

**CITY COUNCIL MEETING**  
**February 13<sup>th</sup> 2014, 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 February 13<sup>th</sup>, 2014, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Williams was present and presiding with Councilmen Shane Price, Joe Spano, Robert O. Briley, Kyle McAlister and Councilwoman Kellie Miller Mayor Archibald was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilwoman Miller gave the invocation.

Mayor-Pro-tem Williams introduced Hailey Grace Mendenhall who is a 5<sup>th</sup> grader at Martinez Elementary. Hailey Grace led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**EMPLOYEE SERVICE AWARDS**

Mayor Pro-tem Williams and City Manager Larry Gilley recognized the following City employees for their years of service.

<i>Brian Trail</i>	<i>Police Officer</i>	<i>20Years</i>
<i>Anita Vigil</i>	<i>Supervisor II</i>	<i>20 Years</i>
<i>Greg Goettsch</i>	<i>Fire Lieutenant II</i>	<i>25 Years</i>
<i>Twylia Waldon</i>	<i>Customer Service Rep. III</i>	<i>25 Years</i>

**DISPOSITION OF MINUTES**

**5.0** Mayor Pro-tem Williams stated Council has been given the minutes from the January 23<sup>rd</sup> regular meeting there being no deletions, no additions, and no corrections. Councilwoman Miller made a motion to approve the minutes as presented. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, McAlister, Councilwoman Miller and Mayor Pro-tem Williams

NAYS: None

**CONSENT AGENDA**

Councilman McAlister pulled items 6.1, 6.2 & 6.3 and Councilman Briley pulled item 6.10, Citizen Sam Chase also requested item 6.10. Councilman Spano made the motion to approve consent item 6.1 through 6.10 with the exception of 6.1, 6.2, 6.3 and 6.10 as recommended by staff. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, McAlister, Councilwoman Miller and Mayor Pro-tem Williams

NAYS: None

**Resolutions & Oral Resolutions:**

**6.1** **Resolution:** A Resolution of the City Council of the City of Abilene, Texas, Ordering A General Election to be Held On May 10, 2014.(UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE

ABILENE, TEXAS, PIDIENDO UNA ELECCIÓN GENERAL QUE SE LLEVARA A CABO EL 10 DE MAYO DEL 2014.) *Item pulled from consent by Councilman McAlister.*

- 6.2** **Resolution:** In support of the submission of an application of the Housing Tax Credit Program (HTC) through the Texas Department of Housing and Community Affairs (TDHCA) 2121 N. 6th Street, LP for a senior affordable housing project, Prairie Gardens. *Item pulled from consent by Councilman McAlister.*
- 6.3** **Resolution:** In support of the submission of an application to the Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) 302 N. Mockingbird Housing, LP (MH LP) for the project known as “The Trails on Mockingbird Lane” *Item pulled from consent by Councilman McAlister.*
- 6.4** **Oral Resolution:** City Council authorized the City Manager to enter into an Election Contract with Taylor County Elections Administrator to conduct the City’s General Election on May 10, 2014. The estimated cost for the election is \$17,590.25. The estimate is based on which entities will be actually holding an election.
- 6.5** **Oral Resolution:** City Council authorized the City Manager to sign an Agreement between the City of Abilene, Wylie Independent School District (WISD), Abilene Independent School District (AISD), Lytle Water district and the City of Impact to hold a Joint Election in Certain Voting Precincts on May 10, 2014.
- 6.6** **Oral Resolution:** Extended Term Street Use License Agreement with Sonjohn Property, LLC for use of a portion of the right-of-way at 137 Oak Street. City Council authorized the Mayor to execute the Agreement with Sonjohn Property LLC.
- 6.7** **Oral Resolution:** Purchase of two (2) Fire Engines. City Council authorized the purchase of two Ferrara fire engines in the amount of \$1,108,066. The purchase will be made through BuyBoard.
- 6.8** **Oral Resolution:** City Council authorized the City Manager to award the bid for new playground equipment for Redbud Park form Webuildfun, Inc. through BuyBoard.

This new playground equipment will replace the existing equipment which was installed nearly 20 years ago. The current equipment is constructed of wood and deteriorating rapidly. The new structures will bring the entire playground up to current playground safety standards and provide more accessibility for children with physical disabilities. Parks staff will perform the demolition of the old structure and will install the new equipment upon arrival.

The cost the equipment and the wood fiber safety surface for the playground is \$137,187.79. This project is being funded through the 2012 Capital Improvements Program.

- 6.9** **Oral Resolution:** City Council approved the amendment to the FY14 Contract with the Development Corporation of Abilene, Inc.

The Development Corporation of Abilene, Inc. (DCOA) approved on August 27,2013, a budget for FY2014 that includes a contract renewal with the City of Abilene for Business Services with funding of \$1,535,343. On September 12, 2013, the City Council approved the contract. The contract provides for administrative, program support and legal services with the Department of Economic Development serving as staff to the DCOA for most of the contract support. FY14 administrative expenses are \$646,607, which includes a staff of 5 in Economic Development. Also included in the contract are \$189,070 for maintenance and other up-keep expenses for DCOA-owned properties, \$579,930 for operations and maintenance of the Abilene Laboratories building (f/k/a Abilene Life Sciences

Accelerator) and lab on Pine St., and \$119,736 for property damage insurance premiums to cover all DCOA-owned properties under the City's self-insurance program.

#### SPECIAL CONSIDERATIONS

There has been discussion in the past about changing the reporting structure for the Chief Executive Officer of the DCOA, who also serves as Director of the Department of Economic Development. Currently the CEO/Director is supervised by the City Manager. The proposed changes to the current contract are best summarized in the following excerpt from Attachment A of the amended contract:

5. The hiring, supervision, performance evaluation and termination of the Director shall be the sole responsibility of the DCOA Board, except where otherwise delegated herein to the City. The responsibility and authority for employment related actions shall be as follows:

a. The City, acting as the employer of record, shall have the sole authority and responsibility for disciplinary action, including termination, arising from a violation of the City's Policies and Procedures Manual unrelated to work product. The City shall notify the President of the DCOA prior to initiating any disciplinary action.

b. The Board shall have the sole authority and responsibility for disciplinary action, including termination, arising from performance issues and duties related to work product. All disciplinary action taken must comply with the City's Policies and Procedures Manual. The President of the DCOA shall notify the City Manager prior to initiating any disciplinary action.

#### Ordinance:

- 6.10** **Ordinance:** *(First Reading)* Lake Fort Phantom Hill Overlay District – Land Development Code amendment. *Item pulled from consent by Councilman Briley and Citizen Sam Chase.*

#### ITEMS PULLED FROM CONSENT

- 6.1** **Resolution:** A Resolution of the City Council of the City of Abilene, Texas, Ordering A General Election to be Held On May 10, 2014.(UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS, PIDIENDO UNA ELECCIÓN GENERAL QUE SE LLEVARA A CABO EL 10 DE MAYO DEL 2014.) *Item pulled from consent by Councilman McAlister.*

Councilman McAlister talked about the possibility of having another polling location on the North side of Abilene for the next year's election. This year the Council has added as an Early voting location City Hall.

- 6.2** **Resolution:** In support of the submission of an application of the Housing Tax Credit Program (HTC) through the Texas Department of Housing and Community Affairs (TDHCA) 2121 N. 6th Street, LP for a senior affordable housing project, Prairie Gardens. *Item pulled from consent by Councilman McAlister.*
- 6.3** **Resolution:** In support of the submission of an application to the Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) 302 N. Mockingbird Housing, LP (MH LP) for the project known as "The Trails on Mockingbird Lane" *Item pulled from consent by Councilman McAlister.*

Councilman McAlister asked in reference to the Housing Tax Credit Program whether or not there is a need in the area for this type of housing. Gene Reed Executive Director explained that there is a great need for Low Income Housing. Mr. Reed also talked a little on the Self Sufficiency Program through the

Housing Authority. The Program helps those that enter the program to become self-sufficient and get off of government subsidy.

Councilman Spano made the motion to approve items 6.1 – 6.3 as recommended by staff.  
Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, McAlister, Councilwoman Miller and Mayor Pro-tem Williams.

NAYS: None

**6.10 Ordinance:** *(First Reading)* Lake Fort Phantom Hill Overlay District – Land Development Code amendment. *(Item pulled from consent by Councilman Briley and Citizen Sam Chase)*

After a long process involving extensive public involvement and hundreds of staff and volunteer hours, the Lake Fort Phantom Hill (LFPH) Area Plan was approved by the City Council on January 12, 2009. The plan established a vision of the lake area as a unique place within the City that would benefit from customized and higher development standards. The intent of the plan was to integrate and exploit both natural and developed assets of the area in ways that would protect and showcase its future potential.

Since that time, and more specifically over the last few months, the Planning staff has been steadily working to develop an overlay district to implement the standards envisioned within the LFPH Plan. We have provided copies to representatives of the lake's neighborhood association periodically and held meetings with them to obtain their input, concerns, questions and suggestions. These meetings resulted in a number of changes to the document.

The overlay district was composed to put into action provisions discussed in the LFPH Plan. Recommendations contained in Appendix C (Design Guidelines) of the LFPH Plan were the most substantial influence in establishing the proposed ordinance text. The attached ordinance provides clear policy choices that will influence the long-term success and viability of the lake to serve human and natural inhabitants and to balance potentially competing local and broader city/area interests.

It is important to note that the overlay is currently following a two-step process to adoption. This first step is an amendment of the Land Development Code text creating the standards. The next and second step will be the application of these standards to specific area(s) of land. The decision on the overlay district boundary itself will have an equally significant impact on how the area ultimately develops and on the effectiveness/need for various provisions. The two issues are distinct but interrelated.

Councilman Briley asked about the prohibition of mobile homes in the LFPH Plan. Staff explained that mobile homes are not allowed but modular homes are.

Sam Chase with the Lake Fort Phantom Hill Association briefed the council on issues that the Association believes need to be addressed before council approves the ordinance.

Discussion included the following: 1) the Gun Range. The Planning and Zoning Commission allowed the Gun Range stay as a long term non-conforming use. The Association believes that the Gun Range will hamper development of the south end of the lake; 2) Fencing and parking – the overlay states that they would meet design guidelines that have not been established yet; 3) RV Parking; 4) Sign regulations; 5) Size of road right-of-ways; and 6) Asked that council TABLE this item until the Association can visit with staff and go back to the Planning and Zoning Commission.

Councilman Price made the motion to TABLE the Ordinance for the Lake Fort Phantom Hill Overlay District until items can reviewed with the Lake Fort Phantom Hill Association and the Planning & Zoning Commission. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, McAlister, Councilwoman Miller and Mayor Pro-tem Williams.

NAYS: None

## **REGULAR ITEMS**

**7.1** Jon James Director of Planning & Development Services, briefed the council on an ordinance adopting the Cobb Park Area Revitalization Plan.

The City of Abilene's Comprehensive Plan promotes infill development and redevelopment in areas of the community that are vacant or underutilized. The Cobb Park Super Neighborhood Area is in the core of the City within an area that is in need of redevelopment. Key community facilities within this neighborhood are the Abilene High School, Martinez Elementary, and Cobb Park. The plan is intended to expand upon the general goals and strategies of the citywide Comprehensive Plan, not to supersede the recommendations of that Plan.

This plan identifies goals for future development and redevelopment, makes findings about the need for reinvestment and revitalization, identifies recent and planned investment in the area, and encourages implementation through joint efforts by the City, other public stakeholders, organizations, and the private sector.

The City will join with residents, neighborhood organizations, nonprofits, private developers, and/or other stakeholders to work to achieve the goals of this Plan. City support, programs, and incentives may be combined with state, federal, and private investment through the development of market rate and affordable single-family and multifamily housing, residential and commercial property development and renovation, and infrastructure improvements. In addition, community development projects, transportation improvements for motorized vehicles, bicyclists, and pedestrians, and/or other activities that will contribute to the development and long-term benefit of the area will be pursued.

Staff recommends approval.

The Planning and Zoning Commission recommended approval at their February 3rd meeting by a vote of 4 in favor (Famble, Glenn, McClarty, Todd) and none opposed.

### **A. Summary**

The City of Abilene's Comprehensive Plan promotes infill development and redevelopment in areas of the community that are vacant or underutilized. The Cobb Park Super Neighborhood Area is in the core of the City within an area that is in need of redevelopment. Key community facilities within this neighborhood are the Abilene High School, Martinez Elementary, and Cobb Park. The plan is not intended to be static but recognizes the need for periodic revision and is intended to expand upon the general goals and strategies of the citywide Comprehensive Plan, not to supersede the recommendations of that Plan.

### **B. Boundaries**

The boundaries of the Cobb Park Area for this Revitalization Plan include the area generally bounded by North 1st Street on the south, Grape Street on the east, North 18th Street on the north, and Mockingbird Street on the west. Given the development patterns, transportation connections, and land use relationships to the neighborhood, the commercial and multi-family development along the west side of Mockingbird are also included within this Plan boundary.

### **C. Goals**

The goals of the Plan are as follows:

1. Encourage redevelopment that maximizes the efficient use of existing resources, such as water, roads, and public services.
2. Encourage development of higher-density mixed use nodes including residential, retail, service, and employment uses that provide convenient vehicle, pedestrian, and bicycle access.
3. Encourage the development of mixed income diverse housing including market rate and affordable housing.
4. Encourage public and private financial investment in the area.
5. Ensure the long-term economic viability of a vital retail and service hub serving this sector of the community.
6. Encourage a highly connected and walkable street system throughout the entire neighborhood through well-designed and attractive street corridors.
7. Provide convenient pedestrian connections throughout the neighborhood and particularly to parks, schools, and retail areas from the surrounding neighborhood.
8. Encourage urban, rather than suburban, style development at higher intensities and with reduced front setbacks to allow buildings closer to the street.
9. Ensure that the community appearance standards of the City's Comprehensive Plan are met in new development.
10. Encourage higher intensity development in areas where transit service is available (currently on North 6th, North 12th, North 18th, Mockingbird, and Grape Streets).
11. Encourage appropriate development in environmentally sensitive areas, such as flood zones, that preserve and protect both these natural resources and the community.
12. Support the redevelopment of aging or distressed commercial centers as mixed use neighborhood activity centers.
13. Encourage commercial development and redevelopment at nodes at major intersections and avoid excessive linear strips of commercial development along major roads.
14. Encourage reinvestment in existing homes and properties within the neighborhood and pursue code enforcement to address nuisances and reinforce neighborhood stability.
15. Encourage the creation of a neighborhood association or associations and facilitate community partnerships.

It is recognized that development and redevelopment activities can spur the creation of jobs and the creation or relocation of businesses and services to the area.

Mayor Pro-tem Williams opened the public hearing and the council heard from the following citizens:

- Gene Reed Executive Director of the Abilene Housing Authority – spoke in support

- Carrie Blaschke – spoke in support, she also challenged the council to allow tax incentives for those that are working on historical homes that may not have historical status.

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

Councilman Briley made the motion to approve the first reading of the ordinance adopting the Cobb Park Area Revitalization Plan. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Spano, Briley, McAlister Councilwoman Miller and Mayor Pro-tem Williams

NAYS: None

ABSTAINED: Councilman Price

AN ORDINANCE TO AMEND THE CITY’S COMPREHENSIVE PLAN ADOPTING AND INCORPORATING THE COBB PARK AREA REVITALIZATION PLAN AS A DEVELOPMENT PLAN ATTACHMENT; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

**Location: Cobb Park Area Revitalization Plan**

### EXECUTIVE SESSION

Mayor Pro-tem Williams recessed the Council into Executive Session 9:51 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 10:58 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Litigation with City Attorney and Section 551.072 Real Property.

No action from executive session.

**10. Oral Resolution:** Appoint/Reappoint board members to the following boards:

Development Corporation of Abilene (DCOA)

Airport Development Board

Councilman Price made the motion to approve the Mayor’s appointment of Tammie Virden to the Airport Development Board and John Beckham to the Development Corporation of Abilene Inc. Councilman Spano seconded the motion, motion carried.

AYES: Councilman Price, Spano, Briley, McAlister, Councilwoman Miller and Mayor Pro-tem Williams

NAYS: None

There being no further business the meeting was adjourned at 10:58 a.m.

---

Danette Dunlap, TRMC  
City Secretary

---

Anthony Williams  
Mayor Pro-tem