

CITY COUNCIL MEETING
February 24, 2011 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 24th, 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 Kellie Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Price gave the invocation.

Mayor Archibald introduced Andrew Escobedo. Andrew attends Jane Long Elementary and is a 5th grader. Andrew led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the February 10th Regular Meeting there being no deletions, no additions, and no corrections, Councilman Higgins made a motion to approve the minutes as presented. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Mayor Archibald announced that item 6.9 was to be pulled. Councilman Price pulled items 6.1 & 6.2. Councilman Williams made the motion to approve consent items 6.1 through 6.12 with the exception of 6.1, 6.2 & 6.9 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Oral Resolutions:

- 6.1** **Oral Resolution:** *Pulled item.* Authorizing the City Manager to execute **Amendment** 1 to Task Order 21 with URS to design a Perimeter Road as part of the rehabilitation of Taxiway C project.
- 6.2** **Oral Resolution:** *Pulled item* Authorizing the Change Order #3 to the construction contract with Duininc, Inc. for Air Carrier Ramp Reconstruction, Area E, Abilene Regional Airport.
- 6.3** **Oral Resolution:** City Council authorized a new ground lease with OmniFlight at Abilene Regional Airport. The monthly rate will be \$212, or \$2,544.00 per year with a CPI adjustment every five years.

- 6.4** **Oral Resolution:** City Council authorized the City to enter into an Operating Agreement with the YMCA for the right to operate Rose & Stevenson Park Pools. The City estimates that the pools operate at a deficit of approximately \$50,000 per year to provide public access swimming facilities. The estimated reduction in the deficit contemplated with this agreement will be \$25,000 to \$30,000 per year based upon normal seasonal conditions.

Resolutions:

- 6.5** **Resolution:** Support of the submission of an Application to the Housing Tax Credit Program application by Pinnacle Housing Group for approximately 120 Apartment Homes.

Resolution **#3-2011** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY PINNACLE HOUSING GROUP FOR THE PROJECT KNOWN AS "TYLOR GRAND, LLC".

- 6.6** **Resolution:** Support of the submission of an Application to the Housing Tax Credit Program by Wilhoit Properties Inc., for an 84-unit development

Resolution **#4-2011** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY WILHOIT PROPERTIES, INC. FOR THE PROJECT KNOWN AS "ABILENE RAINY CREEK, LP".

Ordinances:

- 6.7** **Ordinance:** (*First Reading*) **Z-2011-01** - Request from Red Armadillo, Ltd. to amend PD# 77, located at 3602, 3726, 3802, and 3950 Catclaw Dr; and setting a public hearing for March 10, 2011..

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE" OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-77 AND ORDINANCE NO. 38-2002 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: 3602, 3726, 3802 & 3950 Catclaw Dr.

- 6.8** **Ordinance:** (*First Reading*) **Z-2011-02** - Request from Stanley Redding to rezone property from HC (Heavy Commercial) to GR (General Retail) zoning, located at 3549 Grape St; and setting a public hearing for March 10, 2011.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," 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: 3549 Grape St.

- 6.9 Ordinance:** *Pulled item. (First Reading) Z-2011-03* - Request from John Kerr to rezone property from AO (Agricultural Open Space) and LI (Light Industrial) to PD (Planned Development) zoning, located at 4000 E. Overland Trail; and setting a public hearing for March 10, 2011

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-135 A PLANNED DEVELOPMENT ; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: 4000 E. Overland Trail

- 6.10 Ordinance:** *(First Reading)* Amending Budget Ordinance No. 25-2010, part 7; and setting a public hearing for March 10, 2011.

AN ORDINANCE APPROVING A REVISION TO SECTION 7 OF ORDINANCE NUMBER 25-2010; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING.

Award of Bids:

- 6.11 Bid Award: #CB-1113** Sixteen Patrol Sedans for Abilene Police Department. Council awarded the bid to Arrow Ford, in the amount of \$351,936.00.
- 6.12 Bid Award: #CB-1114** Elm Creek Bridge Riprap Repair at Rebecca Lane . Council awarded the bid to Bontke Brothers Construction Co., Inc. in the amount of \$68,850.00.

ITEMS PULLED FROM CONSENT

Councilman Price inquired into whether the Airport Board had approved 6.1 & 6.2 at their last meeting. Don Green Airport Director advised that yes the Board had approved of these two items.

- 6.1 Oral Resolution:** *Pulled item.* City Council authorized the City Manager to execute ***Amendment*** 1 to Task Order 21 with URS to design a Perimeter Road as part of the rehabilitation of Taxiway C project. The fee for Task Order 21 is funded through remaining Certificates of Obligation that were issued in 2004. FAA will reimburse the City for 95% of this cost in FY11 Airport Improvement Grant anticipated by June 2011. The City's ultimate cost of this amendment will be the remaining 5% at \$1,276.06.
- 6.2 Oral Resolution:** *Pulled item* City Council authorized the Change Order #3 to the construction contract with Duininck, Inc. for Air Carrier Ramp Reconstruction, Area E, Abilene Regional Airport in the amount of \$30,625.00.

Tim McClarty spoke on behalf of his client Mr. Kerr. Mr. McClarty will be unable to attend the March 10th meeting when there will be a public hearing on this item. Mr. McClarty is in favor of this PD and explained what the land owner has planned for the property.

- 6.9 Ordinance:** *Pulled item. (First Reading) Z-2011-03* - Request from John Kerr to rezone property from AO (Agricultural Open Space) and LI (Light Industrial) to PD (Planned Development) zoning, located at 4000 E. Overland Trail; and setting a public hearing for March 10, 2011

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-135 A PLANNED DEVELOPMENT ; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: 4000 E. Overland Trail

Councilman Price made the motion to approve consent items 6.1, 6.2 & 6.9 as discussed. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

REGULAR AGENDA

No items for the Regular Agenda

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 8:49 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 10:53 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel – (Abilene-Taylor Co. Events Venue District Board), Section 551.072 Real Property.

10. Mayor Archibald made the recommendation to approve the following students to the:

Youth Advisory Board

Heather Butler, 8th grade

Presli Rock, 9th grade

Kinsey Dean, 10th grade

Councilman Williams made the motion to approve the students from Eula ISD to the Youth Advisory Board. Councilman Price seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 10:55 a.m..

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor