

CITY COUNCIL MEETING
July 13, 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 July 13, 2006, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Joe Spano, Anthony Williams, Stormy Higgins, and Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff.

Councilman Higgins gave the invocation.

Mayor Archibald introduced Amanda and Jacob Smith who led the Pledge of Allegiance. Amanda and Jacob are children of Regina Smith, an Accountant in the Finance Department.

EMPLOYEE SERVICE AWARDS

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

| | | |
|----------|----------------|------------------------------------------------------|
| 20 Years | Peggy Schroyer | Public Safety Dispatcher II Police Communications |
|----------|----------------|------------------------------------------------------|

PROCLAMATION

Mayor Archibald presented a proclamation to James Elam proclaiming July 15, 2006 as "Neighbor-to-Neighbor Day".

PRESENTATIONS

Mayor Archibald, assisted by Donna Littlefield, Police Communications Manager, presented the 2006 Employee Scholarship Awards as follows:

- Blake Alan Manning, son of William Bryant Manning, Firefighter in Fire Operations
- Vanessa Nicole Portlock, daughter of Rita Portlock, Nutrition Program Coordinator in the Health Division
- James Evan Chrane, son of Edwin Chrane, Fire Captain in Fire Operations
- Jazen Denise Merrill, daughter of Kathy Merrill, Assistant City Manager
- Melissa Terin Martin, daughter of Tom Martin, Fire Captain in Fire Operations
- Beau Riley Willis, son of Kelly Willis, Police Officer in the Traffic Division

Ms. Littlefield also recognized the 2006 Employee Scholarship Award committee members.

Mayor Archibald introduced Lesli Andrews, Community Enhancement Division Manager. Ms. Andrews assisted the Mayor in the presentation of the Keep Abilene Beautiful and Keep Texas Beautiful Awards. The autographed, third edition, Keep Texas Beautiful Christmas Ornaments were presented to the Council from the Keep Abilene Beautiful Board of Directors.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the June 22, 2006 Regular Council Meeting Minutes Councilman Higgins made a motion to approve the minutes as presented. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

CONSENT AGENDA

Mayor Archibald noted that agenda item 3.9 "Air Carrier Ramp Reconstruction Phase 2, Bid #CB-6057" and item 3.10 "General Aviation Ramp Taxilane Reconstruction Phase 2, Bid #CB-6057" have been removed from today's agenda and will be considered at the July 27, 2006 Council meeting. Councilman Chase requested that agenda item 3.7 "North 10th Reconstruction Phase III - Elm Creek to North Willis, Bid #CB-6060" be removed from the Consent Agenda and considered separate. Councilwoman Moore made a motion to approve consent agenda items 3.1 through 3.3, final reading of item 3.4, items 3.5, 3.6, 3.8, 3.11 and 3.12 as recommended by staff. Councilman Spano seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

Resolutions:

- 3.1 Oral Resolution authorizing execution of a Professional Services Contract with CADCO Architect-Engineers, Inc. for ball field lighting for a fixed fee of \$93,000 for basic services, plus reimbursable items at cost.
- 3.2 Oral Resolution authorizing the City Manager to accept two Federal Aviation Administration Airport Improvement Program (AIP) grants in anticipation of grant offers.
- 3.3 Resolution authorizing the filing of a grant application with the West Central Texas Council of Governments (WCTCOG) for a Regional Solid Waste Grants Program Grant.

The Resolution is numbered **24-2006** 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 GRANT; 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 COMMISSION ON ENVIRONMENTAL QUALITY, AND THE STATE OF TEXAS.

Ordinance:

- 3.4 Ordinance Denying the Atmos Gas Reliability Infrastructure Program (GRIP) rate increase.

The Ordinance is numbered **26-2006** and captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL 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:

- 3.5 **Bid #CB-6054** – Buffalo Gap Road Rehabilitation Phase III (South 34th Street to Danville Drive). The bid was awarded to J.H. Strain & Sons, Inc., Tye, Texas in the amount of \$628,275.60.
- 3.6 **Bid #CB-6059** – South 7th Reconstruction Phase II – Little Elm Creek Bridge to Dub Wright Boulevard. The bid was awarded to Stephens Martin Paving, L.P., Abilene, Texas in the amount of \$540,154.87.
- 3.7 **Removed from the Consent Agenda and considered separate: Bid #CB-6060** – North 10th Reconstruction Phase III – Elm Creek to North Willis.

City Council Meeting

July 13, 2006

Page 4

- 3.8 **Bid #CB-6061** – Terminal Renovation Phase IV. The base bid and alternate two were awarded to the low bidder, The Crowe Group, in the amount of \$2,457,000 subject to the availability of federal funding with the intent that the local share and costs in excess of federal funding, be funded from future general obligation bond issues.
- 3.9 **Removed from the agenda, to be considered at the July 27, 2006 Council meeting: Bid #CB-6058** – Air Carrier Ramp Reconstruction, Area A.
- 3.10 **Removed from the agenda, to be considered at the July 27, 2006 Council meeting: Bid #CB-6057** – General Aviation Ramp Taxiway Reconstruction Phase 2.
- 3.11 Repairs to Unit 2577, Wheel Loader, assigned to Street Services Division. The bid was awarded to Warren Cat, Abilene, Texas in the amount of \$27,017.80.
- 3.12 **Proposal #CB-6062** – Digital Video Security System for Municipal Court. The Request for Proposal was awarded to Supreme Security Service, Abilene, Texas in the amount of \$46,889.50.

REGULAR AGENDA

(Item 3.7 removed from the Consent Agenda to be considered separately at the request of Councilman Chase)

3.7 Paul Knippel, Director of Public Works, briefed the Council on staff's recommendation that Bid #CB-6060 North 10th Reconstruction Phase III – Elm Creek to North Willis be awarded to Epic Construction Co., Abilene, Texas, in the amount of \$954,221.97.

Council and staff discussion included: 1) Council noting the per square yard cost of the project and that 35% of the whole project cost being allocated for the one intersection, seems out of proportion; 2) staff stating that there are two projects involved and noted the funding sources; 3) Council questioned the possibility of using asphalt instead of concrete for 1/3 of the cost, and; 4) staff noting that asphalt does not have the same level of performance as concrete and acknowledged water drainage issues.

Councilman Chase made a motion to award Bid #CB-6060 North 10th Reconstruction Phase III – Elm Creek to North Willis to Epic Construction Co., Abilene, Texas, in the amount of \$954,221.97. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

4.1 Councilman Williams made a motion to remove from the table **Z-2006-19**, an ordinance to rezone 22.5 acres from AO (Agriculture Open Space), RM-3 (Residential Multi-family), and LC (Limited Commercial) to PDD (Planned Development District) zoning, property located at the southwest corner of Dub Wright Boulevard and Jennings Drive. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

4.1 Jon James, Director of Planning and Development Services briefed the Council on, **Z-2006-19**, an ordinance considered on second and final reading to rezone 22.5 acres from AO (Agriculture Open Space), RM-3 (Residential Multi-family), and LC (Limited Commercial) to PDD (Planned Development District) zoning, property located at the southwest corner of Dub Wright Boulevard and Jennings Drive.

Mr. James stated this property is located directly south of Dyess Air Force Base along the west side of a roadway designated as a Visual Pathway by the Thoroughfare Plan and that the applicant plans to develop the tract with primarily retail uses, but the proposed PDD ordinance allows many other options as well. Mr. James further stated staff attempted to include as much protection as was feasible to balance the goals of the developer with the concerns from the nearby residents. Some of the provisions that address that concern specifically require a masonry wall to buffer the western boundary of the PDD, tall evergreen trees and shielded lighting to reduce the visual impact, and boundary and internal sidewalks to make the development accessible to the nearby residents. The PDD ordinance also includes provisions for landscaping, signage, and alternative design guidelines to enhance its appearance. Mr. James noted the case was reviewed on May 23, 2006 and tabled to allow additional time for negotiation between the applicant and the nearby residents. Staff worked with all parties involved and the ordinance before Council includes many concessions from both sides. The few remaining items of disagreement pertain to permitted uses and a list of those uses, including a staff recommendation, has been submitted to Council. Staff recommends approval of the PDD ordinance, as modified by the recommendations in the "Uses for Individual Consideration". The Planning and Zoning Commission approved the original request, with an additional driveway onto Dub Wright Boulevard.

Council and staff discussion included: 1) the primary disagreement between the involved parties was the permitted uses allowed on site; 2) what uses would be allowed under the current limited commercial zoning; 3) a traffic light being required in the future at Jennings Dr. and Dub Wright Blvd.; 4) alley and set back requirements; 5) alcohol beverage businesses that would be permitted under the zoning ordinance; 6) all design issues having been agreed upon; 7) the need for a traffic impact analysis, specifically as it would affect the elementary school in the area, and; 8) traffic analysis cost, potential complexities, and engineer qualifications needed to conduct analysis.

Councilman Spano stated for the record that he had received an email concerning this re-zoning request and that the email noted that during the discussions it had been mentioned that he was going to put a liquor store in this area. Councilman Spano further stated that he had no plans to do that, nor had he been involved in any negotiations to do that, and that the statement that he was going to put a liquor store in this area is not true.

Mayor Archibald noted that a public hearing would be held on this item and each individual wanting to address the Council would be given five minutes for comments.

City Council Meeting
July 13, 2006
Page 6

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

- Dominic Vitaliano, Dyess Air Force Base Chaplain – Chaplain Vitaliano noted his concerns surrounding the poor work quality of the construction workers, safety of school children, and traffic issues. Chaplain Vitaliano stated the area should be residential and further stated he is opposed to the request.
- Timothy Pleimann – Mr. Pleimann addressed issues including Dyess Air Force Base not having agreed to anything (speaking on behalf of Chief Green (DAFB) but if any chemical use that would be a hazard to Dyess is involved then an assessment would be done, the need for a traffic study, areas that are TxDot's responsibility. Mr. Pleimann requested the Council deny the rezoning request.
- Ulrike Quinn – Ms. Quinn read a statement noting concerns and stated she feels there is an area that is better suited for the development. Ms. Quinn referenced a petition in opposition to the request that had been previously submitted to Council and requested Council approve residential zoning only.
- Jill Fortson, resident of Hampton and member of the Neighborhood Leadership Team – Ms. Fortson referenced two meetings with developers; process and time lines submitted to Council; a site plan representative that was involved in drafting a proposal and the need for a maximum positive appearance for the city.
- Stacy Pevler – Ms. Pevler stated she has a special needs daughter and has researched the locations of sexual predators and does not want them in their neighborhood.
- Rick Morello – Mr. Morella noted his concerns involving construction, traffic diversion and the risk for school buses. Mr. Morello requested Council deny the request for the safety of the children.
- Paul Johnson – Mr. Johnson stated he tries to address the concerns of the residents in the area when faced with zoning issues and that he thinks the buffer issues have been resolved. The permitted uses are still on the table and that he agrees with staff's recommendations. Mr. Johnson formally requested that the City/Community and Dyess Air Force Base join together and ask TxDot to consider installing a traffic light at Jennings Dr. Mr. Johnson clarified a statement he was quoted as having made noting that he did not say that they were "not getting everything we want", but did say "we probably are not going to get a large grocery store (big box)". Mr. Johnson noted the professionalism of city staff and that the architect representing the neighborhood, Lisa Rooney, was great to work with.
- Lester Cooks – Mr. Cooks stated he is a Dyess Airman and that he and his family live in the area. Mr. Cooks also stated that he is concerned for his family's safety, that the area should be strictly residential and that he is opposed to the request.

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

Mayor Archibald recessed the Council for a break at 10:15 a.m. and reconvened the meeting at 10:25 a.m.

Further discussion included: 1) the Mayor reiterated what is before Council for consideration, staff's recommendations, P&Z recommendations and what has been presented during today's public hearing; 2) Council noted concerns related to alcoholic beverage sales in the area and traffic issues; 3) Council addressed the possibility of the developer being part of an financial effort to have TxDot install a traffic light. Mr. Johnson responded that he could not address that possibility and that he could not hold the project until TxDot determined traffic needs in the area due to the length of time that that could take; 4) possible location of sidewalks in the area and guidelines determined by ADA requirements; 5) Mr. Johnson stated he has no problems with no hotel/motels being allowed; 6) Council noting primary concerns are timing of this project and traffic issues (specifically due to the location of the Dyess Elementary school); 7) Council reiterated the need for a traffic study, traffic light and to protect the school children; 8) determining how those in the area will be affected by the construction; 9) staff noting if request is denied the applicant has 6 months to bring the PDD zoning request back to the city; 10) the PDD zoning request is consistent with the Corridor Overlay, Thoroughfare and Comp Plan; 11) the need for a good traffic plan on both sides of Hwy. 277, and; 12) Council being pro-business and wanting Dub Wright Blvd. developed and noted the positive aspect of the 6 month timeline to bring back the request if denied.

Councilman Spano made a motion to deny **Z-2006-19**, an ordinance considered on second and final reading to rezone 22.5 acres from AO (Agriculture Open Space), RM-3 (Residential Multi-family), and LC (Limited Commercial) to PDD (Planned Development District) zoning, property located at the southwest corner of Dub Wright Boulevard and Jennings Drive. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen, Spano, Williams, Higgins, and Councilwomen Moore and Davis.

NAYS: Councilman Chase and Mayor Archibald.

4.2 Jon James, Director of Planning and Development Services briefed the Council on **Z-2006-20**, an ordinance considered on second and final reading to rezone property from RM-3 (Residential Multi-family) to LC (Limited Commercial) zoning, property located at 3250 South 15th Street.

Mr. James stated that the applicant is proposing to develop this site with a small strip center. However, even if the subject parcel is rezoned, the applicant may not be able to develop the site. This property is completely within the floodway of Catclaw Creek, which under current regulations would not allow any kind of development. There is a chance that this property will be removed from the floodway, as FEMA will be changing some flood limits of Abilene in the next couple of years. Mr. James further stated that staff believes that Residential Multi-family is the most appropriate zoning for this parcel if the surrounding residential uses remain, however if Council feels this whole area between S. 14th St. and S. 15th St. is best suited for commercial development, staff recommends approval of Limited Commercial. The Planning and Zoning Commission recommends approval of the request.

Council and staff discussion included: 1) landscaping requirements; 2) staff noting that they don't see too many PDD needs in this area, and; 3) floodway issues.

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

Councilman Chase made a motion to approve **Z-2006-20**, an ordinance considered on second and final reading to rezone property from RM-3 (Residential Multi-family) to LC (Limited Commercial) zoning, property located at 3250 South 15th Street. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **27-2006** 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-2006-21**, an ordinance considered on second and final reading to rezone 3.97 acres from SC and SC/COR (Shopping Center and Shopping Center with Corridor Overlay) to GC/COR (General Commercial with Corridor Overlay) zoning, property located on the east side of Ridgemont Drive 140 feet north of Rebecca Lane.

The Kana Hotel Group is proposing to purchase part of this property to build a Hilton garden Inn hotel on it. The base zoning is Shopping Center, which does not allow hotels. Rather than writing a PDD that would allow a hotel and prescribe the general protections, staff and agent Alpesh Patel have agreed on another option. Staff proposes giving the applicant an extensive list of permitted uses with General Commercial, while assuring aesthetic standards by extending the corridor Overlay to the entire property. Staff and the Planning and Zoning Commission recommends approval of the GC/Corridor Overlay.

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

- Tom Niblo, agent, requested Council approve the rezoning request.

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

Councilman Higgins made a motion to approve **Z-2006-21**, an ordinance considered on second and final reading to rezone 3.97 acres from SC and SC/COR (Shopping Center and Shopping

Center with Corridor Overlay) to GC/COR (General Commercial with Corridor Overlay) zoning, property located on the east side of Ridgemont Drive 140 feet north of Rebecca Lane. Councilwoman Moore seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **28-2006** 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 **Z-2006-22**, an ordinance considered on second and final reading to rezone property from RM-2 (Residential Multi-family) to MH (Mobile Home) zoning, property located at 733 & 741 Redbird Lane.

Mr. James stated the agent is planning to purchase the subject parcels for the use of a large mobile home. The property is within an area zoned RM-2 (Residential-Multi family) and the current boundary of Mobile Home zoning district ends just to the south of the property. Staff is concerned that this would represent an encroachment of Mobile Home zoning into an area zoned for other residential uses. Three property owners representing 15 parcels and 34% of the notification area have submitted written opposition to this request, therefore, a super-majority (six) votes of the Council will be required to approve the request. Staff recommends denial of the request. The Planning and Zoning Commission approved the request.

Council and staff discussion included: 1) this item requiring six affirmative votes by Council to be approved; 2) non-typical mobile home, more similar to modular homes; 3) P&Z's recommendation based on being consistent with surrounding uses, and; 4) stick built homes can be built in mobile home zoned area.

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

- Gary Pierce, agent, noted appreciation to staff for their assistance on processing this request. Mr. Pierce stated if the rezone is approved he has a contract to buy the property and will also pay the back taxes. Mr. Pierce also stated he plans to move on to the property and to make it something to be proud of and that the surrounding uses are consistent with mobile home zoning. Mr. Pierce requested Council approve the rezone request.

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

Councilwoman Davis made a motion to approve **Z-2006-22**, an ordinance considered on second and final reading to rezone property from RM-2 (Residential Multi-family) to MH (Mobile Home) zoning, property located at 733 & 741 Redbird Lane. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **29-2006** 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-2006-26**, an ordinance considered on second and final reading to rezone property from O (Office) and HC (Heavy Commercial) to HC (Heavy Commercial) or PDD (Planned Development District) zoning, property located at 301 Goliad Drive.

The applicant's business, a portable restroom rental company, has occupied the site with a multitude of outdoor storage for more than a decade. Planning and Development Services received a complaint from one of the homeowners in the adjacent single-family residential area stating that the screening fence along the rear property line had fallen into disrepair and that the storage was now visible from his home. After further investigation, staff discovered that the business was located in Office Zoning, which does not allow any outdoor storage. The applicant has requested rezoning of the parcel to a zoning district that allows outdoor storage as an alternative to removing it completely. The applicant originally requested Heavy Commercial zoning, but Staff and the P&Z Commission felt that a PDD would be more appropriate. Staff recommends approval of PDD ordinance. The Planning and Zoning Commission recommended approval of the PDD ordinance with the following amendments:

1. Removal of LC Uses (Leaves only Office Uses, Including the current Portable Restroom Rental Office)
2. Increased height limit of outdoor storage near the screening fences from the staff recommended 7' to 7'6" to allow the portable restrooms to be stored there (they are 7'3").
3. Reduced the time allowed to bring the site into full compliance with the provisions of the PDD and obtain a Certificate of Occupancy from 12 months to 90 days.

Council and staff discussion included: 1) material current fences in the area are made of; 2) requirements under HC and PDD zoning; 3) staff noting opinion that HC zoning is not

City Council Meeting

July 13, 2006

Page 11

appropriate to backup to residential or office zoning, and; 4) the 3' land build up + a 6' fence would prevent containers from being seen if the containers are set back from the fence.

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

- Louis Paulsen, agent, stated he is agreeable to a 6' fence on the 3' built up portion of land but noted storage is not close to the fence now.
- B.C. McCreary, resident of the area for 34 years. Mr. McCreary noted the history of previous occupants in the area and flood issues that resulted in the build up of the land. Mr. McCreary stated he disagrees with HC zoning and that the property should stay Office zoning. Mr. McCreary further stated he can see the storage from his property, that noise pollution will be worse with HC zoning and that the property in question has not been properly maintained over the years.
- Booker T. Roy, resident of the area, stated a 6' fence would allow the storage to still be seen but approves of a 7' fence.

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

Further discussion included: 1) Council noting to Mr. Paulsen if HC zoning is approved they cannot require anything and that it would be an integrity question, that they would have to trust that he would do what he says he will; 2) current elevation from Judge Ely to Pasadena Height; 3) what can currently be seen in the area as well as the portable restrooms; 4) construction cost of new fence and increasing fence height; 5) Council's support of local businesses and obligation to listen to neighbors concerns; 6) fencing required in proposed PDD; 7) difficulties involved in enforcing storage set back from fence requirements, and; 8) affect of removing north side fence requirements.

Councilman Higgins made a motion to approve **Z-2006-26**, an ordinance considered on second and final reading to rezone property from O (Office) and HC (Heavy Commercial) to PDD (Planned Development District) zoning, property located at 301 Goliad Drive, to include the following stipulations: 1) a six (6) foot fence of wood or masonry materials along the full length of the rear boundary (east side) of the PDD; 2) no fencing requirements for the north side of the PDD and; 3) no storage set back from the fence will be required. Councilman Chase seconded the motion, and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

The Ordinance is numbered **30-2006** 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

City Council Meeting

July 13, 2006

Page 12

-110 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 Mayor Archibald made a motion to approve appointments to various boards and commissions as listed below. Councilman Williams seconded the motion and the motion carried.

AYES: Councilmen Chase, Spano, Williams, Higgins, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

Airport Development Board

3 year terms

Appoint:

- Vic Corley, term expires 11/2008
- David Lynn, term expires 11/2006

Board of Adjustment

2 year terms

Appoint:

- David Hejl, term expires 11/2006

Board of Building Standards

2 year terms

Appoint:

- Sandy Saringer, Alternate Social Worker, term expires 11/2007

Local Redevelopment Authority

Appoint:

- Burl Harris

Planning and Zoning Commission

3 year terms

Appoint:

- Fred Famble, term expires 11/2008

City Council Meeting

July 13, 2006

Page 13

No appointments were made to the Abilene Health Facilities Development Corporation or the Abilene-Taylor County Child Advocacy Center Advisory Board.

With no further Council action needed Mayor Archibald stated Council would immediately convene in the City Hall Basement Conference room for a Council/Staff Communications Workshop.

COUNCIL/STAFF COMMUNICATIONS WORKSHOP

5.5 Mayor Archibald called the Council/Staff Communications Workshop to order. Those present were Councilmen Sam Chase, Joe Spano, Anthony Williams, Stormy Higgins, and Councilwomen Celia Davis and Laura Moore. Also present were City Manager Larry Gilley, Assistant City Manager's David Vela, Richard Burdine, and Kathy Merrill, City Attorney Sharon Hicks, and City Secretary Jo Moore.

City Manager Larry Gilley introduced the workshop session presenter Mr. Rollie Waters. Mr. Waters is the Founder and President of The Waters Consulting Group, Inc. (WCG), a national consulting firm based in Dallas Texas, specializing in many areas of human resources including performance management and competency model development.

Following a review of the history of Performance Management Mr. Waters presented the "City of Abilene/Dynamic Communication in Municipal Government" including: 1) The Basics of Communication, the Power of Belief Systems, Behavior Model, and; 2) Communicating with Style, and History of the language.

The Workshop session was customized specifically to the needs of those in attendance and an assessment was previously completed by each individual. The results of the assessments were distributed and the Council and staff discussed with Mr. Waters the assessment results including behavior characteristics and communication styles.

Mayor Archibald stated appreciation to Mr. Waters for the presentation and noted the positive results and benefit of the session.

There being no further business, the meeting was adjourned at 4:45 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor