

**CITY COUNCIL MEETING
January 14, 2010 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 14th, 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.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Nichole Arreola (Little Sister) and (Big Sister) Janet Ardoyno. Nichole attends Bassetti Elementary and is a 3rd grader. Nichole led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARD

Mayor Archibald and City Manager Larry Gilley presented the following Service Award:

Sondra Cox *Payroll Coordinator, Human Resources* *20 Years*

PROCLAMATIONS

Mayor Archibald presented the following Proclamations:

National Mentoring Month – presented to Tim Yandell, Executive Director Big Brothers/Big Sisters.

Crime Stoppers Month – presented to Gary Grubbs, President of Abilene Crime Stoppers, and Rick Dorman, Executive Director Abilene Crime Stoppers.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on December 17th. there being no deletions, no additions, and no corrections, Councilman Briley made a motion to approve the minutes as presented. Councilman Price seconded the motion, 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 6.4 as presented. Item 6.2 was pulled from the agenda prior to the meeting and will be heard at a later time. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

Resolution & Oral Resolutions:

- 6.1 Oral Resolution – City Council authorized the City Manager to execute the Professional Services Contract with Richard J. Leidl, P.C., a Washington D.C. area legislative and regulatory consultant. He continues to assist the City in identifying sources of federal funding for City projects. With Mr. Leidl’s assistance the City has received funding for use in projects ranging from paratransit vehicles to equipment for the Life Sciences Accelerator.
- 6.2 **Oral Resolution** – Amendments to the By-laws of Frontier Texas! *Item pulled prior to the meeting.*
- 6.3 **Resolution** – City Council approved the Fiscal Year 2009-2010 Professional Services Contract between the City of Abilene and the National Development Council. (NDC).

The National Development Council provides professional services assisting the City in accomplishing its community and economic development objectives. NDC is a private nonprofit corporation that specializes in economic development technical assistance, project development and affordable housing development.

Resolution [#1-2010](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE FY 2009-2010 CONTRACT BETWEEN THE CITY OF ABILENE AND THE NATIONAL DEVELOPMENT COUNCIL.

- 6.4 **Bid Award – CB#1004** for the purchase of 95 and 300 gallon plastic containers for the Solid Waste Services Division. Council awarded the bid to the following vendors.

95 – gallon automated containers	Otto Environmental Systems Unit Price \$42.38
300 – gallon automated containers	Rotonics Manufacturing Unit Price \$215.00

REGULAR AGENDA

- 7.1 Jon James Director of Planning and Development Services, briefed the council on the 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.

The owner is requesting the rezone of the property for the purpose of allowing for a mobile home to be installed on the property for security purposes and to allow for Recreational Vacation Travel Trailer Park per conditions set forth:

- 1) No more than 6 travel trailers/recreational vehicles shall be permitted
- 2) No more than 1 mobile home for a permanent security residence shall be allowed.

Planning and Zoning Commission recommend approval of the PDD.

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

Danielle Delhomme spoke on her request for the rezoning of her property from LI to a PDD that would allow her to place a mobile home for security and set up 6 RV spots for visiting Scientists. Ms. Delhomme explained that she was having security issues at her Business site and would like to add a mobile home for her to live in so that she can watch her property.

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

Council and Staff discussion included: 1) concerns of allowing RV's to be placed on this property as it relates to a major entry way into the City; 2) other means of security, rather than having a mobile home for a security residence; and 3) PDD's normally have stronger requirements than what is contained in this PDD.

Councilman Williams made the motion to approve the 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. Councilman Price seconded the motion, motion failed.

AYES: Councilmen Price, Williams

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

7.2 Jon James, Director of Planning and Development Services briefed the council 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

This zone changes comes at the request of the land owner to be able to have separate utilities on the property. This zone change will make this a legal conforming use of this property.

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

Councilman Price made the motion to approve 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. Councilman Spano seconded the motion, motion carried.

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

NAYS: none

Ordinance **#1-2010** 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.

Location: 1151 Lillius St. and 2041 N. 12th St.

7.3 Mike Hall, Director of Community Services briefed the council on an amendment of the Municipal Code Section 22-22(a). Chapter 22, Parks and Recreation Section 22-2(a), currently states that No person shall bring or carry or have in his possession within any public park in the city an intoxicating beverage." This provision effectively prohibits any fundraising events that might be held in a park setting from selling or offering alcoholic beverages as a part of their fundraising events. The Parks Board is recommending Council amend this section.

Amber Cree, a member of the Parks Board briefed the council on the change request.

PROPOSED AMENDMENT TO CHAPTER 22 SECTION 22-2(a)

- (a) No person shall bring or carry, or have in his possession within any public park in the City any intoxicating beverage unless said person is in attendance at a fund raising event and the Parks and Recreation Advisory Board has approved a permit for the event, limited to the following locations:
1. Abilene Zoological Gardens within the perimeter fence or the Education Building only;
 2. Nelson Park Festival Gardens within the perimeter fence only; or
 3. Nelson Park Adult Softball Complex fields 1-4 within the perimeter fence only.

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

- Benny Whitehead – spoke against allowing the sale of alcohol beverages for non-profits for fund raising events.
- Ron Konstantin – asked that council look at other options
- Winston Ohlhausen - against passing the ordinance
- Julie Napier – Park Board rep – positive benefit for non-profits and fund raising
- Laverne Turner – against passage of ordinance
- Gail Russey – Park Board rep – believes this will be a benefit to our community

Mayor Archibald closed the public hearing.

Council and Staff discussion included: 1) concern over areas where children could be; 2) more restrictions as it relates to hours and ticket invitation only; 3) security; 4) security deposit to be used for clean-up etc. and 5) Texas Alcohol and Beverage Commission has regulations that will have to be followed.

Councilwoman Moore made the motion to TABLE this item and to send this Ordinance back to the Park's Board to have stricter parameters and time constraints looked at and incorporated into the ordinance. Councilman Higgins seconded the motion, motion carried.

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

7.4 Jon James, Director of Planning and Development Services briefed the council on the Ordinance to amend regulations pertaining to "Liquor Store On-Premise Consumption" in the AO Zoning District.

This Ordinance would amend Section 23-306.5.H(f): Conditions for Liquor Store On-Premise Consumption: Change would add #7 – Stadium, #8 – Zoo & #9 – Parks (both Zoo and Parks would only be in play when the Amendment to Chapter 22. Section 22-2(a) is approved). Amendment to Chapter 22 is TABLED from item 7.3.

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

Councilman Higgins made the motion to TABLE this Ordinance. This Ordinance will come back to Council in conjunction with the Ordinance that would amend Chapter 22 Section 22-2(a). Councilwoman Moore seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins Councilwoman Moore and Mayor Archibald
NAYS: none

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 10:56 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 12:15 p.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with the City Attorney, Section 551.074 Personnel Matters and Section 551.087 Business Prospects. Councilman Williams left before returning to open session.

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 12:15 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor