

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, June 13, 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, June 13, 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 Gary D. McCaleb.
3. **APPROVAL OF MINUTES:** Pre-Council Work Session and the Regular City Council Meeting held May 23, 1985, and the City Council Retreat Session held May 15-17, 1985.

CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

4. Ordinances & Resolutions:

- a. Consider on second and final reading - ordinance amending Chapter 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.
- b. Consider on second and final reading - ordinance amending Chapter 20, Offenses, of the Abilene Municipal Code, Section 20-57, relating to sign posting by drive-in restaurants.
- c. Consider on first reading - reclassification request - **Z-05285** - request of James D. Vick, (representing James D. Vick & Jane Hanson) to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located on West Lake Road (F.M. 600), between the east and west extensions of F.M. 1082, and set a public hearing for June 27, 1985.
- d. Resolution to consider request for sanitary sewer waiver for small addition on F.M. 600 (West Lake Road).
- e. Consider on first reading - reclassification request - **Z-05385** - request of Vonda Buck, (representing Fair Park United Methodist Church, Inc.) to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 2943 South 6th Street, and set a public hearing for June 27, 1985.
- f. Consider on first reading - reclassification request - **Z-05585** - request of Eddie Chase, (representing James Parker) to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located approximately 1/2 mile west of Buffalo Gap Road and approximately 1/2 mile south of Rebecca Lane, and set a public hearing for June 27, 1985.
- g. Consider on first reading - a thoroughfare abandonment - **TC-05185** - request from Lannie Franklin being a portion of State Street and being 80' in width and beginning at the east right-of-way line of Walnut Street and extending east a distance of 140' to the west right-of-way line of a north-south alley, and set a public hearing for June 27, 1985.
- h. Resolution to consider an easement release - **ER-2957-12** - request from Ray Scott (representing RSA Construction, Inc.,) for release of two-three foot street light easements located at 1233 and 1209 Westheimer Drive.

REGULAR AGENDA

5. Public Appearance:

- a. Leland Robinson to discuss waterline agreement with the Landlords for watering Fairway Oaks Golf Course.

6. Ordinances & Resolutions:

a. APPEALED ITEM:

Public Hearing - Consider on second and final 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 and 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.

- b. Public Hearing - Consider on second and final 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.**

7. Other Business:

- a. Discuss status of proposed construction of second water pipeline to Hubbard Reservoir.**
- b. Pending and Contemplated Litigation.**
- c. Appointment and Evaluation of Public Officials.**

ADJOURN

PRE-COUNCIL WORK SESSION
THURSDAY, JUNE 13, 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 June 13, 1985, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was present and presiding with Councilwoman Betty Ray, Councilmen Walter E. Wheat, Welton Robinson and Harold Nixon. Councilmen Gary D. McCaleb and A.E. Fogle, Jr., were absent. 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, JUNE 13, 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 June 13, 1985, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Mayor Stubbeman.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held May 23, 1985, and the City Council Retreat Session held May 15-17, 1985, stand approved.

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

4b. Consider on second and final reading - ordinance amending Chapter 20, Offenses, of the Abilene Municipal Code, Section 20-57, relating to sign posting by drive-in restaurants.

Councilman Nixon moved to approve the consent agenda items being 4a, 4c, 4d, 4e, 4f, 4g and 4h, as presented by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

ABSTAIN: Councilman Robinson on item 4g.

4. Ordinances & Resolutions:

- a. Consider on second and final 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. The ordinance is numbered 55-1985 and is captioned as follows:

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.

- c. Consider on first reading - reclassification request - Z-05285 - request of James D. Vick, (representing James D. Vick & Jane Hanson) to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located on West Lake Road (F.M. 600), between the east and west extensions of F.M. 1082, and set a public hearing for June 27, 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. Resolution to consider request for sanitary sewer waiver for small addition on F.M. 600 (West Lake Road). The resolution is numbered 61-1985 captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON SMALL ADDITION WHICH ABUTS F.M. 600 (WEST LAKE ROAD).

- e. Consider on first reading - reclassification request - Z-05385 - request of Vonda Buck, (representing Fair Park United Methodist Church, Inc.) to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 2943 South 6th Street, and set a public hearing for June 27, 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. Consider on first reading - reclassification request - Z-05585 - request of Eddie Chase, (representing James Parker) to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located approximately 1/2 mile west of Buffalo Gap Road and approximately 1/2 mile south of Rebecca Lane, and set a public hearing for June 27, 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.

- g. Consider on first reading - a thoroughfare abandonment - TC-05185 - request from Lannie Franklin being a portion of State Street and being 80' in width and beginning at the east right-of-way line of Walnut Street and extending east a distance of 140' to the west right-of-way line of a north-south alley, and set a public hearing for June 27, 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.

- h. Resolution to consider an easement release - ER-2957-12 - request from Ray Scott (representing RSA Construction, Inc.,) for release of two-three foot street light easements located at 1233 and 1209 Westheimer Drive. The resolution is numbered 62-1985 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.

Harvey Cargill, City Attorney, briefed the Council on an ordinance on second and final reading amending Chapter 20, Offenses, of the Abilene Municipal Code, Section 20-57, relating to sign posting by drive-in restaurants. He stated that the amendment was necessary in order to enforce the current ordinance. Additionally, a revised ordinance was handed out to the Council. This version more clearly defines that it is mandatory for restaurant operators to post signs on their property, where previously it appeared the owners had an option.

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

- . Maria Griffith, 208 Merchant, lives near the Sonic and favors the ordinance. She also praised the Police Dept.

Councilman Wheat moved to table the ordinance amending Chapter 20, until June 27, 1985, to allow everyone concerned with the amendment, to review the latest revision. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

Leland Robinson appeared before the Council to discuss the waterline agreement between the City of Abilene and the Landlords concerning watering Fairway Oaks Golf Course. He presented a map depicting the property location of the water wells, proposed to be used for the irrigation, and the property owners in the area. He stated that he and several of these property owners are concerned with what affect drilling water from the proposed wells would have on their water supply.

The following individuals were present and spoke in opposition to the waterline agreement and with concern over the depletion of the water supply for the area:

- . C. D. Anderson, Mayor, Buffalo Gap.
- . Jim McDonald, 223 Serville Cr., Country Club South, Abilene.
- . Leo Holloway, Rt. 3, Abilene.
- . Charles Perini, Alderman, Buffalo Gap Council.
- . Maxine Perini, resident Buffalo Gap.

Terry Franklin, Moore-Southwest group and acting agent for Fairway Oaks group, addressed the Council. He gave an overview of the entire project, from its inception through other alternatives that the Fairway Oaks group considered and the negotiations with the City staff, up to their request to the City Council at the May 9, 1985, Council meeting.

Councilman Wheat asked Mr. Franklin that if the State of Texas denied the easement, would the Landlords attempt to get easements from the property owners. Mr. Franklin responded that if the potential for the water is present and if the resouces are developed, every attempt will be made to acquire the easements, even if they have to pay for the right-of-way and allow water taps onto the line along the route. He emphasized that alternative may not be the most advantageous and economical, but the effort will be made to obtain that right-of-way if necessary. Additionally, he reiterated, that at the time the negotiations were taking place with the City staff, the Fairway Oaks group was exploring two other alternatives simultaneously.

Mr. Bob Warren, Maintenance Superintendent, State Highway Department, and in charge of issuing a permit of this nature, addressed the Council. He stated what the policy of the State is, in accordance with the existing State law. It is to allow various public agencies and utility firms the right to install lines along or across the public right-of-way which belongs to the State of Texas. These firms include those who also have been authorized by the law to be carriers of gas, water, electricity, and other utilities of this nature, to carry their product or distribute their product through these lines. Private lines are normally allowed to cross the right-of-way, but are prohibited from being parallel in the right-of-way.

There being no further discussion, the item was concluded.

(See end of minutes for decision on this item.)

Brad Stone, Principal Planner, briefed the Council on an appealed item on second and final reading being 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 and 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. The Planning & Zoning Commission recommends disapproval of the request because the proponent changed their plans for the utility relocation and did not give the staff the opportunity to fully review their plans.

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

. Eddie Chase, representing proponent.

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

Councilman Nixon moved to approve a thoroughfare abandonment - TC-03085 - located in the 600 block of E. Ambler Avenue, on second and final reading, as presented by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

The ordinance is numbered 56-1985 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.

Lee Roy George, Director of Planning, briefed the Council on an ordinance on second and final reading amending Section 23-356.5 of the Zoning Ordinance concerning the Landmark Commission Members' duties and responsibilities regarding applications for Historic (H) overlay zones. Specifically, "Landmark Commission member(s) shall not initiate application for Historic overlay zoning on a property, unless there is pending an application for a building or sign permit, including permits for irreparable damage, alteration or imminent demolition of the property in question." The Commission also amended the ordinance to require them to "make a definite recommendation, on any pending application for Historic overlay zone, within 90 days of the application deadline date immediately preceding its initial hearing scheduled before the Commission. Otherwise the application shall be deemed to be disapproved." The Planning & Zoning Commission recommends approval of these amendments.

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

Councilman Nixon moved to amend Section 23-356.5 (G)(1) concerning application for designation of Historic overlay zone and Section 23-356.5 (G)(5) concerning action by the Landmarks Commission on an application for Historic overlay zone, with a change to remove the word "alteration" from Sec. 23-256.5 (G)(1) second sentence, on second and final reading, as recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

The ordinance is numbered 57-1985 and is captioned as follows:

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.

Jim C. Blagg, City Manager, discussed the status of the proposed construction of a second water pipeline to Hubbard Reservoir. Freese and Nichols, Engineers, have been obtained by the West Central Texas Municipal Water District to develop the plans and specifications and bid documents for the second pipeline from Hubbard Reservoir to Abilene. The Council, in their decisions made on February 7, 1985, committed to review the level of Lake Fort Phantom to determine if the level of the Lake was sufficient enough to delay construction of the pipeline beyond the original plan, which was to have the pipeline in place and operating by the Summer of 1986.

Lake Fort Phantom has retained some water from recent rains and Dwayne Hargesheimer reported that the level of the Lake is presently at 6.3 feet below the spillway (compared to 15.6 feet below the spillway one year ago). The staff, Water District and Engineers are proceeding with the development of plans and specifications for the construction of the second pipeline and should be in a position to request bids by early August, 1985.

Jim Nichols, Freese and Nichols, Inc., stated that the West Central Texas Municipal Water District contracted with his firm to prepare the documents necessary for the pipeline and to proceed in such a manner so that the pipeline would be in place and operational by July 1, 1986. He stated that they are on schedule and will be in a position by August 1, 1985, to recommend to the Water District to request bids for certain construction items that require long delivery times, in order to meet the extremely tight schedule. In light of the fact that the City has received more rain water than anticipated, the question before the Council is whether or not they want to proceed with the original schedule for requesting bids or not.

Bob Gooch, Freese and Nichols, Inc., stated that they have available to them good records on the water runoff and evaporation for Lake Fort Phantom for the past forty-five (45) years and from that, are in a position to know what the normal behavior and extreme conditions for the future might be for the Lake and the Clear Fork of the Brazos. Therefore, in light of the rain received this year, he recommended that as of August 1, 1985, the Council request Freese and Nichols, Inc., to review the data and records available on the watershed and make a recommendation based on (1) a bad scenario of another drought (2) the normal condition and performance, and compare the two to the security of the supply and the possibility that rationing would be incurred if severe conditions develop. That would assist the Council in determining whether or not to pursue the original schedule or delay the construction.

Jim Blagg, City Manager, stated that based on the information provided by Freese and Nichols, Inc., the staff recommends that the Council delay a final decision on the construction of the second pipeline until August, 1985, and make that decision based on an acceptable level of Lake Fort Phantom (provided by the Engineers) and determine whether the schedule should be adjusted. Furthermore, that if the Council decides to delay the construction of the second pipeline in August, that the level of the Lake be reviewed in May/June, 1986, and again every six months thereafter to determine if the level is sufficient to postpone construction to a later date. If at any review time, the level of the Lake is determined insufficient than the Council, at that time, should authorize commencement of construction.

Councilwoman Ray moved to delay the final decision on the start of construction of the second water pipeline from Hubbard Reservoir to Abilene until the first Council meeting in August, 1985. The motion was seconded by Councilman Nixon and the motion carried.

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


NAYS: None.

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. Furthermore, that the contract entered into on May 9, 1985, between the City of Abilene and the Landlords for assistance in obtaining State right-of-way easements for a waterline to water the Fairway Oaks Golf Course is in effect and no change will be made at the present time.

There being no further business, the meeting was adjourned at 11:35 a.m.




Patricia Patton
City Secretary

David Stubbeman
Mayor