

CITY COUNCIL MEETING
September 9, 2004, 8:30 a.m.

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

The City Council of the City of Abilene, Texas, met in Regular Session on September 9, 2004, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase (arrived at 8:40 a.m.), Anthony Williams, John Hill, Stormy Higgins, Kris Southward, and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Councilman Higgins gave the invocation.

Mark Sessions a fifth grade student from Reagan Elementary School led the Pledge of Allegiance. Mr. Hall, Principal of Reagan Elementary was also present.

Mayor Archibald noted for the audiences benefit that signs have been placed in the Council Chamber area to remind everyone to either turn off their cell phones or to place them in the silent mode.

EMPLOYEE SERVICE AWARDS

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

25 Years	Tony Golson	Police Officer Police
25 Years	Mike Phipps	Police Sergeant II Police
25 Years	Jerry D. Scott	Police Officer Police
25 Years	David Watkins	Police Lieutenant I Police
20 Years	Randall Smith	Concrete Finisher II Streets

PROCLAMATIONS

Mayor Archibald presented a proclamation to Lesli Andrews, Keep Abilene Beautiful Coordinator, recognizing the month of September as "Pollution Prevention Month".

ANNOUNCEMENTS

Mayor Archibald stated that citizens would be hearing more from Keep Abilene Beautiful and the City Council about the efforts to clean up Abilene. The Mayor further stated that those efforts start today as the City Council takes a bus tour around Abilene to view sites needing to be

cleaned up. The Mayor invited anyone wanting to go on the bus to join the Council at approximately 11:00 a.m., for the expected one-hour trip. The Mayor noted following the tour an announcement would be made concerning some future plans that involve all of Abilene.

Mayor Archibald stated that City guidelines allow for water restrictions to be changed as deemed necessary. The policy states that when Fort Phantom is at 10' and above, the one day a week watering regulation can be increased to two days a week. The Mayor further stated the lake is currently close to the 10' level but at this time the one day a week watering restriction will stay in place due to several facts that include: 1) the summer, which has been mild with some rain, is for all practical purposes over; 2) there are no major reasons to water now, and; 3) to avoid switching back and forth between the one and two day a week water restriction (since the lake is currently staying at around 10'). The Mayor urged all citizens to conserve as they have always done and stated with the water situation in West Texas that Abilene will always have to be in a conservation mode but if Fort Phantom ever reaches capacity again consideration will be given to going to the two day a week water restrictions.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions or deletions to the August 26, 2004 Regular Council Meeting Minutes Councilman Chase made a motion to approve the minutes as printed. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore and Mayor Archibald.

NAYS: None

Mayor Archibald noted that the ordinances listed under the Consent Agenda are on for first reading only. The Mayor explained that procedurally the first reading of ordinances are done in order to move the ordinances forward for final readings and appropriate public hearings.

CONSENT AGENDA

3.0 Councilman Chase requested item 3.4 be considered separately. Councilman Williams made a motion to approve consent agenda items 3.1 through 3.3, items 3.10 and 3.11, and first readings of items 3.5 through 3.9 as recommended by staff. Councilman Southward seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

Resolutions:

3.1 Oral Resolution approving the re-appointment/appointments to the Keep Abilene Beautiful Board; terms expiring September 2007.

Re-Appoint:

Doug Hodel

Appoint:

Cindy Barnhill

Tim Dickenson

Tom Rigsby

Melyicent Christesson

- 3.2 Oral Resolution approving, and authorizing the Mayor to execute, a Street Use License Agreement with First National Bank of Baird.
- 3.3 Oral Resolution approving an interlocal agreement between the City of Abilene and Callahan County providing for subdivision regulation within the extraterritorial jurisdiction of the City of Abilene.
- 3.4 Removed from the Consent Agenda to be considered separately at the request of Councilman Chase.

Ordinances:

- 3.5 **Z-2404** – Rezone from O (Office) to RM-2 (Residential Multi-family) zoning district, property located at 1809 S. 14th Street; and set a public hearing for September 23, 2004 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.6 **Z-2504** – Rezone from SC (Shopping Center) to GC (General Commercial) or PDD (Planned Development District) zoning district, property located at the northeast corner of Willis and S. 27th Streets; and set a public hearing for September 23, 2004 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-93 PLANNED DEVELOPMENT DISTRICT, CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.7 An amendment to the City of Abilene Zoning Ordinance Section 23-306.4 (Permitted Uses), Section 23-306.5 (Conditional Use Provisions) and Section 23-363 (Definition Pertaining to the Location Requirements for Alcohol-Related Businesses); and set a public hearing for September 23, 2004 at 8:30 a.m., to allow for the following:
 - A. An amendment to allow off-premise package sales in Limited Commercial (LC) districts with conditions.
 - B. Revision of the Special Exception process for off-premise package stores in Shopping Center (SC) and General Commercial (GC) districts.

- C. An amendment to eliminate the 300-foot distance requirement between off-premise package stores and hospitals.

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.

- 3.8 An amendment to the City of Abilene Zoning Ordinance Section 23-317.3.C (Use and Area Requirements in Residential Districts) concerning maximum square footage for accessory structures; and set a public hearing for September 23, 2004 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.

- 3.9 An Ordinance amending the City of Abilene Municipal Code Chapter 18, "Motor Vehicles and Traffic", Sections 18-234 and 18-250, and Chapter 31, "Taxicabs", Sections 31-3, 31-15, 31-37, 31-46, 31-61, and 31-62.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", AND CHAPTER 31, "TAXICABS", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Bid Awards:

- 3.10 **Bid #CB-4054** – Contract for Printing and Copying Services. The bid was awarded to R&R Printing and Reproduction, Abilene, TX in the approximate amount of \$120,000.00, based on the volume of printing/copying provided. The contract term shall be for one year from the date of execution with the City reserving the option upon mutual consent to extend the contract for four (4) additional one-year periods.
- 3.11 **Bid #CB-4068** – Windrow turner for the development of compost as a retail and commercial product. The bid was awarded to SCAT Engineering, Manchester, PA in the amount of 52,396.25.

Consent agenda item 3.4 was considered separately.

- 3.4 Resolution authorizing signatures for Electric Supply Agreement Pursuant to the Contract to be signed by Cities Aggregation Power Project, Inc. for deliveries of electricity effective January 1, 2005.

Councilman Chase stated the item references a contract but with no contract having been provided in the Council's agenda packet he could not determine, if approved, what the Council would be agreeing to allow. Councilman Chase further stated that section three of the authorizing Resolution notes "That the City will budget and approve funds necessary to pay electricity cost proportionate to the City's load under the supply agreement (whether wholesale or retail)....". Councilman Chase questioned if these are budgeted funds, estimated funds, or actual expenditures?

City Manager Larry Gilley explained what the Resolution before Council allows and stated there are funds already budgeted to meet anticipated costs and that the City will only pay for what is used, based on the rate structure. City Attorney Sharon Hicks stated the Resolution guarantees that the City will execute the most favorable electric rate that CAPP is able to negotiate and that only that amount will be paid.

Councilman Chase made a motion to approve consent agenda item 3.4, as presented by staff. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

The Resolution is numbered **25-2004** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2005; AUTHORIZING CAPP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2005; AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2005 AND TO HONOR THE CITY OF ABILENE'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2005 THROUGH CAPP.

REGULAR AGENDA

4.1 Elizabeth Grindstaff, Interim Director of Planning & Development Services, briefed the Council on **Z-2104**, an Ordinance considered on second and final reading to rezone from RM-3 (Residential Multi-family) to PDD (Planned Development District) zoning district, approximately 3.26 acres of property located at Delaware Road and Jennings Drive, just north of Dyess Elementary School.

Ms. Grindstaff stated the rezoning request involves approximately 3.2 acres at the northwest corner of the intersection of Delaware Road and Jennings Drive, immediately south and adjacent to Dyess AFB. The rezoning from Residential Multi-family (RM-3) to Planned Development District (PDD) is desired to support the future development of 16 duplex units. Ms. Grindstaff noted that one neighboring property owner spoke at the Planning & Zoning

Commission's public hearing and expressed concerns about increased traffic in the area and requested more information on the project. Ms. Grindstaff further noted that during the Planning & Zoning Commission meeting on August 5, 2004, questions were raised by several commissioners regarding the adequacy of the parking as indicated by the site plan. As a result, the applicant has recalculated the parking for the PDD to accommodate the concerns of the Commissioners and has submitted a revised site plan. The revised plan reflects the parking redesign to eliminate one duplex unit, which reduces the number of units from 17 to 16. Ms. Grindstaff noted on the ownership map in the Council's agenda packet the City of Abilene is shown as a property owner and it should reflect Dyess Elementary School as a property owner. Staff and the Planning & Zoning Commission recommend approval of the rezoning request.

Following Council and staff discussion Mayor Archibald opened a public hearing on the item. There being no one present and desiring to be heard the public hearing was closed.

Councilman Williams made a motion to approve **Z-2104**, an Ordinance to rezone from RM-3 (Residential Multi-family) to PDD (Planned Development District) zoning district, approximately 3.26 acres of property located at Delaware Road and Jennings Drive, just north of Dyess Elementary School. Councilman Hill seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Higgins, Southward, Hill, Councilwoman Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **25-2004** 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-92 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Archibald 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 Mayor Archibald stated that item 5.4 an "Oral Resolution approving a Professional Engineering Services Contract with Alan Plummer Associates, Inc., and authorizing the City Manager to execute the contract" has been removed from today's agenda and will be considered at a later date.

5.5 The Mayor announced, as shown on agenda item 5.5, that the Council would recess from the Council Chambers to take a tour of the City by City Link Bus. The Council and citizens then toured the City to see first-hand examples of city code enforcement problems.

Following the tour Mayor Archibald announced a major cleanup initiative for the Abilene community. The Mayor stated the City of Abilene is stepping up enforcement of the city's codes and ordinances to help clean up the community. The Mayor urged Abilene residents to get together with their neighbors to clean up yards, garages and storage areas and the Mayor stated now is a good time to clean their properties voluntarily, so that receiving citations and penalties from a city code enforcement officer might be avoided. The Mayor further stated he wants Abilenians to "Clean it like you mean it."

To assist citizens with cleaning efforts the City of Abilene and Keep Abilene Beautiful are sponsoring "Fall Clean for Abilene" October 5-9. In addition to the "Fall Clean for Abilene" KAB and the city's Solid Waste Services Division have planned a number of neighborhood cleanup events in September and October, including cleanup along Elm Creek and at Lake Fort Phantom.

Following Mayor Archibald's major cleanup initiative announcement the Council reconvened on the City Link bus and at 12:24 p.m. there being no further business the Mayor announced the meeting adjourned.

Jo Moore
City Secretary

Norm Archibald
Mayor