

**PRE-COUNCIL WORK SESSION, THURSDAY  
September 26, 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 26, 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. 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.

Debra Guerra, Assistant to the City Manager, briefed the Council on the Sister Cities Program. Mike Morrison, Director of Economic Development, briefed the council on item 4.5, Resolution approving projected financing structure and lease agreement with the Railhead Grill, Inc., indicating none of the funding sources are from general fund dollars. Councilman Drennan requested that item 4.5 be moved to be considered after item 4.1 due to his having to leave today's meeting at 11 a.m. Mayor McCaleb suggested in considering item 4.5 that Council first remove the item from the table, then dispense with the staff report as the Council has already been fully briefed. If any Councilmember has a specific question, they should ask the staff. A motion and second will be considered, followed by the discussion. Since Council has heard from the citizens; if someone has new information to present, although this item doesn't call for a public hearing, they will be permitted to present that new information or perspective. Otherwise, general comments are not necessary. Council agreed with the Mayor's suggestion. Council briefly discussed various other consent and regular agenda items. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING  
September 26, 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 26, 1996, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Ray Ferguson.

Pledge of Allegiance was led by Kelsey Wood, fifth-grader at Austin Elementary School, who was accompanied by her parents, Bill and Joanie Wood.

Kay Berry, Abilene Clean & Proud member, assisted Councilman Vasquez in presenting the Clean & Proud Quarterly Awards as follows: Recycling, AISD; Landscaping, Whataburger (EH 80); Beautification, Towne Crier Steakhouse; and Special, Ben E. Keith Foods and Beer.

Wanda Browne, American Cancer Society, assisted Councilman Vasquez in the presentation of Clean Air Coalition Awards to AISD, Jim Ned ISD, Merkel ISD, Trent ISD, and Wylie ISD.

Councilman Vasquez presented a Proclamation for October as Texas Restaurant Month.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held September 12, 1996, Councilman Vasquez moved to approve the minutes as printed. The motion was seconded by Councilman Drennan and the motion carried.

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

NAYS: None.

### **Consent Agenda**

Councilman Vasquez stated that due to his employment with Hendrick Medical Center, he would be abstaining on Consent Agenda item 3.5 only. Citizen Maria Velasquez requested item 3.5 be removed from Consent Agenda to be considered separately.

Councilwoman Martinez moved to approve consent agenda items 3.1 through 3.4 and 3.6 through 3.9, as recommended by the staff. Item 3.5 was removed from the consent agenda to be considered separately. The motion was seconded by Councilwoman Alexander and the motion carried.

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

NAYS: None.

### **Resolutions**

3.1 Oral Resolution approving the updated Investment Policy to comply with changes in State law.

3.2 Oral Resolution approving annual contract renewals between the Development Corporation of Abilene, Inc. and the City of Abilene for administrative services and operation of Abilene Regional Business and Education Center in the amount of \$508,950; Abilene Industrial Foundation for operations and marketing in the amount of \$734,100; Chamber of Commerce Military Affairs Committee for operations in the amount of \$15,000; and Caruth Small Business Development Center for operations in the amount of \$110,000; for a total of \$1,368,050 paid by DCOA, and authorize the City Manager to execute the contract with the City of Abilene on behalf of the City.

3.3 Resolution accepting an Urban Forestry Public Outreach grant from the Texas Forest Service.

The Resolution is numbered **33-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS ASSOCIATED WITH THE "URBAN AND COMMUNITY FORESTRY PROGRAM" GRANT REQUEST AND COMMITTING SHARED COST OF THE PROJECT AS DESCRIBED IN THE GRANT APPLICATION.

3.4 Oral Resolution authorizing the City Manager to sign a contract with WTA, Inc. Consulting Engineers for services related to the design of a chiller replacement and construction period services to WTA, Inc.

3.5 Removed from consent and placed on regular agenda to be considered separately at the request of a citizen. Oral Resolution approving FY 1996/97 contract agreements for use of Community Development Block Grant (CDBG) funds.

#### **Bid Awards**

3.6 Lake Kirby ballfield lighting, **Bid #CB6053**. The bid was awarded to Musco of North Texas in the amount of \$17,000 as recommended by staff.

3.7 Nelson park playground equipment, **Bid #CB6048**. The contract was awarded to Harper and Associates of Allen, TX in the amount of \$55,083 as recommended by staff.

3.8 Safety surfacing for Nelson Park playground, **Bid #CB6049**. The bid was awarded to Surface America, Inc. of Williamsville, NY in the amount of \$17,110 as recommended by staff.

#### **Ordinances**

3.9 Ordinances adopting revisions to City of Abilene Plumbing Code, Chapter 3, Section 306.8 (Code Amendment: Protection against physical damage) and Chapter 1, Section 107.3 (Code Amendment: Permit and gas retest) of the Abilene Municipal Code Chapter 8, Article 6, Division 4, "Plumbing Code."

The Ordinance is numbered **48-1996** and is captioned as follows:

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.

The Ordinance is numbered **49-1996** and is captioned as follows:

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.

## **REGULAR AGENDA**

### **Resolutions**

3.5 Mike Morrison, Director of Economic Development, briefed the Council on an Oral Resolution approving FY 1996/97 contract agreements for use of Community Development Block Grant (CDBG) funds, which was removed from the consent agenda to be considered separately at the request of a citizen, Maria Velasquez. The contracts are as follows: Public Service Activities: Mend-A-Child, \$20,000; Abilene Center for Nonprofit Management, \$3,000 (plus up to \$3,000 available under Community Development Administration allocation for special assistance to nonprofits); Abilene Hope Haven, \$15,000; Non-Public Service Activities: National Development Council, \$60,000; and Hendrick Medical Development Corporation, \$70,000. Staff recommends approval as implemented by Council through the adopted Budget. Ms. Velasquez read Section 131 of Article X of the City's Charter and questioned Board and Committee members benefitting from these appointments and benefits they receive from the 1/2 cent sales tax. Ms. Velasquez stated nothing had been done toward expanding the public library and recommended CDBG funds be used to improve the Library. Councilman Ferguson stated for clarification that this issue has nothing to do with the 1/2 cent sales tax, this is Federal Block Grants - through contracts for funds already budgeted.

Councilwoman Alexander moved to approve by Oral Resolution FY 1996/97 contract agreements for use of Community Development Block Grant (CDBG) funds, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

ABSTAIN: Councilman Vasquez, due to his employment with Hendrick Medical Center.

NAYS: None.

### **Public Appearances**

4.1 Scott Dueser, member of the Mayor's Task Force on Technology, presented to the Council a report of recommendations from the Task Force. Mr. Dueser noted two primary issues; which are infrastructure/universal access/high bandwidth, and technology incubator.

Mayor McCaleb stated his appreciation to leadership and is encouraged to see a large number of citizens participate.

Councilman Ferguson stated his personal appreciation to the members of the task force,

stating it will mean long term economic well being to the community, and moved to accept the report and recommendations, and proceed as appropriate. The motion was seconded by Councilman Drennan and the motion carried.

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

NAYS: None.

4.5 Councilman Drennan moved to remove from the table the Resolution approving the projected financing structure and lease agreement with the Railhead Grill, Inc. 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.

Mayor McCaleb outlined for the audience the format to be followed for the consideration of this item as discussed in the Pre-Council worksession. Councilman Beckham stated in an attempt to address some of the concerns voiced by citizens, he would move to approve the terms of the lease before the Council, with the condition that the contract not be executed for a period of 30 days, this would allow for any prospective proposals to be submitted. Anyone interested in proposing an alternative project should contact the Economic Development staff for the requirements of the project. Any proposal which is in the opinion of Council to be clearly better economically for the City would be duly considered. Councilwoman Alexander seconded the motion. The item was opened for discussion.

Councilwoman Martinez stated appreciation to the TIF board for their work and commitment to this project and noted her main concern had been addressed with the Marketing strategy was re-written. Councilwoman Martinez asked TIF to supply Council with all reports sent out and to keep the Council informed of all communication and followup. Councilman Vasquez concurred with Councilwoman Martinez' comments and stated they were the reason he had raised the issue at the last Council meeting. Councilman Vasquez requested that any information or issues that arise be brought to the Council as soon as possible rather than Council waiting until quarterly reports are submitted.

Councilman Drennan asked Councilman Beckham to elaborate on his motion. Councilman Beckham stated he feels the terms of the lease should be approved - he feels it is a competitive lease, having researched how this lease is representative in the restaurant industry, noting the percentages are in the "norm". Financing and openness of this proposal were two primary concerns, and he stated it is time to move forward.

Councilman Drennan addressed his concerns in terms of a loan, in financing and the fact that a lien would be put on the facility, but it is not the obligation of the general fund, thus the loan if not paid by the tenant and if future grants are reduced - this loan is basically forgiven? Assistant City Manager Roy McDaniel stated there is no, specifically, obligation on the part of the general fund. General Fund is property tax. Mr. McDaniel further explained through example how bonds sold for a specific purpose and for some reason the bonds could not be paid revenue from tax sources would not be obligated to pay.

As per Council's previously agreed-to format for the meeting, Mayor McCaleb stated that at this point it is not particularly appropriate for individuals to state simply that they are for or against the issue, due to citizens having had ample time to relay this to the Council, comments should be pertinent to the subject at hand, and information should be presented that the Council may not be aware of, and presented in an atmosphere of civility and respect for each other and others' opinions.

Comments were received by the Council from Rhonda Bolt, Kris Southward, Mike Horton, and Pebbles Lee addressing support for the issue in the areas of financial incentives offered to help preserve historical properties, restoring downtown will lead to restoring of downtown neighborhoods, anything Council can do will help downtown, positive effect on downtown businesses indirectly will have a positive effect on all of Abilene, will add to the renovations and activities already downtown; and from Maria Velasquez, David Hooper, David Bolin, Larry Abee, Bobbie Hodgkins, Al Scott, and Jackie Keenan addressing concerns in the areas of what the actual cost of the project will be, taxes being used for private business, other areas in Abilene needing improvements, process not open to all entities, lack of communication, and disagreement with some terms of the lease.

Councilman Ferguson stated in many ways he agrees with the statement that taxes are taxes, but once a decision is made by another entity, Council has no control over those decisions: for example, the Federal government on spending money; we should get Federal dollars back to Abilene. Federal money is not necessarily free to be spent anywhere, but rather for specific uses such as Downtown and Historic Preservation. Part of this process also includes once an area or facility is restored, it must be made suitable for some tenant and can't be left vacant. If no one responds to this particular project, there are other Federal funds available to attract industries.

Councilman Drennan commended the TIF board, stating he doesn't like the process, but overall it has been good for the community. He requested the motion include the statement that "general tax money will not be obligated". Councilman Beckham amended his motion to include the statement and Councilwoman Alexander seconded the amendment. The motion as amended carried.

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

NAYS: Councilman Drennan.

The Resolution is numbered **34-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AUTHORIZING THE USE OF TAX INCREMENT FINANCING (TIF) FUNDS TO ENHANCE THE FINANCING STRUCTURE OF THE T&P FREIGHT WAREHOUSE REDEVELOPMENT AT 901 NORTH FIRST STREET IN HISTORIC DOWNTOWN ABILENE AND APPROVING LEASE AGREEMENT WITH THE RAILHEAD GRILL, INC.

Due to a prior engagement, Councilman Drennan left the meeting after this presentation.

4.2 Debra Guerra, Assistant to the City Manager, briefed the Council on the Sister Cities program and recommendation to establish a Sister Cities relationship with Herrlisheim, France. Annette Musgrave, Sister Cities Committee member, presented the recommendation. Dr. Vernon William with the Department of History at ACU, addressed the educational benefits to having a culture exchange. George Hatt, Jr. and Maurice Glover, immediate past president of the 12th armored Division Association, were also present.

Councilman Vasquez moved to accept the recommendation to establish a Sister Cities relationship with Herrlisheim, France, as requested. The motion was seconded by Councilwoman Martinez and the motion carried.

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

NAYS: None.

4.3 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading - **Z-09996** - Rezone from GC to HC district in the 2600 block of N. 1st Street between Green & Shelton Streets. The Planning and Zoning Commission and staff recommend 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.

Councilwoman Alexander moved to approve the Ordinance to rezone from GC to HC district in the 2600 block of N. 1st Street between Green & Shelton Streets, as recommended by staff. The motion was seconded by Councilman Beckham and the motion carried.

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

NAYS: None.

The Ordinance is numbered **50-1996** 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.

### **Resolutions**

4.4 Carl Lockett, Assistant Director of Development Services for Planning, briefed the Council on a Resolution amending Resolution 20-1985, "Council-adopted list of Historic Properties". The Landmarks Commission and staff recommend approval.

Mayor McCaleb opened a Public Hearing on the item and the following individual spoke in favor if the request:

. Larry Abrigg, Planning Division staff.

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

Councilwoman Martinez moved to approve the Resolution amending Resolution 20-1985, "Council-adopted list of Historic Properties", as recommended by staff. The motion was seconded by Councilwoman Alexander and the motion carried.

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

NAYS: None.

The Resolution is numbered **35-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING RESOLUTION #20-1985 TITLED THE HISTORIC SURVEY AS AN OFFICIAL SURVEY OF HISTORIC SITES.

### **Other Business**

5.1 Marva Pritchett, Director of Development Services, briefed the Council on the Stormwater Management Program, major stormwater improvement projects completed to date, and specifically information on Elm Creek. Ms. Pritchett distributed to the Council copies of the Elm Creek Maintenance Plan and the City of Abilene's Drainage Standards.

No Council action was required.



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 stated no action was taken.

Councilman Vasquez moved to approve the Mayor's appointment of Janet Ardoyno to fill a vacancy on the Housing Authority Board, term expiring 11/97; and the appointments of Ed Patton, Chair; Laura Moore, Vice Chair; Sam Reyes, Eddie Jordan, Eileen Dunne, Alice Specht, Harold Nixon, one designee from the Friends of the Library and one designee from the Mayor's Task Force on Technology to serve on a Citizens Library Review Panel, with staff and other members of the Library Task force as advisors. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 12:08 p.m.

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Jo Moore  
City Secretary

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Gary D. McCaleb  
Mayor

