

Pre-Council Work Session of the Mayor and City Council of the City of Abilene, Texas, to be held in the City Council Chambers of City Hall on Thursday, December 21, 1989, at 8:30 a.m. to consider the following:

1. Police Academy Graduation Ceremony.
2. 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 21, 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 D. McCaleb.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held December 7, 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. Consider on second and final 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.
 - b. Consider on second and final reading - an ordinance amending Chapter 30 of the Abilene Municipal Code by adding Section 30-3, providing for the continued taxation of Freeport property.
 - c. Oral Resolution approving amendment to the Human Relations Committee Rules of Procedure.
5. **Award of Bid:**
 - a. Closed vessel microwave digestion system for Quality Control Division, Bid #CB017.

REGULAR AGENDA

6. **Ordinances and Resolutions:**
 - a. Civic Center Expansion update and Oral Resolution approving change order for planned additions.

- b. **Public Hearing:** Consider on second and final 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.
- c. **Public Hearing:** Consider on second and final 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.
- d. **Public Hearing:** Consider on first reading - an ordinance approving electric utility rate schedules for Taylor Electric Cooperative, Inc., and Resolution authorizing City's participation in Rural Rate Case, suspending the local increase.

- 7. **Other Business:**
 - a. Discussion of annexation study for the prison site.
 - 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 condemnation of land at Stacy Reservoir.

ADJOURN

/council/agenda2.doc

00244

(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

00245

PRE-COUNCIL WORK SESSION, THURSDAY
December 21, 1989, 8:30 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
COUNCIL CHAMBERS, CITY HALL

The City Council of the City of Abilene, Texas, met in a Pre-Council Work Session on December 21, 1989, at 8:30 A.M. in the Council Chambers 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.

Sergeant Ed Dye introduced the Police Academy Graduates and a brief graduation ceremony was held in which City Secretary Jo Moore administered the Oath of Office; which was followed by a reception in honor of the graduates.

REGULAR CITY COUNCIL MEETING
December 21, 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 21, 1989, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Gary D. McCaleb.

The Council briefly discussed various consent and regular agenda items, and Mr. Blagg informed the Council that item 7d, Resolution authorizing condemnation of land at Stacy Reservoir, would be removed from the agenda to be considered at a later date.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held December 7, 1989, the minutes stand approved as printed.

Councilman Ceniglis moved to approve consent agenda items 4a through 4c, and 5a as recommended by the staff. The motion was seconded by Councilwoman Ray 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. Approval of second and final 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.

The Ordinance is numbered 50-1989 and is captioned as follows:

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 ATE.

- b. Approval of second and final reading - an ordinance amending Chapter 30 of the Abilene Municipal Code by adding Section 30-3, providing for the continued taxation of Freeport property.

The Ordinance is numbered 51-1989 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE ABILENE CITY CODE BY ADDING SECTION 30-3 PROVIDING FOR THE CONTINUED TAXATION OF FREEPORT 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.

- c. Oral Resolution approving amendment to the Human Relations Committee Rules of Procedure as follows: "Section 4 - Removal. If any member of the Committee misses three consecutive regular Committee meetings or five regular meetings during any single anniversary year, upon a majority vote of the Committee, the Chairperson shall request that the City Council replace the member immediately. However, the Chairperson may at his/her discretion, waive the attendance requirement in the event of extenuating circumstances.

5. Award of Bid:

- a. Closed vessel microwave digestion system for Quality Control Division, Bid #CB017. The low bid of \$10,365.00 was awarded to CEM Corporation, as recommended by staff.

6. Ordinances and Resolutions:

- a. Mike Hall, Director of Community Services, briefed the Council on the Civic Center Expansion update. He introduced Robert Pollen, Vice President of Civic Abilene, Inc., who detailed the board's recommendations, and Fred Aycock, Assistant Director of Community Services, who further explained the expansion. Mr. Hall requested Council approve an Oral Resolution approving a change order for planned additions. Civic Abilene, Inc. and staff recommend approval.

Councilwoman Ray moved to approve by Oral Resolution a change order for planned additions, as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

b. Bob Fowler, Director of Housing & Inspection Services, briefed the Council on an Ordinance considered on second and final reading 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. Staff recommends approval.

Mayor Ferguson opened a public hearing on the aforementioned request, and the following individual spoke against one portion of the request:

- . Tingent Fable, 1018 Luzone, requested an amendment to allow snow cone stands to be portable and stay in one location 6-7 months. She objects to having to move the stands in 10 days.

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

Councilwoman Ray moved to approve the ordinance amending Chapter 8 of the Abilene Municipal Code, regulating the use of temporary buildings, with a change in the length of time structures, such as snow cone stands, may be located on one site from no more than 10 days to no more than 6 months. 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.

The Ordinance is numbered 52-1989 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.

c. David Lawrence, Planner II, briefed the Council on an Ordinance considered on second and final reading 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. The Planning and Zoning Commission recommends approval, staff recommend denial.

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

- . Corilla Bryant, proponent, will have no more than one mobile home on the property.

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

Councilman Wheat moved to approve the ordinance to rezone from RS-6 to MH district located at 925 T & P Lane, as recommended by the Planning and Zoning Commission. 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 Ordinance is numbered 53-1989 and is captioned as follows:

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

d. Harvey Cargill, City Attorney, briefed the Council on an Ordinance considered on first reading approving the electric utility rate schedules for Taylor Electric Cooperative, Inc., and a Resolution authorizing the City's participation in the Rural Rate Case, suspending the local increase. Staff recommends the Council take the following action:

- 1) Suspend the rate increase for 90 days,
- 2) Ratify and approve the City's participation in the rural case, and
- 3) Approve the first reading of the Ordinance setting the rates requested.

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

Don Hart, Manager of Taylor Electric Co-Op, approving rate be suspended for the 90 days in order to have uniform rates of whole system.

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

Councilman McCaleb moved to approve the first reading of the ordinance approving the electric utility rate schedules for Taylor Electric Cooperative, Inc. and a Resolution authorizing the City's participation in the Rural Rate Case, suspending the local increase. The motion was seconded by Councilman Wheat and the motion carried.

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

AN ORDINANCE APPROVING ELECTRIC UTILITY RATE SCHEDULES FOR TAYLOR ELECTRIC COOPERATIVE, INC.; PROVIDING A SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Resolution is numbered 70-1989 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE TAYLOR ELECTRIC COOPERATIVE, INC. RURAL RATE CASE, SUSPENDING THE LOCAL INCREASE.

7. Other Business:

a. Lee Roy George, Director of Planning, requested direction from the Council on an annexation study for the prison site. Staff recommends a study and report be prepared to determine the need and feasibility of annexation of land northeast of the City. Mr. George stated that a calendar of events and necessary public hearings could be prepared and after the first public hearing starts, the City can reduce the amount of property to be annexed, but can't add property. Mr. George presented to the Council several alternatives for annexation. Staff recommends alternative #3, which would affect 28 property

owners and annexation supplement of 70 property owners, plus as much sewer farm as would be allowed and an area to connect Alternative III and the annexation supplement.

Councilman McNeil moved to proceed with the annexation study in it's broadest sense, specifically Alternative III and the annexation supplement. 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.

b. 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.

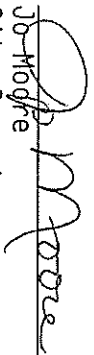
c. Councilman Wheat moved to appoint Lillian Walker to replace Rev. C. C. Hines on the Human Relations Committee with a term expiring 5/90; and Tommie Harendt to replace David Steward as the alternate member for the general contractor position on the Board of Building Standards with a term expiring 11/91. 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.

d. Removed from agenda to be considered at a later date.

There being no further business, the meeting was adjourned at 11:17 a.m.


Jo-Modre
City Secretary


Dale E. Ferguson
Mayor