

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, September 12, 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, September 12, 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 August 22, 1985.
4. **AWARDS: CARING PEOPLE REMEMBER AWARDS.**

CONSENT AGENDA

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

5. Ordinances & Resolutions:

- a. Consider on first reading - an ordinance changing the zoning district boundaries as shown below and call a public hearing for September 26, 1985, at 9:00 a.m.:
 1. **APPEALED:**
 - 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 blocks of Vapor Trail.
 - 2. 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.
 - 3. Z-06785 - request of Arthur T. Menaldi (representing MBI) to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located in the 5900 block of Hartford Street.
 - 4. Z-07085 - request of David Ballard to rezone from O (Office) to LC (Limited Commercial) district, located at 5001 Buffalo Gap Road.
 - 5. Z-07385 - request of C. J. Douglas (representing H. G. Green) to rezone from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 2141 N. 3rd Street.
- b. Consider on first reading a Thoroughfare Abandonment ordinance for property as shown below and call a public hearing for September 26, 1985, at 9:00 a.m.
 1. **TC-06885** - request of Arthur T. Menaldi (representing MBI) being Potomac Street, beginning at the west right-of-way boundary of Baker Street and extending west a distance of 360 feet.
 2. **TC-04185** - request of J. Lynn Kitchens (representing Ron Craft, Trustee) being a north-south alley 20' wide in Lots 1 & 8, in a Subdivision of Block 209, Original Town, and located between S. 13th and Dimmit Streets and S. Treadaway & Cherry Street.
- c. Consider an easement release - **ER 432-3** - request from Charles W. Nolen (representing Karen L. Nolen) being a easement 10' in width along the north property line of Lot 2, Block D, Section 2, Canyon Rock Lake Addition, and located at 5065 Robertson Drive.
- d. Consider an easement release - **ER 2712-2** - request from Val Rodriquez (representing Noble Craft) being the east 178' of a 15' utility easement bordering the north lot line of Lot 1, Block C, Section 1, S. Treadaway & Industrial Blvd. Plaza Addition, and located near the intersection of Energy and Spindletop Drives.

- e. Resolution to consider contract with the Central Tax Authority for the collection of taxes.
- f. Oral Resolution to consider an irrigation farm surface lease with Robert Martinez.

6. Request to Advertise:

- a. Oil & Gas Lease - 163 acres being all of the SE 1/4 of Section 52, Block 14, T & P RR Co. Survey, Jones County, Texas.

7. Award of Bid:

- a. 10" C-900 Water Pipe - Bid #064.

REGULAR AGENDA

8. Ordinances & Resolutions:

- a. Resolution to consider calling for proposed annexation of certain territory in East Abilene.
- b. Resolution approving the issuance of Bonds by the Abilene Health Facilities Development Corporation to finance a project for Hendrick Medical Center, in an amount not to exceed \$25,000,000.

9. Other Business:

- a. Report from Engineers on the status of the second water pipeline to Hubbard Creek Reservoir.
- b. Discuss change in hours of operation on Sunday at the Landfill.
- c. Pending and Contemplated Litigation.
- d. Appointment and Evaluation of Public Officials.

ADJOURN

PRE-COUNCIL WORK SESSION, THURSDAY
SEPTEMBER 12, 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 September 12, 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 Rickey Childers, City Attorney Harvey Cargill, Jr., Assistant City Secretary Tracy Havner 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
SEPTEMBER 12, 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 September 12, 1985, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Gary McCaleb.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held August 22, 1985, stand approved.

Mayor Stubbeman introduced Mr. Marion Kiker, Regional Representative of the American Heart Association, who presented a plaque to the City of Abilene for their continued support of the (Cardiopulmonary Resuscitation) CPR Program.

Jim C. Blagg, City Manager, and Teresa Bracken, Assistant Personnel Director, presented Caring People Remember (CPR) Awards to the following individuals and departments who have trained the most number of employees:

David Watkins & Asso. - Police Dept.	Year End Caring People Award
Charley White - Street Division	Division Award
Bob Fowler - Building Inspection	Departmental Award

Mark Smith	Special Recognition Award for
David Lawrence	Performing CPR
Coy Overstreet	

Mayor Stubbeman removed item 5a.2, Z-06685, and 5b.1, TC-06885, from the agenda pursuant to the recommendations of the Planning & Zoning Commission. Both items were denied by the Commission and not appealed at this time.

Mayor Stubbeman removed item 5f from the consent agenda to be considered separately.

Councilman Fogle moved to approve the consent agenda items being 5a.1, 5a.3, 5a.4, 5a.5, 5b.2, 5c, 5d, 5e, 6a, and 7a, as presented by the staff. The motion was seconded by Councilman McCaleb and the motion carried:

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

NAYS: None.

5. Ordinances & Resolutions:

- a. Consider on first reading - an ordinance changing the zoning district boundaries as shown below and call a public hearing for September 26, 1985, at 9:00 a.m.:

1. APPEALED:
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 blocks of Vapor Trail.
3. Z-06785 - request of Arthur T. Menaldi (representing MBI) to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located in the 5900 block of Hartford Street.
4. Z-07085 - request of David Ballard to rezone from O (Office) to LC (Limited Commercial) district, located at 5001 Buffalo Gap Road.
5. APPEALED:
Z-07385 - request of C. J. Douglas (representing H. G. Green) to rezone from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 2141 N. 3rd Street.

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.

- b. Consider on first reading - a Thoroughfare Abandonment ordinance for property as shown below and call a public hearing for September 26, 1985, at 9:00 a.m.:

2. TC-04185 - request of J. Lynn Kitchens (representing Ron Craft, Trustee) being a north-south alley 20' wide in Lots 1 & 8, in a Subdivision of Block 209, Original Town, and located between S. 13th and Dimmit Streets and S. Treadaway & Cherry Street.

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.

- c. Consider an easement release - ER 432-3 - request from Charles W. Nolen (representing Karen L. Nolen) being an easement 10' in width along the north property line of Lot 2, Block K, Section 2, Canyon Rock Lake Addition, and located at 5065 Robertson Drive.

The resolution is numbered 91-1985 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.

- d. Consider an easement release - ER 2712-2 - request from Val Rodriquez (representing Noble Craft) being the east 178' of a 15' utility easement bordering the north lot line of Lot 1, Block C, Section 1, S. Treadaway & Industrial Blvd. Plaza Addition, and located near the intersection of Energy and Spindletop Drives.

The resolution is numbered 92-1985 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.

- e. Resolution to consider contract with the Central Tax Authority for the collection of taxes.

The resolution is numbered 93-1985 and is captioned as follows:

A RESOLUTION PROVIDING FOR A PENALTY TO DEFRAY COSTS OF COLLECTING DELINQUENT TAXES AND TO RECOVER COSTS OF DETERMINING THE NAME, IDENTITY, AND LOCATION OF NECESSARY PARTIES TO DELINQUENT TAX SUITS AND IN PROCURING NECESSARY LEGAL DESCRIPTIONS OF THE PROPERTY ON WHICH A DELINQUENT TAX IS DUE TO THE TAXING UNITY NAMED BELOW.

6. Request to Advertise:

- a. Oil & Gas Lease - 163 acres being all of the SE 1/4 of Section 52, Block 14, T & P RR Co. Survey, Jones County, Texas.

7. Award of Bid:

- a. 10" C-900 Water Pipe - Bid #064. The bid was awarded to Trans-Tex Supply.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an oral resolution to consider an irrigation farm surface lease with Robert Martinez.

Mr. Hargesheimer explained that during negotiations for an extension of the term of the lease, staff determined that it would be beneficial to make certain changes in the lease agreement. The primary changes concern the addition of an indemnity clause and the reworking of the conditions under which the lease may be terminated. This, in effect, has created a new lease agreement. Mr. Martinez is in agreement with the changes.

Mr. Hargesheimer stated that Mr. Martinez has lease/purchased a "center-pivot" irrigation system on a seven-year contract. This "center-pivot" method gives two distinct advantages: (1) better land management, such as soil erosion, and tail water control, which is required by the State; and (2) a method of "immediate" relief on the ponds at the request of the City. Mr. Martinez is having difficulty leasing additional equipment because of the limited five-year lease on the irrigation farm with the City. The extension on the lease term will allow Mr. Martinez to lease additional equipment. He stated that any improvements Mr. Martinez makes to the property must be left on the property when his lease expires.

Staff has made on site inspections of this property and find Mr. Martinez' operation to be very efficient. Staff recommends Council authorize, by oral resolution, the Mayor to execute a surface lease with Mr. Martinez to begin January 1, 1986, and expire December 31, 1994.

Councilman Nixon moved to authorize the Mayor, by oral resolution, to execute a surface lease with Mr. Martinez to begin January 1, 1986, and expire December 31, 1994. The motion was seconded by Councilwoman Ray and carried as follows:

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

NAYS: Councilmen Wheat and Robinson.

Lee Roy George, Director of Planning, briefed the Council on the East Abilene annexation. He stated that the area being proposed is approximately 3.7 sq. miles. He explained the calendar of events that will follow in the upcoming months. Mr. George introduced Bob Payne, Principal Planner, who briefly overviewed the area under consideration for annexation.

Although no public hearing was scheduled at this time, there were several people present that wished to express their views:

- . Bill Masters, business at 201 North Mockingbird, opposed to the annexation.
- . Don Dudley, County Commissioner of Precinct 2, concerned about the City maintaining the gravel roads.

Councilwoman Ray moved to approve the resolution directing preparation of a service plan, directing staff to prepare a legal description, and directing the staff to prepare an annexation

calendar, for the entire 3.7 square miles. The motion was seconded by Councilman Fogle and the motion FAILED:

AYES: Councilman McCaleb, Councilwoman Ray and Councilman Fogle.

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

Councilman Nixon moved to approve the resolution directing preparation of a service plan, directing staff to prepare a legal description, and directing the staff to prepare an annexation calendar, for "Alternative A". The motion was seconded by Mayor Stubbeman and the motion FAILED:

AYES: Councilman Fogle, Nixon and Mayor Stubbeman.

NAYS: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat and Robinson.

Councilman Fogle moved to approve the resolution directing preparation of a service plan, directing staff to prepare a legal description, and directing the staff to prepare an annexation calendar, for "Alternative B" which contains approximately 2.4 square miles. 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.

The resolution is numbered 94-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CALLING FOR PROPOSED ANNEXATION OF CERTAIN PROPERTY, DIRECTING PREPARATION OF A SERVICE PLAN, DIRECTING STAFF TO PREPARE A LEGAL DESCRIPTION, AND DIRECTING THE STAFF TO PREPARE AN ANNEXATION CALENDAR.

Roy McDaniel, Assistant City Manager, briefed the Council on a resolution approving the refunding and issuance of bonds by the Abilene Health Facilities Development Corporation (Series 1985) to finance a project for Hendrick Medical Center for an amount not to exceed \$25,000,000. Staff recommends approval of the resolution.

Councilman Nixon moved to approve the resolution approving the refunding and issuance of bonds by the Abilene Health Facilities Development Corporation (Series 1985). The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

ABSTAIN: Councilwoman Ray and Councilman Fogle.

The resolution is numbered 95-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS, APPROVING THE ISSUANCE OF BONDS BY THE ABILENE HEALTH FACILITIES DEVELOPMENT CORPORATION FOR THE BENEFIT OF HENDRICK MEDICAL CENTER.

Dwayne Hargesheimer, Director of Water Utilities, updated the Council on the current water situation. He introduced Mr. Jim Nichols, Freese & Nichols, who gave a report on the status of the second water pipeline to Hubbard Creek Reservoir. He stated that the time of construction would be between 18 to 24 months. The Engineers, of Freese and Nichols, at this time are recommending that the size of the pipeline be 36" instead of 32" and they suggest that construction of the pipeline be put on hold until November and at that time analyze the situation to determine the needs.

Councilman Nixon moved to approve by oral resolution that the size of the pipeline be 36" instead of 32" and to wait on the construction of the pipeline until November and review the situation at that time. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

Bob Whitehead, Director of Public Works, briefed the Council on an oral resolution changing the hours of operation at the landfill, as requested by Regional Landfill, Inc. He stated that Regional Landfill proposes to set the Sunday hours of operation at 1:00 p.m. to 6:00 p.m. instead of 8:00 a.m. to 6:00 p.m. Staff recommends Council approve this change in hours of operation as requested by Regional Landfill, Inc.

Councilman Wheat moved to approve by oral resolution the change in hours of operation for Regional Landfill, Inc., (Art. 111, Sec. F of Contract) from Sunday 8:00 a.m. - 6:00 p.m. to 1:00 p.m. - 6:00 p.m., as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

Mayor Stubbeman recessed the Council into executive session in accordance with State law, Sections 2e and 2g of the Open Meetings Act, to consider pending and contemplated litigation and the appointment and evaluation of public officials.

The Council reconvened from executive session and reported no action taken.

Councilman McCaleb moved to appoint Diane Callander as Assistant City Attorney. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

The resolution is numbered 96-1985 and is captioned as follows:


A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE APPOINTMENT OF AN ASSISTANT CITY ATTORNEY FOR THE CITY OF ABILENE.


Councilman Wheat moved to appoint Everett Woods to the Housing Authority of the City of Abilene, for a term expiring November, 1987, to fill the unexpired term of Joel Loya. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

There being no further business, the meeting was adjourned at 11:10 p.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor