

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, **April 23, 1987**, at 8:30 a.m. to consider the following:

1. 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, **April 23, 1987**, at 9:00 a.m.

CITY COUNCIL: Mayor David Stubbeman; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, A. E. Fogle, Jr., Welton Robinson and Harold Nixon.

1. Call to Order.
2. **INVOCATION:** Councilman Gary McCaleb.
3. **Approval of Minutes:** Pre-Council Work Session and Regular City Council Meeting held April 9, 1987.
4. **Employee Service Awards:**

30 Years	Bill Mooty	Fire Marshal
30 Years	Bill Davis	Engineering
20 Years	Gray Wooten, Jr.	Equipment Services
20 Years	Boyd Scott	Police

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. Oral Resolution to consider authorizing the City Manager to sign grant application with the Criminal Justice Division for continuation of the Police Planning and Research Unit.
 - b. Oral resolution to consider authorizing the City Manager to sign the engineering proposal for design and right-of-way acquisition relative to extension of Catclaw Dr., from Cedar Run to Rebecca Lane.
 - c. Resolution authorizing City of Abilene's participation in the 9-1-1 emergency telephone system; adopt District budget.
 - d. Consider request for sanitary sewer waiver from W. C. Jobe out of L. Landant Survey No. 17, Jones County, Texas.

- e. Consider request for sanitary sewer waiver from First Evangelical Methodist Church, located on Bishop Road.
- f. Resolution appointing election judges for City runoff election to be held May 5, 1987.
- g. Consider on first reading - an ordinance amending Chapter 8, Construction, Article VI, Division 6, concerning adoption of the 1985 Uniform Housing Code subject to certain changes, additions, and deletions.
- h. **Appealed Item:** Consider on first reading - a zoning ordinance amendment to Section 23-312, Schedule of District Regulations, concerning the minimum lot size requirement in the AO (Agricultural Open Space) zoning district, and set a public hearing for May 14, 1987 at 9:00 a.m.

6. Award of Bid:

- a. Asphalt and Cement Products for Street Services Division - Bids #195, 198, and 199.
- b. Cedar Creek Improvement Project - Phase II - Bid #192.
- c. Three four-wheel riding mowers for Parks Division - Bid #190.
- d. Two each Cab and Chassis for Street Services - Bid #191.

REGULAR AGENDA

7. Public Appearance:

- a. Charles Perini, Visual Arts Jury, to request acceptance of art display, "The Herd".
- b. Abilene Jaycees requesting fireworks display at the Taylor County Fairgrounds on July 4, 1987.

8. Ordinances & Resolutions:

- a. Consider Resolution awarding bid for Spring 1987 Special Assessment, and set a public hearing for May 28, 1987 at 9:00 a.m.
- b. **Public Hearing:** - Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-0787** - Request from Bank of Commerce, agent, Frederick B. Jones, to rezone from AO (Agricultural Open Space) to L1 (Light Industrial) district, located in the 3700 block of Maple Street.
- c. **Public Hearing:** - Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-0987** - Request from Joe Reid to add MX (Mixed Use overlay) to underlying RM-3 (Residential Multi-Family) district, located at 701-709 Grape Street.
- d. **Public Hearing:** - Consider on second and final reading - an ordinance changing zoning district boundaries - **Z-1087** - Request from John Herod/Abtex Transfer and City of Abilene, to rezone from RM-3 (Residential Multi-Family) to HC (Heavy Commercial) district, located in the 1100 block of Locust Street.

- e. **Public Hearing:** - Consider on second and final reading- an ordinance changing zoning district boundaries - Z-1187 - Request from L. D. Wall, agent, Mike Milano, to rezone from A0 (Agricultural Open Space) to PDR Planned Development Residential) district, located on U. S. Hwy. 277.
 - f. **Public Hearing:** - Consider on second and final reading - an ordinance changing zoning district boundaries - Z-1287 - Request from A. David May, Jr., agent, M. B. Eitelman, to rezone from O (Office) to LC (Limited Commercial) district, located at S. 27th St. & Buffalo Gap Road.
 - g. **Public Hearing:** - Consider on second and final reading - an ordinance changing street names - SNC-1387 - Request from Abilene Zoological Gardens, agent, Melissa Owen, to change Wise Street to Zoo Lane.
 - h. **Public Hearing:** - Consider on second and final reading - an ordinance regulating smoking in public meetings, public places, and places of employment.
9. **Other Business:**
- a. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
 - b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).

ADJOURN

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EXECUTIVE SESSION

(Personnel)

The City Council may consider the appointment, employment, reassignment, duties, discipline, or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, and the City Board and Commission Members. A complete list of the City Boards and Commissions are on file in the City Secretary's Office.

After discussion of the appointment and evaluation of the Council Appointees and the Board and Commission members, in executive session, any final action or vote taken will be in public.

(Litigation)

The City Council may consider pending and contemplated litigation subjects. The following subjects may be discussed:

1. Taylor v. City
2. Velasquez v. City
3. Smithwick-Wheeler v. City
4. Maria Slaughter v. City
5. Leonard Glenn Taylor v. City
6. Hudson & ABC Airlines v. City
7. State of Texas v. City
8. Cynthia Halle v. City
9. Michael Melien v. City
10. Patricia Partin v. City
11. Williams & Chambers v. City
12. Video Vue & American Video

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects set out above. After discussion of the pending and contemplated litigation subjects, in executive session, any final action, or vote taken, will be in public.

HC 1/15/87

PRE-COUNCIL WORK SESSION, THURSDAY
April 23, 1987, 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 April 23, 1987, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was present and presiding with Councilman Gary D. McCaleb, Councilwoman Betty Ray, Councilmen Walter E. Wheat, A. E. Fogle, Jr., Welton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Roy L. McDaniel and Rickey Childers, City Attorney Harvey Cargill, Jr., City Secretary Patricia Hancock and various members of the City staff.

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.

REGULAR CITY COUNCIL MEETING
April 23, 1987, 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 April 23, 1987, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Gary McCaleb.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held April 9, 1987, stand approved.

Mayor David Stubbeman presented Certificates of Appreciation to the following employees for their tenure of service to the City of Abilene:

30 Years	Bill Mooty	Fire Marshal
30 Years	Bill Davis	Engineering
20 Years	Gray Wooten, Jr.	Equipment Services
20 Years	Boyd Scott	Police

Mayor Stubbeman presented a Certificate of Appreciation on behalf of the City and the State of Texas, honoring Tom Rogers, Public Health Dept., for 30 years of service.

Councilman McCaleb moved to approve the consent agenda items, being 5a through 6d as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.
NAYS: None.

5. Ordinances & Resolutions:

a. Oral Resolution authorizing the City Manager to sign grant application with the Criminal Justice Division for continuation of the Police Planning and Research Unit for Fiscal Year 1988.

b. Oral resolution authorizing the City Manager to sign the engineering proposal with Chase and Associates of Abilene for design and right-of-way acquisition relative to extension of Catclaw Dr., from Cedar Run to Rebecca Lane.

c. Resolution authorizing City of Abilene's participation in the 9-1-1 emergency telephone system; adopt District budget.

The Resolution is numbered 18-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING PARTICIPATION IN THE ABILENE/TAYLOR COUNTY 9-1-1 EMERGENCY TELEPHONE SYSTEM AND APPROVING THE DISTRICT'S OPERATING BUDGET FOR FY 1986-87.

d. Consider request for sanitary sewer waiver from W. C. Jobe out of L. Landant Survey No. 17, Jones County, Texas.

The Resolution is numbered 19-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON A 9.18 ACRE TRACT OF LAND OUT OF THE NORTHWEST PART OF L. LANDANT SURVEY NO. 17, JONES COUNTY, TEXAS, WHICH IS JUST EAST ON F.M. 600 ON THE SOUTHWEST SIDE OF LAKE FORT PHANTOM HILL.

e. Consider request for sanitary sewer waiver from First Evangelical Methodist Church, located on Bishop Road.

The Resolution is numbered 20-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON A 9.18 ACRE TRACT OF LAND OUT OF THE NORTHWEST PART OF L. LANDANT SURVEY NO. 17, JONES COUNTY, TEXAS, WHICH IS JUST EAST ON F.M. 600 ON THE SOUTHWEST SIDE OF LAKE FORT PHANTOM HILL.

- f. Resolution appointing election Judges for City runoff election to be held May 5, 1987.

The Resolution is numbered 21-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION.

- g. Consider on first reading - an ordinance amending Chapter 8, Construction, Article VI, Division 6, concerning adoption of the 1985 Uniform Housing Code subject to certain changes, additions, and deletions.

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 6, "HOUSING CODE," SECTION 8-551, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

- h. **Appealed Item:** Consider on first reading - a zoning ordinance amendment to Section 23-312, Schedule of District Regulations, concerning the minimum lot size requirement in the AO (Agricultural Open Space) zoning district, and set a public hearing for May 14, 1987 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

6. Award of Bid:

- a. Asphalt and Cement Products for Street Services Division - Bids #195, 198, and 199. The bids were awarded as follows:
 - Bid #195 - Items 1 and 2, Fina Oil & Chemical Co.
 - Items 3 and 4, Koch Asphalt Company
 - Item 5, American Emulsion Asphalt
 - Items 6-9, White's Mines
 - Items 10 and 11, R. E. Janes Gravel Company
- Bid #199 - Items 1-4, Childs Redi-Mix.
- Bid #198 - Alamo Cement Company

b. Cedar Creek Improvement Project - Phase II - Bid #192. The bid was awarded to Bontke Brothers Construction as recommended by staff.

c. Three four-wheel riding mowers for Parks Division - Bid #190. The bid was awarded to Godsey Equipment Company as recommended by staff.

d. Two each Cab and Chassis for Street Services - Bid #191. The bid was awarded to Hughes Diesel as recommended by staff.

Charles Perini, Visual Arts Jury, briefed the Council on a request to accept the art display, "The Herd". The Parks and Recreation Board and the Visual Arts Jury recommend approval, as well as the staff.

Councilman Wheat moved to approve the request to accept the art display. The motion was seconded by Councilman Nixon and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.
NAYS: None.

Roy McDaniel, Assistant City Manager, briefed the Council on a request from the Abilene Jaycees for a fireworks display at the Taylor County Fairgrounds on July 4, 1987. Staff recommends \$5 million in Liability Insurance; however, the Jaycees have indicated that \$5 million is cost prohibitive. Therefore, the staff can settle with \$1 million liability insurance provided, however, if the wind reaches or exceeds 15 m.p.h. the fireworks display will be cancelled.

Ivan Dimock, President of the Abilene Jaycees, was present and responded to the Council's questions.

Councilman Nixon moved to approve the request for a fireworks display with a \$1 million insurance coverage as well as providing that if the wind reaches 15 m.p.h., the display will be cancelled. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.
NAYS: None.

Bob Whitehead, Director of Public Works, briefed the Council on a Resolution awarding the bid for Spring 1987 Special Paving Assessment Program, and set a public hearing for May 28, 1987 at 9:00 a.m. Staff recommends approval.

Councilman McCaleb moved to approve the resolution awarding the Paving contract to Contract Paving Company, of Abilene for Spring 1987 Special Paving Assessment Program as recommended by staff, and set a public hearing for May 28, 1987, at 9:00 a.m.

The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.
NAYS: None.

The Resolution is numbered 22-1987 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDDING A CONTRACT FOR THE IMPROVEMENT OF THE FOLLOWING NAMED STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF ABILENE, TEXAS, TO-WIT:

UNIT 1 - 30' WIDE STREET E/C TO E/C
1. Poplar Street from South 17th Street to Westway Drive

UNIT 11 - 36' WIDE STREETS E/C TO E/C
1. Victoria Street from Lowden Street to Alley North of Lowden Street
2. Redbird Lane from Hartford Street to Pueblo Street
3. Lincoln Drive from Ambler to Hillcrest Drive
4. Hillcrest Drive from Lincoln Drive to Alley East of Lincoln Drive

CONTINGENT UPON A SUFFICIENT ASSESSMENT BEING LEVIED AGAINST ABUTTING PROPERTIES TO FINANCE SAID PROPOSED STREET IMPROVEMENTS; APPROVING AN ESTIMATE OF COSTS OF SAID PROPOSED IMPROVEMENTS PREPARED BY THE CITY ENGINEER OF THE CITY OF ABILENE, TEXAS; APPROPRIATING FUNDS IN THE SUM OF \$193,987.08 FOR THE CITY OF ABILENE'S PORTION OF SUCH ESTIMATED COSTS; APPROVING THE PROPOSED ASSESSMENTS TO BE LEVIED AGAINST ABUTTING PROPERTY OWNERS; AND CALLING A PUBLIC HEARING TO CONSIDER AN ORDINANCE LEVYING PROPOSED ASSESSMENTS AGAINST THE ABUTTING PROPERTY OWNERS.

John Hancock, Principal Planner, briefed the Council on an item considered on second and final reading - Request from Bank of Commerce, agent, Frederick B. Jones, to rezone from A0 (Agricultural Open Space) to L1 (Light Industrial) district, located in the 3700 block of Maple Street. The Planning and Zoning Commission and staff recommend approval of this request.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individuals spoke in response to the request:

- Mr. Pete Jones, agent for the proponent, was present and spoke in favor of the request. He read aloud a letter to the Council from Mr. Arthur D. Smith, President, Texas Aerospace Company, requesting favorable consideration of the item. Texas Aerospace Company plans to purchase the property.

- Mr. Gary Vest, Manager, Abilene Industrial Foundation, was present and spoke in favor of the item.

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

Councilman Wheat moved to approve the Ordinance for **Z-0787** to rezone from A0 to to L1 district as recommended by staff. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.
NAYS: None.

The Ordinance is numbered **15-1987** 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Request from Joe Reid to add MX (Mixed Use overlay) to underlying RM-3 (Residential Multi-Family) district, located at 701-709 Grape Street. The Planning and Zoning Commission and staff recommend approval.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman Robinson moved to approve the Ordinance for **Z-0987** to add MX overlay zoning to underlying RM-3 district located at 701-709 Grape Street, as recommended by the staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.
NAYS: None.

The Ordinance is numbered **16-1987** 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Request from John Herod/Abtex Transfer and City of Abilene, to rezone from RM-3 (Residential Multi-Family) to HC (Heavy Commercial) district, located in the 1100 Block of Locust Street. The Planning and Zoning Commission and staff recommend approval.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individual spoke in favor of the request:

- John Herod, proponent.

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

Councilman Robinson moved to approve the Ordinance for **Z-1087** to rezone from RM-3 to HC district located in the 1100 Block of Locust Street, as recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The Ordinance is numbered **17-1987** 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Request from L. D. Wall, agent, Mike Milano, to rezone from AO (Agricultural Open Space) to PDR Planned Development Residential) district, located on U. S. Hwy. 277. The Planning and Zoning Commission and Staff recommend approval of this request.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individuals spoke in favor of the request:

- Mr. Mike Milano, agent for proponent.
- Frank Murray, property owner in the area.
- L. D. Wall, proponent.

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

Councilman Nixon moved to approve the Ordinance for Z-1187 to rezone from A0 to PDR district located on U. S. Hwy. 277, with the addition of a limitation for single story structures only. The motion was seconded by Councilman Robinson and the motion carried.

AYES: Councilmen McCaleb, Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

ABSTAIN: Councilwoman Ray.

The Ordinance is numbered 18-1987 and is captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #48 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Request from A. David May, Jr., agent, M. B. Eitelman, to rezone from 0 (Office) to LC (Limited Commercial) district, located at S. 27th St. & Buffalo Gap Road. The Planning and Zoning Commission and Staff recommend approval of this request.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individuals spoke in favor of the request:

. Mr. M. B. Eitelman, proponent.

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

Councilman McCaleb moved to approve the Ordinance for Z-1287 to rezone from 0 to LC district located at S. 27th St. and Buffalo Gap Road, as recommended by the staff. The motion was seconded by Councilman Wheat and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The Ordinance is numbered 19-1987 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.

John Hancock, Principal Planner, briefed the Council on an ordinance considered on second and final reading - Request from Abilene Zoological Gardens, agent, Melissa Owen, to change the name of Wise Street to Zoo Lane. The Planning and Zoning Commission, Plat Review Committee, and Staff recommend approval of this request.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individuals spoke in favor of the request:

- Melissa Owen, volunteer for Abilene Zoological Society, spoke in favor of the request.

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

Councilwoman Ray moved to approve the Ordinance for **SNC-1387**, for street name change from Wise Street to Zoo Lane, as recommended by the staff. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.
NAYS: None.

The Ordinance is numbered **20-1987** and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF WISE STREET.

Harvey Cargill, City Attorney, briefed the Council on an ordinance considered on second and final reading regulating smoking in public meetings, public places, and places of employment.

Mayor Stubbeman opened a public hearing to consider the aforementioned request, and the following individuals spoke in response to the request:

AGAINST:

- Olivia Lackey, 718 Mulberry, works at Pancake House.
- Vera Sosebee, Pancake House, 4023 N. 1st.
- Joe Mills, owner of Western Sizzlin Steak House Restaurant, 1802 S. Clack. Handed out a survey taken at their restaurant in regard to smoking, which showed that 84% of his clients are smokers.
- Pearl Riley, 1450 Green.
- Louise Green, 773 Ballinger.
- Sharon Allen, 1002 Larned Lane, President of Abilene Area Restaurant Association, and restaurant owner. About 60% of surveyed restaurants show their clients are smokers. The Association requests that the Council not specify the percentage area of smokers versus non-smokers that must be provided.

- . Bonnie Forbes, 1710 S. 32nd, hair salon owner.
- . Elaine Willingham, Classic Hair Design, 109 Sayles (against the business regulations only).
- . Dennie Marsalis, small business owner.

FOR:

- . Jimmy Stevens, Stevens Hair Emporium, 2018 Sayles Blvd.
- . Mildred Warren.
- . Mr. Charles Gibson.
- . Lugene Lewis.

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

Councilman Nixon moved approval of the ordinance regulating smoking in public meetings, public places, and places of employment. The motion was seconded by Councilman Fogle.

Councilman McCaleb moved to amend the ordinance by adding to Section 10-64(a), item (8) lobby areas of movie theaters, hospitals, and rest home facilities. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.
 NAYS: None.

Councilman Wheat moved to amend the ordinance, Section 10-63 subparagraph B, by deleting items (3) and (4). The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Nixon, and Mayor Stubbeman.
 NAYS: Councilman Robinson.

Councilman Nixon moved to amend the ordinance, Section 10-64(a) and 10-64(b) to read as follows:

To amend Section 10-64(a) by deleting paragraph (7) and change paragraph (8) to read "places of employment."

To amend Section 10-64(b) by deleting the wording entirely and adding Section 10-64(b) to read as follows:

The person in charge of "public places" or "places of employment" may designate a smoking area but it must be proportionate to a verified number of users requesting a smoking area but cannot designate the whole area as a smoking area. Restaurants and cafeterias, with a seating capacity greater than 25 people and having more than one room, shall confine the smoking area to one room, but the smoking area shall not exceed fifty (50%) percent of the total area.

The motion was seconded by Councilman Fogle.

Discussion followed among Councilmembers, and Mrs. Allen, representing the Abilene Area Restaurant Association, concerning clarification of the motion. Specifically how the amendment, if approved, would affect restaurants and cafeterias that have more than one room which are used for private parties, etc.

Council inquired to City Attorney Harvey Cargill about changing the word "room" to "section" or "area". Mr. Cargill said either section or area would be the same.

For clarification, the word "room" was changed to "area" and the motion before the Council is as follows:

The person in charge of public places or places of employment may designate a smoking area, but it must be proportionate to a verified number of users requesting the smoking area, but cannot designate the whole area as a smoking area. Restaurants and cafeterias with a seating capacity of greater than 25 people and having more than one area shall confine the smoking to one area, but the smoking area shall not exceed 50% of the total area.

Additional discussion ensued concerning how restaurant owners or places of employment would verify the number of smokers in order to proportion the area of smoking. It was concluded, based upon testimony at the public hearing, that some documentation kept by the restaurant owner or employer showing number of users would be sufficient.

After more discussion, Councilman Nixon changed his motion, concerning Section 10-64(b) only, to read:

The person in charge of public places or places of employment may designate a smoking area but it must be proportionate to a verified number of users requesting a smoking area, but cannot designate the whole area as a smoking area. Restaurants and cafeterias with a seating capacity greater than 25 people and having more than one area shall confine the smoking to one area.

The motion carried as follows:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

Therefore, the main motion before the Council is to approve the ordinance, with amendments, on second and final reading regulating smoking in public meetings, public places, and places of employment. The motion was seconded by Councilman Fogle and the motion carried as follows:

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: Councilman Wheat.


The Ordinance is numbered **21-1987** and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REGULATING SMOKING IN PUBLIC MEETINGS, PUBLIC PLACES, AND PLACES OF EMPLOYMENT, PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Mayor Stubbeman recessed the Council into executive session in accordance with State law, Articles 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.

There being no further business, the meeting was adjourned at 12:30 p.m.


Patricia Hancock
City Secretary


David Stubbeman
Mayor