

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, November 2, 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, November 2, 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 Tom Ceniglis.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held October 19, 1989.
4. **Employee Service Awards:**

35 Years	Bob H. Fowlkes	Chief Construction Inspector Public Works Department
25 Years	Ramon Portalatin	Captain Police Department
25 Years	Noel Johnston	Lieutenant Police Department
20 Years	Elbert T. Castleberry	Lieutenant Fire Department

**Employee of the Month Award**

Hallie Ruth Cole, Community Services Department

**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. Consider on first reading - an ordinance amending chapter 8, "Construction Regulations," Article VI, "Uniform Codes and Other Regulations," Division 2, "Building Code", of the Abilene Municipal Code, by adopting the 1988 Uniform Code for the Abatement of Dangerous Buildings, and set a public hearing for November 16, 1989 at 9:00 a.m.

- b. Consider on first reading - an ordinance amending Chapter 8, "Construction Regulations," Article VI, "Uniform Codes and Other Regulations," Division 2, "Building Code", of the Abilene Municipal Code, by adopting the 1988 Uniform Housing Code with certain local amendments, and set a public hearing for November 16, 1989 at 9:00 a.m.
- c. Consider in first reading - an ordinance for thoroughfare closure - TC-02689 - Request from Hendrick Medical Center, agent Tim McClarty, for thoroughfare abandonment located on Cedar Street between N. 18th and 19th Streets, and set a public hearing for November 16, 1989 at 9:00 a.m.
- d. Consider on first reading - an ordinance changing zoning district boundaries - Z-02789 - Request from Darlene Sparks to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district, located at 602 Grape, and set a public hearing for November 16, 1989 at 9:00 a.m.
- e. Oral Resolution to consider proposals for GIS system.
- f. Oral Resolution ratifying FY 1989/90 9-1-1 Budget.
- g. Consider interlocal computer system with Central Appraisal District.

REGULAR AGENDA

- 6. **Ordinances & Resolutions:**
  - a. Public Hearing: Consider on second and final reading - An ordinance adopting Appendix Chapter of 1988 Uniform Building Code covering requirements for permits on reroofing.
  - b. Resolution adopting fee schedule for Abilene Civic Center expansion.
- 7. **Other Business:**
  - a. Waiver of sewer requirements on proposed Lot 102, Block A, Tombs Subdivision.
  - b. Pending and Contemplated Litigation (see notice for Executive Session, Litigation for listing subjects), possible action.
  - c. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.
  - d. Resolution authorizing selection of Central Appraisal District Board of Directors by casting votes.
  - e. Report from Mayor's Committee on formation of Economic Development Corporation.

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 Gillette 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

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NOTICE OF CONSIDERATION FOR AGENDA ITEM 7E

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TO BE HELD ON THURSDAY, NOVEMBER 2, 1989 AT 3:00 P.M.; IN THE COUNCIL CHAMBERS, SECOND FLOOR OF CITY HALL.

AGENDA

7e. Other Business:  
Report from Mayor's Committee on formation of Economic Development Corporation, and possible action.

ADJOURN

CERTIFICATE

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall of the City of Abilene, Texas, on the 30th day of October, 1989, at 3:00 p.m..

  
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City Secretary

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PRE-COUNCIL WORK SESSION, THURSDAY  
November 2, 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 November 2, 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 Walter E. Wheat, Tom Ceniglis, Jimmy McNeil, and Councilwoman Liz Herrera. Also present were City Manager Jim Blagg, Assistant City Manager Roy L. McDaniel, Staff Coordinator Debra Guerra, City Attorney Harvey Cargill, Senior Secretary Debbie Hurley and various members of the City Staff.

The Council briefly discussed various consent and regular agenda items. Mayor Ferguson presented City Manager Jim C. Blagg with a five year pin. 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  
November 2, 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 November 2, 1989, 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 October 19, 1989, Councilman Wheat moved to approve the minutes as printed. 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.

Debra Guerra, Staff Coordinator, assisted Mayor Ferguson in the presentation of the October Employee of the Month Award to its first recipient, Hallie Ruth Cole; and the November Employee of the Month Award to Jesse Hernandez of the water department.

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

35 Years	Bob H. Fowlkes	Chief Construction Inspector Public Works Department
25 Years	Ramon Portalatin	Captain Police Department
25 Years	Noel Johnston	Lieutenant Police Department

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20 Years      Elbert T. Castleberry      Lieutenant  
Fire Department

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

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

NAYS: None.

#### 5. Ordinances & Resolutions:

a. Approval of first reading - an ordinance amending chapter 8, "Construction Regulations," Article VI, "Uniform Codes and Other Regulations," Division 2, "Building Code", of the Abilene Municipal Code, by adopting the 1988 Uniform Code for the Abatement of Dangerous Buildings, and set a public hearing for November 16, 1989 at 9:00 a.m.

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.

b. Approval of first reading - an ordinance amending Chapter 8, "Construction Regulations," Article VI, "Uniform Codes and Other Regulations," Division 2, "Building Code", of the Abilene Municipal Code, by adopting the 1988 Uniform Housing Code with certain local amendments, and set a public hearing for November 16, 1989 at 9:00 a.m.

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.

c. Approval of first reading - an ordinance for thoroughfare closure - TC-02689 - Request from Hendrick Medical Center, agent Tim McClarty, for thoroughfare abandonment located on Cedar Street between N. 18th and 19th Streets, and set a public hearing for November 16, 1989 at 9:00 a.m.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

d. Approval of first reading - an ordinance changing zoning district boundaries - Z-02789 - Request from Darlene Sparks to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district, located at 602 Grape, and set a public hearing for November 16, 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.

- e. Oral Resolution to consider proposals for GIS system. Council approved staff recommendation to reject all proposals and re-issue the Request for Proposal at a later date.
- f. Oral Resolution ratifying FY 1989/90 9-1-1 Budget.
- g. Consider interlocal computer system with Central Appraisal District.

The Resolution is numbered 59-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE RENEWAL OF AN INTERLOCAL COMPUTER USE AGREEMENT BETWEEN THE CITY OF ABILENE AND THE CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY.

6. Ordinances & Resolutions:

- a. Bob Fowler, Director of Housing & Inspection, briefed the Council on an ordinance considered on second and final reading adopting Appendix Chapter of 1988 Uniform Building Code covering requirements for permits on re-roofing. The Board of Building Standards, staff, and a volunteer citizen's review committee recommend approval.

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.

Councilmembers discussed at length various issues involved in the passing of this ordinance, including:

- . Protection of citizens from bad roofers.
- . Liability insurance.
- . Do-it-yourself homeowners.
- . One-time issue as opposed to an ongoing need for regulation.
- . Regulations on roofers as opposed to other contractors - in line or excessive?

Risk Manager Ron Pollard stated he would like to go on record as staff to Council stating he does not endorse requiring liability insurance for this particular contracting regulating exposure versus all the others due to his concern of possible discrimination to other types of contractors.

Mayor Ferguson stated he felt there were three issues involved: the Ordinance before the Council covering requirements for permits on re-roofing, and the Council's intentions concerning insurance and bonding. The Mayor indicated a desire to vote on each issue separately.

Mayor Ferguson moved to approve the Ordinance covering requirements for permits on re-roofing as recommended by staff. The motion was seconded by Councilman Ceniglis and the motion carried.

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

The Ordinance is numbered 43-1989 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.

Councilman Ceniglis moved to show Council's intention to require liability insurance at \$100,000 comprehensive liability. The motion was seconded by Councilwoman Herrera and the motion carried.

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

Councilman Wheat moved to reconfirm bonding at \$5,000. 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.

b. Mike Hall, Director of Community Services, briefed the Council on a Resolution adopting a fee schedule for the Abilene Civic Center expansion. Mr. Hall introduced Mary Jo North, Civic Abilene member, who presented the report from the rate subcommittee of Civic Abilene, Inc. Staff recommends approval.

Councilman McCaleb moved to approve by Oral Resolution the adoption of a fee schedule for the Abilene Civic Center expansion, 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.

#### 7. Other Business:

a. Bob Whitehead, Director of Public Works, briefed the Council on a Waiver of sewer requirements on proposed lot 102, Block A, Toombs Subdivision. Staff recommends denial; but if Council chooses to approve the request, staff requests it be contingent on meeting the State Health Department's criteria.

Mayor Ferguson asked to hear from Eddie Chase, representing the proponent. Mr. Chase indicated it would be less costly to install a septic tank than it would to hook up to City sewer lines, which could run in the neighborhood of \$4,000. He stated the majority of the proponent's neighbors already had existing septic systems.

Councilman McCaleb moved to approve the waiver of sewer requirements with the contingency recommended by staff. The motion was seconded by Councilman Ceniglis and the motion carried.



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

The Resolution is numbered 60-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE FOR PROPOSED LOT 102, BLOCK A, TOOMBS SUBDIVISION, ABILENE, TAYLOR COUNTY, TEXAS, LOCATED NORTH OF OVERLAND TRAIL (ACCESS ROAD TO I-20) AND EAST OF RAILROAD RIGHT-OF-WAY IN ABILENE, TAYLOR COUNTY, TEXAS.

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.

c. Councilman Ceniglis moved to appoint Councilwoman Herrera to the West Central Texas Council of Governments Board of Directors. 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.  
NAVS: None.

d. Councilman McNeil moved to approve a Resolution casting the City's votes for Paul Washburn, Jr. (715 votes) and Walter Wheat (609 votes) to the Central Appraisal District Board of Directors. 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.  
NAVS: None.

The Resolution is numbered 61-1989 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS TO CAST ITS VOTES FOR THE BOARD OF DIRECTORS OF THE APPRAISAL DISTRICT OF TAYLOR COUNTY.

Mayor Ferguson recessed the Council at 11:20 a.m., and the Council reconvened at 3:00 p.m.

Mayor Ferguson asked for the report from the Mayor's Committee on the formation of an Economic Development Corporation. H. C. Zachry, chairman of the Mission Statement subcommittee; Mike Dohrse, representing the Organizational Structure subcommittee; and Sam Chase, chairman of the Articles and Bylaws subcommittee; presented their respective reports.

Mayor Ferguson thanked all 21 members of the committee for their hard work.

Councilman Wheat moved to accept the reports from the subcommittees as presented. 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.

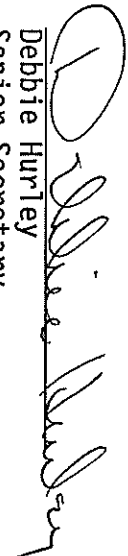
NAVS: None.

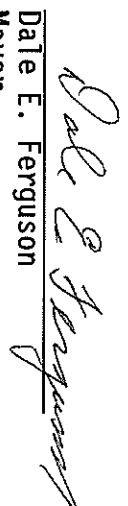
Following a lengthy discussion concerning liability issues as they may relate to the Economic Development Corporation, Councilman Ceniglis moved to accept the Articles and Bylaws as submitted with the exception of the section dealing with the hiring of a director to be approved by the Council, the indemnity clause ( to be reviewed by the legal staff), and the change from one (1) Councilmember to two (2) being required on formal actions. 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.

There being no further business, the meeting adjourned at 4:15 p.m.

  
Debbie Hurley  
Senior Secretary

  
Dale E. Ferguson  
Mayor