

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, **September 10, 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, **September 10, 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:** Councilman Gary McCaleb.
3. **Approval of Minutes:** Pre-Council Work Session and Regular City Council Meeting held August 27, 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. Consider on second and final reading - an ordinance amending Section 18-294 and 18-299, of the Abilene Municipal Code, referencing various traffic schedules.
 - b. Consider on first reading - an ordinance amending the Abilene Municipal Code, Chapter 8, Article IV, Division 3, Electrical Code, by adopting the 1987 National Electrical Code with amendments and set a public hearing for September 24, 1987, at 9:00 a.m.
 - c. Oral resolution to consider renewal of contract with Pruco Life Insurance Company for group health administration.
 - d. Oral resolution to consider renewal of contract with Central Tax Authority of Taylor County for tax collection services and authorize Mayor to sign contract.
 - e. Consider on first reading - an ordinance changing zoning district boundaries - **Z-02987** - request from Lance Trigg, Jr., agent William S. Perry/Ed Melson, to rezone from AO (Agricultural Open Space) to GC (General Commercial) district, located at Hartford & Dub Wright Boulevard and set a public hearing for September 24, 1987, at 9:00 a.m.

- f. Consider on first reading - an ordinance changing zoning district boundaries - **Z-04087** - request from David Leyerle to add H (Historic) overlay to underlying RM-3 district, located at 704 Beech and set a public hearing for September 24, 1987, at 9:00 a.m.
- g. Consider on first reading - an ordinance changing zoning district boundaries - **Z-04287** - request from Southwest Savings & Loan/University Hills Joint Venture to rezone from 0 (Office) to SC (Shopping Center) district, located in the 1200-1400 block of North Judge Ely Boulevard and set a public hearing for September 24, 1987, at 9:00 a.m.
- h. Consider on first reading - an ordinance for thoroughfare abandonment - **TC-04187** - request from John Crowe and Associates, Inc., being a portion of China Street from South 11th to a point approximately 24 feet south and set a public hearing for September 24, 1987, at 9:00 a.m.
- i. Resolution accepting Federal Aviation Administration Grant for Airport Improvements Project No. 3-48-0002-06-87.
- j. Resolution accepting Federal Aviation Administration Grant for Airport Improvements Project No. 3-48-0002-03-84.
- k. Resolution to consider creating the West Texas Interlocal Crime Task Force.
- l. **Award of Bid: 6" water pipe for Water Utilities Department, Bid #207.**

REGULAR AGENDA

- 5. **Ordinances & Resolutions:**
 - a. **REMOVE FROM TABLE - APPEALED ITEM:**

Consider on second and final 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.
 - b. Resolution to consider extending contract with Abilene Economic Development Company, Inc.
 - c. Discuss update to Airport Master Plan and Minimum Standards for Fixed Base Operators.
 - d. **Public Hearing:** Consider on second and final reading - an ordinance granting rate increase request from West Texas Utilities.
- 6. **Other Business:**
 - a. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
 - b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).
 - c. Resolution nominating candidates to the Board of Directors of the Central Tax Authority of Taylor County.

ADJOURN

00214

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 Slaughtor 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

00215

PRE-COUNCIL WORK SESSION, THURSDAY
September 10, 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 **September 10, 1987**, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Dale Ferguson was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter Wheat, Tom Ceniglis, Melton 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, 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
September 10, 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 September 10, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Councilman Gary McCaleb.

There being no additions or corrections to the minutes of the Pre-Council Work Session and Regular City Council Meeting held August 27, 1987, the minutes stand approved.

Councilman Ceniglis moved approval of the consent agenda items, 4a through 4d, and 4f through 4l as presented by the staff. Item 4e, Z-2987, was withdrawn by the proponent from consideration at the Planning and Zoning Commission meeting and, therefore, removed from the City Council agenda. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

4. **Ordinances & Resolutions:**

- a. Consider on second and final reading - an ordinance amending Section 18-294 and 18-299, of the Abilene Municipal Code, referencing various traffic schedules.

The Ordinance is numbered 56-1987 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- b. Consider on first reading - an ordinance amending the Abilene Municipal Code, Chapter 8, Article IV, Division 3, Electrical Code, by adopting the 1987 National Electrical Code with amendments and set a public hearing for September 24, 1987, at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE IV, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 3, "ELECTRICAL CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- c. Oral resolution to consider renewal of contract with Pruco Life Insurance Company for group health administration.
- d. Oral resolution to consider renewal of contract with Central Tax Authority of Taylor County for tax collection services and authorize Mayor to sign contract.

- e. Removed from agenda.

- f. Consider on first reading - an ordinance changing zoning district boundaries - **Z-04087** - request from David Leyerle to add H (Historic) overlay to underlying RM-3 district, located at 704 Beech and set a public hearing for September 24, 1987, 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.

9. Consider on first reading - an ordinance changing zoning district boundaries - **Z-04287** - request from Southwest Savings & Loan/University Hills Joint Venture to rezone from 0 (Office) to SC (Shopping Center) district, located in the 1200-1400 block of North Judge Ely Boulevard and set a public hearing for September 24, 1987, 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.

h. Consider on first reading - an ordinance for thoroughfare abandonment - **TC-04187** - request from John Crowe and Associates, Inc., being a portion of China Street from South 11th to a point approximately 24 feet south and set a public hearing for September 24, 1987, 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.

i. Resolution accepting Federal Aviation Administration Grant for Airport Improvements Project No. 3-48-0002-06-87.

The Resolution is numbered **49-1987** and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, APPROVING GRANT AGREEMENT FROM THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE MUNICIPAL AIRPORT.

j. Resolution accepting Federal Aviation Administration Grant for Airport Improvements Project No. 3-48-0002-03-84.

The Resolution is numbered **50-1987** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AMENDMENT TO GRANT AGREEMENT FROM THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE MUNICIPAL AIRPORT.

- k. Resolution to consider participation in the West Texas Interlocal Crime Task Force.

The Resolution is numbered 51-1987 and is captioned as follows:

A RESOLUTION AND COOPERATIVE AGREEMENT OF THE CITY OF ABILENE, TEXAS, APPROVING THE FORMATION OF AND PARTICIPATION IN AN INTERLOCAL CRIME TASK FORCE FOR COMBATING NARCOTIC AND CRIMINAL ACTIVITY.

1. **Award of Bid:** 6" water pipe for Water Utilities Department, **Bid #207**. The bid was awarded to Trans-Tex Supply.

Councilman Wheat moved to remove from the table Item 5a, an ordinance amending Section 23-264.9.B(4)(c) of the Subdivision Regulations. The motion was seconded by Councilwoman Ray and the motion carried.

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

Tony Neitzler, Assistant Director of Planning, briefed the Council on an appealed item considered on second and final 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. The Planning and Zoning Commission recommends denial; staff recommends approval.

Councilman Ceniglis moved to include the following language of warning which would be signed by the lessee and be affixed to the lease.

"I, _____, am the owner of a _____ mobile home that is to be placed at _____.

I hereby certify that the above mobile home has not been installed and that I have not signed a lease on the lot described above.

1. I understand that the lot I have selected is in an area that has a serious danger of flooding as determined by the City of Abilene Flood Map.
2. I understand that the City of Abilene strongly advises all property owners in this area to acquire flood insurance.

3. I also understand that the City of Abilene will in no way be responsible for any flood damage that might occur to my property.

City Attorney Harvey Cargill addressed the liability risk to the City if that language is approved. Therefore, based on the City Attorney's advice, the motion was withdrawn.

Mr. Neitzler reviewed an option that includes language of warning to the lessee by providing a tag of warning on the trailer or by posting a sign of warning at the Park. City Attorney Cargill addressed this option and stated this language would allow for easier enforcement of the ordinance and provide some protection to trailer residents.

Following the discussion, Councilman Wheat moved to approve the Stormwater Management Ordinance amendment as presented by staff with the exception that signs will not be required to be posted outside in the Park area. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilwoman Ray, Councilmen Wheat, Robinson, Nixon, and Mayor Ferguson.

NAYS: Councilmen McCaleb and Ceniglis.

The Ordinance is numbered 57-1987 and is captioned as follows:

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.

Mike Morrison, Housing and Community Development Administrator, briefed the Council on a resolution to consider extending the contract with Abilene Economic Development Company, Inc. Staff recommends denial.

Terry Meza, Executive Director, presented a response to the City's evaluation of activities. Ms. Meza reviewed the AEDC Board of Directors' response in detail. Several Board members were present.

Joseph Lopez, Board Member, spoke in favor of the contract. He told of his personal experiences with AEDC.

Cindy Love, 2642 Madison, Board Member, spoke in favor of the contract and suggested the Council give direction to the staff to communicate and work with the Board toward a transition of the agency to the City.

Leon Petty, Chairman of the Board, spoke in favor of the contract.

Jerry Harris, Board Member, spoke in favor of the contract. He recommends a temporary extension of the contract while the City renegotiates a change in the contract.

Floyd Miller, 2101 Oakwood Lane, Board Member, spoke in favor of the contract and the Revolving Loan Program.

Charles Schwertner, AEDC Business Analyst and staff member, spoke in favor. He suggests that the contract be renegotiated to allow more flexibility in his activities to create more jobs.

Councilman McCaleb moved to to extend the contract for an additional 60 days (11-19-87); instruct City staff to work with both AEDC staff and the Board to renegotiate a contract and working plan with a report back to Council at its 11/19/87 Council meeting. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

The Resolution is numbered 52-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, EXTENDING A CONTRACT FOR THE DISBURSEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS WITH THE ABILENE ECONOMIC DEVELOPMENT COMPANY, INC.

James Condry, Director of Traffic and Transportation, briefed the Council on a request for Council direction relative to the Airport Master Plan and Minimum Standards for Fixed Base Operators.

Mayor Ferguson recommends the appointment of a nine-member committee to work with the staff toward updating the Master Plan and Minimum Standards for Fixed Base Operations.

Mr. C. G. Whitten, representing Abilene Aero and Jetwest, the two current fixed base operators at the Airport, requested that his firms be allowed access to the committee to provide their input.

Councilman Ceniglis moved to instruct staff to investigate the feasibility of updating the Airport Master Plan and Minimum Standards for Fixed Base Operations through the use of a Citizens Advisory Committee. The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: None.

ABSTAIN: Councilwoman Ray.

Harvey Cargill, City Attorney, briefed the Council on an ordinance considered on second and final reading, granting a rate increase for West Texas Utilities in the amount of \$18,841,360 on a total company basis.

Mayor Ferguson opened a public hearing to consider the aforementioned request, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman Wheat moved to approve the ordinance authorizing a rate increase for West Texas Utilities as recommended by the staff. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

The Ordinance is numbered 58-1987 and is captioned as follows:

AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY WEST TEXAS UTILITIES COMPANY IN THE CITY OF ABILENE, TEXAS, PROVIDING FOR SCHEDULES, CONDITIONS, SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES.

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.

Councilman Nixon moved to appoint Bob Roadcap as a member of Abilene Clean and Proud, Inc. to fill a vacated term scheduled to expire November, 1988. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

Councilman Ceniglis moved to approve a resolution nominating candidates to the Board of Directors of the Central Tax Authority of Taylor County. The motion was seconded by Councilman Robinson and the motion carried.

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

The Resolution is numbered 53-1987 and is captioned as
follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE,
TEXAS, NOMINATING BOARD OF DIRECTOR CANDIDATES FOR THE
CENTRAL TAX AUTHORITY OF TAYLOR COUNTY.


Councilman Robinson moved to approve the appointments of
members to the Airport Master Plan Advisory Committee as follows:
Lonnie Edwards, Michael Dohrse, Kenneth Musgrave, Doug Adams,
Marvin Smith, Jack Gressett, Jack North, Councilman Ceniglis, and
Councilman McCaleb. The motion was seconded by Councilman
Ceniglis and the motion carried.

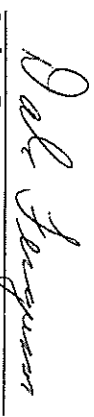
AYES: Councilman McCaleb, Councilwoman Ray, Councilmen
Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

Councilman Wheat moved to appeal the decision of the Board
of Adjustment concerning the variance granted to Video Vue. The
motion was seconded by Councilman Robinson and the motion
carried.

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

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


Patricia Hancock
City Secretary


Dale Ferguson
Mayor