

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, December 15, 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: Harold Nixon
3. APPROVAL OF MINUTES: Regular Council Meeting held December 1, 1983 and the Special Workshop held December 6, 1983.

4. SERVICE AWARDS:

Felix C. Villalovos	Water Meter Technician	40 Years
Kenneth Hambricht	Police Captain	20 Years
Gene E. Ellison	Heavy Equipment Operator	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  
Consider on first reading - reclassification request from RS-6 (Residential Single Family) to CB (Central Business) district, being Lot #1, Block 91, Original Town, and located on Cherry Street and set a public hearing for January 12, 1984, at 9:00 a.m.
  - b. Consider on first reading - reclassification request from AO (Agricultural Open Space) to LI (Light Industrial) district, located at 3502 Cedar and set a public hearing for January 12, 1984, at 9:00 a.m.
  - c. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to HC (Heavy Commercial) district, located in the 1100 Block South 14th Street, and set a public hearing for January 12, 1984, at 9:00 a.m.
  - d. Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) district, located at Hwy. 83-84 & F.M. 707 and set a public hearing for January 12, 1984, at 9:00 a.m.
  - e. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located at Tracy Lynn Drive & Kenwood Drive and set a public hearing for January 12, 1984, at 9:00 a.m.
  - f. Consider on first reading - street name assignments Poverty Point Circle, Kickapoo Bend, Arrow Point, Kiowa Court, Wichita Camp, Cove Road, Fishing Village Road Cherokee Circle, Ramp road, Comanche Trail, Choctaw Point, Apache Lane and Cheyenne Circle, and set a public hearing for January 12, 1984, at 9:00 a.m.
  - g. Consider on first reading - reclassification request from RS-6 & AO (Residential Single Family & Agricultural Open Space) to RM-3 (Residential Multi-Family) district, located at Buffalo Gap Road & Forrest Hill Road, and set a public hearing for January 12, 1984, at 9:00 a.m.
  - h. Consider on first reading - reclassification request from AO (Agricultural Open Space) to LC (Limited Commercial) district, located at E.N. 10th Street & Griffith Road, and set a public hearing for January 12, 1984, at 9:00 a.m.
  - i. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) district, located at 2933 Plum, and set a public hearing for January 12, 1984, at 9:00 a.m.
  - j. Consider on first reading - zoning ordinance amendment to permit retail trade of furniture and home furnishings in an LI & HI (Light Industrial & Heavy Industrial) district, and set a public hearing for January 12, 1984 at 9:00 a.m.

6. Resolutions
  - a. Renewal of Accounting Services agreement for Abilene Housing Authority.
7. Request to Advertise
  - a. Replace 4 pair Entrance Doors for Civic Center.
  - b. Fire Hose for Fire Department.
  - c. Overhead Doors for Fire Department.
  - d. Sewer Pipe for Sewer Division.
  - e. Irrigation Materials for MP right of way beautification.
  - f. Signalization of Buffalo Gap and Rebecca intersection.
  - g. Receive proposals for Equipment Management System.

#### REGULAR AGENDA

8. Public Appearance
  - a. Ewing Nelson - Firemen's & Policemen's Civil Service sick leave requirement.
9. Ordinances and Resolutions
  - a. Consider on second and final reading - Ordinance amending Chapters 1, 9 and 32 concerning increased fines and payment.
  - b. Resolution - Consider Technical Assistance Grant.
  - c. Resolution - Consider easement release in Park Plaza Addition.
  - d. Public Hearing - to consider oil drilling permits #8326, #8327 and #8328.
  - e. Resolution - Consider easement release being a 15' utility easement located in the Ridgemont Addition.
10. Request to Advertise
  - a. City Oil & Gas Lease, being northwest part of T & P Railroad Company Survey, Section 77, Block 14, Abstract 356, Jones County, Texas 110.8 21 acres more or less.
11. Award of Bid
  - a. 45" raw water supply line.
12. Other Business
  - a. Consider Pine Street Construction Contract Final Payment.
  - b. Pending and Contemplated Litigation.
  - c. Appointment and evaluation of Public Officials.

ADJOURN

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, December 15, 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, Assistant City Attorney Karen Anderson and City Secretary Patricia Patton.

Councilman Harold Nixon gave the invocation.

Councilman Bridges offered one change to the minutes of the Regular Council Meeting held December 1, 1983, being page one, paragraph two duly recorded. Councilman Bridges moved approval of the minutes, with the aforementioned correction, of the Regular Council Meeting of December 1, 1983 and the Special Workshop held December 6, 1983. 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.

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

Felix C. Villalovos	Water Meter Technician	40 Years
Kenneth Hambricht	Police Captain	20 Years
Gene E. Ellison	Heavy Equipment Operator	20 Years

Consent agenda item 6a, oral resolution renewing accounting agreement for Abilene Housing Authority, was removed from the consent agenda to be considered separately and David Wright, Director of Finance, responded to the Council's questions.

Councilman Bridges moved approval, by oral resolution, of the Accounting Services agreement with Condley and Company, C.P.A., for the Abilene Housing Authority for a two year period beginning January 1, 1984. The motion was seconded by Councilman Fogle and the motion carried as follows:

ACCOUNTING &  
HOUSING AUTH.  
Renew Acctg.  
Svcs Agree w/  
C&C 2 yrs.

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

NAYS: None.

Councilwoman Proctor-Shaw moved approval of the consent agenda items 5a, 5d-j, and 7a-g. Items 5b, 5c and 9e were removed from the agenda by Mayor Hall, since they were denied by the Planning and Zoning Commission & not appealed at this time. 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.

5. Ordinances

- a. Appealed Item - Consider on first reading - reclassification request from RS-6 to CB district, being Lot #1, Block 91, Original Town, and located on Cherry Street and set a public hearing for January 12, 1984.

ZONING RE-RS-6  
to CB/Cherry S  
1st read, appc

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.

- d. Consider on first reading - reclassification request from AO to GC district, located at Hwy. 83-84 & F.M. 707 and set a public hearing for January 12, 1984.

ZONING RE-AO t  
GC/83-84 & 707  
1st read, appc

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.

- e. Consider on first reading - reclassification request from RM-2 to GC district, located at Tracy Lynn Drive & Kenwood Drive and set a public hearing for January 12, 1984.

ZONING RE - RM  
to GC/Tracy Ly  
Dr. & Kenwd. [1  
1st read. appd

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.

- f. Consider on first reading - street name assignments Poverty Point Circle, Kickapoo Bend, Arrow Point, Kiowa Court, Wichita Camp, Cove Road, Fishing Village Road, Cherokee Circle, Ramp Road, Comanche Trail, Choctaw Point, Apache Lane and Cheyenne Circle, and set a public hearing for January 12, 1984.

STR. NAME CHAN  
str. name char  
various, 1st  
read. appd.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF POVERTY POINT CIRCLE TO POVERTY POINT CIRCLE, KICKAPOO BEND, ARROW POINT, KIOWA COURT, WICHITA CAMP, COVE ROAD, FISHING VILLAGE ROAD, CHEROKEE CIRCLE AND RAMP ROAD; AND COMMANCHE TRAIL TO COMANCHE TRAIL, CHOCTAW POINT, APACHE LANE, AND CHEYENNE CIRCLE.

- g. Consider on first reading - reclassification request from RS-6 & AO to RM-3 district, located at Buffalo Gap Road and Forrest Hill Road and set a public hearing for January 12, 1984.

ZONING RE- RS-  
& AO to RM-3/  
Buff. Gp Rd.  
& Forrest, 1st  
read, appd.

(Items g, h, & i contain the same caption which will be shown following item i.)

- h. Consider on first reading - reclassification request from AO to LC district, located at E. N. 10th Street & Griffith Road and set a public hearing for January 12, 1984.
- i. Consider on first reading - reclassification request from AO to HI district, located at 2933 Plum, and set a public hearing for January 12, 1984.

ZONING RE-AO t  
LC/EN10th &  
Griffith Rd.  
1st read, appd  
ZONING RE-AO t  
HI/2933 Plum,  
1st read, appd

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.

- j. Consider on first reading - zoning ordinance amendment to permit retail trade of furniture and home furnishings in an LI & HI district, and set a public hearing for January 12, 1984.

ZON ORD. AMENI  
furn & home  
furnishings in  
LI & HI/1st re  
appd.

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.

- 6a. Renewal of Accounting Services Agreement for Abilene Housing Authority was considered separately prior to the consent agenda, see page one.

7. Request to Advertise

- a. Replace 4 pair Entrance Doors for Civic Center.
- b. Fire Hose for Fire Department.
- c. Overhead Doors for Fire Department.
- d. Sewer Pipe for Sewer Division.
- e. Irrigation Materials for MP right of way beautification.
- f. Signalization of Buffalo Gap and Rebecca intersection.
- g. Receive proposals for Equipment Management System.

REQ TO ADV-  
various, approve

Mr. Ewing Nelson, Retired Fire Fighter, appeared before the City Council regarding the Firemen's & Policemen's Civil Service sick leave requirement and requested the Council grant him a special request from the current policy to allow him to receive his entire sick leave benefit, being more than ninety (90) days. Also, he requested consideration of allowing a scale of sick leave to be paid to persons by means of their years of service. The scale would increase relative to the employees' tenure and would allow for payoff of more than ninety (90) days upon retirement.

Curtis Hawk, Assistant City Manager, responded to the Council in regard to the City's current Personnel Policy and the current Firemen's and Policemen's Civil Service sick leave requirement. The Council discussed the request and whether it would grant the request as a single waiver of the current policy or change the current policy to allow a payoff of sick leave for all civil service personnel and civilian (non-civil service) personnel. The Council also discussed its definition and understanding of the sick leave benefit. Also, the City's liability for sick leave payoff for both civil service and civilian employees and the budget requirements for same. Mayor Hall suggested if a change in the present policy was determined necessary, that such a change be discussed during budget proceedings. No action was taken on Mr. Nelson's request at this time.

After being briefed by Karen Anderson, Assistant City Attorney, Councilwoman Proctor-Shaw moved approval on second and final reading of an ordinance amending Chapters 1, 9 and 32 concerning increased fines and payment. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

CODE AMEND-  
Chpts 1,9&32  
increased fine  
2nd & final  
approved  
136-1983

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

NAYS: None.

The ordinance is numbered 136-1983 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS", CHAPTER 9, "COURTS", AND CHAPTER 32, "UTILITIES", BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Penny Boyett, Energy Coordinator, briefed the Council on the Technical Assistant Grant and described each task to be completed by ACR pursuant to the contract and proposal. She further responded to the Council's specific questions regarding the proposed contract.

After some discussion, Councilman Rodriguez moved, by oral resolution, to authorize the City Manager to sign the contract between ACR Energy Engineering, Inc., and the City of Abilene, pursuant to the staff's recommendation. The motion was seconded by Mayor Hall and the motion carried as follows:

ENERGY -  
Tech. Asst.  
Grant Contract  
authorized  
w/ACR

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

NAYS: Councilmen Robinson and Nixon.

After being briefed by Bob Whitehead, Director of Public Works, Councilman Fogle moved approval of a resolution granting an easement release in Park Plaza Addition as presented. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

EASE. REL -  
Park Plaza  
Addn.  
approved  
115-1983

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

NAYS: None.

The resolution is numbered 115-1983 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.

After being briefed by Diane Foresman, Assistant Land Agent, Mayor Hall opened a public hearing for the purpose of considering three oil drilling permits #8326, 8327 and 8328.

No one present and desiring to be heard, the public hearing was closed. Staff recommends approval of #8326 as submitted and approval of #8327 and #8328 conditionally that the applicant amend the insurance cancellation notice from ten days to the required thirty days notice.

Councilman Nixon moved approval of the oil drilling permits #8326, 8327 and 8328 as per the staff recommendation. 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.

OIL & GAS-  
Oil drill.  
permits #8326  
8327 & 8328  
approved.  
Oral.

The item was passed by oral resolution.

(Item 9e was removed from the agenda, see page one.)

Diane Foresman, Assistant Land Agent, briefed the Council on a City oil and gas lease being northwest part of T & P Railroad Company Survey, Section 77, Block 14, Abstract 356, Jones County, Texas, 110.821 acres more or less. The Council discussed the advertisement for the lease and concluded that it not only be advertised in the Abilene Reporter-News and Western Observer but to include several publications and not necessarily require the awarded bidder to pay for each and every advertisement.

Councilman Bridges moved to approve the request to advertise for the oil and gas lease and to widely advertise the lease. 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.

REQ TO AD-  
Oil & Gas  
lease, Jones  
County Prop.  
approved  
Oral

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an award of bid for a 45" raw water supply line and stated it is the recommendation of Freese and Nichols, Inc., to award the low bid of Key Enterprises, Inc., in the amount of \$1,531,896.80 and the staff concurs. Also to approve a written resolution awarding the bid and authorizing the Mayor to execute a contract with Key Enterprises, Inc., for the construction of the raw water supply line.

After some discussion, Councilman Rodriguez moved approval of the resolution awarding the bid to Key Enterprises, Inc. in the amount of \$1,531,896.80 and authorizing the Mayor to execute a contract for same. 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.

AWARD OF BID-  
Raw water  
supply line/  
Key Interprs.  
approved  
116-1983

The resolution is numbered 116-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
AWARDING A CONTRACT FOR THE CONSTRUCTION OF A 45-INCH RAW  
WATER SUPPLY LINE AND AUTHORIZING THE MAYOR TO EXECUTE SUCH CONTRACT.

Bob Whitehead, Director of Public Works, briefed the Council on the construction contract final payment for Pine Street construction with West Texas Construction, Inc., and consideration of authorizing final payment including a five (5%) percent overage of the project estimate as originally designed. He explained in detail the cost related to the overage and situation that caused the overage.

After some discussion, Councilman Nixon moved approval of the final payment on the contract with West Texas Construction, Inc. for reconstruction of Pine Street 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.

STR. IMPROV-  
Pine St.  
construction  
final paymen  
approved  
w/overage

Mayor Hall recessed the Council into Executive Session to consider pending and contemplated litigation and the appointment and evaluation of public officials.

Mayor Hall convened the Council into session and reported no action taken in Executive Session.

Councilman Fogle moved to appoint to the Abilene Economic Development Corporation Mr. Floyd Miller, Mr. Art Velasquez and Mr. J. V. Martin to replace Mr. Don Neill. 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.

BOARD APPTS-  
AEDC (3)  
approved

Harvey Cargill, City Attorney, reported to the Council that West Texas Utilities has filed for a rate increase in the recent past which is pending a decision from the Public Utility Commission. The City's jurisdiction will expire of December 20, 1983, and for that reason the staff recommends, with concurrence from W.T.U. to extend the City's jurisdiction to assist in the finalizing of the rate request.

Mr. Holman King, General Manager West Texas Utilities, stated WTU would concur with the extension of the jurisdiction.

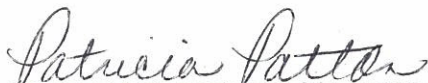
Councilman Bridges moved to accept the recommendation of the City Attorney to extend the City's jurisdiction. The motion was seconded by Councilman Nixon and the motion carried as follows:

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

NAYS: None.

FRANCHISE-  
WTU extend  
jurisdiction  
in rate  
request.

There being no further business, the meeting was adjourned at 11:58 a.m.



Patricia Patton  
City Secretary



Elbert E. Hall  
Mayor