

**PRE-COUNCIL WORK SESSION, THURSDAY
October 19, 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 October 19, 1995, at 8:30 a.m. in the Basement Conference Room of City Hall. Mayor Pro Tempore Russell Berry was present and presiding with Councilmen Paul R. Vasquez, A. Don Drennan, Jimmy McNeil, Ray Ferguson, and Councilwoman Kay Alexander. 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. Mayor Gary D. McCaleb was absent from Pre-Council session only.

The Council briefly discussed various consent and regular agenda items. In addressing item #3.2, Assistant City Manager stated for the record his opposition to the selling of tax exempt bonds. Councilman Drennan noted the positive economic impact to our community that the selling of such bonds has. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
October 19, 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 October 19, 1995, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Ray Ferguson.

Pledge of Allegiance was led by Lori Faulkenberry, fifth grader at Bowie Elementary School.

Kay Berry, President of Abilene Clean and Proud, presented quarterly awards as follows: Windcrest Alzheimer Care Unit of Sears Methodist Retirement facility for Landscaping; New Broadway Deli for Outstanding Environmental Involvement; United Supermarkets and RWL Recycling for Recycling; French Robertson Unit for Litter Control; and Pine Street Salvage, a special certificate for Outstanding Environmental Involvement.

Mayor McCaleb presented a proclamation for October 23-29 Heart Fest Week. Dana Gibson, President of Taylor County Heart Board, introduced students from Wylie Intermediate School who have studied heart disease and the benefits of restricting one's diet. The students then served a healthy breakfast to the Council and various staff members.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held October 12, 1995, Councilman McNeil moved to approve the minutes as printed. The motion was seconded by Councilman Drennan and the motion carried.

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

NAYS: None.

Councilman Drennan moved to approve consent agenda items 3.1 through 3.7 as recommended by the staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

Resolutions:

3.1 Resolution supporting Texas Natural Resource Conservation Commission Used Oil Collection Grant Application.

The Resolution is numbered 33-1995 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, IN SUPPORT OF THE USED OIL COLLECTION PROGRAM GRANT.

3.2 Resolution approving Issuance of Student Loan Revenue Bonds by Abilene Higher Education Authority, Inc.

The Resolution is numbered 34-1995 and is captioned as follows:

RESOLUTION APPROVING THE ISSUANCE OF STUDENT LOAN REVENUE BONDS BY THE ABILENE HIGHER EDUCATION AUTHORITY, INC.

3.3 Oral Resolution requesting Council to authorize continuation of Commercial Lease for Ft. Phantom Lake Lots 516 & 517 for a five year term and the standard commercial fee of \$450 per year.

Ordinances

3.4 Ordinance amending FY 95 General Fund Budget.

The Ordinance is numbered 42-1995 and is captioned as follows:

AN ORDINANCE AMENDING ORDINANCE 36-1995 RELATING TO FISCAL YEAR 1994-95 REVISED GENERAL FUND BUDGET; APPROPRIATING FUNDS; AND REPEALING ANY ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Bid Awards

3.5 Household Hazardous Waste Disposal, **Bid #CB5075**. The bid was awarded to ENSCO of Baton Rouge, Louisiana for the unit prices bid, as recommended by staff.

3.6 Street maintenance materials, **Bid #CB6001**. The unit prices bid was awarded as follows: Abilene Lumber, Inc. - Type I Portland Cement - delivered; Fina Oil & Chemical Co. MC-3000 Asphalt and MC-30 asphalt - delivered; R. E. Janes Gravel Co. - Chip seal stone type A-3, A-4, & A-5 - non-delivered; Koch Materials Co. - MS-2 asphalt - delivered; Morris Ready-Mix Concrete, Inc. concrete, 4-sack, 5-sack, and 7-sack - delivered; AC-5 asphalt, AC-10 asphalt - delivered; Southern Asphalt & Petroleum - limestone rock asphalt, Types A & CC - delivered; Vulcan Materials Co. crushed, limestone aggregate - non-delivered, hot mix asphalt, type D - non-delivered, chip seal stone, type PB-4 - non-delivered; all as recommended by staff.

3.7 Radio Telephones, **Bid #CB6002**. The bid was awarded to Pittencrieff Communications, Inc., authorizing City Manager to execute contract documents in the amount of \$39,049.54 as recommended by staff.

REGULAR AGENDA

Resolutions

4.1 Harvey Cargill, City Attorney, briefed the Council on an Oral Resolution approving West Texas Utilities Rate Settlement, indicating that the rate has been reduced by \$13.5 million, resulting in a refund of \$22 million.

Mayor McCaleb thanked Councilmen Ferguson and Drennan for representing the Council and for the time they have spent in meetings and study. Councilman Drennan stated the credit should go to Councilman Ferguson for his extensive work, and the excellent job he did.

Councilman Ferguson indicated that the rate case settlement was educational; and noted the groups involved that agreed upon a solution, resulting in the settlement agreement being fair to consumers and providing WTU with a fair return on their investment.

Councilman Vasquez moved to approve by Oral Resolution the West Texas Utilities Rate Settlement, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

Nays: None.

Ordinances

4.2 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-03995** - Add PH (Patio Home Overlay) to underlying RS-6 (Residential Single Family) district, located in 3800 block of Chimney

Rock Road. The Planning and Zoning Commission and staff recommends approval SUBJECT TO a fifteen foot rear setback instead of ten, and rear yards fenced so as to include the utility easements at the rear of the lots.

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

.Lee Roy George, 926 Washington, representing the proponent.

.Dale Williamson, 9 Zachry Cove, stated it was an acceptable use for the property, a compromise was met, and stated appreciation for the proponent's cooperation.

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

Councilman Vasquez moved to approve the Ordinance to add PH to underlying RS-6 district in the 3800 block of Chimney Rock Road with the two recommendations by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

Nays: None.

The Ordinance is numbered **43-1995** 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 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading amending Section 23-306.4 & 23-306.5 of Zoning Ordinance to allow rodeos as an accessory use to Liquor Stores On-Premise Consumption. 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:

.Susan Darnold, owner of the Midnight Rodeo complex, gave a history of the complex and distributed a folder of information to the Council. She addressed the noise issue, and demonstrated speakers to be used in the future compared to speakers previously used at concerts. Ms. Darnold also stated this is an entertainment complex, many patrons do not drink alcohol and that alcohol cannot be brought in nor taken out of the complex.

.Ricky Walker, 1333 Ross, project and production manager for Midnight Rodeo, addressed citizen concerns about safety precautions, indicating they want to make Abilene citizens happy and the facility would be made available to youth groups.

- .George Lane, operates Abilene Telephone Secretary Service, has not heard noise.
- .Tommy Brown, 373 Mulberry, stated the arena is built to hold bulls, and the facility would be good for young people.
- .James Richardson, 3800 N. 11th, retired rodeo clown, indicated the 1997 convention of National Rodeo Clowns will be hosted in Abilene.
- .Tom Nix, Anson, furnished cattle for the coliseum, stated the coliseum is booked, and not geared for small gatherings.
- .Charlie Dromgoole, 1709 Lytle Shores, read a letter stating the facility helps promote the western culture and is a good addition to downtown entertainment. Ms. Darnold will make every effort to meet citizen concerns.
- .Daniel Walton, 1333 Sycamore, works for Midnight Rodeo, picks up beer bottles, and polices the parking lot by horseback.

OPPOSED:

- .Maria Griffith, 208 Merchant, stated it is detrimental to the neighborhood due to noise. It would be an added disturbance and is cruel to animals.
- .Lucy Alvarado, 1226 S. 3rd, stated it is not the right place, not a good thing for kids.
- .Richard Thornburg, stated a rodeo uptown is ridiculous.
- .Lori Lynn Christenson, 200 block of N. 3rd, stated noise is a bother. More traffic will come, trash, noise from people, inappropriate activity for the middle of town. She questioned the safety of riders.
- .Andy Reeder, Reeders Auto Supply, is concerned with downtown activity of this sort. Beer bottles are a problem, as well as vandalism.
- .Anna Nunez, 225 Clinton, stated the coliseum would be a more beneficial location.
- .Pebbles Lee, 220 Mulberry, is 6/10 of a mile from Midnight Rodeo, and stated the noise is a problem, and the Midnight Rodeo has been extremely inconsiderate. She presented a petition against an open roof expansion. Ms. Lee stated the complex is a bar - that they make their money by selling alcohol.
- .Gary Goodlow, 150 Merchant, asked who will regulate the noise and enforce the rules.
- .Bernadette Schkade, 150 Merchant, stated children should not be attracted to a place serving alcohol.
- .Vida Wills, stated tax dollars are being spent on cultural development, indicating this conflicts with downtown development.

.Farrell Reeder, Reeder Auto Supply, would hate to see a rodeo in a congested area where another location for their business would have to be found, stating it is ridiculous to consider a rodeo in this area.

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

Council took a five minute break at 11:00 a.m.

Staff stated that if approved, this amendment would be applicable to any on-premise liquor establishment city-wide. Staff's concerns were noise, odor, waste disposal, dust, and safety to patrons. Councilman Vasquez stated his problem with the request is related to location and counterproductive to downtown development. Councilman Drennan believes in zoning but stated this zoning is inappropriate for downtown Abilene, and this zoning would permit the activity anywhere there is on-premise consumption. Councilman Drennan voiced concerns on staff's recommendation and stated staff should re-look at these recommendations. Councilman Ferguson stated concerns with this activity being permitted city-wide and with the idea of alcohol and youth activities at the same facility. Councilwoman Alexander and Councilman McNeil agreed with Councilman Ferguson's concerns. Councilman Berry stated that a no vote would not be against rodeos, but noted the wide range of difficulty to control this activity downtown and that the Board of Adjustment would be a deciding board on the special exceptions process.

Following the discussion among Council and staff, Councilman Vasquez moved to deny the request to amend the Zoning Ordinance to allow rodeos as an accessory use for liquor stores, on-premise consumption. The motion was seconded by Councilman McNeil and the motion carried.

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

Nays: None.

The request was **DENIED**.

4.4 Cassie Hughes, Assistant Building Official, briefed the Council on an Ordinance considered on second and final reading amending Chapter 8, "Construction Regulations", Article VI "Uniform Codes & Other Regulations", Division 2, "Building Code", Section 8-482 "Amendments" of the Abilene Municipal Code, regarding fire suppression systems in temporary amusement buildings. The Board of Building Standards 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 on second and final reading amending the Abilene Municipal Code regarding fire suppression systems in temporary amusement buildings, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

Nays: None.

The Ordinance is numbered 44-1995 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS", DIVISION 2, "BUILDING CODE", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

4.5 Cassie Hughes, Assistant Building Official, briefed the Council on an Ordinance considered on second and final reading amending Chapter 8, "Construction Regulations", Article VI "Uniform Codes & Other Regulations", Division 2, "Building Code", Section 8-482 "Amendments" of the Abilene Municipal Code, regarding special egress control devices. The Board of Building Standards 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 Ferguson moved to approve the amendment to the Abilene Municipal Code regarding special egress control devices, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

Nays: None.

The Ordinance is numbered 45-1995 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS" ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS", DIVISION 2, "BUILDING CODE", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

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 seek the advice of the City Attorney with respect to pending and contemplated litigation and to consider the appointment and evaluation of public officers.

The Council reconvened from executive session and reported no action taken.

Roy McDaniel, Assistant City Manager, briefed the Council on a Resolution nominating City representatives to the Central Appraisal District Board of Directors. Staff recommends approval.

Councilman McNeil moved to approve the Resolution nominating Bob Gill, Downing Bolls, Mike Young, Robert Grimes and Harold Nixon as representatives to the Central Appraisal District Board of Directors, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

The Resolution is numbered 35-1995 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
NOMINATING BOARD OF DIRECTOR CANDIDATES FOR THE CENTRAL
APPRAISAL DISTRICT OF TAYLOR COUNTY.

Councilman Vasquez moved to approve the Mayor's appointment of Tucker Bridwell and reappointment of David Scott, terms expiring 11/98 to the Development Corporation of Abilene, as recommended by staff. The motion was seconded by Councilman Drennan and the motion carried.

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

Nays: None.

There being no further business, the meeting was adjourned at 11:45 a.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor