

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

1. Discuss consent and/or regular agenda items.
2. Update on Neighborhood Improvement Program - Second Site

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, March 8, 1990, at 9:00 a.m.

**CITY COUNCIL:** Mayor Dale Ferguson; Council - 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 February 22, 1990.
4. **Awards:**  
**Employee Service Awards:**

20 Years	Delbert A. Hall	Journey Fire Medic Fire Department
20 Years	James W. Harvey	Journey Fire Medic Fire Department
20 Years	Margaret Fritsch	Senior Administrative Clerk Refuse Collection Division

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. Oral Resolution approving street use license request from Circle K Corp. of Houston, Texas.
  - b. Resolution authorizing bonds of the Abilene Higher Education Facilities Corporation for McMurry College in the amount of \$1,467,946.
  - c. Resolution authorizing execution of Minute Order 89800 from the State Department of Highways and Public Transportation for the E. S. 11th/Judge Ely Boulevard project.

- d. Resolution authorizing Mayor to enter into an agreement with the State Department of Highways and Public Transportation to be responsible for right-of-way costs, land, improvements, and utility adjustments for the project located at U. S. 83/84 and Loop 322.
  - e. Resolution ordering a Special Election for City Council Place I May 5, 1990; amendment to joint school board Resolution.
  - f. Consider on first reading - an Ordinance changing zoning district boundaries - Z-00390 - Request from Gary Kent Edwards to rezone from RM-3 (Residential Multi-Family) to A0 (Agricultural Open Space) district, located at 401 Jolly Rogers Road, and set a public hearing for March 22, 1990.
  - g. Consider on first reading - an Ordinance changing zoning district boundaries - Z-00490 - Request from Hardin Simmons University, agent, Wiley W. Dugger, to rezone from RS-6 (Residential Single-Family) to CU (College-University) district, located in the 2500 block of Hickory, and set a public hearing for March 22, 1990.
- 6. Award of Bid:**
- a. Tandem dump trucks for Street Services Division, Bid #CB030.
  - b. Motorcycles for Police Traffic Division, Bid #CB031.
  - c. Police Sedans and Vehicles for various divisions, Bid #CB033.
  - d. Fencing for Community Services Department.

REGULAR AGENDA

- 7. **Public Appearance:**  
Update from the Appraisal District concerning appraisals for 1990 and the progress of collections of delinquent taxes.
- 8. **Ordinances & Resolutions:**
  - a. Public Hearing: Consider on second and final reading - an ordinance amending the Subdivision Regulations concerning Stormwater Management.
  - b. **Second Public Hearing** on proposed annexation of the prison site and adjacent areas being located in Jones and Taylor Counties.
- 9. **Other Business:**
  - a. Report on acquisition of HUD properties for Housing.
  - 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

00037

PRE-COUNCIL WORK SESSION, THURSDAY  
March 8, 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 March 8, 1990, 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 Tom Ceniglis, Walter E. Wheat, 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. Councilman Jimmy McNeil was absent.

The Council briefly discussed various consent and regular agenda items. Debra Guerra, Staff Coordinator, updated the Council on the Neighborhood Improvement Program Second Site. David Wright informed the Council of Steakley Chevrolet of Dallas protesting bid #CB030 and #CB033. Although the apparent low bidder, Steakley Chevrolet did not meet bid specifications. Jim Blagg advised the Council that Item 6d would be pulled from the agenda due to the fact that the item was under \$10,000 and therefore does not require Council approval. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
March 8, 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 March 8, 1990, 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 February 22, 1990, the minutes stand approved as printed.

Mayor Ferguson presented Employee Service Awards to the following individuals for their years of service:

20 Years	Delbert A. Hall	Journey Fire Medic Fire Department
20 Years	James W. Harvey	Journey Fire Medic Fire Department
20 Years	Margaret Fritsch	Senior Administrative Clerk Refuse Collection Division

Debra Guerra, Staff Coordinator, assisted Mayor Ferguson in the presentation of the March Employee of the Month Award to Lee Ann Phipps, Data Processing.

Councilwoman Ray moved to approve consent agenda items 5a through 5e and 6a through 6c, as recommended by the staff, and approval of first reading of consent agenda items 5f and 5g. Item 6d was removed from the Consent Agenda due to the fact that it was under \$10,000 and does not require Council approval. The motion was seconded by Councilman Ceniglis and the motion carried.

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

NAYS: None.

**5. Ordinances and Resolutions:**

a. Oral Resolution approving street use license request from Circle K Corp. of Houston, Texas; pending receipt of the applicant's proof of insurance.

b. Resolution authorizing issuance of bonds by the Abilene Higher Education Facilities Corporation for McMurry College in the amount of \$1,467,946.

The Resolution is numbered 5-1990 and is captioned as follows:

A RESOLUTION RELATING TO A LEASE-PURCHASE AGREEMENT FOR THE FINANCING OF A PROJECT FOR MCMURRY COLLEGE, AUTHORIZING AND APPROVING ABILENE HIGHER EDUCATION FACILITIES CORPORATION TO FINANCE THE PROJECT BY A LEASE-PURCHASE AGREEMENT SECURED BY PAYMENTS TO BE RECEIVED PURSUANT TO A SUBLEASE-PURCHASE AGREEMENT AND A PLEDGE AND ASSIGNMENT OF THE CORPORATION'S INTEREST IN THE SUBLEASE-PURCHASE AGREEMENT AND PAYMENTS THEREUNDER TO THE LESSOR; AND AUTHORIZING THE EXECUTION OF DOCUMENTS.

c. Resolution authorizing execution of Minute Order 89800 from the State Department of Highways and Public Transportation for the E. S. 11th/Judge Ely Boulevard project.

The Resolution is numbered 6-1990 and is captioned as follows:

RESOLUTION AUTHORIZING EXECUTION OF MINUTE ORDER #89800 FROM THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION FOR THE E. S. 11TH STREET/JUDGE ELY BOULEVARD BEAUTIFICATION PROJECT.

d. Resolution authorizing Mayor to enter into an agreement with the State Department of Highways and Public Transportation to be responsible for right-of-way costs, land, improvements, and utility adjustments for the project located at U. S. 83/84 and Loop 322.

The Resolution is numbered 7-1990 and contains no caption.

e. Resolution ordering a Special Election for City Council Place I May 5, 1990.

The Resolution is numbered 8-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS; PROVIDING FOR THE SPECIAL ELECTION OF PERSON TO SERVE IN PLACE 1 ON THE CITY COUNCIL; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTION.

Amendment to joint school board Resolution.

The Resolution is numbered 9-1990 and is captioned as follows:

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AND THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT, ORDERING ELECTIONS TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON MAY 5, 1990; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE IN PLACES 3 AND 4 ON THE CITY COUNCIL AND AS MAYOR OF THE CITY OF ABILENE, AND IN PLACES 1 AND 2 AND THE UNEXPIRED TERM OF PLACE 6 ON THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATES NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

- f. Approval of first reading - an Ordinance changing zoning district boundaries - **Z-00390** - Request from Gary Kent Edwards to rezone from RM-3 (Residential Multi-Family) to AO (Agricultural Open Space) district, located at 401 Jolly Rogers Road, and set a public hearing for March 22, 1990.

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.

- g. Approval of first reading - an Ordinance changing zoning district boundaries - **Z-00490** - Request from Hardin Simmons University, agent, Wiley W. Dugger, to rezone from RS-6 (Residential Single-Family) to CU (College-University) district, located in the 2500 block of Hickory, and set a public hearing for March 22, 1990.

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.

6. **Award of Bid:**
- a. Tandem dump trucks for Street Services Division, **Bid #CB030**. The bid was awarded R. L. Anderson International, the low responsible bidder, in the amount of \$197,119.92 as recommended by staff.
- b. Motorcycles for Police Traffic Division, **Bid #CB031**. The bid was awarded to Max's Kawasaki Honda, the low responsible bidder, for their alternate bid in the amount of \$12,496.00 as recommended by staff.

- c. Police Sedans and Vehicles for various divisions, **Bid #CB033**. The bid was awarded as follows: Item 1 with change order and 7 to Arrow Ford; Items 2, 6, 8B, 8C, and 9 to Max Murrell Chevrolet; Items 3 and 11 to Town and Country GMC; and Items 4, 5, 8A, 10A, 10B, 10C, and 10D to Lawrence Hall Chevrolet; representing the low responsible bidders, in the amount of \$528,917.86 as recommended by staff.
- d. Fencing for Community Services Department. Removed from agenda - item is under \$10,000, and will be awarded by staff.

**7. Public Appearance:**

Richard Petree, Chief Appraiser from the Central Appraisal District, updated the City Council concerning appraisals for 1990, and the progress of collections of delinquent taxes. Members of the City Council voiced their appreciation to the Central Appraisal District.

**8. Ordinances & Resolutions:**

a. Mindy Manson, Planner, briefed the Council on an Ordinance considered on second and final reading amending the Subdivision Regulations concerning Stormwater Management. The Planning and Zoning Commission and staff recommend approval.

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

- Kathy Sears, Coachlight Mobile Home Park, felt Federal regulations have been exceeded.
- Connie Colson, Lot 59, Westgate Mobile Home Park, is concerned with the type of evacuation notice.

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

Councilwoman Ray moved to approve the Ordinance amending the Subdivision Regulations concerning Stormwater Management, as recommended. The motion was seconded by Councilwoman Herrera and the motion carried.

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

The Ordinance is numbered 9-1990 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

b. Lee Roy George, Director of Planning, briefed the Council on the proposed annexation of the prison site and adjacent areas being located in Jones and Taylor Counties. Mr. George stated that the ETJ subdivision regulations are the only land development regulations that cities can extend out.

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

For:

- Bill Wright, Chamber of Commerce Chairman and Abilene resident, stated the Chamber fosters economic development, Chamber of Commerce supports the Council's decision.
- Gary Vest, 3625 Brookhollow, Abilene Industrial Foundation was asked to pursue the prison by Abilene citizens, encouraged to take what steps are necessary to complete the project.
- Mike Waters, 1810 Woodridge, past Chamber of Commerce president, and on the Industrial Foundation board, chaired the Prison Task Force, and indicated a broad support of the prison.

Against:

- Thomas Caton, chairman of Hamby Citizens Against Annexation, spoke as chairman and landowner.
- Eddy Brady, Hamby resident, asked Council to annex the minimum.
- Robert Dean, represented one property owner not present, located northwest of prison site, property owners intend to stay farmers.
- Linda Caton, Rt. 1, Abilene, Hamby resident - Heritage Parks area has not developed as expected. Clyde ISD has a higher tax rate than Abilene. Hamby will keep land.
- Daryl Dean, Hamby resident, representing Mrs. Clyde Beasley by prison site (her land is not for sale).
- LeRoy Chapman, retired veteran, owns 80 acres. Due to government contract, land can't be developed.
- Ann Tunnel, Rt. 1, current road not maintained.
- Rob Hailey, landowner, questioned the validity of the study.
- Judy Rutledge, Rt. 1, Merkel, owns 180 acres adjacent to the prison site.
- Jean Montgomery, landowner, has a 10 year contract stating land can't be developed, is concerned with their cattle being in the City limits.
- Mary Ann Brady, Hamby resident, asked Council not to annex all the land.
- Mrs. B. F. Verdinu asked why so much land was being annexed.
- Louie Bob Davis, Abilene resident, Shackelford County rancher, concerned with encroachment to his land two miles east of prison. As a taxpayer asked Council not to go in the hole in the name of annexation.
- Jeanine Harkins, long time landowner.
- Maudie Reeves, Rt. 1, Box 91, Abilene, questioned annexation of roads.



- Steve Lollar, Jones County Precinct 4 Commissioner, stated the road annex has nothing to do with Jones County. He requested Commissioners meet with City Council to negotiate on roads.
- Frank Waltrip, 2126 Woodland, requested a bare minimum annexation.
- Bill Evans, Rt. 9, Lubbock, owner of fireworks business located on small amount of land, questioned if Council has studied the study, annex minimum.
- Ruby Watts, Rt. 1, Tandowner, will not sell, don't annex, annex minimum.
- Robin Hicks, Rt. 1, how informed is Council?
- Jane Dean, Rt. 1, against all annexation.
- Sally Robinson, 1749 Hillview, Hamby Tandowner, objects to unnecessary taxes, asked annexation be tabled for new Council members to vote on.
- Jim Norvell, One City Center, represents Hamby group, goal is to present rational arguments. Hamby and Jones County propose to work together. Annex only land near prison, take as few houses as possible, service plan does not meet statute requirements, possible litigation.
- Tim Reeves, Rt. 1, Box 207, Abilene, concerned with long time country people objecting to annexation; annex minimum.
- Brad Rollin, due to Government contract restriction, land was taken out of production to conserve soil, land will not be developed.
- Tim Propst, Hamby resident, not anti-Abilene, enjoys rural life, don't mess it up.
- Jane Propst, Rt. 1, asked Councilman Wheat to tell who other 3 Councilmembers are that along with himself would vote to annex the very minimum.
- Linda Caton, homeowners involved, take 950 feet from north of road and 50' from south, avoid homes.
- Welton Robinson, farmed before sewer farm was established, mosquitoes are bad, Jones County wants to work with Council, if Council will do that, won't have to annex.
- Vida Willis, Abilene resident, may need new location, concerned about people who will be out there.

There being no one else present and desiring to be heard, the public hearing was closed at 11:40 a.m. No action was taken. The Council recessed for 10 minutes.

The Council reconvened at 11:50 a.m.

9. **Other Business:**

a. Bob Fowler, Director of Housing & Inspection Services, briefed the Council on a report on the acquisition of HUD properties for Housing, and showed slides of the houses available. He introduced Roberta Thompson, Housing Administrator, who explained the Housing and Urban Development program. The Council expressed their delight and appreciation for this program.

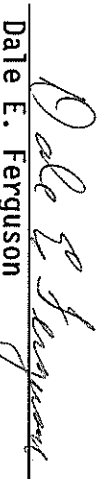
No action was taken.

c. 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.

There being no further business, the meeting was adjourned at 12:37 p.m.

  
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~~Jo Moore~~  
City Secretary

  
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Dale E. Ferguson  
Mayor