

**PRE-COUNCIL WORK SESSION, THURSDAY  
November 7, 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 November 7, 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 R. Vasquez and A. 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., City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff.

The Council briefly discussed various consent and regular agenda items. A memo was distributed from Carl Lockett, Planning Division, regarding items 3.9 - **Z-10396** - rezone from AO to O district located at S. Willis & Ivanhoe Lane, and 3.11 - **Z-07896** - "Add Historic Overlay to the designated base zoning of the following properties" - specifically Z-07896, 1302 Compere Blvd.; which were pulled from the consent agenda. Z-10396 was tabled at the request of the proponent's agent by the Planning and Zoning Commission and may be placed on the December 5 agenda; and Z-07896 was withdrawn at the proponent's request. Kathy Merrill, Director of Human Resource Services, introduced Mindy Bannister, Training & Employment Development Specialist; and Judy Elmore, Human Resource Specialist IV. City Manager Lanny Lambert distributed the staff reports and pictures of the historic overlay properties on agenda item 3.11. Mike Morrison, Assistant City Manager, briefed the Council on the historical overlay zoning. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING  
November 7, 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 November 7, 1996, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Don Drennan.

Pledge of Allegiance was led by Ryan Dahl, 5th grader at Bowie Elementary; and accompanied by his assistant principal, Diane Rose. Following the Pledge, Youth Sing performed the National Anthem; and Mayor McCaleb presented a proclamation for November 15 as Youth Chorus Day.

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

30 Years	Glenn Lawrence	Police Officer Police
30 Years	Jerry A. Johnson	Firefighter Fire
20 Years	Rufus Porter, Jr.	Meter Reader II Water

Mayor McCaleb, assisted by Assistant to City Manager Debra Guerra, presented the Employee of the Month award for October to Pat Harris, Office Supervisor in Human Resource Services.

Mayor McCaleb and the Council were presented a Toys for Tots plaque from the U. S. Marine Corps.

Mayor McCaleb presented proclamations as follows:  
November 12 as Parent Involvement Day;  
November 10 through 16 as Youth Appreciation Week;  
November 15 as National Home Care Aide Day;  
November as National Home Care Month;  
November as National Alzheimer's Disease Month; and  
November as National Adoption Month.

Councilman Vasquez moved to approve the minutes of the Pre-Council Session and Regular City Council Meeting held October 24, 1996 as printed. 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.

### **CONSENT AGENDA**

Bobbie Hotchkiss requested all items be removed from the Consent Agenda. Mayor McCaleb responded to Ms. Hotchkiss' request by reminding her that at the last Council meeting when she requested all consent items be removed she was informed that information is available well in advance on all consent items. The Mayor further explained that the Consent Agenda is considered routine by the Council and no staff or Councilmember ever attempts to keep information from citizens. In respect for the procedure outlined Mayor McCaleb asked Ms. Hotchkiss if she had a specific question concerning the consent items. Ms. Hotchkiss claimed to not understand any of the items on consent.

Consent Agenda item 3.1 was removed from consent agenda to be considered separately at the request of Ms. Hotchkiss.

## **Resolutions**

3.1 Resolution concerning surplus Texas Department of Transportation right-of-way at Ambler Avenue & Winters Freeway. James Condry briefed the Council on the item; staff recommends approval.

Councilman Vasquez moved to approve the Resolution concerning surplus Texas Department of Transportation right-of-way at Ambler Avenue & Winters Freeway, 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 **40-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
CONCERNING SURPLUS TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-  
OF-WAY AT AMBLER AVENUE AND THE WINTERS FREEWAY.

Items 3.2 through 3.5 were removed from the consent agenda to be considered separately at the request of Ms. Hotchkiss. Mayor McCaleb explained the bid items and award process; Ms. Hotchkiss emphasized the information was not published in the newspaper or covered on television.

Debra Guerra, Assistant to the City Manager, offered to meet with Ms. Hotchkiss and any other concerned citizen to receive ideas the public may have on how to get the information to citizens.

City Manager Lanny Lambert stated his staff is available to review all items with Ms. Hotchkiss.

Councilman Vasquez called for the question and Mayor McCaleb opened the item for a motion.

Councilman Vasquez moved to approve the bid awards as listed below, and 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.

## **Award of Bid:**

3.2 Certified rebuilds of Caterpillar Equipment, **Bid #CB7005**. The bid was awarded to West Texas Equipment Company in the amount of \$153,142, as recommended by staff.

3.3 Pipe for Water Utilities Department, **Bid #CB7004**. The bid was awarded to Sims Plastics, Inc., of Gardendale, TX as the most advantageous to the City, as recommended by staff.

3.4 Street maintenance materials, **Bid #CB7003**. The bid was awarded for the unit prices bid as follows: R. E. Janes Co. - Chip Seal Coverstone, Grades A-3, A-4, & A-5; Vulcan Materials Co. - Chip Seal Coverstone, Grade PB-4, Limestone Rock Asphalt, Type CC and Type A, Crushed Limestone Aggregate, Hot Mix Asphalt, Type D; Payless Cashways Building Materials - Portland Cement, Type I; Morris Ready-Mix Concrete, Inc. - Portland Cement Concrete, 4-sack, 5-sack, and 7-sack; Southern Asphalt and Petroleum Co. - Liquid Asphalt, Grades AC-5, AC-10, and MC-30; Koch Materials Co. - Emulsified Liquid Asphalt, Grade MS-2; and Bridge Asphalt Products, Inc. - Liquid Asphalt, Grade MC-3000; as recommended by staff.

3.5 Rose Park irrigation, **Bid #CB7007**. The bid was awarded to Big Country Irrigation in the amount of \$56,415, as recommended by staff.

Mayor McCaleb stated, and confirmed with the City Attorney, that items 3.6 through 3.11 (except 3.9 which has been removed from the agenda) are all first readings and do not represent final action by the Council today. The Mayor explained to Ms. Hotchkiss that she could obtain any additional information needed on these items from the appropriate City office and then these items would be on for public hearings.

Councilman Vasquez called for the question and Mayor McCaleb opened the items for a motion.

Councilwoman Martinez moved to approve first reading of items 3.6 through 3.8, 3.10, and 3.11 as recommended by the staff. Item 3.9 was removed from the consent agenda to be considered at a later date, due to the Planning and Zoning Commission tabling the item at the request of the proponent's agent. 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.

### **Ordinances**

3.6 Approval of first reading - Ordinance adopting the 1996 National Electrical Code with local amendments.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS", DIVISION 3, "ELECTRICAL CODE", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING FOR A PUBLIC HEARING; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

3.7 Approval of first reading - Ordinance amending Chapter 18, "Motor Vehicles and Traffic",

Sections 18-291 and 293 of Abilene Municipal Code.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

3.8 Approval of first reading - **Z-10296** - Ordinance amending PDD-25 concerning clarification of exhibit documents located in the 2100 block of Antilley Road, and set a public hearing for November 21, 1996 at 9:00 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEAS, 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.

3.9 **Z-10396** - Rezone from AO to O district located at S. Willis & Ivanhoe Lane, and set a public hearing for November 21, 1996 at 9:00 a.m. Removed from consent agenda to be considered at a later date.

3.10 Approval of first reading - **Z-10496** - Rezone from RM-3 to AO district located in the 400-500 block of E.S. 11th Street, and set a public hearing for November 21, 1996 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.

3.11 Approval of first reading - Add Historic Overlay zoning to the designated base zoning of the following properties: **Z-04496** - 825 Amarillo, **Z-04596** - 1849 S. 5th, **Z-04696** - 2145 Idlewild, **Z-04796** - 1866 Belmont, **Z-04896** - 861 Sayles, **Z-04996** - 801 Amarillo, **Z-05096** - 726 Amarillo, **Z-05196** - 244 Pine, **Z-05296** - 1226 Sayles, **Z-05396** - 1733 N. 5th, **Z-05496** - 1642 Swenson, **Z-05596** - 2775 S. Treadaway, **Z-05696** - 1541 N. 8th, **Z-05796** - 1102 Peach, **Z-05896** - 241 Hickory, **Z-05996** - 1274 N. 2nd, **Z-06096** - 1482 N. 1st, **Z-06196** - 1317 N. 8th, **Z-06296** - 718 Victoria, **Z-06396** - 3449 S. 7th, **Z-06496** - 1134 Ross, **Z-06596** - 1942 N. 3rd, **Z-06696** - 150 Locust, **Z-06796** - 1249 Palm, **Z-06896** - 2041 S. 8th, **Z-06996** - 150 Merchant, **Z-07096** - 502 Riverside Blvd., **Z-07196** - 2828 Old Anson Rd., **Z-07296** - 216 Pine, **Z-07396** - 2137 Idlewild, **Z-07496** - 760 Amarillo, **Z-07596** - 1501 N. 14th, **Z-07696** - 302 Graham, **Z-07796** - 1302 Highland, (**Z-07896** - 1302 Compere Blvd. withdrawn by proponent), **Z-07996** - 1025 Santos, **Z-08096** - 1135

Highland, **Z-08196** - 542 S. 7th, **Z-08296** - 1134 Elmwood, **Z-08396** - 1910 N. 3rd, **Z-08496** - 1741 S. 5th, **Z-08596** - 1642 Orange, **Z-08696** - 2042 S. 8th, **Z-08796** - 1546 N. 14th, **Z-08896** - 618 Hickory, **Z-08996** - 898 Sayles, **Z-09096** - 1226 Amarillo, **Z-09196** - 2102 Swenson, **Z-09296** - 601 Sayles, **Z-09396** - 842 Amarillo, **Z-09496** - 1190 Sayles, **Z-09796** - 602 Victoria, **Z-09896** - 1226 Highland; and set a public hearing for December 5, 1996 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.

## REGULAR AGENDA

### Public Appearances:

4.1 Earnest Merritt, Assistant to the City Manager for Youth Services, introduced Amanda Mahan, Cooper High School Junior and member of the Youth Advisory Council, who gave a presentation on information received by the Youth Council regarding Teen Curfew. The Youth Council recommends no curfew be instituted at this time, citing it is the parents' responsibility to set a curfew for their teens, and would be an unnecessary nuisance and expense. Suggestions were made for the City to work with parents and teens to control crime; the City could sponsor a seminar on parental guidance. Youth should be involved.

Councilman Vasquez stated his appreciation for the serious and positive approach of the Youth Council. No action was required.

4.2 Police Chief Melvin Martin presented the results of a study of the teen curfew issue conducted by the Abilene Police Department based on historical information, comparative analysis, how it affects the juvenile system, and legal aspects. He stated the main reason why Abilene is different is due to cooperation between the City, Schools, and community.

Chief Martin submitted a list of cities with and without curfews, then gave a statistical rundown of teen-related activities: aggravated assaults are down, reported drive-by shootings have decreased, 8.7% of all juveniles are arrested after midnight, juvenile aggravated assaults/arrests are decreasing, juvenile arrests for all violent offenses is down. He then stated that 11 p.m. to 2 a.m. is the busiest time for all calls for service, and if a teen curfew is instituted, additional staff would be required. He concluded his report by stating a need cannot be documented right now, but if that changes he would be back before the Council with the new documentation.

The Council expressed their appreciation to both the Police Department and Mr. Merritt, stating the research is reassuring. Mayor McCaleb stated the statistics say there are good, positive activities going on in the areas of youth, and commended the quality and professionalism of our Police Department. The Mayor noted that the freedom of individuality is seen in Abilene in that

when a curfew cannot be justified one is not initiated simply because other communities may have one. Council would rely on the Police Department to recommend a curfew if and when it may be needed. No action was required.

4.3 Fred Aycock, Assistant Director of community Services, presented background information on the Visual Arts Jury, then introduced Lynn Barnett, Chair, who requested approval by Oral Resolution of the Visual Arts Jury's recommendation on placement of the sculpture "The Great Adventure of Childhood" in Everman Park. Ms. Barnett noted this would be accepted as a permanent work and further emphasizes the priority Abilene places on our children.

Councilwoman Alexander moved to approve by Oral Resolution the Visual Arts Jury's recommendation on placement of the sculpture "The Great Adventure of Childhood" in Everman Park. 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.

**Other Business:**

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.

5.2 Councilman Vasquez moved to approve the Mayor's appointment of Leah Herron to fill an unexpired term on the Animal Control Advisory Committee, term expiring 11/97; and Irma Lydia Molina to fill an unexpired term expiring 11/97, and Major Charles Michael Cook, term expiring 11/98 on the Housing Authority of the City of Abilene. 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.

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

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Jo Moore  
City Secretary

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Gary D. McCaleb  
Mayor

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.

Resolution electing the 1996-97 Board Members for Central Appraisal District of Taylor County as follows: 207 votes each for Downing Bolls Sr., Robert Grimes, Bob Gill, and Mike Young, and 209 votes for Harold Nixon.