

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, December 18, 1986, at 8:30 a.m. to consider the following:

1. Jim Tittle, Architect, to present renditions of new Police facility.
2. 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, December 18, 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: Councilwoman Betty Ray.
3. Approval of Minutes: Pre-Council Work Session and Regular City Council Meeting held December 4, 1986.
4. Employee Service Awards:  
40 Years            Elden H. Clements            Water Distribution  
  
Certificates of Appreciation - Boards

#### 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. Oral Resolution authorizing Mayor to execute a renewal contract with Taylor County for election services.
  - b. Oral Resolution authorizing City Manager to execute a renewal contract for building usage with Abilene Independent School District.
  - c. Resolution approving application for Certified Local Government Historic Preservation Grants.
  - d. Consider on first reading - an ordinance for thoroughfare closure - TC-5786 - Request from University Church of Christ, agent, Leon Reese, for thoroughfare abandonment being E.N. 15th Street, from the west right-of-way line of Washington Blvd. to the east right-of-way line of Avenue E, and set a public hearing for January 8, 1987 at 9:00 a.m.

- e. Resolution approving an agreement by Abilene Industrial Development Authority to issue a bond for 290 Cedar.
- f. Resolution to consider contract for the disbursement of Community Development Block Grant Funds to the YMCA for a Juvenile Justice Program.

**6. Award of Bid:**

- a. One four-wheel-drive Ag tractor for Flood Control Division - Bid #157.

**REGULAR AGENDA**

**7. Ordinances & Resolutions:**

- a. Consider resolution of the Planning and Zoning Commission expressing certain concerns regarding the development of a Regional Detention plan.
- b. **Public Hearing - Consider on second and final reading - an ordinance changing zoning district boundaries - Z-08186 - request from Aileen, Inc., agent, Boone Pope Wheeler Pullin, Inc., to rezone property from LI (Light Industrial) to PDI (Planned Development Industrial) zoning district, located at 1000 East I-20.**
- c. **Public Hearing - Consider on second and final reading - an ordinance changing zoning district boundaries - Z-1979 - request from Orville D. Colyer, agent, Bill Tippen, to rezone property from RS-6 (Residential Single Family) to HI (Heavy Industrial) district, located at 4242 Grape Street (west 1/2 of 5 acre tract).**
- d. **Public Hearing - Consider on second and final reading - an ordinance changing zoning district boundaries - Z-09886 - request from P. J. Little/Alvis Underwood to rezone property from RS-6 (Residential Single Family) to HI (Heavy Industrial) district, located on Jamaica Street, east of Grape Street and west of Pine Street.**
- e. **Public Hearing - Consider on second and final reading - a street name change ordinance - SNC-10186 - request from Abilene Village Shopping Center, agent, Karen Dempsey, for street name change of Turner Plaza to Turner Drive.**
- f. **Public Hearing:** Resolution to consider proposed Southside study.
- g. Resolution to consider assessing fees on thoroughfare abandonments.

**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**

REGULAR COUNCIL WORK SESSION, THURSDAY  
December 18, 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 December 18, 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., 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 Gargill, Jr., City Secretary Patricia Hancock and various members of the City staff.

Jim Tittle, Architect, gave a presentation of the renditions of the new Police facility.

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  
December 18, 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 December 18, 1986, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilwoman Betty Ray.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held December 4, 1986, stand approved.

Mayor David Stubbeman presented one employee service award to the following employee for his tenure of service to the City of Abilene:

40 Years Elden H. Clements Water Distribution

Mayor Stubbeman presented Certificates of Appreciation to those members rotating off of various City Boards and Commissions for their tenure of service.

Councilwoman Ray moved to approve the consent agenda items, being 5a through 5f, and 6a, 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.

ABSTAIN: Councilman McCaleb on item 5d only; Mayor Stubbeman  
on item 5e only.

**5. Ordinances & Resolutions:**

a. Oral Resolution authorizing Mayor to execute a renewal  
contract with Taylor County for election services.

b. Oral Resolution authorizing City Manager to execute a  
renewal contract for building usage with Abilene  
Independent School District.

c. Resolution approving application for Certified Local  
Government Historic Preservation Grants. The Resolution  
is numbered 68-1986 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ABILENE, TEXAS, APPROVING OF THE CERTIFIED LOCAL  
GOVERNMENT GRANTS FOR HISTORIC PRESERVATION.

d. Consider on first reading - an ordinance for  
thoroughfare closure - TC-5786 - Request from  
University Church of Christ, agent, Leon Reese, for  
thoroughfare abandonment being E.N. 15th Street, from  
the west right-of-way line of Washington Blvd. to the  
east right-of-way line of Avenue E, and set a public  
hearing for January 8, 1987 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.

e. Resolution approving an agreement by Abilene Industrial  
Development Authority to issue a bond for 290 Cedar. The  
Resolution is numbered 69-1986 and is captioned as  
follows:

RESOLUTION APPROVING A PROJECT AND AN AGREEMENT BY  
ABILENE INDUSTRIAL DEVELOPMENT AUTHORITY TO ISSUE A  
BOND FOR 290 CEDAR AND THE BOND RESOLUTION PROVIDING  
FOR THE ISSUANCE OF SUCH BOND.

f. Resolution to consider contract for the disbursement of  
Community Development Block Grant Funds to the YMCA for  
a Juvenile Justice Program. The Resolution is numbered  
70-1986 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS,  
APPROVING AN AGREEMENT WITH THE YMCA FOR THE  
DISBURSEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
FOR THE OPERATION OF A JUVENILE JUSTICE PROGRAM.

**6. Award of Bid:**

- a. One four-wheel-drive Ag tractor for Flood Control Division - Bid #157. The bid was awarded to Taylor County Ford Tractor.

Dale Scoggins, Chairman of the Subcommittee on Stormwater Management, briefed the Council on a resolution of the Planning and Zoning Commission expressing certain concerns regarding the lack of the development of a Regional Detention Plan.

The Planning and Zoning Commission appointed a Subcommittee on Stormwater Management and charged it with reviewing the Floodwater Ordinance; identifying problem areas; and making recommendations for improvement to the Commission. One issue of major importance, identified by the Subcommittee, was the absence of a Regional Detention Plan. The City Engineering Division is presently developing such a plan with an anticipated completion date of three years. The Subcommittee and Planning and Zoning Commission are of the opinion that the Plan should be completed sooner than that time period.

The Subcommittee described several concerns on that issue and they are summarized as follows:

- Regional Detention Facilities are the most cost-effective method (and provide the most effective protection for the community) to handle floodwater. However, it is not available at the present time.
- There has been a policy in effect on collecting monies for Regional Detention facilities that will be developed in the future, without any guidelines for future costs or location of the facilities. However, development has continued to take place.
- If a plan can be developed and made operational for the Regional Detention facility concept, there may be some avenues, or tools available, of accruing funds to take care of the construction of these facilities.
- If the Regional Detention concept is not chosen by the Council as the method to control floodwater, then the City should cease collection of funds for detention facilities.
- If the Regional Detention concept is adopted as the method of controlling floodwater, who will maintain the detention facility?

It is the Subcommittee's recommendation, on behalf of the Planning and Zoning Commission, that the City Council reconsider its prioritization of the Regional Detention Facility Plan and perhaps attach more importance to the timely consummation of the Plan.

Councilman McCaleb moved to accept the report and resolution of the Planning and Zoning Commission, and the Subcommittee on Stormwater Management. Additionally, to instruct the staff to review the City's status on the present situation and report back to the Council, at its first meeting in February, 1987, in order to recommend a manner in which the City can move expeditiously in this area. The report from staff should include responses to the following concerns:

- Review the policy and define the purpose of the regional detention collection fee.
- Identify any restrictions on the use of the money already collected for regional detention purposes.
- Describe what variables are involved in the staff's projection of completing the Plan within a three year period. What would be required to shorten the time period? What could prolong the time period?

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 ordinance considered on second and final reading - Z-08186 - request from Aileen, Inc., agent, Boone Pope Wheeler Pullin, Inc., to rezone property from LI (Light Industrial) to PDI (Planned Development Industrial) zoning district, located at 1000 East I-20. The Planning and Zoning Commission recommends approval of this request as it was presented to them on December 1, 1986.

Lee Roy George, Director of Planning, explained that since the Planning and Zoning Commission meeting on December 1, an alternative ordinance has been devised by the staff and is included for Council consideration. The modification disallows six (6) manufacturing uses. However, the new proposal makes provision for those uses within the district, but only after City Council has held a public hearing and approved the use.

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

AGAINST:

- B. Jack Williams, property owner #17 (P.O. Box 3499, Abilene), spoke against the staff's proposal of the ordinance. He recommended that any additional uses first be reviewed by Planning and Zoning Commission with a recommendation on to the Council.

FOR:

- Gary Vest, Executive Manager, Industrial Division of the Chamber of Commerce. He approves of the modification by staff as recommended.

- Kenneth Musgrave, Sr., developer of Heritage Parks. He approves of the modification as recommended.

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-8186, as modified and recommended by the staff. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilwoman Ray, Councilmen Wheat, Fogle, and Mayor Stubbeman.

NAYS: Councilman Nixon.

ABSTAIN: Councilmen McCaleb and Robinson.

The Ordinance is numbered 100-1986 and is captioned as follows:

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

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Z-1979 - Request from Orville D. Colyer, agent, Bill Tippen, to rezone property from RS-6 (Residential Single Family) to HI (Heavy Industrial) district, located at 4242 Grape Street (west 1/2 of 5 acre tract). The Planning and Zoning Commission, as well as staff, recommend approval of this request subject to screening being provided utilizing wood or masonry type materials.

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 ordinance, on second and final reading, for Z-1979, as recommended by staff and subject to screening being provided utilizing wood or masonry type materials. 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 101-1986 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 - Z-9886 - Request from P. J. Little/Alvis Underwood to rezone property from RS-6 (Residential Single Family) to HI (Heavy Industrial) district, located on Jamaica Street, east of Grape Street and west of Pine. The Planning and Zoning Commission, as well as staff, recommend approval of this request, subject to screening being provided utilizing wood or masonry type materials.

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 Z-9886, as recommended by the staff and subject to screening being provided utilizing wood or masonry type materials. 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 102-1986 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 - SNC-10186 - Request from Abilene Village Shopping Center, agent, Karen Dempsey, for street name change of Turner Plaza to Turner Drive. 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 SNC-10186, as recommended by staff. The motion was seconded by Mayor Stubbeman and the motion carried.

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

NAYS: Councilman Wheat.

The ordinance is numbered 103-1986 and is captioned as follows:



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF TURNER PLAZA TO TURNER DRIVE.

Walter Malone, Planner I, briefed the Council on a Resolution to consider an update to the Southside Land Use Plan.

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 Nixon moved to approve the resolution authorizing the update to the Southside Land Use Plan, 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 resolution is numbered 21-1986 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE SOUTHSIDE STUDY... 1986.

Rickey Childers, Assistant City Manager, briefed the Council on an oral Resolution to consider assessing fees on thoroughfare abandonments. Currently, no payment by the applicant, commensurate with the value of the interest being abandoned, is provided. The Planning and Zoning Commission has felt that the public is not always best served by this policy, particularly when former right-of-way is subsequently claimed and put to a use that results in a specific economic benefit to the applicant.

Therefore, it is recommended by the staff and the Planning and Zoning Commission that a specific fee be charged to the applicant. The fee will be ten (10%) percent of the amount arrived at by multiplying the square footage values by the area of abandonment. It is not recommended that the fee be charged to the original dedicators of the right-of-way nor used when application is made to abandon right-of-way which the City owns fee simple.

Councilwoman Ray moved to authorize, by oral resolution, assessing fees on thoroughfare abandonments, as recommended by the Planning and Zoning Commission and the staff. 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

Mayor Stubbeman recessed the Council into executive session in accordance with State Law, Articles 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.

Harvey Cargill, City Attorney, briefed the Council on a settlement reached on a claim filed against the City by Ernest Tutt, et. al. Staff recommends that the Council authorize a settlement offer in the total amount of \$17,500.

Councilman McCaleb moved to authorize the expenditure of \$17,500 for the settlement of the claim filed against the City by Ernest Tutt, et. al., on November 25, 1985. 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.

Councilman Fogle moved to nominate the following Council Members to the Texas Municipal League for National League of Cities Committee membership: Councilmen McCaleb and Nixon, and Councilwoman Ray. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman McCaleb, Councilwoman Ray, and Councilman Nixon.

Mayor Stubbeman presented, for Council approval, the names of two individuals recommended for appointment to the following Boards:


- Tom Stalcup, Abilene Economic Development Company, Inc., for a term to expire November, 1988.
- Ben Black, Plumbing Appeals and Advisory Board, for a term to expire November, 1988.


Councilman Robinson moved to approve the appointments as submitted by Mayor Stubbeman. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

There being no further business, the meeting was adjourned at 11:15 a.m.

  
Patricia Hancock  
City Secretary

  
David Stubbeman  
Mayor