

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, May 11, 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, May 11, 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:** Councilman Tom Ceniglis.
3. **Approval of Minutes:** Pre Council Session and Regular City Council Meeting held April 27, 1989.
4. **Employee Service Awards:**

25 Years	Carl W. Cornelius	Superintendent
		Animal Control Division
20 Years	Troy Leon Chrane	Lieutenant
		Fire Department

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. Consider on first reading - an ordinance changing zoning district boundaries - Z-01189 - Request from Lance Trigg, Jr. agent, William S. Perry, to rezone from AO (Agricultural Open Space) to GC (General Commercial) district, located at Hartford Street & Dub Wright Blvd., and set a public hearing for 6:00 p.m. May 25, 1989.
6. **Award of Bid:**
 - a. In-state and out-of-state long distance service, Proposal 9051.
 - b. Construction of Buck Creek Lift Station - Odor Control Facilities for Water Utilities Department, Bid #CB9050.
 - c. Buck Creek Pump Station Impellers, Bid #CB9046.
 - d. Fort Phantom Dam Repair, Bid #CB9052.
 - e. Diesel fuel conditioner for Equipment Services Division, Bid #CB9044.
 - f. Rose and Sears Recreation Centers Roofing, Bid CB9048.

REGULAR AGENDA

7. Ordinances & Resolutions:
 - a. **APPEALED ITEM:**
Public Hearing: Consider on second and final 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.
 - b. **APPEALED ITEM:**
Public Hearing: Consider on second and final reading - an ordinance amending Section 23-306.4 of the Abilene Municipal Code, concerning carwashes in LC (Limited Commercial) district.
 - c. **Public Hearing:** Consider on second and final reading - an ordinance amending Ordinance #971, concerning mobile homes at Lake Fort Phantom.
 - d. **Public Hearing:** Consider on second and final reading - an ordinance amending Lone Star Gas Franchise.
8. **Special Considerations:**
 - a. Canvass results of City Council Election held May 6, 1989.
 - b. Presentations
 - c. Induction of Council Reception
 - d. Reception
 - e. Election of Mayors Pro Tempore
9. **Other Business:**
 - a. Pending and Contemplated Litigation (see notice for Executive Session, Litigation for Tisting subjects), possible action.
 - b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for Tisting 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. 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 Kunschle 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
May 11, 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 May 11, 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, Melton 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 briefly discussed various consent and regular items, and 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
May 11, 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 May 11, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Tom Ceniglis.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held April 27, 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:

25 Years	Carl W. Cornelius	Superintendent
		Animal Control Division

Councilman McCaleb moved approval of the consent agenda items, 5a and 6a through 6f, 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.

NAVS: None.

5. Ordinances & Resolutions:

- a. Consider on first reading - an ordinance changing zoning district boundaries - Z-01189 - Request from Lance Trigg, Jr. agent, William S. Perry, to rezone from A0 (Agricultural Open Space) to GC (General Commercial) district, located at Hartford Street & Dub Wright Blvd., and set a public hearing for 6:00 p.m. May 25, 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.

6. Award of Bid:

- a. In-state and out-of-state long distance service, Proposal 9051. The proposal was awarded to Action Telcom, low bidder, as recommended by staff.
- b. Construction of Buck Creek Lift Station - Odor Control Facilities for Water Utilities Department, Bid #CB9050. The bid was awarded to Eagle Contracting Corporation in the amount of \$428,625, as recommended by staff.
- c. Buck Creek Pump Station Impellers, Bid #CB9046. Authorizes the emergency repair order bid to Dresser Pump for Items 1 and 2; and Abba Parts, Inc. for Item 3; as recommended by staff.
- d. Fort Phantom Dam Repair, Bid #CB9052. Authorizes the Mayor to execute a contract with Robert L. Carroll, Inc. in the amount of \$124,548, as recommended by staff.
- e. Diesel fuel conditioner for Equipment Services Division, Bid #CB9044. The bid was awarded to Hydrotex in the amount of \$14,313.60, as recommended by staff.
- f. Rose and Sears Recreation Centers Roofing, Bid CB9048. The bid was awarded to Jabeau Roofing in the amount of \$28,021.00 for Sears, and to Abilene Roofing Company in the amount of \$3,450.00 for Rose; as recommended by staff.

REGULAR AGENDA

7. Ordinances & Resolutions:

- a. Mindy Manson, Principal Planner, briefed the Council on an appealed item considered on second and final reading amending Sections 23-303.1.F and 23-327.1 of the Abilene Municipal Code, concerning maximum district size in LC (Limited Commercial) district. The Planning and Zoning Commission and staff recommend approval of the request, amended to a maximum lot size of 2-1/2 acres.

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 amending Sections 23-303.1.F and 23-327.1, concerning maximum district size in LC 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 14-1989 and is captioned as follows:

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.

b. Mindy Manson, Principal Planner, briefed the Council on an appealed item considered on second and final reading amending Section 23-306.4 of the Abilene Municipal Code, concerning carwashes in LC (Limited Commercial) district. The Planning and Zoning Commission and staff recommend denial of the request.

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

- Carl Reeder, stated it would benefit local residents, and help the City in tax revenue.
- Jess Treadwell, lives in the vicinity of the proposed car wash.
- Mark Reeder, stated that he had surveyed other cities, and that "special considerations" in regard to zoning can be done.

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

Councilman Wheat moved to approve the Ordinance, as requested by Carl's Auto Supply, amending Section 23-306.4 to allow carwashes as a permitted use in LC district, and to instruct the staff to consult with Planning and Zoning on the rewording of the Ordinance to require future requests for carwashes in LC districts to be directed to the proper board, before final recommendation or request is made to the City Council. The motion was seconded by Councilman Ceniglis and the motion carried.

AVES: Councilmen Wheat, Ceniglis, Robinson, and Mayor Ferguson.

NAVS: Councilman McCaleb, Councilwoman Ray, and Councilman Nixon.

The Ordinance is numbered 15-1989 and is captioned as follows:

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.

c. Lee Roy George, Director of Planning, briefed the Council on an ordinance considered on second and final reading amending Ordinance #971, concerning mobile homes at Lake Fort Phantom.

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

- Charles Nolen, representing Ernest & Leda Dixon, residents at Lake Fort Phantom. Mr. Nolen handed out an explanation to the Council.

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

Councilman Robinson moved to approve the Ordinance amending Ordinance #971, concerning mobile homes at Lake Forth Phantom, extending the 1992 deadline for the removal of mobile homes to a 40 year period. The motion was seconded by Councilman Wheat and the motion carried.

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

The Ordinance is numbered 16-1989 and is captioned as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 971 PROVIDING FOR THE REGULATION OF MOBILE HOMES AT LAKE FORT PHANTOM HILL, CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

d. Harvey Cargill, City Attorney, briefed the Council on an ordinance considered on second and final reading amending Lone Star Gas Franchise. Staff recommends approval.

Councilman Ceniglis 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.

The Ordinance is numbered 17-1989 and is captioned as follows:

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.

Jo Moore, City Secretary, briefed the Council on a Resolution canvassing the returns of the City Council Election held May 6, 1989, declaring that Jimmy McNeil received a majority of the votes cast for Council Place V and Liz Herrera for Council Place VI. Ballots were issued to each precinct as required by State Law to be duly recorded.

Mayor Ferguson received by mail a Ballot and Seal Certificate from each presiding judge, duly signed by same and released to the City Secretary for filing in the official election records.

Councilman Robinson moved to approve the resolution canvassing the returns and declaring the results of the City Election held May 6, 1989. 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 21-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD IN THE CITY OF ABILENE ON MAY 6, 1989.

Jo Moore, City Secretary, disseminated to each member of the City Council their annual pay check of one (1.00) dollar.

Presentations were given to Councilmen Robinson and Nixon and their wives for their service to the City of Abilene. Jimmy McNeil, Council Place V and Liz Herrera, Council Place VI were inducted into the office for a three-year term by Jo Moore, City Secretary. A reception followed.

Mayor Ferguson asked for nominations of members to serve as Mayors Pro Tempore. Walter Wheat and Tom Ceniglis were nominated as co-Mayors Pro Tempore. There being no other nominations, the nominations were closed.

Councilman McCaleb moved to elect Walter Wheat and Tom Ceniglis as Co-Mayors Pro Tempore. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, McNeil, Councilwoman Herrera, 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 Ceniglis moved to approve appointments and reappointments to the Human Relations Committee as outlined in Exhibit "A" to these minutes. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

There being no further business, the meeting adjourned at 11:10 a.m.


Jo Moore, CMC
City Secretary


Dale E. Ferguson
Mayor