

CITY COUNCIL MEETING
August 25, 2005, 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 August 25, 2005, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Anthony Williams, Kris Southward, John Hill (arrived at 8:40 a.m.), Stormy Higgins and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Mike Woodard, pastor of Southwest Park Baptist Church gave the invocation.

Mayor Archibald introduced Chantz Anderson a 5th grade student from Taylor Elementary School who led the Pledge of Allegiance. Chantz's family was also present.

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

- "Every Can Counts Campaign" September 1st -16th – Jim Winward, Bill Brock, and Mike Wegner of the Solid Waste Department.
- Honored Josh Harris for saving the lives of a family in a smoke filled home. Lieutenant Greg Goettsch, Abilene Fire Department briefed the Council on Mr. Harris' life saving actions.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the August 10, 2005 Budget Workshop Minutes and the August 11, 2005 Regular Council Meeting and Budget Workshop Minutes Councilman Chase made a motion to approve the minutes as presented. Councilman Southward seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

CONSENT AGENDA

Mayor Archibald stated the Resolution under agenda item 3.4, approving the transfer of the Abilene Health Facility to the Abilene Public Health Corporation (APHC) and approving leasing the facility from the APHC has been amended and submitted to Council.

3.0 Councilman Hill made a motion to approve consent agenda item 3.4 (as amended), items 3.1 through 3.3, and first reading of item 3.5 as recommended by staff. Councilwoman Moore seconded the motion, and the motion carried.

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AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

Resolutions:

- 3.1 Oral Resolution authorizing the City Manager to execute Amendment One of the Airport Food, Beverage, News and Retail Services Concession Agreement, consenting to the assignment of the agreement to Game Time Food and Beverage Services XV, Inc. dba Game Time Restaurant and Sports Bar.
- 3.2 Oral Resolution authorizing the City Manager to execute a Professional Services Agreement with Davis, Kinard & Co., P.C. for audit services at an estimated cost of \$88,000 in FY 2005, \$101,000 in FY 2006, and \$95,000 in FY 2007.
- 3.3 Resolution authorizing \$34,000 of TIF funds to the Abilene Cultural Affairs Council for 2005/2006 programming.

The Resolution is numbered **19-2005** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE REINVESTMENT ZONE NUMBER ONE BOARD A/K/A TAX INCREMENT FINANCING DISTRICT BOARD (TIF) OF THE CITY OF ABILENE, TO USE TAX INCREMENT FINANCING FUNDS TO SUPPORT THE PROGRAMMING ELEMENTS OF THE ABILENE CULTURAL AFFAIRS COUNCIL (ACAC).

- 3.4 Two (2) Resolutions approving by ratification the creation of the Abilene Public Health Corporation (APHC), its Articles of Incorporation and By-Laws, approving the transfer of the Abilene Health Facility to the APHC and approving leasing the facility from the APHC.

The Resolution is numbered **20-2005** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING BY RATIFICATION THE ESTABLISHMENT OF THE ABILENE PUBLIC HEALTH CORPORATION (APHC), A TEXAS NON-PROFIT CORPORATION AND THE APPROVAL OF THE ARTICLES OF INCORPORATION INCLUDING ORIGINAL DIRECTORS AND BY-LAWS FOR THE CORPORATION.

The Resolution is numbered **21-2005** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY OF ABILENE TO TRANSFER THE HEALTH FACILITY PROPERTY LOCATED AT THE CORNER OF WALNUT AND NORTH 6TH STREETS IN THE CITY OF ABILENE TO THE ABILENE PUBLIC HEALTH CORPORATION.

Ordinances:

- 3.5 First reading of an Ordinance amending Chapter 1, Section 1-9 and Chapter 23, Planning and Community Development, Subpart E, Zoning, Article 1. In General, Section 23-301(b), of the Code of the City of Abilene, and set a public hearing for September 8, 2005 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-9(a), AND CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SECTION 23-301(b) OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

REGULAR AGENDA

Mayor Archibald stated item 4.1 was removed from today's agenda for further review.

- 4.1 *Removed from the agenda:* Ordinance considered on second and final reading to amend Chapter 32, Utilities, Article I, In General, Section 32-6, Right of Entry of the Abilene City Code.

- 4.2 Lesli Andrews, Community Enhancement Division Manager briefed the Council on an ordinance considered on second and final reading to amend Chapter 11, Food and Food Handlers, By Amending Article 1, In General, Section 11-4, of the Abilene City Code, and by adding Article IV, Certified Food Manager Program.

Ms. Andrews stated the wording of Chapter 11, Sec. 11-4(a) of the City Code is no longer accurate since the Environmental Health Section was transferred from the Abilene-Taylor County Public Health District and the Community Services Department to the Community Enhancement Division of the Planning and Development Services Department. Ms. Andrews further stated the revision replaces "Director of Community Services" with "Director of Planning and Development Services", and "Texas Department of Health" with "Texas Department of State Health Services" to reflect that entity's recent name change. Ms. Andrews stated the second component is to add an Article IV to Chapter 11 of the City Code requiring that food service establishments preparing and serving potentially hazardous food products, defined as foods that require temperature control because they are capable of supporting the rapid growth of microorganisms, have a Certified Food Manager on site during all hours of operations. Ms. Andrews noted this is a State preferred program and is designed to protect the public's health and that certification classes are available throughout the State, in Abilene, and on the Internet. Ms. Andrews stated the City of Abilene will receive no income from this program and explained the cost of the classes differ depending on where the course and/or test is taken (test can be taken without the course). Ms. Andrews noted over 50% of the 280 restaurants in Abilene already employ certified food handlers but they are not required to work during all hours of operation. Staff recommends approval of the ordinance amendments.

Council and staff discussion included: 1) the amendment to the ordinance is a proactive measure to address potential problems and that no current problems exist; 2) factors affecting the cost of the education; 3) the lenient compliance time and cost of the training being minimal; 4)

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local owners of restaurants questions included, the effect on catering and the importance of training due to high turnover; 5) steps taken by staff to determine reasons for opposition; 6) the City of Abilene reports not required to be filed with the State; 7) the proposed Ordinance does not relieve the City of Abilene of liability, but would assure more knowledgeable staff which would reduce the potential problems at the restaurants; 8) offenders being held accountable; 9) required compliance if given a critical score; 10) clarification of the Food Health Certification Program; 11) amendment to Ordinance requiring a Certified Food Handler being on duty all hours of operation, and; 12) cities surveyed which have adopted the Certified Food Handler only and also which have adopted the Certified Food Handler on site at all times of operation.

Mayor Archibald opened a public hearing on the item and the following individuals addressed Council:

- Bobby Green, McKay's Bakery – opposed. Mr. Green stated only 53 cities in all of Texas have adopted this ordinance with most of those cities being in the Metroplex area. Mr. Green further stated there are already strict codes in place and cost of the classes as well as the cost of paying employees to attend the classes is the primary issue with his business. Mr. Green stated he feels it is totally unnecessary for his business and also addressed the need for all restaurants who cater to be treated equally.
- Judy Gully, Taylor County Extension Agent for Family and Consumer Science – in favor. Ms. Gully stated Taylor County has offered the courses since 1996 and many city establishments have taken the courses. Ms. Gully clarified the 2 day course is offered at \$79.00 which includes that class and exam, or the option of just taking the State exam at a cost of \$35.00. Ms. Gully noted the importance of the courses and what they offer.
- Gary Bradley, representative from Skinny's, Inc. – opposed. Mr. Bradley stated the passing of the proposed ordinance will affect all food establishments and that there have been no out breaks of e-coli or salmonella. Mr. Bradley further stated convenience stores have a high employee turn over rate and are concerned with the cost issue of employees having to take the required courses. Mr. Bradley noted Skinny's currently has one Certified Food Manager in each store and the Taylor County Extension office is where they received their training. Mr. Bradley explained how that training is passed onto their employees.
- Steve Beard, Subway National Sandwich Chain – opposed. Mr. Beard stated their restaurants have a high employee turn over rate and is concerned about the cost of having a Certified Food Manager on staff at all times but does agree with having a Certified Food Handler per site.
- David Orr, representative of Taco Bell – opposed. Mr. Orr stated they have two employees on staff that teach the course and that it is unrealistic to require a Certified Food Manager on site at all times.

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- Mike Rains, owner of small coffee shop – opposed. Mr. Rains stated he employs seven employees and under the proposed ordinance three employees would have to be certified. Mr. Rains further stated his business has a high employee turn over rate and the cost issue of taking the courses would be substantial. Mr. Rains noted proper training and internal enforcement has to take place and feels one Certified Food Manager is an excellent idea but to require one on site at all times is too stringent.
- Brian Green, Abilene Restaurant Association President – opposed. Mr. Green stated the City is proactive and procedurally there have been no problems. Mr. Green further stated individuals in the industry are food safety conscious and one Certified Food Manager per establishment is sufficient and that there is no need for one per shift.
- Ronnie Ingle, owner of Ronnie Ingle Pit Bar-B-Q – opposed. Mr. Ingle stated his business has a high employee turn over rate and it would be a burden with the catering issues and it is cost prohibitive. Mr. Ingle further stated his restaurant does internal training and he does not feel a Certified Food Manager is necessary. Mr. Ingle noted the City of Abilene Health Department inspects his business at least four times per year.

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

Council and staff discussion included: 1) the requirement of one Certified Food Handler per business versus a Certified Food Handler per shift; 2) the City of Abilene Health Department inspections being very thorough and detailed; 3) internal training; 4) lack of consensus between the restaurants and City staff; 5) the necessity of the proposed ordinance; 6) the ability to require educational courses if demerits are of unacceptable levels; 7) Council's appreciation to the restaurant industry for their input; 8) restaurants receiving high demerits can be closed down; 9) the possibility of a certain number of demerits requiring the courses to be taken; 10) staff would support one Certified Food Manager per establishment, and; 11) Council requesting staff to be more diligent in working with the restaurants for their input in the future and to research an ordinance that would require restaurants that continually fail health inspection tests to have a Certified Food Handler on site at all times of operation.

Staff reiterated their recommendation that Council approve both components of the ordinance to: **1)** reflect departmental reorganization of the Environmental Health Division functions, and; **2)** to add to the city code the requirement that food service establishments preparing and serving potentially hazardous food products to the public have a Certified Food Manager on site during all hours of operation.

Councilman Hill made a motion to approve only the portion of the ordinance considered on second and final reading reflecting departmental reorganization of the Environmental Health Division functions. Councilman Williams seconded the motion, and the motion carried.

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AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **42-2005** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 11, FOOD AND FOOD HANDLERS, BY AMENDING ARTICLE 1, IN GENERAL, SECTION 11-4, OF THE ABILENE CITY CODE, PROVIDING A SEVERABILITY CLAUSE; AND CALLING FOR A PUBLIC HEARING.

4.3 Jon James, Director of Planning and Development Services briefed the Council on **TC-2005-4**, an ordinance considered on second and final reading for a thoroughfare closure of a north-south alley extending north from Potomac Avenue between South Pioneer Drive and Buccaneer Drive, at 701 S. Pioneer Drive.

Mr. James stated the general public does not use this dead-end alley, which extends approximately 175 feet north from Potomac Avenue, however it is utilized as a walkway and play area for Pioneer Drive Baptist Church. Mr. James further stated in 1986 the City approved a site plan for this property that did not include this alleyway and the applicant, Pioneer Drive Baptist Church, is now requesting that the City abandon the alleyway. Pioneer Drive Baptist Church wishes to build an addition onto the existing structure over the alleyway dedication and is also seeking easement releases and a variance for this addition. The Plat Review Committee, the Planning and Zoning Commission, and staff recommend approval of the request with the conditions that the telephone lines, sewer lines, power lines and transformers are rerouted at the expense of the owner, and a gas line and meter must be relocated at the owners expense or have a 15 foot long easement from Potomac Avenue to leave the meter and line in this location.

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

- Gary Pullin (Tittle Luther Architect), representative for Pioneer Drive Baptist Church. Mr. Pullin noted what the churches' plans for the property are and requested Council approve the request.

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

Councilman Southward made a motion to approve **TC-2005-4**, an ordinance considered on second and final reading for a thoroughfare closure of a north-south alley extending north from Potomac Avenue between South Pioneer Drive and Buccaneer Drive, at 701 S. Pioneer Drive. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **43-2005** and captioned as follows:

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.

4.4 Jon James, Director of Planning and Development Services briefed the Council on **Z-2005-25**, an ordinance considered on second and final reading to rezone from AO (Agriculture Open Space) and RS-6 (Residential Single-family) to RS-12 (Residential Single-family), property located east of Wyndham Place and Waterside at Wyndham subdivisions at the end of Lynbrook Drive.

Mr. James stated the parcel is vacant and adjoins a 100-foot railroad right-of-way that will eventually be developed as a collector connecting Antilley Road with the frontage road for Highway 83-84. Mr. James noted the area was annexed in 1978 and the majority has remained AO (Agriculture Open Space) since that time. Mr. James further noted the northern portion of the tract was rezoned to RS-6 (Residential Single-family) in 1986 but was never platted or developed. Mr. James stated the applicant, Villages of Abilene Meadows, LP, is proposing to develop the area with approximately 64 single-family homes, which would be compatible with the existing subdivisions to the west and north. Mr. James further stated the land to the east across the future collector street is zoned as a PDD (Planned Development District) that allows some Heavy Commercial and Industrial-type uses, but has limitations on signage and outdoor storage to make it more compatible with surrounding residential uses. Mr. James stated the rezoning of the parcel was approved in 1985 but it has never been developed and noted a proposed landscaped strip within the development along the eastern boundary would provide a sufficient buffer from the PDD (Planned Development District) across the current railroad right-of-way if that area were ever to be developed. Mr. James further stated this property is less than a mile from an area identified as a Special Activity Center in the Comprehensive Plan, which shows this activity center at the intersection of Antilley Road and Highway 83-84. Furthermore, Highway 83-84 has been designated as an enhancement corridor. Mr. James noted the Comprehensive Plan calls for the integration of new residential areas into the citywide pattern of activity centers, enhancement corridors, parks, and school locations. The proposed subdivision would be an extension of the large amount of residential development to the west and north and is consistent with the goals of the Comprehensive Plan. The Planning and Zoning Commission and staff recommend approval of the request.

Council and staff discussion included: 1) developments of this magnitude having a significant impact on the city's infrastructure (especially water and sewer) and if the zoning is approved the City would not be representing that the infrastructure as it currently exists can support these developments; 2) developer's responsibility to show that they could provide adequate infrastructure, and; 3) reasons that there are PDD's (Planned Development District) zoning in the area versus RS-12 (Residential Single-family) zoning.

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

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- Max Richardson, Project Engineer. Mr. Richardson stated his appreciation to staff for their assistance during this process. Mr. Richardson explained the rationale for the RS-12 zoning request.

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

Council and staff discussed the purpose of the proposed collector street and whose responsibility it will be to fund the development of that street. Staff noted the City has not implied that City funding will be provided to construct the collector street.

Councilman Higgins made a motion to approve **Z-2005-25**, an ordinance considered on second and final reading to rezone from AO (Agriculture Open Space) and RS-6 (Residential Single-family) to RS-12 (Residential Single-family), property located east of Wyndham Place and Waterside at Wyndham subdivisions at the end of Lynbrook Drive. Councilman Hill seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **44-2005** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", 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.

4.5 Jon James, Director of Planning and Development Services briefed the Council on **Z-2005-26**, an ordinance considered on second and final reading to amend PDD-91, regarding signage regulations, property located on the northern corner of I-20 and Highway 351.

- A. Amendments to the PDD (Planned Development District) as recommended by the Planning and Zoning Commission.
- B. **Appealed Item:** Denial, by the Planning and Zoning Commission, of change in height to pole sign request.

Mr. James stated the applicant, Wal-Mart Stores Texas LP, has asked to amend the PDD (Planned Development District) to allow a 75 feet tall 200 square feet pole sign and to allow two 120 square feet monument signs on their parcel. Mr. James noted staff has advertised the request to allow consideration of signage throughout the PDD and further stated this is the same PDD in which an amendment was approved for a 60 feet tall Cracker Barrel sign. Mr. James stated the PDD currently allows Wal-Mart to have a 35 feet tall 175 square feet pole sign and one 6 feet tall 75 square feet monument sign. Mr. James further stated the original PDD had the intent of allowing Wal-Mart to have a more visible sign than the businesses in the out-parcels. Therefore,

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staff has proposed an ordinance that would provide for Wal-Mart to have the largest sign (excluding the previously approved Cracker Barrel sign,), but would also allow other businesses in the out-parcels to have a pole sign. Mr. James stated Wal-Mart, and their agent on the original PDD, were contacted and given an opportunity to comment on the Cracker Barrel request in which Wal-Mart's desire to have the largest sign in the development could have been expressed at that time, however, they chose not to respond. Mr. James noted Wal-Mart helped to establish and agreed to the provisions of the original PDD and it is staff's opinion that they be held to that original agreement. Mr. James further noted one of the primary reasons Cracker Barrel requested, and was granted, a larger sign was the heavy reliance they have on the interstate highway travelers, whereas Wal-Mart has much less reliance on highway travelers for their business and therefore do not have the same need for such a large sign. Mr. James stated the City of Abilene Sign Regulations do not permit any free standing sign to exceed 50 feet in height in any zoning district. Mr. James further stated the Comprehensive Plan speaks to the issue of reducing sign clutter and the scale of signage in Abilene, particularly along major corridors to present a better image of Abilene, while protecting the ability of businesses to effectively advertise. Mr. James noted this request is contrary to that provision of the Plan and although there is significant sign clutter across Highway 351, the three other corners of the intersection of I-20 and Highway 351 have virtually no signage. Mr. James stated even though one 60 feet sign has previously been approved in this PDD, a proliferation of signs such as proposed would be detrimental to the quality and long-term development in the area. Staff and the Planning and Zoning Commission recommend approval of an additional monument sign, the additional square footage for the monuments signs (increase to 120 square feet per sign), and the additional square footage for the pole sign (increase to 200 square feet). Staff's alternative proposal is for the Wal-Mart tract to continue to be allowed a 35 feet pole sign and for the out-parcels, staff recommends a pole sign for each lot with a maximum height of 25 feet and a maximum area of 150 square feet. Staff and the Planning and Zoning Commission also agreed with staff in recommending denial of the requested change in the height of the pole sign. The Planning and Zoning Commission chose not to address the sign requirements of the out-parcels.

Council and staff discussion included: 1) freeway sign regulations in Abilene's peer cities; 2) staff working on a Community Appearance Ordinance to address a more comprehensive look at signs in the City; 3) following the Planning and Zoning Commissions review of a proposed Community Appearance Ordinance the Ordinance would come to Council between November 2005 and January 2006; 4) consideration of peer cities ordinances, and; 5) pros and cons concerning the City of Lubbock's sign ordinance.

Mayor Archibald opened a public hearing on the item and the following individuals addressed Council:

- Paul Cannon, agent for Wal-Mart Stores, Inc. Mr. Cannon reviewed the request made by Wal-Mart and stated signage is a key element of any development. Mr. Cannon explained the process Wal-Mart follows and the studies conducted to determine the optimum height of the Wal-Mart signs. Mr. Cannon stated Wal-Mart commissioned their sign department to review the sign issue prior to the Cracker Barrel request and that Wal-Mart's request was not based on Cracker Barrel's. Mr. Cannon presented to Council slides of sign sizes and visibility from various miles

from the site. Mr. Cannon explained that visibility of signs are important for travelers making safe exit decisions and in identifying store location. Mr. Cannon stated the proposed request is to allow a 75 feet tall 200 square feet pole sign and to allow two 120 square feet monument signs.

- David McMeekan, owner of Acme Sign Co. Mr. McMeekan stated his company is currently working for the organization that wants to open a Chili's restaurant in the subject area. Mr. McMeekan suggested Council change all signage requirements in the PDD to allow 200 square feet and 60 feet tall signs.
- Jeff Luther, Luther Construction. Mr. Luther stated he is only in favor of the Planning and Zoning Commission recommendation. Mr. Luther stated he has served the past 11 years on the Planning and Zoning Commission and/or the Landmarks Commission and was involved with the development of the Comprehensive Plan. Mr. Luther noted the citizens of Abilene have voiced their concerns to Council on cleaning up the sign clutter and that Wal-Mart and the Cracker Barrel both knew of the PDD (Planned Development District) sign regulations.

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

Discussion included: 1) Wal-Mart determining the effective height range for their signs would be 75' optimum and a low range of 65'; 2) moving the location of the sign is not being considered at today's meeting; 3) the possibility of discussing sign regulations in the entire PDD; 4) Wal-Mart's company policy that signs be placed by their entry ways; 5) procedural steps taken by Wal-Mart at each of their sites; 6) Wal-Mart's responsibility to have discussed their signage needs with city staff; 7) site testing needed prior to the PDD request; 8) the construction of a Super Wal-Mart being a large and complex development; 9) Wal-Mart's right to appeal an original decision; 10) the positive of signage aiding travelers versus the negative of sign clutter; 11) possible sign flexibility on the I-20 corridor; 12) the large volume of citizens having responded to the Cracker Barrel sign issue and both Cracker Barrel and Wal-Mart having known the PDD regulations; 13) the interstate corridor being viewed as distinctive and separate due to the speed and volume of traffic and the ability to see signs and exit safely; 14) sign clutter possibly being defined as rather poorly constructed and maintained signs versus the number of signs; 15) signs are needed to identify businesses; 16) impact to the Comprehensive Plan if proposed ordinance is approved; 17) surveys of peer cities reflecting only one city considers a 75' sign as reasonable; 18) signs aide businesses with their advertising and a 75' sign not viewed by some as a detriment to the area; 19) consideration of Council reviewing the entire PDD-91 signage requirements; 20) the possibility of the Planning and Zoning Commission and the Council holding a joint meeting to discuss sign issues, and; 21) digitized photos of the Wal-Mart area would have been helpful to the Council in reviewing this issue.

Following discussion Councilwoman Moore made a motion to approve Z-2005-26, an ordinance considered on second and final reading, a request from Wal-Mart Stores Texas, LP to amend the signage requirements on the Wal-Mart parcel of PDD-91 located at the north corner of I-20 and Highway 351, approving an additional monument sign, additional square footage for both of the monument signs (total of 120 square feet per sign), and additional square footage for the

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pole sign (total of 200 square feet), as recommended by staff and the Planning and Zoning Commission. Councilman Southward seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

Councilman Southward made a motion to approve Ordinance, Case #**Z-2005-26**, amending the signage requirements on the Wal-Mart parcel of PDD-91, north corner of I-20 and Highway 351, to allow a pole sign with a maximum height of 60 feet. Councilman Williams seconded the motion, and the motion failed.

AYES: Councilmen Williams, Southward, and Councilwoman Moore.

NAYS: Councilmen Chase, Hill, Higgins, and Mayor Archibald.

Councilman Higgins made a motion to approve Ordinance, Case #**Z-2005-26**, amending the signage requirements on the Wal-Mart parcel of PDD-91, north corner of I-20 and Highway 351, to allow a pole sign with a maximum height of 75 feet. Mayor Archibald seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Southward, and Mayor Archibald.

NAYS: Councilmen Williams, Hill, and Councilwoman Moore.

Mayor Archibald made a motion to approve Ordinance, Case #**Z-2005-26** allowing a pole sign with a maximum height of 60 feet and a maximum area of 200 square feet for each out-parcel lot in the PDD-91 (Planned Development District), located at the north corner of I-20 and Highway 351. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: Councilman Hill.

The Ordinance is numbered **45-2005** 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-91 AND ORDINANCE NO. 20-2004 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Council recessed for lunch at 11:55 a.m. and reconvened at 1:20 p.m.

Mayor Archibald reconvened the Council and noted that Councilman John Hill will be absent from this afternoon's meeting.

Mayor Archibald stated the BRAC meeting was currently in progress with the vote on Ellsworth Air Force Base being decided tomorrow and the fate of Dyess Air Force Base expected to follow.

4.6 David Wright, Director of Finance briefed the Council on an ordinance considered for first public hearing for the purpose of Setting A Tax Levy; and set a public hearing for September 8, 2005 at 8:30 a.m.

Mr. Wright stated the FY 2006 Budget approved by Council on August 11, 2005 set the tax rate at 63.55 cents. Mr. Wright further stated a new state law requires that two (2) public hearings must be held prior to the final public hearing and vote. Mr. Wright noted another public hearing is to be held on September 8, 2005 and the final public hearing and vote will be held on September 22, 2005. Staff recommends that the City Council hold the public hearing in accordance with state law.

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

No Council action was required.

5.0 Mayor Archibald noted that Council would convene into Executive Session following the Budget Workshop.

5.4 Councilman Williams made a motion to approve Mayor Archibald's re-appointment of Rita Johnston to the Abilene Regional MHMR/Betty Hardwick Center Board of Trustees, term expiring August 2007. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Higgins, Southward, Councilwoman Moore, and Mayor Archibald.

NAYS: None

ABSENT: Councilman Hill

CITY COUNCIL BUDGET WORKSHOP

5.5 Council convened in Budget Workshop for the review of the Revised FY 2005 and Proposed FY 2006 Budgets. All Councilmember's were present except for Councilman John Hill.

Mayor Archibald noted another Budget Workshop may be scheduled for September 7, 2005, or for a later date, if needed.

City Manager Larry Gilley stated Council had requested today's workshop for further review of the revised and proposed budgets. Mr. Gilley stated staff would be glad to answer any questions Council may have on the budgets.

Council and staff discussion included: 1) the timeframe that is involved in the budget process; 2) Council's preference that a date Council is to receive the budget from the City Manager be set and budget workshops be scheduled earlier in the year (i.e. March, April, May) in order to give Council ample opportunity to review the budget information and provide input to the City Manager prior to the budget documents being finalized; 3) this year's budget delays being

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due to estimates of the revenue from the city's property and sales taxes being finalized later than normal, and; 4) staff noting a commitment to earlier budget timeframes with Council's understanding that revenue projections made early in the year may not be totally accurate.

Mayor Archibald noted that by City Charter the City Manager is responsible for preparing and submitting the annual budget to the Council and the Mayor also noted the benefits to having more dialogue between the City Manager and Council earlier during the budget process.

Council and staff discussion continued and included: 1) proposed fees being aggressive and concerns on impact to low/moderate income families; 2) philosophical views concerning fees versus tax increases; 3) what user fees are designed for and if fees are decreased Council would need to decide what functions would be reduced or eliminated; 4) philosophical issues being considered in budget process prior to budget numbers being addressed; 5) setting quarterly budget workshop meetings, and; 6) additional issues and initiatives are addressed in the City Manager's budget transmittal letter.

Council requested staff provide the following information for the next budget workshop:

- Alarm fees (commercial/residential), break out of cost for administration and to subsidize the three false alarm calls.
- Amount of revenue that would be lost if the proposed \$50.00 fee for non-profits health food permits is lowered to \$25.00.
- List of user fee increases for past three years.
- Five year vesting in TMRS (pros and cons for employees and city).
- City self-insurance (health)/versus private insurance.
- Establishing a nominal trash removal fee to assist citizens who may have items dumped on their property by others.

Council and staff discussion continued and included: 1) proposed EMS user fees and what those fees would pay for; 2) potential certification pay (fire dept.) will be reviewed in the spring; 3) concerns with increase cost of living for retirees; 4) concerns with \$38,000 proposed for City Council meeting video project; 5) concerns with funds being transferred to self-insurance; 6) concerns with Sheriff's dept. withdrawing mental health transport services but city expanding training facility for regional law enforcement officers and not charging for use of training facility (staff to review possibility of implementing charge); 7) ACVB budget issues to be addressed when accurate picture of Hotel/Motel revenue is known after year end with those issues coming back to Council, and; 8) concerns with priority being given to alley paving program when there are streets needing to be paved and possibility of Bond Committee addressing these issues.

Council requested staff provide for the next budget workshop a list of the unpaved streets and the cost to pave those. Staff noted the data that exists on the unpaved streets and paving cost will be submitted to Council.

Council and staff discussion continued and included: 1) the budget not reflecting funding for improving recreation/tourism and the need for potential funding ideas to support those issues; 2) Council encouraging staff, under economic development, to pursue quality of life issues; 3)

Council noting various current/potential budget issues needing further Council and staff discussion/review including: individual police vehicle program, and evaluating potential revenue from sale of real property; 4) Council addressed their desire to have the opportunity to further discuss various budget needs and any issues they feel are important, and; 5) staff noting several budget issues and functions fall into the category of realignments with priority weights to be determined.

Councilman Williams left the meeting at 2:50 p.m.

Mayor Archibald stated quarterly meetings for Council budget reviews will be held on December 15, 2005 and March 24, 2006. The Mayor further stated that he and the City Manager will review the budget issues as discussed today and that Council will meet in a Budget Workshop at 8:30 a.m. on September 7, 2005 to further address those issues.

It was noted that the second public hearing on the Tax Levy Ordinance will be held at the Council's September 8, 2005 Council meeting and the final public hearings and vote on the tax levy and budgets will be held at the Council's September 22, 2005 meeting.

EXECUTIVE SESSION

Mayor Archibald 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.

The Council reconvened from Executive Session and reported no votes or action was taken in Executive Session.

COUNCIL TOUR

5.6 The tour of the Abilene Regional Airport was not held.

There being no further business, the meeting was adjourned at 3:50 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor