

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, January 9, 1986, 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, January 9, 1986, 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 McCaleb.
3. APPROVAL OF MINUTES: Pre-Council Work Session and Regular City Council Meeting held December 19, 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 zoning district boundaries - **Z-186** - Request from Doyce F. Clouse to rezone from RS-6 (Residential Single Family) to HC (Heavy Commercial) & LI (Light Industrial) district, located at 3000 block of Elm Street, and set a public hearing for January 23, 1986.
 - b. Consider on first reading an ordinance changing zoning district boundaries - **Z-286** - Request from David Todd (representing Hendrick Medical Development Board Corporation), to rezone from AO, RS-6 & RM-3 (Agricultural Open Space, Residential Single Family, and Residential Multi-Family) to PDMX (Planned Development Mixed Use) district, located at Buffalo Gap and Forrest Hill Roads, and set a public hearing for January 23, 1986.
 - c. Consider on first reading an ordinance changing zoning district boundaries - **Z-386** - Request from Larry J. and Geneva Cunningham to add H (Historic overlay) to underlying RM-3 (Residential Multi-Family) district located at 760 Mulberry, and set a public hearing for January 23, 1986.
 - d. Consider on first reading an ordinance changing zoning district boundaries - **Z-486** - Request from Eddie Browder to rezone from AO (Agricultural Open Space) to GC (General Commercial) district located at 5550 Highway 277 South, and set a public hearing for January 23, 1986.
 - e. Consider on first reading an ordinance changing zoning district boundaries - **Z-586** - Request from Barbara Waxler (representing Dick Waxler) to rezone from RS-12 (Residential Single Family) to RM-3 (Residential Multi-Family) district located at 5618 Buffalo Gap Road, and set a public hearing for January 23, 1986.
 - f. Consider on first reading an ordinance changing zoning district boundaries - **Z-686** - Request from D. H. Miller (representing Norman Lindley) to rezone from O (Office) to GC (General Commercial) district located in the 1700 block of S. Clack, and set a public hearing for January 23, 1986.
 - g. Consider on first reading an ordinance changing zoning district boundaries - **Z-786** - Request from Burl Harris to rezone from RS-6 (Residential Single Family) to RM-2 & GC (Residential Multi-Family & General Commercial) district located at N. 10th and Clack Streets, and set a public hearing for January 23, 1986.

- h. Consider on first reading an ordinance changing zoning district boundaries - Z-1086 Request from John Steven & Diane Arthur to rezone from RM-3 (Residential Multi-Family) to O (Office) district located at 2058 Fulton, and set a public hearing for January 23, 1986.
- i. Consider on first reading an ordinance changing street names - SNC-1186 - Request from Kenneth Musgrave, agent, Eddie Chase, being the following streets in Section 1, Quail Valley Northeast: Rhynold St., Mandi St., Wayne St., Judson St., Kim St., Debbie Ct., Ralph St., Dennis St., Douglas St., and Pam St. to Plymouth Rock Rd., Boston Rd., Independence Dr., Patriot Commons Rd., Valley Forge Rd., Revere Ct., Beacon Hill Rd., Colonial Dr., Constitution Ave., and Harbour Ct., respectively, and set a public hearing for January 23, 1986.
- j. Consider on first reading an ordinance for thoroughfare abandonment - TC-886 - Request from A.M. Crowder (representing American Guarantors, Inc. and A.M. Crowder) for a thoroughfare abandonment being a 10' wide alley between Lots 4 & 3A, Block 1, T.C. Campbell's replat of College Drive Addition, and located in the 600 block of North 13th Street, and set a public hearing for January 23, 1986.
- k. Resolution to consider amending Resolution #109-1985 concerning corrections to property descriptions for the Cedar Creek right-of-way acquisition project (from I-20 north to Buck Creek).

5. **Award of Bid:**

- a. Physical fitness equipment for Fire Department - Bid # 088.

REGULAR AGENDA

6. **Public Appearance:** Mr. Gene Boone, Executive Director, Abilene Boys Ranch, to request approval to lease City land for Boys Ranch activities.

7. **Ordinances & Resolutions:**

- a. **Public Hearing - Consider on second and final reading** an ordinance amending Section 23-313.2.A of the Zoning Ordinance concerning building setbacks.
- b. **APPEALED ITEM:**
Public Hearing - Consider on second and final reading an ordinance changing zoning district boundaries - Z-08685 - request from M. L. Gill, (representing Ray Scott & Associates) to rezone from RS-8 (Residential Single Family) to O (Office) district, located at 2933 Buffalo Gap Road.

8. **Other Business:**

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

ADJOURN

PRE-COUNCIL WORK SESSION, THURSDAY
January 9, 1986, 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 January 9, 1986, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was present and presiding with Councilmen Gary D. McCaleb, Walter E. Wheat, A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Councilwoman Betty Ray 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
January 9, 1986, 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 January 9, 1986, 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 December 19, 1985, stand approved.

Mayor Stubbeman removed from the agenda the following items pursuant to the recommendations of the Planning and Zoning Commission: 4a, 4f, 4g, and 4h. These items were either withdrawn at the Planning and Zoning Meeting or denied by the Planning and Zoning Commission and not appealed at the present time.

Councilman McCaleb moved to approve the consent agenda items, being 4b, 4c, 4d, 4e, 4i, 4j, 4k, and 5a, as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

4. Ordinances & Resolutions:

- b. Consider on first reading - an ordinance changing zoning district boundaries - **Z-286** - Request from David Todd (representing Hendrick Medical Development Board Corporation), to rezone from AO, RS-6 & RM-3 (Agricultural Open Space, Residential Single Family, and Residential Multi-Family) to PDMX (Planned Development Mixed Use) district, located at Buffalo Gap and Forrest Hill Roads, and set a public hearing for January 23, 1986.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING MESA SPRINGS PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- c. Consider on first reading - an ordinance changing zoning district boundaries - **Z-386** - Request from Larry J. and Geneva Cunningham to add H (Historic overlay) to underlying RM-3 (Residential Multi-Family) district located at 760 Mulberry, and set a public hearing for January 23, 1986.

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 on first reading - an ordinance changing zoning district boundaries - **Z-486** - Request from Eddie Browder to rezone from AO (Agricultural Open Space) to GC (General Commercial) district located at 5550 Highway 277 South, and set a public hearing for January 23, 1986.

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.

e. **APPEALED ITEM:**

Consider on first reading - an ordinance changing zoning district boundaries - **Z-586** - Request from Barbara Waxler (representing Dick Waxler) to rezone from RS-12 (Residential Single Family) to RM-3 (Residential Multi-Family) district located at 5618 Buffalo Gap Road, and set a public hearing for January 23, 1986.

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.

- i. Consider on first reading - an ordinance changing street names - **SNC-1186** - Request from Kenneth Musgrave, agent, Eddie Chase, being the following streets in Section 1, Quail Valley Northeast: Rhynold St., Mandi St., Wayne St., Judson St., Kim St., Debbie Ct., Ralph St., Dennis St., Douglas St., and Pam St. to Plymouth Rock Rd., Boston Rd., Independence Dr., Patriot Commons Rd., Valley Forge Rd., Revere Ct., Beacon Hill Rd., Liberty Blvd., Constitution Ave., and Township Ct., respectively, and set a public hearing for January 23, 1986.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF VARIOUS STREETS IN THE QUAIL VALLEY NORTHEAST SUBDIVISION.

- j. Consider on first reading - an ordinance for thoroughfare abandonment - **TC-886** - Request from A.M. Crowder (representing American Guarantors, Inc. and A.M. Crowder) for a thoroughfare abandonment being a 10' wide alley between Lots 4 & 3A, Block 1, T.C. Campbell's replat of College Drive Addition, and located in the 600 block of North 13th Street, and set a public hearing for January 23, 1986.

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.

- k. Resolution to consider amending Resolution #109-1985 concerning corrections to property descriptions for the Cedar Creek right-of-way acquisition project (from I-20 north to Buck Creek). The resolution is numbered **1-1986** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING RESOLUTION 109-1985 ADOPTED THURSDAY, NOVEMBER 7, 1985, AUTHORIZING THE ACQUISITION OF LAND AND APPROPRIATION OF FUNDS FOR THE CEDAR CREEK (I-20 TO BUCK CREEK) WIDENING PROJECT.

5. Award of Bid

- a. Physical fitness equipment for Fire Department - Bid #088. the bid was awarded to Health Equipment of Texas (3 weight-training units); and to Mr. Jon Cada (9 exercise bikes).

Mr. Eugene Boone, Executive Director, Abilene Boys Ranch, was present and requested approval of a lease between the City and the Abilene Boys Ranch for City land to be used for Boys Ranch activities. This lease will replace their existing five year lease on a 11.318 acre tract with a new long term (62 year) lease covering the original 11.318 acres and adding 9.625 acres adjacent to the original tract, for a total of 20.943 acres. In addition, Mr. Boone requests a five year grazing lease on a 72.067 acre tract that surrounds the above described long term lease. Both leases are located in southeast Abilene in an area bounded by Executive Drive to the north, Maple Street to the east, Loop 322 to the south, and McGee Drive to the west.

Mr. Boone requested the long term lease on the 20.943 acre tract to hopefully enable him to obtain contributions for the construction of new facilities at the Boys Ranch. According to Mr. Boone, it would be difficult for him to solicit funds for permanent improvements to the leased property without a long term lease. The grazing lease will be used to feed livestock donated to the Boys Ranch.

Mr. Boone expressed appreciation to the City Manager and the staff in his office for their help in developing the leases. The staff feels the proposed leases adequately safeguard the interests of the City.

There was some discussion among the City Council and Mr. Boone in regard to whether or not the City is releasing any mineral rights or allowing any oil drilling privileges to the Boys Ranch.

Councilman Fogle moved approval of the aforementioned leases to the Abilene Boys Ranch, by oral resolution, with the stipulation that the leases be amended to add language to clarify that the City is only leasing surface rights. The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: None.

John Hancock, Principal Planner, briefed the Council on an ordinance, being considered on second and final reading, amending Section 23-313.2.A of the Zoning Ordinance concerning building setbacks. The staff and Planning and Zoning Commission both recommend approval of the ordinance.

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

Councilman Wheat moved approval of the ordinance, on second and final reading, amending Section 23-313.2.A of the zoning Ordinance concerning building setbacks. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

The ordinance is numbered 1-1986 and is captioned as follows:

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; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

John Hancock, Principal Planner, briefed the Council on an appealed item being an ordinance changing zoning district boundaries - Z-08685 - request from M. L. Gill, (representing Ray Scott & Associates) to rezone from RS-8 (Residential Single Family) to O (Office) district, located at 2933 Buffalo Gap Road. The staff concurs with the Planning and Zoning Commission's recommendation for disapproval of this request. The property is a mid-block lot and as such is considered unacceptable by the City's Thoroughfare and Collector Plan. The site is also surrounded primarily by residential zoning and land use. Additionally, the Planning and Zoning Commission instructed the staff to conduct a study of this area along Buffalo Gap Road to determine the most appropriate zoning uses for this changing area.

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

- . Mr. Max Gill, owner of property, spoke in favor of the request. He presented pictures to the Council depicting the variety of zoning uses in the neighborhood.
- . Mr. Dale Cartee, executor of property located across the street from the proponent, spoke against the request.

There being no one else present and desiring to be heard, the public hearing was closed. Staff responded to Mr. Gill's statements, clarifying that those individuals along Buffalo Gap Road that are in violation of the Zoning Ordinance have been filed upon. Councilman Fogle stated that the City should continue enforcing the Zoning Ordinance for this area.

Discussion among City Council members and staff continued regarding the study of this area, as requested by the Planning and Zoning Commission.

Councilman McCaleb moved to **table** the zone change request, Z-08685, until the study for this area has been completed. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

Mayor Stubbeman recessed the City Council into executive session in accordance with Article 2e and 2g of the Open Meetings Act to discuss pending and contemplated litigation and the appointment and evaluation of public officials.

The City Council reconvened into open session and reported no action taken in executive session.


Jonathan Graham, First Assistant City Attorney, briefed the Council on the settlement of a lawsuit, being the estate of Hill et. al. vs. City of Abilene, Hendricks Medical Center and David Gilbreath. The staff recommends that the Council authorize payment of the City's share of the settlement agreement in the amount of \$125,000 and payment to Mr. Joseph Warner, Legal Counsel, in the amount of \$26,802 for legal services provided to the City in this lawsuit.


Councilman Nixon moved approval of the City's share of the settlement agreement for the Hill Estate Et. Al. vs. City of Abilene, Hendricks Medical Center and David Gilbreath lawsuit; and approval of payment to Mr. Joseph Warner, Legal Counsel, all as recommended by the staff. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 9:55 a.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor

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