

**CITY COUNCIL MEETING
January 11, 2007, 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 January 11, 2007, 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, Stormy Higgins, Anthony Williams, and Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, Interim City Attorney Dan Santee, City Secretary Jo Moore, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Trisstian Gonzales, a 5th grade student from College Heights Elementary School, who led the Pledge of Allegiance. Trisstian's school counselor Patsy Fleming was also in attendance.

EMPLOYEE SERVICE AWARDS

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

40 Years	James Stabler	Supervisor III Water Distribution
25 Years	Irene Grant	Fleet Management Officer Fleet Management

PRESENTATION

Mayor Archibald introduced Dean Carter, Toys for Tots program coordinator for the City of Abilene. Mr. Carter presented to the Mayor and Council, on behalf of the United States Marine Corps, the Commander's Award for the City's participation in their 2005 Toys for Tots Program.

Mayor Archibald recognized and welcomed Dan Santee as the city's Interim City Attorney.

DISPOSITION OF MINUTES

2.0 Mayor Archibald stated Council has been given the minutes from the December 21, 2006 Regular Council Meeting. There being no corrections, additions, or deletions to the minutes Councilman Higgins made a motion to approve the minutes as presented. Councilman Chase seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilwoman Davis made a motion to approve consent agenda items 3.1 through 3.3, as recommended by staff. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

- 3.1 Oral Resolution approving a Street Use License Agreement with the Beehive Restaurant.
- 3.2 Resolution relating to a public hearing and approving financing by the Stamford Higher Education Facilities Corporation for the benefit of Hardin-Simmons University and related matters.

The Resolution is numbered **1-2007** and captioned as follows:

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING BY THE STAMFORD HIGHER EDUCATION FACILITIES CORPORATION FOR THE BENEFIT OF HARDIN-SIMMONS UNIVERSITY AND RELATED MATTERS.

Change Order/Bid Award:

- 3.3 **Bid #CB-6046** – Approval of Change Order in regards to Hike and Bike Trail on Judge Ely Boulevard. An increase to the contract with Bontke Bros. Construction Company, Abilene, TX was approved in the amount of \$28,488.93.

REGULAR AGENDA

4.1 Jon James, Director of Planning and Development Services briefed the Council on **Z-2006-47**, an ordinance considered on second and final reading to rezone property from RM-3 (Residential Multi-family) to PDD (Planned Development District) zoning, property located at 1443 Hickory Street.

Mr. James stated the applicants intend to convert the primary residence into a fitness center mainly designed to accommodate handicapped individuals. The applicants currently reside in a detached dwelling located on the northeast corner of the parcel. Staff does not feel that the fitness center use is particularly incompatible, but the conversion raises concerns due to the proximity to other residences and the site limitations for parking. The proposed PDD (Planned Development District) ordinance attempts to address these issues by reducing the parking requirement to an amount that seems feasible given the limited size of the parcel, while still providing sufficient space for customers and the applicants. Other provisions are designed to preserve the residential

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character of the site in order to reduce the impact on neighboring properties. Screening requirements for the parking, required greenspace in the front yard and parkway, and limitations on signage are included to address these concerns. The Comprehensive Plan designates the area northeast of the subject parcel as a Special Activity Center that encompasses both Hendrick Medical Center and Hardin-Simmons University. Each Special Activity Center should promote its own unique character and provide a mix of supportive uses that are compatible with the primary assets of the area and the surrounding neighborhoods. The subject parcel is located along Hickory Street, which has experienced gradual and intermittent rezoning over the past few decades. Hickory Street and Pine Street are both classified as collector streets and provide the primary connection between the Special Activity Center and the Central Business District. Hickory Street, unlike Pine Street, still has numerous residences along its frontage that are intermixed with offices built since the 1970's. The current zoning in the area seems to support the long-term trend toward mixed-use by the existence of multiple parcels of O (Office) zoning scattered among the existing RM (Residential-Multi family) zoning. Staff feels that mixed uses are appropriate in the area between North 10th and North 18th Streets as long as the residential scale and character is preserved for the remaining homes along Hickory Street and the larger residential areas to the east and west. Staff recommends approval of the request if the Planning and Zoning Commission and Council agree that the long-term plans for the area include mixed-uses to support both the Special Activity Center and the Central Business District. 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:

- Pam Barnhill, owner of the fitness center. Mrs. Barnhill stated the center has been a dream of hers for twelve years and that she wants to help others meet their goals and to serve the community.

Discussion included Mrs. Barnhill assuring Council that she has reviewed and understands the Planning Development District specifications and Council commending the Barnhill's on their goals.

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

Councilwoman Davis made a motion to approve **Z-2006-47**, an ordinance considered on second and final reading to rezone property from RM-3 (Residential Multi-family) to PDD (Planned Development District) zoning, property located at 1443 Hickory Street. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **1-2007** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING

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PDD-117 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.2 Jon James, Director of Planning and Development Services briefed the Council on **Z-2006-48**, an ordinance considered on second and final reading to rezone property from MH (Mobile Home) to RS-6 (Residential Single-family) and RM-3 (Residential Multi-family) zoning, property located at 6010, 6014, 6018 and 6022 Duchess Avenue.

Mr. James stated the applicant requested rezoning of approximately half of the residential lots facing Duchess Avenue. After reviewing the request, staff initiated rezoning on the remaining lots since none of them have been developed with mobile homes as the current zoning allows. Staff feels that the RS-6 and RM-3 zoning will afford greater protection of property values and will more appropriately fit the existing and future development in the area. Mr. James further stated the applicant intends to continue developing single-family homes on the remaining lots in the first section of the Sandy Creek Village Addition. The MH (Mobile Home) zoning district has more stringent setback requirements than RS-6 (Residential Single-family) and RS-8 (Residential Single-family) zoning districts and they are having difficulty fitting homes onto the corner lots. The applicants are requesting rezoning to RS-6 (Residential Single-family) to take advantage of the reduced setbacks so the new homes will maintain a more uniform appearance with the existing lots that were not originally included in the applicant's request. Under current conditions, a mobile home could be placed on any of the vacant lots or even on a developed lot if the home was removed. Staff also recommends RM-3 (Residential Multi-family) zoning for the two duplexes located on the north side of Duchess Avenue in order to make them conforming uses. The Comprehensive Plan does not provide specific recommendations for the request area, but the Future Land Use Plan designates a Local Community Center at the intersection of Military Drive and Dub Wright Boulevard located approximately 1.5 miles north of the request. The development's proximity to Dyess Air Force Base and plain visibility from Dub Wright Boulevard, which is the major corridor used to access the base, heighten the need for quality development with higher aesthetic standards. Furthermore, staff feels that additional housing opportunities in this area are appropriate to provide easy access to the large amount of jobs on the base and the potential amount of jobs that may develop in the Local Community Center. Staff recommends approval of the applicant's request and the additional staff initiated area under consideration. The Planning and Zoning Commission recommend approval of the request.

Discussion included staff clarifying the two large lots on the far west end of the property are larger than necessary due to the fact that they will serve as a detention for the area.

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

Councilman Williams made a motion to approve, as recommended by staff and the Planning & Zoning Commission, **Z-2006-48**, an ordinance considered on second and final reading to rezone property from MH (Mobile Home) to RS-6 (Residential Single-family) and RM-3 (Residential Multi-family) zoning, property located at 6010, 6014, 6018 and 6022 Duchess Avenue. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **2-2007** 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-2006-49**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) to GC (General Commercial) zoning, property located at 3334 E. Hwy. 80.

Mr. James stated there was a building on the property that was condemned by the City and following the purchase of the property the applicant demolished the condemned building and now desires to build a golf cart sales store at the existing site. The sale of golf carts in this location is compatible with other uses in the area. This property is currently developable land, which is not in the flood zone and is also in the vicinity of other vacant land which is zoned as HC (Heavy Commercial) and LI (Light Industrial) uses. The Comprehensive Plan designated this area as a Business/Industrial Gateway. The proposed use is lower in intensity than other uses in the area and is relatively small in scale. For these reasons staff is not recommending PDD (Planned Development District) zoning but, along with the Planning and Zoning Commission, is recommending approval of the GC request.

Discussion included staff clarifying the confusion of property location as reflected in the Council's agenda packet is due to the fact that the map referenced in the packet is actually two maps but appears as one.

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

Councilman Higgins made a motion to approve, as recommended by staff and the Planning & Zoning Commission, **Z-2006-49**, an ordinance considered on second and final reading to rezone property from AO (Agriculture Open Space) to GC (General Commercial) zoning, property located at 3334 E. Hwy. 80. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **3-2007** 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

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THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.4 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, 2006.

Mr. Burdine stated the By-laws of the Development Corporation of Abilene, Inc. (DCOA) require an annual status report be submitted to the City Council and that today's report will also include a review of the DevelopAbilene team agencies.

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 DCOA charter, bylaws and policies. State-authorized projects are land, buildings, equipment, facilities, improvements and expenditures related to:

- 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 an commercial/retail jobs
- Business airport facilities
- Infrastructure assistance to retail or commercial projects
- Clean up of contaminated project sites (with special election)
- 4B projects (with special election)

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. & warehousing
- 51 Information, excluding movie theaters (51213) and drive-in theaters (512132)
- 523-525 Securities, commodity contracts, investments and related activities; trusts, & other financial vehicles
- 5413, 5415, 5416, 5417, & 5419 Scientific research & development services
- 551 Management of companies and enterprises

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- 56142 Telephone Call Centers
- 922140 Correctional institutions
- 928110 National defense

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.

DevelopAbilene team agencies also consist of the following:

- * Abilene Industrial Foundation whose contract responsibilities to the DCOA are:
 - > Retention of existing businesses
 - > Recruitment of new businesses to Abilene
 - > Formulation and implementation of a targeted marketing program.
- * Downtown Programs:
 - > Coordinate with the Abilene Downtown Association on events that bring people downtown, such as ArtWalk and City Sidewalks
 - > Staff support to the Tax Increment Financing District #1 (TIF) Board and Management of projects funded by TIF
 - > Oversight of public and private investment in downtown of over \$67,000,000
 - > Work to retain existing businesses downtown, and to attract new retail, commercial and residential development
- * Economic Development Department whose contract responsibilities to the DCOA are:
 - > Provide staff support to the DCOA Board
 - > Negotiate incentive packages to retain and/or expand existing manufacturers, and attract new ones
 - > Insure contract compliance
 - > Manage DCOA-owned properties and construction projects
- * Military Affairs whose contract responsibilities to the DCOA are:
 - > Retain and expand Military Missions to include Dyess Air Force Base, Abilene’s largest employer, through: 1) Ongoing contact with federal and state legislative delegations to garner base funding and expand missions; 2) Resolution of local issues that could hinder training operations, i.e., airspace encroachment, and; 3) Support to Military personnel, families and retirees.
- * Texas Tech Small Business Development Center whose contract responsibilities to the DCOA are:
 - > Provide counseling, training and technical assistance to Abilene residents planning to open a business and to owners of existing Abilene businesses
 - > Coordinate DCOA matching grants to Abilene manufacturers for consulting services from the Texas Manufacturing Assistance Center
 - > Package loan requests to the planned Grow Abilene Fund

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The 2005-06 expenditures, on revenues of \$9.3 million, were noted as follows:

- Texas Tech Small Business Development Center> \$195,000 (2%)
- Military Affairs> \$40,000 (.4%)
- Abilene Industrial Foundation> \$629,000 (7%)
- Economic Development Department> \$543,000 (6%)
- DCOA Project Funding & Property Maintenance> \$7.793 million (85%)

Under the DCOA Project Funding & Property Maintenance companies assistance amount, committed job retention/job creation and actual to date job retention/job creation was reviewed and it was noted 40% of the total funding was received by Abilene companies.

Council and staff discussion included: 1) Council referenced the 40% total funding received by local businesses and questioned the criteria used to determine what and when a business would be considered “local” or a hometown business versus a newcomer; 2) staff noting a local business is one that has established a presence in town; 3) the criteria on how funds are offered to retain jobs versus creating new jobs; 4) DCOA’s incentive guidelines and their process of assessing the risk of losing a company or having it reduce its operation; 5) determining criteria for a true long term local business versus a new local business; 6) staff noted an example of a “hometown” advantage is the DCOA assisting a local business with jobs paying less than \$30,000 a year; 7) expansion and retention issues with retention usually being addressed if a business is threatened, but staff also noted each business and situation is different; 8) Council referenced the DCOA mission statement and questioned if there are any targeted activities to enhance the quality of life in Abilene; 9) staff noted although businesses must fit within the guidelines to qualify for funding, raising the standard is also important for quality of life; 10) the status of existing facilities and what companies are wanting/needing, and; 11) the basis for the decline in the leads received in 2004-05 as reflected under the performance measure of the Abilene Industrial Foundation.

Councilman Williams made a motion to approve by oral resolution the Development Corporation of Abilene, Inc. Report of Activities for the fiscal year ended September 30, 2006. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

Council recessed for a break from 10:00 a.m. until 10:05 a.m.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session pursuant to Sections 551.071, 551.072, 551.074, and 551.087 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, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

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

5.5 No action was taken on appointments/reappointments to the Housing Authority of the City of Abilene or the Planning and Zoning Commission.

5.6 No action was taken on the performance evaluations for the City Manager, City Attorney, City Secretary, and the Municipal Judge.

There being no further business, the meeting was adjourned at 1:15 p.m.

Jo Moore
City Secretary

Norm Archibald
Mayor