

**PRE-COUNCIL WORK SESSION, THURSDAY
July 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 July 25, 1996, at 8:30 a.m. in the Basement Conference Room of City Hall. Mayor Gary D. McCaleb was present and presiding with Councilmen Paul Vasquez and Don Drennan, Councilwoman Carol Martinez, and Councilmen Rob Beckham and Ray Ferguson. Also present were City Manager Lanny Lambert, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff. Councilwoman Kay Alexander was absent.

James Condry, Assistant Director of Development Services for Public Works, responded to questions concerning refurbishing/recycling street and traffic signs. A correction to the Exhibit to item 4.5, Rezone from AO to MH district located at 1601 Griffith Road, was distributed to Council. City Manager Lanny Lambert circulated to the Council the petition received on item 4.6, Thoroughfare abandonment of a portion of Paint Brush Drive, and Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on the issue. Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on a 1997 Stormwater Pollution Program mandated by the EPA. Mr. Hargesheimer will file comments on behalf of the City. 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
July 25, 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 July 25, 1996, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Paul Vasquez.

Pledge of Allegiance was led by Caleb Fullerton, a sixth grader at Clyde Middle School and son of Police Lieutenant Craig Fullerton and former Police Officer Sandy Fullerton. Also in attendance was his brother, Jake.

Earnest Merritt, Special Assistant to the City Manager for Youth Services, assisted Mayor McCaleb in the presentation of Certificates of Appreciation to the volunteers in the Late-Night Basketball program.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held July 11, 1996, Councilwoman Martinez moved to approve the minutes. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

Councilman Vasquez moved to approve consent agenda items 3.1, through 3.4, 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, and Mayor McCaleb.

NAYS: None.

Resolutions:

3.1 Resolution approving an application to the Bureau of Justice Assistance Local Law Enforcement Block Grant Program for a grant in the amount of \$194,592 for a 2-year period.

The Resolution is numbered **24-1996** and is captioned as follows:

A RESOLUTION PROVIDING FOR APPROVAL OF APPLICATION FOR GRANT FUNDS FROM THE BUREAU OF JUSTICE ASSISTANCE, LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

3.2 Oral Resolution authorizing the City Manager to execute a renewal lease agreement with Union Pacific Railroad Company for sludge-holding basins just east of the Grimes Water Treatment Plant in the amount of \$1,200 per year.

3.3 Oral Resolution authorizing the Mayor to execute a Sewer Effluent Irrigation contract with A. L. Rhodes for a 12-year term.

Bid Awards

3.4 Traffic sign material, **Bid #CB6039**. The bid was awarded as follows: Items C,D, & H to AmSign Corporation; Items A, B, E, & F to Vulcan Signs; and Item G to 3M on a per item basis as recommended by staff.

REGULAR AGENDA

Resolutions

4.1 Wanda Merritt, Economic Development, briefed the Council on a Resolution approving the FY 1996/97 One-Year Action Plan for CDBG & HOME programs. Representatives from several agencies were present.

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

.Cheryl Bacon, 28 Baywater Drive, representing Mend-A-Child Board of Directors, stated they are very appreciative of the funding and gave a history of Mend-A-Child and the medical care cost and process parents go through with their agency, and asked that the Council reconsider the proposed reduction in funding.

.Pat Frosch, Executive Director of Mend-a-Child, expounded on the program and addressed the possibility of duplication of services.

.Melinda Cunningham, Executive Director of the Boys & Girls Club, indicated that no funds had been allocated due to Federal funding, but asked that Council consider funding if no Federal funding is received.

.Mr. Rangel, Secretary to the Board of Directors for the Nonprofit Resource Center, stated appreciation for prior funding.

.Belinda Cook, Executive Director of Hope Haven, gave a slide presentation and corrected a false statement in the Abilene Reporter-News that reported Hope Haven had received a million dollar donation.

.Jeff Turner, Family Health Clinic, gave a slide presentation.

.Otis Dalton, 1441 Plum, member of I CAN, a local community non-profit organization stated appreciation to the Council for the revitalizing and preservation of our local community.

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

Councilman Vasquez stated due to his employment with Hendrick Medical Center and as a member of the Abilene/Taylor County Board of Health, he would be abstaining on portions of the item in possible conflict.

Following discussion among Council and staff, Mayor McCaleb recommended Council reinstate the other \$10,000 to Mend-A-Child, add \$70,000 to Hendrick Medical Center's Family Health Clinic, and reduce the Downtown revitalization program from \$25,000.00 to \$20,000.00.

Councilman Vasquez stated implying funding is an entitlement needs to be avoided and staff was requested to include in the application that funds are not entitlement.

Councilman Beckham addressed the entitlement issue by stating he feels the CDBG should be reviewed as far as having a larger percentage of a non-city part - the 88% going to City could be viewed as entitlement since they're not getting other sources of funding. Mend-A-Child receives not only donations from the private sector, but contributions from doctors. This is more leverage, as every dollar we put in results in more dollars working for us. Increasing the ratio in the future is requested.

Mayor McCaleb clarified that what is being approved today, in order to meet deadline

restraints, can be amended by the Council at a later date.

Councilman Drennan moved to approve the Resolution approving the FY 1996/97 One-Year Action Plan for CDBG & HOME programs, increase Mend-A-Child to \$20,000; Hope Haven to \$15,000; adjustment to Hendrick Medical Center Family Health Clinic to \$69,787.50, with the additional amount going back to downtown revitalization; and \$1,450.00 to be allocated by staff from City funded programs. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez (abstaining the Hendrick Medical Center Health Clinic) and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, and Mayor McCaleb.

NAYS: None.

The Resolution is numbered **25-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 1996/97 ACTION PLAN FOR THE CONSOLIDATED PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS

Council recessed for a few minutes at 11:00 a.m.

4.2 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on **SNC-04296** - A Resolution establishing an Honorary Street Name change of Regional Plaza (private street) to David M. Collins Drive. The Planning and Zoning Commission recommends denial; staff recommends approval.

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

.Woody Gilliland, agent for the proponent.

.Glen Owen, 2958 Woodland Trail, Chairman of the Board of Directors for Abilene Regional Medical Center (proponent).

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

Mayor McCaleb clarified the fact that (1), a 3 to 2 vote by the Planning and Zoning Commission is inconclusive, since 4 votes are required; (2) this is a private street, and (3) this is an Honorary Street Name designation, not a change.

Following discussion among Council and staff, Councilman Drennan moved to approve the Resolution establishing an Honorary Street Name of Regional Plaza to David M. Collins Drive, as requested. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Resolution is numbered **26-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ESTABLISHING DAVID M. COLLINS DRIVE AS AN HONORARY STREET NAME.

4.3 Lanny Lambert, City Manager, briefed the Council on an Oral Resolution authorizing the City Manager to execute an Interlocal Agreement to transfer a fire truck to Taylor County for assignment to a volunteer fire department.

Councilman Vasquez moved, by Oral Resolution, to authorize the City Manager to execute an Interlocal Agreement to transfer a fire truck to Taylor County for assignment to a volunteer fire department, 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, 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 - **Z-03696** - Rezone from RS-6 to GC located at 7749 Buffalo Gap Road. The Planning and Zoning Commission recommends approval, staff recommends denial.

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 table the Ordinance to rezone from RS-6 to GC at 7749 Buffalo Gap Road. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

4.5 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an appealed Ordinance considered on second and final reading - **Z-03796** - Rezone from AO to MH located at 1601 Griffith Road. 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:

.Steve Hood, representing the proponent, stated that the mobile home was needed for a daughter to be close to her ill mother and grandmother. A mobile home mover obtained through the yellow pages of the phone book had assured the proponent that it was OK to put the mobile home at this location and the permit could be picked up from Building Inspection after the mobile home was moved.

.Mary Griffith, 2001 Griffith Road, in favor.

.Mrs. R. J. Griffith, 901 N. Loop 322, in favor.

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

Mayor McCaleb stated this is also an inconclusive 3 to 2 vote by Planning and Zoning and that one of the most difficult decisions for the Council due to the sensitivity of the needs of families, and the long term change of the environment of a neighborhood.

Following discussion among the Council and staff, Mayor McCaleb stated the spirit of the Council is saying that the the two following considerations will be made: (1) the proponent is to proceed in working with Mr. Lockett through Planning and Zoning to acquire water & sewer, that the mobile home will not be considered in violation because this case represents an issue that Council feels must be addressed and no decision in favor or against the request is being made; and (2) staff and the Citizens Committee on Ordinance Review will be requested to make this item a top priority immediately and bring a recommendation to the Council. Councilman Ferguson moved to table the Ordinance to rezone from AO to MH at 1601 Griffith Road with the two considerations as stated by the Mayor. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

4.6 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **TC-03896** - Thoroughfare abandonment of a portion of Paint Brush Drive. The Planning and Zoning Commission and staff recommend approval, subject to retention of a drainage and utility easement.

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

FOR:

.O. B. Stephens, Jr., proponent.

. Eddie Chase, agent for the proponent, requests to allow legal closure.

AGAINST:

.Bruce Crook, 4541 Ridgeway Road, provided a handout for the Council, noting traffic concerns and safety concerns for students. A previously submitted petition by Mr. Crook requested a thoroughfare abandonment of Paint Brush Drive and that Paint Brush Drive be extended to Catclaw Drive.

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

Councilman Drennan questioned the possibility of Mr. Crook contacting AISD to request an off-street entrance and covered walk. Councilman Beckham stated the developer is being asked by Mr. Crook to pay for prior problems.

Councilman Vasquez moved to approve the Ordinance for thoroughfare abandonment of the west 114.22' of Paint Brush Drive beginning at the west right-of-way line of Pennington Drive, subject to retention of a drainage and utility easement 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, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered **36-1996** 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.

4.7 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-03996** - Rezone from RM-3 to MU located between Simmons & Hickory and N. 18th & N. 19th Streets. 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.

Councilwoman Martinez moved to approve the Ordinance to rezone from RM-3 to MU between Simmons & Hickory and N. 18th & N. 19th Streets, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Vasquez, due to his employment with Hendrick Medical Center.

The Ordinance is numbered **37-1996** 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, 4.9 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on Ordinances considered on second and final reading - **TC-04096** - Thoroughfare abandonment of a portion of N. 19th Street; and **TC-04196** - Thoroughfare abandonment of (1) a portion of Orange Street and (2) alley between N. 18th & 19th and Orange and Hickory Streets. The Planning and Zoning Commission and staff recommend approval subject to retention of utility and drainage easements and conditions.

Mayor McCaleb opened a public hearing on the items, and there being no one else present and desiring to be heard, the public hearing was closed.

Councilman Drennan moved to approve the Ordinances for **TC-04096** - thoroughfare abandonment of a portion of N. 19th Street, and **TC-04196** - thoroughfare abandonment of (1) a portion of Orange Street and (2) alley between N. 18th & 19th and Orange and Hickory Streets, subject to the utility & drainage easements and conditions as recommended by staff. The motion was seconded by Councilwoman Martinez and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Vasquez, due to his employment with Hendrick Medical Center.

The Ordinance is numbered **38-1996** 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.

The Ordinance is numbered **39-1996** 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 recessed the Council into executive session pursuant to Sections 551.071 and 551.074 of the Open Meetings Act; to seek the advice of our 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 Drennan moved to approve Mayor McCaleb's recommendations for the following appointments: Augustine Bill, term expiring 5/98, and Tresa Patterson and Robert Burkhart, to the Human Relations Committee, terms expiring 5/99; Cynthia Allen to the Planning and Zoning Commission, term beginning August 6, 1996 and expiring 11/98; reappoint Ruby Blascyk and Karen Lea Drake, and appoint Linda Lee Hall to the MH/MR Public Responsibility Committee, terms effective 9/1/96 and expiring 8/98. The motion was seconded by Councilwoman Martinez and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 1:30 p.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor

