

REGULAR CITY COUNCIL MEETING
THURSDAY, JANUARY 26, 1984, 9:00 am

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 26, 1984, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor Elbert E. Hall was present and presiding with Councilmen Julian Bridges, Juan Rodriguez, A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Councilwoman Billye Proctor-Shaw was absent but arrived shortly. Also present were City Manager Ed Seegmiller, Assistant City Attorney Karen Anderson and Assistant City Secretary Tracy Havner.

Invocation was given by Councilman Julian C. Bridges.

Councilman Bridges moved approval of the minutes of the Special Work Session January 5, 1984, and the Regular Council Meeting held January 12, 1984. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

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

NAYS: None.

It was requested that item 5a be removed from the consent agenda and considered separately, therefore Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on the item.

After some discussion Councilman Robinson moved to approve, by oral resolution, as presented, the award of bid to United Concrete Pipe Company for 20" water pipe. The motion was seconded by Councilman Fogle and the motion carried as follows:

AWARD OF BID 20"
Water Pipe
ORAL

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

NAYS: None.

Councilman Rodriguez moved approval of the consent agenda items as presented. The motion was seconded by Councilman Fogle and the motion carried as follows:

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

NAYS: None.

4. Ordinances

- a. Ordinance amending Chapter 10, Fire Protection & Prevention, of the Abilene Munitipal Code, concerning arson reward.

FIRE CODE AMEND-
Re:Arson Reward
2nd & final read.
APPROVED 10-1984

The ordinance is numbered 10-1984 and is captioned as follows:

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.

5. Award of Bid

- a. M & P irrigation equipment.

AWARD OF BID-
M & P Irrig. Equip
APPROVED, ORAL

6. Request to Advertise

- a. Tilt frame and reening assembly for Refuse Collection Division.

REQ TO ADV -
Tilt Frame & reev:
assbly, Refuse Div
APPROVED, ORAL

Councilwoman Proctor-Shaw joined the meeting.

Lee Roy George, Director of Planning and Development, briefed the Council on the Proposed Zoning Ordinance Amendments. Some of the more significant changes and modifications suggested so far are as follows:

- o To suggest a maximum site size and enlarge the number of uses that could be put in the LC (Limited Commercial) District hoping that it would serve the nearby neighborhood residents.
- o Provisions for indoor and outdoor shooting ranges with some restrictions on their design, placement and use.
- o Most all of the office type activities are proposed to be permitted in all Commercial Industrial Zoning Districts.
- o Restrict the frequency of garage sale operations.
- o Minimum building set-back lines for lot boundaries adjacent to a street are suggested to reflect the type of street against which the boundary abuts rather than the zoning district.
- o Reduce the minimum site size for some parking spaces that are in the Ordinance, specifically to accommodate compact cars.
- o Performance standards regarding: vibration, odor, heat, glare and noise.
- o Mixed use overlay zone.
- o Community Enhancement Alternatives.
- o The definition of a single family residence.

Mayor Hall asked the staff if all of the changes in the Zoning Ordinance had been made public, so any citizen interested in any item other than the 10 significant changes would be aware of all of them.

Lee Roy George, responded that they had done their best to make everyone aware of the changes. Letters were sent to all builders, developers and realtors inviting them to various Planning & Zoning Commission (hereinafter referred to as "Commission") meetings particularly the Public Hearings. Efforts were made through the use of the media to publicize the changes that have been occurring over the past couple of years. We feel that anyone who wanted to speak has had the opportunity to do so at this point. On the Ordinance, we have had at least 50 meetings, open to the public.

The Council expressed some concern with how the City intends to enforce the new changes in the Ordinance.

Mr. George stated that the concern of enforcement came up periodically during the "Commission" Workshops and during the Strategies for Responsible Growth Workshops. This item was discussed with the Council two or three times. Not only is there concern with the Zoning Ordinance but with the entire code enforcement program. We have only one Zoning Inspector to cover the entire City and he largely operates on the basis of complaints.

Mr. George was asked to explain the philosophy of Zoning which he did.

Mr. George described the definition of "Family" to the Council and the facts behind it becoming a concern needing clarification and redefinition. The Board of Adjustment on several occasions, had variance requests to deviate from the number that is currently allowed in the Ordinance, and they suggested to the staff we might want to look at that revision. There is a provision in the current Ordinance to allow only five (5) unrelated individuals in the definition of a family. He also explained that if the Ordinance is changed from 5 to 3 unrelated individuals per dwelling unit, those single family houses would be in a nonconforming category, they would not have to leave immediately, but when the ordinance is passed the date it goes into effect, will be the date they will be in a nonconforming category. They would be allowed to continue that

nonconformity until two things occur: either the dwelling is vacant for a period of 6 months or it is changed to a conforming use. In Case Law Studies 6 months is considered a reasonable length of time to give an individual to vacate, however, the Council may change that period of time.

Mr. Ken Baker, former Chairman of the Planning & Zoning Commission, was asked to explain what he felt was discussed at the Public Hearings on the nonconforming uses. He stated the Commission asked the City Staff about lease agreements, contractual obligations that a tenant may have to pay money over a period of time and how the enactment of this Ordinance might affect those contracts. The answer we got back from the staff was that if we changed the number to 3 from 5, that all existing contracts and obligations could be honored and at the termination of that contract or lease agreement then the Ordinance would go into effect for that individual property. He also mentioned that the topic was discussed but the Commission had a little different understanding from the advice that is given to the Council today, about the affect of legally nonconforming property. He feels that this is not a recommended change for prevention for future problems but rather it is a recommendation for correction of existing problems.

Mr. George stated that this Ordinance if passed cannot be retroactive in any way and most of the zoning provisions cannot be made retroactive. This Ordinance would apply only to those uses that come into effect.

Mayor Hall opened a public hearing for the purpose of considering the proposed Zoning Ordinance Amendment, in two periods of discussion: first to discuss all of the items other than the definition of family, secondly, to discuss the definition of family, and the following persons expressed their feelings:

IN OPPOSITION:

- o L. C. Dairy, 5026 North 9th, was in opposition of the mixed use overlay zone and expressed his personal views on the subject.

IN FAVOR: DEFINITION OF FAMILY

- o Mima Williams, 526 E.N. 18th, favors the amendment and feels that in the end it will be for the betterment of Abilene. She is concerned with the noise in her neighborhood and also the way college students drive down the street near her house. She has been told by a real-estate agent that the neighborhood in which her home is located has devalued her property considerably.
- o Carol Williams, 1326 Piedmont, spoke in regard to the housing supplied by Abilene Christian University and the increasd enrollment. She is concerned where the additional 396 students will live, but also feels that more than 3 individuals living in one home involves too many different lifestyles. She stated that homeowners feel threatened with so many rent houses in their neighborhood and she addressed the parking problem. She is concerned with waiting 6 months to make the people come into comformance with the new Ordinance, in that waiting may create a bigger problem with the houses for sale.
- o Ben Watson, 717 E.N. 13th Street, emphasized that the delay in the effective date could be very dangerous. He feels that changing the number to 3 is not necessarily the answer, but a step in the right direction.
- o Steve Cates, 942 Ruswood Circle, stressed compatibility. He feels most people that moved into the area, moved there because they felt the lifestyle would be compatible with living in a single-family neighborhood.

- o Tommy Martin, 1025 Piedmont, asked the Council for the preservation of the single-family district. He feels there is plenty multi-family areas for students to live.

IN OPPOSITION: DEFINITION OF FAMILY

- o Vernon L. Clement, 890 Harwell, has four rent houses that she rents to students. She feels that as a landlady she is responsible for her tenants. She tells them what she expects of them when they move in and if she ever has a complaint, she addresses it. She feels that her houses have adequate parking spaces for the number of persons she has living in them.
- o Robert Pitman, 1219 Ruswood, represented the student leadership of Abilene Christian University, and recommended a parking ordinance be enacted rather than the redefinition of family. He gathered from the conversation that the main concern was the parking available to those people living in single-family districts. He stated that students also want to live in good neighborhoods. He mentioned it was hard for students to get involved in City politics because of the many demands on their time, but this issue has generated a lot of concern among all of the students and they have repeatedly met to determine how they can best work with the City on this problem.
- o Amy Hatfield, 684A College Drive, is in compliance with the Ordinance should it pass, but feels that parking should be addressed instead of lowering the number of people living in a single-family district.
- o Jim Gulley, 1101 Piedmont, feels that students are not necessarily temporary in a community. He represents the students that are to come. The ones that will be here after he leaves, if he should leave Abilene. He feels the students, that he has been recruiting from his church back home, should have the same opportunities that he has had to grow and to mature with other people living in a house. He spoke about apartment living; they do not allow 2 people to one bedroom, which makes the cost per person outrageous, especially for a student.
- o Russell King, 1945 Simmons Street, represents the students from Hardin Simmons University. He has lived off campus for two years, once with three other people, and is presently living alone. He has never encountered problems with noise or parking in either place. He mentioned disturbances in his neighborhood but they have not been college students.
- o Mike Hammick, 2117 1/2 Swenson Street, addressed the parking problem directly. He suggested that the landlords who have more than three people living in one house, provide additional parking.

There being no one else present and desiring to be heard, Mayor Hall closed the public hearing. The Council questioned Police Chief Warren Dodson on the noise and parking problems throughout the City and the number of complaints received by the Police Department around college campuses. Chief Dodson stated that Abilene Christian University was not a law enforcement problem. He feels the students are well behaved and the college neighborhoods are very quiet compared to other neighborhoods in town. Chief Dodson explained that noise and parking was a problem all over the City and not just around college campuses.

The Council asked Ray Scott, local realtor present, to address the issue of how rental units affect the property values. He explained that a majority of people are looking for that quiet neighborhood atmosphere and, therefore, it would affect the purchasing value of property, if it were near a college or university.

Councilwoman Proctor-Shaw commented on the same issue. She stated that it is a frightening experience to a homeowner seeing numerous rent houses in his/her neighborhood. They are afraid of not being able to sale their own home in three to five years because of the rentals in the area.

The Council expressed strong feelings on the issue of conforming and nonconforming uses, they feel it is extremely confusing for everyone. They feel the City Staff should clarify this before any action is taken.

Chief Dodson explained the procedure of the Abilene Police Department for handling "Disturbing the Peace" complaints. Every call is answered, whether or not a person calling gives their name.

The Council questioned the staff about what restrictions we have regarding parking or requirements to provide off-street parking for residential areas. Wayne Kurfees, Director of Traffic and Transportation, stated that all of the off-street parking requirements are tied in with the Zoning Ordinance. Karen Anderson, Assistant City Attorney, was asked whether or not the Ordinance can require such property to furnish off-street parking as a condition for renting to 5 or less unrelated individuals. As the Zoning Ordinance stands now, it does regulate parking for new uses, and the specifics were explained. The Council may set some requirements on uses if tied to a Board of Adjustment special permit or some similar kind of situation. The Council could require off-street parking to obtain and secure that permit.

The Mayor suggested the Council postpone a decision of this item in order to review the concerns raised. He would like to see the four parties involved in this Zoning Ordinance suggest a solution. The colleges and owners, who have recently bought or converted their property into rooming houses, should be considered. The tenants who occupy these houses and the property owners whose values are being endangered should be considered.

Cynthia McDaniel, former member of the Planning & Zoning Commission, explained that during the first Commission public hearings, members realized the need for the discussion among the groups interested. We asked that personal letters be sent to all of the administration offices of all three universities and asked them to come to our second public hearing to help with suggestions in approaching the problem. There were no representatives from the schools at the second public hearing.

Mayor Hall moved that the vote on the Zoning Ordinance be postponed until the second regular Council Meeting in February. The motion was seconded by Councilman Bridges and the motion carried as follows:

ZONING ORD AMEND-
2nd & final read.
Post poned till
2/23/84

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

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

COUNCIL - EXEC.
SESSION

The Council reconvened and reported no action from executive session.

Mayor Hall moved to appoint Colonel David Tompkins to Civic Abilene, Inc., to fill the unexpired term of Colonel Larry McLendon whose term expires May, 1986. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

BOARDS - Civic
Abilene, Inc., app
Col. David Thompki
to fill unexpired
term.

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

Brad Stone, Principal Planner, briefed the Council on a reclassification request from MH district to LC district located on West Lake Road (F.M. 600). (Staff recommends approval as well as the Commission.)

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 Nixon moved approval of the reclassification request from MH (Mobile Home) to LC (Limited Commercial) district located on West Lake Road (F.M. 600) on second and final reading as presented. The motion was seconded by Councilman Robinson and the motion carried as follows:

ZONING RE-
MH to LC/W. Lk. R
2nd & final appd.
11-1984

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

The ordinance is numbered 11-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, OF THE 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 RM-2 district to O district located on Tracy Lynn Drive and Kenwood Drive. (Staff recommends approval as well as the Commission.)

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 reclassification request from RM-2 (Residential Multi-Family) to O (Office) district, located on Tracy Lynn Drive and Kenwood Drive on second and final reading as presented. The motion was seconded by Councilman Fogle and the motion carried as follows:

ZONING RE-
RM-2 to O/Tracy
Lynn Dr. 2nd &
final, appd.
12-1984

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

The ordinance is numbered 12-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, OF THE 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 thoroughfare abandonment being a 15' wide north-south alley located in the E.W. Hohertz Subdivision. (Staff recommends approval as well as the Commission.)

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. R. T. Chambers, applicant.

There being no one else present and desiring to be heard, Mayor Hall closed the public hearing. Councilman Bridges moved the approval of the thoroughfare abandonment on second and final reading as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

THOR. ABAND-
E.W. Hohertz Subd
2nd & final, appd
13-1984

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

NAYS: None.

The ordinance is numbered 13-1984 and is captioned as follows:

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 RS-6 to RM-3 district located on
Judson Street. (Staff recommends approval as well as the
Commission.)

Councilman Rodriguez asked the staff to review with the Council
the Land Use Plan for Quail Valley. A similar map was reviewed and
concerns were expressed regarding a sufficient buffer. In the
proposal there are no other means of separation other than the lot
boundaries, however, the staff feels the configuration of the lots
creates somewhat of a buffer.

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 RS-6 (Residential Single-Family) to RM-3 (Residential
Multi-Family) district located on Judson Street, on second and final
reading as presented. The motion was seconded by Mayor Hall and the
motion FAILED as follows:

ZONING RE- RS-6 to
RM-3/Judson St.
2nd & final, appd.
FAILED

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

NAYS: Councilmen Bridges, Rodriguez, Robinson and Nixon.

Brad Stone, Principal Planner, briefed the Council on a
reclassification request from AO to HC district located at Hickory
Street and Overland Trail. (Staff recommends approval as well as
the Commission.)

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 Nixon moved approval of the reclassification request
from AO (Agricultural Open Space) to HC (Heavy Commercial) district
located at Hickory Street and Overland Trail, on second and final
reading, as presented. The motion was seconded by Councilman
Rodriguez and the motion carried as follows:

ZONING RE-
AO to HC/Hickory St.
& Over.d Tr. 2nd &
final, appd.
14-1984

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

NAYS: None.

The ordinance is numbered 14-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, OF THE 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 the
addition of Patio Home overlay zone to underlying RS-6 district,
located in the 1200 block of Marshall Street. (Staff recommends
approval as well as the Commission.)

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

IN FAVOR:

Mr. Scott Senter, applicant.

No one else present and desiring to be heard, Mayor Hall closed the public hearing. Councilwoman Proctor-Shaw moved approval of the addition of PH (Patio Home) overlay zone to underlying RS-6 (Residential Single-Family) district, located in the 1200 block of Marshall Street, on second and final reading, as presented. The motion was seconded by Councilman Bridges and the motion carried as follows:

ZONING OVERLAY-
PH to RS-6/ 1200 bl.
Marshall St., 2nd &
final, appd.
15-1984

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

The ordinance is numbered 15-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, OF THE 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.

Mayor Hall left the meeting.

Brad Stone, Principal Planner, briefed the Council on the reclassification request from RS-6 & RM-3 to MH district, located at Chapel Hill Road and Military Drive. (Staff recommends approval as well as the Commission.)

Mayor Fogle opened a public hearing for the purpose of considering the item. The following person spoke in favor of the request and no one spoke in opposition.

IN FAVOR:

Mr. Paul Worsham, represents the applicant.

No one else present and desiring to be heard, Mayor Fogle closed the public hearing. Councilman Nixon moved approval of the 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 on second and final reading, as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

ZONING RE- RS-6 &
RM-3 to MH/Chapel
Hill Rd. & Military
Dr., 2nd & final,
appd.
16-1984

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

The ordinance is numbered 16-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, OF THE 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 the reclassification request from RM-2 to O district, located at 1626 North 3rd Street. (Staff recommends approval as well as the Commission.)

Mayor Fogle opened a public hearing for the purpose of considering the reclassification request. The following person spoke in favor with no one speaking in opposition:

IN FAVOR:

Mr. Dug Worthington, agent for the owner of the property in question.

No one else present and desiring to be heard, Mayor Fogle closed the public hearing. Councilman Bridges moved approval of the

reclassification request from RM-2 (Residential Multi-Family) to O (Office) district, located at 1626 North 3rd Street on second and final reading, as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

ZONING RE -
RM-2 to O/1626
North 3rd St.
2nd & final, appd.
17-1984

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

NAYS: None.

The ordinance is numbered 17-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, OF THE 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 the thoroughfare abandonment being a 20' north-south alley on the east side of Lots 7 & 8, Block 152, Original Town. (Staff recommends approval, subject to retaining the northern most 10-foot strip extending parallel to South Lane, the street connecting otherwise disjointed segments of North 3rd. In addition, it is recommended that an open utility easement be retained over the entire length and width of the alley to be abandoned. The Planning & Zoning Commission also recommends approval of the thoroughfare closure, subject to these same conditions.)

Mayor Fogle opened a public hearing for the purpose of considering the thoroughfare abandonment and the following person spoke in favor of the request with no one speaking in opposition:

IN FAVOR:

Mr. Doug Worthington, agent for the owner of property in question.

No one else present and desiring to be heard, Mayor Fogle closed the public hearing. Councilman Bridges moved approval of the thoroughfare abandonment being a 20' wide north-south alley on the east side of Lots 7 & 8, Block 152, Original Town including the stipulations as presented above by the staff on second and final reading. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

THOR. ABAND -
OT, Blk 152, Lts
7 & 8 w/stipulations
2nd & final, appd.
18-1984

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

NAYS: None.

The ordinance is numbered 18-1984 and is captioned as follows:

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.

Bob Whitehead, Director of Public Works, briefed the Council on the authorization for Preliminary Design Work for 1984 F.A.A. Allocation at the Abilene Municipal Airport. The projects that were submitted and approved by F.A.A. are:

- o Rehabilitation of Runway 4-22.
- o Installing Security Fencing.
- o Install Medium Intensity Runway Lights on Runway 4-22.
- o Rehabilitate Taxiways Z, T, V, W, X and Y.
- o Segmented Circle and Lighted Wind Cone.

The staff is requesting at this time the City send F.A.A. a letter to get prior approval for any engineering design work. The City Staff is planning to design the Rehabilitation of Runway 4-22 and the Taxiways, design the Security Fence and design the non-electrical portions of the Segmented Circle. The staff needs

approval to secure the services of a testing lab to test the actual runways and also to receive proposals and select an electrical engineering consultant firm to design the lighting of the Runway and Taxiways and the electrical work for the wind cone. The City's source of funding for its share is available from Revenue Sharing.

Councilman Nixon moved approval of the resolution authorizing the design and the electrical work. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

AIRPORT - Const.
proj. for '84 F.A.A.
Allocation, appd.
ORAL

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

Roy McDaniel gave a summary of the 1979 Bond Program and their status as of January 1984. The balance available for each project is as follows:

BONDS & CIP -
1979 CIP Status
Update

o Waterworks	\$ 491,050
o Sewer System	\$ -0-
o Drainage	\$ -0-
o Streets and Bridges	\$ 79,575
o Traffic Improvements	\$ 207,600
o Landfill Improvements	\$ 52,370
o Fire Improvements	\$ 110,300

Bob Whitehead, Director of Public Works, briefed the Council on F.M. 3438 (Arnold Blvd.) (Vapor Trails) project Right-of-Way Acquisition, to be completed on a shared basis between City, county and State. The City's portion of this project includes curb and gutter, utility relocation and right-of-way acquisition within the city limits. The staff is requesting, by resolution, that the City Manager be authorized to hire an appraiser for the Land Agent to work with in obtaining the right-of-way; to appropriate funds for the purchase of that right-of-way, and to dispose of any excess property that may be obtained through that process. Authorization is needed in order to proceed in obtaining this right-of-way to try and meet the States' deadline so they can get it under contract in this fiscal year.

ROW ACQ -
F.M. 3438 (Arnold
Blvd)(Vapor Trails)
hire appraiser,
approp. fds, dispose
of excess property,
2-1984

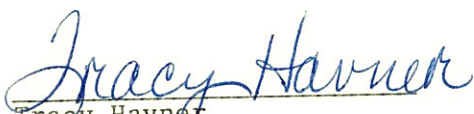
Councilman Bridges moved to approve the resolution, as presented. The motion was seconded by Councilwoman Proctor-Shaw and the motion was carried as follows:

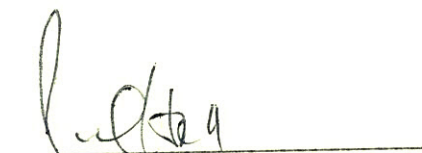
AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson, Nixon and Mayor Fogle.
NAYS: None.

The resolution is numbered 2-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PROPERTY AND GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY, ESTABLISHING PROCEDURES AND APPROPRIATING FUNDS FOR THE FEDERALLY FUNDED F. M. 3438 PROJECT.

There being no further business, the meeting was adjourned at 4:00 p.m.


Tracy Havner
Assistant City Secretary


Elbert E. Hall
Mayor