

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, February 16, 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, February 16, 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:** Councilman Tom Ceniglis.
3. **Special Recognition Award:**
Certificate of Appreciation to Jason Hart

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 Mayor to execute Raw Water Contract with Abilene Christian University.
 - b. Resolution calling Regular City Council Election for May 6, 1989.
 - c. Consider on second and final reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, Section 18-285, "Increased Speed Limits", and Section 18-293, "Parking Prohibited At All Times"; of the Abilene Municipal Code.
 - d. Consider on first reading - and ordinance amending Chapter 23, Planning and Community Development, Subpart E, Zoning, of the Abilene Municipal Code, concerning accessory structures in residential districts, and set a public hearing March 9, 1989 at 9:00 a.m.
5. **Award of Bid:**
 - a. Annual Fuels Purchase, Bid #CB9018.
 - b. Annual Purchase of Oil Products, Bid #CB9019.
 - c. Police Sedans, Bid #CB9029.

REGULAR AGENDA

6. Ordinances and Resolutions

a. **APPEALED ITEM:**

Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - Z-02188 - Request from Carl's Auto Supply to rezone from LC (Limited Commercial) to GC (General Commercial) district, located at 5100 Buffalo Gap Road.

b. **APPEALED ITEM:**

Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - Z-00289 - Request from Partin & Associates, agent William L. Cogsdill, to rezone from A0 (Agricultural Open Space) to GC (General Commercial) district, located in the 7000 block of Buffalo Gap Road.

c. **Public Hearing:** Consider on second and final reading - an ordinance for thoroughfare closure - TC-00389 - Request from Wilder Tire Company, agent CADCO Architects-Engineers, for a thoroughfare closure of a 20' alley between S. 12th & 13th Streets, and S. Treadaway & S. China Streets.

d. **APPEALED ITEM:**

Public Hearing: Consider on second and final reading - an ordinance for thoroughfare closure - TC-00489 - Request from City of Abilene/Public Works Department for thoroughfare closure of portions of Curry Lane and Church Lane.

e. Consider oral resolution accepting donation for Redbud Park Development.

f. Oral Resolution to accept report from Freese & Nichols on Coordinated Use Study for Ft. Phantom & Hubbard Creek.

g. Oral Resolution adopting a Minority and Women Business Enterprise policy for the City of Abilene.

h. Oral resolution accepting final report from the National Council for Urban Economic Development.

i. Discussion and possible action on options to Ordinance #7-1981 regarding Mobile Homes at Lake Fort Phantom Hill.

j. Oral Resolution to consider letter of objection to removal of 10 C-130 aircraft from Dyess Air Force Base.

7. 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

(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.

PRE-COUNCIL WORK SESSION, THURSDAY
February 16, 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 February 16, 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, and Harold Nixon. Also present were City Manager Jim C. Blaggy, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore and various members of the City staff. Councilman Welton Robinson was absent.

The Council briefly discussed various consent and regular agenda items. Council was informed that Section 4 of Item 4b, Resolution calling Regular City Council Election for May 6, 1989 would be deleted from this agenda, and presented to the Council at a later date in order to give the Council sufficient time to review the list of recommended Election Judges.

Consent Agenda Item 5a: The annual fuels purchase award of bid for the tied products was determined by the Mayor drawing lots with the following awards made: Tanker loads of #1 diesel; bobtail loads regular gasoline; bobtail loads of unleaded gasoline; and bobtail loads of #2 diesel.

Consent Agenda Item 5c: David Wright explained to the Council the situation that arose following the agenda preparation with Bid #CB9029 for the police sedans and reviewed State law requirements concerning lowest responsible bidders.

There being no further discussion, the meeting was recessed until 6:00 p.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
February 16, 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 February 16, 1989, at 6:00 p.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Tom Ceniglis.

Mayor Ferguson presented a Certificate of Appreciation to Jason Hart for his lifesaving measures successfully performed on Jared Garnett on January 25, 1989.

Councilman Ceniglis moved to approve the consent agenda items, being 4a through 4d, and 5a through 5c as recommended by the staff. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

4. Ordinances and Resolutions:

a. Oral Resolution authorizing Mayor to execute Raw Water Contract with Abilene Christian University.

b. Resolution calling Regular City Council Election for May 6, 1989.

The Resolution is numbered 11-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING AN ELECTION TO BE HELD IN SAID CITY ON MAY 6, 1989; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE IN PLACES 5 AND 6 ON THE CITY COUNCIL OF THE CITY OF ABILENE; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

c. Consider on second and final reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, Section 18-285, "Increased Speed Limits", and Section 18-293, "Parking Prohibited At All Times"; of the Abilene Municipal Code.

The Ordinance is numbered 4-1989 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.

d. Consider on first reading - an ordinance amending Chapter 23, Planning and Community Development, Subpart E, Zoning, of the Abilene Municipal Code, concerning accessory structures in residential districts, and set a public hearing March 9, 1989 at 9:00 a.m.

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.

5. **Award of Bid:**

a. Annual Fuels Purchase, Bid #CB9018. Received tie low bids; therefore Mayor Ferguson drew lots during the Pre Council session for the tied items, resulting in the following awards: Tanker loads of #1 diesel fuel to C & W Enterprises; Bobtail loads of Regular gasoline, Unleaded gasoline, and #2 diesel fuel to L & L Incorporated. L & L Incorporated was awarded bids for tanker loads of regular, unleaded gasoline and #2 diesel. Abilene Oil was awarded bid for bobtail loads of #1 diesel. Fraley Butane was awarded contract at the fixed price of 31¢ per gallon for propane with all contracts being for one year with the option to extend for an additional year, with mutual consent.

b. Annual Purchase of Oil Products, Bid #CB 9019. The staff recommended that a one year Award of Bid be made with an option to extend the contracts an additional year (with mutual consent) to the vendors for the following items:

Item 1	Transmission Fluid	Reedy Company	\$ 4,091.85
Item 2	Tractor Fluid	FINA Oil	1,804.00
Item 3	Hydraulic Oil	Abilene Oil	12,665.40
Item 4	Motor Oil	Abilene Oil	18,764.00
Item 5	Series 3 Motor Oil	FINA Oil	1,557.80
Item 6	Grease	Abilene Oil	1,444.00
Item 7	Transmission or Gear Lube	FINA Oil	954.00

The approximate purchases to be made over the year are: Abilene Oil \$32,873.00, FINA Oil - \$4,307.00, and Reedy Company - \$4,092.00.

c. David Wright, Director of Finance, explained to the Council the situation that arose following the agenda preparation with Bid #CB9029 for the Police sedans/emergency response sedans and reviewed State law requirements concerning lowest responsible bidders.

REGULAR AGENDA

6. **Ordinances and Resolutions**

a. (Appealed Item) Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading, changing zoning district boundaries - Z-02188 - Request from Carl's Auto Supply to rezone property at 5100 Buffalo Gap Road from LC (Limited Commercial) to GC (General Commercial) district.

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

- Mark Reeder, part-owner of Carl's Auto Supply stated that the proposed car wash would be 200' from residences; there would be no increase in traffic and no more overspray than from residential sprinkler systems; and the water would drain properly. It was Mr. Reeder's opinion that a vacant lot was more detrimental to property values than the proposed car wash.

- Carl Reeder, part-owner of Carl's Auto Supply presented pictures of other cities that allowed car washes in Limited Commercial districts. He stated that taxes paid from the business would be substantial.

- Jess Treadwell, 4826 Circle 19, stated that the proponents are stable people who want to establish a business. He has no opposition.

- Wayne Sanford, _____ (address), stated that the zoning ordinance is needed, however, it should not be "cast in granite."

The following individuals spoke in opposition of the zone change request:

- Faith Morley, 3565 Hunters Glen, stated that spot zoning is not good. Traffic would increase and property values would decline. The long term effect of such construction should be considered.

- Dr. Ron Morley, doctor residing in Professional Plaza, stated that having a car wash at the proposed location would be like having a car wash in the backyard.

- Richard Jones, #40 Courtyard Lane, stated that the car wash would be noisy due to vacuums. He purchased his property under the assumption that it was zoned Limited Commercial.

- Joe Owens, _____ (address), denied Mr. Reeder's statement that he is not opposed. Mr. Owens stated that he is in opposition to the zone change.

- Danny Hyde, #30 Courtyard, stated that he is against the change due to declining property values and opposition to spot zoning.

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

Following a lengthy discussion concerning businesses allowed in Limited Commercial verses General Commercial. Council voiced concerns about the necessity of making a zoning decision being interpreted as discouraging growth (which emphatically is not the Council's intention). They also are concerned that car washes are not currently allowed in LC but convenience stores selling gasoline are allowed.

Betty Ray stated her empathy for the Reeder's request to expand their business, but also concern for the maintenance of property values by adjoining property owners.

Lee Roy George, Director of Planning, reaffirmed the position of the Planning and Zoning Commission.

Betty Ray moved to deny the request in hopes that Mr. Reeder could re-approach the Planning and Zoning Commission and the situation could be resolved. Mr. Nixon seconded the motion. The motion carried.

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

- b. (Appealed Item). Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries from AO (Agricultural Open Space) to GC (General Commercial) district, located in the 7000 block of Bufalo Gap Road.

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

- . Jimmy Partin, owner of property, -----
- . Virgil Partin
- . William Cogsdel, Partin and Associates, asked to have the request tabled in order to allow them to approach the Board of Adjustment for a variance on the size of the acreage that can be developed for LC property.

Mr. Partin requested to withdraw the request. The request was withdrawn. No motion was necessary.

- c. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading for a thoroughfare closure request from Wilder Tire Company, agent CADCO Architects-Engineers, for a thoroughfare closure of a 20' alley between South 12th and 13th streets, and South Treadaway and South China streets.

Mayor Ferguson opened a public hearing on the item. There being no one present and desiring to be heard, the public hearing was closed.

Councilman Ceniglis moved to approve the thoroughfare closure of a 20' alley between South 12th and 13th Streets, and South Treadaway and South China Streets, as recommended by staff. The motion was seconded by Councilman McCaleb. The motion carried.

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

The ordinance is numbered 5-1989 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.

d. (Appealed Item) Windy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading for thoroughfare closure requested by the City of Abilene Public Works Department for portions of Curry Lane and Church Lane.

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

. Danny Stevens, Duniigan Company, spoke in favor of the request.

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

Councilman Nixon moved to approve an ordinance for thoroughfare closure requested by the City of Abilene Public Works Department for portions of Curry Lane and Church Lane. The motion was seconded by Councilman Wheat. The motion carried.

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

The Ordinance is numbered 6-1989 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, 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.

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

e. Mike Hall, Director of Community Services, briefed the Council on an oral resolution to accept the commitment of \$500,000 by a private donor to be used in implementation of the Redbud Park Development Plan.

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.

Mayor Ferguson emphasized the Council's appreciation to the unknown donor.

Councilman Nixon moved to accept the staff's recommendation and approve an oral resolution to accept the commitment of \$500,000 by a private donor to be used in implementation of the Redbud Park Development Plan. Councilman Ceniglis seconded the motion. The motion carried.

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

f. Roy McDaniel, Assistant City Manager, briefed the Council on the Coordinated Use Study for Ft. Phantom and Hubbard Creek received from Freese and Nichols. Mr. McDaniel asked for the Council's to accept the report and direct the staff to follow the recommended operational plan.

Councilman Wheat moved to adopt an oral resolution to accept the Coordinated use Study for Ft. Phantom and Hubbard Creek and direct the staff to follow the recommended operational plan. Councilman Ceniglis seconded the motion. The motion carried.

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

g. Mike Morrison, Director of Community and Economic Development, briefed the Council on the staff's recommendation to approve by oral resolution the M/WBE policy. Mr. Morrison said that the AEDC and the HRC also recommend that the Council adopt a goal of 5% M/WBE participation in the City's bidding/procurement process by FY 88-89.

Councilman McCaleb moved to adopt an oral resolution to accept the M/WBE policy as recommended by staff. Councilwoman Betty Ray seconded the motion. The motion carried.

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

Mike Morrison, Director of Community and Economic Development, briefed the Council on a final report received from the National Council for Urban Economic Development on the Abilene Business and Education Center and asked their acceptance of the report by oral resolution.

Councilman McCaleb made a motion to adopt an oral resolution to accept the CEUD report as recommended by staff. Councilman Wheat seconded the motion. The motion carried.

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

i. Lee Roy George, Director of Planning briefed the Council on the situation wherein mobile homes at Lake Ft. Phantom Hill are to be phased out by July 1992 as the result of a City Council ordinance dated June 23, 1977. He presented a background report prepared by staff. The staff's recommendation is to appropriately study the subject prior to any reversal of the previous ordinance.

The Council voiced concerns of the effect to long time mobile home owners at Ft. Phantom and of the various situations that have arisen since the implementation of the 1977 ordinance to phase out mobile homes at Ft. Phantom.

Councilman McCaleb made a motion for the staff to prepare for the Council's consideration appropriate studies and report back to the Council at a later time. The motion was seconded by Councilman Ceniglis, and the motion carried.

j. Mayor Ferguson briefed the Council on the status of the City's endeavor to keep the C-130 aircraft at Dyess Air Force Base. He asked that the entire Council support the endeavor by adopting an oral resolution to deliver the supportive letters and petitions to the appropriate federal officials.

Councilman Wheat moved to adopt an oral resolution to support the endeavor to keep the C-130 aircraft at Dyess Air Force Base and to deliver the supportive letters and petitions to the appropriate federal officials as recommended by Mayor Ferguson. Councilman Ceniglis seconded the motion, and the motion carried.


AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, 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.

The next meeting of the City Council will be March 9, 1989, with the Pre Council Work Session convening at 8:30 a.m. and the regular meeting beginning at 9:00 a.m.

There being no further business, the meeting was adjourned at 9:50 p.m.



Jo Mobre
City Secretary



Dale E. Ferguson
Mayor