

CITY COUNCIL MEETING
November 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 November 13th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, 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 Williams gave the invocation.

Mayor Archibald introduced Jack Phelan a 5th grader at Wylie Intermediate School who 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:

November 2012
Epilepsy Awareness Month
Tracy Hires, mother of child with epilepsy accepted the proclamation

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the November 1st regular meeting there being no deletions, no additions, and no corrections. Councilman Higgins made a motion to approve the minutes as presented. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Mayor Archibald pulled item 6.8. Councilman Spano made the motion to approve consent items 6.1 through 6.9 with the exception of 6.8 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

Ordinances:

6.1 **Ordinance:** (*First Reading*) **Z-2012-27** - on a request from Abilene Bone & Joint Clinic, LLP, agent Tino Martinez, to rezone property from MD (Medium Density) to GR (General Retail), located at 1641 Cottonwood St; and setting a public hearing for December 6, 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.

- 6.2** **Ordinance:** *(First Reading)* **Z-2012-28** - on a request from Village Investment Partners/Windmill Circle Partners, Agent Tony Conder, to rezone property from PD (Planned Development) and LI (Light Industrial) to GR (General Retail), located north of Covenant Drive between S. Clack Street and Memorial Drive; and setting a public hearing for December 6, 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-2012-29** - on a request from Village Investment Partners/Windmill Circle Partners, Agent Tony Conder, to rezone property from PD (Planned Development) to GR (General Retail), located at 28, 32, 34, & 36 Windmill Circle, 5601 Memorial Drive, and 5850, 5950, & 6042 S. Clack Street; and setting a public hearing for December 6, 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-2012-30** - on a request from Cheryl McNally to rezone property from MD (Medium Density) to MD/H (Medium Density/Historic Overlay), located at 1343 S. 3rd Street; and setting a public hearing for December 6, 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)* **CUP-2012-04** - on a request from Jan Kidd Engelke for a Conditional Use Permit to allow a Vacation Travel Trailer Park on property zoned GC (General Commercial), located at 1125 Elmdale Road; and setting a public hearing for December 6, 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.

Resolutions:

- 6.6 Oral Resolution:** City Council approved the Hangar 3 lease rent abatement at the Abilene Regional Airport.

Hangar 3 is currently under a 25 year lease effective October 1, 2005 with Experimental Aircraft Association (EAA) Chapter 471. EAA has requested an abatement of the rent to help offset repairs/improvements to the hangar structure and doors that will increase the useful life and exterior aesthetics. EAA estimates a cost of \$15,150 and has collected approximately \$13,000 toward this work and additional interior work. The Airport Development Board considered this request and recommends 30-month rent abatement at a value of approximately \$4,100.00.

- 6.7 Oral Resolution:** City Council approved the Richard Baxter ground lease assignment at the Abilene Regional Airport.

Richard Baxter currently holds a 15 year ground lease for a hangar he owned until selling that hangar in September. Mr. Baxter sold the hangar to Mike Hanneman. The ground lease terms remain unchanged and must be assigned to Mr. Hanneman; it will expire at the original date of February 1, 2026, with one five year option. The lease includes a CPI adjustment every five years.

- 6.8 Resolution:** Encouraging the Texas Legislature to reexamine standardized testing of Texas Public School Students. (*Item pulled by Mayor*).

Bid Award:

- 6.9 Award of Bid:** City Council approved the purchase of the Police Department Paddy Wagon from Lawrence Hall Chevrolet in the amount of \$52,022.50.

ITEM PULLED FROM CONSENT

- 6.8 Resolution:** Encouraging the Texas Legislature to Reexamine Standardized Testing of Texas Public School Students. (*Item pulled by council*)

The Abilene Independent School District (AISD) has adopted a resolution encouraging the Texas Legislature to reexamine the standardized testing of public school students that is currently in place. The ASID has reached out to community partners asking for support of this proposal and requesting adoption of a similar resolution by the Abilene City Council. By adopting such a resolution, the City Council will be stating its support for a system that will develop an education accountability system that encompasses multiple assessments, reflects greater validity, uses more cost efficient sampling techniques and other external evaluation arrangements, and more accurately reflects what students know, appreciate and can do in terms of the rigorous standards essential to their success.

Councilman Price made the motion to approve Resolution to encourage the Texas Legislature to reexamine Standardized Testing of Texas Public School Students. Councilman Williams seconded the motion, motion carried.

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

Resolution #22-2012

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ENCOURAGING THE TEXAS LEGISLATURE TO REEXAMINE STANDARDIZED
TESTING OF TEXAS PUBLIC SCHOOL STUDENTS.**

REGULAR ITEMS

7.1 Mindy Patterson Director of Finance, briefed the council on an ordinance authorizing the issuance and sale of City of Abilene, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2012, for water system improvements; levying an annual ad valorem tax and providing for the security for and payment of said certificates; providing an effective date; and enacting other provisions relating to the subject.

George Williford with First Southwest Finance, briefed the council on the Revenue Certificates of Obligation, Series 2012.

Discussion of the use of the term of City Manager and Administrator, ordinance will be changed to reflect City Manager.

Councilman Briley made the motion to approve the Ordinance authorizing the issuance and sale of City of Abilene, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2012, for water system improvements; levying an annual ad valorem tax and providing for the security for and payment of said certificates; providing an effective date with changes in reference to City Manager in the Ordinance. Councilman Higgins seconded the motion, motion carried.

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

Ordinance #56 -2012

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS
COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES
2012; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE PAYMENT
OF SAID CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER
PROVISIONS RELATING TO THE SUBJECT.**

7.2 Mindy Patterson Director of Finance, briefed the council on an ordinance authorizing the issuance of City of Abilene, Texas, General Obligation Refunding Bonds, Series 2012; establishing procedures and delegating authority for the sale and delivery of the bonds; levying an annual ad valorem tax for the payment of said bonds; providing an effective date; and enacting other provisions relating to the subject.

George Williford with First Southwest Finance, briefed the council on the General Obligation Refunding Bonds, Series 2012.

Discussion of a wrong date in the body of the ordinance will be changed to reflect 2012.

Councilman Price made the motion to approve the ordinance authorizing the issuance of City of Abilene, Texas, General Obligation Refunding Bonds, Series 2012; establishing procedures and delegating authority for the sale and delivery of the bonds; levying an annual ad valorem tax for the payment of said bonds; providing an effective date; and enacting other provisions relating to the subject with changes. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance #57-2012

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012; ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE BONDS; LEVYING AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT THE STATE

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:06 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 9:35 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 9:35 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor