

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 23, 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, **September 23, 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 Paul R. Vasquez.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held September 9, 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:

- M. Morrison* a. Resolution requesting Texas Department of Commerce remove Enterprise Project designation of Highland Industries, Inc. dba Highland Foods.
- A. Falcioni* b. Resolution authorizing Mayor to execute amendment #1 to FAA Grant Agreement 3-48-0002-11 for additional funding. N
- R. McDaniel* c. Resolution to change calculation of votes for Board of Directors of the Central Appraisal District of Taylor County, using same method as for allocating the cost of appraisal district operations. 30
- M. Morrison* d. Oral Resolution approving contract between City of Abilene, TIF and Abilene Cultural Affairs Council for NEA Matching Grant program.
- M. Morrison* e. Oral Resolution approving contracts between DCOA and Abilene Industrial Foundation, Small Business Development Center, and City of Abilene.
- M. Morrison* f. Oral Resolution approving contract amendment with Mend-A-Child.
- M. Morrison* g. Resolution allowing shifting of certain assets and responsibilities of AEDC to other organizations, termination of contract with AEDC and amendment to Bylaws of the AEDC and DCOA.

- M. Morrison* h. Oral Resolution approving contract amendment with Community Foundation of Abilene.
- M. Morrison* i. Oral Resolution approving agreement contract for use of CDBG Funds for Family Outreach.
- M. Morrison* j. Oral Resolution approving consulting contract with ICF Inc. to prepare Comprehensive Housing Affordability Strategy (CHAS) and Annual Plan.

6. Award of Bid:

- J. Condry* a. Pavement Markers for Street Services division, **Bid #CB-3070.**
- M. Hall* b. Security Services at Abilene Zoo, **Bid #CB**

REGULAR AGENDA

7. Ordinances & Resolutions:

- M. Manson* a. **APPEALED ITEM:**
Public Hearing: Consider on second and final 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.
- M. Manson* b. **Public Hearing:** Consider on second and final 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.
- M. Manson* c. **Public Hearing:** Consider on second and final 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.
- M. Manson* d. **Public Hearing:** Consider on second and final 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.
- M. Manson* e. **Public Hearing:** Resolution adopting Southwest Area Land Use Plan for 1993.
- R. McDaniel* f. Discussion of options and possible actions regarding regulation of cable companies.

8. 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

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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 17 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 23, 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 23, 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 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. City Manager Jim C. Blagg was absent.

Roy McDaniel, Assistant City Manager, briefed the Council regarding the possibility of televising Council meetings. The general consensus of the Council was to wait and see the results of the survey that AISD is doing to determine their number of viewers. Council briefly discussed various consent and regular agenda items. Stephanie Dugan, Assistant Director of Economic Development, distributed updated information on Consent Agenda Item 5e, page 5e-1 regarding the dollar amount following the Development Corporation of Abilene's approval of the contracts. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
September 23, 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 23, 1993, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Paul R. Vasquez.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held September 9, 1993, Councilwoman Ray moved to approve the minutes as printed. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

Mayor McCaleb presented the following Proclamations:
September 25 as Youth Day,
October 11-15 as Court Observance Week, and
October as Domestic Violence Awareness Month.

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Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in presenting a Certificate of Achievement to David Wright, Director of Finance.

Councilman Vasquez moved to approve consent agenda items 5a through 5j, and 6a and 6b, including the additional information submitted at the pre-council worksession on item 5e as recommended by the staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

5. Ordinances & Resolutions:

- a. Resolution requesting Texas Department of Commerce remove Enterprise Project designation of Highland Industries, Inc. dba Highland Foods.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS REQUESTING THE TEXAS DEPARTMENT OF COMMERCE (DEPARTMENT) REMOVE ITS DESIGNATION OF HIGHLAND INDUSTRIES, INC. DBA HIGHLAND FOODS COMPANY (HIGHLAND) AS AN ENTERPRISE PROJECT.

- b. Resolution authorizing Mayor to execute amendment #1 to FAA Grant Agreement 3-48-0002-11 for additional funding.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING AMENDMENT #1 TO GRANT AGREEMENT FOR PROJECT 3-48-0002-11 FROM THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE ABILENE REGIONAL AIRPORT.

- c. Resolution to change calculation of votes for Board of Directors of the Central Appraisal District of Taylor County, using same method as for allocating the cost of appraisal district operations.

The Resolution is numbered 38-1993 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS ALLOWING FOR THE MODIFICATION OF THE METHOD OF SELECTING THE BOARD OF DIRECTORS OF AN APPRAISAL DISTRICT.

- d. Oral Resolution approving contract between City of Abilene, TIF and Abilene Cultural Affairs Council for NEA Matching Grant program.

00186

- e. Oral Resolution approving contracts between DCOA and Abilene Industrial Foundation, Small Business Development Center, and City of Abilene.
- f. Oral Resolution approving contract amendment with Mend-A-Child.
- g. Resolution allowing shifting of certain assets and responsibilities of AEDC to other organizations, termination of contract with AEDC and amendment to Bylaws of the AEDC and DCOA.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ALLOWING THE SHIFTING OF CERTAIN ASSETS AND RESPONSIBILITIES OF THE ABILENE ECONOMIC DEVELOPMENT COMPANY, INC. (AEDC) TO OTHER ORGANIZATIONS, TERMINATING A CONTRACT WITH THE AEDC AND AMENDING THE BYLAWS OF THE AEDC AND DEVELOPMENT CORPORATION OF ABILENE, INC. (DCOA).

- h. Oral Resolution approving contract amendment with Community Foundation of Abilene.
- i. Oral Resolution approving agreement contract for use of CDBG Funds for Family Outreach.
- j. Oral Resolution approving consulting contract with ICF Inc. to prepare Comprehensive Housing Affordability Strategy (CHAS) and Annual Plan.

6. Award of Bid:

- a. Pavement Markers for Street Services division, **Bid #CB-3070**. The bid was awarded as follows: Item 1, non-reflective ceramic (yellow) and Item 2, non-reflective ceramic (white) to Apex Universal; Item 3, prismatic reflective (1-way white) to Trantex Transportation; and Item 4, prismatic reflective (2-way yellow) to Centerline Supply; as recommended by staff.
- b. Security Services at Abilene Zoo, **Bid #CB3076**. The bid was awarded to Supreme Alarm Contractors, the low responsible bidder in the amount of \$35,902.31 as recommended by staff.

7. Ordinances & Resolutions:

- a. An Ordinance considered on second and final reading 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 was removed from the Regular Agenda as no appeal was filed.

00187

b. Mindy Manson, Assistant Director of Development Services for Planning, introduced her assistant, Larry Abrigg, who briefed the Council on an Ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff recommend approval.

Abilene Preservation League representative Ruby Perez noted the League's endorsement of the rezoning.

Mayor McCaleb opened a public hearing on the above-mentioned 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 add Historic Overlay to underlying Central Business district located at 1101 N. 1st St. 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 44-1993 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.

c. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-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. The Planning and Zoning Commission and staff recommend approval.

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

. Terry Franklin, agent for the proponent.

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

Councilman Ferguson moved to approve the Ordinance to rezone from Office & General Commercial to General Commercial district, located in the 200 block of South Leggett, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Ordinance is numbered 45-1993 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. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-03393** - Request from Terry T. Franklin, Trustee, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at 1666 Hickory. The Planning and Zoning Commission and staff recommend approval.

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

. Terry Franklin, Trustee.

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

Councilwoman Herrera moved to approve the Ordinance to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at 1666 Hickory, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

ABSTAIN: Councilmen Ferguson and Vasquez.

The Ordinance is numbered 46-1993 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.

e. Mindy Manson, Assistant Director of Development Services for Planning, informed the Council that Varsha Bhave, Senior Planner, would brief them on a Resolution adopting Southwest Area Land Use Plan for 1993. The Planning and Zoning Commission and staff recommend approval.

Following Ms. Bhave's presentation, Mayor McCaleb opened a public hearing on the above-mentioned item, and the following individuals spoke in response to the request:

IN FAVOR

- . Tom Choate, lawyer, presented information on behalf of the developer.
- . O. B. Stephens, 1134 Elmwood Drive, principal property owner, requested the Council at least adopt the footnote to the plan.
- . Brad Stephens, 1709 Lakeshore Drive, principal property owner.

OPPOSED

- . Don Sewell, 5309 Twilight Trail, gave history of Twilight Trail, concerned with flooding due to the proposed road.
- . Ken Leggett, #7 Zachry Cove, represented 181 homeowners by petition opposing any commercial development, stating the plan is OK without the footnote.

Mayor McCaleb recessed the meeting for a five minute break at 11:00 a.m. Mayor McCaleb reconvened the meeting at 11:05 a.m., continuing the public hearing on item 7e.

IN FAVOR

- . Eddie Chase, 141 S. Leggett, does engineering and surveying for Mr. Stephens, and stated how the area would develop has been known for years.

OPPOSED

- . Wesley Beckham, 4617 Catclaw, asked those in opposition to stand (approximately 15 people stood).
- . John Walker Davis, 5245 Twilight Trail, agreed with Mr. Sewell's statement.
- . Dick Dansby, 4602 Catclaw Dr., would not have purchased his property if it were known commercial zoning were possible, and asked Council to delete Note #1 on the plan.
- . Mike Scott, 4633 Catclaw, stated additional traffic will be the result of commercial zoning, also stating traffic is already saturated.

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

Mayor McCaleb stated Mr. Sewell and Mr. Davis have called attention to an important point, the creation of water runoff, and the Council wants staff to look at flooding and runoff as the plan is being developed.

Councilman Vasquez asked staff to look at Highway 277 as well regarding flooding.

Councilman Berry addressed the traffic count especially in Catclaw and Rebecca Lane, stating the Council cannot do anything about lessening the amount, and agreed there may be more if it is zoned commercial. He stated he sympathizes with the developer as homes are built, but wouldn't personally buy a house on that corner. He suggested Council consider approving the note to the plan and then when a special development request is received, that request can be presented to the Planning and Zoning Commission and the City Council.

Councilman Vasquez stated if the area were properly developed, it may be attractive; he stated the note to the plan gives the Council some flexibility.

Mayor McCaleb thanked all in attendance and the spirit of the speakers. In hearing all perspectives, the Council understands all points. The plan will continue to be watched.

Councilman Berry moved to approve the Resolution adopting the Southwest Area Land Use Plan for 1993 with Note #1 that states, "Staff notes that the northeast and northwest corners of the Rebecca Lane and Catclaw Drive intersection may be developed as Planned Development Office (PDO) or Planned Development Mixed Use (PDMX) zoning districts provided no access is granted from Rebecca Lane, permitted uses are those allowed in Limited Commercial (LC) or Office (O) zoning districts, and buffer or transitional land use is provided to mitigate impact of commercial activities on surrounding single family land use." The Planning and Zoning Commission and the Council can decide on the proper development at the time a development request is made. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE SOUTHWEST AREA LAND USE PLAN-1993.

f. Roy McDaniel, Assistant City Manager, briefed the Council regarding discussion of options and possible actions regarding regulation of cable companies.

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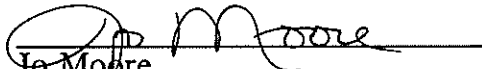
Harvey Cargill, City Attorney, stated this regulation process is new, ambiguous, incomplete, and otherwise subject to change. He asked Council to start thinking about what is best before the November 15 rates are set.

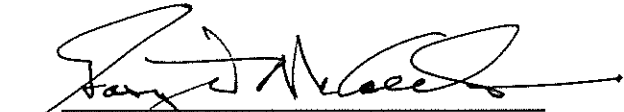
After further discussion, it was decided no action would be taken at this time, but Council directed staff to keep monitoring the situation and stay updated.

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.

There being no further business, the meeting was adjourned at 11:50 a.m.


Jo Moore
City Secretary


Gary D. McCaleb
Mayor