

**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, June 28, 1990 at 8:30 a.m. to consider the following:

1. Ron Pollard, Risk Manager, to present Risk Management and Self Insurance Report.
2. 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, June 28, 1990, at 9:00 a.m.

**CITY COUNCIL:** Mayor Gary D. McCaleb; Council - Paul R. Vasquez, Betty Ray, Jack Grable, Bill Terry, Jimmy McNeil and Liz Herrera.

1. **Call to Order.**
2. **INVOCATION:** Councilwoman Liz Herrera.
3. **Approval of Minutes:** City Council Retreat held June 12 and 13, 1990; Pre-Council Session and Regular City Council Meeting held June 14, 1990.
4. **Presentations:**  
Distinguished Budget Award  
Public Works Man of the Year Award to Drew Sleeper
5. **Proclamations**

#### 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.

6. **Ordinances and Resolutions:**
  - a. Consider on second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-285, 18-293, and 18-299 of the Abilene Municipal Code.
  - b. Consider on second and final reading - An Ordinance ordering improvements and levying assessments against various persons and their property for the payment of a part of the cost of the curb and gutter for a portion of U. S. Highway 277 from Texas Avenue to F. M. Highway 3438 (Dub Wright Blvd.)
  - c. Consider on second and final reading - An ordinance adopting HUD Section 108 loan for the C. H. Love & Company project.
  - d. Oral Resolution approving annual Overall Economic Development Program update.
  - e. Oral Resolution approving contract with Texas Department of Criminal Justice.

7. **Award of Bid:**
- a. Old Anson Road improvement from Ambler Avenue to Interstate 20, Bid #CB067.
  - b. Rebuilding of one Caterpillar crawler tractor, Bid #CB061.
  - c. Water System Improvement for Prison water line, Bid #CB066.

8. **Public Appearance:**  
Larry Moore, Abilene Jaycees, to request fireworks display for July 4 or 5, 1990 at the Taylor County Expo Center.

**REGULAR AGENDA**

9. **Ordinances and Resolutions:**
- a. **Public Hearing:** Consider on second and final reading - an Ordinance changing zoning district boundaries - **Z-01190** - Request from B. R. Combs to rezone from RM-3 (Residential Multi-Family) to GC (General Commercial) district located at 1642 N. 19th St.
  - b. Resolution authorizing Mayor to execute water purchase contract with City of Clyde.
  - c. Resolution adopting Elm Creek maintenance plan.
  - d. Council action on street use license request from AISD located at Crockett Elementary School, 3282 S. 13th Street.
  - e. Oral Resolution authorizing agreement with Sports Car Club of America to conduct auto races at the Airport November 17-18, 1990 pending FAA approval.

10. **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. 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
19. Appeal by Brian Burns
20. James Richardson v. City of Abilene, Jim Blagg and Dwayne Hargesheimer
21. Appeal by James
22. G. C. Lockley, Jr., et al v. City of Abilene

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 6/22/90

PRE-COUNCIL WORK SESSION, THURSDAY  
June 28, 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 June 28, 1990, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Gary D. McCaleb was present and presiding with Councilman Paul R. Vasquez, Councilwoman Betty Ray, Councilmen Jack Grable, Bill Terry, Jimmy McNeil, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Senior Secretary Debbie Hurley, and various members of the City staff.

The Council briefly discussed various consent and regular agenda items. Ron Pollard, Risk Manager, briefed the Council on the Risk Management and Self Insurance Report. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
June 28, 1990, 9:00 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
CITY COUNCIL CHAMBERS OF CITY HALL

Mayor McCaleb reconvened the City Council of the City of Abilene, Texas, into Regular Session June 28, 1990, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilwoman Liz Herrera.

There being no corrections, additions, or deletions to the minutes of the City Council Retreat held June 12 and 13, 1990; Pre-Council Session and Regular City Council Meeting held June 14, 1990, Councilman McNeil moved to approve the minutes as printed. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

David Wright, Director of Finance, presented to the Council the Distinguished Budget Award.

Mayor McCaleb presented the Public Works Man of the Year Award to Drew Sleeper, Refuse Superintendent.

Councilwoman Ray moved to approve consent agenda items 6d and 6e, and 7a through 7c as recommended by the staff; and approval of second and final reading of consent agenda items 6a through 6c. The motion was seconded by Councilman Grable and the motion carried.

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

NAYS: None.

6. **Ordinances and Resolutions:**

- a. Approval of second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-285, 18-293, and 18-299 of the Abilene Municipal Code.

The Ordinance is numbered 26-1990 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.

- b. Approval of second and final reading - An Ordinance ordering improvements and levying assessments against various persons and their property for the payment of a part of the cost of the curb and gutter for a portion of U. S. Highway 277 from Texas Avenue to F. M. Highway 3438 (Dub Wright Blvd.)

The Ordinance is numbered 27-1990 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CLOSING THE PUBLIC HEARING; ORDERING IMPROVEMENTS AND LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF THE CURB AND GUTTER FOR A PORTION OF THE FOLLOWING STREET IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, TO-WIT: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD).

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE; STIPULATING THE RATE OF INTEREST AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY, MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON U. S. HIGHWAY 277; PROVIDING FOR THE COLLECTION THEREOF; AND PROVIDING A SEVERABILITY CLAUSE.

- c. Approval of second and final reading - An ordinance adopting HUD Section 108 loan for the C. H. Love & Company project.

The Ordinance is numbered 28-1990 and is captioned as follows:

AUTHORIZING PROMISSORY NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$190,000 TOGETHER WITH THE CONTRACT FOR LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, 42 U.S.C., SECTION 5308, IN CONNECTION THEREWITH

- d. Oral Resolution approving annual Overall Economic Development Program update.

- e. Oral Resolution approving contract with Texas Department of Criminal Justice.

7. **Award of Bid:**

- a. Old Anson Road improvement from Ambler Avenue to Interstate 20, Bid #CB067. The bid was awarded to Contract Paving, Inc. of Tye in the amount of \$522,024.81 as recommended by staff.

b. Rebuilding of one Caterpillar crawler tractor, **Bid #CB061**. The bid was awarded to West Texas Equipment Company as a change order for the West Texas Equipment Co. certified rebuilt proposal, in the amount of \$91,800.00 as recommended by staff.

c. Water System Improvement for Prison water line, **Bid #CB066**. The bid was awarded to Mid-State Utility, Inc. of Waco in the amount of \$425,888.20 as the most advantageous for the City. City Manager was also authorized to execute a contract on behalf of the City of Abilene, all as recommended by staff.

8. **Public Appearance:**  
Larry Moore, Abilene Jaycees, presented to the Council a request for a fireworks display on July 4 or 5, 1990 at the Taylor County Expo Center.

Councilman Vasquez moved to approve the request for a fireworks display as requested. 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.

9. **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-01190** - Request from B. R. Combs to rezone from RM-3 (Residential Multi-Family) to GC (General Commercial) district located at 1642 N. 19th St. Planning and Zoning Commission and staff recommend denial.

Mayor McCaleb opened a public hearing on the item, and the following individuals spoke in favor if the request:

- . Bill Combs, proponent.
- . Chris Young, realtor.

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

After much discussion, Councilwoman Ray moved to table the request to rezone from Residential Multi-Family to General Commercial district located at 1642 N. 19th until further study could be done. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor McCaleb.  
Nays: None.

The request was **TABLED**.

b. Dwayne Hargesheimer, Director of Water Administration, briefed the Council on a Resolution authorizing the Mayor to execute a water purchase contract with the City of Clyde. Staff recommends approval.

Councilman Grable moved to approve the Resolution authorizing the Mayor to execute a water purchase contract with the City of Clyde, as recommended by staff. The motion was seconded by Councilman Terry and the motion carried.

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

Nays: None.

The Resolution is numbered 22-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A WATER PURCHASE CONTRACT BETWEEN THE CITY OF ABILENE, TEXAS, AND THE CITY OF CLYDE, TEXAS.

d. At the request of Mayor McCaleb, Item 9d was heard at this time. Marva Pritchett, Director of Planning and Development Services, briefed the Council on a street use license request from AISD located at Crockett Elementary School, 3282 S. 13th Street. Ms. Pritchett then introduced James Condry, Assistant Director of Planning and Development Services for Public Works. Mr. Condry further detailed the request and staff recommendations, which include: 1) new recessed area to begin no closer than 10 feet east of the sidewalk along the east side of the school; 2) end no closer than 15 feet west of the east property line of the school campus; 3) ends of the recessed area to be angled at 45 degrees and parking spaces to be striped at 45 degrees; and 4) construction to include removal of existing curb and gutter and replacement with new gutter section instead of just breaking off existing curb, curbing along north side of recessed area, and paving of recessed area.

Mayor McCaleb invited Mr. John Dunn, A.I.S.D. representative, to speak regarding the request. Mr. Dunn stated that the staff recommendations would be more costly to AISD, but indicated they would comply with Council recommendations.

Councilman McNeil moved to approve the request for street use license from AISD located at Crockett Elementary School, with specifications as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

c. Marva Pritchett, Director of Planning and Development Services, briefed the Council on a Resolution adopting the Elm Creek maintenance plan. Ms. Pritchett, assisted by Dale Williamson, City Engineer, gave a slide presentation detailing needs and proposed corrective measures.

Councilwoman Herrera moved to approve the Resolution adopting the Elm Creek maintenance plan with a change in the wording as follows: from "detention/division proposed (Corps of Engineers)" to "detention/diversion proposal currently under study.." as requested by Councilman Vasquez. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

The Resolution is numbered 23-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE ELM CREEK MAINTENANCE PLAN, ESTABLISHING THE CONCEPTUAL FRAMEWORK TO CLEAN, CLEAR AND GRUB, AND MAINTAIN ELM CREEK TO A LEVEL CONDUCIVE TO THE PERFORMANCE OF ROUTINE ANNUAL MAINTENANCE WHICH WILL ALLOW THE MAXIMUM CONVEYANCE CAPACITY ON ELM CREEK.

e. A. R. "Fat" Falcioni, Airport Manager, briefed the Council on an oral Resolution authorizing an agreement with the Sports Car Club of America to conduct auto races at the Airport November 17-18, 1990 pending FAA approval. He then introduced Mike Dohrse, Chairman of the Airport Development Board, who presented the Board's recommendations. The Airport Development Board and staff recommend approval.

Councilman McNeil moved to authorize the agreement with the Sports Car Club of America to conduct auto races at the Airport November 17-18, 1990 pending FAA approval, as recommended. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor McCaleb.  
Nays: None.

**10. Other Business:**

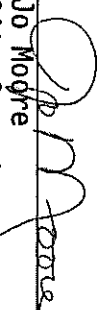
a. Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e and 2g of the Open Meetings Act, and to seek the advice of the City Attorney with respect to pending and contemplated litigation and land acquisition, and to consider the appointment and evaluation of public officers. Mayor McCaleb left the meeting at this time.

The Council reconvened from executive session and reported no action taken.

Councilman Grable moved to appoint Randal Crosswhite to the Parks and Recreation Board to replace George Williams; A. V. Perez to the Housing Authority to replace Paul Vasquez; James Conley to the Abilene Economic Development Company to replace Billy King; and Liz Herrera and Paul Vasquez to serve on the West Central Texas Council of Governments Economic Development Committee. The motion was seconded by Councilman Vasquez and the motion carried.

AYES: Councilmen Vasquez, Grable, Terry, and McNeil, Councilwoman Herrera, and Mayor Pro Tempore Ray.  
Nays: None.

There being no further business, the meeting was adjourned at 11:05 a.m.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor