

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, **June 25, 1992**, 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, **June 25, 1992**, at 9:00 a.m.

CITY COUNCIL: Mayor Gary D. McCaleb; Council - Paul R. Vasquez, Betty Ray, Jack Grable, Bill Terry, Ray Ferguson and Liz Herrera.

1. **Call to Order.**
2. **INVOCATION:** Councilwoman Liz Herrera.
3. **Approval of Minutes:** City Council Pre-Council Session and Regular City Council Meeting held June 11, 1992.
4. **Proclamations**
5. **Awards**

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 & Resolutions:**
 - a. Resolution amending Resolution #10-1991 concerning the City of Abilene Youth Advisory Council of Abilene, Texas.
 - b. Consider on second and final reading - An Ordinance exempting West Texas Utilities from reporting requirements of Ordinance #3-1991.
 - c. Consider on second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-293 and 18-299 of the Abilene Municipal Code.
7. **Award of Bid:**
 - a. Self-propelled articulated lift for Parks Division, Bid #CB-2041.
 - b. Sears Park pavillion and restroom and picnic shelters, Bid #CB- 2057.
 - c. Pavement marking materials for Traffic Department, Bid #CB-2058.

REGULAR AGENDA

8. **Ordinances & Resolutions:**

- a. **Public Hearing:** Consider on second and final reading - An Ordinance for thoroughfare abandonment - **TC-01992** - Request from Martin D. Denson Post 6873 (VFW), agent William D. Bell, for a thoroughfare abandonment from the east right-of-way line of Vapor Trail east for a distance of 521.75 feet.
- b. **Public Hearing:** Consider on second and final reading - An Ordinance levying assessments for Spring Paving Assessment Program.
- c. **Public Hearing:** Consider Resolution amending the final statement of the Community Development Block Grant (CDBG) Program for FY 91/92 and receive citizen comments on the CDBG Grantee Performance Report for FY 1990/91.

9. **Public Appearance:**

- a. Gary Rose of the Abilene Jaycees to request Public Fireworks Display for July 4, 1992 with alternate date of July 5, 1992.

10. **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 June, 1992, at 5 (a.m./p.m.)


CITY SECRETARY

00096

(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. Dillards & 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.

**PRE-COUNCIL WORK SESSION, THURSDAY
June 25, 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 June 25, 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, Ray Ferguson, and Bill Terry. Also present were City Manager Jim C. Blagg, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., Assistant to the City Manager Debra Guerra, Acting City Secretary Debbie Hurley, and various members of the City staff. Councilwoman Liz Herrera was absent.

Council briefly discussed various consent and regular agenda items, and an amended Resolution for agenda item 6a was distributed. 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
June 25, 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 June 25, 1992, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Paul R. Vasquez.

David Hoover, Chair of the Employee Committee, assisted Mayor McCaleb in the presentation of bracelets and awarding of scholarships from the Employee Scholarship Fund to its first two recipients, Mary Margaret Roe and Melody Ann Vespremi. Mr. Hoover then presented Mayor McCaleb with a plaque listing recipients, which will be displayed in the first floor lobby.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held June 11, 1992, Councilman Terry moved to approve the minutes as printed. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

Councilman Vasquez moved to approve consent agenda items 6a through 6c and 7a through 7c, as recommended by the staff. The motion was seconded by Councilman Grable and the motion carried.

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

NAYS: None.

00098

6. Ordinances & Resolutions:

- a. Resolution amending Resolution #10-1991 concerning the City of Abilene Youth Advisory Council of Abilene, Texas.

The Resolution is numbered 31-1992 and is captioned as follows:

A RESOLUTION AMENDING RESOLUTION NO 10-1991 CONCERNING THE CITY OF ABILENE ADVISORY YOUTH COUNCIL OF ABILENE, TEXAS.

- b. Approval of second and final reading - An Ordinance exempting West Texas Utilities from reporting requirements of Ordinance #3-1991.

The Ordinance is numbered 26-1992 and is captioned as follows:

AN ORDINANCE EXEMPTING WEST TEXAS UTILITIES COMPANY FROM ORDINANCE NO. 3-1991.

- c. Approval of second and final reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-293 and 18-299 of the Abilene Municipal Code.

The Ordinance is numbered 27-1992 and is captioned as follows:

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.

7. Award of Bid:

- a. Self-propelled articulated lift for Parks Division, Bid #CB-2041. The bid was awarded to Still Manufacturing, Inc., the single source bidder, in the amount of \$19,670.00 as recommended by staff.
- b. Sears Park pavilion and restroom and picnic shelters, Bid #CB-2057. The bid was awarded to Lesmans Construction, the low responsible bidder in the amount of \$64,424.00, as recommended by staff.
- c. Pavement marking materials for Traffic Department, Bid #CB-2058. The bid was awarded to the low responsible bidders meeting specifications for the unit prices bid with an estimated total of \$64,046.60 as follows, as recommended by staff: Item 1, non-reflective ceramic (yellow) to Roadrunner; Item 2, non-reflective ceramic (white) and Item 3, epoxy-resin & hardener to Trantex; Item 4, prismatic reflective (1-way white) and Item 5, prismatic reflective (2-way yellow) to Southwestern Materials.

8. Ordinances & Resolutions:

- a. Mindy Manson, Assistant Director of Planning and Development Services for Planning, briefed the Council on an Ordinance considered on second and final reading for thoroughfare abandonment - TC-01992 - Request from Martin D. Denson Post 6873 (VFW), agent William D. Bell, for a thoroughfare abandonment from the east right-of-way line of Vapor Trail east for a distance of 521.75 feet. The Planning and Zoning Commission recommends approval, staff recommends approval with the following conditions: 1) the easternmost 100'

not be abandoned and additional right-of-way be dedicated for a cul-de-sac; and 2) the entire right-of-way be retained for drainage and utility easements.

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.

Councilwoman Ray moved to approve the Ordinance for thoroughfare abandonment from the east right-of-way line of Vapor Trail east for a distance of 521.75 feet with the recommended conditions, as recommended by staff. The motion was seconded by Councilman Terry and the motion carried.

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

Nays: None.

The Ordinance is numbered 28-1992 and is captioned as follows:

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.

b. Dale Williamson, City Engineer, briefed the Council on an Ordinance considered on second and final reading levying assessments for Spring Paving Assessment Program. He then introduced Mr. A. V. Perez, a real estate appraiser who reviewed with the Council his estimates.

Mayor McCaleb opened a public hearing on the item on a street-by-street basis, and the following individuals spoke in regard to the item:

Almond Street:

. None.

Victoria Street:

- . H. Marion Golden, 1934 Sandefer, cannot afford it because he is on a fixed income. He is against paving.
- . J. W. Jones, 2401 Old Anson Road, is against paving.
- . Dr. Ann Cook, Victoria Street, stated the petition is at least two years old and feels that 90-95% of the residents who signed the petition have had financial status changes since then.
- . Lawrence Johnson, 2321 Old Anson Road, did not sign the petition and asked for a postponement.
- . S. S. King, 1974 Beckham, stated he had signed 3 petitions over the years without results, is willing to pay his part.
- . Floyd Collum, 2425 Old Anson Road, is in favor.
- . Shirley Noe, 1957 University, in favor, but asked Council to consider lower payments for those on fixed incomes.
- . Carrie Smith, Buccaneer Street, owns a vacant lot, stated she will have to pay it out.

Orange:

- . Eula Isbell, 3125 Orange, is for paving 100%.

00000

Walnut:

- . Daughter of Mr. DeLeon, 2434 Walnut, represented her father, who owns property and is against paving.

S. 18th:

- . Mrs. Kirby, 2401 S. 18th, has lived there 33 years and stated the street never has been paved and she is not wanting it paved. She also spoke for her aunt at 2402 S. 18th, who is in a nursing home and cannot afford the cost.
- . Dale Smith, 2590 S. 18th, recently purchased residence for rental purposes, stated the cost doesn't warrant paving.
- . Robert Smith, owns a quadraplex and rents to the elderly. He is trying to keep the rent down for those on fixed, but this will force him to raise his rent.
- . Dalton Kirby, 2401 S. 18th, stated he is against paving.
- . Mr. Flores, 1801 Portland, stated he is not against paving, but he can't afford the cost.

Grand:

- . Robert French, 2401 Hunt, stated there is not that much traffic on the street, and paving would probably increase the traffic. He also stated he could not afford it.
- . Norma Esmerado, 1950 Santos Street, is in favor of paving, would like Council to consider reducing the assessment costs.

Fulton:

- . None.

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

After a lengthy discussion among Council and staff, Councilwoman Ray moved to approve the Ordinance considered on second and final reading levying assessments for Spring Paving Assessment Program, as recommended by staff, and directing staff to send letters to those affected outlining the payment options available. The motion was seconded by Councilman Grable and the motion carried.

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

Nays: None.

The Ordinance is numbered 29-1992 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CLOSING THE PUBLIC HEARING; ORDERING IMPROVEMENTS AND LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREETS IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, TO-WIT: 1991 SPRING ASSESSMENT PAVING PROGRAM.

UNIT 1 - 30' WIDE STREET F/C TO F/C

1. Almond Street - From N. 13th Street to Cedar Hill Cemetery South
2. Victoria Street - From Sandefer Street to Vogel Avenue
3. Orange Street - From Anson Avenue to W. Stamford Street
4. Walnut Street - From University Boulevard to 300 feet north
5. S. 18th Street - From Portland Avenue to Grand Avenue
6. Grand Avenue - From S. 19th Street to Hunt Street
7. Fulton Street - From Grand Avenue to Santos Street

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE; STIPULATING THE RATE OF INTEREST AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY, MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREETS, BOULEVARDS, AVENUES, OR PORTIONS THEREOF; PROVIDING FOR THE COLLECTION THEREOF; AFFIRMING AND RATIFYING THE CONTRACT LET FOR THE CONSTRUCTION OF SAID AFOREMENTIONED IMPROVEMENTS; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING AN EMERGENCY.

c. Mike Morrison, Director of Community and Economic Development, briefed the Council on a Resolution amending the final statement of the Community Development Block Grant (CDBG) Program for FY 91/92 and receive citizen comments on the CDBG Grantee Performance Report for FY 1990/91. Staff recommends approval.

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

- . Bruce Davis, Windsor Hotel partner, stated he has received an overwhelming number of positive responses.

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

Councilman Grable moved to approve the Resolution amending the final statement of the Community Development Block Grant (CDBG) Program for FY 91/92 and receive citizen comments on the CDBG Grantee Performance Report for FY 1990/91, as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

The Resolution is numbered 32-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING AN AMENDED FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1991-92.

9. Public Appearance:

Gary Rose of the Abilene Jaycees presented a request for a Public Fireworks Display July 4, 1992 with an alternate date of July 5, 1992.

Councilman Terry moved to approve the request pending approval by the State Fire Marshal's office, for the Public Fireworks Display for July 4, 1992, as requested. The motion was seconded by Councilman Vasquez and the motion carried.

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

Nays: None.

Mayor McCaleb presented a Proclamation to Mr. Rose designating July 3-5 as Fantastic Fourth Weekend and thanked the Jaycees for their work on the project.

Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e and 2g of the Open Meetings Act, and to consider the appointment and evaluation of public officers.

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

10. Other Business

a. Councilman Terry moved to reluctantly settle out of court the case of Richardson v. City in the amount of \$115,000 plus court costs not to exceed \$7,500 as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

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

Nays: None.

b. Councilman Vasquez moved to appoint and reappoint board and commission members as follows:

PARKS AND RECREATION - 3 year term
Mr. Syd Niblo, term expiring 2/94

CIVIC ABILENE - 3 year term
Mr. Steven Leggett, term expiring 5/95
and Ms. Tiffany Wagstaff, term expiring 5/94

LANDMARKS COMMISSION - 3 year term
Ric Savage to fill an alternate position

SISTER CITIES COMMITTEE
Mary Cooksey - Steering Committee
Bill Short - Rio Cuarto, Argentina
Mary Booth Steward - Corinth, Greece
Richard Chowning - Arusha, Tanzania

YOUTH ADVISORY COUNCIL - 1 year term
Tunisia Jordan, Christy Cargill
James Merrill, Matt Mitchell
Christine Fernandez, Jackie Moreno
Aaron Chowning, Elizabeth Smith
Jonathan Loya, Michelle Gibbs
Nicole Tyson, Delia Martinez
Jennifer May, Mitsi Pair
Dallas Houston, Pascual Mirelez
Dustin Pratt, John Jones

Wylie High School
Cooper High School
Abilene High School
Abilene Christian HS
Madison Middle School
Mann Middle School
Jefferson Middle School
Franklin Middle School
Lincoln Middle School

Natalie Porter, Christy Stringfellow
Ricky Townsley, Luis Amaro

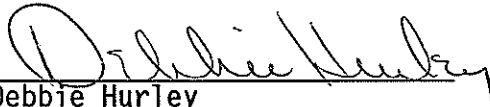
Wylie Middle School
Project Pass

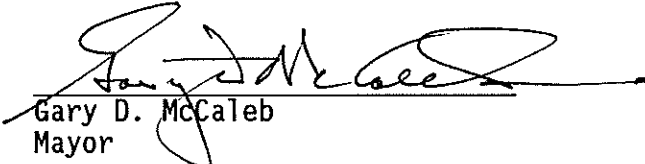
The motion was seconded by Councilman Ferguson and the motion carried.

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

Nays: None.

There being no further business, the meeting was adjourned at 11:35 a.m.


Debbie Hurley
Acting City Secretary


Gary D. McCaleb
Mayor