

CITY COUNCIL MEETING
March 25, 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 March 25th, 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 and Councilwoman 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 Michael Ramirez. Michael attends Dyess Elementary and is a 5th grader. Michael presented the City Council with a picture of Dyess Elementary students wearing pink and supporting Cancer Awareness. Michael led the Pledge of Allegiance to the Flags of United States of America and the State of Texas.

PROCLAMATIONS

Mayor Archibald presented the following Proclamations:

March 2010

American Red Cross Month

Accepting for the American Red Cross - Tim Cox, Manager of the Chisholm Trail Chapter of the American Red Cross.

April 2010

Autism Awareness Month

Accepting for Autism Awareness Month - Melissa Richardson, Region XIV Education Service Center and Dara Rhodes, AISD along with parents of children with autism Tommy and Charla Presley and Maria Nunez.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Workshop Meeting on March 4th and Regular Meeting March 11th there being no deletions, no additions, and no corrections, Councilman Higgins made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

No Items for Consent Agenda.

REGULAR AGENDA

7.1 Megan Santee, Interim Director of Public Works briefed the City Council on the Application/Permit to drill and/or Operate Oil and/or Gas well from Sojourner Drilling Corp. of Abilene application #687534.

Sojourner Drilling Corp of Abilene, TX has submitted an application to drill the Marlene #1 well on property owned by L. F. Higgins. A portion of this property was recently re-zoned to AO (Agricultural Open Space) zoning to accommodate this drilling permit application. This application has been reviewed and approved by City Staff.

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

- Mary Ann Fergus agent for Sojourner Drilling Corporation, spoke in favor of the application for drilling.

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

Councilman Williams made the motion to approve the Application #687534 for Sojourner Drilling Corp. Councilman Price seconded the motion, motion carried.

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

NAYS: None

7.2 Megan Santee, Interim Director of Public Works briefed the City Council on the Application/Permit to drill and/or Operate Oil and/or Gas well from Cholla Petroleum, Inc. of Dallas.

Cholla Petroleum, Inc. of Dallas, TX has submitted two applications for permits to drill and operate two oil/gas wells on property owned by Joseph Hantman, located northeast of the intersection of Dub Wright Blvd. and South 7th Street. These applications have been reviewed and approved by City Staff. Applications for drilling permits are #673127 & #673251.

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

Councilman Briley made the motion to approve the Application #673127 & #673251 for Cholla Petroleum, Inc. of Dallas. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

7.3 Mindy Patterson, Director of Finance briefed the City Council on the Ordinance that reestablishes the Municipal Court Technology Fund and establishes the Municipal Court Child Safety Fund.

It is necessary for the City Council to reauthorize the Technology fund to address changes in the Code of Criminal Procedure. Money collected from a \$4 fee assessed against all defendants in Municipal Court who are convicted of a misdemeanor offense will be deposited into this fund and used to finance the purchase of technological enhancements for the Court.

The second half of the Ordinance establishes the Municipal Court Child Safety Fund. The money collected from a \$5 fee on each parking violation will be deposited into this fund and will be used to fund the school crossing guard program. If the funds collected exceed the amount necessary to fund that program, the remaining money can be expended on other programs designed to enhance child health, safety or nutrition.

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

Councilman Spano made the motion to approve the Ordinance that reestablishes the Municipal Court Technology Fund and establishes the Municipal Court Child Safety Fund. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance # [5-2010](#) and captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REAUTHORIZING THE “MUNICIPAL COURT TECHNOLOGY FUND”; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR A “MUNICIPAL COURT CHILD SAFETY FUND”; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT CHILD SAFETY FEE; PROVIDING A SEVERABILITY CLAUSE; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF; AND CALLING FOR A PUBLIC HEARING.

7.4 Jon James, Director of Planning and Development Services briefed the City Council on the Ordinance for Case No. **Z-2010-02**, a request from Noah Project, Inc. to rezone property from RM-2 (Multi Family Residential) to PDD (Planned Development District) zoning, located at 5802 Texas Avenue.

The property to the east is currently developed with a church with apartments further down Texas Avenue. The properties to the north are developed with single-family homes. The property to the west is undeveloped. The properties on the south side of Texas Avenue are primarily single-family and mobile homes.

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

- Leigh Ann Fry, with the Noah Project, stated her support of the zone change.

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

Councilman Williams made the motion to approve Ordinance for Case No. **Z-2010-02**, a request from the Noah Project, Inc. to rezone property from RM-2 (Multi Family Residential) to PDD (Planned Development District) zoning, located at 5802 Texas Avenue. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance # [6-2010](#) 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-129 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 5802 Texas Avenue

7.5 Jon James Director of Planning and Development Services briefed the City Council on the 2010-2014 Capital Improvements Program.

Certificates of Obligation for \$1,400,000 can be funded within the current certificate debt tax rate policy of 10.7¢. Water and Wastewater projects of approximately \$3,550,000 are proposed over the next 5 years.

Capital Improvement Program 2010 "Capital Year"

Fast Facts

- 12 Projects
- \$ 1.4 Million total
- 3 "New" Projects (12.5% of 2010 funding)
Maxwell Irrigation Pump (4.64%)
- 81.2% of 2010 projects proposed for Transportation, Public Safety, or Facility Maintenance.

Notable Project Changes

#4020-01-98 Concrete Intersections - No funding in 2010
+\$200,000 to Pavement Rehab Various locations
+\$26,000 to Firing Range Pad Repair
3010-01-07 Athletic Field Lighting Accelerated

Council and Staff discussion included: 1) the proposed amount for Maxwell Golf Improvements; and 2) changing amounts prior to the issuance of any debt in regards to Maxwell.

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

- Ron Konstantin – spoke against funding any Maxwell Golf Improvements.

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

Councilwoman Moore made the motion to approve the Resolution approving and adopting the 2010-2014 Capital Improvements Program. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution [#11-2010](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE APPROVING AND ADOPTING THE 2010-2014 CAPITAL IMPROVEMENTS PROGRAM

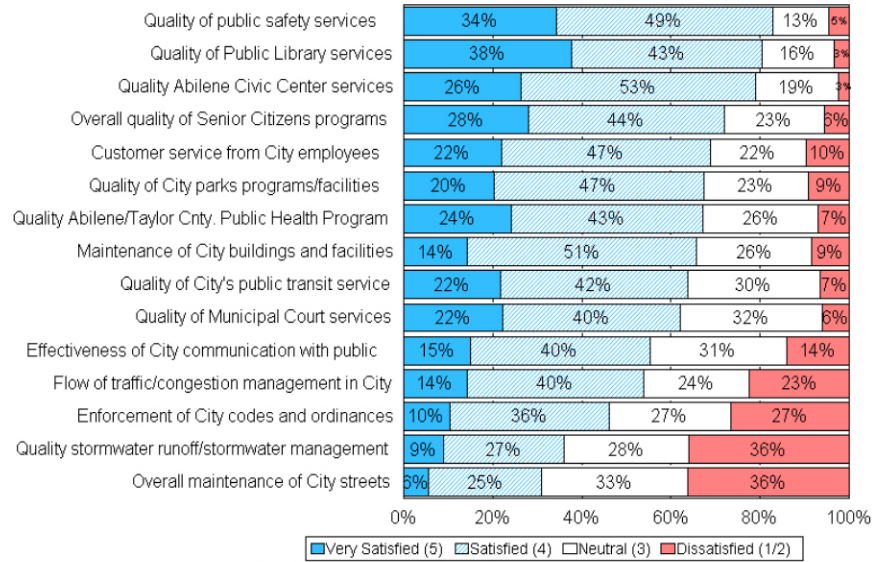
7.6 Evalin McClain Assistant City Manager briefed the City Council on the 2009 City of Abilene Community Survey Report and introduced Karen Faulk with ETC Institute who administered the DirectionFinder Survey for the City and presented a brief overview of the survey.

Purpose

- **Determine where the residents stand on Town service issues**
- **Determine a priority for addressing Town services**
- **Public relations – let your community know that you value their opinion and make the results known**
- **Get direction from your residents about acquiring funding for important issues**

Q1. Overall Satisfaction With City Services by Major Category

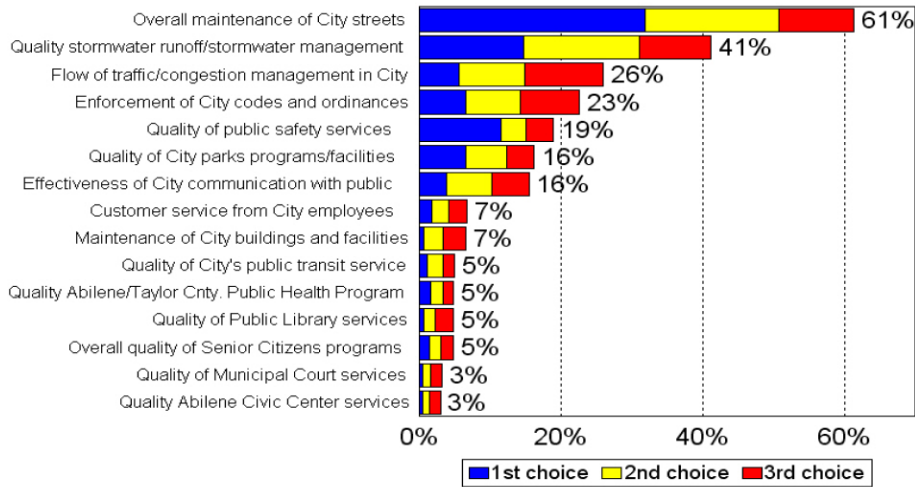
by percentage of respondents who rated the item as a 1 to 5 on a 5-point scale (excluding don't knows)



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q2. Services That Residents Think Are Most Important for the City to Provide

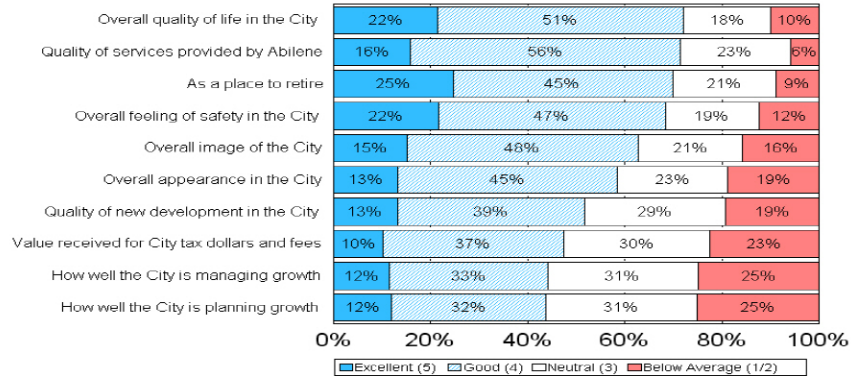
by percentage of respondents who selected the item as one of their top three choices



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q3. Items That Influence the Perception Residents Have of the City

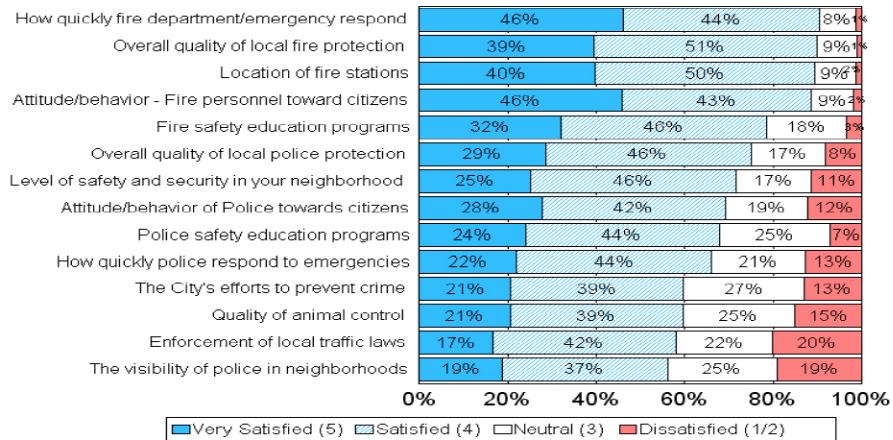
by percentage of respondents who rated the item as a 1 to 5 on a 5-point scale (excluding don't knows)



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q4. Satisfaction with Various Aspects of Public Safety

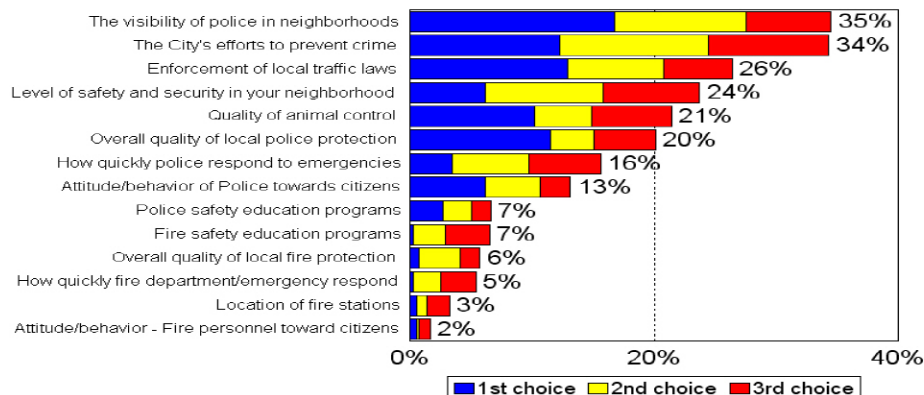
by percentage of respondents who rated the item as a 1 to 5 on a 5-point scale (excluding don't knows)



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q5. Public Safety Services That Are Most Important to Provide

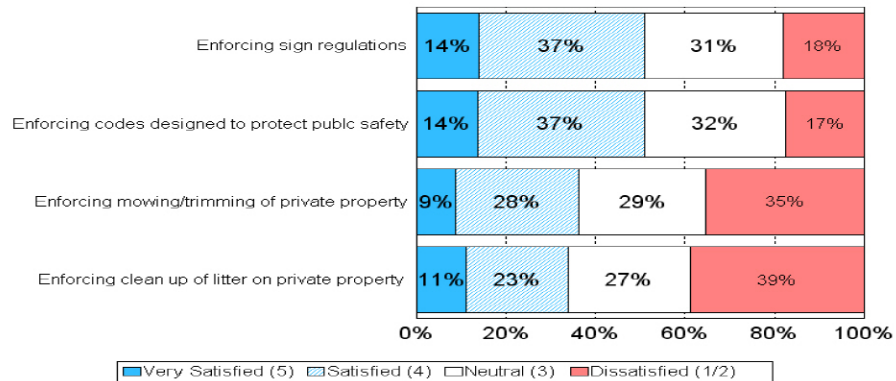
by percentage of respondents who selected the item as one of their top two choices



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q7. Satisfaction with City Regulations

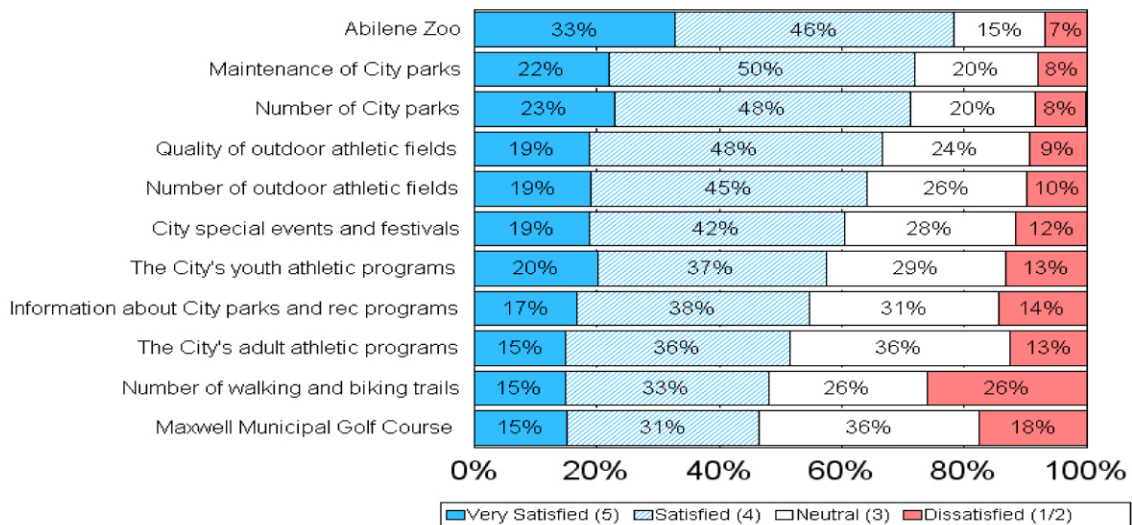
by percentage of respondents who rated the item as a 1 to 5 on a 5-point scale (excluding don't knows)



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q9. Satisfaction with Various Aspects of Parks and Recreation

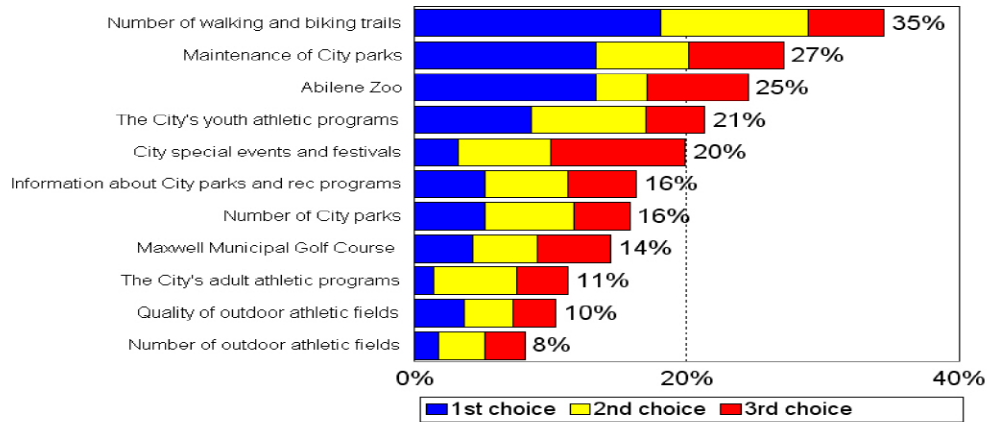
by percentage of respondents who rated the item as a 1 to 5 on a 5-point scale (excluding don't knows)



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q10. Parks and Recreation Services that Are Most Important to Provide

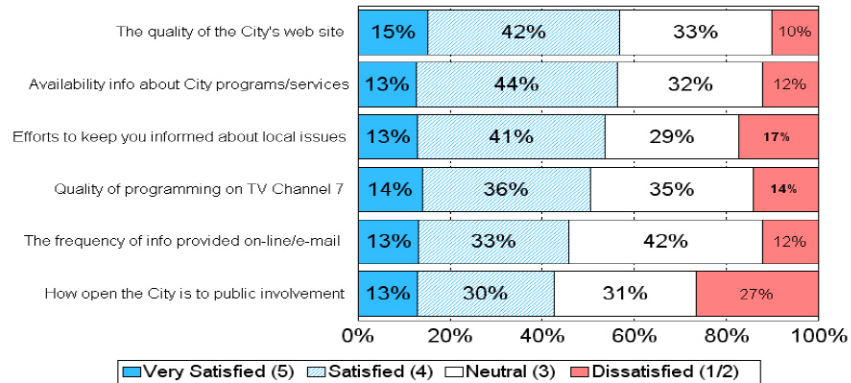
by percentage of respondents who selected the item as one of their top three choices



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q12. Satisfaction with Various Aspects of City Communications

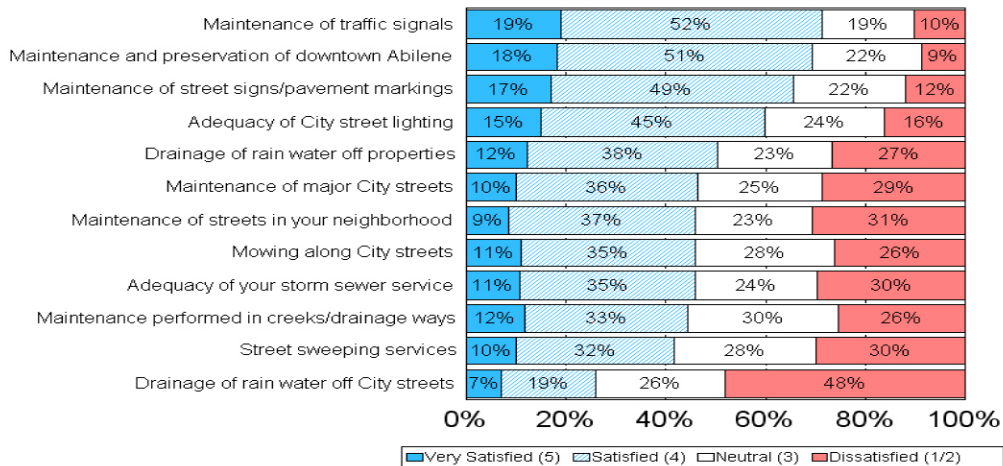
by percentage of respondents who rated the item as a 1 to 5 on a 5-point scale (excluding don't knows)



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q15. City Maintenance/Public Works

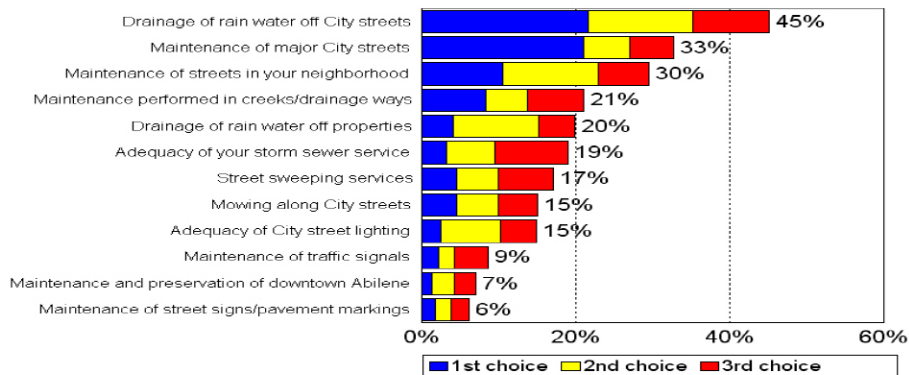
by percentage of respondents who rated the item as a 1 to 5 on a 5-point scale (excluding don't knows)



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

Q16. City Maintenance/Public Works Services that Are Most Important to Provide

by percentage of respondents who selected the item as one of their top three choices



Source: ETC Institute DirectionFinder (January 2010 - Abilene, TX)

No action required on this item for information purposes only.

7.7 Jon James Director of Planning and Development Services, briefed the Council on the Land Development Code Workshop item. Council went over the 10 questions or differences between Staff/Consultant/Committee and P&Z.

Council and Staff discussion included: 1) Question 1 – in regards to sign notification of zoning changes placed on property being rezoned; 2) vandalism, cost and stolen signs; 3) good communication between the City and citizens; 4) Question 2 – Plat waivers – doesn't happen very often; 5) Question 3 – if Commission denies a case should a Council vote to over-ride the denial require a ¾ super majority; 6) Staff/Consultant recommends not requiring a super majority; 7) Question 4 – reference Landmarks Commission and historic buildings; 8) Question 6 – Street lights/signs staff recommends to place this with the Developer; 9) Question 7 – drainage plans – citizens concerned about drainage; 10) Question 8 – Staff doesn't recommend exemption on Pine Street, Butternut, S 1st and Treadaway; 11) Question 9 – less common in slower growing communities; 8) Question 10 – could add a legal mechanism in the Code.

No action required on this item, Ordinance to adopt the Land Development Code will come before the City Council at the next regular meeting (April 8th) as a First Reading with a Public Hearing.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 11:04 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 12:20 p.m. and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel Matters, and Section 551.071 Consultation with Attorney.

There being no further business the meeting was adjourned at 12:20 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor