

**CITY COUNCIL MEETING**  
**May 26<sup>th</sup> 2016, 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 May 26<sup>th</sup> 2016, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Bruce Kreitler, Anthony Williams, Jay Hardaway, Kyle McAlister and Steve Savage. Also present were City Manager Robert Hanna, Interim City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman McAlister gave the invocation.

Mayor Archibald introduced Sadie Connally who is a 1st grade student at Reagan Elementary School. Sadie led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PROCLAMATION AND PRESENTATION**

Mayor Archibald presented the following proclamation:

2016 Small Business Administration Persons of the Year - Jason and Angela Beard – Cordell's of Abilene, Jason and Angela Beard accepted the proclamation.

Mayor Archibald presented the recently elected councilmembers Kyle McAlister Place 5 and Steve Savage Place 6. Danette Dunlap City Secretary administered the Oath of Office.

Mayor Archibald announced that this is the time of year that the council receives their annual pay per the City Charter. The City Charter states that the Mayor and each Councilman shall receive a salary of one dollar per year for each year he serves as Mayor and Councilman.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the May 12<sup>th</sup> Regular Council Meeting and the May 16<sup>th</sup> Special Called Council Meeting there being no deletions, no additions, and no corrections. Councilman Savage made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

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

**CONSENT AGENDA**

Councilman Williams made the motion to approve consent items 6.1 through 6.6 as presented by staff. Councilman Hardaway seconded the motion, motion carried.

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

**6.1 Ordinance: (First Reading) Z-2016-18** A request from Beltway Park Church, agent Bruce Reinhardt, to rezone property from PH (Single-Family Residential Patio Home) & AO (Agricultural Open Space) to PD (Planned Development) zoning, located at 2850 Hwy 351; and setting a public hearing for June 9, 2016.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-153 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.2 Ordinance:** (*First Reading*) **Z-2016-19** A request from Larry Whitten, agent Alex Whitten, to rezone property from RS-8 (Single-Family Residential) to NO (Neighborhood Office) zoning, located 2959 Buffalo Gap Rd; and setting a public hearing for June 9, 2016.

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-2016-20** A request from JR Team Holdings, LLC, agent Maxey Sheppard, to rezone property from AO (Agricultural Open Space) to NR (Neighborhood Retail) zoning, being a 2-acre tract located at 6834 E. Lake Rd; and setting a public hearing for June 9, 2016.

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 Oral Resolution:** City Council approved a Street Use License Agreement with Abilene Cultural Affairs Council and The Center for Contemporary Arts for the 2016 "Children's Art & Literacy Festival".

The event will take place from Thursday, June 9<sup>th</sup> through Saturday, June 11<sup>th</sup>, 2016 throughout much of downtown.

- 6.5 Resolution:** City Council accepted donated land located behind the Alameda Community Center to be developed for park purposes. As part of the Abilene Neighborhood Initiative (ANI), numerous community stakeholders have come together to help revitalize this area. Pioneer Drive Baptist church is donating the land at 650 Corsicana Ave. The playground and the half-court basketball court will be built before the City accepts the land.

Resolution: **#68-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS TO ACCEPT A DONATION OF PARKLAND LOCATED AT 650 CORSICANA AVE., ABILENE, TEXAS, FROM PIONEER DRIVE BAPTIST CHURCH

- 6.6 Resolution:** City Council appointed Dr. Peter Norton as the Infection Control Officer and Physician Assistant Antonio Ruiz as the Alternate Infection Control Officer for the City.

Resolution: **#69-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING AN INFECTION CONTROL OFFICER AND ALTERNATE INFECTION CONTROL OFFICER FOR THE CITY.

## REGULAR ITEMS

**7.1** Councilman Price made the motion to REMOVE FROM THE TABLE the Ordinance for Case #**Z-2016-14** A request from Sherry I. Maloney to rezone property from HC (Heavy Commercial) & GC (General Commercial) to PD (Planned Development) zoning, located at 2549 & 2657 Shirley Rd. Councilman Hardaway seconded the motion. Motion carried.

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

Dana Schoening Director of Planning & Development Services briefed the council on the Ordinance Case #**Z-2016-14** A request from Sherry I. Maloney to rezone property from HC (Heavy Commercial) & GC (General Commercial) to PD (Planned Development) zoning, located at 2549 & 2657 Shirley Rd.

The adjacent properties are primarily undeveloped with a few single-family homes to the north. The applicant is proposing to maintain the underlying HC zoning to maintain the auto repair shop uses and is also requesting to allow for up to 6 manufactured homes and for livestock on the northern property. The applicant intends to live here with many of her immediate family members.

*STAFF RECOMMENDATION*

Staff recommends approval of Manufactured/Mobile Home as the underlying zoning and to allow through the PD Agriculture Open Space on the north tract within the PD boundary and “Repair and Maintenance Services – Automobile/Small Truck (major)” & Repair and Maintenance Services – Truck and Other Large Vehicles uses shall be permitted on the southern tract (2549 Shirley Rd) within the PD boundary.

*BOARD OR COMMISSION RECOMMENDATION*

The Planning and Zoning Commission recommends approval as presented by a vote of five (5) in favor (Bixby, Calk, Dunnahoo, Rosenbaum, & Famble) and none opposed.

Development Regulations:

- No more than 6 manufactured housing units may be permitted within the PD boundary
- When used for “Repair and Maintenance Services” as permitted the HC (Heavy Commercial) district standards shall apply

Council and Staff discussion included: 1) this a modified PD from what went to Planning & Zoning Commission; 2) driveway material requirements; 3) Manufacture/Mobile Homes could be in any location unless specified through the PD to be only in the southern section; and 4) septic regulations on the site.

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

- Sherry Maloney – owner of the property. Spoke in favor of the rezone

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

Councilman Kreitler made the motion to approve the Ordinance for Case #**Z-2016-14** a request from Sherry I. Maloney to rezone property from HC (Heavy Commercial) & GC (General Commercial) to PD (Planned Development) PD-152 zoning, located at 2549 & 2657 Shirley Rd. with requiring only the road apron approach to be improved and waiving other improved road requirements on the property. Also allowing up to 6 manufactured/mobile homes in the PD. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: **#23-2016**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-152 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Location: 2549 & 2657 Shirley Rd**

**7.2** Michael Rice briefed the council on the application/permit to drill and/or operate an oil and/or gas well: Schkade Bros. Operating Company of Abilene, Texas "West Vogel Unit No. 1" located northwest of the intersection of Vogel Avenue and Bridge Avenue.

All requirements have been met according to Chapter 21 of the Abilene City Code.

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

Councilman Price made the motion to approve the application/permit to drill and/or operate an oil and/or gas well: Schkade Bros. Operating Company of Abilene, Texas "West Vogel Unit No. 1" located northwest of the intersection of Vogel Avenue and Bridge Avenue. Councilman Hardaway seconded the motion, motion carried.

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

**7.3** Lesli Andrews Director of Community Services briefed the council on the contract with Justice Construction, Inc. and to expend Public, Education & Government funds for the meeting room at the South Branch Library

Public, Education & Government funds are for the construction costs of the meeting room at the South Branch Library which will also serve as a studio for Channel 2.

Councilman Hardaway made the motion to approve the Resolution authorizing the City Manager to enter into a contract with Justice Construction, Inc. and to expend Public, Education & Government funds for the meeting room at the South Branch Library. Councilman McAlister seconded the motion, motion carried.

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

Resolution: **#70-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JUSTICE CONSTRUCTION, INC. AND TO EXPEND PUBLIC, EDUCATION & GOVERNMENT FUNDS FOR THE MEETING ROOM AT THE SOUTH BRANCH LIBRARY

**7.4** Lesli Andrews Director of Community Services briefed the council on the amendment to the Memorandum Agreement between the City of Abilene and the Friends of the Abilene Public Library for the construction of the improvements in the new south branch location of the Abilene Public Library.

The first agreement stipulated that the Friends would be solely responsible for the raising of funds and the payment of all expenses contemplated in any contract for the design and construction of improvements to the leased space at the Mall of Abilene that will become the new South Branch Library. In order to utilize the Public, Educational, and Government (PEG) funds for construction of the meeting room at this location an amendment to the Agreement will need to be executed.

Councilman Price made the motion to approve the Resolution authorizing the City Manager to execute an amendment to the Memorandum Agreement between the City of Abilene and the Friends of the Abilene Public Library for the construction of the improvements in the new south branch location of the Abilene Public Library. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#71-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE  
MEMORANDUM AGREEMENT BETWEEN THE CITY OF ABILENE AND THE FRIENDS OF  
THE ABILENE PUBLIC LIBRARY FOR THE CONSTRUCTION OF THE IMPROVEMENTS IN  
THE NEW SOUTH BRANCH LOCATION OF THE ABILENE PUBLIC LIBRARY

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:28 a.m. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Sections 551.071

- A) Consultation with Attorney regarding possible Payday Lending Ordinance.

The Council reconvened in Open Session at 10:03 a.m. and reported no votes or action was taken in Executive Session.

#### **10.1 Oral Resolution:** Approving the appointment of Mayor Pro-tem(s).

Mayor Archibald made the motion to approve the appointment of Anthony Williams as Mayor Pro-tem and Jay Hardaway as Deputy Mayor Pro-tem. Councilman Kreitler seconded the motion, motion carried.

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

There being no further business the meeting was adjourned at 10:05 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor