

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, June 24, 1982, at 9:00 a.m.

CITY COUNCIL: Mayor Elbert E. Hall; Council - Dr. Julian Bridges, Billye C. Proctor, Juan C. Rodriguez, A. E. Fogle, Jr., L. D. Hilton, and Kathy Webster.

1. Call to Order.
2. INVOCATION: Councilman Julian Bridges.
3. APPROVAL OF MINUTES: Council Retreat held June 1, 2 & 3, 1982, & Regular Meeting held June 10, 1982.
4. AWARDS & PRESENTATIONS:

Jose Loya	Equipment Operator	Street Division	30 Years
Edward D. Essex	Treatment Plant Operator	Water Production	25 Years

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 - adoption of New Mechanical Code & set a public hearing for July 8, 1982, at 9:00 a.m.
 - b. Consider on first reading - adoption of New Fire Code & set a public hearing for July 8, 1982, at 9:00 a.m.
 - c. Consider on first reading - clarification of status of Code Amendments between December, 1981 & May, 1982.
 - d. Consider on first reading - clarification of status of Code Amendments since May, 1982.
 - e. Consider on first reading - thoroughfare abandonment, being a portion of Westdale Circle at the cul-de-sac and a 30' alley between Lots 12-18 & 7-11 & 19, Block B, south portion of Westdale Village Addition & set a public hearing for July 8, 1982, at 9:00 a.m.
 - f. Consider on first reading - amending Chapter 18, Section 297, "Motor Vehicles and Traffic", concerning stopping, standing & parking generally.
6. Resolutions
 - a. Consider contract with Southwest Savings & Loan for a Pay Station for City of Abilene Utility Bills.
 - b. Consider authorizing the Mayor to execute an amendment to the Engineering Agreement for services on Step II of the Wastewater Treatment Plant Project.
7. Award of Bids
 - a. Fence Materials for Parks Division.
 - b. Outdoor Civil Defense Warning Sirens.
 - c. Air Conditioning - Police Department.
 - d. Pavement Marking Materials - Traffic.
8. Request to Advertise
 - a. To resurface Buffalo Gap Road from Winters Freeway to Curry Lane.
 - b. Commercial Refuse Containers for Refuse Collection Division.
 - c. Renovation of City Hall Office Space.

REGULAR AGENDA

9. Public Appearances
 - a. Dr. David Ramsey concerning Redbud Park.

10. Public Hearings
- a. Consider on second and final reading - reclassification request from MH, AO, & SC (Mobile Home, Agricultural Open Space, & Shopping Center) to GC & O (General Commercial & Office) Districts, located at Texas Avenue & US Hwy 277.
 - b. Consider on second and final reading - reclassification request from AO & HI (Agricultural Open Space & Heavy Industrial) to PDD (Planned Development) District, located between S. 25th & S. 26th.
 - c. Consider on second and final reading - reclassification request from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located in the 4100 Block of Russell Street.
 - d. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-12 (Residential Single Family) District, located on Hillview Road & Bluff Crest Lane.
 - e. Consider on second and final reading - reclassification request from SC (Shopping Center) to RM-2 (Residential Multi-Family) District, located at Texas Avenue & Quail Run.
 - f. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RM-2 (Residential Multi-Family) District, located on Texas Avenue.
 - g. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-12 (Residential Single Family) District, located on FM 600.
 - h. Consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located at S. 7th & Redbird Lane.
 - i. Consider on second and final reading - reclassification request from AO, GC, & RM-3 (Agricultural Open Space, General Commercial, & Residential Multi-Family) to RM-2 & GC (Residential Multi-Family, & General Commercial) Districts, located on Martin Drive.
 - j. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) District, located at Maple Street & Executive Drive.
 - k. Consider on second and final reading - amending Chapter 19, pertaining to Nuisances.
 - l. Consider on second and final reading - amending the Refuse Code concerning Credit for Non-Occupancy.
11. Ordinances
- a. Consider on second and final reading - amending Section 18-204, Parking Private Property---signed.
 - b. Consider on first reading - amending Chapter 13, Section 37, location of structures & elevations at Lake Fort Phantom.
12. Resolutions
- a. Consider authorizing Depository Contracts and acceptance of Pledges.
 - b. Consider lease agreement with Abilene Boys Ranch, of City owned land.
 - c. Consider Goodflow Relocation Assistance Payment for J.B. Bryant.
 - d. Consent for creation of lien on Air Center Lease at Airport.
 - e. Consider resolution awarding a contract for the Wastewater Treatment Plant Project and authorizing the Mayor to execute such contract.
 - f. Consider authorizing condemnation of certain lands in connection with Antilley Road bridge widening project.
 - g. Consider authorizing condemnation of certain lands in connection with Barrow Street widening project.
13. Other Business
- a. Discuss ETJ Platting Problem.
 - b. Discuss Fort Phantom Hill Water Extensions.
 - c. Tabled Item:
Award of Bid: Lights at Lee Athletic Complex.
 - d. Discuss Blighted area guidelines.
 - e. Discussion and appropriate action regarding Southwestern Bell rate request.
 - f. Pending and contemplated litigation.

ADJOURN

WHEREAS, there is an urgent public necessity, to-wit: that the continued progress on the Barrow Street widening project not be delayed; therefore, it is necessary that the City Council consider the following item at their 9:00 a.m., June 24, 1982- Regular Council Meeting.


13 c-1

Award of Bids

Consider the sale of surplus real estate on Barrow Street.

CERTIFICATE

I hereby certify that the above notice of meeting of the City Council of the City of Abilene to be held at 9:00 a.m., June 24, 1982, at the City Hall was posted on the bulletin board on the 23rd day of June, 1982, at 9:50 a.m.


Assistant City Secretary

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

The City Council of the City of Abilene, Texas, met in Regular Session, Thursday, June 24, 1982, at 9:00 a.m., with Mayor Elbert E. Hall, present and presiding. Councilman Julian Bridges, Councilwoman Billye Proctor, Councilmen A.E. Fogle, Jr., L.D. Hilton & Councilwoman Kathy Webster present. Councilman Juan C. Rodriguez absent. City Manager Ed Seegmiller, City Attorney Harvey Cargill & City Secretary Ruth Hodgkin, present.

Invocation by Councilman Bridges.

Minutes of last Regular Meeting held June 10, 1982, & Council Retreat held June 1, 2, 3, 1982, were approved as written with two corrections.

Mayor Hall presented Service Awards to the following employees:
Jose Loya - Street Division - 30 Years
Edward D. Essex - Water Production - 25 Years

COMMENDING
EMPLOYEES
SERVICE
AWARDS

Councilwoman Webster moved passage of all the consent items listed below.

The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

5. Ordinances

- a. Consider on first reading - adoption of New Mechanical Code & set a public hearing for July 8, 1982, at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 8, "Construction Regulations" BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

ADOPTION OF
NEW MECHANICAL
CODE-1ST RD.

- b. Consider on first reading - adoption of New Fire Code & set a public hearing for July 8, 1982, at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 10, "FIRE PROTECTION AND PREVENTION" BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

ADOPTION OF
NEW FIRE
CODE, 1ST RD.

- c. Consider on first reading - clarification of status of Code Amendments between December 1981 & May 1982.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS CLARIFYING THE STATUS OF AND REMOVING ANY DOUBT CONCERNING THE EFFECT AND VALIDITY OF ALL ABILENE MUNICIPAL CODE AMENDMENTS MADE BETWEEN DECEMBER 3, 1981 AND MAY 1, 1982, AND DECLARING AN EMERGENCY.

CODE STATUS
CLARIFICATION
EMERGENCY RD.

- d. Consider on first reading - clarification of status of Code Amendments since May, 1982.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, CLARIFYING THE CODIFICATION OF AMENDMENTS TO THE CITY CODE/SINCE THE EFFECTIVE DATE OF THE NEW CITY CODE ON MAY 1, 1982, AND DECLARING AN EMERGENCY.

CODE STATUS
CLARIFICATION
EMERGENCY RD.

- e. Consider on first reading - thoroughfare abandonment, being a portion of Westdale Circle at the cul-de-sac and a 30' alley between Lots 12-18 & 7-11 & 19, Block B, south portion of Westdale Village Addition & set a public hearing for July 8, 1982, at 9:00 a.m.

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-
WESTDALE
CIRCLE-
1ST RD.

- f. Consider on first reading - amending Chapter 18, Section 297, "Motor Vehicles and Traffic," concerning stopping, standing & parking generally.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

TRAFFIC CODE
AMENDED-
STANDING,
STOPPING, ETC
1ST RD.

6. Resolutions

- a. Consider contract with Southwest Savings & Loan for a Pay Station for City of Abilene Utility Bills.

WATER-
CONTRACT FOR
UTILITY BILLS-
SW SAVINGS &
LOAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A CONTRACT WITH SOUTHWEST SAVINGS AND LOAN FOR PAY STATION FOR CITY OF ABILENE UTILITY BILLS.

- b. Consider authorizing the Mayor to execute an amendment to the Engineering Agreement for services on Step II of the Waste-water Treatment Plant Project.

WATER PROJECTS
AMENDMENT TO
CONTRACT-
WASTEWATER
TREATMENT.
PLANT PROJECT
MATERIALS
FENCE-PARKS
EQUIPMENT-
CIVIL DEFENSE
WARNING SIRENS
AIR CONDITIONI
POLICE DEPT.
TRAFFIC-
PAVEMENT
MARKING MAT.
STREET IMP.
BUF. GAP RD.
EQUIPMENT
REF. COL.
CONTAINERS
CITY HALL-
RENOVATION

7. Award of Bids

- a. Fence Materials for Parks Division.
b. Outdoor Civil Defense Warning Sirens.
c. Air Conditioning - Police Department.
d. Pavement Marking Materials - Traffic.

8. Request to Advertise

- a. To resurface Buffalo Gap Road from Winters Freeway to Curry Lane.
b. Commercial Refuse Containers for Refuse Collection Division.
c. Renovation of City Hall Office Space.

Dr. David Ramsey, said that he was appearing before the Council as a concerned parent, on our organized sports. He said that this had been taken out of the school system and placed in the hands of the private enterprise. He spoke of Redbud Park, which is a facility 126 acres in size, which he said was not improved. He requested the Council to help the citizens develop this into a useful facility.

Ronnie Ingle, representing the Senior Little League, said that they had 8 major league teams, with 12 players on each team. He said that they had 5 minor league teams with 70 boys, which makes a total of 156 ball players. He pointed out that their budget is \$20,000, which is donated and raised by the league. He explained how many ball games his league played and how much they had worked to change the ball park from a soft ball to a base ball park. He said that the City was supposed to maintain the outfield, but he did not think that the sprinkler system had been turned on this year. He said that they were the only senior league park, whose fence did not extend all the way down to third base line and all the way down to first base line. He said that the foul balls were dangerous, because there are four parts, Southern Little League, Abilene Senior League, Men's Softball and Little Girl's Softball. He said that they had asked for help from the Parks & Recreation Dept. but had not received any. He spoke of the bad influence that the Men's Softball League had on the young people. He also spoke of the problems they had with the practice fields. He said that Redbud Park was a fine facility, but that it needed to have some improvements and better maintenance.

Bill North, President of Dixie Little League, also spoke of the need for better maintenance for Redbud Park. He said that there were potholes big enough for one of the people to break their leg, if they stepped into it. He spoke of the deplorable condition that the rest rooms were in, and the need for more of them. He said they did not have any parking facilities except beside the street. He said that they would appreciate any help that the Council could give them on the problems at Redbud Park.

Dave Martin, President of Southern Little League, spoke of the need of more improved facilities at Redbud Park. He said that they were one of eight little leagues here in Abilene, but this was their only place to practice. He said that their league was made up of 20 teams comprising about 250 youngsters. He said that they use it about two months out of the year and they have a definite problem with getting anything done to improve their field. He also said that they would appreciate anything the Council could do to help them with their problems at Redbud Park.

L. D. Lockwood, District Administrator for Little League Baseball and also Chairman of the newly formed Abilene Sports Council. He said that this organization was formed early this year with the assistance of the Parks & Recreation Dept. as a representative of all the youth sports in Abilene. He said that they deal with approximately 2500 youngsters in baseball, city wide for about 3½ months of the year. He said that figures were not available for the football program, but based on last year's figures, there are about 2000 youngsters in that sport. The Big Country Soccer Association had 1200 youngsters on 68 teams dealing with children ranging in ages from 4 to 14. They anticipate in excess of 1600 children in the soccer program this next year. Redbud Park is a fine facility that everyone is proud of, but we need some help from the City in improving the facility and maintaining the facility.

Mr. Lockwood said that Redbud Park is a fine facility, but due to anticipated growth in the City, the Sports Council is requesting that the City Council take into consideration what the real needs are in that area.

Dr. Ramsey also suggested to the Council that they need to re-plan the Master Plan of Redbud Park, because it looked like they were going to have a large lake out there. He said that the Parks & Recreation Dept. needed to get in-put from the people as to how the Park should be developed.

Mr. Seegmiller said that there may be some policies on how the park would be developed, when the land was donated. He pointed out that we needed to be sensitive to that. Also, when the Council goes over the budget figures, they can keep these requests in mind.

Mayor Hall was told that the trouble with the adult participation, was the liquor involvement, and language that has been heard.

Mr. Seegmiller said that the voters had rejected a proposal in the 1979 Bond Election package to spend about \$900,000 for improvements at Redbud Park.

Councilman Hilton said that he appreciated the time and effort that the Parks & Recreation Department had done. He said that the people had to provide some of these things for themselves, the City cannot provide everything. He said that the Parks Department is to be commended for bringing our Little League fields to the standards where they are today.

Mayor Hall opened public hearing on an ordinance reclassifying from MH, AO & SC (Mobile Home, Agricultural Open Space & Shopping Center) to GC & O (General Commercial & Office) Districts, located at Texas Avenue & U.S. Hwy 277.

ZONING-RE
MH, AO & SC
TO GC & O
TEXAS AVE.
& U.S. HWY
277
FINAL RD.

Mayor Hall asked Mr. Wayne Collier, Zoning Administrator, to brief the Council on the reclassification.

Mr. Collier said that the planned uses are for small commercial uses and offices.

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

Councilwoman Proctor moved passage of the ordinance on second & final reading reclassifying from MH, AO & SC to GC & O Districts, located at Texas Avenue & U.S. Hwy 277. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 23, 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.

Mayor Hall opened public hearing on an ordinance reclassifying from AO & HI (Agricultural Open Space & Heavy Industrial) to PDD (Planned Development) District, located between S. 25th & S. 27th Streets.

ZONING-RE
AO & HI
to PDD
BET. S. 25 &

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

S. 27
FINAL RD.

Mr. Collier said that the plans for the location was to construct a County Jail-Adult & Juvenile Facilities.

James Wheeler, Architect, said that they had been able to close Oak Street on the ground, which would enable them to construct the facilities as they had planned.

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

Councilman Fogle moved passage of the ordinance on second and final reading reclassifying from AO & HI to PDD District, located between S. 25th & S. 27th Streets. The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

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

Mayor Hall opened public hearing on an ordinance reclassifying from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located in the 4100 Block of Russell Street.

ZONING-RE
RS-8 to RM-3
4100 BLK.
RUSSELL ST.
FINAL RD.

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

Mr. Collier said that the proponent was planning to construct duplexes at the location.

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

Councilman Hilton moved passage of the ordinance on second and final reading reclassifying from RS-8 to RM-3 District, located in the 4100 Block of Russell Street. The motion was seconded by Councilwoman Proctor. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 23, 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.

Mayor Hall opened public hearing on an ordinance reclassifying from AO (Agricultural Open Space) to RS-12 (Residential Single Family) District, located on Hillview Road & Bluff Crest Lane.

ZONING-RE
AO TO RS-12
HILLVIEW &
BLUFF CREST
LANE,
FINAL RD.

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

Mr. Collier said that the proponent planned to construct a Single Family Residence at the location.

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

Councilwoman Webster moved passage of the ordinance on second and final reading reclassifying from AO to RS-12 District, located on Hillview Road & Bluff Crest Lane. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 23, 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.

Mayor Hall opened public hearing on an ordinance reclassifying From SC (Shopping Center) to RM-2 (Residential Multi-Family) District, located at Texas Avenue & Quail Run.

ZONING-RE
SC TO RM-2
TEXAS AVE. &
QUAIL RUN
FINAL RD.

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

Mr. Collier said that the proponent had planned to construct condominiums on the location.

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

Councilwoman Proctor moved passage of the ordinance reclassifying from SC to RM-2 District, located at Texas Avenue & Quail Run. The motion was seconded by Councilman Bridges. The motion carried as follows:
AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

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.

Mayor Hall opened public hearing on an ordinance reclassifying from AO (Agricultural Open Space) to RM-2 (Residential Multi-Family) District, located on Texas Avenue.

ZONING-RE
AO TO RM-2
TEXAS AVE.
FINAL RD.

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

Mr. Collier said that the proponent had planned to construct apartments on the location.

Mike Herron, Herron Construction Company, was present and offered to answer questions that the Council might have. He also concurred that there was a liquor problem at Redbird Park.

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

Councilman Hilton moved passage of the ordinance on second and final reading reclassifying from AO to RM-2 District, located on Texas Avenue. The motion was seconded by Councilwoman Proctor. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

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.

Mayor Hall opened public hearing on an ordinance reclassifying from AO (Agricultural Open Space) to RS-12 (Residential Single Family) District, located on FM 600.

ZONING-RE
AO TO RS-12
FM 600
FINAL RD.

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

Mr. Collier said that the proponent had planned to develop a residential subdivision containing 20 lots of about 1 acre each. He said that it conformed with the NE Area Land Use Study.

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

Councilman Bridges moved passage of the ordinance reclassifying from AO to RS-12 District, located on FM 600. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

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.

Mayor Hall opened public hearing on an ordinance reclassifying from RM-3 (Residential Multi-Family) to RM-2 (Residential Single Family) District, located at S. 7th & Redbird Lane. ZONING-RE RM-3 TO RM-2 S.7TH & RED-BIRD LANE FINAL RD.

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

Mr. Collier said that they had planned to build quadraplexes on the location.

Terry Franklin spoke of their plans and said that they planned to extend the street thru the development.

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

Councilman Hilton moved passage of the ordinance on second and final reading reclassifying from RM-3 to RM-2 District, located at S. 7th & Redbird Lane. The motion was seconded by Councilwoman Proctor. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

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.

Mayor Hall opened public hearing on an ordinance reclassifying from AO, GC, & RM-3 (Agricultural Open Space, General Commercial & Residential Multi-Family) to RM-2 & GC (Residential Multi-Family) & General Commercial) Districts, located on Martin Drive. ZONING-RE AO,GC, RM-3 TO RM-2 & GC MARTIN DR. DECISION TABLED

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

Mr. Collier said that the proponent planned to construct apartments, townhouses and general commercial on the property. He said that almost 28 acres was involved.

Dale Scoggins, speaking for Paul Shelton, the proponent, said that none of the construction would be in the flood plain and would not have an impact to flooding in the area.

Councilman Hilton questioned the construction so close to the Goodlow area, and said that he felt that we might want to build a detention pond in the area, to protect the citizens on farther down Cedar Creek.

Councilwoman Webster was concerned with construction so close to where we have been moving people away from the flood zone. She said that the area was so close to Goodlow where we had spent thousands of dollars moving people. She said that Martin Drive was the Street which was built so that the citizens of Goodlow would have a way to get out when it flooded.

Bob Whitehead, Director of Public Works, said that the scenarios that the Staff is putting together does show that in that area, the people have been moved out. No attempt to construct a retention or detention facility at that site has been planned. He said that he believed that it was discussed, just to use the natural flood plain that exist at that location.

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

After much discussion by the Council, Councilwoman Proctor moved to table the zoning request from AO, GC, & RM-3 to RM-2 & GC, located on Martin Drive, until the Council can receive more information on it, (which would be at least 30 days, because it will have to be advertised again.) The motion was seconded by Councilman Bridges. The motion carried

as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

Mayor Hall opened public hearing on an ordinance reclassifying from AO (Agricultural Open Space) to HI (Heavy Industrial) District, located at Maple Street & Executive Drive.

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

ZONING-RE
AO TO HI
MAPLE ST.
& EXECUTIV
DR.
FINAL RD

Councilwoman Proctor asked if the flood water would affect the passage of this ordinance, in this location.

Mr. Whitehead said that none of the alternatives affected this location. He further stated that it would not be feasible to include this location in any of the flood control measures.

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

Councilwoman Webster moved passage of the ordinance on second and final reading reclassifying from AO to HI District, located at Maple Street & Executive Drive. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

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.

Mayor Hall opened public hearing on an ordinance amending Chapter 19, pertaining to Nuisances.

Mayor Hall asked Mr. Cargill, City Attorney, to brief the Council on the amendment.

Mr. Cargill explained that there was a need for an amendment to the Chapter 19, concerning Nuisances in the Municipal Code.

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

After discussion by the Council, Councilwoman Proctor moved passage of the ordinance on second and final reading amending Chapter 19, pertaining to Nuisances. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

CODE AMENDED
NUISANCES-
FINAL RD.

Mayor Hall opened public hearing on an ordinance amending the Refuse Code concerning Credit for Non-Occupancy.

Mayor Hall asked Mr. Whitehead to brief the Council on the amendment.

Mr. Whitehead said that the Staff was not allowing credit for non-occupancy now, because it was not practical to do so.

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

Councilman Bridges moved passage of the ordinance on second and final reading amending the Refuse Code concerning Credit for Non-occupancy (not allow it). The motion was seconded by Councilwoman Proctor. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle,
Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

AN ORDINANCE AMENDING CHAPTER 27, "REFUSE" BY AMENDING CERTAIN
SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE;
AND DECLARING A PENALTY.

REFUSE CODE
AMENDED-
NON-OCCUPANC
CREDIT

Mr. Cargill explained that there was a problem with controlling
parking on private property (at businesses) after closing hours. He said FINAL RD
that the Staff was proposing an amendment to Chapter 18 of the Code, placing
a sign saying that parking violators will be filed on, \$25-\$200 Fine, cars
can be impounded.

After discussion, Councilman Bridges moved passage of the ordinance
on second and final reading, amending Section 18-204, Parking Private
Property-Signed, setting out the \$25-\$200 Fine and Cars can be impounded.
The motion was seconded by Councilman Hilton. The motion carried as fol-
lows:

TRAFFIC

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle,
Hilton & Councilwoman Webster & Mayor Hall.
NAYS: None.

PROPERTY-
SIGNED-
FINAL RD.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC,"
BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A
SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Mr. Lee Roy George, Director of Planning & Community Development,
said that they had received a request to improve a residence out at Lake
Fort Phantom, by Si Addington. He said that one ordinance on file, states CHAPTER 13,
that the zoning ordinance does allow for addition to structures, even in
the floodway, of up to 50%. He said that they found out that there was
another ordinance in direct conflict with that provision.

CODE
AMENDED-
CHAPTER 13,
SEC. 37,
LAKE FT.
PHANTOM
CONSTRUCTIO
1ST READING

Mr. George said that after the Staff had completed a study out
at Lake Fort Phantom, there was a provision which stated, "From and after
July 1, 1977, any structure erected or structurally altered in or along
the shoreline of Lake Fort Phantom Hill, including residential and com-
mercial structures, but excluding boathouses, docks and other non-residential
structures which must have water contact, shall be situated so that the floor
of such building shall be above the elevation of 1642.0 MSL or within 25'
horizontally of the elevation 1635.0 MSL, provided that any septic tank or
drain line existing on July 1, 1977, that does not meet these requirements
but is in use at said time may continue to be used and maintained contingent
upon proper maintenance as determined by periodic inspection and subject to
all existing and future Federal, state and city rules, regulations, law and
ordinances."

Mr. George said that the Staff needs some assistance in clarifying
the policy with reference to additions, alterations, and repairs at the
Lake. The resolution passed February 10, 1977 made provisions for improve-
ments to existing structures. Ordinance No. 955 adopted May 12, 1977,
prohibited additions, alterations, and repairs to existing structures unless
the floor of such building was above the elevation of 1642 feet above MSL.
Mr. George said that he felt that the Lake Ordinance No. 955 should be
amended to include provisions for additions, alterations, and repairs be-
low elevation 1642 MSL and in concert with already existing zoning, sub-
division and building codes of the City of Abilene

Councilman Hilton moved passage of an ordinance on first reading,
according to Exhibit A, amending Chapter 13, Section 37, concerning lo-
cation of structures & elevations at Lake Fort Phantom. The motion was
seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle,
Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

AN ORDINANCE AMENDING CHAPTER 15, "LAKES" BY AMENDING CERTAIN
SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE;
AND DECLARING A PENALTY.

Mayor Hall moved adoption of the resolution designating the Abilene
National Bank as a depository for custody of City funds and approving securities
pledged by them for a term beginning July 1, 1982 and expiring June 30, 1983.

The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE ABILENE NATIONAL BANK AS A DEPOSITORY FOR CUSTODY OF FUNDS FOR THE CITY OF ABILENE, FOR A TERM BEGINNING JULY 1, 1982, AND EXPIRING JUNE 30, 1982. BANK DEPOSITORY- NATIONAL ABILENE NATIONAL BANK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING SECURITIES PLEDGED BY THE ABILENE NATIONAL BANK AND AUTHORIZING THE MAYOR TO EXECUTE A DEPOSITORY AGREEMENT IN CONNECTION THEREWITH.

Mayor Hall moved adoption of the resolution designating the Bank of Commerce as a depository of City funds and approving securities pledged by them for a term beginning July 1, 1982 and expiring June 30, 1983. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor & Webster & Mayor

Hall.

NAYS: None.

ABSTAINED: Councilmen Fogle & Hilton.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE BANK OF COMMERCE, ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, FOR A TERM BEGINNING JULY 1, 1982, AND EXPIRING JUNE 30, 1983. BANK DEPOSITORY BANK OF COMMERCE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING SECURITIES PLEDGED BY THE BANK OF COMMERCE, ABILENE, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE A DEPOSITORY AGREEMENT IN CONNECTION THEREWITH.

Mayor Hall moved adoption of the resolution designating the First National Bank as a depository of City Funds and approving securities pledged by them for a term beginning July 1, 1982 and expiring June 30, 1983. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor & Webster & Mayor

Hall.

NAYS: None.

ABSTAINED: Councilmen Fogle & Hilton.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE FIRST NATIONAL BANK OF ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, FOR A TERM BEGINNING JULY 1, 1982, AND EXPIRING JUNE 30, 1983. BANK DEPOSITORY FIRST NATIONAL BANK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING SECURITIES PLEDGED BY THE FIRST NATIONAL BANK OF ABILENE, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE A DEPOSITORY AGREEMENT IN CONNECTION THEREWITH.

Mayor Hall moved adoption of the resolution designating the First State Bank as a depository of City Funds and approving securities pledged by them for a term beginning July 1, 1982, and expiring June 30, 1983.

The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilmen Bridges, Fogle, Hilton & Mayor Hall.

NAYS: None.

ABSTAINED: Councilwoman Proctor & Webster.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE FIRST STATE BANK, ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, FOR A TERM BEGINNING JULY 1, 1982, AND EXPIRING JUNE 30, 1983. BANK DEPOSITORY FIRST STATE BANK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING SECURITIES PLEDGED BY THE FIRST STATE BANK, ABILENE, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE A DEPOSITORY AGREEMENT IN CONNECTION THEREWITH.

Mayor Hall moved adoption of the resolution designating InterFirst Bank, N.A. as a depository of City Funds and approving securities pledged by them for a term beginning July 1, 1982, and expiring June 30, 1983. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilman Fogle, Councilwoman Webster & Mayor Hall.

NAYS: None.

ABSTAINED: Councilman Hilton.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING INTERFIRST BANK ABILENE, N.A., AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, FOR A TERM BEGINNING JULY 1, 1982, AND EXPIRING JUNE 30, 1983.

BANK
DEPOSITORY
INTERFIRST
BANK ABILENE
N.A.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING SECURITIES PLEDGED BY THE INTERFIRST BANK ABILENE, N.A., AND AUTHORIZING THE MAYOR TO EXECUTE A DEPOSITORY AGREEMENT IN CONNECTION THEREWITH.

Mayor Hall moved adoption of the resolution designating InterFirst Bank South Abilene as a depository of City Funds and approving securities pledged by them for a term beginning July 1, 1982, and expiring June 30, 1983. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilman Fogle, Councilwoman Webster & Mayor Hall.

NAYS: None.

ABSTAINED: Councilman Hilton.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING INTERFIRST BANK SOUTH ABILENE AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, FOR A TERM BEGINNING JULY 1, 1982, AND EXPIRING JUNE 30, 1983.

BANK
DEPOSITORY
INTERFIRST
BANK SOUTH
ABILENE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING SECURITIES PLEDGED BY THE INTERFIRST BANK SOUTH ABILENE AND AUTHORIZING THE MAYOR TO EXECUTE A DEPOSITORY AGREEMENT IN CONNECTION THEREWITH.

Mayor Hall moved adoption of the resolution designating Security State Bank as a depository of City Funds and approving securities pledged by them for a term beginning July 1, 1982, and expiring June 30, 1983. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilman Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATION THE SECURITY STATE BANK AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, FOR A TERM BEGINNING JULY 1, 1982, AND EXPIRING JUNE 30, 1983.

BANK
DEPOSITORY
SECURITY
STATE BANK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING SECURITIES PLEDGED BY THE SECURITY STATE BANK AND AUTHORIZING THE MAYOR TO EXECUTE A DEPOSITORY AGREEMENT IN CONNECTION THEREWITH.

Mayor Hall moved approval of the demand deposits being held at First State Bank for a term beginning July 1, 1982, and expiring June 30, 1983. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilmen Bridges, Fogle, Hilton & Mayor Hall.

NAYS: None.

ABSTAINED: Councilwoman Proctor & Webster.

Dwayne Hargesheimer, Director of Water Utilities, presented the request from Abilene Boy's Ranch for a five year lease, with an option for another five years.

LAND
LEASE
ABILENE
BOY'S RANCH

Wayne Haynes, representing Boy's Ranch, said that they needed better terms in the lease, as they had been there since 1947, and had many improvements to the land.

Mr. Haynes brought out that even though they had been there since 1947, they still did not have sewer improvements or gas.

After discussion, Councilman Hilton moved adoption of the resolution approving the renewal of Lease Agreement between the City of Abilene and the Abilene Boy's Ranch for the Lease of Land owned by the City of Abilene, terms being for 5 years, and an option to renew for another 5 years. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING RENEWAL OF LEASE AGREEMENT BETWEEN THE CITY OF ABILENE AND THE ABILENE BOYS RANCH FOR THE LEASE OF LAND OWNED BY THE CITY OF ABILENE.

After discussion, Councilman Bridges moved adoption of the resolution approving a replacement housing payment to the J.B. Bryant family. It was explained that this was the next to last family to be moved from Goodlow. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A REPLACEMENT HOUSING ASSISTANCE PAYMENT UNDER THE GOODLOW VOLUNTARY PROPERTY ACQUISITION AND RELOCATION PROGRAM.

PLANNING &
COMMUNITY
DEVELOPMENT-
APPROVE
PAYMENT
AIRPORT-
CONSENT TO
CREATE LIEN-
AIR CENTER

Councilwoman Proctor moved adoption of the resolution approving and authorizing the Mayor to execute a consent to creation of lien on Abilene Municipal Airport Lease Estate between the City of Abilene and Abilene National Bank pertaining to the Abilene Municipal Airport Lease heretofore granted to the 1785 Air Center, Inc.d/b/a/The Air Center. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONSENT TO CREATION OF LIEN ON ABILENE MUNICIPAL AIRPORT LEASE ESTATE BETWEEN THE CITY OF ABILENE AND ABILENE NATIONAL BANK PERTAINING TO THE ABILENE MUNICIPAL AIRPORT LEASE HERETOFORE GRANTED TO THE 1785 AIR CENTER, INC. d/b/a/ THE AIR CENTER (AIR CENTER)

WATER PRO-
JECTS-
AWARD CON-
TRACT-
GRACON CONST
CO.

Councilman Bridges moved adoption of the resolution authorizing the award of the contract for construction of Abilene Waste Water Reclamation Plant to Gracon Construction Company and deleting one part of the construction bid, subject to approval of Texas Dept. of Water Quality Resource Center. The motion was seconded by Councilwoman Proctor. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, & Councilwoman Webster & Mayor Hall.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE AWARD OF THE CONTRACT FOR THE CONSTRUCTION OF THE ABILENE WASTE WATER RECLAMATION PLANT TO GRACON CONSTRUCTION COMPANY AND DELETING ONE PART OF THE CONSTRUCTION BID.

Councilwoman Webster moved adoption of the resolution establishing procedures for acquisition of certain property to be used as right of way for the Elm creek bridge project located at Antilley Road. The motion was seconded by Councilman Fogle. The motion carried as follows:

BRIDGE-
ELM CREEK-
ESTAB.
PROCEDURES
FOR ACQUIRIN
PROPERTY

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING PROCEDURES FOR ACQUISITION OF CERTAIN PROPERTY TO BE USED AS RIGHT OF WAY FOR THE ELM CREEK BRIDGE PROJECT.

Councilwoman Webster moved adoption of the resolutions declaring the necessity for acquiring by condemnation the fee simple title to certain described property for ROW purposes of the Barrow & S. Mockingbird Street widening and improvement project, and ordering the condemnation of said property to proceed. The motion was seconded by Councilman Hilton. The motion carried as follows: STREET IMP. BARROW ST. AUTH. CON- DENMATION

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY PURPOSES OF THE BARROW AND SOUTH MOCKINGBIRD STREET WIDENING AND IMPROVEMENT PROJECT, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY PURPOSES OF THE BARROW AND SOUTH MOCKINGBIRD STREET WIDENING AND IMPROVEMENT PROJECT, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED. STREET IMP. BARROW ST. AUTH. CON- DENMATION

The Council held an executive session with no action taken on pending and contemplated litigation. COUNCIL- EXEC. SESSION

Mr. George said that the Staff had discussed with the Council some ways of dealing with the problem of illegal subdivision activity in the extraterritorial jurisdiction. (ETJ) at the Council Retreat on June 2, 1982. This discussion came after earlier discussions where the Council had expressed concern over what appears to be a growing problem. SUBDIVISIONS DISCUSSION ON WAYS OF DEALING WITH ILLEGAL ONES

Mr. George said that since subdivision activity that has occurred without benefit of review by the City of Abilene may ultimately result in the City's being forced to assume significant liabilities for provision of facilities and services, the Council asked the Staff to prepare a recommended program dealing with them.

Tony Neitzler, Asst. Director of Planning & Community Development, said that the problem was a complex one that involves many different entities. Notably the City, counties, Tax Appraisal District, Water Supply Corporations, rural utilities, real estate community, developers and purchasers of illegally subdivided lots all contribute to the problem. For this reason, a program needs to be devised that would address this problem on all these fronts. A recommended series of actions aimed at obtaining the cooperation of all involved entities in the prevention of the problem will be discussed, he said.

Some of the actions for reducing illegal subdivision activity in the ETJ are as follows, Mr. Neitzler explained.

1. Actions City May Take Alone.
 - a. Specifically define ETJ in terms of whole and partial Surveys.
 - b. Prepare and adopt legal description and map of ETJ.
 - c. Acquire biannual aerial photography and use to locate signs of illegal activity.
 - d. Develop public information campaign to improve public awareness of dangers of acquiring illegally subdivided land.
 - e. Request local representatives to Texas legislature to introduce legislation strengthening Cities ability to enforce in the ETJ.

Mr. George explained that the State Law gave the Cities jurisdiction over ETJ, in Vernon's Annotated Civil Statutes.

Mr. Neitzler further explained actions that could be done by others along with the City of Abilene in correcting the illegal subdivision activity.

- II. Cooperative Program: City and County Clerks
 - a. City provides ETJ definitions and maps to Clerks.

- b. City provide training for County Staff enabling them to plot deeds and "detect" possible subdivision activity within ETJ via a map update exercise.
- c. Support Clerks when they agree to withhold filing with speedy follow-up.

III. Cooperative Program: City and County Commissioners

- a. Discuss problem with County Judges.
- b. Discuss problems with Commissioners Court.

IV. Cooperative Program: City and County Appraisal District (CAD)

- a. Provide CAD with defined ETJ legal description and map.
- b. Investigate ways that CAD computer information might be used to detect possible illegal activity.

V. Cooperative Program: City & Water Supply Corporations (WSC)

- a. Remind WSC's of their responsibilities under their contracts.
- b. Provide WSC's with legal definition and map of ETJ.
- c. Request monthly or quarterly new customer lists.

VI. Cooperative Program: City and Real Estate Community

- a. Arrange and conduct workshops for Boards of Realtor membership and licensed real estate salespeople.

VII. Cooperative Program: City and "Subdivider"

- a. Persuasion. By immediately contacting the subdivider to get him to comply on a voluntary basis. This should be an immediate and on-going activity.

Mr. Neitzler said that the Staff made the above recommendations and sincerely feels that they can be of help in controlling the illegal subdivision growth.

After much discussion, Councilman Bridges moved to adopt the program discussed above, in helping to control the illegal subdivision growth in the City's ETJ. He said that the City needs to undertake all of these suggestions, even though they may not totally solve the problems. The motion was seconded by Councilman Hilton. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

NAYS: None.

Mr. George presented the Staff's recommendation regarding extension of water service outside the City Limits.

POLICIES
DEALING WITH
WATER SERVICE
OUTSIDE
CITY
LIMITS

Mr. George said that earlier this year the City Council heard a request to connect water service to property owned by Mrs. McFadden. Before making a decision on the case, the Council directed the Staff to undertake an analysis of all conditions related to water service and the potential for growth around the lake area.

Brad Stone, Planner, explained that Policies adopted in 1980 reflected in City Council's attitude toward utility connection outside City Limits, requiring compliance with development controls as a condition for water service. Practical experience and legal precedent, however, prevent the City from putting these policies into effect. Individual parcels of land adjacent to existing water facilities outside the City Limits may be provided service from these lines, as long as: (a) such property is subdivided in accordance with the City's subdivision regulations; and (b) plumbing within buildings served by municipal water is installed in conformance with the City's plumbing code. It is not feasible to require compliance with other municipal codes affecting land use or building construction in exchange for water service outside City Limits.

Annexation of additional area around the lake was discussed, and the fact that it represents a valuable recreation and water supply resource for Abilene. Only annexation may permit application of the full range of development controls available to local government to prevent the emergence of incompatible land use, deteriorating building conditions, and inadequate wastewater disposal.

Mr. Stone presented a map showing the City limit lines and the water lines near Fort Phantom Lake. He explained that they ran parallel with the east and west lake roads in most instances. The study area extends approximately two miles on either side of Fort Phantom Lake and about 8 miles in length. He said that they defined a sub area, which is that area that is potential serviceable by the existing water lines. He said that the sub area extends approximately one mile on either side of the lake and that area that lies outside the city limits is the primary focus of the study.

Mr. George said that after making the study, the Planning and Community Development Department recommends annexation of additional territory around Lake Fort Phantom Hill in areas potentially serviceable by existing municipal water lines. Second, they recommend that City Council consider annexation of other areas where municipal utilities provide service to property outside the City limits; and third, the Staff recommends that the City adopt a continuing policy to neither undertake nor permit extension of additional municipal utilities outside the City limits.

After discussion, Councilman Fogle moved to adopt the recommendation annexing additional territory around Lake Fort Phantom Hill in areas potentially serviceable by existing municipal water lines. The motion was seconded by Councilwoman Webster. The motion carried as follows: ANNEXATIO
DISCUSSIO
AROUND
LAKE FORT
PHANTOM

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

After discussion, Councilwoman Proctor moved to adopt the recommendation that the Council considered annexation of other areas where municipal utilities provide service to property outside the City limits. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton & Councilwoman Webster.
NAYS: Mayor Hall.

After discussion, Councilman Bridges moved to adopt the recommendation that the Council adopt a continuing policy to neither undertake nor permit extensions of additional municipal utilities outside the City limits. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

Councilwoman Proctor was concerned about industry coming into Abilene and how the above policies would affect them.

Mr. Gargill went over the processes that would have to be done, for annexation. He said that it would take 3 or 4 months to complete.

Mr. George said that we would get with the Water Districts to see how far we needed to go, and where the line would need to be.

Councilman Hilton moved that the item concerning the award of bid for Lights at Lee Athletic Complex, be removed from the table. The motion was seconded by Councilman Fogle. The motion carried as follows: PARKS-
LIGHTS AT
LEE
ATHLETIC
COMPLEX
AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.

Mike Hall, Director of Community Services, presented the above award of bid. He said that they had studied all the bids and this one from Graybar was the complete, low bid, and it was to the City's best interest, to accept it. He said that the time schedule was critical in that they needed to complete the project as soon as possible.

Councilwoman Webster moved that we accept the low, complete bid of Graybar Electric for the lighting at Lee Athletic Complex. The motion was seconded by Councilman Hilton. The motion carried as follows: PROPERTY
GRAYBAR
ELECTRIC
AT
LEE
ATHLETIC
COMPLEX
AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

Arkie Pierce, Land Agent presented the emergency item awarding the sale of City owned tracts, tracts with improvements and improvements alone, located along Barrow Street between S. 10th & S. 14th Streets, which were acquired in connection with the Barrow Street widening program & sealed competitive bids were received on June 22, 1982. PROPERTY
SOLD-
BARROW ST.
PROPERTY

Councilwoman Proctor moved adoption of the resolution awarding the sale of a part of a tract of land (where the house will have to be moved back on the lot) known as 1149 Barrow, to Ann L. Reeder for \$6,150. The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

Councilwoman Proctor moved approval of the sale of Item 104, 105 & 106, which were houses to be moved off the property in the Barrow Street widening program. The motion was seconded by Councilwoman Webster. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDDING THE SALE OF CITY OWNED TRACTS, TRACTS WITH IMPROVEMENTS, AND IMPROVEMENTS ALONE, AS DESCRIBED BELOW.

Mr. Cargill said that Southwestern Bell Telephone Company filed for a rate increase. He said that he prepared a resolution approving an intervention before the Public Utility Commission on this rate case. He said he expected that the cities would again form a steering committee made up of attorneys representing all the cities involved in the rate case.

SW BELL
REQUEST
FOR RATE
INC.
AUTH. TO
INTERVENE

Mr. Cargill said that the rate increase which Southwestern Bell filed for on Monday was for \$471.5 million.

After discussion, Councilman Fogle moved adoption of the resolution approving and authorizing the City's participation in the Southwestern Bell Telephone Rate Case, which was filed June 21, 1982. The motion was seconded by Councilman Bridges. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, Councilwoman Webster & Mayor Hall.
NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AND AUTHORIZING THE CITY'S PARTICIPATION IN THE SOUTHWESTERN BELL TELEPHONE RATE CASE.

Mr. Seegmiller said that the reason that the Staff brought back the discussion on the blighted area guidelines is that the Staff needs to know if what they are doing is what they need to be doing according to the Council. He said that they needed a clarification in the guidelines.

BLIGHTED
AREA-
GUIDELINES
DISCUSSED

Mr. George said that he wanted to show the Council that the criteria they are looking at has some merit. He said the criteria that he had been talking about up to this point, is criteria that might be utilized to determine whether an area would be eligible to be treated as a blighted area or district.

He said he needed to clear up the misunderstanding that he suggested at the Retreat that we designate a district for a blighted area. "He did not say this", he said. He had not suggested designation of areas, but criteria for doing so.

He said in the Council Retreat that he did suggest some means of designating areas of reinvestment in the City where these special tools which were mentioned (on a chart) might be applicable. He said that this is the compilation of all the criteria that will be available for cities to do projects of reinvestment in this area.

He said that the only place that a blighted area would come into play is in regard to commercial, industrial bonding. This does require that the City designate a blighted area.

He said that he had asked his Staff to look at several areas, where these criteria might be applicable. There are two area criteria that we are talking about, one is for commercial and industrial projects and the other is for residential projects. The Staff looked at the Carver Neighborhood Strategy area to apply some of the criteria that was suggested in the Retreat.

The Carver Neighborhood is an older mixed used section of the City bounded by N. 6th Street, Treadaway Blvd., Pine Street & N. 8th Street. Since the mid 1970's, it has been a target for rehabilitation effort, particularly in the area of housing. The structural housing vacancy rate

in the Carver Neighborhood has been reported at 23%, by the 1970 Census. According to that Census, 23% of all the housing units in Carver area were vacant at that point. According to the Polk Directory, the vacancy rate was 12% in 1979. Either of these levels could be used for official designation. For application City wide, use of the existing situation in Carver is arguable from two opposing sides. First, as Carver is one of the most deteriorated neighborhoods in the City, it may be desirable to set the limit somewhat lower, perhaps 6-10% vacancy range, to encourage action prior to development of conditions similar to those in Carver.

Vacancy of residentially zoned land is 23% while commercially zoned properties are 24% vacant, Mr. George said.

Poor housing condition indicators are numerous within the Carver Report as they are in the designation criteria suggested. Using Housing conditions as an indicator for other neighborhoods may not be feasible. This information is not available on a comprehensive basis, and a new survey would have to be conducted for each proposed project area.

The Carver Neighborhood lost 51% of its population between 1960 & 1970. Seventy one per cent

of all households within Carver earn below 80% of the City-wide median. 62% of the dwellings are renter occupied, 38% are owner occupied. This falls within the 50% owner occupied category. Choice of the alternatives presented should depend on the aim of revitalization efforts. If we want to solve problems of renters, the 50% category should be used. On the other hand, if the City wishes to assure a more stable redevelopment, 50% owner-occupied category should be used.

The Butternut Street strip was examined in terms of the commercial area designation criteria. It was initially felt that this area may be a good example of a blighted commercial area. The strip is defined as both sides of Butternut from South4th to South 14th.

Again, in commercial areas, vacancy in structures or land is seen as one aspect of disinvestment and deterioration. Land use information compiled as part of the Locust Neighborhood Study show a vacancy in land area of 3.24 acres, or 8.65% of total land area. It is also felt that a commercial area should be relatively homogenous - not contain a significant amount of non-commercial activity. The Butternut Strip is 16.4% residential - primarily in multi-Family development.

The third designation criteria involves a concept of diminishing property values over a 10-15 year time period as an indicator of disinvestment. To determine trends, tax cards from the City Tax File were examined for properties within the strip. Assessed valuation between 1969 and the last 1970's were recorded. Overall, properties grew in valuation from \$893,790 to \$933,530 - an increase of 11%.

It can be seen that while the land vacancy rate is at a level which may indicate blight, the decline in values which would indicate lost of interest by investors does not exist. Further, there are not the few high-valued properties which distort the findings, as is found in the CBD.

The three indicators used in the Butternut area to determine blight were used here as well. The floor area vacancy rate was 8.5% in 1981. It is also characterized by a residential vacancy factor of 8.4%. As in the Butternut Strip, property values increased 7.4% over the past 10-14 years. The average tax property value was \$43,055 at the last round of appraisals. Within the CBD, however, a few properties grew significantly in value during the late 70's. The assumption here then is that the CBD is not actually deteriorated because of the overall growth in valuations. It could also be assumed though, that those more valuable properties skewed or distorted the results of the research and that the overall conditions in the CBD were not greatly improved due to these newer projects. We see an overall decrease in valuations of 2%. Using this method, we could easily say that the CBD declined in value since 1969.

The block located immediately west of the Civic Center is a proposed location for a hotel complex. The property is broken into several lots owned primarily by Mecca Investments and Citizens National Bank. Property valuation decreased 19% since 1969. There are no vacancies on the property.

Mr. George made some recommendations which included Commercial Area Designation Criteria: significant disinvestment in "strip" or neighborhood commercial districts over the past 10 years, as evidenced by a vacancy rate of 6-10%, and a vacant land rate of 6-10%. The property tax value of the properties in a designated area can indicate whether the structures are deteriorating and in need of some reinvestment. A logical indicator based on findings is - a declining tax value of 5% over the past 10-15 years. In order to ensure the homogeneity of a district, a maximum amount of non-residential land use should be set. - Maximum 10% non-commercial/residential land use within a district. This conforms with the Tax Increment legislation and is reflected in the case studies. He presented case studies which showed the above recommendations to be good sound ones.

Councilman Bridges said that this would give someone a strong incentive since the tool is there. He said that the City should become more involved-not just with setting criteria.

It was the consensus of the Council that the City should approach this more aggressively, become the mediator.

Councilwoman Proctor suggested using the News Media to let the people know that this is available - that there are blighted areas.

Mr. Seegmiller suggested a committee that could work on promoting the project. He said that the City was allowed to spend 1% of their total budget to push community growth.

Mayor Hall said that the City should use all the tools available.

Mr. Seegmiller said that the City of Dallas is actively involved in re-development.

Councilman Hilton said that we need to encourage reinvestment in the City. He pointed out that the City needs guidelines to encourage people to get involved.

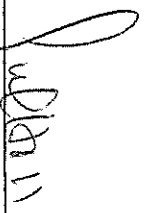
Councilwoman Webster said that the City needed to declare a district, if it meant taking some funds to do it. She said that she was concerned that some special interest group might take advantage of it.

The Council directed the Staff to prepare some guidelines-bring back to the Council. They need some areas to consider, they said.

There being no further business, Mayor Hall adjourned the meeting at 4:00 p.m.



City Secretary



Mayor Elbert E. Hall