

**ABILENE CITY COUNCIL
MINUTES OF:
REGULAR CITY COUNCIL MEETING
August 14, 2003**

Item No. 2.0

CITY COUNCIL MEETING

August 14, 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 August 14, 2003, at 8:30 a.m. in the City Council Chambers of City Hall. Mayor Grady Barr was present and presiding with Councilmen Kris Southward, Anthony Williams, John Hill, Norm Archibald, and Jimmy McNeil and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, Assistant City Secretary Renee Scott, and various members of the City staff.

Councilman Williams gave the invocation.

Garrett Scott, a 4th Grader at Eula Elementary School, led the Pledge of Allegiance. Garrett was accompanied by his parents, Carl and Renee Scott. Carl is employed by the City of Abilene as Recreation/Senior Citizens Administrator, and Renee is employed by the City of Abilene as Assistant City Secretary.

Mayor Barr, assisted by City Secretary, Jo Moore, presented Employee Service Awards to the following individuals for their years of service:

25 Years	Anita Chapman	Customer Svc. Rep. III Municipal Court
25 Years	David Dockter	Firefighter Fire
25 Years	John Fullerton	Fire Captain Fire
25 Years	Jessie Sarabia	Equipment Mechanic II Equipment Services
25 Years	Larry Sutton	Firefighter Fire
20 Years	Edward Dorsey	Heavy Equipment Operator II Water Distribution

PROCLAMATIONS

Mayor Barr presented a proclamation for August 14, 2003 as "City Employee United Way Campaign Kick-Off Day" to city campaign coordinators, Crystal Luensmann and Veronica Diaz.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the July 16 and July 17, 2003 City Council Budget Worksession Minutes or the July 24, 2003 Regular City Council and Workshop Minutes, Councilman Archibald made a motion to approve the minutes as printed. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

3.0 Councilman Southward made a motion to approve consent agenda items 3.1 through 3.9, final reading of item 3.10, and first reading of items 3.11 and 3.12, as recommended by staff.

Councilwoman Alexander seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

- 3.1 Oral Resolution authorizing the City Manager to execute Amendment Number 2 to Project Agreement Number 69-7442-2-529 with Natural Resources Conservation Service.
- 3.2 Oral Resolution approving amended Task Order 4 of the Landside Engineering Contract with Hibbs & Todd, Inc. for the Abilene Regional Airport, and authorizing the City Manager to execute the Task Order.
- 3.3 Oral Resolution approving a lease for space in the Terminal Building at the Abilene Regional Airport to the Department of Homeland Security, Transportation Security Administration for general office use.
- 3.4 Oral Resolution approving, and authorizing the Mayor to execute, a Street Use License Agreement with Hardin-Simmons University to control vehicular access on Simmons Avenue.

Bid Awards:

- 3.5 **Bid #CB-3068** - Elm Creek Cleaning, Phase IV (South Clack to Southwest Drive). The bid was awarded to Garland Construction, Robbinsville, NC in the amount of \$118,469.48.
- 3.6 **Bid #CB-3070** - Sidewalk and curb improvements on Corsicana and repairs at City Hall. The bid was awarded to Ronnie Barton Construction of Eastland, Texas in the amount of \$66,300.97.
- 3.7 **Bid #CB-3051** - Backhoe Loaders for Water Department. The bid was awarded to Yellowhouse Equipment, the low responsive bidder for both Items 1 and 2, in the amount of \$113,400.00.
- 3.8 Additive Bids 1 and 2 of the General Aviation Ramp Reconstruction Project, Phase II. The additive bids were awarded to the base bid contractor, Epic Construction, Inc. of Abilene, and the City Manager was authorized to execute the contract.
- 3.9 **Bid #CB-3026** - Additive Bids 1 and 2 of the Taxiway D Lighting Rehabilitation Project. The additive bids were awarded to F & W Electrical Contractors of Floresville, Texas in the amount of \$123,570.00 for additive bid 1, and \$121,900.00 for additive bid 2.

Ordinances:

- 3.10 Amend Chapter 18 of the Abilene Municipal Code; Motor Vehicles & Traffic, Article XIII, Schedules, Sections 18-286, 18-290.1, 18-293, 18-294 and 18-299.

The Ordinance is numbered 25-2003 and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- 3.11 Ordinance amending Chapter 1 "General Provisions" and Chapter 20 "Offenses" of the Abilene Municipal Code.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 1 "GENERAL PROVISIONS" AND CHAPTER 20 "OFFENSES" OF THE ABILENE MUNICIPAL CODE; PROVIDING FOR A PENALTY, SEVERABILITY CLAUSE, AND EFFECTIVE DATE.

- 3.12 Final reading of the Ordinance approving the TXU Gas Rate Increase. The Ordinance passed on first reading at the June 12, 2003 City Council meeting that would have approved TXU's rate increase request was **denied**.

The first reading of the Ordinance that denies TXU's rate increase request was approved, with second and final reading set for public hearing on August 28, 2003 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, DENYING 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; CALLING A PUBLIC HEARING; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO TXU GAS COMPANY.

REGULAR AGENDA

Resolutions:

- 4.1 Richard Gertson, Director of Community Development, briefed the Council on a Resolution approving the FY 2003/2004 One-Year Action Plan for the Community Development Block Grant (CDBG) and Home (HOME) Programs. The City of Abilene is required to submit a One-Year Action Plan outlining specific uses of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds planned for the coming fiscal year. CDBG/HOME funding guidelines and applications were made available to the public in April. A summary of the One-Year Action Plan outlining the proposed FY 2003/2004 budget was published in the Abilene

Reporter-News on July 5, 2003, which began the HUD-required 30 day comment period. As of August 4, 2003 no written comments were received in response to the proposed Action Plan as published.

Mr. Gertson through a slide presentation reviewed with Council the purpose of and changes to the CDBG & HOME grants noting with no impact on local taxes the projects are to be funded using 2003 Entitlements: \$1,372,000 CDBG, \$649,029 HOME, plus \$274,679 in prior year reprogrammed funds. In addition, the City anticipates that it will receive at least \$22,080 in program income for the CDBG and HOME programs during FY 2003/2004. Mr. Gertson also reviewed various programs recommended for funding and outlined percentages of the total non public service CDBG expenditures. Under the HOME programs, Mr. Gertson noted the City is required each year to set aside 15% of the entitlement for the CHDO's (Community Housing Development Organizations). Two CHDO's exist in Abilene, Habitat for Humanity and the Neighborhoods In Progress and Mr. Gertson noted the need for the City to attract more CHDO's to create more housing stock for low-moderate income residents. Mr. Gertson addressed the requirement that cities use at least 70% of CDBG funds to benefit low and moderate income residents. The deadline for compliance with the 70% requirement is September, 2005. The expectations is the building of a new public health facility to centralize the City's Health Department operations will help meet that requirement, as well as the final Section 108 expenditures on the Wooten project. Council is required to hold a public hearing prior to taking action on the resolution. Staff recommends approval of the resolution.

Council and staff discussion included: 1) the basis for a reduction in the office of Neighborhood Services and why the reduction will not have a negative impact; 2) prior year program income; 3) re-program income; 4) Abilene Digital Divide funding reductions; 5) funding for City services; 6) single family re-hab activities and reporting needs; 7) code enforcement and referring of homeowners to re-hab program; 8) funding of the Call for Help program; 9) 70 - 30 low-moderate income benefit compliance; 10) performance measures utilized for use of funds; 11) definition of low-moderate income areas/residents; 12) having an established plan for re-vitalizing neighborhoods, 13) process for tracking of private dollars; 14) Medical Care Mission having not requested funding this year; 15) concerns pertaining to available funds not being spent; 16) why fund raisers are still being held in lieu of utilizing available funds.

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

- Petty Hunter, 725 Mesquite, Executive Director of Neighborhoods in Progress, stated they are working jointly with Habitat for Humanity for use of HOME Funds and will be building 2 houses now and plan to build 6 to 8 homes thereafter. Mr. Hunter requested consideration on the expansion of Digital Divide as the Community Services Department completes three expansion facilities Digital Divide plans on moving into.
- Ted Polovy, 3309 Cherry Lane inquired as to the possibility of the City of Abilene advertising home loans with low or zero interest rates up to \$2,500 to families for home repairs using the CDBG/HOME programs funds. Mr. Polovy also inquired as to why some condemned properties are not to be demolished until at least 2005.

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

Mr. Gertson addressed the Council and Mr. Polovy stating that CDBG funds, at least thru FY 2005, cannot be used to fund demolition, but City funds, if available, could be used.

City Attorney, Sharon Hicks, addressed the Council and Mr. Polovy noting that the Board of Building Standards reviews sub-standard properties and that asbestos abatement of any condemned structure had to be conducted before any demolition process would begin, with the cost for abatement many times far exceeding the demolition cost.

Mr. Gertson stated he would get an answer for Council concerning the possibility of utilizing program funds for home repair loans with zero or low interest rates.

Ms. Hicks addressed the City's current screening process conducted through the Housing office for emergency repairs.

Mr. Gertson stated Housing would be the screener for a loan program if it is determined the program funds can be used for home repair loans.

Mayor Barr recommended to the City Manager, that periodic updates on both the CDBG and HOME programs be conducted through the next fiscal year.

Councilman Hill made a motion to approve the Resolution approving the FY 2003/2004 One-Year Action Plan for the Community Development Block Grant (CDBG) and Home (HOME) Programs. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered 22-2003 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING THE FY 2003-2004 ACTION PLAN FOR THE 2000 - 2005
CONSOLIDATED PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT
BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)
FUNDS

Ordinances:

4.2 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading amending Section 23-262.4, Subdivision Regulations, pertaining to lots and "remainder" lots. The Planning & Zoning Commission and staff recommend approval of the Ordinance amending the subdivision regulations pertaining to lots and prohibiting remainder lots.

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 Section 23-262.4, Subdivision Regulations, pertaining to lots and "remainder" lots. Councilman McNeil seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered 26-2003 and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

4.3 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading **Z-03103** - Rezone from PDD 55 (Planned Development District) to RS-6 (Residential Single-Family) zoning district, property located at 6164 Hartford. The Planning & Zoning Commission and staff recommend Council deny the rezoning to RS-6 and approve amending Part 8 of PDD-55 to provide a new 3-year timeframe for development to occur.

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 Williams made a motion to deny the Ordinance to rezone property located at 6164 Hartford to RS-6 and approve amending Part 8 of PDD-55 to provide a new 3 year timeframe for development to occur. Councilman Archibald seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered 27-2003 and 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. 15-1994 CONCERNING THE PDD #55 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND EFFECTIVE DATE.

4.4 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading **Z-03203** - Rezone from PDD 66 (Planned Development District) to RS-8 (Residential Single-Family) zoning district, property located at Ambler Avenue and Avenue D. The Planning & Zoning and staff recommend Council deny the rezoning to RS-8 and approve amending Part 8 of PDD-66 to provide at least a new 3-year timeframe for development to occur.

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.

Councilwoman Alexander made a motion to deny the Ordinance to rezone property located at Ambler Avenue and Avenue D to RS-8 and approve amending Part 8 of PDD-66 to provide at least a new 3 year timeframe for development to occur. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered 28-2003 and 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. 14-1999 CONCERNING THE PDD #66 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

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.

Councilman Archibald left the meeting following the Executive Session.

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

5.4 Larry Gilley, City Manager, briefed the Council concerning a proposed fee schedule for the Municipal Drainage Utility System. Mr. Gilley stated that since the last Council meeting staff has continued to try to refine the proposed rate structure to fund the proposed Storm Water Utility System. Discussions previously held about the rate structure led to some concerns being expressed by various members of the Council regarding the equitability of the rate structure being proposed, primarily on the commercial side of the rate structure. Staff, as a result of those concerns, has tried to evaluate the funding needs of the Storm Water Utility System, which will require approximately \$1.9 million to fund the System. Mr. Gilley further stated that staff proposes to leave the residential rates the same as previously recommended, however, changes are being recommended to the commercial rates, including establishing a cap. Under this new rate structure, commercial customers would pay a monthly fee based on square footage of impervious cover with a maximum monthly fee of \$100.00. The rates would apply to each individual parcel that is separated by different ownership or a public street or right of way. All parcels would be subject to the fee, not just those that have water meters. This rate structure provides more

equitability while limiting the maximum monthly exposure of some of the City's customers with large amounts of impervious cover.

The proposed rate structure would establish the basic criteria that is required under the State statutes for rates to be charged, which are to be: 1) non-discriminatory; 2) reasonable, and; 3) equitable.

Mr. Gilley reviewed the proposed rate structure as follows:

STORMWATER UTILITY RATE OPTION 8.12.03						
	% RESIDENTIAL	MONTHS	RATE	POP. TOTAL	PORTION	INCOME UNDER ROOF (SQ. FT.)
1	10	12	1.85	33806	0.10	\$75,049 <= 1,286
2	65	12	2.45	33806	0.65	\$646,033 >1,286 AND <= 2,887
3	25	12	2.95	33806	0.25	\$299,183 > 2,887

RESIDENTIAL SUB-TOTAL \$1,020,265

COMMERCIAL RATE:

\$.00097 PER SQ FT PER MONTH

MAXIMUM MONTHLY RATE \$100.00

COMMERCIAL SUB-TOTAL \$965,797
TOTAL \$1,986,062

Mr. Gilley stated the following are examples of rate calculations.

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Examples of rate calculations
COMMERCIAL RATE \$.00097 PER SQUARE FOOT PER MONTH
\$100 MAXIMUM

SQUARE FOOTAGE	MONTHLY RATE
< 1,146	\$1.85 (Minimum)
1,568	\$1.85 (Minimum)
2,617	\$2.54
7,010	\$6.80
10,000	\$9.70
20,000	\$19.40
30,000	\$29.10
40,000	\$38.80
50,000	\$48.50
60,000	\$58.20
70,000	\$67.90
80,000	\$77.60
90,000	\$87.30
100,000	\$97.00
200,000	\$100.00 (\$194.00)
300,000	\$100.00 (\$291.00)
400,000	\$100.00 (\$388.00)
500,000	\$100.00 (\$485.00)
600,000	\$100.00 (\$582.00)

Mr. Gilley stated staff recommends the City Council approve the rate structure as proposed, the 30 day publication notice period would then begin. A public hearing with Council considering final adoption of the proposed rate structure would then be held on September 25, 2003.

Mayor Barr commended Mr. Gilley and staff on the improved proposed commercial rate structure and stated that a public hearing would be set for August 28, 2003 on the implementation of the Municipal Drainage Utility System; along with the public hearings on the Budget and Tax Levy. The public hearing and final consideration of the rate structure would be set for September 25, 2003.

Councilman Williams made a motion to approve the proposed rate structure as recommended by staff and set a public hearing for September 25, 2003. Councilwoman Alexander seconded the motion, and the motion carried.

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

NAYS: None

There being no further business, the meeting was adjourned at 11:25 a.m.

Jo Moore
City Secretary

Grady Barr
Mayor

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