

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 22, 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 Nixon
3. APPROVAL OF MINUTES: Regular Council Meeting held March 8, 1984.
4. AWARDS:  
James W. Holinds                      25 Years                      Refuse Collection

#### 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 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, regarding parking meters on North 2nd Street.
6. Resolutions
  - a. Resolution to consider street use licenses for Planters in downtown area.
  - b. Resolution to consider street use license for 642 Lillius Street.
  - c. Consider donation of property adjoining Sears Park.
  - d. Authorize City Manager to sign lease with Abilene Zoological Society.
7. Award of Bid
  - a. Pneumatic Roller for street department.
  - b. Traffic signal heads.
  - c. Traffic signal control and coordination equipment.
  - d. Police radios.
8. Request to Advertise
  - a. Tractor-type riding mower for the Airport.
  - b. Batwing mower for Airport.
  - c. Flatbed dumptruck and body for street division.
  - d. Fence for abandon car compound.

#### REGULAR AGENDA

9. Ordinances and Resolutions
  - a. Appealed Item:  
Public Hearing - consider on second and final 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.
  - b. Public Hearing - consider on second and final reading - a thoroughfare abandonment being a 30-foot wide street dedication, located in the Stonegate Addition.
  - c. Public Hearing - consider on second and final reading - a thoroughfare abandonment being a 20' x 100' alley, C. B. Webb Subd., located between Poplar & Butternut Streets.

- d. Public Hearing - consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-8 (Residential Single Family) District, located on E.N. 10th, West of Loop 322.
- e. Public Hearing - consider on second and final reading - a reclassification request from MH (Mobile Home) to GC & LC (General Commercial & Limited Commercial) District, located on Texas Avenue.
- f. Public Hearing - consider on second and final reading - a thoroughfare abandonment being the West 30' of Lee Drive, south from Texas Avenue, for a distance of 318.67 feet.
- g. Public Hearing - consider on second and final reading - changing private street names within Texas Place Mobile Home Park.
- h. Public Hearing - consider on second and final reading - a reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) District, located at I-20 & Hwy 351 (Ambler Avenue).
- i. Public Hearing - consider on second and final reading - a reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Broken Bough Trail.
- j. Public Hearing - consider on second and final 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.
- k. Resolution to consider list of historic structures.
- l. Resolution creating Visual Arts Jury.
- m. Resolution to accept conveyance of land for Fire Station site.

10. Award of Bid

- a. Remove from table:  
Mineral interest, SW/4, Section 14, Lunatic Asylum Lands, Taylor County.

11. Other Business

- a. Consider application for State funds to construct WIC Program facility.
- b. Consideration of sale of raw water.
- c. Pending and Contemplated Litigation.
- d. 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 March 22, 1984, 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 Carlos Rodriguez, A. E. Fogle, Jr., Welton Robinson and Harold Nixon.

Invocation was given by Councilman Harold Nixon.

Councilman Bridges moved approval of the minutes of the Regular Council Meeting held March 8, 1984. 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.

James W. Holinds, Refuse Collection Division, was presented a service award by Mayor Hall for twenty-five years of service to the City of Abilene.

AWARDS-employee  
service

Mayor Hall removed from the agenda item 9k, being a resolution to consider a list of historic structures, at the request of the Chairman of the Landmarks Commission. The Commission will hold a public hearing on the item and then return for Council consideration. Also, items 7a, 7b, and 7c were removed from the consent agenda to be considered separately, at the staff's request.

Bob Whitehead, Director of Public Works, briefed the Council on an award of bid for a pneumatic roller for the Street Division and explained justification for not recommending the low bidder. A discussion followed regarding bidding and specification policies. The questions involved clarification on the fact that the Council may award the bid most advantageous to the City, judging all considerations requested in the specification document.

Councilman Nixon moved to award the bid for pneumatic roller to Plains Machinery Company of Abilene, including diesel, as presented by the staff, since it is the most advantageous to the City. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried.

AWARD BID-  
pneumatic roller  
Str. Div/Plains  
Mach. Co.,  
approved

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

NAYS: None.

Wayne Kurfees, Director of Traffic & Transportation, briefed the Council on an award of bid for traffic signal heads. Staff recommends rejection of all bids on items 1a, 1b, 1c, and 2 and permission to rebid these items. Secondly, that the alternate bid for item 3 be awarded to Traffic & Transportation Supply, Inc., of Fort Worth.

Councilman Fogle moved approval of the award of bid for traffic signal heads, as presented by the staff. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried.

AWARD BID-traffic  
signal hds item  
T & T Supp./reje  
& rebid all othe  
approved

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

NAYS: None.

Wayne Kurfees, Director of Traffic & Transportation, briefed the Council on an award of bid for traffic signal control and coordination equipment. Staff recommends the award of items 1a and 1b to Traffic and Transportation Supply, Inc., and that all bids on items 2, 3, 4, and 5 be rejected with permission to rebid these items.

Councilman Rodriguez moved approval of the award of bid for traffic signal control and coordination equipment as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried.

AWARD BID-traffic  
signal control,  
1a&1b to T&T Sup  
reject & rebid a  
other,  
approved

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

NAYS: None.

Councilwoman Proctor-Shaw moved to approve the remainder of the consent agenda items 5a through 8d, 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.

5. Ordinances

- a. Consider on first reading - ordinance amending Chapter 18, Motor Vehicles and Traffic, of the Abilene Municipal Code, regarding parking meters on North 2nd Street.

CODE-amend traffic re park. meters, N. 2nd str., 1st read, approved

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

6. Resolutions

- a. Resolution to consider street use licenses for planters in downtown area. Licenses were issued to The Briarstone Group, Pride Refinery, and Mr. Delehanty by Oral Resolution.
- b. Resolution to consider street use license for 642 Lillius Street. A License was issued to Clarence and Sue Corning to construct a fence in their side yard, by oral resolution.
- c. Consider donation of property adjoining Sears Park. Council accepted the donation of two lots out of the Sears Park Addition totalling 7,500 square feet, to become part of Sears Park, by H. C. Toombs, warranty deed.
- d. Authorize City Manager to sign lease with Abilene Zoological Society. Council renewed for a ten year period to expire March 22, 1994.

STR. USE LIC- Brairstone Group Pride Ref., Deleh approved/Oral

STR. USE LIC- Corning, approve Oral

PARK & LAND-H.C. Toombs donates land/Sears Pk.Ad. approved/Oral

ZOO-renew lease w/AZoological So. approved/Oral

7. Award of Bid

- a, b, and c, were considered separately, see page one.
- d. Police radios (30) awarded to Motorola Communications.

AWARD BID & POLI 30 radios/Motoro Comm., approved

8. Request to Advertise

- a. Tractor-type riding mower for the Airport.
- b. Batwing mower for Airport.
- c. Flatbed dumptruck and body for Street Division.
- d. Fence for abandon car compound.

REQ. TO ADV- various, approved

Brad Stone, Principal Planner, briefed the Council on 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. Staff recommends disapproval due to substantial variation from adopted land use plan. Planning and Zoning Commission also recommends disapproval. The item was appealed to the City Council. Council denied the proponent's request for RM-3 zoning on the row of lots bordering the north-eastern side of Judson Street, which lots are included in the present request, on January 26, 1984.

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

IN FAVOR:

David Todd, 2949 S. Willis, proponent.  
John Beal, 50 Stonegate Road, developer.

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

Councilman Rodriguez moved to deny the reclassification request from RM-3 & RS-6 to RM-2, located on Judson Street. The motion was seconded by Councilman Bridges and the motion carried.

ZONING RE-RM-3 & RS-6 to RM-2/ Judson St. 2nd re DENIED

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

NAYS: Councilman Fogle.

Brad Stone, Principal Planner, briefed the Council on a thoroughfare abandonment being a 30' wide street dedication, located in the Stonegate Addition. Staff and Planning and Zoning Commission recommend approval.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned street dedication.

IN FAVOR:

David Todd, 2949 S. Willis, agent for the proponent.

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

Councilman Bridges moved approval of the thoroughfare abandonment, being a 30' wide street dedication, Stonegate Addition, on second and final reading, as presented. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

ABSTAIN: Councilwoman Proctor-Shaw.

The ordinance is numbered 30-1984 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 thoroughfare abandonment being a 20' by 100' alley, C. B. Webb Subdivision, located between Poplar and Butternut Streets. Staff recommends denial of the request since it will create two dead-end alleyways, north and south of the alley portion proposed to be closed. The Planning and Zoning Commission recommend approval of the request subject to retaining a utility easement over the entire length and width of that specific section under consideration. The Commission also instructed the staff to initiate a request to close the remaining portions of this alley extending between S. 17th Street and Westway Drive; however, this request will not be final until the next meeting of the Commission to be held April 2, 1984.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned request.

IN OPPOSITION:

Don Seamster, attorney representing Mrs. L. M. Stovall, property owner abutting the alley to the south of that portion under consideration. She is opposed to the requested closure and also opposed to the closure of the remainder of the alley.

There being no one else present and desiring to be heard, the public hearing was closed.

Councilwoman Proctor-Shaw moved to TABLE the item pending the decision of the Planning and Zoning Commission regarding initiating steps to close the remaining portions of this alley. 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.

Due to the Mayor's term of office expiring April 12, 1984, he publicly expressed his appreciation to the Council for the opportunity to serve with each of the members, especially to Councilmen Rodriguez and Fogle, whose terms will also expire April 12, 1984.

The Council next considered item 91, being a resolution to create a Visual Arts Jury and Assistant City Manager Curtis Hawk briefed the Council on the Resolution.

THOR ABAND-stone gate addn. 2nd read. approved 30-1984

THOR ABAND-C.B. Webb Subd. popla & butternut, 2nd read. TABLED

Councilman Nixon moved approval of the resolution establishing a Visual Arts Jury, as presented. 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.

BOARD-Visual Art  
Jury established  
approved  
16-1984

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
ESTABLISHING A VISUAL ARTS JURY.

The Council next considered item 9m, being a resolution to accept conveyance of land for a fire station site and Assistant City Manager Curtis Hawk briefed the Council on the resolution. Council authorized the relocation of Fire Station #5, EN 19th Street and Avenue D, to a site near Judge Ely Boulevard on February 9, 1984. Negotiations took place between the City and Abilene Christian University to locate a possible site that would be desirable and the resolution authorizes the City to accept the conveyance of land for the new station site, and reverting the existing fire station site back to Abilene Christian University.

Councilman Fogle expressed appreciation to Abilene Christian University for their help and cooperation and moved approval of the resolution authorizing the conveyance of land for the new fire station site, 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.

LAND & FIRE STAT  
SITE-ACU convey  
land to relocate  
station #5;rever  
exist. site back  
to ACU, approved  
17-1984

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
ACCEPTING OFFER OF CONVEYANCE OF LAND FROM ABILENE CHRISTIAN  
UNIVERSITY (ACU) FOR FIRE STATION SITE, AND AGREEING TO REVERT  
EXISTING FIRE STATION SITE TO ACU.

The Council next considered item 11a, being an application for State funds to construct a Women, Infants, and Children (WIC) Program facility and Dr. Curzon Ferris, Abilene-Taylor County Health Department, briefed the Council on the application. Staff recommends permission, by oral resolution, to apply for \$104,000 state monies to construct a 1,750 square foot WIC facility directly south of the Abilene-Taylor County Health Department at 2241 South 19th Street.

Councilman Bridges moved approval, by oral resolution, to apply for state funds to construct a WIC Program facility, as presented by the staff. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried.

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

NAYS: None.

WIC PROGRAM &  
HEALTH-apply  
state fds for  
WIC facility,  
approved  
Oral

Brad Stone, Principal Planner, briefed the Council on a reclassification request from AO (Agricultural Open Space) to RS-8 (Residential Single Family) district, located on E.N. 10th, west of Loop 322. Staff and Planning and Zoning Commission recommend approval.

Mayor Hall opened a public hearing for the purpose of considering the request and Charles Robertson, 767 Glendale, proponent stated he was in favor of the request and available for questions. There being no one else desiring to be heard, the public hearing was closed.

Councilman Nixon moved approval of the rezone request from AO to RS-8 district, located on E.N. 10th Street, on second and final reading. 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.

ZONING RE-AO to  
RS-8/EN10th, 2nd  
read, approved  
31-1984

The ordinance is numbered 31-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

Brad Stone, Principal Planner, briefed the Council on a reclassification request from MH (Mobile Home) to GC & LC (General Commercial and Limited Commercial) district, located on Texas Avenue. Staff and Planning and Zoning Commission recommend approval.

Mayor Hall opened a public hearing for the purpose of considering the aforementioned request and the following persons spoke in favor and in opposition to the request.

IN FAVOR:

Paul Washburn, 2942 Buttonwillow Parkway, proponent.

IN OPPOSITION:

Col. Walton, Commander 96th Bomb Wing, D.A.F.B. Col. Walton spoke on behalf of Dyess and expressed concerns with any commercial-type zoning along this particular area. He would prefer zoning of A0 or residential.

No one else desiring to be heard, the public hearing was closed. The Council and staff discussed the possibility of creating or investigating positive zoning criteria along all the property adjacent to the Base, in attempts to work with the Base on their concerns and tabling all future requests that fall in this area until a solution can be reached. Mr. Washburn stated he has attempted for several years to utilize the property in question and encouraged the Council to approve his request.

Councilman Robinson moved approval of the rezone request on second and final reading from MH to GC and LC districts, located on Texas Avenue. The motion was seconded by Councilman Nixon and the motion carried.

ZONING RE-MH to GC & LC/Texas Av 2nd read, approv 32-1984

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

NAYS: Councilman Fogle and Mayor Hall.

The ordinance is numbered 32-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

Councilwoman Proctor-Shaw moved to direct the staff to define and recommend zoning policies relative to property adjacent to Dyess Air Force Base, by negotiating with all parties involved, to create buffer zoning for the area; to place a moratorium on all future zoning requests in the area until such reasonable time that the policies may be considered by the Council. The motion was seconded Councilman Rodriguez and the motion carried.

ZONING POLICIES- define policies for property adjacent to Dyess AFB; moratorium future reqs. same area/ approved Oral

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

NAYS: None.

After being briefed by Principal Planner Brad Stone on a thoroughfare abandonment being the west 30' of Lee Drive, south from Texas Avenue, Mayor Hall opened a public hearing to consider the item.

IN FAVOR:

Paul Washburn, 2942 Buttonwillow Parkway, proponent.

No one else desiring to be heard, the public hearing was closed.

Councilman Bridges moved approval of the ordinance closing the west 30' of Lee Drive, south from Texas Avenue, on second and final reading. The motion was seconded by Councilman Fogle and the motion carried.

THOR ABAND-Lee Drive, 2nd read. approved 33-1984

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

NAYS: None.

The ordinance is numbered 33-1984 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.

After being briefed by Principal Planner Brad Stone, Mayor Hall opened a public hearing for the purpose of considered an ordinance changing private street names within Texas Place Mobile Home Park.

IN FAVOR:

Paul Washburn, 2942 Buttonwillow Parkway, Proponent.

No one else desiring to be heard, the public hearing was closed.

Councilman Rodriguez moved approval on second and final reading of the ordinance changing private street names within Texas Place Mobile Home Park. The motion was seconded by Councilman Fogle and the motion carried.

STR NAME CHANGE-private strs TX Place Mobile Home Park, 2nd read. approved 34-1984

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

NAYS: None.

The ordinance is numbered 34-1984 and is captioned as follows:

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

After being briefed by Principal Planner Brad Stone on a rezone request from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located at I-20 and Hwy 351 (Ambler Avenue), Mayor Hall opened a public hearing to consider the request. No one present and desiring to be heard, the public hearing was closed.

Councilman Bridges moved approval of the reclassification request on second and final reading from AO to HC, located at I-20 and Hwy 351. The motion was seconded by Councilman Rodriguez and the motion carried.

ZONING RE-AO to HC/I-20 & Hwy351 2nd read, approved 35-1984

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

NAYS: None.

The ordinance is numbered 35-1984 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 Principal Planner Brad Stone on a rezone request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located on Broken Bough Trail, Mayor Hall opened a public hearing to consider the request.

IN FAVOR:

Terry Franklin, agent Woodlake Properties.

No one else desiring to be heard, the public hearing was closed.



Councilwoman Proctor-Shaw moved approval of the rezone request on second and final reading from A0 to RS-6, located on Broken Bough Trail. 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.

The ordinance is numbered 36-1984 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 Principal Planner Brad Stone on an amendment to Section 32-9.2 of the Zoning Ordinance, Kindergarten or Day Nursery, to allow it as a right-of-use in an HC (Heavy Commercial) District, Mayor Hall opened a public hearing to consider the item. No one desiring to be heard, the public hearing was closed.

The request was initiated by Mr. Ray Scott, Realtor, and the Staff and Planning and Zoning Commission recommend approval. The Council questioned the staff on the number of requests received for Kindergarten or Day Nurseries in HC district and the response was minimal.

Councilman Nixon moved approval of the ordinance on second and final reading with amendment to allow the use in HC zones only with a special exception. 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 ordinance is numbered 37-1984 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.

Councilman Nixon left the meeting.

Councilman Rodriguez moved to remove from the table the award of bid for mineral interest, Lunatic Asylum Lands, Taylor County. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

John Pierce, Land Agent, briefed the Council on the item, which was tabled at the March 8, 1984, meeting. Councilman Fogle moved to award the bid to Mr. Scott L. Taliaferro for mineral interest being southwest 1/4, Section 14, Lunatic Asylum Land, Taylor County. The motion was seconded by Councilman Rodriguez and the motion carried.

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

NAYS: None.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on a request from Abilene Cattle Feeders for an amendment to their current contract to allow additional raw water for industrial use. A written response from the City's consulting engineers, Freese and Nichols, Inc., was discussed.

Mr. Bob Morford, Abilene Cattle Feeders, approached the Council and presented details of his request, entailing doubling the amount of water bought from the City. This request would be subject to approval by View-Caps Water Supply Corporation.

ZONING RE-A0 to RS-6/Broken Bough Tr., 2nd read. approved 36-1984

ZONING ORD AMEND allow Kind. & Day Nurseries in HC w/s.e. permit, 2nd read. approved 37-1984

AWARD BID-mineral interest, SW/4, Sec. 14, LAL/ Scott Taliaferro approved Oral

WATER CONTRACT- Abilene Cattle Feeders, req. to amend contract discussed/no action taken

00207

Mr. Jack Chamberlain, President View-Caps Water Supply Corporation, was present and responded to the Council's questions. This request has not been presented or considered by the Board at the present time, however, he personally feels it may be helpful to the Corporation if relieved from serving Abilene Cattle Feeders.

The Council questioned the procedures that would be involved if the request is pursued. The legal staff reviewed those procedures with the Council, including bringing a contract document to the Council for consideration at a future date. Council stressed their concern over the availability of the City's water and the impact this request makes on that water supply.

The Council directed the staff to prepare a proposed contract for consideration at the April 12, 1984, meeting.

Dwayne Hargesheimer, Director of Water Utilities, briefly mentioned a second request for raw water by Jordan Wood and Dunigan Enterprises to be used for irrigation purposes. Council consented to review the request at a later date. No action was taken on the item today.

WATER-Req. raw water, irrigatic purp./no action taken

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 from executive session with no action taken.

Fire Chief Richard Knopf presented the Council a resolution authorizing the Fire Chief to appoint the Assistant Fire Chief as provided by state law. Councilman Fogle moved approval of the resolution as presented. The motion was seconded by Councilman Rodriguez and the motion carried.

FIRE & CIVIL SERVICE-allow for appoint. of Asst. Fire Chief approved 18-1984

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

NAYS: None.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FIRE CHIEF TO APPOINT THE ASSISTANT FIRE CHIEF AS PROVIDED BY STATE STATUTE IN ARTICLE 1269m, FIREMEN'S AND POLICEMEN'S CIVIL SERVICE.

First Assistant City Attorney Gary Landers presented the Council a settlement agreement between the City and Hamby Water Supply Corporation to provide for the orderly transfer of water service from Hamby Water Supply Corporation to the City of Abilene for all of that portion of Hamby's service area that is now inside the city limits of Abilene.

WATER CONTRACT-settle agree. w/ Hamby W.S.C. to transfer water svcs, approved 19-1984

Councilman Fogle moved adoption of the resolution as presented for a settlement agreement with Hamby Water Supply Corporation. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried.

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

NAYS: None.

ABSTAIN: Councilman Robinson.

The resolution is numbered 19-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH HAMBY WATER SUPPLY CORPORATION.

Councilman Bridges moved not to special assess curb and gutter for the construction project on FM 3438. The motion was seconded by Councilman Fogle and the motion carried.

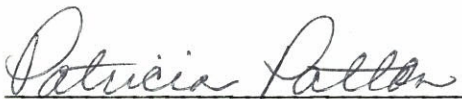
AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson and Mayor Hall.

NAYS: None.

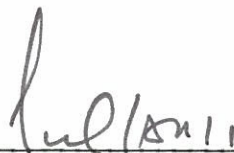
STR. IMPROVE-  
FM 3438/no curb  
& gutter assess.  
approved  
Oral

City Secretary Patricia Patton disseminated to the Council a report and calendar of events for the Spring 1984 appointment of Board and Commission members. The report and list of members whose terms will expire in Spring will be reviewed during the next four Council meetings with a final decision scheduled for May 24, 1984.

There being no further business, the meeting was adjourned at 4:10 p.m.



Patricia Patton  
City Secretary



Elbert E. Hall  
Mayor