

**PRE-COUNCIL WORK SESSION, THURSDAY  
June 27, 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 June 27, 1996, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Pro Tempore Paul R. Vasquez opened the meeting; Mayor Gary D. McCaleb arrived shortly thereafter and presided with Councilmen Paul R. Vasquez and Don Drennan, Councilwoman Carol Martinez, Councilmen Rob Beckham and Ray Ferguson, and Councilwoman Kay Alexander. Also present were City Manager Lanny Lambert, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., Acting City Secretary Debbie Hurley, Assistant to the City Manager Debra Guerra, and various members of the City staff.

City Manager Lanny Lambert noted that item 4.8, Appealed Item #Z-02996 - Rezone from CB to LI district at the NE corner of S. 3rd & Pecan Streets, had been withdrawn by the proponent; and suggested item 4.2, Resolution authorizing eminent domain, be pulled from its place and considered after executive session. 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  
June 27, 1996, 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 June 27, 1996, 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 Audrey Lambert, fourth-grader at Lee Elementary School and daughter of City Manager Lanny Lambert. She was accompanied by her mother, Debi Lambert.

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in presenting the May Employee of the Month Award to Jane Nichols, Environmental Health Officer.

Kay Berry, President of Abilene Clean and Proud, presented the following special recognition awards: Hendrick Home for Children for Landscaping; Texas State Technical College (TSTC) for Litter Control; and Browning Ferris Industries (BFI) for Recycling.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held June 13, 1996, Councilman Vasquez moved to approve the minutes as printed. The motion was seconded by Councilman Drennan and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

NAYS: None.

Councilman Drennan moved to approve consent agenda items 3.1 and 3.2 as recommended by the staff. The motion was seconded by Councilwoman Alexander and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

NAYS: None.

### **Resolutions:**

3.1 Oral Resolution approving the 1996 update of the Abilene/Taylor County overall Economic Development Program.

3.2 Oral Resolution authorizing the Mayor to execute a supplemental agreement #3 to lease FAADTFA07-86-L01006 for additional land to accommodate two additional FAA radar antennas.

## **Regular Agenda**

### **Public Appearance**

4.1 Debra Guerra, Assistant to the City Manager, introduced Edward Oliphant and Misty Hicks of the Mann Middle School MIMES program, and Emily Chaney of the Youth Advisory Council, who briefed the Council on their observations and recommendations after spending a week at City Hall.

Mayor McCaleb and members of the Council expressed appreciation for their participation and encouraged their involvement.

No Council action was required.

### **Resolutions**

4.2 Removed from the agenda to be considered after the executive session.

4.3 Mike Morrison, Director of Economic Development, briefed the Council on an Oral Resolution authorizing an amendment to existing architectural services contract for rehabilitation of the T&P freight warehouse & REA baggage express buildings. Mr. Morrison then introduced Mike Young, Chair of the TIF board, who recognized board members in attendance and was available for questions from the Council. The TIF board and staff recommend approval.

Following discussion among staff and Council, Councilman Vasquez moved to authorize, by Oral Resolution, an amendment to existing architectural services contract with Weatherl & Associates for rehabilitation of the T&P freight warehouse & REA baggage express buildings, as recommended by staff. The motion was seconded by Councilman Beckham and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and 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 appealed Ordinance considered on second and final reading - **Z-02496** - Rezone from RS-6 to GC district at 2025 Highland. The Planning and Zoning Commission and staff recommend denial.

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

FOR:

.Jody Morales, proponent, 1701 Barrow, stated their original request was for a carpet store, but they have changed it to interior decorating to comply with limited commercial zoning rather than general commercial, which would be acceptable to staff.

.Cathy Morales, proponent, plans to landscape, stating it will not detract from the residential area.

AGAINST:

.Conard Miller, lives 2-3 doors down from the property.

.Brad Graham, 2101 Highland, wants to keep it residential.

. Jack Mitchell, 2073 Highland, wants to keep it residential.

.James Faulkenberry, 2050 Highland, wants to keep it residential.

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

Following discussion among Council and staff, Councilman Vasquez moved to refer the request to rezone from RS-6 to LC (instead of GC) district at 2025 Highland back to the Planning and Zoning Commission. The motion was seconded by Councilwoman Martinez and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, Mayor McCaleb.

Nays: None.

4.5 Carl Lockett, Assistant Director of Development Services for Planning, briefed the

Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-02596** - Rezone from AO & RS-6 to PDR district at the southern terminal of Phoenix Drive. 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:

.Jack Merkel, proponent.

AGAINST:

.Vicki Costello, 3933 Bayhill, Champions Homeowners Association member, stated she and the association are not against the request, but concerned with traffic associated with construction and additional families. The Association would like Forest Hill Road to be paved and used instead of Phoenix Drive for construction vehicles; and they would like to see a park in the area.

.Julie Snodgrass, 3917 Bayhill, addressed the concern for safety of children in the area.

.Robert Torrance, 6326 Dominion Ct., objects to additional traffic, suggested using Forest Hill.

.Bodie Sharp, 6442 Bayhill, suggested using Forest Hill.

.Judy Wilhelm, 4017 Champions, suggested using Forest Hill.

.Don Williford, Pensacola Drive.

Mr. Merkel came forward and addressed the concerns mentioned, stating he will extend Phoenix Drive to Forest Hill and pave Forest Hill.

Fred Aycok, Assistant Director of Community Services, addressed the park issue.

James Condry, Assistant Director of Development Services for Public Works, addressed the street issues.

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

Following a lengthy discussion of the item and issues raised in the public hearing, Councilman Ferguson moved to approve the Ordinance to rezone from AO & RS-6 to PDR district at the southern terminal of Phoenix Drive, requiring early development of Phoenix Drive to Forest Hill, placing a barrier to construction traffic at the north entrance to Phoenix Drive during construction until the south entrance at Forest Hill Road is completed, thus encouraging use of Forest Hill Road. The motion was seconded by Councilwoman Martinez and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, and Councilwoman Alexander.

Nays: Mayor McCaleb.

Mayor McCaleb noted he was not against rezoning, but was still not comfortable with the traffic issue.

The Ordinance is numbered 29-1996 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #62 (MESA RIDGE) PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.6 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-02796** - Add H to underlying RS-6 district at 1204 Vogel Avenue. 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:

.Joe Ed Burnham, 2425 S. 38th, representing the proponents.

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 H to underlying RS-6 district at 1204 Vogel Avenue as recommended by staff. The motion was seconded by Councilwoman Alexander and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

Nays: None.

The Ordinance is numbered **30-1996** 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.

Mayor McCaleb recessed the meeting for three minutes.

Following the recess, Mayor Pro Tempore Vasquez reconvened the meeting due to the fact that the Mayor had been detained temporarily.

4.7 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-02896** - Rezone from RS-6 to CU district at Vogel & Hickory, Vogel & Cedar, and Cedar & N. 26th. The Planning and Zoning Commission and staff recommend approval.

Mayor Pro Tempore Vasquez opened a public hearing on the item, and there being no one present and desiring to be heard, the public hearing was closed.

Councilwoman Alexander moved to approve the Ordinance to rezone from RS-6 to CU district at Vogel & Hickory, Vogel & Cedar, and Cedar & N. 26th as recommended by staff. The motion was seconded by Councilman Drennan and the motion carried.

AYES: Councilman Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor Pro Tempore Vasquez.

Nays: None.

The Ordinance is numbered **31-1996** 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.

4.8 **Appealed Item: #Z-02996** - Rezone from CB to LI district at the NE corner of S. 3rd & Pecan Streets, was withdrawn at the request of the proponent.

4.9 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading for thoroughfare abandonment - **TC-03096** - Thoroughfare abandonment of 300' x 40' of Edna St. from the south right-of-way line of Minda St. south a distance of 300'. The Planning and Zoning Commission and staff recommend approval subject to retaining the length and width of the proposed abandonment as a utility easement.

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

.Randy Jackson, deacon of Minda Street Church of Christ, representing the proponent.

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

Councilwoman Martinez moved to approve the Ordinance for thoroughfare abandonment of 300' x 40' of Edna St. from the south right-of-way line of Minda St. south a distance of 300' subject to retaining the length and width of the proposed abandonment as a utility easement, as recommended by staff. The motion was seconded by Councilman Beckham and the motion carried.

AYES: Councilman Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor Pro Tempore Vasquez.

Nays: None.

The Ordinance is numbered **32-1996** and is captioned as follows:

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.

Mayor McCaleb returned to the meeting.

4.10 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an appealed Ordinance considered on second and final reading for thoroughfare abandonment - **TC-03196** - Thoroughfare abandonment of (1) west 15' of a 32.5' parkway on Walnut Street for a distance of 100', and (2) east 15' of a 32.5' parkway on Walnut Street for a distance of 208'. Staff recommends approval; the Planning and Zoning Commission recommends denial.

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

.Tommy Stevens, 1637 Delwood, proponent.

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

Councilman Drennan moved to approve the Ordinance for thoroughfare abandonment of (1) west 15' of a 32.5' parkway on Walnut Street for a distance of 100', and (2) east 15' of a 32.5' parkway on Walnut Street for a distance of 208' as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

Nays: None.

The Ordinance is numbered **33-1996** and is captioned as follows:

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.

4.11 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-03296** - Rezone from RM-3 to LC district at 225 Peach Street. 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:

.Peg Cooke, 3134 Ivanhoe, 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 rezone from RM-3 to LC district at 225 Peach Street as recommended by staff. The motion was seconded by Councilwoman Martinez and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

Nays: None.

The Ordinance is numbered **34-1996** 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.

4.12 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-03396** - Rezone from AO to MH at 3810 Stewart Road. The Planning and Zoning Commission recommends approval; staff recommends disapproval.

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

.Kurt Childress, proponent.

. Becky Childress, proponent, stated they just wanted to live in the mobile home.



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

Council voiced concerns about future mobile home sites on the property; staff indicated that more than one could be placed on the size of the property submitted for rezoning, but Council could stipulate that only the area required for the mobile home owned by the proponents be rezoned. Therefore, Councilman Beckham moved to approve the Ordinance to rezone ONLY THE PORTION OF LAND NEEDED FOR THE MOBILE HOME from AO to MH at 3810 Stewart Road. The motion was seconded by Councilman Drennan and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

Nays: None.

The Ordinance is numbered **35-1996** 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.

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 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.

4.2 James Condry, Assistant Director of Development Services for Public Works, briefed the Council on a Resolution authorizing initiation of eminent domain proceedings to acquire unencumbered fee simple interest in parcels 3,4,14 & 18 and a temporary construction easement on parcels 3-A & 4-A for Antilley Rd. widening project. Staff recommends approval.

Councilman Vasquez moved to approve the Resolution authorizing initiation of eminent domain proceedings to acquire unencumbered fee simple interest in parcels 3,4,14 & 18 and a temporary construction easement on parcels 3-A & 4-A for Antilley Rd. widening project as recommended by staff. The motion was seconded by Councilwoman Martinez and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

Nays: None.

The Resolution is numbered 22-1996 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY FOR THE ANTILLEY ROAD WIDENING PROJECT FROM BUFFALO GAP ROAD TO A POINT JUST EAST OF ELM CREEK, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

There being no further business, the meeting was adjourned at 2:52 p.m.

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Debbie Hurley  
Acting City Secretary

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Gary D. McCaleb  
Mayor

