

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, January 9, 1992, at 8:30 a.m. to consider the following:

1. Update on Martin Luther King Jr. awards luncheon plans.
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, January 9, 1992, 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 December 19, 1991.
4. **Awards:**

<b>Employee Service Awards</b>		
30 Years	Paul D. Warren	Officer Police Department
30 Years	Fred G. Deherrera	Warehouse Supervisor Water Distribution Division
25 Years	James W. Stabler	Asst. Utility System Supervisor Water Utilities Division
20 Years	John D. Bogart	Captain Fire Department
20 Years	Roy L. Chapman	Lieutenant Fire Department
20 Years	James D. Cooley	Captain Fire Department
20 Years	Franklin D. Johnson	Lieutenant Fire Department
<b>Employee of the Month Award</b>		
<b>Teen of the Month Award</b>		
5. Proclamations

#### CONSENT AGENDA

All items listed below are considered routine by the City Council to be enacted with one motion, with no separate discussion of items unless requested by a Councilmember or citizen. The item will then 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 changing zoning district boundaries - Z-02791 - Request from L. C. Maker, Glenn Freeman, and Don McAlister; agent, Mary Burkett, to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at Ruby Street and Russell Avenue, and set a public hearing for January 23, 1992 at 9:00 a.m.

- b. Consider on first reading - An Ordinance for thoroughfare closure - TC-00192 - Request from First Baptist Church, agent, Bob Weisinger, for abandonment of a 20' north-south alley between N. 1st & 2nd and Hickory & Orange Streets, and set a public hearing for January 23, 1992 at 9:00 a.m.
- c. Consider on first reading - An Ordinance changing zoning district boundaries - Z-00292 - Request from Ernest Horton Trust; agent, Tommy Simons, to rezone form AO (Agricultural Open Space) to LI (Light Industrial) district, located on West Highway 80, and set a public hearing for January 23, 1992 at 9:00 a.m.
- d. Consider on first reading - An Ordinance amending Chapter 23, "Planning and Community Development", and Ordinance #68-1985 - Z-00392 - Request from Furr's Properties, Inc., agent, Bob J. Surovik, to amend PDD #35 (Planned Development District) Ordinance to allow retail sale of gasoline (with and including automobile servicing), located at S. 27th & Buffalo Gap Road, and set a public hearing for January 23, 1992 at 9:00 a.m.
- e. Consider on first reading - An Ordinance for street name change - SNC-00492 - Request from City of Abilene to change S. Curry Ln. to Peppergrass Ln.; "Old" Rebecca Ln. to Sorrel Wood Ln.; Unnamed county road (commonly known as Church Rd.) to Autumn Sage Ln.; and Unnamed county road (commonly known as Church Rd.) to Tumbleweed Ln., and set a public hearing for January 23, 1992 at 9:00 a.m.
- f. Consider on first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic, Sections 18-290, 18-293, 18-294, and 18-299 of the Abilene Municipal Code.
- g. Oral Resolution authorizing City Manager to execute Engineering Services Agreement.
- h. Consider on first reading - An Ordinance adopting construction standards for on-site sewerage facilities, and set a public hearing for January 23, 1992 at 9:00 a.m.
- i. Oral Resolution approving purchase of Mobile Data Terminals by single source bid.

7. **Award of Bid:**

- a. Backhoe loaders for various divisions, Bid #CB2002.
- b. Sanitary Sewer Rehabilitation, Bid #CB2014.

REGULAR AGENDA

8. **Ordinances & Resolutions:**

- a. Resolution supporting submission of proposal to Texas Department of Criminal Justice for additional correctional facility.
- b. Public Hearing: Consider on second and final reading - An Ordinance adopting 1991 Uniform Plumbing Code with local amendments.
- c. Public Hearing and Council consideration of Resolution adopting the Americans with Disabilities Act Paratransit Plan for the Abilene Transit System.

9. **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.
- c. Consideration and possible approval of claim settlement.
- d. Consideration and possible appointment of Assistant City Attorney.

ADJOURN

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**PRE-COUNCIL WORK SESSION, THURSDAY  
January 9, 1992, 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 January 9, 1992, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Pro Tempore Jimmy McNeil was present and presiding with Councilman Paul R. Vasquez, Councilwoman Betty Ray, Councilmen Jack Grable, Bill Terry, and Councilwoman Liz Herrera. Mayor Gary D. McCaleb was absent from the Pre Council Session. 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.

An update on the Martin Luther King, Jr. awards luncheon plans was presented by Tony Roach. The Council briefly discussed various consent and regular agenda items, and there being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING  
January 9, 1992, 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 January 9, 1992, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held December 19, 1991, Councilman McNeil 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, assisted by City Secretary Jo Moore, presented Employee Service Awards to the following individuals for their years of service:

30 Years	Paul D. Warren	Officer Police Department
30 Years	Fred G. Deherrera	Warehouse Supervisor Water Distribution Division
25 Years	James W. Stabler	Asst. Utility System Supervisor Water Utilities Division
20 Years	James D. Cooley	Captain Fire Department
20 Years	Franklin D. Johnson	Lieutenant Fire Department

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the January Employee of the Month Award to Richard Sullivan, Code Enforcement Officer in the Building Inspection Division.

Mayor McCaleb presented Certificates to the Cooper High School Cheerleaders for competing in the 1991 National Cheerleading Association finals; then presented the following Proclamations:

January as National Volunteer Donor Month  
January as Crime Stoppers Month  
January as Drug-Free High School Graduate Month

Councilman Vasquez moved to approve consent agenda items 6g and 6i; approval of first reading of consent agenda items 6a through 6f, 6h, and 7a and 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, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

ABSTAIN: Councilwoman Herrera on item 6a only.

**6. Ordinances and Resolutions:**

- a. Approval of first reading - An Ordinance changing zoning district boundaries - Z-02791 - Request from L. C. Maker, Glenn Freeman, and Don McAlister; agent, Mary Burkett, to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at Ruby Street and Russell Avenue, and set a public hearing for January 23, 1992 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.

- b. Approval of first reading - An Ordinance for thoroughfare closure - TC-00192 - Request from First Baptist Church, agent, Bob Weisinger, for abandonment of a 20' north-south alley between N. 1st & 2nd and Hickory & Orange Streets, and set a public hearing for January 23, 1992 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.

- c. Approval of first reading - An Ordinance changing zoning district boundaries - Z-00292 - Request from Ernest Horton Trust; agent, Tommy Simons, to rezone from AO (Agricultural Open Space) to LI (Light Industrial) district, located on West Highway 80, and set a public hearing for January 23, 1992 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.

- d. Approval of first reading - An Ordinance amending Chapter 23, "Planning and Community Development", and Ordinance #68-1985 - Z-00392 - Request from Furr's Properties, Inc., agent, Bob J. Surovik, to amend PDD #35 (Planned Development District) Ordinance

to allow retail sale of gasoline (with and including automobile servicing), located at S. 27th & Buffalo Gap Road, and set a public hearing for January 23, 1992 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 23, SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, AND ORDINANCE NO. 68-1985 CONCERNING THE OVERPLACE PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- e. Approval of first reading - An Ordinance for street name change - SNC-00492 - Request from City of Abilene to change S. Curry Ln. to Peppergrass Ln.; "Old" Rebecca Ln. to Sorrel Wood Ln.; Unnamed county road (commonly known as Church Rd.) to Autumn Sage Ln.; and Unnamed county road (commonly known as Church Rd.) to Tumbleweed Ln., and set a public hearing for January 23, 1992 at 9:00 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF (A) SOUTH CURRY LANE TO PEPPERGRASS LANE; (B) "OLD" REBECCA LANE TO SORREL WOOD LANE; (C) UNNAMED COUNTY ROAD (COMMONLY KNOWN AS CHURCH ROAD) TO AUTUMN SAGE LANE; AND (D) UNNAMED COUNTY ROAD (COMMONLY KNOWN AS CHURCH ROAD) TO TUMBLEWEED LANE.

- f. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic, Sections 18-290, 18-293, 18-294, and 18-299 of the Abilene Municipal Code.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- g. Oral Resolution authorizing City Manager to execute Engineering Services Agreement with Todd Engineering, Inc. of Abilene.
- h. Approval of first reading - An Ordinance adopting construction standards for on-site sewerage facilities, and set a public hearing for January 23, 1992 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 13, "HEALTH AND SANITATION," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- i. Oral Resolution approving purchase of Mobile Data Terminals from Motorola Communications and Electronics, as a single source bid.

7. **Award of Bid:**

- a. Backhoe loaders for various divisions, Bid #CB2002. The bid was awarded to Abilene Ag Ford New Holland, representing the low responsible bidder with trade in on all four units in the amount of \$81,033.72 as recommended by staff.
- b. Sanitary Sewer Rehabilitation, Bid #CB2014. The bid was awarded to Insituform Texark, Inc. of Chesterfield, Missouri in the amount of \$694,800 as the most advantageous for the City; and the City Manager was authorized to execute a contract on behalf of the City as recommended by staff.

**8. Ordinances & Resolutions:**

a. Mike Morrison, Director of Community and Economic Development, briefed the Council on a Resolution supporting the submission of a proposal to the Texas Department of Criminal Justice for an additional correctional facility.

Councilman Vasquez moved to adopt the Resolution supporting the submission of a proposal to the Texas Department of Criminal Justice for an additional correctional facility, as recommended. 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.

The Resolution is numbered 1-1992 and is captioned as follows:

A RESOLUTION SUPPORTING SUBMISSION OF BID TO THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE FOR AN ADDITIONAL CORRECTIONAL FACILITY

b. Bob Fowler, Assistant Director of Planning & Development Services for Housing & Inspection Services, briefed the Council on an Ordinance considered on second and final reading adopting the 1991 Uniform Plumbing Code with local amendments. Staff recommends approval.

Councilwoman Ray moved to approve the Ordinance adopting the 1991 Uniform Plumbing Code with local amendments, as recommended by 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 McCaleb.

NAYS: None.

The Ordinance is numbered 1-1992 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 4, "PLUMBING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

c. James Condry, Assistant Director of Planning and Development Services for Public Works, distributed to the City Council documents reflecting modified changes to the Americans with Disabilities Act Paratransit Plan for the Abilene Transit System. He then briefed the Council on a Resolution adopting the Plan with modified changes.

Mayor McCaleb opened a public hearing on the item, and noted for the public the provisions available for the physically impaired. The following individuals spoke in response to the item:

- . Ann Longstin, 312 Louisiana, Dyess ABF, feels it is inappropriate for people to have to advertise the route they're taking.

- . David Ray Malone, 1717 N. 6th, Spanish Arms Apts., feels the public of Abilene does not know the true meaning of white canes, stating that with no vision at all, traffic is confusing. He stated the City should inform the public of the problems of the handicapped, and asked if total blindness means one is not qualified to ride the handi-van.
- . Bertha Agnatage, 1958 N. Mockingbird, stated she is vision impaired and suggested that only three people should be involved; the caller, the person answering calls, and the bus driver. She agreed the public should be informed of purpose of cane; and commended the Abilene Transit System.
- . Gloria Smider, 5348 Waldemar, stated weather can cause problems for getting to the bus stop, suggesting the handi-van should be available during bad weather.
- . A citizen residing at 2250 Vogel #D12, stated she needs the handi-van because she can't walk very far.
- . Tony Martinez, 1958 N. Mockingbird, asked if crosswalks would be put at intersections for safety.
- . Michael Aronic, 3500 Cedar Run, asked if service would be available to school students with subscription service to go on field trips.

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

Councilman Grable moved to approve the Resolution adopting the Americans with Disabilities Act Paratransit Plan for the Abilene Transit System with noted changes as recommended by staff. 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.

The Resolution is numbered 2-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING AN AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT PLAN.

**9. Other Business:** 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 Grable moved to authorize and approve settlement in the amount of \$250,000 for claim settlement of traffic accident. 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.

Harvey Cargill, City Attorney, briefed the Council on a vacancy in the legal department following the appointment of Keith Barton as Municipal Court Judge, and requested Council appoint Sharon Sneed Davis as Assistant City Attorney.

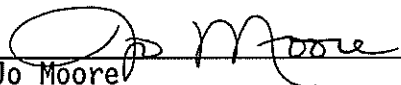
Councilman Vasquez moved to appoint Sharon Sneed Davis as Assistant City Attorney. The motion was seconded by Councilwoman Ray and the motion carried.  
AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, McNeil, Councilwoman Herrera, and Mayor McCaleb.  
NAYS: None.

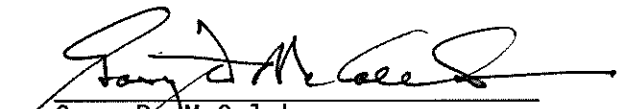
The Resolution is numbered 3-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE APPOINTMENT OF AN ASSISTANT CITY ATTORNEY FOR THE CITY OF ABILENE.

Councilman McNeil moved to appoint Randy Wilkerson to the Abilene Economic Development Company, Inc., term expiring 11/92; and John Thompson as County representative to the Reinvestment Zone #1 as recommended by staff. 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.

There being no further business, the meeting was adjourned at 11:40 a.m.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor