

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, September 22, 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 Nixon.
3. APPROVAL OF MINUTES: Regular Council Meeting held September 8, 1983.

4. SERVICE AWARDS:

Lawayne Long	Fire Captain	Fire Department	30 Years
Johnie Snodgrass	Str. Maint. Foreman	Street Department	30 Years
J. D. Self	Police Officer	Police Department	30 Years
Charley White	Str. Maint. Supt.	Street Department	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. Resolutions
 - a. Resolution - Consider joint use on computer agreement between City and Central Appraisal District.
 - b. Resolution - Consider adopting pretreatment program.
 - c. Resolution - Consider easement release for Hickory and N. 18 streets.
 - d. Resolution - Consider tax collection contract with Central Appraisal District and new contracts with AISD and WCTMWD for legal services in connection with delinquent tax collection.
 - e. Resolution - Consider U.S. Weather Service Lease Renewal.
6. Award of Bid
 - a. Fittings for Water Department.
 - b. Zoo Security.
7. Request to Advertise
 - a. Five (5) Police C.I.D. cars, lease agreement.
 - b. Encoders/Decoders for three (3) Radio Systems.

REGULAR AGENDA

8. Ordinances and Resolutions
 - a. Public Hearing - Consider on second and final reading - reclassification request from A0 (Agricultural Open Space) to GC (General Commercial) District, located on Curry Lane.
 - b. Public Hearing - Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to O (Office) District, located at 2217 S. 25th Street.
 - c. Public Hearing - Consider on second and final reading - reclassification request from A0 (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Jennings Drive.
 - d. Public Hearing - Consider on second and final reading - a thoroughfare abandonment, being a 20' x 115' north-south alley, located on Robertson Drive.
 - e. Public Hearing - Fall Paving Assessment Program.

- f. Public Hearing - Consider on second and final reading - reclassification request from RM-2 (Residential Multi-Family) to O (Office) District, located in the 4900 Block Buffalo Gap Road.
 - g. Public Hearing - Consider on second and final reading - reclassification request from RM-3 & GC (Residential Multi-Family & General Commercial) to GC (General Commercial) District, located at S. 14th Street and Bowie Drive.
 - h. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to LI (Light Industrial) District, located on Highway 351 East.
 - i. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC & MH (General Commercial & Mobile Home) District, located at F.M. 2404 and Highway 83-277.
 - j. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to MH (Mobile Home) District, located on Military Drive.
 - k. Public Hearing - Consider on second and final reading - a thoroughfare abandonment, being a 20' x 170' alley, College Heights Addition, save and except a utility easement the entire length and width of the alley.
 - l. Quit claim of a portion of abandoned alley to adjoining owners.
 - m. Consider on second and final reading - ordinance amending Chapter 20, "Offenses", of the Abilene Municipal Code, concerning burglar alarms.
 - n. Resolution - Consider easement to View-Caps Water Supply Corporation.
 - o. Resolution - Consider terminal lease renewal for Chaparral Airlines.
 - p. Resolution - Consider authorizing inter-local agreement for Workers Compensation.
9. Award of Bid
- a. Data acquisition and control equipment for wastewater treatment plant; and execution of change order #3 incorporating data acquisition and control equipment into the project.
10. Personal Appearance
- a. Floyd McDonald - City of Abilene Hiring Policies.
11. Other Business
- a. Consider of first reading - Landmarks and Historic preservation requirements Amendment to existing Zoning Ordinance and set a public hearing for October 13, 1983.
 - b. Appointment and evaluation of public officials.
 - c. Pending and Contemplated Litigation.

ADJOURN

REGULAR CITY COUNCIL MEETING
THURSDAY, SEPTEMBER 22, 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, September 22, 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 Proctor-Shaw, Councilmen A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Councilman Carlos Rodriguez was absent. Also present were City Manager Ed Seegmiller, City Attorney Harvey Cargill, Jr., and City Secretary Patricia Patton.

Councilman Harold Nixon gave the invocation.

Two corrections were given to the Minutes of September 8, 1983, which were duly recorded and made by the City Secretary. Councilman Bridges moved to approve the minutes of the Regular City Council meeting held September 8, 1983, with corrections. The motion was seconded by Councilman Fogle and the motion carried as follows:

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

NAYS: None.

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

Lawayne Long	Fire Captain	Fire Department	30 Years
Johnie Snodgrass	Str. Maint. Foreman	Street Department	30 Years
J. D. Self	Police Officer	Police Department	30 Years
Charley White	Str. Maint. Supt.	Street Department	20 Years

The following items 5a and 7a were removed from the consent agenda to be considered separately.

5. Resolution

- a. Resolution - Consider joint use on computer agreement between City and Central Appraisal District.

Lee Roy George, Director of Planning and Community Development, briefed the Council on the item. Councilman Nixon questioned the liability assumed by either the City or Appraisal District if the records are lost and whether back-up records are kept. It would be the City's liability to recover the lost records and an affirmative response was given to back-up records kept by the City. Councilman Nixon also questioned the amount of City programming hours anticipated on the program. Mr. George responded approximately seventy (70) hours which cost is projected in the 1983-1984 budget. Councilman Nixon moved to approve the resolution authorizing the Interlocal computer use agreement with the Central Appraisal District for one (1) year. The motion was seconded by Councilman Robinson and the motion carried as follows:

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

NAYS: None.

The resolution is numbered 87-1983 and is captioned as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COMPUTER USE AGREEMENT WITH THE CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY.

7. Request to Advertise

- a. Five (5) Police C.I.D. cars, lease agreement.

Councilman Robinson questioned the staff regarding the request to advertise based upon a lease agreement instead of a purchase. Police Major Dwain Pyburn briefed the Council on the justification for the vehicles. Roy McDaniel, Assistant City Manager, stated that the item was budgeted in the 1983-84 budget as a lease item but that it does not preclude the Council from purchasing the cars if the bids come in extremely well and if the Council so desires. Councilman Nixon mentioned the fact that \$100,000 was earmarked in the Revenue Sharing budget for police equipment and if the Council chose to do so, that

CONTRACT
C. APP. DIST.

money could be used for the purchase of the vehicles. Since Revenue Sharing has not yet been approved by Congress, it was suggested that the staff receive both a lease and purchase option. Councilwoman Proctor-Shaw moved to approve the request to advertise for five (5) police C.I.D. vehicles with the amendment option to lease purchase and/or purchase the vehicles. The motion was seconded by Councilman Robinson and the motion carried as follows:

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

NAYS: None.

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

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

NAYS: None.

ABSTAIN: Councilman Fogle, item 5c.

5. Resolutions

- b. Resolution - Consider adopting pretreatment program. The resolution is numbered 88-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ANNOUNCING ITS SUPPORT OF THE ESTABLISHMENT OF A PRETREATMENT PROGRAM FOR THE CITY OF ABILENE. WATER-

- c. Resolution - Consider easement release for Hickory and N. 18th Streets. The resolution is numbered 89-1983 and is captioned as follows:

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

- d. Resolution - Consider tax collection contract with Central Appraisal District and new contracts with the Abilene Independent School District and the West Central Texas Municipal Water District. Approved by oral resolution. CONTRACT

- e. Resolution - consider U.S. Weather Service Lease Renewal. Approved by oral resolution. AIRPORT LEASE

6. Award of Bids

- a. Fittings for Water Department.
b. Zoo Security.

7. Request to Advertise

- b. Encoders/Decoders for three (3) radio systems.

Mayor Hall expressed sincere appreciation on behalf of the entire City Council to the City staff and media for information coverage in reference to the Bond Election held September 24, 1983. He thanked the specific members of the Steering Committee of the Technical Information Committee made up of staff members headed by Lee Roy George; the subcommittees and project committees - Curtis Hawk, Assistant City Manager, for the publicity committee, Sandy Test, Public Information Officer, for graphics, Tony Neitzler, Assistant Director of Planning and Community Development, and Penny Boyett, Energy Coordinator, for publications, and David Wright, Director of Finance, for finance information. He also thanked the members of the television media, radio stations, and newspaper for all the fine coverage given during the campaign and stated on behalf of the City Council a very grateful appreciation for the service they provided. (COMMENT)
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Ron Hansen, Assistant Zoning Administrator, briefed the Council on the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located on Curry Lane. The subject property is located within the boundaries of the southwest land use study. He referenced the staff's recommendation of a smaller commercial area with a multiple-family buffer or the use of an SC (Shopping Center) district in lieu of the requested GC (General Commercial) district if the entire twelve-plus acre site is recommended for commercial activities. Therefore, staff recommends additional alternative zoning patterns and districts.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned reclassification.

Mr. Voin Campbell, 2901 South 1st Street, spoke in favor of the reclassification request and answered several questions from members of the Council, assisted by Mel Richards. The possibility of referring Tract #1 back to the Planning & Zoning Commission to consider Shopping Center district was discussed and Mr. Campbell concurred that would be acceptable.

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

Councilman Bridges moved approval on second and final reading of the requested GC zoning on Tract #2 and to refer Tract #1 back to the Planning and Zoning Commission for further study. The motion was seconded by Councilman Robinson and the motion carried as follows:

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

NAYS: None.

The ordinance is numbered 103-1983 and is captioned 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.

Ron Hansen, Assistant Zoning Administrator, briefed the Council on the reclassification request from RS-6 (Residential Single Family) to O (Office) district, located at 2217 S. 25th Street.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned request.

Mr. John Russell, P. O. Box 6059, representing Pete Jones agent for Dr. Williams, spoke in favor of the request.

Mayor Hall questioned the staff regarding this item coming to the City Council for consideration in the recent past. Mr. Hansen responded that last year approximately seven or eight acres in this area was brought to the Council for a shopping center for the entire tract and it was denied by the Planning & Zoning Commission and the City Council. No one else present and desiring to be heard, Mayor Hall closed the public hearing.

Councilman Fogle moved approval on second and final reading of the reclassification request from RS-6 to O district located at 2217 S. 25th Street. The motion was seconded by Councilman Nixon and the motion carried as follows:

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

NAYS: None.

The ordinance is numbered 104-1983 and is captioned 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.

Ron Hansen, Assistant Zoning Administrator, briefed the Council on the reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located on Jennings Drive. The staff recommended approval subject to any re-zoning taking effect December 31, 1983, coinciding with the effective date of the annexation.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned reclassification request.

Mr. Gordon Asbury, applicant, spoke in favor of the request and discussed concerns that Dyess Air Force Base expressed at the Planning & Zoning Commission meeting, of which all he feels have since been resolved.

Colonel Walton, Dyess Air Force Base, spoke and stated he was not speaking in opposition or in favor of the request only to confirm the statements just made by Mr. Asbury and that the Base is satisfied that those concerns are being properly addressed by the developer.

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

Councilman Nixon moved to approve on second and final reading the reclassification request from AO to RS-6 district located on Jennings Drive. The motion was seconded by Councilman Bridges and the motion carried as follows:

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

NAYS: None.

The ordinance is numbered 105-1983 and is captioned 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.

Ron Hansen, Assistant Zoning Administrator, briefed the Council on a thoroughfare abandonment, being a 20' x 115' north-south alley, located on Robertson Drive. A substantial number of property owners responded to notices mailed expressing concern about the proposed closure. Specifically, that the alley is presently used by a large number of people located in the area as a short-cut to the Super Duper shopping center.

Mayor Hall opened a public hearing for the purpose of considering the thoroughfare abandonment and the following persons spoke either in favor or in opposition to the abandonment.

IN FAVOR:

Ruth Aldridge, 2834 Robertson Drive.

IN OPPOSITION:

David Hall, 2709 Susan
Alvin Hope, 4301 Caprock Road
Mrs. M. C. Hitchcock, 2902 Robertson

Mr. Hope recommended a viable compromise to the Council being that the Council consider blocking the alley to vehicular traffic but leaving it open to pedestrian traffic. Legal Counsel explained that if the Council so desired, this compromise could be done and the present right-of-way use of the alley would return to the present abutting property owners.

Mrs. Aldridge stated if the Council chose the option of closing the alley to vehicular traffic and left it open to pedestrian traffic, it would solve her concerns regarding traffic and accidents, but questioned who would be responsible for picking up the trash in the alley which is caused by the pedestrians. Councilman Bridges responded that everyone has a problem of keeping their alleys clean.

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

Councilman Nixon moved to table the thoroughfare abandonment, being a 20' x 115' north-south alley, located on Robertson Drive and allow the Traffic Department to study the item and recommend a solution. The motion was seconded by Councilman Bridges and the motion carried as follows:

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

NAYS: None.

Bob Whitehead, Director of Public Works presented to the Council the Fall 1983 Special Assessment Paving Program. He stated that notice of today's public hearing was published in the newspaper and property owners duly notified, all as required by law. He introduced each of the streets under consideration and stated the Council has three options:

1. Approve the special assessment presented as testimony dictates from our Assessor, in that the property cannot be awarded or assessed more than the enhanced value;
2. Reduce the amount of assessment;
3. Eliminate the entire program or any portion of a street program.

City Attorney Harvey Cargill, Jr., called on Mr. Paul Shelton, Assistant City Engineer, for testimony as to the nature and cost of paving program. Mr. Shelton confirmed that the assessment roll is correct and gave the cost figures per street and total cost of the project. He stated that all the streets included in the project are new streets.

Mr. Cargill then called on Mr. Jimmy Partin, III, Real Estate Appraiser for testimony. He confirmed that he is familiar with the property and the assessment roll; that an inspection of the properties has been completed; and confirmed that the property will be enhanced by the paving program.

Mayor Hall opened a public hearing for the purpose of considering the Fall 1983 Special Assessment Paving Program.

Mr. Will Logan, 4225 Bob-O-Link, asked the Council several questions regarding his property. Mr. Logan resides at Lot 21, Block 3, Section 5, Wyndrock Addition, and he expressed appreciation to Mr. Whitehead and his staff for their help in the past. He questioned why the City was going to assess his property for the new curb and gutter, when curb and gutter presently exists along the front portion of his property. The staff explained the situation to the Council and it appears the front portion of Mr. Logan's lot is a City dedication, of which is abutted by existing curb and gutter. Mr. Logan has been maintaining the dedicated property as though it was part of his yard. Mr. Logan understands that the property is a dedication and the staff commended Mr. Logan for his patience in their trying to solve the situation.

Mr. Logan also questioned how his property would be enhanced when after the paving project, his lot will no longer be a corner lot. Mr. Partin explained that the lot has never been a corner lot, but rather a lot next to an alley. It has been the least desirable piece of property on Bob-O-Link because of the alley. Mr. Logan's property will be enhanced because he will not have the threat of traffic coming into his back yard.

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

Mr. Cargill told the Council that York Street and Yeoman were petition streets, and Bob-O-Link and Catclaw were not. Bob-O-Link and Catclaw were determined by the City as problem streets in an attempt to provide a secondary access to the Wyndrock area for flooding problems.

Councilman Fogle moved to approve the ordinance authorizing the 1983 Fall Special Assessment Paving Program as stipulated on the assessment roll and at the proposed rates with the exception that credit be given in the amount of a fifty (50%) allowance to the extent that curb and gutter exists in the front of Mr. Logan's house. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

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

NAYS: None.

SIR. IMP.

The ordinance is numbered 106-1983 and is captioned as follows:

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: FALL 1983 PAVING ASSESSMENT PROGRAM

STREET	WIDTH
BOB-O-LINK - BRENTWOOD TO CATCLAW	36'
CATCLAW DR. - BOB-O-LINK SOUTH 150 FT.	36'
FRIAR'S - JUDGE ELY EAST TO THE EXISTING PAVING	36'
YEOMAN'S - JUDGE ELY EAST TO THE EXISTING PAVING	36'

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 OWNING 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.

Ron Hanson, Assistant Zoning Administrator, briefed the Council on items 8f, 8g, 8h, 8i, and 8j all being various reclassification requests; and 8k a thoroughfare abandonment at College Heights Addition.

Mayor Hall explained to the Council that the aforementioned items 8f through 8k, unless the Council directed otherwise, would be considered in one public hearing. Mayor Hall then opened a public hearing on the six aforementioned items.

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

Councilman Bridges moved approval on second and final reading of items 8f, 8g, 8h, 8i, 8j and 8k as presented. The motion was seconded by Councilman Nixon and the motion carried as follows:

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

NAYS: None.

Each of items 8f, 8g, 8h, 8i and 8k contain the same caption as shown below and the ordinances are numbered consecutively.

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.

8. Ordinance 107-1983

f. Consider reclassification request from RM-2 to O district, located in the 4900 block of Buffalo Gap Road.

Ordinance 108-1983

g. Consider reclassification request from RM-3 & GC to GC district, located at S. 14th Street and Bowie Drive.

Ordinance 109-1983

h. Consider reclassification request from AO to LI district, located on Highway 351 East.

Ordinance 110-1983

i. Consider reclassification request from AO to GC & MH district, located at F.M. 2404 and Highway 83-277.

Ordinance 111-1983

j. Consider reclassification request from AO to MH district, located on Military Drive.

Item 8k is numbered 112-1893 and is captioned as follows:

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT-OF-WAY PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

John Pierce, Land Agent, briefed the Council on the Quit Claim Deed for a portion of abandoned alley to adjoining owners, located in the College Heights Addition, relative to right-of-way acquisition on Grape Street. Deed-

Councilwoman Proctor-Shaw moved to authorize the Mayor to execute the Quit Claim Deed to Mr. and Mrs. Irvin Van Daniels, save and except a utility easement. The motion was seconded by Councilman Fogle and the motion carried as follows:

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

NAYS: None.

Warren Dodson, Police Chief, briefed the Council on an ordinance amending Chapter 20, Offenses, of the Abilene Municipal Code, concerning burglar alarms. Mayor Hall allowed those persons present and desiring to be heard to speak, even though the item was not scheduled for a public hearing.

Mr. Jerry Cannon, owner/operator OSI Security, spoke in favor of the ordinance and commended the City Attorney and Police Chief for the development of the ordinance. He felt that Chief Dodson was very professional in his approach to the alarm dealers in Abilene in asking for input. He feels the ordinance is fair to the citizens and industries of Abilene.

Kay Brown spoke in reference to the \$10.00 permit fee. It is her feeling the fee is not necessary. She offered an alternative method of giving tickets to violators, instead of penalizing all owners with a permit fee. Also, she questioned whether there is a grandfather clause in the ordinance.

City Attorney Harvey Cargill, responded that due to the law, it would be very difficult to give tickets to violators. Also, that several other cities with this similar problem have been successful with their ordinance similar to this one. Secondly, there is not a grandfather clause in the ordinance.

Mr. Steve Jividen, representative of Banyan International Corporation, spoke neither in opposition nor in favor of the proposed ordinance, but shared his concern regarding the five (5%) percent violators of the alarm systems. He feels the ordinance is unenforceable and it is not fair for the ninety-five (95%) faithful citizenry to pay for the violators that do not pull their weight.

After some discussion, Councilman Bridges moved to approve the ordinance on second and final reading amending Chapter 20, Offenses, of the Abilene Municipal Code, concerning burglar alarms. The motion was seconded by Mayor Hall and the motion carried as follows:

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

NAYS: Councilmen Robinson and Nixon.

The ordinance is numbered 113-1983 and is captioned as follows:

CODE
POLICE -

AN ORDINANCE AMENDING CHAPTER 20, OFFENSES, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on a resolution granting an easement to View-Caps Water Supply Corporation and approving a second easement from Country Village of Abilene between a third party. This is a joint request between the Ramcon Subdivision and View Caps W.S.C. The Water Department and Engineering Division have no objection to the easement and it is in accordance with special flood control improvements being made by the developer.

Councilman Fogle moved approval of easement to View-Caps Water Supply Corporation and approved the easement from Country Village of Abilene between a third party. The motion was seconded by Councilman Robinson and the motion carried as follows:

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

NAYS: None.

The resolution is numbered 90-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE UTILITY EASEMENT.

Bob Whitehead, Director of Public Works, briefed the Council on a resolution renewing the terminal lease for Chaparral Airlines. The proposed lease is essentially the same as in the past with two exceptions: (1) the insurance, has been increased and a provision added allowing the City the option of increasing the coverage with thirty days notice to Chaparral over a certain period of time; and (2) the square footage area leased was reduced to allow for the accommodation of Frontier Airlines. These adjustments have been discussed with and submitted to Chaparral for their approval.

Councilman Fogle moved to approve the resolution authorizing the Mayor to execute a lease agreement with Chaparral Airlines for a portion of the terminal at the Municipal Airport. The motion was seconded by Councilman Nixon and the motion carried as follows:

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

NAYS: None.

ABSTAIN: Councilman Robinson.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BY AND BETWEEN THE CITY OF ABILENE AND CHAPARRAL AIRLINES, INC. TO OPERATE A CERTIFIED PASSENGER AIRLINE SERVICE AND LEASE A PORTION OF THE TERMINAL AT THE ABILENE MUNICIPAL AIRPORT.

Roy McDaniel, Assistant City Manager, briefed the Council on a resolution authorizing an interlocal agreement for Workers' Compensation insurance. The resolution supports the creation of a Texas Political Sub-Division Workers' Compensation Fund and he gave a brief history on the item. The staff recommends the Council authorize the City Manager to sign the interlocal agreement with Texas Political Sub-Division for joint workers' compensation fund and pass a resolution approving your support of such a joint fund. *

After some discussion, Mayor Hall moved to authorize the interlocal agreement with Texas Political Sub-Division for joint workers' compensation fund and approve the resolution supporting the creation of said joint fund. The motion was seconded by Councilman Fogle and the motion carried as follows:

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

NAYS: None.

The resolution is numbered 92-1983 and does not contain a caption.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on the award of bid for data acquisition and control equipment for the Wastewater Treatment Plant. This was a protest item that was re-bid and it is the staff's recommendation to approve, by oral resolution, the award of bid to the low bidder Bristol Babcock and authorize the Mayor to sign the change order #3 incorporating the data acquisition and control equipment back into the project.

Mr. Jim Glazer, Parkhill, Smith & Cooper Engineers, answered several questions of the Council and gave a little history on the item. There was a protest to the Environmental Protection Agency (hereinafter referred to as EPA) by the equipment supplier who was not allowed to bid the project. EPA ruled that the City could award the general construction contract and delete the instrumentation from the project and re-bid it at a later date.

Some of the members of the Council expressed a concern regarding the difference in the project costs, since cost at the time of the original bid opening date and it was felt that EPA should help pay for some of the costs. Mr. Hargesheimer stated that he will make an official request for reimbursement of these extra cost to EPA.

Mayor Hall moved to approve the execution of Change Order #3 and award the bid to Bristol Babcock, and add the bid back into the project. The motion was seconded by Councilman Bridges and the motion carried as follows:

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

NAYS: None.

Floyd McDonald, President of Abilene Action Committee for Human Rights, appeared before the Council regarding the City of Abilene's hiring policies. He stated that the City is lacking in personnel from the black community and referenced specific departments he felt needed a higher concentration of black personnel. He stated that the City needed a workable affirmative action plan and a quota system to go into effect immediately stating that every department should contain a specified number of black personnel, of which he listed. Curtis Hawk, Assistant City Manager, was called upon by the Council to respond to Mr. McDonald's points

Mr. Hawk stated that the City is required by law to submit an affirmative action and EEO report to the Federal Government, of which the City complies. A complaint was filed by Mr. McDonald in the past and the EEOC questioned the City and asked for certain information of which the City supplied. The main complaint at that time by Mr. McDonald was that the City did not hire blacks from Woodson High School, but only from Cooper and Abilene High Schools. Thirteen current employees are graduates from Woodson High School. Since Woodson has been closed for some time, the City does not get the opportunity to hire students from that particular high school very often.

Further discussion followed regarding statistics and percentages of black employees to caucasian females, males, etc. The Council also discussed the attempt to hire black employees for management jobs and the lack of qualified applicants received for those particular jobs. The Council expressed a concern to satisfy Mr. McDonald's questions and Councilman Bridges informed Mr. McDonald to call upon him if he ever felt there was any future need for concern. No formal action was taken by the Council.

Lee Roy George, Director of Planning and Community Development, briefed the Council on an ordinance regarding landmarks and historic preservation. After a short presentation by the staff and input from the Chairman of the Landmarks Ordinance Study Committee, Councilwomen Proctor-Shaw moved to approve on first reading the Landmarks preservation zoning ordinance amendment. The motion was seconded by Councilman Bridges and the motion carried as follows:

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

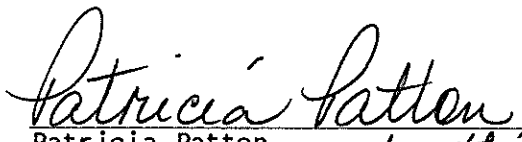
NAYS: None.

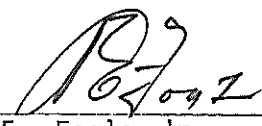
ZONING ORD.
AMEND.
LANDMARK

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

Mayor Hall recessed the Council into executive session to discuss the appointment and evaluation of public officials and pending and contemplated litigation.

The Council reconvened with no action taken during executive session. There being no further business, the meeting was adjourned.


Patricia Patton
City Secretary


A.E. Fogle, Jr.
Mayor Pro Tempore

Addendum: Page 051, fourth paragraph, third sentence:

"The City Council was advised that the Texas Municipal League had taken competitive bids while the City had an interlocal contract with TML for workers' compensation. The Council was also advised that a joint insurance fund by state law is not considered as insurance."


Patricia Patton