

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, October 10, 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, October 10, 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:** Councilwoman Betty Ray.
3. **Approval of Minutes:** Pre-Council Session and Regular City Council Meeting held September 26, 1991.
4. **Awards:**  
**Employee Service Awards**

|          |                   |                   |
|----------|-------------------|-------------------|
| 35 Years | Ronald R. Watkins | Route Supervisor  |
|          |                   | Refuse Collection |
| 20 Years | Roston I. Dunman  | Police Officer    |
|          |                   | Police Department |

  
Employee of the Month Award  
Teen of the Month Award
5. 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.

6. **Ordinances and Resolutions:**
  - a. Consider on first reading - An Ordinance for street name change - **SNC-01391** - Request from Gary Vest for a street name change from Derrick Drive to Microtex Drive, and set a public hearing for October 31, 1991 at 9:00 a.m.
  - b. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-01791** - Request from Marvin Norwood to rezone from SC (Shopping Center) to GC (General Commercial) district, located at 3426 Ambler, and set a public hearing for October 31, 1991 at 9:00 a.m.

- c. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-01891** - Request from Fairway Oaks Plaza, Inc.; agent, Robert R. Benham, to amend PDD #4 (Planned Development District) ordinance to allow computer assembly, located at Antilley Road & Glen Abbey, and set a public hearing for October 31, 1991 at 9:00 a.m.
  - d. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-2091** - Request from Central Baptist Church; agent, Eddie Chase, to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located in the 3300-3400 block of Buffalo Gap Road, and set a public hearing for October 31, 1991 at 9:00 a.m.
  - e. Consider on first reading - An Ordinance changing zoning district boundaries - **Z-2191** - Request from Bailey Choate; agent, Doug Woodson, to rezone from RM-2 (Residential Multi-Family) to SC (Shopping Center) district, located at N. Willis & State Streets, and set a public hearing for October 31, 1991 at 9:00 a.m.
  - f. Consider on first reading - An Ordinance for thoroughfare abandonment - **TC-2291** - Request from Bailey Choate; agent, Doug Woodson, located on Glenhaven Drive from State Street to N. 10th Street, and set a public hearing for October 31, 1991 at 9:00 a.m.
  - g. Consider on first reading - An Ordinance for thoroughfare abandonment - **TC-1991** - Request from Sharon Allen, located between South 11th & 12th and China & Rose Streets, and set a public hearing for October 31, 1991 at 9:00 a.m.
  - h. Resolution ordering improvement of and providing for assessment of streets in the 1991 Assessment Paving program, approving plans and specifications, and authorizing advertisement for bids.
  - i. Consider Street Use License request from Enprotec, Inc. for installation of conduit.
  - j. Oral Resolution authorizing City Manager to execute Professional Services Agreement for Water Utilities.
  - k. Oral Resolution authorizing an agreement between the Abilene Intercollegiate School of Nursing, Hendrick Medical Center, and the City of Abilene.
- 7. Award of Bid:**
- a. Two (2) DAF pumps for Wastewater Treatment Plant, Bid #CB1084.
  - b. Kirby Lake Park Ballfield Pumping System, Bid #CB1085.
  - c. Access Road and Parking Facility at Kirby Lake Park, Bid #CB1087.

REGULAR AGENDA

- 8. Other Business:**
- a. Authorization for Mayor to sign Non-Binding Letter of Intent to be included in final Corps of Engineers Feasibility Report.
  - b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for Tisting subjects), possible action.
  - c. Pending and Contemplated Litigation (see notice for Executive Session, Litigation for Tisting subjects), possible action.
  - d. Resolution for nomination of Appraisal District Board Members.

ADJOURN

00152

(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. Bechtel, et al v. City
2. City v. Leo & Shirley Riley
3. Burns v. City
4. James Richardson v City
5. Michael Morris & Rawleigh Webster v. City
6. Pam Martin et al v. City and General Beverage
7. Brenda Parker v. City
8. Thimes v. City
9. DeHoyos v. City
10. Aoki v. City
11. Lois Woods v. City & Charles Wayne Parker
12. Randy Villa Pedroza v. Edward Michael Hobbs & Dr. Fox
13. Kenneth Brown v. City
14. Pamela Susan Combs v. Dillard's & Mall of Abilene & City
15. Kim Maynard v. City & Charles Kimbel Vickers
16. Leroy Hammond 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 10/04/91

00153

PRE-COUNCIL WORK SESSION, THURSDAY  
October 10, 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 October 10, 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.

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  
October 10, 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 October 10, 1991, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

Councilman Vasquez noted a change in wording from "Council" to "County" in item 5g, paragraph 6 of the September 26 minutes. There being no further corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held September 26, 1991, Councilman Grable moved to approve the minutes with the noted correction. 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, assisted by City Secretary Jo Moore, presented Employee Service Awards to the following individuals for their years of service:

|          |                   |                   |
|----------|-------------------|-------------------|
| 35 Years | Ronald R. Watkins | Route Supervisor  |
|          |                   | Refuse Collection |
| 20 Years | Roston I. Dunman  | Police Officer    |
|          |                   | Police Department |

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the October Employee of the Month Award to Walter Graham, Senior Services Supervisor.

Earnest Merritt, Special Assistant to the City Manager for Youth Services, assisted Mayor McCaleb in presenting the October Teen of the Month certificate to Rachel Eckerd, a Sophomore at Abilene High School.

Allison Benton, Abilene Clean & Proud member, assisted Mayor McCaleb in the presentation of quarterly awards to local businesses as follows: McAlister Properties, Business Beautification; Abilene State School, Litter Control; Crown, Cork & Seal, Recycling; and Elliott Hamil Funeral Homes for Overall Attractiveness.

Glen Cochran, United Way, presented a gift to the Mayor and recognized Chris Taylor, 1991 United Way City Employees coordinator, for their support of the United Way.

Councilman McNeil moved to approve consent agenda items 6a through 6j and 7a through 7c, as recommended by staff. Item 6k, Oral Resolution authorizing an agreement between the Abilene Intercollegiate School of Nursing, Hendrick Medical Center, and the City of Abilene, was removed from the agenda to be considered at a later date. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

#### 6. Ordinances and Resolutions:

a. Approval of first reading - An Ordinance for street name change - **SNC-01391** - Request from Gary Vest for a street name change from Derrick Drive to Microtex Drive, and set a public hearing for October 31, 1991 at 9:00 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF DERRICK DRIVE TO MICROTEx DRIVE.

b. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-01791** - Request from Marvin Norwood to rezone from SC (Shopping Center) to GC (General Commercial) district, located at 3426 Ambler, and set a public hearing for October 31, 1991 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. Approval of first reading - An Ordinance changing zoning district boundaries - **Z-01891** - Request from Fairway Oaks Plaza, Inc.; agent, Robert R. Benham, to amend PDD #4 (Planned Development District) ordinance to allow computer assembly, located at Antilley Road & Glen Abbey, and set a public hearing for October 31, 1991 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. 1045 CONCERNING THE FAIRWAYS PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

d. Approval of first reading - An Ordinance changing zoning district boundaries - Z-2091 - Request from Central Baptist Church; agent, Eddie Chase, to rezone from A0 (Agricultural Open Space) to RS-6 (Residential Single Family) district, located in the 3300-3400 block of Buffalo Gap Road, and set a public hearing for October 31, 1991 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.

e. Approval of first reading - An Ordinance changing zoning district boundaries - Z-2191 - Request from Bailey Choate; agent, Doug Woodson, to rezone from RM-2 (Residential Multi-Family) to SC (Shopping Center) district, located at N. Willis & State Streets, and set a public hearing for October 31, 1991 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.

f. Approval of first reading - An Ordinance for thoroughfare abandonment - Tc-2291 - Request from Bailey Choate; agent, Doug Woodson, located on Glenhaven Drive from State Street to N. 10th Street, and set a public hearing for October 31, 1991 at 9:00 a.m.

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.

g. Approval of first reading - An Ordinance for thoroughfare abandonment - Tc-1991 - Request from Sharon Allen, located between South 11th & 12th and China & Rose Streets, and set a public hearing for October 31, 1991 at 9:00 a.m.

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.

h. Resolution ordering improvement of and providing for assessment of streets in the 1991 Assessment Paving program, approving plans and specifications, and authorizing advertisement for bids.

The Resolution is numbered 40-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING THE IMPROVEMENT OF THE HERINAFTER NAMED STREETS, PROVIDING FOR ASSESSMENT OF A PORTION OF THE COST OF IMPROVEMENTS THEREOF AGAINST ABUTTING PROPERTY OWNERS, APPROVING THE PLANS AND SPECIFICATIONS FOR SAID IMPROVEMENTS, AND DIRECTING THE CITY SECRETARY TO ADVERTISE FOR COMPETITIVE BIDS FOR THE CONSTRUCTION OF THE IMPROVEMENTS; THE NAMES OF THE STREETS, OR PORTIONS THEREOF, TO BE SO IMPROVED BEING AS FOLLOWS, TO-WIT:

As per Exhibit "A" attached to Resolution

- i. Consider Street Use License request from Enprotec, Inc. for installation of conduit.
- j. Oral Resolution authorizing City Manager to execute Professional Services Agreement with Mueller Service Company for Water Utilities Department.
- k. Removed from Consent Agenda to be considered at a later date.

**7. Award of Bid:**

- a. Two (2) DAF pumps for Wastewater Treatment Plant, Bid #CB1084. The bid was awarded to RAINCO OF DALLAS, INC. of Carrollton, in the amount of \$15,999.48 as the most advantageous for the City as recommended by staff.
- b. Kirby Lake Park Ballfield Pumping System, Bid #CB1085. The bid was awarded to Big Country Irrigation in the amount of \$17,988.57 as recommended by staff.
- c. Access Road and Parking Facility at Kirby Lake Park, Bid #CB1087. The bid was awarded to Contract Paving, the low responsible bidder, in the amount of \$62,465.95 as recommended by staff.

**8. Other Business:**

- a. Marva Pritchett, Director of Planning and Development Services, briefed the Council on Authorization for the Mayor to sign a Non-Binding Letter of Intent to be included in the final Corps of Engineers Feasibility Report. The purpose of the letter of Intent is to let the Corps of Engineers know if the City is interested in continuing the study. The next stage, which is the design stage, does not commit the City to any expenditure of funds. This next stage will take two years to complete, at which time the City will again look at a final decision.

Mayor McCaleb commented on the time and people that have been involved in this issue, and he elaborated on all the differing aspects of the project. Mayor McCaleb stated he felt it would be appropriate for all Councilmembers to comment prior to voting. Mayor McCaleb and all Councilmembers commented on the study and the general consensus of the Council was disappointment in the Corps of Engineers' performance; disappointment in the results of the study not producing better solutions; to do an in-depth study of creek cleaning in order to satisfy citizen concerns in this area; to put the matter of creek cleaning and channelization to a vote of the people if proven feasible, and to encourage citizens to give input.

Councilman McNeil moved to deny the request for Authorization for the Mayor to sign a Non-Binding Letter of Intent to be included in the final Corps of Engineers Feasibility Report. 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 request was **DENIED**.

Mayor McCaleb requested, as a result of the City Council comments and vote, that staff begin preparing to move in the direction of creek cleaning and channelization both in looking in terms of areas of activity where it should be directed and funding involving both the Certificate of Obligation as well as a possible future bond election if needed for creek cleaning and channelization.

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.

d. Councilman Grable moved to approve a Resolution nominating Harold Nixon, O. Henry (Mike) Young, Jr., and Fred Sandlin to the Central Appraisal District Board of Directors. 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.

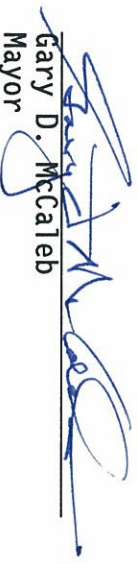
NAYS: None.

The Resolution is numbered 41-1991 and is captioned as follows:

RESOLUTION FOR NOMINATION OF APPRAISAL DISTRICT BOARD MEMBERS

There being no further business, the meeting was adjourned at 11:08 a.m.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor