CITY COUNCIL MINUTES
Wichita Falls, Texas
Memorial Auditorium Building
December 5, 2006

Item 1

The City Council of the City of Wichita Falls, Texas met in regular session on the above date in the Council Chambers of the Memorial Auditorium Building at 8:30 o’clock a.m., with the following members present:

Lanham Lyne - Mayor
Ray Gonzalez - Mayor Pro Tem
Jim Ginnings - Councilors
Linda Ammons -
Dorothy Roberts-Burns -
Rick Hatcher -
Charles Elmore -
Darron Leiker - City Manager
Bill Sullivan - City Attorney
Lydia Ozuna - City Clerk

Mayor called the meeting to order.

Item 2a

Councilor Ginnings gave the invocation.

Item 2b

Councilor Gonzalez led in the Pledge of Allegiance.

Item 3a

Chief Bachman informed that high school students from our City received Texas Campus Crime Stoppers of the Year awards. Officer Harold McClure recognized those students and several of the principals who were present with their awards.

Item 3b

Public Works Director Scott Taylor informed that Fain Elementary School won the “Recycling Poster Contest”. The theme was “Helping Hands Changing our Future”. Mr. David Leffeldt was in charge of this project and he introduced the principal, Mrs. Theresa Ritchie and the winners. The winners, Rebecca Lind, Jay Gerard and Nicholas Crittendon received a radio controlled Mack truck. The winning drawings will be seen on the sanitation trucks.

Item 3c

Mayor recognized Mrs. Carolyn Whipple, Martin Luther King Center Clerk, as employee of the month for December 2006 and presented her with a plaque, a check, dinner for two, and golf course passes.
Item 4

Lucy Brandon, 4610 Chuck, representing the Bill of Rights Defense Committee, commended the talents and insights of our freedom. Bill of Rights Defense Committee requests that the Council pass a resolution stating that they will not approve any unconstitutional part of the Patriot Act within the city limits of Wichita Falls.

David Brock, 1819 Hines, spoke about the fee structure to reclaim goats and requested that the owner of the goats, James, be allowed to pay $25 per goat. The Health Department has a fee of $60 to reclaim goats. He said it had taken 45 days for someone at the Health Department to give us information.

Marilyn Scott, 2404 Polk, protested the 45 days limit to file claims against the City. She also wants an investigation of her husband’s death, Jesse O. Scott.

Item 5

The Minutes were approved as distributed.

Items 6a-7d

City Manager gave a briefing on the items listed under the Consent Agenda.

Councilor Gonzalez requested that Items 6a and 6c be moved to the Regular Agenda.

Moved by Councilor Gonzalez that the Consent Agenda be approved with the exception of Items 6a and 6c.

Motion seconded by Councilor Elmore and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez and Elmore

Nays: None

Item 6b

RESOLUTION NO. 153–2006

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, AUTHORIZING AWARD OF BID FOR THE PURCHASE OF A MOBILE CASCADE AIR SYSTEM, TO HOYT BREATHING AIR PRODUCTS IN THE AMOUNT OF $48,887.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Items 7a-7d

Minutes of the following board and commission meetings were received

(a) Civil Service Commission – May 1, 2006
(b) Aviation Advisory Board – July 20, 2006
(c) Aviation Advisory Board – September 21, 2006
(d) Planning and Zoning Commission – October 11, 2006

Item 6a

RESOLUTION NO. 152–2006

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, AUTHORIZING AWARD OF BID FOR THE CITY’S ESTIMATED ANNUAL REQUIREMENT OF READY MIX CONCRETE AND FLOWABLE FILL TO PITTS READY MIX, IN THE AMOUNT OF $201,425.00 AND TO OK CONCRETE FOR CURB & GUTTER MIX IN THE AMOUNT OF $10,250.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW
Moved by Councilor Elmore that Resolution No. 152-2006 be passed.

Motion seconded by Councilor Gonzalez.

Councilor Gonzalez wanted to know what would happen if the selected bidder is unable to provide the materials at the time needed. Mr. Scott Taylor replied that we go to whatever vendor can provide the needed materials and pay the market price at that time. Councilor Gonzalez wanted to make certain that we get the best price at all times. Mrs. Peggy Gahagan stated that vendors give us the price they bid originally; they are not gauging us.

Motion carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

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Item 6c

RESOLUTION NO. 154–2006

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, AUTHORIZING AWARD OF BID FOR THE CONSTRUCTION OF 5,000 LINEAR FEET OF 8-FOOT CHAIN LINK FENCE TO CHAVEZ CONSTRUCTION, IN THE AMOUNT OF $68,599.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Moved by Councilor Roberts-Burns that Resolution No. 154-2006 be passed.

Motion seconded by Councilor Elmore.

Councilor Gonzalez mentioned that the unit cost for Wall Enterprises was incorrect. Mr. Scott Taylor agreed and stated that the unit cost should be $16.95, not $6.95.

Motion carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

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Item 8a

ORDINANCE NO. 90–2006

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, AMENDING SECTION 2-1091 OF THE CODE OF ORDINANCES TO REDUCE THE TIME ALLOWED WITHIN WHICH TO FILE A CLAIM AGAINST THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Moved by Councilor Roberts-Burns that Ordinance No. 90-2006 be passed.

Motion seconded by Councilor Gonzalez.

Marilyn Scott, 2404 Polk, was against reducing the time allowed to file a claim against the City.

David Brock, 1819 Hines, disagreed with reducing the number of days to 45 days because he felt that it was going to increase the number of law suits. He commented that it took him 45 days just to get an answer from the City.

Moved by Councilor Elmore to amend the proposed ordinance by changing the number of days to file a claim against the City from 45 to 90 days.
Item 8a continued

Motion died for lack of a second.

Councilor Ammons called for the question.

Motion seconded by Councilor Ginnings and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Motion carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, and Gonzalez

Nays: Councilor Elmore

City Council recessed at 10:00 a.m. and reconvened at 10:10 a.m.

Item 8b

ORDINANCE NO. 91-2006

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, MAKING AN APPROPRIATION IN THE SPECIAL REVENUE FUND FOR THE ADDITIONAL FUNDING FOR THE IMMUNIZATION GRANT RECEIVED FROM THE DEPARTMENT OF STATE HEALTH SERVICES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Moved by Councilor Roberts-Burns that Ordinance No. 91-2006 be passed.

Motion seconded by Councilor Elmore and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 8c

ORDINANCE NO. 92-2006

ORDINANCE REZONING 1500 AND THE SOUTH 1.1 ACRES OUT OF 1512 MARTIN LUTHER KING JR. DRIVE AND ADJACENT RIGHT-OF-WAYS FROM RESIDENTIAL MIXED USE AND SINGLE FAMILY-2 TO GENERAL COMMERCIAL, AND AMENDING THE LAND USE PLAN TO COMMERCIAL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Moved by Councilor Roberts-Burns that Ordinance No. 92-2006 be passed.

Motion seconded by Councilor Gonzalez and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None
Item 8d

ORDINANCE NO. 93-2006

ORDINANCE CLOSING, ABANDONING, AND VACATING A TEN FOOT UTILITY EASEMENT CROSSING THE REAR PORTION OF 3108 SOUTH DRIVE CONTAINING APPROXIMATELY 2,875 SQUARE FEET AS INDICATED IN THE ATTACHED EXHIBIT “A” TO ALLOW PROSPECTIVE BUYERS TO ACQUIRE A LOAN TO PURCHASE SAID PROPERTY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Moved by Councilor Roberts-Burns that Ordinance No. 93-2006 be passed.

Motion seconded by Councilor Gonzalez and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 8e

ORDINANCE NO. 94-2006

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, AMENDING CHAPTER 26, BUSINESS REGULATIONS, AT ARTICLES I THROUGH IV, REGULATING SOLICITATION; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Moved by Councilor Ginnings that Ordinance No. 94-2006 be passed.

Motion seconded by Councilor Ammons.

David Brock, 1819 Hines, suggested adding that persons on private property be required to provide written permission to sell on the location.

Moved by Councilor Hatcher to amend the proposed ordinance by allowing the City Attorney to incorporate wording to address this situation.

Motion seconded by Councilor Gonzalez and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Main motion as amended carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 8f

ORDINANCE NO. 95-2006

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, MAKING AN APPROPRIATION TO THE SPECIAL REVENUE FUND FOR GRANT REVENUE FROM THE FEDERAL AVIATION ADMINISTRATION FOR ENGINEERING/DISIGN WORK AND TAXIWAY “C” REPAIRS AT WICHITA FALLS MUNICIPAL AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ACCEPTING SAME; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW
Item 8f continued

Moved by Councilor Roberts-Burns that Ordinance No. 95-2006 be passed.

Motion seconded by Councilor Gonzalez and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 9a

RESOLUTION NO. 155-2006

RESOLUTION APPROVING ENGINEERING SERVICES CONTRACT TO URS CORPORATION FOR THE DESIGN AND ENGINEERING ACTIVITIES ASSOCIATED WITH TAXIWAY “C” REPAIRS AT WICHITA FALLS MUNICIPAL AIRPORT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Moved by Councilor Gonzalez that Resolution No. 155-2006 be passed.

Motion seconded by Councilor Ammons and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 9b

RESOLUTION NO. 156-2006

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, CONFIRMING APPOINTMENTS TO THE FIREFIGHTERS’ AND POLICE OFFICERS’ CIVIL SERVICE COMMISSION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Moved by Councilor Ammons that Resolution No. 156-2006 be passed with Dr. Floyd Thornton’s term expiring December 31, 2009.

Motion seconded by Councilor Gonzalez and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 10a

Mr. Dave Clark invited everyone to attend a preview of “Wichita Falls: The Future of Our Past” tonight at 5:30 p.m. at the Wichita Theater. This was funded by the Texas Historical Commission. A five-minute clip of this video was shown during the Council meeting.

Mrs. Lou Franklin, Health Director, provided information on what had occurred regarding the goats that David Brock had mentioned. In 2004 there was a $25 fee, however, it did not include goats. In 2005 fees were raised to $65 for livestock and $35 for all other. Mr. Brock contends that goats are not livestock. The Agriculture Code, Chapter 1, Section 1, Definitions, include goats as livestock. The goats will be auctioned off on December 19.
Item 10b

Councilor Ammons mentioned the recycling poster contest and noted that Mr. David Lehfeldt was not mentioned or in the pictures, and he worked very hard on this project. She commended him for his work.

Councilor Ammons asked about the burned house on Kemp and Avenue J. Mr. Clark informed that it has been placed on the demolition list and will come back to Council in January.

Councilor Gonzalez asked about the property on Longleaf. Mr. Taylor reported that a final decision has not been made; we will contact the property owner once we determine what will be done.

Councilor Hatcher stated that he had made a promise in 2001 to do something with the bridge on Ohio at Berend’s Landing. He requested a discussion on renovating that bridge.

Councilor Ginnings complimented Mr. Taylor for getting the guttering on Maplewood and Midwestern Parkway done.

Councilor Ginnings complimented Mr. David Lehfeldt on the recycling poster contest. It was outstanding; sounds like it is going to be a pilot program and will be a real first and leader for other cities.

Councilor Elmore wants to bring the Bill of Rights to Council for discussion and to vote on it.

Councilor Elmore mentioned that Councilor Ammons and Roberts-Burns are on the Council subcommittee to review ordinances, and he would like to set a time to meet. City Attorney stated that he had sent a memo to suggest a brief meeting after the December 19, 2006 Council meeting.

Councilor Roberts-Burns was happy to see Mrs. Carolyn Whipple receive the Employee of the Month recognition. She plays a great role in the MLK breakfast.

Item 11a-11f

City Council went into Executive Session at 11:46 a.m. as authorized by Section 551.074 and of the Texas Government Code.

City Council reconvened at 12:08 p.m.

Mayor announced that no votes or polls were taken during Executive Session.

Item 12a

Moved by Councilor Gonzalez to reappoint the following members to the Airport Board of Adjustment with terms to expire December 31, 2008.

Mr. Gary Diehm, Place 1
Ms. Amy Bobrowitz, Place 3

Motion seconded by Councilor Ammons and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12b

Moved by Councilor Gonzalez to reappoint the following members to the Landmark Commission with terms to expire December 31, 2009.

Mr. Ron Fox, Place 6,
Mrs. Dianne Thueson, Place 8,
Mrs. Stacie Flood, Place 9
Item 12b continued

Motion seconded by Councilor Ammons and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12c

Moved by Councilor Gonzalez to reappoint the following members to the Planning and Zoning Commission with terms to expire 12/31/2008:

Mr. Steve Lane, Place 1,
Mr. Charles Barr, Place 6,
Mrs. Cayce Cleary, Place 8.

and to move Mr. Kevin Callahan, Alternate 1, to Place 4, replacing James Bradberry, with term to expire December 31, 2008, and appoint Mr. Otis Polk, III, as Alternate 1, with term to expire December 31, 2008.

Motion seconded by Councilor Hatcher and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12d

Moved by Councilor Gonzalez to reappoint Mrs. Ann Bishop, Place 1, and Mrs. Susan Plies, Place 2, to the Tax Increment Finance Board #1 with terms to expire December 31, 2008 and to appoint Mrs. Susan Plies as Chair with chair term to expire December 31, 2007.

Motion seconded by Councilor Hatcher and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12e

Moved by Councilor Gonzalez to appoint Mr. Ben Filer as Chair to the Tax Increment Finance Board #2 with term to expire December 31, 2007.

Motion seconded by Councilor Hatcher and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12f

Moved by Councilor Gonzalez to reappoint the following members to the Zoning Board of Adjustments with terms to expire December 31, 2008.

Mr. James McNeil, Place 2,
Mr. Dave Lilley, Alternate 1
Mr. Bruce Harris, Alternate 2
Mr. Harold Hawkins, Alternate 3
Item 12f continued

Motion seconded by Councilor Hatcher and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12g

Moved by Councilor Gonzalez to reappoint the following members to the Animal Shelter Advisory Committee.

Mrs. Julie Gibson, Place 2, with term to expire December 31, 2008
Mrs. Debra Mills, Place 3, with term to expire December 31, 2007
Mrs. Penny Miller, Place 5, with term to expire December 31, 2008

Motion seconded by Councilor Ammons and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12h

Moved by Councilor Gonzalez to reappoint Mr. Sidney Gills, Place 5, and Mr. Jon Rivkin, Place 6, to the Aviation Advisory Board with terms to expire December 31, 2009, and to appoint Mr. Kenneth Armstrong to Place 4, replacing Mr. Vernon Nesmith, with term to expire December 31, 2009.

Motion seconded by Councilor Hatcher and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12i

Moved by Councilor Hatcher to reappoint Mr. Samuel Amerine, Place 7, to the Clean Community Commission with term to expire December 31, 2008 and to appoint Ms. Carol Lunce to Place 9, replacing Mrs. Clemmie Garrett, with term to expire December 31, 2008.

Motion seconded by Councilor Gonzalez and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12j

Moved by Councilor Gonzalez to reappoint Mr. Leo Lane, Place 1, and Mr. Bo Stahler, Place 4, to the Commission on Highway Transportation System Needs with terms to expire December 31, 2008.

Motion seconded by Councilor Hatcher and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None
Item 12k

No appointments were made to the Commission on Human Needs as this commission is under review.

Item 12l

Moved by Councilor Gonzalez to reappoint Mr. Alan Donaldson, Place 2, Mrs. Peg Marquardt, Place 4, and Mrs. Mary Ward, Place 7, to the Park Board with terms to expire December 31, 2009 and to appoint Alvaro Alcazar to Place 5, with term to expire December 31, 2009.

Motion seconded by Councilor Hatcher and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12m

No appointments were made to the Traffic Safety Commission for lack of applicants.

Item 12n

Moved by Councilor Hatcher to appoint Ms. Carol Lunce to Place 3, Water Resources Commission with term to expire December 31, 2008, replacing Mr. Kerry Maroney.

Motion seconded by Councilor Gonzalez and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

Item 12o

Moved by Councilor Gonzalez to reappoint Mrs. Lauren Jansen, Place 2, and Dr. Richard Sutton, Place 5, to the Wichita Falls/Wichita County Health Board, with terms to expire December 31, 2008.

Motion seconded by Councilor Hatcher and carried by the following vote.

Ayes: Mayor Lyne, Councilors Ginnings, Ammons, Roberts-Burns, Hatcher, Gonzalez, and Elmore

Nays: None

City Council adjourned at 12:25 p.m.

PASSED AND APPROVED this ______day of _______________, 2006.

_____________________________________
MA YOR

_____________________________________
Lydia Ozuna
City Clerk