

**PRE-COUNCIL WORK SESSION, THURSDAY
December 19, 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 December 19, 1996, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor McCaleb was present and presiding with Councilman 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 Managers Roy L. McDaniel and Mike Morrison, City Attorney Harvey Cargill, City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff. Councilman Paul R. Vasquez was absent.

The Council briefly discussed various consent and regular agenda items. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
December 19, 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 December 19, 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 Daniel Carrillo, fifth grader at Dyess Elementary, who was accompanied by his mother, Judy Carrillo.

Janet Ardoyno, Clean and Proud Board Member, assisted Mayor McCaleb in presenting the Downtown Holiday Window Decorating Contest Awards to the following businesses: Busch Jeweler for the Best Little Window, Under One Roof for the Best Big Window, McLemore Bass for the Most Unique, United Way for Children's Favorite, Condley & Co. for Christmas Traditional, and Security State Bank for Gold Ribbon Best.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held December 5, 1996, Councilman Ferguson moved to approve the minutes as printed. The motion was seconded by Councilwoman Martinez and the motion carried.

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

NAYS: None.

Councilman Drennan moved to approve consent agenda items 3.1 through 3.8 as

recommended by the 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 McCaleb.

NAYS: None.

Resolutions:

3.1 Oral Resolution authorizing a contribution of \$25,716 (or 25% of project cost) in TIF funds to Lauren Engineers and Constructors for streetscape improvements at 901 S. First Street.

3.2 Oral Resolution approving a street use license request from Hendrick Medical Center for N. 19th, Hickory, and Pine Street rights-of-way.

Bid Awards

3.3 Tandem axle dumptrucks for Street Services, **Bid #CB7017**. The bid was awarded to R. L. Anderson International, the low responsible bidder, in the amount of \$105,818.00 as recommended by staff.

3.4 Flatbed truck for Equipment Services, **Bid #CB7016**. The bid was awarded to R. L. Anderson International, the low responsible bidder, in the amount of \$31,529.18 as recommended by staff.

3.5 Sweepers for Street Services, **Bid #CB7013**. The bid was awarded to STM Equipment, Inc., the low responsible bidder, in the amount of \$272,357.80 as recommended by staff.

3.6 Asbestos removal at REA Baggage Express and T & P Freight Warehouse, **Bid #CB7021**. The bid was awarded to Chaparral Abatement, Inc. in the amount of \$29,195.13 as recommended by staff.

3.7 Gas engine overhaul for Wastewater Treatment Plant, **Bid #CB7018**. The bid was awarded by Oral Resolution to Waukesha-Pearce Industries, Inc. of Irving in the amount of \$35,000, the bid most advantageous to the City, as recommended by staff.

3.8 Computer system hardware for Fire Department, **Bid #CB7029**. The bid was awarded to Fox Marketing Co. of Abilene for the computer hardware in the amount of \$34,287 and modems in the amount of \$792; and to Microwarehouse of South Norwalk, CT in the amount of \$3,468 as recommended by staff.

REGULAR AGENDA

Public Appearance:

4.1 Wanda Merritt, Economic Development, briefed the Council on a report on "Analysis of Impediments to Fair Housing Choice" study (AI), and introduced Fair Housing community group representative Marv Gerard, who gave information on the National Partners in Homeownership program and proposed activities that might be implemented to address some of the issues identified in the AI. Mr. Gerard recommended the Mayor appoint a Task Force charged with addressing affordable housing, fair housing, and other housing issues.

The Council noted the Task Force would function more as a preventive committee versus one that would need to address existing major problems due to the fact that the 14 complaints on housing issues were filed over a seven-year period indicating the lack of current major problems.

Mayor McCaleb thanked Ms. Merritt and Mr. Gerard for the presentation, stating formation of a task force would be underway shortly after the first of next year.

No formal action was taken at this time.

Ordinances

4.2 Carl Lockett, Assistant Director of Public Works for Planning, briefed the Council on an Ordinance considered on second and final reading to rezone from AO to O district located at 3233 S. Willis. The Planning and Zoning Commission as well as staff recommend approval.

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

.David Todd, representative for the proponent.

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

Councilwoman Alexander moved to approve the request to rezone from AO to O district located at 3233 S. Willis, as recommended by staff. The motion was seconded by Councilman Ferguson, and the motion carried.

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

NAYS: None.

The Ordinance is numbered 58-1996 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.

4.3 Carl Lockett, Assistant Director of Public Works for Planning, briefed the Council

on an Ordinance considered on second and final reading to rezone from AO to RS-12 district located in the 1700 block of E. N. 10th Street. The Planning and Zoning Commission as well as 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 request to rezone from AO to RS-12 district located in the 1700 block of E. N. 10th Street, 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 McCaleb.

NAYS: None.

The Ordinance is numbered 59-1996 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.

4.4 Carl Lockett, Assistant Director of Public Works for Planning, briefed the Council on an Ordinance considered on second and final reading for thoroughfare abandonment of a 10' x 464' north-south alley located between N. 1st & Russell and Portland & Sewell Streets. The Planning and Zoning Commission as well as staff recommend approval, subject to retention of a utility easement the length and width of the proposed abandonment.

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 approve the request for thoroughfare abandonment of a 10' x 464' north-south alley located between N. 1st & Russell and Portland & Sewell Streets, subject to retention of a utility easement the length and width of the abandonment, as recommended by staff. The motion was seconded by Councilwoman Alexander and the motion carried.

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

NAYS: None.

The Ordinance is numbered 60-1996 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.

4.5 Carl Lockett, Assistant Director of Public Works for Planning, briefed the Council on an Ordinance considered on second and final reading to rezone from RM-2 to AO district

located at 2318 Graham. Staff recommends denial; Planning and Zoning Commission recommends approval.

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

FOR:

.Andrew Vasquez, agent for the proponent, distributed pictures of the nine goats currently being kept on the property, stated he knows of no problems to children in the area crossing the street to come onto the property to pet the goats.

AGAINST:

.Lou Lantz Profit, 2225 Kirkwood, distributed pictures of the area, is concerned about neighborhood children crossing the street to pet and feed the goats and stated the keeping of goats will not improve the property value.

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

Councilwoman Martinez moved to deny the request to rezone from RM-2 to AO district located at 2318 Graham, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

The request was **DENIED**.

4.6 Carl Lockett, Assistant Director of Public Works for Planning, briefed the Council on an Ordinance considered on second and final reading to amend PDD 61 concerning uses allowed, located at 274 S. 25th St. The Planning and Zoning Commission as well as staff recommend denial.

Councilwoman Alexander left the meeting.

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

FOR:

.Wanda Darnold, 274 S. 25th, proponent, stated information needs to be corrected. Deletion of screening requirements was not requested - they are willing to erect a fence and landscape. They are asking for an administrative decision to continue their business. They are willing to limit storage vehicles to short term storage 15 to 10 days and secure another area for larger storage, design new entrances, exit to eliminate disturbances, amend Tract 1 to continue operation. National Towing has never been before the Planning and Zoning board before. It was the site of a cattle

transport business for 30 years. The traffic created by the day care far exceeds the towing company.

.Sondra Cox, Tuscola. Daughter of the Darnolds, stated it is a year-old business, most of their vehicles are not brought to the location. Although they should have checked zone use, they never suspected improper zoning. Neighbor's yards look the same as Darnold's business.

.Linda Hansen, daughter of the Darnolds. Her five children spend time at her parent's place, and she feels they are very safe.

.Tom Hansen, son-in-law of the Darnolds, feels they should not be held responsible for Joe Graven's activities.

AGAINST:

.Mary Riley, Director and co-owner of a day care center in the area, stated parents expressed concern with the wrecked cars, stacked tires. The center did originally ask that the area not be fenced in order for the children to be able to see.

.Jesse Doby, co-owner of the day care center, stated more vehicles are being moved in. Many plans and preparation were put into establishing the day care center.

.Elden Underwood, 349 E. S. 25th, is willing to clean up his place and move his cars by January 1, 1997.

.Leslie Scarborough, 2430 Maple. There were never 25 cattle trucks at that location - she is concerned with the area growing with wrecked cars.

.A. L. Fredrick, 425 S. 25th, stated area is unattractive.

.Mary Jean Fannin, 401 S. 25th, has objected all along to junk cars and landscaping would take too long to conceal vehicles.

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

Following discussion among Council, staff, and the parties involved, Councilman Ferguson moved to table the request to amend PDD 61 concerning uses allowed, located at 274 S. 25th St. to give the Darnolds and their neighbors an opportunity to meet with each other. Council noted it would be the responsibility of the Darnolds to initiate the meeting. Council directed staff to make the Planning and Zoning Commission aware of any information they may not have and report back at the next Council meeting on the results of the meetings held and decisions reached between the Darnolds and the neighborhood. The motion was seconded by Councilman Drennan and the motion carried.

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

NAYS: None.

The item was **TABLED**.

4.7 Carl Lockett, Assistant Director of Public Works for Planning, briefed the Council on an Ordinance considered on second and final reading to add Historic Overlay zoning to the designated base zoning of the following properties: **Z-10596** - 750 Mesquite; **Z-10696** - 1002 Grand; **Z-10796** - 1842 N. 5th; **Z-10896** - 542 Poplar; **Z-10996** - 208 Merchant; and **Z-11096** - 1242 Highland. The Planning and Zoning Commission as well as staff recommend approval.

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

.Larry Abrigg, Planning Division, stated the Landmarks Commission recommends approval.

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

Councilman Ferguson moved to approve the request to add Historic Overlay zoning to the designated base zoning of the following properties: **Z-10596** - 750 Mesquite; **Z-10696** - 1002 Grand; **Z-10796** - 1842 N. 5th; **Z-10896** - 542 Poplar; **Z-10996** - 208 Merchant; and **Z-11096** - 1242 Highland, 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.

The Ordinance is numbered **61-1996** 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 McCaleb recognized Boy Scouts in attendance at the meeting as a requirement for a Merit Badge.

5.1 Roberta Thompson, Housing Administrator, briefed the Council on the following five Housing Authority of the City of Abilene Community Development Block Grant (CDBG) funded programs; Emergency Repair, Home Ownership, Rental Rehabilitation, Family Self-Sufficiency, and Micro Business Enterprise.

No Council action was required.

Mayor McCaleb 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 Mayor's reappointments of C. G. Whitten, Jack Fulwiler, Joe Canon, Ken Shira, Mike Young, Jr., and Syd Niblo to the Reinvestment Zone #1, terms expiring 11/98. The motion was seconded by Councilman Beckham and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 12:10 p.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #59 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.