

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 24, 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 24, 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 September 10, 1987.
4. **Employee Service Awards:**

20 Years	Bill R. Stovall	Police
20 Years	William H. Swinney	Street Department
20 Years	Genevieve Daniels	Community Services
20 Years	Wiley Walker	Police

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.

5. **Ordinances and Resolutions:**
 - a. Oral resolution to consider Street Use License to Mid-West Company at 1025 Oak Street for head-in parking and landscaping.
 - b. Oral resolution to consider contract amendment with Command Data for Fire and Police computer-aided dispatching software.
 - c. Oral resolution to consider renewal of Interlocal agreement with Central Tax Authority for computer usage.
 - d. Oral resolution to consider renewal of recreational leases to Abilene Gun Club.
 - e. Resolution to amend Oil and Gas Lease #1987-02, issued to Schkade Brothers, Inc.
 - f. Oral resolution to consider amendment to Community Development Block Grant contract with Mend-A-Child.

6. **Award of Bid:**
- a. Wrecker Service contract for Police Department, **Bid #210.**
 - b. Ductile iron pipe for Water Utilities Department, **Bid #213.**

REGULAR AGENDA

7. **Ordinances & Resolutions:**
- a. **Public Hearing:** - Consider on second and final reading - an ordinance amending Chapter 32, Utilities, Article V, Water, Sewer Connections, Taps and Extensions, of the Abilene Municipal Code.
 - b. **APPEALED ITEM:**
Public Hearing: Consider on second and final reading - an ordinance amending Section 23-313.2.C Area, Height and Placement, "Building Lines - Exceptions," of the Zoning Ordinance to add a section concerning carports.
 - c. **Public Hearing:** Consider on second and final 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.
 - d. **Public Hearing:** Consider on second and final 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.
 - e. **Public Hearing:** Consider on second and final 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 1200-1300 block of North Judge Ely Boulevard.
 - f. **Public Hearing:** Consider on second and final 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.
 - g. Resolution receiving the Mayor's Task Force Report on Community Needs.

8. **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).

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

PRE-COUNCIL WORK SESSION, THURSDAY
September 24, 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 24, 1987, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Dale E. Ferguson was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter E. Wheat, Tom Cengigliis, Welton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Roy L. McDaniel and Rickey Childers, 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
September 24, 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 24, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Work Session and Regular City Council Meeting held September 10, 1987; the minutes stand approved as presented.

Mayor Ferguson presented Employee Service Awards to the following individuals for their tenure of service to the City of Abilene:

20 Years	Bill R. Stovall	Police
20 Years	William H. Swinney	Street Department
20 Years	Wiley Walker	Police

Councilman McCaleb moved to approve the consent agenda items, being 5a through 5c, 5e and 5f, and 6b as presented by the staff. Item 5d was removed from the agenda to be considered at a later date; and Item 6a was removed from the consent agenda to be

considered separately. 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.

5. Ordinances and Resolutions:

- a. Oral resolution to consider Street Use License to The Mid-West Company at 1025 Oak Street for head-in parking and landscaping.
- b. Oral resolution to consider contract amendment with Command Data for Fire and Police computer-aided dispatching software.
- c. Oral resolution to consider renewal of Interlocal agreement with Central Tax Authority for computer usage.
- d. Removed from agenda.
- e. Resolution to amend Oil and Gas Lease #1987-02, issued to Schkade Brothers, Inc.

The Resolution is numbered 54-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING AN OIL AND GAS LEASE DATED APRIL 9, 1987, BETWEEN THE CITY OF ABILENE AND SCHKADE BROTHERS OPERATING COMPANY.

- f. Oral resolution to consider amendment to Community Development Block Grant contract with Mend-A-Child.

6. Award of Bid:

- b. Ductile iron pipe for Water Utilities Department, Bid #213. The bid was awarded to U. S. Pipe on a unit price basis.

The Council next considered the Wrecker Service contract for Police Department, Bid #210, and individuals were present who wished to address the Council.

- . Boyce McKinzy, Abilene Shell Service Center, was present and stated he feels the present bid system of the City for wrecker service is unfair to the small businessman. He proposed the system be split into two

- categories: one bid for 1-ton service and a separate bid for service over 1-ton. Also, that all City regulations conform to State regulations.
- Joe Perez, 1750 Butternut, J & R Body Shop, bidder, would like the small businessman considered. He agrees with the concept of two bids.
- Doc Farley, owner of National Wrecker Service, disagrees with splitting the contract into two bids. He feels this contract is in the best interest of the City and the most cost-effective for the City.
- Clifford Densman, C & D Wrecker, Rt. 2, Box 654, was low bidder, but disqualified on some items because he did not meet all specifications.
- Tommy Stephens, past owner of National Wrecker, now owns National Body Works. He recommends National Wrecker Services.

Roy McDaniel, Assistant City Manager, addressed the City's liability if the contract were split into two separate bids versus one contract for 1-ton and over 1-ton service. He explained that with one contract for all services, the City is not liable for making the decision on which piece of equipment will be used during a wreck situation. Whereas, if there were two separate contracts the City would be placed in the position of deciding which contractor to summon for a wreck, and in essence, deciding the equipment.

Councilman Nixon moved to award the Wrecker Service contract to National Wrecker Service as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

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

Lee Roy George, Director of Planning, briefed the Council on an ordinance considered on second and final reading amending Chapter 32, Utilities, Article V, Water, Sewer Connections, Taps and Extensions, of the Abilene Municipal Code. Staff recommends approval.

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

Councilman Ceniglis moved to approve the ordinance amending Chapter 32 of the Abilene Municipal Code as presented by staff. The motion was seconded by Councilman Wheat, and the motion carried.

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

The Ordinance is numbered 59-1987 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Tony Neitzler, Assistant Director of Planning, Assistant Director of Planning, briefed the Council on an appealed item considered on second and final reading, amending Section 23-313.2.C Area, Height and Placement, "Building Lines - Exceptions, π of the Zoning Ordinance to add a section concerning carports. Staff recommends approval; Planning and Zoning Commission recommends disapproval.

Council had a concern with the amendment which would authorize a blanket-type approval in residential single-family districts, versus review on a case by case basis.

Councilman McCaleb moved to deny the Zoning ordinance amendment concerning carports. The motion was seconded by Councilman Wheat and the motion carried.

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

The request was DENIED

John Pierce, Assistant Director of Building Inspection, briefed the Council on an ordinance considered on second and final reading, amending the Abilene Municipal Code, Chapter 8, Article IV, Division 3, Electrical Code, by adopting the 1987 National Electrical Code with amendments. Staff and the Board of Electrical Examiners recommend approval.

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.

Councilwoman Ray moved to approve the ordinance amending the Abilene Municipal Code, Chapter 8, Article IV, Division 3, by adopting the 1987 National Electrical Code with amendments as recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried.

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

The Ordinance is numbered 60-1987 and is captioned as follows:

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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - **Z-04087** - request from David Leyerle to add H (Historic) overlay to underlying RM-3 district, located at 704 Beech. The Planning and Zoning Commission and staff recommend approval.

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.

Councilwoman Ray moved to approve the Ordinance for Z-04087 to add H to underlying RM-3 as recommended by staff. 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.

The Ordinance is numbered 61-1987 and is captioned as follows:

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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading 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 1200-1300 block of North Judge Ely Boulevard. The Planning and Zoning Commission and staff recommend approval of the amended request and disapproval of the original request.

The original request contained 7.3 acres. Staff is of the opinion the northern portion should remain for office use to provide buffering for residential uses. The original request was also contrary to the recommendations of the Rainy Creek Land Use Plan. The Planning and Zoning Commission amended the request by reducing the area to be rezoned to just the southern 200 feet of the original 7.3 acre tract.

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

- Terry Franklin, representing University Joint Venture and Southwest Savings. He and the proponents concur with the amended request.

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

Councilman Robinson moved to approve the Ordinance on second and final reading for Z-4287, being the amended request, as recommended by staff and the Planning and Zoning Commission. The motion was seconded by Councilman Nixon and the motion carried.

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

The Ordinance is numbered 62-1987 and is captioned as follows:

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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff recommends approval.

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 on second and final reading for TC-4187, as recommended by staff. 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.

The Ordinance is numbered 63-1987 and is captioned as follows:

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.

David Stubbeman, former Mayor, briefed the Council on a Resolution receiving the Mayor's Task Force Report on Community Needs. He thanked Nancy Estes, United Way, as well as all of the Committee Chairpersons for all the diligent hours of hard work put into this report; and recommended the appointment of a group of citizens to review the report and recommend implementation strategies. Staff recommends approval.

Councilman McCaleb moved to approve the resolution receiving the Mayor's Task Force Report on Community Needs, and to express full appreciation to Mayor Stubbeman and all others involved; direct staff to review the report; and that the Council appoint a Citizen's Committee to report within 90 days its recommendations regarding the implementation of the report. The motion was seconded by Councilman Nixon and the motion carried.

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

The Resolution is numbered 55-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, RECEIVING THE MAYOR'S TASK FORCE REPORT ON COMMUNITY NEEDS.

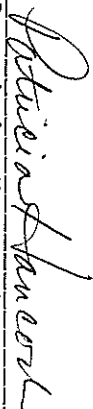
Mayor Ferguson recessed the Council into executive session in accordance with State law, Articles 2e and 2g of the Open Meetings Act, to consider pending and contemplated litigation and the appointment and evaluation of public officials.

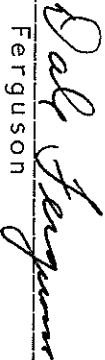
The Council reconvened from executive session and reported no action taken.

Councilman Geniglis moved to appoint Kay Denkhoff to fill a vacated position on Abilene Clean and Proud, Inc. The motion was seconded by Councilman Robinson and the motion carried.

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

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


Patricia Hancock
City Secretary


Date Ferguson
Mayor