

**CITY COUNCIL MEETING  
December 16, 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 December 16, 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.

Councilman Higgins gave the invocation.

Mayor Archibald introduced Kevin Lenius a 5<sup>th</sup> grade student from Bowie Elementary who led the Pledge of Allegiance. Kevin's mother and principal were also present.

**PRESENTATIONS**

Lesli Andrews, Keep Abilene Beautiful Coordinator introduced Donna Albus, Keep Texas Beautiful representative. Ms. Albus then presented Dave Boyll, of KWKC, the Keep Abilene Beautiful Environmental Award.

Mayor Archibald recognized Donna Albus on her recently having received the distinguished Lady Byrd Johnson Award.

**PROCLAMATIONS**

Mayor Archibald presented a proclamation to Lesli Andrews, Keep Abilene Beautiful Coordinator recognizing December 16, 2004 as "Keep Abilene Beautiful Day".

Mayor Archibald recognized Joe Joplin, who commented on the positive impact the "Fall Clean Up Day" had and Mr. Joplin stated that the event should be held again soon.

**DISPOSITION OF MINUTES**

2.0 There being no corrections, additions, or deletions to the December 2, 2004 Regular Council Meeting Minutes Councilman Hill 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, Councilwoman Moore, and Mayor Archibald.

NAYS: None

## CONSENT AGENDA

3.0 Councilwoman Moore made a motion to approve consent agenda item 3.1 and 3.5 and first reading of items 3.2 through 3.4, as recommended by staff. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase (abstaining on Item 3.4), Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

ABSTAIN: Councilman Chase (Item 3.4 only)

### Resolution:

3.1 A Resolution waiving sewer improvements required by the Subdivision Ordinance for proposed Lot 1, Block A, Indian Creek Addition, Abilene, Taylor County, Texas, located on 2910 Shirley Road.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING SEWER IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE FOR PROPOSED LOT 1, BLOCK A, INDIAN CREEK ADDITION, ABILENE, TAYLOR COUNTY, TEXAS, LOCATED ON 2910 SHIRLEY ROAD.

### Ordinances:

3.2 **Z-3004** – Ordinance to amend existing PDD #28 (Planned Development District) zoning district, property located in the 3400 block of Catclaw Drive (Catclaw and Southwest Drives); and set a public hearing for January 13, 2005 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-28 AND ORDINANCE NO. 18-1985 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

3.3 **Z-3104** – Ordinance to amend existing PDD #82 (Planned Development District) zoning district, property located at the intersection of Loop 322 and Lone Star Drive; and set a public hearing for January 13, 2005 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-82 AND ORDINANCE NO. 40-2003 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.4 **Z-3304** – Ordinance to amend existing PDD #91 (Planned Development District) to rezone a 7.11 acre parcel from HC (Heavy Commercial) to PDD (Planned Development District) zoning district, and to adopt an amended site plan, property located at I-20 and Highway 351; and set a public hearing for January 13, 2005 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-91 AND ORDINANCE NO. 20-2004 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Bid Award:**

- 3.5 **Bid #CB-5016** – Water Treatment Plant improvements at the Northeast and Grimes Water Treatment Plants. The bid was awarded to Purcell Contracting, Ltd., Meridian, Texas in the amount of \$5,872,268.00 and the City Manager or his designee was authorized to execute all necessary documents related to the contract.

**REGULAR AGENDA**

- 4.1 Jon James, Director of Planning & Development Services briefed the Council on **Z-2804**, an Ordinance considered on second and final reading to rezone from LC (Limited Commercial) and AO (Agriculture Open Space) to PDD (Planned Development District) zoning district, property located at 5309, 5317, and 5333 Buffalo Gap Road.

Mr. James stated the rezoning request consists of three parcels of land, which include the northern-most parcel, which is platted, and the other two, which are unplatted parcels. Mr. James noted the platted parcel currently is utilized for Apollo For Men Spa, and Dr. Leedy's dental offices and the unplatted parcels each contain a single-family residence. Mr. James stated the house located at 5333 will remain. Mr. James further stated the 5309 Buffalo Gap Road parcel is zoned Limited Commercial (LC), with the other two parcels being zoned Agricultural Open Space. Mr. James noted all three parcels have Corridor Overlay zoning (COR) for the first approximate 600 feet of Buffalo Gap Road. The PDD would support residential, light retail and office-type uses and all three lots would be replatted into one parcel. Mr. James noted a correction to the staff report stating United Food Stores was interested in the site at one time and the report referenced that they had been denied a rezoning request but they were granted the rezoning, although they ultimately renovated an existing store in another area. Mr. James stated staff and the Planning and Zoning Commission recommend approval of the rezoning request.

Council and staff discussion included: 1) the comments from property owners in the area in favor and opposition of the request; 2) issues and requirements concerning signage, fencing, drainage, and traffic, and; 3) Council noted language in the proposed PDD is not clear concerning off site advertising being prohibited and should be clarified or removed from the document.

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

- Dr. Robert Leedy, owner – Dr. Leedy stated he is waiting on submitting a site plan until approval of the rezoning is obtained. Dr. Leedy further stated he is comfortable with the PDD language and that he has thought through how potential users may be affected by the signage restrictions.

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

Councilman Williams made a motion to approve **Z-2804** an Ordinance considered on second and final reading to rezone from LC (Limited Commercial) and AO (Agriculture Open Space) to PDD (Planned Development District) zoning district, property located at 5309, 5317, and 5333 Buffalo Gap Road. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **40-2004** 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-96 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING, PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.2 Jon James, Director of Planning & Development Services briefed the Council on an amendment to the City of Abilene Zoning Ordinance Section 23-306.5.B(18), considered on second and final reading, regarding fences and setbacks for swimming pools accessory to single-family residences.

Mr. James stated staff is proposing the changes to the ordinance in order to eliminate inconsistencies between the Zoning Ordinance and the Building Code and to provide more opportunities for citizens when installing a swimming pool. Mr. James further stated the proposed amendment applies only to swimming pools that are accessory to single-family residential uses. Mr. James noted the setback requirement for pools would be reduced from 10 feet to 3 feet and the fencing requirements for swimming pools would be eliminated from the Zoning Ordinance, leaving the Building Code to control such fencing. Mr. James further noted the Building Code requires all the same safety features, but allows for more flexibility in the type of fencing, particularly in the fact that these fences would no longer be required to be opaque. Mr. James stated the proposed changes are consistent with the requirements of nearly all of the 10 cities Abilene uses for various comparison purposes. Mr. James further stated staff and the Planning and Zoning Commission recommends approval of the proposed amendments to the Zoning Ordinance.

Mayor Archibald opened the public hearing, there being no one present and desiring to be heard the public hearing was closed.

Councilman Higgins made a motion to approve an amendment to the City of Abilene Zoning Ordinance Section 23-306.5.B(18), regarding fences and setbacks for swimming pools accessory to single-family residences. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **41-2004** 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.

4.3 Mike Hall, Director of Community Services briefed the Council on an Ordinance considered on second and final reading to adopt "Youth Standards of Care".

Mr. Hall reviewed the City's current Youth Program then briefed the Council on the proposed Ordinance. In August 1997, the 74<sup>th</sup> Legislature enacted Section 42.041(14) of the Texas Human Resources Code, which would exempt youth programs operated by a municipality from child-care state licensing requirements. Mr. Hall stated the Texas Human Resources Code provides that in order for municipal youth programs to be exempted from state licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance following a public hearing. Mr. Hall noted the major difference between the requirements is that Abilene has established standards for the 6-13 years of age, instead of 0-13 years of age. Mr. Hall further noted the standards of care requires that a certified leisure professional, that is not associated with the City of Abilene, make an inspection to ensure the standards of care are being complied with. Mr. Hall stated the Fire Department and Health Department also make inspections during the year. Mr. Hall further stated Wendy Parker from Arlington, Texas conducted the inspection on October 28<sup>th</sup>, and was very complimentary of the staff and facilities. Mr. Hall addressed the four areas that need improvements, as recommended by Ms. Parker's inspection, as follows:

- Leaking roofs throughout the system.
- First-aid kits at each location were in different areas and not marked clearly.
- Organization of games rooms and storage areas.
- Posting of facility hours.

Mr. Hall noted staff has met to discuss these recommendations and is in the process of implementing them. Mr. Hall stated staff and the Parks and Recreation Board recommends approval of the ordinance.

Mayor Archibald opened the public hearing, there being no one present and desiring to be heard the public hearing was closed.

Councilman Southward made a motion to approve an Ordinance considered on second and final reading establishing "Youth Standards of Care". Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **42-2004** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALL A PUBLIC HEARING.

Following Item 4.3 Mayor Archibald stated in consideration of scheduling conflicts Council would now adjourn into Executive Session.

### **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 at 10:00 a.m. and reported no action taken.

4.4 Richard Burdine, Assistant City Manager for Economic Development briefed the Council on the Development Corporation of Abilene, Inc. Report of Activities for the fiscal year ended September 30, 2004.

Mr. Burdine stated the By-laws of the Development Corporation of Abilene, Inc. (DCOA) require an annual status report be submitted to the City Council. Mr. Burdine further stated

the report covers activities during the fiscal year ended September 30, 2004. Mr. Burdine then briefed the Council on the DCOA's Mission Statement, Board of Directors, Goals, Organization, Project's, and Administrative/Other. In August 2004 the local economic development efforts received a new name and logo – Develop Abilene. As a direct result of the Wadley-Donovan Study six local groups now work in a more concentrated and coordinated way as a team under the new name. They are the Development Corporation of Abilene (DCOA) and the five groups that receive funding from the DCOA – the Abilene Industrial Foundation, Downtown Programs, Economic Development Department, Military Affairs and Texas Tech Small Business Development Center. The coordinated efforts of these groups will lead to a reduction in overlap and provide a more productive means to promote economic development. Mr. Burdine stated staff recommends City Council accept by Oral Resolution the DCOA's FY2004 Annual Report.

Council and staff discussion included: 1) the possibility of a compatibility study on jobs created/jobs retained; 2) Abilene's performance in relation to other cities; 3) use of DCOA funds to aid AISD; 4) establishment and review of DCOA's six goals; 5) DCOA's Mission Statement, specifically portion of statement that reads "enhancing quality of life"; 6) 4A and 4B designations and allowed uses of these funds; 7) processes involved as addressed in the Wadley-Donovan Study Report and the DCOA Board implementing the recommendations; 8) term proposed in a Tax Increment Reinvestment Zone (TIRZ) and the possibility of establishing a TIRZ that would include the Airport and Inter-modal property; 9) assisting the establishment of an airline in Abilene to provide competition; 10) FY03-04 financial commitment of seventeen million dollars and impact to fund balance; 11) assistance provided this year to existing and out of town businesses, and; 12) staff to provide Council with additional Small Business Development Center activities information.

Following Council and staff discussion Councilman Chase made a motion to approve by Oral Resolution the Development Corporation of Abilene, Inc. Report of Activities for the fiscal year ended September 30, 2004. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

4.5 Richard Burdine, Assistant City Manager for Economic Development briefed the Council on a Resolution authorizing the use of \$20,000 of TIF funds to support the Abilene Preservation League for the development of a master plan for the East Downtown Historic Warehouse area.

Mr. Burdine stated the Abilene Preservation League (APL) Board of Directors solicited a proposal from architect Rick Weatherl to develop a master plan for the East Downtown Historic Warehouse area. Mr. Burdine further stated the proposed master plan will include the following:

- Long-range planning recommendations for the development of a core area whose boundaries are the railroad tracks to the south, Treadaway Blvd. to the east, Mesquite St. to the west, and North 4<sup>th</sup> to the north.

- An inventory of historic resources located in the area that identifies significant properties.
- Recommendations for the restoration and reuse of these resources.
- Development of specific ideas for restoration/rehabilitation that supports the cultural heritage theme of the adjacent *Frontier Texas!* complex.
- Recommendations for construction and design standards sensitive to historic preservation.

Mr. Burdine further stated the total cost of the project is \$35,000 with the following as funding sources:

- Abilene Reinvestment Zone Number one (TIF) Board - \$20,000 (proposed)
- Local Private Foundation - \$10,000
- National Trust for Historic Preservation-Planning Service Fund - \$5,000
- Abilene Preservation League-In-Kind (administrative and research support)

Mr. Burdine noted the master plan for the area would be developed using the 1989 T & P Historic District Resource Development Plan, also authored by Rick Weatherl, as a prototype. Mr. Burdine further noted the City of Abilene helped fund the Plan and then adopted it, with the plan being used to assist in the successful redevelopment of the T & P Historic District. Mr. Burdine stated staff expressed concern about the expense and timing of the proposed plan at the TIF Board Meeting. Mr. Burdine further stated the TIF Board at its November 9, 2004 meeting recommended funding for the APL to develop a Master Plan for the East Downtown Historic Warehouse area on a vote of 6 to 4.

Council and staff discussion included: 1) east downtown having lacked vision in the past; 2) the plan not being restrictive with the study and recommendations having to come to Council for final approval, and; 3) timing and reuse concerns, lack of flexibility and the need for more buy-in from property owners.

Mayor Archibald recognized Ruby Perez, Executive Director of the Abilene Preservation League. Ms. Perez addressed the Council concerning the proposed development of a master plan stating the plan would be very detailed with long range planning recommendations. Ms. Perez noted the plan would examine the buildings potential historical value, provide an inventory, determine possible uses including residential, retail and commercial mixes and serve as a marketing tool for prospective developers and investors. Ms. Perez further noted the natural boundaries of the proposed area does not preclude other areas. Ms. Perez addressed the APL's past accomplishments and partnership with the city.

Following discussion Councilman Hill made a motion to deny the Resolution authorizing the use of \$20,000 of TIF funds to support the Abilene Preservation League for the development of a master plan for the East Downtown Historic Warehouse area. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Williams, Higgins, Hill, and Mayor Archibald.

NAYS: Councilman Chase, Councilman Southward, and Councilwoman Moore.



4.6 Richard Burdine, Assistant City Manager for Economic Development briefed the Council on a Resolution authorizing \$34,000 of TIF funds to the Abilene Cultural Affairs Council for 2004/2005 programming.

Mr. Burdine stated the purpose of the Abilene Cultural Affairs Council (ACAC) is to promote, encourage and support the arts for Abilene. Mr. Burdine further stated the goals of the Abilene Cultural Affairs are to: 1) marshal and adapt the community's resources to the needs of artists in the community; 2) work with and advise officials, organizations, schools and committees on supporting activities, and; 3) encourage the establishment of new art forms, develop publicity and educational programs to encourage existing programs and organizations and promote tourism, and carry out other functions necessary to enhance the image of Abilene as a center for the arts. Mr. Burdine stated the ACAC administers the Cultural Incentive Program with funding received from the TIF, City of Abilene and Taylor County, each in the amount of \$34,000 per year. Mr. Burdine noted the Cultural Incentive Program provides grant funds to various cultural organizations for art and cultural activities, most of which occur in the downtown area. Mr. Burdine further noted these activities serve to market the downtown to citizens that might not otherwise visit. Mr. Burdine stated staff and the TIF Board recommend City Council approve the Resolution authorizing funding to the Abilene Cultural Affairs Council (ACAC) in the amount of \$34,000.

Councilman Higgins made a motion to approve by Resolution the authorization for \$34,000 of TIF funds to the Abilene Cultural Affairs Council for 2004/2005 programming. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

ABSTAIN: Councilman Hill and Councilwoman Moore.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE REINVESTMENT ZONE NUMBER ONE BOARD A/K/A/ TAX INCREMENT FINANCING DISTRICT BOARD (TIF) OF THE CITY OF ABILENE, TO USE TAX INCREMENT FINANCING FUNDS TO SUPPORT THE PROGRAMMING ELEMENTS OF THE ABILENE CULTURAL AFFAIRS COUNCIL (ACAC).

4.7 Ronnie Kidd, Director of Administrative Services presented the Public Safety Communications System Replacement Project Update and an Oral Resolution ratifying and approving Scope Expansion amendment to the RCC Consultants Agreement.

Mr. Kidd reviewed the history/project timeline stating the City of Abilene engaged RCC Communications Consultants in 2002 to conduct a needs assessment of the public safety communications systems and make recommendations regarding upgrading or replacing the systems. Mr. Kidd further stated RCC developed recommendations while working with the

interdepartmental project team (Police, Fire, Administrative Services and other users) to replace the two-way radio system, computer assisted dispatch (CAD), records management system (RMS) and wireless mobile data system (MDS). Mr. Kidd noted findings and recommendations were presented in detail to Council in 2003 and Council authorized Phase II of the project, which involved developing system design specifications and drafting detailed requests for proposals to receive bids for solutions to the needs. During Phase II, additional necessary expansion of the project was identified which included: the requirement to upgrade the 9-1-1 core operating system, relocation of the dispatch center at the Law Enforcement Center and replacement of the Fire records management and station alerting systems, at the request of the Fire Department. Mr. Kidd noted staff directed RCC to consider the scope expansion and make appropriate additions to the proposals. Mr. Kidd further noted invitations to submit responses to the requests for proposals were published for an 800 MHz digital radio system and for an integrated CAD/RMS/MDS solution, the responses were received on November 10, 2004. Mr. Kidd stated RCC based part of its original cost proposal on the assumption that there would be two radio system proposals and three CAD/RMS/MDS proposals to evaluate, which are typical responses that they see on a project of this size. Mr. Kidd noted the City had a very high turnout at the pre-proposal conference, with 30 attendees representing over 20 firms interested in submitting proposals and/or participating in the project. Mr. Kidd further noted three vendors submitted radio system proposals and seven vendors submitted CAD/RMS/MDS proposals. The additional number of proposals will likely help the City and RCC negotiate better overall pricing for the selected systems. The additional number also requires additional evaluation efforts on the part of RCC, in conjunction with staff, in order to assure that the best decisions related to the selections are made. Mr. Kidd stated the original agreement for Phase II of the project (system design specifications, drafting requests for proposals, and evaluating responses) had a scope of work and cost estimate in the amount of \$247,528. Mr. Kidd noted scope expansions and associated costs have been added for specifications pertaining to replacing the Fire Records Management System and for fire station alerting system (\$27,738); replacing the core 9-1-1 operating system (\$42,485); and planning and design of the dispatch and communications center (\$29,878). Mr. Kidd further noted the scope expansion for evaluation of the additional number of proposal responses is estimated at \$66,364, which brings the total for scope of work changes to \$166,465. Mr. Kidd stated funding for the project to date has been a combination of COPS grant funds and monies budgeted in the technology fund and the 9-1-1 district operating budget. The remaining project timeline includes an expected final installation date of June 2006. Mr. Kidd further stated staff recommends ratification and approval of the expanded scope amendment to the RCC Communications Consultants agreement based upon the significant investment of approximately \$13 million that the City will have in the system, which will help ensure that a thorough technical evaluation supports the best decision possible and achieves the most cost efficient solution for the Public Safety Communications Project.

Council and staff discussion included: 1) status of current system and what has been done and/or will be needed to maintain that system until a new one is installed; 2) staff providing a contingency plan for the council in the event the system fails prior to the installation of the new system; 3) the scope of the project having been expanded with the need to expedite; 4) sources of and timeline for financing of the project; 5) area coverage issues, and; 6) RCC contract provisions.

No Council action was required on the Public Safety Communications System Replacement Project Update.

Following Council and staff discussion Councilman Southward made a motion to ratify and approve by Oral Resolution the Scope Expansion amendment to the RCC Consultants Agreement as recommended by staff. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

**Bid Award:**

4.8 Dan Weber, Director of Aviation briefed the Council on Runway 17L Safety Area Improvements, Taxiway D Extension Phase I, General Aviation Ramp Taxiway Reconstruction, Taxiway C Lighting Rehabilitation, Taxiway D Electrical Homerun Rehabilitation, **Bid #CB-4076**; and on authorizing the City Manager to execute Task Order 12, Construction Administration and Observation Services, and Task Order 13, Pavement Management Program, to the airside engineering contract with HNTB Corporation.

Mr. Weber stated in August, 2004, the FAA offered Airport Improvement Program (AIP) grant Number 3-48-0002-28 (Grant 28) in the amount of \$5,012,400 to fund the 95% federal share of our FY 2004 AIP Capital Improvement Program (CIP). The City Council accepted this grant on August 26, 2004. In addition to Grant 28, funding for a portion of that CIP had been allocated in an earlier Grant 26, in the amount of \$904,258 to fund the 90% federal share. Together, the federal and local shares of Grants 26 and 28 combine to provide \$6,280,942.12 to fund: Bid CB-4076, containing the following projects: Runway 17L Safety Area Improvements; Taxiway D Extension Phase I; General Aviation Ramp Taxiway Reconstruction; Taxiway C Lighting Rehabilitation; Taxiway D Homerun (electrical) Rehabilitation. In addition, Task Order 12 to the airside engineering contract with HNTB Corporation will provide construction administration and observation services, and Task Order 13 of the same contract will provide a Pavement Management Program.

Mr. Weber further stated Bid CB-4076 was opened on September 30, 2004. Two bids were received with the lowest responsible bid eligible for award being received from James Construction Group of Baton Rouge, Louisiana. Their Texas Division located in Temple, Texas will undertake the project. Their bid of \$6,477,329.66 is below the engineer's estimate of \$7,300,545.07. The bid will be awarded in phases to comply with the city's current available funding amount. Phase I of the work is requested to be awarded now in the amount of \$5,966,220.12. The remaining \$511,109.54 of the work will be programmed for funding in FY 2005.

Mr. Weber noted Task Order 12 provides the professional services required by federal grant assurances to ensure the quality of construction and conformance to FAA specifications. The fee to provide the services during the 180-day duration of the project is \$234,484. Task Order 13, Pavement Management Program, is an engineering study, which investigates, evaluates and

inventories the current condition of all airport pavements for the development of an on-going maintenance programming system. The fee for this professional service is \$80,238.

The Airport Development Board approved at their December 1, 2004 meeting the recommendation to award the bid to James Construction Group and to approve the execution of HNTB Task Orders 12 & 13. Mr. Weber stated staff recommends the Council award bid CB-4076 to James Construction Group for the first phase in the amount of \$5,966,220.12 and the second phase be authorized pending FY05 funding in the amount of \$511,109.54. Staff also recommends that approval for execution of the HNTB Task Orders 12 & 13 be delayed until the Council's next meeting.

Councilman Chase made a motion to reject both bids received on **Bid #CB-4076** - Runway 17L Safety Area Improvements, Taxiway D Extension Phase I, General Aviation Ramp Taxilane Reconstruction, Taxiway C Lighting Rehabilitation, Taxiway D Electrical Homerun Rehabilitation. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

### **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.

Councilman Williams and Councilwoman Moore left the meeting during Executive Session.

### **REGULAR SESSION**

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

5.4 Councilman Hill made a motion to approve Mayor Archibald's appointments of Ken Burgess and Tom Craig to the Reinvestment Zone #1 (TIF) Board. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

There being no further business, the meeting was adjourned at 12:55 p.m.

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Jo Moore  
City Secretary

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Norm Archibald  
Mayor