

**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, **August 26, 1993**, 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, **August 26, 1993**, at 9:00 a.m.

**CITY COUNCIL:** Mayor Gary D. McCaleb; Council - Paul R. Vasquez, Betty Ray, Jimmy McNeil, Russell Berry, 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 August 12, 1993.
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 Councilmember 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 & Resolutions:**

- |                    |    |  |
|--------------------|----|--|
| <i>J. Condry</i>   | a. | Oral Resolution approving Street Use License request from Abilene ISD for State Street and Mockingbird Lane.         |
| <i>R. McDaniel</i> | b. | Oral Resolution approving the 9-1-1 Emergency Communication District Revised FY 92/93 and Proposed FY 93/94 Budgets. |
| <i>S. Dugan</i>    | c. | <u>Consider on first reading</u> - An Ordinance adopting Section 108 Loan for the Windsor Hotel Housing Project.     |

**6. Award of Bid:**

- |                     |    |   |
|---------------------|----|---|
| <i>J. Condry</i>    | a. | Old Anson Road and Elm Creek Bridge, <b>Bid #CB3055.</b>                    |
| <i>J. Condry</i>    | b. | Traffic Sign Material, <b>Bid #CB3060.</b>                                  |
| <i>Hargesheimer</i> | c. | Repaving and seal coating at Northeast Treatment Plant, <b>Bid #CB3059.</b> |

## REGULAR AGENDA

### 7. Ordinances & Resolutions:

- D. Wright* a. **Public Hearing:** Consider on second and final reading - Ordinance Approving Revised 1992-93 Budget and Proposed 1993-94 Budget; and Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant funds.
- D. Wright* b. **Public Hearing:** Consider on second and final reading - Ordinance Setting FY 1993-94 Tax Levy.
- M. Manson* c. **Public Hearing -** Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-02693** - Request from David and Diane Hail Homes, Inc.; agent David Hail, to rezone from AO (Agricultural Open Space) to RS-12, (Residential Single Family) district, located at Lynnbrook Dr. east of Peppermill Dr.
- M. Manson* d. **Public Hearing -** Consider on second and final reading - An Ordinance for street name change - **SNC-02793** - Request from Kenneth Musgrave; agent Peggy Conrad, to change the name of Westminister Drive to Westminster Drive (change in spelling), located in Section 4, Lytle Shores East Addition.
- M. Manson* e. **Public Hearing -** Consider on second and final reading - An Ordinance for street name change - **SNC-02893** - Request from Funeral Director's Life Insurance Co.; agent Gary Pullin, to change the name of Antilley Square Drive to Director's Parkway, located in the Antilley Square Subdivision.
- C. Hughes* f. **Public Hearing -** Consider on second and final reading - An Ordinance amending Chapter 8, "Construction Regulations", Article VII, "Moving Buildings", of the Abilene Municipal Code.
- A. Falcioni* g. Oral Resolution authorizing Mayor to execute agreement with Abilene Motor Sports, Inc. and Jack Nance (racing manager) to conduct organized drag races at Abilene Regional Airport October 2 and 3, 1993.

### 8. Other Business:

- a. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.
- b. Pending and Contemplated Litigation (see notice for Executive Session, Litigation 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 forty-eight (48) hours in advance of this meeting. Telecommunication device for the deaf is 676-6360.

00164

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 20 day of August, 1993, at 5:00 p.m.

  
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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. Leroy Hammond v. City
4. Ronquillo v. City
5. City v. Russell Jones
6. Riley v. City
7. J. D. Hancock & Ruth Schmidt v. City
8. John Pare v. City
9. City Water Permit Applications
10. Lone Star Gas Gate Rate
11. Southwestern Bell Rate Case
12. 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 06/14/93

00165

**PRE-COUNCIL WORK SESSION, THURSDAY**

**August 26, 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 August 26, 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 Jimmy McNeil, Russell Berry, 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, Assistant to the City Manager Debra Guerra, and various members of the City staff.

Assistant City Manager Roy McDaniel noted a correction on page 5b-1, stating the memo should read, "...funding of 5 Dispatchers/Call Takers in the Communications Center and 1/2 position in the Fire Department." Mr. McDaniel also noted on the 9-1-1 budget under the Contingency line item for FYTD 7/31/93 the amount should be -0-, not \$5,000. 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**

**August 26, 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 August 26, 1993, 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 August 12, 1993, Councilman McNeil moved to approve the minutes as printed. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

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

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

NAYS: None.

00165

5. **Ordinances & Resolutions:**

- a. Oral Resolution approving and authorizing the Mayor to execute the Street Use License from Abilene ISD for State Street and Mockingbird Lane.
- b. Oral Resolution approving the 9-1-1 Emergency Communication District Revised FY 92/93 and Proposed FY 93/94 Budgets.
- c. Approval of first reading - An Ordinance adopting Section 108 Loan for the Windsor Hotel Housing Project.

AUTHORIZING PROMISSORY NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,865,000 TOGETHER WITH CONTRACT FOR LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, 42 U.S.C., SECTION 5308, IN CONNECTION THEREWITH.

6. **Award of Bid:**

- a. Old Anson Road and Elm Creek Bridge, **Bid #CB-3055**. The proposal was awarded to J. H. Strain & Sons, Inc., the low responsible bidder, for the unit prices bid with an estimated project cost of \$624,408.38 as recommended by staff.
- b. Traffic Sign Material, **Bid #CB3060**. The bid was awarded to the lowest bidders as follows: Items A (\$4,558.20), B (\$1,590.50), and E (\$942.85) to American Highway Sign Corporation; Items C (\$4,800.00) and F (\$1,412.40) to Mid-Ohio Markings and Traffic Signs, Inc.; and Item D (\$52.05) to Vulcan Signs; as recommended by staff.
- c. Repaving and seal coating at Northeast Treatment Plant, **Bid #CB3059**. Since there was only one bidder meeting the Bid Bond requirement, the Council rejected by Oral Resolution all bids in order to rebid the project at a later date, as recommended by staff.

7. **Ordinances & Resolutions:**

a. and b. David Wright, Director of Finance, briefed the Council on an Ordinance considered on second and final reading approving the Revised FY 1992-93 and Proposed FY 1993-94 Budgets; Mike Morrison, Director of Economic Development, briefed the Council on a Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant funds. David Wright, Director of Finance, briefed the Council on an Ordinance considered on second and final reading approving the Proposed FY 1992-93 Tax Levy.

Mayor McCaleb stated that items 7a and 7b would be considered together, but that a separate motion and vote on each item would be taken.

Mayor McCaleb opened a public hearing, and the following individuals spoke on the items:

- . Diane Mehaffey, Executive Director of Noah Project, requested additional funding to expand transitional housing.

00167

- . Connie Mangin, President, Board of Directors for Family Outreach.
- . Ken Deckerd, Community Action Program, 634 E. N. 19th, requested the MLK holiday be implemented.
- . Debra Bell, 1781 Lakeshore, spoke on the MLK holiday. Six holidays is maximum for small businesses; it's inappropriate for City due to expense.
- . Shirley Glandon, volunteer for Crime Victims Crisis Center, asked Council to reconsider and add \$10,000 to their funding.
- . Pat Frosh, Executive Director of Mend-A-Child, requested funds from the CDBG budget.
- . Wayne Roy, 4602 Carrie Ann, spoke as a citizen and noted the positive work of ACT Now, asked Council to do nothing to hurt what has been established.
- . Gayle Kiser, coordinator of Abilene Non Profit Management; money helps underwrite services.
- . Rev. Leo Scott, 1309 Canterbury Dr., commended the Council on the MLK holiday, whatever decision is made will be understood.
- . Billy Bowles, 1109 Green St., consider city employee pay raise, feels they are underpaid; especially police and fire.
- . Lynda Calcote, 3499 Santa Monica, in favor of MLK holiday.

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

Councilman Vasquez stated the City staff has done really well in working with the Council in a proper shifting of expenses and feels the budget supports a broad representation and base.

Councilwoman Ray stated her appreciation of staff and community and feels the City services have been properly balanced.

Councilwoman Herrera stated she had received a variety of calls on the MLK holiday and is having a hard time doing for one and excluding others.

Councilman Ferguson stated he doesn't want to single out a particular group of people, but is for the MLK. He directed the Human Relations Committee to try to bring the entire community together. He cited a letter from the chair of that group, citing its desire to promote better relations among all. This broad principle has permitted Councilman Ferguson to support the holiday.

Mayor McCaleb thanked all in attendance, and stated he questioned some of the remarks made concerning the increasing cost of government over the past ten years. The Mayor requested additional information regarding number of employees hired during the past 10 years. City Manager Jim Blagg answered that there are 3% fewer employees than in 1983, with an 11.6% increase in payroll, and a 27.3% expenditures increase.

Councilman Ferguson noted the property tax is \$74,530 less than last year's.

Mayor McCaleb stated it is important to note that there is a shifting of the property tax burden to sales tax. To all representing various agencies, he stated that this Council deeply appreciates the work each has done in touching the lives of people. Funds are limited, but the Council tries to provide what is possible, symbolic to the work of each agency. Regarding City employees, he stated his appreciation of City employees continues to rise. The Mayor noted the pay raises may reflect limitations, but the percentage in the budget hopefully at least indicates attempts to go forward.

Councilman Ferguson moved to approve the Ordinance considered on second and final reading approving the Revised FY 1992-93 and Proposed FY 1993-94 Budgets with 8 set holidays which would include one floating holiday, the Martin Luther King Day, and six holidays to be set by the City Manager; and Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant funds; all as recommended by staff. The motion was seconded by Councilman Berry. Mayor McCaleb stated, "Because of the way the motion has been made makes it difficult to vote for the budget without voting for the condition which Mr. Ferguson attached to it. I certainly am not inclined to vote against the budget because I think it's a very good budget, personally I do not feel that it would have been problematic to have added the MLK holiday as an additional holiday. Being sensitive to all the cost implications in the study of holidays, there are many factors that have to be looked at and considered in this. I know we have a range of holidays that different businesses and organizations take and I think we would have found that whether we would have added an extra day or stayed with this date, either way, we are still very comfortably in the middle range of holidays being taken when looked at on the broader scale. But, with that note I do think we have a very solid budget and would not want to be put in a position were I was caused to vote against the budget, and therefore would vote yes." The motion carried.

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

NAYS: None.

The Ordinance is numbered 36-1993 and is captioned as follows:

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 1992-1993; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 1993, THROUGH SEPTEMBER 30, 1994, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

The Resolution is numbered 32-1993 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1993-94.

7b. Councilman Vasquez moved to approve the Ordinance considered on second and final reading approving the Proposed FY 1993-94 Tax Levy Ordinance setting the tax rate at 58.75 cents as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

The Ordinance is numbered 37-1993 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 1993, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 1993; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

Mayor McCaleb stated in consideration of the business people in attendance, item 7g would now be considered if there were no opposition. No opposition was stated.

7g. James Condry, Assistant Director of Development Services for Public Works, introduced Paul Lenker, member, and Mike Dohrse, chair of the Airport Development Board, who briefed the Council regarding an Oral Resolution authorizing Mayor to execute agreement with Abilene Motor Sports, Inc. and Jack Nance (racing manager) dba Penwell Raceway to conduct organized drag races at Abilene Regional Airport October 2 and 3, 1993.

Councilman Berry moved to approve, by Oral Resolution, an agreement with Abilene Motor Sports, Inc. and Jack Nance (racing manager) dba Penwell Raceway to conduct organized drag races at Abilene Regional Airport October 2 and 3, 1993, contingent on FAA approval, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

c. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an item considered on second and final reading - An Ordinance changing zoning district boundaries - **Z-02693** - Request from David and Diane Hail Homes, Inc.; agent David Hail, to rezone from AO (Agricultural Open Space) to RS-12, (Residential Single Family) district, located at Lynnbrook Dr. east of Peppermill Dr. The Planning and Zoning Commission and staff recommend approval.

00170



Mayor McCaleb opened a public hearing on the above-mentioned items, and the following individual spoke in favor of the request:

. David Hail, proponent, 2249 Industrial.

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 to Residential Single Family district located at Lynnbrook Dr. east of Peppermill Dr. as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Ordinance is numbered 38-1993 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.

Mayor McCaleb suggested to Mr. Hail that in the future street development be as such as to allow the development to move on through. The Mayor stated to the staff to continue to work with the railroad and not allow the project to lie dormant.

d. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an item considered on second and final reading - An Ordinance for street name change - SNC-02793 - Request from Kenneth Musgrave; agent Peggy Conrad, to change the name of Westminister Drive to Westminster Drive (change in spelling), located in Section 4, Lytle Shores East Addition. The Planning and Zoning Commission and staff recommend approval.

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

Councilman Ferguson moved to approve the Ordinance to change the name of Westminister Drive to Westminster Drive, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

The Ordinance is numbered 39-1993 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF WESTMINISTER DRIVE TO WESTMINSTER DRIVE.

00171

e. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an item considered on second and final reading - An Ordinance for street name change - SNC-02893 - Request from Funeral Director's Life Insurance Co.; agent Gary Pullin, to change the name of Antilley Square Drive to Director's Parkway, located in the Antilley Square Subdivision. The Planning and Zoning Commission and staff recommend approval.

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

Councilman Vasquez moved to approve the Ordinance to change the name of Antilley Square Drive to Director's Parkway, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

The Ordinance is numbered 40-1993 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF ANTILLEY SQUARE DRIVE TO DIRECTOR'S PARKWAY.

f. Bob Fowler, Building Official, briefed the Council on an Ordinance amending Chapter 8, "Construction Regulations", Article VII, "Moving Buildings", of the Abilene Municipal Code. The Board of Building Standards and staff recommend approval.

Mayor McCaleb opened a public hearing on the above-mentioned item, and the following individual spoke against the request:

. Steve Sitzes, 1742 Sandpiper, feels the ordinance is unfair.

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

Following a lengthy discussion among Council and staff, Councilwoman Herrera moved to approve the Ordinance amending Chapter 8, "Construction Regulations", Article VII, "Moving Buildings", with a change under Exceptions: (3) max loaded width of 12 feet to max loaded width of 14 feet, and the length changes from 59 feet to 40 feet. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

The Ordinance is numbered 41-1993 and is captioned as follows:

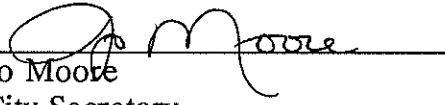
AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VII, "MOVING BUILDINGS", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

00172

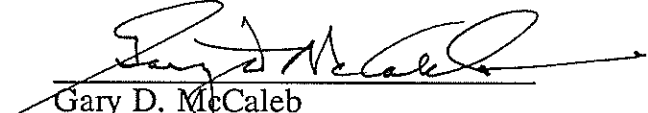
8. **Other Business**

No executive session was held.

There being no further business, the meeting was adjourned at 11:45 a.m.



Jo Moore  
City Secretary



Gary D. McCaleb  
Mayor