

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 1, 1983, at 9:00 a.m.

CITY COUNCIL: Mayor Elbert E. Hall; Council - Dr. Julian Bridges, Billie Proctor-Shaw, Juan C. Rodriguez, A. E. Fogle, Jr., Welton Robinson and Harold Nixon.

1. Call to Order.
2. INVOCATION: Councilman Julian Bridges.
3. APPROVAL OF MINUTES: The Special Workshop held November 7, 1983 and the Regular Council Meeting held November 17, 1983.

4. AWARDS:

Certificates of appreciation - various Board Members.

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.

5. Ordinances
 - a. Consider on first reading - Ordinance annexing property in Northwest Abilene and set a public hearing for January 5, 1984, at 9:00 a.m.
 - b. Consider on first reading - Ordinance amending Chapters 1, 9 and 32 concerning increased fines and payment.
6. Resolutions
 - a. Consider authorizing a license agreement with Missouri Pacific Railroad Company for Water-line crossing under railroad.
7. Request to Advertise
 - a. Painting of two ground storage water tanks.

REGULAR AGENDA

8. Ordinances and Resolutions
 - a. Appealed Item:
Public Hearing - Consider on second and final reading. -
reclassification request from RS-6 (Residential Single Family) to PDD
(Planned Development) district, located at N. 10th & Clack Streets.
 - b. Appealed Item:
Public Hearing - Consider on second and final reading -
reclassification request from A0 (Agricultural Open Space) to GC
(General Commercial) district, located on Curry Lane.
 - c. Appealed Item:
Public Hearing - Consider on second and final reading -
reclassification request from MH (Mobile Home) to GC (General
Commercial) district, located on West Lake Road (F.M. 600).
 - d. Public Hearing - Consider on second and final reading -
reclassification request from SC (Shopping Center) to GC (General
Commercial) district, located at 4840 N. 10th Street.
 - e. Public Hearing - Consider on second and final reading -
reclassification request from A0 (Agricultural Open Space) to RS-12
(Residential Single Family) district, located on East Lake Road.
 - f. Public Hearing - Consider on second and final reading -
reclassification request from A0 (Agricultural Open Space) to GC
(General Commercial) district, located at I-20 & A & N Railroad.

- g. Public Hearing - Consider on second and final reading - Amendment to PDD Ordinance, for Riverside Park located in the 3500 block of Russell Avenue.
 - h. Public Hearing - Consider on second and final reading - reclassification request from LI (Light Industrial) to GC (General commercial) district, located at S. Clack & Arrowhead Dr.
 - i. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC, RM-2, RM-3 & RS-6 (General Commercial, Residential Multi-Family & Residential Single Family) districts, located at Chapel Hill Road & Military Drive.
 - j. Public Hearing - Consider on second and final reading- Ordinance amending Chapter 18, "Motor Vehicles & Traffic", concerning downtown parking.
 - k. Public Hearing - Consider on second and final reading - Ordinance amending Section 21-23, "Oil & Gas" Abilene Municipal Code, regarding performance bond requirements.
 - l. Resolution - Consider request to waive required subdivision regulations relative to improvements for Lot 102, J. Toombs Subdivision.
9. Public Appearance
- a. Raymond McDaniel - Presentation of Financial Plan, 'Abilene Reinvestment Zone Number One.
10. Award of Bid
- a. 5 Police C.I.D. Cars.
11. Other Business
- a. Appointment and evaluation of public officials.
 - b. Pending and Contemplated Litigation.

ADJOURN

CITY COUNCIL OF THE CITY OF ABILENE,
TEXAS, CITY COUNCIL CHAMBERS

The City Council of the City of Abilene, Texas, met in Regular Session, Thursday, December 1, 1983, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor Pro Tempore A. E. Fogle, Jr., was present and presiding with Councilman Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Carlos Rodriguez, Welton Robinson and Harold Nixon. Mayor Elbert E. Hall was absent, but arrived approximately thirty minutes into the session. Also present were City Manager Ed Seegmiller, City Attorney Harvey Cargill, Jr., and City Secretary Patricia Patton.

Councilman Julian Bridges gave the invocation.

Councilman Bridges offered three changes to the minutes of the Special Workshop held November 7, 1983, being page one, paragraph five and page two, paragraph five duly recorded. Councilman Bridges moved approval of the minutes, with the corrections stated, of the Special Workshop held November 7, 1983, and the Regular Council Meeting held November 17, 1983. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson, Nixon and Mayor Fogle.

NAYS: None.

Mayor Fogle presented Certificates of Appreciation to various board members for their tenure of service to the City of Abilene and expressed a deep appreciation on behalf of the Mayor and City Council to each member for his/her efforts and dedication while serving on a board or commission. Outgoing members receiving certificates are as follows:

AWARDS - Board
& Commission
Members, various

Mr. Mays Adams	Mr. Ken Baker
Mr. Stephen Brower	Mr. Harold Christian
Mrs. Lupe Collaza	Mrs. Peg Cooke
Mr. Don Delach	Mr. Tony Dycus
Mrs. Elaine Ferguson	Mr. Jack Fry
Mr. John Harris	Mr. Mike Herron
Mr. Jerry Hester	Mr. Oliver Howard
Mr. Fred Martinez	Mrs. Cynthia McDaniel
Mr. John T. Neal	Mrs. Nancy Paup
Mr. Andrew Penns	Mrs. Hazel Reed
Mr. Robert Stafford	Mr. John Stanley
Mr. Gary Weldon	Mrs. Elmer Wright

Dwayne Hargesheimer responded to some questions from Council regarding a request to advertise for painting of two ground storage water tanks.

Councilwoman Proctor-Shaw moved approval of the consent agenda items 5a through 7a, as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson, Nixon and Mayor Fogle.

NAYS: None.

5. Ordinances

- a. Consider on first reading - Ordinance annexing property in Northwest Abilene and set a public hearing for January 5, 1984, at 9:00 a.m.

ANNEXATION -NW
Abilene, 1st rea
approved

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

- b. Consider on first reading - Ordinance amending Chapters 1, 9 and 32 concerning increased fines and payment.

CODE - Amend Chp
1, 9 & 32/fines
and payment, 1st
read. approved

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS," CHAPTER 9, "COURTS", AND CHAPTER 32, "UTILITIES," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

6. Resolutions

- a. Consider authorizing a license agreement with Missouri Pacific Railroad Company for Water-line crossing under railroad. The resolution is numbered 113-1983 and is captioned as follows:

WATER - waterline
cross. license
agree. w/Missour
Pacific RR Co.
approved
113-1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING LICENSE AGREEMENT BETWEEN THE MISSOURI PACIFIC RAILROAD COMPANY AND THE CITY OF ABILENE TO INSTALL A FOURTEEN INCH (14") WATER LINE CROSSING UNDER CERTAIN TRackage AND RIGHT OF WAY OF THE MISSOURI PACIFIC RAILROAD COMPANY AT MILE POST 411.5, NEAR ABILENE, TEXAS.

7. Request to Advertise

- a. Painting of two ground storage water tanks.

REQ TO ADV - Pai
2 storage water
tanks, appd.

Brad Stone, Principal Planner, briefed the Council on an appealed reclassification request from RS-6 to PDD district located at N. 10th and Clack Streets. Planning and Zoning staff recommend approval of the zone change, however, Planning and Zoning Commission recommends disapproval by a vote of 1/5/1, which came after an extensive public hearing at which neighborhood residents appeared and expressed their concerns. Several comment forms from property owners in the notification area were received in opposition to the change, while an additional forty comment forms were returned in opposition from residents outside the notification area and from renters inside the notice area. The Planning and Zoning Commission also received a petition containing sixty-six names of persons opposing the request, of which some of those names are included in the number of comment forms received and noted earlier. Also, the City Secretary received a notice containing ten signatures of neighbors in the area opposing the request. A petition was received of one hundred eleven signatures was received in favor of the request. The request change area is not located within any land use study area.

Mayor Elbert Hall joined the meeting.

Mayor Fogle opened a public hearing for the purpose of considering the aforementioned reclassification request and the following persons spoke either in favor or in opposition of the request.

IN FAVOR:

Mr. Jack Bryant, attorney representing applicant Burl Harris.

IN OPPOSITION:

Dr. Ronald Stewart, 5525 N. 9th, Pastor Holiday Hills Baptist Church;
Mr. L. C. Dairy, 5026 N. 9th, and filed his property description and homestead confirmation;
Mr. Doug Adams, 5189 Texas Ave., representing Skinney's Convenience Stores;
Mrs. Maria Vedora, 5149 Questa, not a resident in the area, but her child attends Lee School, which is in the area under consideration.

No one else present and desiring to be heard, Mayor Fogle closed the public hearing. During the public hearing and after the hearing was closed, several concerns of the residents in the area became apparent and the Council thoroughly considered and discussed each one. Those main concerns are:

- Additional traffic hazards, due to the multi-family design of the lots and the presence of additional vehicles;
- Amount of traffic currently present compared to the anticipated additional vehicles if the zone change request were to be approved;

(It is noted that Mr. Burl Harris was asked if he was willing to enlarge the size of the lots, of which he responded negatively.)

- The concern for stop signs in the area;
- Concern regarding the sale of alcoholic beverages in the commercial district area, near the residences;
- Concern of safety for those children walking to and from Lee School;
- The concern regarding the misuse of a Planned Development District.

Mr. Jack Bryant spoke in favor of the request and stated that there are several good planning reasons why the request should be granted and that the social concerns are not functions of planning and zoning. He added that the developer has attempted to assure that certain activities would not be allowable for this property under the PDD ordinance, such as pool halls, video arcades, on-premise consumption of alcohol, etc. and that the land has been vacant for some time and the development would be an improvement to the property.

Wayne Kurfees, Director of Traffic and Transportation, reported on the amount of traffic in the area. The amount of traffic immediately west of Clack on N. 10th Street there are approximately 3,000 vehicles per day (two-way traffic over a 24-hour period); by comparison, east of Danville there are approximately 8,400 per day. He stated some other major arterial streets for comparison purposes. The proposed PDD ordinance and site plan calls for thirty duplex units clustered in five groups of six, which would generate a traffic rate of approximately 240 trips per day, by comparison the average traffic rate for a single family residence is approximately 10 trips per day. The proposed commercial site, depending on its designated use, would probably generate more trips per day of traffic per 1,000 sq. ft. of property. He added that the intersection of N. 10th and Clack Streets is under State jurisdiction and responded to a Councilmember's question positively, that everything possible is being done to secure the safety of school children in that area. The Council discussed the pattern flow of the children walking to school and the/crosswalks in the area. absence of The Mayor asked that Mr. Kurfees address the concerns of the Council and express those to the State and act accordingly to secure the safety of those school children.

Councilman Bridges moved to deny the reclassification request from RS-6 (Residential Single Family) to PDD (Planned Development) district, located at N. 10th and Clack Streets. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson, Nixon and Mayor Hall.

NAYS: Councilman Fogle.

ZONING RE-
RS-6 to PDD/
N. 10th & Clack
2nd & final rea.
DENIED

Brad Stone, Principal Planner, briefed the Council on a reclassification request from A0 to GC district, located on Curry Lane. This is an appealed item and was disapproved by the Planning and Zoning Commission by a vote of 3/3, lacking four affirmative votes for passage. This item was first considered by the City Council on September 22, 1983, as two tracks totaling 12½ acres to be zoned General Commercial. The Council approved the GC zoning for the smaller tract and returned the larger tract to the Planning and Zoning Commission for future consideration to include the possible use of Shopping Center zoning. A preliminary development plan has been submitted by the proponents and the staff now recommends approval of the GC zoning for this tract.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned request and the following person spoke in favor of the request with no one desiring to speak in opposition.

IN FAVOR:

Mr. Mel Richards, representing applicant Abilene Equities, Inc., presented the proposed development plan for review by the Council.

No one else present and desiring to be heard, Mayor Hall closed the public hearing.

After some discussion, Councilman Fogle moved approval of the reclassification request on second and final reading from AO (Agricultural Open Space) to GC (General Commercial) district, located on Curry Lane. The motion was seconded by Mayor Hall and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
AO to GC/Curry
Lane, 2nd and
final reading,
approved
127-1983

The ordinance is numbered 127-1983 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.

Brad Stone, Principal Planner, briefed the Council on a reclassification request from MH to GC district, located on West Lake Road (F.M. 600). This is an appealed item which was disapproved by the Planning and Zoning Commission by a vote of 7/0 and the staff also recommends disapproval.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned request and the following persons spoke in favor of the request and no one spoke in opposition.

IN FAVOR:

Mr. J. C. Haines, Rt. 8, Box 640, applicant;
Mr. Foy Clements, Box 5702, property owner in area.

No one else present and desiring to be heard, Mayor Hall closed the public hearing.

There was some discussion regarding whether the request is for general commercial or limited commercial and it is noted that the request is for general commercial and Mr. Haines has applied to the Board of Adjustment for a variance from the two acre minimum requirement of a site in a limited commercial district. Therefore, if Council approves the present request the variance request would be moot. If the request were denied, Mr. Haines could submit a rezone request to limited commercial district if he obtains the variance from the Board of Adjustment.

During Mr. Haines comments, he stated the proposed use of the property is for a convenience store and the Council feels that might be an improvement to the area. Mr. Haines stated he is planning to limit the buyer of the property to the use of a convenience store only and will make that part of his contract and the buyer is agreeable. The Council further discussed the other zones in the immediate area and conforming or nonconforming uses in those zones along with a discussion of spot and strip zoning.

Councilwoman Proctor-Shaw moved to take no action on the request at this time, pending the decision of the variance request, and send the request back to the Planning and Zoning Commission for consideration of Limited Commercial, with no commitment on the part of the Council. The motion was seconded by Councilman Fogle and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYES: None.

ZONING RE -
MH to GC/W. Lk.
Rd. 2nd and
final, DECISION
PENDING

Brad Stone, Principal Planner, briefed the Council on the following reclassification requests:

- d. From SC to GC district, located at 4840 N. 10th Street.
- e. From AO to RS-12 district, located on East Lake Road.
- f. From AO to GC district, located at I-20 and A & N Railroad.
- g. Amendment to PDD Ordinance for Riverside Park located in the 3500 block of Russell Avenue.

- h. From LI to GC district, located at S. Clack & Arrowhead Dr.
- i. From A0 to GC, RM-2, RM-3, & RS-6 districts, located at Chapel Hill Road & Military Drive.

Mayor Hall opened a public hearing for the purpose of considering all of the aforementioned items d through i and the following persons spoke either in favor or in opposition to a particular item.

IN FAVOR:

- d. Mr. R. A. Anders, proponent;
- e. No one;
- f. Mrs. Nita Keesee, 1919 Minter Lane, proponent;
- g. Mr. Jeff Luther, proponent;
- h. Mr. David Adams, Curry Engineering, representing Mike Milano, agent; Mr. Bill Braymer, owner;
- i. Mr. Paul Washburn, partial owner of property; stated he has committed to City the additional access necessary via the platting process.

IN OPPOSITION:

- f. Mr. Jerry Conner, 3502 Plum, spoke about the access road for his property and the condition of Hardy Street. Also, he stated there are certain street and access requirements that must be addressed prior to his ever receiving any building permit for his property. He would like to see Hardy Street improved to use for access.

There being no one else present and desiring to be heard, Mayor Hall closed the public hearing. Further discussion followed concerning the reclassification request from A0 to GC, located at I-20 and A & N Railroad (item f) in an attempt to clarify the concerns made apparent.

Also, discussion followed the request from SC to GC, located at 4840 N. 10th Street (item d) relative to the previous request for the PDD on N. 10th and Clack and a commercial area denied in the same vicinity. Staff reported the request is filed as a remedy to a non-conforming use presently in existence.

Council discussed the request from LI to GC located at S. Clack and Arrowhead Dr. (item h) and the setback requirements for the use of mini warehouses in both the LI and GC districts and a buffer for the residences behind the proposed area. The staff recommends the GC zoning and consideration of GC zoning on adjacent tracts.

Council discussed the request from A0 to GC, RM-2, RM-3 and RS-6 districts, located at Chapel Hill Road & Military Drive (item i) and the commercial clusters in that area. The request is in conformance with the North Dyess Land Use Plan.

Councilman Rodriguez moved approval of the rezoning request from Shopping Center to General Commercial district, located at 4840 N. 10th Street on second and final reading. The motion was seconded by Councilman Bridges and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
 NAYS: None.

ZONING RE -
 SC to GC/4840
 N.10th, 2nd &
 final approved
 128-1983

The ordinance is numbered 128-1983 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.

Councilman Nixon moved approval of the rezone request from Agricultural Open Space to Residential Single Family (RS-12) district located on East Lake Road, on second and final reading. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

The ordinance is numbered 129-1983 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.

Councilwoman Proctor-Shaw moved approval of the rezone request from Agricultural Open Space to General Commercial district, located at I-20 and A & N Railroad on second and final reading. The motion was seconded by Councilman Fogle and the motion FAILED as follows:

AYES: Councilwoman Proctor-Shaw, Councilman Fogle and Mayor Hall.

NAYS: Councilmen Bridges, Rodriguez, Robinson, and Nixon.

(Note: see page 9, item was reconsidered and approved.)

Councilman Rodriguez moved approval of the amendment to a PDD Ordinance for Riverside Park located in the 3500 block of Russell Avenue on second and final reading. The motion was seconded by Councilman Nixon and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None

The ordinance is numbered 130-1983 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. 112-1982, CONCERNING THE RIVERSIDE PARK PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Councilwoman Proctor-Shaw moved approval of the rezone request from LI to GC district located at S. Clack and Arrowhead Dr. on second and final reading. The motion was seconded by Councilman Fogle and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

The ordinance is numbered 131-1983 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.

Councilman Rodriguez moved approval of the rezone request from AO to GC, RM-2, RM-3 & RS-6 districts, located at Chapel Hill Road and Military Dr. on second and final reading. The motion was seconded by Mayor Hall and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
AO to RS-12/
E. Lk. Rd., 2nd
& final appd.
129-1983

ZONING RE -
AO to GC/I-20
and A & N RR,
2nd and final
FAILED
(See Pg. 9
item recon-
sidered and
approved)

ZONING RE -
Amend PDD#
112-1982
Riverside Pk,
2nd & final
approved
130-1983

ZONING RE -
LI to GC/S.
Clack & Arrow-
head Dr., 2nd
& final, appd.
131-1983

ZONING RE -
AO to GC, RM-2
RM-3 & RS-6/
Chapel Hill Rd
& Military Dr.
2nd & final
approved
132-1983

The ordinance is numbered 132-1983 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.

Councilman Bridges requested the Council consider the presentation from Mr. Raymond McDaniel, Chairman of the Abilene Reinvestment Zone Number One, before continuing with any other ordinances. Therefore, Mr. Raymond McDaniel began with a brief status report on the Board of Directors' most current meeting.

Mr. McDaniel stated the Board has met several times throughout the past year. At the present time, the Board is determining the needs and objectives of the Zone and has to date concluded the following:

- Goals for the community should be defined;
- Develop and understand the needs in the community;
- The necessity for the work of the Zone to be thorough and complete;
- The need to learn from the actions of other cities;
- To receive public input from those people who work and live in the downtown area; own property in the downtown area; and input from interested citizens;
- Public input sessions will be held periodically;
- Any plans created during the initial stages will be vague;
- A possible need in the future to receive outside guidance from experts in this field; and finally,
- A need to begin the study phase by reviewing the actions of other cities and communicating with those city officials by means of travel expenditures.

Therefore, a request of the Council is made for a financial draw of \$30,000 from Tax Increment Funds, for study expenses. The \$30,000 to be repaid from Increment Funds back to the City of Abilene. Mr. McDaniel presented the "Plan" for the Reinvestment Zone including estimated tax rates of the increment bodies and projected funds available for the Zone through the year 2008. The Council discussed the possibility of charging an interest rate to the Zone for the temporary \$30,000 loan, if approved. Several of the Council Members expressed their thoughts on the subject of charging interest.

Mayor Hall reiterated that the Council has the authority, once a plan from the Board is adopted, to establish the Council as the Board of Directors of the Reinvestment Zone for the purpose of implementing and following through with the plan. Mr. McDaniel stated that it is the intention of the Board to return to the Council each year with a status report on the development of the plan.

Councilman Nixon moved approval of the financial plan as presented and to authorize the \$30,000 loan as needed without interest. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Nixon and Mayor Hall.

NAYS: Robinson.

REINVESTMENT
ZONE - approve
financial plan
& authorize
advance of fun

Wayne Kurfees, Director of Traffic and Transportation briefed the Council on an ordinance amending the traffic code relative to downtown parking. Council discussed the "boot" device to immobilize a vehicle and it was explained that authority granted for the device to be placed upon a vehicle and the placing of the device will possibly be handled through the Municipal Court.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned ordinance amendment. No one present and desiring to be heard, the public hearing was closed.

Councilman Fogle moved approval of the ordinance amending the traffic code relative to downtown parking on second and final reading as presented. The motion was seconded by Councilman Bridges and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

TRAFFIC - Code Amend, re: downtown park. 2nd and final approved 133-1983

The ordinance is numbered 133-1983 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; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

Roy McDaniel, Assistant City Manager, briefed the Council on an ordinance amending oil and gas provisions relative to the performance bond requirements and the justification for a \$50,000 bond per permit. He reported the staff investigated the availability of the bond and cost for said bond and stated the findings, concluding a \$50,000 bond is recommended and reasonable considering the City's liability in a "worst case" situation. Councilman Fogle gave conflicting cost figures to that of Mr. McDaniel's regarding the cost of plugging a well and life of the wells in this area.

Ron Pollard, Risk Manager, responded to the Council's inquiry regarding the bond requirement and whether it was one of the conclusions of the special task force on oil and gas. It was explained that the task force brainstormed at the amount of the bond from \$10,000 to \$50,000 and it was felt (according to the recollection of a member of the task force) that the exposure of the City, particularly around the watershed, warranted a bond of \$50,000.

Councilman Fogle suggested the possibility of establishing an escrow account whereby a reasonable amount of money would draw interest with an agreement created enabling the City to use the funds in the event the City would have to plug the well.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned ordinance amendment. No one present and desiring to be heard, the public hearing was closed.

Councilman Bridges moved to approve the ordinance, as presented, amending Section 21-23, "Oil and Gas" of the Abilene Municipal Code, regarding performance bond requirements on second and final reading. The motion was seconded by Mayor Hall and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

OIL & GAS - amend code re: performance bond, appd. 134-1983

The ordinance is numbered 134-1983 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 21, OIL AND GAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Councilman Nixon moved to change the amount of the required corporate bond from \$50,000 to \$10,000 by oral resolution. The motion was seconded by Councilman Robinson and the motion carried as follows:

AYES: Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: Councilman Bridges.

OIL & GAS - amend amount of perf. bond req. to \$10,00 approved Oral Res.

Marva Pritchett, Administrative Assistant to the Director of Public Works, briefed the Council on a request to waive required subdivision regulations relative to improvements for Lot 102, Toombs Subdivision. Staff recommends that the request to waive street improvements on Hardy Street be approved and that some time in the future should Hardy Street be developed, it be made through a special assessment program. That the request to waive sanitary sewer improvements be denied.

Harvey Cargill, City Attorney, informed the Council that this item concerns a zoning request previously considered and denied by the Council being from A0 to GC located on I-20 and A&N Railroad. After speaking with Mrs. Keesee and Mr. Conner, it appears that the fact the Keesee's are dedicating fifty (50') feet for the development of Hardy Street was not clearly brought to the Council's attention. Also, since the Council did deny the rezone request, this request for waiver of subdivision requirements is now moot. It is Mrs. Keesee's request that the Council reconsider its decision on the zone change along with the request for waiver. Tony Neitzler, Assistant Director of Planning and Development, stated that Mrs. Keesee's plat (containing the 50' street dedication) cannot be accepted in an A0 zoning, but may be in a GC zone, and the Council denied the request for GC zoning earlier.

Councilman Nixon moved that the rezone request from A0 to GC located at I-20 and A&N Railroad be reconsidered at this time and the motion was seconded by Councilman Robinson. The motion carried as follows:

AYES: Councilmen Bridges, Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: Councilwoman Proctor-Shaw.

Mr. Jerry Conner again approached the Council and stated he has misgivings on the property being considered and the use of the property. He reiterated his favoring the development of Hardy Street.

Mrs. Keesee again appeared before the Council and thanked them for reconsidering the item. She reemphasized the proposed use of the property as a storage area. Presently, they are utilizing Overland Trail (access road to I-20) as the access road to their property, jumping the curb. Mr. Kurfees, Director of Traffic and Transportation, responded that it would be a decision of the State to grant them a driveway for access to their property.

Councilman Nixon moved approval of the reclassification request from Agricultural Open Space to General Commercial located at I-20 and A & N Railroad on second and final reading. The motion was seconded by Councilman Bridges and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
A0 to GC/
I-20 & A&N RR
reconsidered
approved
135-1983

The ordinance is numbered 135-1983 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.

Next, the Council continued with request to waive the required subdivision regulations relative to improvements for Mr. Keesee's property, Lot 102, J. Toombs Subdivision.

Councilman Fogle moved to follow the staff recommendation, thereby granting the request to waive street improvements on Hardy Street and denial of the request to waive sanitary sewer improvements. The motion was seconded by Councilman Bridges and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

SUBDIVISION -
str. imp.
waiver granted
Hardy &
Overland Tr.
114-1983

The resolution is numbered 114-1983 and is captioned as follows.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON LOT 102, J. TOOMBS SUBDIVISION WHICH ABUTS HARDY STREET AT OVERLAND TRAIL.

Bernard Huett, Purchasing Agent, briefed the Council on an award of bid for five (5) vehicles for the Police C.I.D. Division. Staff recommends the outright purchase of the five cars from Rocket Oldsmobile in the amount of \$42,180.40, being an Omega four cylinder vehicle.

Councilman Bridges moved approval of the purchase as purusant to the staff recommendation. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

POLICE - Purchase 5 cars CID Div. approved

Mayor Hall recessed the Council into Executive Session, in accordance with law, to consider the appointment and evaluation of public officials and pending and contemplated litigation.

Mayor Hall convened the meeting and stated no action was taken during the executive session.

Councilwoman Proctor-Shaw left the meeting.

Karen Anderson, Assistant City Attorney, briefed the Council on a case being Williams vs. City of Abilene being a personal injury lawsuit filed against the City and against a police officer. The staff recommends the Council authorize settlement of the case in the amount of \$9,000 and authorize the Mayor to sign the necessary paperwork for said settlement.

Councilman Bridges moved to approve the staff recommendation in the personal injury lawsuit of Williams vs. City of Abilene. The motion was seconded by Councilman Fogle and the motion carried as follows:

AYES: Councilmen Bridges, Rodriguez, Fogle, Robinson, Nixon, and Mayor Hall.

NAYS: None.

CITY COUNCIL - settle Wms vs. City, appd.

There being no further business, the meeting was adjourned at 5:15 p.m.



Patricia Patton
City Secretary



Elbert E. Hall
Mayor