

**CITY COUNCIL MEETING**  
**March 27<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 March 27<sup>th</sup>, 2014, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Robert O. Briley, Anthony Williams, Kyle McAlister 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 Williams gave the invocation.

Mayor Archibald introduced Alex Anderson who is a 5<sup>th</sup> grade student at Jackson Elementary. Alex led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

March 2014

Desk and Derrick Month

Penny Wheeler, Vice President Desk and Derrick Club of Abilene, received the proclamation.

March 2014

American Red Cross Month

Celia Gesting, Abilene Area American Red Cross, received the proclamation.

April 2014

Parliamentary Law Month

Marcus R. Anderson, Abilene-Emery Chapter of the American Institute of Parliamentarians, received the proclamation

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the March 10<sup>th</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Spano made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

**CONSENT AGENDA**

Councilman Price pulled items 6.8 & 6.9 from the consent agenda. Councilman Briley made the motion to approve consent item 6.1 through 6.14 with the exception of 6.8 & 6.9 as recommended by staff. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilmen Price, Williams and McAlister abstained on item 6.3, 6.6 and 6.12

**Ordinances:**

- 6.1** **Ordinance:** *(First Reading)* **Z-2014-04** A request from Don Bledsoe, Agent Chris Barnett, to rezone property from AO (Agricultural Open Space), AO/COR (Agricultural Open Space/Corridor Overlay), and RS-8/COR (Single-Family Residential/Corridor Overlay) to PD/COR (Planned Development/Corridor Overlay) zoning, being 41.118 acres located on the west side of the 6600-7000 block of Buffalo Gap Rd; and setting a public hearing for April 10, 2014.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-142 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.2** **Ordinance:** *(First Reading)* **Z-2014-06** A request from New Beginnings Church, agent Jonathan Neely, to rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) to MX/COR (Mixed Use/Corridor Overlay) & RS-8 (Single-Family Residential) zoning, located at 5535 Buffalo Gap Rd; and setting a public hearing for April 10, 2014.

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.

- 6.3** **Ordinance:** *(First reading)* **Z-2014-07** A request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to rezone property from MF (Multi-Family Residential) & GR/COR (General Retail/Corridor Overlay) to CU/COR (College University/ Corridor Overlay) zoning, being approximately 10.5 acres located at the northwest corner of Ambler Ave & ACU Dr.; and setting a public hearing for April 10, 2014.

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.

- 6.4** **Ordinance:** *(First reading)* **Z-2014-08** A request from South Pointe Church, agent Trace Bailey, to rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2934 Buffalo Gap Rd & 2419 Edgemont Dr.; and setting a public hearing for April 10, 2014.

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)* **CUP-2014-02** A request from Gary L. Peterson for a Conditional Use Permit to allow for an 'Antenna Tower – Commercial' on property zoned HC (Heavy Commercial), located at 1350 Tracy Lynn Dr.; and setting a public hearing for April 10, 2014.

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.

- 6.6** **Ordinance:** *(First Reading)* **TC-2014-02** A request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to abandon ACU Drive north of Ambler Avenue, abandon Margaret Street, and abandon the adjacent alleys totaling approximately 1,200 feet; and setting a public hearing for April 10, 2014.

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.

- 6.7** **Ordinance:** *(First Reading)* **TC-2014-03** A request from the City of Abilene to abandon a 0.295 acre portion of Forrest Hill Rd adjacent to 4250 Forrest Hill Rd; and setting a public hearing for April 10, 2014.

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

- 6.8** **Oral Resolution:** Authorizing the City Manager to execute the amendment to the on demand General Engineering Services Contract with Jacobs and Martin, Ltd. for the Third Pressure Plane Supply Pipeline Project. *(Councilman Price pulled this item)*

- 6.9** **Oral Resolution:** Authorizing the City Manager to execute the amendment to the on demand General Engineering Services Contract with Jacobs and Martin, Ltd. for the Maple Street Pump Station Improvements Project. *(Councilman Price pulled this item)*

- 6.10** **Oral Resolution:** The City Council authorized the City Manager to execute a Water Supply Agreement between Abilene Landfill TX, LP, and the City of Abilene.

The Oral Resolution establishes a Water Supply Agreement (Agreement) between Abilene Landfill TX, LP (Abilene Landfill) and the City of Abilene. The Agreement will allow the Abilene Landfill to continue to take raw water for use at its facility.

The take point for Abilene Landfill is a connection to Abilene's raw water pipeline located near the Northeast Water Treatment Plant. The following is a history of the contracts leading up to the current Agreement.

- Aug. 9, 1973, Original Water Supply Contract with Pride Refining for raw water and wastewater disposal, 20yr term.
- Oct. 28, 1993, Raw Water Supply and Wastewater Disposal Contract with Pride Refining, expired Dec. 31, 2013.
- Jul. 30, 1991, Amendment No. 1, Pride assigns raw water facilities to BFI, Pride retains wastewater disposal.
- Dec. 2, 2013, Abilene informs Delek Marketing Inc. (current owners of Pride Refinery facilities) that the Wastewater Disposal Agreement will not be renewed.
- Dec. 31, 2013, letter of extension of Raw Water Agreement with Abilene Landfill expires on March 31, 2014.

The Water Supply Agreement with Abilene Landfill has a three year term. Abilene Landfill agrees that it is subject to and will at all times comply with the City's Water Conservation and Drought Contingency Plan, as now in effect and as same may be amended. The Agreement could be extended subject to the City having available Water upon expiration of the Agreement and the City's determination that it is in the best interest of the City to continue to provide water to Abilene Landfill.

- 6.11 Oral Resolution:** The City Council authorized the on demand contracts for General Engineering and Consulting Services by the Water Department to each of Jacob & Martin, Ltd., and Enprotec/Hibbs & Todd, Inc.

The Water Department is regularly in need of the services of a Professional Engineer. The on demand contracts allow the Water Department to secure those services in a more efficient manner. At the City's request both Jacob and Martin, Ltd. and Enprotec/Hibbs & Todd, Inc. have each prepared and submitted a statement of qualifications detailing the capabilities of the respective firm's staff and subcontractors. When a need is identified staff can quickly reference the statements on file, select the most qualified firm for the project, and proceed toward assigning the work. This process fulfills the requirements described in Texas Government Code §2254.004 for a government entity procuring Engineering services.

The on demand contract does not alleviate or change the role of the City Council in reviewing and authorizing expenditures exceeding \$50,000.00. The on demand contract would be utilized for routine projects. Work under the on demand contract is performed as an amendment to the contract. Each amendment will have a scope of work and associated fee. Each on demand contract could be amended multiple times per year. The annual value of the on demand contract will be determined through Administrative review and approval, and the annual budget review process.

- 6.12 Oral Resolution:** The City Council approved a Short Term Street Use License with USA Cycling, Inc. /ACU Cycling Club.

USA Cycling, Inc. and Abilene Christian University Cycling Club have submitted a Street Use License (SUL) application to hold a cycling event described as "Tour of Abilene" to meet the collegiate rules for the cycling club. The applicant wishes to close one lane of traffic and the adjacent right-of-way of EN 16th, Campus court, and N. Judge Ely adjacent to the Abilene Christian University Campus. The event will take place on Saturday, March 29th from 8:00 a.m. to 12:30 p.m., and the applicant wishes to close the street between the hours of 7:00 a.m. and 1:00 p.m. on this date.

- 6.13 Oral Resolution:** The City Council authorized the City Manager to execute a Commercial Property Sales Contract for property at 443, 441 and 401 Walnut Street.

A verbal agreement has been reached between the City of Abilene and Bill Willingham & Sandra L. White, owners of the properties listed for sale at 443, 441 and 401 Walnut Street, for their purchase by the City. The total purchase price for all three properties comprising the east half of the 400 block of Walnut Street is \$200,000.00, with the sellers providing a survey and title insurance policy.

- 6.14 Award of Bid:** The City Council awarded the bid to Purcell Contracting Inc., for the Northeast and Grimes Water Treatment Plants Sodium Hydroxide and Liquid Ammonium Sulfate Systems Improvements in the amount of \$677,000.00.

**ITEMS PULLED FROM CONSENT**

Tommy O'Brien Director of Water Utilities briefed the council on the two agenda items as they relate to the upgrading of the water plants and water system improvements.

- 6.8** **Oral Resolution:** Authorizing the City Manager to execute the amendment to the on demand General Engineering Services Contract with Jacobs and Martin, Ltd. for the Third Pressure Plane Supply Pipeline Project.

There exists a professional services contract with Jacob and Martin, Ltd. for On Demand General Engineering Services for the City of Abilene Water Department. This amendment to the on demand contract is for Engineering Services for Planning, Designing and Construction Management of the Third Pressure Plane Supply Pipeline (Pipeline Project). The Amendment has a value not to exceed \$230,000.00.

The Maple Street Pump Station (MSPS) is a key component in the distribution of potable water into three pressure planes within the Abilene water distribution system. Among other uses, the MSPS is utilized to pump water into the third pressure plane (3PP) as needed, and also to distribute water out of the 3PP when the Hargesheimer Water Treatment Plant (HWTP) production exceeds demand in the 3PP. A single pipeline extends over a long distance from the MSPS into the third pressure plane. That existing pipeline has little additional capacity for increased flows. The Pipeline Project is for the construction of a new pipeline extending from the MSPS into the 3PP along a different path than that of the existing pipeline. The new pipeline will allow the maximum utilization of the HWTP as part of the Department's Drought Response Project. The HWTP primarily serves the 3PP. It will also provide additional capacity for meeting water demand growth in the 3PP and redundancy of critical distribution system piping in that area. The Pipeline Project is done in conjunction with the MSPS Improvements Project.

- 6.9** **Oral Resolution:** Authorizing the City Manager to execute the amendment to the on demand General Engineering Services Contract with Jacobs and Martin, Ltd. for the Maple Street Pump Station Improvements Project.

There exists a professional services contract with Jacob and Martin, Ltd. for On Demand General Engineering Services for the City of Abilene Water Department. This amendment to the on demand contract is for Engineering Services for Planning, Designing and Construction Management of the Maple Street Pump Station Improvements project (Maple Project). The Amendment has a value not to exceed \$86,500.00.

The Maple Street Pump Station (MSPS) is a key component in the distribution of potable water into three pressure planes within the Abilene water distribution system. Among other uses, the MSPS is utilized to pump water into the third pressure plane (3PP) as needed. The MSPS currently has two pumps dedicated to move water into the 3PP. Additional pumping capacity is needed to meet growing water demands within the 3PP. The Maple Project is for the design of new pumps, piping, and appurtenances necessary to expand the pumping capacity into the 3PP. The Maple Project will allow the maximum utilization of the MSPS should the Hargesheimer Water Treatment Plant (HWTP) be shut down for extended periods of time, and it is a part of the Department's Drought Response Project. The HWTP primarily serves the 3PP. The Maple Project is done in conjunction with the Third Pressure Plane Supply Pipeline Project.

Councilman Price made the motion to approve items 6.8 & 6.9 authorizing the City Manager to execute the two amendments to the on demand General Engineering Services contracts. Mayor Archibald seconded the motion, motion carried.

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

### REGULAR ITEMS

Item 7.1 was moved to the end of the Regular Agenda items.

**7.2** David Sartor Building Official, briefed the council on the amendments updating bond amount requirements and updating references in Mechanical, Plumbing and Electrical Licensing Definitions.

The bond amounts in referenced in Chapter 8 “Construction Regulations” are inconsistent with the amounts required in the adopted international codes and pamphlets as they have been updated through the years. By removing the dollar amounts from the Chapter 8, Sections 8-16 and 8-718, any bond amount later revised and updated in the adopted international codes and pamphlets will not conflict with Sections 8-16 and 8-718.

There is a need to update state law references with regard to electrical, mechanical and plumbing licensing definitions.

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

Councilman Spano made the motion to approve amendments updating bond amount requirements and updating references in the Mechanical, Plumbing and Electrical Licensing Definitions. Councilman Williams seconded the motion, motion carried.

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

### Ordinance [#17-2014](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING (1) CHAPTER 8 “CONSTRUCTION REGULATIONS”, ARTICLE I “IN GENERAL”, DIVISION 2 “BONDS”, SECTION 8-16 “BOND REQUIRED OF CONTRACTORS”; (2) CHAPTER 8 “CONSTRUCTION REGULATIONS”, ARTICLE VII “MOVING BUILDINGS”, DIVISION 2 “BOND”, SECTION 8-718 “BOND REQUIRED”; AND (3) CHAPTER 8 “CONSTRUCTION REGULATIONS”, ARTICLE IV “LICENSES”, DIVISION 1 “GENERALLY”, SECTION 162 “DEFINITIONS” OF THE CITY OF ABILENE CODE OF ORDINANCES, IN THEIR ENTIRETY AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

**7.3** Jon James Director of Planning and Development Services, briefed the council on the ordinance amending the Land Development Code regarding sidewalks.

Based on recent decisions on sidewalk waiver requests, the City Council requested that staff initiate discussions with the Planning and Zoning Commission to identify possible amendments to the Sidewalk

Ordinance regarding the required locations for sidewalks and when sidewalks should be constructed. The attached amendments represent a portion of those recommendations. Other changes will be discussed at a future meeting. The most substantive changes include:

1. Making sidewalks optional on local streets within new single-family residential subdivisions.
2. Exempting sidewalk construction for platting or development in Agricultural-Open Space zoning for developments that do not trigger a site plan.
3. Exempting sidewalk construction for plats where no other street improvements are triggered.
4. Exempting sidewalk construction for plats along rural and TxDOT roadways with drainage ditches.
5. Adding the option for a sidewalk deferral to defer construction to some point in the future, rather than a waiver.

While there are no direct fiscal impacts to this change, reducing the sidewalk requirements placed on new development shifts the burden for future sidewalk construction to the public sector, which could place future burdens on taxpayers to construct sidewalks in locations where most cities require the property owner to construct.

Staff is supportive of all of these changes, with the exception of #1 listed above, which would make sidewalks optional for local streets in new neighborhoods. Our history shows that giving a developer the option will result in most new neighborhoods being without sidewalks. Every city in the state with over 100,000 populations requires sidewalks in these circumstances, along with almost all of our peer cities. Across the state, requiring sidewalks in new development is an accepted part of development. The City of Abilene took a very big step towards making our community more walkable and pedestrian-friendly when we adopted the Sidewalk Ordinance in 2006. This change would represent a big step backward if we are to live up to the goal of the Comprehensive Plan to create a “community wide pedestrian network”.

The Planning and Zoning Commission recommended approval of these amendments by a vote of 4 in favor (Bixby, Todd, Yungblut, and Rosenbaum) and 2 opposed (McClarty, Glenn). The opposition was not necessarily opposed to these changes, but instead preferred to address all changes at once, including the additional changes to be discussed at an upcoming meeting (as noted above).

Many people can't or don't drive:

- 12% of Abilene citizens are over 65 (13,924 people)
  - 1 in 5 Americans over 65 does not drive
  - This will only increase as our population ages
- 22% of Abilene residents are under 16 (25,937 children)
- Many low income families cannot afford automobiles.
  - In Abilene: 5% of work trips by walking, bike, or transit (that's **1 out of every 20 trips**)
  - In Abilene: 7% of households (2,779) do not have a car (that's **1 out of every 14 homes**)

Safe Routes to School

According to the Federal Highway Administration:

- In 1969, over half of school children walked or biked to school

- By 2001, that was down to less than 15%

#### Public Support

- In Abilene, **85%** of respondents ‘support’ or ‘strongly support’ requiring “new development to construct sidewalks”  
*City of Abilene Comprehensive Plan Survey, 2003 (2,454 respondents)*
- In Abilene, **55%** said that they “would be willing to contribute money towards the installation of sidewalks in their neighborhood”?  
*City of Abilene Community Appearance Survey, 2006*
- In a 2000 national survey, **77%** of respondents supported policies to improve the walking environment, even if it meant less money for roads and highways.  
(47% strongly support & 30% somewhat support)  
*Belden, Russonello & Stewart 2000*

#### More Recent Public Support

- In Abilene, **56%** of respondents registered ‘dissatisfaction’ with current state of sidewalks.  
*City of Abilene CIP Surveys, 2011-2014*
- In Abilene, **74%** indicated support for paying more for sidewalks.  
*City of Abilene CIP Surveys, 2011-2014*

While not scientific surveys, these more recent numbers track closely to the earlier scientific surveys performed by the City.

#### Other Cities

- Survey of 47 Texas Cities:
  - 45 of 47 (96%) require sidewalks in new development
    - Exceptions: San Angelo & Cleburne
  - Only 2 exempt local streets in neighborhoods
  - 2 more allow for a sidewalk on only one side of the street
  - The remaining **43 cities** (91%) surveyed require sidewalks throughout new residential neighborhoods
- Texas Cities over 100,000 population:
  - All 24 cities in Texas with over 100,000 population require sidewalks in new development (including Abilene)
  - None of these cities exempt local streets in new residential neighborhoods
- Peer Cities:
  - 9 of our 10 peer cities require sidewalks (San Angelo is the exception)
  - 6 exempt local industrial streets ← like Abilene
  - 2 exempt low-density (1 acre or larger) ← like Abilene
  - 2 exempt existing neighborhoods\* ← like Abilene
  - None of the 9 that require sidewalks exempts local streets in new residential neighborhoods.

The basic issue comes down to three questions:

1. Where do we want sidewalks in the community?  
(I.e. What kind of city do we want to be?)



2. Who should pay the costs for sidewalk construction?
3. When should sidewalks be triggered for development or redevelopment?

1. Where should sidewalks be required?

- 1) All streets with very few exceptions (“Complete Streets” policy)
- 2) All major streets and most local streets. {current ordinance}
  - Exemptions for “local” streets in agricultural areas, large-lot residential areas, industrial areas, and existing single-family areas.
  - Waivers also available for disproportionate costs, natural constraints, or areas adverse to pedestrians.
- 3) Most major streets and most local streets
  - Same as above, but with added exemptions for “collector” streets in agricultural, large-lot, industrial, and existing single-family areas.
- 4) Many major streets and most local streets
  - Same as above, but with added exemptions/waivers for particular areas of town, defined either by characteristics (population density, distance from schools/parks, etc.) or by defining particular areas and/or corridors.
- 5) High Priority major streets {P&Z recommendation}
  - Specifically identify only those streets where sidewalks should be required and sidewalks would not be required anywhere else in town, e.g. include all “Safe Routes to Schools” streets. Requires constant monitoring of the list of streets or new growth areas get left off the list.
- 6) Do not require sidewalks

2. Who pays?

- Once we’ve decided where sidewalks need to go... who pays?
- As in most cities, our current ordinance requires new development to “pay its own way” for the cost of necessary infrastructure improvements, including sidewalks (and streets, water lines, sewer, etc.).
- City taxpayers are responsible for addressing existing deficiencies, but not new development.
- Do we want to shift the burden of sidewalks from developers to City taxpayers?
  - Every sidewalk exemption or waiver either means that a sidewalk will never be built or we are shifting the costs from the property owner/developer to the City’s taxpayers in the future.

3. When should sidewalks be triggered?

- ✓ Sidewalks are triggered by most plats (subdivision) of property or site plans.
- ✓ When a residential subdivision is created, but sidewalks deferred to home builder for SF/2F developments
- ✓ Proposed new exceptions for minor plats, plats that do not trigger other street improvements, and rural/TxDOT roads

Summary of Draft Changes & Options

- Exempt Agricultural-Open space land that does not trigger a site plan.
- Exempt plats that do not trigger other street improvements.
  - What about the major streets adjacent to a residential plat where sidewalks are being installed throughout the subdivision?
- Exempt plats along rural or TxDOT highways with a ditch cross-section.
  - Allow deferrals in addition to waivers

- Within single-family residential subdivisions, sidewalks are not required on local streets. Developer may choose whether or not to build.
  - P&Z recommended this option by a vote of 5-2
  - Staff is opposed to this option
- OPTION: P&Z discussed in depth an option of allowing a “Fee-in-Lieu” of sidewalks, but ultimately recommended against it
  - This would allow for the option in some circumstances of paying into the City’s sidewalk fund, instead of constructing a sidewalk, which would largely replace the waiver/deferral process
- FUTURE: Map areas to be exempt from sidewalk requirement
  - NOT part of the current revisions; will be coming later

Preview of Map-based Sidewalk Criteria

Redevelopment areas:

- Presence on a Safe Route to School!
- On or near a bus route
- Proximity to apartments and residential neighborhoods
  - Higher weighting for apartments and higher densities
- Near pedestrian generators (parks, schools, colleges, CBD, etc.)
- Within low-moderate income census tract
  - Incorporates various demographic factors that are predictors of pedestrian activity such as low car ownership, higher transit use, etc.
- Beaten paths or other evidence of observed pedestrian activity

New growth areas:

- New growth areas will require sidewalks, subject to existing exceptions, etc.

Council and Staff discussion included: 1) Appeal and waiver process; 2) cost burden; 3) development in the ETJ area outside of the city limits; 4) map of the city for sidewalk criteria; 5) importance of having sidewalks; 6) possible bond issue for paying for sidewalks; 7) previous bond election in 2006; 8) peer cities and how they handle sidewalks; 9) lot size; 10) ½ acre vs 1 acre lots (using the requirements as the same requirements as in regards to septic systems; and 11) Deferral agreements – they are on file with the county so someone purchasing a piece of land information would come up during the title search on the property.

Mayor Archibald opened the public hearing and council heard from the following citizens that spoke in favor of sidewalks:

- Randy Voorhees – waivers & platting questions
- Bill Leech
- Linda Goolsbee
- Beverly Hoover
- Tal Fillingim – standard exemptions
- J. D. Davis
- Aaron Waldrop – Development in rural areas (ETJ)
- Mary Kendrick
- Mike Vandervoort
- Lisa Love
- Bill Minter
- Tim McClarty - Planning & Zoning Commissioner
- Kris Kowatch – spoke on maintenance of current sidewalks

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

Mayor Archibald made the motion to approve the Planning & Zoning recommendations with the exception of making sidewalks mandatory on local streets.

1. Making sidewalks mandatory on local streets within new single-family residential subdivisions.
2. Exempting sidewalk construction for platting or development in Agricultural-Open Space zoning for developments that do not trigger a site plan.
3. Exempting sidewalk construction for plats where no other street improvements are triggered.
4. Exempting sidewalk construction for plats along rural and TxDOT roadways with drainage ditches.
5. Adding the option for a sidewalk deferral to defer construction to some point in the future, rather than a waiver.

Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance **#18-2014**

AN ORDINANCE AMENDING CHAPTER 23, "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

**Sidewalks**

**7.1** Mayor Archibald made the motion to pull the Street Use License from the Table. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Megan Santee Director of Public Works, briefed the council on the Street Use License Agreement with BridgeTex Pipeline Company, LLC for the use of a portion of the right-of-way of Thompson Parkway.

BridgeTex Pipeline Company, LLC, has applied for an Extended Term Street Use License (SUL) to use a portion of the City right-of-way on Thompson Parkway for the purposes of utilizing an underlying easement to install, operate and maintain a new 20" petroleum products pipeline. No other private property owners or business tenants will be affected by this request. The Extended Term SUL Agreement will be for a term of ten (10) years from the date of execution, and the City may cancel the License Agreement at any time should it become necessary.

Several changes were agreed upon prior to this item coming up during the meeting. The changes were presented to the council for their approval. Steve Carroll Attorney for BridgeTex Pipeline was present for any questions council might have.

Councilman Price made the motion to approve the Street Use License Agreement with BridgeTex Pipeline Company, LLC. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 11:24 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 1:03 p.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property, Section 551.074 Personnel Matters and Section 551.071 Consultation with the City Attorney.

No action from executive session.

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

Planning & Zoning Commission & Development Corporation of Abilene

No action taken for board appointments.

There being no further business the meeting was adjourned at 1:03 p.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor