

CITY COUNCIL MEETING
October 9, 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 October 9, 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, Robert O. Briley, Anthony Williams, 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.

Mayor Archibald introduced MaKaley Ostlien; she is 11 years old and a 5th grader at Ward Elementary. MaKaley led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

4.0 Mayor Archibald assisted by City Manager Larry Gilley, recognized the following employee for her years of service:

| | | |
|-----------------|--------------|----------|
| Terri Blackwell | Librarian II | 25 Years |
|-----------------|--------------|----------|

PROCLAMATIONS

Mayor Archibald presented the following Proclamations:

- October is "Domestic Violence Awareness Month" Proclamation was presented to Dee Wilson with the Noah Project.
- October is "National Physical Therapy Month" Proclamation was presented to Marsha Rutland with Hardin Simmons University.
- October 15 is "White Cane Day" Proclamation was presented to Mary Kindrick.
- October 26 is "Pink Ribbon Sunday" Proclamation was presented to Marion Smith.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting held September 25, 2008. There being no deletions, no addition, and no corrections Councilman Briley made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Spano made a motion to approve consent agenda items 6.1 through 6.6. Councilman Chase seconded the motion, the motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams Councilwoman Moore and Mayor Archibald
NAYS: None

Resolutions:

- 6.1 Resolution** – Authorizing the City Manager to approve any and all policies and documents necessary to fulfill the requirements of the Red Flag Identity Theft Compliance Program for the City of Abilene Water Department as required by the Federal Trade Commission (FTC).

The Resolution is numbered #34-2008 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO APPROVE ANY AND ALL POLICIES AND
DOCUMENTS NECESSARY TO FULFILL THE REQUIREMENTS OF THE RED FLAG
IDENTITY THEFT COMPLIANCE PROGRAM FOR THE CITY OF ABILENE WATER
UTILITY.

- 6.2 Resolution** - Supporting State Funding for Parks Purposes.

The Resolution is numbered #35-2008 and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE CITY COUNCIL REQUESTING THE
MEMBERS OF THE 81ST LEGISLATIVE SESSION OF THE STATE OF TEXAS
SUPPORT LEGISLATION THAT INCREASES FUNDING FOR THE TEXAS
RECREATION & PARKS ACCOUNT LOCAL PARK GRANT PROGRAM AND THE
TEXAS STATE PARK SYSTEM.

Ordinances:

- 6.3 Ordinance** – *First reading* for Case No. Z-2008-33 a request from CKWSM (Ronnie Smith Transmission) to rezone property from LC (Limited Commercial) to GC (General Commercial) zoning, located at 4201 Bob-O-Link Dr; and setting a public hearing for October 23, 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.

- 6.4 Ordinance** – *First reading* for Case No. **Z-2008-34** a request from Lana Trigg to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning located at 6149 Hartford St.; and setting a public hearing for October 23, 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.

- 6.5 Ordinance** – *First reading* for Case No. **TC-2008-08** a request from the City of Abilene to abandon a partial alley right-of-way directly south of 6141 Hartford Street; and setting a public hearing for October 23, 2008.

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

Bid Award:

- 6.6 Bid #CB-8069** – purchase of bulk Chemicals for Water and Wastewater Treatment Plants. The City Council awarded the following chemical contracts:

| | | |
|---------------------------------|--------------------------|------------------------|
| Liquid Aluminum Sulfate | Hydro Plus, LTD | \$ 440.00 / Dry Ton |
| Liquid DADMAC Cationic Polymer | CIBA Specialty Chemicals | \$ 180.00 / Dry Ton |
| Polyacrylamide Cationic Polymer | SNF Polydyne | \$3,100.00/ Dry Ton |
| Anhydrous Ammonia | DPC Industries, Inc. | \$1,960.00/ Liquid ton |
| Hydrated Lime | Texas Lime Company | \$ 142.30 / Dry Ton |
| Fluorosilicic Acid 25% Solution | Harcros Chemicals | \$ 650.00 / Dry Ton |
| Liquid Ammonium Sulfate | General Chemical | \$ 238.06 / Dry Ton |
| Ferric Sulfate | General Chemical | \$ 188.37 / Dry Ton |
| Sodium Chlorite | Siemens Water Tech | \$3,342.20 / Dry Ton |

REGULAR AGENDA

- 7.1** Jon James Director of Planning and Development Services briefed the council on Case No. **Z-2008-32** a request from Stripes, LLC, Agent: Mike Choate to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at the northeast corner of Loop 322 and E. Industrial Blvd.

Currently the property is zoned AO and is undeveloped. Most of the surrounding area is undeveloped. There is a multi-family subdivision to the northeast of the property, as well as a large insurance provider company across Loop 322 to the west. Cisco Junior College is located to the south of the subject property across E. Industrial Blvd.

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial and Business Center. The Cisco Junior College and Lone Star Park addition to the south have established a higher aesthetic standard than the minimum standards for GC development. A PDD would be considered appropriate to ensure that a higher aesthetic standard will continue along Loop 322 with this development.

P&Z considered this case on September 2, 2008 recommending approval of rezoning to PDD by a vote of 4 in favor (Famble, Campos, Famble, Long and Rosenbaum) and 1 abstention (Bixby); adding a stipulation that the wording be revised to be more consistent with the Enhancement Corridor regulations for building materials to be drafted by staff. Staff recommends approval of the PDD.

PDD Summary

- Building materials to match the standards of the Enhancement Corridor (P&Z amendment).
- Signage limitations modeled on Lone Star PDD
- Freight containers and portable signs are prohibited.

Council and Staff discussion included: 1) Planned Development District (PDD) is a useful tool for Loop 322 Corridor, PDD's raise the bar higher than regular zoning, 2) PDD's keep a higher quality of development in the area; 3) consistent with current buildings in the area; and 4) will allow Stripes LLC to be consistent with their brand and image standards for their company.

Mayor Archibald opened the public hearing and the city council heard from the following:

- William Morris – representative for Stripes. Stripes will be able to stay consistent with their standards for brand and image. Mr. Morris asked about the sign limitations and height restriction.
Council and Staff discussion included: 1) requirements in the PDD in regards to pole signs and other signs; 2) Maximum height: 30 feet for a pole sign; 3) or two monument signs may be substituted for the single pole sign and 4) Mr. Morris agreed with the signage sizes.

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

Councilman Chase made the motion to approve the Ordinance for Case No. **Z-2008-32** a request from Stripes, LLC, Agent Mike Choate to rezone property from AO (Agricultural Open Space) to PDD-126 as revised to be more consistent with the Enhancement Corridor regulations, located at the northeast corner of Loop 322 and E Industrial Blvd. Councilwoman Moore seconded the motion and the motion carried.

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

NAYS: None

The Ordinance is numbered **#53-2008** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS AMENDING CHAPTER 23, SUBPART E, "ZONING" OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-126 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Workshop Meeting

9:23 a.m.

A Presentation, discussion and direction on the Infill Development Strategies Report. Presented by Jon James Director of Planning and Development Services.

The City of Abilene Comprehensive Plan includes six "guiding principles" for how and where the city should grow. Three of these principles specifically relate to the concept of "infill development" or promoting development and redevelopment in already-built up areas of the community. These three guiding principles are listed below:

- While development may occur in all areas of the city, promote infill and redevelopment projects that are targeted to underutilized or vacant areas of the city. Prioritize the redevelopment of older facilities that might not otherwise have an economically viable use, such as distressed retail shopping centers, industrial sites, and vacant schools.
- Maximize the efficient use of limited resources, such as water, roads, and public services, by targeting new development in areas with existing services.
- Use water and sewer infrastructure more efficiently to promote development in the urbanized area rather than extending infrastructure to the urban fringe.

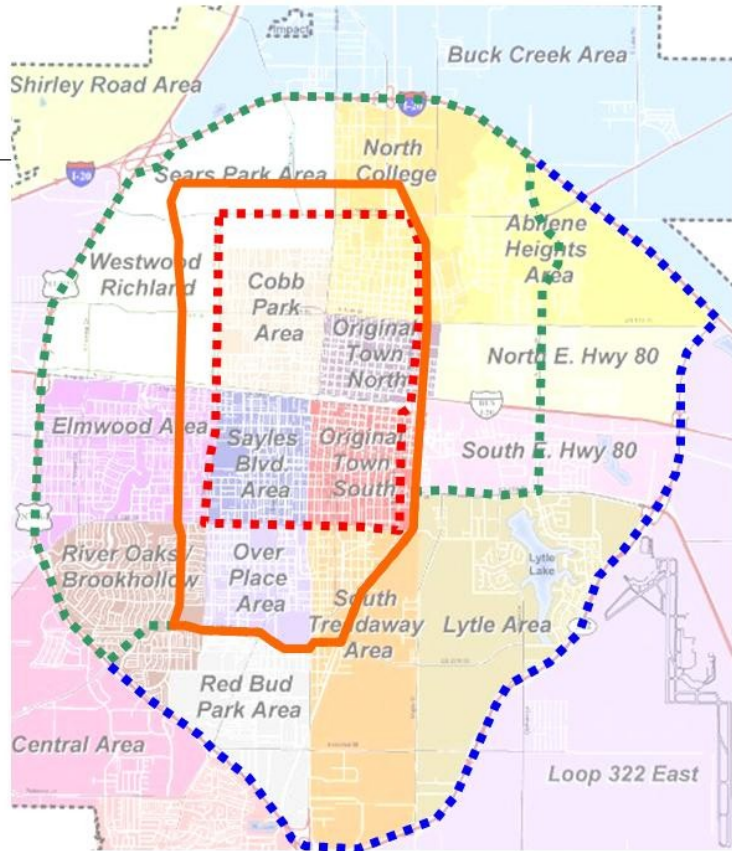
Infill Area

One of the most critical components of an infill strategy is to define the area where infill incentives will apply. There are basically two options for this. One is to map a geographic area. The alternative to this is a criteria-based system where infill areas are defined by the presence of necessary infrastructure and availability of existing services.

Staff is recommending the former approach, since it provides more predictability to the development community, is simpler to implement, and is more readily understandable to the general public.

Map

- ☐ Areas considered→
- ☐ Staff recommends:
 - Vogel (north)
 - Treadaway (east)
 - S. 27th (south)
 - Willis (west)
- ☐ Other?



Existing Strategies

Since the adoption of the Comprehensive Plan, several strategies have already been implemented, as briefly described below.

1. *Existing Building Code*: The City has adopted the Existing Building Code, which allows for remodeling of existing buildings without bringing them up to the full code requirements of a new building, while still providing for minimum requirements for these existing buildings.
2. *Capital Improvement Program (CIP)*: CIP funds have generally been focused in already developed areas of the city.
3. *Extraterritorial Jurisdiction (ETJ) Standards*: The City has adopted new standards for development within the City's ETJ, which comes closer to leveling the playing field with development inside the city limits and helping to ensure that development is not occurring just outside the city limits based on reduced infrastructure requirements.
4. *Code Enforcement*: The City has implemented a code enforcement program, which including departmental reorganization and hiring of new officers to place an increased focus on ensuring livable neighborhoods throughout the community, but particularly in older neighborhoods in

potential infill areas. This is intended to help prevent disinvestment in these neighborhoods and to encourage future reinvestment by existing and new residents and property owners.

5. **Infill Development Funds:** In the 2006 Capital Improvements Program, \$180,000 was set aside in a fund to encourage infill development by supporting capital improvements, such as infrastructure, for infill development projects. In 2008, these funds were authorized for two projects: 1) freeway ramp project on Loop 322 in the amount of \$60,000 and 2) infill housing project in the amount of \$120,000.

Proposed Strategies

City staff in the Planning and Development Services Department has researched a variety of strategies for encouraging infill development and has developed the following list of recommended strategies (the full list is attached as Appendix A).

1. Reduce planning and building fees within the designated infill area. As part of new fee schedule approved as part of the 2008-2009 budget, staff recommended an option for reduced permit/application fees within the designated infill area. The proposed fee reduction will apply a 50% fee reduction for many building and development fees with the infill area. **(October 2008)**

2. Establish a Land Bank for the purpose of acquiring and holding properties for future development or redevelopment. As detailed in prior documentation to the Council, a land bank can take two forms a statutory land bank used solely for the purpose of providing affordable housing and a general land bank with no such limitations. There are pros and cons to each type of land bank. This program would be managed by existing City staff. **(2009)**

3. Revise pro-rata fees for water and sewer improvements related to new development. By having the water/sewer utility more accurately recapture costs for infrastructure improvements necessitated by new development, this will not only represent a more fair and reasonable way of apportioning system costs, but will create an incentive for development in areas where adequate facilities already exist. Planning staff will provide assistance to Water/Wastewater staff on developing a new pro-rata policy. Ideally this will be incorporated into the Land Development Code prior to adoption. **(2009)**

4. Adopt a Transportation Impact Analysis (TIA) requirement in the Land Development Code. A TIA requirement not only helps fund needed transportation improvements related to new development without burdening taxpayers, it also benefits infill development since most infill areas already have sufficient transportation infrastructure. The consultants have indicated that their initial draft of the Land Development Code will include this provision. **(2009)**

5. Provide set-aside funding for infrastructure improvements in select areas or for select projects through CIP projects, bond projects, or the general fund. Staff proposes to develop a program whereby a potential developer could apply for an infrastructure grant out of designated funds as long as infill development criteria are met. The amount of funding available would be contingent on the project meeting goals for providing affordable housing, new retail development, or other

desirable types of development. This program will be developed as part of the 2009 CIP process. The focus of funding would be for infrastructure improvements (through CIP funding) and possibly for demolition costs or other development assistance in blighted areas (through other funding sources) **(2009)**

6. *Use Special Assessments in conjunction with CIP/bond funds as initial seed funding to construct sidewalks and other infrastructure.* Establish a program where the City pays the upfront costs of infrastructure improvements, seeded with CIP funds and/or other bond funds, and these costs are repaid by the property owner over a period of time through a special assessment. Depending on the original funding mechanism, these repayments funds could potentially be returned to a revolving fund that paid for the next round of infrastructure improvements. This program will be developed as part of the 2009 CIP process and/or as a proposal for a future Bond project. **(2009)**

7. *Adopt overlay zoning for selected corridors to provide for modified development standards for parking, setbacks, and impervious cover.* Corridor overlay zoning will be revisited through discussions with the Planning and Zoning Commission to establish appropriate standards for development in these corridors. In some cases, these corridor overlays may be developed as part of a Corridor Planning process, such as the Pine Street Corridor and Butternut Street Corridor Plans currently in process. In addition or instead of individual corridor overlays, staff may develop a few more generic overlays that will apply generally to various corridors based on the corridor type (freeway, arterial, new growth area, infill area, etc.). **(Pine Street Corridor: 2008; Other Corridors: 2009/2010)**

8. *Create a “neighborhood empowerment zone” for tax abatements.* Through the state-authorized neighborhood empowerment zone, property tax and sales tax abatements for up to 10 years are relatively easy to accomplish as compared to other alternative procedures, such as enterprise zones, Chapter 380 agreements, etc. Planning staff will work with Legal staff to develop appropriate eligibility criteria for tax abatements that could be granted based on a case-by-case approval by the City Council to promote infill development that meets established criteria. **(2010)**

9. *Adopt new TIF District(s) in selected area(s) to use the tax increment financing (TIF) to fund improvements in these selected areas.* A tax increment reinvestment zone (TIRZ) is the mechanism under state law to establish a TIF district. Similar to the successful TIF District for the downtown that recently expired, such a new TIF district or districts would provide a source of funding for improvements. Economic Development staff would take the lead on consideration of this project, with assistance from Legal and Planning staff. This may or may not be part of the implementation strategy of the South Downtown Master Plan, for which a Request for Qualifications has been released seeking interested consultants. **(2010/2011)**

Criteria

City staff proposes that projects must meet the following criteria to be eligible for infill incentives, including fee waivers:

1. *Minimum Investment.* The proposed development or redevelopment project must create a minimum investment of \$50,000 in new private property improvements. Minor improvements,

including normal remodeling, replacement of mechanical equipment, and the like will not be eligible for incentives.

2. *Advancing a desirable public purpose.* If discretionary funds are available and/or a particular program has a discretionary or competitive component, the extent to which a project fulfills one or more of these objectives will be used to help select eligible projects and to determine the funding for a particular project.

a. *Encouraging housing in the Central Business District.*

b. *Promoting residential or retail development within the infill area.*

c. *Promoting integrated mixed-use development within the infill area.*

d. *Promoting pedestrian-friendly and/or transit-oriented development.*

e. *Promoting high-quality, attractive development within the infill area that exceeds the aesthetic standards of the City's landscaping, sign, and design ordinances.*

f. *Fostering historic preservation and re-use of existing buildings within the infill area.*

Council and Staff discussion included the following: 1) a look at the area for infill development; 2) the south boundary South 20th or South 14th; 3) east boundary discussion around Cedar Creek; 4) west boundary discussion included the following streets Encino, Durango, Capitol, and Congress; 5) north boundary discussion to Interstate 20; 6) the new fee schedule would be reduced by ½ for building and zoning fees in the infill area; 7) focus more tightly closer to downtown; 8) a project would have to be at least \$50,000 to trigger fee reduction; 9) target certain areas such as NE of Frontier Texas and South side downtown; 10) transportation impact study, can staff do this? Engineers have a manual of types of traffic generated by different businesses. Developments are already doing this themselves; 11) repair of sidewalks in targeted areas; 12) A super-infill area that would target some specific area: and 13) time-table for implementation of the programs. Programs would be brought to council as they come up for implementation.

Mayor Archibald opened up the floor for public comment on this item and the council heard from the following:

- Bruce Bixsby – Stated he was encouraged by the direction the council was taking. He discussed the Super targeted areas – taking an area and making it desirable such as a target area of 10 blocks to draw people to the area.
- Lydia Long – Stated she was for the smaller area – to focus the incentive. Everyone can see it and it will impact residential areas.
- John Blake – also encouraged the narrow focus. He likes downtown and to encourage growth.

Mayor Archibald closed the public comment time. This item was for discussion only no votes or action was taken.

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.

12. Councilman Williams made a motion to approve Mayor Archibald's appointments and reappointments to the Keep Abilene Beautiful Board. Councilman Higgins seconded the motion, and the motion carried.

Keep Abilene Beautiful

Re-appoint:

Tara Castille, term expires September 2011
Stephanie Kraly, term expires September 2011
Rod Cates, term expires September 2011
MaryAnn Martin, term expires September 2011

Appoint:

Janet Smith (in place of Jana Moreno), term expires Sept. 2011
Alice Brown (in place of Victor Sotelo), term expires Sept. 2011
Sheila Richardson (in place of Yogi Christesson, removed herself from board in July) term expires Sept. 2011

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

NAYS: None

There being no further business the meeting was adjourned at 12:10 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor