

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, March 12, 1992, at 8:30 a.m. to consider the following:

1. Update and discussion on weather sirens.
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, March 12, 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 Liz Herrera.
3. Approval of Minutes: Pre-Council Session and Regular City Council Meeting held February 27, 1992.
4. Awards:  
Employee Service Awards  
30 Years Charles C. Allmand Utility Worker II  
Water Distribution Division  
25 Years Frank W. Weise Police Officer  
Police Department  
25 Years Ramon R. Aguirre Route Supervisor  
Refuse Division  
  
Employee 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. Oral Resolution authorizing payment of paving repairs on Kirkwood Street.
  - b. Resolution approving increase in the Administrative Fee for the Abilene Teen Court.
  - c. Resolution authorizing Mayor to execute FAA Grant #3-48-0002-13 and Award of Bid CB 2028 for \$602,489.30 to Bontke Brothers Construction Co. of Abilene to overlay and mark Runway 17L-35R at the Abilene Regional Airport.
  - d. Consider on first reading - An Ordinance changing zoning district boundaries - Z-00392 - Request from Furr's Properties, Inc.; agent, Bob J. Surovik, to amend a PDD (Planned Development) district or-

dinance to allow the retail sale of gasoline (with and including automobile services) located at S. 27th St. & Buffalo Gap Road, and set a public hearing for March 26, 1992 at 9:00 a.m.

- e. Consider on first reading - An Ordinance changing zoning district boundaries - Z-00992 - Request from I. S. Gathright; agent, Eddie Chase, to rezone from RM-2 (Residential Multi-Family) to O (Office) district located in the 3200 block of Curry Lane, and set a public hearing for March 26, 1992 at 9:00 a.m.
- f. Resolution directing publication of Notice of Intention to issue combination tax and revenue Certificates of Obligation, Series 1992.
- g. Resolution authorizing WTU to furnish floodlighting service within the City.
- h. Consider on first reading - An Ordinance adopting the 1991 Uniform Building Code with amendments, and set a public hearing for March 26, 1992 at 9:00 a.m.
- i. Resolution approving lease agreements between the City and Union Pacific Railroad and authorize Mayor to execute leases.

7. **Award of Bid:**

- a. Police sedans, Bid #CB2029.
- b. Weed mowing contract, Bid #CB2030.

**REGULAR AGENDA**

8. **Ordinances & Resolutions:**

- a. **Public Hearing:** Consider on second and final reading - An ordinance amending the 1990 National Electrical Code to allow increased penalty for continued work performed without permits.
- b. Resolution approving HOME Investment Partnership Program Statement and projected use of funds for FY 91/92.

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.

**ADJOURN**

**NOTICE**

Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact Jo Moore, City Secretary, 676-6202 at least forty-eight (48) hours in advance of this meeting. Telecommunication device for the deaf is 676-6568.

**CERTIFICATE**

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 16 day of March, 1992, at 5:00 (a.m./p.m.)

  
CITY SECRETARY

(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. James Richardson v. City
4. Pam Martin et al v. City and General Beverage
5. Thinnes v. City
6. DeHoyos v. City
7. Lois Woods v. City & Charles Wayne Parker
8. Randy Villa Pedroza v. Edward Michael Hobbs & Dr. Fox
9. Kenneth Brown v. City
10. Pamela Susan Combs v. Dillard's & Mall of Abilene & City
11. Kim Maynard v. City & Charles Kimbel Vickers
12. Leroy Hammond v. City
13. Ybarra v. City & Midnight Rodeo & Gannaway
14. E. E. Whitworth, d/b/a WBS v. City
15. Heritage Parks Community Association v. City & taxing entities
16. Allied Steel v. City, et al
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 11/11/91

**PRE-COUNCIL WORK SESSION, THURSDAY  
March 12, 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 March 12, 1992, 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, 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. Councilman Jimmy McNeil was absent.

Roy McDaniel, Assistant City Manager, gave an Update on the weather sirens. The Council briefly discussed various consent and regular agenda items, and it was noted that on page 6i-10 under Article 2, Term B, last sentence, the words "...including, without limitation the Lessor's right to reevaluate the rental as provided in Article 3B below..." were to be removed. 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  
March 12, 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 March 12, 1992, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Liz Herrera.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held February 27, 1992, Councilwoman Ray moved to approve the minutes as printed. 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.

Mayor McCaleb presented the following proclamations:  
March as Youth Art Month; and  
March 21 as Lions' White Cane Day.

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

30 Years	Charles C. Allmand	Utility Worker II Water Distribution Division
25 Years	Frank W. Weise	Police Officer Police Department
25 Years	Ramon R. Aguirre	Route Supervisor Refuse Division

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the March Employee of the Month Award to Tom Martin, Landscape Architect for the Parks Division.

Earnest Merritt, Special Assistant to the City Manager for Youth Services, assisted Mayor McCaleb in the presentation of the March Teen of the Month Award to Eric Mendoza, Abilene High School.

Councilman Vasquez moved to approve consent agenda items 6a through 6c, 6f, 6g, and 6i; 7a and 7b, and approval of first reading agenda items 6d and 6e as recommended by the staff. Item 6h was removed from the consent agenda to be considered separately at the request of a citizen. The motion was seconded by Councilman Terry and the motion carried.

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

NAYS: None.

**6. Ordinances and Resolutions:**

a. Oral Resolution authorizing payment to Charles L. Burnett Construction Co. in the amount of \$19,589.65 for paving repairs on Kirkwood Street.

b. Resolution approving increase in the Administrative Fee for the Abilene Teen Court.

The Resolution is numbered 12-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AN INCREASE IN THE ADMINISTRATIVE FEE FOR THE ABILENE TEEN COURT.

c. Resolution authorizing Mayor to execute FAA Grant #3-48-0002-13 and Award of Bid CB 2028 for \$602,489.30 to Bontke Brothers Construction Co. of Abilene to overlay and mark Runway 17L-35R at the Abilene Regional Airport.

The Resolution is numbered 13-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING GRANT AGREEMENT 3-48-0002-13 FROM THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE ABILENE REGIONAL AIRPORT.

d. Approval of first reading - An Ordinance changing zoning district boundaries - Z-00392 - Request from Furr's Properties, Inc.; agent, Bob J. Surovik, to amend a PDD (Planned Development) district ordinance to allow the retail sale of gasoline (with and including automobile services) located at S. 27th St. & Buffalo Gap Road, and set a public hearing for March 26, 1992 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. 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 changing zoning district boundaries - Z-00992 - Request from I. S. Gathright; agent, Eddie Chase, to rezone from RM-2 (Residential Multi-Family) to O (Office) district located in the 3200 block of Curry Lane, and set a public hearing for March 26, 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.

- f. Resolution directing publication of Notice of Intention to issue combination tax and revenue Certificates of Obligation, Series 1992.

The Resolution is numbered 14-1992 and is captioned as follows:

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1992.

- g. Resolution authorizing WTU to furnish floodlighting service within the City.

The Resolution is numbered 15-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING WEST TEXAS UTILITIES COMPANY TO FURNISH FLOODLIGHTING SERVICE WITHIN THE CITY OF ABILENE, TEXAS.

- h. Removed from Consent Agenda.

- i. Oral Resolution approving lease agreements between the City and Union Pacific Railroad and authorize Mayor to execute leases.

7. **Award of Bid:**

- a. Police sedans, Bid #CB2029. The bid was awarded with the change order for one additional sedan to Lawrence Hall Chevrolet, the low responsible bidder, in the amount of \$217,071.00 as recommended by staff.
- b. Weed mowing contract, Bid #CB2030. The bid was awarded to Conder Contracting as recommended by staff.

6.h. Cassie Hughes, Building Inspection Administrator, briefed the Council on an Ordinance considered on first reading adopting the 1991 Uniform Building Code with amendments, and set a public hearing for March 26, 1992 at 9:00 a.m.

Lois Stewart, citizen, addressed the Council on the importance of residential pool safety, requesting the Ordinance go back to staff to include additional barriers around pools.

Mayor McCaleb explained that the City Council does not make the final decision today, must have two readings; however the City Council may make any changes it deems necessary.

Councilwoman Ray moved to approve the Ordinance on first reading adopting the 1991 Uniform Building Code with amendments, and set a public hearing for March 26, 1992 at 9:00 a.m. At that time, consideration will be made to increase residential pool barriers. The motion was seconded by Councilwoman Herrera and the motion carried.

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

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

**8. Ordinances & Resolutions:**

a. Cassie Hughes, Building Inspection Administrator, briefed the Council on an Ordinance considered on second and final reading amending the 1990 National Electrical Code to allow increased penalty for continued work performed without permits. The MPE Board and staff recommend approval.

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

Councilman Vasquez moved to approve the ordinance amending the 1990 National Electrical Code to allow increased penalty for continued work performed without permits. 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.

The Ordinance is numbered 8-1992 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 3, "ELECTRICAL CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

b. Mike Morrison, Director of Community & Economic Development, briefed the Council regarding a Resolution approving the HOME Investment Partnership Program Statement and projected use of funds for FY 91/92. Mr. Morrison then introduced Mary Gill, chair of the Affordable Housing Task Force, who updated the Council on the committee's progress.

Councilman Grable moved to approve the Resolution approving the HOME Investment Partnership Program Statement and projected use of funds for FY 91/92. The motion was seconded by Councilwoman Herrera, and the motion carried.

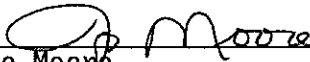
AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, Councilwoman Herrera, and Mayor McCaleb.

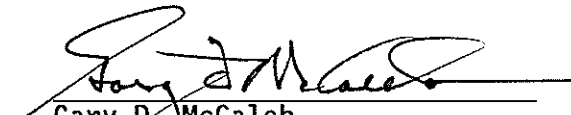
NAYS: None.

The Resolution is numbered 16-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE PROGRAM DESCRIPTION AND PROJECTED USE OF FUNDS FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR FY 1991/92.

There being no need for an executive session and no further business, the meeting was adjourned at 9:50 a.m.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor