

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, July 28, 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, July 28, 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 Session and Regular City Council Meeting held July 28, 1988; and City Council Budget Sessions held July 18 and 19, 1988.
4. Employee Service Awards:

35 Years	James H. Davis	Water Distribution
30 Years	Huston B. Jones	Wastewater Treatment
20 Years	Charles Jones	Refuse Collection
20 Years	Bernie R. Summers	Equipment Services
20 Years	George W. Chatfield	Water Treatment
20 Years	Rose M. Stubbs	Health Department
20 Years	Bobby R. Drake	Police Department

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 to consider street use license request from Olshan Demolition Company, Inc. for temporary use of a portion of North Fourth Street east of Cypress Street.

- b. Oral resolution authorizing selection of Kincaid Auction Company to conduct annual City auction.
 - c. Oral Resolution to consider a plan for citizens participation in the Community Development Block Grant Program.
 - d. Resolution endorsing the "Good Roads" amendment to the Texas Constitution.
 - e. Consider on first reading - an ordinance amending Chapter 18, "Traffic", of the Abilene Municipal Code, concerning traffic code schedules.
 - f. Consider on second and final reading - an ordinance amending Chapter 11 of the Abilene Municipal code, concerning food and food handlers.
6. Award of Bid:
- a. Two (2) Tractor/Mowers for Parks Division, Bid #272.
 - b. Traffic Signal Heads for Traffic Department, Bid #271.

REGULAR AGENDA

7. Ordinances & Resolutions:
- a. Consider on second and final reading - an ordinance amending Chapter 28, Solicitations, concerning telephone solicitations, exceptions, and application.
APPEALED ITEM:
 - b. Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - Z1288 - Request from Robert B. Choate to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district, located at the northwest corner of S. 20th & Highland Streets.
 - c. Public Hearing: Consider on second and final reading - an ordinance amending Section 23-306.4, Permitted Uses, and Section 23-306.5.E Educational and Religious Use of the Abilene Municipal Code, to allow driving schools in O (Office) zoning districts.
 - d. Public Hearing: Consider on second and final reading - an ordinance amending Section 23-306.4, Permitted Uses of the Abilene Municipal Code, to allow a Mobile Home (permanent security residence) in GC (General Commercial) districts.
 - e. Consider on second and final reading - an ordinance amending Ordinance #71-1985, concerning Fire Department Staffing Modification.

8. Other Business:
- a. Corps of Engineers presentation: findings of reconnaissance study flood control alternatives for Elm and Catclaw Creek.
 - b. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects), possible action.
 - c. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.

ADJOURN

00151

(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 Slaughtner 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

00152

PRE-COUNCIL WORK SESSION, THURSDAY
July 28, 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 July 28, 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. Fire Chief Richard Knopf answered questions regarding the proposed change to the Fire Manning Ordinance. Bob Whitehead, Director of Public Works, explained the Corps of Engineers presentation and its purpose. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
July 28, 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 July 28, 1988, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Harold Nixon.

There being no corrections, additions, or deletions to the minutes of the Pre Council Session and Regular City Council Meeting held July 28, 1988; and City Council Budget Sessions held July 18 and 19, 1988; the minutes stand approved as presented.

Mayor Ferguson presented Employee Service Awards to the following individuals for their years of service to the City of Abilene:

35 Years	James H. Davis	Water Distribution
30 Years	Huston B. Jones	Wastewater Treatment
20 Years	Charles Jones	Refuse Collection
20 Years	Bernie R. Summers	Equipment Services
20 Years	Rose M. Stubbs	Health Department

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

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

5. Ordinances and Resolutions:

- a. Oral Resolution approving a street use license to Olshan Demolition Company, Inc., for temporary use of a portion of North Fourth Street east of Cypress Street.
- b. Oral resolution authorizing the selection of Kincaid Auction Service to conduct 1988 City auction.
- c. Oral Resolution approving the Citizens Participation Plan for the Community Development Block Grant Program, and Programs under the Texas Community Development Act.
- d. Resolution endorsing the "Good Roads" amendment to the Texas Constitution.

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

A RESOLUTION OF THE CITY OF ABILENE, TEXAS ENDORSING AND SUPPORTING THE PROPOSED GOOD ROADS AMENDMENT TO THE TEXAS CONSTITUTION.

- e. Consider on first reading - an ordinance amending Chapter 18, "Traffic", Sections 18-293 and 18-299 of the Abilene Municipal Code, concerning traffic code schedules.

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.

- f. Consider on second and final reading - an ordinance amending Chapter 11 "Food and Food Handlers" of the Abilene Municipal code, by deleting Article IV, Milk and Milk Products and Article V, Frozen Food.

The Ordinance is numbered 33-1988 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 11, "FOOD AND FOOD HANDLERS," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

6. Award of Bid:
 - a. Two (2) Tractor/Mowers for Parks Division, Bid #272. The bid was awarded to Godsey Equipment Company, as recommended by staff.
 - b. Three-section aluminum Traffic Signal Heads for Traffic Department, Bid #271. The bid was awarded to Consolidated Traffic Controls, Inc., as recommended by staff.

Patricia Hancock, City Secretary, briefed the Council on an ordinance considered on second and final reading amending Chapter 28, Solicitations, concerning telephone solicitations, exceptions, and application. On July 22, the City staff met with approximately 20 local non-profit organizations. During the meeting, the existing ordinance and proposed amendment were discussed at length. Several concerns were expressed about reducing the possibility of fraud; but overall, the amendment received no opposition. Staff recommends approval.

Councilwoman Ray moved to approve the ordinance amending Chapter 28, Solicitations, as recommended by staff.

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

The Ordinance is numbered 34-1988 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 28, "SOLICITATIONS," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

David Lawrence, Planner II, briefed the Council on an appealed item considered on second and final reading, being ordinance changing zoning district boundaries - Z1288 - Request from Robert B. Choate to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district, located at the northwest corner of S. 20th & Highland Streets. The Planning and Zoning Commission and staff recommend disapproval.

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

FOR:

- Robert Choate, proponent.

- Mrs. Choate, proponent, presented proposed plans to build a residential-looking structure which will be used to sell square-dancing supplies and materials.

AGAINST:

- Mr. Heilhecker, 1965 Highland, presented a petition to the Council in opposition.

- David McEntee, 1966 Highland.

- John Harper, 1974 Highland, owner of a vacant house.

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

Councilman Nixon moved to deny the request to rezone from RM-3 to LC, as recommended by staff and the Planning and Zoning Commission. 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 request and ordinance were DENIED.

David Lawrence, Planner II, briefed the Council on an ordinance considered on second and final reading amending the Zoning Ordinance Section 23-306.4, Permitted Uses, and Section 23-306.5.E, Educational and Religious Use, to allow driving schools in O (Office) zoning districts. 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:

- Charles McClure, property owner of lot in question.

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

Councilman Wheat moved approval of the ordinance amending Section 23-306.4 and Section 23-306.5.E of the Zoning Ordinance to allow driving schools in Office zoning districts, 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 35-1988 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.

David Lawrence, Planner II, briefed the Council on an ordinance amending Section 23-306.4, Permitted Uses of the Zoning Ordinance, to allow a Mobile Home (permanent security residence) in GC (General Commercial) districts. 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 Ceniglis moved approval of the ordinance amending Section 23-306.4 of the Zoning Ordinance to allow a Mobile Home in General Commercial Districts, 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 36-1988 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.

Fire Chief Richard Knopf briefed the Council on an ordinance considered on second and final reading amending Ordinance #71-1985, concerning Fire Department Staffing Modification, by giving the history of the Ordinance. In 1983 the staffing of equipment was changed internally. In 1985, a Fire Staffing Study was conducted by the Department. Basically, the Staffing Study concluded that manning should be based upon the number of firefighters per vehicle, not the number of firefighters per population. Following the conclusion of the Staffing Study, a proposal to amend the initiative ordinance requiring 1.5 firefighters per 1,000 population was presented to the Council and approved. The Ordinance (71-1985) specifies staffing at four (4) firefighters per piece of front-line equipment. This staffing level is optimum, but has proven to be extremely expensive.

The current ordinance has proven to be inflexible. The proposed amendment allows for a workable staffing compromise by specifying a numerical range of on-duty personnel (42-46). This allows some flexibility in scheduling problems that may occur during vacancies due to sick leave, injury, retirements, etc. Additionally, this amendment, by allowing such flexibility, will reduce the costs for overtime, yet provide high quality fire protection.

Mayor Ferguson read aloud a letter from seven chief officers of the Department in favor of Chief Knopf and his professionalism. City Attorney Harvey Cargill reported on a case in Beaumont concerning the Council repealing an initiative ordinance for Collective Bargaining. Beaumont won on appeal.

Mayor Ferguson stated that a public hearing is not required on the item. However, he asked if anyone in the audience would like to speak on the item and the following individuals spoke in opposition to the proposal:

- . J. D. Dennis, Abilene Firefighters Assoc., and a firefighter.
- . Mike Parker, 674 Forrest. He favors Fire prevention efforts and feels this proposal would be very costly.

Chief Knopf added that the ordinance amendment will allow the fire personnel that have been transferred to suppression to be transferred back to Fire Prevention.

Councilman McCaleb moved to approve the ordinance amending Ordinance #71-1985, concerning Fire Department Staffing, as recommended by staff. The motion was seconded by Councilman Nixon and the motion carried.

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

The Ordinance is numbered 37-1988 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS TO AMEND THE ABILENE FIRE DEPARTMENT MANNING ORDINANCE NO. 71-1985.

Bob Whitehead, Director of Public Works, briefed the Council on reconnaissance study flood control alternatives for Elm and Catclaw Creek by the Army Corps of Engineers. Following a request for assistance for flood control along Elm Creek and Catclaw Creek by Mayor Ferguson in a letter dated July 15, 1987, it was determined by the Corps of Engineers, Fort Worth, that both funding and authority are available to restudy this area

through the Open Study Authority on the Brazos River and Tributaries, Texas and New Mexico, which was funded in Fiscal Year 1987. The Reconnaissance Study for Abilene began in November, 1987, the results of which are to be presented by the Corps of Engineers at this Council meeting. Mr. Whitehead then introduced Weldon Scrivner from the Fort Worth District, U. S. Army Corps of Engineers, who presented their findings. Mr. Scrivner introduced his colleagues who were also in attendance: Mr. Mike Mocek, Chief of Fort Worth District Planning Division; Mr. Jerry McCrory, Chief of Basin Planning; Meredith Dixon, Real Estate Division; and Judy Marsicano, Public Affairs.

The purpose of placing this item on the agenda is to allow the Corps of Engineers to present their findings and receive public input. The following individuals spoke on the subject:

- . Andy Wolpert, residing south of 707, inquired what would become of homeowners in the floodplain south of town, and how the study will affect property value.
- . Leland Robinson, residing south of affected area, challenged the Corps of engineers to attack the problem at the source, at the spillway at Lake Abilene.
- . Dr. John Dearing, owner of veterinary clinic in the affected area, suggested corrections be made within the city limits.
- . John Harris, property owner in the affected area, requested a time frame for implementation of the project.
- . Mr. Bridwell, former member of a Flood Committee in the 50's and 60's for the City, was under the impression that the primary focus was to get water through Abilene, not to the town.
- . Christine McDonald, property owner in affected area, suggested cleaning out Elm Creek from Lake Fort Phantom in to town.
- . Bailey Choate, land developer, is for the project and would like to see it expedited.
- . Winston Olhausen, questioned accuracy of data being used in the study, expressed concern of being "in limbo" regarding a timetable, and urged Council to be very conscientious in making a decision.


The Reconnaissance Study has had no direct fiscal impact on the city; however, the next step in the sequence involves a two-year Feasibility Study which, if Council ultimately authorizes it, will require 50% local participation. It is recommended that Council plan to conduct a workshop at its August 11, 1988 Pre-Council Session to determine whether or not the City will participate in the Feasibility Study and direct the Corps on which projects to include therein prior to September 1, 1988: (1) Elm Creek Detention Dam; 2) Catclaw Creek Channel Improvement; 3) Elm Creek Channel Improvement (Pine Street to Lake).

No action was necessary.

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