

CITY COUNCIL MEETING
May 10, 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 May 10, 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.

Councilman Stormy Higgins gave the invocation.

Mayor Archibald introduced Austin Belitz, a 5th grade student from Reagan Elementary School, who led the Pledge of Allegiance. Austin's principal, Mr. Hall was also in attendance.

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:

25 Years	Gerardo Garcia	Supervisor III Street Department
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PROCLAMATIONS

Mayor Archibald presented the following proclamations:

- "Older Americans and Elder Abuse Prevention Month", May 2007
- "National Police Week", May 15th – 23rd, 2007

DISPOSITION OF MINUTES

2.0 Mayor Archibald stated Council has been given the minutes from the April 26, 2007 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 Spano seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Mayor Archibald stated 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*

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Ramp Reconstruction and Taxiway D Phase 2 projects, and Item 3.6, **Bid #CB-7030 – Annual purchase of Tire Products** would be removed from today’s agenda and considered at a future meeting.

Councilwoman Davis made a motion to approve consent agenda item 3.1, final reading of item 3.3, and items 3.4 and 3.5, 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 Oral Resolution authorizing the City Manager to execute Change Order 3 to the contract with Crowe Group, Inc. for Terminal Phase IV construction.
- 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.

Ordinance:

- 3.3 Ordinance to amend Chapter 18, “Motor Vehicle and Traffic” of the Abilene Municipal Code.

The Ordinance is numbered **16-2007** and captioned as follows:

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.

Bid Awards:

- 3.4 **Bid #CB-7002 – Sports Lighting.** The bid for ball field lighting in Nelson Park was awarded to Liteco Electric, Inc., Bellville, TX in the amount of \$448,945.68 contingent upon the sale of C.O.’s for the project in June and authorizing General Fund monies to be used to secure the contract until C.O. funds are available in August.
- 3.5 **Bid #CB-7038 – Sport Facility Light Poles.** The bid was awarded to American Sports Lighting, Ft. Worth, TX in the amount of \$36,260.00.
- 3.6 **Removed from the Consent Agenda: Bid #CB-7030 – Annual purchase of Tire Products.**

REGULAR AGENDA

4.1 Jon James, Director of Planning and Development Services introduced item 4.1, the proposed Low-income Housing Tax Credit (LIHTC) senior apartment community to be known as the “Anson Park Seniors” project.

The Anson Park Seniors project is a proposal to provide 80 low-income rental units for seniors. The project proposes a mix of one (1) and two (2) bedroom units with a mix of rents at 30% and 60% of median income. The apartment complex would be located on the Sears Park Neighborhood at the corner of Ambrocio Flores Jr. Road and Vogel Avenue. The property is currently appropriately zoned for multi-family uses. The project is seeking Low Income Housing Tax Credits (LIHTC) from the Texas Department of Housing and Community Affairs. The LIHTC is a competitive program with projects selected on the basis of a point system. Additional points are given to projects that obtain financial participation with a local government entity for development costs. Local government participation yields the following additional project points:

- A total of 18 points is available to the applicant for a 5% local government match. (~\$400,000)
- A total of 12 points is available to the applicant for a 2.5% local government match. (~\$200,000)
- A total of 6 points is available to the applicant for a 1% local government match. (~\$80,000)

Financial assistance can be in the form of grants, loans, deferments or in-kind donations. Deferments or loans must have a term of at least 1 year and be priced at an interest rate at or below the current Applicable Federal Rate (AFR). A request for City participation similar to this project was previously approved by the City on June 6, 2005, in which the City used available HOME program funds at that time for its participation. A formal vote at a future Council meeting will be needed in order to approve any participation agreement or to authorize the City Manager to enter into an agreement. A qualifying local government can be a city or a county.

Mr. James introduced Ovelia Campos a member of the Sears Park Revitalization Committee. Ms. Campos stated the committee’s support of the project and noted the need for safe affordable housing for senior citizens.

Ms. Ronni Hodges of the NewLife Housing Foundation briefed the Council on the history and purpose of the foundation and then presented an overview of the proposed Low-income Housing Tax Credit (LIHTC) senior apartment community to be known as the “Anson Park Seniors” project as follows:

AFFORDABLE HOUSING PROGRAM:

- Created in 1987 by US (section 42 of IRS code) and administered by the State(TDHCA)
- Very successful nationwide program with over 200,000 affordable housing units created
- Annual tax credits to encourage below market rentals for families 60% below area median income.
- Texas is divided into 13 regions; Abilene is in Region 2 and all awards are based on points
- 2007 Application (QAP) gives 18 points to cities who fund 5% of the total development costs to achieve an allocation, and support is essential to funding

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- With the support of Abilene, NewLife Housing Foundation, as a non-profit, is #1 in the Region for a 2007 tax allocation.

Ms. Hodges discussed the proposed development as follows:

- Anson Park Seniors LP is proposing a 80-unit Affordable Seniors Community located in a Preservation area (Ball Estate) within the Sears Neighborhood on approximately 6 acres.
- The Development will feature 1 and 2 bedroom homes serving seniors (55 and older) whose income is at or below 60% of the Taylor County median income. (\$47,500 (2006 mi) X .60 = \$28,500/yr maximum
- The 2000 Census Tract information for this neighborhood tract indicates:
 - 2000 Tract Median Family Income - \$24,792
 - 2000 County Median Family Income - \$40,859
 - 2000 Tract Population – 2,273
 - Tract Poverty Percentage – 32%

Ms. Hodges reviewed the proposed development site and site plan maps and presented the following target market information for the proposed low-income housing project:

- NewLife’s vision is to provide affordable housing for the senior population that exists within the Sears Neighborhood and also in Northwest Abilene.
This area of Abilene lacks a realistic alternative for Seniors who desire to remain in a familiar and comfortable environment, close to friends and family.
- There are no specified Senior complexes and no new apartments except Anson Park I and II in Northwest Abilene.
- All the units are 60% or below. The Unit Breakdown and Rents are;

<u>Qty.</u>	<u>Bed/Bath</u>	<u>Set-Aside</u>	<u>Rent</u>
8	1/1	30%	\$175
48	1/1	60%	\$442
24	2/2	60%	\$524
- According to their Market Study, these rents will be the lowest in Abilene.

Ms. Hodges noted the benefits of the proposed low-income housing project as follows:

- **City of Abilene**
 - Meets “Infield Development Requirements”
 - Promotes Revitalization of Sears Neighborhood
 - Help start Sears Preservation in the Neighborhood
 - Meets the Needs of the Families below the Poverty Line in Abilene
 - Use of Local contractors including Minority Contractors
- **Sears Neighborhood**
 - Complex is affordable to all senior citizens
 - Creates 10-15 positions for employment
 - Near the ACCESS Center for Senior Training programs
 - Better utilization of adjacent Sears Recreation Center by seniors

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▪ **NewLife Housing Foundation**

Complete the founding goal of offering seniors affordable living with a family environment

Creates a small income stream of revenue

Opportunity to design more comfortable living arrangements for seniors.

Energy features and “aging” features advantageous to productive seniors.

Ms. Hodges briefed the Council on the funding summary as follows:

Permanent Loan	\$1,136,231
Tax Credit Equity	\$6,232,746
City of Abilene	
Equity Contribution	\$ 400,000
Private Funding (2% of Cost)	\$ 182,244
Total Investment of	
Buildings & Land	\$7,951,221

City of Abilene Letter of Commitment for the \$400,000 can extend several years and can utilize a number of options such as:

1. City permit and utility fee waivers
2. Tax Abatement (preset amount for a number of years)
3. Grants such as HOPE or CDBG funds
4. Low interest loan repayable 15-20 yrs.
5. Annual City revenue grant

Ms. Hodges reviewed as follows the timeline of key dates:

- March 1, 2007 – Application due to TDHCA
- May, 2007 – TDHCA begins underwriting on selected applications
- Late July 2007– TDHCA awards allocations of tax credits
- August 15, 2007 – Execution of funding commitments
- April 2008 – Construction begins
- November 2008 – Pre-Leasing begins
- January 2009 – Construction complete
- December 2009 – 100% occupancy achieved

Discussion included: 1) requested \$400,000 not being needed this year, but foundation would need assurance through commitment letter that funds would be available when needed; 2) HOME funds having been available for a similar previous project, but none currently available; 3) city manager’s recommendation that the best option to provide funding would be through permit/fee waivers and property tax abatement (staff noted Tax Abatement policy is limited and needs to be updated); 4) the amount of tax revenue the facility will generate and Council noted the need to not speculate but to have a clear understanding of revenue and expenditures involved in the project; 5) researching possibility of the Housing Authority participating in the project; 6) Council noted preference to review funding options that does not include allocating cash through a loan or

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the City's General Fund, and; 7) the foundation noted their preference is to notify TDHCA of Abilene commitment but commitment letter would not be needed until August 1, 2007.

Council's consensus was for staff to research options for the City to participate in the "Anson Park Seniors" project and provide a funding plan for Council consideration possibly by the May 21, 2007 Council meeting.

No formal action was required by Council.

Mayor Archibald noted that the following public hearings would have a four minute time limit per person.

4.2 Jon James, Director of Planning and Development Services briefed the Council on an ordinance considered on second and final reading to amend the Sign Regulations regarding off-site advertising.

Mr. James stated the information Council has before them was reviewed at the April 26, 2007 Council meeting and that the summary of recommended changes in the proposed ordinance include: 1) the location (a list of streets) of where new billboards would be allowed; 2) the regulations would be expanded, beyond the city limits, into the ETJ, as allowed under state law; 3) the billboards would be excluded from the Central Business District, which is the one change to the zoning districts where billboards would no longer be allowed; 4) the size limit for billboards would be changed to 672 square feet for freeways and 378 square feet for non-freeways (industry standard sizes); 5) a minor change to the height limit where a billboard would be brought to clear the elevated portion of a freeway; 6) the various spacing requirements and recommended changes would not include the interstate and primary highways as regulated by TxDot, which would still have a 1500 ft. spacing; 7) for all non-freeway streets the proposal from the Planning & Zoning Commission is to increase from 750 ft. to 1,000 ft, and.; 8) radial spacing would be a spacing in any direction. Mr. James noted the map Council had requested showing how the different distances would apply across the city could not be developed due to staff not having an inventory of all the signs in the city but staff did create a map reflecting one current billboard showing what the separation from that billboard would be in terms of the radial distance (250' and 500' shown), the map also reflects the 750 feet length on the same side of the street where no billboards would be allowed and reflects the extension out to 1,000 feet as recommended by P&Z. Mr. James further noted the other spacing issue was the recommendation to increase the spacing from residential zoning from 135 feet to 200 feet and Mr. James referenced the map that reflects the difference between the 135', 165' and 200', which is a small distance when looked at city wide. The map is also color coded to show where billboards would be prohibited. Mr. James reviewed, for example purposes, various areas in the city where different spacing distances seem to make some differences. Mr. James stated there were not as many areas as he had anticipated where the spacing actually does make a difference.

Mayor Archibald stated with the discussions, public hearing and dialogue that has previously taken place concerning these issues he does not sense that there is concern about the Central Business District, the ETJ, or the sign sizes, but that the primary considerations are: 1) the spacing issues from 750' to 1,000'; 2) the 500' radial spacing as recommended by P&Z, and; 3) the spacing from residential zoning (135', 165' and 200').

Council and staff discussion included: 1) the impact the proposed regulations would have on billboards located on streets that border the Central Business District; 2) existing billboards would not be required to be removed, but although most repairs would be allowed the boards could not be replaced; 3) Council's concerns of the restrictions in some PDD's, spacing limitations and lost leases negatively impacting businesses by prohibiting them from growing; 4) Council noted concerns about sign clutter that is not necessarily billboard clutter; 5) staff noted their comfort level with either the 165' or the 200' spacing due to the minor difference between the two; 6) staff noted the ordinance would have to be amended each time a new street is considered for billboard placement, and; 7) the complaints being generated from "grandfathered" signs that have been in existence since 1988, and the need to review the "grandfather" provisions.

Mayor Archibald stated a public hearing was held on this item at the Council's April 26, 2007 meeting and that another public hearing will be held today. The Mayor stated each individual wanting to speak at the public hearing would be allowed four minutes to do so. Mayor Archibald then opened the public hearing and the following individuals addressed Council:

- Tim Ritter, Lamar Outdoor General Manager – Mr. Ritter distributed a handout which included Ordinance Comparison information, reflecting the Size, Zoning, Locations and Spacing in the existing and proposed ordinances, a billboard spacing map and pictures of various billboards in the community. Mr. Ritter reviewed the use of billboards for advertising purposes and stated the proposed ordinance is essentially a ban on billboards. 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.
- Larry Sanders, Executive Director of Abilene Association of Independent Business Owners – Mr. Sanders stated outdoor advertising is a unique tool businesses rely on and that the proposed ordinance will impact small businesses, as well as others. Mr. Sanders further stated he agrees with Mr. Ritter's recommendations.
- Steven Kraser, Marketing Professional – Mr. Kraser stated further restricting outdoor advertising is a bad idea and requested Council keep the current ordinance as is.

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

Mayor Archibald recessed Council for a break at 10:15 a.m. and reconvened Council at 10:20 a.m.

Discussion continued and included: 1) the key issues before Council being spacing involving the same side of the street being extended, the radial spacing and the spacing in the residential areas; 2) the sixty-six billboards not being the problem but clutter and disrepair of other items are (i.e. other signs, poles, etc.), and; 3) solving citizen concerns by establishing requirements for all signs that address clutter and needed repair issues.

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Councilwoman Davis made a motion to approve the ordinance considered on second and final reading amending the Sign Regulations regarding off-site advertising, as submitted to and reviewed by Council, with the following revisions to Section 23-161 (F) (2) (b) (c) and (d):

(F) Sign Standards

(2) Spacing and separation of off-site advertising signs shall be based on the following:

(b) Signs shall be separated from other off-site advertising signs on the same side of the street by a minimum distance of **750** feet when not on an interstate or primary highway.

(c) Signs shall be separated from other off-site advertising signs in any direction by a minimum of **250** feet.

(d) No off-site advertising signs shall be permitted less than **135** feet from a lot in a Residential Single Family (RS), Mobile Home (MH), or RM-3 district.

Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **17-2007** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART C, "SIGNS AND BILLBOARDS", 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.

Councilman Spano reiterated to citizens that will be appointed in the future to serve on city committees, the importance of committees and he emphasized the trust that is bestowed on committee members by fellow citizens, staff and the Council. Councilman Spano expressed concern about the poor attendance of committee members that reviewed the issues before Council today and asked that when chosen to serve on a committee that committee members attend at least 90% of the meetings.

4.3 Jon James, Director of Planning and Development Services briefed the Council on an ordinance considered on second and final reading to amend Section 23-262.5(B) of the Subdivision Regulations of the City of Abilene regarding cul-de-sac design and construction requirements.

The Solid Waste Division in Public Works and the Fire Department proposed increasing the minimum size of the turnaround portion of new cul-de-sacs to accommodate the large size of the City's Solid Waste and Fire trucks. In conjunction the Planning staff proposed changes to the maximum cul-de-sac length and clarification of the language pertaining to measuring cul-de-sac length. Staff proposed to clarify how cul-de-sacs are measured by amending the wording to ensure that the length is calculated from the end of the cul-de-sac to the nearest through street with more than one outlet, which is how the current ordinance is being applied. Staff feels that the original intent of the ordinance was to limit the number of dwellings served by one entrance. With the current wording, it is unclear whether a cul-de-sac could legally connect to another cul-de-sac

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where there would still be only one access serving a greater number of homes. This could potentially cause problems if too many homes are served by a single entrance during emergency or road construction situations. Changing the language would remove any doubt regarding the intent of this provision to allow only a limited number of dwellings to be served by a single access point. Staff and the Planning and Zoning Commission recommend approval of the proposed amendment that includes only the language clarification for measurement of cul-de-sacs.

Council and staff discussion included: 1) interpretation of the current language including departments/divisions involved in that interpretation and how long current interpretation has existed, and; 2) staff noted the Planning & Zoning Commission were thoroughly aware of the issues involved and discussion pertaining to 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.

Councilwoman Moore made a motion to approve the ordinance considered on second and final reading to amend Section 23-262.5(B) of the Subdivision Regulations of the City of Abilene regarding cul-de-sac design and construction requirements. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **18-2007** and captioned as follows:

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.

4.4 Jon James, Director of Planning and Development Services briefed the Council on an ordinance considered on second and final reading 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.

Mr. James stated a request was recently submitted to locate a permanent fruit stand at the corner of South 7th Street and South Mockingbird Lane. The ordinance currently allows permanent retail sale of fruits and vegetables as a Conditional Use in SC (Shopping Center), GC (General Commercial), HC (Heavy Commercial), LI (Light Industrial), and HI (Heavy Industrial.) The conditions require that open-air stands comply with the regulations for Farmer's Market or temporary fruit and vegetable sales. These references are confusing and limit permanent fruit and vegetable sales to large sites with multiple users under the Farmer's Market regulations. Furthermore, the temporary sale of fruits and vegetables was eliminated in April 2005 when a new policy for Itinerant Businesses was adopted. Staff recommends clarifying the regulations to pertain to a single use operating independently since Farmer's Markets already exist as a permitted use in the Zoning Ordinance. Staff also proposes that the use would be permitted in LC (Limited

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Commercial) zoning in addition to the current districts. The proposed ordinance provides some additional restrictions to address some of the concerns staff foresees with produce sales while still allowing the character sought by the current, and possibly future, property owners. Furthermore, the proposed conditions also provide some aesthetic controls as well as protection for neighboring residential properties to ensure the consistency of the use with the intentions of LC (Limited Commercial) zoning. Staff and the Planning and Zoning Commission recommend approval of the proposed amendment.

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 the ordinance considered on second and final reading 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. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **19-2007** and captioned as follows:

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.

4.5 Jon James, Director of Planning and Development Services briefed the Council on **Z-2007-09**, an ordinance considered on second and final reading to rezone property from O (Office) to LC (Limited Commercial), property located at 2890 South 7th Street.

This property has been vacant for several decades and represents somewhat of a difficult redevelopment situation given its small size and proximity to two busy streets, single-family residences, and Oscar Rose Park. While O (Office) zoning is appropriate to serve as a buffer for the neighboring homes, it does not accommodate the fruit stand use proposed by the current applicant. Staff considers LC (Limited Commercial) zoning equally compatible, while still permitting the reuse of this unique site. The Comprehensive Plan designates the Barrow/Mockingbird corridor as a Community Enhancement Corridor. This designation represents roadways that "unify the city, establish a sense of place, and provide enhanced physical and visual links between Activity Centers". In addition, Strategy #3 of the Land Use and Development recommends promoting mixed-use development that "allows an appropriate blend of residential, retail, and employment activities. Allow complimentary uses to be located on a single parcel and/or building or between multiple parcels." LC (Limited Commercial) zoning at this location would allow a small retail or office development to take advantage of the high volume of traffic on the adjacent roadways while still preserving the character of the surrounding residential and park uses. Staff and the Planning and Zoning Commission recommend approval of the request.

Mayor Archibald noted Council had been given a letter from Mr. Monte Conrad, agent for Penrod Properties, Inc. that stated Mr. Conrad is unable to be at today's meeting but property owner Mr. Dorman Farmer is present. Mr. Conrad's letter requested Council's approval of the rezoning.

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 **Z-2007-09**, an ordinance considered on second and final reading to rezone property from O (Office) to LC (Limited Commercial), property located at 2890 South 7th Street. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **20-2007** 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.

4.6 Jon James, Director of Planning and Development Services briefed the Council on **TC-2007-02**, an ordinance considered on second and final reading to abandon the alley extending west from Amarillo Street and north from South 17th Street to South 16th Street.

The applicant, McMurry University, recently demolished all of the structures on the western portion of the block and plans to convert the area to a park. They have no plans for further development at this time. They originally requested closure of the entire alley, then considered rerouting the southern portion, and most recently proposed closing only the northern half of the north-south alley and retaining the southern half to avoid reconstruction costs. Their final proposal is consistent with the recommendation of the Planning and Zoning Commission.

Staff and the Plat Review Committee recommend denial of the original request due to the abundance of utilities and services currently located on the subject alley. Staff and the Plat Review Committee recommended approval of rerouting the alley, with the following conditions:

- (1) The abandoned portion of the alley must be replatted.
- (2) The alternative layout must be dedicated on the plat as a 20' public alley.
- (3) All abandoned portions of the alley must be dedicated as an Accessible Utility and Drainage Easement.
- (4) All existing valves and manholes for water and sewer service must be raised to grade.

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- (5) The new alley must be constructed by the applicant prior to full removal of the existing route. Access for Solid Waste vehicles must be maintained during construction.

The Planning and Zoning Commission recommend approval of abandoning only the north half of the north-south alley extending south from South 16th Street, with the following conditions:

- (1) The abandoned portion of the alley must be replatted.
- (2) All abandoned portions of the alley must be dedicated as an Accessible Utility and Drainage Easement.
- (3) All existing valves and manholes for water and sewer service must be raised to grade.

Council and staff discussion included: 1) staff clarified that the ordinance before Council today is consistent with the Planning & Zoning Commission recommendation, and; 2) the applicant having the opportunity to come back to Council with further requests.

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.

Councilwoman Davis made a motion to approve **TC-2007-02**, an ordinance considered on second and final reading to abandon the north 143 feet of the north-south alley extending south from South 16th Street, located 140 feet east of Sayles Boulevard, with conditions as recommended by the Planning & Zoning Commission. Councilman Chase seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **21-2007** and captioned as follows:

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.

4.7 An ordinance scheduled for public hearing and being considered for first reading to amend Section 23.306.5, Section 23-316, Section 23-320, Section 23-321, and Section 23-322 of the Zoning Ordinance of the City of Abilene regarding landscaping, screening, buffering, fencing, urban design, and lighting; and set a public hearing for May 21, 2007 at 8:30 a.m.

Mayor Archibald stated the ordinance before Council is being considered for first reading and a public hearing today and is scheduled for a public hearing and second reading at the Council's May 21, 2007 meeting. The Mayor noted the time at 10:50 a.m. and stated the Council will be conducting a conference call in Executive Session at 1:00 p.m. to consult with the search firm on moving forward in the selection of a City Attorney.

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Council noted the fact that there was no one present to speak at today's public hearing and discussed the possibility of tabling the ordinance and advertising another public hearing in order to give the public another opportunity to address the issue. Director of Planning and Development Services Jon James explained to Council that although he could do a summary presentation of the ordinance today state law does require the public hearing be held as posted and advertised. Mayor Archibald reiterated that the ordinance is only being considered on first reading and public hearing today, is scheduled for 2nd reading and public hearing on May 21st and if need be could still be tabled at the May 21st meeting and considered at the June 14th Council meeting.

Mr. James then briefed the Council on the ordinance amending Section 23.306.5, Section 23-316, Section 23-320, Section 23-321, and Section 23-322 of the Zoning Ordinance of the City of Abilene regarding landscaping, screening, buffering, fencing, urban design, and lighting; and set a public hearing for May 21, 2007 at 8:30 a.m.

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 the first reading of an ordinance amending Section 23.306.5, Section 23-316, Section 23-320, Section 23-321, and Section 23-322 of the Zoning Ordinance of the City of Abilene regarding landscaping, screening, buffering, fencing, urban design, and lighting; and set a public hearing for May 21, 2007 at 8:30 a.m. Councilwoman Moore seconded the motion, and the motion carried.

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

NAYS: None

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.

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.

Councilwoman Moore left the meeting after Executive Session.

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

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5.5 Councilman Williams made a motion to approve Mayor Archibald's re-appointments of Ray Ferguson, Russell Berry and Kathy Webster to the West Central Texas Municipal Water District Board, terms expiring May 2009. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilwoman Moore

5.6 City Attorney Dan Santee briefed the Council on the appointment of Ms. Kelley Messer as an Attorney II for the City of Abilene.

Councilwoman Davis made a motion to approve the appointment of Kelley Messer as an Attorney II for the City of Abilene, effective May 15, 2007. Councilman Chase seconded the motion, and the motion carried.

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

NAYS: None

ABSENT: Councilwoman Moore.

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

There being no further business, the meeting was adjourned at 12 noon.

Jo Moore
City Secretary

Norm Archibald
Mayor