

**PRE-COUNCIL WORK SESSION, THURSDAY
March 23, 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 23, 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, Jimmy McNeil, 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, City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff.

Mike Morrison, Director of Economic Development, reviewed with the Council how the Community Development Block Grant Funding program fits in the overall City budget process. The Council requested a more formal approach be developed for the submission of the CDBG funding proposals. The Council briefly discussed various consent and regular agenda items, and there being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
March 23, 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 23, 1995, at 9:00 a.m. in the Council Chambers of City Hall. Invocation was given by Councilman Paul Vasquez.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held March 9, 1995, Councilman Drennan moved to approve the minutes as printed. 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.

Mayor McCaleb presented the following proclamations:

March & April as Southwestern Bell Directory Recycling Months;

March 25, 1995 as White Cane Day;

April as Occupational Therapy month;

March 19-25, 1995 as Poison Prevention Week;

March 23, 1995 as Windsor History Day; and

April as Child Abuse Prevention Month.

Kevyn Hines, representing the SNAP program, presented a plaque of gratitude to Officer Terrill Perkins, who patrols the Holiday Hills area.

Ron Quarles, Acting Assistant Director of Development Services for Planning, assisted Mayor McCaleb in presenting Certificates of Appreciation to members of the Buffalo Gap Corridor Overlay District Task Force.

Councilman Ray Ferguson presented to Mayor McCaleb a proclamation for March 23, 1995 as Mayor Gary D. McCaleb Day for his representation of our city in all areas of municipal government and for his outstanding leadership.

Councilman McNeil moved to approve consent agenda items 3.1 through 3.4, as recommended by the staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Vasquez on item 3.1 only.

Resolutions:

3.1 Resolution approving issuance of Series 1995 Bonds (Hendrick Medical Center) by the Abilene Health Facilities Development Corporation, in an amount not to exceed \$98 million plus original issue discount, if any.

The Resolution is numbered **16-1995** and is captioned as follows:

RESOLUTION REGARDING APPROVAL OF ABILENE HEALTH FACILITIES DEVELOPMENT CORPORATION HOSPITAL REVENUE REFUNDING AND IMPROVEMENT BONDS (HENDRICK MEDICAL CENTER PROJECT) SERIES 1995A, SERIES 1995B, SERIES 1995C, AND SERIES 1995D

3.2 Oral Resolution approving contract with DCOA, Inc. for all DCOA owned properties to be covered under City's self-insurance plan and authorize City Manager to execute contract.

3.3 Oral Resolution accepting donation of land at Cobb Park from Lone Star Little League for parking lot extension.

Bid Awards:

3.4 Truck mounted hydraulic high velocity cleaning/vacuum unit, **Bid #CB5033**. The bid was awarded to Underground, Inc. of Pearland, Texas at a complete unit cost of \$164,569.00 as the most advantageous to the City, as recommended by staff.

Ordinances

4.1 and 4.2 Ron Quarles, Acting Assistant Director of Development Services for Planning, briefed the Council on Ordinances considered on second and final reading to amend the Zoning Ordinance, Section 23-345 creating a Corridor Overlay Zone; and to add COR to underlying zoning districts along Buffalo Gap Rd. - **Z-01095**. Mr. Quarles then introduced Jeff Armstrong and Mike Bieniek of the Planning Department, who summarized the two proposed ordinances. The 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:

FOR:

.Gary Shahan, member of the task force, reviewed the task force procedures and long term solutions.

AGAINST:

.Lt. Col. Mienz, a resident off Buffalo Gap Road, stated more commercial area is not needed, and asked why residential area needs to be changed to commercial.

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

Mr. Quarles stated that if approved the base zoning of this area would not change unless a special exception was granted.

Councilman Drennan moved to approve the Ordinances to amend the Zoning Ordinance, Section 23-345 creating a Corridor Overlay Zone and to add COR to underlying zoning districts along Buffalo Gap Rd., as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

Nays: None.

The Ordinance is numbered **12-1995** 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.

The Ordinance is numbered **13-1995** 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.

4.3 Ron Quarles, Acting Assistant Director of Development Services for Planning, briefed the Council on Ordinances considered on second and final reading rezoning PDD & AO to PDD & GC at Southwest & Catclaw Drives - **Z-00795**. The 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:

FOR:

.Tom Galbraith, representing the Dodge Jones Foundation and Wal Mart, reviewed the process and all issues, additional provisions and proposals.

.Philip Gara, lives in the area, stated residents should be grateful to WalMart for creating jobs.

AGAINST:

.Dale Butler, 4449 Bob'O'Link, is opposed to the location - not to WalMart. He asked the Council to deny the request or at least table it until more research can be done on working it out. He feels WalMart should compensate property owners; the City or WalMart could hire a third party to review the health problems; or have WalMart buy the surrounding property.

.James Drury, 4417 Bob'O'Link, stated we need WalMart, but not where commercial is next to residential property - residents need to study quality of environment. He asked Council to table the item.

.John Ringle, 3226 Birch, stated they were told the area would be residential, not General Commercial. He stated the item should at least be tabled for further research.

.Anna Cornell, 4441 Bob'O'Link, stated WalMart should be asked to move away from the residential area, citing many problems. She showed a video of another WalMart and its traffic.

.Randy Thomas, 4457 Bob O'Link, stated that WalMart is serving an ultimatum, and felt that is wrong.

.Sharon Ringle, 3226 Birch, stated the traffic would be a problem for children, joggers, and bicyclists.

.Scott Senter, Senter Realtors, stated he is available to answer questions - as the original realtors he remembers the land was for transitional use - not definite residential or commercial.

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

The Council recessed for 5 minutes.

Mayor McCaleb responded to some of the comments made during the public hearing. He

stated that although fines may bring money to the City they also achieve compliance; that the City Council is concerned about balancing all areas of our community, whether it be the individual citizen, residential, commercial or the downtown area, economic development, quality of life, or our childrens future, and that this Council cares very deeply about our citizens. The Mayor further stated that the Council is asked to make decisions, some difficult, some easy, but all areas are brought into consideration in making these decisions and that he feels all areas of concern on this matter have been addressed.

Councilman Vasquez moved to approve the Ordinances to rezone from PDD & AO to PDD & GC district located at the northwest corner of Southwest and Catclaw Drives, as recommended. The motion was seconded by Councilman Berry and the motion carried.

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

Nays: None.

ABSTAIN: Councilmen Drennan and Ferguson.

The Ordinance is numbered **14-1995** 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 #57 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

The Ordinance is numbered **15-1995** 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.

4.4 Ron Quarles, Acting Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading rezoning from RM-3 to O at 234 Sayles - **Z-01195**. The Planning and Zoning Commission recommends approval; staff recommends disapproval, but if Council approves the item, staff would recommend rezoning the west side of Sayles to Office zoning.

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

Jud Powell, 1417 Woodridge, would like to have all property rezoned, but due to time crunch, would request this property be rezoned.

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 RM-3 to O district located at 234 Sayles Blvd., to include the above-mentioned recommendation by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

Nays: None.

ABSTAIN: Councilman Ferguson.

The Ordinance is numbered **16-1995** 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.

4.5 Ron Quarles, Acting Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading rezoning from O to GC in the 1700 block of S. Clack - **Z-01295**. 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:

.Jack Chamberlain, 1233D Tracy Lynn Drive, representing owners.

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 Office to General Commercial district located in the 1700 block of S. Clack, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

Nays: None.

The Ordinance is numbered **17-1995** 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.

4.6 Ron Quarles, Acting Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading rezoning from LC to GC in the 1700 block of S. Clack - **Z-01395**. The Planning and Zoning Commission and staff recommend approval of the north 56' of the property only to General Commercial.

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 McNeil moved to approve the Ordinance to rezone from Limited Commercial to General Commercial district in the 1700 block of S. Clack, the north 56' of the property only, as recommended by staff. The motion was seconded by Councilman Drennan and the motion carried.

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

Nays: None.

The Ordinance is numbered **18-1995** 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.

4.7 Ron Quarles, Acting Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading rezoning from AO to LI at 3518 & 3524 E. Hwy. 80 - **Z-01495**. 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:

.Jerry Mash, realtor and 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 Agricultural Open Space to Light Industrial district located at 3518 & 3524 E. Hwy. 80, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

Nays: None.

The Ordinance is numbered **19-1995** 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.

There being no further business, the meeting was adjourned at 1:08 p.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor

