

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, July 9, 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, July 9, 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:** City Council Retreat held June 11 and 12, 1987.
4. **Police Academy Graduating Class.**

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, 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.
- b. Consider on first reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Section 18-286, Decreased Speed Limits concerning School Zones.
- c. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2387** - Request from Waldrop Furniture, Inc., agent, A. Sam Waldrop/David Waldrop, to add H (Historic Overlay) to underlying CB (Central Business) district, located at 201-225 Walnut Street, and set a public hearing for July 23, 1987, at 9:00 a.m.
- d. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2487** - Request from Neil Lodge, agent, M. B. Eitelman, to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located in the 2700 block of Buffalo Gap Road, and set a public hearing for July 23, 1987, at 9:00 a.m.

- e. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2587** - Request from Don C. Garrett to add an MX (Mixed Use overlay) to underlying H (Historic Overlay) zone and RM-3 (Residential Multi-Family) district, located in the 1600 Block of North 20th Street, and set a public hearing for July 23, 1987, at 9:00 a.m.
- f. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2687** - Request from CLT Development Corporation to rezone from MH (Mobile Home) to HC (Heavy Commercial) district, located at Old Anson Road & I-20, and set a public hearing for July 23, 1987, at 9:00 a.m.
- g. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2787** - Request from John W. Long, agent, Charles B. Davis, to rezone from A0 & RS-8 (Agricultural Open Space & Residential Single Family) to O (Office) district, located at 6020 Buffalo Gap Road, and set a public hearing for July 23, 1987, at 9:00 a.m.
- h. Consider on first reading - an ordinance for thoroughfare closure - **TC-2287** - concerning a portion of S. 25th Street from the east right-of-way line of Treadaway east approximately 664 feet, and set a public hearing for July 23, 1987, at 9:00 a.m.

- 6. **Award of Bid:**
 - a. Sidewalk Construction, Bid #204.

REGULAR AGENDA

- 7. **Ordinances & Resolutions:**
 - a. **APPEALED ITEM**
 - 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 the southeast corner of Hartford Street and Dub Wright Blvd.
 - Public Hearing:** Consider on second and final reading - a zoning ordinance amendment to Section 23-306 concerning regulations of church accessory uses.
 - Public Hearing:** Consider on second and final 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, Resolution adopting Sidewalk Master Plan.
 - Public Hearing:** Consider on first reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Article X, regarding handicapped parking.
 - b.
 - c.
 - d.

- e. Resolution approving the 1987-88 Transportation Improvements Program and Long Range Element.
- f. Resolution approving the 1987-88 Unified Planning Work Program for Transportation Planning.
- g. Resolution requesting West Texas Utilities to increase the Franchise fee.
- h. **Public Hearing:** Oral resolution to apply for Local Park Funds.

8. Award of Bid:

- a. Abilene/Taylor County Law Enforcement Center Construction.

9. Other Business:

- a. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
- b. Appointment and F on of Public Officials (see Notice for Executive Sessio 1 for listing subjects).

I hereby certify that
bulletin board at the C.
day of

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
22. WTU Rate Request

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

00155

PRE-COUNCIL WORK SESSION, THURSDAY
July 9, 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 July 9, 1987, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor Dale Ferguson was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter Wheat, Tom Ceniglis, Welton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Rickey Childers and Roy L. McDaniel, City Attorney Harvey Cargill, 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
July 9, 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 July 9, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Harold Nixon.

There being no additions or corrections to the minutes of the City Council Retreat held June 11 and 12, 1987, the minutes stand approved.

Mayor Ferguson presented a proclamation declaring July 12-18 as "Ice Cream for America and United Way" Week.

Sergeant Ed Dye, Police Academy Training Director, introduced to the Council seven graduating Police cadets. City Secretary Patricia Hancock administered the Oath of Office and Mayor Ferguson presented a graduate diploma to each individual. Following the graduation ceremony, Council recessed to join the graduates and their families in a reception held in their honor.

Councilman Robinson moved approval of the consent agenda items, 5a through 5h, as presented by the staff. Council agreed that Item 6a, award of bid for Sidewalk Construction, would be moved to the Regular Agenda. 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.

4. Ordinances & Resolutions:

a. Consider on Second and Final 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.

The Ordinance is numbered 40-1987 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 first reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Section 18-286, Decreased Speed Limits concerning School Zones.

AN ORDINANCE AMENDING CHAPTER 18, MOTOR VEHICLES AND TRAFFIC, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

c. Consider on first reading - an ordinance changing zoning district boundaries - Z-2387 - Request from Waldrop Furniture, Inc., agent, A. Sam Waldrop/David Waldrop, to add H (Historic Overlay) to underlying CB (Central Business) district, located at 201-225 Walnut Street, and set a public hearing for July 23, 1987, at 9:00 a.m.

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.

d. Consider on first reading - an ordinance changing zoning district boundaries - Z-2487 - Request from Neil Lodge, agent, M. B. Eitelman, to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located in the 2700 block of Buffalo Gap Road, and set a public hearing for July 23, 1987, at 9:00 a.m.

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.

e. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2587** - Request from Don C. Garrett to add an MX (Mixed Use overlay) to underlying H (Historic Overlay) zone and RM-3 (Residential Multi-Family) district, located in the 1600 Block of North 20th Street, and set a public hearing for July 23, 1987, at 9:00 a.m.

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.

f. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2687** - Request from CLT Development Corporation to rezone from MH (Mobile Home) to HC (Heavy Commercial) district, located at Old Anson Road & I-20, and set a public hearing for July 23, 1987, at 9:00 a.m.

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.

g. Consider on first reading - an ordinance changing zoning district boundaries - **Z-2787** - Request from John W. Long, agent, Charles B. Davis, to rezone from AO & RS-8 (Agricultural Open Space & Residential Single Family) to O (Office) district, located at 6020 Buffalo Gap Road, and set a public hearing for July 23, 1987, at 9:00 a.m.

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.

h. Consider on first reading - an ordinance for thoroughfare closure - **TC-2287** - concerning a portion of S. 25th Street from the east right-of-way line of Treadaway east approximately 664 feet, and set a public hearing for July 23, 1987, at 9:00 a.m.

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.

James Condry, Director of Traffic and Transportation, briefed the Council on the Sidewalk Construction Contract, Bid #204. The low bidder, Garcia Construction Co., was unknown to the City Staff. During the investigation of the capability of the firm, it was found that this was a new firm. Although Mr. Garcia, the owner of the firm, has done concrete work as an employee of other companies, he has not been responsible for the overall success or failure of the projects. Considering the size of the project, the desire to have it completed by the beginning of school, and the lack of experience of the low bidder, the staff believes that it is in the best interest of the City to use the second low bidder, Thurston H. Carter, in the amount of \$45,842.40.

Councilman Wheat stated he feels the low bidder needs an opportunity to prove their responsibility and together with the built-in controls for site inspection, etc., he feels it would be in the City's best interest to award the bid to the lowest bidder, Garcia Construction.

Councilman Wheat moved to award the bid to Garcia Construction Company. The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: Councilwoman Ray.

Rickey Childers, Assistant City Manager, briefed the Council on an ordinance considered on first reading, amending Chapter 18, Motor Vehicles and Traffic of the Abilene Municipal Code, Article X, regarding handicapped parking.

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

• Marsha Sanders, 3025 Wyndrock, mother of a handicapped daughter, explained her personal circumstances and experiences that relate to the issue. She requested passage of the ordinance and that the Council provide handicapped access to all City facilities, such as the library.

• Mrs. Juarez, 410 Cottonwood, mother of a handicapped son, favors the ordinance and told of personal experiences she encountered relating to the issue.

• Gail Petro, 2609 Derby Rd., mother of a handicapped daughter, supports the ordinance and requested the Council encourage additional spaces for handicapped parking.

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

Mayor Ferguson asked for an amendment to the ordinance to add a \$50.00 minimum fine to violators; and ask for the Police Officers to routinely check all handicapped spaces for violators.

Mr. Blagg stated that the routine check of handicapped areas would be very cumbersome, since the ordinance does not require every business to provide a handicapped parking area. Therefore, the Mayor withdrew that part of his amendment. Sergeant Gene Keese of the Abilene Police Department spoke to Council concerning the legal requirements of the State handicapped law, as well as the proposed ordinance and how the local ordinance would simplify signage requirements. Additionally, he stated that private security guards are not authorized by State law to issue citations to violators. However, security guards can file complaints on behalf of their clients with the Police Department. He feels the tow-away provision, Section (c), should be amended to allow towing of vehicles to be accomplished only by the Abilene Police Department.

Councilman McCaleb moved to approve the ordinance on first reading to amend Chapter 18 of the Abilene Municipal Code regarding handicapped parking, with two amendments as follows:

- 1) add a minimum fine of \$50.00 to all violators of the ordinance; and,
- 2) in Subsection (c) add a phrase to clarify that any towing be accomplished by the Abilene Police Department.

Also, Council instructed staff to study the number of handicapped spaces available at all City facilities. 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 AMENDING CHAPTER 18, ARTICLE X, "MOTOR VEHICLES AND TRAFFIC," OF THE CITY CODE OF THE CITY OF ABILENE, TEXAS, BY ADDING SECTION 18-206; PROVIDING FOR DESIGNATION OF OFF-STREET PARKING SPACES FOR HANDICAPPED PERSONS; PROVIDING THE USE OF SUCH SPACES BY AUTOMOBILES WITH DISTINGUISHING LICENSE PLATES, SYMBOLS, TAGS, OR OTHER

DEVICES ISSUED BY THE STATE OF TEXAS FOR DISABLED PERSONS; PROHIBITING THE PARKING OF ANY OTHER VEHICLES IN SUCH SPACES; UNIFORM SIGNING THEREOF; PROVIDING FOR THE TOWING OF ALL SUCH VEHICLES NOT HAVING SPECIAL LICENSES; DECLARING A PENALTY FOR VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND CODE PROVISIONS NOT INCONSISTENT WITH THIS ORDINANCE; AND NAMING AN EFFECTIVE DATE.

Councilman McCaleb moved to remove from the table a request from Lance Trigg, Jr. to rezone from A0 59 PDC district located and Hartford Street and Dub Wright Blvd. 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.

Tony Neitzler, Assistant Director of Planning, briefed the Council on an appealed ordinance considered on second and final reading - **Z-0387** - Request from Lance Trigg, Jr., to rezone from A0 (Agricultural Open Space) to PDC (Planned Development Commercial) district, located at the southeast corner of Hartford Street and Dub Wright Blvd. The Planning and Zoning Commission and staff recommend approval.

This request was originally heard by City Council on March 19, 1987. It proposes to change the zoning on the subject 4 acre tract from A0 to a Planned Development Commercial district. The original version of the ordinance contained a 200 foot building setback provision, which was opposed by the applicants. That setback was suggested as a way to ensure unified development of the tract, as is the purpose of Planned Development zoning. The City Council instructed the applicants to prepare an overall development scheme for the entire tract, while referring the issue back to the Planning and Zoning Commission.

The ordinance has been modified and now addresses two separate parcels on the property. Tract 2 has a 100' building setback from Hartford, while Tract 1 (slated for convenience store/gasoline sales) has a 142' setback from Hartford Street.

At issue now is the setback for Tract 1. As specified by the Planning and Zoning Commission, the gas pumps and canopy must be within the building envelope 142' south of Hartford and a westward projection of that right-of-way line. Applicants feel that setback separates gas pumps unreasonably distance from the street.

The Planning Commission's reason for this setback is to create a wide vista to the new main gate from those approaching it along Dub Wright and Hartford Street in accordance with the goals of the Dyess Study. A large pump canopy would detract from this objective, by placing cars, structures, gas price signs and the canopy itself, with 15' of the street.

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

For:

- . Lance Trigg, proponent, favors the ordinance only as originally proposed on March 19, 1987, or nothing.
- . Ed Melson, 1941 River Oaks Rd., speaking on behalf of Mr. Trigg, stated that due to a change in contract negotiations, he would like to change the wording in Part 8, Section D.1 and D.2 as follows:

Part 8, Section D.1., Screening

1. "Landscaping shall be placed and maintained along the western property line adjacent to Dub Wright Blvd., for Tract 1 and Tract 2 as they are developed, in accordance with the recommendations of the Dyess Area Study, and adopted by the City Council." Said landscaping shall be located entirely on private property. All landscaping shall only occur after a landscaping plan has been approved by the City of Abilene.

Part 8, D. 2. Screening

2. "A seven (7) foot solid opaque fence of wood or masonry construction shall be placed along the south and east property line of Tract 2 before a Certificate of Occupancy is issued for structures on Tract 2."

Against:

- . James McMillon, 1049 N. 3rd., attorney representing several property owners and residents that live in the area. He stated the residents' concerns relative to the commercialization of this area are the issues of traffic; the incidence of crime; increased flooding from runoff; and pornography sales by Circle K. He asked that Council deny the ordinance.

- . Gloria Goodrich, 52 Bayridge, passed to the Council a Penthouse Magazine to visually depict that, in her opinion, the magazines that Circle K stores sell are obscene. Ms. Goodrich also spoke in opposition to the ordinance.

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

Councilwoman Ray moved to approve the ordinance for Z-0387 to rezone from A0 to PDC as recommended by staff with an amendment to allow for a canopy 15' from the property line and the language changes to sections 8.D.1 and 8.D.2 as recommended by Mr. Melson. The motion was seconded by Councilman Wheat.

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

The motion FAILED. No other motions were offered and, technically, the request was DENIED.

Tony Neitzler, Assistant Director of Planning, briefed the Council on an ordinance considered on second and final reading, ordinance amendment to Section 23-306 concerning regulations of church accessory uses. 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:

- James McMillon, 1049 N. 3rd, representing Southside Baptist Church, asked questions concerning paragraphs 2f, 2g, and 4f.

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

Mayor Ferguson proposed to change the ordinance by removing Sections 2f and 4e which relate to the use in a residential district or as a recreation center (accessory to a church). Both paragraphs currently read as follows:

"Must not comprise more than 25% of the total floor area of the church, whether within, attached to or detached from the church. Larger facilities may be allowed only after granting of a Special Exception by the Board of Adjustment."

Councilman Nixon moved to approve the ordinance to amend Section 23-306 concerning church accessory buildings as recommended by staff, with the deletion of the language in Sections 2f and 4e. 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 41-1987 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.

Tony Neitzler, Assistant Director of Planning, briefed the Council on an item considered on second and final 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 sidewalks of the Abilene requirements; and a Resolution adopting the Sidewalk Master Plan. David Lawrence, Planner, described the Master Plan and pointed out staff recommendations as follows:

1. Adopt, by resolution, a four color plan which reflects existing, required and exempt status sidewalks as well as active school sites.
2. Amend the Municipal Code to require sidewalk installation per the Sidewalk Plan when a lot is developed.
3. Amend the Subdivision Regulations to delete all references to sidewalks within that code.
4. Gain assistance from the Traffic Director to begin developing funding packages to accomplish installation of sidewalks within the exempt status areas.

The Planning and Zoning Commission and staff recommend approval.

Mayor Ferguson opened a public hearing to consider the aforementioned items, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman Wheat moved to approve the Ordinance to amend Subdivision Regulations, Section 23-257, 260 & 262; the Ordinance amending Chapter 29 of the Municipal Code, Streets & Sidewalks; and the Resolution adopting the Sidewalk Master Plan, 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 42-1987 and is captioned as follows:

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.

The Ordinance is numbered 43-1987 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; AND DECLARING A PENALTY.

The Resolution is numbered 35-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE SIDEWALK MASTER PLAN.

Tony Neitzler, Assistant Director of Planning, briefed the Council on a Resolution approving the 1987-88 Transportation Improvements Program and Long Range Element. The Planning and Zoning Commission and staff recommend approval.

Councilman Ceniglis moved to adopt the 1987-88 Transportation Improvements Program and Long Range Element, 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 Resolution is numbered 36-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE 1987-88 TRANSPORTATION IMPROVEMENT PROGRAM INCLUDING THE BIENNIAL, MULTI-YEAR AND LONG-RANGE ELEMENTS.

Tony Neitzler, Assistant Director of Planning, briefed the Council on a Resolution approving the 1987-88 Unified Planning Work Program for Transportation Planning. The Planning and Zoning Commission and staff recommend approval.

Councilman McCaleb moved to approve the Resolution approving the 1987-88 Unified Planning Work Program as presented 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 Resolution is numbered 37-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE 1987-88 UNIFIED PLANNING WORK PROGRAM FOR TRANSPORTATION PLANNING.

Harvey Cargill, City Attorney, briefed the Council on a Resolution requesting West Texas Utilities to increase the Franchise fee from 2% to 4%.

Mr. Holman King, Vice President for West Texas Utilities, stated that WTU has no legal or moral obligation to conform to the 4% franchise fee, and therefore would decline the raise in the franchise fee request. He then responded to several questions from the Council.

Councilwoman Ray moved to approve the resolution requesting WTU to increase their franchise fee as recommended by staff. The motion was seconded by Councilman Nixon and the motion carried. AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson. NAVS: None.

The Resolution is numbered 38-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REQUESTING WEST TEXAS UTILITIES TO INCREASE THE FRANCHISE FEE.

Mike Hall, Director of Community Services, briefed the Council on a resolution to apply for Texas Local Park Funds. The funds would be pooled with matching funds from the Abilene Softball Association, to construct two new fields adjacent to Cal Young Park.

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

- . Dan Sheppard, 833 Kenwood, President-elect of the Abilene Softball Association.

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

Councilman McCaleb moved to approve the request for application of local park funds as recommended by Council. The motion was seconded by Councilman Wheat and the motion carried.

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

The Resolution is numbered 39-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER OF THE CITY OF ABILENE TO APPLY FOR A GRANT FROM THE PARKS AND WILDLIFE DEPARTMENT OF THE STATE OF TEXAS FOR DEVELOPMENT OF PARK FACILITIES.

Rickey Childers, Assistant City Manager, briefed the Council on a request for Award of Bid for construction of the Abilene/Taylor County Law Enforcement Center. Staff and architect recommends the base bid be awarded to G & H

Construction Company of Abilene, and accept Alternate Bid items #4, 7, 8, 9 and 10.

Jack Luther, of Tittle, Luther, Loving Architects, publicly commended the City staff for their cooperation with this project.

Councilman Wheat moved to accept the award of bid 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.

Mayor Ferguson recessed the Council into executive session in accordance with State law, Sections 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 1:00 p.m.



Patricia Hancock
City Secretary



Dale Ferguson
Mayor