

**CITY COUNCIL MEETING**  
**January 27, 2005, 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 January 27, 2005, 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 Southward gave the invocation.

Mayor Archibald introduced Krista Owens a 1<sup>st</sup> grade student from Dyess Elementary who led the Pledge of Allegiance. Krista's parents, sister, and principal Mary Lynn Rideout were also present.

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

- February 4, 2005 as "American Heart Association National Wear Red Day for Women".
- January 2005 as "Crime Stoppers Month".

**DISPOSITION OF MINUTES**

Mayor Archibald stated the January 13, 2005 Regular City Council Meeting Minutes and the January 18, 2005 Special Called Council Meeting and Council Retreat Minutes will be considered at the February 10, 2005 City Council Meeting.

**CONSENT AGENDA**

Item 3.7, Bid award #CB-5027, automated refuse containers, was removed from the consent agenda at the request of Jason Jones, Rotonics Manufacturing, Brownwood, Texas to be considered separately.

3.0 Councilman Higgins made a motion to approve consent agenda items 3.1 through 3.6, and item 3.8 as recommended by staff. Councilwoman Moore 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 authorizing the City Manager to execute Task Order 11, Supplement No. 1, for bidding services to re-bid Runway 17L Safety Area Improvements, Taxiway D Extension Phase I, General Aviation Ramp Taxiway Reconstruction, Taxiway C Lighting Rehabilitation, Taxiway D Electrical Homerun Rehabilitation.
- 3.2 Resolution authorizing the City Manager or his designee to execute and enter into agreement with the West Central Texas Municipal Water District regarding potential discharge into, storage in, and subsequent diversion of City return flows from Hubbard Creek Reservoir.

The Resolution is numbered **4-2005** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST  
CENTRAL TEXAS MUNICIPAL WATER DISTRICT.

- 3.3 Notification of and possible action by Oral Resolution on the BFI public Gate Rate Change for solid waste disposal at the Abilene Landfill. No Council action taken.

**Bid Awards:**

- 3.4 **Bid #CB-5014** – Bottom dump trailer for Street Services. The bid was awarded to Warren Cat, Abilene, TX in the amount of \$30,174.00.
- 3.5 **Bid #CB-5022** – Water Department street and miscellaneous repair work. The bid was awarded to Wagley Construction, Inc., Abilene, TX for projected repair work not to exceed the amount of \$425,000.00.
- 3.6 **Bid #CB-5025** – North 1<sup>st</sup> Street Reconstruction and Streetscape Phase II (Pine Street to Mesquite Street). The bid was awarded to Contract Paving Co., Tye, TX in the amount of \$354,146.45.
- 3.7 Item 3.7 was removed from the consent agenda to be considered separately.
- 3.8 Wheel loader for Water Department. The wheel loader will be purchased through Texas Building and Procurement Commission (TBPC), Austin, TX in the amount of \$96,284.01.

**3.7 Staff Information:**

Bid No. CB-5027 is for the annual purchase of 95-gallon and 300-gallon automated refuse containers to replenish inventory due to new housing starts and to replace worn out, damaged or lost containers. The bid is for truckload quantities and may be up to two truckloads during this fiscal year. Advertisements were published on December 26, 2004 and January 2, 2005.

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Six (6) bid packages were sent out with six (6) bids received. The bids were opened on January 12, 2005. The bids provide that the City can extend the contract for two (2) one year terms with concurrence of the successful bidder. Funding is available within the Solid Waste Services Division's budget. Staff recommends that bids be awarded to Toter Inc., Statesville, NC, for 95-gallon roll-out refuse containers in the amount of \$40,380.00 and, Michael Brothers, Inc., Chino Valley, AZ, for 300-gallon refuse containers in the amount of \$79,650.00.

Mayor Archibald recognized Mr. Jason Jones of Rotonics Manufacturing, Brownwood, Texas. Mr. Jones stated Rotonics Manufacturing supplies 300 gallon refuse containers to the City of Abilene. Mr. Jones noted that during this bid process Rotonics Manufacturing made a \$450.00 mistake on the \$80,000 contract for the 300-gallon refuse containers. Mr. Jones asked on behalf of Rotonics Manufacturing that the Council reconsider the bid for the greater good of the West Central Texas area by keeping the contract in the West Texas area versus awarding it to a company in Arizona.

City Manager Larry Gilley stated this was a competitively bid item and that under state statutes the city is required to award the bid to the lowest responsible bidder. Mr. Gilley further stated that although there are provisions in state statutes that allow the City Council to award a bid that is within 3% of the lowest bid to a local company, since Rotonics Manufacturing is located in Brownwood they do not qualify under that provision.

City Attorney Sharon Hicks agreed with Mr. Gilley, stating a mistake is not grounds to bypass the lowest responsible bid and consider the next bidder and that Brownwood does not qualify under the local preference rule. Ms. Hicks further stated the only option Council has is to reject all bids and go through a re-bid process.

Council and staff discussion included: 1) the state of Arizona not having a preference law for a reciprocation back on this product; 2) cost in staff time and new advertisements to reject all bids and go through the re-bid process; 3) company's original bids have been exposed and the re-bid process possibly not resulting in the same quality of bids; 4) the 95 gallon roll out containers would not have to be re-bid; 5) the integrity of Abilene's bidding process being questioned if original bids are not honored; 6) the Arizona bid does include delivery charges and warranty; 7) staff noting the (2) one year extensions under the current Rotonics Manufacturing contract have been exhausted, and; 8) staff noting the warranty and service agreements from the Arizona company are sound documents.

Following Council and staff discussion Mayor Archibald made a motion, as recommended by staff, to award **Bid #CB-5027** – Automated refuse containers for FY05 as follows:

- 95 gallon roll-out refuse containers – Toter, Inc., Statesville, NC in the amount of \$40,380.
- 300 gallon refuse containers – Michael Brothers, Inc., Chino Valley, AZ in the amount of \$79,650.

Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins (stating “with regrets”), Southward, 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.

**REGULAR SESSION**

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

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

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Jo Moore  
City Secretary

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Norm Archibald  
Mayor