

CITY COUNCIL MEETING
April 8, 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 April 8th 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.

Councilman Shane Price gave the invocation.

Mayor Archibald introduced Tyler Crawford. Tyler attends Fannin Elementary and is a 5th grader. Tyler led the Pledge of Allegiance to the Flags of United States of America and the State of Texas.

Mayor Archibald announced upcoming events happening in our City they are: Mayor's 5K Run, Walk & Wheel this Saturday April 10th, Don't Mess with Texas Trash Off - Saturday April 10th, Spring Clean & Tire Amnesty Days – April 15th-17th, Dyess Air Force Base arrival of the new C130J on Friday April 16th.

EMPLOYEE SERVICE AWARDS

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

<i>Helen Williams</i>	<i>Administrative Clerk II</i>	<i>20 Years</i>
<i>Larry Jones</i>	<i>Firefighter, Fire Tactical Operations</i>	<i>25 Years</i>
<i>Donald Ostrander</i>	<i>Fire Lieutenant, Fire Tactical</i>	<i>25 Years</i>
<i>Roy Parks</i>	<i>Building Maintenance Specialist II</i>	<i>25 Years</i>

PROCLAMATIONS

Mayor Archibald presented the following Proclamations:

April 11 - 17, 2010

Week of the Young Child

Members of the Big Country Training Coalition Board present: Lisa Colyer-Treasurer, VaLynda Miller-Region 14, Norah Orchard-Child Care Licensing, Cynthia Asbury-Child Care Licensing, Christina Batten-Steps2Strides, Dana Hood-Abilene Christian University, Darlene Donald-Director of Glo Day Care and 6 children. The children presented the Council with cookies and milk.

April 11 – 17, 2010

Community Development Week

Accepting the Proclamation Sandy Bowen and Joana Wuest, of the Office of Neighborhood Services.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on March 25th 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 pulled item 6.1 and Citizens requested to pull item 6.2 from the agenda. Councilman Williams made the motion to approve consent items 6.3 through 6.6 as presented. Councilwoman Moore seconded the motion, motion carried.

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

Resolution:

6.1 **Resolution** – Approving updates to the City’s Water Conservation Plan. *Item pulled from consent.*

Ordinances:

6.2 **Ordinance** – (First Reading) Enacting Chapter 31.5 to Regulate Tow Truck Services. *Item pulled from consent.*

6.3 **Ordinance** - (First Reading) Approving a revision to Section 7 of the Budget Ordinance No. 31-2009. Regarding the Fire Department, the ordinance currently designates two (2) Assistant Fire Chief positions and a total of 171 positions in the Fire Department. Fire Chief Ken Dozier desires to implement a cost savings strategy that will eliminate one of the Assistant Fire Chief positions, thereby eliminating one position from the overall total.

AN ORDINANCE APPROVING A REVISION TO SECTION 7 OF ORDINANCE NUMBER 31-2009; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING.

Bid Awards:

6.4 **Award of Bid** – **CB-1023** Grape Street Resurfacing between North 1st Street and Ambler Avenue. The City Council awarded the bid to Contract Paving Company, Inc. of Tye, TX in the amount of \$354,080.76.

6.5 **Award of Bid** – **CB-1024** Green Street Safe Routes to School Sidewalk from North 12th Street to North 18th Street. This sidewalk will serve as a destination route for children to Fannin Elementary. The City Council awarded the bid to Justice Construction, of Abilene in the amount of \$129,658.57.

6.6 **Award of Bid** – **HGAC Contract #BT01-09** Type II Paratransit Van. The total purchase price of \$61,007 is funded from a FY09 TxDOT Section 5310 (Elderly & Disabled) grant and is matched with \$9,678 Transportation Development Credits. Purchase requires no local match. The City Council approved the purchase through the contract #BT01-09 for the purchase of the van.

ITEMS PULLED FROM CONSENT

6.1 Resolution – Approving updates to the City’s Water Conservation Plan. Under the water conservation planning requirements found in Texas Administrative Code Chapter 288, water systems holding surface rights in excess of 1,000 acre-feet per year must maintain and submit to the Texas Commission on Environmental Quality (TCEQ) a current Water Conservation Plan. The TCEQ requires each Water Conservation Plan to be updated at least every five years. The purpose of the resolution is to separate the Water Conservation Plan and the Drought Contingency Plan from the obsolete Water Management Plan and to approve non-substantive updates to the City’s Water Conservation Plan including the following system inventory information: 1) Utility Profile & Water Conservation Plan Requirements for Municipal Water Use by Public Water Suppliers; 2) Profile & Water Conservation Plan Requirements for Wholesale Public Water Suppliers; 3) Industrial/Mining Water Conservation Plan; and 4) System Inventory and Water Conservation Plan for Agricultural Water Supplies providing water to more than one user.

Councilman Spano asked if during this review staff had looked at eliminating the three (3) times a week watering schedule and stay with a two (2) times a week schedule. Also if a review of changing the lake level triggers had been done. Tommy O’Brien Water Utilities, stated that these levels had been established in the late 90’s and that it was worth taking a look at. Several factors to consider include: 1) Lake Ivy coming on the system; 2) Engineering; and 3) engaging the community.

Councilman Spano made the motion to approve the Resolution approving the updates to the City’s Water Conservation Plan. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution [#12-2010](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING A RESOLUTION SEPARATING THE WATER CONSERVATION PLAN
("WCP") FROM THE WATER MANAGEMENT PLAN AND APPROVING NON-
SUBSTANTIVE UPDATES TO THE WCP.

6.2 Ordinance – (*First Reading*) Enacting Chapter 31.5 to regulate Tow Truck Services. The City currently does not have any authority to regulate business operations associated with non consent towing services provided by towing companies. This Ordinance will more specifically address tows from private parking areas such as apartment complexes but will also extent to police initiated non consent tows.

The following citizens spoke on the Tow Truck Ordinance:

- Jeannette Kingery – John’s Wrecker Service – sees no need for the City to regulate.
- Diane Black – Apartment Complex – sees no need for the City to regulate.
- Tammy Kister – President Big Country Apartment Assoc. – not in favor of this ordinance.
- Stan Standridge – Chief of Police – purpose is to design safe guards for the citizens and apartment complexes would not be affected.

Councilwoman Moore made the motion to approve on *First Reading* the Ordinance regulating Tow Truck Services. Councilman Higgins seconded the motion, motion carried.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE ENACTING CHAPTER 31.5, "TOW TRUCK SERVICES", IN ITS ENTIRETY, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

REGULAR AGENDA

7.1 Jon James Director of Planning and Development Services, briefed the Council on the Land Development Code.

Summary of major changes from current ordinances – Chapter 1

- Clarified procedures and defined roles
- New plat requirement waiver
- New "conditional use permit"

Summary of major changes from current ordinances – Chapter 2

- New zoning districts:
 - PH, Patio Home
 - TH, Townhome
 - NO, Neighborhood Office
 - NCO, Neighborhood Conservation Overlay
- Changed districts:
 - RM-3 → MD, Medium Density Residential
 - RM-2 and RM-1 → MF, Multi-Family Residential
 - LC → NR, Neighborhood Retail
 - SC and GC → GR, General Retail and GC, General Commercial
- Changes to Historic Overlay zoning
 - Remove super-majority requirement when property owner is opposed
 - Remove 12-month demolition delay in favor of permanent protection
- Reduced building setbacks in many cases
 - Including allowing new buildings in a mostly developed area to meet the average setback of surrounding properties, if less restrictive
 - Also allows for reduced setbacks adjacent to undevelopable land
- Land use regulation:
 - Simplified use classifications
 - Reduced parking requirements for most uses
 - Accessory dwelling permitted in single-family areas
 - Added provisions for Wind Energy Conversion systems

Summary of major changes from current ordinances – Chapter 3

- Replaced **Preliminary Development Plan (PDP)** with **Preliminary Plat**
- Allows for administrative approval of some plats
- New requirement for secondary access point for subdivisions over a certain size
- Changes to street standards:
 - Reduced maximum block length
 - Added new classification for "Minor Arterial"
 - Some changes to street ROW requirements, with increased width for new roads, but allowance for substandard existing situations
 - New standards for access management/driveway spacing

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

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.