

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, July 23, 1992, at 8:30 a.m. to consider the following:

- . EPA MS-4 Permit Application presentation by Alan Plummer of Alan Plummer and Associates, Inc., Arlington, Texas.
- . 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, July 23, 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 Betty Ray.
3. Approval of Minutes: Pre-Council Session and Regular City Council Meeting held July 9, 1992.
4. Proclamations
5. Awards
Abilene Clean & Proud Quarterly Recognition 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:

- J. Condry a. Consider on second and final reading - an Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-286 and 18-302 of the Abilene Municipal Code.
- D. Hargesheimer b. Oral Resolution - authorizing execution of Professional Services Contract for Water Utilities Department.
- H. Cargill c. Consider on first reading - an Ordinance approving Interruptible, Curtailable and Economic Development Riders for West Texas Utilities Company within the City of Abilene and set a Public Hearing for August 13, 1992 at 9:00 a.m.
- J. Condry d. Resolution - approving Sanitary Sewer waiver request for Lot 1, Block A, Wilson Subdivision.
- Condry e. Resolution - approving Sanitary Sewer waiver request for Lot 4, Block A, Reynolds Subdivision.

0117

7. Award of Bid:

- G. Cook a. Annual purchase of fuel for Administrative Services Department - Bid #CB-2062.
- D. Wright b. Trailer Mounted Air Compressors for Street and Water Distribution Divisions - Bid #CB-2065.
- D. Hargesheimer c. Environmental Laboratory Equipment for Water Utilities Department - Bid #CB-2052.
- Hargesheimer d. Sale of Land for Water Utilities Department - Bid #CB-2069.
- Condry e. Construction of sidewalks in the vicinity of new Abilene Independent School District schools - Bid #CB-2067.
- J. Condry f. Three (3) paratransit vans for City Link - Bid #CB-2054.
- M. Morrison g. Renovation of Hangar #4 at the Abilene Regional Airport - Bid #CB-2068.
- G. Cook h. Annual purchase of oil and lubricant products for Administrative Services Department - Bid #CB-2063.

REGULAR AGENDA

8. Ordinances and Resolutions:

- M. Manson a. **Public Hearing:** Consider on second and final reading - an Ordinance amending PDD #26 - Request from Faith Morley to allow residential single family activities, located at Buffalo Gap & Chimney Rock Roads.
- M. Manson b. Resolution to amend Thoroughfare Plan.

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.
- J. Condry c. **Resolution** - authorizing eminent domain proceedings on Parcels 5 & 7 of Elm Creek Improvement Project from Wichita Valley Railroad to FM 600.


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 17 day of July, 1992, at 11 (a.m./p.m.)


CITY SECRETARY

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(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. Pamela Susan Combs v. Dillard's & Mall of Abilene & City
8. Kim Maynard v. City & Charles Kimbel Vickers
9. Leroy Hammond v. City
10. Ybarra v. City & Midnight Rodeo & Gannaway
11. Heritage Parks Community Association v. City & taxing entities
12. Allied Steel v. City, et al
13. Creel v. City
14. City Water Permit Applications
15. Lone Star Gas Gate Rate
16. Southwestern Bell Rate Case
17. 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 or litigation issues arise as to the posted subject matter of this City Council Meeting, an executive session will be held.

HC 7/23/92

**PRE-COUNCIL WORK SESSION, THURSDAY
July 23, 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 July 23, 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 Ray Ferguson, 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, and various members of the City staff. Councilman Jack Grable was absent.

Council briefly discussed various consent and regular agenda items. A presentation was given on the Environmental Protection Agency's requirements on permit Application for Stormwater management by Alan Plummer of Alan Plummer and Associates, Inc. of Arlington. There being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
July 23, 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 July 23, 1992, at 9:00 a.m. in the 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 July 9, 1992, Councilwoman Ray moved to approve the minutes as printed. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

Alison Benton, President of Abilene Clean and Proud, assisted Mayor McCaleb in presentation of Abilene Clean & Proud Quarterly Recognition Awards to the following local businesses: Hendrick Medical Center for recycling; Abilene Teachers' Federal Credit Union for landscaping; and McDonald's for litter control, recycling and landscaping. Mayor McCaleb stated his appreciation for the efforts to keep Abilene clean and beautiful.

Councilman Vasquez moved to approve consent agenda items 6a through 6e 7a through 7f, and 7h as recommended by the staff. Item 7g was removed from the agenda to be considered at a later date. The motion was seconded by Councilwoman Herrera and the motion carried.

AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Ferguson (on all items except 7a), Terry, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

ABSTAIN: Councilman Ferguson on item 7a only, due to his firm's client relationship with Skinny's Inc.

6. **Ordinances & Resolutions:**

- a. Approval of second and final reading - an Ordinance amending Chapter 18, "Motor Vehicles and Traffic", Sections 18-286 and 18-302 of the Abilene Municipal Code.

The Ordinance is numbered 30-1992 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.

- b. Oral Resolution authorizing execution of Professional Services Contract with Alan Plummer & Associates Inc. and authorize the payment of fees up to the maximum amounts for each part for the Water Utilities Department.
- c. Approval of first reading - an Ordinance approving Interruptible, Curtailable and Economic Development Riders for West Texas Utilities Company within the City of Abilene and set a Public Hearing for August 13, 1992 at 9:00 a.m.

AN ORDINANCE APPROVING, RATIFYING, CONFIRMING, AND ACCEPTING THE EXPERIMENTAL RIDER FOR INTERRUPTIBLE SERVICE, EXPERIMENTAL RIDER FOR INTERRUPTIBLE SERVICE TO HIGH LOAD FACTOR CUSTOMERS, EXPERIMENTAL RIDER FOR CURTAILABLE SERVICE FILED BY WEST TEXAS UTILITIES COMPANY FOR THE FURNISHING OF SERVICE WITHIN THE CITY OF ABILENE, TEXAS, BY WEST TEXAS UTILITIES COMPANY; PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

- d. Resolution approving Sanitary Sewer waiver request for Lot 1, Block A, Wilson Subdivision.

The Resolution is numbered 34-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING SEWER IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE FOR LOT 1, BLOCK A, WILSON SUBDIVISION, ABILENE, TAYLOR COUNTY, TEXAS, LOCATED ON FM 707 IN ABILENE, TAYLOR COUNTY, TEXAS.

- e. Resolution approving Sanitary Sewer waiver request for Lot 4, Block A, Reynolds Subdivision.

The Resolution is numbered 35-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING SEWER IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE FOR LOT 4, BLOCK A, REYNOLDS SUBDIVISION, ABILENE, TAYLOR COUNTY, TEXAS, LOCATED ON US 83/84 IN ABILENE, TAYLOR COUNTY, TEXAS.

7. **Award of Bid:**

- a. Annual purchase of fuel for Administrative Services Department - Bid #CB-2062. The bid was awarded as follows: tanker loads of unleaded gasoline and #2 diesel to Pride Refining and Skinny's for #1 diesel; and bobtail loads to Bob Loyd LP Gas; as recommended by staff. The contracts will be for one year with the option to extend for an additional year if all parties agree.

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- b. Trailer Mounted Air Compressors for Street and Water Distribution Divisions - Bid #CB-2065. The bid was awarded to Godsey Equipment Co., the low responsible bidder in the amount of \$21,200.00, as recommended by staff.
- c. Environmental Laboratory Equipment for Water Utilities Department - Bid #CB-2052. The bid was awarded to O. I. Analytical, the low responsible bidder in the amount of \$25,896.00, as recommended by staff.
- d. Sale of Land for Water Utilities Department - Bid #CB-2069. The bid was accepted by oral resolution from Roland O. Wolf in the amount of \$5,000.00, and staff was authorized to prepare appropriate deeds for sale of the property as recommended by staff.
- e. Construction of sidewalks in the vicinity of new Abilene Independent School District schools - Bid #CB-2067. The bid was awarded to Ballard Concrete Construction, Inc. for the unit prices bid with an estimated project amount of \$27,844.00, as recommended by staff.
- f. Three (3) paratransit vans for City Link - Bid #CB-2054. The bid was awarded to Lasseter Bus Company in the amount of \$168,681.00 contingent upon FTA concurrence, as recommended by staff.
- g. Renovation of Hangar #4 at the Abilene Regional Airport - Bid #CB2068. Removed from agenda to be considered at a later date.
- h. Annual purchase of oil and lubricant products for Administrative Services Department - Bid #CB-2063. The bid was awarded as follows: Items 1, 2, 4, and 5 to Western Marketing; and Items 3, 6, and 7 to Westex Fuels and Lubricants; as recommended by staff. Contracts will be for one year with the option to extend for one additional year if mutually agreed upon by both parties.

8. Ordinances and 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 amending PDD #26 - Request from Faith Morley to allow residential single family activities, located at Buffalo Gap & Chimney Rock Roads. The Planning and Zoning Commission 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.

Councilwoman Ray moved to approve the Ordinance amending PDD #26 to allow residential single family activities located at Buffalo Gap & Chimney Rock Roads as recommended by staff. The motion was seconded by Councilman Terry and the motion carried.

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

NAYS: None.

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, AND ORDINANCE NO. 103-1984 CONCERNING THE PROFESSIONAL PLAZA PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

b. Mindy Manson, Assistant Director of Planning and Development Services for Planning, briefed the Council on a Resolution amending the Thoroughfare Plan. The Planning and Zoning Commission and staff recommend approval.

Councilman Ferguson moved to approve the Resolution amending the Thoroughfare Plan as recommended by staff. The motion was seconded by Councilman Vasquez and the motion carried.

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

NAYS: None.

The Resolution is numbered 36-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TO AMEND THE 1986 THOROUGHFARE PLAN.

Mayor McCaleb reported on pre-school program misconceptions. The item that had been removed due to cost. There is no cost involved, the program operated from fees collected. It was discontinued because needs are being met through other programs; therefore it is no longer needed. It appears there may still be a need and staff is looking at ways to continue the program if it is determined that it is still needed; however, it does not affect the budget.

Mayor McCaleb recessed the Council into executive session pursuant to Sections 2e, 2f, and 2g of the Open Meetings Act; to seek the advice of our City Attorney with respect to pending and contemplated litigation, purchase and exchange of real property; and to consider the appointment and evaluation of public officers.

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

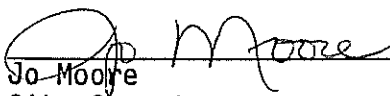
Councilman Terry moved to reappoint Betty Hardwick, Mary Lou Gilbreath, J. M. McClarty, Thomas V. Lovvorn Jr., and Rosalind Shields to the MH/MR Board of Trustees, terms expiring 8/31/94. The motion was seconded by Councilman Vasquez and the motion carried.

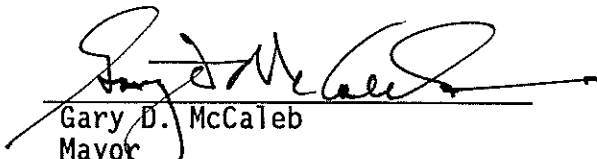
AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

Nays: None.

Item 9C, Eminent Domain Proceedings - Elm Creek Improvement Project, Wichita Valley Railroad to FM 600, parcels 5 and 7 was removed from the agenda to be considered at a later date.

There being no further business, the meeting was adjourned at 11:05 a.m.


Jo Moore
City Secretary


Gary D. McCaleb
Mayor