

**PRE-COUNCIL WORK SESSION, THURSDAY
December 7, 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 December 7, 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, Jr., City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff. Mayor McCaleb was absent from the Pre-Council Session.

The Council briefly discussed various consent and regular agenda items. David Wright, Director of Finance, briefed the Council on the Budget & Capital Improvement Program, explaining this year's format is the incorporation of three separate documents. Mr. Wright then thanked all departments as well as his staff for working on this project. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
December 7, 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 December 7, 1995, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Kay Alexander.

Pledge of Allegiance was led by David Carrillo, 5th grader at Dyess Elementary. Mr. Carrillo was accompanied by his mother, who is employed in the Learning Resource Center at the school.

Mayor McCaleb, assisted by City Secretary Jo Moore, presented Employee Service Awards to the following individuals for their years of service:

25 Years	Billy R. Spivey	Refuse Route Supervisor Refuse Collection
25 Years	Carlene Edmondson	Executive Secretary Legal Division

Mayor McCaleb, assisted by Assistant to City Manager Debra Guerra, presented the Employee of the Month award for November to David Phillips, Firefighter.

Pam Tompkins, Executive Secretary in Administrative Services, assisted Mayor McCaleb in presenting the Employee of the Year award to Dale Bennington of the Water Department. All Employee of the Month recipients were recognized.

Mayor McCaleb, assisted by Anita Vigil Recreation Division Events Coordinator, presented City of Abilene/National Arts Program Awards.

Melvin Martin, Police Chief, assisted Mayor McCaleb in presenting Certificates of Appreciation to Contributors to the Police Department's SNAP Program.

Mayor McCaleb, assisted by Connie Holland of West Texas Girl Scouts, presented a Certificate of Appreciation to Rebecca Massicotte, National Girl Scout Calendar Artwork Participant.

Mayor McCaleb presented a proclamation for December 7 as Abilene Community Band Day.

Councilman Vasquez moved to approve the minutes of the Pre-Council Session and Regular City Council Meeting held November 16, 1995. 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.

Councilman Berry moved to approve consent agenda items 3.1 and 3.2, and first reading of items 3.3 through 3.10 as recommended by the 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.

ABSTAIN: Councilman Vasquez on item 3.8 only.

Resolutions

3.1 Resolution authorizing submission of projects to Texas Department of Transportation for State or Federal funding.

The Resolution is numbered **37-1995** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING SUBMISSION OF PROJECTS TO THE ABILENE DISTRICT OFFICE OF THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FUNDING IN THE 1997-1999 TRANSPORTATION IMPROVEMENT PROGRAM.

3.2 Resolution approving sanitary sewer waiver request for proposed Lot 1, Block A, J. Riggs Addition.

The Resolution is numbered **38-1995** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING SEWER IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE FOR PROPOSED LOT 1, BLOCK A, J. RIGGS ADDITION, ABILENE, TAYLOR COUNTY, TEXAS, LOCATED ON SHIRLEY ROAD.

Ordinances

3.3 Approval of First Reading - Z-02595 - Ordinance to rezone from AO, RS-6 & RM-2 to PDMX district located at the NE corner of Catclaw & Rebecca Ln., and set a public hearing for December 21, 1995 at 9:00 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #59 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

3.4 Approval of First Reading - Z-04995 - Ordinance to rezone from LC to GC district located at the SE corner of Buffalo Gap & Chimney Rock Roads, and set a public hearing for December 21, 1995 at 9:00 a.m.

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 - Z-05095 - Ordinance to rezone from SC to GC district located at 3282 S. 27th St., and set a public hearing for December 21, 1995 at 9:00 a.m.

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 - Z-05195 - Ordinance to rezone from AO to RS-6 with PH overlay district located on Antilley Rd. between Fairway Oaks Blvd. & Hardwick Rd., and set a public hearing for December 21, 1995 at 9:00 a.m.

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.

3.7 Approval of First Reading - Z-05495 - Ordinance to amend PDD 9 to allow restaurants, drive-in and fast food located at 5125 Buffalo Gap Rd., and set a public hearing for December 21, 1995 at 9:00 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, AND ORDINANCE NO. 33-1980 CONCERNING THE HUNTERS CREEK, CONT. 1 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

3.8 Approval of First Reading - TC-04895 - Ordinance for thoroughfare closure of dedicated alley located from N. 17th to N. 18th Streets, between Cypress and Cedar Streets, and set a public hearing for December 21, 1995 at 9:00 a.m.

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.

3.9 Approval of First Reading - TC-05295 - Ordinance for thoroughfare closure of Young Avenue from Marathon Road to Pemelton Drive, and set a public hearing for December 21, 1995 at 9:00 a.m.

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.

3.10 Approval of First Reading - Ordinance to amend Section 23-306.4 of Zoning Ordinance to allow shooting ranges, indoor, in CB zoning district, and set a public hearing for December 21, 1995 at 9:00 a.m.

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.

REGULAR AGENDA

Public Appearances

4.1 Debra Guerra, Assistant to the City Manager, introduced co-chairs Scott Dueser and Dixie Bassett of the Mayor's Task Force on Technology, who gave a presentation of their findings to date. Don Williams, Task Force member, distributed the report, which is still in progress.

No action was required.

4.2 Mike Hall, Director of Community Services, introduced Dr. Roy Willingham, Health Department Administrator. Dr. Willingham briefed the Council on the Abilene/Taylor County Health District's activities over the past two years, indicating that there has been much improvement in cooperation between the District and private health providers. Dr. Willingham also briefed the Council on ten of his responsibilities as the Department Administrator.

Mayor McCaleb and Councilman Vasquez stated their appreciation for the work that has been done.

No action was required.

Resolutions

4.3 Lanny Lambert, City Manager, introduced Dr. Winston Beard, Chairman of Robertson-Middleton Hospitality House Task Force, who briefed the Council on the ministry of the Hospitality House; then requested the Council approve by Oral Resolution a lease agreement for land northeast of the Robertson and Middleton prison sites located on FM 3522 for the Robertson-Middleton Hospitality House.

Councilman Vasquez moved to approve by Oral Resolution the lease agreement for land northeast of the Robertson and Middleton prison sites located on FM 3522 for the Robertson-Middleton Hospitality House, as requested. 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.

Ordinances

4.4 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading to rezone from O to LC district, located in the 500 block of N. 6th & Willis. Staff recommends approval, the Planning and Zoning Commission recommends denial.

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

For:

.Jack Langham, owner 1902 Young.

.Robert Brashear, fruit stand owner, asked if the City would be willing to help relocate in order to recover some finances - he does not have the money to relocate.

.Cindy Sankella, representing the Day Nursery, stated the fruit stand has become an integral part of

their curriculum. The fruit stand owner has helped educate the children.

Against:

.Eddy Boykin, 279 N. Willis, suggested letting him stay until June unless there are complaints.

.James Cassell, owns office building, feels it is spot zoning.

.Mike Wheeler, 417 N. Blvd., stated it is a detriment to Life Investment Properties.

Councilman Drennan asked Mr. Lockett to explain the City's error and what steps have been taken to prevent this. Mr. Lockett explained some of the circumstances surrounding the error and the steps to be initiated to prevent it from happening again.

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

Councilman McNeil moved to: 1) deny the request to rezone; 2) let Mr. Brashear stay no longer than the end of the lease time being May 31st; and 3) direct City staff to work with Mr. Brashear in finding a suitable location and making that change. 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.

The request was **DENIED**.

4.5 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading for street name change of extension of FM 3438 to Arnold Blvd. 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 for street name change of extension of FM 3438 to Arnold Blvd., 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 Ordinance is numbered **47-1995** and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
CHANGING THE NAME OF EXTENSION OF F.M. 3438 TO ARNOLD BOULEVARD.

4.6 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading for street name change of N. 14th St. from west end of N. 10th to I-20 to Marigold St. 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 Vasquez moved to approve the Ordinance for street name change of N. 14th St. from west end of N. 10th to I-20 to Marigold St., 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 **48-1995** and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
CHANGING THE NAME OF NORTH 14TH STREET TO MARIGOLD STREET.

Other Business:

Councilman Vasquez moved to approve the Mayor's appointment of Charles Stuart to the Human Relations Committee to fill an unexpired term, expiring 5/98. 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.

Councilman McNeil moved to approve the Resolution reappointing Keith A. Barton Municipal Judge for a term of two (2) years. 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.

The Resolution is numbered **39-1995** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
REAPPOINTING KEITH A. BARTON MUNICIPAL COURT JUDGE FOR A TERM OF
TWO (2) YEARS.

There being no further business, the meeting adjourned at 11:55 a.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor