

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, September 27, 1990 at 8:30 a.m. to consider the following:

1. Bob Fowler to brief City Council on National Model Codes.
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, September 27, 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 Vasquez.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held September 13, 1990.
4. 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.

5. **Ordinances and Resolutions:**

- a. Consider on first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-293, 18-299, and 18-304 of the Abilene Municipal Code, and set a public hearing for October 11, 1990 at 9:00 a.m.
- b. Oral Resolution ratifying expenditure of funds for AC-5 asphalt for Street Services division.
- c. Oral Resolution approving Street Use License request for Gatlin Brothers Southwest Senior Golf Classic.
- d. Resolution authorizing Abilene Health Facilities Development Corporation to issue Hospital Revenue Bonds (Hendrick Medical Center Project) series 1990 for hospital and health related projects in an amount not to exceed \$9,670,000.00.
- e. Resolution authorizing Mayor to execute water supply contract amendment between Hawley Water Supply Corporation and City of Abilene.
- f. Oral Resolution approving amendments to commercial leases changing the name of Chaparral Airlines to Metroflight, Inc.
- g. Consider on first reading - An Ordinance adopting the 1990 National Electrical Code with amendments, and set a public hearing for October 11, 1990 at 9:00 a.m.
- h. Oral Resolution ratifying the Emergency Replacement of City Hall Boiler System.

6. **Award of Bid:**
  - a. Water pipe for Water Utilities Department, Bid #CB079.
  - b. Municipal Service Center Roof for Water Department, Bid #CB096.
  - c. Lighting for T-Bone Winters Ballfield, Community Services Department, Bid #CB092.

**REGULAR AGENDA**

7. **Ordinances and Resolutions:**
  - a. **Public Hearing:** Consider on second and final reading - an ordinance for thoroughfare closure - TC-01890 - Request from Highland Foods, agent David Todd, for a thoroughfare abandonment of a portion of Almond Street south of E. N. 10th Street.
  - b. **Public Hearing:** Resolution declaring that the City of Abilene, Texas, elects to adopt a new tax abatement policy setting out guidelines and criteria in accordance with Tex. Tax Code Ann. 312.001 et.seq., otherwise known as the Property Redevelopment and Tax Abatement Act governing the creation of tax abatements reinvestment zones and execution of all tax abatement agreements by the City.
8. **Other Business:**
  - a. Discussion Item: Regional Landfill, Inc. Discussion with BFI, Inc.
  - b. Pending and Contemplated Litigation (see notice for Executive Session, Litigation for Listing subjects), possible action.
  - c. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for Listing subjects), possible action.
  - d. Discussion of purchase, exchange of real property in downtown Abilene in executive session. A public discussion would reveal the City's negotiation position and interest and would have a detrimental effect on its negotiation efforts. Action to approve the purchase or exchange of the property is possible after the executive session.

**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 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  
September 27, 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 September 27, 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, and Bill Terry. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, City Secretary Jo Moore, and various members of the City staff. Councilman Jimmy McNeil and Councilwoman Liz Herrera were absent.

The Council briefly discussed various consent and regular agenda items. Bob Fowler, Assistant Director of Planning and Development Services for Housing and Inspection Services, briefed the City Council on National Model Codes. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING  
September 27, 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 September 27, 1990, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Paul Vasquez.

Councilman Terry noted that in the September 13, 1990 minutes the Ambulance vote should have been unanimously in favor. The correction was noted by the City Secretary. There being no further corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held September 13, 1990, Councilman Grable moved to approve the minutes with the noted correction. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

Mayor McCaleb presented a proclamation for Physical Therapy Week, October 1-7, 1990.

Councilman Terry moved to approve consent agenda items 5b through 5f, 5h, and 6a through 6c, as recommended by the staff; and approval of first reading of consent agenda items 5a and 5g. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilwoman Ray, Councilmen Grable, Terry, and Mayor McCaleb.

NAYS: None.

ABSTAIN: Councilman Vasquez on item 5d only due to his employment with Hendrick Medical Center.

5. **Ordinances and Resolutions:**

- a. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-293, 18-299, and 18-304 of the Abilene Municipal Code, and set a public hearing for October 11, 1990 at 9:00 a.m.  
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. Oral Resolution ratifying expenditure of \$15,750 for the purchase of 30,000 gallons of AC-5 asphalt from Wright Asphalt for Street Services division.
- c. Oral Resolution approving Street Use License request for Gatlin Brothers Southwest Senior Golf Classic.
- d. Resolution authorizing Abilene Health Facilities Development Corporation to issue Hospital Revenue Bonds (Hendrick Medical Center Project) series 1990 for hospital and health related projects in an amount not to exceed \$9,670,000.00. (Councilman Vasquez abstained on this item.)  
The Resolution is numbered 38-1990 and is captioned as follows:  
RESOLUTION OF THE CITY COUNCIL APPROVING THE SALE AND ISSUANCE OF BONDS BY THE ABILENE HEALTH FACILITIES DEVELOPMENT CORPORATION FOR THE PURPOSE OF FINANCING AND REFINANCING CERTAIN HEALTH FACILITIES FOR THE BENEFIT OF HENDRICK MEDICAL CENTER; CONFIRMATION OF PUBLIC HEARING REQUIREMENTS FOR PROJECT; APPROVING THE BONDS AND PROJECT AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING AN EFFECTIVE DATE.
- e. Resolution authorizing Mayor to execute water supply contract amendment between Hawley Water Supply Corporation and City of Abilene.  
The Resolution is numbered 39-1990 and is captioned as follows:  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND HAWLEY WATER SUPPLY CORPORATION.
- f. Oral Resolution approving amendments to commercial leases changing the name of Chaparral Airlines to Metroflight, Inc.
- g. Approval of first reading - An Ordinance adopting the 1990 National Electrical Code with amendments, and set a public hearing for October 11, 1990 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE IV, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 3, "ELECTRICAL CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.  
h. Oral Resolution ratifying the Emergency Replacement of City Hall Boiler System.

6. Award of Bid:

- a. Water pipe for Water Utilities Department, Bid #CB079. The bid was awarded to Industrial International of Belton, at a unit price of \$4.04 per foot as the most advantageous for the City, as recommended by staff.
- b. Municipal Service Center Roof for Water Department, Bid #CB096. The Council authorized the City Manager, by oral resolution, to execute a contract with Lydick-Hooks Roofing in the amount of \$16,877 as the most responsible bidder to the City, as recommended by staff.
- c. Lighting for T-Bone Winters Ballfield, Community Services Department, Bid #CB092. The bid was awarded to Hunter-Kepshield for item 1 in the amount of \$13,302.96 and to Winlectric for item 2 in the amount of \$1,980.15; as recommended by staff.

7. Ordinances and Resolutions:

- a. Mindy Manson, Senior Planner, briefed the Council on an Ordinance considered on second and final reading for thoroughfare closure - TC-01890 - Request from Highland Foods, agent David Todd, for a thoroughfare abandonment of a portion of Almond Street south of E. N. 10th Street.

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

- . David Todd, 2500 S. Willis, proponent.

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

Councilwoman Ray moved to approve the ordinance for thoroughfare abandonment of a portion of Almond Street south of E. N. 10th Street as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

The Ordinance is numbered 40-1990 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.

b. Mike Morrison, Director of Community and Economic Development, briefed the Council on a Resolution declaring that the City of Abilene, Texas, elects to adopt a new tax abatement policy setting out guidelines and criteria in accordance with Tex. Tax Code Ann. 312.001 et.seq., otherwise known as the Property Redevelopment and Tax Abatement Act governing the creation of tax abatement reinvestment zones and execution of all tax abatement agreements by the City. Mr. Morrison noted a correction to Exhibit A, item 4 under guidelines to read "4. Eligible property for which abatement may be granted includes non-residential real property and/or tangible personal property located on the real property other than that personal property that was located on the real property at any time before the abatement contract becomes effective." in order to allow more flexibility.

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 Vasquez moved to approve the Resolution declaring that the City of Abilene, Texas, elects to adopt a new tax abatement policy setting out guidelines and criteria in accordance with Tex. Tax Code Ann. 312.001 et.seq., otherwise known as the Property Redevelopment and Tax Abatement Act governing the creation of tax abatement reinvestment zones and execution of all tax abatement agreements by the City with the noted addition, as recommended. The motion was seconded by Councilwoman Ray and the motion carried.

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

The Resolution is numbered 40-1990 and is captioned as follows:

A RESOLUTION DECLARING THE CITY OF ABILENE, TEXAS, ELECTS TO ADOPT A NEW TAX ABATEMENT POLICY SETTING OUT GUIDELINES AND CRITERIA IN ACCORDANCE WITH TEX. TAX CODE ANN. 312.001 ET. SEQ., OTHERWISE KNOWN AS THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT, GOVERNING THE CREATION OF TAX ABATEMENT REINVESTMENT ZONES AND THE EXECUTION OF ALL TAX ABATEMENT AGREEMENTS BY THE CITY.

**8. Other Business:**

a. Marva Pritchett, Director of Planning and Development, briefed the Council on the Regional Landfill, Inc. contract with BFI, Inc. discussion item. Mrs. Pritchett then introduced Mr. George Gillihan of BFI, Inc.

Mr. Gillihan gave a history of the events leading to today's appearance before the City Council; specifically regarding the issue of the price increases for the liquid waste haulers and BFI's failure to communicate with the City. Mr. Gillihan briefed the Council on the general rate increase to go into effect October 1, 1990 at the landfill. The general rate increase at the gate will be an increase from \$2.25 to \$2.50 per cubic yard. Mr. Gillihan explained sometimes there are two different rates, one rate for compacted waste and one for non-compacted waste. These rates were averaged to establish a ground ave. type rate. The reasons for the rate increase for the most part are due to typical types of annual cost of living adjustments.

Mr. Blagg commented on the many benefits the unique public/private partnership the City and Regional Landfill are able to offer the citizens.

Mr. Gillingham assured the Council that BFI would maintain a more open line of communication and a rapid response to any inquiries the Council or staff may have. In closing, Mr. Gillingham extended an invitation to the public to visit the Landfill operation.

Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e, 2f 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.

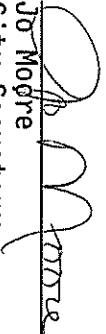
The Council reconvened from executive session and reported no action taken.

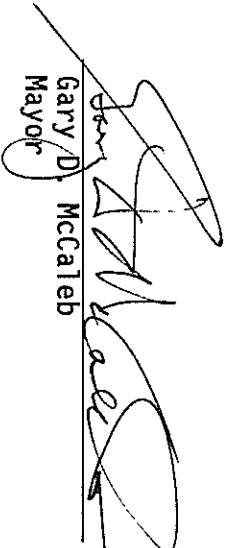
Councilman Vasquez moved to appoint Joann Wilson to the Ad Hoc Committee for Board Training and Earl Williams to replace Joshua Owusu on the Development Corporation of Abilene with a term expiring 11/91. The motion was seconded by Councilman Grable and the motion carried.

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

Nays: None.

There being no further business, the meeting was adjourned at 10:50 a.m.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor