

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, January 12, 1984, at 9:00 a.m.

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

1. Call to Order.
2. INVOCATION: Councilman Harold D. Nixon.
3. APPROVAL OF MINUTES: Regular Council Meeting held December 15, 1983.
4. SERVICE AWARD:

Philip Wetherbee, Municipal Court Judge, 10 Years

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 amending Chapter 10, Fire Protection and Prevention, of the Abilene Municipal Code, concerning arson reward.
 - b. Consider on first reading - reclassification request from MH (Mobile Home) to LC (Limited Commercial) district, located on West Lake Road (F.M. 600) and set a public hearing for January 26, 1984.
 - c. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to O (Office) district located at Tracy Lynn Drive and Kenwood Drive and set a public hearing for January 26, 1984.
 - d. Consider on first reading - street name change being Teakwood Lane to an unspecified street name and set a public hearing for January 26, 1984.
 - e. Consider on first reading - thoroughfare abandonment being a 15' wide north-south alley located in the E.W. Hohertz Subdivision and set a public hearing for January 26, 1984.
 - f. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located on Judson Street and set a public hearing for January 26, 1984.
 - g. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located at Hickory Street and Overland Trail and set a public hearing for January 26, 1984.
 - h. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to PH (Patio Home) overlay zone to underlying RS-6 district, located in the 1200 block of Marshall Street and set a public hearing for January 26, 1984.
 - i. Consider on first reading - reclassification request from RS-6 & RM-3 (Residential Single Family & Residential Multi-Family) to MH (Mobile Home) district, located at Chapel Hill Road and Military Drive and set a public hearing for January 26, 1984.
 - j. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to O (Office) district, located at 1626 N. 3rd Street and set a public hearing for January 26, 1984.
 - k. Consider on first reading - thoroughfare abandonment being a 20' wide north-south alley on the east side of Lots 7 & 8, Block 152, Original Town, and set a public hearing for January 26, 1984.
6. Resolutions
 - a. Renewal of cost allocation services.

7. Award of Bid
 - a. Uniforms for Fire and Police Departments.
 - b. Lease of IBM System 34.

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 CB (Central Business) district, being Lot #1, Block 91, Original Town, and located on Cherry Street.
 - b. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to LC (Limited Commercial) district, located at E.N. 10th Street & Griffith Road.
 - c. Public Hearing - Consider on second and final reading - street name assignments Poverty Point Circle, Kickapoo Bend, Arrow Point, Kiowa Court, Wichita Camp, Cove Road, Fishing Village Road, Cherokee Circle, Ramp Road, Comanche Trail, Choctaw Point, Apache Lane and Cheyenne Circle.
 - d. Public Hearing - Consider on first reading - zoning ordinance amendment regarding definition of family, and set a public hearing for January 26, 1984.
 - e. Public Hearing - Consider on second and final reading - reclassification request from RS-6 & AO (Residential Single Family & Agricultural Open Space) to RM-3 (Residential Multi-Family) district, located at Buffalo Gap Road & Forrest Hill Road.
 - f. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) district, located at Hwy. 83-84 & F.M. 707.
 - g. Public Hearing - Consider on second and final reading - reclassification request from RM-2 (Residential Multi-Family) to GC (General Commercial) district, located at Tracy Lynn Drive & Kenwood Drive.
 - h. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) district, located at 2933 Plum.
 - i. Public Hearing - Consider on second and final reading - zoning ordinance amendment to permit retail trade of furniture and home furnishings in an LI & HI (Light Industrial & Heavy Industrial) district.
 - j. Public Hearing - Consider West Texas Utilities' rate request.
 - k. Public Hearing - Consider oil drilling permit #8401.
 - l. Resolution - Consider state funding for Abilene-Taylor County Health Department.
 - m. Resolution - Consider ratification of oil and gas lease.
 - n. Discussion of mineral deed on 50 acres out of Section 14, Lunatic Asylum Lands.

9. Award of Bid
 - a. Air Conditioning City Hall.

10. Other Business
 - a. Discussion of City's role in flood insurance applications.
 - b. Pending and Contemplated Litigation.
 - c. Appointment and evaluation of Public Officials.

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, January 12, 1984, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor Elbert E. Hall was present and presiding with Councilman Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Juan Rodriguez, A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Also present were City Manager Ed Seegmiller, City Attorney Harvey Cargill and City Secretary Patricia Patton.

Invocation was given by Councilman Nixon.

Councilwoman Proctor-Shaw moved approval of the minutes of the Regular City Council Meeting held December 15, 1983. 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.

Mayor Hall presented a ten (10) year service pin to Philip Wetherbee, Municipal Court Judge, for his tenure of service to the City of Abilene.

AWARDS -
10 yr svc
Mun. Crt. Judge

Mayor Hall removed from the agenda item 5d, being a street name change, Teakwood Lane, to an unspecified name, since it was denied by the Planning and Zoning Commission and not appealed at this time; and item 8a, being a rezone on second and final reading from RS-6 to CB district, being Lot #1, Block 91, located on Cherry Street, as withdrawn by the proponent.

It was requested that items 6a, 7a, and 7b be removed from the consent agenda and considered separately, therefore, David Wright, Director of Finance briefed the Council on the three items.

After some discussion, Councilman Nixon moved to authorize the City Manager to sign the engagement with David M. Griffith and Associates for a three year period to renew the cost allocation services, as presented by the staff. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

COST ALLOC. PL/
Svcs renewed
w/D.M.G. & Assoc
Oral

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

NAYS: None.

Mr. Wright presented the Council with amended recommendations on the award of bid for Police and Fire uniforms. The original recommendation was to award the bid to the lowest bidder on a single company basis, creating less delivery difficulty with the vendor. After some discussion with Councilman Robinson, however, it was concluded advantageous to split the bids and award to the low bidder on each item as stipulated in the memorandum dated January 11, 1984, and the corresponding bid tabulation sheet creating additional savings. Councilman Fogle moved to approve the staff recommendation to split the bids and award them to the low bidder on each item as presented. The motion was seconded by Councilman Robinson and the motion carried as follows:

AWARD OF BID-
Fire & Pol.
uniforms

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

NAYS: None.

After some discussion, Councilwoman Proctor-Shaw moved approval of the award of bid for the lease of IBM System 34 to Computech in the amount of \$1,285 per month as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried as follows:

AWARD OF BID-
IBM Sys. 34

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

NAYS: None.

Councilwoman Proctor-Shaw moved approval of the consent agenda items, with the exception of the previously removed item 5d, as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

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

NAYS: None.

5. Ordinances

- a. Consider on first reading - ordinance amending Chapter 10, Fire Protection and Prevention, of the Abilene Municipal Code, concerning arson reward.

CODE AMEND-
Ch. 10, arson
reward, 1st re
approved

AN ORDINANCE AMENDING CHAPTER 10, "FIRE PROTECTION AND PREVENTION," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- b. Consider on first reading - reclassification request from MH to LC district, located on West Lake Road (F.M. 600) and set a public hearing for January 26, 1984.
c. Consider on first reading - reclassification request from RM-2 to O district, located at Tracy Lynn Drive and Kenwood Drive and set a public hearing for January 26, 1984.

ZONING RE-MH to
LC/W.Lk Rd., 1
read. appd.
ZONING RE-RM-2
to O/Tracy Lyn
Dr & Kenwood, 1
read. appd.

(Items b & c contain an identical caption, therefore, it appears only once.)

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.

- d. Removed from agenda, see page one.
e. Consider on first reading - thoroughfare abandonment being a 15' wide north-south alley located in the E.W. Hohertz Subdivision and set a public hearing for January 26, 1984.

THOR ABAND -
E.W.Hohertz Su
1st read, appd

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.

- f. Consider on first reading - reclassification request from RS-6 to RM-3 district, located on Judson Street and set a public hearing for January 26, 1984.
g. Consider on first reading - reclassification request from AO to HC district, located at Hickory Street and Overland Trail and set a public hearing for January 26, 1984.
h. Consider on first reading - request for addition of PH overlay zone to underlying RS-6 district, located in the 1200 block of Marshall Street and set a public hearing for January 26, 1984.
i. Consider on first reading - reclassification request from RS-6 & RM-3 to MH district, located at Chapel Hill Road and Military Drive and set a public hearing for January 26, 1984.
j. Consider on first reading - reclassification request from RM-2 to O district, located at 1626 N. 3rd Street and set a public hearing for January 26, 1984.

ZONING RE-RS-6
to RM-3/Judson
1st read, appd
ZONING RE- AO
to HC/Hickory
Overland, 1st
read, appd.
ZONING RE-add
overlay, 1200
Marshall, 1st.
ZONING RE-RS-6
& RM-3 to MH/
Chapel Hill Rd
Military, 1st.
ZONING RE-RM-2
to O/1626 N3rd
1st read, appd

(Items f-j contain an identical caption, therefore, it appears only once.)

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.

- k. Consider on first reading - thoroughfare abandonment being a 20' wide north-south alley on the east side of Lots 7 & 8 Block 152, Original Town, and set a public hearing for January 26, 1984

THOR. ABAND-
alley/OT Blk 1
Lts 7&8, 1st re
approved

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.

Brad Stone, Principal Planner, briefed the Council on a reclassification request from AO (Agricultural Open Space) to LC (Limited Commercial) district, located at E.N. 10th Street and Griffith Road. The staff recommends disapproval due to nonconformance with land use plan and because of concerns relating to the possibility of commercial zoning on other similarly-situated parcels on E.N. 10th Street, however, the Planning and Zoning Commission recommends approval. A similar change was denied by the Council on 11/18/82.

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

IN FAVOR:

- Mr. Bruce Bixby, 1282 Canterbury, applicant;
- Mr. Ray Scott, Realtor, familiar with property and feels the change would be compatible with the environment.

There being no one else present and desiring to be heard, Mayor Hall closed the public hearing. Councilwoman Proctor-Shaw mentioned the staff has made an excellent projection for the proposed development in this area and it would be inconsistent if the staff did not support the change. Future requests for Limited Commercial along E.N. 10th or in this area should be expected, however, the Council should deal with that at that time. Considering the fact that the Planning and Zoning Commission has twice, in a little over one year period, approved the change and recommends to the Council approval, Councilwoman Proctor-Shaw moved to approve the reclassification request from AO to LC, located at E.N. 10th Street and Griffith Road. The motion was seconded by Councilman Robinson and the motion carried as follows:

ZONING RE-AO
to LC/EN10th &
Griffith Rd.
2nd & final
approved
2-1984

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

NAYS: Councilmen Bridges, Rodriguez and Fogle.

The ordinance is numbered 2-1984 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 request from the Public Works Department to formally assign street names to areas surrounding Ft. Phantom Lake. Suggestions for street names were considered at a public hearing of the Planning & Zoning Commission. Listed below are the street names as they are commonly known and the proposed names suggested by the Public Works Department in cooperation with representatives of the Lake Fort Phantom Hill Association. Staff recommends approval as does the Commission.

<u>Common Name</u>	<u>Proposed Name</u>
Poverty Point Circle	Poverty Point Circle
Nona Bell Avenue	Kickapoo Bend
	Arrow Point
	Kiowa Court
	Wichita Camp
Cove Raod	Cove Road
Fishing Village Road	Fishing Village Road
Lakeside Circle	Cherokee Circle
Ramp Road	Ramp Road
Commanche Trail	Comanche Trail
	Choctaw Point
	Apache Lane
	Chevenne Circle

3-6

Mayor Hall opened a public hearing for the purpose of considering the proposed name assignments and the following persons expressed their desires.

- o Jeanette Carpenter, Lot 17, spoke in regard to Poverty Point Circle and submitted a petition containing seventeen names of lot users who wish to retain the name of Poverty Point Circle;
- o R. T. Lashbrook, Lot 9, spoke in regard to Poverty Point Circle and submitted a petition containing sixteen names of lot users who wish to change the name to Purple Martin Circle;
- o Gene Aaron, 2402 S. 3rd Street, spoke in regard to Kickapoo Bend and submitted a petition containing over one hundred signatures of persons who wish to change the name to Dixon Road;
- o Charles Nolen, 2100 Glenwood, spoke in favor of Dixon Road instead of Kickapoo Bend; also he spoke in regard to Fishing Village Road and requested it be changed to Yaw Road;
- o Alan Yaw, 2409 Campus Court, stated his father was instrumental in the early development of the original roads to Ft. Phantom and requested Fishing Village Road be changed to Yaw Road;
- o Jim Donaghey, President Lake Ft. Phantom Hill Association, and spoke in regard to the initiation of the project in general and explained the reasoning behind the choice of names submitted, being to recognize past history of the lake.

There being no one else present and desiring to be heard, Mayor Hall closed the public hearing. The Council questioned the staff in regard to the proposed new names mentioned during the public hearing and whether a conflict was present if those names were indeed chosen. Lee Roy George, Director of Planning and Development, stated there currently is a Martin Drive and the suggestion of Purple Martin Circle may present a conflict.

Councilman Nixon moved approval of the ordinance on second and final reading assigning street names in the Ft. Phantom Lake area with the following motions amending some of the names. The motion was seconded by Councilman Rodriguez and the motion carried as follows:
AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

ST. NAME CHANGE
Ft. Ph. Lake ar
2nd & final, ap
3-1984

Councilman Nixon moved to retain the name of Poverty Point Circle for Street A (Poverty Point Circle). 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.

Councilman Bridges moved to change the proposed name of Kickapoo Bend for Street B (Poverty Point Circle) to Dixon Road. 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.

Councilman Robinson moved to change the proposed name of Fishing Village Road for Street G (Fishing Village Road) to Yaw Road. 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 3-1984 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF POVERTY POINT CIRCLE TO POVERTY POINT CIRCLE, DIXON ROAD, ARROW POINT, KIOWA COURT, WICHITA CAMP, COVE ROAD, YAW ROAD CHEROKEE CIRCLE AND RAMP ROAD; AND COMMANCHE TRAIL TO COMANCHE TRAIL, CHACTAW POINT, APACHE LANE, AND CHEYENNE CIRCLE

Lee Roy George, Director of Planning and Development, briefed the Council on the Proposed Zoning Ordinance amendment and the purpose of today's public hearing to consider the change in number of unrelated persons per single-family dwelling. Mr. George gave a synopsis on the history of changing the number of citizens per dwelling unit from five (5) to three (3) and the developing concern for it to be addressed.

Mayor Hall opened a public hearing for the purpose of considering the proposed zoning ordinance amendment, specifically that portion dealing with the redefinition of family, and the following persons expressed their feelings.

IN FAVOR:

- o Ben Watson, 717 EN 13th Street, commended the work of the citizen committees which studied and made recommendations on the issue. His points of issue involved favoring the recommendation to reduce the number from five to three and he gave his opinion of categorized nuisances involved with large gatherings of unrelated individuals in a single-family dwelling; he supports Abilene Christian University;
- o Melinda Cunningham, 1309 Piedmont, and spoke in relation to the protection of their investment in their home and neighborhood; the difficulty in parking; traffic problems; noise; and the general difference in lifestyle in areas where unrelated individuals live in single-family dwellings. She submitted two photographs depicting the parking and traffic congestion on Piedmont Street;
- o Tom Martin, 1025 Piedmont, favors the amendment and is concerned with the trend developing in his neighborhood of housing of unrelated individuals for school purposes. He has communicated with A.C.U. in this regard and appreciates their situation. Feels there is ample places for college students to live outside of the single-family neighborhoods. He requested if the amendment passed, changing from five to three, that Council consider delaying the effective date until after the end of the current school semester.

IN OPPOSITION:

- o Kent Smith, 921 Bruceway, represents the student leadership of A.C.U., and shared some calculations of numbers of single enrolled college students requiring off-campus housing and suggests that the multi-family structures are not adequate to house those in need. He expressed his opinion on the affect of the ordinance amendment and numbers of housing units that would be required to house the individuals. He spoke to the financial restraints of the students and the issue of parking;
- o Melton Buckaloo, 1101 Piedmont, student at A.C.U. and an individual living more than three to a house in a single-family neighborhood. He addressed a survey of other cities and their definition of family or degree of restriction per dwelling. He stated the amendment would reduce the collegiate spending in the Abilene market due to increased living expenses;
- o Jeanette Taylor, Box 316 H-SU, represents the student body at H-SU. She has lived both on and off campus and has lived with three other girls in a single-family dwelling on Grape and shared that her landlord provided off-street parking in the rear in order to reduce the congestion of parking on Grape Street. She questioned whether complaints have been documented regarding noise in areas where students are residing in large numbers in single-family dwellings. Feels the violators for either parking or noise problems should be addressed instead of changing the definition of family;

- o Ed Myers, attorney representing Christian Homes of Abilene (a licensed child care facility providing basically three services, being maternity care for unwed mothers, foster care for unwed mothers, and adoption services for the children). He questioned the affect of the proposed ordinance change on this facility and informed the Council that the facility is licensed by the State to house ten women per house. He would like confirmation that the ordinance, if passed in its present form, would not pose a problem for the facility. Mr. George responded that foster family care allows for five children in a single-family district and does not relate to the section dealing with unrelated individuals occupying a single-family house. Foster family care is addressed in a separate section of the Zoning Ordinance, however, the staff can clarify the intent is not to deal with foster family care, if the Council so desires. Also, institutions (facility for the mothers) is addressed in a different section of the Zoning Ordinance and again, the proposed change is not intended to speak to that use either;
- o Bill Hilton, 682 EN 18th Street, spoke as an individual and not representing the desires of A.C.U. He is neither in favor nor in opposition to the change and spoke to the survey that was conducted of other cities and their restrictions on the issue. In trying to reach a compromising situation, he requested if the change is approved, that Council consider changing it from five to four, since the survey seemed to favor that number, and in talking with some students it appears normal for even-numbered individuals to house together (i.e., two, four, etc.);
- o Peggy Saunders, 681 College Drive, homeowner and rents her house to four girls and has a second house rented to five male students at A.C.U. and has never received a complaint. She would like to see the ordinance enforced and those abusers of parking or housing penalized. If the Council chose to change the number, she prefers four instead of three;
- o Conrad Hammer, Buffalo Gap Road--Three Fountains Apartment Complex, represents the McMurry student government and spoke against the change with the main issue being the financial burden to the students and their families;
- o Ken Baker, former Chairman Planning and Zoning Commission, spoke he was hesitant to address the issue, but shared some wisdom he feels valuable while he heard the public speak throughout the development of the project. He stated claims have been made of the affects a change like this would make to the environment (i.e., parking, traffic flow, etc.), however, there is no indication nor information he has seen indicating that, by definition, the number of individuals in a single-family dwelling affects those things. He explained his feelings on the purpose of zoning uses and the change in social structure of the community that has forced this consideration to the definition of family, where in the past, there was no need to define a single-family dwelling. He requested the Council concentrate on the issue at hand, being what is a single family-residence, rather than so much emphasis being placed upon the important, emotional issues of parking, financial burden of students, etc.

Mayor Hall asked if anyone was present wishing to discuss another area covered in the revision of the Zoning Ordinance. No one responded and therefore, no one else present and desiring to be hear, Mayor Hall closed the public hearing.

Councilwoman Proctor-Shaw moved to approve the Zoning Ordinance Amendments in entirety on first reading and set a public hearing for January 26, 1984. 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.

CODE &
ZONING ORD AME
Proposed new
regs, 1st read
approved

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS AMENDING CHAPTER 23, SUBPART E, OF THE CITY CODE BY REPEALING SUCH SUBPART AND SUBSTITUTING THEREFORE THE FOLLOWING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ABILENE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND FOR THE REPEAL OF ALL PRIOR ZONING ORDINANCES AND ALL ORDINANCES IN CONFLICT HERewith.

Mayor Hall requested the Council to next consider the state funding for the Abilene-Taylor County Health Department, therefore, Dr. Curzon Ferris briefed the Council on the item. A report was supplied to the Council of an analysis of the local public health programs of maternity care, child health services and family planning and a contract document with the State Health Department for the use of grant monies in expanding the present services. Staff recommends the Council authorize the City Manager, by oral resolution, to sign the Contract with the State Health Department for this purpose.

After some discussion, Councilman Bridges moved approval of the state funding for the Abilene-Taylor County Health Department and to authorize, by oral resolution, the City Manager to sign a contract with the State Health Department for that purpose, as presented. 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.

HEALTH & CONTR
approve contr.
w/TX St. Health
Dept. for gran
monies
Oral

Mayor Hall requested the Council to next consider the the public hearing to consider a rate request to West Texas Utilities and Harvey Cargill, City Attorney, briefed the Council on the item. Mayor Hall opened a public hearing for the purpose of considering the item and the following person spoke in favor with no one speaking in opposition.

IN FAVOR:

Mr. Holman King, West Texas Utilities, available to answer any questions and urged the passage of the ordinance; future rate requests are expected frequently, at least annually.

No one else present and desiring to be heard, Mayor Hall closed the public hearing. The Council discussed the anticipated response from W.T.U. if the request were denied and Mr. Cargill explained the appeal process. Council also discussed with Mr. King a future anticipation of rate increases and a time frame when those increases would decline or level out. Mr. King confirmed the foresight of an increase each year until the construction of the coal burning plant was completed and then the rates should level off, absent of any abnormalities of inflation or interest rates.

Councilman Fogle moved to approve the ordinance on second and final reading (first reading being 6/23/83) setting a rate schedule for West Texas Utilities. 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.

FRANCHISE-WTU
rate req.
granted, 2nd &
final
4-1984

The ordinance is numbered 4-1984 and is captioned as follows:

AN ORDINANCE APPROVING ELECTRIC UTILITY RATE SCHEDULE FOR WEST TEXAS UTILITIES COMPANY; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

Brad Stone, Principal Planner, briefed the Council on a reclassification request from RS-6 & AO to RM-3 district located at Buffalo Gap Road and Forrest Hill Road and staff recommends approval.

Mayor Hall opened a public hearing for the purpose of considering the item and the following person spoke in favor with no one speaking in opposition.

IN FAVOR:

Mr. Gary Pullin, representing Hendrick Medical Development Corp., applicant, and stated the tract in question is a portion of a large tract of land being developed which will require future zoning decisions.

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

Councilman Rodriguez moved approval of the reclassification request from RS-6 & AO to RM-3, located on Buffalo Gap Road and Forrest Hill Road, 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, Robinson, Nixon and Mayor Hall.

NAYS: None.

ABSTAIN: Councilman Fogle.

ZONING RE-RS-6
& AO to RM-3/
Buff.Gap Rd &
Forrest Hill |
2nd & final,
5-1984

The ordinance is numbered 5-1984 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 zone change from AO to GC, located on Highway 83-84 and F.M. 707. Staff recommends approval.

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

Councilman Bridges moved approval of the reclassification request from AO to GC, located on Highway 83-84 and F.M. 707, on second and final reading as presented. 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.

ZONING RE-AO
to GC/Hwy83-84
& FM707, 2nd
final,
6-1984

The ordinance is numbered 6-1984 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 zone change from RM-2 to GC, located on Tracy Lynn Drive and Kenwood Drive and staff recommends approval.

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

Councilman Fogle moved approval of the reclassification request from RM-2 to GC, located on Tracy Lynn Drive and Kenwood Drive, on second and final reading as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

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

NAYS: None.

ZONING RE-RM-
to GC/Tracy
Lynn & Kenwo
Drs., 2nd & fi
7-1984

The ordinance is numbered 7-1984 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 zone change from A0 to HI, located at 2933 Plum Street and the staff recommends approval.

Mayor Hall opened a public hearing for the purpose of considering the item and the following person spoke in favor of the item.

IN FAVOR:

Mary Docken, representing the owner Mr. Wilson, stated she was available to answer any questions.

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

Councilman Bridges moved approval of the reclassification request from A0 to HI, located at 2933 Plum Street, on second and final reading as presented. 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.

ZONING RE-A0
to HI/2933
Plum, 2nd &
final, appd.
8-1984

The ordinance is numbered 8-1984 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 zoning ordinance amendment to permit retail trade of furniture and home furnishings in a LI & HI (Light Industrial & Heavy Industrial) district. Staff recommends approval.

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

Councilwoman Proctor-Shaw moved approval of the zoning ordinance amendment to permit retail trade of furniture and home furnishings in a LI & HI district, 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.

ZONING ORD. AME
permit furnitur
in LI & HI, 2nd
& final, appd.
9-1984

The ordinance is numbered 9-1984 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.

After being briefed by Diane Foresman, Assistant Land Agent, on an oil well drilling permit #8401, Mayor Hall opened a public hearing for the purpose of considering said item. No one present and desiring to be heard, the public hearing was closed.

3-12

Councilman Nixon moved approval of oil well drilling permit #8401 to Clyde Houston, by oral resolution 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 and Nixon.

NAYS: None.

ABSTAIN: Mayor Hall.

OIL & GAS-
drill. permit
#8401 approve
Clyde Houston
Oral

Sandra Trosky, Assistant Land Agent, briefed the Council on an oil, gas and mineral lease between Scott L. Taliaferro and Texas Drilling Company plus the mineral interest the City has retained on a 50 acre tract of the SW quarter of Section 14, Lunatic Asylum Lands. Mr. Taliaferro purchased the 50 acre tract of land in 1980 and presently owns all of the surface as well as all of the mineral interest with the exception of one half ($\frac{1}{2}$) mineral interest owned by the City; however, Mr. Taliaferro does own the leasing rights to the portion of the minerals owned by the City. A customer draft in the amount of \$1,250 for bonus consideration has been submitted to the City. Staff recommends approval.

Ms. Trosky further explained the City's interest in the mineral rights on the 50 acre tract and the fact that a representative for Mr. Taliaferro, Mr. Elmer Otto, has requested that the City execute a mineral deed conveying its one half ($\frac{1}{2}$) of the mineral interest to Mr. Taliaferro. A question arose by Mr. Otto that the intent of the City in 1952 was to convey all of its mineral interest in the land to the owner of the property at that time. Staff is of the opinion that the City did not intend to convey its interest in the land at that time and therefore, recommend that the Council deny the request to execute a mineral deed to Scott Taliaferro on the aforementioned property. Furthermore, the City cannot deed its mineral rights to anyone, but rather could advertise for the sale of the mineral interest through the competitive bidding process, if that is the desire of the Council. The City does not own any royalty rights on the property. Staff recommends to bid for the sale.

Councilman Fogle moved to ratify the oil, gas and mineral lease between Scott Taliaferro and Texas Drilling Company and acceptance of the City's portion of the bonus consideration. 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.

LAND LEASE &
OIL & GAS-ratif
lease bet. Scot
Taliaferro &
Texas Drill. Co
accept bonus
consideration

Councilman Fogle moved to deny the request to execute a mineral deed to Scott Taliaferro on the 50 acre tract of the SW quarter of Section 14, Lunatic Asylum Lands, Taylor County, and retain the mineral rights and to bid for the sale of the City's mineral rights subject to the right to reject any and all bids. 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.

LAND LEASE-deny
req. to deed
mineral rights
to Taliaferro/
auth. bid for
sale of City's
min. rights.

Mayor Hall requested the Council to next consider the City's role in flood insurance applications and Bob Whitehead, Director of Public Works, briefed the Council on the item. He explained that in the past the City has provided elevation information to citizens who reside in the floodplain and desire to obtain flood insurance. The Federal Agency which administers the nation's flood insurance program changed the information requirements for flood insurance applications on January 1, 1984, and the changes and their impact are discussed in a report dated January 6, 1984, supplied to the Council. The report also provides alternative courses of action in this regard.

The four (4) alternatives are summarized as follows:

1. Maintain as public function at no charge;
2. Maintain as public function for construction completed prior to January 6, 1981;
3. Maintain as public function but charge a fee; and,
4. Make the service a private function.

Mr. Alden Lancaster, Perry-Hunter-Hall Insurance Co., was present and spoke to the Council in regard to the changes. He favored alternative one, being the City maintaining the function free of charge.

Mr. Zimmerman, surveyor, was also present and spoke to the Council in this regard and expressed that he favors alternative four, being that the service be provided by private institutions authorized to do so.

Other suggestions were discussed, such as allowing the mortgage company, hiring a surveyor to determine property lines, to also include the elevation at that time; also while the building surveyor was obtaining floor elevation information, he could also complete the flood elevation information, through the building permit process. Mayor Hall suggested that the City staff arrange a method, with the input from Mr. Lancaster and Mr. Zimmerman, to complete the process and confirm that those agencies that might become involved in the process are amenable to it. Once a process has been coordinated, the staff should report back to the Council within two to four weeks.

FLOOD-elevation info re:insurance & FEMA requirements staff to report back with solution

Mayor Hall left the meeting.

Gene Cook, Resources Services Administrator, briefed the Council on the award of bid for the replacement of the City Hall air conditioning chiller and on October 27, 1983, the Council authorized the staff to advertise for the purchase of a new chiller with certain options. Staff recommends the bid of Batjer & Associates for the chiller (Carrier 19DK55) without the "free cooling" option be awarded in the amount of \$66,165 and funds be utilized from the revenue sharing budget.

Councilman Rodriguez spoke to the issue and expressed his support for the staff's recommendation. He also mentioned the age of the current City Hall cooling system and that the Council will, at some future time, need to address the "free cooling" concept. Also, the present energy study being conducted could supply additional information in that evaluation. He commended Mr. Cook and his staff for the work accomplished on the item.

APPROPRIATION & AIR COND.-auth. purch. of new chiller, City Hall use R.S.funds

Councilman Rodriguez moved to accept the alternate low bid of Batjer and Associates for the chiller in the amount of \$66,165 through the use of revenue sharing funds. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

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

Mayor Fogle convened the Council into executive session to consider pending and contemplated litigation and the appointment and evaluation of public officials in accordance with law.

The Council reconvened and reported no action from executive session. There being no further business, the meeting was adjourned at 5:15 p.m.

Patricia Patton
Patricia Patton
City Secretary

Elbert E. Hall
Elbert E. Hall
Mayor

3-14

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, January 26, 1984, at 9:00 a.m.

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

1. Call to Order.
2. INVOCATION: Councilman Julian C. Bridges
3. APPROVAL OF MINUTES: Special Council Work Session January 5, 1984 and the Regular Council Meeting held January 12, 1984.

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 second and final reading - ordinance amending Chapter 10, Fire Protection and Prevention, of the Abilene Municipal Code, concerning arson reward.
5. Award of Bid
 - a. 20" pipe for water line relocation.
 - b. M & P irrigation materials.
6. Request to Advertise
 - a. Hydraulic tilt assembly.

REGULAR AGENDA

7. Ordinances and Resolutions
 - a. Public Hearing - Consider on second and final reading - Zoning ordinance amendment.
 - b. Public Hearing - Consider on second and final reading - reclassification request from MH (Mobile Home) to LC (Limited Commercial) district, located on West Lake Road (F.M. 600).
 - c. Public Hearing - Consider on second and final reading - reclassification request from RM-2 (Residential Multi-Family) to O (Office) district located at Tracy Lynn Drive and Kenwood Drive.
 - d. Public Hearing - Consider on second and final reading - thoroughfare abandonment being a 15' wide north-south alley located in the E.W. Hohertz Subdivision.
 - e. Public Hearing - Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located on Judson Street.
 - f. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located at Hickory Street and Overland Trail.
 - g. Public Hearing - Consider on second and final reading - request for addition of PH (Patio Home) overlay zone to underlying RS-6 district, located in the 1200 block of Marshall Street.
 - h. Public Hearing - Consider on second and final reading - reclassification request from RS-6 & RM-3 (Residential Single Family & Residential Multi-Family) to MH (Mobile Home) district, located at Chapel Hill Road and Military Drive.
 - i. Public Hearing - Consider on second and final reading - reclassification request from RM-2 (Residential Multi-Family) to O (Office) district, located at 1626 N. 3rd Street.

- j. Public Hearing - Consider on second and final reading - thoroughfare abandonment being a 20' wide north-south alley on the east side of Lots 7 & 8, Block 152, Original Town.
 - k. Authorization for preliminary design work for 1984 F.A.A. Allocation - Airport Improvements.
8. Other Business
- a. Discussion of Capital Improvements Program.
 - b. Resolution - Right-of-way acquisition - F.M. 3438 Extension.
 - c. Pending and Contemplated Litigation.
 - d. Appointment and evaluation of Public Officials.

ADJOURN