

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 26, 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 26, 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 Tom Ceniglis.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held April 12, 1990.
4. **Awards:**  
Recognition of Fair Housing participants.

#### 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 City Manager to execute contract for architectural services for the Water Utilities Department.
  - b. Resolution authorizing Mayor to execute agreement with Texas State Treasury for participation in Texas Local Government Investment Pool (TEXPOOL).
  - c. Resolution authorizing Mayor to execute depository contracts for commercial and investment services.
  - d. Resolution expressing the unity of Sparsely Populated Entities Coalition of West Texas (SPEC) over concern for solid waste issues of the 90's.
  - e. Consider on first reading - An Ordinance amending the boundaries of Abilene's East Enterprise Zone, and set a public hearing for May 10, 1990 at 9:00 a.m.
  - f. Oral Resolution approving Development Corporation of Abilene's contracts with Abilene Industrial Foundation and Abilene Economic Development Company, Inc. in accordance with Bylaws.
  - g. Consider on first reading - an Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Article XIII, "Schedules", Sections 18-293 and 18-294, of the Abilene Municipal Code.
6. **Award of Bid:**
  - a. Water treatment chemicals for Water Utilities Department, Bid #CB047.
  - b. Backhoe loader for Water Department, Bid #CB049.

- c. Motorgrader for Street Services, Bid #CB037.
- d. Self-propelled outfront mowers for Water Department, Bid #CB045.
- e. Street maintenance materials for Street Division, Bid #CB048.
- f. Heating and cooling system for Health Department, Bid #CB051.
- g. Award of Bid to Edge Gemco, Inc. for the new Airport Fire Station, Bid #CB040 and acceptance of amendment to FAA Grant 3-48-0002-09.
- h. Carpet for remodeled areas of City Hall and City annex, Bid #CB052.

#### REGULAR AGENDA

- 7. **Ordinances and Resolutions:**
  - a. **Public Hearing:** Consider on second and final reading - an Ordinance changing zoning district boundaries - Z-00690 - Request from Scott Taliaferro, 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.
  - b. **Public Hearing:** Consider on second and final reading - an 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.
  - c. **Public Hearing:** Consider on second and final 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.
  - d. **Public Hearing:** Consider on second and final 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.
  - e. Oral Resolution authorizing Street Use License request from Abilene Regional Mental Health-Mental Retardation Center for a Theme Recycling Center facilitated by Abilene Clean & Proud, Inc.
  - f. **Public Hearing:** Consider on second and final reading - an ordinance approving rates and tariffs for Taylor Electric Cooperative, Inc.
- 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. James Hudson & ABC Airlines v. City
4. Bechtel, et al v. City
5. Allied Steel v. City and Meals on Wheels
6. City Water Permit Applications
7. City of Abilene v. Riley
8. Don Hobbs v. City
9. Christine Kunschik v. City et al
10. Rodgers v. City
11. Parker v. City
12. General Electric Co. v. City
13. Michael Morris & Webster v. City
14. Pam Martin for Patricia Martin v. City and General Beverage
15. Lone Star Gas Gate Rate
16. Fountain v. City & Board of Building Standards
17. Southwestern Bell Rate Case
18. 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 5/1/90

PRE-COUNCIL WORK SESSION, THURSDAY  
April 26, 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 26, 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. Biagg, 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  
April 26, 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 26, 1990, at 9:00 a.m. in the 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 April 12, 1990, the minutes stand approved as printed.

Debra Guerra, Staff Coordinator, assisted Mayor Ferguson in presenting Certificates of Recognition to honor the Fair Housing participants.

Councilman Wheat moved to approve consent agenda items 5a through 5d, 5f, 6a, 6b, and 6d through 6h as recommended by the staff; and approval of first reading of consent agenda items 5e and 5g. Item 6c was removed from the Consent Agenda at the request of Rob Allen from West Texas Caterpillar to be considered separately. 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 authorizing City Manager to execute contract with the firm of Tippet & Gee, Inc. in the amount of \$77,500 for architectural services for the Water Utilities Department.

- b. Resolution authorizing Mayor to execute agreement with Texas State Treasury for participation in Texas Local Government Investment Pool (TEXPOOL).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING AN ACCOUNT IN THE CITY OF ABILENE'S NAME WITH TEXAS STATE TREASURY, TEXAS LOCAL GOVERNMENT INVESTMENT POOL "TEXPOOL".

- c. Resolution authorizing the Mayor to execute depository contracts for commercial and investment services.

The Resolution is numbered 14-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING FIRST NATIONAL BANK, ABILENE, AS THE PRIMARY DEPOSITORY FOR THE INVESTMENT OF CITY FUNDS AND SOURCE OF COMMERCIAL BANKING SERVICES AND TO SELECT NCNB, TEXAS AS A SECONDARY DEPOSITORY FOR THE INVESTMENT OF CITY FUNDS, AND APPROVING SECURITIES PLEDGED.

- d. Resolution expressing the unity of Sparsely Populated Entities Coalition of West Texas (SPEC) over concern for solid waste issues of the 90's.

The Resolution is numbered 15-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, EXPRESSING THE UNITY OF THE SPARSELY POPULATED ENTITIES COALITION OF WEST TEXAS (SPEC) OUT OF THE ENVIRONMENTAL AND PUBLIC WORKS COMMITTEE (EPW) OF THE WEST CENTRAL TEXAS COUNCIL OF GOVERNMENTS (COG) COMMITMENT TO ENVIRONMENTALLY SAFE AND PRUDENT DISPOSAL OF MUNICIPAL WASTES.

- e. Approval of first reading - An Ordinance Amending the boundaries of Abilene's East Enterprise Zone, and set a public hearing for May 10, 1990 at 9:00 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, NOMINATING AN AREA AS AN ENTERPRISE ZONE PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT (TEX. REV. CIV. STAT. ANN. ART. 5190.7); PROVIDING TAX INCENTIVES; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS PERTAINING TO THE NOMINATION AND DESIGNATION OF THE AREA DESCRIBED HEREIN AS AN ENTERPRISE ZONE AND REINVESTMENT ZONE; AND FURTHER DESIGNATING A LIAISON TO ACT ON ALL MATTERS PERTAINING TO THE ENTERPRISE ZONE SO DESIGNATED BY THE TEXAS DEPARTMENT OF COMMERCE.

- f. Oral Resolution approving Development Corporation of Abilene's contracts with Abilene Industrial Foundation and Abilene Economic Development Company, Inc. in accordance with Bylaws.

- g. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Article XIII, "Schedules", Sections 18-293 and 18-294, 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.

6. **Award of Bid:**
  - a. Water treatment chemicals for Water Utilities Department, **Bid #CB047**. The bid was awarded as recommended by staff as follows: Item 1, Liquid Chlorine in the amount of \$234.70 and Item 2, Anhydrous Ammonia in the amount of \$400.00 to DPC Industries; Item 3, Liquid Aluminum Sulfate in the amount of \$160.00 to Russ Chemical Co.; Item 4, Sodium Hydroxide in the amount of \$395.28 to Khempak; Item 5, Pebble Quicklime in the amount of \$66.08 to Chemical Lime Co.; Item 6, Liquid Cationic Polymer in the amount of \$690.00 to Calgon Corporation; and Item 7, Sodium Hexametaphosphate in the amount of \$.56 per pound to Pioneer Chemical.
  - b. Backhoe Loader for Water Department, **Bid #CB049**. The bid was awarded to Taylor County Ford Tractor, the low responsible bidder, in the amount of \$19,449.00; as recommended by staff.
  - c. Removed from Consent Agenda.
  - d. Self-propelled outfront mowers for Water Department, **Bid #CB045**. The bid was awarded to Goldthwaite's of Texas, the low responsible bidder, in the amount of \$10,088.00; as recommended by staff.
  - e. Street maintenance materials for Street Division, **Bid #CB048**. The bid was awarded to various low responsible bidders, as recommended by staff, as follows: Item 1, AC-10 Asphalt at \$.4698 per gallon and Item 2, MC-30 Asphalt at \$.5606 per gallon to Fina Oil and Chemical; Item 3, HFMS-2 Emulsion at \$.5529 per gallon and Item 4, MS-2 Emulsion at \$.5529 per gallon to Elf Asphalt, Inc.; Item 5, Rock Asphalt at \$32.21 per ton to Vulcan Materials; Item 6, Type I Portland Cement at \$3.43 per sack to TXI; Item 7, Ready Mix Concrete 4-sack at \$41.50 per c.y. and 5-sack at \$44.50 per c.y. to Morris Ready Mix; Item 8, Hot Mix Asphalt at \$21.00 per ton to Vulcan Materials; and Item 9, Chip Seal Stone type A-3 at \$6.25 per ton and Types A-4, A-5, and A-6 at \$5.49 per ton to R E. James Gravel Co.
  - f. Heating and cooling system for Health Department, **Bid #CB051**. The bid was awarded to Abilene Air Conditioning, the low bidder, in the amount of \$39,000 as recommended by staff.
  - g. Award of Bid to Edge Gemco, Inc. for the new Airport Fire Station, **Bid #CB040** and acceptance of amendment to FAA Grant 3-48-0002-09. The Council authorized the Mayor to execute the FAA Grant amendment and award the contract to Edge Gemco, Inc. contingent on receipt of the FAA executed amendment for funding, as recommended by staff.

- h. Carpet for remodeled areas of City Hall and City annex, Bid #CB052. The alternate bid was awarded to Menke, Inc., the low responsible bidder in the amount of \$10,500.00 as recommended by staff.

6.c. David Wright, Director of Finance, briefed the Council on a Motorgrader for Street Services, Bid #CB037. Vendor Rob Allen, West Texas Equipment Company, 3601 S. Treadaway, recommended the total cost bidding, stating it was beneficial to City, equipment brings top resale. Total Cost bid asked for 5 year time, equipment should be replaced every three years. He feels total cost bid concept is the best.

Staff feels life cycle cost is the best; the State Department of Highways does not recommend total cost bid, Texas Department of Corrections prefers total cost bid. Staff recommends the bid be awarded to Godsey Equipment Company, the low responsible bidder, in the amount of \$84,449.00.

Councilman Wheat moved to approve the award of bid as recommended by staff, with further review by staff for future reference. 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.

#### 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-00690 - Request from Scott Taliaferro, 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. 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 Ray moved to approve the Ordinance for zone change from Residential Single Family to Agricultural Open Space district located west of Meadow Drive, as recommended. The motion was seconded by Councilwoman Herrera and the motion carried.

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

Nays: None.

The Ordinance is numbered 14-1990 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 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. The Planning and Zoning Commission recommends approval; the Plat Review Committee recommends approval subject to retaining a utility easement the length and width of the alley.

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 thoroughfare abandonment as recommended by the staff. 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.

The Ordinance is numbered 15-1990 and is captioned as follows:

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.

c. Cassie Hughes, Building Inspection Administrator, briefed the Council on an ordinance considered on second and final reading amending the Uniform Plumbing Code, in reference to display of state license number and requirements for water conservation equipment in new installations.

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 McNeil moved to approve the ordinance amending the Uniform Plumbing Code, as recommended by the staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

The Ordinance is numbered 16-1990 and is captioned as follows:

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.

d. Cassie Hughes, Building Inspection Administrator, briefed the Council on an Ordinance considered on second and final reading amending the 1988 Uniform Housing Code to change rate of interest on liens of assessment to meet that required by the Municipal Code.

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 Wheat moved to approve the ordinance amending the 1988 Uniform Housing Code, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried.



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

The Ordinance is numbered 17-1990 and is captioned as follows:

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.

e. Marva Pritchett, Director of Planning and Development Services, briefed the Council on an Oral Resolution authorizing a Street Use License request from Abilene Regional Mental Health-Mental Retardation Center for a Theme Recycling Center facilitated by Abilene Clean & Proud, Inc.

Councilman Ceniglis moved to approve the oral resolution authorizing the execution of a street use license request with the fee waived and insurance requirements reduced from Abilene Regional Mental Health-Mental Retardation center, as recommended by the staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

f. Harvey Cargill, City Attorney, briefed the Council on an Ordinance considered on second and final reading approving rates and tariffs for Taylor Electric Cooperative, Inc.

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 Ray moved to approve the ordinance approving rates and tariffs for Taylor Electric Cooperative, Inc., as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

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

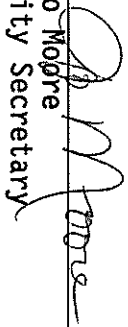
The Ordinance is numbered 18-1990 and is captioned as follows:

AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY TAYLOR ELECTRIC COOPERATIVE, INC. IN THE CITY OF ABILENE, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES, PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED, OR WITHDRAWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.

8.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 land acquisition, 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 10:12 a.m.

  
Jo Moore  
City Secretary

  
Dale E. Ferguson  
Mayor