

CITY COUNCIL MEETING
April 14, 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 April 14th 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, Robert O. Briley, Anthony Williams, 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.

Councilman Anthony Williams gave the invocation.

Mayor Archibald introduced Mitchell Watts. Mitchell attends Taylor Elementary and is a 5th grader. Mitchell led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION

Mayor Archibald presented the following proclamation:

Community Development Week

April 25th – 30th, 2011

Sandy Bowen, Office of Neighborhood Services, accepted the proclamation

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the March 24th Regular Meeting there being no deletions, no additions, and no corrections, Councilman Price made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Higgins pulled Item 6.4. Councilman Briley made the motion to approve consent items 6.1 through 6.3 and 6.5 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Resolution:

6.1 **Resolution:** Council authorized the City to apply for the Other Victim Assistance Grant (OVAG) which will be used to fund a full-time forensic interviewer at the Child Advocacy Center.

Resolution **#8-2011** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS SUPPORTING THE APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS, CRIME VICTIMS SERVICES DIVISION, FOR AN OTHER VICTIMS ASSISTANCE GRANT.

- 6.2** **Resolution:** Council authorized amending the Fee schedules for the 2009 Mechanical, Plumbing and Fuel Gas Codes.

Resolution **#9-2011** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A FEE SCHEDULE FOR CERTAIN BUILDING CONSTRUCTION FEES, AND ESTABLISHING AN EFFECTIVE DATE

Ordinances:

- 6.3** **Ordinance:** Amending the Budget Ordinance No. 25-2010, part 7 regarding the Police Department. The proposed change reflects the Police Chief's desire to reallocate resources to support attaining accreditation for the department through the Law Enforcement Recognition Program. The amendment will increase lieutenants by one and reduce officers by one for the overall authorized staffing of the Police Department.

AN ORDINANCE APPROVING A REVISION TO SECTION 7 OF ORDINANCE NUMBER 25-2010; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

- 6.4** **Ordinance:** *Item Pulled by Councilman Higgins. (First Reading)* Authorizing a Developer Participation Agreement between City of Abilene and Development Corporation of Abilene for construction of fire suppression improvements on the east side of the Abilene Regional Airport.

Bid Awards:

- 6.5** **Bid Award:** Council awarded the annual street division materials to the following vendors.

<u>Item:</u>	<u>Company</u>	<u>Unit Price</u>
Limestone Rock Asphalt, Type CC	Vulcan Const. Materials	\$ 74.50/Per Ton
Hot Mix, Type D-Delivered	J.H. Strain & Sons	\$ 62.00/Per Ton
Hot Mix-Type D	J.H. Strain & Sons	\$ 57.00/Per Ton
A-1 Flex Base-Delivered	J.H. Strain & Sons	\$ 10.00/Per Ton
A-1 Flex Base	Vulcan Const. Materials	\$ 6.10/Per Ton
Portland Cement, 7-Sack	Ingram Concrete	\$ 115.00/Per Cubic Yd.
Portland Cement, 5-Sack	Ingram Concrete	\$ 105.00/Per Cubic Yd.
Portland Cement, Type I	Abilene Lumber	\$ 9.45/Per Sack
Polymer Modified Crack Sealant	Crafco Texas	\$ 0.49/Per Pound
HPPM	Unique Paving Materials	\$ 104.50/Per Ton
CBS-1	Envirotex	\$ 3.95/Per Gal

ITEM PULLED FROM CONSENT

6.4 Ordinance: *Item Pulled by Councilman Higgins. (First Reading)* Authorizing a Developer Participation Agreement between City of Abilene and Development Corporation of Abilene for construction of fire suppression improvements on the east side of the Abilene Regional Airport.

Council and Staff discussion included: 1) Councilman Higgins had questions and concerns over the cost to the City. The amount being used out of the reserve water fund; 2) Water improvements to the hanger area; 3) 12 inch water line and looping dead end lines providing better water service to the airport; 4) fire suppression; and 5) council would like more numbers that show the split in the costs.

Councilman Higgins made the motion to approve on the First Reading an Ordinance authorizing a Developer Participation Agreement between City of Abilene and Development Corporation of Abilene for construction of fire suppression improvements on the east side of the Abilene Regional Airport. Councilman Price seconded the motion, motion carried.

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

NAYS: None

AN ORDINANCE APPROVING THE EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF ABILENE (CITY) AND THE DEVELOPMENT CORPORATION OF ABILENE (DCOA) FOR THE PURPOSE OF MAKING CERTAIN PUBLIC IMPROVEMENTS AS AUTHORIZED BY LAW.

REGULAR AGENDA

7.1 Jon James Director of Planning & Development Services briefed the council on the Ordinance for Case No. **Z-2011-04**, a request from Aaron Waldrop to rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning, located at the southwest corner of Innisbrook Dr. and Memorial Dr., being approximately 15.4 acres.

Currently the property is zoned AO and is undeveloped. The applicant has future plans to subdivide the property for single family residential uses. The properties to the north and west are developed with single family residential dwelling units. The properties to the east are mostly undeveloped, but allow for heavy commercial uses. The properties to the south are undeveloped.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The applicant is requesting the zone change in order to develop a single family residential subdivision. The requested zoning would be compatible with the surrounding land uses. The subject property is adjacent to single family developments to the north and west. The PD to the east allows for HC (Heavy Commercial) zoning uses, but it requires that all outside storage be screened with an opaque fence or wall, that and the future extension of Memorial Dr. will provide sufficient buffering to the proposed PH zoning.

Staff and Planning & Zoning Commission both recommended approval.

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

- Tal Fillingim – agent for the developer, asking for council approval
- Lewis Williams – owns property across the way, supports the zone change
- Don Whitehead – owns lots north of property, supports the zone change and approval
- Aaron Waldrop – complemented city staff over their support and great to work with, supports the zone change

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

Councilwoman Miller made the motion to approve the Ordinance for Case No. **Z-2011-04**, a request from Aaron Waldrop to rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning, located at the southwest corner of Innisbrook Dr. and Memorial Dr., being approximately 15.4 acres. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance **#11-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," 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: Southwest corner of Innisbrook Drive & Memorial Drive

7.2 Jon James Director of Planning & Development Services briefed the council on the Ordinance for Case No. **Z-2011-05** a request from The Charter Corporation to rezone property from AO (Agricultural Open Space) to MF (Multi Family Residential) zoning, located at 2802 Old Anson Rd.

Currently the property is zoned AO and has been developed with a residential dwelling unit. The applicant has future plans to extend their multifamily residential development from the adjacent property to the north. The property to the north is developed with apartments and is owned by the applicant. The properties to the east have been developed as single family residential dwellings. There is an assisted living facility on the property to the south.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The applicant is requesting the zone change in order to extend their existing development from the north. The requested zoning would be compatible with the surrounding land uses. The subject property is adjacent to multifamily zoning to the north and south. The requested zoning would be compatible with the single family residences across Old Anson Rd. to the east.

Staff and Planning & Zoning Commission both recommended approval.

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

Councilman Spano made the motion to approve the Ordinance for Case No. **Z-2011-05**, a request from The Charter Corporation to rezone property from AO (Agricultural Open Space) to MF (Multi Family Residential) zoning, located at 2802 Old Anson Rd. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance **#12-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," 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: 2802 Old Anson Road

7.3 Jon James Director of Planning & Development Services briefed the council on the Ordinance for Case No **Z-2011-06** a request from Aaron Vannoy to rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning, located at 741 Vine St.

Currently the property is zoned MD and has been developed with a residential dwelling unit. Referred to as the Cathey/Mayfield/Vannoy House, it is an Arts & Crafts Bungalow and was built in 1926. The owner has requested Historic Overlay Zoning for his property because he feels that the historic integrity of the house has been well preserved over the years. He has owned the house since 2009. The surrounding properties have all been developed with residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. There are several properties in the surrounding neighborhood to the west that have Historic Overlay zoning. This would be the first property on Vine Street to receive the overlay which could encourage other properties to seek the Historic Overlay zoning.

Staff and Planning & Zoning Commission both recommended approval. Landmarks Commission recommended approval as well.

Mayor Archibald opened the public hearing and council heard from:

- Aaron Vannoy – owner of the property, asking for approval of 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 Ordinance for Case No. **Z-2011-06** a request from Aaron Vannoy to rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential with Historic Overlay) zoning, located at 741 Vine St. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance **#13-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," 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: 741 Vine Street

7.4 Jon James Director of Planning & Development Services briefed the council on the Ordinance for Case No **Z-2011-07** on a request from Sheldon Bray to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 742 Amarillo St.

Currently the property is zoned RS-6 and has been developed with a residential dwelling unit. Referred to as the Williamson House, it is an Arts & Crafts Bungalow that was built in 1917. The owner has requested Historic Overlay Zoning for this property, because he feels that the historic integrity of the house is intact. The surrounding properties have all been developed with residential dwelling units.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning and would not affect the underlying residential zoning, and would be compatible with the surrounding land uses. There are several properties in the surrounding neighborhood that have Historic Overlay zoning including the adjacent properties to the north, south, and west.

Staff and Planning & Zoning Commission both recommended approval. Landmarks Commission recommended approval as well.

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

Councilman Price made the motion to approve the Ordinance for Case No. **Z-2011-07** a request from Sheldon Bray to rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential with Historic Overlay) zoning, located at 742 Amarillo St. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance **#14-2011** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," 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.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:54 am 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 10:47 am and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property and Section 551.071 Litigation/Consultation with Attorney.

There being no further business the meeting was adjourned at 10:50 am.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor