

**PRE-COUNCIL WORK SESSION, THURSDAY
May 26, 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 May 26, 1994, 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, A. Don Drennan, Jimmy McNeil, Ray Ferguson, Russell Berry, 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.

Mike Morrison, Director of Economic Development, presented the Economic Development Strategic Plan. Councilman Berry drew for the tie bids on Award of Bid Agenda Item #7a for water pipe; drawing International Supply of Longview. Council then briefly discussed various consent and regular agenda items, and there being no further discussion, the meeting was recessed to the City Council Chambers until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
May 26, 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 May 26, 1994, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Russell Berry.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held May 12, 1994, Councilman Berry moved to approve the minutes as printed. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

Mayor McCaleb presented a proclamation for May 29-June 4, 1994 as National Garden Week.

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

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

NAYS: None.

6.Ordinances & Resolutions:

a. Resolution approving HOME Program statement for FY 1994/95.

The Resolution is numbered 22-1994 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE PROGRAM DESCRIPTION AND PROJECTED USE OF FUNDS FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR FY 1994/95.

b. Oral Resolution authorizing Mayor to execute lease between City and Union Pacific Railroad on land from Mesquite to Hickory.

c. Approval of first reading - An Ordinance providing for the extension of the boundary limits of the City of Abilene and the annexation of certain territory lying adjacent to and adjoining the present boundary limits of the City of Abilene, and set a public hearing for July 14, 1994 at 9:00 a.m.

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.

d. Approval of second and final reading - An Ordinance revising Chapter 15, "Lakes", of the Abilene Municipal Code.

The Ordinance is numbered 23-1994 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 15, "LAKES" OF THE ABILENE CITY CODE BY AMENDING AN ADDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

7. Award of Bid:

a. Pipe for Water Utilities Department, **Bid #CB-4039**. The bid was awarded to International Supply of Longview by drawing of sealed bid in Pre-Council session in the amount of \$15,590.40 as recommended by staff.

b. Pneumatic Roller for Street Division, **Bid #CB-4037**. The bid was awarded to Conley-Lott-Nichols, in the amount of \$27,420.27 with trade in, as recommended by staff.

c. Equipment for Environmental Laboratory, **Bid #CB-4032**. The bid was awarded to ATI Instruments in the amount of \$25,000 as the most advantageous to the City, as recommended by staff.

8. Ordinances & Resolutions:

a. Councilman Ferguson moved to remove from the table 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 Ordinance to allow residential uses on Lot 101, Block A, The Fairways, located on Antilley Road. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

Mindy Manson, Assistant Director of Planning and Development Services for Planning, briefed the Council on the item. The Planning and Zoning Commission recommends denial; staff recommends approval.

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

FOR:

.David Todd, 2500 S. Willis, agent for the proponent.

AGAINST:

.Hank Bennett, 3666 Antilley Road, spoke with residents of Harbour Town. He stated they were told the area would remain open, reading a letter from Shawn McGlothlin (on record) as opposing and stated the Country Club's claim of maintenance costs is false - one of three residents that maintained the area at no cost in 1993.

.Tom Gill, 9 Harbour Town - was told it would always be open, would result in a lack of privacy, drainage problems, etc. Mr. Todd gave no new information to the Planning & Zoning Commission and they voted against it.

.David White, 29 Harbour Town, questioned access to the area, also stating about 20' difference in elevation between currently developed and open land.

.Earl Harrison, 74 Harbour Town, mentioned no privacy, stating the area is not suitable for building.

.Billie Alderman, 51 Harbour Town, owns a condominium in the area, stated there was a verbal agreement that the area would not be developed.

.Roy White, 44 Harbour Town, mentioned 22-26 children in the area, wants to leave the area as is for the children to play.

.Diana Moore, 6 Hoylake, was told by Sandy Kiser that the Homeowners Association do not take a stand on this issue.

.Kenneth Briggs, 32 Harbour Town, stated the area was zoned for a picnic area, he would not have bought otherwise, stating that is the only privacy they have.

.Myrtle Bennett, 3666 Antilley Road, stated Antilley Road needs no more traffic; she is not sure there is a housing shortage, is concerned with the whole community. Developers have ignored nature, the environment.

.David White, 29 Harbour Town, representing the Fairways Homeowners (basically neighborhood watch), stated people maintain property that is not theirs.

.Brenda Goodwin, 27 Harbour Town, would rather look at weeds than houses, as is a good selling factor.

.Alleca Sullivann, 36 Harbour Town, no one knows what will be developed there.

David Todd presented more facts: he met with the residents to discuss plans, no formal offer from Harbour Town to buy the property, is open to that offer. Lots were developed by Fairway Oaks Lee Moore construction Company, no longer involved, conveyed property. Real estate people may have promised , but there were no written contracts executed by Lee Moore. Mr. McGlothlin stating no promise made of perpetual use of lots.

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

Following a lengthy discussion among Council and staff, Councilman Vasquez moved to approve the request to amend PDD #4 Ordinance to allow residential uses on Lot 101, Block A, The Fairways, retaining the 20' easement open space and emphasized all measures would be taken to protect property owners. The motion was seconded by Councilman Drennan.

After further discussion among the Council with consideration being given to comments about Harbour Town residents possibly purchasing the property in question, Councilman Berry moved to table the item to provide time to see if an equitable solution between Harbour Town residents and Fairway Oaks can be reached (the motion to table taking precedence over the main motion). The motion was seconded by Mayor McCaleb, who stated if it comes up again it would not be tabled if all interested parties can resolve the issue, and stated that since a public hearing has already been conducted, another public hearing will not be necessary. The motion carried.

AYES: Councilmen Vasquez, Drennan, Councilmen McNeil, Berry, Ferguson, and Mayor McCaleb.

Nays: None.

Abstain: Councilwoman Herrera.

The first possible Council meeting with the full Council present may be the second meeting in July. If a public hearing is wanted, staff will be notified - otherwise there will be no public hearing.

b. 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-02194** - Request from Blanche Horn, agent Jim Horn to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi Family) district in the 1200 block of Anson Avenue. 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 of the request:

. Jim Horn, 2965 Hickory, 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 changing zoning district boundaries from Residential Single Family to Residential Multi Family district in the 1200 block of Anson Avenue, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

The Ordinance is numbered **24-1994** 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.

c. 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-02294** - Request from Martin Haught to rezone from RS-6 (Residential Single Family) to HC (Heavy Commercial) district, in the 200 block of E. N. 14th St. 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:

.Larry Holmes, agent for the proponent, asked if shrubbery would work for privacy.

Staff will check regulations.

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

Councilman Vasquez moved to approve the Ordinance changing zoning district boundaries from Residential Single Family to Heavy Commercial district in the 200 block of E. N. 14th St., as recommended by staff. The motion was seconded by Councilman Drennan and the motion carried.

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

Nays: None.

The Ordinance is numbered 25-1994 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 & Development Services for Planning, briefed the Council on the Ordinance considered on second and final reading changing zoning district boundaries - **Z-02394** - Request from O. B. Stephens; agent Eddie Chase to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district in the 4400 block of Catclaw Drive. 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 Berry moved to approve the Ordinance changing zoning district boundaries from Agricultural Open Space to Residential Single Family district in the 4400 block of Catclaw Drive, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

Nays: None.

The Ordinance is numbered 26-1994 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.

Mayor McCaleb presented a proclamation for "Say So Week", May 29-June 4, 1994 to Alice Beard.

9. Other Business:

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.

b. Mayor McCaleb recommended changing the Youth Advisory Council term date from May to November, place the Water Conservation Committee in an inactive status, and board appointments and reappointments as follows:

ABILENE COMMUNITY DEVELOPMENT COMPANY, INC. - 1 year term

Reappoint:

Kathy Estes, alternate

Guinn Smith
Janet Samford
Kirby Leeson
John Dugan
Sue Ball, alternate
Betty Sneed

Appoint:
Jim Richmond, alternate
Michelle Bailey, alternate
Cindy Bruce, alternate

ABILENE HIGHER EDUCATION AUTHORITY, INC. - 2 year term

Reappoint:
Dr. Royce Money
Dr. John Stevens
Gerald Schwalb

ABILENE HIGHER EDUCATION FACILITIES, INC. - 2 year term

Reappoint:
Dr. Royce Money
Dr. John Stevens
Gerald Schwalb

ABILENE HOUSING FINANCE CORPORATION - 2 year term

Reappoint:
Dave Dalzell
Earl Williams

BOARD OF ADJUSTMENT - 2 year term

Appoint:
Pete Jones
Kacey Higgins

CITYLINK ADA ADVISORY BOARD - 3 year term

Reappoint:
Gloria Schneider
Cindy Theriault

Appoint:
Toni Garcia, term expires 5/95
Santos Sosa
A. B. Hailey, term expires 5/95

MPE BOARD OF APPEALS - 2 year term

Reappoint:
Charles Clark

Grady Cozby, Alternate
Darrell Dorsett
Tom Hawkins
Mike Hudman
Steve Letz
Paul Moore
Lloyd Turner, Alternate
Dennis Watson, Alternate

MH/MR PUBLIC RESPONSIBILITY COMMITTEE - 2 Year term (9/94 - 8/96)

Reappoint:
Ruby Blascyk
Barry L. Hofer, DDS
Rev. Sam Matta

WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT - 2 year term

Reappoint:
Tucker Bridwell
Fred Lee Hughes
Fred Sandlin

Councilman Vasquez moved to approve the recommendations to change the Youth Advisory Council term date from May to November, place the Water Conservation Committee in an inactive status, and board appointments and reappointments as listed above. The motion was seconded by Councilman Berry and the motion carried.

AYES: Councilmen Vasquez, Drennan, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

Nays: None.

There being no further business, the meeting was adjourned at 12:25 p.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor

