

**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, **December 3, 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, **December 3, 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 Tom Ceniglis.
3. **Approval of Minutes:** Pre-Council Work Session and Regular City Council Meeting held November 12, 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. Resolution to consider request by Schkade Bros. Operating Company to amend Oil & Gas Lease #1987-02.
  - b. Oral resolution to consider street use license request from CAN Metal Building Systems, Inc., located at 149 and 173 Walnut.
  - c. Oral resolution authorizing Mayor to execute final contract amendment for engineering services on Environmental Protection Agency Grant Project, wastewater treatment plant.
  - d. Consider on first reading - an ordinance amending Section 23-306.5.C(12) of the Zoning Ordinance, concerning Adult Entertainment Enterprises, and set a public hearing for December 17, 1987 at 9:00 a.m.
  - e. Consider on first reading - an ordinance changing zoning district boundaries - **Z-4487** - Request from City of Abilene to rezone from GC (General Commercial) to RS-6 (Residential Single Family) district, located at 7702 Buffalo Gap Road, and set a public hearing for December 17, 1987 at 9:00 a.m.

- f. Consider on first reading an ordinance changing zoning district boundaries - **Z-4587** - Request from Robert N. Martin; agent, Eddie Boykin, to rezone from 0 (Office) to LC (Limited Commercial) district, located at 4741 Buffalo Gap Road, and set a public hearing for December 17, 1987 at 9:00 a.m.
- g. Consider on first reading an ordinance changing zoning district boundaries - **Z-4687** - Request from George Stewart to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at 536 S. Mockingbird, and set a public hearing for December 17, 1987 at 9:00 a.m.

- 5. **Award of Bid:**
  - a. C900 water pipe for Water Utilities Department, **Bid #218**.

REGULAR AGENDA

- 6. **Ordinances & Resolutions:**
  - a. **Public Hearing:** Oral resolution to consider request from Schkade Bros. Operating Co., for Oil & Gas drilling permit #8704 located at the City of Abilene's new sewer farm.  
**APPEALED ITEM:**
  - b. **Public Hearing:** Consider on second and final 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.
  - c. **Public Hearing:** Consider on second and final reading - an ordinance amending Sections 23-306.4 and 23-306.5.C(6) of the Zoning Ordinance concerning Golf Driving ranges, pitch and putt, and miniature golf courses.
  - d. Consider an amendment to the Abilene Municipal Code, Chapter 23, Subpart C, Signs and Billboards, Sections 126 through 185, regarding sign regulations; possibly taking effect immediately if passed by five (5) members of the City Council.
  - e. Resolution authorizing water and sewer rate adjustment.
  - f. Resolution approving a financing plan for refunding The Abilene Housing Finance Corporation, Series 1980 Single Family Mortgage Revenue Bonds.
  - g. Resolution authorizing The Abilene Higher Education Facilities Corporation to issue higher education revenue bonds - series 1987, in the amount of \$5,800,000.

- 7. **Other Business:**
  - a. Presentation on Condemnation Program for substandard housing.
  - 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).

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

00278

PRE-COUNCIL WORK SESSION, THURSDAY  
December 3, 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 **December 3, 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. Council directed staff to request the Planning and Zoning Commission to appoint a subcommittee to review the portable sign provisions of the City Code to see if any changes or adjustments need to be made. The subcommittee should be comprised of a cross-section of the community including retailers. As part of their charge, the subcommittee should review the feasibility of whether or not to continue exempting the month of December relative to the 30-day on/30-day off provision.

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

REGULAR CITY COUNCIL MEETING  
December 3, 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 December 3, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Tom Ceniglis.

There being no additions or corrections to the minutes of the Pre-Council Work Session and Regular City Council Meeting held November 12, 1987, the minutes stand approved.

Mayor Ferguson removed from the agenda items 4d, 4e, 4f, and 4g. These items will be considered on first reading at the December 17, 1987 Council meeting.

Councilman Ceniglis moved approval of the consent agenda items, 4a through 4c, and 5a, 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. Resolution to consider request by Schkade Bros. Operating Company to amend Oil & Gas Lease #1987-02.

The Resolution is numbered 64-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING (SECOND AMENDMENT) AN OIL AND GAS LEASE DATED APRIL 9, 1987, BETWEEN THE CITY OF ABILENE AND SCHKADE BROTHERS OPERATING COMPANY.

- b. Oral resolution to consider street use license request from CAN Metal Building Systems, Inc., located at 149 and 173 Walnut.
- c. Oral resolution authorizing Mayor to execute final contract amendment for engineering services on Environmental Protection Agency Grant Project, wastewater treatment plant.

**5. Award of Bid:**

- a. C900 water pipe for Water Utilities Department, **Bid #218**. The bid was awarded to Marta Company on a lump sum basis. Additionally, the emergency purchase of the 6" C900 water pipe is ratified.

Sandra Trosky, Land Agent, briefed the Council on an oral resolution to consider request from Schkade Bros. Operating Co., for Oil & Gas drilling permit #8704 located at the City of Abilene's new sewer farm. Staff recommends approval.

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

Councilman Wheat moved to approve the oral resolution approving Oil and Gas drilling permit #8704 as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

John Hancock, Principal Planner, briefed the Council on an appealed ordinance considered on second and final reading 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. The Planning and Zoning Commission and staff recommend disapproval.

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

- Mary Pat Mercer, agent for the proponent.

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

Councilwoman Ray moved to approve the request for Z-4287 as requested by proponent. 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 **75-1987** 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.

Tony Neitzler, Assistant Director of Planning, briefed the Council on an ordinance considered on second and final reading amending Sections 23-306.4 and 23-306.5.C(6) of the Zoning Ordinance concerning Golf Driving ranges, pitch and putt, and miniature golf courses. The Planning and Zoning Commission and staff recommend approval.

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

- Eddie Boykin, 279 N. Willis, developer.
- Burl Harris, 1358 Petroleum Drive, developer.

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

Councilman Ceniglis moved to approve the request to amend Sections 23-306.4 and 23.306.5.C(6) of the Zoning Ordinance as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

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

NAYS: None.

The Ordinance is numbered 76-1987 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 amendment to the Abilene Municipal Code, Chapter 23, Subpart C, Signs and Billboards, Sections 126 through 185, regarding sign regulations. At the request of the Council, staff has drafted a provision that would suspend provisions in the Sign Regulations prohibiting placement of portable signs at any location for more than one consecutive thirty-day period during the month of December each year. The suspension does not remove the requirement to permit such signs nor to provide adequate setback and spacing.

The Council discussed that the provision, as drafted, would exempt the month of December each year. However, Council has asked the Planning and Zoning Commission to appoint a committee to review the sign provisions including the feasibility of continuing this exemption. Therefore, Council revised the ordinance to exempt December, 1987, only.

Councilman Robinson moved to approve the amendment to the Zoning Ordinance, which would exempt the month of December, 1987, from the 30-day on/30-day off portable sign provisions. 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 77-1987 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.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an oral resolution authorizing water and sewer rate adjustment. These rates are consistent with the Department's philosophy to make capital improvements on a pay-as-you-go basis. Since 1980, rate adjustments have been made in the water system to help defray costs of certain water projects. The implementation of the Master Plan for the Wastewater Collection System, as well as the settlement of the lawsuit with the State, concerning the Wastewater Plant and Collection System, require a plan and schedule of improvements. A sewer rate adjustment is necessary to provide enough funds in order to pay for these projects as scheduled.

Additionally, with the refinancing of the parallel water transmission line bonds and other savings in the water system, the staff is recommending a downward adjustment in the water rates. Staff recommends the proposed water and sewer rates be adopted effective the first billing cycle in January, 1988.

Even though a public hearing was not advertised for this item, the following individual spoke in response to the request:

- Maria Velasquez, requested that the City monitor the polluters that pollute the City's water supply and hold them accountable.

Staff responded to questions from the Council concerning other alternatives to obtain the revenue to make the improvements, such as bond issues, moving the water funds' payment in lieu of taxes from general fund to the water fund, etc. Staff is of the opinion this recommendation proposed is the most economical and appropriate.

Councilman McCaleb moved to approve the Water and Sewer Rate Adjustment as requested 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.

NAYS: None.

Roy McDaniel, Assistant City Manager, briefed the Council on a Resolution approving a financing plan for refunding The Abilene Housing Finance Corporation, Series 1980 Single Family Mortgage Revenue Bonds. Staff and the Abilene Housing Finance Corporation recommend approval.

Councilman Robinson moved to approved the refunding issue 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 Resolution is numbered 65-1987 and is captioned as follows:

RESOLUTION APPROVING ISSUANCE OF BONDS BY THE ABILENE HOUSING FINANCE CORPORATION

Roy McDaniel, Assistant City Manager, briefed the Council on a Resolution authorizing The Abilene Higher Education Facilities Corporation to issue higher education revenue bonds - series 1987, in the amount of \$5,800,000. Staff recommends approval. The Abilene Higher Education Facilities Corporation will approve the issue and submission once all pricing is complete.

Councilman Wheat moved to approve the bond issue series 1987 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 Resolution is numbered 66-1987 and is captioned as follows:

RESOLUTION APPROVING ISSUANCE OF BONDS BY ABILENE HIGHER EDUCATION FACILITIES CORPORATION.

Bob Fowler, Director of Building Inspection, gave a presentation on the Condemnation Program for Substandard Housing, as administered by his Department. He gave a slide presentation of homes either condemned and scheduled for demolition or condemned and later remodeled and brought into compliance with the City's codes. At the present time, the program consists of Community Development funds which will only be used to secure a structure upon its reaching a condemned status. No demolishing or monitoring will be done until the economic situation of the City improves.

Some of the Council expressed their opinion of the Program. No action was necessary by the Council.

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 in Executive Session.

Mayor Ferguson submitted a list of individuals for Council's approval for appointment and reappointments to the City's various Boards and Commissions.

Councilman Nixon moved to approve the appointment and reappointment of individuals to various boards and commissions as recommended by Mayor Ferguson. The motion was seconded by Councilman Geniglis and the motion carried.


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

NAYS: None.

The list of appointed and reappointed members is attached to these minutes as Exhibit "A" and is incorporated as part of these minutes.

There being no further business, the meeting adjourned at 12:30 p.m.

  
Patricia Hancock  
City Secretary

  
Dale Ferguson  
Mayor

M E M O R A N D U M

December 3, 1987

TO: Members of the City Council  
FROM: Dale Ferguson, Mayor

SUBJECT: Fall 1987 Board Appointments

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I am submitting for your approval the following persons for appointment and reappointment to our various Boards and Commissions:  
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Abilene Clean & Proud, Inc. - 3 year term

Reappoint:

- A Winnie Lu Bounds
- A Micki Wright

Appoint:

- A Kathy Moore, Highway Department
- H Robert Bocanegra, KRBC-TV
- A Helen Hooker, Homemaker

Abilene Economic Development Company, Inc. - 3 year term

Reappoint:

- A Jerry Harris
- H Carlos Rodriguez
- B Leon Petty
- B Floyd Miller

Appoint:

- A Father Jim Lynes, St. Vincent Pallotti Catholic Church
- B Joshua Owusu, President, Ebony Energy, fill vacancy; term expires 11/89
- A Kenneth Cooper, Manager, ClayDesta Communications, fill vacancy; term expires 11/89
- A Becky Cox, Elementary School Teacher, fill vacancy; term expires 11/89
- H Ismael Sanchez, A. L. Williams Co., fill vacancy; term expires 11/89

Abilene-Taylor County Health Board - 3 year term

Appoint:

- H Mickey Villalobos, Macario's Restaurant

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Animal Control - 3 year term

Reappoint:

Dr. Jack Callan

Appoint:

A Claudia Clinton, Assistant City Attorney

Board of Adjustment - 2 year term

Appoint:

0 Matthew Regala, Alternate; Engineer, U. S. Brass

A Wes Ratliff, Alternate; A. B. Dick Products

M/B Miles Lablanc, Assistant District Attorney, Alternate, fill vacancy; term expires 11/88

Reappoint:

A Ben Benigno

A Kirby Leason

Board of Building Standards - 2 year term

Reappoint:

A David Todd, Alternate, Engineer

A Sam Seay, Building Contractor

A David Walker, Alternate, Building Contractor

A Burl Nash, General Contractor

A David Stewart, Alternate, General Contractor

Appoint:

A David Brown, Alternate, Social Worker, Woods Psychiatric

A Sam St. Clair, Jr., Social Worker, Abilene State School

Board of Electrical Examiners - 2 year term

Reappoint:

A Lloyd Turner, Electrical Engineer

A Earle McMillan, Building Contractor

A Richard Rogers, Licensed Architect

Housing Authority - 2 year term

Reappoint:

B Dr. Morris Baker

B Earl Williams

A Dorothy Kimbrough, Tenant Rep.

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Landmarks - 3 year term

Reappoint:

A Bruce Bixby

Appoint:

- A Laurel Hanft from Alternate At-Large to Full member
- H Vickey Rodriguez, At-Large Alternate, First Republic Bank; to fill vacancy, term expires 11/88
- A Richard Dillard, Abilene Preservation League Rep.; fill vacancy, term expires 11/89
- B Jesse Harris, Board of Realtors Rep.; Harris Realty Co.

Library - 2 year term

Reappoint:

- A Craig Nichols
- A Janis Reinken

Appoint:

A Steve Cunningham, Vice President of Marketing, First State Bank

Mechanical Board of Appeals - 2 year term

Reappoint:

- A Nelson Perry, Mechanical Engineer
- A Jerry Johnson, Electrical Contractor

MH/MR Public Responsibility Committee - 1 year term

Reappoint:

- B Neomia Banks
- A James Elam, Stamford Rep.
- A Phillip Wetherbee
- H Lynne Ybarra
- A Don Wright
- A Evelyn Woltjen

Appoint:

H Sonia Adams, Abilene State School

Mixed Use Review - 2 year term

Appoint:

- A Randy Hale, Citizen At-Large, State Highway Department
- A Larry Vaughn, Citizen At-Large, President, Vaughn Plumbing
- A Dennis Adkins, Citizen At-Large, Manager, Body Shop - John Speer Cadillac

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Planning & Zoning Commission - 3 year term

Reappoint:

A Keith Garner

Appoint:

H Joe Leal, Littlejoe Movers

Plumbing Board - 2 year term

Reappoint:

A Jerry Conner, Master Plumber

A Grady Cozby, Jr., Architect

AEDC Overall Economic Development Planning Committee

Appoint:

A Mike Dohrse

Big Country Mayors' Council Advisory Committee

Appoint:

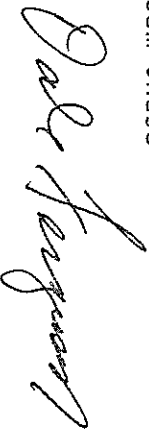
A Gary Vest

A Frank Peck

A Mike Dohrse

A Marilyn Roberts

A Sam Chase



DF:PH/deh

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