

CITY COUNCIL MEETING
August 26, 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 August 26th, 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 Miller. 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 Allie Nichols. Allie attends Austin Elementary and is a 5th grader. Allie led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald introduced Brad Carter with Connecting Caring Communities (CCC). Mr. Carter explained that CCC has submitted a project to the "Pepsi Refresh Project". The submitted project is to "transform forgotten neighborhoods into places where people find hope". You can vote for the project by Facebook, texting, etc. Mayor Archibald encouraged all to vote for the project.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on August 12th there being no deletions, no additions, and no corrections, Councilman Higgins made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.6 as presented. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinances:

6.1 **Ordinance** – (*First Reading*) on Case #**Z-2010-10** a request from the City of Abilene to rezone property from AO (Agricultural Open Space) and GC (General Commercial) to PD (Planned Development) zoning, located at the southeast corner of West Lake Rd. and Johnson Rd. and being approximately 90 acres; and setting a public hearing for September 9, 2010.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-132

A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: Bound by West Lake Road to the west, Johnson Road to the North and Lake Fort Phantom to the South

- 6.2** **Ordinance** – (*First Reading*) on Case #**Z-2010-11** - a request from the Development Corporation of Abilene, Inc. to amend PD-73 concerning signage and business identification; and setting a public hearing for September 9, 2010.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, “LAND DEVELOPMENT CODE,” OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-73 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Amend: Signage

- 6.3** **Ordinance** – (*First Reading*) on Case #**Z-2010-12** - a request from Butterfield Meadows, LLC. to rezone property from MD (Medium Density) to PH (Patio Home) zoning, located at the 3500 block of Firedog Rd; and setting a public hearing for September 9, 2010.

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: 3500 Block of Firedog Rd.

- 6.4** **Ordinance** - (*First Reading*) Appealed item: Case #**Z-2010-13** - a request from Joseph Lopez to rezone property from RS-6 (Single Family Residential) to NO (Neighborhood Office) zoning, located at 841 EN 10th St; and setting a public hearing for September 9, 2010.

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: 841 EN 10th Street

- 6.5** **Ordinance** – (*First Reading*) on a proposal to amend **Section 2.4.2.1** Land Use Matrix and **Section 2.4.3** Requirements Applicable to Specific Land Uses of the Land Development Code; and setting a public hearing for September 9, 2010.

AN ORDINANCE AMENDING CHAPTER 23, “PLANNING AND COMMUNITY DEVELOPMENT,” SUBPART B, “LAND DEVELOPMENT CODE,” 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

Oral Resolution:

6.6 Request for Proposals (CB-1031) – Wildlife Hazard Assessment contract Award and Task Order 1 approval. After a US Airways' bird strike and subsequent emergency landing in the Hudson River, FAA changed its policy on Wildlife Hazard Assessments (WHA) and now requires all air carrier airports to conduct a WHA, which FAA will review to determine whether an airport needs a Wildlife Management Plan (WMP). The WHA is a year-long study of wildlife activity and habitat on and around the airport. The WMP is a plan detailing how the airport would control wildlife activity that poses a potential threat to aircraft operations.

The City conducted a Request For Proposals (CB-1031) for an FAA-certified wildlife hazard biologist to conduct a WHA under Task Order 1 and then write a WMP, if determined necessary by FAA, under Task Order 2.

Five proposals were received for this service on June 17, 2010. Geo-Marine of Plano, TX was selected after interviews were conducted with three of the proposers. Geo-Marine and airport staff negotiated a contract price of \$95,576.79 for Task Order 1 under this contract. If needed, Task Order 2 will be brought to Council at a later date.

Council approved the award of contract to Geo-Marine and approved Task Order 1 in the amount not to exceed \$95,576.79.

REGULAR AGENDA

7.1 Richard Burdine Assistant City Manager for Economic Development briefed the City Council on the City of Abilene's involvement with the State's Enterprise Zone Program which began in 1997 when the City Council nominated three Enterprise Zones, which were subsequently approved for designation by the Texas Department of Economic Development (now known as the Office of the Governor Economic Development and Tourism or "Agency"), resulting in Abilene's West, Central and East Enterprise Zones. In 2004 the state legislature revised the program so that any census block group having a 2000 Census poverty level of 20% or higher is automatically an enterprise zone.

If the qualified business is not in an eligible block group, as is the case with Blue Cross Blue Shield (BCBS), it can be nominated as an Enterprise Project. An Enterprise Project is a business that is nominated by a city or county and approved by the state Economic Development Bank for state and local incentives.

State incentives include state sales and use tax benefits based on capital investment and jobs created and/or retained during the designation period, not to exceed 5 years. Blue Cross Blue Shield will commit to \$12 million in capital investment, retaining their current level of employment and hiring economically disadvantaged individuals to the fullest extent possible over the next five years. These commitments make them eligible for up to \$1,250,000 in state incentives.

The state may designate up to 85 enterprise projects each biennium. With private capital markets so tight there has been tremendous demand for the program, so much that all project designations will probably be allocated to successful applications submitted on September 1, 2010. It will be 2 years before more projects can be considered, which is why BCBS's application is being expedited.

In addition to its own incentives, the state requires cities that nominate companies for enterprise project designation to make complimentary local incentives available. Local incentives are scored by the state when they consider a business' application. Once the ordinance is adopted future project nominations will only require a resolution.

The following local incentives which we already offer or have considered offering in the past, are or will be made available to the nominated project and to future projects at the discretion of the City Council:

- a) Abate taxes up to five (5) years, on a case-by-case basis;
- b) Establish a Tax Increment Financing District to fund public improvements to serve a project;
- c) Adopt the Freeport Tax Exemption;
- d) Offer assistance through its 4A Development Corporation of Abilene, Inc.;
- e) Provide regulatory relief to businesses, including:
 - 1) Zoning changes or variances; and/or,
 - 2) streamlined permitting.
- f) Provide enhanced municipal services to businesses, including:
 - 1) Institution of community crime prevention programs; or,
 - 2) Special public transportation routes or reduced fares.
- g) Provide improvements in community facilities, including:
 - 1) Capital improvements in water and sewer facilities;
 - 2) Road repair; or,
 - 3) Creation or improvement of parks.
- h) Provide improvements to housing, including:
 - 1) Low-interest loans for housing rehabilitation, improvement, or new construction; or,
 - 2) Transfer of abandoned housing to individuals or community groups.
- i) Provide business and industrial development services, including:
 - 1) Low-interest loans for business;
 - 2) Provision of publicly-owned land for development purposes, including residential, commercial, or industrial development; or,
 - 3) Creation of special one-stop permitting and problem resolution centers or ombudsmen.
- j) The City may provide job training and employment services to businesses, including:
 - 1) Retraining programs;
 - 2) Literacy and employment skills programs;
 - 3) Vocational education;
 - 4) Customized job training; or,
 - 5) Job training programs.

At this time Blue Cross Blue Shield has only requested the City's help to nominate their project for state designation.

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

- Al Trotter – Blue Cross Blue Shield. Thanked the Council for partnering with BCBS and very interested in maintaining BCBS's relationship in Abilene.
- Caitlin Glenn - Senior Consultant with Ryan – Ms. Glenn will be working with BCBS over the next five years if this request is approved at the State level.

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

Councilman Briley made the motion to approve on *First Reading* An Ordinance requesting the City of Abilene's participation in the Texas enterprise Zone Program and Nomination of Health Care Service Corporation, a Mutual Legal Reserve Company, (Blue Cross Blue Shield) as an Enterprise Project to the Office of the Governor Economic Development and Tourism. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING THE HEALTH CARE SERVICE CORPORATION, A MUTUAL LEGAL RESERVE COMPANY (Blue Cross Blue Shield) TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT).

7.2 Ken Dozier Fire Chief briefed the Council the establishment of an Emergency Medical Services Citizens Advisory Committee.

In 1985 the Abilene Fire Department (AFD) was certified as a First Responder Organization by the Department of State Health Services (DSHS). At that time the AFD began to respond to 911 emergency medical calls within the city limits and provided Emergency Medical Technician (EMT) - Basic level service (Level 2). In 2002 the AFD's First Responder Program was upgraded to an Advanced Level First Responder Organization, with service level at the EMT-Intermediate level (Level 3). In 2009, the department committed to training for the highest level of prehospital care- EMT-Paramedic EMS (Level 4). With the proposed 2011 budget the AFD is ready to advance to this final step as a First Responder Organization.

Once the AFD provides Paramedic level EMS, the option exists for the department to provide emergency transports (Level 5) and non-emergency transfers (Level 6) via ambulances. The task assigned to the EMS Citizens Advisory Committee will be to make a recommendation to the City Council regarding the level of EMS service to be provided by the Abilene Fire Department.

Council made the following nominations for EMS Citizens Advisory Committee:

Mayor Archibald	James McCoy – Chair Susie Cassle Chris Vaughn
Councilman Williams	Lisa Flores Machall Lowry
Councilman Briley	Mark Powell Janice Bedford
Councilman Spano	Dev Ohre Cindy Haley
Councilman Higgins	Ed Emerson Stacey McGee
Councilman Price	Debbie Lillick Robert Kern
Councilwoman Miller	Carol Chastain Cole Mitchell

Councilman Higgins made the motion to approve the Resolution establishing the Emergency Medical Services Citizens Advisory Committee and amending Part 4 of the Resolution from January 27th to February 24th. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Resolution #22-2010 and captioned as follows:

RESOLUTION ESTABLISHING AN EMERGENCY MEDICAL SERVICE CITIZENS ADVISORY COMMITTEE

7.3 Mindy Patterson Director of Finance briefed the council on the proposed 2010-11 Tax Rate. The FY 2011 Budget approved by Council on July 27, 2010 set the tax rate at 69.86¢. State law requires that two public hearings must be held prior to the final public hearing and vote. Final vote will take place on September 9, 2010.

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

- Marsha Carter – asked council to do the hard thing and cut the tax rate.
- Dan Symonds – stated that he felt that it was a bad idea to raise taxes at this time.

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

No action on this item. The final public hearing will take place on September 9, 2010.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:16 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 10:16 am and reported no votes or action was taken in Executive Session in regards to Section 551.071 Litigation/Consultation with City Attorney and Section 551.076 regarding Security Devices.

There being no further business the meeting was adjourned at 10:16 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor