

CITY COUNCIL MEETING
November 25, 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 25, 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.

Councilwoman Alexander gave the invocation.

Taylor Meckley, granddaughter of Mayor Barr, led the Pledge of Allegiance. Taylor's parents, grandmother and sister were also present.

PROCLAMATIONS

Mayor Barr, presented to Staff Sergeant Allen Lipson of the United States Marine Corp, a Proclamation recognizing the month of December as "Toys for Tots Month".

Mayor Barr announced those interested in participating in the "Operation Cookies" project could bring cookies to City Hall on Wednesday, December 3rd. Councilman Jimmy McNeil will collect the cookies and deliver them to the volunteers at Dyess Air Force Base. The volunteers will prepare the cookies for delivery to the service men and women who will be staying in Abilene away from their homes and families, working to protect our families.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the November 13, 2003 Regular City Council Minutes, Councilman Southward made a motion to approve the minutes as printed. Councilman Williams 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 Councilwoman Alexander made a motion to approve consent agenda items 3.1 through 3.5, first reading of items 3.6 and 3.7, and final reading of items 3.8 and 3.9, as recommended by staff. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

- 3.1 Oral Resolution approving a Street Use License Agreement with United Supermarkets, pertaining to the United Supermarket under construction at 3301 S. 14th Street.
- 3.2 Oral Resolution modifying the City Hall Renovation Plan, increasing the amount of the project by \$266,500.
- 3.3 Resolution amending the membership of the Advisory Council to the Office of Neighborhood Services.

The Resolution is numbered **46-2003** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AMENDING THE MEMBERSHIP OF THE ADVISORY COUNCIL TO THE OFFICE
OF NEIGHBORHOOD SERVICES.

Bid Awards:

- 3.4 **Bid #CB-4004** - Ballfield lighting for Will Hair Park, Redbud Park, Scarborough Park, and Lee Athletic Complex. The bid was awarded to the low bidder, Sports Facilities & Company in the amount of \$60,150.00.
- 3.5 **Bid #CB-3048** - Annual bids for bulk treatment chemicals for water and wastewater treatment. The bids were awarded as per staff recommendation and noted on the tabulation of bids document.

Ordinances:

- 3.6 Ordinance amending Section 23-356.3(J) of the Zoning Ordinance, Site Plan Committee, Compliance, regarding compliance with approved site plan and set a public hearing for December 4, 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.

- 3.7 **Z-04503** – Rezone from AO & GC (Agriculture Open Space & General Commercial) to PDD (Planned Development District) zoning district, property located at F.M. 600 (West Lake Road) and I-20 and set a public hearing for December 4, 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, CONCERNING PDD-84 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

The Ordinance is numbered 44-2003 and captioned as follows:

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.

- 3.9 Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Article VIII, "Miscellaneous Driving Rules", of the Abilene Municipal Code.

The Ordinance is numbered 45-2003 and captioned as follows:

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.

Mayor Barr recognized Councilman Kris Southward's family that was in the audience.

REGULAR AGENDA

Ordinances:

- 4.1 Richard Gertson, Director of Community Development, briefed the Council on an Ordinance considered on second and final reading amending Section 23-332, Planned Development Districts and Section 23-356.1.H, Administration Procedure and Required Permits of the Zoning Ordinance. Mr. Gertson reviewed various aspects of the proposed amendment and noted the amendment eliminates the minimum acreage requirements for Planned Development Districts (PDDs). Staff and the Planning and Zoning Commission recommend approval.

Council and staff discussion included: 1) the flexibility and negotiation advantages of PDDs; 2) the process and actions available to a developer when a PDD is requested; 3) ground up development versus existing development; and 4) ordinances that will require changes at the adopting of the Comprehensive Plan.

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

- Joe Spano, 4532 Buffalo Gap Rd, read a statement addressing the amendment. Mr. Spano stated a condition should be added to the amendment to allow only new projects, with construction from ground up being permitted.
- Randy Billings, 1541 N. Pioneer Dr., in favor of the amendment, noting this would allow more flexibility for property owners and provides a smooth transition for developers in Abilene.

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

Councilman Williams made a motion to approve the Ordinance amending Section 23-332, Planned Development Districts and Section 23-356.1.H, Administration Procedure and Required Permits of the Zoning Ordinance. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **46-2003** and captioned as follows:

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.

4.2 Jeff Armstrong, Development Services Manager for Community Development, briefed the Council on **Z-04603**, an Ordinance to 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. Mr. Armstrong noted Hardin Simmons University is requesting the rezoning to provide the University with flexibility for development. Staff and the Planning and Zoning Commission recommend approval.

Council and staff discussion included: 1) impact to property owners in the area; 2) the wide range of University related activities the rezoning would allow; 3) where the maintenance facility would be located and related requirements; and 4) how the request was initiated.

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.

Councilman Southward made a motion to approve **Z-04603**, the Ordinance considered on second and final reading to 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. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

ABSTAIN: Councilman Hill

The Ordinance is numbered **47-2003** 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.

4.3 A. & B. David Wright, Director of Finance, briefed the Council on two Ordinances; 1) authorizing the issuance of City of Abilene, Texas Combination Tax and Waterworks and Sewer System Revenue Refunding Bonds, Series 2003A, in the principal amount of \$4,296,985, authorizing the execution of an escrow agreement, and ordaining other matters relating to the subject; and 2) authorizing the issuance of City of Abilene, Texas Combination Tax and Waterworks and Sewer System Revenue Refunding Bonds, Series 2003B, in the principal amount of \$5,703,015, authorizing the execution of an escrow agreement, and ordaining other matters relating to the subject.

Mr. Wright noted in June 2001, the City issued debt in two series for the construction of the Ivie pipeline, treatment plant, and related facilities and equipment. The 2001A Series was issued in the amount of \$31 million for a twenty (20) year maturity. Series 2001B was issued for \$30 million with a maturity of eight (8) years. The purpose for the short term was due to awaiting approval from the United States Department of Agriculture (USDA) Rural Development (now Rural Utilities Services – RUS) regarding a \$10 million grant and a \$10 million loan. Both were approved and now with the project complete the original 2001B Series needs to be refinanced. The process to refinance Series 2001B is to call all \$30 million outstanding. \$10 million will not be reissued as the \$10 million grant from RUS was approved. \$10 million dollars will be refinanced with additional debt refinancing on December 4, 2003. The remaining \$10 million is being refinanced due to the grant approval under this agenda item.

Mr. Wright also noted the two Ordinances before Council for consideration will fund the \$10 million loan with RUS for a forty (40) year period. This maturity length is a requirement of RUS. Since the grant was from two sources of federal funding, two issues are necessary. The actual interest rate has been set at 4.5%, and the closing date is set for December 23, 2003. Mr. Wright further noted the debt service is currently paid by a .65 per 1,000 gallon charge on the water bill and the rate will be reviewed after this refinancing and the remaining \$10 million to be sold on December 4, 2003 are finalized. Staff recommends passage of the ordinances to authorize the issuance of the refunding bonds.

Council and staff discussion included: 1) noting that issues separate from the rate review, which is expected after the first of the year, will also be discussed; and 2) the City's ability to raise or lower the rate as needed with consideration being given to the City's future needs.

Councilman Archibald made a motion to approve the two Ordinances authorizing refunding of the Ivie Debt as recommended by staff. 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 **48-2003** and captioned as follows:

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS COMBINATION TAX AND WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2003A, IN THE PRINCIPAL AMOUNT OF \$4,296,985, AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

The Ordinance is numbered **49-2003** and captioned as follows:

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS COMBINATION TAX AND WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2003B, IN THE PRINCIPAL AMOUNT OF \$5,703,015, AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

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 Mayor Barr's appointments and reappointments to various boards and commissions as listed below. Councilman McNeil seconded the motion, and the motion carried.

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

NAYS: None

Abilene Community Excellence Oversight Committee

2 year terms

Re-Appoint:

Jackie Hamilton, At-Large

Abilene Health Facilities Development Corporation

3 year terms

Re-Appoint:

- Bob Springer
- Rosemary Suttle

Abilene – Taylor County Public Health Advisory Board

3 year terms

Re-Appoint:

- Joe R. Cannon, M.D., Physician
- Fred Onger, M.D., Physician

Airport Development Board

3 year terms

Re-Appoint:

- Stan Egger, Taylor County Rep.
- Woody Gilliland

Appoint:

- Dr. Robert Maniss

Animal Control Advisory Committee

3 year terms

Re-Appoint:

- Leah Herron, Companion Veterinary Care
- Charlotte Roy, Animal Control Supervisor
- Dottie Scott

Board of Adjustment

2 year terms

Re-Appoint:

- David Hejl, Alternate
- Morton Langholtz
- Rick Waldruff

Board of Building Standards

2 year terms

Re-Appoint:

- Betty Blazier-Bradley, Social Worker
- Tim Crowe, Alternate, General Contractor
- Don Faulkner, General Contractor
- Perry Haynes, Alternate, Engineer
- Jon L. McDonald, Alternate, Home Builder
- Mike McLean, Home Builder
- Mark Waters, Ph.D., Alternate, Social Worker

Appoint:

- Lisa Fairchild, Alternate Banker, term expires 11/2004

Civil Service Commission

3 year terms

Re-Appoint:

- Hubert Pickett

Development Corporation of Abilene, Inc.

3 year terms

Re-Appoint:

- Syd Niblo

Appoint:

- Joe Crawford

Housing Authority of the City of Abilene

2 year terms

Re-Appoint:

- Rick Porras, Realtor

Appoint:

- Mary Jay Island
- Wendy Lovins

Keep Abilene Beautiful, Inc.

3 year terms

Re-Appoint:

- Malcolm Bramlett
- JoAnne Martucci
- JoAnn Sczech
- Wendy Stovall
- Linda Taubert

Appoint:

- Eric Copeland, term expires 11/2004
- Nita Keese, term expires 11/2004
- Angela McGlothlin

Landmarks Commission

3 year terms

Re-Appoint:

- Dr. Michael McClellan, Historic Property Owner
- Phil Miller, Architect

Appoint:

- Robert McCathren, Alternate
- Weldon Wheatley, Alternate, term expires 11/2004

Library Board

2 year terms

Re-Appoint:

- Stan Chapman
- Laura Dyer
- Janie Perez
- Joe Specht

Appoint:

- Brian Scalf

Office of Neighborhood Services Advisory Council
(*initial term) 2 year terms

Appoint:

- Bill Culp, ACU representative, *2 year appt.
- Rick Richardson, McMurry representative, *2 year appt.
- Linda Carlton, HSU representative, *2 year appt.
- Bob Gomez, At Large (Hispanic Leadership Council), *1 year appt.
- Rev. Andrew Penns, At Large (Ministerial Alliance), *2 year appt.
- Paul J. Gibson, At Large (First National Bank), *1 year appt.
- Nancy Estes, At Large (Hendrick Health System), *1 year appt.
- David Hall, At Large (Acclere. LLC), *1 year appt.

Planning and Zoning Commission
3 year terms

Re-Appoint:

- Jack Harkins
- Jeff Luther

Reinvestment Zone #1 City of Abilene
2 year terms

Re-Appoint:

- Greg Blair, AEP/WTU
- Rhonda Bolt, Temporaries Plus
- Judy Godfrey, Grace Museum
- Mary Helen Munoz, Abilene ISD
- Ruppert Rangel, Tittle Luther Partnership
- Chuck Statler, Taylor County
- Mike Warren, American State Bank

Youth Advisory Council
1 year term

Re-Appoint:

- Kristen Abaquin, Wylie HS
- Dallas Broadstreet, Wylie HS
- Chad Bunnell, Cooper HS
- Beau Davis, Wylie HS
- Danny Dudgeon, Abilene HS
- Jeff Hay, Cooper HS
- Willie Kershaw, Cooper HS
- Humberto Maciel, Cooper HS
- Lamisa Martinez, Abilene HS
- Lorrie Massie, Cooper HS

- Erin McAuliffe, Abilene HS
- Katie Merck, Cooper HS
- Tara Powell, Wylie HS
- Brynn Reece, Abilene HS
- Erin Shilcutt, Abilene Christian HS
- Joan Strong, Wylie HS
- Anthony Williams, Abilene HS

Appoint:

- Seth Star, home schooled

5.5 Richard Gertson, Director of Community Development introduced the Comprehensive Plan Overview and Community Appearance Element presentation and stated Mr. Jack Harkins, Chair of the Planning and Zoning Commission would make today's presentation.

Mr. Harkins' review and presentation of the proposed Comprehensive Plan included:

- Purpose of the Comprehensive Plan
- The Planning Process
- Community Appearance
 - Gateways
 - Built Environment and Natural Setting
 - Streets and Street Design
 - Landscape
 - Signage
 - Sidewalks and Pedestrian Links
 - Preservation
 - Site Design and Urban Design
 - Building Placement
 - Parking
 - Internal Vehicular Circulation and Access
 - Lighting

Following discussion of various elements of the proposed plan Council noted the Comprehensive Plan sets the framework for future changes with the specifics, based on what is appropriate, to be determined at a later date.

City Manager Larry Gilley stated further review of the proposed Comprehensive Plan will be on the December 4, 2003 Council agenda and will include:

- Neighborhoods
- Economic Base
- Natural Environment and Resources
- Community Services and Facilities

Mr. Gilley further stated a public hearing and consideration of adoption of the proposed plan is expected to be on the Council's January 8, 2004 agenda.

Mayor Barr stated appreciation to Mr. Harkins for this portion of the proposed Comprehensive Plan presentation and commended the Planning and Zoning Commission for their efforts in developing the plan.

No Council action was required on this item.

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

Jo Moore
City Secretary

Grady Barr
Mayor

