

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, June 8, 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, June 8, 1989, at 9:00 a.m.

CITY COUNCIL: Mayor Dale Ferguson; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, Tom Ceniglis, Jimmy McNeil and Liz Herrera.

1. Call to Order.
2. **INVOCATION:** Councilman Jimmy McNeil.
3. **Approval of Minutes:** Special City Council Meeting held May 18, 1989; Pre-Council Session and Regular City Council Meeting held May 25, 1989.
4. **Employee Service Awards:**

35 Years	Ray McCarty	Drafting Supervisor Engineering Division
20 Years	Thomas T. Villarreal	Equipment Operator II Refuse Division

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 approving lease renewal for Airport Restaurant at Abilene Regional Airport.
 - b. Oral resolution approving lease renewal for United States Weather Bureau at Abilene Regional Airport.
 - c. Oral resolution approving Street Use License request from Billington Construction Company for specific ROW's around 1101 Cherry Street.
 - d. Resolution authorizing the filing of Section 9 grant application for UMTA funding of operating, planning and capital for Abilene Transit System.
 - e. Consider on first reading - an ordinance changing zoning district boundaries - Z-01389 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 106 Cypress Street, and set a public hearing for 9:00 a.m. June 22, 1989.
 - f. Consider on first reading - an ordinance changing zoning district boundaries - Z-01489 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 1158 N. 1st Street, and set a public hearing for 9:00 a.m. June 22, 1989.

- g. Consider on first reading - an ordinance changing zoning district boundaries - Z-01589 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 174 Cypress Street, and set a public hearing for 9:00 a.m. June 22, 1989.
 - h. Consider on first reading - an ordinance changing zoning district boundaries - Z-01689 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 158 Cypress Street, and set a public hearing for 9:00 a.m. June 22, 1989.
 - i. Consider on first reading - an ordinance changing zoning district boundaries - Z-01789 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 151 Cedar & 1149 N. 2nd Streets, and set a public hearing for 9:00 a.m. June 22, 1989.
 - j. Consider on first reading - an ordinance changing zoning district boundaries - Z-01889 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying RM-3 (Residential Multi-Family) zoning district, located at 1726 Swenson, and set a public hearing for 9:00 a.m. June 22, 1989.
6. Award of Bid:
 - a. Cabinet Construction at Fire Station #4.
 - b. Rebuilding of dozer unit #2587.

REGULAR AGENDA

7. Ordinances & Resolutions:
 - a. APPEALED ITEM:
Public Hearing: Consider on second and final 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.
 - b. Oral resolution authorizing the City Manager to sign a Warrantly Deed transferring the Strader Clinic to the Medical Care Mission.
 - c. Consider on second and final reading - an ordinance requiring disclosure of purchase price of transported gas.
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 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

00095

PRE-COUNCIL WORK SESSION, THURSDAY
June 8, 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 June 8, 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, Jimmy McNeil, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, Staff Coordinator Debra Guerra, 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
June 8, 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 June 8, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Jimmy McNeil.

There being no corrections, additions, or deletions to the minutes of the Special City Council Meeting held May 18, 1989; and Pre-Council Session and Regular City Council Meeting held May 25, 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:

35 Years	Ray McCarty	Drafting Supervisor
		Engineering Division
20 Years	Thomas T. Villarreal	Equipment Operator II
		Refuse Division

Councilman McCaleb moved approval of the consent agenda items, 5a through 5j and 6b, as recommended by the staff. Item 6a was removed from the consent agenda to be considered separately. 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.

5. Ordinances & Resolutions:

- a. Oral resolution approving lease renewal for Airport Restaurant at Abilene Regional Airport.
- b. Oral resolution approving lease renewal for United States Weather Bureau at Abilene Regional Airport.
- c. Oral resolution approving Street Use License request from Billington Construction Company for specific ROW's around 1101 Cherry Street.
- d. Resolution authorizing the filing of Section 9 grant application for UMTA funding of operating, planning and capital for Abilene Transit System.
The Resolution is numbered 23-1989 and is captioned as follows:

A RESOLUTION OF THE CITY CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

- e. Consider on first reading - an ordinance changing zoning district boundaries - Z-01389 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 106 Cypress Street, and set a public hearing for 9:00 a.m. June 22, 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.

- f. Consider on first reading - an ordinance changing zoning district boundaries - Z-01489 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 1158 N. 1st Street, and set a public hearing for 9:00 a.m. June 22, 1989.

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- g. Consider on first reading - an ordinance changing zoning district boundaries - Z-01589 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 174 Cypress Street, and set a public hearing for 9:00 a.m. June 22, 1989.

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h. Consider on first reading - an ordinance changing zoning district boundaries - Z-01689 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 158 Cypress Street, and set a public hearing for 9:00 a.m. June 22, 1989.

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i. Consider on first reading - an ordinance changing zoning district boundaries - Z-01789 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at 151 Cedar & 1149 N. 2nd Streets, and set a public hearing for 9:00 a.m. June 22, 1989.

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j. Consider on first reading - an ordinance changing zoning district boundaries - Z-01889 - Request from Abilene Preservation League to add H (Historic Overlay) to underlying RM-3 (Residential Multi-Family) zoning district, located at 1726 Swenson, and set a public hearing for 9:00 a.m. June 22, 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. Removed from Consent Agenda.
- b. Rebuilding of dozer unit #2587. The bid was awarded to West Texas Equipment in a single source bid for \$59,310.00, as recommended by staff.

REGULAR AGENDA

6. Award of Bid:

- a. Cabinet Construction at Fire Station #4.

Mayor Ferguson was concerned that a City employee was low bidder on the item. Council's purchasing policies require that any bid awarded to a City employee be done by the City Council rather than staff.

After much discussion by Council and staff, Councilman Ceniglis moved to award the bid to Custom Wood Work as low bidder in the amount of \$2,975.00, with a direction to staff to look into this practice for future bids. 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.

7. Ordinances & Resolutions:

a. David Lawrence, Planner, briefed the Council on an appealed item considered on second and final reading 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.

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

Bill Perry, 278 S. Pioneer, attorney for proponent, stated proponent is trying to rezone to have a basis for a possible buyer to tell the Council what their intent in the purchasing of the land would be.

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

After discussion by the Council on the item, Councilman McCaleb moved to deny the request in view of the discussion held, and hopefully with the understanding implied in their discussion, specifically that nothing has substantially changed since Mr. Trigg last brought this request before the City Council. The motion was seconded by Councilman Ceniglis and the motion carried.

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

NAYS: None.

The request was DENIED.

b. City Manager Jim Blagg briefed the Council on an Oral resolution authorizing the City Manager to sign a Warranty Deed transferring the Strader Clinic to the Medical Care Mission.

Councilman Wheat moved to authorize the City Manager to sign a Warranty Deed transferring the Strader Clinic to the Medical Care Mission. The motion was seconded by Councilman Ceniglis and the motion carried.

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

NAYS: None.

c. Harvey Cargill, City Attorney, briefed the Council on an ordinance considered on second and final reading requiring disclosure of purchase price of transported gas. He also stated the City had received a formal acceptance from Lone Star Gas of Ordinance #17-1989, amending their franchise agreement, which shall be incorporated as part of that ordinance.

Councilman McNeil moved to approve the Ordinance requiring disclosure of purchase price of transported gas, as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

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

AN ORDINANCE REQUIRING THE DISCLOSURE OF THE PURCHASE PRICE OF GAS TRANSPORTED BY LONE STAR GAS COMPANY; PROVIDING A PENALTY AND AN EFFECTIVE DATE.


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.

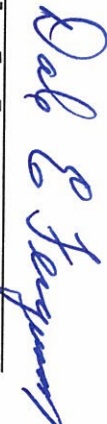
The Council reconvened from executive session and reported no action taken in Executive Session.

Councilwoman Ray moved to approve appointments and reappointments to various boards as outlined in Exhibit "A" to these minutes. The motion was seconded by Councilman McNeil and the motion carried.

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

There being no further business, the meeting adjourned at 11:54 a.m.


Jo Moore, CMC
City Secretary


Dale E. Ferguson
Mayor

MAYOR'S RECOMMENDED BOARD APPOINTMENTS

June 8, 1989

Abilene Community Development Company, Inc., terms expiring 5/90

Reappoint:

Betty Sneed
Bonita Grogan
Carolyn Tate
Coy T. Dunlap, Alternate
Guinn Smith
James Rose, from Alternate to Primary
Jay Messenger
Jim Nixon, Alternate
Kirby Leason
Mike Bannister
Ruby Jackson
Sue Kapke, Alternate
Tim Collard, Alternate

Appoint:

Ray Montgomery
Jay Moore
Faye Smith
Marlene Gardner
Terry Browder

Abilene Economic Development Company, Inc. - term expiring 11/90

Appoint:

Ron Butler

Abilene Higher Education Authority - terms expiring 5/91

Reappoint:

Dr. Jesse Fletcher
Dr. Thomas Kim
John Combs
Syd Niblo

Abilene Higher Education Facilities Corp. - terms expiring 5/91

Reappoint:

Dr. Jesse Fletcher
Dr. Thomas Kim
John Combs
Syd Niblo

Abilene Housing Finance Corp. - terms expiring 5/91

Reappoint:

Faye Smith
Appoint:
Terry Browder

MH/MR Board of Trustees - terms expire 8/31/89

Appoint:

Dr. Robert C. Monk to replace Dr. Royce Money
Floyd Snickerson to replace Bernice Proctor

Reappoint:

Sarah Hill
Walter Bryan

Parks & Recreation - terms expire 5/92

Reappoint:

Dr. Jimmy Wadley

Appoint:

Gail Russey

Senior Citizens Board - terms expiring 5/91

Reappoint:

Charles White
Durward Young
Ernest J. Hermann
Paul E. Rehm

West Central Texas Municipal Water District - terms expiring 5/91

Reappoint:

A. E. Fogle
Abraham Allen
Kenneth T. Murphy

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