

CITY COUNCIL MEETING
March 12th 2015, 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 12th 2015, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Jay Hardaway, Kyle McAlister and Steve Savage. Councilman Williams was absent. Also present were Interim City Manager David A. Vela, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Shane Price gave the invocation.

Mayor Archibald introduced Ansley House from Abilene Christian Schools. Ansley led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

SERVICE AWARDS

Mayor Archibald and Interim City Manager David Vela recognized the following City employees for their years of service.

Danny Blankenship	Police Officer, Patrol	30 Years
Willie Ford	Police Sergeant II	30 Years
David Varner	Youth Division	30 Years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the February 26th Regular meeting and the February 23rd Special Called 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, Hardaway, McAlister, Savage and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Savage pulled item 6.2. Councilman Hardaway made the motion to approve consent item 6.1 as recommended by staff. Councilman Savage seconded the motion, motion carried.

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

Resolutions

6.1 Oral Resolution: Street Use License Agreement with Abilene Education Foundation for “Cajun Fest”

Abilene Education Foundation has submitted a Street Use License (SUL) application to hold a public event entitled “Cajun Fest” within the public right-of-way on Cypress Street. The applicant wishes to close Cypress Street from the north right-of-way line of North 2nd Street to the south right-of-way line of North 4th Street for this event, including closure of the intersection of North 3rd Street and Cypress Street, requiring closure of North 3rd Street from the east right-of-way line of Cedar Street to the west right-of-way line of Cypress Street. The event will take place in conjunction with April “Artwalk” on

Thursday, April 9th, 2015, from 5:00 p.m. until 8:00 p.m.; however, the applicant wishes to close the street between the hours of 4:00 p.m. and 9:00 p.m. on this date. The applicant has obtained the approval of all affected property owners and/or business tenants for this event. The event will include food and entertainment to raise money for Abilene Education Foundation scholarships and AISD programs.

- 6.2** **Resolution:** Amending a Resolution Calling a Bond Election and the Joint City, Wylie ISD and City of Impact Elections. (*Item pulled by Councilman Savage*)

ITEM PULLED FROM CONSENT

- 6.2** **Resolution:** Amending a Resolution Calling a Bond Election and the Joint City, Wylie ISD and City of Impact Elections. (*Item pulled by Councilman Savage*)

City Secretary Danette Dunlap briefed the council on the Taylor County Vote Centers. Certain locations such as the City of Tye will not be having an election so they were removed from the list of locations. The citizens of Abilene will be allowed to vote for the City Election at any Vote center located in Taylor County.

This Resolution amends the Resolution #16-2015 Calling a Bond Election and the Joint City, Wylie ISD and the City of Impact Regular Elections.

Taylor County Elections Administrator has notified the City that the Election Day Vote Centers have been changed. Several entities were able to cancel their elections for May 9th and so those locations will not be open.

The following locations will not be open:

Buffalo Gap City Hall, Buffalo Gap, TX
Elm Valley Community Church, Tuscola, TX
Lawn Baptist Church, Lawn TX
Tye Community Center, Tye TX

The following locations have been added:

Johnston Elementary School, 3602 North 12th, Abilene, TX 79603
Whitten Inn, 1625 E. Interstate 20, Abilene, TX 79601

www.votetaylorcounty.org

Taylor County website for the Vote Centers shows location of each approved site for the November 2014 election. The County will update the site for the May Election.

Councilman Savage made the motion to approve the Resolution amending a Resolution calling a bond election and in conjunction with the Joint Abilene City Council, Wylie Independent School District and City of Impact Election to be held within said city, providing for the conduct and the giving notice of the election, providing an effective date, and enacting other provisions relating to the subject. Councilman Hardaway seconded the motion, motion carried.

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

Resolution **#18-2015**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING A RESOLUTION CALLING A BOND ELECTION AND IN CONJUNCTION WITH THE JOINT ABILENE CITY COUNCIL, WYLIE INDEPENDENT SCHOOL DISTRICT AND CITY OF IMPACT ELECTION TO BE HELD WITHIN SAID CITY; PROVIDING FOR THE CONDUCT AND THE GIVING NOTICE OF THE ELECTION; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

REGULAR ITEMS

7.1 Jon James Director of Planning and Development Services briefed the council on **Case Z-2015-05** a request from Jimmy & Jeff Williams to rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at the southwest corner of S. Willis St & Russell Ave.

Currently the property is zoned RS-6 and is vacant. The surrounding area is developed generally with a retail use to the north and residences to the south, east & west. The immediate property to the south is zoned for office uses but is currently vacant. The purpose of the zoning is to allow for neighborhood retail uses similar to the site across the street to the north. The NR zoning is deemed compatible adjacent to residential uses. S. Willis St is designated as a 'collector' street. Typically, retail zoning would be located at intersections or in nodes designated for retail/commercial activity. There is existing NR zoning to the north with similar uses to what is being proposed.

The Future Land Use section of the Comprehensive Plan designates the block as 'low density residential'. The NR zoning is similar to the current NR zoning to the north. This area transitions from an area of GC (General Commercial) zoning on the block to the north to the office and residential uses to the south. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

Council and Staff discussion included: 1) the section of the land development code that allows for oil uses.

Mayor Archibald opened the public hearing and Jimmy Williams the owner was present to answer any questions 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 on **Case Z-2015-05** a request from Jimmy & Jeff Williams to rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at the southwest corner of S. Willis St & Russell Ave. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance **#12-2015**

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 the southwest corner of S. Willis St & Russell Ave

7.2 Jon James Director of Planning and Development Services briefed the council on the ordinance for **Case No. CUP-2015-01**, a request from Hawley Water Supply Corp, agent Tim Ferrall, for a Conditional Use Permit to allow for 'Utility Generation, Production, Treatment' on property zoned AO (Agricultural Open Space), being 1 acre located at the northeast corner of W. Lake Rd & Johnson Rd.

Currently the property is zoned AO and is undeveloped. The adjacent properties are also undeveloped. The request is to allow for 'Utility Generation, Production, Treatment' for a new chlorine injection facility and a future pump station. The Hawley Water Supply Corporation will receive water from the City of Abilene at this location. Chlorine is injected into the system to maintain appropriate chlorine levels throughout their entire system. A pump station is also proposed for the site but will be developed at a future date.

The Future Land Use section of the Comprehensive Plan designates this general area for 'low density residential'. The applicant proposes to add a new chlorine injection facility and a future pump station on the property. These types of utility facilities are necessary for property functionality of the overall system and are located at appropriate locations such as this.

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

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

Councilman Hardaway made the motion to approve the ordinance for **Case No. CUP-2015-01**, a request from Hawley Water Supply Corp, agent Tim Ferrall, for a Conditional Use Permit to allow for 'Utility Generation, Production, Treatment' on property zoned AO (Agricultural Open Space), being 1 acre located at the northeast corner of W. Lake Rd & Johnson Rd. Councilman Spano seconded the motion, motion carried.

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

Ordinance **#13-2015**

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.

Ref: CUP-2015-01 - 1 acre located at the northeast corner of W. Lake Rd & Johnson Rd

7.3 Jon James Director of Planning and Development Services briefed the council on a request to amend the Land Development Code (LDC) in regards to Site Development Regulations to include sections: 4.1.1.2(b) Improvements & Related Triggers; 4.1.2.5 Compliance; 4.2.1.1 (c) Parking Lot Permit; & 4.2.4 Screening, Buffering & Fencing.

A number of amendments are being proposed to Chapter 4: Site Development Regulations of the City's Land Development Code (LDC), as outlined below:

Section 4.1.1.2, Improvements & Related Triggers

- The first amendment adds a new subsection (b)(3) that would automatically trigger the requirement for site plan review for the conversion of any residential structure for a non-residential use.
- The second amendment adds a new subsection (b)(4) that reintroduces a trigger based on the value of improvements to a site. Prior to 2010, a site plan was triggered by a 30% increase in value. The new Code eliminated that trigger for being too restrictive. However, now a large, major expansion that does not represent a physical expansion of 30% is not required to meet development standards. This proposal reintroduces a value-based trigger, but increases the threshold to only those sites where the new investment exceeds 100% of the current value (i.e., a doubling of the value of improvements on a property). *{P&Z Commission removed this}*

Section 4.1.2.5, Compliance

- There are sites throughout the City that are either not subject to an approved site plan or are subject to an older site plan that pre-date the current Land Development Code standards. Many of these sites are currently in compliance with at least some of our current standards. However, there is nothing in the Code that requires them to maintain such compliance. This proposed revision would not require existing sites to make any changes or come into compliance with rules that they currently don't meet, but would simply say that if a site meets our standards today, it must continue to meet those standards.

Section 4.2.1.1, Applicability, Review & Approval (Parking, Stacking & Loading)

- This would clarify that a parking lot permit triggers compliance with relevant site plan standards, such as screening and lighting, and not just parking standards. *{P&Z Commission recommends this apply to new parking lot areas only}*

Section 4.2.4, Screening, Buffering & Fencing

- The first changes are primarily to clarify the fencing regulations for residential and non-residential fencing. The second change corrects a discrepancy between this section and a section in Chapter 3 regarding the distance from the street to any proposed gates.
- The third change to this section would eliminate the requirement for industrial properties to provide screening and buffering when adjacent to General Commercial or Heavy Commercial. The fourth change would add a provision for low screening where a parking lot is adjacent to, or across the street from, a residential property.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

Council and Staff discussion included: 1) businesses that are grandfathered would not have to make changes unless they do something that would trigger certain actions; 2) parking areas; 3) screening and buffers; 4) streets used as a buffer when the street is a freeway or major arterials; and 5) landscaping and the drought contingency plan and how they go together.

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

- Bruce Kreidler – spoke on the ordinance

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

Councilman Spano made the motion to approve the amend the Land Development Code (LDC) in regards to Site Development Regulations to include sections: 4.1.1.2(b) Improvements & Related Triggers; 4.1.2.5 Compliance; 4.2.1.1 (c) Parking Lot Permit; & 4.2.4 Screening, Buffering & Fencing and add under Screening, Buffering & Fencing “(C)This requirement shall not be required on expressways and major arterial roads.”. Councilman McAlister seconded the motion, motion carried.

AYES: Councilman Price, Spano, Hardaway, McAlister, and Mayor Archibald

NAYS: Councilman Savage

Ordinance #14-2015

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.

Regarding Site Development Regulations to include sections: 4.1.1.2(b) Improvements & Related Triggers; 4.1.2.5 Compliance; 4.2.1.1 (c) Parking Lot Permit; & 4.2.4 Screening, Buffering & Fencing and add under Screening, Buffering & Fencing “(C)This requirement shall not be required on expressways and major arterial roads.”.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 10:03 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. Councilman Hardaway left the meeting.

The Council reconvened Executive Session at 11:25 a.m. and reported no votes or action was taken in Executive Session in regards to Litigation/Consultation with City Attorney Section 551.071.and Personnel Matters Section 551.074.

11. Oral Resolution: Discussion and possible action related to annual performance evaluations of City Attorney, City Secretary and Municipal Judge. No action taken.

There being no further business the meeting was adjourned at 11:25 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor