

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 28, 1989, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.
2. Report from Chief Appraiser Richard Petree on delinquent taxes.

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 28, 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 Gary McCaleb.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held September 14, 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. Falcioni | a. | Oral Resolution approving lease amendment with Atlantic Southeast Airlines, adding a 30-day cancellation clause by either party. |
| A. Falcioni | b. | Oral Resolution approving three-year lease option renewals of leases for Airport Terminal space with Chaparral/American Eagle and Atlantic Southeast Airlines. |
| A. Falcioni | c. | Oral Resolution approving a one-year lease with four (4) one-year options with FAA for Control Tower space at the Abilene Regional Airport. |
| A. Falcioni | d. | Oral Resolution approving a lease with the Pony Corporation for leasing Hangar No. 2 at the Abilene Regional Airport. |
| B. Whitehead | e. | Resolution accepting provisions of State Department of Highways and Public Transportation Minute Order #89177 authorizing the construction of a farm-to-market road on new location from State Loop 355 (U. S. Business 80 or South First Street) north to Interstate Highway 20, to be designated as FM Road 3438 (extension of Arnold Boulevard). |
| Whitehead | f. | Resolution accepting provisions of State Department of Highways and Public Transportation Minute Order #89234 authorizing reconstruction of FM Road 1750 (Oldham Lane) from State Highway 36 (South 11th Street) to Loop 322. |
| B. Whitehead | g. | Oral Resolution approving 5-year cultivation and grazing lease for Airport tracts 2 and 5, effective January 1, 1990. |
| D. Wright | h. | <u>Consider on second and final reading</u> - An ordinance repealing Sections 9-10, 9-11, and 9-12 of Chapter 9, "Courts", of the Abilene Municipal Code. |

- M. Manson i. Consider on first reading - An ordinance amending Section 23036.5.B(7) of the Zoning Ordinance concerning home occupations, day care, and set a public hearing for October 12, 1989 at 9:00 a.m.
- R. McDaniel *McDaniel* j. Oral Resolution authorizing City Manager to sign contract for geographic information system.
- Collins k. Oral Resolution authorizing City Manager to sign contract for payroll/human resources software system.
- D. Wright l. Oral Resolution authorizing City Manager to sign contract for financial advisors.

5. Award of Bid:

- R. Knopf a. Rescue equipment for Fire Department, Bid #CB9077.
- D. Hargeshaimer b. Hydrants for Water Utilities Department, Bid #CB9073.
- R. Pollard c. Wrecker services contract, Bid #CB9082.

REGULAR AGENDA

6. Ordinances and Resolutions:

- M. Manson a. Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - Z-22289 - Request from C. H. Love & Co., Inc. to add H (Historic Overlay) to underlying CB (Central Business) district, located at 220 & 242 Cypress Street.
- M. Manson b. Public Hearing: Consider on second and final reading - An ordinance for street name change - SNC-2189 - Request from Richard S. Easingwood, Jr. for a street name change from Executive Drive, from the east right-of-way line of S. Treadaway to the west right-of-way line of Maple, to Ben Richey Drive.
- M. Manson c. REMOVE FROM TABLE:
- M. Manson d. 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.
- W. Wheatley e. Public Hearing: Consider application from Schkade Brothers Operating Company, for permit to drill and operate oil and/or gas well.

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 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
September 28, 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 September 28, 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, 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. Councilman Jimmy McNeil was absent.

The Council briefly discussed various consent and regular agenda items. Bob Fowler, Director of Housing and Inspection, was presented a 10-year pin by City Manager Jim Blagg. Pam Collins reviewed with the Council Item 4k, the payroll/personnel software program and recommendations as submitted. Chief Appraiser Richard Petree presented a report on delinquent taxes. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
September 28, 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 September 28, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Gary McCaleb.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held September 14, 1989, the minutes stand approved as printed.

Councilman Wheat moved to approve the consent agenda items, being 4a through 4h, 4k, 4l, 5a and 5b as recommended by the staff; and approval of first reading of consent agenda item 4i. Item 4j was pulled from the consent agenda to be considered at a later date, and Item 5c was pulled from the consent agenda to be considered separately, at the request of Joe Perez. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

4. Ordinances and Resolutions:

- a. Oral Resolution approving Lease amendment with Atlantic Southeast Airlines, adding a 30-day cancellation clause by either party.

- b. Oral Resolution approving three-year lease option renewals of Leases for Airport Terminal space with Chaparral/American Eagle and Atlantic Southeast Airlines.
- c. Oral Resolution approving a one-year lease with four (4) one-year options with FAA for Control Tower space at the Abilene Regional Airport.
- d. Oral Resolution approving a lease with the Pony Corporation for Leasing Hangar No. 2 at the Abilene Regional Airport.
- e. Resolution accepting provisions of State Department of Highways and Public Transportation Minute Order #89177 authorizing the construction of a farm-to-market road on new location from State Loop 355 (U. S. Business 80 or South First Street) north to Interstate Highway 20, to be designated as FM Road 3438 (extension of Arnold Boulevard).
- f. The Resolution is numbered 55-1989 and is captioned as follows:
RESOLUTION ACCEPTING THE PROVISIONS OF STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION COMMISSION MINUTE ORDER
- g. Resolution accepting provisions of State Department of Highways and Public Transportation Minute Order #89234 authorizing reconstruction of FM Road 1750 (Oldham Lane) from State Highway 36 (South 11th Street) to Loop 322.
The Resolution is numbered 56-1989 and is captioned as follows:
RESOLUTION ACCEPTING THE PROVISIONS OF STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION COMMISSION MINUTE ORDER
- h. Oral Resolution approving 5-year cultivation and grazing Lease for Airport tracts 2 and 5, effective January 1, 1990.
- i. Consider on second and final reading - An ordinance repealing Sections 9-10, 9-11, and 9-12 of Chapter 9, "Courts", of the Abilene Municipal Code.
The Ordinance is numbered 37-1989 and is captioned as follows:
AN ORDINANCE REPEALING SECTIONS 9-10, 9-11, AND 9-12 OF CHAPTER 9, "COURTS", OF THE ABILENE MUNICIPAL CODE.
- j. Approval of first reading - An ordinance amending Section 23036.5.B(7) of the Zoning Ordinance concerning home occupations, day care, and set a public hearing for October 12, 1989 at 9:00 a.m.
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.
- k. Removed from Consent Agenda to be considered at a later date.

k. Oral Resolution authorizing City Manager to sign contract for payroll/human resources software system. Submitted during Pre-Council.

l. Oral Resolution authorizing City Manager to sign contract for financial advisors.

5. Award of Bid:

a. Rescue equipment for Fire Department, Bid #CB9077. The bid was awarded to Big Country Supply in the amount of \$11,777.64, as recommended by staff.

b. Hydrants for Water Utilities Department, Bid #CB9073. The low bid of \$18,974.76 was awarded to A & P Water & Sewer of Arlington, the most advantageous for the City, as recommended by staff.

c. Pulled from Consent agenda, to be considered separately.

REGULAR AGENDA

5c. Wrecker services contract, Bid #CB9082.
Mayor Ferguson opened a public hearing on the item, and the following individuals spoke:

• Joe Perez, owner/operator of J & R Body Shop, stated he was low bidder and tried to meet all requirements; back taxes were overlooked. He has been paying on his taxes, but got behind when the economy was bad. He asked the Council to overlook a technicality, and stated he has a friend who will pay off his taxes.

• Ron Pollard, Risk Manager, stated eight packages were sent out and only two bids returned. J & R was the apparent low bidder, however, his firm and personal taxes are past due for several years, which is in violation of policy, along with other difficulties.

• Luther Marr, 1749 Peach, spoke on Mr. Perez' behalf, stating he would pay his taxes for him.

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

Councilman Wheat moved to reject all bids and to re-bid the Wrecker Services Contract with staff giving consideration to the bid specifications to encourage more bidders and to supply more background information on those bidders. The motion was seconded by Councilwoman Ray, and the motion carried.

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

NAYS: None.

The Council stated that although Mr. Perez has indicated he will comply with City policy on bidding by having all of his back taxes paid, that does not necessarily mean he would be awarded the Wrecker Services Contract.

6. **Ordinances and Resolutions:**

a. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - Z-2289 - Request from C. H. Love & Co., Inc. to add H (Historic Overlay) to underlying CB (Central Business) district, located at 220 & 242 Cypress Street. The Planning and Zoning Commission, Landmarks Commission, and staff recommend approval.

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

Councilwoman Ray moved to approve the ordinance to add historic overlay to underlying central business district, as recommended by staff. The motion was seconded by Councilman Ceniglis and the motion carried.

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

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

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, BY CHANGING ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

b. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading for street name change - SNC-2189 - Request from Richard S. Easingwood, Jr. for a street name change from Executive Drive, from the east right-of-way line of S. Treadaway to the west right-of-way line of Maple, to Ben Richey Drive. The Planning and Zoning Commission, Plat Review Committee and staff recommend approval.

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

. Richard S. Easingwood, Jr., proponent.

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

Councilman McCaleb moved to approve the request for street name change from Executive Drive to Ben Richey Drive, as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Ceniglis.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF EXECUTIVE DRIVE TO BEN RICHEY DRIVE.

c. Councilwoman Ray moved to remove from table 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. The motion was seconded by Councilman Wheat and the motion carried.

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

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

Mindy Manson, Principal 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. The Planning and Zoning Commission recommends approval, staff recommends denial.

Following a discussion concerning the further accumulation of junk and the Land Use Study for the area versus the actual use, Councilman McCaleb moved to approve the request, with full compliance being required. It was noted that no further work would be allowed until full compliance is met. The motion was seconded by Councilman Wheat and the motion carried.

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

The Ordinance is numbered 40-1989 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, BY CHANGING ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

d. Weldon Wheatley, Senior Land Agent, briefed the Council on an application from Schkade Brothers Operating Company, for permit to drill and operate oil and/or gas well.

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 Ceniglis moved to approve the permit application from Schkade Brothers to drill and operate oil and/or gas well. The motion was seconded by Councilman Wheat and the motion carried.

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


6. Other Business:

Mayor Ferguson 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.

There being no further business, the meeting was adjourned at 10:20 a.m.


Jo Moore
City Secretary


Dale E. Ferguson
Mayor