

CITY COUNCIL MEETING
May 24, 2004, 8:30 a.m.

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

The City Council of the City of Abilene, Texas, met in Regular Session on May 24, 2004, at 8:30 a.m. in Council Chambers, 555 Walnut Street. Mayor Grady Barr was present and presiding with Councilmen Anthony Williams, John Hill, Norm Archibald, Jimmy McNeil, Kris Southward, and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, Assistant City Secretary Renee Scott, and various members of the City staff. City Secretary Jo Moore was absent.

Councilman Archibald gave the invocation.

Christopher Perkins a fifth grade student from Taylor Elementary School led the Pledge of Allegiance. Christopher's mother was also present.

PRESENTATIONS

Mayor Barr introduced CADCO representative, Steve Ellinger who presented to the Council a dedication plaque, to be placed in City Hall, in recognition of the completion of the City Hall renovations.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions or deletions to the minutes of the May 13, 2004 Regular City Council Meeting, 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 3.9 as recommended by staff. Councilman McNeil 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 Mayor Barr's appointments/reappointments to the following boards:

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Abilene Higher Education Facilities, Inc.

2 year terms

Re-Appoint:

Dr. Royce Money

Gerald Schwalb

L. D. Hilton

Abilene-Taylor County Child Advocacy Center Advisory Board

3 year terms

Appoint:

Dee Moore, term expires 12/2004

CityLink ADA Advisory Board

3 year terms

Re-Appoint:

James Shepard

Civic Abilene, Inc.

3 year terms

Re-Appoint:

Joe Russey

John Neese

Mike Warren

Peggy Manning

Steven Leggett

Keep Abilene Beautiful, Inc.

3 year terms

Appoint:

Martin Garcia, term expires 11/2006

Mike Hall, term expires 11/2006

Library Board

2 year terms

Appoint:

Maryanna Harrell, term expires 11/2004

MPE/Swimming Pool Board of Appeals

2 year terms

Re-Appoint:

Ron Smith (Mechanical Contractor)

Phil Miller (Alternate, Architect)

Robert Lewis (Alternate)

Appoint:

Chuck Zollars (Alternate, Engineer)

Craig Manawes (Engineer)

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William McRae (Master Plumber)
Rick Kelley (Alternate, Plumbing Contractor)

Electrical Subcommittee

2 year terms

Re-Appoint:

Steve Justice (Citizen-At-Large)

Farris Neil (Citizen-At-Large)

Appoint:

Doug Jones (Master Electrician)

Parks and Recreation Board

3 year terms

Re-Appoint:

Gail Russey

Appoint:

John Goode

Senior Citizens Advisory Board

2 year terms

Re-Appoint:

Emory Walton

Harriet Connor

Eddie Hodges

Appoint:

Eliwanda "Honey" Casey

Leroy King

- 3.2 Oral Resolution authorizing the City Manager to execute a land lease with Abilene Aero, Inc., for the purpose of a fixed base operation on the Abilene Regional Airport.
- 3.3 Oral Resolution approving the Bylaws and Lease Agreement regarding Frontier *Texas!* Inc. and authorizing the City Manager to execute the lease.
- 3.4 Oral Resolution approving a contract with Winston & Strawn LLP for an estimated total cost of \$54,000 and authorizing the City Manager to execute the contract.

Bid Awards:

- 3.5 **Bid #CB-4051** – South 20th Area Resurfacing. The bid was awarded to J.H. Strain & Sons, Inc., Tye, TX in the amount of \$287,710.56.
- 3.6 **Bid #CB-4053** – PVC pipe for Water Department. The bid was awarded to Plastic Wholesale Plumbing Inc., Abilene, TX in the amount of \$35,868.00.
- 3.7 Sideloader truck for the Solid Waste Division. The bid for the truck was awarded to Dallas

Peterbilt, L.P. and the sideloader body was awarded to Heil of Texas under the TLGPC Buyboard agreement, in the total amount of \$168,862.00

- 3.8 **Bid #CB-4041** – HVAC equipment replacement for Water Distribution. The bid was awarded to Batjer Mechanical of Abilene, TX in the amount of \$87,500.00.
- 3.9 **Bid #CB-4026** – Audiovisual presentation system for City Council Chambers. The bid was awarded to the low bidder, Lubbock Audio Visual, Inc. in the amount of \$30,855.50.

REGULAR AGENDA

- 4.1 Mayor Barr introduced Kristi Allyn, Taylor County Elections Administrator who was present to report the May 15, 2004 General/Special Election results.

Ms. Allyn addressed the Council by stating the purpose of the City's General Election was to elect Councilmembers to Council Places 5 and 6 and the purpose of the City's Special Election was to elect a Mayor and a Councilmember to Council Place 1 to serve in those unexpired terms. Ms. Allyn also stated the returns of the elections have been canvassed and the results show that in the General Election Laura Moore was elected to Council Place 6 having received 52.25 percent of the votes cast and with no candidate having received a majority of the votes cast in Council Place 5 a Runoff Election will be needed for that office. Ms. Allyn further stated the results also show in the Special Election that Norm Archibald was elected to the office of Mayor having received 53.65 percent of the votes cast and with no candidate having received a majority of the votes cast for Council Place 1 a Runoff Election will be needed for that office.

Total votes cast were as follows: **Mayor:** Norm Archibald – 8036 (53.65% of votes cast), A.R. "Fal" Falcioni – 1466, Kay Alexander – 5477. **Council Place 1:** Jim Salisbury – 2455, Mike Hernandez – 3133, Daniel R. Flatt – 574, Sam Chase – 5862, Michael J. Armstrong – 2115, Runoff Election needed. **Council Place 5:** R.W. "Stormy" Higgins – 6710, Dwayne Hargesheimer – 6248, Christopher Wade Tullos – 958, Runoff Election needed. **Council Place 6:** S.M. Moore, Jr. – 3030, Tim Rice McClarty – 2546, Dennis M. Regan – 581, Laura Moore – 7429 (52.25% of votes cast), Joseph "J.T." Gulick – 632. Total votes cast in the May 15, 2004 General/Special Elections were 15,382.

Councilman Southward made a motion to approve the Resolution canvassing the returns and declaring the results of the May 15, 2004 General/Special City Elections and establishing procedures for the June 19, 2004 Runoff Election. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **15-2004** and captioned as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL
AND SPECIAL ELECTIONS HELD IN THE CITY OF ABILENE ON MAY 15, 2004
AND ESTABLISHING PROCEDURES FOR JUNE 19, 2004 RUNOFF ELECTIONS.**

4.2 City Manager Larry Gilley presented to the Mayor and each member of the City Council their annual paycheck of one (\$1.00) dollar. In appreciation of their years of service Mr. Gilley then presented to outgoing Mayor Barr and Councilmember Kay Alexander a City of Abilene logo lapel pin. Mr. Gilley also presented a City of Abilene logo charm bracelet to Mrs. Barr, and a City of Abilene tie-tac to Mr. Alexander.

4.3 Assistant City Secretary Renee Scott administered the Oaths of Office to Norm Archibald, Mayor and to Laura Moore, Council Place 6.

4.4 At 9:05 a.m., City Manager Larry Gilley announced the Council would recess for a reception honoring the newly elected and outgoing Mayor and members of the Council. Mr. Gilley stated Council would reconvene, following the reception, in the Council Chambers to consider the remaining agenda item.

Following the reception, Council reconvened in Regular Session at 9:30 a.m.

Ordinance:

4.5 Mike Hall, Director of Community Services briefed the Council on an Ordinance amending Chapter 6, "Animal and Fowl", Article I, of the Abilene Municipal Code. Mr. Hall stated currently the Animal Services Division must rely upon state law to address animal welfare issues. The process requires several administrative and investigative steps and gives local jurisdictions no remedies that would enable immediate removal and treatment of an animal without a warrant to seize the animal. The proposed ordinance defines situations that would be defined as inadequate care or inhumane treatment of animals and provides the City with the capability to immediately seize an animal in order to remove it from harm and secure appropriate veterinary care if needed. Mr. Hall further noted that a committee was formed comprised of Animal Services staff, Legal Department representatives, Rescue the Animals, a local veterinarian involved with Love at First Sight, and the Municipal Court Judge. This committee met to consider improvements to the local ordinance, which would allow quicker and more effective responses to problems. After discussion and research into several other Animal Welfare Ordinances from around the state and across the nation the Legal staff with advice from the working committee drafted the proposed Ordinance. Staff and the committee recommend approval of the proposed Ordinance.

Council and staff discussion included: 1) the three (3) major differences between the current and proposed ordinances; 2) the Animal Services staff being able to seize an animal in harms way and taking the animal, if needed, to a City contracted veterinarian to receive care, where the cost could be charged back to the owner of the animal; 3) the proposed ordinance prohibiting the owner to tether the animal with no shorter than a 10 foot tether with swivels on both ends; 4) ways to communicate the major changes of the ordinance to the public, which would include utilizing the local media, the City's webpage, local organizations such as Rescue the Animals, Love at First Sight, and the Humane

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Society, along with copies of the ordinance being made available at Animal Services and City Hall; 5) the feasibility of notifying the public by placing the proposed changes of the ordinance in water bills; 6) recognition of Alvin O'Dell, Division Manager for Animal Services, with Council's noted appreciation for the work spent on the proposed changes of the ordinance and what those changes would mean for the Animal Services Division.

Councilman Williams made a motion to approve the Ordinance amending Chapter 6, "Animal and Fowl", Article I, of the Abilene Municipal Code. Councilman McNeil seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **12-2004** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 6, ANIMAL AND FOWL, ARTICLE I, IN GENERAL, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTY.

EXECUTIVE SESSION

Mayor Archibald 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.

REGULAR SESSION

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

There being no further business, the meeting was adjourned at 10:20 a.m.

Renee Scott
Assistant City Secretary

Norm Archibald
Mayor