

**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 26, 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 26, 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 Gary McCaleb.
3. **Approval of Minutes:** Special Council Meeting held May 5, 1988; Pre-Council Work Session and Regular City Council Meeting held May 12, 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. **Awards:**

**Employee Service:**

20 Years	Leo Brown	Equipment Services
20 Years	Julie E. Stabler	Police

**Special Recognition:**

Housing and Inspection Services Department, Rental Rehabilitation Program

5. **Ordinances and Resolutions:**

- a. Consider on first reading - an ordinance amending the 1985 Uniform Building Code by adding an appendix chapter establishing provisions for accessibility to buildings for handicapped persons, and set a public hearing for June 23, 1988 at 9:00 a.m.
- b. Consider on second and final reading - an ordinance amending Section 18-293, Parking Prohibited, of the Abilene Municipal Code concerning parking near Redbud Park.
- c. Resolution approving sanitary sewer waiver request from Thomas McIntyre for 1.50 acres of the W. J. Reddell pre-emption survey.

6. **Award of Bid:**
- a. Building at Wastewater Reclamation Plant, **Bid #258.**
  - b. Water System Appurtenances for Water Utilities Department, **Bid #261.**

REGULAR AGENDA

7. **Public Appearance:**
- a. Dr. Nancy Dark, Chair of the Human Services Implementation Committee, will present the Committee findings and recommendations.

8. **Ordinances & Resolutions:**
- a. **Public Hearing:** Consider on second and final 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.
  - b. **Public Hearing:** Consider on second and final 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.
  - c. **Public Hearing:** Consider on second and final reading - an ordinance amending Section 23-306.5.H(10), Conditional Use Provisions, of the Abilene Municipal Code concerning Gasoline Pump Overhangs.
  - d. **Public Hearing:** Consider on emergency - an ordinance establishing interim regulations concerning subdivision requirements in the Extraterritorial Jurisdiction.

9. **Other Business:**
- a. Discussion and possible action on raw water pump station and intake structure for Stacy Reservoir.
  - b. Discussion and possible action on United Cable Television's proposed merger.
  - 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

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PRE-COUNCIL WORK SESSION, THURSDAY  
May 26, 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 26, 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 being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
May 26, 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 26, 1988, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Gary McCaleb.

There being no corrections, additions, or deletions to the minutes of the Special Council Meeting held May 5, 1988; Pre-Council Work Session and Regular City Council Meeting held May 12, 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:

20 Years	Leo Brown	Equipment Services
20 Years	Julie E. Stabler	Police

Mayor Ferguson presented a Special Recognition award to the Housing and Inspection Services Department for their Rental Rehabilitation Program.

Councilman McCaleb moved to approve the consent agenda items, being 5a through 5c, and 6a through 6b, as presented and recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried.

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

**Ordinances and Resolutions:**

a. Consider on first reading - an ordinance amending the 1985 Uniform Building Code by adding an appendix chapter establishing provisions for accessibility to buildings for handicapped persons, and set a public hearing for June 23, 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.

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

The Ordinance is numbered 23-1988 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.

c. Resolution approving sanitary sewer waiver request from Thomas McIntyre for 1.50 acres of the W. J. Reddell pre-emption survey.

The Resolution is numbered 20-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE FOR 1.5 ACRES OF THE W. J. REDDELL PRE-EMPTION SURVEY, TAYLOR COUNTY, TEXAS, LOCATED ON BELTWAY SOUTH (F.M. 707) IN ABILENE, TAYLOR COUNTY, TEXAS.

**Award of Bid:**

a. Building at Wastewater Reclamation Plant, **Bid #258**. The bid was awarded to Associated Contractors, Inc., and that by oral resolution the City Manager be authorized to execute a contract on behalf of the City to proceed with construction of the building; as recommended by staff.

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- b. Water System Appurtenances for Water Utilities Department, **Bid #261**. The bid was awarded to Trans-Tex Supply Company on a lump sum basis, as recommended by staff.

Rickey Childers, Assistant City Manager, introduced Dr. Nancy Dark, Chair of the Human Services Implementation Committee, who presented the Committee's findings and recommendations.

Councilwoman Ray moved to accept the report of the Human Services Implementation Committee. 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff recommend approval of the request.

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

- . David McMeekan, 19 Lamar Circle, proponent.

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

Councilman Ceniglis moved to approve the request to rezone from RS-6 to HC district, 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 **24-1988** 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 amendment considered on second and final reading 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.

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The Planning and Zoning Commission and staff recommend approval subject to retention of the full length and width of the alley as a utility and fire separation easement.

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

- . Mike Wheeler, agent for the proponents.

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

Councilman Wheat moved approval of the ordinance amendment for thoroughfare closure, as recommended by staff. 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.

The Ordinance is numbered 25-1988 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 amending Section 23-306.5.H(10), Conditional Use Provisions, of the Abilene Municipal Code concerning Gasoline Pump Overhangs. The Planning and Zoning 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 amendment concerning Gasoline Pump Overhangs, as recommended by 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.

The Ordinance is numbered 26-1988 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.

Lee Roy George, Director of Planning, briefed the Council on an ordinance considered on emergency establishing interim regulations concerning subdivision requirements in the Extraterritorial Jurisdiction. Staff recommends approval.

Mayor Ferguson opened a public hearing on the item, and the following individuals spoke in response to the request:

- Jack Chamberlain, Rt. 1 Box 98A, president of View/Caps Water Supply, would like to see the regulations exemption apply to properties prior to September 1, 1987 instead of January 1, 1973. He stressed the support from residents in the area, citing two letters in favor of the request; then asking for a show of hands from the audience.

- Edith Beard, Rt. 4, Abilene; representing View Volunteer Fire Department Auxiliary. She detailed the need for the Fire Department as well as her family's personal needs for water.

- Mike Ward, Iberis Cemetery Road, recommended they drop the platting requirements.

- Marvin Smith, Intersection of Nugent Road and Beltway North, brought up the need to differentiate between individual family needs and developers.

- Jack Chamberlain, mentioned when the annexation was done, platting was waived.

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

After thorough discussion among Council, staff members, and interested parties, Councilman Robinson moved to approve the ordinance establishing interim regulations concerning subdivision requirements in the Extraterritorial Jurisdiction as recommended by staff, except for a change in the date in subparagraphs (a) and (c) for which properties the regulations will apply from January 1, 1973 to September 1, 1987. 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 27-1988 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AND DECLARING AN EMERGENCY.

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Roy McDaniel, Assistant City Manager, briefed the Council on discussion and possible action on the raw water pump station and intake structure for Stacy Reservoir. It is the Staff's recommendation that the City instruct West Central Texas Municipal Water District to: (1) acquire land at Site 1 for the intake structure and pump station and to immediately begin to provide erosion protection for the structure and begin the process of amending the water rights permit. However, the Staff recommends that the construction of the structure be postponed until a later date in order to more accurately predict the time when the facility will be utilized; (2) proceed with right-of-way acquisition from the reservoir site to the divide just south of Abilene. At some later point, a decision will be necessary as to where to terminate the line. Until that decision is made, the district cannot acquire right-of-way between the City and the hills; and (3) Proceed to have a geotechnical investigation conducted.

Councilman Wheat moved to accept the report on the Stacy Reservoir raw water pump station and intake structure and adopt the recommendations by oral resolution, as recommended by staff. 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.

Roy McDaniel briefed the Council on discussion and possible action on United Cable Television's proposed merger. Staff recommends approval.

Councilman Robinson moved to approve United Cable Television's proposed merger 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 Resolution is numbered 21-1988 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS CONSENTING TO A CHANGE OF OWNERSHIP OF UNITED CABLE TELEVISION CORPORATION, THE PARENT COMPANY OF GENERAL COMMUNICATIONS AND ENTERTAINMENT COMPANY, THE SOLE STOCKHOLDER OF TELEVISION CABLE SERVICE, INC., DBA UNITED CABLE TELEVISION OF ABILENE, THE CURRENT HOLDER OF A FRANCHISE AUTHORIZING THE OPERATING AND MAINTENANCE OF A CABLE TELEVISION SYSTEM IN THE CITY.

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.

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

Councilman Ceniglis moved to approve appointments to various boards as outlined in Exhibit "A" attached hereto and incorporated herewith to these minutes; and adopt two resolutions in regard to the board appointments. 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 22-1988 and is captioned as follows:

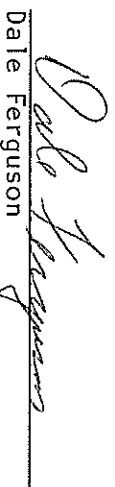
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO THE MENTAL HEALTH-MENTAL RETARDATION BOARD OF TRUSTEES.

The Resolution is numbered 23-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS ESTABLISHING A WATER CONSERVATION ADVISORY COMMITTEE.

There being no further business, the meeting was adjourned at 9:15 a.m.

  
Patricia Hancock  
City Secretary

  
Dale Ferguson  
Mayor