

**CITY COUNCIL MEETING
March 13th, 2014, 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 March 13th, 2014, 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. Councilmen Anthony Williams, Kyle McAlister and Councilwoman Kellie Miller were absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Spano gave the invocation.

Mayor Archibald introduced Alstin Daniels who is a student at Taylor Elementary. Alstin is the son of Ashley & Warren Daniels, Ashley is with the City Manager's Office. Alstin led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION

Mayor Archibald presented a proclamation to James Wheeler, with Elmwood West Lions Club, for the Lions White Cane Day.

EMPLOYEE SERVICE AWARDS

Mayor Archibald and City Manager Larry Gilley recognized the following City employees for their years of service.

<i>Randell Clark</i>	<i>Fire Captain</i>	<i>20 Years</i>
<i>John Gallagher</i>	<i>Fire Fighter</i>	<i>20 Years</i>
<i>James Hall</i>	<i>Fire Fighter</i>	<i>20 Years</i>
<i>Daniel Moore</i>	<i>Fire Fighter</i>	<i>20 Years</i>
<i>Don M. Self</i>	<i>Fire Fighter</i>	<i>20 Years</i>
<i>Jim Moore</i>	<i>Fire Fighter</i>	<i>20 Years</i>
<i>Edwin L. Chrane</i>	<i>Fire Captain</i>	<i>30 Years</i>
<i>Kenneth Dozier</i>	<i>Fire Chief</i>	<i>30 Years</i>
<i>Phillip Hay</i>	<i>Battalion Chief</i>	<i>30 Years</i>
<i>Pascual O. Mirelez</i>	<i>Division Manager, Purchasing</i>	<i>30 Years</i>
<i>Richard P. Wright</i>	<i>Fire Captain</i>	<i>30 Years</i>
<i>Audrey M. Perry</i>	<i>Division Manager, Civic Center</i>	<i>45 Years</i>

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the February 27th 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, and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Price pulled items 6.1 and 6.5. Councilman Briley made the motion to approve consent item 6.2 through 6.4 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

Ordinances:

- 6.1** **Ordinance:** (*First Reading*) Consider adoption of 2012 Building, Residential, Existing Building, Energy Conservation, Plumbing, Mechanical and Fuel Gas Codes with Amendments; and setting a public hearing for March 27th 2014. *Item pulled by Councilman Price.*

AN ORDINANCE AMENDING: (1) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 2, "BUILDING CODE"; (2) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 4, "PLUMBING CODE"; (3) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 5, "MECHANICAL CODE"; (4) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 7, "RESIDENTIAL CODE"; (5) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 8, "FUEL GAS CODE"; (6) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 9 "ENERGY CODE"; (7) CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "CODES AND OTHER REGULATIONS", DIVISION 10, "EXISTING BUILDING 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*) Consider amendments to update bond amount requirements and update legal references in licensing and building moving route and permit exceptions; and setting a public hearing for March 27th 2014.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING (1) CHAPTER 8 "CONSTRUCTION REGULATIONS", ARTICLE I "IN GENERAL", DIVISION 2 "BONDS", SECTION 8-16 "BOND REQUIRED OF CONTRACTORS"; (2) CHAPTER 8 "CONSTRUCTION REGULATIONS", ARTICLE VII "MOVING BUILDINGS", DIVISION 2 "BOND", SECTION 8-718 "BOND REQUIRED"; AND (3) CHAPTER 8 "CONSTRUCTION REGULATIONS", ARTICLE IV "LICENSES", DIVISION 1 "GENERALLY", SECTION 162 "DEFINITIONS" OF THE CITY OF ABILENE CODE OF ORDINANCES, IN THEIR ENTIRETY AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

- 6.3** **Ordinance:** (*First reading*) Amending the Land Development Code with regard to Sidewalks; and setting a public hearing for March 27, 2014.

AN ORDINANCE AMENDING CHAPTER 23, "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.

Oral Resolutions:

- 6.4** **Oral Resolution:** City Council approved a Street Use License for the Abilene Education Foundation “Cajun Fest”, Thursday April 10, 2014. Closing Cypress Street from North 2nd to North 4th 4:00pm – 9:00pm.
- 6.5** **Oral Resolution:** Approving an Extended Term Street Use License for Bridge Tex Pipeline Company, LLC to place an oil and gas pipeline under Thompson Parkway. *Item pulled by Councilman Price.*

PULLED ITEMS FROM CONSENT

- 6.1** **Ordinance:** (*First Reading*) Consider adoption of 2012 Building, Residential, Existing Building, Energy Conservation, Plumbing, Mechanical and Fuel Gas Codes with Amendments; and setting a public hearing for March 27th 2014. Councilman Price asked questions of David Sartor, Building Official. Mr. Sartor explained that the Code amendments had been reviewed by a citizen committee that is made up of licensed citizens, then they are also reviewed by the Board of Building Standards and the MPE Board.

Councilman Price made the motion to TABLE the item so that council could have time to further review the 2012 International Codes. Councilman Spano seconded the motion, motion carried.

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

- 6.5** **Oral Resolution:** Approving an Extended Term Street Use License for BridgeTex Pipeline Company, LLC to place an oil and gas pipeline under Thompson Parkway. All documents were not received by staff prior to the start of the meeting. Megan Santee Director of Public Works asked that the item be TABLED.

Councilman Price made the motion to TABLE the Street Use License for BridgeTex Pipeline Company, LLC. due to the fact not all documents have been received by staff. Mayor Archibald seconded the motion, motion carried.

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

REGULAR ITEMS

- 7.1** Jon James Director of Planning and Development Services, briefed the council on the **Case #Z-2014-05** a request from Allsup's Convenience Stores, Inc., agent DSA Architects, to rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning, being 3.32 acres located at 3023 Pine St.

Currently the property is zoned HI and is developed with a convenience store with fuel sales, a residence, and a small commercial building. The surrounding properties to the north, south, and east are also zoned HI and are being used with industrial and commercial uses. The properties to the west are zoned HC and has a mix of uses from portable building sales, a residence, and other commercial uses. The property falls within the Pine Street Corridor Overlay. With adoption of the Land Development Code (LDC) the HI zoning became much more restrictive and no longer allows for uses that previously were allowed. The requested zoning would allow for a complete redevelopment of the property for a new Allsup's convenience store with associated fuel sales.

The Future Land Use section of the Comprehensive Plan designates the area as part of a 'major commercial/business center'. The property is located on Pine Street, which is an enhancement corridor. The requested zoning would allow for redevelopment of the existing convenience store with associated fuel sales use. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval.

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

Mayor Archibald opened the public hearing and council heard from:

- Angela Benson agent for Allsup's Convenience Stores Inc. who was available for any questions.

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

Councilman Price made the motion to approve the Ordinance for Case #Z-2014-05 a request from Allsup's Convenience Stores, Inc., agent DSA Architects, to rezone property from HI (Heavy Industrial) to HC (Heavy Commercial) zoning, being 3.32 acres located at 3023 Pine St. Councilman Briley seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley and Mayor Archibald

NAYS: None

Ordinance [#13-2014](#)

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.

Location: 3023 Pine Street

7.2 Jon James Director of Planning and Development Services, briefed the council on the **Case # TC-2014-01** a request from Lance Johnson to abandon the alley located north of 137 Oak St running the length of the building.

The applicant is requesting to abandon the alley right-of-way to be able to utilize the area for better access and use of his new office located at 137 Oak St. The alley has not been used recently and therefore will not directly affect traffic in the area. However, both public and private utilities are located within the alley ROW and therefore a utility easement will be needed. The remaining portions of the alley will stay open and provide for access to the other properties in the block except for the property to the north. The closure would result in no alley access for the property to the north and staff only supports the abandonment if there is no opposition from the property owner to the north.

The closure of the alley does not create any violations to the maximum block length in this area. The adjacent streets remain open for traffic to maneuver the area.

The Plat Review Committee recommends approval of the requested street ROW closure with the following conditions:

1. A 20' Utility Easement shall be required for existing public and private utilities.
2. The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff recommends approval of the requested ROW abandonment per the Plat Review Committee recommendations.

The Planning and Zoning Commission recommends approval per the Plat Review Committee by a vote of 5 in favor (Glenn, McClarty, Rosenbaum, Todd, & Famble) and none opposed.

Council and Staff discussion included: 1) landowner north of property is in favor of the abandonment; and 2) use of the property.

Mayor Archibald opened the public hearing and council heard from Lance Johnson the land owner, there being no one else present and desiring to be heard the public hearing was closed

Councilman Briley made the motion to approve the **Case # TC-2014-01** a request from Lance Johnson to abandon the alley located north of 137 Oak St running the length of the building. Councilman Spano seconded the motion, motion carried.

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

Ordinance [#14-2014](#)

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

Location: 137 Oak Street running the length of the building

7.3 Jon James Director of Planning and Development Services, briefed the council on the ordinance amending the Land Development Code with regard to Section 2.4.2.13 The Land Use Matrix and Section 2.4.3.3 all other uses with specific requirements concerning freight containers.

The Land Development Code (LDC) currently does not allow for freight containers on property with Agricultural Open Space (AO) zoning. A request was made for the Planning staff to evaluate the regulations for possible inclusion of the AO district for having freight containers.

In reviewing the regulations found in the LDC, the Planning staff is proposing that freight containers be allowed in the AO zoning district with adequate screening and setback requirements. The screening would follow similar requirements for freight containers in Commercial districts. Additionally, freight containers in the AO zoning would be required to be located a minimum of 200 feet from property lines.

Staff is proposing to amend the Land Development Code (LDC) to allow for freight containers in the AO district. The sections proposed for amendment are Section 2.4.2.1 and 2.4.3.3 (a)(24).

Staff recommends approval of the proposed amendment to Section 2.4.2.1 and 2.4.3.3 (a)(24) of the LDC.

The Planning and Zoning Commission recommends denial through failed motion by a vote of 3 in favor (McClarty, Todd, and Famble) and 2 opposed (Glenn and Rosenbaum).

Council and Staff discussion included: 1) acreage size of AO districts; 2) how many AO lots are located in town; 3) location on the acreage; and 4) Abilene Clay Sports and Lake Kirby.

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

- Steve Ellinger – with Clay Sports, Mr. Ellinger explained the reason for the request as it relates to Abilene Clay Sports. Freight container would be used to store supplies.
- Mike Vandervoort – asked council to consider the other possibilities that freight containers can be used for, example housing.

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

Councilman Briley made the motion to TABLE this Ordinance so that more research can be done. Councilman Spano seconded the motion, motion carried.

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

7.4 Jon James Director of Planning and Development Services, briefed the council on the ordinance amending the Land Development Code with regard to Section 3.1.1.1 (c) (2) applicability concerning expansion of buildings.

The Land Development Code (LDC) requires that a property be a duly recorded lot of record in order to obtain a building permit. However, building permits may be issued for any property when associated with a building expansion of 30 percent or less of the existing floor area of the structure. A new accessory building requires a property to be platted in order to obtain a building permit.

The Planning staff is dealing with a scenario where new accessory buildings are proposed on a property that is not a duly recorded lot of record. The property has certain characteristics hindering it from being platted easily. Other properties have been required to plat in order to receive a building permit for portable buildings. In reviewing the ordinance, staff is looking into the possibility of expanding the exemption to include accessory buildings that do not exceed the 30% increase of total square footage on the property. This potential exemption would allow for new storage buildings and carports on all properties regardless of the plat status.

Staff is proposing to amend the Land Development Code (LDC) to allow the exemption to include new accessory structures where the increase of the total floor area is not greater than 30%. The section proposed for amendment are Section 3.1.1.1 (c)(2).

Staff recommends approval of the proposed amendment to Section 3.1.1.1 (c)(2) of the LDC.

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Glenn, McClarty, Rosenbaum, Todd, and Famble) 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

Councilman Price made the motion to approve the Ordinance that amends the Land Development Code with regard to Section 3.1.1.1 (c) (2) applicability concerning expansion of buildings. And adding under Section 1 the following “...nor shall the expansion exceed...”. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley and Mayor Archibald

NAYS: None

Ordinance #15-2014

AN ORDINANCE AMENDING CHAPTER 23, "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.

Amend Land Development Code: Section 3.1.1.1 (c)(2)

7.5 Jon James Director of Planning and Development Services, briefed the council on the ordinance amending the Land Development Code with regard to Section 3.2.5.2 The City System concerning the use of on-site sewage disposal facilities.

The City of Abilene has a specific requirement that new development extend and tie-into the City's existing sanitary sewer system. In extremely limited circumstances, the City Council may waive the required extension of municipal sewers and approve the use of on-site sewage disposal facilities. Currently, this is only available when the Planning Director and the Director of Water Utilities, or designee, determine that such extension would require unreasonable expenditures and that on-site sewage disposal facilities will function properly. No appeal to the City Council is available if the determination by staff is that there are not unreasonable expenditures or that on-site sewage disposal facilities will not function properly.

Both the City Council and the Planning & Zoning (P&Z) Commission has asked staff to provide an amendment to the language that would allow for the City Council to hear appeals for the use of on-site sewage disposal facilities when requested by a developer.

The attached proposed amendment to the Land Development Code (LDC) will allow for the City Council review and approval of requests to use on-site sewage disposal facilities.

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

Council and Staff discussion included: 1) technical decision; 2) prorate amount to first builder when someone builds between the addition and the city services; 3) dry sewer lines – no data out in the industry to suggest that leaving dry lines hurt the pipe; 4) waiver processes; and 5) added expense in the future.

Mayor Archibald opened the public hearing and David Todd with Enprotec Hibbs & Todd visited with council about the request to change the ordinance and the appeal process there being no one else present and desiring to be heard the public hearing was closed

Mayor Archibald made the motion to approve the Ordinance that amends the Land Development Code with regard to Section 3.2.5.2 The City System concerning the use of on-site sewage disposal facilities. Change the word in paragraph C from “waiver shall be required” to “waiver may be required”. Councilman Price seconded the motion, motion carried.

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

Ordinance **#16-2014**

AN ORDINANCE AMENDING CHAPTER 23, "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

On-site sewage disposal facilities

7.6 Ronnie Kidd, Managing Director for Administration briefed the council on the Consultant Services Agreement with RCC Consultants, Inc. for Public Safety Communications Systems needs analysis.

In May of 2002, the City of Abilene launched a replacement project for its Public Safety Communications Systems, selecting RCC Consultants, Inc. to assist in the needs assessment, procurement, testing and implementation processes. RCC is a recognized leader in public safety communications consultancy and served the City well to ensure we implemented an excellent and effective solution. The project involved a total system replacement, resulting in an EDACS trunked radio system, an Intergraph Computer Aided Dispatch (CAD) System, and Records Management System (RMS) and a Mobile Data Computer (MDC) System.

The City once again has a need to evaluate its Public Safety Communications Systems due to the ongoing evolution of technology and changes in regulatory requirements for public safety communications. For instance, the current Intergraph CAD system cannot be supported much longer without a major software upgrade. Further, federal and state regulatory agencies continue to evolve system interoperability standards for public safety entities. As a result, the current EDACS radios are at or very near end of support and end of life cycles.

The management team proposes to contract with RCC again to assist in the evaluation of our current Public Safety Communications Systems and to advise the City on the current regulatory and operational universes, as well as what hardware and software upgrades and/or additional needs the City should consider or pursue. The evaluation, or needs assessment, will cover the following factors: (1) Radio communications requirements; (2) LAN/WAN Equipment conditions & maintenance issues; (3) CAD/RMS/MDC requirements; (4) CAD/RMS Data Conversion considerations; (5) Technology obsolescence; (6) Radio interoperability requirements; and (7) EDACS equipment condition & maintenance issues.

Key public safety communications staff members will be interviewed on-site by RCC. Additionally, RCC will review and evaluate the current operational capabilities of our Public Safety Communications Systems. RCC will compare information gathered through the evaluation to what is currently being done in other agencies and offer the City its recommendations and as well as options for accomplishing the recommendations. RCC's report will include identification and analysis of the following:

- Issues with the current EDACS system and CAD/RMS/Mobile data applications capabilities and performance;
- Specific functions and procedures that should be supported in upgraded or new systems;
- Constraints and opportunities for information sharing;
- Pros and cons of systems upgrading vs. systems replacement (the radio system and the CAD/RMS/Mobile Data applications will be addressed separately);
- Existing limitations vs. new technology opportunities; and

- Any unique operational requirements that exist that would affect a new solution.

The cost for the evaluation is not to exceed \$80,000, which will be paid out of the Technology Fund and will take approximately 60 to 90 days.

Councilman Price made the motion to approve the agreement for Consultant Services with RCC Consultants, Inc. Councilman Spano seconded the motion, motion carried.

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

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 11:33 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 11:48 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

No action from executive session.

10. **Oral Resolution:** Appoint/Reappoint board members to the following boards:

Planning & Zoning Commission & Development Corporation of Abilene

No action taken for board appointment.

There being no further business the meeting was adjourned at 11:48 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor