

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 23, 1990 at 8:30 a.m. to consider the following:

1. 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 23, 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 Jimmy McNeil.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held August 9, 1990.
4. **Proclamations**
5. **Awards**
Presentation of Community Achievement Award from Keep Texas Beautiful by Abilene Clean & Proud President Micki Wright.

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:

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| H. Cargill | a. | <u>Consider on first reading</u> - An Ordinance amending Chapter 5, "Ambulances", of the Abilene Municipal Code dealing with the need for out of town transfers, and set a public hearing for September 13, 1990 at 9:00 a.m. |
| M. Hall | b. | Oral Resolution granting to Restitution Center Associates an easement at Maxwell Municipal Golf Course. |

REGULAR AGENDA

- 7. Ordinances and Resolutions:**
- D. Wright a. **Public Hearing on Revised FY 1989-90 and Proposed FY 1990-91 Budgets, and Proposed FY 1990-91 Tax Levy.**
1. Consider on second and final reading - an Ordinance approving Revised FY 1989-90 and Proposed FY 1990-91 Budgets and Resolution approving Final Statement of Community Development Block Grant Program.
2. Consider on second and final reading - an Ordinance approving the Proposed FY 90-91 Tax Levy.
- L. R. George b. **Public Hearing: Consider on second and final 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.**
- L. R. George c. **Public Hearing: Consider on second and final 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.**

- 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. 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 & Wayne 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 7/16/90

PRE-COUNCIL WORK SESSION, THURSDAY
August 23, 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 23, 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, 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 23, 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 23, 1990, at 9:00 a.m. in the 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 August 9, 1990, Councilwoman Ray moved to approve the minutes as printed. 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.

Abilene Clean & Proud Board Member Dave Boyle briefed the City Council on the Keep Texas Beautiful program and presented to the Council the 3rd Place Community Achievement Award received by the City of Abilene for its efforts.

Councilwoman Herrera moved to approve consent agenda item 6b, as recommended by the staff; and approval of first reading of consent agenda item 6a. 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 amending Chapter 5, "Ambulances", of the Abilene Municipal Code dealing with the need for out of town transfers, and set a public hearing for September 13, 1990 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 5, "AMBULANCES", 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.

- b. Oral Resolution granting to Restitution Center Associates an easement at Maxwelll Municipal Golf Course in order to assist them with their expansion program.

7. Ordinances and Resolutions:

- a. David Wright, Director of Finance, briefed the Council on Ordinances considered on second and final reading approving the Revised FY 1989-90 and Proposed FY 1990-91 Budgets, and Proposed FY 1990-91 Tax Levy; as well as a Resolution approving Final Statement of Community Development Block Grant Program. Staff recommends approval.

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

1. Councilman McNeil moved to approve the ordinance approving the Revised FY 1989-90 and Proposed FY 1990-91 Budgets, and the Resolution approving Final Statement of Community Development Block Grant Program 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.

The Ordinance is numbered 35-1990 and is captioned as follows:

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 1989-90; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 1990, THROUGH SEPTEMBER 30, 1991, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

The Resolution is numbered 33-1990 and is captioned as follows:

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

2. Councilman Grable moved to approve the Ordinance approving the Proposed FY 1990-91 Tax Levy; as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

Nays: None.

The Ordinance is numbered 36-1990 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 1990, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 1990; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

b. Lee Roy George, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading changing the zoning district boundaries - **Z-01190** - Request from B. R. Combs to add MX (Mixed Use Overlay) to underlying RM-3 (Residential Multi-Family) district, located at 1642 N. 19th St. The Planning and Zoning Commission and staff recommend approval.

Mayor McCaleb 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 changing zoning district boundaries to add Mixed Use Overlay to underlying Residential Multi-Family district, located at 1642 N. 19th St., as recommended. The motion was seconded by Councilwoman Ray and the motion carried.

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

The Ordinance is numbered 37-1990 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.

c. Lee Roy George, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading for thoroughfare abandonment - **TC-01690** - Request from City of Abilene; agent, Gayle Fagan, for thoroughfare abandonment of an unnamed undeveloped county road located north of F. M. 3308. The Planning and Zoning Commission, Plat Review Committee, and staff recommend approval.

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

Councilman Terry moved to approve the Ordinance considered on second and final reading for thoroughfare abandonment of an unnamed undeveloped county road located north of F. M. 3308, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

The Ordinance is numbered 38-1990 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.

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 land acquisition, and to consider the appointment and evaluation of public officers.

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

Claudia Clinton, First Assistant City Attorney, briefed the Council on a compromise settlement agreement and partial release of grazing and cultivation lease for Robert Martinez, located in the vicinity of the future prison site. Staff recommends Council approve the compromise settlement between Mr. Martinez and the City concerning a 316.36 acre tract of land for the use and benefit of the Texas Department of Criminal Justice and a partial release of grazing and cultivation lease for additional land.

Councilwoman Ray moved to approve the settlement agreement and partial release of lease as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

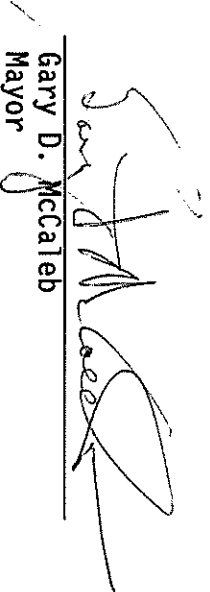
AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, McNeil, Councilwoman Herrera and Mayor McCaleb.
Nays: None.

Councilman Vasquez moved to appoint Jan Eastland to the Human Relations Committee with a term expiring 5/93; Dr. Jim Wilson to replace Dr. Jerry Slaughter on the Animal Control Advisory Committee with a term expiring 11/91; and reappoint Roy McDaniel and Jo Moore to the 9-1-1 Board of Managers with terms expiring 2/92. 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.

There being no further business, the meeting was adjourned at 10:05 a.m.


Jo Moore
City Secretary


Gary D. McCaleb
Mayor