

CITY COUNCIL MEETING
June 24, 2010, 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 June 24, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Robert O Briley and Stormy Higgins, and Councilwoman Kellie Miller. 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 Spano introduced his grandson Karson Grigsby. Karson led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PRESENTATIONS AND ANNOUNCEMENTS

Mayor Archibald recognized the following awards received by City Departments:

Mindy Patterson, Finance Director was presented with the Government Finance Officers Association of the United States and Canada (GFOA) Distinguished Budget Presentation Award for the City's annual budget. Mindy was also presented a Certificate of Recognition for Budget Presentation from GFOA.

Lenka Wright Communications & Media Relations Manager received the second award from TAMI. The 2010 TAMI Award was for winning first place for Excellence in Media Relations: News Releases category. The entry itself featured news releases about the City's challenging budget situation.

Mayor Archibald also reminded the citizens that water restrictions have been eased citizens can now water three times a week but also reminded the citizens to remain in a conservation mode.

The City Council will hold a public hearing July 29th @ 5:00 pm, location Civic Center to hear from citizens and from Tenaska over the sale of city wastewater effluent to Tenaska.

PROCLAMATION

Mayor Archibald presented the following Proclamation:
The month of June 2010 as Myasthenia Gravis Month
Lydia Long received the proclamation.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting of June 10th, 2010. There being no deletions, no addition, and no corrections Councilman Price made a motion

to approve the minutes as presented. Councilman Williams seconded the motion and the motion carried.

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

CONSENT AGENDA

Councilman Briley made the motion to approve consent item 6.1 as presented. Councilman Spano seconded the motion, the motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

Bid Award:

6.1 Award of Bid – CB#1028 – the purchase of four (4) pickup trucks. City Council awarded the bids as follows: Planet Ford 1) Pickup truck regular cab \$14,632.00, 2) Pickup truck – extended cab \$17,853.00, 4) Pickup truck – 4 door \$20,692.00. Caldwell Country Chevrolet 3) Pickup truck – extended cab 4WD \$23,843.00.

REGULAR AGENDA

7.1 Jon James Director of Planning and Development Services briefed the council on the Zone Case **Z-2010-03** a request from Abilene Griffith Road Apartments, LP to rezone property from AO (Agricultural Open Space) to MF (Multi Family Residential) zoning, located at 2001 Griffith Road.

Currently the property is zoned AO and is currently vacant. The property to the northeast is developed with a hotel. There is commercial development across I-20 to the northwest and north east. To the southwest of the property there is a single family subdivision. There is currently a single family home to the south of the requested property to be rezoned.

Council and staff discussion included: 1) concern over the condition of roadways in the area; 2) the access roads becoming one-ways in the future off of I-20; and 3) some of the location of the development is in the 100 year flood plan.

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

- Paul Holden – with Zimmerman Properties he asked for council approval.

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

Councilman Briley made the motion to approve the Ordinance Zone Case **Z-2010-03** a request from Abilene Griffith Road Apartments, LP to rezone property from AO (Agricultural Open Space) to MF (Multi Family Residential) zoning, located at 2001 Griffith Road. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance **#13-2010** 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.

Location: 2001 Griffith Road

7.2 Jon James Director of Planning and Development Services briefed the council on the Zone Case **Z-2010-04** a request from Calvin L. Sumrall and Thomas M. Duncan to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 6002 HWY 277 South.

Currently the property is zoned AO and is developed with a commercial structure. The property to the north has been developed with a single family home in HC zoning. There is commercial development to the north and south of the property, as well as commercially zoned property across HWY 277 South.

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

- Calvin Sumrall – owner of the property, asked that council approve the change.

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

Councilman Williams made the motion to approve the Ordinance on the Zone Case **Z-2010-04** a request from Calvin L. Sumrall and Thomas M. Duncan to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 6002 HWY 277 South. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance **#14-2010** 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.

Location: 6002 HWY 277 South

7.3 Jon James Director of Planning and Development Services briefed the council on the Zone Case **Z-2010-06** a request from Mark & Janice Reeder to rezone property from NR/COR (Limited Commercial with

Corridor Overlay) to PDD/COR (Planned Development District with Corridor Overlay) zoning, located at 5190 Buffalo Gap Rd.

Currently the property is zoned LC(NR)/COR and used as a retail tire store, car wash, and minor automobile repair shop. The LC (NR) zoning allows for “Automobile Parts & Supplies (including tires)”, but auto repair services are not allowed. The property to the south is currently developed with a convenience store, a pizza restaurant, and a liquor store. The properties to the north and west are developed with single-family homes. The requested PDD proposes to allow the auto repair services as permitted uses on the property.

The Site Plan for this site, approved in 1997, made no mention of the auto repair uses. The current use of the property for auto repair is in violation of the zoning ordinance and is subject to enforcement action, which has prompted this rezoning request.

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

- Randall Reedy – Business Manager of Abilene Tire and Service – asked that council approve the zone change.
- Mark Reeder – property owner – asked that council approve the zone change.

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

Councilman Briley made the motion to approve the Ordinance on the Zone Case **Z-2010-06** a request from Mark & Janice Reeder to rezone property from NR/COR (Limited Commercial with Corridor Overlay) to PDD/COR (Planned Development District with Corridor Overlay) zoning, located at 5190 Buffalo Gap Rd. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance **#15-2010** 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-130 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 6002 HWY 277 South

7.4 Jon James Director of Planning and Development Services briefed the council on the Zone Case **Z-2010-07** a request from Exceptional Holdings, L.P. to amend PDD-99 concerning permitted uses, located at 1801 Antilley Rd.

Currently the property is zoned PDD and is undeveloped. There are several commercial and office uses in the area, including medical offices and supply stores, banks, and other retail type uses.

This zone case will add under Permitted Uses of the PDD – Banking/Credit Unions

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

Councilman Price made the motion to approve the Ordinance on the Zone Case **Z-2010-07** a request from Exceptional Holdings, L.P. to amend PDD-99 concerning permitted uses, located at 1801 Antilley Rd. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance **#16-2010** 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-99 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 1801 Antilley Rd.

7.5 Jon James Director of Planning and Development Services briefed the council on the Zone Case **Z-2010-08** a request from A. E. Nelson, Jr. to rezone property from RS-8/COR (Single Family Residential with Corridor Overlay) to O/COR (Office with Corridor Overlay) zoning, located at 5701 Buffalo Gap Rd.

Currently the property is zoned RS-8/COR and was recently developed with a single family home, which was recently moved. The properties surrounding the subject property have been developed with single family homes.

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

- Butch Nelson – property owner – asked that council approved the zone change.

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

Councilman Williams made the motion to approve the Ordinance on the Zone Case **Z-2010-08** a request from A. E. Nelson, Jr. to rezone property from RS-8/COR (Single Family Residential with Corridor Overlay) to O/COR (Office with Corridor Overlay) zoning, located at 5701 Buffalo Gap Rd. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance **#17-2010** 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.

Location: 5701 Buffalo Gap Rd

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:39 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 10:40. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Litigation/Consultation with Attorney, and Section 551.074 (Personnel Matters in regards to City Boards).

10. Oral Resolution – Approving the Appointments/Reappointments to the following Boards and Commissions: (Spring Appointment Process)

Abilene Economic Development Board

- George Nichols Term expires 2012
- Susan Elgin Term expires 2012
- Ruppert Rangel Term expires 2012

Board of Building Standards

- Edgar Benito Cordova (A) Term expires 2011
- Alana Fletcher Maddox, (A) Term expires 2011

CityLink ADA Advisory Board

- Debra Turner Term expires 2013
- James Sheppard Term expires 2013

Civic Abilene

- Steven Leggett Term expires 2013
- Peggy Manning Term expires 2013
- Micki Wright Term expires 2013
- Joe Russey Term expires 2013
- Mike Warren Term expires 2013

Mayor's Council on Physical Fitness

- Bill Horn Term expires 2012
- Ron Richert Term expires 2012
- Cheryl Edgar Term expires 2012

- Kris Dodson Term expires 2012

MPE/Swimming Pool Board of Appeals

- Henry Sanchez (Alternate) Term expires 2012
- Kenneth Rich (Regular) Term expires 2012

Municipal Golf Advisory Board

- Jack Taylor Term expires 2011
- Brad Wilson Term expires 2011

Parks & Recreation Board

- Gail Russey Term expires 2013
- Leroy King Term expires 2013

Senior Citizens Advisory Board

- Harriet Connor Term expires 2012
- Leroy King Term expires 2012
- Emory Walton Term expires 2012
- Eddie Hodges Term expires 2012
- Linda Rutledge Smith Term expires 2012
- Appoint - Joe Lopez Term expires 2011

West Central Texas Municipal Water District

- Gary McCaleb Term expires 2012
- Kelly Kinard Term expires 2012
- Joe Cannon Term expires 2012

There being no further business the meeting was adjourned at 10:42 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor