

**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 27, 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, April 27, 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 Walter E. Wheat.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held April 13, 1989.
4. **Awards:**
  - a. **Special Recognition:**  
Certificate of Appreciation - Trina Rose, Fire Dispatcher  
Certificate of Appreciation - David Gage, Police Officer
  - b. Presentation of check for \$750,000 from Grover Nelson Zoological Parks Foundation.

#### 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. Resolution affirming the City's support of a Regional Water Supply study.
  - b. Oral Resolution approving commercial lease at Lake Fort Phantom, lots 351 & 352.
  - c. Oral Resolution approving commercial lease at Lake Fort Phantom, lots 492 A, B, & C.
  - d. Oral Resolution authorizing renewal of Weed Mowing contract.
  - e. Resolution authorizing Tax Abatement agreement between the City of Abilene and Texas Aerospace Service, Inc.
  - f. Consider on second and final 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. **APPEALED ITEM:**  
Consider on first reading - an ordinance amending Sections 23-303.1.F and 23-327.1 of the Abilene Municipal Code, concerning maximum district size in LC (Limited Commercial) district, and set a public hearing for May 11, 1989 at 9:00 a.m.

- h. APPEALED ITEM:**  
Consider on first reading - an ordinance amending Section 23-306.4 of the Abilene Municipal Code, concerning carwashes in LC (Limited Commercial) district, and set a public hearing for May 11, 1989 at 9:00 a.m.
- i.** Consider on first reading - an ordinance amending Ordinance #971, concerning mobile homes at Lake Fort Phantom, and set a public hearing for May 11, 1989 at 9:00 a.m.

**6. Award of Bid:**

- a. Trucks for various divisions, Bid # CB9038.
- b. Discovery Center for Zoo, Bid #CB9043.
- c. Bomb Transport Trailer for Police Department, Bid #CB9034.
- d. Emergency Repair of electrical system at Clear Fork Pump Station.

**REGULAR AGENDA**

**7. Ordinances and Resolutions:**

- a. Resolution authorizing submission of grant application to the Economic Development Administration for a small business incubator.
- b. **Public Hearing:** Consider on second and final reading - an ordinance amending Lone Star Gas franchise.
- c. **Public Hearing:** Consider on second and final 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.
- d. **APPEALED ITEM:**  
**Public Hearing:** Consider on second and final 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.
- e. **Public Hearing:** Consider on second and final 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.
- f. **Public Hearing:** Consider on second and final 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.
- g. **Public Hearing:** Consider on second and final 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 Goljad Drive.
- h. **Public Hearing:** Consider on second and final 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.

**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 Slaughtor 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 Gillelte 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

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PRE-COUNCIL WORK SESSION, THURSDAY  
April 27, 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 April 27, 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  
April 27, 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 April 27, 1989, at 6:00 p.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Walter E. Wheat.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held April 13, 1989, the minutes stand approved as printed.

Mayor Ferguson presented Certificates of Appreciation to Trina Rose, Fire Dispatcher and David Gage, Police Officer for their heroic life-saving efforts performed in the line of duty.

Dr. Larry Ellis, President of the Abilene Zoological Society, presented to the Council a check for \$750,000 from the Grover Nelson Zoological Parks Foundation.

City Manager Jim Blagg stated for clarification purposes, Agenda item 5i would include all mobile homes currently in existence at Lake Fort Phantom Hill that are not in mobile home zoned areas or planned development areas.

Councilwoman Ray moved to approve the consent agenda items, being 5a through 5i and 6a through 6d 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. Resolution affirming the City's support of a Regional Water Supply study.

The Resolution is numbered 18-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AFFIRMING THE CITY OF ABILENE'S SUPPORT OF A REGIONAL WATER SUPPLY STUDY.

- b. Oral Resolution approving commercial lease at Lake Fort Phantom, Lots 351 & 352.
- c. Oral Resolution approving commercial lease at Lake Fort Phantom, Lots 492 A, B, & C.
- d. Oral Resolution authorizing renewal of Weed Mowing contract with Paul Gomez for one year.
- e. Oral Resolution authorizing Tax Abatement agreement between the City of Abilene and Texas Aerospace Service, Inc.

- f. Consider on second and final 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.

The Ordinance is numbered 8-1989 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.

- g. **APPEALED ITEM:**

Consider on first reading - an ordinance amending Sections 23-303.1.F and 23-327.1 of the Abilene Municipal Code, concerning maximum district size in LC (Limited Commercial) district, and set a public hearing for May 11, 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.

- h. **APPEALED ITEM:**

Consider on first reading - an ordinance amending Section 23-306.4 of the Abilene Municipal Code, concerning carwashes in LC (Limited Commercial) district, and set a public hearing for May 11, 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.

i. Consider on first reading - an ordinance amending Ordinance #971, concerning mobile homes at Lake Fort Phantom, and set a public hearing for May 11, 1989 at 9:00 a.m.

**6. Award of Bid:**

a. Trucks for various divisions, Bid # CB9038. The bid was awarded as follows: Items 1, 2, 4 and 5 to R. L. Anderson International; and Item 3 to Arrow Ford Co., representing the low responsible bidders for a total of \$212,865.00, as recommended by staff.

b. Discovery Center for Zoo, Bid #CB9043. The bid was awarded to Rose & Sons in the amount of \$1,495,450.00, as recommended by staff.

c. Bomb Transport Trailer for Police Department, Bid #CB9034. The bid was awarded to Bomb Disposal Services, Inc., as recommended by staff.

d. Emergency Repair of electrical system at Clear Fork Pump Station. The bid was awarded to Bunkley Electric Company, as recommended by staff.

**REGULAR AGENDA**

**7. Ordinances and Resolutions**

a. Mike Morrison, Director of Community & Economic Development, briefed the Council on a Resolution authorizing submission of a grant application to the Economic Development Administration for a small business incubator. Jerry Harris, President-Elect of Abilene Economic Development Company, addressed the Council, stating appreciation of the Council's support.

Councilman McCaleb moved to approve the resolution authorizing submission of a grant application to the Economic Development Administration for a small business incubator, 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 Resolution is numbered 19-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDS TO THE ECONOMIC DEVELOPMENT ADMINISTRATION.

b. Harvey Cargill, City Attorney, briefed the Council on an ordinance amending the Lone Star Gas franchise.

Mayor Ferguson opened a public hearing on the request, and the following individual spoke:

- J. C. Haines, passed out Sections 5 and 6 of the Franchise that he would like changed.

Mr Haines was informed that these items were not on the agenda and could not be discussed.

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

Councilman Wheat moved to approve the Ordinance amending the Lone Star Gas franchise, as recommended by staff. 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.

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.

c. Windy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - **Z-00589** - Request from Chester K. Tong, agent, Pat Patton, to rezone from AO (Agricultural Open Space to LI (Light Industrial) district, located on Industrial Blvd. east of Loop 322.

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

- Scott Senter, of Senter Realtors.

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

Councilman Ceniglis moved to approve the ordinance request to rezone from AO to LI district, 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 Ordinance is numbered 9-1989 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.

d. Windy Manson, Principal Planner, briefed the Council on an APPEALED ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff recommend denial of the request.

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

Barry Eitelman, proponent, requested the Council consider the change for the purpose of economic development.

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

Councilman Ceniglis moved to deny the request to rezone from A0 to LC district, as recommended by staff. The motion was seconded by Councilman McCaleb, and the motion carried.

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

NAYS: Councilmen Wheat and Robinson.

The request was **DENIED**.

Council appreciates the "Buy Abilene" idea, and encourages business to continue to do so. There are times, however, when they have to decide between residential and other zoning matters.

e. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading 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.

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

Councilwoman Ray moved to approve the request for closure of various thoroughfares in Carver Addition, as recommended by staff. The motion was seconded by Councilman McCaleb, and the motion carried.

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

NAYS: None.

The Ordinance is numbered 10-1989 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.

f. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff recommend approval.

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

Councilman Ceniglis moved to approve the ordinance for street name change of an unnamed access road of Loop 322 to Hill Street, as recommended by staff. The motion was seconded by Councilman Robinson, and the motion carried.

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

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

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.

g. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff recommend approval.

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

Councilwoman Ray moved to approve the ordinance for street name change from Kenwood Drive, from east Highway 80 to San Jacinto, to Goliad Drive; as recommended by staff. The motion was seconded by Councilman Wheat, and the motion carried.

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

The Ordinance is numbered 12-1989 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF KENWOOD DRIVE TO GOLIAD DRIVE.

h. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading for street 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.

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

Councilman Nixon moved to approve the ordinance changing 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; as recommended by staff. The motion was seconded by Councilman McCaleb, and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Ceniglis:

The Ordinance is numbered 13-1989 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF MCGEE DRIVE TO BOYS RANCH ROAD.

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. Councilman Nixon left the meeting.

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

Councilman McCaleb moved to approve the Resolution appointing Veronica Willis as Assistant City Attorney. The motion was seconded by Councilwoman Ray, and the motion carried.

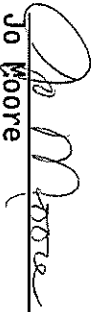
AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, and Mayor Ferguson.


NAYS: None.

The Resolution is numbered 20-1989 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.

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

  
Jo Moore  
City Secretary

  
Dale E. Ferguson  
Mayor