

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 19, 1989, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.
2. Slide presentation by Dwayne Hargesheimer on 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 19, 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 E. Wheat.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held October 12, 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 recreational lease agreement with Abilene Bowhunters Association, Inc.
 - b. Oral Resolution approving a contract amendment for disbursement of Community Development Block Grant (CDBG) funds with Mend-A-Child.
 - c. Oral Resolution approving contract with CADCO Architects and Engineers for architectural services for the Abilene Business & Education Center.
 - d. Consider on second and final reading - An Ordinance adopting Section 108 loan for the Abilene Business and Education Center.
 - e. Consider on first reading - Ordinance adopting Appendix Chapter of 1988 Uniform Building Code covering requirements for permits on reroofing.

5. **Award of Bid:**
 - a. Refuse Containers for Refuse Division, Bid #CB9081.

REGULAR AGENDA

6. **Ordinances and Resolutions:**
- a. **Public Hearing:** Consider on second and final 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.
 - b. **Public Hearing:** Consider on second and final 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.

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 & ABC Airlines v. City
5. Bechtel, et al 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. City and Marietta Proctor
12. City of Abilene v. Riley
13. Don Hobbs v. City
14. Christine Kunschik v. City, et al
15. Donald J. & Gwendolyn Collins v. City & James N. Van Allen
16. Rodgers v. City
17. Parker 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 10/18/89

PRE-COUNCIL WORK SESSION, THURSDAY
October 19, 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 19, 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. The slide presentation by Wayne Hargesheimer on water construction projects was not presented due to the fact that Mr. Hargesheimer was in San Francisco and unable to be present because of the earthquake. The October 12 minutes were corrected to include clarification of the fact that the land in item 8.b.1 was a gift from the landowner, Padgett Ranch, Inc. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
October 19, 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 19, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Walter E. Wheat.

The minutes of the Pre-Council Session and Regular City Council Meeting held October 12, 1989, stand approved as printed and clarified in Pre-Council Session. Motion was made by Councilwoman Ray and seconded by Councilman McNeil, and the motion carried.

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

NAYS: None.

Councilman Ceniglis moved to approve the consent agenda items, being 4a through 4c, and 5a as recommended by the staff; and approval of second and final reading of consent agenda item 4d. Item 4e was pulled from the consent agenda to be considered separately, at the request of Councilman McNeil. 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.

4. Ordinances and Resolutions:

- a. Oral Resolution approving recreational lease agreement with Abilene Bowhunters Association, Inc.
- b. Oral Resolution approving a contract amendment for disbursement of Community Development Block Grant (CDBG) funds with Mend-A-Child.
- c. Oral Resolution approving contract with CADCO Architects and Engineers for architectural services for the Abilene Business & Education Center.
- d. Approval on second and final reading - An Ordinance adopting Section 108 loan for the Abilene Business and Education Center.
The Ordinance is numbered 41-1989 and is captioned as follows:
ORDINANCE 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
- e. Removed from consent agenda to be considered separately.

5. Award of Bid:

- a. Refuse Containers for Refuse Division, Bid #CB9081. The low bid of \$22,898.00 was awarded to Heil Company of Chattanooga, TN, the most advantageous for the City, as recommended by staff.

REGULAR AGENDA

4.e. Council discussed an ordinance considered on first reading adopting an Appendix Chapter of the 1988 Uniform Building Code covering requirements for permits on reroofing.

Councilman McNeil moved to not approve the ordinance on first reading, then after further discussion, withdrew his motion. He stated he feels serious thought should be given to the actual need of this Ordinance.

Councilwoman Ray moved to approve the first reading of this Ordinance adopting an Appendix Chapter of the 1988 Uniform Building Code covering requirements for permits on reroofing, as recommended by staff. 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.

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.

6. Ordinances and Resolutions:

a. David Lawrence, Planner, briefed the Council on an ordinance considered on second and final reading 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. The Planning and Zoning Commission, Landmarks Commission, and staff recommend approval.

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

- Charles McClure, 1210 Albany Street, spoke on close family ties to the home, and stated no public funding request will be made.

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

Councilman McCaleb 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, McNeil, Councilwoman Herrera, and Mayor Ferguson.

NAYS: None.

The Ordinance is numbered 42-1989 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. David Lawrence, Planner, briefed the Council on an ordinance considered on second and final reading 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. The Planning and Zoning Commission recommends approval. Staff recommends approval with certain concerns voiced regarding setting a precedent, and future use.

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

- J. B. Crenshaw, 1473 Glendale, proponent; thought at the time he purchased the property AO zoning meant he could put mobile homes on the property. He stated he bought the property for his own personal use with no intentions to rent, but is considering re-sale of the property.

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

Mr. Lawrence stated it was the City's understanding that Mr. Crenshaw had a buyer, which does not seem to be the case at this time.

Councilman Ceniglis moved to table the request to rezone from A0 to MH district indefinitely, until circumstances change. Then Mr. Greshaw or the purchaser can bring it back to Council. 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.

The request was **TABLED**.

7. 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.

Councilman Ceniglis moved to confirm the appointment of Waldorf Brown to the Economic Development Committee. 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.

Councilman McCaleb moved to appoint the following individuals to a newly created Disabled Vehicles Committee: Wendell Mathis, Pat Bailey, Allen Aune, Ben Bentley, John Slaughter, Orval Filbeck, Walter Adams, Jesse Harris, Charles Barr, Garnie Hatch, Jim Naler; and Councilmembers Wheat and Ray as non-voting members. 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 was adjourned at 10:35 a.m.


Jo Moore
City Secretary


Dale E. Ferguson
Mayor