

**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, December 1, 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, December 1, 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 Tom Ceniglis.
3. **Approval of Minutes:** Pre Council Session and Regular City Council Meeting held November 17, 1988.
4. **Employee Service Awards:**

45 Years	Felix C. Villalovos	Meter Technician Water Distribution
25 Years	Kenneth Hambright	Captain Police Department
25 Years	Gene E. Ellison	Heavy Equipment Oper. Water Distribution
20 Years	Gene Keesee	Sergeant 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. Consider Resolution declaring the necessity to acquire, and authorizing the condemnation of, certain described property for right-of-way for the Old Anson Road Bridge at Elm Creek Project.
  - b. Consider Resolution accepting the Abilene/Taylor County Law Enforcement Center, approving change orders and authorizing final payment to the Contractor and Architect.

- c. Consider on second and final reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, Sections 18-293, Parking Prohibited; and 18-297, Stopping, Standing, and Parking Prohibited.
- 6. **Award of Bid:**
    - a. Construction of Sanitary Sewer Line in Russell Avenue, Bid #294.
    - b. Construction of Will Hair Trunk Sewer, Projects I & III, and Anson Avenue Interceptor, Project II, Bid #295.
    - c. Purchase of breathing apparatus for Fire Department, Bid #CB9-005.

REGULAR AGENDA

- 7. **Public Appearance:**

Joanne Bell-Martucci, President of Taylor-Jones Humane Society to discuss request for joint venture to expand existing animal control facility and operations.
- 8. **Ordinances and Resolutions:**
  - a. Public Hearing: Consider on second and final reading - an ordinance amending Chapter 23, Sections 23-306.4 and 23-306.5.B of the Zoning Ordinance concerning travel trailers (accessory to hospital).
  - b. Public Hearing: Consider on second and final reading - an ordinance amending Chapter 23, Section 23-356.5A of the Zoning Ordinance concerning organization and membership of the Landmarks Commission.
  - c. Public Hearing: Consider on second and final reading - an ordinance amending Chapter 23, Section 23-315.2.J of the Zoning Ordinance concerning parking commercial vehicles in residential districts.
  - d. Consider resolution authorizing the Mayor to enter into an agreement between the United States of America and the City of Abilene for the Abilene Local Flood Protection Project (feasibility phase study).

- 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.

(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 Slaughtor v. City, Jim Blagg, Harvey Cargill
3. Alicia Garcia v. City
4. James Hudson & AB Airlines v. City
5. Lois Willlams & 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 & JamesN. 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

00232

PRE-COUNCIL WORK SESSION, THURSDAY  
December 1, 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 **December 1, 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 Wheat, Tom Ceniglis, Welton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Rickey Childers and Roy L. McDaniel, City Attorney Harvey Cargill, City Secretary Jo Moore and various members of the City Staff.

The Council briefly discussed various items on the agenda, and there being no further questions or discussion, the meeting was recessed to the City Council Chambers for the Regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
December 1, 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 December 1, 1988, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Tom Ceniglis.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Work Session and Regular City Council meeting held November 17, 1988, Councilman Ceniglis moved to approve the minutes as printed. 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.

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

45 Years	Felix C. Villalovos	Meter Technician
		Water Distribution
25 Years	Kenneth Hambright	Captain
		Police Department
25 Years	Gene E. Ellison	Heavy Equipment Oper.
		Water Distribution
20 Years	Gene Keesee	Sergeant
		Police Department

Councilwoman Ray moved approval of the consent agenda items, 5a through 5c, and 6a through 6c as presented 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 & Resolutions:**

- a. Consider Resolution declaring the necessity to acquire, and authorizing the condemnation of, certain described property for right-of-way for the Old Anson Road Bridge at Elm Creek Project.

The Resolution is numbered 56-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY FOR THE ELM CREEK AT OLD ANSON ROAD CHANNEL AND BRIDGE IMPROVEMENT PROJECT, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

- b. Consider Resolution accepting the Abilene/Taylor County Law Enforcement Center, approving change orders and authorizing final payment to the contractor and Architect.

The Resolution is numbered 57-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ACCEPTING THE ABILENE/TAYLOR COUNTY LAW ENFORCEMENT CENTER, ADOPTING CHAPTERS 252 AND 271 OF THE LOCAL GOVERNMENT CODE, APPROVING CHANGE ORDERS, AND AUTHORIZING PAYMENT.

- c. Consider on second and final reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, Sections 18-293, Parking Prohibited; and 18-297, Stopping, Standing, and Parking Prohibited.

The Ordinance is numbered 54-1988 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.

**6. Award of Bid:**

- a. Construction of Sanitary Sewer Line in Russell Avenue, Bid #294. The low bid of \$254,740.90 was awarded to Rhodes Construction, the most advantageous for the City, as recommended by staff.
- b. Construction of Will Hair Trunk Sewer, Projects I & III, and Anson Avenue Interceptor, Project II, Bid #295. The bid for Projects I & III in the amount of \$2,414,447.05 was awarded to E. P. Brady, Inc.; and the bid for Project II was awarded to Pate & Pate Enterprises in the amount of \$1,177,879.32; as recommended by staff.
- c. Purchase of breathing apparatus for Fire Department, Bid #CB9-005. The low bid was awarded to Riggs First Line Equipment in the amount of \$11,604.00 as recommended by staff.

**7. Public Appearance:**

Joanne Bell-Martucci, President of Taylor-Jones Humane Society presented a request for a joint venture with the City if Abilene to expand the existing animal control facility and operations, and asked the Council to approve by oral resolution the concept presented.

Councilman McCaleb moved to approve, by oral resolution, the concept of a joint venture between the City of Abilene and the Taylor-Jones Humane Society, as requested. The motion was seconded by Councilman Ceniglis and the motion carried.

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

**8. Ordinances and Resolutions:**

a. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading amending Chapter 23, Sections 23-306.4 and 23-306.5.B of the Zoning Ordinance concerning travel trailers (accessory to hospital). The Planning and Zoning Commission recommends approval. The

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 to approve the Ordinance amending Chapter 23, Sections 23-306.4 and 23.306.5.B of the Zoning Ordinance concerning travel trailers (accessory to hospital). 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.

The Ordinance is numbered 55-1988 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.

b. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading amending Chapter 23, Section 23-356.5A of the Zoning Ordinance concerning organization and membership of the Landmarks Commission. The Planning and Zoning Commission recommends 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 Robinson moved to approve the Ordinance amending Chapter 23, Sections 23-356.5.A of the Zoning Ordinance concerning organization and membership of the Landmarks Commission. 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 56-1988 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.

c. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading amending Chapter 23, Section 23-315.2.J of the Zoning Ordinance concerning parking commercial vehicles in residential districts. The Planning and Zoning Commission recommends approval.; staff recommends prohibiting commercial vehicles in addition to other specified equipment from being parked on lots in residential districts.

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

- Richard Kennedy, 1482 Merchant, is in the trucking industry. He feels this is unnecessary regulation, and stated those in the trucking industry, in order to transport goods, need immediate access to their vehicles.

- Richard Rogers, 1334 Oaks, protests because he has a travel trailer.

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

It was noted that this Ordinance does not restrict recreational vehicles, travel trailers, delivery trucks making deliveries in residential areas, or on-street parking.

Councilman Robinson, after voicing concerns about the effect of this Ordinance on the economy and the need for businesses, made a motion to permit commercial vehicles to park in residential areas for up to a maximum of seven days. The motion died for lack of a second.

Upon being questioned on how many people this Ordinance would affect, Ms. Manson stated she has no way of knowing, nor since it has been unenforceable, are there any records of the number of complaints filed.

Councilman Wheat made a motion to table this item until the staff could study and report to the Council the impact this Ordinance would make. The motion was seconded by Councilman Robinson.

AYES: Councilmen Wheat and Robinson.

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

The motion **FAILED**.

Councilwoman Ray moved to approve the Ordinance amending Chapter 23, Sections 23-315.2.J of the Zoning Ordinance concerning parking commercial vehicles in residential districts. The motion was seconded by Councilman McCaleb and the motion carried. Councilman McCaleb commented on the importance of the trucking industry, and stated that in no way would he want this Ordinance to be interpreted as being against the trucking industry, but only as an instrument to help preserve Abilene's residential areas.

Harvey Cargill, City Attorney, stated for the record, that the Council's action is on the amended version of the Ordinance that was presented at the pre-council session.

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

NAYS: Councilman Robinson.

The Ordinance is numbered 57-1988 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.



d. Councilman Ceniglis made a motion to remove from the table the resolution authorizing the Mayor to enter into an agreement between the United States of America and the City of Abilene for the Abilene Local Flood Protection Project (feasibility phase study). 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.

Mayor Ferguson stated that although this item is not posted as a public hearing, due to the subject matter and the concern of the Council for all of those involved, individuals would be allowed to speak following an explanation of the subject by Bob Whitehead, Director of Public Works.

Mr. Whitehead informed the Council that although the Corps of Engineers cannot reopen the Reconnaissance Study to just look at Lake Abilene, that all feasible alternatives at least in Phase 1 have to be considered, in Phase 2 the City can choose one for the recommended plan. The Corps of Engineers have agreed that they will make the Lake Abilene modifications their #1 priority for study and will do no further study on the Elm Creek Detention Dam until they have completed the study of Lake Abilene, and have brought to the Council a benefit cost ratio for the City Council to consider. The benefit cost ratio on Lake Abilene modifications would be brought to the City Council no later than six months into the study.

The following individuals spoke on the subject:

• John Thompson, County Commissioner, Precinct 3; stated he does not think the citizens of Abilene will support a Bond on flood control.

• Jim Rice, Rt. 12 Abilene, asked to be considered and included in any further flood control study. He stated that he, in the past, has been hurt as much as helped.

• Winston Olhausen, Rt. 3, Box 526, Abilene; feels referendum should be placed before the people to determine if voters would support a bond issue on flood control. He stated the detention dam above Lake Abilene should be studied.

• Max Harding, Rt. 5, Box 300, Abilene; questioned the Corps of Engineers doing the study - why not a private engineering firm? He is opposed to doing the study as presented by Abilene staff.

• W. M. Glover; stated a large part of the flood problem is due to Fort Phantom Hill Lake. When it is full, there is no place for water to go.

John Harris; stated that City staff should do the work, and citizens could clean out the creeks behind their property.

Councilman McCaleb made a motion to approve the Resolution authorizing the Mayor to enter into an agreement between the United States of America and the City of Abilene for the Abilene Local Flood Protection Project with the following modifications:

PART 2: fourth sentence change from "have completed the study of Lake Abilene and have brought to the.." to "...have completed the study of ways, including detention dams, to use Lake Abilene to control flooding and have brought to the..." The motion was seconded by Councilman Ceniglis and the motion carried.

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

NAYS: Councilmen Wheat, Robinson, and Nixon.

The Resolution is numbered 58-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ABILENE FOR THE ABILENE LOCAL FLOOD PROTECTION PROJECT (FEASIBILITY PHASE STUDY).

Mayor Ferguson recessed the Council into executive session in accordance with State law, 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 in Executive Session.

Councilman Wheat moved to approve a portion of the Fall Board Appointments, as presented in written form, and attached to these minutes. 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.

Councilwoman Ray moved to appoint Gary Vest to the Airport Advisory Board to fill a vacated position. 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.

There being no further business, the meeting adjourned at  
11:23 a.m.

  
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Jo Moore  
City Secretary

  
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Dale E. Ferguson  
Mayor

M E M O R A N D U M

December 1, 1988

TO: Members of the City Council  
FROM: Dale Ferguson, Mayor  
SUBJECT: Fall 1988 Board Appointments

I am submitting for your approval the following persons for reappointment to the following Boards and Commissions:

Abilene Clean & Proud, Inc. - 3 year term

Reappoint:  
A Floyd Ball  
A Peggy Dunn  
A Bob Roadcap

Abilene Economic Development Company, Inc. - 3 year term

Reappoint:  
H Joseph Lopez

Board of Electrical Examiners - 2 year term

Reappoint:  
A James Bardin, Master Electrician

Landmarks - 3 year term

Reappoint:  
A Patty Bowdoin  
A Woodlief Brown

Library - 2 year term

Reappoint:  
A Shirley Hunter

Planning & Zoning Commission - 3 year term

Reappoint:  
A Kenneth Musgrave, Sr.

Reinvestment Zone Number One City of Abilene - 2 year term

Reappoint:  
B Jesse Harris  
H Adolfo Gonzales

DF:JM/deh

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