

**CITY COUNCIL MEETING**  
**June 14, 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 June 14, 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.

Councilwoman Moore gave the invocation.

Mayor Archibald introduced Aniyah Green who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas. Aniyah is the granddaughter of Audria Hammond, Administrative Assistant to the Mayor and City Manager.

**EMPLOYEE SERVICE AWARDS**

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

20 Years	Larry Abrigg	Planner III Planning and Development Services
20 Years	Craig "Steve" Mayhall	Pavement Management Technician Public Works
20 Years	Randall Smith	Treatment Plant Operator II Water Utilities

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

- "Myasthenia Gravis Awareness Month" June 2007
- "Certified Nurses Aide Week" June 14 – 21, 2007

**RECOGNITION**

Mayor Archibald welcomed and recognized approximately 24 Mimes Students (Mentoring Industrious Minds and Educating Students), along with their adult leaders, Kathy Wright and Donna Adams. The Mayor noted these students are representatives from Franklin and Mann Middle Schools and have spent this week touring various City locations and will be shadowing various City employees at work.

Mayor Archibald presented City Manager Larry Gilley with his five year Employee Service Award pin and thanked him for his service to the City of Abilene.

## **DISPOSITION OF MINUTES**

2.0 Mayor Archibald stated Council has been given the minutes from the May 21, 2007 Regular Council Meeting, the May 24, 2007 Council Workshop, the May 30, 2007, May 31, 2007, and the June 5, 2007 Special Called Council Meetings. There being no corrections, additions, or deletions to the minutes Councilman Chase made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

## **CONSENT AGENDA**

**Item 3.4** *Resolution authorizing \$432,000 of TIF funds for the purchase of destination/way finding signage relative to downtown Abilene, and the maintenance and purchase of replacement banners for downtown, was 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 3.1 through 3.3, 3.5 and first reading of item 3.6, as recommended by staff. Councilman Spano seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Williams (abstaining on item 3.6 only), Spano, Councilwomen Moore and Davis, and Mayor Archibald.

NAYS: None

ABSTAINED: Councilman Williams (Item 3.6)

## **Resolutions:**

- 3.1 Oral Resolution approving a fireworks display permit for the Boys & Girls Club of Abilene, to be held east of the Round Building at the Taylor County Fairgrounds on July 4, 2007 at 9:15 p.m. (alternate rain date is set for July 5, 2007).
- 3.2 Oral Resolution authorizing the City Manager or his designee to execute a new Library Lease with Abilene Frenchman's Creek, LTD for three years with two optional two year terms.
- 3.3 Resolution authorizing a grant of \$128,225 of TIF funds to the Abilene Improvement Corporation for the purpose of redeveloping two lots into public parking, located on Cedar Street between North 2<sup>nd</sup> and North 3<sup>rd</sup> Streets.

The Resolution is numbered **20-2007** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE REINVESTMENT ZONE NUMBER ONE BOARD A/K/A TAX INCREMENT FINANCE DISTRICT BOARD (TIF) OF THE CITY OF

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ABILENE, TO GRANT TIF FUNDS TO THE ABILENE IMPROVEMENT CORPORATION (AIC) TO BE USED TO REDEVELOP TWO LOTS ON CEDAR STREET BETWEEN NORTH 2<sup>ND</sup> AND NORTH 3<sup>RD</sup> STREETS AS A PUBLIC PARKING FACILITY AND AUTHORIZING THE PARTICIPTION OF THE CITY IN THE REDEVELOPMENT.

- 3.4 **Removed from the Consent Agenda and considered separately:** Resolution authorizing \$432,000 of TIF funds for the purchase of destination/wayfinding signage relative to downtown Abilene, and the maintenance and purchase of replacement banners for downtown.
- 3.5 Resolution recertifying Habitat for Humanity – Abilene, Inc. as a Community Housing Development Organization (CHDO) and commitment of HOME funds.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE RECERTIFICATION OF HABITAT FOR HUMANITY-ABILENE, INC., AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO), AND AUTHORIZING DISBURSEMENT OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS.

**Ordinance:**

- 3.6 An ordinance approving the execution of a Developer Participation Contract with Abilene Christian University to allow the City to contribute labor and equipment toward the completion of certain public improvements.

AN ORDINANCE APPROVING THE EXECUTION OF A DEVELOPER PARTICIPATION CONTRACT BETWEEN THE CITY OF ABILENE AND ABILENE CHRISTIAN UNIVERSITY FOR THE PURPOSE OF MAKING CERTAIN PUBLIC IMPROVEMENTS AS AUTHORIZED BY LAW.

**Item 3.4 considered separately at the request of Councilman Chase:**

- 3.4 *Resolution authorizing \$432,000 of TIF funds for the purchase of destination/wayfinding signage relative to downtown Abilene, and the maintenance and purchase of replacement banners for downtown.*

Richard Burdine, Assistant City Manager for Economic Development stated that at the Council workshop last week Councilman Chase raised some questions concerning the fact the Fort Phantom area should have been included in this project. Mr. Burdine noted that he had researched the history of the project, that has been going on for a couple of years, and had determined that early on in the process the consultant was toured around the Fort Phantom area and it was an area that was suppose to be considered but due to a number of staff changes the area was left out of the project. Mr. Burdine further stated that staff will develop a plan for the area and submit it to the

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Lake Association for review and then any portion of the sign cost that can't be funded under the TIF funds will be submitted to Council for consideration.

Councilman Chase thanked Mr. Burdine for the opportunity to discuss the issues that he had raised concerning this project and that he is glad to know that staff will follow up with the necessary action to include the Fort Phantom area in the signage. Councilman Chase noted another issue is to make certain if there are any areas on the south side of downtown that could appropriately be included in the signage (i.e. the old or current courthouse, the old jail house, etc.) that they also be included. Councilman Chase also noted that as the TIF Board moves forward in finalizing the use of the remaining TIF funds (approximately \$700,000 - \$800,000) that considering the streetscaping plan would be a good way to utilize some of those funds. Councilman Chase stated that he also felt it would be appropriate for the Council to request that Mr. Burdine submit to the TIF Board the possibility of utilizing some of the remaining funds to develop a Comprehensive Master Development Plan for the downtown area, which would include tying in all of the specific studies that have been done, tying in the latest hotel study, and tying in the south side of downtown. Councilman Chase further stated if Council agrees, having the TIF Board consider both the Master Plan and streetscaping plan would be appropriate, prior to the dissolution of the TIF District in January.

Council discussion included: 1) staff having the signage artwork available for the press to relay to the community exactly what the \$432,000 is being utilized for, so the community will understand and can take pride in the project; 2) Council noted support of the downtown study but also felt the need to support a study of the area on the south side of the railroad tracks (i.e. Butternut St. to the Hwy. 80 underpass area) and a study on the possibility of a downtown hotel (staff stated a copy of the current downtown hotel study can be provided to Council), and; 3) City Manager Larry Gilley sated he will meet with Mr. Burdine and they will discuss with the TIF Board the suggestions made today for use of the balance of the TIF funds and following consideration by the TIF Board staff will report those considerations back to Council.

Councilman Williams made a motion to approve the Resolution authorizing \$432,000 of TIF funds for the purchase of destination/wayfinding signage relative to downtown Abilene, and the maintenance and purchase of replacement banners for downtown. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

The Resolution is numbered 22-2007 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE REINVENSTMENT ZONE NUMBER ONE BOARD A/K/A TAX INCREMENT FINANCE DISTRICT BOARD (TIF) OF THE CITY OF ABILENE, TO USE TIF FUNDS TO PURCHASE DESTINATION/WAYFINDING SIGNAGE RELATIVE TO THE DOWNTOWN AND REPLACEMENT BANNERS FOR THE DOWNTOWN.

## REGULAR AGENDA

Mayor Archibald recognized Jeff Armstrong, Planning and Development Services Manager and noted that Mr. Armstrong has taken a job with the City of Mesquite. The Mayor thanked Mr. Armstrong for his 14 years of service to the City of Abilene and stated that Mesquite is gaining one of the City of Abilene's best employees.

4.1 Jeff Armstrong, Planning and Development Services Manager briefed the Council on **Z-2007-11**, an ordinance considered on second and final reading to rezone property from AO (Agricultural Open Space) to RS-6 (Residential Single-family), property located on the north side of Hardison Lane approximately 400 feet west of Oldham Lane.

Mr. Armstrong stated the applicant is requesting to expand the Indian Wells residential subdivision further to the south in compliance with the Preliminary Development Plan which the applicant submitted in 2006. The full proposed development would create approximately 185 residential lots. Twenty of those lots have already been platted and have homes currently under construction. The Plat Review Committee has already reviewed an additional 23 lots and the proponent is currently constructing the necessary public improvements prior to plat approval. The Future Land Use section of the Comprehensive Plan designates this general area for low-density residential development. The proposed subdivision will eventually adjoin the Lone Star Ranch and Vaquero residential subdivisions when they are extended as shown on their Preliminary Development Plans, creating a large continuous single-family residential area. The Thoroughfare Plan shows an east-west and a north-south collector street in this general area, which have both been accommodated through the proposed Preliminary Development Plan. 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 the Council.

- Chris Westbrook, agent on behalf of Steve West – Mr. Westbrook noted the development project began in late 2005. Mr. Westbrook reviewed the phases of the project and stated the need to continue development in this part of the community and that community needs would be met through the Indian Wells Subdivision. Mr. Westbrook requested Council approve the rezoning request.

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

Councilwoman Moore made a motion to approve **Z-2007-11**, an ordinance considered on second and final reading to rezone property from AO (Agricultural Open Space) to RS-6 (Residential Single-family), property located on the north side of Hardison Lane approximately 400 feet west of Oldham Lane. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

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The Ordinance is numbered **23-2007** 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.

4.2 Jeff Armstrong, Planning and Development Services Manager briefed the Council on **TC-2007-03**, an ordinance considered on second and final reading to abandon portions of the public roads at the Abilene Regional Airport.

Mr. Armstrong stated the original request involved only a small portion of Airport Boulevard that needs to be relocated due to the bond project involving reconfiguration of the parking lots. In order to accommodate the request if the roads remain public, the new portion of road created by the modified configuration would need to be dedicated to prevent a gap in the continuous roadway. After closer inspection, the alternative of closing all of the roads and converting them to internal circulation (similar to a park road, instead of a typical city street) was suggested to provide the airport additional flexibility for security and operational purposes. The original reasoning behind the dedication was to allow the Police Department to enforce traffic and parking regulations and for the Streets Division to be responsible for maintenance. There are also city-owned structures that are leased to private entities with addresses along the existing roads. The Planning Staff met with representatives from Traffic Engineering, Abilene Regional Airport, and the Legal Department to determine the most desirable solution. Traffic regulations could still be enforced on the property since it is owned by the City, however, Don Green, Director of Aviation, was concerned about maintenance of the roadways because the airport lacks the proper equipment. In order to clarify the difference between public and private areas and to meet the project needs for the new parking lot, staff recommends closure of West Access Drive, East Access Drive, and the portion of Airport Boulevard that will become part of the proposed parking area. The Access Drives leading behind the terminal are already closed to the public with gates to prevent access to the runway and other operational areas. Staff recommends these closures with the condition that the new portion of Airport Boulevard is dedicated to provide a continuous loop of public access to the terminal area. Lance Drive, which currently provides a secondary continuous loop, will be separated by curbing from the existing Upper Parking Circle and the new portion of roadway. The staff recommended dedication will be necessary to prevent a gap in the loop once the new curbing is constructed. Another alternative staff is considering is the possibility of converting all of the roads to internal circulation. The concerns regarding financial responsibility for maintenance and enforcement of parking and traffic violations could possibly be overcome through other means. Furthermore, this option would provide greater flexibility to the airport for future development. The Plat Review Committee reviewed this request and identified several utility lines on the subject property. The utility providers will need to maintain full access to all of their facilities in order to conduct proper maintenance. The Planning and Zoning Commission recommend approval of the request with the condition that the new portion of roadway is dedicated.

Council requested clarification on the ultimate decision as to whether the roadway will be fully dedicated, continue to be dedicated or if it will be regulated, secured by airport staff, internal airport roadway. Staff pointed out the public streets shown on the map in yellow and stated that those streets will continue to be public streets. Staff noted the yellow lines with the black cross hatch will also be dedicated as a public street in order to allow continuous circulation of public thoroughfare. Council noted, and staff agreed, the alternative of converting the roadway to internal circulation was deemed to not be the best alternative.

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-2007-03**, an ordinance considered on second and final reading to abandon portions of the public roads at the Abilene Regional Airport with the condition that the new portion of roadway be dedicated to provide a continuous loop for public access. 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 **24-2007** 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.

### **EXECUTIVE SESSION**

Mayor Archibald noted following a five minute break Council would convene 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.

5.5 Councilman Williams made a motion to approve by Oral Resolution Mayor Archibald's appointment of Daniel Santee as City Attorney for the City of Abilene. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

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

There being no further business, the meeting was adjourned at 12:00 noon.

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Jo Moore  
City Secretary

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Norm Archibald  
Mayor