

CITY COUNCIL MEETING
March 10, 2011 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 10th at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Stormy Higgins, and Councilwoman Kellie Miller. Councilman Robert O. Briley was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced A J. Flores. A. J. attends Ortiz Elementary and she is a 5th grader. A. J. led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

Mayor Archibald along with City Manager Larry Gilley recognized the following employees for their years of service:

Arlis N. Wright, Instrumentation Technician I, Water Production – 20 years
Robert “Bob” A. Cheatham, Division Manager, Parks – 25 years
Donald “Donny” R. Brown, Police, Patrol – 30 years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the February 24th Regular Meeting there being no deletions, no additions, and no corrections, Councilman Price made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Higgins pulled Item 6.5. Citizen Pat Hippely pulled Item 6.3. Councilman Spano made the motion to approve consent items 6.1, 6.2 & 6.4 as recommended by staff. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None
ABSTAIN: Mayor Archibald and Councilman Price on agenda Item 6.2

Oral Resolutions:

6.1 **Oral Resolution:** Council approved a Street Use License Agreement with Abilene Education Foundation for April 14th for “Cajun Fest”.

- 6.2** **Oral Resolution:** Council approved a Street Use License Agreement with International Consultants of the Environment, Inc. for the removal of two underground storage tanks at 1241 Pine Street.

Ordinance:

- 6.3** **Ordinance:** *Item pulled by a citizen. (First Reading)* Adoption of the 2009 International Building, Residential, Existing Building, Plumbing, Mechanical and Fuel Gas Codes, with amendments; and setting a public hearing for March 24th, 2011.

AN ORDINANCE AMENDING: (1) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 2, "BUILDING CODE"; OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; (2) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 4, "PLUMBING CODE"; OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; (3) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 5, "MECHANICAL CODE"; OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; AND AN ORDINANCE APPROVING: (4) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 8, "RESIDENTIAL CODE"; OF THE ABILENE MUNICIPAL CODE, BY ADDING CERTAIN SECTIONS AS SET OUT BELOW; (5) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 9, "FUEL GAS CODE"; OF THE ABILENE MUNICIPAL CODE, BY ADDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING; (6) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 11, "EXISTING BUILDING CODE"; OF THE ABILENE MUNICIPAL CODE, BY ADDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

Award of Bids:

- 6.4** **Bid Award:** **#CB-1115** Project A: Rebecca Lane & Catclaw Drive Intersection Reconstruction and Project B: South 7th & Sayles Blvd Intersection Rehabilitation. Council award the bid to Stephens Martin Paving, LP of Abilene in the amount of \$19,620.49.
- 6.5** **Bid Award:** *Item pulled by Council.* **#CB-1116** Maxwell Golf Course Pump Station Replacement

ITEMS PULLED FROM CONSENT

- 6.3** **Ordinance:** *Item pulled by a citizen. (First Reading)* Adoption of the 2009 International Building, Residential, Existing Building, Plumbing, Mechanical and Fuel Gas Codes, with amendments; and setting a public hearing for March 24th, 2011.

Citizen Pat Hippely spoke of being upset over this Ordinance amendment to the International Building Codes. Mayor Archibald explained that this is the first reading and only sends this Ordinance to a second reading with a public hearing.

6.5 Bid Award: *Item pulled by Council. #CB-1116* Maxwell Golf Course Pump Station Replacement.

Councilman Higgins had questions and concerns over Maxwell Golf Course. Mike Hall Director of Community Services spoke of the critical need for the pump station. Council discussion included: 1) holding a workshop in regards to the status of Maxwell Golf Course.

Councilman Higgins made the motion to TABLE the bid award until the March 24th council meeting. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

Councilman Williams made the motion to approve the First Reading of Item 6.3 to move the item forward to the March 24th council meeting. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

REGULAR AGENDA

7.1 Jon James Director of Planning and Zoning briefed the council on the Zone Case **#Z-2011-01** a request from Red Armadillo, Ltd. to amend the PD#77, located at 3602, 3726, 3802 and 3950 Catclaw Dr. Currently the properties are zoned PD and are developed with a retail space (Dollar General) and a medical office space (Dr. J's Emergency Care) on the northern lots. The remaining area of the PD is undeveloped. The properties to the north are developed with retail shopping centers. The properties to the east are developed with apartments. The property to the west is a regional drainage and detention area and is undevelopable.

The Planning and Zoning Commissions recommended approval by a vote of five (5) in favor to one (1) in opposition. The P&Z Commission included in their recommendation that the following statement should be included in the PD, "That in no case shall there be more drives than allowed by the City of Abilene Drive Access Standards".

Staff recommends approval of the PD amendment as written.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the hearing was closed.

Councilman Higgins made the motion to approve the Ordinance for the Zone Case **Z-2011-01** a request from Red Armadillo, Ltd. To amend the PD#77, located at 3602,3726, 3802 and 3950 Catclaw Dr. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#6-2011](#) and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE" OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-77 AND ORDINANCE NO. 38-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Access Control

7.2 Jon James Director of Planning and Zoning briefed the council on the Zone Case **Z-2011-02** a request from Stanley Redding to rezone property from HC (Heavy Commercial) to GR (General Retail) zoning, located at 3549 Grape St.

Currently the property is zoned HC and is undeveloped. The applicant wishes to build a home on a 1-acre parcel and operate his business on the remaining 4 acres. The properties to the north and east are developed with residential dwelling units on large parcels. The properties to the west are developed residential neighborhoods. The properties to the south are developed with commercial businesses.

The Planning and Zoning Commissions recommended approval as requested by a vote of six (6) in favor to none (0) in opposition.

Staff recommends approval as requested.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the hearing was closed.

Councilman Price made the motion to approve the Ordinance Zone for the Case **Z-2011-02** a request from Stanley Redding to rezone property from HC (Heavy Commercial) to GR (General Retail) zoning, located at 3549 Grape St. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#7-2011](#) and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE", 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

Location: 3549 Grape Street

7.3 Jon James Director of Planning and Zoning briefed the council on the Zone Case **Z-2011-03** a request from John Kerr to rezone property from AO (Agricultural Open Space) and LI (Light Industrial) to PD (Planned Development) zoning, located at 4000 E. Overland Trail.

Currently the property is zoned AO & LI and is developed with a commercial use and has a residence on the rear part of the property. The east side of the PD area is undeveloped. There are some commercial uses on the properties to the east, but the general area is still largely undeveloped.

The Planning and Zoning Commissions recommended approval as requested by a vote of five (5) in favor, none (0) in opposition, and one (1) abstention

Staff recommends approval as requested.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the hearing was closed.

Councilwoman Miller made the motion to approve the Ordinance for the Zone Case **Z-2011-03** a request from John Kerr to rezone property from AO (Agricultural Open Space) and LI (Light Industrial) to PD (Planned Development) zoning, located at 4000 E. Overland Trail. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#8-2011](#) and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE" OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-135 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: 4000 E Overland Trail

7.4 Ronnie Kidd briefed the council on the Ordinance Amending Budget Ordinance No. 25-2010, part 7 regarding the Fire Department, the table below reflects positions currently designated by the ordinance as well as the positions to be amended by the new ordinance:

	<u>Current</u>	<u>Proposed</u>	<u>Change</u>
Deputy Chief	1	1	0
Battalion Chief	4	5	1
Fire Captain	13	12	(1)
Fire Lieutenant	32	32	0
Fire Fighter	<u>120</u>	<u>123</u>	<u>3</u>
Total	170	173	3

The changes reflect the restructuring that the Fire Chief implemented in the Fire Prevention division by making the Fire Marshal a battalion chief position instead of a captain. Historically, we have paid a fire captain assignment pay to perform the duties of Fire Marshal. Raising the Fire Marshal position to the battalion chief level is more reflective of the responsibilities of the position and, by eliminating the assignment pay, we have a cost neutral impact on the budget. The increase of three (3) fire fighters reflects the discussion held with City Council during the FY 11 budget workshops, whereby Council supported the addition of three (3) field resource medic positions (one for each shift) to further the department's paramedic (EMS) strategies if FY 11 sales tax revenues performed in a manner to support doing so. After the changes, the total staffing for the Fire Department will be 173 (fire fighters increase by 3, battalion chiefs and captains offset).

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the hearing was closed.

Council and Staff discussion includes: 1) would there be additional equipment needed, Chief Dozier explained the possible need of a vehicle; and 2) Councilman Price asked about other staffing issues throughout the city.

Councilman Spano made the motion to approve the Ordinance amending the Budget Ordinance No. 25-2010, part 7. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#9-2011](#) and captioned as follows:

AN ORDINANCE APPROVING A REVISION TO SECTION 7 OF ORDINANCE NUMBER 25-2010; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING

Fire Department Personnel to 173 positions

7.5 Megan Santee Interim Public Works briefed the council on the Application/Permit to Drill and/or Operate an Oil and/or Gas Well – Sojourner Drilling Corp. “City of Abilene #1” Permit #705511. Sojourner requested a variance per Sections 21-26 and 21-27 of Chapter 21 of the Abilene City Code of Ordinances, Oil and Gas, within 200 feet of an existing building. The application has reviewed and approved by Staff. All notices have been sent.

Mayor Archibald opened the public hearing and the council heard from the following:

- Alan Burns – with Sojourner Drilling Corp. Mr. Burns spoke in favor the drilling permit.
- Scott Senter – spoke in support of the drilling permit.

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

Councilman Price made the motion to approve the application/permit to drill and/or operate an oil and/or gas well with Sojourner Drilling Corp. “City of Abilene #1” Permit #705511. Councilman Higgins made the second, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

7.6 City Manager’s recommendation for the Capital Improvements Program for 2010-2015, was moved down on the agenda.

7.7 Mayor Archibald moved the workshop for the presentation and discussion regarding the EMS Citizens Advisory Committee report and possible direction to staff up on the agenda to be heard next.

James McCoy chair for the Committee gave the report to council.

Purpose/Goal

The EMS Citizens Advisory Committee shall assist the Abilene Fire Chief and the City staff in determining the feasibility and timetable for the Abilene Fire Department to become a Level 5 and/or Level 6 Emergency Medical Service provider.

Research Included:

- Ten Comparison Cities
 - Fire or Private Service (7 of 10 are Fire-based)
 - Length in EMS Service
 - Number of Ambulances
 - Level of Service
 - Billing Practices
 - Collection Rates and Amounts
 - Number of EMS Calls
 - Response Area
 - Type and Cost of Ambulances

Service/Benefit Considerations

Employees

AFD (177)

- 38 EMT-Paramedics
- 69 EMT-Intermediates
- 51 EMT-Basics
 - All new hires must become Paramedics within 2 years
- MetroCare (37)
 - 15 EMT-Paramedics
 - 4 EMT-Intermediates
 - 16 EMT- Basics

Response Data- 2009

- Response Times
 - AFD 4.42 minutes
 - MetroCare 8.40 minutes
- Responses Greater than 30 Minutes
 - AFD – 0
 - MetroCare – 119
- First On Scene
 - AFD 93.28%
 - MetroCare 6.72%

Response Data 2010 (through October 24th)

- Response Times
 - AFD 4.44 minutes
 - MetroCare 9.22 minutes
- Responses Greater than 30 Minutes
 - AFD – 0
 - MetroCare – 80
- First On Scene
 - AFD 93.29%
 - MetroCare 6.71%

Service/Benefit Considerations

- Stations
 - 8 AFD
 - 3 MetroCare
- Stability
- Training Division
- Community Support

Cost/Budget Considerations

- Delivery Model
- Start-up Costs
- Annual Operational Expenses
- Transition Costs
- Revenue/Collections
 - Fee Charges
 - Collection Rates/Methods
- Delivery Model

- 5 Ambulances for City Limit Coverage
 - Possible 6th Ambulance- if coverage extends beyond City Limits
- 2 Paramedics on each Ambulance
- 2 Additional Reserve/Surge Ambulances
- Outsourced Billing

- Start-up Costs

Ambulances - \$2,100,000

Station Renovations - \$170,000*

Equipment/Radios - \$110,000

Total Start-up Costs - \$2,380,000

* CIP replacement cost for Stations #3 and #7 approximately \$4,000,000.

Annual Operational Expenses

Personnel - \$2,312,000

Fuel - \$100,000

Other - \$32,000

Medical Supplies - \$48,000

Fleet Replacement - \$150,000

Total Annual Operational Expenses - \$2,642,000

Revenue Projections

Fee?

Collection Practices?

Collection Rates?

Medicare/Medicaid Reimbursements?

Other variables?

Estimated Revenue \$2,500,000 - \$3,000,000

Transition Costs

- Depends on time between resource acquisitions and revenue collections
- Long Transition Time = More Transition Cost

Service/Benefits

- More Paramedics
- Infrastructure
- Stability
- Response Times
- Training
- Community Support

Budget/Cost

- Delivery Model
- Start-up Expenses
- Revenue
- Operational Expenses
- Transition Time

Committee Recommendation

(12 of 15 members)

- AFD should assume Ambulance operations within the City of Abilene
- Delivery Model
 - Determined by City and Fire Administration
 - Similar to the 5-Ambulance Model Presented
- Commit Resources to a "Great" EMS Service

- Timing/Transition
 - As soon as practical
 - Financial issue to be determined by Council

Council and Staff discussion included: 1) the biggest challenge is the start up costs; 2) possible dispatch program that would allow for a review with the callers before dispatching the fire truck and/or ambulance in response; 3) If MetroCare added more ambulances, that would bring them to the suggested number for the fire department, they would need around \$730,000 in subsidies; 4) MetroCare is dispatched 30 seconds after the 911 call comes in to city dispatch; 5) Council heard from Robert Kern who served on the committee and said he didn't think that this was in the best interest of the city. He voiced concerns that the city is not in the business to make a profit, also budgets are tightening and doesn't feel that this is the right time; 6) Council heard from Ed Emerson who had voted against the fire department taking over the ambulance service. Mr. Emerson thought there were several questions that still needed to be answered; and 7) Cole Mitchell voiced his opinion that more discussion needs to happen in regards to costs, what is practical and moral issues with the firemen.

No votes or action were taken on this item.

7.6 Jon James Director of Planning and Zoning briefed the council on the City Manager's recommendation for the Capital Improvements Program for 2010-2015.

Significant Changes/Notes

Project #5575-01-06 Fire Apparatus Replacement, has generated the most significant amount of discussion this year. A rollover crash of a fire engine in 2010 that totaled the unit prompted graduation of this project from its previous unfunded status. The project would use the CIP as the primary funding source for fire equipment replacement on a planned unit life-cycle basis. A second significant change this year is a proposed shift by Public Works away from the reconstruction of one or two streets each year to a neighborhood area maintenance concept.

A Federal Transportation Enhancement award for \$701,675 to the City for median and sidewalk improvements along S 1st Street was not included in the 2011 CIP. This project would be eligible for inclusion in the CIP, but staff believes the timing and details are simply too preliminary and subject to change for inclusion in the CIP this year. Review and approval of this project will be included in next year's CIP or individually this year depending on the speed of progress made in the coming months.

Certificates of Obligation for \$1,500,000 can be funded within the current certificate debt tax rate policy of 10.7¢. Water and Wastewater projects of approximately \$31,550,000 are proposed over the next 5 years. Water/Wastewater projects are enterprise fund projects capitalized primarily through utility rates. No increase in the debt tax rate will occur because of issuance of certificates of obligations (C.O.'s) if approved as recommended.

Capital Improvement Program 2011 "Capital Year"

Fast Facts

- 6 Projects
- \$ 1.5 Million total
- No "New" Projects

95.6% of 2011 projects proposed for Transportation, Public Safety, or Facility Maintenance.

Notable Project Changes

#5575-01-06 Replace Fire Apparatus
+ \$553,0000 – Replace non operational unit

- #7010-01-06 Ball field Concession Bldg Replacement
project delayed 2 years (\$263,000 impact)
- # 7010-01-07 Lake Ft Phantom Park Development
Funds already acquired

Capital Improvement Program 2011 -2015

Fast Facts

- 21 Projects
- Just under \$9.2 Million in Projects
- 4 “New” Projects (10.18% of project cost)
- Approx 77% of projects proposed for Transportation, Public Safety, or Facility Maintenance
- 2011-2015 Funds Availability projected up \$500,000 (5.88%)
- Out Year “Over-budgeting” increased from .08% to 1.74%

Trends & Policy Decisions

Fire Equipment Replacement (Project # 5575-01-06)

Since 1994 the CIP has been used 10 times (\$4,940,000 - 5.9%) to replace fire equipment when needed on an ad hoc basis. Project proposes use of CIP as primary funding for fire equipment replacement?
P&Z Commission recommended moving fire equipment out of the CIP

	Scheduled Replacement
Issues	Vehicle Replacement Fund
	Self – Insurance
	Other Funding Options

Council and Staff discussion included: 1) biggest change is the addition of a fire truck, to replace the fire truck that rolled; 2) south downtown project; 3) ball field lighting; 4) sidewalks downtown; and 4) street improvements.

No action taken on this item, there will be a public hearing on March 24th agenda.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 11:59 a.m. 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 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 at 12:45 p.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

There being no further business the meeting was adjourned at 12:45 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor