

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, **October 15, 1992**, at 8:30 a.m. to consider the following:

1. Update on Sister Cities Program.
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, **October 15, 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 September 24, 1992.

4. **Awards:**

Employee Service Awards

25 Years	Jeffery L. Parker	Lieutenant Fire Department
25 Years	Larry G. Richards	Lieutenant Fire Department
20 Years	Wayne Herrington	Senior Planner Planning

Employee of the Month Award

Teen 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. **APPEALED ITEM:**

Consider on first reading - An Ordinance for thoroughfare closure - TC-03492 - Request from H. E. Butt Grocery Company; agent, David Todd, for a thoroughfare abandonment on S. 13th St. from Barrow to Matador, and set a

00163

- public hearing for October 22, 1992 at 9:00 a.m.
- b. Consider on first reading - An Ordinance amending Chapter 23, Subdivision Regulations, Section 23-264, Stormwater Management Requirements, of the Abilene Municipal Code, and set a public hearing for October 22, 1992 at 9:00 a.m.
 - c. Consider on first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic, Sections 18-285, 18-286, 18-293, 18-294, 18-299, and 18-304 of the Abilene Municipal Code.
 - d. Resolution authorizing Mayor to execute drainage facility and waterway agreement with Union Pacific Railroad Company in connection with the Industrial Blvd. widening project.
 - e. Oral Resolution authorizing City Manager to sign contract for engineering services for FAA Project 3-48-0002-14, FAA mandated runway and taxiway sign modification project at Abilene Regional Airport.
 - f. Oral Resolution authorizing City Manager to execute engineering agreement for Texas Water Commission drinking water disinfection rule.

7. Award of Bid:

- a. Flatbed trucks for Refuse Collection Division, **Bid #CB2076.**
- b. Tandem roller for Street Division, **Bid #CB2077.**
- c. Skid loader for Street Division, **Bid #CB2078.**
- d. Wheel loader for Street Division, **Bid #CB2089.**
- e. Zoo Security Contract, **CB2091.**
- f. Dechlorination chemical for Wastewater Treatment Plant, **Bid #CB2087.**

REGULAR AGENDA

8. Ordinances and Resolutions:

- a. Resolution canvassing returns of October 10, 1992 Bond Election.
- b. Resolution authorizing initiation of eminent domain proceedings on parcels 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13 for FM 1082 Improvement project.

9. Other Business:

- a. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects), possible action.
- b. Pending and Contemplated Litigation (see notice for Executive Session, Litigation 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.

00104

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 9 day of October, 1992, at 5 (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 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.

00165

**PRE-COUNCIL WORK SESSION, THURSDAY
October 15, 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 October 15, 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.

Debra Guerra, Assistant to the City Manager, introduced Billye Proctor-Shaw, who provided to the Council an update on the Sister Cities Program. 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
October 15, 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 October 15, 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 September 24, 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, Ferguson, 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:

25 Years	Larry G. Richards	Lieutenant Fire Department
20 Years	Wayne Herrington	Senior Planner Planning

Mayor McCaleb presented a proclamation declaring October 17, 1992 as American Association of University Women Day.

00166

Councilman Vasquez moved to approve consent agenda items 6d through 6f, and 7a through 7f, and approval of first reading of items 6a through 6c as recommended by staff. The motion was seconded by Councilwoman Herrera 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. APPEALED ITEM:

Approval of first reading - An Ordinance for thoroughfare closure - TC-03492 -Request from H. E. Butt Grocery Company; agent, David Todd, for a thoroughfare abandonment on S. 13th St. from Barrow to Matador, and set a public hearing for October 22, 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.

b. Approval of first reading - An Ordinance amending Chapter 23, Subdivision Regulations, Section 23-264, Stormwater Management Requirements, of the Abilene Municipal Code, and set a public hearing for October 22, 1992 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

c. Approval of first reading - An Ordinance amending Chapter 18, "Motor Vehicles and Traffic, Sections 18-285, 18-286, 18-293, 18-294, 18-299, and 18-304 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.

d. Resolution authorizing Mayor to execute drainage facility and waterway agreement with Union Pacific Railroad Company in connection with the Industrial Blvd. widening project.

The Resolution is numbered 48-1992 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, APPROVING A DRAINAGE FACILITY AND WATERWAY AGREEMENT WITH THE MISSOURI PACIFIC RAILROAD COMPANY TO REIMBURSE THE RAILROAD FOR REMOVING AND RESTORING ITS TRACKS TO FACILITATE INSTALLATION OF DRAIN PIPES AND THE OTHER DRAINAGE RELATED IMPROVEMENTS IN CONNECTION WITH WIDENING OF INDUSTRIAL BOULEVARD.

00167

- e. Oral Resolution authorizing City Manager to sign contract for engineering services with Tippett & Gee, Inc. for FAA Project 3-48-0002-14, FAA mandated runway and taxiway sign modification project at Abilene Regional Airport.
- f. Oral Resolution authorizing City Manager to execute engineering agreement with Alan Plummer & Associates, Inc. for Texas Water Commission drinking water disinfection rule.

7. **Award of Bid:**

- a. Flatbed trucks for Refuse Collection Division, **Bid #CB2076**. The bid was awarded to R. L. Anderson International, Inc., the low responsible bidder, in the amount of \$56,040.58 as recommended by staff.
- b. Tandem roller for Street Division, **Bid #CB2077**. The bid was awarded to Ferguson Manufacturing and Equipment Co., the low responsible bidder, in the amount of \$23,601.74 as recommended by staff.
- c. Skid loader for Street Division, **Bid #CB2078**. The bid was awarded to Abilene Ag Ford & New Holland, the low responsible bidder, in the amount of \$35,900.00 as recommended by staff.
- d. Wheel loader for Street Division, **Bid #CB2089**. The bid was awarded to Case Equipment, Inc., the low responsible bidder, in the amount of \$60,000.00 as recommended by staff.
- e. Zoo Security Contract, **CB2091**. The bid was awarded to American Security of Abilene, the low responsible bidder, in the amount of \$36,013.64 as recommended by staff.
- f. Dechlorination chemical for Wastewater Treatment Plant, **Bid #CB2087**. The bid was awarded to Chemical Distributors, Inc. of Farmington, TX on a unit price basis as most advantageous for the City, as recommended by staff.

Mayor McCaleb took a moment to recognize students from Clack Middle School in attendance, stating his appreciation for their interest in City government.

8. **Ordinances and Resolutions:**

- a. Jo Moore, City Secretary, briefed the Council on a Resolution canvassing returns of the October 10, 1992 Bond Election. The results of the election showed:

Proposition 1 in the amount of \$7,200,000 for Central Library Improvements was not approved with
3734 votes cast for
8832 votes cast against

Proposition 2 in the amount of \$925,000 for Fire Trucks, Equipment and a Training Tower was approved with
7391 votes cast for
5161 votes cast against

Proposition 3 in the amount of \$2,335,000 for Street, Sidewalk and Traffic Control Improvements was not approved with

5560 votes cast for
6950 votes cast against

Proposition 4 in the amount of \$1,980,000 for Creek Cleaning and Clearing and Other Drainage Improvements was not approved with

5765 votes cast for
6765 votes cast against

The total number of ballots cast were 12,697. Staff recommends adoption of the Resolution to declare the results of the election.

Councilman Ferguson moved to approve the Resolution canvassing the returns of the Bond Election and declare the results. 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.

The Resolution is numbered 49-1992 and is captioned as follows:

RESOLUTION CANVASSING ELECTION RETURNS

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.

8.b. Mike Morrison, Director of Economic Development, briefed the Council on a Resolution authorizing the initiation of eminent domain proceedings on parcels 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13 for the FM 1082 Improvement project. Staff recommends approval.

Councilman Terry moved to approve the Resolution authorizing eminent domain proceedings for the FM 1082 Improvement project, 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.

Mayor McCaleb stated the following for clarification purposes:

1. In every case this is a strip of land approximately 20 feet along an existing road.
2. This is being done so the State can complete the expansion of a state road to the prison.
3. These eminent domain proceedings in no way curtails the staff from continuing to negotiate with the property owners.

00169

The Resolution is numbered 50-1992 and is captioned as follows:

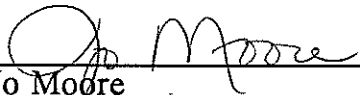
A RESOLUTION OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY FOR THE FM 1082 IMPROVEMENT PROJECT FROM JONES COUNTY LINE TO FM 3522, AND ORDERING THE CONDEMNATION OF SAID PROPERTY.

a. Councilman Vasquez moved to appoint Kathy Morehead to the Sister Cities Committee. The motion was seconded by Councilman Terry and the motion carried.

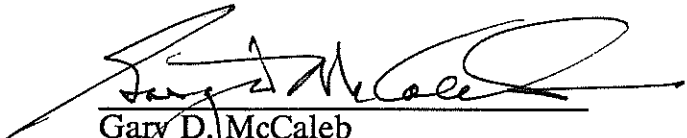
AYES: Councilman Vasquez, Councilwoman Ray, Councilmen Grable, Terry, Ferguson, Councilwoman Herrera, and Mayor McCaleb.

NAYS: None.

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



Jo Moore
City Secretary



Gary D. McCaleb
Mayor

00170