

**ABILENE CITY COUNCIL
MINUTES OF:
REGULAR CITY COUNCIL MEETING
June 12, 2003**

Item No. 2.0

CITY COUNCIL MEETING

June 12, 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 June 12, 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, Assistant City Attorney Dan Santee, City Secretary Jo Moore, and various members of the City staff.

Councilman Anthony Williams gave the invocation.

Friends of Councilman Norm Archibald led the Pledge of Allegiance. Councilman Archibald introduced the girls; Jaci, Mati and Scotlyn Bonneau and Hayley and Harper Haught. The girl's parents, Britt and Kari Bonneau and Dan and Kathy Haught, and various family members and friends were also in attendance.

Mayor Barr, assisted by City Secretary Jo Moore, presented an Employee Service Award to the following individual for his years of service:

| | | |
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| 25 Years | James Condry | Traffic/Transportation Administrator Public Works |
|----------|--------------|--|

Tracy Phillips, MIMES coordinator for the City of Abilene, recognized the 24 MIMES (Mentoring Industrious Minds and Educating Students) students in attendance and then gave a brief overview of the MIMES program. Mayor Barr commended the students for being a part of the program and thanked Ms. Phillips for the program overview.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the May 22, 2003 Regular and Special City Council Meeting minutes, Councilwoman Alexander made a motion to approve the minutes as printed. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None.

CONSENT AGENDA

Items 3.2 and 3.3 were removed from the consent agenda to be considered separately at the request of Councilman McNeil and Councilman Southward respectively. Councilman Hill made a motion to approve consent agenda items 3.1 and 3.4 through 3.6, as recommended by staff. Councilman Southward seconded the motion and the motion carried.

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

NAYS: None.

Resolutions:

- 3.1 Oral Resolution approving request for fireworks display permit from Abilene Chamber of Commerce for July 4, 2003 at 9:15 p.m.
- 3.2 Removed from the Consent Agenda to be considered separately at the request of Councilman McNeil. Resolution supporting a request by Jones County of the Texas Department of Transportation to improve the safety of traffic operation at the intersection of U. S. Highway 277/83 and Farm Road 3034.
- 3.3 Removed from the Consent Agenda to be considered separately at the request of Councilman Southward. Oral Resolution approving Professional Services Contract with Alan Plummer Associates Inc. for the assessment of treatment plant facilities and development of a Master Plan for Treatment improvements.

Bid Awards:

- 3.4 **Bid #CB-3048** - Annual bids for bulk treatment chemicals for Water Treatment and Production.
- 3.5 **Bid #CB-3056** - Asbestos abatement for Abilene City Hall, first and second floors. The bid was awarded to Sisk-Robb, Inc., Austin, Texas, in the amount of \$77,000.00.
- 3.6 **Bid #CB-3040** - Trucks for various divisions. The bid was awarded to R.L. Anderson International (platform dump truck), Corley-Wetsel Trucks (tandem axle dump truck), and Young's Diesel (single axle dump truck), in a total amount of \$155,626.00

REGULAR AGENDA

Resolutions:

- 3.2 The Resolution supporting a request by Jones County of the Texas Department of Transportation to improve the safety of traffic operation at the intersection of U.S. Highway 277/83 and Farm Road 3034 was removed from the consent agenda to be considered separately at the request of Councilman McNeil.

Councilman McNeil requested clarification of the location of the intersection for the proposed safety traffic operation improvements. Andy Anderson, Director of Public Works and Michael Morrison, Assistant City Manager briefed the Council on the request. Location of the intersection was determined to be where Pine St. extends to the Winters Freeway, on the north side.

3.3 The Professional Services Contract with Alan Plummer Associates, Inc. for the assessment of treatment plant facilities and development of a Master Plan for treatment improvements was removed from the consent agenda to be considered separately at the request of Councilman Southward.

Councilman Southward requested information on the Master Plan; how often a plan is developed, when the last one was done and how long they are good for. Rodney Taylor, Interim Director of Water Utilities, briefed the Council noting the Plan would allow for an assessment of plant facilities to assure quality of drinking water that will meet current and future Environmental Protection Agency and Texas Commission on Environmental Quality regulations. Mr. Taylor also noted the Plan is long overdue with the last study having been done prior to 1980 and that it is a 20 year Master Plan.

Councilman Williams made a motion to approve consent agenda items 3.2 and 3.3, as recommended by staff. Councilman Southward seconded the motion and the motion carried.

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

NAYS:

The Resolution for item 3.2 is numbered 15-2003 and is captioned as follows:

A RESOLUTION SUPPORTING A REQUEST BY JONES COUNTY TO THE TEXAS DEPARTMENT OF TRANSPORTATION TO IMPROVE THE SAFETY OF TRAFFIC OPERATIONS AT THE INTERSECTION OF U.S. HIGHWAY 83/277 AND FARM ROAD 3034.

Ordinance/Resolutions:

4.1 David Wright, Director of Finance briefed the Council on the first reading of the TXU gas rate increase Ordinance. On May 23, 2003, TXU Gas filed a *Statement of Intent of TXU Gas Distribution* to change the rates charged for natural gas service in Abilene. Their request is for a *Statewide* Distribution System increase of 69.5 million. TXU wants to move to a single statewide rate. TXU anticipates that the average residential increase for Abilene customers would be approximately \$3.41 per month and commercial customers are expected to *decrease* approximately \$2.58 per month. Abilene is the regulatory authority for it's incorporated city limits and has the right to review said filing. The procedural sequence of events as set forth under the Utilities code is to take action to pass the rate increase by Ordinance on first reading, then by Resolution suspend the rate increase for 90 days to allow city officials and consultants to review the filing, (the rate increase is automatic after 35 days, unless the City suspends it for review). After review, the City can agree with the increase, deny the increase, negotiate a rate with TXU, or agree to send the case directly to the Texas Railroad Commission. Staff recommends, following the public hearing, Council approve the first reading of the TXU gas rate increase Ordinance, then by Resolution suspend the rate increase for 90 days to allow for review and provide authorization to the City Manager to hire a rate analyst or other professionals as necessary, and to authorize the City to intervene in the TXU Gas Distribution's rate case filed at the Railroad Commission.

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Mayor Barr opened a public hearing on the item, and the following individual spoke in favor of the request:

- Mike Schweikhard, TXU representative, briefed the Council on the previous rate request and reasons for the current rate request. Mr. Schweikhard noted TXU does want to move to a single statewide rate.

The Council and Mr. Schweikhard's discussion concerning TXU's request included: 1) the reasons some rates are decreased and others increased; 2) benefits of one rate; 3) the capacity of pipelines and the perception of appropriate rates for various size cities; 4) the decrease in commercial rates and increase in residential rates; 5) TXU recovering their investment cost; and 6) rates and cost during summer months.

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

Councilman McNeil made a motion to approve first reading of the TXU Gas Rate Increase Ordinance. Councilman Archibald seconded the motion and the motion carried.

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

NAYS: None.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING TXU GAS COMPANY'S REQUEST TO CHANGE RATES IN THIS MUNICIPALITY AS A PART OF THE COMPANY'S STATEWIDE GAS UTILITY SYSTEM; PROVIDING A REQUIREMENT FOR A PROMPT REIMBURSEMENT OF COSTS INCURRED BY THE CITY; PROVIDING AN EFFECTIVE DATE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO TXU GAS COMPANY.

David Wright, Director of Finance briefed the Council on the Resolution suspending the TXU Gas Rate Increase. Staff recommends Council approve the Resolution suspending the TXU Gas Rate Increase.

Councilman Archibald made a motion to approve the Resolution suspending the TXU Gas Rate Increase. Councilman Southward seconded the motion and the motion carried.

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

NAYS: None

The Resolution is numbered 16-2003 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, SUSPENDING THE EFFECTIVE DATE OF TXU GAS DISTRIBUTION'S RATE REQUEST TO STUDY THE REQUEST; APPROVING COOPERATION WITH OTHER CITIES TO CREATE A STEERING COMMITTEE TO HIRE LEGAL COUNSEL AND CONSULTING SERVICES, TO NEGOTIATE WITH TXU GAS AND DIRECT ANY LITIGATION; AUTHORIZING RECOVERY OF RATE CASE EXPENSES, INTERVENTION AT THE RAILROAD COMMISSION, AND NOTIFICATION TO TXU GAS.

Before moving to item 4.2 Mayor Barr recognized acting Fire Chief Allen Plumlee and commended the Fire Department, specifically the firefighters at the Central Fire Station. The Mayor noted Abilene citizen Colin Cottingham had contacted him and stated he credited the firefighters with having saved his life. During a recent incident Mr. Cottingham had become ill on his way home with his son and they stopped at the main station where he was assisted by the firefighters.

4.2 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading - **Z-02203** – Amend PDD-76 by rezoning a 45.4-acre tract from RM-2 and RM-3 (Residential Multi-Family) to PDD (Planned Development) zoning district property located at 5426 Hwy. 277 South. Mr. Armstrong noted the applicant wants to combine the subject property with his existing PDD to the east to develop an 85-acre health-related complex. Medical specialists-investors will develop their own tracts around a hospital on the interior. The site plan includes significant buffering requirements for the benefit of the residential area to the north. It was also noted the property will revert back to the previous zoning if the PDD is not developed by July 2004. The Planning and Zoning Commission and staff recommend approval.

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 Hill made a motion to approve the Ordinance amending PDD-76 to rezone a 45.4-acre tract from RM-2 and RM-3 (Residential Multi-Family) to PDD (Planned Development) zoning district property located at 5426 Hwy. 277 South, as recommended by the Planning & Zoning Commission and staff. Councilman McNeil seconded the motion and the motion carried.

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

NAYS: None.

The Ordinance is numbered 20-2003 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE; AND ORDINANCE NO. 30-2002 CONCERNING THE PDD #76 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

4.3 Rodney Taylor, Interim Director of Water Utilities, briefed the Council on an Ordinance considered on second and final reading amending Chapter 32, "Utilities", of the Abilene Municipal Code, Article VI, "Drought and Emergency Contingency Plan". Mr. Taylor noted the City continues to receive feedback on the Water Conservation Plan from both citizens and staff that reveal minor issues that need to be addressed. These issues include an analysis of watering days, ornamental fountains that use recycled water, identification of water wells, and new lawns. Mr. Taylor distributed to Council the final proposed Amendments to the Water Conservation Plan. Staff recommends approval of the proposed Amendments to the Water Conservation Plan.

Council and staff discussion included: 1) the required "Water Well" sign being clear but simple; 2) setting June 23, 2003 as the effective date of the ordinance; 3) correcting grammatical errors and providing clarification on some portions of the ordinance; 4) positive feedback having been received from the Water Conservation Committee members; 5) building and expanding on the city's normal base of information on citizens having water wells as those become known; 6) Council's concern about approving an ordinance, even with minor changes, without having had the opportunity to review the ordinance; 7) Council having the authority to re-visit an approved ordinance if deemed necessary; 8) the intent of the ordinance is to have water well signs displayed "anytime" water from private wells are used on days other than those designated in the Plan; 9) stipulating the word "day" versus "day's" or "day(s)" in Stage 1, Water Alert portion of the ordinance; 10) prohibiting reseeding of old lawns and reviewing requirements for commercial car washes during Stage 3; 11) entities Abilene contracts with using potable water to irrigate their golf courses (it was noted these entities are to have a Water Conservation Plan similar to Abilene's); 12) the current water levels and recent net gain in the lakes; and 13) the process used and complexity involved in determining the established watering days.

City Manager Larry Gilley stated a review of what triggers the city's water conservation stages may be needed in the near future, based on some changes in the water supply system relative to the Ivie Project. Mr. Gilley further stated during that review would be an appropriate time to consider such issues as: 1) at what Stage of the Plan to prohibit the use of commercial car washes and/or; 2) requiring commercial car washes to build in recycling systems.

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 Archibald made a motion to approve the Ordinance amending Chapter 32, "Utilities", of the Abilene Municipal Code, Article VI, "Drought and Emergency Contingency Plan", and set an effective date of June 23, 2003. Councilwoman Alexander seconded the motion and the motion carried.

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

NAYS: None.

The Ordinance is numbered **21-2003** and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 32, UTILITIES, ARTICLE VI, DROUGHT AND EMERGENCY CONTINGENCY PLAN, OF THE CITY OF ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENFORCEMENT; AND CALLING FOR A PUBLIC HEARING.

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.

Councilmen Hill and Southward left the meeting after Executive Session.

The Council reconvened from Executive Session and reported no action taken.

5.4 Councilman McNeil made a motion to approve Mayor Barr's appointments and reappointments to city boards and commissions as follows:

Abilene Higher Education Facilities Corp.: 2 yr. terms

Re-appoint:
John Combs
Scott Dueser
Craig Turner
John Russell

City Link ADA Advisory Board: 3 yr. Terms

Re-appoint:
Pam Barnhill

Appoint:
Shirley Hudson-At Large
David Alcala

Civic Abilene, Inc.: 3 yr. terms

Re-appoint:
Rob Barnhill
David Gist
Lynn Mendenhall
James Smith

Appoint:
Mike P. Hernandez

Human Relations Committee: 3 yr. Terms

Re-appoint:
Joseph Gulick

Appoint:
Sandy Salazar

MPE/Swimming Pool Board of Appeal: 2 yr. terms

Re-appoint:
Anthony McColum-Building Contractor, Alternate
Wayland Schroeder-Architect, Regular
Pat Watkins-Mechanical Contractor, Alternate
Curtis Watson-Master Electrician, Regular
Jay Wyatt-Master Electrician, Alternate
Ken Woolsey-Building Contractor, Regular

Appoint:
Ronnie Carlson-Pool Contractor, Regular
Phil W. Miller-Architect, Alternate
Robert J. Lewis-Swimming Pool Contractor, Alternate

Electrical Sub-Committee: 2 yr. terms

Re-appoint:
Dwayne Davis-Journeyman Electrician, Regular
Mike Ward-Building Contractor, Regular

Parks & Recreation Board: 3 yr. terms

Re-appoint:
Susan Arrington
Toney Gutierrez

Senior Citizens Advisory Board: 2 yr. terms

Re-appoint:
Van Boozer
Hazel Forkerway
John Goode
Paul Rehm

Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

There being no further business, the meeting was adjourned at 11:58 a.m.

Jo Moore
City Secretary

Grady Barr
Mayor