

NOTICE OF SPECIAL MEETING

A SPECIAL CALLED MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WILL BE HELD ON **WEDNESDAY, JUNE 15, 1988 AT 10:00 A.M.; IN THE COUNCIL CHAMBERS, SECOND FLOOR OF CITY HALL** FOR THE PURPOSE OF CONSIDERING AN AMENDMENT TO THE BUILDING CODE TO INCLUDE ALTERING, REPAIRING OR REPLACING OF ROOFS AND BONDING OF ROOFING CONTRACTORS; AND SETTING A FEE SCHEDULE FOR ROOFING CONTRACTORS.

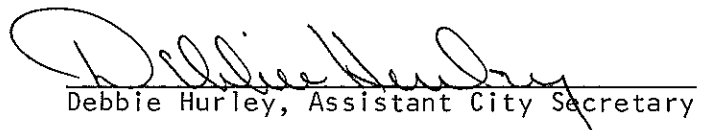
AGENDA

1. Call to Order.
2. Ordinances and Resolutions:
  - a. Consider on Emergency reading - an Ordinance amending Chapter 8, Article IV, Division 2, Building Code, concerning bonding of roofing contractors.
  - b. Consider Resolution setting fee schedule for roofing contractors.
3. Other Business:
  - a. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects), possible action.

ADJOURN

CERTIFICATE

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall of the City of Abilene, Texas, on the 10th day of June, 1988, at 5:00 o'clock p.m.

  
Debbie Hurley, Assistant City Secretary

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. Velasquez v. City
2. Maria Slaughter v. City, Jim Blagg, Harvey Cargill
3. Alicia Garcia v. City
4. James Hudson & AB Airlines v. City
5. Lois Williams & Matthew Chambers v. City
6. Patricia Partin v. City
7. Virginia Martin v. City
8. Frieda Hintz v. City
9. Thornton v. City
10. Christopher Grant Carlson v. City
11. Martha Gillette v. Marietta Proctor
12. City of Abilene v. Board of Adjustment & Video Vue
13. Don Hobbs v. City
14. London Ray Wormsley v. Jorge Solis & Tim Burns
15. Donald J. & Gwendolyn Collins v. City & James N. Van Allen
16. City of Abilene v. Starlite Inn Motor Hotel
17. Cynthia Haile v. City

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.

If personnel issues or litigation issues arise as to the posted subject matter of this City Council Meeting, an executive session will be held.

MC 5/19/88

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SPECIAL COUNCIL MEETING  
THURSDAY, JUNE 15, 1988  
10:00 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
CITY COUNCIL CHAMBERS OF CITY HALL

The City Council of the City of Abilene, Texas, met for a Special Council Meeting on June 15, 1988 at 10:00 A.M. in the City Council Chambers of City Hall for the purpose of considering an emergency ordinance amendment to the Building Code to include altering, repairing or replacing of roofs and bonding of roofing contractors; and setting a fee schedule for roofing contractors. Mayor Dale E. Ferguson was present and presiding with Councilwoman Betty Ray, Councilmen Walter E. Wheat, Tom Ceniglis, and Welton Robinson. Councilman Harold Nixon was absent. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., and City Secretary Patricia Hancock. Councilman Gary D. McCaleb was absent.

John Pierce, Assistant Director of Housing and Inspection Services, briefed the Council on an amendment to the Building Code to include altering, repairing or replacing of roofs and bonding of roofing contractors; and setting a fee schedule for roofing contractors.

The Council first discussed the proposed ordinance among themselves.

Councilman Nixon feels the ordinance is not necessary and suggested that contractors register with the Better Business Bureau and encouraged citizens to contact the Better Business Bureau before they have any work done. The remainder of the Council agreed with Councilman Nixon's suggestions.

Councilman Wheat requested the City Attorney and Risk Manager respond to the question of City's liability if the City Building Inspection Department permits these contractors for reroofing.

Mr. Cargill responded that contractors are responsible for their own work. Mr. Pollard responded that the City Council is allowed to pass ordinances in this regard and is empowered to enforce its ordinances. The risk, if any, associated with this particular amendment is no different than liabilities associated with enforcing the City's plumbing code, building code, etc.

Mr. Bob Test, Abilene Better Business Bureau, was present and Mayor Ferguson asked him to address the Council in regard to the proposed ordinance. Mr. Test stated his concern is basically with the elderly population that cannot check work done by roofers themselves. However, the Better Business Bureau will be happy to cooperate with the City Council in whatever manner the Council chooses.

Joe Felton, President, Consumer Business Affairs, was concerned that the consumers may be hurt if this ordinance is passed because the roofers will pass on their cost to the consumer.

Mr. Teal, Abilene Lumber, was in the audience and Mayor Ferguson asked him to speak to the Council. Mr. Teal stated that his concern is making the public aware of legitimate roofers and to be cautious of the roofers who are not professional and bonded. He does see some benefit to the Council passing some type of minimum standards for the reroofing contractors. He would like to see some kind of inspection by the City and the fee kept to a minimum possibly \$10.00-\$15.00.

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

- Tommy Harendt, 3110 Broken Bough, President of Home Builders Association. He suggested a volunteer inspection versus the mandatory inspection.
- Louis Wicker, Businessman and insurance writer, questioned how the City would enforce the bonding requirements if approved.
- John Beal, 4333 Mary Lou, Contractor, is in favor of bonding and permits, but suggests the permit fees be waived.
- Burl Nash, Contractor, 2058 Woodard, has mixed emotions. He is also a member of the Board of Building Standards. He stated the Board discussed this problem last fall. He feels if the Council's going to bond some subcontractors (like roofers), they should require a bond of all subcontractors. He's in favor of a bond, but not a permit.
- Wayne Island, Homeowner. He questioned where the City would obtain the inspectors to do the extra work if inspections are required.
- I. S. Gathright, 2102 Gathright, contractor. He favors the bond requirement, but disagrees with the permit and fee. He agreed with the volunteer inspection versus mandatory.
- Keith Lavender, Lawton, Oklahoma, roofing contractor, is in favor of the bond and permit.
- Bush Ramsey, Abilene Property Management, is against the permit but favors the bond. He also feels all roofers should register with the City and pay a fee that goes into a fund to be used for public service announcements.
- Doug Morton, 902 Green Valley, is against the bond requirements and feels citizens can inquire about a roofer's bonding status themselves.
- Ray Faircloth, Clyde, thanked the Council for being concerned with the elderly and supports the Better Business Bureau and their assistance to the community.

Councilman Ceniglis moved to deny the proposed emergency ordinance. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

The ordinance was DENIED

Bob Whitehead, Director of Public Works, presented information regarding the roofing work and transporting loose materials and the State Law regulating same (V.C.T.S. Art. 6701d-11, Sec. 3A) Transportation of certain loose materials; restrictions; exceptions; penalties.

Also, he reviewed the operation hours of the landfill and City policies on dumping of material that is in conjunction with the State Law. Basically, he stated that the only place to dump the loose material is the Landfill and not the alley or in trash containers.

The staff will be conducting Public Service Announcements to keep the community informed. Some Council members were concerned that the State Law penalty is too low. Harvey Cargill, City Attorney, informed the Council they could not pass penalties that are in conflict with State Law.

Mayor Ferguson recessed the Council into executive session in accordance with State Law, Article 5262-17, Section 2e of the Open Meetings Act, to consider pending and contemplated litigation.

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

There being no further business, the meeting was adjourned at 11:35 a.m.



Patricia A. Hancock  
City Secretary



Dale Ferguson  
Mayor