

CITY COUNCIL MINUTE RECORD

The City of San Angelo
Tuesday, August 6, 2013

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Vol. 104

OPEN SESSION

BE IT REMEMBERED City Council convened in a regular meeting at 9:05 A.M., Tuesday, August 6, 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, thus constituting a quorum. Whereupon, the following business was transacted:

An invocation was given by Most Rev. Michael D. Pfeifer and pledge was led by Paris Conley, daughter of Stephen Conley, Parks Operations Department Irrigation/Horticulture Supervisor.

PROCLAMATIONS

“Back to School Bash – No Drop out Zone”, Saturday, August 17, 2013, will be presented to Pastor Ricardo Cortijo.

“United Way, Day of Prayer”, Sunday, August 11, 2013, was accepted by Most Rev. Michael D. Pfeifer, OMI, Bishop of San Angelo and Diocese of San Angelo.

“United Way of the Concho Valley's Children's Day”, Saturday, August 10, 2013, was accepted by Patti Breitreiter, President & CEO and Donna Brosh, Campaign Director.

PUBLIC COMMENT

Public comments were made by Citizen Terry Campbell regarding water shortage issues and Bill Prichard regarding renaming Rio Vista Park as Jaime Padron Park.

Councilmember Farmer provided the Council with a Ports-to-Plains conference board report from a recent conference.

CONSENT AGENDA

APPROVAL OF THE JULY 16, 2013 CITY COUNCIL REGULAR MEETING MINUTES

AWARD OF A BID AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE ANY NECESSARY RELATED DOCUMENTS:

WU-09-13: 2013 Belt Filter Press Replacement Project, Alfa Laval Ashbrook Simon-Hartley, Inc. (Houston, TX), \$909,239.00 (submitted by Water Utilities Director Ricky Dickson)

AUTHORIZATION FOR THE CITY OF SAN ANGELO TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TOM GREEN COUNTY SHERIFF'S OFFICE FOR THE PURPOSE OF JOINTLY APPLYING FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE ANY NECESSARY RELATED DOCUMENTS

ADOPTION OF A RESOLUTION AFFIRMING THE CITY OF SAN ANGELO'S COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY AEP TNC TO REVIEW AEP TEXAS NORTH COMPANY'S REQUESTED APPROVAL OF AN ADJUSTMENT TO ITS ENERGY EFFICIENCY COST RECOVERY FACTOR, HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS, FINDING THAT THE MEETING AT WHICH THIS RESOLUTION PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL (Page 705, #2013-08-105)

ADOPTION OF A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SAN ANGELO AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY WITH TODD HOUSTON WILLIAMS FOR THE PURCHASE OF CERTAIN REAL PROPERTY, BEING NINE ACRES MORE OR LESS, LOCATED SOUTH OF 29TH STREET AND ON THE CONCHO RIVER, WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, ALLOCATING CLOSING AND RELATED COSTS, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE SUCH RELATED DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO COMPLETE THE PURCHASE FOR A TOTAL PRICE, INCLUDING COSTS, NOT TO EXCEED \$50,000.00 (Page 707, #2013-08-106)

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 711, #2013-08-107)

Z13-20: David Jenson

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: 1650 Iowa Avenue, 1649 and 1650 Nebraska Avenue, located at the east corner lots at the intersections of Nevada Drive and Iowa Avenue and Nevada Drive and Nebraska Avenue. This property specifically occupies the Capitol Heights Addition, Section 5, Block 6, Lot 42 and Block 11, Lot 1 and Lot 26, in southwest San Angelo, changing the zoning classification from Zero Lot Line, Twinhome and Townhouse Residential (RS-3) to 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 713, #2013-08-108)

Z 13-21: Clark Wilson

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: 3704, 3712, & 3720 North Chadbourne Street, located directly southeast of the intersection of North Chadbourne Street, West 38th Street, and Coliseum Drive, and 175 feet northeast of the intersection at North Chadbourne Street and East 37th Street; more specifically occupying approximately 2 acres out of the Mather Addition No. 2; portions of Blocks 11 & 12 including the North 79.45 feet of south 229.45 feet of the west part of Blocks 11 & 12; the north 70.8 feet of South 300.25 feet of the west part of Blocks 11 & 12 and the south 170 feet of north 303 feet of west 318.83 feet of Blocks 11 & 12 in northwest San Angelo, changing the zoning classification from a General Commercial/Heavy Commercial (CG/CH) & Single-Family Residential (RS-1) to a General Commercial (CG) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

SECOND HEARING AND ADOPTION OF AN ORDINANCE ANNEXING APPROXIMATELY 24.484 ACRES 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 (Page 715, #2013-08-109)

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING THE WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN (Page 725, #2013-08-110)

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 11, ARTICLE 11.200 "WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN", BY AMENDING SUBPART (d) ENTITLED "WATER SUPPLY STAGE-DROUGHT LEVEL I", OF SECTION 11.203 "DROUGHT STAGES AND WATER MANAGEMENT MEASURES" TO LIMIT WATERING OF LAWNS, GARDENS, LANDSCAPE AREAS, TREES, SHRUBS, GOLF COURSES (EXCEPT GREENS) OR OTHER PLANTS BEING GROWN OUTDOORS TO ONCE EVERY SEVEN DAYS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

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

REGULAR AGENDA: PUBLIC HEARING AND COMMENT

PRESENTATION ON THE FRIENDS OF FAIRMOUNT MASTER PLAN AND CONSIDERATION OF THE APPROVAL OF ANY MATTERS RELATED THERETO

Friends of Fairmount Board Members and Parks and Recreation Director Carl White presented background information. Mr. White introduced Friends of Fairmount representatives Eva Horton, Chairperson, Cora McAllen, President, and Ann West. *A copy of the presentation is part of the Permanent Supplement Record.*

General discussion was held on the potential columbaria revenue of the niche service, plate, and maintenance; identified city resources, anticipated fund raising efforts, capital funding projects related to City's budgets process, and potential funding resources, e.g. sales tax monies.

In conclusion, City Council suggested discussing potential funding sources during the fiscal year budget and capital improvement plan discussions later in the meeting.

RECESS

At 9:56 A.M., Mayor Morrison called a recess.

RECONVENE

At 10:18 A.M., Council reconvened, and the following business was transacted:

AWARD OF BID ES 03-13 FOR THE 2013 SEALCOAT PROJECT TO BRANNAN PAVING CO., LTD. (VICTORIA, TX), IN THE AMOUNT OF \$1,710,000.00 AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY RELATED DOCUMENTS, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF SAN ANGELO AND BRANNAN PAVING CO., LTD.

Interim City Engineer Tim Wolff and presented background information.

General discussion was held on previous work by the contractor, the project streets, evaluation process and future maintenance schedule, possibly adding streets based on contingencies monies, sealcoat process as a preventative measure.

Motion, to award Bid ES-03-13 to Brannon Paving Co., LTD., as presented, was made by Councilmember Fleming and seconded by Councilmember Vardeman. Motion carried unanimously.

DISCUSSION OF RESIDENTIAL WATER CONSUMPTION ON NUMBER OF ACCOUNTS USING MORE THAN 50,000 GALLONS A MONTH

Requested by Councilmember Silvas, Water Utilities Director Ricky Dickson presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

General discussion was held on the number of customers within the categories, the tiered level charges, the increased code violations, and the negative effects of conservation to the general fund revenue.

AWARD OF BID WU-06-13 FOR THE 2013 WATER LINE IMPROVEMENTS CONTRACT NO. 1 TO QRO MEX CONSTRUCTION COMPANY, INC. (GRANITE SHOALS, TX) IN THE AMOUNT OF \$1,344,648.00; AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE SAID CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM, AND ANY RELATED DOCUMENTS

Water Utilities Director Ricky Dickson presented background information.

General discussion was held on the local bidder preference process and the criteria which should be met to utilize local preference.

Motion, to reject the bids and rebid the project, was made by Councilmember Vardeman.

City Attorney Lysia H. Bowling explained the competitive bidding statute requirements and noted the current bid amounts prohibit the city from using a local vendor. Purchasing Manager Roger Banks explained the local factors preference, the alternate competitive sealed proposal process for construction projects over \$100k, and setting specific criteria as part of the bidding process, e.g. their experience working in San Angelo. He noted traditionally the City has utilized the lowest bidder approach; however, the alternate method is available but is a longer process, limits the number of candidates considered for selection, and may possibly increase the overall project costs.

Motion was seconded by Councilmember Fleming.

Mr. Dickson cautioned utilizing this method would limit the City's competitive bid selection by limiting the selection criteria to local vendors only; thereby, negatively impacting the best price for the City. He suggested Council consider the alternative bidding process on future bids.

Councilmember Self spoke in support of keeping projects local; however, to rebid a project once the numbers have been made public and keep a fair and equitable bid would be difficult. Councilmember Farmer concurred and added the competitive bidding process is a lengthy process for bidders. Should the City deny all bids, she cautioned the City is taking a risk in recruiting future companies, thereby limiting future competitive bids.

City Manager Daniel Valenzuela added the lowest bid was within 4% of the second lowest bidder and commented on the risk to utilize only local competitors versus all competitors.

General discussion was held on the potential to receive increased or decreased pricing results should the City rebid the project,

A vote was taken on the motion on the floor. AYE: Fleming and Vardeman. NAY: Morrison, Self, Silvas Wardlaw, and Farmer. Motion failed 2-5.

Motion, to award bid to QRO Mex Construction Company, Inc., in the amount of \$1,344,648.00, was made by Councilmember Self and seconded by Councilmember Silvas. AYE: Morrison, Self, Silvas, Wardlaw, and Farmer. NAY: Fleming and Vardeman. Motion carried 5-2.

DISCUSSION ON THE LOCATION OF THE GROUNDWATER TREATMENT FACILITY FOR THE HICKORY WATER SUPPLY PROJECT

Requested by Councilmember Farmer, Water Utilities Director Ricky Dickson presented background information. Ms. Farmer noted the official action of the location of the plant was never presented or voted on by the City Council. She noted although the motion did not include the location, she questioned whether the motion, in general, was inclusive of any recommendations made within the presentation. Ms. Farmer noted she did not want to stop the project process, but simply to clarify she did not make the motion to located the plant within the city limits. She suggested Mr. Dickson consider a self contained process (mini-sewer facilities at each well) versus a treatment plant outside of the city limits and whether it was feasible at this point in the project.

Mr. Dickson stated relocation of the treatment plant would cause a tremendous delay in the project of approximately 2.5 years, numerous changes to the incoming water line, and redesign of the entire system. He explained at this point in the project, it is too late to make such changes; specifically due to the City's 16 month water supply. Mr. Dickson provided a brief history of the City's efforts to seek long term water supply sources. In conclusion, he provided a brief project overview regarding the decision to locate the plant within the city limits.

Councilmember Farmer referenced the information presented during the engineer's presentation on whether to utilize the Ion exchange or Reverse Osmosis (RO) process and noted the motion only referenced the treatment process. Mayor Morrison also referenced the same presentation informing of the engineer's recommendation to locate the groundwater treatment plant near the existing City's treatment plant.

City Attorney Lysia H. Bowling explained although the actual wording of the treatment plant location was not within the actual wording of the motion, the treatment plant location was contingent on the selection of the type of water treatment process which was part of the presentation as well as a recommendation by the engineer, therefore, the motion was approved as presented.

In conclusion, the location of the groundwater treatment facility for the Hickory Water Supply Project will remain as planned.

DISCUSSION AND POSSIBLE ACTION, INCLUDING, BUT NOT LIMITED TO, AWARDING BID WU-08-13 HICKORY WELL FIELD EXPANSION - PACKAGE #1 TO ALSAY INCORPORATED (HOUSTON, TX) FOR THE CONSTRUCTION OF 5, 6, OR 7 WELLS (BID AMOUNTS RANGING FROM \$6,423,730.00 FOR 5 WELLS TO \$8,729,000.00 FOR 7 WELLS), AUTHORIZATION FOR STAFF TO NEGOTIATE A CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE SAID CONTRACT AND ANY RELATED DOCUMENTS

Councilmember Wardlaw requested the item be pulled. By consensus, Council members denied the request and wished to hear the item.

Water Utilities Director Ricky Dickson presented background information. *A copy of the presentation is part of the Permanent Supplement Record.* He noted the proposal will be presented to the Water Advisory Board for the installation of 6 wells for an estimated cost of \$7.5M. John Siff, Subconsultant with Carollo Engineers, provided additional information regarding the well testing.

General discussion was held on the well site, the available number of gallons per minute of six wells versus 9 wells, the pipeline capacity with and without the additional wells, the debt service payment, Texas Commission on Environmental Quality requirement testing, permit holders within the vicinity, the depth of the aquifer.

Public comments were made by Citizens Terry Campbell and Richard DeRobles.

Motion, to award Bid WU-08-13 Hickory Well Field Expansion - Package #1 to Alsay Incorporated for the construction of 5 wells in the amount of \$6,423,730.00, including A-1 Alternate (Construct Well No. 16) in the

amount of \$1,147,835.00, as presented, was made by Councilmember Silvas and seconded by Councilmember Fleming. AYE: Morrison, Self, Silvas, and Farmer. NAY: Farmer, Vardeman, and Wardlaw. Motion carried 4-3.

RECESS

At 11:55 A.M., Mayor Morrison called a recess.

RECONVENE

At 12:12 P.M., Council reconvened, and the following business was transacted:

EXECUTIVE/CLOSED SESSION

At 12:12 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 to consult with attorney on pending or contemplated litigation; or a settlement offer regarding Property Damage Claim #G012154; Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding ground water supply options for the city, including V.V. groundwater, Business and Industrial Park property, and Lake Nasworthy property; and, Section 551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

RECESS

At 1:55 P.M., Mayor New called a recess.

RECONVENE

At 2:06 P.M., Council reconvened, and the following business was transacted:

APPROVAL OF A RECOMMENDATION BY THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION (COSADC) AUTHORIZING AN INCREASE IN THE ESTIMATED CONSTRUCTION COST TO \$512,900.00 FROM \$350,000.00 AS ORIGINALLY APPROVED BY COUNCIL AT THEIR REGULAR MEETING OF JUNE 27, 2012, RESULTING FROM AN INCREASE BASED ON THE ESTIMATE FOR THE ACTUAL DESIGN DRAWINGS AND A WIDER PROPOSED STREET CROSS SECTION ON THE PAULANN BLVD. PORTION OF THE PROJECT

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

General discussion was held on qualification of the project to utilize DC funds under the industrial development criteria.

Motion, to approve the recommendation, as presented, was made by Councilmember Vardeman and seconded by Councilmember Self.

Public comment was made by Proponent LeAnn Byrd, Howard College Provost.

A vote was taken on the motion on the floor. AYE: Morrison, Fleming, Self, Silvas, Vardeman, and Wardlaw, and. NAY: Farmer. Motion carried 6-1.

APPROVAL OF A RECOMMENDATION BY THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION (COSADC) AUTHORIZING THE ADVERTISEMENT FOR A REQUEST FOR BIDS (RFB) FOR THE EXTENSION OF SMITH BLVD FROM THE NORTH BOUNDARY OF HOWARD COLLEGE TO THE INTERSECTION OF SMITH BLVD AND THE EXTENSION OF PAULANN BLVD AT A WIDTH OF 26 FEET AND THE EXTENSION OF PAULANN BLVD FROM ITS INTERSECTION WITH SMITH BLVD TO ITS INTERSECTION WITH HIGHWAY 67 AT A WIDTH OF 64 FEET, THE COST AS ESTIMATED BY THE CITY'S ENGINEERING DIVISION BEING \$512,870.00, TO BE

FUNDED USING HALF CENT SALES TAX PROCEEDS, AND ANY OTHER ACTION IN CONNECTION THERETO

Interim Economic Development Director Bob Schneeman presented background information.

Motion, to approve recommendation and utilize the alternative bidding method to obtain the best value, as explained earlier in the agenda, was made by Councilmember Vardeman and seconded by Councilmember Self. AYE: Morrison, Self, Silvas, Vardeman, and Wardlaw. NAY: Farmer. Motion carried 6-1.

DIRECTION TO STAFF TO BEGIN DRAFTING A POLICY, IN THE FORM OF AN ORDINANCE, FOR THE CITY'S PLANNING DIVISION AND THE CITY'S PLANNING COMMISSION REGARDING FUTURE ACTION ON PENDING AND FUTURE REQUESTS FOR ZONE CHANGES OR SPECIAL USE PERMITS PERTAINING TO: 1) CAMPGROUND/RECREATION VEHICLE PARKS, AND 2) MANUFACTURED HOUSING PARKS

Requested by Councilmember Fleming, he suggested Council place an indefinite moratorium prohibiting the placement of recreational vehicles and trailer parks within the City limits.

City Manager Daniel Valenzuela provided a brief update on the Housing Committee's progress noting the committee has done tremendous work on the subject matter. He informed the committee wishes to present their recommendations at a future meeting and would like to incorporate those recommendations in the form of an ordinance.

City Attorney Lysia H. Bowling explained in order to enact a policy outlining the process should be approved in a form of an ordinance to preserve the public health, safety, and welfare.

Motion, to begin the process of drafting a moratorium in the form of an ordinance, as presented, was made by Councilmember Fleming and seconded by Councilmember Silvas. Councilmember Wardlaw abstained. Motion carried 6-0.

DENIAL TO RENEW THE AGREEMENT FOR WASTE COLLECTION AND DISPOSAL AND LANDFILL LEASE AND OPERATION BETWEEN THE CITY OF SAN ANGELO AND REPUBLIC WASTE SERVICES OF TEXAS (REPUBLIC)

Requested by Councilmember Farmer, she explained her reasons and support for the republic contract renewal, specifically noting Republic's need to make substantial capital improvement expenditures.

Kenny Ramzinski, General Manager for Republic., spoke in support of the renewal commenting on their employees strongly commitment to the community.

City Manager Daniel Valenzuela commended Republic for their work and noted the City would like to address the landfill portion of the contract. Mr. Ramzinski informed Republic owns 196 landfills and may possibly incorporate a convenience center as part of the amended contract.

Motion, to approve the renewal extension with Republic prior to the renewal period and direction to staff to negotiate amendments, e.g. landfill and recycling services, was made by Councilmember Farmer and seconded by Councilmember Fleming.

Responding to questions by City Attorney Lysia H. Bowling, City Council suggested staff renew the contract, subject to amendments and negotiations regarding landfill fees, and other services that are not under the current contract.

Operations Director Shane Kelton commented on several other main areas that should be considered; if extended as written, such action limits staff from further negotiation.

Public comment was made by opponent Bobby Gregory, of Texas Disposal Systems regarding the renewal extension, other services available, and limiting the City's power to negotiate.

City Attorney Lysia H. Bowling clarified the Council may amend the contract, as written, and the City does

not forfeit their right to amend the contract. City Manager Daniel Valenzuela added the City is not under any obligation to renew the contract, however, if Council wishes to renew the extension and negotiate contract amendments, there is no guarantee such amendments will be agreed to or authorized.

General discussion was held on whether to extend the contract until 2019, as motioned, contract negotiations, capital improvements, and contract renewal versus negotiations.

City Attorney Lysia H. Bowling suggested the City make the renewal contingent on the negotiations the City desires.

Public comments were made in opposition of the renewal extension by Citizens Harry Thomas, Billy DeWitt, and Alberta Spence.

After further clarification of the motion, Fleming withdrew his second. Councilmember Wardlaw seconded the motion.

A vote was taken on the motion on the floor. AYE: Wardlaw and Farmer. NAY: Morrison, Fleming, Self, Silvas, and Vardeman. Motion failed 2-5.

RECESS

At 3:06 P.M., Mayor Morrison called a recess.

RECONVENE

At 3:19 P.M., Council reconvened, and the following business was transacted:

NO ACTION ON THE REQUEST BY V.V. GROUNDWATER GROUP

Dr. John Littlejohn, President of the Val Verde Water Company, presented background information seeking direction by City Council to direct staff review their purchase agreement for water and begin the process to seek water alternatives. *A copy of the presentation is part of the Permanent Supplement Record.*

General discussion was held on obtaining additional feedback from local entities and partners, a potential viable water supply for San Angelo, and enjoining with sister cities.

Motion, to meet with sister cities to obtain more information before moving forward, was made by Mayor Morrison and seconded by Councilmember Fleming.

Public comments were made by Citizen Stephen Salmon regarding the scope of the project and the financial validity of the company to complete the project, suggesting the City conduct their due diligence to verify the company's information. Further comments were made by Citizen Terry Campbell, Jerry Sea, Tony Olsen, Richard DeRobles, Sue Mims, Jim Turner, and Lona McMillian.

A vote was taken on the motion on the floor. AYE: Morrison, Silvas, and Fleming. NAY: Self, Vardeman, Farmer, Wardlaw. Motion failed 3-4.

Motion, to take no action at this time, was made by Councilmember Self and seconded by Councilmember Wardlaw. Motion carried unanimously.

In concensus, City Council directed staff to schedule future meetings with partners and local entities.

DESIGNATION OF THE COLISEUM ROOF REPAIR PROJECT AS A TOP PRIORITY FOR EXCESS HOTEL OCCUPANCY TAX RECEIPTS (HOT)

Assistant City Manager Rick Weise presented background information regarding the dire Coliseum roof condition and the need to set this project high on the priority list. He suggested Council direct staff to pursue the request for proposals or qualification process to begin the contractor review and selection process. Mr. Weise noted staff will obtain information on the project cost and will seek Council direction and approval prior to moving forward on the repair. He informed the project is part of the Capital Improvement Plan.

Councilmember Vardeman stated in speaking with a contractor that surveyed the roof, the contractor noted the Coliseum has lost a huge portion of a roof layer as well as smaller holes in the structure.

Motion, to designate the Coliseum Roof repair project as a top priority for HOT funds in order to expedite the repair, was made by Councilmember Vardeman and seconded by Councilmember Self. Motion carried unanimously.

Responding to a question by Councilmember Silvas, Assistant City Manager/Chief Financial Officer Michael Dane suggested Council discuss the remaining projects at a future meeting. Council concurred.

APPROVAL OF AN AMENDMENT TO VISION PLAN COMPONENT OF THE SAN ANGELO COMPREHENSIVE PLAN UPDATE ADOPTED IN 2009, SPECIFICALLY PROPERTIES STARTING APPROXIMATELY 800 FEET WEST FROM THE INTERSECTION OF LOOP 306 AND BAZE STREET, THENCE IN A NORTHERLY DIRECTION TO FM 2105, AND EASTERLY THROUGH THE CITY LANDFILL AND ENCOMPASSING PROPERTIES ANNEXED TO THE CITY LIMITS IN DECEMBER OF 2011, AND CITY OWNED PROPERTIES EAST OF NORTH US HIGHWAY 67 NORTH AND EAST OF THE CURRENT INDUSTRIAL PARK IN THE FAR NORTHEAST PORTION OF SAN ANGELO

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

Motion, to approve the amendment to the Vision Plan Component, as presented, was made by Councilmember Silvas and seconded by Councilmember Fleming.

General discussion was held on existing authorized special use permits which, per staff, are allowed to continue as long as they are not unoccupied for more than a year.

A vote was taken on the motion on the floor. 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

Z13-23: Earl and Michelle Weber

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: 3862 Tractor Trail, located at the northwest corner of the intersection of Tractor Trail and Porter Henderson Drive. This property specifically occupies the Paul Gregory Addition, Section 2, 5.33 acres of Tract J & 0.310 acres in Smith Boulevard, in northeast San Angelo, changing the zoning classification from Ranch & Estate (R&E) to Light Manufacturing District (ML) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

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

Motion, to introduce the Ordinance, as presented, was made by Councilmember Vardeman and seconded by Councilmember Self. 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 13-22: M&H Mueller

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: 3172 McGill Boulevard & 3733 North US Highway 67, collectively occupying both a 5.131 acre tract and a 55.1830 acre tract located west of North US Highway 67, north of Paulann Boulevard and east of Smith Boulevard; more specifically occupying 5.131 acres of the J. Pointevent Survey 1113, Abstract 4873, and 55.1830 acres of the J. Fenner Survey 0001, Abstract 4985, in northeast San Angelo, changing the zoning classification from a General Commercial (CG) to a Light Manufacturing (ML) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

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

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

CONSIDERATION OF A REQUEST FOR TEMPORARY PLACEMENT OF A MOBILE HOME, NOT TO EXCEED ONE YEAR, DURING CONSTRUCTION OF A PERMANENT HOME ON THE SAME 2 ACRE SITE. 4609 ARMSTRONG STREET, LOCATED APPROXIMATELY 170 FEET SOUTH OF THE INTERSECTION OF ARMSTRONG STREET AND EAST 47TH STREET; MORE SPECIFICALLY OCCUPYING THE CARRIGAN ADDITION, TRACT 2 BEING 2 ACRES, IN NORTHERN SAN ANGELO

Interim Director of Development Services AJ Fawver presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

General discussion was held on obtaining sewer service, criteria for removing temporary permit, reviewing the ordinance for possible loop holes in the system,

Motion, to authorize the request for the temporary placement of a mobile home, as presented, was made by Councilmember Self and seconded by Councilmember Silvas.

Responding to questions by Councilmembers, Ms. Fawver stated the proponent has not applied for a building permit and a sewer line tap is located near the premise.

Councilmember Vardeman suggested staff review the plans prior to approval of the temporary permit.

Councilmember Self pulled his motion and Councilmember Silvas his second.

In conclusion, staff was directed to obtain further information and an application from the proponent.

POSTPONEMENT OF A REVISION TO THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION GUIDELINES FOR JOB CREATION ASSISTANCE REGARDING ELIGIBILITY OF APPLICANTS

Mayor Morrison suggested postponing the item to the next meeting. Council concurred.

UPDATE AND DISCUSSION OF TXDOT MAINTENANCE ACTIVITIES ALONG ALL TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RIGHT-OF-WAYS WITHIN THE CITY LIMITS AND OPTIONS FOR SUPPLEMENTING THEIR MAINTENANCE OPERATIONS

Requested by Silvas, he commented on the amount of trash and debris along the rights-of-ways. He suggested working with state representatives to help resolve the issues. Operations Director Shane Kelton presented background information. *A copy of the presentation is part of the Permanent Supplement Record.*

TxDOT Representatives John DeWitt, District Engineer, Tom Johnson, Maintenance Engineer, and Donald Peterson, Maintenance and Construction Engineer presented background information.

General discussion was held on designated state highway maintenance funding, safety versus aesthetics, possible funding mechanisms, adopt-a-highway options on right-of-ways, TxDOT's initiative to seek corporate partnerships at the state level, and reaching out to community service groups for assistance.

In conclusion, Council suggested TxDOT provide an update at a future meeting.

ADOPTION OF A RESOLUTION AUTHORIZING, PURSUANT TO MARCH 2009 GASB ISSUED STATEMENT NO. 54, THE COMMITMENT OF FUNDS IN THE AMOUNT OF \$375,218.62 FROM THE FY 2012-2013 GENERAL FUND FUND BALANCE FOR THE PURCHASE OF FOURTEEN (14) FLEET PATROL VEHICLES IN AUGUST OF 2013; SAID COMMITMENT OF FUNDS IN THE AMOUNT \$375,218.62 TO BE REIMBURSED TO THE GENERAL FUND BALANCE ON OR ABOUT OCTOBER 1, 2013 FROM THE FY 2013-2014 EQUIPMENT REPLACEMENT FUNDS; AND APPROVING THE PURCHASE OF SAID FOURTEEN (14) FLEET PATROL VEHICLES UNDER VM-08-13; AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY AND RELATED TO THE PURCHASE (Page 729, #2013-08-111)

Assistant Operations Director Patrick Frerich presented background information.

General discussion was held on the reason for the switch between sedan and the SUV, resale value, maintenance, miles per gallon, replacement vehicles.

Motion, to adopt the Resolution, as presented, was made by Councilmember Silvas and seconded by Councilmember Fleming. AYE: Morrison, Fleming, Silvas, and Farmer. NAY: Self, Vardeman, and Wardlaw. Motion carried 4-3.

POSTPONEMENT OF DISCUSSION AND POSSIBLE ACTION ON PROHIBITING FIREWORKS AT TWIN BUTTES RESERVOIR

Requested by Councilmember Fleming, he suggested postponing the item to a future agenda. Council concurred.

DISCUSSION AND APPROVAL ON MATTERS RELATED TO THE FISCAL YEAR 2013-2014 BUDGET PREPARATION INCLUDING, BUT NOT LIMITED TO:

- PRIORITIES, GOALS, AND ALL CITY FUNDS
- APPROVAL OF A RECORD VOTE TO PROPOSE A PROPERTY TAX RATE FOR FISCAL YEAR 2013-2014 NOT TO EXCEED \$.781/PER \$100 VALUATION

Councilmember Farmer expressed her concern regarding the budget had not been presented before the entire Council. City Manager Daniel Valenzuela noted the information was presented to each individual Council member. Assistant City Manager/Chief Financial Officer Michael Dane noted due to time constraints, he suggested Council approve the rate as currently set and possibly amend the rate at a later date.

Councilmember Wardlaw expressed he was not ready to vote on the item.

General discussion was held on scheduling a special meeting to discuss the work session and possibly vote on the tax rate. Mr. Valenzuela suggested scheduling a special work session for next Tuesday, August 13, 2103 at 2:00 p.m.

Budget Manager Morgan Chegwidden presented background information.

Motion, to propose an ad valorem property tax rate not to exceed \$.781/per \$100 valuation for FY 2013-2014, was made by Mayor Morrison and seconded by Councilmember Fleming. Motion carried unanimously.

Public comment was made by Citizen Jerry Seal regarding the easements for 19th Street project sidewalk installation. Mr. Valenzuela invited Mr. Sea to meet with him to review the project.

POSTPONEMENT OF A FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING THE 2012-2013 BUDGET FOR NEW PROJECTS AND INCOMPLETE PROJECTS

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, CAPITAL PROJECTS, AND GRANTS

Mayor Morrison suggested postponing the item to the next meeting. Council concurred.

FOLLOW UP AND ADMINISTRATIVE ISSUES

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:

Animal Shelter: Sara Bennett (SMD4) to a 1st full term January 2015

Construction Board of Adjustments/Appeals: Lyle Trask (SMD1) to a 1st full term February 2015, Roger Julien (SMD2) to a 1st full term January 2015, and Christopher Giroux (SMD4) to a 1st full term January 2015

Design and Historic Review Commission: Eric Eggemeyer (SMD1) to an unexpired term September 2013

Development Corporation: Daniel Anderson (Mayor) to an unexpired term February 2015

Ft. Concho Museum Board: Harry Thomas (SMD4) to a 2nd full term January 2016

Public Art Commission: Alejandro Castanon (SMD3) to a 2nd full term April 2015 and Susan Williams (SMD5) to a 1st full term April 2015

Zoning Board of Adjustments: Lloyd Woodfin, Jr. (SMD4) to a 1st full term January 2015

Motion, to approve various board nominations by Council and designated Councilmembers, was made by Councilmember Silvas and seconded by Councilmember Vardeman. Motion carried unanimously.

APPROVAL OF VARIOUS AT-LARGE MEMBERS TO SERVE ON THE FOLLOWING BOARD/COMMISSION BY CITY COUNCIL MEMBERS:

Construction Board of Adjustment/Appeals: Jerry Carrillo (At-Large) to an unexpired term February 2014

Motion, to approve, as presented, was made by Councilmember Silvas and seconded by Councilmember Morrison. Motion carried unanimously.

Downtown Development Commission: (At-Large) To second term full terms February 2015: Jim Cummings, Lisa Eady, Tim Edwards, and John Fuentes

Motion, to approve, as presented, was made by Councilmember Self and seconded by Councilmember Silvas. Motion carried unanimously.

APPROVAL OF NOMINATING AND APPROVING THE FOLLOWING CITY COUNCIL MEMBERS TO SERVE ON THE FOLLOWING BOARDS AND COMMITTEES:

- Concho River Water Master Advisory Committee

Motion, to nominate and appoint Mayor Morrison, and Councilmembers Self and Vardeman, as presented, was made by Councilmember Morrison and seconded by Councilmember Farmer. Motion carried unanimously.

- Concho Valley Council of Governments Executive Committee

Motion, to nominate and appoint Councilmember Vardeman, as presented, was made by Councilmember Morrison and seconded by Councilmember Self. Motion carried unanimously.

- Concho Valley Transit District

Motion, to nominate and appoint Mayor Morrison, as presented, was made by Mayor Morrison and seconded by Councilmember Silvas. Motion carried unanimously

- Records Management Committee

Motion, to nominate and appoint Councilmember Self, as presented, was made by Mayor Morrison and seconded by Councilmember Vardeman. Motion carried unanimously

- Hotel/Community Housing Committee

Motion, to nominate and appoint Councilmember Fleming, as presented, was made by Mayor Morrison and seconded by Councilmember Self. Motion carried unanimously

DISCUSSION AND POSSIBLE ACTION OF CONDUCTING AN EVENING CITY COUNCIL MEETING ONCE PER QUARTER

Requested by Councilmember Vardeman, he suggested Council consider conducting the meeting one time trial basis, thereby reviewing the attendance by the public. Depending on the attendance numbers, he further suggested conducting the evening meeting once quarter.

Motion, to conduct a trial evening meeting, with the understanding future evening meetings will be contingent on the successful attendance by the public of the trial meeting, and such meeting will beginning after the adoption of the budget, was made by Councilmember Vardeman and seconded by Councilmember Silvas. Motion carried unanimously.

ANNOUNCEMENTS AND CONSIDERATION OF FUTURE AGENDA ITEMS

Mayor Morrison commented on conducting shorter meetings to end no later than 3:00 p.m.

Councilmember Self requested staff begin implementing the 7-8 year overlay program.

CONSIDERATION OF THE SEPTEMBER 3, 2013 CITY COUNCIL MEETING

Council concurred to conduct the regular meeting as scheduled.

RECESS

At 5:34 P.M., Mayor Morrison called a recess.

EXECUTIVE/CLOSED SESSION

At 3:34 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 to consult with attorney on pending or contemplated litigation; or a settlement offer regarding Property Damage Claim #G012154; Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding the Business and Industrial Park property; and, Section 551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

RECONVENE

At 5:48 P.M., Council reconvened, with the exception of Councilmember Vardeman, and the following business was transacted:

Motion, to offer a settlement offer with Verizon regarding Property Damage Claim #G012154, as presented, was made by Councilmember Self and seconded by Councilmember Silvas. Motion carried unanimously.

Motion, to accept an offer by Cast Hole Solutions for \$20K per acre for 20 acres for a total amount of \$400K at the Business and Industrial Park, was made by Councilmember Self and seconded Councilmember Fleming.

AYE: Fleming, Self, Silvas, Vardeman, Wardlaw, and Farmer. NAY: Morrison. Motion carried 5-1.

ANNOUNCEMENTS AND CONSIDERATION OF FUTURE AGENDA ITEMS

City Manager Daniel Valenzuela distributed the proposed August 20, 2013 Agenda and solicited Council comments and suggestions.

ADJOURNMENT

Motion, to adjourn, was made by Councilmember Self and seconded by Councilmember Fleming. Motion carried unanimously.

The meeting adjourned at 6:02 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.)