

CITY COUNCIL MEETING
September 27th 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 27th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Robert O. Briley, Stormy Higgins and Councilwoman Kellie Miller. Councilman Williams 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 Higgins gave the invocation.

Mayor Archibald led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION

Mayor Archibald presented the following proclamation:

October 3, 2012

International Walk to School Day

E'Lisa Smetana, Abilene MPO, received the proclamation. Joining her was Phil Ashby, AISD, and Craig Besant, Wylie ISD.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the September 13th regular meeting there being no deletions, no additions, and no corrections. Councilman Price made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Briley made the motion to approve consent items 6.1 through 6.9 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Resolutions:

6.1 **Oral Resolution:** City Council approved the Development Corporation of Abilene's annual contract renewals with the City of Abilene for Business Services and the Airport Business Development Management program.

The Development Corporation of Abilene, Inc. (DCOA) approved a budget for FY2013 that includes contract renewals with the City of Abilene for Business Services and the Airport Business Development Management program, the Abilene Industrial Foundation, Inc., Chamber of Commerce Military Affairs Committee, and Texas Tech University Small Business Development Center. Most of these agencies have been funded either wholly or in part by the DCOA since 1990.

Maximum amount to be paid by the DCOA under FY13 contracts:	
City of Abilene Business Services (Acct Unit 7602752760)	\$641,363
Property Maintenance (Acct Unit 7602752775)	\$ 186,320
Property Maint. Life Sciences (Acct Unit 7602752765)	\$ 614,646
Property Damage Ins. Premium (Acct Unit 7602752775)	\$ 122,484
City of Abilene Airport Business Dev. Mgmt (Acct Unit 1 006006060)	\$ 18L630
 TOTAL	 \$1, 746,443 Paid by DCOA

Business Services (Economic Development) contract for FY 13 includes all administrative expenses for the Development Corporation of Abilene in the amount of \$641,363, this includes a staff of 5 in the Economic Development Department. Also included in the contract are \$186,320 for maintenance and other up-keep expenses for DCOA-owned properties, \$614,646 for operations and maintenance of the Abilene Life Sciences Accelerator and lab on Pine St., and \$122,484 for property damage insurance premiums to cover all DCOA-owned properties under the City's self-insurance program. The total FY13 funding authorization is \$1, 746,443. The current FY12 contract amounts are \$630,041 for operating, \$230,417 for DCOA-owned properties maintenance, \$825,910 for Life Sciences properties operations and maintenance, and \$141,900 for insurance premiums for a total amount of \$1, 828,268.

Airport Business Development Management contract for FY13 is in the amount of \$181,630 for salary support for the Business Development Manager, consulting services to expand current air service and marketing services through various medium. The current FY12 contract amount is \$160,813.

6.2 Oral Resolution: City Council authorized the City Manager to enter into a Planning Agreement with the Texas Department of Transportation and the Abilene Metropolitan Planning Organization.

The Agreement is required since Federal funds flow to, and through, TxDOT to the City of Abilene and the Abilene MPO. The current contract expires on September 30, 2012. TxDOT has changed the wording to say “Agreement” rather than “Contract” in the proposed new document.

6.3 Oral Resolution: City Council authorized the purchase of ten (10) paratransit vans and authorized the use of the Minnesota DOT Cooperative Purchasing Procurement Program for the purchase.

These vehicles will be used for the CityLink ADA Paratransit service and the Evening Demand Response service. These vans meet ADA standards and are equipped with three (3) wheelchair positions and thirteen (13) seats for ambulatory passengers. The new vans will replace nine CityLink paratransit vehicles that have surpassed their Federal Transit Administration normal useful life. One van will be used as a fleet spare vehicle. The vans will be purchased through the Minnesota DOT Cooperative Procurement Program. The Minnesota DOT Cooperative Procurement Program is the

only cooperative purchasing program with Type III paratransit vans that meet the CityLink requirements. Other Texas transit agencies have used this procurement program. The vendor for this purchase is Alliance Bus Group.

FUNDING/FISCAL IMPACT

The unit cost of each van is \$66,645 with a total cost of \$666,450. The funding will come from these sources:

FY09 5309 Congressional Earmark (\$456,000) matched with Transportation Development Credits previously awarded by TxDOT and FY10 5309 Congressional Earmark (\$174,674) matched with \$35,766 in City funds.

- 6.4 Oral Resolution:** City Council authorized the City Manager to execute all documents to purchase property at “533 Cedar Street.”

The property currently has a structure located on most of the tract. This is the former location of the Greyhound bus service in Abilene.

The purchase of the subject property is contingent upon the completion and review of an acceptable phase one environmental study and asbestos survey, for an amount not to exceed \$235,000, plus closing cost.

- 6.5 Resolution:** City Council directed publication of notice of intention to issue combination tax and revenue certificates of obligation for water system improvements; and resolving other matters related thereto.

The Drinking Water State Revolving Fund (DWSRF) provides loans at interest rates lower than the market offers to finance projects for public drinking water systems that facilitate compliance with primary water regulations or otherwise significantly further the health protection objectives of the federal Safe Drinking Water Act. The City of Abilene is seeking funding for two projects with the DWSRF. The projects are: Distribution Line Replacement and Clearwell Roof Replacement. In August, the City was notified of the approval of the Drinking Water SRF financing in the amount of \$2,500,000. The loan will be evidenced by the Texas Water Development Board (TWDB) purchase of \$2,500,000 Combination Tax and Revenue Certificates of Obligation for Water System Improvements, Series 2012.

Resolution #17-2012

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION FOR WATER SYSTEM IMPROVEMENTS; AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT

Ordinances:

- 6.6 Ordinance:** (*First Reading*) Case No. **Z-2012-22** a request from Simon Moreno, Sr., to rezone property from LI (Light Industrial) to MD (Medium Density), located at 441 & 501 Bois D ‘Arc Street; and setting a public hearing for October 11, 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: 441 & 501 Bois D' Arc Street

- 6.7** **Ordinance:** (*First Reading*) Case No. **Z-2012-23** a request from Bill Ortega & Elisa Bontke, to rezone property from MD (Medium Density) to MD/H (Medium Density/Historic Overlay), located at 782 Palm Street; and setting a public hearing for October 11, 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: 782 Palm Street

- 6.8** **Ordinance:** (*First Reading*) Amending the Land Development Code related to Urban Gardens; and setting a public hearing for October 11, 2012.

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.

REGULAR ITEMS

- 7.1** Megan Santee Director of Public Works, briefed the council on the Ordinance amending Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code Article XIII, "Schedules,"

This item consists of changes to Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules" of the Abilene Municipal Code to make adjustments for regulation and enforcement of traffic controlled intersections. The change is to Section 18-291, "Through streets; stop, yield intersections" to add provision for a four-way stop at the location of Lynbrook Drive and Peppermill Lane.

Mayor Archibald opened the public hearing and city council heard from:

- Lesa Crosswhite – who spoke in support of the four-way stop being added.

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 to amend Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code Article XIII, "Schedules," Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance #46 -2012

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

Section 18-291 – Through streets; stop, yield intersections

ADD:

<u>Street</u>	<u>Intersection or extent</u>
Lynbrook Drive	From Chimney Rock Rd. to Memorial Drive
Peppermill Lane	From Innisbrook Drive to Willow Wood Drive

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 8:51 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 9:05 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with Attorney.

There being no further business the meeting was adjourned at 9:05 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor