

**ABILENE CITY COUNCIL  
MINUTES OF:**

**REGULAR CITY COUNCIL MEETING**

**DECEMBER 20, 2007**

**Item No. 2.0**

**CITY COUNCIL MEETING  
December 20, 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 December 20, 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, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Invocation gave by Councilman Spano.

Councilman Chase introduced his grandchildren LeAnn 3 ½ and Laurel Bailey 8 years old and a 3<sup>rd</sup> grader in North Carolina, they led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas. Laurel and LeAnn's mother Heather Chase Bailey and Grandmother Linda Chase were in attendance. Their father Major Jim Bailey, U.S. Army, deployed earlier this month to Afghanistan and will return sometime next year. He was previously deployed to Bagdad in 2006.

Mayor Archibald introduced Danette Dunlap as the new City Secretary for the City of Abilene; the appointment was made at the last City Council Meeting on December 6, 2007. One of the many responsibilities of the City Secretary is in the Preservation of Records for the City of Abilene. Danette's mother was in attendance.

**DISPOSITION OF MINUTES**

2.0 Mayor Archibald stated Council has been given the minutes from the December 6, 2007 Regular Council Meeting and Special Council Meeting, Councilman Chase made note that on page 6 that **Dr. Lawson's** name was spelled wrong. The minutes had reflected **Dr. Larson** instead of **Dr. Lawson**. There being no deletions, or additions to the minutes Councilman Chase made a motion to approve the minutes with the one change. Councilwoman Davis seconded the motion, and the motion carried.

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

NAYS: None

**CONSENT AGENDA**

Councilwoman Moore made a motion to approve consent agenda items 3.1 through 3.8 as recommended by staff. Councilman Spano seconded the motion, and the motion carried.

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

NAYS: None

**Ordinances:**

- 3.1** An Ordinance amending the “City of Abilene Sidewalk Master Plan”, and setting a public hearing for January 10, 2008.

AN ORDINANCE ADOPTING AMENDMENTS TO THE “CITY OF ABILENE SIDEWALK MASTER PLAN;” PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- 3.2** **Z-2007-22** – Request to rezone property from LC (Limited Commercial) and RM-3 (Multi-Family Residential) to SC (Shopping Center) located at 2901, 3001, South Danville Dr. and all adjacent properties; and setting a public hearing for January 10, 2008.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E “ZONING,” OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-122 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.3** **Z-2007-24** – Request to rezone property from AO (Agricultural Open Space), GC (General Commercial), and MH (Mobile Home) to PDD (Planned Development District), located at 401 Loop 322 and 2901 Newman Rd; and setting a public hearing for January 10, 2008.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E “ZONING,” OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-123 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.4** **Z-2007-25** – Request to rezone property from AO (Agricultural Open Space) to HI (Heavy Industrial), located at E Hwy 80 and Newman Road; and setting a public hearing for January 10, 2008.

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.

- 3.5** **Z-2007-26** – Request to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential), located at 3100 Barrow; and setting a public hearing for January 10, 2008.

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.

- 3.6 Z-2007-27** – Request to rezone property from AO (Agricultural Open Space) to O (Office), located at 7601 Buffalo Gap, Rd.; and setting a public hearing for January 10, 2008.

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.

**Bid Awards:**

- 3.7 CB#8011** – Purchase of roll-off containers. Bid awarded to Roll-Off's USA, Inc. in the amount of \$64,747.00.
- 3.8 CB#8012** – Water Department Street and Miscellaneous Repair Work 2007-2008. Bid awarded to Bontke Brothers Construction Co., Abilene, Texas for the amount of \$642,969.00.

**REGULAR AGENDA**

- 4.1** Carl Scott briefed the council on the establishment of the Standards of Care for the City of Abilene Youth Programs.

In August of 1997 the 74<sup>th</sup> Legislature enacted Section 42.041 (14) of the Texas Human Resources Code which exempts youth programs operated by a municipality from state child-care licensing requirements. The Texas Human Resources Code provides that in order for a municipality to be exempt from the state's licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing. The major difference in the City's standards is that we have established standards for 6-13 years of age, whereas the state's standard is for 0-6 years of age, a population we do not serve.

The Standards of Care requires that a certified licensed services professional that is not affiliated with the City of Abilene make an inspection to insure that we are in compliance with our adopted Standards of Care. The Fire Department and Environmental Health Division also make inspections during the year. Monica Walsh, Director of Parks and Recreation, in Colleyville, Texas, conducted the independent inspection in October and found no deficiencies.

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Council and staff discussion included; 1) the suggestion from Monica Walsh, Director of Parks and Recreation for the City of Colleyville, was with the ratio of children to adults. The ratio of children that are registered for programs shows to be a ratio of 20:1. After a review by staff the actual ratio of children that are actually present comes to a ratio of 15:1; 2) every child that is registered is presented a Standards of Care hand out; 3) with corporation with Abilene Independent School District 6,830 breakfasts, 19,684 lunches, 11,225 snacks served; and 4) 1,723 children have been involved in programs at 8 centers.

Mayor Archibald opened a public hearing on the item and there being no one, Mayor Archibald closed the public hearing.

Councilman Williams made a motion to approve on final reading an Ordinance Establishing Standards of Care for City of Abilene Youth Programs. 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 Ordinance is numbered #51-2007 and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

**4.2** Jon James, Director of Planning and Development Services briefed the city council on the final reading of the proposed amendment to the Subdivision Regulations Ordinance regarding the Extra-Territorial Jurisdiction.

The proposed amendments are intended to enhance development standards in the Extra-Territorial Jurisdiction (ETJ) to make them more consistent with standards within the city limits. This proposal follows the recommendation in Strategy #46 in the Comprehensive Plan, which specifically calls for the extension of city standards to the ETJ.

This item was passed on first Reading on the August 10, 2006 consent agenda. The Council considered the item on second reading and held a public hearing on August 24, 2006. The item was then tabled and the Council directed the City Manager to form a committee to review the proposed ETJ regulations. The Committee held two meetings and came to a consensus on recommendations for regulating the ETJ. The attached ordinance amendments reflect the Committee's recommendation. Committee members and all four counties that include parts of Abilene's ETJ have been provided the revised ordinance and summary sheet that reflect the changes from the original proposed ordinance. This item was schedule for consideration at the March 8, 2007 Council meeting, but was delayed pending approval of an interlocal agreement with Jones County, which was approved

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by the Council on September 13, 2007. Prior to Council consideration, this item went back to the Planning and Zoning Commission for review and recommendation on the revised ordinance amendments, as recommended by the Committee.

#### Why now?

- As part of the Land Development Code rewrite, Dunkin, Sefko, & Associates reviewed all of Abilene's existing development regulations.
- Submitted a memo in Feb. 2006 listing items that should be addressed prior to adoption of the full LDC.
- A policy on development in the ETJ was among the priorities because of unintentional economic incentives to develop outside the city limits.

#### Comprehensive Plan

*Goal: Promote land use that builds on the character and future needs of the community*

*Objective: Plan for land use patterns that make the most efficient use of existing land and community resources. Encourage new development that is a logical extension of existing infrastructure and development and avoid "leapfrog" patterns of development.*

- Abilene is experiencing a "gradual trend of dispersed development spreading south along the city's periphery."
- This land use pattern can exert inordinate pressure on finite financial resources and system capacities.
- It contributes to disinvestment within established areas of the central city.
- It also causes inefficient use of public facilities and resources.

#### Comprehensive Plan Strategy #46

*Jointly plan and pursue intergovernmental agreements related to the City's extra-territorial jurisdiction (ETJ) with Taylor, Callahan, Jones, and Shackelford counties to:*

- *Direct the development of urban-intense uses within the city where a full range of existing services are available.*
- *Revise infrastructure requirements for development within the ETJ that are consistent with City standards.*

#### Current regulations unintentionally encourage ETJ development:

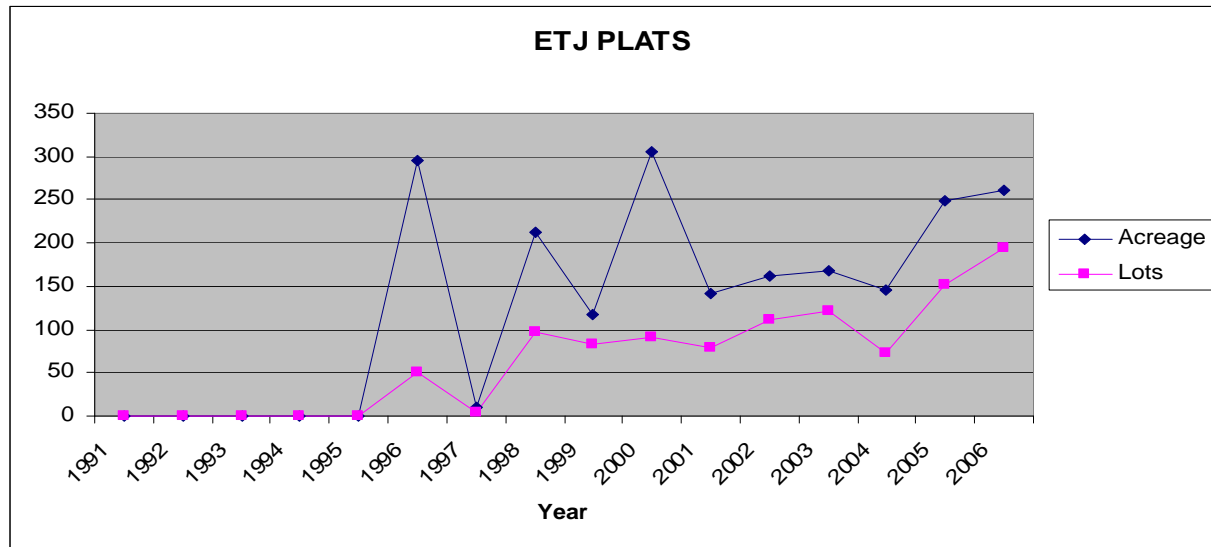
- ❖ No drainage review
  - Drainage improvements are much easier to incorporate prior to construction of the subdivision.
- ❖ No sewer lines
- ❖ No minimum size for water lines.
- ❖ Reduced road standards, no curb/gutter.
  - Upgrading public improvements, such as water lines and roads, can be very expensive.

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- ❖ Once annexed, the City must provide a similar level of services while accounting for the limitations of substandard infrastructure.
- ❖ Other cities have found that uncontrolled exurban (rural) development in a city's ETJ can be detrimental to the long term capacity for efficient growth of the city.
- ❖ Every development in the ETJ is a potential development lost to the City (and this affects our official population estimates).



### “Leveling the Playing Field”

- ❖ Enhance development standards in the ETJ to be more consistent with standards inside the City.
- ❖ Creating Rural Residential Zoning Districts in the City with comparable standards.

### Proposal

- ❖ Extend most city subdivision standards to increase consistency between developments within and outside the city limits.
- ❖ No zoning authority.
- ❖ No building code requirements.
- ❖ Applies to entire ETJ, except where modified through interlocal agreements with Counties.

### Timeline

- ❖ P&Z made a recommendation (July 17, 2006).
- ❖ Council tabled (August 2006) and sent to the *ETJ Ordinance Review Committee* for a recommendation.
- ❖ Committee met December 2006 and January 2007 and made a recommendation to Council.
- ❖ Council tabled again (March 2007) pending Jones County agreement.
- ❖ Jones County Agreement approved (September 13, 2007).
- ❖ The P&Z reviewed the Committee recommended ordinance amendments (November 2007) and forwarded recommendation to Council.

## SUMMARY OF ETJ ORDINANCE PROPOSAL

(Combination of recommendations from the Planning and Zoning Commission and the ETJ Ordinance Review Committee)

NOTE: Items with an “\*” are current requirements that are not proposed to be changed.

### **Required for all subdivisions regardless of size unless they meet the 10-acre exemption:**

- Preparation of the plat document with all required accompanying documentation, certifications, and signatures\*
- Right-of-way dedication in compliance with Thoroughfare Plan\*
- Monumentation\*
- Dedication of easement necessary to provide utility service to each lot\*
- City drainage standards.
- Minimum diameter requirements for water lines as required by the City to include fire hydrants or taps for future fire hydrants as required.

### **Lots less than or equal to 1 acre:**

- Minimum lot frontage: 60 feet, 30 feet for irregular shape\*
- Full City Standards to include drainage, street construction, curb and gutter, minimum diameter for water lines, fire hydrants or taps for future hydrants, and sidewalks\*
- Sewer may be exempted through Sewer Waiver process\*, but easements may be required for possible service in the future.

### **Lots greater than 1 acre:**

- Minimum lot frontage: 100 feet, 45 feet for irregular shape.
- Option to use “Interim Rural” street design unless certain criteria specified in the ordinance require a higher construction standard as determined by the City Engineer and Planning and Zoning Commission.
- Double frontage lots prohibited on lots 3 acres in area or less unless backing up to an arterial or expressway.
- Water lines as required by City standards.
- No sewer lines required if requirements for septic system are met\* and dedication of easement(s) for future sewer if deemed necessary by the City.
- Sidewalks required along arterial and collector streets only and may be financially guaranteed for construction at a later date.

### **Major change from initial P&Z recommendation:**

- ❖ Elimination of 1-5 acre lot category, which required full city standards under original P&Z proposal (now full standards only for lots 1 acre or less).
- ❖ At their November 2007 meeting, the P&Z recommended approval of the ordinance with this change.



### **Drainage and Floodplain Management**

#### Drainage Plans

- ❖ Facilities must be designed and constructed to comply with City of Abilene Drainage Standards.

#### Floodplain Areas must be either:

- ❖ Designated as easements, or
- ❖ The engineer must provide minimum elevations to comply with FEMA standards.

#### **Why?**

- ❖ Stormwater runoff affects the quality of the City's water supply.
- ❖ Upstream development may negatively affect downstream properties.
- ❖ Development in the floodway may affect Abilene's participation in the FEMA Flood Insurance program.

#### **Sewer**

- ❖ Dedication of easements for future service.
- ❖ No change from current standards.

#### **Why?**

Preserves space for the placement of lines if service is ever extended to the development at a future date.

### **Water Service and Fire Protection**

- ❖ Minimum water line sizing to comply with both the Fire Code regulations and various water quality standards.
- ❖ Installation of taps for future fire hydrants.
- ❖ Fire hydrants and Fire Flows would NOT be required (only adequate infrastructure for future provision).

#### **Why?**

- ❖ Minimize the cost of providing fire protection once annexed.
- ❖ Preservation of the City's current Fire Rating to avoid increased homeowners insurance rates for all City residents.

### **Streets and Sidewalks**

#### Streets

- ❖ Curb and gutter for subdivisions with lots of 1 acre or less.
- ❖ Interim rural section option on major collector and arterial streets (Determination by City Engineer).
- ❖ Permanent rural section option, on minor collector and local streets for subdivisions that will likely always be rural in nature (Determination by City Engineer).
- ❖ Clarified that rural construction is the default, but City Engineer can require full city Standard Street in certain cases, with the approval of the Planning and Zoning Commission.

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### Sidewalks

- ❖ Local Streets: Not required.
- ❖ All Major Roadways: Required regardless of acreage.
- ❖ Not required initially on “rural street.”
- ❖ Financial guarantee may be an option in lieu of immediate construction.

#### Why?

- ❖ Longer life expectancy.
  - Standardized composition and more substantial pavement edge
  - Short-term and long-term benefit to adjacent property owners
- ❖ Consistent with or can be easily converted to comply with city standards.

Lots in the ETJ greater than 10 acres where there are no public dedications or private streets are exempt for platting (this applies to lots greater than 5 acres within the City Limits). This 10 acre requirement has been in effect in the County for a few years. Current City ETJ regulations call for platting of lots up to 20 acres. This is a change in the City ETJ regulations, but complies with current State laws.

*“We work together to build a community of the highest quality for present and future generations.”*

*City of Abilene Mission Statement*

### **Fact Sheet for ETJ Proposals**

The following information is provided to help you understand the reasoning behind the proposed regulations:

#### **Improved Street Standards**

There are two general categories of street cross sections. The first is the typical curb and gutter design used throughout the city in various widths and designs and includes drainage. The second is an Interim Rural section that is identical to the curb and gutter section for the travel lanes, but is slightly wider to allow addition of the curb and gutter at a later date. It also requires ditches to be constructed to carry storm-water runoff.

#### **Interim Rural Sections:**

- They provide a driving surface that is more structurally sound due to the standardization of the base structure underneath and the amount and composition of layers of paving materials.
- They can be easily converted to curb and gutter streets with far less expense than rural roads under current standards. The elevation of current county roads is often too high to accommodate conversion without grading the travel lanes down to a lower elevation, which is expensive and problematic for adjacent property owners.
- The additional width over current standards will prevent deterioration at the pavement edge to reduce maintenance costs.

#### **Curb and Gutter Sections:**

- They typically have a longer life expectancy than rural streets.

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- Concrete edging provided by the curb and gutter hold the granular base material in place to prevent water seepage and deterioration of the road surface.
- Water is carried within the width of the street, eliminating the need for ditches on either side of the travel lanes.
- Ditches are difficult for residents and government agencies to maintain. With curb and gutter street property owners typically maintain the land all the way out to the curb, but ditches are often left unkempt due to the difficulty of mowing their irregular shape and silt control problems as they age.

### **Overall benefits:**

- Sub-dividers in the ETJ are not currently required to submit construction plans for any road surfaces or other public improvements. The construction process is typically unsupervised, so there is no way to guarantee the quality of the improvements. Documentation and review of construction plans, as well as inspections of the improvements throughout construction, will ensure that new roads are built to a reasonable standard for current county residents and future residents of Abilene.
- The City Engineer has developed a program to calculate the life expectancy and general maintenance requirements for new streets. It utilizes variables such as soil composition, the number of annual freeze/thaw cycles, existing and expected traffic counts, and the expected loads of vehicles traveling over the surface. The results help determine the cost and timing of necessary maintenance and replacement, which is an essential tool for budgeting street improvements. This could be applied to proposed roads in the ETJ to provide information to county officials and to help city officials gauge the condition of improvements when considering annexation.

### **Drainage Improvements**

- Surrounding watersheds generally drain across Abilene to reach Lake Fort Phantom Hill, so any development within the ETJ directly affects drainage and water quality within our city limits.
- Sub-dividers in the ETJ are not currently required to submit a Drainage Plan or mitigation to ensure drainage consistent with city standards. We have no authority to enforce drainage standards within their proposed subdivisions or drainage onto neighboring properties, even if adjacent to a lot within the city limits.
- The task of retrofitting poorly drained subdivisions after they are built is expensive and difficult to design. Once the road surface and the homes have been constructed, the options for drainage improvements are severely reduced. Our Public Works Department has been working for several years to correct existing drainage problems within the city limits at great expense to the citizens. Policies that avoid creating these situations will greatly reduce the financial burden on future generations.

### **Sewer Easements for Future Provision of Service**

- The Water Department typically requests a 20' utility easement along the boundary of new subdivisions in the ETJ for future sewer service, but cannot require it. Without them,

designing sewer systems or obtaining easements on developed lots at a later date may be more difficult.

**Water Lines: Potable Water Quality and Public Safety**

- Current standards administered by the various water districts surrounding Abilene are relatively consistent with City Standards except for the size of the water lines must be sized to accommodate fire hydrants to meet public safety requirements, but the firefighting equipment that services outlying areas typically carries a considerable on-board water supply to avoid use of fire hydrants.
- Water lines that are larger than the demand or lack sufficient upstream pressure must be flushed regularly with a substantial amount of water to preserve drinking water quality and comply with standards set by the Texas Commission n Environmental Quality.
- Abilene’s Insurance Services Office (ISO) rating for fire protection is determined by several factors, but water supply accounts for approximately 50% of the total. This rating affects the insurance rates of our citizens and economic development efforts. Annexation of large areas with substandard water supply (lines smaller than 6” in diameter that cannot properly supply fire hydrants) may require substantial costs to upgrade water lines to the minimum city standard to preserve our ISO rating.

**Sidewalks**

- Sidewalks are not required if the lots are larger than one acre, unless they are adjacent to an arterial or collector street. These roadways are designed for greater traffic counts and sidewalks are necessary to provide safe pedestrian accommodations.

**Flood Zone Development**

- Currently, the counties allow development in flood zones with minimal elevation requirements for new structures. Structures within FEMA designated floodway areas will likely be flooded at some time. The displacement of flood water during significant rain events due to an abundance of structures in the floodway may cause other properties to flood that otherwise wouldn’t have.
- Upon annexation, Abilene will inherit these flood problems. Currently city standards are consistent with FEMA regulations and do not allow new development in floodways.

Council and staff discussion included: 1) The final authority on plat approval is the Planning and Zoning Commission; 2) sidewalks are a separate component in the approval process. Sidewalks are reviewed by the Director and City Engineer with a formal process for a waiver through the City Council; 3) City Council is concerned that there is not consistency in our appeal process for zoning issues; 4) Per state law there is a 30 day window on plat approvals; and 5) Sidewalks are reviewed in the site plan process.

Mayor Archibald opened a public hearing on the item and the city council heard from:

- Bruce Bixby – Planning and Zoning Commissioner. Mr. Bixby stated that the City Council is in the same position as the Planning and Zoning Commission in that it is a little bit

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awkward that we are looking at making decisions on subdivision requirements in the ETJ before we've made those decisions for Abilene. There are a few problems as we have thought through about sidewalks in the ETJ that need to be discussed.

- Tal Fillingim, Jacob & Martin, LTD., Consulting Engineers, Mr. Fillingim is concerned about the sidewalks in the ETJ ordinance. Mr. Fillingim felt that the sidewalk issue is out of consistency with the approval process of a plat. Mr. Fillingim feels this issue needs to be discussed when the amendment to the Sidewalks comes up and not in conjunction with the ETJ Ordinance. Sidewalks are not required on local streets they are required on major roadways. The only options on a major roadway would be to financial guarantee those sidewalks. This seems a little odd to financially guarantee a public improvement. Mr. Fillingim feels one option would be to pull the requirement for sidewalks from the ETJ. Different story on curb and gutter it becomes much more practical to put in sidewalks.
- Council and staff discussion included: 1) Jon James explained that the sidewalks standards are not apart of the ETJ Ordinance. There is nothing that would need to come out of the Ordinance before the City Council today in regards to sidewalks in the ETJ. The current Sidewalk Ordinance is in effect today and will be reviewed at the next City Council meeting. All standards of the City will move into the ETJ upon approval of this Ordinance. 2) The reference to sidewalks in the handouts is in reference to the Sidewalk Ordinance and how it reflects into the ETJ; 3) if the council wants to change how the ETJ is treated vs the City. It would be in the sidewalk Ordinance that the City would make the change; 4) this matches the sidewalk ordinance the way it is currently; 5) with the adoption of this ordinance today the city is excepting the exceptions to the ETJ Ordinance; 6) why would you want sidewalks in the country, that is one of the reason people move to the country is the wide open spaces; 7) are we being consistent in the way sidewalks and streets are reviewed and how they are handled on appeal. The City is in a transition mode as it goes through the review process of the planning and zoning ordinances and as the City moves forward consistency needs to be kept in mind; 8) the sidewalk ordinance is the one that is not consistent with how we do everything else so that discussion is more would be better in the context of the sidewalks do we really want to step out of the consistency by leaving it the way it is or do we do everything else. It is not this ordinance that is really inconsistent but the sidewalk that is in consistent.

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

Councilwoman Moore made the motion to amend Chapter 23, Subpart D of the Subdivision Regulations regarding the Extra-Territorial Jurisdiction, an ordinance considered on second and final reading. 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 #52-2007 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.

**4.3** Jon James Director of Planning and Development Services, briefed the city council on the Ordinance to establish Rural Residential zoning districts and to change the minimum lot size requirements in the AO (Agricultural Open Space) zoning district.

The proposed amendments create a new Rural Residential Zoning District to allow single-family development on large lots with a more rural character in the city limits. This is the second step to ensure consistent development standards between the City and the ETJ and provide an incentive to develop in the ETJ due to reduced districts mirror the proposed requirements for subdivisions of similar lot size in the ETJ to provide the balance necessary to promote more development within the city limits without discouraging the rural atmosphere characteristic of ETJ developments. In addition, Staff proposes increasing the minimum lot size for AO zoning to focus more on agricultural, rather than residential, uses.

This item was passed on first Reading on the August 10, 2006 consent agenda. The Council considered the item on second reading on August 24, 2006 and tabled the item until it could be reintroduced in conjunction with the proposed revisions to the ETJ standards. This ordinance has been modified to reflect some of the recommendations of the ETJ Ordinance Review Committee to maintain consistency between rural developments within and outside of the city limits.

#### **Agricultural Open Space Zoning**

- ❖ Amendments intended to focus more on agricultural uses instead of residential.
- ❖ Change 2-acre minimum to 5-acre minimum (original recommendation was 10 acres).
- ❖ Minimum lot width from 80' to 200'
- ❖ Minimum lot depth from 200' to 500'
- ❖ No change in setbacks or permitted uses.

#### **Rural Residential Zoning**

- ❖ Intended for single-family residential development with a semi-rural atmosphere.
- ❖ Uses generally consistent with RS zoning.
- ❖ Ideal for areas where dense development is undesirable or where extension of facilities is unfeasible.

**SUMMARY OF RR-1 & RR-5 ORDINANCE PROPOSAL AND  
AMENDMENT TO THE AO ZONING DISTRICT**

(Applies only in City Limits)

**Concurrent Amendment to AO Zoning:**

- Increase minimum acreage from 2 acres to 5 acres
- Increase minimum frontage from 80 feet to 200 feet
- Increase minimum lot depth from 200 feet to 500 feet

**RR Districts** (The following would be applicable in both the RR-1 and RR-5)

- Setbacks:
  - Along streets: Varies by street type (most cases 25 or 30 feet)
  - Rear: 50 feet
  - Interior Side: 30 feet each side
- Maximum Height: 35 feet
- Minimum lot depth: 200 feet
- Animal Lots (farm-type animals) would be allowed at a maximum of one animal per ½ acre.
- Option to use “Interim Rural” street design unless certain criteria specified in the ordinance require a higher construction standard as determined by the City Engineer.
- Sidewalks only required along arterial and collector streets and would be eligible for delayed construction with a financial guarantee.

**RR-1 District**

- Minimum lot size: 1 acre
- Minimum lot width: 100 feet
- Maximum floor area for accessory buildings: 15% of lot area

**RR-5 District**

- Minimum lot size: 5 acres
- Minimum lot width: 150 feet
- Maximum floor area for accessory buildings: 10% of lot area
- Optional use of on-site sewage systems, subject to City approval, based on long-range plans

All other regulations and protections for RR zoning would be the same as the RS zoning districts.

Council and staff discussion included: 1) Rural street standards do not require sidewalks.

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

Councilwoman Davis made the motion to amend the Zoning Ordinance, an ordinance considered on second and final reading to establish Rural Residential zoning districts and to

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change the minimum lot size requirements in the AO (Agricultural Open Space). 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 #53-2007 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.

**4.4** Jon James Director of Planning and Development Services briefed the city council on **Z-2007-23** an ordinance considered on second and final reading to request to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential), RS-6/PH (Single-Family with Patio Home Overlay), RM-3 (Residential Multi-Family) and GC (General Commercial); located adjacent to HWY 277, just north of Dub Wright Blvd.

The applicant plans to develop the property for future commercial and residential use. The property is currently undeveloped. The property adjacent to HWY 277 is compatible with the requested commercial uses, which will provide a buffer for the RS (Single-Family Residential) and RM (Multi-Family Residential) to the east of Hwy 277. There is an elementary school to the north and apartment complexes to the south of the property.

Staff recommends approval, with the inclusion of transitioning the zoning from the South to the North as the property gets closer to the elementary school, to include a mix of GC (General Commercial), LC (Limited Commercial), SC (Shopping Center), and O (Office) zoning.

Mayor Archibald opened a public hearing on the item and the city council heard from:

- Tal Fillingim, Jacob & Martin, LTD., Consulting Engineers. Mr. Fillingim stated that he felt that there was sound zoning and a good transition from General Commercial North to the School. Mr. Fillingim asked that the council approve the Zone Change Request.

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

Councilwoman Davis made the motion to approve **Z-2007-23**, an ordinance considered on second and final reading to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential), RS-6/PH (Single-Family with Patio Home Overlay), RM-3 (Residential Multi-Family) and GC (General Commercial); located adjacent to HWY 277, just north of Dub Wright Blvd. 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 #54-2007 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.

4.5 Richard Burdine, Assistant City Manager for Economic Development presented the Activities Report for the Development Corporation of Abilene Inc. for the fiscal year ended September 30, 2007.

### Goals and the Progress Made Toward Goals

1. To make Abilene competitive in the attraction of business and industry in order to create new, sustainable jobs.

The DCOA continues to work toward competitiveness with other communities by funding the marketing efforts of the Abilene Industrial Foundation. The DCOA approved contracts with Carter & Burgess to update the master plan for the Five Points Business Park and to design a third speculative building.

2. To create new jobs and retain existing jobs by providing assistance to existing and emerging businesses.

The DCOA approved assistance for nine different companies. Six of them are local companies: Coca-Cola Bottling Company, Eagle Aviation Services, Inc., Ab-TeX Beverage, BMWT Leasing (RWL Recycling), Integrated Clinical Research, and Senior Safe At Home. A total of 109 jobs are to be retained and 86 jobs created.

3. To strengthen and expand the skills of the Abilene labor force.

The DCOA approved \$63,600 to extend the Fast Track Welder Training Program, which has been proved to be quite successful after the first two training sessions graduated 26 students and helped place 22 of these with local businesses. The DCOA also approved \$173,465 to help fund a pilot program to train and assess local workers as Manufacturers Skills Standard Training Council (MSSC) Certified Manufacturing Production Technicians. The DCOA approved \$194,622 in additional assistance for the Texas Tech University School of Pharmacy located near the campus of Hendrick Health System.

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4. To strengthen and revitalize downtown Abilene.

During the report period (10-01-06 through 09-30-07), none of the projects approved specifically address or will directly benefit downtown.

5. To increase the number and size of minority-owned, woman-owned, small and entrepreneurial businesses in Abilene.

The DCOA provides \$195,000 annually to the Small Business Development Center (SBDC) for services to Abilene residents and businesses. The SBDC provides business counseling free of charge to clients in a 16-county area surrounding Abilene. In addition, the SBDC can assist businesses desiring to sell products or services to any level of government Integrated Clinical Research, BMWT Leasing (RWL Recycling), Receptor Logic, and Senior Safe At Home are small, entrepreneurial businesses approved for assistance by the DCOA.

6. To effectively administer the sales tax revenue.

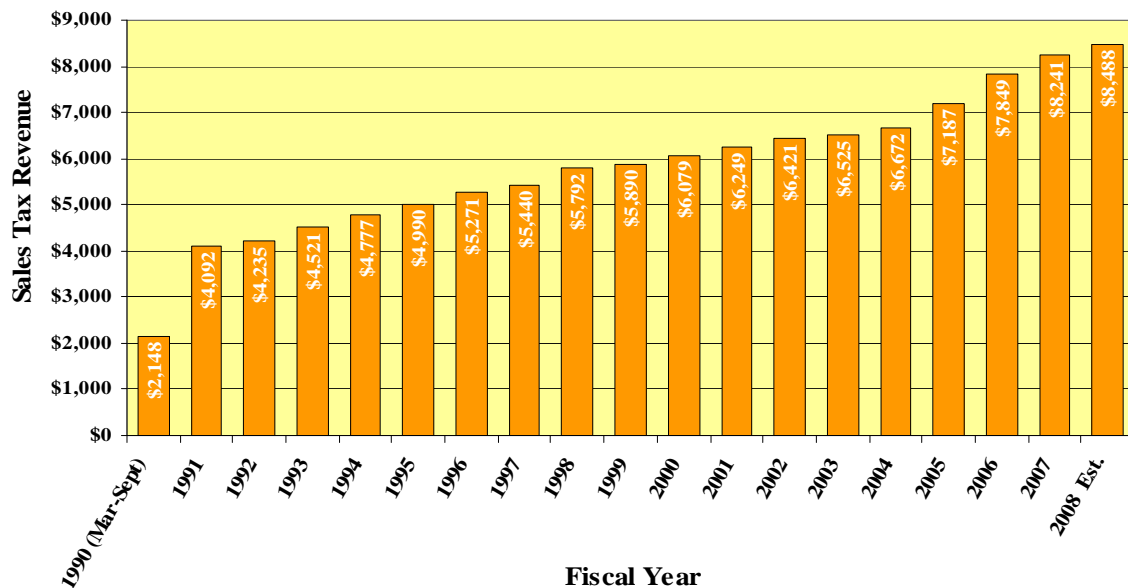
During the report period (10-01-06 through 09-30-07), the DCOA approved \$7,415,117 in funding to assist companies with growth and retention in Abilene, anticipating new employment of 86 jobs and retained employment of 109 positions. In addition, \$237,065 was approved to help train residents for employment with local manufacturers.

Summary of Projects – FY 2007			
Company	Assistance Amount	Committed Job Retention/Job Creation	Actual to Date Job Retention/Job Creation
TTU School of Pharmacy	\$ 194,622	n/a	N/a
<b>Coca-Cola Bottling Co.</b>	<b>\$ 80,000</b>	<b>N/a</b>	<b>N/a</b>
<b>Eagle Aviation Service</b>	<b>\$ 275,000</b>	<b>00/20</b>	<b>00/10</b>
<b>Abtex Beverages</b>	<b>\$1,599,040</b>	<b>104/00</b>	<b>104/00</b>
<b>TX Metals &amp; Recycling (BMWT)</b>	<b>\$ 75,000</b>	<b>05/00</b>	<b>05/00</b>
<b>Integrated Clinical Research</b>	<b>\$ 64,000</b>	<b>n/a</b>	<b>n/a</b>
Receptor Logic (Project JW)	\$2,000,000	00/40	00/04
<b>Senior Safe At Home (Project SSH)</b>	<b>\$ 402,455</b>	<b>0/17</b>	<b>00/03</b>
Project Research Center	\$2,725,000	0/9	0/0
Total	\$7,415,117	109/86	109/17
<b>% to Abilene companies (names in bold)</b>	<b>34%</b>		

### Abilene Industrial Foundation

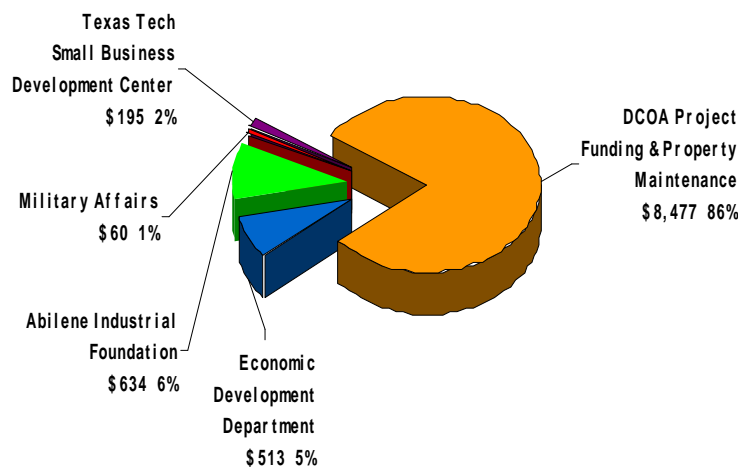
Performance Measure	2003-04	2004-05	2005-06	2006-07
Leads Received	459	93	170	96
Lead Responses	93 (20% of Leads)	49 (53% of Leads)	37 (22% of Leads)	58 (60% of Leads)
Prospect Files Opened	19 (20% of Responses)	14 (29% of Responses)	9 (24% of Responses)	13 (22% of Responses)
Retention Visits	40	43	86	81
Consultant Visits	34	134	62	151

### 1/2 Cent Sales Tax for Economic Development Revenue (in thousands)



Council and staff discussion included: 1) Spec building sizes. The larger spec buildings can be undertaken easier by the DCOA due to the risk involved. DCOA doesn't have the inventory of readily available smaller spec buildings that would be for smaller businesses; 2) there is full employment and we have two training programs underway (welders and skills related); 3) if you are not growing you are dying in Economic Development; 4) Military Affairs; and 5) Texas Tech Small Business Development Center.

**2006-07 Expenditures (in thousands)  
on revenues of \$9.86 million**



- 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;**
- Work to retain existing businesses downtown, and to attract new retail, commercial and residential development; and,**
- Oversight of public and private investment in downtown of over \$80,000,000.**



**Provide staff support to the DCOA Board;  
 Negotiate incentive packages to retain and/or expand existing manufacturers, and attract new ones;  
 Insure contract compliance; and,  
 Manage DCOA-owned properties and construction projects.**



**Retain and expand Military Missions to include Dyess Air Force Base, our largest employer, through:  
 Ongoing contact with federal and state legislative delegations to garner base funding and expand missions;  
 Resolution of local issues that could hinder training operations, i.e., airspace encroachment; and,  
 Support to Military personnel, families and retirees.**



**Dyess AFB**

**Economic Impact Analysis**

<b>Payroll &amp; Other Expenditures</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
Annual Payroll	\$318,847,743	\$340,256,458	\$322,564,321
Annual Local Expend	\$ 17,322,829	\$ 17,093,637	\$ 18,075,925
Indirect Jobs Value	\$ 54,652,740	\$ 55,810,390	\$ 52,213,290
Total Annual Economic Impact	<b>\$390,823,312</b>	<b>\$413,160,485</b>	<b>\$392,853,581</b>

Source: 7<sup>th</sup> Comptroller Squadron, Dyess AFB

**FY07 Achievements / Priorities include:**

- **Retention of C-130 and B-1 Aircraft**
- **Infrastructure Improvements**
  - Fire station (\$11M) nearing completion
  - Military Family Housing: 326 housing units (\$85M) under construction; additional 90 units (\$28M) to be completed in 2009
  - Funding for Armed Forces Reserve Center (\$45M in FY 09)
  - REDHORSE completed runway improvements (\$5M)
  - Siemens waste-to-energy project pending Pentagon decision (\$20M)



**FY07 Achievements / Priorities include:**

- **Improved Access to Dyess from IH-20**
  - Phase 1 & 2 on track and preparations for Phase 3 (Military Drive) underway
- **Growth and Retention Issues**
  - Boeing renegotiated contract with AF to remain at Dyess
  - Retention of B-1 engine maintenance
- **Encroachment**
  - Wind turbine placement & Federal inter-agency meeting on impact of wind turbine development on Dyess AFB
  - Local community land use



**FY07 Achievements / Priorities include:**

- **Future Missions:**

- Conversion to C-130J
- Continued support for B-1 upgrade to capabilities
- Explore options for Airborne Laser, Long Range Strike and Joint Cargo Aircraft
- Other non-traditional military missions

- **Relationship Building**

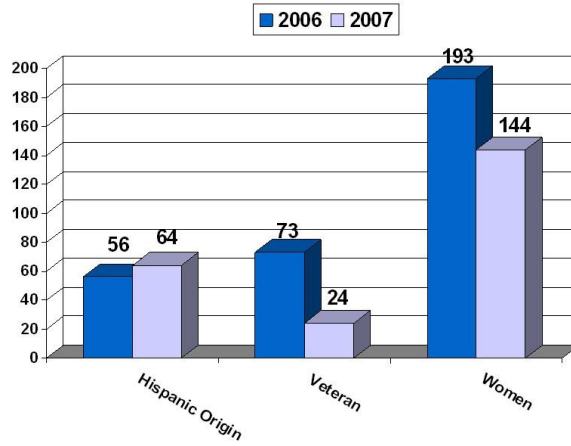
- Air House visit for current & emerging AF leaders was a total success
- Legislative, Pentagon & military headquarters visits
- Defense industry liaison
- Chief of Staff, AF and other mil leaders to Abilene



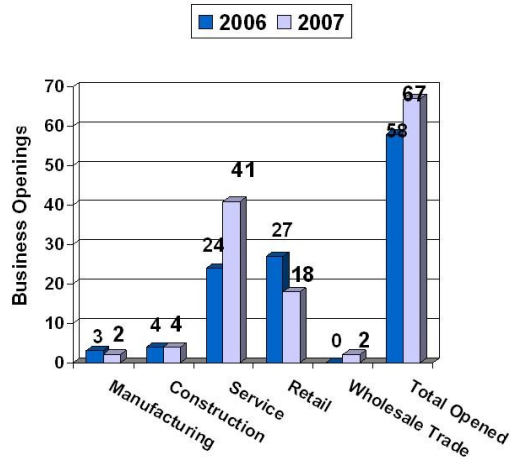
- Provide counseling, training and technical assistance to Abilene residents planning to open a business and to owners of existing Abilene businesses;
- Coordinate DCOA matching grants to Abilene manufacturers for consulting services from the Texas Manufacturing Assistance Center; and,
- Host the SBIR/STTR Resource Center.



### Hispanic, Veteran, & Women Clients Served



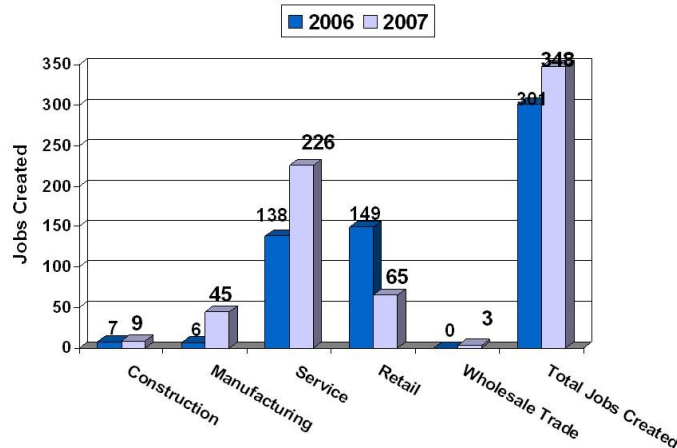
### SBDC-Assisted Business Openings







SBDC-Assisted Jobs Created



Councilman Williams made the motion to approve the Oral Resolution approving the Development Corporation of Abilene Inc., Report of Activities for the fiscal year ended September 30, 2007. Councilwoman Davis 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, 551.074, 551.072 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 Williams left at the end of Executive Session.

5.5 Councilwoman Davis made a motion to approve Mayor Archibald’s appointments and re-appointments to the following boards and commissions. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

Housing Authority of the City of Abilene

- Kiddy Boswell

Library Board

- Brian Scalf

Keep Abilene Beautiful Board

Re-appoint:

- Jerry Harris
- Doug Hodel
- Kevin Riney
- Melyicent "Yogi" Christesson

Appoint:

- Wade Grissom

There being no further business the meeting was adjourned at 11:47 a.m.

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Danette Dunlap  
City Secretary

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Norm Archibald  
Mayor