

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, February 14, 1991, at 8:30 a.m. to consider the following:

1. Update on Teen Court.
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, February 14, 1991, 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:** Pre-Council Session, Regular City Council Meeting, and Financial and Strategic Management workshop held January 24, 1991.

4. **Awards:**

Employee Service Awards

20 Years	Lee Vardaman	Operations Supervisor Airport
20 Years	Jarrell H. Finch	Sergeant Police Department
20 Years	Robert F. Waggoner	Sergeant Police Department

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. Oral Resolution approving amendments to leases with Experimental Aircraft Association for Hangar #9; and Abilene Aero, Inc. for Hangar #10 at Abilene Regional Airport.
- b. Oral Resolution authorizing City Manager to execute and authorize payment of Change Order #1 on Wastewater Treatment construction.
- c. Oral Resolution authorizing City Manager to execute Change Order #1 on Little Elm Creek Interceptor.
- d. Oral Resolution approving Commercial Lake Lease Agreement.
- e. Oral Resolution authorizing City Manager to execute Engineering Services contract.
- f. Resolution authorizing use of certain funds for Zoo Discovery Center completion.

7. Award of Bid:
 - a. Filter media for Water Department, Bid #CB1025.
 - b. Paint for Paint Program to be used in conjunction with Neighborhood Planning activities, Bid #CB1016.

REGULAR AGENDA

8. Ordinances & Resolutions:
 - a. Public Hearing: Consider on second and final reading - Ordinance amending Chapter 23, "Planning and Community Development" of the Abilene Municipal Code concerning Sign Ordinance.
 - b. ~~REMOVE FROM TABLE:~~
Street Use License request from Sears Memorial Methodist Center for head-in parking on S. 32nd St.
 - c. Public Hearing: Resolution to accept bid and authorize Mayor to execute Oil & Gas Lease.
 - d. Neighborhood Improvement Program (NIP) status report.
9. Other Business:
 - a. Council to receive draft Feasibility Study and consider second amendment to Feasibility Cost Sharing Agreement from Corps of Engineers.
 - 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.

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. Bechtel, et al v. City
3. Michael Morris & Rawleigh Webster v. City
4. Pam Martin et al v. City and General Beverage
5. City v. Leo & Shirley Riley
6. Allan Fountain v. City
7. Brenda Parker v. City
8. James Richardson v City
9. G. C. Lockley, Jr., et al v. City of Abilene
10. Randy Villa Pedroza v. Edward Michael Hobbs & Dr. Fox
11. Midwestern Life Insurance v Westchester Financial, Catclaw & City
12. Illa Roberts v. City
13. Dahlia Hawley v. City
14. Leonard Glenn Taylor v. City
15. DeHoyos v. City
16. Thimes v. City
17. City Water Permit Applications
18. Lone Star Gas Gate Rate
19. Southwestern Bell Rate Case
20. West Texas Utilities Rate Case

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 2/8/91

**PRE-COUNCIL WORK SESSION, THURSDAY
February 14, 1991, 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 February 14, 1991, 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.

Municipal Court Judge Lee Hamilton and Director of Finance David Wright updated the Council on the Teen Court. The Council briefly discussed various consent and regular agenda items, and there being no further discussion, the meeting was recessed to the City Council Chambers until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
February 14, 1991, 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 February 14, 1991, 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 Pre-Council Session, Regular City Council Meeting, and Financial and Strategic Management workshop held January 24, 1991, Councilwoman Ray moved to approve the minutes. 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.

Mayor McCaleb presented Employee Service Awards to the following individuals for their years of service:

20 Years	Lee Yardaman	Operations Supervisor
		Airport
20 Years	Jarrell H. Finch	Sergeant
		Police Department
20 Years	Robert F. Waggoner	Sergeant
		Police Department

Debra Guerra, Assistant to the City Manager, assisted Mayor McCallieb in the presentation of the February Employee of the Month Award to Jeanette Karrenbrock, Programs Supervisor for the Senior Citizens Division.

Councilman Vasquez moved to approve consent agenda items 6a through 6f, and 7a & 7b as recommended by the 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 McCallieb.

NAYS: None.

6. Ordinances and Resolutions:

a. Oral Resolution approving amendments to Leases with Experimental Aircraft Association for Hangar #9; and Abilene Aero, Inc. for Hangar #10 at Abilene Regional Airport.

b. Oral Resolution authorizing City Manager to execute and authorize payment of Change Order #1 on Wastewater Treatment construction.

c. Oral Resolution authorizing City Manager to execute Change Order #1 on Little Elm Creek Interceptor.

d. Oral Resolution approving Commercial Lease at Fort Phantom Lake, Lots #319-9 and 319-10.

e. Oral Resolution authorizing City Manager to execute Engineering Services contract with Todd Engineering, Inc. with outlined scope of work and fee structures.

f. Resolution authorizing use of certain funds for Zoo Discovery Center completion.

The Resolution is numbered 4-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE AUTHORIZING USE OF CERTAIN FUNDS FOR ZOO DISCOVERY CENTER

7. Award of Bid:

a. Filter media for Water Department, Bid #CB1025. The bid was awarded to F. B. Leopold of Dallas in the amount of \$51,406.53 as the most advantageous to the City, as recommended by staff.

b. Paint for Paint Program to be used in conjunction with Neighborhood Planning activities, Bid #CB1016. The bid was awarded to Sherwin-Williams which met qualifications and were low bidder in the amount of \$12,330.00, as recommended by staff.

8. Ordinances & Resolutions:

a. Mindy Manson, Senior Planner, briefed the Council on an item considered on second and final reading amending Chapter 23, "Planning and Community Development" of the Abilene Municipal Code concerning the Sign Ordinance. 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 Grable moved to approve the ordinance amending Chapter 23, "Planning and Community Development" of the Abilene Municipal Code concerning Sign Ordinance 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.

The Ordinance is numbered Z-1991 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART C, "SIGNS AND BILLBOARDS," 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. Councilman Vasquez moved to remove from the table the Street Use License request from Sears Memorial Methodist Center. 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.

James Condry, Assistant Director of Planning & Development Services for Public Works, briefed the Council on a Street Use License request from Sears Memorial Methodist Center located on S. 32nd St. and S. Willis St for construction of head-in parking along the south right-of-way of S. 32nd Street. Staff recommends denial based on the potential safety hazard; however, if Council chooses to amend the previous Street Use License to include recessed head in parking on S. 32nd St., then staff recommends Council also include the following conditions: 1) The parking spaces are to be angled for entry from the west; 2) The maximum angle is to be 60 degrees. At that angle, the recessed area is to be at least 20 feet. If an angle of 45 degrees is used, then the recessed area must be at least 18.5 feet; 3) The ends of the recessed area are to be constructed at the angle of parking and the parking spaces are to be striped at that angle; 4) Construction of the recessed area is to include removal of existing curb and gutter and replacement with a new gutter section (instead of just breaking off the existing curb); curbing along the sides of the recessed area; paving of the recessed area; and construction of a sidewalk (four foot minimum width) around the perimeter of the parking area.

After some discussion, Councilman McNeil moved to approve the Street Use License request from Sears Memorial Methodist Center for construction of head-in parking along the south right-of-way of S. 32nd Street with the maxi-

imum angle to be 22 1/2 degrees and the other stipulations as listed above per staff recommendations. 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.

c. James Condry, Assistant Director of Planning and Development Services for Public Works, briefed the Council regarding a Resolution to accept a bid and authorize the Mayor to execute an Oil & Gas Lease. Staff recommends 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 Vasquez moved to approve the Resolution to accept a bid and authorize the Mayor to execute an Oil & Gas Lease 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.

The Resolution is numbered 5-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS TO ACCEPT BIDS AND TO AUTHORIZE THE MAYOR TO EXECUTE A PAID UP OIL AND GAS LEASE.

d. Mindy Manson, Senior Planner, presented a background and update on the Neighborhood Improvement Program (NIP); then introduced David Hoover, Senior Planner, who highlighted the results of the survey and reviewed a scan which is representative of what would be done in the neighborhoods and reviewed with the Council the neighborhood map. This program allows staff to go to people with what they feel is a problem, and allows City departments to respond to stated problems. Mayor McCaleb mentioned the positive impact of the program.

No action was taken.

9. Other Business:

a. Marva Pritchett, Director of Planning and Development Services, briefed the Council on the draft Feasibility Study and consideration of a second amendment to the Feasibility Cost Sharing Agreement from the Corps of Engineers. Mrs. Pritchett reviewed the history of the study; and stated staff recommends Council by oral Resolution authorize the Corps of Engineers to prepare the amendment document and authorize the Mayor to execute the amendment document upon receipt.

Mayor McCaleb noted interested citizens in attendance. The Mayor stated completion of the study, cost incurred in that completion, and the project itself has not changed, but the Corps of Engineers cannot complete the study without additional funding.

Following some discussion, Councilman Terry moved to approve a second amendment to the Feasibility Cost Sharing Agreement from the Corps of Engineers as recommended by staff, contingent on funding from the Texas Water Development Board. The motion was seconded by Councilman Grable and the motion carried.

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

NAVS: Mayor McCaleb; with a verbatim transcript of his comments as follows:

"Before I cast my vote on this, I know it's irregular to make comments prior to a vote and we don't do that very often, but it's also, I think, an irregular matter that's been presented to us this morning; so with the Council's permission I would just like to make a couple of comments.

Obviously, it's apparent the motion has passed because there are six yes votes on this, and I agree with the spirit of the Council in making what I believe is the best decision on behalf of the people of Abilene. Unfortunately, I think this is the only decision that could be made in order to have a completed study. I see the situation very much as if I were to contract to someone to build a fence in my back yard, have an agreed amount, I pay them out, they build the fence up to the last foot or two and then say they can't complete the fence unless I pay them some additional money. Obviously, the rest of the fence does me no good unless it's completed. And so, because of that situation, I must say, and I would like to ask the three representatives of the Corps of Engineers to carry this message back to the Corps of Engineers, I do not appreciate the position that the Corps of Engineers has placed this Council in on this matter today. I think the City has been faithful to it's side of the contractual agreement. I wish I could say the same for the Corps of Engineers. I would also like to say I have the highest confidence in the City staff and their ability to accurately represent the expressed wishes of the Council, and I believe they have done that throughout the study up to this point and I am confident they will continue. I would also say my confidence in the Corps of Engineers is vastly diminished as a result of this episode. I think it raises real questions as to the manner in which business such as this is done, and it raises questions about the way we as a City Council in representing the best interests and utilizing the funds which are budgeted through this City in the best way possible. It would be improper for you to conclude by the vote of the Council that you could carry back a message to the Corps of Engineers that you have the unanimous support and unqualified confidence of this City Council because I can assure you that is not the case. And so while I agree with the City Council in the decision that is made for the reasons stated above, I will vote no."

9.b. 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.

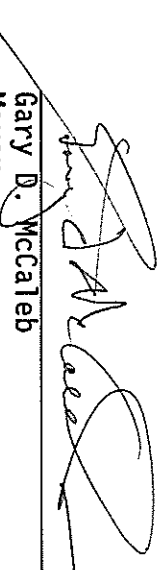
Councilman Vasquez moved to appoint Col. Paul Cwiklik to replace retired Col. Howard Ham to the Civic Ablene, Inc. board of Directors with a term expiring 5/92; and Truett Roberts to the Reinvestment #1 Zone City of Ablene with a term expiring 11/92. The motion was seconded by Councilman Grable and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 10:35 a.m.


Jo Moore
City Secretary


Garry D. McCaleb
Mayor