

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, January 25, 1990 at 8:30 a.m. to consider the following:

1. Discuss Consent and/or Regular Agenda Items.
2. Zoo Discovery Project Update.

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, January 25, 1990, 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 Wheat.
3. Approval of Minutes: Pre-Council Session and Regular City Council Meeting held January 11, 1990.

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:

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|-----------------|----|---|
| P. Collins | a. | <u>Consider on second and final reading</u> - an ordinance amending Ordinance #34-1989, Part 5, Classified Positions for Police and Fire Departments. |
| C. Hughes | b. | <u>Consider on first reading</u> - an ordinance amending Chapter 8, "Construction Regulations", Article VI, "Uniform Codes and Other Regulations", Division 4, "Plumbing", of the Abilene Municipal Code, and set a public hearing for February 8, 1990 at 9:00 a.m. |
| C. Hughes | c. | <u>Consider on first reading</u> - an ordinance amending Chapter 8, "Construction Regulations", Article VI, "Uniform Codes and Other Regulations", Division 5, "Mechanical Code", of the Abilene Municipal Code, and set a public hearing for February 8, 1990 at 9:00 a.m. |
| J. Jargesheimer | d. | Oral Resolution approving Commercial Lease for Ft. Phantom Lake Lots 492 A, B, C. |
| F. Falcioni | e. | Oral Resolution approving Supplemental Agreement #1 to Department of Transportation FAA Land Lease DTFA 07-86-L-01006 (for remote transmitter/receiver site at Abilene Regional Airport), extends term of lease to September 30, 2000. |
| M. Morrison | f. | Oral Resolution approving Administrative Services Contract with the Development Corporation of Abilene, Inc. |

REGULAR AGENDA

5. Ordinances and Resolutions:

- M. Manson
 - a. Public Hearing: Consider on second and final reading - an ordinance changing zoning district boundaries - Z-00190 -Request from Frank E. Hagar; agent, Doug Etheredge, to rezone from A0 (Agriculture Open Space) to MH (Mobile Home) district located on FM 3034, .2 mile west of FM 600.
 - b. Public Hearing: Consider on second and final reading - an ordinance amending Chapter 23 of the Abilene Municipal Code concerning disabled vehicles.
- M. Manson
 - b.

6. 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.

Financial Workshop 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, January 25, 1990, immediately following the Regular City Council Meeting.

- 1. Review and Acceptance of Annual Financial Report for FY 1988-89..... Davis, Kinard & Co.
- 2. Review First Quarter Financial Status..... David Wright
- 3. Review Status of Goals set by City Council at June Retreat and Status of Other Programs and Projects..... Jim Blagg
- 4. Receive Final ACT-Now! Report..... Frank Puckett
- 5. Discussion of Key Issues to be Addressed as FY 90-91 Budget Approaches..... City Council

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
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

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**PRE-COUNCIL WORK SESSION, THURSDAY
January 25, 1990, 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 January 25, 1990, 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., Senior Secretary Debbie Hurley, Staff Coordinator Debra Guerra, and various members of the City staff.

The Council briefly discussed various consent and regular agenda items.

Tom Buchanan, Zoo Superintendent, gave a slide presentation on the progress of the Discovery Project construction. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
January 25, 1990, 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 January 25, 1990, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Walter Wheat.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held January 11, 1990, the minutes stand approved as printed.

Councilman McNeil moved to approve consent agenda items 4a and 4d through 4f, as recommended by the staff, and approval of first reading of consent agenda items 4b and 4c. 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 Ordinance #34-1989, Part 5, Classified Positions for Police and Fire Departments.

The Ordinance is numbered 1-1990 and is captioned as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 34-1989, PART 5, CLASSIFIED POSITIONS FOR POLICE AND FIRE DEPARTMENT.

b. Approval of first reading - an ordinance amending Chapter 8, "Construction Regulations", Article VI, "Uniform Codes and Other Regulations", Division 4, "Plumbing", of the Abilene Municipal Code, and set a public hearing for February 8, 1990 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 4, "PLUMBING," 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 8, "Construction Regulations", Article VI, "Uniform Codes and Other Regulations", Division 5, "Mechanical Code", of the Abilene Municipal Code, and set a public hearing for February 8, 1990 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 5, "MECHANICAL CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

d. Oral Resolution approving Commercial Lease for Ft. Phantom Lake Lots 492 A, B, C.

e. Oral Resolution approving Supplemental Agreement #1 to Department of Transportation FAA Land Lease DTFA 07-86-L-01006 (for remote transmitter/receiver site at Abilene Regional Airport), extends term of lease to September 30, 2000, and authorize Mayor to execute said agreement.

f. Oral Resolution approving Administrative Services Contract with the Development Corporation of Abilene, Inc.

5. Ordinances and Resolutions:

a. Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - Z-00190 - Request from Frank E. Hagar; agent, Doug Etheredge, to rezone from AO (Agriculture Open Space) to MH (Mobile Home) district located on FM 3034, .2 mile west of FM 600.

Mayor Ferguson opened a public hearing on the item, and the following individual spoke in response to the request:

. Doug Etheridge, Rt. 10, agent for the proponent, indicated the property had been in the family, and that although the City indicated the land was in the flood plain, a private surveyor reported it was not.

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

Staff stated they have to follow the map approved by the Federal Emergency Management Administration, and that a map amendment must be approved by them as well.

Mayor Ferguson moved to approve the request to rezone from A0 (Agriculture Open Space) to MH (Mobile Home) district property located on FM 3034, .2 mile west of FM 600, providing they are in compliance with requirements regarding flood zone. The motion was seconded by Councilman Wheat and the motion carried.

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

Nays: None

The Ordinance is numbered 2-1990 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.

b. Mindy Manson, Principal Planner, briefed the Council on an ordinance amending Chapter 23 of the Abilene Municipal Code concerning disabled vehicles.

The members of the Council felt it necessary to voice their opinions prior to the public hearing for the record and for the benefit of the citizens attending the meeting, in order to possibly eliminate any unnecessary discussion.

Councilman McCaleb suggested the following:

- 1) suspend the present amendment,
- 2) place a moratorium on Ordinance #28-1989,
- 3) go back to enforcement of the existing Ordinance now on the books consistent with State guidelines,
- 4) include the area of junk vehicles in the Neighborhood Improvement Program, and
- 5) request enforcement by the Litter Control Officer in conjunction with the Neighborhood Improvement Program.

Dr. McCaleb also conveyed his pleasure with the acceptance of the Litter Control Officer by the public.

Mayor Ferguson suggested Council repeal Ordinance #28-1989 and repeal the amendment to the Ordinance.

Councilman Wheat agreed with the above, and cautioned the audience that this does not mean there will be no enforcement where junk and disabled vehicles are concerned.

Councilman Ceniglis also agreed, but stated that the Ordinance complying with State guidelines does have restrictions. He is sympathetic to antique car owners.

Councilwoman Ray expressed a disappointment that the problem has been magnified, and re-emphasized that the original intent was to maintain and create a balance. She stated the disabled vehicle issue had become a "political football in a car parts war". She agreed with the moratorium to see how cooperative people would be in coming into compliance.

Councilwoman Herrera agreed with Dr. McCaleb's suggestion.

Councilman McNeil suggested the citizens should strive to work for each other, not against each other. He agreed with the moratorium as recommended.

Mayor Ferguson reinforced Councilwoman Ray's comments, and reiterated the Council is not focused only on cars, but on cleaning up the neighborhood. He feels it needs further study, but still wants a repeal of Ordinance #28-1989.

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

- Bill Snow, attorney for citizens, presented petitions for the repeal of Ordinance #28-1989. Mr. Snow stated he is not at liberty to reveal his clients' identities.
- Linda Smith, stressed the time limit is not long enough when restoring an automobile. She has no problem with the fencing requirement.
- David Seifert reminded the Council the Ordinance as written is taking away property rights.
- Phil Watkins, 2241 Greenbriar, wanted clarification on the State interpretation on screening. He believes the 6' fence is too high, and recommends the Litter Control Officer enforce the existing ordinance complying with State regulations.
- Richard Kennedy, 1482 Merchant, stated there are other, more prevalent problems, and stressed volunteer programs.
- John Large, 757 Huckleberry Lane, drives cars until they quit, then parks them; he alleged threats to a neighbor by someone from the City.
- Joe Darlack, paraphrased the oath of office taken by Councilmembers, and the rights of citizens.

Staff requested Sergeant Gene Kesssee, Abilene Police Department, come forward and clarify the State requirements for the citizens. He indicated the State mandates that the car be covered, and that a tarp must be conformed to the vehicle (not just thrown over), preferably custom made. Weeds cannot be grown up, nor rodents seen. Traffic patrol responds to complaints. Annually, a "clean sweep" is performed, where officers inspect violations as evidenced from the street.

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

Councilman McCaleb moved to suspend the amendment to Ordinance #28-1989; place a moratorium on Ordinance #28-1989 for six months and then at that time if no further action is taken by the City Council, repeal the Ordinance; go back to enforcement of Article XII, Section 18 in the City Code which complies with State Law; include the area of junk vehicles in the Neighborhood Improvement program; and ask the litter control inspector to incorporate junk vehicles into his duties. The motion was seconded by Councilman Cenigltis and the motion carried.

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

The Ordinance is numbered 3-1990 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

6. Other Business:

a. 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.

b. Councilman Cenigltis moved to appoint Frank Puckett to replace Sam Waldrop as Chairman of Reinvestment Zone #1, City of Abilene. The motion was seconded by Councilman McNeil and the motion carried.

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

There being no further business, the Mayor stated the Council would reconvene in the Basement for the Financial Workshop.

FINANCIAL WORKSHOP

David Wright, Director of Finance, provided the Council with a presentation of the Comprehensive Annual Financial Report for FY 1988-89, requesting acceptance of same, and authorizing payment to Davis, Kinard & Co. Mr. Wright introduced Chris Taylor, Assistant Director of Finance, and Don Ashmore of Davis, Kinard & Co., who gave a brief overview of the report. Following the presentation by Davis, Kinard & Co., Mr. Wright reviewed the First Quarter Financial Status for FY 1989-90.

Councilman Wheat moved to accept the Comprehensive Annual Financial Report for FY 1988-89, and authorize payment to Davis, Kinard & Co. as recommended by staff. The motion was seconded by Councilman Cenigltis and the motion carried.

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

Jim Blagg, City Manager, reviewed with the Council the status of goals set at the June Retreat, which were:

1. Economic Development
2. Code Enforcement
3. Housing
4. Flood Control
5. Capital Improvement Program/Infrastructure Maintenance

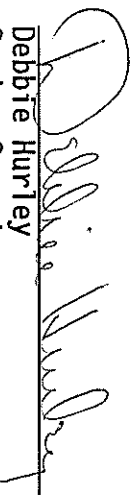
Also reviewed was the status of other programs and projects.

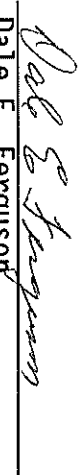
The Final ACT-Now! Report by Frank Puckett was not available in final form at this time, and will be provided at the next City Council meeting.

Council then discussed key issues to be addressed as the FY 90-91 Budget approaches; including:

- Overall effect of drug problem
- Economic Development
- Communication between the City and citizens
- Availability of low income housing
- Streamline operations of City to financially benefit citizens
- Education
- Motivation of low income citizens
- Lack of transportation
- Recreation facilities - in line with the need of the community

There being no further business, the meeting was adjourned at 2:00 p.m.


Debbie Hurley
Senior Secretary


Dale E. Ferguson
Mayor