

**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, August 9, 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, August 9, 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 Bill Terry.
3. **Approval of Minutes:** Budget Worksessions held July 16, 17 and 18, 1990; Pre-Council Session and Regular City Council Meeting held July 26, 1990.
4. **Awards:**  
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 second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Section 18-299 of the Abilene Municipal Code.
  - b. Resolution authorizing merger of Chaparral Airlines with Metroflight, Inc.
  - c. Consider on first reading - an ordinance changing zoning district boundaries - Z-01190 - Request from B. R. Combs to add MX (Mixed Use overlay) to underlying RM-3 district, located at 1642 N. 19th St., and set a public hearing for August 23, 1990 at 9:00 a.m.
  - d. Consider on first reading - an ordinance for thoroughfare closure - TC-01690 - Request from City of Abilene, agent, Gayle Fagan, for a thoroughfare abandonment of an unnamed undeveloped county road located north of F. M. 3308, and set a public hearing for August 23, 1990 at 9:00 a.m.
  - e. Street use license request for 1425/1433 Sayles Blvd., owner, David Dahlgren.

7. **Award of Bid:**
- a. Construction of Little Elm Creek sewer interceptor, Bid #CB069.
  - b. Reconstruction of Northside sewer interceptor, Bid #CB070; and authorize change order for same.
  - c. Telecommunication System for Health Department, Proposal #CB068.
  - d. Water pipe for Water Utilities Department, Bid #CB079.
  - e. Stacking chairs for Civic Center, Bid #CB078.

**REGULAR AGENDA**

8. **Ordinances & Resolutions:**
- a. Resolution adopting a policy of smoke free work environment in City owned facilities.
  - b. **Public Hearing:**  
Resolution approving a proposed statement of Community Development Objectives and Projected Use of CDBG Funds for Fiscal Year 1990-91.
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.
  - c. City Council tour of the Zoo Discovery Center.

**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. Randy Pedroza v. Edward Michael Hobbs & Dr. Fox
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. Midwestern Life v. Westchester Financial, Catclaw & City of Abilene
20. James Richardson v City of Abilene, Jim Blagg & Dwayne Hargeshaimer
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 7/16/90

PRE-COUNCIL WORK SESSION, THURSDAY  
August 9, 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 August 9, 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  
August 9, 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 August 9, 1990, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Bill Terry.

There being no corrections, additions, or deletions to the minutes of the Budget Worksessions held July 16, 17 and 18, 1990; Pre-Council Session and Regular City Council Meeting held July 26, 1990, Councilwoman Ray moved to approve the minutes. The motion was seconded by Councilman McNeil and the motion carried.

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

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the August Employee of the Month Award to David Randall, Civic Center Supervisor.

Mayor McCaleb presented a Proclamation to O. B. Milstead for the week of August 20-26 as Texas Public Employee Week.

Mayor McCaleb introduced the 1990 All America City plaque which was presented to him by President Bush.

Item 6e was moved from Consent to the Regular Agenda. Councilman Vasquez moved to approve consent agenda items 6a, 6b, and 7a through 7e as recommended by the staff; and approval of first reading of consent agenda items 6c and 6d. 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", Section 18-299 of the Abilene Municipal Code.

The Ordinance is numbered 34-1990 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. Resolution authorizing merger of Chaparral Airlines with Metroflight, Inc.

The Resolution is numbered 30-1990 and is captioned as follows:

CONSENTING TO THE ASSUMPTION BY METROFLIGHT, INC. OF THE RIGHTS, DUTIES AND OBLIGATIONS OF CHAPARRAL AIRLINES, INC. UNDER THAT CERTAIN SPECIAL FACILITIES LEASE AGREEMENT, DATED AS OF OCTOBER 1, 1982, BETWEEN THE CITY OF ABILENE AND CHAPARRAL AIRLINES, INC.; APPROVING THE FORM OF ASSUMPTION AGREEMENT; AND RESOLVING OTHER MATTERS RELATED THERETO.

- c. Approval of first reading - an Ordinance changing zoning district boundaries - Z-01190 - Request from B. R. Combs to add MX (Mixed Use overlay) to underlying RM-3 district, located at 1642 N. 19th St., and set a public hearing for August 23, 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-01690 - Request from City of Abilene, agent, Gayle Fagan, for a thoroughfare abandonment of an unnamed undeveloped county road located north of F. M. 3308, and set a public hearing for August 23, 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. Removed from Consent and placed on Regular Agenda.

7. **Award of Bid:**

- a. Construction of Little Elm Creek sewer interceptor, Bid #CB069. The City Council authorized the City Manager to execute a contract with E. P. Brady, Inc. in the amount of \$794,860.50 as recommended by staff.

- b. Reconstruction of Northside sewer interceptor, Bid #CB070; and authorize change order for same. City Council authorized the City Manager to execute a contract with Insituform/Texark, Inc. in the amount of \$433,333. In addition, Council authorized the City Manager to execute a Change Order to increase the footage of the Northside

Interceptor Rehabilitation by 485 feet, which would add \$94,090 to the project and would complete all of the cast-iron aerial material on this outfall main, as recommended by staff.

c. Telecommunication System for Health Department, Proposal #CB068. The Proposal was awarded to ATS Telecom for a five-year lease purchase arrangement with the City retaining the option to exercise a ten-year maintenance agreement at the end of the warranty period.

d. Water pipe for Water Utilities Department, Bid #CB079. The bid on the 8" C-900 Class 150 pipe was awarded to The Supply House of Abilene; and the 15" Irrigation pipe was awarded to Industrial International, Inc. South, Belton on a unit price basis as the most advantageous to the City; as recommended by staff.

e. Stacking chairs for Civic Center, Bid #CB078. The bid was awarded to Edward Don Company, the low bidder that met specifications, in the amount of \$32,935 as recommended by staff.

**Ordinances & Resolutions:**

6.e. Marva Pritchett, Director of Planning and Development Services, briefed the Council on a Street use license request for 1425/1433 Sayles Blvd., owner, David Dahlgren. Ms. Pritchett corrected the legal description to Lot 7, 8, 9 of Block 1, McMurry Park Addition, and stated a corrected Street Use License would be submitted.

Mayor McCaleb stated that although a public hearing on this item was not scheduled, the proponent, David Dahlgren, was present and could speak if he so chose.

David Dahlgren, proponent, stated he has owned the property for 45 years and during all those years customers have parked there with no accidents. Due to a recent fire, he cannot afford the expense of building a parking lot. Mr. Dahlgren requested Mr. McDonald be permitted to also speak on the matter.

Jay McDonald, owner of the Yo Yo Factory, indicated he can't afford to lease additional property for parking.

Councilwoman Ray moved to approve the street use license for Lots 7, 8, & 9 of Block 1, McMurry Park Addition as recommended by staff. 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.

8a. City Manager Jim Blagg briefed the Council on a Resolution adopting a policy of smoke free work environment in City owned facilities. Mr. Blagg reviewed the City Council request of July 12, 1990 for an evaluation of the number and efficiency of air scrubbers. The 19 air scrubbers that would be placed in various locations would be a minimum of \$370 each; Mr. Blagg further stated there was limited information on the efficiency of the scrubbers. 150 survey forms were returned by City employees; 60% of which wanted smoking totally eliminated. He then reviewed the recommended policy for only City owned buildings. Mayor McCaleb stated there would be no change to the Ordinance already in existence.

Councilman Vasquez moved to approve the Resolution adopting a policy for a smoke free work environment in City owned facilities, as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

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

The Resolution is numbered 31-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REGULATING SMOKING IN CITY OWNED BUILDINGS AND URGING OTHER BUSINESSES TO ESTABLISH SMOKE FREE WORK ENVIRONMENT.

b. James Campbell, Community Development Coordinator, briefed the Council on a Resolution approving a proposed statement of Community Development Objectives and Projected Use of CDBG Funds for Fiscal Year 1990-91, and indicated final approval will be August 23.

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 McNeil moved to approve the Resolution approving a proposed statement of Community Development Objectives and Projected Use of CDBG Funds for Fiscal Year 1990-91, as recommended by staff. 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.

Mayor McCaleb indicated that first approval allows the statement to be presented to HUD; the second approval will be held at the overall budget hearing on August 23. This public hearing allows citizen input. Council expressed the importance of the program.

The Resolution is numbered 32-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING A PROPOSED STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1990-91.

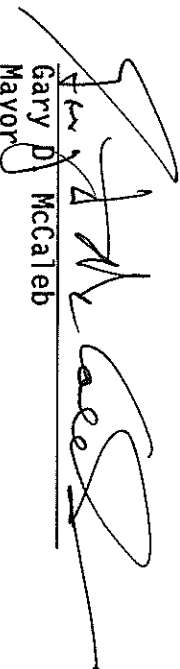
9. Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e and 2g of the Open Meetings Act, and to seek the advice of the City Attorney with respect to pending and contemplated litigation and to consider the appointment and evaluation of public officers.

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

There being no further business, the meeting was adjourned at 10:43 a.m.

Following the meeting, the City Council was invited to a tour of the Zoo Discovery Center.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor