

**CITY COUNCIL MEETING**  
**April 28, 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 April 28<sup>th</sup> 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, Robert O. Briley, Anthony Williams, 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 Travis Cranfill. Travis attends Providence Classical Academy and is a 6<sup>th</sup> grader. Travis led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald introduced E'Lisa Smetana as the new Executive Director for the Abilene Metropolitan Planning Organization. She comes to Abilene from San Angelo MPO and will be a wonderful addition to Abilene and surrounding communities.

**PROCLAMATION**

Mayor Archibald presented the following proclamation:

**National Police Week**  
**May 9-15, 2011**

Chaplain Donna Kleman accepted the proclamation

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the April 14<sup>th</sup> Regular Meeting there being no deletions, no additions, and no corrections, Councilman Williams made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

**CONSENT AGENDA**

Councilman Price pulled item 6.2. Councilman Spano made the motion to approve consent items 6.1 and 6.3 as recommended by staff. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

**Oral Resolutions:**

- 6.1** **Oral Resolution:** Council authorized the City Manager to sign a Charitable Solicitation Agreement between the Muscular Dystrophy Association and the City of Abilene for “Fill the Boot” Campaign.
- 6.2** **Oral Resolution:** *(Item pulled by Councilman Price)* Authorizing the City Manager to Execute the Zoo Operating Agreement.
- 6.3** **Oral Resolution:** Council authorized the City Manager to Execute Amendment 1 to Task Order 24 with URS at the Abilene Regional Airport.

As part of the Airport Improvement Program (AIP) projects, Council has previously approved Task Order 24 on April 22, 2010 for URS to manage construction and conduct materials testing and inspection for three construction projects. The original fee for this service was \$261,628.54. Staff requested approval of Amendment 1 to this task order in the amount of \$48,000 to cover anticipated increased testing quantities and additional inspection time due to one of the contractors exceeding the contract time.

The City would be reimbursed for 95% of this cost in the AIP Grant 39 covering these projects.

#### **ITEM PULLED FROM CONSENT**

- 6.2** **Oral Resolution:** *(Item pulled by Councilman Price)* Authorizing the City Manager to Execute the Zoo Operating Agreement.

The City and the Society operate the zoo under the terms of the Zoo Operating Agreement. The proposed changes to the existing agreement make it possible for the Society to enter into third party agreements for activities inside the zoo such as that needed for the amusement ride or with vendors the Society might use for an event. The new agreement also spells out the Society’s contributions for salaries for the zoo’s Administrative Assistant and the newly created position of Veterinarian. The new agreement also addresses the responsibilities for animals that are either owned by the Society or on loan to the zoo from other institutions. The new language also clearly sets out which personnel at the zoo are the City’s and which are the Society’s. Finally, the agreement includes language about animal care that brings the agreement in line with the zoo’s accrediting group, the Association of Zoos and Aquariums (AZA).

Councilman Price had a question on the section of the agreement that deals with Concessions and entrance fees. Amusement rides are set out in section 6a should they be addressed in sections 6c & 6e also? City Attorney Dan Santee said that the agreement can be amended with the reference to the sections for amusement rides.

Councilman Price made the motion to approve the Zoo Operating Agreement with changes to section 6. Councilman Williams seconded the motion, motion carried.

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

#### **REGULAR AGENDA**

- 7.1** Ronnie Kidd Managing Director for Administration & Civil Service Director briefed the council on the Ordinance amending the Budget Ordinance No. 25-2010, part 7.

The Law Enforcement Recognition Program has become the standard for professional law enforcement in Texas. Since its development and introduction in 2007, the Recognition Program has been overwhelmingly accepted by Texas law enforcement agencies. As of January 1, 2011, only four years into the program, 37 agencies have attained "Recognized" status and 36 more are in the process. The Recognition Program is a voluntary process where police agencies in Texas prove their compliance with 164 Texas Law Enforcement Best Practices. These best practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service, the reduction of risk and the protection of individual's rights. They cover aspects of law enforcement operations such as use of force, protection of citizen rights, pursuits, property and evidence management, and patrol and investigative operations. Many times agencies operate for years without critically reviewing policies and thinking about new ways of doing things. The Abilene Police Department is excited about the opportunity to begin this year-long review of all policies and procedures, and in doing so continue the rich legacy of the department for generations to come.

Regarding the Police Department, the table below reflects positions currently designated by the ordinance as well as the positions we are seeking to amend the ordinance to designate, as follows:

	<u>Current</u>	<u>Proposed</u>	<u>Change</u>
Assistant Chief	3	3	0
Police Lieutenant	10	11	1
Police Sergeant	23	23	0
Police Officer	<u>148</u>	<u>147</u>	<u>(1)</u>
Total	184	184	0

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

Councilman Price made the motion to approve the Ordinance amending the Budget Ordinance 25-2010, part 7 – Police Department positions. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance [#15-2011](#) and captioned as follows:

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.

**7.2** Richard Burdine briefed the council on the Ordinance authorizing an Developer Participation Agreement between City of Abilene and Development Corporation of Abilene for construction of fire suppression improvements on the east side of the Abilene Regional Airport.

DCOA consultant, Tittle Luther Partnership, Architects, and their sub-consulting Engineers Coker Engineering and Enprotec/Hibbs & Todd, Inc (EHT), evaluated the water supply to the Airport and determined that the single 10-inch diameter water main serving the Airport does not provide sufficient fire flow capacity for the project. In order to improve fire flow capacity the Engineers recommend extending a nearby existing 12-inch water main. That water main extension would connect to the existing water distribution piping at several points within the Airport's site and would benefit the City by improving the fire flow capacity to all areas of Airport. In order to provide the necessary capacity for fire suppression, construction of dedicated water storage tanks holding over 200,000 gallons would also be required.

Chapter 212 of the Local Government Code allows a municipality to enter an agreement with a developer to construct public improvements related to a development with the restrictions that the improvements cannot include the construction of buildings and the municipality may not participate at a level that would exceed thirty percent of the total project cost. To participate in such an agreement, the Abilene City Council must approve an ordinance authorizing a Developer Partnership Agreement that would provide terms and conditions necessary for the City to participate in the project. The total project cost is estimated to be \$3,150,000, which includes the 12-inch pipeline, storage tanks, pump station and pipelines and fire related appurtenances.

The project costs for the components that benefit the City are as follows:

<b><u>City Responsibility for Project Components</u></b>	<b><u>Component Cost</u></b>
12-Inch Line Extension from Tige Boat to ABI (100%)	\$485,440
Two (2) 100,000 Gallon Ground Storage Tanks (25%)	\$90,600
Fire Pump Station (25%)	\$69,719
Internal Fire Loop and Additional Hydrants (25%)	\$78,320
Hangar 1 Fire Suppression System (100%)	\$543,375
<b>Total</b>	<b>\$1,267,454</b>
<b><u>Less City at 30% of Total Project Cost</u></b>	<b><u>-\$945,000</u></b>
<b>City Savings with Developer Participation</b>	<b>\$322,454</b>

Notes: All costs include engineering fees & 8% contingency.

Councilman Higgins made the motion to approve the Ordinance approving the execution of a Developer Participation Agreement between the City of Abilene and the Development Corporation of Abilene. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance [#16-2011](#) and captioned as follows:

AN ORDINANCE APPROVING THE EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF ABILENE (CITY) AND THE DEVELOPMENT CORPORATION OF ABILENE (DCOA) FOR THE PURPOSE OF MAKING CERTAIN PUBLIC IMPROVEMENTS AS AUTHORIZED BY LAW

**7.3** Jon James Director of Planning and Development Services briefed the council on the Resolution for amendments to the Master Thoroughfare Plan regarding the reclassification of certain streets to Minor Arterials.

With approval of the Land Development Code (LDC) last year, a new classification was created for streets with the City of Abilene. The new classification is Minor Arterial which falls between Arterial and Collector level streets. The primary factors for classification include: length, width and traffic volume. Additional factors include parallel routes and the potential for development.

The definitions for these streets are as follows:

- **Arterial.** Streets shall be designed to accommodate cross-city traffic movement, distributing traffic to and from collector streets. Unless otherwise specified, this definition shall be inclusive of minor arterial streets.
- **Minor Arterial.** Streets shall be designed to accommodate cross-city traffic movement at moderate volumes and speeds, distributing traffic to and from collector streets.
- **Collector.** Streets shall be designed to collect traffic from local streets (i.e., sub-collector and minor) and connect with arterial streets and freeways.

### Proposed Changes

#### A. Street segments currently classified as a collector street

1. Grape St: I-20 to Ambler
2. Pine St: Treadaway to N 1st
3. Leggett /N 6th/ N 5th-N 6th: S 1st to Grape
4. Sharon Rd: Southwest Dr to Antilley
5. Catclaw Dr: Southwest Dr to Rebecca
6. Memorial Dr: US 83 to FM 707

#### B. Street segments currently classified as an arterial street

1. Judge Ely: I-20 to Ambler
2. Grape St: Ambler to S 1st
3. N 10th St/Marigold: FM 3438 to US 83
4. Pioneer Dr: N 10th to S 14th
5. N 1st St: US 83 (Winters Freeway) to Treadaway
6. S 7th St: Arnold (FM 3438) to Treadaway
7. Butternut St: N 1st to Treadaway
8. Texas Ave: FM 3438 to US 277

### ROW Widths

**TABLE 3-3: WIDTHS REQUIRED BY STREET TYPE**

Street Type	Standard Right-of-Way Width	Minimum Right-of-Way*	Right-of-Way Width**	Sidewalk Required (See Division 13)
Expressway	300'	200'	n/a	Yes, on external sides of frontage roads
Arterial	120'	80'	n/a	Yes
	The minimum centerline radius shall be sufficient to accommodate a design speed of 45 miles per hour.			
Minor Arterial	100'	60'	n/a	Yes
Collector	70'	60'	61' or 65'	Yes
	Additional right-of-way and paving width may be required on approaches to arterial streets and freeways or for bikeways.			
	The minimum centerline radius shall be 400'.			

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

Councilwoman Miller made the motion to approve the Resolution approving amendments to the Master Thoroughfare Plan regarding the reclassification of certain streets to Minor Arterials. Councilman Spano seconded the motion, motion carried.

Resolution [#10-2011](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE TO AMEND THE CITY'S THOROUGHFARE PLAN MAP

### **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 9:06 am 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 10:14 am and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel and Section 551.087 Business Prospects.

**10.** Oral Resolution: Appointment of Assistant City Attorney.

Councilman Price made the motion to appoint Charla Thomas as Assistant City Attorney. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

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

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor