

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, **January 13, 1994**, at 8:30 a.m. to consider the following:

1. Presentation on closed loop signal system.
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, **January 13, 1994**, 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 Betty Ray.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held December 16, 1993.

4. **Awards:**

Employee Service Awards:

25 Years	Jonell Brown	Nurse Aide Health Department
25 Years	Ray Jennings	Survey Party Crew Chief Engineering
20 Years	Tony Neitzler	Assistant Director Community Services
20 Years	Harvey Cargill, Jr.	City Attorney Legal
20 Years	Jeanette Karrenbrock	Program Supervisor Senior Citizens
20 Years	Michael Berry	Supervisor Street Maintenance
20 Years	Fred Aycock	Assistant Director Community Services

Employee of the Month

5. **Proclamations**

CONSENT AGENDA

All items listed below are considered to be 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 so 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:

- H. Cargill* a. Joint Resolution of City Council and AISD Board of Trustees ordering Elections to be held May 7, 1994.
- Hargesheimer* b. Resolutions amending Clyde/Baird Water Supply contracts.
- M. Manson* c. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-00194** - Request from Harmony Family Services, Inc.; agent Doug Worthington, to rezone from RM-2 (Residential Multi-Family) to O (Office) district, located at 316 & 346 Mulberry, and set a public hearing for January 27, 1994 at 9:00 a.m.
- J. Condry* d. Consider on first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-297 and 18-299, of the Abilene Municipal Code.
- J. Condry* e. Resolution approving 1994 ADA Paratransit Plan update.
- M. Morrison* f. Resolution amending terms of \$50,000 note and waiving repayment of \$25,379.06 note for Windsor Housing Project.

7. Award of Bid:

- M. Hall* a. Safety surfacing for Rose Park Playground, **Bid #CB3078**.
- M. Hall* b. Restroom facility for Lake Kirby Park, **Bid #CB4011**.
- Hargesheimer* c. Abilene Water Treatment Plant Chemical Building, **Bid #CB4012**.

REGULAR AGENDA

8. Ordinances & Resolutions:

- M. Manson* a. **Public Hearing:** Consider on second and final reading - An Ordinance changing zoning district boundaries - **Z-03693** - Request from Bailey G. Choate to rezone from AO (Agricultural Open Space) to LI (Light Industrial) district, located at I-20 and U. S. Hwy. 83-277.
- M. Manson* b. **Public Hearing:** Consider on second and final reading- An ordinance changing zoning district boundaries - **Z-04093** - Request from Maxine Cockrell to add H (Historic Overlay) to underlying RM-2/MX Overlay (Residential Multi-Family/Mixed Use Overlay) district, located at 540 Grape St.

9. 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

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 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 7 day of January, 1994, at _____(a.m./p.m.)

CITY SECRETARY

(Personnel)

City Council may consider appointment, employment, reassignment, duties, discipline, or dismissal of public officers or employees, 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. IDS, et al v. City, et al
5. City v. Russell Jones
6. Riley v. City
7. J. D. Hancock & Ruth Schmidt v. City
8. John Pare v. City
9. Ex Parte Rauchle
10. Estes v. Board of Adjustment & City
11. Hickman et al 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.

EMERGENCY ADDITION TO AGENDA FOR THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TO BE HELD ON THURSDAY, JANUARY 13, 1994 AT 9:00 A.M.; IN THE COUNCIL CHAMBERS, SECOND FLOOR OF CITY HALL, 555 WALNUT

WHEREAS, the City Manager in conjunction with City staff and two City Council members have interviewed applicants for the position of Chief of Police; and

WHEREAS, the City Manager has completed his interviews and has decided who he wishes to appoint as Chief of Police; and

WHEREAS, the City Manager must seek approval of his choice as Chief of Police by the City Council; and,

WHEREAS, three of the five applicants are currently working for the City of Abilene and two for other cities; and

WHEREAS, the City Council believes that it is an urgent public necessity that the City Council consider the City Manager's choice for Chief of Police as soon as possible to not cause disruption or morale problems in the Police Department; and

WHEREAS, The City Council and City Manager did not expect that the decision and details would be worked out this quickly, therefore resulting in a reasonably unforeseeable situation, necessitating this notice and immediate action.

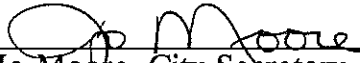
9. OTHER BUSINESS

- c. Personnel. Consider appointment, evaluation, selection, and approval of the City Manager's choice for Chief of Police (Executive Session).

After discussion in Executive Session, any final vote or action will be in public.

CERTIFICATE

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall of the City of Abilene, Texas, on the 12th day of January, 1994, at 1:00 o'clock p.m.


Jo Moore, City Secretary

**PRE-COUNCIL WORK SESSION, THURSDAY
January 13, 1994, 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 January 13, 1994, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Gary D. McCaleb was present and presiding with Councilmen Paul R. Vasquez, Jimmy McNeil, Russell Berry, 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. Councilwoman Betty Ray was absent; Council Ray Ferguson was absent from Pre-Council Worksession only.

Jon Krieg, Traffic Engineer, gave a presentation and distributed information on the closed loop signal system. Harvey Cargill, City Attorney, distributed corrections to Item 6a of the Consent Agenda, regarding the resolution calling the election. 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
January 13, 1994, 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 January 13, 1994, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Russell Berry.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held December 16, 1993; Councilman Vasquez moved to approve the minutes. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

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

25 Years	Jonell Brown	Nurse Aide Health Department
25 Years	Ray Jennings	Survey Party Crew Chief Engineering
20 Years	Tony Neitzler	Assistant Director Community Services

20 Years	Harvey Cargill, Jr.	City Attorney Legal
20 Years	Jeanette Karrenbrock	Program Supervisor Senior Citizens
20 Years	Michael Berry	Supervisor Street Maintenance
20 Years	Fred Aycock	Assistant Director Community Services

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the January Employee of the Month Award to Gary Cheek, Firefighter.

Mayor McCaleb presented a Proclamation for January as National Volunteer Blood Donor Month.

Councilman Vasquez moved to approve consent agenda items 6a, 6b, 6e and 6f; approval of first reading of consent agenda items 6c and 6d, and 7a through 7c as recommended by the staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

6. Ordinances and Resolutions:

- a. Joint Resolution of City Council and AISD Board of Trustees ordering Elections to be held May 7, 1994.

The Resolution is numbered **1-1994** and is captioned as follows:

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AND THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT, ORDERING ELECTIONS TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON MAY 7, 1994; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE IN PLACES 1 AND 2 ON THE CITY COUNCIL OF THE CITY OF ABILENE AND IN PLACES 3 AND 7 ON THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

- b. Resolutions amending Clyde/Baird Water Supply contracts.

The Resolution is numbered **2-1994** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND THE CITY OF CLYDE, TEXAS.

The Resolution is numbered 3-1994 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND THE CITY OF BAIRD, TEXAS.

- c. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-00194** - Request from Harmony Family Services, Inc.; agent Doug Worthington, to rezone from RM-2 (Residential Multi-Family) to O (Office) district, located at 316 & 346 Mulberry, and set a public hearing for January 27, 1994 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.

- d. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-297 and 18-299, of the Abilene Municipal Code.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

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- e. Oral Resolution approving 1994 ADA Paratransit Plan update.
- f. Resolution amending terms of \$50,000 note and waiving repayment of \$25,379.06 note for Windsor Housing Project.

The Resolution is numbered 4-1994 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AUTHORIZING THE CITY OF ABILENE TO AMEND THE TERMS OF THE \$50,000 ACQUISITION NOTE ASSUMED BY COMMUNITY DEVELOPMENT PROPERTIES ABILENE (WINDSOR), INC. AND WAIVE REPAYMENT OF THE \$25,379.06 NOTE WHICH FUNDED THE PHYSICAL SECUREMENT OF THE WINDSOR BUILDING PRIOR TO ACQUISITION BY THE DEVELOPER.

7. **Award of Bid:**

- a. Safety surfacing for Rose Park Playground, **Bid #CB3078**. The bid was awarded to MFlex Corporation of Austin in the amount of \$16,400.00 as recommended by staff.
- b. Restroom facility for Lake Kirby Park, **Bid #CB4011**. The bid was awarded to Bill Starks Construction of Abilene, the low responsible bidder, in the amount of \$33,900.00 as recommended by staff.

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- c. Abilene Water Treatment Plant Chemical Building, Bid #CB4012. The City Council authorized, by Oral Resolution, the City Manager to execute a contract in the amount of \$41,970 to Burl Nash Contractors, Inc. as the lowest responsible bidder, as recommended by staff.

8. Ordinances & Resolutions:

a. 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-03693 - Request from Bailey G. Choate to rezone from AO (Agricultural Open Space) to LI (Light Industrial) district, located at I-20 and U. S. Hwy. 83-277. Staff recommends disapproval of Light Industrial; the Planning and Zoning Commission recommends approval of Heavy Commercial and staff concurs. The proponent has no objection to the Planning and Zoning Commission's recommendation.

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.

Councilman McNeil moved to approve the Ordinance changing zoning district boundaries from Agricultural Open Space to Heavy Commercial district, as recommended. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

The Ordinance is numbered 1-1994 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.

b. 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-04093 - Request from Maxine Cockrell to add H (Historic Overlay) to underlying RM-2/MX Overlay (Residential Multi-Family/Mixed Use Overlay) district, located at 540 Grape St. 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.

Councilman Vasquez moved to approve the Ordinance changing zoning district boundaries to add Historic Overlay to Residential Multi-Family/Mixed Use Overlay district, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

The Ordinance is numbered 2-1994 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.

City Manager Jim Blagg expressed his appreciation to retiring Chief Dwain Pyburn, then reviewed the Police Chief selection process. Following this review, the City Manager appointed Melvin R. Martin to the position of Chief of Police effective March 1, 1994. Mayor McCaleb expressed appreciation to the Selection Committee, which included Councilman McNeil and Councilwoman Herrera, and the City Manager. Councilwoman Herrera moved to confirm the appointment of Melvin R. Martin to the position of Chief of Police, effective March 1, 1994. The motion was seconded by Councilman McNeil and the motion carried.

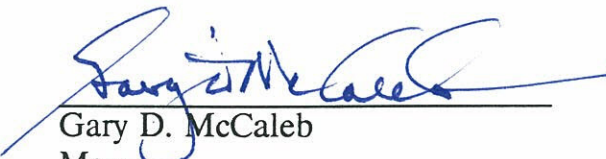
AYES: Councilmen Vasquez, McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

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



Jo Moore
City Secretary



Gary D. McCaleb
Mayor