

CITY COUNCIL MEETING
October 11, 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 October 11th 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, Robert O. Briley, Anthony Williams, and Stormy Higgins. Councilwoman Kellie Miller 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 Sadie and Jordan Shifflett both 5th graders at Bonham Elementary School. Sadie and Jordan led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

National Physical Therapy Month – accepted by Marsha Rutland, Assistant Professor of Physical Therapy, Hardin Simmons University.

White Cane Day – accepted by Mary Kindrick, President of the Abilene Chapter of the National Federation for the Blind.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the September 22nd regular meeting there being no deletions, no additions, and no corrections. Councilman Higgins made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald

NAYS: None

CONSENT AGENDA

Councilman Price pulled Item 6.3. Councilman Spano made the motion to approve consent items 6.1 through 6.5 except 6.3 as recommended by staff. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald

NAYS: None

Oral Resolutions:

6.1 Oral Resolution – Council approved a Street Use License for the Alliance for Women and Children. Application to close the 1000 of Orange Street to assist with the building of the “Kaboom” Community

Playground on their property from 8:00 a.m. Thursday, November 3rd through 5:00 p.m. Saturday, November 5th, 2011.

6.2 Oral Resolution – authorized the Agreement between the City of Abilene and the Board of Managers for the 9-1-1 Emergency Communication District for the City to administer the 9-1-1 Program. This will be a 5 year agreement.

Ordinance:

6.3 Ordinance – (First Reading) amending the City Code dealing with the discharge of weapons within the city limits. *Item pulled by Councilman Price.*

Bid Awards:

6.4 Bid Award – Council approved the purchase of bulk chemicals for the water and wastewater treatment plants.

Item:	Company	Unit Price
Liquid Aluminum Sulfate	Hydro Plus, Ltd.	\$ 230.00 / Dry Ton
Anhydrous Ammonia	Airgas Southwest, Inc.	\$2,126.96 / Liquid Ton
Liquid Caustic Soda	DPC Industries, Inc.	\$ 555.00 / Dry Ton
Liquid Chlorine	DPC Industries, Inc.	\$ 594.00 / Liquid Ton
Sodium Bisulfite (wastewater)	Dimmitt Sulfur Products, Ltd.	\$ 488.75 / Dry Ton
Hydrated Lime	Texas Lime Company	\$ 147.77 / Dry Ton
Fluorosilicic Acid	Pennco, Inc.	\$2,805.74 / Dry Ton
Liquid Ammonium Sulfate	Hydro Plus, Ltd.	\$ 493.00 / Dry Ton
Ferric Sulfate	General Chemical	\$ 290.00 / Dry Ton
Sodium Chlorite	Siemens Industry, Inc.	\$3,317.26 / Dry Ton
Ferrous Chloride	Kemira Water Solutions, Inc.	\$ 880.00 / Dry Ton
Dry Polyacrylamide Cationic Polymer	SNF Polydyne	\$3,380.00 / Dry Ton
Sodium Bisulfite (water)	Servco	\$ 0.185/Wet Pound
Sodium Hypochlorite	Servco	\$ 1.95 /Gallon
Citric Acid	Hydro Plus Ltd.	\$ 0.92 /Wet Pound

6.5 Bid Award – Council approved the retrofit of three AFD engines with Compressed Air Foam Systems. Work to be done by Rowe Industries. Cost \$114,000.00 FY11.

ITEM PULLED FROM CONSENT

6.3 Ordinance – (First Reading) amending the City Code dealing with the discharge of weapons within the city limits. *Item pulled by Councilman Price.*

Discussion with staff included: 1) the expansion into the City's ETJ with the amendment; and 2) discussion of the section 20-22.2 - individual peace officer under the direction and control of their supervisor. – Legal will consult with the Police Department.

Currently, hunting is legal on parcels greater than 10 acres annexed after 1981 and illegal on parcels annexed before. This will treat all tracts greater than 10 acres equally while maintaining the same buffers established by state law and currently enforced on the parcels where hunting is already legal.

AN ORDINANCE AMENDING CHAPTER 20, “OFFENSES”, OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

Councilman Price made the motion to approve Item 6.3 – First Reading to amend Chapter 20 “Offenses” dealing with the discharge of weapons within the city limits. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald

NAYS: None

REGULAR AGENDA

7.1 Jon James Director of Planning and Development, briefed the council on the Ordinance creating a Municipal Setting Designation (MSD) for the North First Street Corridor.

Subchapter W “Municipal Setting Designations” of Chapter 361 “Solid Waste Disposal Act” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality (TCEQ) to create municipal setting designations (MSDs). Section 401.05(a) of the Texas Local Government Code allows the governing body of a municipality to establish and enforce a MSD to regulate the pumping, extraction, or use of groundwater to prevent the use of or contact with groundwater that presents an actual or potential threat to human health. Planning & Zoning Commission and Staff both recommend approval.

Mayor Archibald opened the public hearing and council heard from:

- Gary Corpian – stressed that this ordinance is help for businesses in town

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

Councilman Briley made the motion to approve Ordinance creating a Municipal Setting Designation (MSD) for the North First Street Corridor. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald

NAYS: None

Ordinance # **38-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED IN AND AROUND THE NORTH FIRST STREET CORRIDOR AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; CALLING A PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

Location: Beginning at the intersection of North 3rd Street and Hickory Street, continuing west along North 3rd to its intersection with Willis Street, continuing north along Willis Street to its

intersection with North 6th Street, continuing west along North 6th Street, which changes to Leggett Drive, continuing along Leggett Drive to its intersection with North 1st Street, continuing west along North 1st Street approximately 1,650 feet to the intersection with the abandoned right-of-way of Main Street, continuing south along the abandoned right-of-way to the railroad tracks, continuing east along the railroad corridor to its intersection with Hickory Street, continuing north along Hickory Street to its intersection with North 3rd Street.

7.2 Mindy Patterson, Director of Finance briefed the council on the Resolution for input on continuation of taxation of Freeport.

Legislature has amended the law relating to property taxes on certain types of “goods-in-transit.” A property tax exemption, commonly referred to as the “Super Freeport” exemption, allows a local option exemption for goods traveling elsewhere in Texas and can be claimed when the goods are at certain warehouses not owned by the owner of the goods. Senate Bill 1 requires cities to take official action between October 1, 2011, and December 31, 2011, to provide for the taxation of goods-in-transit in 2012. The City must conduct a public hearing prior to doing so. These new requirements apply regardless of any action taken by a city in the past to tax Super Freeport goods. The failure to take official action within the timeframe will mean that the property will be exempt in perpetuity. Approval of this Resolution gives the City of Abilene the ability to retain the right to tax these properties.

Richard Petree, Taylor County CAD Chief Appraiser spoke about the new action that is required and that the city can retain the right to come back and grant exemptions. Other districts are passing this Resolution.

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

Councilman Price made the motion to approve the Resolution to continue taxation of Freeport. Councilman Williams seconded the motion, motion carried.

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

Resolution #**17-2011** and captioned as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TO
CONTINUE TAXATION OF FREEPORT.**

7.3 Ronnie Kidd, Managing Director for Administration briefed the council on the proposal for Medical Health Insurance.

The City of Abilene issued a Request for Proposal (RFP) on July 11, 2011. Newspaper notices were published on July 10 and July 17, 2011. The deadline for proposal was August 8, 2011. The RFP requested proposals from vendors for Third Party Administrator (TPA) services for the Self Insured Medical and Prescription Plan as well as proposals for Fully Insured Health and Prescription Plan. We received responses from four (4) vendors.

Jarrad Wills with Holmes Murphy & Associates, our benefits consultants, reviewed the responses to the proposals. All four vendors were invited to present their proposals on September 15, 2011. We have worked since then to obtain answers to questions and receive “best and final offers”.

Council would like more information/data before approving this item.

Mayor Archibald made the motion to TABLE the request for proposal for Medical Health Insurance. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:37 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 11:49 a.m. and reported no votes or action was taken in Executive Session in regards to Sections 551.072 Real Property and, 551.074 Personnel.

10 Oral Resolution – Discussion and possible action related to annual performance evaluations of the City Manager, City Attorney, City Secretary and Municipal Judge. No action taken.

11. Oral Resolution – Recommend nominations for the Jones County Appraisal District.

Mayor Archibald made the motion to nominate Seaton Higginbotham to the Jones County Appraisal District. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald

NAYS: None

There being no further business the meeting was adjourned at 11:50 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor