

**Pre-Council Work Session** of the Mayor and City Council of the City of Abilene, Texas, to be held in the Basement Conference Room of City Hall on Thursday, March 12, 1987, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.

**Regular Meeting** of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chambers of the City Hall on Thursday, March 12, 1987, at 9:00 a.m.

**CITY COUNCIL:** Mayor David Stubbeman; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, A. E. Fogle, Jr., Welton Robinson and Harold Nixon.

1. Call to Order.
2. INVOCATION: Councilwoman Betty Ray.
3. Approval of Minutes: Pre-Council Work Session and Regular City Council Meeting held February 26, 1987.

#### CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

4. **Ordinances and Resolutions:**
  - a. Resolution to consider approval of Spring 1987 Paving Assessment Program and ordering the improvements.
  - b. Consider on first reading - an ordinance granting a renewal of a television cable franchise to United Cable Television of Abilene, Inc., and set a public hearing for March 19, 1987, at 9:00 a.m.
  - c. Consider on first reading - an ordinance amending the Abilene Municipal Code, Chapter 9, Courts, by adding a new Section 9-8.1 concerning the issuance of citations.
5. **Award of Bid:**
  - a. Telecommunications system for Fire Department - Bid #169.
  - b. Water Pipe for Water Utilities Department - Bid #180.

**EXECUTIVE SESSION**

(Personnel)

The City Council may consider the appointment, employment, reassignment, duties, discipline, or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, and the City Board and Commission Members. A complete list of the City Boards and Commissions are on file in the City Secretary's Office.

After discussion of the appointment and evaluation of the Council Appointees and the Board and Commission members, in executive session, any final action or vote taken will be in public.

(Litigation)

The City Council may consider pending and contemplated litigation subjects. The following subjects may be discussed:

1. Taylor v. City
2. Velasquez v. City
3. Smithwick-Wheeler v. City
4. Maria Slaughter v. City
5. Leonard Glenn Taylor v. City
6. Hudson & ABC Airlines v. City
7. State of Texas v. City
8. Cynthia Haile v. City
9. Michael Mellan v. City
10. Patricia Partin v. City
11. Williams & Chambers v. City
12. Video Vue & American Video

Litigation is, by its nature, an on-going process, and questions may arise as to trial facts which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects set out above. After discussion of the pending and contemplated litigation subjects, in executive session, any final action, or vote taken, will be in public.

HC 1/15/87

**REGULAR AGENDA**

**6. Ordinances & Resolutions:**

- a. Report on United Way Needs Assessment Study.
- b. Resolution concerning the State Department of Health's decision regarding Abilene's regional office.
- c. Consider on first reading - an ordinance regulating smoking in City buildings and set a public hearing for a future date.
- d. Consider on first reading - an ordinance regulating smoking in public meetings and in public places and set a public hearing for a future date.
- e. **Public Hearing:** Consider on second and final reading - an ordinance creating Chapter 12, "Franchises", of the Abilene Municipal Code, concerning certain procedures granting franchises. Resolution to consider revision of contract between the City of Abilene and the Abilene Community Development Company, Inc.
- g. Resolution approving official statement on General Obligation bonds; authorize sale of bonds; and approval of Paying Agent.
- h. Resolution approving or opposing certain proposed State legislation.

**7.**

**Other Business:**

- a. Discussion and possible action concerning Stevenson Park Pool study.
- b. Status update and possible action concerning public donations for park purposes.
- c. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
- d. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).

**ADJOURN**

REGULAR COUNCIL WORK SESSION, THURSDAY  
March 12, 1987, 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 **March 12, 1987**, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter Wheat, A. E. Fogle, Welton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Rickey Childers and Roy L. McDaniel, City Attorney Harvey Cargill, Jr., City Secretary Patricia Hancock and various members of the City Staff.

The Council briefly discussed various consent and regular agenda items. There being no further questions, the meeting was recessed to the City Council Chambers for the Regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
March 12, 1987, 9:00 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
CITY COUNCIL CHAMBERS OF CITY HALL

Mayor Stubbeman reconvened the City Council of the City of Abilene, Texas, into Regular Session March 12, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held February 25, 1987 stand approved.

Councilwoman Ray moved to approve the consent agenda items, being 4a through 5b, as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon, and Mayor Stubbeman.

NAYS: None.

4. **Ordinances & Resolutions:**

- a. Resolution to consider approval of Spring 1987 Paving Assessment Program and ordering the improvements.

follows: The Resolution is numbered 10-1987 and is captioned as

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING STAFF TO COMMENCE A SPECIAL ASSESSMENT PROGRAM AND ORDERING THE IMPROVEMENTS OF THE HEREINAFTER NAMED STREETS, PROVIDING FOR ASSESSMENT OF A PORTION OF THE COST OF IMPROVEMENTS THEREOF AGAINST ABUTTING PROPERTY OWNERS; APPROVING THE PLANS AND SPECIFICATIONS FOR SAID IMPROVEMENTS, AND DIRECTING THE CITY SECRETARY TO ADVERTISE FOR COMPETITIVE BIDS FOR THE CONSTRUCTION OF THE IMPROVEMENTS; THE NAMES OF THE STREETS, OR PORTIONS THEREOF, TO BE SO IMPROVED BEING AS FOLLOWS, TO-WIT: 1. LINCOLN DRIVE - 36' WIDE STREET F/C TO F/C FROM AMBLER TO HILLCREST DRIVE; FROM HILLCREST DRIVE TO ALLEY EAST OF LINCOLN; 2. POPLAR STREET - 30' WIDE STREET F/C TO F/C FROM WESTWAY DRIVE TO SOUTH 17TH; 3. REDBIRD LANE - 36' WIDE STREET F/C TO F/C FROM HARTFORD STREET TO PUEBLO STREET; 4. VICTORIA STREET - 36' WIDE STREET F/C TO F/C FROM LOWDEN STREET TO ALLEY NORTH OF LOWDEN.

- b. Consider on first reading - an ordinance granting a renewal of a television cable franchise to United Cable Television of Abilene, Inc., and set a public hearing for March 19, 1987, at 9:00 a.m.

AN ORDINANCE GRANTING TO TELEVISION CABLE SERVICE, INC., DOING BUSINESS IN ABILENE AS UNITED CABLE TELEVISION OF ABILENE, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONDUCT WITHIN THE BOUNDARIES OF THE CITY OF ABILENE A CABLE TELEVISION BUSINESS; AND PROVIDING THEREIN FOR SERVICES, EQUIPMENT AND FACILITIES; A TERM; FRANCHISE FEES; CONNECTION TO CERTAIN PUBLIC BUILDINGS; INSURANCE; OTHER DUTIES; AMENDMENT; ACCEPTANCE OF FRANCHISE; RATES, PUBLICATION; AN EFFECTIVE DATE; A SAVINGS CLAUSE; NOTICE TO PARTIES; AND CALLING A PUBLIC HEARING.

- c. Consider on first reading - an ordinance amending the Abilene Municipal Code, Chapter 9, Courts, by adding a new Section 9-8.1 concerning the issuance of citations.

AN ORDINANCE AMENDING CHAPTER 9, "COURTS," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- 5. Award of Bid:
  - a. Telecommunications system for Fire Department - Bid #169. The bid was awarded to Contel Business Systems, as recommended by staff.

- b. Water Pipe for Water Utilities Department - Bid #180.  
The bid was awarded to C & C Municipal Supply following a drawing of sealed envelopes due to a tie low-bid.

Norman Archibald, Chairman of the United Way Planning Committee presented a slide presentation detailing the major findings of the Needs Assessment Study on behalf of the United Way.

Council commended Mr. Archibald, the United Way, City Staff, and the Dodge-Jones Foundation for the thorough study. No action was necessary.

Mayor Stubbeman briefed the Council on a Resolution concerning the State Department of Health's decision to downgrade Abilene's regional office to a sub-regional status.

Mayor Stubbeman moved to approve the resolution protesting the State Department of Health's decision to downgrade Abilene's regional health office. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.  
NAYS: None.

The Resolution is numbered 11-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CONCERNING THE STATE DEPARTMENT OF HEALTH'S DECISION REGARDING ABILENE'S REGIONAL OFFICE.

Harvey Cargill, City Attorney, briefed the Council on two ordinances, considered on first reading, regulating smoking in City buildings and in public places.

Councilman Fogle moved to approve the ordinance prohibiting smoking in public meetings and public places, and to set a public hearing for April 9, 1987. The motion was seconded by Councilman Nixon and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.  
NAYS: None.

AN ORDINANCE OF THE CITY CODE OF THE CITY OF ABILENE, TEXAS, REGULATING SMOKING IN PUBLIC MEETINGS AND PUBLIC PLACES, PROVIDING A PENALTY AND AN EFFECTIVE DATE.

(Item 6c, an ordinance regulating smoking in City buildings, was not considered and therefore died.)

Jonathan Graham, First Assistant City Attorney, briefed the Council on an item considered on second and final reading establishing Chapter 12 of the Abilene Municipal Code, concerning certain procedures granting franchises.

Councilman McCaleb moved to approve the ordinance establishing Chapter 12 of the Abilene Municipal Code. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The Ordinance is numbered 9-1987 and is captioned as follows:

AN ORDINANCE AMENDING THE ABILENE MUNICIPAL CODE BY CREATING CHAPTER 12, "FRANCHISES"; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

Mike Morrison briefed the Council on a resolution to consider a revision of the contract between the City of Abilene and the Abilene Community Development Company, Inc. Mr. Morrison thanked Roberta Thompson, Housing Program Supervisor, and Kirby Leeson, Chairman of ACDC, Inc. These individuals were instrumental in the revision of this contract and put forth tremendous effort in making this program more productive and efficient.

Councilman Nixon moved to approve the resolution concerning the contract between the City and the ACDC, Inc. for the reorganization of the grant/loan program as recommended by staff. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The Resolution is numbered 12-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A REVISED CONTRACT BETWEEN THE CITY OF ABILENE AND THE ABILENE COMMUNITY DEVELOPMENT COMPANY, INC., FOR THE RE-ORGANIZATION OF THE GRANT LOAN PROGRAM.

Roy McDaniel briefed the Council regarding a resolution approving an official statement on General Obligation bonds. He stated a bid opening will be held at 11:00 a.m. on April 9, 1987. He briefly reviewed the official statement.

Councilman Fogle moved to approve the resolution approving the official statement on General Obligation bonds; authorizing the sale of bonds; and approval of the Paying Agent, as recommended by staff. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.  
NAYS: None.

The Resolution is numbered 13-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE OFFICIAL STATEMENT AND SALE OF BONDS.

Roy McDaniel briefed the Council on a resolution approving and opposing certain proposed State legislation.

Councilman Robinson moved to approve the resolution approving and opposing certain proposed State legislation, as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.  
NAYS: None.

The Resolution is numbered 14-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, SUPPORTING OR OPPOSING CERTAIN PROPOSED STATE LEGISLATION.

Mike Hall, Director of Community Services, briefed the Council concerning the Stevenson Park Pool study. He thanked and commended the members of the study group.

Reverend T. G. Oliphant, representing the Ministerial Alliance, presented the report to the Council. He reviewed the following short term strategies:

1. Swim Classes - Churches or organization to sponsor groups of youth at a reduced rate. This could increase participation and increase swim awareness.
2. Increase Pool Rentals - Could become part of their Vacation Bible School programs at all churches in the area.
3. Season Swim Passes - For \$10.00 to be purchased by churches and organizations to be distributed to their members.



He understands there is no money appropriated to operate the pool, but hoped the Council would seriously reconsider funding the operation of the pool this year and next year. Secondly, he explained the long-term recommendation of the study group to construct a new swimming pool located on the AISD Taylor School site. The pool would be 25 meters by 25 yards, similar to the Rose Park Pool in size with a 30' x 80' concession/restroom building, grass area for sun bathers, a covered grass area, and a covered picnic area. Also included would be a 40 car parking lot with a 1/2 mile jogging/fitness course around the perimeter of the property. The cost of the project is estimated at \$500,000, proposed to be funded by private donations and a matching grant from the Local Park Fund. He recommended Council approve both the short-term and long-term plans.

Reverend Andrew Penns, representing the NAACP, was present and addressed the Council in regard to supporting student activities at the Stevenson Pool. He favors the long-range plan of building a new pool at the Taylor Elementary School site.

Mike Hall summarized the proposal and stated he has been in communication with the AISD and they favor the proposal of constructing a pool on the Taylor Elementary site. Additionally, the School District anticipates offering school swimming classes to help increase utilization of the new pool.

Sharon Streeter, citizen, spoke in regard to the construction of the new pool. She favors the new pool, but requests consideration on utilizing the current resources at Stevenson Park and Woodson School.

Staff reported to Council that a list of Park projects can be presented to Council at the next meeting. The list would be used by the Council to choose which projects would be deleted during the current year and/or next year in order to fund the operation of Stevenson pool, if so desired.

Councilman Nixon moved to accept the report from the Stevenson Pool Study Group and implement both short-term and long-term recommendations of the report as funds are available. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

Mike Hall, Director of Community Services, briefed the Council regarding a status update concerning public donations for park purposes.

David Wright, Director of Finance, summarized the procedures that would be followed to implement the donation. First, an advertisement would be printed on the water bill for the first month. The next month water bill would contain a box to check and respond whether or not the citizen would like to participate in the Parks donation program. If the citizen chooses to participate, the next billing would list the \$1.00 donation on the water bill. He clarified the major points involved in the program.

Councilman Robinson moved to approve the public donations for park purposes as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

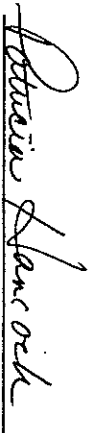
AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

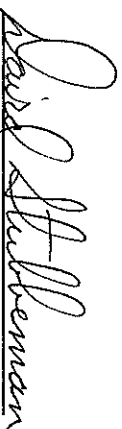
Mayor Stubbeman recessed the Council into executive session in accordance with State law, Sections 2e and 2g of the Open Meetings Act, to consider pending and contemplated litigation and the appointment and evaluation of public officials.

The Council reconvened from executive session and reported no action taken.

There being no further business, the meeting was adjourned at 11:20 a.m.



Patricia Hancock  
City Secretary



David Stubbeman  
Mayor