

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chamber of the City Hall on Thursday, March 26, 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.
3. APPROVAL OF MINUTES: Regular Meeting held March 12, 1981.
4. PRESENTATION OF AWARDS:

Charles S. Godard	Fire Department	Captain	30 Years
Horace M. Key	Fire Department	Sr. Fire Fighter	30 Years

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 - amendment to Ordinances, providing for dead animal removal.
 - b. Consider on first reading - amendment to the Traffic Code providing for fire lanes at Hendrick Medical Center.
 - c. Consider on first reading - repealing certain sections of Chapter 4, Amusements and Chapter 8, "Business Regulations".
6. Resolutions
 - a. Appointing members to various boards & commissions.
 - b. Conveying land to adjacent owner at Ft. Phantom to clear title.
7. Award of Bids
 - a. Booster Fire Truck.
 - b. Maxwell Municipal Golf Course Irrigation.

REGULAR AGENDA

8. Public Hearings
 - a. Consider on second and final 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.
 - b. Consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) District located at 241 Peach.
 - c. Consider on second and final 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.
 - d. Consider on second and final 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.
 - e. Consider on second and final reading - Lone Star Gas-Amendment to Franchise.
 - f. Oil & Gas Lease - Two Tracts of Land, 223.5 acres lying in Jones County Texas.
 - g. Oil & Gas Lease - Two Tracts of Land, 135.27 acres lying in Jones County Texas.
 - h. Consider Transit Capital Grant Application.
 - i. Proposed rate increase by Abilene Emergency Medical Service.

9. Other Business
 - a. Consider proposals for management of the Transit System & authorize City Manager to execute contract.
 - b. Discuss City of Abilene Participation in Abilene Centennial Council's Special Homecoming Celebration.
 - c. Consider proposed contract with Abilene Chamber of Commerce for Hotel-Motel Tax Use.
 - d. Work Session of the City Council & Parks & Recreation Board - consider County Jail Site on city-owned property.
 - e. Pending & contemplated litigation.

ADJOURN

CERTIFICATION

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

Kelly Brewer, Assistant
City Secretary

CHAMBER OF THE CITY COUNCIL,
CITY HALL, THE CITY OF ABILENE, TEXAS.

The City Council of the City of Abilene, Texas, met in Regular Session, Thursday, March 26, 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 Hodgkin, present.

Invocation by Councilman Scott.

Minutes of last Regular Meeting were approved as written.

Councilman Moore moved passage of the consent items. 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 - amendment to Ordinances, 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.

ANIMALS-
CODE AMENDED
FINAL READING

AN ORDINANCE AMENDING CHAPTER 14, "REFUSE" BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

REFUSE COL.-
CODE AMENDED
FINAL READING

- b. Consider on first reading - amendment to the Traffic Code providing for fire lanes at Hendrick Medical Center.

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.

TRAFFICE CODE
AMENDED-
FIRE LANES
1ST READING

- c. Consider on first reading - repealing certain sections of Chapter 4, "Amusements" and Chapter 8, "Business Regulations."

AN ORDINANCE REPEALING CERTAIN SECTIONS OF CHAPTER 4, "AMUSEMENTS," AND CHAPTER 8, "BUSINESS REGULATIONS," AS SET OUT BELOW.

AMUSEMENTS &
BUSINESS
REGULATIONS
AMENDED-
1ST READING

6. Resolutions

- a. Appointing members to various boards & commissions.

A RESOLUTIONS 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.

BOARD APPT.
VARIOUS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING DIRECTOR AND ALTERNATE DIRECTORS OF THE ABILENE COMMUNITY DEVELOPMENT CO., INC.

- b. Conveying land to adjacent owner at Ft. Phantom to clear title.

W & S
CONVEY LAND

7. Award of Bids

- a. Booster Fire Truck.
b. Maxwell Municipal Golf Course Irrigation.

EQUIPMENT PUR.
FIRE TRUCK
PARKS-
GOLF COURSE
CONSTRUCTION

Mayor Howard opened public hearing on an ordinance reclassifying from AO & GC (Agricultural Open Space & General Commercial) to GC (General Commercial) District, located at T&P Lane between Jerome & South 5th Streets.

Mayor Howard asked Mr. Wayne Collier, Zoning Administrator, to brief the Council on the reclassification.

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

Councilman Higginbotham moved passage of the ordinance on second and final reading, reclassifying from AO & GC Districts to GC District, located at T&P Lane between Jerome & South 5th Streets. 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 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.

ZONING-RE
AO & GC TO
GC- T&P LANE
BET. JEROME &
S. 5TH

Mayor Howard opened public hearing on an ordinance reclassifying from RM-3 (Residential Multi-Family) to GC (General Commercial) District, located at 241 Peach Street. FINAL READING

Mayor Howard asked Mr. Collier to brief the Council on the reclassification.

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

Councilman Scott moved passage of the ordinance on second and final reading reclassifying from RM-3 to GC District, located at 241 Peach Street. 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.

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.

ZONING-RE
RM-3 to GC
241 PEACH
FINAL READING

Mayor Howard opened public hearing on an ordinance reclassifying from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located in the 2900 Block of South 27th Street.

Mayor Howard asked Mr. Collier to brief the Council on the reclassification.

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

Councilman Bowen moved passage of the ordinance on second and final reading reclassifying from RS-6 to RM-3 District, located in the 2900 Block of South 27th Street. The motion was seconded by Councilwoman Webster. The motion carried as follows:

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

NAYS: None.

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.

ZONING-RE
RS-6 to RM-3
2900 BLK. OF
S. 27TH
FINAL READING

Mayor Howard opened public hearing on an ordinance 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.

Mayor Howard asked Mr. Collier to brief the Council on the provision.

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

Councilman Higginbotham moved passage of the ordinance on second and final 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 to the east-west alley (subject to the retention of a 20' utility easement between Pine and Walnut Streets). The motion was seconded by Councilman Hilton. 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.

THOROUGHFARE
ABANDONMENT-
BET. PINE &
WALNUT
FINAL READING

Mayor Howard opened public hearing on an ordinance, a proposed amendment to the Lone Star Gas Co. Franchise.

Mayor Howard asked Mrs. Marthe Harmon, Lone Star Gas Distribution Manager, to brief the Council on the proposed amendment.

FRANCHISE-
LONE STAR GAS
AMENDMENT TO
FRANCHISE
FINAL READING

Mrs. Harmon spoke of the need for the amendment. She said that there was a new state & federal regulation that made it necessary for them to maintain and be responsible for, all the lines to the point of measurement.

Truman Flournoy, Flournoy Plumbing, questioned whether the Gas Company would be charging the customer for this service.

Hollis Fisher, Master Plumber, said that according to the law and City Ordinance, a master plumber was required to do this work on private property. He was concerned that the amendment to the Franchise Ordinance would take away part of his livelihood.

Neville Bryant, City Plumbing Inspector, said that according to the way the City Plumbing Ordinance read, it would be against the law for Lone Star Gas employees to go on people's property and do plumbing work without a Master Plumbing License.

Mrs. Harmon assured the plumbers that the gas company would not be in competition with them, that they only wanted to maintain their lines, and would contract with the home owner when it was necessary to do so.

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

After discussion, Councilman Moore moved passage of the ordinance on second and final reading amending the Franchise Ordinance for Lone Star Gas Company, to allow them to maintain their gas lines to the point of measurement. 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 JULY 27, 1967, AND BEING PARTLY 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.

Mayor Howard opened public hearing on a proposed Oil & Gas Lease, being 223.5 acres of land lying in Jones County, on the City's Sewer Farm.

OIL & GAS
LEASE- 223.5
ACRES-JONES
CO. (AT SEWER
FARM)

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

Councilman Moore moved adoption of the resolution authorizing the Mayor to execute an Oil & Gas Lease with Chalmers Operating Co. Inc. concerning 223.5 acres at the Abilene Sewer Farm. 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.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN OIL AND GAS MINERAL LEASE.

Mayor Howard opened public hearing on a proposed Oil & Gas Lease, being 135.27 acres of land lying in Jones County, on the City's Sewer Farm.

OIL & GAS LEASE
135.27 ACRES
JONES CO. (AT
SEWER FARM)

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

Councilman Hilton moved adoption of the resolution authorizing the Mayor to execute an Oil & Gas Lease with Chalmers Operating Co. Inc. concerning 135.27 acres at the Abilene Sewer Farm. 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 THE MAYOR TO EXECUTE AN OIL AND GAS MINERAL LEASE.

Wayne Kurfees, Director of Traffic & Transportation, spoke of the need of Mass Transit Management in the City of Abilene. He said that the City had received proposals from three firms, and the Staff was recommending McDonald Transit Associates of Fort Worth, Texas. He said that he recommended that we retain a transit management firm, which would enable us to run a dependable transit system which can attract and keep new riders.

TRAFFIC-
AUTHORIZING
TRAFFIC MANAGE-
MENT-MCDONALD
TRANSIT

Mr. Seegmiller said that we had been running a transit system without the benefit of a management system, just kept the buses running.

Larry Heil, President of McDonald Transit, said that their company could improve the quality and type of service.

John Wolfe, McDonald Transit, said that they could not promise to eliminate the deficit but they would pledge that the system under their management would be operated in the most cost efficient manner possible.

After much discussion, Councilwoman Webster moved to approve the contract with McDonald Transit Associates for a period of one year, subject to modification by Staff (regarding performance goals). The motion was seconded by Councilman Higginbotham. The motion carried as follows:

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

NAYS: Councilman Hilton.

Mayor Howard opened public hearing on Transit Capital Grant Applications.

Mayor Howard asked Mr. Kurfees to brief the Council on the resolutions.

Mr. Kurfees said that the two resolutions are for the submission of a grant application, which would provide funding for renovation of the existing transfer station; acquisition of property and construction and/or renovation of a building to house the maintenance, operations and administration functions of the transit system; purchase tools and equipment; grant administration and contingency. Total cost of the projects would be \$1,173,000.

TRAFFIC-
AUTHORIZING (2
GRANT APPLI-
CATIONS

Of that, \$82,110 would be required as the City's funding, he said.

Mr. Kurfees said that the amendment would require no additional money from either the City, State or federal government but would authorize funds previously approved for contingency on the bus purchase to be applied toward several other needs totaling \$41,678.

Roy McDaniel, Director of Finance, said that there was some money left in Revenue Sharing that was not earmarked which could be used as the City's funding share. He pointed out that the Council would need to appropriate the money after the grant is approved.

After discussion, Councilman Hilton moved adoption of the two resolutions, which are a grant application and a grant amendment to UMTA. The motion was seconded by Councilwoman Webster. 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 THE FILING OF AN AMENDED APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED (FY81).

Councilwoman Webster pointed out that signs needed to be up all over town. Bus stops needed to be identified and people need to know where to catch the buses and what time, she said.

Ed Thatcher, Assistant to the City Manager, said that we had a request from Richard Cox, Abilene Emergency Medical Service, for an increase in the fees for their services. He pointed out that they had not had an increase since 1976. AMBULANCE-
INCREASE IN
RATES FOR
AEMS

Mr. McDaniel explained their deficit and that it warranted an increase. He said that a survey of other cities showed that Abilene charges were low.

Mayor Howard opened public hearing on the above subject and there was no one present that desired to be heard, so the public hearing was closed.

Councilman Moore moved adoption of the resolution authorizing a rate increase for AEMS. 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.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING AMBULANCE RATE INCREASES FOR ABILENE EMERGENCY MEDICAL SERVICE.

Mr. McDaniel said that the City now has two contracts, one with the Abilene Convention & Visitors Bureau and the other with the Cultural Affairs Council (which are two divisions of the Chamber of Commerce). He said that one contract with the Chamber of Commerce was desired and discussed. He said that the new contract involves no change in the City's fee for collecting the 4% hotel-motel tax, but it stipulates that all funds collected in excess of budgeted revenue shall be kept by the City and used according to state law. CHAMBER OF
COMMERCE-
CONTRACT

Raymond McDaniel, Acting President of the Chamber of Commerce, said that they may be back at the next Council meeting requesting amendments because the City has proposed a \$250,000 ACVB budget and \$83,000 CAC budget for the year that began March 1, while the two divisions had planned on budgets of \$302,000 and \$100,000 respectively.

Mr. McDaniel said that the newly approved setup should leave \$80,000 to \$90,000 for the City to use in accordance with State Law. The money would probably go to the Civic Center, he said.

Councilman Higginbotham moved approval of the contract with the Chamber of Commerce, covering the Abilene Convention & Visitors Bureau and the Cultural Affairs Council, two divisions of the Chamber of Commerce. 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.

After discussion, Councilman Bowen moved to approve City of Abilene participation in Abilene Centennial Council's Special Homecoming Celebration, not to exceed \$9,000-\$12,000, depending upon the level of manpower support required. This was approved with the understanding that the Council would approve the amount after the Centennial was over, because the exact amount was not known that would be necessary. 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 executive session was held on pending and contemplated litigation.

CENTENNIAL-
AUTH. CITY
TO PARTICIPATE

COUNCIL-
EXECUTIVE
SESSION

The council reconvened in open session, with Councilmen Bowen & Hilton gone from the meeting.

Councilman Moore moved adoption of the resolution, authorizing the Mayor to execute a settlement agreement on a lawsuit stemming from the 1978 loss by fire of a city sewer cleaning truck. Terms of the agreement call for the City to receive \$26,587.50 plus court costs. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

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

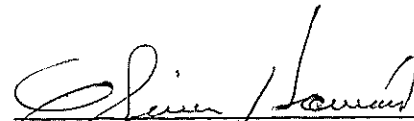
NAYS: None.

COUNCIL-
SETTLEMENT OF
LAWSUIT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT.

There being no further business, Mayor Howard adjourned the meeting at 1:45 p.m.


CITY SECRETARY


MAYOR