

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 27, 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 27, 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 Harold Nixon
3. **APPROVAL OF MINUTES:** Pre-Council Work Session, and Regular City Council Meeting held February 13, 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. Oral resolution to consider an Interlibrary Loan Grant application for FY 86-87.
 - b. Oral resolution to consider Maternal and Infant Health Improvement Act Grant application for FY 86-87.
 - c. Consider on first reading an ordinance amending Chapter, 18, Motor Vehicles and Traffic, Article XIII, Schedules, Section 18-294, concerning prohibited parking during certain hours.
 - d. Resolution to consider authorizing the disbursement of CDBG funds to the Serenity House of Abilene, Inc., for alcohol rehabilitation program.
5. **Award of Bid:**
 - a. Three diesel powered paratransit vehicles - Bid #097.
 - b. Cars, pickups, vans, and trucks for Equipment Services - Bid #093.

REGULAR AGENDA

6. **Public Appearance:**
 - a. Mr. W. A. (Dick) Dickenson concerning the allocation of Fire Department resources and services.
7. **Ordinances & Resolutions:**
 - a. **Public Hearing - Consider on second and final 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).**

- b. **Public Hearing - Consider on second and final 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.**
 - c. **Public Hearing - Consider on second and final 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.**
 - d. **Public Hearing - Consider on second and final 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.**
 - e. **APPEALED ITEM:**
Public Hearing - Consider on second and final 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.
 - f. **APPEALED ITEM:**
Public Hearing - Consider on second and final 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.
 - g. Oral Resolution Authorizing City Manager to accept a grant from the Texas Water Development Board; Authorizing the Mayor to sign a contract with Freese & Nichols, Inc., regarding research project to determine the feasibility of an advanced wastewater treatment facility.
- 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 27, 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 27, 1986, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was absent. 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. 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 27, 1986, 9:00 A.M.

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

Mayor Pro Tempore Nixon reconvened the City Council of the City of Abilene, Texas, into Regular Session February 27, 1986, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Mayor Pro Tempore Harold Nixon.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held February 13, 1986, stand approved.

Mayor Nixon presented a proclamation to Mr. Joe Alcorta recognizing Foreign Language week. Joe Alcorta presented T-shirts and pins to the City Council. Dr. Marian Cawood, Abilene Christian University voice instructor, sang a song entitled "La Paloma" in honor of foreign language week. Several students from local schools were recognized in attendance at the meeting.

Councilman McCaleb moved to approve the consent agenda items, being 4a through 4d, and 5a and 5b, as presented by the staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

4. Ordinances & Resolution

- a. Oral resolution to consider an Interlibrary Loan Grant application for FY 86-87.
- b. Oral resolution to consider Maternal and Infant Health Improvement Act Grant application for FY 86-87.
- c. Consider on first reading an ordinance amending Chapter 18, Motor Vehicles and Traffic, Article XIII, Schedules, Section 18-294, concerning prohibited parking during certain hours. The ordinance reads:

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- d. Resolution to consider authorizing the disbursement of CDBG funds to the Serenity House of Abilene, Inc., for alcohol rehabilitation program. The resolution is numbered 5-1986 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS, APPROVING AN AGREEMENT WITH SERENITY HOUSE OF ABILENE, INC., FOR DISBURSEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A DETOXIFICATION PROGRAM.

5. Award of Bid:

- a. Three diesel powered paratransit vehicles - Bid #097.
The bid was awarded to National Coach Corporation.
- b. Cars, pickups, vans, and trucks for Equipment Services - Bid #093. The bid was awarded to Star-Lincoln-Mercury Dodge, Max Murrell Chevrolet, and Arrow Ford, Inc. as recommended by staff.

Mr. W. A. (Dick) Dickenson appeared before the City Council concerning the allocation of Fire Department resources and services regarding the July 3, 1985 fire at his residence. He handed out pictures and projected a transparency depicting his property and the structures and vehicles that were on the property and damaged at the time of the fire. He purported that the fire department is not operating as it should; he purported discrepancies in fire reporting procedures, and he questioned certain judgments that were made on this situation.

Fire Chief Richard Knopf reported to the Council how his staff responded to the call for service and how the firefighters attacked the fire; no action was taken.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading 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 line 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). The Planning and Zoning Commission, as well as staff, recommend approval of the request.

Mayor Nixon opened a public hearing to consider the aforementioned request and the following person spoke in favor of the request:

Kenneth Musgrave, proponent.

No one else present and desiring to be heard, the public hearing was closed.

Councilman Fogle moved to approve the ordinance, on second and final reading, for thoroughfare abandonments as recommended by the staff and located in Section 1, Heritage Parks (Quail Valley Northeast), and located on East Lake Road (F.M. 2833). 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.

The ordinance is numbered 7-1986 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading being - 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. The Planning and Zoning Commission, as well as staff, recommend approval of the request.

Mayor Nixon opened a public hearing for the purpose of considering the aforementioned item and the following individual spoke in favor of the request.

- . Joe Frush, agent for the proponent.

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

Councilman McCaleb moved to approve the ordinance, on second and final reading, changing zoning district boundaries from GC & RM-2 to MU district, and as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

ABSTAIN: Councilwoman Ray, Councilman Fogle.

The ordinance is numbered 8-1986 and is captioned as follows:

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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading being - 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. The Planning and Zoning Commission as well as staff recommend approval of the request.

Mayor Nixon opened a public hearing for the purpose of considering the aforementioned item and the following individual spoke in favor of the request:

- . James Wheeler, representing the brokerage firm on the property.

No one else present and desiring to be heard, the public hearing was closed.

Councilman Fogle moved to approve the ordinance on second and final reading, to rezone from AO to LI district and 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, and Mayor Nixon.

NAYS: None.

The ordinance is numbered 9-1986 and is captioned as follows:

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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading being - 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. The Planning and Zoning Commission, as well as the staff, recommend approval of the request.

Mayor Nixon opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor of the request:

- . Mike Young, agent for the proponent.

No one else present and desiring to be heard, the public hearing was closed.

Councilman Robinson moved to approve the ordinance on second and final reading, to rezone from RM-2 to GC district, located on US 277 at Texas Avenue, and as recommended by staff. 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 ordinance is numbered 10-1986 and is captioned as follows:

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.

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

Mayor Nixon opened a public hearing to consider the aforementioned item, and the following persons spoke against the request:

- . Bob Kling, representing St. John's Catholic School board.
- . Patricia Ditmore, 1749 Sherman, representing residents in the area. She presented a petition to Council containing 12 signatures against the request.
- . Edith Deichmann, 1733 Sherman.

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

Councilman Wheat moved to deny the ordinance. 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.

The request and ordinance were DENIED.

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

Mayor Nixon opened a public hearing to consider the aforementioned item, and the following persons spoke in regard to the request:

IN FAVOR:

- . Eddie Adams, agent for proponent, presented two petitions containing several signatures in favor.
- . Cindy Adams, co-agent.
- . Doug Schmidt, Abilene resident.

IN OPPOSITION:

- . Mr. J. C. Haines, Route 8, Abilene.
- . Mr. C. W. Presswood, 1901 University, owns property along FM 600.

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

Councilwoman Ray moved to deny the ordinance. The motion was seconded by Councilman Fogle, and the motion carried.

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

NAYS: Councilman Wheat.

The request and ordinance were **DENIED**.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an oral resolution authorizing the City Manager to accept a grant from the Texas Water Development Board; and authorizing the Mayor to sign a contract with Freese & Nichols, Inc., regarding a research project to determine the feasibility of advanced wastewater treatment facility.

Councilman Fogle moved to approve the oral resolution as presented by the staff. The motion was seconded by Councilman McCaleb, and the motion carried.

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

NAYS: Councilman Robinson.

Mayor Nixon recessed the Council into executive session in accordance with State law, Sections 2e, 2f and 2g of the Open Meetings Act, to consider pending and contemplated litigation, and the appointment and evaluation of public officials, and discuss the purchase, exchange, or value of real property.

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

There being no further business, the meeting was adjourned at 12:00 p.m.



Patricia Patton
City Secretary



Harold Nixon
Mayor Pro Tempore