

**PRE-COUNCIL WORK SESSION, THURSDAY
September 12, 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 September 12, 1996, 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 and A. Don Drennan, Councilwoman Carol Martinez, Councilmen Rob Beckham and Ray Ferguson, and Councilwoman Kay Alexander were present. Also present were City Manager Lanny Lambert, Assistant City Manager Roy McDaniel, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff.

The Council briefly discussed various consent and regular agenda items. David Wright, Director of Finance, disseminated a draft of the Updated Investment Policy for the Council to review before considering it at the next Council meeting, and a clarified version of the Development Corporation of Abilene, Inc. balance sheet. Mike Dohrse, Chair of the Airport Development Board, presented a video and briefing concerning what the cities of Laredo, McAllen, and Harlingen have done in the area of airport terminal building expansion and remodeling projects. 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
September 12, 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 September 12, 1996, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Rob Beckham.

Pledge of Allegiance was led by Sarah Thomas, 5th grade student at Alta Vista Elementary. She was accompanied by her mother, Mary Thomas, and principal Nell Sims.

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

30 Years	Jose Arredondo	Refuse Collector Refuse
30 Years	Roy Franklin	District Chief Fire
20 Years	Lila Jefferson	Senior Librarian Library
20 Years	Edward Dorsey	Senior Maintenance Worker Traffic
20 Years	James Beard	Engineering Technician II Traffic
20 Years	Evelyn Warner	Executive Secretary Water Administration

Councilman Vasquez, assisted by Debra Guerra, Assistant to the City Manager, presented the August Employee of the Month Award to Helen Clanahan, Senior Secretary in the Planning Division.

Councilman Vasquez presented the following Proclamations:
September 28 as United Way Fun Run/Walk Day. Susan Gerred, Fun Run/Walk Day committee member, briefed those in attendance on the planned activities and extended a special invitation to the council to attend the event.

Other proclamations are as follows:
September 15 through October 15 as Hispanic Heritage Month; and
September 12 through November 5 as Voice Your Choice Days.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held August 22, 1996, Councilman Vasquez moved to approve the minutes as printed. The motion was seconded by Councilwoman Martinez and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

NAYS: None.

Councilwoman Alexander moved to approve consent agenda items 3.1 through 3.5, and first reading of items 3.6 through 3.8, as recommended by staff. The motion was seconded by Councilman Beckham and the motion carried.

AYES: Councilman Vasquez (abstaining on item 3.3 only, due to his employment at Hendrick Medical Center) Councilman Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

NAYS: None.

Bid Awards

- 3.1 Bus Stop improvements, **Bid #CB6046**. The bid was awarded to Bontke Brothers Construction Company for unit prices bid with an estimated construction cost of \$61,881.50, subject to formal approval from FTA for reallocation of grant funds to this project, as recommended by staff.
- 3.2 Paving in Seabee & Lake Kirby Parks, **Bid #CB6051**. The bid was awarded to Norris & Norris, Inc. of Tye, submitting the low bid of \$48,419.86 as recommended by staff.

Resolutions

- 3.3 Oral Resolution approving a Communication Services Agreement between the City of Abilene Police Department Communications Center and Hendrick Medical Center, and authorize the City Manager to execute the agreement.
- 3.4 Oral Resolution approving the DCOA Report of Activities for a 6-month period ended 3/31/96.
- 3.5 Oral Resolution authorizing the Mayor to execute an amendment to License #061ABFM125 with the U. S. Dept. of Commerce, National Oceanic & Atmospheric Administration (NOAA) for additional lease land at Abilene Regional Airport for installation of additional weather sensing equipment.

Ordinances

- 3.6 **Approval of first reading** - Ordinances adopting revisions to City of Abilene Plumbing Code, Chapter 3, Section 306.8 and Chapter 1, Section 107.3 of Abilene Municipal Code Chapter 8, Article 6, Division 4, "Plumbing Code."

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS", DIVISION 4, "PLUMBING CODE", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS", DIVISION 4, "PLUMBING CODE", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

3.7 Approval of first reading - Z-09996 - Rezone from GC to HC district in the 2600 block of N. 1st Street between Green & Shelton Streets, and set a public hearing for September 26, 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 amending Sections 23-306.4, Permitted Uses (Accessory and Incidental Uses) and 23-306.5.B, Accessory and Incidental Uses, of the Zoning Ordinance to allow mobile homes as temporary accessory housing in AO zoning districts, and set a public hearing for October 10, 1996 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.

REGULAR AGENDA

Public Appearances:

4.1 James Condry, Assistant Director of Development Services for Public Works, introduced Mike Dohrse, Chair of the Airport Development Board, who gave a report concerning the airport terminal building expansion & remodeling project and method of funding. The Airport Development Board recommends the Council approve the expansion and remodeling project for the Airport Terminal Building and associated facilities and to fund the project using Federal Airport Improvement Program funds and Passenger Facility charges revenue. James Tittle of the architectural firm of Tittle Luther Partnership, distributed to the Council four schemes reflecting Statement of Estimated Project costs as follows: total estimated costs Scheme 1 - \$402,500; Scheme 2 - \$1,533,000; Scheme 2.5 - \$2,533,800; and Scheme 3 - \$5,364,460. Mr. Tittle briefed the Council on different aspects of the proposed projects and gave a slide presentation of the proposed expansion and remodeling. The Airport Development Board's recommendation included Council approving scheme 2.5 for a total cost of \$2,533,800. Staff recommends Council accept the project concept to expand and remodel the Airport Terminal Building and associated facilities at an estimated cost of \$2,500,000 and to fund the project using Airport Improvement Program funds and Passenger Facility Charges revenue as recommended by the Airport Development Board; authorize staff to develop the financial program necessary to implement the project; and authorize staff to initiate the process to institute a Passenger Facility Charge, including selection of a consultant to prepare the application.

Councilman Vasquez moved, by Oral Resolution, to accept the project concept to expand and remodel the Airport Terminal Building and associated facilities at an estimated cost of \$2,500,000 and to fund the project using Airport Improvement Program funds and Passenger Facility Charges revenue as recommended by the Airport Development Board; authorize staff to develop the financial program necessary to implement the project; and authorize staff to initiate the process to institute a Passenger Facility Charge, including selection of a consultant to prepare the application, as recommended by staff and the Airport Development Board. The motion was seconded by Councilwoman Martinez and the motion carried.

AYES: Councilman Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

NAYS: None.

4.2 Ray Olvera presented a petition requesting "Curfew Hours for Minors". No action or vote was required at this time. Police Chief Melvin Martin will present a report regarding this issue to the Council within the next month; then Council will proceed.

Ordinances

4.3 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance amending Zoning Ordinance Sections 23-306.4 and 23-306.5.B, to allow churches to have RVs on church construction sites. The Planning and Zoning Commission recommends approval with conditions as per submitted Exhibit "B", and staff recommends approval with conditions as per submitted Exhibit "A" to the Ordinance. It was noted that the Planning and Zoning Commission had instructed staff to submit both Exhibits to Council for consideration.

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

.Brenda Coleman, Executive Director of Habitat for Humanity, addressed construction crews with RVs scheduled to be in Abilene to complete four homes in the near future.

.Kevin Coleman, construction foreman for Habitat for Humanity, stated 80% of construction crew are volunteers. Mr. Coleman questioned the possibility of permitting parking RVs on someone else's property where construction sites can't accommodate.

.Ezequiel Pecina, pastor of New Light Temple, gave a background on how the need came about, and stated it will boost relationships among our people.

.Rodney Watson, pastor of Lytle South Baptist church, has open arms for volunteers, and stated it has a positive impact on neighborhoods.

.Dale Sewell, pastor of Elmcrest Baptist Church, stated it would show that Abilene is church friendly.

David Cason, pastor of Broadview Baptist Church, stated he is in favor of the request.

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

Councilman Drennan moved to approve the Ordinance amending Zoning Ordinance Sections 23-306.4, Permitted Uses, Accessory and Incidental Uses; and 23-306.5.B, Conditional Use Provisions, Accessory and Incidental Uses to allow recreational vehicles to be used as temporary residences at churches and non-profit organizations construction sites or at other sites approved by the Board of Adjustment. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, Councilmen Beckham and Ferguson, Councilwoman Alexander, and Mayor McCaleb.

NAYS: None.

The Ordinance is numbered **47-1996** 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.

Resolutions

4.4 Mike Morrison, Director of Economic Development, briefed the Council on an Oral Resolution approving a lease agreement with The Railhead Grill, Inc. as a target use for the T&P Freight Warehouse. Mr. Morrison then introduced the Reinvestment Zone board members in attendance, as well as Joe and Sharon Allen, the proposed lessees. Kris Southward, Chair of the Incentive committee of the Reinvestment Zone board, outlined the needs considered in the overall downtown revitalization program. Mr. Southward stated the TIF Incentive Committee had identified as a target use for the T&P Freight Warehouse the operation of a restaurant in order to stimulate night and weekend interest in the downtown area.

The Council was briefed on the Downtown Loan Program having been identified as a source of funding for the building's rehabilitation. The construction budget is estimated to be \$1.2 million, with a total project cost of approximately \$1.8 million. In negotiating the City's receipt of the ISTEPA grant from TxDOT for the acquisition of the railroad right-of-way through downtown the City committed to the restoration of the Freight Warehouse. Payment of the 60 month renewable lease with the Allens would be as follows: Year 1 - \$1,000, years 2-5 - 6% of gross sales with minimum monthly payment of \$1,500 and maximum of \$8,000; year 6 and beyond - 6% gross with minimum of \$1,500 and maximum of \$11,000.

Councilman Drennan addressed concerns with the cost figures, stating that although he is for the restaurant and the Allens, the building cost of \$1.8 million is difficult to vote for, and that he is uncomfortable about where we get our resources and the obligating of future CDBG funds. Mr. Drennan questioned the possibility of asking the TIF Board if they would be willing to commit funds to underwrite this project.

Councilman Beckham stated he likes the concept and the project, but voiced concerns with the financing not being set, nor is there any assurance that CDBG funding will be available in the future. Mr. Beckham also stated that in this situation it is not appropriate for the City to be the developer.

Mr. Morrison stated that if the Block Grant program is eliminated, the Federal government takes on the responsibility to pay the debt. The City has been in the role of developer in other projects; and that the City could be obligated to repay part of the restoration debt is the worst case scenario. Mr. Morrison stated the TIF Board could be approached about their providing funding.

Councilman Vasquez questioned how the total community (including hispanics) have been included in the process. Mr. Southward responded that the process was open to all sectors of the community.

Mayor McCaleb stated that this is not an issue that can be reduced to the cost of one restaurant downtown. We're talking about renovating downtown - an innovative approach to getting things done, the importance of the community. The center of the community is the heart of the community. It is a decision about believing in the importance of downtown, of community values.

Following further discussion, Councilman Drennan moved to table the request pending further information concerning financing of the facility. The motion was seconded by Councilman Beckham and the motion carried.

AYES: Councilmen Vasquez and Drennan, Councilwoman Martinez, and Councilman Beckham.

NAYS: Councilman Ferguson, Councilwoman Alexander, and Mayor McCaleb.

Other Business

5.1 Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on Water System Improvement Projects and funding plan. Linda Simpson, Assistant to the Director of Water Utilities, distributed the new Water Management Plan and addressed some issues covered by the plan. No Council action was required.

There being no further business, the meeting was adjourned at 12:05 p.m.

Jo Moore
City Secretary

Gary D. McCaleb
Mayor

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.