

**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 22, 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 22, 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:** Councilwoman Liz Herrera.
3. **Approval of Minutes:** City Council Retreat held June 1 and 2, 1989; and Pre-Council Session and Regular City Council Meeting held June 8, 1989.

#### 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.

#### 4. **Ordinances and Resolutions:**

- a. Oral Resolution accepting Amendment #1 to La Jet Hangar Lease with NCNB of Dallas and other financial institutions.
- b. Resolution authorizing City Manager to accept Donald Knapp as an assignee of the La Jet and Amendment #1 Lease.
- c. Oral resolution authorizing a surface lease with Abilene Girls Home Inc. for a tract of land located at N. 3rd and Mulberry Streets.
- d. Oral Resolution adopting Overall Economic Development Plan update.
- e. Consider on first reading - an ordinance amending Section 23-306.4 of the Abilene Municipal Code concerning Automobile Wash in LC (Limited Commercial) districts with a Special Exception, and set a public hearing for July 13, 1989.

#### 5. **Award of Bid:**

- a. Uniforms for Police Department, **Bid #CB9058.**
- b. SCADA & Radio Telemetry System for Water Utilities Division, **Bid #CB9057.**
- c. Pavement markers for Traffic Operations Division, **Bid #CB9061.**

#### **REGULAR AGENDA**

#### 6. **Public Appearance:**

- a. Larry A. Moore, Abilene Jaycees, to request Fireworks display for July 4, 1989.

- b. Lynne Barnett, Visual Arts Jury, to request acceptance of sculpture as a permanent addition to the City's sculpture collection.

7.

**Ordinances and Resolutions:**

- a. Public Hearing: Consider on second and final 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.
- b. Public Hearing: Consider on second and final 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.
- c. Public Hearing: Consider on second and final 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.
- d. Public Hearing: Consider on second and final 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.
- e. Public Hearing: Consider on second and final 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.
- f. Public Hearing: Consider on second and final 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.
- g. Public Hearing: Consider Resolution designating Tax Abatement Reinvestment Zone Number Two, and approval of Tax Abatement Contract.
- h. Consider resolution approving Preliminary Official Statement, and designate Paying Agent for sale of bonds in the amount of \$3,845,000.

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 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 v. Riley
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 Kerwin 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
22. Fountain v. City & Board of Building Standards

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 6/16/89

00118

PRE-COUNCIL WORK SESSION, THURSDAY  
June 22, 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 22, 1989, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Dale E. Ferguson was present and presiding with Councilwoman Betty Ray, Councilmen Tom Ceniglis and Jimmy McNeil, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore, Staff Coordinator Debra Guerra, and various members of the City staff. Councilmen Gary D. McCaleb and Walter E. Wheat were absent.

The Council briefly discussed various consent and regular agenda items, and Mayor Ferguson commented on Bob Fowler contacting three handicapped individuals about improvements that could be made at the Civic Center for the handicapped. As a result, eight changes in the design were made. The Mayor and Council thanked Mr. Fowler for his efforts. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
June 22, 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 22, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Liz Herrera.

There being no corrections, additions, or deletions to the minutes of the City Council Retreat held June 1 and 2, 1989; and Pre-Council Session and Regular City Council Meeting held June 8, 1989, the minutes stand approved as printed.

Councilman Ceniglis moved to approve the consent agenda items, being 4a through 4e and 5a through 5c as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

4. Ordinances and Resolutions:

- a. Oral Resolution accepting Amendment #1 to La Jet Hangar Lease with NCNB of Dallas and other financial institutions.

- b. Resolution authorizing City Manager to accept Donald Knapp as an assignee of the La Jet and Amendment #1 lease.

The Resolution is numbered 24-1989 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY TO ACCEPT AN ASSIGNMENT OF A LAND LEASE FROM FIRST NATIONAL BANK OF ABILENE; FIRST CITY NATIONAL BANK OF HOUSTON; SECURITY PACIFIC NATIONAL BANK; AND NCNB TEXAS NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, ASSIGNEE OF THE RECEIVER FOR FIRST REPUBLICBANK DALLAS, NATIONAL ASSOCIATION; TO DONALD KNAPP.

c. Oral resolution authorizing a surface lease with Abilene Girls Home Inc. for a tract of land located at N. 3rd and Mulberry Streets.

d. Oral Resolution adopting Overall Economic Development Plan update.

e. Consider on first reading - an ordinance amending Section 23-306.4 of the Abilene Municipal Code concerning Automobile Wash in LC (limited Commercial) districts with a Special Exception, and set a public hearing for July 13, 1989.

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.

5. **Award of Bid:**

a. Uniforms for Police Department, **Bid #CB9058.** Items 1, 2, 3, and 4 were awarded to Uniforms of Texas and Item 5 was awarded to Cannon's Uniform, the low responsible bidders, as recommended by staff.

b. SCADA & Radio Telemetry System for Water Utilities Division, **Bid #CB9057.** The City Manager was authorized to execute a contract with Garico, Inc. for \$97,200; and to execute a Change Order to reduce the contract to \$87,987. Garico, Inc. was then authorized to proceed with installation at the change ordered amount; all as recommended by staff.

c. Pavement markers for Traffic Operations Division, **Bid #CB9061.** The bid was awarded as follows: Non-reflective ceramic marker - yellow, and non-reflective ceramic marker - white to Safe-T-Mark; Prismatic reflective marker - 1-way white, and prismatic reflective marker 2-way yellow to Southwestern Materials; the low responsible bidders, as recommended by staff.

**REGULAR AGENDA**

6. **Public Appearance:**

a. Larry A. Moore, President of Abilene Jaycees, appeared before the Council to request a Fireworks display for July 4, 1989.

Councilman McNeil moved to approve the request for fireworks display by the Abilene Jaycees, contingent on proof of insurance and State Fire Marshal approval. The motion was seconded by Councilman Cenigltis and the motion carried.

AYES: Councilwoman Ray, Councilmen Ceniglis and McNeil, Councilwoman Herrera, and Mayor Ferguson.  
NAYS: None.

b. Lynne Barnett, Visual Arts Jury, appeared before the Council to request acceptance of a sculpture as a permanent addition to the City's sculpture collection.

Councilwoman Ray moved to approve the request for acceptance of a sculpture as a permanent addition to the City's sculpture collection, and expressed appreciation for the efforts of the Visual Arts Jury. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilwoman Ray, Councilmen Ceniglis and McNeil, Councilwoman Herrera, and Mayor Ferguson.  
NAYS: None.

## 7. Ordinances and Resolutions

Mayor Ferguson requested that Items 7a through 7e be presented all at one time, with one motion to cover all the above items; due to the fact that they all require the same consideration.

David Lawrence, Planner, briefed the Council on the following ordinances considered on second and final reading:

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

The Planning and Zoning Commission, Landmarks Commission, and staff recommend approval.

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

- Truett Roberts, past president of Abilene Preservation League.

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

Councilman Ceniglis moved to approve the ordinances to add H (Historic Overlay) to underlying CB (Central Business) zoning district, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

AVES: Councilwoman Ray, Councilmen Ceniglis and McNeil, Councilwoman Herrera, and Mayor Ferguson.

NAYS: None.

The Ordinances are numbered and captioned as follows:

19-1989  
20-1989  
21-1989  
22-1989  
23-1989

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. David Lawrence, Planner, briefed the Council on 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. The Planning and Zoning Commission, Landmarks 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 McNeil moved to approve the ordinance to add H (Historic Overlay) to underlying RM-3 (Residential Multi-Family) zoning district, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

AVES: Councilwoman Ray, Councilmen Ceniglis and McNeil, Councilwoman Herrera, and Mayor Ferguson.

NAYS: None.

The Ordinance is numbered 24-1989 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.

g. Mike Morrison, Director of Community & Economic Development, briefed the Council on a Resolution designating Tax Abatement Reinvestment Zone Number Two, and the Tax Abatement Contract. Mr. Morrison expressed his appreciation to Stephanie Dugan for handling the project in his absence.

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 resolution designating Tax Abatement Reinvestment Zone Number Two, and to approve the Tax Abatement Contract, as recommended by staff. The motion was seconded by Councilman Ceniglis and the motion carried.

AYES: Councilwoman Ray, Councilmen Ceniglis and McNeil, Councilwoman Herrera, and Mayor Ferguson.  
NAYS: None.

The Resolution is numbered 25-1989 and is captioned as follows:

A RESOLUTION ESTABLISHING TAX ABATEMENT REINVESTMENT ZONE NUMBER TWO IN ACCORDANCE WITH THE TEXAS PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.

h. David Wright, Director of Finance, briefed the Council on a resolution approving a Preliminary Official Statement, and designating a Paying Agent for the sale of bonds in the amount of \$3,845,000. He stated that in Pre-Council Session a corrected Notice of Sale and Bidding Instructions was distributed to the Council.

Councilwoman Herrera moved to approve the Resolution approving a Preliminary Official Statement, and designating a Paying Agent for the sale of bonds in the amount of \$3,845,000. The motion was seconded by Councilwoman Ray and the motion carried.

The Resolution is numbered 26-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE OFFICIAL STATEMENT AND SALE OF BONDS.

8. Other Business:

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.

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

b. Councilwoman Ray moved to appoint Rick Arnic to replace Jaime Limas on the Human Relations Committee, with a term expiring 5/90; and Charles Barr to replace Don DeBord on the Planning and Zoning Commission, with a term expiring 11/91. The motion was seconded by Councilwoman Herrera, and the motion carried.

AYES: Councilwoman Ray, Councilmen Ceniglis and McNeil, Councilwoman Herrera, and Mayor Ferguson.  
NAYS: None.

Councilman Ceniglis moved to approve a Resolution appointing Keith "Lee" Hamilton as Municipal Court Judge. The motion was seconded by Councilman McNeil, and the motion carried.

AYES: Councilwoman Ray, Councilmen Ceniglis and McNeil, Councilwoman Herrera, and Mayor Ferguson.  
NAYS: None.


The Resolution is numbered 27-1989 and is captioned as follows:



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
APPOINTING LEE HAMILTON MUNICIPAL COURT JUDGE FOR A TERM OF TWO YEARS.

There being no further business, the meeting was adjourned at 10:25 a.m.

  
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Je Moore  
City Secretary

  
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Dale E. Ferguson  
Mayor