

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, July 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, July 12, 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:** Councilman Paul R. Vasquez.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held June 28, 1990.
4. **Awards:**  
**Employee Service Awards:**

20 Years	Anastacio Fernandez	Parks Maintenance Specialist Community Services
20 Years	James W. Lovell	Treatment Plant Operator II Wastewater Treatment

  
**Employee of the Month Award**
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 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.

6. **Ordinances and Resolutions:**
  - a. Consider on first reading - an Ordinance changing zoning district boundaries - Z-01290 - Request from First National Bank/Richard Williamson, agent Jack Chamberlain to rezone from GC (General Commercial) to HC (Heavy Commercial) district located on Tracy Lynn Drive, and set a public hearing for July 26, 1990 at 9:00 a.m.
  - b. Consider on first reading - an Ordinance changing zoning district boundaries - Z-01490 (Ord. 1159) - Request from Buddy Malone to amend a PDR (Planned Development Residential) district located at #36 Lytle Place, and set a public hearing for July 26, 1990 at 9:00 a.m.

- c. Consider on first reading - an Ordinance changing zoning district boundaries - **Z-01590** - Request from Primitive Baptist Church, agent David Todd, to rezone from A0 (Agricultural Open Space) to RM-3 (Residential Multi-Family) district located at 3565 Hickory, and set a public hearing for July 26, 1990 at 9:00 a.m.
  - d. Consider on first reading - an Ordinance for thoroughfare abandonment - **TC-01390** - Request from Ramsey Leasing, Inc., agent Eddie Chase for thoroughfare abandonment located in the 100 block of East I-20, and set a public hearing for July 26, 1990 at 9:00 a.m.
  - e. Consider on first reading - an Ordinance amending Section 23-306.4, Permitted Uses and Section 23-306.5, Conditional Uses, of the Zoning Ordinance by adding "Correctional, Detention, or Penal Facilities" to be allowed with a Special Exception and under certain conditions within the A0 (Agricultural Open Space) district, and set a public hearing for July 26, 1990 at 9:00 a.m.
  - f. Oral resolution authorizing City Manager to execute engineering services agreement for prison sewer system.
  - g. Oral resolution authorizing City Manager to execute engineering services agreement for dechlorination facilities at wastewater treatment plant.
  - h. Resolution urging the Texas Water Commission to grant party status to West Central Texas Municipal Water District in opposition to Sweetwater Resources, Inc.
  - i. Resolution authorizing waivers of certain subdivision requirements in the street subdivision.
7. **Award of Bid:**
    - a. Code Enforcement tracking system, Bid #CB056.

REGULAR AGENDA

8. **Public Appearance:**

Representative of West Central Texas Municipal Water District to present results of Regional Water Study.
9. **Ordinances & Resolutions:**
  - a. **Public Hearing** concerning Western Medi-Trans application for ambulance service license of public convenience and necessity.
  - b. **Public Hearing** to consider amending proposed use of funds for CDBG program for FY 1989/90 and to receive citizen comments on CDBG grantee performance report for FY 1988/89.
  - c. Resolution regulating smoking in City owned buildings and urging other businesses to establish smoke free work environment.
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.

ADJOURN

00111

(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  
JULY 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 July 12, 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, Jr., City Secretary Jo Moore, Assistant to the City Manager 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  
JULY 12, 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 July 12, 1990, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Paul R. Vasquez.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held June 28, 1990, Councilwoman Ray moved to approve the minutes. 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.

Mayor McCaleb presented an Employee Service Award to the following individual for his years of service:

20 Years	Anastacio Fernandez	Parks Maintenance Specialist
		Community Services

James W. Lovell, Treatment Plant Operator II in the Wastewater Treatment Division, also received an award for his 20 Years of service, but was unable to attend.

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the July Employee of the Month Award to Kathy Bowles, Public Safety Supervisor in the Police Department.

Councilman McNeil moved to approve consent agenda items 6f through 6i, and 7a as recommended by the staff; and approval of first reading of consent agenda items 6a through 6e. 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.

6. **Ordinances and Resolutions:**

- a. Approval of first reading - an Ordinance changing zoning district boundaries - **Z-01290** - Request from First National Bank/Richard Williams, agent Jack Chamberlain to rezone from GC (General Commercial) to HC (Heavy Commercial) district located on Tracy Lynn Drive, and set a public hearing for July 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.
- b. Approval of first reading - an Ordinance changing zoning district boundaries - **Z-01490** (Ord. 1159) - Request from Buddy Malone to amend a PDR (Planned Development Residential) district located at #36 Lytle Place, and set a public hearing for July 26, 1990 at 9:00 a.m.  
AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 1159, CONCERNING THE LYTLE PLACE PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.
- c. Approval of first reading - an Ordinance changing zoning district boundaries - **Z-01590** - Request from Primitive Baptist Church, agent David Todd, to rezone from AO (Agricultural Open Space) to RM-3 (Residential Multi-Family) district located at 3565 Hickory, and set a public hearing for July 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.
- d. Approval of first reading - an Ordinance for thoroughfare abandonment - **TC-01390** - Request from Ramsey Leasing, Inc., agent Eddie Chase for thoroughfare abandonment located in the 100 block of East I-20, and set a public hearing for July 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.
- e. Approval of first reading - an Ordinance amending Section 23-306.4, Permitted Uses and Section 23-306.5, Conditional Uses, of the Zoning Ordinance by adding "Correctional, Detention, or Penal Facilities" to be allowed with a Special Exception and under certain conditions within the AO (Agricultural Open Space) district, and set a public hearing for July 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 AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

- f. Oral resolution authorizing City Manager to execute engineering services agreement for prison sewer system.
- g. Oral resolution authorizing City Manager to execute engineering services agreement for dechlorination facilities at wastewater treatment plant.
- h. Resolution urging the Texas Water Commission to grant party status to West Central Texas Municipal Water District in opposition to Sweetwater Resources, Inc.  
The Resolution is numbered 24-1990 and is captioned as follows:  
RESOLUTION URGING THE TEXAS WATER COMMISSION TO GRANT PARTY STATUS TO WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT IN OPPOSITION TO SWEETWATER RESOURCES, INC.
- i. Resolution authorizing waivers of certain subdivision requirements in the street subdivision.  
The Resolution is numbered 25-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AUTHORIZING WAIVERS OF CERTAIN SUBDIVISION REQUIREMENTS IN THE STREET SUBDIVISION.

- 7. **Award of Bid:**
  - a. Code Enforcement tracking system, **Bid #CB056**. The bid was awarded to C. H. Love and Co., the lowest responsible bidder, on a lump sum basis in the amount of \$20,009.57.

- 8. **Public Appearance:**
  - W. T. Dupree, outgoing president of the West Central Texas Municipal Water District, spoke on the needed support for a hazardous waste site evaluation in Fisher County. A. E. Fogle, President of the Board of Directors, introduced the Board of Directors and outlined significant items that would be presented in the report. David Bell, General Manager, gave a preliminary report and distributed the results of the Regional Water Study and Ivie Pipeline Route. City staff and the Board recommends approval of "Route 1", from Ivie Reservoir to FM 707, and authorization of right-of way acquisition as the opportunities arise.

Councilman Vasquez moved to approve the Abilene pipeline "Route 1" from Ivie Reservoir to FM 707 and authorization of right of way acquisition as the opportunities arise, as recommended. 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 & Resolutions:**
- a. Roy McDaniell, Assistant City Manager, briefed the Council on a request from Western Medi-Trans for ambulance service license of public convenience and necessity. Staff recommends no action be taken until staff has sufficient time to review Mr. Hudman's presentation to the Council.

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

FOR:

- Victor Hudman, President of Western Medi-Trans, distributed information regarding intercity ambulance service including letters from Ed Knight (Director, Social Work Services), Sherry Key, and Kelly Moore. Mr. Hudman stated the following reasons justify a need for his service:
1. Approximately 20-25 patients per month require transfer from Abilene hospitals to hospitals in other cities, most commonly in the Dallas area.
  2. An unknown, but larger, number of patients require transfer to home or to a nursing home in another town from a facility in Abilene. Some of these require ambulance transfer.
  3. There is NO entity in Abilene providing ground or helicopter out of town ambulance service to patients in Abilene. Fixed wing air transport is available but has certain drawbacks.
  4. A license from the City of Abilene is required for any entity with offices in Abilene that loads or unloads a patient at an Abilene address.
  5. Ground ambulance transportation is relatively inexpensive (average \$500 to Dallas), quick (average 4 hours from call to unloading in Dallas on urgent cases), safe maximum of 12 minutes from a hospital ER en route to Dallas), while affording space and equipment adequate for nurses and paramedics to care for the patient. A family member can ride also. Western MediTrans provides this service at no cost.
  6. Helicopter ambulances are expensive (average \$2500 to Dallas), noisy, not significantly faster (since they have to first come from Dallas), and are not suited for stopping at hospitals enroute if necessary. Likewise, they are not suited for transfers to homes or nursing homes.
  7. Fixed wing air ambulances are inflexible and provide no space for attendants. They cost more than land transportation, especially when the ground transportation at either end is added in.
  8. The Abilene City Council specifically stated that an ambulance license was not a sole franchise in 1974.
  9. Western MediTrans is a Texas Corporation with a proven two year history of serving this area. The fact that the company has remained viable is a testimony to the need for its services.
  10. Western MediTrans wishes no part of the "911" service nor does it request a subsidy from any governmental entity.

Ken Deatherage stated it's a small proven business, if they're turned down, where do you stop? Look at the situation and not just the business or who he's competing against.

AGAINST:

- . Richard Cox, owner, Abilene Emergency Medical Service, stated he feels granting another license would dilute economic base which would impair the quality of ambulance service, and stated his concerns of proper EMS care for patients.

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

Councilwoman Ray moved to table the request for further study and to bring it back to the Council at the July 26 meeting. The motion was seconded by Councilman Terry and the motion carried.

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

NAYS: None.

b. Mike Morrison, Director of Community & Economic Development, briefed the Council on a Resolution amending the proposed use of funds for the Community Development Block Grant program for FY 1989/90 and to receive citizen comments on CDBG grantee performance report for FY 1988/89. Mr. Morrison then introduced James Campbell, Community Development Coordinator for the City, who explained the purpose of conducting a public hearing and reviewed the statement, report, and resolution.

Mayor McCaleb opened a public hearing on the request, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman Terry moved to approve the Resolution amending the proposed amended statement of community development objectives and projected use of CDBG grant funds, as recommended by staff. 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.

The Resolution is numbered 26-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING A PROPOSED AMENDED STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1989-90.

c. Jim Blagg, City Manager, briefed the Council on a Resolution regulating smoking in City owned buildings and urging other businesses to establish smoke free work environment.

After much discussion, Councilman McNeil moved to table the Resolution for further study, then Council will review it again at the July 26 meeting. The motion was seconded by Councilman Herrera and the motion carried.

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

NAYS: None.

Items to be included for further study are:

1. Look at ordinances of other cities (smoke free situations)



2. Numbers of items of equipment needed, cost efficiency of equipment, which are best.
3. Updated study on second hand smoke.
4. Public awareness on current ordinance.
5. City employees' reactions (for and against resolution).

10. 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. Councilwoman Ray left the meeting after the executive session.

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

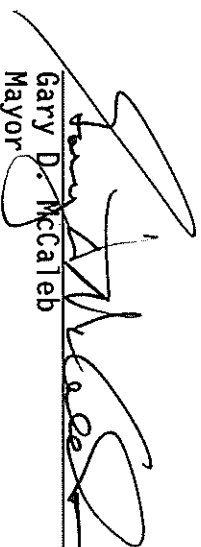
b. Councilman Terry moved to approve the appointment of Odessa Hatfield to replace Evelyn Woltjen on the MH/MR Public Responsibility Committee, with a term expiring 11/91. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 11:25 a.m.

  
Joe Modye  
City Secretary

  
Gary D. McCaleb  
Mayor