

CITY COUNCIL MEETING
February 14th, 2013, 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 February 14th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Higgins was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Robert O. Briley and Councilwoman Miller. Mayor Archibald was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Pro-tem Higgins introduced Jacob Cisneros, a 5th grader at Bowie Elementary School, who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

Mayor Pro-tem Higgins assisted by City Manager Larry Gilley honored the following City Employees for their years of service.

<i>Julie Sartor</i>	<i>Supervisor I, Community Services</i>	<i>20 years</i>
<i>Jerry Medley</i>	<i>Fire Captain III, Fire Department</i>	<i>40 years</i>

DISPOSITION OF MINUTES

5.0 Mayor Pro-tem Higgins stated Council has been given the minutes from the January 24th regular meeting there being no deletions, no additions, and no corrections. Councilwoman Miller made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Pro-tem Higgins

NAYS: None

CONSENT AGENDA

Councilman Briley made the motion to approve consent items 6.1 through 6.5 as recommended by staff. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Pro-tem Higgins

NAYS: None

Resolutions:

6.1 **Resolution:** Resolution of the City Council of the City of Abilene, Texas ordering a General Election to be held on May 11, 2013. (UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS, PIDIENDO UNA ELECCIÓN GENERAL QUE SE LLEVARA A CABO EL 11 DE MAYO DEL 2013.)

The Texas Election Code, Sec. Sec. 3.001. ORDER REQUIRED. Each general and special election shall be ordered as provided by this chapter.

Sec. 3.006. CONTENTS OF ELECTION ORDER. In addition to any other elements required to be included in an election order by other law, each election order must state the date of the election and the offices or measures to be voted on at the election.

For Electing Council Place 5 (North Side At-Large) and Council Place 6 (South Side At-Large)

Resolution **#03-2013**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ORDERING A GENERAL ELECTION TO BE HELD ON MAY 11, 2013.

(UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS, PIDIENDO UNA ELECCIÓN GENERAL QUE SE LLEVARA A CABO EL 11 DE MAYO DEL 2013.)

- 6.2** **Oral Resolution:** Council authorized the City Manager to enter into an Election Services Contract with Taylor County Election Administrator. The estimated cost for a City Election is \$29,337.00.
- 6.3** **Oral Resolution:** Council authorized the City Manager to sign an Agreement between the City of Abilene, Wylie Independent School District (WISD), and the City of Impact to hold a Joint Election in Certain Voting Precincts on May 11, 2013.

The Texas Election Code, Chapter 271 authorizes political subdivision of the State of Texas hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory.

- 6.4** **Oral Resolution:** Council authorized the City Manager to execute the Airport Use Agreement with Republic Airline.

Republic Airline has been contracted by casino operators to fly charters to various casino locations. They will take the place of Allegiant Air charters. The charters will be ground handled by American Eagle and this agreement lays out the airport fee structure for Republic. The agreement expires December 31, 2013.

Bid Award:

- 6.5** **Bid Award: (CB-1313)** Council awarded the bid for the construction of a new Solid Waste Services Container Maintenance Building in the amount of \$421,000 to Justice Construction.

The facility is intended to replace a sixty year old, deteriorated building that is undersized and does not meet code requirements. The current buildings lack of size will not accommodate commercial trash containers and requires maintenance staff to work outdoors, regardless of weather, to perform their daily tasks, such as welding and grinding

REGULAR ITEMS

7.1 Jon James Director of Planning and Development Services, briefed the council on the appeal of a denial of a sidewalk waiver for Lot 401, Block 2, Southern Hills Addition, Section 1.

The Bank of America site, located at 2200 S. 27th Street, is subdividing their lot for additional development. The proposed subdivision will create a lot to the east adjacent to Sayles Boulevard for a General Retail development to include a restaurant. Section 3.2.13.5 (c) of the Land Development Code (LDC) requires for the provision of sidewalks along arterial and collector streets as part of a plat or subdivision of land. The adjacent streets include an arterial street (S. 27th St) and a collector street (Sayles Blvd).

This request was reviewed by both the Planning Director and City Engineer. They determined that there was not reasonable justification for granting the waiver along S. 27th St. However, it was determined that the sidewalk along Sayles Blvd would be waived due to fact that the area is suitable in size, can potentially be developed with a building in the future, and there is less likelihood for pedestrian activity without development on this portion of the site. This waiver would apply only to the currently submitted plat. Any future plat or site plan for this property will again trigger a sidewalk requirement.

The following briefly addresses the staff response to the applicant's concern, as expressed in their original request letter:

1. The Bank of America building is an existing developed site: The applicant's letter indicates that the existing site should not be responsible for sidewalks as part of the proposed development on the new lot to the east. The Bank of America site already has a sidewalk in front of the building. The development on the new lot will be providing sidewalks. The only remaining portions would be a short connection adjacent to the existing parking lot to the east (approximately 20 feet) and the portion on the west toward the adjacent gas station (approximately 165 feet). The request has failed to justify the need for waiving a sidewalk (cost, natural constraints, or area adverse to pedestrian activity).

Council and Staff discussion included: 1) obligation to build sidewalks falls on the Bank of America and they can pass on the cost to the buyer; 2) where current sidewalks are located; 3) where sidewalks are proposed; and 4) this is not a safe route to schools.

Mayor Pro-tem Higgins opened the public hearing and council heard from:

- David Todd, Engineer for applicant. Spoke about his concerns with the applicant paying for sidewalks for Bank of America and the process by which the applicant purchased the property from Bank of America. Asked the council to approve the waiver.
- Steve Savage – spoke for the waiver of the sidewalk.
- Dan Symonds – spoke for the waiver of the sidewalk.

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

Councilman Price made the motion to approve the waiver of a sidewalk for Lot 401, Block 2, Southern Hills Addition, Section 1. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, and Councilwoman Miller and Mayor Pro-tem Higgins
NAYS: Councilman Williams

EXECUTIVE SESSION

Mayor Pro-tem Higgins recessed the Council into Executive Session 9:19 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 9:55 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.087 Business Prospect/Economic Development, and Section 551.072 Real Property.

There being no further business the meeting was adjourned at 9:55 a.m

Danette Dunlap, TRMC
City Secretary

Stormy Higgins
Mayor Pro-tem