

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 22, 1992**, at 8:30 a.m. to consider the following:

1. Stormwater requirements update.
2. Southwest Drive project slide presentation.
3. 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 22, 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 Jack Grable.
3. Approval of Minutes: Pre-Council Session and Regular City Council Meeting held October 15, 1992.
4. Awards
Employee of the Month

Abilene Clean & Proud Quarterly Awards
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 & Resolutions:**
 - a. Consider on second and final 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.
 - b. Oral Resolution authorizing Mayor to renew contract with independent auditor.
 - c. Oral Resolution approving DCOA budget for FY 92-93.
 - d. Resolution providing for donation of City property to Community Action Program of Taylor County, Inc.

00171

REGULAR AGENDA

7. Ordinances & Resolutions:

a. **Appealed Item:**

PUBLIC HEARING: Consider on second and final 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.

b. **PUBLIC HEARING:** Consider on second and final reading - An Ordinance amending Chapter 23, Subdivision Regulations, Section 23-264, Stormwater Management Requirements, of the Abilene Municipal Code.

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.

c. 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.

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 16 day of October, 1992, at

5 (a.m./p.m.)


CITY SECRETARY

00172

(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.

HC 7/23/92

**PRE-COUNCIL WORK SESSION, THURSDAY
October 22, 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 22, 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, Assistant to the City Manager Debra Guerra, City Secretary Jo Moore, and various members of the City staff.

Debra Guerra, Assistant to the City Manager, briefed the Council on an update of the Stormwater requirements. James Condry, Assistant Director of Development Services for Public Works, gave a slide presentation on the Southwest Drive project. Mike Morrison, Director of Economic Development, distributed a corrected cover memo for Item 6c. The Council briefly discussed various consent and regular agenda items, and there being no further discussion, the meeting was recessed until 9:00 a.m. for the regular Council Meeting.

**REGULAR CITY COUNCIL MEETING
October 22, 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 22, 1992, at 9:00 a.m. in the Council Chambers of City Hall.

Invocation was given by Councilman Jack Grable.

There being no corrections, additions, or deletions to the minutes of the Pre-Council Session and Regular City Council Meeting held October 15, 1992, Councilman Terry moved to approve the minutes as printed. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

Debra Guerra, Assistant to the City Manager, assisted Mayor McCaleb in presenting the Employee of the Month Award to Lou Ann Mullings, Computer Specialist.

Alison Benton, Chairperson for Abilene Clean & Proud, assisted Mayor McCaleb in the presentation of Quarterly Awards to Big Country Recycling for recycling, Nations Bank for landscape, and Albertson's Food and Drug for litter control.

Councilman Grable moved to approve consent agenda items 6a through 6d, as recommended by the staff. 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.

6. Ordinances and Resolutions:

- a. Approval of second and final 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.

The Ordinance is numbered 41-1992 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 Mayor to renew a contract with the independent auditor, Davis, Kinard & Co., P. C. for a fixed fee of \$30,000 for the first three years and \$35,000 for the last two years of the five year period.
- c. Oral Resolution approving DCOA budget for FY 92-93.
- d. Resolution providing for donation of City property to Community Action Program of Taylor County, Inc.

The Resolution is numbered 51-1992 and contains no caption.

7. Ordinances and Resolutions:

- a. Mindy Manson, Senior Planner, briefed the Council on an appealed Ordinance considered on second and final reading - **TC-03492** - 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. Staff recommends approval with conditions that the entire length and width of the street be retained for drainage and utility easements and that a 24 foot fire lane be maintained for emergency vehicle access; Planning and Zoning Commission recommend denial by a vote of 3 (in favor) to 1 (opposed).

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

IN FAVOR:

- . David Todd, 2500 S. Willis, agent for the proponent.
- . Mike Urzombeck, HEB store manager, stated the parking lot does fill up on weekends.
- . Chris Austin, representing planning and design department of HEB, stated they hope to reduce truck traffic.

00175

John Hudson, Traffic Engineering, Inc., stated HEB wanted to provide an opening and make sure there is not a negative impact.

IN OPPOSITION:

Herman Sloan, 1249 Matador, is 120' from HEB, and is opposed due to the noise from trucks that already exists.

Harvey Cargill, City Attorney, pointed out to the Council the criteria on page 7a-2 that they are to use in making their decision.

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

Councilman Vasquez moved to approve the request for a thoroughfare abandonment on S. 13th St. from Barrow to Matador with certain conditions 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.

The Ordinance is numbered 42-1992 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. Debra Guerra, Assistant to the City Manager, briefed the Council on an Ordinance considered on second and final reading amending Chapter 23, Subdivision Regulations, Section 23-264, Stormwater Management Requirements, of the Abilene Municipal Code. She then introduced James Condry, Assistant Director of Development Services for Public Works, who provided details on some of the changes being made. Jim McCathren, architect for Cadco, provided the Council with additional information. Staff recommends 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 Stormwater Management Requirements 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 43-1992 and is captioned as follows:

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.

00176

8. 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.

c. Harvey Cargill, City Attorney, stated all negotiations with landowners are complete, and requested the Council approve a Resolution authorizing 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.

Councilman Terry moved to approve the Resolution authorizing 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 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.

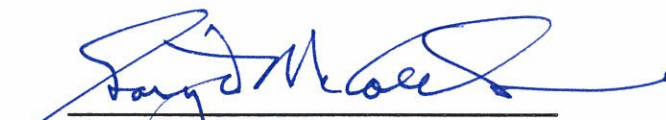
The Resolution is numbered 52-1992 and is captioned as follows:

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 F.M. 1082 IMPROVEMENT PROJECT FROM JONES COUNTY LINE TO F.M. 3522, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

There being no further business, the meeting was adjourned at 11:20 a.m.



Jo Moore
City Secretary



Gary D. McCaleb
Mayor