

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, July 13, 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, July 13, 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 Betty Ray.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held June 22, 1989; and Emergency Council Meeting held June 28, 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 Councilmember 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 approving contract renewal with Abilene Emergency Medical Service for Ambulance Service.
- b. Oral resolution approving Rules of Procedure for Human Relations Committee as amended.
- c. Resolution amending by-laws of Airport Development Board to add an additional member who will be chairman of the Aviation Committee of the Abilene Chamber of Commerce.
- d. Resolution adopting policy on employee bidding.
- e. **APPEALED ITEM:**
Consider on first reading - an ordinance changing zoning district boundaries - **Z-00289** - Request from Virgil Partin, Agent, Bill Cogsdil, to rezone from AO (Agricultural Open Space) to LC (Limited Commercial) district, located in the 7000 Block of Buffalo Gap Road, and set a public hearing for 9:00 a.m. July 27, 1989.
- f. Consider on first reading - an ordinance for thoroughfare abandonment - **TC-01989** - Request from City of Abilene, agent, A. R. Falcioni, for thoroughfare abandonment located at the Lower Parking Circle at Abilene Regional Airport, and set a public hearing for 9:00 a.m. July 27, 1989.
- g. Consider on first reading - an ordinance changing zoning district boundaries - **Z-02089** - Request from Herbert M. Roberts to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at North 2nd & Cypress Streets, and set a public hearing for 9:00 a.m. July 27, 1989.

- h. Consider on first reading - an ordinance amending Sections 23-306.4, 23-306.5 and 23-363 of the Zoning Ordinance concerning inoperable vehicles, and set a public hearing for 9:00 a.m. July 27, 1989.
 - i. Oral Resolution selecting auctioneer for City auction.
- 5. Award of Bid:**
- a. Fencing Material for Community Services Department, Bid #CB9
 - b. Maple Street Pump Station & 2 Mg ground storage tank for Water Utilities Department, Bid #CB9063.
 - c. Pebble quicklime for Water Utilities Department, Bid #CB9056.
- 6. Request to Advertise:**
- a. Five-year surface Leases on 14 tracts of City owned property for cultivation and/or grazing purposes.

REGULAR AGENDA

- 7. Public Appearance:**
- Kathy Merrill and Earl Williams of the Human Relations Committee, requesting acceptance of recommendations of the Employment Sub-committee of the Human Relations Committee.

- 8. Ordinances & Resolutions:**
- a. Public Hearing: Consider on second and final 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.
 - b. Oral Resolution approving airline lease for terminal space with Conquest Airlines.
 - c. Oral Resolution approving contract with the Abilene Improvement Corporation for \$89,533 in tax increment funds to hire a downtown manager.
 - d. Oral Resolution accepting facade easement and approval of \$750,000 in tax increment funds for the Grace Cultural Center.
 - e. **PUBLIC HEARING:** Consider creation of Tax Abatement Reinvestment Zone Number Three and Resolution approving tax abatement contract with General Dynamics.
 - f. Resolution authorizing conveyance of property to the Abilene Industrial Foundation.

- 9. Other Business:**
- a. Interim report from the U. S. Army Corps of Engineers relative to the Feasibility Study of alternatives for local flood protection on Elm Creek.
 - b. Pending and Contemplated Litigation (see notice for Executive Session, Litigation for listing subjects), possible action.
 - c. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.
 - d. Resolution appointing election officials and setting rate of compensation for Special Election August 12, 1989.

ADJOURN

00130

(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. Riley
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
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

001304

PRE-COUNCIL WORK SESSION, THURSDAY
July 13, 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 July 13, 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
July 13, 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 July 13, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held June 22, 1989; and Emergency Council Meeting held June 28, 1989, the minutes stand approved as printed.

Mayor Ferguson presented an award from the Texas Public Works Association to Bob Whitehead, Director of Public Works. The Association selected three outstanding Public Works officials from three population categories (small, medium, and large).

Councilwoman Ray moved approval of the consent agenda items, 4a through 4c, 4e through 4g, 4i, 5a through 5c, and 6a, as recommended by the staff. Item 4d was removed from the consent agenda to be considered at the July 27 Council meeting, and Item 4h was removed to be considered separately at the request of Councilman Wheat. The motion was seconded by Councilman Wheat and the motion carried.

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

4. Ordinances & Resolutions:

- a. Oral resolution approving contract renewal with Abilene Emergency Medical Service for Ambulance Service.

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- b. Oral resolution approving Rules of Procedure for Human Relations Committee as amended.
- c. Resolution amending by-Laws of Airport Development Board to add an additional member who will be chairman of the Aviation Committee of the Abilene Chamber of Commerce.

The Resolution is numbered 29-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING THE BY-LAWS OF THE AIRPORT DEVELOPMENT BOARD TO ADD AN ADDITIONAL MEMBER WHO SHALL BE THE CHAIRMAN OF THE AVIATION COMMITTEE OF THE ABILENE CHAMBER OF COMMERCE.
- d. Removed from consent agenda.
- e. **APPEALED ITEM:**

Consider on first reading - an ordinance changing zoning district boundaries - Z-00289 - Request from Virgil Partin, Agent, B111 Cogsdil, to rezone from A0 (Agricultural Open Space) to LC (Limited Commercial) district, located in the 7000 Block of Buffalo Gap Road, and set a public hearing for 9:00 a.m. July 27, 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 for thoroughfare abandonment - TC-01989 - Request from City of Abilene, agent, A. R. Falcioni, for thoroughfare abandonment located at the Lower Parking Circle at Abilene Regional Airport, and set a public hearing for 9:00 a.m. July 27, 1989.

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.
- g. Consider on first reading - an ordinance changing zoning district boundaries - Z-02089 - Request from Herbert M. Roberts to add H (Historic Overlay) to underlying CB (Central Business) zoning district, located at North 2nd & Cypress Streets, and set a public hearing for 9:00 a.m. July 27, 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.
- h. Removed from consent agenda to be considered under Regular Agenda.
- i. Oral Resolution selecting auctioneer for City auction. Kincaid Auction Service was approved, as recommended by staff, to conduct the 1989 auction for a fee of 5% of the gross receipts.

5. **Award of Bid:**
- a. Fencing Material for Community Services Department, Bid #CB99062. The bid was awarded to Branded Fence Company, with a low bid of \$17,223.32, as recommended by staff.
 - b. Maple Street Pump Station & 2 MG ground storage tank for Water Utilities Department, Bid #CB9063. The bid was awarded to Batjer & Associates for Part A in the amount of \$662,206, and Holloway Company, Inc. for Part B in the amount of \$305,437, as recommended by staff.
 - c. Pebble quicklime for Water Utilities Department, Bid #CB9056. The bid was awarded to Chemical Lime Company at \$66.28/ton, the most responsible bid, as recommended by staff.
6. **Request to Advertise:**
- a. Five-year surface Leases on 14 tracts of City owned property for cultivation and/or grazing purposes.

REGULAR AGENDA

4h. David Lawrence, Planner II, briefed the Council on an ordinance considered on first reading amending Sections 23-306.4, 23-306.5 and 23-363 of the Zoning Ordinance concerning inoperable vehicles, setting a public hearing for 9:00 a.m. July 27, 1989.

Councilman Wheat stated his request to discuss this item was based on several concerns he has, some of which are; the possible contradiction between clean up efforts in Abilene and allowing junk cars to be placed in residential rear yards where proper screening may not be accomplished, possible discrimination against owners of antique vehicles, and residential homes, existing in industrial/commercial zoned areas, being exposed to what that type of zoning might generate. Councilman McCaleb stated in view of the points made by Councilman Wheat, he would move that this item be tabled for further review, then placed on the Consent Agenda for first reading at the next council meeting and a public hearing at a future time. The motion was seconded by Councilman Wheat and the motion failed.

AYES: Councilmen McCaleb and Wheat.

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

Councilman Ceniglis made a motion that item 4h be placed back on the Consent Agenda to be approved on first reading by the Council and then placed on the July 27, 1989 agenda for a public hearing and consideration of second and final reading. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: Councilmen McCaleb and Wheat.

Mayor Ferguson pulled Item 8e out of order from the Regular Agenda, to be considered at this time.

8e. Mike Morrison, Director of Community & Economic Development, briefed the Council on the creation of Tax Abatement Reinvestment Zone Number Three, and a Resolution approving a tax abatement contract with General Dynamics.

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

Councilman McNeil moved to approve creation of Tax Abatement Reinvestment Zone Number Three, and a Resolution approving a tax abatement contract with General Dynamics, as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

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

The Resolution is numbered 30-1989 and is captioned as follows:

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

7. Public Appearance:

Kathy Merrill and Earl Williams of the Human Relations Committee, presented recommendations of the Employment Sub-committee of the Human Relations Committee, and requested acceptance of same.

Mayor Ferguson thanked Ms. Merrill and Mr. Williams for their hard work, as well as all the subcommittee members.

Councilman Ceniglis moved to accept the recommendations of the Employment Subcommittee of the Human Relations Committee as presented. 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.

8. Ordinances & Resolutions:

a. David Lawrence, Planner II, briefed the Council on an appealed item considered on second and final reading amending Section 23-306.4 of the Abilene Municipal Code concerning Automobile Wash in LC (Limited Commercial) districts with a Special Exception. 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 McCaleb moved to approve the ordinance amending Section 23-306.4 of the Abilene Municipal Code concerning Automobile Wash in Limited Commercial districts with a special exception, as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

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

The Ordinance is numbered 25-1989 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. Airport Manager A. R. Falcioni briefed the Council on an Oral Resolution approving an airline lease for terminal space with Conquest Airlines.

Councilman Ceniglis thanked Mr. Falcioni for his work, and Mayor Ferguson recognized Mr. Mike Dohrse, Chairman of the Airport Development Board, for his work also.

Councilwoman Ray moved to approve the airline lease for terminal space with Conquest Airlines as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

Item 8c, Oral Resolution approving a contract with the Abilene Improvement Corporation for \$89,533 in tax increment funds to hire a downtown manager, was pulled from the Regular Agenda to be considered at a later date, due to the fact that the contract is not complete at this time.

d. Mike Morrison, Director of Community & Economic Development, introduced Jerry Love, member of the Abilene Preservation League, who briefed the Council on an Oral Resolution accepting a facade easement and approval of \$750,000 in tax increment funds for the Grace Cultural Center. He introduced Sam Waldrop, Chairman of the Tax Increment Financing District, who urged support for the project in that it will benefit the entire City.

Councilwoman Ray voiced her appreciation of the proposed project.

Councilwoman Herrera moved to approve the Oral resolution accepting a facade easement and approving \$750,000 in tax increment funds for the Grace Cultural Center, as recommended by staff. 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.

e. Pulled out of order, considered before Agenda Item #7.

f. Mike Morrison, Director of Community & Economic Development, briefed the Council on a Resolution authorizing conveyance of property to the Abilene Industrial Foundation. Staff recommends approval.

Councilwoman Ray moved to approve the Resolution authorizing conveyance of property to the Abilene Industrial Foundation, as recommended by staff. 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.

The Resolution is numbered 31-1989 and is captioned as follows:
RESOLUTION CONVEYING CERTAIN PROPERTY TO THE ABILENE INDUSTRIAL FOUNDATION.

9. Other Business:

a. Bob Whitehead, Director of Public Works, briefed the Council on an Interim report from the U. S. Army Corps of Engineers relative to the Feasibility Study of alternatives for local flood protection on Elm Creek. He introduced Mike Mosek, Corps Chief, who presented findings and introduced his staff.

After much discussion, Councilman Ceniglis moved to continue the Feasibility Study including the alternatives which have a benefit cost ratio of greater than one, the combination of Lake Abilene Modification, the Upstream detention dam, and the Elm Creek clearing in order to see what effect those three in combination would have, to see if the percentage of drainage prevented could be brought higher for a more feasible option. The motion was seconded by Councilwoman Herrera and the motion carried.

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

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; and to approve Resolutions appointing the following individuals to various positions:

Mrs. Mary Glover as Assistant Municipal Court Judge
Kenneth Leggett as Assistant Municipal Court Judge
Susan M. Yantis as Assistant City Attorney
Keith A. Barton as Assistant City Attorney

The motion was seconded by Councilwoman Herrera and the motion carried.

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

The Resolutions are numbered and captioned as follows:

Resolution #32-1989

Resolution #33-1989

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE APPOINTMENT OF AN ASSISTANT MUNICIPAL COURT JUDGE FOR THE CITY OF ABILENE.

Resolution #34-1989

Resolution #35-1989

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.

d. Councilman McNeil moved to approve the resolution appointing election officials and setting their rate of compensation for the Special Election August 12, 1989, as recommended by staff. 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.

The Resolution is numbered 36-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION.

There being no further business, the meeting adjourned at 11:30 a.m.


Jo Moore, CMC
City Secretary


Dale E. Ferguson
Mayor