

**CITY COUNCIL MEETING
December 6, 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 December 6, 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, Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, City Attorney Dan Santee, Interim City Secretary Danette Dunlap, and various members of the City staff.

Invocation gave by Mayor Archibald.

Mayor Archibald introduced Kyler Holder who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas. Kyler is a 4th grader at Austin Elementary. Kyler's parents, grandmother and Principal were in attendance.

EMPLOYEE SERVICE AWARD

Mayor Archibald presented to Dan Santee City Attorney, his 10 year Employee Service Award.

Mayor Archibald introduced the Mayor and City Council of Thomasville. The students are from Thomas Elementary and were elected by the students to represent Thomasville. Their teacher and principal were in attendance.

DISPOSITION OF MINUTES

2.0 Mayor Archibald stated Council has been given the minutes from the November 15, 2007 Regular Council Meeting, There being no deletions, corrections or additions to the minutes Councilwoman Davis made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Item 3.3 Oral Resolution authorizing the City Manager to execute a contract with West Texas Golf Cars for interim shuttle service for the Terminal Phase IV Project, *pulled by Councilman Spano.*

Item 3.5 Oral Resolution authorizing the City Manager to execute a contract with a shuttle service provider for the parking lot project, *pulled by Councilwoman Davis.*

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Councilman Williams made a motion to approve consent agenda items 3.1 through 3.2, 3.4 and 3.6 through 3.12 as recommended by staff. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

3.1 Reappointment of Municipal Court Judge Keith Barton.

The Resolution is numbered #41-2007 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REAPPOINTING KEITH A. BARTON MUNICIPAL COURT JUDGE FOR A TERM OF TWO (2) YEARS.

3.2 Resolution authorizing the City to apply for grant funds from Preserve America in conjunction with the Cultural and Heritage Tourism Committee of the Abilene Chamber of Commerce.

The Resolution is numbered #42-2007 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS INDICATING A COMMITMENT TO THE PRESERVATION OF THE HERITAGE OF THE CITY OF ABILENE AND SEEKING FUNDS THROUGH THE PRESERVE AMERICA COMMUNITY INITIATIVE.

3.3 **Removed from the Consent Agenda and considered separately:** Oral Resolution authorizing the City Manager to execute a contract with West Texas Golf Cars for interim shuttle service for the Terminal Phase IV Project.

3.4 Oral Resolution authorizing the City Manager to execute URS Corp Task Order 10.

3.5 **Removed from the Consent Agenda and considered separately:** Oral Resolution authorizing the City manager to execute a contract with a shuttle service provider for the parking lot project.

Ordinances:

3.6 Ordinance Amending Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code.

The Ordinance is numbered #49-2007 and is captioned as follows:

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AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC" OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- 3.7 Consider Ordinance Establishing Standards of Care for City of Abilene Youth Programs.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

- 3.8 An Ordinance to amend Chapter 23, Subpart D of the Subdivision Regulations regarding the Extra-Territorial Jurisdiction; and set a public hearing for December 20, 2007.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," 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.

- 3.9 An Ordinance to amend the Zoning Ordinance to establish Rural Residential zoning districts and to change the minimum lot size requirements in the AO (Agricultural Open Space) zoning district; and set a public hearing for December 20, 2007.

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.

- 3.10 **Z-2007-23** – Request to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential), RS-6/PH (Single-Family with Patio Home Overlay), RM-3 (Residential Multi-Family) and GC (General Commercial); located adjacent to HWY 277, just north of Dub Wright Blvd.; and set a public hearing on December 20, 2007.

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:

- 3.11 Purchase of three Sutphen Custom Premium Stainless Steel Rescue Pumpers. Bid award is \$1,256,151.21 to Sutphen Corporation for three (3) pumper apparatus.

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3.12 **Bid CB-#8007** – Purchase of 95 & 300 gallon refuse containers. Bid awarded to Toter, Inc., Statesville, NC. for the 95 gallon containers. Bid awarded to Rotonics, Inc. Brownwood, TX. for the 300 gallon containers.

Item 3.3 considered separately at the request of Councilman Spano.

3.3 *Oral Resolution authorizing the City Manager to execute a contract with West Texas Golf Cars for interim shuttle service for the Terminal Phase IV Project.*

Don Green Director of Aviation briefed the council on the Golf Cars for interim shuttle service for the Terminal Phase IV Project. The Airport has contracted with West Texas Golf Cars for the amount of \$6,125.00 per week to provide golf car shuttle service between the terminal and parking lot. This service is needed due to closing the terminal's lower level for the next phase of the terminal construction. This service will be required until the parking lot construction project reaches the stage where the planned shuttle service between the terminal and a temporary remote parking lot is implemented. The cost for this contract is \$6,125.00 per week and is eligible for 95% reimbursement through the FAA grant terminal project.

Council and staff discussion included: 1) had trouble finding vendors that could meet the city's contract requirements; 2) looked at using city employees; 3) looked at using CityLink; 4) covers 20 hours a day; 5) some factors in the cost include fuel and insurance costs; and 6) cost are reimbursable up to 95% with the Grant.

Item 3.5 considered separately at the request of Councilwoman Davis.

3.5 *Oral Resolution authorizing the City Manager to execute a contract with a shuttle service provider for the parking lot project.*

Don Green Director of Aviation briefed the council on the shuttle service. The City has twice solicited proposals from interested companies to provide a shuttle service between the terminal and a remote parking lot during construction of the new parking lot. One proposal was received from the first RFP and was rejected because Staff determined the cost exceeded the planned budget for this service. A second RFP has been solicited and proposals were received on December 4. The amount of \$300,000 has been budgeted in the project's overall cost.

Council and staff discussion included: 1) Request for Proposal earlier in the year was rejected; 2) shuttle buses are ADA compliant; 3) turnkey job; 4) one bus will run with one in reserve in case of problems; 5) no charge to the customer for bus fare; and 6) CityLink was looked at to provide the service, but they are having staffing shortages.

Councilman Spano made a motion to approve Item 3.3 Terminal Phase IV Interim Shuttle Service and Item 3.5 Parking lot construction shuttle service. Councilwoman Moore seconded the motion, and the motion carried.

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

REGULAR AGENDA

4.1 David Wright, Director of Finance briefed the council on the Ordinance amending Chapter 30, "Taxation" Relating to Tangible Personal Property in Transit.

During the 80th Legislative session, H.B. 621 was passed exempting goods from property taxation that resides temporarily in warehouses in a city while awaiting shipment to other locations within or outside the state. The statute allows an "opt-out" provision as a local option. The exemption automatically applies to a city unless the city does each of the following two things no later than December 31, 2007; (1) holds a hearing at which members of the public are allowed to speak for or against the taxation of goods; and (2) adopts an ordinance stating it wishes to continue taxing these goods.

The exemption applies only to goods that are owned by someone other than the owner of the warehouse where the goods are temporarily stored. Some appraisers in Texas are predicting a large fiscal impact for this exemption based on the theory that retailers who currently own their own warehouses may be tempted by the language of the exemption to sell their warehouses to third-party "shell" corporations. Once ownership is thus separated, the theory goes; the retailer could claim the exemption at warehouses that essentially remain under the control of the retailer, which is not in keeping with the economic development spirit of the bill. To further complicate matters, the bill that passed this year is arguably broader than the constitutional amendment adopted by voters in 2001: the amendment prohibits the exemption where the warehouses are owned or controlled by the owner of the goods, while the 2007 bill omits the language relating to control. As a result of this confusion, the Senate sponsor of the 2007 legislation has asked for an attorney general's opinion regarding the scope of the bill in relation to ownership and control.

The law can be very broad in its impact. The Central Appraisal District does not know the level of loss to taxable value because of the varying interpretations on what will be covered. It has potentially damaging loss as agents will be pushing this as far as they can legally and we expect numerous lawsuits and appeals before the impact is known.

Council and staff discussion included: 1) by passing the following ordinance it will not allow this exemption to go into affect; and 2) if no action taken it would go into effect January 1.

Mayor Archibald opened a public hearing on the item and there being no one Mayor Archibald closed the public hearing.

Councilman Chase made a motion to approve an Ordinance amending Chapter 30, "Taxation", Article I, of the Abilene Municipal Code. 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 Ordinance is numbered #50-2007 and captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 30, TAXATION," ARTICLE 1, OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; CALLING FOR A PUBLIC HEARING, AND PROVIDING FOR SAID ORDINANCE TO TAKE IMMEDIATE EFFECT.

Item 4.2 is a TABLED ITEM. Councilwoman Davis made the motion to remove item 4.2 from the table. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

4.2 Ken Dozier, Fire Chief briefed the council on the request for additional information on the rate increase from MetroCare. The increase of rates will not impact the city's budget. Ambulance users will see a rate increase per the request presented.

Mayor Archibald opened a public hearing on the item and the city council heard from:

- George Knupple, General Manager for MetroCare. Discussion included: 1) collection of past due accounts; 2) options for collecting the past due accounts; 3) when someone calls for an ambulance they do not turn anyone down; 4) hired a collection agency to collect past due accounts; 5) when MetroCare took over from Rural Metro in May 2004 they used the same rates Rural Metro had been using; 6) costs of upkeep of the vehicle maintenance; 7) fleet of 9 ambulances, 2 support vehicles and 1 disaster trailer; 8) one of the few services that is self supporting; 9) MetroCare is only located in Abilene; 10) rate request is based upon need of the company and not in comparison to other services; and 11) have paramedics on each ambulance so that the care being given is ALS 2 (Advance Life Support).
- Dr. Robert Larson, Emergency Medicine at Hendrick Medical Center. Dr. Larson explained that the level of care that has been given patients has greatly increased since MetroCare has taken over. MetroCare has saved lives here in Abilene. MetroCare does a great job and Abilene is very fortunate to have them here. Dr. Larson stated that he sees a very different level of care being delivered versus the rural ambulance services. Dr. Larson asked that the city council support the rate increase for MetroCare.

There being no one else present and desiring to be heard Mayor Archibald closed the public hearing. Council would like to have a report in 6 months to see how things are going.

EMS Rate Comparisons

<i>Comparison Cities</i>	<i>Ems Provided By</i>	<i>Base Rate</i>	<i>ALS1</i>	<i>ALS2</i>	<i>Adjusted for Comparison</i>	<i>Mileage Rate (Loaded)</i>
					50% base, 30% ALS1, 20% ALS2 or	
Abilene	MetroCare	\$445.00			(Current)	\$ 9.90
Abilene	MetroCare	\$675.00			(Proposed)	\$13.50
Carrolton	Fire Dept.	\$450.00	\$600.00	\$750.00	\$555.00	\$11.00
Denton	Fire Dept.	\$855.00			\$855.00	\$15.00
Grand Prairie	Fire Dept.	\$500.00			\$500.00	\$ 5.83
Killeen	Fire Dept.	\$500.00	\$600.00	\$700.00	\$570.00	\$ 9.00
Lubbock	Private Provider	\$573.00	\$741.00	\$823.00	\$673.40	\$10.00
Midland	Fire Dept.	\$399.00	\$432.00	\$609.00	\$450.90	\$ 8.00
Odessa	Fire Dept.	\$260.00	\$360.00	\$360.00	\$310.00	\$ 5.00
San Angelo	Fire Dept.	\$	\$515.00		\$515.00	\$ 6.25
Waco	Private Prov.	\$392.00			\$392.00	\$ 9.00
Wichita Falls	Private Prov.	N/A				
	Average:	\$491.13	\$541.33	\$648.40	\$535.70	\$ 8.79
Temple		\$650.00	\$750.00	\$850.00	\$720.00	\$12.00
Garland		\$550.00	\$550.00	\$650.00	\$570.00	\$ 8.31
Dallas		\$600.00			\$600.00	\$ 9.00
Hillsboro		\$550.00			\$550.00	\$10.00
Corpus Christi		\$355.00	\$365.00	\$500.00	\$384.00	\$ 9.00
Bryan		\$650.00			\$650.00	\$10.00
Eules		\$787.00	\$787.00	\$855.00	\$800.60	\$15.00
Mesquite		\$550.00			\$550.00	\$10.00
	Average:	\$586.00	\$610.50	\$713.75	\$603.08	\$10.41
Average of	Both groups:	\$583.81	\$569.00	\$677.44	\$567.41	\$ 9.55

Fire Based and Private EMS Providers

<i>Comparison Cities</i>	<i>Ems Provided By</i>	<i>Base Rate</i>	<i>ALS1</i>	<i>ALS2</i>	<i>Mileage Rate (Loaded)</i>	<i>Rate Date</i>
Carrolton	Fire Dept.	\$450.00	\$600.00	\$750.00	\$11.00	
Denton	Fire Dept.	\$855.00			\$15.00	Apr-06
Grand Prairie	Fire Dept.	\$500.00			\$ 5.83	Oct-06
Killeen	Fire Dept.	\$500.00	\$600.00	\$700.00	\$ 9.00	
Lubbock	Private Provider	\$573.00	\$741.00	\$823.00	\$10.00	Jan-07
Midland	Fire Dept.	\$399.00	\$432.00	\$609.00	\$ 8.00	Oct-07
Odessa	Fire Dept.	\$260.00	\$360.00	\$360.00	\$ 5.00	Jan-03
San Angelo	Fire Dept.	\$	\$515.00		\$ 6.25	Dec-05
Waco	Private Prov.	\$392.00			\$ 9.00	
Wichita Falls	Private Prov.	N/A				Oct-05
	Average:	\$491.13	\$541.33	\$648.40	\$ 8.79	

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Temple		\$650.00	\$750.00	\$850.00	\$12.00	Jan-06
Garland		\$550.00	\$550.00	\$650.00	\$ 8.31	Apr-07
Dallas		\$600.00			\$ 9.00	
Hillsboro		\$550.00			\$10.00	May-06
Corpus Christi		\$355.00	\$365.00	\$500.00	\$ 9.00	Jul-04
Bryan		\$650.00			\$10.00	
Eules		\$787.00	\$787.00	\$855.00	\$15.00	Oct-05
Mesquite		\$550.00			\$10.00	Oct-05
	Average:	\$586.00	\$610.50	\$713.75	\$10.41	
	Average of Both groups:	\$583.81	\$569.00	\$677.44	\$ 9.55	

Private EMS Providers

Comparison Cities	EMS Provided By	Base Rate	ALS 1	ALS 2	Mileage Rate (loaded)	Rate Date
Eules	Ameritech Mobile Medical System	360.00	480.00	480.00	\$7.50	Nov-05
Waco	Private Provider	\$392.00			\$9.00	
Corpus Christi	Advance EMS	\$355.00	\$355.00	\$500.00	\$9.00	Nov-06
Ft. Worth	Medstar	\$1,185.00			\$9.00	Oct-07
Mesquite	First Response EMS	\$400.00			\$12.00	
Wichita Falls	American Medical Response	\$282.00	\$416.00		\$6.13	Nov-05
Lubbock	UMC Lubbock EMS	\$573.00	\$741.00	\$823.00	\$11.00	Jan-07
Eules	Intermedics	\$787.00	\$855.00	\$900.00	\$15.00	Nov-05
Arlington	AMR	\$700.00			\$11.00	Nov-04
Tyler	East Texas Medical Center	\$675.00		\$800.00	\$11.48	Oct-06
Huntsville	Walker County EMS	\$450.00	\$700.00		\$12.00	Mar-06
Marble Falls	Marble Falls Area EMS Inc.	\$750.00	\$815.00	\$850.00	\$14.00	Oct-05
Temple	Scott and White EMS Inc	\$650.00	\$750.00	\$850.00	\$12.00	Jan-06
El Paso	Life Ambulance	\$335.00	\$360.00	\$485.00	\$7.85	Nov-07
	Average:	\$563.86	\$608.00	\$711.00	\$10.50	

Councilwoman Davis made the motion to grant both increases in rates and in mileage with an evaluation in six (6) months. Councilman Higgins seconded the motion and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, 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, 551.072 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

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officers, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

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 appointments and re-appointments to the following boards and commissions. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

Abilene Health Facilities Development Corporation

3 Year Terms

Re-Appoint:

- Raleigh Brown, term expires November 2010
- Harwell Barber, term expires November 2010

Abilene-Taylor County Public Health Advisory Board

3 Year Terms

Re-Appoint:

- Stormy Higgins, term expires November 2010
- Robert R. Hawley, DDS expires November 2010

Abilene-Taylor County Venue District Board

2 Year Terms

Re-Appoint:

- Norm Archibald, term expires November 2009
- Laura Moore, term expires November 2009

Airport Development Board

3 Year Terms

Re-Appoint:

- Larry Gill, term expires November 2010
- Vince Swinney, term expires November 2010

Animal Services Advisory Board

3 Year Terms:

Re-Appoint:

- Jack Callan, (Veterinarian), term expires November 2010
- Megan Santee (represents City Official), term expires November 2010

Board of Adjustment

2 Year Terms

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Re-Appoint:

- Col. Morton Langholtz, (Regular Member), term expires November 2009

Appoint:

- Brad Carter, Regular Member, term expires November 2009
- Roger Huber, Regular Member, term expires November 2009
- Bob Beerman, Alternate member, term expires November 2009

Board of Building Standards

2 Year Terms

Re-Appoint:

- David Beard (General Contractor), term expires November 2009
- Betty Blazier-Bradley (Social Worker), term expires November 2009
- Sandy Saringer (Alternate Social Worker), term expires November 2009
- Lloyd Turner (Alternate Engineer), term expires November 2009

Appoint:

- Marvin Barber, (Alternate), term expires November 2009
- Jimmy McDonald, (Alternate), term expires November 2009
- Matt Loudermilk, (Regular), term expires November 2009

Civil Service Commission

3 Year Terms

Re-Appoint:

- Sandy Self, term expires November 2010

Development Corporation of Abilene, Inc.

3 Year Terms

Re-Appoint:

- Stan Lambert, term expires November 2010

Housing Authority of the City of Abilene

2 Year Terms

Re-Appoint:

- Mary Jay Island, term expires 2009

Appoint:

- Cindy Horton, term expires 2009

Landmarks Commission

3 Year Terms

Re-Appoint:

- Steve Butman, term expires November 2010
- Bill Minter, term expires November 2010
- Tina Cargile, term expires November 2010

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Library Board

2 Year Terms

Re-Appoint:

- Robert Carleton, term expires November 2009
- Dr. John Williams, term expires November 2009
- Stan Chapman, term expires November 2009
- Joe Specht, term expires November 2009

Appoint:

- Deborah Lillick, term expires November 2009

Office of Neighborhood Services Advisory Council

2 Year Terms

Re-Appoint:

- Vanessa Roberts (McMurry Representative), term expires November 2009
- Kelly Cheek (At-Large), term expires November 2009
- Bill Culp (ACU Representative), term expires November 2009
- Linda Carleton (HSU Representative), term expires November 2009

Planning and Zoning Commission

3 Year Terms

Re-Appoint:

- Tim McClarty, term expires November 2010
- Bruce Bixby, term expires November 2010

Appoint:

- David Todd

Parks and Recreation Board

2 Year Term

Appoint:

- Terry Johnson, term expires May 2008

There being no further business the meeting was adjourned at 11:00 a.m.

Danette Dunlap
Interim City Secretary

Norm Archibald
Mayor