

CITY COUNCIL MEETING
June 12th, 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 June 12th, 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, Jay Hardaway, Anthony Williams, 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 Kellee Chambers who is a 6th grade student and daughter of City of Abilene Environmental Health Manager Terry Harney. Kellee 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:

June 2014
Myasthenia Gravis Awareness Month
Michelle Lowry accepted the proclamation.

June 16, 2014
Motorcycle and Scooter Ride to Work Day
E'Lisa Smetana, Director Metropolitan Planning Organization, accepted the proclamation

SPECIAL RECOGNITION

Mayor Archibald recognized Kate Miller for her outstanding performance in the Scripps National Spelling Bee 2014 and proclaimed June 12th Kate Miller day in Abilene.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the May 19th regular meeting 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, Hardaway, McAlister Councilwoman Miller and Mayor Archibald

NAYS: None

CONSENT AGENDA

Mayor Archibald announced that items 6.2 and 7.5 were pulled prior to the start of the meeting. Councilman Price pulled item 6.3. Councilman Spano made the motion to approve consent item 6.1, 6.4 through 6.8 as recommended by staff with the exception of item 6.2 that was pulled prior to the meeting and 6.3. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Resolution & Oral Resolutions:

- 6.1 Oral Resolution:** The City Council approved the request from Extreme Pyrotechnics for a fireworks display permit; event to be held at 2070 Zoo Lane & Transformer Trail on July 4th 2014.
- 6.2 Oral Resolution:** Authorizing the City Manager to accept Airport Improvement Program Grant 44 for the Abilene Regional Airport. (*Item pulled prior to start of the meeting by staff*)
- 6.3 Oral Resolution:** Authoring the City Manager to approve FAA Memorandum of Agreement AJW-FN-CSA-14-2148 for the Abilene Regional Airport. (*Councilman Price pulled this item*).
- 6.4 Resolution:** The City Council authorized the continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

Resolution **#13-2014**

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

Ordinances:

- 6.5 Ordinance:** (*First Reading*) Amending Budget Ordinance #69-2013, Part 6; and setting a public hearing for June 26, 2014.

AN ORDINANCE APPROVING A REVISION TO SECTION 6 OF ORDINANCE NUMBER 69-2013; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING

- 6.6 Ordinance:** (*First Reading*) **Z-2014-19** on a request from Russ Petty, agent Bing Outdoor Media, LLC, to rezone property from NR (Neighborhood Retail) to GR (General Retail) zoning, located at 1766 S. Clack St; and setting a public hearing for June 26, 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.

Bid Awards:

- 6.7 Award of Bid:** **CB#1420** – 3rd Pressure Plane Waterline Improvements Project. Council awarded the bid to Starks Construction Co. of Abilene TX in the amount of \$1,064,613.60.

On April 30, 2014 the City of Abilene received bids for the 3rd Pressure Plane Waterline Improvements Project CB-1420 (Project). The Project was advertised in the Abilene Reporter News on March 30th and April 6th, 2014. Seven bids were received. The low base bid was submitted by Bill Starks Construction Co. (Starks) of Abilene, TX. The Engineer, after evaluating the bid submittal and the contractor references, does recommend awarding the bid to Starks in the amount of \$1,064,613.60.

Two alternate bid items were included in the bid package to allow for the substitution of alternate piping materials at two bore locations. The Design Engineer and City staff evaluated the bid package and do recommend awarding both Alternate Bid items No. 1 and No. 2. The two alternate bid items will add \$30,100 to the base bid amount of \$1,034,513.60.

On September 26, 2013 the Abilene City Council approved an amendment to the on demand professional services contract with Jacob and Martin Ltd. for Engineering Services for Updating of the City's Hydraulic Water Model and Planning, Designing and Construction Management of the City Water Line Improvement Project. This Project is for Starks to construct 3rd Pressure Plane Waterline Improvements based on those designs. The Project will greatly improve the movement of water across the 3PP under current and future conditions and will also improve the capability to transfer water produced by the Hargesheimer Water Treatment Plant into other areas of Abilene as part of the Department's Drought Response Project.

- 6.8** **Award of Bid: CB#1424** – Purchase of 32, 8-yard trash containers and 32, 8-yard cardboard containers by the Solid Waste Services Division. Council approved the purchase of containers from N.E.O. Fab.

This bid is for annual purchase of 32, 8-yard trash containers and 32, 8-yard cardboard containers. These containers will replace worn-out and damaged containers currently in service. Advertisements were published on April 27, 2014 and May 4, 2014. The bids were opened on May 13, 2014.

ITEM PULLED FROM CONSENT

- 6.3** **Oral Resolution:** Authoring the City Manager to approve FAA Memorandum of Agreement AJW-FN-CSA-14-2148 for the Abilene Regional Airport. (*Councilman Price pulled this item*).

Don Green briefed the council that the Airport Development Board had approved this Agreement at their meeting yesterday.

Councilman Price made the motion to authorize the City Manager to approve FAA Memorandum of Agreement AJW-FN-CSA-14-2148 for the Abilene Regional Airport. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

REGULAR ITEMS

- 7.1** Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case **Z-2014-09** a request from the City of Abilene, to rezone property from MH (Manufacture/Mobile Home) to NO (Neighborhood Office) zoning; located at 1000 S. 32nd Street.

Currently the property is zoned MH and is developed with an overflow parking area for Maxwell Golf Course. The properties to the north and west are zoned MH and are developed with residential uses. There are 2

homes and a mobile home park to the west of the subject property. The properties to the south and east are zoned AO (Agricultural Open Space) and developed as the Abilene Country Club and Maxwell golf courses. The change of zoning would allow for greater flexibility with Maxwell Golf Course and the potential of selling alcohol at the clubhouse.

The Future Land Use section of the Comprehensive Plan designates the area as medium-density residential. The requested zoning would allow for greater flexibility with the golf course. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, and Famble) and none opposed.

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

- LeWayne Harris – spoke in favor of zone change
- Phil Gage – Municipal Golf Committee, spoke in favor of zone change
- James Childers – Community Services Director, spoke of the decision to address the zone change

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

Council and Staff discussion included: 1) Better control of type of drinks coming on to the Golf Course; and minors using the golf course when alcohol is sold.

Councilman Spano made the motion to approve the Ordinance for Case **Z-2014-09** a request from the City of Abilene, to rezone property from MH (Manufacture/Mobile Home) to NO (Neighborhood Office) zoning; located at 1000 S. 32nd Street. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance **#33-2014**

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: 1000 S 32nd Street

7.2 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case **Z-2014-17** a request David & Rhonda Webb, to rezone property from LI (Light Industrial) to PD (Planned Development) zoning, located at 2442 Industrial Blvd.

The City issued a certificate of occupancy (C.O.) for a light manufacturing use for a lease space located on the subject property. It has since been converted to include a physical fitness use. The LI zoning does not permit the physical fitness use. Industrial Blvd is transitioning into more of a commercial/retail area. The requested PD zoning is intended to maintain the LI zoning but include the physical fitness uses as a permitted use on the property. The physical fitness is permitted in the GC & HC zoning districts.

The City reviewed the zoning along Industrial Blvd last year and several properties were rezoned to either GC or HC zoning. The surrounding area is developed generally with residential & school uses to the north and more traditional industrial uses to the south. Single-family residential homes exist directly to the north of this property.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating along the corridor ranging from personal service, office, retail, and commercial uses. Industrial Blvd is transitioning into more of a commercial/retail area. The requested zoning would maintain the LI zoning district and include the physical fitness use.

Due to the single-family homes directly adjacent to the north, staff has determined that the GC zoning would be more appropriate. The LI zoning is not compatible with the surrounding uses, and no longer is appropriate with the development trends along Industrial Blvd. However, even with GC zoning the existing industrial uses would be allowed to continue.

Staff recommends approval of GC zoning.

The Planning and Zoning Commission recommends approval of the PD zoning based on the LI district that would also include all GC uses by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from David Webb property owner who spoke in favor of zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilwoman Miller made the motion to approve the Ordinance for Case **Z-2014-17** a request David & Rhonda Webb, to rezone property from LI (Light Industrial) to PD 143 (Planned Development) zoning, located at 2442 Industrial Blvd. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance **#34-2014**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-143 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 2442 Industrial Blvd.

7.3 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case **Z-2014-18** a request from Franklin Land Associates, LLC, to rezone property from CU (College University) to GR (General Retail) zoning, located at 5301 Texas Ave.

Currently the property is zoned CU and is undeveloped. There is an existing church facility to the west of the subject property and single family developments to the north and west of the subject property as well. There is also a node of commercial development at the intersection of HWY 277 S and Texas Ave.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested GR zoning in this location can be deemed compatible with the Future Land Use Map. The GR zoning provides a transition from the more intensive zoning at the intersection to the east and the single-family developments to the west. Additionally, Texas Avenue is designated as a 'minor arterial' street and is designed to accommodate the potential traffic demands of a retail development.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from Bob Gage developer who spoke in favor of the change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman McAlister made the motion to approve the Ordinance for Case **Z-2014-18** a request from Franklin Land Associates, LLC, to rezone property from CU (College University) to GR (General Retail) zoning, located at 5301 Texas Ave. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Ordinance #35-2014

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: 5301 Texas Ave.

7.4 Jon James Director of Planning and Development Services briefed the council on the Resolution accepting the City of Abilene 2014-2018 Capital Improvements Program.

The 2014-2018 Capital Improvements Program (CIP) is a five-year plan that identifies needed capital projects and coordinates the financing and timing of these projects. The first year of the CIP (2014) is referred to as "Capital Budget" and it represents the City Manager's recommendation for expenditure of funds and annual Certificate of Obligation (C.O.) sale. Projects scheduled for subsequent years are approved for planning purposes only and do not receive expenditure authority until they are part of the Capital Budget. Qualifying projects include those with a minimum cost of at least \$25,000 and that have a minimum useful service life of at least 15 years. Examples of typical CIP projects include street and drainage improvements, building construction, purchase of land, installation of water/sewer lines, and repair/replacement of facilities/equipment.

The program began in October of 2013 with City Staff soliciting suggestions for projects from the public. This included web announcements, a news release, notices on City Cable Channel 7, a public hearing at the P&Z, a special public forum, and an on-line survey. City Departments then developed project proposals. Department Directors narrowed the list of projects and issued a progress report to the P&Z in February 2014. In March, the P&Z forwarded a recommendation to the City Manager in accordance with the City Charter.

Significant Changes/Notes

Project #7310-01-14 Elm Creek Pedestrian Bridge (NEW) Reports of hazardous mixing of pedestrians and high speed traffic along Clack St. where a bridge crosses Elm Creek and a significant number of reported vehicle strikes to guard rails near this area have prompted the MPO and City Staff to determine that a separate pedestrian bridge is needed in this location. Project funding will be split over two fiscal years (2014 & 2015).

Project #7110-01-12 Rec Center Foundation Repair (SCOPE CHANGE) Earlier in the 2014 CIP process \$200,000 had been requested to deal with repairs to Chavez Recreation Center (CRC) in 2014. Deterioration at this facility has been recently determined to be so extensive that the building will be permanently closed. Previously allocated funds for this project will now only be used at Rose Park facilities. The \$200,000 previously requested for CRC are now being requested for use in the Elm Creek Pedestrian Bridge project.

Project #7010-01-14 Maxwell Renovation and Repair (NEW) Asphalt paving completed in the 60's and 70's at this facility is in need of repair in various places. Repair and renovation to the clubhouse interior will replace various dilapidated elements (sheetrock, ceiling tiles, lights, etc) and improve the functionality of the building for tournaments and group usage.

7010-01-06 Ball Field Concession Buildings (Delay) To accommodate the foundation work identified in Project #7110-01-12 new ball field concession buildings have been recommended for delay by one year.

73020-02-07 Bicycle Plan Implementation (Delay) An update to the City's Bicycle Plan has not been completed as anticipated. A delay of capital improvements to support this plan for one year has therefore been recommended.

The CIP "Capital" Budgets for years 2011-2013 were funded using excess reserve funds rather than through the issuance of Certificates of Obligations. On Feb 27, 2014 the City Council again approved the use of excess reserve funds for the proposed 2014 "Capital" budget. Using cash to fund this \$1.7 million rather than certificates of obligation (C.O.'s) will save the City significantly by avoiding issuance and interest charges over the life of a debt issuance.

The Planning and Zoning Commission conducted a public hearing on this item on March 3, 2014 and unanimously forwarded their recommendation for projects to the City Manager.

The City Manager recommends approval as shown.

Council and Staff discussion included: 1) moving money from Sidewalk Construction Project to the Elm Creek Pedestrian Bridge at Clack Street; 2) repairs needed at the Municipal Golf Course; and 3) Hardison Lane reconstruction.

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 Resolution approving and adopting the 2014-2018 Capital Improvements Program and moving \$300,000 from the Sidewalk Construction Project for 2014 to Elm Creek Pedestrian Bridge at Clack Street and moving the 2015 \$300,000 for the Elm Creek Pedestrian Bridge to Sidewalk Construction Project. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Resolution: #14-2014

A RESOLUTION OF THE CITY COUNCIL OF ABILENE APPROVING AND ADOPTING THE
2014- 2018 CAPITAL IMPROVEMENTS PROGRAM

7.5 Development Corporation of Abilene, Inc. Semi-Annual Report of activities through March 2014. *(Item was pulled prior to start of the meeting the report will move to the June 26th).*

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:06 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 11:10 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel (Boards), Section 551.072 Real Property and Section 551.071 Consultation with Attorney/Litigation.

No action from executive session.

There being no further business the meeting was adjourned at 11:10 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor