

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, **January 28, 1988**, 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, **January 28, 1988**, 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 Meetings held December 17, 1987 and January 14, 1988.

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 joint Resolution calling the General election of City Council Places 1 and 2; and A.I.S.D. Board of Trustees Places 3 and 7, for May 7, 1988, and Runoff elections if appropriate.
 - b. Consider on first reading - an ordinance amending Chapter 8, Construction, Article VI, 1985 Uniform Building Code, Section 302(c), concerning trenching, and set a public hearing for February 11, 1988 at 9:00 a.m.
5. **Award of Bid:**
 - a. Annual award for printing paper used in Print Shop, **Bid #227.**
 - b. Securing of condemned structures for Building Inspection Department, **Bid #231.**

REGULAR AGENDA

6. **Public Appearance:**

- a. Gary Vest, Chairman, to present recommendations of the Overall Economic Development Planning Committee, and consider a Resolution adopting same.
- b. Cleddy Varner, Parks and Recreation Board member, to present status report and request action on the Parks Donation Program.
- c. Raymond McDaniel, Chairman, to present request of Abilene Industrial Foundation Strategic Planning Committee for tax abatement policy, and consider a Resolution adopting same.

7. **Ordinances & Resolutions:**

- a. **Public Hearing:** Consider on second and final reading - Consider on first reading - Request from the City of Abilene/Public Works Department - **TC-00188** - an ordinance for thoroughfare abandonment being 9-foot north-south alley located within Block 41, Continuation of Highland Addition, between South 10th and 11th Streets and Portland and Marshall Streets.
- b. **Public Hearing:** Consider on second and final reading- Request from the City of Abilene/Traffic and Transportation Department - **SNC-00288** - for a street name change ordinance being E.S. 15th Street, S. 15th Street/Berry Lane to South 14th Street, between Maple Street & S. Treadaway Boulevard.
- c. **Public Hearing:** Consider on second and final reading - Request from Bertha Martin, agent Oscar & Marie Brown - **Z-00388** - to add MX (Mixed Use) overlay to underlying RM-3 (Residential Multi-Family) district, located at 1749 Hickory Street.
- d. **Public Hearing:** Consider on second and final reading-an amendment to the Zoning Ordinance, Section 23-306.4, Permitted Uses and Section 23-306.5, Conditional Uses; concerning automobile glass sales and installation in a SC (Shopping Center) district.

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).

FINANCIAL WORK SESSION

1. Presentation and acceptance of Comprehensive Annual Financial Report for FY 1986-87 and authorize payment to Condley & Company for same.
2. Review First Quarter Financial Status for FY 1987-88.

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
January 28, 1988, 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 January 28, 1988, 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. There was a suggestion made to amend wording in item 6a, page 26, Overall Economic Development Committee recommendations, to clarify that no funding will be approved without the consent of the City Council. There being no further questions, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
January 28, 1988, 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 January 28, 1988, 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 December 17, 1987 and January 14, 1988; the minutes stand approved as presented.

Councilman McCaleb moved to approve the consent agenda items, being 4a, 4b, 5a and 5b, as presented by the 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.

5. **Ordinances and Resolutions:**

- a. Adopt Joint Resolution calling the General election of City Council Places 1 and 2; and A.I.S.D. Board of Trustees Places 3 and 7, for May 7, 1988, and Runoff elections if necessary; approve election proclamation.

The Resolution is numbered 1-1988 and is captioned as follows:

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AND THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT, ORDERING ELECTIONS TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON MAY 7, 1988; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE IN PLACES 1 AND 2 ON THE CITY COUNCIL OF THE CITY OF ABILENE AND IN PLACES 3 AND 7 ON THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

- b. Consider on first reading - an ordinance amending Chapter 8, Construction, Article VI, 1985 Uniform Building Code, Section 302(c), concerning trenching, and set a public hearing for February 11, 1988 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- a. Annual award for printing paper used in Print Shop, **Bid #227**. The bid was awarded to Nationwide Paper Company as recommended by staff.
- b. Securing of condemned structures for Building Inspection Department, **Bid #231**. The bid was awarded to Key City Golf Repair & Construction as recommended by staff.

Gary Vest, Chairman of the Overall Economic Development Planning Committee (OEDPC), was present to review the recommendations of the Committee. He reviewed the recommendations in detail with the Council. The OEDPC was appointed in October, 1987, for the purpose of developing an economic development strategy for Abilene and Taylor County. In addition to providing the economic development strategy, this

report of recommendations enables the City and Taylor County to qualify for assistance from the Economic Development Administration. The County Commissioners designated the City as the lead agency for implementing the program. Initial funding for implementation of the program is available through the Community Development Block Grant. Full implementation of the program will require a future commitment from the City Council. The Overall Economic Development Planning Committee unanimously endorsed this Program and recommends its adoption to the Council. The County Commissioners must also approve the Program.

Mayor Ferguson thanked Mr. Vest for his efforts and participation on the Committee and in the development of the Program.

Mayor Ferguson suggested two amendments on page 26 as follows:

- 1) third paragraph: amend sentence to read: "no funding shall be provided by the City of Abilene General Revenue Fund without City Council approval."
- 2) Task #3: Target Industry Study for Taylor County: amend by adding a sentence to read: "Any contracts shall be approved by the City Council."

Mayor Ferguson moved to adopt by oral resolution the recommendations of the Overall Economic Development Planning Committee as presented and amended. 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.

Cleddy Varner, Parks and Recreation Board member, reviewed the Parks Voluntary Contribution Program with the Council. Mr. Varner presented the Board's recommendation as follows to utilize the donated funds to: (1) purchase replacement equipment for two playgrounds, one at Will Hair Park and one at Bowie Park; and (2) purchase 35 picnic tables and 30 barbecue pits that would be located throughout the park system. The cost of this equipment is approximately \$29,000.

Mr. Varner stated that as of December 31, 1987, \$16,170 has been collected through the donation program. Signage will be placed on or near the equipment, identifying it as donation program equipment.

Councilman Ceniglis moved approval of the recommendations from the Parks and Recreation Board regarding the voluntary contribution program. 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.

Raymond McDaniel, Jr., Chairman of the Abilene Industrial Foundation Strategic Planning Committee, was present and reviewed the purpose for a tax abatement policy. The Property Redevelopment and Tax Abatement Act (Chapter 312, Local Tax Code) allows a municipality to designate an area as a reinvestment zone for the purpose of abating taxes on real property. The City, County, and School District must pass resolutions stating that they elect to become eligible to participate in tax abatement, together with a common set of guidelines and criteria covering tax abatement agreements. The Committee recommends the Council adopt the policy.

Mayor Ferguson expressed his gratitude to Mr. McDaniel and everyone involved with the development of the policy.

Councilman Wheat moved to approve the Resolution adopting a tax abatement policy for the City of Abilene, as recommended. 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 Resolution is numbered 2-1988 and is captioned as follows:

A RESOLUTION DECLARING THAT THE CITY OF ABILENE, TEXAS, ELECTS TO BECOME ELIGIBLE TO PARTICIPATE IN TAX ABATEMENT IN ACCORDANCE WITH THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Request from the City of Abilene/Public Works Department - **TC-00188** - an ordinance for thoroughfare abandonment being 9-foot north-south alley located within Block 41, Continuation of Highland Addition, between South 10th and 11th Streets and Portland and Marshall Streets. The Planning and Zoning Commission and staff recommend approval of this request, subject to retention of the full length and width of the alley as an open utility and drainage easement.

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

Councilman McCaleb moved to approve the ordinance for thoroughfare abandonment, **TC-00188**, 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.

The Ordinance is numbered **4-1988** 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 - Request from the City of Abilene/Traffic and Transportation Department - **SNC-00288** - for a street name change ordinance being E.S. 15th Street, S. 15th Street/Berry Lane to South 14th Street, between Maple Street & S. Treadaway Boulevard. The Planning and Zoning Commission and staff recommend approval of the request.

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

Councilwoman Ray moved to approve the ordinance for street name change - **SNC-00288** - 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 **5-1988** and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF E.S. 15TH STREET, S. 15TH STREET/BERRY LANE TO SOUTH 14TH STREET.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Request from Bertha Martin, agent Oscar & Marie Brown - **Z-00388** - to add MX (Mixed Use) overlay to underlying RM-3 (Residential Multi-Family) district, located at 1749 Hickory Street. The proponent originally requested Limited Commercial (LC) zoning, but agreed to amend the request to the MX overlay during the Planning and Zoning meeting. The staff is opposed to the request for LC zoning, but favors the MX amended request. The Planning and Zoning Commission recommends approval of the MX overlay zone.

Mayor Ferguson opened a public hearing on the 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 amending the zoning district to add MX overlay to RM-3 district 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 6-1988 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 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 amending the Zoning Ordinance, Section 23-306.4, Permitted Uses and Section 23-306.5, Conditional Uses; concerning automobile glass sales and installation in a SC (Shopping Center) district. The Planning and Zoning Commission and staff recommend approval.

Mayor Ferguson opened a public hearing on the item, and the following individual spoke in favor of the request:

- . Johnny Jennings, 310 N. Willis, building designer, representing Mr. Cliff Watt of West Mark Investments Realtors; and Gus Crim, Manager of Binswanger Glass Company.

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

Councilman Nixon moved to approve the request to amend Section 23-306.4, Permitted Uses and Section 23-306.5, Conditional Uses of the Zoning Ordinance, 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.

The Ordinance is numbered 7-1988 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, Article 5262-17, Sections 2e and 2g of the Open Meetings Act, to consider pending and contemplated litigation and the appointment and evaluation of public officials.

Mayor Ferguson moved the meeting to the Basement Conference Room, where the Council reconvened from executive session and reported no action taken.

Councilman Ceniglis moved to approve the appointments of Mr. Cecil Perry and Mr. Dennis Watson to the Swimming Pool Board of Appeals. 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.

Councilman Nixon moved to approve the appointment of Charles E. Erwin to the Civil Service Commission to fill a vacated term expiring 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 the appeal of the WTU Rate Case. 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.

David Wright, Director of Finance, briefed the Council regarding the presentation and acceptance of the Comprehensive Annual Financial Report for FY 1986-87. He reviewed with the Council the City's financial status at this same time last year. He discussed the remaining months during the fiscal year 1986-87 and the effects of the revenue shortage on the budget.

Mr. Wright recognized the members of his staff and expressed his gratitude to them for their help and assistance throughout the year.

Mr. Wright introduced Mr. Jerry Crisp, CPA; and Danny Reynolds, CPA; of Condley and Company. Mr. Crisp introduced the Comprehensive Annual Financial Report to the Council and stated overall the general purpose financial statements present fairly the financial position of each fund types and account groups of the City as of September 30, 1987, and are in conformity with generally accepted accounting principals. He reviewed a variety of Fund schedules with the Council.

Roy McDaniel, Assistant City Manager, recognized that this is the last year for Condley and Company to conduct the annual audit under their contract. The Council also expressed their appreciation to Condley and Company and to Mr. Wright and his staff.

Councilman McCaleb moved to accept the Comprehensive Annual Financial Report for FY 1986-87, and authorize payment to Condley & Company for same. 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.

David Wright, Director of Finance, reviewed several financial charts and graphs depicting the City's financial status for the first quarter of fiscal year 1987-88. Based on the first quarter of revenue receipts, it appears revenues are in line with budgeted projections. However, the staff will continue to monitor the City's two major revenue sources (Property and Sales Taxes) for any change.

He also reviewed the monthly budget reports submitted to Council. The Council expressed their favorable acceptance of the new monthly budget reports and format.

There being no further business, the meeting was adjourned at 12:30 p.m.



Patricia Hancock
City Secretary



Dale Ferguson
Mayor