

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, October 12, 1989, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.
2. Presentation by Dwayne Hargesheimer on status of water construction projects.

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, October 12, 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 September 28, 1989.
4. **Employee Service Awards:**

25 Years	Gerald W. Bivins	Chief Sanitarian Health Department
25 Years	Clarence M. Loving	Fire Medic Fire Department
25 Years	Jack W. Petty	Fire Medic Fire Department
25 Years	Loyd A Klose	Fire Captain Fire Department
25 Years	Carl E. Collum	Fire Lieutenant Fire Department
20 Years	Albert A. Sczech	Heavy Equipment Operator II Water Distribution
20 Years	Betty S. Fowlkes	Laboratory Technician Health Department

**Employee of the Month Award**

#### 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.

5. **Ordinances and Resolutions:**
  - a. Oral Resolution ratifying the acceptance of proposal for excess property damage insurance for FY 89/90.
  - b. Oral Resolution approving street use license request from Cindi Love for 220 Cypress Street (October 13, 1989).
  - c. Oral Resolution approving pipe line right of way agreement for Water Utilities Department.
  - d. Resolution in support of Proposition #8 for funding of new correctional facilities.
  - e. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2489** - Request from Charles A. McClure to add H (Historic Overlay) to underlying CB (Central Business) district, located at 613 Hickory Street, and set a public hearing for October 19, 1989 at 9:00 a.m.
  - f. Consider on first reading - an ordinance changing zoning district boundaries - **Z-02589** - Request from J. B. Crenshaw to rezone from AO (Agricultural Open Space) to MH (Mobile Home) district, located on FM 1082, and set a public hearing for October 19, 1989 at 9:00 a.m.
  - g. Consider on first reading - An ordinance amending Ordinance #28-1989, concerning disabled vehicles, and set a public hearing for October 19, 1989 at 9:00 a.m.
  - h. Oral Resolution accepting amendment #1 to Texas Water Board contract #9-483-729 with City of Abilene.

6. **Award of Bid:**
  - a. Water Appurtenances for Water Utilities Division, Bid #CB9083.
  - b. Zoo Security, Bid #CB001.
  - c. Window replacement for Health Department, Bid #CB9084.

REGULAR AGENDA

7. **Ordinances & Resolutions:**
  - a. **Public Hearing:** Consider on second and final reading - An ordinance amending Section 23036.5.B(7) of the Zoning Ordinance concerning home occupations, day care.
  - b. Oral Resolution approving contract between the City of Abilene and Abilene Economic Development Company, Inc. for FY 89-90.

8. **Other Business:**
  - a. Discussion/possible action regarding litter control officer position.
  - b. Pending and Contemplated Litigation (see notice for Executive Session, Litigation for listing subjects), possible action.
    1. Resolution authorizing acquisition of pump station site at Stacy Reservoir.
  - c. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.
    1. Resolution approving nomination for Appraisal District Board of Directors.

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 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. 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

00197

PRE-COUNCIL WORK SESSION, THURSDAY  
October 12, 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 **October 12, 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. McCalieb, Councilwoman Betty Ray, Councilmen Walter E. Wheat, Tom Ceniglis, Jimmy McNeil, and Councilwoman Liz Herrera. Also present were Acting 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. Dwayne Hargesheimer, Director of Water and Sewer, gave a brief presentation on the status of water construction projects. 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  
October 12, 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 October 12, 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 September 28, 1989, the minutes stand approved as printed.

Mayor Ferguson presented Employee Service Awards to the following individuals for their faithful service to the City of Abilene:

25 Years	Gerald W. Bivins	Chief Sanitarian Health Department
25 Years	Clarence M. Loving	Fire Medic Fire Department
25 Years	Jack W. Petty	Fire Medic Fire Department
25 Years	Loyd A Klöse	Fire Captain Fire Department
25 Years	Carl E. Coltum	Fire Lieutenant Fire Department
20 Years	Albert A. Sczech	Heavy Equipment Operator II Water Distribution

20 Years      Betty S. Fowlkes      Laboratory Technician  
Health Department

Debra Guerra, Staff Coordinator, announced the first Employee of the Month Award recipient, Haljie Ruth Cole. Mrs. Cole was not present due to illness, but formal recognition is planned as soon as she can be present.

Councilman Wheat requested that Item 5g, an Ordinance amending Ordinance #28-1989 concerning disabled vehicles, be removed from the consent agenda to be considered separately.

Councilman Ceniglis moved approval of the consent agenda items, 5a through 5d, 5h, and 6a through 6c, as recommended by the staff; and approval of first reading of consent agenda items 5e and 5f. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

**5. Ordinances & Resolutions:**

- a. Oral Resolution ratifying the acceptance of proposal for excess property damage insurance for FY 89/90.
- b. Oral Resolution approving street use license request from Cindi Love for 220 Cypress Street (October 13, 1989).
- c. Oral Resolution approving pipe line right of way agreement for Water Utilities Department.
- d. Resolution in support of Proposition #8 for funding of new correctional facilities.  
The Resolution is numbered 57-1989 and is captioned as follows:  
RESOLUTION IN SUPPORT OF PROPOSITION NO. 8 FOR FUNDING CONSTRUCTION OF NEW CORRECTIONAL FACILITIES; AND PROVIDING AN EFFECTIVE DATE.
- e. Approval of first reading - an ordinance changing zoning district boundaries - **Z-2489** - Request from Charles A. McClure to add H (Historic Overlay) to underlying CB (Central Business) district, located at 613 Hickory Street, and set a public hearing for October 19, 1989 at 9:00 a.m.  
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. Approval of first reading - an ordinance changing zoning district boundaries - **Z-02589** - Request from J. B. Crenshaw to rezone from AO (Agricultural Open Space) to MH (Mobile Home) district, located on FM 1082, and set a public hearing for October 19, 1989 at 9:00 a.m.

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.

- g. Removed from Consent Agenda to be considered separately.
- h. Oral Resolution accepting amendment #1 to Texas Water Board contract #9-483-729 with City of Abilene.

**6. Award of Bid:**

- a. Water Appurtenances for Water Utilities Division, Bid #CB9083. The bid was awarded to The Marta Company as the most advantageous for the City, as recommended by staff.
- b. Zoo Security, Bid #CB001. The bid was awarded to Abilene Security Patrol with the lowest bid of \$30,806.91, as recommended by staff.
- c. Window replacement for Health Department, Bid #CB9084. The bid was awarded to Citizens Glass Company with the low bid of \$16,299.00, as recommended by staff.

5g. Councilman Wheat moved to suspend the Ordinance considered on first reading amending Ordinance #28-1989 concerning disabled vehicles; suggesting the Council appoint a committee of staff or citizens to study this amendment along with the original ordinance to see if there might be a workable solution for all citizens. The motion was seconded by Councilman Ceniglis and the motion carried.

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

After much discussion, it was decided that the committee would be appointed by October 19, and the recommendation would be brought before Council either the last meeting in November or the first meeting in December.

**7. Ordinances & Resolutions:**

a. Mindy Manson, Principal Planner, briefed the Council on an Ordinance considered on second and final reading amending Section 23036.5.B(7) of the Zoning Ordinance concerning home occupations, day care. She stated staff recognizes that it is an emotional issue, but they are responsible for looking at the overall picture. The Planning and Zoning Commission and staff recommend denial.

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

- . Alpha Quinn, 1289 S. Pioneer, presented petitions with a total of 408 signatures, and letters in favor of the request.
- . Benita Swanssee, 525 S. Leggett, stated she couldn't work without her home care provider.
- . Perry Parker, 4134 Ridgemont.

• Dennis Weary, Nonesuch Road, stated he and his wife are home care providers and keep 6-8 children, with a maximum of 10.

• Alican Shavel, 5273 S. 7th.

• Joe Darlock, 5219 Encino, narcotics agent, limiting could produce juvenile delinquency.

Council discussed in length the proposed ordinance change. Councilman Ceniglis stated there is advertised day care in the paper, and schools are providing programs. Councilwoman Ray stated they are not wanting to limit day care, but have received calls, petitions, and letters against the request. Councilman Wheat's main concern is a child going home by himself. Councilman McNeil questioned whether or not child care providers are registered by the Department of Human Services. Stephanie Brown, State representative, reviewed the state regulations. She indicated that most homes are, and that issue is monitored on a complaint basis. Councilman McCaleb indicated it is not an easy decision, and that the Council has spent much time reviewing all the information provided to them; but feels there is no prevailing reason to change the existing program.

Councilwoman Ray moved to leave the existing Ordinance as it is, and refuse the request for an amendment concerning home occupations, day care, as recommended by staff. 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.

b. Mike Morrison, Director of Community & Economic Development, briefed the Council on the contract between the City of Abilene and the Abilene Economic Development Company, Inc. for FY 89-90. Mr. Morrison introduced Jerry Harris, President of AEDC, who spoke in favor of the contract. Staff recommends approval.

Councilman Ceniglis moved to approve, by Oral Resolution, a contract between the City of Abilene and the Abilene Economic Development Company, Inc. for FY 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, Councilwoman Herrera, and Mayor Ferguson.

NAYS: None.

8. Other Business:

a. Bob Whitehead, Director of Public Works, briefed the Council on a proposed litter control inspector position, and explained the change from "officer" to "inspector" as submitted at pre-council. If approved, the funds will come out of the Refuse Collection budget. He then introduced Norma Grayley, who indicated that the board members of Abilene Clean and Proud, Inc., are unanimously in favor of the proposal. Dr. Walter Adams and Mr. David Caldwell, Abilene Clean and Proud, Inc. members, also spoke in favor of the position and program contract.

Mayor Ferguson and the Council stated their appreciation to the Board, and encouraged emphasis of working with property owners to obtain compliance.

Councilman McCaleb moved to authorize the proposed Litter Control Inspector position and the Mayor and City Manager to execute the State Department of Highways and Public Transportation Litter Enforcement Program Contract, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

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.

b.1. Roy McDaniel, Assistant City Manager, briefed the Council on the acquisition of a pump station site at Stacy Reservoir. He recommended, on behalf of staff, the Council endorse and accept from the landowners the gift of Site 6 at Stacy Reservoir for the City's intake structure and pump station, and land needed for right of way purposes, and to state appreciation to the Padgett Ranch Partnership and the West Central Texas Municipal Water District.

Councilman McNeil moved to approve the request 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.

c.1. Councilman Ceniglis moved to approve a Resolution nominating Paul Washburn, Jr., Walter Wheat, Melton Robinson, and Harold Nixon to the Central Appraisal District Board of Directors, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

The Resolution is numbered 58-1989 and is captioned as follows:

**CITY OF ABILENE RESOLUTION FOR NOMINATION OF APPRAISAL DISTRICT BOARD MEMBERS.**

Councilman Wheat moved to appoint a committee to develop a mission statement, the initial objectives, the board selection criteria, and the organizational structure of an Economic Development Corporation as follows: Sam Waldrop, Ron Butler, Bill Wright, Sam Chase, Mike Dohrse, Raymond McDaniel, Cindi Love, Joe Lopez, Jerry Harris, Dian Owen, Paul Washburn, Sr., Joe Davis, E. Mac Andrews, Jim Farrington, H. C. Zachry, and Neomia Banks; and as ex-officio members: Jim C. Blagg, Tom Ceniglis, Mike Morrison, Harvey Cargill, Jr., and Gary McCaleb. 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.



There being no further business, the meeting adjourned at 12:15 p.m.

  
Jo Moore  
City Secretary

  
Dale E. Ferguson  
Mayor