

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, **October 22, 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, **October 22, 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 Harold Nixon.
3. **Employee Service Awards:**

25 Years	A. T. Worsham	Park Worker
20 Years	Larry G. Richards	Fire Lieutenant
20 Years	Jeffery L. Parker	Fire Lieutenant
20 Years	Dinsel R. Evans	Fire/Medic
20 Years	Jerry L. Williams	Fire District Chief

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 City Manager to execute contract with Todd Engineering, Inc. for sanitary sewer collection system improvements.
 - b. Resolution authorizing renewal of lease agreement for Hangar #3 at Abilene Municipal Airport.
 - c. Consider on first reading - an ordinance changing Traffic Code Schedules in Section 18-293, Parking Prohibited At All Times and Section 18-299, Parking Time Limited of the Abilene Municipal Code.
 - d. Consider on second reading an ordinance authorizing 10% "Updated Service Credits" in the Texas Municipal Retirement System and adopting the provisions of the Act as amended by the 70th Legislature.

5. **Award of Bid:**
- a. Hardware for Computer-Aided Dispatch System for Police Department, Bid #217.

REGULAR AGENDA

6. **Ordinances & Resolutions:**
- a. **Public Hearing:** Consider on second and final reading - an ordinance for thoroughfare abandonment - TC-4787 - Request from The Midwest Company, located between South 4th and 5th Streets.
 - b. **Public Hearing:** Consider on second and final reading - an ordinance for street name change - SNC-4887 - Request from City of Abilene, for an unnamed street to be named Butterfield Trail for the east-west segment and Stewart Road for the north-south segment, located west of Dub Wright Blvd. and north of Highway 277.
 - c. **APPEALED ITEM**
Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - Z-4487 - Request from Doyce Clouse to rezone from RS-6 (Residential Single Family) to LI (Light Industrial) district, located in the 3000 block of Elm Street.
 - d. **Public Hearing:** Consider on second and final reading - an ordinance amending zoning district boundaries - Z-4587 - Request from The Kroenke Group; agent, Ray Scott, authorizing amendment #2 to Ordinance #23-1986, concerning the Judge Ely North PDMX (Planned Development Mixed Use) district, concerning signs located at N. Judge Ely Blvd. and San Jacinto Drive.
 - e. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - Z-4687 - Request from Greg Boyd to add H (Historic Overlay) to underlying LI (Light Industrial) district, located at 2083 N. 2nd Street.
 - f. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - Z-4987 - Request from SDC Limited; agent, Dale A. Scoggins, to rezone from RM-2 (Residential Multi-Family) to O (Office) district, located in the 3400 block of South 27th Street.
 - g. Resolution of the City of Abilene, Texas approving draft of bond resolution authorizing the West Central Texas Municipal Water District water transmission line contract revenue refunding bonds, Series 1987 and authorizing other matters related thereto.
7. **Other Business:**
- a. Selection of independent auditors for 1988 and beyond.
 - b. Discussion of monthly budget report format.
 - 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

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
23. City v. Board of Adjustment

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 9/18/87

00245

**PRE-COUNCIL WORK SESSION, THURSDAY
October 22, 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 October 22, 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 Ceniglis, 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. Wayne Hargeshemer, Director of Water Utilities, gave a presentation on the proposed sanitary sewer collection system improvements. There being no further questions, the meeting was recessed to the City Council Chambers for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
October 22, 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 October 22, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Harold Nixon.

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

25 Years	A. T. Worsham	Park Worker
20 Years	Larry G. Richards	Fire Lieutenant
20 Years	Jeffery L. Parker	Fire Lieutenant
20 Years	Dinsel R. Evans	Fire/Medic
20 Years	Jerry L. Williams	Fire District Chief

Mayor Ferguson also presented a Certificate of Appreciation to Mike Hall, Director of Community Services and Chairman of the City of Abilene United Way Campaign for 1987, for his role in encouraging City employees to give to United Way. Mr. Hall expressed his gratitude to all the employees that participated in the 1987 United Way Campaign.

Councilman Ceniglis moved to approve the consent agenda items, being 4a through 5a, as presented by the staff. 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 authorizing City Manager to execute contract with Todd Engineering, Inc. for sanitary sewer collection system improvements.

b. Resolution authorizing renewal of lease agreement to Abilene Aero, Inc., for Hangar #3 at the Abilene Municipal Airport.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS TO AUTHORIZE RENEWAL OF LEASE AGREEMENT WITH ABILENE AERO, INC.

c. Consider on first reading - an ordinance changing Traffic Code Schedules in Section 18-293, Parking Prohibited At All Times and Section 18-299, Parking Time Limited of the Abilene Municipal Code.

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.

d. Consider on second and final reading an ordinance authorizing 10% "Updated Service Credits" in the Texas Municipal Retirement System and adopting the provisions of the Act as amended by the 70th Legislature.

The Ordinance is numbered 64-1987 and is captioned as follows:

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE IN THE EMPLOYMENT OF THE CITY OF ABILENE; AND GRANTING THE ADDITIONAL RIGHTS, CREDITS AND BENEFITS AUTHORIZED BY THE 70TH LEGISLATURE; AND PRESCRIBING THE EFFECTIVE DATE OF THIS ORDINANCE.

5. **Award of Bid:**
a. Hardware for Computer-Aided Dispatch System for Police Department, **Bid #217.** The bid was awarded to Digital Equipment Corporation.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading for thoroughfare abandonment - **TC-4787** - Request from The Midwest Company, located between South 4th and 5th Streets. The Planning and Zoning Commission and staff recommends approval.

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

. S. M. Moore, Jr., 4700 Catclaw Drive, agent.

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

Councilwoman Ray moved to approve the Ordinance on second and final reading for TC-4187, as recommended by staff. 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 65-1987 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading for street name change - **SNC-4887** - Request from City of Abilene, for an unnamed street to be named Butterfield Trail for the east-west segment and Stewart Road for the north-south segment, located west of Dub Wright Blvd. and north of Highway 277. The Planning and Zoning Commission and staff recommend approval of the request.

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 Ceniglis moved to approve the Ordinance on second and final reading for SNC-4887, as recommended by 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 66-1987 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TO NAME UNNAMED STREETS TO BUTTERFIELD TRAIL AND STEWART ROAD.

John Hancock, Principal Planner, briefed the Council on an appealed item considered on second and final reading changing zoning district boundaries - **Z-4487** - Request from Doyce Clouse to rezone from RS-6 (Residential Single Family) to LI (Light Industrial) district, located in the 3000 block of Elm Street. The Planning and Zoning Commission and staff recommend disapproval of the request.

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

. Doyce Clouse, 2325 Lincoln Drive, proponent.

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

Councilman Nixon moved to approve the Ordinance on second and final reading for Z-4487. 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 67-1987 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - **Z-4587** - Request from The Kroenke Group; agent, Ray Scott, authorizing amendment #2 to Ordinance #23-1986, concerning the Judge Ely North PDMX (Planned Development Mixed Use) district, concerning signs located at N. Judge Ely Blvd. and San Jacinto Drive. The Planning and Zoning Commission recommends approval of the entire request; staff recommends disapproval of the entire request, but approval of that portion allowing a 475 square foot sign.

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

- Dave Dalzell, 618 Green Valley, representing the Kroenke Group, proponent.
- Mike Decker, Kroenke Group. He presented an artist's depiction of the placement of the signs.
- Mr. Mullins, Hardee's Restaurants, reviewed the plat depicting the placement of the Hardee's sign.

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

Some of the Council expressed concern relative to approving the sign(s) and their dimensions without knowing the exact placement. Mayor Ferguson recommended the Council table the item until the proponent comes to the staff and presents exactly what signs they want. Additionally, Mr. John Risher, Chamber of Commerce, has agreed to work with the proponents and staff to work out the issue toward something that is more suitable for the proponents and the City.

Councilman Wheat was concerned about the appearance of pitting the Council against the Planning and Zoning Commission and Planning and Zoning Commission against the staff. He feels that this request, as approved by the Planning Commission allows signs larger than what the Zoning Ordinance allows.

After much discussion, Councilman McCaleb expressed there are several issues at question relative to the request: the 40' height issue; the 200' versus 400' one sign issue; and the second sign issue. In view of Mayor Ferguson's concerns, Councilman McCaleb feels it appropriate to table the item with the encouragement of working on the issues over the next two weeks with the expectations of having some of the issues resolved. At the November 5th meeting, the Council can review it with a better grasp of all the alternatives and possibilities.

Councilman McCaleb moved to table the request until the November 5th meeting and encourage all participating parties to work together in an attempt to resolve the issues before November 5th. Additionally, another public hearing be held at the November 5th 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 request was TABLED until the November 5, 1987 meeting.

Mayor Ferguson left the Council meeting at this point, and Councilman Gary McCaleb was called to preside over the remainder of the meeting.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - **Z-4687** - Request from Greg Boyd to add H (Historic Overlay) to underlying L1 (Light Industrial) district, located at 2083 N. 2nd Street. The Planning and Zoning Commission, Landmarks Commission, and staff recommend approval.

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

- Greg Boyd, 974 Green Valley, proponent.

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

Councilman Wheat moved to approve the ordinance on second and final reading for Z-4687 as recommended by staff. The motion was seconded by Councilwoman Ray, and the motion carried.

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

NAYS: None.

The Ordinance is numbered 68-1987 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - **Z-4987** - Request from SDC Limited; agent, Dale A. Scoggins, to rezone from RM-2 (Residential Multi-Family) to O (Office) district, located in the 3400 block of South 27th Street. The Planning and Zoning Commission and staff recommend approval.

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

- Jack Chamberlain, Rt. 1, Box 636, Tuscola; representing Dale Scoggins, agent.

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

Councilman Ceniglis moved to approve the ordinance on second and final reading for Z-4987 as recommended by the staff. The motion was seconded by Councilman Nixon and the motion carried.

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

The Ordinance is numbered 69-1987 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.

Roy McDaniel, Assistant City Manager, briefed the Council on a resolution of the City of Abilene, Texas approving draft of bond resolution authorizing the West Central Texas Municipal Water District water transmission line contract revenue refunding bonds, Series 1987 and authorizing other matters related thereto.

Joe Smith, Financial Advisor, First Southwest Company, reviewed the financing package chosen to finance this bond issue.

Councilman Ceniglis moved to approve the resolution authorizing the West Central Texas Municipal Water District water transmission line contract revenue refunding bonds as recommended by staff. The motion was seconded by Councilman Nixon and the motion carried.

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

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

RESOLUTION APPROVING THE ISSUANCE OF WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT WATER TRANSMISSION LINE CONTRACT REVENUE REFUNDING BONDS, SERIES 1987 (CITY OF ABILENE PROJECT)

David Wright, Director of Finance, briefed the Council on the selection of independent auditors for 1988 and beyond.

Councilman Nixon moved to appoint Davis Kinard & Company to conduct the annual audit for a five-year term not to exceed \$23,700 each year for the first three years and \$25,000 each year for the last two years. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

David Wright, Director of Finance, briefed the Council on two suggested revised monthly budget report formats.

Council stated they generally did not want to over-burden the Finance staff, however, felt it important to stay abreast of the City's financial situation.

Councilman Ceniglis moved to approve Example A as the new monthly budget report format, beginning with the October, 1987 reports. The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: None.

It was agreed that the second Council meeting in November would be changed from November 19 to November 12.

Mayor McCaleb 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 Nixon moved to direct Colonel Jensen to designate a representative from Dyess Air Force Base to serve on the Abilene Economic Development Company Overall Economic Development Planning Committee. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.


Mayor McCaleb, on behalf of Mayor Ferguson, recommended the following individuals be appointed to the Needs Assessment Implementation Committee: Nancy Estes, Ruby Perez, Paul Vasquez, Elwin Skiles, Dr. Fred A. White, Becky Cox, Rev. Leo Scott, Kathy Webster, Ken Baker, Beth Deegan, Nancy Dark, Morris Baker, Pete Ybarra, Reverend Carter, and Julian Bridges.

Councilman Wheat moved approval of the appointments as recommended. The motion was seconded by Councilwoman Ray and the motion carried.


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

NAYS: None.

There being no further business, the meeting was adjourned at 11:45 a.m.



Patricia Hancock
City Secretary



Dale Ferguson
Mayor