

CITY COUNCIL MEETING
August 22nd, 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 August 22nd, 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, Kyle McAlister 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 Joe Spano gave the invocation.

Mayor Archibald introduced Keagan Bogart who is a 6th grader and is Homeschooled by his mother. His father is Col. Bob Bogart Commander of 7th Medical Group at Dyess AFB. He led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

RECOGNITION

Mayor Archibald recognized Emily Ramirez and declared August 22, 2013 “Emily Ramirez Day”. Ramirez and her mother are responsible for raising the funds to install handicap doors at multiple AISD campuses.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the August 8th regular meeting there being no deletions, no additions, and no corrections. Councilman Price made a motion to approve the minutes as presented. Councilman Spano seconded the motion, motion carried.

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

CONSENT AGENDA

Councilman McAlister made the motion to approve consent item 6.1 through 6.19 as recommended by staff. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, McAlister, Councilwoman Miller and Mayor Archibald
NAYS: None
ABSTAINED: Councilman Williams for Item 6.5, Mayor Archibald for Item 6.5, Councilman Price for Item 6.5 and 6.4

Ordinances:

6.1 **Ordinance:** (First Reading) **CUP-2013-01** Request from Acme Commercial Properties, LLC, agent Mike O’Neal, for a Conditional Use Permit to allow a Commercial Antenna Tower on property zoned GC (General Commercial), located at 4074 N. Clack St; and setting a public hearing for September 12, 2013..

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.

- 6.2 **Ordinance:** (First Reading) **CUP-2013-02** Request from Clavel Corporation, for a Conditional Use Permit to allow for Manufacturing (Light) on property zoned HC (Heavy Commercial), located at 4150 E. Overland Tr; and setting a public hearing for September 12, 2013..

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.

- 6.3 **Ordinance:** (First Reading) **Z-2013-21** Request from Directors Real Estate Management, LP, agent Enprotec/Hibbs & Todd, Inc., to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) & GR (General Retail) zoning, being approximately 45.19 acres located at 6602 S. Clack St; and setting a public hearing for September 12, 2013..

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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-2013-22** Request from Joe Hawkins, agent Aaron Wesson, to rezone property from HI (Heavy Industrial) to GC (General Commercial) zoning, located at 1001 Energy Dr; and setting a public hearing for September 12, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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-2013-23** Request from Hendrick Medical Center, agent Duane Martin, to rezone property from RS-12/COR (Single-Family Residential/Corridor Overlay) & NO/COR (Neighborhood Office/Corridor Overlay) to MU/COR (Medical Use/Corridor Overlay) zoning, located at 5302 & 5400 Buffalo Gap Rd and 5321 Ridgeline Dr.; and setting a public hearing for September 12, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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.

- 6.6 **Ordinance:** (First Reading) **Z-2013-24** Request from the City of Abilene to rezone property from CB/H (Central Business/Historic Overlay) to CB (Central Business) zoning, located at 101 Oak St; and setting a public hearing for September 12, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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

- 6.7** **Ordinance:** (First Reading) **Z-2013-25** Request from Jack Easterling to rezone property from RS-12 (Single-Family Residential) to PD (Planned Development) zoning for residential use, located at 4110 Concord Ct; and setting a public hearing for September 12, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-138 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.8** **Ordinance:** (First Reading) **Z-2013-26** Request from Region 14 Education Service Center, agent Richard Burdine, to rezone property from AO (Agricultural Open Space) & LI (Light Industrial) to GR (General Retail) zoning, located at 1842 & 1850 Hwy 351; and setting a public hearing for September 12, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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.

- 6.9** **Ordinance:** (First Reading) **Z-2013-27** Request from Development Corporation of Abilene, agent Richard Burdine, to amend the PD-73 (Planning Development) zoning regarding allowable industrial-related uses, at Five Points Business Park in the vicinity of N. Arnold Blvd; and setting a public hearing for September 12, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, PART "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, AMENDING PD-73 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.10** **Ordinance:** (First Reading) **TC-2013-05** Request from Raj Bhakta, Agent Enprotec/Hibbs & Todd, Inc., to abandon an unimproved right-of-way for Eastview Drive, projects east of W. Lake Rd; and setting a public hearing for September 12, 2013.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

- 6.11** **Ordinance:** (First Reading) Request to amend the Master Thoroughfare Plan regarding Campus Court, between Ambler Avenue and Interstate 20; and setting a public hearing for September 12, 2013.

AN ORDINANCE AMENDING THE CITY'S MASTER THOROUGHFARE PLAN MAP AND CALLING A PUBLIC HEARING

Resolutions:

- 6.12** **Oral Resolution:** City Council authorized the City Manager to execute the Professional Services Contract for the Parks Master Plan with Halff Associates in the amount of \$77,500.00.

The Parks Master Plan serves as the strategic blueprint for the continued development of the City's Parks and Recreation System. In addition to serving as a strategic development tool, the Parks Master Plan allows the City to qualify for State grant funding when our plan is updated every five years. The last Parks Master Plan Update was in 2008. Previous to 2008, the City operated over a decade without an update to the plan.

- 6.13 Oral Resolution:** Extended Street Use License Agreement with Yums, Inc. for use of a portion of the right-of-way at 329 Plum.

Yums, Inc. has applied for a Street Use License (SUL) to use a portion of the City right-of-way at 329 Plum Street for the construction of a 6' x 6' mounted sign on a 4.5" diameter metal pole at a height of 16'. The signage is an artistic display and will not be used for any advertising purpose or in violation of any sign provisions in the City of Abilene Land Development Code. No other private property owners or business tenants will be affected by this request. The Extended Term SUL Agreement will be for a term of ten (10) years from the date of execution, and the City may cancel the License Agreement at any time should it become necessary.

- 6.14 Oral Resolution:** City Council authorized the purchase of water meters from Aqua-Metric Sales Company in the amount of \$73,550.70.

The Water Department will be required to submit an annual water loss audit to the Texas Water Development Board. The previous requirement was to submit such an audit once every five years. With the passage of recent legislation, the results of this audit may be required to be published to each water customer within our system.

One key metric within the water loss audit is a determination of the general accuracy of the retail water meter population. This number has been evaluated by Department staff each year. However, with the new focus and possible reporting of the audit results, Department staff desires to conduct a full, statistical sample of our meter population and have an independent, third-party conduct the meter tests.

This bulk purchase of water meters will increase our inventories and allow for the test to be conducted in a timely manner.

- 6.15 Resolution:** City Council directed the publication of notice of intention to issue Combination Tax and Revenue Certificates of Obligation for Water and Sewer System Improvements.

Staff recommends \$65,000,000 in projects for the water and sewer system certificates of obligation sale. The projects are for the purpose of improving the City's combined water and sewer system, which includes constructing, acquiring, installing and equipping additions, extensions, and improvements to the system.

The date will be set for sale on October 24, 2013.

Resolution: [#21-2013](#)

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

Bid Awards:

- 6.16 Bid Award:** CB-1343 Full-Size Sedans. City Council approved the award of bid to Lawrence Hall Chevrolet in the amount of \$56,400.00.

Fleet Management seeks approval to purchase replacement vehicles for three units that are worn out and no longer cost effective to maintain. A unit will be assigned to Police Administration, Community Services, and to Senior Citizens Services.

Advertisements were published on July 7, 2013 and July 14, 2013. Bids were opened on July 23, 2013 at 11:00 A.M. Seventeen (17) bid invitations were requested with two (2) vendors submitting a bid.

- 6.17 Bid Award: CB-1344** Water Trucks. City Council approved the award of bid to Corley-Wetsel Freightliner in the amount of \$203,296.00.

Fleet Management seeks approval to purchase two water trucks. One truck will be utilized by the Recycling Center while one will be assigned to Streets Services.

Advertisements were published on July 7, 2013 and July 14, 2013. Bids were opened on July 23, 2013 at 11:00 A.M. Nine (9) bid invitations were requested with three (3) vendors submitting a bid.

- 6.18 Bid Award: CB-1346** Wildland Firefighter Gear. City Council approved awarding the bid to the following bidders: Metro Fire, Nafeco and Ferrara Fire Apparatus.

In April 2013, the Abilene Fire Department was awarded a grant from FEMA's 2012 Assistance to Firefighters Grant (AFG) Program. The approved project cost is \$142,625. The Federal share is 80% or \$114,100 and the City's share is 20% or \$28,525.

This purchase is for 175 complete ensembles of wildland firefighting personal protective equipment (PPE), including jackets, pants, belts, gloves, boots, goggles, and helmets. A \$2,679.50 balance will remain after purchases.

\$ 127,527.50 (175 wildland jackets, pants, belts, gloves and boots from Metro Fire)
\$ 6,118.00 (175 sets of goggles from Nafeco)
\$ 6,300.00 (175 helmets from Ferrara Fire Apparatus)
\$ 139,945.50 Total

- 6.19 Bid Award: CB-1349** Joint TXDOT and City of Abilene construction project BI 20R South 1st Street Streetscape from Locust Street to Butternut Street (TXDOT CSJ #006-18-054). City Council awarded bid to Bontke Brothers Construction, Co. of Abilene, Texas in the amount of \$1,242.845.01.

The City of Abilene ("City") applied for a grant with the Texas Department of Transportation (TxDOT) in 2009 under their Transportation Enhancement Program in order to facilitate the South Downtown Master plan. The grant was awarded in July of 2010 at which time the City entered into a Local Project Advance Funding Agreement (LPAFA) with TxDOT. The improvements to South 1st Street from Locust Street to Butternut Street will enhance the safety, efficiency, attractiveness and economic viability of this critical corridor for the vehicular, pedestrian, and bicycle traffic. The project will include new sidewalks with special pavement accents, ADA ramps, pedestrian lighting, and landscaping which will include crosswalks and a landscaped raised median providing a safe zone for pedestrians.

REGULAR ITEMS

- 7.1** Mindy Patterson Director of Finance briefed the city council on the on the Proposed 2013-14 Tax Rate.

The FY 2014 Budget approved by Council on July 24, 2013 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 12, 2013, with the final public hearing and vote to be held on September 23, 2013.

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

No action is required by council.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2013, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2013; 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.

7.2 Megan Santee Director of Public Works briefed the council on the re-application/permit to drill and/or operate an oil and/or gas well Sojourner Drilling Corporation: "Impact Unit 3, Well No.4", Permit No. 767932.

Sojourner Drilling Corporation of Abilene, Texas has submitted a re-application to drill the "Impact Unit 3, Well No. 4" on property owned by Rogelio Gonzales located at 3896 Clinton Street, at the southwest corner of the intersection of Clinton Street and Roosevelt Street. City Council previously approved a drilling permit for this well at its 7/25/13 meeting; however, when the applicant commenced drilling operations on 8/8/13 they found that the drill site needed to be moved approximately 25 ft. to the southwest in order to properly fit the drilling rig onto the property. This move of the approved/permitted location rendered the previously approved drilling permit null & void and required that the applicant re-apply for the new location.

Mayor Archibald opened the public hearing and council heard from the following citizens:

- Sheryl Minear, Regulatory Manager for Sojourner Drilling, spoke on the re-application and the reason they had to move the drill site because the drilling rig would have been located in the City's street and right of way. She also addressed concerns of the citizens speaking during the public hearing.
- Kenneth Bean – resident in the area. Mr. Bean was against the drilling.
- Albert Leija - resident in the area. Mr. Leija was against the drilling.

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

Councilman Price made the motion to approve the re-application/permit to drill and/or operate an oil and/or gas well Sojourner Drilling Corporation: "Impact Unit 3, Well No.4", Permit No. 767932. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:25 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 Executive Session at 10:10 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with Attorney.

10. Oral Resolution: Approving the appointment/reappointment to the following boards:

- MPE/Swimming Pool Board of Appeals – Appoint Bobby Gilbreth for Pool Contractor, Regular
- Betty Hardwick/MHMR Board – Reappoint Rita Johnson

- Abilene-Taylor County Child Advocacy Center (ATCCAC) Advisory Board – Appoint Peggy S. Humphries

Mayor Archibald made the motion to approve the board members for appointment and reappointment of the foregoing boards. Councilman Price seconded the motion, motion carried.

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

NAYS: None

ABSENT: Councilman Williams left at the end of the executive session.

There being no further business the meeting was adjourned at 10:10 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor