

CITY COUNCIL MEETING
November 3, 2011 at 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 November 3rd 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, Assistant City Secretary Tiffni Herrera, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Jack Lowry a 6th grader at Wylie Jr. High School. Jack led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

Mayor Archibald assisted by City Manager Larry Gilley honored the following City Employees for their years of service.

<i>Gregory "Greg" D Bristow</i>	<i>Fire Fighter, Fire Tactical Operations</i>	<i>30 Years</i>
<i>Alvin "Pat" P Edwards, Jr.</i>	<i>Fire Fighter, Fire Tactical Operations</i>	<i>30 Years</i>
<i>Daniel "Danny" W Jacobs</i>	<i>Fire Fighter, Fire Tactical Operations</i>	<i>30 Years</i>
<i>Douglas "Doug" Reno</i>	<i>Fire Fighter, Fire Tactical Operations</i>	<i>30 Years</i>
<i>Larry R Swonger,</i>	<i>Fire Fighter, Fire Organizational Dev</i>	<i>30 Years</i>
<i>Robin D Talley</i>	<i>Fire Captain, Fire Tactical Operations</i>	<i>30 Years</i>
<i>Lewis D Washburn</i>	<i>Fire Fighter, Fire Tactical Operations</i>	<i>30 Years</i>

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the October 27th regular meeting there being no deletions, no additions, and no corrections. Councilman Briley made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Price made the motion to approve consent items 6.1 through 6.2 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

Ordinance:

- 6.1 Ordinance** – (*First Reading*) Consider adoption of the Youth Standards of Care; and setting a public hearing for November 17th 2011

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING

Award of Bid:

- 6.2 Bid Award - CB# 1203** South Side Misc. Streets Phase II – rehabilitation of existing pavement, concrete curb and gutter, valley gutters, and curb ramps.

- South 8th from Sayles to Butternut
- South 10th from Sayles to Butternut
- Idlewild from Vine to Jeanette
- Jeanette Street from South 7th to South 11th
- Peach Street from South 7th to South 11th
- Palm Street from South 7th to South 11th
- Poplar Street from South 7th to South 11th

Council approved the contract to Nobles Road Construction in the amount of \$680,460.45.

REGULAR AGENDA

- 7.1** Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **Z-2011-21**, a request from Brushy Armadillo Acres, LLC to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 2257 Industrial Blvd.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating out of the existing building. An application for a Certificate of Occupancy was submitted for a use that is not allowed in LI. Industrial zoning throughout Abilene is over used. Industrial Blvd. is transitioning into more of a commercial/retail area. The requested zoning would be compatible with the surrounding uses, and would be more appropriate with the development trends along Industrial Blvd.

Planning & Zoning Commission and Staff both recommend approval.

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

Councilman Higgins made the motion to approve the ordinance for case No. **Z-2011-21**, a request from Brushy Armadillo Acres, LLC to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 2257 Industrial Blvd. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance # **40-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 2257 Industrial Blvd

7.2 Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **Z-2011-22**, a request from Harris Acoustics to rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning, located at 1201, 1233 S. Treadaway Blvd., and 1260 China St.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity, and it is also designated as an Enhancement Corridor. The applicant intends to develop the property with an automobile repair facility, which is not allowed in HI zoning. The requested HC zoning would be more compatible with the surrounding land uses, and would be more a more appropriate zoning along an Enhancement Corridor, while allowing for the intended use of the applicant. This corridor, especially from S. 14th to N. 1st St. is developing into more of a commercial area than an industrial area. Therefore, HC zoning would be appropriate for the subject property.

Planning & Zoning Commission and Staff both recommend approval.

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

Councilman Higgins made the motion to approve the Ordinance for Case No. **Z-2011-22**, a request from Harris Acoustics to rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning, located at 1201, 1233 S. Treadaway Blvd., and 1260 China St. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance # **41-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 1201, 1233 S. Treadaway Blvd. and 1260 China St.

7.3 Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **Z-2011-23**, a request from Jan and Jerry Engelke to rezone property to LI (Light Industrial) To GC (General Commercial) zoning, located at 1125 Elmdale Rd.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is also designated as a Gateway into the City of Abilene. The request for GC zoning would prohibit the more intensive industrial uses and provide a more appropriate land use along the Gateway into our community. The request would allow the applicant to develop their property as they intend, and would be compatible with the surrounding uses.

Planning & Zoning Commission and Staff both recommend approval

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 for Case No. **Z-2011-23**, a request from Jan and Jerry Engelke to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1125 Elmdale Road. Councilman Williams seconded the motion, the motion carried.

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

NAYS: None

Ordinance # **42-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 1125 Elmdale Rd

7.4 Mayor Archibald turned the meeting over to Mayor Pro-tem Joe Spano due to a conflict of interest on this item. Mayor Archibald moved away from the dais.

Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **Z-2011-24**, a request from Griffin Properties of Fort Smith, LLC to rezone property from HC (Heavy Commercial) RS-6 (Single Family Residential), and LI (Light Industrial) to MU (Medical Use) zoning, located at 1618 and 1658 N. Treadaway Blvd, the 600 block of Wilson St., 1626-1692 Plum St., and 1657 and 1689 Mesquite St.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and it is also designated as an Enhancement Corridor. The requested zoning would be compatible along N. Treadaway Blvd. and could act as a land use buffer to the residential properties to the west from the more intensive uses along N. Treadaway Blvd. The request for MU would be appropriate for the surrounding area, seeing that there is a large amount of medical type uses from Hickory St. to the east to N. Treadaway Blvd. and the request is also consistent with the recommendations of the Carver Neighborhood Plan.

Planning & Zoning Commission and Staff both recommend approval

Mayor Pro-Tem Spano opened the public hearing and the council heard from the following citizen:

- David Todd representing Griffin Properties – spoke for the zone change.

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

Councilman Briley made the motion to approve the Ordinance for Case No. **Z-2011-24**, a request from Griffin Properties of Fort Smith, LLC to rezone property from HC (Heavy Commercial) RS-6 (Single Family Residential), and LI (Light Industrial) to MU (Medical Use) zoning, located at 1618 and 1658 N. Treadaway Blvd, the 600 block of Wilson St., 1626-1692 Plum St., and 1657 and 1689 Mesquite St. Councilman Williams seconded the motion, the motion carried.

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

NAYS: None

ABSTAIN: Mayor Archibald

Ordinance # **43-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 1618 and 1658 N. Treadaway Blvd, the 600 block of Wilson St., 1626-1692 Plum St., and 1657 and 1689 Mesquite St.

7.5 Mayor Pro-Tem Joe Spano continued to presided over the meeting due to Mayor Archibald having a conflict of interest with this item.

Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **TC-2011-03**, a request from Griffin Properties of Fort Smith, LLC to abandon N. 17th St. between N. Treadaway Blvd., and Mesquite St., a portion of Plum St., between N. 17th St. and N. 16th St., Wilson Ave. between N. Treadaway Blvd. and Plum St., and the 20' east to west alley ROW between N. 17th and Wilson Ave.

Approval of the requested closures as requested with the following conditions: where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities or the applicant will be responsible to move all of the utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area. Provide for cul-de-sac turnarounds where the closures will result in dead-end streets. Must maintain access to through traffic in the north/south alley ROW between Mesquite and Plum for refuse collection. The applicant must replat to ensure that there are no lots without street frontage. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved.

Planning & Zoning Commission recommends approval.

Staff recommends approval with the conditions suggested by the Plat Review Committee

Mayor Pro-Tem Spano opened the public hearing and the council heard from the following citizen:

- David Todd representing Griffin Properties – spoke for abandonment.

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

Councilman Higgins made the motion to approve the Ordinance for Case No. **TC-2011-03**, a request from Griffin Properties of Fort Smith, LLC to abandon N. 17th St. between N. Treadaway Blvd., and Mesquite St., a portion of Plum St., between N. 17th St. and N. 16th St., Wilson Ave. between N. Treadaway Blvd. and Plum St., and the 20' east to west alley ROW between N. 17th and Wilson Ave. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Spano, Williams, Briley, Higgins, and Councilwoman Miller

NAYS: None

ABSTAIN: Mayor Archibald and Councilman Price

Ordinance # **44-2011** and captioned as follows:

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

Location: N. 17th St. between N. Treadaway Blvd., and Mesquite St., a portion of Plum St., between N. 17th St. and N. 16th St., Wilson Ave. between N. Treadaway Blvd. and Plum St., and the 20' east to west alley ROW between N. 17th and Wilson Ave.

7.6 Mayor Archibald returned to the dais and presided over the rest of the meeting.

Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **Z-2011-25**, a request from Phillip and Cheryl Miller to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 2241 College St.

Currently the property is zoned RS-6 and has been developed with a residential dwelling unit. The Hawkins House is a Prairie Style Home built in 1927. The one-story frame residence with brick veneer exterior exhibits the following physical characteristics: a linear plan and a central hip roof with three off-set hip roofs extending over the carport, front porch and breakfast room; two-foot square columns with tapered capitals support the roof that overhangs the porch and carport; original wood Prairie Style windows; original front doors; no additions or major alterations are evident. The property is well maintained. The surrounding properties have all been developed with residential dwelling units except for businesses to the south along S. 14th Street.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. A few other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

Planning & Zoning Commission, Landmarks Commission and Staff all recommend approval

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 for Case No. **Z-2011-25**, a request from Phillip and Cheryl Miller to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 2241 College. Councilman Spano seconded the motion, the motion carried.

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

NAYS: None

Ordinance # 45-2011 and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 2241 College St.

7.7 Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **Z-2011-26**, a request from Steven and Deborah Smith to rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning, located at 1430 S. 6th St.

Currently the property is zoned MD and has been developed with a residential dwelling unit. The N. J. Roberts House was designated a National Historic Place in 1992. It was built in 1912 and is representative of the transition between the pre- and post- World War periods. It exhibits stylistic details from both eras. This house represents the beginning of the era of "Eclectic Architecture", as elements of historic styles were juxtaposed and blended. The property is well maintained. The surrounding properties have all been developed with residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. A few other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

Planning & Zoning Commission, Landmarks Commission and Staff all recommend approval

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 Ordinance for Case No. **Z-2011-26**, a request from Phillip and Cheryl Miller to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 2241 College. Councilman Briley seconded the motion, the motion carried.

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

NAYS: None

Ordinance # 46-2011 and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 1430 S. 6th St.

7.8 Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **Z-2011-27**, a request from David and Kirsten Keel to rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning, located at 340 and 342 Palm St.

Currently the property is zoned MD and has been developed with a residential dwelling unit. The Tandy House was built in 1901. It is an eclectic blend of vernacular American Foursquare, Colonial and Classical Revival style. This house represents a move toward the blending of historic architectural styles prevalent after WWI. The surrounding properties have all been developed with residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. No other properties in the area have received the overlay and this request could encourage other properties to seek the Historic Overlay zoning.

Planning & Zoning Commission, Landmarks Commission and Staff all recommend approval

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

Councilman Higgins made the motion to approve the Ordinance for Case No. **Z-2011-27**, a request from Phillip and Cheryl Miller to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 2241 College. Councilman Spano seconded the motion, the motion carried.

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

NAYS: None

Ordinance # **47-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 340 & 342 Palm St.

7.9 Jon James Director of Planning and Development, briefed the council on the Ordinance for Case No. **Z-2011-28**, a request from the City of Abilene to rezone property from MD (Medium Density Residential) to PD (Planned Development) zoning, located at 1699 S. 1st St.

Currently the property is zoned MD and has been developed with the old Lincoln Middle School. The property is located on the S. 1st Street corridor. It is also adjacent to the South Downtown Area. There are residential properties to the west and south. The other adjacent properties are a mix of office and retail uses that are consistent with the area.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. However, the location is directly adjacent to the South Downtown Area. Under the current zoning, the subject property can be developed for residential uses and for educational and civic uses. The proposed PD zoning proposes to modify the permitted uses to be consistent with those on the S. 1st Street corridor and within the South Downtown area. The proposed PD also identifies specific uses that have been deemed incompatible with the area. Additionally, the PD proposes specific regulations that would discourage major alteration or demolition of the building.

Planning & Zoning Commission and Staff both recommend approval

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

- Bill Minter of the Abilene Preservation League – spoke for approval
- Lydia Long – spoke for approval.

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

Councilman Spano made the motion to approve the Ordinance for Case No. **Z-2011-28**, a request the City of Abilene to rezone property from MD (Medium Density Residential) to PD (Planned Development) zoning, located at 1699 S. 1st St, with a change to the Ordinance, **Section B. Site Development 5** if painted it must be painted neutral, earth-tone colors and shall require a Certificate of Appropriateness from the Landmark's Commission. Councilman Price seconded the motion, the motion carried.

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

NAYS: None

Ordinance # **48-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-136 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 1699 S. 1st St.

7.10 Kelley Messer, Assistant City Attorney, briefed the council on a temporary ordinance that would allow Golf Carts on Public Streets with restrictions.

In years past UPS has utilized a golf cart with an attached trailer to make parcel deliveries in the Fairway Oaks neighborhood during the holiday season. There is currently nothing in state law or city ordinances that permits such use of golf carts. However, state law allows municipalities to legalize the operation of golf carts, for purposes unrelated to a golf course, if the operation is permitted pursuant to the limitations and requirements set out in state law.

This ordinance allows parcel delivery services, including but not limited to UPS, to utilize golf carts for the purpose of delivery during the holiday season, while limiting the operation of golf carts in a manner so as to promote public safety. Texas Transportation Code Section 551.404 provides that a governing body of a municipality may allow the operation of a golf cart on a street within the corporate boundaries of the

municipality if the street has a posted speed limit of not more than 35 miles per hour and a golf cart so operated has headlamps, tail lamps, reflectors, a parking brake, and mirrors. This ordinance has been drafted to meet the requirements found in Chapter 551 of the Transportation Code.

Staff recommends approval as presented.

Mayor Archibald opened the 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 an Ordinance that would allow Golf Carts on Public Streets with restrictions. Councilman Briley seconded the motion, the motion carried

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

NAYS: None

Ordinance # **49-2011** and captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ALLOWING GOLF CARTS ON PUBLIC STREETS WITH RESTRICTIONS

From November 1, 2011 until December 31, 2011, parcel delivery services, including but not limited to United Parcel Service of America, Inc. and FedEx Corp., may operate a golf cart on a portion of a public street within the City of Abilene that is:

- (1) within two miles of a golf course,**
- (2) has a speed limit of not more than 35 miles per hour,**
- (3) provides for no more than two lanes of vehicular traffic per direction, and**
- (4) is not designated as part of the State or Federal highway system.**

A golf cart operated pursuant to this ordinance must have headlamps, tail lamps, reflectors, a parking brake, and mirrors. Any employee of a parcel delivery service that operates a golf cart pursuant to this ordinance must possess a valid state license to operate a motor vehicle.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:05 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 10:58 a.m. and reported no votes or action was taken in Executive Session in regards to Sections 551.072 Real Property 551.071 Consultation with Attorney and, 551.074 Personnel.

10. Resolution – Voting for individuals for the Taylor County Appraisal District Board of Directors

Mayor Archibald made the motion to cast votes for the following: 834 votes cast for David Copeland and the 421 remaining votes to be cast for Cecil Davis, total votes 1255. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution # **20-2011** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, VOTING FOR THE FOLLOWING INDIVIDUALS TO THE BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY FOR 2012-2013.

11. Oral Resolution – Discussion and possible action related to annual performance evaluations of City Manager, City Attorney, City Secretary and Municipal Judge.

No action taken.

There being no further business the meeting was adjourned at 11:05 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor