

CITY COUNCIL MEETING
August 10, 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 August 10, 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.

Councilwoman Moore gave the invocation.

Mayor Archibald introduced Gunner and Gavin Johnston who led the Pledge of Allegiance. Gunner and Gavin are the sons of city employees Jimmy and Jayme Johnston.

EMPLOYEE SERVICE AWARD

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

20 Years	William Henderson	Supervisor I Civic Center
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DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the minutes of the July 20, 2006 Special Council Meeting, the July 25 and July 26, 2006 Budget Workshops, and the July 27, 2006 Regular Council Meeting and Budget Workshop Councilman Higgins made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

Mayor Archibald announced that at 9:15 a.m. Council would recess to the Texas Tech University engineering school, 302 Pine St, to welcome Senator Kay Bailey Hutchison to Abilene. Council will reconvene the Council meeting at approximately 10:15 a.m.

CONSENT AGENDA

Mayor Archibald noted that Consent Agenda Item 3.12 "Bid Award, Trucks with tilt frames and reeving assemblies for the Solid Waste Division, Bid #CB-6063", has been removed from the Consent Agenda and will be considered later in today's meeting.

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Councilman Williams made a motion to approve consent agenda items 3.1 through 3.6, first reading of items 3.7 through 3.10, and items 3.11 and 3.13, 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 the City Manager to enter into an agreement with Gulf Coast Compliance/Jacob & Martin, Ltd. for professional services not to exceed \$26,600.00.
- 3.2 Oral Resolution authorizing the City Manager to execute Amendment 1 to Task Order 3 of the URS Corporation contract, to expand the scope of the T-Hangar Taxilane Reconstruction, Area A, Phase 1 (Design) Project to include electrical engineer for high-mast lighting of the entire T-Hangar area and adjacent GA Ramp, with the intent that the fee will be funded from future general obligation bond issues, with 90% to be reimbursed by FAA AIP grant in FY 2008..
- 3.3 Oral Resolution authorizing the City Manager to execute URS Corporation Task Order 5, Air Carrier Ramp Reconstruction Area B, Phase 1 (Design) Project, with the intent that the fee will be funded from future general obligation bond issues.
- 3.4 Oral Resolution authorizing the City Manager to execute URS Corporation Task Order 6, Inspection and Testing Services for Air Carrier Ramp Reconstruction Area A, Phase 2 (Construction) and GA Ramp Taxilane Reconstruction (Phase 2) Projects, with the intent that the fee will be funded from future general obligation bond issues.
- 3.5 Oral Resolution authorizing the City Manager to execute an Airport Use Agreement with the Big Country Air Fest, Inc. for the Big Country Air Fest 2006.
- 3.6 Resolution authorizing the execution of the ATMOS Gas Standing Steering Committee Participation Agreement.

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

A RESOLUTION OF THE CITY OF ABILENE AUTHORIZING THE EXECUTION OF THE ATMOS GAS STANDING STEERING COMMITTEE PARTICIPATION AGREEMENT.

Ordinances:

- 3.7 Ordinance amending Chapter 32, "Utilities", Article VII, "Municipal Drainage Utility", of the Abilene Municipal Code; and set a public hearing for August 24, 2006 at 8:30 a.m.

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AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES", ARTICLE VII, "MUNICIPAL DRAINAGE UTILITY", OF THE ABILENE MUNICIPAL CODE, BY REPLACING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

- 3.8 Ordinance amending Chapter 23, Subpart D, Subdivision Regulations, of the Abilene Municipal Code, regarding the Extra-Territorial Jurisdiction; and set a public hearing for August 24, 2006 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART D, "SUBDIVISION REGULATIONS", 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.

- 3.9 Ordinance to establish Rural Residential Zoning districts and to amend the minimum lot size requirements in the AO (Agriculture Open Space) zoning district of the Zoning Ordinance; and set a public hearing for August 24, 2006 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", 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.

- 3.10 Ordinance to amend Section 23-313.2.C of the Zoning Ordinance, regarding setback requirements in the CU (College University) zoning district; and set a public hearing for August 24, 2006 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", 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.

Bid Awards:

- 3.11 **Bid #CB-6055** – Wheel Loader for the Water Department. The bid was awarded to Nueces Power Equipment, Abilene, TX in the amount of \$104,998.00.
- 3.12 **Bid #CB-6063** – Trucks with tilt frames and reeving assemblies for the Solid Waste Division was removed from the Consent Agenda and considered after Agenda Item 4.8.
- 3.13 Repairs to Unit 5219, 1981 Caterpillar 980C Loader, assigned to Street Services. The bid was awarded to Warren Cat, Abilene, TX in the total amount of anticipated repairs of \$26,278.69.

REGULAR AGENDA

4.1 Jon James, Director of Planning and Development Services briefed the Council on a Resolution to approve the FY 2006-2007 One-Year Action Plan for the 2005-2009 Consolidated Plan and projected use of Community Development Block Grant (CDBG) and Home Investment Partnerships program (HOME) funds.

Mr. James stated the City of Abilene, as an entitlement city receiving funds from the U.S. Department of Housing and Urban Development (HUD), is required to submit a One-Year Action Plan outlining specific uses of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds planned for the coming fiscal year. The One-Year Action Plan must be submitted to HUD by August 11, 2006. The One-Year Action Plan FY 2006/2007 Summary is as follows:

- Planning and Development Services Administration - \$213,790 CDBG
- HOME Administration - \$14,680 HOME
- Reserve Funds - \$210 CDBG
- First Time Home Buyers - \$60,000 HOME
- Tenant-Based Rental Assistance/Self-Sufficiency (TBRASS) - \$100,000 HOME
- Single-Family Rehabilitation - \$368,000 HOME
- Housing Reconstruction - \$213,020 HOME
- Community Housing Development Organization (CHDO) - \$86,860 HOME
- Critical/Limited Rehab - \$110,000 CDBG
- CDBG Housing Rehab Administration - \$140,000 CDBG
- Housing Rehab Administration - \$44,030 HOME
- Adult Protective Services Partners, Inc. - \$10,960 CDBG
- Medical/Dental Program - \$22,820 CDBG
- Senior Nutrition and Activities - \$66,230 CDBG
- Community Enhancement - \$96,250 CDBG
- Planning and Development Services - \$18,600 CDBG
- Teen Court - \$22,890
- Access to Jobs - \$41,820 CDBG
- FaithWorks of Abilene, Inc. - \$14,990 CDBG
- Section 108 Debt Repayment - \$664,050 CDBG

Mr. James noted applications from two new organizations, Adult Protective Services Partners, Inc. and FaithWorks of Abilene, Inc, were received this year. Mr. James distributed a page correction to Council on the funding request amount for FaithWorks of Abilene, Inc. Mr. James stated the correct amount is \$14,030 and not \$24,030 and that the correct amount was published for public comment.

A public hearing was held in May 2006 at City Hall to discuss and determine services, needs and gaps in the following areas of concentration which included housing, homelessness/special needs, economic development, and community development/neighborhood development. At this session, representatives of non-profit agencies and members of the general public made various comments on

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community development needs that they hoped could be addressed with CDBG/HOME funds or alternative funds. A summary of the One-Year Action Plan outlining the proposed FY 2006/207 budget was published in the Abilene Reporter-News on July 8, 2006 (which began the HUD required 30 day comment period). As of July 31, 2006 no comments had been received. A second public hearing scheduled for today's Council meeting is required with Council's approval of the proposed Resolution. There will be no impact on local taxes. Projects are funded using 2006 entitlements of \$1,125,810 CDBG and \$579,050 HOME. In addition, the City anticipates that it will receive the minimum of \$43,740 in program income for the CDBG program during FY 2006/07. Staff recommended Council approve the proposed Resolution that approves the 2006/07 One-Year Action Plan for use of CDBG and HOME funds.

Staff clarified funding of the programs as presented is provided through grant funds.

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

- Joyce Dalzell, Executive Director, FaithWorks, Inc. Ms. Dalzell explained the purpose of FaithWorks and what the requested funding will be utilized for and thanked the Council for their support.
- Robin Dennis, President, Board of Directors, Adult Protective Services Partners, Inc. Ms. Dennis noted the benefits the funding will provide and thanked the Council for their support.

Council commended both organizations on the services they provide.

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

Councilwoman Davis made a motion to approve by Resolution the FY 2006-2007 One-Year Action Plan for the 2005-2009 Consolidated Plan and projected use of Community Development Block Grant (CDBG) and Home Investment Partnerships program (HOME) funds. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered **27-2006** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 2006-2007 ACTION PLAN FOR THE 2005-2009 CONSOLIDATED PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS.

4.2 Agenda Item 4.2 was considered after Agenda Item 4.3.

4.3 Jon James, Director of Planning and Development Services briefed the Council on **Z-2006-27**, an ordinance considered on second and final reading to apply HO (Historic Overlay) to the base RM-3 (Residential Multi-family) zoning, property located at 3425 South 14th Street.

Mr. James stated the subject property was developed in 1955 and became eligible for HO (Historic Overlay) Zoning in October 2005 after celebrating its 50th anniversary. Applicants are generally interested in obtaining this zoning designation for prestige, City tax reduction, or to protect the property. Mr. James noted any significant changes within HO zoning districts do have to be approved. The Landmarks Commission added the property to the Abilene Register of Historic Properties in September 2005. Staff, the Landmarks Commission, and the Planning and Zoning Commission recommend approval of the request.

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

- Shirley Smith, representing the Abilene Woman's Club. Ms. Smith noted the club's desire to protect the building through the HO zoning and the benefit's the Abilene Woman's Club provides to the community and to women.

Council commended the Abilene Woman's Club on the quality of life benefits they provide. Mayor Archibald commended city employee Larry Abrigg noting that the Abilene Woman's Club was very complimentary of the assistance that he has provided them.

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

Councilman Williams made a motion to approve **Z-2006-27**, an ordinance considered on second and final reading to apply HO (Historic Overlay) to the base RM-3 (Residential Multi-family) zoning, property located at 3425 South 14th Street. Councilman Higgins 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 **34-2006** 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.

At 9:12 a.m. Mayor Archibald recessed the Council to attend a function to welcome Senator Kay Bailey Hutchison to the City of Abilene and the Mayor stated that Council would reconvene in Regular Council Session at approximately 10:15 a.m.

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Mayor Archibald reconvened the Council in Regular Session at 10:20 a.m. The Mayor thanked those in attendance for their patience while the Council recessed to welcome Senator Hutchison to Abilene and noted the tremendous support the Senator has provided to Abilene.

4.2 Jon James, Director of Planning and Development Services briefed the Council on **Z-2006-23**, an ordinance considered on second and final reading to rezone property from RM-3 & RM-2 (Residential Multi-family) to PDD (Planned Development District) zoning, property located at the northeast corner of Dub Wright Boulevard and Jennings Drive.

Mr. James stated the property is located directly east of Dyess Air Force Base along the east side of Dub Wright Boulevard, which is a roadway designated as a Visual Pathway by the Thoroughfare Plan, and due to the property's proximity to Dyess the need for a quality development with an attractive appearance is heightened. The applicant desires to construct an office development adjacent to his own single-family subdivision directly east of the request. This type of development provides a good transition zone between the single-family homes and the possible future commercial uses surrounding the intersection of Jennings Drive and Dub Wright Boulevard. A PDD (Planned Development District) would be more appropriate to ensure the long-term quality of the development, to protect the neighboring residential subdivision and the aesthetic provisions in the proposed ordinance are consistent with the recently proposed PDD (Planned Development District) located southwest of the subject tract. However, this PDD (Planned Development District) would only allow uses that are permitted in the standard Office Zoning District. It offers reduced setbacks to increase the buildable area of the tract if parking is not located between the structures and the right-of-way and includes provisions for landscaping, building materials, screening, sidewalks, and driveway access to enhance the appearance and accessibility along the corridor adjacent to Dyess Air Force Base. Staff and the Planning and Zoning Commission recommend approval of the request.

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

- David Todd, agent. Mr. Todd explained the purpose of the request and asked Council's approval of the request.

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

Discussion included: 1) no opposition to the request having been received; 2) this property will be developed in stages, and; 3) the applicant having agreed to the signage (types and heights) as proposed in the PDD.

Councilwoman Davis made a motion to approve **Z-2006-23**, an ordinance considered on second and final reading to rezone property from RM-3 & RM-2 (Residential Multi-family) to PDD (Planned Development District) zoning, property located at the northeast 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

The Ordinance is numbered **35-2006** 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-111 A PLANNED DEVELOPMENT DISTRICT; 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-2006-28**, an ordinance considered on second and final reading to rezone property from LC (Limited Commercial) to SC (Shopping Center) zoning, property located at 5502 South 7th Street.

Mr. James stated this property is currently developed with a small multi-tenant retail center and one of the spaces has been leased to a tattoo parlor. After completing substantial improvements to the leased space and the surrounding site, the agents became aware that tattoo parlors are not permitted in LC zoning due to a staff interpretation dating back approximately 10 years. Some years ago staff made the determination that tattoo parlors were similar to a certain use that was only allowed in SC (Shopping Center), GC (General Commercial), HC (Heavy Commercial), LI (Light Industrial, and HI (Heavy Industrial). While the allowable zoning designations have been recorded for consistency, the use originally used for the interpretation is unknown. Staff brought an ordinance amendment before the Planning and Zoning Commission in June that would have added tattoo parlors to the list of permitted uses. The feedback staff received from the Commissioners lead staff to the understanding that the existing interpretation is correct. Although the issue was tabled, staff felt it was more appropriate for the applicant to rezone the property. Staff desires to delay the ordinance amendment that would add tattoo parlors to the permitted use chart until the new Land Development Code is drafted. This will allow time for staff to receive a recommendation from the consultants who are working on the Land Development Code and to also have the opportunity to consult with other cities on how this land use issue is handled. The minimum size of a SC (Shopping Center) zoning district allowed by the zoning ordinance is 2 ½ acres. Although the subject parcel is just under an acre, it is contiguous to the existing SC (Shopping Center) zoning district that is south of South 7th Street, which would be considered one zoning district because zoning districts extend to the centerlines of the adjacent streets. The LC (Limited Commercial) zoning districts differ in that they are limited to 2 ½ acres of land, which are not intersected by a street. Staff and the Planning and Zoning Commission recommend approval of the request.

Council and staff discussion included: 1) staff noting other tenants in the SC have stated no objections to the request; 2) current businesses in the SC will not be affected by the re-zoning, due to the SC zoning allowing all that the current LC zoning allows, and; 3) concerns over possible underground tanks in the re-zone request area.

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

- Annlinette Ramirez, agent. Ms. Ramirez submitted a list of names that she stated are in favor of the request, and asked Council to approve the request.

- Scott Senter, realtor. Mr. Senter stated he has the parcel of property at 5401 S. 7th and that he is in favor of the request.
- Mr. Washington, part owner of the shopping center. Mr. Washington stated he believes the underground tanks have been taken care of and noted the many businesses that have come and gone. He stated he is in favor of the request.

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

Councilman Williams made a motion to approve **Z-2006-28**, an ordinance considered on second and final reading to rezone property from LC (Limited Commercial) to SC (Shopping Center) zoning, property located at 5502 South 7th Street. Councilman Spano 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 **36-2006** 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-2006-29**, an ordinance considered on second and final reading to rezone property from O (Office) to LC (Limited Commercial) zoning, property located at 3433 North 6th Street.

Mr. James stated the applicant's business is Nutrition Stores, LLC, which sells essential foodstuffs, but only accepts WIC (Women Infants and Children) cards for payments, and although they do not accept money, they are a commercial business, which is not allowed on property that is zoned O (Office). Both O (Office) and LC (Limited Commercial) zoning districts are considered transitional zoning districts between commercial and residential properties. Prior to the Comprehensive Plan a survey was taken by citizens, which suggested that half of the citizens were not satisfied with the distribution of commercial services. The Comprehensive Plan addresses this issue by recommending that some small-scale retail stores may be located near residential areas. The Plan also mentions that the location of a commercial establishment should support and enhance the surrounding area rather than alter the character of it. Staff believes that rezoning this parcel to LC (Limited Commercial) will accomplish these recommendations. 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.

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Councilman Higgins made a motion to approve **Z-2006-29**, an ordinance considered on second and final reading to rezone property from O (Office) to LC (Limited Commercial) zoning, property located at 3433 North 6th Street. 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 **37-2006** 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.

4.6 Mayor Archibald noted that Councilman Chase would be abstaining from this item (due to his legal representation of the seller of the affected property). Jon James, Director of Planning and Development Services then briefed the Council on **Z-2006-31**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) and PDD-78 (Planned Development District) to RM-2 (Residential Multi-family) zoning, property located at the southwest corner of North Judge Ely Boulevard and East Stamford Street.

Mr. James distributed a handout to Council noting staff had just received the handout and that it is a list of names in opposition to the request.

Mr. James stated area is located fairly close to the new I-20 and Highway 351 development area and north of Abilene Christian University (ACU). The frontage along I-20 makes this property desirable for more intense development, but it must also be compatible with the existing residential area. Multi-family zoning represents a good buffer from the interstate and provides additional housing opportunities close to the ACU campus and the expanding commercial area nearby. The applicant plans to provide an upscale apartment complex to serve college students attending the nearby Abilene Christian University. The Future Land Use portion of the Comprehensive Plan designates the intersection of Interstate 20 and Highway 351 as a Major Commercial/Business Activity Center. This designation expects large, possibly multi-story, retail and mixed-use developments that serve a larger population area than just the surrounding neighborhoods and encompass 60 or more acres. Non-residential development will likely expand north along the I-20 corridor to include land directly across the interstate from the subject tract. Future extensions of Hike and Bike Paths along Judge Ely Boulevard and other corridors may eventually provide transportation alternatives linking this site with the Activity Center. The increased density of the development is consistent with the goal of the area and will serve as a transition zone to lower-density residential areas nearby. Staff and the Planning and Zoning Commission recommend approval of the request.

Council and staff discussion included: 1) the Mayor and City Manager's discussions with TxDot representatives concerning their state wide study of and expectations that one way frontage

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roads will be implemented state wide; 2) TxDot's officials wanting to make sure that applicants work with them and the city in the area of access management to properly control traffic; 3) the item before Council today being a zoning issue and not a traffic issue; 4) staff's belief that the standard zoning, versus a PDD, is appropriate for this area and that the buffer (open field) is sufficient, and; 5) plats/site plans address entrance/exit issues.

Mayor Archibald asked upon opening a public hearing that proponents for the item address Council first. Mr. Alex Eyssen, an attorney representing the proponents from Campus Crest, recognized owners/founders Mike Hartett and Dan Norman and stated Mr. Hartett and Mr. Norman would be addressing Council.

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

- Dan Norman, President, Campus Crest Development. Mr. Norman presented background information on Campus Crest and noted where they have facilities located. Through a power point presentation Mr. Norman did an overview of the proposed Abilene project and stated their project is not a typical student apartment building but is one that creates a life style.
- Mike Hartett, Campus Crest Development. Mr. Hartett noted his confidence in their project and stated they are a hands on team that build and hold assets and give back to the community.

Council and developers discussion included: 1) developers noting they are contractors and managers and that they do use local contractors; 2) the project cost will be approximately \$10 million, and; 3) middle size universities being the market the developers look for, a cost study is done and the project is in the upper 3rd of the pricing matrix.

Following the proponents comments the following individuals addressed Council:

- Bill Brant, president of Abilene Christian Schools. Mr. Brant stated, on behalf of the Board of Directors of Abilene Christian Schools, the following objections to the request: 1) unknown future use of the property; 2) jeopardizing the integrity of Abilene Christian Schools property and equipment, and; 3) safety of students and families due to potential increase in traffic. Mr. Brant further stated his personal concerns are the same as those noted by the ACS Board of Directors and that he must safeguard the people in his care.
- C.G. Gray, Country Meadow resident. Mr. Gray stated opposition and concerns due to potential increase in traffic and lack of supervision of large number of college students that will reside in the complex.
- Walter Woods – Mr. Woods stated concerns about the parking spaces being able to accommodate all that will result from the increase in the number of students. Mr.

Woods also stated that there are no current university housing shortages and that he is concerned about traffic issues and elderly residents in the area.

- Brad Carter, representative from Cedar Creek Neighborhood Association. Mr. Carter stated that although he is excited about development, this type of apartment complex is not the best use of this property.
- Dr. Mimi Barnard, ACU Chief Housing Officer. Dr. Barnard gave a background of her employment with ACU and addressed student development issues. Dr. Barnard stated the multiple campus cultures need to be considered and that she feels neighborhood housing would be impacted by this project. Dr. Barnard also stated trends do not show a need for additional housing at ACU.
- Scott Senter, realtor. Mr. Senter stated this would be a good development, would add to the city's tax base and he encouraged Council to approve the request.
- Nobel Harris, real estate agent. Mr. Harris stated he can see both sides of this issue and although he commends the project he feels a 20 acre plot would be more appropriate than a 10 acre one for this type of development.
- Marcus Mullins - Mr. Mullins addressed pro's and con's to the project.
- Dr. Gary McCaleb, ACU Vice President. Dr. McCaleb stated no opposition to the company or developers requesting the re-zoning or to development in the area, but the one issue before Council is the zoning change which has to do with land use and Dr. McCaleb further stated the request before Council is an inappropriate one for the use of this land. With an increase of over 500 additional cars, making multiple trips in and out the campus every day safety issues are a primary concern. Dr. McCaleb noted the decision Council makes is one that all will have to be lived with from this point on and he asked the Council to consider the future impact to the schools and neighborhoods.
- Jim Holmans, ACU employee. Mr. Holmans noted ACU is the only private school listed on the developers list of projects, and that there is a different culture between private and public schools. Mr. Holmans urged the Council to deny the request.
- Joe McKissick - Mr. McKissick noted the negative impact an increase in traffic will have to the community and to the elderly.
- Vicki Anderson – Ms. Anderson noted there was no opposition voiced at the P&Z meeting on this request and that when apartment complexes like this are built the crime rate increases. Ms. Anderson asked the Council to deny the request.
- Bruce Masters – Mr. Masters stated his opposition to the request primarily due to traffic issues.

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- Tony Conder - Mr. Conder noted the quality of this project, being built with market forces and stated the traffic issue can't be looked at because it is a zoning issue.
- Mary Anderson, Abilene Christian Schools Board of Trustees member. Ms. Anderson addressed student safety issues with the increase in traffic.
- Michelle Morris – Ms. Morris noted the value of this piece of property due to I20 access and stated the benefits of different types of zoning.
- Tom Niblo – Mr. Niblo stated he is in favor of the request.
- Bruce Bixby – Mr. Bixby stated he is in favor of this project and that this is the best use of the land and Mr. Bixby noted the high value of the project.
- Roy Galbraith – Mr. Galbraith presented historical information on the property in order to stress the current request to rezone the land to RM-2 is the best choice and a less intense use than the PDD and is also in compliance with the city's Master Plan.

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

Council recessed for a break at 12:20 p.m. and the meeting reconvened at 12:30 p.m.

Council discussion included: 1) Council reiterated that although there are multiple facets to the item being considered it is a zoning issue; 2) Abilene wanting and needing development with compatibility; 3) traffic issues and the city's ability to work on solutions to those issues; 4) a school zone being needed for the campus, and; 4) Council stated Abilene has good students (with no crime related activities).

Councilman Higgins made a motion to approve **Z-2006-31**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) and PDD-78 (Planned Development District) to RM-2 (Residential Multi-family) zoning, property located at the southwest corner of North Judge Ely Boulevard and East Stamford Street. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

ABSTAIN: Councilman Chase

The Ordinance is numbered **38-2006** 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.

4.7 Jon James, Director of Planning and Development Services briefed the Council on the proposed Ordinance to adopt the “City of Abilene Sidewalk Master Plan”. Mr. James noted the purpose of sidewalks as follows:

- 55% of Americans would prefer to drive less and walk more, but having a safe place to walk is the number one reason they don’t.
- Many people can’t or don’t drive.
- Who supports sidewalks? In Abilene, 85% of respondents to the City of Abilene Comprehensive Plan Survey, 2003 “support” or “strongly support” requiring “new development to construct sidewalks”.
- What do other cities do? Of Abilene’s 10 peer cities, 9 have a citywide sidewalk requirement (San Angelo is the only exception).
- Benefits of a more walkable city: 1) safety; 2) elderly; 3) disabled; 4) health; 5) reducing traffic, and; 6) fuel.
- Safe Routes to Schools.

Mr. James stated one of the “guiding principles” of the City’s Comprehensive Plan is to create attractive street corridors coupled with a community-wide pedestrian network. In addition to City commitments, such as through the Capital Improvements Program and the Sidewalk Bond Project, another means to achieve the goal of making the community more walkable and pedestrian-friendly is to update the City’s development standards to ensure adequate accommodation of pedestrians in new development, which is the subject of the proposed Sidewalk Master Plan.

The Sidewalk Master Plan will replace the existing Sidewalk Master Plan, which only shows sidewalks in limited locations within the City. The proposed Plan will require sidewalks in all new development, except for rural residential subdivisions, and as redevelopment occurs, except on local streets in existing single-family neighborhoods without sidewalks and agricultural or industrial areas. Sidewalks would be a minimum of 5’ wide (4’ on local streets in single-family neighborhoods) and would be located at least 3’ from the curb.

The Sidewalk Master Plan also references the City’s Sidewalk Design Standards, which specify the technical requirements for the placement and construction of sidewalks. These standards are being updated jointly by the Planning and Development Services Department and the Public Works Department.

Section 29-48 of the City Code states, “Installation of sidewalks shall be required relative to any new construction or substantial improvement on any lot or tract of land in accordance with the sidewalk master plan as adopted by the City Council. A final inspection or certificate of occupancy shall be withheld until such sidewalk has been installed in conformance with City standards and policies”.

Since the overview presentation on sidewalks at the June 5th Planning and Zoning Commission meeting, staff has finalized a proposed draft of a new Sidewalk Ordinance. In addition to this ordinance proposed for adoption by the City Council, staff is recommending a new

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Sidewalk Design Standards manual that provides more detailed technical criteria for sidewalk placement and construction. Staff held three meetings with groups that have indicated particular interest in the City's sidewalk regulations, including representatives of neighborhood groups, home builders, independent businesses, and local surveyors, engineers, and developers. Based on these meetings, staff made some changes to the draft ordinance and design standards to incorporate suggestions and address issues raised by these groups. A summary of the most significant recommendations of the proposed Ordinance are as follows:

- **Size:** Sidewalks must have a 5' minimum width, except on local streets in single-family neighborhoods where they can be 4'. This minimum width must be free of obstacles and encroachments that would deter pedestrian use.
- **New Streets:** Sidewalks are required on all new streets, except for local streets in "rural residential" subdivisions (those with lots greater than 1 acre) and along expressways without frontage roads.
- **Existing Streets:** Sidewalks are required for redevelopment on all arterials, collectors, and frontage roads. They are required on all local streets, except in Industrial or Ag-Open Space zoned areas and within existing single-family neighborhoods without sidewalks.
- **What triggers sidewalk requirement:** Sidewalks must be built with any land development or subdivision that triggers street improvements, and development requiring a site plan approval, or prior to the issuance of a certificate of occupancy.
- **When constructed:** Sidewalks must be constructed at the same time as the street for all arterials and for collectors no in single-family residential neighborhoods. Sidewalks must be constructed at the time of building for all local streets and for collectors in single-family neighborhoods.
- **Internal pedestrian circulation** is required to provide connections to the public sidewalk system.
- **Deviations and waivers** are available upon approval by the Planning Director and City Engineer.

Staff and the Planning and Zoning Commission recommend approval of the proposed Ordinance.

Council and staff discussion included: 1) a process to allow sidewalks to be built voluntarily could be implemented but is not addressed in the Sidewalk Master Plan; 2) the proposed Sidewalk Master Plan does not address a process to appeal to the City Council the decision of the Planning Director and City Engineer, but that appeal process could be added to the Master Plan; 3) sidewalk requirements not necessarily being triggered by street improvements due to the Plan applying to the "development (land or subdivision) process"; 4) process to be heard needs to be available to neighborhood associations opposing sidewalks in their country setting; 5)

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staff noting “design standards” are not before Council for consideration; 6) access of utilities issues; 7) discussion needed on cost alternatives to alleviate cost burden on single home owners and developers (having to pass cost on to customers); 8) unfairness issues between new development and re-development and potential cost alternatives; 9) possibility of city partnering in neighborhood revitalization, and; 10) current developments are not affected by the new Plan but do they do come under current requirements.

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

- Angela Grimes – Ms. Grimes stated she is in favor of and supports a citizen payment plan for sidewalks, with an increase focus on connecting sidewalks. Ms. Grimes also stated due to safety issues she wants the city to enforce the code on maintaining of sidewalks.
- Scott Smith – Mr. Smith referenced emails he had sent to Council and stated sidewalks are needed at bus stops and that he does support the recommended Plan.
- Brad Carter, President of the Cedar Creek Neighborhood Association. Mr. Carter states the Association wants the Council to approve the Plan for safety, to promote wellness/health and relationships with neighbors. Mr. Carter stated he supports a cost share program.
- Phyliss Bowen – Mr. Bowen stated she is in favor of sidewalks throughout the city and supports a cost/share payout program.
- Tommy Harendt, President of Neighborhood Builders Association. Mr. Harendt opposed the Plan stating his objections to all new areas having to comply and stated the person putting up the money (developer) should decide what their subdivision should look like. Mr. Harendt addressed the significant cost to new subdivisions for sidewalks to be constructed and stated the cost will eliminate a number of people that would buy homes.
- Gordon Manly – Mr. Manly addressed the problems with current sidewalks that don’t connect.
- George Cogswell – Mr. Cogswell stated his support of the Plan, noting safety issues and also support the city/resident pay plan.
- Jimmy McDonald, Vice President of Homeowners Association. Mr. McDonald stated there are cost issues involving who will pay for the sidewalks and who will maintain them. Mr. McDonald noted the economic contributions the building community makes to Abilene and that the Plan will increase cost unnecessarily. Mr. McDonald asked the Council to not burden the building industry and potential buyers by approving this plan.

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- Vicki Anderson – Ms. Anderson addressed: 1) motorized wheelchairs in streets; 2) necessary decisions made by the city; 3) homeowners should assume maintenance will be necessary, and; 4) all in a community should contribute to quality of life issues.
- Eddie Chase – Mr. Chase stated his neighborhood for the most part would not use sidewalks due to their not being wide enough and that due to liability issues he would not want to maintain a sidewalk. Mr. Chase further stated sidewalks should be a choice and not required.

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

Council and staff discussion included: 1) the amount of money approved and criteria set for sidewalks through the bond election; 2) Council noted recommendations in favor of the Plan (staff, P&Z, 85% Comp. Plan survey) and stated the Plan is designed primarily for and focuses on new development; 3) the creative solution of city/citizens cost sharing partnerships; 4) the possibility of a variety of funding sources (including CDBG funds) for low/moderate income neighborhoods in cost sharing programs; 5) staff noted city/citizens cost sharing ideas will be studied and brought to Council at a later date, and; 6) Council noted the people's right to be heard and stated a process allowing people to appeal to the City Council needs to be included in the Plan.

City Manager Larry Gilley stated staff will research appeal language and criteria to incorporate a process into the "City of Abilene Sidewalk Master Plan" that allows people to appeal to the City Council. The recommended appeal language and criteria will be brought to Council for consideration within the next 30 days.

Councilman Williams made a motion to approve the Ordinance adopting the "City of Abilene Sidewalk Master Plan". 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 **39-2006** and captioned as follows:

AN ORDINANCE ADOPTING THE "CITY OF ABILENE SIDEWALK MASTER PLAN", PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

4.8 David Wright, Director of Finance briefed the Council on an ordinance considered for first public hearing for the purpose of Setting a Tax Levy; and setting a public hearing for August 24, 2006 at 8:30 a.m.

Mr. Wright stated the FY 2007 Budget approved by Council on July 27, 2006 set the tax rate at 66.78 cents. Mr. Wright further stated state law requires that two (2) public hearings must

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be held prior to the final public hearing and vote. Mr. Wright noted another public hearing will be held on August 24, 2006 and the final public hearing and vote will be held on September 7, 2006. Staff noted no Council action is required today and recommends that the City Council hold the public hearing in accordance with state law.

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

No Council action was required.

3.12 **Bid #CB-6063** – Trucks with tilt frames and reeving assemblies for the Solid Waste Division. City Manager Larry Gilley briefed the Council on the bid award. The four (4) trucks will be utilized primarily for transporting stationary compactor containers assigned to the larger businesses in Abilene to and from the landfill. Three (3) trucks replace like units that are worn out and no longer are cost-effective to maintain. A fourth (4th) truck is to be purchased as a budgeted addition to the fleet. Corley Wetsel, the low outright bidder, does not meet specification requirements in various significant areas. The bids submitted by Young's Truck Center and Rush Truck Center meet all specified requirements. Mr. Gilley stated that although communication with vendors will be better in the future staff believes the specifications were properly written and the bids were properly received and recommend that the bid be awarded to Young's Truck Center, the low responsive bidder, in the amount of \$517,844.00.

Councilman Chase stated he had contacted the low outright bidder to inquire as to why he did not meet the specifications and that the low outright bidder was not complaining but that there was some misunderstanding. Councilman Chase noted his appreciation to staff for their willingness to discuss this issue and to help assure that in the future there will be no miscommunication.

Councilman Williams made a motion to award Bid #CB-6063, Trucks with tilt frames and reeving assemblies for the Solid Waste Division to Young's Truck Center, Abilene, TX, the low responsive bidder, in the amount of \$517,844.00. Councilman Higgins seconded the motion, and the motion carried.

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

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

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5.4 (A) & (B) No appointments were made to the Abilene Health Facilities Development Corporation or the Abilene-Taylor County Child Advocacy Center Advisory Board.

There being no further business, the meeting was adjourned at 3:55 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor