

**CITY COUNCIL MEETING**  
**December 18, 2003, 8:30 a.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 December 18, 2003, at 8:30 a.m. in the City Council Chambers of City Hall. Mayor Grady Barr was present and presiding with Councilmen Anthony Williams, Kris Southward, 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, and various members of the City staff.

Councilman Southward gave the invocation.

Alex Filorio, a 4<sup>th</sup> grade student at College Heights Elementary School led the Pledge of Allegiance. Mrs. Tina Jones, principal of College Heights, and Alex's parents, brother and aunt were also present.

**DISPOSITION OF MINUTES**

2.0 There being no corrections, additions, or deletions to the November 25, 2003 Regular City Council Minutes, Councilman Hill made a motion to approve the minutes as printed. Councilman McNeil 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 Williams made a motion to approve consent agenda items 3.1 through 3.3, as recommended by staff. Councilman Archibald seconded the motion, and the motion carried.

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

NAYS: None

**Bid Awards:**

3.1 **Bid CB#-3063** - Hydraulic excavator for the Water Department. The bid was awarded in the amount of \$76,250.00 to Warren Cat with trade-in, as recommended by staff.

3.2 **Bid CB#-4007** - Sears Park Walking Trail Improvements. The bid was awarded to J.H. Strain & Sons, Inc., as recommended by staff.

3.3 **Bid CB#-4008** - Nelson Park Walking Trail Improvements and add alternate. The bid was awarded to J.H. Strain & Sons, Inc., as recommended by staff.

## REGULAR AGENDA

### Ordinances:

4.1 Shannon Meinhold, Planner II, briefed the Council on **Z-05403**, an Ordinance considered on second and final reading to rezone property located at 4302 Oldham Lane from AO (Agriculture Open Space) to PDD (Planned Development District) zoning district.

Ms. Meinhold reviewed the history of the rezoning request and stated Mr. Randy Billings is the proponent and that his property is now combined into a single PDD consisting of approximately three acres. The proposed uses include those generally allowed in the LC zoning district, except for gasoline sales, grocery store (convenience type), and liquor-store off premise consumption (beer/wine). The Planning and Zoning Commission and staff recommend approval of the rezoning request.

Council and staff discussion included: 1) current zoning of other land in the area; 2) the staffs, applicant, and property owners in the area cooperative efforts in considering the rezoning; 3) one noted opposition to the request; 4) the developmental time frame; 5) monumental versus pole signage requirements; and 6) the three exceptions to the permitted uses.

Mayor Barr opened a public hearing on the item, and the following individuals addressed the Council:

- Bruce Bixby, 4349 Oldham Lane, stated no objections to the PDD document with the proposed changes and noted he is in favor of the five-year developmental time frame.
- Randy Billings, proponent, stated previous issues have been addressed and requested Council's approval of the request.

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

Councilwoman Alexander made a motion to approve the Ordinance to rezone property located at 4302 Oldham Lane from AO (Agriculture Open Space) to PDD (Planned Development District) zoning district. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **52-2003** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING **PDD-86** PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.2 Jeff Armstrong, Development Services Manager, briefed the Council on **Z-05503**, an Ordinance considered on second and final reading to rezone property located in the 700 block of Chestnut east side, from RM-3 (Residential Multi-Family) to PDD (Planned Development District).

Mr. Armstrong noted the applicant has requested the rezoning to allow for the parking of his business vehicles and trailers on three lots in the residential multi-family district. Although in staff's opinion a small PDD, with restricted uses and buffering controls on the north property line is appropriate for the site the Planning & Zoning Commission recommended approval of the rezoning request to PDD, without a buffer strip on the north property line. Mr. Armstrong further noted the Planning and Zoning Commission felt that a screening fence was sufficient protection for the residence north of the property. Staff recommends approval of the request with the north buffer requirement as written.

Council and staff discussion included: 1) the recommended buffer requirement and the impact to the business owner and the residential property owners in the area; 2) the screening fence requirement; 3) impact to potential developers; 4) restrictions on use of buffer and enforcement of those restrictions; and 5) the map reflecting tract 1 and tract 2 having been inadvertently left out of the agenda packet but will be included in the Ordinance.

Mayor Barr opened a public hearing on the item, and there being no one present and desiring to be heard the public hearing was closed.

Councilman Southward made a motion to approve the Ordinance to rezone property located in the 700 block of Chestnut east side, from RM-3 (Residential Multi-Family) to PDD (Planned Development District) with no limited commercial use including no parking and storage being permitted in the 10' strip on the north side of the property but the backing and turning around of vehicles in the 10' strip is permitted. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **53-2003** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-87 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.3 Mike Hall, Director of Community Services briefed the Council on an Ordinance adopting Youth Standards of Care, noting the Texas Human Resources Code allows for youth programs operated by a municipality to be exempted from child-care state licensing requirements. Mr. Hall further noted for municipal youth programs to be exempted the governing body of the municipality must annually adopt standards of care following a public hearing. The Standards of Care Ordinance, originally approved by the Abilene City Council five years ago has functioned very well and staff recommends approval of the ordinance. The Parks and Recreation Board approved the proposed Standards of Care on November 4, 2003.

Council and staff discussion included: 1) the report having been approved and input received from the standard source, and 2) the City of Abilene being the only entity involved in the Standards of Care Program in Abilene.

Mayor Barr opened a public hearing on the item, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman McNeil made a motion to approve the Ordinance adopting Youth Standards of Care for the City of Abilene's youth programs. Councilman Williams seconded the motion, and the motion carried.

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

NAYS: None

The Ordinance is numbered **54-2003** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALL A PUBLIC HEARING.

### **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.

Councilman Williams left the meeting following the Executive Session.

**REGULAR SESSION**

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

5.4 Richard Gertson, Director of Community Development introduced the Comprehensive Plan Land Use Element and stated Mr. Jack Harkins, Chair of the Planning and Zoning Commission would make today's presentation.

Mr. Harkins' reviewed the four distinct Land Use and Development scenarios that citizens were asked to evaluate that provided a focal point for discussion and enabled the community to examine a range of physical forms and the implications associated with each. Mr. Harkins also reviewed the guiding principles of the Land Use and Development Plan noting that the principles along with other elements of the Comprehensive Plan outline a vision for the physical development of the City. Mr. Harkins then presented the Land Use Element of the Plan that included:

- Land Use Mix
- Commercial Uses
- Residential Uses
- Infill and Redevelopment
- Activity Centers
- Community Enhancement Corridors
- Gateways
- Regional Growth and Annexations
- Intergovernmental Cooperation

Councilman McNeil left the meeting during the discussion period.

Council discussed various aspects of the Land Use Element including: 1) the city's authority, and expectations of activities, within the extra territorial jurisdiction (ETJ), and 2) the use of the word "discourage" and "development" in the same sentence within the Plan, noting more positive language might be used.

Mayor Barr noted a public hearing is scheduled for the January 8, 2004 Council meeting on the Ordinance adopting the Comprehensive Plan. City Attorney Sharon Hicks stated she will confirm if the ordinance requires two readings and if it does the public hearing and first reading will be on the January 8<sup>th</sup> Council agenda and the second reading will then be placed on the Council's January 22, 2004 agenda.

No Council action was required. There being no further business, the meeting was adjourned at 11:55 a.m.

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Jo Moore  
City Secretary

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Grady Barr  
Mayor



