

CITY COUNCIL MEETING
December 17th, 2009, 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 17th, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Robert O. Briley, Stormy Higgins 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 Price gave the invocation.

Mayor Archibald introduced Annelise Moore she attends Austin Elementary and is a 4th grader and daughter of Councilwoman Moore. Annelise led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

RECOGNITION/PROCLAMATION

Mayor Archibald recognized a collaboration of the Abilene Cultural Affairs Council and the Center for Contemporary Arts exhibit of "Art at City Hall". Several pieces of art are on display in the Administrative Offices of the City. The Artist's were recognized during the meeting.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on December 3rd, there being no deletions, no additions, and no corrections, Councilman Briley made a motion to approve the minutes as presented. Councilman Williams seconded the motion, the motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Moore and Mayor Archibald

NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.6 as presented. Councilman Price seconded the motion, the motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Moore and Mayor Archibald

NAYS: None

Oral Resolutions:

6.1 City Council authorized the on demand contracts for General Engineering and Consulting Services for the Water Department. This creates the two on demand contracts for General Engineering and Consulting Services. There will be a contract with both Jacob and Martin, Ltd and Enprotec/Hibbs & Todd and authorized the City Manager to execute an on demand contract with each firm.

Ordinances:

- 6.2** (First Reading) on Ordinance for **Case No. Z-2009-19**, a request from Danielle Delhomme to rezone property from LI (Light Industrial) to PDD (Planned Develop District) zoning, located at 1901 E. Hwy 80; and setting a public hearing for January 14, 2010.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-129 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.3** (First Reading) on Ordinance for **Case No. Z-2009-20**, a request from Harold Cannon to rezone property from RS-6 (Single Family Residential) to RM-3 (Multi Family Residential) zoning, located at 1151 Lillius Street and 2041 N. 12th Street; and setting a public hearing for January 14, 2010.

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) on an Ordinance to amend the Municipal Code Section22-22(a); and setting a public hearing for January 14, 2010

AN ORDINANCE AMENDING CHAPTER 22 SECTION 22-2(A) OF THE CODE OF THE CITY OF ABILENE BY AMENDING THE SECTION AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

- 6.5** (First Reading) on an Ordinance to amend regulations pertaining to "Liquor Store On-Premise Consumption" in the AO Zoning District; and setting a public hearing for January 14, 2010.

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.

Bid Award:

- 6.6** The City Council approved the renovations and expansion projects at the Animal Shelter. CB#1005 was awarded to Justice Construction in the amount of \$236,900 for the Base project and Alternates #1 and #2.

Base Project: General maintenance renovations throughout the facility, west wing kennel expansion to include 13 new dog kennels, enlarged power for current and planned expansions, and foundation repair.

Alternate #1 – Addition of a canopy cover, R-panel fence and a walk-in freezer at the incinerator area.

Alternate #2 – Addition of a new office and renovation of the existing front office and reception area.

REGULAR AGENDA

7.1 Jon James, Director of Planning & Development Services briefed the council on the final vote of the Three-Year Annexation Plan that was adopted in December 7, 2006 and amended July 10, 2008.

Over the past 3 years, staff has studied the area, prepared an inventory of existing types and levels of service, posted notice and held 2 public hearings, and prepared and posted a Service Plan with the help of an appointed citizen committee.

Annexation Service Plan

- ❖ An inventory of services and facilities to be provided in an Annexation Area:

Services provide immediately upon annexation:

- *Police protection;*
- *Fire protection;*
- *Maintenance of (public) parks, playgrounds, and swimming pools;*
- *Maintenance of any other publicly owned facility, building, or service;*
- *Maintenance of drainage facilities;*
- *Maintenance of (public) roads and streets, including street lighting and traffic control devices.*

Other Services:

- **Solid waste collection** – offered immediately; can keep private service up to 2 years
- **Water facilities** – continues with Potosi WSC; City may serve future development
- **Wastewater facilities** – semi-rural development served by on-site septic systems; new urban/suburban development served by City sewer
- **Road Construction** – Rebuilding Hardison Lane between Maple and Oldham within 5 years (this is above what is minimally required by state law)

Mayor Archibald opened the public hearing and the council heard from the following:

Those citizens speaking against the annexation where:

- Charles Crandall
- Jeff Caseltine – Maple Street
- Eileen Gibson – Colony Hill Road
- Spencer Butcher - Maple Street
- David Jolly – Maple Street
- Ken Barbian – Hardison Lane
- Gary Hoffman – Maple Street
- Evelyn Tilbrook
- Arlie Gibson
- Tammy Reese – Harrisburg Road

Mayor Archibald closed the public hearing.

Council and staff discussion included: 1) prior construction of Maple Street; 2) fiscal responsibility; Hardison Road – maintenance and construction that will be needed; 3) annexation always about the future – not the present; 4) concern over return on investment; and 5) concern for Capital Improvements Program and items that will be pushed back due to lack of funding.

Councilman Williams made the motion to approve the Final Reading on the Ordinance annexing the property in accordance with the City's Annexation Plan adopted December 7, 2006 and amended July 10, 2008. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Williams, Higgins Councilwoman Moore and Mayor Archibald
NAYS: Councilmen Price, Spano and Briley

Ordinance #42-2009 and captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 10:07 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 11:14 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with the City Attorney, Section 551.072 Real Property and Section 551.087 Business Prospect.

10. Oral Resolution approving the appointment/reappointments to the following boards and commissions.

No appointments made to the Development Corporation of Abilene.

There being no further business the meeting was adjourned at 11:14 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor