

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, July 25, 1985, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chambers of the City Hall on Thursday, July 25, 1985, at 9:00 a.m.

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

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

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 Oral Resolution to authorize City Manager to sign Interlocal Agreement with the State of Texas for Long Distance Telephone Service.
- b. Consider on first reading - ordinance amending the 1979 Uniform Mechanical Code, Section 1002(b) to regulate the installation of factory made duct.
- c. Consider on first reading - an ordinance amending Sections 23.257.3, 23-259.1 and 23-262 of the Subdivision Regulations and set a public hearing for August 8, 1985.
- d. Consider resolution expressing intent to extend Southwest Drive westward from Elm Creek Bridge.
- e. Consider Resolution accepting FAA Airport Improvements Grant #3-48-0002-04-85.

6. Award of Bid:

- a. Bulk Lime for Water Treatment Plant - Bid #053.
- b. Airport Improvements - Bid #058.
- c. Uniforms for the Fire Department - Bid #055.

REGULAR AGENDA

7. Ordinances & Resolutions:

- a. **Public Hearing - Consider on second and final reading** - an ordinance changing the zoning district boundaries as shown below.

1. **Z-05785** - request of Holmes & Perry (representing Nathan Coulter) to rezone from RS-6 (Residential Single Family) to PDS (Planned Development Shopping) district, located at South 27th Street & Buffalo Gap Road.
2. **APPEALED ITEM:**
Z-05885 - request of Reuben Rouse to rezone from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located in the 3900 Block of Beltway South.
3. **Z-06085** - request of Gary & Sheryle Owens to rezone from AO (Agricultural Open Space) to RS-12 (Residential Single Family) district, located on Rainey Road.
4. **Z-06185** - request of Richard R. Dillard to add H (Historic) overlay to underlying RS-12 (Residential Single Family) district, located at 642 Sayles Boulevard.
5. **Z-06285** - request of E. E. Goodrich (representing J. Lynn Kitchens) to rezone from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located at 5500 South Clack.

6. **APPEALED ITEM:**

Z-06385 - request of B. Jack Turner (representing Eddie Chase) to rezone from AO & RM-2 (Agricultural Open Space & Residential Multi-Family) to GC & LC (General Commercial & Limited Commercial) district, located at Catclaw Drive and Curry Lane.

- b. **Public Hearing** - to consider Oil & Gas Drilling Permit #8505, being 159.2 acres out of 242 acres out of the W. E. Vaughn Survey #10, and located West of Buffalo Gap Road & South of Antilley Road.
- c. **Public Hearing** - to consider Oil & Gas Drilling Permit #8506, being out of Section #4, J. R. Shipman Survey #85, and located North of Vogel Street; South of I-20.
- d. **Public Hearing** - to consider adopting "Proposed Statement of Community Development Objectives and Projected Use of Funds".
- e. Consider Resolution approving a one-year lease agreement with F & S Enterprises for rental of office at 710-712 North 6th Street.

8. **Other Business:**

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

ADJOURN

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

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

The City Council of the City of Abilene, Texas, met in a Pre-Council Work Session on July 25, 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, A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Councilman Gary D. McCaleb was 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, JULY 25, 1985, 9:00 A.M.

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

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

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

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

Mayor Stubbeman, introduced Ed Dye, Training Director, who introduced other members of the Police training staff and each Police Cadet to the Council. Each Police Cadet received his official badge, oath of office and a graduation certificate. A reception followed.

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

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

NAYS: None.

5. Ordinances & Resolutions:

- a. Consider Oral Resolution to authorize City Manager to sign Interlocal Agreement with the State of Texas for Long Distance Telephone Service.
- b. Consider on first reading - ordinance amending the 1979 Uniform Mechanical Code, Section 1002(b) to regulate the installation of factory made duct.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE IV, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 5, "MECHANICAL CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- c. Consider on first reading - an ordinance amending Sections 23.257.3, 23-259.1 and 23-262 of the Subdivision Regulations and set a public hearing for August 8, 1985.

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

- d. Consider resolution expressing intent to extend Southwest Drive westward from Elm Creek Bridge. The resolution is numbered 78-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING PARTICIPATION IN THE FEDERAL OFF-SYSTEM BRIDGE REPLACEMENT PROGRAM WITH A REVISED FUNDING LEVEL.

- e. Consider Resolution accepting FAA Airport Improvements Grant #3-48-0002-04-85. The resolution is numbered 79-1985 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, APPROVING GRANT AGREEMENT FROM THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE MUNICIPAL AIRPORT.

6. Award of Bid:

- a. Bulk Lime for Water Treatment Plant - Bid #053. The bid was awarded to Chemical Lime Company in the amount of \$72.10 per ton.
- b. Airport Improvements - Bid #058. The bid was awarded to Stevens-Martin Paving in the amount of \$397,249.90 for the rehabilitation of aprons and hanger area on the west side of the Airport and taxiways U, V, Y, Z and O.
- c. Uniforms for the Fire Department - Bid #055. The bid was awarded to Martin's Uniforms and Factory Sales Company for a total amount of \$26,601.50.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading changing the zoning district boundaries being a request of Holmes & Perry (representing Nathan Coulter) to rezone from RS-6 (Residential Single Family) to PDS (Planned Development Shopping) district, located at South 27th Street & Buffalo Gap Road. The Planning & Zoning Commission recommends approval of the request and the staff generally recommends approval except for the westernmost 120 feet of the request which should be reserved for multi-family residential use.

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

IN FAVOR:

- . Nathan Coulter, Holmes & Perry, Proponent.
- . Mr. J. T. Simpler, Jr., 2550 Buffalo Gap Road.
- . Oliver Dutton, rep. Marie Dutton property at 2414 So. 27th.
- . Bill Sudberry, 2225 South 25th.
- . Tom Hanley, 2433 South 25th.
- . Tommy Foster, representing property owner on Ross Street.

IN OPPOSITION:

- . Celia Trimble, Atty. at Scarborough, Black, Tarpley & Scarborough, rep. group of property owners that live on Ross Street.
- . Andrew Baggett, 2409 South 27th.
- . Edith Tarit, 2709 Ross.
- . Buell Garrett, owner of property at 2618 Ross, but resides in Amarillo.
- . H. H Yarbrough, 2501 South 25th.

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

Councilman Wheat moved to DENY zoning case Z-05785. The motion was seconded by Councilman Robinson and the motion carried:

AYES: Councilmen Wheat, Fogle, Robinson and Nixon.

NAYS: Councilwoman Ray and Mayor Stubbeman.

Brad Stone, Principal Planner, briefed the Council on an appealed item being a reclassification request - Z-05885 - of Reuben Rouse to rezone from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located in the 3900 Block of Beltway South. The Planning & Zoning Commission and the staff recommend disapproval of the request.

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

IN FAVOR:

- . Randy Wilson, Atty. representing Reuben Rouse-Proponent.
- . Bill Sorell, Chairman, Missions Committee of Pioneer Baptist Church.

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

Councilman Robinson moved to approve zoning case Z-05885. The motion was seconded by Councilman Wheat but the motion failed for lack of majority; therefore, the request was DENIED.

AYES: Councilmen Wheat, Robinson and Mayor Stubbeman.

NAYS: Councilwoman Ray, Councilmen Fogle and Nixon.

Brad Stone, Principal Planner, briefed the Council on a reclassification request - Z-06085 - of Gary & Sheryle Owens to rezone from AO (Agricultural Open Space) to RS-12 (Residential Single Family) district, located on Rainey Road. The Planning & Zoning Commission and the Staff recommend approval of the request.

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

Councilman Nixon moved to approve Ordinance 64-1985, on second and final reading, which provides for zoning reclassifications and to approve zoning case Z-06085 as a part of that ordinance. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING & 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.

Brad Stone, Principal Planner, briefed the Council on a reclassification request - Z-06185 - of Richard R. Dillard to add H (Historic) overlay to underlying RS-12 (Residential Single Family) district, located at 642 Sayles Boulevard. The Planning & Zoning Commission and the Staff recommend approval of the request.

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

- . Richard Dillard, proponent.

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

Councilwoman Ray moved to approve zoning case Z-06185 as a part of Ordinance #64-1985. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

Brad Stone, Principal Planner, briefed the Council on a reclassification request - Z-06285 - of E. E. Goodrich (representing J. Lynn Kitchens) to rezone from AO (Agricultural Open Space) to PDMX (Planned Development Mixed Use) district, located at 5500 South Clack. The Planning & Zoning Commission and the Staff recommend approval of the request.

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

. J. Lynn Kitchens, 162 Caddo, representing proponent.

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

Councilman Nixon moved to approve zoning case Z-06285 as a part of Ordinance #64-1985. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

Brad Stone, Principal Planner, briefed the Council on an appealed item being a reclassification request - Z-06385 - of B. Jack Turner (representing Eddie Chase) to rezone from AO & RM-2 (Agricultural Open Space & Residential Multi-Family) to GC & LC (General Commercial & Limited Commercial) district, located at Catclaw Drive and Curry Lane. The Planning & Zoning Commission and the staff recommend disapproval of the request.

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

. Bill Perry, representing proponent.

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

Councilman Nixon moved to approve zoning case Z-06385 as a part of Ordinance #64-1985. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

Sandra Trosky, Assistant Land Agent, briefed the Council on an oral resolution approving Oil & Gas Drilling Permit #8505, being 159.2 acres out of 242 acres out of the W. E. Vaughn Survey #10, and located West of Buffalo Gap Road & South of Antilley Road. The surface owner is Louise Bledsoe, applicant is L & L, Inc., and the proposed depth of the well is 2100 feet. The drill site is not within the Floodplain and is located within the City Limits and is on private property. Staff recommends approval of the request.

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

Councilman Wheat moved to approve by oral resolution Oil & Gas Drilling Permit #8505, being 159.2 acres out of 242 acres out of the W. E. Vaughn Survey #10, and located West of Buffalo Gap Road & South of Antilley Road, as recommended by the staff. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

Sandra Trosky, Assistant Land Agent, briefed the Council on an oral resolution approving Oil & Gas Drilling Permit #8506, being out of Section #4, J. R. Shipman Survey #85, and located North of Vogel Street; South of I-20. The surface owner is TRTT, Inc., applicant is Worsham Oil Co., Inc., and the proposed depth of the well is 1928 feet. The drill site is on the borderline of the Regulatory Floodway and is located within the City Limits and is on private property. Staff recommends approval of the request with the restrictions as set out in the development permit.

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

. Earl Burns, representing Worsham Oil Company, Inc.

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

Councilman Robinson moved to approve by oral resolution Oil & Gas Drilling Permit #8506, being out of Section #4, J. R. Shipman Survey #85, and located North of Vogel Street, South of I-20, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

Mike Morrison, Housing & Community Development Administrator, briefed the Council on a Resolution adopting the "Proposed Statement of Community Development Objectives and Projected Use of Funds". He stated that on August 22, 1985, the Council will be requested to adopt the "Final Statement" for the FY 1985 Community Development Program. He explained the proposed use of FY 1985 funds as follows:

<u>ACTIVITY</u>	<u>FUNDING</u>
Community Development Program Administration	\$ 175,514
Housing Office Administration	95,327
Grant/Loan Program	160,000
Emergency Repair	40,000
Cedar Creek Flood Control	350,000
Cobb Recreation Center Expansion	136,500
Food Bank of Abilene	30,000
Director's Salary/Walk-in Freezer	
Noah Project - Complete Facility Construction	40,000
Serenity House of Abilene - Program Services	40,000
Abilene Community Service Center -	110,739
Rehabilitation	
Sidewalk Construction	37,500
Abilene Economic Development Company, Inc., -	50,000
Staff/Revolving Loan Fund	
	<u>\$1,266,000</u>

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and the following persons spoke in regard to the request.

Betty Blazier, Executive Director of Meals on Wheels, stated that Meals on Wheels was allocated \$55,000 from the 1984 Community Development Block Grant funds and is tentatively allocated \$47,000 from the 1985 CDBG funds for facility construction. She explained that the Board of Meals on Wheels is considering two options to most effectively utilized these funds: (1) Build a new facility on one of two tracts of land available under rent free, long-term lease; or (2) occupy space in the proposed Community Service Center. The Meals on Wheels Board has not yet determined which option is most cost effective, since rental costs for the Service Center are not yet available. The Board is requesting that the Council allow the Meals on Wheels Board to determine which option is best for the Meals on Wheels organization.

Ray Varner, Board Member, Goodwill Industries, stated that Goodwill Industries was tentatively allocated \$20,000 for property purchase adjacent to their present location. He informed the Council that Goodwill favors the Community Service Center concept but that Goodwill could not be a part of the center because their workshop, retail store, and administrative offices are located on Pine Street and that is where they employ handicapped citizens and supervisory personnel. It is possible that they would house the administrative offices in the community center. The Board of Goodwill feels that the community center should receive priority this year, and would like to work with the Council in this regard.

Larry Gill, Community Foundation of Abilene, explained the status of the Community Service Center project to the Council. The Foundation is looking for some kind of commitment from the community on the project in order to simplify raising private funds. The Board is working very closely with all non-profit organizations for participation in the community center and they are very aware of each organization's individual needs. A decision on whether or not to continue the project is dependent on whether the private funds can be raised. However, a final decision must be made by latter August or early September. At the time a final decision is made on the project and funding, rental rates will be available.

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

Mr. Blagg reiterated to the Council that Community Development Block Grant Fund allocations can be reallocated up until the time the funds are use.

Councilman Fogle moved to adopt by resolution the "Proposed Statement of Community Development Objectives and Projected Use of Funds". The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: Councilman Robinson.

The resolution is numbered 80-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING A PROPOSED STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 1985.

Mike Morrison, Housing & Community Development Administrator, briefed the Council on a Resolution approving a one-year lease agreement with F & S Enterprises for rental of office at 710-712 North 6th Street. He stated that the office is well located for its purpose, is adequate in size and condition, and the rental is not excessive for the location and quality of space. Staff recommends approval of the lease.

Councilman Fogle moved to approve the resolution providing for a lease with F & S Enterprises for property located at 710-712 North 6th Street. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

The resolution is numbered 81-1985 and is captioned as follows;

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AND AUTHORIZING LEASE AGREEMENTS FOR HOUSING AND COMMUNITY DEVELOPMENT OFFICES AT 710 AND 712 NORTH 6TH STREET.

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.

Councilwoman moved to appoint the following persons to the Abilene Clean and Proud Committee in connection with the Keep America Beautiful Program. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

Term Expiring 1986

Cliff White
Peggy Sturrock
Cynthia McDaniel

Kathy Haynes
Jim McCurdy

Roland Miller
David Weeks

Term Expiring 1987

Bobby Gilbreth
Rodney Fulcher
Winnie Lu Bounds

Capt. Dick Stevens
Don Kenecht

Paul Jungmeyer
Lanita Zachry

Term Expiring 1988

Billie Proctor-Shaw
Ken Higdon

Donna Kainer
Eldon Renfro

Hazyl Lindley
Phillip Hoot

Jonatham Graham, First Assistant City Attorney, briefed the Council on a refund from West Texas Utilities Company. He stated that the amount of the refund is about \$17.6 million to be refunded to consumers of WTU which includes the citizens of Abilene. He stated that WTU proposes the amount be refunded in the form of a credit to the consumer's bill.

He explained that the City Attorney has learned that the Public Utility Commission may require WTU to issue each consumer a check for the refund instead of crediting their account which would cost about \$60,000 to \$70,000 in addition to the \$17.6 million. The City Attorney feels that the extra expense is needless and would like to urge the Council to approve the concept of giving the refund in the form of a credit to the bills of the consumers.

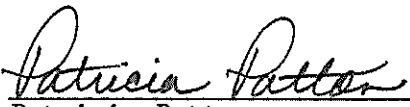
Councilman Nixon moved that the Citizens of Abilene are in favor of the credit being issued rather than the check, which would eliminate the unnecessary expense that the ratepayers would eventually have to pay. The motion was seconded by Councilman Robinson and the motion carried:


AYES: Councilwoman Ray, Councilmen Wheat, Fogle, Robinson and Nixon.

NAYS: None.

ABSTAIN: Mayor Stubbeman.

There being no further business, the meeting was adjourned at 2:30 p.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor