

**CITY COUNCIL MEETING**  
**August 9<sup>th</sup> 2012, 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 August 9<sup>th</sup>, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Anthony Williams, Joe Spano, 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 Spano gave the invocation.

Mayor Archibald introduced Hannah Hood & Anna Robinson are 2<sup>nd</sup> graders at Wylie Elementary Anna is the daughter of APD Officer Ken Robinson. Hannah and Anna led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas. Mayor Archibald recognized the Wylie Dream Team Softball.

**PROCLAMATION**

Mayor Archibald presented the following proclamation:

August 11, 2012 is Underground Damage Prevention Day  
Mike Schweikhard, Atmos Energy, accepted the proclamation

**EMPLOYEE SERVICE AWARDS**

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

<i>Russell M. Pope</i>	<i>Fire Captain II, Fire Tactical Operations</i>	<i>25 years</i>
<i>Weldon D. Wilkerson</i>	<i>Battalion Chief I, Fire Organizational Division</i>	<i>25 years</i>
<i>Brian E. Scalf</i>	<i>Fire Lieutenant II., Fire Tactical Operations</i>	<i>25 years</i>
<i>Walter E. Clemmer</i>	<i>Fire Lieutenant III, Fire Tactical Operations</i>	<i>25 years</i>

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the July 26<sup>th</sup> regular meeting and July 30<sup>th</sup> Budget Workshop 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 and Councilwoman Miller and Mayor Archibald

NAYS: None

**CONSENT AGENDA**

Councilwoman Miller made the motion to approve consent items 6.1 through 6.4 as recommended by staff. Councilman Price seconded the motion, motion carried.

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

**Ordinance:**

- 6.1** **Ordinance:** (First Reading) On a Ordinance approving the Execution of a Developer Participation Agreement between the City of Abilene and Village Investment Partners, LP.

AN ORDINANCE APPROVING THE EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF ABILENE (CITY) AND VILLAGE INVESTMENT PARTNERS, LP (DEVELOPER) FOR THE PURPOSE OF MAKING CERTAIN PUBLIC IMPROVEMENTS AS AUTHORIZED BY LAW.

**Award of Bids:**

- 6.2** **Bid Award: CB-1228** City Council authorized the City Manager to execute the contract with Abilene Electrical Contractors for the Northeast Water Treatment Plant Electrical Improvements project.

On July 11, 2012 the City of Abilene received bids for the Northeast Water Treatment Plant Electrical Improvements project, which involves the replacement of capacitors and the installation of new surge protection devices at the NWTP facilities. Three bids were received. The low bid was submitted by Abilene Electrical Contractors, Inc. (AEC) of Abilene, TX in the amount of \$207,439.00.

Electrical power providers now penalize commercial and industrial electrical customers that have low power factor. A capacitor bank was previously installed at the NWTP to correct low power factor. The capacitor bank failed and now must be replaced in order to avoid additional power factor penalties. There is also a need to protect NWTP electrical equipment from occasional power surges. Power surges can cause catastrophic failure of process and pumping equipment, and it can also shorten the life of that equipment. The surge protectors will be installed in certain electrical circuits of the NWTP.

- 6.3** **Bid Award: CB-1229** City Council authorized the City Manager to execute the contract with Purcell in the amount of \$268,000.

On July 11, 2012 the City of Abilene received bids for the Raw Water Flow Meter Replacements project, which involves the installation of four new raw water flow meters (meters) at water production and water treatment facilities. A total of three bids were received. The low bid was submitted by Purcell Contracting, Ltd. (Purcell) of Meridian, TX in the amount of \$268,000.00.

The new meters will replace four existing units that have been in place for many years. The old meters are not reliable and do not meet the current requirements for accuracy. The new meters utilize modern technology and meet the accuracy requirements. The Texas Commission on Environmental Quality requires that flow measuring devices shall be provided to measure the raw water supplied to the treatment plant, as well as other process points in the treatment plant and in the distribution system. Mandated water conservation plans require that drinking water suppliers must include metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply. The new meters will satisfy those requirements.

The project involves installing a new meter on each of the two parallel water pipelines of the Lake Fort Phantom Hill Raw Water Intake Pump Station and a new flow meter at each of the Grimes Water Treatment Plant and the Northeast Water Treatment Plant.

- 6.4** **Bid Award: CB-1231** City council approved the purchase of a Crane Truck for the Wastewater Division from Arrow Ford of Abilene in the amount of \$73,054.00.

### REGULAR ITEMS

- 7.1** Jon James, Director of Planning and Development Services, briefed the council on the **Ordinance: Case No. Z-2012-14** - on a request from Shirley Kay Yates, to rezone property from RS-8 (Single-Family Residential) to RS-8/H (Single-Family Residential/Historic Overlay), located at 1826 Belmont Blvd.

The property is zoned RS-8 and has been developed with a residential dwelling unit. The Ranch Bungalow was built in 1948 and represents the architectural style that transitioned from Victorian, Craftsman, and Prairie to a modern ranch style that started in California. The long, low ranch has a cousin, however, that can be described as a Ranch Bungalow due to its smaller size and interior configuration. The bungalow has a private side for bed and bath and a public side for living and dining, which this house clearly exhibits. The ranch features include, single-story, long, low roofline, side gable and cross-gabled roof, simple open floor plan, sliding glass patio door, large picture window and the exterior siding materials are wood and stone.

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. Recently two other properties in the area have received Historic Overlay Zoning, and this request could encourage other properties to do the same.

Staff recommends approval as requested.

The Landmarks Commission recommended approval by a vote of six (6) in favor to none (0) in opposition.

The Planning and Zoning Commission recommended approval by a vote of four (4) in favor (Famble, Glenn, Todd, and McClarty) and none (0) opposed

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 Ordinance Case No. **Z-2012-14** - on a request from Shirley Kay Yates, to rezone property from RS-8 (Single-Family Residential) to RS-8/H (Single-Family Residential/Historic Overlay), located at 1826 Belmont Blvd. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance **#33-2012**

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: 1826 Belmont Blvd**

**7.2** Jon James, Director of Planning and Development Services, briefed the council on the Ordinance Case No. **Z-2012-15** - a request from Betty & Jerry Gayden, to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 1102 Sayles Blvd.

The property is zoned RS-12 and has been developed with a residential dwelling unit. The brick home built in 1926 by owner, Barney Duffy, was designed by architect Jerry M. Schaefer who created an eclectic home incorporating the styles of the European Renaissance with the basic American Craftsman. When the home was first constructed it had a red clay tile roof, characteristic of both Italian and Spanish architecture. The arched multi-pane windows and an arched front door with transom and side lights reflect the Italian Renaissance Revival style. Classical Greek columns embellish the porch between the massive brick pillars that support the corners. The Craftsman design elements include, a low-pitched side-gabled roof with cross-gables facing the front facade and featuring a clipped-gable over the porch entry and deep overhanging eaves with exposed rafter tails. The house is also elevated above ground level similar to Acadian style homes along the Gulf of Mexico and British Colonial homes in the West Indies. The double-stairway design can be seen in both of these places on homes that are elevated due to their locations near the ocean. The clay tile roof had been replaced earlier (1950's) with the current metal roof that is unique and no longer produced by any manufacturers.

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. Recently, other properties in the area have received Historic Overlay Zoning, and this request could encourage other properties to do the same.

Staff recommends approval as requested.

The Landmarks Commission recommended approval by a vote of six (6) in favor to none (0) in opposition.

The Planning and Zoning Commission recommended approval by a vote of four (4) in favor (Famble, Glenn, Todd, and McClarty) and none (0) opposed.

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 Ordinance Case No. **Z-2012-15** - a request from Betty & Jerry Gayden, to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 1102 Sayles Blvd. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance **#34-2012**

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: 1102 Sayles Blvd**

**7.3** Jon James, Director of Planning and Development Services, briefed the council on the Ordinance: Case No. **Z-2012-16** - a request from Southern Storage & Warehousing, agent Royce G. (Pete) Peterson, to rezone property from LI (Light Industrial) to GC (General Commercial), located at 1910 Industrial Blvd.

Currently the property is zoned LI and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses. An application for a Certificate of Occupancy was submitted for a use that is not allowed in the LI zoning district. The purpose of the zoning request is to allow for Personal Service uses.

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. 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. The requested zoning would allow for a proposed Personal Service use to the building.

Staff recommends approval as requested.

The Planning and Zoning Commission recommended approval by a vote of four (4) in favor (Famble, Glenn, Todd, and McClarty) and none (0) opposed.

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

Councilman Spano made the motion to approve Ordinance Case No. **Z-2012-16** - a request from Southern Storage & Warehousing, agent Royce G. (Pete) Peterson, to rezone property from LI (Light Industrial) to GC (General Commercial), located at 1910 Industrial Blvd. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance **#35-2012**

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: 1910 Industrial Blvd**

**7.4** Jon James, Director of Planning and Development Services, briefed the council on the Ordinance: Case No. **Z-2012-17** - a request from PAK Harris, agent Harris Acoustics, to rezone property from HC (Heavy Commercial) to GC (General Commercial), located at 1813 Industrial Blvd.

Currently the property is zoned HC and has been developed with a commercial building complex. The surrounding properties have been developed with a mixed group of uses ranging from contractor services, to retail, and auto related uses. An application for a Certificate of Occupancy was submitted for a use that is not allowed in the HC zoning district. The purpose of the zoning request is to allow for Personal Service uses.

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. Industrial Boulevard is transitioning into 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 Boulevard. The requested zoning would allow for a proposed Personal Service use to the building.

Staff recommends approval as requested.

The Planning and Zoning Commission recommended approval by a vote of four (4) in favor (Famble, Glenn, Todd, and McClarty) and none (0) opposed.

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

Councilman Briley made the motion to approve Ordinance Case No. **Z-2012-17** - a request from PAK Harris, agent Harris Acoustics, to rezone property from HC (Heavy Commercial) to GC (General Commercial), located at 1813 Industrial Blvd. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance **#36-2012**

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: 1813 Industrial Blvd**

**7.5** Mindy Patterson Director of Finance, briefed the council on the Ordinance for the Revised Budget for 2011-2012.

During the budget work sessions, the City Council approved a General Fund Revised 2011-12 Budget of \$79,971,600.

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

Ordinance **#37-2012**

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2011-2012; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 9:30 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 10:27 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

There being no further business the meeting was adjourned at 10:27 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor