

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, April 22, 1993, at 8:30 a.m. to consider the following:

1. Big Country Fellowship of Churches presentation.
2. Community Services Strategic Plan.
3. 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, April 22, 1993, at 9:00 a.m.

CITY COUNCIL: Mayor Gary D. McCaleb; Council - Paul R. Vasquez, Betty Ray, 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 April 8, 1993.
4. **Proclamations**
5. **Awards**
Employee of the Month Award

Special Recognition - Abilene Clean & Proud

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 Councilmember 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:

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| <i>C. Hughes</i> | a. | <u>Consider on first reading</u> - An Ordinance amending Chapter 29.5, "Swimming Pools and Spas" of the Abilene Municipal Code, and set a public hearing for May 13, 1993 at 9:00 a.m. |
| <i>Fowler</i> | b. | <u>Consider on first reading</u> - An Ordinance adopting amendments to Chapter 8, "Construction Regulations", Article 7, "Moving Buildings", of the Abilene Municipal Code, and set a public hearing for May 13, 1993 at 9:00 a.m. |
| <i>B. Fowler</i> | c. | <u>Consider on first reading</u> - An Ordinance amending Chapter 8, "Construction Regulations", Article IV, "Licenses and Regulations", Division 1 of the Abilene Municipal Code, requiring registration of all contractors, and set a public hearing for May 13, 1993 at 9:00 a.m. |
| <i>E. Dye</i> | d. | Resolution approving Texas Traffic Safety Program grant agreement. 00076 |

- M. Hall* e. Oral Resolution authorizing City Manager to sign and submit 93/94 Library System Grant Application.
- D. Guerra* f. Oral Resolution ratifying Resolution of March 30, 1993 between the cities of Abilene, Texas and Corinth, Greece entering into Sister Cities relationship and invitation to participate.
- J. Condry* g. Oral Resolution authorizing City Manager to execute agreement for engineering services at Abilene Regional Airport.
- M. Pritchett* h. Oral Resolution adopting City's Source Reduction Plan.

7. Award of Bid:

- D. Wright* a. Flatbed truck for Parks Division, **Bid #CB3034.**
- J. Condry* b. Street materials for Street Services Division, **Bid #CB3035.**
- J. Condry* c. Miscellaneous drainage improvements, **Bid #CB3038.**
- P. Collins* d. Lease/Maintenance agreement for high volume copier, **Bid #CB3033.**

REGULAR AGENDA

8. Public Appearance:

- a. Youth Advisory Council presentation.
- b. Mr. Ivan Shelton will be present to receive answers to several questions regarding the Tax Increment Financing District.

9. Ordinances & Resolutions:

- M. Manson* a. **APPEALED ITEM:**
Public Hearing: Consider on second and final reading - Ordinance changing zoning district boundaries - **Z-01493** - Request from William F. & Becky L. Stoots to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 1226 Park.
- M. Manson* b. **Public Hearing: Consider on second and final reading** - Ordinance changing zoning district boundaries - **Z-01593** - Request from Central Park-91 Ltd; agent, Scott Senter to amend a PDD (Planned Development District) Ordinance, concerning permitted uses and development standards, located in the 2100 block of Antilley Road.
- M. Manson* c. **Public Hearing: Consider on second and final reading** - Ordinance changing zoning district boundaries - **Z-01793** - Request from O. B. Stephens; agent, Eddie Chase, to rezone from AO (Agricultural Open Space) & RM-2 (Residential Multi Family) to RS-6 (Residential Single Family) district, located at Rebecca Lane & Catclaw Drive.
- D. Wright* d. **Bid Opening: 11:00 a.m.**
Award of Bid; Consider Ordinances authorizing issuance of City of Abilene, Texas, General Obligation Bonds, Series 1993, in the amount of \$925,000 and Combination Tax and Revenue Certificates of Obligation, Series 1993, in the amount of \$800,000.

10. 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

00077

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 forty-eight (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 16 day of April, 1993, at 5:00 p.m.


CITY SECRETARY

(Personnel)

City Council may consider appointment, employment, reassignment, duties, discipline, or dismissal of public officer or employee, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members. A complete list of City Boards and Commissions are on file in the City Secretary's Office. After discussion of appointment and evaluation of Council Appointees and 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. Tutt v. City & William L. Hood
2. DeHoyos v. City
3. Kim Maynard v. City & Charles Kimbel Vickers
4. Leroy Hammond v. City
5. Ronquello v. City
6. Hines v. City
7. City v. Russell Jones
8. City v. Riley
9. Heritage Parks Community Association v. City & taxing entities
10. Allied Steel v. City, et al
11. Creel v. City
12. City Water Permit Applications
13. Lone Star Gas Gate Rate
14. Southwestern Bell Rate Case
15. 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.

**PRE-COUNCIL WORK SESSION, THURSDAY
April 22, 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 April 22, 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 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, Assistant to the City Manager Debra Guerra, City Secretary Jo Moore, and various members of the City staff.

Max Tipton and Tom Thompson, Big Country Fellowship of Churches, invited the Mayor and Council to a program by John Dawson on the subject of breaking walls that are dividing cities, stressing unity among churches. Mike Hall, Director of Community Services, outlined that department's Strategic Plan. 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
April 22, 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 April 22, 1993, at 9:00 a.m. in the Council Chambers of City Hall.

Mayor McCaleb welcomed some special guests in attendance in honor of the Week of the Young Child.

Invocation was given by Councilman Ray Ferguson.

There being no corrections, additions or deletions to the minutes of the City Council Meeting held April 8, 1993, Councilman Vasquez moved to approve the minutes. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

Mayor McCaleb stated that this would be Councilman Terry's last regular meeting, and asked him to present the awards and proclamations.

Councilman Terry, assisted by Debra Guerra, Assistant to the City Manager, presented the Employee of the Month Award to Anna Johnson, part time program worker for the Senior Citizens Center.

Alison Benton of Abilene Clean and Proud, assisted Councilman Terry in presenting Special Recognition certificates as follows:

Landscaping - First National Bank
Beautification - Hendrick Medical Center
Recycling efforts - Abilene Restaurant Association
Environmental - Jackson Elementary School (Save the Rain Forest project)

Councilman Terry presented the following proclamations:

May as Better Speech and Hearing Month,
April as Parliamentary Emphasis Month,
April 19-23 as Cooper High Pledge Week; and
May 1 as National Multiple Sclerosis Awareness Day.

Councilman Ferguson moved to approve consent agenda items 6d through 6h and 7a through 7d, first reading of items 6a through 6c, as recommended by the staff. Staff requested only the cement bid on Agenda item 7b be held to be considered at a later date. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

6. Ordinances and Resolutions:

- a. Approval of first reading - An Ordinance amending Chapter 29.5, "Swimming Pools and Spas" of the Abilene Municipal Code, and set a public hearing for May 13, 1993 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 29.5, "SWIMMING POOLS AND SPAS", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- b. Approval of first reading - An Ordinance adopting amendments to Chapter 8, "Construction Regulations", Article 7, "Moving Buildings", of the Abilene Municipal Code, and set a public hearing for May 13, 1993 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VII, "MOVING BUILDINGS", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- c. Approval of first reading - An Ordinance amending Chapter 8, "Construction Regulations", Article IV, "Licenses and Regulations", Division 1 of the Abilene Municipal Code, requiring registration of all contractors, and set a public hearing for May 13, 1993 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE IV, "LICENSES AND REGISTRATION," DIVISION 1, "GENERALLY," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- d. Resolution approving Texas Traffic Safety Program grant agreement.

The Resolution is numbered 16-1993 and is captioned as follows:

A RESOLUTION PROVIDING FOR APPROVAL OF APPLICATION FOR GRANT FUNDS FROM THE STATE OF TEXAS FOR A SPECIAL FIVE MONTH SELECTIVE ENFORCEMENT PROJECT FOR VEHICLE OCCUPANT PROTECTION.

- e. Oral Resolution authorizing City Manager to sign and submit the 93/94 Library System Grant Application.
- f. Oral Resolution ratifying Resolution of March 30, 1993 between the cities of Abilene, Texas and Corinth, Greece entering into a Sister Cities relationship and invitation to participate.

The Resolution is numbered 17-1993 and is captioned as follows:

RESOLUTION OF THE COUNCILS OF THE CITIES OF ABILENE, TEXAS AND CORINTH, GREECE, ENTERING INTO A SISTER CITY RELATIONSHIP AND INVITING THE CITIZENS OF ABILENE AND CORINTH TO PARTICIPATE IN THIS PROGRAM.

- g. Oral Resolution authorizing City Manager to execute agreement for engineering services at Abilene Regional Airport.
- h. Oral Resolution adopting City's Source Reduction Plan.

7. Award of Bid:

- a. Flatbed truck for Parks Division, **Bid #CB3034**. The bid was awarded to R. L. Anderson International, Inc., the low responsible bidder in the amount of \$27,954.74 as recommended by staff.
- b. Street materials for Street Services Division, **Bid #CB3035**. The bid was awarded as follows: AC-5 asphalt, AC-10 asphalt, MC-30 Asphalt to Fina Oil and Chemical; Rock asphalt, hot mix asphalt, chip seal stone type PB-4 to Vulcan Materials; as recommended by staff. The cement bid was pulled from the agenda to be considered at a later date, as requested by staff.
- c. Miscellaneous drainage improvements, **Bid #CB3038**. The bid was awarded to Bontke Brothers Construction Company for the unit prices bid, with an estimated project cost of \$64,300.00 as recommended by staff.

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- d. Lease/Maintenance agreement for high volume copier, **Bid #CB3033**. The bid was awarded to Xerox for their Model 5100 for a term of 5 years, all as recommended by staff.

8. Public Appearance:

a. Earnest Merritt, Special Assistant to the City Manager for Youth Services, introduced Jackie Moreno and Elizabeth Smith of the Youth Advisory Council. Ms. Moreno and Ms. Smith gave the Council a brief presentation on the past year's activities.

No action was required.

b. Mayor McCaleb introduced Mr. Ivan Shelton, who was present to receive answers to several questions regarding the Tax Increment Financing District. A verbatim transcript of this item follows:

Mayor - We now move to Item 8b, I'd like to mention or just say a word of explanation about Item 8b. A citizen of Abilene, Mr. Ivan Shelton, has contacted the members of the Council and indicated that he would like to have more information regarding the tax increment finance district and he requested that it be done in a public forum so that those questions and answers might be available to other citizens as well who might also be interested in having further information or answers to these types of questions. The Council agreed with his observations and so in just a moment Mr. Shelton will come forward and ask the questions that he has forwarded to us so that we could be prepared to give him very specific answers to those questions and we have asked Councilman Ray Ferguson who serves not only on the City Council but is also a certified public accountant and who has looked over the information in order to prepare specific answers to Mr. Shelton's questions and to be as efficient as possible in the use of our time this morning. Mr. Shelton if you would please come forward at this time.

Shelton - Mr. Mayor and ladies and gentlemen of the Council, do you want to talk about TIFD first or my letter first?

Ferguson - TIFD's fine with me.

Shelton - The information I've got here which relates to my question came out of the Comprehensive Plan and Development Strategy for Downtown Abilene which I believe was done in 1984/85. The TIFD district, known as TID, was formed in December 19, 1982 by City Ordinance and covered a 100 block area. First question, in 1984 there were 1,108,000 square feet of major merchandising stores in Abilene. 8.1% of that was located in the TIFD area. Have any major stores located in the TIFD area since 1984 and what percent is now in TIFD?

Ferguson - As I preface this answer, let me just make a comment for those in this audience who may not be aware of what the TIFD is we're talking about, it's the tax increment financing district and as you say it was created in 1982 and the base values on which each taxing entity received funds was based on the values of the 100 block TIFD area that you referred to. The taxes that go into the TIFD account are based on any increase in value on the existing properties are in the TIFD area or any new construction that has happened since that time in that area. In answer to your question about what stores are located, the following businesses we are aware of that have been located in the TIFD area

since 1984; Belle Femme, The Blind Man, Bogie's, Steve Butman Photography, Cactus Design, United Bank and Trust, Cloud Office Supply, Cloud Printing, Computer Vision, Friends, Jodelles, The Loft Gallery, McBeth Millwork, McKay's Bakery, McLemore Bass, Minuteman Press, Neon by Ray, Norvell & Associates, Paper Tiger, Parlor Antiques, and Under One Roof.

Shelton - No major stores have located in here though, major retail stores, supermarkets, K-mart, WalMart, this sort of thing.

Ferguson - I'm not aware of those you listed.

Shelton - In 1984 there were 1672 lodging rooms in Abilene. 7.2% of these rooms were located in the TIFD area. Have any major hotels or motels located in the TIFD area since 1984, and what percentage is now in this area?

Ferguson - No hotels or motels have located in the TIFD area since 1984, however, one hotel has had major renovations and a new owner has attracted substantially more business than before. The total number of rooms in Abilene is now 2113; 118 rooms located in the TIFD district, for a total of 5.6%.

Shelton - How much money comes into TIFD each year?

Ferguson - In Fiscal Year 1992, approximately \$345,000 went into the TIFD. This includes taxes and interest earnings. The average annual amount of money that has gone into the TIFD in the 9 years of its existence is just over \$578,000 a year.

Shelton - What is the projection for 1993?

Ferguson - The total taxes in 1993, approximately \$250,000, are estimated going into the TIFD.

Shelton - How much is in that account now?

Ferguson - At the present time the unobligated balance of the TIFD account is just \$1.9 million dollars. If the TIFD were dissolved according to law, distribution of the tax funds would be made back to the other taxing units involved, the City currently has about 30% of the total funds which would be approximately \$655,000.

Shelton - How much money has been spent from the TIFD account since its inception?

Ferguson - Total expenditures and encumbrances of the TIFD account since its inception is just over 4.7 million. The largest portion of that was for the Civic Center expansion which was slightly over 3 million.

Shelton - That did not all come from the tiff bank account?

Ferguson - Yes it did.

Shelton - How much?

Ferguson - a total of 4.7 million, the Civic Center was just over 3 million.

Shelton - Where is the money banked?

Ferguson - The City's depository account is the First National Bank of Abilene, however the average balance in the TIFD account for the last 9 years has been about \$2700, therefore as you can see, virtually all of these funds are invested in treasury instruments, U. S. treasury instruments and the state investment pool.

Shelton - What kind of interest do they draw?

Ferguson - Current time right now the weighted average interest rate on these investments is 3.8%.

Shelton - Why does the new tax abatement to preserve historic buildings and homes only cover the TIFD area?

Ferguson - Well the historic tax does not cover only the TIFD area. Any building, no matter where it is located in the city, if it meets the historic criteria, is eligible for historic preservation tax abatement.

Shelton - That was a misconception out of the paper then. Does the money to repair the TIFD area streets come from the TIFD funds or the general account?

Ferguson - The repairs that are currently being made on Cedar street are from Certificates of Obligation that were issued in 1992, other street repairs in the TIFD area have been made from the general fund operating budget.

Shelton - That's the end of my questions. I have a statement I'd like to make. I think it's time to put an end to TIFD. It's lawful but very unfair to the rest of the City of Abilene. It's time for the voters of Abilene to have a say whether we keep TIFD or whether we abolish it and if they want to abolish it, I think they should have a say as to where the money goes and what it is used for. I've got two last questions. Mr. Terry, why didn't KTAB locate in the TIFD area?

Terry - Probably because KTAB started in 1978-79 and there was no TIFD.

Shelton - But there was a downtown area.

Terry - Yes there was a downtown area.

Shelton - What was the reason for not locating down here?

Terry - Why not downtown rather than... because we have to put up antennas and towers and protrusions that stick up in the air and would not enhance the downtown area because of the availability of downtown parking that's demanded, various reasons, we didn't ...we put it where it was the best possible location.

Shelton - Basically you didn't think you could put down here economically feasible.

Terry - For a television station you pick a different location than for other things and there was no TIFD.

Shelton - I understand that but the TIFD, I'm associating with the downtown area because that is the area it basically covers.

Mayor - Mr. Shelton, I'd like to just kindly suggest each of the members of the Council are here this morning as members of the City Council, not as private business persons to answer those questions, I'm sure if you would like to discuss that at length they would be happy to discuss that with you but I think the appropriate issues to discuss this morning are those questions such as you have already asked.

Shelton - I just have one more question on that, that's for Mrs. Herrera. I wonder why your restaurant didn't relocate down here.

Herrera - Mr. Shelton, with much due respect, I like to keep my personal business to myself. As the Mayor said if you want to talk to me about personal business you are more than welcome to come to my restaurant and I'd be glad to sit down and talk to you.

Shelton - Thank you very much. Now, in answer to the letter that I wrote to each one of you I was told that the letter would be answered here today. You want me to read the questions the same as I did before?

Mayor - If you'd like and I believe Mr. Ferguson is prepared to answer those questions as well.

Shelton - Where did the \$420,000 come from to purchase the downtown property for the proposed new Library?

Ferguson - I'd be happy to answer that, but let me preface this with a couple of comments too in regard to your letter. Mayor McCaleb has asked me to respond to your letter that was dated April 9, 1993 and I believe was sent to all the members of the Council. He's asked me to respond with respect as a CPA since many of the questions are financial in nature and also from the perspective of having been present during the deliberations but not having participated in the decision. My remarks deal with the events surrounding the acquisition of the Cypress Plaza property in 1992. I was not present in 1990 when the City first attempted to acquire the property. In my mind these were separate events. The District Attorney has also indicated they are separate events. It was at the 1990 transaction that was recently addressed by the Grand Jury. Your questions, as I understand, Mr. Shelton, are directed, however, at the 1992 transaction and it's the events of 1992 that I will be addressing. Your first question, "where did the \$420,000 come from to purchase the property for the proposed new library". The property was purchased out of the fund balance in the general fund. The fund balance is maintained for the purpose of current operations for the three months from the beginning of the fiscal year until property taxes are collected and for providing funds to cover unforeseen emergencies and other interruptions in cash flow. The earnings from these investments are revenue to the general fund which reduces the amount of taxes that have to be raised, or which reduces the amount to be raised from property taxes. The audited fund balance for the general fund as of 9/30/92 was just over \$7.7 million, that's excluding the Cypress Plaza property.

Shelton - How much tax loss to the city each year off that piece of property?

Ferguson - Yes, when the property was purchased on 9/8/92, the total taxes on the property, city county, etc., was \$9,400.00. The City's portion of those taxes was \$2,249.00.

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Shelton - Well then where does the other balance of \$7,000 go?

Ferguson - That's the county taxes and the school district taxes primarily.

Shelton - But they lose those taxes, right?

Ferguson - That's correct.

Shelton - Ok, thank you. How much for maintenance and repairs each year for this particular location?

Ferguson - From the time the property was purchased 9/8/92 to 2/28 of this year, which is the last time we have financial statements prepared, it's been about 5 3/4 months, the City has incurred only about \$50 in maintenance costs.

Shelton - How much?

Ferguson - \$50. This is obviously lower than what can be expected on a regular basis, due to the building being in reasonably good condition and improvements having been made shortly before it was purchased, the maintenance and repair costs should not be above average for an office building. The City staff has used an estimate of approximately \$5,000 per year in their estimates.

Shelton - How much income is generated from the income each year, gross and net?

Ferguson - Ok, from 9/8/92 to 2/28 again, the City has received \$33,323 in rent from the property. In addition to the \$50 in maintenance expenses, the City has paid utilities of \$6,108. The net revenue through February has been \$27,165. After subtracting the tax loss to the City for the 5 3/4 months, the net increase to the City has been \$26,087 which equals an annualized yield of 12.9% from the property. At the time the property was purchased, the City staff estimated annual net income from the property to be about \$37,000 per year.

Shelton - How much would demolition cost to make this site suitable for the building which it was purchased for, the Library?

Ferguson - At the time the property was purchased, the City staff estimated that the demolition costs for Cypress Plaza would be approximately \$75,000, and the Greyhound Bus Station would be about \$100,000, for a total of \$175,000.

Shelton - Why weren't other locations and types of buildings considered for the library to begin with instead of just this one particular thing?

Ferguson - Well, the answer to that is there were other locations considered. Council was presented with at least 6 possible downtown locations that I'm aware of and at least two other options were considered - I'm aware of at least two other options that were considered. On sixth, the Cypress Plaza location not only served two public purposes by offering the best location for a library and helping solve the parking problems at the Civic Center, it was also the cheapest alternative. The only other location that might have been cheaper was in a poor location and had possible environmental problems which made the total cost potentially much higher and impossible to determine in advance. When the time came to make a decision to purchase or not to purchase, I observed the other Council

members considered the following factors when they reached their decision. They felt it was important for the citizens to know where the library would be located if the bond election passed. Therefore, they felt that the location needed to be selected in advance of the election. If the property was not purchased until after the bond election passed, then the price would go up and the cost to taxpayers would be higher. But what if the election did not pass? Should they purchase it anyway? They finally concluded that purchasing the land had many more advantages to the City than disadvantages whether or not the bond election passed. Once the decision was reached to purchase the property regardless of the outcome of the bond election, there was no need to even discuss purchasing options, it would have been a waste of money. In arriving at their conclusion to purchase the property regardless of the outcome of the election, the following items were discussed: The location had been identified as a strategic location for future expansion many years ago, when it was valued at over a million dollars. Over the last year, the price had escalated, and would probably only continue to escalate, to increase. Additional parking for the Civic Center was still needed. Until a public purpose could be identified and funded, the net rental revenue for the property would exceed what the 420,000 would earn as part of the general fund investments. This would be the only general fund investment that would not be a liquid asset. Other local government entities such as the school district and the county own property for expansion. This has not caused problems for the citizens in the past even though the property earned little or nothing. Concern was expressed that because of who the investors were that detractors could inaccurately portray the transaction in a bad light. That concern was set aside on the basis that, 1) the decision was in the best interests of the citizens and taxpayers, 2) the Council had no knowledge or suspicion of wrongdoing or inappropriate behavior, and 3) the decision should not be influenced by concern that inaccurate or incomplete information might be spread. Though in hindsight, in my opinion, the spread of inaccurate and incomplete information has been the single most important factor that has influenced events over the past several months. After they considered all the known advantages and disadvantages, they determined that there was little downside and considerable upside to purchasing the property. If the bond election passed, it was the best location to serve two public purposes and was the least expensive alternative. If the bond election did not pass, it was still a strategic location for long term expansion in the short term it would earn a higher rate of return for the taxpayers than the City's other investments. Additional parking for the Civic Center was still needed and the reduction of liquidity was minimal. As I stated on previous occasions, my observations from the vantage point of being physically present when the decisions were discussed, have led me to conclude that the Council exercised good judgment, acted in the best interest of the taxpayers and were willing to take political risks for action they believed to be in the best interest of the community. I believe Abilene is fortunate to have people of this caliber and integrity to serve with the attitude of genuine public service. And in closing, Mr. Shelton, I do want to thank you for your interest in this matter, I want to thank you for the time and effort you have taken to seek answers from the people who actually did make the decision. I know that others have had similar questions and I wish that we had the opportunity to answer each citizen individually. I have discussed this matter with many citizens over the past several months and after learning all the factors that went into the decisions process no one has yet suggested to me a better course for the Council to have followed. Therefore I think that it is likely that you too will come to a similar conclusion after you review all the relevant information, and if that's the case, then I hope you will join us in attempting to clear up the misinformation that surrounded this issue. Thank you.

Shelton - Thank you.

No action was required.

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9. Ordinances and Resolutions:

a. Mindy Manson, 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-01493** - Request from William F. & Becky L. Stoots to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 1226 Park. The Planning and Zoning Commission and staff recommend denial.

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

- . Becky Stoots, proponent, stated her handicapped mother has been living in a recreational vehicle for two years, and that they wish to replace the trailer with a code-complying structure.
- . Irene Shackelford, a resident in the area for 40 years and against the request, suggested building a room on to the present house, stating spot zoning will cause problems.

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

Following a lengthy discussion among Council and staff, Councilman Ferguson moved to refer the item back to the Planning and Zoning Commission to study elderly care in single family districts, then to consider the request at the conclusion of that study. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

The request was referred back to the Planning and Zoning Commission.

b. Mindy Manson, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-01593** - Request from Central Park-91 Ltd; agent, Scott Senter to amend a PDD (Planned Development District) Ordinance, concerning permitted uses and development standards, located in the 2100 block of Antilley Road. The Planning and Zoning Commission and staff recommend approval.

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

- . Scott Senter, agent for the proponent.

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

Councilman Terry moved to amend the Planned Development District Ordinance, concerning permitted uses and development standards, located in the 2100 block of Antilley Road. The motion was seconded by Councilwoman Ray and the motion carried.

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

Nays: None.

00088

The Ordinance is numbered 21-1993 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.

c. Mindy Manson, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-01793** - Request from O. B. Stephens; agent, Eddie Chase, to rezone from AO (Agricultural Open Space) & RM-2 (Residential Multi Family) to RS-6 (Residential Single Family) district, located at Rebecca Lane & Catclaw Drive. The Planning and Zoning Commission and staff recommend approval.

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.

Councilwoman Ray moved to approve the Ordinance to rezone from Agricultural Open Space & Residential Multi Family to Residential Single Family district at Rebecca Lane & Catclaw Drive, as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

The Ordinance is numbered 22-1993 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. **Bid Opening: 11:00 a.m.**

David Wright, Director of Finance, briefed the Council on an Oral Resolution approving an Award of Bid; and Ordinances authorizing issuance of City of Abilene, Texas, General Obligation Bonds, Series 1993, in the amount of \$925,000 and Combination Tax and Revenue Certificates of Obligation, Series 1993, in the amount of \$800,000. Mr. Wright stated there were five bids for the bonds and five bids for the Certificates of Obligation. Staff recommends the lowest bidder was First Southwest with 4.83% on the bonds and 4.85% on the Certificates.

Councilman Ferguson moved to approve low bid of 4.83% on bonds and 4.85% on the Certificates from First Southwest, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

00089

The Ordinance is numbered 23-1993 and is captioned as follows:

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS GENERAL OBLIGATION BONDS, SERIES 1993, IN THE AMOUNT OF \$925,000.


The Ordinance is numbered 24-1993 and is captioned as follows:

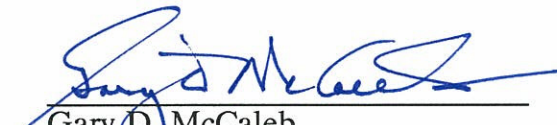
AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1993, IN THE AMOUNT OF \$800,000.

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 11:25 a.m.


Jo Moore
City Secretary


Gary D. McCaleb
Mayor