

**CITY COUNCIL MEETING
February 14, 2002, 8:30 A.M.**

**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CITY COUNCIL CHAMBERS OF CITY HALL**

The City Council of the City of Abilene, Texas, met in Regular Session on February 14, 2002, at 8:30 a.m. in the City Council Chambers of City Hall. Mayor Grady Barr was present and presiding with Councilmen Norm Archibald, Kris Southward, Anthony Williams, Rob Beckham, Jimmy McNeil, and Councilwoman Kay Alexander. Also present were City Manager Roy L. McDaniel, Assistant City Manager Michael Morrison, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Councilwoman Kay Alexander gave the invocation.

Pledge of Allegiance was led by Blake Spears, fifth-grader at Johnston Elementary School. Also in attendance were Blake's mother, Lorry Spears and his father, Matt Spears.

Mayor Barr recognized Real Estate Studies students in attendance from Cisco Jr. College.

Mayor Barr presented a Proclamation for February 14-16, 2002 as "ACU 2002 Sing Song Weekend"; and read a Proclamation for February 14, 2002 as "National Pet Theft Awareness Day".

City Secretary Jo Moore assisted Mayor Barr in presenting the following Employee Service Awards:

25 Years	Cleofas Rodriguez	Park Worker Community Services
25 Years	Thomas L. Smith	Supervisor II Traffic & Transportation
20 Years	William J. Armstrong	Police Officer Police
20 Years	Sue F. Elliott	Customer Service Rep. II Water Utilities
20 Years	David D. Gray	Police Officer Police
20 Years	Michael S. McAuliffe	Police Officer Police
20 Years	Roberta Thompson	Housing Administrator Housing

City Manager Roy McDaniel introduced Angela McGlothlin, Keep Abilene Beautiful Coordinator, who gave a presentation on the 2002 Trees for 2002 campaign. Ms. McGlothlin distributed a tree care course for volunteers entitled the "Abilene Arborist training manual", and stated the campaign goal is to plant 2002 trees. Ms. McGlothlin concluded by noting the importance of tree care education, establishing ongoing community partnerships, and raising

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funds. Ms. McGlothlin thanked KTXS and their chief meteorologist for helping with the campaign.

No Council action was required.

City Manager Roy McDaniel introduced Elizabeth Grindstaff, Assistant Director of Community Development, who gave a brief history of the Frontier Texas! project and updated Council on the progress of the project. Ms. Grindstaff recognized H. C. Zachry of Abilene and Brice Wiggins of Dallas, an architect on the project. Mr. Wiggins presented the schematic design and preliminary site plan, and stated plans are to start construction in September of 2002 and complete construction in September of 2003.

Council praised the project, and Mayor Barr commended Mr. Zachry and the architectural firms involved.

No Council action was required.

DISPOSITION OF MINUTES

There being no corrections, additions, or deletions to the January 24, 2002 Regular City Council Minutes and January 31, 2002 Special City Council Minutes, Councilman Southward moved to approve the minutes as printed. Councilman Williams seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

CONSENT AGENDA

Councilwoman Alexander moved to approve consent agenda items 3.1 through 3.6 and first reading of item 3.7. Councilman Southward seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

Resolutions:

- 3.1 Oral Resolution authorizing the City Manager to enter into a contract with G & S Mechanical U.S.A., Inc. for installation of a baggage claim conveyor system at Abilene Regional Airport.
- 3.2 Oral Resolution authorizing the City Manager to accept a grant from the Texas Department of Transportation for fiscal year 2002 in order to accomplish an increased level of pavement work at Abilene Regional Airport.

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- 3.3 Resolution ordering the May 4, 2002 Joint City/AISD General Election for the office of Mayor and Council Places 3 and 4, and providing for a Runoff Election on June 1, 2002 if needed.

The Resolution is numbered 3-2002 and is captioned as follows:

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AND THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT, ORDERING ELECTIONS TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON MAY 4, 2002; PROVIDING FOR ELECTION OF PERSONS TO SERVE AS MAYOR AND IN PLACES 3 AND 4 ON THE CITY COUNCIL OF THE CITY OF ABILENE AND IN PLACES 4, 5 AND 6 ON THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

Bid Awards:

- 3.4 Mini-buses for Senior Citizens and Recreation Divisions, **Bid #CB-2012**. The bid was awarded in its entirety to Lasseter Bus Company, the low responsive bidder in the amount of \$231,160.00, as recommended by staff.
- 3.5 Extension of Corsicana Avenue Phase II, from north of Benbrook to south of Pueblo Dr., **Bid #CB-2035**. The bid was awarded to Wagley Construction Company, Putnam, Texas in the amount of \$168,962.17, as recommended by staff.
- 3.6 Extension of Taxiway B Phase I at Abilene Regional Airport. The Council authorized the City Manager, by Oral Resolution, to enter into a contract with Epic Construction for the base bid less the alternate deduction for Phase I, or \$445,387, as recommended by staff.

Ordinances:

- 3.7 **Appealed Item: Z-00802** – Rezone from LI & HC (Light Industrial & Heavy Commercial) to HC (Heavy Commercial) zoning district property located at 4317 S. Treadaway, and set a public hearing for February 28, 2002 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

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REGULAR AGENDA

Public Appearance:

4.1 Richard Gertson, Director of Community Development, distributed the Abilene Comprehensive Plan Community Survey Results and briefed the Council on the Comprehensive Plan Process Update. Mr. Gertson introduced Jim Maguire and Jean Robbins of URS Corporation, the Comprehensive Plan consultants, who are in Abilene this week for a public forum and Steering Committee meeting. Mr. Maguire gave a slide presentation, sharing with the Council the results of the recently concluded general survey and comments from the forum. Mr. Maguire stated the results are a compilation of surveys returned as of January 31, 2002, which included 1,987 survey forms. Mr. Maguire reviewed what citizens see as issues for the community and concluded by stating the next step will be defining goals and policies to address the noted concerns and issues.

Council and staff discussion included: the financial requirements, to meet the goals, not being addressed at this point; the list of 12 issues being the first effort results coming from the community; and the fact that the survey will be online through February.

Mayor Barr congratulated Mr. Gertson and his staff for their successful efforts in this planning process.

No Council action was required.

Bid Award:

4.2 Dwayne Hargesheimer, Director of Water Administration, briefed the Council on a New Treatment Plant Clearwell and Pump Station, **Bid #CB-2033**. Mr. Hargesheimer stated construction bids for the Southside Water Treatment Plant High Service Pump Station and Clearwell were received and opened January 29, 2002; and noted a letter of recommendation and bid summary from CH2M Hill, engineer for the project. The Plant and Pump Station will be constructed under a separate contract to qualify for EPA funding on a portion of this contract. By a letter dated February 1, 2002 from Region 6 U. S. EPA, funds in the amount of \$969,790.00 will be eligible for reimbursement to the City of Abilene after completion of the project. This reimbursement will cover 36.2% of the project. Staff recommends that the City Council authorize the City Manager to execute a contract with M. W. Builders of Texas, Inc. of Temple, Texas, in amount not to exceed \$2,675,000.00.

Mayor Barr stated he is concerned with the schedule, questioned looking at 2003 this early into the project, suggested staff stay on top of the days we bid, and that staff report back to Council by the end of April.

Councilman Beckham moved to authorize the City Manager to execute a contract with M. W. Builders of Texas, Inc. of Temple, Texas, in amount not to exceed \$2,675,000.00 for the New Treatment Plant Clearwell and Pump Station, **Bid #CB-2033**, as recommended by staff. Councilman McNeil seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

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Resolutions:

4.3 City Manager Roy McDaniel briefed the Council on an Oral Resolution concerning water rates for the O. H. Ivie Pipeline project surcharge. Mr. McDaniel stated City Council asked staff to look at the Ivie surcharge this winter after the books were closed on 2001, with the idea that the 88¢ surcharge might be reduced. Several things have occurred that make the reduction possible: 1) financing went well with better interest rates than projected; 2) approval was received on a \$10 million grant and a \$10 million loan from Rural Development. However neither of these will be available or final until completion of the project. At that time, the permanent financing will need to be put in place, and decisions made at that time could impact the surcharge; 3) most of the bids are in and are very close to budget; 4) approval was received on a \$1 million grant from EPA for the treatment plant; 5) 7.2 billion gallons of water was treated and sold this past fiscal year (another 429 million gallons of effluent). The 88¢ generated \$2,402,000 for four months of the fiscal year; and 6) an agreement has been reached with Dyess on the sale of effluent for outside watering. Therefore, staff recommends lowering the surcharge to 65¢ and look at it again in 2003 once the project is complete and all permanent financing is in place.

Council and staff discussion included: how many billions of gallons of water are expected to sell in the current fiscal year and the financing involved in the project. Councilwoman Alexander noted the \$10 million grant making a significant difference in Abilene's ability to build the pipeline, and publicly acknowledged the debt of gratitude owed to U. S. Representative Charles Stenholm and U. S. Senator Kay Bailey Hutchinson for their assistance in obtaining that grant.

Councilman Southward made a motion to approve by Oral Resolution lowering the O. H. Ivie Pipeline project surcharge to 65¢ effective with the April 2002 billing cycle (water used primarily in March 2002) and for the Council to revisit the surcharge issue within the next 12 months. Councilman Williams seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

Ordinances:

4.4 Ed Williams, Fire Marshal, briefed the Council on second and final reading of an Ordinance adopting the 2000 International Fire Code, with local amendments. Mr. Williams stated the International Fire Code, 2000 Edition, is a replacement for the Uniform Fire Code series that was adopted previously by the City of Abilene. It is a companion to the recently adopted International Building Code. Adoption of the new fire code will keep fire prevention and construction regulations current with industry standards and ensure that all fire and building code requirements complement each other in a user-friendly manner. The International Fire Code has been thoroughly reviewed by a panel of five community members involved with and knowledgeable of fire station systems and construction. This panel recommended the code be amended only where necessary to meet specific local needs. Staff and the Board of Building Standards recommends approval of the 2000 International Fire Code with local amendments.

Mayor Barr opened a public hearing on the item, and the following individuals spoke in response to the request:

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- Greg Treadwell, 2372 Shirley Road, asked if there were sprinkler systems in the Wylie school that recently burned.

There being no one else present and desiring to be heard, Mayor Barr closed the public hearing.

Cassie Hughes, Building Official, addressed Mr. Treadwell's question, noting the Wylie School was built prior to 1980 and was not required to have sprinklers at that time but would be required to do so now or to comply with various alternatives.

Council and staff discussion included: the effect approving this item would have on the next agenda item being the Ordinance amending the 2000 International Building Code, Section 411.9 for Temporary Amusement Buildings, the temporary amusement building owners having been notified of the proposed requirement and the fact that compliance with code requirements would depend on design criteria involved.

Councilwoman Alexander moved to approve the Ordinance adopting the 2000 International Fire Code with local amendments, as recommended by staff and the Board of Building Standards. Councilman McNeil seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

The Ordinance is numbered 7-2002 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, "FIRE PREVENTION CODE", DIVISION 1, SEC. 10-46 OF THE ABILENE MUNICIPAL CODE BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

4.5 Cassie Hughes, Building Official, briefed the Council on an Ordinance considered on second and final reading amending the 2000 International Building Code, Sec. 411.9 for Temporary Amusement Buildings. Ms. Hughes stated the City adopted the 2000 Editions of the International Building, Residential, Plumbing, Mechanical and Fuel Gas Codes in October of 2001. The Fire Department, upon completing review of the International Fire Code and local amendments, presented both to the Board of Building Standards on December 5, 2001. At the presentation, the Board agreed with the Fire Code Ad-Hoc Review Committee action, and voted to recommend amending the 2000 International Building Code to require a smoke detection system, in accordance with the International Fire Code, in temporary amusement structures. It is, therefore, recommended to amend this section of the International Building Code in order for the International Fire Code and the International Building Code to be compatible and consistent with one another. In October of this past year, there were three establishments that applied for approval under the temporary amusement building regulations for haunted houses. One was a private business and two were sponsored fundraisers by the Jaycees of Abilene and the Abilene Repertory Theatre. The amendment will require an upgrade in the smoke alarm system at each of these

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buildings and will increase the cost of the smoke alarm system to be installed. The Board of Building Standards and staff recommend approval of the Ordinance.

Mayor Barr opened a public hearing on the item, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman McNeil moved to approve the Ordinance amending the 2000 International Building Code, Sec. 411.9 for Temporary Amusement Buildings, as recommended by staff. Councilwoman Alexander seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

The Ordinance is numbered **8-2002** and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 2, "BUILDING CODE"; OF THE ABILENE MUNICIPAL CODE, BY AMENDING SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

4.6 Councilman Archibald made a motion to Remove from Table **Z-00602** – Rezone from RS-8 (Residential Single Family) to O (Office) zoning district property located at 3505 Buffalo Gap Road. Councilman Southward seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

Jeff Armstrong, Development Services Administrator, briefed the Council on an Ordinance considered on second and final reading - **Z-00602** – Rezone from RS-8 (Residential Single Family) to O (Office) zoning district property located at 3505 Buffalo Gap Road. Mr. Armstrong stated at the last Council meeting, the Council denied the application of James Johnson for Limited Commercial zoning. Staff was directed to renotify surrounding property owners about the possibility of rezoning the property to Office instead. The applicant, who lives immediately north of the subject property (tract #2), wishes to develop the site as the *regional* office of an insurance company. It is bordered on three sides by a single-family neighborhood. Acknowledging that fact, the Planning and Zoning Commission earlier rejected the notion of Limited Commercial (LC) and approved a rezoning to Office (O). Staff remains opposed to any change.

Mayor Barr opened a public hearing on the item, and the following individuals spoke in response to the request:

- Nelda Johnson, proponent, 2349 Cooke, stated she and her husband purchased the house in question and bought it for office space for their insurance business. Ms. Johnson explained that her husband is a regional manager, but that this office would not produce heavy traffic.

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- Elizabeth Mays, 2333 Cooke, questioned Ms. Johnson on how many employees they have and about tearing down the fence for parking lots; and stated she is opposed to the request.
- Mike Schirle, 7325 Randy, stated the area is not a high traffic area and he knows Mr. Johnson and believes the rezoning would be a positive thing.
- Florence Rowan, 2318 Cooke St., stated she is concerned that all of the residential area will go to commercial.
- Clydell Ppool, 2242 Cooke, stated she thought it sounded like more than a small office, and asked if this will be a regional office.
- Greg Treadwell, 2372 Shirley Road, questioned future businesses that could come in if the rezoning is approved and the Johnsons sell the property.

There being no one else present and desiring to be heard, Mayor Barr closed the public hearing.

Council and staff discussion included: more businesses being conducted out of homes; allowances for some home occupations; possible special use permits on a case by case basis, setting conditions, limiting to only current property owner's plans; multi-storied office building being allowed if the area is large enough, small branch bank can be built if the Johnsons sell; time frame to put limitations in place where the Johnsons could have an office without changing the zoning, a couple of months being needed for staff to even begin moving forth to bring back to Council recommendations to implement special permits, P&Z's involvement, public hearings being required, Council options being to approve rezoning as presented today, deny rezoning as presented today, or table the item, staff researching special use permits, application fee could be estimated for special uses permit, difference between LC & O zoning, proponent's having to currently rent office space and pay house payment for office use, LC zoning allows for a variety of retail and offices, and concerns noted on completely opening Buffalo Gap to business type zoning.

Councilman Beckham moved to deny the Ordinance to rezone from RS-8 (Residential Single Family) to O (Office) zoning district property located at 3505 Buffalo Gap Road, as recommended by staff. Councilman McNeil seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

Mayor Barr recessed the Council into executive session pursuant to Sections 551.071, 551.074, and 551.072 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, and to consider the purchase, exchange, lease or value of real property.

The Council reconvened from executive session and reported no action taken.

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5.1 Councilman Southward moved to approve Mayor Barr's appointment of Ovelia Campos to the Planning & Zoning Commission, term expiring 11/2004. Councilwoman Alexander seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Beckham, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

There being no further business, the Council reconvened to the Basement Conference Room of City Hall for the Capital Improvements Program Workshop.

CAPITAL IMPROVEMENTS PROGRAM WORKSHOP

Council reconvened in the Basement Conference Room for the Capital Improvements Program Workshop.

City Manager Roy McDaniel briefed the Council on the Capital Improvement Program process. Mr. McDaniel noted the Financial Workshop is scheduled for the February 28th Council meeting, and that no Council action is required today.

David Wright, Director of Finance, distributed the Capital Improvement Program Summary of Projects and Funding Source(s).

Andy Anderson, Director of Public Works, reviewed the CIP process as follows:

November 2001	Directors were solicited for projects to add to the Capital Improvements Program and for adjustments to existing projects.
December 2001	Directors met as a group and prioritized projects.
January 2002	Prioritized projects were then taken to the Planning & Zoning Commission, where they were asked, as required by charter, to submit a list of capital improvement recommendations they feel necessary or desirable during the forthcoming five-year program. The final recommendations were then submitted to the City Manager for his review.

Mr. Wright reviewed the concept of how the CO program works, distributed an example of maturity schedules, and briefed the Council on the following:

1. COs sold and tax rate equivalent from 1999 through 2001
2. GO bonds Plan.
3. Debt services tax rate increase FY 00-03
4. Proposed GO bond sale series 2002

Mr. McDaniel clarified planned and proposed projects under the proposed GO bond sale series 2002, and explained how and when streets are improved (re-allocation of funding for streets).

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Council and staff discussed if citizens approved specific streets and/or improvements through the bond election.

Mr. McDaniel stated he thinks citizens voted to allow money to be borrowed to do projects, not specific streets. Mr. McDaniel further stated citizens were told in the election publicity which streets were being proposed to be done but what citizens voted on were "X" dollars for streets, and that the streets that were proposed to be done will be done, but in a different way.

Mr. McDaniel explained how funding approved for street improvements through a bond election could be reallocated as a result of certain circumstances (i.e., the state could repair a street, freeing up the City bond money).

Mr. Wright outlined the proposed CO sale Series 2002 and reviewed airport (primarily matching grants), municipal facilities, parks, and street improvement projects.

City Attorney Sharon Hicks addressed from a legal perspective the safety issues involved in making improvements to the Civic Center, liabilities resulting from potential hazards in not replacing old carpet, poor lighting, etc.

Mr. Wright stated although the City has the capacity to fund \$5.5 million worth of COs, staff is proposing \$5.2 million. The rate for the bonds from the 1998 bond election would increase approximately 1.4¢ and is subject to change.

Mr. McDaniel stated maintaining the COs concept for minor improvements is very important.

Mr. Wright reviewed the schedule of events for the sale of \$3,845,000 General Obligation, Series 2002, \$3,700,000 Combination Tax & Revenue Certificates of Obligation, Series 2002, and \$1,500,000 Combination Tax & Airport Revenue Certificates of Obligation, Series 2002.

There being no further business, Mayor Barr adjourned the meeting at 12:25 p.m.

Jo Moore
City Secretary

Grady Barr
Mayor