

CITY COUNCIL MEETING
April 22, 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 22nd 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 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 Higgins gave the invocation.

Mayor Archibald introduced Gillian Cabrera. Gillian attends Jackson Elementary and is a 5th grader. Gillian 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:

April 2010
Stop Colon Cancer Now Month
Dr. Steve Johnson accepted the Proclamation

May 2010
Exercise is Medicine Month
Dr. Pug Parris, Chair Mayor's Council on Physical Fitness accepted the Proclamation.

May 2-9, 2010
National Music Week
Lora Lynn Christensen accepted the Proclamation.

May 9th – 15th, 2010
National Police Week
Chaplain Donna Kleman accepted the Proclamation

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on April 8th 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 Higgins made the motion to approve consent items 6.1 through 6.12 as presented. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

Oral Resolutions:

- 6.1 **Oral Resolution** – Fireworks display request from A.M. Pyrotechnics for Hardin Simmons University. The City Council approved the fireworks display to be held at Hardin Simmons University on April 23rd.
- 6.2 **Oral Resolution** – Authorizing Task Order 23 with URS to design the Snow Removal Equipment Storage Building. The City Council authorized the City Manager to execute Task Order 23; the fee for this service is a fixed fee in the amount not to exceed \$107,677.23. The City’s share is 5% (\$5,383.86).
- 6.3 **Oral Resolution** – Authorizing Task Order 24 with URS to Manage Construction Projects. The City Council authorized the City Manager to execute Task Order 24 of the URS Corp. Engineering Contract. The fee for this service is a fixed fee in the amount not to exceed \$261,628.54. The City’s share is 5% (\$13,081.43).
- 6.4 **Oral Resolution** – Awarding construction contract for Air Carrier Ramp Reconstruction Area E. The City Council awarded **Bid No. CB-1022** in the amount not to exceed \$3,051,029.50 to Duininck Construction subject to the availability of federal funding.
- 6.5 **Oral Resolution** – Awarding construction contract for T-Hangar Taxilane Reconstruction Area C. The City Council awarded **Bid No. CB-1021** in the amount not to exceed \$1,373,922.90 to G.R. Birdwell Construction subject to the availability of federal funding. The City’s share is 5% (\$68,696.15).
- 6.6 **Oral Resolution** – Authorizing Change Order 2 for Air Carrier Ramp Reconstruction, Area D. The City Council authorized the Change Order 2 in the amount of \$32,680.00.
- 6.7 **Oral Resolution** – Consideration of a Street Use License Agreement with the Park People in partnership with the Center for Contemporary Arts for the “Dog Walk-Art Walk”. Cypress Street. The City Council authorized the Mayor to execute the Street Use License Agreement.
- 6.8 **Oral Resolution** – Consideration of a Street Use License Agreement with Talon LPE – 2702 Ambler Ave. The City Council authorized the Mayor to execute the Street Use License Agreement.

Resolution:

- 6.9 **Resolution** – Endorsing certain Legislative changes relating to the Sunset review of the Public Utility Commission and the Special Purpose review of the Electric Reliability of Texas. The City of Abilene is a member of Cities Aggregation Power Project, Inc. (“CAPP”). As an active market participant, CAPP is in the unique position to identify problems that have developed in the deregulated marketplace and to provide a consumer’s perspective to legislators interested in fixing those problems. CAPP believes that for deregulation to fulfill its promise, the market must become more competitive. Therefore, CAPP has formulated recommendations for the Sunset Advisory Commission as it conducts its PUC and ERCOT reviews. CAPP’s recommendations are intended to improve competition in the electric market place by making the PUC and ERCOT more accountable to consumers, by limiting market power, and by creating competitive options for all customers. The resolution spells out CAPP’s recommendations and endorses CAPP’s legislative/Sunset Agenda.

Resolution numbered [#13-2010](#) and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES RELATING TO THE SUNSET REVIEW OF THE TEXAS PUBLIC UTILITY COMMISSION AND THE SPECIAL PURPOSE REVIEW OF THE ELECTRIC RELIABILITY COUNCIL OF TEXAS

Ordinances:

- 6.10** **Ordinance** – (*First Reading*) Amendment to Chapter 22 Section 22-2(a) of the City Code. This item was previously considered by City Council and Council sent the amendment back to the Parks & Recreation Board for further considerations. Amendments being recommended will limit the Abilene Zoological Gardens within the perimeter fence or Education building only. Amendments will further limit this use to an invitation-only fund raising event during non-public hours.

AN ORDINANCE AMENDING CHAPTER 22 SECTION 22-2 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.

- 6.11** **Ordinance** – (*First Reading*) to amend regulations pertaining to “Liquor Store On-Premise Consumption” in the AO (Agricultural Open Space) Zoning District. The Parks & Recreation Board recommended a change to the previously approved amendment regarding alcohol in AO zoning adding the following use to the list: zoo. The Municipal Golf Advisory Committee met after and recommended a change to include golf courses. The zoo use would be restricted to events with a permit approved by the Parks and Recreation Advisory Board.

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:

- 6.12** **Award of Bid** – Buy Board Contract #284-08 – Authorization to purchase 53 Tasers and associated equipment. The City Council approved the purchase of Tasers from the Patrol Seized Funds.

REGULAR AGENDA

- 7.1** Sandy Bowen Neighborhood Initiatives Manager, briefed the Council on the Goals and Objectives for the 2010-2014 Consolidated Plan and introduced Susan Robinson who presented the recommended goals and objectives. The goals and objectives form the basis for utilizing CDBG and HOME funds.

Housing Needs

Goal: Low- to moderate-income citizens will have access to safe, decent and affordable housing

Objectives:

- Increase the availability, financial accessibility, and support for affordable home ownership opportunities
- Increase the availability, financial accessibility, and support for affordable and subsidized rental units
- Maintain, rehabilitate and improve existing single-family, multi-family, and subsidized housing units
- Educate homeowners and homebuyers on all aspects of homeownership to include, but not limited to, property maintenance, environmental hazards

- Educate renters and landlords on all aspects of fair housing practices to include, but not limited to property maintenance, environmental hazards
- Expand education and enforcement of safety codes and/or services to improve conditions of housing
- Increase the availability, financial accessibility, support for handicap accessible housing

Homeless & Non-Homeless Special Needs

Goal: Prevent and reduce homelessness

Objectives:

- Provide and maintain transitional housing and support services for individuals and families, including unaccompanied youth and ex-offenders
- Provide long-term housing opportunities and emergency shelters

Goal: Improve the quality of programs and facilities for health and safety, information, transportation , child care and recreation services

- Objectives
- Support the expansion of comprehensive affordable health and dental services
- Enhance the mechanism for coordination, communication, and quality assurance among service providers, city services, citizens and clients
- Provide and expand social and recreational services and facilities including, but not limited to youth and individuals with disabilities
- Expand crime prevention strategies, law enforcement services, and code enforcement
- Facilitate assimilation of refugees into the community

Economic Development Needs (Jobs)

Goal: Enhance the economic well-being of all citizens

Objectives:

- Support maintenance, enhancement, and expansion of quality childcare
- Support maintenance, enhancement, and expansion of transportation services
- Utilize and promote rehabilitation of existing properties to support business development
- Partner with higher education, businesses and service programs for life skills and language training
- Expand or enhance existing financial asset building programs
- Develop job skills training for youth
- Establish micro loan/grant programs for small business development

Other Community Development Needs

Goal: Revitalize Neighborhoods

Objectives:

- Encourage and support programs that diminish crime
- Provide incentives to encourage neighborhood initiated projects and organizations
- Encourage mixed use/mixed income infill development

Goal: Enhance the physical environment of Abilene

Objectives:

- Provide and maintain adequate public facilities and infrastructure especially in LMI area, including green spaces
- Enhance pedestrian, bike and traffic safety

Other Housing & Community Development Needs

Goal: Enhance quality of life for elderly citizens

Objectives:

- Increase the availability, financial accessibility, and support for safe, decent, and affordable housing

- Provide resources for home repairs and property maintenance for owner-occupied homes
- Maintain and increase services to encourage independent living
- Support the expansion of comprehensive affordable health and dental services
- Enhance the mechanism for coordination, communication, and quality assurance among service providers, city services, citizens, and clients

**Additional
Recommendations**

- Consider alternatives to establish funding for other needs identified in public meetings that are not eligible for funding with CDBG and HOME
- Consider expansion of the current Council restriction on grants to qualified proposals to include program enhancements other than capital improvements.

**Council
Funding Directives**

- Requests for CDG funds must meet one of the National Objectives and HOME funds must be consistent with the intent of the HOME program.
- Projects considered for funding must meet the goals, objectives and priorities in the City's Consolidated Plan.
- Priority will be given to projects which improve the physical conditions or directly benefit residents of Council-identified Targeted Neighborhoods.
- Minimum of 50% of funds allocated to rehabilitation activities be used for projects in Targeted Neighborhoods
- Only requests for capital improvements funding from private nonprofit agencies will be considered.

Council and Staff discussion included: 1) Concern over the expansion of the current restriction on grants to qualified proposals to include program enhancements other than capital improvements. Council is concerned that this would get into operating capital not just capital improvements by non-profit organizations.

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

Councilman Williams made the motion to approve the Oral Resolution setting the Goals and Objectives for the 2010-2014 Consolidated Plan. Councilman Spano seconded the motion. Motion carried.

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

NAYS: None

7.2 Ronnie Kidd Managing Director for Administration and Civil Service Director, briefed the City Council on amending Budget Ordinance 31-2009, Part 7 regarding the Fire Department, the ordinance currently designates two (2) Assistant Fire chief positions and a total 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.

Mayor Archibald called for a public hearing and the council heard from the following:

- Ron Konstantin – spoke against Budget amendment.
- Dennis Regan – questioned whether or not this was just a temporary elimination or was it permanent.

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

Councilwoman Moore made the motion to approve the Ordinance amending Budget Ordinance No. 31-2009, Part 7. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance numbered [#7-2010](#) and captioned as follows:

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.

7.3 Jon James Director of Planning and Development Services briefed the City Council on the Land Development Code. The Planning and Zoning Commission meeting was not called to order, no quorum present.

Mayor Archibald called for a public hearing during the public hearing council and staff discussed the following items: 1) Wind energy – small scale residences are prevented from sharing. Does not prevent commercial use of wind energy technology. Planning and Zoning Commission did not review this part of the Land Development Code (LDC). The City’s current ordinance is very restrictive, the language in this Ordinance will loosen some of that restrictions; 2) Tim McClarty addressed his concerns over changes staff has made to the LDC as to language in various places and how those changes can change the meaning of the document; 3) Notification signs for zone changes to be placed by staff on property that is being proposed for a zone change; 4) Streetlights and Street signs on new developments who pays for the additions – currently the city pays for the lights and signs. Could move that responsibility to the developer, discussion included splitting the amount between the city and the developer; and 5) Drainage plans are required for development that would exceed 5,000 square feet of impervious cover on a site. Planning and Zoning has increased the exemption to 20,000 square feet. Cody Marshall City Engineer talked about the State law and the downstream drainage. Bruce Bixby also spoke on the increase exemption.

The council heard from the following citizens in regard to the Land Development Code:

- Dennis Regan – made comment on the signs for placement on property being rezoned and supported the split of streetlights and street signs being paid for by the city and developer.
- Ron Konstantin – made comments on question #5 in regards to the points of vehicular access – to be less than the recommendation of the P&Z.
- Tal Fillingim – Civil Engineer with Jacob & Martin Engineers – spoke in support of the Planning & Zoning Commission recommendations for the LDC.

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

Chapter 1: Roles & Procedures

1. Should the applicant or staff be required to post a sign or signs on the property proposed for rezoning to provide additional notification to potentially interested neighbors or citizens that might not be within the 200’ notification area?

- **P&Z approved not requiring any additional notifications.**
- **Staff/Consultant recommends no additional notifications.**
- **Review Committee recommended no additional notifications**

Councilman Higgins made the motion to approve the use of signs as additional notification and provide that city staff will be responsible for the installation of the signs. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

6. Who should be responsible for the cost of installing streetlights (\$2,000 - \$3,000 per light pole) and street signs (\$100 - \$200 per sign post) in a new development?

- P&Z approved no change to the current system where the City/taxpayers are responsible for these costs. (Some on the commission disagreed)
- Staff/Consultant recommends that the developer be responsible for these costs.
- Review Committee recommended no change to the current system where the City/taxpayers are responsible for these costs.

Councilman Williams made the motion to keep as brought forward by the P&Z no change to the current system. Councilman Price seconded the motion, motion carried.

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

NAYS: Councilmen Spano and Higgins

7. Currently drainage plans are required for development that would exceed 5,000 square feet of impervious cover on a site. Should this exemption threshold be increased to 20,000 square feet?

- P&Z approved increasing the exemption to 20,000 square feet.
- Staff/Consultant and the City Engineer recommend not increasing the exemption to 20,000 square feet. While the current 5,000 sf is preferable, staff could support increasing the exemption to 10,000 sf.
- Review Committee did not discuss.

Councilman Price made the motion to keep the P&Z recommendation of increasing the exemption to 20,000 square feet. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Councilman Higgins made the motion to approve the Ordinance adopting the Land Development Code as presented from the Planning and Zoning Commission. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

Ordinance numbered [#8-2010](#) and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," OF THE ABILENE MUNICIPAL CODE, BY REPEALING SUBPARTS B, D & E; REPEALING THE SIDEWALK MASTER PLAN; AND ADOPTING THE CITY OF ABILENE LAND

DEVELOPMENT CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 11:09 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 11:50 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property and Section 551.087 Business Prospects.

10. Oral Resolution approving the appointments to the following board:

Youth Advisory Commission

Councilman Briley made the motion to approve the recommendations for the Youth Advisory Commission. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 11:50 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor