

**PRE-COUNCIL WORK SESSION, THURSDAY  
July 26, 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 July 26, 1990, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Gary D. McCaleb was present and presiding with Councilmen Paul R. Vasquez, Jack Grable, Bill Terry, and Jimmy McNeil. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff. Councilwomen Betty Ray and Liz Herrera were absent.

The Council briefly discussed various consent and regular agenda items. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING  
July 26, 1990, 9:00 A.M.**

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

Mayor McCaleb reconvened the City Council of the City of Abilene, Texas, into Regular Session July 26, 1990, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Jack Grable.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held July 12, 1990, Councilman Vasquez moved to approve the minutes as printed. The motion was seconded by Councilman McNeil and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
NAYS: None.

Kathy Cheatham, Health Department, assisted Mayor McCaleb in presenting certificates to individuals accomplishing Phase II of the Employee Wellness Walking Program, and described the next phase of the program.

Councilman Grable moved to approve consent agenda items 6b through 6d, and 7a as recommended by the staff; and approval of first reading of consent agenda item 6a. The motion was seconded by Councilman Terry and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
NAYS: None.

**6. Ordinances and Resolutions:**

- a. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Section 18-299 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.

- b. Resolution authorizing execution of agreements and other documents relative to the reconstruction of FM 1750 from State Highway 36 to Loop 322.

The Resolution is numbered 28-1990 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, AUTHORIZING EXECUTION OF AGREEMENTS AND OTHER DOCUMENTS RELATIVE TO THE RECONSTRUCTION OF FM 1750 FROM SH 36 TO LOOP 322.

- c. Oral Resolution authorizing the cancellation of contract with R. E. Harrington, Inc. for management of unemployment compensation claims.

- d. Resolution authorizing participation in the "Urban Main Street" program.

The Resolution is numbered 29-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING PARTICIPATION IN THE "URBAN MAIN STREET" PROGRAM.

7. Award of Bid:

- a. Playground equipment, Bid #CB073. The bid was awarded to Jim Lea & Associates with a low bid of \$11,469.00 as recommended by staff.

8. Ordinances and Resolutions:

- a. Mindy Manson, Senior Planner, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - Z-01290 - Request from First National Bank/Richard Williamson, agent Jack Chamberlain to rezone from GC (General Commercial) to HC (Heavy Commercial) district located on Tracy Lynn Drive. The Planning and Zoning Commission and staff recommend approval.

Mayor McCaleb opened a public hearing on the item, and the following individual spoke in favor if the request:

- . Jack Chamberlain, proponent.

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

Councilman McNeil moved to approve the ordinance to rezone from General Commercial to Heavy Commercial district located on Tracy Lynn Drive. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

The Ordinance is numbered 29-1990 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, Senior Planner, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - Z-01490 (Ord. 1159) - Request from Buddy Malone to amend a PDR (Planned Development Residential) district located at #36 Lytle Place. The Planning and Zoning Commission and staff recommend approval.

Mayor McCaleb 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 Ordinance to amend a PDR (Planned Development Residential) district located at #36 Lytle Place, as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilmen Vasquez, Councilmen Grable, Terry, McNeil, and Mayor McCaleb.

Nays: None.

The Ordinance is numbered 30-1990 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 1159, CONCERNING THE LYTLE PLACE PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING, PROVIDING A PENALTY AND AN EFFECTIVE DATE.

c. Mindy Manson, Senior Planner, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - Z-01590 - Request from Primitive Baptist Church, agent David Todd, to rezone from AO (Agricultural Open Space) to RM-3 (Residential Multi-Family) district located at 3565 Hickory. The Planning and Zoning Commission and staff recommend approval.

Mayor McCaleb opened a public hearing on the item, and the following individuals spoke in favor of the request:

• David Todd, proponent.

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

Councilman Vasquez moved to approve the Ordinance to rezone from Agricultural Open Space to Residential Multi-Family district located at 3565 Hickory. The motion was seconded by Councilman McNeil and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

The Ordinance is numbered 31-1990 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.

d. Mindy Manson, Senior Planner, briefed the Council on an Ordinance considered on second and final reading for thoroughfare abandonment - TC-01390 - Request from Ramsey Leasing, Inc., agent Eddie Chase for thoroughfare abandonment located in the 100 block of East I-20. The Planning and Zoning Commission and staff recommend approval.

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

Councilman Vasquez moved to approve the Ordinance considered on second and final reading for thoroughfare abandonment located in the 100 block of East I-20. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

The Ordinance is numbered 32-1990 and is captioned as follows:

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; POROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

e. Mindy Manson, Senior Planner, briefed the Council on an Ordinance considered on second and final reading amending Section 23-306.4, Permitted Uses and Section 23-306.5, Conditional Uses, of the Zoning Ordinance by adding "Correctional, Detention, or Penal Facilities" to be allowed with a Special Exception and under certain conditions within the AO (Agricultural Open Space) district. The Planning and Zoning Commission and staff recommend approval.

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

Councilman Grable moved to approve the Ordinance amending Section 23-306.4, Permitted Uses and Section 23-306.5, Conditional Uses, of the Zoning Ordinance by adding "Correctional, Detention, or Penal Facilities" to be allowed with a Special Exception and under certain conditions within the AO (Agricultural Open Space) district, as recommended. The motion was seconded by Councilman Terry and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

The Ordinance is numbered 33-1990 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING," 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.

f. Councilman Vasquez made a motion to remove from table Item 8f, an Ordinance considered on second and final reading changing zoning district boundaries - **Z-01190** - Request from B. R. Combs to rezone from RM-3 (Residential Multi-Family) to either GC (General Commercial) district or add MX (Mixed Use Overlay) to underlying RM-3 district, located at 1642 N. 19th St. The motion was seconded by Councilman McNeil and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

Mindy Manson, Senior Planner, briefed the Council on the item. The Planning and Zoning Commission recommends denial of the request for General Commercial zoning; staff recommends approval of Mixed Use overlay if Council believes commercial uses are appropriate for the location.

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

. Bill Combs, proponent. Mixed Use overlay will be acceptable.

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

Councilman Vasquez moved to return the request to the Planning and Zoning Commission for consideration of the Mixed Use Overlay zoning. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

g. Councilman McNeil made a motion to remove from table Item 8g, public hearing concerning Western Medi-Trans application for ambulance service license of public convenience and necessity. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

Roy McDaniel, Assistant City Manager, briefed the Council on the item; Mayor McCaleb opened a public hearing, and the following individuals spoke in response to the request:

FOR:

. Victor Hudman, President and sole stockholder of Western Medi-Trans, submitted additional information documenting need, and clarified the difference between emergency and non-emergency transport. Mr. Hudman stated he wants to be Abilene based to save the 30 minute trip from Hawley, and he would like to provide service requested by the public (including in-town transfer). He stated concerning the in-town transportation provided by Western Medi-Trans that he had received a note from the Charge Nurse at Humana, saying an Abilene resident if not to Hendrick by 2:00 p.m. would have had to wait until the next day to be admitted, and if another patient came along in place of that patient, his bed would be taken and he would have had to go to a facility out of the city limits.

AGAINST:  
Richard Cox, Abilene Emergency Medical Service, distributed documents and stated he supplies emergency and non-emergency service; that there have been no valid complaints against AEMS; and that he has met all deadlines in transporting patients.

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

Mayor McCaleb asked Mr. Hudman to submit a copy of the note from the Charge Nurse at Humana to the City Attorney in reference to these specific exceptions to the Code for in-town transfers.

Councilman Terry stated he feels there is a need for out-of-town transfers (such as to San Antonio) by ground vehicles and in order to fill that need and only that need, Councilman Terry made a motion to direct staff to draft an Ordinance amending the present Municipal Code dealing specifically with the need for out of town transfers and return to Council with the recommendations within a month. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

**10. Other Business:**

a. Mayor McCaleb 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.

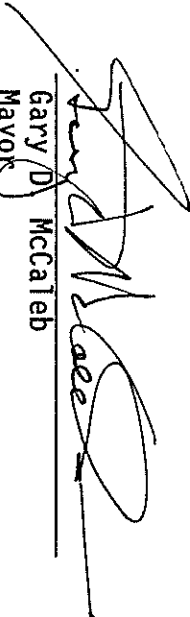
Councilman McNeil moved to reappoint Eleazar C. Maciel, J. M. McClarty, Betty Hardwick, and Mary Lou Gilbreath; and to appoint Thomas V. Lovvorn, Jr. to the Mental Health/Mental Retardation Board of Trustees, with terms beginning September 1, 1990 and expiring August 31, 1992. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, McNeil, and Mayor McCaleb.  
Nays: None.

There being no further business, the meeting was adjourned at 11:15 a.m.

Following the meeting, the Council attended the Employee Wellness physical fitness site ribbon cutting.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor