

CITY COUNCIL MEETING

July 24, 2008, 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 July 24th 2008, 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, Robert O. Briley and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Councilman Briley introduced John Preston Briley his grandson and his nephew Connor Dickenson; John will be in the 2nd grade next year at Flower Mound, TX. and Connor will be a 6th grader at Wylie ISD. John and Connor led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION

Mayor Archibald recognized that August 3-9 is National Stop on Red Week. Kevin Roberts accepted the proclamation on behalf of the Red Light Camera Committee.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the July 10th 2008 Regular Council Meeting and July 3rd Workshop, there being no deletions, no corrections, and one addition to include **“Dyess Air Force Base endorsing the project”** – Item 6.1 bottom of the page under Grant Authorizations - to the minutes Councilman Chase made a motion to approve the minutes with the one addition. Councilman Higgins seconded the motion, and the motion carried.

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

NAYS: None

CONSENT AGENDA

Item 6.3 & 6.5 – pulled by Councilman Briley

Councilwoman Moore made a motion to approve consent agenda items 6.1, 6.2, 6.4 and 6.6 through 6.8 as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

Ordinances:

- 6.1** **Ordinance - Z-2008-23** – First reading on a request to rezone property from RM-2 (Multi-Family Residential) to O (Office) zoning, located at 1369 Sayles Blvd.; and setting a public hearing for August 14, 2008 (*Bryner*)
- 6.2** **Ordinance – Z-2008-24** – First reading on a request to rezone property from O (Office) to GC (General Commercial) zoning, located at 2110 Pine Street; and setting a public hearing for August 14, 2008 (*Bryner*)
- 6.3** **Ordinance - Z-2008-25** – First reading on a request to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 5702 S. Clack St.; and setting a public hearing for August 14, 2008 (*Bryner*) (*Item pulled from Consent*)
- 6.4** **Ordinance - Z-2008-26** – First Reading on a request to rezone property from AO (Agricultural Open Space) to LI (Light Industrial) zoning, located south of Anson Avenue, north of Lowden Street, and east of the railroad right-of-way; and setting a public hearing for August 14, 2008 (*Bryner*)
- 6.5** **Ordinance - Z-2008-27** – First reading on a request to rezone property from AO (Agricultural Open Space) to LI (Light Industrial) zoning, located at 5250 S. Clack St.; and setting a public hearing for August 14, 2008 (*Bryner*) (*Item pulled from Consent*)

Resolution:

- 6.6** **Oral Resolution** – Authorizing the City Manager to execute a professional services agreement with Davis, Kinar & Co., P.C. for audit services (*Patterson*)

Bid Awards:

- 6.7** **Bid Award CB#8058** – Rebecca Lane Reconstruction – From Elm Creek Bridge to Buffalo Gap Road. (*Knippel*)
- 6.8** **Payment Approval** – Payment approval of Bid **CB#7044** – Replace roof at NE Water Treatment Plant. (*Patterson*)

ITEMS PULLED FROM CONSENT

6.3 & 6.5 *Zone Case Z-2008-25 & Case Z-2008-27 properties located at 5702 S. Clack and 5250 S. Clack. Pulled by Councilman Briley. These items were considered together.*

Councilman Briley voiced concerns about the zoning regulations on both of these properties that lie along the entryway into the City and he felt they might want to consider additional requirements for landscaping.

Ben Bryner Planning Services Manager, briefed the council on some of the discussion that the Planning & Zoning Commission had on the properties. The Commission felt that the Landscape Ordinance would address the concerns they had.

Councilman Higgins made the motion to approve consent items 6.3 and 6.5 as recommended by staff. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

REGULAR AGENDA

7.1 Paul Knippel Director of Public Works briefed the city council on the Case No. **PA-2008-01** a petition from Danny Stevens for relief from a dedication or construction requirement for property located at 4226 Highway 36.

Mr. Stevens approached the City in November of 2007 seeking information on the requirements to get water service to this property. At that time, Mr. Stevens was informed that property must be platted (i.e., legally subdivided) in order to receive water service, regardless of whether that service is provided by the City or the Potosi Water Supply Corp. In this case, since this particular property had not been legally platted and was substandard for the Agricultural-Open Space zoning district, then prior to platting the property a rezoning to an appropriate zoning district allowing a single-family home on a 1 acre lot would be required. Five months later, in May 2008, Mr. Stevens submitted a rezoning request, for which a final decision was made by the Council on July 10. His plat has been submitted and will be considered by the Planning and Zoning Commission at their August meeting.

The subdivision process is the time at which cities are authorized to require street construction, thus relieving taxpayers of the costs of road construction related to future development. In some cases, however, the cost of road construction may be disproportionate to the impacts of a proposed development. It is in these situations that a waiver or deferral of construction requirements is warranted per a Proportionality Appeal. Per Section 23-260.1(B) {Proportionality Appeal} of the City's Subdivision Ordinance, Mr. Stevens is petitioning the Council to find that the requirement to construct Blackburn Road is a disproportionate burden on the property, taking into consideration the nature and extent of the demands created by the proposed development on the City's public facilities systems. Mr. Stevens is asking that the obligation for this road construction be eliminated. This is supported through a proportionality study prepared by his engineer.

The City Engineer is recommending approval of this request based on the cost of the required improvements and the fact that no new development is anticipated on the property. Staff also recommends that the Council consider placing the following condition on the approval: **at such time that the property is redeveloped for a use other than single-family residential, as evidenced by a site plan submittal, this waived road construction requirement will again be triggered.**

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

Councilman Williams made the motion to approve Case No. **PA-2008-01** a petition from Danny Stevens for relief from a dedication or construction requirement for property located at 4226 Highway 36 and approving the conditions set out by staff. Councilman Chase seconded the motion and the motion carried.

AYES: Councilmen Chase, Higgins, Spano, Williams, Briley, Councilwoman Moore 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.

There being no further business the meeting was adjourned at 11:50 a.m.

Danette Dunlap
City Secretary

Norm Archibald
Mayor