

CITY COUNCIL MEETING
June 23, 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 June 23rd, 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 Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff. A member of the Youth Advisory Council Megan Martin sat with the council and observed. Megan is a senior at Abilene High.

Councilman Higgins gave the invocation.

Mayor Archibald introduced Hannah Shahan. Hannah attends Madison Middle School and is the daughter of Suzanne Shahan of Solid Waste and the granddaughter of John Doerschuk of Solid Waste for the City of Abilene. Hannah led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PRESENTATIONS

Mayor Archibald recognized the Legal Office and staff for their Municipal Certification by the Texas City Attorneys Association. The program recognizes attorneys who demonstrate advanced knowledge and experience in municipal law

Texas Council on Cardiovascular Disease and Stroke recognizes Abilene. The Texas Heart and Stroke Healthy City Recognition Program honors cities that advance recognized best practices for preventing and controlling heart disease and stroke. Mayor Archibald introduced Dr. Zane Travis M.D. of the Abilene Health Department who then introduced Dr. Michael M. Hawkins, M.D., a member of the Texas Council on Cardiovascular Disease and Stroke. Dr. Hawkins presented an award to Mayor Archibald in honor of the Gold recognition level received by the City.

Mayor Archibald presented a proclamation to Sharon Owens with Family Protective Services for the Abilene Citizens United Against Disproportionality in regard to impacts of Child Protective Services.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the June 9th regular meeting there being no deletions, no additions, and no corrections, Councilman Price made a motion to approve the minutes as presented. Councilman Williams 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 6.9 and Citizen Patricia Hippely pulled 6.1 through 6.4 and 6.8. Councilman Briley made the motion to approve consent items 6.5 through 6.7 as recommended by staff. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinances:

6.1 Z-2011-12 – (*First reading*) on a request from Edward and Lea Schafer Holt to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential/Historic Overlay) zoning, located at 602 Sayles Blvd.; and setting a public hearing for July 14, 2011. *Item pulled by citizen.*

6.2 Z-2011-13 – (*First reading*) on a request from Vanessa Gwen Hollabaugh to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential/Historic Overlay) zoning, located at 802 Meander St.; and setting a public hearing for July 14, 2011. *Item pulled by citizen.*

6.3 Z-2011-14 – (*First reading*) on a request from Jon and Theresa James to rezone property from RS-8 (Single Family Residential) to RS-8/H (Single Family Residential/Historic Overlay) zoning, located at 1702 Belmont Blvd.; and setting a public hearing for July 14, 2011. *Item pulled by citizen.*

Resolutions

6.4 Resolution: Authorizing the City Manger to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) in relation to a 2009 authorized Transportation Enhancement project for improvements along South 1st Street from Locust Street to Butternut Street. *Item pulled by citizen.*

6.5 Oral Resolution: Fireworks Display request from A.M. Pyrotechnics for July4. The Fire Marshal has received a request from AM Pyrotechnics for City Council approval (City Code Sec. 20-25) to conduct a fireworks display at 2070 Zoo Lane & Transformer Trail on July 4, 2011. An alternate rain date is set for July 5, 2011. Council approved the Fireworks display.

Award of Bids:

6.6 Bid Award CB-1126 Purchase of a Digital Imaging Particle Analyzer for the Abilene Environmental Laboratory.

The Abilene Environmental Laboratory (AEL) regularly tests both drinking water and non-potable water for bacteria, algae, and particle content. Non-potable water can be raw lake water, wastewater, or other water of unknown quality. Particle analyses typically involves laboratory technicians using conventional microscopes in a tedious and time consuming process of identifying and counting specific types of microbes and/or particles within a sample. The Digital Imaging Particle Analyzer (DIPA) is capable of automatically performing those same functions in a fraction of the time. The DIPA specified uses powerful pattern recognition algorithms to identify and quantify in just a few seconds the individual particle types within a heterogeneous sample. The DIPA would be used for routine analysis of lake waters, drinking water, wastewater, and effluent of the Hamby Wastewater Treatment Plant.

In April 2011 the City of Abilene rebid for a DIPA. Two vendors were invited to bid on item CB-1126, but only one bid was received. The single bid was for a FlowCam model DIPA. The bid was evaluated by staff and found to comply with the specifications. Staff was able to verify the value of the single bid by comparing it with the three responses from an initial bidding attempt for a similar instrument in February 2011. It is

recommended by staff that City Council award the bid to Fluid Imaging Technologies of Yarmouth, ME in the amount of \$93,035.00 for the purchase of a FlowCam model DIPA. Council approved of the purchase of the Digital Imaging Particle Analyzer for the Lab.

6.7 Bid Award #CB-1127 Four Utility Trucks. Two units will be assigned to Water distribution, one unit will be placed in-service at the Airport, and the remaining unit will be dedicated to Fleet Maintenance. Council awarded the bid to Holiday Ford, in the amount of \$113,859.60.

6.8 Bid Award #CB-1130 for Miscellaneous South side Streets Seal Coating. Phase 1 (Amarillo, Meander, Vine, Idlewild, S. Jefferson, S LaSalle, S. San Jose, S Bowie and S Crockett). *Item pulled by citizen.*

6.9 Bid Award #CB-1131 for Construction of a proposed concrete path along the East side of Judge Ely from East Highway 80 to ES 11th and along ES 11th from Cal Young Park to Nelson Park. *Item pulled by council.*

ITEMS PULLED FROM CONSENT

6.9 Bid Award #CB-1131 for Construction of a proposed concrete path along the East side of Judge Ely from East Highway 80 to ES 11th and along ES 11th from Cal Young Park to Nelson Park. City Council awarded Bid #CB-1131 to Bontke Bros. Construction Company, Abilene, Texas in the amount of \$459,814.91. *Item pulled by council.*

Chad Carter City Engineer briefed the council on the project. This project will connect the paths (sidewalks) that already exist to both Nelson and Cal Young Parks. The path will go over the bridge on Judge Ely.

Councilman Price made the motion to approve item 6.9 as presented. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

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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.

6.2 Z-2011-13 – (*First reading*) on a request from Vanessa Gwen Hollabaugh to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential/Historic Overlay) zoning, located at 802 Meander St.; and setting a public hearing for July 14, 2011. *Item pulled by citizen.*

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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.

Resolutions

6.4 Resolution: Authorizing the City Manger to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) in relation to a 2009 authorized Transportation Enhancement project for improvements along South 1st Street from Locust Street to Butternut Street. *Item pulled by citizen.*

The Transportation Enhancement Program offers funding to expand transportation choices and enhance non-traditional activities related to surface transportation. The program is federally funded through the Surface Transportation Program (STP), administered by TxDOT for the Federal Highway Administration (FHWA). Projects must relate to one of 12 surface transportation categories. Projects under this program are reimbursed at 80% of allowable costs with a 20% local match and 100% of any overruns paid by the recipient. Projects are selected through a highly competitive application process.

The Texas Transportation Commission awarded Abilene one such project for improvements along S 1st Street that will include medians, sidewalks crosswalks, landscaping and similar enhancements. The total estimated project cost is \$877,094. The federal reimbursement at 80% would cover up to \$701,675 of this project cost with local 20% match of \$175,419.

Resolution **#13-2011** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE TO CERTIFY FUNDING AND SUPPORT FOR THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS ALONG S. 1ST STREET FROM LOCUST STREET TO BUTTERNUT STREET AUTHORIZED BY SAID PROGRAM.

6.8 Bid Award #CB-1130 for Miscellaneous South side Streets Seal Coating. Phase 1 (Amarillo, Meander, Vine, Idlewild, S. Jefferson, S LaSalle, S. San Jose, S Bowie and S Crockett). *Item pulled by citizen.*

This contract involves seal coating of existing pavement to include the following streets:

- Amarillo, Meander, and Vine from South 11th to South 7th and Idlewild from Sayles Blvd to Amarillo, S. Jefferson, S. LaSalle, S. San Jose, S. Bowie and S. Crockett from Hartford to South 7th

Type "D" HMAC is set up on this project for a level up as directed by the City Engineer.

Council awarded Bid #CB-1131 to Contract Paving Co. Tye in the amount of \$243,882.50,

Citizen Patricia Hippely voiced her opinion that she didn't believe that the City needed to be allowing the Historic Overlay due to the economy (Items 6.1 – 6.3). She disagreed with the street improvements on South 1st (Item 6.4) and she wanted to know who received the contracts on 6.8 (Contract Paving Co. Tye) and 6.9 (Bontke Bros. Construction Company, Abilene).

Councilwoman Miller made the motion to approve items 6.1 through 6.4 and 6.8 as presented. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

REGULAR AGENDA

7.1 Jon James Director of Planning and Development Services briefed the council on the following Appeal of a denial of a sidewalk waiver for property located at 3526 S. Treadaway Blvd.

The Quality Implement Company is in the site plan process for their property, which has triggered sidewalk construction per the City's Sidewalk Master Plan and the Land Development Code. Per the appeal provisions, the owner's agent sought a waiver of the sidewalk along S. Treadaway Blvd, along the east boundary of the property. This request was reviewed by both the Planning Director and City Engineer and both were in agreement that there was not reasonable justification for granting the waiver along S. Treadaway Blvd. The following briefly addresses staff response to each of the applicants concerns, as expressed in their original request letter:

1. **Presence of a drainage ditch:** No supporting information is provided and it appears to City staff that a sidewalk could be installed at that location without negatively affecting the drainage ditch. The applicant's letter indicates that this would place the sidewalk behind a security fence. It is our understanding that the existing fence is being replaced. By simply moving the new fence inside the property line the sidewalk could be constructed. Note, City standards provide flexibility to relocate sidewalks when potential barriers exist within the right-of-way.
2. **Such a sidewalk will have limited use:** The applicant asserts that this sidewalk will have limited use since the area has been industrial in nature. The City's ordinance exempts sidewalks on local streets in industrial areas. It also recognizes that major streets, like Treadaway Blvd, provide connectivity for a larger area. These thoroughfares are thus not exempted. Finally, the City's adopted Comprehensive Plan identifies Treadaway Blvd as an "Enhancement Corridor" where special attention should be made to not only improve the appearance of the corridor over time, but also ensure that the street accommodates not only cars, but also pedestrians.

Staff recommends denial of the appeal.

Council and Staff discussion included: 1) Industrial area; 2) Bus route stop in the area; 3) definition of a major streets and collector streets; 4) would be low on a scale of Capital Improvement projects; and 5) a need to have more discussion later on the Sidewalk Master Plan.

Mayor Archibald opened a public hearing on the item and council heard from the following citizens:

- Jeff Tickner – Quality Implement, spoke in favor of the waiver
- Steve Savage – spoke for the waiver
- Dan Symonds – spoke for the waiver
- Patricia Hippely – spoke for the waiver

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

Councilman Price made the motion to approve the waiver of the sidewalk located at 3526 S. Treadaway Blvd. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:41 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 10:45a.m. and reported no votes or action was taken in Executive Session in regards to 551.074 Personnel Matters.

There being no further business the meeting was adjourned at 10:48 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor