

CITY COUNCIL MEETING
December 4, 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 December 4, 2003, at 8:30 a.m. in the City Council Chambers of City Hall. Mayor Grady Barr was present and presiding with Councilmen 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 Kris Southward arrived during Executive Session.

Councilman Archibald gave the invocation.

Gage King, a 5th grade student at Bowie Elementary School led the Pledge of Allegiance. Mrs. Pam Paddock, principal of Bowie Elementary was also present.

RECOGNITIONS

Mayor Barr, recognized the Abilene High School Trumpet Ensemble directed by Chuck Stanford and thanked them for the music they provided prior to the Council meeting.

DISPOSITION OF MINUTES

2.0 Minutes from the November 25, 2003 Council meeting will be submitted for consideration at the December 18, 2003 meeting.

CONSENT AGENDA

3.0 Councilman Hill made a motion to approve consent agenda items 3.1 through 3.4, and first reading of items 3.5 through 3.9 as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

3.1 Oral Resolution approving the Abilene/Taylor County Child Advocacy Center Board as a City Board and the appointment of the Board of Directors, as recommended by staff.

- 3.2 Resolution providing for waiver of application for grant funds from the Criminal Justice Division of the Office of the Governor of the State of Texas.

The Resolution is numbered **47-2003** and captioned as follows:

A RESOLUTION PROVIDING FOR WAIVER OF APPLICATION FOR GRANT FUNDS FROM THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS.

- 3.3 Resolution reappointing Keith A. Barton, Municipal Court Judge, for a term of two (2) years.

The Resolution is numbered **48-2003** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REAPPOINTING KEITH A. BARTON MUNICIPAL COURT JUDGE FOR A TERM OF TWO (2) YEARS

Change Order/Payment Approval:

- 3.4 Authorizing the City Manager to execute the Change Order to the Siemen's Buildings Technologies, Inc. Security System contract for modification to the Airport security system.

Ordinances:

- 3.5 **Z-05403** – Rezone from AO (Agriculture Open Space) to PDD (Planned Development District) zoning district, property located at 4302 Oldham Lane and set a public hearing for December 18, 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-86 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

- 3.6 **Z-05503** – Rezone from RM-3 (Residential Multi-Family) to PDD (Planned Development District) zoning district, property located in the 700 block of Chestnut, east side and set a public hearing for December 18, 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-87 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

- 3.7 **Z-05203** – Rezone from LC (Limited Commercial) to PDD (Planned Development District) zoning district, property located at 5194 Buffalo Gap Road and set a public hearing for December 18, 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-85 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

- 3.8 **Z-05103** – Rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) zoning district, property located at 3310 and 3318 Russell Street and set a public hearing for December 18, 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

- 3.9 Ordinance adopting Youth Standards of Care and set a public hearing for December 18, 2003 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALL A PUBLIC HEARING

REGULAR AGENDA

Ordinances:

- 4.1 Richard Gertson, Director of Community Development, briefed the Council on an Ordinance considered on second and final reading to amend Section 23-356.3(J), of the Zoning Ordinance pertaining to clarifying the issue of site plan compliance and enforcement authority. The Planning and Zoning Commission and staff recommend approval of the amending Ordinance.

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 Archibald made a motion to approve the Ordinance amending Section 23-356.3(J), of the Zoning Ordinance, Site Plan Committee, Compliance, regarding compliance with approved site plan as recommended by staff. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **50-2003** 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 The Ordinance to 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 was temporarily withdrawn at the request of the applicant.

4.3 Rodney Taylor, Interim Director of Water Utilities, presented, and discussed with Council, the current status of the Effluent Reuse program including a look at resource availability, current customers and demands, potential new customers and uses, the effluent use process, and the needs of the Reuse distribution system.

Mayor Barr recommended a proposal that he defined as a dream of his, to create a greenbelt in Abilene, complimenting Frontier Texas! and the historic downtown area and to set a standard for the community by piping effluent water down the Union Pacific Railroad right-of-way for aesthetic irrigation purposes. The Mayor asked City Manager Larry Gilley to look at a budget to fund the project taking into consideration how much water would be required and the maintenance cost. The effluent water line could also add new effluent customers such as businesses located in the Five Points Business Park in northwest Abilene and could provide a second route for effluent water to Dyess Air Force Base. The Council and staff commended Mayor Barr on the proposal.

No Council action was required.

Item 4.5 was considered prior to item 4.4.

4.5 David Wright, Director of Finance, briefed the Council on an Ordinance authorizing the Issuance of City of Abilene, Texas General Obligation Refunding Bonds, Series 2003C; Approving an Official Statement; Authorizing the Execution of a Purchase Agreement and an Escrow Agreement; Making Provisions for the Security Thereof; and Ordaining Other Matters Relating to the Subject.

Mr. Wright noted as part of the Ivie project funding, the City issued \$30 million in short-term Certificates of Obligation and at the November 25, 2003 meeting the City Council authorized the refunding of a portion of the 2001 Series short-term certificates of obligation for the Ivie project. That action was the result of receiving a \$10 million loan from the USDA Rural Development (now Rural Utilities Services) and a \$10 million grant. The item before Council today authorizes refunding the remaining \$10 million of the original issue and the remaining balance due on the Certificates of Obligation Series 1992-1996 in order to take advantage of the favorable market rates. In order to get the best payment structure exactly as desired this is a negotiated sale instead of a competitive sale. The refunding of the Ivie debt will be in the

approximate amount of \$10,205,000 and \$3,800,000 for the Series 1992-1996 certificates, which allows for the underwriters, A.G. Edwards & Sons, Inc. and Southwest Securities, discount. Delivery of the issue is scheduled for December 23, 2003.

Mr. Wright stated the interest cost for the combined issues in the amount of \$14,005,000 was estimated to be approximately 3.86% but resulted in a 3.6%. By refunding at the 3.6% interest rate the 1992-1996 Series certificates will have a savings of \$228,000 instead of the original expected savings of \$180,000. Staff recommends the approval of the Ordinance to issue \$14,005,000 in General Obligation Refunding Bonds on the Ivie project and outstanding Series 1992-96.

Mr. Wright then introduced the City's financial advisor Mr. George Williford from First Southwest Company. Mr. Williford distributed a handout titled "City of Abilene, Texas \$13,975,000 General Obligation Refunding Bonds, Series 2003C" and reviewed with Council the information regarding negotiated sale of a refunding bond issue.

Councilman Williams made a motion to approve the Ordinance Authorizing the Issuance of City of Abilene, Texas General Obligation Refunding Bonds, Series 2003C; Approving an Official Statement; Authorizing the Execution of a Purchase Agreement and an Escrow Agreement; Making Provisions for the Security Thereof; and Ordaining Other Matters Relating to the Subject. Councilman Archibald seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **51-2003** and captioned as follows:

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003C; APPROVING AN
OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PURCHASE
AGREEMENT AND AN ESCROW AGREEMENT; MAKING PROVISIONS FOR THE
SECURITY THEREOF; AND ORDAINING OTHER MATTERS RELATING TO THE
SUBJECT

4.4 Richard Burdine, Assistant City Manager for Economic Development distributed a handout titled "Development Corporation of Abilene, Inc. Teamwork for Economic Success" and noted Council had received the Development Corporation of Abilene, Inc. Report of Activities for the fiscal year ending September 30, 2003.

Following Mr. Burdine's review of the handout Council and staff's discussion included: 1) Economic Development being a City priority; 2) Council encouraging staff to continue working with what currently exists; 3) Council's appreciation of staff looking at new issues and new ways of

considering economic development; 4) bringing in new dollars and targeting the expansion of the market; 5) considering retail and tourism related projects; 6) the six goals established by DCOA; 7) Council requesting information on what the net gain or loss of job creation within the City for the past year has been and how well the objective relating to minority and women-owned businesses is being met (Mr. Burdine stated he would prepare a report for Council addressing these two questions and on changes in the State law).

Councilman Archibald made a motion to approve by Oral Resolution the Development Corporation of Abilene, Inc. Report of Activities for the fiscal year ending September 30, 2003. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

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.

Councilman Southward arrived during Executive Session.

REGULAR SESSION

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

5.4 Richard Gertson, Director of Community Development introduced the Comprehensive Plan 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:

- Neighborhoods
 - * Organization
 - * Planning
 - * Established Stable Neighborhoods
 - * Established Redeveloping Neighborhoods
 - * New and Developing Neighborhoods

- Community Services and Facilities
 - * Roadways
 - * Mobility
 - * Airport
 - * Expansion of Infrastructure Services
 - * Parks, Recreation, and Open Space
 - * Schools
 - * Police and Fire Service
 - * Libraries

- Natural Environment and Resources
 - * Water Conservation
 - * Open Space
 - * Drainageways and Floodplains
 - * Stormwater
 - * Environmental Hazards and Constraints

- Economic Base
 - * Business Retention
 - * Business Diversification
 - * Business Infrastructure
 - * Tourism
 - * Regional Medical Facilities
 - * Dyess Air Force Base
 - * Higher Education

Councilman Hill left the meeting at 11:25 a.m. and Councilman Williams left the meeting at 11:30 a.m.

Council noted that in considering the proposed Comprehensive Plan new supporting Ordinances would also need to be prepared. Council questioned the prioritization process of those Ordinances and who would be involved in that process. City Manager Larry Gilley stated staff would welcome Council's input in that prioritization process. Mr. Gertson noted the Planning & Zoning Commission would also want to be involved in recommending the prioritizing of the Ordinances.

Council also noted in addressing annexation regulations in the Plan that previous policy was to annex only at the request of a property owner and if that philosophy were continued it would be doubtful that much annexation would occur. Mr. Harkins addressed the section in the Plan that directly affects annexation of land south and southwest of Dyess Air Force Base in order to help assure the preservation of DAFB. Mr. Gilley addressed the need to closely review the Plan due to relatively recent changes in State law that requires the City to have an annexation plan in place for a period of time before unilateral annexation is done.

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No Council action was required.

There being no further business, the meeting was adjourned at 11:45 a.m.

Jo Moore
City Secretary

Grady Barr
Mayor

