APPLICATION BY THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION WITH THE TEXAS STATE ENERGY CONSERVATION OFFICE FOR THE INSTALLATION OF SOLAR PANELS AND AN ELECTRIC VEHICLE CHARGING STATION AT THE SPUR ARENA PROMOTING AND DEMONSTRATING RENEWABLE ENERGY TECHNOLOGY AND AS A SUPPLEMENTAL ELECTRICAL SOURCE (Page 463, #2013-04-054)

Interim Economic Development Director Bob Schneeman presented background information. He informed due to the March 15th deadline, staff received authorization to proceed from the Development Corporation and staff submitted the application. Mr. Schneeman stated the City is not obligated to accept the funds, if awarded.

General discussion was held on whether or not to ratify the filing of the application due to the impending questions regarding the City's obligation should the funds be accepted, the matching fund requirement, and clarification by staff that no City funds have been expended to date on this project.

Motion, to adopt Resolution ratifying the filing of an application, as presented, was made by Councilmember Hirschfeld and seconded by Councilmember Farmer. Motion carried unanimously.

FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO

PD 07-01 (2013 amendment): Carrie & John Maier and Glenn & Peggy Rosser

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: 3512 Ben Ficklin Road, located approximately 200 feet east from the intersection of Ben Ficklin Road and South Bryant Boulevard. This property specifically occupies approximately 10.8 acres in the southwest portion of a 73.9 acre tract of the E Hermes Survey 0174 Abstract 0349 in south central San Angelo, as indicated in Exhibit B of this Ordinance, changing the zoning classification from Ranch & Estate (R&E) to Planned Development (PD) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

Interim Senior Planner Jeff Hintz presented background information. *A copy of the report/presentation is part of the Permanent Supplemental Record.*

Motion, to introduce the Ordinance, as presented, was made by Councilmember Silvas and seconded by Councilmember Hirschfeld.

Public comments were made by Citizens Terry Jackson, Proponents Peggy Rosser and Carrie Maier,

General discussion was held on the project delays, proponent's issues regarding securing funding, and pending guidelines regarding recreational vehicles.

Responding to a question from Mayor New, Mr. Hintz explained detailed regulation is outlined in the Zoning Ordinance, specifically related to the number of days a guest is allowed to stay on the premise.

City Attorney Lysia H. Bowling verified the 30-day regulation under the current Zoning Ordinance.

A vote was taken on the motion on the floor. AYE: New, Alexander, Morrison, Silvas, and Hirschfeld. NAY: Farmer. Motion carried 5-1.

FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO

Z 13-08: Cho Walker

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: 1205 South Jackson Street; located approximately 75 feet southwest from the intersection at South Jackson Street and West Avenue H. This property specifically occupies the South Heights Addition, Block 6, Lots 2 and 3, in southwest San Angelo, changing the zoning classification from a Single Family Residential (RS-1) to a Two-Family Residential (RS-2) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

Interim Senior Planner Jeff Hintz presented background information. *A copy of the report/presentation is part of the Permanent Supplemental Record.*

Motion, to introduce the Ordinance, as presented, was made by Councilmember Hirschfeld and seconded by Councilmember Silvas. Motion carried unanimously.

FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO

Z 13-09 AKA PD 07-03 (2013 Amendment): Jack Gabriel

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: a 7.938 acres at southwest corner of South Oxford Drive and A&M Avenue in southwestern San Angelo, amending the zoning classification from a Planned Development (PD) District (PD 07-03) previously approved for assisted group living to specifically add allowance for the operation of a gymnastics academy; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

Interim Senior Planner Jeff Hintz presented background information. *A copy of the report/presentation is part of the Permanent Supplemental Record.* Mr. Hintz reviewed the conditions outlined in the ordinance based on the zoning designation.

Councilmember Farmer commented on the number of complaints received by former constituents and expressed her concerns of the various code violations. Mr. Hintz remarked he will follow up with related staff to correct the violations.

Motion, to introduce the Ordinance, as presented, was made by Councilmember Alexander and seconded by Councilmember Morrison. Motion carried unanimously.

RECESS

At 3:11 P.M., Mayor New called a recess.

RECONVENE

At 3:21 P.M., Council reconvened, and the following business was transacted:

FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO

Z 13-10: Mills Development INC

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 8.895 acres of the Deaf & Dumb Asylum Survey Number Two, Abstract 8211. This property was annexed into the City Limits on March 5, 2013 and is directly west from Mills Pass Drive along a proposed extension of Autumwood Trail. This property specifically occupies a proposed subdivision titled, Prestonwood Addition, Section Two, Block 6, Lots 1-18 and Prestonwood Addition, Section Two, Block 7, Lots 1-16 in southwest San Angelo, changing the zoning classification from Ranch & Estate (R&E) to Single-Family Residential (RS-1) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

Interim Senior Planner Jeff Hintz presented background information. *A copy of the report/presentation is part of the Permanent Supplemental Record.* Responding to a question from Councilmember Hirschfeld, Mr. Hintz stated this request is a result of the newly annexed property approved by City Council in March 2013.

Motion, to introduce the Ordinance, as presented, was made by Councilmember Hirschfeld and seconded by Councilmember Farmer. Motion carried unanimously.

DISCUSSION OF COST RELATED TO TEXAS MUNICIPAL RETIREMENT SYSTEM COST OF LIVING ADJUSTMENT (COLA) INCREASE

Assistant City Manager/Chief Financial Officer Michael Dane presented background information. He noted City Council had previous discussions regarding the cost to change the TMRS benefits package from a 50% COLA benefit to a 70% benefit, noting the City had previously been on 70%. He explained due to TMRS's recalculation of their actuarial assumptions, increased rates, and in efforts to control those increases, the determination was made to switch from the 70% to a 50% COLA benefit. He noted all participants have expressed to increase the benefit to 70%, however, at a cost to the City of approximately \$1M per year in additional payroll costs. He noted the costs covers all full and part time employees, with the exception of the Fire Department.

Councilmember Farmer stated she had requested the information on behalf of the retirees in order to discuss and consider the topic during the budget hearings.

General discussion was held on the mandatory 7% TMRS employee contribution and 14% City contribution; however, the City is at approximately 19% contribution. He recalled when the City Council had decreased the TMRS rate to better manage the rate disproportion in 2008. Mr. Dane explained actuarial experience in relation to assumed or projected experience occurrences will have an impact on the TMRS rate, i.e. better

experience will bring the rate down and vice versa. He noted TMRS had advised the City that we can expect the same rate in the foreseeable future. Mr. Dane explained the elevated rate for the extended period is a result of a fixed amortization of a liability which TMRS determined to exist years ago when reviewing the issue. He noted at one time the City was considering a contribution rate increase of 24 to 27%, however TMRS made state level statutory changes of which helped decrease the rate. He informed the City also took the initiative to decrease the rates.

Mr. Dane provided another possible option for an adjustment. When setting pay benchmarks, he noted the benchmarks may be set artificially low by what management may consider employees should be paying towards TMRS. For example, if the city paid dollar per dollar what a comparable city would pay, instead of paying an employee \$100, the city may pay \$98 and \$2 would be applied to the employee's TMRS contribution, thereby reducing the City's TMRS overage cost which affects what is available to pay employees and, to that extent, employees will pay more towards their TMRS contribution. General discussion was held on whether to increase the employee contribution, however, the rate is a statutory rate and options to assign different rates to different groups of employees, e.g. over 65 years old, employee tenure, etc., is not allowed under the current TMRS plan.

Mr. Dane advised he was on a TMRS advisory committee charged with researching and contemplating issues for the TMRS Board of Directors. He noted the most important issue to date is how to deal with COLA. Mr. Dane explained there are cities that do not participate and would like to participate, and others, like the San Angelo, which have either decreased or stop their rate entirely and would prefer to increase or reset their rate to the 70% level, but the cost is very expensive. He noted as outlined in the state statute computation, the City's decision to decrease the rate to 50%, disproportionately affects retirees based on how long they have been retired. Therefore, the retirees who depend on the COLA are hurt the most. Mr. Dane informed there is no variability to adjust this affect as well. He noted this was one of the topics the committee considered and made recommendations to the Board, with one of the options to do nothing at this point.

He recognized TMRS, relative to other systems, is in good shape. He noted that there are concerted efforts by various groups to attack systems that are not simply cashed basis. Noting TMRS is a hybrid system with an element of defined benefit and an element of cash basis or defined contribution, Mr. Dane informed there are other systems which may be targeted for legislative proposals. Therefore the TMRS Board has taken the position to take no action this year on COLA rates but simply to educate citizens, tax payers, and legislators that TMRS is in relatively good shape in comparison to other systems. He noted TMRS is not an advocated for legislative action this year. Responding to a question from Mayor New, Mr. Dane stated a stipend for a select group would be outside of the TMRS system and staff will need to determine the legality of under what conditions may the City pay individuals who no longer work for the City and who have not provided a service or goods to the City. Mayor New suggested the future Council and staff to consider this solution to assist those groups affected the most by the COLA rate change, thereby having a smaller financial impact on the City versus \$1M per year payroll cost for the entire organization. Due to the method of calculation in the state statute that enables the COLA, Mr. Dane explained the rate adjustment negatively affects those retirees who have been retired the longest and must wait longer to receive a COLA adjustment under this calculation. Mr. Dane stated the Board also considered being advocates for a legislative change which would allow cities to give a onetime COLA increases, however, the problem then becomes a present value impact. He noted the TMRS Board chose not to move forward with the option and understands the issue. In conclusion, Mr. Dane suggested a targeted approach in the short and long term is recognizing the current expense and the future benefit in relation to pensions. He suggested Council direct staff to study this issue as a priority.

Mayor New suggested staff identify those individuals negatively affected the most and offer some type of assistance. Mr. Dane suggested another alternative may be to offset the cost of insurance to this group as well.

General discussion was held on establishing a committee to find a way to pay for this adjustment and to possibly offset the decreases with the insurance costs.

Public comment was made by Retiree Russell Smith.

DISCUSSION ON AMENDING THE ORDINANCE RELATED TO GROWTH RESTRICTIONS UNDER SECTION 7.303 WEEDS AND VEGETATION

Requested by Councilmember Farmer, Code Compliance Manager James Flores presented background information. Mr. Flores explained the changes to the ordinance under affirmative defenses regarding a 10 acre tract of land and read the following proposal:

- (7) Any tract or parcel of land that is 10 acres or more, whether or not previously disturbed from its vegetative state, can be allowed to go back to its original state so being the grass/weeds are 15' from the curb and 100' from the nearest structure.

Motion, to move forward with the proposed changes to the Ordinance, as presented, was made by Councilmember Farmer and seconded by Councilmember Hirschfeld. Motion carried unanimously.

CONSIDERATION OF MATTERS DISCUSSED IN EXECUTIVE/CLOSED SESSION

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

APPROVAL OF A BOARD NOMINATION BY COUNCIL AND DESIGNATED COUNCILMEMBERS:

Design and Historic Review Commission: Ryan Smith (SMD3) to an unexpired term September 2014

Motion, to approve the board nomination by Council and designated Councilmembers, was made by Councilmember Hirschfeld and seconded by Councilmember Silvas. Motion carried unanimously.

Tax Increment Reinvestment Zone: Del Velasquez (SMD3) to an unexpired term October 2013

Mayor recalled this appointment has been postponed.

APPROVAL OF A CIVIL SERVICE COMMISSION NOMINATION, KEITH HIDALGO, BY THE CITY MANAGER

Motion, to approve the nomination, as presented, was made by Councilmember Farmer and seconded by Councilmember Hirschfeld. Motion carried unanimously.

ANNOUNCEMENTS AND CONSIDERATION OF FUTURE AGENDA ITEMS

City Manager Daniel Valenzuela distributed the proposed April 16, 2013 Agenda and solicited Council comments and suggestions.

Mayor requested an update on the progress on the reclamation of water for use at City facilities, specifically the sports complex

Councilmember Farmer requested to work with staff:

- regarding the Lake Nasworthy lot property calculation and to possibly amend the proposal method for the purchase of lake lots
- proposal for salary adjustments in the Fire Department in preparation for the budget
- revisit the Hickory radium plant building, the location of the building within the city limits, and other potential water sources
- regarding the review of various board and commission bylaws
- clarify the ordinance language regarding drought stage lever one and two
- safety and potential risk on the lighting on Chadbourne, Christoval, and Knickerbocker roads
- property drainage ditch near Christian Village retirement community noting the property owner was unable to sell the property
- update status on the recent Water Utility Department's Saturday Customer Service event

Councilmember Hirschfeld requested an update on the Board and Commission attendance, specifically meetings cancelled due to the lack of a quorum and vacancies.

Councilmember Silvas requested an update from staff regarding the efforts to remove dead trees along the river and partnering with Texas Department of Transportation for possible cleanup efforts at the City's gateway entrances.

ADJOURNMENT

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

The meeting adjourned at 3:56 P.M.

THE CITY OF SAN ANGELO

Alvin New, 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.)