

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 26, 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, September 26, 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 Paul R. Vasquez.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held September 12, 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. Resolution authorizing Water Supply Contract amendment with Hawley Water Supply Corporation.
 - b. Oral Resolution approving contract amendment for disbursement of Community Development Block Grant (CDBG) funds to Mend-A-Child.
 - c. Oral Resolution approving contract amendment for disbursement of Community Development Block Grant (CDBG) funds to Abilene Center for Nonprofit Management.
 - d. Oral Resolution approving Development Corporation of Abilene, Inc. contract to purchase land.
 - e. Oral Resolution approving request by Abilene Cultural Affairs Council to the Tax Increment Finance Board for matching funding for a National Endowment for the Arts grant.
 - f. Resolution approving acceptance of FAA Grant #3-48-0002-12; authorizing Mayor to execute an amendment to FAA Grant #3-48-0002-11; Award of Bids #CB1082 and CB1083 for additions, renovations, and modifications at Airport, contingent on FAA approval.
 - g. Resolution approving various non-resident fees.
 - h. Oral Resolution approving renewal of contract with National Wrecker Service.

6. **Award of Bid:**
 - a. Centrifugal sludge pumps for Water Utilities Department, Bid #CB1078.
 - b. Water pipe for Water Utilities Department, Bid #CB1081.
 - c. Security services for Zoo, Bid CB1080.

REGULAR AGENDA

7. **Ordinances & Resolutions:**
 - a. Oral Resolution approving contract between Abilene Improvement Corporation (AIC) and City of Abilene, under which the AIC would continue to provide management and administration of Downtown Revitalization program.
 - b. **Public Hearing** to receive citizen comments concerning the City's Comprehensive Housing Affordability Strategy.
 - c. Oral Resolution approving renewal of contract between Development Corporation of Abilene, Inc. and City of Abilene for administrative services.
 - d. Oral Resolution approving renewal of contract between Development Corporation of Abilene, Inc. and Caruth Small Business Development Center.
 - e. Oral Resolution approving renewal of contract between Development Corporation of Abilene, Inc. and Abilene Industrial Foundation, Inc. for operations.
 - f. **Public Hearing:**
Consider on second and final reading - An Ordinance amending the Franchise Agreement between Lone Star Gas Company and the City of Abilene; Providing for Franchise Fee.

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. Bechtel, et al v. City
3. City v. Leo & Shirley Riley
4. Burns v. City
5. James Richardson v City
6. Michael Morris & Rawleigh Webster v. City
7. Pam Martin et al v. City and General Beverage
8. Brenda Parker v. City
9. Lois Woods v. City & Charles Wayne Parker
10. Randy Villa Pedroza v. Edward Michael Hobbs & Dr. Fox
11. Kenneth Brown v. City
12. DeHoyos v. City
13. Thines v. City
14. City Water Permit Applications
15. Lone Star Gas Gate Rate
16. Southwestern Bell Rate Case
17. West Texas Utilities Rate Case
18. Aoki v. City
19. Dillard's, et al 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 9/16/91

PRE-COUNCIL WORK SESSION, THURSDAY
September 26, 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 September 26, 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 and Bill Terry. 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. Councilman Jimmy McNeil and Councilwoman Liz Herrera were absent.

Council briefly discussed various consent and regular agenda items. City Manager Jim Blagg informed the Council of the need to move the October 24 City Council meeting to October 31 due to the majority of the City Council attending the TML Conference. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
September 26, 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 September 26, 1991, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Paul R. Vasquez.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held September 12, 1991, Councilman Terry moved to approve the minutes as printed. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

Councilwoman Ray moved to approve consent agenda items 5a through 5f, 5h, and 6a through 6c, as recommended by the staff. Item 5g was removed from the Consent Agenda to be considered separately at the request of a citizen. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

5. Ordinances & Resolutions:

- a. Resolution authorizing Water Supply Contract amendment with Hawley Water Supply Corporation.

The Resolution is numbered 37-1991 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.

- b. Oral Resolution approving contract amendment for disbursement of Community Development Block Grant (CDBG) funds to Mend-A-Child.
 - c. Oral Resolution approving contract amendment for disbursement of Community Development Block Grant (CDBG) funds to Abilene Center for Nonprofit Management.
 - d. Oral Resolution approving Development Corporation of Abilene, Inc. contract to purchase and renovate the Tannehill property and lease it to CPG.
 - e. Oral Resolution approving request by Abilene Cultural Affairs Council to the Tax Increment Finance Board for matching funding for a National Endowment for the Arts grant.
 - f. Resolution approving acceptance of FAA Grant #3-48-0002-12; authorizing Mayor to execute an amendment to FAA Grant #3-48-0002-11; Award of Bids #CB1082 and CB1083 for additions, renovations, and modifications at Airport, contingent on FAA approval.
The Resolution is numbered 38-1991 and is captioned as follows:
A RESOLUTION OF THE CITY OF ABILENE, TEXAS, APPROVING GRANT AGREEMENT 3-48-0008-12 FROM THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE ABILENE REGIONAL AIRPORT.
 - g. Removed from consent agenda.
 - h. Oral Resolution approving renewal of contract with National Wrecker Service under the same fees and provisions for two years, expiring November 16, 1993.
6. **Award of Bid:**
- a. Centrifugal sludge pumps for Water Utilities Department, Bid #CB1078. The City Council authorized, by oral Resolution, the purchase of two pumps in the amount of \$15,074.00 from Smith Pump Company of Fort Worth; as recommended by staff.
 - b. Water pipe for Water Utilities Department, Bid #CB1081. The bid was awarded to Industrial International, Inc. of Richland Hills as the most advantageous to the City based on truckload quantities, as recommended by staff.
 - c. Security services for Zoo, Bid CB#1080. The bid was awarded to Abilene Security Patrol, the low bidder in the amount of \$34,623.90 as recommended by staff.

5g. Mayor McCaleb opened a public hearing on the Resolution approving various non-resident fees, and the following individuals spoke in response to the request:

Leslie Andrews, 1317 Circle Dr., representing the Abilene-Taylor County Board of Health. Ms. Andrews stated the County Commissioners' decision to pull their funding was not known of by the Health Board until after it was done. The Health Board's concern is for the children and the elderly, and feels the increase in fees would penalize them.

Pat Frosch, Mend-A-Child, spoke on the poverty of the people affected by the increase. She asked the City Council to reconsider the fees.

Mayor McCaleb responded that it was not a decision by the City Council, but is the aftermath of the decision made by Taylor County. He stated Taylor County citizens should be very concerned by the Commissioners' decision. City taxpayers should not be required to pay for the County citizens when the County Commissioners pulled the funding.

Councilwoman Ray stated that the City Council is at a disadvantage after the Commissioners have made their decision, and asked that Ms. Andrews' presentation be made to the County Commissioners.

Councilman Vasquez stated the Council would be glad to review any information the County would like to provide that would give the Council reason to consider the fees again.

Mike Hall, Director of Community Services, stated that the budget has been reviewed and staff sees no other program that could be cut to prevent the increase.

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

Councilman Terry moved to approve the Resolution approving various non-resident fees, as recommended by the staff. The motion was seconded by Councilman Grable and the motion carried.

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

The Resolution is numbered 39-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING VARIOUS NON-RESIDENT FEES, AND ESTABLISHING AN EFFECTIVE DATE.

7. Ordinances & Resolutions:

a. Vickie Brown, Downtown Manager, briefed the Council on an Oral Resolution approving a contract between the Abilene Improvement Corporation (AIC) and the City of Abilene, under which the AIC would continue to provide management and administration of Downtown Revitalization program. Ms. Brown noted changes to the contract on page 2, section 2.

Councilman Grable moved to approve the Oral Resolution approving a contract between the Abilene Improvement Corporation (AIC) and the City of Abilene, under which the AIC would continue to provide management and administration of Downtown Revitalization program 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.

b. James Campbell, Assistant to the Director of Community and Economic Development, briefed the Council on the Public Hearing to receive citizen comments concerning the City's Comprehensive Housing Affordability Strategy.

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

Mr. Campbell recommended that the City Council consider, in the near future, appointing a Housing Strategy Task Force to prepare a planning document.

c. Mike Morrison, Director of Community & Economic Development, briefed the Council on an Oral Resolution approving renewal of contract between Development Corporation of Abilene, Inc. and City of Abilene for administrative services.

Councilwoman Ray moved to approve by Oral Resolution the renewal of the contract between Development Corporation of Abilene, Inc. and City of Abilene for administrative services as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

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

d. Mike Morrison, Director of Community and Economic Development, briefed the Council on an Oral Resolution approving renewal of contract between Development Corporation of Abilene, Inc. and Caruth Small Business Development Center.

Councilman Vasquez moved to approve by Oral Resolution renewal of the contract between Development Corporation of Abilene, Inc. and Caruth Small Business Development Center as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

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

e. Mike Morrison, Director of Community & Economic Development, briefed the Council on an Oral Resolution approving renewal of contract between Development Corporation of Abilene, Inc. and Abilene Industrial Foundation, Inc. for operations.

Gary Vest, Abilene Industrial Foundation, stated his availability for questions on the budget.

The Council questioned Mr. Vest on the basis for the increased budget for travel. Mr. Vest replied that the expectation is to travel much more in order to get businesses to come to Abilene. Mr. Vest stated a report is prepared on expenses and that the Program of Work outlines the goals and objectives.

Mayor McCaleb stated economic development is a priority concern; the 1/2 of one cent sales tax voted on needs to be used wisely and has been well accounted for. The City Council's concern is a sense of sharing responsibility; Mayor McCaleb stated it is appropriate to have the City Manager keep the Council informed in detail.

Councilman Terry moved to approve by Oral Resolution renewal of the contract between Development Corporation of Abilene, Inc. and Abilene Industrial Foundation, Inc. for operations as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

f. Harvey Cargill, City Attorney, briefed the Council regarding an Ordinance considered on second and final reading amending the Franchise Agreement between Lone Star Gas Company and the City of Abilene; Providing for Franchise Fee.

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

Councilman Grable moved to approve the Ordinance considered on second and final reading amending the Franchise Agreement between Lone Star Gas Company and the City of Abilene; Providing for Franchise Fee, 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 28-1991 and is captioned as follows:

AN ORDINANCE AMENDING THE FRANCHISE AGREEMENT BETWEEN LONE STAR GAS COMPANY AND THE CITY OF ABILENE; PROVIDING FOR FRANCHISE FEE; AND CALLING A PUBLIC HEARING.

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 Norman Bryan and Don Wilson to fill vacancies on the MH/MR Public Responsibility Committee for the period of October 1, 1991 through December 31, 1991. 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 10:35 a.m.


Jo Moore
City Secretary


Gary D. McCaleb
Mayor