

**CITY COUNCIL MEETING  
December 18, 2008, 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 December 18, 2008, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Stormy Higgins, Joe Spano, Robert O. Briley, Anthony Williams, and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Higgins gave the invocation.

Mayor Archibald introduced Marcelo Ordonez; he is 11 years old and a 5<sup>th</sup> grader at Bowie Elementary School. Marcelo led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the Regular Meeting held December 4, 2008. There being no deletions, no addition, and no corrections Councilman Chase made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion and the motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams, Councilwoman Moore and Mayor Archibald

NAYS: None

**CONSENT AGENDA**

Councilman Briley made a motion to approve consent agenda items 6.1 through 6.10 as presented. Councilman Spano seconded the motion, the motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams, Councilwoman Moore and Mayor Archibald

NAYS: None

**Ordinances:**

**6.1** Ordinance – Final reading Temporarily Suspending Enforcement of certain provisions of the Airport Zoning Ordinance of the City of Abilene.

The Ordinance numbered #**65-2008** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS TEMPORARILY  
SUSPENDING ENFORCEMENT OF CERTAIN PROVISIONS OF THE AIRPORT  
ZONING ORDINANCE OF THE CITY OF ABILENE, TEXAS.

- 6.2** Ordinance Case No. **Z-2008-36**, First Reading on a request from Adams and Starks Funeral Home to rezone property from RS-6 (Single-Family Residential) to LC (Limited Commercial) zoning, located at 725 N. 12<sup>th</sup> Street; and setting a public hearing for January 8, 2009.

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.

- 6.3** Ordinance Case No. **Z-2008-37**, First Reading on a request from Hardin-Simmons University to rezone property from RS-6 (Single-Family Residential) to CU (College University) zoning, located at 2602 Hickory Street; and setting a public hearing for January 8, 2009.

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.

- 6.4** First Reading to amend the City of Abilene Zoning Ordinance, Section 23-346, regarding Pine Street Corridor Overlay; and setting a public hearing for January 8, 2009.

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.

- 6.5** First Reading to amend the City of Abilene Zoning Ordinance, Sections 23-306 and 23-363, regarding Homeless Shelters and Social Service Facilities; and setting a public hearing for January 8, 2009.

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.

**Resolution:**

- 6.6** Oral Resolution: Authorizing the City Manager to execute a Hangar Lease with Abilene Aero. The new lease will be for a 10 year primary term with one 5-year extension option. The lease rate will start at \$21,060.00 per year and will adjust with the CPI-U every third year. Abilene Aero will be responsible for all utilities and taxes.

**Award of Bids:**

- 6.7** Award of Bid No. **CB-9001** – Front-loader containers. The City Council awarded the bid to Fuqua Industries, Inc. as follows: 8-CY Front loader Container Qty 36/Unit Price \$995.00 Total \$35,820.00; 6-CY Front loader Container Qty 27/Unit Price \$860.00 Total \$23,220.00; 2-CY Front loader Container Qty 20/Unit Price \$495.00 Total \$9,900.00
- 6.8** Award of Bid No. **CB-9002** 95 and 300 gallon plastic containers. The City Council awarded the 95 gallon container to Otto Environmental Systems, LLC Qty 1200/Unit Price \$52.59 and the 300 gallon bid went to Michael Brothers, Inc. Qty 500/Unit Price \$225.00.
- 6.9** Award of Bid – for the purchase of Aerial Platform Apparatus for the Fire Department. The City Council approve the award to the Sutphen Corporation with the following adjustments to the original bid price:
- Delete \$16,931.94 by accepting Sutphen’s discount proposal.
  - Total award in the amount of \$966,599.95 for (1) aerial platform apparatus.
- 6.10** Resolution for the participation in the grant from the State of Texas for a Selective Traffic Enforcement Program (STEP – IDM Grant 2008).

A Grant funded, State sponsored program, which allows for more police enforcement of drunk drivers during peak driving periods. The funding covers 100% of the salaries and fringe benefits at overtime rates, along with mileage on the APD vehicles used. The total grant coverage is for \$9,375.00

A Resolution is numbered **#40-2008** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS PROVIDING FOR THE APPROVAL OF AN APPLICATION FOR THE GRANT FUNDS FROM THE STATE OF TEXAS FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM – IMPAIRED DRIVER IMMOBILIZATION “IDM”.

**REGULAR AGENDA**

- 7.1** Jon James Director of Planning and Development Services briefed the council on the final reading to amend the City of Abilene Zoning Ordinance, Section 23-306, regarding Liquor Stores.

The Taylor County Expo Center board recently voted unanimously to allow beer sales at a limited number of publicly ticketed events. However, upon review of the City’s regulations, it was determined that the existing zoning for the expo center does not allow for the sale of alcohol.

The zoning on the Taylor County Expo Center property is AO (Agricultural Open Space). The use, "liquor store on-premise consumption", is not a permitted use within the AO zoning district.

Staff is proposing an amendment to Section 23-306 in the Zoning ordinance to allow the use of "liquor store on-premise consumption" within the AO zoning district with the condition that the sale of alcohol be accessory to the following uses: Amusement Facility (Temporary); Drag Strip or Commercial Racing; Fairgrounds; Motorcycle Track; Rodeo Grounds; and Stadium.

Staff recommends approval, Planning and Zoning recommended approval with the addition of "Amusement Facility (Temporary)" to the list of uses by a vote of 6 in favor and none opposed.

Council and Staff discussion included: 1) application process – it is the applicant's responsibility to comply with the laws; 2) city staff try to verify all information provided on the application; and 3) only section F was added to the Section 23-306.5 Conditional Use Provisions, other sections of the ordinance were provided for a reference for council in the packet.

Mayor Archibald opened the public hearing on this item and there being no one present and desiring to be heard the public hearing was closed.

Councilwoman Moore made a motion to approve the Ordinance to amend the City of Abilene Zoning Ordinance, Section 23-306, with the Planning and Zoning addition of "Amusement Facility (Temporary), regarding Liquor Stores. Councilman Williams seconded the motion, motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams, Councilwoman Moore and Mayor Archibald

NAYS: None

The Ordinance is numbered #66-2008 and captioned as follows:

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.

**7.2** Carl Scott Recreation/Senior Citizen Administrator briefed the council on the continued establishment of the Standards of Care for City of Abilene Youth Programs.

The Texas Human Resources Code provides that in order for a municipality to be exempt from the state's licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing. The major difference in the City's standards is that we have established standards for 6-13 years of age, whereas the state's standard is for 0-6 years of age, a population we do not serve.

Mayor Archibald opened the public hearing on this item and there being no one present and desiring to be heard the public hearing was closed.

Councilman Chase made the motion to approve the Ordinance establishing the Standards of Care for the City of Abilene Youth program. Councilman Spano seconded the motion, motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams, Councilwoman Moore and Mayor Archibald

NAYS: None

The Ordinance is numbered **#67-2008** and captioned as follows:

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 CALLING A PUBLIC  
HEARING.

**7.3** Tommy O'Brien Director of Water Utilities briefed the council on the Resolution that authorizes Execution of Amendment No. 3 to the Professional Engineering Services Agreement with Enprotec/Hibbs & Todd to continue Geological Investigations and begins permitting activities associated with the Regional Water Supply Project's Cedar Ridge Reservoir. This Amendment, for a not-to-exceed cost of \$1,454,310 to provide engineering services associated with the Regional Water Supply Project.

The work is a lengthy process and can take up to 10 years. The Consultants will be working with the State Agencies as this process continues. Some of the State Agencies are: Texas Commission on Environmental Quality (TCEQ), Texas Parks and Wildlife, U.S. Fish and Game, Water Development Board and the Brazos G Planning group.

Data will be collected and reviewed. Scott Hibbs with Enprotec Hibbs/Todd Engineering will be the coordinator on this project and will be working with the ranch and the state agencies; he will also handle the quality control of the process.

The work associated with permitting the Cedar Ridge Reservoir will continue over the next several years. The first part of this work (Phase1) involves continued work on geological investigations and the beginning of the environmental work. The environmental work is intended to provide information necessary to support the water rights permit application and allow regulator agency staff to review and assess the potential impact of the proposed Cedar ridge Reservoir on the natural resources of Texas.

### ***Summary of Tasks by Phase***

<i><b>Task</b></i>	<i><b>Phase 1</b></i>	<i><b>Phase 2</b></i>
1. Continued Geologic Evaluations	✓	
2. Meetings with Ranches	✓	✓
3. Project Management Plan	✓	✓
4. Interagency Coordination	✓	✓
5. Coordination with Brazos G Planning Group	✓	✓
6. Environmental Analyses	✓	✓
6.1 Literature Review	✓	
6.2 Initial Field Reconnaissance	✓	
6.3 Field Reconnaissance with Agencies	✓	✓
6.4 Biological Monitoring	✓	✓
6.5 Vegetation Mapping		✓
7. Water Rights Application Report & Support		✓
8. Initial Cultural Resources Evaluation		✓
9. Surveying & Mapping		✓

Councilman Higgins made the motion to approve the Resolution authorizing the execution of Amendment No. 3 to the Professional Engineering Services Agreement with Enprotec/Hibbs & Todd to continue Geological investigations and begin permitting activities associated with the Regional Water Supply Project's Cedar Ridge Reservoir. Councilman Williams seconded the motion, motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams, Councilwoman Moore and Mayor Archibald

NAYS: None

A Resolution numbered **#39-2008** and captioned as follows:

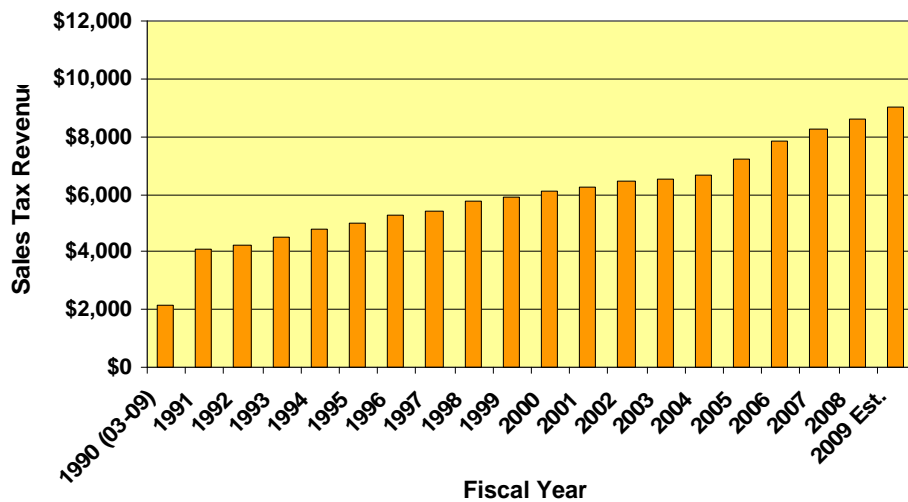
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE TEXAS  
AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL  
ENGINEERING SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO  
CONTINUE GEOLOGICAL INVESTIGATIONS AND BEGIN PERMITTING  
ACTIVITIES ASSOCIATED WITH THE REGIONAL WATER SUPPLY PROJECT'S  
CEDAR RIDGE RESERVOIR.

**7.4** Richard Burdine, Assistant City Manager for Economic Development presented the Activities Report for the Development Corporation of Abilene Inc. for the fiscal year ended September 30, 2008.

## Abilene Industrial Foundation

Performance Measure	2004-05	2005-06	2006-07	2007-08
Leads Received	93	170	96	88
Lead Responses	49 (53% of Leads)	37 (22% of Leads)	58 (60% of Leads)	52 (59% of Leads)
Prospect Visits to Abilene	19	14	33	30
Prospect Files Opened	14 (29% of Responses)	9 (24% of Responses)	13 (22% of Responses)	7 (13% of Lead Responses)
Retention Visits	43	86	81	99
Consultant Visits	134	62	151	73

## ½ Cent Sales Tax for Economic Development Revenue (in thousands)



## Economic Development Board

Provide staff support to the DCOA Board;

**Negotiate incentive packages to retain and/or expand existing manufacturers, and attract new ones;**  
**Insure contract compliance; and,**  
**Manage DCOA-owned properties and construction projects.**

#### **Downtown Programs**

**Coordinate with the Abilene Downtown Association on events that bring people downtown, such as ArtWalk and City Sidewalks;**  
**Management of remaining TIF-funded projects;**  
**Work to retain existing businesses downtown, and to attract new retail, commercial and residential development; and,**  
**Oversight of public and private investment in downtown of over \$80,000,000.**

#### **Military Affairs**

**Retain and expand Military Missions to include Dyess Air Force Base, our largest employer, through:**  
**Ongoing contact with federal and state legislative delegations to garner base funding and expand missions;**  
**Resolution of local issues that could hinder training operations, i.e., airspace encroachment; and,**  
**Support to Military personnel, families and retirees.**

#### **FY08 Achievements / Priorities include:**

- **Retention of C-130 and B-1 Aircraft**
- **Infrastructure Improvements**
  - Fire station (\$11M) complete**
  - Military Family Housing: 326 housing units (\$85M) under construction; additional 90 units (\$28M) to be completed in 2009**
  - Funding for Armed Forces Reserve Center (\$40M in FY 09)**
  - Refurbishment of C-130 dirt assault runway (\$2.5M)**
  - Runway drainage improvements (\$4.1M)**
  - Youth Center Construction (\$4.4M)**
- **Improved Access to Dyess from IH-20 under construction**
- **Growth and Retention Issues**
  - C-130J conversion begins FY10**
  - Retention of B-1 engine maintenance**
- **Encroachment**
  - Wind turbine placement addressed by City Airport Zoning Ordinance**
  - Local community land use**
- **“Green” Initiatives**
  - Dyess completed first ever supersonic test of synthetic fuel**
- **Future Missions:**
  - Conversion to C-130J**
  - Continued support for B-1 upgrade to capabilities**



**Explore options for Airborne Laser, Long Range Strike and Joint Cargo Aircraft  
Other non-traditional military missions**

- **Relationship Building**

**Air House visit for current & emerging AF leaders was a total success**

**Legislative, Pentagon & military headquarters visits**

**Defense industry liaison**

**Military leaders to Abilene**

**Texas Tech Small Business Development Center**

**Provide counseling, training and technical assistance to Abilene residents planning to open a business and to owners of existing Abilene businesses;**

**Coordinate DCOA matching grants to Abilene manufacturers for consulting services from the Texas Manufacturing Assistance Center; and,**

**Host the SBIR/STTR Resource Center.**

Councilman Williams made the motion to approve the Annual Report of Activities for the Development Corporation of Abilene, Inc. Councilwoman Moore seconded the motion, motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams, Councilwoman Moore and Mayor Archibald

NAYS: None

**7.5** Richard Burdine, Assistant City Manager for Economic Development reviewed the Destination/Wayfinding Signage Project.

The purposes of this item are to review the history of the Destination/Wayfinding Signage Project before it goes out for competitive bids and to clarify that the project preceded the Community Branding effort by several years. The 2001 Abilene Community Excellence (ACE) Report identified the need for destination/wayfinding signage for the City. Guidance Pathway Systems (GPS) was chosen through an RFP process with funding provided by the Tax Increment Finance (TIF) board and the City.

GPS held meetings with city officials, chamber representatives, educational institutional representatives, medical institutional representatives, TXDOT representatives, citizens, and board members to get input from the community on the needs, goals and requirements for addition and replacement of signs in Abilene. GPS completed a draft destination/wayfinding signage study, including preliminary design of a comprehensive family of signs and their locations to direct locals and visitors to points of interest in the City. The TIF Board approved funding for this project during its May 23, 2007, meeting. An overview of the plan was presented to the City Council during the June 6, 2007 Workshop Session on Economic Development and funding was approved during its June 14, 2007, meeting.

Last year Michael Morris of Michael Morris Designs, Dallas, Texas was employed to develop final sign designs and bid documents. Some of his work was postponed awaiting the

outcome of the Branding Project. After extensive review of sign design alternatives, Mr. Morris and staff do not recommend incorporation of any logo or tagline in the destination/wayfinding signs. The signs' purpose is directional and including a logo and/or tagline tends to distract users from directional messages. A logo and/or tagline may be utilized effectively in entry signs and information kiosks located downtown.

### Destination/Wayfinding Signage

- ☐ Objectives
  - Efficiently direct visitors and citizens to their destinations
  - Easily identified through:
    - ☐ Consistent color scheme
    - ☐ Consistent directional arrow format
    - ☐ Scaled to their locations
    - ☐ Similar to typical signs but also unique
    - ☐ Visible at night without sign lighting
  - Cost-effective design and fabrication
  - Long-lasting and easily replaced
- ☐ 104 signs; 73% in TxDOT r.o.w. and regulated for:
  - Materials – sign blank and breakaway poles
  - Colors – can't use traffic control colors
  - Font style & size – determined by Manual of Uniform Traffic Control Devices and speed of traffic
  - Location – avoid sight barriers and conflicts with existing TxDOT signs
- ☐ Project is ready to bid:
  - Signs designed to avoid sole source vendor and allow for competition
  - Sign locations approved by TxDOT
  - Bid specifications final, subject to color selection acceptable to TxDOT
  - Individual sign messages and directional arrows going through final review

Council and Staff discussion included: 1) These signs are for directing people; 2) hopeful that the work can move quickly – ready to bid out; 3) funding has already been approved – today is for information only; 4) other TIF projects including the public restroom/streetscapes and the parking lot is under construction, redevelopment plan is coming along and should come to council fairly soon; and 5) discussion of the colors on the sign. There is very limited color selection due to TxDOT regulations.

No action required on this item; this item is for information only.

**7.6** Mayor Archibald reviewed a list of questions in regards to the possible purchase of Diamondback Golf Course and the creation of a citizen committee to evaluate the potential purchase.

- ✓ Does the City need to be in the municipal golf business?
- ✓ What is the present state of Maxwell Golf Course?
- ✓ What are the needs (\$) at Maxwell to bring it up to a quality course?
- ✓ Does this make business sense?

- ✓ Why does the City need to subsidize the course @ \$72,000/yr?
- ✓ What are the advantages and disadvantages of buying Diamondback and closing Maxwell?
- ✓ By taking Maxwell out of the market, can we expect Diamondback to be financially successful?
- ✓ What would be a reasonable rate structure at Diamondback for cash flow?
- ✓ What about a special senior's rate?
- ✓ What management arrangement do you believe works best for a municipal golf course?
- ✓ What other comparable city golf courses can we use as examples or role models?
- ✓ What is an appropriate price for Diamondback considering the market rate for golf courses?

Council discussion included: 1) Define what financial success is and what does it mean to be financial successful; 2) is success operating in the black? 3) What is the council willing to spend, is the council prepared to subsidize golf? 4) give the committee free reign or give the committee parameters to work within; 5) Council will be the ultimate decision maker; 6) what is the difference between a golf course and other city provided services such as Library or CityLink. Library and CityLink services are not being competed against by other private industry; 7) size of the committee and the committee make-up of golfers and/or non-golfers; 8) timeline was discussed for the committee; 9) a lot of information on the internet with reference to operating golf courses; 10) staff component with the committee (finance and parks); 11) the marketing of Diamondback in comparison to marketing Maxwell; 12) why make money, have a target of break even – providing a service to the citizens; 13) come back on January 8<sup>th</sup> to form the committee with each council member appointing 2 members each with the Mayor to select the Chair; and 14) how long would the committee serve? They would start as soon as possible.

This item was for discussion regarding a citizens' committee to evaluate the potential purchase of Diamondback Golf Course. No action taken.

## **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session at 11:15 a.m. pursuant to Sections 551.071, 551.074, 551.072 and 551.087 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, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

The Council reconvened from Executive Session at 12:04 p.m. and reported no votes or action was taken in Executive Session in regards to possible Litigation with City Attorney under Section 551.071 and consideration of various appointments to City Boards and Commissions as allowed under Personnel Section 551.074.

There being no further business the meeting was adjourned at 12:05 p.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor