

## **CITY COUNCIL MINUTE RECORD**

The City of San Angelo  
Tuesday, July 16, 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, July 16, 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 Mayor Morrison and pledge was led by Meagan Thompson, 6 year old daughter of Steven Thompson, Computer Support Specialist for the City's Information Technology Division.

### **PROCLAMATION**

"Americans with Disabilities Act (ADA) Awareness Day", July 25, 2013, was accepted by Mary Palos and Rosalinda Rivera with Disability Connections Resource Center.

### **PUBLIC COMMENT**

Public comments were made by Kristen Stanley and Sharon Huffman concerning feral cats, and Jim Ryan concerning the hotel occupancy tax.

### **CONSENT AGENDA**

APPROVAL OF THE JUNE 25, 2013 CITY COUNCIL SPECIAL MEETING MINUTES AND JULY 2, 2013 CITY COUNCIL REGULAR MEETING MINUTES

APPROVAL OF NEW LAKE LOT RESIDENTIAL LEASE LOCATED AT LOT 58A, GROUP SHADY POINT, 1602 SHADY POINT CIRCLE (STEELY) AND AUTHORIZATION FOR THE MAYOR, CITY MANAGER, OR WATER UTILITIES DIRECTOR TO EXECUTE THE SAME (SUBMITTED BY RICKY DICKSON WATER UTILITIES DIRECTOR)

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 OR TAX WARRANT: (Page 655, #2013-07-101)

- 329 13th Street, (Perez), Lot 2, Block 2, Pecan Place, \$750, Suit No.TAX90-0083B
- 105 Railroad Avenue, (Perez), Lot 9, Salvato S/D of Block 2 of Kirby S/D, \$750, Suit No.B-4723-B

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

**REGULAR AGENDA: PUBLIC HEARING AND COMMENT**

**APPROVAL OF AN AMENDMENT TO THE VISION PLAN COMPONENT OF THE SAN ANGELO COMPREHENSIVE PLAN UPDATE ADOPTED IN 2009, SPECIFICALLY PROPERTIES LOCATED BETWEEN 43<sup>RD</sup> STREET TO THE NORTH, COLISEUM DRIVE TO THE EAST, 40<sup>TH</sup> STREET TO THE SOUTH AND GRAPE CREEK ROAD AND CHADBOURNE STREET TO THE WEST, IN NORTHWESTERN SAN ANGELO**

Interim Senior Planner Jeff Hintz presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.* Mr. Hintz provided a brief explanation of the Vision Plan.

General discussion was held on staff's recommendation to make no changes to the Vision Plan Map and the Planning Commission's recommendation to extend the Neighborhood Center designation eastward.

Motion, to take no action on this item, was made by Councilmember Self and seconded by Councilmember Wardlaw. 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**

Z13-20: 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

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 Fleming 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 13-21: 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 38<sup>th</sup> Street, and Coliseum Drive, and 175 feet northeast of the intersection at North Chadbourne Street and East 37<sup>th</sup> 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

Interim Director of Development Services AJ Fawver 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 Self and seconded by Councilmember Vardeman. Motion carried unanimously.

FIRST PUBLIC HEARING AND INTRODUCTION 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

Interim Director of Development Services AJ Fawver 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 Farmer and seconded by Councilmember Self. Motion carried unanimously.

ADOPTION OF A RESOLUTION RECOMMENDING TO THE TEXAS DEPARTMENT OF TRANSPORTATION THAT CONCHO VALLEY TRANSIT DISTRICT (CVTD) BE CHOSEN AS THE DIRECT RECIPIENT FOR FEDERAL FUNDS IN ACCORDANCE WITH TITLE 49, SUBTITLE III, CHAPTER 53, SECTION 5307 OF THE UNITED STATES CODE, FOR THE SAN ANGELO URBANIZED AREA; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS REQUIRED TO EVIDENCE THE CITY'S SUPPORT OF CVTD AS THE DIRECT RECIPIENT FOR FEDERAL SECTION 5307 FUNDING; AND, PROVIDING FOR AN EFFECTIVE DATE (Page 657, #2013-07-102)

Finance Director Tina Bunnell presented background information.

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

PUBLIC HEARING AND APPROVAL OF THE 2013 ANNUAL ACTION PLAN FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) FUNDS AND AUTHORIZING CITY MANAGER TO EXECUTE THE APPLICATIONS, REQUIRED CERTIFICATIONS, RELATED DOCUMENTS, AND ANNUAL FUNDING AGREEMENTS FOR \$739,584.00 OF CDBG FUNDS AND \$245,399.00 OF HOME GRANT FUNDS

Neighborhood and Family Services Director Bob Salas presented background information.

Motion, to approve the 2013 Annual Action Plan, as presented, was made by Councilmember Fleming and seconded by Councilmember Farmer. Motion carried unanimously.

**RECESS**

At 10:10 A.M., Mayor Morrison called a recess.

**RECONVENE**

At 10:26 A.M., Council reconvened, and the following business was transacted:

APPROVAL OF A REQUEST FOR PERMIT FOR THE TRANSPORT AND DISPOSAL OF GARBAGE,

TRASH, AND DEBRIS WITHIN THE SAN ANGELO CITY LIMITS AND ANY SERVICE THAT IS ALLOWED BY STATE LAW OR CITY ORDINANCE THAT DOES NOT CONFLICT WITH THE CITY'S CONTRACT WITH REPUBLIC WASTE SERVICES OF TEXAS AND THE EXCLUSIVE RIGHTS GRANTED BY THAT CONTRACT TO REPUBLIC WASTE SERVICES OF TEXAS FOR THE FOLLOWING COMPANIES AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE ANY NECESSARY RELATED DOCUMENTS:

- Texas Disposal Systems, Inc.
- TxAlloy, Inc. DBA Acme Iron & Metal Co.

Operations Director Shane Kelton presented background information. Mr. Kelton informed two requests for permits had been submitted to utilize the City's streets and landfill for the purpose of transport and disposal. Robert Searls with Republic Services stated the landfill could handle additional growth of waste service and informed the landfill currently has 17 year life expectancy.

Councilmember Farmer recalled a one-time set aside of \$450,000.00 had been made for a future landfill site. She suggested staff research the designation. She further expressed her concern on the increased amount of truck traffic on the City's residential streets.

Mr. Kelton informed, by City Ordinance, any carrier may request a permit for the use of streets and landfill as long as the criteria is met.

Bob Gregory, owner of Texas Disposal Systems and TxAlloy, Inc. DBA Acme Iron & Metal Co., addressed the Council concerning his services. Mr. Gregory stated his company brings competition to the county, offers recycling services, and believes there will be less waste deposited into the landfill through their services.

Motion, to deny request for permit, as presented, was made by Councilmember Farmer and seconded by Councilmember Wardlaw. AYE: Wardlaw and Farmer. NAY: Morrison, Fleming, Self, Silvas, and Vardeman,. Motion failed 2-5.

Councilmember Farmer requested a short recess to discuss the item with the City Attorney.

**RECESS**

At 11:09 A.M., Mayor Morrison called a recess.

**RECONVENE**

At 11:14 A.M., Council reconvened, and the following business was transacted:

Further discussion on the REQUEST FOR PERMIT FOR THE TRANSPORT AND DISPOSAL:

Mayor Morrison informed Councilmember Farmer had a conflict of interest due to distant family relationship; therefore, Councilmember Farmer has recused herself from voting on matter at hand.

Motion, to approve the request for permit, as presented, was made by Councilmember Vardeman and seconded by Councilmember Fleming. AYE: Morrison, Self, Fleming, and Vardeman. NAY: Silvas and Wardlaw. Motion carried 4-2.

**PRESENTATION ON THE NORTH CONCHO RIVER AND TRAILS IMPROVEMENT PROJECT**

Parks and Recreation Director Carl White presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

Mr. White stated staff is seeking direction in regards to the remaining funding of the project and informed the project is 92% complete. He noted \$905,490.00 remains including the \$500,000.00 contingency per Council's request. Mr. White informed \$48,000.00 will be used to purchase property, \$50,000.00 will be used for additional tree work, if needed, and leaving \$307,490.00 project balance. Mr. White noted staff is researching future projects outside of the current project, e.g. to secure loose river rock by art work, additional wayfinding

signage, additional games, food court concessions, restoration of putt-putt area, install turn-around parking by Koenigheim, improvements to the maintenance drive from El Paseo to pumps, and expanded drip irrigation to the existing trees. He stated other projects under consideration but not funded include the suspension bridge at Concho Avenue, river trail connections to downtown, supplemental funding for landscaping, additional bank stabilization from Johnson Street Dam and river trail, and Irving to Celebration Bridge (Edgewater Inn). Mr. White noted staff is seeking direction on these projects and any change order to the project would be presented to Council. He suggested the drip irrigation be submitted as a change order as part of the existing project. Assistant City Manager Rick Weise added the drip irrigation, the removal of dead trees, and pruning of trees would be a priority. In consensus, Council agreed to continue with project. Staff informed the projects will be presented for approval at a future meeting.

Motion, to break for lunch, was made by Councilmember Silvas seconded by Councilmember Wardlaw. Motion carried unanimously.

Public comments were made by Jim Turner concerning the Executive Session item Section 551.074(1) to deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of the San Angelo City Manager, Assistant City Managers, all the Department Directors, and Acting or Interim Department Directors, noting the Council may be in violation of the open meetings act if they convene into Executive Session based on the caption wording.

Responding to a question from Mayor Morrison, City Attorney Lysia Bowling stated her concerns of the potential violation of the City's Charter. She also stated the legislative structure of the City was a council/manager form of government, and the City Manager has authority to appoint with consent of council and the authority to remove without requiring consent of council.

Ms. Bowling suggested Council not go into Executive Session to discuss employees that are under the direction of the City Manager. Ms. Bowling also advised Council may go into Executive Session to discuss the City Manager only.

City Manager Daniel Valenzuela stated he was in agreement with the City Attorney and would not have a problem with the Council taking him into Executive Session for direction or disciplinary action. Mr. Valenzuela further state he has the authority to evaluate and determine if his staff needs disciplinary action and welcomed guidance from Council. He also noted he will make it his responsibility to rebuild the trust between City Council and City staff.

Motion, to not discuss Section 551.074 to deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of the San Angelo City Manager, Assistant City Managers, all the Department Directors, and Acting or Interim Department Directors either in Executive Session or in open session and for matter to be brought back to the Council with the correct wording posted, was made by Mayor Morrison seconded by Councilmember Silvas. AYE: Morrison and Silvas. NAY: Fleming, Self, Vardeman, Wardlaw, and Farmer. Motion failed 2-5.

### **RECESS**

At 12:30 P.M., Mayor Morrison called a recess.

### **RECONVENE**

At 12:46 P.M., Council reconvened, and the following business was transacted:

### **EXECUTIVE/CLOSED SESSION**

At 12:46 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(1) to consult with attorney regarding Red Arroyo and West Texas Water Partnership Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding Red Arroyo Section 551.074(1) to deliberate the appointment, evaluation, reassignment,

duties, discipline, or dismissal of the San Angelo City Manager, Assistant City Managers, all the Department Directors, and Acting or Interim Department Directors.

**RECESS**

At 2:30 P.M., Mayor Morrison called a recess.

**RECONVENE**

At 2:40 P.M., Council reconvened, and the following business was transacted:

Mayor Morrison informed Council will again reconvene into Executive Session to discuss Section 551.074(1) to deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of the San Angelo City Manager, Assistant City Managers, all the Department Directors, and Acting or Interim Department Directors.

**FAILURE OF MOTION TO TERMINATE THE FURTHER EMPLOYMENT OF CAROLLO ENGINEERS**

Requested by Councilmember Wardlaw, City Attorney Lysia Bowling, with the confirmation of Texas Municipal League, suggested Council discuss the contract in Executive Session under Section 551.071 Consultation with Attorney, noting discussion should specifically related to the termination of the contract. Due to the need to provide transparency, Councilmember Wardlaw insisted the item be discussed in open session. Mayor Morrison inquired whether there were any objections to continue the matter in open session and reiterated further discussion in open session was against the City Attorney's recommendation. No objections were made by City Council. City Manager Daniel Valenzuela requested Councilmember Wardlaw continue with his presentation. Councilmember Wardlaw commented on the performance of Carollo Engineers (CE), staff dissatisfaction with CE performance, the expenditures and payments made to CE, he mentioned 14 issues but did not provide further details on the issues, and the acceptance of the one submitted bid for the treatment plant.

Water Utilities Director Ricky Dickson clarified Councilmember Wardlaw's statement regarding staff's dissatisfaction with CE performance, noting he or staff did not have any issues with CE performance, have fulfilled their contractual duties, and have been paid according to the contract funding. City Manager Daniel Valenzuela added the project is on target and requested Councilmember Wardlaw further discuss his issues and concern expressed. Councilmember Wardlaw declined.

CE Vice President Hutch Musallam provided an update on the remaining funds of the project. He was under the impression the City was pleased with his performance; the majority of the project funds have been utilized for the pilot testing of the water treatment system; and it is not in the City's interest to change engineers in this late stage of the project. To date, Mr. Musallam expressed no issues have been brought to their attention.

Councilmember Farmer commented on the number of bids received, the amount of money spent on the project to date, lack of information on the cost associated with radium removal, and concerns raised regarding the location of the treatment plant. Project Engineer Kevin Kruger informed the bid price for disposal of the radium was \$.59/per 1000 and is guaranteed for 10 years.

Motion, to terminate Carollo Engineers services upon completion of their current project and authorization for Council to seek a new consultant, was made by Councilmember Wardlaw and seconded by Councilmember Farmer. AYE: Wardlaw, and Farmer. NAY: Morrison, Fleming, Self, Silvas, and Vardeman. Motion failed 2-5.

**RECESS**

At 4:09 P.M., Mayor Morrison called a recess.

**RECONVENE**

At 4:18 P.M., Council reconvened, and the following business was transacted:

**DISCUSSION AND NO ACTION CONCERNING THE EMPLOYMENT OF A NEW WATER**

CONSULTANT FOR THE HICKORY PROJECT AND OTHER WATER MATTERS

Requested by Councilmember Wardlaw, the item was not discussed or action taken due to the failed motion to terminate the further employment of Carollo Engineers.

DISCUSSION REGARDING THE FISCAL YEAR 2013-2014 BUDGET PREPARATION

Assistant City Manager/Chief Financial Officer Michael Dane and Budget Manager Morgan Trainer presented background information. *A copy of the report/presentation is part of the Permanent Supplemental Record.*

City Manager Daniel Valenzuela advised he will meet with each Councilmembers to discuss the upcoming budget. Mayor Morrison informed the Council will not conduct a budget workshop at this meeting but will take comments from the public.

Assistant City Manager/Chief Financial Officer Michael Dane commented on the drainage issue at Christian Village and other related street and stormwater projects.

James Carter with West Texas Christian Foundation made a request to solve the drainage problem at Christian Village. Mr. Valenzuela stated he will obtain the information and present the item in November or December.

FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING THE WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

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

Water Utilities Director Ricky Dickson presented background information. He reviewed the differences between Drought Level I and Drought Level II noting the increased rate fees for DLII. Mr. Dickson read the rate fee section of the ordinance into the record.

"Drought Level I

(3) A fee shall be charged for water usage in the amounts as set forth below. This fee shall be in addition to the standard fee charged for water usage and shall be in lieu of the "excessive usage fee" as defined in [Section 11.202](#).

(A) For single-family residential accounts, an additional fee of \$2.00 per 1,000 gallons shall be charged for all usage from 25,000 thru 34,000 gallons during a billing period, an additional fee of \$3.50 per 1,000 gallons shall be charged for all usage from 35,000 thru 44,000 gallons during a billing period, and an additional fee of \$6.00 per 1,000 gallons shall be charged for all usage over 44,000 gallons during a billing period. Usage on a single-family residential account shall be the total usage at the address which is determined by adding together the usage on the meter supplying the residence and the usage on the meter(s) supplying water to the landscape watering system.

(B) For all landscape meters, except those at single family residences, schools, colleges, parks, cemeteries, golf courses or athletic facilities; an additional fee of \$2.00 per 1,000 gallons shall be charged for all usage from 75,000 thru 94,000 gallons during a billing period, an additional fee of \$3.50 per 1,000 gallons shall be charged for all usage from 95,000 thru 114,000 gallons during a billing period, and an additional fee of \$6.00 per 1,000 gallons shall be charged for all usage over 114,000 gallons during a billing period."

"Drought Level II

(3) A fee shall be charged for water usage in the amounts as set forth below. This fee shall be in addition to the standard fee charged for water usage and in lieu of the water usage fee set out in subsection (d)(3) the “excessive usage fee” as defined in [Section 11.202](#).

(A) For single-family residential accounts, an additional fee of \$3.50 per 1,000 gallons shall be charged for all usage from 10,000 thru 19,000 gallons during a billing period, an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage from 20,000 thru 29,000 gallons during a billing period, and an additional fee of \$8.00 per 1,000 gallons shall be charged for all usage over 29,000 gallons during a billing period. Usage on a single-family residential account shall be the total usage at the address which is determined by adding together the usage on the meter supplying the residence and the usage on the meter(s) supplying water to the landscape watering system.

(B) For all landscape meters except those at single family residences, an additional fee of \$3.50 per 1,000 gallons shall be charged for all usage from 60,000 thru 79,000 gallons during a billing period, an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage from 80,000 thru 99,000 gallons during a billing period, and an additional fee of \$8.00 per 1,000 gallons shall be charged for all usage over 99,000 gallons during a billing period.”

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

Assistant City Manager/Chief Financial Officer Michael Dane advised as further restrictions are implemented, the water use revenue decreases and negatively affects the City’s budget.

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

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

Mayor Morrison, with the consent of the Council, suggested postponing the item to be discussed at a future meeting.

NO DISCUSSION OR UPDATE ON THE PROGRESS AND COST TO DATE ON THE HICKORY AQUIFER WATER SUPPLY PROJECT INCLUDING, BUT NOT LIMITED TO, CONTRACTS FOR CONSTRUCTION AND ENGINEERING

Requested by Councilmember Farmer, Ms. Farmer remarked this discussion was a dead issue; therefore the item was not discussed.

AWARD OF WATER UTILITY BID WU-10-13, GROUNDWATER TREATMENT FACILITY AND MISCELLANEOUS IMPROVEMENT PROJECTS FOR THE HICKORY AQUIFER WATER SUPPLY PROJECT TO PCL CONSTRUCTION, INC. (IRVING, TX) IN THE AMOUNT OF \$27,132,193.00, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM, AND RELATED DOCUMENTS

Requested by Mayor Morrison, Water Utilities Director Ricky Dickson presented background information.

Responding to questions from Council, Mr. Dickson informed the engineering fees are not included in this bid, the construction overview for the project are included in the engineering fees. Responding to questions from Mayor Morrison, Mr. Dickson also explained the groundwater treatment plant location was based on the sewer access for the disposal of the iron filters, the new disinfection facility will bring the City’s existing disinfection plant into compliance with TCEQ standards, and he noted the existing plant cannot not handle the treatment for both the surface water and groundwater. General discussion was held on the location of the treatment plant, the plan design exclusive for the treatment plant location, the disposal and discharge affects to the river, utilizing existing facilities, the procurement of the project, and negotiation of the future maintenance contract.



Motion, to award WU-10-13 to PCL Construction, Inc., including bid alternates 1 and 2 in the amount of \$27,132,193.00, as presented, was made by Councilmember Silvas. Motion was seconded by Councilmember Self.

General discussion was held on the disapproval of the bid and the affects to the project, and the debt issuance related to the project and the affects to the citizens.

Public comment was made by Citizen Chris Cornell.

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

ADOPTION OF A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL AWARDDING RFB NO. ES-01-13 "ENGINEERING SERVICES AVENUE P STREET & DRAINAGE IMPROVEMENT PROJECT" TO REECE ALBERT, INC., AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR CONSTRUCTION OF AVENUE P STREET & DRAINAGE REMEDIATION PROJECT BETWEEN THE CITY OF SAN ANGELO AND REECE ALBERT, INC. IN ACCORDANCE WITH SAID BID AWARD, IN SUBSTANTIALLY THE ATTACHED FORM, SAID AGREEMENT BEING SUBJECT TO RESCISSION ON DECEMBER 31, 2013 SHOULD THE NECESSARY RIGHT-OF-WAY AND NECESSARY EASEMENTS NOT BE ACQUIRED BY CITY BEFORE DECEMBER 31, 2013, AS PROVIDED FOR UNDER SUCH AGREEMENT (Page 659, #2013-07-103)

Interim City Engineer Tim Wolff presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

Motion, to adopt the Resolution awarding RFB No. ES-01-13 "Engineering Services Avenue P Street & Drainage Improvement Project" to Reece Albert, Inc., as presented, was made by Councilmember Silvas and seconded by Councilmember Fleming.

General discussion was held on the project funding, including Stormwater and General Fund funding.

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

ADOPTION OF A RESOLUTION AUTHORIZING THE ACQUISITION OF A PERMANENT DRAINAGE UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN REAL PROPERTY EAST OF S. CHADBOURNE STREET AT AVENUE "P" REQUIRED FOR THE AVENUE "P" STREET & DRAINAGE IMPROVEMENT PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND OTHER LEGAL INSTRUMENTS NECESSARY OR CONVENIENT TO ACQUIRE SAID EASEMENTS; FINDING A PUBLIC USE AND BENEFIT THEREFORE; AND AUTHORIZING INITIATION OF EMINENT DOMAIN PROCEEDINGS PURSUANT TO LAW IF NECESSARY TO ACQUIRE THE PROPERTY FOR SAID EASEMENTS (Page 681, #2013-07-104)

Interim City Engineer Tim Wolff presented background information.

City Manager Daniel Valenzuela advised the item will be presented to City Council for final approval of the proposed project funding. Responding to a question from Councilmember Self, Assistant City Manager/Chief Financial Officer Michael Dane noted the funds for the purchase of the easements would be paid from the project funds.

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

**FOLLOW UP AND ADMINISTRATIVE ISSUES**

**APPROVAL OF BOARD NOMINATIONS BY COUNCIL AND DESIGNATED COUNCILMEMBERS:**

**Civic Events Boards:** Mikala Brownfield (SMD4) to an unexpired term October 2014

**Planning Commission:** Sammy Farmer (SMD4) to an unexpired term January 2015

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

**APPROVAL OF APPOINTING COUNCILMEMBERS FLEMING AND FARMER TO SERVE ON THE INVESTMENT OVERSIGHT COMMITTEE**

Motion, to appoint Councilmembers Fleming and Farmer to serve on the Investment Oversight Committee, was made by Councilmember Self and seconded by Councilmember Silvas. Motion carried unanimously.

**RECESS**

At 5:00 P.M., Mayor Morrison called a recess.

**RECONVENE**

At 5:05 P.M., Council reconvened, and the following business was transacted:

**EXECUTIVE/CLOSED SESSION**

At 5:05 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 551.074(1) to deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of the San Angelo City Manager, Assistant City Managers, all the Department Directors, and Acting or Interim Department Directors

**RECONVENE**

At 5:50 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.

Mayor Morrison stated the Council discussed the duties of the City Manager and also discussed the City Charter in relation to the City Manager. Council also discussed the tri-cities item.

**ANNOUNCEMENTS AND CONSIDERATION OF FUTURE AGENDA ITEMS**

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

City Council members requested the following:

Mayor Morrison: Code of Ethics/Conflict of Interest statement from the City of San Angelo Development Corporation guidelines which was abolished in January 3, 2013

Councilmember Fleming:

- prohibition of fireworks at Twin Buttes Park
- placing of a moratorium on recreational vehicles and manufactured homes within the city limits.

Councilmember Self:

- extraterritorial jurisdiction and what options are available to the City

- housing group update

Councilmember Silvas: water consumption update report

Councilmember Farmer:

- update report of the billing system to look at the billing to see if we can bill in 100 gallon increments versus 1000 gallons increments
- street sign issues be checked on in all parts of town

Councilmember Vardeman:

- Resolution for ASU to be able to drive their golf carts on City streets
- conducting an evening meeting of the City Council once per quarter

#### ADJOURNMENT

Motion, to adjourn, was made by Councilmember Silvas and seconded by Councilmember Vardeman. Motion carried unanimously.

The meeting adjourned at 6:05 P.M.

THE CITY OF SAN ANGELO

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Dwain Morrison, Mayor

ATTEST:

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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.)