

**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, August 24, 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, August 24, 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:** Pre-Council Session and Regular City Council Meeting held August 10, 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 approving amendments to the Zee Jet and LaJet leases at the Airport, to cure a LaJet building encroachment on the Zee Jet land lease.
  - b. Resolution authorizing City to proceed with Eminent Domain proceedings on Parcel 10 for Rebecca Lane paving and extension project.
  - c. Resolution accepting an FAA Grant to fund a new fire station at the Aiport.
  - d. Oral Resolution approving street use license request for the Gatlin Brothers Southwest Senior Classic October 9 through 16, 1989.
  - e. Oral Resolution authorizing request to award bids on five year cultivation and grazing leases effective January 1, 1990.
  - f. Oral resolution approving addendum to Official Statement for sale of General Obligation bonds for 1989 for tax accounting treatment of original issue document.
  - g. Consider on second and final reading - An ordinance amending Sections 18-299, Parking Time Limited; and 18-304, Parking Designated for the Disabled; of the Abilene Municipal Code.
  - h. Consider on first and final reading - An Ordinance adopting Section 108 loan for the Abilene Business and Education Center.

REGULAR AGENDA

5. Ordinances and Resolutions:
  - a. Public Hearing: Proposed 1989-90 Tax Rate.
  - b. Public Hearing: Consider on second and final reading - an Ordinance approving the Revised 1988-89 Budget and Proposed 1989-90 Budget, and consider Resolution approving a fee schedule for Maxwell Golf Course.
  - c. Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-01289** - Request from Alfredo Verastegui to rezone from RS-6 (Residential Single Family) to GC (General Commercial) district, located at 3772 Hickory Street.
  - d. Public Hearing: Consider on second and final reading - An ordinance amending Chapter 8, "Construction Regulations", Article VI, "Uniform Codes and Other Regulations", Division 2, "Building Code", of the Abilene Municipal Code.
  - e. Resolution adopting fee schedule and insurance amounts for certain building inspection fees.
  - f. Resolution approving Final Statement of Community Development Objectives and Projected Use of Funds for Program Year 89-90.
6. 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 public officer or employee, the City Manager, City Attorney, Municipal Court Judge, City Secretary, and 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. City Water Permit Applications
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 Kunschile 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. Lone Star Gas Gate Rate
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 8/15/89

PRE-COUNCIL WORK SESSION, THURSDAY  
August 24, 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 August 24, 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. Bob Fowler, Director of Housing and Inspection, distributed corrections to the Appendix, Chapter 32 of Item 5d, regarding the Uniform Building Code. Mayor Ferguson stated he had received a request for the Council to waive the usual fee required for Item 4d, regarding the street use license for the Gatlin Brothers Southwest Senior Classic to be held October 9-16. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
August 24, 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 August 24, 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 Pre-Council Session and Regular City Council Meeting held August 10, 1989, the minutes stand approved as printed.

Councilman Wheat moved to approve the consent agenda items, being 4a through 4h 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. Oral Resolution approving amendments to the Zee Jet and LaJet leases at the Airport, to cure a LaJet building encroachment on the Zee Jet land lease.
- b. Resolution authorizing City to proceed with Eminent Domain proceedings on Parcel 10 for Rebecca Lane paving and extension project.

The Resolution is numbered 48-1989 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION, THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY FOR THE REBECCA LANE PAVING PROJECT, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

- c. Resolution accepting an FAA Grant to fund a new fire station at the Airport.

The Resolution is numbered 49-1989 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS APPROVING GRANT AGREEMENT FROM THE FEDERAL AVIATION ADMINISTRATION FOR THE CONSTRUCTION OF AN AIRCRAFT RESCUE FIREFIGHTING BUILDING (FIRE STATION) AT THE ABILENE REGIONAL AIRPORT.

- d. Oral Resolution approving street use license request for the Gatlin Brothers Southwest Senior Classic October 9 through 16, 1989.

- e. Oral Resolution authorizing request to award bids on five year cultivation and grazing leases effective January 1, 1990.

- f. Oral resolution approving addendum to Official Statement for sale of General Obligation bonds for 1989 for tax accounting treatment of original issue document.

- g. Consider on second and final reading - An ordinance amending Sections 18-299, Parking Time Limited; and 18-304, Parking Designated for the Disabled; of the Abilene Municipal Code.

The Ordinance is numbered 32-1989 and is captioned as follows:

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.

- h. Consider on first and final reading - An Ordinance adopting Section 108 loan for the Abilene Business and Education Center.

The Ordinance is numbered 33-1989 and is captioned as follows:

AUTHORIZING PROMISSORY NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$250,000 TOGETHER WITH THE SERIES 1989-A FISCAL AGENCY AGREEMENT AND CONTRACT FOR LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, 42 U.S.C., SECTION 5308, IN CONNECTION THEREWITH.

REGULAR AGENDA

5. Ordinances and Resolutions:

a. David Wright, Director of Finance, briefed the Council on the Proposed 1989-90 Tax Rate. He stated that with the adoption of the 1989-90 Budget and the successful passage of the 1/2 cent sales tax, the tax rate for 1989-90 will be 53.83 cents. As required by state law, a special public hearing on the tax rate is to be held since the proposed rate is more than 3% above the effective tax rate. The 53.83 cent tax rate is 1.19 cents less than the current tax rate of 55.02 cents. With the additional 1/2 cent sales tax, property tax revenues will decrease 8.5% from the 1988-89 tax levy.

Mayor Ferguson opened a public hearing stating that this is only a public hearing and no action is required by the Council. There being no one present and desiring to be heard, the public hearing was closed.

Mayor Ferguson announced the final public hearing and vote on the tax rate ordinance will be held on Thursday, August 31, 1989 at 8:30 a.m. in the Council Chambers, 555 Walnut, Abilene, Texas.

b. David Wright, Director of Finance, briefed the Council on an ordinance considered on second and final reading approving the Revised 1988-89 Budget of \$33,047,090 and the Proposed 1989-90 Budget in the amount of \$34,004,820; and a Resolution approving a fee schedule for Maxwell Golf Course.

Mayor Ferguson opened a public hearing on the request, and the following individual spoke against the request:

Guy Turner, Firemen's Relief and Retirement Fund Board of Trustees member, requested the City increase the City's contribution into the pension plan. A consulting actuary has been retained by the Firemen and in this proposal, 10 year vesting, distinguishing between on duty and off duty disabilities, and disability benefits will be examined. This study will take 90-120 days and will start September 30, 1989.

Roy McDaniel, Assistant City Manager, explained the City's responsibility in contributing to the firemen's pension plan and briefed the Council on the way the plan works. Mr. McDaniel reviewed the TMRS annuity plan and Social Security for police and other employees.

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

Councilman McNeil stated the following: "As I have stated to several individuals, I do not feel we need to look at retirement programs solely from the standpoint of retirement benefits. I personally feel we need to make an adjustment to the City's contribution to the firemen's retirement program. At the present, the firemen contribute 10 1/2% and the City contributes 9 1/2%. The firemen through the use of a formula have asked the City to increase that portion by 4.1% for a total of 13.6%. I personally do not believe we need to be tied to a formula, we need to be sensitive to some increase, therefore I would like to make a motion to raise the City's contribution rate by 1% for a total of 10.5%, making this a matching 1 for 1." Councilman McNeil then amended his motion to raise the City's contribution rate for a total of 10.3% to go into effect January 1, 1990. The motion was seconded by Councilman Ceniglis.

Council discussed the approximately \$25,000 that would be needed to fund Councilman McNeil's proposal, the firemen's intentions to have a study conducted, and the various existing programs with various needs and considerations.

AYES: Councilmen Ceniglis and McNeil.

NAYS: Councilman McCaleb, Councilwoman Ray, Councilman Wheat, Councilwoman Herrera, and Mayor Ferguson.

The motion FAILED.

Councilman Ceniglis moved to approve the ordinance considered on second and final reading approving the Revised 1988-89 Budget and Proposed 1989-90 Budget. 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 34-1989 and is captioned as follows:

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 1988-1989; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 1989, THROUGH SEPTEMBER 30, 1990, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING.

Mayor Ferguson opened a public hearing on the Resolution approving a fee schedule for Maxwell Golf Course, and there being no one present and desiring to be heard, the public hearing was closed.

Councilwoman Ray moved to approve the Resolution approving a fee schedule for Maxwell Golf Course. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

The Resolution is numbered 50-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A FEE SCHEDULE FOR MAXWELL MUNICIPAL GOLF COURSE, AND ESTABLISHING AN EFFECTIVE DATE.

c. Wayne Herrington, Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - **Z-01289** - Request from Alfredo Verastegui to rezone from RS-6 (Residential Single Family) to GC (General Commercial) district, located at 3772 Hickory Street. Staff recommends denial based on the 1978 Impact Land Use Plan still in effect which protects residential areas from further commercial/industrial intrusion, and the proponent's property is not along a major thoroughfare as recommended by the plan. The Planning and Zoning Commission recommends approval due to no opposition at the public hearing after notification was sent to property owners.

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

Alfredo Verastegui, proponent, stated he has a large family and needs to support them. He further stated it had been necessary to receive assistance from the State in the past, but because of his business, he is now self-supporting; and also indicated that the businesses around his property are commercial.

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

Councilman McCaleb moved to table the request until the next meeting in order to give the Council more time to review the request, and asked that Mr. Verastegui work with staff regarding the possibility of becoming eligible for small business assistance through the Community and Economic Development program. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

The request was TABLED

Mayor Ferguson left the meeting.

d. Bob Fowler, Director of Housing and Inspection, requested the Council consider items 5d, an ordinance considered on second and final reading amending Chapter 8, "Construction Regulations", Article VI, "Uniform Codes and Other Regulations", Division 2, "Building Code", of the Abilene Municipal Code; and 5e, Resolution adopting fee schedule and insurance amounts for certain building inspection fees; together, due to their close relation to each other. Mr. Fowler informed the Council that the City is currently utilizing an amended version of the 1985 Uniform Building Code. It is recommended that the 1988 edition, with amendments, be adopted in order that the City's construction regulations are kept up to date. The special citizens' review board and the Board of Building Standards has recommended that permits be required for reroofing, due to the fact that unqualified roofers were installing roofs that did not meet minimum standards or manufacturer's requirements, resulting in the property owner receiving a poor quality roof. Permits for reroofing would increase the number of required inspections and would also result in a minor increase in revenue. The Board of Building Standards and staff recommend approval. Mr. Fowler asked the Council to give, in their consideration of the recommended 1988 Uniform Building Code with amendments, careful consideration to the temporary buildings situation, authorization by the Mayor or City Manager in the event of an emergency to allow building owners to make repairs without permits, re-roofing permits, increasing bonds from \$1,000 to \$5,000, and \$100,000 liability insurance policy for roofing contractors only before roofing permits could be obtained.

Ron Pollard, Risk Manager, explained to the Council the difference between bonds and insurances.

Council voiced their concerns regarding temporary buildings, specifically churches, no longer under the 1988 Uniform Building Code being permitted; and re-roofing inspections - City's liability.

Mayor Pro Tempore Wheat opened a public hearing on the request, and the following individual spoke against the request:



Grady Barr, 741 Rivercrest, opposes the section regarding a re-roofing permit. He voiced his concerns on:

- 1) how the code enforcement would be pursued;
- 2) if the City has trained personnel to inspect re-roofing on a timely basis;
- 3) how re-roofing permits would be handled; and
- 4) if the contractor would be required to be on site, furnish a ladder, and coordinate with the inspector at the final inspection.

He stated that further complications or additional cost is not needed in an attempt to be a viable business in Abilene. Mr. Barr stated that further consideration on his part might be given with written detailed requirements and enforcement procedures.

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

Mr. Fowler suggested the Council could make a motion that the temporary building provision in the current code be continued into the 1988 code or request staff to take it back to the Board of Building Standards and review it in more detail; then bring another report back to the Council as a way to modify or work with certain groups.

It was noted that existing temporary buildings could continue to operate if the 1988 Uniform Building Code is passed and would be permitted a six month extension.

Councilman McCaleb moved to approve the overall recommendations for the 1988 Uniform Building Code with the changes as suggested, with the exception of the section dealing with temporary buildings for churches and the section in Chapter 32 dealing with re-roofing. Those two items are to be brought back to Council after further attention in working out some of the questions raised on those two areas, and have the minutes reflect those questions. The motion was seconded by Councilman Ceniglis and the motion carried.

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

NAYS: None.

The Ordinance is numbered 35-1989 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

e. Councilman McCaleb moved to approve the Resolution adopting a fee schedule Exhibit I with the exception of the portions dealing with re-roofing and liability insurance of \$100,000 for certain building inspection fees. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

The Resolution is numbered 51-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A FEE SCHEDULE FOR CERTAIN BUILDING INSPECTION FEES, AND ESTABLISHING AN EFFECTIVE DATE.

f. Mike Morrison Director of Community & Economic Development, briefed the Council on a Resolution approving the Final Statement of Community Development Objectives and Projected Use of Funds for Program Year 89-90. Staff recommends approval.

Councilwoman Ray moved to approve the Resolution approving the Final Statement of Community Development Objectives and Projected Use of Funds for Program Year 89-90, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

The Resolution is numbered 52-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1989-90.

6. Other Business:

Mayor Pro Tempore Wheat recessed the Council into executive session pursuant to Sections 2e and 2g of the Open Meetings Act, and to seek the advice of the City Attorney with respect to pending and contemplated litigation and to consider the appointment and evaluation of public officers.


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

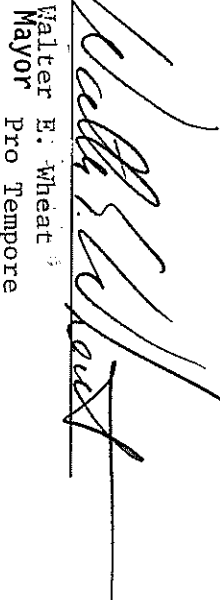
Councilman McNeil moved to appoint Jerry Love to fill a vacancy on the Landmarks Commission, with a term expiring November, 1989. The motion was seconded by Councilman Ceniglis and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 11:20 a.m.

  
Jo Moore  
City Secretary

  
Walter E. Wheat  
Mayor  
Pro Tempore