

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, November 7, 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, November 7, 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 October 24, 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 the following ordinances for the purpose of setting public hearings for November 21, 1985, at 9:00 a.m.:

- . An ordinance changing the zoning district boundaries as shown below:

Z-08085 - request of Charles A. McClure III, (representing Catclaw Limited Partnership), to rezone from AO (Agriculture Open Space) to GC (General Commercial) district, located at Curry Lane & Catclaw Drive.

Z-08385 - request of Cathrine A. Weller, to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at 5202 Pueblo.

- . An ordinance amendment to PDMX #18-1985 as shown below:

Z-08185 - request of Charles A. McClure III, (representing Catclaw Limited Partnership), for an amendment #1 to the PDMX (Planned Development Mixed Use) ordinance #18-1985 located at Southwest & Catclaw Drives.

- . An ordinance closing certain thoroughfares as shown below:

TC-08285 - request from David Todd, (representing Dawn Development Company), for a thoroughfare abandonment being a 20' wide north-south alley 400' in length, and a 24' wide north-south alley 481' in length, located between South 14th & Hartford Streets.

TC-08485 - request from Ray Scott, (representing Abilene Christian Schools), for a thoroughfare abandonment being a 20' wide alley, located east of Campus Court.

- . An ordinance amending Section 23-306.4 of the Zoning Ordinance permitting retail trade of office supplies and equipment in Limited Commercial (LC) districts.
 - . Resolution to consider - **ER-847-1** - request of Rick L. Densman for a 10' water line easement, located on Avenida Coronado, within the extraterritorial jurisdiction.
- b. Resolution to consider - Change Order No. 6 - Wastewater Reclamation Plant Project.

- c. Resolution to consider - Sanitary Sewer Waiver request for the property situated in 1800 Block of Overland Trail at I-20.
- d. Resolution casting votes for Directors of Central Tax Authority.
- e. Resolution authorizing the City Manager to sign certain documents.
- f. Oral Resolution to consider - the leasing of City park property to the Abilene Softball Association for the construction of a batting practice facility.
- g. Consider on first reading - an ordinance adopting new sign regulations and set a public hearing for November 21, 1985, at 9:00 a.m.

5. Award of Bid:

- a. 90-Gallon Polyethylene Refuse Containers for Refuse Division - Bid #074.
- b. One 2-ton Cab and Chassis for Refuse Division - Bid #077.
- c. Fuels and Propane for Equipment Services Division - Bid #065 & #076.
- d. Resurfacing Rose Park Tennis Courts - Bid #080.

REGULAR AGENDA

6. Ordinances & Resolutions:

- a. Public Hearing - to consider Resolution approving an Amended Community Development Program Statement for 1985-86.
- b. Resolution to consider - authorizing right-of-way acquisition along Cedar Creek from I-20 north to Buck Creek.
- c. Oral Resolution to consider - lease to Pressed Metal Products, Inc., at Abilene Municipal Airport.

7. Other Business:

- a. H. C. Zachry, Chairman, to discuss the Abilene Reinvestment Zone Number One.
- b. Report from Freese & Nichols Engineers on status of second pipeline to Hubbard Creek Reservoir.
- c. Pending and Contemplated Litigation.
- d. Appointment and Evaluation of Public Officials.

ADJOURN

PRE-COUNCIL WORK SESSION, THURSDAY
November 7, 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 November 7, 1985, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Pro Tempore Harold Nixon was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter E. Wheat, A. E. Fogle, Jr., and Welton Robinson. Mayor David Stubbeman was absent. 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
November 7, 1985, 9:00 A.M.

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

Mayor Nixon reconvened the City Council of the City of Abilene, Texas, into Regular Session November 7, 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 October 24, 1985, stand approved.

Mayor Nixon removed the following items from the agenda based on the decision of the Planning & Zoning Commission 4a--Zoning Cases 08085, 08385 and 08185.

Mayor Nixon removed item 4c from the consent agenda to be considered separately. The item is a resolution to consider sanitary sewer waiver request for the property situated in 1800 Block of Overland Trail at I-20.

Councilman Wheat moved to approve the consent agenda items being the remainder of 4a, 4b, 4d, 4e, 4f, 4g, 5a, 5b, 5c, and 5d, 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 and Mayor Nixon.

NAYS: None.

4. Ordinances & Resolutions:

- a. Consider on first reading the following ordinances for the purpose of setting public hearings for November 21, 1985, at 9:00 a.m.:

- . An ordinance closing certain thoroughfares as shown below:

Appealed Item:

TC-08285 - request from David Todd, (representing Dawn Development Company), for a thoroughfare abandonment being a 20' wide north-south alley 400' in length, and a 24' wide north-south alley 481' in length, located between South 14th & Hartford Streets.

TC-08485 - request from Ray Scott, (representing Abilene Christian Schools), for a thoroughfare abandonment being a 20' wide alley, located east of Campus Court.

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.

- . An ordinance amending Section 23-306.4 of the Zoning Ordinance permitting retail trade of office supplies and equipment in Limited Commercial (LC) districts.

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.

- . Resolution to consider - ER-847-1 - request of Rick L. Densman for a 10' water line easement, located on Avenida Coronado, within the extraterritorial jurisdiction.

The resolution is numbered 104-1985 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.

- b. Resolution to consider - Change Order No. 6 - Wastewater Reclamation Plant Project.

The resolution is numbered 105-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING CHANGE ORDER NO. SIX (6) ON THE CONTRACT WITH GRACON CONSTRUCTION COMPANY, INC., FOR THE RENOVATION OF THE WASTEWATER RECLAMATION PLANT.

- d. Resolution casting votes for Directors of Central Tax Authority.

The resolution is numbered 106-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING ITS VOTES FOR THE BOARD OF DIRECTORS OF THE CENTRAL TAX AUTHORITY OF TAYLOR COUNTY.

- e. Resolution authorizing the City Manager or his designee to sign certain documents; and authorizing the expenditure of funds up to \$10,000 without competitive bids and in accordance with VACS Article 2368a, as amended by future legislation.

The resolution is numbered 107-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER, AND OTHER EMPLOYEES DESIGNATED BY THE CITY MANAGER, TO EXPEND PUBLIC FUNDS, AND SIGN CONTRACTS, UNDER CERTAIN CIRCUMSTANCES.

- f. Oral Resolution to consider - the leasing of City park property to the Abilene Softball Association for the construction of a batting practice facility.
- g. Consider on first reading - an ordinance adopting new sign regulations and set a public hearing for November 21, 1985, at 9:00 a.m.

AN ORDINANCE REPEALING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART C, "SIGNS AND BILLBOARDS" AND SUBPART E, "ZONING," SECTION 23-314, "SIGN REGULATIONS," OF THE ABILENE MUNICIPAL CODE; AND ADOPTING NEW SIGN REGULATIONS AS PROVIDED HEREIN; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

5. Award of Bid:

- a. 90-Gallon Polyethylene Refuse Containers for Refuse Division - Bid #074. The bid was awarded to Tarrant Systems, Inc.
- b. One 2-ton Cab and Chassis for Refuse Division - Bid #077. The bid was awarded to Treanor Ford Trucks of Abilene.
- c. Fuels and Propane for Equipment Services Division - Bid #065 & #076. The bid was awarded to the following companies:

Regular Gasoline--McAlister Oil Co.--Adjusted Price \$.915
No-Lead Gasoline--McAlister Oil Co.--Adjusted Price \$.945
#1 Diesel --J. R. Son Oil Co.--Adjusted Price \$.9858
#2 Diesel --Gaspect Corp. --Adjusted Price \$.8795
Propane --H.W. Lemens, Inc.--Fixed Price \$.49

- d. Resurfacing Rose Park Tennis Courts - Bid #080. The bid was awarded to Texas Courts and Windscreens.

Bob Whitehead, Director of Public Works, briefed the Council on a Resolution to consider - Sanitary Sewer Waiver request from Duane and Carolyn Bevills for property situated in 1800 Block of Overland Trail at I-20. He stated that after a thorough staff review of the request and the existing 6-inch sanitary sewer it was determined that installation of the necessary extension does not require an unreasonable expenditure. Therefore, the Director of Planning and the Director of Public Works concur in recommending against this request.

Although no public hearing was scheduled Mrs. Carolyn Bevills asked the Council to grant the waiver for sanitary sewer.

Councilman Robinson moved to approve the request for a waiver of subdivision regulations relative to installation of sanitary sewer in the 1800 Block of Overland Trail at Interstate 20. The motion FAILED for lack of a second.

Councilman Fogle moved to DENY the request for a waiver of subdivision regulations relative to installation of sanitary sewer in the 1800 Block of Overland Trail at Interstate 20, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: Councilman Robinson.

Mike Morrison, Housing and Community Development Administrator, briefed the Council on a Resolution approving an Amended Community Development Program "Final" Statement for 1985-86. This Statement included \$110,739 to assist the Community Foundation of Abilene in its project aimed at purchasing the West Texas Medical Center and converting it into a center for non-profit organizations. The consensus of the Council was that, if this project should not prove viable, the money would be reprogrammed to three other projects recommended by the Community Development Committee. These are:

Meals on Wheels Facility	\$47,000
Goodwill Industries Property Acquisition	\$20,000
Contingency Fund	\$43,739

As the Community Foundation project has been abandoned, the staff has prepared the program amendment necessary to restore the above three projects. This must be submitted to HUD (Housing and Urban Development). The staff recommends approval.

Mayor Nixon opened the public hearing for the purpose of considering the aforementioned item and there being no one present and desiring to be heard the public hearing was closed.

Councilman McCaleb moved approval of the resolution approving an Amended Community Development Program Statement for 1985-86. the motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

The resolution is numbered 108-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AN AMENDED FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PROGRAM YEAR, 1985; FISCAL YEAR, 1986.

Bob Whitehead, Director of Public Works, briefed the Council on a Resolution to consider - authorizing right-of-way acquisition along Cedar Creek from I-20 north to Buck Creek. He stated that the overall Cedar Creek Improvements Project spans from South 27th Street north to Lake Fort Phantom Hill, which calls for separating the whole into workable segments. Phase I is from I-20 north to Buck Creek, on property the City already owns. Phase II is from I-20 to Buck Creek, on property the City does not own, and will need to acquire. Phase III is from Ambler Street to I-20.

The City submitted to Housing and Urban Development on October 11, 1985, a notice of intent to make improvements on Cedar Creek and on October 28, 1985, the City requested the release of funds. HUD has 14 days to review this request and it is anticipated that the earliest date these funds will be released will be November 21, 1985.

Funds for this acquisition have been appropriated from the 1983 Community Development Funds. The estimated cost of acquisition of the right-of-way for non-City-owned property along Cedar Creek from I-20 north to Buck Creek will be \$102,000. The resolution being considered authorizes the staff to hire appraisers and commence negotiations for the property adjacent to Cedar Creek I-20 to Buck Creek in order to commence the proposed channelization. Staff recommends the Council approve the resolution.

Councilman Wheat moved to approve the resolution authorizing right-of-way acquisition along Cedar Creek from I-20 north to Buck Creek. The resolution was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

The resolution is numbered 109-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF RIGHT-OF-WAY AND GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE SAID RIGHT-OF-WAY FOR THE CEDAR CREEK (I-20 TO BUCK CREEK) WIDENING PROJECT; ESTABLISHING PROCEDURES FOR THE ACQUISITION; AND APPROPRIATING FUNDS.

Dwayne Hargesheimer, Director of Water Utilities, updated the Council on the condition of Fort Phantom Lake. He stated the lake is presently at 5.6' below the spillway. As of the 1st of the month water is not being pumped from Lake Hubbard. He mentioned that in accordance with the coordinated water operational plan the City will not take water from Hubbard Creek until the lake level of Fort Phantom is 7' below the spillway. This will probably occur in March or April.

Jim Nichols, Freese & Nichols Engineer, explained the present operating procedures and gave some historical information on the level of the lake and probability of another drought. Based on those historical figures and some projections for rain in the future, he feels we could go through another drought period and survive it. He reminded the Council that it will take 18 months to construct the second pipeline to Hubbard Creek Reservoir. In 1987, we may see some water problems if the pipeline is not in place. The pipeline should be in operation by 1990 in any case.

The Council asked about the difference in cost between constructing the pipeline now or postponing it until some future date. Roy McDaniel, Assistant City Manager, explained that after November 1, 1987, the City will be relieved of its largest debt service payment for Water & Sewer. He stated that if the pipeline is built now the City will have to raise water rates immediately.

11-11

The Council discussed the proposed construction times and the ideal dates to have the pipeline in place. Jim Blagg, City Manager, stated that the question before the Council is whether or not the Council wants to go through another summer of possible drought conditions and mandatory water conservation.

The Council discussed the financial savings that would be realized if the pipeline was delayed.

Councilman Fogle moved to delay the construction of the second pipeline to Hubbard Creek Reservoir; that the staff continue water conservation activities; continue monitoring the lake level and water consumption, and; that the staff bring the item back for discussion in at least six months or sooner if appropriate. The motion was seconded by Mayor Nixon and the motion carried:

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

NAYS: None.

H. C. Zachry, Chairman, discussed with the Council the Abilene Reinvestment Zone Number One. He briefed the Council on the El Paso Lawsuit in regard to their Reinvestment Zone. The Board (Abilene Reinvestment Zone Number One) is asking the Council to ratify that the Board move forward to establish a Development Corporation; prepare a working agreement with that Development Corporation; hire personnel to begin the marketing of the Downtown Area within the Tax Increment District; and define how the Tax Increment funds can be spent to work with a developer, all by using the funds that come solely from the City. Any funds that come from the County, School, or Water District would be held until the decision of the Courts on the El Paso Lawsuit is decided.

Councilman McCaleb moved to authorize the Abilene Reinvestment Zone Number One to: 1) move forward with the establishment of the Development Corporation; 2) the operating agreement with that Development Corporation; 3) hiring personnel; and, 4) defining how Tax Increment funds can legally be spent to work with a developer, within the context of the City's share only. The motion was seconded by Councilwoman Ray and the motion carried:

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

NAYS: None.

H. C. Zachry, Chairman, Abilene Reinvestment Zone Number One, asked the Council to approve a General Operating Budget for Personnel for the first year's expenditures of \$100,000 to come from City's share of funds.

Councilman Fogle moved to approve a General Operating Budget for Personnel for the first year's expenditures of \$100,000 to come from City's share of funds. The motion was seconded by Councilman McCaleb and the motion carried:


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

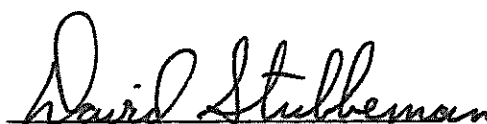
NAYS: None.

Mayor Nixon 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 10:30 a.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor