

CITY COUNCIL MEETING
August 23rd 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 23rd, 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, and Stormy Higgins. Councilwoman Kellie Miller was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Jillian & Miranda Bryner, Jillian is a 4th grader and Miranda is a 2nd grader at Allie Ward Elementary. Jillian and Miranda are the daughters of Ben Bryner Planning Services Manager. Jillian and Miranda led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the August 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, Williams, Briley, Higgins and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.12 as recommended by staff. Councilman Higgins seconded the motion, motion carried.

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

Ordinances:

6.1 **Ordinance:** (*First reading*) Consider Adoption of the 2011 National Electrical Code with amendments; and setting a public hearing for September 13, 2012.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 8, ARTICLE VI, DIVISION 3, SECTION 8-496 "ELECTRICAL CODE", AND CHAPTER 8, ARTICLE V, DIVISION 1, SECTION 8-402, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

6.2 **Ordinance:** (*First reading*) **Z-2012-18** on a request from Wanda McLeod to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential), located at 7089 Maple St and approximately 112.75 acres north of Colony Hill Rd. ; and setting a public hearing for September 13, 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.

- 6.3** **Ordinance:** *(First reading)* **Z-2012-19** on a request from Charles E. Schroeder, III, Agent Enprotec/Hibbs & Todd, to rezone property from RS-8/COR (Single-Family Residential/Corridor Overlay) to NO/COR (Neighborhood Office/Corridor Overlay), located at 5657 Buffalo Gap Rd; and setting a public hearing for September 13, 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

- 6.4** **Ordinance:** *(First reading)* **Z-2012-20** on a request from Charles E. Schroeder, III, Agent Enprotec/Hibbs & Todd, to rezone property from RS-8/COR (Single-Family Residential/Corridor Overlay) to NO/COR (Neighborhood Office/Corridor Overlay), located at 5901 Buffalo Gap Rd and setting a public hearing for September 13, 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

- 6.5** **Ordinance:** *(First reading)* **Z-2012-21** on a request from A.E. Nelson, Jr., Agent Enprotec/Hibbs & Todd, to rezone property from RS-8/COR (Single-Family Residential/Corridor Overlay) to NO/COR (Neighborhood Office/Corridor Overlay), located at 5909 Buffalo Gap Rd & 3749 Medina and setting a public hearing for September 13, 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

Oral Resolutions:

- 6.6** **Oral Resolution:** Council approved an extended term Street Use License for Lauren Engineering & Constructors, Inc., for use of a portion of the public right-of-way at South 1st and Pine Street.

The application is for use of a portion of the public right-of-way at South 1st and Pine Street. The applicant wishes to use 528 square feet (16'X33') of City owned, public right-of-way adjoining the southwest corner of their building at 901 South 1st Street in order to house a backup generator, which will be located adjacent to the applicant's existing enclosure for their HVAC units.

- 6.7** **Oral Resolution:** Council approved a Street Use License for Hardin Simmons University to Control Vehicular Access on Simmons Avenue. For control of vehicular access to Simmons Avenue for home football games at HSU Shelton Stadium during the 2012 football season.

- 6.8** **Oral Resolution:** Council acknowledges and accepts the 9-1-1 Emergency Communications District Revised FY 2012 and Proposed FY 2013 budgets.

The City of Abilene manages the Abilene/Taylor County 9-1-1 District (“the District”), via contractual agreement with the District’s Board of Governors. The V.T.C.A. Health & Safety Code, Section 772, provides that an annual budget be prepared for the District and reviewed and accepted by the Taylor County Commissioners Court, Abilene City Council, and governing bodies of other participating jurisdictions prior to adoption by the District Board. Highlights in the District’s budget include:

- Wireless revenue increase (revised)
- Projected wireline revenue increase (proposed)
- Anticipated compensation adjustments for both City and County positions for which the District provides funding, in accordance with those entities’ budgets (proposed)
- Annual funding for CODE RED reverse 9-1-1 notification system

6.9 Oral Resolution: Council authorized the City Manager to execute the Service Center Lease with Avis Rent-A-Car System, LLC.

On June 8th, the City accepted proposals from car rental companies to enter into new five-year agreements to operate on-airport. The proposals included options on the two on-airport service facilities based on the Proposers’ Minimum Annual Guaranty (MAG). Avis’ proposal qualified it to retain the lease in its current service facility. The lease rate is set at \$18,000/year and the term will coincide with the dates of the five-year operating agreement.

6.10 Oral Resolution: Council authorized the City Manager to execute the Service Center Lease with Hertz Corporation.

On June 8th, the City accepted proposals from car rental companies to enter into new five-year agreements to operate on-airport. The proposals included options on the two on-airport service facilities based on the Proposers’ Minimum Annual Guaranty (MAG). Hertz’ proposal qualified it to retain the lease in its current service facility. The lease rate is set at \$6,000/year and the term will coincide with the dates of the five-year operating agreement.

6.11 Oral Resolution: Council authorized the City Manager to execute the Zee Jet Ramp Rehabilitation Construction Contract with Epic Construction.

On July 18, the City accepted bids for the rehabilitation of the asphalt portion of the Zee Jet ramp. Epic Construction was the sole bidder at \$103,000 for the base bid and \$5,000 for Alternate 1. The base bid plus Alternate 1 came in within budget, so the construction contract with Epic in the amount of \$108,000 is proposed.

6.12 Bid Award: CB-1237 Council approved the demolition of the Sahara Motel, located at 1910 East Highway 80.

This project involves the removal of abandoned and dilapidated structures previously operated as a motel. The buildings on the site are in an advanced state of deterioration and present a significant threat to the health and safety of the public. The buildings on this property have been condemned since 06/02/02. Despite numerous attempts over many years with various owners, the City has been unable to get property owners to repair or demolish the buildings. The City has attempted to secure

the site on many occasions and has also been forced to mow it due to owner neglect. The buildings have suffered from break-ins, vandalism and at least one small fire. The Board of Building Standards (BOBS) has issued a demolition order for the site. The City obtained an order from District Court declaring the site a public nuisance and approving demolition on 02/10/12. Bids were taken and staff recommends the low bidder of AAR Inc., from Liberty Texas at a cost of \$72,200.00.

REGULAR ITEMS

7.1 Megan Santee Director of Public Works, briefed the council on the Ordinance: approving the Execution of a Developer Participation Agreement between the City of Abilene and Village Investment Partners, LP.

Village Investment Partners, LP (Developer) is the owner of undeveloped land generally located in the area north of Abilene Regional Medical Center between Highway 83/84 and the established residential neighborhood. The undeveloped land is zoned to allow varying types of commercial development. Recently, changes were approved by the City Council to allow the location of a Sam's Club on a portion of the undeveloped land. The area Texas Department of Transportation office has announced plans to limit vehicular traffic on South Clack to one-way southbound traffic. The development of Memorial Drive, which is within our adopted Thoroughfare Plan, will alleviate concerns expressed by the Developer, area residents, and Sam's Club regarding traffic flow and congestion that could occur without the construction of Memorial Drive. The attached Developer Participation Agreement formalizes this arrangement and outlines the responsibilities of both the developer and the City.

On past occasions, the City has utilized Chapter 212 of the Local Government Code to partner with private developers to construct public improvements that benefit the general public. The City is typically limited in its participation to 30% of the total project costs and 100% of oversizing. Staff believes it is in the best interest of the City to enter a Developer Participation Agreement with Developer to construct Memorial Drive at this time.

Council and Staff discussion included: 1) time frame to complete Memorial Drive; and 2) Mayor Archibald opened up the discussion to the public and council heard from Tony Conder agent for Village Investment Partners, LP – he believed that the construction of Memorial Drive will take less than 9 mths. No one else desired to be heard.

Councilman Price made the motion to approve approving the Execution of a Developer Participation Agreement between the City of Abilene and Village Investment Partners, LP. Councilman Higgins seconded the motion, motion carried.

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

Ordinance #38-2012

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..

7.2 Mindy Patterson Director of Finance, briefed the council on the Ordinance for the Proposed 2012-13 Tax Rate.

The FY 2013 Budget approved by Council on July 30, 2012 set the tax rate at 68.60¢. State law requires that two (2) public hearings must be held prior to the final public hearing and vote. Another public hearing will be held on September 13, 2012, with the final public hearing and vote to be held on September 24, 2012

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2012, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2012; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE

Councilman Briley made the motion to move this item forward to the next public hearing to be held on September 13th. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 8:55 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 9:40 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

10 Oral Resolution reappointing members to the Abilene/Taylor County 911 District Board based on the Mayor's recommendation.

Councilman Briley made the motion to reappoint Jim Bryan and Jeff Wyatt to the Abilene/Taylor County 911 District Board. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 9:40 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor