

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, March 8, 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 Bridges
3. APPROVAL OF MINUTES: Regular Council Meeting held February 23, 1984.
4. AWARDS:

Thomas Beeman	D. W. Havins	Gary Mims	Albert Wilhite
James Frazier	Charles E. Jones	Harry Osterhoudt	Becky Windham
Bill Garner, Jr.	Laddie Lawson	Terry Pribble	A. T. Worsham
Ben Gonzales	Kim Manuel	Gene Thompson	

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 - reclassification request from A0 (Agricultural Open Space) to RS-8 (Residential Single Family) District, located on E.N. 10th, West of Loop 322, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - b. Consider on first reading - a thoroughfare abandonment being a 20' x 100' alley, C. B. Webb Subd., located between Poplar & Butternut Streets, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - c. Consider on first reading - a reclassification request from MH (Mobile Home) to GC & LC (General Commercial & Limited Commercial) District, located on Texas Avenue, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - d. Consider on first reading - a thoroughfare abandonment being a 30-foot alley near Lee Drive, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - e. Consider on first reading - changing private street names within Texas Place Mobile Home Park, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - f. Consider on first reading - a reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 1134 Park Avenue, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - g. Consider on first reading - a reclassification request from RM-3 & RS-6 (Residential Multi-Family & Residential Single Family) to RM-2 (Residential Multi-Family) District, located on Judson Street, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - h. Consider on first reading - a thoroughfare abandonment being a 30-foot wide street dedication, located in the Stonegate Addition, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - i. Consider on first reading - a reclassification request from A0 (Agricultural Open Space) to HC (Heavy Commercial) District, located at I-20 & Hwy 351 (Ambler Avenue), and set a public hearing for March 22, 1984, at 9:00 a.m.
 - j. Consider on first reading - a reclassification request from A0 (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Broken Bough Trail, and set a public hearing for March 22, 1984, at 9:00 a.m.
 - k. Consider on first reading - to add PH (Patio Home) overlay zone to underlying RS-12 (Residential Single Family) District, located at Rebecca Lane & Hummingbird Circle, and set a public hearing for March 22, 1984, at 9:00 a.m.

1. Consider on first reading - amending Section 32-9.2 of the zoning ordinance, Kindergarten or Day Nursery, to allow it as right-of-use in an HC (Heavy Commercial) District, and set a public hearing for March 22, 1984, at 9:00 a.m.
6. Resolutions
 - a. Resolution - easement release being two 10-foot utility easements located in the Brook Hollow Addition.
 - b. Resolution - easement release being a 60' access, utility and refuse easement located in the Town & Country Village Addition on Andy Street.
 - c. Resolution - to consider using the City Logo for promotion.
7. Award of Bid
 - a. Hydraulic Tilt Assembly.
8. Request to Advertise
 - a. Annual Bid for Type 1 Cement.

REGULAR AGENDA

9. Ordinances and Resolutions
 - a. Public Hearing - Consider on second and final reading - Amendment to the Zoning Ordinance.
 - b. Consider on second and final reading - Ordinance establishing (Higher Education Facilities Corporation) HEFC.
 - c. Public Hearing - Lone Star Gas RCS Program and April billing cycle.
 - d. Resolution - amendment to R-O-W authorization resolution (#2-1984) for F.M. 3438.
 - e. Remove from table:
Authorize City Manager to sign Amendment to E-Z Serve Lease.
 - f. Public Hearing - consider Oil Drilling Permits #8402 and #8403.
 - g. Resolution - consider renewal of Transit Management Contract.
 - h. Resolution - consider Abilene Economic Development Company, Inc. by-laws.
10. Award of Bid
 - a. Mineral interest, SW/4, Section 14, Lunatic Asylum Lands, Taylor County.
 - b. Cleaning and painting two ground storage water tanks.
11. Change Order
 - a. Changer Order #4 - Wastewater Treatment Plant.
12. Other Business
 - a. Discuss Arts Jury.
 - b. Discuss ending balance as of September 30, 1983.
 - c. Pending and Contemplated Litigation.
 - d. Appointment and evaluation of Public Officials.

ADJOURN

REGULAR CITY COUNCIL MEETING
 THURSDAY, MARCH 8, 1984, 9:00 A.M.

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

The City Council of the City of Abilene, Texas, met in Regular Session, March 8, 1984, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor Pro Tempore A. E. Fogle, Jr., was presiding with Councilman Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Carlos Rodriguez, Welton Robinson and Harold Nixon. Mayor Elbert E. Hall arrived following approval of the minutes.

Invocation was given by Councilman Julian Bridges.

Councilwoman Proctor-Shaw moved approval of the minutes of the regular Council Meeting held February 23, 1984. 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 and City Manager Ed Seegmiller presented attendance certificates to the following employees recognizing their dedication and service to the City for not having used sick leave over a long period of time.

AWARDS-Employee attendance

<u>Employee Name</u>	<u>Number of Years Worked Without Using a Day of Sick Leave</u>
Thomas Beeman	18
James Frazier	5
Bill Garner, Jr.	7
Ben Gonzales	6
D. W. Havins	6
Charles E. Jones	7
Laddie Lawson	6
Kim Manuel	7
Gary Mims	6
Harry Osterhoudt	6
Terry Pribble	8
Gene Thompson	6
Albert Wilhite	9
Becky Windham	12
A. T. Worsham	6

Mayor Hall accepted the following changes in the Council Agenda, due to action taken by the Planning and Zoning Commission at a meeting held on March 5, 1984. The changes are to the consent agenda as follows:

AGENDA-changes to consent

5. Ordinances

- d. Consider on first reading - a thoroughfare abandonment being the west 30' of Lee Drive south from Texas Ave., for a distance of 318.67 feet, and set a public hearing for March 22, 1984, at 9:00 a.m. (This deletes any reference to the alley.)
- f. This item was denied by the P & Z and not appealed at this time, therefore, it is removed from the agenda.
- g. This item was denied by the P & Z and appealed, therefore, it remains on the agenda to be considered on first reading.
- k. This item was withdrawn by the proponent at the P & Z meeting, therefore, it is removed from the agenda.

Consent agenda items 6c and 7a were removed to be considered separately. Therefore, Sandy Test, Public Information Officer, briefed the Council on the oral resolution requesting use of the City Logo for promotional items which will be sold at cost or above.

Councilman Rodriguez moved approval by oral resolution to authorize the staff to use the City Logo for promotion. 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.

CITY LOGO-use on various iter for sale, for promotion, appc Oral

After being briefed on an award of bid for a hydraulic tilt assembly by Public Works Director Bob Whitehead, Councilman Nixon moved approval of the Award of Bid as presented. The motion was seconded by Councilman Robinson and the motion carried as follows:

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

NAYS: None.

Councilman Fogle moved approval of the remainder of the consent agenda items 5a through 8a, 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.

ABSTAIN: Councilwoman Proctor-Shaw on item 5h.

AWARD BID-
hydraulic tilt
assembly/public
works dept., ap

5. Ordinances

The following items 5a, c, g, i, j, and l contain an identical caption, therefore, it will only appear one time following the description of 5a. Items 5b, d, and h also contain an identical caption and it will only appear one time following the description of 5b.

- a. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-8 (Residential Single Family) district, located on E.N. 10th, west of Loop 322, and set a public hearing for March 22, 1984.

ZONING RE-AO to
RS-8/EN10th w.
Loop 322, 1st r
appd.

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.

- b. Consider on first reading - a thoroughfare abandonment being a 20' x 100' alley, C.B. Webb Subd., located between Poplar and Butternut Streets, and set a public hearing for March 22, 1984.

THOR. ABAND-20'
100'alley, CB
Webb Subd/Popla
& Butternut, 1s
appd.

A 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.

- c. Consider on first reading - reclassification request from MH (Mobile Home) to GC & LC (General Commercial & Limited Commercial) districts, located on Texas Avenue, and set a public hearing for March 22, 1984.
- d. Consider on first reading - a thoroughfare abandonment being the west 30' of Lee Drive south from Texas Ave., for a distance of 318.67 feet, and set a public hearing for March 22, 1984.
- e. Consider on first reading changing private street names within Texas Place Mobile Home Park, and set a public hearing for March 22, 1984.

ZONING RE-MH to
GC & LC/Texas A
1st read, appd.

THOR. ABAND-w.3
Lee Dr. so. frc
Texas Ave., 1st
read. appd.

STR. NAME CHANG
private within
Texas Place Mob
Home Park, 1st
appd.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TO NAME PRIVATE STREETS IN TEXAS PLACE MOBILE HOME PARK.

- f. Removed from the agenda, see page one.
- g. Appealed item: Consider on first reading - reclassification request from RM-3 & RS-6 (Residential Multi-Family & Residential Single Family) to RM-2 (Residential Multi-Family) district, located on Judson Street, and set a public hearing for March 22, 1984.
- h. Consider on first reading - thoroughfare abandonment being a 30' wide street dedication, located in the Stonegate Addn., and set a public hearing for March 22, 1984.
- i. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) District, located at I-20 & Hwy 351 (Ambler Avenue), and set a public hearing for March 22, 1984.

ZONING RE-RM-3
RS-6 to RM-2/
Judson St., 1st
read. ap

THOR. ABAND-30'
str. ded. Stone
gate Addn, 1st
appd.

ZONING RE-AO to
/I-20 & Hwy 351
1st read, appd.

- j. Consider on first reading - reclassification request from A0 (Agricultural Open Space) to RS-6 (Residential Single Family) district, located on Broken Bough Trail, and set a public hearing for March 22, 1984.
- k. Removed from the agenda, see page one.
- l. Consider on first reading - amending Section 32-9.2 of the Zoning Ordinance, Kindergarten or Day Nursery, to allow it as right-of-use in an HC (Heavy Commercial) District, and set a public hearing for March 22, 1984.

ZONING RE-A0 to RS-6/Broken Bou Tr., 1st read, appd.

ZONING ORD AMEN to allow kindergarten or day nursery in HC, 1st read, appd.

6. Resolutions

- a. Resolution - easement release being two 10' utility easements located in the Brook Hollow Addition. The resolution is numbered 9-1984 and is captioned as follows:

EASE. REL-Brook Hollow Addn, ap 9-1984

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED EASEMENT RELEASE.

- b. Resolution - easement release being a 60' access, utility and refuse easement located in the Town & Country Village Addition on Andy Street. The resolution is numbered 10-1984 and is captioned as follows:

EASE. REL-Town Country Vill. A appd. 10-1984

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED EASEMENT RELEASE.

Items 6c and 7a considered separately, see page one.

8. Request to Advertise

- a. Annual Bid for Type 1 Cement for the Street Division.

REQ TO ADV-ceme street div., ap

Director of Planning and Development Lee Roy George briefed the Council on the final reading of the proposed Zoning Ordinance amendments. He disseminated a revised copy of the proposed Ordinance to the Council and called attention to some changes regarding clerical errors and changes to certain verbage at the legal staff's advice. There was a substantial change in the mixed use overlay section regarding the hours of operation for a business. The legal staff recommended this limitation of hours of operation for a business be deleted in order that the Council not be placed in a position to dictate such hours for a business. The original draft of the proposed Zoning Ordinance was presented to the Council at a workshop session held November 7, 1983 and it was passed on first reading on January 12, 1984, at a public hearing. Public hearings were also held January 26th and February 23rd with the final reading and public hearing scheduled for today.

Mayor Hall opened a public hearing for the purpose of considering the proposed Zoning Ordinance on second and final reading and the following persons spoke in regard to the Ordinance.

ZONING ORD AMEN public hearing

- Mr. Tommy Martin, 1025 Piedmont, emphasized points in the proposed compromise plan that was presented at the February 23rd Council meeting: length of the amortization period should be a short period, five years, possibly less; feels the number of unrelated individuals per single family dwelling should be three; and thanked the Council for allowing him the opportunity to supply input on the issue.
- Mr. Garvin Beauchamp, 2422 Roundtree, spoke in relation to Abilene Christian University's participation in the community and gave some statistics of number of students enrolled in the school and number of students housed on campus, and the effect the reduced number of unrelated individuals per single family dwelling would have on the school's enrollment. He recommended the number be four, if it is changed at all, to be consistent with other cities. He explained the procedures for allowing students to live off campus and the general housing availability on the campus and in the community.

• Vernon L. Clement, 890 Harwell, commended the Council and Mr. Tommy Martin for the work done on the proposed Ordinance and the compromise. She recommends the number remain at five for unrelated individuals permitted per single family dwelling and recommended an amortization period of seven years.

• Marcus Mullis, 1401 Cedar Crest, landlord. He suggested the number of unrelated individuals be left at five and stated more responsibility should be placed on the landlords in having their tenants comply and cooperate with the parking, noise, etc. problems.

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

Councilwoman Proctor-Shaw moved approval on second and final reading of the proposed Zoning Ordinance, as presented, and every section relating thereto, except those references to the number of unrelated individuals per single family dwelling (definition of family). 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 AMEN
Repeal Ord. 71;
subst. new regs
excp't def. of
family, 2nd &
final, approved
28-1984

The ordinance is numbered 28-1984 and is captioned as follows:

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.

Councilman Nixon moved to change the number of unrelated individuals allowed per single family dwelling from five (5) to an undesignated number. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried as follows:

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

NAYS: Mayor Hall.

ZONING ORD AMEN
def. of family/
sg-fam. dwell.
change # of
individuals,
approved
28-1984

Councilman Nixon moved to approve and follow the recommendation of the staff and Planning and Zoning Commission in changing the number of unrelated individuals allowed per single family dwelling from five (5) to three (3) with specified exceptions. The motion was seconded by Councilman Robinson and the motion carried as follows:

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

NAYS: Councilmen Bridges and Rodriguez.

ZONING ORD AMEN
def. of family/
change fr. 5 to
w/spec. excepts
approved
28-1984

Councilwoman Proctor-Shaw moved to establish time periods for certain special exceptions as recommended by the staff regarding the number of unrelated individuals allowed per single family dwelling as follows:

- The staff identify existing but legal non-conforming uses through a process to be completed in ninety (90) days;
- Continuation of legal non-conforming status be allowed a reasonable amortization time period of five (5) years;
- That the Board of Adjustment, after granting a special exception, review the special exception every two (2) years;
- A condition for special exception by the Board of Adjustment be that off-street parking spaces shall be provided at a ratio of at least one (1) space for each resident.

ZONING ORD AMEN
def. of family/
set time period
for spec. excep
approved
28-1984

The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

Councilman Bridges moved to set the maximum number of individuals allowed per any special exception, for single family dwelling, granted by the Board of Adjustment at six (6). The motion was seconded by Councilman Rodriguez and the motion carried:

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

NAYS: Councilwoman Proctor-Shaw and Councilman Nixon.

ZONING ORD AMEN
set max. indivi
allowed per any
spec. excpt by
B of A, approve
28-1984

City Attorney Harvey Cargill and Planning Director Lee Roy George disseminated to the Council a memorandum dated March 7, 1984, detailing certain additions and revisions to the zoning ordinance regarding the definition of family and certain group family dwellings that may be permitted by special exception of the Board of Adjustment. These would add a new listing to the permitted use chart for group home; add a conditional use entry for group home; add a new definition for group home; and add an amortization of non-conforming group home in single-family resident districts.

Councilman Fogle moved approval of the additions and revisions to the Zoning Ordinance regarding the definition of family and including the concepts previously considered and voted by the Council. The motion was seconded by Mayor Hall. The Council discussed the motion thoroughly and for clarity, Councilman Fogle accepted a substitute motion being to approve the remainder of the family definition as part of the zoning ordinance and that the family definition be defined by the staff pursuant to all the concepts previously voted and adopted by a majority of the Council. Mayor Hall seconded the substitute motion and the motion carried:

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

NAYS: None.

ZONING ORD AMEN
Family definiti
adopted w/all
previous concep
approved
28-1984

Bill Hilton, Abilene Christian University, briefed the Council on the ordinance creating the Abilene Higher Education Facilities Corporation (AHEFC) and discussed the Articles of Incorporation and Bylaws for same. He referenced the last section regarding special counsel and special financial advisor and stated the schools will be employing their own counsel and financial advisor and the special counsel and advisor would be an additional cost incurred by the Board of Directors. Mr. Hilton will communicate with the Board on this section and determine the cost relating to the special counsel and advisor; however, if the Board feels those additional costs are too excessive, an amendment to the Bylaws will be recommended.

Councilman Fogle moved approval of the ordinance on second and final reading creating the Abilene Higher Education Facilities Corporation. The motion was seconded by Councilman Rodriguez and the motion carried:

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

NAYS: None.

ABSTAIN: Councilman Bridges.

BOARD-Abilene
Higher Educa.
Fac. Corp. AHEF
created, 2nd re
approved
29-1984

The ordinance is numbered 29-1984 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING THE CREATION OF A NONPROFIT CORPORATION UNDER SECTION 55.35(b), TEXAS EDUCATION CODE, AS AMENDED; APPROVING THE FORM OF ARTICLES OF INCORPORATION OF THE CORPORATION; APPROVING THE FORM OF BYLAWS OF THE CORPORATION; CONTAINING OTHER PROVISIONS AND MAKING CERTAIN FINDINGS RELATING THERETO.

City Attorney Harvey Cargill introduced Marthe Harmon, District Manager for Lone Star Gas Company, to report to the Council the status of the Residential Conservation Service (RCS) Program and the April billing cycle. No definite cost figures are available at the present time for the April billing, however, it is anticipated the surcharge will be approximately seventy (.70¢) cents. Edie Sazama, RCS Program Representative, was also present and responded to questions. It was clearly stated that Lone Star Gas opposes the mandated program and is continually working to repeal the program.

Mayor Hall opened a public hearing to allow input on the subject and Mr. Juan Guiterrez, 1534 N. Pioneer, questioned the amount of the surcharge to be billed for the April cycle and requested explanation of the program in general. There being no one else present and desiring to be heard, Mayor Hall closed the public hearing.

The staff explained this program was last discussed at the October 13, 1983, Council meeting and at that time, the Council requested a status report from Lone Star Gas prior to beginning the April billing. No action is necessary on behalf of the Council, however, it was emphasized to the general public and to Lone Star Gas officials, that the Council does not favor the program and by taking no action, the Council does not want to imply they are in favor of the mandated program. It is the intent of the Council to stay abreast of the situation and keep the public informed.

LONE STAR GAS-
RCS Program
discuss April
billing cycle,
no action taken

Director of Public Works Bob Whitehead, briefed the Council on an amendment to Resolution 2-1984 regarding the right-of-way acquisition for F.M. 3438 approved by the Council on January 16, 1984. The parcels of land set forth by the State Department of Highways and Transportation in said resolution contained discrepancies the City was unaware of at the time. However, corrections have been made and it is recommended the Council approve the amendments to the original resolution. The changes do not affect the project nor change the scope of the right-of-way acquisition. It is also noted, there is an approximate fifty (50) foot strip of land currently known as Vapor Trails outside the State Department of Highways and Transportation project adjacent to the Dyess parcel number one. Dyess is deeding this strip to the City by Quit Claim Deed and it will remain a City street along the extended F.M. 3438.

Councilman Nixon moved approval of the resolution making certain amendments to Resolution 2-1984 regarding the right-of-way acquisition for F.M. 3438, as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried:

APPROPRIATION &
ROW ACQUISITION
F.M. 3438 Proj.
amend R2-1984,
approved
11-1984

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

The resolution is numbered 11-1984 and is captioned as follows.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING THE EXHIBIT "A" ATTACHED TO RESOLUTION NO. 2-1984 ADOPTED BY THE CITY COUNCIL ON JANUARY 26, 1984 RELATIVE TO AUTHORIZATION FOR RIGHT OF WAY ACQUISITION FOR THE FEDERALLY FUNDED F.M. 3438 PROJECT.

Councilwoman Proctor-Shaw removed from the table a lease agreement with E-Z Serve, Inc. The motion was seconded by Councilman Rodriguez and the motion carried:

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

Director of Community Services, Mike Hall, briefed the Council on the lease agreement between the City and E-Z Serve, Inc. which was last considered at the February 23, 1984, Council meeting. The item was sent back for negotiation to add an escalation clause to the second five (5) year renew option. The clause has been added to the agreement and staff recommends approval.

LEASE AGREE-
E-Z Serve, Inc.
extend lease,
& add add'l ren
option, approve
Oral

Councilman Bridges moved to approve the extension of the lease agreement with E-Z Serve, Inc., for parking lots at South 1st and Chestnut and South 1st Oak Streets, as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried:

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

Diane Foresmen, Assistant Land Agent, briefed the Council on oil well drilling permits #8402 and #8403, as located within the City Limits and on private property. Both are located south of Industrial Blvd. between F.M. 1750 and Maple Street. Staff recommends approval. Mayor Hall opened a public hearing for the purpose of considering the two permits and no one present and desiring to be heard, the public hearing was closed.

Councilman Bridges moved approval of the oil well drilling permits #8402 and #8403, as presented. The motion was seconded by Councilman Rodriguez and the motion carried:

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

NAYS: None.

OIL & GAS-well
drill. permits
#8402 & #8403
approved
Oral

The item was passed by oral resolution.

Wayne Kurfees, Director of Traffic and Transportation, briefed the Council on the contract with McDonald Transit Associates, Inc., for management services for the Abilene Transit System. The current contract was originally approved March, 1981, and will expire April, 1984. It is proposed the contract be amended to extend the term through September 30, 1987, with the "60-day clause" to remain unchanged, whereby the City can terminate the contract without cause at any time on a 60-day notice. The management fee will remain at \$5,900 per month at least through September 30, 1984, and beyond that time, the fee may be increased by action of the Council. Mr. Kurfees reviewed selected performance statistics for the Abilene Transit System. The Council discussed the operating deficit of the system and the progress of the system since the employment of the professional management firm.

Councilman Bridges moved to renew the contract with McDonald Transit Associates, Inc., for management services for the Abilene Transit System, as presented. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: Councilmen Robinson and Nixon.

TRANSIT-Mgmt
contract renewe
Oral

Lee Roy George, Director of Planning and Development, briefed the Council on the bylaws of the Abilene Economic Development Company, Inc., (AEDC). The Board of Directors of the Corporation proposed certain changes to the bylaws and the Temporary Board Chairman George Gonzales and Bylaws Committee Chairman Robert English are available to answer any questions. The original bylaws were developed by a local attorney and have been revised by the the City's bond counsel and the Board of Directors of the Corporation.

Mr. Gonzales addressed certain questions from the Council regarding the powers of the Board in appointing and removing members, which is contrary to other City Corporations. He explained that since the initial conception of the organization, the City of Ft. Worth's Economic Development Corporation was used as a model and throughout the deliberations of the committee meetings and investigation for input to the bylaws. The intent is to strive to make the organization independent and give the Corporation a participating role in its membership. He emphasized the open line of communication the Board will keep with the City Council in attempting to meet the Board's future goals and allowing for control by the City Council. Both Mr. Gonzales and Mr. English stated they would have no problem if the Council had total control over the appointment and removal of Board members, however, it was the intent of the Board to share the responsibility. Mr. English thanked the Council for their labor put into the AEDC and its operation.

Councilman Rodriguez moved approval of the resolution adopting bylaws for the Abilene Economic Development Corporation, as proposed by the Board of Directors with the stipulations that the City Council approve appointment and removal of Directors; and make appointments to fill vacancies and increase the number of directors. The motion as seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING BY-LAWS FOR THE ABILENE ECONOMIC DEVELOPMENT COMPANY.

The Council next discussed the possible creation of a visual arts jury and Lynn Barnett, Cultural Affairs Council, presented a draft resolution for Council review and comment. Once the jury is created, the bylaws will be developed and brought back to the Council for approval. It was the consensus of the Council to direct the staff to prepare a written resolution creating the visual arts jury for Council consideration.

Arkie Pierce, Land Agent, briefed the Council on an award of bid for mineral interest, SW/4, Section 14, Lunatic Asylum Lands, Taylor County. Only one bid was received and the staff recommends approval of the award of bid to Mr. Scott L. Taliaferro for a total amount of \$2,250. Councilman Robinson questioned the amount of the bid and reported he feels this might be an insufficient amount. Councilman Robinson moved to TABLE the award until such time as he can communicate his reservations to the Land Agent and reach a solution. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on an award of bid to clean and paint two ground storage water tanks. Councilman Nixon moved approval of the award of bid to Unlimited Coating Specialists, Inc., to clean and paint two ground storage water tanks, as presented. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDED A CONTRACT FOR THE CLEANING AND PAINTING OF TWO GROUND STORAGE WATER TANKS AND AUTHORIZING THE MAYOR TO EXECUTE SUCH CONTRACT.

Dwayne Hargesheimer, in conjunction with the aforementioned painting of the two water tanks, introduced Mr. Gerald Cook, Industrial Foundation. Mr. Cook requested that the Foundation be permitted to paint, at the Foundation's expense, lettering which will read "Abilene Industrial District" on two sides of the tank located on I-20 and Fulwiler Road. A miniature model of the tank and proposed lettering was shown. Councilman Fogle moved approval of the lettering, as proposed by the Industrial Foundation. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

BOARD-Ab. Econo
Dev. Corp. (AED
bylaws approved
12-1984

BOARD-visual ar
jury, discuss
creation, bring
back for action

AWARD BID-miner
interest sw/4,
Sec. 14, L.A.L.
TABLED

AWARD BID-clear
paint 2 ground
storage water
tanks/Unlimitec
Coat. Spec., Ir
approved
13-1984

WATER UTILITIES
approve letteri
for ground wate
storage tank/
I-20 & Fulwiler
by Ab. Indus.
Found.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on Change Order #4 for the Wastewater Treatment Plant. Jim Glaser, Parkhill, Smith & Cooper, Inc., was present and responded to questions from the Council on the project. Staff recommends approval of the resolution and change order in order that the contract amount can be adjusted accordingly. Councilwoman Proctor-Shaw moved approval of the resolution approving change order #4 for the Wastewater Treatment Plant, as presented. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING CHANGE ORDER NUMBER FOUR (4) ON THE CONTRACT WITH GRACON CONSTRUCTION CO., INC., FOR THE WASTEWATER RECLAMATION PLANT IMPROVEMENTS.

The Council recessed and reconvened in the Basement Conference Room to consider the remainder of the items on the agenda.

Roy McDaniel, Assistant City Manager, presented the Council with budget figures relative to the ending balance as of September 30, 1983, and possible uses for same, in accordance with the Council's direction at the February 23, 1984, meeting. They are as follows:

Ending Balance (including Revenue Sharing)	\$597,175
Emergency Balance	<u>28,925</u>
Total Available	\$626,100

Possible Uses:

1. Flood Control Material	\$ 30,000
Engineer (4 months)	11,600
2. Freeze damage to streets	460,000
3. Street Sweeping/Capital Costs	90,000
6 people (2 months)	<u>34,500</u>
	\$ 626,100

The Council thoroughly reviewed each and every item with the staff. Councilman Nixon moved authorization of additional expenditures for the possible uses as shown above, for a total of \$626,100. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

Roy McDaniel then presented the Council with several options for financing a plan on a Police/Central Communications facility with a projected total cost of \$3 million dollars. The Council showed interest in trying to fund the project at some point, but would like more detail on the net cost of each option. No action was taken at this time.

Mayor Hall recessed the Council into executive session to consider pending and contemplated litigation and the appointment and evaluation of public officials. The Council reconvened with no action taken in executive session.

Councilman Bridges moved approval of a resolution appointing Mr. Lee Hamilton as Assistant City Attorney. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

W & S PROJECT-
Change Order #1
contract w/Grac
Wastewtr Trmt
Plant Proj.
approved
14-1984

BUDGET-auth.
add'l expend.
approved
Oral

POLICE-communi-
cation system
funding options
discussed/no
action taken

CITY ATTORNEY-
appoint asst.
Lee Hamilton
approved
15-1984

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING THE APPOINTMENT OF AN ASSISTANT CITY ATTORNEY FOR
THE CITY OF ABILENE.

Councilman Nixon moved to appeal to the U. S. Supreme Court the
decision regarding the Single Member District Lawsuit. The motion
was seconded by Councilwoman Proctor-Shaw and the motion carried:

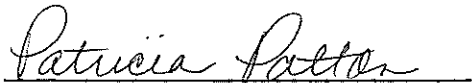
AYES: Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle,
Robinson, Nixon and Mayor Hall.

NAYS: None.

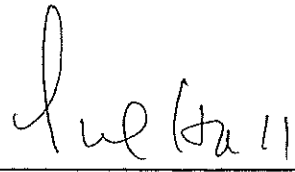
ABSTAIN: Councilman Bridges.

LITIGATION-appe
single member
district suit
to US Supreme
Court, approved
Oral

There being no further business, the meeting was adjourned at
6:15 p.m.



Patricia Patton
City Secretary



Elbert E. Hall
Mayor