

CITY COUNCIL MEETING
June 9, 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 June 9th, 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, and Stormy Higgins. Councilwoman Miller was absent. Also present were City Manager Larry Gilley, Assistant City Attorney Theresa James, City Secretary Danette Dunlap, and various members of the City staff. A member of the Youth Advisory Council Hannah Nuhn sat with the council and observed. Hannah is a senior at Abilene High.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Brendan & Chase Irby. Brendan and Chase both attend Wylie Elementary and are the children of Police Officer Brent Irby and the grandchildren of Sondra Cox Payroll Coordinator for the City. Brendan & Chase led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

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

Dean "Joey" J Kincaid	Battalion Chief II, Fire Tactical Operations	25 Years
Russell "Rusty" E Watts	Fire Lieutenant II, Fire Tactical Operations	25 Years
Daniel W. Brooks	Utility Worker III, Water Distribution	20 Years
Sheryl Fillmon	Micro Systems Tech II, Information Tech	20 Years
Esther Tilley	Admin Clerk II, WIC Program	20 Years

PROCLAMATION

Mayor Archibald presented the following proclamation:

June 2011
Myasthenia Gravis Awareness Month
Lydia Long accepted the Proclamation.

DISPOSITION OF MINUTES

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

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

CONSENT AGENDA

Councilman Higgins made the motion to approve consent item 6.1 as recommended by staff.
Councilman Price seconded the motion, motion carried.

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

Award of Bid:

6.1 **Bid Award** #CB-1121 – Purchase of 3 SUV's for various divisions. City Council approved the purchase of the vehicles in the amount of \$77,693.00 to Caldwell Country Chevrolet.

REGULAR AGENDA

7.1 Jon James Director of Planning and Development Services briefed the council on the following Ordinance: for Case No. **Z-2011-09**, a request from Cindy Corley to rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential/Historic Overlay) zoning, located at 902 Sayles Blvd.

Currently the property is zoned RS-12 and has been developed with a residential dwelling unit. The Young-Martin House was built in 1928 and is a Prairie Style of architecture. The 1987 Texas Historic Sites Inventory documented that the house, is in excellent condition, and has architectural significance. The owner has requested Historic Overlay Zoning for this property, because she feels that the historic integrity of the house is intact and will be restoring the house. The surrounding properties have all been developed with residential dwelling units with several properties having the Historic Overlay zoning.

Recommended for approval by Staff, Landmarks Commission and the Planning & Zoning Commission.

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

Councilman Briley made the motion to approve the Ordinance for Case No. **Z-2011-09**, a request from Cindy Corley to rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential/Historic Overlay) zoning, located at 902 Sayles Blvd. Councilman Higgins seconded the motion, motion carried.

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

Ordinance **#18-2011** 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: 902 Sayles Blvd.

7.2 Jon James Director of Planning and Development Services briefed the council on the following Ordinance: **Case No. Z-2011-10**, a request from Diana Howard to rezone property from RS-12/COR (Single Family Residential/Corridor Overlay) to NO/COR (Neighborhood Office/Corridor Overlay) zoning, located at 5400 Buffalo Gap Rd.

Currently the property is zoned RS-12/COR and has been developed with a single family dwelling unit. The applicant has future plans to use the property for an office. The properties to the east and west are developed

with single family residential dwelling units. The properties to the north are undeveloped. The property to the south has been developed as a church.

Staff and Planning & Zoning Commission both recommend approval.

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

Councilman Williams made the motion to approve the Ordinance for Case No. **Z-2011-10**, a request from Diana Howard to rezone property from RS-12/COR (Single Family Residential/Corridor Overlay) to NO/COR (Neighborhood Office/Corridor Overlay) zoning, located at 5400 Buffalo Gap Rd. Councilman Spano seconded the motion, motion carried.

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

Ordinance **#19-2011** 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: 5400 Buffalo Gap Rd

7.3 Mayor Archibald turned the meeting over to Mayor Pro-tem Joe Spano for Items 7.3 & 7.4 due to a conflict of interest for both Mayor Archibald and Councilman Price.

Jon James Director of Planning and Development Services then briefed the council on the following Ordinance: **Case No. Z-2011-11**, a request from Hendrick Medical Center to rezone property from MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay) to MU/COR (Medical Use/Corridor Overlay) zoning, including all properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west.

Staff and Planning & Zoning Commission both recommend approval of CU (College University) zoning.

Currently the properties are zoned MD and HC/COR and have been developed with residential dwelling units and commercial structures. The applicant has future plans to extend their existing campus from the north, which will propose medical uses for the subject property.

Mayor Pro-tem Spano opened a public hearing on the item and council heard from:

- Dwayne Martin – spoke in favor of the zone change request.

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

Councilman Williams made the motion to approve the Ordinance for Case No. **Z-2011-11**, a request from Hendrick Medical Center to rezone property from MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay) to CU (College University) zoning, including all properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Spano, Briley, Williams, Higgins

NAYS: None

ABSTAINED: Councilman Price and Mayor Archibald

Ordinance **#20-2011** 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: including all properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west.

7.4 Jon James Director of Planning and Development Services briefed the council on the following Ordinance: for Case No. **TC-2011-01**, a request from Hendrick Medical Center to abandon all of the portions of N. 17th St., Wilson St., and the alley ROW between Wilson St. and N. 16th St., between Pine St. and Cedar St.

Improvements have been made to N. 17th St, Wilson St., and the alley ROW. The ROW's are currently being maintained by the City of Abilene. Both Wilson St. and N. 17th St. are currently designated as Local Streets, and have no plans to change into a higher classification of ROW.

The applicant intends to close the subject right-of-ways for future expansion of their existing developments to the north. There are existing platted lots along N. 17th St. and Wilson St. that would be left without street frontage if the thoroughfares are abandoned, therefore before the abandonments are final, a replat must be done to ensure no lots are left without street frontage. The interconnectivity and access of the area does not appear to be impacted in a negative way by the requests.

PLAT REVIEW COMMITTEE:

Approval of the requested closures as requested with the following conditions: where existing utilities are located, the applicant is responsible for relocating the utilities or providing adequate easements for the maintenance of all utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area. The applicant must also replat to ensure that there are no lots without street frontage. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities can be resolved.

Mayor Pro-tem Spano opened a public hearing on the item and there being no one present and desiring to be heard the public hearing was closed.

Council and Staff discussion included: 1) concern about the traffic impact on N 18th and Hickory Street.

Councilman Briley made the motion to approve the Ordinance for Case No. **TC-2011-01**, a request from Hendrick Medical Center to abandon all of the portions of N. 17th St., Wilson St., and the alley ROW between Wilson St. and N. 16th St., between Pine St. and Cedar St. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Spano, Briley, Williams, Higgins

NAYS: None

ABSTAINED: Councilman Price and Mayor Archibald

Ordinance **#21-2011** 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: Abandon all of the portions of N17th Street, Wilson Street and the ROW between Wilson Street and N 16th Street, between Pine Street and Cedar Street.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:35 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 10:25 a.m. and reported no votes or action was taken in Executive Session in regards to 551.074 Personnel Matters.

There being no further business the meeting was adjourned at 10:25 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor