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COUNCIL LIVE: Executive session matter debated

City Council approved a permit request 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

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SAN ANGELO, Texas —An item on the City County executive session agenda made noise before lunch.

Section 551.074(1) is listed on the agenda to deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of the San Angelo city manager, assistant city managers, all department directors, and acting or interim department directors.

Mayor Dwain Morrison asked City Attorney Lysia H. Bowling to assure Council the agenda item was legal in executive session after Jim Turner questioned the issue.

"I find it highly unusual for the city council to go into executive session to discuss and evaluate employees over which the city manager has direct control," Bowling said. "I find that problematic."

The city manager has the authority to appoint with the consent of the council, Bowling said. It is the city manger that has the authority to remove, not requiring the consent of council, she said

Any of the controlling supervision — everything is reinforced throughout this layer of clearly stated provisions that reinforce the separation of powers that give the city manager exclusive authority over all the other employees," Bowling said.

"I would suggest we cannot go into executive session to discuss employees that are under the direct supervision of the city manager," Bowling said.

For council to interfere with city manager's authority, it would be impermissible, she said.

Morrison agreed that he did not want to speak on the matter in executive session and motioned to strike the section from the meeting.

"I am not comfortable in dealing with Section 551.074(1) in executive session today," Morrison.

"I'm not going to deal with this — this is very dangerous and very sensitive and I am not going to put myself in a situation to violate an open meeting."

After debate, Morrison's motion failed and the council elected to speak on the matter in executive session.

TRASH PERMIT REQUEST GRANTED

City Council approved a permit request 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 to Texas Disposal Systems, Inc. and TxAlloy, Inc. DBA Acme Iron & Metal Co.

The measure passed 4-2 — District 3 seat Johnny Silvas and District 5 seat H.R. Winkie Wardlaw opposed the request.

After initially making a motion to deny the request, District 6 seat Charlotte Farmer chose to recuse herself from a vote due to being a distant relative to Bob Gregory, owner of TDS.

Farmer said respect is owed to Republic Waste Services for their exclusivity, and did not want to pass a permit that may fill up the city's landfill earlier than expected.

"I don't want more large trucks in conjunction with what we already have," Farmer said in addition.

TDS cannot bring waste not approved by landfill guidelines.

"I think it's fair to say we won't bring any more waste here than Republic would anyway," Gregory said.

TDS wishes to bid on the Angelo State University trash contract in a few weeks, and hopes to gain a permit to drive on city streets, Gregory said.

TDS has worked hard to divert from landfills and can make more money recycling and composting, Gregory said. The company will offer multiple containers for recycling.

"Waste is coming here anyway," Gregory said. "The more that is recycled the longer the landfill will last."

COUNCIL PASSES ACTION PLAN

City Council unanimously passed the 2013 Annual Action Plan. The plan is required of all entitlement cities receiving annual Community Development Block Grant and HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development.

The City expects to receive \$739,584.00 in CDBG funds and \$224,399.00 in HOME funds from the U.S. Department of Housing and Urban Development (HUD) for Grant Year 2013. Additionally, the city anticipates receiving \$40,000 in CDBG program income and \$22,000 in HOME program income.

Approval of the 2013 AAP authorizes the city manager to execute the application for Program Year 2013 funding, required certifications and any other related documents, to include the annual funding agreement with HUD and file all documents with HUD. Funding allocations for 2013 were made by the City Council on June 18, 2013.

COUNCIL OKs ZONE CHANGES

This morning City Council unanimously passed a request for a zone change from Zero Lot Line, Twinhome and Townhouse Residential (RS-3) to Single-family Residential (RS-1) to allow for single-family detached homes.

The zone change affects: 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, more specifically occupying the Capitol Heights Addition, Section 5, Block 6, Lot 42 and Block 11, Lot 1 and 26, in southwest San Angelo.

City Council unanimously passed a zone change request from a combination of General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) to General Commercial (CG) to allow for self-service storage as defined in Section 315.H. of the Zoning Ordinance.

The zone change affects: 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 two 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.

This is a developing news story. More information will be added as it becomes available.



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