

## **CITY COUNCIL MEETING**

**April 13, 2006, 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 13, 2006, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Kris Southward, John Hill (arrived at 9:20 a.m.), 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 Anthony Williams was absent.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Emma Flores who led the Pledge of Allegiance. Emma is a 5<sup>th</sup> grade student from Ortiz Elementary School. Emma's principle Ms. Munoz was also present.

### **EMPLOYEE SERVICE AWARD**

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

|          |                |   |
|----------|----------------|---|
| 25 Years | David F. David | Computer Programmer Analyst<br>Information Technology |
|----------|----------------|---|

### **PROCLAMATION**

Mayor Archibald presented a proclamation to Erica Bates of Neighborhood Initiatives proclaiming the week of April 17<sup>th</sup> – 23<sup>rd</sup> as "Community Development Week".

### **PRESENTATIONS**

Mayor Archibald introduced State Representative Bob Hunter, Justin Howland, District Coordinator, and Jeremy Brown of Congressman Randy Neugebauer's local office to present the Texas Flag and the United States Flag in honor of the City's 125<sup>th</sup> Birthday. Representative Hunter stated the Texas Flag was flown over the State Capital in honor of the City of Abilene's 125<sup>th</sup> Birthday and presented the Texas Flag to Mayor Archibald. Mr. Brown stated the United States Flag was flown over the United States Capital on March 15, 2006 in honor of the City of Abilene's 125<sup>th</sup> Birthday and presented, on behalf of Congressman Neugebauer, the United States Flag to Mayor Archibald.

Mayor Archibald stated Councilman Williams is out of town and will not be in attendance at today's meeting and that Councilman Hill will arrive late. The Mayor introduced "Flat Stanley", who was created by Kindergarten students from Bonham Elementary and the Mayor stated "Flat Stanley" would be sitting in Councilman Williams' place today. Mayor Archibald further stated the Kindergarten students are studying the story of the paper character "Flat Stanley" and are requesting that he attend various functions and that he receive a letter stating what "Flat Stanley" learned while in attendance.

**DISPOSITION OF MINUTES**

2.0 There being no corrections, additions, or deletions to the March 23, 2006 Regular Council Meeting Minutes Councilwoman Moore made a motion to approve the minutes as presented. Councilman Southward seconded the motion and the motion carried.

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

NAYS: None

ABSENT: Councilman Hill (to arrive late)

**CONSENT AGENDA**

Councilman Southward requested item 3.1, *Resolution authorizing the submittal of a Texas Department of Transportation 2006 Statewide Transportation Enhancement Grant application for the Judge Ely Hike & Bike Trail and authorizing the use of Certificates of Obligation or other funding to serve as City's match requirement* be removed from the Consent Agenda and considered separately.

Councilman Higgins made a motion to approve consent agenda items 3.2 through 3.5, first reading of items 3.6 through 3.11, and items 3.12 through 3.16 as recommended by staff. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Hill (to arrive late)

**Resolutions:**

- 3.1 *Removed from the Consent Agenda to be considered separately:* Resolution authorizing the submittal of a Texas Department of Transportation 2006 Statewide Transportation Enhancement Grant application for the Judge Ely Hike & Bike Trail and authorizing the use of Certificates of Obligation or other funding to serve as City's match requirement.
- 3.2 Resolution authorizing the submittal of a Texas Department of Transportation 2006 Statewide Transportation Enhancement Grant application for the South 1<sup>st</sup> Street Improvement Project and authorizing the use of Certificates of Obligation or other funding to serve as City's match requirement.

The Resolution is numbered **11-2006** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE AUTHORIZING THE SUBMITTAL OF A TEXAS DEPARTMENT OF TRANSPORTATION 2006 STATEWIDE TRANSPORTATION ENHANCEMENT GRANT APPLICATION FOR THE SOUTH 1<sup>ST</sup> STREET IMPROVEMENT PROJECT AND AUTHORIZING THE

**City Council Meeting**

**April 13, 2006**

**Page 3**

USE OF CERTIFICATES OF OBLIGATION OR OTHER FUNDING TO SERVE AS THE CITY'S MATCH REQUIREMENT.

- 3.3 Resolution creating a Local Redevelopment Authority pursuant to the Military Base Reuse Act for the US Army Reserve Center on 4300 S. Treadaway.

The Resolution is numbered **12-2006** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS CREATING A LOCAL REDEVELOPMENT AUTHORITY (LRA) IN ACCORDANCE WITH THE MILITARY BASE REUSE ACT AS ADOPTED AND AMENDED AND APPOINTING REPRESENTATIVES TO THE LRA.

- 3.4 Oral Resolution approving selection of the Winstead Consulting Group as the City's primary legislative representative for an estimated annual amount of \$60,000 plus expenses, and authorizing the City Manager to negotiate and execute a contract.
- 3.5 Resolution approving assignment of Cable TV Franchise from Cox Southwest Holdings, L.P. to Cebridge Acquisition, L.P.

The Resolution is numbered **13-2006** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, CONSENTING TO THE ASSIGNMENT OF A CABLE TELEVISION FRANCHISE OPERATED BY COX SOUTHWEST HOLDINGS, L.P. TO CEBRIDGE ACQUISITION CO., L.P.

**Ordinances:**

- 3.6 Ordinance to amend Sections 23-306.5.H(14) and 23-306.5.H(15) of the Zoning Ordinance regarding separation between CU (College University) zoning and Liquor Store Off-Premise Consumption Uses; and set a public hearing for April 27, 2006 at 8:30 a.m.

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.

- 3.7 **TC-2006-04** – Closure of Cedar Street from North 18<sup>th</sup> Street south for a distance of 300 feet; and set a public hearing for April 27, 2006 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.

- 3.8 **Z-2006-10** – Request to rezone property from RM-3 (Residential Multi-family) to MU (Medical Use) zoning district, property located at 1765 Cedar Street; and set a public

**City Council Meeting**

**April 13, 2006**

**Page 4**

hearing for April 27, 2006 at 8:30 a.m.

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.

- 3.9 **Z-2006-06** – Request to rezone 84.29 acres from AO (Agriculture Open Space) to PDD (Planned Development District) zoning district, property located on the west side of Oldham Lane between S. 27<sup>th</sup> St. and Loop 322; and set a public hearing for April 27, 2006 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-104 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.10 **Z-2006-11** – Request to rezone 15 acres from AO (Agriculture Open Space) to PDD (Planned Development District) zoning district, property located in the 3600 and 3700 blocks of Loop 322; and set a public hearing for April 27, 2006 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-107 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.11 **Z-2006-13** – Request to rezone 4.26 acres from AO (Agriculture Open Space) to RS-6 (Residential Single-family) zoning district, property located south of the intersection of Tulane Drive and Trinity Street; and set a public hearing for April 27, 2006 at 8:30 a.m.

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.

**Bid Awards:**

- 3.12 **Bid #CB-6030** – Vehicles for various divisions. The bid was awarded as follows:

- Lawrence Hall Chevrolet, Abilene, TX
  - 1) Midsize SUV - \$20,308.00 Unit Price
- Arrow Ford, Abilene, TX
  - 2) Full Size Sedans - \$20,902.00 Unit Price
  - 2) 8600 GVWR Trucks - \$17,648.00 Unit Price

- 3.13 **Bid #CB-6031** – Utility truck for Water Department. The bid was awarded to Arrow Ford, Abilene, TX in the amount of \$27,313.00.
- 3.14 **Bid #CB-6032** – Valve truck for Water Department. The bid was awarded to Arrow Ford, Abilene, TX in the amount of \$49,403.00.
- 3.15 **Bid #CB-6036** – 300 gallon Poly refuse container. The bid was awarded as follows:
- Rotonics Mfg., Inc., Brownwood, TX
    - 300–gallon fully automated containers (truckload quantities) – \$198.50 Unit Price
    - 300–gallon fully automated containers (half truckload quantities) – \$198.50 Unit Price
- 3.16 **Bid #CB-6040** – Rose Park Parking Lot Construction. The bid was awarded to Wagley Construction, Inc., Abilene, TX in the amount of \$45,410.32.

**Removed from the Consent Agenda and considered separately:**

- 3.1 Resolution authorizing the submittal of a Texas Department of Transportation 2006 Statewide Transportation Enhancement Grant application for the Judge Ely Hike & Bike Trail and authorizing the use of Certificates of Obligation or other funding to serve as City's match requirement.

Council and staff discussion included: 1) Council's concerns involving the City's matching funds and being committed to the project before Council has had the opportunity to review the overall Certificates of Obligation Program; 2) staff clarifying this is to comply with a deadline for the application process only and Council will not be committing to accepting the funding; 3) Council's concerns of the possibility of losing the opportunity for the project if not approved at today's meeting and the timeline for reviewing the project before the budget process; 4) staff stating for this funding cycle a decision on the application must be made today but that there will be other opportunities to review in the future; 5) staff clarifying the expected time line for the funds to be disbursed would be October or November, 2006; 6) Council's concerns of the funding sources and staff noting the flexibility of various funding sources (i.e., In-Kind contributions, Certificates of Obligation or other funds to cover the City's portion), and; 7) Council's concerns of the proposed Resolution not including the wording "In-Kind contributions" and staff stating the wording in the proposed Resolution is appropriate.

Councilman Southward made a motion to approve the Resolution authorizing the submittal of a Texas Department of Transportation 2006 Statewide Transportation Enhancement Grant application for the Judge Ely Hike & Bike Trail and authorizing the use of Certificates of Obligation or other funding to serve as City's match requirement. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Hill (to arrive late)

The Resolution is numbered **14-2006** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE AUTHORIZING THE SUBMITTAL OF A TEXAS DEPARTMENT OF TRANSPORTATION 2006 STATEWIDE TRANSPORTATION ENHANCEMENT GRANT APPLICATION FOR THE JUDGE ELY HIKE & BIKE TRAIL AND AUTHORIZING THE USE OF CERTIFICATES OF OBLIGATION OR OTHER FUNDING TO SERVE AS THE CITY'S MATCH REQUIREMENT.

Mayor Archibald commented on the success of the Mayor's Round-Up 5K Walk/Run and the City's 125<sup>th</sup> Birthday Celebration on Saturday, April 8<sup>th</sup>.

### **REGULAR AGENDA**

4.1 Jon James, Director of Planning and Development Services briefed the Council on **Z-2006-07**, an ordinance considered on second and final reading to rezone from RS-12 and RS-6 (Residential Single-Family) to PDD (Planned Development District) zoning, property located at 101 & 102 Sugarberry Avenue.

Mr. James stated the property was annexed in February 2005 at the applicant's request and he immediately requested rezoning of the annexed acreage. Mr. James further stated the applicant originally requested RM-3 (Residential Multi-family) zoning for the subject parcels, but the Council agreed with staff and the Planning and Zoning Commission and determined that the lower density provided by RS-12 (Residential Single-family) zoning more compatible with the surrounding land uses. The applicant recently requested RS-6/PH (Residential Single-family/Patio Home) zoning, but withdrew the request after the Board of Adjustment denied his request for a variance from the minimum lot depth requirements. Mr. James noted without the variance or a change of zoning to PDD (Planned Development District) zoning, the applicant would be limited to four parcels regardless of the zoning. The applicant is proposing to develop six parcels on each side of Sugarberry Avenue. The applicant's original intention was to develop duplexes along the main entrance road to the RS-6 (Residential Single-family) zoning development occupying the majority of the 70-acre tract. Staff, the Planning and Zoning Commission, and Council determined during the original rezoning hearings that RS-12 (Residential Single-family) zoning would be more compatible with the existing low-density residential development along Maple Street. The current zoning regulations allow the applicant to plat only four lots; two would face Maple Street and two would face Cinderella Lane. The applicant requested a variance to reduce the required minimum lot depth from 100 feet to 97 feet, but the Board of Adjustment denied the request in January 2006. The proposed PDD (Planned Development District) zoning ordinance provides a reduction in the minimum lot depth requirement, allowing homes to face Sugarberry Avenue, but requires the lower density afforded by RS-12 (Residential Single-family) zoning. The proposed ordinance also includes provisions for screening from the existing homes outside the development and sidewalks for access between Kirby Park and the rest of the development. The Comprehensive Plan calls for annexation in the general area around the request as a means for controlling incompatible encroachment of Abilene Regional Airport. There are no specific land use plans other than a general expectation for Low Density Residential development similar to the existing homes surrounding the request. RS-6 (Residential Single-family) zoning was approved for the majority of the new development, however, staff still supports the density provided by RS-12 (Residential Single-family) zoning on the subject parcels for compatibility

with the large lot homes directly adjacent to the current request. Mr. James noted staff recommends approval of the optional PDD (Planned Development District) language concerning the signage and fencing requirements, which would be consistent along the entire boundary. The Planning and Zoning Commission recommends approval of the request, with the following amendments:

- (1) The Commission removed the language that required screening along the boundary of the PDD (Planned Development District) zoning. Further the Commission voted to prohibit any structures or opaque fencing within the first 100' of Maple Street right-of-way to preserve the open character along the corridor.
- (2) The Commission reduced the maximum number of lots permitted from 12 to 10. The Commission also allowed a single smaller lot on each side of Sugarberry Avenue at the eastern end of the PDD (Planned Development District) zoning to accommodate a much larger lot on each side at the western end.

Council and staff discussion included: 1) Council's concerns surrounding the time line requirements for the construction of the fencing and staff stating they would work with the applicant on the time line; 2) staff noting they have are no issues surrounding the proposed signage and the developer would be responsible for maintaining the signage; 3) Council's concerns that the Planning and Zoning Commission desires to preserve the open character of the corridor and is not in favor of structures or opaque fencing; 4) staff noted the Planning and Zoning Commission did not prohibit fencing and staff believes fencing will be constructed unless prohibited, and; 5) Council's concerns surrounding the type and height of fencing required and set back requirements.

Councilman Hill arrived at the meeting.

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

- Gerald King – Mr. King stated he sold the property to the applicant Mr. Waldrop, and he is opposed to changing the RS-12 (Residential Single-family) zoning. Mr. King further stated he would like to see a privacy fence along the property and that the area needs to be kept clean. Mr. King requested Council approve the fencing requirement.
- Tal Fillingim, agent – Mr. Fillingim requested that Council approve the PDD (Planned Development District) zoning with the exception to allow one additional lot on each side of Sugarberry plus one additional drive access on each side of Sugarberry. Mr. Fillingim further stated the applicant's request includes having a six (6) lot configuration, (Lot 6 RS-6), other five (5) lots to follow size of RS-12, and Lot 1 (no build area) to allow open space. Mr. Fillingim noted the applicant is in agreement with the Planning and Zoning Commission's recommendation for the fencing and set back requirements.

Discussion included: 1) Council's concerns of why the applicant is requesting a change from 10 to 12 lots; 2) Mr. Fillingim noted the current zoning of RS-12 (Residential Single-family) and the PDD (Planned Development District) request is seen as a compromise and the applicant believes the

## City Council Meeting

April 13, 2006

Page 8

layout fits well in the 12,000 square foot minimum lot requirement; 3) the 2 ½ foot lot depth shortage being the reason for the zoning change request, and; 4) the applicant agreeing to the sidewalk requirements.

- Ken Barbian – Mr. Barbian stated he lives north of the proposed project. Mr. Barbian reviewed the projects' history and stated the subdivision is supposed to be built in three phases. Mr. Barbian requested Council consider what was originally brought before them because he feels if a change of zoning is allowed it will cause congestion and set a precedence for future zoning. Mr. Barbian noted that the Planning and Zoning Commission considered this proposal twice and before a precedence is set in motion changes need to be considered.

Discussion included: 1) Council recalling no plat was approved when the property was annexed and that RS-12 (Residential Single-family) zoning is the largest zoning class Council can approve and the 12,000 square foot minimum would be met if either 12 or 10 lots were approved, and; 2) Mr. Barbian noted the information inferred to the homeowners in the affected area were that four (4) lots would be configured in a certain way and he feels that fencing would be appropriate and recommended a masonry fence which would be more permanent and not require a lot of maintenance.

- Billy Yoes – Mr. Yoes stated he feels that a privacy fence is needed and questioned if a Home Owner's Association will be required for the proposed subdivision. Mr. Yoes stated his support of the Planning and Zoning Commission's recommendation.

Discussion included: 1) the possibility of the proposed subdivision being required to have a Home Owner's Association and what, if any, existing and similar subdivisions have Home Owner's Associations; 2) staff noting that the City typically does not require Home Owner's Association unless the City can set standards and criteria (i.e., Comprehensive Plan); 3) Council's concerns surrounding the lack of having the Comprehensive Plan in place and feels it is appropriate for a Home Owner's Association to be created for the sole purpose of monitoring a fence for this area; 4) Council's concerns of directing a small group of individuals in the area to comply with a Home Owner's Association; 5) the possibility of placing long term language in the PDD (Planned Development District) concerning fencing and any maintenance involved; 6) staff noting they are reviewing property maintenance codes for fences which would go beyond health and safety issues, which are considered; 7) Council's concerns over who maintains the identical signs on each side of the entry to the proposed subdivision; 8) the possibility of the developer putting up a performance bond to maintain the fence but staff noting their preference would be to have a Home Owner's Association in place, and; 9) the plan consultants reviewing the property maintenance code and Council could decide to mandate the specifics of the fencing requirements.

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

Mayor Archibald gave a summary of the discussion and issues before Council as follows:

- 1) Allow lots to be divided as presented (5, or 6, or 2 on each side of street).
- 2) 100 foot set back for any fence off of Maple Street.



## City Council Meeting

April 13, 2006

Page 9

- 3) Require fencing along the north and south side of Sugarberry behind the lots as they are built, building a consistent fence all along the way or allow that to be each individual homeowner's decision.
- 4) Signage and the method of removal at a certain point of deterioration and requirement of a Home Owner's Association.

Council and staff discussion included: 1) the lot configuration (2, 5, or 6) all meeting the RS-12 (Residential Single-family) zoning of 12,000 square feet minimum; 2) staff reiterating the Planning and Zoning Commission's recommendation that PDD (Planned Development District) be approved with ten (10) lots with no fence requirements and no signage and to include the 100 feet set back from Maple Street, and; 3) staff clarifying the corrected Planning and Zoning Commission recommendation states if a fence is built along northern or southern boundaries they have to be of wood or masonry, or any combination of the two and that the finished side of the fence has to face out away from the property and there are no signage requirements, but sidewalks are required.

Councilman Southward made a motion to approve **Z-2006-07**, an ordinance considered on second and final reading to rezone from RS-12 and RS-6 (Residential Single-Family) to PDD (Planned Development District) zoning, property located at 101 & 102 Sugarberry Avenue as recommended by the Planning and Zoning Commission. Councilman Hill seconded the motion.

Councilman Chase made a motion to amend the main motion to approve the signage requirements as requested by the applicant and shown under Section 8 of the optional PDD (Planned Development District) language. The motion died for lack of a second.

Councilman Higgins made a motion to amend the main motion to approve the optional PDD (Planned Development District) language under 7.B.6: Fencing requirements, and to add under c the requirement that *"A drawing or photograph that demonstrates the design and materials of the required screening must be submitted to Planning and Development Services prior to the approval of a final inspection for any homes constructed within the PDD (Planned Development District). The drawing shall be provided with each building permit issued for a single-family residence to ensure a consistent appearance of the fence for the full length required by the ordinance."* Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

Councilman Chase made a motion to amend the main motion to approve the applicant's request of six (6) lots on each side of the street for a total of twelve lots, and to increase from four (4) driveways to six (6) on Sugarberry Avenue. The motion died for lack of a second.

Mayor Archibald restated the motion as made by Councilman Southward and as seconded by Councilman Hill, and as amended by Councilman Higgins' motion and Councilwoman Moore seconded as follows: Motion to approve **Z-2006-07**, an ordinance considered on second and final reading to rezone from RS-12 and RS-6 (Residential Single-Family) to PDD (Planned Development District) zoning, property located at 101 & 102 Sugarberry Avenue as recommended by the Planning and Zoning Commission, and as amended to approve the optional PDD (Planned Development

District) language under 7.B.6: Fencing requirements, and to add under c the requirement that “A drawing or photograph that demonstrates the design and materials of the required screening must be submitted to Planning and Development Services prior to the approval of a final inspection for any homes constructed within the PDD (Planned Development District). The drawing shall be provided with each building permit issued for a single-family residence to ensure a consistent appearance of the fence for the full length required by the ordinance.” The motion as made and as amended, carried.

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

NAYS: None

The Ordinance is numbered **10-2006** 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-105 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.2 City Attorney Sharon Hicks introduced MetroCare General Manager George Knupple who briefed the Council on the request from MetroCare for a rate increase.

Mr. Knupple stated MetroCare has not had a rate increase in over 21 months but has increased the minimum number of ambulances on duty from three units to four units with twenty-four hour coverage. This has reduced response time but has increased direct operational costs. Mr. Knupple further stated as MetroCare continues to maintain their current level of service and strive to continuously improve the quality of patient care, they find that increased utilization of the emergency response system along with significant increases in cost for fuel, liability insurance, salaries and benefits are presenting new financial challenges. Mr. Knupple also noted the federal government earlier this year cut back the amount of money paid for transporting Medicare patients and that more than half of MetroCare’s patients are Medicare participants. MetroCare Services respectfully request that the City of Abilene grant them permission to increase their current base charges and patient loaded mileage rate by 20%. MetroCare’s current base rate is \$370.50 with a mileage rate of \$8.25 per loaded mile. These rates are among the lowest in the State of Texas and generally are associated with EMS systems that are receiving a direct subsidy. The proposed increase would allow their base rate to become \$445.00 with a mileage rate of \$9.90 per loaded mile. MetroCare is not requesting an increase for supply and procedure charges. The result would be an effective cost increase on an average emergency ambulance bill of 13.5% above current invoice totals.

Council and staff discussion included: 1) the need to survey the City’s 10 comparable cities for their ambulance service rates; 2) the City does not subsidize MetroCare’s services; 3) current MetroCare ambulance rates are on file in the City Secretary’s office and the existing rates were approved by Council in approximately 2001 and are not contractual, and; 4) Council stated MetroCare provides a valuable service but feels the rate comparison survey of the City’s 10 comparable cities needs to be conducted.

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 made a motion to table the rate increase request from MetroCare for the purpose of conducting rate comparison survey of the City's 10 comparable cities and to reconsider the rate increase request following another public hearing at the April 27, 2006 Council meeting. Councilman Hill seconded the motion, and the motion carried.

AYES: Councilmen Chase, Southward, Hill, Higgins, 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 Hill left the meeting at the conclusion of the Executive Session.

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

5.4 A. Councilman Higgins made a motion to approve Mayor Archibald's appointment of Lydia Long to the position previously held by Neomia Banks on the Planning and Zoning Commission, term expiring November 2008. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Hill

5.4 B. No action was taken on the appointments to the Local Redevelopment Commission.

There being no further business, the meeting was adjourned at 11:40 a.m.

---

Jo Moore  
City Secretary

---

Norm Archibald  
Mayor