

**PRE-COUNCIL WORK SESSION, THURSDAY  
April 28, 1994, 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 April 28, 1994, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Gary D. McCaleb was present and presiding with Councilwoman Betty Ray, Councilmen Jimmy McNeil, Russell Berry, Ray Ferguson, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Assistant to the City Manager Debra Guerra, City Secretary Jo Moore, and various members of the City staff. Councilman Paul R. Vasquez was absent.

Deloss Edwards, Fire Chief, outlined that department's Strategic Plan. The Council briefly discussed various consent and regular agenda items. City Manager Jim Blagg stated agenda item 6b, Oral Resolution authorizing Mayor to execute land lease agreement with Union Pacific Railroad, would need to be held until a later date. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING  
April 28, 1994, 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 April 28, 1994, at 9:00 a.m. in the Council Chambers of City Hall.

Mayor McCaleb introduced a class of third graders from College Heights Elementary who were in attendance; seven of whom represented the Mayor and Council elected from that class.

Invocation was given by Councilwoman Betty Ray.

There being no corrections, additions or deletions to the minutes of the City Council Meeting held April 14, 1994, Councilman Berry moved to approve the minutes. The motion was seconded by Councilman McNeil and the motion carried.

AYES: Councilwoman Ray, Councilmen Ferguson, McNeil and Berry, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

Mayor McCaleb recognized Councilwoman Betty Ray for her accomplishments during her tenure as Councilmember, and presented her with a clock along with a bouquet of flowers in recognition for her service

to the citizens of Abilene.

Mayor McCaleb presented the following proclamations:

April 19 as Shots Across Texas Day,  
May as Hispanic Cultural Awareness Month, and  
May as National Senior Citizens Month.

Mayor McCaleb presented Certificates of Appreciation to the following participants in the art display at the Railroad Festival, then recognized art teacher Martha Kiel:

Ben Martinez, Anson Jones Elementary  
Robert McCathren, Lincoln Middle School  
Benjie Daniels, Mann Middle School  
Lila Sadler, Abilene High School  
Joseph Nikell, Cooper High School

Jim Nichols of Freese & Nichols, gave a brief history of Freese & Nichols, then presented to the Mayor a copy of their book, "A Century In The Works; Freese & Nichols 1894-1994".

Councilwoman Ray moved to approve consent agenda items 6a, 6c, 7a and 7b, as recommended by the staff. Item 6b would be held until a later date. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilwoman Ray, Councilmen Ferguson, McNeil, Berry, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

## **6. Ordinances and Resolutions:**

a.Oral Resolution approving the continuation of a contract with Municipal Services Bureau executed November 30, 1993 for collection of traffic citations.

b.Removed from Consent Agenda to be considered at a later date.

c.Oral Resolution authorizing the Mayor to execute a Street Use License agreement with Texas Refining and Marketing, Inc. for installation of monitoring wells in right-of-way.

## **7. Award of Bid:**

a.ADA Remediation Work Phase I, **Bid #CB4029**. The bid was awarded to Henninger, Inc., the low responsible bidder in the amount of \$289,450.00 as recommended by staff.

bAutomatic electronic total station surveying instrument and accessories for Engineering Division, **Bid #CB4033**. The bid was awarded to Geodimeter in the amount of \$15,855.00 (Proposal #2) and the proposal for accessories was awarded to Sokkia Measuring Systems in the amount of \$2,210.00, as requested by staff.

## **8. Ordinances and Resolutions:**

a. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council

on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-00294** - Request from Tommy D. Burrow, agent Dave Miller, to rezone from RS-6 (Residential Single Family) to PDD (Planned Development) district, located at 6164 Hartford. Planning and Zoning Commission and staff recommend approval.

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

.David Miller, 1710 S. Clack, agent for the proponent.

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

Councilman Ferguson moved to approve the Ordinance to rezone from Residential Single Family to Planned Development district located at 6164 Hartford, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

Nays: None.

The Ordinance is numbered 15-1994 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #55 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

b. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an appealed Ordinance considered on second and final reading changing zoning district boundaries - **Z-00694** - Request from Fairway Oaks Country Club Inc.; agent David Todd, to amend PDD #4 to allow residential development on Lot 101, Block A, The Fairways; located on Antilley Road. Staff recommends approval; the Planning and Zoning Commission recommends denial.

Mayor McCaleb stated this is an appealed item with a sufficient number of residents opposing to require a super majority (6 votes) to pass. With Councilman Vasquez absent, a written request from the proponent was received asking that the item be tabled until a full Council could be present. If the item is tabled, the Mayor stated a public hearing would still be opened in order to give those prepared to speak today an opportunity to do so.

Councilwoman Ray moved to **TABLE** the Ordinance to amend PDD #4 to allow residential development on Lot 101, Block A, The Fairways; located on Antilley Road, and reschedule at a later date. The motion was seconded by Councilman Ferguson and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

Nays: None.

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

.Billie Alderman, Winters, prefers to come back to a Council meeting when a full Council is present and the item is open for public comment again.

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

c. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-01694** - Request from Bruse Dubose, agent Larry Holmes, to rezone from MH (Mobile Home) to O (Office) district, located at Hwy. 277 South & Twylight Trail. The Planning and Zoning Commission recommends approval; staff recommends disapproval.

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

.Larry Holmes, agent for the proponent, stated this will be a field office for training, with low traffic. He stated the property has been on the market for 6 years under the present zoning and has not sold.

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 Mobile Home to Office district, located at Hwy. 277 South & Twylight Trail, as recommended by the Planning & Zoning Commission. The motion was seconded by Councilman Ferguson and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered 16-1994 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, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-01794** - Request from Charles D. Nall, agent Dale A. Scoggins, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at N. 16th & Hickory Sts.

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

.Dale Scoggins, agent for the 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 Residential Multi-Family to Office district, located at N. 16th & Hickory Sts., as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered 17-1994 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. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-01894** - Request from Statewide Capital, Inc.; agent Baldev Patel, to rezone from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located in the 1900 block of Scottish Road.

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

.Noble Harris, representative of the proponent, 2101 Lincoln Drive, stated the reason for one opposition.

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

Councilwoman Herrera moved to approve the Ordinance to rezone from Agricultural Open Space Heavy Commercial district, located in the 1900 block of Scottish Road, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered 18-1994 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. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-01994** - Request from Camri, Inc.; agent CoJer Engineering & Surveying Inc., to rezone from AO (Agricultural Open Space) to RS-12 (Residential Single Family) district, located at S. 21st St. & Oldham Ln.

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

.Dr. Flores, representing the president of Camri, Inc., stated it would relieve traffic on the other development, help the downtown area, and would be the last development on Oldham Lane as there is no more land available.

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

Councilman Ferguson moved to approve the Ordinance to rezone from Agricultural Open Space to Residential Single Family district at S. 21st St. & Oldham Ln., as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered 19-1994 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.

g. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading for thoroughfare closure - **TC-01594** - Request from Bailey Choate to close (1) Jefferies St. from west right-of-way line of Lillius west a distance of 430'; (2) Graham S. from the north right-of-way line of Jefferies to the south right-of-way line of Wagner St.; (3) a 20' north-south alley in Block C, C. C. Broyles Subdivision; and (4) a 20' north-south alley on the west side of Block D, C. C. Broyles Subdivision

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

.Bailey Choate, 22 Hoylake, proponent.

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

Councilwoman Herrera moved to approve the Ordinance to close portions of Jefferies and Graham Streets, a 20' north-south alley in Block C, and a 20' north-south alley on the west side of Block D, C. C. Broyles Subdivision, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry and Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered 20-1994 and is captioned as follows:

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.

h. James Condry, Assistant Director of Development Services for Public Works, briefed the Council on an Ordinance considered on second and final reading amending Chapter 18, "Motor Vehicles and Traffic", Section 18-289 of the Abilene Municipal Code. Blair Haney, representative of the Texas Department of Transportation, explained the State request and future plans.

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 Berry moved to approve the Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Section 18-289 of the Abilene Municipal Code, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilwoman Ray, Councilmen Berry, McNeil, and Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered 21-1994 and is captioned as follows:

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.

i. Mindy Manson, Assistant Director of Planning and Development Services for Planning, briefed the Council on a **Public Hearing** concerning annexation of the Middleton Prison Unit.

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.

No action was required.

j. David Wright, Director of Finance, briefed the Council on a Resolution designating primary depository for commercial banking services.

Councilman Ferguson moved to approve the Resolution designating First National Bank as primary depository for commercial banking services, and authorizing the Mayor to execute the contract, as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilwoman Ray, Councilmen Berry, McNeil, and Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Resolution is numbered **18-1994** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING FIRST NATIONAL BANK, ABILENE, AS THE PRIMARY DEPOSITORY FOR COMMERCIAL BANKING SERVICES AND APPROVING SECURITIES PLEDGED.

k. Bid Opening: 11:00 a.m.

David Wright, Director of Finance, assisted by Joe Smith of First Southwest Company, briefed the Council on an Oral Resolution approving an Award of Bid; and an Ordinance authorizing issuance of City of Abilene, Texas, Combination Tax and Revenue Certificates of Obligation, Series 1994, in the amount of \$2,000,000. Mr. Smith opened and read all bids aloud.

While staff was verifying the arithmetic on the bids, Mayor McCaleb recessed the Council into executive session pursuant to Sections 551.071 and 551.074 of the Open Meetings Act, and to consider the appointment and evaluation of public officers.

The Council reconvened from executive session and reported no action taken, but following the Award of Bid and authorizing issuance of the Certificates of Obligation some board recommendations would be made.

Councilwoman Ray moved to approve the low bid from A. G. Edwards & Sons, at the net interest cost of \$841,772.92 and the effective interest rate of 5.330448%, and to approve the Ordinance authorizing issuance of City of Abilene, Texas, Combination Tax and Revenue Certificates of Obligation, Series 1994, in the amount of \$2,000,000 as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

Nays: None.

The Ordinance is numbered **22-1994** and is captioned as follows:

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1994, IN THE PRINCIPAL AMOUNT OF \$2,000,000

Mayor McCaleb recommended the following appointments and reappointments to the Human



Relations Committee:

REAPPOINT:

Paul Matta  
Celina Fennell

APPOINT:

Teresa Harris  
Rufus Johnson (to fill an unexpired term expiring 5/95)  
Joe Garcia  
Wanda Lafayette

Councilwoman Herrera moved to approve the Mayor's recommended appointments and reappointments to the Human Relations Committee, with terms expiring May, 1997 unless otherwise noted. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilwoman Ray, Councilmen McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

Nays: None.

There being no further business, the meeting was adjourned at 11:17 a.m.

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Jo Moore  
City Secretary

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Gary D. McCaleb  
Mayor

