

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, December 6, 1990, at 8:30 a.m. to consider the following:

1. Presentation by Chief Pyburn on concept and plans for citizen academy.
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, December 6, 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 November 15, 1990.
4. **Awards:**
Employee Service Awards
20 Years Billy R. Spivey Route Supervisor
Refuse Division
20 Years Carlene Edmondson Executive Secretary
Legal Division

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 amending PDD #49 (Planned Development District) to allow a replat located at #2 Winners Circle, and set a public hearing for December 20, 1990 at 9:00 a.m.
 - b. Consider on first reading - An ordinance changing zoning district boundaries - Z-2190 - Request from H. E. Butt Grocery Company; agent, Randy L. Wright, to rezone from RM-3 & RS-6 (Residential Multi-Family and Residential Single Family) to GC (General Commercial) district, located on South 13th between Barrow and Matador, and set a public hearing for December 20, 1990 at 9:00 a.m.

- c. Oral Resolution authorizing street use license request from First Baptist Church, First Central Presbyterian Church, First Christian Church, and St. Paul United Methodist Church to conduct a "Christmas Walk".
- d. Oral Resolution authorizing street use license request from Cura Inc. to install monitoring wells in N. 12th St. right-of-way.
- e. Oral Resolution authorizing payment in the amount of \$9,989.04 to the West Central Texas Municipal Water District for legal fees in connection with the District's intervention in the hazardous waste injection well in Fisher County.

7. Award of Bid:

- a. Sedans for Criminal Investigation Division, Bid #CB1005.
- b. Vehicles for various divisions, Bid #CB1007.
- c. Elevated water tank at prison site, Bid #CB1009.
- d. Mobile data terminals for Police Department, Bid #CB ____.

REGULAR AGENDA

8. Public Appearances:

- a. Smokers Rights group of Abilene to present petition and latest statistics concerning passive smoking.
- b. Representative of Airport Development Board to report on Auto Races at Airport.

9. Ordinances and Resolutions:

- a. **Public Hearing:** Resolution authorizing sale of 0.426 acres of park land to State Department of Highways and Public Transportation for Highway realignment purposes.
- b. Oral Resolution authorizing State Department of Highways property acquisition, granting State Department of Highways drainage easement and WTU pole line easement.

10. Other Business:

- a. Request by NAACP to consider adoption of Martin Luther King Day as official City holiday.
- b. 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 & Dwayne Hargesheimer
21. Shelton v. City of Abilene
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 10/05/90

00197

**PRE-COUNCIL WORK SESSION, THURSDAY
December 6, 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 December 6, 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.

Dwain Pyburn, Police Chief, gave a presentation on the concept and plans for the upcoming citizen academy. 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
December 6, 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 December 6, 1990, at 9:00 a.m. in the City 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 November 15, 1990, Councilman Grable moved to approve the minutes. 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 presented an **Employee Service Award** to the following individuals for his years of service:

20 Years	BITTLY R. Spivey	Route Supervisor
		Refuse Division

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the December Employee of the Month Award to Jane Nichols, Sanitarian in the Health Department.

City Manager Jim Blagg assisted Mayor McCaleb in the presentation of a Certificate of Achievement for Excellence in Financial Reporting to David Wright, Director of Finance.

Mayor McCaleb presented the following proclamation:

December 6 - January 5 as a period to plan for the holidays ahead

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

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

NAYS: None.

ABSTAIN: Councilwoman Herrera on item 6b only, due to property involvement in the immediate area.

6. Ordinances and Resolutions:

a. Approval of first reading - An Ordinance amending PDD #49 (Planned Development District) to allow a replat located at #2 Winners Circle, and set a public hearing for December 20, 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. 29-1987, CONCERNING THE PDD #49 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

b. Approval of first reading - An ordinance changing zoning district boundaries - Z-2190 - Request from H. E. Butt Grocery Company; agent, Randy L. Wright, to rezone from RM-3 & RS-6 (Residential Multi-Family and Residential Single Family) to GC (General Commercial) district, located on South 13th between Barrow and Matador, and set a public hearing for December 20, 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.

c. Oral Resolution authorizing street use license request from First Baptist Church, First Central Presbyterian Church, First Christian Church, and St. Paul United Methodist Church to conduct a "Christmas Walk".

d. Oral Resolution authorizing street use license request from Cura Inc. to install monitoring wells in N. 12th St. right-of-way.

e. Oral Resolution authorizing payment in the amount of \$9,989.04 to the West Central Texas Municipal Water District for legal fees in connection with the District's intervention in the hazardous waste injection well in Fisher County.

7. **Award of Bid:**
- a. Sedans for Criminal Investigation Division, Bid #CB1005. The bid was awarded to Max Murrell Chevrolet, the low responsible bidder, in the amount of \$74,995.00 as recommended by staff.
 - b. Vehicles for various divisions, Bid #CB1007. The bid was awarded as follows: Item 1 to Max Murrell Chevrolet and Items 2, 3, and 4 to Arrow Ford Company, representing the low responsible bidders for a total amount of \$111,541.00 as recommended by staff.
 - c. Elevated water tank at prison site, Bid #CB1009. The bid was awarded, by oral resolution, to Landmark Structures, Inc. of Keller, Texas, the low bidder, in the amount of \$498,963 as the most advantageous to the City, and the City Manager was authorized to execute a contract on behalf of the City of Abilene; as recommended by staff.
 - d. Mobile data terminals for Police Department. The bid was awarded to Motorola Communications and Electronics, Inc. as a single source item in the amount of \$58,310.00, as recommended by staff.

8. **Public Appearances:**

- a. Louise Green, 773 Ballinger, spokesperson for the Smokers Rights group of Abilene, stated the information concerning passive smoking being circulated by the Texas Association for Nonsmokers is full of errors. She introduced Sam Pendergrast, who presented information concerning passive smoking.
- b. Mike Dohrse, member of the Airport Development Board, gave a report on the Auto Races at the Abilene Regional Airport. Mr. Dohrse stated that July 13 and 14, 1991 is being looked at as a possible date to propose a spectator's racing event be held at the Airport, but he is not asking for approval at this time, he is just bringing the information before the Council. Race cars were available in the parking lot for the Council's view. Mr. Dohrse introduced Doug Miller, Chairman of the Board of Directors of the Texas Region of the Sports Car Club of America, who stated his appreciation for the use of the airport in the past. Mr. Miller indicated the races promote interest in sports cars. He then presented souvenir patches to the City Council.

No action was required.

Item 10.a, Request by NAACP to consider the adoption of Martin Luther King Day as an official City holiday, was moved to be considered by the Council prior to Ordinances and Resolutions. Claudie Royals, first Vice President of NAACP, spoke concerning the request. Mr. Royals asked why Martin Luther King Day is not an official city holiday and if City employees are not permitted to sign petitions. City Manager Jim Blagg informed Mr. Royals that no new holidays have been considered recently due to cost it would impose on the City and that City employees are not prohibited from signing petitions on their own time. The City Manager then stated his recommendation as follows:

"Following the State Statute and the State of Texas lead, I would recommend we designate the third Monday in January Martin Luther King, Jr. Day as an official City holiday. The City operations will remain open on that day; City employees will be allowed to have the day off with pay in lieu of the "floating" holiday at the employee's option; and the total number of City holidays remain at the current number. This action would make the City consistent with the State in its observance of the Martin Luther King, Jr. Day."

After some discussion, Councilman Terry moved to approve the City Manager's recommendation to observe Martin Luther King, Jr. day as an optional floating holiday to be used at the employee's discretion. 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.

9. Ordinances & Resolutions:

a. Mike Hall, Director of Community Services, briefed the Council on a Resolution authorizing the sale of 0.426 acres of park land to the State Department of Highways and Public Transportation for Highway realignment purposes.

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.

Councilwoman Ray moved to approve the Resolution authorizing the sale of 0.426 acres of park land to the State Department of Highways and Public Transportation for Highway realignment purposes, 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 45-1990 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE SALE OF CERTAIN LANDS DESCRIBED HEREIN FOR HIGHWAY IMPROVEMENT PURPOSES.

b. Dwayne Hargeshheimer, Director of Water Administration, briefed the Council on an Oral Resolution authorizing the State Department of Highways property acquisition, and granting the State Department of Highways drainage easement and WTU pole line easement.

Councilwoman Herrera moved to approve by Oral Resolution authorizing the City Manager to execute a Memorandum of Agreement and Deed of Sale to the State Department of Highways for 9.77 acres of City property along the west side of Lake Kirby; execute acknowledgement of waiver of an appraisal and payment for easement, execute Drainage Easement documents, and execute the WTU pole line easement, 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.
NAVS: None.


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.

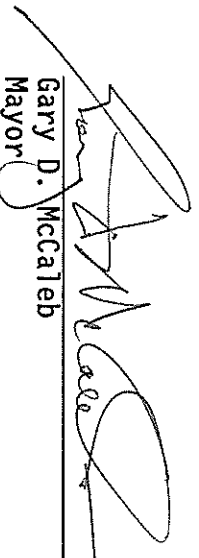
The Council reconvened from executive session and reported no action taken.

Councilman Vasquez moved to appoint Leo Scott to replace Jesse Harris on the Reinvestment Zone Number One City of Abilene; Dian Owen to the Development Corporation of Abilene; and Harry Tredennick and Mary Myers to the Long Range Community Needs Steering Committee as recommended by staff. 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.
NAVS: None.

There being no further business, the meeting was adjourned at 11:15 a.m.


Jo Mgore
City Secretary


Gary D. McCaleb
Mayor