

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, June 28, 1984, at 9:00 a.m.

CITY COUNCIL: Mayor David Stubbeman; Council - Dr. Julian Bridges, Billye Proctor-Shaw, Walter E. Wheat, 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 June 14, 1984.
4. AWARDS:  
Ceremony for outgoing Board Members.

#### CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

5. Ordinances and Resolutions
  - a. **Appealed Item:**  
Consider on first reading - reclassification request from HC & MH (Heavy Commercial & Mobile Home) to MH (Mobile Home) district, located on Old Anson Road at I-20 and set a public hearing for July 12, 1984, at 9:00 a.m.
  - b. Consider on second and final reading - Amending Chapter 18, Abilene Municipal Code, regarding parking and traffic regulations on streets and alleys around new First State and First National Bank complexes.
  - c. Consider on second and final reading - Amending Chapter 6, Abilene Municipal Code, regarding the spay and neuter program at the Animal Shelter.
  - d. Consider on first reading - Amending Chapter 18, Abilene City Code, regarding parking restrictions and speed limits on certain streets.

#### REGULAR AGENDA

6. a. Public Hearing - consider utilization of Community Development Block Grant funds for FY 1984-85.

#### Ordinances

- b. **Appealed Item:**  
Public Hearing - consider on second and final reading - reclassification request from RS-12 (Residential Single Family) to PDR (Planned Development Residential) district, located at Rebecca Lane & Hummingbird Circle.
- c. Public Hearing - consider on second and final reading - reclassification request from AO (Agricultural Open Space) to PI (Park Industrial) district, located at 3702 Maple.
- d. Public Hearing - consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to O (Office) district, located at 802 Mulberry Street.
- e. Public Hearing - consider on second and final reading - reclassification request from AO (Agricultural Open Space) to MH (Mobile Home) district, located at North 14th and Clack Streets.
- f. Public Hearing - consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to CB (Central Business) district, located in the 400 & 500 blocks of Elm Street.

- g. Public Hearing - consider on second and final reading - reclassification request from SC (Shopping Center) to RM-2 (Residential Multi-Family) district, located in the 200-500 block N. Jefferson Street.
- h. Public Hearing - consider on second and final reading - reclassification request from RM-1 & RM-2 (Residential Multi-Family) to GC (General Commercial) district, located at Ridgemont Drive & Rebecca Lane.
- i. Public Hearing - consider on second and final reading - reclassification request from MH (Mobile Home) to GC (General Commercial) district, located at 6101 South 7th Street.
- j. Public Hearing - consider on second and final reading - reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located on U.S. Hwy 80 West, west of Chapel Hill Road.
- k. Public Hearing - consider on second and final reading - reclassification request from LI (Light Industrial) to HC (Heavy Commercial) district, located at N. Judge Ely Blvd. & East Hwy 80.
- l. Public Hearing - consider on second and final reading - street name change being the 4200 block of Poplar Street to Woods Place or Woods Circle.
- m. Public Hearing - consider Taylor Electric Coop. rate request.
- n. Public Hearing - consider Lone Star Gas Company rate request.

7. Resolutions

- a. Consider new lease for Airport Restaurant.
- b. Consider authorization for funding to relocate WTU transmission line along Hwy 83/84 near Antilley Road.
- c. Consider acceptance of technical assistance study by ACR Engineering Inc.
- d. Consider authorizing Abilene Reinvestment Zone Board of Directors to contract for professional services to conduct a study of the zone and funding for same.
- e. Consider street use license to Jim Brown concerning parking at South 5th and Butternut Streets.
- f. Consider approval of engineering proposal for electrical design at airport.

8. Public Appearance

- a. Clyde Emmons - concerning effluent from Abilene Sewer Plant and settlement agreement.

9. Award of Bid

- a. Street Sweepers for Street Services Division.

10. Request to Advertise

- a. Five year surface leases - Airport, Lake Fort Phantom and Sewer Farm.
- b. Oil and Gas Lease - 152.14 acres north of Like Kirby, SE 1/4 Sec. 66, B.A.L.

11. Other Business

- a. Discuss water conservation measures; consider ordinance on first reading concerning mandatory conservation plan; and resolution amending rate schedule.
- b. Authorization to purchase additional polyethylene refuse containers.
- c. Consider recommendation from Visual Arts Jury concerning permanent placement of sculpture near Taylor County Court House.
- d. Discussion of Buffalo Gap annexation request within the City of Abilene's Extra Territorial Jurisdiction.
- e. Discussion of proposed bond sale.

Executive Session

- f. Land purchase in Northeast and South Abilene.
- g. Pending and Contemplated Litigation.
- h. Appointment and evaluation of Public Officials.

ADJOURN

00271

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

The City Council of the City of Abilene, Texas, met in Regular Session June 28, 1984, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor David Stubbeman was present and presiding with Councilmen Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Walter E. Wheat, A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Also present were Acting City Manager Curtis E. Hawk, Assistant City Manager Roy McDaniel, City Attorney Harvey Cargill, Jr., and City Secretary Patricia Patton.

Invocation was given by Harold Nixon.

There being no additions or corrections to the minutes of the Regular Council Meeting of June 14, 1984, they stand approved.

Mayor Stubbeman and City Secretary Patricia Patton presented certificates of appreciation to fifteen board and commission members whose terms have expired. The certificates express the Council's appreciation to those board members for their untiring volunteer service to the community.

BOARDS-outgoing  
members/certificate  
of appreciation

It was requested that item 5c, being a code amendment ordinance regarding the spay and neuter program, be removed from the consent agenda and considered separately.

Councilwoman Proctor-Shaw moved approval of the consent agenda items 5a, 5b, and 5d, as shown below and as presented. The motion was seconded by Councilman Wheat and the motion carried.

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

NAYS: None.

5. Ordinances

- a. Consider on first reading - reclassification request from HC (Heavy Commercial & Mobile Home) to MH (Mobile Home) district, located on Old Anson Road at I-20 and set a public hearing for July 12, 1984, at 9:00 a.m.

ZONING RE-HC to MH,  
Old Anson Rd. at  
I-20, 1st read.  
approved  
\*\*

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 second and final reading - amending Chapter 18, Abilene Municipal Code, regarding parking and traffic regulations on streets and alleys around new First State and First National Bank complexes. The ordinance is numbered 58-1984 and is captioned as follows:

TRAFFIC & CODE-  
parking in strs &  
alleys near First  
State & First Nat'  
Bank bldgs., 2nd  
& final read. appd  
58-1984

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.

- d. Consider on first reading-amending Chapter 18, Abilene Municipal Code, regarding parking restrictions and speed limits on certain streets.

TRAFFIC & CODE-  
parking & speed  
limits certain  
streets, 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.

Mike Hall, Director of Community Services, briefed the Council on an ordinance amending the City Code regarding a spay and neuter program for the Animal Control Shelter and responded to questions from the Council.

\*\* This item was later withdrawn by the proponent (7/2/84) and never considered by the Council on second and final reading.

Maria Griffith, 208 Merchant, spoke to the Council regarding the ordinance amendment. She supported passage of the ordinance and suggested further consideration be given to the possibility of allocating funds to the Shelter to hire a full-time veterinarian to conduct the program. Furthermore, that the spaying and neutering be funded solely by the City, with no cost to the citizens who adopt a pet.

Vida Wills, citizen, spoke in favor of the ordinance amendment.

Dr. Larry Ellis, local veterinarian and member of the Animal Control Advisory Board, responded to points raised by Maria Griffith on the cost of the program, cost of veterinarian personnel for the Shelter and the responsibility of the citizenry to maintain and control their own animals. He stated, in his professional opinion, it might be difficult for the City to find a veterinarian to fill such a position as suggested by Ms. Griffith to solely conduct the spay and neuter program, since such a job would not be very challenging. Furthermore, by utilizing the services of the local veterinarian clinics, the City would be contributing to the local economy. He stressed that this amendment is a starting point to help control a situation within a reasonable cost to the citizens who adopt animals from the Shelter.

Councilman Bridges questioned whether any cost studies have been conducted regarding the ratio of money spent for destruction of animals compared to the preventive method of spaying and neutering. Mike Hall responded that no studies in that area have yet been conducted, however, he took it under advisement.

Councilman Bridges moved approval of the ordinance amending on second and final reading regarding the spay and neuter program at the Animal Shelter and as presented. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

The ordinance is numbered 59-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS AND FOWL", BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

The Council next considered item 7d, being a request from the Chairman of the Abilene Reinvestment Zone No. One. Mr. Raymond McDaniel, Jr., Chairman of the Board of Directors of the Zone, briefed the Council on a statute requirement regarding a financial status report that is provided to the Attorney General and other taxing entities within the Zone prior to July 1 of each year.

Mr. McDaniel gave a synopsis of the past studies that have been conducted on the downtown area by the Chamber of Commerce, the Urban Land Institute, and the International Downtown Executive Association (I.D.E.A.). State law charges the Reinvestment Zone Board of Directors to "...prepare and adopt a project plan and adopt a reinvestment zone financing plan for the zone and must submit the plans to the governing body of the City or town." The Board considered utilizing the City staff for the plan development, however, decided that a redevelopment specialist should be sought out since the staff does not have the necessary expertise in this type of tax increment financing planning and does not have the manpower necessary to embark on the development of such a plan.

Therefore, the Board began a selection process for a redevelopment specialist with the intent to identify and have one under contract by July 1, 1984, and allow the specialist six months to develop a draft plan (or by December 31, 1984). He mentioned that since February, 1984, to current, the board has been interviewing several firms for the task. At this time, the Board recommends to the Council that the Board be given authority to enter into a contract with the firm of Trkla, Pettigrew, Allen and Payne to develop the reinvestment zone plans with a projected date of December 31, 1984, for the draft to be reported.

ANIMALS & FOWL &  
CODE-spay & neuter  
program, 2nd &  
final read. appd.  
59-1984

REINVESTMENT ZONE-  
Annual Financial  
Status Report to  
Attorney General &  
Development  
specialist hired

Sharon Streeter, citizen, spoke in regard to the Chamber of Commerce study and what would be done with the eye-sore area around the downtown. Mr. McDaniel responded to Sharon's concerns and stated that suggestions will be solicited from everyone living or owning property in the Zone in attempts to respond to the needs for the area. This will be done by means of public meetings held with the Board and Specialist.

Nicholas Trkla was introduced by Raymond McDaniel and he briefed the Council on his firm's qualifications and confirmed their commitment to carryout the tasks and charge given by the Board of the Reinvestment Zone. He emphasized that the plan will become the plan of the City of Abilene and, therefore, it is critical that the Council participate and be informed throughout the entire process of the plan development.

City Attorney Harvey Cargill informed the Council that at this point, the Conflict of Interest law does not apply to any member of the Council wishing to vote on granting the Board authority to contract for services as presented.

Councilman Bridges moved to authorize the Board of Directors of the Reinvestment Zone No. One to contract with Trkla, Pettigrew, Allen and Payne of Chicago, Illinois to prepare a project plan and the allocation of \$120,000 as an advancement to the Zone. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: Councilmen Wheat and Robinson.

The resolution is numbered 45-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE REINVESTMENT ZONE NUMBER ONE (TAX INCREMENT BOARD) TO ENTER INTO A CONTRACT WITH TRKLA, PETTIGREW, ALLEN AND PAYNE OF CHICAGO, ILLINOIS, TO PREPARE A PROJECT PLAN AND A REINVESTMENT ZONE FINANCING PLAN FOR DOWNTOWN DEVELOPMENT.

Lee Roy George, Director of Planning and Development, briefed the Council on a resolution concerning the application for Community Development Block Grant funds for fiscal year 1984-85 in the amount of \$1,261,000. The Community Development Committee is charged with making recommendations to the Council concerning community projects and programs that should be funded through the CD program. The Committee has met eight times since January and held several public hearings to receive citizen input, discussed proposals received, and prepared its recommendation to the Council for consideration. At this time, a public hearing has been scheduled concerning the use of these funds and the recommendations submitted by the Committee. Final application must be submitted to the Department of Housing and Urban Development (HUD) no later than September 1, 1984.

Mayor Stubbeman opened a public hearing for the purpose of considering the use of Community Development Block Grant funds for fiscal year 1984-85 and the following persons spoke in regard to a program of their interest.

- o Betty Blaizer, Executive Director, Meals on Wheels Program;
- o Mr. Claudie Royals, Woodsonites, Inc., to promote, assist and enhance the cultural, educational and recognition of blacks and all citizens in the City;
- o Terry Meza, Director, Abilene Economic Development Co.;
- o Martha King, representing the Board of Trustees, Abilene Regional Mental-Health/Mental-Retardation Center;
- o Bea Ganson, Executive Director, Abilene Day Nursery;
- o Carlos Rodriguez, supports funding for the Abilene Economic Development Co., and representing the Abilene North Girls Softball Association;
- o Ken Deckard, representing the Community Action Program, and supporting the funding for the driver/van for handicapped services.

Dr. Manual Flores, Chairman, Community Development Committee, explained the process involved in arriving at the Committee's recommendations and responded to the Council's questions. He introduced other members of the Committee present at today's meeting.

REINVESTMENT ZONE  
& APPROPRIATION-  
auth. contract  
w/Trkla, et al  
and appropriate  
\$120,000 advance  
funds to Zone  
approved  
45-1984

The Community Development Committee Recommendations for FY 1984-85  
Community Development Block Grant funds are as follows:

<u>ACTIVITY</u>	<u>ORIGINAL REQUEST</u>	<u>RECOMMENDED FUNDING</u>
Community Development Program Administration	\$ 175,882	\$ 175,882
Housing Office Administration	225,800	179,036
Housing Assistance Program	225,000	225,000
Rehabilitation Grant/Loan		
Emergency Repair		
Smoke Detectors	5,000	5,000
Abilene Economic Development Company, Inc.	428,000	325,000
Administration/Revolving Loan Fund		
Meals on Wheels	55,000	55,000
Kitchen Renovation		
Community Action Program	15,000	15,000
Driver/Van for handicapped services		
Abilene Day Nursery	14,845	14,845
Playground equipment		
Special Populations Program	150,747	41,237
Staffing/van		
Mental Health/Mental Retardation	337,500	100,000
Facility		
Abilene North Girls Softball Assoc.	75,000	50,000
Ballfield		
Cobb Recreation Center	210,000	75,000
Facility expansion for elderly services		
		<u>\$1,261,000</u>

PROPOSALS NOT RECOMMENDED:

Preservation Survey Update	\$ 30,000
South 12th Street Drainage	319,318
Woodson Cultural Center	100,000
Carver Gymnasium	750,000
	(Alternate - 475,000)
Carver Property Acquisition Program	100,000

After some discussion among Council and staff, it was concluded that the Council would like further information regarding the activities and the proposals not recommended. Furthermore, that the City activities should be reviewed along with the proposed City budget. Therefore, it was decided the resolution filing application for the funds in a total amount of \$1,261,000 could be approved at this time and the allocation of the funds to specific projects and programs be decided at a later date, so long as a decision is reached prior to September 1, 1984.

Councilman Nixon moved approval of the resolution approving the filing of an application for Community Development Block Grant funds for fiscal year 1984-85 in the amount of \$1,261,000 with the allocation of those funds for use of specific projects and programs to be decided at a later date. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried.

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

NAYS: None.

The resolution is numbered 46-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FILING OF AN APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Mayor Stubbeman informed the Council that the proponent on the next item, being an appealed item to be considered for second and final reading rezoning RS-12 to PDR and located at Rebecca Lane and Hummingbird Circle, has requested that the item be postponed until a later date, possibly latter July. However, the item has already been advertised for a public hearing and therefore, Mayor Stubbeman asked if anyone was present wishing to speak on the matter. No one present, the Council agreed to postpone the item for final consideration until requested by the proponent, Barbara Hollingshead.

COMM. DEVELOPMENT  
apply for CBBG  
funds FY 1984-85/  
public hearing;  
approved  
46-1984

ZONING RE-RS-12  
to PDR/Rebecca  
Ln & Hummingbird  
Cr., 2nd & final  
read postponed  
by proponent  
ACTION PENDING

After being briefed by Principal Planner Brad Stone on a re-classification request from A0 (Agricultural Open Space) to PI (Park Industrial) district, located at 3702 Maple, Mayor Stubbeman opened a public hearing concerning the item. The following person spoke in favor of the item.

Mr. Lynn Kitchens, 150 Tanahill, agent.

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

Councilman Fogle moved approval of the reclassification request from A0 to PI, on second and final reading, located at 3702 Maple. The motion was seconded by Councilman Bridges and the motion carried.

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

NAYS: None.

ZONING RE-A0 to P  
3702 Maple, 2nd &  
final read. appd.  
60-1984

The ordinance is numbered 60-1984 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 re-classification request from RM-3 (Residential Multi-Family) to O (Office) district, located at 802 Mulberry Street, Mayor Stubbeman opened a public hearing concerning the item. The following person spoke in favor of the reclassification.

Mr. Glenn Heatherly, applicant.

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

Staff generally recommends that commercial zoning be discouraged from expanding into this residential area. Once expanded onto this lot, there exist few if any identifiable boundaries which might naturally limit the extent of commercial zoning on hereby lots, if such requests are made in the future. However, if commercial zoning is deemed to be appropriate at this location, the Office Zoning classification is preferable to other commercial zoning classifications. Office districts are intended solely for business and professional offices set in a generally noncommercial environment.

Councilman Wheat moved approval of the reclassification request from RM-E to O district, on second and final reading, located at 802 Mulberry Street. The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: None.

The ordinance is numbered 61-1984 and is cpationed as follows:

AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT SUPBART 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.

ZONING RE-RM-3 to  
O/802 Mulberry St.  
2nd and final, app  
61-1984

After being briefed by Principal Planner Brad Stone on a re-classification request from A0 (Agricultural Open Space) to MH (Mobile Home) district, located at North 14th and Clack Streets, Mayor Stubbeman opened a public hearing concerning the item. No one present and desiring to be heard, the public hearing was closed.

Councilman Nixon moved approval of the rezone request from A0 to MH, on second and final reading, located at North 14th and Clack Streets. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

ZONING RE-A0 to MH  
N. 14th & Clack,  
2nd & final appd.  
62-1984

The ordinance is numbered 62-1984 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 re-classification request from RM-3 (Residential Multi-Family) to CB (Central Business) district, located in the 400 and 500 blocks of Elm Street, Mayor Stubbeman opened a public hearing to consider the item. No one present and desiring to be heard, the public hearing was closed.

In December, 1983, the Planning and Zoning Commission (P & Z Commission) held a hearing to consider GC zoning at 417 Elm. The request was tabled until the City Council had an opportunity to consider the Mixed Use Overlay zone and enact it into the revised Zoning Ordinance. After the City Council had done so, the P & Z Commission reconsidered the original zone change request on May 7, 1984. During that meeting, the Commission voted to expand the request to encompass all the 400 through 500 blocks of Elm Street. The requested zoning classification was also changed from GC (General Commercial) to CB (Central Business) district.

Staff recommends approval of Mixed Use Overlay Zone for this area, where it is intended to accommodate the gradual integration of selected commercial activity into selected residential neighborhoods.

A public hearing was opened and closed.

Councilman Nixon moved approval of the reclassification request from RM-2 to CB district on second and final reading, located in the 400 through 500 blocks of Elm Street. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilwoman Proctor-Shaw, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: Councilman Bridges.

ZONING RE-RM-3 to  
CB/400 and 500 blk  
Elm, 2nd & final  
approved  
63-1984

The ordinance is numbered 63-1984 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 re-classification request from SC (Shopping Center) to RM-2 (Residential Multi-Family) district, located in the 200-500 blocks N. Jefferson Street, Mayor Stubbeman opened a public hearing to consider the item. No one present and desiring to be heard, the public hearing was closed.

Councilwoman Proctor-Shaw moved approval of the rezone request from SC to RM-2 on second and final reading, located in the 200-500 blocks N. Jefferson Street. The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: None.

ZONING RE-SC to  
RM-2/200-500 blks  
N. Jefferson, 2nd  
& final approved  
64-1984

The ordinance is numbered 64-1984 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 re-classification request from RM-1 & RM-2 (Residential Multi-Family) to GC (General Commercial) district, located at Ridgemont Drive and Rebecca Lane, Mayor Stubbeman opened a public hearing to consider the item. The following persons spoke in favor of the rezone request.



IN FAVOR:

Paul Johnson, 2901 S. 1st Street, agent;  
Jan Commer, resident Country Club Villas;  
Janet Huskins, resident Country Club Villas and presented a  
petition from residents in Country Club Villas in favor of  
the rezone request.

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

The staff recommends disapproval of the request due to noncon-  
formance with the adopted land use plan for the area. The staff gener-  
ally discourages the encroachment of major commercial zoning any  
further west of Ridgemont Drive than is currently represented on the  
Zoning Map.

Councilman Robinson moved approval of the rezone request from  
RM-1 and RM-2 to GC district on second and final reading, located at  
Ridgemont and Rebecca Lane. The motion was seconded by Councilman  
Wheat and the motion carried.

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

NAYS: None.

The ordinance is numbered 65-1984 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  
reclassification request from MH (Mobile Home) to GC (General Commercial)  
district, located at 6101 South 7th Street, Mayor Stubbeman opened a  
public hearing on the reclassification item and the following persons  
spoke in favor of the request.

IN FAVOR:

Paul Johnson, Agent;  
Orval Lane, resident of the Mobile Home Park;  
Judy Moore, resident of the Mobile Home Park.

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

Staff recommends that the consideration of the rezoning request  
be delayed until the City Council has had more opportunity to formu-  
late an overall policy regarding the location and character of commercial  
development surrounding Dyess Air Force Base. The Council questioned the  
staff as to the status of the study so requested at their March 22, 1984,  
meeting. Staff responded that the study area has not yet been defined.  
A moratorium was placed on all commercial zoning for the area around  
Dyess AFB and the Council felt the study area should be defined prior  
to lifting the moratorium. Planning and Zoning Commission recommends  
approval of the request, since it does not feel it will impact the  
results of the study.

Councilman Bridges moved approval of the rezone request from  
MH to GC on second and final reading, located at 6101 South 7th Street.  
The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: Councilman Fogle and Mayor Stubbeman.

The ordinance is numbered 66-1984 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.

ZONING RE-RM-1 &  
RM-2 to GC/Ridge-  
mont & Rebecca Ln  
2nd & final, appd  
65-1984

ZONING RE-MH to GC  
6101 S. 7th, 2nd  
& final approved  
66-1984

After being briefed by Principal Planner Brad Stone on a rezone request from AO (Agricultural Open Space) to HC (Heavy Commercial) district, located on U.S. Hwy 80 West, west of Chapel Hill Road, Mayor Stubbeman 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 rezone request from AO to HC district on second and final reading, located on U.S. Hwy 80 West. The motion was seconded by Councilman Nixon and the motion carried.

ZONING RE- AO to HC/U.S. Hwy 80 W, 2nd & final, appd 67-1984

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

NAYS: None.

The ordinance is numbered 67-1984 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 LI (Light Industrial) to HC (Heavy Commercial) district, located at N. Judge Ely Blvd. and East Hwy 80, Mayor Stubbeman opened a public hearing to consider the request. No one present and desiring to be heard, the public hearing was closed.

Councilman Wheat moved approval of the rezone request from LI to HC district, on second and final reading, located at N. Judge Ely Blvd., and East Hwy 80. The motion was seconded by Councilman Fogle and the motion carried.

ZONING RE-LI to HC N. Judge Ely Blvd 2nd & final, appd 68-1984

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

NAYS: None.

The ordinance is numbered 68-1984 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 on a street name change in the 4200 block of Poplar Street to Woods Place, Mayor Stubbeman opened a public hearing to consider the item and the following person spoke in favor of the change.

IN FAVOR:

Harry Root, 802 Orange, agent.

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

Councilman Nixon moved approval of the street name change located in the 4200 block of Poplar street to Woods Place, on second and final reading. The motion was seconded by Councilman Bridges and the motion carried.

STREET NAME CHANG 4200 blk Poplar to Woods Place, 2nd & final, appd 69-1984

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

NAYS: None.

The ordinance is numbered 69-1984 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF POPLAR STREET (4200 BLOCK) TO WOODS PLACE.

City Attorney Harvey Cargill briefed the Council on the rate request from Taylor Electric Cooperative, Inc. Staff recommends the suspension of the rate increase from ninety (90) days, ratify the City's participation in the rural case, and pass the ordinance on first reading setting rates requested.

Mayor Stubbeman opened a public hearing on the proposed rate request from Taylor Electric Cooperative and no one present and desiring to be heard, the public hearing was closed.

Councilwoman Proctor-Shaw moved approval of the staff recommendation suspending the rate increase for ninety (90) days; ratifying and approving the City's participation in the rural case, and passing on first reading the ordinance setting rates requested. The motion was seconded by Councilman Nixon and the motion carried.

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

NAYS: None.

The resolution is numbered 47-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE TAYLOR ELECTRIC COOPERATIVE, INC., RURAL RATE CASE AND SUSPENDING THE LOCAL INCREASE.

AN ORDINANCE APPROVING ELECTRIC UTILITY RATE SCHEDULE FOR TAYLOR ELECTRIC COOPERATIVE, INC.; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

City Attorney Harvey Cargill briefed the Council on a rate request from Lone Star Gas Company. Staff recommends suspension of the rate increase for ninety (90) days; authorize the City Manager to hire an analyst to investigate the rate case; and pass an ordinance on first reading setting the rates proposed by Lone Star Gas Company.

Mayor Stubbeman opened a public hearing to consider the proposed rate request and the following person spoke in favor of the request.

IN FAVOR:

Marthe Harmon, District Manager. She presented an application for rate increase to each member of the Council and briefly explained the request.

Councilman Bridges moved approval of the staff recommendation suspending the rate increase for ninety (90) days; authorizing the City Manager to hire an analyst to investigate the rate case (Touche Ross); and passing the ordinance on first reading setting the rates proposed by Lone Star Gas Company. The motion was seconded by Councilman Proctor-Shaw and the motion carried.

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

NAYS: None.

The resolution is numbered 48-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, SUSPENDING THE PROPOSED JUNE 21, 1984, RATE INCREASE FOR NINETY (90) DAYS.

AN ORDINANCE APPROVING NATURAL GAS RATES FOR LONE STAR GAS COMPANY FOR RESIDENTIAL AND COMMERCIAL CONSUMERS; PROVIDING A SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

After being briefed by Director of Public Works Bob Whitehead on a new lease agreement for the Airport Restaurant, Councilman Fogle moved approval of the lease agreement with Ms. Janie Blackburn for a restaurant at the Abilene Municipal Airport. Concerns on the airport restaurant operation were of interest to the Council since the declaration that Frontier Airlines will be leaving Abilene in October, 1984. The motion was seconded by Councilman Bridges and the motion carried.

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

NAYS: None.

The item was passed by oral resolution.

FRANCHISE-Taylor Elec. Coop. rate increase suspended 90 days (R47-1984 ordinance passed 1st reading

FRANCHISE-Lone Star Gas Co., rate inc. suspended 90 days (R48-1984 ordinance passed 1st read.; auth. hire rate analyst

AIRPORT & LEASE-Restaurant lease authorized/Janie Blackburn approved Oral

After being briefed by Director of Public Works Bob Whitehead, Councilwoman Proctor-Shaw moved approval of Option #2 to relocate 7405' of West Texas Utilities transmission line from N. Windmill Circle to a point 360' N. of Spur 707. The motion was seconded by Councilman Nixon and the motion carried.

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

NAYS: None.

ABSTAIN: Mayor Stubbeman.

The resolution is numbered 49-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING A PUBLIC NECESSITY FOR THE RELOCATION OF A 69KV H-FRAME TRANSMISSION LINE ALONG HIGHWAY 83-84 NEAR ANTILLEY ROAD

Pennie Boyett, Energy Coordinator, briefed the Council on the acceptance of the technical assistance study from ACR Engineering, Inc. She reviewed briefly some of the recommendations received from ACR on both the City Hall and Civic Center. Staff recommends approval and acceptance of the two reports since they are in compliance with the contract and criteria previously authorized by the City.

Councilman Fogle moved approval, by oral resolution, accepting the technical assistance study reports from ACR Engineering, Inc., for the Civic Center and City Hall, as presented and in accordance with the contract. The motion was seconded by Councilman Bridges and the motion carried:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Wheat, Fogle, and Mayor Stubbeman.

NAYS: Councilmen Robinson and Nixon.

Director of Public Works Bob Whitehead and Assistant to Director of Traffic and Transportation James Condry briefed the Council on a request for a street use license from Jim Brown concerning parking at South 5th and Butternut Streets. Staff opposes the license since the parking configuration requested in the license is hazardous and the Traffic Department is opposed to head-in parking on a major street. James Condry, however, presented a few alternatives in the configuration of the parking spaces that would allow for angle parking with a barrier, eliminating backing into the street.

Councilman Fogle moved approval of the street use license to Jim Brown using the angle parking concept as presented by the staff. The motion was seconded by Councilman Nixon and the motion carried.

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

NAYS: None.

Director of Public Works Bob Whitehead briefed the Council on an engineering proposal for the Airport electrical design for lighting of Runway 4-22 and the electrical for the wind cone; also, for preliminary engineering for lighting of taxiways Z, T, V, W, X and Y for future lighting. Staff solicited request for proposals and at this time, recommends acceptance of the Williams, Tippet and Associates proposal at \$10,000 for the electrical design project.

Councilman Fogle moved approval, by oral resolution, to accept the proposal of Williams, Tippet and Associates in the amount of \$10,000 for the electrical design work at the Municipal Airport, as presented by the staff. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried.

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

Mr. Clyde Emmons appeared before the Council to request consideration of a settlement agreement concerning effluent from the Abilene Sewer Plant. Mr. Emmons gave a presentation and history on the development of the settlement agreement and referenced several written communications, duly filed and on record in the Office of the City Secretary, and referenced herein.

WTU & UTILITY  
LINE RELOCATION-  
auth. relocation  
of WTU transmissic  
line, approved  
49-1984

ENERGY-accept  
ACR Eng. Reports  
Civic Center &  
City Hall, author.  
payment, approved  
Oral

STREET USE LICENSE  
Jim Brown, parking  
at S. 5th & Butter  
Strs., approved  
Oral

AIRPORT-Engineerin  
electrical design,  
auth. proposal w/  
Wms., Tippet &  
Assoc., approved  
Oral

- o Letter from Clyde H. Emmons to Ed Seegmiller, dated January 14, 1984;
- o Letter from Clyde H. Emmons to Ed Seegmiller, dated March 29, 1984;
- o Settlement Agreement dated November 14, 1963;
- o Letter from Deke Austin, First Assistant City Attorney, dated September 14, 1977, and concerning application for a permit to use water from Deadman's Creek;
- o Letter from Billie Jo Emmons, dated September 21, 1977, requesting that the City make application for a permit on their behalf;
- o Letter from Gary Landers, First Assistant City Attorney, dated September 16, 1982, specifying that the City does not represent the interests of Mr. Emmons in regard to water rights;
- o Contest of preliminary determination disapproving application for water rights, owners Irlene Smith & Mrs. Clyde Emmons;
- o Claim report from Texas Water Commission regarding Diversion Points 2460 and 2642, owners: City of Abilene;
- o Claim report from Texas Water Commission regarding Diversion Point 2980, owner: J. M. Foster;
- o Claim report from Texas Water Commission regarding Diversion Points 3000 and 3020, owner: Thomas Caton;
- o Claim report from Texas Water Commission regarding Diversion Point 3040, owner: Irlene M. Smith and Mrs. Clyde H. Emmons;
- o Letter from Mayor Oliver Howard, dated March 12, 1980, referencing the settlement agreement and regarding the City's right to provide Mrs. C. H. Emmons water; Letter is addressed to Mrs. C. H. Emmons; and,
- o Letter to Mayor David Stubbeman, dated June 19, 1984, regarding appearing before the City Council on June 28, 1984.

In summary, Mr. Emmons asked for the City to comply with Paragraph V of the Settlement Agreement and that authorization be given for the necessary construction to fulfill the agreement; replace the present fifteen (15") inch line; and extend the line to include his neighbor. Furthermore, he urged expedience in the City's filing for a permit with the Texas Water Commission. He also volunteered to take sludge from the City through the distribution of the current lines.

PUBLIC APPEARANCE-  
Clyde Emmons re:  
effluent from  
Sewer Farm &  
settlement agree.  
No Action Taken

The Council took no action on the item at this time.

Director of Public Works Bob Whitehead briefed the Council on an award of bid for street sweepers for the Street Division. Staff recommends that the bid for the three-wheel type sweepers be awarded to Patton Equipment Company of Abilene in the amount of \$122,700; and that the bid for the truck mounted vacuum-type sweepers be awarded to Industrial Disposal Supply Company of Plano, in the amount of \$119,716.

Councilman Robinson moved approval of the award of bid for street sweepers for the Street Division as presented by the staff. The motion was seconded by Councilman Nixon and the motion carried.

AWARD BID-street  
sweepers, approved  
Oral

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

NAYS: None.

Land Agent John Pierce briefed the Council on a request to advertise for cultivation and/or grazing leases near the Airport, Fort Phantom Lake, Sewer Farm and Zoo for a five-year lease period. The present leasee of Sewer Farm Tract 1, wishes to execute his option to renew his lease for an additional five year period effective January 1, 1985. Staff recommends approval of the renewal lease for Sewer Farm Tract 1, and to advertise for bids on the remaining fifteen (15) tracts.

Councilman Nixon moved approval of the request to advertise for fifteen cultivation and/or grazing leases and the renewal of Sewer Farm Tract 1, as presented by the staff. The motion was seconded by Councilman Robinson and the motion carried.

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

NAYS: None.

REQ. TO ADV &  
LAND LEASES-auth.  
adv. of 15 surface  
leases/Airport,  
Ft. Phantom, Zoo &  
Sewer Farm, approv  
renewal Sewer Tr.  
#1, approved/Oral

Councilman Bridges left the meeting.

Assistant Land Agent Sandra Trosky briefed the Council on a request to advertise for oil and gas lease on 152.14 acres, SE part of Section 66, Blind Asylum Lands, Taylor County, Texas, as requested from Jordan & McCollum Inc., with the successful bidder assuming the cost of advertising. In addition, staff would like to include in the lease, when it becomes available, an adjoining 18 acre tract. Staff recommends approval of the request to advertise.

Councilwoman Proctor-Shaw moved approval of the request to advertise, including the addition of an 18 acre adjoining tract under the same conditions, as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilwoman Proctor-Shaw, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

REQ TO ADV. &  
OIL & GAS LEASE-  
169.14 acres, SE  
Sec. 66, BAL,  
approved, Oral

Councilman Bridges returned to the meeting.

Director of Water Utilities Dwayne Hargesheimer briefed the Council on the present water situation and a proposed water conservation plan. The staff and Council thoroughly reviewed the proposed ordinance being considered on first reading and the proposed schedule of rates and charges. Staff reported that the ordinance will need to be refined prior to second and final reading and suggested a public hearing also be held prior to final consideration. Certain organizations, such as churches and schools have not been addressed or placed in a particular category at this time. Enforcement of the ordinance was discussed along with the proposed watering schedule.

Councilman Nixon moved to approve on first reading of an ordinance amending the Utilities Code and regarding a water conservation plan, and setting a public hearing for July 12, 1984. The motion was seconded by Councilman Bridges and the motion carried.

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

NAYS: None.

CODE & UTILITIES-  
water conservation  
plan ordinance  
1st read. approved

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

The Council discussed in detail the development of the schedule of rates and charges as presented by the staff and in regard to water utilities. The structure has changed, classifying and defining three major services: General Service; Commercial Service; and Industrial Service. Again, schools, churches, etc., will need to be categorized. As presented, the rates for general services reflect the actual cost of the City for the purchase of water. Furthermore, they are structured to increase after a certain number of gallons in order to discourage the use of large quantities of water. The Council discussed the possibility of changing the amount charged per thousand gallons for users over 2,000 gallons and over 20,000 gallons, from what was presented by the staff. Staff explained that the figures could be manipulated in any way the Council so desired.

The Council also discussed the effective date of the rates, in order to allow for some notice to the general public, yet to expedite the rates during the drought conditions.

Councilwoman Proctor-Shaw moved to approve, by oral resolution, an amendment to the water rates schedule as presented by the staff and to be effective with the July 28, 1984 meter read date. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: Councilman Robinson.

WATER RATES-amend  
rate schedule,  
set effect. date,  
approved  
Oral

The Council next considered item 11c and Lynn Barnett, Cultural Affairs Council and member of the Visual Arts Jury briefed the Council on a sculpture donated to the City by David Deming. The sculpture was approved by the Visual Arts Jury and it is recommended for acceptance as a permanent piece of art to be located in the triangle in front of the Taylor County Courthouse.

Councilman Bridges moved to accept the donation of art by David Deming as presented. The motion was seconded by Councilman Nixon and the motion carried.

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

NAYS: None.

ART-accept  
permanent  
sculpture from  
David Deming  
Oral

The Council next considered item 11d and Director of Planning and Development Lee Roy George briefed the Council on a Buffalo Gap annexation request within Abilene's Extra Territorial Jurisdiction (hereinafter referred to as ETJ). The Council of Buffalo Gap has been advised by the Texas Municipal League that they would need approval from the City of Abilene to annex certain territory, which lies in Buffalo Gap's ETJ. However, if the annexation were granted, Buffalo Gap's ETJ could then be extended into Abilene's ETJ or an agreement would have to be reached on a mutual boundary extension for both cities. Staff recommends the Mayor be authorized to sign a letter indicating the City's permission to Buffalo Gap to extend its boundaries and therefore consummate the annexation. At a later date the City staff can proceed to establish a mutually agreeable ETJ boundary between both cities.

Councilman Fogle moved to authorize the Mayor to sign a letter granting permission to Buffalo Gap to extend their boundaries and consummate the annexation, as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried.

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

NAYS: None.

ETJ-consummate  
Buffalo Gap  
annexation and  
author. boundary  
extension into  
ETJ, Oral

Director of Public Works Bob Whitehead briefed the Council on a request to purchase additional polyethelene refuse containers for the Refuse Division. He also reported on the short study conducted throughout the City on certain alley containers that have been weighted. Staff recommends to continue the residential sideloader system implementation and conversion of commercial accounts by the purchase of 2,500 90-gallon and 650 300-gallon containers at a cost of \$225,000 from an extension of the initial contract with the Heil Company. Funding for this purchase is available on a loan basis from the Shop Revolving Fund to be paid back over a period of the next two (2) years.

Councilman Nixon reported several negative phone calls he has received on the containers from people in newly developed areas and a plea that the City not place containers at their development. Also, a complaint regarding a container with a collapsed lid. The Council discussed the system, its advantages and disadvantages; citizen support and citizen complaints. Some members of the Council expressed hesitation in approving the purchase of the additional containers at this time and suggested to possibly wait for more citizen acceptance of the system and until such time as more money is available with which to make the purchase. Other members of the Council expressed the need to continue the implementation and attempt to work through the problems associated with Abilene's environment, such as wind, heat and ice, in order to experience the cost savings of the program.

Councilman Bridges moved to authorize the purchase of the additional polyethelene refuse containers for the Refuse Division as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: Councilmen Wheat, Robinson and Nixon.

REFUSE & SIDE  
LOAD SYSTEM-  
auth. purchase  
of add'l containe  
Oral

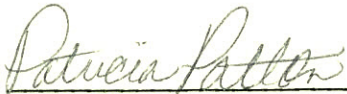
Roy McDaniel, Assistant City Manager, briefed the Council on a proposed bond sale for 1984. In January, 1984, the Council authorized the staff to pursue the sale of \$1,350,000 Fire Station Bonds, of which a tentative sale date has been set for August 23, 1984. At this time, the staff questioned whether the Council would also like to include \$300,000 Sanitary Landfill Bonds in that sale to use on a southside Transfer Station. Mr. McDaniel also discussed the possibility of utilizing the transfer station as a shop/refueling station as well. If the shop/refueling concept is desirable to the Council additional funds will be needed. The staff will be prepared to discuss the item at the next regular Council meeting with some cost analysis on the concept. No action is required at this time.

BOND SALE-discuss  
proposed '84  
bond sale  
No action taken

Mayor Stubbeman recessed the Council into executive session to consider pending and contemplated litigation and the appointment and evaluation of public officials, all in accordance with law.

The Council reconvened into session and reported no action taken in executive session. Mayor Stubbeman reported that item 11f has been removed from the agenda and will not be considered.

There being no further business, the meeting was adjourned at 6:20 p.m.



Patricia Patton  
City Secretary



David Stubbeman  
Mayor