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	Bovd 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.

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.

- Φ Consider request for sanitary sewer waiver from First Evangelic Methodist Church, located on Bishop Road.

 Resolution appointing election judges for City runoff election to waiver from First Evangelical
- . May 5, 1987.
- Ġ deletions. Consider on first reading -Construction, 1985 Uniform truction, Article VI, Division 6, concerning adoption of Uniform Housing Code subject to certain changes, additions, Article VI, an ordinance amending Chapter and the
- <u>.</u> **Appealed Item:** Consider on first reading - a zoning ordinance amendment to Section 23-312, <u>Schedule of District Regulations</u>, concerning the minimum lot size requirement in the AO (Agricultural at 9:00 a.m. Space) zoning district, and set a public hearing for May

9 Award of Bid:

- **≢**195, Asphalt 198, and 199. and Cement Products for Street Services Division ı
- Cedar Creek improvement Project Phase II Bid #192.
- Three four-wheel riding mowers for Parks Division Bid #190.
 Two each Cab and Chassis for Street Services Bid #191.

REGULAR AGENDA

7. Public Appearance:

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

œ Ordinances & Resolutions:

- ņ Consider Resolution awarding bid for Spring 1987 Special Assessment, and set a public hearing for May 28, 1987 at 9:00 a.m.
- 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 LI (Light Industrial) district, located in the 3700 block of Maple Street.
- ဂ္ 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
- ٥ 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. Public ordinance changing zoning district Hearing: -Consider on second and final reading boundaries Z-1087 Request

- Φ 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 AO (Agricultural Open Space) to PDR Planned Development Residential) district, located on U. S. Hwy. 277.
- 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 0 (Office) to LC (Limited Commercial) district, located at S. 27th St. & Buffalo Gap Road.

 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
- Ġ Zoo Lane.
- 7 ruplic Hearing: - Consider on second and final reading - ordinance regulating smoking in public meetings, public places, places of employment. 1 and

9. Other Business:

- D)
- 0 Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
 Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).

AD-JOURN

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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)

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

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- 4500 Taylor v. City
 Velasquez v. City
 Smithwick-Wheeler v. City
 Maria Slaughter v. City
 Leonard Glenn Taylor v. City
 Hudson & ABC Airlines v. City
 State of Texas v. City
- Cynthia Halle v. City
- 10.
- Michael Mellen v. City Patricia Partin v. City Williams & Chambers v. City 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 BASEMENT CONFERENCE CITY OF ABILENE, TEXAS, 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.

agenda items. There being no further questions, the mee recessed to the City Council Chambers for the regular Meeting. ent and regular the meeting was regular Council

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 CitAbilene, Texas, into Regular Session April 23, 1987, at 9:00 in the City Council Chambers of City Hall. City

Invocation was given by Councilman Gary McCaleb.

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

Mayor David Stubbe...an to the following employee City of Abilene: tubbe…an presented Certificates employees for their tenure of of Appreciation service to the

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

behalf of the City and the Public Health Dept., for 30 Mayor †he Stubbeman presented State years က <u>0</u> Certificate of f honoring o f Appreciation Tom Rogers,

Councilman McCaleb moved to approve †he consent The agenda motion items ¥as

being 5a through 6d as presented by the staff. The seconded by Councilman Fogle and the motion carried. AYES: Councilman McCaleb, Councilwoman Ray, Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman. NAYS: None. Councilmen

'n Ordinances

- . D Oral Resolution authorizing grant application with the for continuation of for continuation of the Unit for Fiscal Year 1988. the Police Planning the City Criminal City Man-Manager to sign Division Research
- Ь Oral the the engineering proposer Abilene for design and right-of-way relative to extension of Catclaw Dr., fro ebecca Lane. resolution authorizing the concoposal with Chase City way acquisition from Cedar Run to Manager to s and Associates sign s of
- റ in the s budget. Resolution authorizing in the 9-1-1 emergency City of A telephone of Abilene's ທ Υs tem; Q parti Distric

Φ R O solution s. numbere ۵ 18-1987 and s O മ P + 0 =Φ Ω. D S

AND APPR 1986-87. 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

α. Consider | Jobe out Texas. <u>о</u> request for • tandant Survey No No. 17, waiver from jones County, ₹ 0

ollows: The Resolution ۰. S number Φ ۵ 19-1987 and ---S o Ø p + i 0 Ø ۵ ۵ ហ

A RESOLUTION
ABILENE, TEXAS
SUBDIVISION ORI
OF THE NORTHW
JONES COUNTY,
THE SOUTHWEST RESOLUTION E, TEXAS, WAIVING IMI ISION ORDINANCE ON A 9 E NORTHWEST PART OF L COUNTY, TEXAS, WHICH I 0 F THE CITY COUNCIL IMPROVEMENTS REQUIRED BY 1 A 9.18 ACRE TRACT OF LAND COF L. LANDANT SURVEY NO. 1 CH IS JUST EAST ON F.M. 600 KE FORT PHANTOM HILL. CITY 600 THE 3HT <u>؟</u> 0

Φ Consider Evangelic vangelical request for cal Methodist sanitary Church, sewer waiver on Bishop from Roa Fir ٥ ហ +

Ollows ō \mathbf{z} Φ S olution ---ഗ ⊐ umber Ø α. 20-1987 O) ⊐ ۵ --ហ O മ ptione à O) S

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

+ Resolution election to appointing ь e held May 5, election 1987. judges for Ci+y runoff

ollows: The \boldsymbol{z} Φ solution s numbered 21-1987 and S O aptio \supset Φ മ ທ

A RESOLUTION OF TEXAS, APPOINTI PATE OF COMPENSATION. COUNCIL OF ELECTION F THE CITY AND \ ABILENE,

Consider on Chapter 8, concerning adoption of the subject to certain changes, 0 Construction, adoption of the first reading additions, - an ordinance amending Article VI, Division 6, 1985 Uniform Housing Code and deletions.

g

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.

→ ordinance amendment to Section 23-312, <u>Schedule of District Regulations</u>, 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. Appealed item: Consider 0 first st reading - a zoning 23-312, <u>Schedule of</u> the minimum lot size reading

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.

• Awar of Bid:

Asphalt a Division awarded as Bid #195 an d | tems ltems follows Bids #195, Cement •• and 2, Fina Oil & C and 4, Koch Asphalt American Emulsion Products 198, Fina Oil & Chemical Koch Asphalt Company an Emulsion Asphalt and 199. Street The р <u>і</u> ф Services

1tems 1tems tem 5, American to 6-9, White's 10 and 11, R 1-4, Childs White's Mines nd 11, R. E. J Janes Gravel Company

<u>...</u> #199 #198 1 1 |tems Cement Company Redi-Mix.

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- Cedar Creek The bid was commended by staff. awarded to Bontke Improvement Project -Brothers Phase Construction _
- O as recommended by staff. Three four-wheel riding mowers The bid was awarded to for Parks Divisio Godsey Equipment Company
- α Two ea **≇191.** recommended by staff. each Cab The p ! q and Chassis SPA awar for α. Street Jet Service Hughes D --Φ S Φ __ 8 i d

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

Councilman Wheat moved † seconded by Councilman Nixon and approve † Φ request 0 the the

art display. The motion was seconded by Councilman N motion carried. AYES: Councilman McCaleb, Councilwoman Ray, Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman. NAYS: None.

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

n d ivan Dimock, President of responded to the Council's President of the the Abilene Jaycees, questions. ₹ as 7 Φ S ent

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

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

on Pav 198 Bob Whitehead, Director of Public Works, briefed the in a Resolution awarding the bid for Spring 1987 Saving Assessment Program, and set a public hearing for 987 at 9:00 a.m. Staff recommends approval. Special May Council

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

carried 그 Φ _ ₹ a ഗ Φ cond Φ Δ. O. < Councilwoma ⊐ Ю a ₹ and + ᠴ æ ō †ion

'nе H, Fogi Φ None. O ouncilman on, Nixon McCaleb, Nixon and Mayor Councilwoman Mayor Stubbema ; O 0 uncilm ወ

0 | Ow The 70 Φ solution S num ь е г Ø Δ 22-<u>1987</u> മ ⊐ 9 ທ 0 Ø Ö + 0 \supset Φ α. ω

A RESOLUTION OF TEXAS, AWARDING FOLLOWING NAMED CITY OF ABILENE, ABILENE, AWARDING 유 다 STREETS WITHIN THE TEXAS, TO-WIT: THE ➣ CONTRACT FOR OF THE CORPORATE THE CITY OF AB LIMITS 9F 유문

TINU L = <u>30. WLDE STREET E/C TO E/C</u> Poplar Street from South 17th

Street † Westway Driv

TIND F/C

- -Victoria Lowden Street Redbird Lane 361 WIDE STREETS E/C IO Street † Alley Nor T + \supset 0
- from Hartford Street to Pueblo Str Ф Ф
- 4 20 2 incoln Drive from Ambler † 0 Hillcrest Drive
- Lincoln Dri Hillcrest Lincoln Drive Drive from Lincoln Drive to Alley П Ð S + 0

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

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

aforementioned request, response to the request: Mayor Stubbeman opened a p public public hearing to con following individuals †0 conside spoke 7 + ı, p u

and spo letter <u>₹</u> Company President, favorable co Pete Jones, agent for spoke in favor of the ter to the Council fr plans to consideration Texas Council from purchase Aerospace ion of the †he request. ...
rom Mr. Arthur D. ne item. property. proponent, read read aloud a r D. Smith, requesting as Aerospace pre sen

<u>≤</u> ¥as Gary Ve Vest, and Manager, spoke **_**: Abilene favor of industrial †he item. Τη oundation,

+ Φ рq There blic being no one else hearing was closed e se pres en† Ø n d Ω. Φ siring †0 σ ው ᠴ $\boldsymbol{\omega}$ ard

mo+ o ezone Councilman ₩as from from AO to to LI district as recommended by seconded by Councilman Fogle and the motion Councilman McCaleb, Councilwoman Ray, (Wheat moved to approve the Ordinance staff. for carried. Z-0787 The

Wheat AYES: Counc t, Fogle, Robi NAYS: None. Robinson, McCaleb, Coun Nixon and Mayor Stubbeman. Councilmen

The follows: Ordinanc Φ s numb ered 15-1987 and s -cap tione Ω വ S

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

Joe Reid to (Residential approval. Street. ordinance John considered on second and final reading - Request to add MX (Mixed Use overlay) to underlying ial Multi-Family) district, located at 701-709 to the Planning and Zoning Commission and staff reco Hancock, Principal Planner, briefed the Council .709 Grape recommend 0 from RM-3

 σ 70 esiring Mayor Stubbeman opened a public hearing rementioned request, and there being no iring to be heard, the public hearing was cl hearing closed. one † 0 consider present the and

located at carried. motion Councilman 87 to add N add MX overlay 701-709 Grape (¥ a s seconded Robinson moved to Grape Street, noved to approve the Ordinance zoning to underlying RM-3 Street, as recommended by th hv Councilwoman Ray and th Councilwoman the the staff district motion

Σ NAYS: AYES: Œ None. Councilman ouncilman McCaleb, Robinson, Nixon and Councilwoman R Mayor Stubbeman. Ray, Councilmen

ollows: The 9 dinanc Ø _. ഗ numb Φ 7 Ф Д 16-1987 and _. ഗ O ω ptioned ۵ S

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

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

→ ω avor of forementioned request, Mayor Stubbeman opened the request: and the a public hearing to following individual consider spoke †he _. _.

John Herod, proponent.

+ h Ð public There being no one else present hearing was closed. and desiring ţ Ье heard,

Z-1087 to rezon Block of Locust was seconded by Councilman rezone Robinson moved to approve the Ordinance from RM-3 †0 HC district motion carried. located ٦. The motion †he for 1100

× he of Locust Street, as recommended by the staff. seconded by Councilman Wheat and the motion carrie AYES: Councilman McCaleb, Councilwoman Ray, t, Fogle, Robinson, Nixon and Mayor Stubbeman. NAYS: None. Councilmen

ollows: The Ordinance <u>.</u> numbered 17-1987 and s റ aption ø ۵ ۵

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.

and ordinance considered on second and final reading - ReL. D. Wall, agent, Mike Milano, to rezone from AO (Agopen Space) to PDR Planned Development Residential) located on U. S. Hwy. 277. The Planning and Zoning Staff recommend approval of this request. Hancock, Principal Planner, briefed the (Agricultural Council Request Commission district, 9 from

aforementioned request, favor of the request: Mayor Stubbeman the request: opened and †he വ public hearing following individuals † 0 consi spoke <u>+</u> Φ

- <u>⊀</u> Mike Milano, agent for proponent.
- Frank Murray, property o⊮ner = †he are
- . Wali, proponent.

+ Φ public Ther æ hearing was being no one closed. else present Ø nd ወ ຜ ∹ ing ţ **D** Φ \supset Φ ä

only. ¥ :+ b 7 motion carried.

AYES: Councilmen McCaleb, rezone h the a Councilman The e from AO to addition of motion was Nixon moved to moved to approve the Ord PDR district located on a limitation for single seconded by Councilman located on ordinance for Z-1181 ed on U. S. Hwy. 277, ngle story structures lman Robinson and the

Wheat, Fogle, Robinson, Nixon

Mayor Stubbeman.

NAYS: NO ABSTAIN: None.

Councilwoman Ray.

ollows: The Ordinanc Φ . ა number Φ α 18-1987 an d S O ω b + 0 = Φ α. മ

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

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

 $+\omega$ forementioned request, avor of the request: Mayor Stubbeman opened request: and the p public hearing following ng to consider individuals spot spoke the

Mr. M. B. Eitelman, proponen

There being no one else hearing was closed. present and desiring †0 σ Φ _ ear

ezone Councilman McCaleb moved to approve the Ordinan ezone from 0 to LC district located at S. 2 lo Gap Road, as recommended by the staff. The ded by Councilman Wheat and the motion carried. AYES: Councilman McCaleb, Councilwoman Ray AYES, Robinson, Nixon and Mayor Stubbeman. the Ordinance S. 27+ The motion h St. for Z-1287 an d

Buffalo Gap Road, as recomm seconded by Councilman Wheat AYES: Councilman McCa Wheat, Fogle, Robinson, Nixon NAYS: None. Councilwoman Ray, Councilmen

oilows: The 9 dinance S. numbered and O ap† Ø

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

name of Wise Street to Zoo Lane. The Planning and Zoning Commission, Plat Review Committee, and Staff recommend approval of this request. ordinance considered on second and final reading john Hancock, Principal Planner, briefed the Council Request on from

aforementioned request, favor of the Mayor Stubbeman opened 0 the request: ened a public hearing to consider the and the following individuals spoke i

Melissa Owen, Society, spoke Owen, , volunteer for Abile in favor of the request. Abilene Zο 0 _ 0 gic <u>ი</u>

There being no one else public hearing was closed. present and desiring † σ ወ heard

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

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

follows: The Ordinance __. :S numbere َـ 20-1987 വ ⊐ Ω. ---ທ O D O tione Ω. വ (A)

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

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

aforementioned request, response to the request: Mayor Stubbeman opened a mentioned request, and the public hearing to consider of following individuals spoke spoke †he **_**∙

AGAINST:

- Olivia Lackey, 718 Mulberry, works ancake House, 4023 | at Pancake Hous
- Joe Mills, owner of Western Sizzlin Restaurant, 1802 S. Clack. Handed out a at their Restaurant in regard to smoking, that 84% of his clients are smoker. which Steak Hous survey take showed

- are not that 84% of his clients are smokers.
 Pearl Riley, 1450 Green.
 Louise Green, 773 Ballinger.
 Sharon Allen, 1002 Larned Lane, President
 Area Restaurant Association, and restaur Area Kestaurant Association, and restaurant owner. About 60% of surveyed restaurants show their clients are smokers. The Association requests that the Council act cookers. smokers. Ine specify the percentage are specify the percentage are area o f smokers o f versus Abilene

- Bonnie Forbes, 1710 S. 32nd, hair salon owner Elaine Willingham, Classic Hair Design, 1 (against the business regulations only).

 Dennie Marsalis, small business owner. 109 Sayle

FOR:

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

†he There public being no one else present hearing was closed. and desiring ţ ტ **ө** heard,

0 0 Councilman Nixon moved approval of moking in public meetings, public mployment. The motion was seconded by of the ordinance relic places, and pl by Councilman Fogle. regulating

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

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

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.

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

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

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

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 mo†ion S S D ¥ seconded **6 4** 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.

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

For clarification, the word "room" was changed motion before the Council is as follows: as follows: to Mare a = מ рu

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. mployment The person n in charge of public designate a smoking a construction of a verified number of the way to annot designate the way to annot designate the way to be a construction of the construction of places es or r place ting the smoking acity of о ф е

in order to proportion the area of smoking. It was cobased upon testimony at the public hearing, the documentation kept by the restaurant owner or employer number of users would be sufficient. owners Additional discussion 9 places of scussion ensued concerning employment would verify the concerning number of ло • was concluded, ig, that some restaurant showing smokers

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

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 area. and having more

motion carried

AYES: AYES: Councilman, Fogle, Robinson, NAYS: None. as follows:
McCaleb, Councilwoman R
Nixon and Mayor Stubbeman. Councilmen

+he the ordinance, with amendments, on second and final reading regulating smoking in public meetings, public places, and place of employment. The motion was seconded by Councilman Fogle and Therefore, the main motion before the Council is to approve final reading es, and places lman Fogle and

Fogle, motion carried AYES: Counc tion carried as follows: YES: Councilman McCaleb, Robinson, Nixon and Mayor (AYS: Councilman Wheat. Stubbeman. Councilwoman Ray, Councilmen

NAYS:

follows: The Ordinance s S numbered 21-1987 and _. O aptio コ Φ Δ. S CD

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.

no action taken. Council reconvened from executive session and reported

4 There being 12:30 p.m. p.m. n o further business, the meeting ¥as adjourned

Patricia Hancock City Secretary

Ďavid Stubbeman Mayor