

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chamber of the City Hall on Thursday, February 11, 1982, at 9:00 a.m.

CITY COUNCIL: Mayor Elbert E. Hall; Council - Seaton Higginbotham, Dick Bowen, Juan C. Rodriguez, A. E. Fogle, Jr., L.D. Hilton and Kathy Webster.

1. Call to Order.
2. INVOCATION: Councilman A. E. Fogle, Jr.
3. APPROVAL OF MINUTES: Special Workshop held January 25, 1982 & Regular Meeting held January 28, 1982.
4. AWARDS & PRESENTATIONS:

Graduation of the Police Cadets - 27th Police Academy.

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 request, in which event the item will be removed from the general order of business and considered in its normal sequence.

5. Ordinances
 - a. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to LC (Limited Commercial) District, located at North 3rd & Mockingbird & set a public hearing for February 25, 1982, at 9:00 a.m.
 - b. Consider on first reading - street name change, being Corey Drive to Crossroads Drive & set a public hearing for February 25, 1982, at 9:00 a.m.
 - c. Consider on first reading - reclassification request from GC & RM-2 (General Commercial & Residential Multi-Family) to PDR (Planned Development Residential) District, located in the 3100 Block of Curry Lane & set a public hearing for February 25, 1982, at 9:00 a.m.
 - d. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) District, located on Hwy 80 west & set a public hearing for February 25, 1982, at 9:00 a.m.
 - e. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) District, located at 833 & 841 T & P Lane & set a public hearing for February 25, 1982, at 9:00 a.m.
 - f. Consider on first reading - reclassification request from AO & RS-8 (Agricultural Open Space & Residential Single Family) to RS-6 (Residential Single Family) District, located west of Presidio Drive & set a public hearing for February 25, 1982, at 9:00 a.m.
 - g. Consider on first reading - reclassification request from LI (Light Industrial) to HI (Heavy Industrial) District, located at 3957 East Hwy 80 & set a public hearing for February 25, 1982, at 9:00 a.m.
6. Resolutions
 - a. Consider request from First State Bank for utility easement abandonment, legal description being the north 20' of South 5th Street and a 20' north-south utility easement in Lot 101, Block A, replat of all of Blocks 54 & 87, Original Town, and a portion of South 5th Street closed.
 - b. Consider appointment of Boards & Commissions.
 - c. Authorizing the City Manager to sign Civic Center Preventive Maintenance Contract.
7. Request to Advertise
 - a. Improvements on Barrow Street for sale.
 - b. Real Estate on Barrow Street for sale.
 - c. Oil & Gas Leases on City Land - vicinity of Kirby Lake.
 - d. Demolition of Water Tower at North 17th & Merchant.

REGULAR AGENDA

8. Public Appearance
 - a. Earnest Allen - Discussion of Extending Late Hours.
9. Public Hearings
 - a. Consider on second and final reading - ordinance setting Lone Star Gas Rates.
 - b. Consider on second and final reading - thoroughfare abandonment, being a 20'x 56.75' east-west alley in Lot 1, and part of Lot 2, Block 42, extension of Lakeside Addition.
 - c. Consider on second and final reading - thoroughfare abandonment, being a 20' east-west alley in Block 42, Continuance of Lakeside Addition extending east from a north-south alley and lying between Lots 2, 3 & 11-15 and Lots 7 & 16-21.
 - d. Consider on second and final reading - thoroughfare abandonment, being .02 acres & being a part of an east-west alley abutting the north property line of Three Fountains Addition located between South 23rd & South 25th and between Highland & Ross Avenue.
10. Ordinances
 - a. Consider on first reading - ordinance regulating the water and sewer rates.
 - b. Tabled Item:
Consider on second and final reading - reclassification request from RS-12 (Residential Single Family) to RM-3 (Residential Multi-Family) located at 3400 South 14th.
11. Resolutions
 - a. Authorizing the Mayor to execute a contract for Professional Services with Freese & Nichols, Inc.
 - b. Consider returned check charges.
12. Other Business
 - a. Discussion of Jones County Fire Contract.
 - b. Consider acquisition of property for Transit Maintenance Facility.
 - c. Acquisition of Real Property for Open Space in Northeast Abilene.
 - d. Pending and contemplated litigation.

ADJOURN

I hereby certify that the above notice of meeting was posted on the bulletin Board at the City Hall of the City of Abilene, Texas, on the 8 day of February, 1982 at 8:50 A.M.

Ruth H. Ogden
City Secretary

CHAMBER OF THE CITY COUNCIL,
CITY HALL, THE CITY OF ABILENE, TEXAS.

The City Council of the City of Abilene, Texas, met in Regular Session, Thursday, February 11, 1982, at 9:00 a.m., with Mayor Elbert E. Hall, present and presiding. Councilmen Higginbotham, Dick Bowen, Juan C. Rodriguez, A.E. Fogle, Jr. & L.D. Hilton, present. Councilwoman Kathy Webster, absent. City Manager Ed Seegmiller, City Attorney Harvey Gargill & City Secretary Ruth Hodgins, present.

Invocation by Councilman Fogle.

Minutes of Special Workshop held January 25, 1982, & Regular Meeting held January 28, 1982, were approved as written.

Ruth Hodgins, City Secretary, administered the Oath of Office to six POLICE-cadets and two Airport Security Guards, who have graduated from the 27th AIRPORT SECURITY Police Academy.

Mayor Hall presented graduation certificates to the six graduating cadets and two Airport Security Officers.

Councilman Hilton moved passage of the consent items listed below with the exception of 6b, which will be voted upon separately. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton & Mayor Hall.

NAYS: None.

5. Ordinances

- a. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to LC (Limited Commercial) District, located at North 3rd & Mockingbird & set a public hearing for February 25, 1982, at 9:00 a.m.

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| AN ORDINANCE AMENDING CHAPTER 32, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING. | ZONING-RE RM-2 to LC N. 3rd & MOCKINGBIRD 1ST READING |
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- b. Consider on first reading - street name change, being Corey Drive to Crossroads Drive & set a public hearing for February 25, 1982, at 9:00 a.m.

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| AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF COREY DRIVE TO CROSSROADS DRIVE. | STREET NAME CHANGE- COREY DRIVE TO CROSS ROADS DRIVE 1ST READING |
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- c. Consider on first reading - reclassification request from GC & RM-2 (General Commercial & Residential Multi-Family) to PDR (Planned Development Residential) District, located in the 3100 Block of Curry Lane & set a public hearing for February 25, 1982, at 9:00 a.m.

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| AN ORDINANCE AMENDING CHAPTER 32, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING. | ZONING-RE GC & RM-2 TO PDR 3100 BLK. CURRY LANE 1ST READING |
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- d. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) District, located on Hwy 80 west & set a public hearing for February 25, 1982, at 9:00 a.m.

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| AN ORDINANCE AMENDING CHAPTER 32, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING. | ZONING-RE AO TO HI HWY 80 WEST 1ST READING |
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- e. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) District, located at 833 & 841 T & P Lane & set a public hearing for February 25, 1982, at 9:00 a.m.

Mr. Cargill said that if the Council changed the ordinance, it would apply to all businesses with on-premise consumption.

After discussion, it was the consensus of the Council to take this request from Mr. Allen under advisement, concerning late hours.

Roy McDaniel, Director of Finance, said that we have had a request from Lone Star Gas for a Rate Increase. He said that after adjusting Lone Star's figures to be consistent with current consultant recommendations and the philosophy of the Texas Railroad Commission, the request has been reduced from \$365,372 to \$152,557. The adjustments made were a reduction of the invested capital based on deleting the unrestored investment tax credit and the inactive customer deposits. The second adjustment was to their weighted cost of capital, which is a change from a 17% return on common equity to 15% on common equity, making their weighted cost of capital 13.08% instead of 13.23%. With these adjustments, Lone Star's additional revenue needs would be \$152,557 for the adjusted tax year of 1980, however, because the length of time involved since the original test year, Lone Star has asked that we give consideration to an inflationary factor for 1981.

Mr. McDaniel said that in reworking the figures for 1981, he thinks the total adjustment of \$335,561 is probably justified, with the inflation factor included.

Mayor Hall opened public hearing on the Lone Star Gas Rate Increase request.

Marthe Harmon, Lone Star Manager, said that the Company needed the increase to continue the good service that they had been giving their customers. She said that the Company needed the Council to consider "a cost of service adjustment", which would have Lone Star Gas annually filing a statement with the City showing increased operating expenses for the past year. Then if there were no objections, the Company could adjust their rates accordingly.

Rick Vaughn, Director of Community Services, listed several advantages of allowing a cost of service adjustment; customers would pay smaller, annual increases rather than larger lump sum rate hikes, and thus could better budget for them. It would defer full deficiency rate filings that address increases in plant investment as well as increases in operating expenses; and the adjustment would come at a time of year when bills traditionally decline with the return of warm weather.

Vida Wills, 1255 Matador, said that the old people are having problems with their high bills. She said that she could not understand hers being so high, since she lives in a one room apartment.

Mrs. J. D. Morris, 1642 Sycamore, asked for explanation regarding several bills that she had received, because they were not consistent, gas cost wise.

Mrs. Harmon explained that they had to pay for the gas at the gate rate, and it was not always the same.

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

After much discussion, Councilman Hilton moved passage of the ordinance allowing the reduced request of \$152,557, plus \$183,004, for the inflation factor, bringing the total revenue increase to \$335,561 a year. The motion was seconded by Councilman Bowen.

The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.

NAYS: None.

Mr. Seegmiller said that we need to encourage Lone Star Gas to submit their rate request on a more timely basis and give us more up-dated figures to work with when they do submit.

AN ORDINANCE AMENDING CHAPTER 32, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

ZONING-RE
RS-6 TO RM-2
833 & 841
T & P LANE
1ST READING

f. Consider on first reading - reclassification request from AO & RS-8 (Agricultural Open Space & Residential Single Family) to RS-6 (Residential Single Family) District, located west of Presidio Drive & set a public hearing for February 25, 1982, at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 32, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

ZONING-RE
RS-8 TO RS-6
WEST OF
PRESIDIO DRIVE
1ST READING

g. Consider on first reading - reclassification request from LI (Light Industrial) to HI (Heavy Industrial) District, located at 3957 East Hwy 80 & set a public hearing for February 25, 1982, at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 32, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

ZONING-RE
LI TO HI
3957 E HWY 80
1ST READING

6. Resolutions

a. Consider request from First State Bank for utility easement abandonment, legal description being the north 20' of South 5th Street and a 20' north-south utility easement in Lot 101, Block A, replat of all of Blocks 54 & 87 Original Town, and a portion of South 5th Street closed.

EASEMENT
FROM CITY
1ST STATE BANK
BLKS. 54 & 87
ORIGINAL TOWN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED EASEMENT RELEASE.

b. Consider appointment of Boards & Commissions.

BD. APPT.
BD. OF ELECT.
EXAMINERS

Councilman Hilton moved adoption of the appointment of Master Electrician James S. Martin, replacing Alvin E. Braune, who resigned. The motion was seconded by Councilman Rodriguez. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton & Mayor Hall.

NAYS: None.

c. Authorizing the City Manager to sign Civic Center Preventive Maintenance Contract.

CIVIC CENTER-
PREVENTIVE
MT. CONTRACT

7. Request to Advertise

a. Improvements on Barrow Street for sale.

b. Real Estate on Barrow Street for sale.

c. Oil & Gas Leases on City Land - vicinity of Kirby Lake.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, GIVING NOTICE OF INTENTION TO LEASE CITY OWNED MINERAL RIGHTS FOR OIL AND GAS PURPOSES AND CALLING A PUBLIC HEARING.

LAND SOLD-
ON BARROW ST.
OIL & GAS
LEASE-AUTH. TC
ADVERTISE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, GIVING NOTICE OF INTENTION TO LEASE CITY OWNED MINERAL RIGHTS FOR OIL AND GAS PURPOSES AND CALLING A PUBLIC HEARING.

d. Demolition of Water Tower at North 17th & Merchant.

WATER-
DEMOLITION
OF WATER TOWER

Mr. Earnest Allen, 608 N. 14th and Manager of the Bull Palace, spoke to the Council, requesting that he be allowed to sell beer and wine at his restaurant after 12:15 a.m. on weekdays and after 1:15 Sunday (Saturday night). He said that he would have to be allowed to stay open later than everyone else, or he would not get any business.

ALCOHOL
BEVERAGE COM.
REQUEST FOR
LATE HOURS

Councilman Hilton said that he would not be in favor of changing the hours, because people needed to be getting home, so that they could get to work the next day.

AN ORDINANCE FIXING AND DETERMINING THE GENERAL SERVICE RATE TO BE CHARGED FOR SALES OF NATURAL GAS TO RESIDENTIAL AND COMMERCIAL CONSUMERS IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS; PROVIDING FOR THE MANNER IN WHICH SUCH RATE MAY BE CHANGED, ADJUSTED, AND AMENDED; AND PROVIDING FOR A SCHEDULE OF SERVICE CHARGES.

Mayor Hall opened public hearing on an ordinance providing for a thoroughfare abandonment, being a 20'x 56.75' east-west alley in Lot 1, and part of Lot 2, Block 42, extension of Lakeside Addition.

Mayor Hall asked Mr. Collier to brief the Council on the provision.

Mr. Collier said that the Staff recommended passage of the ordinance, subject to the retention of an east-west 20' in width and 56.75' in length access, utility and drainage easement on the south side of Lot 1, and part of Lot 2, Block 42, extension of Lakeside Addition.

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

Councilman Bowen moved passage of the ordinance on second and final reading providing for a thoroughfare abandonment, being a 20' x 56.75 east-west alley in Lot 1, and part of Lot 2, Block 42, extension of Lakeside Addition, subject to the above recommended retention of access, utility and drainage easement. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.

NAYS: None.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

THOROUGHFARE
ABANDONMENT-
LAKE-SIDE
ADDITION
FINAL READING

Mayor Hall opened public hearing on an ordinance providing for a thoroughfare abandonment, being a 20' east-west alley in Block 42, Continuation of Lakeside Addition, extending east from a north-south alley and lying between Lots 2, 3 & 11-15 and Lots 7 & 16-21.

Mayor Hall asked Mr. Collier to brief the Council on the provision.

Mr. Collier said that the Staff recommended passage of the ordinance, subject to retention of an access, utility and drainage easement the length and width of the alley.

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

Councilman Higginbotham moved passage of the ordinance on second and final reading providing for a thoroughfare abandonment, being a 20' east-west alley in Block 42, Continuation of Lakeside Addition, extending east from a north-south alley and lying between Lots 2, 3 & 11-15 and Lots 7 & 16-21, subject to the above recommendations of retention of access, utility and drainage easement the length and width of the alley. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.

NAYS: None.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

THOROUGHFARE
ABANDONMENT-
CONT. OF LAKE-
SIDE ADDITION
FINAL READING

Mayor Hall opened public hearing on an ordinance providing for a thoroughfare abandonment, being .02 acres & being a part of an east-west alley abutting the north property line of Three Fountains Addition located between South 23rd & South 25th and between Highland & Ross Avenue.

Mayor Hall asked Mr. Collier to brief the Council on the provision.

Mr. Collier said that the Staff recommended approval.

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

Councilman Bowen moved passage of the ordinance on second and final reading providing for a thoroughfare abandonment, being .02 acres & being a part of an east-west alley abutting the north property line of Three Fountains Addition located between South 23rd & South 25th and between Highland & Ross Avenue. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.
NAYS: None.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

Mr. McDaniel said that it was imperative that new water & sewer rates be in effect prior to any bond sale so that we can show potential bond buyers and the rating agencies we do intend to keep the water and system financially sound.

Mr. McDaniel also pointed out that a rate hike in the water & sewer department services is needed to counter higher operating and debt service expenses and to satisfy requirements of a federal wastewater treatment plant expansion grant.

Mr. McDaniel said that he recommended that we adopt the proposed water rates and the proposed sewer rates at 29¢ volume charge, effective March 1, 1982, with the surcharge penalty not to be effective until some later date.

After discussion, Councilman Bowen moved passage of the ordinance on first reading increasing the water & sewer rates by the above recommendations and set a public hearing for February 25, 1982. The motion was seconded by Councilman Higginbotham. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.
NAYS: None.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 24, SEWERS, OF THE ABILENE MUNICIPAL CODE, PROVIDING FOR AN INCREASED SEWER RATE AND CHARGES.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 31, WATER, OF THE ABILENE MUNICIPAL CODE, CONCERNING RATES FOR WATER CONSUMPTION TO PROVIDE FOR AN INCREASE IN THE RATE OF CHARGE; PROVIDING AN EFFECTIVE DATE.

Councilman Hilton made the motion to remove from the table, an ordinance reclassifying from RS-12 (Residential Single Family) to RM-3 (Residential Multi-Family), located at 3400 South 14th. The motion was seconded by Councilman Fogle. The motion carried as follows: FINAL READING
AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.
NAYS: None.

Mayor Hall asked Mr. Collier to brief the Council on the reclassification.

Mr. Collier said that the Staff felt that Townhouses would be a good use for the property, but that it had been denied by the Planning & Zoning Commission.

Bob Hanna, Attorney, representing the owner of the property said that they had met with the people in the neighborhood, and agreed to put covenants that go with the land on record at the County Clerk's Office which are: (1) That there will be no automobile access off or either onto the alley easement from this property. (2) If a two-story townhouse is erected, there will be no windows, doors or decks facing the west or the south. (3) If townhouses are built, they will not exceed four units in number.

Mrs. Virginia English, 1417 Sylvan, said that she had contacted everyone who had signed the petition, giving them a copy of the discussed covenants and she has not heard any complaint from anyone. So the opponents to the reclassification are withdrawing their objections.

Councilman Higginbotham moved passage of the ordinance on second and final reading reclassifying from RS-12 to RM-3 District, located at 3400 South 14th. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 32, "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.

Dwayne Hargeshelmer, Director of Utilities, presented the proposal from Freese & Nichols, Inc. for professional services relating to the increase in capacity of the Lake Fort Phantom Hill Raw Water Delivery System. He explained that the maximum fee for performing this study and preparing the design report will be \$19,000.

WATER & SEWER
PROJECT-
AUTH. MAYOR TO
SIGN CONTRACT
FOR PROF.
SERVICES,
TABLED

Councilman Hilton questioned how much the company would get when they constructed the facility at the lake. He said that he felt that if they charged the full 7%, we should get credit for the \$19,000, which they had charged for performing this study and preparing the design report.

Mr. Hargeshelmer said that he felt that we would be getting some credit on the \$19,000 charge, but he did not know how much. He would be glad to approach Freese & Nichols, Inc. on the question and would come back to them later with the answer.

Mayor Hall said that we should be getting some credit, in the event of construction of the Lake Fort Phantom Hill Raw Water Delivery System.

Mr. Seegmiller said that the reason that we needed to move on it, so that once they take a look at the final design, we could authorize them to prepare plans and specifications, so that we would not linger after we get the bond funds approved. He said we would like to put that under contract as soon as possible, which would save a lot of dollars.

After discussion, Councilman Bowen moved that we table the decision of authorizing the Mayor to sign a contract for professional services with Freese & Nichols, Inc. until the company has been approached on what kind of credit the City will receive from the design work charge of \$19,000. The motion was seconded by Councilman Rodriguez. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.

NAYS: None.

Mr. McDaniel presented the item regarding a returned check charge, because it has become a problem with all of our cash collecting areas. He said he would recommend a \$7.50 returned check charge, beginning March 1, 1982.

RETURNED
CHECKS-
AUTH. CHARGE
OF \$7.50

After discussion, Councilman Bowen moved to authorize the City to charge \$7.50 for returned checks beginning March 1, 1982. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.

NAYS: None.

FIRE
CONTRACTS
DISCUSSION

Chief James Pogue explained that the City has previously had fire contracts with Jones County, individuals in Jones County. They have all expired and just as a good neighbor policy, the City Fire Department has continued to honor these contracts. He said that the time has come, when we need to make a decision on what would be best for the City to do.

Since the Jones County Fire Contract has expired, they have established a couple of Volunteer Departments. Hamby & Hawley are both well qualified volunteer departments.

After contacting Jones County Officials, we have been notified that if we want to fight fires in Jones County, we need to contract with individuals.

Chief Pogue said that we might work out a mutual aide agreement with the small Fire Departments, like Hamby and Hawley. We still have the Pride Refinery, which is in Jones County and he said that he did not think that the small departments could handle a major fire at Pride Refinery.

Chief Pogue said that he recommended that we go to the County line, notify these people that we have had contracts with in the past that Hawley and Hamby would be able to take care of their needs.

Mr. Seegmiller said that it appeared that Jones County Officials did not seem to be interested. It seemed that they felt that we were trying to drum up business and was not the intent at all. He said that he felt it should be their job to do the book work, and worrying about who was going to fight fires.

Chief Pogue said that we had worked out mutual aide agreements with people close by like the City of Clyde, Sweetwater to aid them if they had more than they could handle. They would do the same for us, if we had something on the county line that they could help us with. He said that if we are to take care of Pride Refinery, it would have to be a separate contract.

Councilman Hilton moved that we do not fight fires for anyone outside the City Limits, unless we have a mutual aide agreement or contract signed by those outside our City Limits. We have one with Taylor County and with Clyde, honor those, he said, and try to work out mutual aid agreements with Hawley and Hamby, and a contract with Pride. The motion was seconded by Councilman Bowen. The motion carried as follows:

AYES: Councilmen Higginbotham, Bowen, Rodriguez, Fogle, Hilton, & Mayor Hall.

NAYS: None.

Mayor Hall said that he felt that it would be good, if the Council would review the mutual aide agreements.

Councilman Fogle said that he felt that we were going to accomplish our purpose here, but he was sympathetic with Pride. They are good neighbors and they have offices in the city and thats a special situation. Maybe annexation is the answer to it, he said.

Wayne Kurfees, Director of Traffic & Transportation, said that back in March, 1981, the Council approve two changes in our Transit System. We retained a management firm to furnish us with the professional expertise that we were lacking. We also made a change in how we operate our system. He said that they recommended that the Transit System be reorganized as an entity, with the maintenance and supervision be under the Transit Manager. Since June 9, 1981, we have been operating as an entity.

TRANSIT SYSTEM
AUTH. TO PURC.
MT. FACILITY

Back in March, the Council authorized us to apply for a grant to try to get 80% federal funding & 13% state funding to acquire a permanent maintenance facility. We were required to make our grant application site specific and this was done back in the fall. Then we filed an amended application, with the former Pontiac Dealership location, being selected as the site for our transit maintenance facility. At the end of December, the grant was approved, then announced thirty days later. We are now in the position to make an offer to buy a site, if we decide to continue to maintain the buses under the supervision of the Transit System. He said that he would certainly recommend that the Transit System remain in charge of the buses.

The Urban Mass Transportation has reviewed the appraisals that were made on the Pontiac Dealership and they concurred in the value of \$371,455 as a fair price to offer for the property.

Councilman Higginbotham voiced his opinion that he was afraid the planned bus facility at South Second and Sycamore, would turn out to be a white elephant.

Mr. Kurfees also explained that since the transfer station was only a few blocks away, it might be more cost effective if the maintenance facility and transfer station were combined.

After much discussion, Mayor Hall moved that we give the go ahead on negotiating for purchase of the facility at South Second and Sycamore, for a Transit Maintenance Facility and possibly a transfer station. The motion was seconded by Councilman Fogle. The motion carried as follows:
AYES: Councilmen Bowen, Rodriguez, Fogle, Hilton & Mayor Hall.
NAYS: Councilman Higginbotham.

If the building were ever sold, the money would have to be shared as the expense of purchasing it was done, with the State receiving 13%, the City 7% and the Federal Government 80%, Mr. Kurfees said.

Mr. Kurfees reported increased ridership which is good for our Transit System and will be bringing a report to the Council at a later date.

Mr. Seegmiller said that Councilwoman Webster was concerned about the marketing end of it, to try to improve the ridership on our buses.

The Council went into executive session to discuss pending & contemplated litigation and to discuss the acquisition of real property.

Mayor Hall had to leave the meeting.


The Council returned from the Executive Session, no further action was taken.

There being no further business, Mayor Pro Tempore Bowen adjourned the meeting at 12:40 p.m.

CITY COUNCIL
EXECUTIVE
SESSION - NO
ACTION



City Secretary



Mayor Elbert F. Hall