

**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, **August 13, 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, **August 13, 1987**, at 9:00 a.m.

**CITY COUNCIL:** Mayor Dale Ferguson; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, Tom Ceniglis, 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 July 23, 1987; Budget Work Sessions held July 29, 30, and 31 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. Oral resolution authorizing contract with the Board of Managers for the 9-1-1 Emergency Communication District for administration of the 9-1-1 Program.
  - b. Oral resolution approving recommendation of proposals for microcomputer systems for the Water Utilities Department.
  - c. Oral resolution to consider request for street use license from Southwest Golf Classic.
  - d. Consider on first reading - an ordinance changing zoning district boundaries - **Z-3087** - Request from Edgar L. Wright, agent Schkade Bros. Operating Co., to rezone from MH (Mobile Home) to A0 (Agricultural Open Space) district, located at 7150 Military Dr., and set a public hearing for August 27, 1987, at 9:30 a.m.
  - e. Consider on first reading - an ordinance amending the Zoning Ordinance, Section 23-306.5.B(11), Conditional Use Provisions, "Accessory & Incidental Use", concerning mobile recreation equipment, and set a public hearing for August 27, 1987, at 9:30 a.m.

- f. Consider on first reading - an ordinance amending the Zoning Ordinance, Section 23-306.4, Permitted Uses, to allow public, private or denominational schools by right-of-use in all zoning districts, and set a public hearing for August 27, 1987, at 9:30 a.m.
- g. **APPEALED ITEM:** Consider on first reading - an ordinance amending the Subdivision Regulations, Section 23-264.9.B(4)(c), Stormwater Management Requirements, "Special Provisions for Flood Hazard Reduction in Areas of Special Flood Hazard", concerning placement of mobile and manufactured homes in existing mobile home parks in areas of special flood hazard and set a public hearing for August 27, 1987, at 9:30 a.m.
- h. Consider on first reading - an ordinance changing zoning district boundaries - **Z-02887** - request from John H. & Gene M. McKenna to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district property located at 3041 S. 27th Street and set a public hearing for August 27, 1987, at 9:30 a.m.
- i. Resolution to amend Resolution #26-1987, authorizing the acquisition of right-of-way for Cedar Creek Widening Project, Phase III (1-20 south to Ambler Avenue.
- j. Resolution authorizing City Manager to sign contract with The National Development Council for the preparation of an economic development plan.

5. **Award of Bid:**

- a. Water pipe for Water Utilities Department, Bid #207.
- b. Bulk line for Water Treatment Division, Bid #209.

REGULAR AGENDA

6. **Ordinances & Resolutions:**

- a. Public Hearing: Public comments on West Texas Utilities proposed rate request.
- b. Public Hearing: Proposed statement of objectives for FY 1987 Community Development Block Grant Program.
- c. Resolution approving amendment to CDBG contract with MH/MR, Inc.

7. **Other Business:**

- a. Presentation of Wastewater Collection System Study; Accept Report.
- b. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
- c. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).

ADJOURN

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. Stanley V. Taylor v. City
2. Velasquez v. City
3. Smithwick-Wheeler v. City
4. Maria Slaughter v. City
5. Leonard Glenn Taylor v. City
6. James Hudson & AB Airlines v. City
7. State of Texas v. City
8. Ramsey v. City
9. Michael Mellen v. City
10. Patricia Partin v. City
11. Williams & Chambers v. City
12. Video Vue & American Video
13. McNutt v. City
14. Welch v. City
15. J. C. Haines v. City
16. City of Abilene v. Northeastern Software
17. Abilene Zoological Society v. Pinkerton's
18. Guadalupe Diaz v. City
19. Alicia Garcia v. City
20. Virginia Martin v. City
21. Frieda Hintz v. City
22. WTU Rate Request

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics 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 6/19/87

00139

PRE-COUNCIL WORK SESSION, THURSDAY  
August 13, 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 August 13, 1987, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Dale Ferguson was present and presiding with Councilmen Gary D. McCaleb, Walter Wheat, Tom Ceniglis, and Welton Robinson. Also present were City Manager Jim C. Blagg, Assistant City Managers Rickey Childers and Roy L. McDaniel, City Attorney Harvey Gargill, City Secretary Patricia Hancock and various members of the City Staff. Councilwoman Betty Ray and Councilman Harold Nixon were absent.

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  
August 13, 1987, 9:00 A.M.

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

Mayor Ferguson reconvened the City Council of the City of Abilene, Texas, into Regular Session August 13, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Tom Ceniglis.

There being no additions or corrections to the minutes of the City Council Meeting held July 23, 1987 and the Budget Work Sessions held July 29, 30, and 31 1987, the minutes stand approved.

Councilman Robinson moved approval of the consent agenda items, 4a through 4g, 4i, and 5a through 5b as presented by the staff. Council agreed that Item 4h, Z-2887, would be removed from the agenda and Item 4j, regarding the National Development Council contract, would be moved to the Regular Agenda. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilmen McCaleb, Wheat, Ceniglis, Robinson, and Mayor Ferguson.

NAYS: None.

4.

**Ordinances & Resolutions:**

- a. Oral resolution authorizing contract with the Board of Managers for the 9-1-1 Emergency Communication District for administration of the 9-1-1 Program.
- b. Oral resolution approving recommendation of proposals for microcomputer systems for the Water Utilities Department.
- c. Oral resolution to consider request for street use license from Southwest Golf Classic.
- d. Consider on first reading - an ordinance changing zoning district boundaries - **Z-3087** - Request from Edgar L. Wright, agent Schkade Bros. Operating Co., to rezone from MH (Mobile Home) to A0 (Agricultural Open Space) district, located at 7150 Military Dr., and set a public hearing for August 27, 1987, at 9:30 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.
- e. Consider on first reading - an ordinance amending the Zoning Ordinance, Section 23-306.5.B(11), Conditional Use Provisions, "Accessory & Incidental Use", concerning mobile recreation equipment, and set a public hearing for August 27, 1987, at 9:30 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.
- f. Consider on first reading - an ordinance amending the Zoning Ordinance, Section 23-306.4, Permitted Uses, to allow public, private or denominational schools by right-of-use in all zoning districts, and set a public hearing for August 27, 1987, at 9:30 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.

9. **APPEALED ITEM:** Consider on first reading - an ordinance amending the Subdivision Regulations, Section 23-264.9.B(4)(c), Stormwater Management Requirements, "Special Provisions for Flood Hazard Reduction in Areas of Special Flood Hazard", concerning placement of mobile and manufactured homes in existing mobile home parks in areas of special flood hazard and set a public hearing for August 27, 1987, at 9:30 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

h. Removed from Agenda.

i. Resolution to amend Resolution #26-1987, authorizing the acquisition of right-of-way for Cedar Creek Widening Project, Phase III (1-20 south to Ambler Avenue.

The Resolution is numbered 41-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING RESOLUTION NO. 26-1987, DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF RIGHT-OF-WAY AND GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE SAID RIGHT-OF-WAY FOR THE CEDAR CREEK (AMBLER AVENUE NORTH TO 1-20) WIDENING PROJECT; ESTABLISHING PROCEDURES FOR THE ACQUISITION; AND APPROPRIATING FUNDS.

5. Award of Bid

a. Water pipe for Water Utilities Department, Bid #207.  
The bid was awarded to The Lane Company.

b. Bulk lime for Water Treatment Division, Bid #209.  
The bid was awarded to Chemical Lime Company.

Mike Morrison, Housing and Community Development Administrator, briefed the Council on a Resolution authorizing the City Manager to sign a contract with The National Development Council for the preparation of an economic development plan. He stated the deadline to complete the Plan is the end of November; and the application must be submitted in January or February for funding.

Gary Vest, of the Abilene Industrial Foundation and chairman of the selection committee, explained the review process the Committee went through in assessing the proposals and briefly described the firms that submitted proposals.

Councilman Wheat moved to table the request until the August 27 meeting, and requested all firms present the proposals to the Council for consideration. The motion was seconded by Councilman Robinson, however, the motion failed.

AYES: Councilmen Wheat and Robinson.

NAYS: Councilmen McCaleb, Ceniglis, and Mayor Ferguson.

The motion FAILED.

Councilman McCaleb moved to approve the request as presented by the staff. The motion was seconded by Councilman Ceniglis and the motion failed.

AYES: Councilmen McCaleb, Ceniglis, and Mayor Ferguson.

NAYS: Councilmen Wheat and Robinson.

The motion FAILED.

Council directed staff to place the item on the agenda of the August 27 Council meeting and in the interim staff will provide Council with copies of all the proposals received.

Harvey Cargill, City Attorney, briefed the Council on a Public Hearing providing for public comments on the West Texas Utilities proposed rate increase request.

Mayor Ferguson opened a public hearing to consider the aforementioned request, and the following individuals spoke regarding the request:

FOR:

- Mr. Holman King, Vice President, West Texas Utilities, was present and answered questions from citizens.

AGAINST:

- Hazel Gardener asked several questions about the rate increase.
- Henry Nease, 3357 S. 15th, representing NRC Chapter #1346, Senior Citizen's group.
- J. H. Morris, 2017 Post Oak Road.

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

No action was taken.

Mike Morrison, Housing and Community Development Administrator, briefed the Council on a resolution approving the proposed statement of objectives for Fiscal Year 1987 Community Development Block Grant Program. He reviewed each program proposed to be funded by CDBG funds, and read a statement of CD objectives and use of funds.

Mayor Ferguson opened a public hearing to consider the aforementioned request, and the following individual spoke in regard to the request:

. Vida Wills, 1255 Matador, spoke against the restrictions on the medical/dental assistance program.

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

Councilman Wheat moved to approve the proposed statement of objectives for FY 1987 CDBG program as recommended by the staff. The motion was seconded by Councilman Ceniglis and the motion carried.

AYES: Councilmen McCaleb, Wheat, Ceniglis, Robinson, and Mayor Ferguson.  
NAYS: None.

The Resolution is numbered 42-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A PROPOSED STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1987.

Mike Morrison, Housing and Community Development Administrator, briefed the Council on a Resolution approving an amendment to the CDBG contract with MH/MR Corporation of Abilene, Inc. to increase funding an additional \$10,000.

Mr. Russ Evans, representing the MH/MR Corporation of Abilene, Inc. spoke in favor of the amendment.

Councilman Robinson moved to approve the resolution approving an amendment to the contract, as recommended by staff. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilmen McCaleb, Wheat, Ceniglis, Robinson, and Mayor Ferguson.  
NAYS: None.

The Resolution is numbered 43-1987 and is captioned as follows:



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AN AMENDMENT TO THE CONTRACT WITH THE MENTAL HEALTH-MENTAL RETARDATION CORPORATION OF ABILENE, INC.

Dwayne Hargesheimer, Director of Water Administration, briefed the Council on the Wastewater Collection System Study.

Mr. John Cook, P. E., Freese & Nichols, Inc., began the presentation on the Wastewater Collection System Analysis and the Buck Creek Lift Station Odor Control study. He started with the Buck Creek Lift Station Odor Control Study by reviewing the survey, the evaluation of the odor control systems, and the study conclusions. Recommendations for improvements were described with a project cost of \$522,800.

Lee Head, Project Director, Freese & Nichols, Inc., continued the presentation with a review of the Wastewater Collection System study. The purpose of the study was to assist the City:

- 1) in analyzing the existing wastewater collection system under current 1986 and future year - 2005 flow conditions;
- 2) in identifying inadequate sewer capacity;
- 3) in determining the required improvements; and,
- 4) in preparing opinions of probable construction cost and schedule for the proposed improvements.

He reviewed the key elements of the reports, the data that was developed and collected, and the evaluations that were performed.

Mr. Head next reviewed the recommendations for:

<u>Description</u>	<u>Projected Costs</u>
1) immediate improvements (1987-1990)	<u>\$10,292,800</u>
2) future improvements (1991-1995)	\$10,010,000
3) Additional improvements for which no specific timetable is proposed.	

Mr. Cook summarized the reports and the concepts behind each.

Councilman Wheat moved to accept the Wastewater Collection System Study and the Buck Creek Lift Station Odor Control Study, as presented by staff. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilmen McCaleb, Wheat, Ceniglis, Robinson, and Mayor Ferguson.

NAYS: None.

Mayor Ferguson 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.

City Manager Jim Blagg briefed the Council on his recommendation to appoint Dwain T. Pyburn to the position of Police Chief, and request confirmation.

Councilman Robinson moved to confirm Mr. Blagg's appointment of Dwain T. Pyburn to the position of Police Chief. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilmen McCaleb, Wheat, Ceniglis, Robinson, and Mayor Ferguson.  
NAYS: None.

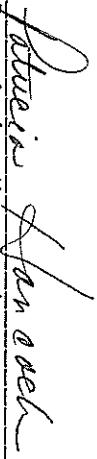
Councilman Wheat moved to approve the appointments and reappointments of members to the Mental Health/Mental Retardation Board of Trustees as follows: Walter Bryan, Rebecca Hill, Bernice Proctor, and Dr. Royce Money, all with terms to expire August 31, 1989; and Mary Lou Gilbreath, with a term to expire August 31, 1988. The motion was seconded by Councilman Ceniglis and the motion carried.

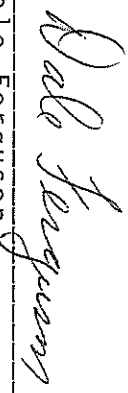
AYES: Councilmen McCaleb, Wheat, Ceniglis, Robinson, and Mayor Ferguson.  
NAYS: None.

The Resolution is numbered 44-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO THE MENTAL HEALTH-MENTAL RETARDATION BOARD OF TRUSTEES.

There being no further business, the meeting adjourned at 12:15 p.m.

  
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Patricia Hancock  
City Secretary

  
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Dale Ferguson  
Mayor