

**CITY COUNCIL MEETING
September 8, 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 September 8, 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, Kris Southward, John Hill, Stormy Higgins 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 Kay Frazier a 5th grade student from Thomas Elementary School who led the Pledge of Allegiance. Kay's parents and sister were also present.

EMPLOYEE SERVICE AWARDS

Mayor Archibald, assisted by City Secretary Jo Moore, presented Employee Service Awards to the following individuals for their years of service:

30 Years	Franklin Cozby III	Maintenance Crew Chief Solid Waste Services
30 Years	Barry Mark Whitton	Fire Lieutenant Fire Operations
25 Years	Donald R. Rich	Police Officer Police Traffic Division
25 Years	Rickey Carroll	Police Officer Police Patrol Division
25 Years	Greg Ripka	Police Officer Police CID Division
25 Years	Steve Rogers, Jr.	Police Officer Police Special Operations Division
25 Years	Kelly Willis	Police Officer Police Traffic Division
20 Years	Irene Paredes	Housing Counselor Housing Division

PRESENTATION

Mayor Archibald introduced Richard Metzger and Mary Ann Woods from the Center of Contemporary Arts and recognized students that have displayed their art in City Hall. Mayor Archibald recessed the Council meeting at 9:10 a.m. for a reception hosted by the Center of Contemporary Arts and co-hosted by the City of Abilene in recognition of the students. Following the reception Council reconvened at 9:20 a.m.

DISPOSITION OF MINUTES

2.0 Mayor Archibald noted Council had received a correction to the minutes. There being no additions, deletions or further corrections to the August 25, 2005 Regular City Council and Budget Workshop Meetings Councilman Chase made a motion to approve the minutes as corrected. 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

Item 3.3 was removed from the Consent Agenda to be considered separately at the request of Councilman Southward.

3.0 Councilman Williams made a motion to approve consent agenda items 3.1, 3.2, items 3.4 through 3.6, first reading of item 3.7, and items 3.8 and 3.9 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 approving the following appointments to the Abilene-Taylor County Child Advocacy Center Advisory Board.

- Terry Bull, term expires 12/2008
- Jeff Hinton, term expires 12/2008
- Karen Munoz, term expires 12/2008
- Laura Lee Hines, term expires 12/2008

3.2 Oral Resolution approving the Development Corporation of Abilene's annual contract renewals with the City of Abilene for Business Services and the Airport Business Development Management Program and authorizing the City Manager to execute the contracts.

3.3 *Removed from the Consent Agenda to be considered separately.* Oral Resolution to approve a Professional Services Contract between the City of Abilene and Dunkin, Sefko & Associates for the preparation of a Land Development Code.

3.4 Resolution recertifying Habitat for Humanity – Abilene, Inc. as a Community Housing Development Organization (CHDO) and authorizing disbursement of HOME funds.

The Resolution is numbered **22-2005** 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.

- 3.5 Resolution recertifying Abilene Neighborhoods in Progress, Inc. as a Community Housing Development Organization (CHDO) and authorizing disbursement of HOME funds.

The Resolution is numbered 23-2005 and captioned as follows:

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

- 3.6 Resolution recertifying Abilene Neighborhoods in Progress, Inc. as a Community Based Development Organization (CBDO).

The Resolution is numbered 24-2005 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE RECERTIFICATION OF ABILENE NEIGHBORHOODS IN PROGRESS, INC., AS A COMMUNITY BASED DEVELOPMENT ORGANIZATION (CBDO).

Ordinance:

- 3.7 **TC-2005-7** – Thoroughfare Closure to abandon 0.3 feet of the right-of-way of Cedar Street and North 5th Street, adjacent to property located at 442 Cedar Street; and set a public hearing for September 22, 2005 at 8:30 a.m.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; AND CALLING A PUBLIC HEARING.

Bid Awards:

- 3.8 Protective clothing through Federal Emergency Management Agency (FEMA) Assistance to Firefighters grant. The purchase will be from Fisher Scientific in the amount of \$73,175.46 utilizing the Houston-Galveston Area Council (HGAC) purchasing process.

3.9 **Bid #CB-5068** – Uniform Rental Agreement. The bid was awarded to Unifirst, Abilene, TX on a per unit price basis. The Contract term is for three (3) years with the option to extend for an additional three (3) year term.

Removed from the Consent Agenda:

3.3 Oral Resolution to approve a Professional Services Contract between the City of Abilene and Dunkin, Sefko & Associates for the preparation of a Land Development Code.

Councilman Southward requested Jon James, Director of Planning and Development Services explain what the Land Development Code is and to address the benefits of and need for such a code.

Mr. James stated a request for proposals for consulting services to assist the City in drafting a Land Development Code was sent out in July of this year, four firms submitted proposals. Mr. James further stated staff has selected Dunkin, Sefko & Associates as the firm that best meets the provision of the RFP and has negotiated the contract being considered. Mr. James noted this project is expected to be approximately 18 months in duration, covering three fiscal years, and to utilize CDBG funds this fiscal year, the contract must be in place prior to October 1, 2005. Mr. James further noted for this purpose the CDBG funding cannot carry over to the next fiscal year. Mr. James stated the proposed funding of the project is as follows:

• FY 05	\$27,600	CDBG
• FY06	\$27,600	CDBG
	\$41,400	General Fund
• FY 07	\$27,600	CDBG
	<u>\$41,400</u>	General Fund
• Total	\$165,600	

Mr. James further stated the Consultant has proposed a project cost of up to \$150,000 with \$120,000 being payments to the consultant, and up to \$30,000 for sub-consulting services: \$15,000 for legal and \$15,000 for engineering. Mr. James noted the proposed budget for this project exceeds the proposed costs by \$15,600 and this will allow for contingencies such as extra meetings or additional work that is beyond the scope that is identified. Staff recommends approval of the request.

Mr. James stated scope of services for the preparation of a new Land Development Code and related services include:

- **Work Program Phase I**

- Task 1. Diagnostic Investigation:

- ❑ Investigate and identify issues arising from the City's application of its current zoning, subdivision, signage and other development regulations.
- ❑ Meetings in Abilene: A maximum of two (2) days conducting interviews and meeting with Focus (or technical) Groups.

- Task 2. Diagnostic Review Report:

- Prepare a Diagnostic Review Report that summarizes the results of the diagnostic investigation and defines issues that need to be addressed.
 - Meetings in Abilene: A maximum of two (2) meetings/workshops with City staff and/or City leaders.
 - Task 3. Refinement of Issues:
 - Refine issues and devise creative and realistic solutions through interactions with City staff.
 - Meetings in Abilene: A maximum of one (1) meeting/workshop with City staff.
 - Task 4. Regulatory Action Plan:
 - Prepare and present a Regulatory Action Plan as a final report to the Planning & Zoning Commission and City Council that summarizes the findings of the Diagnostic Review Report, and that makes recommendations pertaining to revisions to the City's development regulations.
 - Meetings in Abilene: A maximum of two (2) meetings/workshops with City staff and/or City leaders.
- **Work Program Phase II**
 - Task 1. First Draft Land Development Code:
 - Prepare a first draft of Abilene's new Land Development Code.
 - Meetings in Abilene: A maximum of three (3) meetings/workshops with City staff, the public, and/or City leaders.
 - Task 2. Second Draft Land Development Code & Public Workshops:
 - Revise the first draft of the Land Development Code to result in a complete and updated second draft of the Code. Convene public workshops to solicit comments on the second draft of the Land Development Code.
 - Meetings in Abilene: A maximum of two (2) meetings/workshops with City staff, the public, and/or City leaders.
 - Task 3. Third Draft Land Development Code:
 - Revise the public review (second) draft of the Land Development Code based upon input at the public workshops to result in a complete and updated third draft of the Code.
 - Meetings in Abilene: None (0).
 - Task 4. Public Hearings for the Land Development Code:
 - Present the Land Development Code draft at a public hearing before the Planning & Zoning Commission and at a public hearing before the City Council.

- Meetings in Abilene: A maximum of three (3) meetings/workshops with City staff, the public, and/or City leaders.
- Task 5. Final Revisions to the Land Development Code & Adoption:
 - Revise the public hearing (third) draft on the Land Development Code based upon input at the public hearings to result in a complete and finalized draft of the Code.
 - Meetings in Abilene: A maximum of one (1) meeting/workshop with City staff, the public, and/or City leaders.
- Task 6. First Draft Revised Zoning Map:
 - Revise Abilene's Zoning Map to include new zoning districts established by the Land Development Code and to reflect any other changes deemed necessary during the process of drafting the Land Development Code.
 - Meetings in Abilene: None (0).
- Task 7. Transitional Issues Document:
 - Prepare and present a Transitional Issues Document as a final report to City staff and/or City leaders.
 - Meetings in Abilene: A maximum of one (1) meeting/workshop with City staff and/or City leaders.

Mr. James noted development ordinances or regulations that currently exist can be combined and integrated into the proposed Code.

Council and staff discussion included: 1) how the Community Appearance Ordinance may be affected by the Land Development Code; 2) staff having the ability but limited time to devote to the fairly intensive process of developing a Land Development Code; 3) the need to assure that substantial opportunities are being provided for public input; 4) a projected 18 month project timeline with the scheduled adoption date of the new code to be in February 2007; 5) citizens being involved during the development process; 6) the independent consultant to conduct meetings to include detailed focus groups with public input to be brought back to the Planning and Zoning Commission and City Council; 7) Council's concerns of additional compensation being allocated for the consultant and an insufficient number of meetings being scheduled for public input; 8) staff clarified scope of services, project costs, and contingencies; 9) staff noting the possibility of holding 4 to 5 meetings in one day, as well as, 10 to 12 meetings in a two day period with various groups; 10) staff noting additional meetings will be held without the consultant present and without compensation to the consultant; 11) the consultants and developers will also meet without staff present to conduct an independent review of staff's process; 12) Council's concerns of adding another level of individuals into the system which will hinder the implementation of the Comprehensive Plan; 13) if the consultant proposal is not approved staff noted a staff implemented process could possibly take 3 to 4 years and reviewed the process that staff would follow; 14) staff noted consultants would provide a full comprehensive view of the community needs; 16) recommendations addressed in the Comprehensive Plan; 17) the perception that the City has a disconnected planning process; 18) the possibility of having a revised sign ordinance to Council by December '05 or January '06; 19) how

the funding for the consultants would be reallocated if the contract for the proposed Land Development Code is not approved; 20) the CDBG funds for planning purposes would need to be used or would be reviewed for possible reallocation; 21) staff recommending that Council approve Phase I of the project; 22) the possibility of the consultants completing Phase I and staff finalizing the process; 23) the eligibility requirements of funding only Phase I with CDBG funds; 24) the city attorney recommended Council approve the entire contract clarifying that there is a 30 day written termination clause in the proposed contract which would allow the completion of Phase I and also give Council the ability to terminate Phase 2 within the 30 day period; 25) consultants would bring a report to Council after the completion of Phase I and Phase 2 could be reconsidered at that time; 26) Council's concerns that outside consultants will not know the specific needs of Abilene and staff's reassurance that significant staff involvement with the consultants will occur throughout the process, and; 26) Council's concerns that the proposed Land Development Code will not be utilized.

Following discussion Mayor Archibald made a motion to table for consideration the Professional Services Contract between the City of Abilene and Dunkin, Sefko & Associates for the preparation of a Land Development Code until the September 22, 2005 Council meeting. Councilman Chase seconded the motion, and the motion carried.

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

NAYS: Councilmen Southward, Williams, and Hill.

REGULAR AGENDA

4.1 James Condry, Traffic Administrator briefed the Council on the request for an application/permit to drill and operate an oil and gas well located approximately 350 feet southwest of the corner of Vogel and Richland Drive, in the proximity of I-20 and the Winters Freeway.

Mr. Condry stated Chapter 21, Oil and Gas, of the City Code requires a permit for drilling and operating oil/gas wells within the City limits. Mr. Condry further stated an application for a permit has been received from Lomax Operating Company, Inc. for a permit to drill and operate an oil/gas well within the City Limits of Abilene. Mr. Condry noted the proposed well site is in a tract out of J.R. Shipman Survey #86, which is located approximately 350 feet southwest of the corner of Vogel and Richland Drive, in the proximity of I-20 and the Winters Freeway. Mr. Condry stated property owners within 300 feet of the proposed well have been notified and that the drill site is within a flood prone area and must be raised to a minimum of one foot above the 100-year flood elevation. Staff recommends Council approve by Oral Resolution the Applications/Permit and authorize the City Manager to execute Permit No. 0501.

Council and staff discussion included the possibility of individuals who live more than 300 feet from the proposed well being impacted by the noise of the drilling and other factors that are associated with an oil well.

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

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Councilman Southward made a motion to approve by Oral Resolution an application/permit from Lomax Operating Company, Inc. to drill and operate an oil and gas well located approximately 350 feet southwest of the corner of Vogel and Richland Drive, in the proximity of I-20 and the Winters Freeway. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

4.2 Sharon Hicks, City Attorney briefed the Council on an Ordinance considered on second and final reading to amend Chapter 1, Section 1-9 and Chapter 23, Planning and Community Development, Subpart E, Zoning, Article 1. In General, Section 23-301(b), of the Code of the City of Abilene.

Ms. Hicks stated the 79th Texas Legislature enacted HB 970, which amended Section 6.02 of the Texas Penal Code by adding subsection (f). Ms. Hicks noted subsection (f) provides that municipal ordinances may not dispense with the requirement of a culpable mental state (intent element) if the offense is punishable by a fine exceeding five hundred dollars (\$500.00). Ms. Hicks stated the purpose of the change was to discourage higher fines without the municipality proving that the accused “intended” to violate the law. Ms. Hicks further stated currently the City of Abilene has fines that exceed \$500 that relate to fire safety, zoning, or public health and sanitation, including dumping of refuse, and those are found in Section 1-9. Ms. Hicks noted there is no criminal intent required, the offense occurs if the violation happened, and an element of intent may only be reviewed by the Judge in assessing a fine amount. Ms. Hicks stated with the enactment of HB 970, which is effective September 1, 2005, the City proposes to lower the maximum fines on all city related matters to a maximum of \$500, and dispense with any intent element except when considering punishment amount.

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

Councilman Williams made a motion to approve an Ordinance considered on second and final reading to amend Chapter 1, Section 1-9 and Chapter 23, Planning and Community Development, Subpart E, Zoning, Article 1. In General, Section 23-301(b), of the Code of the City of Abilene. 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 **46-2005** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-9(a), AND CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SECTION

23-301(b) OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

4.3 David Wright, Director of Finance briefed the Council on an Ordinance considered for second public hearing for the purpose of Setting A Tax Levy; and set a public hearing and vote for September 22, 2005 at 8:30 a.m.

Mr. Wright stated the FY 2006 Budget approved by Council on August 11, 2005 set the tax rate at 63.55 cents. Mr. Wright further stated a new state law requires that two (2) public hearings must be held prior to the final public hearing and vote. Mr. Wright noted the first public hearing was held on August 25, 2005 and the second public hearing is scheduled to be held at today's meeting. Mr. Wright further noted the final public hearing and vote will be held on September 22, 2005. Staff recommends that the City Council hold the public hearing in accordance with state law.

Mayor Archibald clarified this tax rate will raise less taxes for debt service payments than last year's tax rate.

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

Mayor Archibald reiterated the final public hearings and vote on the budgets and tax rate will be held at the September 22, 2005 Council meeting.

No Council action was required.

Larry Gilley, City Manager briefed the Council on the Communications Radio System proposals evaluations and the needs assessment made by the Project Team and other individuals. Mr. Gilley stated the RFP's are not a typical bid process and that the evaluation of the proposal with the objective of selecting the system and the vendor deemed to represent the best product and service at a competitive price did not result in staff recommending the low bid, but the recommendations are based on assuring the needs for public safety in the community are met.

4.4 Ronnie Kidd, Director of Administrative Services briefed the Council on an Oral Resolution awarding a Public Safety Communications Radio System contract and approving a Written Resolution of Intent to Reimburse Costs of Certificate of Obligation Improvements.

Mr. Kidd stated the City received responses to its Request for Proposals (RFPs) for an 800 MHz digital radio system on November 10, 2004. Mr. Kidd noted since that time, the Public Safety Communications Systems Project Team has been working with RCC Consultants Inc., the City's consulting firm, to evaluate responses to the RFP's submitted by three vendors and to identify the best solution for the City's public safety radio needs. Mr. Kidd noted the Project Team focused on three objectives: 1) coverage capability; 2) reliability of the system, and; 3) outstanding system performance. Upon completion of the evaluation of the proposals, the Project Team concluded that there was a clear first, second and third order of ranking of the proposals and

the Team unanimously agreed that the proposal from Daley & Wells Communications, Inc. offered the best solution. The Public Safety Communication Project Team is comprised of the following individuals:

- Melvin Martin – Police Chief
- Jim Berry – Deputy Police Chief
- Ken Merchant – Deputy Police Chief
- Mark Moore – Deputy Police Chief
- Brad Fitzer – Fire Chief
- Alan Plumlee – Assistant Fire Chief
- Ronnie Kidd – Director of Administrative Services
- Mark Hoover – Assistant Director of Administrative Services
- Larry Swanson – Communication Services Manager
- Fire & Police department staff
- Dispatch center personnel

The following Proposal Analysis is a summary representing a 9-month process of analysis, vendor presentations, follow-through, discussion, consultation and dialogue.

**CITY OF ABILENE
SUMMARY ANALYSIS OF RADIO SYSTEM PROPOSALS
As of 9/1/05**

QUALIFIERS/VENDOR	Daley & Wells	Motorola	M/A-COM
System Proposed	EDACS 800 MHz Trunked System	LE 800 MHz Trunked System	Open Sky Voice over IP Infrastructure System
Estimated Cost (12 Channel configuration)	\$9,178,015	\$8,747,574	\$8,634,409
Number of Towers/Sites	7	2	5
Tower Sites Owned by City?	Yes	1 owned/1 leased	Combination
Simulcast System	√	√	–
Coverage	+	√	–
P25 Compliant	√	√	√
Radio Upgrade Ability	√	–	√
Interoperability Achieved	√	√	√
Console Stage of Life Cycle	√	–	√
Technologically Sound/Stable	√	√	√–
Proven Installations	√	√	–
Operable with Analog/Digital/Both	Both	Digital only	Both
Requires BiDirectional Amplifiers	No	Wait and See if needed, additional cost	Yes, additional cost
Over the Air Programming?	Yes	Not Available	Yes
Fail Safe Capability	Good	Vulnerable	Good

TIC MARK LEGEND:
+ = Exceeds RFP minimum specifications √ = Meets RFP minimum specifications – = Falls short of RFP minimum specifications

DISTINGUISHING REVIEW REMARKS FOR EACH VENDOR'S PROPOSAL:

Daley & Wells: Vendor proposed a solution that not only meets but exceeds coverage requirements specified in the RFP for both in-building and on-the-street, as evidenced by the number of tower sites in the system. The Chief of Police and the Fire Chief can best speak to the importance of this qualifier. Tower sites in this proposal are owned by the City, lease payment expense and property control are not an issue going forward...in fact, an opportunity exists for revenue generation by leasing tower space to other parties. Bi-Directional Amplifiers (BDA's), an add-on expense, are not required to penetrate buildings...the proposed coverage negates the need for BDA's and their associated costs. An operational key is the fact that vendor has demonstrated a proven history of radio equipment that can be upgraded instead of requiring total replacement to move forward as technology evolves. Further, the Fire Chief feels that an analog mode of operation is highly beneficial and desirable at the scene of a fire, based on his previous experience with other trunked radio systems. This vendor provides that capability. The vendor also provides the ability to accomplish over-the-air programming of radios. This is a great efficiency factor in maintaining the system...police officers and firefighters will not be required to bring equipment to the radio shop for programming changes. In the event of a natural or man-made disaster that renders one site inoperable, fail safe capability exists in that the overall radio system can remain operable at capacity without a particular site due to the number of tower sites. Reference checks yielded the fact that Wichita Falls recently implemented a similar solution provided by this vendor that is operating excellently and demonstrates the vendor's capability to deliver what is proposed.

Motorola: Vendor proposal meets minimum RFP specifications in most regards. While meeting RFP specifications, coverage does not compare to the first-ranked proposal. Deficiencies noted in the proposal include the fact that the proposed fail safe capability or recovery/redundancy mode of the system is located at one of the two tower sites. Should a natural or man-made disaster render that site inoperable, the back-up capability is also rendered inoperable. Loss of either one of the two tower sites significantly reduces radio coverage in the City. Further, one proposed site is leased, therefore diminishing property control and manageability of lease expense. The vendor does not have a good track record in providing the ability to upgrade the system and associated radios as technology evolves. Frequently, older equipment and radios must be replaced with new equipment in order to migrate to newer technology. The first-ranked vendor's solution does not present this limitation. The vendor-proposed dispatch consoles are at the end-stage of the product life-cycle, according to the vendor's oral presentation. This is a significant concern...we do not want to bring up a new system with equipment that will be immediately outdated. Also, the vendor cannot support the Fire Department's critical concern for the ability to operate in analog mode at fire scenes. Vendor response to the need for BiDirectional Amplifiers (BDA's), which would incur an additional expense, was to implement without the BDA's and then determine if BDA's were needed at additional cost.

M/A-COM: The proposed system utilizes a new architecture that does not yet have wide acceptance. Further, the coverage requirement is compromised by the fact that the possibility exists for dropping of connections when a user travels between ranges of tower sites (actually a "cellular-site-oriented" technology). During reference check procedures, we were unable to verify that any cities or counties have this solution up and running in a fully-implemented and problem free mode. The technology aspect of the proposed solution is intriguing, but is leading-edge, and

as best we can determine, is not yet proven in the public safety environment. This system did not meet the channel capacity requirements throughout the City's service area. Proposed radio coverage was also a concern.

The Computer Assisted Dispatch and Records Management System (CAD/RMS) RFP responses have undergone simultaneous analysis by the Public Safety Communications Project Team. The first-ranked proposal has been identified and within the next 30 to 60 days the final recommendation will be presented to Council.

David Wright, Director of Finance addressed the financing of the system noting staff is proposing a Certificate of Obligation Sale in November 2005, estimated in the amount of \$10,000,000, which will be the City's share of both the radio system and the CAD/RMS project. Staff is proposing a twelve (12) year maturity for this issue, with there being only one interest payment for FY 2007 and with equal principal payments to begin in FY 2008. The impact to the debt tax rate is estimated at 2.03 cents in FY 2007 with an additional increase in FY 2008 of 1.36 cents for a total impact over the two (2) year period of 3.39 cents, thereafter debt service will decline. The contract will be secured by federal grants and the Fleet Replacement Fund until the Certificates are sold. Based on the contract provisions a down payment on the radio system will be required and staff proposes that this payment be made partially from the grants with any balance being made from the Fleet Replacement Fund. The Fleet Replacement Fund would be reimbursed from the Certificate Sale and a reimbursement resolution is also before Council for consideration.

Evaluation of the proposals, with the objective of selecting the system and the vendor deemed to represent the best product and service at a competitive price" has been made and, staff recommends the Daley & Wells proposal as the solution that best meets the needs of the City of Abilene. Staff further recommends that Council authorize the City Manager to enter into a contractual agreement for Daley & Wells to provide the City with its proposed 12-channel, 800 MHz digital radio system, and also recommends approval of the reimbursement resolution.

Mr. Kidd introduced Greg Munchrath, Senior Vice President and Western Division Manager for RCC, who presented an overview of the analysis process and the rationale for the recommendations which included:

Radio System Improvement Project

- **Phased Project Plan**
 - Phase 1 – Needs assessment, Conceptual System Designs and Budgetary Cost Estimate
 - Phase 2 – Development of RFP and Vendor Selection
 - Phase 3 – Management of Implementation
- **Purpose of the Project**
 - Replace problematic radio communication and dispatching systems that currently support the delivery of City services

- Improve the City's ability to respond to emergency, disaster and normal day to day situations
- **Radio System Development**
 - Developed and released radio system RFP to vendor community
 - RFP set "minimum system requirements"
 - Assembled City's proposal evaluation team
 - Released RFP and conducted proposers' conference
 - Received three system proposals (in alphabetical order)
 - ✓ Daley – Wells
 - ✓ M/A-COM
 - ✓ Motorola
 - City's Evaluation Team reviewed each proposal
 - Each vendor was invited to make a half-day oral presentation to the City Evaluation Team in Abilene. Each vendor made a presentation
 - City issued a set of clarification questions and a request for "Best & Final Offers" to each vendor
 - Upon receipt of the responses the Evaluation Team met to finalize the evaluation of proposals
- **Evaluation Findings**
 - Three different proposal strategies emerged:
 - ✓ M/A-COM – Less than compliant, lowest cost, fair proposal
 - ✓ Motorola – Mostly compliant, mid cost, good proposal
 - ✓ Daley-Wells – Proposal exceeded several key requirements, kept cost competitive
 - Proposed costs for all three systems were competitive, within approximately 5%
- **Evaluation Findings – M/A-COM**
 - Proposed OpenSky system (cellular type system)
 - System requires radios to automatically switch from site to site as they move throughout the city, can be problematic (similar to cellular systems)
 - Channel capacity less than required in some areas of the City
 - Proposed high-tier mobile and high-tier portable radios (exceeding requirements)
 - OpenSky has limited penetration in the public safety sector, no cities or counties in Texas
 - Ranking among three offerings – 3 (last)
- **Evaluation Findings – Motorola**
 - Proposed ASTRO 25 LE Simulcast system
 - Proposed radio coverage essentially compliant
 - Proposed dispatch console system (14 positions) at the end of its scheduled production life. Scheduled for discontinuance in 2006
 - Channel capacity meets requirements and is expandable
 - Proposed high-tier mobile radios and mid-tier portable radios for Police and Fire

- Motorola has many previous generation 800 MHz trunked systems throughout the U.S. and Texas
- Because Motorola is no longer proposing multi-mode analog/digital systems, several Texas cities and counties are consequently considering a Motorola system upgrade/replacement to ASTRO 25 (digital only) at considerable cost
- ASTRO 25-LE is a fairly new offering, one similar operational 800 MHz system in Texas, in Austin/Travis County
- Ranking among the three offerings – 2nd
- **Evaluation Findings – Daley-Wells**
 - Proposed M/A-COM EDACS multi-mode analog/digital simulcast system
 - Proposed radio coverage substantially exceeds requirements
 - Channel capacity meets requirements and is expandable
 - Proposed high-tier mobile radios and high-tier portable radios for Police and Fire (exceeds requirements)
 - EDACS ProVoice is a fairly new offering, similar operational 800 MHz systems in Wichita Falls, San Antonio, and Oklahoma City (OKC cutover November 2005)
 - System manufacturer M/A-COM has a good track record of backward compatibility in the EDACS system, reducing the need for “forklift upgrades”
 - Ranking among the three offerings – 1st
- **Summary**
 - Three different proposals emerged:
 - ✓ M/A-COM – Less than compliant, lowest cost, fair solution
 - ✓ Motorola – Mostly compliant, mid cost, good solution
 - ✓ Daley-Wells – Proposal exceeded several key requirements, kept cost competitive, best solution
 - All three proposals were cost competitive within approximately 5%
 - Proposal ranking from the City’s Evaluation Committee
 - ✓ Daley & Wells – First
 - ✓ Motorola – Second
 - ✓ M/A-COM - Third

Council, staff and consultant discussion included: 1) the proposed project is a complete system replacement including all new radio’s; 2) the recommended system supports both analog and digital modes; 3) consultant explaining Project 25 Phase I compatibility process; 4) consultant explained the variety and differentials in the proprietary systems; 5) needed contract stipulations to provide protection to the city; 6) maintenance support and options; 7) explanation of dispatch console; 8) timing issues/cutting edge of technology/market penetration; 9) expected life of proposed system and software upgrade; 10) analog component and base line system cost; 11) Phase 2 under evaluation with entirely different technology than Phase 1; 12) what city action/ response would be if current system crashed; 13) sheriff’s department being on a different system; 14) how far tower system will reach and will that system take in growth pattern outside the city limits; 15) staff noting interoperability will allow communication and that a map demonstrating the growth pattern coverage

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does exist (Council requested staff provide them with the growth pattern coverage map); 16) cost of system and funding with CO's versus as a bond issue; 17) staff's recommending CO funding of system on a 12 year principal repayment plan, and; 18) Council's concerns of a tax rate increase in FY 08 of 5% under the 12 year repayment plan and requested staff review extending the debt to 15 year principal repayment and utilizing Fleet Replacement Fund to reduce this debt.

Police Chief Melvin Martin and Fire Chief Brad Fitzer stated support of the new system noting the extreme importance of reliable communication.

City Attorney Sharon Hicks stated if Council approves the awarding of the Public Safety Communications Radio System contract the Resolution expressing official intent to reimburse costs of certificates of obligation improvements also needs to be approved. Ms. Hicks stated the Council can then at a later date consider changing the principal repayment time schedule.

Councilman Higgins made a motion to award the Public Safety Communications Radio System contract and authorize the City Manager to enter into contractual agreement with Daley & Wells Communications, Inc. and to approve the Resolution expressing official intent to reimburse costs of certificates of obligation improvements, 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

The Resolution in numbered **25-2005** and captioned as follows:

**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE
COSTS OF CERTIFICATES OF OBLIGATION IMPROVEMENTS**

Mayor Archibald recessed the Council for lunch at 11:45 a.m. and reconvened the Council meeting at 1:25 p.m. All Councilmembers were present except for Councilman John Hill.

Council and staff discussion continued on the Certificate of Obligation Issue for the Communications System principal repayment time schedule and included: 1) the 15 year repayment option, impact on reducing the principal, and utilizing the Fleet Replacement Fund to reduce the debt; 2) staff reviewed and clarified information on the 12 year principal repayment form; 3) staff noted going from a 12 year to a 15 year principal repayment would add \$800,000 in interest; 4) staff reviewed various factors and the reanalysis that would be needed if any reserves are taken (noting the only reserves available are in the General Fund and the Fleet Replacement Fund), and; 5) staff noted issuing of debt information will be submitted to Council.

Council requested the City Manager place the CO's principal repayment time schedule on the same agenda with the Computer Assisted Dispatch and Records Management System (CAD/RMS) proposals.

No Council action was required.

BUDGET WORKSHOP

5.4 Mayor Archibald convened Council into Budget Workshop for further review of the Revised FY05 and Proposed FY06 Budgets. All Councilmember's except Councilman John Hill were present.

The Mayor noted the final public hearings on the budgets and tax rate would be held at the Council's September 22, 2005 meeting.

Council requested consideration be given to eliminating the temporary food permit fees for non-profit organization and reviewing the alarm permit fees, annual and administrative fees to pass cost of false alarms to actual abusers of the system.

Council and staff discussion included: 1) the possibility of being able to tier fees (false alarm) off of customers past history (staff noted with 3,600 accounts this would not be administratively feasible); 2) staff characterizing alarm fees as a base cost of the alarm system, and; 3) cost of various alarm fees for residential and commercial customers.

Following discussion Mayor Archibald stated on September 22, 2005 the final public hearing on the budgets will be held and Council action will be required. The Mayor encouraged the Council to contact staff by the end of next week if they have any further questions or concerns on the budget.

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.

The Council reconvened from Executive Session and reported no votes or action was taken in Executive Session.

There being no further business, the meeting was adjourned at 2:15 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor