

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, July 24, 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, July 24, 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 July 10, 1986.
4. **EMPLOYEE SERVICE AWARDS:**

30 Years	Harold L. Ingram	Heavy Equipment Operator, Water Department
30 Years	Ruben Adams	Police Officer, Police Department
25 Years	John Wagner	Police Officer, Police Department
20 Years	Guadalupe Duran	Police Sergeant, Police Department
20 Years	Donald L. Smith	Treatment Plant Operator, Water Department

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.

5. **Ordinances & Resolutions:**
 - a. **APPEALED ITEM:**

Consider on first reading - an ordinance changing zoning district boundaries - **Z-3586** - Request from James A. Jay to rezone from R1-1 (Residential Multi-family) to MU (Medical Use) district property located at the northeastern corner of North 21st and Simmons Streets, and set a public hearing for August 14, 1986, at 9:00 a.m.
 - b. **APPEALED ITEM:**

Consider on first reading - an ordinance changing zoning district boundaries - **Z-4386** - Request from J. J. Aguilar and Associates, agent, Eddie Chase, to rezone form O (Office), SC Shopping Center) and R1-3 (Residential Multi-family) to PDS (Planned Development Shopping Center) district property located on South 14th Street at South Danville and Frenchman's Creek Road, and set a public hearing for August 14, 1986, at 9:00 a.m.

- c. **APPEALED ITEM:**
Consider on first reading - an ordinance for a thoroughfare closure - **TC-4486** - Request from J. J. Aguilar and Associates, Inc., agent Eddie Chase, for a thoroughfare abandonment for a portion of Frenchman's Creek Road, and set a public hearing for August 14, 1986.
 - d. Consider on first reading - an ordinance establishing the position of Airport Security Officer to be employed by the City of Abilene.
 - e. Consider on first reading - an ordinance amending the Abilene Municipal Code, Chapter 13, Traffic, Sections 13-235 and 13-235, concerning parking prohibition, and Section 13-293, concerning speed limits on Dub Wright Blvd.
 - f. Oral Resolution to consider adopting the 1985-37 Goal Implementation.
 - g. Resolution to consider authorizing the Mayor to execute Change Order #7 on the contract for the Wastewater Reclamation Plant Project.
- 6. **Award of Bid**
 - a. Install additional electrical box in Exhibit Hall of Civic Center, Bid #134.
 - b. Uniforms for the Police Department Bid #120.

REGULAR AGENDA

- 7. **Ordinances and Resolutions:**
 - a. **Public Hearing - Consider on second and final reading -** An ordinance amending the Abilene Municipal Code, Article V; Section 29-90 and Section 29-91 concerning Street Use Licenses.
 - b. **APPEALED ITEM:**
Public Hearing - Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-06086** - Request from Dennis William Norman to rezone from AO (Agricultural Open Space) to LC (Limited Commercial) district property located at 3350 Buffalo Gap Road.
 - c. **Public Hearing - Consider on second and final reading -** an ordinance changing zoning district boundaries - **Z-6686** - Request from City of Abilene, agent, Planning Department, to rezone from HC (Heavy Commercial) to RS-6 (Residential Single-family) district property located along the 1700 block of Walnut Street and 1801 and 1813 Walnut Street.
 - d. **Public Hearing - Consider on second and final reading -** an ordinance for a thoroughfare closure - **TC-01386-2** - Request from Kenneth Musgrave, agent, Eddie Chase, to close portions of Constitution Avenue and Liberty Boulevard, located in Section 3, Heritage Parks Addition.
 - e. **Public Hearing - Consider on second and final reading -** an ordinance for a thoroughfare closure - **TC-6186** - Request from Hardin Simmons University, agent, Tittle Luther Loving Architects, to close portions of University Boulevard from Pine to Cypress Street and portions of Cypress Street from University Blvd. to Vogel Avenue.

- f. **APPEALED ITEM:**
Public Hearing - Consider on second and final reading - an ordinance for a thoroughfare closure - **TC-6486** - Request from Marvin Smith to close portions of Ash St. between N. 13th and N. 15th Streets and portions of N. 14th Street between Plum Street and Treadaway Blvd.
 - g. **APPEALED ITEM:**
Public Hearing - Consider on second and final reading - an ordinance for a thoroughfare closure - **TC-6586** - Request from Marvin Smith to close Park Avenue from the north right-of-way line of North 2nd Street to the south right-of-way line of North 3rd Street.
 - h. **Public Hearing -**Consider on second and final reading - an ordinance amending the zoning Ordinance, Section 23-506.4, Permitted Use Chart, concerning the location of go-cart tracks in Heavy Commercial districts.
 - i. Oral resolution to consider a proposed water rate adjustment.
8. **Other Business:**
- a. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
 - b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).

ADJOURN

PRE-COUNCIL WORK SESSION, THURSDAY
July 24, 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 July 24, 1986, 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., Melton Robinson and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Roy L. McDaniel and Ricky Childers, Assistant City Attorney Jonathan Graham, 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
July 24, 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 July 24, 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 July 10, 1986, stand approved.

Mayor Stubbeman presented Employee Service awards to the following individuals for their tenure of service to the City of Abilene: Harold L. Ingram, Heavy Equipment Operator, 25 years; Ruben Adams, Police Officer, 30 years; John Wagner, Police Officer, 25 years; Guadalupe Duran, Police Sergeant, 20 years; and Donald L. Smith, Treatment Plant Operator, 20 years.

Councilman Wheat moved to approve the consent agenda items, being 5a through 6b, 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, Nixon, and Mayor Stubbeman.

NAYS: None.

5. Ordinances & Resolutions:

a. APPEALED ITEM

Consider on first reading an ordinance changing zoning district boundaries - Z-3586 - Request from James A. Jay to rezone from RM-1 to MU district property located

at the northeastern corner of North 21st and Simmons Streets, and set a public hearing for August 14, 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.

b. **APPEALED ITEM**

Consider on first reading an ordinance changing zoning district boundaries - Z-4386 - Request from J. J. Aguilar and Associates, agent, Eddie Chase, to rezone from O, SC, and RM-3 to PDS district property located on South 14th Street at South Danville and Frenchman's Creek Road, and set a public hearing on August 14, 1986 at 9:00 a.m.

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

c. **APPEALED ITEM**

Consider on first reading an ordinance for a thoroughfare closure - TC-4486 - Request from J. J. Aguilar and Associates, Inc., agent Eddie Chase, for a thoroughfare abandonment for a portion of Frenchman's Creek Road, and set a public hearing for August 14, 1986 at 9:00 a.m.

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.

d. Consider on first reading an ordinance establishing the position of Airport Security Officer to be employed by the City of Abilene.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING THE POSITION OF AIRPORT SECURITY OFFICERS TO BE EMPLOYED BY THE CITY OF ABILENE.

e. Consider on first reading an ordinance amending the Abilene Municipal Code, Chapter 18, Traffic, Sections 18-285 and 18-285, concerning parking prohibition, and Section 18-293, concerning speed limits on Dub Wright Blvd.

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.

f. Consider an oral resolution adopting the 1986-87 Goal Implementation.

g. Consider a resolution authorizing the Mayor to execute Change Order #7 on the contract for the Wastewater Reclamation Plant Project. The Resolution is numbered 36-1986 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING CHANGE ORDER NO. SEVEN (7) ON THE CONTRACT WITH GRACON CONSTRUCTION COMPANY, INC. FOR THE RENOVATION OF THE WASTEWATER RECLAMATION PLANT.

6. Award of Bid:

- a. Install additional electrical box in Exhibit Hall of Civic Center - Bid #134.
The bid was awarded to Key City Electric.
- b. Police Uniforms - Bid #120: The bid was awarded to Donovan Uniform Company for items 1, 2, 3, 4, and 6; and Blair Industrial Uniforms for items 5 and 7.

Lee Roy George, Director of Planning, briefed the Council on an ordinance considered on second and final reading amending the Abilene Municipal Code, Article V; Section 29-90 and Section 29-91 concerning Street Use Licenses. Staff recommends approval of this request.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and no one present and desiring to be heard, the public hearing was closed.

Councilman Wheat moved to approve the ordinance, on second and final reading, to amend the Abilene Municipal code as recommended by 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 53-1986 and is captioned as follows:

AN ORDINANCE AMENDING ARTICLE V, SECTION 29-90, AND SECTION 29-91 OF THE ABILENE MUNICIPAL CODE, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

John Hancock, Principal Planner, briefed the Council on an appealed ordinance considered on second and final reading - Z-6086 - Request from Dennis William Norman to rezone from AO (Agricultural Open Space) to LC (Limited Commercial) district, property located at 3350 Buffalo Gap Road. The Planning and Zoning Commission, as well as staff, recommend disapproval.

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

- Dennis Norman, proponent, suggested two alternatives to the request, in coordination with the Cooper-Redbud Study: 1) to reduce the area requested for LC to only be in the north/northwest area of the property, only accessible to pedestrian traffic from the park; or, 2) change the zoning request to RM-3, instead of LC for the entire property.

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

Legal Counsel advised the Council that a proponent may reduce the geographic area included in the request. However, if the proponent wants to change the zoning designation from one to another, it would be suggested to refer it back to the Planning & Zoning Commission for consideration.

Councilman Fogle moved to deny the ordinance, on second and final reading, for Z-6086, as recommended by the staff. The motion was seconded by Councilman Nixon and the motion carried.

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

The request was DENIED.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Z-6686 - Request from City of Abilene, agent, Planning Department, to rezone from HC to RS-6 district property located along the 1700 block of Walnut Street and 1801 and 1818 Walnut Street. The Planning and Zoning Commission recommends approval of the request.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individual spoke in favor of the request:

- Melvin Bush, 1750 Walnut.

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

Councilman Wheat moved to approve the ordinance, on second and final reading, for Z-6686, as presented 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 ordinance is numbered 54-1986 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 for thoroughfare
closure - TC-1386-2 - Request from Kenneth Musgrave, agent, Eddie
Chase, to close portions of Constitution Avenue and Liberty
Boulevard, located in Section 3, Heritage Parks Addition. The
Planning and Zoning Commission, as well as staff, recommend
approval of this request.

Mayor Stubbeman opened a public hearing to consider the
aforementioned request, and there being no one present and
desiring to be heard, the public hearing was closed.

Councilman Fogle moved to approve the ordinance, on second
and final reading, for TC-1386-2 as recommended by 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 55-1986 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 - TC-6186 -
Request from Hardin Simmons University, agent, Tittle Luther
Loving Architects, to close portions of University Boulevard from
Pine to Cypress Street and portions of Cypress Street from
University Blvd. to Vogel Avenue. The Planning and Zoning
Commission, as well as staff, recommends approval of the request.

Mayor Stubbeman opened a public hearing to consider the
aforementioned request, and there being no one present and
desiring to be heard, the public hearing was closed.

Councilman McCaleb moved to approve the request, on second
and final reading, for TC-6186, as recommended by staff. 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.

The ordinance is numbered 56-1986 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 appealed ordinance considered on second and final reading - ~~TC-6486~~ - Request from Marvin Smith to close portions of Ash St. between N. 13th and N. 16th Streets and portions of N. 14th Street between Plum Street and Treadaway Blvd. The Planning and Zoning Commission recommends disapproval of the request; staff recommends approval of only 10' abandonment, to provide 60' rights-of-way on the two streets.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individuals spoke in response to the request:

IN FAVOR:

- Marvin Smith, proponent.
- Diane Cox, 1440 N. Treadaway.
- Don Joy.

• Jimmy Wilsner, Manager, Jimmy's Auto Supply, 1560 N. Treadaway.

OPPOSED:

- Michael Mellen, 1410 Ash.
- Barbara Mellen, 1410 Ash.

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

Councilman McCaleb moved to approve the request, on second and final reading, as recommended by the Plat Review Committee and the staff for TC-6485, being only 10' abandonment. 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.

The ordinance is numbered 57-1986 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 appealed ordinance considered on second and final reading -- ~~TC-6586~~ - Request from Marvin Smith to close Park Avenue from the north right-of-way line of north 2nd Street to the south right-of-way line of North 3rd Street. The Planning and Zoning Commission recommends disapproval; staff recommends approval of the request.

Council inquired as to the Planning & Zoning Commission's denial of the request. Staff briefed Council on some Planning & Zoning members' concern regarding abandoning Right-of-Way without any remuneration or compensation to the City. Staff is presently doing some research on that subject and will be reporting their findings to the Planning & Zoning Commission.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individuals spoke in favor of the request:

- Marvin Smith, proponent.
- Elden Bush, represent VFW, 2302 N. 3rd.

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

Councilman Robinson moved to approve the request, on second and final reading, for TC-6586, as recommended by staff. 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.

The ordinance is numbered 58-1986 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 amending the Zoning Ordinance, Section 23-306.4, Permitted Use Chart, concerning the location of go-cart tracks in Heavy Commercial districts. The Planning and Zoning Commission, as well as staff, recommend approval of the request.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman McCaleb moved to approve the request to amend the zoning Ordinance Section 23-306.4, on second and final reading, as recommended by 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 ordinance is numbered 59-1986 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.


Roy McDaniel, Assistant City Manager, briefed the Council on an oral resolution to consider a proposed water rate adjustment. The proposed rate adjustments are being recommended to pay the City's share of financing the parallel pipeline to Hubbard Lake. Staff recommends the proposed rates be adopted by oral resolution to go into effect the first billing cycle in September.


Councilman Nixon moved to approve the proposed water rate adjustments 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.

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. There being no further business, the meeting was adjourned at 10:30 a.m.


Patricia Patton
City Secretary


David Stubbeman
Mayor