

**CITY COUNCIL MEETING**  
**March 9, 2006, 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 March 9, 2006, 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.

Councilwoman Moore gave the invocation.

Mayor Archibald introduced Marius Johnson who led the Pledge of Allegiance. Marius is a 5<sup>th</sup> grade student from Lee Elementary School. Marius's principle was also present.

**EMPLOYEE SERVICE AWARDS**

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

25 Years	Donald Brown	Police Officer Police Department
25 Years	Ricky Dorman	Police Officer Police Department
25 Years	David Gilbreath	Lake Patrol Officer Water Utilities Department
20 Years	Robert Cheatham	Parks Program Manager Community Services Department

**PROCLAMATION**

Mayor Archibald presented a proclamation to James Wheeler, Jr. of the Abilene Lions Club proclaiming March 18, 2006 as "Lions White Cane Day".

**DISPOSITION OF MINUTES**

2.0 There being no corrections, additions, or deletions to the February 16, 2006 Joint City Council & Planning and Zoning Commission Workshop and the February 23, 2006 Regular Council Meeting Minutes Councilwoman Moore made a motion to approve the minutes as presented. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

## CONSENT AGENDA

Mayor Archibald stated he would abstain from voting on items 3.5, **TC-2006-03** – *Request from Hendrick Medical Center to abandon Cypress Street from North 17<sup>th</sup> Street to North 18<sup>th</sup> Street*, and item 3.6, **Z-2006-09** – *Request to rezone property from RM-3 (Residential Multi-family), MU (Medical Use), and GC (General Commercial) to GC (General Commercial) zoning, property located on the north side of the 1000 block of North 17<sup>th</sup> Street.*

Councilman Hill made a motion to approve consent agenda items 3.1 through 3.3, first reading of items 3.4 through 3.6, and items 3.7 through 3.9 as recommended by staff. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Williams, Southward, Hill, Higgins, Councilwoman Moore, and Mayor Archibald (items 3.1 through 3.4 and 3.7 through 3.9).

NAYS: None

ABSTAIN: Mayor Archibald (items 3.5 and 3.6)

### Resolutions:

- 3.1 Oral Resolutions approving contract for Election Services with Taylor County Elections Office and approving change in polling location precinct 201 from First Baptist Church, University Place, 301 Hickory to First Baptist Church, City Light Building, 336 Hickory and written Resolution appointing Election Officials and fixing their rate of compensation for the Joint City/Abilene Independent School District General Election and City of Abilene Bond Election May 13, 2006 and June 10, 2006 Runoff Election, if necessary.

The Resolution is numbered **6-2006** and captioned as follows:

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AND THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT, APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION FOR THE MAY 13, 2006 JOINT CITY BOND AND CITY/AISD GENERAL ELECTION AND JUNE 10, 2006 RUN OFF ELECTION, IF NECESSARY.

- 3.2 Resolution supporting the continued licensing and operation of the Abilene Police Academy.

The Resolution is numbered **7-2006** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, SUPPORTING THE CONTINUED LICENSING AND OPERATION OF THE ABILENE POLICE ACADEMY.

- 3.3 Oral Resolution approving Enprotec/Hibbs and Todd Task Order 9, parking lot improvements design and bidding at the Abilene Regional Airport, and authorizing the City Manager to execute Task Order 9.

**Ordinances:**

- 3.4 **TC-2006-02** – Request from the Abilene Independent School District to abandon the following:
1. All of Samoa Street
  2. All of an east-west- alley located approximately 110' south of Samoa Street
  3. Sunrise Avenue from the south right-of-way line of the alley located approximately 110' south of Luzon Street to the north boundary of Lot 17, Block 1, Section 1, East Horizon Addition, located at 834 Sunrise Avenue; and set a public hearing for March 23, 2006 at 8:30 a.m.

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.

- 3.5 **TC-2006-03** – Request from Hendrick Medical Center to abandon Cypress Street from North 17<sup>th</sup> Street to North 18<sup>th</sup> Street; and set a public hearing for March 23, 2006 at 8:30 a.m.

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.

- 3.6 **Z-2006-09** – Request to rezone property from RM-3 (Residential Multi-family), MU (Medical Use), and GC (General Commercial) to GC (General Commercial) zoning, property located on the north side of the 1000 block of North 17<sup>th</sup> Street; and set a public hearing for March 23, 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.

**Bid Awards:**

- 3.7 **Bid #CB-5088** – Furniture for Municipal Court. The bid was awarded to Barnhill Office Systems & Interiors in the amount of \$43,159.08.
- 3.8 Twelve (12) Automatic External Defibrillators for the Fire Department to be purchased from Zoll Medical Corporation in the amount of \$27,324.00.
- 3.9 **Bid #CB-6004** – Rubber tired wheel loader for Public Works. The bid was awarded to Warren Caterpillar, Abilene, TX in the amount of \$112,061.00.

**REGULAR AGENDA**

4.1 Jon James, Director of Planning and Development Services briefed the Council on an ordinance considered on second and final reading to rezone 5.465 acres from SC (Shopping Center) and O (Office) to PDD (Planned Development District) zoning, property located at the northwest corner of Directors Parkway and S. Clack Street.

Mr. James stated the applicant plans to develop a primary parcel with a new healthcare facility in support of Abilene Regional Medical Center. Mr. James noted there is additional acreage that the applicant proposes to be subdivided for speculative commercial use and due to the area's designation as a Special Activity Center and the high quality of existing development, staff recommends the application of a PDD (Planned Development District) rather than any standard zoning districts. Mr. James stated the applicant's desire for a mixed-use development would require GC (General Commercial) zoning, which does not offer the kind of aesthetic standards that would be appropriate for the area. Mr. James noted staff has worked closely with an agent for the request to develop a PDD (Planned Development District) ordinance that will accomplish the developer's goals while remaining consistent with the Comprehensive Plan. Staff and the Planning and Zoning Commission recommend approval of the request.

Council and staff discussed the primary use of the property being medical and the variety of uses allowed under PDD (Planned Development District) zoning for parcels with frontage on the State right-of-way, and a more limited list of uses for parcels with frontage only on Directors Parkway.

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

- Paul Johnson, agent – Mr. Johnson stated a 55,000 square foot therapy hospital is proposed to be built on the bulk of the property, but some of the area could be used for commercial construction. Mr. Johnson further stated he feels this project will serve the community well and that the PDD zoning allows for a quality project.

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

Councilman Hill made a motion to approve the ordinance considered on second and final reading to rezone 5.465 acres from SC (Shopping Center) and O (Office) to PDD (Planned Development District) zoning, property located at the northwest corner of Directors Parkway and S. Clack Street. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **6-2006** 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-103 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING;  
PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**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 No action was taken on the board appointments for the Planning and Zoning Commission.

There being no further business, the meeting was adjourned at 10:40 a.m.

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Jo Moore  
City Secretary

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Norm Archibald  
Mayor