

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 Thursday, December 19, 1991 at 8:30 a.m. to consider the following:

Discuss Consent and/or Regular Agenda Items.

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 Thursday, December 19, 1991, 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 Paul R. Vasquez.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held December 5, 1991.
4. **Proclamations**

CONSENT AGENDA

All items listed below are considered 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 requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

5. **Ordinances and Resolutions:**
 - a. Oral Resolution approving Abilene Reinvestment Zone Number One (Tax Increment Finance District) funding to Abilene Improvement Corporation for pedestrian walkway improvements at 802-826 N. 3rd Street.
 - b. Oral Resolution approving Abilene Reinvestment Zone Number One (Tax Increment Finance District) funding to the Abilene Improvement Corporation for downtown design plan and streetscape.
 - c. Consider on second and final reading - An Ordinance amending the Abilene Municipal Code to establish the Abilene Public Health Advisory Board.
 - d. Resolution declaring the City of Abilene elects to nominate A & B Electronics, Inc. a "qualified business" as defined by the Texas Enterprise Zone Act for the purpose of applying for certain state tax incentives.
 - e. Oral Resolution approving Abilene Reinvestment Zone Number One (Tax Increment Finance District) funding to City of Abilene for removal of underground storage tanks at 100 block of Walnut and North 2nd Street.
 - f. Consider on first reading - An Ordinance adopting the 1991 Uniform Plumbing Code with local amendments, and set a public hearing for January 9, 1992 at 9:00 a.m.

- g. Oral Resolution approving Street Use License request from Hendrick Medical Center for a 20' wide strip across Hickory Street for the installation of conduit.

6. Award of Bid:

- a. Playground equipment for Sears and North Park, Bid #CB2013.
- b. Fare Collection System for Transit system, Bid #CB2006.
- c. Radio Communication System for Transit system, Bid #CB2007.

REGULAR AGENDA

7. Ordinances & Resolutions:

a. APPEALED ITEM:

- Public Hearing:** Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-02791** - Request from L. C. Maker, Glenn Freeman, and Don McAlistier; agent, Mary Burkett to rezone from RS-6 (Residential Single Family) to GC (General Commercial) district, located at Ruby Street and Russell Avenue.
- Public Hearing:** Consider on second and final reading - An ordinance to amend PDD #4 (Planned Development District) ordinance - **Z-2891** - Request from Permian Real Estate; agent, Rick Worley, to allow conventional single family residences, located on Harbour Town.
- c. Resolution amending street name policy to allow for honorary street name designation.
- Public Hearing:** Resolution for honorary street name designation of North 10th/East North 10th Street as Martin Luther King, Jr. Blvd.

8. 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.
- c. Discussion and possible action of Capital Improvements needs.

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. Bechtel, et al v. City
2. City v. Leo & Shirley Riley
3. James Richardson v. City
4. Pam Martin et al v. City and General Beverage
5. Thines v. City
6. DeHoyos v. City
7. Lois Woods v. City & Charles Wayne Parker
8. Randy Villa Pedroza v. Edward Michael Hobbs & Dr. Fox
9. Kenneth Brown v. City
10. Pamela Susan Combs v. Dillard's & Mall of Abilene & City
11. Kim Maynard v. City & Charles Kimbel Vickers
12. Leroy Hammond v. City
13. Ybarra v. City & Midnight Rodeo & Gannaway
14. E. E. Whitworth, d/b/a WBS v. City
15. Heritage Parks Community Association v. City & taxing entities
16. Allied Steel v. City, et al
17. Creel v. City
18. City Water Permit Applications
19. Lone Star Gas Gate Rate
20. Southwestern Bell Rate Case
21. West Texas Utilities Rate Case

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 11/11/91

ADDENDUM

CITY COUNCIL AGENDA

City Council Chamber
December 19, 1991
9:00 a.m.

ADD TO REGULAR AGENDA:

8. Other Business:
 - d. May consider appointment of Assistant City Attorney.
(10:45 a.m.)

CERTIFICATE

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 16 day of December, 1991, at 10:30 a.m.



City Secretary

PRE-COUNCIL WORK SESSION, THURSDAY
December 19, 1991, 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, 1991, 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 Bill Terry, Jimmy McNeil, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Biagg, 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. Councilman Jack Grable 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, 1991, 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, 1991, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Paul R. Vasquez.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held December 5, 1991, Councilwoman Ray moved to approve the minutes as printed. The motion was seconded by Councilman Vasquez and the motion carried.

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

Councilman Terry moved to approve consent agenda items 5a through 5e, 5g, and 6a through 6c as recommended by the staff; and approval of first reading of consent agenda item 5f. The motion was seconded by Councilman Vasquez and the motion carried.

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

5. Ordinances and Resolutions:

- a. Oral Resolution approving Abilene Reinvestment Zone Number One (Tax Increment Finance District) funding to Abilene Improvement Corp. for pedestrian walkway improvements at 802-826 N. 3rd St.
- b. Oral Resolution approving Abilene Reinvestment Zone Number One (Tax Increment Finance District) funding to the Abilene Improvement Corporation for downtown design plan and streetscape.

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- c. Approval of second and final reading - An Ordinance amending the Abilene Municipal Code to establish the Abilene Public Health Advisory Board.

The Ordinance is numbered 38-1991 and is captioned as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABILENE BY CHANGING THE NAME OF THE ABILENE-TAYLOR COUNTY BOARD OF HEALTH TO THE ABILENE PUBLIC HEALTH ADVISORY BOARD.

- d. Resolution declaring the City of Abilene elects to nominate A & B Electronics, Inc. a "qualified business" as defined by the Texas Enterprise Zone Act for the purpose of applying for certain state tax incentives.

The Resolution is numbered 51-1991 and is captioned as follows:

A RESOLUTION DECLARING THAT THE CITY OF ABILENE, TEXAS, COMMITS TO NOMINATE A & B ELECTRONICS, INC., A "QUALIFIED BUSINESS" AS DEFINED IN SECTION 3(a)(11) 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") AND TEXAS STATE COMPTROLLER OF PUBLIC ACCOUNTS ("COMPTROLLER") TO RECEIVE A ONE-TIME STATE SALES AND USE TAX REFUND AS AUTHORIZED BY SECTION 151.431, TEXAS TAX CODE.

- e. Oral Resolution approving Abilene Reinvestment Zone Number One (Tax Increment Finance District) funding to City of Abilene for removal of underground storage tanks at 100 block of Walnut and North 2nd Street.

- f. Approval of first reading - An Ordinance adopting the 1991 Uniform Plumbing Code with local amendments, and set a public hearing for January 9, 1992 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 4, "PLUMBING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- g. Oral Resolution approving Street Use License request from Hendrick Medical Center for a 20' wide strip across Hickory Street for the installation of conduit.

6. **Award of Bid:**

- a. Playground equipment for Sears and North Parks, Bid #CB2013. Item 1 (Sears Park Equipment) was awarded to Landscape Structures; Item 2 (North Park Equipment) was awarded to Jim Lea and Associates representing the low responsible bidders for a total amount of \$28,689.57 as recommended by staff.

- b. Fare Collection System for Transit, Bid #CB2006. The bid, including a change order for 13 remote Keypads, was awarded to GFI/Genfare for a total amount of \$103,965.00 as recommended by staff.

- c. Radio Communication System for Transit system, Bid #CB2007. The bid was awarded to Motorola Communications and Electronics, Inc. in the amount of \$57,578.

7. **Ordinances & Resolutions:**

- a. Mindy Manson, Acting Assistant Director of Planning and Development Services for Planning, briefed the Council on an appealed Ordinance considered on second and final reading changing zoning district boundaries - Z-02791 - Request from L. C. Maker, Glenn Freeman, and Don McAlister; agent, Mary Burkett to rezone from RS-6 (Residential Single Family) to GC (General Commercial) district, located at Ruby Street and Russell Avenue.

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

FOR:

- . Mary Burkett, agent for proponent.

AGAINST:

- . Jim Griggs, 123 Riverside, concerned with commercial property so close to residential property.
- . Gilbert Corning, Jr., 1502 River Oaks Rd.
- . Julie Rosser, 104 Riverside, addressed the noise level.
- . Jeff Luther, 118 Circle of Holly, suggested zoning limited commercial instead of general commercial.

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

Councilwoman Ray moved to approve the ordinance to rezone from RS-6 (Residential Single Family) to GC (General Commercial) district, located at Ruby Street and Russell Avenue as recommended by staff. The motion failed for lack of a second.

Councilwoman Ray moved to refer the request back to the Planning and Zoning Commission to consider Limited Commercial instead of General Commercial zoning. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

ABSTAIN: Councilwoman Herrera.

- b. Mindy Manson, Acting Assistant Director of Planning and Development Services for Planning, briefed the Council on an ordinance considered on second and final reading to amend PDD #4 (Planned Development District) ordinance - Z-2891 - Request from Permian Real Estate; agent, Rick Worley, to allow conventional single family residences, located on Harbour Town.

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 Vasquez moved to approve the ordinance to amend PDD #4 (Planned Development District) ordinance - Z-2891 - Request from Permian Real Estate; agent, Rick Worley, to allow conventional single family residences, located on Harbour Town as recommended by staff. The motion was seconded by Councilman Terry and the motion carried.

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

Nays: None.

The Ordinance is numbered 39-1991 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E "ZONING", OF THE ABILENE MUNICIPAL CODE, AND ORDINANCE NO. 1045 CONCERNING THE FAIRWAYS PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

C. Mindy Manson, Assistant Director of Planning and Development Services for Planning, briefed the Council regarding a Resolution amending the street name policy to allow for honorary street name designation.

Councilman Vasquez stated the request was emotional and involved, and needs further understanding by the public and the City Council. People are responding not knowing what is being requested or the impact. This is appearing to be a black/white issue. Councilman Vasquez moved to table the policy in order to give more time for community input and further research. The motion was seconded by Councilwoman Herrera and the motion carried.

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

Nays: None.

The request was **TABLED**.

Mayor McCaleb stated with the tabling of this item that consideration could not be given at this time to Item 7d, since there is no policy to enact an honorary street name designation. The Mayor did open the floor for public comments pertaining to the establishing of an honorary street name designation policy. The following individuals spoke:

- P. T. Oliphant, Macedonia Baptist Church, was told a public hearing would be held. Council should consider this; it is not a black issue.
- Milton Turnerhill, 2 Meadowlake, urged the Council not to spend a lot of time on policy, but to move forward.
- Ronnie Ballard, 3365 Sayles Blvd, asked about street name change earlier, and asked why it is just now being looked at.
- Rufus Johnson, Vice President of the Abilene Black Chamber of Commerce asked how long must they wait? Mr. Johnson stated this was not a street name change, but an honorary designation.
- Claudie Royals feels an honorary designation is not official, and requested a holiday designation.
- Colleen Pinkston, 1750 N. 10th, asked that the Council consider the people living in the area now.

The request will be held until an honorary Street Naming Policy is developed. The Council informed the public they expect to within 30 days again consider the issue.

Mayor McCaleb stated with no objections from the City Council, Item 8c would be considered at this time.

8. Other Business:

c. David Wright, Director of Finance, briefed the Council on Discussion and possible action of Capital Improvements needs. Mr. Wright reviewed staff recommendations on various projects as submitted to the Council and distributed a plan indicating the type of tax increase on \$12,090,000.

Marva Pritchett, Director of Planning and Development Services, showed a map to the Council of unpaved streets and alleys in the outside loop.

Craig Nichols, Library Board, addressed various alternatives pertaining to Library needs and reviewed the 1990 report with the City Council.

Mayor McCaleb proposed a fall bond election to let citizens indicate their feelings on all the issues. Councilman Vasquez suggested offering the citizens an opportunity for input on the flooding problems and keeping the public informed. The City Council was in general agreement.

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.

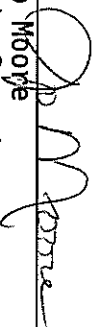
The Council reconvened from executive session and reported no action taken.

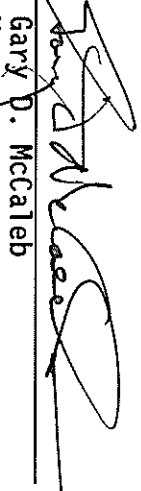
Mayor McCaleb left the meeting. Councilman McNeil assumed the duties of Mayor Pro Tempore for the duration of the meeting.

Councilwoman Ray moved to appoint Bob Kuykendall as acting chair of the Airport Development Board and to leave the vice chair position vacant until their bylaws are changed, to permit the board to elect their own chair and vice chair. The motion was seconded by Councilman Vasquez and the motion carried.

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

There being no further business, the meeting was adjourned at 11:40 a.m.


Jo Moore
City Secretary


Gary D. McCaleb
Mayor