

CITY COUNCIL MEETING
November 13, 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 November 13, 2003, at 8:30 a.m. in the City Council Chambers of City Hall. Mayor Grady Barr was present and presiding with Councilmen Kris Southward, Anthony Williams, John Hill, Jimmy McNeil, Norm Archibald and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Councilman McNeil gave the invocation.

Brett Baucum, a 4th grade student at Bassetti Elementary School, led the Pledge of Allegiance. Her mother, Kelli Baucum and her School Counselor, Gelene McFadden, accompanied Brett.

PRESENTATIONS

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

30 Years	Thad Carey	Police Sergeant
		Police
20 Years	Kim St. Clair	Administrative Assistant II
		Library

PROCLAMATIONS

Mayor Barr, assisted by Councilwoman Kay Alexander, presented to Brad Helbert, Executive Director of West Central Texas Council of Governments, a proclamation recognizing November 13, 2003 as "Brad Helbert Day".

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the October 23, 2003 Regular City Council Minutes and October 30, 2003 Special Called City Council Minutes, Councilman Williams made a motion to approve the minutes as printed. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

3.0 Councilman Hill made a motion to approve consent agenda items 3.1 through 3.11 and first reading of items 3.12 through 3.15 as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

Resolutions/Bid Awards:

3.1 Oral Resolution ratifying changes to the Abilene Regional Airport Traffic Control Tower mold remediation project, taken under emergency conditions to avoid unnecessary disruption of vital FAA Airport Traffic Control Tower activities.

3.2 Resolution providing for approval of application for Grant Funds from the State of Texas for a Selective Traffic Enforcement Program, and authorizing the Chief of Police or his designee to execute the grant application and contract.

The Resolution is numbered **41-2003** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS PROVIDING FOR APPROVAL OF AN APPLICATION FOR GRANT FUNDS FROM THE STATE OF TEXAS FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM ("STEP").

3.3 Resolution consenting to the transfer and assignment of an internal facilities link for a long distance telecommunications system operated by IXC Carrier, Inc. to C III Communications Operations, LLC.

The Resolution is numbered **42-2003** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, CONSENTING TO THE TRANSFER AND ASSIGNMENT OF AN INTERNAL FACILITIES LINK FOR A LONG DISTANCE TELECOMMUNICATIONS SYSTEM OPERATED BY IXC CARRIER, INC. TO C III COMMUNICATIONS OPERATIONS, LLC.

3.4 Resolution consenting to the transfer and assignment of the cable franchise from TCA Cable Partners II to Cox Southwest Holdings, L.P.

The Resolution is numbered **43-2003** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, CONSENTING TO THE TRANSFER AND ASSIGNMENT OF THE CABLE FRANCHISE FROM TCA CABLE PARTNERS II TO COX SOUTHWEST HOLDINGS, L.P.

- 3.5 **Bid #CB-4001** - Oral Resolution approving the use of seized funds for award of bid for Evidence Vault improvements. The bid was awarded to the Crowe Group, Inc., Abilene, Texas in the amount of \$40,504.00
- 3.6 **Bid #CB-3083** - Liquid asphalt distributor truck for Street Services Division. The bid was awarded to Corley-Wetsel Freightliners, Abilene, Texas in the amount of \$108,103.81.
- 3.7 **Bid #CB-3064** - Ditching machine for Parks Division. The bid was awarded to Ditch Witch Southwest, Lubbock, Texas with trade-in for their low responsive bid in the amount of \$29,603.13.
- 3.8 **Bid #CB-3062** - Gradall hydraulic excavator for Street Services Division. The bid was awarded to Continental Equipment in the amount of \$291,711.00.
- 3.9 **Bid #CB-3084** - Civic Center stage floor replacement. The bid was awarded to Sherwood Flooring, Inc., Abilene, Texas in the amount of \$65,861.48.
- 3.10 **Bid #CB-4005** - South 20th street repairs and additional work. The bid was awarded to Stephens & Martin Paving Co. for existing repair work for the amount of \$121,992.11 and for the same Unit Prices Bid for future repair work up to \$243,984.22 for a contract total of up to \$365,976.33, ratifying staff's emergency repair actions.

Ordinances:

- 3.11 Ordinance amending Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code.

The Ordinance is numbered **38-2003** and captioned as follows:

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.

- 3.12 Ordinance authorizing and allowing 100% Updated Service Credits for current employees in the Texas Municipal Retirement System Plan.

AN ORDINANCE OF THE CITY OF ABILENE AMENDING CHAPTER 2 – ADMINISTRATION, ARTICLE III – EMPLOYEE BENEFITS, DIVISION 2 – RETIREMENT OF THE ABILENE MUNICIPAL CODE, BY AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, “UPDATED SERVICE CREDITS” IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE IN THE EMPLOYMENT OF THE CITY OF ABILENE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

- 3.13 Ordinance amending Chapter 18, “Motor Vehicles and Traffic”, Article VIII, “Miscellaneous Driving Rules”, of the Abilene Municipal Code, by adding certain sections as set out below; providing a severability clause; and declaring a penalty.

AN ORDINANCE OF THE CITY OF ABILENE, AMENDING CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC”, ARTICLE VIII “MISCELLANEOUS DRIVING RULES”, OF THE ABILENE MUNICIPAL CODE, BY ADDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- 3.14 Zoning Ordinance amendment of Section 23-332, Planned Development Districts and Section 23-356.1.H, Administration Procedure and Required Permits and set a public hearing for November 25, 2003 at 8:30 a.m.

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.

- 3.15 **Z-04603** – Rezone from RM-2 & RS-6 (Residential Multi-Family & Residential Single Family) to CU (College-University) zoning district, property located in the 2500-2600 block of Cedar, 2500-2600 block of Hickory and, 1200 block of North 26th and set a public hearing for November 25, 2003 at 8:30 a.m.

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.

REGULAR AGENDA

Ordinances:

Mayor Barr noted item 4.6 has been removed from the agenda.

4.1 Jeff Armstrong, Development Services Manager, briefed the Council on a Zoning Ordinance considered on second and final reading to rezone from RM-3 (Residential Multi-Family) to MU (Medical Use) zoning district, property located at 1734, 1742, 1750 & 1758 Cedar and 1217 & 1201 North 18th Streets.

Mr. Armstrong noted the applicant intends to construct a parking lot on the middle portion of the subject property. The parking lot will serve a medical clinic to be located west across the alley. The proposed rezoning is compatible with the surrounding area, much of which is already used or zoned for medical-related purposes. Staff and the Planning & Zoning Commission recommend approval.

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

Councilwoman Alexander made a motion to approve the Zoning Ordinance considered on second and final reading to rezone from RM-3 (Residential Multi-Family) to MU (Medical Use) zoning district, property located at 1734, 1742, 1750 & 1758 Cedar and 1217 & 1201 North 18th Streets. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

ABSTAIN: Councilman Archibald

The Ordinance is numbered **39-2003** and 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.

4.2 Elizabeth Grindstaff, Assistant Director of Community Development, briefed the Council on a Zoning Ordinance to rezone from AO, GC & PDD (Agriculture Open Space, General Commercial & Planned Development District) to PDD (Planned Development District) zoning district, property located east side of Loop 322, between Caddo and Industrial.

Ms. Grindstaff noted the request from Centro Real Estate proposes to develop the 34-acre area west of Lone Star, which fronts on Loop 322, as a mix commercial and warehousing uses. The uses are generally those that are compatible with and support the core activity (high tech employment/education) for the Major Commercial-Business Activity Center marked for this location in the draft Comprehensive Plan. Ms. Grindstaff further noted staff and the applicant have negotiated an excellent set of design standards for the PDD. Staff and the Planning & Zoning Commission recommend approval, as negotiated between the applicant and staff.

Council and staff discussion included: 1) the developers in the area communicating well with each other and; 2) a correction being noted on Zoning District map to reflect the previously approved PDD.

Mayor Barr then opened a public hearing on the item, and the following individual addressed the Council:

- Terry Franklin – agent for the proponent, 1473 Beltway South, stated that possible changes in the signage area may be requested in the future. Mr. Franklin noted currently there is a restriction in the number of signs allowed per frontage and per square feet but a PDD does allow for a request for future changes.

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

Councilman Archibald made a motion to approve the Zoning Ordinance considered on second and final reading to rezone from AO, GC & PDD (Agriculture Open Space, General Commercial & Planned Development District) to PDD (Planned Development District) zoning district, property located east side of Loop 322, between Caddo and Industrial. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **40-2003** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-82 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.3 Elizabeth Grindstaff, Assistant Director of Community Development, briefed the Council on a Zoning Ordinance to rezone from AO (Agriculture Open Space) to PDR (Planned Development Residential) zoning district, property located on Oldham Lane (F.M. 1750), south of Industrial Blvd.

Ms. Grindstaff noted the request from Centro Real Estate proposes to develop a 32-lot high-end residential gated community east of Lone Star, with access only from Oldham Lane. Ms. Grindstaff briefed the Council on the history of the rezone request and on the discussion and negotiations between the applicant and staff. Staff and the Planning & Zoning Commission recommend approval of the PDR as written by staff, with set backs as modified by the Planning & Zoning Commission.

Mayor Barr opened a public hearing on the item, and the following individual addressed the Council:

- Terry Franklin, agent for the proponent, 1473 Beltway South, requested Councils approval of the request.

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

Mayor Barr commended Mr. Franklin and Stockard Investments on the project noting it is a positive investment in the City.

Councilman Williams made a motion to approve the Zoning Ordinance considered on second and final reading to rezone from AO (Agriculture Open Space) to PDR (Planned Development Residential) zoning district, property located on Oldham Lane (F.M. 1750), south of Industrial Blvd. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **41-2003** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-83 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.4 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance providing for TC-04203 – a thoroughfare abandonment of Marathon Road from the south right-of-way line of State Hwy 351 to the north right-of-way line of Morrow Lane, Abilene, Taylor County, Texas.

Mr. Armstrong noted the request from Abilene Christian University is to close this unimproved section of Marathon Road in order to construct a greenhouse over the existing right of way. Mr. Armstrong further noted the Plat Review Committee has outlined six stipulations to be placed on closing the street and that staff and the Planning & Zoning Commission recommend approval of the request with the Plat Review Committee stipulations.

Council and staff discussion included: 1) where the abandonment starts; 2) the small section of street being maintained by the adjacent property owners and; 3) the need for a utility right-of-way.

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

Councilman Archibald made a motion to approve the Ordinance providing for TC-04203 – a thoroughfare abandonment of Marathon Road from the south right-of-way line of State Hwy 351 to the north right-of-way line of Morrow Lane, Abilene, Taylor County, Texas. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

ABSTAIN: Councilman Williams

The Ordinance is numbered **42-2003** and captioned as follows:

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

4.5 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance providing for TC-04303 – a thoroughfare abandonment of (1) Lee Drive from the south right-of-way line of Texas Avenue to the north right-of-way line of an east-west alley and; (2) an east-west alley from the west right-of-way line of Lee Drive west a distance of 233.3' to the east right-of-way line of Dub Wright Blvd.

Mr. Armstrong noted the request from Oilfield Security Investigation, Inc. is to abandon Lee Drive to provide more parking for an adjacent business and that staff initiated the alley closure to eliminate the possibility of a dead-end dedication. The Plat Review Committee had no objections to the request, provided the entire right-of-way for Lee Drive is retained as an accessible utility and drainage easement. The alley should also be retained as a utility easement. Staff and the Planning & Zoning Commission recommend approval of the request with the Plat Review Committee stipulations.

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

Councilwoman Alexander made a motion to approve the Ordinance providing for TC-04303 – a thoroughfare abandonment of (1) Lee Drive from the south right-of-way line of Texas Avenue to the north right-of-way line of an east-west alley and; (2) an east-west alley from the west right-of-way line of Lee Drive west a distance of 233.3' to the east right-of-way line of Dub Wright Blvd. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **43-2003** and captioned as follows:

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

Mayor Barr noted agenda item 4.6; SNC-04703 - Street name change of Lance Drive to East Eagle Avenue located at the Abilene Regional Airport was removed from the Agenda.

EXECUTIVE SESSION

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.

REGULAR SESSION

The Council reconvened from Executive Session and reported no action taken.

5.4 Councilman Archibald made a motion to approve the Resolution to cast 110 votes for Harold Nixon, 110 votes for Leland Robinson, and 834 votes for David Copeland for the Board of Directors for the Central Appraisal District of Taylor County. Councilman McNeil seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **44-2003** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TO VOTE ON BOARD OF DIRECTOR MEMBERS FOR THE CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY.

5.5 City Attorney, Sharon Hicks, briefed the Council on the Resolution creating the Abilene-Taylor County Events Venue District, with appointment of Directors and Interlocal Agreement supporting the Venue District. Ms. Hicks noted the creation of the Abilene-Taylor County Events Venue District (ATCEVD) would allow a single entity to promote the success of Frontier Texas!, the Expo Center of Taylor County and Shotwell Stadium as one venue and raise funds to support new construction, renovation, maintenance and operational costs to enhance the viability of tourism and obtain highest and best use. If the District is created, it can request citizen approval for funding at an anticipated February 7, 2004 election. A hotel/motel tax would generate funds to support the District's goals. The anticipated \$400,000 annual funds would be used to support the three facilities in construction and operational costs, most visibly, the paving of some, if not all, of the Shotwell Stadium parking lot.

Councilman McNeil made a motion to approve the Resolution creating the Abilene-Taylor County Events Venue District, with appointment of Board of Directors and approval of the Interlocal Agreement Supporting the Venue District. Councilman Archibald seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **45-2003** and captioned as follows:

A CONCURRENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AND THE COMMISSIONERS COURT OF TAYLOR COUNTY, TEXAS CREATING THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT; APPOINTING THE INITIAL BOARD OF DIRECTORS AND ORDERING OTHER MATTERS RELATED THERETO.

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

Jo Moore
City Secretary

Grady Barr
Mayor

