

**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.

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