

**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, **November 5, 1987**, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.
2. Presentation on First Responses Program.

**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, **November 5, 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 October 15, 1987 and October 22, 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. Consider on first reading - an ordinance changing zoning district boundaries - **Z-4287** - Request from Sarah A. Throckmorton; agent, Mary Pat Mercer to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at 2026 Sayles Blvd., and set a public hearing for November 12, 1987 at 9:00 a.m.
  - b. Consider on first reading - an ordinance for thoroughfare closure - **TC-4187** - Request from Garnie R. Hatch, for a 20' wide alley adjacent to the north property line of Lot 4, Block 20, Continuation of College Drive Addition and located between the railroad tracks and Houston Street, and set a public hearing for November 12, 1987 at 9:00 a.m.
  - c. Consider on first reading - an ordinance for thoroughfare abandonment - **TC-4387** - Request from Southside Church of God in Christ, being a portion of Willow Street right-of-way adjacent to Lots 8 and 9, Block 94, Original Town, and located between South 4th and South 5th Streets, and set a public hearing for November 12, 1987 at 9:00 a.m.

- d. Consider on first reading - an ordinance amending Sections 23-306.4 and 23.306.5.C(1) of the Zoning Ordinance concerning permits for temporary Amusement Facilities, and set a public hearing for November 12, 1987 at 9:00 a.m.
- e. Consider on second and final reading - an ordinance changing Traffic Code Schedules in Section 18-293, Parking Prohibited At All Times and Section 18-299, Parking Time Limited of the Abilene Municipal Code.
- f. Oral resolution amending Fiscal Year 1987-88 Unified Planning Work Program to add additional work element.
- g. Oral resolution to consider renewal of lease agreements with Abilene Gun Club.
- h. Oral resolution authorizing City Manager to execute contract for Buck Creek odor control improvements.
- i. Resolution to authorize execution of pipe line license agreement with Santa Fe Railroad.
- j. Resolution concerning Local Park Fund application regarding clarification for administration of funds and specifications for outdoor recreational purposes.
- k. Resolution endorsing the position of the County of Scurry to locate a State detention facility near Snyder in Scurry County.
- l. Oral resolution authorizing the City's participation in the TML intervention of the Sportsmen's Clubs of Texas, Sierra Club and Environmental Defense Fund, Inc. v. U. S. Environmental Protection Agency litigation.

**5. Award of Bid:**

- a. Uniforms for Police Department, **Bid #201.**
- b. Computer hardware for various departments, **Bid #216.**
- c. Sideloader refuse trucks for Refuse Division, **Bid #212.**

REGULAR AGENDA

**6. Ordinances & Resolutions:**

- a. **REMOVE FROM TABLE**  
**Public Hearing:** Consider on second and final reading - an ordinance changing zoning district boundaries - Z-4587 - Request from The Kroenke Group; agent, Ray Scott, authorizing amendment #2 to Ordinance #23-1986, concerning the Judge Ely North PDMX (Planned Development Mixed Use) district, concerning signs located at N. Judge Ely Blvd. and San Jacinto Drive.

**7. Other Business:**

- a. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).

- b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).

CITY COUNCIL/TAYLOR COUNTY COMMISSIONERS JOINT MEETING

City Council Chambers, 1:00 p.m.

1. City/County Joint Seminar on Flood Plain Management.

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
23. City v. Board of Adjustment

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 9/18/87

00258

PRE-COUNCIL WORK SESSION, THURSDAY  
November 5, 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 **November 5, 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, Melton 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.

Richard Knopf, Fire Chief, gave a status report on the Department's First Responder Program.

There being no further questions, the meeting was recessed to the City Council Chambers for the Regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
November 5, 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 November 5, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Gary McCaleb.

There being no additions or corrections to the minutes of the Pre-Council Work Sessions and Regular City Council Meetings held October 15 and 22, 1987, the minutes stand approved.

Councilman Ceniglis moved approval of the consent agenda items, 4a through 5c, as presented by the 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.

4. **Ordinances & Resolutions:**

a. **APPEALED ITEM:**

Consider on first reading - an ordinance changing zoning district boundaries - **Z-4287** - Request from Sarah A. Throckmorton; agent, Mary Pat Mercer to rezone from RS-6 (Residential Single Family) to LC (Limited Commercial) district, located at 2026 Sayles Blvd., and set a public hearing for November 12, 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.

b.

Consider on first reading - an ordinance for thoroughfare closure - **TC-4187** - Request from Garnie R. Hatch, for a 20' wide alley adjacent to the north property line of Lot 4, Block 20, Continuation of College Drive Addition and located between the railroad tracks and Houston Street, and set a public hearing for November 12, 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.

c.

Consider on first reading - an ordinance for thoroughfare abandonment - **TC-4387** - Request from Southside Church of God in Christ, being a portion of Willow Street right-of-way adjacent to Lots 8 and 9, Block 94, Original Town, and located between South 4th and South 5th Streets, and set a public hearing for November 12, 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.

d.

Consider on first reading - an ordinance amending Sections 23-306.4 and 23.306.5.C(1) of the Zoning Ordinance concerning permits for temporary Amusement Facilities, and set a public hearing for November 12, 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.

- e. Consider on second and final reading - an ordinance changing Traffic Code Schedules in Section 18-293, Parking Prohibited At All Times and Section 18-299, Parking Time Limited of the Abilene Municipal Code.

The Ordinance is numbered 70-1987 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.

- f. Oral resolution amending Fiscal Year 1987-88 Unified Planning Work Program to add additional work element.
- g. Oral resolution to consider renewal of lease agreements with Abilene Gun Club.
- h. Oral resolution authorizing City Manager to execute contract for Buck Creek odor control improvements.
- i. Resolution to authorize execution of pipe line license agreement with Santa Fe Railroad.  
The Resolution is numbered 59-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING LICENSE AGREEMENT BETWEEN THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY AND THE CITY OF ABILENE TO INSTALL AN EIGHTEEN-INCH (18") WATER LINE CROSSING UNDER CERTAIN TRACKAGE AND RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY AT MILE POST 421+0737 AT BUFFALO GAP, TEXAS.

- j. Resolution concerning Local Park Fund application regarding clarification for administration of funds and specifications for outdoor recreational purposes.

The Resolution is numbered 60-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, (HEREINAFTER CALLED 'APPLICANT'), DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT (HEREINAFTER CALLED 'DEPARTMENT') FOR THE PURPOSE OF PARTICIPATING IN THE GRANT PROGRAMS DESCRIBED HEREINAFTER: CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE ASSISTANCE UNDER SUCH PROGRAMS.

k. Resolution endorsing the position of the County of Scurry to locate a State detention facility near Snyder in Scurry County.

The Resolution is numbered 61-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, SUPPORTING THE POSITION OF THE COUNTY OF SCURRY TO LOCATE A STATE DETENTION FACILITY NEAR SNYDER IN SCURRY COUNTY, TEXAS.

l. Oral resolution authorizing the City's participation in the TML intervention of the Sportsmen's Clubs of Texas, Sierra Club and Environmental Defense Fund, Inc. v. U. S. Environmental Protection Agency litigation.

5. Award of Bid:

a. Uniforms for Police Department, **Bid #201.**  
The bid was awarded to Donovan Uniform Company.

b. Computer hardware for various departments, **Bid #216.**  
The bid was awarded as follows: Items #1, 2, and 4-8 to Digital Equipment Corporation, and Items 3 and 9 to Trilogic.

c. Sideloader refuse trucks for Refuse Division, **Bid #212.**  
The bid was awarded to EMC0.

Councilman McCaleb moved to remove from the table item 6a, **Z-4587**, Request from The Kroenke Group; agent, Ray Scott, authorizing amendment #2 to Ordinance #23-1986, concerning the Judge Ely North PDMX district. 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.



Lee Roy George, Director of Planning, briefed the Council on the modified ordinance considered on second and final reading to amend Ordinance #23-1986, concerning the Judge Ely North PDMX (Planned Development Mixed Use) district, concerning signs located at N. Judge Ely Blvd. and San Jacinto Drive. The Planning and Zoning Commission recommends approval of the entire request; staff recommends approval with modifications.

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

- Dave Dalzell, 618 Green Valley, agrees with the proposal from staff for the first sign and the #1 proposal for the second sign. He is requesting the #1 proposal for the second sign be amended to allow skirting the sign.
- Mike Decker, 1335 Asbury, Dallas, TX, Kroenke Group, requests approval of the staff's proposal for the first sign and the #1 proposal for the second sign with authorization to skirt the sign, which will increase the square foot sign area from 200 to 320 or 330 feet.
- Hilary Moore, owner of Ely Square, located in the vicinity. He is in favor of the proponent's request.
- Don Mullins, representing Hardee's, favors the proponent's request.

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

Mayor Ferguson moved to approve the staff's proposal in its entirety. The motion was seconded by Councilman Ceniglis.

Councilman McCaleb moved to make an amendment to the Mayor's motion which would add item #5, 'move second sign south of main entrance; 25' setback, 30' tall, 350 sq. ft. with 8' grade clearance". The motion was seconded by Councilman Nixon and the motion carried.

Therefore, the main motion is to approve the staff's proposal in its entirety with the addition of item #5 as accepted.

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

NAYS: None.

The Ordinance is numbered 71-1987 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 23-1986, CONCERNING THE JUDGE ELY NORTH PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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.

Dwayne Hargesheimer, Director of Water Utilities, introduced Mr. Jim Matthews, attorney, representing the City regarding the lawsuit filed by the State of Texas. He briefed the Council on the summary of settlement agreed upon by the City and State of Texas pursuant to the City's sewer and wastewater system.

The executive summary is attached and incorporated herein as Exhibit "A" to these minutes.

Councilman Nixon moved to accept the plan for settlement and authorize payment, as recommended by staff and legal counsel. The motion was seconded by Councilman Wheat and the motion carried.


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

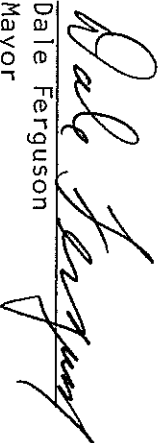
NAYS: None.

Mr. Blagg gave closing comments concerning the settlement confirming that the City has operated its system within the requirements of the State for the past two years. Additionally, that if the State accepts this plan, increases in the City's sewer rate structure are anticipated.

There being no further business, the meeting adjourned at 11:45 a.m.

The Council convened at 1:00 p.m. for a Floodplain Management Workshop with the Taylor County Commissioners Court. The agenda for the workshop is attached and incorporated herein as Exhibit "B" to these minutes.

  
Patricia Hancock  
City Secretary

  
Dale Ferguson  
Mayor

FLOODPLAIN MANAGEMENT WORKSHOP

TAYLOR COUNTY  
ABILENE, TEXAS

November 5, 1987

A G E N D A

	P.M.	I N T R O D U C T I O N S
1:00		
1:15 - 1:30		FLOOD HISTORY AND COMMUNITY STATUS OF TAYLOR COUNTY Roy D. Sedwick - Texas Water Commission
1:30 - 2:15		CONCEPTS OF FLOODPLAIN MANAGEMENT A Slide Show - Roy D. Sedwick
2:15 - 2:30		B R E A K
2:30 - 3:00		FLOOD INSURANCE - Keith E. Krause Texas Water Commission
3:00 - 3:15		ROLE OF THE PRIVATE SECTOR - Roy D. Sedwick
3:15 - 3:30		ABILENE FLOODPLAIN MANAGEMENT Date Williamson - City of Abilene
3:30		CLOSING COMMENTS - Roy D. Sedwick

00265

EXECUTIVE SUMMARY OF AGREED JUDGEMENT IN STATE OF TEXAS  
AND CITY OF ABILENE

1. By Dec. 1, 1987 - Submit to TWC administratively complete amendment to 10334-04 to increase average daily flow and maximum daily flow. Shall include plans and schedules for modification, if any exist at the time City submits application.
2. No discharges from irrigation ponds except as authorized by Texas Water Code.
3. No diversions to irrigation ponds except as authorized by Texas Water Code.
4. Within 30 days of signing judgement, City shall submit to TWC identification of all methods currently being used to control filamentous bacteria and bulking solids. If modified within the next 5 years, City shall notify TWC in writing within 30 days.
5. Prevent tailwater runoff from any irrigated lands
  - a) Provide Tailwater Control facilities.
  - b) Inspect Tailwater Control facilities before releasing water for irrigation to any user.
  - c) Each day irrigation water is used by anyone determine if any tailwater violations are occurring. If there are, we shall immediately stop providing water and notify TWC within 5 days.
6. Within 30 days of signing judgement, or by Nov. 20, 1987, City shall submit to TWC a written plan and schedule for controlling wastewater odors at the Buck Creek Lift Station. Plan and schedule shall be certified by Professional Engineer in Texas.
7. Within 30 days of signing judgement, or by Nov. 20, 1987, City shall submit to TWC a plan and schedule for controlling bypassing and overflow conditions at Mesquite Forest Lift Station and outfall line running parallel with Nease Road. Plan and schedule shall be certified by Professional Engineer in Texas.
8. By June 1, 1988, the City shall submit to TWC a plan and schedule for controlling bypasses and/or overflows within the City's Wastewater Collection System during wet weather conditions. Plan and schedule shall be certified by Professional Engineer in Texas.
9. TWC has 90 days to review any plan and schedule. The City shall implement its plan and the schedule within 30 days after TWC approval. If TWC disapproves the City's plan and schedule, it must petition the court in order to amend the City's plan.
10. City shall provide 20 hours training each year for each wastewater treatment plant operator employed by City holding Certificate of Competency. Each year City shall submit written proof to TWC that each operator has received training.

EXECUTIVE SUMMARY OF AGREED JUDGEMENT IN STATE OF TEXAS  
AND CITY OF ABILENE

11. State shall have Judgement against City in amount of \$200,000 and \$30,000 for attorney's fees and investigative costs.
12. City shall have 30 days from the signing of the Judgement to pay State of Texas.
13. Within 15 days following signing Judgement, City shall notify customers of settlement by:
  - a) Publication of an announcement in newspaper on 5 days within a two-week period.
  - b) At least 2 days of publication shall be on a weekend-day.
  - c) Announcement shall be no smaller than 3 newspaper columns in width and 5 inches in length.
  - d) Shall be posted in a section other than Legal Notices.