

CITY COUNCIL MEETING
November 7th, 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 November 7th, 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 William, 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 Price gave the invocation.

Mayor Archibald introduced Brooklyn Abbate who is a 2nd grader at Wylie Elementary. Brooklyn led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

November 2013

Report Animal Abuse Month

Paul Washburn, Rescue the Animals and Chuck Statler, County Commissioner, accepted the proclamation.

November 15, 2013

National Adoption Day

Tifani Smith, Child Protective Services, accepted the proclamation.

EMPLOYEE SERVICE AWARDS

Mayor Archibald along with City Manager Larry Gilley recognized the following employees for their years of service:

Donnie Hart	Supervisor III, Community Service	20 years
Deanna D. Wertz-Lackey	Sanitarian II, Planning and Development	20 years
Kim St Clair	Library Admin Asst. II, Community Service	30 years

RECOGNITION

Mayor Archibald along with City Manager Larry Gilley and Animal Services Manager Aaron Vannoy recognized the following for their receipt of awards from the Texas Animal Control Association:

Warren J. Kilpatrick Award

Joseph Helm has been employed with the City since July 1988. He is a dedicated Animal Services employee and is the recipient of the Warren J. Kilpatrick Award.

This Award is presented every year to someone who has demonstrated outstanding work in the animal care and control profession by the Texas Animal Control Association.

James Vyers Field Officer

Officer Luis Sanchez has worked at Animal Services for thirty one years in October. Luis listens to citizens' concerns and works with the neighborhood to solve issues. Officer Sanchez is the recipient of the James Vyers Field Officer Award.

This award is given yearly to an outstanding animal control officer who has, through his or her actions, performed duties above and beyond what is normally required or has consistently performed at a professional level, representing his or her agency in a professional manner at all times.

Media Award

Rudy "Fearless" Fernandez is a local legendary DJ for KEAN 105.1 FM. He is an animal lover and an advocate for the City of Abilene shelter animals.

Frank Pain is Rudy's counterpart on the rock station KEYJ Rock 107.9. He is the brain child of KEAN Kritter using a blog format to talk about animals at the local shelter.

Rudy and Frank are the recipients of the Media Award. This award is presented yearly to an individual or media organization that has presented animal control and animal welfare in an accurate and positive manner.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the October 24th regular meeting and the amended October 7th minutes. The amendment for the October 7th minutes changed the motion for item 7.6.

From: Councilman Spano made the motion to approve an Ordinance for **Case # Z-2013-32** -A request from Jerry Hallmark, agent Brad Andrews, to rezone property from AO (Agricultural Open Space) & PD (Planned Development) to GC (General Commercial) zoning as a PD with building standards with the same standards of the PD north of the said property, being approximately 4.27 acres located at 3602 Catclaw Dr. & a portion of 4491 Curry Ln. Councilwoman Miller seconded the motion, motion carried.

To: Councilman Spano made the motion to approve an Ordinance for **Case # Z-2013-32** -A request from Jerry Hallmark, agent Brad Andrews, to rezone property from AO (Agricultural Open Space) & PD (Planned Development) to GR (General Retail) (amended from GC to GR) zoning as a PD with building standards with the same standards of the PD north of the said property, being approximately 4.27 acres located at 3602 Catclaw Dr. & a portion of 4491 Curry Ln. Councilwoman Miller seconded the motion, motion carried.

There being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Price pulled item 6.1. Councilman Briley made the motion to approve consent item 6.2 through 6.13 as recommended by staff. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Oral Resolution:

- 6.1 Oral Resolution:** Approving the purchase of Software Maintenance coverage for the Intergraph Computer Aided Dispatch System for Public Safety and Tyler Technologies (Incode) for Municipal Court and the Water Department. *(Item pulled by Councilman Price).*

Ordinances:

- 6.2 Ordinance:** *(First Reading)* deleting Chapter 29 “Streets and Sidewalks”, Article I “General” Section 29-5 “Beggings, peddling, etc., prohibited in roadway” and amending Chapter 28 “Solicitations” of the Abilene Code of Ordinances; and setting a public hearing for November 21st 2013.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE DELETING CHAPTER 29 “STREETS AND SIDEWALKS”, ARTICLE I “GENERAL”, SECTION 29-5 “BEGGING, PEDDLING, ETC., PROHIBITED IN ROADWAY”; AMENDING CHAPTER 28, “SOLICITATION,” OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

- 6.3 Ordinance:** *(First Reading)* deleting and replacing Chapter 18, “Motor Vehicles and Traffic,” Article X, “Stopping, Standing, Parking,” Division 6, “Parking Lots,” of the Abilene City Code of Ordinances; and setting a public hearing for November 21st 2013.

AN ORDINANCE DELETING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE X, "STOPPING, STANDING, PARKING," DIVISION 6, "PARKING LOTS," AND REPLACING IT AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

Award of Bids:

- 6.4 Award of Bid:** **CB#1353** Lake Kirby Reclaimed Piping Improvements.
There is an existing pipeline extending through the Lake Kirby dam. The pipeline is currently utilized to discharge treated wastewater effluent into Lake Kirby and also is utilized to allow raw water from Lake Kirby to supplement the reclaimed water distribution system.

The Project is for the insertion of valves and piping into the existing pipeline near the Lake Kirby dam, and for the extension of two new pipeline segments to discharge treated wastewater effluent into Lake Kirby and to discharge raw water from Lake Kirby. The Project will allow for the continued operation of

the Reclaimed Effluent distribution system as described above. It will also provide for the simultaneous, controlled discharge of raw lake water from Lake Kirby into Cedar Creek.

City Council awarded the bid for the project to Morton Irrigation, Inc. in the amount of \$458,500.00 and authorized the City Manager to execute contract documents.

6.5 Award of Bid: CB#1356 for the replacement fume hoods for the Abilene Environmental Laboratory.

The Abilene Environmental Laboratory performs chemical analysis of water, wastewater, and stormwater samples. Performing certain chemical analysis methods requires the use of Fume Hoods (Hoods) as an isolating safety barrier and to protect the laboratory's indoor environment, including personnel and equipment, from the off gassing of noxious and/or corrosive vapors. The Hoods have mechanical devices such as exhaust fans and sliding glass panels that wear out due to heavy use over time. The Hoods are regularly exposed to corrosive chemical liquids and vapors.

The existing fume hoods vent to the outside atmosphere, and the fume hood exhaust ports do not meet current standards of the Environmental Protection Agency. The new ductless fume hoods use modern and approved scrubber technology and do not vent to the outside atmosphere. The existing fume hoods have been in regular use for over eleven years and are in need of replacement due to excessive wear and degradation. The replacement hoods will use less air volume, are more efficient, and are expected to have lower maintenance costs. The turn key cost for the purchase and installation of the new hoods is \$187,320.00.

City Council approved the award to Gray & Green Laboratory in the amount of \$187,320.00 and authorized the City Manager to execute contract documents.

6.6 Award of Bid: Purchase of front loader refuse truck for Solid Waste. City Council approved the purchase of one front loader refuse truck for collection of commercial refuse through BuyBoard in the amount of \$285,403.00.

6.7 Award of Bid: Purchase side loader refuse truck for Solid Waste. City Council approved the purchase of one Side loader Refuse Truck for collection of residential refuse through HGAC in the amount of \$273,981.00.

6.8 Award of Bid: HGAC – Purchase mini-bus for senior citizens services. City Council approved the purchase of a mini-bus for Senior Citizens Services through HGAC in the amount of \$66,268.00.

6.9 Award of Bid: CB#1400 Purchase tandem axle dump truck. City Council approved the purchase of a tandem axle dump truck to be assigned to Street Services. Bid was awarded to Corley-Wetsel Freightliner in the amount of \$104,102.00.

6.10 Award of Bid: CB#1401 Purchase ¾ ton pickup. City Council approved the purchase of 3 ¾-ton pickup trucks that will be assigned to Solid Waste, Parks and Wastewater. Bid was awarded to Arrow Ford in the amount \$58,677.00.

6.11 Award of Bid: CB#1402 Purchase mid-size SUV's. City Council approved the purchase of 3 mid-size SUV's they will be assigned to Police Training, Quality Control Water Lab and 911 District office. Bid was awarded to Lawrence Hall Chevrolet in the amount of \$74,850.00.

- 6.12** **Award of Bid: CB#1403** Purchase full size sedans. City Council approved the purchase of 3 full size sedans for the Police Department Investigation Division. Bid was awarded to Lawrence Hall Chevrolet in the amount of \$56,250.00.
- 6.13** **Award of Bid: CB#1406** Purchase police patrol units. City Council approved the purchase of 10 full-size Police Patrol SUV's, one of which will be assigned to the City Marshal and remaining nine will be in-service to the Abilene Police Department. Bid was awarded to Caldwell Country Chevrolet in the amount of \$309,190.00.

ITEM PULLED FROM CONSENT

6.1 **Oral Resolution:** Approving the purchase of Software Maintenance coverage for the Intergraph Computer Aided Dispatch System for Public Safety and Tyler Technologies (Incode) for Municipal Court and the Water Department.

Intergraph Corporation provides the City of Abilene its Computer Aided Dispatch software, as part of the Public Safety Communication and Dispatch System acquired at the end of 2005. At that time, a multi-year maintenance service was approved by Council, as well. It has expired. Public Safety continues to use Intergraph extensively in day to day operations.

Tyler Technologies (Incode) provides the City of Abilene its software for Municipal Court to handle its Criminal Court Case Management and Collections. It also provides the software for the Water Department to enable it to manage its Utility CIS System, Cashiering, and Mobile Interface. Both Municipal Court and the Water Department continue to use Tyler Technologies (Incode) extensively in day to day operations.

The purchase price for Intergraph will be \$245,097. The purchase price for Tyler Technologies for Municipal Court is \$33,930 and for the Water Department is \$73,492. There is currently already budgeted these amounts in the Technology Fund FY 13-14 budget that Council has approved as part of the overall City Budget.

Mark Hoover Assistant Director of Administrative Services answered questions by council. Mr. Hoover explained that the 24/7 access to help line from Intergraph is essential for Public Safety Communication and Dispatch. Contains support and upgrades in the system.

Councilman Price made the motion to approve item 6.1 the purchase of Software Maintenance coverage for Intergraph Computer Aided Dispatch System for Public Safety and Tyler Technologies (Incode) for Municipal Court and the Water Department. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

REGULAR ITEMS

7.1 Jon James Director of Planning and Development Services, briefed the council for Case No. **Z-2013-34**, a request from Patricia L. Trail, to rezone property from AO (Agricultural Open Space) to MH (Manufactured/Mobile Home) zoning, located at 5150 FM 18.

Currently the property is zoned AO and is undeveloped. The applicant is planning to place a manufactured home on the property. The properties to the south and east are zoned AO (Agricultural Open Space). The property to the west was recently rezoned from AO to LI (Light Industrial). The railroad right-of-

way is adjacent to the north. There are other manufactured homes in the area. The proposed zoning will allow a similar use to what is in the immediate vicinity.

The Future Land Use section of the Comprehensive Plan designates this general area as 'business/industrial'. The applicant is requesting the zone change to allow for placement of a manufactured home. There are multiple properties adjacent to the subject property that are currently being used as manufactured homes. The requested zoning would be compatible with the adjacent uses.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and McClarty) and none opposed.

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 No. **Z-2013-34**, a request from Patricia L. Trail, to rezone property from AO (Agricultural Open Space) to MH (Manufactured/Mobile Home) zoning, located at 5150 FM 18. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance **#59-2013**

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.

Location: 5150 FM 18

7.2 Jon James Director of Planning and Development Services, briefed the council for Case No. **Z-2013-35** a request from Hendrick Medical Center, Agents Duane Martin & Brannon Barnes, to rezone certain properties from HC (Heavy Commercial) & RS-6 (Single-Family Residential) to MU (Medical Use) zoning, located in the area between N. 16th St & N. 17th St between Pine St & the alley east of Mesquite St. Mayor Archibald announced that several council have conflict of interest on this zoning case and have filed the appropriate affidavit.

Currently the property is zoned HC & RS-6 and is developed with a mix of commercial and residential uses. The applicant is planning to develop the property with a medical facility. The properties to the north and south are zoned both HC & RS-6, similar to the subject area. The property to the west is zoned HC. The property to the east is zoned MU (Medical Use). This area has experienced a significant amount of redevelopment associated with Hendrick Medical Center. The proposed zoning will allow for this continued redevelopment compatible to what has been done in the immediate vicinity.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and it is also designated as an Enhancement Corridor (along Pine St). The requested zoning would be compatible along Pine St. and match the zoning approved on the property to the east. The request for MU would be appropriate for the surrounding area, seeing that there is a large amount of medical type uses from Hickory St.

to the east to N. Treadaway Blvd. The request is also consistent with the recommendations of the Carver Neighborhood Plan.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 4 in favor (Bixby, Glenn, Rosenbaum, and McClarty), none opposed, and 1 abstained (Todd).

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

Councilman Briley made the motion to approve an Ordinance for Case No. **Z-2013-35** a request from Hendrick Medical Center, Agents Duane Martin & Brannon Barnes, to rezone certain properties from HC (Heavy Commercial) & RS-6 (Single-Family Residential) to MU (Medical Use) zoning, located in the area between N. 16th St & N. 17th St between Pine St & the alley east of Mesquite St. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Spano, Briley, McAlister, and Councilwoman Miller

NAYS: None

ABSTAINED: Mayor Archibald, Councilmen Williams and Price

Ordinance: #**60-2013**

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.

Location: In the area between N. 16th St & N. 17th St between Pine St & the alley east of Mesquite St.

7.3 Jon James Director of Planning and Development Services, briefed the Council for Case No. **Z-2013-36** a request from Kelly Buford, agent Matthew Muzechenko/Paul Johnson & Associates, to rezone property from CB (Central Business) to PD (Planned Development) zoning to allow contractor services with incidental manufacturing, located at 242 Sycamore St.

Currently the property is zoned CB and is developed with a single-story building. The properties to the north, south, east and west are zoned CB as well. The adjacent properties are developed with a wide mix of uses. The proposed PD zoning would maintain the central business district zoning and would also allow for light carpentry as a permitted use, to include cabinet making. The building was once used as a mattress sales and warehousing business.

The Future Land Use section of the Comprehensive Plan designates the area as Central Business District. The area is located on the west side of the South Downtown Area with a focus on commercial and office uses. The requested zoning is incompatible with the adjacent uses and the Comprehensive Plan. Staff has concerns of noise, debris, and odorous matter associated with manufacturing.

Staff recommends denial. Staff does not recommend manufacturing in the Central Business area.

The Planning and Zoning Commission recommends approval by a vote of 4 in favor (Glenn, Rosenbaum, Todd, and McClarty), none opposed, and 1 abstained (Bixby).

Councilman Spano made the motion to approve Ordinance for the Case No. **Z-2013-36** a request from Kelly Buford, agent Matthew Muzechenko/Paul Johnson & Associates, to rezone property from CB (Central Business) to PD (Planned Development) zoning to allow contractor services with incidental manufacturing, located at 242 Sycamore St. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance **#61-2013**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-140 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: 242 Sycamore St

7.4 Jon James Director of Planning and Development briefed the Council on Case No. **CUP-2013-03**, a request from Sam's Real Estate Business Trust, Agent Fehr Foods Inc., for a Conditional Use Permit to allow for Manufacturing (Light) on property zoned HC (Heavy Commercial), located at 5301 S. 1st St.

Currently the property is zoned HC and has been developed with a large retail building. The adjacent properties are a mix of hotel, industrial, and residential uses. The property was previously occupied by the Sam's Club retail use. The proposed business is a bakery, Fehr Foods. The request is to allow for 'Manufacturing (Light)' to allow for the baking and packaging of their product on-site. The baking and packaging of the product is considered light manufacturing and is only allowed with approval of a Conditional Use Permit in the HC zoning.

The Future Land Use section of the Comprehensive Plan designates this area as a 'Major Commercial/Business area. The light manufacturing request would be compatible with the surrounding uses.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and McClarty) and none opposed.

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

- Miguel Moreno, Chief Executive Officer of Fehr Foods spoke for the permit.

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

Councilman Briley made the motion to approve an Ordinance a Case No. **CUP-2013-03**, a request from Sam's Real Estate Business Trust, Agent Fehr Foods Inc., for a Conditional Use Permit to allow for Manufacturing (Light) on property zoned HC (Heavy Commercial), located at 5301 S. 1st St.. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Ordinance **#62-2013**

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.

Location: 5301 S. 1st Street

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:37 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 10:27 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel/Boards and Section 551.071 Litigation.

There being no further business the meeting was adjourned at 10:27 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor