

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, December 7, 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, December 7, 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 Liz Herrera.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held November 16, 1989.
4. **Employee Service Awards:**

20 Years	Lee Roy George	Director Planning & Zoning Department
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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. Consider on first reading - an ordinance amending Chapter 20, "Offenses," of the Abilene Municipal Code, by adding Section 20-9 concerning regulating the presence of persons age 20 years and under in specific areas, and set a public hearing for December 21, 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, regulating the use of temporary buildings, and set a public hearing for December 21, 1989 at 9:00 a.m.
 - c. Consider on first reading - an ordinance amending Chapter 30 of the Abilene Municipal Code by adding Section 30-3, providing for the continued taxation of Freeport property.
 - d. Consider on first reading - an Ordinance changing zoning district boundaries - Z-02889 - Request from Corilla Bryant to rezone from RS-6 (Residential Single-Family) to MH (Mobile Home) district located at 925 T & P Lane, and set a public hearing for December 21, 1989 at 9:00 a.m.
 - e. Consider on first reading - an ordinance amending Chapter 23 of the Abilene Municipal Code concerning disabled vehicles, and set a public hearing for December 21, 1989 at 9:00 a.m.

- f. Consider on second and final reading - An ordinance amending the benefits under the Texas Municipal Retirement System.
- g. Consider on second and final reading - An ordinance amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Section 18-259.
- h. Consider on second and final reading - An Ordinance repealing Ordinance #276, granting trackage rights.
- i. Oral Resolution approving Lease for Hangar #1 to the Phantom Squadron of the Confederate Air Force.
- j. Resolution declaring a public necessity for the acquisition of property and giving notice of an official determination to acquire property for the Elm Creek Channelization Project from the Wichita Valley Railroad Tracks to FM 600 and from Pine Street to Old Anson Road; and allocating funds.
- k. Resolution ratifying Sister City program with the City of Jerez de la Fronterria, Spain.
- l. Resolution authorizing submission of proposal and application to State for Local Match for Transit Providers program funds.
- m. Oral Resolution approving authorization for City to provide interim financing for the incentive package for TDCJ Correctional Facility.
- n. Resolution authorizing transfer of approximately 316 acres of land from the City of Abilene to the Texas Department of Criminal Justice for the location of a prison site.

6. **Award of Bid:**

- a. Pipe for Water Utilities Department, Bid #CB013.
- b. Uniform Rental Agreement for various divisions, Bid #CB010.
- c. Extension of water and sewer lines to the proposed new fire station site at the Abilene Regional Airport, Bid #CB011.
- d. Total station surveying instrument with software and accessories for Engineering Division, Bid #CB012.
- e. Underground Storage Tank System for Equipment Services Division, Bid #CB015.
- f. Wastewater Treatment Plant improvements, Bid #CB007.

REGULAR AGENDA

7. **Ordinances & Resolutions:**

- a. Oral Resolution to consider Mann Middle School soccer project.

8. **Other Business:**

- a. Status report from the U. S. Army Corps of Engineers relative to the feasibility study of alternatives for local flood control on Elm Creek.
- 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.

(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
23. Southwestern Bell Rate Case
24. West Texas Utilities Rate Case

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 11/30/89

00235

PRE-COUNCIL WORK SESSION, THURSDAY
December 7, 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 December 7, 1989, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Dale E. Ferguson was present and presiding with 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, City Secretary Jo Moore and various members of the City Staff. Councilman Gary D. McCaleb was absent.

The Council briefly discussed various consent and regular agenda items, and 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
December 7, 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 December 7, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Liz Herrera.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held November 16, 1989, the minutes stand approved as printed.

Mayor Ferguson presented Employee Service Award to the following individual for his faithful service to the City of Abilene:

20 Years	Lee Roy George	Director
		Planning & Zoning Department

Debra Guerra, Staff Coordinator, assisted Mayor Ferguson in the presentation of the December Employee of the Month Award to Pam Cotten, Executive Secretary in the Public Works Department.

Councilwoman Ray moved approval of consent agenda items 5f through 5h, 5j through 5n, and 6a through 6f as recommended by the staff; and approval of first reading of consent agenda items 5a through 5d. Items 5e (as requested by Councilman Wheat) and 5i (as requested by Mayor Ferguson) were removed from the consent agenda to be considered separately. The motion was seconded by Councilman Wheat and the motion carried.

AYES: 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 20, "Offenses," of the Abilene Municipal Code, by adding Section 20-9 concerning regulating the presence of persons age 20 years and under in specific areas, and set a public hearing for December 21, 1989 at 9:00 a.m.
AN ORDINANCE AMENDING CHAPTER 20 OF THE ABILENE CITY CODE BY ADDING SECTION 20-9, REGULATING THE PRESENCE OF PERSONS AGE TWENTY (20) YEARS AND UNDER ON PRIVATE PROPERTY WITHOUT PERMISSION OF THE OWNER THEREOF AND IN PUBLIC STREETS AND ALLEYS WITHIN ONE THOUSAND (1000) FEET FROM THE PROPERTY BOUNDARY LINE OF ANY LOT USED FOR SECONDARY SCHOOL PURPOSES, DECLARING A PENALTY, AND SETTING AN EFFECTIVE DATE.
- 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, regulating the use of temporary buildings, and set a public hearing for December 21, 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 amending Chapter 30 of the Abilene Municipal Code by adding Section 30-3, providing for the continued taxation of freepport property.
AN ORDINANCE AMENDING CHAPTER 30 OF THE ABILENE CITY CODE BY ADDING SECTION 30-3 PROVIDING FOR THE CONTINUED TAXATION OF FREEPORIT PROPERTY SITUATED WITHIN THE CITY OF ABILENE EVEN THOUGH SUCH PROPERTY MAY REMAIN IN THE STATE OF TEXAS FOR LESS THAN 175 DAYS, AND SETTING AN EFFECTIVE DATE.
- d. Approval of first reading - an ordinance changing zoning district boundaries - Z-02889 - Request from Corilla Bryant to rezone from RS-6 (Residential Single-Family) to MH (Mobile Home) district located at 925 T & P Lane, and set a public hearing for December 21, 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. Removed from consent agenda to be considered separately.
- f. Approval of second and final reading - An ordinance amending the benefits under the Texas Municipal Retirement System.
The Ordinance is numbered 47-1989 and is captioned as follows:

AN ORDINANCE AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY: (1) GRANTING THE ADDITIONAL RIGHTS, CREDITS AND BENEFITS AUTHORIZED BY TEX. REV. CIV. STAT. ANN. TITLE 110B S62.015, S64.202 (VERNON PAMPHLET 1988); (2) AUTHORIZING AND ALLOWING "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE IN THE EMPLOYMENT OF THE CITY OF ABILENE; (3) GRANTING TO CITY EMPLOYEES ADDITIONAL RIGHTS AND CREDITS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM AS AUTHORIZED BY S63.303; (4) ALLOWING CERTAIN EMPLOYEES OF THE CITY, WHO PERFORMED OR HEREAFTER PERFORM ACTIVE SERVICE IN THE ARMED FORCES (OR THEIR RESERVES OR AUXILIARIES) OF THE UNITED STATES UNDER HONORABLE CONDITIONS, TO APPLY AND MAKE DEPOSITS FOR, AND TO RECEIVE SPECIAL CREDIT WITH THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR LIMITED PORTIONS OF SUCH MILITARY SERVICE; AND (5) ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

- g. Approval of second and final reading - An ordinance amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Section 18-259.

The Ordinance is numbered 48-1989 and is captioned as follows:

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.

- h. Approval of second and final reading - An Ordinance repealing Ordinance #276, granting trackage rights.

The Ordinance is numbered 49-1989 and is captioned as follows:

AN ORDINANCE TO REPEAL ORDINANCE NO. 276.

- i. Removed from consent agenda to be considered separately.

- j. Resolution declaring a public necessity for the acquisition of property and giving notice of an official determination to acquire property for the Elm Creek Channelization Project from the Wichita Valley Railroad Tracks to FM 600 and from Pine Street to Old Anson Road; and allocating funds.

The Resolution is numbered 66-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PROPERTY AND GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE ELM CREEK CHANNELIZATION PROJECT FROM THE WICHITA VALLEY RAILROAD TRACKS TO F.M. 600, AND FROM PINE STREET TO OLD ANSON ROAD; AND ALLOCATING FUNDS.

- k. Resolution ratifying Sister City program with the City of Jerez de la Fronteria, Spain.

The Resolution is numbered 67-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, EXTENDING AN INVITATION TO JEREZ DE LA FRONTERIA, SPAIN, TO BECOME A SISTER CITY AND INVITING THE PEOPLE OF JEREZ DE LA FRONTERIA, SPAIN, TO PARTICIPATE IN SAID PROGRAM.

1. Resolution authorizing submission of proposal and application to State for Local Match for Transit Providers program funds.

The Resolution is numbered 68-1989 and is captioned as follows:

RESOLUTION OF THE CITY OF ABILENE, TEXAS, AUTHORIZING SUBMISSION OF PROPOSALS AND APPLICATIONS FOR FUNDING OF TRANSIT CAPITAL PROJECTS UNDER THE LOCAL MATCH FOR TRANSIT PROVIDERS PROGRAM.

m. Oral Resolution approving authorization for City to provide interim financing for the incentive package for TDCJ Correctional Facility.

n. Resolution authorizing transfer of approximately 316 acres of land from the City of Abilene to the Texas Department of Criminal Justice for the location of a prison site.

The Resolution is numbered 69-1989 and is captioned as follows:

THE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE TRANSFER OF 316 ACRES OF LAND, MORE OR LESS, TO THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE.

6. Award of Bid:

a. Pipe for Water Utilities Department, Bid #CB013. The bid was awarded on a unit price basis as follows: 6" and 12" water pipe to International Supply; 8" sewer pipe to A & P Water & Sewer; as recommended by staff.

b. Uniform Rental Agreement for various divisions, Bid #CB010. The bid was awarded to Dikes Work Clothes Rental Service for the three year contract option on Item 1, 2, and 3; as recommended by staff.

c. Extension of water and sewer lines to the proposed new fire station site at the Abilene Regional Airport, Bid #CB011. The bid was awarded to Mid-States Utilities Company, the low bidder, in the amount of \$109,094.50, as recommended by staff.

d. Total station surveying instrument with software and accessories for Engineering Division, Bid #CB012. Proposal No. 2 from Geodimeter, Inc., which includes Hardware Item Nos. 1, 2 and 3, and Software Item Nos. 1, 2, 3, 4 and 5, was awarded as the most advantageous proposal for the City in the amount of \$22,190; as recommended by staff.

e. Underground Storage Tank System for Equipment Services Division, Bid #CB015. The bid was awarded to the low bidder, West Texas Service Station Equipment Company in the amount of \$11,474.90, as recommended by staff.

f. Wastewater Treatment Plant improvements, Bid #CB007. The Council authorized, by oral resolution, the City Manager to execute a construction contract with Austin Engineering Company, Inc., in the amount of \$3,469,000; as recommended by staff.

5.e. Councilman Wheat requested to remove from the consent agenda the ordinance considered on first reading amending Chapter 23 of the Abilene Municipal Code concerning disabled vehicles, and consider it separately. He stated appreciation to the Disabled Vehicle Committee, but feels the recommendations made by the Committee are still not fair to the majority of citizens. The ordinance is too vague, and does not address all issues concerning motor vehicles.

Mayor Ferguson feels it should be put before the people at the public hearing.

Councilman Wheat wishes to change the public hearing from December 21 to another day, due to the holidays.

Mayor Ferguson stated that that logic would require changing a City Council meeting.

Councilman Geniglis agrees on the date change for the public hearing.

Councilman McNeil questioned the petition, and Mayor Ferguson explained that the petition was copies of various petitions that had been circulated, with incomplete information regarding addresses and phone numbers of those who had signed them. Council reviewed the petitions.

Mr. Bill Snow, attorney, stated he did present copies, but does have originals in his possession.

Councilman Geniglis moved to approve the first reading of the Ordinance, and to place it on the second meeting in January agenda, which would be January 25, 1990. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilwoman Ray, Councilmen Wheat, Geniglis, McNeil, Councilwoman Herrera, and Mayor Ferguson.

NAYS: None.

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.

5.i. Mayor Ferguson requested to remove from the Consent Agenda the Oral Resolution approving Lease for Hangar #1 to the Phantom Squadron of the Confederate Air Force, and to consider it separately.

A. R. Falcioni, Airport Manager, briefed the Council on the request, and explained that the Airport Development Board has recommended denial. Staff cautiously recommends approval, with a 30 day cancellation clause, but has no problem with the Airport Development Board recommendation.

Gary Vest, Abilene Industrial Foundation, stated that several companies have expressed interest, which could generate at least 50 jobs. He feels the Confederate Air Force would do no improvements and since they currently pay a considerable reduced rate, Mr. Vest recommended the request be set aside for six months before entering into an agreement with the Confederate Air Force.

Councilwoman Ray moved to deny approving a Lease for Hangar #1 to the Phantom Squadron of the Confederate Air Force. The motion was seconded by Councilman McNeil and the motion carried.

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

7. Ordinances & Resolutions:

a. Mike Hall Director of Community Services, briefed the Council on an Oral Resolution to consider the Mann Middle School soccer project. The Joint Utilization Study Group reviewed the project proposal. The Parks and Recreation Board, the AISD Board, and staff all recommend approval.

Mr. John Sterns, Vice President of the Big Country Soccer Association, gave a presentation to the Council outlining their recommendations as well as their participation in the project.

Councilwoman Herrera moved to approve the Mann Middle School soccer project, as recommended. The motion was seconded by Councilman McNeil and the motion carried.

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

8. Other Business:

a. Bob Whitehead, Director of Public Works, briefed the Council on a Status report from the U. S. Army Corps of Engineers relative to the feasibility study of alternatives for local flood control on Elm Creek. He stated that alternatives have been looked at, and hopefully one project will prevail. We have until September 30, 1990 to complete the draft study with recommendations on the plan to be authorized.

Mr. Whitehead then introduced Mike Moeck of the Corps of Engineers, who introduced his staff and reviewed with the Council a recap of the July meeting, the alternatives studied, a description of the alternatives, and a cost summary. Mr. Moeck stated the Corps requirement of the City to retain in the study an alternative that indicates the greatest return to economy in terms of reduction of flood damages.

Mayor Ferguson stated preference for the LE Diversion Combination and commented on the small number of structures that would be affected.

Councilman McNeil requested calculations on how much damage would result from flooding if nothing is done.

Councilwoman Ray stated her appreciation to the Corps of Engineers.

Ira Duck, Realtor, stated the greatest economic development for Abilene would be to put the Little Elm Diversion Combination Plan into effect.

John Thompson, County Commissioner, Precinct 3, stated his appreciation that the people are being considered. He stated the Corps appears to have done a good study, and expressed support from the County. He suggested the labor of prisoners is free and could be utilized for clearing and channelization.

Gordon Asbury, Jr., stated he owns 520 acres near FM 707 and Rebecca Lane, and is one property owner that will be impacted. He stated this was not a public meeting if there was no notification given. He questioned whether a detention dam was considered at earlier meetings, and asked Council to not forego the other studies.

Mayor Ferguson stated this is not a public hearing, but that the public hearings that have been held have had thorough notice given.

City Manager Jim Blagg stated that some 10,000 people have potentially been impacted, and that special requests to be notified were made and fulfilled.

Councilwoman Ray stated there will be time between further study and the final decision.

R. B. Smith, 655 Westwood (on Elm Creek), asked if there were any thoughts given to the concerns of side effects, and stated concern for health problems due to the mosquitos in the mesquites.

Jeff Wyatt was concerned with the most cost effective plan of a 25 year study versus 100 year study. He feels the 100 year study has been made when 25 years should have been studied.

Mayor Ferguson stated it costs no more to study a 100 year plan or a 10 year plan. The initial plan was up to 100 years. The study now may be for less years.

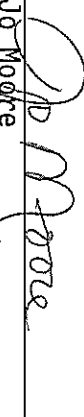
Councilman Ceniglis moved to approve the Little Elm Diversion Combination Plan alternative for further study. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: 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.

There being no further business, the meeting adjourned at 11:00 a.m.


Jo Moore
City Secretary


Dale E. Ferguson
Mayor