

**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, **February 24, 1994**, at 8:30 a.m. to consider the following:

1. Capital Improvement Program.
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, **February 24, 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 February 10, 1994.
4. **Awards:**  
Employee of the Month  
Abilene Clean & Proud Special Recognition
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:**

- M. Manson* a. Consider on first reading - An Ordinance amending Chapter 23, "Planning and Community Development," Section 23-306.5(B)(7), to allow custom dressmaking, millinery, tailoring, or sewing of fabric for custom apparel and custom home furnishings as a Home Occupation under Group A, and set a public hearing for March 10, 1994 at 9:00 a.m.
- C. Poe* b. Consider on first reading - An Ordinance amending Chapter 7 of the Abilene Municipal Code concerning Civil Defense, and declaring a penalty.
- K. Merchant* c. Resolution providing for approval of application for grant funds from Criminal Justice Division of Office of the Governor of the State of Texas.

- A. Falcioni* d. Oral Resolution authorizing Mayor to execute lease with Dallas Express Airlines to conduct Airline operation at Abilene Regional Airport.
- D. Wright* e. Consider on second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", of the Abilene Municipal Code relating to the administrative adjudication process for violation of City Ordinances concerning parking and stopping of vehicles and the enforcement of same.
- M. Morrison* f. Oral Resolution approving recommendation of Tax Increment Financing District for \$20,000 expenditure toward downtown trolley.

**7. Award of Bid:**

- Hargesheimer* a. Rehabilitation of reservoirs, spillways and levees at Lakes Phantom, Kirby & Abilene and Clear Fork of the Brazos Pump Station & Deadman Creek Diverson, **Bid #CB4020.**
- M. Hall* b. Rental space for WIC operations, **Bid #CB4019.**

**REGULAR AGENDA**

**8. Ordinances & Resolutions:**

- M. Martin* a. Briefing on Child Advocacy Center.
- M. Manson* b. **Public Hearing: Consider on second and final reading** - An Ordinance changing zoning district boundaries - **Z-04393** - Request from David Hail Homes, Inc. to rezone from AO, RS-6 & RS-12 (Agricultural Open Space, & Residential Single Family) to PDD (Planned Development) district, located at Lynbrook & Peppermill.
- M. Manson* c. **Public Hearing: Consider on second and final reading** - An Ordinance changing zoning district boundaries - **Z-00594** - Request from Claudine & Ollie-Lena Olsen; agent, Gary A. Lamb, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at 1740-1742 Hickory.
- M. Bieniek* d. **Public Hearing:** Resolution adopting Southwest Area Land Use Plan Phase II for 1993.
- J. Condry* e. Oral Resolution approving Street Use License request from Abilene Preservation League to conduct Railroad Festival.
- J. Condry* f. Oral Resolution approving Street Use License request from Double O, Inc., dba Taco Bell.
- C. Hughes* g. Resolution amending various Building Inspection fees.

**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 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 18 day of February, 1994, 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 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. Scales 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. Ex Parte Rauchle
9. Hickman et al v. City
10. City Water Permit Applications
11. Lone Star Gas Gate Rate
12. Southwestern Bell Rate Case
13. 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.

CC 2/01/94

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**PRE-COUNCIL WORK SESSION, THURSDAY  
February 24, 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 February 24, 1994, 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, City Secretary Jo Moore, and various members of the City staff. Councilwoman Liz Herrera was absent.

David Wright, Director of Finance, briefed the Council on the Capital Improvement Program and distributed a clarification on the Parking Enforcement Program, Item 6e. 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  
February 24, 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 February 24, 1994, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Paul Vasquez.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held February 10, 1994, Councilman Berry 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, and Mayor McCaleb.

NAYS: None.

Alison Benton, Chair of Abilene Clean and Proud, assisted Mayor McCaleb in the presentation of the **Abilene Clean & Proud Special Recognition Awards** to Haught Landscaping for Landscape; Wylie High School - Amy White's Environmental Class for Recycling; and Abilene Regional Medical Center for Beautification.

Proclamations were presented by Mayor McCaleb as follows:  
February 26 as Cinderella Day  
March 1 as Geography Day,  
February 28 - March 4 as Public School Week, and  
March as Youth Art Month

Councilwoman Ray moved to approve consent agenda items 6c through 6f, 7a and 7b, and first reading of items 6a and 6b, as recommended by the staff. The motion was seconded by Councilman McNeil and the motion carried. Mayor McCaleb asked Mike Morrison, Director of Economic Development, to summarize the Downtown Trolley program to clear up any confusion.

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 amending Chapter 23, "Planning and Community Development," Section 23-306.5(B)(7), to allow custom dressmaking, millinery, tailoring, or sewing of fabric for custom apparel and custom home furnishings as a Home Occupation under Group A, and set a public hearing for March 10, 1994 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- b. Approval of first reading - An Ordinance amending Chapter 7 of the Abilene Municipal Code concerning Civil Defense, and declaring a penalty.

AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF ABILENE CONCERNING CIVIL DEFENSE, AS DESCRIBED BELOW, AND DECLARING A PENALTY.

- c. Resolution providing for approval of application for grant funds from Criminal Justice Division of Office of the Governor of the State of Texas.

The Resolution is numbered 8-1994 and is captioned as follows:

A RESOLUTION PROVIDING FOR APPROVAL OF APPLICATION FOR GRANT FUNDS FROM THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS.

- d. Oral Resolution authorizing Mayor to execute a Terminal Building lease for Commercial Airline with Dallas Express Airlines, Inc. to conduct a scheduled airline operation at Abilene Regional Airport.
- e. Approval of second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", of the Abilene Municipal Code relating to the administrative adjudication process for violation of City Ordinances concerning parking and stopping of vehicles and the enforcement of same.

The Ordinance is numbered 5-1994 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF ABILENE, TEXAS, DECLARING THE VIOLATION OF CITY ORDINANCES RELATING TO PARKING, STOPPING, OR STANDING VEHICLES TO BE CIVIL OFFENSES; RELATING TO THE ADMINISTRATIVE ADJUDICATION PROCESS FOR VIOLATION OF CITY ORDINANCES CONCERNING THE PARKING, STOPPING, OR STANDING OF VEHICLES AND THE ENFORCEMENT OF SAME; MAKING UNLAWFUL CERTAIN CONDUCT RELATING TO TAMPERING WITH A BOOTING DEVICE, TOWING OF A BOOTED VEHICLE BY UNAUTHORIZED PERSON, AND REMOVING OR RELOCATING NOTICE PLACED ON A BOOTED VEHICLE; PROVIDING A SEVERABILITY CLAUSE; REPEALING CONFLICTING ORDINANCES; PROVIDING A PENALTY CLAUSE; DELETING CERTAIN SECTIONS; AND PROVIDING AN EFFECTIVE DATE.

- f. Oral Resolution approving recommendation of Tax Increment Financing District (TIF) for \$20,000 expenditure toward downtown trolley from TIF funds, pending receipt of the grant from the Federal Transit Administration and the additional \$20,000 is raised from other local sources.

**7. Award of Bid:**

- a. Rehabilitation of reservoirs, spillways and levees at Lakes Phantom, Kirby & Abilene and Clear Fork of the Brazos Pump Station & Deadman Creek Diversion, **Bid #CB4020**. The bid was awarded by Oral Resolution to Stephens-Martin, Inc. in the amount of \$276,830.80, the low responsible bidder, as recommended by staff, and authorization given to the City Manager to execute the contract on behalf of the City.
- b. Rental space for WIC operations located at 2347 N. 6th, **Bid #CB4019**. The bid was awarded to Dale Parsons in the amount of \$1,350.00 per month for three years, as recommended by staff.

**8. Ordinances and Resolutions:**

- a. Melvin Martin, Chief of Police, distributed the building plans to and briefed the Council on a Child Advocacy Center.

No action was required.

- 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-04393** - Request from David Hail Homes, Inc. to rezone from AO, RS-6 & RS-12 (Agricultural Open Space, & Residential Single Family) to PDD (Planned Development) district, located at Lynbrook & Peppermill. The Planning and Zoning Commission and staff recommend approval.

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

- . David Hail, 2249 Industrial, proponent.

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

Councilman Berry moved to approve the Ordinance to rezone from Agricultural Open Space, & Residential Single Family to Planned Development district located at Lynbrook & Peppermill, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

Nays: None.

The Ordinance is numbered 6-1994 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #54 (POLO PARK) PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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-00594** - Request from Claudine & Ollie-Lena Olsen; agent, Gary A. Lamb, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at 1740-1742 Hickory. The Planning and Zoning Commission and staff recommend approval.

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

- . Gary Lamb, 868 Hickory, 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 Residential Multi-Family to Office district, located at 1740-1742 Hickory, as recommended by staff. 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.

The Ordinance is numbered 7-1994 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.

d. Mike Bieniek, Planner II, briefed the Council on a Resolution adopting Southwest Area Land Use Plan Phase II for 1993. The Planning and Zoning Commission and staff recommend approval.

Mayor McCaleb opened a public hearing on the item, and there being no one else present and desiring to be heard, the public hearing was closed. City Manager Jim Blagg re-emphasized Objective #4 of the Plan "Minimize noise exposure and accident hazard potential near Dyess Air Force Base airfield and ensure a compatible relationship between the Air installation and the neighboring land use."

Councilman Vasquez moved to approve the Resolution adopting Southwest Area Land Use Plan Phase II for 1993, 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 Resolution is numbered 9-1994 and is captioned as follows:

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

e. James Condry, Assistant Director of Development Services for Public Works, briefed the Council on an Oral Resolution approving a Street Use License request from the Abilene Preservation League to conduct a Railroad Festival. Staff recommends approval.

Larry Abrigg, Chair of the Railroad Festival, informed the Council of the progress that has been made toward the Festival and mentioned some of the Festival Committee members in attendance. The Chair Elect and coordinator both spoke to the Council and distributed promotional T-shirts and cups to the Council.

Councilwoman Ray moved to approve by Oral Resolution a Street Use License request from the Abilene Preservation League to conduct a Railroad Festival March 12 and 13, 1994, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

Nays: None.

f. James Condry, Assistant Director of Development Services for Public Works, briefed the Council on an Oral Resolution approving a Street Use License request from Double O, Inc., dba Taco Bell. Staff recommends approval for use of the west five (5) feet of the Matador Street right-of-way.

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



. Tim McClarty, architect representing Taco Bell, requested approval be granted for a street use license agreement without conditions and covenants for:

1. Use of the Right-of-Way on Matador Street for a distance of 9'8" from the property line to the face of the new curb, as referenced on the Architectural Construction Documents sheets A-1 thru A-2, Dated 2/94, P.N. 9345, and
2. Use of the Right-of-Way on South 14th street for the existing first parking space adjacent to the alley, for maneuvering only, as referenced on the Architectural Construction Documents sheets A-1 thru A-2, Dated 2/94, P.N. 9345, and
3. Use of the existing alley to install landscape enhancements, curbs and gutters, as referenced on the Architectural Construction Documents sheets A-1 thru A-2, Dated 2/94, P.N. 9345.

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

Following discussion among Council and staff regarding the requested alterations, Councilman Berry moved to approve by Oral Resolution the Street Use License request from Double O, Inc., dba Taco Bell, as revised, with the conditions and covenants as set forth in Exhibit A of the Street Use License Agreement. 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.

g. Cassie Hughes, Assistant Building Official, briefed the Council on a Resolution amending various Building Inspection fees, reviewing the responsibilities of the Building Inspection Department and stated the proposed fees have been through four (4) public hearings as well as meetings between staff and electrical contractors, homebuilders, and the Association of General Contractors. Mrs. Hughes stated the response has been very favorable from the construction industry. Staff recommends approval of the Resolution that establishes the fees.

Mayor McCaleb asked if there were any comments on the item, and the following individuals spoke in favor of the request:

- . Bill Brabbin, builder, 2809 Lynbrook.
- . Gary Pullin, architect, 340 Beech.
- . David Hail, David Hail Homes, Inc.
- . Mike Ingle, 1326 S. 14th.

Councilman Vasquez moved to approve the Resolution amending various Building Inspection fees, 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.

The Resolution is numbered 10-1994 and is captioned as follows:


A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
APPROVING A FEE SCHEDULE FOR CERTAIN BUILDING CONSTRUCTION  
FEES, AND ESTABLISHING AN EFFECTIVE DATE.

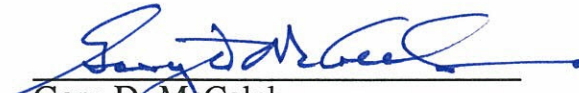
9. **Other Business:**

Mayor McCaleb recessed the Council into executive session pursuant to Sections 551.071 and 551.074 of the Open Meetings Act, 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 11:35 a.m.

  
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Jo Moore  
City Secretary

  
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Gary D. McCaleb  
Mayor