

**PRE-COUNCIL WORK SESSION, THURSDAY  
January 9, 1997, 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 January 9, 1997, 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 Managers Roy L. McDaniel and Mike Morrison, Assistant City Attorney Sharon Sneed, City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff.

A memo was distributed to Council regarding the Planning and Zoning Commission's recommendations for items on today's consent agenda as follows: Item 3.4 - TC-00197, was tabled to obtain additional information; 3.5, Z-00297 was denied (proponent has 10 days to appeal); 3.6 - TC-00397, 3.7 - Z-00497, and 3.8 - Z-00597 were approved; and 3.9 - Z-00697 was tabled. A letter to Roy McDaniel from the Abilene Zoological Society was also distributed. Mayor McCaleb reviewed action to date on item 4.1, Ordinance to amend PDD #61 concerning uses allowed, located at 274 S. 25th St. David Wright, Director of Finance, briefed the Council on the City's Five-Year Capital Improvement Program (CIP). Mr. Wright noted that the speedway was not included in the CIP document, but will need to be addressed and that the proposed projects will be prioritized and brought to the Council next month. Council and staff discussed the funding of the proposed projects through Certificates of Obligation and the potential for a bond election. The Council briefly discussed various other 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  
January 9, 1997, 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 January 9, 1997, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Kay Alexander.

Pledge of Allegiance was led by Joey DeHoyos, a fifth grader at Fannin Elementary who was accompanied by his mother, Gloria DeHoyos.

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

30 Years	James W. Stabler	Utility Systems Supervisor Water Department
25 Years	Roy L. Chapman	Fire Lieutenant Fire Department
20 Years	Suellen Wiggins	Public Health Nurse Health Department

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the December Employee of the Month Award to Deanna Wertz-Gates, Nutritionist in the WIC office of the Health Department.

Charlotte Roy, Animal Control Superintendent, presented to the Mayor and Council, on behalf of the City, an award from the Texas Animal Control Association for the 1996 Agency Award for cities with a population of 100,000 received by the Animal Control Division.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held December 19, 1996; Councilwoman Alexander moved to approve the minutes as printed. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

### **CONSENT AGENDA**

Item 3.1 was removed from the Consent Agenda to be considered separately at the request of Mrs. Bobbie Hotchkiss. Councilwoman Martinez moved to approve consent agenda items 3.2 and 3.3, approval of first reading of consent agenda items 3.5 through 3.8 and 3.10, as recommended by the staff. The motion was seconded by Councilman Drennan and the motion carried. Due to the Planning and Zoning Commission having tabled Items 3.4 and 3.9, they were removed from the Consent Agenda to be considered at a later date, as noted in the memo distributed at the Pre-Council session.

AYES: Councilman Vasquez (abstaining on items 3.6 and 3.7 only, due to his employment with Hendrick Medical Center), Councilman Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

NAYS: None.

### **Resolutions:**

3.1Removed from the Consent Agenda to be considered separately.

### **Bid Awards**

3.2Multi-Stage Centrifugal Air Blower for Water Utilities Department, **Bid #CB7011**. The bid was awarded by Oral Resolution to Airmaster Equipment, Inc., the low bidder in the amount of \$25,190 as recommended by staff.

3.3 Dechlorination chemicals for Water Treatment Plant, **Bid #CB7032**. The bid was awarded by Oral Resolution to Chemical Distributors of Farmington, New Mexico on a unit prices bid as the most advantageous to the City, as recommended by staff.

### **Ordinances**

3.4 Removed from Consent Agenda to be considered at a later date. **TC-00197** - Thoroughfare abandonment of a portion of Lytle Way.

3.5 Approval of first reading - **Z-00297** - Rezone from GC to HC district, located in the 4000 block of N. Clack, and set a public hearing for January 23, 1997 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.

3.6 Approval of first reading - **TC-00397** - Thoroughfare abandonment of a portion of Orange Street, and set a public hearing for January 23, 1997 at 9:00 a.m.

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.

3.7 Approval of first reading - **Z-00497** - Rezone from RM-1 and RM-3 to MU district, located at the northwest corner of N. 21st & Orange Streets, and set a public hearing for January 23, 1997 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.

3.8 Approval of first reading - **Z-00597** - Rezone from RS-6 to RM-3 district, located at 890 Midway, and set a public hearing for January 23, 1997 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.

3.9Removed from Consent Agenda to be considered at a later date. **Z-00697** - Rezone from AO to HC district, located at 1950 E. Lowden.

3.10Approval of first reading - Ordinance amending Chapter 29.5, Swimming Pools and Spas, Article III, Design and Construction Standards Residential Inground Pools, Section 29.5-21, ANSI Standard for Residential Swimming Pool Amendments of the Abilene Municipal Code.

AN ORDINANCE AMENDING CHAPTER 29.5, ARTICLE III OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

## **REGULAR AGENDA**

3.1 Mike Morrison, Assistant City Manager, briefed the Council on an Oral Resolution accepting DCOA's Report of Activities for the period ending 9/30/96.

Mrs. Hotchkiss questioned why DCOA is unaudited, and asked if the report could be put in the paper.

Mr. Morrison stated an audit is currently being conducted, and the report before the Council today is a report of activities, not a financial report. The financial and audit reports are available at all times to the public. A two-page insert of the DCOA activities will appear in the Abilene Reporter-News in about two months.

Councilman Vasquez moved to approve by Oral Resolution acceptance of the DCOA's Report of Activities for the period ending 9/30/96, 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.

## **Ordinances**

4.1 Councilman Ferguson moved to remove from the table item **#Z-11496** - Ordinance to amend PDD #61 concerning uses allowed, located at 274 S. 25th St. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

Carl Lockett, Assistant Director of Public Works for Planning, briefed the Council on the item, outlining two proposed amendments: the first submitted by the Darnolds, and the second submitted by the neighbors. Mr. Lockett noted the neighbors had stated that although they had

submitted an amendment they are still adamantly opposed to the request. The Planning and Zoning Commission and staff recommend disapproval of the request.

Mayor McCaleb reviewed actions taken to date on the item, stating it had been tabled to allow the parties to work out solutions; with Mr. Lockett having reported on what has happened since the item was tabled, a public hearing would be held today. The Mayor noted there is no need to have points from two weeks ago repeated, but a spokesperson for each party may give a status report and then new information can be received by the Council. Mayor McCaleb then opened a public hearing, and the following individuals spoke in response to the request:

### **IN FAVOR**

.Wanda Darnold, proponent, distributed additional information, then briefed the Council on the non-productive meeting between them and the neighbors. Mrs. Darnold addressed concerns noted by Mr. Lockett and briefed the Council on their proposal.

.Sondra Cox, Tuscola, stated she wanted to clarify the implication of threat to Mrs. Riley. Her mother, Mrs. Darnold, stated she would want Mrs. Riley's support. The statement was that a business would be there, even if it were not a towing business. She has noticed a man with binoculars, and feels their privacy is being invaded.

### **AGAINST**

.Mary Riley, Executive Director, Kids on Maple Street, objects to the business in this area and indicated the statement, "You had better support this" made by Mrs. Darnold to her appeared to be a threat.

.April Sims, 265 S. 25th, stated the Darnolds have had the business since March, and noted the stickers on their vehicles (AAA, Montgomery Ward, Allstate) indicate authorization by these companies that the Darnolds do not have.

Mrs. Darnold stated that they do tow for these national auto clubs.

.Jesse Doby, child care partner, stated concerns - is opposed both as a teacher and a child care giver to the type of business and urged the Council to deny the request on the children's behalf as well as theirs.

.John Thompson, has a son who goes to day care, and is concerned for his well being because of possible fire or explosion from the fuel.

Mrs. Darnold stated the Fire Marshal came out and was satisfied with the operations.

.Leslie Scarborough, 2430 Maple, is opposed - this is a residential area, and is concerned about homes.

.Mary Fannin, 401 S. 25th, has been to all meetings. Mr. Gravens told her that he had told the Darnolds the area was not zoned for a towing business.

.Eldon Underwood, has a wrecker bed but it is for sale, no one wanted his cars before the first of the year due to taxes, doesn't work on cars for profit.

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

Mayor McCaleb reviewed the options:

- 1) amend the PDD and deletion of screening
- 2) Exhibit A - Darnold's proposal
- 3) Exhibit B - neighborhood's proposal
- 4) Other that Council may determine

Concerns noted by the Council were the infringement of businesses in residential areas, Planned Development Districts being designed to tailor needs to fit neighborhoods which cannot work when the neighborhood is divided, and the need for all in the neighborhood to be good neighbors.

Councilman Vasquez called for the question and moved to deny the request to amend PDD #61 concerning uses allowed located at 274 S. 25th St, 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.

### **Public Appearances**

4.2 Elizabeth Miller, Downtown Manager, briefed the Council on the staff recommendation for the New Downtown Parking Program which involves issuing parking stamps to downtown merchants to utilize on customer parking tickets. Miss Miller stated there is no known program such as this in the State. First reading of a modified parking ordinance will be brought to Council at the next meeting, if Council approves this program.

Tom Rigsby, business owner on Cypress and member of the Downtown Association, stated that the Downtown Association supports the program in that it will increase downtown business.

Council stated a consensus to proceed with development of the Ordinance and program.

4.3 Cassie Hughes, Building Official, briefed the Council on the condemnation/demolition program funded by Community Development Block Grant, giving a slide presentation of condemnations, rehabilitations, and demolitions by owners as well as city crews, with 1992 being the high year in demolition by the City due to a backlog. Condemned property does not mean a quick demolition will take place; Mrs. Hughes proceeded to explain the step-by-step process prior to demolition.

This is an essential program to clean up neighborhoods; it acts as a catalyst to property

owners to clean up their properties.

Councilman Vasquez noted that the General Fund may be the proper place for these activities since they are ongoing. Mayor McCaleb stated this an excellent story to share with the public to emphasize renewal and rehabilitation versus condemnation and demolition.

No Council action was required.

4.4 Mike Morrison, Assistant City Manager, briefed the Council on the Neighborhood Planning Process. Mr. Morrison noted that the zoning issues and condemnation program were a good introduction to this item. Three areas have been concentrated on: N. Sayles, Carver, and Merchant Park; with the Carver area seeing the most improvement.

Otis Dalton briefed the Council on the process in the Carver area, stating it had started with a murder in the area and there have been no murders in the past two years. Mr. Dalton stated the neighborhood worked with the Community Foundation and that the process involved more than housing, it included economic development, public service, historical, health/welfare and land use. The process extended into the community and task forces will be developed.

Mayor McCaleb and the Council stated their appreciation of the spirit and attitude of the residents, organizations, businesses, and staff involved; commenting on how proud and pleased they are with the program and the cooperation of all involved.

Councilwoman Martinez gave direction to staff to change the Merchant Park area to Sears Park area; Mayor McCaleb stated we can concentrate on both areas, once a willingness and desire to participate is determined.

No Council action was required.

There being no further business, the meeting was adjourned at 11:30 a.m.

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Jo Moore  
City Secretary

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Gary D. McCaleb  
Mayor

