

**PRE-COUNCIL WORK SESSION, THURSDAY
September 22, 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 September 22, 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, A. Don Drennan, Jimmy McNeil, Russell Berry, Ray Ferguson, and Councilwoman Liz Herrera. Also present were 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.

Debra Guerra, Assistant to the City Manager, introduced Earnest Merritt, Special Assistant to the City Manager for Youth Services; Ken Merchant, Police Officer; and Carl Scott, Recreation Superintendent; then briefed the Council regarding Youth Services. Roy McDaniel announced that because of the Annual TML Conference, the October Council meetings will be moved to October 6 and 20. The Council briefly discussed various consent and regular agenda items. A correction to agenda item 9a (page 9a-7) was distributed. The zoning item was shown as Heavy Industrial and was corrected to Heavy Commercial. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
September 22, 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 September 22, 1994, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Jimmy McNeil.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held September 8, 1994, Councilman Vasquez moved to approve the minutes as printed. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in presenting the September Employee of the Month Award to Ann Johns, Principal Librarian.

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

AYES: Councilmen Vasquez, Drennan (abstaining on the ACU contract portion only on item 6e), McNeil, Berry, Ferguson, Councilwoman Herrera, and Mayor McCaleb (abstaining on the ACU contract portion only on item 6e).

NAYS: None.

Mayor McCaleb noted the public hearings on items 6a through 6c would be October 6 rather than October 13 due to the change in Council meetings in October to the first and third Thursdays.

6.Ordinances & Resolutions:

a.Consider on first reading - An Ordinance amending Chapter 23, "Planning and Community Development", authorizing the establishment or use of a cemetery located inside the boundaries of the City of Abilene by the granting of an application by Jack North, and set a public hearing for October 6, 1994 at 9:00 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE AUTHORIZATION OF THE LOCATION AND USE OF A CEMETERY LOCATED INSIDE THE BOUNDARIES OF THE CITY OF ABILENE.

b.Consider on first reading - An Ordinance amending Chapter 1, "General Provisions", Section 1-9, "General Penalty", of Abilene Municipal Code, to increase the penalty to \$2,000, with regard to Section 10-46, "Uniform Fire Code", Division 1 and Division 2, "Smoking", and set a public hearing for October 6, 1994 at 9:00 a.m.

AN ORDINANCE OF THE CITY CODE OF THE CITY OF ABILENE, TEXAS, AMENDING SECTION 1-9 GENERAL PENALTY.

c.Consider on first reading - An Ordinance amending Chapter 10, "Fire Protection and Prevention", Section 10-64, "Smoking and No Smoking Areas", 10-62, "Definitions", adding new sections 10-68, "Vending Machines", 10-69, "Tobacco Samples", and 10-70, "Intent"; and set a public hearing for October 6, 1994 at 9:00 a.m.

AN ORDINANCE OF THE CITY CODE OF THE CITY OF ABILENE, TEXAS, AMENDING SECTION 10-64, SMOKING AND NO SMOKING AREAS, 10-62 DEFINITIONS, ADDING NEW SECTIONS 10-68 VENDING MACHINES, 10-69 TOBACCO SAMPLES, AND 10-70 INTENT; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

d.Oral Resolution to approve Street Use License request from Hardin Simmons University to control vehicular access on Simmons Ave.

e.Oral Resolution approving contracts between Development Corporation of Abilene, Inc. and the City of Abilene, Abilene Industrial Foundation, Abilene Chamber of Commerce, and Abilene Small Business Development Center.

f. Resolution authorizing Tax Increment Financing (TIF) funding for legal and accounting fees related to sale of Depot to a limited partnership.

The Resolution is numbered 33-1994 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS AUTHORIZING A LOAN OF TAX INCREMENT FINANCING (TIF) FUNDS TO EVERMAN PARK LIMITED PARTNERSHIP (PARTNERSHIP) FOR LEGAL AND ACCOUNTING FEES RELATED TO THE FORMATION OF THE LIMITED PARTNERSHIP.

g. Oral Resolution approving contract amendments between City and Community Foundation of Abilene, Mend-A-Child and Family Outreach of Abilene-Taylor County, Inc. for disbursement of Community Development Block Grant funds.

h. Oral Resolution authorizing Mayor to enter into agreement with Abilene Motor Sports Inc. and Jack Nance, Race Managing Entity, to conduct auto races at Abilene Regional Airport October 1 & 2, 1994; providing the City receives FAA approval.

i. Oral Resolution approving amendment to "Purpose, Rules, Regulations and Procedures" (Bylaws) of Airport Development Board revising Paragraph A, Organization and Membership.

j. Oral Resolution authorizing renewal of Pride Refining Firefighting contract.

k. Resolution authorizing property at 525 Cypress to be sold or exchanged.

The Resolution is numbered 34-1994 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, GIVING NOTICE OF INTENTION TO SELL OR EXCHANGE CITY OWNED LAND AND CALLING FOR A PUBLIC HEARING.

7. Award of Bid:

a. Lake Kirby Park Fishing Pier construction, **Bid #CB4068**. The bid was awarded to Bontke Brothers Construction Co. in the amount of \$46,845.00, as recommended by staff.

b. Drainage improvements at Vogel Avenue & Mockingbird Lane, **Bid #CB4066**. The bid was awarded to Contract Paving Company, for the unit prices bid with an estimated construction cost of \$39,946.42 as recommended by staff.

c. Intersection improvements at N. 10th Street and N. Treadaway Blvd., **Bid #CB4067**. The bid was awarded to Epic Construction Company for the unit prices bid, with an estimated construction cost of \$41,742.30 as recommended by staff.

8. Public Appearance:

The presentation by Mike Waters regarding feasibility of Minor League Baseball was postponed.

9. Ordinances & Resolutions:

a. Ron Quarles, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-03894** - Request from Rail X Land & Cattle, Inc., to rezone from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located on Shirley Road. The Planning and Zoning Commission and staff recommend approval of **General Commercial**.

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.

Councilman Drennan moved to approve the Ordinance to rezone from Agricultural Open Space to General Commercial district located on Shirley Road as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

The Ordinance is numbered **39-1994** 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. Ron Quarles, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing zoning district boundaries - **Z-03994** - Request from Hendrick Medical Center, agent Duane Martin, to rezone from RS-6 & GC (Residential Single Family & General Commercial) to MU (Medical Use) district, located in the 900 block of N. 19th St. The Planning and Zoning Commission recommends approval; staff recommend approval for only the area currently zoned General Commercial.

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.

Councilman McNeil moved to approve the Ordinance to rezone only the area currently zone General Commercial from Residential Single Family & General Commercial to Medical Use district, located in the 900 block of N. 19th St., as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

ABSTAIN: Councilmen Vasquez and Ferguson.

The Ordinance is numbered **40-1994** 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.

c. Ron Quarles, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading amending Chapter 23, "Planning and Community Development", Section 23-306.4, of Abilene Municipal Code to allow recycling collection and processing facilities in specified zoning districts. The Planning and Zoning Commission and staff recommend approval.

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.

Councilman Berry moved to approve the Ordinance amending Chapter 23, "Planning and Community Development", Section 23-306.4, of Abilene Municipal Code to allow recycling collection and processing facilities in specified zoning districts, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Ordinance is numbered **41-1994** and is captioned as follows:

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.

d. Ron Quarles, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading amending Chapter 23, "Planning and Community Development", authorizing the establishment or use of a cemetery located inside the boundaries of the City of Abilene by the granting of an application by Elliott-Hamil Funeral Home, Inc. Staff recommends approval.

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

.Mark Zachary, attorney for the proponent.

.Mr. & Mrs. Hamil, request approval.

.Ron Robertson & Joe Sanchovick, prepared application for the Hamils and request approval.

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

Councilman Vasquez moved to approve the Ordinance authorizing the establishment or use of a cemetery located inside the boundaries of the City of Abilene by the granting of an application by Elliott-Hamil Funeral Home, Inc., as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

The Ordinance is numbered **42-1994** and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
PROVIDING FOR THE AUTHORIZATION OF THE LOCATION AND USE OF A
CEMETERY LOCATED INSIDE THE BOUNDARIES OF THE CITY OF ABILENE.

e. Harvey Cargill, City Attorney, briefed the Council on an Ordinance considered on second and final reading setting interim rates for West Texas Utilities. Staff recommends approval.

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.

Councilman Ferguson moved to approve the Ordinance setting interim rates for West Texas Utilities, as recommended by staff. The motion was seconded by Councilman Berry and the motion carried.

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

NAYS: None.

The Ordinance is numbered **43-1994** and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR INTERIM
REDUCED RATES; EFFECTIVE DATE FOR RATE REDUCTION; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

f. Marva Pritchett, Director of Development Services, briefed the Council on a Landfill agreement amendment and a Resolution approving Refuse rates. Ms. Pritchett introduced representatives from BFI.

Following a discussion period concerning the cost impact due to Federal unfunded mandates between the staff, Council and the BFI representative, Councilwoman Herrera moved to approve the Resolutions amending the Landfill agreement and approving Refuse rates, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Resolution is numbered **35-1994** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AMENDING THE LANDFILL AGREEMENT.

The Resolution is numbered **36-1994** and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, REVISING THE SCHEDULE OF
RATES AND CHARGES FOR REFUSE COLLECTION DIVISION.

g. Mike Hall, Director of Community Services, briefed the Council on a Resolution amending the American Golf Corporation contract and increasing the fees. The Parks & Recreation Board and staff recommend approval.

Councilman McNeil moved to approve the Resolution amending the American Golf Corporation contract and increasing the fees, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

The Resolution is numbered **37-1994** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING A FEE SCHEDULE FOR MAXWELL GOLF COURSE, AND
ESTABLISHING AN EFFECTIVE DATE.

Mayor McCaleb recessed the Council into executive session pursuant to Sections 551.071 and 551.074 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 11:40 a.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor

