

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 27, 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 27, 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 Walter Wheat.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held July 13, 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. Resolution to approve new Municipal Maintenance agreement with the State for State Highway routes within the city limits.
 - b. Consider on first reading - an Ordinance amending Sections 18-293 and 18-299 of the Abilene Municipal Code, concerning Traffic Code Schedules.
 - c. Resolution adopting policy on employee bidding.
 - d. Resolution appointing a complete count committee for the 1990 Census.
5. **Award of Bid:**
 - a. Water pipe for Water Utilities Department, Bid #CB9067.
 - b. Out Front mowers for Parks Division, Bid #CB9066.

REGULAR AGENDA

6. **Public Appearance:**

Gary Vest, President of Abilene Industrial Foundation, to request approval of a Resolution in support of proposal to Texas Department of Corrections.
7. **Ordinances and Resolutions:**
 - a. Oral Resolution considering request by Western Medi-Trans for a city ambulance license.

- b. **APPEALED ITEM:**
Public Hearing: Consider on second and final 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.
Public Hearing: Consider on second and final 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.
- d. **Public Hearing:** Consider on second and final 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.
- e. **Public Hearing:** Consider on second and final reading - an ordinance amending Sections 23-306.4, 23-306.5 and 23-363 of the Zoning Ordinance concerning disabled vehicles.
- f. Resolution authorizing City participation in the State Department of Highways and Public Transportation project to widen U. S. 277 from Texas Avenue to F. M. 3438.
- g. **Bid Opening: 11:00 a.m.**
Award of Bid; Consider ordinance authorizing the issuance of City of Abilene, Texas General Obligation Bonds, Series 1989 in the amount of \$3,845,000.

- 7. **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 Gillelte 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

00148

PRE-COUNCIL WORK SESSION, THURSDAY
July 27, 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 27, 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 Tom Ceniglis, Walter E. Wheat, 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.

The Council briefly discussed various consent and regular agenda items. Mayor Ferguson explained the responsibilities of the Census Count Committee, and mentioned that the list of individuals being asked to serve were provided in the Council's agenda packets. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
JULY 27, 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 27, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Walter Wheat.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held July 13, 1989, the minutes stand approved as printed.

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

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

NAYS: None.

4. Ordinances and Resolutions:

- a. Resolution to approve new Municipal Maintenance agreement with the State for State Highway routes within the city limits.

The Resolution is numbered 37-1989 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, APPROVING AND AUTHORIZING THE EXECUTION OF A MUNICIPAL MAINTENANCE AGREEMENT WITH THE STATE OF TEXAS PROVIDING FOR RESPONSIBILITIES FOR MAINTENANCE OF CERTAIN STATE HIGHWAY ROUTES WITHIN THE CITY OF ABILENE, TEXAS.

b. Consider on first reading - an Ordinance amending Sections 18-293 and 18-299 of the Abilene Municipal Code, concerning Traffic Code Schedules.

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.

c. Resolution adopting policy on employee bidding.

The Resolution is numbered 38-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING CERTAIN PROHIBITIONS ON BIDDING FOR CITY SERVICES BY CITY EMPLOYEES.

d. Resolution appointing a complete count committee for the 1990 Census.

The Resolution is numbered 39-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING A COMPLETE COUNT COMMITTEE FOR THE 1990 CENSUS FOR THE PURPOSE OF INSURING THAT EVERYONE IN ABILENE IS COUNTED IN THE 1990 CENSUS.

5. **Award of Bid:**

a. Water pipe for Water Utilities Department, Bid #CB9067. The bid was awarded to Western Industrial Supply in the amount of \$51,100 on a lump sum basis as the most advantageous for the City, as recommended by staff.

b. Out Front mowers for Parks Division, Bid #CB9066. The bid was awarded to Goldthwaites of Texas, the low responsible bidder in the amount of \$20,201.50, as recommended by staff.

REGULAR AGENDA

6. **Public Appearance:**

Gary Vest, President of Abilene Industrial Foundation, appeared before the Council to request approval of a Resolution in support of submitting a proposal to the Texas Department of Corrections.

Councilman Wheat moved to approve the Resolution supporting submission of a proposal to the Texas Department of Corrections. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

The Resolution is numbered 40-1989 and contains no caption.

7. Ordinances and Resolutions:

a. Roy McDaniel, Assistant City Manager, briefed the Council on an Oral Resolution considering a request by Western Medi-Trans for a city ambulance license. Mr. McDaniel stated staff feels that a need for additional ambulance service has not been shown

Mr. Victor Hudman II, President of Western Medi-Trans, outlined his reasons why he believes his company could be beneficial to Abilene as an addition to the existing service.

Councilman Ceniglis moved to deny the request for an additional ambulance service, based on the staff's opinion that the requirements concerning the need provision have not been met. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

The request was DENIED.

b. David Lawrence, Planner, briefed the Council on an appealed ordinance considered on second and final reading changing zoning district boundaries - Z-00289 - Request from Virgil Partin, Agent, Bill Cogsdill, to rezone from AO (Agricultural Open Space) to LC (Limited Commercial) district, located in the 7000 Block of Buffalo Gap Road. The Planning and Zoning Commission and staff recommend denial.

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

- . Bill Cogsdill, C & C Surveyors, 241 Pine. Presented July 16, 1989 excerpt from the Abilene Reporter-News, indicating that other cities have no size limit on Limited Commercial, and that businesses in Abilene are on a decline.
- . Virgil Partin, 7341 Glenna Drive, stated no new homes are being built and this would be the most reasonable use of property. He stated more development was needed in this area, and the property would be leased if this were developed.
- . Jimmy Partin III, 3434 N. 6th, stated there is now a need for this property to be developed, and it is ideal for small businesses.

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

Councilwoman Ray moved to deny the request to rezone from AO to LC property located in the 7000 block of Buffalo Gap Road, as recommended by staff. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: Councilman Wheat.

The request was DENIED.

c. David Lawrence, Planner, briefed the Council on an appealed ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff recommend approval contingent on the length and width of the closure being retained as a fire access roadway and drainage easement.

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

. Fal Falcioni, Airport Manager, further explained the request.

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

Councilman Ceniglis moved to approve the ordinance for thoroughfare abandonment located at the lower parking circle at Abilene Regional Airport contingent on the length and width of the closure being retained as a fire access roadway and drainage easement, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

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

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.

d. David Lawrence, Planner, briefed the Council on an ordinance considered on second and final reading 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. 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 Wheat moved to approve the ordinance to add Historic Overlay to underlying Central Business zoning district located at North 2nd and Cypress Street, as recommended by staff. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

The Ordinance is numbered 27-1989 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.

e. David Lawrence, Planner, briefed the Council on an ordinance considered on second and final reading amending Sections 23-306.4, 23-306.5 and 23-363 of the Zoning Ordinance concerning disabled vehicles. The Planning and Zoning Commission and staff recommend approval.

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

Jesse Harris, 974 Luzone, stated the vehicles deteriorate property values.

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

Councilman Ceniglis moved to approve the ordinance amending Sections 23-306.4, 23-306.5 and 23-363 of the Zoning Ordinance concerning disabled vehicles, as recommended by staff; but changing the enforcement time from 60 days to 30 days. The motion was seconded by Councilman McNeil and the motion carried.

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

The Ordinance is numbered 28-1989 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.

f. Bob Whitehead, Director of Public Works, briefed the Council on a Resolution authorizing the City to participate in the State Department of Highways and Public Transportation project to widen U. S. 277 from Texas Avenue to F. M. 3438 (Dub Wright Boulevard). Staff recommends approval.

Councilman McNeil moved to approve the Resolution authorizing the City to participate in the State Department of Highways and Public Transportation project to widen U. S. 277 from Texas Avenue to F. M. 3438, 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.

The Resolution is numbered 41-1989 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS AUTHORIZING CITY PARTICIPATION IN A STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION PROJECT TO WIDEN U. S. HIGHWAY 277.

g. Mayor Ferguson stated the Bid Opening for the General Obligation Bonds, Series 1989 is to take place at 11:00 a.m. The Council would recess into executive session, but will reconvene at exactly 11:00 a.m. for the bid opening.

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.

7g. Roy McDaniel, Assistant City Manager, briefed the Council on a bid opening for the issuance of City of Abilene, Texas General Obligation Bonds, Series 1989 in the amount of \$3,845,000. At precisely 11:00 a.m., after all bids had been submitted (for a total of 8), it was announced that the bidding was closed. Mr. Joe Smith, Financial Advisor, conducted the bid opening announcing aloud the bidder and rate of interest bid. Following the bid opening and verification, it appeared that Prudential Bache Securities, Inc. bid the lowest effective interest rate at 6.7133%. Staff recommends accepting Prudential Bache Securities, Inc. as the apparent best bid at \$2,716,390.63 for net interest cost and 6.7133% effective interest rate.

Councilman McCaleb moved to approve the ordinance authorizing the issuance of City of Abilene, Texas General Obligation Bonds, Series 1989 in the amount of \$3,845,000, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

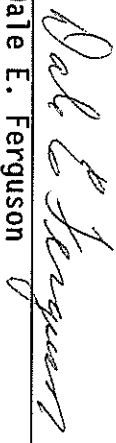
AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, McNeil, Councilwoman Herrera, and Mayor Ferguson.
NAYS: None.

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

AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS GENERAL OBLIGATION BONDS, SERIES 1989.

There being no further business, the meeting was adjourned at 11:15 a.m.


Joe Moore
City Secretary


Dale E. Ferguson
Mayor