

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, May 10, 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, May 10, 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 Jimmy McNeil.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held April 26, 1990.
4. **Awards:**  
**Employee Service Awards:**

35 Years	Clinton E. Ward	Construction Inspector Engineering Division
35 Years	Charlie M. Ingram	Utility System Supervisor Sewage Collection Division
25 Years	H. Bryan Smith	Police Officer Police Department
20 Years	A. C. Jackson	Treatment Plant Operator Water Treatment 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. **APPEALED ITEM:**

Consider on first reading - an Ordinance changing zoning district boundaries - **Z-02789** - Request from Darlene Sparks to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district located at 602 Grape, and set a public hearing for May 24, 1990 at 9:00 a.m. Planning and Zoning Commission recommended denial of Limited Commercial; approval of Mixed Use Overlay.

- b. Consider on first reading - an Ordinance changing zoning district boundaries - Z-00790 - Request from Alton Smith, to rezone from RM-3 (Residential Multi Family) to HC (Heavy Commercial) district, located at 1334 S. 7th Street, and set a public hearing for May 24, 1990 at 9:00 a.m.
- c. Consider on first reading - An Ordinance changing zoning district boundaries - Z-00890 - Request from Haddox Investments, Inc.; agent, Glen D. Haddox, to rezone from RM-3 (Residential Multi Family) to HC (Heavy Commercial) district, located at 1010, 1026 and 1034 Chestnut, and set a public hearing for May 24, 1990 at 9:00 a.m.
- d. Consider on first reading - An ordinance changing zoning district boundaries - Z-00990 - Request from Pecan Ridge, Inc./ Burl McAlister; agent, Eddie Chase, to rezone from A0 (Agricultural Open Space) to HI (Heavy Industrial) district, located at I-20 and Hwy. 277 access road, and set a public hearing for May 24, 1990 at 9:00 a.m.
- e. Consider on first reading - an ordinance changing zoning district boundaries - Z-01090 - Request from Pathology Consultants; agent, Tim Rice McClarty, to rezone from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located in the 1100 block of N. 18th St., and set a public hearing for May 24, 1990 at 9:00 a.m.
- f. Consider on second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules", Sections 18-293 and 18-294, of the Abilene Municipal Code.
- g. Resolution authorizing approval of Abilene Higher Education Facilities Corporation Higher Education Revenue Bonds ( Abilene Christian University Project), Series 1990.
- h. Resolution establishing fees for Nelson Park Festival Gardens.
- i. Oral resolution authorizing use of Turner Subscription for Library Publication Services.

REGULAR AGENDA

- 6. **Ordinances & Resolutions:**
  - a. Public Hearing: Consider on second and final reading - An Ordinance amending the boundaries of Abilene's East Enterprise Zone.
  - b. Resolution accepting the provision of State Department of Highways and Public Transportation Commission Minute Order #90256.

- 7. **Special Consideration:**
  - Canvass results of City Council Election held May 5, 1990
  - Presentations
  - Induction of Council
  - Reception
  - Election of Mayors Pro Tempore

- 9. **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

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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. 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  
May 10, 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 May 10, 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  
May 10, 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 May 10, 1990, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Jimmy McNeil.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held April 26, 1990, the minutes stand approved as printed.

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

35 Years	Clinton E. Ward	Construction Inspector Engineering Division
35 Years	Charlie M. Ingram	Utility System Supervisor Sewage Collection Division
25 Years	H. Bryan Smith	Police Officer Police Department
20 Years	A. C. Jackson	Treatment Plant Operator Water Treatment Division

Debra Guerra, Staff Coordinator, assisted Mayor Ferguson in the presentation of the March Employee of the Month Award to Bill Wimberly, Fire Department.

Councilman Ceniglis moved to approve consent agenda items 5g through 5i, and 6a and 6b as recommended by the staff; approval of first reading of consent agenda items 5a through 5e; and approval of second and final reading of consent agenda item 5f. 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. **APPEALED ITEM:**

Approval of first reading - an Ordinance changing zoning district boundaries - **Z-02789** - Request from Darlene Sparks to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district located at 602 Grape, and set a public hearing for May 24, 1990 at 9:00 a.m. Planning and Zoning Commission recommended denial of Limited Commercial; approval of Mixed Use Overlay.

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. Approval of first reading - an Ordinance changing zoning district boundaries - **Z-00790** - Request from Alton Smith, to rezone from RM-3 (Residential Multi Family) to HC (Heavy Commercial) district, located at 1334 S. 7th Street, and set a public hearing for May 24, 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.

c. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-00890** - Request from Haddox Investments, Inc.; agent, Glen D. Haddox, to rezone from RM-3 (Residential Multi Family) to HC (Heavy Commercial) district, located at 1010, 1026 and 1034 Chestnut, and set a public hearing for May 24, 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.

d. Approval of first reading - An ordinance changing zoning district boundaries - **Z-00990** - Request from Pecan Ridge, Inc./ Burl McAlister; agent, Eddie Chase, to rezone from AO (Agricultural Open Space) to HI (Heavy Industrial) district, located at I-20 and Hwy. 277 access road, and set a public hearing for May 24, 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.

e. Approval of first reading - an ordinance changing zoning district boundaries - **Z-01090** - Request from Pathology Consultants; agent, Tim Rice McClarty, to rezone from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located in the 1100 block of N. 18th St., and set a public hearing for May 24, 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.

f. Approval of second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules", Sections 18-293 and 18-294, of the Abilene Municipal Code.

The Ordinance is numbered 19-1990 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.

g. Resolution authorizing approval of Abilene Higher Education Facilities Corporation Higher Education Revenue Bonds (Abilene Christian University Project), Series 1990.

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

RESOLUTION APPROVING ISSUANCE OF BONDS BY ABILENE HIGHER EDUCATION FACILITIES CORPORATION.

h. Resolution establishing fees for Nelson Park Festival Gardens.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING FEES FOR USE OF THE NELSON PARK FESTIVAL GARDENS, AND ESTABLISHING AN EFFECTIVE DATE.

i. Oral resolution authorizing use of Turner Subscription for Library Publication Services.

## 6. Ordinances & Resolutions:

a. Mike Morrison, Director of Community & Economic Development, briefed the Council on an Ordinance considered on second and final reading amending the boundaries of Abilene's East Enterprise Zone.

Mayor Ferguson opened a public hearing on the item, and Stephanie Dugan, Business Analyst, briefed the Council on the description of the Zone. There being no one present and desiring to be heard, the public hearing was closed.

Councilwoman Herrera moved to approve the Ordinance amending the boundaries of Abilene's East Enterprize Zone as recommended by staff. 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.

The Ordinance is numbered 20-1990 and is captioned as follows:

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.

b. Marva Pritchett, Director of Planning and Development Services, briefed the Council on a Resolution accepting the provision of State Department of Highways and Public Transportation Commission Minute Order #90256.

Councilman McNeil moved to approve the Resolution accepting the provisions of State Department of Highways and Public Transportation Commission Minute Order #90256, as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

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

RESOLUTION ACCEPTING THE PROVISION OF STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION COMMISSION MINUTE ORDER NO. 90256.

At this point, Mayor Ferguson and Councilmen Wheat and Ceniglis commented on their service as Council officials, and stated their appreciation to the City Staff and various individuals.

#### 7. Special Consideration:

Jo Moore, City Secretary, briefed the Council on a Resolution canvassing the returns of the City Council Election held May 5, 1990, declaring that Gary D. McCaleb, E. L. "Jack" Grable, and Bill Terry received a majority of the votes cast for Mayor and Councilmembers Place III and IV respectively; and that Paul R. Vasquez received a majority of the votes cast for the unexpired term of Councilmember Place I.

Mayor Ferguson received by mail a Ballot and Seal Certificate from each presiding judge, duly signed by same and released to the City Secretary for filing in the official election records.

Councilwoman Ray moved to approve the resolution canvassing the returns and declaring the results of the City Election held May 5, 1990. 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.

The Resolution is numbered 19-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF GENERAL AND SPECIAL ELECTIONS HELD IN THE CITY OF ABILENE ON MAY 5, 1990.

Jo Moore, City Secretary, disseminated to each member of the City Council their annual pay check of one (1.00) dollar.

Presentations were given to Mayor Ferguson and Councilmen Wheat and Ceniglis and their wives for their service to the City of Abilene. Gary McCaleb, Mayor; Jack Grable, Council Place III and Bill Terry, Council Place IV were inducted into the office for a three-year term; and Paul R. Vasquez, Council Place I, was inducted into the office for a one-year term by Jo Moore, City Secretary. A reception followed.

Following the reception, Council reconvened into open session. Mayor McCaleb asked for nominations of members to serve as Mayor Pro Tempore. Councilman McNeil moved to nominate Betty Ray, the motion was seconded by Councilwoman Herrera, and the motion carried.

AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, McNeil, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

#### 8. Other Business

a. Mayor McCaleb 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.

City Manager Jim Blagg announced the following events and dates:  
Saturday, May 19 - O. H. Ivey dedication

Public Hearing in Odessa on House & Senate Redistricting following census

June 7, 8, 9	- City representatives will be in Phoenix for All-American City events
June 12-13	- Council Retreat, 1-5 p.m. both days
June 29-July 1	- TML - Mayors & Council
July 16-18	- Budget Worksessions, 1-5 p.m. all days

There being no further business, the meeting was adjourned at 11:00 a.m.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor