

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chambers of the City Hall on Thursday, August 9, 1984, at 9:00 a.m.

CITY COUNCIL: Mayor David Stubbeman; Council - Dr. Julian Bridges, Billye Proctor-Shaw, Walter E. Wheat, 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 July 26, 1984.

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 & Resolutions
 - a. Consider on second and final reading - ordinance amending Chapter 20, Offenses, of the Abilene Municipal Code, regarding cruising in drive-in restaurants.
 - b. Consider on first reading, ordinance amending Chapter 32, Utilities, of the Abilene Municipal Code, concerning adjustment to water, sewer connections, taps and extensions (pro rata charges).
 - c. Consider request for Street Use License - Wayne Bailey and Bailey Pawn & Trade Company, Inc.
 - d. Consider easement release being a 15' utility easement, located between Ridgemont Drive & Turner Plaza.
 - e. Consider on first reading - a thoroughfare abandonment, being a 20' wide alley, located on West Lake Road (F.M. 600), and set a public hearing for August 23, 1984, at 9:00 a.m.
 - f. Consider on first reading - a reclassification request from RS-6 (Residential Single Family) to LI (Light Industrial) district, located in the 200 block of E. N. 14th Street, and set a public hearing for August 23, 1984, at 9:00 a.m.
 - g. Consider on first reading - a reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) district, located in the 3800 block Wisteria Way, and set a public hearing for August 23, 1984, at 9:00 a.m.
 - h. Consider on first reading - a reclassification request from AO (Agricultural Open Space) to MU (Medical Use) district, located at 2342 Antilley Road, and set a public hearing for August 23, 1984, at 9:00 a.m.
 - i. Consider on first reading - a reclassification request from PI (Park Industrial) to HC (Heavy Commercial) district, located at North 14th & Clack Streets, and set a public hearing for August 23, 1984, at 9:00 a.m.
 - j. Consider on first reading - a reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located on Chimney Rock Road, and set a public hearing for August 23, 1984, at 9:00 a.m.
 - k. Consider on first reading - a reclassification request from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located in the 5100 block of Hartford Street, and set a public hearing for August 23, 1984, at 9:00 a.m.
 - l. Consider on first reading - a reclassification request from RM-3 (Residential Multi-Family) to PDR (Planned Development Residential) district, located in the 2400-2700 block of Bishop Road and set a public hearing for August 23, 1984, at 9:00 a.m.
 - m. Consider on first reading - a reclassification request from RS-6, RS-8 & AO (Residential Single Family & Agricultural Open Space) to PDR (Planned Development Residential) district, located west of Presidio Drive, and set a public hearing for August 23, 1984, at 9:00 a.m.

- n. Consider on first reading - reclassification request from MH (Mobile Home) to GC (General Commercial) district, located at 6101 S. Seventh Street, and set a public hearing for August 23, 1984, at 9:00 a.m.

REGULAR AGENDA

5. Public Appearance
 - a. Land dedication to the City from Oddfellows and Masonic Lodge at Cemetery.

6. Ordinances & Resolutions
 - a. Public Hearing - consider on second and final reading - reclassification request from RS-12 (Residential Single Family) to PDR (Planned Development Residential) District, located at Rebecca Lane & Hummingbird Circle.
 - b. Resolution to consider - new Lake Fort Phantom lease form.
 - c. Resolution to consider - Lake Fort Phantom leases: Abilene Bass Club - public service; and Abilene Gun Club - recreational.
 - d. Resolution to consider designation of Abilene's chairman of the Sesquicentennial celebration.

7. Award of Bid
 - a. Asphalt overlay on freeze damaged streets.
 - b. Supervisory Control System - Raw Water Delivery System.

8. Other Business
 - a. Emergency repair of City Hall roof.
 - b. Pending and Contemplated Litigation.
 - c. Appointment and evaluation of Public Officials.

ADJOURN

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

The City Council of the City of Abilene, Texas, met in Regular Session August 9, 1984, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor David Stubbeman was present and presiding with Councilman Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Walter E. Wheat, Welton Robinson and Harold Nixon. Also present were Acting City Manager Curtis E. Hawk, Assistant City Manager Roy McDaniel, City Attorney Harvey Cargill, Jr., and City Secretary Patricia Patton. Councilman A. E. Fogle, Jr. was absent.

Invocation was given by Councilman Harold Nixon.

There being no additions or corrections to the minutes of the Regular Council Meeting held July 26, 1984, they stand approved.

Mayor Stubbeman removed the following items from the agenda:

4. Ordinances & Resolutions
 - f. Rezone request from RS-6 to LI, located in the 200 block of E.N. 14th Street. The item was denied by the Planning & Zoning Commission and not appealed at the present time.
 - g. Rezone request from RM-3 to RM-2, located in the 3800 block of Wisteria Way. The item was tabled by the Planning & Zoning Commission.
 - l. Rezone request from RM-3 to PDR, located in the 2400-2700 block of Bishop Road. The item was withdrawn by the proponent.

Councilman Robinson moved approval of the consent agenda items 4a through 4e, 4h through 4k, 4m and 4n, as presented by the staff and as shown below. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

ABSTAIN: Councilwoman Proctor-Shaw on item 4m.

4. Ordinances & Resolutions
 - a. Consider on second and final reading - ordinance amending Chapter 20, Offenses, of the Abilene Municipal Code, regarding cruising in drive-in restaurants. The ordinance is numbered 80-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 20, "OFFENSES" BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.
 - b. Consider on first reading, ordinance amending Chapter 32, Utilities, of the Abilene Municipal Code, concerning adjustment to water, sewer connections, taps and extensions (pro rata charges).

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES" BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.
 - c. Consider request for Street Use License - Wayne Bailey and Bailey Pawn & Trade Company, Inc. The License was granted by oral resolution.
 - d. Consider easement release being a 15' utility easement, located between Ridgemont Drive & Turner Plaza. The resolution is numbered 58-1984 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.

- e. Consider on first reading - a thoroughfare abandonment, being a 20' wide alley, located on West Lake Road (F.M. 600), and set a public hearing for August 23, 1984, at 9:00 a.m.

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

- f. Removed from the agenda, see page one.
- g. Removed from the agenda, see page one.
- h. Consider on first reading - a reclassification request from A0 (Agricultural Open Space) to MU (Medical Use) district, located at 2342 Antilley Road, and set a public hearing for August 23, 1984, at 9:00 a.m.

The following items, 4i through 4k, 4m and 4n, contain an identical caption to that of 4h, therefore, the caption will only appear one time following 4h.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING & 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.

- i. APPEALED ITEM: Consider on first reading - a reclassification request from PI (Park Industrial) to HC (Heavy Commercial) district, located at North 14th & Clack Streets, and set a public hearing for August 23, 1984, at 9:00 a.m.
- j. Consider on first reading - a reclassification request from A0 (Agricultural Open Space) to RS-6 (Residential Single Family) district, located on Chimney Rock Road, and set a public hearing for August 23, 1984, at 9:00 a.m.
- k. Consider on first reading - a reclassification request from RM-2 (Residential Munti-Family) to GC (General Commercial) district, located in the 5100 block of Hartford Street, and set a public hearing for August 23, 1984, at 9:00 a.m.
- l. Removed from the agenda, see page one.
- m. Consider on first reading - a reclassification request from RS-6, RS-8 and A0 (Residential Single Family & Agricultural Open Space) to PDR (Planned Development Residential) district, located west of Presidio Drive, and set a public hearing for August 23, 1984, at 9:00 a.m.
- n. Consider on first reading - a reclassification request from MH (Mobile Home) to GC (General Commercial) district, located at 6101 South Seventh Street.

Fred Aycock, Assistant Director of Community Services, briefed the Council on Land dedication to the City of Abilene from Odd Fellows and Masonic Lodge at Cemetery. He explained that a recent review by the staff of all City Cemetery historical records indicated that the transfer of property from the Masonic and Odd Fellows Lodges to the City of Abilene was never made a matter of official record.

A Resolution adopted by the Board of Commissioners of the City of Abilene, on August 24, 1928, authorized the taking over and management of the Old City, Masonic and Odd Fellows Cemeteries. The actual conveyance of the property was never completed. Therefore, Quick Claim Deeds have been prepared for presentation to the City of Abilene by the Masonic and Odd Fellows Lodges to insure title to the lands involved is made a matter of official record.

Present at the Council Meeting were J. T. Duke, Milton Nunnallee and Hubert Smith from Masonic Lodge; and Leon Giles, J. B. Boyse, Henry Nauert and Roy Sherwood from Odd Fellows. Mayor Stubbeman accepted the Deeds on behalf of the City of Abilene from Milton Nunnallee and Leon Giles.

Brad Stone, Principal Planner, briefed the Council on a reclassification request from RS-12 (Residential Single Family) to PDR (Planned Development Residential) district, located at Rebecca Lane & Hummingbird Circle, on second and final reading. Brad Stone stated he just received a phone call from the proponent to either table or withdraw the item. The Council decided since there were people present for the public hearing they should discuss the item.

Mayor Stubbeman opened a public hearing for the purpose of considering the item and the following person spoke in opposition of the item:

- o Kenneth Leggett, representing other residents in the area, read a signed petition to the Council.

With no one else present and desiring to be heard, Mayor Stubbeman closed the public hearing.

Councilman Wheat moved to deny the rezone request from RS-12 to PDR district, located at Rebecca Lane & Hummingbird Circle, on second and final reading. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried:

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

NAYS: None.

The request was denied.

Gary Landers, First Assistant City Attorney, briefed the Council on a resolution to consider new Lake Fort Phantom lease form. He explained that the staff only wants the Council to consider the Public Service Lease, Commercial Lease and the Recreational Lease today. No action will be taken on the Residential Lease. He discussed the changes in the form. Councilman Bridges moved to approve by oral resolution the new Lake Fort Phantom lease form, as presented by the staff. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried:

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

NAYS: None.

Gary Landers, First Assistant City Attorney, briefed the Council on the Lake Fort Phantom leases: Abilene Bass Club - public service; and Abilene Gun Club - recreational. After some discussion Councilman Bridges moved to approve by oral resolution Abilene Bass Club and Abilene Gun Club, Lake Fort Phantom Leases, as presented by the staff. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

Bill Wright, Director of Abilene Cultural Affairs Council, recommended to the Council to approve a resolution designating the Abilene Cultural Affairs Council to coordinate the Texas Sesquicentennial Cultural Exchange with Elizabeth, South Australia and to appoint Mr. H.C. Zachry as Sesquicentennial Chairman. Councilwoman Proctor-Shaw moved to approve the resolution to designate the Abilene Cultural Affairs Council to coordinate the Texas Sesquicentennial Cultural Exchange with Elizabeth, South Australia and to appoint Mr. H. C. Zachry as Sesquicentennial Chairman. The motion was seconded by Councilman Nixon and the motion carried:

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

NAYS: None.

The resolution is numbered 59-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE ABILENE CULTURAL AFFAIRS COUNCIL TO COORDINATE THE TEXAS SESQUICENTENNIAL CULTURAL EXCHANGE WITH ELIZABETH, SOUTH AUSTRALIA.

Bob Whitehead, Director of Public Works, briefed the Council on an award of bid for asphalt overlay on freeze damaged streets. On March 9, 1984, the Council approved \$460,000 additional funds for improving streets that were damaged from the winter weather. The staff recommends the bid be awarded to Strain & Sons Paving Company in the amount of \$392,962.50. The staff requests that since the bid was so low, the Council use the additional funds to repair other streets which were also damaged this winter and make them a part of this bid at the same unit price up to the maximum of \$460,000. Various sections of North 6th Street, Woodlake Drive and sections of North Willis were recommended to be included. The recommendations are to award the bid to Strain & Sons Paving Company in the amount of \$392,962.50 and to issue a change order adding these streets to the actual bid and increasing the total of the bid but not to exceed \$460,000.

After some discussion Councilman Nixon moved to award the bid for asphalt overlay on freeze damaged streets to Strain & Sons Paving Company and issue a change order adding the recommended streets with the statement not to exceed \$460,000, as presented by the staff. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an award of bid for Supervisory Control System for the Raw Water Delivery System. The staff recommends the bid be awarded to Moncon, Inc., in the amount of \$77,000. Funds for this project will come from the unappropriated water-work bonds of which there is \$491,000 remaining. The Council spoke to Phase 3 of the project which will be in excess of the bond funds, which can be funded through the budget process when appropriate. After some discussion Councilwoman Proctor-Shaw moved to award the bid for Supervisory Control System for the Raw Water Delivery System to Moncon, Inc., in the amount of \$77,000, as presented by the Staff. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

The Resolution is numbered 60-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AWARDING A CONTRACT FOR THE SUPERVISORY CONTROL SYSTEM FOR THE
RAW WATER DELIVERY SYSTEM AND AUTHORIZING THE MAYOR TO EXECUTE
SUCH CONTRACT.

Roy McDaniel, Assistant City Manager, briefed the Council on the emergency repair of the City Hall roof. The staff recommends the item be handled on an emergency basis and the bid be awarded to Barr because they can begin the work as soon as possible and Lydick Hooks would be delayed until mid to late October. This is an important factor since the rainy season is forthcoming and a lot of electronic equipment could be damaged if the roof is not repaired immediately. If the item is not handled on an emergency basis, the legal staff feels the item must be advertised and competitively bid, which could postpone the repairs for approximately six (6) weeks. Two (2) proposals were received and are as follows:

Single Ply Roof With Hot Asphalt

Lydick - Hooks	\$35,575	10 Yr. Guarantee
Barr	\$35,635	5 Yr. Guarantee

Buildup With Cold Tar

Lydick - Hooks	\$34,605	5 Yr. Guarantee
Barr	\$37,182	5 Yr. Guarantee

Repair Only - 30' X 60' Area

Lydick - Hooks	\$ 3,100	No Guarantee
Barr	\$ 2,700	No Guarantee

The Council questioned the staff on the difference in the guarantees between the two companies. Gene Cook, Resource Services Administrator, commented that he was unfamiliar with the guarantees of the two companies and that the staff had not, at the present time, questioned either one of them why one company could offer a longer guarantee for the same materials. The Council asked the staff if they had contacted Lydick-Hooks to see if they could temporarily repair the roof until they could actually do the work. Gene Cook responded that a temporary repair had already been done in the same area and after the last rain the temporary repair started leaking. As a result the original leak has spread. After some discussion Councilman Wheat moved to accept Lydick-Hooks proposal. The motion was seconded by Councilman Robinson and the motion

FAILED:

AYES: Councilmen Wheat and Robinson.

NAYS: Councilman Bridges, Councilwoman Proctor-Shaw, Councilman Nixon and Mayor Stubbeman.

Councilwoman Proctor-Shaw suggested that Gene Cook visit with Grady Barr and see if something could be done to extend the presented guarantee and with the understanding that the results of the visit between Gene Cook and Grady Barr have no bearing on her motion, she moved to award the bid to Barr under emergency circumstances. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: Councilman Wheat.

Dr. Bridges requested that Bob Fowler or someone from his department inspect the job to ensure a quality job.

Mayor Stubbeman recessed the Council into executive session to consider the appointment and evaluation of public officials and pending and contemplated litigation, in accordance with law.

The Council reconvened from executive session and declared no action taken in executive session.

Councilwoman Proctor-Shaw moved to appoint Mike Milano as full member, to the Board of Adjustment, to fill an unexpired term of Jim Gidley, with a term expiring November 1984; to appoint Kirby Leeson as alternate member to the Board of Adjustment, to fill an unexpired term of Thomas Dietrick, with a term expiring November 1985; to appoint Dwight Albus as an alternate member to the Board of Adjustment, to fill a position vacated by Mike Milano's promotion, with a term expiring November 1984 and to appoint Woodrow Clemmer to the Planning & Zoning Commission to fill the unexpired term of Rick Weatherl, with a term expiring November 1985. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

Mayor Stubbeman announced that there had been numerous discussions between the City and the Banks in regard to the law suit which is pending and the City has proposed a settlement as to each plaintiff, which will settle the controversy as to the taxes for the tax year 1980, 1981, 1982, 1983 and 1984 by refunding to the Banks 34.67% of the funds presently held in escrow by the City. This offer of settlement is contingent upon acceptance by the other taxing authorities that are involved in this same law suit. Councilman Nixon moved to approve the settlement on the terms presented. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

ABSTAIN: Councilwoman Proctor-Shaw on American National Bank and First State Bank, Councilman Nixon on First State Bank and Mayor Stubbeman on InterFirst Bank, N.A.

There being no further business the meeting was adjourned at 11:10 a.m.

Patricia Patton
Patricia Patton
City Secretary

David Stubbeman
David Stubbeman
Mayor

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