

**PRE-COUNCIL WORK SESSION, THURSDAY
April 11, 1996, 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 11, 1996, at 8:30 a.m. in the Basement Conference Room of City Hall. Mayor Pro Tempore Russell Berry was present and presiding with Councilmen Paul R. Vasquez, A. Don Drennan, Jimmy McNeil, and Councilwoman Kay Alexander. Also present were City Manager Lanny Lambert, 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 Gary D. McCaleb and Councilman Ray Ferguson were absent from the Pre-Council Session.

City Manager Lanny Lambert explained to the Council that Item 2.0, page 3 of the March 28 City Council minutes under Bid Awards #CB6029, the name of the company awarded Item 1 was incorrectly submitted as Abilene Farm Supply. The correct name of the company is John Deere. The Council briefly discussed other 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 11, 1996, 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 11, 1996, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Kay Alexander.

Pledge of Allegiance was led by Vanessa Maida, 5th grader at Ortiz Elementary school, and accompanied by her principal, David Adams.

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

30 Years	Charles W. Parker	Maintenance Worker II Refuse Division
30 Years	Dan Horne	Route Supervisor Refuse Division
30 Years	Samuel Kay	Firefighter Fire Department
30 Years	Spencer Taylor	Lieutenant Fire Department
20 Years	Shirley Blackburn	Public Health Nurse Health Department

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in presenting the March Employee of the Month Award to James Raney, Civic Center Attendant.

Councilman Ferguson arrived.

Mayor McCaleb presented proclamations as follows:

April 14 - 20 as Medical Laboratory Week;

April 20 - 27 as Spring Clean for Abilene Week;

April 21 - 27 as National Volunteer Week;

April as Saving Month;

April 16 as Abilene Employment Focus Group Day; and

April 14-20 as National Library Week.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held March 28, 1996, Councilman Vasquez moved to approve the minutes as printed. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

Councilman Berry moved to approve consent agenda items 3.1 through 3.3, and approval of first reading of items 3.4 through 3.9, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

3.0 Resolutions:

3.1 Resolution authorizing payment to WTU for relocating their facilities along Antilley Road.

The Resolution is numbered **15-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING REIMBURSEMENT TO WEST TEXAS UTILITIES COMPANY FOR RELOCATING POWER TRANSMISSION FACILITIES WHICH ARE WITHIN THE ANTILLEY ROAD WIDENING PROJECT LIMITS.

Bid Awards:

3.2 Yard tractor and high capacity mower, **Bid #CB-6030**. Item 1 was awarded to Abilene Ag Ford New Holland, and Item 2 was awarded to Goldthwaites of Texas for a total amount of \$62,002.24, as recommended by staff.

Ordinances:

3.3 Approval of second and final reading: Ordinance permitting and regulating construction, maintenance, & use of communications facilities in public right-of-way by IXC Carrier, Inc.

The Ordinance is numbered **13-1996** and is captioned as follows:

AN ORDINANCE PERMITTING AND REGULATING THE CONSTRUCTION, MAINTENANCE AND USE OF AN INTERNAL FACILITIES LINK FOR A LONG DISTANCE TELECOMMUNICATIONS SYSTEM OPERATED BY IXC CARRIER, INC., ACROSS, OVER AND UNDER CERTAIN STREETS, HIGHWAYS AND PUBLIC RIGHTS-OF-WAY OF THE CITY OF ABILENE, TEXAS; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO BECOME EFFECTIVE UPON PASSAGE, APPROVAL AND ACCEPTANCE BY IXC.

3.4 Approval of first reading - APPEALED ITEM: Ordinance to rezone from AO to MH district located at 3665 Caldwell Road - **Z-00996** - and set a public hearing for April 25, 1996 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.

3.5 Approval of first reading - Ordinance to rezone from LC to GC district located at 1595 E. Spur 707 - **Z-01196** - and set a public hearing for April 25, 1996 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.

3.6 Approval of first reading - Ordinance for thoroughfare abandonment located on S. 14th St. between Barrow & Sunset - **TC-01296** - and set a public hearing for April 25, 1996 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.

3.7 Approval of first reading - Ordinance to rezone from SC to GC district, located at 997 N. Danville - **Z-01396** - and set a public hearing for April 25, 1996 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.

3.8 Approval of first reading - Ordinance for thoroughfare abandonment located between N. 1st & N. 2nd and Orange & Hickory Streets - **TC-01496** - and set a public hearing for April 25, 1996 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.

3.9 Ordinance to rezone from RS-6 to CU district, located in the 2500 block of Cedar Street - **Z-01596** - and set a public hearing for April 25, 1996 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.

REGULAR AGENDA

4.0 Resolutions:

4.1 Mike Morrison, Director of Economic Development, briefed the Council on a Resolution approving the TIF Board decision to submit two (2) ISTE A Grant applications to TxDOT; and noted a clarification on the resolution, item 4.1, page 2, part 3, to read "applications" instead of "receipts".

Councilman Vasquez moved to approve the Resolution regarding submission of two (2) ISTE A Grant applications to TxDOT. The motion was seconded by Councilman McNeil, and the motion carried.

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

NAYS: None.

The Resolution is numbered **16-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AUTHORIZING THE USE OF INTERMODAL TRANSPORTATION EFFICIENCY ACT ("ISTEA") FUNDS AND TAX INCREMENT FINANCING (TIF) FUNDS AND/OR CERTIFICATES OF OBLIGATION FOR IMPROVEMENTS ALONG CYPRESS AND SOUTH FIRST STREETS IN HISTORIC DOWNTOWN ABILENE.

4.2 James Condry, Assistant Director of Development Services for Public Works, briefed the Council on a Resolution authorizing an agreement with the State of Texas for improvements of U.S. 83/84 and Southwest Drive.

Councilman Drennan moved to approve the Resolution for improvements of U.S. 83/84 and Southwest Drive, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

The Resolution is numbered **17-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF TEXAS FOR THE IMPROVEMENT OF US 83/84 AND SOUTHWEST DRIVE.

Mike Morrison, Director of Economic Development, requested item 5.1, Community Development video presentation, be done at this time.

5.1 Wanda Merritt, Economic Development, conducted the Community Development video presentation. No action was required.

4.3 Mike Morrison, Director of Economic Development, briefed the Council on a Resolution approving an amendment to the one-year Action Plan for use of CDBG & HOME funds.

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.

Following discussion among staff and Council, Councilman Berry moved to approve the Resolution approving the amendment to the Action Plan for CDBG & HOME funds, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Resolution is numbered 18-1996 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 1995/96 AMENDED ONE-YEAR ACTION PLAN FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS.

4.4 Harvey Cargill, City Attorney, gave a brief history of the City's current charter, and a summary of the procedure required to amend the Charter. Mr. Cargill suggested that he, the City Manager, and City Secretary review the Charter and see what areas need to be examined. Some changes simply will be to update and correct reference to statutes. After the review is completed, in 30 days if possible, the Mayor and Council can be updated. If this review areas of policy consideration on which the Council wants additional input or research done, the Council could give a specific charge to a citizen committee to review and report back their findings. Depending upon the Mayor and Council's direction, the department directors could review the Charter sections pertaining to their responsibilities. After the directors' review, the appropriate boards can be contacted by the staff for their input. If the Charter is revised, another amendment cannot be done for two years. Council and staff were in agreement with the City Attorney's recommendations; no vote was taken.

Ordinances

4.5 James Condry, Assistant Director of Development Services for Public Works, briefed the Council on an Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-293 & 18-299 of Abilene Municipal Code. Staff recommends 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 McNeil moved to approve the Ordinance amending Chapter 18, Sections 18-293 & 18-299 of Abilene Municipal Code, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Ordinance is numbered 14-1996 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.

5.0 **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 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.

Councilman McNeil moved to approve Mayor McCaleb's appointment of Ken Burgess, Sr. to fill a vacancy on the Development Corporation of Abilene board, term expiring 11/98. The motion was seconded by Councilman Drennan and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 11:15 a.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor

