

**CITY COUNCIL MEETING  
July 10<sup>th</sup>, 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 July 10<sup>th</sup>, 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, Anthony Williams, Jay Hardaway, Kyle McAlister and Councilwoman Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Alexis Dolton & Devyon Wilkins they are the grandson and daughter of City of Abilene employee Odis Dolton Assistant Finance Director. Alexis and Devyon led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**SCHOLARSHIP AWARDS**

Mayor Archibald was joined by Donna Littlefield who gave the history on the City of Abilene employee scholarship awards and then recognized the following scholarship recipients:

*Brianna Bond – daughter of Barry Bond*  
*Hailey Nichole Burden – daughter of Michael Burden*  
*Luke Adam Lopez – son of Adam Lopez*  
*Michael James Moore – son of Jim Moore*

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

*National Therapeutic Recreation Week – Barbara Liggett accepted the proclamation along with participants of the Adaptive Recreation Program.*

*Parks & Recreation Month – James Childers Community Services Director along with staff from the Parks Department accepted the proclamation.*

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the June 26<sup>th</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Hardaway made a motion to approve the minutes as presented. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

**10** **Oral Resolution:** Approving the appointments to the 2014 Bond Advisory Committee. *Mayor Archibald moved item 10 forward in the meeting.*

Councilman Williams made the motion to appoint the following to the Committee:  
Dyess Air Force Base Rep: Lt. Col. Mike Harner  
Councilman Kyle McAlister suggestion of: Robert Kern and Shannel Anderson

Councilman Hardaway seconded the motion, motion carried.

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

### CONSENT AGENDA

Councilwoman Miller made the motion to approve consent item 6.1 through 6.5 as recommended by staff. Councilman Price seconded the motion, motion carried.

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

### Ordinances:

- 6.1** **Ordinance:** (*First Reading*) Amending Chapter 10: Fire Protection and Prevention, Article III: Fire Prevention Code, Division 2: Smoking Restrictions of the Code of the City of Abilene; and setting a public hearing on July 24<sup>th</sup>, 2014.

AN ORDINANCE AMENDING CHAPTER 10: FIRE PROTECTION AND PREVENTION, ARTICLE III: FIRE PREVENTION CODE, DIVISION 2: SMOKING RESTRICTIONS OF THE CODE OF THE CITY OF ABILENE, TEXAS

- 6.2** **Ordinance:** (*First Reading*) Consider adoption of the 2012 Building, Residential, Existing Building, Energy Conservation, Plumbing, Mechanical and Fuel Gas Codes with Amendments; and setting a public hearing for July 24<sup>th</sup>, 2014.

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;

### Oral Resolutions:

**6.3 Oral Resolution:** The City Council authorized the City Manager to Execute a Professional Services Agreement with Davis, Kinard & Co., P.C. for Audit Services.

The City Charter requires that the City Council select a firm to conduct an audit of all accounts of the City. The contract with the City Council's independent auditor, Davis, Kinard & Co., P.C., expired with the conclusion of the audit for fiscal year 2012-13. Davis, Kinard & Co., P.C. has performed the audit of the City for the last twenty-six years consecutively.

City staff solicited proposals from thirteen firms with the City receiving six proposals. Our evaluation process scored each firm based upon mandatory elements of the proposal, a technical score and a score for fee estimates. It was determined that five of the firms met all of the requirements of the proposal.

The request was for a five year engagement. It must be noted to Council that state law forbids competitive bidding as a means for selection of a certified public accountant. While all firms have submitted estimates of their fees, they cannot be bound by these estimates. However, each firm was asked to submit a not to exceed total fee, which traditionally has been the fee estimate.

Below are the five year fee estimates:  
Davis, Kinard & Co., P.C. \$415,000  
BKD LLP 422,900  
Weaver & Tidwell LLP 450,000  
Becky Roberts, CPA 447,800  
Patillo, Brown & Hill, LLP 520,200

**6.4 Oral Resolution:** The City Council approved the advertisement of a City owned lot at 11009 W. Lake Rd. for sale.

A request has been received from Paul Johnson, Abilene, Texas, for the City of Abilene to advertise the City owned lot at 11009 West Lake Road (Lot 46, Block A, Section 2, Ft. Phantom Hill, Jones Co., Texas) for sale. This is a vacant, unleased 0.633 acre City owned lot with a recent independent market appraised value of \$4,000.00. The City will reserve a utility easement for the City waterline that crosses the property, as well as a 20 foot wide access easement running alongside of & adjacent to the south boundary line of the lot for ingress/egress from West Lake Road to the adjoining City owned/leased lot at 11001 West Lake Road.

**Bid Awards:**

**6.5 Award of Bid:** Purchase of Handheld Ticket Writers. City Council authorized the purchase of the Handheld Ticket Writers to be purchased at a total cost of \$178,360 from Brazos Mobile Citations/Tyler Technologies Interface Purchase.

Currently the City of Abilene Municipal Court manually inputs over 1,850 tickets monthly. This process is not only time consuming but because of the manual data entry and handwritten citations it can involve numerous human errors. With the solution of electronic ticketing officers can enter most of the required information by scanning the bar code or magnetic stripe on the violator's license. This would also enhance officer safety. Electronic ticketing enables officers to clear traffic stops three to five times faster and allows an officer to verify a violator's identity against current Municipal Court warrants before they turn their back to return to their patrol car. The citation can then be uploaded to Municipal Court eliminating the data entry function.

The package purchase including 45 handheld ticket writers and all associated hardware and software from Brazos Technology (Brazos) to be utilized by the Police Department and Marshals division. Brazos is the sole source vendor for this purchase. This purchase will allow the Municipal Court to process citations more efficiently, and they will also enable the court to move toward a paper-lite environment.

## REGULAR ITEMS

**7.1** Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case No. **Z-2014-21**, a request from NIB, Inc. & Robert Calk, agent Tom Niblo, to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) zoning, located at 841 EN 10<sup>th</sup> St.

Currently the property is zoned RS-6 and is undeveloped. The adjacent properties to the west and south are developed with single family homes as well as the properties to the north across EN 10th Street. The property to the east across Avenue F is developed with a multi- family home. This property requested to be rezoned to NO (Neighborhood Office) back in 2010 with the intent of developing as a parking lot. The request was denied by the City Council. A motion was made to deny the request with a 4-3 vote on the motion.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor and part of a Local Community Center as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for a small office development. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan. Neighborhood Office has been determined to be an appropriate zoning adjacent to residential property due to the property being at the intersection with an arterial street. The required landscaping and buffering will help to soften the impacts of any development on the surrounding neighborhoods.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Ellinger, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 1 abstained (Calk).

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 zone change request for Ordinance Case No. **Z-2014-21**, a request from NIB, Inc. & Robert Calk, agent Tom Niblo, to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) zoning, located at 841 EN 10<sup>th</sup> St. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance [#38-2014](#)

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: 841 EN 10<sup>th</sup> Street**

**7.2** Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case No. **Z-2014-23**, a request from Vincent Coates to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 4290 S. Treadaway Blvd.

Currently the property is zoned HI and is developed as the previous site of Bill Reed Distributors. The desired use of the property is for the sale and service of automobiles, trucks, trailers and recreational vehicles. The current zoning does not permit this use in the district. The surrounding area is developed generally with light industrial and heavy commercial uses. The applicant is requesting a change to the LI zoning which would allow for the desired use.

The Future Land Use section of the Comprehensive Plan designates this general area for heavy commercial/light industrial development. The requested zoning would be to specifically allow for the sales and service of automobiles, trucks, trailers and recreational vehicles. The area has not developed to the heavy industrial uses that were anticipated when rezoned in 1977. The requested LI zoning in this location is deemed compatible with the Future Land Use Map and the adjacent uses in the area.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, and Famble) and none opposed

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

Councilman Williams made the motion to approve the zone change request for the Ordinance Case No. **Z-2014-23**, a request from Vincent Coates to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 4290 S. Treadaway Blvd. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance [#39-2014](#)

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: 4290 S. Treadaway Blvd.**

**7.3** Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case No. **Z-2014-24**, a request from Tannehill Corporate Offices, LLC, agent Judy Harris, to rezone property from HI (Heavy Industrial) to GC (General Commercial) and HC (Heavy Commercial) zoning, located at 4542 Loop 322.

Currently the property is zoned HI and is developed with 3 separate buildings with multiple tenants in each building. The purpose of the zoning is to allow for a greater mix of uses on the property. The current zoning

is restrictive and does not permit many uses that have sought to locate on the property. Specifically, a child care center was denied as the use is not allowed in the HI zoning. The surrounding area is developed generally with light industrial uses. The applicant is requesting a change to the GC & HC zoning which would allow for a greater mix of uses.

The Future Land Use section of the Comprehensive Plan designates this general area for heavy commercial/light industrial development. The requested zoning would be to specifically allow for commercial and personal service uses not allowed in the HI zoning. The area has not developed with the heavy industrial uses that were anticipated when rezoned in 1980. The requested GC & HC zoning in this location is deemed compatible with the Future Land Use Map and the adjacent uses in the area. Additionally, the frontage along Loop 322 would be more suitable for commercial development.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, and Famble) and none opposed

Mayor Archibald opened the public hearing and council heard from Judy Harris agent for the property owner and Wendy Sheridan owner of the child care center to be located in the building, supported the zone 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 zone change request for ordinance Case No. **Z-2014-24**, a request from Tannehill Corporate Offices, LLC, agent Judy Harris, to rezone property from HI (Heavy Industrial) to GC (General Commercial) and HC (Heavy Commercial) zoning, located at 4542 Loop 322. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Ordinance [#40-2014](#)

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: 4542 Loop 322**

### **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 9:34 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 10:37 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property, and Section 551.087 Business Prospect. Councilman Hardaway left during executive session.

No action from executive session.

10. **Oral Resolution:** Approving members of the 2014 Bond Advisory Committee. (*Moved to start of meeting*)

There being no further business the meeting was adjourned at 10:37 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor