

**CITY COUNCIL MEETING**  
**October 23, 2003, 5:30 p.m.**

**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS**  
**CITY COUNCIL CHAMBERS OF CITY HALL**

The City Council of the City of Abilene, Texas, met in Regular Session on October 23, 2003, at 5:30 p.m. in the City Council Chambers of City Hall. Mayor Grady Barr was present and presiding with Councilmen Kris Southward, Anthony Williams, John Hill, Jimmy McNeil, Norm Archibald and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, Assistant City Secretary Renee Scott, and various members of the City staff.

Councilman Williams gave the invocation.

Rebekah Bailey, a Kindergarten student at Jackson Elementary School, led the Pledge of Allegiance. Rebekah was accompanied by her Mother, Marisa, her Father, Jared Bailey, Loan Analyst for Economic Development, and her brother, Jaedyn.

**PROCLAMATIONS**

Mayor Barr presented to Mary Busby a proclamation recognizing October 23-31, 2003 as "Red Ribbon Week". Mayor Barr also presented to Bobby Weeks, a proclamation recognizing November 9-15, 2003 as "Youth Appreciation Week".

**DISPOSITION OF MINUTES**

2.0 There being no corrections, additions, or deletions to the October 9, 2003 Regular City Council Minutes, Councilman Williams made a motion to approve the minutes as printed. Councilman Southward seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Hill, Southward, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

**CONSENT AGENDA**

3.0 Councilman Hill made a motion to approve consent agenda items 3.1 through 3.4 and first reading of items 3.5 through 3.10 as recommended by staff. Councilwoman Alexander seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Southward, Hill, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

**Resolutions:**

- 3.1 Oral Resolution approving a Street Use License request from International Consultants of the Environment for installation of monitoring wells related to 1201 N. Mockingbird Lane and authorizing the Mayor to execute the Street Use License.
- 3.2 Oral Resolution approving a Street Use License request from International Consultants of the Environment for installation of monitoring wells related to 3299 S. 14<sup>th</sup> Street and authorizing the Mayor to execute the Street Use License.
- 3.3 Resolution in support of and authorizing Solid Waste grant applications with the West Central Texas Council of Governments.

The Resolution is numbered **38-2003** and captioned as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF GRANT APPLICATIONS WITH THE WEST CENTRAL TEXAS COUNCIL OF GOVERNMENTS (WCTCOG) FOR REGIONAL SOLID WASTE GRANTS PROGRAM GRANTS; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF ABILENE IN ALL MATTERS RELATED TO THE APPLICATIONS; AND PLEDGING THAT IF A GRANT IS RECEIVED, THE CITY OF ABILENE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE WCTCOG, THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION, AND THE STATE OF TEXAS.

- 3.4 Resolution naming the Hargesheimer Water Treatment Plant.

The Resolution is numbered **39-2003** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS NAMING THE HARGESHEIMER WATER TREATMENT PLANT.

**Ordinances:**

- 3.5 Ordinance amending Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- 3.6 **Z-03903** – Rezone from RM-3 (Residential Multi-Family) to MU (Medical Use) zoning district, property located at 1734, 1742, 1750 and 1758 Cedar and 1217 and 1201 North 18<sup>th</sup> Streets and set a public hearing for November 13, 2003 at 8:30 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

- 3.7 **Z-04003** – Rezone from AO, GC, & PDD (Agriculture Open Space, General Commercial & Planned Development District) to PDD (Planned Development District) zoning district, property located on Loop 322 and set a public hearing for November 13, 2003 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-82 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.8 **Z-04403** – Rezone from AO (Agriculture Open Space) to PDR (Planned Development Residential) zoning district, property located at Oldham Lane (F.M. 1750) and set a public hearing for November 13, 2003 at 8:30 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-83 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 3.9 **TC-04203** – Thoroughfare abandonment of Marathon Road from the south right-of-way line of State Hwy 351 to the north right-of-way line of Morrow Lane, Abilene, Taylor County, Texas and set a public hearing for November 13, 2003 at 8:30 a.m.

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.

- 3.10 **TC-04303** – Thoroughfare abandonment of (1) Lee Drive from the south right-of-way line of Texas Avenue to the north right-of-way line of an east-west alley and; (2) and east-west alley from the west right-of-way line of Lee Drive west a distance of 233.3' to the east right-of-way line of Dub Wright Blvd. and set a public hearing for November 13, 2003 at 8:30 a.m.

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.

**Ordinances:**

4.1 Richard Gertson, Director of Community Development, briefed the Council on a Zoning Ordinance considered on second and final reading amending Section 23-363, "Definitions", to change the number of unrelated persons allowed to live in a single dwelling unit from 3 to 4.

Mr. Gertson noted the proposed amendment would increase from 3 to 4 the number of unrelated persons who may occupy a dwelling unit. Among other things, it would improve housing affordability for college students. There are currently no limitations on the number of related persons who may occupy a single dwelling. Historically, ordinances of this sort have been used to control overcrowding and the negative impacts that can result from too many persons living in a structure. Mr. Gertson stated as a practical matter, there are limitations on using the ordinance for purposes of enforcement, and that an array of other ordinances exist to deal with external impacts. Staff and the Planning & Zoning Commission recommend approval.

Prior to opening the public hearing Mayor Barr asked for a show of hands from those in favor and opposing the Zoning Ordinance amendment, and stated those wishing to speak during the public hearing would have 3 minutes to make comments, then 30 seconds to conclude their remarks.

Mayor Barr then opened a public hearing on the item, and the following individuals spoke in opposition to the Zoning Ordinance amendment:

- Claudia Sorrells, 2649 Garfield, noted the negative impacts that would occur if the Ordinance amendment were approved.
- Jeff Haseltine, 926 EN 12<sup>th</sup>, stated difficulty in enforcing the Ordinance is no reason to not enforce it.
- Randy Pruett, 625 College Dr., stated vehicles being parked in yards, speeding vehicles, refuse issues and a decline in property values are current problems and would increase if the Ordinance amendment is approved.
- Charlotte Marion, 618 EN 23<sup>rd</sup> St., noted disruptive behavior, loud music and refuse issues will increase if the Ordinance amendment is approved.

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

Council and staff discussion included: 1) the number and types of complaints received since 1984 and those that were brought back into compliance; 2) Office of Neighborhood Services role in helping to achieve compliance; 3) the high number of responses received in opposition to the Ordinance amendment; 4) better enforcement of the current Ordinance is needed; 5) the negative impact the amendment would have on property values; 6) possibly identifying who is renting property; 7) beautification and safety issues and; 8) there being no opposition to helping students go to school but respect and care of property is needed.

Councilman McNeil made a motion to deny the Zoning Ordinance considered on second and final reading amending Section 23-363, "Definitions", to change the number of unrelated persons allowed to live in a single dwelling unit from 3 to 4. Councilman Hill seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Hill, McNeil, Southward, Councilwoman Alexander, and Mayor Barr.

NAYS: None

### **EXECUTIVE SESSION**

Mayor Barr recessed the Council into Executive Session pursuant to Sections 551.071, 551.074, and 551.072 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, and to consider the purchase, exchange, lease or value of real property.

The Council reconvened from Executive Session and reported no action taken.

Item 5.4 was not considered.

There being no further business, the meeting was adjourned at 7:25 p.m.

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Jo Moore  
City Secretary

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Grady Barr  
Mayor

