

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 22, 1991, 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 22, 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 Jimmy McNeil.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held August 8, 1991.
4. **Proclamations**

#### CONSENT AGENDA

All items listed below are considered 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 requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

**5. Ordinances & Resolutions:**

- a. Consider on first reading - An Ordinance proposing amendments to Article II, the Council, Section 6, Number, Selection and Term, Section 7, "Qualifications"; to Article III, Elections, Initiative, Referendum and Recall, Section 24, Annual Elections, Section 26, Application for Candidacy; and to Article X, General Provisions, Section 118, Interim Government; Providing for the establishment of Council Members To Be Elected from Six (6) Single-Member Districts; calling an Election On Said Issue; Providing For Public Notice And An Effective Date.
- b. Oral Resolution selecting Auctioneer for City Auction.
- c. Resolution authorizing transfer of land to Abilene Industrial Foundation, Inc.
- d. Resolution authorizing transfer of land to the State of Texas for the State Department of Highways and Public Transportation.

**6. Award of Bid:**

- a. Radio System for Water Department, Bid #CB1050.
- b. Dechlorination chemical for Wastewater Treatment Division, Bid #CB1073.
- c. Resolution approving thirteen (13) heavy duty mid-size transit buses, Bid #CB1067; award contingent upon concurrence by UMTA.
- d. Parking lot extension for Cobb Park, Bid #CB1074.

REGULAR AGENDA

7. **Ordinances & Resolutions:**
- a. **Public Hearing - Consider on second and final reading - An Ordinance approving the Revised FY 1990-91 and Proposed FY 1991-92 Budgets; and Resolution approving revised Schedule of Rates and Charges for Refuse Collection division; Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant Funds; and Resolution approving certain user fees.**
  - b. **Consider on second and final reading - Proposed FY 1991-92 Tax Levy Ordinance.**
  - c. **APPEALED ITEM:  
Consider on second and final reading - An Ordinance approving street name change - SNC-01391 - Request from Gary Vest, to change from Bandera Park, Derrick and Oil Center Drives to Microtex Drive.**
  - d. **Consider on second and final reading - An Ordinance changing zoning district boundaries - Z-01491 - Request from Hendrick Medical Center; agent Duane Martin, to rezone from O & RM-3 (Office & Residential Multi-Family) to MU (Medical Use) district, located in the 1700 block of Cedar.**
  - e. **Consider on second and final reading - An Ordinance changing zoning district boundaries - Z-01591 - Request from Hendrick Medical Center; agent Duane Martin, to rezone from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located in the 2100 block of Cedar.**
  - f. **Resolution approving abandonment of land in Redbud Park.**
8. **Other Business:**
- a. **Proposal to develop a park to be named Martin Luther King, Jr. Park.**
  - 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 Willa 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
28. 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
21. Aoki v. City
22. Burns v. City

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 2/22/91

PRE-COUNCIL WORK SESSION, THURSDAY  
August 22, 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 August 22, 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, Jimmy McNeil, Bill Terry, and Councilwoman Liz Herrera. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Car-gill, Jr., City Secretary Jo Moore, Assistant to the City Manager Debra Guerra, and various members of the City staff.

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 22, 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 August 22, 1991, at 9:00 a.m. in the Council Chambers of City Hall.

Mayor McCaleb asked for a moment of silence in memory of former Chief of Police Warren Dodson.

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 8, 1991, Councilman Grable moved to approve the minutes as printed. The motion was seconded by Councilman Vasquez and the motion carried.

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

Councilman Vasquez moved to approve consent agenda items 5a and 5b, 5d, and 6a through 6d, as recommended by the staff. Item 5c was removed from the agenda to be considered at a later date. The motion was seconded by Councilwoman Herrera and the motion carried.

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

5. Ordinances & Resolutions:

- a. Approval of first reading - An Ordinance proposing amendments to Article II, the Council, Section 6, Number, Selection and Term, Section 7, "Qualifications"; to Article III, Elections, Initiative, Referendum and Recall, Section 24, Annual Elections, Section 26, Application for Candidacy; and to Article X, General Provi-

sions, Section 118, Interim Government; Providing for the establishment of Council Members To Be Elected from Six (6) Single-Member Districts; calling an Election On Said Issue; Providing For Public Notice And An Effective Date.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROPOSING AMENDMENTS TO ARTICLE II, THE COUNCIL, SECTION 6, NUMBER, SELECTION AND TERM, SECTION 7, QUALIFICATIONS; TO ARTICLE III, ELECTIONS, INITIATIVE, REFERENDUM AND RECALL, SECTION 24, ANNUAL ELECTIONS, SECTION 26, APPLICATION FOR CANDIDACY; AND TO ARTICLE X, GENERAL PROVISIONS, SECTION 118, INTERIM GOVERNMENT; PROVIDING FOR THE ESTABLISHMENT OF COUNCIL MEMBERS TO BE ELECTED FROM SIX (6) SINGLE-MEMBER DISTRICTS; CALLING AN ELECTION ON SAID ISSUE; PROVIDING FOR PUBLIC NOTICE AND AN EFFECTIVE DATE.

- b. Oral Resolution selecting Auctioneer for City Auction. Staff changed recommendation to Kincaid Auction Co., Council approved staff recommendation.
- c. Removed from Consent Agenda to be considered at a later date.
- d. Resolution authorizing transfer of land to the State of Texas for the State Department of Highways and Public Transportation.

The Resolution is numbered 27-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE TRANSFER OF 14.885 ACRES OF LAND, MORE OR LESS, TO THE STATE OF TEXAS FOR THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION.

6.

Award of Bid:

- a. Radio System for Water Department, Bid #CB1050. The contract was awarded to Motorola C & E, Inc., with a change order to be issued adding a combined antenna to the contract. The radio bid is \$68,968.25, the antenna system is \$10,750.00, for a combined award of \$79,718.25; as recommended by staff.
- b. Dechlorination chemical for Wastewater Treatment Division, Bid #CB1073. The bid was awarded to Chemical Distributors, Inc., the most responsible bidder in the amount of \$57,750.00, as recommended by staff.
- c. Resolution approving thirteen (13) heavy duty mid-size transit buses, Bid #CB1067; award contingent upon concurrence by UMTA. Council adopted the resolution which awards the bid to Chance Coach, Inc., in the amount of \$2,044,835.00 contingent upon concurrence by UMTA; as recommended by staff.

The Resolution is numbered 28-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID NO. CB-1067 AND AUTHORIZING EXECUTION OF PURCHASE AGREEMENT CONTINGENT UPON APPROVAL OF THE URBAN MASS TRANSPORTATION ADMINISTRATION.

- d. Parking lot extension for Cobb Park, Bid #CB1074. The bid was awarded to Bontke Brothers, the low responsible bidder in the amount of \$29,869.75 by Oral Resolution, as recommended by staff.

7. Ordinances & Resolutions:

- a. David Wright, Director of Finance, briefed the Council on an Ordinance considered on second and final reading approving the Revised FY 1990-91 and Proposed FY 1991-92 Budgets; and Resolution approving revised Schedule of Rates and Charges for Refuse Collection division; Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant Funds; and Resolution approving certain user fees.

Mayor McCaleb opened a public hearing on the above-mentioned items, and the following individual spoke against the request:

- . Gary Brown, 1325 Grand, reviewed the budget and asked when the budget would stop increasing.
- . City Manager Jim Blagg further explained levels of service now being provided, fee changes, how Abilene compares to other cities, and audit requirements.

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

Councilman McNeil moved to approve the Ordinance approving the Revised FY 1990-91 and Proposed FY 1991-92 Budgets; Resolution approving revised Schedule of Rates and Charges for Refuse Collection division; Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant Funds; and Resolution approving certain user fees as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

The Ordinance is numbered 23-1991 and is captioned as follows:

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 1990-1991; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 1991, THROUGH SEPTEMBER 30, 1992, 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 29-1991 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, REVISING THE SCHEDULE OF RATES AND CHARGES FOR REFUSE COLLECTION DIVISION.

The Resolution is numbered 30-1991 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 1991-92.

The Resolution is numbered 31-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING VARIOUS FEE SCHEDULES, AND ESTABLISHING AN EFFECTIVE DATE.

b. David Wright, Director of Finance, briefed the Council on the Proposed FY 1991-92 Tax Levy Ordinance considered on second and final reading.

Councilman McNeil moved to approve the Proposed FY 1991-92 Tax Levy Ordinance as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

The Ordinance is numbered 24-1991 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 1991, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 1991; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

c. Larry Badon, Planner I, briefed the Council on an appealed item considered on second and final reading - An Ordinance approving street name change - SNC-01391 - Request from Gary Vest, to change from Bandera Park, Derrick and Oil Center Drives to Microtex Drive. Staff and Plat Review Committee recommend approval; Planning and Zoning Commission recommends denial.

Mayor McCaleb opened a public hearing on the above-mentioned items, and the following individuals spoke in reference to the request:

. Greg Berry, B & L, Inc. preferred name not be changed.

. Gary Vest, Proponent, Abilene Industrial Foundation asked the City Council to at least consider changing Derrick Drive to Microtex Drive.

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

Councilman Terry moved to table the request and refer it back to the Planning and Zoning Commission for clarification of their intentions. The motion was seconded by Councilman Grable and the motion carried.

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

NAYS: None.

The request was TABLED.

d. Larry Badon, Planner I, briefed the Council on an Ordinance changing zoning district boundaries - Z-01491 - Request from Hendrick Medical Center; agent Duane Martin, to rezone from O & RM-3 (Office & Residential Multi-Family) to MU (Medical Use) district, located in the 1700 block of Cedar. The Planning and Zoning Commission and staff recommend approval.

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

. Duane Martin, staff architect.

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

Councilman Grable moved to approve the Ordinance changing zoning district boundaries to rezone from 0 & RM-3 to MU district, located in the 1700 block of Cedar, as recommended by staff. The motion was seconded by Councilman Terry and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Vasquez, due to his employment at Hendrick Medical Center.

The Ordinance is numbered 25-1991 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.

e. Larry Badon, Planner I, briefed the Council on an Ordinance changing zoning district boundaries - Z-01591 - Request from Hendrick Medical Center; agent Duane Martin, to rezone from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located in the 2100 block of Cedar. The Planning and Zoning Commission and staff recommend approval.

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

. Duane Martin, staff architect.

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

Councilwoman Ray moved to approve the Ordinance changing zoning district boundaries to rezone from RM-2 to GC district, located in the 2100 block of Cedar, as recommended by staff. The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Vasquez, due to his employment at Hendrick Medical Center.

The Ordinance is numbered 25-1991 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.



f. Mike Hall, Director of Community Services, briefed the Council regarding a Resolution approving abandonment of land in Redbud Park. The Parks and Recreation Commission and staff recommend approval.

Councilman Grable moved to approve the Resolution approving abandonment of land in Redbud Park, as recommended by staff. The motion was seconded by Councilwoman Herrera and the motion carried.

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

The Resolution is numbered 32-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ABANDONING APPROXIMATELY 2.97 ACRES OF LAND IN REDBUD PARK FOR A YMCA FACILITY.

**8. Other Business:**

a. Mike Hall, Director of Community Services, briefed the Council on a Proposal to develop a park to be named Martin Luther King, Jr. Park. The Human Relations Committee and Parks and Recreation Commission endorse the project. Paul Cannon further reviewed the request with the City Council.

Mr. Milton Turnerhill reviewed the plans for the Park.

Mr. Rufus Johnson, member of the Martin Luther King Park Committee, presented a proposal to beautify, enhance, and solidify the permanence of the area. Mr. Johnson stated the Committee's desire is to do for Abilene the greatest good for the greatest number.


Mr. Earl Williams, Human Relations Committee, expressed support of all involved.

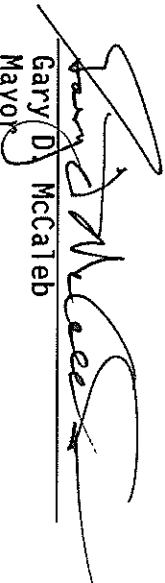
Councilman Vasquez moved to approve by Oral Resolution the request to develop a park to be named Martin Luther King, Jr. Park as recommended. The motion was seconded by Councilman Terry and the motion carried.

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

Mayor McCaleb stated there would be no executive session.

There being no further business, the meeting was adjourned at 10:32 a.m.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor