

CITY COUNCIL MEETING
September 11, 2003, 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CITY COUNCIL CHAMBERS OF CITY HALL

The City Council of the City of Abilene, Texas, met in Regular Session on September 11, 2003, at 8:30 a.m. in the City Council Chambers of City Hall. Mayor Grady Barr was present and presiding with Councilmen Kris Southward, Anthony Williams, John Hill, Norm Archibald, and Jimmy McNeil and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Mayor Barr noted the United States Congress designated September 11th of each year as "Patriot Day" in memory of those who tragically lost their lives on September 11, 2001. In remembrance of that tragedy, Mayor Barr asked for a "Moment of Silence" in honor of the innocent victims who lost their lives.

Councilman McNeil gave the invocation.

Austin Lemmons, a 5th grader at Taylor Elementary School, led the Pledge of Allegiance. Austin was accompanied by his parents.

Mayor Barr, assisted by City Secretary Jo Moore, presented Employee Service Awards to the following individuals for their years of service:

25 Years	Mike Hall	Director of Community Services
		Community Services
25 Years	Mike Whalen	Fire Captain
		Fire

PROCLAMATIONS

Mayor Barr presented to Linda Taubert, in-coming President of the Keep Abilene Beautiful Board, a proclamation recognizing September as "Pollution Prevention Month".

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the August 28, 2003 Regular City Council Minutes, Councilman Williams made a motion to approve the minutes as printed. Councilwoman Alexander seconded the motion, and the motion carried.

AYES: Councilmen Williams, Archibald, Hill, Southward, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

CONSENT AGENDA

3.0 Councilman Southward made a motion to approve consent agenda items 3.1 through 3.3, and first reading of items 3.4 and 3.5 as recommended by staff. Councilman Archibald seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Southward, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

Resolutions:

- 3.1 Oral Resolution authorizing the City Manager to execute Change Order 1 to the General Aviation Ramp Reconstruction project.
- 3.2 Resolution confirming a hearing officer, approving a financing by the Stamford Higher Education Facilities Corporation for the benefit of Abilene Christian University, and authorizing the Mayor to approve certain related matters.

The Resolution is numbered **27-2003** and captioned as follows.

RESOLUTION CONFIRMING A HEARING OFFICER, APPROVING A FINANCING BY THE STAMFORD HIGHER EDUCATION FACILITIES CORPORATION FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY, AND AUTHORIZING THE MAYOR OF THE CITY OF ABILENE TO APPROVE CERTAIN RELATED MATTERS.

- 3.3 **Bid CB#-3075** - North 1st Street Reconstruction and Streetscape Phase I (Pine Street Intersection). The bid was awarded to Bontke Bros. Construction, Abilene, Texas in the amount of \$72,003.49.
- 3.4 **Z-02303** – Rezone from AO (Agriculture Open Space) to LC (Limited Commercial) zoning district, property located at 4302 Oldham Lane and set a public hearing for September 25, 2003 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 23, “PLANNING AND COMMUNITY DEVELOPMENT”, SUBPART E, “ZONING”, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

- 3.5 Ordinance amending Chapter 32 “Utilities”, Article III, Industrial Wastes of the Abilene Municipal Code and set a public hearing for September 25, 2003 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 32, “UTILITIES”, ARTICLE III, INDUSTRIAL WASTES, OF THE CITY OF ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

REGULAR AGENDA

Ordinances:

4.1 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading Z-03503 – Rezone approximately 17 acres from AO (Agriculture Open Space) to PDR (Planned Development Residential) zoning district property located northwest of Rebecca Lane and Catclaw Creek.

Mr. Armstrong noted the proposed is the initial, market-test phase for what may eventually become a 180 mixed-use development, and includes a bicycle lane and sidewalk along the major east-west street. The Planning & Zoning Commission and staff recommends approval.

Mayor Barr opened a public hearing on the item, and the following individual addressed the Council:

- Brad Stephens, 120 Castle Dr., representing the developers, requested Council approve the Ordinance with the exception of the sidewalk regulation. Mr. Stephens addressed problems with sidewalks, which included maintenance, hazard and cost prohibitive issues. Mr. Stephens also stated in his opinion consumers are not interested in sidewalks.

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

Council and staff discussion included: 1) the purpose, benefits, and liabilities of sidewalks in a development; 2) the cost to install and maintain sidewalks; 3) the Comprehensive Plan, that is being developed, being aimed at assessing current conditions and addressing Abilene's future needs; 4) input from citizens concerning the lack of sidewalks in Abilene; and 5) the importance of considering the Planning & Zoning Commission recommendations.

Councilman Southward made a motion to approve the Ordinance, excluding the sidewalk regulation, rezoning from AO (Agriculture Open Space) to PDR (Planned Development Residential) zoning district property located northwest of Rebecca Lane and Catclaw Creek. Councilman McNeil seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, McNeil, Southward, and Mayor Barr.

NAYS: Councilman Hill and Councilwoman Alexander

The Ordinance is numbered **33-2003** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-80 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND EFFECTIVE DATE.

4.2 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading Z-02903 - Rezone from AO, GC, & PDD (Agriculture Open Space, General Commercial & Planned Development) to PDD (Planned Development) zoning district property located between Loop 322 and Oldham Lane.

Mr. Armstrong distributed a colored version of the PDR Site Plan for the property and noted the proposed PDR would include 200 medium density single-family lots with some local amenities. Mr. Armstrong further noted staff is requesting a pedestrian-bicycle access easement in the far northwest corner of the development, which would allow for access from the neighborhood to Cisco College and to future commercial property fronting on Loop 322. The applicant contends the easement would affect the security of the development and has requested the easement be removed. Staff recommends approval of the PDR, including the pedestrian-bicycle access easement. The Planning & Zoning Commission recommends approval of the requested PDR, minus the access easement.

Mayor Barr opened a public hearing on the item, and the following individual addressed the Council:

- David Todd, 2500 S. Willis, representing Stockard Investment, Inc. Mr. Todd requested the Council approve the Ordinance excluding the pedestrian-bicycle access easement. Mr. Todd also suggested the City Council, in their review of the Comprehensive Plan, consider offering incentives for developers that are willing to add amenities to their developments.

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

Council and staff discussion included: 1) the access benefit the easement would provide; 2) security concerns noted by the applicant; and 3) the Planning & Zoning Commission recommendations that the access easement regulations be removed.

Councilwoman Alexander made a motion to approve the Ordinance, excluding the pedestrian easement regulations, rezoning from AO, GC, & PDD (Agriculture Open Space, General Commercial & Planned Development) to PDD (Planned Development) zoning district property located between Loop 322 and Oldham Lane. Councilman Archibald seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Hill, McNeil, Southward, Councilwoman Alexander, and Mayor Barr.

NAYS: None

The Ordinance is numbered **34-2003** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-81 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.3 Jeff Armstrong, Development Services Manager, briefed the Council on an Ordinance considered on second and final reading Z-03303 – to amend PDD-73 as requested by the Development Corporation of Abilene, regarding type of building materials, landscaping and letter signage pertaining to the Five Points Business Park; located on Arnold Blvd. south of I-20.

Mayor Barr opened a public hearing on the item, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman Archibald made a motion to approve the Ordinance considered on second and final reading Z-03303 – to amend PDD-73 as requested by the Development Corporation of Abilene, regarding type of building materials, landscaping and letter signage pertaining to the Five Points Business Park; located on Arnold Blvd. south of I-20. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Hill, McNeil, Southward, Councilwoman Alexander, and Mayor Barr.

NAYS: None

The Ordinance is numbered **35-2003** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE; AND ORDINANCE NO. 30-2000 CONCERNING THE PDD#73 PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Barr recessed the Council into Executive Session pursuant to Sections 551.071, 551.074, and 551.072 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, and to consider the purchase, exchange, lease or value of real property.

Councilman Williams and Councilwoman Alexander left the meeting following the Executive Session.

The Council reconvened from Executive Session and reported no action taken.

5.4 Councilman McNeil made a motion to approve Mayor Barr's re-appointment of Harold Siglar to the Betty Hardwick Center MHMR Board of Trustees, term expiring August 31, 2005. Councilman Archibald seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Hill, McNeil, Southward, and Mayor Barr.

NAYS: None

There being no further business, the meeting was adjourned at 12:05 p.m.

Jo Moore
City Secretary

Grady Barr
Mayor

