

CITY COUNCIL MINUTE RECORD

The City of San Angelo
Tuesday, November 5, 2013

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Vol. 105

OPEN SESSION

BE IT REMEMBERED City Council convened in a regular meeting at 9:06 A.M., Tuesday, November 5, 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 Councilmember Farmer, thus constituting a quorum. Whereupon, the following business was transacted:

An invocation was given by Tommy Richardson of Emanuel Baptist Church and pledge was led by Maria Franco, Deputy City Clerk.

PROCLAMATIONS AND RECOGNITION

“International Education Week” at Angelo State University the week of November 18, 2013 thru November 22, 2013, was accepted by Dr. Sharynn Tomlin, Professor/Executive Director of the Center for International Studies, Angelo State University Member, Texas Tech University System.

“Children’s Grief Awareness Day”, November 21, 2013, was accepted by Hospice of San Angelo Building Bridges Director, Melissa Vines.

“Hospice and Palliative Care Month”, month of November 2013, was accepted by Executive Director of Hospice of San Angelo, Inc., David McBride.

Presentation of a Resolution to Mayor Dwain Morrison by Mr. Michael Boyd, President, Howard College San Angelo Foundation Board and Ms. Jamie Rainey, Executive Dean, Howard College San Angelo. Resolution expresses the Foundation’s sincerest appreciation to Mayor Morrison for nine years of outstanding service as an ex-officio member on The Howard College San Angelo Foundation Board.

PUBLIC COMMENT

Public comments were made by Citizen Harry Thomas.

REGULAR AGENDA: PUBLIC HEARING AND COMMENT

DISCUSSION PERTAINING TO CITY COUNCIL COMPLIANCE WITH CITY CHARTER QUALIFICATION REQUIREMENTS

Requested by Councilmember Self, Mr. Self disclosed after his recusal on an item on the October 1, 2013 meeting, it was questioned if he was qualified to serve on the City Council. Although he not was legally required to file the affidavit or recuse himself from the vote, he did so to avoid the appearance of impropriety.

Councilmember Self stated he does not have any interests in Texana or its successor ASC Security nor does his company American Fire Protection (AFP) have a subcontract with these companies for this type of work. He explained these two companies do not have to hire his company to conduct such work. Councilmember

Self stated he does not have any contract with the City of San Angelo (City) or for the Airport Terminal Project. He noted Templeton Construction does have a contract with the City for the Airport Terminal Project and this company has hired AFP as the subcontractor for the fire sprinkler renovation. He further explained his company, AFP, does not have a continuing service agreement with the City regarding any facility or project. Councilmember Self stated after consulting with the City Attorney and private counsel, he had been advised that this matter does not constitute a disqualification from his elected office under the City Charter and therefore will continue to serve the duties of the office as elected by the constituents of his district.

Councilmember Wardlaw responded Mr. Self is entitled to his own opinion but as a lawyer, felt he is disqualified on being on the City Council. Referencing the City Charter, he noted the Charter prohibits a candidate or city council person from doing business with the city. Mr. Wardlaw stated the Charter does not differentiate between a contractor or subcontractor. He recalled the 2007 Charter election noting the voters overwhelmingly reconfirmed that the citizens do not want a candidate or council person to conduct business with the city. Reading the Charter section, "No Member shall have an interest in the profits or emoluments of any contract, job, work or service for the City", he further defined the term "emolument" as compensation, gain, or benefit. Mr. Wardlaw also read the Charter section, "No Member shall have an interest in the sale to the City of any supplies, equipment or material". He noted the distinction has been made that just because you don't have a written contract with the city does not disqualify [the section] and was not a fair construction of the language. He acknowledged Mr. Self did file an affidavit admitting his company, AFP, is doing business with the city. However, he disagreed with Mr. Self in that he was not required to file the affidavit. He noted as a Texas home rule city, we are governed by our City Charter and such is similar to the Texas Constitution in which we cannot change the language by our interpretation and should follow the letter of the law. Mr. Wardlaw further noted the people have reaffirmed how this should be handled and noted the citizens have rejected the removal of this section per the 2007 Charter election. He suggested Mr. Self should disclose all interest in any city contracts as well as the City should request an opinion from the Texas Attorney General (AG). He read an excerpt from AG Opinion GA0796 noting the opinion contradicted what was previously heard, "An affidavit of recusal is required when the decision or vote of the City Council will have an economic affect on the business entity." Mr. Wardlaw suggested Council consider an agenda item on whether to seek a legal opinion at their next meeting or he would seek such as a private citizen.

City Manager Daniel Valenzuela referencing Charter Section 2.404, stated, "The attorney shall be the legal advisor of the city and shall render advice on all legal questions affecting the city...." Mr. Valenzuela recognized Mr. Wardlaw as an attorney; however, he stated the City does have a City Attorney which serves as the legal advisor for the city. He noted research is conducted objectively and any advice given by the legal team is given without any subjectivity.

City Attorney Lysia H. Bowling responded staff does consider the charter and the authority granted to the city council and noted we will find that there is no procedure articulated in the charter for the City Council to make a determination of whether a City Council member has forfeited his office. She informed the charter is silent and for that reason suggested and was in support of two methods of making a legal and factual determination of whether that interest indeed is a disqualification. Ms. Bowling explained there is a recall petition available in the Charter for the voters to make that determination or indeed the State of Texas in a quo warranto suit. She noted the courts have stated that is an exclusive remedy to determine whether factually and legally a council person has forfeited their office meaning whether they came into office they did not meet the qualifications or whether during the term of office they no longer meet the qualifications. Ms. Bowling stated our Charter is silent; the City Council does not have the authority to make a decision about this matter. She noted it is a difficult and mixed question of law in fact, as Mr. Wardlaw has explained, it is a termed interest and who can best make that determination would be a court of law. Ms. Bowling commented perhaps the AG opinion cited was really about when a contract comes before City Council that is a direct contract in which a council member has a substantial interest which is not the case here at all; there was no contract with the city council member in question before council. She explained there is a procedure and it is articulated that a substantial interest of an economic affect is different from the public at large noting that would be the test under that statute. However,

she explained it is not applicable here because when the City contracted with Templeton noting there was no issue. Ms. Bowling asserted that without expressive authority we must either go to the voters or have the State of Texas through the attorney general, the district attorney, or the county attorney file a law suit in quo warranto to determine qualifications in this case.

Responding to a question from Mayor Morrison, Ms. Bowling stated in her analysis she agreed Councilmember Self does not have a disqualifying interest.

Responding to a question from Councilmember Fleming, Ms. Bowling confirmed Councilmember Self has not voted on any item that he would have a capital gain.

Councilmember Silvas suggested if Mr. Wardlaw wants to do continue with his inquiry, then he should proceed. He suggested Council should consider and concentrate on other projects for the betterment of the community.

Councilmember Vardeman noted when he ran for office it was to provide his service to the community. He expressed his concern on the issue at hand which is not helping San Angelo.

Councilmember Wardlaw noted such responses are not a legal defense and as City Council member, including the City Manager, we have a duty to uphold the charter. He noted the fact that the contract might have been in existence before Mr. Self was elected and sworn in makes no difference legally whatsoever. In fact, he and all the Council had to sign two affidavits stating we are not doing any business with the City. The first sworn affidavit was at the time of filing to get on the ballot which must be filed stating you are not doing business with the city, and secondly, once elected and results canvassed, an elected official must sign another affidavit stating you are not doing business with the city. He noted we are all sworn to uphold the constitution and laws of the state of Texas and the ordinances and City Charter. He stated he was not willing to overlook the issue and it was nothing personal.

Mr. Valenzuela stated the City Attorney and staff have spent countless hours researching the item. Recalling Mr. Wardlaw's interpretation of and statement regarding upholding the Charter, he agreed with Mr. Wardlaw they have the responsibility uphold the Charter and noted he has fulfilled such. But as mentioned earlier, Mr. Valenzuela stated the City has a legal advisor and staff has done a lot of great work and research to come to a conclusion and render a legal opinion which quite frankly he was comfortable with in moving forward. He recalled Councilmember Silvas statement further agreeing if he wished to pursue the matter and are comfortable with moving forward then by all means do so. He reaffirmed at this point, our legal team has rendered an opinion and respected that.

Mayor Morrison concurred with Councilmember Silvas. Mr. Morrison expressed his concern regarding the infighting and he was ready to move forward with the issues of the City. He recognized the City Attorney's investigation and rendered an opinion, as well as Councilmember Self has hired a private attorney who also concurred with the City Attorney, and have found no problems.

Public comments were made by Citizens Jim Turner, Billy DeWitt, Vera Kirkpatrick, and Bill Richardson.

Responding to a question from Councilmember Silvas, Ms. Bowling stated in potentially reviewing the language of the charter, there are studies on home rule provisions in which some cities eliminate the requirement completely and defer to state law taking the common law approach in which the language is taken so broad. Some cities have language in an ordinance which is very specific in defining what an interest is. Upon directive, Ms. Bowling stated she will research other home rule city charters, noting some have modernized and moved into a different approach to protecting the public in deferring to state law, defining the interest, or eliminating that qualification criteria completely.

Mayor Morrison read Charter Section 9, C into the record, "Any contract in which a Member is or becomes interested may be declared void by the Council." He explained the only authority of the council would be to declare a contract void and at this time, he is not willing to declare the Airport project contract with Templeton Construction void. He suggested Council move forward and Councilmember Wardlaw proceed with his

inquiry. In consensus, Council suggested moving forward.

CONSENT AGENDA

APPROVAL OF THE OCTOBER 15, 2013 CITY COUNCIL REGULAR MEETING MINUTES

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

SB-01-13: Street Materials, Crushed Stone & Asphalt (San Angelo, TX) and Vulcan Materials (San Antonio, TX), not to exceed \$250,000.00

VM-10-13: Two Ambulance Chassis, Buyboard quote, \$55,432.00

VM-11-13: Two Ambulance Box Remounts, HGAC quote, \$55,675.00

AWARD OF BID CH-01-13 FOR THE RALPH CHASE STATE OFFICE BUILDING-FLOORING REPLACEMENT TO KISER FLOORING CENTER (SAN ANGELO, TX), IN THE AMOUNT OF \$79,464.00 AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A CONTRACT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY AND KISER FLOORING CENTER

ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TAX-RESALE (QUITCLAIM) DEED FOR THE PURPOSE OF URBAN REDEVELOPMENT, CONVEYING ALL RIGHT, TITLE AND INTEREST OF THE CITY OF SAN ANGELO, AND ALL OTHER TAXING UNITS INTERESTED IN THE TAX FORECLOSURE JUDGMENT (Page 13, #2013-11-148)

318 E 14th Street, (TR Logan Ent.), Lot 10, Block 1, A-1, Exall Addition, \$750.00, B-05-0250-T

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY AND BUSINESS PRIVATE SWITCH FOR ENHANCED 9-1-1 EMERGENCY SERVICE WITH THE CONCHO VALLEY COUNCIL OF GOVERNMENTS FOR 9-1-1 EMERGENCY SERVICES IN TOM GREEN COUNTY PURSUANT TO CHAPTER 391 OF THE LOCAL GOVERNMENT CODE

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NON-EXCLUSIVE RIGHT-OF-WAY ENCROACHMENT LICENSE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH TEXAS FINANCIAL BANK PERMITTING ENCROACHMENT OF CERTAIN IMPROVEMENTS INTO THE CITY'S RIGHT-OF-WAY AT 121 WEST TWOHIG AVENUE, FOR A COMMERCIAL BUILDING WALL AND PLANTER CUT OUTS IN THE SIDEWALK AREA OF SAID RIGHT-OF-WAY, AND PROVIDING FOR RELATED TERMS AND CONDITIONS; AND, FINDING A PUBLIC PURPOSE AND BENEFIT THEREIN (Page 15, #2013-11-149)

SECOND HEARING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12 PERTAINING TO MOBILE HOME REGULATIONS OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO (Page 21, #2013-11-150)

AN ORDINANCE AMENDING CHAPTER 12 "PLANNING & DEVELOPMENT", ARTICLE 12.500 "MOBILE HOME REGULATIONS", OF THE SAN ANGELO CODE OF ORDINANCES BY AMENDING THE TITLE OF ARTICLE 12.500 TO READ, "MANUFACTURED HOME AND MOBILE HOME REGULATIONS"; RESTATING SECTION 12.503 "SKIRTING" BY ADDING MANUFACTURED HOMES AND PROVIDING AN EXCEPTION FOR LICENSED DEALERSHIPS AND RETAILERS; AMENDING SECTION 12.504 "TEMPORARY MOBILE HOME INSTALLATION" BY AMENDING THE SECTION TITLE TO "TEMPORARY MANUFACTURED HOME, MOBILE HOME OR BUILDING INSTALLATION", AND RESTATING SUBPARAGRAPHS (a) AND (c) OF SAID SECTION TO REFERENCE MANUFACTURED HOME; PROVIDING FOR SEVERABILITY, PROVIDING FOR A PENALTY AND PROVIDING FOR AN EFFECTIVE DATE

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

RECESS

At 10:02 A.M., Mayor Morrison called a recess.

RECONVENE

At 10:21 A.M., Council reconvened, and the following business was transacted:

REGULAR AGENDA: PUBLIC HEARING AND COMMENT

TIED VOTE ON A PETITION FOR VARIANCE UNDER THE CODE OF ORDINANCES, WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN, SECTION 11.203 (E), TO THE ALLOWABLE WATERING FREQUENCIES AND TIME OF DAY FOR NEWLY PLANTED LANDSCAPE SUBMITTED BY THE SAN ANGELO INDEPENDENT SCHOOL DISTRICT (SAISD)

Water Utilities Director Ricky Dickson, SAISD Maintenance Supervisor AJ Turner, and Maintenance Director Jim Ellis presented background information.

General discussion was held on the seriousness of the City's water issues, the current 16 month water supply, the cost of the baseball field landscape recovery, the SAISD's proposal and compromise, and the SAISD water usage and restriction efforts.

Motion, to deny the request for the variance, was made by Councilmember Fleming and seconded by Councilmember Self.

Public comments were made by Citizens Lee Bell, Bill Richardson, Richard Bastardo, Nathan Simpson, and Jim Turner.

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

Mayor Morrison requested the item be presented again at the next meeting.

FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 10, TRAFFIC CONTROL REGARDING THE OPERATION OF GOLF CARTS

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 10, TRAFFIC CONTROL, OF THE SAN ANGELO CODE OF ORDINANCES, BY ADDING ARTICLE 10.1700, OPERATION OF A GOLF CART ON PUBLIC STREETS; REGULATING THE OPERATION OF GOLF CARTS ON PUBLIC STREETS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE

Police Chief Tim Vasquez presented background information. General discussion was held on the speed limit restrictions, permit fee, necessary inspections, other entity exemptions, reducing the speed limit from 35 to 30, the operator's and passenger's minimum age requirement, and the main goal to provide safety for the operators.

Motion, to introduce the Ordinance, as presented, with the following changes: removing the government permit fee exemption, reducing the miles per hour from 35 to 30, and removing the passenger age limit, was made by Councilmember Fleming and seconded by Councilmember Vardeman. Motion carried unanimously.

ADOPTION OF DOCUMENTS AS PART OF THE 2009 COMPREHENSIVE PLAN, TO INCLUDE:

- Lake Nasworthy sub-district concept;
- Lake Nasworthy master plan and implementation strategy

Interim Development Services Director AJ Fawver and Gateway Planning Principal Scott Polikov presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

Councilmember Fleming noted the majority of the residents are in support of the plan, but addressed his concerns regarding the \$360,000.00 cost of the plan.

Motion, to accept the plan, as presented, was made by Councilmember Fleming and seconded by Councilmember Silvas.

Public comments were made by Citizens Lee Bell, Nathan Simpson, Rubin Stockholm, Bill Richardson, and Lake Nasworthy Home Owners Association President Ted Logan.

Councilmember Silvas spoke in support of the plan.

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

Z13-28: Greg Huling

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: An unaddressed 5 acre tract, located approximately 280 feet south of the intersection of Southland Boulevard and Green Meadow Drive. This property specifically occupies the Community of Faith subdivision, Block 1, Section 1, Lots 1 & 2, in western San Angelo, changing the zoning classification from Single-Family Residential (RS-1) to Low-Rise Multi-Family Residential (RM-1) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

Motion, to table the item, was made by Councilmember Silvas and seconded by Councilmember Fleming. 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 13-36: SAS Texas Properties LLC

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, located approximately 800 feet south from the intersection of Humble Road & North Bryant Boulevard. This property specifically occupies the Lakeside Gardens Addition, Block One, Lots 28-31 in northwestern San Angelo, changing the zoning classification from Heavy Commercial (CH) to General Commercial (CG) District; PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

City Manager Daniel Valenzuela noted Interim Senior Planner Jeff Hintz has submitted his resignation and commended him on his work. Council concurred.

Councilmember Silvas left the meeting at 11:39 a.m.

Mr. 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 Self and seconded by Councilmember Vardeman. Motion carried unanimously.

Councilmember Silvas returned to the meeting at 11:43 a.m.

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 13-34: The River San Angelo Church, 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: 5050 Lake Drive, located approximately 800 feet southeast of the intersection of North Chadbourne Street and Lake Drive; more specifically occupying the Julia A. Bailey Subdivision, being 4.384 acres out of the south part of Block 8, Lot 2, in northwest San Angelo, changing the zoning classification from Ranch & Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) to General Commercial (CG) 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 Self and seconded by Councilmember Vardeman. Motion carried unanimously.

Councilmember Wardlaw left the meeting at 11:47 a.m.

FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AUTHORIZING ABANDONMENT OF THE COMPLETE UNIMPROVED 60-FOOT WIDE PUBLIC RIGHT-OF-WAY FOR NELSON AVENUE EXTENDING NORTH FOR A DISTANCE OF 485 FEET FROM ERA STREET, EAST OF BLOCK 3, LOTS 8-13 OF THE GOODFELLOW COURT ANNEX, AND IMMEDIATELY WEST TO PROPERTY OUTSIDE OF THE CITY LIMITS, -AND- AN ABANDONMENT OF THE COMPLETE 13-FOOT WIDE RIGHT-OF-WAY FOR AN ALLEY EXTENDING WEST OF NELSON AVENUE AND DIRECTLY NORTH OF THE GOODFELLOW COURT ANNEX, BLOCK 3, AND ADJACENT TO THE ENTIRE NORTHERN LENGTH OF LOT 8 OF SAME SUBDIVISION IN EAST SAN ANGELO

AN ORDINANCE PROVIDING FOR THE ABANDONMENT AND CLOSING OF THE FOLLOWING UNIMPROVED STREET SEGMENT AND UNIMPROVED ALLEY SEGMENT TO WIT: a complete unimproved 60-foot wide public right-of-way for Nelson Avenue extending north for a distance of 485 feet from Era Street, east of Block 3, Lots 8-13 of the Goodfellow Court Annex, and immediately west to property outside of the City Limits, -AND- an abandonment of the complete 13-foot wide right-of-way for an alley extending west of Nelson Avenue and directly north of the Goodfellow Court Annex, Block 3, and adjacent to the entire northern length of Lot 8 of same subdivision in east San Angelo; AUTHORIZING THE CONVEYANCE THEREOF TO THE ABUTTING PROPERTY OWNERS; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE; AND PROVIDING FOR THE MAYOR TO EXECUTE AND DELIVER A QUIT CLAIM DEED TO THE ABUTTING PROPERTY OWNERS

Interim Senior Planner Jeff Hintz presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.* Mr. Hintz distributed an opposition letter submitted after the deadline.

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

Mr. Wardlaw returned to the meeting at 11:50 a.m.

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

REMAND OF AND DIRECTION TO THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION (COSADC) TO AMEND THE COSADC FY 2014 BUDGET AND NO ACTION ON COSADC'S RECOMMENDATION OF REDUCING ACCOUNT NUMBER 410580 TRAVEL AND LODGING FROM \$18,000 TO \$10,000 AND INCREASING ACCOUNT 415310 CITY SERVICES BY \$10,000 TO ADDRESS THE COST OF PUBLIC INFORMATION OFFICE STAFF SERVICES PROVIDED TO COSADC AS APPROVED BY COUNCIL IN AUGUST OF 2012

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

Councilmember Wardlaw stated the instructions were to cut budget not increase. Mr. Schneeman stated the items were taken to the board and the changes are as submitted. Mr. Wardlaw suggest remanding the issue to the board to reconsider.

City Manager Daniel Valenzuela stated the board felt strongly on the budget as proposed.

Motion, to remand the item to COSADC to consider further cuts, was made by Councilmember Wardlaw and seconded by Mayor Morrison.

Responding to a question from Councilmember Silvas, Councilmember Wardlaw stated the recommended cuts have been relayed to his representative.

A vote was taken on the motion on the floor. AYE: Morrison, Fleming, Self, Vardeman, Wardlaw, and Farmer. NAY: Silvas. Motion carried 5-1.

RECESS

At 11:58 A.M., Mayor Morrison called a recess.

EXECUTIVE/CLOSED SESSION

At 12:20 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 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding Red Arroyo Addition, Special Recreational Leases, and Lake Nasworthy; Section 551.074(a) (1) to deliberate the appointment and employment of the Emergency Operations Coordinator position; and, Section 551.074(a) (1) to deliberate the appointment and employment of the Economic Development Director position.

RECONVENE

At 1:11 P.M., Council reconvened, and the following business was transacted:

RECESS

At 1:11 P.M., Mayor New called a recess.

RECONVENE

At 1:30 P.M., Council reconvened, and the following business was transacted:

DIRECTION TO STAFF TO UTILIZE THE REQUEST FOR PROPOSAL PROCESS RELATED TO SOLID WASTE COLLECTIONS AND LANDFILL MANAGEMENT CONTRACT

Operations Director Shane Kelton presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

General discussion was held on options for collection. Council suggested staff research the possibility of providing both cart service and bulk collection with a recycling component. Further discussion was held on the type of collection services provided with suggestions to the following: Manual vs. Automated: Council preferred the automated cart system with once or twice a week service; Recycling: Council expressed concerns regarding the associated costs and whether to utilize the service once or twice a week; Commercial: Council suggested a minimum once per week pick up, specifically noting complaints received regarding overflowed dumpsters. Mr. Kelton stated customers have the opportunity to request an additional pick up for an additional cost; Bulk Trash Collection: Council suggested a per quarter bulk system service, but suggested staff present associated costs; Frequency of Collection: Council suggested once per week with cart system, but contingent on recycling component. Mr. Kelton informed the Citizen's free dumping program cost the City

\$160K per year and increasing annually. He suggested further consideration to continue the service will be contingent on the cart system changes. Mr. Kelton noted the City is charged only if the citizens utilize the service and if the City will conduct 4 annual bulk trash collections, maybe the program may be reduced to twice a year. He also informed the landfill should provide a convenience station noting the potential safety issues.

General discussion was held on whether to have an exclusive or open market contract and whether to base the contract term on the life of the site or fixed term. Mr. Kelton suggested separating the landfill and collection function as two separate contracts with the same term to maximize negotiations. In conclusion, Council directed staff to conduct a request for proposal. Mr. Kelton noted this process would allow staff to know the true value of the City's asset and what is best for citizens. He noted upon review, the proposals maybe rejected and staff may renegotiate the contract with Republic Services.

Motion, to direct staff to utilize the Request for Proposal process for the landfill service and collection service, was made by Councilmember Fleming and seconded by Councilmember Vardeman.

Public comments were made by Citizens Bill Richardson, Charles Young, Vera Kirkpatrick, Fred Preston, Jim Turner, and Bob Gregory.

A vote was taken on the motion on the floor. AYE: Morrison, Fleming, Self, and Vardeman. NAY: Silvas and Wardlaw. Motion carried 4-2.

RECESS

At 2:47 P.M., Mayor Morrison called a recess.

RECONVENE

At 3:05 P.M., Council reconvened, and the following business was transacted:

DIRECTION TO CITY STAFF REGARDING RECOMMENDED CHANGES FROM TRADITIONAL BIDDING (LOWEST RESPONSIBLE BIDDER) PROCESS TO THE REQUEST FOR COMPETITIVE SEAL PROPOSAL PROCESS THAT PROVIDES SELECTION CRITERIA RELATING TO LOCAL BUSINESSES

Purchasing Manager Roger Banks presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.* Mr. Banks recommended the preferred approach is using a balanced methodology that will increase consideration for awarding to local contractors, promote fair/open competition, and maximize budget funds. He further recommended utilizing a sliding point scale based on the projected contract amount: less than \$500K at 5%, less than \$1.5M at 4%, and more than \$1.5M at 3%.

General discussion was held on the methodology, options available, state and federal requirements. Council concurred with staff's recommendation.

ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A LETTER OF INTENT AMONG THE CITIES OF ABILENE, MIDLAND, AND SAN ANGELO, TEXAS FOR WATER SUPPLY DEVELOPMENT AND DELIVERY (Page 23, #2013-11-151)

City Manager Daniel Valenzuela presented background information.

Mayor Morrison stated staff has met with Midland and Abilene representatives; however, this is a very expensive process. He confirmed the City has not paid any expenses for the Cedar Ridge reservoir water resource research project in Abilene as previously stated.

Public comment was made by Citizen Jim Turner.

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

TABLING OF AUTHORIZING THE FUNDING AND PAYMENT FOR CITY'S PROPORTIONATE SHARE OF COSTS INCURRED FOR SERVICES PURSUANT TO THE INTERLOCAL AGREEMENT BETWEEN CITIES OF ABILENE, MIDLAND AND SAN ANGELO, EFFECTIVE APRIL 9, 2011 (WEST TEXAS WATER PARTNERSHIP), FOR THE QUARTERLY INVOICE DATED SEPTEMBER 17, 2013 AND OCTOBER 29, 2013

Finance Director Tina Bunnell presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

Motion, to table the item until City Council reviews the details in Executive Session, was made by Councilmember Silvas and seconded by Mayor Morrison. Motion carried unanimously.

ADOPTION OF A RESOLUTION IN PREPARATION FOR STAFF TO PROVIDE FOR BUDGET GOALS AND POLICIES THAT INCLUDE THE FOLLOWING OPTIONS FOR TERMINATING THE WASTEWATER PAYMENT IN LIEU OF TAXES TRANSFER (Page 29, #2013-11-152)

Budget Manager Morgan Chegwiddden presented background information. *A copy of the presentation is part of the Permanent Supplemental Record.*

General discussion was held on the methodology and whether to eliminate the fee in three years at \$100K in FY '14 year and thereafter review the budget for further reductions of the remaining \$400K.

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

Public comment was made by Citizen Jim Turner.

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

FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING THE 2013-2014 BUDGET FOR A CONTRACT CHANGE ORDER

AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014, FOR A CONTRACT CHANGE ORDER

Budget Manager Morgan Chegwiddden presented background information.

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

NO ACTION ON THE FIRST PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE INCREASING THE NUMBER OF MEMBERS ON THE PUBLIC HOUSING AUTHORITY FROM FIVE (5) TO SEVEN (7) AND OTHER RELATED PROVISIONS

AN ORDINANCE AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION", ARTICLE 2.2700 ENTITLED "HOUSING AUTHORITY", SECTION 2.2701 ENTITLED "CREATED; MEMBERS; TERMS", OF THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, BY INCREASING THE NUMBER OF MEMBERS ON THE HOUSING AUTHORITY FROM FIVE (5) TO SEVEN (7); PROVIDING THAT TWO (2) MEMBERS BE TENANTS OF PUBLIC HOUSING; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Clerk Alicia Ramirez presented background information.

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

General discussion was held on the reasons for the increased membership. Council suggested a board member present their reasons at a future meeting before further consideration.

Councilmember Silvas withdrew his motion and Councilmember Self withdrew his second.

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:

Tax Increment Reinvestment Zone: Dominic Santos (SMD3) to a full term October 2015

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

APPROVAL OF NOMINATION FOR COUNCILMEMBER MARTY SELF, SINGLE MEMBER DISTRICT 2 TO SERVE AS AN EX-OFFICIO MEMBER ON THE HOWARD COLLEGE SAN ANGELO FOUNDATION BOARD

Motion, to approve the board nomination by Council, as presented, was made by Councilmember Silvas and seconded by Councilmember Fleming. Motion carried unanimously.

ANNOUNCEMENTS AND CONSIDERATION OF FUTURE AGENDA ITEMS

City Manager Daniel Valenzuela distributed the proposed November 19, 2013 Agenda and solicited Council comments and suggestions.

Councilmember Vardeman requested an update on the Stormwater fees and related detailed expenditures and ½ sales tax and allocations and possibly redirect funds.

Mayor Morrison suggested City Council host a joint meeting with SAISD, TGC, and City to consider shared resources.

ADJOURNMENT

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

The meeting adjourned at 3:52 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.)

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