

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chamber of City Hall on Thursday, October 9, 1980, at 9:00 a.m.

CITY COUNCIL: Mayor Oliver Howard: Council - Seaton Higginbotham, Dick Bowen, Leo F. Scott, S.M. Moore, Jr., L.D. Hilton and Kathy Webster.

1. Call to Order.
2. INVOCATION: Councilwoman Kathy Webster
3. APPROVAL OF MINUTES: Last Regular Meeting held September 25, 1980.

#### 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
  - a. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Commercial) District, located at Loop 322 & Maple Street & set a public hearing for October 23, 1980, at 9:00 a.m.
  - b. Consider on first reading - amendment to the Zoning Ordinance, Sections 32-9.2 & 32-9.3, concerning prefabricated structures & their components & set a public hearing for October 23, 1980, at 9:00 a.m.
5. Resolutions
  - a. Authorize the granting of utility easement to Hamby Water Supply Corporation.

#### REGULAR AGENDA

6. PUBLIC APPEARANCES
  - a. David Gay - appeal decision of Plumbing Board not to amend Code to allow use of P.V.C. plastic pipe.
7. Ordinances
  - a. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to O (Office) District, located at 2630 South 7th & set a public hearing for October 23, 1980, at 9:00 a.m.
  - b. Consider on first reading - thoroughfare abandonment, located south of North 2nd Street between Beech & Mulberry Streets & set a public hearing for October 23, 1980, at 9:00 a.m.
  - c. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) District, located in the 5400 Block of S. Clack & set a public hearing for October 23, 1980, at 9:00 a.m.
  - d. Consider on first reading - reclassification request from GC & AO (General Commercial & Agricultural Open Space) to HC (Heavy Commercial) District, located at 302 E. S. 11th Street & set a public hearing for October 23, 1980, at 9:00 a.m.
  - e. Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located between Hill Haven & Cockerell Drive - north of West Texas Medical Hospital & set a public hearing for October 23, 1980, at 9:00 a.m.
  - f. Consider on first reading - reclassification request from MH (Mobile Home) to GC (General Commercial) District, located at 6101 South 7th Street & set a public hearing for October 23, 1980, at 9:00 a.m.
8. Resolutions
  - a. Concerning West Texas Utilities rate increase request.
  - b. Consideration of Energy Grant.

9. Other Business

- a. Consider request for Water & Sewer Service on FM 18.
- b. Reconsideration of request for waiver of the Subdivision Regulations on Sandy Lane & Cockerell Drive, by Eye Medical Associates of Abilene.

ADJOURN

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 3rd day of October, 1980, at 5:00 p.m.

Ruth Holgin

CHAMBER OF THE CITY COUNCIL,  
CITY HALL, THE CITY OF ABILENE, TEXAS.

The City Council of the City of Abilene, Texas, met in Regular Session, Thursday, October 9, 1980, at 9:00 a.m. with Mayor Pro Tempore S.M. Moore, Jr. present and presiding. Councilmen Seaton Higginbotham, Dick Bowen, L. D. Hilton & Councilwoman Kathy Webster, present. Mayor Oliver Howard & Councilman Leo F. Scott, absent. Assistant City Manager Curtis Hawk, City Attorney Harvey Cargill & City Secretary Ruth Hodgins, present.

Invocation by Councilwoman Webster.

Minutes of last Regular Meeting were approved as written.

Councilman Bowen moved passage of the consent items listed below. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Hilton, Councilwoman Webster & Mayor Moore.

NAYS: None.

4. Ordinances

a. Withdrawn.

b. Consider on first reading - amendment to the Zoning Ordinance, Sections 32-9.2 & 32-9.3, concerning pre-fabricated structures & their components & set a public hearing for October 23, 1980, at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 32, "ZONING," OF THE ABILENE MUNICIPAL CODE; BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

ZONING ORDINANCE  
AMENDMENT-CONCERNING  
PREFABRICATED  
STRUCTURES, ETC.  
FIRST READING

David Gay, Master Plumber, was present and presented an appeal on a decision of the Plumbing Board not to amend the Code to allow use of P.V.C. plastic pipe. He said that they were requesting the use of P.V.C. plastic pipe for drains, waste and vent uses and further stated that a person should have the right to choose the kind of pipe that he needed for a job.

PLUMBING BOARD  
APPEAL- USE OF  
P.V.C. PLASTIC  
PIPE-DAVID GAY

Dale Ferguson, businessman, spoke in favor of P.V.C. plastic pipe. He pointed out that people should get involved in their City Government.

Bob Fowler, Code Administrator, said that people have been asking about the use of P.V.C. plastic pipe, and that he felt that it is acceptable and should be allowed to a limited extent.

Mike Herron, Builder, pointed out that P.V.C. plastic pipe has been approved by F.H.A., V.A., and H.U.D. and has been recommended by some architects for some water construction contracts. He said that there should be an option to the home owner & builder as to the kind of pipe they use in their construction.

Joe Black, Plumber & member of the Plumbing Appeals & Advisory Board, said that he felt that the P.V.C. plastic pipe being discussed, was not reliable and was dangerous in case of fire.

After much discussion, Councilman Bowen moved that the Staff be directed to bring an ordinance back to the Council, allowing them to amend the Plumbing Ordinance to allow proper restriction to the use of P.V.C. plastic pipe. The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Hilton, Councilwoman Webster & Mayor Moore.

NAYS: None.

Wayne Collier, Zoning Administrator, presented the final report of the Planning Commission reclassifying from RS-6 (Residential Single Family) to O (Office) District, located at 2630 South 7th Street.

ZONING-RE  
RS-6 to O  
2630 S. 7th  
FIRST READING

Councilman Bowen moved passage of the ordinance on first reading reclassifying from RS-6 to O District, located at 2630 South 7th & set a public hearing for October 23, 1980, at 9:00 a.m. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Hilton, Councilwoman Webster & Mayor Moore.

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 32, "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.

Mr. Collier presented the final report of the Planning Commission reclassifying from AO (Agricultural Open Space) to GC (General Commercial) District, located between Hill Haven & Cockerell Dr. - north of West Texas Medical Hospital.

ZONING-RE  
AO TO GC  
BETWEEN HILL  
HAVEN & COCKERELL  
DR. FIRST READING

Councilman Bowen moved passage of the ordinance on first reading reclassifying from AO to GC District, located between Hill Haven & Cockerell Dr.-north of West Texas Medical Hospital & set a public hearing for October 23, 1980, at 9:00 a.m. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Hilton, Councilwoman Webster & Mayor Moore.

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 32, "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.

Mr. Cargill, City Attorney, presented the resolution authorizing the City's participation in the West Texas Utilities Rural Rate Case, suspending the local increase for a period of 120 days so that the proposed increase can be studied and evaluated. He also made recommendations for the City Council to approve the intervention on behalf of the City of Abilene filed on October 3, 1980. The third recommendation was for the City of Abilene to join with other cities for T.M.L. for a joint case. He further recommended that the City Council approve the T.M.L. cities's hiring of Austin lawyer Don Butler as lead counsel and probably Touche Ross & Co. of Dallas as rate consultant. He also asked the Council to authorize him working on the case with Don Butler.

FRANCHISE-  
WEST TEXAS  
UTILITIES'  
RATE INCREASE  
REQUEST

Holman King, Vice President of Services for West Texas Utilities, briefed the Council on why the rate increase was needed. He pointed out that it was the first increase in rates since 1973 for WTU. The power plant at Ft. Phantom Hill has been a help in not having to have an increase in rates, he said. He said that they would limit the increase to the home owner to 10%. He also pointed out that the Street Lighting contract with the City of Abilene would not be changed until it expires in 1987.

After much discussion, Councilman Bowen moved adoption of the resolution authorizing the City's participation in the West Texas Utilities Rate Case, suspending the local increase for a period of 120 days so that the proposed increase can be studied and evaluated, and the other recommendations made by Mr. Cargill as stated above. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Hilton, Councilwoman Webster & Mayor Moore.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE WEST TEXAS UTILITIES RURAL RATE CASE, SUSPENDING THE LOCAL INCREASE.

Lee Roy George, Director of Planning & Community Development, presented the resolution approving of and ratifying acceptance of an Energy Program Grant. He pointed out that it was a 13 month grant and that Abilene was one of four Cities in Texas which received the grant. The others being El Paso, Austin, & Denton. He said that the grant was for \$112,500. Creative Land Use of Boulder, Colorado, was hired to assist the City Staff in preparing the application and will continue to work throughout the Texas Comprehensive Community Energy Management Program and will be funded by the grant along with the personnel needed. The next step in the Abilene CCEMP is the community energy audit. The energy audit will help us identify opportunities for energy conservation and allow us to formulate community energy objectives based on Abilene's unique energy characteristics. Mr. George asked the Council to adopt the resolution which accepts the CCEMP grant into the City budgetary process.

ENERGY-  
APPROVAL OF  
AND RATIFYING  
ACCEPTANCE OF  
GRANT

After discussion, Councilman Higginbotham moved adoption of the resolution approving of and ratifying acceptance of an Energy Program Grant for the City of Abilene. The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Hilton, Councilwoman Webster & Mayor Moore.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING OF AND RATIFYING ACCEPTANCE OF AN ENERGY PROGRAM GRANT.

Mr. George explained that the applicant for Water & Sewer Service on FM 18, had officially tied onto the Potosi Water Supply Corporation.

WATER SERVICE  
APPLICATION

Bob Whitehead, Director of Public Works, said that the applicant for a waiver from the Subdivision Regulations had not been able to attend the meeting when his application was discussed, so he had brought it up again. He said that the Staff was recommending denial of the waiver, because there was a possibility of too much water in the area, and felt that curb & gutter would be of assistance in carrying the water off.

SUBDIVISION  
REGULATIONS  
WAIVER DENIED-  
ON SANDY LANE &  
COCKERELL DRIVE

Art Cline, who works for Dennis Turnbull, and representing Dr. Cameron in his request for a waiver from the Subdivision Regulations, said that they would like to pay for, & have the curbing, paving & guttering done as they develop the area. He said that even though they platted the entire area, they would not be developing the entire area for some time.

After discussion, Councilman Higginbotham moved to deny the waiver from the Subdivision Regulations on Sandy Lane & Cockerell Drive by Eye Medical Associates of Abilene. The motion was seconded by Councilman Bowen. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Hilton Councilwoman Webster & Mayor Moore.

NAYS: None.

There being no further business, Mayor Moore adjourned the meeting at 11:00 a.m.

  
CITY SECRETARY

  
MAYOR PRO TEMPORE