

**PRE-COUNCIL WORK SESSION, THURSDAY
August 22, 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 August 22, 1996, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Pro Tempore Paul R. Vasquez was present and presiding with Councilman A. Don Drennan, Councilwoman Carol Martinez, Councilman Rob Beckham, and Councilwoman Kay Alexander. Also present were City Manager Lanny Lambert, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore, Assistant City Manager Roy McDaniel, and various members of the City staff. Mayor Gary D. McCaleb and Councilman Ray Ferguson were absent.

Staff distributed a revised map on agenda item 4.3, **Z-02496** - Rezone from RS-6 to LC district at 2025 Highland. Following a discussion of this item, Mayor Pro Tempore Vasquez stated for the record that although he is a proponent against property encroachment, he doesn't see encroachment in this case. The Council briefly discussed other 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
August 22, 1996, 9:00 A.M.**

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

Mayor Pro Tempore Vasquez reconvened the City Council of the City of Abilene, Texas, into Regular Session August 22, 1996, at 9:00 a.m. in the Council Chambers of City Hall.

Following a moment of silence in memory of the Dyess crew who lost their lives in an aircraft crash August 10th, invocation was given by Councilwoman Carol Martinez.

Pledge of Allegiance was led by Lance Kuykendall, fifth grade student at Ward Elementary, who was accompanied by his parents.

Councilman Don Drennan presented a proclamation to General Northington of Dyess Air Force Base, designating August 11-17 as "Week of Remembrance" in honor of the eight airmen who lost their lives in the military aircraft crash August 10th.

Lisa Wenschlag, Rural Metro Ambulance Company, presented the Council with a certificate awarded Rural Metro, honoring them as the most involved ambulance service in their community.

Pat Harris, this year's United Way Campaign Coordinator, gave a presentation on the status and goals of the City's Campaign. The City has set a departmental goal of \$67,000 and \$3,000 special events for a total of \$70,000.

There being no corrections, additions, or deletions, to the minutes of the Pre-Council session and Regular Council meeting of August 8, 1996, Councilwoman Martinez moved to approve the minutes as printed. The motion was seconded by Councilwoman Alexander and the motion carried.

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

NAYS: None.

Councilman Drennan moved to approve consent agenda items 3.1 through 3.7, and approval of first reading of Item 3.8, all as recommended by the staff. The motion was seconded by Councilwoman Martinez and the motion carried.

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

NAYS: None.

Resolutions

3.1 Oral Resolution authorizing the Mayor to execute a lease with the FAA for the City-owned Air Traffic Control Tower at Abilene Regional Airport.

3.2 Oral Resolution approving an agreement to administer the 9-1-1 Program with termination provision added, designating an administrator, and approving the 9-1-1 Emergency Communications District revised FY 1995/96 and proposed FY 1996-97 budgets.

3.3 Resolution authorizing the Mayor to execute FAA Grant #3-48-0002-17 at the Abilene Regional Airport.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING GRANT AGREEMENT 3-48-0002-17 FROM THE FEDERAL AVIATION
ADMINISTRATION FOR IMPROVEMENTS AT THE ABILENE REGIONAL
AIRPORT.

3.4 Oral Resolution approving a Street Use License request from HSU to control vehicular access on Simmons Avenue, and authorizing Mayor to execute the agreement.

Bid Awards

3.5 Airport Security Fence Installation, **Bid #CB-6040**. The bid was awarded to Gene Duke Builders, Inc. for the unit prices bid with an estimated construction cost inclusive of add alternate 1 of \$24,997.10, as recommended by staff and subject to the Council accepting the FAA grant offer 3-48-0002-17.

3.6 Airport Runway Lighting Improvements, **Bid #CB-6041**. The bid was awarded to Roy Willis Electric Co., Inc., for the unit prices bid with an estimated construction cost inclusive of add alternates 1 and 2 of \$235,497.00, as recommended by staff and subject to the Council accepting the FAA grant offer 3-48-0002-17.

3.7 Low water crossing removal at Catclaw Creek on Portland & Russell Ave., **Bid #CB-6045**. The bid was awarded to Bontke Brothers Construction Company for the unit prices bid with an estimated construction cost of \$58,931.50 as recommended by staff.

Ordinances

3.8 **Approval of First Reading** - Ordinance amending Zoning Ordinance Sections 23-306.4 and 23-306.5.B, to allow churches to have RVs as a temporary residence on church construction sites, and set a public hearing for September 12, 1996 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

Resolutions:

4.1 James Condry, Assistant Director of Development Services for Public Works, briefed the Council on an Oral Resolution approving a joint agreement with Abilene Motor Sports, Inc., "Licensee", and Jack Nance "Race Managing Entity" to conduct spectator/auto drag races on September 28 & 29, 1996 at Abilene Regional Airport, and authorizing Mayor to execute the contract, contingent upon FAA approval. Paul Lenker briefed the Council on the event, and displayed a photograph of a July 4, 1924 race at Rose Park.

Councilman Drennan moved to approve, by Oral Resolution, a joint agreement with Abilene Motor Sports, Inc., "Licensee", and Jack Nance "Race Managing Entity" to conduct spectator/auto drag races on September 28 & 29, 1996 at Abilene Regional Airport, and authorizing the Mayor to execute the contract, contingent upon FAA approval as recommended by staff. The motion was seconded by Councilwoman Alexander and the motion carried.

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

NAYS: None.

4.2 James Condry, Assistant Director of Development Services for Public Works, briefed the Council on an Oral Resolution concerning an application for a permit from Schkade Brothers Operating Company to drill and operate an Oil & Gas well within city limits.

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 Martinez moved to approve by Oral Resolution the application for a permit from Schkade Brothers Operating Company to drill and operate an Oil & Gas well within the city limits, as recommended by staff. The motion was seconded by Councilman Drennan and the motion carried.

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

NAYS: None.

4.3 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 LC district located at 2025 Highland. The Planning and Zoning Commission and staff recommend disapproval.

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

.Terry Franklin, agent for the proponent, stated there are ways to control commercial property in the site plan and screening requirements and off street parking.

. Scott Senter, 3401 Curry Lane; is for the request.

.James Faulkenberry, 2050 Highland, sees no point in squaring up the tract, this is a neighborhood; business will decline the value of the neighborhood; is against the request.

.Brad Graham, 2101 Highland, stated he has lived there 13 years and prefers a vacant lot to commercial business; is against the request.

.Cassie Hughes, Building Official for the City of Abilene, stated for informational purposes only, that the property was condemned March 6, 1995 because the electrical and plumbing were substandard, as well as other problems.

.Conard Miller, 2065 Buffalo Gap Road, wants to keep it residential; is against the request.

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

Councilman Beckham moved to disapprove the request to rezone from RS-6 to LC district

located at 2025 Highland. The motion was seconded by Councilman Drennan.

AYES: Councilmen Drennan and Beckham, Councilwoman Alexander.

NAYS: Councilwoman Martinez and Mayor Pro Tempore Vasquez.

The motion failed.

4.4 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-04696** - Rezone from AO to RS-6/PH, RM-2 & LC district, located at Catclaw & Rolling Green Drives. The Planning and Zoning Commission and staff recommend approval, subject to changing AO to RM-2 on that portion of Tract 1 which is not in the floodway of Catclaw Creek, Tract 2 from AO to RS-6/PH and Tract 3 from AO to LC.

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

. O. B. Stephens, 1134 Elmwood Dr., proponent.

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

Councilwoman Alexander moved to approve the Ordinance on second and final reading to rezone from AO to RS-6/PH, RM-2 & LC district, located at Catclaw & Rolling Green Drives subject to changing AO to RM-2 on that portion of Tract 1 which is not in the floodway of Catclaw Creek, Tract 2 from AO to RS-6/PH and Tract 3 from AO to LC as recommended by staff. The motion was seconded by Councilwoman Martinez and the motion carried.

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

NAYS: None.

The Ordinance is numbered **43-1996** 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.

4.5 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-09596** - Amend PDD 25 concerning height of structures and uses allowed, located in the 2100 block of Antilley Road. The Planning and Zoning Commission and staff recommend approval.

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

. Scott Senter, 3401 Curry Lane, agent for the proponent.

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

Councilman Beckham moved to approve the Ordinance on second and final reading to amend PDD 25 concerning height of structures and uses allowed located in the 2100 block of Antilley Road, as recommended by staff. The motion was seconded by Councilwoman Martinez and the motion carried.

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

NAYS: None.

The Ordinance is numbered **44-1996** 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. 99-1984 CONCERNING THE CENTRAL PARK PLANNED DEVELOPMENT DISTRICT; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; 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 - **Z-09696** - Rezone from MH to MH & AO district, located at 3665 Caldwell Road. 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 Martinez moved to approve the Ordinance on second and final reading to rezone from MH to MH & AO district located at 3665 Caldwell Road, as recommended by staff. The motion was seconded by Councilwoman Alexander and the motion carried.

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

NAYS: None.

The Ordinance is numbered **45-1996** 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.

4.7 Councilman Drennan moved to remove from the table an Ordinance considered on second and final reading - **Z-03696** - Rezone from RS-6 to GC located at 7749 Buffalo Gap Road. The motion was seconded by Councilwoman Martinez and the motion carried.

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

NAYS: None.

Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on the 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 Pro Tempore Vasquez opened a public hearing on the item, and the following individual spoke in favor of the request:

.Walt Clemmer, agent for the proponent, stated they had signed an affidavit that they will maintain the lot and it will not change, which has been filed with the County Clerk.

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

Councilwoman Martinez moved to approve the Ordinance on second and final reading to rezone from RS-6 to GC at 7749 Buffalo Gap Road, as recommended by the Planning and Zoning Commission. The motion was seconded by Councilman Drennan.

Following discussion before the vote, the motion and second were withdrawn.

Councilwoman Martinez moved to approve the Ordinance on second and final reading to rezone from RS-6 to GC at 7749 Buffalo Gap Road for the south 35 feet of Lot 2, Block A, Continuation 1, Mesquite Forest Estates (rather than all of Lot 2). The motion was seconded by Councilman Beckham, and the motion carried.

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

NAYS: None.

The Ordinance is numbered **46-1996** 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.

Other Business:

Mayor Pro Tempore Vasquez 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.

Councilwoman Martinez moved to approve the appointments of Roy McDaniel and Jo Moore to the 9-1-1 Emergency Communications District Board of Managers retroactive to 2/96 for two year terms expiring 2/98. The motion was seconded by Councilman Beckham and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 11:20 a.m.

Jo Moore
City Secretary

Paul R. Vasquez
Mayor Pro Tempore