

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, **June 25, 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, **June 25, 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:** Councilwoman Betty Ray.
3. **Approval of Minutes: Pre-Council Work Session and Regular City Council Meeting held June 11, 1987.**

4. Awards

Employee Service:

30 Years

Edward Essex

Treatment Plant Operator

Other:

Presentation of the American Public Transit Association (APTA) safety award to the Abilene Transit System.

Certificates of Appreciation:

Outgoing members from various boards and commissions.

Special Recognition:

Certificates of Recognition to the Cooper Cougars Baseball Team.

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 repealing sales tax exemption on Telecommunication Services.
- b. Resolution authorizing Urban Mass Transportation Administration (UMTA) Section 9 capital grant application.
- c. Resolution authorizing street lighting contract with West Texas Utilities.

- d. Ordinance amending Chapter 18, Motor Vehicles and Traffic of the Abilene Municipal Code, Section 18-299, Parking Time Limited concerning parking in the vicinity of N. 2nd & Cypress Streets.
- e. Consider on first reading - a zoning ordinance amendment to Section 23-306 concerning regulations of church accessory uses and set a public hearing for July 9, 1987, at 9:00 a.m.
- f. Consider on first reading - an ordinance amending the Subdivision Regulations, Section 23-257, 260 & 262, to delete sidewalk requirements; and an ordinance amending Chapter 29, Streets and Sidewalks, of the Abilene Municipal Code, concerning the addition of sidewalk installation requirements; and, set a public hearing for July 9, 1987, at 9:00 a.m.
- g. Oral Resolution to consider commercial lake lease to J. L. Cagle for Fort Phantom lots #502, 503, and 504, for marina and boat dock.

- 6. **Award of Bid:**
 - a. Parking Facility in Carver Park, Bid #202.

REGULAR AGENDA

- 7. **Ordinances & Resolutions:**
 - a. **Public Hearing:** Consider on second and final reading - an ordinance amending Chapter 8, Construction, Article VI, Division 5, by adopting the 1985 edition of the Uniform Mechanical Code.
 - b. **Public Hearing:** Consider on second and final reading - an ordinance amendment to the Subdivision Regulations Section 23-266 concerning platting requirements.
 - c. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-89986** - Request from Jabe M. Pratt, agent, C. O. Patton, to rezone from RM-3 (Residential Multi-Family) to O (Office) district, located at S. 7th & Willis.
 - d. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-2087** - Request from Woods Psychiatric Institute, agent, Harry M. Root, to rezone from AO & LI (Agricultural Open Space and Light Industrial) to HC (Heavy Commercial) district, located on Industrial between Woods Place & Spindletop Drive.
 - e. **Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-2187** - Request from Bill Musgrave, Inc., agent, Eddie Chase, to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located west of Catclaw Drive and north of Chimney Rock Road.
 - f. **Public Hearing:** Consider on second and final reading an ordinance for thoroughfare closure - **TC-7185** - concerning an east-west alley between Avenue E & Washington Boulevard and E. N. 15th & E. N. 16th Streets.
- 9. **APPEALED ITEM:**
 - Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-1987** - Request from Glen Wideman, agent, Frank Hudson, to rezone from HC (Heavy Commercial) to HI (Heavy Industrial) district, located at 3546 Pine Street.

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. Stanley V. Taylor v. City
2. Velasquez v. City
3. Smithwick-Wheeler v. City
4. Maria Slaughter v. City
5. Leonard Glenn Taylor v. City
6. James Hudson & AB Airlines v. City
7. State of Texas v. City
8. Ramsey v. City
9. Michael Mellen v. City
10. Patricia Partin v. City
11. Williams & Chambers v. City
12. Video Vue & American Video
13. McNutt v. City
14. Welch v. City
15. J. C. Haines v. City
16. City of Abilene v. Northeastern Software
17. Abilene Zoological Society v. Pinkerton's
18. Guadalupe Diaz v. City
19. Alicia Garcia v. City
20. Virginia Martin v. City
21. Frieda Hintz v. City

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 6/19/87

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Councilwoman Ray moved to approve the consent agenda items, being 5a through 6a 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 repealing sales tax exemption on Telecommunication Services.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, RELATING TO TAXATION OF TELECOMMUNICATIONS SERVICES; MAKING THIS ORDINANCE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

b. Resolution authorizing Urban Mass Transportation Administration (UMTA) Section 9 capital grant application.

The Resolution is numbered 34-1987 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

c. Oral Resolution authorizing street lighting contract with West Texas Utilities.

d. Consider on first reading - an Ordinance amending Chapter 18, Motor Vehicles and Traffic of the Abilene Municipal Code, Section 18-299, Parking Time Limited concerning parking in the vicinity of N. 2nd & Cypress Streets.

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.

e. Consider on first reading - a zoning ordinance amendment to Section 23-306 concerning regulations of church accessory uses and set a public hearing for July 9, 1987, at 9:00 a.m.

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.

f. Consider on first reading - an ordinance amending the Subdivision requirements; and an ordinance amending Chapter 29, Streets and Sidewalks, of the Abilene Municipal Code, concerning the addition of sidewalk installation requirements; and, set a public hearing hearing for July 9, 1987, at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 29, "STREETS AND SIDEWALKS," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

g. Oral Resolution to consider commercial lake lease to J. L. Cagle for Fort Phantom lots #502, 503, and 504, for marina and boat dock.

6. Award of Bid:

a. Parking Facility in Carver Park, **Bid #202**. The bid was awarded to NH Construction, as recommended by staff.

Bob Fowler, Director of Building Inspection, briefed the Council on an ordinance considered on second and final reading, amending Chapter 8, Construction, Article VI, Division 5, by adopting the 1985 edition of the Uniform Mechanical Code. Staff recommends approval, as well as a Citizen's Committee and the Board of Mechanical Appeals.

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 Ceniglis moved to adopt the new Uniform Mechanical Code, 1985 Edition, 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 Ordinance is numbered 34-1987 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 5, "MECHANICAL CODE," OF THE ABILENE MUNICIPAL 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, amending the Subdivision Regulations Section 23-266 concerning platting requirements. 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 Wheat moved to approve the ordinance amending the Subdivision Regulations concerning platting requirements, 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 35-1987 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," 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 - **Z-8986** - Request from Jabe M. Pratt, agent, C. O. Patton, to rezone from RM-3 (Residential Multi-Family) to 0 (Office) district, located at S. 7th & Willis. 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 on second and final reading for Z-8986, to rezone from RM-3 to 0 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 36-1987 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 item considered on second and final reading - **Z-2087** - Request from Woods Psychiatric Institute, agent, Harry M. Root, to rezone from A0 & L1 (Agricultural Open Space and Light Industrial) to HC (Heavy Commercial) district, located on Industrial between Woods Place & Spindletop Drive. The Planning and Zoning Commission and staff recommend approval of this request.

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.

Councilwoman Ray moved to approve the ordinance for **Z-2087**, to rezone from A0 & L1 to HC as recommended by 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.

The Ordinance is numbered 37-1987 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 - **Z-2187** - Request from Bill Musgrave, Inc., agent, Eddie Chase, to rezone from A0 (Agricultural Open Space) to RS-6 (Residential Single Family) district, located west of Catclaw Drive and north of Chimney Rock Road. 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 Nixon moved to approve the ordinance for **Z-2187** to rezone from A0 to RS-6 district, as recommended by staff. The motion was seconded by Councilman McCaleb and the motion carried.

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

The Ordinance is numbered 38-1987 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 - **TC-7185** - concerning an east-west alley between Avenue E & Washington Boulevard and E. N. 15th & E. N. 16th Streets. 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 Robinson moved to approve the Ordinance for thoroughfare closure between Ave. E & Washington Blvd. and E. N. 15th & E. N. 16th Streets, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

The Ordinance is numbered 39-1987 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.

John Hancock, Principal Planner, briefed the Council on an appealed ordinance considered on second and final reading - **Z-1987** - Request from Glen Wideman, agent, Frank Hudson, to rezone from HC (Heavy Commercial) to HI (Heavy Industrial) district, located at 3546 Pine Street. The Planning and Zoning Commission and staff recommend disapproval of this request.

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

IN FAVOR:
. Glen Wideman, owner of property.
. Frank Hudson, agent.

AGAINST:

. George Pierce, 3641 Hickory, owns property west of the property considered for rezoning. He submitted a petition from property owners in the area in opposition to the request.

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

Councilwoman Ray moved to deny the request to rezone from HC to H1 district. 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.

The request was DENIED.

Mr. Ken Higdon, representing Abilene Clean and Proud, Inc., briefed the Council on a request to accept donations of banners, planters, and trash receptacles from the Abilene Clean and Proud, Inc., for downtown area use. He recognized other committee members which were present, as well as Sandy Chisum, Coordinator.

Councilman Ceniglis moved to accept the donation, as presented. 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.

Mayor Ferguson deferred the discussion concerning direction to staff regarding the proposed 1987-88 budget, to Councilman Robinson. Councilman Robinson moved to direct staff to prepare the 1987-88 budget with ad valorem tax rate not greater than 0.4866 with no increase in user fees other than telecommunications; allow three weeks between receipt of the proposed budget and the work session, and two weeks between the work session and first reading of the budget and tax ordinance. The motion was seconded by Councilman Wheat.

Following discussion among the Council, Councilman Nixon moved to amend the motion, to direct the City Manager to prepare a no-tax-increase budget with options on which services would have to be cut to provide for such. Councilwoman Ray seconded the motion.


Discussion among Council continued relative to how Council should guide the staff to prepare the 1987-88 budget, with or without limitations on tax increases, etc. It was the consensus of the Council that direction to the staff could be given without a formal motion, which may commit or restrict the Council from considering some budget proposals or options. Therefore, Councilman Nixon withdrew his amendment to Councilman Robinson's motion and then Councilman Robinson withdrew his motion.

Council agreed to change the Budget Session dates to July 29, 30, and 31. First reading of the budget ordinance and the tax ordinance will be scheduled for August 13.

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.

There being no further business, the meeting was adjourned at 11:30 p.m.


Patricia Hancock
City Secretary


Dale Ferguson
Mayor