

**CITY COUNCIL MEETING
January 22, 2009, 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 January 22, 2009, 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, Robert O. Briley, and Councilwoman Laura Moore. Absent: Councilmen Spano and Williams. 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 Clark Neil; he is 11 years old and a 5th grader at College Heights Elementary School. Clark led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald shared that he had received a letter from Bishop Michael D. Pfeifer asking that February 8th a day of Prayer for rain.

May 25th will be the dedication of the new Texas State Veterans Cemetery located at Lake Fort Phantom Hill.

Mayor Archibald introduced Gene Reed the new Executive Director for the Abilene Housing Authority.

DISPOSITION OF MINUTES

5.0 No minutes to present.

CONSENT AGENDA

Councilman Higgins made a motion to approve consent agenda items 6.1 through 6.5 as presented. Councilman Chase seconded the motion, the motion carried.

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

NAYS: None

Oral Resolution:

6.1 Approval of a Temporary Airport Use Agreement with Big County AirFest, Inc.; and authorize the City Manager to execute the Agreement. Big Country AirFest is scheduled to occur May 2009. The Agreement gives AirFest the ability to conduct activities associated

with aircraft displays, performances and public admittance for the event on the northwest general aviation ramp.

- 6.2** Ordinance Case No. **Z-2009-01**, First Reading on a request from Nick Coates to rezone property from RS-8 (Single-Family Residential) to RS-8/PH (Single-Family Residential with Patio Home Overlay) zoning, located at the southern 7.62 acres of Lot 201, Block A, Section 7, of the Hillcrest Addition; and setting a public hearing for February 12, 2009.

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:

- 6.3** Bid #CB-9011 – Annual Purchase of Oil Products. City Council awarded the following bid to Western Marketing, the sole bidder, for all the items on the bid, for a one (1) year period with the City reserving the option to renew for four (4) additional one-year terms at the same terms and conditions.
- 6.4** Bid #CB-9012 – Purchase Firefighting Protective Clothing. City Council awarded the following bid to Ferrara Fire Apparatus, Inc. on a per unit price of \$1,350.00. This price is for a one year period with the option to renew up to three (3) additional one (1) year periods under the same terms and conditions with the agreement of all parties.

- 6.5** Bid #CB-9009 – Purchase of roll-off containers. City Council awarded the following bid to N.E.O. Fabricating for:

30 CY Open top container	QTY 6	Unit Price \$5,162.00	Total \$30,972.00
40 CY Open top container	QTY 4	Unit Price \$5,579.00	Total \$22,716.00
30 CY Tub Style container	QTY 5	Unit Price \$4,818.00	Total \$24,090.00
27.5 CY Recycle container	QTY 3	Unit Price \$5,224.00	Total \$15,672.00
40 CY Tub Style Container	QTY 3	Unit Price \$6,524.00	Total \$19,572.00

REGULAR AGENDA

- 7.1** Jon James Director of Planning and Development Services briefed the council on the final reading to amend the City of Abilene Zoning Ordinance, Section 23-312, regarding building restrictions in AO zoning.

Upon review of the City's regulations pertaining to building restrictions in the AO (Agricultural Open Space) zoning district, staff concluded that the existing regulations may be overly restrictive with regard to height and side setbacks. This amendment comes from the discussion with Wylie ISD in reference to the new construction on the Press Box at the football stadium.

Staff is proposing an amendment to Section 23-312 in the Zoning Ordinance to eliminate the maximum height within the AO zoning district and to only require a side setback of 25 feet. Additionally, staff is proposing increased setbacks for buildings and/or structures taller than 45 feet in height to protect adjacent properties.

Council and Staff discussion included: 1) Wylie received a variance from the Board of Adjustment for the upgrade of the press box; 2) no height limit – with the exceptions that fall under other regulations set by the city in reference to Cell Towers and Wind turbines etc.; 3) Airport zoning is in place for other regulations in reference to height of towers etc.; 4) FAA also would be involved in the construction of anything with some height; 5) setbacks on the property will address the issue or potential problem with height of construction after 45 feet; and 6) some of the permitted uses in AO (Agricultural Open Space) Schools, Churches, Race track and the Expo.

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

Councilman Briley made a motion to approve the Ordinance to amend the City of Abilene Zoning Ordinance, Section 23-312, regarding building restrictions in AO zoning. Councilwoman Moore seconded the motion, motion carried.

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

The Ordinance is numbered #5-2009 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.

7.2 Jon James Director of Planning and Development Services briefed the council on Infill Development Area boundaries.

Council had directed staff to seek input and a recommendation from the Planning and Zoning Commission on these boundaries. The Planning and Zoning Commission discussed the topic at their November 3, 2008 and January 5, 2009 meetings and have forwarded a recommendation. The Commission's recommendation was based in part on the following criteria, which they believed to be important to the consideration:

- Designated areas should not be overly broad so that the incentives and benefits are focused on a few selected areas.
- The focus should be primarily on downtown, both north and south, as well as a few select, high-profile corridors.

Council and Staff discussion included: 1) boundaries would incorporate a north downtown and a south downtown areas; 2) a corridor approach for Treadaway north to I-20 and south to Industrial, Butternut Street, Pine Street and US Highway 80 corridor defined as the properties with frontage on US Highway 80/South 1st Street from US Highway 277 to Loop 322 (i.e., inside the “loop”); 3) if the area was broad it could water down the programs; 4) focus on small areas will be more effective; 5) boundaries to be reviewed annually by council and can be changed if council sees that other areas need to be added etc.; 6) Neighborhood Improvement Zone – would allow for council to zero in on areas and allow for Tax abatement; 7) fees – and the possibility of offering other fee reductions in other areas inside the loop; 8) Planning and Zoning discussed fees – they have found that fees are a small portion of construction fees. Business are impacted greater than residential in the area of fees.

Proposed Strategies

- Reduce planning and building fees within the infill area (2008)
 - Already approved as part of 2008-2009 budget
 - 50% fee reduction for qualifying projects
 - *Will be effective when infill boundary is determined*
 - Primary purpose of today’s item is to recommend this boundary
 - Secondary purpose is to define area within which future incentives are made available

Other Proposed Strategies

- Establish a Land Bank (2009)
- Revise pro-rata fees for water and sewer improvements related to new development (2009)
- Adopt a Transportation Impact Analysis (TIA) as part of the Land Development Code (2009)
- CIP Project for Infill Funding (2013)
- Sidewalk Construction Project (2012-2013)
- Overlay Zoning & “Neighborhood Empowerment Zone” for Tax Abatements (2009-2010)
- New Tax Increment Finance (TIF) District (2010-2011)

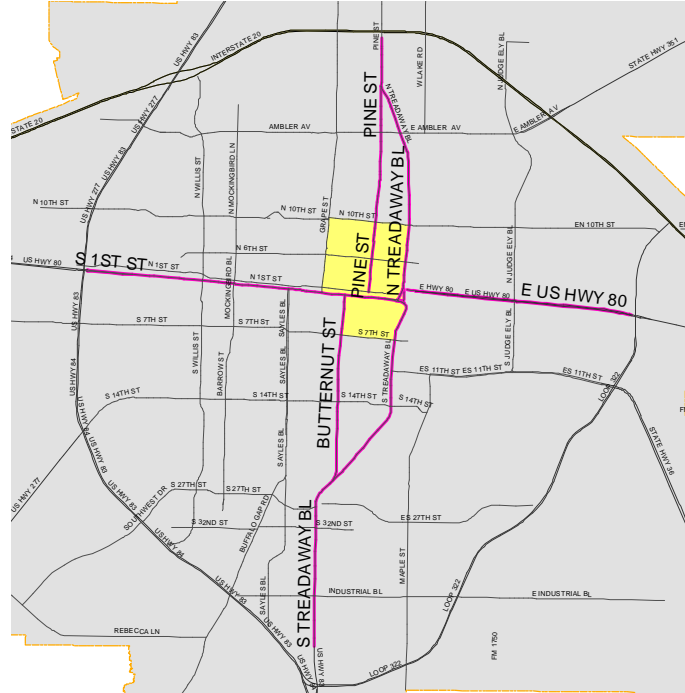
Planning & Zoning Commission Map

Downtown Area, plus...

Properties fronting on:

- Pine St.
- Butternut St.
- Treadaway Blvd (I-20 to Industrial or S. 27th?)
- Hwy 80 (inside the loop)

Focused Incentives



Councilwoman Moore made the motion to approve the Resolution approving the Infill Development Area boundary. Councilman Chase seconded the motion, motion carried.

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

The Resolution is numbered **#1-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE
DESIGNATING AN “INFILL DEVELOPMENT AREA”

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:25 a.m. 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 at 11:14 a.m. and reported no votes or action was taken in Executive Session in regards to consideration of Board members for Planning and Zoning Commission under section Personnel 551.074 and Deliberations about Real Property 551.072.

There being no further business the meeting was adjourned at 11:14 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor