

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, March 19, 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, March 19, 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 A. E. Fogle.
3. **Approval of Minutes:** Pre-Council Work Session and Regular City Council Meeting held March 12, 1987.
4. **Certificates of Appreciation:**

30 Years	Abran Rivera	Water Distribution
25 Years	Charles C. Allmand	Water Distribution
20 Years	Frank W. Weise	Police
20 Years	Ramon R. Aguirre	Refuse Collection

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. Consider on first reading - an ordinance amending Chapter 18, Traffic, Section 18-299, Parking Time Limited, and 18-293, Parking Prohibited at all Times, and set a public hearing for April 9, 1987, at 9:00 a.m.
 - b. Consider on second and final reading - an ordinance amending the Abilene Municipal Code, Chapter 9, Courts, by adding a new Section 9-8.1 concerning the issuance of citations.

6. Award of Bid:
 - a. Truck Mounted Patching System for Street Division - Bid #184.
 - b. Construct parking lot at Will Hair Park - Bid #179.

REGULAR AGENDA

7. Ordinances & Resolutions:
 - a. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-0387** - Request from Lance Trigg, Jr. to rezone from A0 (Agricultural Open Space) to PDC (Planned Development Commercial) district, located at Hartford Street and Dub Wrlight Blvd.
 - b. **Public Hearing:** Consider on second and final reading - an ordinance granting a renewal of a television cable franchise to United Cable Television of Abilene, Inc.
 - c. **Public Hearing:** Consider on second and final reading - an ordinance regulating smoking in City buildings.
 - d. **Public Hearing:** Consider on second and final reading - an ordinance regulating smoking in public meetings and in public places.

8. Other Business:
 - a. **REMOVE FROM TABLE:** Discussion and possible action concerning Ms. Monette Yarbrough's request to allow parking in the 3100 block of Buttonwillow; discuss alternatives.
 - 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).

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
March 19, 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 March 19, 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., 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
March 19, 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 March 19, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman A. E. Fogle.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held March 12, 1987, stand approved.

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

30 Years	Abran Rivera	Water Distribution
25 Years	Charles C. Allmand	Water Distribution
20 Years	Frank W. Weise	Police
20 Years	Ramon R. Aguirre	Refuse Collection

Councilman McCaleb 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. Consider on first reading - an ordinance amending Chapter 18, Traffic, Section 18-299, Parking Time Limited, and 18-293, Parking Prohibited at all Times, and set a public hearing for April 9, 1987, at 9:00 a.m.

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 on second and final reading - an ordinance amending the Abilene Municipal Code, Chapter 9, Courts, by adding a new Section 9-8.1 concerning the issuance of citations.

The Ordinance is numbered 10-1987 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 9, "COURTS," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

6. Award of Bid:

a. Construct parking lot at Will Hair Park - **Bid #179.**
The bid was awarded to Bailey Bridge Company.

b. Truck Mounted Patching System for Street Division - **Bid #184.** The bid was awarded to RGS Industries, Inc. as recommended by staff.

John Hancock, Principal Planner, briefed the Council on an item considered on second and final reading - Request from Lance Trigg, Jr. to rezone from AO (Agricultural Open Space) to PDC (Planned Development Commercial) district, located at Hartford Street and Dub Wright Blvd. The Planning and Zoning Commission and staff recommend approval of this request.

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

Mr. Lance Trigg, 6141 Hartford, requested to remove the 200' setback requirement on Hartford and change it to 45'. Additionally, he requested fair consideration of setback requirements on his property compared to other commercial property in the City.

- Mr. Jamie Watson, Central Regional Manager of Circle K Stores, stated that Circle K is in agreement with all requirements of the ordinance except the setback on Hartford, and that such requirement restricts the construction of the store. Therefore, he recommended the Hartford street setback be changed from 200' to 45'.
- Mr. David Botterbrodt, Pastor, Abilene Baptist Church, 5601 Hartford, presented a petition signed by members of the church as well as residents in the area opposing the construction of the Circle K store as well as the sale of pornographic literature that Circle K stores offer.
- Mr. Bob Dole, 3409 East Lake Road, stated he attempted to purchase this property years ago and was told by an engineer that the property would never be rezoned.
- Mr. Dale Ferguson, 1333 Summoners Lane, spoke against granting any variance from the 200' setback requirement.
- James McMillon, 1049 N. 3rd, representing property owners in the area which oppose the zone change. He requested the Council deny the request and postpone any further action on this property until a study can be done explaining the implementation effects of the Dyess Area Study.
- Mr. Glenn Hunsucker, 2449 N. Willis, spoke in regard to the Circle K and their timing in purchasing the property. He feels there is an exchange of inside information.

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

Harvey Cargill, City Attorney, reiterated that the Council cannot regulate the sale of literature that is not defined as pornographic or in conflict with the Adult Entertainment Ordinance; that citizens with that concern need to express that concern to the store owners.

Council discussed changing the setback requirements on Hartford to 135', and other alternatives available. Staff recommended Council table the Ordinance or refer it back to the Planning and Zoning Commission in regard to amending the setback requirements.

Councilman Fogle moved to table the request and refer it back to the Planning and Zoning Commission to consider amending the setback requirements on Hartford Street. 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.

Deborah Burleson, Assistant City Attorney, briefed the Council on an ordinance considered on second and final reading - granting a renewal of a television cable franchise to United Cable Television of Abilene, Inc. Staff recommends 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 McCaleb moved approval of an ordinance granting a renewal television cable franchise to United Cable TV as recommended 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.

The Ordinance is numbered 11-1987 and is captioned as follows:

AN ORDINANCE GRANTING TO TELEVISION CABLE SERVICE, INC., DOING BUSINESS IN ABILENE AS UNITED CABLE TELEVISION OF ABILENE, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONDUCT WITHIN THE BOUNDARIES OF THE CITY OF ABILENE A CABLE TELEVISION BUSINESS; AND PROVIDING THEREIN FOR SERVICES, EQUIPMENT AND FACILITIES; A TERM; FRANCHISE FEES; CONNECTION TO CERTAIN PUBLIC BUILDINGS; INSURANCE, OTHER DUTIES; AMENDMENT; ACCEPTANCE OF FRANCHISE; RATES; PUBLICATION; AN EFFECTIVE DATE; A SAVINGS CLAUSE; NOTICE TO PARTIES; AND CALLING A PUBLIC HEARING.

Councilman McCaleb moved to remove from the table discussion and possible action concerning Ms. Monette Yarbrough's request to allow parking in the 3100 block of Buttonwillow. 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.

James Condry, Director of Traffic and Transportation, briefed the Council regarding Ms. Monette Yarbrough's request to remove the prohibition of on-street parking on Buttonwillow Avenue, and brought them up to date on research provided by staff, which provided four alternatives:

1. Retain the parking prohibition.
2. Remove the parking prohibition, replacing the current 150 feet of prohibition with 50 feet of prohibition.
3. Widen the street to allow on-street parking.
4. Remove the parking prohibition and prohibit the left turn from Buttonwillow Avenue.

Staff recommends that Council retain the prohibition of on-street parking on Buttonwillow.

Councilman Nixon moved to approve an ordinance, on first reading, to prohibit parking on Buttonwillow Avenue for 50 feet east of Buffalo Gap Road, and set a public hearing for April 9, 1987. 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.

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.

Mike Hall, Director of Community Services, briefed the Council on a discussion and possible action concerning funding implementation strategies for the operation of Stevenson Park Pool. Staff presented options of funding the pool's operation by cutting funds in the current Community Services budget allocated for other purposes.

Councilman McCaleb moved to allocate funds from the Community Services Department budget for funding the operation of Stevenson pool this summer as follows:

\$ 2,800	Travel
3,200	Chiller bid savings
<u>7,500</u>	Tables, chairs, recreation equipment replacement
\$13,500	

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.

Mike Hall, Director of Community Services, briefed the Council on a long-term plan and recommendation regarding a new pool for the northside. He requested authorization to proceed with solicitation of funds for construction of a new pool through private sources. At this time, staff feels the Taylor Elementary School site is the best location for a new pool in relationship to the criteria that was established by the Stevenson Pool Study Group. If a better location is found in the future that meets the Committee's criteria, Council will have the flexibility to change sites, up to and until a grant request is submitted to the State Local Park Fund.


Councilman Fogle moved to authorize staff to solicit for private donations for construction of a new pool and place in motion the implementation of the long-range plan. The motion was seconded by Councilwoman Ray and the motion carried.

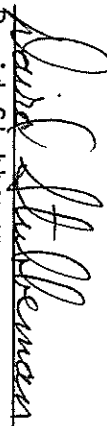
AYES: Councilman McCaleb, Councilwoman Ray, Councilmen
Wheat, Fogle, Robinson, and Nixon.
NAYS: Mayor Stubbeman.

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.

There being no further business, the meeting was adjourned
at 10:40 p.m.


Patricia Hancock
City Secretary


David Stubbeman
Mayor