

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, November 19, 1992 at 8:30 a.m. to consider the following:

1. Service Effectiveness Teams (SET) presentation.
2. 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, November 19, 1992, at 9:00 a.m.

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

1. **Call to Order.**
2. **INVOCATION:** Councilman Ray Ferguson.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held November 5, 1992.
4. **Proclamations**
5. **Employee Of the Year Award**

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.

6. Ordinances and Resolutions:

- a. Consider on first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", of the Abilene Municipal Code, Sections 18-286, Decreased Speed Limits - School Zones; 18-299, Parking Time Limited; 18-301, Through Trucks Prohibited; and 18-304, Parking Designated for the Disabled.
- b. Oral Resolution approving Abilene Reinvestment Zone Number One (Tax Increment Finance District) funding to Abilene Improvement Corporation for pedestrian walkway improvements at 1065 S. 1st Street.
- c. Oral Resolution authorizing alternate disinfection trial test by Water Utilities Department.
- d. Street Use License request from Enprotec, Inc. for groundwater monitoring well.
- e. Resolution approving donation of city property located at 839 S. 11th St. to the Abilene Association of Congregations.

7. Award of Bid:

- a. Facia board removal and replacement for Water Department, Bid #CB-3002.
- b. Electric-powered gate lifts for Water Department, Bid #CB-3001.
- c. Playground equipment for Cobb Park, Bid #CB-3007.
- d. Remodeling of offices at Law Enforcement Center, Bic #CB-3008.

REGULAR AGENDA

8. Ordinances and Resolutions:

- a. **Public Hearing:** Consider on second and final reading - An Ordinance amending WTU franchise agreement regarding an economic development rider for tariff change.
- b. **Public Hearing:** Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-03692** - Request from Realty Alliance of Texas, LTD; agent, Jack Chamberlain, to rezone from AO (Agricultural Open Space) to HI (Heavy Industrial) district, located on FM 18.
- c. **Public Hearing:** Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-03792** - Request from Tim McCloskey to add H (Historic Overlay) to underlying RM-3 (Residential Multi-Family) district, located at 258 Clinton.
- d. **Public Hearing:** Consider on second and final reading - An Ordinances changing zoning district boundaries - **Z-03892** - Request from Partin & Associates, agent Virgil Partin, to rezone from AO (Agricultural Open Space) to RS-8 & PDD (Residential Single-Family & Planned Development) district, located in the 4400-4500 block of Buffalo Gap Road.
- e. **Public Hearing:** Consider on second and final reading - Ordinance amending zoning Ordinance - **Z-03992** - Request from Scott Senter to amend PDD #25 concerning building height, number of driveways, permitted uses and sign allowance located in the 2100 block of Antilley Rd.

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

NOTICE

Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact Jo Moore, City Secretary, 676-6202 at least 48 hours in advance of this meeting. Telecommunication device for the deaf is 676-6360.

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 13 day of November, 1992, at 5 (a.m./p.m.)


CITY SECRETARY

00190

(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 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. Ybarra v. City & Midnight Rodeo & Gannaway
3. Tutt v. City & William L. Hood
4. DeHoyos v. City
5. Kim Maynard v. City & Charles Kimbel Vickers
6. Leroy Hammond v. City
7. Ronquello v. City
8. Hines v. City
9. City v. Russell Jones
10. Thinnes v. City & O'Dell Construction
11. City v. Riley
12. Heritage Parks Community Association v. City & taxing entities
13. Allied Steel v. City, et al
14. Creel v. City
15. City Water Permit Applications
16. Lone Star Gas Gate Rate
17. Southwestern Bell Rate Case
18. 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 or litigation issues arise as to the posted subject matter of this City Council Meeting, an executive session will be held.
HC 11/13/92

**PRE-COUNCIL WORK SESSION, THURSDAY
November 19, 1992, 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 November 19, 1992, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Gary D. McCaleb was present and presiding with Councilwoman Betty Ray, Councilmen Jack Grable, Bill Terry, Ray Ferguson, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., Assistant to the City Manager Debra Guerra, City Secretary Jo Moore, and various members of the City staff. Councilman Paul R. Vasquez was absent.

Tony Neitzler, Assistant Director of Community Services, and Linda Simpson, Assistant to the Director of Water Administration, gave a presentation to the Council on the Service Effectiveness Teams (SET). The Council briefly discussed various consent and regular agenda items. Mayor McCaleb drew the bid of Lynn Elliott Co. of Addison, TX for Item 7b, electric powered gate lifts for Water Department, Bid #CB3001, in which a tie bid was received. The other bidder was Blackwater Assoc., Inc. of Dallas. Mr. Blagg noted a correction to Item 8d. The correct location is the 7100 Block of Buffalo Gap Road. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
November 19, 1992, 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 November 19, 1992, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Ray Ferguson.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held November 5, 1992, Councilman Ferguson moved to approve the minutes as printed. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

Mayor McCaleb presented the following proclamations:
November 22-28 as National Adoption Week
November 19 as Great American Smokeout Day

Jim Blagg, City Manager, assisted Mayor McCaleb in presenting the Employee of the Year Award to Tom Martin, Landscape Architect.

00192

Councilman Grable moved to approve consent agenda items 6b through 6e and 7a through 7d, and the first reading of item 6a, as recommended by the staff. The motion was seconded by Councilman Terry and the motion carried.

AYES: Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

6. Ordinances and Resolutions:

- a. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", of the Abilene Municipal Code, Sections 18-286, Decreased Speed Limits - School Zones; 18-299, Parking Time Limited; 18-301, Through Trucks Prohibited; and 18-304, Parking Designated for the Disabled.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- b. Oral Resolution approving Abilene Reinvestment Zone Number One (Tax Increment Finance District) funding to Abilene Improvement Corporation for pedestrian walkway improvements at 1065 S. 1st Street in an amount not to exceed \$3,900.00 excluding sales tax.
- c. Oral Resolution authorizing alternate disinfection trial test by Water Utilities Department for a maximum expenditure of \$50,000 to the Rio Linda Chemical Company, Inc.
- d. Street Use License request from Enprotec, Inc. for the installation of a groundwater monitoring well.
- e. Resolution approving donation of city property from J. C. Pace, Ltd. located at 839 S. 11th St. to the Abilene Association of Congregations.

The Resolution is numbered 54-1992 and contains no caption.

7. Award of Bid:

- a. Facia board removal and replacement for Water Department, Bid #CB-3002. The bid was awarded to Vanco Insulation Abatement, Inc. of Midland, the low responsible bidder in the amount of \$11,700.00, the most advantageous for the City as recommended by staff.
- b. Electric-powered gate lifts for Water Department, Bid #CB-3001. The item received tie bids; therefore Mayor McCaleb selected through drawing of sealed envelope in Pre Council session Lynn Elliott Company of Addison, representing the low responsible bidders, in the amount of \$11,202.00 FOB Abilene for three gates, as recommended by staff. The other bid was from Blackwater Assoc. of Dallas.

- c. Playground equipment for Cobb Park, Bid #CB-3007. The bid was awarded to Modlin Recreation Equipment, Inc. in the amount of \$14,628.00 as recommended by staff.
- d. Remodeling of offices at Law Enforcement Center, Bid #CB-3008. The bid was awarded to MLH Construction, Inc. dba Lesmans Construction, Inc., the low responsible bidder in the amount of \$20,944.80 as recommended by staff.

8. Ordinances and Resolutions:

- a. Harvey Cargill, City Attorney, briefed the Council on an Ordinance amending the WTU franchise agreement regarding an economic development rider for tariff change.

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

- . Dennis Laster, General Manager of WTU.

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

Councilman Ferguson moved to approve the Ordinance amending the WTU franchise agreement regarding an economic development rider for tariff change as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered 44-1992 and is captioned as follows:

AN ORDINANCE APPROVING, RATIFYING, CONFIRMING, AND ACCEPTING THE EXPERIMENTAL ECONOMIC DEVELOPMENT RIDER FILED BY WEST TEXAS UTILITIES COMPANY FOR THE FURNISHING OF SERVICE WITHIN THE CITY OF ABILENE, TEXAS, BY WEST TEXAS UTILITIES COMPANY; PROVIDING SEVERABILITY, AND PROVIDING A SEVERABILITY DATE.

- b. Mindy Manson, Assistant Director of Development Service for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - Z-03692 - Request from Realty Alliance of Texas, LTD; agent, Jack Chamberlain, to rezone from AO (Agricultural Open Space) to HI (Heavy Industrial) district, located on FM 18. The Planning and Zoning Commission and staff recommend approval.

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

- . Jack Chamberlain, 1233D Tracy Lynn Drive.

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

00194

Councilman Terry moved to approve the Ordinance to rezone from Agricultural Open Space to HI Heavy Industrial district located on FM 18, as recommended by the staff. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered **45-1992** 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.

c. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-03792** - Request from Tim McCloskey to add H (Historic Overlay) to underlying RM-3 (Residential Multi-Family) district, located at 258 Clinton. The Planning and Zoning Commission and staff recommend approval.

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

Tim McClosky, 258 Clinton, proponent.

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

Councilwoman Ray moved to approve the Ordinance to add Historic Overlay to underlying Residential Multi-Family district located at 258 Clinton, as recommended by the staff. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered **46-1992** 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.

d. Mindy Manson, Assistant Director Development Services for Planning, briefed the Council on Ordinances considered on second and final reading changing zoning district boundaries - **Z-03892** - Request from Partin & Associates, agent Virgil Partin, to rezone from AO (Agricultural Open Space) to RS-8 & PDD (Residential Single-Family & Planned Development) district, located in the 7100 block of Buffalo Gap Road. The Planning and Zoning Commission and staff recommend approval.

00195

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

- Virgil Partin, agent for the proponent, 1417 FM 17, stated RS-8 and above would be allowed. Mr. Partin stated that all of the area will be platted at once; RS8 and PDD at one time. Mr. Partin stated 50-75% would be RS-12.
- Mrs. Percival, 5250 Meadow Drive, RS-12 preferred. Entrance off of Buffalo Gap Road should be constructed.
- Randy Vinson, 5700 Meadow Drive, concerned with traffic, abandon streets between new development.
- Art Gray, 5650 Meadow Drive, concerned it would increase traffic, no entrance off Buffalo Gap Road, and create flooding problems.
- Georgia Gowdy, 1490 Beltway S., realtor, reaffirmed what Mr. Partin said.
- George Percival, concerned with use of Meadow Drive.
- E. J. Hayden, 5249 Meadow Drive, suggested opening up an access road to Buffalo Gap Road. City now provides water, garbage collection and limited police protection.

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

City Council wanted to ensure that the entire property covered by this zone case would be included in the plats submitted by the developer.

Councilman Grable moved to approve the Ordinances to rezone from Agricultural Open Space to Residential Single-Family & Planned Development district located in the 7100 block of Buffalo Gap Road, with instructions to the Plat Review Committee and Planning and Zoning Committee to address extending Forrest Hill Drive in conjunction with the platting of the property, as recommended by the staff. The motion was seconded by ~~Councilman Grable~~ and the motion carried.

AYES: Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

*Councilwoman Ray
Correction noted at 12-03-92 ee mtg.
gm*

The Ordinance is numbered **47-1992** 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.

The Ordinance is numbered **48-1992** 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 #52 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

e. Mindy Manson, Assistant Director Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-03992** - Request from Scott Senter to amend PDD #25 concerning building height, number of driveways, permitted uses and sign allowance located in the 2100 block of Antilley Rd. The Planning and Zoning Commission and staff recommend approval.

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

Scott Senter, 2901 S. First.

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

Councilwoman Herrera moved to approve the Ordinance to amend PDD #25 concerning building height, number of driveways, permitted uses and sign allowance located in the 2100 block of Antilley Rd as recommended by the staff. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered **49-1992** 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. 99-1984 CONCERNING THE CENTRAL PARK PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING, PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Prior to Executive Session, a press conference was held announcing the approval of the State Grant for landscaping of Martin Luther King bridge.

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.

00197

Councilwoman Ray moved to approve appointments and reappointments to various City boards and commissions as follows:

ABILENE CLEAN AND PROUD - 3 year term

Appoint:

Charlie Barr, term expiring 11/94

ABILENE PUBLIC HEALTH ADVISORY BOARD - 3 year term

Appoint:

Paul Vasquez, temporary ex-officio City Council representative

Reappoint:

Robert Wiggins, Sr. DDS

BOARD OF ADJUSTMENT - 2 year term

Appoint:

Rick Gray, Alternate

BOARD OF BUILDING STANDARDS - 2 year term

Reappoint:

Kirby Leeson, Banker

HOUSING AUTHORITY OF THE CITY OF ABILENE - 2 year term

Appoint:

Eli Martinez

Reappoint:

Lynda Calcote

HUMAN RELATIONS COMMITTEE - 3 year term

Appoint:

Hope Hendrix, term expiring 5/93

LANDMARKS COMMISSION - 3 year term

Appoint:

Laura Moore, At-Large

Reappoint:

Frank Murray, At-Large

Tim McCloskey, At-Large

Denny McFarland, Historical Commission

Richard Dillard, Preservation League

LIBRARY BOARD - 2 year term

Appoint:

Terry Arrington

Jane Jones

00198

Reappoint:
Bill Minter
Dr. Timothy Simpson

MH/MR BOARD OF TRUSTEES

Appoint:
David Scott, term expiring 8/31/93

MH/MR PUBLIC RESPONSIBILITY COMMITTEE - Change in terms

Reappoint:
Don Wilson - 8/31/93
Rev. Sam Matta - 8/31/94
Norman Bryan - 8/31/94
Don Wright - 8/31/93
Barry L. Hoefler - 8/31/94
Neomia Banks - 8/31/93
Odessa Hatfield - 12/31/92
Ruby Blascyk to replace Odessa Hatfield - 1/1/93 - 8/31/94

**MECHANICAL, PLUMBING, ELECTRICAL, & SWIMMING POOL BOARD OF APPEALS /
ELECTRICAL SUBCOMMITTEE**

Appoint:
Doyle Hufstedler, Jr., citizen at-large, term expiring 5/93

MIXED USE REVIEW BOARD - 2 year term

Reappoint:
Barbara Walker, Real Estate Rep.
Kenneth Musgrave, Land Developer
M. R. "Newt" Newberry, Architect

PLANNING AND ZONING COMMISSION - 3 year term

Appoint:
Phillip Day
Steve Krazer

Reappoint:
Sally Robinson

REINVESTMENT ZONE #1 CITY OF ABILENE - 2 year term

Appoint:
Ken Shira

Reappoint:
E. H. Mac Andrews
Fred Sandlin, City Council appointee
Glen Churchill
Leo Scott
Syd Niblo
Truett Roberts

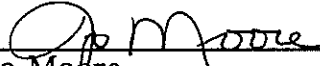
00199

The motion was seconded by Councilman Grable and the motion carried.

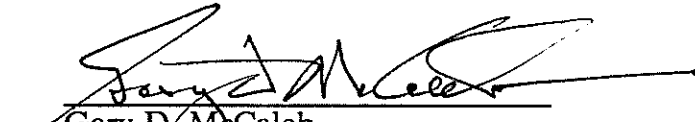
AYES: Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

There being no further business, the meeting was adjourned at 12:15 p.m.



Jo Moore
City Secretary



Gary D. McCaleb
Mayor