

... 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 22, 1987, 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 22, 1987, 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 January 8, 1987.

#### 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. **Employee Service Awards:**

25 Years	Paul D. Warren	Police
25 Years	Fred G. DeHerrera	Water Distribution
20 Years	G. C. Forte	Water Distribution
20 Years	James W. Stabler	Water Distribution
5. **Ordinances & Resolutions:**
  - a. Consider on first reading - an ordinance amending the Traffic Code, Sections 18-286 and 18-299, concerning time limited parking and reduced speed zones.
  - b. Consider street use license to T. Edgar Paup, 709 N. Second Street.
  - c. Resolution changing polling places for Precincts D & I.
  - d. Resolution calling Regular City Council Election for April 4, 1987.
6. **Award of Bid:**
  - a. Annual contract, copy paper for Print Shop - Bid #171.
  - b. Work uniforms for the Fire Department - Bid #162.

7. **Request to Advertise:**
  - a. Oil & Gas lease #1987-01 being the west 100 acres of the R. Champion Survey #15, Abstract #158, Jones County. Texas.
  
8. **Public Appearance:**
  - a. Abilene Jaycees to request an exception to the Abilene City Code prohibiting portable signs in the right-of-way.

#### REGULAR AGENDA

9. **Ordinances & Resolutions:**
  - a. **Public Hearing - Consider on second and final reading** - an amendment to the Zoning Ordinance, Section 23-356.3, Site Plan Committee, concerning site plan review process.
  - b. **Public Hearing - Consider on second and final reading** - a thoroughfare abandonment ordinance - TC-00287 - request from Zachry Associates, Inc., agent, William G. Zavatson, for a thoroughfare abandonment, being a one-foot strip of land comprising the southernmost right-of-way of North 2nd Street, between Mesquite and Plum Streets.
  - c. Resolution to consider new contract with Abilene Economic Development Company, Inc., for disbursement of CDBG funds.
  
10. **Other Business:**
  - a. Presentation of Annual Financial Report for year ending 9/30/86 and authorize payment to Condley and Company for same.
  - b. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
  - c. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).
  - d. Resolution to authorize eminent domain proceedings on property for airport expansion.

#### ADJOURN

## EXECUTIVE SESSION

### (Personnel)

The City Council may consider the appointment, employment, reassignment, duties, discipline, or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, and the City Board and Commission Members. A complete list of the City Boards and Commissions are on file in the City Secretary's Office.

After discussion of the appointment and evaluation of the Council Appointees and the Board and Commission members, in executive session, any final action or vote taken will be in public.

### (Litigation)

The City Council may consider pending and contemplated litigation subjects. The following subjects may be discussed:

1. Taylor v. City
2. Velasquez v. City
3. Smithwick-Wheeler v. City
4. Maria Slaughter v. City
5. Leonard Glenn Taylor v. City
6. Hudson & ABC Airlines v. City
7. State of Texas v. City
8. Cynthia Haile v. City
9. Michael Mellen v. City
10. Patricia Partin v. City
11. Williams & Chambers v. City
12. Video Vue & American Video

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects set out above. After discussion of the pending and contemplated litigation subjects, in executive session, any final action, or vote taken, will be in public.

HC 1/15/87

PRE-COUNCIL WORK SESSION, THURSDAY  
January 22, 1987, 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 22, 1987, 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., 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 Hancock and various members of the City staff. Councilman Welton Robinson was absent.

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 22, 1987, 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 22, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Harold Nixon.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held January 8, 1987, stand approved.

Mayor David Stubbeman presented employee service awards to the following employees for their tenure of service to the City of Abilene:

25 Years	Paul D. Warren	Police
25 Years	Fred G. DeHerrera	Water Distribution
20 Years	G. C. Forte	Water Distribution
20 Years	James W. Stabler	Water Distribution

Councilwoman Ray moved to approve the consent agenda items, being 5a through 5d, 6a and b, and 7a as presented by the staff. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

5. **Ordinances & Resolutions:**

- a. Consider on first reading - an ordinance amending the Traffic Code, Sections 18-286 and 18-299, concerning time limited parking and reduced speed zones.

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.

- b. Consider street use license to T. Edgar Paup, 709 N. Second Street.
- c. Resolution changing polling places for Precincts D & I.

The Resolution is numbered 3-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING POLLING PLACES.

- d. Resolution calling Regular City Council Election for April 4, 1987.

The Resolution is numbered 4-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ORDERING AN ELECTION TO BE HELD IN SAID CITY ON APRIL 4, 1987; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE AS MAYOR AND TO SERVE IN PLACES III AND IV ON THE CITY COUNCIL OF THE CITY OF ABILENE; APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION; PROVIDING METHOD OF APPLICATION OF PLACEMENT OF CANDIDATE'S NAME ON BALLOT; AND PROVIDING A FILING DEADLINE FOR ALL CANDIDATES.

6. **Award of Bid:**

- a. Annual contract, copy paper for Print Shop - Bid #171.  
The bid was awarded to Nationwide Paper Company.
- b. Work uniforms for the Fire Department - Bid #162.  
The bid was awarded to Martin's Uniforms and DACO, as recommended by staff.

7. **Request to Advertise:**

- a. Oil & Gas lease #1987-01 being the west 100 acres of the R. Champion Survey #15, Abstract #158, Jones County, Texas.

Ivan Dimock, President of Abilene Jaycees, briefly stated the community involvement the Jaycees has had in the past and their involvement with implementing the bus stop bench program. He requested the Council to direct the staff to prepare an amendment to the City Code, concerning the prohibition of signs in the right-of-way, which would allow an exemption to the bus stop bench signs.

Bob Deegan, President of the Abilene Jaycees Foundation, concurred with statements made and the recommendation from Ivan Dimock. Mr. Dimock reiterated that their benches have been described as monument signs not portable signs, as interpreted by the staff.

Lee Roy George, Director of Planning, overviewed the situation with the Council. Staff would not support a Code amendment allowing signs in the street right-of-way. Mr. George also agreed with Mr. Dimock on the fact that the bus benches are interpreted as monument signs. If the advertising were removed from the benches, the benches could remain at their location.

Councilman Fogle moved to deny the request from the Abilene Jaycees to amend the City Code. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - an amendment to the Zoning Ordinance, Section 23-356.3, Site Plan Committee, concerning site plan review process. The Planning and Zoning Commission as well as staff recommends 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 Wheat moved to approve the ordinance amendment to Section 23-356.3, on second and final reading, as recommended by the staff. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

The Ordinance is numbered 2-1987 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 ordinance considered on second and final reading - **TC-00287** - Request from Zachry and Associates, Inc., agent, William G. Zavatson, for a thoroughfare abandonment, being a one-foot strip of land comprising the southernmost right-of-way of North 2nd Street, between Mesquite and Plum Streets. 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 the following individual spoke in favor of the request:

- . William Zavatson, representing Zachry & Associates.

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

Councilwoman Ray moved to approve the ordinance, on second and final reading, for TC-287, as recommended by staff. The motion was seconded by Councilman McCaleb and the motion carried.

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

NAYS: None.

The ordinance is numbered 3-1987 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 Morrison, Housing Administrator, briefed the Council on a resolution to consider a new contract with Abilene Economic Development Company, Inc., for disbursement of CDBG funds. Staff recommends approval of this request.

Leon Petty, Chairman of the Board of the Abilene Economic Development Company, addressed the Council to ask for an extension to address some concerns that the AEDC has on the contract.

Carlos Rodríguez, Board Member, concurred with Leon Petty's request for an extension.

Councilman Fogle moved to allow an extension to the present AEDC Contract for CDBG funds until the February 12 Council meeting to allow the Board to fully review the new contract and work out any concerns. The motion was seconded by Councilman Nixon and the motion carried.

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

NAYS: None.

David Wright, Director of Finance, briefed the Council on the Annual Financial Report for year ending 9/30/86. He commended his staff for the work and effort given to the development of this report.

Mr. Jerry Crisp, Condley and Company, addressed the Council and overviewed the Report with the Council. The report shows the City in a sound financial position.

Councilwoman Ray moved to accept the Annual Financial Report for the year ending 9/30/86, and authorize payment to Condley and Company for same, as recommended by staff. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, 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.

James Condry, Director of Traffic and Transportation, briefed the Council on a resolution to authorize eminent domain proceedings on property for airport expansion. Mr. Condry stated the purpose of obtaining the property is:

- . to gain control of the property to protect the interests of the City in the development and operation of the airport;
- . the Airport Master Plan (adopted in 1984) calls for the acquisition of the property for airport expansion;
- . FAA has allocated funds to pay 90% of the total cost of acquiring the property.

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

- . Mr. Jack Bryant, attorney, representing Ms. Patricia Clack Serenbetz, owner of the property. He made a recommendation to the Council that these eminent domain proceedings be denied, based on the fact that the land will not be used in the immediate future; that the land will sit in holding until use for the land is required to operate a fixed base operation, which is a commercial business.

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



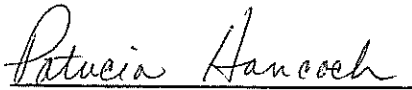
Councilman Nixon moved to table the resolution authorizing eminent domain proceedings on property for airport expansion for further study. The motion was seconded by Councilman McCaleb and the motion carried.

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

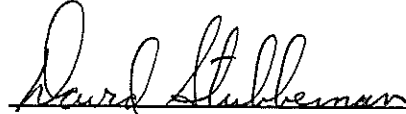
NAYS: None

The resolution is tabled for further study at this time.

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



Patricia Hancock  
City Secretary



David Stubbeman  
Mayor