

CITY COUNCIL MEETING
April 26, 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 April 26, 2007, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Stormy Higgins, Joe Spano, Anthony Williams, 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 Jocelyn Flores, a 5th grade student from Ortiz Elementary School, who led the Pledge of Allegiance. Jocelyn's grandmother, aunt and principal were also in attendance.

Mayor Archibald stated Item 5.7, *Oral Resolution confirming the City Manager's Fire Chief appointment*, will be considered after Item 2.0, *Disposition of Minutes*.

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

- "National Music Association Week in Abilene", May 6-13, 2007
- "National Indoor Comfort Week", April 22 – 28, 2007

DISPOSITION OF MINUTES

2.0 Mayor Archibald stated Council has been given the minutes from the April 12, 2007 Regular Council Meeting and Budget Policy Statement Workshop. There being no corrections, additions, or deletions to the minutes Councilwoman Moore made a motion to approve the minutes as presented. Councilwoman Davis seconded the motion, and the motion carried.

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

NAYS: None

5.7 Oral Resolution confirming the City Manager's Fire Chief appointment.

City Manager, Larry Gilley stated the civil statutes require that the city manager's appointment of a Fire Chief be confirmed by the City Council. Mr. Gilley then introduced Ken Dozier the newly appointed fire chief. Mr. Gilley briefed the Council on Mr. Dozier's history with the City, his credentials and the respect that he has as a leader in the

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department and the organization. Mr. Gilley requested Council confirm the appointment of Ken Dozier as Fire Chief for the City of Abilene.

Councilman Williams made a motion to confirm the appointment of Ken Dozier as Fire Chief for the City of Abilene. Councilwoman Davis seconded the motion, and the motion carried.

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

NAYS: None

Chief Dozier thanked Mr. Gilley and the City Council and stated he feels honored and privileged to serve in the capacity of Fire Chief.

Mayor Archibald recognized students' attending today's meeting from Hardin Simmons University.

CONSENT AGENDA

Item 3.1, *Oral Resolution authorizing the City Manager to execute Change Order 3 to the contract with Crowe Group, Inc. for Terminal Phase IV construction*, **Item 3.2**, *Oral Resolution authorizing the City Manager to execute Supplement 1 to Task Order 15 with HNTB Corporation for construction engineering administration, observation and sub-consultant services related to the North General Aviation Ramp Reconstruction and Taxiway D Phase 2 projects*, **Item 3.8**, *Ordinance to amend Section 23-262.5(B) of the Subdivision Regulations of the City of Abilene regarding cul-de-sac design and construction requirements; and set a public hearing for May 10, 2007 at 8:30 a.m.*, and **Item 3.12**, *Bid #CB-7010 – Traffic Signal Modifications Phase III* were removed from the Consent Agenda to be considered separately at the request of Councilman Chase.

Councilwoman Davis made a motion to approve consent agenda items 3.3 through 3.6, first reading of item 3.7 and items 3.9 through 3.11, as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

Resolutions:

- 3.1 **Removed from the Consent Agenda:** Oral Resolution authorizing the City Manager to execute Change Order 3 to the contract with Crowe Group, Inc. for Terminal Phase IV construction.

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- 3.2 **Removed from the Consent Agenda:** Oral Resolution authorizing the City Manager to execute Supplement 1 to Task Order 15 with HNTB Corporation for construction engineering administration, observation and sub-consultant services related to the North General Aviation Ramp Reconstruction and Taxiway D Phase 2 projects.
- 3.3 Oral Resolution awarding bids for On-Airport Car Rental Concessions, **Bid #CB-7025**, and authorizing the City Manager to execute agreements with the successful bidders: Avis, Enterprise and Hertz.
- 3.4 Oral Resolution approving a Street Use License Agreement with the Abilene Independent School District for a fence in Sunrise Avenue.
- 3.5 Oral Resolution approving a Street Use License Agreement with the Center for Contemporary Arts.
- 3.6 Resolution supporting Senate Bill 3 relating to the development, management, and preservation of the water resources of the State.

The Resolution is numbered **13-2007** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, SUPPORTING SENATE BILL 3.

Ordinances:

- 3.7 Ordinance to amend Chapter 18, "Traffic Code Schedule" of the Abilene Municipal Code.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC" OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- 3.8 **Removed from the Consent Agenda and considered separately:** Ordinance to amend Section 23-262.5(B) of the Subdivision Regulations of the City of Abilene regarding cul-de-sac design and construction requirements; and set a public hearing for May 10, 2007 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.

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- 3.9 Ordinance to amend Sections 23-306.4 and 23-306.5.H of the Zoning Ordinance of the City of Abilene regarding fruit and vegetable sales as a permitted use; and set a public hearing for May 10, 2007 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 **Z-2007-09** – Request to rezone property from O (Office) to LC (Limited Commercial), property located at 2890 South 7th Street; and set a public hearing for May 10, 2007 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.11 **TC-2007-02** – Request to abandon the alley extending west from Amarillo Street and north from South 17th Street to South 16th Street; and set a public hearing for May 10, 2007 at 8:30 a.m.

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

Bid Award:

- 3.12 **Removed from the Consent Agenda and considered separately: Bid #CB-7010** – Traffic Signal Modifications Phase III.

Mayor Archibald stated **Item 3.1**, Oral Resolution authorizing the City Manager to execute Change Order 3 to the contract with Crowe Group, Inc. for Terminal Phase IV construction, and **Item 3.2**, Oral Resolution authorizing the City Manager to execute Supplement 1 to Task Order 15 with HNTB Corporation for construction engineering administration, observation and sub-consultant services related to the North General Aviation Ramp Reconstruction and Taxiway D Phase 2 projects that were removed from the Consent Agenda to be considered separately at the request of Councilman Chase would be held for consideration at a future Council meeting due to Don Green, Director of Aviation not being available to address the items.

Councilman Chase requested that **Item 3.12** be considered before **Item 3.8**.

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3.12 *Bid #CB-7010 – Traffic Signal Modifications Phase III involves traffic signal modifications at 17 intersections including replacing cabinets and controllers, installing new signal cable, installing additional conduit and ground boxes, and installing new or replacing pedestrian heads and pushbuttons at all intersections and upgrading electrical service, replacing signal heads, and installing loop detectors at some of the intersections. The bids were opened on March 22, 2007 with only one (1) bid from Willis Electric Company, LP, Abilene, Texas being received. The project will be funded from general obligation bonds and certificates of obligation. Staff recommends the bid be awarded to Willis Electric Company, LP, Abilene, Texas for the unit prices bid for the base bid of eight hundred and fifty-eight thousand seven hundred and eighty-six dollars and 75/100ths (\$858,786.75).*

Councilman Chase questioned the reason the intersection upgrades are necessary, how many bid packets were sent out and why only one bid was received. Director of Public Works, Paul Knippel, explained the outdated technology of the current signal system and noted that all of the old equipment is being replaced with digital controllers (with 75%-80% of the intersections having been completed). Mr. Knippel also explained that in seeking bidders the normal public notice distribution process was followed and that no outside bids were received probably due to Abilene being in a remote area and the difficulty of competing with local contractors for work that is fairly specialized. Councilman Chase also questioned if the project is within the amount staff engineers estimated (Mr. Chase noted consistency concerns, when there are not additional bids, referencing a previous project where only one local bid was received and it was determined that that was not appropriate), and what GO bonds and CO's the project is being funded from. Mr. Knippel noted with the material and overhead cost involved that staff did not see a benefit in delaying the project and trying to draw more interest and that the cost is within the staff's estimate with the funding being provided through GO bonds and CO's approved several years ago.

Following discussion and prior to action on Item 3.12 agenda Item 3.8 was considered.

3.8 First reading of an Ordinance to amend Section 23-262.5(B) of the Subdivision Regulations of the City of Abilene regarding cul-de-sac design and construction requirements; and set a public hearing for May 10, 2007 at 8:30 a.m.

The Solid Waste Division in Public Works and the Fire Department have proposed increasing the minimum size of the turnaround portion of new cul-de-sacs due to the large trucks in the division and department having difficulties in maneuvering under the current standard of 40' radius of paving. The Planning staff also proposes changes to the maximum cul-de-sac length to become more consistent with Abilene's peer cities, to reduce the amount of homes served by only a single access and to clarify the language pertaining to measuring cul-de-sac length. Staff recommends approval of the above proposals.

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The Planning and Zoning Commission considered the request on March 5, 2007 and made the following recommendations:

1. Denial of the request to increase the minimum right-of-way for the turnaround from 50' to 60' radius by a vote of 5 in favor (Harkins, Famble, McClarty, Long, Luther) and 0 opposed.
2. Denial of the request to increase the minimum paving for the turnaround from 40' to 50' radius by a vote of 5 in favor (Harkins, Famble, McClarty, Long, Luther) and 0 opposed.
3. Denial of the request to decrease the maximum cul-de-sac length from 1000' to 600' under most circumstances. The motion for approval failed due to a vote of only 2 in favor (Famble, Long,) and 3 opposed (Harkins, McClarty, Luther).
4. Approval of the request to clarify the language regarding measurement of cul-de-sac length by a vote of 5 in favor (Harkins, Famble, McClarty, Long, Luther) and 0 opposed.

The Commission voted to reconsider the request at the April 2, 2007 meeting and reaffirmed their previous recommendations by a vote of 7 in favor (Campos, Harkins, McClarty, Long, Famble, Bixby, Rosenbaum) and 0 opposed.

Councilman Chase asked staff to clarify what they are recommending approval of. Director of Planning and Development Services, Jon James, stated staff is recommending approval of the proposed ordinance amendments, not the Planning & Zoning Commission recommendations. Mr. James explained why the request was before the P&Z and then went back to P&Z and Mr. James addressed the four issues considered by the P&Z. Mr. James noted three of the requests were denied and the fourth approved one is before Council for consideration, and Mr. James stated staff wanted Council to be aware of the entire scope of what is being considered.

Councilman Higgins made a motion to approve item 3.8, the first reading of an Ordinance to amend Section 23-262.5(B) of the Subdivision Regulations of the City of Abilene regarding cul-de-sac design and construction requirements; and set a public hearing and second reading for May 10, 2007, and to approve item 3.12, the award of Bid #CB-7010, Traffic Signal Modifications Phase III to Willis Electric Co., LP, Abilene TX in the amount of \$858,786.75. Councilwoman Moore seconded the motion.

Councilman Chase made a motion to amend the motion on item 3.8 to approve only number four (4) of the item under the Planning & Zoning Commission recommendations as noted on the Agenda Memo in the Council's agenda packet:

Approval of the request to clarify the language regarding measurement of cul-de-sac length. Councilman Spano seconded the amended motion, and the motion carried.

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

NAYS: None

Mayor Archibald then called for the vote on the main motion Item 3.8 as amended and on item 3.12. The motion carried.

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

NAYS: None

REGULAR AGENDA

Mayor Archibald explained Item 4.1, the ordinance amending the Sign Regulations regarding off-site advertising, is being considered on first reading with a public hearing at today's meeting and the second reading, a public hearing and the final vote will be considered at the May 10th Council meeting.

The Mayor requested a show of hands of individuals present who desired to be heard at today's public hearing. Two individuals indicated their interest in speaking.

4.1 Jon James, Director of Planning and Development Services briefed the Council on an ordinance scheduled for a public hearing and being considered for first reading to amend the Sign Regulations regarding off-site advertising; and to set a public hearing and second reading of the ordinance for May 10, 2007 at 8:30 a.m.

Mr. James stated the preparation of the proposed draft ordinance amendments related to the regulation of off-site advertising (billboards) is another step toward implementation of the recommendations of the City's Comprehensive Plan. This is the culmination of a process that began in June 2005 and which included three (3) meetings of the Planning and Zoning Commission, as well as staff-initiated meetings with a wide variety of community groups to determine areas of broad consensus and areas of disagreement. Prior to review of the final proposed Planning and Zoning Commission ordinance, the City Council authorized the appointment of the Sign Ordinance Review Committee, which discussed in detail the issues surrounding the regulation of billboards and developed a list of recommendations for the Commission. The following is a summary of the committee's recommendations:

Sign Ordinance Revisions: Off-Site Advertising (Billboards)

Summary of Recommendations of the Ordinance Review Committee

The following summary includes discussion items of the Committee based on the initial Planning and Zoning Commission (P&Z) recommendation for the regulation of billboards, which would limit new billboards to freeways only, but otherwise would keep the sign standards unchanged.

The committee took votes on many of these issues, as indicated below. It should be noted that of the 22 person committee, only 12 were present at the meeting and only 9 were present when the votes noted below were taken. Subsequently, staff sent out a questionnaire to the entire committee by email to solicit responses from the entire group,

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which resulted in 3 additional voting committee members. These additional results have been added. The draft ordinance has been written to reflect the highlighted responses.

Issues:

1. Should new billboards be allowed on the freeways?
 - **Committee Recommendation:** Yes: 12 No: 0
 - **Staff Recommendation:** Staff generally supports the initial P&Z recommendation, which would allow new billboards only along freeways. However, staff also believes that certain freeway corridors, such as the Loop 322 corridor, should also be off-limits.

2. Other than freeways, where should new billboards be allowed?
 - **Committee Recommendation:** Freeways only: 0 Freeways and arterials*: 5 Freeways, arterials, collectors*: 5 **Staff Recommendation:** If the Commission chooses to recommend allowing billboards outside freeway corridors, staff recommends limiting new billboards to a few high traffic arterial streets and highways.
 - * *Committee meeting discussion was based on streets list proposed by Lamar Advertising in their recommended ordinance*

3. Should new billboards be allowed along “Enhancement Corridors” as designated in the City’s Comprehensive Plan?
 - **Committee Recommendation:** Yes: 4 Yes, but limit size: 1 No: 2
 - **Staff Recommendation:** Staff supports limiting billboards in these locations.

4. Should billboard regulations be extended to apply to the Extra-territorial Jurisdiction (ETJ)?
 - **Committee Recommendation:** Yes: 8 No, just city limits: 1 No opinion: 3
 - **Staff Recommendation:** Staff supports extending these regulations into the ETJ.

5. Should the City implement a “Cap and Replace” system that would “cap” the total square footage of billboard area at the current level, requiring any new billboard to “replace” an equivalent square footage on existing billboards that would be removed?
 - **Committee Recommendation:** Yes: 7 No:5
 - **Staff Recommendation:** Staff sees the overall benefit of this proposal to limit the total number of billboards in the community. However, the negatives include the potential for creating a barrier to entry into the market for small or startup outdoor advertising businesses by limiting new billboards to owners of existing billboards.

6. Increase spacing between billboards on the same side of the street on roads where the current spacing is 750 feet?
 - **Committee Recommendation:** Yes, increase to 1,500’: 2 votes Yes, increase to 1,000’: 7 votes No, keep the 750’ spacing: 3 votes

- **Staff Recommendation:** Staff supports increasing the billboard spacing, if billboards are allowed on non-freeway roads.

7. In addition to the same-side-of-the-street spacing, should the City add a radial spacing requirement so that no billboard is closer to any other billboard than the radial distance in all directions?

- **Committee Recommendation:** Yes, radial spacing of 500': 6 votes Yes, radial spacing of 250': 5 votes No: 1 vote

- **Staff Recommendation:** Staff supports adding this radial spacing, if billboards are allowed on non-freeway roads.

8. Should billboards on non-freeway roads be limited to 300 square feet in area (vs. the 672 square foot proposed on freeways)?

- **Committee Recommendation:** Yes, limit all to 300 sf: 5 No, at least some areas should have larger: 5 No opinion/Other: 2

- **Staff Recommendation:** Staff supports limiting the area of billboards, if billboards are allowed on non-freeway roads.

9. Billboards are currently allowed in the following zoning districts: Shopping Center (SC), General Commercial (GC), Heavy Commercial (HC), Light & Heavy Industrial (LI, HI), Central Business (CB), and Agricultural-Open Space (AO) by special exception only. Where should the new ordinance allow new billboards?

- **Committee Recommendation:** Same as current, except for the following districts: AO: Yes: 1, No: 2, Special Exception: 8 SC: Yes: 7, No: 3 CB: Yes: 2, No: 10

- **Staff Recommendation:** Staff supports the Committee's recommendation.

The resulting ordinance reflects the compromise crafted by the Planning and Zoning Commission based on the various positions advocated throughout this process. Staff recommends approval of the proposed ordinance, with the exception of the listing of streets where new billboards would be allowed. Based on previous public input, staff believes that this list includes many streets where Abilene citizens prefer not to have billboards. The following is a Summary of Proposed Billboard Regulations:

The following is a summary of the recommendations to date regarding regulation of billboards in the City of Abilene and ETJ.

- The City's adopted **Comprehensive Plan**, which was adopted by the City Council through a process that included input from over 3,000 citizens, includes the following strategy:
 - "Adopt new sign regulations and guidelines that promote signs that are ... limited to the specific use or business that is in operation on the premises." {In other words, discourage new billboards}

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- The **Community Appearance Focus Group**, which reviewed various options for the regulation of signs, agreed that new billboards should be limited. Options favored by this group included:
 - capping the total number of billboards to those in place today (cap-and-replace) and/or
 - limiting billboards to the freeways (not allowing “in town”)
- The **Planning and Zoning Commission**, after discussing and reviewing options, initially recommended that new billboards be limited only to the freeway corridors and not allowed elsewhere in the City.
- The **City Council** placed a six month suspension on the issuance of billboard permits, while staff works with the Planning and Zoning Commission to update our Sign Ordinance. This suspension was extended for an additional six months to allow a **Sign Ordinance Review Committee** to review the proposal and make their recommendations to the P&Z and City Council.
- The **Sign Ordinance Review Committee** made recommendations on the staff-prepared ordinance, which was based on the initial P&Z recommendation. Most of the committee’s recommendations were subsequently accepted by the P&Z in the ordinance they have recommended to the City Council. Below is a brief summary of the recommended changes (along with the P&Z vote for each item):
 - Large billboards up to 672 square feet limited to listed freeways.
P&Z Vote: 7-0
 - Smaller billboards up to 378 square feet will be allowed on listed arterial and collector streets.
P&Z Vote: 5-2 (Rosenbaum, McClarty opposed)
 - Spacing between billboards on the same side of the street will be increased from 750 feet to 1,000 feet.
P&Z Vote: 7-0
 - A new radial spacing requirement of 500 feet will be added.
P&Z Vote: 7-0
 - Increase the spacing from residential zoning from 135 feet to 200 feet.
P&Z Vote: 5-2 (Long, McClarty opposed)
 - Regulation of billboards will be extended into the City’s ETJ.
No separate P&Z discussion, but included in their approved ordinance.
 - Exclude new billboards from the Central Business District.
No separate P&Z discussion, but included in their approved ordinance.
 - Height limitation will be changed to allow a taller billboard if necessary to give adequate clearance above the base of an elevated road (bottom of sign can be raised to 8 feet above the grade of the primary road).
P&Z Vote: 7-0
 - The P&Z rejected the option of a “cap and replace” system that would limit the total number of billboards to what’s out there today, but allow a

new billboard with removal of an existing billboard. Their primary concern was the impact of this on competition. **P&Z Vote: 7-0 to deny.**

Staff Notes:

- *Planning staff is supportive of the Planning and Zoning Commission's recommendation with the exception of the list of streets where billboards would be permitted:*

- *Staff supports not allowing new billboards along collector streets (the Committee was evenly split on whether or not to allow this). This would remove the following streets from the ordinance:*

- *Ridgemont Drive*
- *Catclaw Drive*
- *Pine Street (the portion designated as a collector)*
- *Willis Street*
- *Leggett Drive*

- *Staff also recommends eliminating a number of the listed arterial streets that we believe are inappropriate for new billboards based on the public input that we have received over the course of this process. We heard from many individuals and groups that favored only allowing new billboards on freeways and major highways, but not "in town". Staff recommends limiting the list of arterials to the following:*

- *US Highways 83/277*
- *US Highways 83/84*
- *East Highway 80*
- *Treadaway Blvd/Pine Street (Business 83)*

And exclude the following:

- *Ambler Avenue*
- *North 10th Street*
- *North 1st Street*
- *South 1st Street*
- *South 7th Street*
- *East South 11th Street*
- *South 14th Street*
- *Texas Avenue*
- *South 27th Street*
- *Industrial Blvd.*
- *Rebecca Lane*
- *Antilley Road*
- *Southwest Drive*
- *Pioneer Drive*
- *Mockingbird Lane*
- *Barrow Street*
- *Sayles Blvd*
- *Buffalo Gap Road*
- *Grape Street*
- *Judge Ely Blvd*

- *Alternatively, staff would propose also including a separation requirement from parks and schools.*

- *There are **hundreds of billboards already in the City**, which will be grandfathered and allowed to continue, even in locations that would not allow a new billboard. This will continue to provide plenty of options for existing businesses and non-profit organizations to advertise. The current proposals would not require the elimination of existing billboards in the City.*

The Planning and Zoning Commission approved amendments to the draft ordinance at their meeting on April 2, 2007. The Planning and Zoning Commission approved the ordinance as amended at their special meeting on April 16, 2007.

Council and staff discussion included: 1) the Comprehensive Plan recommendation to enhance the corridors by eliminating billboards; 2) impact to previously approved PDD's; 3) regulations allowed to be more restrictive, but not less than, TxDot's; 3) regulations concerning "grandfathered" billboards: 4) spacing issues; 5) clarification of separation requirements; 6) Council's concerns that businesses may lose revenue if signs have to be removed; 7) the need to address existing obsolete or in need of repair signs; 8) this ordinance only addresses billboards primarily due to the current billboard suspension; 9) Council's concerns of poor attendance of committee members reviewing regulations and lack of consensus among the members; 10) benefits of radial spacing; 11) Council noted survey reflects the importance of billboards to businesses and their need for the ability to advertise in this fashion; 12) staff's recommendation to limit but not totally eliminate billboards; 13) the difference between Abilene and the peer cities, and; 14) Council requested staff provide them an accurate map before the next Council meeting of the proposed billboard locations.

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

- Bruce Bixby – Mr. Bixby stated he is not speaking for or against the issue but suggested that it might be helpful if Council looked at the map on three different spacings.
- Tim Ritter, Lamar Outdoor General Manager – Mr. Ritter distributed a handout reflecting the Size, Zoning, Locations and Spacing in the existing and proposed ordinances. Mr. Ritter stated the proposed Size, Zoning and Locations are acceptable to Lamar Outdoor but the additional spacing restrictions proposed are not. Mr. Ritter requested that the current 750 feet on the same side of the street be retained, that the current 135 feet from residential zoning be retained and that the proposed 500 feet radial spacing in any direction be changed to 250 feet. Mr. Ritter distributed a map to Council and reviewed radial spacing issues.
- Bob Hammond, Abilene Association of Independent Business Owners – Mr. Hammond stated that this is an economic and aesthetic decision and that all factors and consequences to these decisions need to be considered.
- Steven Kraser, Marketing Professional – Mr. Kraser noted the effectiveness of this type of advertising medium and requested Council keep the ordinance as it currently is written and let the market take care of the other issues.

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

Council discussion continued and included: 1) determining if billboards are the problem or is it all the other signs; 2) staff noted they will start on the on-site premise sign ordinance within a month and depending on the process six months is the expected finish date; 3) staff requested direction from Council, if they have significant changes to the ordinance, in order for staff to draft those changes between now and the next Council meeting; 4) Council noted no contention on the Central Business District restrictions or to adding ETJ and stated specific numbers of feet may be changed but no significant change to the ordinance language is expected; 5) staff clarified the "Locations" information on the existing and proposed ordinance and noted the proposed 30 specific streets were recommended by Lamar Outdoor; 6) Council noted concerns of the need to add maintenance provisions for existing signs; 7) staff explained the legalities of what can be added to the proposed ordinance, and; 8) staff noted all sign maintenance issues will be discussed around the first of 2008 when the overall ordinance is reviewed and stated current maintenance provisions address some of the issues noted by Council.

Mayor Archibald noted the information in the Council's agenda packet numbered Item 4.1 pages 9, 10, 11 and 12 (being Exhibit A to the proposed ordinance) will be before Council for a another public hearing and final vote at the May 10th meeting.

Councilwoman Moore made a motion to approve first reading of an ordinance to amend the Sign Regulations regarding off-site advertising; and set a public hearing and final reading for May 10, 2007 at 8:30 a.m. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session pursuant to Sections 551.071, 551.072, 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.

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

Councilman Higgins left the meeting after Executive Session.

5.5 Councilwoman Davis made a motion to approve Mayor Archibald's appointments to the Friends of Safety City Board, as listed below. Councilman Chase seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilman Higgins

- **Yvonne Batts**
- **Roger Dickey**
- **Laura Moore**
- **Karen Stover**
- **Gayle Whetsel**
- **Bob Deegan**
- **Tom McAlister**

5.6 No action was taken on an appointment to the Housing Authority Board.

5.7 Oral Resolution confirming the City Manager's Fire Chief appointment was considered after Item 2.0.

There being no further business, the meeting was adjourned at 11:40 a.m.

Jo Moore
City Secretary

Norm Archibald
Mayor