

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, May 12, 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, May 12, 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: Councilman Harold Nixon.
3. Approval of Minutes: Pre-Council Work Session and Regular City Council Meeting held April 28, 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 on first reading - an ordinance changing zoning district boundaries - Z-00988 - Request from Acme Sign & Plastic Company, agent, David McMeekan, to rezone from RS-6 (Residential Single Family) to HC (Heavy Commercial) district, located on Mesquite Street east of 1225 Walnut, and set a public hearing for May 26, 1988 at 9:00 a.m.
  - b. Consider on first reading - an ordinance amendment for thoroughfare abandonment - Request from Oakwood Development Company, agent R. Michael Wheeler, for a thoroughfare abandonment located between North 2nd & North 3rd and Burger & Green Streets, and set a public hearing for May 26, 1988 at 9:00 a.m.
  - c. Consider on first reading - an ordinance amending Section 23-306.5.H(10), Conditional Use Provisions, of the Abilene Municipal Code concerning Gasoline Pump Overhangs, and set a public hearing for May 26, 1988 at 9:00 a.m.
  - d. Resolution to consider street use license request from Kenley School for August 13, 1988, located in the 300 block of Cypress Street.
  - e. Consider on first reading - an ordinance amending Section 18-293, Parking Prohibited, of the Abilene Municipal Code concerning parking near Redbud Park.

5.

**Award of Bid:**

- a. Lease proposal for one (1) sixteen yard elevating scraper, **Bid #256.**
- b. Miscellaneous street reconstruction projects, **Bid #255.**
- c. Fire & Police Communications System, **Bid #253.**
- d. Fire & Police Telephone System, **Bid #223.**
- e. Chemicals for Water Utilities Department, **Bid #257.**

REGULAR AGENDA

6.

**Special Considerations:**

- a. Canvass results of General Election held May 7, 1988
- b. Presentations
- c. Induction of Council Places 1 & 2
- d. Reception
- e. Election of Mayors Pro Tempore

7.

**Ordinances & Resolutions:**

- a. **11:00 a.m.** - Bid Opening; Consider Award of bid; Consider ordinance authorizing the issuance of \$2,750,000 General Obligation bonds.

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
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

PRE-COUNCIL WORK SESSION, THURSDAY  
May 12, 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 **May 12, 1988**, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Dale Ferguson was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter Wheat, Tom Ceniglis, Melton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Rickey Childers and Roy L. McDaniel, City Attorney Harvey Cargill, City Secretary Patricia Hancock and various members of the City Staff.

The Council briefly discussed various consent and regular agenda items. The staff disseminated to the Council a letter received from AT & T in regard to the award concerning the Police/City Hall Telephone System, Bid #223. The legal staff responded to questions from the Council in that regard.

There being no further questions, the meeting was recessed to the City Council Chambers for the Regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
May 12, 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 May 12, 1988, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Harold Nixon.

Councilman Wheat moved approval of the consent agenda items, 4a through 4e, and 5a through 5e 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.

#### 4. Ordinances & Resolutions:

- a. Consider on first reading - an ordinance changing zoning district boundaries - **Z-00988** - Request from Acme Sign & Plastic Company, agent, David McMeekan, to rezone from RS-6 (Residential Single Family) to HC (Heavy Commercial) district, located on Mesquite Street east of 1225 Walnut, and set a public hearing for May 26, 1988 at 9:00 a.m.

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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.

- b. Consider on first reading - an ordinance amendment for thoroughfare abandonment - Request from Oakwood Development Company, agent R. Michael Wheeler, for a thoroughfare abandonment located between North 2nd & North 3rd and Burger & Green Streets, and set a public hearing for May 26, 1988 at 9:00 a.m.

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.

- c. Consider on first reading - an ordinance amending Section 23-306.5.H(10), Conditional Use Provisions, of the Abilene Municipal Code concerning Gasoline Pump Overhangs, and set a public hearing for May 26, 1988 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.

- d. Oral Resolution to consider street use license request from Kenley School for August 13, 1988, located in the 300 block of Cypress Street.

- e. Consider on first reading - an ordinance amending Section 18-293, Parking Prohibited, of the Abilene Municipal Code concerning parking near Redbud Park.

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.

5. **Award of Bid:**

- a. Lease proposal for one (1) sixteen yard elevating scraper, **Bid #256**. The bid was awarded to West Texas Equipment Company, as recommended by staff.
- b. Miscellaneous street reconstruction projects, **Bid #255**. The base bid and the Alternate No. 1 bid were awarded to E. S. T. Building and Development Company, as recommended by staff.

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c. Fire & Police Communications System, **Bid #253**. The primary proposal was awarded to Motorola Corp.; and the secondary proposal was awarded to Dictaphone Corp., for a Data Log Machine; as recommended by staff.

d. Police/City Hall Telephone System, **Bid #223**. The staff recommended the following: that the City accept the response from Contel/Executive for the Law Enforcement Center and to replace the system at City Hall; and that the City acquire these systems by lease purchase agreement.

e. Chemicals for Water Utilities Department, **Bid #257**. The bid was awarded to various vendors as follows: Liquid Chlorine to Garroll Welding, Anhydrous Ammonia to Zipp Industries, Liquid Aluminum Sulfate to Russ Chemical, Sodium Hydroxide to Coastal Products, Pebble Quick Lime to Austin White Lime, and Liquid Cationic Polymer to Calgon Corporation; all as recommended by staff.

Patricia Hancock, City Secretary, briefed the Council on a Resolution canvassing the returns of the City Election held May 7, 1988, declaring that Gary D. McCaleb received a majority of the votes cast for Council Place 1 and Betty Ray for Council Place 11. Additionally, that the issue of Fire and Police Collective Bargaining has failed, since it did not receive a majority of the votes cast in the election. Ballots were issued to each precinct as required by State law to be duly recorded.

Mayor Ferguson received by mail a Ballot and Seal Certificate from each presiding judge, duly signed by same and released to the City Secretary for filing in the official election records.

Councilman Ceniglis moved to approve the resolution canvassing the returns and declaring the results of the City Election held May 7, 1988. 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 **18-1988** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD IN THE CITY OF ABILENE ON MAY 7, 1988.

Patricia Hancock, City Secretary, disseminated to each member of the City Council their annual pay check of one (1.00) dollar.

Gary D. McCaleb, Council Place 1 and Betty Ray, Council Place 11 were inducted into the office for a three-year term by Patricia Hancock, City Secretary. A reception followed.

Mayor Ferguson asked for nominations of members to serve as Mayors Pro Tempore. Welton Robinson and Harold Nixon were nominated as co-Mayors Pro Tempore. There being no other nominations, the nominations were closed.

Councilman Ceniglis moved to elect Welton Robinson and Harold Nixon as Co-Mayors Pro Tempore. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

ABSTAIN: Councilmen Robinson and Nixon.

Mayor Ferguson recessed the Council into executive session in accordance with State law, 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 in Executive Session.

Councilman McCaleb moved to appoint Sam Waldrop as Chairman of Reinvestment Zone Number One for the City of Abilene for a term effective May 16, 1988 through December 31, 1988. 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.

Councilman Wheat moved to appoint Jim Garrison; and to reappoint Fred Sandlin and Fred Lee Hughes to the West Central Texas Municipal Water District. 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 Ceniglis moved to approve a resolution creating a Senior Citizens Board, and appointing the following members to the board for staggered terms: Durward Young, Paul E. Rehm, Ernest J. Herrmann, Charles White, Mary Davis, Dr. Roy Zuefeldt, Lowell Queen, Leslie Ellis, and Harriet Connor. The motion was seconded by Councilman McCaleb and the motion carried.

The Resolution is numbered 19-1988 and is captioned as follows:

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