

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, May 23, 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, May 23, 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 the Regular City Council Meeting held May 9, 1985.
4. **EMPLOYEE SERVICE AWARDS:**

Weldon J. Caffey	Fire Lieutenant	40 YEARS
Donal D. Beeman	Sr. Fire Fighter	30 YEARS
Clinton Ward	Construction Inspector	30 YEARS
Charlie M. Ingram	Utility System Foreman	30 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 & Resolutions:**

- a. Consider on second and final reading an ordinance regulating Tatoo Parlors.
- b. Oral Resolution to consider an easement to West Texas Utilities being Lot 3, Blk. 154, Original Town, Abilene, Taylor County, Texas, and located between North 2nd and Mulberry.
- c. Oral Resolution to consider a Street Use License request from the Abilene Jaycees for Boomtown Festival.
- d. Oral Resolution to consider application for major urban resource Library grant.
- e. Resolution to consider FM 3438 right-of-way acquisition.
- f. **APPEALED ITEM:**
Consider on first reading - a thoroughfare abandonment - **TC-03085** - request from Eddie Chase (representing Hillcrest Church of Christ) being a 20' east-west alley approximately 420' in length between Blocks 114 & 15, Section 5; a 20' north-south alley approximately 238' in length between Blocks 15 & 16, Section 5; and a 20' north-south alley approximately 425' in length between Block 2, Section 1, and Blocks 15 & 114, Section 5, Hillcrest Addition, located in the 600 block of E. Ambler Avenue, and set a public hearing for June 13, 1985.
- g. Consider on first reading - ordinance amending Chapter 11, Food & Food Handlers, of the Abilene Municipal Code to repeal Section 11-61; and amending Chapter 20, Offenses, Section 20-2 relating to amplification from vending vehicles.
- h. Consider on first reading - ordinance amending Section 23-356.5 of the Zoning Ordinance concerning the Landmark Commission Members' duties and responsibilities regarding applications for Historic (H) overlay zones, and set a public hearing for June 13, 1985, at 9:00 a.m.
- i. Consider on first reading - ordinance amending Chapter 20, Offenses, of the Abilene Municipal Code, Section 20-57, relating to sign posting by drive-in restaurants.
- j. Resolution to consider an easement release - **ER-05085** - request from David Todd (representing Kroh Brothers) being a utility easement in Blk. 1, Sec. 1, Wychwood Addition, and located in the River Oaks Shopping Center.

- k. Consider on first reading - ordinance annexing certain territory in Southwest Abilene, and set a public hearing for June 27, 1985, at 9:00 a.m.

6. Award of Bid:

- a. Airport maintenance building - Bid #039.
- b. Theatrical stage equipment for Civic Center - Bid #043.
- c. Irrigation materials for Parks Division - Bid #049.

7. Request to Advertise:

- a. Oil & Gas Lease - 70.2 acres out of William S. Hall Survey 69, Jones County, Texas, located on the east side of FM 2833, Southeast of WTU Power Plant, Lake Fort Phantom Hill.

REGULAR AGENDA

8. Ordinances & Resolutions:

- a. Consider request from Civic Abilene, Inc., for authorization to license the Foyer and Exhibit Hall at the Civic Center for a liquor caterer.
- b. **APPEALED ITEM:**
Public Hearing - Consider on second and final reading -
reclassification request - **Z-04685** - request of Jack Sharp to rezone from RS-6 (Residential Single Family) to GC (General Commercial) district, located at Truman & Grape Streets.
- c. Public Hearing - Consider on second and final reading -
reclassification request - **Z-02085** - request of J. Lynn Kitchens (representing Olympia Joint Venture #1) to rezone from PI (Park Industrial) to PD (Planned Development) district, located in the 5200 block of South Clack.
- d. Public Hearing - Consider on second and final reading -
reclassification request - **Z-04285** - request of Charles A. McClure III, to rezone from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located in the 2000-2200 block of Antilley Road.
- e. Public Hearing - Consider on second and final reading -
reclassification request - **Z-04385** - request of W. N. Casey to rezone from AO & RM-3 (Agricultural Open Space & Residential Multi-Family) to GC (General Commercial) district, located at 750 E. S. 11th Street.
- f. Public Hearing - Consider on second and final reading -
reclassification request - **Z-04585** - request of Joe C. Frush (representing Hendrick Medical Center) to rezone from O (Office) to MU (Medical Use) district, located at North 19th & Hickory Streets.
- g. Public Hearing - Consider on second and final reading -
reclassification request - **Z-04785** - request of John Hancock (representing Jack Chamberlain) to rezone from RS-6 (Residential Single Family) to MRH (Modular Home overlay to underlying RS-6) district, located at Corsicana Avenue and Sagehen Ridge Drive.
- h. Public Hearing - Consider on second and final reading -
reclassification request - **Z-04885** - request of Bill Proctor (representing Wylie Church of Christ) to rezone from AO & RS-8 (Agricultural Open Space & Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 6090 Buffalo Gap Road.
- i. Public Hearing - Consider on second and final reading -
reclassification request - **Z-04985** - request of Curry Engineering, Inc., (representing Mercury Exploration) to rezone from AO (Agricultural Open Space) to LI (Light Industrial) district, located on E. Hwy 80 (north side) between Bandera Park Drive and Oil Center Drive.
- j. Consider on second and final reading - ordinance increasing cable franchise fee.
- k. Resolution to consider refuse rate revisions.
- l. Oral resolution to authorize payment to West Central Texas Municipal Water District for engineering services for Hubbard Pipeline.

9. Award of Bid:

- a. Bank depository contracts.

10. Other Business:

- a. Pending and Contemplated Litigation.
- b. Appointment and Evaluation of Public Officials.
- c. Status report on the contract negotiations for Stacy Reservoir Project.

PRE-COUNCIL WORK SESSION
THURSDAY, MAY 23, 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 May 23, 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, MAY 23, 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 May 23, 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 Regular City Council Meeting held May 9, 1985, stand approved.

Mayor Stubbeman presented service awards to the following persons for their tenure of service to the citizens of Abilene:

Weldon J. Caffey	Fire Lieutenant	40 Years
Donal D. Beeman	Sr. Fire Fighter	30 Years
Clinton Ward	Construction Inspector	30 Years

Mayor Stubbeman removed the following items from the consent agenda, to be considered separately:

- 5a. Consider on second and final reading an ordinance regulating Tattoo Parlors.
- 6b. Award of bid for theatrical stage equipment for Civic Center - Bid #043.

Councilman Fogle moved to approve the consent agenda items being 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 6a, 6c and 7a, 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.

5. Ordinances and Resolutions:

- b. Oral Resolution to consider an easement to West Texas Utilities being Lot 3, Blk. 154, Original Town, Abilene, Taylor County, Texas, and located between North 2nd and Mulberry.
- c. Oral Resolution to consider a Street Use License request from the Abilene Jaycees for Boomtown Festival.
- d. Oral Resolution to consider application for major urban resource Library grant.

- e. Resolution to consider F.M. 3438 right-of-way acquisition. The resolution is numbered 50-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, STATING THAT THE RIGHT OF WAY FOR F.M. HIGHWAY 3438 HAS BEEN ACQUIRED ACCORDING TO POLICIES OF THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION AND IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS GOVERNING THE ACQUISITION POLICIES FOR ACQUIRING REAL PROPERTY.

- f. APPEALED ITEM:

Consider on first reading - a thoroughfare abandonment - TC-03085 - request from Eddie Chase (representing Hillcrest Church of Christ) being a 20' east-west alley approximately 420' in length between blocks 14 & 15, Section 5; a 20' north-south alley approximately 238' in length between blocks 15 & 16, Section 5, Hillcrest Addition, located in the 600 block of E. Ambler Avenue, and set a public hearing for June 13, 1985.

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.

- g. Consider on first reading - ordinance amending Chapter 11, Food & Food Handlers, of the Abilene Municipal Code to repeal Section 11-61; and amending Chapter 20, Offenses, Section 20-2 relating to amplification from vending vehicles.

AN ORDINANCE REPEALING CHAPTER 11, FOOD AND FOOD HANDLERS, ARTICLE III, VENDING FOOD FROM VEHICLES, DIVISION 1, SECTION 11-61, "USE OF NOISEMAKING DEVICES," AND CHAPTER 20, OFFENSES, ARTICLE I, SECTION 20-2, "AMPLIFIERS, ETC.--USE ON STREETS" AND AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- h. Consider on first reading - ordinance amending Section 23-356.5 of the Zoning Ordinance concerning the Landmark Commission Members' duties and responsibilities regarding applications for Historic (H) overlay zones, and set a public hearing for June 13, 1985.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- i. Consider on first reading - ordinance amending Chapter 20, Offenses, of the Abilene Municipal Code, Section 20-57, relating to sign posting by drive-in restaurants.

AN ORDINANCE AMENDING CHAPTER 20, "OFFENSES," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- j. Resolution to consider an easement release - ER-05085 - request from David Todd (representing Kroh Brothers) being a utility easement in Block 1, Section 1, Wychwood Addition, and located in the River Oaks Shopping Center. The resolution is numbered 51-1985 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.

- k. Consider on first reading - ordinance annexing certain territory in Southwest Abilene, and set a public hearing for June 27, 1985, at 9:00 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

6. Award of Bid:

- a. Airport maintenance building - Bid #043. The bid was awarded to Allied Steel Company of Abilene, in the amount of \$27,300.
- c. Irrigation materials for Parks Division - Bid #049. The bid was awarded to the following vendors:

Item #1-Plastic Wholesale	\$7,250.58
Item #2-Plastic Wholesale Alternate	\$1,476.76
Item #3-Plastic Wholesale Alternate	\$1,710.88
Item #4-Western Plumbing Wholesale	\$4,868.41

7. Request to Advertise:

- a. Oil & Gas Lease - 70.2 acres out of William S. Hall Survey 69, Jones County, Texas, located on the east side of F.M. 2833, Southeast of WTU Power Plant, Lake Fort Phantom Hill.

Mike Hall, Director of Community Services, briefed the Council on an ordinance regulating Tattoo Parlors. He stated that the ordinance is designed to give the Health Department more control over an area that has been recently initiated which is tattoo parlors. He mentioned that a recent survey concluded that regulations of tattoo establishments by city governments is a common practice. The regulation is achieved by issuing permits to establishments which comply with adopted sanitary standards and denying permission to operate, those that do not comply. Furthermore, the regulations provide for health inspections, suspension of permits and penalty for violations.

Although no public hearing was scheduled there was a citizen in the audience who wished to express his opinion:

- . Harry Root, Jr., operates a Tattoo Parlor in Abilene. He feels that Sec. 13-67(C)(1), Age - should be 19 years of age instead of 21 and also Sec. 13-67(C)(2) should be eliminated to protect the privacy of the individual.

Mike Hall responded that the Sec. 13-67(C)(1) should remain 21 years of age because of State Law, and Sec. 13-67(C)(2) the "area tattooed and design" could be eliminated but no additional changes are recommended.

Councilman Fogle moved to approve the ordinance regulating Tattoo Parlors with the elimination of "...area tattooed and design" in Sec. 13-67(C)(2), on second and final reading, as recommended 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 47-1985 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 13, "HEALTH AND SANITATION," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Ray Williams, Assistant Director of Community Services, briefed the Council on an award of bid for theatrical stage equipment for the Abilene Civic Center.

Councilman Nixon raised some questions about the amount budgeted for this equipment and the amount of the bid that was received. He was also concerned with receiving only one bid.

Mr. Williams replied that four bid invitations were requested with only one submitting a bid. Texas Scenic Company was the only company to actually visit the site and investigate the work that needed to be done.

Councilman Nixon moved to reject the bid received and to rebid the theatrical stage equipment for the Abilene Civic Center. The motion was seconded by Councilman Robinson and the motion carried:

AYES: Councilmen Wheat, Robinson, Nixon and Mayor Stubbeman.

NAYS: Councilman McCaleb, Councilwoman Ray and Councilman Fogle.

Mike Hall, Director of Community Services, introduced Dr. Bob Maniss, Chairman of the Civic Abilene, Inc., who briefed the Council on a request from Civic Abilene, Inc., to consider licensing a caterer for the entire Civic Center facility. Civic Abilene, Inc., on October 29, 1981, requested that the City Council license a caterer for the Civic Center; however, the Council authorized a caterer for the Red Carpet Lobby area of the Civic Center only. Several concerns have surfaced since that time in regard to the potential liability for the consumption of alcoholic beverages.

At this time, Civic Abilene, Inc., is recommending that the Council authorize a contract with a caterer, who would be licensed for the total Civic Center facility. Civic Abilene, Inc., did request bids for such a proposal and only received two bids, one of which was incomplete and was not considered. Currently, Civic Abilene, Inc., has a temporary contract in effect with the Kiva Inn. The Kiva Inn submitted the only bid that was acceptable to cater the entire facility. However, a representative from the Kiva Inn stated that they would not submit a bid for the cater services if the sale of alcoholic beverages were not allowed throughout the entire Civic Center facility. Therefore, the possibility exists whereby it could become difficult to obtain bids. The other alternative available to the City of Abilene, in lieu of the possibility that bids could not be received to cater only a portion of the Civic Center, would be for the City of Abilene or Civic Abilene, Inc., to obtain a liquor license.

Councilman Nixon shared his concerns about the potential liability that the City has been operating under since 1981. He agreed that the City should contract with an exclusive vendor for the dispensing and selling of alcoholic beverages at the Civic Center but in the Red Carpet Lobby only.

Councilman Nixon moved to restrict the dispensing and selling of alcoholic beverages to the Red Carpet Lobby only and to prohibit brown bagging in any area of the Civic Center. The motion was seconded by Councilman Robinson.

Discussion followed regarding the issue and the staff explained the differences in the way the present sale of alcohol is handled at the Civic Center compared to the affect the proposed motion would have on the sale of alcohol at the Civic Center and any implications. Presently, the Red Carpet Lobby is a licensed area and a licensed caterer or vendor is allowed to use the foyer and exhibit hall to sell alcohol, if so requested by a particular organization. Under the proposed motion, an organization that wished to have alcohol served, would have to conduct its activity in the Red Carpet Lobby only.

The motion on the floor is to restrict the dispensing and selling of alcoholic beverages to the Red Carpet Lobby only and to prohibit brown bagging in any area of the Civic Center. The motion was seconded by Councilman Robinson and the motion carried as follows:

AYES: Councilmen McCaleb, Wheat, Robinson and Nixon.

NAYS: Councilwoman Ray, Councilman Fogle and Mayor Stubbeman.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being an appealed item for a reclassification request - Z-04685 - request of Jack Sharp to rezone from RS-6 (Residential Single Family) to GC (General Commercial) district, located at Truman & Grape Streets. Staff recommends disapproval of the request because the site is included within the North Park Area Study, which recommends single-family residential use of this vacinity. Proposed expansion of commercial zoning at this mid-point location may lead to the emergence of strip commercial zoning all along Grape Street in this vacinity. The Planning & Zoning Commission also recommends disapproval of the request.

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

Councilman Wheat moved to DENY the reclassification request from RS-6 to GC district, located at the southeast corner of Truman and Grape Streets, on second and final reading, as recommended 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.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-02085 - request of J. Lynn Kitchens (representing Olympia Joint Venture #1) to rezone from PI (Park Industrial) to PD (Planned Development) district, located in the 5200 block of South Clack. The Planning & Zoning Commission as well as the 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 of the request:

. Jerry Mash, 4541 Carrie Ann, representing J. Lynn Kitchens.

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

Councilman McCaleb moved to approve the reclassification request from PI to PD district, located in the 5200 block of South Clack, on second and final reading, 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.

The ordinance is numbered 48-1985 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT" SUBPART E, "ZONING" OF THE ABILENE MUNICIPAL CODE, CONCERNING SOUTH CLACK 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-04285 - request of Charles A. McClure, III, to rezone from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located in the 2000-2200 block of Antilley Road. The Planning & Zoning Commission as well as the 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 of the request:

. Charles A. McClure, III, applicant.

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

Councilman Nixon moved to approve the reclassification request from AO to PDMX district, located on the north side of the 2000-2200 blocks of Antilley Road, on second and final reading as recommended 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.

The ordinance is numbered 49-1985 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT" SUBPART E, "ZONING" OF THE ABILENE MUNICIPAL CODE, CONCERNING HUMANA WEST 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-04385 - request of W. N. Casey to rezone from AO & RM-3 (Agricultural Open Space & Residential Multi-Family) to GC (General Commercial) district, located at 750 E. S. 11th Street. The Planning & Zoning Commission as well as the staff recommend approval of the request.

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

Councilman Fogle moved to approve the reclassification request from AO and RM-3 to GC district, located at 750 E. S. 11th Street, on second and final reading, 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.

The ordinance is numbered 50-1985 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-04585 - request of Joe C. Frush (representing Hendrick Medical Center) to rezone from O (Office) to MU (Medical Use) district, located at North 19th & Hickory Streets. The Planning & Zoning Commission as well as the staff recommend approval of the request.

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

- . Joe Frush, representing Hendrick Medical Center.
- . Susan Robinson, representing Jr. League of Abilene.

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

Councilman McCaleb moved to approve the reclassification request from O to MU district, located at the northwest corner of N. 19th & Hickory Streets, on second and final reading, as recommended by the staff. The motion was seconded by Councilman Nixon and the motion carried:

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

NAYS: None.

ABSTAIN: Councilwoman Ray.

The ordinance is numbered 51-1985 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-04785 - request of John Hancock (representing Jack Chamberlain) to rezone from RS-6 (Residential Single Family) to MRH (Modular Home overlay to underlying RS-6) district, located at Corsicana Avenue and Sagehen Ridge Drive. The Planning & Zoning Commission as well as the staff recommend approval of the request.

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

IN FAVOR:

- . John Hancock, representing applicant, Jack Chamberlain.
- . Jack Chamberlain, applicant-part owner.

IN OPPOSITION:

- . Stephen M. Quick, 1660 Chachalaca, representing residents of Quail Park Subd., presented a petition with 168 signatures, in opposition.
- . Ms. Cassie Hughes, 1717 Bob White, concerned with the appearance and size of modular homes.
- . Quintin Boehmisch, 1609 Partridge Place, concerned with traffic problems.

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

Bob Fowler, Director of Building Inspection, briefed the Council on the construction codes that apply to modular homes which are State inspected under State Law.

Councilman Nixon moved to TABLE the request to add MRH (Modular Home) overlay zone to an underlying RS-6 district, located on Corsicana Avenue and Sagehen Ridge Drive for an undesignated period of time to allow the developer and residents to discuss all of their concerns on the project. 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.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a reclassification request - Z-04885 - request of Bill Proctor (representing Wylie Church of Christ) to rezone from AO & RS-8 (Agricultural Open Space & Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 6090 Buffalo Gap Road. The Planning & Zoning Commission as well as the staff recommend approval of the request.

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

- . Bill Proctor, 2424 South 24th, representing Wylie Church and several members of the Church.
- . Tom Myers, 1401 Edgemont.

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

Councilman Fogle moved to approve the reclassification request from AO & RS-8 to RM-3 district, located at 6090 Buffalo Gap Road, on second and final reading, 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.

The ordinance is numbered 52-1985 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-04985 - request of Curry Engineering, Inc., (representing Mercury Exploration) to rezone from AO (Agricultural

Open Space) to LI (Light Industrial) district, located on E. Hwy 80 (north side) between Bandera Park Drive and Oil Center Drive. The Planning & Zoning Commission as well as the staff recommend approval of the request.

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

Councilman Nixon moved to approve the reclassification request from AO to LI district, located on E. Hwy 80 (north side) between Bandera Park Drive and Oil Center Drive, on second and final reading, as recommended 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 53-1985 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.

Harvey Cargill, City Attorney, briefed the Council on an ordinance on second and final reading increasing the cable franchise fee from three (3%) percent to five (5%) percent. He stated that the Cable Franchise Policy and Communications Act of 1984 specifically allow cable franchising authorities to increase franchise fees up to a maximum of five (5%) percent. Staff recommends approval of the ordinance.

Councilman Nixon moved to approve an ordinance on second and final reading increasing the cable franchise fee from three (3%) percent to five (5%) percent. 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.

The ordinance is numbered 54-1985 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING THE COMPENSATION TO BE PAID TO THE CITY BY TELEVISION CABLE SERVICE OF ABILENE, INC., FOR THE PRIVILEGE OF EXERCISING ITS FRANCHISE HERETOFORE GRANTED BY THE CITY COUNCIL.

Bob Whitehead, Director of Public Works, briefed the Council on a resolution concerning refuse rate revisions. He explained in detail the recommended revisions and how the revisions were arrived.

He stated that currently there are two residential rates; 80% of the customers pay \$5.25 per month and 20% of the customers pay \$4.00 per month. These rates are a carry-over from the old system which had both manual (cans) and frontloader (6-family dumpsters) collection. It is recommended that a rate be set at \$5.40 per residential unit per month whether the collection point is at the curb or in the alley. The compactor and open-top container services have been expanded and given more flexibility.

Councilman Nixon moved to approve the refuse rate revisions, to become effective June 1, 1985, as recommended 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 resolution is numbered 52-1985 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, REVISING THE
REFUSE COLLECTION RATE SCHEDULE FOR ALL COLLECTION
SERVICES, IN ACCORDANCE WITH CHAPTER 27, REFUSE, ABILENE
MUNICIPAL CODE, SECTION 27-65.

Jim C. Blagg, City Manager, briefed the Council on an oral resolution to authorize payment to the West Central Texas Municipal Water District for basic engineering services and other engineering services for Hubbard pipeline. The Water District awarded a contract to the firm of Freese and Nichols for engineering services. The Water District is now requesting that the City agree to reimburse the District for costs associated with the engineering of the second pipeline. Staff recommends approval of the payment.

Councilman McCaleb moved to authorize by oral resolution the payment to the West Central Texas Municipal Water District for basic engineering services and other engineering services for Hubbard pipeline, with payments to be made from the Water Utilities fund, as recommended 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.

David Wright, Director of Finance, briefed the Council on the award of bid for bank depository contracts. Staff's recommendation is to award the five (5) year proposal contract to the Bank of Commerce for the demand account; for the remaining seven (7) banks to serve as custodian of investment accounts. This means that the City will, in effect, have a contract with eight (8) banks, with each of them being allowed to bid on each investment as it arises.

Councilman Robinson moved to award the five (5) year proposal contract to the Bank of Commerce for the demand account; for the remaining seven (7) banks, Security State Bank, First State Bank of Wylie, InterFirst Bank South Abilene, First National Bank, InterFirst Bank Abilene, N.A., First State Bank and MBank Abilene to serve as custodian of investment accounts, as recommended 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.

ABSTAIN: Councilman Fogle on First National Bank; Councilman Nixon on First State Bank and Mayor Stubbeman on InterFirst Bank Abilene, N.A.

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 Wheat moved to appoint the following people to various City Boards and Commissions. 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.

ABILENE COMMUNITY DEVELOPMENT CO., INC. DIRECTORS OF - Term Expiring May 1986

<u>Entity</u>	<u>Primary Member</u>	<u>Alternate</u>
MBank	Rode Ammons	Betty Sneed
Independent American Savings & Loan	Fred Badley	Robert P. Stephens
Bank of Commerce	Brett McCracken	N/A
InterFirst Bank N.A.	Carolyn Tate	Tommy Michaels
First National Bank	Rosemary Rabbani	Jim Nixon
Commodore S & L	Bonita S. Grogan	N/A

ABILENE COMMUNITY DEVELOPMENT CO., INC. Con't.

First State Bank	Steve Holcomb	Gary Miller
Southwest S & L	Ruby Jackson	Sue Kapke
InterFirst Bank South	Tim Yarbrough	James Rose
Security State Bank	Kirby Leeson	Darrel Knight
City Legal Department	Karen L. Anderson	Jonathan Graham
		Lee Hamilton
Community Development	Mike Morrison	N/A
City Manager	Jim C. Blagg	Rick Childers
		(Mike Vasquez)
City Mayor	David Stubbeman	

ABILENE ECONOMIC DEVELOPMENT COMPANY, INC., DIRECTORS OF

(2) Appointments:

Elizabeth Herrera, to fill the term of Margaret Alba, whose term will expire November 1986.

Susan Stroud, to fill the term of Bobby Duncan, whose term will expire November 1987.

(Susan Stroud recommended by Mayor)

ABILENE HIGHER EDUCATION AUTHORITY, Inc. - Term expiring May 1987

(3) Reappointments:

Dr. Jesse Fletcher - (H-SU)
Dr. Thomas Kim - (McMurry)
Syd Niblo - (First State Bank)

(1) Appointment:

Dick Frazar (InterFirst Bank Abilene, N.A.) to replace Lee Underwood, who resigned effective 12/84.

ABILENE HIGHER EDUCATION FACILITIES CORP. - Term expiring May 1987

(3) Reappointments:

Dr. Jesse Fletcher - (H-SU)
Dr. Thomas Kim - (McMurry)
Syd Niblo - (First State Bank)

(1) Appointment:

Dick Frazar (InterFirst Bank Abilene, N.A.) to replace Lee Underwood, who resigned effective 12/84.

ABILENE HOUSING FINANCE CORPORATION - Term expiring May 1987

(2) Reappointments:

Bob Stephens - (Drew Mortgage Co.)
Jim Rose - (J. R. Distributing Co.)

ABILENE INDUSTRIAL DEVELOPMENT AUTHORITY - Term expiring November 1986

(1) Appointment:

David Street, Executive Vice President, MBank, to fill the unexpired term of Robert Semple who resigned 3/1/85 to move to Fort Worth.

CITIZEN'S ADVISORY COMMITTEE ON CAPITAL IMPROVEMENTS - Term expiring upon
acceptance of Capital Improvements Program Report

(47) Appointments

Dick Wilcox (Ret'd Dist. Mgr Conoco)	Mr. Marion Simpson (Lydick-Hooks)
Rex Carey (Marine Dealer)	Dr. T.C. Melton (Elmcrest Bpt Ch)
Mrs. Chris Richardson (Babyland Furn)	Doris Feemster (Real Estate Agent)
Chuck Erwin (Attorney)	Mr. C.G. Whitten (Attorney)
Claudie Royals (Keebler Co.)	Gen. Pintard Dyer III (Dyess)
Dave Brumbeau (AAA Printing)	Dr. Jimmy McNeil (Optometrist)
Ray Inzer (University Church of Christ)	Bennett Hutchinson (Prof. ACU)
Earl Williams (The Bootery)	Mr. Kelly Kinard (Super Duper Stores)
George Karwer (Karwer Machine Works)	Victor Ramirez (Ace Air Conditioning)
Mr. A.R. Barnhill (Barnhill Off Sup)	Raymond Jones (TX Auto Parts)
Ron McMillon (Ab Sheet Metal)	Dr. Julian Bridges (Prof. H-SU)
Mrs. John Estes (Homemaker)	John Combs (Pres. InterFirst So.)
Julian Herring (Callaways Carpet)	Darrel Knight (Security State Bk)
Allen Donald (Plant Mgr US Brass)	Ron Keener (Hendrick Home/Children)
Richard Young (VP InterFirst NA)	Walter Pfeifer (Pfeifer Corp.)
Jack Shoemate (Tippett & Gee)	John Womble (Asst. VP, H-SU)
Joe Alcorta (H-SU)	Becky Joy (Rhino Battery Co.)
Marvin Smith (Smitties Auto Sup.)	Ken Deatherage (Ab. Communication Ser.)
Charles W. Nolen (Retired)	Gary Corpian (Corpian Motor Co.)
Paul Washburn (Ab. Mobil Homes)	
Kirby Leeson (Security State Bk)	Don Maples (Bank of Commerce)
Don Debord (Architect)	Mrs. Wm. Pierce (Homemaker)
Dale Scoggins (P & Z Rep)	Amber Cree (P & R Rep)
Bill Minter (Library Rep)	Marilyn Roberts (Civic Abilene Rep)

TOTAL 47

CIVIC ABILENE, INC. - Term expiring May 1988

(5) Reappointments:

Max Polen
Bobby Siltman (School Rep.)
Dr. Billy Van Jones
Marilyn Roberts
Bobbie (Mrs.) Gee

(2) Appointments:

Mrs. S. M. (Portia) Moore
Mary Jo North to fill the unexpired term of Linda Higginbotham, who
resigned 3/1/85, leaving a vacated term scheduled to expire in May,
1986.

FLOOD HAZARD TECHNICAL ADVISORY COMMITTEE - Term Perpetual

(2) Appointments:

Bill Fowler, P.E. (Tippett & Gee) from Alternate to full member to
replace Victor Jaeggli.

Charles A. Doby, P.E. (Owner of CADCO Architects-Engineers) Alternate
Member, to replace Bill Fowler.

LANDMARKS COMMISSION

(2) Appointments:

Eddie Harrison, from Alternate to full member, to fill the At Large,
Regular position vacated by Fane Downs, with a term expiring 11/86.

Patty Bowdoin, to At Large, Alternate position to replace Eddie
Harrison whose term will expire 11/87.

MENTAL HEALTH - MENTAL RETARDATION - Term expiring August 1987

(3) Reappointments:

G. Holman King
Dr. Royce Money
Martha King

(1) Appointment:

Robert E. Milstead (to replace Joy Carter)

PARKS & RECREATION BOARD - Term expiring May 1988

(2) Reappointments:

Dr. Bill Wright
Dr. Merlin Morrow

(1) Appointment:

Larry Gill (Dodge-Jones Foundation) to replace Jack Turner who resigned 4/17/85, leaving a vacated position expiring May, 1987.

WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT, DIRECTORS OF - Term expiring May 1987

(3) Reappointments:

Ken Murphy
Abe Allen
Jerry Johnson

Jim C. Blagg, City Manager, briefly updated the Council on the discussions with the West Central Texas Municipal Water District and the Colorado River Municipal Water District in reference to the contract for the Stacy Reservoir Project. He mentioned that Mr. Owen Ivie, Executive Director of the CRMWD, stated during a discussion that the Board of Directors of the CRMWD would require the City to hold an election to allow the voters of Abilene to authorize the contract on the Stacy Project. The City's bond attorneys have indicated that no such election is required by law.

Mr. Blagg mentioned that if an election is necessary, it would have to be held on one of the four dates set out by law. The staff plans to continue negotiations with the CRMWD on the Interbasin Transfer Permit which has been filed. He stated that the WCTMWD will pay approximately 16.54% construction cost for the City to receive 15,000 acre feet per year. That does not include the cost of the pipeline, pumping costs that would be associated with bringing the water from the Stacy Reservoir to Abilene, or water treatment costs. A final contract should be ready for Council consideration in 30-60 days.

No action was necessary at this time.

There being no further business, the meeting was adjourned at 1:55 p.m.



Patricia Patton
City Secretary



David Stubbeman
Mayor