

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, November 7, 1991, at 8:30 a.m. to consider the following:

1. Issues relating to Americans With Disabilities Act.
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, November 7, 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. Awards:

Employee Service Awards

30 Years	Carl A. Howard	Senior Meter Reader Water Office
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25 Years	Glenn R. Lawrence	Officer Police Department
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25 Years	James C. Roe	Sergeant Police Department
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25 Years	Jack W. Dieken	Lieutenant Police Department
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25 Years	William D. Dockery	Sergeant Police Department
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25 Years	Kenneth R. Nichols	District Chief Fire Department
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25 Years	Jerry A. Johnson	Medic Fire Department
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25 Years	Bobby J. Densman	Lieutenant Fire Department
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25 Years	Tommy J. Talent	Lieutenant Fire Department
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25 Years	Roy L. Franklin	District Chief Fire Department
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Employee of the Month Award

4. 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.

5. **Ordinances and Resolutions:**
- a. Consider on first reading - An Ordinance authorizing 50% Updated Service Credits to the Texas Municipal Retirement System.
 - b. Consider on first reading - An Ordinance changing zoning district boundaries - Z-02391 - Request from Hendrick Medical Center; agent, The Tittle Luther Partnership, to rezone from O & RM-3 (Office & Residential Multi-Family) to MU (Medical Use) district, located at 1934 Hickory, 1342, 1350, 1358 North 19th; 1901, 1909, 1917 and 1925 Simmons, and set a public hearing for November 21, 1991 at 9:00 a.m.
 - c. Consider on first reading - An Ordinance for thoroughfare abandonment - TC-02491 - Request from City of Abilene; agent, Sam L. Ray, for a thoroughfare abandonment located west of Hwy. 83-277 (Pine) and south of Brooks Drive, and set a public hearing for November 21, 1991 at 9:00 a.m.
 - d. Oral Resolution approving roof project at Animal Control; authorizing participation with Cultural Affairs Council; and authorizing transfer of funds between departments from FY91 budget.

6. **Award of Bid:**
- a. Water Utility System Improvements, Bid #CB2000.
 - b. Library computer site preparation, Bid #CB2004.

REGULAR AGENDA

7. **Ordinances & Resolutions:**
- a. Public Hearing: Consider on second and final reading - An Ordinance approving Southwestern Bell Franchise agreement.
 - b. Resolution adopting Rules of Procedure for Council.
 - c. Resolution canvassing returns and declaring results of November 5, 1991 special election.

8. **Other Business:**
- a. Strategic Issues Report and status of strategic planning process.
 - 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.

- d. Executive Session: Discussion with respect to the purchase, exchange, lease, or value of real property for public facility, possible action.
- e. Resolution authorizing participation in selection of Board of Directors of Central Appraisal District.

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. Bechtel, et al v. City
2. City v. Leo & Shirley Riley
3. Allied Steel v. City, et al
4. James Richardson v City
5. E. E. Whitworth, d/b/a WBS v. City
6. Pam Martin et al v. City and General Beverage
7. Heritage Parks Community Association v City & taxing entities
8. Thines v. City
9. DeHoyos v. City
10. Lois Woods v. City & Charles Wayne Parker
11. Randy Villa Pedroza v. Edward Michael Hobbs & Dr. Fox
12. Kenneth Brown v. City
13. Pamela Susan Combs v. Dillard's & Mall of Abilene & City
14. Kim Maynard v. City & Charles Kimbel Vickers
15. Leroy Hammond v. City
16. Ybarra v. City & Midnight Rodeo & Gannaway
17. Creel v. City
18. City Water Permit Applications
19. Lone Star Gas Gate Rate
20. Southwestern Bell Rate Case
21. 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 11/1/91

**PRE-COUNCIL WORK SESSION, THURSDAY
November 7, 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 November 7, 1991, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Gary D. McCaleb was present and presiding with Councilmen Paul R. Vasquez, Jack Grable, Bill Terry, and Jimmy McNeil. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore, and various members of the City staff. Councilwomen Betty Ray and Liz Herrera were absent.

Bob Fowler, Assistant Director of Planning and Development Services for Housing & Inspection Services, Pam Collins, Director of Administrative Services, and James Condry, Assistant Director of Planning and Development Services for Public Works; briefed the Council on issues relating to the Americans With Disabilities Act. 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
November 7, 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 November 7, 1991, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Bill Terry.

Mayor McCaleb presented Certificates of Appreciation to each individual member of the Abilene High Tennis Team for winning the State Tennis Championship.

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

30 Years	Carl A. Howard	Senior Meter Reader
		Water Office
25 Years	Glenn R. Lawrence	Officer
		Police Department
25 Years	James C. Roe	Sergeant
		Police Department
25 Years	William D. Dockery	Sergeant
		Police Department
25 Years	Kenneth R. Nichols	District Chief
		Fire Department
25 Years	Jerry A. Johnson	Medic
		Fire Department

25 Years	Bobby J. Densman	Lieutenant
		Fire Department
25 Years	Roy L. Franklin	District Chief
		Fire Department

Councilman McNeil moved to approve consent agenda items 5d, 6a and 6b, and approval of first reading of items 5a through 5c as recommended by the staff. The motion was seconded by Councilman Grable and the motion carried.

AYES: Councilman Vasquez, Councilmen Grable, Terry, McNeil, and Mayor McCallieb.

NAYS: None.

ABSTAIN: Councilman Vasquez on item 5b only, due to his employment with Hendrick Medical Center.

5. **Ordinances and Resolutions:**

a. Approval of first reading - An Ordinance authorizing 50% Updated Service Credits to the Texas Municipal Retirement System.

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE IN THE EMPLOYMENT OF THE CITY OF ABILENE; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTION.

b. Approval of first reading - An Ordinance changing zoning district boundaries - Z-02391 - Request from Hendrick Medical Center; agent, The Tittle Luther Partnership, to rezone from O & RM-3 (Office & Residential Multi-Family) to MU (Medical Use) district, located at 1934 Hickory, 1342, 1350, 1358 North 19th; 1901, 1909, 1917 and 1925 Simmons, and set a public hearing for November 21, 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 for thoroughfare abandonment - TC-02491 - Request from City of Abilene; agent, Sam L. Ray, for a thoroughfare abandonment located west of Hwy. 83-277 (Pine) and south of Brooks Drive, and set a public hearing for November 21, 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.

d. Oral Resolution authorizing \$9,000 for the Animal Control shelter roof, \$37,500 allocation to the Cultural Affairs Council, and transfer of \$44,000 from the Finance Department to the Fire Department.

6. Award of Bid:

- a. Water Utility System Improvements, Bid #CB2000. The bid was awarded as follows: Project A to Starks Construction Company in the amount of \$84,250.86, and Project B to McLean Construction Company of Killen in the amount of \$405,026.90 as the most advantageous to the City, and the City Manager was authorized to execute contracts on behalf of the City of Abilene, as recommended by staff.
- b. Library computer site preparation, Bid #CB2004. The bid was awarded to Long Electric, the low responsible bidder, in the amount of \$17,780 as recommended by staff.

7. Ordinances & Resolutions:

- a. Harvey Cargill, City Attorney, briefed the Council on an ordinance considered on second and final reading approving the Southwestern Bell Franchise agreement. Staff recommends approval.

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

Bill Gilliland, Southwestern Bell Area Manager, 366 Cypress.

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

Councilman Terry moved to approve the Ordinance approving the Southwestern Bell Franchise agreement, as follows:

"The City of Abilene will be compensated under the terms of Ordinance 132, Section 7 in the amount of 2% as stated in Section 7 for the period of January 1, 1991, to December 7, 1991, on or before April 1, 1992. Beginning December 7, 1991, quarterly payments will begin in accordance with the new ordinance."

The motion was seconded by Councilman McNeil and the motion carried.

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

NAYS: None.

The Ordinance is numbered 34-1991 and is captioned as follows:

AN ORDINANCE WHEREBY THE CITY OF ABILENE, TEXAS, AND SOUTHWESTERN BELL TELEPHONE COMPANY AGREE THAT, FOR THE PURPOSE OF OPERATING ITS TELECOMMUNICATIONS BUSINESS, THE TELEPHONE COMPANY SHALL MAINTAIN AND CONSTRUCT ITS POLES, WIRES, ANCHORS, FIBER, CABLES, MANHOLES, CONDUITS AND OTHER PHYSICAL PLANT AND APPURTENANCES IN, ALONG, ACROSS, ON, OVER, THROUGH, ABOVE AND UNDER ALL PUBLIC STREETS, AVENUES, HIGHWAYS, ALLEYS, SIDEWALKS, BRIDGES OR PUBLIC WAYS IN SAID CITY; PRESCRIBING THE ANNUAL COMPENSATION DUE THE CITY UNDER THIS ORDINANCE; PRESCRIBING THE CONDITIONS GOVERNING THE USE OF PUBLIC RIGHTS-OF-WAY AND THE PERFORMANCE OF CERTAIN CONSTRUCTION WORK ON PUBLIC RIGHTS-OF-WAY FOR THE TELEPHONE COMPANY'S TELECOMMUNICATIONS BUSINESS; PROVIDING AN INDEMNITY CLAUSE;

SPECIFYING GOVERNING LAWS; PROVIDING FOR A RELEASE OF ALL CLAIMS UNDER PRIOR ORDINANCES; PROVIDING FOR FURTHER CONTINGENCIES; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS ORDINANCE BY THE TELEPHONE COMPANY; AND PROVIDING FOR A TERM AND AN EFFECTIVE DATE.

b. Jo Moore, City Secretary, briefed the Council on a Resolution adopting Rules of Procedure for the Council. Councilman Vasquez questioned the possibility of providing uniformity to the City Boards and Commissions by developing, where applicable, similar Rules of Procedure for them.

Councilman Terry moved to approve the Resolution adopting Rules of Procedure for the Council, as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

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

The Resolution is numbered 46-1991 and is captioned as follows:

A RESOLUTION ADOPTING RULES OF PROCEDURE FOR THE CITY COUNCIL OF ABILENE, TEXAS

c. Jo Moore, City Secretary, briefed the Council on a Resolution canvassing returns and declaring results of November 5, 1991 special election to consider the single member district method as follows:

For:	5,169 votes	42.06%
Against:	7,040 votes	57.28%
Total:	12,290 votes	100.00%

Councilman Grable moved to approve the Resolution canvassing returns and declaring results of November 5, 1991 special election, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

The Resolution is numbered 47-1991 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF SPECIAL ELECTION HELD IN THE CITY OF ABILENE ON NOVEMBER 5, 1991.

8.a. Debra Guerra, Assistant to the City Manager, briefed the Council on the Strategic Issues Report and status of strategic planning process.

No action was required.

Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e, 2f 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 con-

sider the appointment and evaluation of public officers, and for discussion with respect to the purchase, exchange, lease, or value of real property for a public facility.

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

Councilman McNeil moved to appoint the following members to the Affordable Housing Task Force:

1. Dr. C. Bruce Davis, Abilene Christian University
2. Marvin Gerard, Abilene Board of Realtors
3. Dian Mehaffey, NOAH Project
4. Debra Brown, Abilene Preservation League
5. Ray Dunavant, Dept. of Human Services
6. Mary Island, Abilene ISD - First Vice Chair
7. Angie Marsalis, Big Country Apartment Assn.
8. Bob Walker, Taylor County
9. Joe Alcorta, Hardin-Simmons University - Second Vice Chair
10. Tiffany Wagstaff, Bank One, Abilene
11. Neomia Banks, Insurance Representative
12. Josh Ammons, Community Action Program
13. Jerry Davidson, General Contractor
14. Dr. Lewis E. Lemmond, Area Council on Aging
15. Major Dewey Alderson, Salvation Army
16. John Stowe, Texas Rehabilitation Commission
17. Floyd Nickerson, West Texas Utilities
18. Jerry Mash, Habitat for Humanity
19. Robbye Plummer, MHMR
20. David Sivley, Home Builder
21. Mary Gill, Chairperson
22. Sara Hudman, Human Relations Committee

The motion was seconded by Councilman Vasquez and the motion carried.

AVES: Councilman Vasquez, Councilmen Grable, Terry, McNeil, and Mayor McCaleb.

NAVS: None.

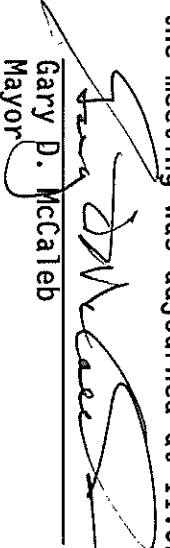
Councilman Vasquez moved to adopt a Resolution authorizing City's participation in the selection of the Board of Directors of the Central Appraisal District.

The Resolution is numbered 48-1991 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS TO CAST ITS VOTES FOR THE BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY.

There being no further business, the meeting was adjourned at 11:02 a.m.


Jo Moore
City Secretary


Garry D. McCaleb
Mayor