

CITY COUNCIL MEETING
November 1st 2012, at 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 November 1st, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Robert O. Briley, 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 Spano gave the invocation.

Mayor Archibald introduced Thomasville City Council for Thomas Elementary School they are: Jackson Field, Hanna Wollford, Kylie Martinez, and Taliyah Daniels, who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARD

Mayor Archibald assisted by City Manager Larry Gilley honored the following City Employee for his years of service.

Danny Heath Supervisor II, Street & Maintenance Service 25 Years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the October 25th regular meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Price pulled item 6.1. Councilman Spano made the motion to approve consent items 6.2 and 6.3 as recommended by staff. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Resolutions:

6.1 **Resolution:** Approving the West Central Texas Council of Government (WCTCOG) Mitigation Action Plan. *(Item pulled by council)*

- 6.2** **Resolution:** City Council approved the sole source contract with the National Development Council for Professional Services for FY 2012/13.

The City of Abilene is renewing its contract with the National Development Council (NDC) to provide professional services to assist the City in accomplishing its community and economic development objectives. NDC is a private nonprofit corporation that specializes in economic development technical assistance, project development and affordable housing development. NDC will provide technical assistance to the City in the following areas: comprehensive program development, downtown revitalization, and economic development project review. In addition, NDC will provide development services toward specific, residential project development in a neighborhood targeted for revitalization. The total contract amount is \$72,000.

There is no approved allocation from the FY2012/2013 Community Development Block Grant (CDBG) for CDBG administration due to a lack of available funds. The National Development Council Foundation approved this year a reinvestment fund grant for \$12,000, which means the City would pay \$20,000 of the \$72,000 contract amount from the General Fund. The remaining \$40,000 will be contributed by the DCOA through the Department of Economic Development.

Resolution #19-2012

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING THE FY 2012-2013 CONTRACT BETWEEN THE CITY OF ABILENE AND
THE NATIONAL DEVELOPMENT COUNCIL.**

- 6.3** **Resolution:** City Council authorized the application submittal for the Transportation Enhancement Program.

On September 14, 2012 the Texas Department of Transportation announced a program call for candidate projects for the Transportation Enhancement program. This federally funded program offers opportunities to expand transportation choices and enhance the transportation experience through non-traditional transportation projects. There is approximately \$35 million available for statewide funding. The nomination deadline is November 16th. This corridor was submitted for federal funding previously, so much of the information needed is already available.

City and MPO staff members propose the South 11th Street corridor from South Treadaway Boulevard to Elmwood Drive as the most viable candidate for this funding using the category for provision of facilities for pedestrians and bicycles. This corridor will provide an almost uninterrupted pedestrian transportation avenue linking residential, commercial, and social services from west to east. The proposal is to install a continuous sidewalk along one side of the entire project and to place a bicycle lane in both directions along the project from South Treadaway Boulevard to Sayles Boulevard. This project will improve connections to many major traffic generators and provide another avenue of transportation to travelers in this area.

Resolution #20-2012

**A RESOLUTION BY THE ABILENE CITY COUNCIL AUTHORIZING THE FILING OF AN
APPLICATION WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)**

FOR THE TRANSPORTATION ENHANCEMENT PROGRAM AND ACCEPTANCE AND EXECUTION OF DOCUMENTS, IF AWARDED.

ITEM PULLED FROM CONSENT

6.1 **Resolution:** City Council approved the West Central Texas Council of Government (WCTCOG) Mitigation Action Plan. *(Item pulled by council)*

Discussion included: 1) Mitigation plan; 2) hazard group; 3) outdoor sirens – are a part of a wish list as a part of the grant; 4) cloud seeding – has not been done recently in the city area; and 5) trailer for emergency response – another part of the wish list in the grant for the West Central Texas Council of Government. The State of Texas requires a Hazard Mitigation Plan as part of the City’s Emergency Operations Plan.

The City Abilene participated in a Hazard Mitigation Plan Update (“Plan Update” or “Plan”) for the West Central Texas Council of Government (WCTCOG). The process began in January 2011 and now the Plan Update has been approved by the State of Texas, Texas Division of Emergency Management (TDEM) and the Federal Emergency Management Agency (FEMA). The City participated by attending meetings and workshops, evaluating risks, analyzing previous mitigation actions, and developing new and unique mitigation actions, which will serve as a basis for grant projects. Because of the City’s participation and the approval of the Plan Update, the City can now apply for mitigation grants to FEMA once the Plan is formally adopted.

Councilman Price made the motion to approve consent item 6.1 West Central Texas Council of Government Mitigation Action Plan. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution #18-2012

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING THE WEST CENTRAL TEXAS COUNCIL OF GOVERNMENT (WCTCOG)
HAZARD MITIGATION PLAN UPDATE**

REGULAR ITEMS

7.1 Jon James Director of Planning and Development, briefed the council on an ordinance for Case No. **Z-2012-24**, a request from Harris Acoustics to rezone property from LI (Light Industrial) to CB (Central Business), located at 741 N. 5th Street

Currently the property is zoned LI and has been developed with an industrial/warehouse building. The surrounding properties have been developed similarly. The applicant is requesting the CB (Central Business) zoning to allow for ‘social service facility’ and ‘residential’ uses.

The Future Land Use section of the Comprehensive Plan designates this general area as the central business district. Additionally, the South Downtown Master Plan identifies this area as transitioning away from LI type uses to a more of mixed-use type uses such as retail and residential. The applicant is requesting the zone change to allow for a ‘social service facility’ use to provide counseling for new parents as well as

living-quarters for the tenant of the building. The requested zoning would be compatible with the surrounding industrial uses as well as the Comprehensive Plan and South Downtown Master Plan.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

Mayor Archibald opened the public hearing and council heard from:

- Chris and Hope Dupnik – owner of the property, detailed their desire for the uses of the building.

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

Councilman Higgins made the motion to approve the Ordinance for Case No. **Z-2012-24**, a request from Harris Acoustics to rezone property from LI (Light Industrial) to CB (Central Business), located at 741 N. 5th Street. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

Ordinance #51 -2012

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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.

7.2 Jon James Director of Planning and Development, briefed the council on an ordinance for Case No. **Z-2012-25**, a request from Slade & Dava Sullivan, to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 1201 Cedar Crest Drive.

The property is zoned RS-12 and has been developed with a residential dwelling unit. The 2 story Tudor Revival was built between 1927 and 1937 by Edward Fuson. This house was designed in the Tudor Revival style of the early 1900's. It embodies the key components of the style, such as one or two-stories, asymmetrical design, prominent steeply sloping cross-gables, decorative brick veneer design on the exterior in varying designs, chimney pots on the tall and prominent chimneys, and quoins around the front entry. It is a contributing structure to the neighborhood with several historic homes. It is in very good condition. They are requesting Historic Overlay Zoning after gaining more information regarding the responsibilities and benefits of the zoning.

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. This request could encourage other properties in the area to request Historic Overlay Zoning

Staff recommends approval as requested.

The Landmarks Commission recommends approval by a vote of five (5) in favor to none (0) in opposition.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

Mayor Archibald opened the public hearing 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-2012-25**, a request from Slade & Dava Sullivan, to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 1201 Cedar Crest Drive. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance #52-2012

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 1201 Cedar Crest Drive

7.3 Jon James Director of Planning and Development, briefed the council on an ordinance for Case No. **Z-2012-26**, a request from Joe & Sandra Martin to rezone property from AO (Agricultural Open Space) to MH (Manufactured/ Mobile Home) zoning, located at 461 Jolly Rogers Road.

Currently the property is zoned AO and is undeveloped. The surrounding properties have been developed with single-family and manufactured/mobile homes. Other properties in the area are zoned MH (Manufactured/ Mobile Home). There is a large MH subdivision to the northwest of the subject property. The applicant is requesting the MH zoning to allow for a manufactured home to be placed on the property.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for a manufactured home to be placed on the property. Other properties in the area are zoned MH or have a manufacture home. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan.

The Planning and Zoning Commission recommends approval of a 0.95 acre area only by a vote of 7 in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval of a 0.95 acre area only by a vote of 7 in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

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

Councilwoman Miller made the motion to approve the ordinance for Case No. **Z-2012-26**, a request from Joe & Sandra Martin to rezone property from AO (Agricultural Open Space) to MH (Manufactured/ Mobile Home) zoning, located at 461 Jolly Rogers Road as recommended by Planning and Zoning. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance **#53-2012**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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: 461 Jolly Rogers Road

7.4 Jon James Director of Planning and Development, briefed the council on an ordinance for Case No. **SNC-2012-01**, a request from Musgrave and Musgrave, LLP to change the names of Arapaho Trail, Cocopah Trail, and Sioux Trail.

The applicant is requesting to change the name of Arapaho Trail, Cocopah Trail, & Sioux Trail to Tradition Drive, Prominent Way, & Honor Roll Court. Property owners that would be directly affected by the street name changes have signed a petition or responded in favor of the change.

Approval as requested with the following notes:

1. There is no public safety need or requirement to change the street names.
2. The changes would be considered cosmetic and subject to the Building Inspections/ Planning \$100 fee per address change.

Mayor Archibald opened the public hearing 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. **SNC-2012-01**, a request from Musgrave and Musgrave, LLP to change the names of Arapaho Trail, Cocopah Trail, and Sioux Trail. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance **#54-2012**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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.

Change the name of Arapaho Trail, Cocopah Trail, & Sioux Trail to Tradition Drive, Prominent Way & Honor Roll Court

Legal Description:

Adjacent to:

INDIAN TRAILS ADDN, BLOCK A, LOTS 1-19

INDIAN TRAILS ADDN, BLOCK B, LOTS 1-16

INDIAN TRAILS ADDN, BLOCK D, LOTS 1-16

7.5 Jon James Director of Planning and Development, briefed the council on an ordinance amendment to Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, Section 2.4.4 Accessory Uses & Structures, and Section 4.2.4.1 Fences, Walls and Hedges.

The Land Development Code (LDC) was adopted by City Council on April 22, 2010 as recommended by the Planning & Zoning Commission. After more than 2 years of administering the LDC, several changes have been identified that are problematic and require discussion.

The changes include:

- Changes to interior side setbacks for GC, HC & LI districts to reduce setbacks to zero as in our prior zoning ordinance
- Parking and storage regulations for RV's which were inadvertently left out of the new LDC
- Clarification of setback requirements for accessory buildings
- Height exception for carports & patio covers with pitched roofs to be taller than 12 feet
- Amendment to fence heights adjacent to streets in commercial & Multi-Family zoning districts to allow for taller fences

The sections proposed for amendment are Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, Section 2.4.4 Accessory Uses & Structures, and Section 4.2.4.1 Fences, Walls and Hedges.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

Staff and council discussion included: 1) these sections have been part of the code for years but they were left out of the Land Development Code and so this will add them back in to the code; 2) has to do to Accessory Uses in regards to RV storage; 3) storage on private property in regards to RV's; 4) Taylor County Expo RV places, this will not affect the Expo center; and 5) PD's planned development districts supersede these codes.

Mayor Archibald opened the public hearing and council heard from:

- Dan Symonds, who had concern with families having to stay in there on RV instead of the residential land owner.

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 amendment to Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, Section 2.4.4 Accessory Uses & Structures, and Section 4.2.4.1 Fences, Walls and Hedges. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#55-2012**

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," 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

7.6 Jon James Director of Planning and Development, briefed the council on an Resolution authorizing the acceptance of conveyance of the real property located at 1699 South First Street, commonly known as Lincoln Middle School and authorizing the application for available grant funding to assist with environmental issues.

The former Lincoln Middle School has been declared surplus property by the Abilene Independent School District and, after no suitable offers to purchase were received, the school district has approved transferring the facility to the City of Abilene. Such a transfer to the City would allow the City to pursue grant opportunities for cleanup of the site, which could substantially increase the marketability of the property. The City has previously expressed a desire to protect and preserve this historic landmark through the recommendation of the Landmarks Commission and Planning and Zoning Commission, with action by the City Council. Acquisition of the building and pursuit of grant opportunities could be beneficial to achieving this goal.

Councilman Briley made the motion to approve the resolution authorizing the acceptance of conveyance of the real property located at 1699 South First Street, commonly known as Lincoln Middle School and authorizing the application for available grant funding to assist with environmental issues. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution: **#21-2012**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE ACCEPTANCE OF CONVEYANCE OF THE REAL PROPERTY
LOCATED AT 1699 SOUTH FIRST STREET, ABILENE, TEXAS, COMMONLY KNOWN AS
LINCOLN MIDDLE SCHOOL AND AUTHORIZING THE APPLICATION FOR AVAILABLE
GRANT FUNDING TO ASSIST WITH ENVIRONMENTAL ISSUES

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:02 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 11:45 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

There being no further business the meeting was adjourned at 11:45 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor