

**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 23, 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 23, 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 Gary McCaleb.
3. **Approval of Minutes:** Pre-Council Work Sessions and Regular City Council Meetings held June 25 and July 9, 1987.

#### 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.

4. **Ordinances and Resolutions:**
  - a. Oral resolution to authorize the City Manager to sign an agreement with the State Purchasing and General Service Commission (STS) for intrastate long distance service.
  - b. Resolution amending Oil and Gas Lease #1986-01 relating to performance bond requirements.
  - c. Oral resolution to approve solicitation of proposals for preparation of an overall Economic Development plan.

#### REGULAR AGENDA

5. **Public Appearance:**
  - a. Former Mayor David Stubbeman to present Abilenians Helping Abilenians funding recommendations.

6.

**Ordinances & Resolutions:**

- a. **Public Hearing:** Consider on second and final reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Section 18-286, Decreased Speed Limits concerning School Zones.
- b. Consider on second and final reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Article X, regarding handicapped parking.
- c. **Public Hearing** - Consider on second and final 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.
- d. **Public Hearing** - Consider on second and final 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.
- e. **Public Hearing** - Consider on second and final 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.
- f. **Public Hearing** - Consider on second and final 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.
- g. **Public Hearing** - Consider on second and final 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.
- h. **Public Hearing** - Consider on second and final 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.

7.

**Other Business:**

- a. Discuss possible annexation in South Abilene.
- 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. 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.

**PRE-COUNCIL WORK SESSION, THURSDAY**  
**July 23, 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 23, 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. 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**  
**July 23, 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 23, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Gary McCaleb.

The minutes of the Pre-Council Work Session and Regular City Council Meetings held June 25 and July 9, 1987, stand approved.

Councilwoman Ray moved to approve the consent agenda items, being 4a through 4c as presented 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.

**4. Ordinances and Resolutions:**

- a. Oral resolution to authorize the City Manager to sign an agreement with the State Purchasing and General Service Commission (STS) for intrastate long distance service.
- b. Resolution amending Oil and Gas Lease #1986-01 relating to performance bond requirements.

The Resolution is numbered 40-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING OIL AND GAS LEASE #1986-01 COVERING 200 ACRES OUT OF SECTION 10, BLOCK 3, SPRR COMPANY SURVEY, TAYLOR COUNTY, TEXAS.

- c. Oral resolution to authorize funds for overall Economic Development plan.

Former Mayor David Stubbeman briefed the Council regarding the Abilenians Helping Abilenians Study funding recommendations. The Mayor's Task Force on Community Needs, which involved the work of over 150 citizens of Abilene, began work in March, 1987, to respond to the results of the Abilenians Helping Abilenians needs assessments. The complete Task Force Report will not be presented until September 10th; however, the Steering Committee, due to the extreme importance of the report, felt it essential to submit to Council those priority recommendations that have a direct fiscal impact on the City and must be addressed with the FY 1987-88 budget.

Although all recommendations appearing in the Fiscal Impact Report are of supreme importance, there are many other recommendations in the full report which are of equal or greater importance but are not immediate budget concerns.

The Fiscal Impact Report describes the top fiscal priorities of each Committee with cost estimates. Some cost estimates will not require direct allocations of funds, but a transfer of staff time to a proposed project and some projects that require direct allocation are reimbursable from State or Federal funds.

Mayor Stubbeman then began a detailed review of each recommendation, preferringing that the #1 priority of the entire Task Force Steering Committee is the expansion of the Call-For-Help program. A summary of the Committee's recommendations together with the total cost for each is as follows:

<u>Committee Name</u>	<u>Total Estimated Cost</u>
Committee on Children	\$ 28,823
Committee on Alcohol & Drug Abuse	175,694
Committee on Health Care	198,316
Committee on Housing	32,000
Committee on Employment and Economic Development	146,000
Committee on Neighborhoods	24,000
Committee on Information Resources	<u>70,272</u>
TOTAL	<b>\$675,105</b>

Dr. Manuel Flores was present and expressed his concern regarding possible duplication of services relative to the recommendation from the Committee on Employment & Economic Development. He feels it is important not to duplicate services already available. If there is no duplication, he is in favor of the recommendations.

No action was taken.

James Condry, Director of Traffic and Transportation, briefed the Council on an ordinance considered on second and final reading, amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Section 18-286, Decreased Speed Limits concerning School Zones. Staff recommends approval.

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

- Virgie Baker, parent of a student at Cooper High School.

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

Councilwoman Ray moved to approve the Ordinance to amend the Traffic Code 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 44-1987 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.

Rickey Childers, Assistant City Manager, briefed the Council on an item considered on second and final reading, amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, Article X, regarding handicapped parking. He stated the portion of the ordinance that Council directed staff to include concerning towing of vehicles by the Police Department only is not included due to a conflict with State Law. This was not a public hearing, however, the following individual was present and desired to speak on the subject.

Mr. E. C. Perkins, 1102 N. 3rd, requested that Council increase the parking for handicapped vehicles at Cobb Recreation Center. Staff responded that all City facilities are being reviewed and will be increased if necessary.

Councilman Ceniglis moved to approve the Ordinance on second and final reading regarding Handicapped Parking, 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 45-1987 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE X, MOTOR VEHICLES AND TRAFFIC, OF THE CITY CODE OF THE CITY OF ABILENE, TEXAS, BY AMENDING 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - **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. The Planning and Zoning Commission, Landmarks 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:

- Frank Murray, 1942 River Oaks, representing the Abilene Preservation League.

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-2387, to add H to underlying CB 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 46-1987 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-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. 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:

. Berry Eitelman, 3009 Ventura, agent for the proponent.

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 for Z-2487, to rezone from RS-6 to LC district as recommended by 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.

The Ordinance is numbered 47-1987 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-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. 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:

. Mrs. Don C. Garrett, proponent.

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

Councilman Wheat moved to approve the ordinance on second and final reading for **Z-2587**, to add MX to underlying H and RM-3 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 **48-1987** 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-2687** - Request from CLT Development Corporation to rezone from MH (Mobile Home) to HC (Heavy Commercial) district, located at Old Anson Road & I-20. The Planning and Zoning Commission and staff recommend approval on only a portion of the overall request area, as described in the ordinance.

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

. Theron Bonham, President of CLT Development Corporation, proponents.

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

Councilman McCaleb moved to approve the ordinance for Z-2687 to rezone from MH to HC district, as recommended by the Planning and Zoning Commission and 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.  
NAYS: None.

The Ordinance is numbered 49-1987 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-2787** - Request from John W. Long, agent Charles B. Davis, to rezone from A0 & RS-8 (Agricultural Open Space & Residential Single Family) to 0 (Office) district, located at 6020 Buffalo Gap Road. The Planning and Zoning Commission recommends approval. Staff recommends disapproval of this request, based upon the Southwest Land Use Plan, which recommends multi-family residential use for the area, and to decrease potential impacts to residential areas involved.

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

- . Charles Davis, 7100 Buffalo Gap Road, representing owner John Long.
- . Scott Senter, representing Dr. Shringeri, a prospective buyer of the property.
- . Dr. Shringeri, prospective buyer of the property.

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

After much discussion, Councilwoman Ray moved to disapprove the ordinance for Z-2787, 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 request was DENIED.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - **TC-2287** - concerning a portion of S. 25th Street from the east right-of-way line of Treadaway east approximately 664 feet. The Planning and Zoning Commission recommends approval; staff recommends approval subject to retention of a 5' utility easement along the northern boundary of the request area.

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 for thoroughfare closure on a portion of S. 25th St., 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 **50-1987** 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.

Lee Roy George, Director of Planning, briefed the Council regarding discussion of possible annexation in South Abilene. The annexation request from Mike Milano is for a 10-acre tract located west of Elm Creek on FM 707 and not contiguous to the present City Limits. It appears Mr. Milano's request is based on an inability to receive water service from View-Caps Water Supply Corporation. At this time, staff is requesting direction from the Council on whether or not to pursue this annexation request. Staff has no recommendation to offer at this time.

Mr. George briefly overviewed the present situation for this area, relative to water service. Additionally, since the requested area is not contiguous to the present City Limits, approximately five or six properties are located between the present City Limits and Mr. Milano's property, and those property owners would be directly affected by any annexation proceedings.

Council directed staff to invite affected property owners to a meeting to obtain their feelings on annexation.

Councilman Wheat moved to not pursue annexation at this time. 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.

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.

Councilman Ceniglis moved to appoint Don E. Hinshaw as Primary Member, and James Rose as Alternate Member to the Abilene Community Development Company for a term expiring May, 1988. The motion was seconded by Councilwoman Ray and the motion carried.

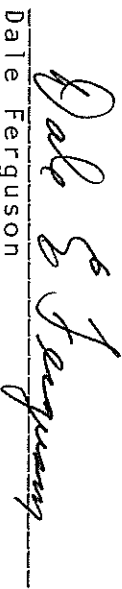
AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Ceniglis, Robinson, Nixon, and Mayor Ferguson.

NAYS: None.

There being no further business, the meeting was adjourned at 11:15 a.m.



Patricia Hancock  
City Secretary



Dale Ferguson  
Mayor