

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 27, 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 27, 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 June 13, 1985.
4. EMPLOYEE SERVICE AWARDS:

Tom W. Johnston	Electrical Servs. Supervisor	30 YEARS
Charlie M. Ingram	Utility System Foreman	30 YEARS
Donald Morgan	Police Officer	25 YEARS
Dwain T. Pyburn	Asst. Chief of Police	25 YEARS

**CERTIFICATES OF APPRECIATION:**

Outgoing Board & Commission Members

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. Oral resolution to consider cathodic protection easement for Mobil Pipe Line Company in the SE 1/4 of Section 66, Blind Asylum Lands, Taylor County, Texas, located South of Loop 322 and West of Maple Street.
  - b. Resolution to authorize the filing of application for UMTA operating assistance grant for FY85-86.
  - c. Oral Resolution to authorize City Manager to sign contract with Engineering Science for wastewater treatment treatability study.
  - d. Oral Resolution to authorize City Manager to sign contract with Media Southwest for citizens survey of City services.
  - e. Resolution to consider an easement release - ER-2346-1 - request from John Beall for release of 3' utility easement located along the northeast boundary of Lot 31, Blk. F, in Section 1 of Quail Valley Northeast Addition.
  - f. Consider Resolution approving the FY 1985/86 Unified Work Program for Transportation Planning.
  - g. Consider Resolution approving the 1985-1987 Transportation Improvement Program.
  - h. Oral Resolution to consider Abilene Urban Transportation Study, Long Range Element.
6. Award of Bid:
  - a. Baggage Doors at Airport Terminal Building - Bid #047.

REGULAR AGENDA

7. Special Item:
  - a. Resolution to consider calling a Special Election for August 10, 1985, for participation in the Stacy Reservoir Project. Resolution appointing Judges & Clerks.

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8. Public Appearances:

- a. Dr. Bob Maniss, representing Civic Abilene, Inc., to discuss implementation of the Council's Resolution regarding the regulation of the licensed alcoholic beverage caterers at the Civic Center.
- b. Dr. Manuel Flores, Jr., Chairman, Community Development Committee, to present the Committee's recommendations for use of the 1985-86 Community Development Block Grant Funds.
- c. Lonnie Edwards, Abilene Cab, Inc., to request change in liability insurance amounts for Taxicabs.

9. Ordinances & Resolutions:

- a. Consider passage of resolution approving agreement by the Abilene Industrial Development Authority to issue a bond for 290 Cedar and the Bond Resolution providing for issuance of such bond.
- b. Public Hearing - Consider on second and final reading - annexing certain territory in Southwest Abilene.
- c. Public Hearing - Consider on second and final 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.
- d. Public Hearing - Consider on second and final reading - reclassification request - Z-05335 - 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.
- e. Public Hearing - Consider on second and final reading - reclassification request - Z-05535 - 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.
- f. Public Hearing - Consider on second and final 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.
- g. Public Hearing - Oil & Gas Lease Award - 70.2 acres out of William S. Hall Survey 69, Jones County, Texas.
- h. REMOVE FROM TABLE:  
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.
- i. Oral resolution to consider amendment to Hertz Rent-A-Car Auto Rental Concession and Lease for additional terminal building space at Abilene Municipal Airport.
- j. Oral resolution to permit an increase in the maximum cost of repair under the Grant/Loan Program from \$10,000 to \$15,000.

10. Award of Bid:

- a. (3) Front Loaders for Refuse Division - Bid #050.

11. Other Business:

- a. Pending and Contemplated Litigation.
- b. Appointment and Evaluation of Public Officials.

ADJOURN

PRE-COUNCIL WORK SESSION  
THURSDAY, JUNE 27, 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 27, 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, JUNE 27, 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 27, 1985, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Gary D. McCaleb.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held June 27, 1985.

Mayor Stubbeman presented service awards to the following employees:

Tom W. Johnston	Elect. Servs. Supervisor	30 Years
Charlie M. Ingram	Utility System Foreman	30 Years
Donald Morgan	Police Officer	25 Years
Dwain T. Pyburn	Asst. Chief of Police	25 Years

Mayor Stubbeman presented Certificates of Appreciation to the following outgoing Board & Commission Members:

Mrs. Wayne Ramsey	Civic Abilene, Inc.
Mr. B. Jack Turner	Parks & Recreation
Mr. Randall Bingaman	Abilene Community Development Co.
Mr. Wayne Cooper	Abilene Community Development Co.

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

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

NAYS: None.

5. Ordinances & Resolutions:

- a. Oral resolution to consider cathodic protection easement for Mobil Pipe Line Company in the SE 1/5 of Section 66, Blind Asylum Lands, Taylor County, Texas, located South of Loop 322 and West of Maple Street.
- b. Resolution to authorize the filing of application for UMTA operating assistance grant for FY85-86. The resolution is numbered 63-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

- c. Oral Resolution to authorize City Manager to sign contract with Engineering Science for wastewater treatment treatability study for an amount not to exceed \$9,500.
- d. Oral Resolution to authorize City Manager to sign contract with Media Southwest for citizens survey of City services in the amount of \$8,000.
- e. Resolution to consider an easement release - ER-2346-1 - request from John Beall for release of 3' utility easement located along the northeast boundary of Lot 31, Blk. F, in Section 1 of Quail Valley Northeast. The resolution is numbered 64-1985 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.

- f. Consider Resolution approving the FY 1985/86 Unified Work Program for Transportation Planning. The resolution is numbered 65-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE 1985-86 UNIFIED PLANNING WORK PROGRAM FOR TRANSPORTATION PLANNING.

- g. Consider Resolution approving the 1985-1987 Transportation Improvement Program. The resolution is numbered 66-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE 1985-87 TRANSPORTATION IMPROVEMENTS PROGRAM.

- h. Oral Resolution to consider Abilene Urban Transportation Study, Long Range Element.

6. Award of Bid:

- a. Baggage Doors at Airport Terminal Building - Bid #047. The bid was awarded to American Overhead Door of Abilene in the amount of \$5,410.00.

Jim C. Blagg, City Manager, briefed the Council on a resolution calling a Special Election for August 10, 1985, for participation in the Stacy Reservoir Project and a resolution appointing the Election Judges and Clerks. He introduced Paul Washburn, Co-Chairman of the Water Now Committee who urged the passage of the resolutions.

Councilman Fogle moved to adopt the resolution calling a Special Election for August 10, 1985, for participation in the Stacy Reservoir Project and a resolution appointing the Election Judges and Clerks. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

The resolutions are numbered 67-1985 and 68-1985 and are captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON AUGUST 10, 1985; TO CONSIDER CITY PARTICIPATION IN STACY RESERVOIR; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING THAT SUCH ELECTION BE HELD PURSUANT TO THE LAWS OF THE STATE OF TEXAS AND CHARTER OF THE CITY OF ABILENE, TEXAS; ALLOCATING ELECTION EXPENSES; PROVIDING FOR BILINGUAL ELECTION; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION.

Dr. Bob Maniss, Past-Chairman Civic Abilene, Inc., introduced Mrs. Marilyn Roberts, current Chairperson Civic Abilene, Inc., to discuss with the Council the implementation of the motion approved by the Council on May 23, 1985, regarding the regulation of the licensed alcoholic beverage caterers at the Civic Center.

Chairwoman Roberts gave an oral presentation on the possible problems regarding implementation of the Council's action by showing a graphic display of the Civic Center floor plan and using specific rental situations to describe what would occur between the activities utilizing the rented space. She gave examples where the Civic Center would be underutilized due to alcohol being restricted to the Red Carpet Lobby. The Red Carpet Lobby is not suited for large parties where food and beverage are served. Except for receptions and small functions, food and beverage are not allowed in that area presently. There is limited flexibility and increased burden on staff to monitor entrances and exists.

Ron Pollard, Risk Manager, briefed the Council on the question of liability when brown bagging is allowed at the Civic Center just to clarify the issue.

Additionally, Chairwoman Roberts reported that no bids were received from caterers for the Civic Center following the May 23rd Council meeting. Therefore, the City or Civic Abilene, Inc., would have to obtain a liquor license to serve alcohol at the Civic Center.

Dr. Russell Dressen, Board Member Abilene Convention & Visitor's Bureau, presented a report to the Council showing a variety of statistics relating to economic impact of conventions held at the Civic Center; conventions booked at the Civic Center; potential conventions; and the number of and types of conventions booked at the Civic Center that preferred alcohol and those that did not prefer alcohol.

Mr. W. O. Thedford, Abilene Restaurant Association, spoke to the Council regarding his concern over losing clientele for the "Taste of Abilene", under the Council's motion restricting alcohol to the Red Carpet Lobby. Funds raised by the Taste of Abilene are used for scholarship funds for food personnel.

Mr. Welton Turnerhill, President Abilene Restaurant Association, also spoke to the Council concerning losing clientele for the "Taste of Abilene".

Mr. Camillio Rosales, Chairman LULAC Council, spoke on the issue and his concern for having to rent additional space if he had an activity in the exhibit hall and preferred alcohol.

After some discussion among the Council, Councilman Fogle moved to permit the consumption of alcohol through the use of a licensed caterer in other areas of the Civic Center facility except for the Red Carpet Lobby and Auditorium area. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: Councilmen Wheat, Robinson and Nixon.

Dr. Manuel Flores, Jr., Chairman, Community Development Committee, presented the Committee's recommendations for use of the 1985-86 Community Development Block Grant Funds in the amount of \$1,266,000. The Committee was presented twelve (12) staff proposals totaling \$2,791,641 and nine (9) proposals from non-profit entities totaling \$1,529,500. Staff proposals were later cut to nine (9) totaling \$1,266,000. From these twenty-one (21) proposals, the Committee recommends funding the following projects:

Housing & CD Administration	\$ 270,841
Grant/Loan Program	160,000
Emergency Repair	40,000
Cedar Creek Flood Control	350,500
Cobb Recreation Center Expansion	136,420
Food Bank of Abilene	30,000
(Director's Salary/Walk-in Freezer	
Noah Project (Facility Constr.)	40,000
Serenity House (Program Svcs)	40,000
Meals on Wheels (Facility Constr.)*	47,000
Goodwill Industries (Vacant Lot	
Acquisition)*	20,000
Sidewalk Construction	37,500
Abilene Economic Devel. Co., Inc.	
Staff; Revolving Loan Fund	50,000
Contingency Fund	<u>43,739</u>
	\$1,266,000
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\* These funds contain a condition that the funds be returned and placed into the contingency fund if not used for this specific purpose.

Dr. Flores stated that, in general, he agrees with the Community Development Committee's recommendations. However, he presented an item that was not included in the report. That request was from the Community Foundation of Abilene for a community service center. Mr. Joe Cannon, Dodge-Jones Foundation, presented the item to the Committee. The idea is basically that the West Texas Medical Center building (owned by Humana, Inc.) would be purchased to provide space for several of Abilene's non-profit agencies. Sufficient space appears to exist for future expansion. In his opinion, this facility could and perhaps would centralize these non-profit agencies. It may even preclude duplication. The request was for \$500,000 to be used for renovating the building. He respectfully requests that the Council consider this in their report for a minimum of \$100,000. He suggests that the funds come from the contingency fund, plus to utilize those funds requested from those agencies with conditions of use (i.e., Meals on Wheels and Goodwill) if those funds are returned to the contingency fund. That would be a total of \$110,739. Additionally, that any other funds that are made available if the Council does not fund some of the other requests. He emphasized, however, that the funds set aside for flood control not be used for any other purpose.

These recommendations will be considered with the proposed FY 1985/86 budget, therefore, no Council action is necessary at this time.

Lonnie Edwards, Abilene Cab, Inc., appeared before the Council and requested a change in liability insurance amounts for Taxicabs. The present requirements for vehicle liability insurance are limits of \$100,000 per person, \$300,000 per occurrence for bodily injury, and \$100,000 per occurrence for property damage. Mr. Edwards requests the limits be lowered to \$50,000 per person, \$100,000 per occurrence for bodily injury, and \$50,000 per occurrence for property damage. Mr. Edwards presented some cost comparisons between the current requirements and the proposed requirements on a per-call insurance basis plus expenses for the period March 18 to June 1, 1985.

Ron Pollard, Risk Manager, responded to questions from the Council. Currently, three (3) companies are licensed and thirteen (13) vehicles have operating permits. The City has received no negative comments on the required insurance, or its cost, other than from Abilene Cab, Inc. Therefore, it continues to be the staff's recommendation that the required insurance limits remain unchanged.

No action was taken by the Council on the item, therefore, the current insurance limits were not changed.

Mayor Stubbeman left the meeting. Mayor Pro Tempore Welton Robinson presiding.

Roy McDaniel, Assistant City Manager, briefed the Council on a resolution approving an agreement by the Abilene Industrial Development Authority for the issuance of \$1,000,000 in industrial development revenue bonds for 290 Cedar and the Bond Resolution providing for issuance of such bond. A revised Resolution was provided to the Council which included an additional request from the Texas Economic Development Commission that the City Council hold a public hearing on this issue on July 19, 1985, at 8:00 a.m.

The City Staff, the City's Financial Advisor, Joe Smith, First Southwest Company, and the City's bond attorneys recommend the Council adopt the resolution.

Councilman Nixon moved approval of the resolution, as presented and recommended by the staff, concerning an agreement by the Abilene Industrial Development Authority for the issuance of bonds for 290 Cedar and the Bond Resolution providing for issuance of such bond, subject to the conclusion of a public hearing to be held on July 19, 1985, at 8:00 a.m. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

ABSENT: David Stubbeman, Mayor.

The resolution is numbered 69-1985 and is captioned as follows:

RESOLUTION APPROVING AN AGREEMENT BY ABILENE INDUSTRIAL DEVELOPMENT AUTHORITY TO ISSUE A BOND FOR 290 CEDAR AND THE BOND RESOLUTION PROVIDING FOR THE ISSUANCE OF SUCH BOND.

Mayor Stubbeman returned to the meeting.

Lee Roy George, Director of Planning and Development, briefed the Council on an ordinance being considered on second and final reading annexing certain territory in Southwest Abilene, located southeast of Dyess Air Force Base. Staff recommends adoption of the ordinance annexing approximately 2,998 acres of land. Three alternative were made available to the Council which lessen the area to be annexed.

Mayor Stubbeman opened a public hearing to consider the aforementioned item and the following persons spoke either in favor or in opposition to the annexation ordinance.

IN FAVOR:

- . Wayne Haines, Property #81, 4142 North 1st Street.

IN OPPOSITION:

- . Jack Chamberlain, representing View-Caps Water Supply corporation, requested the Council resolve the issue of water service between the City and View-Caps W.S.C. to customers for past, present, and future annexations prior to deciding this annexation.
- . Frank Peck, Properties #94 & #95, 1409 Elmwood.
- . James Allen, Property #100, Rt. 3, Box 80.
- . Mildred Roberts, Property #4a, 525 Buffalo Gap Road.
- . H. Hamilton Jr., Property #85, Rt. 7, Box 370.
- . Bobby Sumerlin, Property #86, 2725 South 39th Street.

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

Councilman Fogle moved to approve the annexation ordinance on second and final reading annexing that certain territory in Southwest Abilene as shown on the "Alternate 1" plus properties numbered 7, 8, 9, 10, 10a, 10b, 10c, 11, 12, 21, 22, 23, 66, 67, 68, 79, 81, 82, 83, annexing approximately 2,160 acres of land. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: Councilmen Robinson and Nixon.

The ordinance is numbered 58-1985 and is captioned as follows:

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 ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading being a - 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. The Planning & Zoning Commission as well as the staff recommends approval of the request.

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 McCaleb moved to approve the reclassification request from AO to RS-6 district, located on West Lake Road (F.M. 600), on second and final reading and as recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

The ordinance is numbered 59-1985 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 - 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. The Planning & Zoning Commission as well as the staff recommends approval of the request.

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 approval of the reclassification request from RS-6 to RM-3 district, located at 2943 South 6th Street, on second and final reading and as recommended by the staff. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

The ordinance is numbered 60-1985 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 - 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. The Planning & Zoning Commission as well as the staff recommends approval of the request.

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 Fogle moved approval of the reclassification request from AO to RS-6 district, located approximately 1/2 mile west of Buffalo Gap Road and 1/2 mile south of Rebecca Lane on second and final reading and as recommended by the staff. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

The ordinance is numbered 61-1985 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 - 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. The Planning & Zoning Commission as well as the staff recommends approval of the request. Four opposition forms were received on June 26, 1985. The Planning & Zoning Commission was not aware of any opposition when it considered the item.

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

IN FAVOR:

- . Lannie Franklin, Proponent.
- . Lyn Sockwell, Manager, Abilene Windshield Glass, Inc., 818 Walnut Street.

IN OPPOSITION:

- . Morgan Green, Rt. 1, Box 132, Hawley, owns property on State Street, wants to leave street open to use for parking.
- . Vince Holguin, Manager of Plasma Services, 834 Walnut, uses the street for parking and wants to leave street open.
- . David Southern, 1182 Butternut, concerned with setting a precedent and is concerned with the parking problem.

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

Councilman Wheat moved approval of the thoroughfare abandonment to close a dead-end portion of State Street being 80' in width and beginning at the east right-of-way of Walnut Street and extending east a distance 140' to the west right-of-way line of a north-south alley, on second and final reading as recommended by the staff. The motion was seconded by Councilman Nixon and the motion carried:

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

NAYS: Councilwoman Ray.

ABSTAIN: Councilman Robinson.

The ordinance is numbered 62-1985 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.

Sandra Trosky, Assistant Land Agent, briefed the Council on an Oil & Gas Lease Award being 70.2 acres out of William S. Hall Survey 69, Jones County, Texas. Staff recommends Polk & Patton, a Partnership, be awarded the bid, for a term of 3 years with the bonus per net mineral acre being \$35.00 and royalty being 20%.

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 Robinson moved to award the bid for an oil and gas lease being 70.2 acres out of William S. Hall Survey 69, Jones County, Texas, to Polk & Patton, a Partnership, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

Councilwoman Ray removed from table an ordinance amending Section 20-57. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

Harvey Cargill, Jr., City Attorney, briefed the Council on the ordinance amending Section 20-57 relating to posting signs for drive-in restaurants. He stated that the proposed amendment sets out the items that are declared to be illegal and it requires a sign to be posted by the restaurant owners. This provision is to ensure that the public is given proper notice.

Sgt. Gerald Finch, Police Officer assigned to enforce the Code around drive-in restaurants, gave a brief history on the traffic violations and arrest violations from 1983-84 and on all moving violations from 1984-85. He stated that all occurred on Friday and Saturday evenings only.

Phillip Wetherbee, Municipal Court Judge, feels that the current ordinance does not give proper notice to a person. Therefore, he recommends the Council pass this ordinance clarifying the responsibilities of the restaurant owners.

Even though a public hearing was not scheduled, there were several citizens in the audience that requested to address the Council on the issue.

- . Maria Griffith, property owner near drive-in restaurant, favors the ordinance.
- . Earle Zalanka, Burger King Restaurant owner, is neither for or against the ordinance. He prefers voluntary compliance.
- . Pete Sanchez, Taco Bueno Manager, favors the ordinance.

Councilwoman Ray moved to approve, on second and final reading, an the ordinance amending the Abilene Municipal Code, Section 20-57, making it mandatory for drive-in restaurant owners to post signs relating to cruising, in order to ensure that the public is given proper notice. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

The ordinance is numbered 63-1985 and is captioned as follows:

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

Bob Whitehead, Director of Public Works, briefed the Council on an oral resolution to consider an amendment to Hertz Rent-A-Car Auto Rental Concession and Lease. He stated they wish to add an additional 96 square feet in the terminal building space at Abilene Municipal Airport to be used as an auto rental counter and operations office. The new lease gives Hertz the right to remodel, at its own expense, an existing wall area within the combined new and previously leased area. Upon termination of this lease Hertz shall, at its own expense, return the wall to its original location if so desired by the Airport Manager at that time. Staff recommends the Council authorize the Mayor to execute the addendum to Auto Rental Concession and Lease for Hertz Rent-A-Car at the Abilene Municipal Airport.

Councilman Nixon moved to authorize the Mayor execute the addendum to Auto Rental Concession and Lease for Hertz Rent-A-Car, to add 96 square feet in the terminal building space at the Abilene Municipal Airport, as recommended by the staff. The motion was seconded by Councilman McCaleb and the motion carried:

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

NAYS: None.

Mike Morrison, Housing and Community Development Administrator, briefed the Council on an oral resolution to permit an increase in the maximum cost of repair under the Grant/Loan Program from \$10,000 to \$15,000. He stated the HUD has recommended that the practice of getting an "assist" from another program, the Emergency Repair Program, be stopped, so that the Emergency Repair Program be reserved for genuine emergencies, and that the limit for the Grant/Loan Program be raised to a figure that would permit adequate repairs without resorting to another program for additional funding. Accordingly, the staff has stopped combining the programs for single case and has sought and received approval from the Abilene Community Development Corporation to raise the limit on cost of repairs. Staff recommends the Council approve the Grant/Loan Program increase from \$10,000 to \$15,000.

Councilman Fogle moved to approve, by oral resolution, an increase in Grant/Loan Program from \$10,000 to \$15,000, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

Bob Whitehead, Director of Public Works, briefed the Council on and award of bid for three (3) Front Loaders for Refuse Division - Bid #050. He stated that funds for the three front loaders are available in the amount of \$197,099 in the Equipment Replacement Fund with \$82,000 budgeted in the 1986 Refuse budget. Staff recommends that the bid of Corley-Wetzel Trucks, Inc., of Abilene be awarded in the amount of \$279,099.


Councilman Wheat moved to award the bid for three (3) Front Loaders for the Refuse Division be awarded to Corley-Wetzel Trucks, Inc., of Abilene in the amount of \$279,099, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:


AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, 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. There being no further business, the meeting was adjourned at 11:35 a.m.

  
Patricia Patton  
City Secretary

  
David Stubbeman  
Mayor