

**CITY COUNCIL MEETING**  
**December 19<sup>th</sup>, 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 December 19<sup>th</sup>, 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, Kyle McAlister and Councilwoman Kellie Miller. Councilman Anthony Williams was absent. Also present were Deputy City Manager David Vela, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Sydney Marie Forster who is a 5<sup>th</sup> grader at Bassetti Elementary. Sydney led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**RECOGNITION**

Mayor Archibald was joined by members of the Keep Abilene Beautiful Board, Cory Ruff, Scott Kilmer and Ray Grothaus.

Keep Abilene Beautiful recognized ATEMS High School, they have been selected as the school that best used the Reduce, Reuse, Recycle concept and received \$250.00.

ATEMS High School's Tiare Peters – a 9th Grader who was recognized for her light-up snow flake Christmas Ornament as a part of Reduce, Reuse, Recycle.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the December 5<sup>th</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Spano made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

**CONSENT AGENDA**

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

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

**Oral Resolution:**

**6.1** **Oral Resolution:** City Council authorized the City Manager to enter into a Contract with Richard J. Leidl. P.C. In 2005, the City of Abilene began using the professional services of Richard J. Leidl. a Washington D.C. area legislative and regulatory consultant, to assist in identifying sources of federal funding for City projects. With his assistance the City has received funding for use in projects ranging from paratransit vehicles to law enforcement training facility improvements. Mr. Leidl proposes to assist

the City in seeking funding through agency grants. as well as continuing to assist with other on-going projects that involve Federal funding and oversight. Those efforts include assistance with the Cedar Ridge Reservoir Project and the City's application to the US Army Corps of Engineers for a 404 construction permit. Mr. Leidl will also provide assistance in the City's efforts to secure future water supplies through the City's participation in the West Texas Water Partnership.

**Ordinances:**

- 6.2** **Ordinance:** (*First reading*) on an ordinance for **Case No. Z-2013-39**, a request from Amos B. Lewallen, agent Brian Rumsey, to rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning, located at 4001 Sharon Rd; and setting a public hearing for January 9, 2014.

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.

- 6.3** **Ordinance:** (*First Reading*) on an ordinance for **Case No. Z-2013-40**, a request from Mill Creek Apartments, LP, agent Cojer Surveying, Inc., to rezone property from GC (General Commercial) to MF (Multi-Family Residential) zoning, being approx. the front 200 feet of 5249 Hwy 277 S; and setting a public hearing for January 9, 2014.

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- 6.4** **Ordinance:** (*First reading*) on an ordinance for **Case No. Z-2013-41**, a request from Bradley Fulcher, agent Bridget McDowell, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 239 Locust St; and setting a public hearing for January 9, 2014.

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- 6.5** **Ordinance:** (*First reading*) on an ordinance for **Case No. Z-2013-42**, a request from Shelia Rutledge to rezone property from AO (Agricultural Open Space) to MH (Manufactured/Mobile Home) zoning, located at 6102 W. Lake Rd to include the 2 acres north; and setting a public hearing for January 9, 2014.

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- 6.6** **Ordinance:** (*First reading*) on an ordinance for **Case No. Z-2013-43**, a request from Morgan D. & Cynthia H. Green and the City of Abilene to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 881 & 893 E. Hwy 80; and setting a public hearing for January 9, 2014.

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*) on an ordinance for **Case No. Z-2013-44**, a request from Darby Enterprises, agent Jason Darby, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 1600, 1601, 1632, 1633, & 1650 Vision Dr.; and setting a public hearing for January 9, 2014.

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.

- 6.8** **Ordinance:** (*First Reading*) on an ordinance for **Case No. TC-2013-07**, a request from Abilene Independent School District, agent Enprotec/Hibbs & Todd, to abandon N 19<sup>th</sup> St & Green St and the associated alleys in the block between Burger St & Shelton St and between N 18<sup>th</sup> St & N 20<sup>th</sup> St; and setting a public hearing for January 9, 2014.

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.

**Award of Bid:**

- 6.9** **Bid Award:** Abilene Zoo roofing projects. City Council awarded the bid to Prime Construction in the amount of \$69,700.00 to repair the roofs on the zebra and waterfowl holding barns at the Abilene Zoo.

## REGULAR ITEMS

- 7.1** Megan Santee Director of Public Works briefed the council on the Special Event License (SEL) Policy and Fees associated with the Policy.

Staff is proposing the adoption of a Special Event License Policy, in conjunction with the Special Event License Ordinance addition, for the purposes of providing the City a means to review and approve public events that take place in the city right-of-way in order to protect the health, safety, and welfare of our citizens. This policy sets forth an application process for staff to review and approve events and apply the appropriate level of oversight needed to ensure the safety of participants as well as any citizen that will come into contact with the event. The policy delineates three categories of events, labeled as A, B and C, as well as defining processions and parades.

The policy will be administered through the City of Abilene's Police Department as well as the Department of Public Works. In order to accomplish this goal, the City will need the ability to reimburse staff time and resources. This can be done through establishing a license fee.

Council and Staff discussion included: 1) getting the info out to the public so that they may be informed if they are having a special event; 2) flexibility on the days to be contacted ahead of an special event; and 3) TXDOT information.

### ***Background***

Every year multiple events take place within the City of Abilene right-of-way.

- ✓ Even more requests are received by the City for use of the right-of-way without the proper procedures in place to provide for the safety of the participating public.
- ✓ Current Street Use License ordinance and Special Events Public Property Use License policy are not adequate to accommodate all of the possible events and venues.

- ✓ Update Special Event Public Property Use License

### *Special Events License Policy*

#### Applicability

- ✓ All parades and special events that will utilize the right-of-way.
- ✓ Not for:
  - Funerals processions, City of Abilene park and recreation facilities including City Hall lawn and activities requiring a street use license.

#### Four types of Special Event Licenses (SEL's):

- Category A  
Events not requiring the use of cones, barricades, or other traffic control devices in traffic lanes;
  - ✓ Occurring only on established routes on local/minor streets;
  - ✓ Does not allow use in Downtown Area
  - ✓ Fee - \$25
  - ✓ Examples – Footrace (5K, 10K, etc...)/Fun Run/Walk
- Category B  
Events requiring full or partial control over the use of the street; and
  - ✓ Less than a calendar day in duration.
  - ✓ Only on local/minor streets and the Downtown Area.
    - Except – event is not allowed between 7:30 a.m. and 5:30 p.m., Monday – Friday, on North 1st, Pine, Cypress, Oak or Chestnut Streets unless the event takes place in the Street Festival Area.
  - ✓ Fee - \$50
  - ✓ Examples – church carnival/Mayor's 5K
- Category C  
Events requiring full or partial control over the use of the street.
  - ✓ Multiple day event or single day event with a community-wide focus or major impact.
  - ✓ Includes – any event utilizing fireworks.
    - Except – event is not allowed between 7:30 a.m. and 5:30 p.m., Monday-Friday, on North 1st, Pine, Cypress, Oak or Chestnut unless the event takes place in the Street Festival Area.
  - ✓ Fee - \$100
  - ✓ Examples – community street festival/3-on-3 Street Basketball Tournament.
- Processions  
A number of people or vehicles moving forward in an organized fashion in the right-of-way.
  - ✓ If on local streets adjacent to a residential area, no SEL required when organized by residents.
  - ✓ All other processions require a Category B or C license and paid police escort.
- Parades  
Processions occurring on the established route in the Downtown Area which is closed to regular vehicular traffic.
  - ✓ Shall follow the approved route and staging shall occur within specified area.
  - ✓ Dates, times, duration and other parade elements are subject to review as part of the licensing process.
  - ✓ Fee - \$200
  - ✓ Examples – KTXS Parade of Lights/West Texas Fair and Rodeo/Western Heritage Classic

#### Provisions:

##### Application

- ✓ Submit fully completed application form
- ✓ During normal business hours
- ✓ Abilene Police Department (LEC – 450 Pecan Street )

### Deadlines

- ✓ Category A – seven (7) days
- ✓ Category B – fourteen (14) days
- ✓ Category C/Parade – sixty (60) days

### Review Process

- Additional department review for Category C, can include applicant or event organizer.

### Insurance and Agreement

- ✓ Category B, C and Parades require commercial public liability insurance and written agreement.

### City Services

- ✓ Formal agreement from City Manager required for co-sponsorship

Councilman McAlister made the motion to approve the Special Use License and adopt the fees as presented. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

### Resolution [#32-2013](#)

A RESOLUTION OF THE CITY OF ABILENE, TEXAS ADOPTING THE SPECIAL EVENT LICENSE POLICY AND APPROVING A SPECIAL EVENT LICENSE FEE

**7.2** Megan Santee Director of Public Works briefed the council on the Ordinance adding Chapter 29, “Streets and Sidewalks,” Article IX, “Special Events License” to the Abilene Code of Ordinances.

Every year multiple public events take place within the City of Abilene right-of-way. Since these events take place within the public right-of-way, without proper oversight the events can pose a risk to the participating public.

The policy has been approved and this ordinance will provide a penalty for failing to obtain a Special Events License, will authorize the City to charge a fee for that license and provide an appeal process in the event an application for a license is denied.

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

- Tim McClarty – spoke about concerns with the proposed ordinance
- Michael Dickson – spoke about concerns with the proposed ordinance

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 adding Chapter 29, “Streets and Sidewalks,” Article IX, “Special Events License” to the Code of Ordinances. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

### Ordinance [#70-2013](#)

AN ORDINANCE ADDING CHAPTER 29, "STREETS AND SIDEWALKS," ARTICLE IX, "SPECIAL EVENTS LICENSE" TO THE ABILENE CODE OF ORDINANCES AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

## EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:12 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 11:23 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel.

No action from executive session.

**10. Oral Resolution:** Discussion and possible action related to annual performance evaluations of City Manager, City Attorney, City Secretary and Municipal Judge. No action taken.

**11. Resolution:** Council approved voting for Seaton Higginbotham to the board of directors of the Jones County Appraisal District Of Jones County for 2014-2015 with 75 votes.

Mayor Archibald made the motion to approve voting for Seaton Higginbotham to the board of directors of the Jones County Appraisal District of Jones County for 2014-2015 with 75 votes. Councilman Spano seconded the motion, motion carried.

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

Resolution: [#33-2013](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, VOTING FOR THE FOLLOWING INDIVIDUAL TO THE BOARD OF DIRECTORS OF THE JONES COUNTY APPRAISAL DISTRICT OF JONES COUNTY FOR 2014-2015.

**12 Oral Resolution:** Appointing/Reappointing members to Boards and Commissions for the following boards: Abilene Housing Authority, Abilene Taylor-County Events Venue District, Abilene Taylor Co. Child Advocacy Board, Abilene-Taylor County Public Health Advisory Board, Airport Development Board, Animal Services Advisory Board, Board of Adjustment, Board of Building Standards, Civil Service, Friends of Safety City Board, Frontier Texas! Board, Keep Abilene Beautiful, Landmarks Commission, Library Board, Office of Neighborhood Services Advisory Council.

Councilman Briley made the motion to approve the appointment and reappointment to the 2013 Fall Boards and Commissions as presented. Councilman Price seconded the motion, motion carried.

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

### *Abilene Housing Authority*

Reappointing: David Mukire (Resident)  
Kerri Fisher  
Vanessa Faz

### *Abilene Taylor Co. Events Venue District*

Reappointing: Mayor Norm Archibald & Councilman Robert O Briley

### *Abilene Taylor Co. Child Advocacy Board*

Reappointing: Dee Moore and Debra McCracken

*Abilene Taylor Co Public Health Advisory Board*

Reappointing: Shane Price and Robert Hawley

*Airport Development Board*

Reappointing: Larry Gill, Kirk Thaxton, Michael Redden

*Animal Services Advisory Board*

Reappointing: Dr. Jack Callan and Megan Santee

*Board of Adjustment*

Reappointing: Roger Huber, Col. Morton Langholtz, Bob Beerman

*Board of Building Standards*

Reappointing & appointing: Alana Fletcher Maddox, Marvin Barber, David Beard, Lloyd Turner, Edgar Cordova, Anthony McColum and David Brosig

*Civil Service Commission*

Reappointing: Sandy Self

*Friends of Safety City Board*

Reappointing: MaryAnn Martin, Evan Harris and Tom McAlister

*Frontier Texas Board*

Appointing: Tracy Shilcutt, Randy Pool, Sharon Riley, Weldon Hurt

Reappointing: Mike Alexander(moved to Treasurer), Bill Gollihar, David Vela,

*Keep Abilene Beautiful*

Reappointing: Cory Ruff and E'Lisa Smetana

*Landmarks Commission*

Reappointing: Steve Butman and Bill Minter

*Library Board*

Reappointing: Stan Chapman, Patrician Nail, Robert Carleton, Debra Lillick, Carrie Casada, Tiffany Fink and Joe Specht

*Office of Neighborhood Services Advisory Board*

Reappointing: Rachel, Slaymaker, Vanessa Bryan, Linda Carleton and Harold Preston

There being no further business the meeting was adjourned at 11:23 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor