

Pre-Council Work Session of the Mayor and City Council of the City of Abilene, Texas, to be held in the Basement Conference Room of City Hall on Thursday, April 25, 1985, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.

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, April 25, 1985, at 9:00 a.m.

CITY COUNCIL: Mayor David Stubbeman; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, A. E. Fogle, Jr., Welton Robinson and Harold Nixon.

1. Call to Order.
2. **INVOCATION:** Councilman A. E. Fogle, Jr.
3. **APPROVAL OF MINUTES:** Pre-Council Work Session and Regular City Council Meeting held April 11, 1985.

4. EMPLOYEE SERVICE AWARDS:

Alton C. Newton	Engineering Construction Inspector	30 Years
Donald D. Beeman	Senior Fire Fighter	30 Years
Murray L. Parvin	Water Production Utility System Supt.	30 Years
Jimmie D. Ford	Assistant Animal Control Supt.	20 Years
J. W. Isenburg	Street Equipment Operator	20 Years
Don W. Gravens	Parks Maintenance Foreman	20 Years

SAFETY AWARDS:

Vehicle Safety Awards of Honor: Public Works Department; Fire Department; Parks Division

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 and Resolutions:

- a. Consider on second and final reading - ordinance amending Chapter 4, Airports, Sections 4-16, 4-23 and 4-26 Abilene Municipal Code, concerning landing fees at the Abilene Municipal Airport; Resolution adopting landing fees.
- b. Consider on second and final reading - an ordinance amending Chapter 18, of the Abilene Municipal Code, prohibiting parking near North 3rd and Wall.
- c. Consider on first reading - ordinance amending Section 23-306.4 of the Zoning Ordinance, permitted use, to permit location of museums as a right of use in Shopping Center (SC) zoning districts, and set a public hearing for May 9, 1985.
- d. Consider on first reading - ordinance amending Section 23-306.4 of the Zoning Ordinance, permitted use, to permit location of motorcycle sales and service as a right of use in Heavy Industrial (HI) zoning districts, and set a public hearing for May 9, 1985.
- e. Consider on first reading - ordinance amending Section 23-306.4 of the Zoning Ordinance, permitted use, to permit location of art galleries in Office (O) zoning districts, and set a public hearing for May 9, 1985.
- f. Oral Resolution to consider renewal of FAA Ground Lease at Municipal Airport.
- g. Consider enabling resolution for Keep America Beautiful (KAB) System Program.
- h. Resolution to consider amending Community Development funding contract with the Abilene Economic Development Company, Inc., by adding proposed goals for loan funds and budget.
- i. Resolution to approve contract with Abilene Day Nursery of Abilene, Inc., for disbursement of FY 1984-85 Community Development funds for play equipment.
- j. Resolution adopting a Fair Housing Policy Statement for the City of Abilene.

6. Award of Bid:

- a. Modular Panel System for Water Utility Office - Bid #035.
- b. Lighting System for Rose Park Stadium - Bid #034.

REGULAR AGENDA

7. Personal Appearance:

- a. Melinda Cunningham, Chairwoman of the Board, to request additional funding for the Noah Project, Inc.

8. Ordinances & Resolutions:

- a. **Public Hearing - Consider on second and final reading - ordinance amending Chapter 32, Water Conservation, of the Abilene Municipal Code.**
- b. **APPEALED ITEM:**
Public Hearing - Consider on second and final reading - a thoroughfare abandonment - TC-04085 - request of Clyde L. Smith, Jr., beginning at the southwest corner of Lot 13, Block 3, Lacy Morrow Subd. and extending north a distance of 40.5' and being 7.0' wide, located in the 1400 block of Ash Street.
- c. **APPEALED ITEM:**
Public Hearing - Consider on second and final reading - reclassification request - Z-03685 - request of J. Lynn Kitchens (Representing Noble Craft) to rezone from AO (Agricultural Open Space) to GC (General Commercial) district, located at U.S. Highway 83-84 & F.M. 707.
- d. **REMOVE FROM TABLE:**
Consider Madison Athletic Complex Project.
- e. **Public Hearing - Consider on second and final reading - reclassification request - Z-03285 - request of Victor R. & Peggi J. Gooch to rezone from AO (Agricultural Open Space) to PDD (Planned Development) district, located at 3701 West Lake Road.**
- f. **Public Hearing - Consider on second and final reading - reclassification request - Z-03385 - request of T. E. Bratton to rezone from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 233 Kirkwood.**
- g. **Public Hearing - Consider on second and final reading - reclassification request - Z-03785 - request of John Hancock (Representing Michael McPhail) to rezone from AO & RM-3 (Agricultural Open Space & Residential Multi-Family) to GC (General Commercial) district, located in the 600-700 block of E.S. 11th Street.**
- h. **Public Hearing - Consider on second and final reading - reclassification request - Z-03485 - request of C. A. Walker to rezone from AO (Agricultural Open Space) and RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 440 and 450 E. S. 11th Street.**
- i. **Public Hearing - Consider on second and final reading - reclassification request - Z-03585 - request of Frank R. Carmichael, Jr., to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at 2002 Sayles Boulevard.**
- j. **Public Hearing - Consider on second and final reading - reclassification request - Z-03885 - request of Michael E. McClellan to add H (Historic overlay) to underlying RM-3 (Residential Multi-Family) district, located at 1366 Orange.**
- k. **Public Hearing - Consider on second and final reading - reclassification request - Z-03985 - request of Billie J. Massey (Representing McMurry College) to rezone from RM-3 (Residential Multi-Family) to CU (College-University) district, located in the 2100-2300 blocks of Hunt Street.**
- l. **REMOVE FROM TABLE:**
Public Hearing - Resolution to consider approval of Drainage Standards as referenced in the Stormwater Management Ordinance.
- m. **Public Hearing - Oral resolution to consider request of Schkade Petroleum Corporation for Oil & Gas Drilling Permit #8504, being the North 27 acres of the West 156 acres of the South 1/2 of Section 77, Block 14, T & P Railroad Company Survey, Jones County, Texas.**
- n. **Public Hearing - to consider Southwest Area Annexation.**
- o. **Public Hearing - to consider proposed transit route schedule changes.**

9. Award of Bid and Request to Advertise:

- a. **Award of Bid:** Compactor body for frontend loader truck for Equipment Services - Bid #036; and, **Request to Advertise:** Frontend Loader Trucks for Refuse Division.
- b. Construction of Fire Station #2 at South 27th & Oldham Lane - Bid #033.

10. Other Business:

- a. Discuss Capital Improvements Program process.
- b. Pending and Contemplated Litigation.
- c. Appointment and Evaluation of Public Officials.

ADJOURN

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PRE-COUNCIL WORK SESSION
THURSDAY, APRIL 25, 1985,
8:30 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
BASEMENT CONFERENCE ROOM, CITY HALL

The City Council of the City of Abilene, Texas, met in a Pre-Council Work Session on April 25, 1985, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter E. Wheat, A.E. Fogle, Jr., Welton Robinson and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Roy L. McDaniel and Rick Childers, City Attorney Harvey Cargill, Jr., City Secretary Patricia Patton, and various members of the City Staff.

The Council briefly discussed various consent and regular agenda items. There being no further questions, the meeting was recessed to the City Council Chambers for the Regular Council Meeting.

REGULAR CITY COUNCIL MEETING
THURSDAY, APRIL 25, 1985,
9:00 A.M.

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

Mayor Stubbeman reconvened the City Council of the City of Abilene, Texas, into Regular Session April 25, 1985, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman A. E. Fogle, Jr.

The minutes of the Pre-Council Work Session and the Regular City Council Meeting held April 11, 1985, stand approved.

Mayor Stubbeman presented the following people with awards for their tenure of service to the Citizens of Abilene:

Alton C. Newton	Engineering Construction Inspector	30 Years
Murray L. Parvin	Water Production Utility System Supt.	30 Years
Jimmie D. Ford	Assistant Animal Control Supt.	20 Years
J. W. Isenburg	Street Equipment Operator	20 Years
Don W. Gravens	Parks Maintenance Foreman	20 Years

Wayne Jepson, Safety Coordinator, commended the following departments and divisions for receiving Vehicle Safety Awards of Honor from the Texas Safety Association for making a significant reduction in their vehicle accident rate: Public Works Department; Fire Department; Parks Division.

Councilman Nixon moved to approve the consent agenda items being 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6a and 6b, as presented by the staff. The motion was seconded by Councilman McCaleb and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

5. Ordinances and Resolutions:

- a. Consider on second and final reading - ordinance amending Chapter 4, Airports, Sections 4-16, 4-23 and 4-26 Abilene Municipal Code, concerning landing fees at the Abilene Municipal Airport; Resolution adopting landing fees. The ordinance is numbered 33-1985 and the resolution is numbered 40-1985 and they are captioned as follows:

AN ORDINANCE AMENDING CHAPTER 4, "AIRPORTS" BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; AND PROVIDING A SEVERABILITY CLAUSE.

A RESOLUTION RELATIVE TO CHAPTER 4, "AIRPORTS", ABILENE MUNICIPAL CODE.

- b. Consider on second and final reading - an ordinance amending Chapter 18, of the Abilene Municipal Code, prohibiting parking near North 3rd and Wall. The ordinance is numbered 34-1985 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- c. Consider on first reading - ordinance amending Section 23-306.4 of the Zoning Ordinance, permitted use, to permit location of museums as a right of use in Shopping Center (SC) zoning districts, and set a public hearing for May 9, 1985.

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 - ordinance amending Section 23-306.4 of the Zoning Ordinance, permitted use, to permit location of motorcycle sales and service as a right of use in Heavy Industrial (HI) zoning districts, and set a public hearing for May 9, 1985.

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 - ordinance amending Section 23-306.4 of the Zoning Ordinance, permitted use, to permit location of art galleries in Office (O) zoning districts, and set a public hearing for May 9, 1985.

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. Oral Resolution to consider renewal of FAA Ground Lease at Municipal Airport.

- g. Consider enabling resolution for Keep America Beautiful (KAB) System Program. The resolution is numbered 41-1985 and is captioned as follows:

A RESOLUTION SUPPORTING THE KEEP AMERICA BEAUTIFUL SYSTEM AS DEVELOPED BY KEEP AMERICA BEAUTIFUL, INC., AND ESTABLISHING ABILENE CLEAN AND PROUD, INC.

- h. Resolution to consider amending Community Development funding contract with the Abilene Economic Development Company, Inc., by adding proposed goals for loan funds and budget. The resolution is numbered 42-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS, APPROVING THE AMENDMENT OF THE CONTRACT WITH THE ABILENE ECONOMIC DEVELOPMENT COMPANY, INC., REGARDING GOALS AND BUDGET.

- i. Resolution to approve contract with Abilene Day Nursery of Abilene, Inc., for disbursement of FY 1984-85 Community Development funds for play equipment. The resolution is numbered 43-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS, APPROVING AN AGREEMENT WITH THE DAY NURSERY OF ABILENE, INC., FOR DISBURSEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PURCHASE OF PLAYGROUND EQUIPMENT.

- j. Resolution adopting a Fair Housing Policy Statement for the City of Abilene. The resolution is numbered 44-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS, ADOPTING A FAIR HOUSING POLICY IN ACCORDANCE WITH THE CIVIL RIGHTS ACT OF 1968 AND THE CONSTITUTION OF THE UNITED STATES.

6. Award of Bid:

- a. Modular Panel System for Water Utility Office - Bid #035. The bid was awarded to Barnhill Office Supply in the amount of \$9,500.75.
- b. Lighting System for Rose Park Stadium - Bid #034. The bid was awarded to Sun Supply in the amount of \$7,262.78.

Ms. Melinda Cunningham, Chairwoman Board of Directors for the Noah Project, gave a brief slide presentation of the services the Noah Project offers. She explained the need for additional funding for the Project. She requested the Council's assistance in funding additional building costs, in the amount of \$40,000.

No action was taken at this time.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an ordinance on second and final reading, amending Chapter 32, Water Conservation, of the Abilene Municipal Code. He explained that the Water Conservation Committee was created to review the current Water Conservation Ordinance and make the changes necessary to improve the Ordinance. He stated that the Committee had met several times and is ready to present it's findings.

Jeanette Davis, Water Conservation Committee member, commended the City Council, News Media and the staff of the Water Department for helping Abilene through last year's drought. She introduced the other members of the Committee. She explained that their first plan was to review the current Water Conservation Ordinance and recommend changes which would correct troubled areas of the Ordinance while at the same time keeping it fair and enforceable. The Committee's overall objective is to reduce the amount of water used and to stop the waste of water. She explained in detail the proposed Water Management Plan that will be brought to the Council at a later date and how the plan would work. She reviewed the proposed changes to the Ordinance as recommended by the Committee unanimously.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item. There being no one present, desiring to be heard the public hearing was closed.

Councilman Nixon thanked the Committee for their work on the Water Conservation Ordinance.

Councilman McCaleb questioned the provision restricting serving water at restaurants unless requested by the patron. Committee Member Earle Zalanka stated that this provision would not put a hardship on the restaurants or the public. He mentioned that he suggested the idea during the Committee meetings and the Texas Restaurant Association suggests it be adopted State-wide as in some other states.

Councilman Fogle expressed a concern with the provision regarding the prohibition of water runoff for more than 75 feet from the downgrade property line. He questioned whether that could realistically be enforced. Dwayne Hargesheimer responded to those concerns by stating that his staff will be exercising their judgement in those cases in attempts to eliminate the waste of water.

Councilman Nixon moved to adopt the Drought Contingency Plan Ordinance, as recommended by the Water Conservation Committee and the staff. The motion was seconded by Councilwoman Ray and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 35-1985 and is captioned as follows:

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

Brad Stone, Principal Planner, briefed the Council on an appealed ordinance on second and final reading being a thoroughfare abandonment - TC-04085 - request of Clyde L. Smith, Jr., beginning at the southwest corner of Lot 13, Block 3, Lacy Morrow Subd. and extending north a distance of 40.5 feet and being 7.0 feet wide, located in the 1400 block of Ash Street. The proponents have requested that their application be withdrawn. Staff recommends approval with the condition that there be provided assurances from private utilities that they will not be adversely affected by the proposed thoroughfare closure. The Planning & Zoning Commission recommends disapproval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item. There being no one present, desiring to be heard the public hearing was closed.

Councilman Wheat moved to DENY the thoroughfare abandonment request - TC-04085 - located in the 1400 block of Ash Street, on second and final reading. The motion was seconded by Councilman Nixon and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilman Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The request was DENIED.

Brad Stone, Principal Planner, briefed the Council on an appealed ordinance on second and final reading being a reclassification request - Z-03685 - request of J. Lynn Kitchens (Representing Noble Craft) to rezone from AO (Agricultural Open Space) to GC (General Commercial) district, located at U.S. Highway 83-84 & F.M. 707. Staff recommends approval of the request; however, the Planning & Zoning Commission recommends denial.

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

. J. Lynn Kitchens, agent.

There being no one else present, desiring to be heard the public hearing was closed.

Councilman Wheat moved to approve the reclassification request from AO to GC district, located at U.S. Highway 83-84 & F.M. 707, on second and final reading as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 36-1985 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.

Councilman Fogle moved to remove the Madison Athletic Complex Project from the table. The motion was seconded by Councilman Robinson and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

Mike Hall, Director of Community Services briefed the Council on the Madison Athletic Complex Project. He explained that one of the changes to the proposed project would be the placing of additional trees and shrubs to create some type of sound and light barrier along Edgemont. Another would be no parking along Edgemont adjacent to that property. He explained that currently there are 34 trees existing on the property and if this project is approved 20 of them will have to be removed. This project will add 35 trees to the property plus the remaining 14 which will bring the total to 49.

Fred Aycock, Assistant Director of Community Services, provided drawings showing the proposed location of the additional trees and the parking.

Even though a public hearing was not scheduled, there were several citizens present and desiring to speak on the subject.

IN FAVOR:

- . Ed Patton, Executive Vice President Big Country Soccer Association.
- . Terry Hagen, Pop Warner Football.
- . Walter Byran, Abilene Independent School District.

IN OPPOSITION:

- . Preston Gowens, 2834 Edgemont.
- . Jack Bryant, Legal Counsel, representing Bill Davis and Gary Corpian, questioned the legality of the City Council to act on the item since the project does not serve the general public, but special interest groups (i.e., Pop Warner Football, etc.); potential liability for the activities of these special interest groups; and questioned the existence of this activity in the currently RS-6 zone in which this property is located.
- . Carol Webb, not a resident of the area.
- . Bill Davis, 2826 Edgemont.
- . Ms. Corpian, 3002 Edgemont, student at Madison Jr. High.
- . Gary Corpian, 3002 Edgemont.
- . Jesse W. Scott, 2918 Edgemont.
- . Naomi Alvarez, 2926 Edgemont.
- . George Maxwell, 3026 Edgemont.
- . Arbie Smith, not a resident of this area; not in favor or in opposition. He spoke to watering these fields with the concern over the lack of water.

City Attorney Harvey Cargill expressed that this project from a technical, legal review is a public purpose project. Director of Planning Lee Roy George described the zoning category for this activity use being categorized under Ball Parks and Ballfields (non-commercial). It is allowed conditionally in residential zoning at least 50 feet from the nearest lot in a residential district and that the outside illumination meet the performance standards of the zoning ordinance.

The staff reiterated that the question before the Council is whether or not the City should participate in this project. Furthermore, if the Council does not participate, it would not preclude the School District from continuing with the project.

Councilman Wheat moved to deny Phase I of the Madison Athletic Complex. The motion was seconded by Councilman Robinson and the motion FAILED for lack of majority:

AYES: Councilmen Wheat and Robinson.

NAYS: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Nixon and Mayor Stubbeman.

Councilman Fogle moved to approve Phase I of the Madison Athletic Complex, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Nixon and Mayor Stubbeman.

NAYS: Councilmen Wheat and Robinson.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-03285 - request of Victor R. & Peggi J. Gooch to rezone from AO (Agricultural Open Space) to PD (Planned Development) district, located at 3701 West Lake Road. Staff recommends disapproval of the request because the primary intent of the proposed district is to make both existing activities a permitted use at this location, thereby allowing each activity to expand. Any expansion of these activities may prove to be incompatible with adjacent residential use. The Planning & Zoning Commission recommends approval of the request.

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

. Victor Ray Gooch, proponent.

There being no one else present, desiring to be heard the public hearing was closed.

Councilman Nixon moved to approve a reclassification request from AO to Northern Heights Planned Development District, located at 3701 West Lake Road, on second and final reading as presented by the staff. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 37-1985 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 NORTHERN HEIGHTS PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-03385 - request of T. E. Bratton to rezone from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 200 Kirkwood. The Planning & Zoning Commission recommends approval of the request. The staff has raised some concerns over continued encroachment of commercial zoning within an otherwise stable residential neighborhood. However, GC (General Commercial) zoning already exists on two of the tracts' four sides.

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

. Bill Bertram, co-applicant.

There being no one else present, desiring to be heard the public hearing was closed.

Councilman Robinson moved to approve a reclassification request from RM-3 to GC district, located at 200 Kirkwood, on second and final reading. The motion was seconded by Councilman McCaleb and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 38-1985 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.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-03785 - request of John Hancock (representing Michael McPhail) to rezone from AO & RM-3 (Agricultural Open Space & Residential Multi-Family) to GC (General Commercial) district, located in the 600-700 block of E. S. 11th Street. The Planning & Zoning Commission and staff recommend approval of the request.

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

. John Hancock, agent.

There being no one else present, desiring to be heard the public hearing was closed.

Councilman McCaleb moved to approve a reclassification request from AO & RM-3 to GC district, located in the 600-700 block of E. S. 11th Street, on second and final reading as presented by the staff. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 39-1985 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.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-03485 - request of C. A. Walker to rezone from AO & RM-3 (Agricultural Open Space & Residential Multi-Family) to GC (General Commercial) district, located at 440 and 450 E. S. 11th Street. The Planning & Zoning Commission and the staff recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and there being no one present, desiring to be heard the public hearing was closed.

Councilman Fogle moved to approve a reclassification request from AO & RM-3 to GC district, located at 440 & 450 E. S. 11th Street, on second and final reading as presented by the staff. The motion was seconded by Councilman Nixon and the motion Carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 40-1985 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.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-03585 - request of Frank R. Carmichael, Jr., to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at 2002 Sayles Boulevard. The Planning & Zoning Commission and the staff recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and the following person spoke in favor:

. Frank Carmichael, Jr., applicant.

There being no one else present, desiring to be heard the public hearing was closed.

Councilman Nixon moved to approve a reclassification request from RS-6 to LC district, located at 2002 Sayles Boulevard, on second and final reading as presented by the staff. The motion was seconded by Councilman Robinson and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 41-1985 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.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-03885 - request of Michael E. McClellan to add H (Historic) overlay to underlying RM-3 (Residential Multi-Family) district, located at 1366 Orange, and set a public hearing for April 25, 1985. The Planning & Zoning Commission and the staff recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and the following person spoke in favor:

. Mike McClellan, owner.

There being no one else present, desiring to be heard the public hearing was closed.

Councilman McCaleb moved to approve a reclassification request to add H overlay zone to underlying RM-3 district, located at 1366 Orange, on second and final reading and as presented by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 42-1985 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.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-03985 - request of Billie J. Massey (Representing McMurry College) to rezone from RM-3 (Residential Multi-Family) to CU (College-University) district, located in the 2100-2300 blocks of Hunt Street. The Planning & Zoning Commission and the staff recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and there being no one present, desiring to be heard the public hearing was closed.

Councilman Fogle moved to approve a reclassification request from RM-3 to CU district, located in the 2100-2300 blocks of Hunt Street, on second and final reading and as presented by the staff. The motion was seconded by Councilman Nixon and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 43-1985 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.

Councilwoman Ray moved to remove the Drainage Standards from the table for discussion. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

Bob Whitehead, Director of Public Works briefed the Council on a resolution to consider the approval of Drainage Standards as referenced in the Stormwater Management Ordinance. The establishment and use of the approved Drainage Standards is required by Section 23-264 of the Subdivision Regulations relative to Stormwater Management. He reviewed some of the changes in the newly revised Drainage Standards since the Flood Hazard Technical Advisory Committee Meeting held on April 23, 1985.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following persons spoke to the item:

- . John Burleson, 1358 Petroleum Drive, proposed five additional changes.
- . Eddie Chase, 141 South Leggett, supports changes recommended by Burleson.
- . David Todd, P. O. Box 5052, wants a grandfather clause.
- . Terry Franklin, Moore Southwest Company, 3125 South 27th, feels it is burdensome on developers; spoke to the entire concept in relationship to the intent of the Floodwater Task Force.
- . Kenneth Musgrave, 1165 Lytle Way.

There being no one else present, desiring to be heard the public hearing was closed.

Councilman Fogle moved to adopt a resolution approving Drainage Standards, as referenced in the Stormwater Management Ordinance and as recommended by the staff, with the understanding that changes are yet to be made. The motion was seconded by Councilman Nixon and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The resolution is numbered 45-1985 and is captioned as follows:

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF DRAINAGE STANDARDS FOR THE CITY OF ABILENE.

Sandra Trosky, Assistant Land Agent, briefed the Council on an oral resolution being a request from Schkade Petroleum Corporation for Oil & Gas Drilling Permit #8504, being the North 27 acres of the West 156 acres of the South 1/2 of Section 77, Block 14, T & P Railroad Company Survey, Jones County, Texas. This site is located within the City Limits and is on private property, directly South of the Abilene Gun Club and is not within a flood-prone area. Staff recommends approval of this permit with the added requirement of a 24-hour containment dike around the pumping unit and any above-ground flow lines.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and there being no one present, desiring to be heard the public hearing was closed.

Councilman Nixon moved to approve by oral resolution Oil & Gas Drilling Permit #8504, being the North 27 acres of the West 156 acres of the South 1/2 of Section 77, Block 14, T & P Railroad Company Survey, Jones County, Texas, as recommended by the staff. The motion was seconded by Councilman Robinson and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

Lee Roy George, Director of Planning, briefed the Council on the Southwest Area Annexation.

Mayor Stubbeman opened a public hearing on the Southwest Area Annexation and the following persons spoke to the item:

IN FAVOR:

- . Bob B. Trotter, 1410 Tanglewood, concerned with annexing areas outside of the Abilene Independent School District.
- . Bruce Bixby, 1282 Canterbury Drive.
- . Gayle Potter, Rt. 3, Box 72.
- . Leonard Carter, 5373 Twylight Trail.

IN OPPOSITION:

- . Walt Morton, property owner in proposed annexed area.
- . James Allen, Rt. 3, Box 80.

There being no one else present, desiring to be heard the public hearing was closed.

There was no action taken.

Wayne Kurfees, Director of Traffic & Transportation briefed the Council on the proposed transit route schedule changes. He explained that UMTA regulations require a public hearing if significant changes are being made and although all of the proposed changes are minor, staff felt that it was appropriate to have a public hearing to give the opportunity to any interested citizens. Staff would like to implement the changes on June 3, 1985. He briefly explained the proposed changes.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and there being no one present, desiring to be heard the public hearing was closed.

There was no action taken.

Bob Whitehead, Director of Public Works briefed the Council on an award of bid being a Compactor body for a front end loader truck for Equipment Services - Bid #036; and, request to advertise for Front end Loader Trucks for Refuse Division. He stated that in order to meet the performance requirements for collection of refuse for commercial customers, six frontloaders must be replaced in order to maintain service with minimal disruption. Staff requests the Council award the bid for one compactor body, with the option to buy two more in the future at the same cost to Davis Truck and Equipment Company, in the amount of \$30,800. Also, to authorize staff to advertise for bids for three (3) frontloader refuse collection vehicles.

Councilman Fogle moved to award the bid for a Compactor body for front end loader truck, to buy one in FY85 with the option to buy two in FY86 at the same cost, to Davis Truck and Equipment Company, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: Councilman Robinson.

Councilman Nixon moved to authorize the staff to request to advertise for three frontloader refuse collection trucks. The motion was seconded by Councilman Robinson and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilman Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

Richard Knopf, Fire Chief, briefed the Council on an award of bid for the construction of Fire Station #2 at South 27th & Oldham Lane - Bid #033. He stated that the funds for this fire station would come from the 1979 Fire Improvement Bond Issue. Staff recommends that the construction contract be awarded to C. B. Oates Construction Company, in the amount of \$463,697.

Councilman Nixon moved to award the bid for the construction of Fire Station #2 at South 27th & Oldham Lane to C. B. Oates Construction Company, as recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilman McCaleb, Councilwoman Ray, Councilman Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

Jim C. Blagg, City Manager, discussed with the Council the Capital Improvements Program process which may lead to a bond election later this year. The finance staff and the Planning & Zoning Commission are working on Five Year Capital Improvement Plans. The staff plans to bring the Council a resolution establishing a Citizens Advisory Committee comprised of approximately 50 citizens to make recommendation to the Council. He reviewed a proposed time schedule for the Capital Improvements Program process. No action is necessary at this time.

Mayor Stubbeman recessed the Council into executive session in accordance with State law, Sections 2e and 2g of the Open Meetings Act, to consider pending and contemplated litigation and the appointment and evaluation of public officials.

The Council reconvened from executive session and reported no action taken.

Councilman Fogle moved to appoint Dr. Julian C. Bridges to the Mental Health-Mental Retardation Board of Trustees to fill an unexpired term of Don M. Neill, expiring August 31, 1985. The motion was seconded by Councilman Robinson and the motion carried:


AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.


NAYS: None.

The resolution is numbered 46-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPOINTING DR. JULIAN C. BRIDGES TO THE MENTAL HEALTH-MENTAL
RETARDATION BOARD OF TRUSTEES.

There being no further business, the meeting was adjourned at 4:15 p.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor