

**CITY COUNCIL MEETING**  
**May 11, 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 May 11, 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, Anthony Williams, 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 John Hill was absent.

Councilwoman Moore gave the invocation.

Mayor Archibald introduced Eric Gillett who led the Pledge of Allegiance. Eric is a 5<sup>th</sup> grade student from Bowie Elementary School. Eric's principle Ms. Paddock was 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:

20 Years	Rodney Goodman	Fire Lieutenant Fire Department
20 Years	Joey Kincaid	Fire Captain Fire Department
20 Years	John Smith	Fire Lieutenant Fire Department

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

- "Older Americans & Elder Abuse Prevention Month", May 2006
- "Women's Health Week", May 14<sup>th</sup> – 20<sup>th</sup>
- "Say So Week", May 21<sup>st</sup> – 27<sup>th</sup>

Mayor Archibald announced a Police Memorial ceremony would be held today at 2:00 p.m. and the Western Heritage Parade would begin at 6:30 p.m. in the downtown area this evening. The Mayor also noted the Harley Motorcycle convention would be held in Abilene the weekend of May 19<sup>th</sup> – 21<sup>st</sup> and that he will be riding in the motorcycle parade.

City Manager Larry Gilley introduced and Council welcomed new Assistant City Manager, David Vela.

## DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the April 27, 2006 Regular Council Meeting Minutes Councilman Chase made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

## CONSENT AGENDA

Councilman Chase stated that he would abstain from voting on Consent Agenda Item 3.4, ***Z-2006-14*** – *Request to amend Lone Star Ranch PDD #82, property located at Lone Star Drive and Loop 322*, due to his having been consulted as a private attorney by the applicant on construction documents related to this project.

Councilman Williams made a motion to approve consent agenda items 3.1 and 3.2, first reading of items 3.3 through 3.9, and items 3.10 through 3.14, as recommended by staff. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

ABSTAIN: Councilman Chase (Item 3.4 only)

## Resolutions:

3.1 Resolution suspending the Atmos Gas Reliability Infrastructure 2005 Program (GRIP) rate increase.

The Resolution is numbered **15-2006** and captioned as follows:

A RESOLUTION BY THE CITY OF ABILENE, TEXAS SUSPENDING THE MAY 30, 2006, EFFECTIVE DATE OF THE PROPOSAL BY ATMOS ENERGY CORP., MID-TEX DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2005; AUTHORIZING PARTICIPATION WITH THE GAS STANDING STEERING COMMITTEE IN A REVIEW AND INQUIRY INTO THE SUFFICIENCY OF THE FILING AND THE BASIS AND REASONABLENESS OF THE PROPOSED RATE ADJUSTMENTS; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED GRIP RATE ADJUSTMENTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

3.2 Resolution supporting Atmos Steering Committee efforts to reduce current and adopt new Atmos Mid-Tex rates, suspend all Atmos GRIP (Gas Reliability Infrastructure Program)

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charges, and authorizing continued participation in the Atmos Cities Steering Committee (ACSC), and ordering reimbursement for all costs of rate making proceedings.

The Resolution is numbered **16-2006** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE SUPPORTING THE ATMOS CITIES STEERING COMMITTEE AND CONSULTANT FINDINGS THAT THE EXISTING NATURAL GAS DISTRIBUTION RATES OF ATMOS MID-TEX SHOULD BE REDUCED; SUPPORTING THE POSITION THAT ATMOS ENERGY CORP., MID-TEX DIVISION, SHOULD REDUCE ITS EXISTING RATES WITHIN THE CITY, ADOPT SPECIFIC NEW RATES AND CEASE COLLECTING ALL GRIP SURCHARGES; ORDER ATMOS MID-TEX TO REIMBURSE THE CITY FOR ITS REASONABLE COSTS INCURRED IN THIS RATEMAKING PROCEEDING OR APPEAL; AND AUTHORIZING THE ATMOS CITIES STEERING COMMITTEE TO ACT ON BEHALF OF CITY AND INTERVENE IN ANY PROCEEDINGS BEFORE ADMINISTRATIVE OR JUDICIAL BODIES.

**Ordinances:**

- 3.3     **Z-2006-12** – Request to rezone property from O (Office), SC (Shopping Center), and RM-1 (Residential Multi-family) to PDD (Planned Development District) zoning, property located at 1290 S. Willis Street; and set a public hearing for May 23, 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-108 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.4     **Z-2006-14** – Request to amend Lone Star Ranch PDD #82, property located at Lone Star Drive and Loop 322; and set a public hearing for May 23, 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-82 AND ORDINANCE NO. 40-2003 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.5     **Z-2006-16** – Request to apply Historic Overlay zoning to the base commercial zoning of LI (Light Industrial), property located at 2074 North 1<sup>st</sup> Street; and set a public hearing for May 23, 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.

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- 3.6 **Z-2006-17** – Request to rezone property from HC (Heavy Commercial), GC (General Commercial), and RM-3 (Residential Multi-family), to CB (Central Business District) zoning, property located between South 4<sup>th</sup> and South 7<sup>th</sup> Streets from a north-south alley located 140 feet west of Butternut Street to Chestnut Street; and set a public hearing for May 23, 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.

- 3.7 **Z-2006-18** – Request to rezone 3.3 acres from O (Office) and SC (Shopping Center) to PDD #103 (Planned Development District) zoning, property located at 1665 Antilley Road; and set a public hearing for May 23, 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-103 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.8 **Z-2006-19** – Request to rezone 22.5 acres from AO (Agriculture Open Space), RM-3 (Residential Multi-family), and LC (Limited Commercial) to PDD (Planned Development District) zoning, property located at the southwest corner of Jennings Drive and Dub Wright Boulevard and; and set a public hearing for May 23, 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-106 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.9 Ordinance to amend Chapter 23, Subpart D, Subdivision Regulations of the City of Abilene Code, regarding application requirements, procedural requirements, and vested rights; and set a public hearing for May 23, 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.

### Bid Awards:

- 3.10 Requested change in award of bid for vehicles for various divisions: **Bid #CB-6030** (Item 3), utility truck for Water Department, **Bid #CB-6031**, and valve truck for Water Department, **Bid #CB-6032**. The bid was awarded to Columbus Country Ford, Caldwell, TX as follows:

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- 2) 8600 GVWR Trucks for Animal Services - **#CB-6030, Item 3** \$35,728.00
- 1) Utility Truck for Water Department - **#CB-6031** \$27,839.00
- 1) Valve Truck for Water Department - **#CB-6032** \$56,520.00

3.11 Repairs to Unit 3507, sideloader Solid Waste Truck. The repair tabulation was approved as follows:

- Inland Truck Parts \$ 1,810.27
- Hester's Wrecker Service \$ 725.00
- Rush Truck Center \$14, 155.41
- Heil of Texas \$17, 316.78
- TOTAL** **\$34,007.46**

3.12 **Bid #CB-6046** – Hike and Bike trail construction on Judge Ely from E.N. 16<sup>th</sup> Street to near East Highway 80. The bid was awarded to Bontke Bros. Construction, Abilene, TX in the amount of \$385,675.79.

3.13 **Bid #CB-6041** – Maple Street reconstruction. The bid was awarded to Contract Paving Company, Tye, TX in the amount of \$1,367,470.28.

3.14 **Bid #CB-6034** – Airport snow and ice control equipment. The bid was awarded to M-B Companies, Inc., Chilton, WI in the amount of \$298,034.00.

### REGULAR AGENDA

4.1 David Sartor, Building Official briefed the Council on an Ordinance considered on second an final reading to adopt the 2005 National Electrical Code, with local amendments.

Mr. Sartor stated the National Electrical Code is utilized throughout the United States. Mr. Sartor further stated the City of Abilene is currently utilizing the 2002 National Electrical Code, with amendments and it is recommended that the 2005 National Electrical Code, with local amendments be adopted in order that the City's construction regulations are kept up to date. The local amendments pertain to licensing and administrative procedures with very limited modifications made to the technical provisions of the National Electrical Code. Mr. Sartor noted the importance of the City of Abilene maintaining compatible construction regulations with other cities, in order to reduce variation to typical standards, and eliminate uncertainty to the design professions and the electrical contractors. Mr. Sartor further noted there have been no electrical licenses issued in the last 2 years and the testing for the State's license are the same as for the local requirements. Mr. Sartor stated that state licenses are being obtained versus local license and in 2004 the fees were increased to offset loss in revenue. Mr. Sartor further stated that there are a few individuals that maintain local license's and provisions allow current local license's to remain valid as long as the licensee maintains it, but that no new issues will be made. Mr. Sartor noted an Ad Hoc Review Committee was formed and this committee did review the provisions of the recommended Code and amendments. Staff, the Ad Hoc Review Committee, the Electrical Code Review Committee, and the Mechanical, Plumbing, Electrical & Swimming Pool Board of Appeals recommend the Council adopt the 2005 National Electrical Code, with local amendments.

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Council and staff discussion included: Council addressing the Board and Committees recommendations and staff noting active members of the Ad Hoc Committee consisted of the following:

- Curtis Watson – Watson Electric
- Steve Letz – Long Electric
- Gene Isenburg – Omni Electric
- Farris Neill – Nunn Electrical Supply
- Terry Williams – Hendrick Medical Center
- Danny Bolin – Jeff Luther Construction
- Mike Pointer – Circle P Electric

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.

Councilwoman Moore made a motion to approve the ordinance considered on second and final reading to adopt the 2005 National Electrical Code, with local amendments. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **17-2006** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 3, "ELECTRICAL CODE", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

4.2 Tommy O'Brien, Director of Water Utilities briefed the Council on a Professional Services Agreement with Enprotec/Hibbs & Todd Engineering to perform work associated with the Reservoir System Operations Plan, Reuse of Wastewater Effluent as a Future Water Supply and Economic Impact Assessment of Varying Lake Levels at Fort Phantom Hill Reservoir.

Mr. O'Brien stated the City of Abilene currently obtains raw water from three reservoirs: Lake Fort Phantom Hill, Hubbard Creek Reservoir and Lake O.H. Ivie. Each source has unique characteristics such as proximity to Abilene, watershed and produced (potable) water quality. Operating multiple sources as a "system" has proven to increase the reliability of raw water supplies. Recent drought conditions in the Abilene region serve to underscore the need for updating system operation to optimize available supplies and Drought Contingency Planning can also be enhanced by a thorough understanding of optimized system operations. Since 1980, Abilene and the West Central Texas Municipal Water District (District) have completed three evaluations of raw water supply coordinated operations for the Hubbard–Fort Phantom system. The latest evaluation in 1998 provided the current guidelines for pumping water from Hubbard Creek Reservoir. Several changes have occurred since the earlier evaluations. Abilene added Lake Ivie as a raw water supply source in

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2003, and has temporarily suspended use of Lake Abilene as a raw water source. The West Central Texas region is in a drought cycle more severe than any historical condition. With electrical deregulation, energy costs have become a key component in developing an optimized strategy for efficient and effective delivery of raw and potable water. Additionally, the Contract between the District and Abilene impacts the reservoir system operations plan. The City is also considering future construction of the Cedar Ridge Reservoir as an alternative to meeting the City's and region's future water supply needs. Abilene seeks to perform a Reservoir System Operations Plan (RSOP) Project to update previous coordinated operation studies and to develop a system operations model which optimizes the use of available raw water supplies. The Project will be managed by Enprotec/Hibbs & Todd, who will work with several sub-consultants to complete the work (HDR Engineering - RSOP; The Perryman Group - economic assessment; Lockwood, Andrews and Newnam - optimizing electrical costs for RSOP; Alan Plummer Associates - reuse as water supply; and KFrieese & Associates - water quality). In general, the work associated with the RSOP Project will require approximately one year to complete and will involve the following key components:

1. Establishing a Reservoir System Operations Plan (RSOP) to evaluate the most favorable system operations to allow the City to select the optimum strategy for the delivery of raw water and the production of potable water.  
This evaluation will determine an efficient and effective means of delivering raw water and potable water to Abilene customers. Factors to be considered include lake levels, power costs, system yield, and produced potable water quality.
2. Evaluating the most favorable system operations assuming the Cedar Ridge Reservoir becomes a part of the City's raw water supply.  
This evaluation will determine how the Cedar Ridge Reservoir can be used with the other three reservoirs to provide an efficient and effective means of using all four reservoirs for water supplies. Consideration will be given to issues such as lake levels, power costs, system yield and produced potable water quality.
3. Evaluating pipeline and pump station operating scenarios for use by the District and the City in delivering Hubbard Creek water.  
This evaluation will provide the District and the City with sufficient information to allow raw water from Hubbard Creek to be delivered effectively and efficiently to Abilene.
4. Evaluating the most efficient way to optimize the use of the three water treatment plants to meet current and future demands.  
This evaluation will address the State's requirements for determining water treatment plant capacity. The City's current and future plant capacities will be determined using the Texas Commission on Environmental Quality's recently published guidance document (Alternative Capacity Requirements - ACR). Recommendations will be made on how to proceed with future plant expansions and/or upgrades based on the results of the ACR, the previous evaluations made on the Grimes and Northeast Water Treatment Plants, and the results of the RSOP when considering the raw water supplies from Fort Phantom, Hubbard Creek and Ivie.

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5. Evaluating the most cost efficient method to dispose of wastewater effluent from the Hargesheimer Plant's reverse osmosis treatment unit (R.O. concentrate).  
This evaluation will consider available options, and associated costs, for disposing of R.O. concentrate other than diversion to the wastewater treatment plant.
6. Updating the City's Water Management Plan document.  
The current Water Management Plan document (Plan) was last revised in 1996. The Plan includes information about water and wastewater such as costs for delivery and treatment, demands and usage, and water conservation. This Plan is regularly requested by the City's customers and the media. It is a very valuable tool in educating the public on water and wastewater issues.
7. Evaluating the reuse of treated wastewater effluent as a future water supply source.  
There is considerable interest in the reuse of the City's treated wastewater effluent as a future water supply source. This evaluation will address the requirements necessary to reuse treated wastewater effluent by diverting reuse water into Lake Fort Phantom Hill. This evaluation will consider the impact on the reservoir's water quality, and advanced treatment requirements and associated costs.
8. Performing an economic impact assessment on the impact that Fort Phantom Hill lake levels have on "quality of life".  
An economic impact assessment will be performed to provide an opinion on the probable impacts on the Abilene area with lake levels staying within about 8 feet of the lake being full, and staying within about 15 feet of the lake being full. This assessment will be integrated into the RSOP when considering the different "trigger levels" to withdraw raw water from Fort Phantom Hill and Hubbard Creek.
9. Revising, if necessary, the City's Drought Contingency Ordinance.  
It is possible that new "trigger levels" for various stages of water restrictions could result because of the RSOP. There are also other changes to the ordinance that may be necessary since the Council adopted revisions in 2005.

Mr. O'Brien stated the proposed engineering services to perform the work associated with the Reservoir System Operations Plan and associated work issues is a budgeted item and will be funded partly from the Water and Sewer Fund, and partly from the recently acquired Environmental Protection Agency's (EPA) appropriated funds through the State and Tribal Assistance Grants Program. It is estimated that EPA's contribution to the RSOP Project will be approximately \$251,400. Staff recommends that the City Council approve, by oral resolution, a contract with Enprotec/Hibbs & Todd, for a not-to-exceed cost of \$457,100, to provide engineering services associated with the Reservoir System Operations Plan Project, and authorize the City Manager or his designee to execute all necessary documents related to the contract.

Council and staff discussion included: 1) staff reiterated the purpose of the proposed agreement (water supply and usage study) and clarified that the Cedar Ridge Reservoir project is not being considered by Council today; 2) Council noting the importance of the study to the city and region; 3) staff expectations on having the report back to Council in approximately one year; 4) staff explained the basis for the West Central Texas Municipal Water District having not been contacted



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about contributing to the operating scenarios in the evaluation of pipeline and pump station; 5) staff noting elements involved in looking at use of effluent water include the science involved, legal issues, not jeopardizing standards, costs, and infrastructure improvements; 6) Council questioning if the report would be back to Council in parts or only upon total completion; 7) the Cedar Ridge evaluation involves operational issues; 8) Council's discretionary rights to reconsider Cedar Ridge project, and; 9) Council noting the potential for wetlands to be an effluent water treatment option.

Councilman Southward made a motion to approve by Oral Resolution authorizing the City Manager or his designee to execute all necessary documents related to the Professional Services Agreement with Enprotec/Hibbs & Todd Engineering for a not-to-exceed cost of \$457,100 to perform work associated with the Reservoir System Operations Plan, Reuse of Wastewater Effluent as a Future Water Supply and Economic Impact Assessment of Varying Lake Levels at Fort Phantom Hill Reservoir. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

In order to comply with State Election law timelines Mayor Archibald stated the next City Council meeting would be held on Tuesday, May 23<sup>rd</sup> to canvass the returns and declare the results of the City's General/Joint/ Special and Bond Elections.

### **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.

- 5.4 Oral Resolution approving appointments and or re-appointments:
- A. No action was taken on the Planning and Zoning Commission.
  - B. No action was taken on the Local Redevelopment Commission.

There being no further business, the meeting was adjourned at 11:30 a.m.

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Jo Moore  
City Secretary

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Norm Archibald  
Mayor