

**CITY COUNCIL MEETING**  
**September 23, 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 September 23, 2004, at 8:30 a.m. in the Council Chambers at 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.

Councilwoman Moore gave the invocation.

Mayor Archibald led the Pledge of Allegiance.

**EMPLOYEE SERVICE AWARDS**

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

25 Years	Kim Vickers	Police Sergeant II
		Police

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

- **“Fire Prevention Month”**, October 2004.
- **“Memory Walk Day”**, October 2, 2004.
- **“National Physical Therapy Month”**, October 2004.
- **“Pink Ribbon Sunday”**, October 24, 2004.
- **“Responsible Dog Ownership Day”**, September 25, 2004.
- **“Shrine Circus Day”**, October 3, 2004.
- **“Sport Aviation Day”**, September 25, 2004.

Mayor Archibald announced that a press conference will be held at the Civic Center on September 28<sup>th</sup> at 5:00 p.m. to announce Abilene’s involvement in the upcoming United Texas Bike Tour.

**DISPOSITION OF MINUTES**

2.0 There being no corrections, additions or deletions to the September 9, 2004 Regular Council Meeting 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, Higgins, Southward, Councilwoman Moore and Mayor Archibald.

NAYS: None

Councilman Hill was absent for the vote.

### **CONSENT AGENDA**

3.0 Councilwoman Moore made a motion to approve consent agenda items 3.1 through 3.3, items 3.5 and 3.6, and final reading of item 3.4 as recommended by staff. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

Councilman Chase stated appreciation to staff for answers provided concerning the consent agenda, but suggested that more data be provided on consent items that need further explanation or that those items be placed on the regular agenda for Council discussion.

### **Resolutions:**

- 3.1 Resolution re-certifying Habitat for Humanity – Abilene, Inc. as a Community Housing Development Organization (CHDO) and authorizing disbursement of HOME Investment Partnerships (HOME) funds.

The Resolution is numbered **26-2004** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE RECERTIFICATION OF HABITAT FOR HUMANITY, ABILENE, INC. AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO), AND AUTHORIZING DISBURSEMENT OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS.

- 3.2 Oral Resolution approving amendments to Project Agreement Number 69-7442-3-556 with the Natural Resource Conservation Service (NRCS) for debris removal, bank restoration and quality control of Elm Creek.
- 3.3 Oral Resolution approving the 9-1-1 Emergency Communications District revised FY 2004 and Proposed FY 2005 budgets as approved by the 9-1-1 District Board of Managers.

### **Ordinance:**

- 3.4 An Ordinance amending the City of Abilene Municipal Code Chapter 18, "Motor Vehicles and Traffic", Sections 18-234 and 18-250, and Chapter 31, "Taxicabs", Sections 31-3, 31-15, 31-37, 31-46, 31-61, and 31-62.

The Ordinance is numbered **26-2004** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", AND CHAPTER 31, "TAXICABS", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

**Bid Awards:**

- 3.5 **Bid #CB-4071** – Annual purchase of oil products. The bid was awarded as follows for a one-year period with the City reserving the option to review for four (4) additional one-year terms at the same terms and conditions:
- Western Marketing item 1 (automatic transmission fluid) \$3,245.00, item 2 (tractor fluid) \$1,549.35, item 4 (SAE 10W-30) \$3,504.00, item 6 (SAE 10W) \$1,025.00, item 7 (chassis grease 400 lb. can) \$592.00, and item 8 (gear lube – 80W 9C) \$376.20.
  - Johnson Oil item 3 (A/W hydraulic oil) \$9,417.00, and item 5 (SAE 15W-40) \$15,648.50.
- 3.6 **Bid #CB-4072** – Annual purchase of fuel products. The bid was awarded as follows for a one-year period with the City reserving the option to review for four (4) additional one-year terms at the same terms and conditions:
- Pride Refining, Inc. item 1 (tanker truckloads) unleaded fuel factor -.0065, and #2 diesel fuel factor -.0075.
  - Johnson Oil Co. item 2 (bobtail truckloads) unleaded fuel factor +.03, and #2 diesel fuel factor +.03.

**REGULAR AGENDA**

- 4.1 Elizabeth Grindstaff, Interim Director of Planning & Development Services, briefed the Council on **Z-2404**, an Ordinance considered on second and final reading to rezone from Office (O) to RM-2 (Residential Multi-family) zoning district, property located at 1809 S. 14<sup>th</sup> Street.

Ms. Grindstaff stated the rezoning request involves a vacant lot at 1809 South 14<sup>th</sup> Street. The rezoning from Office (O) to Residential Multi-family (RM-2) is desired to support the future development of a child daycare facility. The current zoning ordinance does not permit such a facility in an Office district, but does allow the use on RM-2 with conditions. Ms. Grindstaff noted that it has been determined by staff that the applicant meets those conditions since the property is within 200 feet of arterial or collector street, and has a minimum lot size of 15,000 square feet. Ms. Grindstaff further noted that the applicant originally requested an ordinance amendment to allow for daycare facilities within Office zoning districts. Since a major revision of the Zoning Ordinance will be necessary in the near future, staff encouraged the applicant to reconsider the nature of their request. Ms. Grindstaff noted that the property was previously zoned RM-2, so this rezoning request is consistent with its former zoning classification and is compatible

with the surrounding neighborhood. Staff and the Planning & Zoning Commission recommend approval of the rezoning request.

Following Council and staff discussion Mayor Archibald opened a public hearing on the item and the following individuals addressed the Council:

- Cynthia Pearson – agent and Director for Day Nursery. Ms. Pearson stated a final decision on the use of the property has not been determined but it would be either for a multi-use facility or a parking lot. Ms. Pearson requested Council's approval of the rezoning request.
- Ruppert Rangel – Tittle-Luther. Mr. Rangel stated alley closure will be requested and that the property will be landscaped.

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

Councilman Higgins made a motion to approve **Z-2404**, an Ordinance to rezone from Office (O) to RM-2 (Residential Multi-family) zoning district, property located at 1809 S. 14<sup>th</sup> Street. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

ABSTAIN: Councilman Williams (member of the Day Nursery Board of Directors)

The Ordinance is numbered **27-2004** and captioned as follows:

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.

4.2 Elizabeth Grindstaff, Interim Director of Planning & Development Services, briefed the Council on **Z-2504**, an Ordinance considered on second and final reading to rezone from Shopping Center (SC) to General Commercial (GC) or Planned Development District (PDD) zoning district, property located at the northeast corner of Willis and S. 27<sup>th</sup> Streets (3282 S. 27<sup>th</sup> Street).

Ms. Grindstaff stated the rezoning request involves a lot containing an unoccupied structure at the northeast corner of the intersection of Willis and South 27<sup>th</sup> Streets. The rezoning from Shopping Center (SC) to General Commercial (GC) or Planned Development District (PDD) is desired to support the future development of a vehicle sales business. Ms. Grindstaff noted that staff recommended approval of a Planned Development District to the Planning and Zoning Commission, including 1) a limitation on the height of the pole sign at 20 feet, 2) allowing a maximum of 40 vehicles for sale at any one time, and 3) prohibiting the use of any unimproved

surfaces for the parking or display of vehicles. Ms. Grindstaff further stated at its regular meeting on September 7, 2004, the Planning and Zoning Commission voted 5-1 in favor of a Planned Development District (PDD), allowing 1) the existing sign to remain on the property, 2) allowing a maximum of 50 vehicles for sale at any one time, and 3) allowing the use of unimproved surfaces for the display and parking of vehicles (with the exception of the parkways). Staff concurs with the Planning and Zoning Commission's recommendations with the following added language:

“On or before the expiration of three (3) years from the date of the Ordinance, all parking used for display or sales purposes shall be on improved surfaces only”.

Council and staff discussion included: 1) the property owners within a 200 foot radius that were notified of the request and their responses to the request; 2) recommendations as submitted by staff and as submitted by the Planning and Zoning Commission; 3) maximum number of vehicles that are being recommended to be permitted to be parked on the property; 4) the lighting of the property; 5) the positive aspects of the proposed development; 6) the law prohibiting vehicles being parked on the public right of way, and; 7) staff concurring with the Planning and Zoning Commissions recommendation with the following added language, should Council approve the PDD, “On or before the expiration of three (3) years from the date of this ordinance, all parking used for display or sales purposes should be on improved surfaces only”.

City Attorney Sharon Hicks noted that the added language referencing the three year expiration date has been included in the ordinance document Council has before them for the purpose of allowing Council to see how that language, if approved, would appear.

Following Council and staff discussion Mayor Archibald opened a public hearing on the item and the following individual addressed the Council:

- Ray Sisneros – applicant. Mr. Sisneros stated his appreciation to Councilman Southward for his vision and personal interest in small business owners. Mr. Sisneros noted his concerns on what appears to be a continued lack of information concerning his property (the back of his lot). Mr. Sisneros stated his disappointment in the Planning staff – noting that due to some language in the PDD it appears that staff is lacking in understanding. Mr. Sisneros further stated that he is in agreement with the proposed PDD except for the “36 month language” staff is proposing.

Council and applicant discussion included: 1) Mr. Sisneros preference is to landscape the property or provide something that is pleasing in appearance, but he does plan to park vehicles on the property. Mr. Sisneros explained how the property would be cared for; 2) security lighting that would not disturb residents in the area; 3) the impact that potential future owners of the property with different values than Mr. Sisneros might have; 4) varieties of improved surfaces, and; 5) the cost of paving versus landscaping.

The Council and Mr. Sisneros discussed signage restrictions in the proposed ordinance concerning banners, inflatable balloons and portable signs and the limitation to “wall signage”. Mr. Sisneros stated this information was not provided to him and is not reflected in the documents he has.

The Council recessed for a break at 10:15 a.m. and reconvened at 10:20 a.m.

Mayor Archibald stated his concerns that Mr. Sisneros had not been provided the same information Council has before them.

The Council and staff discussed the options available that would allow Mr. Sisneros the opportunity to review the information but not further delay his receiving a decision on the rezoning request.

Mr. Sisneros stated, concerning the “wall signage” limitation, that he has installed wall signage and having not being aware of the percentage limitation, he does not know if his signage complies with the 10% requirement.

Mayor Archibald stated he is confident that Mr. Sisneros’ signage would be done in a professional manner and that he personally is in favor of removing the last two bullets under the signage portion of the ordinance.

Council asked Mr. Sisneros if the Planning and Zoning Commission recommendations were approved, the last two bullets under the signage portion of the ordinance were removed and the “36 month or 3 year” language were not included, if he would be in agreement with the PDD. Mr. Sisneros stated he would.

Further Council, staff and applicant discussion included: 1) issues that will be addressed thru the implementation of the Comprehensive Land Use Plan; 2) lighting of property complying with established standards; 3) the “3 year” language having been included in the proposed ordinance only for Council’s benefit to view how the language would appear if approved; and 4) Mr. Sisneros requested that he be provided the PDD ordinance that Council will be voting on and that the reference to the word “car” in the ordinance be changed to the more appropriate word of “vehicle”.

10:45 a.m., Mayor Archibald stated Council would, at this time, recess item 4.2 in order to provide Mr. Sisneros the documents being considered by Council and adequate time for him to review the information. Mayor Archibald further stated following Mr. Sisnerors review of the information item 4.2 would be reconvened (including the public hearing and for Council consideration).

4.3 Elizabeth Grindstaff, Interim Director of Planning & Development Services briefed the Council on second and final reading of amendments to the City of Abilene Zoning Ordinance Section 23-306.4 (Permitted Uses), Section 23-306.5 (Conditional Use Provisions) and Section 23-363 (Definition Pertaining to the Local Requirements for Alcohol-Related Businesses) to allow for the following:

- A. An amendment to allow off-premise package sales in Limited Commercial (LC) districts with conditions.
- B. Revision of the Special Exception process for off-premise package stores in Shopping Center (SC) and General Commercial (GC) districts.
- C. An amendment to eliminate the 300-foot distance requirement between off-premise package stores and hospitals.

Ms. Grindstaff stated at the request of the City Council, the Planning and Zoning Commission convened a special meeting on August 17<sup>th</sup> to consider amendments to the zoning ordinance related to the off-premise sale or alcohol in Limited Commercial (LC) zoning districts. Specifically, the Council asked that the Commission consider: 1) An amendment to allow off-premise package sales in Limited Commercial (LC) districts with conditions, and; 2) Revision of the Special Exception process for off-premise package stores in Shopping Center (SC) and General Commercial (GC) districts. Ms. Grindstaff further noted that during the August 17<sup>th</sup> discussion, the Commission supported the changes as well as a third amendment option that would essentially do away with the distinction between beer/wine off-premise sales and liquor off-premise package sales; 3) An amendment to eliminate the 300-foot distance requirement between off-premise package stores and hospitals. Ms. Grindstaff noted that as part of the regular Planning and Zoning Commission meeting, held September 7, 2004, a public hearing was conducted and only two individuals spoke, one in favor and the other in opposition. Ms. Grindstaff stated that staff recommends approval of the proposed amendment, incorporating the three issues outlined above, the net effect being that the sale of liquor for off-premise consumption will be regulated in the same way as beer and wine for off-premise consumption. Ms. Grindstaff noted that staff and the Planning & Zoning Commission recommend approval and believe this will result in a more consistent land use approach to the sale, location, and processing of off-premise liquor stores in the Abilene community.

Council and staff discussion included: 1) if the proposed ordinance is approved how beer/wine and liquor will be distinguished; 2) Mr. Joe Spano having addressed his opposition of the proposed ordinance at the Planning and Zoning Commission meeting and his being aware of today's Council meeting on the issue, and; 3) the proposed ordinance being viewed as more global versus an individual store issue.

Following Council and staff discussion Mayor Archibald opened a public hearing on the item and the following individual addressed the Council:

- Dan Ervin – proponent. Mr. Ervin addressed the loses he incurred during the 13 months it has taken to resolve this issue and requested Council allow him to keep his store in operation.

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

Councilman Hill made a motion to approve the amendments to the City of Abilene Zoning Ordinance Section 23-306.4 (Permitted Uses), Section 23-306.5 (Conditional Use Provisions) and Section 23.363 (Definition Pertaining to the Local Requirements for Alcohol Related Businesses). Councilman Williams seconded the motion, and the motion carried.

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

NAYS: Councilman Southward

The Ordinance is numbered **29-2004** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", 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.

11:00 a.m., following item 4.3 Mayor Archibald reconvened agenda item 4.2 to continue the public hearing and for Council consideration.

Mayor Archibald stated Mr. Sisneros has had the opportunity to review the documents that now reflect the "36 month or 3 year" language not being included (that wording has also been removed from the draft ordinance) and the two bullets under the signage portion of the proposed ordinance that references the temporary signs and wall signage has been removed. Mayor Archibald asked Mr. Sisneros if he is in agreement with the proposed PDD with the noted changes. Mr. Sisneros stated he is with one exception. Mr. Sisneros noted that under "Permitted Uses" the language that reads "Used car sales (not to exceed 1 ½ ton)" is old language, with the "tonnage" reference making no sense.

Jeff Armstrong of Planning and Development Services stated the wording comes from zoning ordinance language and that the 1 ½ ton, is carrying capacity and not weight. Council suggested the definition be clarified.

Mr. Armstrong also clarified that there is a permitting process for portable signs but not for balloons & banners. Mr. Armstrong noted that the permitting process is a weak process with weak enforcement and that staff's position would be to have many restrictions on portable signs or none at all. Mr. Sisneros stated he is in agreement with leaving the portable signs restrictions in the ordinance but having the banner and balloon restrictions removed.

Council and staff discussed the "Development Schedule" portion of the ordinance that states "If vehicles sales on this site cease after six (6) months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to SC (Shopping Center). Ms. Grindstaff noted the proposed ordinance is unique in the sense that it was created for this site and that the "Development Schedule" does allow the City to initiate rezoning under the circumstances as outlined.

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

The Council and Mr. Sisneros discussed the ordinance before Council for approval now reflects the following language has been removed from the ordinance "On or before the expiration of three (3) years from the date of the Ordinance, all parking used for display or sales purposes shall be on improved surfaces only". Under the "Signage" section of the ordinance the banner and balloon restrictions will be removed but the portable signs restrictions will remain and the language "Wall signage shall be permitted but may not exceed 10% of the total surface area of the wall on which they are placed" has been removed. The language under the "Permitted Uses" section of the ordinance that reads "Used car sales (not to exceed 1 ½ ton)" will be changed to read "Used vehicle sales (not to exceed 1 ½ ton carrying capacity)".



Councilman Southward made a motion to approve **Z-2504**, an Ordinance to rezone from Shopping Center (SC) to Planned Development District (PDD) zoning district, property located at the northeast corner of Willis and S. 27<sup>th</sup> Streets (3282 S. 27<sup>th</sup> Street) as discussed by Council and the applicant and to include in the ordinance under the “Permitted Uses” section following the reference to “(not to exceed 1 ½ ton)” the words “carrying capacity”, and the language under the “Signage” section that prohibits portable signs will remain in the ordinance. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: Councilman Hill

The Ordinance is numbered **28-2004** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, “ZONING”, OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-93 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.4 Jeff Armstrong, Planning & Development Services Manager briefed the Council on second and final reading of an amendment to the City of Abilene Zoning Ordinance Section 23-317.3.C (Use and Area Requirements in Residential Districts) concerning maximum square footage for accessory structures.

Mr. Armstrong stated currently the zoning ordinance specifies different maximum dimensions for accessory buildings depending on the residential zoning classification of the lot on which one is to be located. The proposed amendment would set the maximum allowable square footage of accessory buildings at 10% of the total lot area, with a maximum size of 1,200 square feet. Staff, the Board of Adjustment, and the Planning and Zoning Commission recommend approval of the proposed amendment.

Council and staff discussion included: 1) noting the definition of accessory structures does not include second residences; 2) the intent of the ordinance being to limit the number of buildings on property in residential areas; 3) the effect of secondary homes on potential annexations; 4) the ordinance before Council addressing the square footage of sub-divisions and what is allowed within that zoning, and; 5) the size limitation of accessory structures under the proposed ordinance.

City Attorney Sharon Hicks explained the definition of accessory buildings noting that those buildings cannot be used for dwellings and that by definition accessory structures are not secondary residences.

Following Council and staff discussion Mayor Archibald opened a public hearing on the item. There being no one present and desiring to be heard the public hearing was closed.

Councilman Hill made a motion to approve the amendment to the City of Abilene Zoning Ordinance Section 23-317.3.C (Use and Area Requirements in Residential Districts) concerning the maximum square footage for accessory structures. Councilman Higgins seconded the motion.

Roll call of the Council votes was as follows:

Councilman Hill (Aye), Councilman Higgins (Aye), Councilwoman Moore (Aye), Councilman Chase (Present), Councilman Southward (Nay), Councilman Williams (Aye), Mayor Archibald (Aye).

Following roll call and prior to Mayor Archibald announcing the results of the vote Councilman Chase stated his vote as "Nay". The motion carried.

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

The Ordinance is numbered **30-2004** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", 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.

4.5 Assistant City Manager Mike Morrison briefed the Council on an Oral Resolution approving a Professional Engineering Services Contract with Alan Plummer Associates, Inc. for the design of necessary improvements to the Northeast and Grimes Water Treatment Plants, and authorizing the City Manager to execute the contract.

Mr. Morrison stated the consulting engineering team of Alan Plummer and Associates, Inc. (APAI) and CH2Mhill are nearing completion of the evaluation of Abilene's water treatment plant facilities and the development of a Water Treatment Plant Master Plan. The final "Master Plan" will be presented to the Council at the October 14<sup>th</sup> Council meeting. Mr. Morrison noted during the evaluation it was determined that a need exists to make improvements to two of the City's existing water treatment plants, the Northeast Plant and the Grimes Plant. The improvements are related to two key issues:

1. The ability of the plants to treat the quantity of water for which each was originally designed.
2. The ability of the plants to treat water supplied from two raw water sources.

Mr. Morrison further stated that prior to the evaluation the City understood that the Grimes Water Treatment Plant (initially constructed in the 1940s) and the Northeast Water Treatment Plant (initially constructed in the 1970s) were each rated by the state to treat water at a rate of 24 million gallons per day (MGD). Because of changes to the federal and state standards and design criteria, the evaluation determined that each of these plants could only treat about 20 MGD. Mr. Morrison noted the data gathered during the evaluation shows that the Northeast Plant has more difficulty treating water at higher flow rates than the Grimes Plant. As flows approach 20 MGD both plants will have difficulty consistently treating water to acceptable federal and state treated water standards. Mr. Morrison further noted that the evaluation determined that both the Northeast Plant and Grimes Plant do not

react well to changes in raw water quality. The two raw water sources (Fort Phantom Hill and Hubbard Creek) have considerably different water quality. In general, water from Fort Phantom Hill is easier to treat than water from Hubbard Creek. Intermingling the two sources and/or changing from one source to the other causes difficulty in operating each plant to provide water to acceptable treated water standards. This is especially true as the flows to each plant increases to near 16 to 18 MGD. With this year's peak day usage approaching an end, it is the consensus of the Water Department staff and consulting engineers that it is prudent to make immediate improvements to each of these facilities during the next several months. These improvements will:

- Increase the capacity of the Northeast Plant to treat up to 25 MGD and comply with all current and anticipated federal and state treatment requirements;
- Improve the ability of both plants to treat water from both raw water supplies; and
- Improve the reliability and treatment ability of the Grimes Plant to continue to operate at about 16 to 18 MGD for the next few years and meet federal and state treated water regulations.

In order to be ready for next year's peak day summer usage Mr. Morrison noted it is necessary to proceed with the design immediately.

Mr. Morrison reviewed the total projected cost for the improvements noting to upgrade the Northeast Plant and Grimes Plant is estimated to be \$7.2 million, which includes construction, engineering, testing and inspection.

The proposed compensation requested from Alan Plummer Associates, Inc. is:

- Upgrade of Northeast Plant and Grimes Plant  
Engineer to provide plans and specifications, assist in advertise/award phase, and assist during construction (\$527,300)
- Special Services Allowances (\$15,000)

Total proposed compensation, including Special Service allowance = \$542,300

The Water Department currently has approximately \$4 million available in its Capital Projects Fund to pay for the proposed engineering services.

The estimated construction costs for the immediate improvements proposed to the Northeast Plant and the Grimes Plant and major improvements also proposed at each plant are as follows:

- Northeast Plant \$5.8 Million  
(Rapid mixer, clarifier mechanisms, gravel/media in 7 filters, improve disinfection)
- Grimes Plant \$0.9 Million  
(Chlorine scrubber, rapid mixer, two clarifier influent valves)

Note: The chlorine scrubber (\$0.7 million) proposed at the Grimes Plant is a portable unit and can be relocated to the Northeast Plant if chlorine scrubbing is not required at the Grimes Plant in the future by the City and State.

Mr. Morrison stated staff recommends that the City Council authorize the City Manager to execute a contract with the firm of Alan Plummer and Associates for the design of necessary improvements to the Northeast and Grimes Water Treatment Plants. The estimated cost of the design services is \$542,300. After the design is completed, staff will return to the City Council with an estimated construction cost and request authorization to advertise for bids.

Council and staff discussion included: 1) water having not been taken from Hubbard until the past 3 ½ to 4 years; 2) basic issues with water operations; 3) the feasibility of approving the design work prior to approval of the final "Master Plan"; 4) the need to proceed with the design in order to be ready for the 2005 peak summer usage; 5) the Master Plan being ready for Council consideration in October versus the original expected date of December, and; 6) staffs assurance to Council that the projects are needed and the timing is appropriate.

City Attorney Sharon Hicks advised Council they could recess into Executive Session under a Contractual Item to discuss this item and then reconvene in Open Session for final action.

The Mayor noted the time as 12:30 p.m. and stated the Council expects to finalize today's regular meeting in time to convene the City Council Retreat meeting at the Oakwood Trails Lodge by 1:30 p.m.

### **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.

City Attorney Sharon Hicks briefed the Council on the proposed contractual agreement with Alan Plummer Associates, Inc. Councilman Southward made a motion to approve by Oral Resolution task# 1, for preliminary design and modeling, in the amount of \$119,000, and task #2, Detailed Design, in the amount of \$222,000 of a Professional Engineering Services Contract with Alan Plummer Associates, Inc. for the design of necessary improvements to the Northeast and Grimes Water Treatment Plants, and authorizing the City Manager to execute the contract. Councilman Chase seconded the motion, and the motion carried. Staff noted items 3 thru 6 of the contract would be brought back to Council with the Water Treatment Plant Master Plan at the Council's October 14<sup>th</sup> meeting.

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

NAYS: None

There being no further business, the meeting was adjourned at 1:10 p.m.

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Jo Moore  
City Secretary

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Norm Archibald  
Mayor