

CITY COUNCIL MEETING
March 25, 2004, 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
UPSTAIRS CONFERENCE ROOM, ABILENE CIVIC CENTER

The City Council of the City of Abilene, Texas, met in Regular Session on March 25, 2004, at 8:30 a.m. in the Upstairs Conference Room of the Civic Center, 1100 North 6th Street. Mayor Grady Barr was present and presiding with Councilmen Anthony Williams, Kris Southward, John Hill, Norm Archibald, 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.

Councilman Southward gave the invocation.

Sieji Almazan a fifth grade student from Lee Elementary School led the Pledge of Allegiance. Mr. Blessing, Principal of Lee Elementary was also present.

PROCLAMATIONS

Mayor Barr presented a proclamation to Paul Duncan recognizing the month of April as "Parkinson's Disease Awareness Month".

DISPOSITION OF MINUTES

2.0 There being no corrections, additions or deletions to the March 11, 2004 Regular City Council Minutes, Councilman Southward made a motion to approve the minutes as printed. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

3.0 Councilman Hill made a motion to approve consent agenda items 3.1 through 3.6, items 3.9 through 3.11, and first reading of items 3.7 and 3.8 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 approving Task Order 10 of the Airside Engineering Contract with HNTB Corp.

City Council Meeting
March 25, 2004
Page 2

- 3.2 Oral Resolution approving the final Jeff Luther contract cost of \$4,583,501.58 for the construction of Frontier Texas! and accepting the facility.
- 3.3 Oral Resolution approving Memo of Agreement and Memo of Understanding for amendments to the Ivie Reservoir Contract.
- 3.4 Resolution decreasing the membership number of the Human Relations Committee from 15 to 9.

The Resolution is numbered **6-2004** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS DECREASING MEMBERSHIP OF THE HUMAN RELATIONS COMMITTEE.

- 3.5 Resolution appointing Election Officials and fixing their rate of compensation for the Joint City/Abilene Independent School District/Lytle Lake Water Control and Improvement District General Election and Joint City/Abilene Independent School District Special Election May 15, 2004 and June 19, 2004 Runoff Election, if necessary.

The Resolution is numbered **7-2004** and captioned as follows:

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT, AND THE LYTLE LAKE WATER CONTROL AND IMPROVEMENT DISTRICT FOR THE MAY 15, 2004 GENERAL ELECTION AND FOR THE CITY OF ABILENE, TEXAS AND THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT MAY 15, 2004 SPECIAL ELECTION, AND JUNE 19, 2004 RUN OFF ELECTION, IF NECESSARY, APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION.

- 3.6 Resolution adopting schedule of Water and Sewer rates and charges (includes lowering the O.H. Ivie project surcharge rate to 60 cents / 1,000 gallons) and authorizing approval to partially reimburse the Water and Sewer Capital Project Fund for various cost.

The Resolution is numbered **8-2004** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REVISING THE SCHEDULE OF RATES AND CHARGES FOR WATER AND SEWER UTILITY SERVICE.

Ordinances:

- 3.7 An Ordinance electing to participate in the Enterprise Zone Program and nominating DMA Development Company, LLC as an enterprise project for consideration by the Office of the Governor Economic Development and Tourism, and set a public hearing for April 8, 2004 at 8:30 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING DMA DEVELOPMENT COMPANY, LLC TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT).

- 3.8 **Z-0504** – Rezone from AO (Agriculture Open Space) to PDD (Planned Development District) zoning district, property located at 4990 E. U.S. Highway 80; and set a public hearing for April 8, 2004 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-88 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Bid Awards:

- 3.9 **Bid #CB-4018** – Bucket truck for Traffic Division. The bid was awarded to Versalift Southwest of Waco, TX in the amount of \$58,019.00.
- 3.10 **Bid #CB-4027** – Trailer mounted sewer vacuum unit for Water Department. The bid was awarded to Underground, Inc. of Pearland, TX in the amount of \$31,379.00.
- 3.11 **Bid #CB-4040** – North 6th Reconstruction – Shelton Street to West of Hickory Street. The bid which includes an add alternate was awarded to Contract Paving Co. of Tye, Texas in the amount of \$743,094.20.

REGULAR AGENDA

- 4.1 Richard Gertson, Director of Planning & Development Services, briefed the Council on a contract with Wilbur Smith & Associates for Professional Services in connection with Phase I of the Bicycle & Pedestrian Trail System and authorizing the City Manager to execute the contract.

Mr. Gertson stated in 2001 the City Council adopted a conceptual plan for a citywide Bicycle & Pedestrian Trail System. The total network consists of approximately 45 miles of trail, using a combination of bicycle paths, lanes and routes to accommodate pedestrians, wheelchair and bicycle users. Then in the spring of 2002 the Council approved up to \$460,000 in COs for implementation of the initial phase of the system. Phase I has been modified to connect Cal Young Park and the Nelson Park and Zoo complex and will provide a trail along Judge Ely Boulevard towards Abilene Christian University, resulting in a facility of approximately 3.5 miles in length. The timing of the project will coincide, and make it possible to leverage available City funds, with improvements and frontage road modifications that TxDOT is considering to E.S. 11th east of Judge Ely Blvd. Staff has met with

City Council Meeting
March 25, 2004
Page 4

TxDOT representatives who expressed a desire to incorporate aspects of the City's design into their project. The negotiated fee for designing services is \$66,300. The contract is to be funded from Certificates of Obligation dedicated to the project and there will be no impact on the General Fund.

Following Council and staff discussion Councilman Hill made a motion to approve by Oral Resolution a contract with Wilbur Smith & Associates for Professional Services in connection with Phase I of the Bicycle & Pedestrian Trail System and authorizing the City Manager to execute the contract. Councilwoman Alexander seconded the motion, and the motion carried.

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

NAYS: None

4.2 Mike Hall, Director of Community Services, briefed the Council on an Oral Resolution authorizing the City Manager to execute a lease agreement with West Texas Golf Systems to operate Maxwell Municipal Golf Course.

Mr. Hall stated the American Golf Corporation's 20-year lease with the City to operate Maxwell Municipal Golf Course will end September 30, 2004. If the City can find a company to contract with, American Golf has indicated a desire to leave. The City sent out Request for Proposals to eight vendors the last of January and a proposal was received from West Texas Golf Systems on March 2, 2004. A subcommittee made up of three members of the Parks and Recreation Board and City staff met with West Texas Golf Systems to discuss the proposal. The staff and committee members were impressed with the proposal's content and the company's willingness to make immediate improvements to the golf course. The proposal is for a ten-year lease and one important issue submitted in the proposal was to resurface all 19 greens with champion dwarf Bermuda grass. The company proposes to begin resurfacing May 17, 2004, and to open the greens for play on July 17, 2004. Other capital improvements would include improving the cart paths with a better quality material. West Texas Golf Systems also proposes not to increase the fees at Maxwell Golf Course, but to add more options for the golfers. David Hand will be the manager of Maxwell and is very familiar with Abilene since he has worked at Maxwell for 12 years under American Golf Corporation. West Texas Golf Systems has also indicated that all existing staff at Maxwell will be given an opportunity to continue to work if they so desire. Staff and the Parks and Recreation Board recommends that the City Council authorize the City Manager to execute a lease agreement with West Texas Golf Systems to operate Maxwell Municipal Golf Course.

Following Council and staff discussion Councilman McNeil made a motion to approve by Oral Resolution authorizing the City Manager to execute a lease agreement with West Texas Golf Systems to operate Maxwell Municipal Golf Course. Councilman Archibald seconded the motion, and the motion carried.

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

NAYS: None

4.3 Mike Morrison, Assistant City Manager briefed the Council on an Oral Resolution to approve an Interlocal Agreement between the City and West Central Texas Municipal Water District and authorizing the City Manager to enter into a contract for professional consulting engineer firm services.

Mr. Morrison stated the recently adopted *State Water Plan* has identified a potential water shortage for the West Texas area in the next 35-50 years. As regional water providers, the City and WCTMWD are currently pursuing future water options. One option identified in the *State Water Plan* was a major reservoir along the Clear Fork of the Brazos. The WCTMWD and the City are proposing an Interlocal Agreement to formalize the partnership of the two entities in the current water supply effort. The Interlocal Agreement calls in part for the City to secure engineering services and the WCTMWD to secure necessary legal services related to a potential water permit application.

Mr. Morrison briefed the Council on several options that will be explored to address the anticipated water shortage and noted that the feasibility and cost effectiveness of each option will be studied. Mr. Morrison further stated the City issued a *Request for Qualifications* for the purposes of securing an engineering consulting firm to assist the City and WCTMWD in examining water supply options and to develop a water rights permit application to the State of Texas as necessary. The Board of the WCTMWD approved this Interlocal Agreement at their meeting on March 17, 2004. Staff recommends the firms that joined forces in one common proposal, HDR, Lockwood Andrews and Hibbs & Todd, be awarded the contract, for a fee not to exceed \$175,000.00, for professional consulting engineer firm services.

Following Council and staff discussion Councilman Southward made a motion to approve by Oral Resolution an Interlocal Agreement between the City and West Central Texas Municipal Water District and to authorize the City Manager to enter into a contract with HDR, Lockwood Andrews and Hibbs & Todd for professional consulting engineer firm services for a fee not to exceed \$175,000.00. Councilman Archibald seconded the motion, and the motion carried.

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

NAYS: None

4.4 David Wright, Director of Finance distributed the Abilene Regional Airport Capital Improvement Plan (2005-2006) then briefed the Council on the Capital Improvements Program and the Resolutions Directing Publication of: 1) Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation, Series 2004, and; 2) Notice of Intention to Issue Combination Tax and Airport Revenue Certificates of Obligation, Series 2004.

Mr. Wright stated at the March 11, 2004 City Council meeting staff recommended \$2,000,000 in non-airport projects for the annual certificates of obligation sale. These projects are for the purpose of constructing municipal facilities improvements, which include park and recreation improvements, constructing improvements and repairs to City streets, together with drainage, traffic, and street signalization improvements, and improving and renovating the Library and constructing a Health Department parking lot.

Certificates of obligation in the amount of \$800,000 are recommended for the Abilene Regional Airport. The projects are for the purpose of improving, expanding, renovating, and equipping the Abilene Regional Airport Terminal and related parking, together with runway, taxiway, and ramp improvements. Mr. Wright pointed out a typo on the Airport project list noting that Taxiway D Extension, Phase **II** should read Taxiway D Extension, Phase **I**.

Mr. Wright then addressed the Airport project listed as Misc. Other Airport Projects in the amount of \$143,300. Mr. Wright stated that \$85,000 of the \$143,300 is a cost that the City had to spend out of its match on a project that the City stopped at the Airport. FAA would not participate because construction on that project was abandoned. The decision to not do the project resulted in the City having to use its match toward that grant to make that payment. The \$85,000 from the \$143,000 is to replace that match back into what is known as Grant 24, which is the Phase III Terminal renovation part of that grant. In addition, \$1,000 for the food and beverage kiosk was an ineligible item and needs to be replaced as well. The remainder of the \$143,000 is the start of the potential funding that will be needed for any additional congressional funding. Mr. Wright noted that historically it has been favorable for the City to receive congressional appropriations and discretionary funds that have been sought.

Council and staff discussion included: 1) CO's being utilized for long lasting items/projects versus being used for a current expense that's being financed over a long period of time; 2) CO funds staying in a savings account for periods of time versus funds being used to meet immediate needs; 3) staff's thinking that to retain the integrity of the cost of the grant and the project the \$85,000 and \$1,000 should be paid out of the project (the alternative would be for the General Fund to pay the match back as a one time payback and then maintain the \$85,000 and \$1,000 for the forth coming potential matches); 4) project timelines, priorities and factors to be considered including changes that occur; 5) options for use of the funds if projects are not approved, and; 6) the majority of the \$143,000 being eligible for matching funds but the referenced \$85,000 and \$1,000 are not eligible.

Andy Anderson, Director of Public Works addressed Council's questions related to the 2004 Certificates of Obligation List of Projects and Associated Cost for Non-Airport projects.

Council and staff discussion included: 1) the reason, and process involved, for the number of lanes being constructed on E. N.10th; 2) time frame for non-airport projects to begin; 3) factors involved that contribute to some projects not being completed in a 12 month period; 4) property and annexation issues to consider in road construction, and; 5) Council's interest in being kept aware of the progress of projects.

Councilman Southward proposed that the miscellaneous airport line item be lowered by \$35,000 and those funds be used for the Redbud Park Trail paving, with the airport line item then being funded from another source. Mr. Wright stated that the total \$800,000 in CO's for the Airport projects is not an attractive amount in the market place to start with and a smaller amount is even less attractive. Mr. Wright addressed how a lesser amount will also have more cost in interest rate on that issue and the cost of issuance is basically constant whether it's a million dollars or \$650,000. Mr. Wright stated based on those factors the recommendation is the \$85,000 plus the \$1,000 be reimbursed by the General Fund and keep Grant 24 in place for the City's portion of the match (and leave the \$143,000 for either 1) cost overruns on the four projects presented or 2) the entire amount

be utilized for future congressional funding). Mr. Wright further stated he would not recommend going below the \$800,000 on the Airport issue.

Councilman Southward noted confidence in Mr. Wright's opinion and withdrew his proposal, stating the General Fund would be the source to fund those projects and it would be at the City Manager's discretion to bring the projects forward that he felt were worthwhile.

Councilman McNeil made a motion to approve the Capital Improvements Program projects and the Resolutions Directing Publication of: 1) Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation, Series 2004, and; 2) Notice of Intention to Issue Combination Tax and Airport Revenue Certificates of Obligation, Series 2004. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **9-2004** and captioned as follows:

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2004.

The Resolution is numbered **10-2004** and captioned as follows:

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND AIRPORT REVENUE CERTIFICATES OF OBLIGATION, SERIES 2004.

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.

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

There being no further business, the meeting was adjourned at 11:30 a.m.

Jo Moore
City Secretary

Grady Barr
Mayor