

CITY COUNCIL MEETING
May 22, 2003, 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CITY COUNCIL CHAMBERS OF CITY HALL

The City Council of the City of Abilene, Texas, met in Regular Session on May 22, 2003, at 8:30 a.m. in the City Council Chambers of City Hall. Mayor Grady Barr was present and presiding with Councilmen Norm Archibald, Kris Southward, John Hill, Jimmy McNeil, and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, Acting City Secretary Debbie Hurley, and various members of the City staff. Councilman Anthony Williams arrived at 9:45 a.m., following agenda item 3.9.

Councilman Norm Archibald gave the invocation.

Pledge of Allegiance was led by Charity Holzhauer, a fifth grader at Valley View Elementary. Mayor Barr noted that Charity is in the gifted and talented program, received academic recognition on all of her TAAS scores, takes piano lessons, is in the school's hand bell choir, and will attend Lincoln Middle School next year. Charity's parents, Robert and Nora Holzhauer, and school counselor, Susan Hall, were in attendance.

Mayor Barr, assisted by Acting City Secretary Debbie Hurley, presented Employee Service Awards to the following individuals for their years of service:

25 Years	A. J. Stevens, Jr.	Survey Party Crew Chief Technical Services
20 Years	Gilbert Gomez	Parts Warehouse Worker II Equipment Services
20 Years	Ken Lewis	Lead Supervisor Equipment Services

Anita Vigil, program coordinator for the city's recreation division, presented Mayor Barr with a t-shirt for Abilene's first-ever Senior Games competition. Ms. Vigil then gave a brief schedule of events that begin this morning and run through Saturday, at several locations around town. Mayor Barr thanked Ms. Vigil, and commended her for organizing the event.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the May 8, 2003 Regular City Council Meeting minutes, Councilman Southward made a motion to approve the minutes as printed. Councilwoman Alexander seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

CONSENT AGENDA

Item 3.7 was removed from the consent agenda by staff to be considered at a later date, and item 3.9 was removed from the consent agenda to be considered separately at the request of Mayor Barr. Councilman McNeil made a motion to approve consent agenda items 3.1 through 3.6, and first reading of item 3.8, as recommended by staff. Councilman Hill seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

Resolutions:

- 3.1 Oral Resolution authorizing the City Manager to enter into an agreement with Halff Associates, Inc., to provide services for the development of a Hazard Mitigation Plan and the Mitigation annex of the Emergency Operational Plan.
- 3.2 Oral Resolution ratifying Task Order 8 to the Airport Airside Engineering contract with HNTB to perform Airport Capital Improvement Programming Services.
- 3.3 Resolution designating names for access ways on private property for addressing purposes (Cullar Drive).

The Resolution is numbered **13-2003** and is captioned as follows:

A RESOLUTION DESIGNATING THE NAME CULLAR DRIVE FOR 911 AND OTHER ADDRESSING PURPOSES.

- 3.4 Resolution designating names for access ways on private property for addressing purposes - Hardin-Simmons University & Wesley Court Retirement Complex.

The Resolution is numbered **14-2003** and is captioned as follows:

A RESOLUTION DESIGNATING NAMES OF INTERNAL ACCESS WAYS FOR 911 AND OTHER ADDRESSING PURPOSES IN THE HARDIN-SIMMONS UNIVERSITY CAMPUS AND IN THE WESLEY COURT RETIREMENT COMPLEX.

- 3.5 Oral Resolution authorizing the City Manager to execute appropriate deeds for the sale of a 40.881 acre tract of excess Lake Kirby land to Thomas L. Taylor for \$771.00 per acre.
- 3.6 Oral Resolution authorizing the City Manager to execute a 3-year lease with Dale L. Parsons for property located at 2347 N. 6th Street, Abilene, Texas, to house part of the Womens, Infants & Children (WIC) program operations.

Ordinances:

- 3.7 Removed from the consent agenda by staff to be considered at a later date. **Z-02003** – Rezone from AO (Agricultural Open Space) to PDD (Planned Development) zoning district property located on Rebecca Lane west of Catclaw Creek, and set a public hearing for June 12, 2003 at 8:30 a.m.
- 3.8 **Z-02203** – Amend PDD-76 by rezoning a 45.4-acre tract from RM-2 and RM-3 (Residential Multi-Family) to PDD (Planned Development) zoning district property located at 5426 Hwy. 277 South, and set a public hearing for June 12, 2003 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE; AND ORDINANCE NO. 30-2002 CONCERNING THE PDD #76 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

- 3.9 Removed from the consent agenda to be considered separately at the request of Mayor Barr. Ordinance amending Chapter 32, "Utilities", of the Abilene Municipal Code, Article VI, "Drought and Emergency Contingency Plan", and set a public hearing for June 12, 2003 at 8:30 a.m.

REGULAR AGENDA

Ordinances:

- 3.9 Removed from the consent agenda to be considered separately at the request of Mayor Barr. Ordinance amending Chapter 32, "Utilities", of the Abilene Municipal Code, Article VI, "Drought and Emergency Contingency Plan", and set a public hearing for June 12, 2003 at 8:30 a.m.

Mayor Barr noted a public hearing will be held on this Ordinance at the Council's June 12, 2003 meeting, and he wants to assure that the public is made aware of the consideration that Council is giving this item. Mayor Barr stated he would like to discuss the portion of the Ordinance that addresses the registration of water wells. Although he does have a water well and has no issue with registering it the Mayor voiced concerns of this process becoming bureaucratic in requiring citizens to register, pay a fee and have an inspection conducted. The Mayor asked if a simple process could be implemented.

Rodney Taylor, Interim Director of Water Utilities, stated staff prefers if possible that the process be simple. Mr. Taylor noted the problem now is that complaints are received on customers who are using water wells without staff's knowledge. This results in staff having to follow up on complaints and actually issuing citations which ultimately are dismissed when it is determined that it is water well use. Mr. Taylor further stated if signage or registration requirements were in place, a city record of that would exist and demands on staff manpower would be reduced.

Mayor Barr stated citizens who have spent money to have a well to alleviate some of the drain on the City's water system should not be penalized for having the well. Mr. Taylor agreed and explained that most of the citizens are cooperative and the water department does have a voluntary registration list; and that this revision is targeted at the problem areas.

Mayor Barr asked that when the Ordinance comes back to Council for second reading that staff be prepared to explain how the Ordinance will be put into effect. Mayor Barr then requested further information on the recreational development item.

Mr. Taylor responded that any development that is going to be a large water user, particularly recreation uses, must submit a water use plan that will be reviewed by both the water and community development departments. The plan is to assure the methods being used and the facilities being built are going to be water-wise facilities, which includes conservation efforts and water recycling. This is to make sure there is no excess water waste, especially at a time when citizens are being asked to conserve.

Mayor Barr also requested further information on the ornamental fountains item.

Mr. Taylor stated an ornamental fountain should not be considered any different than a swimming pool. Swimming pools are allowed as long as the water is re-circulating in the pool itself and not drawing a continuous stream of fresh water and draining it to the sewer system.

Mayor Barr asked staff to determine the average water usage of a fountain for the next council meeting, and to solicit comments on the proposed changes to the Ordinance from the committee that worked on the water conservation plan that is now in effect.

Councilman Southward made a motion to approve first reading of the Ordinance amending Chapter 32, "Utilities", of the Abilene Municipal Code, Article VI, "Drought and Emergency Contingency Plan", and set a public hearing for June 12, 2003 at 8:30 a.m. Councilman Archibald seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES," ARTICLE VI, "DROUGHT AND EMERGENCY CONTINGENCY PLAN," OF THE ABILENE MUNICIPAL CODE, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

Councilman Williams arrived at the council meeting at 9:45 a.m.

4.1 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading - **Z-00203** – Amend permitted uses in Tract 5 of PDD-65 located on east I-20, 1/2 mile west of Loop 322. Mr. Armstrong stated on January 23 of this year, the Council expanded the area of the PDD by 3.4 acres for a water park and recreation complex. Consideration of new uses was tabled pending clarification and development of a more specific site plan. As the staff report indicates, a variety of recreational uses will be added. On-premise liquor consumption is planned for the hotel and restaurant. Several property owners appeared at the meeting to oppose certain aspects of the development. Most had a concern with alcohol consumption, especially in conjunction with other recreational activities. The applicant intends to restrict alcohol sales to the hotel and restaurant, and the Planning Commission included that as a condition of approval. Other concerns included noise from a planned amphitheater and increased traffic on E. N. 10th. The Planning and Zoning Commission and staff recommend approval.

Mayor Barr opened a public hearing on the item, and the following individuals spoke in response to the request:

- Chris Young, proponent, 802 Meander, complimented staff and noted appreciation for their assistance, and stated he wants to showcase Abilene.
- Mike McMahon, President of the Abilene Chamber of Commerce, 174 Cypress, stated the Chamber is in support of the project. Mr. McMahon stated it will be good for tourism, as well as being a local attraction, and will promote businesses and quality of life.
- Shirley Olson, Executive Director for the West Texas Girl Scout Council, 3166 S. 20th, stated the Girl Scout Council is in support of the project. Ms. Olson read letters of support from other Girl Scout Councils in the area, and stated this will be a closer resource for troop activities.
- Kent Brown, Director of the Texas Trails Council Boy Scouts of America, 1208 N. 5th St., stated their Council is in support of the project. Mr. Brown stated the Boy Scout troops are always looking for local entertainment.
- Dr. Bruce Davis, owner of property due west of the project, stated he is in favor of the project, but has grave concerns with the amphitheater and potential noise levels, as well as traffic. Dr. Davis urged Council to make improvements now, rather than after the project is completed.
- Ray Ferguson, 2533 Lincoln Drive, member of the DCOA Board, stated that although the DCOA cannot endorse the project, they are in favor. Mr. Ferguson stated this is in line with DCOA guidelines.
- Nikki Harle, West Texas Community Network, stated support of the project because it will enhance the attractiveness of the area and will generate more interest in west Texas.

- Scott Senter, 3401 Curry Lane, stated he is in support of the project, and referred to results obtained in the Comprehensive Plan that stated high school and college students want more to do in Abilene.
- Blair Haney, Texas Department of Transportation, 2400 Arrowhead, stated the Department of Transportation cannot endorse the project, but has no objections. Mr. Haney stated there are plans being considered to expand Loop 322 at Hwy. 351.
- Michael Burk, General Manager at the Ambassador Suites, 75 Tamarisk Circle, stated he is in favor of the project and believes it deserves Council support. Mr. Burks stated this will be the first major family facility in the area, and it is needed for tourism.
- Foy Mills, 1716 E. N. 10th, stated he and his family are not opposed to the project but encouraged compatibility, and is concerned with the traffic on E. N. 10th Street.
- Tonda Fenton, Quality Inn Civic Center Marketing Director, stated this project will help with the younger residents' feelings that there is nothing to do in Abilene, and it will be a good place for family reunion activities.
- Eugene Griffith, 1810 CR 460 in Hawley, stated he and other family members own property in the area and are for the project.
- Jean Scott, Quality Inn downtown, stated she has been to the amphitheater at Fair Park in Dallas, and noise doesn't seem to be a problem there.

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

Council and staff discussion included: 1) clarification of on-premise consumption for alcohol sales being limited to the hotel and restaurant area only; 2) assurance that if the present owners sell, new owners will have the same restrictions; 3) specific requirements on the direction of sound from the amphitheater; 4) the traffic problem at E. N. 10th being addressed on the Thoroughfare Plan and Capital Improvements Program; 5) the need to begin street improvements before the project is completed and stay ahead of the problems; and 6) the cost of street widening should not fall on the property owners.

Councilman Hill made a motion to approve the Ordinance to amend permitted uses in Tract 5 of PDD-65 located on east I-20, 1/2 mile west of Loop 322, as recommended by the Planning & Zoning Commission and staff. Councilwoman Alexander seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

The Ordinance is numbered **17-2003** and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE; AND ORDINANCE NO. 28-1998 CONCERNING THE PDD #65 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

4.2 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading **Z-01503** – Rezone from PDD-71 (Planned Development) to AO (Agricultural Open Space) zoning district property located at North Judge Ely Blvd. & East Stamford Street. The Planning & Zoning Commission and staff recommend approval.

Mayor Barr opened a public hearing on the item, and there being no one present and desiring to be heard, the public hearing was closed.

Councilwoman Alexander made a motion to approve the Ordinance to rezone from PDD-71 to Agricultural Open Space zoning district property located at southwest corner of I-20 & N. Judge Ely Blvd., as recommended by the Planning & Zoning Commission and staff. Councilman Williams seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

The Ordinance is numbered **18-2003** and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

Mayor Barr recessed the Council into executive session pursuant to Sections 551.071, 551.074, and 551.072 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, and to consider the purchase, exchange, lease or value of real property.

The Council reconvened from executive session and reported no action taken.

Bid Award:

4.3 At 11:00 a.m., the Council moved to item 4.3, Award of Bid, and to Consider Ordinance authorizing the issuance of City of Abilene, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2003, in the principal amount of \$2,800,000.

David Wright, Director of Finance, assisted by Joe Smith and George Williford of First Southwest Company, briefed the Council on the bids received and on the Ordinance authorizing the issuance of City of Abilene, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2003, in the principal amount of \$2,800,000. Mr. Wright announced that Mr. Smith will be retiring as of September 30, 2003, and Mr. Williford will be taking his place.

Mayor Barr commended Mr. Smith and thanked him for the tremendous assistance he has provided to the City of Abilene over the years.

Councilman Archibald moved to approve the bid from First Southwest Co., with a true interest cost of 3.322673 percent; and to approve the Ordinance authorizing the issuance of City of Abilene, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2003, in the principal amount of \$2,800,000, as recommended by staff. Councilwoman Alexander seconded the motion and the motion carried.

AYES: Councilmen Archibald, Southward, Williams, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None.

The Ordinance is numbered **19-2003** and is captioned as follows:

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS COMBINATION
TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2003, IN THE
PRINCIPAL AMOUNT OF \$2,800,000

There being no further business, the meeting was adjourned at 11:15 a.m.

Jo Moore
City Secretary

Grady Barr
Mayor