

**PRE-COUNCIL WORK SESSION, THURSDAY  
January 14, 1993, 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 14, 1993, 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, 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., City Secretary Jo Moore, and various members of the City staff.

Drew Sleeper, Refuse Superintendent, presented an update on the Container Repair Program. The Council briefly discussed various 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 14, 1993, 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 14, 1993, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Bill Terry.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held December 17, 1992 and Special Council Meeting held January 4, 1993; Councilwoman Ray moved to approve the minutes. The motion was seconded by Councilman Grable and the motion carried.

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

**NAYS:** None.

Roy McDaniel, Assistant City Manager, assisted Mayor McCaleb in the presentation of the January Employee of the Month Award to Charlotte Roy, Animal Control Superintendent.

Jo Moore, City Secretary, assisted Mayor McCaleb in presenting a Certificate of Appreciation to Jim Beard, Traffic Engineer, for his work as Coordinator for the Toys-For-Tots Campaign; then Mayor McCaleb presented the following Proclamations:

January as National Volunteer Blood Donor Month

January 17-23 as National Jaycee Week

Councilman Vasquez moved to approve consent agenda items 6a and 6i; approval of first reading of consent agenda items 6b through 6h, and 7a through 7d as recommended by the staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

**NAYS:** None.

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**6. Ordinances and Resolutions:**

- a. Approval of second and final reading - An Ordinance amending Chapter 30, "Taxation", of the Abilene Municipal Code, regarding Hotel and Motel Occupancy Tax.

The Ordinance is numbered 1-1993 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 30, "TAXATION" OF THE ABILENE MUNICIPAL CODE; PROVIDING FOR A PENALTY, SEVERABILITY CLAUSE, AND EFFECTIVE DATE.

- b. Approval of first reading - An Ordinance for street name change - SNC-00193 -Request from City of Abilene for street name change of "Old" Judge Ely Blvd. to ACU Drive, and set a public hearing for January 28, 1993 at 9:00 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF "OLD" JUDGE ELY BOULEVARD TO ACU DRIVE.

- c. Approval of first reading - An Ordinance changing zoning district boundaries - Z-00393 - Request from Security State Bank; agent, Mindy Morris, to rezone from AO (Agricultural Open Space) to LC (Limited Commercial) district, located in the 5300 block of Buffalo Gap Road, and set a public hearing for January 28, 1993 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.

- d. Approval of first reading - An Ordinance changing zoning district boundaries - Z-00493 - Request from Taylor County In Trust; agent, Charles Blanton, to rezone from AO (Agricultural Open Space) to LC (Limited Commercial) district, located at 990 Redbird Lane, and set a public hearing for January 28, 1993 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.

- e. Approval of first reading - An Ordinance amending Chapter 8, Section 8-481 and 8-482 of the Abilene Municipal Code, to adopt amendments to the 1991 Uniform Building Code, Section 801, regarding licensed day care facilities hours of operation, and set a public hearing for January 28, 1993 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

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- f. Approval of first reading - An Ordinance amending Chapter 8, Section 8-481 and 8-482 of the Abilene Municipal Code, to adopt amendments to the 1991 Uniform Building Code, Section 1718, regarding finish floor requirements, in order to provide consistency between the building code and the stormwater management requirements, and set a public hearing for January 28, 1993 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

- g. Approval of first reading - An Ordinance amending Chapter 8, Section 8-481 and 8-482 of the Abilene Municipal Code, to adopt amendments to the 1991 Uniform Building Code, Section 3306(i), paragraph 3, regarding handrails, and set a public hearing for January 28, 1993 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

- h. Approval of first reading - An Ordinance amending Chapter 8, Section 8-496 of the Abilene Municipal Code, to adopt amendments to the 1990 National Electrical Code, Sections 306(a), regarding temporary electrical service provisions; and Section 401 (a) and (b), regarding license requirement changes for Master and Journeyman Electricians to allow military equivalencies to apply to the required experience requirements; and set a public hearing for January 28, 1993 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 3, "ELECTRICAL CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

- i. Resolutions setting election precincts and calling City election for May 1, 1993.

The Resolution is numbered 2-1993 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR BILINGUAL ELECTION FOR CITY ELECTIONS.

The Resolution is numbered 3-1993 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING AN ELECTION TO BE HELD IN SAID CITY ON MAY 1, 1993; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE AS MAYOR AND IN PLACES 3 AND 4 ON THE CITY COUNCIL OF THE CITY OF ABILENE; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

**7. Award of Bid:**

- a. Construction of Cedar Street repairs, **Bid #CB3017**. The bid was awarded to MLH Construction, Inc., d/b/a LesMans Construction, Inc., for the unit price bid, with an estimated project amount of \$79,990.00 as recommended by staff.
- b. Paving at Lake Kirby Park, **Bid #CB3013**. The bid was awarded to Bontke Brothers Construction of Abilene, the low responsible bidder, in the amount of \$116,637.01 as recommended by staff.
- c. Bleachers at Lake Kirby Park, **Bid #CB3015**. The bid was awarded to Southern Bleachers of Graham, the low responsible bidder, in the amount of \$13,358.00 as recommended by staff.
- d. Oral Resolution authorizing purchase of Library materials. The Council authorized, by Oral Resolution, current and future expenditures for Library materials, as budgeted, with Baker & Taylor in excess of \$10,000 using the open purchase order process now in use.

**8. Ordinances & Resolutions:**

- a. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an appealed Ordinance considered on second and final reading - An Ordinance amending Ordinance 24-1986 - **Z-04092** - Request from Roy Adams; agent Aurora Bumgarner, to amend PDD #42 to allow on-premise consumption of liquor, located at 4051 West Lake Road. The Planning and Zoning Commission and staff recommend denial.

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

- . Andrew Vasquez and Crystal Bumgarner, representing the proponent, questioned the complaints from local residents, stating the store across the street sells beer and the complaints started only after they applied for the license.
- . Mary Medley, 109 Trail Way Drive, resident in the area, stated it was dangerous and will increase violence, noise, and possibly deaths.
- . Liana Booth, 125 Trail Way Drive, stated the business has proven irresponsible.
- . Jesse Hernandez, Pleasant Hill Mobile Home Park, Lot 11, complained about the noise.

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Councilman Vasquez moved to deny the request to amend PDD 42 to allow on-premise liquor consumption; located at 4051 West Lake Road. The motion was seconded by Councilman Terry and the motion carried.

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

NAYS: None.

The request was DENIED.

b. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading for street name change - SNC-04192 -Request from City of Abilene to change the name of Port Road to Lytle Way.

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 Grable moved to approve the Ordinance for street name change - SNC-04192 - Request from City of Abilene to change the name of Port Road to Lytle Way, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

The Ordinance is numbered 2-1993 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
CHANGING THE NAME OF PORT ROAD TO LYTLE WAY.

c. James Condry, Assistant Director of Development Services for Public Works, briefed the Council on a Street Use License request from McMurry University for head-in parking on Grand Avenue. Staff recommends denial due to the increased safety hazard.

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

Mr. Will Dix, Director of Physical Properties at McMurry, stated the request is to accomodate the parking needs of the employees because the building use is being changed from a warehouse to a maintenance facility.

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

Councilman Terry moved to DENY the Street Use License request from McMurry University for head-in parking on Grand Avenue, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

The request was DENIED.

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d. Harvey Cargill, City Attorney, briefed the Council on a Resolution to suspend rate increase request from Taylor Electric Cooperative; and an Ordinance considered on first reading setting new rates for Taylor Electric Cooperative, Inc.

Mayor McCaleb opened a public hearing on the Ordinance, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman Terry moved to approve the Resolution to suspend rate increase request from Taylor Electric Cooperative; and first reading of the Ordinance setting new rates for Taylor Electric Cooperative, Inc. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

The Resolution is numbered 4-1993 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
SUSPENDING THE LOCAL INCREASE.

The Ordinance is captioned as follows:

AN ORDINANCE APPROVING ELECTRIC UTILITY RATE SCHEDULES FOR  
TAYLOR ELECTRIC COOPERATIVE, INC.; PROVIDING A SEVERABILITY;  
PROVIDING AN EFFECTIVE DATE.

**9. Other Business:**

Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e and 2g of the Open Meetings Act, and to seek the advice of the City Attorney with respect to pending and contemplated litigation and to consider the appointment and evaluation of public officers.

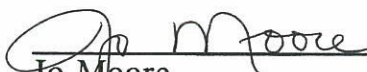
The Council reconvened from executive session and reported no action taken.


Councilwoman Ray moved to appoint Stan Egger, County Commissioner Precinct 3, as County representative to the Abilene Public Health Advisory Board as recommended by the County Commissioners, term expiring 11/95. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 10:55 a.m.

  
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Jo Moore  
City Secretary

  
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Gary D. McCaleb  
Mayor

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