

**PRE-COUNCIL WORK SESSION, THURSDAY
March 9, 1995, 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 March 9, 1995, 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, Russell Berry, Ray Ferguson, and Councilwoman Liz Herrera. Also present were City Manager Lanny Lambert, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff. Councilman Jimmy McNeil was absent.

Roberta Thompson, Housing Administrator; assisted by Wanda Merritt, Michelle Barton, and Stephanie Dugan, Assistant Director of Economic Development, briefed the Council on the proposed purchase of Parkridge Place Apartments. City Secretary Jo Moore distributed corrected copies of page 7 of the February 23, 1995 minutes, and item 4.4, Resolution amending sidewalk Master Plan. The Council received a memo from Mike Morrison on Community Development Block Grant Citizen Participation. Roy McDaniel, Assistant City Manager, noted a correction to page 2, item 3.2, stating the word "eastern" should be "western"; and noted item 3.13, contract for photogrammetric services and products, is contingent upon State approval. The Council 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
March 9, 1995, 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 March 9, 1995, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Liz Herrera.

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the February Employee of the Month Award to Police Officer Teresa Ann Young.

Mayor McCaleb presented a proclamation for March as Ethics Awareness Month.

There being no further corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held February 23, 1995, Councilman Berry moved to approve the minutes as printed with the correction submitted at the pre-Council session. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

Councilman Vasquez moved to approve consent agenda items 3.9 through 3.16, and approval of first reading agenda items 3.1 through 3.5, 3.7, and 3.8 as recommended by the Planning and Zoning Commission. The motion was seconded by Councilman Drennan and the motion carried. Item 3.6, first reading of Annexation of Saddle Creek Estates, was removed from the consent agenda to be considered separately at the request of a citizen.

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

NAYS: None.

ABSTAIN: Councilman Ferguson on item 3.1 and 3.2.

3.0. Ordinances:

3.1.**Approval of first reading** - Ordinances rezoning PDD & AO to PDD & GC at Southwest & Catclaw Drives - **Z-00795** & set public hearing for 3/23/95

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #57 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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.

3.2.**Approval of first reading** - Ordinance rezoning from RM-3 to O at 234 Sayles - **Z-01195** and set a public hearing for 3/23/95.

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.

3.3.**Approval of first reading** - Ordinance rezoning from O to GC in the 1700 block of S. Clack - **Z-01295** & set a public hearing for 3/23/95.

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.

3.4.**Approval of first reading** - Ordinance rezoning from LC to GC in the 1700 block of S. Clack - **Z-01395** & set a public hearing for 3/23/95

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.

3.5.**Approval of first reading** - Ordinance rezoning from AO to LI at 3518 & 3524 E.

Hwy. 80 - **Z-01495** & set a public hearing for 3/23/95.

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.

3.6.**Approval of first reading** - Ordinance annexing Saddle Creek Estates Area removed from consent agenda to be considered separately.

3.7.**Approval of first reading** - Zoning Ordinance amendment Sec. 23-345 creating a Corridor Overlay Zone & set a public hearing for 3/23/95.

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.

3.8.**Approval of first reading** - Ordinance on zone change to add COR to underlying zoning districts along Buffalo Gap Rd. - **Z-01095** and set a public hearing for 3/23/95.

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.

Resolutions:

3.9Resolution appointing Election Officials and Fixing Rate of Compensation for May 6, 1995 City Council election and June 3, 1995 runoff election if necessary.

The Resolution is numbered **9-1995** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION.

3.10Resolution supporting Community Waste Prevention, Recycling and Composting Assistance Grant (95COMM) from Texas Natural Resource Conservation Commission (TNRCC).

The Resolution is numbered 10-1995 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, IN SUPPORT OF THE COMMUNITY WASTE PREVENTION, RECYCLING, AND COMPOSTING GRANT ASSISTANCE APPLICATION.

3.11 Resolution designating Habitat for Humanity as CHDO & authorizing disbursement of HOME funds for FY 93/94

The Resolution is numbered 11-1995 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE DESIGNATION OF HABITAT FOR HUMANITY, ABILENE, INC., AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AND AUTHORIZING DISBURSEMENT OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS FOR FISCAL YEAR 1993/94.

3.12 Resolution directing publication of Notice of Intention to Issue Certificates of Obligation

The Resolution is numbered 12-1995 and is captioned as follows:

RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1995

3.13 Oral Resolution awarding contract for photogrammetric services and products contingent upon approval by Texas Department of Transportation and Federal Highway Administration.

3.14 Resolution approving application for grant funds from Criminal Justice Division

The Resolution is numbered 13-1995 and is captioned as follows:

A RESOLUTION PROVIDING FOR APPROVAL OF APPLICATION FOR GRANT FUNDS FROM THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS.

Award of Bid:

3.15 Outfront rotary mowers, **Bid #CB5034**. The bid was awarded to Moore's Bicycle Shop, the low responsible bidder, in the amount of \$46,008.00 as recommended by staff.

3.16 Ten and one-half (10-1/2) foot mower for Parks Division, **Bid #CB-5035**. The bid was awarded to Goldthwaite's of Texas, Inc., the low responsible bidder in the amount of \$25,595.00 to include the purchase of spare wheels, as recommended by staff.

3.6. Approval of first reading - Ordinance annexing Saddle Creek Estates Area.

Mayor McCaleb stated second and final reading on this particular item will be May 11, 1995 following a public hearing.

Mayor McCaleb stated this is not a public hearing item, but did recognize the following individual:

.Wayne Curtis, 202 E. Hardison Lane, addressed the Council concerning his property that was annexed in 1981.

Mayor McCaleb stated if Mr. Curtis' comments do not regard this particular item, it cannot be discussed.

Councilman Vasquez requested that Mr. Curtis submit in writing to the Council his questions and concerns.

Mr. Curtis agreed to Councilman Vasquez' request.

Councilman Vasquez moved to approve first reading of the Ordinance annexing Saddle Creek Estates Area, and set a public hearing for May 11, 1995, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

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 AN ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

4.0 REGULAR AGENDA

Ordinances

4.1 Phil Sissel, Fire Marshal, briefed the Council on an Ordinance considered on second and final reading adopting the 1994 Uniform Fire Code with amendments. Staff recommends 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 Drennan moved to approve the Ordinance adopting the 1994 Uniform Fire Code with amendments, as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

The Ordinance is numbered **11-1995** and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, "FIRE PREVENTION CODE", DIVISION I, SEC. 10-46 OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

4.2 Harvey Cargill, City Attorney, briefed the Council on a Resolution suspending the WTU proposed rate increase; and first reading of an Ordinance approving a WTU rate increase. Staff recommends approval.

Mayor McCaleb opened a public hearing on the item, and the following individual spoke:

.Paul Brower, representative for WTU, gave a history of the rate review request, WTU long term goals, and a brief explanation of the settlement proposal.

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

Councilman Ferguson moved to approve the Resolution suspending the WTU proposed rate increase; and first reading of the Ordinance approving a WTU rate increase, as recommended by staff. The motion was seconded by Councilman Drennan and the motion carried.

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

NAYS: None.

The Resolution is numbered 14-1995 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
SUSPENDING WEST TEXAS UTILITIES PROPOSED RATE INCREASE.

The Ordinance is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING ELECTRIC UTILITY RATE SCHEDULES FOR WEST TEXAS
UTILITIES COMPANY; PROVIDING A SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.

Resolutions

4.3 James Condry, Assistant Director of Development Services for Public Works, briefed the Council on an Oral Resolution approving a street use license agreement for Abilene Preservation League to conduct a Railroad Festival. Mr. Condry then introduced Abilene Preservation League members Susan Arrington, who presented activities planned for the festival, and Gary Pullin, who distributed T-shirts to the Council.

Councilman Berry moved to approve by Oral Resolution a street use license agreement for Abilene Preservation League to conduct a Railroad Festival April 1 and 2, 1995, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

4.4 Ron Quarles, Acting Assistant Director of Development Services for Planning, briefed the Council on a Resolution amending the Sidewalk Master Plan. The Planning and Zoning Commission recommends approval, staff recommends denial.

Councilman Drennan moved to approve the Resolution amending the Sidewalk Master Plan, as recommended by the Planning and Zoning Commission. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

The Resolution is numbered 15-1995 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AMENDING THE SIDEWALK MASTER PLAN.

5.0 Other Business:

Mayor McCaleb recessed the Council into executive session pursuant to Sections 551.071 and 551.074 of the Open Meetings Act, to seek the advice of the City Attorney, and to consider the appointment and evaluation of public officers.

Mayor McCaleb left the meeting during executive session.

The Council reconvened and reported no action taken.

Councilman Ferguson moved to appoint to the Landmarks Commission Lynn Wilkinson to fill a vacancy as Abilene Preservation League representative, term expiring 11/95; and David McMeekan as Planning and Zoning representative, term expiring 11/97. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez, Drennan, Berry, Ferguson, and Mayor Pro Tempore Herrera.

NAYS: None.

There being no further business, the meeting was adjourned at 10:30 a.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor

