

Pre-Council Work Session of the Mayor and City Council of the City of Abilene, Texas, to be held in the Basement Conference Room of City Hall on Tuesday, October 23, 1990 at 8:30 a.m. to consider the following:

1. Discuss Consent and/or Regular Agenda Items.
2. ICMA Food Service Program Award
3. Economic Development Program Update

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chambers of the City Hall on Tuesday, October 23, 1990, at 9:00 a.m.

CITY COUNCIL: Mayor Gary D. McCaleb; Council - Paul R. Vasquez, Betty Ray, Jack Grable, Bill Terry, Jimmy McNeil and Liz Herrera.

1. **Call to Order.**
2. **INVOCATION:** Councilman Jack Grable.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held October 11, 1990.
4. **Proclamations**
5. **Awards**
Employee Recognition

CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

6. **Ordinances and Resolutions:**

- a. Consider on first reading - An Ordinance amending Chapter 23, "Planning and Community Development", Sections 23-317.3.C and 23-317.4 of the Abilene Municipal Code, concerning accessory buildings in RS-6 (Residential Single Family) districts, and set a public hearing for November 1, 1990 at 9:00 a.m.
- b. Consider on first reading - An Ordinance authorizing Updated Service Credits and increasing the employee contribution rate to the Texas Municipal Retirement System.
- c. Oral Resolution approving contract renewal between Development Corporation of Abilene, Inc. and Caruth Small Business Development Center.
- d. Oral Resolution approving amendment to Development Corporation of Abilene, Inc. contract with Abilene Industrial Foundation.
- e. Oral Resolution approving amendment to facade agreement on the Grace Cultural Center.

7. **Award of Bid:**
- a. Security Services for Zoo, Bid #CB1002.
 - b. Banner Program for Downtown, Bid #CB1004.
 - c. Sedans for Police Department, Bid #CB1001.

REGULAR AGENDA

8. **Ordinances and Resolutions:**
- a. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - Z-01790 - Request from Disability Resources, Inc., agent M. R. Newberry to rezone from A0 (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located at U. S. Highway 277/83, south of Northshore Drive.
 - b. Resolution declaring the City of Abilene elects to designate Highland Industries, Inc., dba Highland Foods Company, a "qualified business" as defined in the Texas Enterprise Zone Act for designation as an enterprise project.
 - c. Oral Resolution approving amendment to Development Corporation of Abilene, Inc. contract with Abilene Economic Development Company, Inc. providing for capitalizing of Development Finance Program.

9. **Other Business:**
- a. Pending and Contemplated Litigation (see notice for Executive Session, Litigation for listing subjects), possible action.
 - b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.

ADJOURN

(Personnel)

The City Council may consider the appointment, employment, reassignment, duties, discipline, or dismissal of public officer or employee, the City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members. A complete list of the City Boards and Commissions are on file in the City Secretary's Office.

After discussion of the appointment and evaluation of the Council Appointees and the Board and Commission members in executive session, any final action or vote taken will be in public.

(Litigation)

The City Council may consider pending and contemplated litigation subjects. The following subjects may be discussed:

1. Velasquez v. City
2. Randy Pedroza v. Edward Michael Hobbs & Dr. Fox
3. James Hudson & ABC Airlines v. City
4. Bechtel, et al v. City
5. Allied Steel v. City and Meals on Wheels
6. City Water Permit Applications
7. City of Abilene v. Riley
8. Don Hobbs v. City
9. Christine Kunschik v. City et al
10. Rodgers v. City
11. Parker v. City
12. General Electric Co. v. City
13. Michael Morris & Webster v. City
14. Pam Martin for Patricia Martin v. City and General Beverage
15. Lone Star Gas Gate Rate
16. Fountain v. City & Board of Building Standards
17. Southwestern Bell Rate Case
18. West Texas Utilities Rate Case
19. Midwestern Life v Westchester Financial, Catclaw & City of Abilene
20. James Richardson v City of Abilene Jim Blagg & Dwayne Hargesheimer
21. Shelton v. City of Abilene
22. G. C. Lockley, Jr., et al v. City of Abilene

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects set out above. After discussion of the pending and contemplated litigation subjects, in executive session, any final action, or vote taken, will be in public.

If personnel issues or litigation issues arise as to the posted subject matter of this City Council Meeting, an executive session will be held.

HC 10/05/90

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**PRE-COUNCIL WORK SESSION, THURSDAY
October 23, 1990, 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 October 23, 1990, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Gary D. McCaleb was present and presiding with Councilman Paul R. Vasquez, Councilwoman Betty Ray, Councilmen Jack Grable, Bill Terry, Jimmy McNeil, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Assistant to the City Manager Debra Guerra, City Secretary Jo Moore, and various members of the City staff.

The Council briefly discussed various consent and regular agenda items. Debra Guerra, Assistant to the City Manager briefed the Council on the ICMA Food Service Program Award. Mike Morrison, Director of Community & Economic Development, gave an update of the Economic Development Program. City Manager Jim Blagg distributed bid information on item 7b (Banner Program for Downtown, Bid #CBI004). There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
October 23, 1990, 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 October 23, 1990, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Jack Grable.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held October 11, 1990, Councilwoman Ray moved to approve the minutes as printed. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, McNeil, Councilwoman Herrera, and Mayor McCaleb.
NAYS: None.

Mayor McCaleb presented a proclamation for Youth Appreciation Week, November 5-11, 1990.

Mr. Blagg assisted the Mayor in presenting the plaque the Community Services Department received from ICMA on its summer food service program, and Assistant to the City Manager Debra Guerra assisted the Mayor in presenting Certificates of Appreciation to the employees who participated. Mayor McCaleb presented Honorary Citizen certificate and gifts to Marina Sergeeva, a guest of Dr. Bill Wright from Tashkent, capital of Uzbekestein in the United Soviet Socialist Republic.

Councilman Grable moved to approve consent agenda items 6c through 6e and 7a through 7c, as recommended by the staff; and approval of first reading of consent agenda items 6a and 6b. The motion included deleting section 4a in item 6e, and was seconded by Councilman Vasquez and the motion carried.

AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, McNeil, Councilwoman Herrera, and Mayor McCaleb.
NAYS: None.

6. Ordinances and Resolutions:

- a. Approval of first reading - An Ordinance amending Chapter 23, "Planning and Community Development", Sections 23-317.3.C and 23-317.4 of the Abilene Municipal Code, concerning accessory buildings in RS-6 (Residential Single Family) districts, and set a public hearing for November 1, 1990 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.
- b. Approval of first reading - An Ordinance authorizing Updated Service Credits and increasing the employee contribution rate to the Texas Municipal Retirement System.
- AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE IN THE EMPLOYMENT OF THE CITY OF ABILENE; AND TO INCREASE THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES, NOT TO INCLUDE THE EMPLOYEES OF THE POLICE DEPARTMENT, OF THE CITY OF ABILENE; AND ESTABLISHING EFFECTIVE DATES FOR SUCH ACTIONS.
- c. Oral Resolution approving contract renewal between Development Corporation of Abilene, Inc. and Caruth Small Business Development Center.
- d. Oral Resolution approving amendment to Development Corporation of Abilene, Inc. contract with Abilene Industrial Foundation.
- e. Oral Resolution approving amendment to facade agreement on the Grace Cultural Center.

7.

- Award of Bid:**
- a. Security Services for Zoo, Bid #CB1002. The bid was awarded to Abilene Security Patrol in the amount of \$36,038.28 as recommended by staff.
- b. Banner Program for Downtown, Bid #CB1004. The bid was awarded to Kalamazoo Banner Works in the amount of \$27,567.12 as the most responsible bidder to the City, as recommended by staff.

- c. Sedans for Police Department, **Bid #CB1001**. The bid was awarded to Lawrence Hall Chevrolet of Abilene in the amount of \$268,179.66, the low responsible bidder, as recommended by staff.

8. Ordinances and Resolutions:

- a. David Hoover, Planner II, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-01790** - Request from Disability Resources, Inc., agent M. R. Newberry to rezone from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located at U. S. Highway 277/83, south of Northshore Drive.

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

Chris Kyker, president of Disability Resources.

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

Councilman McNeil moved to approve the ordinance to rezone from Agricultural Open Space to Planned Development Mixed Used district located at U. S. Highway 277/83, south of Northshore Drive, as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, McNeil, Councilwoman Herrera, and Mayor McCaleb.

Nays: None.

ABSTAIN: Councilman Terry, due to his association with Disability Resources.

The Ordinance is numbered 43-1990 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #50 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

b. Mike Morrison, Director of Community and Economic Development, briefed the Council on a Resolution declaring that the City of Abilene, Texas, elects to designate Highland Industries, Inc., dba Highland Foods Company, a "qualified business" as defined in the Texas Enterprise Zone Act for designation as an enterprise project. Mr. Morrison noted a correction to item I in the Resolution to read "...Highland Industries, Inc. is a "qualified business" under section 3(a) (10) of the Act since it is engaged in the active conduct of a trade or business in the Zone and is substantially committed to employing persons who are residents of a Zone within the City's jurisdiction or economically disadvantaged individuals, to make up at least twenty-five percent (25%) of the total employees;.. "

Councilwoman Ray moved to approve the Resolution declaring that the City of Abilene, Texas, elects to designate Highland Industries, Inc., dba Highland Foods Company, a "qualified business" as defined in the Texas Enterprise Zone Act for designation as an enterprise project, as recommended. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, McNeil, Councilwoman Herrera, and Mayor McCaleb.
Nays: None.

The Resolution is numbered 42-1990 and is captioned as follows:

A RESOLUTION DECLARING THE CITY OF ABILENE, TEXAS, ELECTS TO DESIGNATE HIGHLAND INDUSTRIES, INC., DBA "HIGHLAND FOODS COMPANY", A "QUALIFIED BUSINESS" AS DEFINED IN SECTION 3(a) (10) OF THE TEXAS ENTERPRISE ZONE ACT, TEXAS REVISED CIVIL STATUTES ANNOTATED ARTICLE 5190.7 (THE "ACT"), FOR THE PURPOSE OF APPLYING TO THE TEXAS DEPARTMENT OF COMMERCE ("COMMERCE") FOR DESIGNATION AS AN ENTERPRISE PROJECT.

c. Mike Morrison, Director of Community & Economic Development, briefed the Council concerning an Oral Resolution approving an amendment to the Development Corporation of Abilene, Inc. contract with Abilene Economic Development Company, Inc. providing for capitalizing of Development Finance Program.

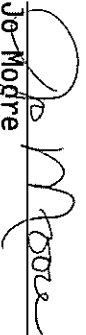
Councilman Terry moved to approve the amendment to the Development Corporation of Abilene, Inc. contract with Abilene Economic Development Company, Inc. providing for capitalizing of Development Finance Program as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

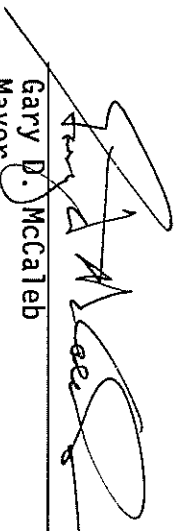
AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, McNeil, Councilwoman Herrera, and Mayor McCaleb.
Nays: None.

Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e and 2g of the Open Meetings Act, and to consider the appointment and evaluation of public officers.

The Council reconvened from executive session and reported no action taken.

There being no further business, the meeting was adjourned at 9:55 a.m.


Je-Mogre
City Secretary


Gary D. McCaleb
Mayor