

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, **June 23, 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, **June 23, 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:** City Council Retreat held June 2-3, 1988; Pre-Council Work Session and Regular City Council Meeting held June 9, 1988; and Special City Council Meeting held June 15, 1988.
4. **Police Academy Graduating Class.**

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. Oral Resolution authorizing the City Manager to execute Wastewater Treatment Facility operations Assistance Agreement.
 - b. Consider Street Use License request from Abilene Jaycees for the placement of transit waiting benches.
6. **Award of Bid:**
 - a. Surface Land leases for Airport tracts 1 & 3, being adjacent to and part of Abilene Municipal Airport, **Bid #264.**

REGULAR AGENDA

7. **Public Appearance:**
 - a. Ed Jewett, Abilene Jaycees, to request fireworks display July 4, 1988.

- b. Clay Wilkins, Executive Director of Texas Aeronautics Commission, to speak on programs to benefit the Abilene Municipal Airport in general, and specifically programs to enhance the education of school age children.
- c. Sam Waldrop, Chairman, Abilene Reinvestment Zone Number One City of Abilene, to present funding recommendations for the Civic Center Expansion, and consider resolution for same.

8. Ordinances & Resolutions:

- a. **Public Hearing:** Consider on second and final reading - an ordinance amending the 1985 Uniform Building Code by adding an appendix chapter establishing provisions for accessibility to buildings for handicapped persons.
- b. **Public Hearing:** Consider on second and final reading - an ordinance for thoroughfare abandonment - TC-1188 - Request from Roy A. & Ann Davidson, for a thoroughfare abandonment located east of F.M. 3308.
- c. **Public Hearing:** Consider on second and final reading - an ordinance amendment to Section 23-306.4, Permitted Uses, and Section 23-306.5, Cultural and Recreation Use concerning shooting ranges.
- d. **Public Hearing:** Consider on second and final reading - an ordinance amendment to Section 23-306.4, Permitted Uses, and Section 23.306.5, Government, Health, Safety and Welfare Uses, concerning Special Education and Rehabilitation Centers.

9. Other Business:

- a. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects), possible action.
- b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.

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. 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
18. General Electric Co. 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.

HC 6/14/88

PRE-COUNCIL WORK SESSION, THURSDAY
June 23, 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 June 23, 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 8:45 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
June 23, 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 June 23, 1988, at 8:45 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

Clay Wilkins, Executive Director of Texas Aeronautics Commission, spoke on programs to benefit the Abilene Municipal Airport in general, and specifically programs to enhance the education of school age children. He gave suggestions on how to improve the Airport, such as changing the name to the Big Country Regional Airport; to tie the City to the Airport and the Airport to the City by preparing some goals and objectives. By using college students to conduct surveys and analyze results, key issues could be developed. Lastly, he suggested the City staff schedule an open house once a year, whereby businesses would make their planes open to the public.

Mr. Wilkins next discussed an educational program which can be implemented at the local schools, using the mystiques of Airflight to teach math and science. He thanked the Council for the opportunity to speak.

No action was necessary on the item.

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There being no corrections, additions, or deletions to the minutes of the Retreat held June 2-3, 1988; Pre-Council Work Session and Regular City Council Meeting held June 9, 1988; and Special Council Meeting held June 15, 1988; the minutes stand approved as presented.

Mayor Ferguson presented Special Recognition Awards to the Cooper Cougars baseball team and support personnel for winning the State District 5A baseball championship for the second consecutive year. Following the ceremony, Council recessed to join the team members in a reception held in their honor.

Captain Ray Portalatin, Commander, Criminal Investigation Division, introduced to the Council sixteen graduating Police cadets. After each Cadet was presented a graduate diploma, City Secretary Patricia Hancock administered the Oath of Office. Following the graduation ceremony, Council recessed to join the graduates and their families in a reception held in their honor.

Councilwoman Ray moved to approve the consent agenda items, being 5a, 5b, and 6a, as recommended by the 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.

5. Ordinances and Resolutions:

a. Oral Resolution authorizing the City Manager to execute Wastewater Treatment Facility operations Assistance Agreement with OMT, Inc., of Kingwood, Texas.

b. Authorize Street Use License to Abilene Jaycees for the placement of transit waiting benches.

6. Award of Bid:

a. Surface Land leases for Airport tracts 1 & 3, being adjacent to and part of Abilene Municipal Airport, Bid #264. The bid was awarded to Thurston H. Carter, as recommended by staff; authorize the Mayor to execute the lease.

Ed Jewett, Abilene Jaycees, appeared before the Council to request a fireworks display permit for July 4, 1988, at the Taylor County Fairgrounds. The Jaycees have obtained the necessary State Fire Marshal's and Abilene Fire Department permits, therefore, staff recommends approval.

Councilman Robinson moved to approve the request for fireworks display, 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.

Sam Waldrop, Chairman, Abilene Reinvestment Zone Number One City of Abilene, introduced Mary Jo North, Chair of Civic Abilene, Inc., who presented funding recommendations for the Civic Center Expansion. Civic Abilene, Inc. unanimously approved the expansion project. Marilyn Roberts, Member, Civic Abilene, Inc., presented the details of the expansion. She disseminated a letter from Nancy Perini, of the Abilene Visitors and Convention Bureau, who supports the project.

Mr. Waldrop added that the Reinvestment Zone appointed a subcommittee to study the request from Civic Abilene, Inc. The Reinvestment Zone unanimously adopted the use of Reinvestment Zone funds for the Civic Center expansion project.

Walter Wheat stated that he has opposed the Reinvestment Zone since its inception. He does not believe this expansion fulfills the concept of public/private coordinated use of funds. He recommended the Council submit the issue to the voters. Additionally, he recommends the Reinvestment Zone be abolished and the funds be returned to the respective taxing entities.

Mr. Waldrop responded to Councilman Wheat's statement. He stated that the downtown area is depleting, but he feels the need to continue to attempt to develop Abilene's downtown area is essential. He feels if the zone continues, the Council will begin to see more future projects.

Mrs. Roberts responded that when the bond issue was submitted to the voters, the project was a \$4 million expansion and no details had been decided. She feels the voters did not know what they were going to get for the \$4 million. However, now she feels the proposed project is more economical and will help generate more activity downtown. By using the Reinvestment Zone moneys, a method of funding is now available without raising the tax burden for the taxpayers. The original proposal to the Board of Directors of the Reinvestment Zone was for partial funding of the project; however, the Board of Directors recommended funding the entire project, at a cost of \$2.9 million.

Mayor Ferguson, Councilman McCaleb, Councilwoman Ray, and Councilman Nixon all responded positively to the recommendations.

Councilman McCaleb moved to adopt the resolution authorizing the use of tax increment funds to fund the Civic Center Expansion project. The motion was seconded by Councilman Nixon, and the motion carried.

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

NAYS: Councilman Wheat.

ABSTAIN: Councilman Robinson.

The Resolution is numbered 27-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE EXPANSION OF THE ABILENE CIVIC CENTER USING FUNDS TO BE PROVIDED BY THE ABILENE REINVESTMENT ZONE NUMBER ONE.

Bob Fowler, Director of Housing and Inspection Services, briefed the Council on an ordinance considered on second and final reading amending the 1985 Uniform Building Code by adding an appendix chapter establishing provisions for accessibility to buildings for handicapped persons. The Board of Building standards and staff recommend approval.

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

- Gary Pullin, Architect, Member of the Board of Building standards.

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

Councilman Ceniglis moved to approve the amendment to the 1985 Uniform Building Code to include handicapped provisions, 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 28-1988 and is captioned as follows:

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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading for thoroughfare abandonment - TC-1188 - Request from Roy A. & Ann Davidson, for a thoroughfare abandonment located east of F.M. 3308. 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:

- Roy Davidson, 3901 Laurel Drive, proponent.

There being no one else 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 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 29-1988 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 amendment to Section 23-306.4, Permitted Uses, and Section 23-306.5, Cultural and Recreation Use; and an Ordinance amendment to Chapter 8, Construction Regulations, concerning indoor shooting ranges. The Planning and Zoning Commission and staff recommend approval.

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

- John Havard, 5210 Llano, the individual requesting the amendment and planning to operate an indoor shooting range.
- Chris Young, Sayles Blvd.

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

There was considerable discussion among Council members concerning the use at Shopping Centers versus stand alone buildings. Some members felt Shopping Center districts should be allowed, as long as all the ordinance conditions are met and the Board of Adjustment approves the special exception permit. Mr. Lee Roy George, Director of Planning, stated that this use is already allowed in General Commercial (GC) zones, of which Westgate Mall is zoned.

Councilman Robinson moved to approve both ordinance amendments concerning shooting ranges, as recommended by staff and the motion was seconded by Councilman Wheat. More discussion followed.

The Council attempted to assist Mr. Havard in his endeavors to legally operate a business (the shooting range), and still protect the citizens from firearm accidents that could occur while transporting firearms to and from the range in a crowded mall-type environment.

Councilman Ceniglis moved to amend the motion by removing any reference to Shopping Center (SC) districts from the ordinance. The motion was seconded by Councilman McCaleb and the motion carried.

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

Therefore, the main motion before the Council is to approve an ordinance amendment to Section 23-306.4 and 23.306.5 of the Zoning Ordinance, removing any reference to Shopping Center (SC) districts from the ordinance; and an ordinance amendment to Chapter 8, all concerning indoor shooting ranges. The motion carried as follows:

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

The Ordinance is numbered 30-1988 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; AND DECLARING A PENALTY.

The Ordinance is numbered 31-1988 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading amending Section 23-306.4, Permitted Uses, and Section 23.306.5, Government, Health, Safety and Welfare Uses, concerning Special Education and Rehabilitation Centers. 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:

. Chris Kiker, 3910 Wycliffe.

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

Councilman Ceniglis moved to approve the ordinance amendment concerning Special Education and Rehabilitation Centers, 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.

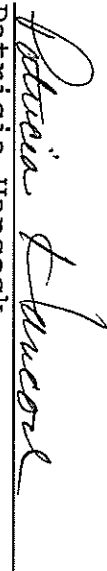
The Ordinance is numbered 32-1988 and is captioned as
follows:

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

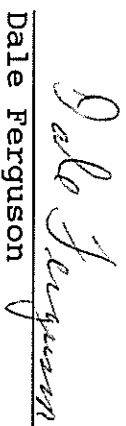
Mayor Ferguson recessed the Council into executive session in
accordance with State law, Article 5262-17, Sections 2e and 2g of
the Open Meetings Act, to consider pending and contemplated
litigation and the appointment and evaluation of public
officials.

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

There being no further business, the meeting was adjourned
at 12:10 p.m.



Patricia Hancock
City Secretary



Dale Ferguson
Mayor