

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, **October 28, 1993**, at 8:30 a.m. to consider the following:

1. Update on Tax Increment Finance District tax base.
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, **October 28, 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 Jimmy McNeil.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held October 14, 1993.
4. **Awards**
Abilene Clean & Proud Special Recognition Awards
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 & Resolutions:

- M. Morrison* a. Oral Resolution approving contract renewal between City of Abilene and National Development Council, Inc.
- M. Morrison* b. Oral Resolution approving contract between City of Abilene and Development Corporation of Abilene, Inc. for administrative and program services.
- Hargesheimer* c. Oral Resolution authorizing Mayor to execute Raw Water Supply and Wastewater Disposal contract.
- D. Wright* d. Consider on first reading - An Ordinance amending FY '93 Debt Service budgets.

7. Award of Bid:

- J. Condry* a. Street maintenance material (asphalt), **Bid #CB3082.**

00201

REGULAR AGENDA

8. Ordinances & Resolutions:

- M. Manson* a. **APPEALED ITEM:**
PUBLIC HEARING: Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-3493** - Request from Sharon & Don White to rezone from RM-3 (Residential Multi-Family) to O (Office) district located at 1765 N. 11th St.
- M. Manson* b. **APPEALED ITEM:**
PUBLIC HEARING: Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-03593** - Request from Steve & Tammy Schmidt to rezone from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 1302 Compere Blvd.
- M. Manson* c. **PUBLIC HEARING:** Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-03793** - Request from City of Abilene; agent, Larry Abrigg to add H (Historic Overlay) to underlying CB (Central Business) district, located at 401 Pine.
- M. Manson* d. **PUBLIC HEARING:** Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-03893** - Request from Freddie & Sylvia Beal to rezone from RM-3 (Residential Multi-Family) to HC (Heavy Commercial) district, located in the 1000 block of Elm Street.

9. 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.

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 22 day of October, 1993, at 5:00 p.m.


CITY SECRETARY 00202

(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

**PRE-COUNCIL WORK SESSION, THURSDAY
October 28, 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 October 28, 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, and Ray Ferguson. 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. Councilwoman Liz Herrera was absent for the Pre-Council session.

Mayor McCaleb commented on the press conference held Tuesday for the declaration of Wednesday as Unfunded Mandates Day, noting that 13 cities were represented. He expressed appreciation to Debra Guerra, Assistant to the City Manager, and stated he feels strongly on this issue, that we must make the citizens aware. David Wright, Director of Finance, distributed information and then briefed the Council on an update of the Tax Increment Finance District tax base. Councilwoman Ray stated appreciation to City Manager Jim Blagg and Mr. Wright, noting the editorial in the Abilene Reporter-News on the City's rating for fine management. The Council briefly discussed various consent and regular agenda items, and there being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
October 28, 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 October 28, 1993, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Russell Berry, due to Councilman McNeil's voice problems.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held October 14, 1993, Councilwoman Ray 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, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

00204

Alison Benton, Chairperson for Abilene Clean & Proud, and Board Member Dave Boyle assisted Mayor McCaleb in the presentation of Quarterly Awards to St. Vincent de Paul Society for recycling, Texas Department of Transportation for landscape, Colormaker Garden Center for litter control, Lincoln Middle School for beautification; and special recognition to Prestige Motor Company.

Councilman Vasquez moved to approve consent agenda items 6a through 6c, 7a, and approval of first reading of agenda item 6d, as recommended by the staff. 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.

6. Ordinances and Resolutions:

- a. Oral Resolution approving contract renewal between City of Abilene and National Development Council, Inc. for an additional one-year period beginning October 1, 1993, and authorizing the City Manager to execute the contract.
- b. Oral Resolution approving contract between City of Abilene and Development Corporation of Abilene, Inc. for administrative and program services to replace the four separate contracts previously approved, and authorize the City Manager to execute the contract.
- c. Oral Resolution authorizing Mayor to execute Raw Water Supply and Wastewater Disposal contract with Pride Refining, Inc.
- d. Approval of first reading - An Ordinance amending FY '93 Debt Service budgets.

AN ORDINANCE AMENDING ORDINANCE 36-1993 RELATING TO FISCAL YEAR 1992-93 DEBT SERVICE BUDGETS; APPROPRIATING FUNDS; AND REPEALING ANY ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

7. Award of Bid:

- a. Street maintenance material (asphalt), **Bid #CB3082**. The bid was awarded for the unit prices bid as follows: AC-10 Asphalt/delivered, MC-30 Asphalt/delivered to Fina Oil & Chemical Co.; AC-5 Asphalt/delivered to Southern Asphalt and Petroleum Co.; and MS-2 Asphalt/delivered to Koch Materials; as recommended by staff.

8. Ordinances and Resolutions:

- a. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an appealed Ordinance considered on second and final reading changing zoning district boundaries - **Z-3493** - Request from Sharon & Don White to rezone from RM-3 (Residential Multi-Family) to O (Office) district located at 1765 N. 11th St. The Planning and Zoning Commission and staff recommend disapproval.

00205

Mayor McCaleb opened a public hearing on the item, and the following individual spoke in regard to the request:

IN FAVOR:

- . Don White, Owner, 1765 N. 11th, stated there was no traffic, noise, or odor problem.

OPPOSED:

- . T. J. Anthamatten, 1765 N. 12th, complained of excess traffic in the alley.
- . Leticia Pedroza, 1757 N. 11th, lives next door, stated UPS and Federal Express block the drive, no room.
- . Jana Dover, 1758 N. 11th, stated street is not equipped for traffic.
- . Bobbye Burgess, 1117 Merchant, does not want more traffic.

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

Councilman Ferguson moved to deny the request to rezone from Residential Multi-Family to Office district located at 1765 N. 11th St., as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

Nays: None.

The request was **DENIED**.

b. Mindy Manson, Assistant Director of Development Services for Planning, briefed the Council on an appealed Ordinance considered on second and final reading changing zoning district boundaries - **Z-03593** - Request from Steve & Tammy Schmidt to rezone from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 1302 Compere Blvd. The Planning and Zoning Commission and staff recommend disapproval.

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

IN FAVOR:

- . Tammy Schmidt, proponent, stated they tried to get Mixed Use, but General Commercial was the only zoning they could get.
- . Georgeann Housingworth, 2418 Stonecrest, has worked with the Schimdt; they are perfectionists and would do nothing derogatory to the neighborhood.

OPPOSED:

- . Bob Alvis, 1317 Compere, stated the neighborhood is restricted to residential zoning.
- . Susan Compere, 1409 Compere, stated her great grandfather developed this street, and any use under General Commercial could be bad for the neighborhood.
- . Brad Reed, 1401 Compere, stated he has lived in the area since 1977, wants to keep the neighborhood as is.
- . Sally Reed, 1401 Compere, gave information on parking history.

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

Councilman Vasquez moved to deny the Ordinance rezone from Residential Multi-Family to General Commercial district, located at 1302 Compere Blvd. as recommended by staff. 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 request was DENIED.

Mayor McCaleb expressed difficulty in this and the previous decision, stating the City Council is charged with keeping Abilene a good place to live and work. He requested staff to follow up with the Whites and the Schmidts to see if there are other alternatives, as the Council does not want to discourage entrepreneurs.

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-03793** - Request from City of Abilene; agent, Larry Abrigg to add H (Historic Overlay) to underlying CB (Central Business) district, located at 401 Pine. The Planning and Zoning Commission and staff recommend approval.

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

- . Larry Abrigg, 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 request to add Historic Overlay to underlying Central Business district at 401 Pine as recommended by 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.

The Ordinance is numbered 47-1993 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-03893** - Request from Freddie & Sylvia Beal to rezone from RM-3 (Residential Multi-Family) to HC (Heavy Commercial) district, located in the 1000 block of Elm Street. The Planning and Zoning Commission and staff recommend approval.

Mayor McCaleb opened a public hearing on the item, and the following individual spoke in regard to the request:

IN FAVOR:

. Freddie Beal, proponent.

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

Councilman McNeil moved to approve the request to rezone from Residential Multi-Family to Heavy Commercial district in the 1000 block of Elm St. as recommended by 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.

The Ordinance is numbered 48-1993 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.


9. Other Business:

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


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

00208

There being no further business, the meeting was adjourned at 10:50 a.m.



Jo Moore
City Secretary



Gary D. McCaleb
Mayor

00209