

CITY COUNCIL MEETING
September 25, 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 September 25, 2006, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Joe Spano, Anthony Williams, Stormy Higgins, and Councilwomen Laura Moore and Celia Davis. 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.

Mayor Archibald introduced Bradley Kern, a 5th grade student from Taylor Elementary School, who led the Pledge of Allegiance. Bradley's parents were also in attendance.

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

- "Junk Mail Awareness Week" October 8th –14th
- "United Way of Abilene Week" September 25th – October 1st

DISPOSITION OF MINUTES

2.0 There being no corrections, additions or deletions to the minutes of the September 7, 2006 Special Council Meeting or the September 14, 2006 Regular Council Meeting Councilwoman Moore made a motion to approve the minutes as presented. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

CONSENT AGENDA

Councilwoman Davis made a motion to approve consent agenda items 3.1 through 3.7, first reading of items 3.8 through 3.13, final reading of item 3.14, and items 3.15 through 3.17, as recommended by staff. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

Resolutions:

- 3.1 Oral Resolution approving an Election Services Contract with the Taylor County Elections Administrator and a written Resolution appointing Election Officials and fixing their rate of compensation for the November 7, 2006 Taylor County General/City of Abilene Special Election.

The Resolution is numbered **33-2006** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF
COMPENSATION FOR THE NOVEMBER 7, 2006 TAYLOR COUNTY
GENERAL/CITY OF ABILENE SPECIAL ELECTION.

- 3.2 Oral Resolution authorizing execution of amendment to the City of Abilene Water Supply Contract for the City of Merkel and authorizing the City Manager, or his designee, to execute all necessary documents.
- 3.3 Oral Resolution acknowledging receipt of Abilene-Taylor County Events Venue District Budget for Revised FY 2006 and Approved FY 2007.
- 3.4 Oral Resolution authorizing the purchase of 3,000 doses of influenza vaccine from Sanofi-Pasteur and 5,000 doses of influenza vaccine from Henry Schein GIV at the price of \$111.98 per vial.
- 3.5 Oral Resolution approving the Development Corporation of Abilene's annual contract renewals with the City of Abilene for Business Services and the Airport Business Development Management Program and authorizing the City Manager to execute the contracts.
- 3.6 Oral Resolution authorizing the City Manager to execute Amendment 1 to the Land Lease for Fixed Base Operations for Abilene Aero, Inc.
- 3.7 Oral Resolution approving appointments and reappointments to Keep Abilene Beautiful, Inc. as follows:
Reappointments, terms expiring September 2009:
Martin Garcia
Malcolm Bramlett
JoAnn Sczech

Appointments, terms expiring September 2009:
Carolyn Cockrell Dods
Monica Shannon
Mary Perkins

Appointments, terms expiring September 2007:

Jerry Harris
Kevin Riney

Ordinances:

- 3.8 **Z-2006-24** – Request to rezone property from AO (Agriculture Open Space) to PDD (Planned Development District) zoning, property located at the southeast corner of Jennings Drive and Dub Wright Boulevard; and set a public hearing for October 12, 2006 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-106 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.9 **Z-2006-34** – Request to amend PDD-75 (Planned Development District) zoning regarding outdoor storage and display, property located at 4450 & 4590 Southwest Drive; and set a public hearing for October 12, 2006 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-75 AND ORDINANCE NO. 16-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.10 **Z-2006-35** – Request to rezone property from SC (Shopping Center) to PDD (Planned Development District) zoning, property located 1500 feet northeast of the intersection of Hwy 351 and East Lake Road; and set a public hearing for October 12, 2006 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-112 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.11 **Z-2006-37** – Request to rezone property from AO (Agriculture Open Space) to RS-6 (Residential Single-family) zoning, property located at the north end of Liberty Boulevard and Valley Forge Road; and set a public hearing for October 12, 2006 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.

City Council Meeting

September 25, 2006

Page 4

- 3.12 **Appealed Item: Z-2006-38** – Request to rezone property from RS-6 (Residential Single-family) to RM-3 (Residential Multi-family) zoning, property located at 2766 Beech Street; and set a public hearing for October 12, 2006 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.

- 3.13 Ordinance amending the “City of Abilene Sidewalk Master Plan” to add an appeal procedure; and set a public hearing for October 12, 2006 at 8:30 a.m.

AN ORDINANCE AMENDING THE “CITY OF ABILENE SIDEWALK MASTER PLAN”, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- 3.14 Ordinance amending Section 18-285 (Increased Speed Limits), Section 18-286 (Decreased Speed Limits-School Zones), and Section 18-299 (Parking Time Limited) of Chapter 18 “Motor Vehicles and Traffic” of the Abilene Municipal Code.

The Ordinance is numbered **49-2006** 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.

Bid Awards:

- 3.15 **Bid #CB-6064** – Protective clothing for the Fire Department. The bid was awarded to Ferrara Fire Apparatus, Inc., Graham, TX, at the unit cost of \$1,235.00.

- 3.16 **Bid #CB-6076** – Bulk chemicals used for treatment at Water and Wastewater Treatment Plants. The bid was awarded as follows:

<u>Item</u>	<u>Company</u>	<u>Unit Price</u>
Liquid Aluminum Sulfate 50% Solution	General Chemical Parsippany, NJ	\$102.34/Ton
Liquid DADMAC Cationic Polymer	SNF Polydyne Riceboro, GA	\$514.00/Ton
Dry Polyacrylamide Cationic Polymer	SNF Polydyne Riceboro, GA	\$2660.00/Dry Ton
Anhydrous Ammonia	DPC Industries Sweetwater, TX	\$1360.00/Ton
Liquid Caustic Soda 50% Solution	FSTI, Inc. Manor, TX	\$197.50/Ton
Sodium Bisulfite 40% Solution	Dimmitt Sulfur Products Dimmitt, TX	\$119.80/Ton

City Council Meeting

September 25, 2006

Page 5

Hydrated Lime	Texas Lime Co. Dallas, TX	\$102.29/Dry Ton
Fluorosilic Acid 23% Solution	Pencco Inc. San Felipe, TX	\$323.10/Ton
Sulfuric Acid 93% Solution	Valley Solvents & Chemicals Ft. Worth, TX	\$137.00/Ton
Liquid Ammonium Sulfate 40% Solution	Hydro Plus Ltd. Abilene, TX	\$143.00/Ton
Liquid Ferric Sulfate 50% Solution	General Chemical Parsippany, NJ	\$170.00/Ton
Sodium Chlorite 25% Solution	U.S. Filter/Davis Products Sarasota, FL	\$819.00/Ton

3.17 **Bid #CB-6077** – South Willis Street Reconstruction – from South 1st Street to South 14th Street. The bid was awarded to Contract Paving Co., Tye, TX in the amount of \$468,469.99.

REGULAR AGENDA

4.1 **Appealed Item/Public Hearing Z-2006-25**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) to PDD (Planned Development District) zoning, property located at 2582 Waldrop Drive.

Mayor Archibald stated it is his understanding that a joint request has been made to table this item. The Mayor then requested comments from the attorney representing Taylor Electric Cooperative, Inc. and the attorney representing the property owners within the notification area.

Thomas Choate, Attorney at Law and Agent for Taylor Electric Cooperative, Inc. confirmed the joint request to table the item until the October 12, 2006 Council meeting. Mr. Choate noted tabling the item would allow all parties to continue to dialogue until some consensus and resolution could be reached. Mr. Choate further noted Taylor Electric Co-Op, Inc. continues to explore every avenue for resolution. Mr. Choate recognized the people present and stated it was impossible to notify everyone of the request to table but that their attendance at today's meeting is appreciated.

Mark Zachary, Attorney at Law representing property owners within the notification area confirmed the joint request to table the item until the October 12, 2006 Council meeting. Mr. Zachary noted his clients are also committed to seek resolution and Mr. Zachary stated appreciation to all present for their attendance.

Councilman Williams made a motion to table appealed item/public hearing **Z-2006-25**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) to PDD (Planned Development District) zoning, property located at 2582 Waldrop Drive until the October 12th Council meeting, as requested. Councilman Spano seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

City Council Meeting

September 25, 2006

Page 6

4.2 Jon James, Director of Planning and Development Services briefed the Council on **Z-2006-36**, an ordinance considered on second and final reading to rezone property from HC (Heavy Commercial), LI (Light Industrial), GC (General Commercial), and AO (Agriculture Open Space) to PDD (Planned Development District) zoning, property located at the northwest corner of I-20 and Musgrave Boulevard, approximately 1,700 feet southeast and northeast of the Highway 351 I-20 intersection.

Mr. James distributed a corrected concept plan (Exhibit B) to Council. Mr. James then stated Lowe's home improvement center wishes to locate to the southeast of the Wal-Mart Supercenter along with two out parcels that will have frontage onto I-20. The proposed PDD has been written to allow additional acreage to be added to it in the future without having to amend the text. The applicants wish to extend the PDD up to Hwy 351 to provide greater access to the development. The Comprehensive Plan shows that this proposal is located within a major commercial business activity center. Mixed uses, pedestrian-friendly development, and aesthetic enhancement of building facades and site design are mentioned to help create a "more livable, vibrant, and accessible community." The Comprehensive plan lists I-20 as the most important gateway into the City. Gateways are the areas where visitors will form their first impression of the city and as such, should reflect the highest quality and provide a glimpse of Abilene's local identity. For these reasons it is crucial that this area develops within a PDD that accomplishes these goals. Staff and the Planning and Zoning Commission recommends approval of the proposed PDD.

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

- David Taylor, development manager with Horne Properties, Inc. briefed the Council on the history of Horne Properties and presented information on various projects they have completed. Mr. Taylor stated the Lowe's Home Improvement Center will be the second center for Abilene and is a very significant investment in the community. Mr. Taylor publicly thanked Mr. Musgrave for his contributions to the city. Mr. Taylor requested the following be omitted from the proposed PDD: **"(d) group monument signs for the PDD with a maximum height of 10' and a maximum area of 100 square feet shall be allowed in the areas designated on the concept plan"** as reflected on Exhibit "A" under E. Signage 2) Freestanding, and **(v) Screening of parking lots from public rights-of-way is required for parking lots of greater than 50 spaces. Screening must be at least 36 inches in height and include one or more of the following: berm, hedge, closely spaced shrubs, masonry wall, or similar.** as reflected on Exhibit "A" under F. Landscaping and buffers. Mr. Taylor explained the request for the omissions stating the requirements as proposed are excessive and that berms are not viewed as being safe. Mr. Taylor assured Council that the area will be attractive.
- Dale Ferguson, former Mayor of Abilene. Mr. Ferguson stated Abilene has never developed to its full potential and development is needed. Mr. Ferguson acknowledged Mr. Musgrave and his positive development efforts in Abilene. Mr. Ferguson noted his support of the rezone request.

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

Council and staff discussion included: 1) the status of the proposed Landscape and Sign ordinances; 2) Council asked Mr. Taylor if he would serve on a committee that will be formed to assist Council in the review of the proposed Landscape and Sign ordinances. Mr. Taylor stated he would be glad to serve in that capacity; 3) variation in sign sizes at the Shops of Abilene; 4) the proposed PDD having been written to allow it to expand, but would still come back to Council for approval; 5) Council viewing the omissions from the PDD, requested by Mr. Taylor, as minor ones; 6) the location of screening as required in the proposed PDD; 7) commitments, by other potential retailers for this PDD, not currently being public information; 8) this item being viewed as a great opportunity to open the I-20 corridor; 9) a dedication ceremony for this area (including Musgrave Blvd.) will be held tomorrow at 11:00 a.m., and; 10) Mr. Taylor noted the front elevation and site plan showing more detail will be available to Council following today's meeting.

Councilman Williams made a motion to approve **Z-2006-36**, an ordinance considered on second and final reading to rezone property from HC (Heavy Commercial), LI (Light Industrial), GC (General Commercial), and AO (Agriculture Open Space) to PDD (Planned Development District) zoning, property located at the northwest corner of I-20 and Musgrave Boulevard, approximately 1,700 feet southeast and northeast of the Highway 351 I-20 intersection with the following to be omitted from the ordinance: **“(d) group monument signs for the PDD with a maximum height of 10’ and a maximum area of 100 square feet shall be allowed in the areas designated on the concept plan”** as reflected on Exhibit “A” under E. Signage 2) Freestanding, and **(v) Screening of parking lots from public rights-of-way is required for parking lots of greater than 50 spaces. Screening must be at least 36 inches in height and include one or more of the following: berm, hedge, closely spaced shrubs, masonry wall, or similar.”** as reflected on Exhibit “A” under F. Landscaping and buffers, and that the concept plan “Exhibit B” be revised accordingly to reflect the omissions. Councilman Spano seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **50-2006** 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-113** A 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.

City Council Meeting
September 25, 2006
Page 8

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

5.4 City Manager Larry Gilley briefed the Council on the Texas Local Government Code, Chapter 142 Subchapter B, Meet and Confer Agreement with the Abilene Professional Fire Fighters Association, Local No. 1044.

On January 6, 2006, the Abilene Professional Fire Fighters Association, Local No. 1044 presented a petition for the Council to consider approving the Meet and Confer process authorized under Texas Local Government Code Chapter 142, Subchapter B. Council approved the petition on January 24, 2006. Since that time, a labor/management team consisting of city and firefighter association representatives has been meeting to create a document addressing working terms and conditions of employment including wages, hiring and promotional processes. A tentative agreement was reached between the City and the Association on September 15th. The Association held meetings to ratify the agreement. Pursuant to state law, now that it is ratified by the Association, the Council must ratify the agreement for it to be binding. The proposed contract covers fiscal years 2006-2007 and 2007-2008. Staff recommends Council approve the Meet and Confer Agreement.

Councilwoman Moore made a motion to approve by Oral Resolution the Texas Local Government Code, Chapter 142 Subchapter B, Meet and Confer Agreement with the Abilene Professional Fire Fighters Association, Local No. 1044. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

Mayor Archibald noted the following changes to future Council meeting dates and times:
Thursday, October 26, 2006 meeting has been moved to Thursday, October 19, 2006
Thursday, November 2, 2006 meeting will be held in the evening.

There being no further business, the meeting was adjourned at 10:50 a.m.

Jo Moore
City Secretary

Norm Archibald
Mayor