

Pre-Council Work Session of the Mayor and City Council of the City of Abilene, Texas, to be held in the Basement Conference Room of City Hall on Thursday, March 28, 1985, at 8:30 a.m. to consider the following:

1. Review proposed new Fire Station #2.
2. Discuss consent and/or regular agenda items.

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 28, 1985, 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 A. E. Fogle, Jr.
3. **APPROVAL OF MINUTES:** Pre-Council Work Session and Regular City Council Meeting held March 14, 1985.
4. **AWARD:**  
Dr. Johnny Bliznak, President, Abilene Zoological Society "City Council Appreciation Day."

#### 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 & Resolutions
  - a. Consider resolution to authorize the filing of the Urban Mass Transportation Administration (UMTA) Operating Assistance Grant Application for FY 85.
  - b. Consider resolution concerning Big Country Library System Bylaws Amendments.
  - c. Consider resolution concerning Big Country Library System Grant Application for FY 86.
  - d. Consider on second and final reading - an ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code, regarding changes in various definitions.
  - e. Oral resolution authorizing the Mayor to execute amendment/termination of contract with Dyess A.F.B., concerning utility service.
6. Award of Bid
  - a. Street maintenance materials for the Street Division - Asphalt, Bid #025 and Cement, Bid #026
  - b. Front load refuse containers for Refuse Division - Bid #027.
  - c. Police uniforms for the Police Department - Bid #008.

#### REGULAR AGENDA

7. Public Appearance
  - a. Michael Mellen, concerning commercial zoning districts in residential areas.
8. Ordinances & Resolutions
  - a. Public Hearing - Consider on second and final reading - an ordinance amending Chapter 8, Construction, of the Abilene Municipal Code, and Section 304(a), Permit Fees of the Uniform Building Code by adding a permit fee for installation of mobile homes in mobile home parks.
  - b. **APPEALED ITEM:**  
Public Hearing - Consider on second and final reading - reclassification request - Z-03185 - request of City of Abilene Department of Planning & Development to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located in the 4400-4500 block of Carrie Anne and at 3625-3633 Patty Lynne.

- c. **APPEALED ITEM:**  
Public Hearing - Consider on second and final reading - reclassification request - **Z-00185** - request of Ken R. Brooks to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at the northeast corner of Rebecca Lane and Bruce Drives.
- d. Public Hearing - Consider on second and final reading - a thoroughfare abandonment request **TC-01985** - a request of H. M. Root (Representing Woods Psychiatric Institute) beginning at the south right-of-way line of Industrial Boulevard and extending south a distance of 580'.
- e. Public Hearing - Consider on second and final reading - reclassification request - **Z-02285** - request of Charles Gibson to rezone from RS-6 (Residential Single Family) to O (Office) district, located at 5201 South 7th Street.
- f. Public Hearing - Consider on second and final reading - reclassification request - **Z-02385** - request of Floyd E. Miller (Representing North 10th & Treadaway Church of Christ) to rezone from RM-2 (Residential Multi-Family) to HC (Heavy Commercial) district, located at North 10th & Cottonwood Streets.
- g. Public Hearing - Consider on second and final reading - reclassification request - **Z-02585** - request of Curry Engineering, Inc., (Representing Texas Tractor Sales) to rezone from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at South 27th & Waverly Streets.
- h. Public Hearing - Consider on second and final reading - reclassification request - **Z-02785** - request of Frank O. Murray, Jr., Trustee, to add H (Historic) overlay to underlying CB (Central Business) district, located at 790 Orange.
- i. Public Hearing - Consider on second and final reading - reclassification request - **Z-02885** - request of Randy Wilson (Representing David Ballard & Reuben Rouse) to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district, located at Wisteria Way & Southwest Drive.
- j. Public Hearing - Consider on second and final reading - reclassification request - **Z-02985** - request of Eddie Chase (Representing James Aneff) to rezone from RM-2 & O (Residential Multi-Family & Office) to GC (General Commercial) district located on Ridgemont Drive between John Knox & Rolling Green Drives.
- k. Public Hearing - Consider on second and final reading - ordinance amending Part 3, Ordinance #102-1983, concerning effective date of Subdivision Regulations, regarding Sunlake Village Addition.
- l. Public Hearing - Consider oral resolution for Oil & Gas Drilling Permit #8503, applicant is F. W. Burger, Inc., Joe C. Richardson, Jr., located in Section 1, Lunatic Asylum Lands, South of Industrial Boulevard and West of the airport.
- m. Resolution to approve contract with Mental Health-Mental Retardation for disbursement of FY 84-85 Community Development funds for the Special Populations Program.
- n. **TABLED ITEM:**  
Resolution to consider Dyess Area Study recommendations and addendum to the recommendations.
- o. **TABLED ITEM:**  
Resolution to consider adopting Western Area Land Use Plan.
- p. Resolution to consider additional land area for annexation in Southwest Abilene.

9. Other Business

- a. Consider Madison Athletic Complex Project.
- b. Update on Cedar Creek Project.
- c. Oral Resolution to consider approval of Reinvestment Zone plan and development strategy in concept; discussion of alternative financial scenarios to implement the final project; and progress report indicating completion and preparation of final project plan.
- d. Pending and Contemplated Litigation.
- c. Appointment and Evaluation of Public Officials.

ADJOURN

PRE-COUNCIL WORK SESSION  
THURSDAY, MARCH 28, 1985,  
8:30 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
BASEMENT CONFERENCE ROOM, CITY HALL

The City Council of the City of Abilene, Texas, met in a Pre-Council Work Session on March 28, 1985, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was present and presiding with Councilmen Julian Bridges, Councilmen Walter E. Wheat, A.E. Fogle, Jr., and Harold Nixon. Councilwoman Billye Proctor-Shaw and Councilman Welton Robinson were absent. Also present were City Manager Jim C. Blagg, Assistant City Managers Roy L. McDaniel and Rick Childers, City Attorney Harvey Cargill, Jr., City Secretary Patricia Patton, and various members of the City Staff.

Mr. Newt Newberry, Architect, gave the Council a brief review of the proposed new Fire Station #2 to be located at S. 27th and Oldham Lane. The Council briefly discussed various consent and regular agenda items. There being no further questions, the meeting was recessed to the City Council Chambers for the Regular Council Meeting.

CITY COUNCIL MEETING  
THURSDAY, MARCH 28, 1985,  
9:00 A.M.

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

Mayor Stubbeman reconvened the City Council of the City of Abilene, Texas, into Regular Session March 28, 1985, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman A. E. Fogle, Jr.

There being no additions or corrections to the minutes of the Pre-Council Work Session and the Regular City Council Meeting held March 14, 1985, the minutes stand approved.

Mayor Stubbeman recognized the High School Students from Japan that are visiting Abilene in connection with the Rotary Club-Wings of Rotary.

Dr. Johnny Bliznak, President Abilene Zoological Society, presented the Council with an invitation to visit the Abilene Zoo on April 13, 1985, for City Council Appreciation Day at the Zoo.

Councilman Fogle moved approval of the consent agenda items being 5a, 5b, 5c, 5d, 5e, 6a, 6b and 6c, listed below and as recommended by the staff. The motion was seconded by Councilman Nixon and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

5. Ordinances & Resolutions

- a. Consider resolution to authorize the filing of the Urban Mass Transportation Administration (UMTA) Operating Assistance Grant Application for FY 85. The resolution is numbered 29-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

- b. Consider Oral Resolution concerning Big Country Library System Bylaw Amendments to be consistent with the rules and regulations for administering the Texas Library System Act.

- c. Consider Oral Resolution authorizing the Big Country Library System Grant Application for FY 85/85 totaling \$361,351.
- d. Consider on second and final reading - an ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code, regarding changes in various definitions. The ordinance is numbered 23-1985 and is captioned as follows:

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.

- e. Oral Resolution authorizing the Mayor to execute amendment modification # P00008 to contract #F41652-69-D0100 with Dyess A.F.B. which terminates said contract, concerning utility service.

6. Award of Bid

- a. Street maintenance materials for the Street Division - Bid #025 to Lone Star Industries in the amount of \$20,469.18. Cement material for the Street Division - Bid #016 to American Petrofina of Big Spring for Item 1 @ \$.7685 per gallon, Item 2 @ \$.8665 per gallon, Item 3 @ \$.8036 per gallon, and Item 4 @ \$.8036 per gallon for an approximate total of \$287,207.60; White's Mines of San Antonio for asphalt products for Item 5 @ \$30.51 per ton, Item 6 @ \$23.00 per ton, Item 7 @ \$25.00 per ton, and Item 8 @ \$14.00 per ton for an approximate total of \$608,295; R. E. Janes Gravel company of Abilene for Item 9, Grade 5 @ \$5.00 per ton, and Item 10, Grades 3, 4 and 5 @ \$6.00 per ton for an approximate total of \$143,250; and J. F. McGill of Albuquerque, New Mexico, for Item 11 @ \$1.35 per gallon and Item 12 @ \$1.56 per ton for an approximate total of \$51,420.
- b. Front load refuse containers for Refuse Division - Bid #027. The bid was awarded to Duncan Equipment of Meridian, Texas, in the amount of \$38,421.00.
- c. Police uniforms for the Police Department - Bid #008. The bid was awarded to Donovan Uniform Company for items 1, 2, 3, 4, 5, and 6, in the amount of \$16,547.00, and to Martin's Uniforms for item 7, in the amount of \$687.24.

Michael Mellen, 1410 Ash, made a public appearance concerning heavy commercial zoning encroachment into the residential area where he lives. His concerns can be summarized as follows:

- . A proposed 1982 ordinance that required opaque fencing to shield residences from any abutting commercial business. He stated this ordinance was voted down.
- . Zoning complaints to remove Tuckers Refrigeration, at 16th and Plum, have not been acted on.
- . He questioned why the Carver Planning and Referral Committee's adopted zone use plan for the Carver neighborhood is not be used.
- . Spot zoning of heavy commercial districts around residential areas.
- . Threats to his person by business people from the commercial areas of which he reports zoning and building violations.
- . The systematic removal of ethic neighborhoods in the City.
- . Requested the Council and City staff to protect this residential neighborhood from planned and progressive business encroachment.

Bob Fowler, Director of Building Inspection, briefed the Council on an ordinance on second and final reading amending Chapter 8, Construction, of the Abilene Municipal Code, and Section 304(a), Permit Fees of the Uniform Building Code by adding a permit fee for installation of mobile homes in mobile home parks.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor of the item:

- . Paul Washburn, owner of Abilene Mobile Homes.

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

Councilman Bridges moved to approve the ordinance on second and final reading amending Chapter 8, Construction, of the Abilene Municipal Code, and Section 304(a), Permit Fees of the Uniform Building Code by adding a permit fee for installation of mobile homes in mobile home parks, as presented by the staff. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 24-1985 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE IV, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Brad Stone, Principal Planner, briefed the Council on an appealed item, on second and final reading, being a reclassification request - **Z-03185** - request of City of Abilene Department of Planning & Development to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, located in the 4400-4500 block of Carrie Anne and at 3625-3633 Patty Lynne. The Planning and Zoning Commission recommends RS-6 zoning for all 15 lots encompassed within the request, including those two lots having long been represented to be zoned RM-2.

In conjunction with this request, the Council may also want to consider reclassification request Z-00185, request of Ken Brooks for RM-3 zoning on three adjoining lots located on Patty Lynne Drive. It was during the staff's research on Z-00185 that the previously-mentioned error was discovered on the Zoning map, resulting in the Planning Department's request for rezoning (Z-03185) to correct it.

Mayor Stubbeman opened a public hearing for the purpose of considering request Z-03185 and the following persons spoke either in favor or in opposition to the request:

**IN FAVOR:**

- . Mr. Ken Brooks, 4648 S. Treadaway.

**IN OPPOSITION:**

- . Jerry Mash, 4541 Carrie Anne, representing several property owners in the area and with a major concern over traffic.
- . Richard Benham, 4534 Carrie Anne, presented a petition signed by several property owners in the area in favor of RS-6 zoning for the five lots on Patty Lynne and Bruce Drive. Their major concerns include traffic, property values, and quality of life.
- . Larry Smith, 4450 Carrie Anne.
- . W. L. Hill, 3549 Carnation Ct.

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

Councilman Bridges moved to approve only that portion of Z-03185 rezoning from AO to RS-6 containing Lots 1 through 13, Block F, Continuation 1, Countryside North Addition, on second and final reading. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading, being a reclassification request - **Z-00185** - request of Ken R. Brooks to rezone from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at the northeast corner of Rebecca Lane and Bruce Drives. The Planning and Zoning Commission recommends disapproval of this request and the staff recommends approval of the RM-3 zoning subject to the condition that driveway openings (for the combination of all three lots) be limited to one on Rebecca Lane and one on Bruce Drive. No driveway openings should be permitted onto Patty Lynne.

Mayor Stubbeman opened a public hearing for the purpose of considering Z-00185 and the following persons spoke in opposition to the request:

- . Jerry Mash, 4541 Carrie Anne.
- . Mr. Paris, 3549 Mistletoe.
- . Gayle Benham, 4534 Carrie Anne.

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

There was a question in regard to the petition presented by the property owners in the area whether a three-fourths vote of the Council is required for the rezone request Z-00185. Therefore, Councilman Bridges moved to table the remainder of item 8b, Z-03185 (being Lots 4 and 5, Block E) and item 8c, Z-00185, until the City Attorney can determine the voting requirements. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading, being a thoroughfare abandonment request - **TC-01985** - request of H. M. Root (Representing Woods Psychiatric Institute) beginning at the south right-of-way line of Industrial Boulevard and extending south a distance of 580'. The Planning and Zoning Commission and the staff recommend approval of the request for thoroughfare abandonment, subject to two conditions:

1. Reservation of the entire width (60') and length (580') of Woods Place as an easement for utility, refuse collection and emergency vehicle access.
2. Resubdivision of lots in the Woods Psychiatric Subdivision, to ensure that no recorded lots are denied access to a publicly-dedicated street.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following persons spoke in favor or in opposition of the request:

**IN FAVOR:**

- . David Brown, representing Woods Psychiatric Institute.

**IN OPPOSITION:**

- . Jack Bible, representing Homestate Savings.

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

Councilman Nixon moved to DENY the thoroughfare abandonment request, beginning at the south right-of-way line of Industrial Boulevard and extending south a distance of 580', on second and final reading. The motion was seconded by Councilman Wheat and the motion failed for lack of majority:

AYES: Councilmen Wheat, Nixon and Mayor Stubbeman.

NAYS: Councilmen Bridges and Fogle.

Councilman Fogle moved to table the request until such time as all members of the Council could be present. The motion was seconded by Councilman Bridges and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

Councilman Nixon left the meeting.

Councilman Bridges moved to remove from the table two appealed items: 8b, being the remainder of Z-03185 rezone request from AO to RS-6, located at 3625-2633 Patty Lynne; and 8c, being Z-00185 rezone request from RS-6 to RM-3, located at the northeast corner of Rebecca Lane and Bruce Drives. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle and Mayor Stubbeman.

NAYS: None.

Harvey Cargill, City Attorney, has determined that a three-fourths vote of the Council is required to approve item 8c, Z-00185, but not necessary on the remaining portion of item 8b, Z-03185 (since the residents favor RS-6 zoning on this portion of the request).

Councilman Bridges moved to approve on second and final reading, the remainder of Z-03185 rezone request from AO to RS-6, being Lots 4 and 5, Block E, Continuation 1, Countryside North Addition. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 25-1985 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 Bridges moved to deny the ordinance on second and final reading, being Z-00185, rezone request from RS-6 to RM-3, being Lots 1, 2, and 3, Block E, Continuation 1, Countryside North Addition. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle, and Mayor Stubbeman.

NAYS: None.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading, being a reclassification request - Z-02285 - request of Charles Gibson to rezone from RS-6 (Residential Single Family) to O (Office) district, located at 5201 South 7th Street. The Planning and Zoning Commission and the staff recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor of the request:

. Charles Gibson - applicant, 2350 Orchard.

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

Councilman Fogle moved to approve on second and final reading the reclassification request Z-02285 from RS-6 to O district, located at 5201 South 7th Street, on second and final reading, as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 26-1985 and is captioned as follows:

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

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading, being a reclassification request - **Z-02385** - request of Floyd E. Miller (Representing North 10th & Treadaway Church of Christ) to rezone from RM-2 (Residential Multi-Family) to HC (Heavy Commercial) district, located at North 10th & Cottonwood Streets. Both the Planning and Zoning Commission and the staff recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in opposition of the request:

. Michael Mellen, 1410 Ash.

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

Councilman Bridges moved to DENY the reclassification request on second and final reading, from RM-2 to HC district, located at North 10th and Cottonwood Streets. The motion was seconded by Councilman Wheat and the motion failed for lack of majority:

AYES: Councilmen Bridges, Wheat and Fogle.

NAYS: Mayor Stubbeman.

Mayor Stubbeman moved to table the request but the motion failed for lack of second.

The item is automatically DENIED due to no motion passing approving the request.

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading, being a reclassification request - **Z-02585** - request of Curry Engineering, Inc., (Representing Texas Tractor Sales) to rezone from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) district, located at South 27th & Waverly Streets. Both the Planning and Zoning Commission recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor of the request:

. Rob Harrison, representing Curry Engineering.

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

Councilman Wheat moved to approve the reclassification request on second and final reading from RS-8 to RM-3 district, located at South 27th and Waverly Streets, as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 27-1985 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 returned to the meeting.



Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading, being a reclassification request - **Z-02785** - request of Frank O. Murray, Jr., Trustee, to add H (Historic) overlay to underlying CB (Central Business) district, located at 790 Orange. Both the Planning and Zoning Commission recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor of the request:

. Mike Milano, 3842 Crestway.

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

Councilman Bridges moved approval of the reclassification request to add Historic overlay to underlying CB district, located at 790 Orange, on second and final reading, as presented by the staff. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered **28-1985** and is captioned as follows:

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

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading, being a reclassification request - **Z-02885** - request of Randy Wilson (Representing David Ballard & Reuben Rouse) to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) district, located at Wisteria Way & Southwest Drive. Both the Planning and Zoning Commission recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor of the request:

. David Ballard, 717 Scott Place.

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

Councilman Nixon moved approval of the reclassification request from RM-3 to LC district, located at Wisteria Way and Southwest Drive, on second and final reading, as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered **29-1985** and is captioned as follows:

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

Brad Stone, Principal Planner, briefed the Council on an ordinance on second and final reading, being a reclassification request - **Z-02985** - request of Eddie Chase (Representing James Aneff) to rezone from RM-2 & O (Residential Multi-Family & Office) to GC (General Commercial) district located on Ridgemont Drive between John Knox & Rolling Green Drives. The Planning and Zoning

Commission recommends approval of the request. Staff recommends the Council postpone a decision in order to formulate some overall recommendations on the planning efforts currently underway with the Southwest Area Land Use Study.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following persons spoke either in favor of or in opposition to the request:

**IN FAVOR:**

- . James Aneff, owner property.

**IN OPPOSITION:**

- . W. L. Hill, representing neighbors in the general area. He is not in opposition to the proposal, but would like consideration given to the property owners in the area for the control of traffic, specifically Rolling Green.

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

The Council favors the development of commercial property in this area; however, they have concerns about the traffic situation and whether the streets are adequate to support the traffic that might be generated by this kind of development. Councilman Fogle stated that he would like to see the study completed before making a decision on this matter. The staff thoroughly discussed their plans for conducting the Southwest Area Study and the impact to this area caused by commercial development. The study is projected to be completed in approximately two to three months.

Wayne Kurfees, Director of Traffic and Transportation, reviewed with the Council his reservations on the access to the proposed development and the traffic that may be generated by General Commercial development, especially without knowing exactly what type of activity will be located on the land. He addressed traffic counts for streets surrounding the proposed zone change and gave projections on the increase in traffic.

The Council discussed the positive aspects of the development in trying to make adjustments to the street system to meet the needs of the development instead of turning it down.

Councilman Bridges moved approval of the reclassification request from RM-2 and O to GC district, located on Ridgemont Drive between John Knox and Rolling Green Drives, on second and final reading, as presented by the staff. The motion was seconded by Councilman Nixon and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 30-1985 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.

Lee Roy George, Director of Planning, briefed the Council on an ordinance, on second and final reading, amending Part 3, Ordinance #102-1983, concerning the effective date of Subdivision Regulations, regarding Sunlake Village Addition.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and there being no one present, desiring to be heard the public hearing was closed.

Councilman Fogle moved to approve the ordinance on second and final reading, amending Part 3, Ordinance #102-1983, concerning the effective date of Subdivision Regulations, regarding Sunlake Village Addition, as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

AN ORDINANCE AMENDING ORDINANCE NO. 102-1983 CONCERNING ENACTMENT OF SUBDIVISION REGULATIONS, BY REPEALING PART 3, OF SAID ORDINANCE, WHICH SPECIFICALLY SETS FORTH THE EFFECTIVE DATE OF REVISED SUBDIVISION REGULATIONS, AND SUBSTITUTING THEREFORE THE FOLLOWING PART 3.

Sandra Trosky, Assistant Land Agent, briefed the Council on Oil Well Drilling Permit #8503. The applicant is F.W. Burger, Inc./Joe C. Richardson, Jr., and the surface owner is West Texas Utilities. The legal description of the drill site is 117.60 acres out of the North 1/2 of Survey 1, Lunatic Asylum Lands, Taylor County, Texas. The drill site is located within the City limits, is on private property, and is not in the floodplain. There are no buildings located on this tract of land. Because of the proposed drill site's proximity to the Airport, a height limitation of 81.5 feet has been set to comply with the City Code. Staff recommends approval of this request with the aforementioned height limitation.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor:

. Larry Welhouser, representing applicant.

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

Councilman Bridges moved to approve by oral resolution Oil Well Drilling Permit #8503, with the height limitation as recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

Lewis Wood, Assistant Community Development Coordinator, briefed the Council on a resolution approving a contract with Mental Health-Mental Retardation for disbursement of Fiscal Year 84-85 Community Development funds for the Special Populations Program. The MHMR Special Populations Program is a Community Development Block Grant project and was allocated \$41,237 in FY 1984 CD Funds. As a sub-recipient of CD Funds, MH-MR is required to execute a contract, with the City of Abilene. Staff recommends the Council approve the resolution.

Councilman Bridges moved to adopt a resolution approving a contract with Mental Health-Mental Retardation for disbursement of FY 84-85 Community Development funds for the Special Populations Program, as recommended by the staff. The motion was seconded by Councilman Fogle and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

The resolution is numbered 30-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AN AGREEMENT WITH THE ABILENE REGIONAL CENTER FOR MENTAL HEALTH-MENTAL RETARDATION CENTER FOR MENTAL HEALTH-MENTAL RETARDATION FOR DISBURSEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Councilman Bridges moved to remove from the table the Dyess Area Study. The motion was seconded by Councilman Fogle and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

Lee Roy George, Director of Planning, briefed the Council on the Dyess Area Study Committee's recommendations and the addendum to the recommendations. A public meeting was conducted on February 12, 1985, in order to obtain additional input from the Dyess Study Area property owners. With this input, staff drafted an addendum to the original Dyess Study Committee Report. The draft addendum was presented to the Dyess Study Committee and after review the Committee directed the staff to present the recommendations in final form to the City Council. Staff recommends the Council approve the resolution adopting the Dyess Area Study recommendations Phase 1 and the addendum to the Dyess Area Study Committee recommendations as a guide for future development along F.M. 3438.

Councilman Bridges moved approval of the resolution adopting the Dyess Area Study recommendations Phase 1 and the addendum to the Dyess Area Study Committee recommendations as a guide for future development along F.M. 3438 and Plan C for landscaping. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

The resolution is numbered 31-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE DYESS AREA STUDY RECOMMENDATIONS PHASE 1 AND THE ADDENDUM TO THE DYESS AREA STUDY COMMITTEE RECOMMENDATIONS AS A GUIDE FOR FUTURE DEVELOPMENT ALONG FARM-TO-MARKET ROAD 3438.

Councilman Fogle moved to remove from the table the Western Area Land Use Plan. The motion was seconded by Councilman Wheat and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

Lee Roy George, Director of Planning briefed the Council on a resolution adopting the Western Area Land Use Plan. On January 27, 1983, the City Council discussed the plan and decided to table it in order to receive additional input from the Dyess Study Committee and other property owners. After receiving a recommendation from the Dyess Study Committee that the plan should be adopted, staff placed the item on the January 10, 1985, agenda. The Council, at that meeting, tabled the item and sent the Dyess Study back to the Committee for property owner input. Additional input has been received, and staff recommends the Council adopt the Western Area Land Use Plan as an official land use plan of the City.

Councilman Wheat moved to approve the resolution adopting the Western Area Land Use Plan, as presented by the staff. The motion was seconded by Councilman Nixon and the motion carried:

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

The resolution is numbered 32-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE WESTERN AREA STUDY AS THE WESTERN AREA LAND USE PLAN.

Lee Roy George, Director of Planning and Development, briefed the Council on the Southwest Area Annexation and a request from Mr. Gayle Potter to be added to the annexation area. Mr. Potter's property is located in the extreme southwest portion of the proposed study area and he has requested that the Council annex all of his property, which would require a change in the map depicting the annexation area.

Councilman Bridges moved to adopt the resolution including Mr. Potter's property to the Southwest Area Annexation and some additional land all described on a Property Ownership Map as areas 1, 2, 3, 4, 4, 5, 7, 7a, 7b, 7c, 10, 11, 12, 16 and portions of areas 6, 8, and 9; and directing the staff to prepare a service plan for the proposed annexed property. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

The resolution is numbered 33-1985 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CALLING FOR PROPOSED ANNEXATION OF CERTAIN PROPERTY AND DIRECTING THE STAFF TO PREPARE A SERVICE PLAN.

Mike Hall, Director of Community Services, briefed the Council on a joint utilization project between the School District, Big Country Soccer Association, Pop Warner Football, and the City to develop an athletic site to meet the existing needs in this area. Since the delay of the Shotwell Athletic Complex, the Joint Utilization Study Group has been reviewing alternate sites. The Big Country Soccer Association and Pop Warner Football estimate that an addition of seven fields will be needed by the Fall of 1985. The proposed site that is recommended to fill this need is the Madison Athletic complex.

The complex is proposed to be constructed in two phases: First, would be the development of four fields on School land for a direct cost of \$66,500, of which the Big Country Soccer Association and Pop Warner Football have committed to fund, and an indirect cost of approximately \$20,000; Second Phase would include the addition of eight five-row bleachers, five ten-row stadium type seating, concession/scorekeeper building, paving and lighting for a total of \$84,000, of which funding is undetermined at this time, and an indirect cost of approximately \$9,800. The School Board and Parks Board have approved this project and staff recommends that the Council authorize Phase I of the Madison Athletic Complex.

Several people were present and desired to speak on the subject, even though no formal public hearing was scheduled.

**IN FAVOR:**

- . Mr. Walter Bryan, Abilene Independent School District.
- . Terry Hagen, representing West Texas Pop Warner Football and Big Country Soccer.
- . Richard Petree, President, Big Country Soccer.
- . Amber Cree, Chairman, Parks and Recreation Board.

**IN OPPOSITION:**

- . Gary Corpian, 3002 Edgemont, favors project but feels there is a better location, preferably away from residential areas. He mentioned some disadvantages to the project, being generally, lighting, noise, and parking congestion.
- . Preston Gowens, 2834 Edgemont, presented a compromise to the project signed by fifteen residents of the immediate area, being to eliminate the fourth field (parallel to Edgemont Drive); and to move fields two and three west far enough to save all the trees on Marshall Street. They feel that these trees serve as a light barrier from the Dixie League and Pony League fields.

- . Bill Davis, 2826 Edgemont, introduced the suggestion that in the future when projects of this nature are proposed that directly change the use of the land, that property owners adjacent to the area be notified. He favors the project but prefers the compromise.

The staff discussed with the Council the notification procedures to residents for projects of this nature. Furthermore, if any changes were made to the proposal, it would have to go back to the Joint Utilization Committee, the School Board and each of the athletic associations, since it is the School Board's land and the majority of the funds are coming from the two athletic associations.

Councilman Bridges proposed a change to the policy for resident notification for projects of this nature. The Council discussed the issue with no action taken.

Councilman Bridges moved to table the proposed Madison Athletic Complex and instruct the staff to notify property owners within two hundred feet of the affected area and bring the item back to the Council for consideration as soon as possible. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle, and Nixon.

NAYS: Mayor Stubbeman.

The Update on the Cedar Creek Project was not discussed at this time and put on hold until the Council meeting of April 11, 1985.

Mr. H. C. Zachry, Chairman, Abilene Reinvestment Zone Number One, presented the Council with a three-point motion that was unanimously approved by a majority of the Board of Directors at their March 27th meetings. Mr. Nick Trkla, briefed the Council on the Comprehensive Plan and Development Strategy; discussed alternative financial scenarios for implementation of the project plan; and outlined a progress report indicating preparation and completion of the final Project Plan.

Mr. Zachry is requesting that the Council ratify the action of the Reinvestment Zone Board of Directors in regard to the three-point motion which reads as follows:

- . To maintain our commitment to the concept of investment leverage-making commitments for major expenditures only in exchange for investment agreements.

- . To develop a marketing plan and budget including the most advantageous non-profit structure to support the marketing effort, and submit it for approval and implementation.

- . To commit to the packaging of the various potential projects so they can be submitted to the various planning boards and groups for costing and feasibility studies.

Councilman Nixon moved to ratify the action of the Reinvestment Zone Board of Directors in regard to the aforementioned motion as presented by Chairman Zachry. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle, Nixon and Mayor Stubbeman.

NAYS: None.

Mayor Stubbeman recessed the Council into executive session in accordance with State law, Sections 2e and 2g of the Open Meetings Act, to consider pending and contemplated litigation and the appointment and evaluation of public officials.

The Council reconvened from executive session and reported no action taken.

Jim C. Blagg, City Manager, recommended that the Council authorize the City to pay certain medical bills of the two prisoners (Gary Don Griffin and Billy Frank Burdick) that were hospitalized because of injuries they sustained while being held at the Abilene City Jail.

Councilman Nixon moved authorize the City to pay certain medical bills of Gary Don Griffin and Billy Frank Burdick for injuries sustained while being held at the Abilene City Jail. The motion was seconded by Councilman Bridges and the motion carried:

AYES: Councilmen Bridges, Wheat, Nixon and Mayor Stubbeman.


NAYS: None.

ABSTAIN: Councilman Fogle.

There being no further business, the meeting was adjourned at 3:35 p.m.



  
Patricia Patton  
City Secretary

  
David Stubbeman  
Mayor