

CITY COUNCIL MEETING
August 12, 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 August 12, 2004, at 8:30 a.m. in Council Chambers, 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Anthony Williams, John Hill, Stormy Higgins, Kris Southward, and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Councilman Williams gave the invocation.

Shelbi Denson a second grade student from Johnston Elementary School led the Pledge of Allegiance. Shelbi's mother, Melissa Denson, who is employed by the City of Abilene's Purchasing Division, father Jeff Denson, brother Kris and grandparents, Janie Heatly and JaneAnn Nixon were also present.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions or deletions to the July 22, 2004 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 Chase, Williams, Hill, Higgins, Southward, and Councilwoman Moore.

NAYS: None

ABSTAIN: Mayor Archibald was not present at July 22, 2004 City Council Meeting.

CONSENT AGENDA

3.0 Councilman Southward requested item 3.4, and Councilman Chase requested item 3.5 be considered separately. Councilwoman Moore made a motion to approve consent agenda items 3.1 through 3.3, items 3.8 through 3.10, and first reading of items 3.6 and 3.7, as recommended by staff. Councilman Chase seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

3.1 Oral Resolution approving, and authorizing the Mayor to execute, a Street Use License with Arcadis G&M, Inc., and Orion GeoSampling, Inc., dba, ESN South.

3.2 Oral Resolution approving, and authorizing the Mayor to execute, a Street Use License with Tank Management, Inc., for installation of monitoring wells related to 1931 S. 1st Street.

- 3.3 Oral Resolution approving an Airport property lease between the City of Abilene and the DCOA, Inc.

Ordinances:

- 3.6 **Z-2104** – Rezone from RM-3 (Residential Multi-family) to PDD (Planned Development District) zoning district, 3.26 acres of property located at the corner of Delaware Road and Jennings Street; and set a public hearing for September 9, 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-92 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.7 **Z-2204** – Rezone from AO (Agriculture Open-space) to RS-6 (Residential Single-family) zoning district, 5.2 acres of property located at the corner of Catclaw Drive and Chimney Rock Road; and set a public hearing for August 26, 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, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Bid Awards:

- 3.8 **Bid #CB-4039** – Weed Abatement Services. Due to the high demands of the growing season, Council approved hiring an additional contractor, the Marshall Company who will become the primary contractor, while allowing the original contractor George Thomas to continue under contract as the secondary mower. No additional funds were requested.

- 3.9 **Bid #CB-4064** – Bulk chemicals for Water and Wastewater Treatment Plants. The bid was awarded as follows:

- Item 1: Liquid Aluminum Sulfate, Southern Ionics, Inc., West Point, MS, \$153.00/Dry Ton
- Item 2: Liquid Cationic Polymer, Polydyne, Inc., Riceboro, GA, \$390.00/Dry Ton
- Item 3: Anhydrous Ammonia, D.P.C. Industries, Inc., Sweetwater, TX, \$1,140.00/Ton
- Item 4: Liquid Caustic Soda, Harcros Chemicals, Inc., Dallas, TX, \$290.00/Dry Ton
- Item 5: Liquid Chlorine, D.P.C. Industries, Inc., Sweetwater, TX, \$452.00/Ton
- Item 6: Sodium Bisulfite, Southern Ionics, Inc., West Point, MS, \$279.00/Dry Ton
- Item 7: Hydrated Lime, Chemical Lime Co., Clifton, TX, \$88.25/Dry Ton
- Item 8: Fluorosilicic Acid, Hydro Plus LTD, Abilene, TX, \$206.00/Ton
- Item 9: Sulfuric Acid, Univar USA, Odessa, TX, \$135.00/Ton
- Item 10: Liquid Ammonium Sulfate, Bay Chemical, Odem, TX, \$253.75/Ton
- Item 11: Liquid Ferric Sulfate, FE3 Corporation, Celina, TX, \$215.98/Dry Ton

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- 3.10 **Bid #CB-4067** – 12” C900 water pipe for the Water Department. The bid was awarded to Plastic Wholesale Plumbing Inc., Abilene, TX for the purchase of 3,920 feet of 12” C900 Water Pipe at the cost of \$11.00 per foot for a total cost of \$43,120.00. Council authorized the City Manager or his designee to execute all necessary documents related to the contracts.

Consent agenda items 3.4 and 3.5 were considered separately.

- 3.4 Oral Resolution authorizing the City Manager to execute a contract for Primary Health Care Clinical Services Provider.

Mike Hall, Director of Community Services, stated the Health Division has been awarded a one year grant from the Texas Department of Health that provides \$106,000 for the provision of primary health care services to qualifying individuals in Taylor County, and also supports Health Division staff involved in eligibility screening and patient record maintenance. No local funds are required to support this contract. Staff recommends that the Council authorize the City Manager to execute a contract with the entity submitting the most competitive proposal, Medical Care Mission, for \$106,000.

Councilman Southward questioned what would happen to the program and/or services if in the future the grant from the Texas Department of Health is not received?

Mr. Hall noted the success and extreme importance of the program and stated if grant funding is not received in the future that other funding sources including community support would be sought.

Councilman Southward made a motion to approve consent agenda item 3.4, as presented by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

- 3.5 Resolution affirming the reversion of Woods Place as a public street. Staff's agenda memo stated in a letter dated June 28, 2004, Vincent Johnson of the Abilene Psychiatric Center requested that Woods Place be officially returned to public street status based upon the conditions of Ordinance 32-1985, which had abandoned the right-of-way. This abandonment was conditioned upon the replatting of two lots into one lot within a 16-year period and before the sale of either lot. The City Attorney's office has determined that the conditions were not met, and therefore, the street has reverted to the City as public right of way. Staff recommends approval of the Resolution affirming the reversion of Woods Place as a public street.

Councilman Chase questioned why the City would want or need to take back the property that has been privately used and well maintained and would result in an additional expense to the City? Councilman Chase stated that the information provided in the agenda packet was not complete enough to answer questions concerning the request.

Following Council and staff discussion, Councilman Chase made a motion to table item 3.5 until the August 26, 2004 City Council meeting in order to provide staff time to prepare additional information on the item for Council, including submitting a copy of Ordinance #32-1985 referenced in staff's agenda memo. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

REGULAR AGENDA

4.1 Elizabeth Grindstaff, Interim Director of Planning & Development Services, briefed the Council on a Resolution approving the FY 2004/2005 One-Year Action Plan for the Community Development Block Grant (CDBG) and Home Investment Partnerships Grant (HOME) Programs.

Ms. Grindstaff stated the City 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 2004/2005 budget was published in the Abilene Reporter-News on July 11th, which began the HUD-required 30-day comment period. As of August 11, 2004 no written comments were received. Ms. Grindstaff reviewed the Allocation Guidelines and stated following the required public hearing staff recommends Council approve the Resolution.

Following Council and staff discussion Mayor Archibald stated the CDBG/HOME funds are federal tax dollars to be used in local communities. The Mayor further stated if Abilene doesn't apply for and receive the grant funds then other communities will and that the City Council should actively pursue these funds. The Mayor then opened a public hearing on the item and the following individuals addressed the Council:

- Ellen Richards, in favor, noted the importance of these funds and thanked Mayor Archibald for stressing the need for the community to apply for the federal funds.
- Cynthia Pearson, Executive Director of the Day Nursery of Abilene, in favor, explained the Day Nursery funding request and services the Nursery provides.
- Jenese Smith, Adult Protective Services, in favor, noted appreciation of funding for the APS.
- Jan Powell, Board member of the Voluntary Weatherization Program, in favor, noted appreciation of funding for the VWP.

Mayor Archibald commended the organizations on the services they provide.

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

Councilman Williams made a motion to approve a Resolution approving the FY 2004/2005 One-Year Action Plan for the Community Development Block Grant (CDBG) and Home Investment Partnerships Grant (HOME) Programs. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **20-2004** and captioned as follows:

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

4.2 Ronnie Kidd, Director of Administrative Services, briefed the Council on an Oral Resolution authorizing a Contract/Agreement for a telephone system replacement.

Mr. Kidd stated the city's current telephone system is comprised of analog switches and a voice mail system provided by NTS Communications, plus trunk lines provided by SBC Corporation. The SBC trunk line agreement expires on September 14, 2004. Mr. Kidd then reviewed for Council inherent issues and limitations that exist with the current configuration. Mr. Kidd also reviewed actions staff has taken in the past several months, as part of the Information Technology Strategic Plan, to move toward telephone system solutions with a wide range of options. Mr. Kidd further stated staff was careful in the analysis to maintain as an objective a solution that would allow the city to stay within the current telecommunications budget. With a one time expense (including down payment and conversion costs) associated with the solution of \$50,000 that is budgeted in the Technology Fund the remainder of the project would be financed over a 48-month payment option. Staff recommends the Council authorize the City Manager or his designee to execute an agreement with NTS Communications for the proposed solution for upgrade/replacement of the City's current telephone system.

Following Council and staff discussion concerning several aspects of the request and options Council noted a preference for financing over a 60-month payment option versus the 48-month option.

Councilman Williams made a motion to approve, by Oral Resolution, authorizing the City Manager or his designee to execute an agreement with NTS Communications for the proposed solution for upgrade/replacement of the City's current telephone system, as recommended by staff, with financing over a 60-month payment option. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

At 10:05 a.m., Mayor Archibald announced the Council would recess for ten minutes then reconvene in the Council Chambers for the Budget Workshop.

Council reconvened in the Council Chambers for the Budget Workshop at 10:15 a.m.

BUDGET WORKSHOP

Mayor Archibald explained that the Ordinances on the Council's agenda today, Ordinance approving the Revised 2003-04 Budget and Proposed 2004-2005 Budget and the Ordinance setting the Tax Levy, are on for first reading only and are not scheduled for public hearings today. The Mayor noted public hearings on the ordinances could be scheduled for August 26, 2004.

City Manager, Larry Gilley thanked the Council for their continued work on the budget. Mr. Gilley reviewed the Council's priority list as discussed during the last Budget Worksession and noted that funding for the Police Dept. shotguns and stop sticks has been rolled into the current budget.

Mr. Gilley then presented, as directed by Council at the previous Budget Worksession, a list of possible budget reductions to programs to provide funding for employee salary increases and for 2 additional code enforcement officers.

Mr. Gilley stated the programs are all important and that the reductions, which included City Recreation Centers, Swimming pools, Call for Help, Branch library and library materials, Safety City, Crime Victim Crisis Center, Expo Center and the Cultural Affairs Council are not his recommendations but are being submitted at the request of the Council.

Council discussed their budget priorities which included: 1) the funding of one or two code enforcement officers but the need to also look at all programs and resources prior to increasing taxes; 2) the answer to city problems not always being bigger government or more employees; 3) two additional code enforcement officers and employee training; 4) employee salary and pension increases; 5) brush and bulky item pickup, and; 6) both support and non-support of a property tax increase.

Council and staff discussion included; 1) the negative impact of cutting recreation center/swimming pool programs but the need to strategically look at their possible re-alignment; 2) support and non-support of a reduction to the library materials budget; 3) the benefit of the Branch library to the community; 4) opposition to cutting any programs; 4) benefits of code enforcement to economic development; 5) the addition of 20 cents to the current proposed \$1.00 increase for solid waste fees (staff noted a fee increase document will be presented to Council at the August 26, 2004 Council meeting), and; 6) Council reviewing city programs within the next three to six months.

Mayor Archibald reiterated that the Ordinances before Council today are for first reading only and are set to move the budget process forward to the public hearings and final approval.

Councilman Williams made a motion to approve the first reading of the Ordinance approving the Revised 2003-2004 Budget and Proposed 2004-2005 Budget as presented by City Manager Larry Gilley's with the addition of one Code Enforcement officer, and related expenses, to begin January 2005 at a cost of \$41,750, to be funded from the library material budget, and to increase the proposed \$1.00 solid waste fee for brush and bulky item collection to \$1.20 per month. Councilman Chase seconded the motion, and the motion failed.

AYES: Councilmen Chase and Williams, and Mayor Archibald.

NAYS: Councilmen Southward, Hill and Higgins, and Councilwoman Moore.

Councilman Hill made a motion to approve the first reading of the Ordinance approving the Revised 2003-2004 Budget and Proposed 2004-2005 Budget as presented by City Manager Larry Gilley's with the addition of two Code Enforcement officers, and related expenses, to begin January 2005 at a cost of \$83,500, to be funded with an increase to the city's tax rate by .25 (which would, based on the average valued home in Abilene of \$65,000, result in a \$1.60 increase in property taxes next year), and to increase the proposed \$1.00 solid waste fee for brush and bulky item collection to \$1.20 per month. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Southward, Hill and Higgins, and Councilwoman Moore.

NAYS: Councilmen Chase and Williams, and Mayor Archibald.

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2003-2004; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2005, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING.

Councilman Hill made a motion to approve the first reading of the Ordinance setting the Ad Valorem Tax Levy at 63.80 cents per \$100.00 valuation. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Southward, Hill and Higgins, and Councilwoman Moore.

NAYS: Councilmen Chase and Williams, and Mayor Archibald.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2004, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2004; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

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 11:50 a.m.

Jo Moore
City Secretary

Norm Archibald
Mayor