

**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, **August 13, 1992**, at 8:30 a.m. to consider the following:

1. Update on compliance with 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, **August 13, 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:** Councilman Bill Terry.
3. **Approval of Minutes:** City Council Budget Work Sessions July 15 and 16, 1992; Pre-Council Session and Regular City Council Meeting held July 23, 1992.

4. **Awards:**

**Employee Service Awards**

40 Years	Bobby D. Owen	Fire Lieutenant Fire Department
30 Years	Charlie R. Martin	Street Maintenance Supervisor Street Services Division
25 Years	Wiley B. Walker	Police Lieutenant Police Department
25 Years	Samuel L. Whitworth	Heavy Equipment Operator II Street Services Division
20 Years	Van Mayhall	Graphics Supervisor Planning & Development Services

**Employee of the Month Award**

**Keep Texas Beautiful 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. Consider on first reading - An Ordinance changing zoning district boundaries - Z-02792- Request from Musgrave, Bixby, Smithwick Trust to rezone from AO (Agricultural Open Space) to RS-6, RM-1, O, LC & GC (Residential Single Family,

Residential Multi-Family, Office, Limited Commercial & General Commercial) district, located at Hwy. 277 & Rebecca Lane, and set a public hearing for August 27, 1992.

- b. Oral Resolution approving a contract for the Primary Health Services Program.
- c. Oral Resolution approving a contract with Community Action Program of Taylor County, Inc.

7. **Award of Bid:**

- a. Construction of intersection improvements at Buffalo Gap Road and South 27th Street--Bid #CB-2073.
- b. Ditching machine for Parks Division--Bid #CB-2064.
- c. Ballfield fencing and irrigation at Lake Kirby Park, Bid #CB-2074.

**REGULAR AGENDA**

8. **Ordinances and Resolutions:**

- a. **Public Hearing:** Consider on second and final reading - An Ordinance approving the Revised FY 1991-92 and Proposed FY 1992-93 Budgets, and Resolution approving revised Schedule of Rates and Charges for Refuse Collection Division; Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant funds; and Resolution approving certain user fees including a transit fare increase.
- b. Consider on second and final reading Proposed FY 1992-93 Tax Levy Ordinance.
- c. **Public Hearing:** Consider on second and final reading - an Ordinance approving Interruptible, Curtailable and Economic Development Riders for West Texas Utilities Company within the City of Abilene.

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 676-6360.

**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 7 day of August, 1992, at 5 (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. Dillards & 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  
August 13, 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 August 13, 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, Ray Ferguson, 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.

City Attorney Harvey Cargill, Administrative Services Director Pam Collins, Building Official Bob Fowler, and Assistant Director of Planning and Development Services for Public Works James Condry updated the Council on the City's compliance with the Americans With Disabilities Act. The Council briefly discussed various consent and regular agenda items, and 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  
August 13, 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 August 13, 1992, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Bill Terry.

There being no corrections, additions, or deletions to the minutes of the City Council Budget Work Sessions July 15 and 16, 1992; Pre-Council Session and Regular City Council Meeting held July 23, 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 Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

Mayor McCaleb, assisted by City Secretary Jo Moore, presented Employee Service Award to the following individuals for their years of service:

40 Years	Bobby D. Owen	Fire Lieutenant Fire Department
30 Years	Charlie R. Martin	Street Maintenance Supervisor Street Services Division
25 Years	Wiley B. Walker	Police Lieutenant Police Department
25 Years	Samuel L. Whitworth	Heavy Equipment Operator II Street Services Division
20 Years	Van Mayhall	Graphics Supervisor Planning & Development Services

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Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in the presentation of the August Employee of the Month Award to Ron Smith, Journey Fire Medic.

Martin Garcia, Abilene Clean and Proud board member, presented the Keep Texas Beautiful Proud Community Award to Mayor McCaleb.

Mayor McCaleb presented a Proclamation to Dean Adams, Abilene Clean and Proud board member, proclaiming August 13, 1992 Dean Walter Adams Day.

Janet Parkey presented KRBC's second place media award to Ken Knox and Mary Cooksey; Micki Wright presented the Keep Texas Beautiful Sustained Excellence Award to Mayor McCaleb; and Dave Boyll and Janet Parkey presented the Governor's Community Achievement Award to Mayor McCaleb. Donna Albus, Clean and Proud Coordinator, recognized the Abilene Clean and Proud Board and Committee members who worked diligently toward the achievements which resulted in the numerous awards received by the City of Abilene.

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

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

NAYS: None.

#### 6. Ordinances and Resolutions:

- a. Approval of first reading - An Ordinance changing zoning district boundaries - Request from Musgrave, Bixby, Smithwick Trust to rezone from AO (Agricultural Open Space) to RS-6, RM-1, O, LC & GC (Residential Single Family, Residential Multi-Family, Office, Limited Commercial & General Commercial) district, located at Hwy. 277 & Rebecca Lane, and set a public hearing for August 27, 1992.

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. Oral Resolution approving a contract for the Primary Health Services Program and authorizing the City Manager to execute the contract consistent with document #C3000119, attachment #05.
- c. Oral Resolution approving a contract with Community Action Program of Taylor County, Inc.

#### 7. Award of Bid:

- a. Construction of intersection improvements at Buffalo Gap Road and South 27th Street--Bid #CB-2073. The bid was awarded to Norris & Norris, Inc. for the unit prices bid with an estimated construction cost of \$157,994.05 as recommended by staff.

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- b. Ditching machine for Parks Division--Bid #CB-2064. The bid was awarded to Ditchwitch Southwest, the low responsible bidder furnishing the reverse chain feature, in the amount of \$22,548.03 as recommended by staff.
- c. Ballfield fencing and irrigation at Lake Kirby Park, Bid #CB-2074. The bid was awarded to Big Country Irrigation, the low bidder, in the amount of \$40,273.00 as recommended by staff.

**8. Ordinances and Resolutions:**

a. and b. David Wright, Director of Finance, briefed the Council on an Ordinance considered on second and final reading approving the Revised FY 1991-92 and Proposed FY 1992-93 Budgets, and Resolution approving revised Schedule of Rates and Charges for Refuse Collection Division; Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant funds; and Resolution approving certain user fees including a transit fare increase, and on an Ordinance considered on second and final reading approving the Proposed FY 1992-93 Tax Levy.

Mayor McCaleb opened a public hearing, and the following individuals spoke on the items:

- . Cathy Phillips, the mother of a homicide victim, 4650 Carrie Ann, spoke in favor of the Crime Victim Crisis Center. Mrs. Phillips requested \$7,000 be added to the budgeted funds for the Center.
- . Chris Young, president of Abilene Jaycees and a parent, 842 Sayles, introduced his son Andrew, then spoke on behalf of Safety City, which Mr. Young stated is supported, not funded, by the Abilene Jaycees Foundation. He stated appreciation to the City Council and staff, and the entire youth/safety program. Mr. Young reviewed the job of Safety City, stating 11,217 children have been affected. Mr. Young proposed the following options: 1) Study possibility of working with area towns (maybe contributions can be obtained from them); 2) utilize funds from equipment replacement fund of \$1.79 million, to place officers in front of kids; 3) too many employees (mentioned by many people). Mr. Young recommended tithing the equipment replacement fund (\$170,000.00 would be available for youth).
- . Rafael Gonzalez, 1318 Green, asked how the Council determined the budget is fair and free of waste since none of them work for the City. He stated the budget is inflated to get what one wants, and questioned the fairness of work distribution. Mr. Gonzalez mentioned salary cuts and too much sick leave, stating the Council does not know what is going on. He suggested trimming the budget more, because he can't imagine raising taxes in a recession.
- . Tom McAlester, 333 Elm Cove, suggested Council consider using retired police officers in Safety City.
- . Jim Pickens, 3209 Amarillo, stated he did not intend to be mean spirited. He is addressing the Council as a body, not personally. He said someone on the Council last year told him the public hearing was only an exercise in public relations, but minds were made up on the budget. The budget is excellent in the increase in crime unit, but unrealistic in present economic conditions; basic economic rules are forgotten, personal income lost ground, taxes are being raised by all

taxing entities. He recommended saying no today and tell staff to come back with a balanced budget.

- . W. M. Glover, 1739 N. 10th, stated the after school babysitting program's increase seems to more than cover the cost, and suggested leaving the budget as it is now.
- . John David Payne, 541 Saddlewood, spoke on the Safety City issue. He spoke as a KEYJ employee and soon to be grandparent, asking if we could afford not to continue as it now exists. Stating the importance of instilling positive values attached to the Police uniform.
- . Elizabeth Guerra, 2034 S. 15th, stated she was hurt to hear what is happening to Safety City, and indicated that children are an important issue. Police officers are respected because of officers teaching at school, and the two officers in Safety City will fill the purpose of instilling in kids there is someone they can believe in.
- . Rachel Valdez, 1321 Buccaneer, is concerned about children, young citizens, and adults and urged the Council to keep Safety City as it now exists.
- . Catherine Murphy, 3375 S. 5th, spoke as a teacher, stating children are so influenced by officers.
- . Joel Schuller, former employee of the Library, 657 Westwood, supporter of Safety City, wrote an editorial for the Abilene Reporter-News. He feels one area of the library could be cut and there are other departments that could be cut. City vehicles (fairly new) were observed driving around, could make better use of vehicle fleet to save money. One program aimed at prevention is Safety City.

There being no one else present and desiring to be heard, the public hearing was closed to the public and opened for Council discussion as follows:

Councilwoman Ray hoped the Council would not be put in the position of not appearing to care about children. The Council is addressing the need of officers in schools and on the streets. Prevention is addressed more on campuses and in homes.

Councilman Vasquez addressed the issue of utilizing retired officers, by stating retired officers in police uniforms cannot be used and that civilians can also wear safety officer uniforms as officers wear. Although the City Council may not know everything, they do have common sense and are given service evaluation reports and more information; and they do not rubber stamp or work in the dark. They do the best they can with what they have.

Councilman Terry asked if there were any other solution for the Crisis Center.

Mayor McCaleb stated the budget has \$51,250 for the Crime Victims Crisis Center, which is the biggest part of the center's budget. Other sources also provide them with funding. The request is for an additional \$7,000.00.

Councilman Vasquez asked what other efforts have been made to secure the \$7,000- besides asking the City.

Judy Edwards, Director for the Crisis Center, responded to Councilman Vasquez' question, stating the Center had requested donations, written requests to the United Way, Community Foundation, Abilene Police Officers Association, etc. The State cut 30% (\$7,000.00) of their funding, which is why they are requesting more funding from the City.

City Manager Jim Blagg asked when, who and how the program was expanded.

Ms. Edwards indicated the State provided the original funding, then local government took over, the state level offered no services for homicide victim survivors.

Russ Evans, Executive Director of MH/MR, explained the history of the Crime Victim Center. It costs \$51,250 to keep the current service; the additional funds are needed due to expansion.

Mayor McCaleb responded to a few comments. He stated appreciation to all who spoke. The public hearing represents just what the Council has dealt with, such as the Crime Victims Crisis Center and Safety City. The Council is also concerned about keeping costs and taxes down. A balanced budget was presented to the Council at the Budget Worksession, and staff had cut \$1.1 million. City Council opted for a tax increase due to attention needed in areas such as Police. Garbage and water increases will be realized due to Federal and State mandates to improve environmental and water quality.

David Wright, Director of Finance, explained the cost of enforcing the mandates.

Councilman Grable stated the budget workshops are open to the public, and at these workshops the Council explores all details.

Councilman Vasquez indicated it would be helpful if citizens and staff would provide input at the budget worksessions.

Mr. Gonzalez asked how the citizens would know if figures are good. The Council has no mechanism to know.

Mayor McCaleb asked what is in the Safety City budget now.

Director of Finance David Wright stated approximately \$75,000 for all they do, not just Safety City.

Mayor McCaleb stated he definitely wants to see Safety City stay alive, and stated appreciation for a workable plan that was presented to the Council.

Councilman Ferguson stated Safety City's cost effectiveness is being evaluated and still provide quality service. He asked how much of the \$75,000 comes for the Jaycees and the answer was none. The Jaycees Foundation provides insurance and maintenance on buildings along with some funding.

Mayor McCaleb asked staff to continue to work with the Crime Victims Center on ways to continue their services.

Councilwoman Herrera moved to approve the Ordinance considered on second and final reading approving the Revised FY 1991-92 and Proposed FY 1992-93 Budgets, and Resolution approving revised Schedule of Rates and Charges for Refuse Collection Division; Resolution approving Final Statement of Objectives and Projected Use of Funds for Community Development Block Grant funds; and

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Resolution approving certain user fees including a transit fare increase for the CityLink Fixed-Route Service to include cash fares, monthly and weekly passes with an effective date of October 1, 1992; all as recommended by staff. The motion was seconded by Councilman Terry and the motion carried.

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

NAYS: None.

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

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 1991-1992; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 1992, THROUGH SEPTEMBER 30, 1993, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING.

The Resolution is numbered 37-1992 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, REVISING THE SCHEDULE OF RATES AND CHARGES FOR REFUSE COLLECTION DIVISION.

The Resolution is numbered 38-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A PROPOSED FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1992-93.

The Resolution is numbered 39-1992 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING VARIOUS FEE SCHEDULES, AND ESTABLISHING AN EFFECTIVE DATE.

8b. Councilman Terry moved to approve the Ordinance considered on second and final reading approving the Proposed FY 1992-93 Tax Levy Ordinance as recommended by staff. The motion was seconded by Councilman Grable and the motion carried.

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

NAYS: None.

The Ordinance is numbered 33-1992 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 1992, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 1992; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

c. Harvey Cargill, City Attorney, briefed the Council on an Ordinance considered on second and final reading approving Interruptible, Curtailable and Economic Development Riders for West Texas Utilities Company within the City of Abilene.

Mayor McCaleb opened a public hearing, and the following individual spoke for the item:

- . Dennis Laster, Area Manager for WTU, stated the Ordinance will provide customers (larger businesses) more flexibility, with no effect on rate customers.

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

Councilman Grable moved to approve the Ordinance approving Interruptible, Curtailable and Economic Development Riders for West Texas Utilities Company within the City of Abilene, as recommended by staff. The motion was seconded by Councilman Ferguson and the motion carried.

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

NAYS: None.

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

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.

**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.

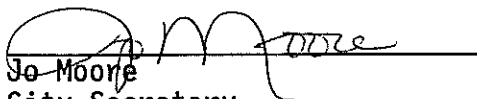
The Council reconvened from executive session and reported no action taken.


Councilman Vasquez moved to reappoint Roy McDaniel and Jo Moore to the 9-1-1 Emergency Communications District for two year terms retroactive to 2/92; Celina Fennel to replace Sister Mary Brian and Carmen Suarez to replace Jesse Olvera on the Human Relations Committee. The motion was seconded by Councilman Grable and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 12:10 p.m.

  
Jo Moore  
City Secretary

  
Gary D. McCaleb  
Mayor

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