

CITY COUNCIL MEETING
February 11, 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 February 11th, 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, and Stormy Higgins. Councilwoman Moore was absent. 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 Karina Navejas and Jeremy R. Gillentine. Karina attends Bowie Elementary and is a 5th grader. Jeremy is a 6th grader and attends Home School. Karina led the Pledge of Allegiance to the United States of America flag and Jeremy led the Pledge of Allegiance to the State of Texas flag.

EMPLOYEE SERVICE AWARDS

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

<i>Jerry Bartlett</i>	<i>Treatment Plant Operator II Wastewater</i>	<i>20 Years</i>
<i>Kenneth Mathers</i>	<i>Engineering Technician III Water</i>	<i>20 Years</i>
<i>Steven McDonald</i>	<i>Custodian I</i>	<i>20 Years</i>

REGULAR AGENDA ITEM

7.1 Mayor Archibald introduced the Resolution to Honor the Legacy of the Honorable Councilman Rev. Dr. Leo F. Scott and setting February 12th of each year as “Rev. Dr. Leo F. Scott Day.” The City Council honored the family of Dr. Scott by setting February 12 in honor of him.

Mayor Archibald and Councilman Williams presented the Resolution to the Scott family.

Petty Hunter as a member of the African American Leadership Council of West Texas announced that a \$5,000 scholarship has been set up at the Community Foundation.

Councilman Williams made the motion to approve the Resolution designating February 12th as the “Rev. Dr. Leo F. Scott Day”. Councilman Price seconded the motion. Motion carried.

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

NAYS: None

Resolution [#6-2010](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE TEXAS, HONORING THE LEGACY OF THE HONORABLE COUNCILMAN REV. DR. LEO F. SCOTT AND SETTING FEBRUARY 12TH OF EACH YEAR AS “REV. DR. LEO F. SCOTT DAY”

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on January 28th 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. Councilman Williams had stepped out of chambers prior to the vote.

AYES: Councilmen Price, Spano, Briley, Higgins, and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.6 and items 6.12 and 6.13 as presented. Councilman Higgins seconded the motion, motion carried. *Councilman Price pulled items 6.7 through 6.11.*

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald
NAYS: None

Resolutions & Oral Resolutions:

6.1 **Resolution** – Approving submission of Statement of Interest for the Dredging of the Clear Fork Scalping Station Project to the Texas Water Development Board for Funding of Project through the Texas Environmental Infrastructure Program. The City Council approved the submission of the Statement of Interest.

Resolution [#3-2010](#) and captioned as follows:

A RESOLUTION OF SUPPORT OF THE CITY COUNCIL OF ABILENE, TEXAS AUTHORIZING SUBMISSION OF A STATEMENT OF INTEREST ON BEHALF OF THE CITY OF ABILENE TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING OF A PROJECT ASSOCIATED WITH IMPROVEMENTS TO THE CLEAR FORK SCALPING STATION.

6.2 **Resolution** – Approving submission of Statement of Interest for the Cedar Ridge Reservoir Permitting Project to the Texas Water Development Board for funding of Project through the Texas Environmental Infrastructure Program. The City Council approved the Statement of Interest for the Cedar Ridge Reservoir Permitting Project.

Resolution [#4-2010](#) and captioned as follows:

A RESOLUTION OF SUPPORT OF THE CITY COUNCIL OF ABILENE, TEXAS AUTHORIZING SUBMISSION OF A STATEMENT OF INTEREST ON BEHALF OF THE CITY OF ABILENE TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING OF MULTIPLE PROJECTS ASSOCIATED WITH CEDAR RIDGE RESERVOIR PERMITTING ACTIVITIES.

6.3 **Oral Resolution** – Authorizing Task Order with URS to design Airfield Lighting control System and New Beacon. The City Council approved URS Corp. Engineering Contract for Task Order 22 which authorizes URS to design the Airfield Lighting Control System, which will be placed in the new control tower and design of a new Beacon, which will replace the old one. The fee for this service is a fixed fee in the amount not to exceed \$125,434.73. The fee for Task Order is funded 95% by AIP Grant 37. The City's 5% share for this task order is \$6,271.74.

6.4 **Oral Resolution** – Accepting Bid for Oil and Gas Lease and Authorizing the City Manager to Negotiate Lease with Western Chief Oil and Gas Company. The City owns 100% of the mineral rights under this 91.92 acre tract. The City awarded the right to lease Lake Tract #3 to Western Chief Oil and Gas Company and authorized the City Manager to negotiate the lease with the following stipulations:

1. Drilling shall be allowed on the acreage west of the Clear Fork of the Brazos River.
2. The acreage east of the Clear Fork may be leased for pooling purposes, but shall be protected from drilling.
3. Provisions necessary for surface and water protection as well as provisions to adequately protect the Water Department's Clear Fork Pump Station facility shall be negotiated.

6.5 **Resolution** – 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”. The City Council approved the City of Abilene Police Department's participation in the 2010 – 2011 IDM Wave program.

Resolution [#5-2010](#) 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”.

6.6 **Ordinance** – (*First Reading*) on a request from Abilene Ag. Service & Supply to abandon Rose Street between South 11th St and South 14th St., South 12th St., approximately 200 feet east from Rose Street, South 13th St approximately 200 feet east from Rose Street, and a north-south road between South 11th St and South 13th St approximately 200 feet east from Rose Street; and setting a public hearing for February 25, 2010. The City Council approved on first reading to move this Ordinance to a final reading on Feb. 25.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

6.7 **Bid Award** - **CB#1006** – Eight Patrol Sedans. *Item pulled for further discussion.*

6.8 **Bid Award** – **CB#1007** – Four Sedans. *Item pulled for further discussion.*

6.9 **Bid Award** – **CB#1008** – Two SUV's. *Item pulled for further discussion.*

6.10 **Bid Award** – **CB#1010** – Large 4WD Pickup for Water Production – *Item pulled for further discussion.*

6.11 **Bid Award** – **CB#1011** – Utility Trucks for Various Divisions – *Item pulled for further discussion.*

6.12 **Bid Award** – **CB#1016** – Miscellaneous Paved Alley Reconstruction – The City Council awarded the bid to Contract Paving Company of Tye in the amount of \$68,599.71.

- 6.13 Change Order** – Request Approval for the Cost Over-run on the South 27th Street project – The City Council approved the cost over-run of the project in the amount of \$59,126.36. The funding will come through the 2006 General Obligation Bond.

ITEMS PULLED FROM CONSENT

Councilman Price pulled the following consent items 6.7 through 6.11 for further discussion. Councilman Price questioned the purchase of these vehicles in light of the City's current reduction in budget. Mr. Gilley stated that the City had implemented several strategies to trim the budget due to the lower sales tax received over the last couple of months.

Fleet Maintenance is a standalone City Fund that doesn't affect the General Fund. The reduction in the Fleet Maintenance could affect the operational side of the City's Service levels. In the past money had been moved from Fleet to the General Fund and in doing so the City had to revert to issuing Certificates of Obligation to fund much needed vehicle replacement.

Council and Staff discussed: 1) the age of vehicles that are being replaced; 2) miles on the vehicles; 3) are we purchasing the best vehicle for the job; and 4) 2011 Ford will do away with the Police Package Crown Victoria's.

- 6.7 Bid Award - CB#1006** – Eight Patrol Sedans. The City Council awarded the bid to Arrow Ford in the amount of \$177,576.00 for Patrol Sedans for the Police Department.
- 6.8 Bid Award – CB#1007** – Four Sedans. The City Council awarded the following: Item 1 (2) Sedans to Holiday Chevrolet in the amount of \$36,011.00. Item 2 (1) rear-wheel drive sedan for the Fire Organizational Development Division to Arrow Ford in the amount of \$22,464.00. Item 3 (1) mid-size sedan Police Criminal Investigation Division to Holiday Ford in the amount of \$16,983.00.
- 6.9 Bid Award – CB#1008** – Two SUV's. The City Council awarded the following (2) midsize SUV's one to Library and one to Quality Control Lab of the Water Department in the amount of \$38,474.00 to Arrow Ford.
- 6.10 Bid Award – CB#1010** – Large 4WD Pickup for Water Production – The City Council awarded the bid to Lawrence Hall Chevrolet in the amount of \$25,609.15.
- 6.11 Bid Award – CB#1011** – Utility Trucks for Various Divisions – The City Council awarded the bid to Lawrence Hall Chevrolet in the amount of \$56,292.50.

Councilman Briley made the motion to approve the Bid Awards for items 6.7 through 6.11. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald
NAYS: None

REGULAR AGENDA

- 7.1** Mayor Archibald moved this item to the beginning of the meeting.
- 7.2** Jon James Director of Planning Development Services briefed the City Council on the Ordinance **Z-2009-15** on a request from Donald A. Callaway to rezone property from AO/COR zoning to LC/COR zoning; located at 4801 Buffalo Gap Rd.

Currently the property is zoned AO (Agricultural Open Space) and has been developed as a single family use. The properties to the east, south, and west across Buffalo Gap Rd. have been developed as single family residences. The property adjacent to the north has recently been developed as an eye care office.

Staff recommends denial based on the Future Land Use Map and the Buffalo Gap Road Corridor Study.

Planning and Zoning Commission recommended approval with the condition that the 150 foot area at the rear of the property be excluded by a vote of 4 in favor and 2 opposed.

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

- Al Callaway – Owner of the property and for the zone change.
- Bob Roadcamp – For the Zone Change
- Scott Senter – For the Zone Change
- Ron Konstantin – For the Zone Change
- Carmen Hall – member of Ridgemont Baptist Church and against the Zone Change
- Floyd Hickman – member of Ridgemont Baptist Church and against the Zone Change

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

Council and Staff discussion included: 1) Reviewed the 150 ft area that PZ had recommend leaving out of the Zone Change request that would be set aside as a detention area and a buffer between the business and residents; and 2) Suggested to lower the amount of the of footage at the rear of the property to 125 ft to accommodate the purposed plat of the applicant.

Councilman Williams made the motion to approve Ordinance **Z-2009-15** a request from Donald A. Callaway to rezone property from AO/COR zoning to LC/COR zoning; located at 4801 Buffalo Gap Road and with the condition that the 125ft area at the rear of the property be excluded. Councilman Spano seconded the motion. Motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald
NAYS: None

Ordinance [#2-2010](#) 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: 4801 Buffalo Gap Road

7.3 Jon James Director of Planning and Development Services briefed the Council on the Ordinance **Z-2010-01** on a request from Sojourner Drilling Corporation to rezone property from RS-6 to AO zoning; located at 2302 and 2226 Huckleberry Lane.

The properties to the east are developed with single-family homes and are more characteristic of rural residential properties, the properties to the south are developed as a mobile home park, the properties to the west are used for agricultural purposes as well as a patio home development, and the City of Impact borders the properties to the north. The entire property lies within the 100 year flood plain.

Staff Recommendation: The proposed 5 acre tract does not meet the minimum lot width for AO zoning, therefore staff does not recommend approval of this tract. Staff does recommend approval of a larger tract totaling approximately 13 acres.

Planning & Zoning Commission Recommendation: Approval of 2302 Huckleberry Lane only be rezoned to AO by a vote of six in favor and none opposed.

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

- Mary Ann Fergus agent for Sojourner Drilling Corporation. For the zone change request.

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

Councilman Spano made the motion to approve based on Staff recommendation of a larger tract Ordinance **Z-2010-01**, a request from Sojourner Drilling Corporation to rezone property from RS-6 (Single-Family Residential) to AO (Agricultural Open Space) zoning, located at 2302 Huckleberry Lane. Councilman Higgins seconded the motion. Motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, and Mayor Archibald
NAYS: None

Ordinance **#3-2010** 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: 2302 Huckleberry Lane

7.4 Stan Standridge Chief of Police briefed the Council on a strategy for the acquisition of Electronic Control Device's (ECD's). This includes but is not limited to the purchase of a use of force simulator to measure decision making, writing an ECD policy, identifying a funding strategy, and developing a training protocol to ensure Abilene Officers are very well trained should ECD's be authorized by Council.

The Abilene Police Department (APD) has been very deliberate and smart in their review over the last couple of years of research. The APD has identified seized funds as the mechanism to purchase the ECD's.

City Council was in agreement that the Abilene Police Department could move forward toward the purchase of ECD's.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:30 am. 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 11:40 am. and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel Matters, Section 551.071 Litigation Review with Attorney and Section 551.087 Business Prospects.

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

No appointments made to the Development Corporation of Abilene.

Councilman Williams made the motion to appoint Myrna L. Grigsby to the Airport Development Board. Councilman Price seconded the motion. Motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 11:40 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor