

CITY COUNCIL MEETING
October 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 October 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, 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.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Kendra Jackson a 4th grade student from Bassetti Elementary School who led the Pledge of Allegiance. Kendra's mother and principal were also present.

EMPLOYEE SERVICE AWARDS

Mayor Archibald, assisted by City Secretary Jo Moore, presented an Employee Service Award to the following individual for his years of service:

35 Years	Johnny Kincaid	Battalion Chief Fire Department
----------	----------------	------------------------------------

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

- "Crime Victims Month" November 2005

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the October 13, 2005 Regular Council Meeting Minutes Councilman Southward made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Item 3.5, **Bid #CB-5086** – Annual purchase of oil products was removed from the Consent Agenda to be considered separately at the request of Mayor Archibald.

City Council Meeting

October 25, 2005

Page 2

3.0 Councilwoman Moore made a motion to approve consent agenda item 3.1, first reading of items 3.2 and 3.3, and item 3.4, as recommended by staff. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

Resolution:

3.1 Resolution in support of and authorizing the filing of Solid Waste Grant Applications with the West Central Texas Council of Governments (WCTCOG).

The Resolution is numbered 31-2005 and captioned as follows:

RESOLUTION OF THE CITY OF ABILENE (CITY) AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE WEST CENTRAL TEXAS COUNCIL OF GOVERNMENTS (WCTCOG) FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANTS; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF ABILENE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED, THE CITY OF ABILENE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE WCTCOG, THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION AND THE STATE OF TEXAS.

Ordinances:

3.2 Ordinance to amend Chapter 6, Animals and Fowl, Article II, Pets, Section 6-30 clarifying number of animals restricted and Section 6-94 regarding redemption of unvaccinated animals, of the Abilene City Code; and set a public hearing for November 3, 2005 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 6, ANIMALS AND FOWL, ARTICLE II, PETS, SECTION 6-30, NUMBER KEPT RESTRICTED, AND CHAPTER 6, ANIMALS AND FOWL, ARTICLE III, IMPOUNDMENT, SECTION 6-94 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.

3.3 Ordinance denying the Atmos Gas Reliability Infrastructure Program (GRIP) rate increase.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, DENYING THE REQUEST OF ATMOS ENERGY CORP., MID-TEX DIVISION, FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) RATE INCREASE IN THIS MUNICIPALITY, AS A PART OF THE COMPANY'S STATEWIDE GAS UTILITY DISTRIBUTION SYSTEM; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE ATMOS ENERGY CORP., MID-TEX DIVISION DISTRIBUTION

SYSTEM AS PART OF THE ATMOS CITIES STEERING COMMITTEE (ACSC); AUTHORIZING ACSC TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; AUTHORIZING INTERVENTION AS PART OF ACSC IN ANY APPEAL OF THE CITY'S ACTION TO THE RAILROAD COMMISSION; PROVIDING A REQUIREMENT FOR A PROMPT REIMBURSEMENT OF COSTS INCURRED BY THE CITY; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION.

Bid Awards:

- 3.4 **Bid #CB-5087** – Annual Purchase of fuel products. The bid was awarded to Johnson Oil Co., Abilene, Texas as follows:
- Unleaded fuel factor (+) or (-) from O.P.I.S. posted price +.12 cents
 - #2 Diesel fuel factor (+) or (-) from O.P.I.S. posted price +.12 cents
- The contract will be for a one (1) year period with the City of Abilene reserving the option to renew for four (4) additional one-year terms at the same terms and conditions.
- 3.5 *Removed from the Consent Agenda to be considered separately:* **Bid #CB-5086** – Annual purchase of oil products.

Removed from the Consent Agenda to be considered separately:

- 3.5 **Bid #CB-5086** – Annual purchase of oil products.

David Wright, Director of Finance briefed the Council on the item. Mr. Wright stated that late yesterday the City was notified that the vendor Griffin Oil could not honor their portion of the bid as received by the City and as originally recommended for approval by staff. Mr. Wright further stated that staff is now recommending approval of **Bid #CB-5086**, items 1, 2, 3, 4 (10w-30 motor oil only), 5 and 8 to Johnson Oil Co., Abilene, Texas as follows:

- Automatic Transmission Fluid \$4.42 per gallon
- Tractor Fluid \$4.96 per gallon
- A/W Hydraulic Oil \$3.39 per gallon
- SAE 10W-30 \$4.40 per gallon
- SAE 15W-40 \$4.45 per gallon
- Gear Lube – 80W-90 \$5.82 per gallon

The contract will be for a one (1) year period with the City of Abilene reserving the option to renew for four (4) additional one-year terms at the same terms and conditions.

Councilman Williams made a motion to award **Bid #CB-5086** – Annual purchase of oil products to Johnson Oil Co., Abilene, Texas as amended and recommended by staff. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

REGULAR AGENDA

Items 4.1 through 4.8 were considered in the following order:
Item 4.8, Item 4.7, and Items 4.1 through 4.6.

4.8 Maria Velasquez comments/discussion regarding CityLink bus fares/user fees.

Maria Velasquez requested a moment of silence in memory of Rosa Parks, Civil Rights leader who died October 24, 2005. Ms. Velasquez then addressed the Council on her concerns for the elderly, poor and disabled and asked the Council to adjust the budget to eliminate the CityLink bus fares for these individuals. Ms. Velasquez invited the Council to join her when she visits the folks she is concerned about.

Discussion included: 1) Council noting appreciation to Ms. Velasquez for her concerns; 2) Mayor noting he will ride the CityLink with Ms. Velasquez to visit some folks that she is concerned about if she will set the arrangements; 3) procedurally how an individual makes a request to appear before Council and how that is processed, and; 4) consideration of Ms. Velasquez's request will be placed on the Council's November 17, 2005 agenda.

No Council action was required.

4.7 Utility attorneys' presentation/discussion regarding electric and natural gas issues.

Sharon Hicks, City Attorney introduced utility attorneys, Steve Porter and Georgia Crump from the Lloyd Gosselink law firm.

Mr. Porter stated his law firm represents cities, towns, and villages throughout Texas on issues concerning electric, water, and natural gas rates. Mr. Porter noted his appreciation for the working relationship between his firm and City Attorney Sharon Hicks' office.

Mr. Porter distributed and reviewed the following information:

Changes in Price to Beat Rates and Natural Gas Prices Since the Start of Competition

	Price to Beat Total Rate			Natural Gas Prices (\$MMBtu)		
	1/1/02	1/1/06	Increase	1/1/02	1/1/06	Increase
TXU	\$80.31	\$147.70	84%	\$3.11	\$11.53	271%
Reliant	\$83.61	\$150.99	81%	\$3.11	\$11.39	266%
CPL	\$84.86	\$170.28	101%	\$3.11	\$11.46	268%
WTU	\$89.48	\$192.87	116%	\$3.11	\$11.46	268%
TNMP	\$86.12	\$144.10	67%	\$3.11	\$11.39	266%

Fuel Sources for Generation

	Coal & Lignite	Natural Gas	Nuclear	Renewables	Other Fossil
TXU	41%	43%	12%	1%	3%
Reliant	46%	41%	10%	1%	2%
CPL	35%	52%	10%	1%	3%
WTU	39%	46%	11%	1%	3%
TNMP	30%	60%	8%	2%	1%

Mr. Porter stated that although cities may protest “price to beat” rate increases requested by retail electric providers the process is administrative and the rate increase requests are seldom denied. Mr. Porter further stated the Public Utility Commission has taken away rights to recover cost and has discouraged cities from protesting by failing to reimburse them for their legal expenses. Mr. Porter noted the deregulated system will only be changed through the Texas Legislature and city officials can discuss changing the system with legislators.

Mr. Porter noted since 1983 he has represented several entities including Abilene to insure rates are as reasonable as possible. Mr. Porter then referenced various cases filed, their results at the Commission and current status. Mr. Porter further noted that Abilene has been a leader in challenging rate increases through the court system including the PUC, State District Court, Court of Appeals and Federal Court.

Discussion included: 1) a review of the chart reflecting the increase in natural gas cost from January 2002 to October 2005; 2) the legislative process Council would follow to discuss the deregulated system with legislators and the assistance the Lloyd Gosselink firm could provide in that process; 3) the lobbying and legislative efforts Abilene has made over the years in challenging rate increases, and; 4) Abilene continuing, with Lloyd Gosselink’s assistance, the current path of protest in matters pending.

Georgia Crump, Attorney with Lloyd Gosselink then briefed the Council on gas rate increases. Ms. Crump referred to the item on today’s agenda regarding the ordinance denying the Atmos Gas Reliability Infrastructure Program (GRIP) rate increase. Ms. Crump noted the Texas Legislature authorized a 2003 amendment to the Texas Utility Code that allows a gas utility who has already filed a rate case within a two year period to file for an interim adjustment in the utility’s monthly customer charge or initial block rate to recover the cost of changes in the investment in service for gas utility services. This interim filing program, is known as the Gas Reliability Infrastructure Program (GRIP) filing. Atmos filed its first GRIP in 2004 and although the City joined a coalition of cities in opposition to Atmos’ filing the Railroad granted the request, failing to consider cities arguments that that adjustment was excessive. In 2005 Atmos filed a second GRIP seeking additional revenues and the City is planning to again join a coalition of cities in opposition to that filing. Ms. Crump reviewed avenues on how Abilene, as a regulator, can participate in efforts to keep gas cost down and stated that sometime in the future Council will have before them for consideration a resolution requiring Atmos to file with the city showing why their rate increases are justified.

City Council Meeting
October 25, 2005
Page 6

Discussion included: 1) clarification of charges and rate increases; 2) the fact that rate increases are designed to recover capital investments to improve the reliability of the system but revenues are being spent on such items as office furniture and parking lot striping, and; 3) staff's review of actions taken to date and actions to be taken and the need to inform citizens of efforts being taken to do everything possible to keep cost down.

No Council action was required.

4.1 Jon James, Director of Planning and Development Services briefed the Council on **Z-2005-29**, an ordinance considered on second and final reading to rezone approximately 265 acres from AO (Agriculture Open Space) and PDD-2 (Planned Development District) to PDD (Planned Development District), property located at the northeast corner of Highway 36 and FM 18.

Mr. James stated the applicant, Development Corporation of Abilene is requesting a PDD (Planned Development District) allowing commercial and industrial uses with development standards similar to PDD-90, current location of Tige Boats. The applicant is proposing a mix of commercial and industrial development similar to the Tige Boats development to the south across FM 18. A Preliminary Development Plan proposes three large lots toward the southern end of the subject tract that reflect a tentative agreement for development in the near future. The layout for the remainder of the property has not yet been planned and there is sufficient frontage to accommodate up to two additional entrances to the development while still complying with state access regulations. The main access point will be from FM 18 and is currently proposed to serve the entire development. The applicant may apply for additional access at some point in the future and access from all adjacent roadways is limited by the State of Texas access management requirements. The nearest home is to the east outside the city limits and is separated from the development by a major escarpment that is not currently proposed for development. The request is compatible with the airport and the Tige Boats development to the south, and the railroad tracks and industrial development to the north. The development lies almost completely within the noise contours from Abilene Regional Airport. Although development within the contours has not been formally restricted, the proposed uses are more compatible than any residential or other low-intensity uses. The subject tract is visible from FM 18, Highway 36, and Loop 322 and to reduce the visual impact that a large industrial development creates, the PDD ordinance includes provisions for signage, landscaping, and screening for outdoor storage. More substantial landscaping, including clusters of trees or taller vegetation will be required along the perimeter of the development where it adjoins the right-of-way of the roadways. Landscaping will also be required within the development in parking lots and along any property lines adjacent to dedicated streets. Outdoor storage must be screened by landscaping, fence, or wall constructed of masonry, wood or a material with similar appearance, and monument and wall signs will be permitted throughout the development, as well as any directional or instructive signage as needed. Staff and the Planning and Zoning Commission recommend approval of the request.

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.

Councilman Williams made a motion to approve **Z-2005-29**, an ordinance considered on second and final reading to rezone approximately 265 acres from AO (Agriculture Open Space) and PDD-2 (Planned Development District) to PDD (Planned Development District), property located at

City Council Meeting
October 25, 2005
Page 7

the northeast corner of Highway 36 and FM 18 as recommended by staff and the Planning and Zoning Commission. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Chase

The Ordinance is numbered **53-2005** 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-98 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.2 Jon James, Director of Planning and Development Services briefed the Council on **Z-2005-30**, an ordinance considered on second and final reading to rezone approximately 33 acres from AO (Agriculture Open Space) to RS-6 (Residential Single-family), property located in the 3100 block of Beltway South (FM 707).

Mr. James stated the applicant, Mason Trendsetters intends to develop the parcel with approximately 75 single-family homes. Mr. James noted the development will provide a sub-collector street that will connect the future extension of Waldrop Drive with Beltway South (FM 707). The current land use in the surrounding area includes residential development, schools, a church, and large tracts of vacant land. Mr. James noted developments of this magnitude have a significant impact on the city's infrastructure (especially water and sewer) and by approving this proposed zoning ordinance the City is not representing that the infrastructure as it currently exists can support these developments. The Future Land Use section of the Comprehensive Plan calls for residential development in the surrounding area and the Thoroughfare Plan shows the extension of Waldrop Drive toward the west and a development at this location will provide a portion of the construction costs. Staff and the Planning and Zoning Commission recommend approval of the request.

Following Council and staff discussion concerning the proposed streets and future expressway (extension) Mayor Archibald opened a public hearing on the item and the following individual addressed Council:

- David Todd, agent for the developer of the project. Mr. Todd requested Council approve the ordinance.

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

Councilman Higgins made a motion to approve **Z-2005-30**, an ordinance considered on second and final reading to rezone approximately 33 acres from AO (Agriculture Open Space) to RS-

City Council Meeting
October 25, 2005
Page 8

6 (Residential Single-family), property located in the 3100 block of Beltway South (FM 707). Councilman Williams 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 **54-2005** 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.

4.3 Jon James, Director of Planning and Development Services briefed the Council on **Z-2005-31**, an ordinance considered on second and final reading to rezone 9.705 acres from AO (Agriculture Open Space) to RS-6 (Residential Single-family), property located at the north end of Valley Forge Road and Liberty Boulevard.

Mr. James stated the applicant, Musgrave & Musgrave, LLP intends to develop the 9.705 acre parcel with approximately 35-40 single-family homes. Mr. James further stated the proposed section is a small portion of a much larger development that was reviewed in 1983, and at that time the development was proposed to cover approximately 446 acres on the northeast corner of East Lake Road and Highway 351. Mr. James noted the request to rezone the 9.705 acre portion is consistent with the long-term plans for residential use in the area. Mr. James further noted developments of this magnitude have a significant impact on the city's infrastructure (especially water and sewer) and by approving this proposed zoning ordinance the City is not representing that the infrastructure as it currently exists can support these developments. Mr. James stated the Future Land Use section of the Comprehensive Plan calls for residential development in the area surrounding the request. The design of the proposed development is consistent with the Comprehensive Plan's goal to promote a modified grid system of streets that provides multiple routes to better diffuse traffic, shorten walking distances, and improve emergency responsiveness. Staff and the Planning and Zoning Commission recommend approval of the request.

Council and staff discussion included: 1) Council noting appreciation of the new map format as submitted in their agenda packets; 2) Council noting they previously, and are still requesting information concerning who is notified of rezoning and the results (in favor, opposed and comments) of the notification; 3) staff referred to the information in Council's agenda packets and stated the most current information can be emailed to Council just prior to the Council meetings.

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.

Councilman Southward made a motion to approve **Z-2005-31**, an ordinance considered on second and final reading to rezone 9.705 acres from AO (Agriculture Open Space) to RS-6

City Council Meeting
October 25, 2005
Page 9

(Residential Single-family), property located at the north end of Valley Forge Road and Liberty Boulevard. Councilman Higgins 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 55-2005 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.

4.4 Jon James, Director of Planning and Development Services briefed the Council on an ordinance considered on second and final reading to amend Chapter 29.5, Subsection (e) (Article XV, Safety) 15.3, "Swimming Pools and Spas", of the Abilene City Code.

Mr. James stated on December 16, 2004 the City Council approved an amendment to the City of Abilene Zoning Ordinance, which deleted requirements for fencing around residential swimming pools. During the staff presentation to Council it was indicated that the Swimming Pools and Spas Ordinance had fencing requirements that were less restrictive than the requirements in the zoning ordinance in that the swimming pool ordinance did not require an opaque fence. However, Mr. James stated, this is not the case and the swimming pool ordinance does require the fence to be opaque. Mr. James noted when this oversight was identified, department staff conferred and, based on the action taken by Council on the zoning issue and to have the swimming pool ordinance reflect the intent of that action, staff prepared a proposed amendment for consideration by the Mechanical, Plumbing, Electrical & Swimming Pool Board of Appeals (MPE Board). Mr. James stated staff provided the MPE Board with the same survey of comparative cities that had been presented to Council and based on that information and on staff recommendation the MPE Board approved the amendments. Staff and the Mechanical, Plumbing, Electrical & Swimming Pool Board of Appeals recommend approval of the proposed amendments.

Council and staff discussion included: 1) the safety issues concerning the "Exception" which allows natural barriers, in lieu of fencing, as noted in Exhibit A of the ordinance; 2) Council's questions concerning the safety purposes intent being tied to some definitive reason, and; 3) staff noting the authorizing state law but will review and confirm the 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.

Councilwoman Moore made a motion to approve an ordinance considered on second and final reading to amend Chapter 29.5, Subsection (e) (Article XV, Safety) 15.3, "Swimming Pools and Spas", of the Abilene City Code. Councilman Hill seconded the motion, and the motion carried.

City Council Meeting
October 25, 2005
Page 10

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

NAYS: None

The Ordinance is numbered **56-2005** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 29.5, "SWIMMING POOLS AND SPAS", ARTICLE III, 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.

4.5 Jon James, Director of Planning and Development Services briefed the Council on a Resolution concerning an amendment to the Thoroughfare Plan, specifically regarding the general area around I-20 and Highway 351.

Mr. James stated the current Thoroughfare Plan was based on an assumption that land development in the area would be mostly low traffic generation uses that would not justify standard urban densities of thoroughfare development. Mr. James further stated the current assumptions of the Comprehensive Plan envision development that will create both the demand and the land values to justify the necessary improvements. Mr. James noted the Comprehensive Plan emphasizes a desire for more development in the IH 20 corridor and designates the area of the intersection of IH 20 and SH 351 as a major commercial activity center. The main arterial route north of IH 20 in the area is proposed to intersect SH 351 at the East Lake Road intersection and the proposed pattern of collector streets will adjust to the new arterial route. The proposed pattern will also provide additional opportunities to provide reverse flow for one-way frontage road operations and additional opportunities to connect to the frontage roads. Staff and the Planning and Zoning Commission recommend approval of the Resolution.

Council and staff discussion included: 1) staff noting the item before Council is not to approve building any particular road; 2) the notification area map; 3) staff noting the corridors are conceptual and that engineering levels would allow some shifting of those corridors; 4) the Plan being primarily staff derived; 5) Council's concerns over a previous situation where the developer wasn't involved and all various issues and concerns as possible needing to be addressed early between staff and other involved individuals prior to Council acting on issues; 6) staff reviewed how the process and procedures are typically handled and noted staff's views are from a transportation planning standpoint; 7) staff noting opportunities provided individuals thru the notification process (expanded notification area) and included the opportunity to appear before the Planning and Zoning Commission, and; 8) staff explained how a right-of-way issue would be known.

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

- Robert Allen, Metropolitan Planning Organization, requested Council approve the Resolution noting that the Thoroughfare Plan helps coordinate local, state, and federal projects and is important to MPO operations.

City Council Meeting
October 25, 2005
Page 11

- Ken P. Musgrave views the amendment to the Thoroughfare Plan as a basic concept that can create other ideas and opportunities. Mr. Musgrave noted he approves of what is proposed and is comfortable with the process.

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

Councilman Williams made a motion to approve a Resolution to amend the Thoroughfare Plan, concerning revisions to the pattern of arterial and collector streets in the general area around I-20 between Highway 351 and Newman Road. Councilman Hill seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered 32-2005 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE TO AMEND THE CITY'S THOROUGHFARE PLAN.

4.6 Jon James, Director of Planning and Development Services briefed the Council on a Resolution concerning an amendment to the Thoroughfare Plan, specifically regarding East Lowden Street from I-20 to East Lake Road.

Mr. James stated the Comprehensive Plan designates the area of the intersection of IH 20 and SH 351 as a major commercial activity center, with the Wal-Mart Supercenter development initiating the new development trend. Mr. James noted currently no direct connection exists between East Lake Road and East Overland Trail, north of the Wal-Mart Supercenter development. Mr. James stated the existing road infrastructure would be insufficient to accommodate traffic flow if new high-density development were to occur north of Lowden Street. Mr. James further stated the Thoroughfare Plan was based on an assumption that land development in the area would be mostly low traffic generation uses that would not justify standard urban densities of thoroughfare development. The current assumptions of the Comprehensive Plan envision possible development that may create both the demand and the land values to justify the necessary improvements. Staff and the Planning and Zoning Commission recommend approval of the Resolution.

Council and staff discussion included: 1) the amendment allows for the addition of a collector street and that although the intersection would still exist traffic would be reduced in the area, and; 2) a separate process to reduce traffic and congestion is possible and could make the property more developable.

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

- Vicky Anderson, questioned if the west end of East Lowden would feed onto the frontage road, or if future plans include an overpass or underpass.

Staff responded that it will not be an overpass or underpass.

- Robert Allen, Metropolitan Planning Organization, stated staff, MPO and the Planning and Zoning Commission recommend Council approve the Resolution.
- Eddie Chase, stated questions he has been asked concern how the intersection process will work and still allow the area to be used.

Staff responded that due to the Thoroughfare Plan representing long term issues, typically local streets and the impact to those are not shown. When staff researches what is needed for the plat, those issues would then be considered.

- Joe Lopez, owns property in the area and stated he was not properly notified of the meeting(s) where this issue was discussed. Mr. Lopez requested Council table the item and give him the opportunity to ask questions and address concerns with City staff.

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

Mayor Archibald stated due to this item being a long range Thoroughfare Plan he would move to table the proposed Resolution concerning an amendment to the Thoroughfare Plan, specifically regarding East Lowden Street from I-20 to East Lake Road. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

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.

Councilman Williams left the meeting following Executive Session.

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

City Council Meeting
October 25, 2005
Page 13

5.4 Councilman Southward made a motion to approve the nomination of David Copeland as a candidate for the Board of Directors for the Central Appraisal District of Taylor County. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Williams

There being no further business, the meeting was adjourned at 12:10 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor