

CITY COUNCIL MEETING
November 17, 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 17th 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 Higgins gave the invocation.

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

RECOGNITIONS

Mayor Archibald recognized a Media Award for Dog Bite Prevention Public Service Announcement (PSA) "Stand like a Tree". The following were recognized for the participation in the PSA: Our baseball player, Beau Hamilton from Austin Elementary, with his parents, Marsha and Kevin Hamilton, Animal Services Division Administrator Aaron Vannoy and his dog Snitch, from the City of Abilene, PSA creators Callie Harris and Rick Tomlin, who is working the TV cameras today, Donors Scott and Michelle Senter.

This award is presented yearly to an individual or organization that has presented animal control and animal welfare in an accurate and positive manner.

It is given for either a single outstanding piece or for on-going programs that promote responsible pet ownership, spay/neuter programs, and other programs that depict animal care and control professionals in a positive light and promote the profession.

Mayor Archibald also recognized Animal Control Officer Samantha Freeman who was recognized by the State as an outstanding animal control officer who has, through their actions, performed duties above and beyond what is normally required, representing their agency in a professional manner at all times.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the November 3rd regular meeting there being no deletions, no additions, and one correction to the Item 7.8 to change the location under the Ordinance caption. Councilman Price 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

Councilman Price made the motion to approve consent items 6.1 through 6.7 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

Ordinances:

6.1 Ordinance – (*First Reading*) Z-2011-29 A request from Sharon Riley to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 849 and 875 E Hwy 80, and setting a public hearing for December 1st, 2011.

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

6.2 Ordinance – (*First Reading*) Z-2011-31, a request from Sharon Yost to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 3434 S. 9th St.; and setting a public hearing for December 1st, 2011.

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

6.3 Ordinance – (*First Reading*) CUP-2011-03, a request from Terry Browder for a Conditional Use Permit for a Bed and Breakfast in RS-12 (Single Family Residential) zoning, located at 642 Sayles Blvd.; and setting a public hearing for December 1st, 2011

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 Resolutions:

6.4 Oral Resolution - City Council approved the purchase of emergency medical dispatching software from a sole source vendor – Priority Dispatch Corporation in the amount of \$127,079.50.

6.5 Oral Resolution – City Council authorized the City Manager to execute contracts for On-Demand General Engineering Services. With each of Brian Parks and Associates, Meers Engineering, Inc and WTA, Inc Consulting Engineering.

6.6 Resolution – City Council approved the lease purchase agreement for the purpose of procuring computers for public safety vehicles.

Current computers in use in patrol vehicles are five years old, at the end of their life cycle, and are increasingly beginning to fail. The previous computer provider, L-3, is no longer in business and replacement computers and/or parts are unavailable. We are ready to implement the first phase of a project to replace the vehicle computers with Panasonic "Tough Book" laptop computers that will be leased/purchased over a three year period. The first phase addresses replacing twenty (20) of the computers. The entire project will encompass replacing approximately eighty (80) computers that are deployed in public safety vehicles. The new computers will increase bandwidth and allow use of web based data sources for intelligence led policing, which is not currently available in patrol units. Additionally, these computers will provide access from the vehicle to the Police Department's records management system. The computers will be purchased from Toner Tiger, a local vendor that meets bidding requirements as a member of the State of Texas Department of Information Resources Cooperative Purchasing Program for state and local governments. The lease financing will be accomplished through DivLend Equipment Leasing.

Funding for this lease purchase agreement first year's payment of \$36,926.24 is included in the FY 2012 Technology Fund previously approved by Council in September 2011. Two additional payments of \$36,926.24 will be budgeted for and made in FY 2013 and FY 2014.

Resolution **#21-2011** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY OF ABILENE TO ENTER INTO A LEASE PURCHASE
AGREEMENT WITH DIVLEND EQUIPMENT LEASING, L.L.C. FOR THE PURPOSE OF
PROCURING COMPUTERS; DESIGNATING THE AGREEMENT AS A QUALIFIED TAX
EXEMPT OBLIGATION; AND DESIGNATING AUTHORIZED SIGNERS OF THE
AGREEMENT

6.7 Resolution - City Council approved their Official intent to reimburse costs regarding the purchase of a Fire Engine. The City of Abilene Fire Department is proposing to purchase one fire engine to replace one that was damaged and placed out of service in July 2010. To be able to proceed with this award of bid prior to the sale of the certificates of obligation, the attached resolution needs to be approved by the City Council. The Resolution allows us to enter into a contract prior to the delivery of the certificates of obligation funds.

The certificates of obligation to support any cost associated with this purchase are expected to be sold early next year. Funding for this purchase will be paid out of the Fire Apparatus Replacement Fund. The cost to the fund will be reimbursed upon delivery of the certificates of obligation funds.

Resolution **#22-2011** and captioned as follows:

RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECTS.

REGULAR AGENDA

7.1 Leslie Andrews, briefed the council on the Ordinance for the Standards of Care.

The Standards of Care require three inspections/review levels be performed each year to insure compliance. The first level is performed by the Recreation Coordinator to confirm adherence to the Standards themselves. The second is a visual inspection of the facilities to be conducted by the program Administrator with the assistance of a certified leisure professional not associated with the City of Abilene. That visual inspection was conducted on September 30, 2011. The Certified Parks and Recreation Professional who assisted was Carl White, Parks and Recreation Manager for San Angelo, Texas. The third level is an annual

inspection by both the Fire Department and Environmental Health. All of these inspections and reviews were satisfactorily completed and the program is in compliance. Mr. White offered a few suggested improvements the staff is planning to implement in the coming year. These include: (1) Add the City Council adoption date to page one of the document. (2) Update the document to reflect current reporting practices. (3) Update staff training on use of fire extinguisher.

Parks and Recreation Board 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 Williams made the motion to approve the ordinance for the Standards of Care. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance # 50-2011 and captioned as follows:

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.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 8:56 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 10:33a.m. and reported no votes or action was taken in Executive Session in regards to Sections 551.072 Real Property and 551.071 Consultation/Litigation with Attorney.

10. 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 10:34 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor