

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, October 10, 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, October 10, 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 September 26, 1985; and Special City Council Meeting held September 27, 1985.

CONSENT AGENDA

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

4. Ordinances & Resolutions:

- a. Consider on first reading - an ordinance changing the zoning district boundaries as shown below and set a public hearing for October 24, 1985 at 9:00 a.m.:
 1. **Z-07585** - request of Randy Nicholson, TR, to rezone from GC, O, & RM-3 (General Commercial, Office & Residential Multi-Family) to PDMX (Planned Development Mixed Use) district, located at E. N. 10th Street & Judge Ely Boulevard.
 2. **Z-07685** - request of Jimmy Partin, to rezone from O (Office) to GC (General Commercial) district, located in the 600 block of North Willis Street.
 3. **Z-07885** - request of Scott Dueser (representing First National Bank of Abilene), to rezone from AO (Agricultural Open Space) to HI (Heavy Industrial) district, located on Newman Road, between I-20 & Elmdale Airport.
- b. Consider on first reading - a Thoroughfare Abandonment ordinance for property as shown below and set a public hearing for October 24, 1985 at 9:00 a.m.:
 1. **TC-07785** - request of Russell C. Beard (representing Green Oaks Town Homes Association, Inc.), being a 30' north-south alley between Lot 16 and Lots 201-213 and a 30' east-west alley adjacent to the north property line of Lot 213, Block M, The Fairways and a 30' north-south alley between Lot 19 and Lots 120-132, Block N, The Fairways, located on Antilley Road.
 2. **TC-07985** - request of the City of Abilene, being certain unnamed public streets located in Redbud Park, located at South 32nd & Barrow.
- c. Consider on first reading - an ordinance amending Section 23-306.4 of the Zoning Ordinance permitting Retail Trade in Office Supplies and Equipment in Light Industrial (LI) Districts, and set a public hearing for October 24, 1985.
- d. Consider on first reading - an ordinance amending Section 23-306.4 of the Zoning Ordinance to allow Veterinary Services and Kennels in Limited Commercial (LC) Districts, and set a public hearing for October 24, 1985.
- e. Consider on first reading - an ordinance amending Sections 23-257 and 23-258 of the Subdivision Regulations concerning plat fees and set a public hearing for October 24, 1985.

- f. Oral Resolution to consider a Street Use License request from Mid-West Company Outdoor Advertising for South 5th Street between Treadaway and Willow.
- g. Oral Resolution to consider granting an Easement to Crow/First Joint Venture (First National Bank of Abilene) for a skywalk easement.

REGULAR AGENDA

5. Ordinances & Resolutions:

- a. **Public Hearing** - Consider on second and final reading - ordinance amending Chapter 23, Zoning, Section 344, Historic Overlay Zones, and Chapter 30, Taxation, of the Abilene Municipal Code, concerning tax reduction for historic overlay zones.
- b. Resolution to consider an agreement to provide operation and maintenance for continuous roadway lighting on Winters Freeway.
- c. Resolution to consider amending water rates.
- d. **REMOVE FROM TABLE:**
Oral Resolution to consider renewal of Wrecker Service Contract.
- e. Oral Resolution to consider update to population signs.

7. Other Business:

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

ADJOURN

PRE-COUNCIL WORK SESSION, THURSDAY
October 10, 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 October 10, 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., 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
October 10, 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 October 10, 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 September 26, 1985; and Special City Council Meeting held September 27, 1985, stand approved.

Mayor Stubbeman removed item 5f, which is an oral resolution to consider a Street Use License request from Mid-West Company Outdoor Advertising for South 5th Street between Treadaway and Willow, from the consent agenda to be considered separately.

Councilman McCaleb moved to approve the consent agenda items being 4a, 4b, 4c, 4d, 4e, and 4g, 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, Nixon and Mayor Stubbeman.

NAYS: None.

4. Ordinances & Resolutions:

a. Consider on first reading - an ordinance changing the zoning district boundaries as shown below and set a public hearing for October 24, 1985 at 9:00 a.m.:

1. Z-07585 - request of Randy Nicholson, TR, to rezone from GC, O, & RM-3 (General Commercial, Office & Residential Multi-Family) to PDMX (Planned Development Mixed Use) district, located at E. N. 10th Street & Judge Ely Boulevard.
2. Z-07685 - request of Jimmy Partin, to rezone from O (Office) to GC (General Commercial) district, located in the 600 block of North Willis Street. This item has been appealed by the proponent.
3. Z-07885 - request of Scott Dueser (representing First National Bank of Abilene), to rezone from AO (Agricultural Open Space) to LI (Light Industrial) district, located on Newman Road, between I-20 & Elmdale Airport.

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 set a public hearing for October 24, 1985 at 9:00 a.m.:

1. TC-07785 - request of Russell C. Beard (representing Green Oaks Town Homes Association, Inc.), being a 30' north-south alley between Lot 16 and Lots 201-213 and a 30' east-west alley adjacent to the north property line of Lot 213, Block M, The Fairways and a 30' north-south alley between Lot 19 and Lots 120-132, Block N, The Fairways, located on Antilley Road.
2. TC-07985 - request of the City of Abilene, being certain unnamed public streets located in Redbud Park, located at South 32nd & Barrow.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF A PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

- c. Consider on first reading - an ordinance amending Section 23-306.4 of the Zoning Ordinance permitting Retail Trade in Office Supplies and Equipment in Light Industrial (LI) Districts, and set a public hearing for October 24, 1985.

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

- d. Consider on first reading - an ordinance amending Section 23-306.4 of the Zoning Ordinance to allow Veterinary Services and Kennels in Limited Commercial (LC) Districts, and set a public hearing for October 24, 1985.

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

- e. Consider on first reading - an ordinance amending Sections 23-257 and 23-258 of the Subdivision Regulations concerning plat fees and set a public hearing for October 24, 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.

- g. Oral Resolution to consider granting an Easement to Crow/First Joint Venture (First National Bank of Abilene) for a skywalk easement.

Bob Whitehead, Director of Public Works, briefed the Council on an oral Resolution to consider a Street Use License request from Mid-West Company Outdoor Advertising for South 5th Street between Treadaway and Willow. He stated that the display is to be 14 feet high and 48 feet long with a 14' X 25" back panel. The display is to be erected approximately 18 feet above the grade at Willow Street. The proposed display would overhang the right-of-way by approximately 12 feet.

Section 23-314.D of the Zoning Ordinance states, "No sign in any zoning district shall project into the public right-of-way of any street or alley except in the Central Business District..." Section 23-356.B.(2) gives the Board of Adjustment the authority to grant variances from the terms of the Zoning Ordinance. Mr. Moore's request for a variance was heard and granted on October 8, 1985. Staff recommends approval of the Street Use License request of S. M. Moore, Jr.

Council questioned whether the proposed Street Use License is in accordance with the proposed sign ordinance. Lee Roy George, Director of Planning, stated that the difference in the current sign regulations and the proposed regulations, in this particular situation, is that the new ordinance will require signs to be spaced by a radius of 750' and presently Mr. Moore has a sign erected within a 300' radius of the new proposed sign. In conclusion, Mr. Moore would have to remove the present sign in order to erect the new one to comply with the proposed sign regulation ordinance. During the Board of Adjustment meeting held October 8, 1985, Mr. Moore stated that he would remove the present sign.

Eddie Harrison, Representative of the Mid-West Company, was present and stated they would remove the present signs at the location once the new sign was erected. Additionally, if the Council so chose, Mid-West Company will wait for a decision on the Street Use License to allow the Council time to review the proposed sign regulation ordinance. He does not feel what they are doing is in violation of the new regulations.

Councilman Nixon moved to table the request of S. M. Moore, Jr, Mid-West Company, for a Street Use License until such time as the Council can review the proposed sign regulation ordinance. 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.

Lee Roy George, Director of Planning, briefed the Council on an ordinance on second and final reading, amending Chapter 23, Zoning, Section 344, Historic Overlay Zones, and Chapter 30, Taxation, of the Abilene Municipal Code, concerning tax reduction for historic overlay zones. Bob Payne, Principal Planner, gave an overview of the entire ordinance.

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

- . Truett Roberts, III, 3341 South 10th, Chairman of Landmarks Commission.
- . Frank Murray, 1942 River Oaks Road, owner of Caldwell House on Orange Street which is on Historic Survey.
- . Richard Dillard, 642 Sayles Boulevard, owner of Historic home.

Councilman McCaleb expressed appreciation to the Landmarks Commission for their work and the thoroughness they put into the project.

Councilman McCaleb moved to approve the ordinance amending Chapter 23, Zoning, Section 344, Historic Overlay Zones, and Chapter 30, Taxation, of the Abilene Municipal Code, concerning tax reduction for historic overlay zones, on second and final reading, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: Councilman Robinson.

The ordinance is numbered 75-1985 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23 AND CHAPTER 30 OF THE ABILENE CITY CODE OF 1985; PERTAINING TO THE AUTOMATIC REDUCTION OF PROPERTY TAXES FOR PROPERTIES WITHIN THE HISTORIC OVERLAY ZONING DISTRICT; AND, PROVIDING A PROPERTY TAX REDUCTION ON A CASE BY CASE BASIS FOR PARTIAL OR TOTAL COMPENSATION FOR THE COST OF IMPROVEMENT OR REHABILITATION OF PROPERTIES WITHIN HISTORIC OVERLAY ZONING DISTRICTS.

James Condry, Director of Traffic & Transportation, briefed the Council on a resolution to consider an agreement to provide operation and maintenance for continuous roadway lighting on Winters Freeway. He stated that the District Office of the State Department

of Highways and Public Transportation has programmed funds for a roadway lighting project on the Winters Freeway. However, the lighting project will be done only if the City of Abilene agrees to operate and maintain the lighting after it is operational. Maintenance of the system will include the routine replacement of failed components, such as bulbs or photo cells, and the replacement of knockdowns. The yearly costs to the City of Abilene for the project is approximately \$42,000 and completion of the project will be Summer of 1986 or later. Staff recommends approval of this project.

Councilwoman Ray moved to approve the resolution entering the City of Abilene into an agreement with the State of Texas to operate and maintain a continuous roadway lighting system on the Winters Freeway, as recommended by staff. 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 98-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TO ENTER INTO AN AGREEMENT TO OPERATE AND MAINTAIN A CONTINUOUS ROADWAY LIGHTING SYSTEM ON THE WINTERS FREEWAY.

Roy McDaniel, Assistant City Manager, briefed the Council on an oral resolution to consider amending water rates. He stated that since the contract for Stacy Reservoir has been approved and signed, the City is obligated to pay its share. The Colorado River Municipal Water District will sell bonds on October 15, 1985, and the City will not know the exact repayment schedule until shortly thereafter. However, the staff feels it is important to adjust rate structures at the present time.

Staff believes the proposed rate structure will accomplish the necessary objectives. However, the staff feels that there will likely be some decline in consumption, at least initially, due to the rate changes. Because of this uncertainty, it is recommended to adopt the proposed rates to ensure that we are capable of paying not only our share of the Stacy Reservoir but also our other costs. Therefore, staff recommends that Council approve the rate structure and that the proposed rate structure to go into effect the first billing cycle in November.

Councilman Nixon moved to approve, by oral resolution, water rate adjustments and that the proposed rate structure go into effect the first billing cycle in November, as recommended by the staff. 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.

Councilman Fogle moved to remove from table the Renewal of a Wrecker Service contract with O'Bar Wrecker Service. 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.

Roy McDaniel, Assistant City Manager, briefed the Council on an oral resolution to consider renewal of a Wrecker Service Contract with O'Bar Wrecker Service. He briefly reviewed with the Council a report prepared by the Director of Finance responding to several questions from Mr. Farley, National Wrecker Service, on payments made by the City for wrecker service. These questions arose during the September 26, 1985, Council Meeting. He stated that the State Bureau of Motor Vehicles reflects that O'Bar's wrecker is licensed and titled as a 7-ton wrecker, which exceeds the City's requirements of a 5-ton wrecker. Staff feels O'Bar has complied with the contract and recommends the Council renew their contract, as provided for in the contract.

Sgt. Gene Keesee, Traffic Division-Abilene Police Department, spoke to the uses of the wrecker service and his satisfaction with such service.

Michael Farley, owner of National Wrecker Service, questioned the definition the City is using to define a 5-ton wrecker, whether it be the vehicle registration or manufacturer's definition. He feels that the term 5-ton should be defined in the specifications of the bid. He opposes any automatic renewal of a wrecker service contract.

Councilman Fogle moved to renew the Wrecker Service Contract with O'Bar Wrecker Service for an additional two year term. 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.

Lee Roy George, Director of Planning, briefed the Council on a Resolution to consider updating the City's population signs. He stated that the Planning Department has recently computed an estimate of the number of persons residing in Abilene as of July 1, 1985. These population estimates are intended for the Department's use in the planning and research efforts. Population within the City limits of Abilene as of July 1, 1985, is estimated to be 108,541. Staff recommends approval of the resolution.

Councilman Fogle moved to approve the resolution declaring the population of the City of Abilene to be 108,541, 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, Nixon and Mayor Stubbeman.

NAYS: None.

The resolution is numbered 99-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE,
TEXAS, DECLARING THE POPULATION OF THE CITY OF ABILENE

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 Nixon moved to appoint the following persons to the Abilene Clean and Proud Committee to fill unexpired terms. 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.

Cheryl Mann, to replace Roland Miller whose term will expire 1986.

Jim Bennington, to replace Lanita Zachry whose term will expire 1987.

Tom Selman, to fill a vacant position with a term to expire 1988.

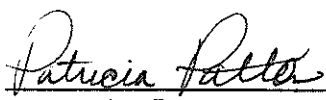
Karen Anderson, Assistant City Attorney, requested the Council's approval for a claim settlement to Nena McCorkle in relation to an accident at the Abilene Municipal Airport, in the amount of \$5,402.90.


Councilman McCaleb moved to approve the claim settlement to Nena McCorkle in the amount of \$5,402.90, as recommended by the staff. 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.

There being no further business, the meeting was adjourned at 11:00 A.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor

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