

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, August 25, 1983, at 9:00 a.m.

CITY COUNCIL: Mayor Elbert E. Hall; Council - Dr. Julian Bridges, Billye Proctor-Shaw, Juan C. Rodriguez, A. E. Fogle, Jr., Welton Robinson and Harold Nixon.

1. Call to Order.
2. INVOCATION: Councilman Harold D. Nixon.
3. APPROVAL OF MINUTES: Budget Session Meetings held August 4, 8, 9, and 10, 1983, and Regular Council Meeting held August 11, 1983.

4. AWARDS & PRESENTATIONS:

Hallie Ruth Cole	Librarian	Comm. Ser. Dept.	30 Years
Aubrey K. Heatly	Heavy Equip. Oper.	Water Dept.	20 Years
B. G. McDaniel	Heavy Equip. Oper.	Water Dept.	20 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 requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

5. Ordinances
 - a. Appealed Item:
sent back to P&Z to change fr. RM-2 to O
Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to LC (Limited Commercial) District, located in the 4900 block of Buffalo Gap Road and set a public hearing for September 8, 1983, at 9:00 a.m.
 - b. Consider on first reading - Ordinance amending subdivision regulations and set a public hearing for September 8, 1983, at 9:00 a.m.
 - c. Consider on first reading - Ordinance amending refuse rates.
 - d. Consider on first reading - Ordinance amending Chapter 32, "Utilities", Article III, industrial wastes, of the Abilene Municipal Code.
 - e. Consider on first reading - Ordinance amending Chapter 18 "Motor Vehicles and Traffic" of the Abilene Municipal Code concerning alley between No. 1st Street, No. 2nd Street, Grape Street and Merchant Street.
 - f. Consider on second and final reading - Ordinance amending Chapter 18 "Motor Vehicles and Traffic" of the Abilene Municipal Code concerning new school speed zones.
6. Resolutions
 - a. Consider authorizing City Manager to sign lease agreement for five (5) police vehicles.
 - b. Consider right-of-way acquisition for Mockingbird Lane/Barrow Street Improvement Project.
 - c. Consider right-of-way acquisition for Grape Street widening project.
 - d. Consider request for street use license - Thorton's Department Store.
 - e. Consider approving contract with American National Bank as pay station for City of Abilene utility bills.
 - f. Consider request for drainage easement in Nelson Park.
7. Award of Bid
 - a. Respiratory Air Compressor for Fire Department.
8. Request to Advertise
 - a. Microcomputers for the Big Country Library System.

street fr. agenda

REGULAR AGENDA

9. Ordinances and Resolutions

- 84-1983 a. Resolution - Consider approving the issuance of the Abilene Higher Education Authority, Inc., Series 1983A and Series 1983B bonds for the purpose of financing student loans.
- 75-1983 b. Public Hearing - Consider resolution authorizing the filing of Community Development Block Grant Application for FY 1983.
- 91-1983 c. Tabled Item:
Consider on second and final reading - Ordinance amending Chapter 21, "Oil & Gas".
- 77-1983 d. Tabled Item:
Consider on second and final reading - Resolution adopting Oil & Gas Drilling Permit Fees.
- 76-1983 e. Tabled Item:
Consider on second and final reading - Resolution adopting a Mineral Lease Form.
- 92-1983 f. Public Hearing - Consider on second and final reading - reclassification request from SC & RM-2 (Shopping Center & Residential Multi-Family) to GC (General Commercial) District, located at North 10th Street and Minter Lane.
- 93-1983 g. Public Hearing - Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to MRH (Modular Home Overlay) District, located at 3201, 3125 & 3109 S. 3rd Street.
- 94-1983 h. Public Hearing - Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to PH (Patio Home Overlay) District, located on Woodcock Circle.
- 95-1983 i. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-6, RS-8 & RS-12 (Residential Single Family) District, located on Meadow Drive.
- 48-1983 j. Public Hearing - Consider authorizing the filing of Transit Operating Assistance Grant application for FY 1984.
- 74-1983 k. Resolution - Consider changing Minority Business Enterprise goal statement.

10. Award of Bids

- a. Liability Insurance.
- b. Group Insurance.
- 10-1983 - c. Fall Paving Assessment and set a public hearing for September 22, 1983, at 9:00 a.m.
- d. Bond paving and bridge construction projects.

11. Other Business

- a. Appointment and evaluation of public officials.
- b. Pending and Contemplated Litigation.

ADJOURN

REGULAR CITY COUNCIL MEETING
THURSDAY, AUGUST 25, 1983 - 9:00 A.M.

THE CITY COUNCIL OF THE CITY OF ABILENE,
TEXAS, CITY COUNCIL CHAMBERS

The City Council of the City of Abilene, Texas, met in Regular Session, Thursday, August 25, 1983, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor Elbert E. Hall was present and presiding with Councilman Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Carlos Rodriguez, A. E. Fogle, Jr., Welton Robinson, and Harold Nixon. Also present were City Manager Ed Seegmiller, City Attorney Harvey Cargill, Jr., and City Secretary, Patricia Patton.

Councilman Harold Nixon gave the invocation.

Councilwoman Proctor-Shaw moved to approve the minutes of the Budget Session held August 4, 8, 9, and 10, 1983, and Regular Council Meeting held August 11, 1983. The motion was seconded by Councilman Carlos Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

Mayor Hall presented awards to the following employees for their tenure of service to the City of Abilene:

Hallies Ruth Cole, Librarian, Community Services Department, 30 years;
Aubrey K. Heatly, Heavy Equipment Operator, Water Department, 20 years;
B. G. McDaniel, Heavy Equipment Operator, Water Department, 20 years;

Mayor Hall lifted from the consent agenda to be considered separately for discussion items 5a, 5c, 6a, and 6c. Mayor Hall removed from the agenda item 8a, being a request to advertise for microcomputers for the Big Country Library System.

Councilwoman Proctor-Shaw moved approval of the consent agenda items 5b, 5d through 5f; 6b, 6d through 6f; and 7a. The motion was seconded by Councilman Bridges and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodrigues, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

5. Ordinances

- b. Consider on first reading - ordinance amending subdivision regulations and set a public hearing for September 8, 1983, at 9:00 a.m.

SUBDIVISION -
regulations
revised - 1st read
approved

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART D OF THE CODE OF THE CITY OF ABILENE BY REPEALING SUCH SUBPART AND SUBSTITUTING THEREFORE THE FOLLOWING RULES AND REGULATIONS RELATING TO THE DIVISION AND DEVELOPMENT OF LAND, APPROVAL OF PLATS, LAND DEDICATIONS AND THE DESIGN OF LAND DEVELOPMENTS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, WHICH RULES AND REGULATIONS SHALL BE APPLICABLE TO THE MAXIMUM EXTENT ALLOWED BY LAW BOTH WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ABILENE AND WITHIN ITS EXTRATERRITORIAL JURISDICTION.

- d. Consider on first reading - ordinance amending Chapter 32, "Utilities", Article III, industrial wastes, of the Abilene Municipal Code and set a public hearing for September 8, 1983, at 9:00 a.m.

UTILITIES -
Ch. 32, Art. III
industrial wastes
1st read, approved

AN ORDINANCE AMENDING CHAPTER 32 "UTILITIES", BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

- e. Consider on first reading - ordinance amending Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code concerning alley between N. 1st Street, N. 2nd Street, Grape Street and Merchant Street. TRAFFIC - code amer certain alley 1st read, approved

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.

- f. Consider on second and final reading - ordinance amending Chapter 18, "Motor Vehicles and Traffic" of the Abilene Municipal Code concerning new school speed zones. The ordinance is numbered 90-1983 and is captioned as follows: TRAFFIC - code amen school speed zones 2nd read, approved 90-1983

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.

6. Resolutions

- b. Consider right-of-way acquisition for Mockingbird Lane/Barrow Street Improvement Project. The resolution is numbered 71-1983 and captioned as follows: ST. IMPROVE - Mocking./Barrow ROW acq., policy of completion for St. Dept. of Hwy & Pub. Transp. approved 71-1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, STATING THAT THE RIGHT OF WAY FOR METROPOLITAN HIGHWAY 179 HAS BEEN ACQUIRED ACCORDING TO POLICIES OF THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION AND IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS GOVERNING THE ACQUISITION POLICIES AND ACQUIRING REAL PROPERTY.

- d. Consider request for street use license for Thornton's Department Store. The item was passed by oral resolution. ST. USE LICENSE - Thornton's Dept. St. approved

- e. Consider approving contract with American National Bank as pay station for the City of Abilene utility bills. The resolution is numbered 72-1983 and captioned as follows: CONTRACT - WATER - American Nat'l Bnk as pay station approved 72-1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A CONTRACT WITH AMERICAN NATIONAL BANK FOR A PAY STATION FOR CITY OF ABILENE UTILITY BILLS.

- f. Consider request for drainage easement in Nelson Park. The item was passed by oral resolution. *(No Easement) - 7/28/83* EASEMENT RELEASE - Nelson Park, approved

7. Award of Bid

- a. Respiratory Air Compressor for Fire Department. EQUIP - Fire Dept. approved

The following are those items lifted from the consent agenda to be considered separately for discussion.

- 5a. Ordinance appealed: consider on first reading a reclassification request from RM-2 to LC, located in the 4900 block of Buffalo Gap Road.

Mr. Ron Hansen, Assistant Zoning Administrator, briefed the Council. Mr. Bill Perry, agent for the applicant, Western Marketing, Inc., appeared before the Council requesting that the Council send the item back to the Planning and Zoning Commission for consideration of the reclassification from RM-2 to O (Office). The Planning and Zoning Commission did recommend denial of the reclassification as currently requested to LC, and the agent did appeal to the Council their decision. Presently, the agent would like to change the request from LC to O.

Councilman Fogle moved to return the reclassification request back to the Planning and Zoning Commission, at the request of the agent for the applicant, William Perry. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE - RM-2
to LC, 4900 blk
Buff. Gp. Rd.
returned to P&Z

5c. Consider an ordinance on first reading amending the refuse rates.

Mr. Bob Whitehead, Director of Public Works, briefed the Council, reiterating the discussion during the budget review sessions on the commercial refuse collection rates. Since the inception of the operation of the new landfill, it is possible to capture the costs for different units of refuse collection. After analyzing the situation, it was determined the stationary compactor unit fees would require an increase of approximately thirty-eight (38%) percent for collection and disposal in order to bring them to a break-even status. Both the metal commercial container service and the residential collection service are presently at a break-even status.

Councilman Rodriguez moved to approve the ordinance on first reading amending Chapter 27 "Refuse", of the Abilene Municipal Code as presented. The motion was seconded by Councilman Nixon and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson and Nixon.

NAYS: Mayor Hall.

REFUSE - amend
code, increase
rates, 1st read.
approved

AN ORDINANCE AMENDING CHAPTER 27, "REFUSE", BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

6a. Consider authorizing the City Manager to sign lease agreement for five (5) police vehicles.

Mr. Roy McDaniel, Assistant City Manager, informed the Council to the recommendation from the Police Study of proportioning the patrol time of the tactical unit of the Police Department. It was determined the best method of patrolling these men would be to allocate patrol cars to them. It is recommended to authorize a three-year lease agreement with a purchase option available at the expiration of the lease. Councilwoman Proctor-Shaw questioned the amount of the purchase price at the expiration of the lease, of which Roy McDaniel responded.

Councilman Bridges moved to authorize the City Manager to sign the lease agreement for five (5) police vehicles, by oral resolution. The motion was seconded by Councilman Fogle and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

POLICE - author.
C.Mgr. to sign
lease agree. for
5 vehicles

6c. Consider right-of-way acquisition for Grape Street widening project.

Bob Whitehead, Director of Public Works, briefed the Council and after some discussion from the Council, Councilwoman Proctor-Shaw moved to approve the right-of-way acquisition for Grape Street widening project. The motion was seconded by Councilman Fogle and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

STR IMPROV -
approp. add'l
undesignated bond
funds for ROW
acq., Grape St.
R/13 1988

The resolution is numbered 73-1983 and is captioned as follows:

A RESOLUTION AMENDING RESOLUTION NUMBER 120-1982 PASSED FOR THE PURPOSE OF ACQUISITION OF PROPERTY AND GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE GRAPE STREET WIDENING PROJECT; AND APPROPRIATING FUNDS.

Mr. Bill Hilton, representative of the Abilene Higher Education Authority, Inc., presented to the Council for consideration a resolution authorizing the issuance of bonds for the purpose of financing student loans.

After some discussion, Councilman Bridges moved to approve the resolution authorizing the issuance of the Abilene Higher Education Authority, Inc., Series 1983A and Series 1983B bonds for the purpose of financing student loans. The motion was seconded by Councilman Fogle and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

BONDS - Abilene Higher Education Authority issue approved

The resolution is numbered 74-1983 and is captioned as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, RELATING TO THE APPROVAL OF THE ISSUANCE OF CERTAIN REFUNDING AND NEW MONEY BONDS BY THE ABILENE HIGHER EDUCATION AUTHORITY, INC.; APPROVING THE ISSUANCE OF SUCH BONDS AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.

Wayne Herrington, Assistant Director of Planning & Community Development briefed the Council on the public hearing for the use of certain Community Development Block Grant funds for fiscal year 1983 and the filing of the application for same. There are three specific recommendations for the use of the funds before the Council for consideration: (1) recommendations from the Community Development Committee; (2) recommendations from the City of Abilene staff; and (3) recommendations from citizens.

Mayor Hall opened a public hearing on the item under consideration with the following persons present and desiring to be heard.

IN FAVOR:	RECOMMENDED USE:
Bill Baxter, 4809 Stonehedge member Citizen's Energy Council	Energy Office
Robert English, 1419 Mimosa	Supported the staff's recommended use for Abilene Economic Development Company, Inc.
York Clammon, 2032 Crescent teacher A.I.S.D.	Energy Office
Floyd McDonald, President Abilene Action Committee on Human Rights	Job Training Program
Beatrice Walker, 818 N. Treadaway member Community Develop. Comm.	Supported the Committee's recommended uses; specifically Carver & Cobb gym and the Stevenson Park area
Isaiah Moreland, 837 Ash minister Mt. Zion Bapt. Church	Supported the CD Committee; requested more participation by people from different facets of the community be appointed to the CD Comm., particularly black community; supported a Job Training Program, specifically on-the-job training

No one else present and desiring to be heard, Mayor Hall closed the public hearing.

Wayne Herrington continued to brief the Council, stating that the grant application for participation in the Community Development Block Grant Program must be sent by September 1, 1983, stipulating the City's proposed use of the funds. The proposed use of funds can be reallocated at a later date if the Council so desires. Since new regulations have been passed in Congress, it is no longer a requirement of the CD Committee to give recommendations to the City Council. Discussion between the staff and Council followed.

Considerable concern was expressed regarding the existence of the CD Committee; whether or not the CD Committee should be broadened; and whether or not a thorough review of the CD Committee's objectives, purposes, and recommendations should be made by the Council at possibly a work session.

Councilman Bridges moved to approve the CD Committee's recommendation for proposed uses of fiscal year 1983 funds as presented with an amendment to the Stevenson Park Relocation amount; to adjust that relocation amount down to \$940,455, retaining \$15,000 for the use of maintaining the Energy Office for approximately two (2) months, or until such time as a review by the Council of the recommendations can be made.

PLAN & CD - file
CDBG application
approved for
FY 1983
75-1983

CD Program Administration	\$ 172,785
Housing Administration	178,760
Stevenson Park Relocation	940,455
Energy Office	<u>15,000</u>
	\$1,307,000

The motion was seconded by Councilman Robinson and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

The resolution is numbered 75-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FILING OF AN APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Councilman Fogle moved to lift from the table items 9c, 9d, and 9e being respectively ordinance amending Chapter 21, "Oil and Gas"; resolution adopting oil and gas drilling permit fees; and resolution adopting a mineral lease form. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

Diane Foresman, Assistant Land Agent, briefed the Council on the status of the three items under consideration. The Council decided to first consider item 9e, being a resolution adopting a mineral lease form, contemplating if any specific changes or amendments were made to the item, that could affect the oil and gas ordinance.

Followed was a thorough review of the mineral lease form, including exhibits, by the Council. Dr. Taylor Rankin, member of the Citizen's Task Force on Oil & Gas Review, appeared before the Council and expressed his feelings and concerns regarding the proposed changes to the ordinance, mineral lease form, and drilling permit fees. Generally, his concerns revolved around drilling in and near the City's lakes and the preservation of the City's water supply. He did state he had been absent from most of the Task Force meetings, but felt he was knowledgeable in the biological field and thanked the Council for an opportunity to express his concerns.

Councilman Bridges moved to approve the resolution adopting a mineral lease form with the amendment to lease, section 16 "Tank Battery Requirements"; amendment to lease exhibit "A" Special Provisions for Drilling and Producing Around Lakes, Section (1) "Drilling Site" and Section (6) "Storage Facilities", as indicated below. The motion was seconded by Councilman Nixon and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

- (1) Oil and Gas mineral lease form, Section 16, Tank Battery Requirements to change from:

"The tank battery . . . to contain at least twice the volume of all tanks within it, and so arranged that they"

Changed to:

"The tank battery . . . to contain at least twice the volume of all tanks within it, prior to time of production, and so arranged that they"

- (2) Oil and Gas mineral lease form, Exhibit A, Special Provisions for Drilling and Producing Around Lakes.

- (1) Drilling Site. Change from:

"No well site shall be less than one foot above the one hundred year flood plain. . . regarding the protection of the City's water supply."

Changed to:

"No well site shall be located in the one hundred year flood plain nor less than one foot above the one hundred year flood plain. . . regarding the protection of the City's water supply."

- (6) Storage Facilities. Change from:

"Oil and gas testing, separation and storage facilities shall be located at least 5 feet above spillway elevation and 200 feet from water surface at spillway level."

Changed to:

"Oil and gas testing, separation and storage facilities shall be located at least 5 feet above spillway elevation, 200 feet from water surface at spillway level, and outside the one hundred year flood plain."

The resolution is numbered 76-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ADOPTING A NEW MINERAL LEASE FORM.

The next item for consideration is an ordinance amending Chapter 21, "Oil and Gas" of the Abilene Municipal Code. Diane Foresman, Assistant Land Agent, and Gary Landers, First Assistant City Attorney, reviewed with the Council the changes from the current ordinance to the proposed ordinance. A thorough review by the Council followed. Mr. Jim Krejci appeared before the Council expressing specific concerns as to affects the proposed ordinance changes would have to previously issued leases. Gary Landers responded that each lease, depending upon the time period it was issued and approved, has different limitations incorporated within it. However, the City does have the right to change its laws

governing oil and gas leases. Mr. Krejci also expressed a concern regarding the City adding additional requirements of a leasee on top of those required by the State Railroad Commission.

Councilman Bridges moved to approve the ordinance amending Chapter 21, Oil and Gas, of the Abilene Municipal Code with the amendments to the proposed ordinance as indicated below to Section 21-26 and Section 21-44, as recommended by the staff. The motion was seconded by Councilman Robinson and the motion carried as follows:

OIL & GAS -
code amend. ch.
21, 2nd Read
approved
91-1983

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

(1) Section 21-26. Termination. Change from:

"When a permit shall have been issued The cessation for a like period of the drilling operations or the cessation of the production of oil or gas from the well after production shall have commenced for a period of thirty (30) days shall terminate and cancel the permit"

Change to:

"When a permit shall have been issued The cessation for a thirty (30) day period of either the drilling operations or of the production of oil or gas from the well after production shall have commenced, shall terminate and cancel the permit"

(2) Section 21-44. Other regulations. Change from:

"In addition to the provisions of this article, all drilling operations shall be conducted in accordance with the rules and regulations of the Railroad Commission of the state"

Change to:

"In addition to the provisions of this article, all drilling operations shall be conducted in accordance with the rules and regulations of the State Railroad Commission of the state"

The ordinance is numbered 91-1983 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 21, "OIL AND GAS", BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Councilman Fogle moved to approve the resolution adopting oil and gas drilling permit fees as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

OIL & GAS -
permit fees &
min. insurance
approved
77-1983

The resolution is numbered 77-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING FEES AND MINIMUM INSURANCE AMOUNTS FOR OIL AND GAS WELL PERMITS.

After being briefed by Ron Hansen, Assistant Zoning Administrator, Mayor Hall opened public hearings on the follow four (4) zoning reclassifications under consideration for second and final reading. Mr. Jack Chamberlain, agent for the applicant, spoke in favor of the fourth zoning item, being from A0 to RS-6, RS-8 & RS-12, located on Meadow Drive. There being no one else present and desiring to be heard, Mayor Hall closed the public hearings.

Councilwoman Proctor-Shaw moved approval of the reclassification request from SC & RM-2 to GC, located at North 10th Street and Minter Lane. The motion was seconded by Councilman Nixon and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
SC & RM-2 to GC
N. 10th & Minter
approved
92-1983

Councilman Nixon moved approval of the reclassification request from RS-6 to MRH, located at 3201, 3109 and 3125 South 3rd Street. The motion was seconded by Councilman Robinson and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
RS-6 to MRH,
3201, 3109 &
3125 S. 3rd St.
approved
93-1983

Councilman Fogle moved approval of the reclassification request from RS-6 to PH, located at Woodcock Circle. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
RS-6 to PH,
Woodcock Cr.
approved
94-1983

Councilwoman Proctor-Shaw moved approval of the reclassification request from A0 to RS-6, RS-8 and RS-12, located at Meadow Drive. The motion was seconded by Councilman Bridges and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
A0 to RS-6,
RS-8 & RS-12,
Meadow Dr.
approved
95-1983

Each of the aforementioned and approved reclassification requests are numbered respectively as follows: 92-1983, 93-1983, 94-1983, and 95-1983 and each contain the same ordinance caption being as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "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.

Mayor Hall opened a public hearing for the purpose of hearing citizen input concerning the filing of a Transit Operating Assistance Grant application for FY 1984. No one present and desiring to be heard, Mayor Hall closed the public hearing.

Councilwoman Proctor-Shaw moved approval of the resolution authorizing the filing of a Transit Operating Assistance Grant application for FY 1984. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

TRAFFIC -
TRANSIT -
FY 1984 Oper.
Asst. Grant
App. filed
approved
78-1983

The resolution is numbered 78-1983 and is captioned as follows:

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.

Wayne Kurfees, Director of Traffic and Transportation briefed the Council on a change in the Surface Transportation Act of 1982 requiring that to continue to be eligible for federal financial assistance through the Department of Transportation, the City of

Abilene must comply with a minority business enterprise goal of not less than ten (10%) percent minority business enterprises. A policy statement was approved by the City Council in February of 1981 authorizing a Minority Business Enterprise Program (Resolution 27-1983).

Councilman Bridges moved to approve the resolution changing the Minority Business Enterprise goal statement to comply with federal regulations. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

UMTA -
MBE Program
goal statement
changed to 10%
approved
79-1983

The resolution is numbered 79-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AMENDING MINORITY BUSINESS ENTERPRISE PROGRAM.

Roy McDaniel, Assistant City Manager, briefed the Council on the award of bid item for liability insurance coverage. He gave a brief history of the City's self-insurance program since 1979, and the statistics of losses paid to date. Staff recommends approval of the coverages for a self-insured retention, purchase of excess liability policy, and purchase of law enforcement liability insurance as stipulated in detail in the bid tabulation.

After some discussion among the Council, Councilman Bridges moved to approve the recommendations as presented by the staff and award the bid accordingly. The motion was seconded by Mayor Hall and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

INSURANCE -
liability
coverage purch'
& law enfor.
liability
approved

Roy McDaniel, Assistant City Manager, briefed the Council on the award of bid item for group insurance coverage. He gave a brief history of the City's current coverage as compared to the proposed recommendations. The Council's options basically are: (1) a fully-insured plan, group health only; and (2) a minimum premium plan. Staff recommends a contract be awarded with TML-Prudential for the minimum premium plan with a per certificate amount of \$76.40 per month, including Water District and retirees, for a total cost of \$1,122,163 for a one year period; also to authorize a transfer of funds in the amount of \$200,000 from the self-insurance reserve to the health insurance reserve. He explained an administrative decision would be made shortly and a determination made as to the City's/employees' share ratio for per certificate cost. Discussion followed.

Mayor Hall requested that three members of the Council be appointed to study the allocation of cost and some type of long-range program for the retirees (whereby at some point in time, new retirees would not be covered). Mayor Hall moved to approve the adoption of the minimum premium plan with TML-Prudential, effective October 1, 1983, and transfer the reserve of \$200,000 as recommended by the staff; also that prior to the September 8, 1983, Council meeting, the Council find some way to translate their feelings to the staff in reference to the allocation of the charges and the continuation of the enrollment of retirees. The motion was seconded by Councilman Bridges and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

INSURANCE -
group coverage
awarded to TML-
Prudential;
transfer reserve
funds
approved

Bob Whitehead presented the award of bid for the Fall Paving Assessment Program pointing out that the company of Norris & Norris, Inc. did have the lowest bid in the amount of \$72,269.55. However, there are two irregularities in the bid

from Norris & Norris, Inc., being that at the time of the bid opening, acknowledgement was made that the bid was not signed; and there was an error in the calculation of the unit prices, therefore, the bid bond check from Norris & Norris, Inc. is short by \$20.52. The Council has three options: (1) Waive the irregularities of the bid from Norris & Norris, Inc., and allow authorized agent for the company, Mr. Joe Gardner, to sign the bid and tender to the City in the amount of \$20.52 for the difference; (2) Award the bid to the next lowest bidder (being Contract Paving Company); or (3) Reject all bids and authorize the staff to readvertise.

After much discussion among the staff and the Council, Mr. Joe Gardner, representative for Norris & Norris, Inc., appeared before the Council expressing his regret for not signing the bid prior to the bid opening. It was simply a mistake on his part. Also that he was willing at this time to sign the bid and tender a check for the difference in the calculation error in the amount of \$20.52. Mr. Joe Lindley, President, Contract Paving Company, made written request (dated August 22, 1983) to the Council to appear at today's meeting and protest the award to Norris & Norris, Inc. Mr. Joe Lindley then appeared before the Council stating that he feels it is clearly stated on the bid form that the bid will be signed and his feelings are that any official document should contain a signature to be legal.

After discussion, Councilman Nixon moved to waive the irregularities of the bid from Norris & Norris, Inc., and allow a check to be tendered to the City for the difference in the error, being for \$20.52 and that the bid be awarded to Norris & Norris, Inc. The motion was seconded by Councilman Robinson and the motion FAILED as follows:

AYES: Councilmen Robinson and Nixon.

NAYS: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle and Mayor Hall.

ST. IMPROVE -
Fall Paving
Assessment
award of bid
to Norris & Norr
MOTION FAILED

Mayor Hall moved that the bid be awarded to the next lowest bidder, being Contract Paving Company, in the amount of \$83,500.00. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle and Mayor Hall.

NAYS: Councilmen Robinson and Nixon.

ST. IMPROVE -
Fall Paving
Assessment
award of bid
to Contract
Paving Co.
approved
80-1983

The resolution is numbered 80-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING A CONTRACT FOR THE IMPROVEMENT OF THE FOLLOWING NAMED STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF ABILENE, TEXAS, TO-WIT: FALL 1983 PAVING ASSESSMENT PROGRAM;
Bob-0-Link/Brentwood to Catclaw - 36' width
Catclaw Dr./Bob-0-Link south 150 ft. - 36' width
Friar's/Judge Ely east to the existing paving - 36' width
Yeoman's/Judge Ely east to the existing paving - 36' width
CONTINGENT UPON A SUFFICIENT ASSESSMENT BEING LEVIED AGAINST ABUTTING PROPERTIES TO FINANCE SAID PROPOSED STREET IMPROVEMENTS; APPROVING AN ESTIMATE OF COSTS OF SAID PROPOSED IMPROVEMENTS PREPARED BY THE CITY ENGINEER OF THE CITY OF ABILENE, TEXAS; APPROPRIATING FUNDS IN THE SUM OF EIGHTY-THREE THOUSAND FIVE HUNDRED AND 00/100THS (\$83,500.00) DOLLARS FOR THE CITY OF ABILENE'S PORTION OF SUCH ESTIMATED COSTS; APPROVING THE PROPOSED ASSESSMENTS TO BE LEVIED AGAINST ABUTTING PROPERTY OWNERS; AND CALLING A PUBLIC HEARING TO CONSIDER AN ORDINANCE LEVYING SAID PROPOSED ASSESSMENTS AGAINST THE ABUTTING PROPERTY OWNERS.

Mayor Hall left the meeting.

Bob Whitehead, Director of Public Works, present to the Council the award of bid of four (4) bond paving and bridge construction projects. The City's cost of the four (4) projects will be funded from 1980 General Obligation Bond Funds for street and bridge improvements. Staff recommends award of the four (4) bids as presented.

Councilwoman Proctor-Shaw moved approval of the paving and bridge construction projects as presented being as follows:

Project 1 - Southwest Dr. from Winters Freeway to Curry Lane and Catclaw Drive; Catclaw Drive south of Southwest Drive to Curry Lane and north of Southwest Drive a width of 36 feet.

BONTKE BROTHERS - \$428,225.07

Project 2 - Bridge on Catclaw Drive and Catclaw Creek.

BAILEY BRIDGE - \$84,201.60

Project 3 - North 10th Street from Forest to Mockingbird.

WEST TEXAS CONSTRUCTION - \$185,768.25

Project 4 - Industrial Blvd. from Loop 322 to F.M. 1750.

STEVENS MARTIN PAVING - \$289,742.91


ST. & BRIDGE
IMPROVEMENTS -
(4) projects
1980 bond funds
bids awarded
approved

The motion was seconded by Councilman Bridges and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson and Nixon.

NAYS: None.

There being no further business, the meeting was adjourned at 4:00 p.m.


Patricia Patton
City Secretary


Elbert E. Hall
Mayor