

**CITY COUNCIL MEETING  
August 14<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 August 14<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, Anthony Williams, Jay Hardaway, 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 Jay Hardaway gave the invocation.

Mayor Archibald introduced Meagan and Madison Hunt they are the twin daughters of City of Abilene employee Cindy Chitwood HR Employee Engagement and Development Specialist. Meagan and Madison led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**EMPLOYEE SERVICE AWARDS**

Mayor Archibald and City Manager Larry Gilley recognized the following City employees for their years of service.

Keith Barton	Municipal Court Judge	25 Years
Wallace E. McDaniel	Police Criminal Investigation	25 Years
Stanley R. Meiser	Police Officer	25 Years
Rodney G. Smith	Police Special Operation	25 Years

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the July 24<sup>th</sup> regular meeting and Special Budget Workshops on July 28<sup>th</sup> and July 29<sup>th</sup> there being no deletions, no additions, and no corrections. Councilman Hardaway made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

**CONSENT AGENDA**

Councilman McAlister pulled item 6.4. Councilwoman Miller made the motion to approve consent item 6.1 through 6.6 with the exception of 6.4 as recommended by staff. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

**Oral Resolutions:**

- 6.1 Oral Resolutions:** The City Council acknowledge receipt of the Abilene-Taylor County Events Venue District Budget for Revised FY 2014 and Approved FY 2015 Budget.

In accordance with the bylaws, attached is the budget of the Abilene-Taylor County Events Venue District. The Board approved this funding at their July 15, 2014 meeting. Board members are Mayor Norm Archibald, County Judge Downing Bolls, Jr., Councilman Kyle McAlister, County Commissioner Stan Egger, and Glenn Dromgoole.

*Fiscal Year 2014:*

Collections for FY 2014 are expected to exceed the original estimate. Therefore, each entity will receive additional funds.

*Fiscal Year 2015:*

The Board approved distributing all funds after the debt payment and the administrative expenses are paid based on the newly approved allocation of 58% for Frontier Texas! and 42% for Expo Center. A portion will go toward payment on the bonds issued for improvements to the Expo Center and Abilene Independent School District's Shotwell Stadium. This amount is deducted prior to distributing any balance.

- 6.2 Oral Resolution:** The City Council authorized the city to advertise city owned tract of land at 6833 East Lake road for an Oil/Gas Lease.

A request has been received from Petroleum Exploration Company, Ltd. (PETEX) of Fort Worth, Texas, for the City of Abilene (City) to advertise the approx. 110 acre City owned tract at 6833 East Lake Road for an oil & gas lease. This tract includes a portion of the Abilene Gun Club's leased area. PETEX's title report indicates that the City owns all of the minerals and executive rights in this tract. PETEX would like to lease the entire 110 acre tract, but is agreeable for drilling to be restricted to the southernmost 15 acres (approx.) only (south of the gun club's leased area), unless/until the Abilene Gun Club's lease agreement is not renewed, in which event drilling will be allowed on the entire leased area after the gun club vacates the premises and/or ceases operations on site (assuming that the oil/gas lease is still within the primary term or is held by production at that time). A provision specifying this will be included in the (proposed) oil/gas lease. With these conditions and restrictions, the proposed oil & gas lease on this tract would not affect the Abilene Gun Club's lease agreement, use of, or operations on their leased area. PETEX will be responsible for reimbursing the City for the advertising cost whether they are the successful bidder, there are no bidders, or all bids are rejected by City Council.

*Staff Recommendation*

Staff recommends that the City Council authorize the City Manager to direct City staff to advertise the 110 acre City owned tract at 6833 East Lake Road for an oil & gas lease, stipulating the above conditions and restrictions, and subject to City policy.

- 6.3 Oral Resolution:** The City Council authorized the City Manager to execute an oil and gas lease with Schkade Brothers Operating Company, Inc.

Jeff Grindstaff, Agent and Landman for Schkade Brothers Operating Co., Inc. (Schkade Brothers) of Abilene, Texas, has requested that the City of Abilene (City) execute the attached Paid-up Oil & Gas Lease for three small strips of City owned street and alley right-of-way in the Woodland Addition, located at Fannin Street & Vogel Avenue. The City purchased the north 14 feet of Lot 30, Block 5;

the north 14 feet of Lot 30, Block 4; and the east 5 feet of Lots I through 30, Block 4, all in the Woodland Addition, in 1955 for street and utility improvement purposes. These three strips are shown on the attached map. The total combined acreage for all three tracts is approximately 0.242 acres. The City owns 100% of the mineral and executive rights in these tracts. The lease will be for a 3/16ths royalty, a three year primary term, and a lease bonus of \$575.00 (\$2,375.00 per acre).

The lease of these street and alley right-of-way strips will enable Schkade Brothers to pool them with other leases they have obtained on adjacent lots in order to form a pooled unit. Per the terms of the lease agreement negotiated between the City and Schkade Brothers there will be no drilling or surface operations for the exploration or production of oil and gas on these tracts; however, Schkade Brothers may drill under them and produce from the subsurface of these tracts from wells located within the pooled unit. Per the City oil and gas ordinance and terms of the lease, Schkade Brothers must apply for and obtain a City drilling permit for any & all wells they plan to drill.

*Staff Recommendation*

Staff recommends that the City Council authorize the City Manager to execute the attached Paid-up Oil & Gas Lease with Schkade Brothers Operating Co., Inc. for the three small strips of street and alley right-of-way in the Woodland Addition.

- 6.4 Oral Resolution:** *Item pulled by Councilman McAlister.* Authorizing the ratification of the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association.

**Award of Bids:**

- 6.5 Bid Award:** **PA#1411** – Sale of City owned land at 11009 W. Lake Road. City Council approved the sale of the city owned property at 11009 W. Lake Road to Paul Johnson, for the price of \$4,010.00 as well as advertising costs in the amount of \$864.96, for the total purchase price of \$4,874.96.

Pursuant to Texas Local Government Code Section 272.001, the City of Abilene placed the following parcel of land up for sale by giving public notice on July 13th, July 20<sup>th</sup> and July 27<sup>th</sup> 2014 and accepting sealed bids:

Lot 46, Block A, Section 2, Ft. Phantom Hill, Jones Co., Texas, Being 0.633 Acres, A.K.A. 11009 West Lake Road.

Sealed bids were received and opened on August 5th, 2014. Two bids were received.

- 6.6 Bid Award:** **CB#1434** – On demand repair to existing portions of streets that have been damaged by the replacement of water lines. City Council awarded the bid to Bontke Construction Co., Abilene, Texas in the amount of \$909,418.75.

This contract involves the on-demand repair to existing portions of streets that have been damaged by the replacement of water lines. This work is an ongoing contract at numerous streets and alleys throughout the city. The on-demand repair work is for approximately fifteen months. This price is for a one (1) year period with the option to renew for an additional one (1) year period under the same terms and conditions with the agreement of all parties.

**ITEM PULLED FROM CONSENT**

- 6.4 Oral Resolution:** *Item pulled by Councilman McAlister.* Authorizing the ratification of the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association.

Councilman McAlister inquired into the length of the agreement. The current agreement is for only 1 year and this will allow for a review of how the new scheduling is working. The length of time on the next agreement will be set between the parties.

The Meet and Confer Agreement currently in effect between the City of Abilene (City) and the Abilene Police Officers' Association (APOA) is for the period October 1, 2011 through September 30, 2014. Accordingly, a team representing the City and a team representing the APOA have been in the negotiation cycle for the last several months to reach an agreement to be effective October 1, 2014.

Texas Local Government Code Chapter 142 provides for the meet and confer process. We believe the new agreement continues to provide benefits to both parties. Attached is a summary of the key points and/or changes reflected in the new agreement. The agreement covers a one year period October 1, 2014 through September 30, 2015 (fiscal years 2015).

Initially, the negotiating teams tentatively agreed upon a three year term. However, a majority of the APOA membership did not vote in favor of that agreement. The primary reason related to uncertainties surrounding a new work period definition for patrol officers provided for in the agreement. The term was adjusted to one year and ratification of the agreement has now been accomplished by a majority vote of the APOA membership.

The proposed fiscal year 2015 budget under consideration by Council provides for a 3% across-the-board compensation increase for all employees, effective January 1, 2015. The meet and confer agreement reflects this compensation adjustment, subject to Council approval of the budget.

Councilman McAlister made the motion to approve the ratification of the Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

## REGULAR ITEMS

**7.1** Danette Dunlap City Secretary briefed the council on the background for Taxi-Cab permits and Chief of Police Stan Standridge addressed the council with the background information on the denial of the permit.

On July 21, 2014 the City of Abilene received an appeal from Mr. Lawrence Folz under Section 31-66 of the Abilene Code of Ordinances for the denial of his taxi driver's permit. Under the Abilene Code Section 31-60, the Chief of Police shall recommend or disapprove an application for permit. Under the ordinance the application shall be disapproved if the applicant's past criminal or traffic record indicates unfitness for driving a taxicab or limousine.

The permit in question was denied by the Chief of Police based on two reported assaults which occurred on November 26, 2012 and November 16, 2013. Both of the incidents are still open investigations and as a result much of the specific information related to the investigations cannot be disclosed at this time.

Council and Staff discussion included: 1) public safety and the health and welfare of the residents and visitors of the City; 2) the statute of limitations of the two incidents – can vary due to how they are classified.

From 2 years to 3 years; and 3) Council heard from Mr. Folz – who explained the two incidents and he is currently working in Tye and not driving a cab.

Mayor Archibald made the motion to uphold the denial of the taxicab permit for Mr. Lawrence Folz. Councilman Price seconded the motion, motion carried.

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

**7.2** Mindy Patterson Director of Finance briefed the council on the Revised 2013-2014 Budget of \$82,438,300 and recommend approval.

Mayor Archibald opened the public hearing and council heard from:

- Doug Horner, CPA – would like to see more openness in reporting financials

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

Councilman Price made the motion to approve the Ordinance for the Revised 2013-2014 Budget of \$2,438,3000. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

**Ordinance #43-2014**

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2013-2014; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

**7.3** Mindy Patterson Director of Finance briefed the council on the proposed 2014-2015 Tax Rate. The FY 2015 Budget approved by Council on July 29, 2014 set the tax rate at 68.60¢. State law requires that two (2) public hearings must be held prior to the final public hearing and vote.

Mayor announced that the Abilene City Council is scheduled to vote on the tax rate on Thursday, September 11th at 8:30 a.m. at City Hall, 555 Walnut St, Abilene, TX.

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

No action required for this item. Item moves to the public hearing on August 28<sup>th</sup>.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2014, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2014; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

**7.4** Jon James Director of Planning and Development Services, briefed the council on the Ordinance for Case #Z-2014-10, a request from Abilene Housing Authority, agent Diana McIver & Associates & the City of

Abilene to rezone property from MD (Medium Density) to MF (Multi-Family Residential) zoning, located at 2001 & 2121 N 6<sup>th</sup> St.

Currently, the property is undeveloped. It previously was the site of a small apartment complex. The property is being considered for apartments again. The current MD zoning does not allow for apartment complexes, rather smaller duplexes, triplexes, and quad-plexes. The surrounding properties are developed generally with single family homes. The requested zoning would allow for development of apartments.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for development of apartments. The existing MD zoning allows for multi-family residential uses, but limits the number of units per structure. The MF zoning would allow for up to 24 units per acre. However, the size of the property will limit the total number of units developed. North 6th Street is designated as a 'minor arterial' street on the Master Thoroughfare Plan. Due to the previous use as apartments, the size of the property, and the N. 6th St designation, the requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from Gene Reed Executive Director of the Abilene Housing Authority spoke in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Hardaway made the motion to approve the Ordinance for Case **#Z-2014-10**, a request from Abilene Housing Authority, agent Diana McIver & Associates & the City of Abilene to rezone property from MD (Medium Density) to MF (Multi-Family Residential) zoning, located at 2001 & 2121 N 6<sup>th</sup> St. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Williams

Ordinance: **#44-2014**

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.

**Location: 2001 & 2121 N 6<sup>th</sup> Street**

**7.5** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for Case **#Z-2014-20**, a request from Robert Hamil & Angela Hamil Willis, agent Jim Hatchett, Jr., to rezone property from MH (Manufactured/Mobile Home) to GC (General Commercial) zoning, located at 5601 Hwy 277 S.

The property is being considered for the sale of grave monuments. The Elliot Hamil Garden of Memories cemetery is located to the south of this property. The surrounding area is developed generally with manufactured homes to the east and a small bank to the north. The applicant is requesting a change to the GC

zoning which would allow for the desired use. The GC zoning would allow for display of merchandise on the property.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for a grave monument business in association with the cemetery to the south. Due to the manufactured homes directly adjacent to the east, staff has determined that the GC zoning would not be appropriate due to its proximity and the designation in the Future Land Use map. However, a lower intensity zoning like Neighborhood Retail or Neighborhood Office would be compatible, but would not allow for the proposed use.

Staff recommends approval of a PD.

The Planning and Zoning Commission recommends approval of PD zoning by a vote of 5 in favor (Bixby, Calk, Ellinger, Rosenbaum, and Famble) and 1 opposed (Glenn).

Mayor Archibald opened the public hearing and Jim Hatchett spoke in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Hardaway made the motion to approve the Ordinance for Case **#Z-2014-20**, a request from Robert Hamil & Angela Hamil Willis, agent Jim Hatchett, Jr., to rezone property from MH (Manufactured/Mobile Home) to PD-145 zoning, located at 5601 Hwy 277 S. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

**Ordinance #45-2014**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-145 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Location: 5601 Hwy 277 S**

**7.6** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for Case **#Z-2014-25**, a request from Can-Doo Budget Rentals, agent Louis J. Paulsen, to rezone property from HC (Heavy Commercial) to PD (Planned Development) zoning, located at 101 Goliad Dr.

Currently, the property is undeveloped. It has been used for some unauthorized outdoor storage. The property has been purchased by the Can-Doo Budget Rental business located to the north. The applicant is proposing to utilize this area for expansion of the business, specifically for outdoor storage of port-a-potties. The current HC zoning allows for outdoor storage, but only as an accessory use. The requested zoning would allow for the site to be under the same regulations found within PD-110 approved for the site to the north. The PD zoning will require screening along the rear property line adjacent to the single-family homes to the east.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial/office development. The requested zoning would be to specifically allow for outdoor storage accessory to an existing business. The existing PD-110 zoning to the north requires screening from the adjacent

single-family residential homes and prevents outdoor storage in the front 42 feet of the property. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval of PD-110 zoning.

The Planning and Zoning Commission recommends approval with a regulation that no outdoor storage be allowed within 20 feet of the rear (east) property line by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from Steve Savage and David Todd who both spoke in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman McAlister made the motion to approve the Ordinance for Case **#Z-2014-25**, a request from Can-Doo Budget Rentals, agent Louis J. Paulsen, to rezone property from HC (Heavy Commercial) to PD-110 (Planned Development) zoning, located at 101 Goliad Dr. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#46-2014**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23 "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-110 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING PROVIDING A PENALTY AND AN EFFECTIVE DATE

**Location: 101 Goliad Dr.**

Councilman Williams left during the meeting.

**7.7** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for Case **#Z-2014-26**, a request from Lytle-85 Joint Venture, agent Scott Senter, to rezone property from a combination of MD (Medium Density Residential) and GC (General Commercial) to entirely GC (General Commercial) zoning, being approximately 7.6 acres located at the southwest corner of ES 11<sup>th</sup> St and Lytle Way.

Currently, the property is undeveloped. The southernmost area is zoned MD and provides a transition from the existing GC zoning on the remaining part of the property. However, the applicant is requesting to rezone all of the property to the GC zoning in order to provide more options for commercial development on the corner. The current GC zoning allows for retail development, but also allows for auto sales and repair. With the adjacent single-family homes to the south, staff recommends GR (General Retail) zoning on the property.

The Future Land Use section of the Comprehensive Plan designates this area as a 'Local Community Center'. Lytle Way is designated as a 'collector' street while ES 11th St is designated as an 'arterial' street. A node for commercial/office development has been designated for this intersection. The requested zoning is for GC zoning on the entire property. Commercial zoning is generally compatible with the adjacent uses and the Comprehensive Plan. However, staff recommends GR zoning due to the single-family homes adjacent to the south.

Staff recommends approval of GR zoning.



The Planning and Zoning Commission recommends approval of GC zoning by a vote of 4 in favor (Ellinger, Glenn, Rosenbaum, and Famble), none opposed, and 2 abstained (Bixby and Calk).

Mayor Archibald opened the public hearing and council heard from David Todd speaking in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Spano made the motion to approve the Ordinance for Case **#Z-2014-26**, a request from Lytle-85 Joint Venture, agent Scott Senter, to rezone property from a combination of MD (Medium Density Residential) and GC (General Commercial) to entirely GC (General Commercial) zoning, being approximately 7.6 acres located at the southwest corner of ES 11<sup>th</sup> St and Lytle Way. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Spano, Hardaway, McAlister, Councilwoman Miller and Mayor Archibald  
NAYS: None  
ABSTAINED: Councilman Price

Ordinance: **#47-2014**

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.

**Location: Being approximately 7.6 acres located at the southwest corner of ES 11<sup>th</sup> St and Lytle Way**

**7.8** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for a Case **#Z-2014-27**, a request from Meredith McCullar to amend PD-113 (Planned Development) zoning and specifically pertaining to signage allowed on property located at 1801 Hwy 351.

Currently the property is zoned PD-113 and is developed with a building that is being converted to a retail shopping center. The adjacent properties are a mix of retail, restaurant, commercial, and industrial uses. The PD zoning restricts the number, height & size of all free-standing signs in the PD boundary. The allowed signage within the PD boundary prevents this building from having its own free-standing sign to advertising for the tenants in the shopping center. The requested amendment will permit another free-standing sign along the Hwy 351 frontage of this property. The additional regulations for height & size will still apply.

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial/Business Center. The applicant is requesting the amendment to allow for an additional group sign. The requested zoning would be compatible with the adjacent uses as well as the Comprehensive Plan.

Staff recommends approval of the amendment to PD-113 zoning.

The Planning and Zoning Commission recommends approval as presented by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from Meredith McCullar and Steve Savage who spoke in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the Ordinance for Case **#Z-2014-27**, a request from Meredith McCullar to amend PD-113 (Planned Development) zoning and specifically pertaining to signage allowed on property located at 1801 Hwy 351. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Hardaway, McAlister, Councilwoman Miller and Mayor Archibald

NAYS: None

ABSTAINED: Councilman Spano

Ordinance: **#48-2014**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23 "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-113 AND ORDINANCE NO 48-2008, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Location: 1801 Hwy 351**

**7.9** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for a Case **#Z-2014-28**, a request from TX 360 Senior Housing GP, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning, located at 6157 Hwy 277 S.

Currently, the property is undeveloped. This is located on the south corner of the intersection of Hwy 277 S. and Dub Wright Blvd. The north corner is developed with a gas station and some self-storage units. The west corner also has some self-storage units. The Quail Hollow apartment complex exists on the east corner. The requested GR zoning would allow for retail development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. However, both Hwy 277 S. and Dub Wright Blvd are designated as 'arterial' streets and the intersection is built as a highway interchange. Two of the other corners at the intersection are currently zoned (GC) for commercial development. A commercial node for retail and office development is appropriate for this intersection. The requested zoning is compatible with the adjacent uses.

Staff recommends approval of GR zoning.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from Tal Fillingim in support of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Hardaway made the motion to approve the Ordinance for Case **#Z-2014-28**, a request from TX 360 Senior Housing GP, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning, located at 6157 Hwy 277 S. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#49-2014**

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.

**Location: 6157 Hwy 277 S**

**7.10** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for a Case #**Z-2014-29**, a request from Ken Musgrave, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-8 (Single Family Residential) zoning, being 27.60 acres located at 6301 Arapaho Trail, at the south end of Traditions Way.

Currently, the property is undeveloped. This is located at the south end of Tradition Drive and will be an extension for the next phase of the Wylie Legacies subdivision. The adjacent properties to the north, south, and west are generally developed with single-family homes. The Wylie High School exists to the north of this subdivision across Antilley Rd. The requested RS-8 zoning would allow for the next phase of the development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the subdivision and the general area. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Calk Ellinger, Glenn, Rosenbaum, and Famble), none opposed, and 1 abstained (Bixby).

Mayor Archibald opened the public hearing and council heard from Tal Fillingim who spoke in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the Ordinance for Case # **Z-2014-29**, a request from Ken Musgrave, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-8 (Single Family Residential) zoning, being 27.60 acres located at 6301 Arapaho Trail, at the south end of Traditions Way. Councilman Spano seconded the motion, motion carried.

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

Ordinance: **#50-2014**

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.

**Location: being 27.60 acres located at 6301 Arapaho Trail, at the south end of Traditions Way**

**7.11** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for a Case #**Z-2014-30**, a request from Seymour Beitcher, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being 7.71 acres located at the east end of Butterfield Meadows Pkwy & Firedog Rd.

Currently, the property is undeveloped. This is located at the east ends of Butterfield Meadows Pkwy and Firedog Rd and will be an extension for the next phase of the Butterfield Meadows subdivision. The development has a mix of single-family, duplex, and patio homes with areas for commercial, retail and office development along Hwy 277 S. The Quail Hollow apartment complex exists to the south of this subdivision. The requested RS-6 zoning would allow for the next phase of the development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the subdivision. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from Tal Fillingim who spoke in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilwoman Miller made the motion to approve the Ordinance for Case **#Z-2014-30**, a request from Seymour Beitcher, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being 7.71 acres located at the east end of Butterfield Meadows Pkwy & Firedog Rd. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: **#51-2014**

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.

**Location: being 7.71 acres located at the east end of Butterfield Meadows Pkwy & Firedog Rd**

**7.12** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for a Case **#Z-2014-31**, a request from Jeremy & Jennifer Britten Bennie Bilbrey, agent Enprotec/Hibbs & Todd, to rezone property from AO (Agricultural Open Space) & NR (Neighborhood Retail) to GC (General Commercial) zoning, being approximately 3.49 acres located at the southeast corner of Curry Ln and Sharon Rd.

Currently, the subject property is made of several tracts that are zoned AO & NR. Two of the tracts are developed with homes with the remaining tracts being undeveloped. The subject property is south of Southwest Drive that has been developed with commercial uses, i.e. Kohl's, a bank, Ashley's Furniture, and Lithia Toyota. The purpose of the rezoning is to utilize the land for overflow parking of excess vehicle inventory. Lithia Toyota has an obligation to accept inventory as it comes to them from the factory and the area is needed to accommodate the increasing inventory demands. Currently, both Sharon Rd and Curry Ln are under-developed. Sharon Rd is planned to be a 'minor arterial' street in the future. The requested GC zoning would allow for a parking area to accommodate the inventory demands of Lithia Toyota. Staff is concerned that the zoning allows for uses that are not compatible with the multi-family residential zoning to the south. One solution to this is to create a PD

(Planned Development) district that would restrict the zoning but allow for the inventory parking. Addition regulations to address landscaping, pavement, and sidewalks are recommended for inclusion in the PD zoning.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to Southwest Drive, which is considered a retail thoroughfare. However, the requested zoning would be adjacent to multi-family.

Staff recommends approval of a PD zoning.

The Planning and Zoning Commission recommends approval of GC zoning by a vote of 4 in favor (Ellinger, Glenn, Rosenbaum, and Famble), 1 opposed (Bixby), and 1 abstained (Calk).

Mayor Archibald opened the public hearing and council heard from David Todd who spoke in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the Ordinance for Case **#Z-2014-31**, a request from Jeremy & Jennifer Britten Bennie Bilbrey, agent Enprotec/Hibbs & Todd, to rezone property from AO (Agricultural Open Space) & NR (Neighborhood Retail) to GC (General Commercial) zoning, being approximately 3.49 acres located at the southeast corner of Curry Ln and Sharon Rd. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: **#52-2014**

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.

**Location: being approximately 3.49 acres located at the southeast corner of Curry Ln and Sharon Rd**

**7.13** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for a Case **#Z-2014-32**, a request from Kay P. Braden, agent Foxwood Development Services, to rezone property from RS-8 (Single-Family Residential), RS-8/COR (Single-Family Residential/Corridor Overlay), & AO (Agricultural Open Space) to GR (General Retail) zoning, located at 4102 & 4118 Antilley Rd.

Currently, the property is developed with 2 homes. The properties on the south side of Antilley Rd were recently rezoned to the GR zoning district. The adjacent properties to the east are developed with a horse barn and a church. A restaurant exists to the south at the corner with Buffalo Gap Rd. The requested GR zoning would allow for retail development. The Buffalo Gap Corridor Overlay will remain on a portion of the property.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The requested zoning would allow for retail development. The property is close to the intersection with Buffalo Gap Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The Buffalo Gap Corridor study indicates that retail zoning is allowable in nodes at intersections of major thoroughfares. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from Kyle Tamez with White Buffalo Properties Solutions and Steve Savage spoke in favor of the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman McAlister made the motion to approve the Ordinance for Case **#Z-2014-32**, a request from Kay P. Braden, agent Foxwood Development Services, to rezone property from RS-8 (Single-Family Residential), RS-8/COR (Single-Family Residential/Corridor Overlay), & AO (Agricultural Open Space) to GR (General Retail) zoning, located at 4102 & 4118 Antilley Rd. Mayor Archibald seconded the motion, motion carried.

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

Ordinance: **#53-2014**

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

**Location: at 4102 & 4118 Antilley Rd**

**7.14** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for a Case **#Z-2014-33**, a request from Red Dirt Holdings, LLC, agent Lynn Beal, to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being approximately 216 acres located on the south side of the 5200 block of Antilley Rd.

Currently, the property is undeveloped. This is located at the western city limits on the south side of Antilley Rd. Elm Creek is the city limit lines and runs along the west and north boundaries of the property. The adjacent properties to the south and east are generally developed with single-family homes. A church exists northeast of this property with frontage on Antilley Rd. The requested RS-8 zoning would allow for the development of a new single-family residential neighborhood similar to the existing adjacent subdivisions.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the adjacent subdivisions and the general area. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

Council and Staff discussion included: 1) location and accessibility to Antilley Road and other areas; 2) Emergency vehicle access; and 3) flood plain issues.

Mayor Archibald opened the public hearing and council heard from Kyle Tamez who spoke in favor of the zone request. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the Ordinance for Case **#Z-2014-33**, a request from Red Dirt Holdings, LLC, agent Lynn Beal, to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being approximately 216 acres located on the south side of the 5200 block of Antilley Rd. Councilman Spano seconded the motion, motion carried.

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

Ordinance: **#54-2014**

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

**Location: being approximately 216 acres located on the south side of the 5200 block of Antilley Rd**

**7.15** Jon James, Director of Planning and Development Services briefed the council on the Ordinance for a Case **#TC-2014-05**, a request from the City of Abilene to abandon Campus Court north of Garfield Ave.

A request to rezone the property to the east was considered last year. The P&Z Commission recommended denial of the zoning. Concerns of traffic through the neighborhood led to the item being denied. Part of the concern was the designation of Campus Ct as a 'collector' road. The P&Z Commission recommended a change to the Master Thoroughfare Plan of re-designating Campus Ct from a 'collector' street to a 'local' street. The City Council agreed and approved the change to the plan. A request to rezone the property again has been submitted. Although the designation on the Master Thoroughfare Plan was changed, the ROW still exists for Campus Ct to connect to the interstate. The P&Z Commission has asked for a Thoroughfare Closure request placed on the agenda for consideration.

The abandonment of Campus Ct would create a block that is significantly larger than the maximum block allowed, being 1,600 feet along arterial streets and in non-residential areas and 1,200 feet elsewhere. Campus Ct is the only public street ROW between Judge Ely Blvd and Cedar Creek connecting the neighborhood to the interstate. The block is approximately 2,600 feet without the Campus Ct connection. Campus Ct would provide a needed connection to the interstate without the need to go the Judge Ely Blvd or W. Lake Rd for access to the interstate. In addition to connectivity, a water line currently exists along the east side of the ROW. A Utility Easement would be needed or the water line relocated.

#### *Plat Review Committee*

The Plat Review Committee recommends denial of the proposal. Although not currently on the ground, Campus Ct will provide a needed connection to the interstate, especially as the area adjacent to the interstate develops in the future. Additionally, if abandoned, the resulting block length between Judge Ely Blvd and Cedar Creek would be approximately 2,600 feet. A water line exists along the east side of the ROW. If approved, the Plat Review Committee recommends that an adequate portion of the area be kept as Open Drainage and Utility Easements as well as an Access Easement for pedestrian and non - motorized vehicles.

#### *Staff Recommendation*

Denial. The request would create a block that would be larger than permitted and the abandonment of Campus Ct would eliminate needed future connection to the interstate. If approved, staff recommends including an access easement for future bicycle & pedestrian connectivity.

*Board or Commission Recommendation*

The Planning and Zoning Commission recommends approval from a line 450 feet south of the frontage road ROW southward to the north line of the ROW for Garfield Ave and requiring easements for drainage & utilities within the abandoned ROW by a vote of 5 in favor (Bixby, Ellinger, Glenn, Rosenbaum, and Famble) and 1 opposed (Calk).

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

- Derrell Sloan – For the closure of Campus Ct
- Kris Kinnaman – For the closure of Campus Ct
- Kris Kowatch – For the closure of Campus Ct
- Phillip Jergins – For the closure of Campus Ct
- Carmen Price – For the closure of Campus Ct
- Nick Coates – owner of subject property – willing to work together to come to a workable agreement

Council and Staff discussion included: 1) connectivity to Interstate 20; 2) Campus Ct – connecting to Ambler Ave.; 3) Senior Living Center and Single Family Homes; 4) leaving open from Garfield to location north of the boundary line of property of Grove Apts; 5) keep closure shorter rather than longer; 6) flexible in the future – would be to close a short section of Campus Ct; 7) PZ concern was keeping Campus Ct from going to the Interstate; and 8) two cul-de-sacs that would not meet in the middle.

Mayor Archibald made the motion to approve the abandonment of a portion of public right of way Campus Court from a line 450 feet south of the frontage road right-of-way (ROW) southward to a line 300 feet north of the ROW for Garfield Ave. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Spano, Hardaway, McAlister, Councilwoman Miller and Mayor Archibald

NAYS: None

ABSTAINED: Councilman Price

All Public ROW as indicated and shown in the map below within the solid (red) area:





Ordinance #55-2014

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.

**7.16** Jon James, Director of Planning and Development Services briefed the council on the Ordinance amending the Land Development Code (LDC) in regards to allowing home occupations in detached accessory buildings.

The Planning staff permitted an accessory building that was designated for storage use. Subsequent to the issuance of the permit, it was discovered that the purpose of the building was for a beauty salon conducted as a home occupation. The Land Development Code (LDC) requires that an allowable home occupation be conducted within the home not to exceed 25% of the floor area of the home. A home occupation may not be conducted within a detached accessory building. Staff was asked to review the regulations pertaining to home occupations and allowing them to be conducted in detached accessory buildings.

Standards for managing home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses. Staff is concerned that allowing home occupations to be conducted in detached accessory buildings will encourage inappropriate uses to locate in residential areas. Staff is proposing that approval of a Special Exception by the Board of

Adjustment be required for home occupations conducted in a detached accessory building. The Board will be able to determine compatibility in the neighborhood and has the ability to place conditions if needed to achieve compatibility. Neighbors within 200 feet will be notified for each request.

Staff has prepared an amendment to the Land Development Code (LDC) that would allow for a home occupation to be conducted within a detached accessory building upon approval of a Special Exception by the Board of Adjustment. The section proposed for amendment is Section 2.4.5.2 (a)(3).

*Staff Recommendation*

Staff recommends approval of the proposed amendment to Section 2.4.5.2 (a)(3) of the LDC.

*Board or Commission Recommendation*

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed

Mayor Archibald opened the public hearing and the council heard from Tommy Wadley who spoke in favor of the amendment of the Code. There being no one else desiring to be heard the public hearing was closed.

Mayor Archibald made the motion to approve amending the Land Development Code (LDC) in regards to allowing home occupations in detached accessory buildings. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance **#56-2014**

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.

**Allow home occupations in detached accessory buildings**

**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 12:27 p.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. Mayor Archibald left during the Executive Session.

The Council reconvened Executive Session at 12:50 p.m. and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel and Litigation/Consultation with Attorney Section 551.071.

No action from executive session.

10. **Oral Resolution**: Approving the appointments/reappointment to the following boards and commissions:

Mayor Pro-tem Spano made the motion to appoint Sylvia Holcomb to the Keep Abilene Beautiful Board. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Keep Abilene Beautiful

- Appoint – Sylvia Holcomb

Mayor Pro-tem Spano made the motion to approve the members to the TIRZ Board. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Tax Increment Reinvestment Zone (TIRZ) Board

- Stormy Higgins
- Charles Black
- Brian Green
- Kelley Young
- Chris Evant

Mayor's Council on Physical Fitness – none at this time

There being no further business the meeting was adjourned at 12:50 p.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor