

CITY COUNCIL MEETING
September 13th 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 September 13th, 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.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Stephen Johnson, Stephen is a 5th grader at Ortiz Elementary. Stephen 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>David Sartor</i>	<i>Building Official, Building Inspection</i>	<i>20 years</i>
<i>Louis Badillo</i>	<i>Building Main Spec II, Facilities Maintenance</i>	<i>20 years</i>
<i>James Cade</i>	<i>Supervisor I, Streets & Maintenance Services</i>	<i>25 years</i>
<i>Michael Janusz</i>	<i>Police, Patrol</i>	<i>30 years</i>
<i>Ralph Garcia</i>	<i>Police, Patrol</i>	<i>30 years</i>

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

September 2012

Blood Cancer Awareness Month

Rita Alexander, Leukemia & Lymphoma Society, accepted the proclamation.

September 19, 2012

Texting & Driving – It Can Wait Day

Randy Teakell, AT&T, accepted the proclamation.

September 21, 2012

Myocarditis Awareness Day

Lita Warmbold accepted the proclamation.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the August 23rd regular meeting there being no deletions, no additions, and no corrections. Councilman Higgins made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.7 as recommended by staff. Councilman Williams seconded the motion, motion carried.

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

Resolutions:

- 6.1** **Resolution:** In addition to a mandatory TMRS retirement plan, the City of Abilene offers two optional 457 deferred compensation plans for its employees. The City wishes to amend the ICMA plan to enable employees to obtain loans from their accounts. Currently employees are restricted from obtaining such loans. Employees have requested to be able to do this, and the City must amend its current plan in order to allow this feature. Council approved the Resolution.

Resolution 16-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING THE ICMA RETIREMENT PLAN TO PERMIT LOANS

- 6.2** **Oral Resolution:** Council authorized the City Manager to enter into contract with Schneider Electric to complete energy measures at the Civic Center.

This project is being completed in accordance with Local Government Code, Section 302.004(a-1) which allows a local government to use any available money other than money borrowed from the State to pay a provider of energy or water conservation measures for work related to measures identified in the scope of an energy savings performance contract without such costs being paid for solely out of the savings realized under the contract.

The heating and cooling system serving the Civic Center and the Conference Center are original to the building and need to be replaced. This contract would authorize Schneider Electric to implement at project that includes the much needed replacement of two chillers that have reached the end of their useful life at the Civic Center. This project would also include a new boiler for proper heating during peak loads and piping upgrades that will ensure better operation of the building. The improvements are estimated to reduce energy consumption at the Civic Center by over 20%, which would reduce energy costs by over \$35,000 per year. These projects were identified in the scope of work in the original energy savings performance contract with Schneider Electric (formerly known as TAC), but could not be funded at that time.

Project cost is \$1,507,985, with estimated annual energy savings of approximately \$35,000. The City is also exploring rebate incentives through AEP through the SCORE program. Funding has been identified as part of the revised FY 12 budget approved by City Council on August 9, 2012.

- 6.3 Oral Resolution:** Council authorized the purchase of 3 Physio-Control LifePak-15 Monitors/Defibrillators for the Abilene Fire Department. Cost for this purchase is \$90,311.85.

Ordinance:

- 6.4 Ordinance:** Amending Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code Article XIII, "Schedules,"

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE CODE OF THE CITY OF ABILENE, TEXAS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

Award of Bids:

- 6.5 Bid Award:** **CB-1234** Platform Dump Truck – Council approved the purchase of a Platform Dump Truck from Corley-Wetsel at a cost of \$76,903.00.
- 6.6 Bid Award:** **CB-1235** Dump Truck – Council approved the purchase of a Dump Truck from Corley-Wetsel at a cost of \$101,117.00.
- 6.7 Bid Award:** **CB-1236** Water Truck – Council approved the purchase of a Water Truck from Corley-Wetsel at a cost of \$92,181.00.

REGULAR ITEMS

- 7.1** David Sartor Building Official, briefed the council on the Ordinance to consider the adoption of the 2011 National Electrical Code and reviewed the amendments.

Local amendments pertain to licensing and administrative procedures with very limited modifications made to the technical provisions of the National Electrical Code. It is important that Abilene maintains compatible construction regulations with other cities, in order to reduce variation to typical standards, and eliminate uncertainty to the design professions and the electrical contractors.

Staff and Board recommend approval:

Electrical Code Review Committee – June 27, 2012

Mechanical, Plumbing, Electrical & Swimming Pool Board of Appeals – August 13, 2012

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 the Ordinance to adopt the 2011 National Electrical Code with amendments. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance **#39-2012**

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

7.2 Jon James Director of Planning Development Services, briefed the council on the Ordinance for Case No. **Z-2012-18**, 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.

The subject property (112-113 acres) is currently vacant land or fallow farm acreage zoned Agricultural Open Space. The property's owners are seeking its rezoning to Single-Family Residential (RS-6) for future development of single-family home sites. This acreage includes limited frontage on Maple Street, but most of its frontage (over 1850 feet) lies on Colony Hill Road. Both Maple Street and Colony Hill Road are expected to someday function as arterial streets.

The segment of Abilene's Comprehensive Plan that focuses on future land use designates this general vicinity to be suitable for low-density residential development, which is consistent with proposed RS-6 zoning. The subject property's northernmost boundary coincides with the south boundary of the Parkside Place Subdivision, which has the same RS-6 zoning classification as that requested on the subject property

Staff and Planning and Zoning Commission 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-2012-18**, 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. Councilman Price seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Briley

Ordinance **#40-2012**

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: approximately 111-113 acres of land out of the southwest quarter of Section 8 Lunatic Asylum Lands in Taylor County.

7.3 Jon James Director of Planning Development Services, briefed the council on the Ordinance for Case No. **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.

The subject property is currently vacant with more than 100 feet of frontage on Buffalo Gap Road and its rear boundary abutting a single-family residential district. This property's owner is seeking its rezoning to a Neighborhood Office (NO) classification. The NO zoning classification is intended for close compatibility with nearby residences, by significantly limiting the range of allowed use as well as the intensity of building development.

The Buffalo Gap Road Corridor Study (adopted by City Council) includes a policy plan for future land use. This policy plan suggests that office uses are suitable at even mid-block locations along Buffalo Gap Road, with appropriate protections for nearby residences.

Staff and Planning and Zoning Commission recommend approval.

Mayor Archibald opened the public hearing and council heard from:

- David Todd – agent for property owner and supports this request and the next 2 requests following this item.

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

Councilman Price made the motion to approve the Ordinance for Case No. **Z-2012-19**, 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. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance #41-2012

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: 5657 Buffalo Gap Road (a.k.a. Farm-to-Market Highway 89)

7.4 Jon James Director of Planning Development Services, briefed the council on the Ordinance for Case No. **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.

The subject property is occupied by single-family home on a parcel with more than 200 feet of frontage on Buffalo Gap Road. The subject property's rear boundary abuts a single-family residential district. This property's owner is seeking its rezoning to a Neighborhood Office (NO) classification. The NO zoning classification is intended for close compatibility with nearby residences, by significantly limiting the range of allowed use as well as the intensity of building development.

The Buffalo Gap Road Corridor Study (adopted by City Council) includes a policy plan for future land use. This policy plan suggests that office uses are suitable even at mid-block locations along Buffalo Gap Road, with appropriate protections for nearby residences.

Staff and Planning and Zoning Commission 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 **Z-2012-20** 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. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

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: 5901 Buffalo Gap Road (a.k.a. Texas Farm-to-Market Highway 89)

7.5 Jon James Director of Planning Development Services, briefed the council on the Ordinance for Case No. **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

The subject property consists of two vacant tracts which together have approximately 85' of frontage on Buffalo Gap Road and 222' of frontage on Medina. The subject property adjoins single-family home sites on its other two (east and south) boundaries. This property's owner is seeking its rezoning to a Neighborhood Office (NO) classification. The NO zoning classification is intended for close compatibility with nearby residences, by significantly limiting the range of allowed use as well as the intensity of building development.

The Buffalo Gap Road Corridor Study (adopted by City Council) includes a policy plan for future land use. This policy plan suggests that office uses are suitable even at mid-block locations along Buffalo Gap Road, with appropriate protections for nearby residences.

Staff and Planning and Zoning Commission 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 Case **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. Councilman Price seconded the motion, motion carried.

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

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: 5909 Buffalo Gap Road (a.k.a. Texas Farm-to-Market Highway 89) and 3749 Medina

7.6 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 and vote will 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

No action taken.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:57 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 10:45 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 10:45 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor