

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, October 13, 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 A. E. Fogle, Jr.
3. APPROVAL OF MINUTES: Regular Council Meeting held September 22, 1983, and Special Work Session held September 29, 1983.

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.

4. Ordinances
  - a. Appealed Item:  
Consider on first reading - reclassification request from AO (Agricultural Open Space) to MH (Mobile Home) District, located on East Lake Road and set a public hearing for October 27, 1983, at 9:00 a.m.
  - b. Appealed Item:  
Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located on West Highway 80 and set a public hearing for October 27, 1983, at 9:00 a.m.
  - c. Appealed Item:  
Consider on first reading - reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) District, located on Hwy 83-84 & F.M. 707 and set a public hearing for October 27, 1983, at 9:00 a.m.
  - d. Consider on first reading - a thoroughfare abandonment being Duck Avenue on the west side of Mystic Meadows Addition and set a public hearing for October 27, 1983, at 9:00 a.m.
  - e. Consider on first reading - reclassification request from AO and RS-6 (Agricultural Open Space & Residential Single Family) to RS-6, RS-8 and RS-12 (Residential Single Family) district, located west of Meadow Drive and set a public hearing for October 27, 1983, at 9:00 a.m.
  - f. Consider on first reading - Ordinance amendment to a PDC (Planned Development Commercial) district, located on Ridgemoor Road and set a public hearing for October 27, 1983, at 9:00 a.m.
  - g. Consider on first reading - Ordinance amendment to a PDR (Planned Development Residential) district, being Kings Cross Addition and set a public hearing for October 27, 1983, at 9:00 a.m.
  - h. Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) district, located at I-20 and Highway 351 and set a public hearing for October 27, 1983, at 9:00 a.m.
  - i. Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) district, located at Highway 83-84 and F.M. 707 and set a public hearing for October 27, 1983, at 9:00 a.m.
  - j. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located at F.M. 707 and Hardwick Road and set a public hearing for October 27, 1983, at 9:00 a.m.
  - k. Consider on first reading - a thoroughfare abandonment, being a north-south alley between Cypress and Pine, and set a public hearing for October 27, 1983, at 9:00 a.m.

1. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to HC (Heavy Commercial) district, located on Tracy Lynn Drive and set a public hearing for October 27, 1983, at 9:00 a.m.
5. Resolution
  - a. Consider easement releases being 3' street light easement, located on Stonehedge Road.
  - b. Consider resolution concerning reconstruction of the traffic circle.
6. Award of Bid
  - a. Chairs for Conference Room.
  - b. Mobile power trailer for Water Department.

REGULAR AGENDA

7. Public Appearance
  - a. Sandra Bondesen - Concerning an ordinance involving through traffic by trucks.
8. Ordinances and Resolutions
  - a. Resolution - Canvass returns of Bond Election held September 24, 1983.
  - b. Tabled Item:  
Consider on second and final reading - A thoroughfare abandonment, being a 20' x 115' north-south alley, located on Robertson Drive.
  - c. Public Hearing to consider resolution authorizing oil well drilling permits, #8302 and #8303.
  - d. Public Hearing - Consider on second and final reading - Landmarks and Historic preservation requirements amendment to existing Zoning Ordinance.
  - e. Resolution - Consider waiver of subdivision regulation relative to Street/Sewer-Water Improvements for Airport Acres Addition.
  - f. Resolution - Suspending the proposed energy charge by Lone Star Gas Company.
  - g. Resolution - Concerning Noah Project Option.
  - h. Resolution - Concerning annexation request in Northwest area of City.
9. Request to Advertise
  - a. Repairs to City Hall Air Conditioning System.
10. Other Business
  - a. Request authorization of payment for Heating/Cooling system for Civic Center.
  - b. Appointment and evaluation of public officials.
  - c. Pending and Contemplated Litigation.

ADJOURN

REGULAR CITY COUNCIL MEETING  
THURSDAY, OCTOBER 13, 1983 - 9:00 A.M.

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, October 13, 1983, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor Pro Tempore A. E. Fogle, Jr. was present and presiding with Councilwoman Proctor-Shaw, Councilmen Carlos Rodriguez, Welton Robinson and Harold Nixon. Mayor Elbert E. Hall and Councilman Julian Bridges were absent. Also present were City Manager Ed Seegmiller, City Attorney Harvey Cargill, Jr., and City Secretary Patricia Patton.

Mayor Pro Tempore Fogle gave the invocation.

Councilman Nixon moved approval of the minutes from the Regular City Council Meeting held September 22, 1983, and the Special Work Session held September 29, 1983. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

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

NAYS: None.

Item 5b, being a resolution concerning reconstruction of the traffic circle, was removed from the consent agenda to be considered separately. Wayne Kurfees, Director of Traffic and Transportation, responded to questions regarding the detour of traffic during construction. It was also explained approval of the resolution will authorize the Highway Department to proceed into the design phase. The possible use of future federal funds will be utilized for the project. Councilman Rodriguez moved approval of the resolution accepting the provisions of State Highway & Public Transportation Commission minute order no. 81169 concerning the reconstruction of the traffic circle. The motion was seconded by Councilman Robinson and the motion carried as follows:

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

NAYS: None.

ST HWY & PUB  
TRANSP COMM -  
approve minute  
order #81169  
reconst. traff  
circle - appd.  
93-1983

The resolution is numbered 93-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
ACCEPTING THE PROVISIONS OF STATE HIGHWAY & PUBLIC TRANSPORTATION  
COMMISSION MINUTE ORDER NO. 81169 CONCERNING THE RECONSTRUCTION OF  
ABILENE'S TRAFFIC CIRCLE.

Councilwoman Proctor-Shaw moved approval of the consent agenda items 4a through 4l, 5a, 6a and 6b. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson, Nixon and Mayor Fogle,

NAYS: None.

Each of items 4a - c, 4e, 4h - j, and 4l contain the same caption as indicated below.

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.

4. Ordinances

a. Appealed Item:

Consider on first reading - reclassification request from A0 to MH district, located on East Lake Road and set a public hearing for October 27, 1983, at 9:00 a.m.

ZONING RE-  
1st read  
A0 to MH/  
E. Lk. Rd.  
appd.

- b. Appealed Item:  
Consider on first reading - reclassification request from AO to GC district, located on West Highway 80 and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING RE- 1st AO to GC/W Hwy 8 appd.
- c. Appealed Item:  
Consider on first reading - reclassification request from AO to HC district, located on Highway 83-84 and F.M. 707 and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING RE- 1st AO to HC/Hwy 83- & FM707 appd.
- d. Consider on first reading - a thoroughfare abandonment being Duck Avenue on the west side of Mystic Meadows Addition and set a public hearing for October 27, 1983, at 9:00 a.m. THOR. ABAND- 1st Duck Ave. appd.

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.

- e. Consider on first reading - reclassification request from AO and RS-6 to RS-6, RS-8 and RS-12 districts, located west of Meadow Drive and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING RE- 1st AO & RS-6 to RS-6RS-8RS-12/ W of Meadow Dr. appd.
- f. Consider on first reading - Ordinance amendment to a PDC district located on Ridgemont Road and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING ORD- 1st PDC/Ridgemont Rd appd.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO 53-1982, CONCERNING THE RHODES PLAZA PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- g. Consider on first reading - Ordinance amendment to a PRD district, being Kings Cross Addition and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING ORD- 1st PRD/Kings Cross Add'n appd.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING OF THE ABILENE MUNICIPAL CODE AND ORDINANCE 55-1982, CONCERNING THE KINGS CROSS PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- h. Consider on first reading - reclassification request from AO to GC district, located at I-20 and Highway 351 and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING RE- 1st AO to GC/I-20 & Hwy 351 appd.
- i. Consider on first reading - reclassification request from AO to GC district, located at Highway 83-84 and F.M. 707 and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING RE- 1st AO to GC/Hwy 83- & FM 707 appd.
- j. Consider on first reading - reclassification request from AO to RS-6 district, located at F.M. 707 and Hardwick Road and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING RE- 1st AO to RS-6/FM707 & Hardwick appd.
- k. Consider on first reading - a thoroughfare abandonment, being a north-south alley between Cypress and Pine, and set a public hearing for October 27, 1983, at 9:00 a.m.; and an easement release for same. THOR. ABAND- 1st Cypress & Pine appd. EASEMENT REL- Cypress & Pine/ Reporter- News appd. 94-1983

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.

The easement release is resolution number 94-1983 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.

- l. Consider on first reading - reclassification request from RM-2 to HC district, located on Tracy Lynn Drive and set a public hearing for October 27, 1983, at 9:00 a.m. ZONING RE- 1st RM-2 to HC/ Tracy Lynn Dr. appd.

5. Resolutions

- a. Consider easement release being 3' street light easements, located on Stonehedge Road.  
The Resolution is numbered 95-1983 and is captioned as follows:

EASEMENT REL-  
Stonehedge Rd  
95-1983

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

- b. (considered separately, see page one.)

AWARD BID-  
Chairs, conf.  
rm. /trailer,  
Water Dept.

6. Award of Bid

- a. Chairs for Conference Room.
- b. Mobile Power Trailer for Water Department.

Sandra Bondesen, 1033 Plaza Street, appeared before the City Council regarding the prohibition of through trucks in her neighborhood. She explained that commercial vehicles, cement trucks and dump trucks, travel heavily through her neighborhood causing a safety hazard. She recommended the Council create an ordinance prohibiting the commercial trucks down Plaza Street. Ms. Bondesen has been communicating with the Traffic Department to assist in a solution to the problem. After some discussion, it was concluded that the developer in this area utilizing the commercial vehicles does not have a permit allowing the dumping in the floodway and the Council expressed to the staff to further investigate the situation. Councilwoman Proctor-Shaw moved to defer any decision at this time and requested the staff to report back to the Council after further investigation of the situation. The motion was seconded by Councilman Nixon and the motion carried as follows:

TRAFFIC &  
PUBLIC APPEAR  
investigate  
dumping at  
1033 Plaza St  
staff report  
to follow.  
Sandra Bondes

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

NAYS: None.

Mayor Fogle presented the returns of the Special City Bond Election held September 24, 1983 being as indicated on Exhibit A attached and incorporated herewith. Ballots were issued to each precinct as follows:

CITY OF ABILENE  
BOND ELECTION  
SEPTEMBER 24, 1983

Precints	Ballot Numbers	Amount
A	01001 - 03000	2,000
B	03001 - 06000	3,000
C	06001 - 09000	3,000
D	09001 - 12000	3,000
E	12001 - 15000	3,000
F	15001 - 18000	3,000
G	18001 - 20000	2,000
H	20001 - 23000	3,000
I	23001 - 26000	3,000
J	26001 - 28000	2,000
Absentee	00001 - 01000	1,000
Unissued	28001 - 30000	2,000
	Total .....	30,000

Furthermore, Mayor Fogle received by mail the Ballot and Seal Certificate from each Presiding Judge, duly signed by same and released the certificates to the City Secretary for filing in the official election records. Councilman Nixon moved approval of the Resolution canvassing the results of the City Bond Election held September 24, 1983. The motion was seconded by Councilman Robinson and the motion carried as follows:

ELECTION- canvas  
returns of bond  
election 9/24/83  
96-1983

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

NAYS: None.

The resolution is numbered 96-1983 and contains no caption.

Councilwoman Proctor-Shaw moved to remove from the table to consider on second and final reading a thoroughfare abandonment, located at Robertson Drive. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

THOROUGHFARE ABAI  
Remove from table  
Robertson Drive.

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

NAYS: None.

This item was last considered at a public hearing held September 22, 1983, and at that time was tabled pending a report from the Traffic Department. Wayne Kurfees, Director of Traffic and Transportation, presented his verbal report to the Council with slides of the alley in question and the surrounding area. Staff recommends the alley be closed, since its original purpose is no longer needed. The alley currently is being used entirely differently than originally intended, which is contrary to good planning principles causing a significant amount of traffic in the narrow alley. Staff conducted a survey and traffic count of the alley observing, over a six hour period, a total of 114 vehicles, plus thirteen pedestrians and five bicycles. Original intent for the alley in 1959 was to provide an access for refuse trucks in conformity with the original plat of the Stonegate area at that time. Council discussed the possibility and advantages or disadvantages of leaving the alley open to pedestrians only.

Several citizens from the area were present and Mayor Fogle allowed them to speak and asked that they direct their statements to any new information or facts and not be redundant. Those persons are as follows:

In favor of abandonment:

Billy Johnson, 5002 Robertson

David Todd, Robertson

Mr. and Mrs. B. W. Aldridge, 2834 Robertson, and read aloud a letter from Kenneth L. Musgrave.

In opposition of abandonment:

Paul Ken

Larry Smith, Mary Lou Lane

After some discussion, Councilman Robinson moved to close the alley to vehicular traffic but leave it open for pedestrians. Motion failed for lack of a second.

THOROUGHFARE ABANDONMENT  
Robertson Dr.  
Amend to allow for  
pedestrians FAILED

Councilman Rodriguez moved to approve the ordinance abandoning the thoroughfare as presented. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

THOROUGHFARE ABANDONMENT  
Robertson Dr.  
approved  
114-1983

AYES: Councilwoman Proctor-Shaw, Councilmen Rodriguez, Nixon and Mayor Fogle.

NAYS: Councilman Robinson.

The ordinance is numbered 114-1983 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.

Diane Foresman, Assistant Land Agent, briefed the Council on two permits for oil well drilling #8302 and #8303. The first is a request from Locker Petroleum, Inc., of Early, Texas, to drill on W. L. Moon's property, located south of Lake Kirby, within the city limits. Staff has reviewed the application and found it to be in order.

Councilman Nixon moved to approve by oral resolution the permit #8302 for oil well drilling as presented. The motion was seconded by Councilman Robinson and the motion carried as follows:

OIL & GAS -  
Drilling Permit  
#8302 approved  
Oral

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

NAYS: None.

Permit #8303 is a request from Clyde Houston of Abilene, Texas to drill on Mr. & Mrs. Russell's property, located off of Hwy 83-84, south of Antilley Road, located in the city limits. Staff has reviewed the application and found it to be in order. Mayor Fogle opened a public hearing for the purpose of considering both permits #8302 and #8303 and Will Moon, land owner and representative of Locker Petroleum spoke in favor of #8302; Bill Houston, representing Clyde Houston spoke in favor of #8303. No one else present and desiring to be heard, Mayor Fogle closed the public hearing.

Councilman Nixon moved to amend his original motion to include both permits #8302 and #8303 for oil well drilling as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

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

NAYS: None.

OIL & GAS -  
Drilling Perm  
#8302 & #8303  
approved  
Oral

Lee Roy George, Director of Planning and Development, presented an amendment proposed to the Zoning Ordinance concerning the Historic Overlay Zone and the Landmarks Commission. Both the Planning and Zoning Commission and its subcommittee, the Landmarks Ordinance Study Committee strongly recommend approval of the ordinance and further recommend the exploration of possible incentives to owners of historically significant properties so as to encourage the preservation goal in Abilene, possibly in the form of tax abatement.

Barbara Bloomberg, Principal Planner, responded to Council's questions regarding restrictions on property owners whose property has the historic overlay designation and any appeal process for said property owner if they chose not to participate. No condemnation clause is written in the ordinance and no proceedings for that purpose would be sought by the City if a property owner chose not to participate.

Mayor Fogle opened a public hearing for the purpose of considering the ordinance on second and final reading with the following persons speaking in favor of the proposed ordinance.

Rick Weatherl, Chairman of the Historic Study Committee;  
Martha McDaniel, Vice President of the Abilene Preservation League;  
Tim McClosky, owner of historical home;  
Denny McFarland, Member Historic Study Commission;  
Richard Dillard, owner of historical home.

All members strongly encouraged passage of the ordinance and expressed the volunteer interest sparked during the meetings of the Historic Study Committee. Most also spoke in favor of encouraging a future tax abatement program for property owners. No one else present and desiring to be heard, Mayor Fogle closed the public hearing.

Councilwoman Proctor-Shaw expressed appreciation to the Historic Study Committee for all the time and effort given and moved to approve the Landmarks Preservation Zoning Ordinance Amendment. The motion was seconded by Councilman Nixon and the motion carried as follows:

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

NAYS: None.

ZONING AMEND -  
Historic Overlay  
Zone, 2nd & fina  
approved  
115-1983

The ordinance is numbered 115-1983 and is captioned as follows:

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.

City Attorney Harvey Cargill, Jr. presented a resolution suspending the proposed energy charge by Lone Star Gas Company for energy audits of which audits are required by the federal government. Some cities have allowed the increase to retail customers to occur; and some have suspended or denied the increase. The City of Dallas is the largest city which has denied the increase.

Martha Harmon, District Manager Lone Star Gas Company, introduced Edie Sazama, RCS Program representative, Ft. Worth area Lone Star Gas Company to further explain the situation.

Ms. Sazame gave some history on the law and the process that Lone Star Gas Company is following in training thier auditors to perform home energy audits. The law dictates the notification of the program to gas customers and the cost Lone Star Gas Company is allowed to charge per audit, being a maximum of \$15.00, which does not cover the cost Lone Star is incurring per audit of approximately \$75 to \$80. It is felt by Lone Star officials that the surcharge is the most adequate way to recover the cost, which is collectible twice a year, October and April, with the October billing cycle in process. Of Lone Star's customers, approximately ninety-seven (97%) percent have not requested an audit with approximately three (3%) percent requesting one be conducted. Surcharge for this billing cycle is \$1.84.

The Council discussed those cities which have denied the surcharge and the appeal process. Four cities have denied the charge being Bryan, Sulfer Springs, Dallas and Hurst; and four which have suspended the surcharge, Arlington, Mesquite, Irving and Plano.

Councilwoman Proctor-Shaw moved to authorize Lone Star Gas Company to continue with the October billing cycle, and that Lone Star Gas Company report back to the Council prior to the beginning of the April billing cycle with an anticipated cost estimate for that billing. Motion was seconded by Mayor Fogle and the motion FAILED as follows:

FRANCHISE:  
Lone Star Gas  
RCS Program  
Oct. billing  
cont'd/report  
back prior to  
April  
FAILED

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

NAYS: Councilmen Rodriguez and Nixon.

Councilman Nixon moved that the proposed increase be suspended for 120 days to investigate the manner in which the charge is being billed and study the appeals from the other cities. The motion was seconded by Councilman Rodriguez and the motion FAILED as follows:

FRANCHISE:  
Lone Star Gas RCS  
Program/suspend  
120 days  
FAILED

AYES: Councilmen Rodriguez and Nixon.

NAYS: Councilwoman Proctor-Shaw, Councilman Robinson and Mayor Fogle.

After being briefed by Wayne Herrington, Assistant Director of Planning and Development, and some discussion with Diane Mahaffey, Executive Director of Noah Project, Inc., Councilman Nixon moved by oral resolution to provide Community Development funds in the amount of \$180,000 for the purchase of a facility with the Warranty Deed being given to Noah, with the provision the deed for ownership of the property be transferred to the City under certain conditions as agreed upon, e.g. termination of Noah Project, Inc. An additional note of direction to the staff was added being that the staff has responsibility of placing in the contract the indemnity, insurance, etc., and things of this nature of a legal significance. The motion was seconded by Councilman Robinson and the motion carried as follows:

CD FUNDS FY82 -  
\$180,000 CD funds  
purchase facility  
Noah Project, Inc  
Approved/Oral

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

NAYS: None.

Lee Roy George, Director of Planning and Development, briefed the Council on the proposed annexation for northwest area of the City, as petitioned by Burl McAlister and Burl Harris. The two areas under consideration were first considered by the Council on June 6, 1983, at which time the Council requested the proponents utilize procedures of Texas Revised Civil Statutes Annotated Article 970a, being the Municipal Annexation Act and resubmit their requests indicating all the property they wished annexed to be incorporated.

The amended requests were received in July with the McAlister tract being approximately 750 acres and the Harris tract approximately 203 acres.

Council will need to direct the staff, after the presentation, as to what area the annexation proceedings will cover, then consider a written resolution authorizing the preparation of a service plan for the area.



Mr. Burl McAlister introduced Mr. Tom Miller, proponent's land planning supervisor for the project, to make a presentation concerning the McAlister tract. The original request of the two proposed areas was for two small tracts of land, which now has been increased to approximately 953 acres for both proponents. He presented to the Council a prepared land use/development plan for the McAlister property indicating a variety of housing styles, commercial activities and recreational activities. The plan was reviewed thoroughly with the Council accompanied by visual charts. The area is known as the Pecan Ridge Addition.

Jim Turket, represented Burl Harris, briefed the Council on the Harris tract with the use of visual charts. The area is known as the Sunlake Village Addition.

John Hancock, Planner, continued with the staff presentation exposing the topography of the area, existing water and sewer lines, etc. Council discussed costs relating to the City's participation in the utilities, etc. Also, the staff indicated to the Council that adjoining areas to the McAlister property could be included in the service plan if the Council so desired. These areas have indicated development and future request for annexation is anticipated.

After some discussion, Councilman Nixon moved to approve the resolution directing the preparation of a service plan for the McAlister and Harris properties of the northwest annexation area, beginning annexation proceedings. The motion was seconded by Councilman Robinson and the motion carried as follows:

AYES: Councilman Rodriguez, Robinson, Nixon and Mayor Fogle.  
NAYS: Councilwoman Proctor-Shaw.

ANNEXATION -  
McAlister & Harris  
properties  
begin proceedings  
approved  
97-1983

The resolution is numbered 97-1983 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE,  
TEXAS DIRECTING THE PREPARATION OF SERVICE PLAN FOR NORTH-  
WEST ANNEXATION REQUESTS.

Mayor Fogle removed from the agenda a request to advertise item for repairs to the City Hall air conditioning system.

Mike Hall, Director of Community Services, briefed the Council on the failure of the air conditioning system at the Civic Center. He explained the technicalities that caused the problem and suggested options to solve the problem. A service company was notified and recommended that the City install a phase protector device to prevent the incident from recurring, which device has been ordered. Staff recommends Council authorize the emergency payment of \$16,219.97 to Carrier Service Company with funds being used from the Civic Center's maintenance account.

Councilman Rodriguez reported that he investigated the situation and feels the incident could not have been prevented. The incident was unique to the particular York Company equipment and was by no means anticipated.

Councilwoman Proctor-Shaw moved to authorize payment to Carrier Service Company in the amount of \$16,219.97 for emergency repairs to the Civic Center air conditioning system. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

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

CIVIC CENTER -  
author. emerg.  
repairs & payment  
for A/C system  
approved

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

The City Council reconvened from executive session to consider the following business.

Karen Anderson, Assistant City Attorney, briefed the Council on a personal injury lawsuit Hughes vs. City of Abilene. Councilwoman Proctor-Shaw moved to authorize the legal staff to settle the lawsuit for \$13,000 plus up to \$2,000 in future medical payments over a five (5) year period; and authorize Mayor Pro Tempore Fogle to sign the associated paperwork to settle the case. The motion was seconded by Councilman Nixon and the motion carried as follows:

COUNCIL - Hughes vs. City of Ab. settled

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

NAYS: None.

Karen Anderson, Assistant City Attorney, reported a \$5 million federal lawsuit Reece vs. four City of Abilene Police Officers. Legal motion was called and a brief prepared with the Federal Judge concurring with same, thus dismissing the lawsuit. No action by the Council is necessary.

Councilman Nixon moved to approve the resolution nominating Abe Allen and Bill Hilton to the Directors of the Taylor County Appraisal District Board. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

BOARD - Nominees Bd. of Dir. App. Dist. Abe Allen Bill Hilton appd. 98-1983


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


NAYS: None.

The resolution is numbered 98-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, NOMINATING BOARD OF DIRECTOR CANDIDATES FOR THE TAYLOR COUNTY APPRAISAL DISTRICT.

There being no further business, the meeting was adjourned at 4:30 p.m.

  
Patricia Patton  
City Secretary

  
A. E. Fogle, Jr.  
Mayor Pro Tempore

SPECIAL CITY BOND ELECTION  
September 24, 1983

	ABS	A	B	C	D	E	F	G	H	I	J	TOTAL
PROPOSITION NO. 1												
The issuance of \$2,800,000												
Police Station Improvement												
Tax Bonds.	442	440	633	295	617	546	639	417	565	672	570	5,836
	FOR:	691	893	623	595	661	638	662	772	726	706	7,508
	AGAINST:	541										
PROPOSITION NO. 2												
The issuance of \$6,375,000												
Bridge & Street Improvement												
Tax Bonds.	391	378	495	271	541	430	535	380	462	572	439	4,894
	FOR:	750	1,024	639	667	783	738	701	874	829	833	8,423
	AGAINST:	585										
PROPOSITION NO. 3												
The issuance of \$2,840,000												
Traffic Control System												
Tax Bonds.	308	232	350	176	443	326	408	292	331	422	344	3,632
	FOR:	889	1,162	733	761	874	855	782	990	964	922	9,596
	AGAINST:	664										
PROPOSITION NO. 4												
The issuance of \$28,000,000												
Flood Control & Drainage												
System Improvement												
Tax Bonds.	354	344	523	256	515	401	541	339	483	485	370	4,611
	FOR:	784	1,007	662	701	803	735	741	850	911	899	8,720
	AGAINST:	627										
PROPOSITION NO. 5												
The issuance of \$1,285,000												
Central Library and Branch Improvement												
Tax Bonds.	260	232	323	159	405	310	391	286	316	384	311	3,377
	FOR:	892	1,206	750	804	896	884	792	1,018	1,009	952	9,930
	AGAINST:	727										

EXHIBIT A

of 2

850

EXHIBIT A  
2 of 2

	ABS	A	B	C	D	E	F	G	H	I	J	TOTAL
PROPOSITION NO. 6												
The issuance of \$1,675,000												
Southwest Branch Library												
Acquisition & Improvement												
Tax Bonds.	FOR: 194	128	193	101	248	242	329	206	277	384	297	2,599
	AGAINST: 789	990	1,332	809	960	966	939	866	1,051	1,008	970	10,680
PROPOSITION NO. 7												
The issuance of \$125,000												
Northeast Branch Library												
Acquisition												
Tax Bonds.	FOR: 183	133	194	99	292	191	260	177	186	238	181	2,134
	AGAINST: 798	983	1,332	815	916	1,013	1,009	892	1,145	1,148	1,082	11,133
PROPOSITION NO. 8												
The issuance of \$4,000,000												
Civic Center Improvements												
Tax Bonds.	FOR: 237	161	267	120	337	242	341	215	241	301	261	2,723
	AGAINST: 743	965	1,257	789	875	967	931	858	1,093	1,089	1,008	10,575
PROPOSITION NO. 9												
The issuance of \$2,625,000												
Park Improvement												
Tax Bonds.	FOR: 243	218	300	142	367	318	381	270	338	494	324	3,395
	AGAINST: 739	912	1,223	772	842	892	891	806	1,001	898	945	9,921
TOTAL VOTERS (Ballots)												
	1,001	1,155	1,567	940	1,237	1,224	1,299	1,098	1,360	1,416	1,293	13,590

1074