

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, **May 28, 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, **May 28, 1987**, at 9:00 a.m.

CITY COUNCIL: Mayor Dale Ferguson; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, Tom Ceniglis, 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 May 14, 1987.
4. **Employee Service Awards:**
35 Years Jose B. Loya Street Division
20 Years Garland Wade Police

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 second and final reading - An ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code, Sections 18-285, Speed Limits; 18-293, Parking Prohibited at All Times; and 18-299, Parking Time Limits.
 - b. Consider on second and final reading - an ordinance amending Chapter 18, Traffic, concerning Section 18-299, Parking Time Limits, in the 300 block of Mesquite.
 - c. Oral Resolution to approve request for commercial lease, Ft. Phantom Lake Lots 319-9 and 319-10.
 - d. Resolution to consider authorizing staff to proceed with the necessary land acquisition for Phase III of the Cedar Creek Improvement Project.

- e. Resolution to approve request to waive required improvements in a subdivision in the extraterritorial jurisdiction.
- f. Resolution to approve an amendment to the contract between the City of Abilene and the Abilene Community Development Company, Inc.

REGULAR AGENDA

6. Public Appearance:

- a. Robert W. Cameron, M.D., to appeal the decision of the Board of Building Standards in regard to the assignment of street address numbers.

7. Ordinances & Resolutions:

- a. Consider Resolution to adopt revised Minority Business Enterprise (MBE) policy and program for U. S. Department of Transportation.
- b. Resolution approving issuance of bonds by Abilene Higher Education Authority.
- c. **Public Hearing:** Oral Resolution authorizing Oil & Gas drilling permit #8702 - Request from Schkade Brothers Operating Company, located north of Military Drive and West of Arnold Blvd.
- d. Resolution authorizing application for additional funding from U. S. Department of Housing and Urban Development.
- e. **Public Hearing:** Consider on second and final reading - An ordinance amending Chapter 8, Construction Regulations, of the Abilene Municipal Code, to adopt amendments to Appendix Chapter 1 of the 1985 Uniform Building Code concerning existing high-rise buildings.
- f. **Public Hearing:** Consider on second and final reading - an ordinance amending Chapter 22, Parks and Recreation, Section 22-11, prohibiting parking in City parks except in designated areas.
- g. **Public Hearing:** Consider on second and final reading - Z-1587 - Request from David Durham, agent, Dale A. Scoggins, to rezone from AO (Agricultural Open Space) to RS-6 (Residential Multi-Family) district, located on Chimney Rock Road.
- h. **Public Hearing:** Consider on second and final reading - Z-1687 - Request from Moore/Southwest, agent, David Todd, to rezone from RM-3 (Residential Multi-Family) to PDR (Planned Development Residential) district, located at Champions and Pensacola Drives.
- i. **Public Hearing:** Consider on second and final reading - Z-1787 - Request from Ann Y. Bond, agent, Patricia Blackwell; and Wade & Janet Armstrong, agent, Jennie Gerard, to rezone from GC (General Commercial) to RS-6 (Residential Single-Family) district, located at 7718 & 7726 Buffalo Gap Road.
- j. **Public Hearing:** Consider on second and final reading - Z-0387 - 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.
- k. **Public Hearing:** Consider on second and final reading - an amendment to the Zoning Ordinance, Section 23-360, Permitted Uses, concerning the sale of secondhand merchandise in Shopping Center (SC) zoning districts.
- l. **Public Hearing:** Spring 1987 Special Paving Assessment Program.

- m. Resolution suspending West Texas Utilities rate increase request and approving intervention and participation before Public Utilities Commission and authorizing hiring of a rate analyst; and, approving an Ordinance on first reading setting new rates.
- n. Resolution approving a 50-year lease to AI-Car/VOA - Elderly Housing, Inc., for the construction of housing for the elderly on City-owned land at North 8th and Mesquite.

8. Other Business:

- a. Oral Resolution to approve City Council Rules of Order & Procedure.
- 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. **REMOVE FROM TABLE:**
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 Halle v. City
9. Michael Meilen v. City
10. Patricia Partin v. City
11. Williams & Chambers v. City
12. Video Yue & 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
May 28, 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 May 28, 1987, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Dale E. Ferguson was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter E. Wheat, Tom Ceniglis, Welton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Roy L. McDantel 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. It was agreed upon by the Council that item 8a regarding the City Council Rules of Order & Procedure be removed from the agenda and scheduled to be discussed during the City-Council Retreat on June 11 and 12, 1987. There being no further questions, the meeting was recessed to the City Council Chambers for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
May 28, 1987, 9:00 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CITY COUNCIL CHAMBERS OF CITY HALL

Mayor Ferguson reconvened the City Council of the City of Abilene, Texas, into Regular Session May 28, 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 May 14, 1987, stand approved.

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

35 Years	Jose B. Loya	Street Division
20 Years	Garland Wade	Police

Councilman McCaleb moved to approve the consent agenda items, being 5a through 5f as presented by the staff. The motion was seconded by Councilman Ceniglis and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

5. **Ordinances & Resolutions:**

a. Consider on second and final reading - An ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code, Sections 18-285, Speed Limits; 18-293, Parking Prohibited at All Times; and 18-299, Parking Time Limits.

The Ordinance is numbered 24-1987 and is captioned as follows:

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 Chapter 18, Traffic, concerning Section 18-299, Parking Time Limits, in the 300 block of Mesquite.

The Ordinance is numbered 25-1987 and is captioned as follows:

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.

c. Oral Resolution to approve request for commercial lease, Ft. Phantom Lake Lots 319-9 and 319-10, to Mr. and Mrs. Howard Dossey to operate an auto repair shop and video rental service.

d. Resolution to consider authorizing staff to proceed with the necessary land acquisition for Phase III of the Cedar Creek Improvement Project from I-20 south to Ambler Avenue.

The Resolution is numbered 26-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF RIGHT-OF-WAY AND GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE SAID RIGHT-OF-WAY FOR THE CEDAR CREEK (AMBLER AVENUE NORTH TO I-20) WIDENING PROJECT; ESTABLISHING PROCEDURES FOR THE ACQUISITION; AND APPROPRIATING FUNDS.

e. Resolution to approve request from O. J. Sitzes to waive required improvements in a subdivision in the extraterritorial jurisdiction, being 108 acres out of W. E. Vaughn Survey #107.

The Resolution is numbered 27-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON A SUBDIVISION OF PROPERTY WITHIN THE EXTRA-TERRITORY OF ABILENE, TAYLOR COUNTY, TEXAS.

- f. Resolution to approve an amendment to the contract between the City of Abilene and the Abilene Community Development Company, Inc.

The Resolution is numbered 28-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL TO THE CITY OF ABILENE, TEXAS, APPROVING AMENDMENTS TO THE REVISED CONTRACT BETWEEN THE CITY OF ABILENE AND THE ABILENE COMMUNITY DEVELOPMENT COMPANY, INCORPORATED.

Robert W. Cameron, M.D., was present and requested reassignment of address for his office building from 2120 to 2020 Antilley Road. He believes the 2020 address would be beneficial to his patients because it would be easy to remember. He presented maps and slides of the area in question as well as other areas in town that are inconsistent with the grid map. He also presented letters from neighboring developers in favor of the request.

Mr. Bob Fowler, Director of Building Inspection, explained to the Council that staff has no authority to grant Dr. Cameron's request, because the City Code does not permit any flexibility. If Council wishes to change the City Code, an ordinance amendment is necessary.

Fire Chief Richard Knopf responded to a question about whether or not the Fire Department could locate Dr. Cameron's building if his address is changed. He stated that his staff depends heavily on the grid system. They also depend heavily on posted addresses on the building, and not every address in the City is posted on buildings, which creates problems. There are some errors that occurred in the past when assigning street numbers, and those errors create havoc to the Fire Department. Everything is presently being done to prevent errors from occurring in the future. If Dr. Cameron's request is granted, there may not be difficulty locating his building, but he could foresee problems arising in the future when assigning numbers to the remaining property in that area.

Councilwoman Ray moved to deny Dr. Cameron's request for an address change, and to retain the current address of 2120. The motion was seconded by Councilman Geniglis and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Geniglis, Nixon, and Mayor Ferguson.
NAYS: Councilman Robinson.

James Condry, Director of Traffic and Transportation, briefed the Council on a Resolution to adopt the revised Minority Business Enterprise (MBE) policy and program for U. S. Department of Transportation. Staff recommends approval.

Councilman Wheat moved to approve the resolution adopting the revised Minority Business Enterprise policy as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.
NAYS: None.

The Resolution is numbered 29-1987 and is captioned as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE ESTABLISHING A MINORITY BUSINESS ENTERPRISE POLICY FOR PUBLIC TRANSPORTATION PROCUREMENTS WHEN UTILIZING U.S. DEPARTMENT OF TRANSPORTATION FUNDS.

Roy McDaniel, Assistant City Manager, briefed the Council on a Resolution approving the issuance of bonds by the Abilene Higher Education Authority. Staff recommends approval, as well as the Abilene Higher Education Authority Board.

Councilman Ceniglis moved to approve the resolution approving the issuance of bonds by the Abilene Higher Education Authority. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.
ABSTAIN: Councilman McCaleb.

The Resolution is numbered 30-1987 and is captioned as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, RELATING TO THE APPROVAL OF THE ISSUANCE OF STUDENT LOAN REVENUE BONDS BY THE ABILENE HIGHER EDUCATION AUTHORITY, INC., APPROVING THE ISSUANCE OF SUCH BONDS AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.

Sandra Trosky, Land Agent, briefed the Council on an Oral Resolution authorizing Oil & Gas drilling permit #8702 - Request from Schkade Brothers Operating Company, located north of Military Drive and West of Arnold Blvd. Staff recommends approval.

Mayor Ferguson 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 Robinson moved to approve the oral resolution authorizing Oil & Gas drilling permit #8702 as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Geniglis, Robinson, Nixon, and Mayor Ferguson.
NAYS: None.

Mike Morrison, Housing and Community Development Administrator, briefed the Council on a Resolution authorizing application for additional funding from the U. S. Department of Housing and Urban Development. Staff recommends approval of this request.

Councilwoman Ray moved to approve the resolution authorizing application for additional funding from the U. S. Department of Housing and Urban Development as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Geniglis, Robinson, Nixon, and Mayor Ferguson.
NAYS: None.

The Resolution is numbered 31-1987 and is captioned as follows:

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FUNDING UNDER THE RENTAL REHABILITATION PROGRAM.

Bob Fowler, Director of Building Inspection, briefed the Council on an ordinance considered on second and final reading, amending Chapter 8, Construction Regulations, of the Abilene Municipal Code, to adopt amendments to Appendix Chapter 1 of the 1985 Uniform Building Code concerning existing high-rise buildings. Staff recommends that the amendment be adopted as proposed by the Board of Building Standards Citizens' Committee. Both the Citizens' Committee and the Board also recommend approval.

Mayor Ferguson 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 amending Chapter 8, Construction Regulations, of the Abilene Municipal Code concerning existing high-rise buildings, as recommended by staff. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Geniglis, Robinson, Nixon, and Mayor Ferguson.
NAYS: None.

The Ordinance is numbered 26-1987 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," 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 an ordinance considered on second and final reading, amending Chapter 22, Parks and Recreation, Section 22-11, prohibiting parking in City parks except in designated areas. Staff recommends approval.

Mayor Ferguson 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. Council was concerned that enough parking area be designated to accommodate visitors at the parks. The ordinance provides that the Director of Community Services designate the parking areas. Mr. Hall responded that he will designate sufficient parking at each Park based upon the demand.

Councilman Nixon moved to approve the ordinance amending Chapter 22 of the Abilene Municipal Code prohibiting parking in City parks except in designated areas, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.
NAYS: None.

The Ordinance is numbered 27-1987 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 22, "PARKS AND RECREATION," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading. - Z-1587 - Request from David Durham, agent, Dale A. Scoggins, to rezone from AO (Agricultural Open Space) to RS-6 (Residential Multi-Family) district, located on Chimney Rock Road. The Planning and Zoning Commission and staff recommend approval.

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

- Dale Scoggins, agent for the proponent.

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

Councilman Geniglis moved to approve the request to rezone from A0 to RS-6 district located on Chimney Rock Road as recommended by staff. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Geniglis, Robinson, Nixon, and Mayor Ferguson.
NAYS: None.

The Ordinance is numbered 28-1987 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 - Request from Moore/Southwest, agent, David Todd, to rezone from RM-3- (Residential Multi-Family) to PDR (Planned Development Residential) district, located at Champlons and Pensacola Drives. The Planning and Zoning Commission and staff recommend approval of this request.

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

- Terry Franklin, partner with the developer of this land.

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

Councilman McCaleb moved to approve the ordinance on second and final reading to rezone from RM-3 to PDR district as recommended by staff. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Geniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

The Ordinance is numbered 29-1987 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 PDD #49 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

John Hancock, Principal Planner, briefed the Council on an item considered on second and final reading - Request from Ann Y. Bond, agent, Patricia Blackwell; and Wade & Janet Armstrong, agent, Jennie Gerard, to rezone from GC (General Commercial) to RS-6 (Residential Single-Family) district, located at 7718 & 7726 Buffalo Gap Road. The Planning and Zoning Commission and staff recommend approval of this request.

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

- Jennie Gerard, agent for proponent.

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

Councilman Ceniglis moved to approve the Ordinance to rezone from AO to to LI district as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen, Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

The Ordinance is numbered 30-1987 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 - 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.

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

- Lance Trigg, proponent, requested the Council table the request until a future Council meeting.

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

Councilman McCaleb moved to table final consideration on the item until some future time. Mr. Trigg will notify the staff when he would like the item considered for final action in order to prepare the notice of public hearing and notify adjoining property owners in accordance with law. Council further directed that the cost for readvertising this item shall be borne by Mr. Trigg. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

The request was **TABLED**, therefore no action was taken.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading amending the Zoning Ordinance, Section 23-360, Permitted Uses, concerning the sale of secondhand merchandise in Shopping Center (SC) zoning districts. The Planning and Zoning Commission and staff recommend approval.

Mayor Ferguson 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 to amend Section 23-360, Permitted Uses, of the Zoning Ordinance, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

The Ordinance is numbered **31-1987** 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.

Dale Williamson, City Engineer, briefed the Council on the Spring 1987 Special Paving Assessment Program. He stated there is an error on the assessment roll that should be corrected. On Lincoln Drive, the name Don W. Estes Jr. and Katrina, 302 S. Mockingbird, should be deleted. The name appeared in error.

City Attorney Harvey Cargill called upon Mr. Williamson to give testimony on the nature and cost of the program.

Mr. Cargill also called upon Mr. Jimmy Partin III, Certified Appraiser, to give testimony as to whether the properties under consideration will be enhanced. He stated that all properties will be enhanced except for property on Victoria Street, properties identified as #1, owned by Frank and Flenna Airlie, located at 2002 Lowden; and #2, owned by J. L. South, located at 1934 Lowden. Mr. Partin further stated that the enhancement would not be full, but partial only to half the assessment cost.

Mayor Ferguson then opened the public hearing on a street-by-street basis:

Poplar Street: no one

Victoria Street: no one

Redbird Lane:

- Mr. B. H. Moran, 1008 Redbird Lane, Property #6, wants street paved but cannot afford the proposed cost.

- Sandy Dearing, P. O. Box 39, owner of property #4 and #7, in favor of paving.

- Robert Young, P. O. Box 6349, Abilene, representing Southwest Savings & Loan, owners of properties #11, 12, 13, and 14, known as The Meadows, a Joint Venture, in favor of paving.

Lincoln Drive:

- Linda Booth, 1618 Ave. D., represent her parents, Mr. and Mrs. Buenrostra, Property #17 and #18, asked why Braton Court is not on the list for paving. Staff responded because it was not on the petition that was submitted. Ms. Booth would like to pave Braton Ct. at the same time that Lincoln is paved. Staff stated that Braton Ct. could be paved in two ways: (1) Included in a separate paving program, or (2) the Council could amend this paving program to include Braton Ct. Additionally, she inquired about the payment schedule and interest rate. Mr. Roy McDaniel, Assistant City Manager, responded to questions from Ms. Booth and Council. He stated that the payment schedule and interest rate is provided for in the ordinance, and once adopted the staff and citizens are bound by it. Council may change those provisions if they so desired.

- Foster Cox, Rt. 7, 409 Delaware, Property #2 & #3, stated he was against it due to the economy and he doesn't feel it will enhance his property.

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

Councilman McCaleb moved to approve the Ordinance for the Spring 1987 Special Paving Assessment Program as recommended by staff, with corrections reflecting a reduced assessment for the properties on Lowden Street and deletion of Don W. Estes, Jr. and Katrina. The motion was seconded by Councilman Ceniglis and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

The Ordinance is numbered 32-1987 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CLOSING THE PUBLIC HEARING; ORDERING IMPROVEMENTS AND LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREETS IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, TO-WIT: 1987 SPRING ASSESSMENT PAVING PROGRAM.

UNIT 1 = 30' WIDE STREET E/C TO E/C
POPLAR STREET FROM WESTWAY DRIVE TO SOUTH 17TH

UNIT 11 = 36' WIDE STREET E/C TO E/C
LINCOLN DRIVE FROM AMBLER TO HILLCREST DRIVE

HILLCREST DRIVE FROM LINCOLN DRIVE TO ALLEY EAST OF
LINCOLN DRIVE
REDBIRD LANE FROM HARTFORD STREET TO PUEBLO STREET

VICTORIA STREET FROM LOWDEN STREET TO ALLEY NORTH OF
LOWDEN

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE; STIPULATING THE RATE OF INTEREST AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY, MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREETS, LANE, AND DRIVE OR PORTIONS THEREOF; PROVIDING FOR THE COLLECTION THEREOF; AFFIRMING AND RATIFYING THE CONTRACT LET FOR THE CONSTRUCTION OF SAID AFOREMENTIONED IMPROVEMENTS AND PROVIDING A SEVERABILITY CLAUSE, AND DECLARING AN EMERGENCY.

Harvey Cargill, City Attorney, briefed the Council on a Resolution suspending West Texas Utilities rate increase request; approving intervention and participation before Public Utilities Commission; authorizing hiring of a rate analyst; and, approving an Ordinance on first reading setting new rates.

Holman King, West Texas Utilities, was present and briefed the Council on their rate request. He responded to questions from the Council.

Councilman McCaleb moved to approve the Ordinance on first reading setting new rates; and the Resolution suspending West Texas Utilities rate increase, as recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

AN ORDINANCE APPROVING ELECTRIC UTILITY RATE SCHEDULES FOR WEST TEXAS UTILITIES COMPANY; PROVIDING A SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Resolution is numbered 32-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE WEST TEXAS UTILITIES RURAL RATE CASE, SUSPENDING THE LOCAL INCREASE.

Mike Morrison, Housing and Community Development Administrator, briefed the Council on a Resolution approving a 50-year lease to Al-Car/VOA - Elderly Housing, Inc., for the construction of housing for the elderly on City-owned land at North 8th and Mesquite.

Ms. Mary Island, Chairperson to Al-CAR/VOA, spoke in favor of the item.

Councilman Wheat moved to approve the resolution approving a 50-year lease to Al-CAR/VOA for elderly housing as recommended by staff. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

The Resolution is numbered 33-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF ABILENE, TEXAS, APPROVING AN OPTION TO LEASE CITY-OWNED LAND TO AL-CAR/VOA ELDERLY HOUSING, INC., FOR THE CONSTRUCTION OF AN APARTMENT COMPLEX FOR THE ELDERLY.

Mayor Ferguson 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.

After being briefed in Executive Session concerning a Resolution to authorize Eminent Domain Proceedings on property for Airport Expansion, Councilman Ceniglis moved to remove from the table the Resolution under consideration. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.


Councilman Nixon moved to deny the resolution to authorize Eminent Domain Proceedings on property for Airport Expansion. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

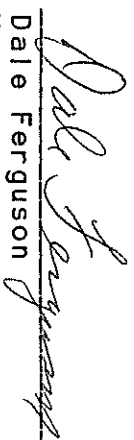
Councilman Wheat moved to approve the Spring 1987 Board Appointments as reflected in Exhibit "A" to these Minutes, attached and incorporated herewith. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon and Mayor Ferguson.
NAYS: None.

There being no further business, the meeting was adjourned at 1:30 p.m.



Patricia Hancock
City Secretary



Dale Ferguson
Mayor

REAPPOINTMENTS
May 28, 1987

Term Expires

**Abilene Higher Education Authority
& Facilities Corp.**

John Combs	5/89
Jesse C. Fletcher	5/89
Thomas K. Kim	5/89
Syd Niblo	5/89

Civic Abilene

Dr. Bob Maniss	5/90
Dr. Ted Starnes (unconfirmed)	5/90

Parks & Recreation

George Williams	5/89
Amber Cree	5/89

Visual Arts Jury

Charles Perini	5/90
Susan Shelton	5/90

West Central Texas Municipal Water District

Abraham Allen	5/89
Ken Murphy	5/89

Approved by Council May 28, 1987

APPOINTMENTS
May 28, 1987

<u>Attend</u>		<u>Term Expiring</u>
yes	Abilene Clean & Proud Micki Wright, Convention Coordinator, Kiva Inn, to fill a vacated position	11/87
	Abilene Community Development Company Janet Samford, Independent American S & L Primary Member Claudia Clinton, City Attorney Rep. Primary Member Deborah Burleson, City Attorney Rep. Alternate Member	5/88 n/a n/a
yes	Abilene Economic Development Company Andrew Noel, Executive VP, InterFirst Cindy Love, owner, CH Love Co. David Wagner, Attorney	11/88 11/88 11/88
yes	Abilene Housing Finance Corporation Michele Stevens, VP, First National Bank Faye Smith, Olney Savings	5/89 5/89
	Civic Abilene Colonel Howard Ham to fill unexpired term of Colonel David Tompkins Ken Baker, First SW Insurance Company, to fill unexpired term of Max Polen Robert W. Pollan to replace John Howard	5/89 5/89 5/88 5/90
	Parks & Recreation Cleddy Varner, ACU	5/89
	West Central Texas Municipal Water District A. E. Fogle	5/89

Approved by Council 1 May 28, 1987