

**Pre-Council Work Session** of the Mayor and City Council of the City of Abilene, Texas, to be held in the City Council Chambers of City Hall on Thursday, **November 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, **November 12, 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 November 5, 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 first reading - an ordinance amending Sections 23-306.4 and 23-306.5.C(6) of the Zoning Ordinance concernign Golf Driving ranges, pitch and putt, and miniature golf courses, and set a public hearing for December 3, 1987 at 9:00 a.m.
  - b. Resolution approving a contract with the Community Foundation of Abilene for disbursement of CDBG funds.
  - c. Oral Resolution to extend contracts to Abilene Oil Distributors and H. W. Lemens, Inc. for various fuels.
  - d. Oral resolution authorizing City Manager to sign application concerning an Adult Literacy Project.

REGULAR AGENDA

5. Ordinances & Resolutions:

a. **APPEALED ITEM:**

**Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - Z-4287 - Request from Sarah A. Throckmorton; agent, Mary Pat Mercer to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at 2026 Sayles Blvd.

b. **Public Hearing:** Consider on second and final reading - an ordinance for thoroughfare closure - TC-4187 - Request from Garnie R. Hatch, for a 20' wide alley adjacent to the north property line of Lot 4, Block 20, Continuation of College Drive Addition and located between the railroad tracks and Houston Street.

c. **Public Hearing:** Consider on second and final reading - an ordinance for thoroughfare abandonment - TC-4387 - Request from Southside Church of God in Christ, being a portion of Willow Street right-of-way adjacent to Lots 8 and 9, Block 94, Original Town, and located between South 4th and South 5th Streets.

d. **Public Hearing:** Consider on second and final reading - an ordinance amending Sections 23-306.4 and 23.306.5.C(1) of the Zoning Ordinance concerning permits for temporary Amusement Facilities.

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 casting votes for the Board of Directors of the Appraisal District of Taylor County.
- d. Oral resolution making appointments to various City Boards.

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

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**PRE-COUNCIL WORK SESSION, THURSDAY  
November 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 November 12, 1987, at 8:30 A.M. in the City Council Chambers 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. There being no further questions, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING  
November 12, 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 November 12, 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 Meetings held November 5, 1987; the minutes stand approved as presented.

Councilman Robinson left the meeting.

Councilman Wheat moved to approve the consent agenda items, being 4a, 4b, and 4d, as presented by the staff. Item 4c was removed from the agenda to be considered at a later date. The motion was seconded by Councilman Ceniglis and the motion carried.

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

NAYS: None.

5. **Ordinances and Resolutions:**

- a. Consider on first reading - an ordinance amending Sections 23-306.4 and 23-306.5.C(6) of the Zoning Ordinance concerning Golf Driving ranges, pitch and putt, and miniature golf courses, and set a public hearing for December 3, 1987 at 9:00 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.

- b. Resolution approving a contract with the Community Foundation of Abilene for disbursement of CDBG funds.

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

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS APPROVING AN AGREEMENT WITH THE COMMUNITY FOUNDATION OF ABILENE FOR DISBURSEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR DEVELOPMENT OF A PROGRAM DESIGNED TO PROVIDE MANAGEMENT ASSISTANCE SERVICES TO NONPROFIT AGENCIES LOCATED IN ABILENE.

- c. Removed from agenda
- d. Oral resolution authorizing City Manager to sign application concerning an Adult Literacy Project.

The proponent has requested the Council postpone final consideration of the appealed item - Z-4287 - Request from Sarah A. Throckmorton; agent, Mary Pat Mercer to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at 2026 Sayles Blvd., until the December 3, 1987 Council Meeting. Since the item has been advertised as a public hearing, Mayor Ferguson asked if there was anyone in attendance who wished to speak on the item. There being no one present and desiring to speak on the item, Mayor Ferguson asked for a motion to postpone final action on Z-4287 until December 3, and directed the staff to re-advertise the item for a public hearing at the December 3 meeting.

Councilwoman Ray moved to postpone consideration of the item until the December 3, 1987 meeting. The motion was seconded by Councilman Ceniglis and the motion carried.

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

NAYS: None.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading for thoroughfare closure - **TC-4187** - Request from Garnie R. Hatch, for a 20' wide alley adjacent to the north property line of Lot 4, Block 20, Continuation of College Drive Addition and located between the railroad tracks and Houston Street. 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:

. Garnie Hatch, proponent.

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 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, Nixon, and Mayor Ferguson.

NAYS: None.

The Ordinance is numbered **72-1987** 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 thoroughfare abandonment - **TC-4387** - Request from Southside Church of God in Christ, being a portion of Willow Street right-of-way adjacent to Lots 8 and 9, Block 94, Original Town, and located between South 4th and South 5th Streets. 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 Wheat moved to approve the Ordinance on second and final reading for TC-4387, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

The Ordinance is numbered **73-1987** 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.

Councilman Robinson returned to the meeting .

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading amending Sections 23-306.4 and 23.306.5.C(1) of the Zoning Ordinance concerning permits for temporary Amusement Facilities. The Planning and Zoning Commission and staff recommend 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 McCaleb moved to approve the ordinance on second and final reading to amend Sections 23-306.4 and 23.396.5.C(1) of the Zoning Ordinance 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 74-1987 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.

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 Ceniglis moved to approve a Resolution casting votes for the Board of Directors of the Central Tax Authority of Taylor County as follows: 834 for Paul Washburn, and 463 for Al Scott. 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 63-1987 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS TO CAST ITS VOTES FOR THE BOARD OF DIRECTORS OF THE APPRAISAL DISTRICT OF TAYLOR COUNTY.

There being no further business, the meeting was adjourned at 11:15 a.m.

  
Patricia Hancock  
City Secretary

  
Dale Ferguson  
Mayor