

CITY COUNCIL MEETING
December 15, 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 December 15, 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 after disposition of the minutes), 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.

Councilwoman Moore gave the invocation.

Mayor Archibald introduced Amber Pitcher who led the Pledge of Allegiance. Amber is a 5th grade student from Dyess Elementary School. Amber's counselor, Mary Thomas was also present.

Mayor Archibald asked City Manager Larry Gilley to introduce the employees that completed the Certified Public Manager Program.

Mr. Gilley noted ten employees graduated from Texas State University through the Certified Public Manager (CPM) Program and reviewed the criteria of the program. Mr. Gilley introduced the following employees as graduates of the CPM course:

- Rodney Abila, Street Services Division Manager
- Larry Bell (absent), Fire Department Battalion Chief
- Greg Brown, GIS Manager
- Odis Dolton, Assistant Director of Finance
- Joy Hedges, Training and Employee Development Manager
- Mark Moore, Assistant Police Chief
- Pam Percival, Information Coordinator
- David Sartor, Building Official
- Carl Scott, Recreation/Senior Citizens Administrator
- Mindy Whisenhunt, Assistant Director of Finance

Joy Hedges, Training and Employee Development Manager spoke on behalf of the CPM graduates noting the importance of, and appreciation for, the CPM program.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the December 1, 2005 Regular Council Meeting Minutes Councilman Southward made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None
ABSENT: Councilman Hill

CONSENT AGENDA

Councilman Hill arrived at the meeting.

Mayor Archibald stated item 3.2, Oral Resolution authorizing the City Manager to execute a lease with Experimental Aircraft Association Chapter 471, Inc. for T-Hangars 5 and 6 at the Abilene Regional Airport has been removed from today's agenda.

Councilman Southward requested item 3.1, Oral Resolution authorizing the City Manager to execute a lease with Experimental Aircraft Association Chapter 471, Inc. for Hangar 3 at the Abilene Regional Airport be removed from the Consent Agenda and considered separately.

Councilman Chase requested item 3.11, Water Department street and miscellaneous repair work, **Bid #CB-6013** be removed from the Consent Agenda and considered separately.

Councilman Higgins made a motion to approve consent agenda item 3.3, first reading of items 3.4 through 3.7, items 3.8 through 3.10 and item 3.12 as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

- 3.1 *Removed from the Consent Agenda to be considered separately:* Oral Resolution authorizing the City Manager to execute a lease with Experimental Aircraft Association Chapter 471, Inc. for Hangar 3 at the Abilene Regional Airport.
- 3.2 *Removed from the Agenda:* Oral Resolution authorizing the City Manager to execute a lease with Experimental Aircraft Association Chapter 471, Inc. for T-Hangars 5 and 6 at the Abilene Regional Airport.
- 3.3 Oral Resolution authorizing the City Manager to execute Enprotec/Hibbs and Todd Task Order 6, Security Fencing.

Ordinances:

- 3.4 **TC-2005-10** – Thoroughfare abandonment of Scottish Road east from I-20 and East Lake Road south of Highway 351; and set a public hearing for January 12, 2006 at 8:30 a.m.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

- 3.5 *Appealed Item: Z-2005-38* – Request to rezone property from RS-12 (Residential Single-family) and RS-6 (Residential Single-family) to RS-6/PH (Residential Single-family with Patio Home Overlay) zoning district, property located at 101 and 102 Sugarberry Avenue; and set a public hearing for January 12, 2006 at 8:30 a.m.

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.

- 3.6 **Z-2005-39** – Request to rezone approximately 2.6 acres from PI (Park Industrial) and O (Office) to PDD (Planned Development District) zoning district, property located in the 5200 block of South Clack Street; and set a public hearing for January 12, 2006 at 8:30 a.m.

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.

- 3.7 **Z-2005-40** – Request to rezone property from O (Office) to PDD (Planned Development District) zoning district, property located at 4901 Buffalo Gap Road; and set a public hearing for January 12, 2006 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E “ZONING”, OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-102 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Bid Awards:

- 3.8 **Bid #CB-6005** – Rose Park Gym air conditioning retrofit. The bid was awarded to Batjer & Associates, Inc., Abilene, TX in the amount of \$63,500.00.
- 3.9 **Bid #CB-6006** – Open Top Roll-Off containers and commercial frontloader containers for FY 06. The bid was awarded to Roll Off USA, Durant, OK on a per unit price basis. The contract will be for a one year period with option to extend for one additional year. The bid was awarded as follows:
- (5) 20 cubic yard Roll-Off Open Top Metal Containers \$3,585.00 per unit
 - (5) 30 cubic yard Roll-Off Open Top Metal Containers \$4,059.00 per unit

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- (4) 40 cubic yard Roll-Off Open Top Metal Containers \$4,438.00 per unit
- (4) 40 cubic yard Octagonal Metal Recycle Containers \$5,697.00 per unit
- (44) 2 cubic yard Front Load Metal Containers \$ 404.00 per unit
- (42) 6 cubic yard Front Load Metal Containers \$ 696.00 per unit
- (48) 8 cubic yard Front Load Metal Containers \$ 858.00 per unit
- (27) 8 cubic yard Recycle Front Load Metal Containers \$ 858.00 per unit

3.10 **Bid #CB-6008** – Skid-steer loaders for the Stormwater Division. The bid was awarded to Warren Cat, Abilene, TX in the amount of \$77,783.00.

3.11 *Removed from the Consent Agenda to be considered separately:* **Bid #CB-6013** – Water Department street and miscellaneous repair work.

3.12 Mechanical street sweeper for Public Works. The “Elgin Eagle” unit will be purchased through BuyBoard, a Texas Local Government Purchasing Cooperative as follows:

- Chassis & Body Price with discount \$152,260.00
- Options Price with discount \$ 10,708.80
- Total Purchase Price with discount \$162,968.80

Removed from the Consent Agenda and considered separately:

3.1 Oral Resolution authorizing the City Manager to execute a lease with Experimental Aircraft Association Chapter 471, Inc. for Hangar 3 at the Abilene Regional Airport. Staff and the Airport Development Board recommend approval of the lease.

Council and staff discussion included: 1) staff’s clarification that the Airport Development Board considered and approved the lease of Hangar 3, and; 2) staff’s explanation of the reason for the rent being lower than the lease of T-Hangars 5 and 6.

3.11 Council and staff discussed **Bid #CB-6013** – Water Department street and miscellaneous repair work and the approximate percentage of projects that could be accomplished in house. The repair or replacement of water lines under street pavement requires that the trench be properly backfilled and the asphalt surface restored. Presently, the Street Division of Public Works accomplishes this work for the Water Department on all replacement projects less than 300 feet in length. For projects greater than 300 feet the trench repair is accomplished through a private contractor. Included in this contract are additional material quantities to place an asphalt surface on Kirby dam and a crushed limestone surface on a portion of the Kirby Lake levy. Funding is provided by Water and Sewer Operating Funds and Certificates of Obligation. Staff recommends that the Council award Bid #CB-6013 to Bontke Bros. Construction Co., Abilene, TX in the amount of \$380,308.99.

Councilwoman Moore made a motion to approve by Oral Resolution item 3.1, *authorizing the City Manager to execute a lease with Experimental Aircraft Association Chapter 471, Inc. for Hangar 3 at the Abilene Regional Airport*, and item 3.11, *Bid #CB-6013 – Water Department street and miscellaneous repair work be awarded to Bontke Bros. Construction, Abilene, TX in the amount*

of \$380,308.99. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

REGULAR AGENDA

4.1 Larry Gilley, City Manager reviewed the Bond Election Advisory Committee's work and introduced Mike Waters, Chair of the Committee who presented Council with project recommendations for a possible Bond Election.

Mr. Waters stated his appreciation to Mr. Gilley and Jill Flores for their efforts in making the Bond Election Committee proceedings run smoothly. Mr. Waters expressed the Bond Election Committee's pride in being asked to serve on the committee and explained the opportunity to serve the citizens of Abilene was taken very seriously. Mr. Waters noted there were many great projects brought forth not only by the staff, but also by the citizens of Abilene. The projects were reviewed not only by the value that the projects could provide for our citizens, but also the methods of funding for each proposed project and the method chosen to accomplish these goals. Mr. Waters noted the committee felt that some of these issues could best be served and financed through property tax funding and the committees consensus of the most important ones have been recommended in the Bond Election Committees proposed Bond package. Mr. Waters stated the hope of the committee is that the Council and the citizens of Abilene will look favorably on the proposed recommendations. Mr. Waters recognized the members of the Bond Election Committee as follows:

- Mike Waters, Chair
- Leigh Black
- Bruce Bixby
- Dr. Gary McCaleb
- David Green
- Seaton Higginbotham
- Petty Hunter
- Liz Nunez
- Bob Gomez, Co-Chair
- David Lynn
- Harold Preston
- Mike Hernandez
- Nelson Wilson
- Mike Walls
- Michael Schultz
- Gary Galbraith

Mr. Waters stated the committee met fourteen times, from June 30, 2005 to November 21, 2005. These meetings included three evening meetings to provide better public access to the process, as well as three field trips to view the areas of need. Mr. Waters reviewed the possible projects as follows:

- Park Ballfield Lightning
- Fort Phantom Improvements
- Abilene Regional Airport
- Sidewalk Improvement Ideas
- Zoo Enhancement Package
- Stormwater and Drainage Improvements

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Mr. Waters noted public comment was invited at each meeting and many citizens took advantage of these opportunities to address the committee. Due to citizen input the committee made a major change of adding an additional section of South 7th Street to the list for reconstruction. Mr. Waters further noted the committee considered presentations from City staff and from two community groups. As a result of one of the citizens' presentations the committee added improvements in the Lake Fort Phantom area to the list of recommended projects. Mr. Waters reviewed the 2005 Bond Election Advisory Committee Potential Projects as follows:

• Streets Rehab/ Reconstruction	\$21,227,345*
• Unpaved Streets	5,249,956
• Stormwater (Drainage)	6,027,540
• Police	1,124,460
• Airport	3,901,309 (City Match)
• Fire	9,567,330
• Community Services – South Branch Library	4,749,400
• Abilene Youth Sports Authority	17,600,000
• Parks	2,500,000
• Zoo	1,100,000
• Lake Fort Phantom Improvements	1,980,000
• Sidewalks	1,485,000
• Hike & Bike Trail	250,000
Grand Total	\$76,762,340

**Excludes Military Drive*

Mr. Waters stated the committee went through a project prioritization process at least three times which consisted of each committee member voting on individual projects using a number-weighted system. The process resulted in the final project recommendations that were compiled after the Bond Election Committee vote on November 21, 2005. Mr. Waters reviewed the final project recommendations as follows:

<u>PROJECTS</u>	<u>AMOUNT</u>
• Streets Rehab/Reconstruction	\$18,565,000
• Airport Improvements (excludes rental car)	2,260,000
• Stormwater/Drainage (excludes Elm Creek)	4,180,000
• Zoo Improvements	1,100,000
• Fort Phantom Improvements	1,725,000
• Sidewalks	690,000
• Park Ballfield Lightning	1,300,000
Total	\$29,820,000

Mr. Waters reviewed the proposed Street project locations and explained the tax rate implications for the proposed projects as follows:

<u>PROJECTS</u>	<u>AMOUNT</u>	<u>5th YEAR TAX RATE</u>
Streets Rehab/Reconstruction	\$18,565,000	4.72 cents

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Airport Improvements (excludes rental car)	2,260,000	0.57 cents
Stormwater/Drainage (excludes Elm Creek)	4,180,000	1.06 cents
Zoo Improvements	1,100,000	0.28 cents
Fort Phantom Improvements	1,725,000	0.44 cents
Sidewalks	690,000	0.18 cents
Park Ballfield Lightning	<u>1,300,000</u>	<u>0.33 cents</u>
Total	\$29,820,000	7.58 cents

**Projected tax rate assumes selling the bonds over a 5-year period at \$5,965,000 per year.*

Mr. Waters reviewed the 5th year (peak) residential property tax implications and the commercial property tax implications as listed below:

5th Year (Peak) Residential Property Tax Implications

- Average Home Value \$67,256 \$4.24 per month \$50.98 per year
- Over 65 Average Home \$49,311 \$3.11 per month \$37.38 per year

Commercial Property Tax Implications

- \$1,000,000 \$758 per year
- \$5,000,000 \$3,790 per year
- \$10,000,000 \$7,580 per year
- \$15,000,000 \$11,370 per year

Council and staff discussion included: 1) Council expressed their appreciation to the Bond Election Committee for their time, their willingness to listen to the citizens of Abilene, and the detailed thought process that resulted in the proposed recommendations; 2) Council will set meeting dates to consider and review the recommendations; 3) recognizing although not part of the committee charge, the need to look at different ways to address long term needs (i.e., enhancing library services); 4) Council requested a copy of the committee’s rankings; 5) Mr. Waters and staff clarifying that all information will be available to Council, but direction from Council on the specific information they are wanting to review is needed; 6) the need to establish a timeline for a possible Bond Election and Council noting preference for a May 2006 Election; 7) the possibility of scheduling a Bond Project Workshop during the first week in January; 8) Council’s request for a list of the recommended street projects as well as the location of the sidewalks; 9) the possibility of touring city streets, and 10) Council’s concerns of redoing something that has already been accomplished by the Bond Election Committee.

No Council action was required.

4.2 Jon James, Director of Planning and Development Services briefed the Council on an ordinance considered on second and final reading to amend Sections 23-129(D)(1), Subpart C, “Signs and Billboards”, of the Abilene Municipal Code regarding neighborhood and district identifications signs located in the public right-of-way.

Mr. James stated a neighborhood organization has expressed an interest in allowing neighborhood or district identification signs in the right-of-way. Mr. James noted as drafted the

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ordinance would allow neighborhood/district identification signs only with the approval of a street-use-license. This amendment would allow any neighborhood group or other entity to request a street-use-license for identification signage in the public right-of-way. Mr. James further stated the use of a street-use license would allow case-by-case review of any such proposed signs to help assure the safety and appropriateness of the proposed sign(s). Staff is supportive of the neighborhood/district identification signage, with the condition that a case-by-case review be done through a street-use license. The Planning and Zoning Commission recommend approval of the proposal.

Council and staff discussion included: 1) Council's concerns of how identification signage is determined to be appropriate, and; 2) staff's clarification that a street-use license will provide some guarantees (i.e., in the event a neighborhood association were to dissolve).

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

- Audrey McBride – Ms. McBride thanked the Council for the clean up of the flood damaged Elm Creek and stated she feels signs are a distraction and don't enhance neighborhoods.
- John Iman, Amarillo Highland Neighborhood Association President. Mr. Iman stated he is at today's meeting on behalf of his neighborhood association and the purpose of the signage is to deal with safety issues not to enhance the neighborhood. Mr. Iman noted a number of accidents in his neighborhood and endorses the signage.
- Lydia Long, Old Town Neighborhood Association representative. Ms. Long stated the signage doesn't distract, it provides a sense of pride, recognition, and identity for the neighborhood and her association supports the signage.
- Victoria Carter – Ms. Carter noted various, including maintenance, issues with signage.

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

Council and staff discussion included: 1) Council's concerns involving the case-by-case basis review, and; 2) neighborhood associations being defined as a region in our community that brings together the community and neighborhood pride.

Councilman Hill made a motion to approve an ordinance considered on second and final reading to amend Sections 23-129(D)(1), Subpart C, "Signs and Billboards", of the Abilene Municipal Code regarding neighborhood and district identifications signs located in the public right-of-way. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered 68-2005 and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART C, "SIGNS AND BILLBOARDS", 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.

4.3 Jon James, Director of Planning and Development Services briefed the Council on an ordinance considered on second and final reading to amend Sections 23-161(F) "Sign Regulations" of the Abilene Municipal Code regarding monument signage.

Mr. James stated staff is proposing amendments to the Sign Regulations that would allow taller monument signs than the 42 inch maximum height currently allowed. Mr. James noted this limitation is intended to assure visibility for motorists in streets and driveways in and around a property. Mr. James further noted staff is proposing a maximum height of 8 feet and 5 feet of additional setback to account for visibility concerns. Mr. James further stated this item is being proposed for consideration prior to other amendments to the Sign Regulations because of a number of requests by businesses for monument signs that exceed 42 inches. Mr. James noted this amendment would provide more flexibility for businesses to use monument signs. These signs may be considered further with additional review and amendments to the Sign Regulations in the near future. Staff and the Planning and Zoning Commission recommend approval of the request.

Council and staff discussion included: 1) the signage review process, and; 2) staff clarifying the Traffic and Transportation Engineer can veto a sign or require the sign to be moved during the permit process.

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

- David McMeekan, owner of Acme Sign Company. Mr. McMeekan stated he has no problem with monument signs but doesn't see the need for the 5 foot set back requirement for pole signs and feels this is an added restriction.

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

Discussion included: 1) clarification of set back requirements and less restrictive requirements for monument signs and more restrictive requirements for pole signs; 2) Mr. McMeekan stating there are no vision problems with pole signs but can be vision problems with monument signs and further stated his company installs both signs; 3) Council's concerns of the possibility that the set back requirements could end up placing a sign in a parking lot; 4) staff's clarification that the requirements should not be a problem for new developments and that existing signs will not be affected unless re-development is occurring; 5) Council's concerns surrounding clearance if signs are constructed on property lines; 6) set back requirements for free standing pole signs and monument signs, minimum grade clearance for free standing signs and height requirements for monument signs, and; 7) Council directing staff to prepare a language

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amendment to the proposed ordinance in order for Council to further consider the item later at today's meeting.

Mayor Archibald stated item 4.3 would be considered for further review at the end of today's Regular Agenda.

4.4 Councilwoman Moore made a motion to remove item 4.4 from the table to consider amending Chapter 6, Animals and Fowl, Article II, Pets, Section 6-30 of the Abilene City Code clarifying number of animals restricted and Section 6-94 regarding redemption of unvaccinated animals. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

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 6, Animals and Fowl, Article II, Pets, Section 6-30 of the Abilene City Code clarifying number of animals restricted and Section 6-94 regarding redemption of unvaccinated animals.

Mr. James stated the proposed amendment to the animal ordinance is to clarify that only 4 dogs or cats are allowed at any one residence, business, or property instead of 4 animals per person. If the amendment is approved staff proposes to allow owners in excess of four animals until January 31, 2006 to reduce the number down to four. Mr. James further stated the other amendment is to Sec. 6-94 which will remove the fee from the ordinance and move it to the fee schedule resolution that Council reviews periodically. Mr. James noted Animal Services researched municipal ordinances throughout Texas and in their research they did not find any City whose ordinance addressed multiple dwellings differently than single-family dwellings. Mr. James further noted in addition, Animal Services contacted several rental agencies and apartment complexes and all of the landlords indicated that they regulate the number of animals through their lease agreements and are generally much stricter than the City's proposed ordinance. Staff and the Animal Services Advisory Board recommend approval of the proposed amendments to the animal ordinance.

Council and staff discussion included: 1) Council questioning the results from the seventeen cities that were surveyed dealing with the current number of animals per household, and; 2) staff clarifying the survey found either there was no limit or the number was determined by the Animal Control Officers with the general number of animals being in the 4 to 6 range.

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

- Audrey McBride – Ms. McBride stated pet owners are attached to their pets and if a pet owner has five pets how do they determine which one to rid themselves of. Ms. McBride further stated the pet owners' need to take responsibility for their pets by either having proper fencing or keeping them on a leash. Ms. McBride suggested a "Grandfather Clause" be considered for pet owners.

- Maria Whitmore – Ms. Whitmore stated if the proposed amendment to the ordinance is passed the result will be more animals taken to Rescue the Animals. Ms. Whitmore further stated a “Grandfather Clause” could be implemented by reviewing veterinarian’s records to see how long pet owners have had their pets and noted this is for the health and welfare of the animals.
- Victoria Carter – Ms. Carter noted concerns about what the process will involve and how the proposed ordinance amendment is developed. Ms. Carter stated the proposed amendment is not a clarification it is a change and questioned how the number of four animals was determined. Ms. Carter suggested a “Grandfather Clause” and also suggested attempts being made to aide pet owners in finding homes for their pets and allowing those pet owners to keep the pet until such a home was found. Ms. Carter reviewed various scenarios of possible pet owners situations and how those situations would be handled and they would affect the individuals. Ms. Carter posed the following questions to Council: 1) are animals being properly cared for; 2) why the number 4; 3) number of animals may vary from small to large lots, and; 4) requested Council consider all ramifications and take time to study all issues. Ms. Carter stated the need to leave the ordinance as is and to let the Animal Control Officers determine the number of animals and make any needed changes to what is appropriate for families.
- Lydia Long – Ms. Long stated she supports the proposed amendment to the ordinance and noted she defers to the expert judgment of the individuals who reviewed the proposed amendments. Ms. Long further stated she has confidence that Animal Control will exercise discretion.
- Sydney Helms – Ms. Helms stated she is opposed to the proposed amendment to the ordinance because it is the number of animals a pet owner can have not how the animal is cared for.

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

Discussion included: 1) staff clarified zoning ordinance limits four animals per household and if Council desires to increase the number of animals the zoning ordinance would require an amendment; 2) the level of the Animal Control staff’s involvement and the potential for a back log of the court system as staff’s decisions are appealed by violators; 3) staff noting the zoning ordinance that limits the number of animals to four per household has been in existence since 1965 and stating this proposed amendment is not a change it is a clarification to the compliance of four animals per household; 4) the possibility of requiring better standards of care (i.e., good intent and kennel requirements); 5) staff clarifying survey results from other cities and noting this proposed ordinance amendment would be utilized as a tool to obtain control over a problematic situation; 6) staff’s primary justification for proposing this ordinance amendment is for clarification of what has been enforced and the amendment does not address seeking a remedy to the situation of the mistreatment and/or health of animals; 7) Council’s concerns involving the process in which the proposed ordinance amendment was brought forth and the possibility of not limiting the number of animals per household; 8) the possibility of seeking ideas on the enforcement for the Standards of Care from

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Rescue the Animals; 9) staff clarifying a Standards of Care ordinance is in place and does allow the City to deal with problems resulting from the number of animals per household; 10) the possibility of mandatory licensing of animals and some pet owners not relating licensing their pet as part of the caring process of the animal, and; 11) Council's concerns that the experts in the areas of pet care were not present at today's meeting to address the issues discussed.

Councilman Higgins made a motion to approve an ordinance considered on second and final reading concerning Chapter 6, Animals and Fowl, Article II, Pets, Section 6-30 of the Abilene City Code deleting the number of animals restricted and amending Section 6-94 regarding redemption of unvaccinated animals (removes the fee from the ordinance and moves it to the fee schedule resolution). Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Hill, Higgins,

NAYS: Councilman Southward, Councilwoman Moore, and Mayor Archibald.

The Ordinance is numbered **69-2005** and captioned as follows:

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 DELETING AND AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

Council noted the city's zoning ordinances that also restrict the number of dogs and cats allowed to four per resident will be considered for revision at a future council meeting.

4.5 Richard Burdine, Assistant City Manager for Economic Development briefed the Council on the Development Corporation of Abilene, Inc. Report of Activities for the fiscal year ended September 30, 2005.

Mr. Burdine stated the Development Corporation of Abilene, Inc. (DCOA) Board responsibilities to the City Council and citizens of Abilene is to govern as a five-member Board of Directors, operating according to state law and the DOCA charter, bylaws and policies. Mr. Burdine further stated state authorized projects are land, buildings, equipment, facilities, improvements and expenditures related to the following:

- Manufacturing, industrial, research and development, recycling, small warehouse and corporate headquarter facilities
- Distribution centers
- Expanding closed or realigned military bases
- Job training for primary jobs and commercial/retail jobs
- Business airport facilities
- Infrastructure assistance to retail or commercial projects
- Clean up of contaminated project sites (with special election)

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- 4B projects (with special election)

Mr. Burdine noted state law defines a primary job as “Available at a company for which a majority of the products or services of that company are ultimately exported to regional, statewide, national, or international markets, infusing new dollars into the local economy, and in one of the following business classifications”:

- 111 Crop production
- 112 Animal production
- 113 Forestry and logging
- 11411 Commercial fishing
- 115 Support activities for agriculture & forestry
- 211-213 Mining
- 221 Utilities
- 311-339 Manufacturing
- 42 Wholesale trade
- 48-49 Trans. and warehousing
- 51 Information, excluding movie theaters (51213) and drive-in theaters (512132)
- 523-525 Securities, commodity contracts, investments and related activities; insurance and related activities; trusts and other financial vehicles
- 5413, 5415, 5416, 5417, & 5419 Scientific research & development services
- 551 Management of companies and enterprises
- 56142 Telephone Call Centers
- 922140 Correctional institutions
- 928110 National defense

Mr. Burdine stated the DCOA Board responsibilities to the City Council and citizens of Abilene are: 1) stewardship of the ½ cent sales tax for Economic Development revenues; 2) provide assistance to retain and/or expand our existing manufacturing businesses and attract new ones, and; 3) develop a comprehensive economic development program implemented through contracts with DevelopAbilene “Team” agencies. Mr. Burdine further stated DevelopAbilene consists of the Abilene Industrial Foundation, Development Corporation of Abilene, Downtown Programs, Economic Development Department, Military Affairs, and Texas Tech Small Business Development Center. Mr. Burdine reviewed various statistics on each of the DevelopAbilene agencies.

Council and staff discussion included: 1) staff is reviewing the DCOA By-Laws but that review is not currently a high priority; 2) Council recognizing the mission statement for DevelopAbilene as being good but voicing concerns of there being no targeted goals for activities to enhance the quality of life; 3) staff clarifying that quality of life issues can be defined differently by different people (i.e. raising the average wage rather than focusing on specific issues and that quality of life type projects are not generally eligible for funding), and; 4) potential projects, if determined appropriate, would have a positive impact on the quality of life and would produce a good return on the city’s investments.

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Councilman Southward made a motion to approve item 4.5, the Development Corporation of Abilene, Inc. Report of Activities for the fiscal year ended September 30, 2005 by oral resolution. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

(The above vote was recorded prior to Council convening in Executive Session)

4.3 Jon James, Director of Planning and Development Services distributed the revised language amendment to Sections 23-161(F) "Sign Regulations" of the Abilene Municipal Code regarding monument signage.

Council and staff discussion included: 1) Council questioned how the 20 foot sign height restriction might relate to other sign issues being reviewed, and; 2) staff clarified the 20' restriction is a safety issue and not intended to pre-decide or pre-judge future sign ordinances.

Mayor Archibald opened another public hearing due to changes made to the amendment. The following individual addressed the Council:

- David McMeekan, owner of Acme Sign Company. Mr. McMeekan stated he has concerns involving the 20 foot sign requirements and suggested Council move on the monument signs today and review the pole sign issue at a later date after an in depth study and feed back from the land development code consultants.

Council and staff discussion included: 1) Council's consideration of only approving the monument sign portion of the ordinance and for the ordinance to read that the monument sign would be increased to 8 feet in height, with a 5 foot set back from the property line or 15 feet from the street, and; 2) staff noting, unless Council directs otherwise, plans to have the Community Appearance Code changes to Council prior to the completion of the re-write of the land development code process.

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

Mayor Archibald made a motion to approve an ordinance considered on second and final reading to amend Sections 23-161(F) "Sign Regulations" of the Abilene Municipal Code regarding monument signage. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

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The Ordinance is numbered **70-2005** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART C "SIGNS AND BILLBOARDS", 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.

The amended exhibit to the above ordinance reads as follows:

23-161 (F)(4)

Front setback for **free-standing pole signs** shall be a minimum of ten feet (10") from back of curb or edge of pavement where there is no curb, provided, however, that no sign shall project into the public right-of-way of any street or alley except in the Central Business district as provided in Section 23-129 (D), "General Provisions." **The setback from street side property lines for monument signs shall be 5 feet from the property line or 15 feet from the curb, whichever is greater.**

23-161 (F)(5)

Freestanding signs shall have a minimum grade clearance of 8 feet.

Footnote 6 will be added to the height column for all zoning districts in the "Standards for Area, Height, Placement and Number" chart that are incorporated into Section 23-161 of the Sign Regulations.

23-161 (F)(6)

Monument signs shall not exceed a height of 8 feet.

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.

5.4 Mayor Archibald stated the annual performance evaluations of the City Manager, City Attorney, City Secretary, and Municipal Judge would be considered at a special called Council meeting on Tuesday, December 20, 2005 at 8:30 a.m.

5.5 Councilman Williams made a motion to approve Mayor Archibald's appointment of Gaylynne Isbell and reappointment of Mary Jay Island to the Housing Authority Board, terms expiring November 2007. Councilman Southward seconded the motion, and the motion carried.

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

NAYS: None

ABSTAIN: Councilman Hill

The Planning and Zoning Commission appointments and reappointments will be considered at a later date.

BUDGET WORKSHOP

5.6 The Budget Workshop will be rescheduled for December 20, 2005.

There being no further business, the meeting was adjourned at 12:35 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor