

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, **April 14, 1994**, at 8:30 a.m. to consider the following:

1. Community Services Strategic 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, **April 14, 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 Liz Herrera.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held March 24, 1994.
4. **Awards:**
Employee Service Awards
20 Years Glenn D. Henry Equipment Operator I
Street Services Division
- Employee of the Month**
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-00294** - Request from Tommy D. Burrow, agent Dave Miller, to rezone from RS-6 (Residential Single Family) to PDD (Planned Development) district, located at 6164 Hartford, and set a public hearing for April 28, 1994 at 9:00 a.m.
- M. Manson* b. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-00694** - Request from Fairway Oaks Country Club Inc.; agent David Todd, to amend PDD #4 to allow residential development on Lot 101, Block A, The Fairways; located on Antilley Road, and set a public hearing for April 28, 1994 at 9:00 a.m.

- M. Manson* c. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-01694** - Request from Bruse Dubose, agent Larry Holmes, to rezone from MH (Mobile Home) to O (Office) district, located at Hwy. 277 South & Twilight Trail, and set a public hearing for April 28, 1994 at 9:00 a.m.
- M. Manson* d. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-01794** - Request from Charles D. Nall, agent Dale A. Scoggins, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at N. 16th & Hickory Sts., and set a public hearing for April 28, 1994 at 9:00 a.m.
- M. Manson* e. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-01894** - Request from Statewide Capital, Inc.; agent Baldev Patel, to rezone from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located in the 1900 block of Scottish Road, and set a public hearing for April 28, 1994 at 9:00 a.m.
- M. Manson* f. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-01994** - Request from Camri, Inc.; agent CoJer Engineering & Surveying Inc., to rezone from AO (Agricultural Open Space) to RS-12 (Residential Single Family) district, located at S. 21st St. & Oldham Ln., and set a public hearing for April 28, 1994 at 9:00 a.m.
- M. Manson* g. Consider on first reading - An Ordinance for thoroughfare closure - **TC-01594** - Request from Bailey Choate to close (1) Jefferies St. from west right-of-way line of Lillius west a distance of 430'; (2) Graham S. from the north right-of-way line of Jefferies to the south right-of-way line of Wagner St.; (3) a 20' north-south alley in Block C, C. C. Broyles Subdivision; and (4) a 20' north-south alley on the west side of Block D, C. C. Broyles Subdivision, and set a public hearing for April 28, 1994 at 9:00 a.m.
- J. Condry* h. Consider on first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Section 18-289 of the Abilene Municipal Code, and set a public hearing for April 28, 1994 at 9:00 a.m.
- J. Condry* i. Consider on second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-286, 18-291, 18-293 and 18-304, of the Abilene Municipal Code.
- M. Morrison* j. Resolution declaring Roadway Package System, Inc. as qualified business for the purpose of applying to the Texas Department of Commerce for designation as enterprise project through Texas Enterprise Zone Program.
- A. Falcioni* k. Oral Resolution authorizing Mayor to execute lease with Ms. Jane Blackburn for Restaurant in Airport Terminal Building.
- J. Condry* l. Street Use License agreement with Abilene Christian University of aerial fiber optic cable in right-of-way.

7. Award of Bid:

- Hargesheimer* a. Sewer pipe for Water Utilities Department, **Bid #CB4031.**
- J. Condry* b. Ridgemont Drive widening, **Bid #CB4035.**

REGULAR AGENDA

8. Ordinances & Resolutions:

- M. Morrison* a. Resolution authorizing the City to pursue acquisition of a tract of land on the south side of N. 1st Street from Hickory St. to Treadaway Blvd., and enter into long term lease of land under T & P Depot.
- A. Falcioni* b. Oral Resolution authorizing Mayor to enter into agreement with Abilene Motor Sports, Inc. and Sports Car Club of America to conduct auto races at the Airport June 10-12, 1994.

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 8 day of April, 1994, at 5:00 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. 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

**PRE-COUNCIL WORK SESSION, THURSDAY
April 14, 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 April 14, 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, Ray Ferguson, 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.

Mayor McCaleb introduced Petru Solka of Romania, who is in the United States visiting his daughter.

Mike Hall, Director of Community Services, presented to the Council the Community Services Strategic Plan. The Council briefly discussed various consent and regular agenda items, and 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
April 14, 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 April 14, 1994, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Liz Herrera.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held March 24, 1994, 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.

Mayor McCaleb, assisted by City Secretary Jo Moore, presented an **Employee Service Award** to the following individual for his years of service:

20 Years

Glenn D. Henry

Equipment Operator I
Street Services Division

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in presenting the Employee of the Month Award to Janet Ramos, Food Service Supervisor in the Senior Citizens Division.

Mayor McCaleb presented proclamations as follows:

- April 10 - 16 as Medical Laboratory Week;
- April 11 - 16 as National Harmony Week; and
- April 17 - 23 as National Volunteer Week.

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in presenting a Certificate of Appreciation to Jayma Goldsmith, Miss Abilene.

Mayor McCaleb presented an Honorary Citizen award to Professor Petru Solca from Romania.

Councilman Vasquez moved to approve consent agenda items 6i through 6l, 7a and 7b, and approval of first reading agenda items 6a through 6h. 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.

6. Ordinances and Resolutions:

- a. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-00294** - Request from Tommy D. Burrow, agent Dave Miller, to rezone from RS-6 (Residential Single Family) to PDD (Planned Development) district, located at 6164 Hartford, and set a public hearing for April 28, 1994 at 9:00 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #55 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- b. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-00694** - Request from Fairway Oaks Country Club Inc.; agent David Todd, to amend PDD #4 to allow residential development on Lot 101, Block A, The Fairways; located on Antilley Road, and set a public hearing for April 28, 1994 at 9:00 a.m.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, AND ORDINANCE NO. 1045 CONCERNING THE FAIRWAYS PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- c. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-01694** - Request from Bruse Dubose, agent Larry Holmes, to rezone from MH (Mobile Home) to O (Office) district, located at Hwy. 277 South & Twilight Trail, and set a public hearing for April 28, 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 changing zoning district boundaries - **Z-01794** - Request from Charles D. Nall, agent Dale A. Scoggins, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at N. 16th & Hickory Sts., and set a public hearing for April 28, 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.

- e. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-01894** - Request from Statewide Capital, Inc.; agent Baldev Patel, to rezone from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located in the 1900 block of Scottish Road, and set a public hearing for April 28, 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.

- f. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-01994** - Request from Camri, Inc.; agent CoJer Engineering & Surveying Inc., to rezone from AO (Agricultural Open Space) to RS-12 (Residential Single Family) district, located at S. 21st St. & Oldham Ln., and set a public hearing for April 28, 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.

- g. Approval of first reading - An Ordinance for thoroughfare closure - **TC-01594** - Request from Bailey Choate to close (1) Jefferies St. from west right-of-way line of Lillius west a distance of 430'; (2) Graham S. from the north right-of-way line of Jefferies to the south right-of-way line of Wagner St.; (3) a 20' north-south alley in Block C, C. C. Broyles Subdivision; and (4) a 20' north-south alley on the west side of Block D, C. C. Broyles Subdivision, and set a public hearing for April 28, 1994 at 9:00 a.m.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

- h. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Section 18-289 of the Abilene Municipal Code, and set a public hearing for April 28, 1994 at 9:00 a.m.

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.

- i. Approval of second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-286, 18-291, 18-293 and 18-304, of the Abilene Municipal Code.

The Ordinance is numbered 14-1994 and is captioned as follows:

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.

- j. Resolution declaring Roadway Package System, Inc. as qualified business for the purpose of applying to the Texas Department of Commerce for designation as enterprise project through Texas Enterprise Zone Program.

The Resolution is numbered 16-1994 and is captioned as follows:

A RESOLUTION DECLARING THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ELECTS TO DESIGNATE ROADWAY PACKAGE SYSTEM, INC. ("RPS") A QUALIFIED BUSINESS AS DEFINED IN SECTION 3 (a) (11) OF THE TEXAS ENTERPRISE ZONE ACT, TEXAS REVISED CIVIL STATUTES ANNOTATED ARTICLE 5190.7 (THE "ACT"), FOR THE PURPOSE OF APPLYING TO THE TEXAS DEPARTMENT OF COMMERCE ("COMMERCE") FOR DESIGNATION AS AN ENTERPRISE PROJECT.

- k. Oral Resolution authorizing Mayor to execute lease with Ms. Jane Blackburn for Restaurant in Airport Terminal Building.
- l. Oral Resolution authorizing Mayor to execute a Street Use License agreement with Abilene Christian University for installation of aerial fiber optic cable in public right-of-way.

7. Award of Bid:

- a. Sewer pipe for Water Utilities Department, **Bid #CB4031**. The bid was awarded to The Rohan Company of Waco for the 6" PVC sewer pipe and to Industrial International of Richland Hills for the 15" PVC sewer pipe as the most advantageous to the City, as recommended by staff.
- b. Ridgemont Drive Widening, **Bid #CB4035**. The bid was awarded to Contract Paving for Alternate #2, the low responsible bidder in the amount of \$558,450.95 contingent on the receipt of right-of-way deeds from the Mall of Abilene; as recommended by staff.

8. Ordinances & Resolutions:

- a. Mike Morrison, Director of Economic Development, briefed the Council on a Resolution authorizing the City to pursue acquisition of a tract of land on the south side of N. 1st Street from Hickory St. to Treadaway Blvd., and enter into a long term lease of land under the T & P Depot. The Tax Increment Financing Board and staff recommend approval.

Councilwoman Ray moved to approve the Resolution authorizing the City to pursue acquisition of a tract of land on the south side of N. 1st Street from Hickory St. to Treadaway Blvd., and enter into a long term lease of land under the T & P Depot, 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 Resolution is numbered 17-1994 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AUTHORIZING THE CITY TO PURSUE THE ACQUISITION OF A TRACT OF LAND ALONG THE SOUTH SIDE OF NORTH FIRST STREET FROM HICKORY STREET EAST TO NORTH TREADAWAY BOULEVARD AND ENTER INTO A LONG TERM LEASE ON THE LAND UNDER THE T & P DEPOT.

- b. Fal Falcioni, Airport Manager, briefed the Council on an Oral Resolution authorizing the Mayor to enter into an agreement with Abilene Motor Sports, Inc. and Sports Car Club of America to conduct auto races at the Airport June 10-12, 1994. The Airport Development Board and staff recommend approval. Mr. Falcioni then introduced Paul Lenker, President of Abilene Motor Sports, who stated his appreciation of the support of the Abilene Rotary Club as a main sponsor of the event; and Mike Dohrse, who stated a task force examined Topeka for permanent race facilities, and stressed the economic impact expected from the event.

Councilman Vasquez moved to approve by Oral Resolution authorization for the Mayor to enter into an agreement with Abilene Motor Sports, Inc. and Sports Car Club of America to conduct auto races at the Airport June 10-12, 1994, 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.

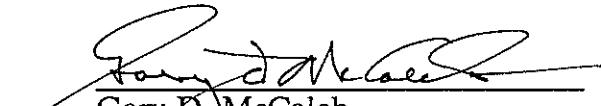
Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e and 2g of the Open Meetings Act, and to seek the advice of the City Attorney with respect to pending and contemplated litigation and to consider the appointment and evaluation of public officers.

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

There being no further business, the meeting was adjourned at 11:05 a.m.



Jo Moore
City Secretary



Gary D. McCaleb
Mayor