

Regular Meeting of the Mayor and the City Council of the City of Abilene, Texas, to be held in the Council Chamber of the City Hall on Thursday, December 3, 1981, at 9:00 a.m.

CITY COUNCIL: Mayor Elbert E. Hall; Council - Seaton Higginbotham, Dick Bowen, Juan C. Rodriguez, A. E. Fogle, Jr., L. D. Hilton and Kathy Webster.

1. Call to Order.
2. INVOCATION: Councilman A. E. Fogle, Jr.
3. APPROVAL OF MINUTES: Regular Meeting held November 19, 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 even the item will be removed from the general order of business and considered in its normal sequence.

4. Resolutions
 - a. Approving appointment of Assistant City Attorney.
5. Award of Bids
 - a. Repair of Water Pump at Grimes Treatment Plant.
6. Request to Advertise
 - a. Contract for Abandoned Vehicles - Wrecker Service for Police Dept.
 - b. Roof Repair at eight Park restrooms.

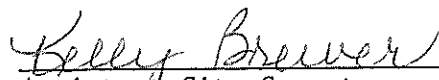
REGULAR AGENDA

7. Public Hearings
 - a. Consider on second and final reading - Joint Utilization Project approval & appropriation of funds.
 - b. Consider on second and final reading - thoroughfare abandonment, being located east of Fair Drive and north of Sandy Street.
 - c. Consider on second and final reading - street name change, from Carl Miles Drive to Executive Drive.
 - d. Consider on second and final reading - Adopt & enact a recodification of the City's Code of Ordinances.
 - e. Consider on second and final reading - appealed from Planning & Zoning reclassification from RS-12 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 3400 South 14th Street.
 - f. Annexation of Quail Valley Subdivision.
 - g. Public Hearing and Ordinance on First Reading concerning WTU Rate Increase; Resolution considering WTU Rate Increase Request.
8. Resolutions
 - a. Consider contract with State of Texas for a Drainage Easement on FM 707.
 - b. Consider contract with Railroad for improving grade crossing at Abilene Southern Railroad and Antilley Road.
 - c. Joint Use Agreement between the City of Abilene and Taylor County for Computer Use.
9. Other Business
 - a. Approval of public officials to Boards and Commissions.
 - b. Land Acquisition for right of way.
 - c. 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 25 day of November, 1981, at 5:00 p.m.


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, December 3, 1981, at 9:00 a.m. with Mayor Pro Tempore Dick Bowen, present and presiding. Councilmen Seaton Higginbotham, Dick Bowen, Juan C. Rodriguez, A. E. Fogle, Jr., L. D. Hilton & Councilwoman Kathy Webster, present. Mayor Elbert E. Hall absent. City Manager Ed Seegmiller, City Attorney Harvey Cargill & City Secretary Ruth Hodgkin, present.

Invocation by Councilman Fogle.

Councilman Higginbotham moved approval of the corrected minutes for November 5, 1981, and the corrected minutes for the regular meeting held November 19, 1981. The motion was seconded by Councilman Rodriguez. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

Councilman Hilton moved passage of the consent items listed below. The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

4. Resolutions

a. Hold

5. Award of Bids

a. Repair of Water Pump at Grimes Treatment Plant.

6. Request to Advertise

a. Contract for Abandoned Vehicles - Wrecker Service for Police Department.

b. Roof Repair at eight Park Restrooms.

WATER-
REPAIR OF
PUMP- GRIMES
TREATMENT
PLANT
CONTRACT-
ABANDONED
VEHICLES
PARKS-
REPAIR OF ROOF
(8) RESTROOMS

Mayor Bowen opened public hearing on an ordinance accepting the recommendations of the Joint Utilization Committee for cooperation between the City of Abilene and the Abilene Independent School District to join together in developing a multi-purpose athletic complex.

Mayor Bowen asked Mr. Roy McDaniel, Director of Finance, to brief the Council on the proposed ordinance.

Mr. McDaniel said this was the final step concerning the proposed ordinance accepting the recommendations of the Joint Utilization Committee concerning a multi-purpose athletic complex. He said that the Parks Budget would need to be amended by \$261,125.

Mrs. Truitt Davis, 4116 Concord, said that she was concerned about the project's impact flooding in the neighborhood and about a proposed maintenance building to be built at Lee Park. She also said that she was concerned about the lighting of the ball fields near private property.

Councilman Higginbotham said that the flooding would not be any worse because of the project construction.

Mr. Seegmiller said that recreational use of flood prone property is a good way of utilizing such land without adversely affecting neighboring areas.

Mike Hall, Director of Community Services, explained that the lights would be far enough over from the private homes, that it would not light them after night.

Fred Aycock, Assistant Director of Community Services, said that the maintenance building would be small, but attractive.

PARKS-
JOINT UTILIZ-
ATION- CITY
& SCHOOL-
ATHLETIC COM-
PLEX
FINAL READING

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

Councilwoman Webster moved passage of the ordinance on second and final reading accepting the recommendations of the Joint Utilization Committee for cooperation between the City of Abilene and the Abilene Independent School District and appropriating \$261,125, for the City's portion of the cost. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ACCEPTING THE RECOMMENDATION OF THE JOINT UTILIZATION COMMITTEE FOR COOPERATION BETWEEN THE CITY OF ABILENE AND THE ABILENE INDEPENDENT SCHOOL DISTRICT AND APPROPRIATING FUNDS FOR SAME.

Mayor Bowen opened public hearing on an ordinance providing for a thoroughfare abandonment, being located east of Fair Drive and north of Sandy Street.

THOROUGHFARE
ABANDONMENT-
E. OF FAIR DR.
& N. OF SANDY
PASADENA HTS.
ADDITION-
FINAL RD.

Mayor Bowen asked Mr. Wayne Collier, Zoning Administrator, to brief the Council on the provision.

Mr. Collier said that it was located in Pasadena Heights Addition. He said that the Staff and Planning & Zoning recommended passage of the ordinance, subject to the retention of a 20' utility easement from the west ROW line of the north-south portion of the alley.

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

Councilman Higginbotham moved passage of the ordinance on second and final reading providing for a thoroughfare abandonment, being located east of Fair Drive and north of Sandy Street in Pasadena Heights Addition, subject to the retention of a 20' utility easement. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

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.

Mayor Bowen opened public hearing on an ordinance providing for a Street Name Change, from Carl Miles Drive to Executive Drive.

STREET NAME
CHANGE- CARL
MILES DR. TO
EXECUTIVE DR.
FINAL RD.

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

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

Councilman Fogle moved passage of the ordinance providing for the Street Name Change from Carl Miles Drive to Executive Drive. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF CARL MILES DRIVE TO EXECUTIVE DRIVE.

Mayor Bowen opened public hearing on an ordinance, adopting a recodification of the City's Code of Ordinances.

Mayor Bowen asked Mr. Gary Landers, First Assistant City Attorney, to brief the Council on the proposed ordinance.

CODE- NEW
CODIFICATION
OF CITY'S
ORDINANCES
FINAL RD.

Mr. Landers explained that they had taken out those codes which are constantly changing, such as housing, plumbing and building. The other ordinances would be sent to the codification company as they were passed in order to be put into the book of ordinances. He said that the new Code of Ordinances would be in full force and effect from and after May 1, 1982.

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

Councilwoman Webster moved passage of the ordinance on second and final reading adopting and enacting a recodification of the City's Code of Ordinances. The motion was seconded by Councilman Rodriguez. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF ABILENE, TEXAS, ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Mr. Collier said that the appeal from Planning & Zoning, reclassification from RS-12 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 3400 South 14th, would need to be held, because the area residents were not notified.

ZONING-RE
RS-12 to RM-3
3400 S.14th
DECISION
TABLED

Joe Humphrey, one of the owners, said that he wished that the matter of re-zoning of that property could be handled once and for all, because they were tired of coming up here year after year.

After discussion, Councilman Hilton moved to table the decision on the property in question located at 3400 South 14th Street, until January 14 agenda, after the area residents were notified regarding the public hearing. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

Mayor Bowen opened public hearing on the Annexation of Quail Valley Subdivision.

ANNEXATION-
QUAIL VALLEY
SUBDIVISION-
2ND PH

Tony Neitzler, Assistant Director of Planning & Community Development, said that they received a request from John Beall & Associates on September 10, 1981, to be annexed. He said that the Council had approved a Service Plan and Calendar for the annexation of the area, but this public hearing was required by the Statutes of the State of Texas. He also pointed out that a public hearing is to be held out on the location on December 4, 1981, at 10:00 a.m. There being no one present and desiring to be heard, Mayor Bowen closed the public hearing.

Mr. Cargill said that West Texas Utilities had filed a system wide rate increase, which included the City of Abilene.

FRANCHISE-
WEST TEXAS
UTILITIES-
RATE INCREASE
REQUEST

Mr. Holman King, Vice President of West Texas Utilities, said that the company had only filed for what they needed and that they needed the increase immediately because of inflation, rise in the interest rates and the expected high cost of future construction. They are planning to construct a large coal fired plant, with the help of two sister companies which should furnish power for some time to come.

Mr. King said that the average bill would increase about \$6.56 a month.

Mr. Cargill recommended that the City Council suspend the rate increase for 120 days, pass the ordinance on first reading, authorize the City intervention in the Public Utility Commission case. He said that he did not know what the other cities had planned to do but he anticipated that Texas Municipal League will again sponsor a joint effort meeting of all the cities affected by this increase.

After discussion, Councilman Higginbotham, moved that the City adopt the resolution suspending the rate increase for 120 days, pass the ordinance on first reading allowing the increase, authorize the City's participation in the rural rate case, and authorize the City's and the City Attorney's participation in the Texas Municipal League joint effort in the W. T. U. Rate Case. The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE WEST TEXAS UTILITIES RURAL RATE CASE, SUSPENDING THE LOCAL INCREASE.

AN ORDINANCE APPROVING ELECTRIC UTILITY RATE SCHEDULES FOR WEST TEXAS UTILITIES COMPANY; PROVIDING A SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Bob Whitehead, Director of Public Works, said that the State has been requested by Taylor County, to quitclaim to the County an interest the State may have in the drainage easement along F.M.707 at Catclaw Creek. This easement is on the north side of F.M.707, and allowed water to cross and enter upon, at the time, undeveloped property. This property is no longer needed for drainage purposes, since this area has been subdivided into Mesquite Forrest Estates. The State will retain responsibility for drainage on F.M. 707 R.O.W.

EASEMENT
FROM CITY-
DRAINAGE
ON 707

Mr. Whitehead said that the design for control of storm water in Catclaw has been approved and a one hundred (100') wide easement has been platted.

After discussion, Councilwoman Webster moved adoption of the resolution authorizing the City of Abilene to enter into a contract with the State of Texas whereby the City will assume responsibilities for drainage at Sta. 160+87.5 on F.M. 707, in the City of Abilene. The motion was seconded by Councilman Rodriguez. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

A RESOLUTION AUTHORIZING THE CITY OF ABILENE, TO ENTER INTO A CONTRACT WITH THE STATE OF TEXAS WHEREBY THE CITY WILL ASSUME RESPONSIBILITIES FOR DRAINAGE AT Sta. 160+87.5 ON F.M. HIGHWAY 707 IN THE CITY OF ABILENE, TEXAS.

Mr. Whitehead said that the City had requested the Missouri Pacific Railroad Company to submit a proposal for installation of a heavy duty plank crossing of the Abilene Southern Railroad at Antilley Road. This agreement was received and under this agreement the City would pay the full estimated cost of this work in the amount of \$13,000, to the Missouri Pacific Railroad, who would provide all material and labor for these proposed improvements.

STREET IMP.
PROPOSAL FOR
GRADE CROSSI
INSTALLATION
ANTILLEY RD.
ABILENE SOUT
ERN RR
DISCUSSION

Mr. Whitehead said that there was about \$20,000 budgeted for the project, but would only cost approximately \$13,000.

Mayor Bowen said that he felt that the City should go ahead and assess the Railroad for their portion of the cost on Antilley Road.

Councilman Hilton said that there were some parts of the contract that he could not agree with.

Councilman Fogle discussed whether the Railroad knew that there were other crossings which need to be dealt with. He said that the Staff needed to work with the Railroad in getting this done.

After discussion, it was suggested that the City Staff prepare a contract which the City could approve.

Mr. Seegmiller said that the Staff needed the City Council's guidance as to how they want the Staff to work with the railroad. He said that they had planned a heavy rubberized crossing which would be longlasting and effective.

After much discussion, Councilwoman Webster directed the Staff to prepare a procedural document as to how we need to deal with the Railroad in the future, prepare a new resolution and contract, with a time limit for the repair. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

Tony Neitzler explained the need for the City and Taylor County to enter into a Joint Use Agreement. He said that this agreement would allow the City the ability to keep its Land Use and Housing Information System on County equipment where it will be compatible with the Taylor County Tax Appraisal District files. Basically it calls for the County to provide us with two terminals, a printer and telephone equipment to hook it up. He said that the agreement calls for the County to be responsible for basic programming necessary to operate the system and for additional programming costs to be picked up by the City as it is needed.

TAYLOR COUNTY-
JOINT USE
AGREEMENT-
COMPUTER-
CONTRACT

Councilman Higginbotham moved adoption of the resolution authorizing the Mayor to execute an inter local computer use agreement with Taylor County at a cost of \$1,152 per month or \$13,824 per year. Additional programming would cost \$30 per hr. as needed. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COMPUTER USE AGREEMENT WITH TAYLOR COUNTY.

There was an executive session on pending & contemplated litigation, with no action taken.

CITY COUNCIL
EXECUTIVE
SESSION

Councilwoman Webster moved to approve the following people to the below named boards. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

LIBRARY BOARD

Mrs. Robert W. (Mag) Morford
William D. Minter

BOARD APPT.
LIBRARY

PUBLIC RESPONSIBILITY COMMITTEE

Philip Wetherbee (Reappointment)
Edward Hamilton "
Mrs. Gabby Hawkin "
Mrs. Wanda Kirkpatrick "
Mrs. Lynn Ybarra "
1st Lt. James Quattlebaum
Dr. Paul Jungmeyer

BOARD APPT.
PUBLIC RESPON.
COMMITTEE

BOARD OF ADJUSTMENT

Reed Ingalsbee (Alternate)
Rick Weatherl (Alternate)

BOARD APPT.
BD. OF
ADJUSTMENT

Councilman Hilton moved adoption of the resolution appointing members to the Citizens' Energy Council as follows: The motion was seconded by Councilman Rodriguez. The motion carried as follows:

BD. APPT.
ENERGY COUNCIL

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REAPPOINTING THE CITIZENS' ENERGY COUNCIL.

FLOYD BALL	(REAPPOINTMENT)
BILL BAXTER	"
CHARLIE BEARD	"
VIC BLIDEN	"
VIRGIL BOTTOM	"
PENNIE BOYETT	"
WILEY DUGGER	"
RON HANEY	"
MARTHE HARMON	"
LARRY JANOUSEK	"
ANDREW PENNS	"
BEN PILCHER	"
RICHARD SMITH	"
CHARLES NELSON	"
CARLISLE WILLIAMS	"

Mr. Whitehead said that the State and County have entered into an agreement regarding a bridge replacement on Antilley Road & Elm Creek. He said that the land acquisition would enable the road to be straightened. We have been working with the County since its on the City limits border to share into the local cost with the County for the construction of this bridge. We are proposing that the alignment for the bridge be changed to the north so that we can have a straight thru alignment on that street. The street is part of the master plan and thoroughfare plan of Antilley Road to be extended in the future as an arterial street 64' wide.

BRIDGE-
ANTILLEY RD.
& ELM CREEK-
AUTHORIZE
PURC. OF ROW

Mr. Whitehead said that the local cost to the City would amount to about \$55,900, plus estimated about \$12,000 for the land acquisition. The County's portion would be \$55,900, plus the construction of the road on their side to connect to the bridge. We would have to construct the street on the inside of City limits on one side of the bridge.

Mr. Whitehead said that the State would pick up 80% of the cost of construction of the bridge, the County 10% and the City 10%.

Councilman Higginbotham moved authorization of land acquisition, estimated to be about \$12,000 for the purchase of ROW. This would be authorized in the 1982-1983 Budget. The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilmen Higginbotham, Rodriguez, Fogle, Hilton, Councilwoman Webster & Mayor Bowen.

NAYS: None.

Mr. Seegmiller reported to the Council on a meeting that he and Mayor Hall and Councilman Rodriguez had attended, which was a conference held by the National League of Cities held in Detroit. He discussed the new federalism as it pertains to Block Grants and the Block Grant System in Texas. He said that the President had in mind for the State and local government responsible for managing & financing many of the aid programs now run by the federal government, especially pertaining to welfare programs. Its not just a matter of transferring the responsibility, but transferring the decision of deciding if those programs necessary and to what level they will be administered. He said that we will definitely be receiving much less money.

CITY COUNCIL-
REPORT FROM
CITY MGR.-
NATIONAL
LEAGUE OF
CITIES

He said that the Texas Municipal League has submitted a proposal to the Governor which would authorize procedures in setting up this administration and would flow thru the Texas Dept. of Community Affairs. There is a need to communicate with our legislators to discuss and understand the new federalism and how it will affect us.

There being no further business, Mayor Bowen adjourned the meeting at 11:25 a.m.

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M. Bowen