

**PRE-COUNCIL WORK SESSION, THURSDAY
January 25, 1996, 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 January 25, 1996, 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, Assistant to the City Manager Debra Guerra, City Secretary Jo Moore, and various members of the City staff. Mayor Gary D. McCaleb was absent.

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
January 25, 1996, 9:00 A.M.**

**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CITY COUNCIL CHAMBERS OF CITY HALL**

Mayor Berry reconvened the City Council of the City of Abilene, Texas, into Regular Session January 25, 1996, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Jimmy McNeil.

Pledge of Allegiance was led by Tim Molina, a 5th grader at Johnston Elementary School. He was accompanied by school counselor Kay Billings.

Mayor Berry presented Certificates of Achievement for Excellence in Financial Reporting and a Financial Reporting Award to David Wright, Director of Finance.

Mayor Berry presented a proclamation for February 5-9 as National School Counseling Week.

Mayor Berry presented a Certificate of Appreciation to the Abilene Clarinet Choir, featured performers at the 1996 Texas Music Educators Association Convention.

Earnest Merritt, Special Assistant to the City Manager for Youth Services, and Delores Lawhon, Junior League Representative and Teen Court Board Member, assisted Mayor Berry in presenting a Certificate of Appreciation to Civic Center employees on behalf of the Abilene Teen Court.

Mayor Berry presented an Honorary Citizen award to Kalin Ivanov, Exchange student from Bulgaria.

Debra Guerra, Assistant to the City Manager, assisted Mayor Berry in presenting an Honorary Citizen award to Marta Susana Rabellino from our Sister City in Rio Cuarto, Argentina. Council then took a short recess for a reception in honor of Ms. Rabellino.

The Council reconvened, and there being no corrections, additions, or deletions to the January 11, 1996 Pre-Council and Council Minutes, Councilman Vasquez moved to approve the minutes as printed. The motion was seconded by Councilman McNeil and the motion carried.

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

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 Vasquez and the motion carried.

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

NAYS: None.

Resolutions:

3.1 Resolution calling Joint City Council/AISD election for May 4, 1996 and Runoff June 1, 1996 if needed.

The Resolution is numbered 2-1996 and is captioned as follows:

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AND THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT, ORDERING ELECTIONS TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON MAY 4, 1996; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE AS MAYOR AND IN PLACES 3 AND 4 ON THE CITY COUNCIL OF THE CITY OF ABILENE AND IN PLACES 1 AND 2 ON THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

3.2 Resolution approving formation of Abilene/Buffalo Gap/Taylor County/Jones County Airport Zoning Board.

The Resolution is numbered **3-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS, APPROVING THE FORMATION OF THE ABILENE-BUFFALO GAP-TAYLOR COUNTY-JONES COUNTY JOINT AIRPORT ZONING BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISIONS OF CHAPTER 241 OF THE TEXAS LOCAL GOVERNMENT CODE - MUNICIPAL AND COUNTY ZONING AUTHORITY AROUND AIRPORTS.

3.3 Resolution designating Habitat for Humanity, Abilene, Inc. as a CHDO and authorize disbursement of HOME funds for FY 94/95 and 95/96.

The Resolution is numbered **4-1996** 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 FROM FY 1994/95 AND FY 1995/96 ALLOCATIONS.

Bid Awards:

3.4 Trucks for various divisions, **Bid #CB-6013**. Items 1 and 2 were awarded to Hughes Diesel and Item 3 to R. L. Anderson International, representing the low responsible bidders in the amount of \$125,259.00, as recommended by staff.

3.5 Refuse trucks, **Bid #CB-6012**. The bid was awarded to Volvo & GMC Trucks of Dallas, the low responsible bidder in the total amount of \$720,567.00 as recommended by staff.

3.6 Backhoe and wheel loader for Parks Division, **Bid #CB-6016**. Item 1 was awarded to CASE, Inc. and Item 2 was awarded to Abilene AG Ford New Holland, representing the low responsible bidders for a total amount, with trade ins, of \$97,507.00, as recommended by staff.

3.7 Rebuild two (2) wheel loaders for Street Services Division, **Bid #CB-6017**. The bid was awarded to West Texas Equipment Co., the low responsible bidder in the amount of \$187,000.00 as recommended by staff.

REGULAR AGENDA

Ordinances

4.1 Carl Lockett, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-00196** - Request from Watson Enterprises to rezone from RM-2 to O district located in the 300 block of N. Mockingbird. The Planning and Zoning Commission and staff recommend approval.

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

. Scott Senter, 3401 Curry Lane, representing the proponent.

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-2 to O district located in the 300 block of N. Mockingbird, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

The Ordinance is numbered 2-1996 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.

4.2 Carl Lockett, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-00396** - Ordinance to amend PDD 57 concerning landscaping requirements located at 4350 Southwest Drive. The Planning and Zoning Commission and staff recommend approval with the following amendments: add 126 Elaeagnus to Landscape Plan north of wall, and relocate trees from along north of wall to south of wall as drawn on Plan and place 25' on center at the new location.

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

. Tom Galbreath, agent for the proponent.

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

Councilman Drennan moved to approve the Ordinance to amend PDD 57 concerning landscaping requirements located at 4350 Southwest Drive as amended: add 126 Elaeagnus to Landscape Plan north of wall, and relocate trees from along north of wall to south of wall as drawn on Plan and place 25' on center at the new location, as recommended. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Ordinance is numbered **3-1996** and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, AND ORDINANCE NO. 14-1995 CONCERNING THE WAL-MART PLANNED DEVELOPMENT DISTRICT, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

Councilman Vasquez moved to remove from the table Item 4.3, **Z-05495** - Ordinance to amend PDD #9 to allow restaurants, drive-in with fast food located at 5125 Buffalo Gap Road. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

4.3 Carl Lockett, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-05495** - Ordinance to amend PDD #9 to allow restaurants, drive-in with fast food located at 5125 Buffalo Gap Road. The Planning and Zoning Commission and staff recommend approval.

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

. Paul Johnson, agent for the proponent.

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

Councilman Vasquez moved to approve the Ordinance to amend PDD #9 to allow restaurants, drive-in with fast food located at 5125 Buffalo Gap Road, as recommended by staff. The motion was seconded by Councilman Drennan and the motion carried.

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

NAYS: None.

The Ordinance is numbered **4-1996** and is captioned as follows:

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 PLANNED DEVELOPMENT DISTRICT; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

Resolutions

4.4 Roy McDaniel, Assistant City Manager, briefed the Council on a Joint Resolution with West Central Texas Municipal Water District and City of Abilene on Special Recognition of O. H. Ivie. Staff recommends approval.

Councilman Drennan moved to approve the Joint Resolution recognizing O. H. Ivie, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Resolution is numbered **5-1996** and is captioned as follows:

RESOLUTION OF APPRECIATION FOR OWEN H. IVIE

4.5 James Condry, Assistant Director of Development Services for Public Works, presented a report on the review of traffic operational and safety issues in the N. Judge Ely Blvd. area.

The Council expressed concerns in several areas, some of which were:

1. the need for signs with lights in school areas,
2. police enforcement,
3. schools assisting in creating an awareness of the students, and
4. consistency in speed zones.

James McCoy, parent of three Taylor students and a car pool driver, would like to see a school zone with flashing lights from Judge Ely to 13th Street.

Mr. Hurst, principal of Taylor Elementary and a parent of children from the University Hills area, does not want to encourage children to cross Judge Ely - awareness is the issue - people need to know that a school is there. Mr. Hurst requested the Council to:

1. Reinstate the school zone,
2. Lower the speed limit on Judge Ely,
3. Place a light at San Jacinto, and
4. Have an extended red light at 16th.

JoAnn Jamison, ACU employee, stated ACU and the students of ACU are concerned about this issue. Ms. Jamison also stated awareness is stressed through the school newspaper.

City Manager Lanny Lambert asked Council to consider implementing items not already implemented, as listed in the Council letter.

Following a lengthy discussion, Councilman Ferguson moved to accept the report on the review of traffic operational and safety issues in the N. Judge Ely Blvd. area and to adopt the following recommendations: 1) a school zone along Taylor School, directing staff to bring a recommendation on speed and length of zone; 2) reduce speed limits from 45 to 40 mph from EN 10th to EN 16th; 3) place a traffic signal along the street that runs beside Wal-Mart (San Jacinto Dr.). Councilman Ferguson stated a process is in place to rank intersections and that this intersection should fall within that process; and 4) continue to enforce speed limits along Judge Ely by the Police Department Selective Traffic Enforcement Program. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

4.6 Donna Albus, Clean and Proud Coordinator, briefed the Council on a Resolution supporting Taylor County's application of TNRCC/WCTCOG Solid Waste Enforcement Grant. Ms. Albus noted that if approved, the City would be committing to the following levels of support: Year 1 - \$15,000, Year 2 - \$15,000, and Year 3 - \$18,460. Staff recommends approval.

Councilman Ferguson moved to approve the Resolution supporting Taylor County's application of TNRCC/WCTCOG Grant, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Resolution is numbered **6-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, IN SUPPORT OF THE REGIONAL SOLID WASTE GRANT APPLICATION - CATEGORY 2 LOCAL ENFORCEMENT.

5.0 Other Business

Mayor Berry 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.

Councilman McNeil moved to approve the appointment of Dr. Gary Thompson and Richard Bacon to the Joint Airport Zoning Board. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

No action was taken on item 5.3, Consider approval of appointment of Assistant City Attorney.

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

Jo Moore
City Secretary

Russell Berry
Mayor Pro Tempore

