

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, September 22, 1988, 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, September 22, 1988, at 9:00 a.m.

CITY COUNCIL: Mayor Dale Ferguson; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, Tom Ceniglis, Welton Robinson and Harold Nixon.

- 1. Call to Order.
- 2. INVOCATION: Councilman Tom Ceniglis.
- 3. Approval of Minutes: Pre Council Session and Regular City Council Meeting held September 8, 1988.
- 4. Employee Service Awards:
20 Years George W. Chatfield Water Treatment
20 Years Charles E. Nowlin Refuse Collection
20 Years Carrol D. Garvin Fire Department
20 Years Charles C. Eldridge Water Distribution
20 Years Claud A. Tully 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 renewal of interlocal computer use agreement between City of Abilene and Central Tax Authority of Taylor County.
 - b. Consider Resolution approving an amendment to the contract for the disbursement of Community Development Block Grant Funds for the operation of the Center for Non-Profit Management.
 - c. Consider a Resolution approving an amendment to the contract for the disbursement of Community development Block Grant Funds to Mend-A-Child.
 - d. Oral resolution authorizing amendments to contracts between the Abilene Economic Development Company, Inc. and the City of Abilene.

- e. Oral resolution approving street use license request from Three Par Golf, Inc. at 1166 Executive Drive.
- f. Consider a Resolution approving lease between the City of Abilene and the Phantom Squadron, Confederate Air Force, for the lease of Hangar #3 at the Airport.
- g. Consider a resolution authorizing the City Manager to renew the firefighting contract with Pride Refinery.
- h. Consider resolution authorizing the Mayor to urge the Governor and Legislature to make legislative corrections to the Worker's Compensation statutes.
- i. Consider on first reading - an amendment to Chapter 18, Traffic, of the Abilene Municipal Code, concerning parking at the Airport.

- 6. Award of Bid:
 - a. Valves & couplings for Water Utilities Department, Bid #288.

REGULAR AGENDA

- 7. Public Appearance: Lynn Barnett, Chair of the Visual Arts Jury, to request acceptance of the "Pink Flamingo" sculpture and authorize temporary placement in T & P Park and permanent placement at the Festival Grounds at Nelson Park.
- 8. Ordinances & Resolutions:
 - a. Public Hearing: To receive input on the Community Development Program for the Abilene Industrial District, in accordance with the Texas Community Development Act; resolution adopting a Community Development program for the Abilene Industrial District; oral resolution authorizing contract with Industrial Foundation for Economic Development Services.
 - b. Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - Z-1488 - Request from Phyllis E. Clark to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at 123 Meander Street.
 - c. Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - Z-1588 - Request from Bruse DBOSE to rezone property from MH (Mobile Home) to AO (Agricultural Open Space) district, located at Hwy. 277 and Twilight Trail.
 - d. Public Hearing: Consider on second and final reading 23, Subpart C, Signs and Billboards, of the Abilene Municipal Code, concerning construction time limitations for permanent signs.

- e. Public Hearing: Consider on second and final reading Section 23-356.4.H of the Zoning Ordinance concerning application fees for Mixed Use Overlay Zone Change applications.
- 9. 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. Lois Williams & Matthew Chambers v. City
6. Patricia Partin v. City
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. London Ray Wormsley v. Jorge Solis & Tim Burns
15. Donald J. & Gwendolyn Collins v. City & James N. Van Allen
16. City of Abilene v. Starlite Inn Motor Hotel
17. Cynthia Haile v. City
18. General Electric Co. 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 6/14/88

PRE-COUNCIL WORK SESSION, THURSDAY
September 22, 1988, 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 September 22, 1988, 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 E. Wheat, Tom Ceniglis, Welton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Roy L. McDaniel and Rickey Childers, City Attorney Harvey Carrigill, Jr., City Secretary Patricia Hancock and various members of the city staff.

The Council briefly discussed various consent and regular agenda items. Mike Morrison, Director of Community and Economic Development, answered questions regarding Item 5d, Oral resolution authorizing amendments to contracts between the Abilene Economic Development Company, Inc. and the City of Abilene. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
September 22, 1988, 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 September 22, 1988, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Tom Ceniglis.

There being no corrections, additions, or deletions to the minutes of the Pre Council Session and Regular City Council Meeting held September 8, 1988; 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:

20 Years	George W. Chatfield	Water Treatment
20 Years	Charles E. Nowlin	Refuse Collection
20 Years	Charles C. Eldridge	Water Distribution

Councilman Wheat moved to approve the consent agenda items, being 5a through 5i, and 6a, as recommended by the staff. The motion was seconded by Councilman McCaleb and the motion carried.

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

5. Ordinances and Resolutions:

- a. Oral Resolution approving renewal of interlocal computer use agreement between City of Abilene and Central Tax Authority of Taylor County.
- b. Resolution approving an amendment to the contract for the disbursement of Community Development Block Grant Funds for the operation of the Center for Non-Profit Management.

The Resolution is numbered 42-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AN AGREEMENT WITH THE COMMUNITY FOUNDATION OF ABILENE FOR DISBURSEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A PROGRAM DESIGNED TO PROVIDE MANAGEMENT ASSISTANCE SERVICES TO NONPROFIT AGENCIES LOCATED IN ABILENE.

- c. Resolution approving an amendment to the contract for the disbursement of Community development Block Grant Funds to Mend-A-Child.

The Resolution is numbered 43-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AN AGREEMENT WITH MEND-A-CHILD FOR DISBURSEMENT OF COMMUNITY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A MEDICAL/DENTAL PROGRAM.

- d. Oral resolution authorizing amendments to contracts between the Abilene Economic Development Company, Inc. and the City of Abilene.
- e. Oral resolution approving street use license request from Three Par Golf, Inc. at 1166 Executive Drive.
- f. Oral Resolution approving lease between the City of Abilene and the Phantom Squadron, Confederate Air Force, for the lease of Hangar #3 at the Airport.
- g. Oral resolution authorizing the City Manager to renew the firefighting contract with Pride Refinery.

h. Resolution authorizing the Mayor to urge the Governor and Legislature to make legislative corrections to the Worker's Compensation statutes.

The Resolution is numbered 44-1988 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO URGE GOVERNOR WILLIAM P. CLEMENTS TO EXERCISE ALL AVAILABLE EXECUTIVE POWERS TO BRING ABOUT CORRECTIONS IN THE STATUTES RELATING TO WORKERS COMPENSATION, AND TO URGE ALL MEMBERS OF THE TEXAS LEGISLATURE TO GIVE THIS MATTER THEIR PROMPT ATTENTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

i. Consider on first reading - an amendment to Chapter 18, Traffic, of the Abilene Municipal Code, concerning parking at the Airport.

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.

6. Award of Bid:

a. Valves & Couplings for Water Utilities Department, Bid #288. The bid was awarded to C & C Municipal, as recommended by staff.

Lynn Barnett, Chair of the Visual Arts Jury, presented to the Council a request for acceptance of the "Pink Flamingo" sculpture; authorization of temporary placement in T & P Park, and permanent placement at the Festival Grounds at Nelson Park.

Councilwoman Ray moved to approve acceptance of the "Pink Flamingo" sculpture and authorize temporary placement in T & P Park and permanent placement at the Festival Gardens in Nelson Park. The motion was seconded by Councilman Ceniglis and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

Mike Morrison, Director of Community and Economic Development, briefed the Council on a public hearing to receive input on the Community Development Program for the Abilene Industrial District, in accordance with the Texas Community Development Act; resolution adopting a Community Development program for the Abilene Industrial District; oral resolution authorizing contract with Industrial Foundation for Economic Development Services.

Mayor Ferguson opened a public hearing on the item, and the following individuals spoke in response to the request:

- Raymond McDaniel, Jr., Abilene Industrial Foundation.
- Gary Vest, Manager, Abilene Industrial Foundation.
- Vida Wills, spoke in regard to the Citizen Participation Plan and how it applies to programs funded by Community Development monies.

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

The Resolution contains no caption, and is numbered 45-1988.

Wayne Herrington, Planner II, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - Z-1488 - Request from Phyllis E. Clark to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at 123 Meander Street. The Planning and Zoning Commission and staff recommend approval.

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

- Phyllis Clark, proponent.

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

Councilman Ceniglis moved approval of the ordinance changing zoning district boundaries from RM-3 to O property located at 123 Meander, as recommended by staff. The motion was seconded by Councilman Robinson, and the motion carried.

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

The Ordinance is numbered 46-1988 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.

Wayne Herrington, Planner II, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - Z-1588 - Request from Bruce DUBose to rezone property from MH (Mobile Home) to AO (Agricultural Open Space) district, located at Hwy. 277 and Twilight Trail. The Planning and Zoning Commission and staff recommend approval.

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

. Warren Sullins, 5366 Twilight Trail, feels Abilene is not large enough for a pet cemetery. He questioned the perpetual care of the lots.

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

Councilman Ceniglis moved to deny the ordinance changing zoning district boundaries from MH to AO. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

The request was DENIED.

Lee Roy George, Director of Planning, briefed the Council on an ordinance considered on second and final reading amending Chapter 23, Subpart C, Signs and Billboards, of the Abilene Municipal Code, concerning construction time limitations for permanent signs. He referred Council to the ordinance, Exhibit "A" and changed the first sentence to insert the word "offsite". The Planning and Zoning Commission and staff recommend approval, subject to certain amendments.

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 Robinson moved to approve the ordinance amending Signs and Billboards, as recommended by staff. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilmen McCaleb, Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

The Ordinance is numbered 47-1988 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART C, "SIGNS AND BILLBOARDS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Lee Roy George, Director of Planning, briefed the Council on an Ordinance considered on second and final reading amending Section 23-356.4.H of the Zoning Ordinance concerning application fees for Mixed Use Overlay Zone Change applications. The Planning and Zoning Commission and staff recommend approval of the request.

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 McCaleb moved to approve the ordinance amending Section 23-356.4.H concerning fees for Mixed Use Overlay Zone Change applications, as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

The Ordinance is numbered 48-1988 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.

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.

Councilman Robinson moved to appoint Jo Moore to the 9-1-1 Board of Managers to fill a vacated term scheduled to expire February 1990. The motion was seconded by Councilman Ceniglis and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

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


Patricia Hancock
City Secretary


Dale Ferguson
Mayor