

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, April 13, 1989, 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, April 13, 1989, 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 March 23, 1989.
4. **Awards:**
  - a. **Employee Service:**

40 Years	Dan P. Ortiz	Route Supervisor
		Refuse Division
30 Years	James W. Holinds	Equipment Operator I
		Refuse Division
  - b. **Special Recognition:**  
Texas Recreation and Parks 1989 Gold Medal Award

#### 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 authorizing the purchase of a vacant lot located at 209 Portland for future flood control.
  - b. Oral resolution authorizing City Manager or designee to submit Summer Food Program Grant Application and implement the program.
  - c. Oral resolution authorizing contract amendment for Computer Aided Dispatch software.
  - d. Resolution authorizing appointment of Assistant Municipal Court Judge.
  - e. Consider on first reading - an ordinance amending Lone Star Gas franchise, and set a public hearing for April 27, 1989 at 6:00 p.m.

- f. Consider on first reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, Section 18-293, "Parking Prohibited At All Times", and Section 18-299, "Parking Time Limited"; of the Abilene Municipal Code.
  - g. Consider on first reading - an ordinance changing zoning district boundaries - Z-00589 - Request from Chester K. Tong, agent, Pat Patton, to rezone from A0 (Agricultural Open Space to LI (Light Industrial) district, located on Industrial Blvd, east of Loop 322, and set a public hearing for 6:00 p.m. April 27, 1989.
  - h. Consider on first reading - an ordinance changing zoning district boundaries - Z-00789 - Request from Miley Barrett Eitelman to rezone from A0 (Agricultural Open Space) to LC (Limited Commercial) district, located at Buffalo Gap Road and Marlboro Drive, and set a public hearing for 6:00 p.m. April 27, 1989.
  - i. Consider on first reading - an ordinance for thoroughfare closure - TC-00889 - Request from City of Abilene Community Services Department; agent, Tony Neitzler, for thoroughfare closures at: E. S. 5th St. from east right of way line of Booker T. Washington Ave. to west right of way line of Henderson Ave.; Henderson Ave. from south right of way line of E. S. 5th St. to north right of way line of E. S. 7th St.; north-south alley out of Block D, Carver Addition; and north-south alleys out of Blocks A & B, Carver's First Amended Addition; and set a public hearing for 6:00 p.m. April 27, 1989.
  - j. Consider on first reading - an ordinance for street name change - SNC-00689 - Request from City of Abilene to change the name of an unnamed access road of Loop 322 to Hill Street, and set a public hearing for April 27, 1989 at 6:00 p.m.
  - k. Consider on first reading - an ordinance for street name change - SNC-00989 - Request from City of Abilene, Traffic Department, agent James Condry; to change the name of Kenwood Drive, from East Highway 80 to San Jacinto, to Goliad Drive; and set a public hearing for April 27, 1989 at 6:00 p.m.
  - l. Consider on first reading - an ordinance for street name change - SNC-01089 - Request from City of Abilene, Traffic Department, agent James Condry; to change the name of McGee Drive, from the north right-of-way line of the access road of Loop 322 to the south right-of-way line of Executive Drive, to Boys Ranch Road; and set a public hearing for April 27, 1989 at 6:00 p.m.
  - m. Oral Resolution authorizing one-time assurance to UMTA concerning Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
  - n. Oral Resolution approving revised 9-1-1 budget.
- 6. Award of Bid:**
- a. Asphalt and cement products for Street Services division, Bids #CB9035, #CB9036, and #CB9037.
  - b. Soft Body Armor for Police Department, Bid #CB9033.

REGULAR AGENDA

7. **Public Appearance:**  
Alice Specht, President, Abilene Library Consortium, to update progress on automation project; request permission to submit proposal for private funding.

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

(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 Staughter v. City, Jim Blagg, Harvey Cargill
3. Alicia Garcia v. City
4. James Hudson & AB Airlines v. City
5. Bechtel v. City
6. Allied Steel v. City and Meals on Wheels
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. Christine Kunschile v. City and McDonald Transit
15. Donald J. & Gwendolyn Collins v. City & James N. Van Allen
16. Ron Kervin v. City and Harvey Cargill
17. Cynthia Haile v. City
18. General Electric Co. v. City
19. Michael Morris & Webster v. City
20. Pam Martin for Patricia Martin v. City and General Beverage
21. Krohn Brothers 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 3/29/89

- a. Bomb Transport Trailer for Police Department, Bid #CB9034.

PRE-COUNCIL WORK SESSION, THURSDAY  
April 13, 1989, 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 April 13, 1989, 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 Manager Roy L. McDaniel, City Attorney Harvey Cargill, City Secretary Jo Moore and various members of the City Staff.

The Council viewed a video on the Texas Urban Forestry Project featuring the City of Abilene. Mike Hall explained to the Council that the video will be sent to county agents throughout the State and another video could materialize that would be sent nationwide. 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  
April 13, 1989, 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 April 13, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held March 23, 1989, 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:

40 Years	Dan P. Ortiz	Route Supervisor
		Refuse Division
30 Years	James W. Holinds	Equipment Operator I
		Refuse Division

Frank Meyers, member of the Parks Board, spoke to the Council explaining the significance of the Texas Recreation and Parks 1989 Gold Medal Award. Mr. Meyers then asked Mike Hall, Director of Community Services, to present the award to the Council. Mr. Hall then introduced members of the Community Services staff who were instrumental in achieving the honor. The Council voiced their appreciation to the Parks Board and staff.

Councilman Wheat moved approval of the consent agenda items, 5a through 5n, and 6a through 6b, as presented 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.  
MAYS: None.

**5. Ordinances & Resolutions:**

- a. Oral resolution authorizing the purchase of a vacant lot located at 209 Portland for future flood control.
- b. Oral resolution authorizing City Manager or designee to submit Summer Food Program Grant Application and implement the program.
- c. Oral resolution authorizing contract amendment for Computer Aided Dispatch software.
- d. Resolution authorizing appointment of Assistant Municipal Court Judge.  
The Resolution is numbered 17-1989 and is captioned as follows:  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING AN ASSISTANT MUNICIPAL COURT JUDGE TO ACT IN THE ABSENCE OR UNAVAILABILITY OF THE JUDGE OF THE MUNICIPAL COURT.
- e. Consider on first reading - an ordinance amending Lone Star Gas franchise, and set a public hearing for April 27, 1989 at 6:00 p.m.  
AN ORDINANCE AMENDING THE FRANCHISE AGREEMENT BETWEEN LONE STAR GAS COMPANY AND THE CITY OF ABILENE; PROVIDING FOR FRANCHISE FEE; AND CALLING A PUBLIC HEARING.
- f. Consider on first reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, Section 18-293, "Parking Prohibited At All Times", and Section 18-299, "Parking Time Limited"; of the Abilene Municipal Code.  
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.
- g. Consider on first reading - an ordinance changing zoning district boundaries - Z-00589 - Request from Chester K. Tong, agent, Pat Patton, to rezone from A0 (Agricultural Open Space to LI (Light Industrial) district, located on Industrial Blvd. east of Loop 322, and set a public hearing for 6:00 p.m. April 27, 1989.  
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.
- h. Consider on first reading - an ordinance changing zoning district boundaries - Z-00789 - Request from Miley Barrett Eitelman to rezone from A0 (Agricultural Open Space) to LC (Limited Commercial) district, located at Buffalo Gap Road and Marlboro Drive, and set a public hearing for 6:00 p.m. April 27, 1989.

- i. Consider on first reading - an ordinance for thoroughfare closure - TC-00889 - Request from City of Abilene Community Services Department; agent, Tony Neitzler, for thoroughfare closures at: E. S. 5th St. from east right of way line of Booker T. Washington Ave. to west right of way line of Henderson Ave.; Henderson Ave. from south right of way line of E. S. 5th St. to north right of way line of E. S. 7th St.; north-south alley out of Block D, Carver Addition; and north-south alleys out of Blocks A & B, Carver's First Amended Addition; and set a public hearing for 6:00 p.m. April 27, 1989.
- 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.
- j. Consider on first reading - an ordinance for street name change - SNC-00689 - Request from City of Abilene to change the name of an unnamed access road of Loop 322 to Hill Street, and set a public hearing for April 27, 1989 at 6:00 p.m.
- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF AN UNNAMED ACCESS ROAD OF LOOP 322 TO HILL STREET.
- k. Consider on first reading - an ordinance for street name change - SNC-00989 - Request from City of Abilene, Traffic Department, agent James Condry; to change the name of Kenwood Drive, from East Highway 80 to San Jacinto, to Goliad Drive; and set a public hearing for April 27, 1989 at 6:00 p.m.
- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF KENWOOD DRIVE TO GOLIAD DRIVE.
- l. Consider on first reading - an ordinance for street name change - SNC-01089 - Request from City of Abilene, Traffic Department, agent James Condry; to change the name of McGee Drive, from the north-right-of-way line of the access road of Loop 322 to the south right-of-way line of Executive Drive, to Boys Ranch Road; and set a public hearing for April 27, 1989 at 6:00 p.m.
- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF MCGEE DRIVE TO BOYS RANCH ROAD.
- m. Oral Resolution authorizing one-time assurance to UMTA concerning Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- n. Oral Resolution approving revised 9-1-1 budget.

6. **Award of Bid:**
- a. Asphalt and cement products for Street Services division, Bids #CB9035, #CB9036, and #CB9037. The bids were awarded as follows: #CB9035 was awarded to Childs Ready Mix Concrete Co.; #CB9036 was awarded to TXI; #CB9037, Items 1 (AC-10 Asphalt) and 2 (MC-30 Asphalt) to Fina Oil & Chemical, Items 3 (MS-2 Emulsified Asphalt) and 4 (CMS-2 Emulsified Asphalt) to Elf Asphalt, Inc.; Item 5 (Rock Asphalt), Item 6 (Hot Mix Asphalt), and Item 8 (Chip Seal Stone Type B) to White's Mines; and Item 7 (Chip Seal Stone Type A) to R. E. Jones Gravel Co.; all as recommended by staff.
  - b. Soft Body Armor for Police Department, Bid #CB9033. The bid was awarded to Big Country Supply in the amount of \$21,000, as recommended by staff.

7. **Public Appearance:**

Alice Specht, President, Abilene Library Consortium, updated the Council on the progress of their automation project; and requested permission on behalf of the Consortium to submit a proposal for private funding.

Councilman Ceniglis moved to grant permission to submit a proposal for private funding as requested by the Abilene Library Consortium. 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.

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.

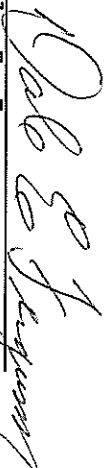
The Council reconvened from executive session and reported no action taken in Executive Session.

Councilman Nixon moved to appoint Dave Boyl1 to replace Robert Roadcap III on the Abilene Clean and Proud Board, with a term expiring 11/91. 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.

There being no further business, the meeting adjourned at 9:47 a.m.

  
Jo Moore, CMC  
City Secretary

  
Dale E. Ferguson  
Mayor