

CITY COUNCIL MEETING
March 8, 2007, 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 March 8, 2007, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Stormy Higgins, Joe Spano, Anthony Williams, and Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, Interim City Attorney Dan Santee, City Secretary Jo Moore, and various members of the City staff.

Councilman Higgins gave the invocation.

Mayor Archibald introduced Gabriela Sanchez, a 5th grade student from Johnston Elementary School, who led the Pledge of Allegiance. Gabriela's grandmother Mary Helen Munoz and principal Mr. Thomas were also in attendance.

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

- "Lion's White Cane Day" for March 17, 2007
- "Autism Awareness Month" for the month of April 2007

Mayor Archibald stated the water level at Lake Fort Phantom is currently 11 feet below spillway and when the lake is more than 10 feet below spillway, the next stage of water conservation is triggered. The Mayor further stated that it is possible that water schedules will need to be changed and that change may be implemented in April.

DISPOSITION OF MINUTES

2.0 Mayor Archibald stated Council has been given the minutes from the February 22, 2007 Regular Council Meeting. There being no corrections, additions, or deletions to the minutes Councilwoman Moore made a motion to approve the minutes as presented. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Mayor Archibald stated **item 3.3**, *Ordinance amending Chapter 23, Subpart E "Zoning" of the Abilene Municipal Code, to establish Rural Residential zoning districts and to change the minimum lot size requirements in the AO (Agriculture Open Space) zoning district; and set a public hearing for March 22, 2007 at 8:30 a.m.*, and **item 3.4**, *Ordinance amending Chapter 23,*

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Subpart D “Subdivision Regulations” of the Abilene Municipal Code, regarding the Extra-Territorial Jurisdiction; and set a public hearing for March 22, 2007 at 8:30 a.m. will be removed from today’s agenda and not considered due to further deliberations being needed on these items.

Councilman Chase questioned if items 3.3 and 3.4 would be referred back to the ETJ Ordinance Review Committee and then to the Planning & Zoning Commission or if the items will be back before Council for consideration at the Council’s next meeting. City Manager Larry Gilley stated that will depend on the nature of the discussions that are held due to some of the surrounding counties that will be affected, with the exception of Taylor County, having some additional questions. If the discussions with the counties result in substantive changes in the ordinances then the ordinances would possibly be referred to the Committee or the P&Z Commission. Councilman Chase noted if all the counties have not had the opportunity to participate there may be an advantage to everyone for those counties to be able to do that in a committee setting with the other involved players. Councilman Chase further noted that he doesn’t believe the items have gone to P&Z since the Committee met and changes were made and that he believes the Committee should meet with all the players involved and complete their task and then the P&Z may want to review the ordinances before they come back to Council. Councilwoman Davis noted her preference that these ordinances be reviewed by P&Z and requested a list of the participants on the Committee be provided to Council. Mayor Archibald noted any questions concerning the status of these ordinances should be directed to the City Manager.

Item 3.1, *Oral Resolution authorizing the City Manager to enter into an agreement with Emergency Communications Network, Inc. for CodeRED Service,* was removed from the Consent Agenda and considered separately at the request of Councilman Higgins.

Item 3.2, *Resolution authorizing \$34,000 of TIF funds to the Abilene Cultural Affairs Council for 2006/2007 programming,* was removed from the Consent Agenda and considered separately at the request of Councilwoman Davis.

Item 3.5, *Bid #CB-7022 – Miscellaneous paved alley repair,* was removed from the Consent Agenda and considered separately at the request of Councilman Chase.

Resolutions:

- 3.1 **Removed from the Consent Agenda and considered separately:** Oral Resolution authorizing the City Manager to enter into an agreement with Emergency Communications Network, Inc. for CodeRED Service.
- 3.2 **Removed from the Consent Agenda and considered separately:** Resolution authorizing \$34,000 of TIF funds to the Abilene Cultural Affairs Council for 2006/2007 programming.

Ordinances:

- 3.3 **Removed from the Agenda:** Ordinance amending Chapter 23, Subpart E “Zoning” of the Abilene Municipal Code, to establish Rural Residential zoning districts and to change the

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minimum lot size requirements in the AO (Agriculture Open Space) zoning district; and set a public hearing for March 22, 2007 at 8:30 a.m.

- 3.4 **Removed from the Agenda:** Ordinance amending Chapter 23, Subpart D “Subdivision Regulations” of the Abilene Municipal Code, regarding the Extra-Territorial Jurisdiction; and set a public hearing for March 22, 2007 at 8:30 a.m.

Bid Award:

- 3.5 **Removed from the Consent Agenda and considered separately: Bid #CB-7022**
Miscellaneous paved alley repair.

Item 3.1 “Oral Resolution authorizing the City Manager to enter into an agreement with Emergency Communications Network, Inc. for CodeRED Service,” was removed from the Consent Agenda and considered separately at the request of Councilman Higgins.

Councilman Higgins requested more information on this item concerning the city spending \$3,000 per month for a pre-recorded message and the potential result in savings of \$3,000 per month on pagers. Emergency Management Coordinator Jim Bryan briefed the Council on the CodeRED Service. Mr. Bryan noted CodeRED is an emergency notification system available for emergency and non-emergency notifications and Abilene homes and businesses could be called within 30 minutes. Over 50 cities in Texas and 500 nationwide are currently utilizing CodeRED. The cost of the service is \$30,100 for a ten (10) month period beginning March 15, 2007, and would be funded through the 2006 State Homeland Security Program grant (SHSP) and implementation of CodeRED could potentially result in savings by the discontinuance of some City pagers. Mr. Bryan noted that the job of Emergency Management is to save lives and protect property and that CodeRED is a great tool for that purpose. Staff recommends the City Manager be authorized to enter into an agreement with Emergency Communications Network to provide CodeRED for a period of ten (10) months beginning March 15, 2007.

Council and staff discussion included: 1) staff explained the service for call out that the \$30,100 would purchase, noting the company would do everything for the city and the city would only put out the message and delineate the area; 2) the grant funds for the service would end in 10 months and the City Council would then decide if the service should be continued and if so funded possibly through another grant or through the City’s general fund budget; 3) how the City would be impacted if the service were continued through City funds and resources; 4) the possibility of citizens not wanting the service for various reasons, and staff researching to see if citizens will be able to opt out of the service; 5) the possibility of the CodeRED service being used in lieu of pagers although the number of pagers and cost savings is uncertain; 6) staff stating the CodeRED service is about providing a notification service to citizens pending storms/disasters and that although potential savings on the pagers is a plus it is not a motivating factor in this recommendation, and; 7) Council stating this is a good service and during the 10 month period they expect citizens will provide input concerning the service.

Councilman Williams made a motion to approve, by oral resolution, authorizing the City Manager to enter into an agreement with Emergency Communications Network, Inc. for CodeRED

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Service, as recommended by staff. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: Councilman Chase

Item 3.2, “Resolution authorizing \$34,000 of TIF funds to the Abilene Cultural Affairs Council for 2006/2007 programming”, was removed from the Consent Agenda and considered separately at the request of Councilwoman Davis.

Councilwoman Davis requested clarification stating that during the August budget cycle process last year the Abilene Cultural Affairs Council was given \$24,000 and questioned if the \$34,000 is what is being funded this year.

Richard Burdine, Assistant City Manager of Economic Development stated the \$24,000 funding last year to the Abilene Cultural Affairs Council was through the City’s General Fund and the \$34,000 is funding being provided them through the Tax Increment Finance District (TIF).

Councilwoman Davis requested staff provide information to Council on what the TIF funds have been spent on, the remaining funds and how the TIF Board is recommending to allocate those funds.

Councilwoman Moore made a motion to approve the resolution authorizing \$34,000 of TIF funds to the Abilene Cultural Affairs Council for 2006/2007 programming. Councilwoman Davis seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **7-2007** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE REINVESTMENT ZONE NUMBER ONE BOARD A/K/A TAX INCREMENT FINANCE DISTRICT BOARD (TIF) OF THE CITY OF ABILENE, TO USE TIF FUNDS TO SUPPORT THE FISCAL YEAR 2006/2007 PROGRAMMING ELEMENTS OF THE ABILENE CULTURAL AFFAIRS COUNCIL (ACAC).

Item 3.5, “Bid #CB-7022 – Miscellaneous paved alley repair”, was removed from the Consent Agenda and considered separately at the request of Councilman Chase. The contract involves reconstruction and drainage improvements of the following alleys:

- Harbour Town – corner of alley behind #36 & #38 (drainage)
- Grape & N. 9th – west of Grape between N. 9th and N. 10th
- West of Ave “D” – between E.N. 18th & E.N. 19th

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- Riviera Apartment Complex – west of Mockingbird between N. 6th & N. 3rd
- Gill Drive to Radford Drive – behind Scott Place

Councilman Chase asked staff to explain which previously authorized Capital Improvement Project funds these improvements are available from. Director of Public Works Paul Knippel stated the funding is from two sources: 1) the 2005 CIP alley reconstruction, and; 2) paving assessment funds previously designated.

Council and staff discussion included: 1) how CIP projects are authorized and the timeframes for those authorizations, how the funding is designated, utilized, and tracked by the City's Finance Department; 2) staff confirmed when CIP projects are approved in the budget it is for the one year period and not for the five year period; 3) staff noting the criteria used in determining the five proposed alleys to be improved under this bid was: a) they are alleys that were once paved; b) alleys with high traffic use, and; c) alleys that carry drainage and have an absence of utilities, and; 4) staff noted the proposed alleys are located on both sides of the community and consideration is also given to complaints received on the alleys.

Councilman Chase clarified that staff will confirm to Council that the previously authorized Capital Improvement Projects were from FY05-06 and were alley improvement projects. Staff stated that information will be provided to Council today.

Councilman Higgins made a motion to approve **Bid #CB-7022** – Miscellaneous paved alley repair. The bid was awarded to Bontke Bros. Construction Co., Abilene, TX in the amount of \$336,408.13. The contract involves reconstruction and drainage improvements of the following alleys:

- Harbour Town – corner of alley behind #36 & #38 (drainage)
- Grape & N. 9th – west of Grape between N. 9th and N. 10th
- West of Ave "D" – between E.N. 18th & E.N. 19th
- Riviera Apartment Complex – west of Mockingbird between N. 6th & N. 3rd
- Gill Drive to Radford Drive – behind Scott Place

Councilwoman Davis seconded the motion, and the motion carried.

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

NAYS: None

REGULAR AGENDA

4.1 Jon James, Director of Planning and Development Services briefed the Council on **Z-2007-06**, an ordinance considered on second and final reading to rezone property from SC (Shopping Center) to PDD-103 (Planned Development District) zoning, property located at 6401 Directors Parkway.

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Mr. James stated the property is currently under construction for a new specialty hospital adjacent to the existing medical mall. It is situated across Directors Parkway from PDD-99 (Planned Development District), which includes hotel and restaurant uses. PDD-103 (Planned Development District) mirrors the high aesthetic standards of the other PDDs (Planned Development Districts) in the area. PDD-103 was designed to accommodate development of a mix of medical and retail uses. There are three existing PDDs in the immediate area of the request, and the ordinance for PDD-103 was modeled after the regulations governing the neighboring properties. The ordinance includes standards for building materials, signage, landscaping, sidewalks, and access management. The applicant is currently developing the subject parcel with specialty hospital in support of the Regional Medical Center, but there will be additional acreage available for retail or other mixed-use development in the future. After beginning the design process, following the approval of their rezoning request, the developers determined that the site may be more cohesive if this additional acreage were included in the same zoning district. The PDD ordinance allows a variety of uses for parcels with frontage on the State right-of-way, and a more limited list of uses for parcels with frontage only on Directors Parkway, which is a local street. The Comprehensive Plan identifies the general area surrounding the parcel as a Special Activity Center. The Plan does not provide any information for this specific area, although it does offer some general goals for development. Mixed uses, pedestrian-friendly development, and aesthetic enhancement of building facades and site design are mentioned to help create a "more livable, vibrant, and accessible community". The site is located on the west side of the US 83/84 corridor, which places it in a Gateway Mixed Use Area as designated in the Comprehensive Plan. Aesthetic enhancement should be priority in Gateway Districts because they are "the area where visitors will form their first impression of the city and as such, should reflect the highest quality and provide a glimpse of Abilene's local identity". The landscaping, signage, and building material regulations listed in the PDD is consistent with the strategy designed for the US 83/84 Corridor due to the permitted uses supporting Abilene Regional Medical Center. The PDD (Planned Development District) zoning will require a more aesthetically pleasing development than the current regulations in the existing SC (Shopping Center) zoning. Staff and the Planning and Zoning Commission recommend approval of the request.

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 Davis made a motion to approve an ordinance considered on second and final reading to rezone property from SC (Shopping Center) to PDD-103 (Planned Development District) zoning, property located at 6401 Directors Parkway. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered 11-2007 and captioned as follows:

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 AND

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AMENDING PDD-103 AND ORDINANCE NO. 6-2006, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.2 David Wright, Director of Finance briefed the Council on an ordinance, considered on second and final reading, of the City of Abilene, Texas finding, after reasonable notice and hearing, that AEP Texas North Company's existing rates are unreasonable; finding that AEP Texas North Company's requested revenues resulting from electric transmission and distribution rates and charges within the City should be reduced; determining just and reasonable rates; adopting recommendations of consultants; providing for recovery of rate case expenses; preserving regulatory rights of the City; ordaining other provisions related to the subject matter hereof.

On November 9, 2006, AEP Texas North Company (TNC) filed with the PUC (Public Utility Commission), and all cities in TNC's (Texas North Company) service territory, an application to increase electric transmission and distribution rates by \$18.8 million or 12.7% for all cities that it serves. The Company's proposed elimination of two merger savings and rate reduction riders will increase TNC's (Texas North Company) distribution revenues by a total of 14.2%. The City, pursuant to §33.001 of the Public Utility Regulatory Act, has exclusive original jurisdiction over the electric rates charges by the Company. In accordance with that authority the City Council previously suspended the effective date for 90 days giving the City time to evaluate the application. Also, the City Council authorized joining other cities to investigate the Company's rates and retained the law firm of Lloyd Gosselink Blevins Rochelle & Townsend of Austin, Texas. All reasonable consulting and legal fees are, by law, reimbursable by the Company. The Cities' consultants have determined that TNC's (Texas North Company) proposed T&D revenues should be reduced by approximately \$13.5 million system wide and have made the following preliminary findings.

1. TNC's (Texas North Company) proposed distribution revenues should be reduced, and the current rates remain in effect.
2. The transmission rates should be increased in the amount of \$5.1 million.

The combined result of the Cities' recommended adjustments would be to reduce TNC's (Texas North Company) proposed revenues for transmission and distribution service by approximately \$13.5 million and thereby eliminate approximately 70% of the overall increase proposed by TNC (Texas North Company). The PUC (Public Utility Commission) will hear this case on April 12, 2007. Staff recommends approval of the proposed rate ordinance on second reading, following a public hearing.

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, of the City of Abilene, Texas finding, after reasonable notice and hearing, that AEP Texas North Company's existing rates are unreasonable; finding that AEP Texas North Company's requested revenues resulting from electric transmission and distribution rates and charges within the City should be reduced; determining just and reasonable rates; adopting recommendations of consultants; providing for recovery of rate case expenses; preserving regulatory rights of the City;

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ordaining other provisions related to the subject matter hereof. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered 12-2007 and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS FINDING, AFTER REASONABLE NOTICE AND HEARING, THAT AEP TEXAS NORTH COMPANY'S EXISTING RATES ARE UNREASONABLE; FINDING THAT AEP TEXAS NORTH COMPANY'S REQUESTED REVENUES RESULTING FROM ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE REDUCED; DETERMINING JUST AND REASONABLE RATES; ADOPTING RECOMMENDATIONS OF CONSULTANTS; PROVIDING FOR RECOVERY OF RATE CASE EXPENSES; PRESERVING REGULATORY RIGHTS OF THE CITY; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

4.3 Jon James, Director of Planning and Development Services briefed the Council on the 2007 Capital Budget and the 2008-2011 Capital Improvements Plan and set a public hearing for March 22, 2007 at 8:30 a.m.

Mr. James noted the item, as listed on today's Council Agenda, is for presentation and discussion of the CIP projects only with no Council action required. Mr. James further noted this item will be placed on the Council's March 22, 2007 Agenda for Council action. Mr. James stated the 2007-2011 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 (2007) 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. Certificates of Obligation in the amount of approximately \$4 million can be funded within the current certificate debt tax rate policy of 10.7 cents. The current proposal includes approximately \$3.97 million in projects. Approximately \$30,000 in potentially available funds has not been assigned to a specific project. This available amount could be used as a reserve for cost overruns or withheld. No increase in the debt tax rate will occur as a result of the certificates if approved as recommended. Two major goals for the CIP this year have been to focus on critical infrastructure and to improve the stability and predictability of the out-years (2008-2011). Emphasis was placed on evaluating projects for their potential to prevent future costs, to eliminate risks, and/or to provide cost savings. Additionally, staff is proposing greater use of cyclical and programmatic funding to reduce fluctuations in out-years. Staff recommends approval of the 2007 Capital Budget and the 2008-2011 Capital Improvements Plan. The Planning and Zoning Commission recommend approval of the 2007 Capital Budget and the 2008-2011 Capital Improvements Plan as presented with a statement of support for consideration of additional funding and staff research into possible city participation for a homeless shelter for unaccompanied youth.

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Council and staff discussion included: 1) considering necessary replacements (i.e. boilers and HVAC's at the Civic Center) at one time versus over a period of years, and considering contracting with companies that will provide funding for these items and allow cities to repay on a pay out basis (staff noted City is currently receiving RFP's for the boiler and HVAC at the Civic Center from companies that do this type of funding); 2) staff noted during last year's CIP discussions the lighting at the Civic Center being viewed a major project and the need to consider where the major savings will be in a long term plan; 3) Council noting support of an Energy Audit under a long term plan and utilizing every new technology; 4) staff explained how projects are prioritized and can be re-prioritized; 5) how departments project inflationary impact to projects; 6) staff addressed the Fire Department mission and issues including, constructing a south side fire station, upgrading existing fire stations, the large percentage of emergency medical calls, the need to maintain fire trucks to support fire services, additional equipment for medical services may be considered, and operational issues that need to be resolved; 7) staff explained the need and basis for replacing fire trucks with 2007 funding; 8) staff explained the basis for removing the Rebecca Lane improvement project from the unfunded list to the priority list; 9) the localized drainage issues from N. 18th to Treadaway; 10) staff explained the upgrade increase under park improvements for athletic field lighting and the safety aspects of this item being a priority over two neighborhood drainage projects and; 11) staff explained there is nothing currently available to fold the construction of a homeless shelter into a CIP.

Mayor Archibald noted no Council action is required today but the 2007 Capital Budget and the 2008-2011 Capital Improvement Plan will be on the March 22, 2007 agenda for Council action following a public hearing.

Mayor Archibald stated following a short recess **item 4.5**, *Oral Resolution accepting certified results of a Referendum Petition on Ordinance No. 69-2006, "An Ordinance Amending Chapter 10 of the Code of the City of Abilene By Adopting A Comprehensive Revision of Chapter 10: Fire Protection and Prevention, Article III: Fire Protection Code, Division 2: SMOKING", as approved by Council on December 21, 2006*, would be considered before **item 4.4**, *Resolution revising the Schedule of Rates and Charges for the Solid Waste Services Division*.

Mayor Archibald recessed Council at 10:25 a.m. for a break and reconvened Council at 10:35 a.m.

4.5 Jo Moore, City Secretary presented to Council the certified results of a Referendum Petition on Ordinance No. 69-2006, "An Ordinance Amending Chapter 10 of the Code of the City of Abilene By Adopting A Comprehensive Revision of Chapter 10: Fire Protection and Prevention, Article III: Fire Protection Code, Division 2: SMOKING", as approved by Council on December 21, 2006.

Ms. Moore stated on February 19, 2007 a Referendum Petition was filed with the City requesting a Referendum Election be called to repeal Ordinance No. 69-2006 that established Smoking Restrictions within the City of Abilene. The petition was submitted to and examined by the Taylor County Elections Office to determine if the petition contained the required number of qualified voter signatures and complete and accurate information required by city and state law. Certification of the Referendum Petition show that the petition is insufficient. Of the required 6,557 qualified voter signatures the petition held 1,640 valid signatures. Of the 8,585 names submitted on the petition incomplete and/or inaccurate information existed, rendering 6,945 names

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on the petition in noncompliance with city and state law. Insufficiencies also existed in the following areas:

- (1) in the signature of the person signing
- (2) in the signer's printed name;
- (3) in the signer's
 - (A) date of birth; or
 - (B) voter registration number
- (4) in the signer's residence address
- (5) in the date of signing

The petition also held signatures of non registered voters and of voters not registered in the City of Abilene. Staff recommends that Council by Oral Resolution accept the results of the Certification of the Referendum Petition.

Council and staff discussion included: 1) the petition being public record and the process used to validate the signatures; 2) City Charter allowing the petitioner to file a supplementary petition within ten days (due by 5 p.m. March 19th), and the City then having 20 days to examine the supplemental petition, and; 3) certification of a supplemental petition would be placed on the Council's April 12th agenda.

Councilman Williams made a motion to accept, by oral resolution, the certified results of a Referendum Petition on Ordinance No. 69-2006, "An Ordinance Amending Chapter 10 of the Code of the City of Abilene By Adopting A Comprehensive Revision of Chapter 10: Fire Protection and Prevention, Article III: Fire Protection Code, Division 2: SMOKING", as approved by Council on December 21, 2006. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

4.4 Paul Knippel, Director of Public Works, briefed the Council on a Resolution revising the Schedule of Rates and Charges for the Solid Waste Services Division.

Mr. Knippel stated staff is proposing a partial change to the rate structure for the Solid Waste Services Division that increases the roll-off container haul rates to compensate for increased fuel costs, adjusts short-term construction container rates to a single rate based on tonnage plus haul fees, defines rates for new recycling services, and establishes service fees for violation of Chapter 27 of the

Municipal Code for the City of Abilene. The additional annual revenue for the proposed adopted rate is approximately \$80,000. Staff recommends approval of the proposed Schedule of Rates and Charges.

Council and staff discussion included: 1) the Stationary Compactor Service, four collections per week, monthly fee; 2) all revisions to the charges are reflected in red ink on the exhibit to the resolution; 3) the City of Abilene being the preferred provider in the city due to being the most cost effective, and; 4) city staff noting presentations are being, and will continue to be, made to better educate residents of the community to the Solid Waste Services.

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Councilman Chase made a motion to approve a Resolution revising the Schedule of Rates and Charges for the Solid Waste Services Division. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **8-2007** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS REVISING THE SCHEDULE OF RATES AND CHARGES FOR THE SOLID WASTE SERVICES DIVISION.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session pursuant to Sections 551.071, 551.072, 551.074, and 551.087 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, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

Councilman Williams left the meeting during Executive Session.

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

5.5 Councilman Higgins made a motion to approve Mayor Archibald's appointment of Bruce Bixby to the Planning and Zoning Commission, term expiring November 2007. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Williams

No action was taken on the appointment for the Housing Authority Board.

There being no further business, the meeting was adjourned at 12:15 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor