

CITY COUNCIL MEETING
October 24th, 2013, 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 October 24th, 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 William, Robert O. Briley, and Kyle McAlister. Councilwoman Kellie Miller was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, Assistant City Secretary Tiffni Herrera, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Jake McKinney who is a 3rd grader at Ward Elementary. Jake 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:

October 24, 2013

White Cane Day

Rena Seay, President Abilene Chapter National Federation of the Blind of Texas accepted the proclamation.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the October 7th regular meeting there being no deletions, no additions, and no corrections. Councilman Briley made a motion to approve the minutes as presented. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, McAlister, and Mayor Archibald

NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent item 6.1 through 6.8 as recommended by staff. Councilman Williams seconded the motion, motion carried. It was noted that due to a conflict on item 6.5 Mayor Archibald, Councilman Price and Williams filed a conflict of interest affidavit and they were able to vote per Local Government Code 171.004 (c) regarding item 6.5.

AYES: Councilmen Price, Spano, Williams, Briley, McAlister, and Mayor Archibald

NAYS: None

Resolutions:

6.1 **Oral Resolution:** City Council approved the purchase of the Influenza vaccine.

The Abilene/Taylor County Health District orders Influenza vaccinations annually to support the Health District's clinics. 2,900 doses of vaccine were ordered for the fall of 2013 based on historical data at a cost of \$53,775.40.

Influenza vaccine is developed and produced each year based on the number of doses ordered by providers intending to administer the vaccine. The vaccine must be requested in the spring of each year for distribution prior to "flu season" in fall and winter of that year. The Health District booked requests in the spring for doses of vaccine (Fluzone Quadrivalent and High-Dose) from Sanofi-Pasteur. The price of the vaccine this year is \$53,775.40, including the federal excise tax. This is an annual purchase that has been made in the recent years without City Council approval because the cost of the order remained under \$50,000. This year's order will require Council authorization due to the increased costs of the vaccine.

This particular vaccine was ordered because it can be used to vaccinate all age groups. No other vaccine manufacturer produces a vaccine which can be used for all age groups, thus several different vaccine purchases would need to be made if other vaccine brands were used. Sanofi Pasteur has assured the Health District that it can provide the entire order of doses requested.

- 6.2 Resolution:** City Council authorized the Mayor to negotiate and execute a letter of intent by the City of Abilene with the cities of Midland and San Angelo to memorialize their mutual interest in the sharing of existing and to-be-developed water supplies as part of the West Texas Water Partnership.

The Cities of Abilene, Midland and San Angelo entered into an Interlocal Agreement dated April 9, 2011 authorizing the three cities (the "Cities") to work together to evaluate and develop water management strategies to provide for the short-term and long-term water needs of their customers and residents. The Cities engaged as their consultants the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and the engineering firms of Enprotec/Hibbs & Todd, Inc. and HDR, Inc. to evaluate the viability of a series of short-term and long-term water management strategies.

The consultants have evaluated and discussed with the Cities potential short-term and long-term cooperative water management strategies. The City of Abilene has determined that there is a continued benefit to working with the cities of Midland and San Angelo to further evaluate and develop cooperative water management strategies to address future water supply needs. The City of Abilene recognizes that the development of new cooperative water management strategies will allow for sharing in existing and to-be-developed supplies among the Cities.

The City of Abilene wishes to formally express its interest in the future sharing of water supplies among the Cities and wishes to adopt a written Resolution authorizing the Mayor to negotiate and execute, on behalf of the City of Abilene, the Letter of Intent for Water Supply Development and Delivery. In general, the Letter of Intent authorizes the City and its representatives to continue work with the Cities of Midland and San Angelo in the analysis, evaluations, and development of long-term cooperative water management strategies contemplated by the April 9, 2011 Interlocal Agreement and the Letter of Intent.

The Resolution and Letter of Intent will have an indirect fiscal impact on the City of Abilene. There will be costs for consultant services related to the work necessary to evaluate the water management strategies. The Cities have agreed that the costs of the consultants will be shared equally between the three cities. The anticipated costs for such consultants will continue to be budgeted during each fiscal year budget and will be funded from the Water Department Water and Sewer Fund

Resolution: [#26-2013](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A LETTER OF INTENT AMONG THE CITIES OF ABILENE, MIDLAND, AND SAN ANGELO, TEXAS FOR WATER SUPPLY DEVELOPMENT AND DELIVERY.

- 6.3** **Resolution:** City Council approved recertification of Habitat for Humanity – Abilene, Inc. as a Community Housing Development Organization (CHDO) and authorizing disbursement of HOME funds.

Approval and recertification by the City of Abilene is a condition for the receipt of HOME funds for a CHDO. Habitat for Humanity-Abilene, Inc. (Habitat) has been a certified CHDO since March 1995, and has received HOME funds to expand the availability of safe, dependable and affordable housing for qualified low-and moderate-income families. Habitat has updated its CHDO application and has submitted a request for CHDO recertification.

Since 1990, Habitat has completed 126 homes in Abilene, assisted 150 low- to moderate-income families composed of 262 adults and 453 children; and has partnered with the City of Abilene as a CHDO on 64 single-family homes. City CHDO funds are currently being used on three new constructions with plans for three more in 2014.

Habitat has partnered with over 44 service clubs, church groups, businesses, military and school during the past year. The 437 volunteers worked 6,400 hours in 2012 to help Habitat remain committed to creating home ownership opportunities for moderate-income families.

The resolution re-certifies Habitat as a CHDO and authorizes staff to disburse HOME funds as appropriate.

Resolution: [#27-2013](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE RE-CERTIFICATION OF HABITAT FOR HUMANITY-ABILENE, INC., AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO), AND AUTHORIZING DISBURSEMENT OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS

- 6.4** **Ordinance:** (*First Reading*) **Z-2013-34** - Request from Patricia L. Trail, to rezone property from AO (Agricultural Open Space) to MH (Manufactured/Mobile Home) zoning, located at 5150 FM 18; and setting a public hearing for November 7, 2013.

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

- 6.5** **Ordinance:** (*First Reading*) **Z-2013-35** - Request from Hendrick Medical Center, Agents Duane Martin & Brannon Barnes, to rezone certain properties from HC (Heavy Commercial) & RS-6 (Single-Family Residential) to MU (Medical Use) zoning, located in the area between N. 16th St & N. 17th St between Pine St & the alley east of Mesquite St; and setting a public hearing for November 7, 2013.

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

- 6.6** **Ordinance:** (*First Reading*) Z-2013-36 - Request from Kelly Buford, agent Matthew Muzechenko/Paul Johnson & Associates, to rezone property from CB (Central Business) to PD (Planned Development) zoning to allow contractor services with incidental manufacturing, located at 242 Sycamore St; and setting a public hearing for November 7, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-140 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.7** **Ordinance:** (*First Reading*) CUP-2013-03 - Request from Sam's Real Estate Business Trust, Agent Fehr Foods Inc., for a Conditional Use Permit to allow for Manufacturing (Light) on property zoned HC (Heavy Commercial), located at 5301 S. 1st St; and setting a public hearing for November 7, 2013.

Award of Bid:

- 6.8** **Award of Bid: CB#1355** – City Council approved the Engineering Division Miscellaneous Repair Work for 2013-2014. Contract was awarded to Bontke Brothers Construction Company, Inc. of Abilene, Texas in the amount of \$450,412.00.

REGULAR ITEMS

- 7.1** Kelley Messer, Assistant City Attorney briefed the council on an Ordinance Setting Minimum Standards for Buildings and Structures.

Currently Division 6 of the City of Abilene's construction codes and ordinance adopts the 1991 Housing Code, and, Division 7 adopts the 1991 Uniform Code for the Abatement of Dangerous Buildings, each with local amendments that have not been updated. There is a need to update these codes in order to meet the statutory requirements of Texas Local Government Code Chapters 214 and 54 and to include them electronically within city codes found in Franklin Legal online. None of our comparative cities follow the Housing Code or Uniform Code for the Abatement of Dangerous Buildings, and these codes are no longer published or updated.

This proposed ordinance combines the purpose of both of the above codes because there is no need to differentiate between residential and commercial buildings for the purpose of condemnation of structures unfit for human occupancy. Moreover, in practice the city has not differentiated between commercial and residential structures that are condemned because the other building codes, such as the plumbing code or electrical code, sufficiently set forth requirements for both residential and commercial construction. The proposed ordinance reflects the current practice of the Board of Building Standards in accordance with state law, and incorporates additional remedies available under state law, such as civil penalties.

In addition to replacing the former codes with the Minimum Standards for Buildings and Structures, this enacting ordinance will replace and update references to the Housing Code that currently exist within our code of ordinances.

On September 3, 2013 the Board of Building Standards approved by a 5-0 vote, a recommendation of the Minimum Standards for Buildings and Structures Ordinance to City Council.

Council and Staff discussion included: 1) Changing 8-554 (a) (11), Insects, vermin and rodents” to just “vermin” since vermin are defined in this section to include insects and rodents; 2) Add “solar panels” to 8-554 (b) (13) and wind turbines; 3) correct/remove comma from 8-554(i); 4) certified mail service notice; 5) permitting process – are set out as per state law.

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 Setting Minimum Standards for Buildings and Structures with the above changes to section 8-554 (a) (11), 8-554 (b) (13) and correct comma from 8-554 (i). Councilman Williams seconded the motion, motion carried.

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

Ordinance [#54-2013](#)

AN ORDINANCE DELETING CHAPTER 8, ARTICLE VI, DIVISION 6, “HOUSING CODE”, AND INSERTING DIVISION 6, “MINIMUM STANDARDS FOR BUILDINGS AND STRUCTURES”; DELETING AND RESERVING DIVISION 7, “ABATEMENT OF DANGEROUS BUILDINGS”; AMENDING ARTICLE V, DIVISION 2, SECTION 8-372, “TO HEAR APPEALS”, AND ARTICLE I, DIVISION 1, SECTION 8-6 “EMERGENCIES” AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

7.2 Mindy Patterson Director of Finance, briefed the Council on approving an Ordinance for the first annual Rate Review Mechanism (RRM) rate increase under the renewed RRM Tariff for Atmos Energy.

The City, along with approximately 164 other cities served by Atmos Energy Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”). On or about July 15, 2013, Atmos Mid-Tex filed with the City its first annual RRM filing under the RRM tariff that was renewed and approved by ordinance on June 24, 2013.

The Atmos Mid-Tex RRM filing sought a \$22.7 million base rate increase. ACSC coordinated a review of the RRM filing through its executive committee to resolve issues identified by ACSC in the Company’s filing. The attached ordinance approves the negotiated tariffs, which will increase the Company’s revenues by \$16.6 million. This settlement is expected to increase the average residential customer’s bill by approximately \$.74 per month.

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 an Ordinance for the first annual Rate Review Mechanism (RRM) rate increase under the renewed RRM Tariff for Atmos Energy. Councilman Price seconded the motion, motion carried.

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

Ordinance [#55-2013](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING

7.3 Mindy Patterson Director of Finance, briefed the Council on the adoption of an ordinance authorizing the issuance and sale of City of Abilene, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2013, for water and sewer system improvements; levying an annual ad valorem tax and providing for the security for and payment of said certificates; providing an effective date; and enacting other provisions relating to the subject. George Williford with First Southwest spoke on the city's excellent credit rating.

The certificates of obligation sale will finance \$65,000,000 for the purpose of constructing, acquiring, installing, and equipping additions, extensions and improvements to the City's water and sewer system.

The issuance of the certificates will be a negotiated sale on Wednesday, October 23, 2013. The interest rates and debt service will be reported at the Council meeting on October 24, 2013.

The \$65,000,000 for water and sewer projects will be funded from water and sewer revenue. Therefore a rate increase was necessary for this issue. The rate adjustments were approved by Council on September 26, 2013. The credit rating from Standard and Poor's is affirmed at AA+, and the rating from Fitch Ratings is affirmed at AA+. We are utilizing a projected 4.9% interest rate on the certificates.

Staff recommends approval.

Councilman McAlister made the motion to approve the adoption of an ordinance authorizing the issuance and sale of City of Abilene, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2013, for water and sewer system improvements; levying an annual ad valorem tax and providing for the security for and payment of said certificates; providing an effective date. Mayor Archibald seconded the motion, motion carried.

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

Ordinance [#56-2013](#)

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS, COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

7.4 Jon James Director of Planning and Development briefed the Council on amending the Land Development Code regarding triggers for a Site Plan.

The City of Abilene has specific standards for when a site plan is required for new development. Site plans currently are required for construction of a new principal structure or the expansion of a principal structure that is equal to or more than thirty percent (30%) of the floor area or twenty thousand (20,000) square feet.

The Planning & Zoning (P&Z) Commission had asked staff to evaluate the possibility of adding an exemption for small projects that do not exceed a certain total square footage. This potential exemption would allow for expansion of a principal structure greater than 30% but where the total square footage of the building, including the expansion, does not exceed more than two thousand five hundred (2,500) square feet.

Staff is proposing to amend the Land Development Code (LDC) to allow for an exemption to the site plan requirements for an expansion of a principal structure greater than 30% where the total floor area of the structure does not exceed more than 2,500 square feet. The sections proposed for amendment are Section 4.1.1.2 (b)(1) (Improvements & Related Triggers - Triggers).

Staff recommends approval of the proposed amendment to Section 4.1.1.2 (b)(1) of the LDC..

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

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

- Tim McClarty – Planning & Zoning Commission member in support of amendment.

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

Councilman Williams made the motion to approve an Ordinance amending the Land Development Code regarding triggers for a Site Plan. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, McAlister, and Mayor Archibald

NAYS: None

Ordinance [#57-2013](#)

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.

AMEND: Section 4.1.1.2 Improvements & Related Triggers

7.5 Jon James Director of Planning and Development briefed the Council on amending the Land Development Code related to Vacation Travel Trailer/Recreational Vehicle Parks.

A new travel trailer park is developing on the north side of Lake Fort Phantom. During the approval process, several inquiries were made about the justification for several development regulations as they relate to such parks. In reviewing the current regulations found in the Land Development Code (LDC), staff has determined that the language needs updating to accommodate the modern travel trailer and recreational vehicle.

In reviewing the regulations, staff has identified several potential changes:

- Size, Marking and Separation of Individual Sites:
- Minimum Area = 40' x 25' or 1,000 SF [changed from 40' x 40']
- Space between pads = 0' [changed from 8']
- Duration of Stay:
- Up to 75% of trailer sites may be allowed as long-term stay. Long-term stay trailers may be allowed for up to 12 months and must leave for a minimum of 60 days prior to returning. [changed from 3 months/year]
- 25% of trailer sites must be designated as short-term stay. Short-term stay trailers may be allowed for up to 3 months and must leave for a minimum of 60 days prior to returning. [changed from 3 months/year]
- Sanitary Facilities:
- 1 toilet, sink, and shower for each sex per 20 travel trailer sites or fraction thereof. [changed from 1 per 10]

Staff is proposing to amend the Land Development Code (LDC) related to Vacation Travel Trailer/Recreational Vehicle Parks. The section proposed for amendment is Section 4.2.11 (Vacation Travel Trailer/Recreational Vehicle Parks).

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

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

- Tim McClarty – Planning and Zoning Commissioner spoke for the amendment.

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

Councilman Briley made the motion to approve an Ordinance amending the Land Development Code related to Vacation Travel Trailer/Recreational Vehicle Parks. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, McAlister, and Mayor Archibald

NAYS: None

Ordinance [#58-2013](#)

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.

AMEND: Section 4.2.11

Vacation Travel Trailer/Recreational Vehicle Parks

7.6 Jon James Director of Planning and Development briefed the Council on a Plat Waiver to the Maximum Cul-de-Sac Length for Waldrop Estates.

A new plat is proposing a 14-lot subdivision designed as a cul-de-sac. The Land Development Code (LDC) restricts the maximum length allowed for a cul-de-sac to not exceed 1,000 feet. It further restricts the total number of lots on a cul-de-sac to not more than 25 lots. Additionally, the LDC restricts the maximum block length to not exceed 1,200 feet. The overall depth of the property is approximately 1,230 feet. The applicant is requesting a waiver to: (1) the maximum length to allow for a cul-de-sac length of approximately 1,220 feet; and (2) the maximum block length to be greater than 1,200 feet. The sections requested to be waived are Sections 3.2.7.8 (a) and 3.2.7.8 (b).

The applicant is requesting the waiver based on the number of lots and the minimum lot size. All lots are to be larger than 1-acre in size. The applicant suggests that the reduced number of lots offsets the additional 220 feet in length for the cul-de-sac and the additional 230 feet for block length.

In review of the plat, staff provided a comment that a future street connection be provided to adjacent properties. This would reduce the length of the cul-de-sac and allow for inter-connectivity between this subdivision and future development.

Staff recommends denial of the requested plat waiver.

The Planning and Zoning Commission recommends approval as presented with 14 lots by a vote of 4 in favor (Bixby, Glenn, Rosenbaum, and McClarty), none opposed, and 1 abstained (Todd).

Council and Staff discussion included: 1) Fire Chief Ken Dozier spoke on safety issues with fire trucks responding to a fire in a cul-de-sac; and 2) entrance problems during a fire.

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

- B. J. Prichard – Enprotec Hibbs/Todd Engineering – spoke in favor of the waiver.
- Brent Preston – Developer spoke in favor of the waiver.
- Josh Ensor – Land Owner spoke in favor of the waiver.
- Tim McClarty – Planning and Zoning Commissioner spoke in favor.
- Caleb Ensor – Spoke in favor of the waiver.

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

Mayor Archibald made the motion to grant the plat Waiver to the Maximum Cul-de-Sac Length for Waldrop Estates. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Mayor Archibald

NAYS: Councilman McAlister

7.7 Jon James Director of Planning and Development briefed the Council on Plat Waiver to the Maximum Block Length for Director's Park Subdivision.

A new plat is proposing a large subdivision that will exceed the maximum block length along the north boundary. The Land Development Code (LDC) restricts the maximum block length to not exceed 1,200 feet.

However, in cases where physical barriers or limitations imposed by existing adjacent development or subdivisions creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic, and public safety. The applicant is requesting a waiver to the maximum length to not provide a street stub-out to the north for future connection with Central Park Blvd. The section requested to be waived is Section 3.2.7.8 (a).

The applicant is requesting the waiver based on the proposed streets being private and gated, Central Park Blvd not extending to the south boundary of the property to the north, and the future Memorial Drive being constructed approximately 500 feet to the west.

In review of the plat, staff made a comment that a street connection be provided to the north to allow for connection with Central Park Blvd. Although this does not resolve the block length to the east, it significantly improves the overall block length along the entire length of the north boundary. Based on the exhibit provided in the approved PD zoning, there was intent for connection to Central Park Blvd at one time and the connection would help with connectivity. Although the plat to the north shows that the street ended 12.4 feet from the south boundary, the remaining property to the south and west remains un-platted. A future plat for this property will require right-of-way dedication and construction of the remaining 12.4 feet of roadway. The purpose of the plat to the north was to dedicate a private street to the public and to subdivide lots for development on the east side of the street. As part of the approval process, improvements to the private street were required in order to be accepted by the City. A letter from the City Engineer outlined the needed improvements. This did not address future dedication and extension of the road from the remaining un-platted property to the west.

Staff recommends denial of the requested plat waiver.

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Bixby, Glenn, Rosenbaum, and McClarty), none opposed, and 1 abstained (Todd).

Mayor Archibald opened the public hearing and council heard from:

- Scott Senter – spoke in favor of the waiver.
- Tim McClarty Planning and Zoning Commissioner spoke in favor of the waiver.
- Perry Stockard – Developer spoke in favor of the waiver.

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

Councilman Price made the motion to grant the Plat Waiver to the Maximum Block Length for Director's Park Subdivision. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, McAlister, and Mayor Archibald

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 11:25 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 Executive Session at 11:35 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 11:35 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor