

Pre-Council Work Session of the Mayor and City Council of the City of Abilene, Texas, to be held in the Basement Conference Room of City Hall on Thursday, May 24, 1990 at 8:30 a.m. to consider the following:

1. Discuss Consent and/or Regular Agenda Items.
2. Briefing on Water & Wastewater Regulations.

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chambers of the City Hall on Thursday, May 24, 1990, at 9:00 a.m.

CITY COUNCIL: Mayor Gary D. McCaleb; Council - Paul R. Vasquez, Betty Ray, Jack Grable, Bill Terry, Jimmy McNeil and Liz Herrera.

1. Call to Order.
2. **INVOCATION:** Councilwoman Liz Herrera.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held May 10, 1990.
4. **Awards:**
Texas Award for Historic Preservation
5. **Proclamations**

CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

6. **Ordinances and Resolutions:**
 - a. Resolution authorizing Mayor to appoint City Secretary as the Records Management Officer for the City of Abilene.
 - b. Consider on first reading - An ordinance amending the 1988 Uniform Mechanical Code regarding commercial kitchen hoods, and set a public hearing for June 14, 1990 at 9:00 a.m.
 - c. Oral Resolution approving contract for services with Carruth Small Business Development Center.
7. **Award of Bid:**
 - a. Runway & Taxiway Lighting Systems additions, renovations, & modifications (FAA Project #3-48-0002-07), Bid #CB053.
 - b. Traffic sign material, Bid #CB055.

REGULAR AGENDA

8. **Ordinances and Resolutions:**
 - a. **APPEALED ITEM:**

Public Hearing: Consider on second and final reading - an Ordinance changing zoning district boundaries - ~~Z-02789~~ - Request from Darlene Sparks to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district located at 602 Grape. Planning and Zoning Commission recommended denial of Limited Commercial; approval of Mixed Use Overlay.

APPEALED ITEM:
 - b. **Public Hearing:** Consider on second and final reading - an Ordinance changing zoning district boundaries - ~~Z-00790~~ - Request from Alton Smith, to rezone from RM-3 (Residential Multi Family) to HC (Heavy Commercial) district, located at 1334 S. 7th Street.

APPEALED ITEM:
 - c. **Public Hearing:** Consider on second and final reading - an Ordinance changing zoning district boundaries - ~~Z-00890~~ - Request from Haddox Investments, Inc.; agent, Glen D. Haddox, to rezone from RM-3 (Residential Multi Family) to HC (Heavy Commercial) district, located at 1010, 1026 and 1034 Chestnut.

Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - ~~Z-00990~~ - Request from Pecan Ridge, Inc./ Burl McAlister; agent, Eddie Chase, to rezone from A0 (Agricultural Open Space) to HC (Heavy Commercial) district, located at I-20 and Hwy. 277 access road.
 - e. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - ~~Z-01090~~ - Request from Pathology Consultants; agent, Tim Rice McClarty, to rezone from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located in the 1100 block of N. 18th St.
 - f. **Public Hearing:** Consider on second and final reading - an ordinance concerning annexation of land in the vicinity of the prison site study area.
9. **Public Appearance:**
 - a. Report by H. C. Zachry on Development Corporation of Abilene Board activities, and Oral Resolution by the City Council accepting report.
10. **Other Business:**
 - a. Briefing on the progress of the Human Relations Committee.
 - b. Pending and Contemplated Litigation (see notice for Executive Session, Litigation for listing subjects), possible action.
 - c. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.

ADJOURN

(Personnel)

The City Council may consider the appointment, employment, reassignment, duties, discipline, or dismissal of public officer or employee, the City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members. A complete list of the City Boards and Commissions are on file in the City Secretary's Office.

After discussion of the appointment and evaluation of the Council Appointees and the Board and Commission members in executive session, any final action or vote taken will be in public.

(Litigation)

The City Council may consider pending and contemplated litigation subjects. The following subjects may be discussed:

1. Velasquez v. City
2. Maria Slaughter v. City, Jim Blagg, Harvey Cargill
3. James Hudson & ABC Airlines v. City
4. Bechtel, et al v. City
5. Allied Steel v. City and Meals on Wheels
6. City Water Permit Applications
7. City of Abilene v. Riley
8. Don Hobbs v. City
9. Christine Kunschik v. City et al
10. Rodgers v. City
11. Parker v. City
12. General Electric Co. v. City
13. Michael Morris & Webster v. City
14. Pam Martin for Patricia Martin v. City and General Beverage
15. Lone Star Gas Gate Rate
16. Fountain v. City & Board of Building Standards
17. Southwestern Bell Rate Case
18. West Texas Utilities Rate Case

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects set out above. After discussion of the pending and contemplated litigation subjects, in executive session, any final action, or vote taken, will be in public.

If personnel issues or litigation issues arise as to the posted subject matter of this City Council Meeting, an executive session will be held.

HC 5/1/90

PRE-COUNCIL WORK SESSION, THURSDAY
May 24, 1990, 8:30 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
BASEMENT CONFERENCE ROOM, CITY HALL

The City Council of the City of Abilene, Texas, met in a Pre-Council Work Session on May 24, 1990, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Pro Tempore Betty Ray was present and presiding with Councilmen Paul R. Vasquez, Bill Terry, Jack Grable, Jimmy McNeil, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, City Secretary Jo Moore, and various members of the City staff. Mayor Gary D. McCaleb was absent.

The Council briefly discussed various consent and regular agenda items. Dwayne Hargeshimer, Director of Water Utilities, briefed the Council on Water & Wastewater Regulations. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
May 24, 1990, 9:00 A.M.

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

Mayor Pro Tempore Ray reconvened the City Council of the City of Abilene, Texas, into Regular Session May 24, 1990, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilwoman Liz Herrera.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held May 10, 1990, the minutes stand approved as printed.

Larry Abriigg, Assistant to the Assistant Director of Planning and Development Services for Planning, presented to the Council an award from the Texas Historical Commission.

Mayor Pro Tempore Ray presented proclamations for Say So Week and Mow-A-Lawn Day, and indicated that Abilene was a finalist for the Governor's Keep Texas Beautiful Award.

Councilman McNeil moved to approve consent agenda items 6a, 6c, 7a and 7b as recommended by the staff; and approval of first reading of consent agenda item 6b. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.

NAYS: None.

6. Ordinances and Resolutions:

- a. Resolution authorizing Mayor to appoint City Secretary as the Records Management Officer for the City of Abilene.

The Resolution is numbered 20-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE CITY SECRETARY AS THE OFFICIAL RECORDS MANAGEMENT OFFICER FOR THE CITY.

b. Approval of first reading - An ordinance amending the 1988 Uniform Mechanical Code regarding commercial kitchen hoods, and set a public hearing for June 14, 1990 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 5, "MECHANICAL CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

c. Oral Resolution approving contract for services with Carruth Small Business Development Center.

7. Award of Bid:

a. Runway & Taxiway Lighting Systems additions, renovations, & modifications (FAA Project #3-48-0002-07), Bid #CB053. The bid was awarded to Roy Willis Electric Company in the amount of \$425,046.40 as recommended by staff.

b. Traffic sign material, Bid #CB055. The bid was awarded to Vulcan Signs, the lowest responsible bidder for all items, as recommended by staff.

8. Ordinances and Resolutions:

a. Mindy Manson, Senior Planner, briefed the Council on an appealed Ordinance considered on second and final reading changing zoning district boundaries - Z-02789 - Request from Darlene Sparks to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district located at 602 Grape. Planning and Zoning Commission recommended denial of Limited Commercial; approval of Mixed Use Overlay.

Mayor Pro Tempore Ray 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 moved to approve the Ordinance to add Mixed Use overlay to the underlying Residential Single Family district located at 602 Grape, as recommended. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.
Nays: None.

The Ordinance is numbered 21-1990 and is captioned as follows:

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.

b. Mindy Manson, Principal Planner, briefed the Council on an appealed ordinance considered on second and final reading changing zoning district boundaries - Z-00790 - Request from Alton Smith, to rezone from RM-3 (Residential Multi Family) to HC (Heavy Commercial) district, located at 1334 S. 7th Street. The Planning and Zoning Commission and staff recommend denial.

Mayor Pro Tempore Ray opened a public hearing on the item, and the following individuals spoke in response to the request:

FOR:
Alton Smith, proponent, 1719 Westview.

AGAINST:
George Bainer, 1343 S. 6th.
Evelyn Grabel, homeowner.

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

Councilman Grable moved to deny the request to rezone from Residential Multi Family to Heavy Commercial district, as recommended. The motion was seconded by Councilman McNeil and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.
Nays: None.

The request was DENIED.

c. Mindy Manson, Senior Planner, briefed the Council on an appealed ordinance considered on second and final reading changing zoning district boundaries - Z-00890 - Request from Haddox Investments, Inc.; agent, Glen D. Haddox, to rezone from RM-3 (Residential Multi Family) to HC (Heavy Commercial) district, located at 1010, 1026 and 1034 Chestnut. The Planning and Zoning Commission and staff recommend denial.

Mayor Pro Tempore Ray opened a public hearing on the item, and the following individuals spoke in response to the request:

FOR:
Glen Haddox, proponent, could sell property better if zoned Commercial.

AGAINST:
Beth Logan, 1041 S. 10th.

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

Councilman Vasquez moved to deny the request to rezone from Residential Multi Family to Heavy Commercial district, as recommended. The motion was seconded by Councilman Terry and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.
Nays: None.

The request was DENIED.

d. Windy Manson, Senior Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - Z-00990 - Request from Pecan Ridge, Inc./ Burl McAlister; agent, Eddie Chase, to rezone from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located at I-20 and Hwy. 277 access road. The Planning and Zoning Commission and staff recommend approval.

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

Councilman Terry moved to approve the request to rezone from Agricultural Open Space to Heavy Commercial district, as recommended. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.
Nays: None.

The Ordinance is numbered 22-1990 and is captioned as follows:

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.

e. Windy Manson, Senior Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - Z-01090 - Request from Pathology Consultants; agent, Tim Rice McClarty, to rezone from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located in the 1100 block of N. 18th St. The Planning and Zoning Commission and staff recommend approval.

Mayor Pro Tempore Ray opened a public hearing on the item, and the following individual spoke in favor of the request:

. Tim McClarty, architect for Hendrick Medical Center.

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

Councilman McNeil moved to approve the request to rezone from Residential Multi-Family to General Commercial district, as recommended. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilmen Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.

Nays: None.
ABSTAIN: Councilman Vasquez (due to his being employed by Hendrick Medical Center, which is located in the immediate area).

The Ordinance is numbered 23-1990 and is captioned as follows:

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.

f. Lee Roy George, Assistant Director of Planning and Development Services for Planning, briefed the Council on an ordinance considered on second and final reading concerning annexation of land in the vicinity of the prison site study area.

City Manager Jim Blagg stated the staff is still concerned with the potential of inappropriate development in the area.

Mayor Pro Tempore Ray opened a public hearing on the item, and the following individuals spoke concerning the request:

. Daryle Bean, landowner on the north close to the annexation, questioned why the land had a small jog in it on the north? Staff indicated it was to miss occupied homes.

. Thomas Caton questioned Mr. Blagg's statement concerning the potential for "inappropriate" development. Staff stated "inappropriate" would be development that might not meet code requirements.

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

Councilwoman Herrera moved to approve the ordinance, Option B, concerning annexation of land in the vicinity of the prison site study area, as recommended by the staff. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.
Nays: None.

The Ordinance is numbered 24-1990 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

9. Public Appearance:

H. C. Zachry, President of the Development Corporation of Abilene, presented a report of the Board's activities over the past six months, and requested the City Council accept the report by Oral Resolution.

Councilman Terry moved to accept the report from the Development Corporation of Abilene as recommended. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.
Nays: None.

10. Other Business:

a. Earl Williams, Chairman of the Human Relations Committee, briefed the Council on the Committee's progress.

Councilman McNeil moved to accept the report on the Human Relations Committee. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.

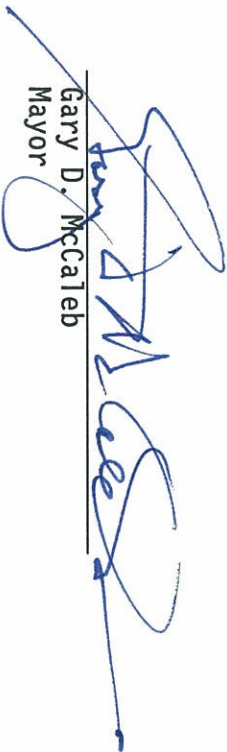
Nays: None.

b. Mayor Pro Tempore Ray recessed the Council into executive session pursuant to Sections 2e and 2g of the Open Meetings Act, and to seek the advice of the City Attorney with respect to pending and contemplated litigation and land acquisition, and to consider the appointment and evaluation of public officers.

The Council reconvened from executive session and reported no action taken.

There being no further business, the meeting was adjourned at 11:35 a.m.


Jo Moore
City Secretary


Gary D. McCaleb
Mayor