

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, **September 9, 1993**, at 8:30 a.m. to consider the following:

1. Briefing on Buffalo Gap Corridor Study and Southwest Area Land Use Plan.
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, **September 9, 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:** Councilwoman Liz Herrera.
3. **APPROVAL OF MINUTES:** Pre-Council Session and Regular City Council Meeting held August 26, 1993.

4. **AWARDS:**

Employee Service Awards

25 Years	Charles C. Eldridge	Utility System Supervisor
		Water Distribution
25 Years	Claud A. Tully	Equipment Operator I
		Refuse Collection Division

Employee of the Month Award

5. **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.

6. **Ordinances and Resolutions:**

- M. Manson* a. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-03093** - Request from Robert Smith to rezone from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) district, located at 2501 Over Street; and set a public hearing for September 23, 1993 at 9:00 a.m. 00174

- M. Manson* b. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-03193** - Request from Landmarks Commission, agent Larry Abrigg, to add H (Historic Overlay) to underlying CB (Central Business) district, located at 1101 N. 1st St., and set a public hearing for September 23, 1993 at 9:00 a.m.
- M. Manson* c. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-03293** - Request from A. A. McAlister Trust; agent Terry T. Franklin, to rezone from O & GC (Office & General Commercial) to GC (General Commercial) district, located in the 200 block of South Leggett, and set a public hearing for September 23, 1993 at 9:00 a.m.
- M. Manson* d. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-03393** - Request from Terry T. Franklin, Trustee, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at 1666 Hickory, and set a public hearing for September 23, 1993 at 9:00 a.m.
- J. Condry* e. Oral Resolution approving street use license agreement with Hardin-Simmons University to control traffic on Simmons Street during home football games.
- M. Morrison* f. Oral Resolution amending FY 1992/93 and FY 1993/94 HOME Investment Partnerships Program budgets.
- R. McDaniel* g. Resolution approving issuance of First Mortgage Revenue Bonds (Sears Methodist Centers, Inc.) Series 1993 by the Abilene Health Facilities Development Corporation, in an amount not to exceed \$6,000,000.
- J. Condry* h. Consider on first and final reading - An Ordinance concerning developer participation contract with Wylie Independent School District.

REGULAR AGENDA

7. Ordinances & Resolutions:

- M. Morrison* a. Consider on second and final reading - An Ordinance adopting Section 108 Loan for the Windsor Hotel Housing Project; and Resolution authorizing City to borrow funds on an interim basis for the acquisition and renovation of the Windsor housing project and pledge as security the City's commitment for permanent financing under Section 108 of the Housing and Community Development Act of 1974, as amended.
- M. Pritchett* b. Resolution authorizing refuse rate revisions.

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

00175

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 3 day of September, 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. 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.

**PRE-COUNCIL WORK SESSION, THURSDAY
September 9, 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 September 9, 1993, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Pro Tempore Paul R. Vasquez was present and presiding with Councilwoman Betty Ray, Councilmen Jimmy McNeil, Russell Berry, and Ray Ferguson. 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. Councilwoman Liz Herrera was absent; Mayor McCaleb arrived shortly after the pre-council worksession began.

The Council briefly discussed various consent and regular agenda items. Mindy Manson Assistant Director of Development Services for Planning and Varsha Bhawe, Senior Planner, briefed the Council on the Buffalo Gap Corridor Study and Southwest Area Land Use Plan. There being no further discussion, the meeting was recessed to the City Council Chambers until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
September 9, 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 September 9, 1993, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Mayor McCaleb.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held August 26, 1993, Councilman Vasquez moved to approve the minutes as printed. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

Mayor McCaleb, assisted by City Secretary Jo Moore, presented **Employee Service Awards** to the following individuals for their years of service:

25 Years	Charles C. Eldridge	Utility System Supervisor Water Distribution
25 Years	Claud A. Tully	Equipment Operator I Refuse Collection Division

00177

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the September Employee of the Month Award to David Davis, Tennis Pro at Rose Park.

Councilman Berry moved to approve consent agenda items 6e through 6g, and approval of first reading for items 6a through 6d, and approval of first and final reading for item 6h, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

6. Ordinances and Resolutions:

- a. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-03093** - Request from Robert Smith to rezone from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) district, located at 2501 Over Street; and set a public hearing for September 23, 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.

- b. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-03193** - Request from Landmarks Commission, agent Larry Abrigg, to add H (Historic Overlay) to underlying CB (Central Business) district, located at 1101 N. 1st St., and set a public hearing for September 23, 1993 at 9:00 a.m.

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- c. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-03293** - Request from A. A. McAlister Trust; agent Terry T. Franklin, to rezone from O & GC (Office & General Commercial) to GC (General Commercial) district, located in the 200 block of South Leggett, and set a public hearing for September 23, 1993 at 9:00 a.m.

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- d. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-03393** - Request from Terry T. Franklin, Trustee, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at 1666 Hickory, and set a public hearing for September 23, 1993 at 9:00 a.m.

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- e. Oral Resolution approving street use license agreement with Hardin-Simmons University to control traffic on Simmons Street during home football games, and authorize the Mayor to execute the agreement.
- f. Oral Resolution amending FY 1992/93 and FY 1993/94 HOME Investment Partnerships Program budgets.
- g. Resolution approving issuance of First Mortgage Revenue Bonds (Sears Methodist Centers, Inc.) Series 1993 by the Abilene Health Facilities Development Corporation, in an amount not to exceed \$6,000,000.

The Resolution is numbered **33-1993** and is captioned as follows:

RESOLUTION APPROVING A BOND RESOLUTION BY ABILENE HEALTH FACILITIES DEVELOPMENT CORPORATION PROVIDING FOR THE ISSUANCE OF BONDS FOR SEARS METHODIST CENTERS, INC.

- h. Approval of first and final reading - An Ordinance concerning developer participation contract with Wylie Independent School District.

The Ordinance is numbered **42-1993** and is captioned as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPER PARTICIPATION CONTRACT WITH WYLIE INDEPENDENT SCHOOL DISTRICT FOR IMPROVEMENT OF A PUBLIC ROADWAY, ESTABLISHING THE MAXIMUM AMOUNT OF MUNICIPAL LIABILITY AND HAVING AN EFFECTIVE DATE OF SEPTEMBER 9, 1993.

7. **Ordinances & Resolutions:**

- a. Mike Morrison, Director of Economic Development, acknowledged the work of Stephanie Dugan and Kerri Hewitt of his staff; and Sally Loveland of the National Development Council on the Windsor Hotel Housing Project. Mr. Morrison then briefed the Council on an Ordinance considered on second and final reading adopting Section 108 Loan for the Windsor Hotel Housing Project; and a Resolution authorizing the City to borrow funds on an interim basis for the acquisition and renovation of the Windsor housing project and pledge as security the City's commitment for permanent financing under Section 108 of the Housing and Community Development Act of 1974, as amended. Staff recommends approval.

00179

Councilman Ferguson moved to approve the Ordinance adopting Section 108 Loan for the Windsor Hotel Housing Project; and a Resolution authorizing the City to borrow funds on an interim basis for the acquisition and renovation of the Windsor housing project and pledge as security the City's commitment for permanent financing under Section 108 of the Housing and Community Development Act of 1974, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

The Ordinance is numbered 43-1993 and is captioned as follows:

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.

The Resolution is numbered 34-1993 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AUTHORIZING THE CITY TO BORROW FUNDS FOR THE ACQUISITION AND RENOVATION OF THE WINDSOR HOUSING PROJECT AND TO PLEDGE AS SECURITY THE CITY'S COMMITMENT FOR PERMANENT FINANCING UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED.

b. Marva Pritchett, Director of Development Services, briefed the Council on a Resolution authorizing refuse rate revisions, then introduced representatives from BFI. Staff recommends approval.

Mayor McCaleb stated once again his frustration at Federal and State unfunded mandates, noting this is a perfect example of what these mandates are doing to our citizens. The Mayor stated that even though Abilene has a good record concerning water and environment, that provides no relief from these mandates. Mayor McCaleb told the BFI representatives that we depend on BFI to stand up for and represent the citizens; and that they need to make sure the citizens understand about the unfunded mandates. Information will be on the water bills to inform the citizens of these mandates.

Councilman Vasquez moved to approve the Resolution authorizing refuse rate revisions, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

The Resolution is numbered 35-1993 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, REVISING THE SCHEDULE OF RATES AND CHARGES FOR REFUSE COLLECTION DIVISION.

8.a. 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.

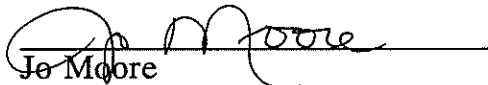
The Council reconvened from executive session and reported no action taken.

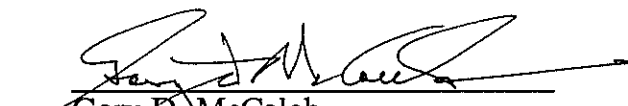
Councilman McNeil moved to appoint Rebecca I. Leonard and Jack S. Wallace, and reappoint Don Wright to the MH/MR Public Responsibility Committee with term dates of 8/31/93-8/31/95; and appoint Joel T. Loya to the MH/MR Board of Trustees, term date of 8/31/93-8/31/95. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 10:27 a.m.


Jo Moore
City Secretary


Gary D. McCaleb
Mayor