

**CITY COUNCIL MEETING
May 14, 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 May 14, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase (on election item only), Stormy Higgins, Joe Spano, Anthony Williams, Robert O Briley and Councilwoman Laura Moore. New Councilman Shane Price (following election returns). 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 Ashten Ervine; Ashten is a 3rd grader at Jane Long Elementary. Ashten led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald introduced Bob Allen and Mary Ross with Workforce Solutions. Mr. Allen explained that Workforce Solutions has received monies from the Federal Stimulus money. The Summer Youth Employment Program will allow the Work Force to place 14 teen to 24 years olds into the work force. The City of Abilene has responded to the call and will have places for 39 youth jobs.

Mayor Archibald recognized Tiana Evans for her winning design for a mouse pad. Abilene Campus Crime Stoppers provided mouse pads for all secondary computers in Abilene and Wylie ISD as part of an innovative publicity campaign to get the message of Crime Stoppers to the students. The student board members chose this idea and requested the assistance of their peers in the form of an art contest. The contest was open to all students who were participating in an art class and offered a \$50 cash prize.

The design by Tiana Evans, a Mann Middle School eighth grader, was selected as the winner by the board members out of more than 200 entries. The board chose this design because of its originality and flair. The mouse pad will be entered at this year's Texas Campus Crime Stoppers Conference in the innovative publicity category.

EMPLOYEE SERVICE AWARDS AND RECOGNITIONS

Mayor Archibald and City Manager Larry Gilley presented the following Service Awards:

<i>Nancy Jennings</i>	<i>Supervisor III, Health</i>	<i>20 Years</i>
<i>Larry Brooks</i>	<i>Equipment Mechanic II</i>	<i>25 Years</i>
<i>Albert Wilhite</i>	<i>Fire Lieutenant III, Fire Tactical</i>	<i>35 Years</i>

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

May 2009

Older Americans and Elder Abuse Prevention Month

Gail Kaiser, Director Area Agency on Aging received the Proclamation.

May 17-23, 2009

National Public Works Week

Paul Knippel, Director of Public Works along with other from the Public Works Division came forward to receive the Proclamation.

**SPECIAL CONSIDERATION
2009 CITY ELECTION RETURNS**

Mayor announced that this is the time of year that the council receives their annual pay per the City Charter. The City Charter states that the Mayor and each Councilman shall receive a salary of one dollar per year for each year he serves as Mayor and Councilman.

City Secretary Danette Dunlap presented the Resolution Canvassing the May 9th General Election. Shane Price received 55.55% of the vote for Council Place 1. Joe Spano received 61.56% of the vote for Council Place 2.

It is our recommendation that the Resolution be approved.

Councilwoman Moore made the motion to approve the Resolution canvassing the May 9th general election. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution numbered #11-2009 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CANVASSING THE RETURNS, DECLARING THE RESULTS OF THE GENERAL
ELECTION HELD IN THE CITY OF ABILENE ON MAY 9, 2009

Mayor Archibald called Councilman Sam Chase forward and presented him with a plaque for his years of service as a councilman for the City of Abilene.

Mayor Archibald then called Councilman Joe Spano and Councilman Elect Shane Price forward to have the Oath of Office administered. After the Oaths were administered Mayor invited all to attend a reception honoring Sam Chase for his service and Councilmen Joe Spano and Shane Price on their election.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting April 23, 2009. There being no deletions, no addition, and no corrections Councilman Higgins made a motion to approve the minutes as presented. Councilman Spano seconded the motion and the motion carried.

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

CONSENT AGENDA

Councilwoman Moore made the motion to approve consent items 6.1 and 6.16 as presented with the exception of 6.3 pulled by Councilman Higgins. Councilman Williams seconded the motion, the motion carried.

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

Ordinances:

- 6.1** *First Reading* to designate a Municipal Setting Designation at 300 Wall Street and surrounding properties; and calling a public hearing for May 28, 2009.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED AT 300 WALL STREET AND ADJACENT PROPERTIES, ABILENE, TEXAS AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; CALLING A PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

- 6.2** *First Reading* Z-2009-03 a request from Brian Delehanty, Agent: Paul Johnson & Associates, and the City of Abilene to rezone property from O (Office) and AO (Agricultural Open Space) to PDD (Planned Development District) zoning, located at 701, 709, 717 and 741 S. Judge Ely Blvd; and setting a public hearing for May 28, 2009.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-128 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Resolutions:

- 6.3** Authorized Intervention in AEP Texas North Company and AEP Texas North Company's request for approval of an Advanced Metering System (AMS) Deployment plan. *(Item Pulled by Councilman Higgins)*
- 6.4** Resolution to support other Victim Assistance Grant Application

Resolution numbered #13-2009 and captioned as follows:

RESOLUTION OF GOVERNING BODY – ABILENE TAYLOR COUNTY CHILD
ADVOCACY CENTER APPLICATION FOR VICTIM ASSISTANCE GRANT

- 6.5** Authorized the submission of an application by Habitat for Humanity, Abilene, Inc. (applicant) to the TDHCA for the Neighborhood Stabilization Program funds allocated to Taylor County, Texas, under the Housing and Economic Recovery Act of 2008 (HERA), acknowledging NSP as a reimbursement program and naming a representative for the applicant.

Resolution numbered #14-2009 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE SUBMISSION OF AN APPLICATION BY HABITAT FOR
HUMANITY, ABILENE, INC. (APPLICANT) TO THE TEXAS DEPARTMENT OF
HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR THE NEIGHBORHOOD
STABILIZATION PROGRAM (NSP) FUNDS ALLOCATED TO TAYLOR COUNTY,
TEXAS, UNDER THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008 (HERA),
ACKNOWLEDGING NSP AS A REIMBURSEMENT PROGRAM AND NAMING A
REPRESENTATIVE FOR THE APPLICANT

- 6.6** Authorized the City Manager to execute an Interlocal Contract between the Texas Water Development Board and the City of Abilene to continue work associated with the Cedar Ridge Reservoir Regional Water Supply Project.
- 6.7** Approved a street use license for V. Marie Hogue, at 749 EN 10th Street.
- 6.8** Approved a street use license for Buffalo Gap Street Properties at Buffalo Gap Road and Stonecrest Drive.
- 6.9** Accepted FY 09 FAA AIP Grant 38 – Accepting the FAA offer for this grant will obligate the City to fund its local share of project costs. Authorized the City Manager to accept a possible offer from the FAA for AIP Grant 38 for the Abilene Regional Airport.
- 6.10** URS Corp. Engineering Contract Task Order 16 – The fee for Task Order 16 will be allocated to each project, which is funded 95% by AIP Grant 37. It is the intent that the 5% local share for both projects, which totals \$10,040.31, will be funded by 2006 bond issue. Authorized the City manager to execute Task Order 16 of the URS Corp engineering contract for the Abilene Regional Airport.
- 6.11** Ratified an agreement executed by the City Manager with Muscular Dystrophy Association for “Fill the Boot” campaign right-of-way use.

Bid Awards:

- 6.12** Over-run **CB #8065** – Over-run for South 11th Street Reconstruction – from Elmwood Drive to South Treadaway Blvd. Construction cost for this project exceeded the \$25,000.00 allowed for overruns. The total over-run for these items is \$135,000.00.
- 6.13** **CB #9030** – Miscellaneous residential Streets Phase II – Potomac Street. Council awarded the bid to Wagley Construction Inc., Abilene Texas in the amount of \$227,997.15.
- 6.14** **CB #9019** – Air Service Consultant Contract Award. Council awarded the contract to Mead and Hunt.
- 6.15** **CB #9024** – Air Carrier Ramp Reconstruction, Area D. Council awarded the bid to Epic Construction in the amount of \$2,553,485.75 subject to the availability of federal funding.
- 6.16** **CB #9025** – T-Hanger Taxi lane Reconstruction, Area B. Council awarded the bid to Epic Construction in the amount of \$1,146,888.00 subject to the availability of federal funding.

ITEM PULLED FROM CONSENT

- 6.3** Authorized Intervention in AEP Texas North Company and AEP Texas North Company's request for approval of an Advanced Metering System (AMS) Deployment plan. *(Item Pulled by Councilman Higgins)*

Councilman Higgins asked about the pricing of AEP. If AEP installs the new metering system then there wouldn't be a need for meter readers. Has this been taken into consideration in their pricing? AEP will phase in the new meters over time but the costs would begin upon approval.

The City is a member of a coalition of cities known as the Steering Committee of Cities served by AEP Texas North Company. The coalition has been in existence since the early 1980's. The Steering Committee has been the primary public interest advocate before the PUC, the Courts, and the Legislature on electric utility regulation matters for over 25 years.

Councilman Higgins made the motion to approve the Resolution authorizing intervention in AEP Texas North Company and AEP Texas North Company's request for approval of an Advanced metering system deployment plan. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

Resolution numbered #12-2009 and captioned as follows:

RESOLUTION OF THE CITY OF ABILENE, TEXAS AUTHORIZING INTERVENTION IN AEP TEXAS CENTRAL COMPANY'S AND AEP TEXAS NORTH COMPANY'S REQUEST FOR APPROVAL OF AN ADVANCED METERING SYSTEM (AMS) DEPLOYMENT PLAN AND REQUEST FOR AMS SURCHARGES FILED AT THE PUBLIC UTILITY COMMISSION OF TEXAS; APPROVING COOPERATION WITH THE

STEERING COMMITTEE OF CITIES SERVED BY AEP TEXAS CENTRAL COMPANY AND STEERING COMMITTEE OF CITIES SERVED BY TEXAS NORTH COMPANY TO REVIEW THE APPLICATION, HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL.

REGULAR AGENDA

7.1 Jon James, Director of Planning and Development Services briefed the council on the Ordinance Case No. **Z-2009-05**, a request from Glen Weatherbee; Agent: Tal Fillingim, to rezone property from PDD-104 (Planned Development District) to AO (Agricultural Open Space) zoning, located at the northwest corner of Oldham Lane and Loop 322.

Currently the property is zoned PDD-104 and has not been developed. The City of Abilene has one of its fire stations in the northeast corner of this PDD. There is single and multi-family zoning located to the east across Oldham Lane from the subject property. The remainder of the properties that surround the subject property are zoned for agricultural uses and used as such.

Staff recommends approval. The Planning and Zoning Commission recommended approval of AO by a vote of five (5) in favor (Bixby, Rosenbaum, Famble, Todd, and Campos) and none (0) in opposition.

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

- Tal Fillingim Agent for Glen Weatherbee – Mr. Fillingim stated that the property in the zone change request is surrounded by Agricultural Open Space and this change would be compatible with the area. Some of the usages that Mr. Weatherbee is looking at for the property is the removal of the mesquite trees and allow the property to return back to native grass. Mr. Fillingim stated that both city staff and PZ recommends approval to Agricultural Open Space. No contracts are currently on the property.

Council discussion included: 1) Mayor referred to a letter from the Central Appraisal District that the taxes would remain the same regardless of the zoning overlay; and 2) Councilwoman Moore asked that maybe the PDD could be amended to include certain Agricultural uses.

- Kris Kimbrell – Ms. Kimbrell requested the city council deny the request for rezoning.
- Charles Spicer – Mr. Spicer was involved with the zone change in 2006. Residents don't oppose development as long as it is complementary with the current residents. There are concerns in an Agricultural Open space is much broader zoning and would allow for other uses such as drag strips/motorcycle racing and sanitary landfill etc. If it isn't broke don't fix it leave the PDD in place.
- Frances Renfroe – Ms. Renfroe discussed different uses and what uses would need city approval. Has concerns.

- Steve Nussbaum – Mr. Nussbaum urged the council to keep the current zoning.
- Tal Fillingim – explained that AO zoning is around the surrounding acreage. AO zoning is unrestricted and is what the zoning was prior to the PDD. There has been no development on the property. Unrestricted use is what the land owner desires.

Council discussion included: 1) desire by residents in the area to keep the PDD in place; 2) adding some unrestricted AO zoning to the current PDD; and 3) a desire to compromise with the residents in the area with the land owner/developer.

- Glen Weatherbee – Owner. Mr. Weatherbee talked about the change in 2006 and the very heated discussion that was had in regards to changing to a PDD. Mr. Weatherbee talked about his desire of being able to use the property in such a way that it would help him pay the taxes etc.
- Larry Mayfield – Mr. Mayfield discussed the efforts that the residents put forth during the 2006 change to a PDD and they realize that the markets have changed and they understand Mr. Weatherbee's request. Mr. Mayfield believes that this doesn't need to be a yo-yo effect with the zoning. He asked the council to stay the course.
- Carlene Spicer – Ms. Spicer discussed the commercial property that lies along the loop and adjoins south of their property in Lytle. The land north is owned by the State. Property on the south side of the loop is appropriate.
- Charles Spicer – Mr. Spicer discussed the fact that the PDD in 2006 was started by Mr. Weatherbee and the uses were very broad.

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

Council and Staff discussion included: 1) buffer zoning between residents and the AO zone; 2) amend the PDD to add options for AO; 3) some protection on the East side; 4) leave tract 2 office; and 5) discussion of a compromise with the residents and the land owner.

Councilman Williams made the motion to TABLE this item until later in the meeting so that the land owner and the residents can visit. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

7.3 Jon James Director of Planning and Development Services asked the council to hear Item 7.3 before Item 7.2 then briefed the council on the Ordinance for Case No. **Z-2009-07**, a request from Steve Stovall, Agent: Enprotec/Hibbs & Todd Inc., to rezone property from RS-6 (Single Family Residential) to O (Office) zoning, located at 3501 Chimney Rock Rd.

Currently the property is zoned RS-6 and has been developed and used as a church facility. The properties surrounding this property are all zoned for single family residential and the majority of the lots have already been developed as such.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested Office zoning is typically considered to be compatible with low density residential zoning. There is a node of commercial development within close proximity of the subject property on the corner of Buffalo Gap Rd. and Chimney Rock Rd. that has similar uses to that which would be allowed with the requested zoning.

Staff recommends approval. Planning and Zoning Commission's recommendation for approval of O was denied by a vote of two (2) in favor (Rosenbaum and Campos) one (1) abstention (Todd) and two (2) in opposition (Bixby and Famble).

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

- Steve Stovall – Realtor and applicant for zone change. This property has been for sale for the last 3 years and in need of repairs. Mr. Stovall stated his need of a larger office space and wants to convert this old church building into office space. Mr. Stovall also explained that he has a developer ready to purchase the property east of this old church, they are planning on placing Patio homes on this acreage. Mr. Stovall also stated that he would not change the building with the exception of placing a front porch on it.
- David Todd – Planning and Zoning Commissioner. Discussed the issue of traffic in the area and explained that if the residential subdivision located behind this property continues to grow it would increase the traffic flow more than it would with this type of business. As Engineer for Mr. Stovall Mr. Todd showed photo's of other Office type businesses that are located in Residential areas and how this can work here as it has in other areas.
- Davis Walette – Mr. Walette described the state of decline of the property now and is for the change that Mr. Stovall is seeking. Mr. Walette spoke on the traffic problem down Chimney Rock that currently exists.
- Richard Belt – Mr. Belt felt that homes could be built in this area instead of office space. Mr. Belt stated that the backside of the property is in bad shape. Will it make the property values go down having this office zoning?
- Charles Jordan – Mr. Jordan stated that he had no desire to step out of his house and see an office building. Mr. Jordan also stated that Chimney Rock is a race track.
- Gene Goodwin – Realtor. Mr. Goodwin is for the change to office and stated it would be good for the neighborhood.
- Faith Morley – Mrs. Morley stated that it is an ugly church and this would help the neighborhood to look better. Mrs. Morley feels a real estate office is excellent way to use this property.

- Zella Mc Kinney – Stated that this would improve the property and look forward to Mr. Stovall moving into the neighborhood.
- Rollie Sheppard – Stated that the property has collected junk and he is tired of it. He is ready to move on and help the neighborhood. He also stated that traffic is a concern it is a raceway. Chimney Rock is the easy way to go.
- Brian Doreums – Stated he was glad he had purchased property in the area and he supports Mr. Stovall in his endeavor.
- Dr. Ron Morley – Mr. Morley believes that office and residential can coexist. Doesn't believe that it will bring any more traffic than what is already there.
- Tom Nolan – Real estate appraiser. Mr. Nolan inspected the property and is under the opinion that office building should work. Realtors often work from home, phone etc. Believes it is an opportunity for the property to go from non-profit to for profit business.
- Bruce Bixby – Planning and Zoning Commissioner. Mr. Bixby stated that when someone buys a home they should have a reasonable expectation that the land use would continue. Mr. Bixby is of the opinion that the zone change should happen, with the strong support from the neighbors, during the PZ meeting there wasn't support for the change.
- Derek Smith – In support of the change.
- Renee Gonzalez – Ms. Gonzalez was hired by Mr. Stovall to canvass the neighborhood and let the people know what was going on. She advised that she had talked to around 40 people, found they had no problem with what was going to happen. They felt that it is a great idea for the neighborhood. After visiting with one lady she told her she walked with her daughter across the property due to homeless people living in the old church.
- Charles Jordan – Stated as far as he knows that no homeless people have lived in the building.
- Richard Belt – lives across the way. He asked about isolation with a fence.

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

Councilman Williams made the motion to approve the Ordinance for Case No. **Z-2009-07**, to rezone property from RS-6 (Single Family Residential) to O (Office) zoning, located at 3501 Chimney Rock Rd. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

Ordinance numbered #**12-2009** 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 an Ordinance for Case No. **Z-2009-06**, a request from Steve Stovall, Agent: Enprotec/Hibbs & Todd Inc. to rezone property from RS-6 (Single Family Residential) to RS-6/PH (Single Family Residential/Patio Home overlay) zoning, located at 3501 Chimney Rock Rd.

Currently the property is zoned RS-6 and has not been developed. The properties surrounding the subject property are all zoned to allow for single family residential and the majority of the lots have already been developed as such. There are properties directly to the east that allow for patio home development.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested Patio Home Overlay zoning is compatible with the Future Land Use Map and is also compatible with all of the current uses surrounding the subject property

Staff recommends approval as requested. The Planning and Zoning Commission recommended approval of RS-8/PH by a vote of four (4) in favor (Bixby, Rosenbaum, Famble, and Campos) one (1) abstention (Todd) and none (0) in opposition.

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

- David Todd – Enprotec/Hibbs & Todd Inc. – in favor of zone change.

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

Councilwoman Moore made the motion to approve the Ordinance for Case No. **Z-2009-06**, a request to rezone property from RS-6 (Single Family Residential) to RS-6/PH (Single Family Residential/Patio Home Overlay) zoning, located at 3501 Chimney Rock Rd. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance numbered #**13-2009** 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

7.1 Councilman Higgins made the motion to bring Item 7.1 off of the table. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

Ed McRoy Assistant Director of Planning explained that the applicant has agreed to meet with residents and has a proposal.

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

- Tal Fillingim – Agent for Mr. Weatherbee. Mr. Fillingim stated that he didn't believe that they have agreed on anything at this point. He asked that Council table this item so that they can go back to property owners/homeowners and meet with them.
- Bill Bixby- Mr. Bixby stated that he believes that leaving some zoning on the West side in office zoning would be a good buffer between the residents and the Agricultural Open Space.
- Charles Spicer – Mr. Spicer stated that when you have a number of residents that have a strong feeling for/against a change, that the council should listen to them.

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

Mayor Archibald made the motion to table this item until a future meeting. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

City Council took a 15 minute break.

7.4 Jon James Director of Planning and Development Services briefed the council on an Ordinance for Case No. **Z-2009-08**, a request to rezone property from RS-6 (Single Family Residential) to AO (Agricultural Open Space) zoning, located at 3865 Old Anson Rd.

Currently the property is zoned RS-6 and has not been developed. The properties to the east are developed with single-family homes and are more characteristic of rural residential properties, the property to the south is developed with a mobile home, the properties to the north and west are used for agricultural purposes, and the City of Impact borders the property to the north. The entire property lies within the 100 year flood plain.

The Future Land Use section of the Comprehensive Plan designates this general area as open agricultural space. The properties surrounding the subject property are mostly developed with single family dwellings that resemble rural type residential properties, except to the north where the City of

Impact has some commercial uses. The area around the property is also used for agricultural purposes making the request compatible with the current surrounding uses.

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

- Mary Ann Fergus Agent for Sojourner Drilling Corporation. Ms. Fergus explained that this was a request to rezone so that Sojourner can come back with an application to drill.

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

Councilman Spano made the motion to approve the Ordinance for Case No. **Z-2009-08**, a request to rezone property from RS-6 (Single Family Residential) to AO (Agricultural Open Space) zoning, located at 3865 Old Anson Rd. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance numbered #**14-2009** 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

7.5 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case No. SNC-2009-01 a request from Nick Coates to change the name of Nichol Drive to John C. Stevens Street.

The applicant is requesting to change the name of Nichol Dr. to John C. Stevens St. There are currently no lots that have an address on Nichol Dr., so no property owners would be directly affected by the change in the name of the street.

Staff recommends approval as requested. The P&Z recommended approval as requested by a vote of five (5) in favor (Bixby, Rosenbaum, Famble, Campos, and Todd) to none (0) opposed.

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

Councilman Higgins made the motion to approve the Ordinance for Case No. **SNC-2009-01** a request from Nick Coates to change the name of Nichol Drive to John C. Stevens Street. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance numbered #15-2009 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.

7.6 Jon James Director of Planning and Development Services briefed the council on the Ordinance to amend **Section 23-313** of the City of Abilene Zoning Ordinance regarding building lines.

The current setbacks for lots with MH (Manufactured Housing) zoning are 25 feet in the front, 15 feet in the rear, and 7.5 feet for the interior sides. Many of the City's mobile home subdivisions were platted 30 to 40 years ago and platted with a 15 foot front building line. Most of the lots in mobile home subdivisions are 50' X 110'. That only leaves room for a 70 foot mobile home to be placed on the property.

According to Trinity Homes and Palm Harbor homes, greater than 80% of the single wide mobile homes they sell are 72-76 feet in length.

Staff is proposing an amendment to **Section 23-313** in the Zoning Ordinance to allow an exception to the required front building line for properties with MH zoning when adjacent to minor streets and sub-collectors. The exception will allow a front building line of 15 feet.

Staff recommends approval as presented. The Planning and Zoning Commission recommended approval as presented by a vote of five (5) in favor (Bixby, Campos, Famble, Rosenbaum and Todd) to none (0) in opposition.

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

Councilman Price made the motion to approve the Ordinance to amend **Section 23-313** of the City of Abilene Zoning Ordinance regarding building lines. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

Ordinance numbered #16-2009 and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING & 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

7.7 Mayor Archibald announced that the council will hear the presentation and will hold the public hearing on this item, but consideration of this item will be moved to the next meeting on May 28. The Council will hold a second public hearing at that time. Jon James Director of Planning and Development Services briefed the council on the 2009-2013 Capital Improvements Program.

The 2009-2013 Capital Improvements Program (CIP) is a five-year plan that identifies needed capital projects and coordinates their financing and timing. The first year of the CIP (2009) is the City Manager's recommendation for the annual Certificate of Obligation (C.O.) sale, or "Capital Budget." Projects in subsequent years are included for planning purposes only and do not receive expenditure authority. Proposed projects include streets, municipal facilities, parks, drainage, public safety and transportation improvements.

Process & Financing

2009 CIP Process

October 08	CIP Begins - Citizen Input Sought
Nov 08 - Jan 09	Project Sheets Created & P&Z Reports
Feb 09 - Mar 09	Delay (ARRA & \$ Projections)
Apr 09	P&Z Action & CM Proposal Finalized
May 09	CC Approval
June or July	CO Sales

Financing

The CIP is Fiscally Constrained.

The First Year (2009) = "Capital Budget"
C.O. sales authorized

Years 2- 5 = "Out Years"
Planning Purposes Only (no \$ expenditure)

2009 Trends & Observations

2009 C.O. Capacity will have a real decline of (↓32.4%)
\$2 million (2008) to \$1.36 million. (2009)

5-Year C.O. Capacity expected to decrease (↓ 30.8%)
\$11.4 million (2008-2012) to \$7.9 million (2009-2013)

79 % of 2009 projects are for Public Safety, Transportation, or Facilities projects.

Use of alternate funding is increasing

2008 = \$425,000
2009 = \$1,360,000

CIP Funded List 2009

■ Municipal Facilities	\$ 100,000
■ Transp. & Drainage	\$ 1,320,000
■ Parks	\$ 250,000

■ Public Safety	\$	0
■ Other	\$	900,000
■ TOTAL	\$	2,570,000

CIP Funded List 2009-2013

Facilities	\$	262,300
Trans. & Drainage	\$	5,768,000
Parks	\$	2,014,000
Public Safety	\$	183,200
Other	\$	900,000
TOTAL	\$	8,154,000

Funded Projects

PG	Project #	Project Description	2009	2010	2011	2012	2013	Total
		Street Improvements	860,000	941,000	656,000	578,000	1,254,000	4,289,000
2-2	4020-01-98	Concrete Intersections - Various Sites		250,000			250,000	500,000
2-3	4020-11-05	Concrete Repairs - CBD -	100,000		100,000		175,000	375,000
2-4	4020-26-05	Pavement Rehabilitation @ Various	120,000	150,000			150,000	420,000
2-5	4020-01-06	Rebecca Lane Reconstruction	640,000					640,000
2-6	4020-30-06	EN 13th, College, EN 16th Reconstruction		541,000	556,000	578,000		1,675,000
2-7	4020-04-07	Industrial Blvd. Reconstruction					679,000	679,000
		Traffic Transportation Improvements		100,000	287,000	305,000	387,000	1,079,000
3-2	4020-01-96	ADA Curb Ramps Various Locations		50,000		50,000		100,000
3-3	3010-01-07	Bicycle Plan Implementation Program				80,000	87,000	167,000
3-4	4020-14-93	Paved Alley Reconstruction - City wide		100,000				100,000
3-5	6020-06-97	Hickory/Pine Signal System			287,000			287,000
3-6	3410-04-08	Sidewalk Construction Program				225,000	300,000	525,000
		Drainage Improvements	460,000					460,000
4-2	5960-02-09	Rebecca Ln Bridge Repair (Elm Creek)*	50,000					50,000
4-3	5960-01-09	Storm Water Pump System Improvements*	50,000					50,000
4-4	5960-04-07	Storm Water MNX Bldg. Replacement *	360,000					360,000
		Public Safety		100,000		83,000		183,000
5-2	5535-01-08	Environmental Remediation		100,000				100,000
5-3	5006-03-09	Investigative Services Office Expansion				83,000		83,000
		Municipal Facilities Improvements	100,000	81,000	46,000	0	262,000	489,000
6-2	1530-02-06	HVAC Replacements	88,000					88,000
6-3	7040-01-09	Zoo Roof Repairs		81,000	46,000			127,000
6-4	7310-01-09	Animal Shelter Expansion - Phase 2	12,000				262,000	274,000
		Parks Improvements	250,000	161,000	561,000	757,000	285,000	2,014,000
7-2	7010-04-98	Playground Modernization - Parks		120,000	65,000	180,000		365,000
7-3	7010-01-04	Lake Kirby Park, Baseball Complex - Parks					135,000	135,000
7-4	7010-01-05	Rose Park Trail - Parks				100,000	150,000	250,000
7-5	7010-08-05	Athletic Field Lighting Project - Parks		41,000	42,000	43,000		126,000
7-6	7010-01-06	Ball Field Concession Buildings - Parks			263,000	357,000		620,000
7-7	7010-03-06	Sears Park Development - Parks			37,000	77,000		114,000
7-8	7010-01-07	Lake Ft. Phantom Development - Parks	250,000		154,000			404,000
		Other Projects	900,000					900,000
8-1	4060-03-08	Trommel Screen & Compost Equipment *	900,000					900,000
			2009	2010	2011	2012	2013	
		Alternate Funding Sub-Total	\$1,360,000	\$0				
		CO Funded Sub-Total	\$ 1,210,000	\$ 1,433,000	\$ 1,550,000	\$ 1,773,000	\$ 2,188,000	\$8,154,000
		Projected CO Debt Available	\$ 1,210,000	\$ 1,400,000	\$ 1,500,000	\$ 1,700,000	\$ 2,100,000	\$7,910,000
		% +/- (5% Max)	0.00%	2.36%	3.33%	4.29%	4.19%	3.08%
		Difference	0	(33,000)	(50,000)	(73,000)	(88,000)	(244,000)
		Grand Total	\$2,570,000	\$1,433,000	\$1,550,000	\$1,773,000	\$2,188,000	\$8,154,000

Council and Staff discussion included: 1) #02-06 EN 13th Street Reconstruction – Sidewalks - if they exceed 20% then they eliminate or scale back. The EN 13th Reconstruction exceeds the 20%. The amounts for sidewalks on a project are placed in the sidewalk fund account so that they can be leveraged on other projects; 2) Industrial Blvd – Sidewalks are a part of this project area; 3) 06-04 Animal Shelter expansion project has been shifted around; 4) Northway Street Detention Pond - project deleted a determination by Engineering that we can make the one at the zoo work; and 5) Lake Fort Phantom Hill – the city used bond monies to submit the Grant with the State.

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

Mayor Archibald made the motion to TABLE this item until the May 28 Regular Council meeting. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 1:06 p.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 1:33 p.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property and Section 551.074 Personnel/Boards.

10. Oral Resolution approving the appointment/reappointments to the following boards and commissions.

Abilene Higher Education Facilities, Inc.

2 Year Terms

Re-appoint:

Mr. Harold Preston, term expires May 2011
Mr. Scott Dueser, term expires May 2011
Dr. John Russell, term expires May 2011
Mr. Phil Schubert, term expires May 2011
Ms. Lisa Love Williams, term expires May 2011

Appoint:

Dr. Lanny Hall, term expires May 2011

CityLink ADA Advisory Board

3 Year Terms

Re-appoint:

Pam Barnhill, Alternate, term expires May 2012
David Alcala, term expires May 2012

Appoint:

Bill Daniel, term expires May 2012
Debra Turner, term expires May 2010

Civic Abilene Inc.

3 Year Terms

Re-appoint:

Rob Barnhill, term expires May 2012
David Gist, term expires May 2012
Mike P Hernandez, term expires May 2012
Charles Perkins, term expires May 2012

Appoint:

Laura Donaway, term expires May 2012

Community Access Task Force

3 Year Terms

Re-appoint:

Celina Fennel, term expires May 2012

Appoint:

Jerry Peters, term expires May 2011

Friends of Safety City Board

3 Year Terms

Re-appoint:

Laura Moore, term expires October 2011
Karen Stover, term expires October 2011

Frontier Texas! Board

3-Year Term

Re-appoint:

Ron Butler, term expires Feb. 2012
Audrey Perry, term expires Feb. 2012
Lynn Barnett, term expires Feb. 2012
Nanci Liles, term expires Feb. 2012
Nicki Harle, term expires Feb. 2012

Appoint:

Bob Gee, term expires Feb. 2012
George Pendergrass, term expires Feb. 2012
Kelly Kinard, term expires Feb. 2012
Jay Evans, term expires Feb. 2012
Col James Murray, term expires Feb. 2011

MPE/Swimming Pool Board of Appeals

2 Year Terms

Re-appoint:

Ms. Melissa Sparks, term expires May 2011
Gene Isenburg, term expires May 2011
Mr. Jay Wyatt, term expires May 2011
Mr. Ronnie Carlson, term expires May 2011
Mr. Anthony McColum, term expires May 2011

Appoint:

Rick Weatherl, term expires May 2011
Gary Neal, term expires 2010

Parks and Recreation Board

3 Year Terms

Re-appoint:

Julie Napier, term expires May 2012
Toney Gutierrez, term expires May 2012

Senior Citizens Advisory Board

2 Year Terms

Re-appoint:

Cynthia Cooke, term expires May 2011
Hazel Forkerway, term expires May 2011
Mr. Paul E. Rehm, term expires May 2011

Appoint:

Myrle Goode, term expires May 2011

West Texas Municipal Water District

Two year term

Russell Berry, term expires 2011
Ray Ferguson, term expires 2011
Jane Beard, term expires 2011
Kelly Kinard, term expires May 2010

Councilman Williams made the motion to approve the Mayor's recommendation for the Boards and Commissions. Councilman Price seconded the motion, motion carried.

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

NAYS: None

11. Oral Resolution approving the appointment of Mayor Pro-tempore(s).

Councilman Briley made the motion to appoint Laura Moore Mayor Pro-tem and Stormy Higgins as Deputy Mayor Pro-tem. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 1:37 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor