

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, April 12, 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, April 12, 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:** Councilman Walter Wheat.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held March 22, 1990.

4. **Awards:**

**Employee Service Awards:**

35 Years	Murray L. Parvin	Utility System Superintendent Water Department
25 Years	Jimmy D. Ford	Animal Control Supervisor Animal Control Division
25 Years	Don W. Gravens	Park District Supervisor Parks Division
20 Years	Terry Pribble	Professional Engineer Engineering Division
20 Years	Pat Harris	Personnel Office Supervisor Administrative Services

**Employee of the Month Award**

**Employee Wellness Walking Program Recognition**

**Special Award: Best Tasting Water**

**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:**

- R. Pollard
- a. Oral Resolution approving amendment to Interlocal Agreement with City of Tye for Fire Dispatching to include Medical First Responder Dispatch.

- D. Hargesheimer b. Oral Resolution authorizing WTU power line relocation at Wastewater Treatment Plant.
- D. Hargesheimer c. Oral Resolution authorizing City Manager to execute agreement for engineering services for prison water lines.
- M. Pritchett d. Oral Resolution approving street use license request from Kenley School for the 300 block of Cypress Street August 11, 1990.
- M. Pritchett e. Oral Resolution authorizing the City's estimated portion of the Rebecca Lane Extension project.
- Pritchett f. Resolution authorizing assessment of portions of curb and gutter costs along U. S. Highway 277 from Texas Avenue to F.M. Highway 3438; approving an estimate of costs of said proposed improvements; and appropriating funds in the amount of \$122,000 for the City's portion of such estimated costs; and calling for a public hearing to consider an Ordinance levying proposed assessments against abutting property owners.
- M. Manson g. Consider on first reading - an Ordinance changing zoning district boundaries - Z-02789 - Request from Darlene Sparks to add MX (Mixed Use overlay) to the underlying RM-3 (Residential Multi-Family) district located at 602 Grape, and set a public hearing for April 26, 1990 at 9:00 a.m.
- M. Manson h. Consider on first reading - an Ordinance changing zoning district boundaries - Z-00690 - Request from Scott Taliaferrro, Jr., to rezone from RS-12, RS-8, and RS-6 (Residential Single Family) to AO (Agricultural Open Space) district, located west of Meadow Drive, and set a public hearing for April 26, 1990 at 9:00 a.m.
- M. Manson i. Consider on first reading - A Ordinance for thoroughfare abandonment - TC-00590 - Request from Hardin-Simmons University, agent Wiley W. Dugger for thoroughfare abandonment of a 20 foot east-west alley running between Grape and Clinton Streets, and set a public hearing for April 26, 1990 at 9:00 a.m.
- L. R. George j. Consider on first reading - An ordinance concerning annexation of land in the vicinity of the prison site study area.
- B. Fowler k. Consider on first reading - an ordinance amending the Uniform Plumbing Code, in reference to display of state license number and requirements for water conservation equipment in new installations, and set a public hearing for April 26, 1990 at 9:00 a.m.
- B. Fowler l. Consider on first reading - An ordinance amending the 1988 Uniform Housing Code to change rate of interest on liens of assessment to meet that required by the Municipal Code, and set a public hearing for April 26, 1990 at 9:00 a.m.
- J. Condry m. Consider on second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic," Sections 18-293 and 18-299, of the Abilene Municipal Code.
- R. Knopf n. Consider on second and final reading - An Ordinance amending Chapter 10 of the Abilene Municipal Code, by adopting the 1988 version of the Uniform Fire Code.
- M. Hall o. Oral Resolution authorizing expenditure of funds for emergency repairs to Library Chiller.
- Morrison p. Resolution authorizing change order to Civic Center expansion for plaza development.

**6. Award of Bid:**

- P. Collins a. 011 products to be used by City vehicles and equipment, Bid #CB036.
- D. Hargesheimer b. I-20 Water Line Bore, Bid #CB041.
- M. Pritchett c. Reconstruction of Old Anson Road from I-20 to Impact Drive, Bid #CB042.

- D.Hargesheimer d. Sewer manhole rings and covers and water system appurtenances, Bid #CB043.
- D.Hargesheimer e. Filter media and underdrain at Northeast Water Treatment plant, Bid #CB050.
- J. Condry f. Pavement marking materials for Traffic Operations Division, Bid #CB046.

REGULAR AGENDA

**7. Ordinances & Resolutions:**

- M. Manson a. **APPEALED ITEM:**  
Public Hearing: Consider on second and final reading - An Ordinance amending Chapter 23, "Planning and Community Development, Section 23-161 of the Abilene Municipal Code, concerning sign regulations. Oral Resolution approving RFP #CB019 Geographic Information System and authorize City Manager to execute Pro Forma Contract Landata, Inc. of Houston.
- D.Hargesheimer b. Discuss regulation of temporary business locations.
- J. Blagg c.

**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.

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

PRE-COUNCIL WORK SESSION, THURSDAY  
April 12, 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 April 12, 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, Jr., City Secretary Jo Moore, Staff Coordinator Debra Guerra, 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  
April 12, 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 April 12, 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 March 22, 1990, the minutes stand approved as printed.

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

35 Years	Murray L. Parvin	Utility System Superintendent Water Department
25 Years	Jimmy D. Ford	Animal Control Supervisor Animal Control Division
25 Years	Don W. Gravens	Park District Supervisor Parks Division
20 Years	Terry Pribble	Professional Engineer Engineering Division
20 Years	Pat Harris	Personnel Office Supervisor Administrative Services

Debra Guerra, Staff Coordinator, assisted Mayor Ferguson in the presentation of the March Employee of the Month Award to Dan Ortiz, Route Supervisor for Refuse Collection.

Debra Guerra, Staff Coordinator, assisted Mayor Ferguson in the presentation of certificates and T-shirts for contributors and participants of the Employee Wellness Walking Program.

Dwayne Hargesheimer, Director of Water Utilities, presented to the City Council on behalf of the City of Abilene a "Best Tasting Water" Award.

Item 5g was removed from the agenda for possible consideration at a later date, at the request of the City Manager.

Councilman Ceniglis moved to approve consent agenda item 5j, first reading of an ordinance concerning annexation of land in the vicinity of the prison site study area, option A. The motion was seconded by Councilman Wheat.

AYES: Councilmen Wheat, Ceniglis, and Mayor Ferguson.

NAYS: Councilwoman Ray, Councilman McNeil, and Councilwoman Herrera.

The motion failed.

Councilwoman Ray moved to approve consent agenda item 5j, first reading of an ordinance concerning annexation of land in the vicinity of the prison site study area, option B. The motion was seconded by Councilman McNeil and the motion carried.

AYES: Councilwoman Ray, Councilmen Wheat and McNeil, and Councilwoman Herrera.

NAYS: Councilman Ceniglis and Mayor Ferguson.

Councilman Ceniglis moved to approve consent agenda items 5a through 5f, 5o, 5p, and 6a through 6f as recommended by the staff; approval of first reading of consent agenda items 5h and 5i, 5k, and 5l; and approval of second and final reading of consent agenda items 5m and 5n. 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.

#### 5. Ordinances and Resolutions:

a. Oral Resolution approving amendment to Interlocal Agreement with City of Tye for Fire Dispatching to include Medical First Responder Dispatch.

b. Oral Resolution authorizing WTU power line relocation at Wastewater Treatment Plant.

c. Oral Resolution authorizing City Manager to execute agreement for engineering services for prison water lines.

d. Oral Resolution approving street use license request from Kenley School for the 300 block of Cypress Street August 11, 1990.

e. Oral Resolution authorizing the City's estimated portion of the Rebecca Lane Extension project.

f. Resolution authorizing assessment of portions of curb and gutter costs along U. S. Highway 277 from Texas Avenue to F.M. Highway 3438; approving an estimate of costs of said proposed improvements; and appropriating funds in the amount of \$122,000 for the City's portion of

such estimated costs; and calling for a public hearing to consider an Ordinance levying proposed assessments against abutting property owners.

The Resolution is numbered 11-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING THE IMPROVEMENT OF THE HERINAFTER NAMED STREET, PROVIDING FOR ASSESSMENT OF A PORTION OF THE CURB AND GUTTER COST AGAINST ABUTTING PROPERTY OWNERS; THE NAME OF THE STREET TO BE SO IMPROVED BEING AS FOLLOWS, TO-WIT: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438; APPROVING AN ESTIMATE OF COSTS OF SAID PROPOSED IMPROVEMENTS; APPROPRIATING FUNDS IN THE SUM OF ONE HUNDRED TWENTY-ONE THOUSAND NINE HUNDRED NINETY-SEVEN AND 12/100 DOLLARS \$121,997.12) FOR THE CITY OF ABILENE'S PORTION OF SUCH ESTIMATED COSTS AND CALLING A PUBLIC HEARING TO CONSIDER AN ORDINANCE LEVYING PROPOSED ASSESSMENTS AGAINST THE ABUTTING PROPERTY OWNERS.

g. Removed from the agenda.

h. Approval of first reading - an Ordinance changing zoning district boundaries - Z-00690 - Request from Scott Taltafarro, Jr., to rezone from RS-12, RS-8, and RS-6 (Residential Single Family) to A0 (Agricultural Open Space) district, located west of Meadow Drive, and set a public hearing for April 26, 1990 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.

i. Approval of first reading - A Ordinance for thoroughfare abandonment - TC-00590 - Request from Hardin-Simmons University, agent Wiley W. Dugger for thoroughfare abandonment of a 20 foot east-west alley running between Grape and Clinton Streets, and set a public hearing for April 26, 1990 at 9:00 a.m.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

j. Approval of first reading - An ordinance concerning annexation of land in the vicinity of the prison site study area, Option B.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

k. Approval of first reading - an ordinance amending the Uniform Plumbing Code, in reference to display of state license number and requirements for water conservation equipment in new installations, and set a public hearing for April 26, 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.

1. Approval of first reading - An ordinance amending the 1988 Uniform Housing Code to change rate of interest on liens of assessment to meet that required by the Municipal Code, and set a public hearing for April 26, 1990 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 6, "HOUSING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

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

The Ordinance is numbered 12-1990 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.

n. Approval of second and final reading - An Ordinance amending Chapter 10 of the Abilene Municipal Code, by adopting the 1988 version of the Uniform Fire Code.

The Ordinance is numbered 13-1990 and is captioned as follows:

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

o. Oral Resolution authorizing expenditure of funds for emergency repairs to Library Chiller in the amount of \$17,454.00 in addition to the initial \$6,500.00.

p. Resolution authorizing change order to Civic Center expansion for plaza development.

The Resolution is numbered 12-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A CHANGE ORDER TO THE CIVIC CENTER EXPANSION PROJECT IN THE AMOUNT OF \$200,000 FOR THE PLAZA DEVELOPMENT USING FUNDS TO BE PROVIDED BY THE ABILENE REINVESTMENT ZONE NUMBER ONE.

6. **Award of Bid:**

a. Oil products to be used by City vehicles and equipment, Bid #CB036. The bid was awarded to Western Marketing, with the option to extend an additional year, for an estimated annual cost of \$44,000; as recommended by staff.



- b. I-20 Water Line Bore, Bid #CB041. The low bid was awarded to Rice Tunneling and Boring, Inc. of Duncanville, and the City Manager was authorized to execute a contract in the amount of \$12,430 for this project; as recommended by staff.
- c. Reconstruction of Old Anson Road from I-20 to Impact Drive, Bid #CB042. The bid was awarded to Charles L. Burnett of Sweetwater, the low responsible bidder, in the amount of \$251,992.23; as recommended by staff.
- d. Sewer manhole rings and covers and water system appurtenances, Bid #CB043. The bid was awarded to The Rohan Company in the amount of \$11,547.25 as the most advantageous for the City; as recommended by the staff.
- e. Filter media and underdrain at Northeast Water Treatment plant, Bid #CB050. the bid was awarded to the F. B. Leopold Company, Inc. of Zelenople, Pennsylvania, in the amount of \$71,300; as recommended by staff.
- f. Pavement marking materials for Traffic Operations Division, Bid #CB046. The bid was awarded to the lowest responsible bidders meeting specifications as follows: Item A - non-reflective ceramic (yellow), Item B - non-reflective ceramic (white), and Item G - Epoxy--Resin & Hardener, to Stoddard Enterprises; Item C - prismatic reflective (1-way white), and Item D - prismatic reflective (2-way yellow), to Southwestern Materials; all as recommended by staff.

**7. Ordinances & Resolutions:**

a. Mindy Manson, Planner, briefed the Council on an APPEALED Ordinance considered on second and final reading amending Chapter 23, "Planning and Community Development, Section 23-161 of the Abilene Municipal Code, concerning sign regulations. The Planning and Zoning Commission and staff recommend disapproval.

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

- Fred Ray, representing Glad Tidings Assembly of God, and other churches, recommended one sign per intersection to be allowed on a first come-first serve basis. He is wanting to get people into church.
- Pastor, Glad Tidings Assembly of God, stated the request is for churches and non-profit organizations.

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

Councilman Wheat moved to approve the Ordinance amending Chapter 23 of the Abilene Municipal Code concerning sign regulations. The motion was seconded by Councilman Ceniglis.

AYES: Councilmen Wheat and Ceniglis.

NAYS: Councilwoman Ray, Councilman McNeil, Councilwoman Herrera, and Mayor Ferguson.

The motion FAILED.

The Council expressed their desire that the regulations be reviewed and possibly redesigned for a better plan for all involved.

b. Dwayne Hargesheimer, Director of Water Administration, briefed the Council on the Oral Resolution approving RFP #CB019 Geographic Information System and authorize City Manager to execute a Pro Forma Contract with Landata, Inc. of Houston.

Councilwoman Herrera moved to approve, by oral Resolution, RFP #CB019 Geographic Information System and authorized the City Manager to execute a Pro Forma Contract Landata, Inc. of Houston, as recommended by staff. 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.

Jim Blagg, City Manager, reported concerns regarding the regulation of temporary business locations. He suggested, and Council agreed, to have the staff study the concerns and bring a recommendation before the Council.


No vote was necessary.

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 10:44 a.m.

  
Jo Moore  
City Secretary

  
Dale E. Ferguson  
Mayor