

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 17, 1988, at 5:30 p.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, November 17, 1988, at 6:00 p.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 Walter Wheat.
3. Approval of Minutes: Pre Council Session and Regular City Council Meeting held November 10, 1988.

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 approving a contract of the Central Appraisal District of Taylor County for the acquisition of property, an office building located at 1534 S. Treadaway.
 - b. Consider on first reading - an ordinance amending Chapter 23, Sections 23-306.4 and 23-306.5.B of the Zoning Ordinance concerning travel trailers (accessory to hospital), and set a public hearing for December 1, 1988 at 9:00 a.m.
 - c. Consider on first reading - an ordinance amending Chapter 23, Section 23-356.5A of the Zoning Ordinance concerning organization and membership of the Landmarks Commission, and set a public hearing for December 1, 1988 at 9:00 a.m.
 - d. Consider on first reading - an ordinance amending Chapter 23, Section 23-315.2.J of the Zoning Ordinance concerning parking commercial vehicles in residential districts, and set a public hearing for December 1, 1988 at 9:00 a.m.

PRE-COUNCIL WORK SESSION, THURSDAY
November 17, 1988, 5:30 P.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 17, 1988, at 5:30 P.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. Blagy, Assistant City Manager Roy L. McDaniel, City Attorney Harvey Cargill, Jr., City Secretary Jo Moore and various members of the City staff.

The Council briefly discussed various consent and regular agenda items. There being no further discussion, the meeting was recessed until 6:00 p.m. for the regular Council Meeting.

REGULAR CITY COUNCIL MEETING
November 17, 1988, 6:00 P.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 17, 1988, at 6:00 p.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Walter Wheat.

Councilwoman Ray moved to approve the consent agenda items, being 4a through 4e, as recommended 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 and Resolutions:

- a. Resolution approving a contract of the Central Appraisal District of Taylor County for the acquisition of property, an office building located at 1534 S. Treadaway.

The Resolution is numbered 55-1988 and contains no caption.

- b. Consider on first reading - an ordinance amending Chapter 23, Sections 23-306.4 and 23-306.5.B of the Zoning Ordinance concerning travel trailers (accessory to hospital), and set a public hearing for December 1, 1988 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.
- c. Consider on first reading - an ordinance amending Chapter 23, Section 23-356.5A of the Zoning Ordinance concerning organization and membership of the Landmarks Commission, and set a public hearing for December 1, 1988 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.
- d. Consider on first reading - an ordinance amending Chapter 23, Section 23-315.2.J of the Zoning Ordinance concerning parking commercial vehicles in residential districts, and set a public hearing for December 1, 1988 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.
- Council noted that some alternate language concerning defining commercial vehicles will be considered and presented on the second and final reading of this ordinance.
- e. Consider on first reading - an ordinance amending Chapter 18, Motor Vehicles and Traffic, Sections 18-293, "Parking Prohibited"; and 18-297, "stopping, Standing, and Parking Prohibited".
- 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.

There being no corrections, additions, or deletions to the minutes of the Pre Council Session and Regular City Council Meeting held November 10, 1988; Councilman Ceniglis moved to approve the minutes as printed. 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.

REGULAR AGENDA

5. Ordinances and Resolutions

Mindy Manson, Principal Planner, briefed the Council on an ordinance considered on second and final reading changing zoning district boundaries - 2-1988 - Request from Ira B. Duck, Jr.; Estate of Ariel Durham by Robert Durham to rezone from GC (General Commercial) to HC (Heavy Commercial) district, located on I-20, east of 1750 E. I-20. The Planning and Zoning Commission and staff recommend approval.

Mayor Ferguson opened a public hearing on the item, and the following individual spoke in favor of the request:

. Ira Duck, proponent.

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

Councilman Wheat moved to approve the request for 2-1988, 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 53-1988 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.

6. Other Business:

Mayor Ferguson stated that although this item is not posted as a public hearing, due to the subject matter and the concern of the Council for all of those involved, individuals would be allowed to speak following an explanation of the subject by Bob Whitehead, Director of Public Works. Mayor Ferguson stressed that the Council is only considering a study of possible flood alternatives.

Mr. Whitehead briefed the Council on a resolution authorizing the Mayor to enter into an agreement between the United States of America and the City of Abilene for the Abilene Local Flood Protection Project (feasibility phase study). Staff recommend approval.

On August 25, 1988, the City Council authorized the preparation of a proposed Feasibility Cost Sharing Agreement between the Corps of Engineers and the City of Abilene for the purpose of studying various flood control alternatives on Elm Creek, including: (1) Elm Creek Detention Area Alternatives; (2) Lake Abilene Modifications, (3) Little Elm Diversion Channel, (4) Cedar Creek Diversion Channel, (5) Combinations of the above, and (6) Non-structural alternative for Elm Creek. The Feasibility Study is being considered following the preparation of a Reconnaissance Study to identify cost effective measures for controlling flood waters along Elm Creek. The Feasibility Study is shared on a 50-50 basis between the City and the Federal Government. The total cost is currently estimated to be \$600,000 and will take two years to complete. The City's share will be \$300,000 over the two years, or \$150,000 per year, of which a maximum of \$75,000 per year could be "in-kind services." The Public Works staff recommends that the City Council approve the resolution authorizing the Mayor to enter into an agreement between the Corps of Engineers and the City of Abilene for this Feasibility Study. The City's share is recommended to come from a combination of the 1986 Authorized Bond Funds for drainage along Elm Creek and the Developer's Contributions for Regional Detention. The estimated total cash outlay for the City if Abilene is \$240,000 over the two year period.

Following Mr. Whitehead's presentation, Mayor Ferguson asked for a show of hands of those who were for or against the study. The majority of hands were against the study with only a few showing for the study. Councilman Wheat stated that he felt if they dry dam south of town were removed as a possible item for the Council to study, 95% of the people in the Council Chambers would go home. The majority of the audience applauded Mr. Wheat's statement.

The following individuals spoke in response to the request:

- John Thompson, County Commissioner for Precinct 3, stated he was not representing the County Court or any group, nor did he want to be included as one for or against the study. He presented his concerns for the people that would be affected by the dry dam and emphasized the fact that the Rural Taylor County people choose to live in the country and should be listened to.

- Leland Robinson, stated he is not against the whole study, just the dry dam. As a Wylie School Board member, he is concerned about loss to Wylie ISD, in which 59 homes would be affected, and felt Lake Abilene should be used as a dry dam.
- John Harris, 235 Country Place, asked the Council to keep an open mind. He is not against the study, and questioned the number of people living in the area without flood insurance.
- Mayor Ferguson stated that although Loan Companies demand flood insurance, they don't follow up on renewals.
- Lou Polson, felt Abilene should forget about the Corps of Engineers and do the study themselves.
- George Newman, 46 Avenida Deleon, questioned what we would get from the study. Cost analysis of three other viable options.
- Mayor Ferguson asked Dwayne Hargeshemer, Director of Water Utilities, why Lake Abilene is so full of water. Mr. Hargeshemer stated Lake Abilene is holding 71% of its capacity; that it is a water supply, not a detention.
- Scott Harris, 235 Country Place South, stated Council has to look at emotions involved. He also stated he was unable to sell his property already due to this subject, and stated let another alternative be the first alternative.
- Max Hardy, Wylie taxpayer, is not pro or con, but felt channelization through the town most practical solution.
- Winston Olhausen, stated he feels the Corps of Engineers would come back to Abilene even if Abilene set guidelines on what to study.
- Jim McDonald, 223 Country Place South, stated their money pays the taxes.
- Burl Harris, Tanglewood, stated we are spending money on the study that we don't have to. He doubts the quality of the Corps of Engineers work.
- Janette Davis, served on numerous committees; her main concern is jeopardizing the water supply.

• Maxine Perini, Abilene and Buffalo Gap taxpayer, does not think in time of flood, Lake Abilene dam would hold. She noted that the Corps of Engineers designed Lake Abilene.

• Bailey Choate, stated for 35 years there has been talk of flood control. If this study is the only way, then do it, don't just continue studying.

Councilman Wheat moved to deny the Resolution authorizing the Mayor to enter into an agreement between the United States of America and the City of Abilene for the Abilene Local Flood Protection Project. The motion was seconded by Councilman Robinson.

AYES: Councilmen Wheat, Robinson, and Nixon.

NAYS: Councilman McCaleb, Councilwoman Ray, Councilman Ceniglis, and Mayor Ferguson.

The motion **FAILED**.

Following a lengthy discussion where the Council and citizens voiced concerns about the people, property, cost, and time involved, Mr. Whitehead stressed that the dam was just one of the projects the Corps would be examining in the feasibility study. Mr. Whitehead stated that the dam was being considered because federal law requires the Corps to find one project in the area that has the greatest cost-benefit ratio. The dam was one project in the area where the benefits outweighed the cost by \$2.5 = \$1.


Councilman Ceniglis moved to table the Resolution authorizing the Mayor to enter into an agreement between the United States of America and the City of Abilene for the Abilene Local Flood Protection Project, and to ask the Corps of Engineers if they will do a cost-analysis to modify Lake Abilene to determine its cost-benefit ratio before a final decision is made on the feasibility study. 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.

There being no further business, the meeting was adjourned at 8:20 p.m.


Jo Moore
City Secretary


Dale E. Ferguson
Mayor