

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, January 26, 1989, at 5:30 p.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, January 26, 1989, at 6:00 p.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 January 12, 1989.

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.

4. **Ordinances and Resolutions:**
 - a. Oral Resolution authorizing the City Manager to sign a contract with the The Wellness Center for Fire Department physical examinations.
 - b. Resolution to commence procedure to close landfill situated on Abilene Brick Company property.
 - c. Consider on second and final reading - an ordinance amending Chapter 25, Police, regarding unclaimed lost and abandoned property.
 - d. Consider Oral Resolution accepting donation of lots for Abilene Softball Association.
 - e. Oral resolution approving lease agreement on Lake Lots #516 & 517.

REGULAR AGENDA

5. **Ordinances and Resolutions**
 - a. **APPEALED ITEM:**
Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-00189** - Request from Martin Pryor to amend a PDD (Planned Development District) ordinance located at South 27th & Buffalo Gap Road.

- b. **Public Hearing:** Oil & Gas drilling permit #8901, Schkade Bros. Operating Company, out of F. Sieberman Survey #12, Jones County, Texas.

6. Other Business:

- a. **Public Hearing:** Consider a Resolution approving a grant application for Sears Park development.
- 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

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(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 Slaughtter 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 & 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

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PRE-COUNCIL WORK SESSION, THURSDAY
January 26, 1989, 5:30 P.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 January 26, 1989, at 5:30 P.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, Melton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore and various members of the city staff.

The Council briefly discussed various consent and regular agenda items, and there being no further discussion, the meeting was recessed until 6:00 p.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
January 26, 1989, 6:00 P.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 January 26, 1989, at 6:00 p.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

There being no additions, deletions, or corrections to the minutes of the January 12, 1989 Pre Council Session and City Council meeting, the minutes stand approved as printed.

Councilman Wheat moved to approve the consent agenda items, being 4a through 4e, as recommended by the 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.

4. **Ordinances and Resolutions:**

- a. Oral Resolution authorizing the City Manager to sign a contract with the The Wellness Center for Fire Department physical examinations.
- b. Resolution to commence procedure to close landfill situated on Abilene Brick Company property.

The Resolution is numbered 3-1989 and is captioned as follows:

00011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AUTHORIZING CITY STAFF TO COMMENCE THE PROCEDURE TO OFFICIALLY CLOSE THE LANDFILL (PROPERTY OWNED BY ROBERT AND NATHAN MORRIS, FORMERLY ABILENE BRICK COMPANY).

- c. Consider on second and final reading - an ordinance amending Chapter 25, Police, regarding unclaimed lost and abandoned property.

The Ordinance is numbered 2-1989 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 25, "POLICE", OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- d. Oral Resolution accepting donation of lots for Abilene Softball Association.
- e. Oral resolution approving lease agreement on Lake Lots #516 & 517.

REGULAR AGENDA

- 5. Ordinances and Resolutions
 - a. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading, changing zoning district boundaries - **2-00189** - Request from Martin Pryor to amend a PDD (Planned Development District) ordinance located at South 27th & Buffalo Gap Road. Lee Roy George, Director of Planning, stated PDD was originally limited, and that it has to be Council's decision to change it. The Planning and Zoning Commission and staff recommend disapproval.

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

- . Martin Pryor, proponent, submitted drawings and pictures; thinks that "detail" businesses do not have a category.
- . Dwain Pyburn, 2500 S. 25th, stated no opposition.

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

Councilman Ceniglis moved to approve the Ordinance amending Planned Development District ordinance located at S. 27th & Buffalo Gap Road. 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 3-1989 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 68-1985, CONCERNING THE OVERPLACE PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

b. **Sandra Trosky**, Senior Land Agent, briefed the council on Oil & Gas drilling permit #8901, Schkade Bros. Operating Company, out of F. Sieberman Survey #12, Jones County, Texas. Staff 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 Nixon moved to approve, by oral resolution, Oil & Gas drilling permit 8901 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.

6. Other Business:

a. **Mike Hall**, Director of Community Services, briefed the Council on a Resolution approving a grant application for Sears Park development. Staff 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 Nixon moved to approve the resolution approving a grant application for Sears park development, 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 Resolution is numbered 4-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, HEREINAFTER REFERRED TO AS "APPLICANT", DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE "APPLICANT" IN DEALING WITH THE TEXAS PARKS AND

WILDLIFE DEPARTMENT FOR THE PURPOSE OF PARTICIPATING IN THE GRANT PROGRAMS: CERTIFYING THAT THE "APPLICANT" IS ELIGIBLE TO RECEIVE ASSISTANCE UNDER SUCH PROGRAMS.

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.

Councilwoman Ray moved to approve appointments and reappointments to various boards as attached to these minutes. 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.

Councilman Ceniglis moved to approve the Resolution appointing John Willis Vinson as Assistant City Attorney, as recommended by staff. The motion was seconded by Mayor Ferguson and the motion carried.


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


The Resolution is numbered 5-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE APPOINTMENT OF AN ASSISTANT CITY ATTORNEY FOR THE CITY OF ABILENE.

Mayor Ferguson stated that due to the fact that he and the City Manager would be out of town at the time of the next meeting regularly scheduled for February 23, he is requesting the date be moved up a week to February 16. All concerned agreed; therefore the next City Council meeting will be held Thursday, February 16 at 6:00 p.m.

There being no further business, the meeting was adjourned at 7:25 p.m.


Jo Moore
City Secretary


Dale E. Ferguson
Mayor