

**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 22, 1990 at 8:30 a.m. to consider the following:

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, March 22, 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 Betty Ray.
3. **Approval of Minutes:** Special City Council Meeting held March 7, 1990; Pre-Council Session and Regular City Council Meeting held March 8, 1990.
4. **Awards:** Certificates of Recognition to honor Wylie Girls Basketball Team for State Championship.

#### 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.

5. **Ordinances and Resolutions:**
  - a. Oral Resolution authorizing Mayor to execute an amendment to the Feasibility Cost Sharing Agreement between the Corps of Engineers and the City of Abilene relative to study of flood control alternatives on Elm Creek.
  - b. Oral Resolution approving contract with Humana Hospital to provide physical exams for Fire Department personnel.
  - c. Resolution appointing Election Officials for May 5, 1990 Joint Election, and fixing their rate of compensation.
  - d. Oral Resolution authorizing Mayor to execute Abilene Boys Ranch, Inc. lease amendments.
  - e. Consider on first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic," Sections 18-293 and 18-299, of the Abilene Municipal Code.
  - f. Consider on first reading - An Ordinance amending Chapter 10 of the Abilene Municipal Code, by adopting the 1988 version of the Uniform Fire Code.
  - g. Consider on first reading - An Ordinance amending Chapter 23, "Planning and Community Development, Section 23-161 of the Abilene Municipal Code, concerning sign regulations, and set a public hearing for April 12, 1990 at 9:00 a.m.

6. Award of Bid:
  - a. Wheel Loader for Water Department, Bid #CB032.
  - b. Asbestos removal and abatement, Bid #CB035.

**REGULAR AGENDA**

7. Ordinances and Resolutions:
  - a. Public Hearing: Consider on second and final 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.
  - b. Public Hearing: Consider on second and final 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.

8. 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.

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(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  
March 22, 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 22, 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, Jimmy McNeil, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, City Secretary Jo Moore, and various members of the City staff.

The Council briefly discussed various consent and regular agenda items. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING  
March 22, 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 22, 1990, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

There being no corrections, additions, or deletions to the minutes of the Special City Council Meeting held March 7, 1990; and Pre-Council Session and Regular City Council Meeting held March 8, 1990, the minutes stand approved as printed.

Mayor Ferguson presented Certificates of Recognition to honor the Wylie Girls Basketball Team for State Championship.

Following a brief reception, Mayor Ferguson reconvened the City Council into Regular Session at 9:15 a.m.

Councilman McNeil moved to approve consent agenda items 5b through 5d, and 6a and 6b as recommended by the staff; and approval of first reading of consent agenda items 5e through 5g. Item 5a was removed from the Consent Agenda to be considered separately. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Ceniglis on item 5d only.

**5. Ordinances and Resolutions:**

- a. Removed from Consent Agenda to be considered separately.

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b. Oral Resolution approving contract with Humana Hospital to provide physical exams for Fire Department personnel.

c. Resolution appointing Election Officials for May 5, 1990 Joint Election, and fixing their rate of compensation.

The Resolution is numbered 10-1990 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; APPOINTING VARIOUS ELECTION OFFICIALS FOR THE JOINT CITY/SCHOOL ELECTION FOR THE MAY 5 AND MAY 19, 1990 ELECTIONS.

d. Oral Resolution authorizing Mayor to execute Abilene Boys Ranch, Inc. lease amendments.

e. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic," Sections 18-293 and 18-299, of the Abilene Municipal Code.

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.

f. Approval of first reading - An Ordinance amending Chapter 10 of the Abilene Municipal Code, by adopting the 1988 version of the Uniform Fire Code.

AN ORDINANCE ADOPTING THE 1988 UNIFORM FIRE CODE INTO THE ABILENE MUNICIPAL CODE, BY AMENDING AND ADDING CERTAIN SECTIONS AS SET OUT BELOW; AND PROVIDING A SEVERABILITY CLAUSE.

g. Approval of first reading - An Ordinance amending Chapter 23, "Planning and Community Development", Section 23-161 of the Abilene Municipal Code, concerning sign regulations, and set a public hearing for April 12, 1990 at 9:00 a.m.

AN ORDINANCE AMENDING ARTICLE V, SECTION 29-90, AND SECTION 29-91 OF THE ABILENE MUNICIPAL CODE, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

6. **Award of Bid:**

a. Wheel Loader for Water Department, Bid #CB032. The bid was awarded with trade in to Case Equipment, Inc., the low responsible bidder, in the amount of \$49,557.00, as recommended by staff.

b. Asbestos removal and abatement, Bid #CB035. The bid was awarded to Area Abatement, Inc. of Abilene, the lowest responsible bidder, in the amount of \$23,178.00; as recommended by staff.

5.a. Oral Resolution authorizing Mayor to execute an amendment to the Feasibility Cost Sharing Agreement between the Corps of Engineers and the City of Abilene relative to study of flood control alternatives on Elm Creek.

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

Christine McDonald, South 707, asked the Council to reconsider the study of the flood control at Antilley Road. She voiced concern for neighbors.

Leland Robinson, Mylie School Board, lives in the affected area, Antilley Road South. He stated it would have a negative effect on Mylie schools. Will limit future development, and will not be useable.

Jerry Mc Corkle, Corps of Engineers representative, explained the additional study that may confirm Rebecca Lane Site or Antilley site as the best site requires additional funds. The design of the structure is to contain a 100 year storm. A storm greater than 100 years requires a greater dam height to prevent water going over the dam, destroying it or having it breached. The preliminary map shows the entire impact. The study will give definitive numbers for the Council to base their decision on.

Gordon Asbury, Jr., land owner, stated the impact on Mylie school district will be equal or greater if northern tract chosen, asked in the interest of all that both sites be studied.

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

Councilwoman Ray moved to approve the oral resolution authorizing the Mayor to execute an amendment to the Feasibility Cost Sharing Agreement between the Corps of Engineers and the City of Abilene relative to the study of flood control alternatives on Elm Creek. The motion was seconded by Councilman McNeil and the motion carried.

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

#### 7. Ordinances and Resolutions:

a. Mindy Manson, Senior Planner, briefed the Council on an Ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff 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.

Councilman Ceniglis moved to approve the Ordinance for zone change from Residential Multi Family to Agricultural Open Space district located at 401 Jolly Rogers Road, as recommended. The motion was seconded by Councilman Wheat and the motion carried.

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

The Ordinance is numbered 10-1990 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 considered on second and final reading 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. The Planning and Zoning Commission and staff 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.

Councilwoman Herrera moved to approve the request for zone change from Residential Single Family to College-University in the 2500 block of Hickory, as recommended. The motion was seconded by Councilwoman Ray and the motion carried.

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

Nays: None.

The Ordinance is numbered 11-1990 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.

There being no further business, the meeting was adjourned at 9:45 a.m.

Jo Moore  
City Secretary

Date E. Ferguson  
Mayor

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