

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, March 24, 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, March 24, 1988, at 9:00 a.m.

CITY COUNCIL: Mayor Dale Ferguson; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, Tom Cengelis, 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 March 10, 1988.
4. **Employee Services Awards:**

40 Years	Randolph B. Scarborough	Water Department
35 Years	David R. Reddell	Fire Department
20 Years	Clayton Wilson, Jr.	Refuse Division

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. Consider Oral Resolution approving street use license request from Dr. W. W. Voelter and C. D. Urban, located at 1525 Hickory.
 - b. Consider on first reading - An ordinance amending Chapter 8, Construction, Article 6, Division 3, Electrical Code, concerning electrical license renewal procedures, and set a public hearing for April 14, 1988 at 9:00 a.m.
 - c. Consider on second and final reading - an ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code, Section 18-257, concerning designation of parking spaces in the Library Parking lot.
 - d. Consider on first reading - an ordinance amending Chapter 29, Streets and Sidewalks, Section 29-90 and 29-91, concerning street use license provisions for advertising, and set a public hearing for April 14, 1988 at 9:00 a.m.

6. **Award of Bid:**
 - a. Furnishing and installing a SCADA System & Radio Telemetry System for Water Utilities Department, **Bid #236.**
 - b. Various water system appurtenances for Water Utilities Department, **Bid #242.**
 - c. Three (3) flail mowers for Parks Division, **Bid #237.**
 - d. Fire & Police communications system, **Bid #225.**

REGULAR AGENDA

7. **Public Appearance:**
 - a. Dr. Joe Dahlstrom, Chairman of the Abilene Library Consortium, to request permission to submit a grant application to the State for automation program, and approve oral resolution for same.

8. **Ordinances & Resolutions:**
 - a. **Public Hearing:** Consider on second and final reading - an ordinance for thoroughfare closure - **TC-00488** - Request from Abtex Beverage Company; agent, Carl Williams for a portion of the cul-de-sac at the west end of Colonial Drive and a 20' alley, located at Colonial Drive west of N. Clack.
 - b. **Public Hearing:** Consider on second and final reading - an ordinance changing zone district boundaries - **Z-00588** - Request from Mark & Amy Mayfield to add H (Historic overlay) to underlying HI (Heavy Industrial) district, located at 1502 Cherry.
 - c. **Public Hearing:** Consider on second and final reading - an ordinance amending Sections 23-255.4 and 23-264.7 of the Subdivision Regulations, concerning fees for preliminary utility plan and development permit application review.
 - d. Consider Oral Resolution authorizing grant application to the Texas Department of Human Services for summer food service program.
 - e. Consider Resolution calling an election for the purpose of deciding the question of Police and Fire collective bargaining in the City of Abilene.
 - f. Consider resolution opposing the Police and Fire Collective Bargaining measure.

9. **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

00072

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

00073

PRE-COUNCIL WORK SESSION, THURSDAY
March 24, 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 March 24, 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 Cenigilis, Melton 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. Dwain Pyburn, Chief of Police, briefed the Council on item 6d, Fire & Police Communications System bid. He informed the Council that the bid needs to be approved contingent upon the sale of bonds. He highlighted the proposals of each vendor and the problems encountered with each. Both bidders did not completely meet specifications. Staff recommends the proposal of Motorola is the most advantage to the City and that it be accepted.

There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETINGS
March 24, 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 March 24, 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 Meeting held March 10, 1988; the minutes stand approved as presented.

Mayor Ferguson presented Employee Services Awards to the following employees for their tenure of service to the City:

40 Years	Randolph B. Scarborough	Water Department
35 Years	David R. Reddell	Fire Department
20 Years	Clayton Wilson, Jr.	Refuse Division

Prior to the consent agenda, Council thanked City Attorney Harvey Cargill, Assistant City Attorney Claudia Clinton, and all the City employees who assisted in the lawsuit between the City vs. Deja Vu and Reflections. He congratulated all employees involved on a successful victory.

Councilman Ceniglis moved to approve the consent agenda items, being 5a through 5d, and 6a through 6d, as presented and recommended 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.

4. Ordinances and Resolutions:

- a. Consider Oral Resolution approving street use license request from Dr. W. W. Voelter and C. D. Urban, located at 1525 Hickory.
- b. Consider on first reading - An ordinance amending Chapter 8, Construction, Article 6, Division 3, Electrical Code, concerning electrical license renewal procedures, and set a public hearing for April 14, 1988 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. Consider on second and final reading - an ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code, Section 18-257, concerning designation of parking spaces in the Library Parking lot.

The Ordinance is numbered 13-1988 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, DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- d. Consider on first reading - an ordinance amending Chapter 29, Streets and Sidewalks, Section 29-90 and 29-91, concerning street use license provisions for advertising, and set a public hearing for April 14, 1988 at 9:00 a.m.

AN ORDINANCE AMENDING ARTICLE V, SECTION 29-90 AND SECTION 29-91, OF THE ABILENE MUNICIPAL CODE, AS SET OUT BELOW: PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

6. Award of Bid:

- a. Furnishing and installing a SCADA System & Radio Telemetry System for Water Utilities Department, Bid #236. The bid was awarded to Garico, Inc. as recommended by staff.
- b. Various water system appurtenances for Water Utilities Department, Bid #242. The bid was awarded to Trans-Tex Supply Company as recommended by staff.
- c. Three (3) flail mowers for Parks Division, Bid #237. The bid was awarded to Professional Turf Equipment Co., as recommended by staff.
- d. Fire & Police communications system, Bid #225. The bid was awarded to Motorola, contingent upon the sale of bonds; as recommended by staff.

Dr. Joe Dahlstrom, Chairman of the Abilene Library Consortium, appeared before the Council to request permission to submit a grant application to the State for automation program, and approve oral resolution for same. He introduced Cynthia Woodall, Librarian for the City of Abilene; Marsha Haper, Abilene Christian University; Joe Speck, McMurry College; and Janis Reinken, Vice Chairman of the Abilene Library Advisory Committee.

Councilman Wheat moved to approve the oral resolution to submit a grant application to the State for an automation program, as recommended. 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading for thoroughfare closure - **TC-00488** - Request from Abtex Beverage Company; agent, Carl Williams for a portion of the cul-de-sac at the west end of Colonial Drive and a 20' alley, located at Colonial Drive west of N. Clack. 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 approval of the request for thoroughfare closure as recommended by staff. The motion was seconded by Councilman Geniglis and the motion carried.

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

The Ordinance is numbered 14-1988 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 changing zone district boundaries - **Z-00588** - Request from Mark & Amy Mayfield to add H (Historic overlay) to underlying H1 (Heavy Industrial) district, located at 1502 Cherry. The Planning and Zoning Commission, Landmarks Commission, and staff recommend approval.

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 approval of the ordinance changing zoning district boundaries - **Z-00588** - located at 1502 Cherry, as recommended by staff. The motion was seconded by Councilman Geniglis, and the motion carried.

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

The Ordinance is numbered 15-1988 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 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 amending Sections 23-255.4 and 23-264.7 of the Subdivision Regulations, concerning fees for preliminary, utility plan and development permit application review. The Planning and Zoning Commission 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.

Councilman Wheat moved to approve the ordinance amendment concerning subdivision regulations, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

The Ordinance is numbered 16-1988 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; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

Mike Hall, Director of Community Services, briefed the Council on an Oral Resolution authorizing grant application to the Texas Department of Human Services for summer food service program.

Councilman Nixon moved to approve the oral resolution authorizing a grant application to the Texas Department of Human Services for a summer food service program and authorize the City Manager or his designee to sign the application, Department of Human Services agreement when approved, and subsequent documents necessary to claim reimbursement. The motion was seconded by Councilman Robnison and the motion carried.

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

Patricia Hancock, City Secretary, briefed the Council on a Resolution calling an election for the purpose of deciding the question of Police and Fire collective bargaining in the City of Abilene. On March 11, the local Fire and Police Associations filed the joint petition calling for the election. By March 18, 554 signatures had been verified as being a sufficient number to mandate the City Council to call the election. The Election Code requires that if this election be called, it be held on May 7.

Councilwoman Ray moved to adopt the resolution calling an election for the purpose of deciding the question of Fire and Police collective bargaining in the City of Abilene. The motion was seconded by Councilman Wheat and the motion carried.

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

The resolution is numbered 14-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS; ORDERING AN ELECTION TO BE HELD IN SAID CITY ON MAY 7, 1988; PROVIDING FOR THE PURPOSE OF DECIDING THE QUESTION OF POLICE AND FIRE COLLECTIVE BARGAINING IN THE CITY OF ABILENE; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTION.

Jim Blagg, City Manager, briefed the Council on a resolution opposing the Police and Fire Collective Bargaining measure.

Each member of the Council expressed their personal opinion on the issue, being in opposition to the measure.

Councilman Nixon moved to approve the resolution opposing the collective bargaining measure, 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.

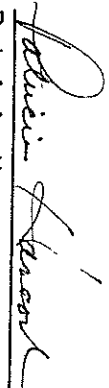
The Resolution is numbered 15-1988 and is captioned as follows:

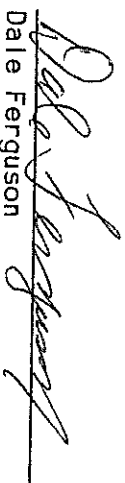
A RESOLUTION IN OPPOSITION TO COLLECTIVE BARGAINING FOR POLICE OFFICERS AND FIREFIGHTERS IN THE CITY OF ABILENE, TEXAS; TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

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.

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

There being no further business, the meeting was adjourned at 10:00 a.m.


Patricia Hancock
City Secretary


Dale Ferguson
Mayor