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:
  - Special Recognition:
     Certificate of Appreciation Trina Rose, Fire Dispatcher
     Certificate of Appriciation David Gage, Police Officer
  - 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:
  - 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. <u>Consider on second and final reading</u> 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.

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

### 6 Award of Bid:

- ъ. Trucks for various divisions, **Bid # CB9038**. Discovery Center for Zoo, **Bid #CB9043**. Bomb Transport Trailer for Police Department,
- <u>с</u>. Bid #CB9034.
- Emergency Repair of electrical system at Clear Fork Pump Station.

## REGULAR AGENDA

## 7. Ordinances and Resolutions:

- 'n incubator Resolution authorizing Economic Development submission of grant Administration for application to ىو small business the
- þ. final reading пp
- C Public Hearing: Consider on second and final reading ordinance amending Lone Star Gas franchise.

  Public Hearing: Consider on second and final reading ordinance changing zoning district boundaries - Z-00589 - from Chester K. Tong, agent, Pat Patton, to rezone (Agricultural Open Space to LI (Light Industrial) delocated on Industrial Blvd. east of Loop 322. reading -Request district, from
- ٩ APPEALED ITEM:
- Public Hearing: <u>Consider on second and final reading</u> an ordinance changing zoning district boundaries **Z-00789** Request from Miley Barrett Eitelman to rezone from AO (Agricultural Open Space) to LC (Limited Commercial) district, located at Buffalo Gap Road and Marlboro Drive.
  Public Hearing: Consi
- æ 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.

  Public Hearing: Consider on second and final reading - an ordinance for street name change - SNC-00689 - Request from City Public Hearing: Consider on ordinance for thoroughfare close second and final reading are - TC-00889 - Request fro
- . ordinance for street name change - **SNC-00689** - Request from of Abilene to change the name of an unnamed access road of 322 to Hill Street. Loop
- ġ Public Hearing: Consider on second and final reading - ordinance for street name change - SNC-00989 - Request from Cof Abilene, Traffic Department, agent James Condry; to change name of Kenwood Drive, from East Highway 80 to San Jacinto, Goliad Drive. Request from City
- <u>-</u> ordinance for street name change - SNC-01089 -Public Abilene, Hearing: Traffic Department, Consider S S agent James Condry; second and final Request reading to change from City 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.

## <u>ф</u>

- 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 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 appointees and the Board and Commission members, final action or vote taken will be in public. and the Board and evaluation in executive of session, any the Council

subjects. (Litigation)
The City The following subjects may be discussed: Council may consider pending and contemplated litigation

- City
- City, Jim Blagg, Harvey Cargill
- Maria Slaughter v. City, Jim Blagg Alicia Garcia v. City James Hudson & AB Airlines v. City
- Bechtel v. City Allied Steel v. City and Meals on Wheels
- œ 7 6 5 Virginia Martin v. City
- Frieda Hintz v. . City
- 9
- Thornton v. City Christopher Grant Carlson v. City
- 13. Martha Gillette v. Marietta Proctor City of Abilene v. Board of Adjustment & Video Don Hobbs v. City

- Christine Kunschile v. City and McDonald Transit
  Donald J. & Gwendolyn Collins v. City & James N. Van Allen
  Ron Kervin v. City and Harvey Cargill
  Cynthia Haile v. City
  General Electric Co. v. City
  Michael Morris & Webster v. City
  Pam Martin for Patricia Martin v. City and General Beverage
- 14. 15. 17.
- 18. 19.
- 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.

matter of this City Council Meeting, an executive session will be held. personnel issues or litigation issues arise as to the posted subject

공 3/29/89

## PRE-COUNCIL WORK SESSION, April 27, 1989, 5:30 P.M. THURSDAY

# CITY COUNCIL OF THE CITY OF ABILENE, 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, Welton 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.

p.m. and there being no further discussion, the meeting was recessed until 6:00 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

Chambers of City Hall. Texas, into Ferguson reconvened the City Council of the City Regular Session April 27, 1989, at 6:00 p.m. in the of Abilene, City Council

Invocation was given by Councilman Walter E. Wheat

There being no corrections, additions, or deletions to the minutes of Pre-Council Session and Regular City Council Meeting held April 13, 1989, 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 through 5i and 6a through 6d as recommended by the staff. The motion vseconded by Councilman Ceniglis and the motion carried.

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

NAYS: None. was

Ceniglis,

## Ġ Ordinances and Resolutions:

study. Resolution affirming the City's support 0f യ Regional Water Supply

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.

- 5 lots Oral Resolution 351 & 352. approving commercial lease <u>ئ</u> Lake Fort Phantom,
- ç lots Oral 492 A, B, & Resolution approving & C. commercial lease at Lake Fort Phantom,
- ď Oral Paul Resolution authorizing renewal of Gomez for one year. one year Weed Mowing contract
- Φ Oral City Resolution authorizing Tax Abatement of Abilene and Texas Aerospace Service Abilene and Texas Aerospace Service, agreement between the , Inc.
- <u>.</u> Consider on second and final reading Chapter 18, Motor Vehicles and Traffic, Prohibited At All Times", and Sectio Limited"; of the Abilene Municipal Code. reading - an ordinance ame Traffic, Section 18-293, "Pa Section 18-299, "Parking ordinance amending "Parking

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.

DEVELOPMENT", SUBPART BY AMENDING CERTAIN SEVERABILITY CLAUSE; HEARING. ORDINANCE SUBPART AMENDING T E, "ZONING", SECTIONS AS DECLARING A CHAPTER 23, "PLANNING AND CONTROL OF THE ABILENE MUNICIPALS SET OUT BELOW: PROVING A PENALTY AND CALLING A "PLANNING AND COMMUNIT THE ABILENE MUNICIPAL CODE PROVIDING A ING A PUBLIC COMMUNITY

## ₽.

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

DEVELOPMENT",
BY AMENDING BY AMENDING CERTAIN SEVERABILITY CLAUSE; ORDINANCE SUBPART AMENDING ING CHAPTER 2
T E, "ZONING",
I SECTIONS AS
; DECLARING A 23, "PLANNING AND COMMUNITY OF THE ABILENE MUNICIPAL CODE, SET OUT BELOW: PROVIDING A PUBLIC

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

### 9 Award of Bid:

- <u>م</u> as follows: and Item 3 bidders for Trucks for various divisions, Bid # CB9038. Items 1, 2, 4 and 5 to R. L. Anderson International; to Arrow Ford Co., representing the low responsible a total of \$212,865.00, as recommended by staff. The bid was awarded
- Rose Discovery Center for Zoo, I Rose & Sons in the amount Bid of #CB9043. The bid \$1,495,450.00, as was awarded recommended to by
- ဂ staff. bid was awarded Bomb Transport Trailer to Bomb for Police Department, Disposal Services, Inc., Bid ည recommended by #CB9034.
- <u>a</u> staff. Emergency Repair of The bid was awarded to Bunkley electrical system at Clear Fork Pump Station. Electric Company, as recommended by

### REGULAR AGENDA

## 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 incubator. Jerry Harris, President-Elect of Abilene Economic Dev Company, addressed the Council, stating appreciation of the Council's Mike Morrison, support.

Councilman McCaleb moved submission of a grant application for a small business incubator, application to moved to as approve the receipment the Economic Development resolution authorizing )evelopment Administration The motion

Robinson, N NAYS: econded by Councilman Robinson, and the motion carried. AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, obinson, Nixon, and Mayor Ferguson. Ceniglis,

None.

The Resolution is numbered 19-1989 and is captioned as follows:

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

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

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

J. C. would Haines, passed like changed. out Sections ഗ and O) of the Franchise that

not þe discussed. Haines was informed that these items were not 음 the agenda and could

hearing was There being no closed. one e]se present and desiring 5 be heard, the public

Gas fr Nixon, franchise, as recommenued by and the motion carried.

AYES: Councilman McCaleb, Councilman Wheat moved to as recommended by approve staff. the The motion was **Ordinance** amending seconded bу the Councilman Lone Star

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

AN ORDINANCE AMENDING TO COMPANY AND THE CITY OF CALLING A PUBLIC HEARING. AMENDING THE THE CITY OF THE FRANCHISE AGREEMENT BETWEEN LONE OF ABILENE; PROVIDING FOR FRANCHISE STAR FEE; GAS AND

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. Mindy Manson, Principal Planner, briefed the Council

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

Scott Senter, of Senter Realtors

hearing was closed. being no one e]se present and desiring to be heard, the public

from AO to LI district, as recommended by staff. Councilwoman Ray, and the motion carried.

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

NAYS: None. Councilman Ceniglis moved to approve the ordinance The motion reques was seconded to rezone δ

Councilmen Wheat, Ceniglis

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 TH ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBE BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING. CHANGING THE AS DESCRIBED

APPEALED district Mindy Manson, Principal Planner, briefed the Council ordinance considered on second and final reading changing boundaries - Z-00789 - Request from Miley Barrett Eitelman to Request from Miley Barrett zoning rezone g

from AO (Agricultural Open Space) to LC (Limited Commercial) at Buffalo Gap Road and Marlboro Drive. The Planning and and staff recommend denial of the request. Zoning Commission district, located

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

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

hearing was closed. being no one else present and desiring to be heard, the pub]ic

McCaleb, and the motion carried.

AYES: Councilman McCaleb, Councilwoman Councilman Ceniglis moved to deny the request ct, as recommended by staff. The motion was b, and the motion carried. Was to rezone seconded from AO to LC by Councilman

and Mayor Ferguson. Ray, Councilmen Ceniglis,

NAYS: Councilmen Wheat and Robinson

The request was DENIED.

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

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

೯ one present Mayor Ferguson opened a public hearing on the request, and present and desiring to be heard, the public hearing was and there closed being

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

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat notion was of

Robinson, Nixon, and Mayor Ferguson.
NAYS: None. Councilmen Wheat, Ceniglis,

None.

The Ordinance is numbered 10-1989 and is captioned as follows:

ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND 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 staff recommend approval. Mindy Manson,

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

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.

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

NAYS: None. Councilman Ceniglis moved to approve the ordinance for

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, THE NAME OF AN UNNAMED ACCESS ROAD OF LOOP 322 TO HILL STREET. CHANGING

Jacinto, Condry; recommend approval. SNC-00989 ordinance Mindy Manson, Principal Planner, briefed the Council considered on second and final reading for street name chapter of the considered on second and final reading for street name chapter from City of Abilene, Traffic Department, agent to change the name of Kenwood Drive, from East Highway 80 to Goliad Drive. The Planning and Zoning Commission and name change ţ James staff

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

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

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

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.

Drive, to Boys Ranch Road. 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

ກູ one Mayor Ferguson opened a present and desiring to a public hearing on the request, and ther to be heard, the public hearing was closed. and there

motion carried. Councilman Nixon moved to approve the ordinance changing the nam McGee Drive, from the north right-of-way line of the access road of Loop to the south right-of-way line of Executive Drive, to Boys Ranch Road; recommended by staff. The motion was seconded by Councilman McCaleb, and e name of Loop 322 oad; as and the

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

Nixon,

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.

to consider pending evaluation of public Mayor Ferguson recessed the Council into executive session in accordance State law, Article 5262-17, Sections 2e and 2g of the Open Meetings Act, consider pending and contemplated litigation and the appointment and uation of public officials. Councilman Nixon left the meeting.

taken The Council reconvened from executive session and reported no action

Willis as Assistant City Attorney. The motion was seconded by CouRay, and the motion carried.
AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Robinson, and Mayor Ferguson. Councilman McCaleb moved ţ approve the Resol . The motion was Resolution appointing by Councilwoman Veronica

Robinson, and ma NAYS: None. Ceniglis,

The Resolution is numbered 20-1989 and is captioned as follows:

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

There being ə further business, the meeting was adjourned 4 7:25 p.m.

Cit Moore

Secretary

Dale | Mayor . Ferguson