Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chamber of City Hall on Thursday, March 12, 1981, at 9:00 a.m.

CITY COUNCIL: Mayor Oliver Howard; Council - Seaton Higginbotham, Dick Bowen, Leo F. Scott, S.M. Moore, Jr., L. D. Hilton and Kathy Webster.

1. Call to Order.

2. INVOCATION: Councilman Leo F. Scott.


4. APPROVAL OF MINUTES: Regular Meeting held February 26, 1981.

CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Council member or citizen so request, in which event the item will be removed from the general order of business and considered in its normal sequence.

5. Ordinances
   a. Consider on second and final reading - appropriating $22,884.00 for Centennial Project.
   b. Consider on second and final reading - amending the Traffic Code Schedules concerning school speed zones in certain areas and parking prohibitions in various locations.
   c. Consider on first reading - reclassification request from AO & GC (Agricultural Open Space & General Commercial) to GC (General Commercial) District, located at T & P Lane between Jerome & South 5th Streets & set a public hearing for March 26, 1981, at 9:00 a.m.
   d. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) District, located at 241 Peach & set a public hearing for March 26, 1981, at 9:00 a.m.
   e. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located in the 2900 Block of South 27th Street & set a public hearing for March 26, 1981, at 9:00 a.m.
   f. Consider on first reading - thoroughfare abandonment, being a 20' east-west alley between Pine Street & Walnut Street and a 20' north-south alley from North 2nd Street south to the east-west alley & set a public hearing for March 26, 1981, at 9:00 a.m.
   g. Consider on first reading - amendment to Ordinance, providing for dead animal removal.

6. Resolutions
   a. Consider request for a Drilling Permit within the City Limits, from the Chamber of Commerce, located on the West Texas Fair Grounds at Hwy 36 & Loop 322.
   b. Consider request for Fire Zone Exception, located at 5809 Santa Fe.
   c. Consider request to abandon a 10' utility easement, located at 1934 Barrow Street.
   d. Consider request to abandon a 15' utility easement, located on T & P Lane near Hailey Street.
   e. Consider request to abandon the west 5' of a 10' utility easement located at Chimney Rock Road & Rex Allen Drive.
   f. Appointing members to various boards & commissions.
   g. Consider application for Street Use License at 100 Chestnut Street.
   h. Consider request to abandon a 20' utility easement running through Lots 5, 6, 7 & 8, Block B; Lot 54, Block 1 and Lot 32, Block F, The Fairways.

7. Award of Bids
   a. Cars, Pickups & Trucks.
   b. Approval of Purchase, Steel Pipe Tunnel Liner for Water Department.
REGULAR AGENDA

8. Public Hearings
   a. Street Improvements on Antilley Road, from U. S. 83-84 to Buffalo Gap Road.
   b. Street Names in newly annexed areas.
   c. Amendment to the Pro Rata Ordinance.

9. Ordinances
   a. Consider on first reading - Lone Star Gas-Amendment to Franchise & set a public hearing for March 26, 1981, at 9:00 a.m.
   b. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Antilley Road, one mile west of Wylie & set a public hearing for March 26, 1981, at 9:00 a.m.

10. Resolutions
    a. Approving Change Order #1 on the contract with Power Builders, Inc, for Grimes Treatment Plant Renovation.
    b. Street Use License - Cypress Street.

11. Other Business
    a. Consider acquisition of property, Goodlow Relocation Project.
    b. Work Session.
    c. Pending and Contemplated Litigation.

ADJOURN

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 9th day of March, 1981, at 8:30 a.m.

[Signature]
City Secretary
CITY COUNCIL WORK SESSION
MARCH 12, 1981
CITY COUNCIL CHAMBERS

Immediately following the Regular City Council Meeting.

DISCUSSION ON FOLLOWING PROJECTS:

1. Financial Reports

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 9th day of March, 1981, at 9:00 a.m.

[Signature]
CITY SECRETARY
The City Council of the City of Abilene, Texas, met in Regular Session, Thursday, March 12, 1981, at 9:00 a.m. with Mayor Oliver Howard, present and presiding. Councilmen Seaton Higginbotham, Dick Bowen, Leo F. Scott, S.M. Moore, Jr., L. D. Hilton & Councilwoman Kathy Webster, present. City Manager Ed Seegmiller, City Attorney Harvey Cargill & City Secretary Ruth Hodgin, present.

Invocation by Councilman Scott.

Minutes of last Regular Meeting were approved as written.

Dale Evans, on behalf of the Centennial Council, presented Mayor Howard (for the City of Abilene) a Centennial Gun & Knife Set. The set is one of 100 sets, which would sell for $2,000. The sets contain a replica of Chief Clinton's revolver and a knife etched with a street scene of turn-of-the-century Abilene. Mr. Evans was accompanied by Bill Newton with the presentation to the Mayor.

Councilman Hilton moved passage of the consent items, except Item 5-f. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Scott, Moore, Hilton, Councilwoman Webster & Mayor Howard.

NAYS: None.

5. Ordinances
   a. Consider on second and final reading - appropriating $22,884.00 for Centennial Project.

   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROPRIATING FUNDS FROM THE GENERAL FUND TO BE USED BY THE ABILENE CENTENNIAL COMMITTEE FOR ITS 1981 ABILENE CENTENNIAL PROJECT.

   b. Consider on second and final reading - amending the Traffic Code Schedules concerning speed zones in certain areas and parking prohibitions in various locations.

   AN ORDINANCE AMENDING CHAPTER 17, "MOTOR VEHICLES AND TRAFFIC", BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

   c. Consider on first reading - reclassification request from AO & GC (Agricultural Open Space & General Commercial) to GC (General Commercial) District, located at T & P Lane between Jerome & South 5th Streets & set a public hearing for March 26, 1981, at 9:00 a.m.

   AN ORDINANCE AMENDING CHAPTER 32, "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.

   d. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) District, located at 241 Peach & set a public hearing for March 26, 1981, at 9:00 a.m.

   AN ORDINANCE AMENDING CHAPTER 32, "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.
e. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located in the 2900 Block of South 27th Street & set a public hearing for March 26, 1981, at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 32, "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.

f. Consider on first reading - thoroughfare abandonment, being a 20' east-west alley between Pine Street & Walnut Street and a 20' north-south alley from North 2nd Street south to the east-west alley & set a public hearing for March 26, 1981, at 9:00 a.m.

Councilman Hilton moved passage of the ordinance on first reading providing for a thoroughfare abandonment, being a 20' east-west alley between Pine Street & Walnut Street and a 20' north-south alley from North 2nd Street south to the east-west alley & set a public hearing for March 26, 1981, at 9:00 a.m. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Scott, Hilton & Mayor Howard.
NAYS: None.
ABSTAINED: Councilmen Bowen, Moore & Councilwoman Webster.

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.

g. Consider on first reading - amendment to Ordinance, providing for dead animal removal.

AN ORDINANCE AMENDING CHAPTER 5, "ANIMALS AND FOWL," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

6. Resolutions

a. Consider request for a Drilling Permit within the City Limits from the Chamber of Commerce, located on the West Texas Fair Grounds, at Hwy 36 & Loop 322.

b. Consider request for Fire Zone Exception, located at 5809 Santa Fe.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING AN EXCEPTION TO A DESIGNATED FIRE ZONE.

c. Consider request to abandon a 10' utility easement, located at 1934 Barrow Street.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED EASEMENT RELEASE.

d. Consider request to abandon a 15' utility easement, located on T & P Lane near Hailey Street.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED EASEMENT RELEASE.

e. Consider request to abandon the west 5' of a 10' utility easement located at Chimney Rock Road & Rex Allen Drive.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED EASEMENT RELEASE.
f. Appointing members to various boards & commissions.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND STATUTES OF THE STATE OF TEXAS.

g. Consider application for Street Use License at 100 Chestnut Street.

h. Consider request to abandon a 20' utility easement running through Lots 5, 6, 7 & 8, Block B; Lot 54, Block I and Lot 32, Block F, The Fairways.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED EASEMENT RELEASE.

7. Award of Bids
   a. Cars, Pickups & Trucks.
   b. Approval of Purchase - Steel Pipe Tunnel Liner for Water Department.

Mayor Howard opened public hearing on an ordinance ordering the improvements of Antilley Road, from U.S. 83-84 to Buffalo Gap Rd & levying assessments against various persons & their property for the payment of a portion of the cost of the improvements.

Mayor Howard asked Mr. Cargill, City Attorney, to brief the Council on the ordinance.

Mr. Cargill questioned Mr. John Conely, City Engineer, after having been duly sworn, as to the type of improvements and the method of apportioning the cost.

Mr. Conely said that the cost of the assessment would be $14.94 per front foot for the 64' wide street. He pointed out that the residents would get the benefit of assessments to a 40' wide street. He also said that those having the street as a side street or back street would be assessed at $13.94 per foot.

Mr. Jimmy Partin, III, local Realtor & Licensed Appraiser, after having been duly sworn, testified that he had examined each property, and that they would be enhanced by at least the amount that they are being assessed.

Beverly Tarpley, Attorney, representing 21 tax payers who live on this street (most of who live on the south side of Antilley Road), spoke of the inconsistency of the proposed assessment. She said that they could not understand why the City was appropriating 28' on the north and 36' on the south in some places of the proposed road improvement.

A.D. Fisher, speaking for the railroad, said that the road would be of no benefit to them, they would just have a greater liability, he said.

Dan Cobb, who lives on the north side of Antilley Road, said that he had been assessed $13.94, but that a big brown fence separated his residence from Antilley Road, and they had to travel several miles to get to Antilley Road.

Jimmy Wester, who lives on the south side said that he owned 393 feet on Antilley Road which was farm & ranch land. He opposed the curb especially out there.

Charley Johnson, who lives on the south side of Antilley Road, said that widening the street that much would hurt his property instead of enhancing it.
Kenny Biggs, who lives on Antilley Road, said that he owned over 2,000 feet facing Antilley Road. He did not feel that there was a need for a 64' wide street & that the curb would be too close to his fence line.

Lee Roy George, Director of Planning, said that the street had been planned as a major thoroughfare for several years.

T.D. Williams, who lives on the north side of Antilley Road, said that he felt it was unfair to assess them so much, and that they would have to pay twice, because the school was being assessed also.

John Allen Chalk, Attorney representing Fairways Development Company & LaJet, Inc. said that they were in total support of the paving & curbing of this road.

Stanley Whisenhunt, Supt. of Wylie School, said that the school board had not directed him to be for or against the street improvement, but that he was in favor of a nice street.

The Council decided to go into executive session before making their final decision.

The Council returned from executive session.

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

Councilwoman Webster moved that we waive the requirements for reading of ordinances upon two separate days and pass the ordinance on emergency on first and final reading assessing a part of the cost of paving & improving Antilley Road against abutting property owners, setting it at $14.94 per F.F. & $13.94 for side & rear. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Scott, Moore, Hilton, Councilwoman Webster & Mayor Howard.

NAYS: None.

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:

64' WIDE STREET F/C TO P/C

ANTILLEY ROAD - U.S. Highway 83-84 to Buffalo Gap Road

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 OWNED 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.

Mayor Howard opened public hearing on an ordinance concerning Street Names in newly annexed areas.

Mayor Howard asked Mr. George to brief the Council on the proposed ordinance.

Mr. George said that they had input from the residents that lived in the area, used plats & maps, for the names of the streets. He said that there had been no problem.

There being no one present and desiring to be heard, Mayor Howard closed the public hearing.
Councilman Moore moved passage of the ordinance on second and final reading changing the names of streets in the newly annexed areas as indicated on the proposed ordinance. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Scott, Moore, Hilton, Councilwoman Webster & Mayor Howard.

NAYS: None.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAMES OF SUCH STREETS AS INDICATED ON EXHIBITS A, B AND C.

Mayor Howard opened public hearing on an ordinance amending Chapter 31, "Water" (Pro Rata Ordinance).

Mayor Howard asked Mr. George to brief the Council on the proposed amendment.

Mr. George said that they had some comments on the pay back provisions which was not in the new ordinance.

Terry Franklin, Clive Curry & Associates, said that they were concerned with the unrecoverable clause that was in the new ordinance and did not think it was fair to the developers.

Jorden Wood, Developer & member of the Strategies for Responsible Growth Committee, expressed concern because of the non-payback part which was left out of the new ordinance.

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

Councilman Bowen moved passage of the ordinance (as written) amending the Pro Rata Ordinance, Chapter 31, "Water". The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilmen Bowen, Scott, Hilton, Councilwoman Webster & Mayor Howard.

NAYS: Councilmen Higginbotham & Moore.

AN ORDINANCE AMENDING CHAPTER 31, "WATER," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

Marthe Harmon, Lone Star Gas Distributing Manager, said that they needed to have an amendment to the Franchise Ordinance, in order to be in compliance with the new State & Federal Regulations.

After discussion, Councilman Moore moved passage of the ordi- nance on first reading amending the Franchise Ordinance & set a public hearing for March 26, 1981, at 9:00 a.m. The motion was seconded by Councilman Scott. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Scott, Moore, Hilton, Councilwoman Webster & Mayor Howard.

NAYS: None.

AN ORDINANCE AMENDING AND CHANGING A FRANCHISE ORDINANCE ENACTED BY THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ON JUNE 23, 1967 AND BEING PARCELY STYLED, "AN ORDINANCE GRANTING TO LONE STAR GAS COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS", AND PROVIDING FOR A MODIFICATION OF THE DEFINITION OF THE TERMS "SERVICE LINES" AND "YARD LINES" REFERENCED IN SECTION 4 THEREOF.

Mr. George presented the final report of the Planning Commission reclassifying from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Antilley Road, one mile west of Wylie.

Mr. George said that he did not think that there was enough information for the Council to make a decision on the reclassification.
Mr. H.E. Lawson, the proponent, said that they had showed a copy of the plat to the Planning & Zoning Commission members.

Councilman Moore moved to return the reclassification to the Planning & Zoning Commission, until they can make a firm decision on the proposed ordinance after they receive more information. The motion was seconded by Councilman Bowen. The motion carried as follows:

**AYES:** Councilmen Higginbotham, Bowen, Scott, Moore, Hilton, Councilwoman Webster & Mayor Howard.

**NAYS:** None.

Councilman Higginbotham left the meeting.

Councilman Bowen moved adoption of the resolution approving Change Order #1 on the contract with Power Builders, Inc. for the Grimes Treatment Plant Renovation. The motion was seconded by Councilman Moore. The motion carried as follows:

**AYES:** Councilmen Bowen, Scott, Moore, Hilton, Councilwoman Webster & Mayor Howard.

**NAYS:** None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING CHANGE ORDER NUMBER ONE (1) ON THE CONTRACT WITH POWER BUILDERS, INC. FOR THE GRIMES WATER TREATMENT PLANT RENOVATION.

Councilman Higginbotham returned to the meeting.

Mrs. Amber Cree, Chairperson for the Centennial Project, explained their reason for requesting a Street Use License on Cypress Street in conjunction with the celebration.

After discussion, Councilman Bowen moved approval of the request for a Street Use License on Cypress Street, in conjunction with the Centennial Celebration. The motion was seconded by Councilman Scott. The motion carried as follows:

**AYES:** Councilmen Higginbotham, Bowen, Scott, Moore, Hilton, Councilwoman Webster & Mayor Howard.

**NAYS:** None.

Mr. George said that they had the two Churches on the Goodlow area appraised two ways and that the value in use, was the one which was used to come up with the amounts recommended.

Ken Deckard, Chairman of the Relocation Committee, discussed the method of the appraisals.

After discussion, Councilman Scott moved adoption of the resolution authorizing acquisition of the King Solomon and Shiloh Baptist Churches. The motion was seconded by Councilman Moore. The motion carried as follows:

**AYES:** Councilmen Higginbotham, Bowen, Scott, Moore, Hilton, Councilwoman Webster & Mayor Howard.

**NAYS:** None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING ACQUISITION OF THE KING SOLOMON AND SHILOH BAPTIST CHURCHES UNDER THE GOODLOW VOLUNTARY PROPERTY ACQUISITION AND RELOCATION PROGRAM.

A Work Session was held concerning Financial Reports.

Roy McDaniel, Director of Finance, briefed the Council on the New Accounting System.

David Wright, City Controller, went over the financial reports that could be made available to the City Council, with the New Accounting System. He discussed the reports and the breakdown & functions of the departments and divisions.
An executive session was held on pending and contemplated litigation. The Council reconvened in open session.

There being no further business, Mayor Howard adjourned the meeting at 2:15 p.m.

CITY SECRETARY

MAYOR