

CITY COUNCIL MEETING
January 24, 2006, 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 January 24, 2006 at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Anthony Williams (arrived at the conclusion of agenda item 4.1), Kris Southward, John Hill, Stormy Higgins 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.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Cory Churchman who led the Pledge of Allegiance. Cory is a 5th grade student from Jackson Elementary School. Cory's mother, Lucrecia was also present.

Mayor Archibald noted Councilman Williams would be arriving late to today's meeting.

Mayor Archibald announced the building of the Texas Tech University Pharmacy is to be considered by the Texas Higher Education Coordinating Board in Austin, Texas on Thursday, January 26, 2005.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the January 5, 2006 Special Council Meeting Minutes Councilman Higgins made a motion to approve the minutes as presented. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Williams

CONSENT AGENDA

Councilwoman Moore made a motion to approve consent agenda items 3.1 through 3.8, as recommended by staff. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Williams

Resolutions:

3.1 Oral Resolution authorizing the City Manager to execute a professional services contract with URS Corporation for airside engineering services for airport capital improvement projects.

- 3.2 Oral Resolution authorizing the City Manager to execute URS Corporation Task Orders 1 and 4.
- 3.3 Oral Resolution authorizing the City Manager to execute URS Corporation Task Orders 2 and 3.
- 3.4 Oral Resolution approving the 2006 ADA Paratransit Plan Update prepared by CityLink Transit for the City of Abilene.

Bid Awards:

- 3.5 Two (2) Mobile Command Post/Communication Trailers for the Police and Fire Departments. Total purchase price will be \$240,000.00. All funding for the purchase is provided by Federal Grants. City expense will be any future maintenance after warranty period (12 months).
- 3.6 **Bid #CB-6019** – Replacement of eight (8) roof tops on City buildings. The bid was awarded as follows:

- **Barr Roofing, Abilene, TX**

➤ Cobb Recreation Center Base Bid (Shingles)	\$ 64,180.00
➤ Equipment Services	\$ 94,286.00
➤ Rose Recreation Center Base Bid (Shingles)	\$ 47,870.00
➤ Sears Recreation Center with TPO on Barrel Roof	\$109,860.00
➤ Transit System – CityLink	<u>\$ 44,380.00</u>
Total Amount of Award	\$360,576.00

- **Lydick Hooks, Abilene, TX**

➤ Animal Shelter	\$ 45,599.00
➤ G.V. Daniels Recreation Center	\$ 39,000.00
➤ South Chavez Park Recreation Center	<u>\$ 27,500.00</u>
Total Amount of Award	\$112,099.00

- 3.7 **Bid #CB-6020** – Annual purchase of tire products. The bid was awarded Gray's Wholesale Tire, Ft. Worth, TX as follows:

- 100 – Tire 11R/22.5 Load Range (H), Tread Design G288, Goodyear or Equal
Unit Price \$234.37
- 30 – Tire 315/80R 22.5 Load Range (L), Tread Design G287, Goodyear or Equal
Unit Price \$237.37
- 50 – Tire 385/65R 22.5, Load Range (J), Tread Design G286A 55, Goodyear or Equal
Unit Price \$321.13
- 75 – Tire P235/75R 15, Load Range (Extra Load), Tread Design, Wrangler HT,
Goodyear or Equal
Unit Price \$52.37
- 25 – Tire P235/75R 16, Load Range (Standard Load), Tread Design, Wrangler HT,
Goodyear or Equal
Unit Price \$56.77

- 50 – Tire P255/70R 16, Load Range (Standard Load), Tread Design Wrangler HT, Goodyear or Equal
Unit Price \$52.73
- 125 – Tire P225/60R 16, Load Range (Standard Load), Tread Design RS-A, Speed “V” Rated, Goodyear or Equal
Unit Price \$51.63
- 25 – Tire LT245/75R 16, Load Range (E), Tread Design RT/S, Goodyear or Equal
Unit Price \$55.97
The contract will be for a one (1) year period with the City of Abilene reserving the option to renew for two (2) additional one-year terms at the same terms and conditions.

3.8 **Bid #CB-6023** – Zoo repairs – Phase II. The bid was awarded to Harris Acoustics, Inc. Abilene, TX in the amount of \$56,695.78.

REGULAR AGENDA

4.1 Jon James, Director of Planning and Development Services briefed the Council on **Z-2005-37**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) to MH (Mobile Home) zoning district, located at 6834 East Lake Road.

Mr. James stated the applicant owns approximately 76 acres and requests rezoning of only 2-3 acres, in which he desires to place a mobile home near the center of the tract to occupy temporarily while he decides how to develop the parcel. Mr. James noted the applicant does not want to construct a site-built home at this time, although it would be permissible under the current zoning district, due to the uncertainty of his future plans. Mr. James further noted the Planning and Zoning Commission was concerned that the rezoning would allow multiple mobile homes on the site if they approved the full request area. The applicant will be required to plat the proposed site of the mobile home prior to the issuance of an Installation Permit. Mr. James stated the Commissioners recommend that the boundaries of the MH (Mobile Home) zoning district coincide with the boundaries of the future lot. MH (Mobile Home) zoning requires a minimum area of 5,000 square feet with a minimum lot width of 50 feet at the front building line. Mr. James stated after further research into utility access, the applicant found that sewer lines could not be extended to the proposed site and the necessary septic system requires a fairly large area due to the soil content of the subject parcel. The applicant requests rezoning of only a sufficient area to contain the entire septic system, space for the mobile home next to the septic system, and the 50 feet of frontage required by the Subdivision Regulations. Mr. James noted the main concern of the Planning and Zoning Commission was the large area being proposed for rezoning and the possibility that multiple mobile homes could be placed there in the future. Their recommendation reflects the smallest possible area that would be permissible under the Subdivision Regulations, but does not take into account the need for an on-site septic system. The placement of multiple mobile homes is impossible unless sewer is extended to the site, and would require further review through the platting process. Staff recommends denial of the request. The Planning and Zoning Commission recommend approval of rezoning a 5,000 square foot lot with a 50 feet wide access.

Council and staff discussion included: 1) the possibility of the mobile home being seen from the road; 2) obtaining a temporary permit for a mobile home site is the usual process to follow, but staff clarified in this case there are no applications or permits, the applicant has no immediate plans for the area and is requesting to live there while deciding his future plans; 3) Council questioned when the Lake Study would be finalized and staff noted the scope of the project has not been completely defined; 4) staff confirmed that only one mobile home is to be placed on the proposed site; 5) Council's concerns that the mobile home may become a permanent residence and the need for mobile homes to be regulated in the lake area; 6) the Phase 2 Study when finally defined will result in the development of a Master Plan; 7) manufactured homes requiring mobile home zoning; 8) Council's concerns of setting a precedence if the proposed zoning request is approved and staff agreeing with that concern unless Council clearly states no precedence is being set, and; 9) Council noting the Planning and Zoning Commission recommendation approves the rezoning of a 5,000 square foot lot with a 50 foot wide access and staff stating that this is not recommended as a good planning practice.

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

- Gary Massingill, applicant – Mr. Massingill stated the mobile home will not be seen from the road and that it will be a temporary residence. Mr. Massingill further stated that it hasn't been decided by the City what the adjacent land that surrounds his property will be utilized for and that he is not sure of his future plans for his property. Mr. Massingill also stated he wants to maximize the use of the property and that he has offered to sell his property to the City as well as offering to purchase some of the City-owned property but the City was not ready to make a decision concerning the land.

Discussion included: 1) the applicant clarifying the mobile home would be considered as a residence, an explanation of the septic system situation, and the rationale of requesting a temporary permit for the mobile home, and; 2) the applicant stating his plans to build a permanent residence on the property to the south, not being certain of his future plans, the City possibly developing the area, and that he is aware that the gun range was there prior to his purchasing the land.

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

Councilman Hill made a motion to deny the request **Z-2005-37**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) to MH (Mobile Home) zoning district, located at 6834 East Lake Road, as recommended by staff. Councilman Higgins seconded the motion, and the motion failed.

AYES: Councilmen Chase, Hill, and Higgins.

NAYS: Councilman Southward, Councilwoman Moore, and Mayor Archibald.

ABSENT: Councilman Williams

Council and staff discussed the need for item 4.1 to be heard by the full Council and Council's options concerning further consideration of the item as a result of the tie vote.

Councilman Williams arrived at the meeting. Council noted Councilman Williams had not had the opportunity to hear the issues discussed.

Councilman Southward made a motion to table **Z-2005-37**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) to MH (Mobile Home) zoning district, located at 6834 East Lake Road. Mayor Archibald seconded the motion, and the motion carried.

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

NAYS: None

4.2 Jon James, Director of Planning and Development Services briefed the Council on **Z-2006-02**, an ordinance considered on second and final reading to rezone property from O (Office) to PDD #99 (Planned Development District) zoning district, located on the west side of Director's Parkway.

Mr. James stated the applicant requested rezoning of adjacent property to the north of the subject parcel in May 2005 and a PDD (Planned Development District) ordinance was developed to accommodate the future plans for a hotel and restaurant on the site. Mr. James noted staff, at the agent's request, modeled the regulations after the adjacent PDD to the west of the subject parcel. The agent later realized that the property included in the approved PDD #99 could not accommodate the type of development that was planned. Mr. James stated the applicant has now requested that additional acreage be included in the existing PDD (Planned Development District). The ordinance requires a minimum percentage of masonry for all structures, landscaping, and limited signage to enhance the appearance. Mr. James noted the regulations in the PDD will provide a more aesthetically pleasing development than the current O (Office) zoning requires and the applicant has not requested any changes to the existing text. Staff and the Planning and Zoning Commission recommend approval of the request.

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

- Paul Johnson, agent – Mr. Johnson noted future plans of the applicant and requested Council approve the rezoning.

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

Councilman Southward made a motion to approve **Z-2006-02**, an ordinance considered on second and final reading to rezone property from O (Office) to PDD #99 (Planned Development District) zoning district, located on the west side of Director's Parkway. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **3-2006** 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-99 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Councilman Higgins left the meeting.

4.3 Larry Gilley, City Manager briefed the Council on Council considering entering into Meet and Confer negotiations with the Abilene Police Officers Association and Abilene Firefighters Association.

In 2005 the Texas Legislature passed H.B. 304 and H.B. 2892, which grants cities the discretion to meet and confer with police and/or fire associations. The Acts require that by the 30th day after the City receives a petition signed by the majority, excluding the head of the agency and exempt employees, that requests recognition as sole and exclusive bargaining agent, the City Council shall 1) order the association to conduct a certification election to determine whether the association represents a majority of affected police officers or firefighters; 2) grant recognition and determine that the City may meet and confer without conducting an election, or; 3) defer granting recognition and order an election by the citizens. Mr. Gilley stated on January 6, 2006 the City received petitions from the Abilene Police Officers Association and the Abilene Firefighters Association designating those entities as the sole and exclusive bargaining agents for the police officers and firefighters and requesting the right to meet and confer. Staff recommends Council by oral resolution officially recognize the Abilene Police Officers Association and the Abilene Firefighters Association as the sole and exclusive agents for the police officers and firefighters and to authorize the meet and confer process and entering into negotiations.

Council and staff discussion included: 1) the required 30 day decision time frame that began on January 6, 2006; 2) the process not being collective bargaining; 3) if an agreement is reached it will be ratified by both associations and the City Council; 4) the majority of police officers and firefighters are members of their respective associations, and; 5) the goal being when the process is completed a benefit to the staff and City will be realized.

Councilman Hill made a motion to approve by oral resolution entering into Meet and Confer negotiations with the Abilene Police Officers Association and Abilene Firefighters Association. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Higgins

4.4 Larry Gilley, City Manager briefed the Council on potential Bond Projects/Election.

Mr. Gilley stated as a result of Council discussion at the Special Called Council meeting held on January 5, 2006 staff has reviewed, for possible consideration to be included as part of the proposed Bond package, the following projects and approximate cost: 1) alleviating the drainage problem that exists on Northway Drive, in the Pasadena Heights residential district, \$994,000; 2) paving Abilene Regional Airport's parking lot, \$800,000 (currently in preliminary design and expectations are to move forward with the project in the current FY, if not approved through a Bond Election funding through CO's will be considered) and; 3) adding Meadow Drive to the list of proposed streets to be repaired, \$645,000.

Council and staff discussion included: 1) the importance of the Airport Parking project and funding through CO's, if necessary, to move the project forward; 2) addressing the Northway Drive street flooding and drainage issues and various possible solutions, with staff recommending installing a detention pond, at an approximate cost of \$300,000, with possible funding through CO's; 3) concurring with the Bond Committee's priority list and noting the Meadow Drive project could be considered at a later date through other funding sources; 4) noting Northway Drive is designed to carry water, homes are not flooded but rain makes streets unable to be driven on; 5) the need to address quality of life issues; 6) the impact utilizing federal funds would have if used for the Airport parking project (Council clarified the parking lot in question is the dirt overflow parking area); 7) the Bond Committee's attempt to maximize matching funds; 8) no major rehabilitation is scheduled on Meadow Drive, but routine maintenance will continue; 9) staff noting a Bond Election could be ordered as late as March but a good time line would be at either the February 9th or February 23rd Council meeting; 10) concerns surrounding the packaging of the Bond Election projects and the presentation of the projects to the voters; 11) the feasibility of moving the Miscellaneous Residential Street in the Fort Phantom Super Neighborhood paving project at a cost of \$600,000 into the Street Rehabilitation/Reconstruction Project; 12) various options for the packaging of the Bond Election projects and the benefit to the voters in having the seven proposed projects stand alone versus combining them, and; 13) determining, at the February 9, 2006 Council meeting, the date to set a Bond Election and appropriate ballot language.

Councilman Southward made a motion for staff to proceed, in considering the ordering of a Bond Election, with preparing ballot language for the proposed seven bond projects, as recommended by the Bond Committee, to be presented as separate propositions and to move the Miscellaneous Residential Street in the Fort Phantom Super Neighborhood paving project at a cost of \$600,000 into the Street Rehabilitation/Reconstruction Project. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Higgins

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session pursuant to Sections 551.071, 551.072, and 551.074, of the Open Meetings Act, to consult with our City Attorney, to discuss the potential acquisition of real property, and to consider the appointment and evaluation of public officials.

The Council reconvened from Executive Session and reported no votes or action was taken in Executive Session.

5.4 Councilman Williams made a motion to approve Mayor Archibald's appointment of Richard Burdine, Assistant City Manager of Economic Development to the Abilene Public Health Corporation, term expiring August 2007. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Higgins

There being no further business, the meeting was adjourned at 11:05 a.m.

Jo Moore
City Secretary

Norm Archibald
Mayor