

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, February 13, 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, February 13, 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 A. E. Fogle, Jr.
3. **APPROVAL OF MINUTES:** Pre-Council Work Session, Regular City Council Meeting and Financial Work Session held January 23, 1986.

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 for thoroughfare abandonment - **TC-1386-1** - Request from Kenneth Musgrave, agent, Eddie Chase, for thoroughfare abandonments being (1) Judson St. from the east right-of-way line of East Lake Road (F.M. 2833) a distance of approx. 430' in length; (2) Valley Forge (Kim St.) from the north right-of-way of Judson St. to the north right-of-way line of Independence Dr. (Wayne St.), a distance of approx. 265' in length; (3) Independence Dr. (Wayne St.) from the east right-of-way line of Independence Dr. (Wayne St.) 145.06' east of Valley Forge (Kim St.), and which intersects the south right-of-way line of Independence Dr. (Wayne St.) 132.2' east of Valley Forge (Kim St.); (4) Sage Brush Trail from the east right-of-way line of East Lake Road to the west boundary line of a north-south alley and being approximately 199.91' in length; and, (5) the southermost 20' of a 20' north-south alley located between Lots 6 & 7, Block A, all in Section 1, Heritage Parks (Quail Valley Northeast), and located on East Lake Road (F.M. 2833), and set a public hearing for February 27, 1986. Consider on first reading an ordinance changing zoning district boundaries - **Z-1886** - Request from Hendrick Medical Center, agent, Joe Frush, to rezone from GC & RM-2 (General Commercial & Residential Multi-Family) to MU (Medical Use) district, located at 1826 & 1834 Cedar Street, and set a public hearing for February 27, 1986.
 - c. **APPEALED ITEM:**

Consider on first reading an ordinance changing zoning district boundaries - **Z-1486** - Request from F.M. 600 Fleamarket, agent, Eddie Adams, for an ordinance amendment to a PDC (Planned Development Commercial) district (Ord. No. 73-1984) to allow the sale of secondhand merchandise (including flea markets), located at 4051 West Lake Road, and set a public hearing for February 27, 1986.
 - d. Consider on first reading an ordinance changing zoning district boundaries - **Z-1586** - Request from Arthur Menaldi to rezone from RM-1 (Residential Multi-Family) to PDS (Planned Development Shopping) district, located in the 700-800 blocks of Vapor Trail, and set a public hearing for February 27, 1986.
 - e. Consider on first reading an ordinance changing zoning district boundaries - **Z-1986** - Request from Aileen, Inc., agent, Boone, Pope, Wheeler, Pullin, Inc., to rezone from A0 (Agricultural Open Space) to LI (Light Industrial) district, located at 1000 E. Interstate 20, and set a public hearing for February 27, 1986.

- f. Consider on first reading an ordinance changing district boundaries - **Z-2086** - Request from Lazee Tee Golf Center, Inc., agent, Mike Young, to rezone from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located on US 277 at Texas Avenue, and set a public hearing for February 27, 1986.
- g. **APPEALED ITEM:**
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 South Clack Street, and set a public hearing for February 27, 1986.
- h. Oral Resolution - to consider an amendment to the Jail Interlocal Usage Agreement with Taylor County to delete paragraph 4(c) regarding Police Department personnel.

5. Request to Advertise:

- a. Request to Advertise - Oil and Gas lease, being an undivided 1/2 interest in 200 acres being the south 200 acres of the south 1/2 of Section 10, Block 3, SPRR Co. Survey, Taylor County, Texas.

REGULAR AGENDA

6. Public Appearance:

- a. Jerry Smith - to discuss street name change of Arnold Blvd. to Dub Wright Blvd.

7. Ordinances & Resolutions:

- a. Consider acceptance of donation from the Abilene Housing-Finance Corporation.
- b. **APPEALED ITEM:**
Public Hearing - Consider on second and final 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.
- c. **Public Hearing - Consider on second and final reading -** an ordinance providing for the abandonment of a portion of right-of-way - **TC-886** - Request from A. M. Crowder (representing American Guarantors, Inc.) for thoroughfare abandonment of 10' wide alley located in the 600 block of North 13th Street.
- d. **Consider on second and final reading -** an ordinance amending golfing fees at the Abilene Municipal Golf Course.
- e. Resolution to consider calling the General City Election for April 5, 1986, and a Runoff Election for May 6, 1986.

8. Other Business:

- a. Pending and Contemplated Litigation.
- b. Appointment and Evaluation of Public Officials.
- c. Consider acquisition of real property in central Abilene.

ADJOURN

PRE-COUNCIL WORK SESSION, THURSDAY
February 13, 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 February 13, 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, 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
February 13, 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 February 13, 1986, 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, Regular City Council Meeting and Financial Work Session held January 23, 1986, stand approved.

Mayor Stubbeman removed from the agenda item 4d, since it was denied at the Planning and Zoning Meeting and not appealed at the present time.

Councilman McCaleb moved to approve the consent agenda items, being 4a, 4b, 4c, 4e, 4f, 4g, 4h, and 5a, as presented 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.

4. Ordinances & Resolutions:

- a. Consider on first reading an ordinance for thoroughfare abandonment - **TC-1386-1** - Request from Kenneth Musgrave, agent, Eddie Chase, for thoroughfare abandonments being (1) Judson St. from the east right-of-way line of East Lake Road (F.M. 2833) a distance of approx. 430' in length; (2) Valley Forge (Kim St.) from the north right-of-way of Judson St. to the north right-of-way line of Independence Dr. (Wayne St.), a distance of approx. 265' in length; (3) Independence Dr. (Wayne St.) from the east right-of-way line of Independence Dr. (Wayne St.) 145.06' east of Valley Forge (Kim St.), and which intersects the south right-of-way line of Independence Dr. (Wayne St.) 132.2' east of Valley Forge (Kim St.); (4) Sage Brush Trail from the east right-of-way line of East Lake Road to the west boundary line of a north-south alley and being approximately 199.91' in length; and, (5) the southernmost 20' of a 20' north-south alley located between Lots 6 & 7, Block A, all in Section 1, Heritage Parks (Quail Valley Northeast), and located on East Lake Road (F.M. 2833), and set a public hearing for February 27, 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.

- b. Consider on first reading an ordinance changing zoning district boundaries - **Z-1886** - Request from Hendrick Medical Center, agent, Joe Frush, to rezone from GC & RM-2 (General Commercial & Residential Multi-Family) to MU (Medical Use) district, located at 1826 & 1834 Cedar Street, and set a public hearing for February 27, 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.

c. **APPEALED ITEM:**

Consider on first reading an ordinance changing zoning district boundaries - **Z-1486** - Request from F.M. 600 Fleamarket, agent, Eddie Adams, for an ordinance amendment to a PDC (Planned Development Commercial) district (Ord. No. 73-1984) to allow the sale of secondhand merchandise (including flea markets), located at 4051 West Lake Road, and set a public hearing for February 27, 1986.

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

- e. Consider on first reading an ordinance changing zoning district boundaries - **Z-1986** - Request from Aileen, Inc., agent, Boone, Pope, Wheeler, Pullin, Inc., to rezone from AO (Agricultural Open Space) to LI (Light Industrial) district, located at 1000 E. Interstate 20, and set a public hearing for February 27, 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.

- f. Consider on first reading an ordinance changing district boundaries - **Z-2086** - Request from Lazee Tee Golf Center, Inc., agent, Mike Young, to rezone from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located on US 277 at Texas Avenue, and set a public hearing for February 27, 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.

g. **APPEALED ITEM:**

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 South Clack Street, and set a public hearing for February 27, 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.

- h. Oral Resolution - to consider an amendment to the Jail Interlocal Usage Agreement with Taylor County to delete paragraph 4(c) regarding Police Department personnel. The amendment was approved.

5. Request to Advertise:

- a. Request to Advertise - Oil and Gas lease, being an undivided 1/2 interest in 200 acres being the south 200 acres of the south 1/2 of Section 10, Block 3, SPRR Co. Survey, Taylor County, Texas.

Mr. Jerry Smith, Jerry's Campers, was present to discuss the street name change of Arnold Blvd. to Dub Wright Blvd. The new street name is scheduled to become effective upon the completion of the State Highway Department's construction on the extension of Highway 277 (F.M. 3438), which is anticipated to be in August, 1986. Mr. Smith explained the expense his business will have to incur by changing the address on several advertising brochures, calendars, and a variety of advertising material that his company supplies to patrons.

Mayor Stubbeman explained to Mr. Smith that if it was his intention to request that the street name be changed back to Arnold Blvd., the appropriate procedure is for him to apply to the Planning and Zoning Commission for such a request. No action was taken by the Council on the item.

Mr. Roy McDaniel, Assistant City Manager, briefed the Council on a donation of \$50,000 from the Abilene Housing Finance Corporation to the City of Abilene. He introduced Mr. Ray Scott, President of Abilene Housing Finance Corporation, who made a recommendation on behalf of the Corporation, to donate these funds to the City to be used for funding a position in the Housing Division for the purpose of assisting and administering the Project Self-Sufficiency. The donation will be made over a two-year period at \$25,000 increments paid to the City each year.

Mike Morrison, Community Development Administrator, explained that the Corporation will evaluate the program after one year and if they feel it is meeting its objectives, they will fund the program for a second year. If the program is not meeting its objectives, the funds will not be appropriated for the second year.

Councilwoman Ray moved to accept the donation of \$50,000 from the Abilene Housing Finance Corporation for the purpose of assisting and administering the Project Self-Sufficiency. 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.

John Hancock, Principal Planner, briefed the Council on an appealed ordinance, considered on second and final reading, 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. The Planning and Zoning Commission, as well as the staff, recommend disapproval.

Mayor Stubbeman opened a public hearing to consider the aforementioned request and the following individual spoke in opposition to the request.

- . Mr. Jim Hatchett, Jr., 310 N. Willis.

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

Councilman Nixon moved to deny the request Z-1086 to rezone from RM-3 to O district for property located at 2058 Fulton. 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.

John Hancock, Principal Planner, briefed the Council on a ordinance, considered on second and final reading - **TC-886** - request from A. M. Crowder (representing American Guarantors, Inc.) for thoroughfare abandonment of 10' wide alley located in the 600 block

of North 13th Street. The Planning and Zoning Commission, as well as the staff, recommend approval of the request.

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

Councilman Wheat moved to approve the ordinance for TC-886, as recommended 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.

The ordinance is numbered 5-1986 and is captioned as follows:

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.

Mike Hall, Director of Community Services, briefed the Council on an ordinance, considered on second and final reading, amending golfing fees at the Abilene Municipal Golf Course as requested by the American Golf Corporation. The Parks and Recreation Board, as well as the staff, recommend approval of the request.

Mr. Randy Richardson, American Golf Corporation, was present and responded to several questions from the Council. Councilman Nixon requested that American Golf Corporation, when submitting future fee increase requests and fee structure scenarios, not include cities in the metroplex area in the evaluation.

Councilman Fogle moved to approve the ordinance, on second and final reading, amending golfing fees at the Abilene Municipal Golf Course. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

The ordinance is numbered 6-1986 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 22, "PARKS AND RECREATION," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE.

Patricia Patton, City Secretary, briefed the Council on a resolution calling a Joint City/School Election for April 5, 1986, and a City Runoff Election for May 6, 1986, if necessary.

Councilman Wheat moved to approve the resolution calling a Joint City/School Election for April 5, 1986, and a City Runoff Election for May 6, 1986, if necessary. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

The resolution was numbered 4-1986 and is captioned as follows:

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AND THE BOARD OF TRUSTEES, ABILENE INDEPENDENT SCHOOL DISTRICT, ORDERING ELECTIONS TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON APRIL 5, 1986; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE IN PLACES V AND VI ON THE CITY COUNCIL OF THE CITY OF ABILENE AND IN PLACES 4, 5, AND 6 ON THE BOARD OF TRUSTEES OF THE ABILENE INDEPENDENT SCHOOL DISTRICT; APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION; ALLOCATING ELECTION EXPENSES; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

Mayor Stubbeman recessed the Council into executive session in accordance with Article 2e, 2f, and 2g of the State Law to consider pending and contemplated litigation, the appointment and evaluation of public officials, and to consider the acquisition of real property in central Abilene.

The Council reconvened from executive session and stated that no action was taken in executive session.


Mayor Stubbeman recommended the appointment of Mr. John Combs to the Abilene Higher Education Facilities Corporation and the Abilene Higher Education Authority, Inc., to fill a vacated position, caused by the resignation of Dick Frazar, and with a term to expire May, 1987.


Councilwoman Ray moved to appointment Mr. John Combs to the Abilene Higher Education Facilities Corporation and the Abilene Higher Education Authority, Inc., as recommended by Mayor Stubbeman. 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 11:30 a.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor