

CITY COUNCIL MEETING
April 28, 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 April 28, 2005, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase (arrived at 8:40 a.m.), Anthony Williams, John Hill, Stormy Higgins, Kris Southward, and Councilwoman Laura Moore. Also present were Assistant City Manager Michael Morrison, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Mayor Archibald introduced Dr. Phil Christopher, Pastor of First Baptist Church who gave the invocation.

Mayor Archibald introduced Hannah Nuhn a 5th grade student from Jane Long Elementary who led the Pledge of Allegiance. Hannah's principal Kari Leong was also present.

PROCLAMATION

Mayor Archibald read a proclamation for "National Infant Immunization Week" April 24th – 30th.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the April 7, 2005 Special Council Meeting and with one noted addition to the April 14, 2005 Regular Council Meeting Minutes Councilman Higgins made a motion to approve the minutes as printed. Councilwoman Moore 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 Councilman Williams made a motion to approve consent agenda items 3.1 through 3.7 as recommended by staff. Councilman Hill 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 a contract with Jacob and Martin, Ltd. in an amount to not exceed \$93,000 for Professional Engineering Services related to the Cedar Creek Sewer Replacement Project.

City Council Meeting

April 28, 2005

Page 2

3.2 Oral Resolution authorizing the City Manager to execute a concession agreement with Game Time Food and Beverage Services, Inc. for Food/ Beverage and News/Retail Services in the airport terminal.

3.3 Resolution approving the City of Abilene/Taylor County Mitigation Action Plan.

The Resolution is numbered **9-2005** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE CITY OF ABILENE/TAYLOR COUNTY MITIGATION ACTION PLAN AND ESTABLISHING AN EFFECTIVE DATE.

3.4 Resolution adopting the National Incident Management System.

The Resolution is numbered **10-2005** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).

Bid Awards:

3.5 **Bid #CB-5029** – Solid Waste Trucks. The bid was awarded to Rush Truck Centers of Texas, LP, Irving, TX in the amount of \$507,392.56.

3.6 **Bid #CB-5047** – Water Tanks for Street Services. The bid was awarded to Smith Tank & Equipment Co., Tyler, TX in the amount of \$29,800.00.

3.7 **Bid #CB-5048** – Open Top Roll-Off Containers and Commercial Frontloader Containers. The bid was awarded to Roll Off USA, Durant, OK in the amount of \$67,005.00.

REGULAR AGENDA

4.1 Russel Lenz, engineer for the Abilene District of the Texas Department of Transportation gave a presentation to Council concerning traffic flow on South Danville, South Clack and portions of Southwest Drive.

Mr. Lenz stated operational improvements are needed due to growth which has resulted in the Southwest Drive interchange not being as functional as it could be. Mr. Lenz further stated that the Texas Department of Transportation has reviewed and evaluated options to improve the interchange which include adding additional turn lanes from eastbound Southwest Drive onto North Danville Drive and from westbound Southwest Drive onto South Clack Street, and the repaving and re-striping of a portion of the street underneath the 83/84 Winters Freeway to improve traffic flow. Mr. Lenz noted the approximate total cost to the Texas Department of Transportation would be \$200,000.00. Mr. Lenz recommended the City incorporate a communication device that would enable traffic lights at Southwest and Catclaw Drives to adjust to traffic flow, with an approximate cost to the City of

City Council Meeting

April 28, 2005

Page 3

\$10,000.00. Mr. Lenz noted there will be ongoing improvements as things change over a period of time.

Council discussion included: 1) citizens complaints concerning the exit ramps; 2) more community input in the future with TXDOT reporting that input back to Council; 3) TXDOT continuing to look at improvements to the frontage road operations; 4) the importance of the partnership between the City and TXDOT, and; 5) the possibility of the City pursuing the purchase of the communication device.

No Council action required.

4.2 Jon James, Director of Planning & Development Services briefed the Council on **Z-2005-10** an ordinance considered on second and final reading to rezone approximately 70 acres from AO (Agriculture Open Space) to RM-3 (Residential Multi-family) and RS-6 (Residential Single-family) zoning district, property located east of Maple Street.

Mr. James stated the applicant, Trans-Western Property Corporation submitted formal application to rezone 70 acres of land that was annexed in March 2005. Mr. James noted upon annexation the land was automatically zoned AO (Agriculture Open Space) per the Zoning Ordinance. Mr. James further stated the applicant requested RM-3 (Residential Multi-family) zoning on the portion of land that fronts along Maple, consisting of approximately 4 acres, and noted the RM-3 zoning district would permit the development of one and two family residences on the 4 acres. Mr. James stated the remainder of the site, approximately 66 acres was requested to be rezoned to RS-6 (Residential Single-family), the most dense single-family zoning district. The RS-6 zoning permits single-family lots that are at least 6000 square feet in area and it is estimated the developer would be able to plat 270 lots on this site. Mr. James stated staff did not agree that RM-3 zoning was the most appropriate density along Maple Street and recommends the area fronting along Maple be rezoned to RS-12 (Residential Single-family) zoning district to be compatible with the existing homes along Maple. Mr. James noted RS-12 is the largest, least dense single family residential district, requiring minimum lot sizes of 12,000 square feet. Mr. James noted if the staff recommended zoning is approved the driveway entrance to the rear 66 acres would pass through larger lots on the 4 acre tract, and be much more compatible with the existing development already along Maple Street. Mr. James further noted the rear 66 acres would then develop with a more dense pattern of single family homes, similar to other RS-6 subdivisions in the City. Developments of this magnitude have a significant impact on the city's infrastructure (especially water and sewer). By approving this zoning, the city is not representing that the infrastructure as it currently exists can support these developments. Staff and the Planning and Zoning Commission recommend approval to rezone the front portion of the acreage (4 acres) to RS-12 and the rear portion of acreage (66 acres) to RS-6.

Council and staff discussion included: 1) road entry onto the property for RM-3 versus RS-12; 2) developers responsibility for streets from development to Maple Street; 3) 270 homes can be built with an RS-6 designation; 4) three Planning and Zoning Commission board members opposition being based on their concerns with the higher density; 5) RS-6 zoning allowing 270 homes versus RS-8 zoning allowing 180 homes; 6) staff and the Planning and Zoning Commission agreeing on recommended rezoning; 7) multiple homes allowed with the RM-3 zoning; 8) the abundance of RS-6 zoning in the city; 9) buffer requirements not addressed through the zoning process; 10) density

City Council Meeting
April 28, 2005
Page 4

issues per specific zones; 11) the City having no legal means to require rear entry garages; 12) the addition of water and sewer upgrades being the applicants responsibility, and; 13) responsibilities of the City when annexation occurs.

Mayor Archibald reiterated the special information section listed on staff's memo in the agenda packet that states " Developments of this magnitude have a significant impact on the city's infrastructure (especially water and sewer). By approving this zoning, the city is not representing that the infrastructure as it currently exists can support these developments".

Sharon Hicks, City Attorney stated the reason the statement was listed on the memo was to alert the applicant of future infrastructure issues.

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

- Gerald King – opposed. Mr. King stated he sold Mr. Waldrop the 70 acres and is totally opposed to the RM-3 zoning. Mr. King noted he gave the 60 foot easement from Hardison Road to Colony Hill Road stating his disappointment in Mr. Waldrop's recommendation and requested Council approve the RS-12 zoning.
- Alex Eyssem, Attorney for Mr. Waldrop. Mr. Eyssem requested Council approve the RS-6 zoning and asked Council to consider RM-3 zoning to allow smaller patio style homes with side entrances and rear driveways. Mr. Eyssem stated there are similar developments within the city and his client is asking for the same treatment. Mr. Eyssem noted Trans-Western is requesting the lots that are recommended for RM-12 zoning be zoned to RM-3 and addressed deed restrictions for fencing.
- Kathy King – opposed. Ms. King stated she has observed throughout the city that there are many places for entry-level home expansion. Ms. King further stated RM-3 zoning is not compatible to what is currently in their area.
- David Jolly – opposed. Mr. Jolly stated his concerns about the long term effects of the rezoning, and questioned how many people were notified. Mr. Jolly stated he would like to see a visual map of what 270 lots would look like with RM-3 zoning.
- Billy Yoes – opposed. Mr. Yoes stated if zoning approved as proposed by the applicant there would be a lack of compatibility with the existing development and stated his concerns about the increased traffic, noting there would only be one way in and one way out. Mr. Yoes further stated there was a lack of thoughtful planning concerning the people in the area and more concern was given to the dollars to be made on the land. Mr. Yoes requested Council deny the applicants proposal or at least approve a minimum of ½ acre lots.
- Sue Beth Jolly – opposed. Ms. Jolly requested Council consider the size of the homes already there and asked for RS-20 zoning.

City Council Meeting

April 28, 2005

Page 5

- Ken Barbian – opposed. Mr. Barbian requested Council consider what the people in the area want and stated there are a lot of unanswered questions from Mr. Waldrop. Mr. Barbian noted the potential drainage issues and stated Hardison Road stays damaged due to truck traffic and rain. Mr. Barbian questioned the number of streets that would be put in and requested the zoning be at least ½ acre lots.

City Attorney Sharon Hicks stated for the record the City does not have RS-20 zones and that RS-12 is the largest zoning district in Abilene.

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

Council and staff discussion included: 1) the need to protect the integrity of the existing Maple Street development; 2) deed restrictions for fences and the new development not having a Home Owners Association; 3) concerns of the long term integrity being maintained without a Home Owner's Association; 4) the City not being able to require a Home Owner's Association; 5) the developer not being able to guarantee the RM-3 zoning would have deed restrictions; 6) no rear entrances if zoned RS-12 due to the larger lots not requiring rear entry; 7) drainage issues; 8) concerns with the RM-3 zoning if there is no Home Owner's Association in place; 9) the developer only wanting the highest and best use of the land; 10) concerns on access issues to the back of the property; 11) Council being sensitive to issues addressed by the current residents; 12) the possibility of developing a PDD (Planned Development District) for the front 4 acres of land and tabling that portion of the item enabling Council to proceed with approving the rear 66 acres of land; 13) tabling the front 4 acres would delay the process due to that property being the entryway into the development; 14) the possibility of submitting a plat for the zoning change; 15) site plans being required through a PDD not zoning; 16) Council's responsibility to approve zoning and not site plans; 17) a PDD being more restrictive than RM-3 zoning; 18) a possible compromise between RS-12 and RM-3 zoning; 19) a PDD would come back to Council for approval; 20) staff's request to Council if a PDD is to be considered for clear direction on what the PDD is to contain; 21) the possibility of the developer coming back with a PDD if the RS-12 zoning is approved as recommended by the Planning and Zoning Commission; 22) the integrity of the existing Maple Street development being protected and for individuals to realize annexation is possible if their property is close to the city limits; 23) Ken Martin's (engineer with Jacob & Martin representing Mr. Waldrop), comments concerning Mr. Waldrop's willingness to have a PDD on the front 4 acres; 24) flexibility allows PDD zoning to include fencing, rear garages, and different density levels; 25) the possibility of requiring a Home Owner's Association with a PDD zoning district; 26) free enterprise issues when dealing with developers business interests; 27) some cities require Home Owner's Associations in subdivisions, and; 28) the need to discuss and consider Home Owner's Associations for the future and to have a planning and thought process implemented to address long term concerns.

Councilman Williams made a motion to approve as recommended by staff and the Planning and Zoning Commission **Z-2005-10**, an ordinance considered on second and final reading to rezone the rear portion (66 acres) from AO (Agriculture Open Space) to RS-6 (Residential Single-family) zoning district, property located east of Maple Street. Councilman Southward seconded the motion, and the motion carried.

City Council Meeting

April 28, 2005

Page 6

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

NAYS: Councilman Hill.

Councilman Williams made a motion to approve as recommended by staff and the Planning and Zoning Commission **Z-2005-10**, an ordinance considered on second and final reading to rezone the front portion (4 acres) from AO (Agriculture Open Space) to RS-12 (Residential Single-family) zoning district, property located east of Maple Street. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: Councilmen Chase and Higgins.

The Ordinance is numbered **16-2005** 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.

Council recessed for a break at 10:15 a.m.

Council reconvened at 10:25 a.m.

4.3 Jon James, Director of Planning & Development Services briefed the Council on **Z-2005-7**, an ordinance considered on second and final reading to rezone 1.93 acres from O (Office) and RS-6 (Residential Single-family) to GC (General Commercial) and LC (Limited Commercial) zoning district, property located in the 1400 block of Ballinger Street.

Mr. James stated the area to be rezoned is located on the south side of South 14th Street and encompasses both the east and west sides of Ballinger Street. Mr. James noted the request would rezone 1.93 acres, or 10 parcels of land (9 zoned RS-6, one zoned Office) to the GC (General Commercial) and LC (Limited Commercial) zoning districts to allow for a drive through coffee shop on the east parcels. Mr. James stated a site plan has been received and the current land uses consist of small one-story single-family homes. Staff and the Planning and Zoning Commission recommend approval of the request to rezone 6 parcels to GC (General Commercial) and the other 4 parcels to LC (Limited Commercial), which will provide for a step-down buffer into the existing neighborhood.

Council and staff discussion included: 1) drainage issues and the impact on the area if a business has to be built up; 2) drainage plans and compliance with the drainage ordinance requirements; 3) options available for some restrictions in a LC (Limited Commercial) zoning district, and; 4) Council's request for staff to provide maps with property owners responses to the notification of the zoning change being indicated in color (red and green dots).

City Council Meeting
April 28, 2005
Page 7

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

- Mark White – representative for N3 Capital (developer for Starbuck’s Coffee). Mr. White stated they are currently working with David Todd of Hibbs & Todd and addressed the similarity of their business with other businesses in the area.

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

Councilman Southward made a motion to approve as recommended by staff and the Planning and Zoning Commission **Z-2005-7**, an ordinance considered on second and final reading to rezone 1.93 acres from O (Office) and RS-6 (Residential Single-family) to GC (General Commercial) and LC (Limited Commercial) zoning district, property located in the 1400 block of Ballinger Street. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **17-2005** 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.

4.4 Jon James, Director of Planning & Development Services briefed the Council on **Z-2005-11**, an ordinance considered on second and final reading to rezone approximately 32.5 acres from AO (Agriculture Open Space) to RS-6/PH Overlay (Residential Single-family with Patio Home Overlay) and RM-3 (Residential Multi-family) zoning district, property located at State Hwy 351 and Liberty Boulevard.

Mr. James stated the applicant, Musgrave Enterprises, desires to rezone 27.45 acres out of a 32 acre tract to RS-6/PH (Residential Single-family with Patio Home Overlay) and the remaining 5.13 acres to RM-3 (Residential Multi-family). Mr. James noted the applicant plans to plat approximately 136 total lots with the majority (116 lots) being developed as single-family homes with patio home overlay. Mr. James further stated approximately 20 lots along the south side of the future extension of Independence Boulevard are proposed to be developed as multi-family residential duplexes. Mr. James noted the preliminary development plan demonstrates a linear east-west landscaped area to be maintained by the Home Owner’s Association and this landscaped area is also the dividing point amongst the lots designated single-family and those designated multi-family residential. Developments of this magnitude have a significant impact on the city’s infrastructure (especially water and sewer). By approving this zoning, the city is not representing that the infrastructure as it currently exists can support these developments. Staff and the Planning and Zoning Commission recommend approval of the request.

City Council Meeting
April 28, 2005
Page 8

Council and staff discussion included: 1) basis for property owners opposition, and; 2) a Home Owner's Association being involved in this development.

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

- Eddie Chase of Chase & Associates (representing owner) stated he had no comment but would be glad to answer any questions.

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

Councilman Chase made a motion to approve as recommended by staff and the Planning and Zoning Commission **Z-2005-11**, an ordinance considered on second and final reading to rezone 27.45 acres from AO (Agriculture Open Space) to RS-6/PH Overlay (Residential Single-family with Patio Home Overlay) and 5.13 acres to RM-3 (Residential Multi-family) zoning district, property located at State Hwy 351 and Liberty Boulevard. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **18-2005** 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.

4.5 Jon James, Director of Planning and Development Services briefed the Council on **Z-2005-9**, an ordinance considered on second and final reading to rezone approximately 65 acres from AO (Agriculture Open Space) to RS-8 (Residential Single-family) zoning district, property located near the intersection of Old Forrest Hill and Forrest Hill Road.

Mr. James stated the applicant, Vista Ridge Properties, desires to rezone approximately 65 acres from AO (Agriculture Open Space) to RS-8 (Residential Single-family) for the development of a single-family residential subdivision consisting of 42 residential lots, including a retention area/park in the southwest corner of the site, located just south of Mission Hills Road. Mr. James noted the development will be done in several phases and is not located in the floodplain. Mr. James further stated the applicant will be responsible for one half of the cost of the extension of the collector street, which is currently portrayed as the stub-out of Forrest Hill Road. Developments of this magnitude have a significant impact on the city's infrastructure (especially water and sewer). By approving this zoning, the city is not representing that the infrastructure as it

City Council Meeting
April 28, 2005
Page 9

currently exists can support these developments. Staff and the Planning and Zoning Commission recommend approval of the request.

Council and staff discussion included: 1) the developer being responsible for one half of the cost of the extension of the collector street and improvements are to be made to city standards to the boundary streets, and; 2) the requirement that roads are to be built to minimum city standards.

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

Councilwoman Moore made a motion to approve as recommended by staff and the Planning and Zoning Commission **Z-2005-9**, an ordinance considered on second and final reading to rezone approximately 65 acres from AO (Agriculture Open Space) to RS-8 (Residential Single-family) zoning district, property located near the intersection of Old Forrest Hill and Forrest Hill Road. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **19-2005** 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.

4.6 Jon James, Director of Planning & Development Services briefed the Council on **Z-2005-12**, an ordinance considered on second and final reading rezone approximately 24.5 acres from AO (Agriculture Open Space) to RS-6 (Residential Single-family) zoning district, property located west of Buffalo Gap Road and south of Chimney Rock Road.

Mr. James stated the applicant, Gene Townsend, desires to rezone 24.57 acres to RS-6 (Residential Single-family) and would be pieced together via several different tracts of land. Mr. James noted the rezoning request would accommodate the development of approximately 73 parcels and would also instigate the extension of Catclaw Drive, at the expense of the applicant. Mr. James further noted that although the staff report states that staff is recommending that Mabray Lane be extended to connect through the east side of the subdivision, this is no longer an option due to the fact that it has been determined that that portion of Mabray Lane has been abandoned. Mr. James also stated the proposed development would be separated from the existing cul-de-sacs to the north by a 71' pipeline easement and the area is not in the floodplain. Developments of this magnitude have a significant impact on the city's infrastructure (especially water and sewer). By approving this zoning, the city is not representing that the infrastructure as it currently exists can support these developments. Staff and the Planning and Zoning Commission recommend approval of the request.

City Council Meeting
April 28, 2005
Page 10

Council and staff discussion included: 1) pipeline not shown on maps provided in Agenda packet, and; 2) due to pipeline easement no development will be placed on top of pipeline.

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

- Eddie Chase of Chase & Associates (owners representative). Mr. Chase addressed the Chevron Pipeline questions.

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

Councilman Williams made a motion to approve as recommended by staff and the Planning and Zoning Commission **Z-2005-12**, an ordinance considered on second and final reading to rezone approximately 24.5 acres from AO (Agriculture Open Space) to RS-6 (Residential Single-family) zoning district, property located west of Buffalo Gap Road and south of Chimney Rock Road. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **20-2005** 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.

4.7 A. David Wright, Director of Finance briefed the City Council on the 2005 Capital Improvements Program – Annual Certificates of Obligation Sale.

Mr. Wright stated at the April 21, 2005 Special City Council meeting staff presented a list of potential projects that staff has identified as community needs over the next five (5) years. As part of that list staff has also identified projects that are appropriate for the 2005 annual Certificates of Obligation Sale.

Mr. Wright further stated in the normal annual program there is \$5,150,000 in projects and in addition to that staff has identified three (3) projects in the water/sewer area that total \$7,275,000. Staff recommends that the Council conceptually accept the Plan and approve the projects for the CO sale. Mr. Wright noted upon that approval the proper documents to move the process forward will be prepared and submitted for Council's consideration at the next Council meeting. The projects were reviewed as follows:

Certificates of Obligation, Series 2005
\$5,150,000
June 9, 2005
Sold in the Aggregate

• Street Improvements	
➤ S. 14 th St. Traffic Safety (Pioneer to S. Danville)	\$338,500
➤ Buffalo Gap Rd. & Sayles Blvd. Resurfacing – 4 Phases	375,000
➤ S. 7 th Reconstruction (Clack to Dub Wright)	385,000
➤ N. 10 th Reconstruction (Elm Creek to N. Danville)	514,000
➤ Catclaw Dr. Reconstruction (Southwest Dr. to S. Clack)	220,000
➤ ADA Curb Ramps	45,000
➤ Concrete Intersections	175,000
➤ Catclaw Dr. & Southwest Dr.-Traffic Safety (US 83-84 to Elm Creek)	40,000
➤ Southwest Dr. Resurfacing (Elm Creek Bridge to Rebecca)	79,400
➤ Antilley Rd. Resurfacing (Buffalo Gap Rd. to US 83-84)	155,000
➤ Willis St. Resurfacing – 3 Phases	76,700
➤ S. 27 th Rehabilitation – 3 Phases	<u>118,800</u>
Total	\$2,522,400
• Public Safety Improvements	
➤ Central Fire Station Repairs – Reimbursement	\$144,890
➤ Construct Communications Center	<u>1,200,000</u>
Total	\$1,344,890
• Planning and Development	
➤ Animal Services – Exterior Pens	\$50,000
• Equipment and Maintenance Services	
➤ Roof Replacements – Comm. Services, 3 Fire Stations, and Civic Center	\$185,000
➤ Boiler Replacements – Civic Center, Law Enforcement Center, City Hall, and Library	<u>390,000</u>
Total	\$575,000
• Parks and Recreation Improvements	
➤ Zoo Pedestrian Walks Repairs and Replacement	\$55,000
➤ Civic Center Carpet Replacement at Conference Center	63,750
➤ Rose Park Road Paving	110,000
➤ Rose Park Trail Repaving	20,000
➤ Bridge Club Parking – Construct 25 Spaces	35,000
➤ Nelson Park Trail Lighting – ½ Mile new Southeast Section	40,000
➤ Lake Kirby Park Development, Phase III – Parking and Playground	80,000
➤ Rose Park Shop – New Building/Roof on Storage Areas	150,000
➤ Redbud Park Trail Paving	40,000

➤ Johnson Park Fishing Pier	<u>65,000</u>
Total	\$658,750
Rounding Adjustment	<u>(1,040)</u>
Grand Total	\$5,150,000

Waterworks and Sewer System
Certificates of Obligation, Series 2005
\$7,275,000
June 9, 2005
Sold in the Aggregate

• Water and Sewer Improvements	
➤ Treatment Plant Improvements, Phase 1A	\$6,400,000
➤ Cedar Gap Outfall – Upsize 3200’ of 10” Sewer Main	800,000
➤ Lake Kirby West Access Road	73,000
Rounding Adjustment	<u>2,000</u>
Total	\$7,275,000

Mr. Wright noted the \$5,150,000 in certificates will be funded by the current 10.7 cent debt tax rate for this program, therefore, no tax rate increase is necessary. Mr. Wright further noted the \$7,275,000 for water and sewer projects will be funded from maturity of the Hubbard pipeline debt, therefore, no rate increase is necessary for this issue. Staff recommends approval of the projects for the 2005 Capital Improvements Program and the Certificates of Obligation Sale.

Mr. Wright stated if Council approves the proposed projects today then at the May 12th Council meeting a Resolution approving and authorizing publication of Notice of Intention to issue the Certificates of Obligation would be presented for Council consideration.

Council and staff discussion included: 1) funding of certificates will not require a tax increase; 2) water and sewer projects being funded from maturity of the Hubbard pipeline debt; 3) age of specific street improvement projects; 4) issues concerning cost of constructing communication center; 5) repair versus replacement issues concerning roofs under Equipment/Maintenance Services item; 6) activities that occur in the Rose Park Shop and cost to replace that shop; 7) utilizing funding allocated to replace Rose Park Shop for improvements at Vaughn-Camp Park Wetlands; 8) Council being involved at beginning of project prioritizing process during next years budget planning process; 9) the monthly savings amount being unknown (if the Clear Fork Diversion Station Electrical Transformer Substation is purchased from AEP), and; 10) staff’s clarification that in the water and sewer area all items have sources for funding but other areas do not have funding alternatives or avenues.

Councilman Chase made a motion to approve the list of projects for the 2005 Capital Improvements Program as recommended by staff (and identified by shaded areas in the 2005 Funding Request and Projects through 2009 note book), with the exception of item #8 (Rose Park Shop-New Building/Roof on Storage Areas) under the Parks & Recreation Improvements Project description, the recommended funding for this item is to be allocated to item #11 (Vaughn-Camp Park Wetlands) and #13 (Playground Modernization).

Motion died for lack of a second.

Councilman Higgins made a motion to approve the list of projects for the 2005 Capital Improvements Program – Annual Certificates of Obligation Sale as recommended 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

4.7 B. Discussion on Potential Bond Election.

Mayor Archibald reminded the Council of his request that at the May 12th Council meeting each of them provide two nominees to serve on the Citizens Bond Election Committee.

No Council action required.

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 Hill left the meeting during Executive Session.

REGULAR SESSION

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

5.4 Councilman Higgins made a motion to approve Mayor Archibald's appointments and reappointments to various boards and commissions as listed below. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

West Central Texas Municipal Water District
2 year terms

Re-Appoint:

- Russell Berry
- Ray Ferguson
- Kathy Webster

Library Board

Appoint:

- Virginia “Ginna” Sadler (term expires November 2006)

Animal Control Advisory Board

Appoint:

- Tom Rigsby (term expires November 2006)
- Alvin O’Dell (term expires November 2006)

No action taken was taken on the appointment to the Frontier *Texas!* Board.

There being no further business, the meeting was adjourned at 12:30 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor