

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 26, 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, February 26, 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 Gary McCaleb.
3. Approval of Minutes: Pre-Council Work Session and Regular City Council Meeting held February 12, 1987.
4. Awards:
Certificates of appreciation from American Red Cross to certain City employees.

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 and Resolutions:**
 - a. Oral Resolution to consider adoption of the Revised Emergency Operations plan.
 - b. Resolution to consider amendment to Building Inspection user fees.
 - c. Consider on first reading - an ordinance creating Chapter 12, "Franchises", of the Abilene Municipal Code, concerning certain procedures granting franchises and set a public hearing for March 12, 1987, at 9:00 a.m.
6. **Award of Bid:**
 - a. Telecommunications system for Fire Department - Bid #169.
 - b. Equipment Oils for Equipment Services & Abilene Transit System - Bid #167.
 - c. Nine-wheel pneumatic tire roller for Street Division - Bid #177.
 - d. Undercarriage for Swamp Dozer for Equipment Services - Bid #178.
 - e. Demolition of Law Enforcement Center - Bid #174.

7. **Change Orders:**
- a. Change Order No. 1 to HUD Project 85MC48-0001 for Sidewalk Construction Project.

REGULAR AGENDA

8. **Public Appearance:**
- a. Monette Yarborough to discuss no parking signs at 3133 Buttonwillow.

9. **Ordinances & Resolutions:**
- a. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-0487** - Request from Tennial Oliver to rezone from RS-6 (Residential Single Family) to HC (Heavy Commercial) district, located at Clinton & Jefferies Streets.
 - b. **Public Hearing:** Consider on second and final reading - a Zoning Ordinance amendment of Section 23-306.5.b.(3) concerning Fences, Walls and Hedges.
 - c. **Public Hearing:** Consider on second and final reading - an ordinance amending the Subdivision Regulations, Section 23-264, concerning Stormwater Management and related policies.
 - d. **Public Hearing:** Consider on second and final reading - an ordinance adopting 1985 Uniform Fire Code.
 - e. Resolution to consider amendment to Golf Course user fees.

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

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. Marla Slaughter v. City
5. Leonard Glenn Taylor v. City
6. Hudson & ABC Airlines v. City
7. State of Texas v. City
8. Cynthia Halle v. City
9. Michael Mallen 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

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REGULAR COUNCIL WORK SESSION, THURSDAY
February 26, 1987, 8:50 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 26, 1987, at 8:50 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 Rickey Childers, City Attorney Harvey Cargill, Jr., City Secretary Patricia Hancock 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 26, 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 February 26, 1987, 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 February 12, 1987, stand approved.

Mayor David Stubbeman and Red Cross representative Jack Harkins presented Certificates of Appreciation to the following employees on behalf of the American Red Cross for their assistance to the Community during an ice storm earlier this month:

Tim Stephens
Paul Martinez
David Randall
William Henderson

Mayor Stubbeman removed from the agenda item 6a, Telecommunication System for the Fire Department, to be considered at a later date.

Councilwoman Ray moved to approve the consent agenda items, being 5a through 5c, 6b through 7a as presented by the 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.

5. Ordinances & Resolutions:

a. Oral Resolution to consider adoption of the Revised Emergency Operations plan.

b. Resolution to consider amendment to Building Inspection user fees.

The Resolution is numbered 8-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A FEE SCHEDULE FOR CERTAIN BUILDING INSPECTION FEES, AND ESTABLISHING AN EFFECTIVE DATE.

c. Consider on first reading - an ordinance creating Chapter 12, "Franchises", of the Abilene Municipal Code, concerning certain procedures granting franchises and set a public hearing for March 12, 1987, at 9:00 a.m.

AN ORDINANCE AMENDING THE ABILENE MUNICIPAL CODE BY CREATING CHAPTER 12, "CABLE TELEVISION," AS SET OUT IN THE ATTACHED EXHIBIT "A"; PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

6. Award of Bid:

a. Removed from Agenda.

b. Equipment Oils for Equipment Services & Abilene Transit System - Bid #167. The bid was awarded to Abilene Oil Distributors and McAllister Oil Company as recommended by staff.

c. Nine-wheel pneumatic tire roller for Street Division - Bid #177. The bid was awarded to Conley-Lott-Nichols Machinery Company as recommended by staff.

d. Undercarriage for Swamp Dozer for Equipment Services - Bid #178. The bid was awarded to West Texas Equipment Company as recommended by staff.

e. Demolition of Law Enforcement Center - Bid #174. The bid was awarded to J. H. W. General Contractors as recommended by staff.

7. Change Orders:
a. Change Order No. 1 to Thurston H. Carter, contractor, for HUD Project 85MC48-0001 for Sidewalk Construction Project.

Mr. David Hardaway, attorney, speaking for Monette Yarbrough, property owner of 3133 Buttonwillow, and speaking as a resident in the area, requested Council reconsider its action regarding prohibited parking on Buttonwillow.

James Condry, Director of Traffic and Transportation, briefed the Council on the purpose of the no-parking prohibition and recommended Council retain the no-parking prohibition. Council attempted to find an alternative to satisfy the property owners as well as maintain good traffic flow.

Council requested cost factors on widening Buttonwillow to the north to allow for the flow of traffic and marked lanes, yet still allowing for parking on the street on the south side of Buttonwillow.

Mrs. Monette Yarbrough was present and thanked Council for their consideration and sensitivity to the property owners. She purports she has lost tenants due to the no-parking prohibition.

Councilman Nixon moved to table the request and investigate the feasibility of widening the street to the north. Staff is directed to bring the item back to Council when the information is obtained. 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Z-0487 - Request from Tennial Oliver to rezone from RS-6 (Residential Single Family) to HC (Heavy Commercial) district, located at Clinton & Jefferies 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:

- Tennial Oliver, proponent.

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

Councilman McCaleb moved to approve the request from Tennial Oliver for Z-0487 on second and final reading, 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, Nixon, and Mayor Stubbeman.
NAYS: None.

The Ordinance is numbered 5-1987 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 - a Zoning Ordinance amendment of Section 23-306.5.b.(3) concerning Fences, Walls and Hedges. 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 Wheat moved to approve the ordinance, on second and final reading, to amend Section 23-306.5.b(3) of the Zoning Ordinance 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.

The ordinance is numbered 6-1987 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.

Bob Whitehead, Director of Public Works, briefed the Council on an ordinance considered on second and final reading amending the Subdivision Regulations, Section 23-264, concerning Stormwater Management and related policies. The Planning and Zoning Commission as well as staff recommend approval of this request.

David Todd, representing the Planning and Zoning Subcommittee on Floodwater Management, briefed the Council on the development of the revisions to the Ordinance. The Subcommittee specifically was concerned that the Council reconsider their priority of developing a Regional Detention Plan and apply more urgency to its development.

Lee Roy George, Director of Planning, briefed the Council on the proposed Floodwater Management policies. He recommended that the Council adopt the Floodwater Management policies; however, that the Pro-Rata Concept on Detention Facilities not be adopted at the present time. He reviewed with the Council the pro-rata concept of detention facilities as drafted. He reiterated that these steps drafted in regard to the pro-rata concept are in draft form and, if the Council desires to proceed with this kind of concept, could be prepared for Council consideration at a later date in Ordinance form. If the Regional Detention Plan is approved by Council, the pro-rata concept should then be considered for adoption.

Bob Whitehead, Director of Public Works, briefed the Council on the changes to Section 23-264 of the City Code, concerning specifically the Stormwater Management Requirements. He highlighted how changes made by the Federal Emergency Management Association (FEMA) affect these requirements, in regard to the National Flood Insurance Program for the City.

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

- Mr. Allen Meador, 3749 Scranton, owner of Glamour Mobile Home Park. He was concerned with how the FEMA requirements affect him and the operation of his Park. He realizes the City must meet these minimum standards. He disagrees with the fact that the mobile homes must comply the same as stick-built homes. He requested the Council initiate a study to investigate a streamlined method of handling mobile homes.
- Jerry Elbin, owner of Coachlight and Westgate Mobile Home parks, inquired as to how the changes would affect his parks. He disagreed with FEMA changes, but realizes the City must comply in order to keep the flood insurance program.
- John Burlison, Engineer, expressed his opinion on the definition of a permanent anchor as it is now defined and required for mobile homes by FEMA. He sympathized with what a problem these requirement will be on mobile home park owners, but can see no alternative.

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

Councilman McCaleb stated he sympathized with the Mobile Home Park owners, however, he feels the Council is very limited in their flexibility on the requirements. He moved to approve the ordinance on second and final reading, as well as approval of the Floodwater Management Policies. 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 7-1987 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART D, SECTION 264, OF THE CODE OF THE CITY OF ABILENE BY REPEALING SUCH SECTION AND SUBSTITUTING THEREFOR THE FOLLOWING RULES AND REGULATIONS RELATING TO STORMWATER MANAGEMENT REQUIREMENTS THE PUBLIC HEALTH, SAFETY AND WELFARE, WHICH RULES AND REGULATIONS SHALL BE APPLICABLE TO THE MAXIMUM EXTENT ALLOWED BY LAW BOTH WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ABILENE AND WITHIN ITS EXTRATERRITORIAL JURISDICTION.

Richard Knopf, Fire Chief, briefed the Council on an ordinance considered on second and final reading, adopting the 1985 Uniform Fire Code, which amends Section 10-46, Fire Prevention, of the Abilene Municipal Code. The Fire Code Review Committee and the Board of Building Standards recommend approval.

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 on second and final reading adopting the 1985 Uniform Fire 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 8-1987 and is captioned as follows:

AN ORDINANCE ADOPTING THE 1985 UNIFORM FIRE CODE IN TO THE ABILENE MUNICIPAL CODE, BY AMENDING AND ADDING CERTAIN SECTIONS AS SET OUT BELOW; DELETING CERTAIN SECTIONS AS SET OUT BELOW; AND PROVIDING A SEVERABILITY CLAUSE.

Mike Hall, Director of Community Services, briefed the Council on a resolution to consider an amendment to the Golf Course user fees. The Parks and Recreation Board unanimously approved the amended fees.

Mr. Ken James, Regional Director of American Golf Corporation, briefed the Council on current improvements to the Golf Course, services provided to golfers, as well as their contractual obligations to the City. He reviewed the proposed golf course fees with the Council and explained how these rates were arrived at, taking an average of other Texas Municipal Golf Course Rates.

Mr. Malcolm Ricks, golfer, spoke in regard to the fees for senior golfers. He stated that he believed, at the time of the contract, that fees would not increase so frequently and by so much. He commended Mr. Jones and American Golf for what they have done at the Golf Course. He does not feel the City of Abilene should compare their services with any other Municipal Golf Course in Texas. He proposed, on his own behalf, that the seniors' fee remain at \$175.00 membership and at a time when a specified number of golf rounds are played, an additional fee could be added to each round. He did not make this formal request before the Parks and Recreation board.

Mr. James responded to Mr. Ricks' proposal. He stated that Mr. Ricks did present his request to Mr. James in a meeting with two other senior players present and the other two golfers did not like the proposal. Mr. James volunteered to go back and review the proposal with other seniors and work toward some consensus, if the Council so desires.

Several Council members stated they would like to receive input from the senior players concerning the increase in fees. Due to the fact that the senior membership fees are due October 1, 1987, there is time to receive input and return to the Council for additional consideration. However, since the American Golf contract stipulates that only once a year a rate increase may be requested, the Council would need to grant authorization to American Golf to return for additional consideration.

Councilman Nixon moved to approve all rates as proposed by American Golf Corporation, except the senior membership fees, which will remain at \$175.00 and \$225.00 with spouse. Additionally, that the senior membership fees be studied by participating senior golfers in order to allow for change prior to October 1, 1987. The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: Mayor Stubbeman.

The Resolution is numbered 9-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A FEE SCHEDULE FOR MAXWELL MUNICIPAL GOLF COURSE, AND ESTABLISHING AN EFFECTIVE DATE.

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.

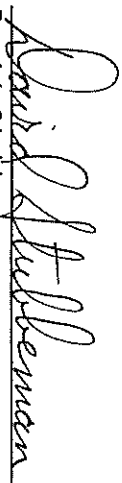
Councilman Fogle moved to appoint Jeanie Isler to the Abilene Clean and Proud Committee for a term expiring November, 1987; and the following individuals to the Public Advisory Committee for Wastewater Use Research Project for an undesignated term: Jeanette Davis, Dr. George Dawson, Dr. Terry Foster, Bill Hollowell, Harold Nixon, and Dr. Clark Stevens. 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.

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



Patricia Hancock
City Secretary



David Stubbeman
Mayor