

CITY COUNCIL MEETING
June 8, 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 June 8, 2006, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Joe Spano, Anthony Williams, Stormy Higgins, and Councilwomen Laura Moore and Celia Davis. 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 Noah Santee who led the Pledge of Allegiance. Noah is the son of Dan and Megan Santee, City Attorneys.

DISPOSITION OF MINUTES

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

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

CONSENT AGENDA

Councilman Williams made a motion to approve consent agenda items 3.1 through 3.5, as recommended by staff. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

Resolutions:

3.1 Oral Resolution approving Mayor Archibald's appointments/reappointments to the following boards:

Abilene-Taylor County Child Advocacy Center Advisory Board

3 year terms

Re-Appoint:

- Karon Bingaman

Appoint:

- Bobby Easterling, term expires December 2008

Citylink ADA Advisory Board

3 year terms

Re-Appoint:

- David Alcala
- Pamela Barnhill
- Shirley Hudson

Appoint:

- Donna Reiff (Alternate), term expires May 2008

Community Access Task Force

3 year terms

Re-Appoint:

- Sandy Salazar

Appoint:

- Celina Fennell

Senior Citizens Advisory Board

2 year terms

Re-Appoint:

- Harriet Connor
- Eddie Hodges
- Leroy King
- Emory Walton

Appoint:

- Linda Rutledge Smith

- 3.2 Oral Resolution authorizing a contract for professional services with employee benefits consultant Holmes Murphy & Associates, for a flat fee in the amount of \$40,000, and authorizing the City Manager or his designee to negotiate and execute the contract.

Bid Awards:

- 3.3 **Bid #CB-6047** – Uniform pants for the Fire Department. The bid was awarded as follows:
- Tyler Uniform, Tyler, TX
 - 100 - Uniform trousers, 100% Polyester (Item 1)
Unit Price \$26.25 Extension \$2,625.00
 - G.T. Distributors, Austin, TX
 - 675 - Uniform trousers, 65% Dacron Polyester/35% Combed Cotton (Item 2)
Unit Price \$37.25 Extension \$25,143.75
- 3.4 **Bid #CB-6045** – Cab and chassis with tilt frame and reeving assembly. The bid was awarded to Young's Truck Center, Abilene, TX in the amount of \$122,507.00.

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Resolution:

- 3.5 Resolution authorizing the Cities Aggregation Power Project (CAPP) to negotiate an Electric Supply Agreement for deliveries of electricity effective January 1, 2007.

The Resolution is numbered **19-2006** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2007; AUTHORIZING CAPP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2007; AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2007 AND 2008 AND TO HONOR THE CITY OF ABILENE'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2007 AND 2008 THROUGH CAPP.

REGULAR AGENDA

- 4.1 Jon James, Director of Planning and Development Services briefed the Council on the 2006-2010 Capital Improvements Program (CIP) and proposed projects for the 2006 Certificate of Obligation Sale.

The 2006-2010 Capital Improvements Program (CIP) is a five-year plan that identifies needed capital projects and coordinates the financing and timing of these projects. The first year of the CIP (2006) represents the City Manager's recommendation for the annual Certificate of Obligation (C.O.) sale. Projects scheduled for subsequent years are approved for planning purposes only and do not receive expenditure authority until they are part of the Capital Budget. The proposed projects range from constructing municipal facilities, parks, street and drainage improvements to public safety and traffic/transportation improvements. The "Concrete Repairs" project, listed #8 on the summary, was updated to reflect the correct cost, which excludes prior year funding already available. The amount reduced from this project was transferred to project #28, "Paved Alley Reconstruction". In addition, project #28 was increased by an additional \$5,108 to ensure that the total of project costs balances with the available CO Bond capacity. The Certificates of Obligation in the amount of approximately \$5.8 million can be funded within the current certificate debt tax rate policy of 10.7 cents; therefore, in keeping with City Council policy, no increase in the debt tax rate will occur as a result of the certificates. Staff and the Planning and Zoning Commission recommend Council approve the Resolution approving and adopting the 2006-2010 Capital Improvements Program.

Mayor Archibald stated at the June 1, 2006 City Council/Planning & Zoning Commission joint meeting concerning the City's land development regulations, discussion occurred concerning infill development incentives for developers. The Mayor requested Council give consideration to allocating up to \$200,000 for Infill Development Incentives as part of the Capital Improvement Program.

Council and staff discussion included: 1) philosophical issues and infill incentives needing to be discussed further at a future joint meeting, to be held in 30-60 days, of the City Council and Planning & Zoning Commission; 2) staff noting that an Infill Incentive Plan/Policy is a #1 goal and that funding of CIP for infill incentives have to meet CIP criteria; 3) the City's vision for infill development and how positive the message that allocating incentive funds would be; 4) Council concerns over questionable land titles and noting the need for those to be addressed in the policy; 5) staff reiterating the need for a clear articulated policy addressing Infill and Infrastructure; 6) time frames and issues involved in developing a policy; 7) Council noted if funds were allocated for Infill Incentive those funds would not be used until a clear policy is developed; 8) staff noting an Infill Incentive Policy can be developed independently of the Land Development Code; 9) Council inquired into Energy Savings Program and requested staff explore possibilities of energy savings studies; 10) staff addressed areas that are currently being reviewed in energy savings and issues involved; 11) previous and current alley paving program; 12) how Meadow Dr. is and will continue to be maintained under the City's pavement program; 13) municipal facilities including public needs, maintenance, cost, ADA compliance and safety issues; 14) public safety improvements including fire dept. vehicles and philosophical issues raised by the Bond Committee concerning the Fire Dept. medical calls versus fire suppression calls, and; 15) issues concerning traffic/transportation improvements and the hike and bike program (impact, if awarded, the Transportation Enhancement grant will have).

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

- Vicki Anderson, questioned how criteria was assigned to each CIP project and who assigned that criteria. (City Manager Larry Gilley responded to Ms. Anderson's question). Ms. Anderson also stated E.N. 14th needs to be paved.
- Melanie McMinn, Meadow Dr. resident, stated Meadow Dr. is narrow, unsafe and needs speed limit signs. Ms. McMinn requested Council at least consider widening Meadow Dr.
- Ray Brazell, stated Meadow Dr. is unsafe and requested Council consider improvements needed.
- Art Ray, long time Meadow Dr. resident, stated there is a lot of traffic on Meadow Dr. and it is unsafe and that Council should consider safety first. In response to Council's question concerning his willingness to help pay to have Meadow Dr. curbed and guttered Mr. Ray stated he would but he felt many in the area could not afford to do that. (Council suggested the once existing Neighborhood Assoc. be re-established and work with the City's Planning Dept. in a collective way to consider what is needed on Meadow Dr.).
- Maureen Caspanear, stated Meadow Dr. is more of an alley than a street and that it needs to be improved and that there is a lot of traffic in the area.

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- Pamela Henry, representing Old Town Abilene Assoc. and community at large, requested Council reconsider allocating funds to the Alley Paving Program but allocate instead to improving Rose Park facilities (water facility, activity building, adaptive center) and shades for bus shelters.
- Sue Schmahl, community volunteer, addressed Meadow Drives various needs including curb and gutter, widening and sidewalks. Ms. Schmahl stated it is the City's responsibility to provide the curb and gutter and not the residents, and that the safety of children that live on Meadow Dr. and in surrounding areas is involved.
- Robert Bailey, Old Town Abilene Assoc. member, requested Council allocate Alley Repave Program funds to the repair of the Rose Park pool, to upgrading the Adaptive Recreation Center and to the Solid Waste Service program.
- Lydia Long, president of Old Town Abilene Association, stated the association had met and come to a consensus that it is not appropriate to allocate funding to alley paving with more emphasis being needed on recreation for folks who can't afford high cost activities. Ms. Long noted a need to update the Adaptive Rec. Center and to focus on community issues (i.e. recycling).

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

Mayor Archibald recessed the Council for a break at 10:10 a.m. and reconvened the meeting at 10:20 a.m.

Council and staff discussion continued and included: 1) Council summarizing the concerns and requests voiced by citizens and questioned staff as to potential avenues to consider funding requests, and noted some request don't qualify in dollar amount for CIP (which is typically \$25,000); 2) Council noting the need to prioritize and move forward with the CIP; 3) Council noting requests and issues can further be discussed during the upcoming budget sessions, and; 4) staff noting lower dollar and quality of life projects can be further discussed during budget session and considered for funding through the general operating budget.

Following discussion Mayor Archibald stated the Council is today considering the authorizing of \$5.85 million dollars of Certificate of Obligation projects. City Manager Gilley stated if Council is considering allocating funds for an Infill Incentives Program that staff would recommend those funds be allocated by 1) delaying the law enforcement fencing project until next spring (\$90,000), and; 2) reducing by approximately \$90,000 the Alley Paving Program, for a total of approximately \$180,000.

Council and staff discussion included: 1) there being no significant ramifications to delaying the law enforcement fencing, but does leave vehicles unprotected and is highly recommended that the project be done in the spring of 2007; 2) the elevator in city hall being a top priority due to ADA requirements and the almost daily need for repairs, and; 3) the difficulty of prioritizing and balancing the many needs of the community and the opportunity for Council to further discuss those needs during the upcoming budget workshops.

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Councilman Higgins made a motion to approve the Resolution that approves and adopts the 2006-2010 Capital Improvements Program (CIP) and proposed projects for the 2006 Certificate of Obligation Sale as proposed, with the exception to include allocating funds for an Infill Incentives Program by 1) delaying the law enforcement fencing project until next spring (\$90,000), and; 2) reducing by approximately \$90,000 the Alley Paving Program, for a total of approximately \$180,000, with those funds to not be spent until the Policy is in place. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: Councilman Chase

The Resolution is numbered 20-2006 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE APPROVING AND ADOPTING THE 2006-2010 CAPITAL IMPROVEMENTS PROGRAM.

4.2 Richard Burdine, Assistant City Manager of Economic Development briefed the Council on the Development Corporation of Abilene, Inc. Semi-Annual Report of Activities through March 31, 2006.

Mr. Burdine stated as required in the Development Corporation of Abilene, Inc. (DCOA) by-laws, a report of activities for the first one-half of the current fiscal year (October 1, 2005 through March 31, 2006) has been prepared. The report included: the six (6) key goals the DCOA Board has identified in the City's economic development efforts are: 1) to make Abilene competitive in the attraction of business and industry in order to create new, sustainable jobs; 2) to create new jobs and retain existing jobs by providing assistance to existing and emerging businesses; 3) to strengthen and expand the skills of the Abilene labor force; 4) to strengthen and revitalize downtown Abilene; 5) to increase the number and size of minority-owned, woman-owned, small and entrepreneurial businesses in Abilene, and 6) to effectively administer the sales tax revenue. The report also included the progress made toward the goals, the Project Summaries, the DCOA, Inc. Balance Sheet and the Status of Funds as of March 31, 2006. The DCOA Board has approved the Semi-Annual Report and staff recommends the City Council approve the report by oral resolution.

Mr. Burdine distributed and reviewed additional information which included: 1) DCOA Board responsibilities to the City Council and citizens of Abilene; 2) State-authorized Projects being land, buildings, equipment, facilities, improvements and related expenditures; 3) how State law defines a primary job; 4) DCOA Projects Funded –FY90 thru FY06 (which included Project Name, DCOA-Actual Amt. Funded, New Jobs Committed, Retained Jobs Committed, TOTAL Committed, Cumulative TOTAL, Jobs Lost, Jobs Existing, and Status).

Council and staff discussion included: 1) how eligibility and assistance to be provided to businesses is determined; 2) Council requested information on how many new jobs are created versus funds spent on local enhancement and existing businesses (staff requested to be allowed to use criteria that once a business is located in Abilene and assisted (2 to 3 times) then they are given existing status), and; 3) Council questioned goals/projects that support the portion of the DCOA Mission Statement that states “..supporting targeted activities that enhance the quality of life...”, staff

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noted raising income levels allows more to be spent in quality of life areas and that DCOA does not propose non-eligible projects.

Councilwoman Moore made a motion to approve by oral resolution the Development Corporation of Abilene, Inc. Semi-Annual Report of Activities through March 31, 2006. Councilman Chase seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, 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.

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

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

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

Abilene Higher Education Facilities, Inc.

2 year terms

Re-Appoint:

- Royce Money
- Gerald Schwalb
- L.D. "Bill" Hilton

Abilene-Taylor County Venue District Board

2 year terms

Appoint:

- Laura Moore, term expires November 2007

Citylink ADA Advisory Board

3 year terms

Re-appoint:

- David Alcala
- Pamela Barnhill

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- Shirley Hudson

Appoint:

- Donna Reiff (Alternate), term expires May 2008

Civic Abilene, Inc.

3 year terms

Re-Appoint:

- Rob Barnhill
- David Gist
- Mike Hernandez

Appoint:

- Michael Murphy
- Charles Perkins

Community Access Task Force

3 year terms

Re-Appoint:

- Sandy Salazar

Appoint:

- Celina Fennell

Frontier *Texas!* Board

3 year terms

Re-Appoint:

- Bob Gomez, term expires Feb. 2008
- Brandon Polk, term expires Feb. 2008
- Don Frazier, term expires Feb. 2009
- Homer Hillis, term expires Feb. 2008
- Jimmy Parker, term expires Feb. 2008
- Lynn Barnett, term expires Feb. 2009
- Nanci Liles, term expires Feb. 2009
- Nicki Harle, term expires Feb. 2009
- Petty Hunter, term expires Feb. 2009
- Ronnie Kincaid, term expires Feb. 2008
- Tony McMillan, term expires Feb. 2009

Appoint:

- Col. Steven Tippetts, term expires February 2008
- Peter Lauve, term expires February 2008
- Ron Butler, term expires February 2007

Library Board

2 year terms

Appoint:

- Jean Stark, term expires November 2006

MPE/Swimming Pool Board of Appeals

2 year terms

Re-Appoint:

- Craig Manawes, Engineer
- Robert Lewis (Alternate Swimming Pool Contractor)
- James Wheeler (Alternate Architect)
- William McRae, Master Plumber
- Ron Smith, Mechanical Contractor
- Rick Kelley (Alternate Plumbing Contractor)

Appoint:

- Terry Williams (Alternate Engineer)

Parks and Recreation Board

3 year terms

Re-Appoint:

- Susan Arrington
- Toney Gutierrez

Appoint:

- Leroy King, term expires May 2007

Senior Citizens Advisory Board

2 year terms

Re-Appoint:

- Harriet Connor
- Eddie Hodges
- Leroy King
- Emory Walton

Appoint:

- Linda Rutledge Smith

There being no further business, the meeting was adjourned at 12:10 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor