

CITY COUNCIL MEETING
January 13, 2011 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 13th, 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, Stormy Higgins, and Councilwoman Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Higgins gave the invocation after a moment of silence for the Tucson, Arizona shooting last weekend.

Mayor Archibald introduced McKayla Moroz. McKayla attends Jackson Elementary and is a 3rd grader. McKayla led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARD

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

Gary L. Henry	Supervisor II, Fleet Maintenance	30 years
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PROCLAMATIONS

Mayor Archibald presented the following proclamations:

January 2011

National Mentoring Month

Tim Yandell, Executive Director Big Brothers/Big Sisters, accepted the proclamation.

January 2011

Crime Stoppers Month

Gary Grubbs, Abilene Crime Stoppers Board President, and Rick Dorman, Abilene Crime Stoppers Executive Director, accepted the proclamation.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the December 13th Regular Meeting there being no deletions, no additions, and no corrections, Councilman Higgins made a motion to approve the minutes as presented. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

No items on the consent agenda.

REGULAR AGENDA

7.1 Jon James Director of Planning and Development Services briefed the council on the following Zone change request for item: **Z-2010-18** a request from Oren S. McGrew to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, located at 1618 & 1602 Hillview Rd.

The current lot size does not meet the minimum lot standard for AO zoning; therefore it could not be replatted to accommodate the applicant's future plans for the property. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan.

Staff recommends approval.

Planning & Zoning Commission: motion to approve failed by a vote of 3 in favor (Bixby, Glenn and Campos) none (0) opposed and two (2) abstentions (McClarty and Todd). The lack of four favorable votes effectively denied the request since two of the Commissioners had to abstain from voting.

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

- Tim McClarty – (serves on the Planning and Zoning Commission) Architect for the land owner – is for the zone change.

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

Councilman Briley made the motion to approve the Zone Change **Z-2010-18** a request from Oren S. McGrew to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, located at 1618 & 1602 Hillview Rd. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance [#1-2011](#) 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: 1602 & 1618 Hillview Rd.

7.2 Jon James Director of Planning and Development Services briefed the council on the following Zone change **Z-2010-19** a request from Marlen Martinez and the City of Abilene to rezone property from GC (General Commercial) to RS-6 (Single Family Residential) zoning, located at 617 & 609 Portland Ave.

The original request was for 617 Portland, in reviewing the area City Staff initiated the request for 609 Portland to be rezoned as well. Currently the properties are zoned GC and have been developed with residential dwelling units. The properties to the north and west are developed with residential dwelling units. The properties to the south and east have been developed as commercial uses.

Staff and Planning and Zoning Commission recommend approval.

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

Councilman Higgins made the motion to approve the zone change **Z-2010-19** a request from Marlen Martinez and the City of Abilene to rezone property from GC (General Commercial) to RS-6 (Single Family Residential) zoning, located at 617 & 609 Portland Ave. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance [#2-2011](#) 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: 609 & 617 Portland Ave.

7.3 Jon James Director of Planning and Development Services briefed the council on the following Zone change **Z-2010-20** a request from Joseph Lopez to rezone property from MD (Medium Density Residential to NO (Neighborhood Office) zoning, located at 965 EN 10th St.

The zoning request will create a transitional zoning from the commercial use along N Judge Ely Blvd to the residential uses to the west along EN 10th St. The required landscaping and buffering will also help to soften the impacts of any development on the surrounding neighborhoods.

Staff and Planning and Zoning Commission recommend approval.

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

- Tal Fillingim – Agent for First National Bank of Baird – in favor of the zone change request.
- Joseph Lopez – Realtor – in favor of the zone change request.

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

Councilman Price made the motion to approve the zone change **Z-2010-20** a request from Joseph Lopez to rezone property from MD (Medium Density Residential to NO (Neighborhood Office) zoning, located at 965 EN 10th St. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance [#3-2011](#) 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: 965 EN 10th St.

7.4 Jon James Director of Planning and Development Services briefed the council on the case no. **TC-2010-03** a request to abandon a 10' alley right of way North of the 1700 Block of San Jacinto Dr. that extends approximately 800' west of Northway Drive.

Improvements to this alley right-of-way have never been completed. The ROW was dedicated for public use but they have never been used as such.

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

Councilman Higgins made the motion to approve the case no. **TC-2010-03** a request to abandon a 10' alley right of way North of the 1700 Block of San Jacinto Dr. that extends approximately 800' west of Northway Drive. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance [#4-2011](#) and captioned as follows:

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.

Location: 10' alley right of way north of the 1700 Blk of San Jacinto Drive that extends approximately 800' west of Northway Drive.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:27 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 10:48 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.076 Security Devices, Section 551.073 Business Prospects and Section 551.071 Litigation/Consultation with Attorney with respect to pending litigation.

10. Approving the Appointments/Reappointments to the following Boards: Mayor Archibald made the recommendation to appoint Debra Lillick to the Abilene Public Library Board.

Councilman Price made the motion to approve the appointment and Councilman Williams seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 10:49 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor