

CITY COUNCIL MEETING
July 27, 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 July 27, 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 Shyann and Katelyn Parks who led the Pledge of Allegiance. Shyann and Katelyn are the daughters of Roy and Faye Parks who are both City employees.

PROCLAMATION

Mayor Archibald proclaimed Sunday, July 30, 2006 as a “Day of Prayer for Rain”, and requested that all citizens set this day aside to pray that God will bless us with rain to replenish our dry land and our water resources.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the July 13, 2006 Regular Council Meeting and Council/Staff Communications Workshop Minutes Councilwoman Davis made a motion to approve the minutes as presented. Councilwoman Moore 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 Chase stated due to his legal representation of the seller of the affected property he would be abstaining from Item 3.5, **Z-2006-31** – *Request to rezone property from AO (Agriculture Open Space) and PDD-78 (Planned Development District) to RM-2 (Residential Multi-family) zoning, property located at the southwest corner of North Judge Ely Boulevard and East Stamford Street.*

Councilman Higgins made a motion to approve the first reading of consent agenda items 3.1 through 3.6, and items 3.7 and 3.8, as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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AYES: Councilman Chase (abstaining on item 3.5 only), Councilmen Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

ABSTAIN: Councilman Chase (*Item 3.5 only*)

Ordinances:

- 3.1 **Z-2006-23** – Request to rezone property from RM-3 & RM-2 (Residential Multi-family) to PDD (Planned Development District) zoning, property located at the northeast corner of Dub Wright Boulevard and Jennings Drive; and set a public hearing for August 10, 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-111 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.2 **Z-2006-27** – Request to apply HO (Historic Overlay) to the base RM-3 (Residential Multi-family) zoning, property located at 3425 South 14th Street; and set a public hearing for August 10, 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.

- 3.3 **Z-2006-28** – Request to rezone property from LC (Limited Commercial) to SC (Shopping Center) zoning, property located at 5502 South 7th Street; and set a public hearing for August 10, 2006 at 8:30 a.m.

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- 3.4 **Z-2006-29** – Request to rezone property from O (Office) to LC (Limited Commercial) zoning, property located at 3433 North 6th Street; and set a public hearing for August 10, 2006 at 8:30 a.m.

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- 3.5 **Z-2006-31** – Request to rezone property from AO (Agriculture Open Space) and PDD-78 (Planned Development District) to RM-2 (Residential Multi-family) zoning, property located at the southwest corner of North Judge Ely Boulevard and East Stamford Street; and set a public hearing for August 10, 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.

- 3.6 Ordinance adopting the "City of Abilene Sidewalk Master Plan"; and set a public hearing for August 10, 2006 at 8:30 a.m.

AN ORDINANCE ADOPTING THE "CITY OF ABILENE SIDEWALK MASTER PLAN", PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

Bid Awards:

- 3.7 **Bid #CB-6057** – General Aviation Ramp Taxi Lane Reconstruction Phase 2. The bid was awarded to Epic Construction Company, Abilene, TX in the amount of \$617,522.50 and the City Manager was authorized to execute a supplemental agreement with Epic Construction Company to reduce the scope of the project so that the contract cost meets the amount of funding allocated in Grant 29.
- 3.8 **Bid #CB-6058** – Air Carrier Ramp Reconstruction, Area A. The bid to include the Base Bid and Alternate Bid 1 was awarded to Epic Construction Company, Abilene, TX in the amount not to exceed \$2,246,097, subject to the availability of federal funding, and the City Manager was authorized to execute a change order or supplemental agreement, as appropriate, with Epic Construction to reduce the scope of the project so that the contract cost meets the amount of federal funding available for the project.

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 Williams made a motion to approve Mayor Archibald's reappointment of Steven Austin to the Betty Hardwick Center Board of Trustees (MHMR), term expiring August 2008. Councilman Higgins seconded the motion and the motion carried.

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

NAYS: None

5.4 (B) & (C) No appointments were made to the Abilene Health Facilities Development Corporation or the Abilene-Taylor County Child Advocacy Center Advisory Board.

There being no further business under the Regular Council agenda Mayor Archibald convened Council into the Budget Workshop.

BUDGET WORKSHOP

5.5 Mayor Archibald noted the Ordinances on today's Council agenda, item 5.5 A. *Ordinance approving the Revised 2005-06 Budget and Proposed 2006-2007 Budget*, and item 5.5 B. *Ordinance setting the Tax Levy*, are on for first reading only and are not scheduled for public hearings today. The first public hearing on the proposed tax increase is scheduled for the August 10th Council meeting and the second public hearing on the proposed tax increase is scheduled for the August 24, 2006 Council meeting. The second reading, public hearing, and Council vote on the budget ordinances and proposed tax levy are scheduled to be held at a Special Council Meeting on September 7, 2006.

City Manager Larry Gilley briefed the Council on issues addressed at the previous budget workshops. Mr. Gilley stated as a follow up from Council's discussion yesterday concerning possible additional one time funding of \$20,018 for the Abilene-Taylor County Child Advocacy Center for a counselor and computer equipment, that those funds could be allocated from the ending balance of the Revised 2005-06 Budget.

Mr. Gilley noted under the General Fund Summary of Departmental Expenditures 2006-07 Proposed Budget, the amount shown for the Zoological Gardens is over budgeted by \$88,000. Mr. Gilley recommended that the \$88,000 be redistributed as follows: 1) \$26,500 be allocated for a temporary position in the City Secretary's office for Records Management that was overlooked in the proposed budget; 2) \$30,000 be allocated for the Carver Park Picnic Shelter, and; 3) \$31,500 to go back to Fund Balance.

Council and staff discussion included: 1) staff explained the basis for the large increase in the Zoological line item even with the \$88,000 reduction (i.e. new educational center); 2) staff distributed to Council a breakdown of the Reinvestment Zone (TIF) Special Projects; 3) Council reiterated one time additional funding (not to be considered an entitlement) for non-profits and noted non-profits ability to re-apply yearly for funding, and; 4) the new method of distribution of the hotel/motel tax (35% to Civic Center, 50% to Abilene Convention Visitor's Bureau, and 15% to Cultural Affairs Council), will require all entities to manage their budgets, as there will not be a guaranteed amount.

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Mayor Archibald stated Council has before them, as discussed, the following for consideration: Consider on first reading an Ordinance approving the Revised 2005-2006 Budget and Proposed 2006-2007 Budget as presented by staff, including under the Proposed 2006-07 Budget the over budgeted amount of \$88,000 in the Zoological Gardens line item to be redistributed as follows: \$26,500 for a temporary position in the City Secretary's office for Records Management, \$30,000 for the Carver Park Picnic Shelter, and the balance of \$31,500 to go back to Fund Balance and under the Revised 2005-06 Budget approve a one time additional funding of \$20,018 to the Crime Victims Crisis Center for a counselor position at the Abilene-Taylor County Child Advocacy Center and necessary computer and office equipment/supplies.

5.5 A. Councilman Chase made a motion to approve on first reading an Ordinance approving the Revised 2005-2006 Budget and Proposed 2006-2007 Budget as presented by staff, including under the Proposed 2006-07 Budget the over budgeted amount of \$88,000 in the Zoological Gardens line item to be redistributed as follows: \$26,500 for a temporary position in the City Secretary's office for Records Management, \$30,000 for the Carver Park Picnic Shelter, and the balance of \$31,500 to go back to Fund Balance and under the Revised 2005-06 Budget approve a one time additional funding of \$20,018 to the Crime Victims Crisis Center for a counselor position at the Abilene-Taylor County Child Advocacy Center and necessary computer and office equipment/supplies, but due to the new method of distribution of the hotel/motel tax of 35% to the Civic Center, 50% to the Abilene Convention Visitor's Bureau, and 15% to the Cultural Affairs Council that the Special Services Division funding of \$34,000 for the Cultural Affairs Council not be included in the Proposed 2006-07 Budget. Motion died for lack of a second.

5.5 A. Councilwoman Moore made a motion to approve on first reading an Ordinance approving the Revised 2005-2006 Budget and Proposed 2006-2007 Budget as presented by staff, including under the Proposed 2006-07 Budget the over budgeted amount of \$88,000 in the Zoological Gardens line item to be redistributed as follows: \$26,500 for a temporary position in the City Secretary's office for Records Management, \$30,000 for the Carver Park Picnic Shelter, and the balance of \$31,500 to go back to Fund Balance and under the Revised 2005-06 Budget approve a one time additional funding of \$20,018 to the Crime Victims Crisis Center for a counselor position at the Abilene-Taylor County Child Advocacy Center and necessary computer and office equipment/supplies, and that the Special Services Division funding of \$34,000 for the Cultural Affairs Council be redistributed with \$24,000 being allocated to the Cultural Affairs Council and the remaining \$10,000 being allocated for a one time funding to the Meals on Wheels Program. Councilwoman Davis seconded the motion.

5.5 A. Councilman Chase made a motion to amend Councilwoman Moore's motion that the Special Services Division funding of \$34,000 for the Cultural Affairs Council be redistributed with \$24,000 being allocated to the Cultural Affairs Council and the remaining \$10,000 being allocated to the Meals on Wheels Program with the understanding that the intent for both of these allocations is for a one time allocation under the Proposed 2006-07 Budget only. Councilman Spano seconded the motion to amend, and the motion to amend carried.

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

NAYS: None

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5.5 A. Mayor Archibald called for the vote on the main motion as made by Councilwoman Moore and seconded by Councilwoman Davis, and as amended by the motion made by Councilman Chase, seconded by Councilman Spano and as approved by Council. Main motion, as amended, carried.

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

NAYS: None

5.5 B. Consider on First Reading – Ordinance Setting Tax Levy. Councilman Higgins made a motion to approve first reading of the Ordinance setting the Tax Levy for FY 2006-07 and that property taxes be increased by the adoption of a tax rate of 66.78 cents per \$100.00 valuation. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

5.5

Resolution:

A. Consider Resolution Adopting Schedule of Rates and Charges for Water and Sewer Utility Service.

Councilman Chase made a motion to approve a Resolution adopting Schedule of Rates and Charges for Water and Sewer Utility Service, 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

The Resolution is numbered **25-2006** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
REVISING THE SCHEDULE OF RATES AND CHARGES FOR WATER AND SEWER
UTILITY SERVICE.

There being no further business, the meeting was adjourned at 11:45 a.m.

Jo Moore
City Secretary

Norm Archibald
Mayor