

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 27, 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 Julian Bridges.
3. APPROVAL OF MINUTES: Regular Council Meeting held September 13, 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. **APPEALED ITEM:**
Consider on first reading - reclassification request from RS-8 (Residential Single Family) to GC (General Commercial) district, located on Lincoln Drive, north of Ambler Avenue, and set a public hearing for October 11, 1984, at 9:00 a.m.
 - b. Oral Resolution to consider Street Use License - Heritage Properties, Ltd. at 790 Orange.
 - c. Oral Resolution to consider renewal of Interlocal Computer Use Agreement with Central Appraisal District of Taylor County.
 - d. Oral Resolution to consider amendment to Airport Restaurant Lease.
 - e. Consider on second and final reading ordinance repealing Ordinance No. 829, regarding Police Department Rules and Regulations.
5. Award of Bid
 - a. Automatic chemical feed treatment system.
 - b. Heating and cooling units for Building Services.

REGULAR AGENDA

6. Public Appearance
 - a. Presentation by R. Jarrell Young and McGruff, concerning the Crime Stoppers Program.
7. Ordinances & Resolutions
 - a. **Public Hearing** - Consider on second and final reading reclassification request from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located on Antilley Road, one quarter mile west of U.S. Hwy 83-84.
 - b. **Public Hearing** - Consider on second and final reading reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located in the 200 block of Maxwell Street.
 - c. **Public Hearing** - Consider on second and final reading thoroughfare abandonment being a 20' alley located on Southwest Drive.
 - d. Resolution to consider Abilene Emergency Medical Service contract and rate increase.
8. Award of Bid
 - a. Zoo Security Contract.
9. Other Business
 - a. Discuss Water Conservation Plan.
 - b. Pending and Contemplated Litigation.
 - c. Appointment and evaluation of Public Officials.

ADJOURN

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

The City Council of the City of Abilene, Texas, met in Regular Session September 27, 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, A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Also present were Acting City Manager Curtis E. Hawk, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr. and City Secretary Patricia Patton.

Invocation was given by Councilman Julian Bridges.

Item 5b, being an oral resolution to consider a street use license to Heritage Properties, Ltd., at 790 Orange was removed from the consent agenda to be considered separately.

There being no corrections or additions to the minutes of the Regular Council Meeting held September 13, 1984, the minutes stand approved.

Councilwoman Proctor-Shaw moved approval of the consent agenda items being 4a, 4c, 4d, 4e, 5a, and 5b, as shown below and presented by the staff. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

4. Ordinances and Resolutions

- a. APPEALED ITEM, being to consider on first reading a reclassification request from RS-8 (Residential Single Family) to GC (General Commercial) district, located on Lincoln Drive, north of Ambler Avenue, and set a public hearing for October 11, 1984, at 9:00 a.m.
- b. Removed from consent agenda to be considered separately.
- c. Oral resolution to consider renewal of Interlocal Computer Use Agreement with Central Appraisal District of Taylor County.
- d. Oral Resolution to consider amendment to the Airport Restaurant Lease concerning insurance requirements.
- e. Consider on second and final reading an ordinance repealing Ordinance No. 829, regarding Police Department Rules and Regulations. The ordinance is numbered 98-1984 and is captioned as follows.

AN ORDINANCE REPEALING ORDINANCE NO. 829 WHICH ADOPTED RULES FOR THE POLICE DEPARTMENT; AND AUTHORIZING FIRE AND POLICE DEPARTMENT RULES.

5. Award of Bid

- a. Automatic chemical feed treatment system. The bid was awarded to Anderson Chemical Company.
- b. Heating and cooling units for Building Services Division. The bid was awarded to Abilene Sheet Metal.

The Council next considered a street use license to Heritage Properties, Ltd., at 790 Orange, as requested by Mr. Frank O. Murray. The proposal is to obtain parking along both North 8th and Orange Streets. Staff is opposed to the creation of head-in parking where it does not already exist and in addition, the staff strongly opposes the parking on 8th Street due to the amount of east-west traffic carried and the narrow paved surface. Staff recommends denial of the request based primarily on the position of curtailing creation of head-in parking where it does not currently exist.

Mr. Murray was present and explained his intentions to the Council. The structure located on the property is considered a historical landmark and attempts are being made to retain as much of the physical characteristics of the property as possible. He discussed some options available that have been reviewed with the staff.

ZONING RE-RS-8 to GC/Lincoln Dr., 1st read, appd.

AGREEMENT-Interlocal Computer Use agree. w/Central Appraisal Dist. renewed

AIRPORT-Rest. Lea amended re: insur

POLICE & CIVIL SERVICE-repeal Ord. 829 re: depar rules & regs., 2n & final read. approved 098-1984

AWARD BID-auto chemical feed trmt sys. to Anderson Chem. Co. Bid #640

AWARD BID-heat & cool units for bldg. svcs to Ab. Sheet Metal Bid #639

The Council commended Mr. Murray for his efforts and encouraged preserving structures such as this one by citizens; however, the Council hesitated to allow parking on N. 8th due to the amount of traffic.

Councilman Bridges moved to approve parking for that portion of the street use license pertaining to Orange Street. The motion was seconded by Councilman Nixon. Councilwoman Proctor-Shaw moved to deny parking for that portion of the street use license pertaining to N. 8th Street. The motion was seconded by Councilman Bridges. Both motions carried as follows.

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

NAYS: None.

The street use license was awarded to Heritage Properties, Ltd., by oral resolution.

Mayor Stubbeman introduced to the Council and audience "McGruff", "the take-the-bite-out-of-crime dog". McGruff is the spokesperson for the Crime Prevention Coalition, a national organization that aims to cut the number of crimes committed by teaching individuals how to better protect themselves. The McGruff costume is a gift to the Abilene Police Department by KRBC Television News and it will be used by the Department's Crime Prevention Division in helping to better inform the citizens of our community about preventing crimes against persons and property. The Mayor called upon City Secretary Patricia Patton to provide an oath of office to McGruff as one of the City's Police Department's Chief Crime Fighters.

Mr. Jarrell Young, Postmaster, presented Police Chief Warren Dodson, on behalf of the U. S. Postal Service and the Abilene Post Office, a full sheet of McGruff postage stamps issued today by the U. S. Postal Service. Its issuance coincides with the celebration of Crime Prevention Month, beginning October 1st. Mr. Young presented a certificate in recognition of National Crime Prevention Month to Crime Fighter McGruff.

Mayor Stubbeman thanked the Abilene Post Office for participating in today's ceremony, Officer Albert Hoppe, who was playing McGruff, and KRBC Television News.

John Hancock, Senior Planner, briefed the Council on a reclassification request from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located on Antilley Road. Staff and the Planning and Zoning Commission recommend approval.

Mayor Stubbeman opened a public hearing to consider the aforementioned request and no one being present and desiring to be heard, the public hearing was closed.

Councilman Fogle moved approval on second and final reading of the rezone request from AO to PDMX, located on Antilley Road, as presented. The motion was seconded by Councilman Bridges and the motion carried.

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

NAYS: None.

The ordinance is numbered 99-1984 and is captioned as follows:

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

John Hancock, Senior Planner, briefed the Council on a reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located in the 200 block of Maxwell Street. Staff and the Planning and Zoning Commission recommend approval.

STR. USE LICENSE-
Heritage Prop.,
790 Orange, approved

PUBLIC APPEAR-
Jarrell Young,
postmaster &
McGruff/Crime
Prevention Prog.

ZONING RE-AO to
PDMX/Antilley Rd.
2nd & final read.
approved
099-1984

Mayor Stubbeman opened a public hearing to consider the aforementioned request and no one being present and desiring to be heard, the public hearing was closed.

Councilman Bridges moved approval on second and final reading of the rezone request from RM-3 to GC, located in the 200 block of Maxwell Street, as presented. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

The ordinance is numbered 100-1984 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.

John Hancock, Senior Planner briefed the Council on a thoroughfare abandonment, being a 20 foot east-west alley along the south property line of Lot 2, Block A, Continuation of Southwest Plaza Addition, located between Southwest and Catclaw Drives. Staff, as well as the Planning and Zoning Commission, request approval save and except the westernmost seven feet of the alley, and retaining the full length and width of the alley for a utility, refuse, and emergency vehicle access easement.

Mayor Stubbeman opened a public hearing to consider the aforementioned request and no one being present and desiring to be heard, the public hearing was closed.

Councilman Nixon moved approval on second and final reading of the thoroughfare abandonment, being a 20 foot east-west alley along the south property line of Lot 2, Block A, Continuation of Southwest Plaza Addition, located between Southwest and Catclaw Drives, as recommended by the staff. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

The ordinance is numbered 101-1984 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.

The Mayor stated that he has requested the assistance of the Chamber of Commerce in reviewing the City's water situation and Dick Bowen, President of the Chamber of Commerce, was in the audience together with Mr. Syd Niblo, past member of the West Central Texas Municipal Water District, and the Mayor asked Mr. Bowen to approach the Council regarding the community study committee.

Mr. Bowen thanked the Council for the work they have done in the past to help in a solution to the City's water supply problem. The committee that the Chamber will appoint will work with the Council in every manner possible to help in finding a solution. Their intent is to provide a broad-based community involvement committee which will provide input on the subject. He commended the work and efforts of the Water District and provided positive comments in regard to the work of the committee and Chamber. The first meeting of the committee will be held tonight at the Talyor County Court House, Central Jury Room, at 5:00 p.m. The Mayor encouraged anyone interested to attend.

Roy McDaniel, Assistant City Manager, briefed the Council on an agreement authorizing an extension of the City's ambulance contract for an additional ninety days, thereby expiring December 31, 1984. By that time, the staff will be prepared to propose a new contract.

Mr. McDaniel also presented a resolution authorizing increased rates for the ambulance service, as discussed during the budget work sessions in later July of this year.

ZONING RE-RM-3 to GC/200 blk Maxwell 2nd & final approved 0100-1984

THOR. ABANDON- 20' E-W alley, Lot 2, Blk. A, Cont. SW Plaza Adc 2nd & final appd. 0101-1984

WATER STUDY COMMITTEE discussed/Dick Bowen, Pres. Chamber of Comm. Syd Niblo

Councilman Fogle moved to authorize the ninety-day contract extension and the resolution increasing rates for the Abilene Emergency Medical Service, 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, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The contract extension was adopted by oral resolution and the rates by written resolution numbered 66-1984 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING AMBULANCE RATE INCREASES FOR ABILENE EMERGENCY
MEDICAL SERVICE.

Mike Hall, Director of Community Services, briefed the Council on an award of bid for the continuation of security at the Zoo. He mentioned that night security patrol was initiated at the Zoo in November, 1980, after numerous people had been observed in the zoo confines after dark and some minor vandalism had occurred. The security patrol entails foot patrol of the zoo property, including the lake perimeter, zoo buildings, exhibits and other related areas within the zoo complex between the hours of 5:00 p.m. to 8:00 a.m. daily. Contracting with a private firm was found to be the most economical and advantageous method of providing security at the Zoo. During the budget work sessions, a discussion took place regarding the cost to the City of providing such service. At this time, if the City were to provide the same service, it would cost approximately \$44,393, which includes hiring City employees to conduct the services, since the Police Chief has confirmed he does not have sufficient current manpower to provide the same service.

Staff recommends the Council award the Zoo security contract to Pinkerton's Inc., in the amount of \$32,446, since it is the lowest, most advantageous bid received.

Councilman Robinson moved to award the zoo security contract to Pinkerton's Inc., as recommended by the staff, for 1984-85. The motion was seconded by Councilman Bridges and the motion carried.

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

NAYS: None.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on the present water supply situation. Staff proposes to amend the Water Conservation Ordinance regarding Stage 4 requirements, specifically Sections 1, 2, 3, 5 and adding Section 6.

Section 1 provides that watering of lawns and grass is prohibited, but allows that the eight football fields can be watered by some type of water-flood system once every ten days. An alternative to this section that was provided for Council consideration allowed that watering of lawns be allowed only on a designated date and only once every ten days and only with a hand-held hose, drip irrigation, or soaker hose. No sprinklers are allowed.

Section 2 provides that washing of all automobiles, etc., be curtailed unless in the immediate interest of the public health, safety, or welfare and that washing of any vehicle at residences is prohibited.

Section 3 provided that filling, refilling or adding water to personal residence swimming and or wading pools be prohibited. Prior to this time, the Section addressed not only residence pools, but commercial users (such as apartment complexes, etc.) also.

Section 5 provides that all commercial and industrial users of water reduce their monthly consumption by a certain percentage and that an increased fee will be charged for any water consumption that does not comply with the required reductions. Further, that if a customer uses more than the allowed amount more than once at anytime during Stage 4, then after each such overuse, the charges will be added and the customer's water will be turned off with a fifty dollar re-connect fee. Also that each golf course shall be allotted a specific amount of water intended to maintain tees and greens only.

AMBULANCE FRANCHISE
& CONTRACT- extend
current contract
until 12/31/84;
inc. rates approve
R66-1984

AWARD BID-Zoo
Security to
Pinkerton's Inc.
approved/Oral

The new Section 6 provided that the provisions of this section will be compassionately enforced in unusual or hardship situations.

Staff reported that at the present time the lake elevation has increased two-tenths of a foot and with the cooling temperatures, maintained that level for a few days. Staff feels the proposed amendments to the ordinance will more fairly distribute the reduced water consumption requirements on all users (i.e., residential, commercial and industrial). Staff proposed to the Council that the fee schedule for violators is in addition to the penalty clause in the ordinance and that the re-connect fee may be increased at the Council's desire.

Councilman Wheat expressed a concern about the car washes. Councilman Nixon expressed a concern regarding the penalty fee for those users that exceed their allocated monthly consumption and feels the Council should be more strict. Assuring that violators are strictly penalized and not allowed to continue utilizing water. The Council questioned whether the staff could provide statistics on the number of commercial and industrial users that are in violation by the next Council meeting. However, the staff responded that it will take approximately thirty days to acquire accurate information on all users.

Mr. Ben Fischer, 2917 Southwest Drive, approached the Council as a homeowner and asked that the Council consider all the citizens and commercial and industrial users that have been affected by the ordinance, other than the car washes (such as the nursery persons, lawn sprinkler companies, etc.). He supported the fact that there is a water shortage and that everyone should be responsible for the situation equally.

Mr. Tom Simons, co-owner of two car washes, expressed appreciation for concern over the car washes. He spoke to the penalty clause proposed in the ordinance amendment and stated that his company has incurred monies to develop well watering systems for the two car washes. He encouraged the Council to set rules and guidelines and not to deviate from them. When guidelines are set and then changed, it is confusing to the water users.

Mr. Tom Handley, co-owner N & H Construction Company, an asphalt paving company. His questions regarded the use of on-site water for construction use and that the staff had indicated to the construction companies a need for them to find an additional water source. Mr. Hargesheimer responded to his questions and Mr. Handley was satisfied.

Staff recommends the following:

- . Approve the ordinance amendment as presented with two changes. One being to eliminate Section 3, regarding residence swimming pools in its entirety, since the swimming season is coming to a close. This section should be reviewed this spring. Elimination of this section would also help reduce the problems associated with those residences which use heated pools for physical therapy.
- . Eliminate the proposed Section 6, regarding the compassionate enforcement or hardship situations, since the legal staff feels this would be impossible to define and defend in Court.

Councilman Fogle moved to approve the ordinance, on emergency, amending Sections 1, 2, and 5 and with the following changes.

- . Eliminate Sections 3 and 6;
- . Change Sec. 5(a)(2) reference to "penalty" fee and "penalty" charges to "water" fee and "water" charges;
- . Increase the re-connect fee from \$50 to \$200.

WATER UTILITIES-
amend conservatio
plan, Stage 4,
emergency read.
approved
0102-1984

The motion was seconded by Councilman Bridges and the motion carried.

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


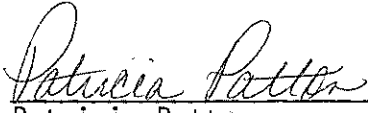
NAYS: Councilman Nixon.

The ordinance is numbered 102-1984 and is captioned as follows:

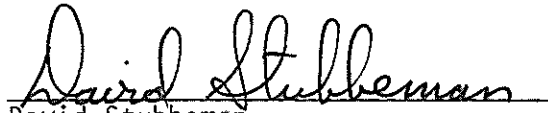
AN ORDINANCE AMENDING CHAPTER 32, UTILITIES, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AND DECLARING AN EMERGENCY.

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

There being no further business, the meeting was adjourned at 12:00 noon.

Patricia Patton
City Secretary



David Stubbeman
Mayor