

**CITY COUNCIL MEETING**  
**July 22, 2004, 8:30 a.m.**

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

The City Council of the City of Abilene, Texas, met in Regular Session on July 22, 2004, at 8:30 a.m. in Council Chambers, 555 Walnut Street. Mayor Pro Tempore Anthony Williams was present and presiding with Councilmen Sam Chase, John Hill, Stormy Higgins, Kris Southward, and Councilwoman Laura Moore. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, and various members of the City staff. Mayor Archibald was absent.

Councilwoman Moore gave the invocation.

Baylee Landowski a second grade student from Austin Elementary School led the Pledge of Allegiance. Baylee's parents, grandmother Sandy Neith and grandfather Leonard Neith, who is employed by the City of Abilene's Solid Waste Department, were also present.

**PRESENTATIONS**

Councilman Southward presented a plaque to the City of Abilene and the CDBG fund on behalf of "Meals on Wheels" for allocation of funding for the new MOW building.

**DISPOSITION OF MINUTES**

2.0 There being no corrections, additions or deletions to the June 29, 2004, July 8, 2004 Regular City Council Meeting Minutes and July 7, 2004 Council (Tour) Minutes Councilman Southward made a motion to approve the minutes as printed. Councilman Hill seconded the motion, and the motion carried.

AYES: Councilmen Chase, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Pro Tempore Williams.

NAYS: None

**CONSENT AGENDA**

3.0 Councilman Hill made a motion to approve consent agenda items 3.1 through 3.6, as recommended by staff. Councilman Higgins seconded the motion, and the motion carried.

AYES: Councilmen Chase, Hill, Higgins, Southward, Councilwoman Moore, and Mayor Pro Tempore Williams.

NAYS: None

**Resolutions:**

3.1 Oral Resolution accepting two sculpture donations, "Abilene Piers" by Randy Jewart and "Let's Give Elizabeth a Ten for Enthusiasm" by David Deming, for permanent display, as recommended by staff, the Visual Arts Jury and the Parks and Recreation Board.

- 3.2 Oral Resolution authorizing the City Manager to execute and file a Notice of Federal Interest in Properties to be used for a Public Health Facility.
- 3.3 Resolution authorizing intervention in AEP Texas North Company's proceeding, Docket No. 29703, at the Public Utility Commission.

The Resolution is numbered **18-2004** and captioned as follows:

RESOLUTION OF THE CITY OF ABILENE AUTHORIZING INTERVENTION IN AEP TEXAS NORTH COMPANY'S TRUE-UP PROCEEDING, DOCKET NO. 29703, AT THE PUBLIC UTILITY COMMISSION OF TEXAS, AUTHORIZING THE JOINING WITH OTHER INTERVENING CITIES TO COORDINATE EFFORTS TO PROTECT MUNICIPAL AND RATEPAYER INTERESTS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; AND REQUIRING REIMBURSEMENT OF THE CITIES' RATEMAKING COSTS.

- 3.4 Resolution authorizing the submission of an application to the Texas Commission on Environmental Quality for authorization to Reuse Return Flows, and ratifying actions taken by the City Manager.

The Resolution is numbered **19-2004** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR AUTHORIZATION TO REUSE RETURN FLOWS.

**Bid Awards:**

- 3.5 **Bid #CB-4056** – Airport Terminal Phase III Project. The base bid and Alternatives 1 and 3 was awarded to Jeff Luther Construction Co., Abilene, TX in the amount of \$1,063,000.
- 3.6 **Bid #CB-4065** – New Health Facility at 850 N. 6<sup>th</sup> Street. The bid was awarded to Waldrop Construction Co., Inc., Abilene, TX in the amount of \$2,741,300.

**REGULAR AGENDA**

- 4.1 Elizabeth Grindstaff, Interim Director of Planning & Development Services briefed the Council on **Z-1904**, an Ordinance considered on second and final reading to rezone property located at the northern corner of I-20 and Hwy 351 from AO (Agriculture Open Space) and HC (Heavy Commercial) District to PDD (Planned Development District) zoning district.

Ms. Grindstaff stated the rezoning request involves property in the northern quadrant of the intersection of Interstate 20 and Highway 351 that includes 6 parcels and 4 owners, each desiring a rezoning designation of Planned Development District (PDD) to support the construction of a Wal-Mart Supercenter and several outbuildings. Originally the request included an additional 7.1

acre parcel owned by Mr. Kenneth Musgrave. Although Mr. Musgrave has withdrawn his property for rezoning consideration at this time Wal-Mart has committed to later include the 7.1 acre parcel in the proposed PDD once the ownership of the land has transferred from Musgrave Enterprises. Staff and the Planning and Zoning Commission recommend approval of the rezoning request.

Mayor Pro Tempore Williams opened a public hearing on the item and the following individuals addressed the Council:

- Tom Galbreath – agent, Dunaway Associates. Mr. Galbreath's comments included: 1) reiterating Wal-Mart's plans to include Mr. Musgrave's property as soon as it is purchased; 2) the uniqueness of this proposed Wal-Mart; 3) Wal-Mart working with TxDot on future actions that will be taken concerning any traffic issues; 4) the background on engineering of the property; 5) dedication of right of way, and; 6) landscaping/ wall screening.
- Barney Chapman – Dairy Queen property owner. Mr. Chapman stated his endorsement of the rezoning and of a larger marketing sign for Wal-Mart.

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

Councilwoman Moore made a motion to approve **Z-1904**, an Ordinance considered on second and final reading to rezone property located at the northern corner of I-20 and Hwy 351 from AO (Agriculture Open Space) and HC (Heavy Commercial) District to PDD (Planned Development District) zoning district as recommended by staff and the Planning and Zoning Commission. Councilman Hill seconded the motion, and the motion carried.

AYES: Councilmen Higgins, Southward, Hill, Councilwoman Moore, and Mayor Pro Tempore Williams.

NAYS: None

ABSTAIN: Councilman Chase

The Ordinance is numbered **20-2004** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-91 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

4.2 Elizabeth Grindstaff, Interim Director of Planning & Development Services briefed the Council on **Z-2004**, an Ordinance considered on second and final reading to rezone property located in the 6600 block of Buffalo Gap Rd. from RM-2 (Residential Multi-family) District to SC (Shopping Center) zoning district.

Ms. Grindstaff stated the rezoning request involves a single parcel of land (approximately 7.7 acres) that is desired to support the future development of low-intensity and medium-intensity commercial uses. Staff and the Planning and Zoning Commission recommend approval of the rezoning request.

Council and staff's discussion included: 1) establishments that are currently allowed; 2) buffer, landscaping and screening requirements, and; 3) what visually would be seen by residents in the area with the future development.

Mayor Pro Tempore Williams opened a public hearing on the item and the following individual addressed the Council:

- Scott Senter – agent. Mr. Senter's comments included: 1) addressing the power line easements; 2) potential uses of the property; 3) screening and landscaping of the property; 4) speed limits in the area, and; 5) driveways onto Buffalo Gap Rd being regulated by TxDot and only one being allowed in this area.

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

Councilman Hill made a motion to approve **Z-2004**, an Ordinance considered on second and final reading to rezone property located in the 6600 block of Buffalo Gap Rd. from RM-2 (Residential Multi-family) District to SC (Shopping Center) zoning district. Councilman Chase seconded the motion, and the motion carried.

AYES: Councilmen Chase, Higgins, Southward, Hill, Councilwoman Moore, and Mayor Pro Tempore Williams.

NAYS: None

The Ordinance is numbered **21-2004** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

### **EXECUTIVE SESSION**

Mayor Pro Tempore Williams recessed the Council into Executive Session pursuant to Sections 551.071, 551.074, and 551.072 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, and to consider the purchase, exchange, lease or value of real property.

**REGULAR SESSION**

The Council reconvened from Executive Session and reported no action taken.

There being no further business, the meeting was adjourned at 11:15 a.m.

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Jo Moore  
City Secretary

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Anthony Williams  
Mayor Pro Tempore