

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, August 8, 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, August 8, 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 Harold Nixon.
3. **APPROVAL OF MINUTES:** Budget Work Session held July 17-19, 1985; Pre-Council Work Session and the Regular City Council Meeting held July 25, 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 resolution authorizing the Mayor to sign contract documents for UMTA Capital Grant TX-05-0211 (paratransit vehicles and related equipment).
- b. Consider on first reading - an ordinance changing the zoning district boundaries as shown below and set a public hearing for August 22, 1985 at 9:00 a.m.,
 1. **Z-05985** - request of Olen Frazier (representing Oaks Business Partners, a joint venture) to rezone from PI (Park Industrial) to PDMX (Planned Development Mixed Use) district, located on Windmill Circle.
 2. **Z-06485** - request of Debbie Lemond & Evelyn Monroe to rezone from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 6000 Buffalo Gap Road.
 3. **Z-06585** - request of Arthur T. Menaldi (representing MBI) to rezone from RM-1 (Residential Multi-Family) to GC (General Commercial) district, located in the 700 & 800 block of Vapor Trail.
 4. **Z-06685** - request of Arthur T. Menaldi (representing MBI) to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 3001 & 3007 South 5th Street.
 5. **Z-06785** - request of Arthur T. Menaldi to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located in the 5900 block of Hartford Street.
 6. **Z-06985** - request of Nathan Coulter (representing Holmes & Perry) to rezone from RS-6 (Residential Single Family) to PDMX (Planned Development Mixed Use) district, located at South 27th & Buffalo Gap Road.
- c. Consider on first reading - an ordinance being a thoroughfare abandonment - **TC-06885** - request of Arthur T. Menaldi (representing MBI) beginning at the west right-of-way boundary of Baker Street and Extending west a distance of 360 feet, and set a public hearing for August 22, 1985.
- d. Consider Street Use License to Southwest Golf Classic for annual golf tournament at Fairway Oaks.
- e. Consider on first reading - an ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code; concerning parking prohibition on Wall Street.

5. Award of Bid:

- a. Sideloaders for Refuse Division - Bid #059 & #060.

REGULAR AGENDA

6. Public Appearance:

- a. Seaton Higginbotham - Council to recognize the Water Now Committee.
- b. Maria Griffith, Taylor-Jones Humane Society, to present petitions opposing the sale of animals from the City Shelter to institutions for scientific research.

7. Ordinances & Resolutions:

- a. Public Hearing - Consider on second reading - an ordinance approving the assessment roll for 1985 and setting a tax rate for FY 1985-86 and call a public meeting for final vote on tax levy for August 22, 1985, at 9:00 a.m.
- b. Public Hearing - Consider on second and final reading - an ordinance amending Sections 23.257.3, 23-259.1 and 23-262 of the Subdivision Regulations.
- c. Public Hearing - Consider on second and final reading - ordinance amending the 1979 Uniform Mechanical Code, Section 1002(b) to regulate the installation of factory made duct.
- d. Oral Resolution to consider lease with Abilene Aero (old Jetex).
- e. Oral Resolution authorizing the City Manager to execute a proposal with Rone Engineers for a geotechnical investigation of Fort Phantom Hill Dam.
- f. Resolution to authorize City participation in the State Department of Highways and Public Transportation project to widen Buffalo Gap Road (F.M. 89).
- g. Resolution to consider lease for terminal space with Fort Worth Airlines at Abilene Municipal Airport.
- h. Consider on first reading - an ordinance providing for a reinvestment zone plan and set a public hearing for August 22, 1985, and discuss a downtown developmet corporation together with a first years budget.

8. Other Business:

- a. Approve in principal a contract for water from Stacy Reservoir Project.
- b. Pending and Contemplated Litigation.
- c. Appointment and Evaluation of Public Officials.

ADJOURN

PRE-COUNCIL WORK SESSION
THURSDAY, AUGUST 8, 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 August 8, 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., and Welton Robinson. Councilman Harold Nixon 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, AUGUST 8, 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 August 8, 1985, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Mayor Stubbeman.

The minutes of the Budget Work Session held July 17-19, 1985; Pre-Council Work Session and Regular City Council Meeting held July 25, 1985, stand approved.

Mayor Stubbeman removed from the agenda items 4b-3, 4b-4, 4b-5, 4c and 5a-Bid #059 only.

Councilman Wheat moved to approve the consent agenda items being 4a, 4b-1, 4b-2, 4b-6, 4d, 4e, and 5a pertaining to Bid #060, as presented by the staff. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

4. Ordinances & Resolutions:

- a. Consider resolution authorizing the Mayor to sign contract documents for Urban Mass Transportation Administration (UMTA) Capital Grant TX-05-0121 (paratransit vehicles and related equipment).

The resolution is numbered 82-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ACCEPTING A CAPITAL GRANT FROM THE URBAN MASS TRANSPORTATION ADMINISTRATION AND AUTHORIZING THE MAYOR TO SIGN THE GRANT AGREEMENT.

- b. Consider on first reading - an ordinance changing the zoning district boundaries as shown below and set a public hearing for August 22, 1985 at 9:00 a.m.,

1. APPEALED ITEM:

- Z-05985 - request of Olen Frazier (representing Oaks Business Partners, a joint venture) to rezone from PI (Park Industrial) to PDMX (Planned Development Mixed Use) district, located on Windmill Circle.

2. Z-06485 - request of Debbie Lemond & Evelyn Monroe to rezone from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 6000 Buffalo Gap Road.
6. Z-06985 - request of Nathan Coulter (representing Holmes & Perry) to rezone from RS-6 (Residential Single Family) to PDS (Planned Development Shopping) district, located at South 27th & Buffalo Gap Road.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

- d. Consider Street Use License to Southwest Golf Classic for annual golf tournament at Fairway Oaks.
- e. Consider on first reading - an ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code; concerning parking prohibition on Wall Street.

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

5. Award of Bid:

- a. Sideloaders for Refuse Division - Bid #060. The bid was awarded to R. L. Anderson of Abilene.

Mr. Wayne Fletcher, Water Now Committee, spoke to the Council regarding Stacy Dam and the recreational facilities that will be provided by this Reservoir. He introduced Mr. Cecil Darby, Jr., and Mr. Don Bethney from Ballinger who encouraged the citizens of Abilene to approve the Stacy Dam Project.

Mr. Paul Washburn, Jr., Water Now Committee Member, spoke to the benefits that Stacy will provide to the entire West Texas area and he thanked the Council for their initiative on the project.

Councilman McCaleb moved to approve an oral resolution which recognizes the Water Now Committee's extremely thorough and effective job for the work they did on the Stacy Dam Project. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

Maria Griffith, Taylor-Jones Humane Society, presented a petition to the Council, containing 2,746 signatures, opposing the sale of animals from the City Shelter to institutions for scientific research. She stated that Dr. Callan, Dr. Larry Ellis and Mr. Carl Cornelius (Animal Control Advisory Board) are planning a trip to M. D. Anderson Hospital and Tumor Institute to look at the facility and how the animals are being treated. She feels that the report filed from this trip will have a direct impact on the Council's decision. She feels that since this visit has been announced, in her opinion the trip will not be an accurate reflection of the daily activities at the Hospital but rather a planned and prepared show. She is concerned that no one from the Humane Society has been invited to tour the facility.

Mr. Dale Hembree, Veterinarian and former President of the Taylor-Jones Humane Society, stated that he was not opposed to research but was opposed to sending pets to research.

Ms. Sam Addison, Lyana Lance, President Taylor-Jones Humane Society and Vita Wells are all opposed to the sale of these animals.

The Council decided to take no action on the subject until a report is received from the Animal Control Advisory Board.

David Wright, Director of Finance, briefed the Council on an ordinance, on second reading, approving the assessment roll for 1985 and setting a tax rate for FY 1985-86. He stated that the ordinance, if approved on third and final reading, will set the tax rate at \$.4866.

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

- . Kenneth Saunders, 929 North Judge Ely Blvd., concerning the affect the tax increase will have on the young people in Abilene that pay rent. Additionally, he informed the Council of several bad personal situations that he has experienced when dealing the the Abilene Police Department.

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

Councilman Fogle moved approval of the ordinance on second reading setting the tax rate at \$.4866. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: Councilman Robinson.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 1985, LEVYING AN AD VELOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 1985; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Lee Roy George, Director of Planning, briefed the Council on an ordinance, on second and final reading, amending Sections 23.257.3, 23-259.1 and 23-262 of the Subdivision Regulations. Mr. George introduced Brad Stone, Principal Planner, who gave an overview of the amendments. He stated the most of the proposed modifications focus on the need to insure that subdivision design standards are realistically applicable to:

- . resubdivisions (replats) of existing lots located within the existing framework of streets and utilities, and;
- . plat recording of by-passed lots located within the existing framework of streets and utilities, as well as wholly new subdivisions or additions to the City.

Mr. Stone mentioned that at the Planning & Zoning Commission meeting on July 1, 1985, the Commission recommended approval of these proposed modifications. The Commission appointed a Subcommittee of interested and affected citizens to evaluate certain aspects of the City's subdivision regulations and formulated recommendations in the following subject areas:

- . Minimum building setback lines on plat.
- . Installation of sidewalks.
- . Dedication and improvement of alleys.
- . Dedication and improvement of boundary streets.
- . Procedures for review and approval of "minor" plats and "minor" replats.

Both the Planning & Zoning Commission and Subcommittee recommend that standards for sidewalk installation should be included elsewhere and that sidewalks are to be installed beside individual lots as buildings are constructed on those lots. The Subcommittee also recommended that any future ordinance requiring sidewalk installation (by individual builders) should also include some locational standards suggesting the most appropriate types of streets beside which pedestrian traffic is expected and, thus, where sidewalks should be required.

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

- . Mike Milano, Chairman of Planning & Zoning Subcommittee, spoke to the provision of sidewalks. The Subcommittee is in favor of sidewalk provisions but is concerned with the placement of where those provisions are contained.

The Council had some concern with eliminating this provision from Subdivision Regulations without a substitute provision in another area.

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

Councilman McCaleb moved to approve an ordinance on second and final reading amending Sections 23.257.3, 23-259.1 and 23-262 of the Subdivision Regulations with the stipulation that the sidewalk provisions of the ordinance will not become effective until new provisions on sidewalks are approved by the Council. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

The ordinance is numbered 65-1985 and is captioned as follows:

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.

Bob Fowler, Director of Building Inspection, briefed the Council on an ordinance, on second and final reading, amending the 1979 Uniform Mechanical Code, Section 1002(b) to regulate the installation of factory made duct. He stated that the Board of Mechanical Appeals has recommended to limit the use of "Flex Duct" to those types of ducts utilizing the metalized vapor barrier and to further amend the Mechanical Code by adopting installation standards established by the air conditioning and heating industry.

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 approval of an ordinance amending Section 1002(b) of the 1979 Uniform Mechanical Code, to regulate the installation of factory made duct. The motion was seconded by Councilman McCaleb and the motion carried:

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

NAYS: None.

The ordinance is numbered 66-1985 and is captioned as follows:

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.

Bob Whitehead, Director of Public Works, briefed the Council on an oral resolution to consider a lease with Abilene Aero and MBank for the Jetex lease. In 1982, Jetex went out of business and MBank became the substitute lessee in 1983. He stated that the City has been approached by Abilene Aero to consider the possibility of making the necessary lease adjustments to enable MBank to sublease the Jetex facility at the Municipal Airport to Abilene Aero. Abilene Aero, a Fixed Base Operator, currently located northwest of the terminal building is in need of more facility space.

Staff recommends approval of a Sublease Agreement between the City, MBank and Abilene Aero.

Councilman McCaleb moved to authorize the Mayor to execute the Sublease Agreement between the City, MBank and Abilene Aero and that the Council approve the proposed lease between the City and Abilene Aero and authorize the Mayor to execute this lease if and when Abilene Aero exercises the purchase option within the next year. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

ABSTAIN. Councilwoman Ray.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an oral resolution authorizing the City Manager to execute a proposal with Rone Engineers for a geotechnical investigation of Fort Phantom Hill Dam. He stated that the maximum cost of the investigation according to Rone Engineers would be \$31,000. The Mason-Johnston and Associates proposal was submitted on an estimated project total to \$33,375. The staff recommends the City Council authorize the City Manager to execute the proposal from Rone Engineers.

Councilman Fogle moved by oral resolution to authorize the City Manager to execute the proposal from Rone Engineers for a geotechnical investigation of Fort Phantom Dam. The motion was seconded by Councilman McCaleb and the motion carried:

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

NAYS: None.

Bob Whitehead, Director of Public Works, briefed the Council on a resolution to authorize City participation in the State Department of Highways and Public Transportation project to widen Buffalo Gap Road from south of the intersection at Antilley Road, south to Highway 707. Staff recommends the City participate in this project and requests the Council approve a resolution committing the City to this project. There are funds available to finance the City's portion of this project through a special assessment. With Council's commitment to participate in this project, the staff would begin preparation of the necessary information for a special assessment program.

Councilwoman Ray moved to approve a resolution authorizing the City's participation in the State Department of Highways and Public Transportation project to widen Buffalo Gap Road, to be funded by a special assessment program, 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, and Mayor Stubbeman.

NAYS: None.

The resolution is numbered 83-1985 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, AUTHORIZING CITY PARTICIPATION IN A STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION PROJECT TO WIDEN F.M. 89 (BUFFALO GAP ROAD).

Bob Whitehead, Director of Public Works, briefed the Council on a resolution to consider a lease for terminal space with Fort Worth Airlines at the Abilene Municipal Airport for commuter airline service. Staff recommends the Council authorize the Mayor to execute this lease agreement with Fort Worth Airlines, for a three year term plus the option to renew twice, each renewal being for a three year period.

Mr. Tom King, President Fort Worth Airlines, briefed the Council on the service the airline will provide and the flight charges.

Councilman Fogle moved to authorize the Mayor to execute a lease agreement with Fort Worth Airlines for space in the Municipal Terminal Building. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

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H. C. Zachry, Chairman of the Reinvestment Zone Number One Board, briefed the Council on an ordinance which includes a Comprehensive Plan and Development Strategy for Downtown Abilene, Texas. Mr. Zachry explained that a public hearing is scheduled to be held on August 22, 1985, during the City Council Meeting. Sometime following the public hearing the Board will return with a specific plan for the development of a non-profit corporation and a budget. One of the major recommendations contained in the plan is to establish a non-profit downtown organization which will help implement the plan by securing private investors to join with the City on joint public/private sector projects. The non-profit organization may also function as an entity to coordinate the promotion of downtown business efforts and activities. Staff recommends the Council approve this ordinance on first reading and set a public hearing for August 22, 1985, in accordance with the Texas Tax Increment Law.

Councilman Fogle moved to approve an ordinance on first reading to provide for a reinvestment zone plan and prescribing other matters related thereto and to set a public hearing for August 22, 1985. The motion was seconded by Councilman McCaleb and the motion carried:

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

NAYS: None.

Jim C. Blagg, City Manager, briefed the Council on the terms and conditions of the proposed contract with the Lower Colorado Municipal Water District for the Stacy Reservoir. The contract is subject to favorable vote of the Citizens of Abilene on August 10, 1985. He discussed the quantity of water to be received by the City; price and terms; and, factors that might influence the quantity of water that may be taken from the dam.

Councilman McCaleb moved to approve in principle a contract for water from Stacy Reservoir, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

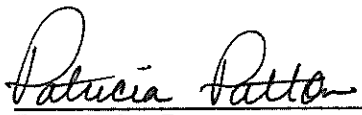
AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, and Mayor Stubbeman.


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 12:00 p.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor