

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, August 25, 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, August 25, 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: Pre Council Session and Regular City Council Meeting held August 11, 1988.
4. Employee Service Awards:

35 Years	Hallie Ruth Cole	Library
25 Years	Aubry K. Heatly	Water Distribution
20 Years	George W. Chatfield	Water Treatment
20 Years	Bobby R. Drake	Police Department
20 Years	Charles E. Nowlin	Refuse Collection

#### 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 Gatlin Brothers Southwest Golf Classic.
  - b. Consider on Second and Final Reading - An Ordinance amending Chapter 18, "Traffic", Section 18-299, Parking Time Limited, of the Abilene Municipal Code, concerning traffic code schedules.
  - c. Consider on Second and Final reading - an ordinance amending Chapter 1, "General Provisions", of the Abilene Municipal Code, concerning fines and penalties.
  - d. Oral resolution to approve Interlocal Agreement between the City and State Telecommunications System (STS) for intrastate long distance service.
  - e. Oral resolution approving amendment to Citizens' Participation Plan.

6. Award of Bid:
  - a. Water pipe for Water Utilities Division, Bid #280.
  - b. Modular furniture for Police Department, Bid #279.

REGULAR AGENDA

7. Ordinances & Resolutions:
  - a. Public Hearing: Consider on second and final Reading - Ordinance Approving Revised 1987-88 Budget and Proposed 1988-89 Budget, including Revenue Sharing; Resolution to consider approving a fee schedule for Maxwell Golf Course; and Resolution approving a final statement of Community Development Objectives and Projected Use of Funds.
  - b. Public Hearing: Consider on second and final Reading - Ordinance Setting Tax Levy.
  - c. Public Hearing: Consider on second and final reading an ordinance changing zoning district boundaries - Z-1388 - Request from Wendell Leach, Trustee; agent, Dennis Waxler, to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located at Chimney Rock Road and Pamela Drive.
  - d. Public Hearing: Consider on second and final reading an ordinance amending Sections 23-306.4, 23-306.5.H and 23-363 of the Zoning Ordinance concerning Restaurant, Fast Food (drive through only).
  - e. Public Hearing: Consider on second and final reading an ordinance amending Subdivision Regulations concerning extraterritorial jurisdiction requirements; and resolution adopting extraterritorial jurisdiction boundary map.
  - f. Resolution to consider authorizing "Letter of Concurrence" with the Corps of Engineers to enter feasibility study for the analysis of the Elm Creek detention dam and alternatives.
8. 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

00170

(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

00171

PRE-COUNCIL WORK SESSION, THURSDAY  
August 25, 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 August 25, 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. City Manager Jim Blagg discussed changes in Items 7a and b (budget and tax items) since their first reading: including a lowered tax and tax collection rate; and one additional position of Fire Airport rescue was added.

Bob Whitehead quickly told the Council of some changes in the Corps of Engineers feasibility study, item 7f. Specific changes being an increase in the study cost and possible participation in funding the City's share by the Texas Water Development Board.

Councilman Robinson asked if an updated service credit for retirees was considered or included in the proposed 1989 budget. Mr. Blagg responded that the staff did consider updated service credits for all employees, as well as retirees, when preparing the entire personnel package for the budget. Updated service credits must be applied to all employees before retirees can be added. The cost to do so was approximately \$80,000, which the staff felt was too excessive to propose in this budget. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
August 25, 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 August 25, 1988, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

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There being no corrections, additions, or deletions to the minutes of the Pre Council Session and Regular City Council Meeting held August 11, 1988; the minutes stand approved as printed.

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

35 Years	Hallie Ruth Cole	Library
25 Years	Aubry K. Heatly	Water Distribution
20 Years	Bobby R. Drake	Police Department

Councilman McCaleb moved to approve the consent agenda items, being 5a through 5e, and 6a through 6b, as recommended by the 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.

5. Ordinances and Resolutions:

a. Oral Resolution authorizing street use license to Gatlin Brothers Southwest Golf Classic, limiting access to the Fairways Addition to the golf tournament.

b. Consider on Second and Final Reading - An Ordinance amending Chapter 18, "Traffic", Section 18-299, Parking Time Limited, of the Abilene Municipal Code, concerning traffic code schedules.

The Ordinance is numbered 39-1988 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; AND DECLARING A PENALTY.

c. Consider on Second and Final Reading - an ordinance amending Chapter 1, "General Provisions", of the Abilene Municipal Code, concerning fines and penalties.

The Ordinance is numbered 40-1988 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- d. Oral resolution authorizing an Interlocal Agreement between the City and State Telecommunications System (STS) for intrastate long distance service from September 1, 1988 to August 31, 1989.
- e. Oral resolution approving an amendment to the Citizens' Participation Plan for the Community Development Block Grant Program.
6. Award of Bid:
  - a. Water pipe for Water Utilities Division, Bid #280. The bid was awarded to Texas Independent Pipe Supply on a lump sum basis, as recommended by staff.
  - b. Modular furniture for Police Department, Bid #279. The bid was awarded to Barnhill Office Equipment, as recommended by staff.

David Wright, Director of Finance, briefed the Council on an Ordinance considered on second and final reading - Approving Revised 1987-88 Budget and Proposed 1988-89 Budget, including Revenue Sharing; Resolution to consider approving a fee schedule for Maxwell Golf Course; and Resolution approving a final statement of Community Development Objectives and Projected Use of Funds. He specifically mentioned a change in the budget Ordinance since Council approved it on first reading, being an additional personnel position at the Airport for fire rescue. He also informed the Council of a change to the tax ordinance since it was approved on first reading. The change is in the tax collection rate which staff feels better reflects actual collections. The collection rate was changed from 94% to 94.5%. Also, a change occurred in the tax rate from what the Council approved on first reading. At first reading of the tax levy ordinance, Council authorized a tax rate at the effective tax rate (which was to be set by the Central Tax Authority), plus 1.87 cents. The effective tax rate, as set by the Central Tax Authority, is 53.56 cents; however, only a 1.46 cent increase is needed in addition to the effective rate to fund the programs and services in the budget. Therefore, the tax rate proposed in the tax levy ordinance for consideration today is .5502 cents. Staff recommends approval of both ordinances and both resolutions.

Mr. Wright introduced Ken James, American Golf Association, who spoke on the rate increase for golf fees. Mr. James informed the Council that he has presented his proposal to the senior golfers and the Parks and Recreation Board; both of which felt the proposal is fair.

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.

Councilwoman Ray moved to approve on second and final reading, an ordinance approving revised 1987-88 budget and proposed 1988-89 budget, including Revenue Sharing; a resolution approving a fee schedule for Maxwell Golf Course; and a resolution approving a final statement of Community Development objectives and projected use of funds. 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 41-1988 and is captioned as follows:

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 1987-1988; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 1988, THROUGH SEPTEMBER 30, 1989, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING.

The Resolution is numbered 35-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A FEE SCHEDULE FOR MAXWELL MUNICIPAL GOLF COURSE, AND ESTABLISHING AN EFFECTIVE DATE.

The Resolution is numbered 36-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1988-89.

Councilman Robinson moved to approve the ordinance setting a tax levy for fiscal year 1988-89, 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 Ordinance is numbered 42-1988 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 1988, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 1988; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

David Lawrence, Planner II, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - Z-1388 - Request from Wendell Leach, Trustee; agent, Dennis Waxler, to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located at Chimney Rock Road and Pamela Drive. 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 Wheat moved approval of the ordinance changing zoning district boundaries form AO to RS-6 property located on the south side of Chimney Rock Road west of Buffalo Gap Road, between Pamela Drive and Carrie Ann Lane, 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 43-1988 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.

David Lawrence, Planner II, briefed the Council on an ordinance considered on second and final reading amending Sections 23-306.4, 23-306.5.H and 23-363 of the Zoning Ordinance concerning Restaurant, Fast Food (drive through only). 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 Nixon moved approval of the ordinance amending Section 23-306.4, 23-306.5.H and 23-363 of the Zoning Ordinance concerning Restaurant, Fast Food (drive through only), 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 44-1988 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.

Councilwoman Ray left the meeting.

Lee Roy George, Director of Planning, briefed the Council on an ordinance considered on second and final reading amending Subdivision Regulations concerning extraterritorial jurisdiction requirements; and a resolution adopting the extraterritorial jurisdiction (ETJ) boundary map. The Planning and Zoning Commission and staff recommend approval.

Mr. George specifically mentioned that the five-mile ETJ boundary encroaches on the City of Buffalo Gap. The staff and Council of Buffalo Gap have been negotiating the boundary line. Boundary lines affecting two or more cities must be mutually agreed upon between the affected cities. The Buffalo Gap Council will be deciding on their recommendation in the near future. Once the recommendations are received from Buffalo Gap, the staff will return to the Council to amend the Resolution to relocate the boundary line for that area near Buffalo Gap.

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

- Jack Chamberlain, Rt. 1, Tuscola; also a member of the Extraterritorial Jurisdiction Review Committee.
- Christine McDonald, asked about existing subdivisions. Mr. George said the ordinance, if approved, is retroactive only to 9/1/87.
- Weston Olhausen, is in the ETJ area and wants a water meter. He questioned whether he would be required to get a permit. Mr. George responded he would only be required to get a permit if he plans to subdivide any land in the ETJ area.

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

Councilman Ceniglis moved to approve the ordinance amending Subdivision Regulations concerning extraterritorial jurisdiction requirements and a Resolution adopting the extraterritorial jurisdiction boundary map, as recommended by staff. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilmen McCaleb, wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

The Ordinance is numbered 45-1988 and is captioned as follows:

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY FOR ABILENE, TEXAS, ADOPTING THE CITY OF ABILENE EXTRATERRITORIAL JURISDICTION BOUNDARY MAP.

Bob Whitehead, Director of Public Works, briefed the Council on a Resolution to consider authorizing a "Letter of Concurrence" with the Corps of Engineers to enter into a feasibility study for the analysis of the Elm Creek watershed. Mr. Whitehead brought the Council up to date since the last Council meeting. The staff is asking the Council to consider authorizing a "Letter of Concurrence" with the Corps of Engineers to enter into a feasibility study. He next reviewed the alternatives that the Corps and City agree upon to include in the study. If the letter is approved, there are specific steps which must be considered and acted upon either by the staff or Council. The next document the Council will consider is the cost sharing agreement, which is tentatively scheduled for review in December, 1988. Mr. Whitehead reiterated that the Council may stop the study at any point, up until the cost sharing agreement is executed.

Mr. Whitehead specifically mentioned the costs for the study are increasing. The report at the last Council meeting put the total at \$400,000. Today, the Corps estimates an increase to \$600,000 for the 2-year study. Therefore, the City's share is 50% of the \$600,000. On August 24, the staff received a letter from the Texas Water Development Board initially committing to a partial participation in the study. Their participation would be to assist in funding the City's 50% share. The staff will inform the Council at the point a final commitment is received from the Texas Water Development Board.

Councilman Nixon expressed his concerns about relocating citizens from their homes if a dam is recommended. He stated the City's past election record on flood control has not been good, and he is concerned about future support from the citizens. He questioned some sentences in the Letter of Concurrence relative to the City's financial capability and future maintenance responsibility. Councilman Wheat concurred with Councilman Nixon. The staff reiterated that the city has no control over individuals building homes outside the city limits nor can the city regulate construction, etc. The subdivision regulations are the only regulations that extend beyond the city limits.

Mayor Ferguson feels that today's action is only to express an interest to proceed with negotiations for a study.

Councilman McCaleb agrees with some issues Councilman Nixon expressed. However, he feels it is the Council's responsibility to continue to protect the city from flooding and the study will provide viable options available to protect the city from flooding. Furthermore, that the decision being considered today does not specify any single alternative, such as a dam, or diversion, etc., nor commit any city funds, but only expresses interest to proceed with negotiations for a study.

Councilman McCaleb moved to approve, by oral resolution, a Letter of Concurrence with the Corps of Engineers, to enter into a feasibility study for the Elm Creek Watershed. as recommended by staff. The motion was seconded by Councilman Ceniglis and the motion carried.

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


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.

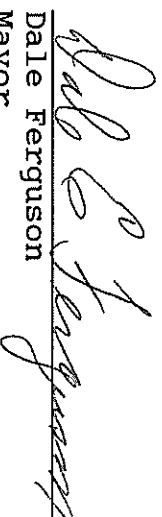
The Council reconvened from executive session and reported no action taken.

Councilman Ceniglis moved to appoint Tom Willis to the Swimming Pool Advisory Board to fill a vacated position expiring November, 1989. The motion was seconded by Councilman Robinson and the motion carried.

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

There being no further business, the meeting was adjourned at 11:30 a.m.

  
Patricia Hancock  
City Secretary

  
Dale Ferguson  
Mayor