

**PRE-COUNCIL WORK SESSION, THURSDAY
December 5, 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 December 5, 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, 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 Managers Roy L. McDaniel and Mike Morrison, City Attorney Harvey Cargill, Jr., Acting City Secretary Debbie Hurley, Assistant to the City Manager Debra Guerra, and various members of the City staff.

The Council briefly discussed various consent and regular agenda items. City Manager Lanny Lambert distributed a letter from the bond counsel on Item 3.1, Resolution approving issuance of Abilene Higher Education Facilities Corporation Higher Education Revenue Refunding Bonds (Hardin-Simmons University Project), Tax Exempt Series 1996A in the principal amount of \$7,700,000 and Taxable Series 1996B in the principal amount of \$200,000; submitted a bid tabulation form for Item 3.4, Chiller replacement at City Hall, **Bid #CB7022**; announced a public meeting tonight regarding the flood control issue on Sunset Street; and noted copies of the property descriptions for Item 3.12, Add Historic Overlay zoning to the designated base zoning of the following properties: **Z-10596** - 750 Mesquite; **Z-10696** - 1002 Grand; **Z-10796** -1842 N. 5th; **Z-10896** - 542 Poplar; **Z-10996** - 208 Merchant; and **Z-11096** - 1242 Highland had been distributed to Council for their review prior to the public hearing to be held December 19, 1996. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
December 5, 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 December 5, 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 Jeffrey Ronquillo, 5th grader at Crockett Elementary, who was accompanied by school counselor Larry Farrell.

Mayor McCaleb, assisted by Acting City Secretary Debbie Hurley, presented an Employee Service Award to the following individual for his years of service:

20 Years	Michael J. Higgins	Zoo Supervisor/Curator
		Zoo

Mayor McCaleb, assisted by Debra Guerra, Assistant to the City Manager, presented the Employee of the Month award for November to Sheryl Fillmon, Senior Clerk in the Environmental Control division of the Health Department.

Charlotte Roy, Chair of the Employee Committee, assisted Mayor McCaleb in presenting the Employee of the Year award to Jane Nichols, Environmental Control Officer. All Employee of the Month recipients were recognized.

Mayor McCaleb presented a proclamation for December 5 as "Share Your Christmas Day".

Mayor McCaleb, assisted by Janet Ardoyno, presented Certificates of Appreciation to students representing Bassetti Elementary, Jefferson Middle School, and Houston Achievement Center; three Abilene schools which participated in the Make A Difference Day.

Councilwoman Martinez moved to approve the minutes of the Pre-Council Session and Regular City Council Meeting held November 21, 1996. 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.

Councilman Vasquez moved to approve consent agenda items 3.1, 3.3 through 3.6, and first reading of items 3.7 through 3.12 as recommended by the staff. Item 3.2 was removed from the Consent Agenda to be considered separately at the request of Mrs. Bobbie Hotchkiss. 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 Resolution approving issuance of Abilene Higher Education Facilities Corporation Higher Education Revenue Refunding Bonds (Hardin-Simmons University Project), Tax Exempt Series 1996A in the principal amount of \$7,700,000 and Taxable Series 1996B in the principal amount of \$200,000.

The Resolution is numbered **44-1996** and is captioned as follows:

RESOLUTION APPROVING ISSUANCE OF BONDS BY ABILENE HIGHER EDUCATION FACILITIES CORPORATION.

3.2 Oral Resolution approving a contract award for a Vision & Strategic Action Plan for Downtown Abilene - Removed from Consent Agenda to be considered separately.

Award of Bid

- 3.3 City Hall heating/air condition control expansion, **Bid #CB7019**. The bid was awarded to I.B.E., Inc. of Lubbock, the low responsible bidder, in the amount of \$24,800 as recommended by staff.
- 3.4 Chiller replacement at City Hall, **Bid #CB7022**. The bid was awarded to Batjer & Associates, the low responsible bidder, in the amount of \$128,800 as recommended by staff.
- 3.5 Asphalt paving on Peach Street, **Bid #CB7020**. The bid was awarded to D & D Asphalt, Inc. as the most advantageous to the City in the amount of \$16,956, as recommended by staff.
- 3.6 Vehicles for various divisions, **Bid #CB7000**. Items 1,2,3,4,6, and 8 were awarded to Lawrence Hall Chevrolet and Items 5 and 7 were awarded to Bill Wilson Motors, representing the low responsible bidders for a total amount of \$752,580.75, as recommended by staff.

Ordinances

- 3.7 **Approval of First Reading - Z-10396** - Ordinance to rezone from AO to O district located at 3233 S. Willis, and set a public hearing for December 19, 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 - Z-11196** - Ordinance to rezone from AO to RS-12 district located in the 1700 block of E. N. 10th Street, and set a public hearing for December 19, 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.

- 3.9 **Approval of First Reading - TC-11296** - Ordinance for thoroughfare abandonment of a 10' x 464' north-south alley located between N. 1st & Russell and Portland & Sewell Streets, and set a public hearing for December 19, 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.

- 3.10 **Approval of First Reading - Z-11396** - Ordinance to rezone from RM-2 to AO district located at 2318 Graham, and set a public hearing for December 19, 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.

3.11 Approval of First Reading - Z-11496 - Ordinance to amend PDD 61 concerning uses allowed, located at 274 S. 25th St., and set a public hearing for December 19, 1996 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. 22-1996 CONCERNING THE PDD #61 PLANNED DEVELOPMENT DISTRICT; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

3.12 Approval of First Reading - Add Historic Overlay zoning to the designated base zoning of the following properties: **Z-10596** - 750 Mesquite; **Z-10696** - 1002 Grand; **Z-10796** -1842 N. 5th; **Z-10896** - 542 Poplar; **Z-10996** - 208 Merchant; and **Z-11096** - 1242 Highland; and set a public hearing for December 19, 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

3.2 Mike Morrison, Assistant City Manager, briefed the Council on an Oral Resolution approving a contract award for a Vision & Strategic Action Plan for Downtown Abilene. The item was pulled from the Consent Agenda to be considered separately by Mrs. Bobbie Hotchkiss, who stated she does not feel it is necessary.

Councilwoman Martinez moved to approve by Oral Resolution a contract award for a Vision & Strategic Action Plan for Downtown Abilene, as recommended by staff. 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.

Public Appearance:

4.1 Mike Hall, Director of Community Services, introduced Walter Graham, Senior

Citizens Division Supervisor, who gave a presentation of the Call for Help Program. Mr. Graham gave a brief history of the Program, as well as last year's statistics to include number of customers and miles driven. The Council expressed their appreciation of the program, with several of them stating specific instances in which this program has helped individuals.

No action was required.

Award of Bid:

4.2 Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an Award of Bid for Filter media & filter underdrain, **Bid #CB7010**. Staff recommends the bid be awarded to F. B. Leopold, with a change order to accept a \$28,200 deduction in the original bid amount, for a final amount of \$205,700.

Councilman Drennan moved to award the Bid for Filter media & filter underdrain, **Bid #CB7010** to F. B. Leopold, of Zelenople, PA as the lowest bid meeting specifications, and approve the change order for a \$28,200 deduction in the original bid amount, for a final amount of \$205,700, as recommended by staff. 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:

4.3 Harvey Cargill, City Attorney, briefed the Council on a Resolution authorizing retaining of legal counsel and ratifying City of Abilene intervention into the rates, services and operation of Lone Star Gas. Co. Staff recommends approval.

Councilman Drennan asked if anyone from Lone Star Gas was present who would like to speak on the item. Mike Schweikard, Lone Star Gas representative, gave a brief presentation on his company's request.

Councilman Vasquez moved to approve the Resolution authorizing retaining of legal counsel and ratifying City of Abilene intervention into the rates, services and operation of Lone Star Gas Co., as recommended by staff. 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.

The Resolution is numbered **45-1996** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, RATIFYING AND APPROVING THE INTERVENTION IN TEXAS RAILROAD COMMISSION GATE RATE 8664 AND AUTHORIZING THE INTERVENTION IN ALL RELATED CASES.

Ordinances:

4.4 Carl Lockett, Assistant Director of Public Works for Planning, briefed the Council on an Ordinance considered on second and final reading to add Historic Overlay zoning to the designated base zoning of the following properties: **Z-04496** - 825 Amarillo, **Z-04596** - 1849 S. 5th, **Z-04696** - 2145 Idlewild, **Z-04796** - 1866 Belmont, **Z-04896** - 861 Sayles, **Z-04996** - 801 Amarillo, **Z-05096** - 726 Amarillo, **Z-05196** - 244 Pine, **Z-05296** - 1226 Sayles, **Z-05396** - 1733 N. 5th, **Z-05496** - 1642 Swenson, **Z-05596** - 2775 S. Treadaway, **Z-05696** - 1541 N. 8th, **Z-05796** - 1102 Peach, **Z-05896** - 241 Hickory, **Z-05996** - 1274 N. 2nd, **Z-06096** - 1482 N. 1st, **Z-06196** - 1317 N. 8th, **Z-06296** - 718 Victoria, **Z-06396** - 3449 S. 7th, **Z-06496** - 1134 Ross, **Z-06596** - 1942 N. 3rd, **Z-06696** - 150 Locust, **Z-06796** - 1249 Palm, **Z-06896** - 2041 S. 8th, **Z-06996** - 150 Merchant, **Z-07096** - 502 Riverside Blvd., **Z-07196** - 2828 Old Anson Rd., **Z-07296** - 216 Pine, **Z-07396** - 2137 Idlewild, **Z-07496** - 760 Amarillo, **Z-07596** - 1501 N. 14th, **Z-07696** - 302 Graham, **Z-07796** - 1302 Highland, **Z-07996** - 1025 Santos, **Z-08096** - 1135 Highland, **Z-08196** - 542 S. 7th, **Z-08296** - 1134 Elmwood, **Z-08396** - 1910 N. 3rd, **Z-08496** - 1741 S. 5th, **Z-08596** - 1642 Orange, **Z-08696** - 2042 S. 8th, **Z-08796** - 1546 N. 14th, **Z-08896** - 618 Hickory, **Z-08996** - 898 Sayles, **Z-09096** - 1226 Amarillo, **Z-09196** - 2102 Swenson, **Z-09296** - 601 Sayles, **Z-09396** - 842 Amarillo, **Z-09496** - 1190 Sayles, **Z-09796** - 602 Victoria, **Z-09896** - 1226 Highland. The Planning and Zoning Commission and staff recommend approval.

Mayor McCaleb opened a public hearing on the item, and the following individual spoke in response to the request:

For:

.Pat Frosch, representing the Landmarks Commission, and owner of one of the properties listed, commended staff for the extensive information provided to property owners.

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

Councilman Vasquez moved to approve the request for Historic Overlay to the above-listed properties as recommended by staff. The motion was seconded by Councilman Ferguson 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 57-1996 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.

Other Business:

5.1 Bob Putnam, Fire Chief, briefed the Council on a mutual aid agreement with Dyess Air Force Base for fire protection and hazardous materials incident response. Staff recommends approval.

Councilwoman Martinez moved to approve the mutual aid agreement with Dyess Air Force Base for fire protection and hazardous materials incident response, as recommended by staff. 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.

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 Vasquez moved to approve the Mayor's appointments of Floyd Miller to the Planning and Zoning Commission, term expiring 11/99; and Ruppert Rangel, term expiring 11/97, Jesse Olvera and Harold Christian, terms expiring 11/98 to the Reinvestment Zone #1. 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.

There being no further business, the meeting adjourned at 11:55 a.m.

Debbie Hurley
Acting City Secretary

Gary D. McCaleb
Mayor