

CITY COUNCIL MEETING
May 8, 2003, 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 May 8, 2003, 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, John Hill, Jimmy McNeil, and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Councilwoman Kay Alexander gave the invocation.

Councilman Southward introduced the Abilene Twisters soccer team, which led the Pledge of Allegiance. Also present were the team's family members and school principals.

Mayor Barr recognized Fire Chief Bob Putnam, who will be retiring on May 12 after having been a part of the City organization since 1978 and serving as Fire Chief the past seven years. The Council wished Chief Putnam well in his new career as Justice of the Peace in Merkel.

Mr. George Charland from VFW Post 6873 presented a flag that had been flown over Afghanistan to Mayor Barr.

Mayor Barr presented the following Proclamations:

May, 2003 as "Older Americans & Elder Abuse Prevention Month", and
May 8, 2003 as "Michael Moehler Day"

Jo Moore, City Secretary, briefed the Council on the City's General Election that was ordered for May 3, 2003 for the purpose of electing Councilmembers to Council Place 1 and Council Place 2. Mrs. Moore stated State election law allows in the event there is no proposition on the ballot, when no person declares as a write-in candidate and when each candidate on the ballot is unopposed then the City Council can by order declare the candidates elected to office and cancel the election. On April 10, 2003 Council did approve an order canceling the City's General Election and declared Councilman Norm Archibald elected to Council Place 1 and Councilman Kris Southward elected to Council Place 2. The Certificates of Election have been issued to Councilman Archibald and Councilman Southward.

No Council action was required.

Mrs. Moore presented to the Mayor and each member of the City Council their annual paycheck of one (\$1.00) dollar; then administered the Oaths of Office to Norm Archibald, Council Place 1 and Kris Southward, Council Place 2.

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At 9:03 a.m. Mayor Barr announced Council would recess, and invited all in attendance to stay, for a reception honoring Councilmen Archibald and Southward. Mayor Barr stated that Council would reconvene in 30 minutes in the Council Chambers to consider the remaining agenda items.

Following the reception, Mayor Barr and all members of the Council reconvened in Regular Session at 9:33 a.m.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the April 24, 2003 Regular City Council Meeting minutes, Councilman McNeil made a motion to approve the minutes as printed. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Southward.

CONSENT AGENDA

Item 3.1 was removed from the Consent Agenda to be considered separately at the request of Mayor Barr. Councilman Archibald made a motion to approve consent agenda items 3.2 through 3.6 and first reading of items 3.7 through 3.9. Councilman Southward seconded the motion and the motion carried.

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

NAYS: None.

Resolutions:

3.1 Removed from the Consent Agenda to be considered separately. Oral Resolution approving a Project Agreement with Natural Resources Conservation Service (NRCS) for Elm Creek debris removal north (downstream) of South 1st.

3.2 Oral Resolution approving expenditure to R. L. Anderson International, Inc. for accident repairs in the amount of \$30,791.

Bid Awards:

3.3 Grape Street pavement rehabilitation, Phase II, from N. 14th to Huckleberry Street, **Bid #CB-3041**. The bid was awarded to J. H. Strain & Sons, Inc., Tye, Texas in the amount of \$372,008.38 as recommended by staff.

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- 3.4 Construction of a welding shop at the container maintenance facility for Solid Waste Services, **Bid #CB-3047**. The bid was awarded to Bulldog Construction Company, in the amount of \$72,800 as recommended by staff.
- 3.5 Recreation/Senior Centers renovations and additions, **Bid #CB-3043**. The bid was awarded to Crow Group, Inc., Abilene, Texas in the amount of \$557,500, the low bidder on the project, as recommended by staff.
- 3.6 Elm Creek cleaning Phase I, from South 1st to South 7th, **Bid #CB-3044**. The bid was awarded to J. R. Ramos and Sons, San Antonio, Texas in the amount of \$193,000 as recommended by staff.

Ordinances:

- 3.7 **Z-00203** – Amend PDD-65 to add permitted uses in Tract 5, located on East I-20, 1/2 mile west of Loop 322, and set a public hearing for May 22, 2003 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, AND ORDINANCE NO. 28-1998 CONCERNING THE PDD #65 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

- 3.8 **Z-01503** – Rezone from PDD-71 (Planned Development) to AO (Agricultural Open Space) zoning district property located at I-20 & N. Judge Ely Blvd., southwest corner, and set a public hearing for May 22, 2003 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.

- 3.9 **SNC-02103** – Street name change of Martin Street to Friendze Drive, and set a public hearing for May 22, 2003 at 8:30 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, FOR A STREET NAME CHANGE OF MARTIN STREET TO FRIENDZE DRIVE, AS DESCRIBED BELOW AND CALLING A PUBLIC HEARING.

REGULAR AGENDA

Resolutions:

3.1 Oral Resolution approving a Project Agreement with Natural Resources Conservation Service (NRCS) for Elm Creek debris removal north (downstream) of South 1st. Removed from the Consent Agenda to be considered separately at the request of Mayor Barr, who requested clarification and a status report.

Andy Anderson, Director of Public Works, stated the Natural Resource Conservation Service (NRCS) is providing funding for debris removal from Elm Creek according to the terms of the agreement up for consideration. The NRCS will reimburse 75% of the cost of the force account projects up to the specified funding limits. The City of Abilene will utilize existing forces and if necessary, miscellaneous drainage funds within the Capital Improvements Program. Staff recommends that the City Council accept the agreement. Mr. Anderson reported if approved this will be the third in a series of agreements, and gave a history on the first and second agreements that were approved. Mr. Anderson stated the contract approved on today's consent agenda will be paid for through the second agreement with NRCS and is not part of this \$882,000 agreement. The third agreement which addresses S. 1st Street northward helps offset 3/4 of expenses for city forces to get into Elm Creek to do debris removal.

Mr. Anderson stated the approach of splitting contract work in one agreement and force account work in another agreement was taken because it helps the city offset expense overall. The 75% the city gets back for force account work through the agreement before the Council today can be used to offset the cost of contract work the city does in the community.

Mr. Anderson further stated the city has on file a general commitment from NRCS for \$5 million toward debris removal in Elm Creek. Although NRCS could not provide the \$5 million up front they will continue to provide funding as needed over the next 6 months to 2 years as the city works through the project and the City goals are ultimately achieved.

Mr. Anderson concluded by noting the project from N. 1st St. northward will be done by city forces with no contracts being let and the S. 7th to S. 14th project bids are expected to be let within 3 to 4 weeks.

Following Council and staff discussion, Councilman McNeil made a motion to approve by Oral Resolution a Project Agreement with Natural Resources Conservation Service (NRCS) for Elm Creek debris removal north (downstream) of South 1st Street. Councilwoman Alexander seconded the motion and the motion carried.

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

NAYS: None.

Councilman Williams left the meeting.

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Staff Presentation:

4.1 City Manager Larry Gilley introduced Dan Weber, Airport Director. Mr. Weber then introduced Chris Proctor-Cleveland, Airport Business Development Manager, who gave the following presentation on the Business Development Program at the Abilene Regional Airport:

Business Development Program Abilene Regional Airport

- Program began October 2002
- Funding: \$211,000.
- Stated Objectives
- Developed marketing plan
- Internal
- External
- Preliminary results of Air Service Study
- Performance measures
- Recruit new carrier
- Meetings scheduled
- Summary
 - Implementing marketing plan resulting from first grants
 - Preparing application for second grant
 - Involving community in process
 - Increasing Abilene Regional Airport's impact in economic development of the area

Council and staff discussion included: 1) appreciation for Ms. Proctor-Cleveland's enthusiasm in marketing the Airport; 2) revenue guarantees may have to be considered; 3) Southwest Airlines unmet requirements; 4) how the 57% market leakage was determined; 5) the positive impact the first 30 minutes free parking at the Airport makes; and 6) staff's expectation is hopeful for a second airline carrier.

Mayor Barr thanked Mr. Weber and Ms. Proctor-Cleveland for the presentation and the City Manager for continuing with the division presentations.

No Council action was required.

EXECUTIVE SESSION

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.

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

5.4 Councilman Southward moved to approve by Oral Resolution the reappointments of Kathy Webster, Ray Ferguson, and Russell Berry as City representatives to the West Central Texas Municipal Water District Board of Directors, terms expiring 5/2005. Councilman Archibald seconded the motion and the motion carried.

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

NAYS: None.

5.5 Councilman McNeil made a motion to elect Councilwoman Kay Alexander as Mayor Pro Tempore. Councilman Hill seconded the motion and the motion carried.

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

NAYS: None.

Councilwoman Alexander made a motion to elect Councilman Jimmy McNeil as Deputy Mayor Pro Tempore. Councilman Archibald seconded the motion and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 11:10 a.m.

Jo Moore
City Secretary

Grady Barr
Mayor