

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, November 4, 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 A. E. Fogle, Jr.
3. AWARDS & PRESENTATIONS:
Supervisory Development Program

Tom Johnston - Maintenance Electrical Supervisor
Bill Brewer - Equipment Services Superintendent
Marvin Malaer - Assistant Equipment Services Superintendent
Alvie Hutchins - Administrative Aide
Jimmy Headstream - Building Services Supervisor
James Grant - Senior Electronic Technician
Irene Dodgen - Productivity/Equipment Officer
Gene Cook - Industrial Engineer
Louis (Lon) Rabas - Container Repair Foreman
Henry Gindratt - Refuse Collection Foreman
Ramon Aguirre - Refuse Collection Foreman
Dan Ortiz - Refuse Collection Foreman
Billy Adams - Senior Refuse Collection Foreman
Fal Falcioni - Engineer
Buddy Wise - Engineering Technician
Glenn Meeks - Airport Manager
Jim Splawn - Airport Operations Supervisor
A. C. (Pete) Shaw - Flood Control Foreman
Coy Overstreet - Street Maintenance Foreman
Charley Martin - Street Maintenance Foreman
Johnny Snodgrass - Street Maintenance Foreman

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 discussions 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.

4. Ordinances
 - a. Consider on second and final reading - amendment to Chapter 18, Motor Vehicles & Traffic, concerning parking prohibition and speed zone on Barrow Street.
 - b. Consider on first reading - reclassification request from MH (Mobile Home) to LC (Limited Commercial) District, located at T&P Lane & Midway Street & set a public hearing for November 18, 1982, at 9:00 a.m.
 - c. Consider on first reading - reclassification request from AO (Agricultural Open Space) to LC (Limited Commercial) District, located at EN 10th & Griffith Road & set a public hearing for November 18, 1982, at 9:00 a.m.
 - d. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-2, GC & O (Residential Multi-Family, General Commercial & Office) Districts, located at EN 10th & Judge Ely Boulevard & set a public hearing for November 18, 1982, at 9:00 a.m.
 - e. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to MH (Mobile Home) District, located on Bishop Road & set a public hearing for November 18, at 9:00 a.m.
 - f. Consider on first reading - request for a PDD Ordinance Amendment, located on Ridgemont Drive & set a public hearing for November 18, 1982, at 9:00 a.m.

5. Resolutions
 - a. Consider Easement Release, being a 10' north-south utility easement in Lot 2, Block A, McAlister Addition and being 230' east of the west property line and extending approximately 200' northward from a 10' east-west easement to a 30' ingress-egress utility easement.

6. Award of Bids
 - a. 30" Butterfly Valve - Water Department.

REGULAR AGENDA

7. Public Hearings
 - a. Annexation - Lake Fort Phantom Hill area.

8. Resolutions
 - a. Consider authorizing Eminent Domain proceedings for two tracts of land in connection with Barrow Street Improvement Project.
 - b. Consider authorizing transfer of funds in the 1981-82 Budget.

9. Other Business
 - a. Report from Floodwater Management Task Force.
 - b. Appointment and evaluation of public officers.
 - c. Discussion of FAA installation in Abilene.
 - d. Pending and contemplated litigation.

ADJOURN

CERTIFICATION

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 1st day of November, 1982, at 9:00 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, November 4, 1982, at 9:00 a.m., with Mayor Elbert E. Hall present and presiding. Councilman Julian Bridges, Councilwoman Billye Proctor, Councilmen Juan C. Rodriguez, A. E. Fogle, Jr., L. D. Hilton and Councilwoman Kathy Webster were present. Also present were City Manager Ed Seegmiller, City Attorney Harvey Cargill and City Secretary Ruth Hodgkin.

Invocation by Councilman Fogle.

Mayor Elbert E. Hall presented an award to the following City employees for completing the Supervisory Development Program:

Tom Johnston - Maintenance Electrical Supervisor	COMMENTING -
Bill Brewer - Equipment Services Superintendent	PROGRAM AWARDS
Marvin Malaer - Assistant Equipment Services Superintendent	FOR CITY EM-
Alvie Hutchins - Administrative Aide	PLOYEES
Jimmy Headstream - Building Services Supervisor	
James Grant - Senior Electronic Technician	
Irene Dodgen - Productivity/Equipment Officer	
Gene Cook - Industrial Engineer	
Louis (Lon) Rabas - Container Repair Foreman	
Henry Gindratt - Refuse Collection Foreman	
Ramon Aguirre - Refuse Collection Foreman	
Dan Ortiz - Refuse Collection Foreman	
Billy Adams - Senior Refuse Collection Foreman	
Fal Falcioni - Engineer	
Buddy Wise - Engineering Technician	
Glenn Meeks - Airport Manager	
Jim Splawn - Airport Operations Supervisor	
A. C. (Pete) Shaw - Flood Control Foreman	
Coy Overstreet - Street Maintenance Foreman	
Charly Martin - Street Maintenance Foreman	
Johnny Snodgrass - Street Maintenance Foreman	

Councilman Hilton moved passage of the consent items. Councilwoman Webster seconded the motion. The motion carried as follows:

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

4. Ordinances

- a. Consider on second and final reading - amendment to Chapter 18 Motor Vehicles & Traffic, concerning parking prohibition and speed zone on Barrow Street.

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-PARK- ING-FINAL RD.
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- b. Consider on first reading - reclassification request from MH (Mobile Home) to LC (Limited Commercial) District, located at T&P Lane & Midway Street & set a public hearing for November 18, 1982 at 9:00 a.m.

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.	ZONING-RE MH to LC T&P & MIDWAY 1ST READING
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- c. Consider on first reading - reclassification request from AO (Agricultural Open Space) to LC (Limited Commercial) District, located at EN 10th & Griffith Road & set a public hearing for November 18, 1982, at 9:00 a.m.

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.

ZONING-RE
AO to LC
EN 10 &
GRIFFITH RD.
1ST READING

d. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-2, GC & O (Residential Multi-Family, General Commercial & Office) Districts, located at EN 10th & Judge Ely Boulevard & set a public hearing for November 18, 1982, at 9:00 a.m. This request was denied by the P&Z Commission.

ZONING-RE
RS-6 to RM-2,
GC & O, EN 10
& JUDGE ELY
DENIED

e. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to MH (Mobile Home) District, located on Bishop Road & set a public hearing for November 18, 1982, at 9:00 a.m.

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.

ZONING-RE
RM-2 TO MH
BISHOP RD.
1ST READING

f. Consider on first reading - request for a PDD Ordinance Amendment, located on Ridgmont Drive & set a public hearing for November 18, 1982, at 9:00 a.m.

ZONING ORD.
AMENDED-PDD
RIDGEMONT DR.
1ST READING

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 53-1982, CONCERNING THE RHODES PLAZA PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

5. Resolutions

a. Consider Easement Release, being a 10' north-south utility easement in Lot 2, Block A, McAlister Addition and being 230' east of the west property line and extending approximately 200' northward from a 10' east-west easement to a 30' ingress-egress utility easement.

EASEMENT
RELEASE-
MCALISTER
ADD'N.

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

6. Award of Bids

a. 30" Butterfly Valve - Water Department.

EQUIPMENT PURC
BUTTERFLY
VALVE-WATER

Lee Roy George, Director of Planning and Community Development, presented the staff's findings and recommendations to the Council for the proposed annexation of area surrounding Lake Fort Phantom Hill. He said cities draw their power to annex from the Texas Constitution. He said initially, in 1912, it provided home rule cities the authority to annex land specified in their charter. The authority to annex is in Abilene's Charter (Article I, Section 4). In 1963, the Texas Legislature defined acceptable procedures for municipal annexation of territory and subsequent provisions of service to that territory. Basically, the City takes its authority from the State in two instances: 1) the 1912 Constitutional Amendment and 2) the 1963 Texas Municipal Annexation Act. The two primary reasons for a city to annex are: 1) for the expansion of the tax base, and, 2) for the control over location and equality of development that because of the City's logical desire to expand its tax base is likely to some day fall within the City limits.

ANNEXATION-
LAKE FORT
PHANTOM HILL
AREA-PH

He said that the expansion of the City's tax base is not an immediate kind of an expansion of the tax base. In terms of costs and benefits, the City will probably not expand its tax base very much until the area is totally developed. Traditionally, the most compelling reason that cities have annexed additional territory is really to protect the tax base. By annexing adjacent developable land, cities can insure that new housing, shopping, industrial centers, etc., are located within the City limits and are subject to property taxation by the City. Property taxes are a major revenue source for

municipalities. In Abilene, property tax revenues currently comprise about 26 percent of the total City revenue. If there is no annexation, and subsequent new development, the City may be left with a declining tax base as older properties in the urban core depreciate over time. However, the level of service and facilities maintenance demanded by these older urban areas will not decline and may even increase. So, the physical responsibility generally makes it imperative to annex new territory on the urban fringe. Some cities annex to prevent expansion or emergence of new municipalities that may compete with their tax base. According to the 1963, Texas Municipal Act, others who may want to start new cities within Abilene's ETJ (5 miles) must have Abilene City Council's approval to incorporate. Ft. Worth and Dallas are cities that have been boxed in by other municipalities and are no longer able to annex.

As areas outside of the City limits develop and increase in property valuation, annexation will soon follow. It then becomes the City's responsibility to service existing developments and maintain a network of public facilities in the annexed area. In many instances, however, such development may be considered to be sub-standard to that built in the City, and developments outside the City limits are not subject to construction codes and other regulations that are used in the City. While subdivision regulations and some sanitation standards are nominally applicable outside the City limits, they are often difficult and very ineffective to enforce. If a developer could avoid requesting City water service by connecting private utilities, the City may not even know that there is a subdivision developing. Due to the ineffective enforcement of controls, growth outside the City limits are often poor quality construction, increased fire hazards, unpaved streets, lack of sanitary sewage disposal facilities and incompatible land uses. The public's right to influence development of private land may be considered at least as important as the private right to create problems affecting public interest.

Municipal Government itself may also be adversely impacted by poor quality development at the urban fringe. If and when the city annexes improperly developed areas, it may be inheriting a physical liability. The City may end up superimposing on those developments basic improvements such as water and sewer, etc. If City development regulations had been enforced at the onset of a development, many of the improvements would have been done at the expense of the developer or property owners and the expense would not have to be born by the tax payers as a whole. The City may also have to face abnormally high service calls to a developed area. If land adjacent to the City limits is annexed prior to any development, a more efficient and higher quality of an environment may be realized through effective coordination of land use, building and construction codes. The development control that annexation provides is particularly important in environmentally sensitive areas such as flood plains, airports, and water supply reservoirs like Lake Ft. Phantom Hill.

The annexation policies have been either non-existent or implicit or implied and then changed. Between 1950 and 1964, land area in the City limits increased more than 6 times. The City grew from 11.51 square miles to 74 square miles. Dyess Air Force Base and part of Ft. Phantom Lake area were the largest contributors to the City's growth. In 1961, the City Commissioners adopted the following annexation policy plan: "Urban development without adequate building, zoning, and subdivision controls is detrimental to the overall community in that sub-standard areas result causing serious health, fire and social problems. Annexation of adjacent areas is most desirable immediately prior to the development of such areas." In 1979 and 1980, the Council appointed the Strategies for Responsible Growth Committee and the Technical Review Committee to look at the possibility of formulating some policies dealing with when and where to extend utilities and when and where to annex. The first task of the Strategies Committee was to formulate appropriate policies addressing the regulation of annexation and utility extensions. The Committee did come up with some policies that set the tone for three large annexations during the 1979-81 period encompassing about 12 square miles.

In now unincorporated areas around Lake Ft. Phantom, there are long extensions of municipal water lines available for use. The Staff's experience has been that the City is obligated to furnish water outside its limits where lines are presently available for connection. All persons requesting service, and those similarly situated to those having previously been provided service are normally granted service. If a line is already in an area and it has been extended, and even though it may not be adequate to serve subsequent developments, at some point the City will probably be faced with some sort of a provision dealing with that type of situation. The Staff has concluded that given the level of existing and potential non-formed subdivision and development, annexation may be appropriate. The extent of development around the Lake Ft. Phantom Hill area may be limited by the lack of sewer and its over all distance from the City. Yet, impacts of sub-standard development even on a small scale may be especially critical to land surrounding Lake Ft. Phantom Hill. Poorly constructed development may diminish long-term recreation use of the area. Proliferation of poorly designed septic waste system may detract from the water in the Lake. Unchecked growth of homes and businesses beyond the limits of zoning control, could produce premature demands for water that the existing distribution system could not accommodate. Annexation of land would help clarify some jurisdictional boundaries around the Lake. The boundaries sort of meander around in the area, and when the Abilene Fire Department or Police Department gets a call in the area, it is very difficult to find and it may eventually help define jurisdictional responsibilities.

Brad Stone, Senior Planner, addressed some of the specific problems and opportunities raised by the possible annexation of the Ft. Phantom Hill area. He said in the Spring of 1982, the Council was faced with a request for water service outside the City limits, but next to City water lines. The line is one of two lines extended around Ft. Phantom Hill during the past two decades. Because so many properties in the vicinity had over the years been provided with water service, the Council felt obliged to also connect service to the similarly situation property owned by Mrs. McFadden. Since that time, a number of similar requests have also been made for water service along the same water line. In response to the apparent trend, the City Staff undertook an analysis of development possibilities around the Lake. The Staff analyzed the impacts of annexing versus not annexing. The Staff was particularly concerned over the quality and extent of future development that may emerge in areas surrounding Lake Ft. Phantom Hill.

He described some of the development features that already exist around Ft. Phantom Hill. There are almost 12 1/2 square miles in the proposed annexation area and most of the land is still rural. In recent years, home development and non-farm subdivisions have developed in the area. There are 113 homes in the area, with a restaurant, auto salvage yard, an egg farm, and at least one church. Most of the activities are found between two FM highways. Portions of the two main water lines running parallel with the two FM highways are outside the City limits. The Water Department has estimated there to be 57 water customers outside the City limits. Regardless, of whether the City annexes the area, some degree of incremental lot by lot subdivision will occur as well as additional requests for City water services. When property owners do make such requests, they will have to expect to plat their property in compliance with City subdivision regulations. Besides, insuring that their land is accurately described by map, enforcement of platting requirements will also help prevent development of land in designated floodway areas, will provide space for sufficient expansion of streets and will insure that new parcels created by subdividing old parcels will be large enough to accommodate adequately designed septic systems. As long as the City does not annex the area, the City has no obligation to actually permit extension of the existing water lines, which would make even more unincorporated property accessible to water lines and future water service.

He said there are some pitfalls in not annexing the area before it develops any further. Zoning or construction code compliance is not required outside City limits. Development of the area may

not exhibit the same quality standards as may be evident inside City limits. There may emerge instances of incompatible adjacent land use and substandard construction. Without appropriate zoning limitations on development density, the numbers of new homes and businesses may begin to prematurely make excessive demands on the limited capacity of water lines in the area. Commercial use of one property can jeopardize the neighbor's plans for a country homestead. Premature development in excess of water line capacity will make water use difficult for everyone in the vicinity not just the last one to tie on. Annexing prior to the emergence of significant development means that the City as well as land owners will have some protection against long range ill effects of sub-standard construction and incompatible land use. Annexation also implies extension of municipal services to the area included within the City limits. In this case, many municipal services are already available to the area or are being provided to property very close to that proposed for annexation. The City's Police and Fire Departments have been known to respond to emergency calls to persons outside City limits nearby Lake Ft. Phantom Hill. Refuse Collection routes already circumvent the Lake picking up trash from residents inside the City limits and possibly passing by many of the homes proposed to be annexed. Even though the complete area proposed to be annexed is very large, the lateral expansion of service boundaries is relatively small, which helps to minimize the cost of extending City services to the proposed area.

Some of the specific services that may be available to residents of the proposed area include Police Enforcement and Protection which shall be provided following the effective date of annexation in response to calls for assistance. Annexation of the relatively sparse population now residing in the area, however, should result in little or no increase in capital expense or operating cost of the Police Department. Existing Firefighting personnel and equipment shall be made available to residents and businesses in the proposed annexed area within the limitations posed by available water and distance from existing fire stations. Because the City's Fire Department is already known to respond to emergencies in the area, any measurable increases in service cost following annexation would be difficult to pinpoint. Twice weekly refuse collection would be extended to residents and businesses in the area. Service will be provided in accordance with the same rates and conditions that are applicable elsewhere in the City limits. Fees collected for refuse collection should cover the cost of additional loads if at least 70 new customers from the annexed area will sign up for services. The City will also assume routine and emergency maintenance of all public streets not included within the State's farm to market highway system. Most of the roadways in the area are part of the State's farm to market highway system which will remain the State's responsibility to maintain them after annexation. The routine maintenance of the other roadways will cost the City about \$4,250 per year. Reconstruction and surfacing of existing streets, construction of curbs and other major street improvements shall be provided by subdividers of adjacent land in accordance with existing City subdivision regulations. Participation by municipal government in major street improvements shall be as the need is determined by the City Council. Street name signs will also be provided--the existing streets will require at least 11 street name signs. Installation of the signs should cost the City at least \$550. Individual connection with the existing water mains in the area shall be available upon request immediately following annexation. Such service shall be available at the same rates and conditions applicable to other customers within City limits. The price any new customers will pay for water use, in addition to the tap fee for the connection itself, will be sufficient to cover the cost of continual water service. Recreational facilities and services will be available for residents of the annexed area at the same fees as residents within the City limits. The City's Animal Control services will also be available to the annexed area. This will cost the City only \$700 a year to extend animal control. Enforcement of the City's environment health ordinances and regulations will be provided within the area. The cost of the health services is estimated to increase \$400. Altogether during the year following the annexation, the cost to the general fund of the City for expansion of services are estimated to be no more than \$5,000 to \$7,000. Property tax revenues are estimated to be \$34,000. Therefore, the City Staff recommends the annexation of the Ft. Phantom Hill area.

Councilman Rodriguez asked Mr. George what the City is doing now in regards to water extension to areas not in the City limits. He said that initially there was an implied policy that the City would supply water customers anywhere that the City could get lines to them. That policy started changing about the late 1970's. The City articulated a policy that allowed extension of services outside the City limits if it was under contract. The City found that control was not available under contract and the Council subsequently amended the policy. The policy now states that the City will not service anyone outside the City limits. The water line that exists in the area implies service along the water line to customers similarly situated. If someone is in the City limits and can obtain service from the water line, then someone could be serviced equally as well even though they are on the outside of the City limits and on the same water line and similarly situated.

Councilman Rodriguez asked if the persons outside the City limits who are receiving City water are paying the same kinds of fees and if the City is maintaining the water line. Mr. George said that the people outside the City limits are paying double water rates. The water line is maintained and operated by the City. The fact that it extends outside the City limits is because the City limits just meander around in that area.

Councilman Rodriguez asked if the property is outside the City limits then does the person have to make a connection or tap into the City water line. Mr. George said those persons would be subject to the same tap fees as City residents.

Councilman Rodriguez asked Dwayne Hargeshemer, Director of Water Utilities, if a City water line is outside of a property line and the owner requests service out of that line, does the property owner pay for the connection of the lines. Mr. Hargeshemer said the City treats that customer just like anyone in the City limits. The City has the control and inspection on the line at the tap. The line that is laid from a meter on to the house or structure is inspected by the Plumbing Inspection Division. Persons who construct houses outside the City limits do not always get permits, therefore, those lines are not always inspected. The City does make the tap up to the water meter, but there may be innumerable requests for water taps and as they begin to compile, it may begin to put some strains on the amount of water that can flow through the water main line. Zoning control might help to put some limitations on the density of development that may emerge in the area and thereby the number of water taps that may be requested in the future. Now, when someone asks for water and the City approves the request, then it doesn't look at the development the way it is now, the City just puts a water meter there. The main size along FM 600 is 6 to 8 inches. The standard branch line or regular house service lines go from 5/8 to 1 inch.

Councilwoman Proctor asked how the Staff would handle a situation if someone in the City limits had a request for a larger water main to go to a development. Mr. Hargeshemer said after the platting was done, the Staff would have to come up with a big enough line to serve the development.

Mayor Hall asked the Council to interrupt the public hearing on the proposed annexation of Ft. Phantom Hill to hear the recommendation of the Floodwater Management Task Force. He said the annexation public hearing would resume after Dr. Kim of the Floodwater Management Task Force presented its recommendations to the Council.

Mayor Hall told the Council how back in mid-Summer, Dr. Kim of McMurry College, accepted the responsibility of chairing the Mayor's Task Force on Floodwater Management. The Task Force was made up of 60 citizens and of all the people that were asked to serve on the Task Force, only three were unable to accept. The Task Force started meeting in early August and were given information made up by the City Staff and Freese and Nichols. He publicly expressed the Council's appreciation for Dr. Kim's work and the other citizens' work on the Task Force.

Dr. Kim presented the Council with seven copies of the final recommendations of the Mayor's Task Force on Floodwater Management.

FLOOD-
RECOMMEND-
ATION BY
TASK FORCE
ON FLOOD-
WATER
MANAGEMENT

He introduced the Chairpersons of the Steering Committee of the Task Force: Frank Puckett, Chairman of the Committee on Technical Alternatives and Evaluations; Amber Cree, Vice-Chairperson of the Committee on Technical Alternatives and Evaluations; Charles Hill, Chairman on the Committee on Policies and Ordinances; Claudine Wooldridge, Vice-Chairperson of the Committee on Policies and Ordinances; John Wright, Chairman of the Committee on Finance; Walter Johnson, Vice-Chairman of the Committee on Finance; Jack Gressett, Chairman of the Committee on Public Information; and John Stevens, Vice-Chairman of the Committee on Public Information. He also introduced the representatives from Freese and Nichols who were instrumental in coming up with recommendations for the Council: Jim Nichols, Tony Reid, Jerry Fleming and Matt Schwanitz.

Dr. Kim thanked the Council for asking him and the others to be a part of coping with one of the most difficult problems confronting the City. He presented the Task Force's recommendations to the Council for the acceptance, modification or rejection. He said the charge from the Mayor and City Council to the Task Force was that the Task Force to come up with some recommendations for Floodwater Management which should be technically correct and feasibly and financially responsible. He said the Task Force tried to come up with recommendations that are balanced, being that all the citizens are asked to share in the burden to protect Abilene. The recommendations are financially responsible, the Task Force feels, in the sense that the financial resources have been examined and the financial requirements. He said when the Task Force began in August, they decided to organize the responsibilities into four components administrative controls to deal with policies and ordinances on floodwater runoff; to make recommendations of the optimum combination of capital improvements contained in the technical alternatives in the various studies which have been presented to the Task Force; a finance committee was charged to review the methods of funding all of the recommended projects; and, the Task Force felt a responsibility to the community to keep the public informed in all the steps involved in the deliberations leading up to the recommendations to the Council. The Task Force felt that any further urbanization and land development, nothing must be done to contribute any further to floodwater runoff to the creeks around the City. That assumption has been translated into a set of proposed policies and ordinances for the Council's consideration. He read a portion from the recommendations from the Committee on Technical Alternatives and Evaluations: "The Committee adopts the recommendation of the 100 year storm protection to be phased in two phases. In Phase I, we would be implementing the 25 year storm protection and in Phase II, we would be implementing the 100 year storm protection." Both of these phases should be accomplished by the year 2000. In the meantime, the City will embark on the citizens and City's cooperative effort to clean up the creeks in the residential areas with those citizens living on the creeks doing their part in cooperation with the City in cleaning out their own channel to be completed in 1983 and 1984. The Task Force is also recommending the creation of some detention and retention ponds and some channelization. The total cost of the capital improvement projects will be \$52 million. He said because of the City's frugal management of its finances, Abilene is one of the least indebted cities in the nation. The City could issue general obligation bonds of \$4 million per year for many years to come without endangering the credit of the City. Over the next 11 years, if the City were to implement the 25 year flood protection plan, it is estimated that some \$28 million would be required. If over the same 11 year period, the City were to issue \$4 million of bonds per year, the total bonds that would be issued would be \$44 million. That would leave \$16 million available to the City for all the other capital improvement purposes that the City may deem necessary. This financing program will not obligate all of the City's resources to deal only with the topic of floodwater management.

Dr. Kim said that while he and the other citizens worked on the Task Force, they came to appreciate the competence and the cooperation of the Staff of the City. He again thanked the Council for the privilege of being asked to be a part of the Mayor's Task Force on Floodwater Management.

Mayor Hall resumed the public hearing on the annexation of the area around Ft. Phantom Hill. Harvey Cartgill, City Attorney, went over the calendar for the annexation process. He said the second public hearing would be on November 5, which will be on the site. The first reading of the annexation ordinance will be held on December 2, and the final reading will be held January 13, 1983. All total, there will be three public hearings and one first reading.

Councilwoman Webster asked Mr. Cargill if someone owning property along the water line but outside of City limits requested a tap would the City be obligated to furnish that tap. Mr. Cargill said there was a test that could be used to determine if a City should provide water. He said it is a matter of if the property is similarly situated. What kind of size line or amount of water is already being furnished by the City to the area. Mayor Hall asked if Mr. Cargill's answer came from a court decision or a State statute. Mr. Cargill said it comes from the Public Utility Acts and also from a case law dealing with a similar problem. He said as far as law goes, it is fairly well settled in the State of Texas. Mayor Hall asked that if the City has only previously furnished 5/8" taps to residents, would the City have to furnish anything other than a 5/8" tap to those requesting connections. Mr. Cargill said if a jury could be persuaded that factually there is a difference between a 6" or 12" line, the City would not have to furnish anything other than the 5/8" tap. He said it is a question of fact--the could not say anything in concrete that a jury would not make the City furnish water to residents requesting larger taps.

Mayor Hall asked when the two main water lines were laid. Mr. Hargeshemer said the line on the west side of the Lake was funded by the Government for the Nike Missile Site. An 8" water line ran along FM 600 to the Nike buildings. The northward extension of the water line was due to the requests of many of the people in that area that were inside the City limits. On the east side of the Lake, the Northeast Water Treatment Plant and the WTU Power Plant are located. The water line was mainly put in for WTU's usage--then people located on the east side around the Lake requested water, so the water line was extended northward. Mayor Hall asked if the City received enough taps that the capacity of the line was in complete use, is the City required to put in another line to serve someone who is similarly situated. Mr. Cargill said he did not think that would not be necessary unless the City had been certificated, which means a permit granted by the Public Utility Commission to serve a particular area of customers. The right to be certificated is normally requested. Mr. Hargeshemer said the people that have tied on to the water line paid a pro rata share. He said prior to 1977, any water lines that were laid prior to that date were just tied on to for a fee of \$2.25 a front foot. Now, the rate is about \$5.00 a front foot. If someone had a 100 feet lot, he would pay \$125 plus a tap fee. If a 3/4" tap fee is \$175, he would have to pay \$125 plus a \$175, and the City would go out set the meter, make the tap, and he would be able to tie on to it. If the property is in a development, the developer would have made the initial cost of the lines to go in and the citizen would not have to pay the pro rata fee--only the tap fee.

Councilman Rodriguez asked if the City has ever had any major problems with the water lines in the proposed area. Mr. Hargeshemer said that those lines are downhill from the main system and they handle a lot of pressure. Because the line is long, and if water is drawn real heavily, the line will tend to rock. But, in all, he said the lines were in good shape and did not cause too many problems.

Mayor Hall said he would like to compare the City's furnishing water to water supply corporations. He asked if the City has put a limit on the amount of water that will be contracted with the corporations. Mr. Hargeshemer said that in a contract, the corporation has a limit that can be drawn every twelve month period. He said that the City is not obligated to go beyond that limit by any similarly situated type law. But there is no limit as to the amount of water the City might be required to furnish to persons inside the City limits or outside if they are similarly situated. He said to his knowledge the City has not made any taps larger than the regular household taps off the lines.

Councilman Fogle asked if supposing someone wanted to develop some property that was located close to a water line, and they wanted to carry a 4" or 6" line to that development with household taps coming off of that, would the larger line be an extension of the main line. Mr. Hargeshemer said yes, that was a regular extension. Mayor Hall asked if the City is obligated to make that kind of an extension. Mr. Cargill said again that it will be a question of fact to be determined by a jury.

Councilman Fogle asked if there is a distance limitation on the person wanting to tap the line. Mr. Hargesheimer said that since 1978, the City has not tapped anyone unless their property fronted the water line. Prior to that time, someone could be 2000 feet from the line and lay a private line to the main line and tie on. Mr. Cargill said as far as the law is concerned, if the City could show that the cost to City was the same whether the property was a 1000 feet or 10,000 feet, the City would have an argument. Councilman Fogle said he noticed that some of the proposed annex property was located anywhere from a mile to a mile and a half from the water lines. He said he understood that the City is trying to follow property lines or survey lines as opposed to an arbitrary line 500 to 1000 feet away from the property from the water line itself. He understood that to be the basis for the straight lines following survey lines and property lines. Mr. George said that the Staff has prepared an alternative that may be helpful to the Council.

Mayor Hall said that the City cannot annex more property than has been stipulated by the Staff in the meeting, nor can the City furnish any less services than has been stipulated. The City is eligible to annex less than what has been mapped out and can furnish more services if so inclined. He asked if the present City limits were the ones that were designated when the City built the Lake. Mr. George said a small area of land was annexed in the south east corner of the Ft. Phantom Lake area when the City completed the Northeast Land Use Study. The City's extraterritorial jurisdiction extends five miles further than the present City limits. He said that cities have the authority, under the Texas Municipal Act of 1963, to extend certain development ordinances out into the ETJ. Only the Subdivision Regulations and a few health codes are applicable in the ETJ. For Abilene, a City of 100,000 or more population, the ETJ can claim five miles.

Councilwoman Webster said that one of the policies the Council had been going by was that according to the Subdivision Regulations, a person is not allowed to hook up to a City water line unless he can also hook up to sewer unless he is on a tract of five acres or larger. She asked if according to the map Mr. George was using, how many of the homes shown were on five acres or smaller and were using City water and septic tanks. Mr. George said there were a few but the exact number is not known. She asked if there were some people that have already received water taps that are not on five acre tracts and are on septic tanks outside of the City limits, would the City be obligated to give another person water and allow them to use a septic tank. Mr. Cargill said the problem would be to decide how the people got the water to start with. Perhaps they received the water before the Subdivision Regulations went into effect or perhaps they tied on to the water line without the City's inspection. If those possibilities are correct, then it may not be a question of whether the previous property owners are similarly situated with the property owner trying to tie on.

Councilman Hilton asked if the water line on the east side of the Lake was entirely in the City limits. Brad Stone said there were two places where the water line went out of the City limits-- in the far south near the Northeast Water Treatment Plant and in the far north in a small triangular area. Councilman Hilton asked of the 113 homes in the proposed annexation area, how many are on City water. Mr. Stone said the Water Department estimated there to be 55 water customers in the area. Councilman Hilton asked Mr. Cargill if the persons in the proposed annexation area on City water were to give up their City water, could the City leave them out of the annexation. Mr. Cargill said that could be a possibility. Councilman Hilton felt that the supply of water in the area was the major problem, and if the Council could come up with a solution of how to equitably tie people on to the water, the boundary would be easier to set as to where the City limits should go.

Mayor Hall asked Mr. Cargill that if a person said he did not want City water and the City did not annex that person, would the City have any obligation to furnish that person with water. Mr. Cargill said that assuming the City ends up with a boundary wherein he is outside of the City limits and the City annexes all of those property owners who are being furnished with City water, then the City has no obligation. Mayor Hall asked if the City could make a deal with

a water supply corporation to pick up the customers in the area and serve them within the limits of whatever the City has contracted to furnish that water supply corporation. Mr. Cargill said that the City has already ran into that problem--if a water supply corporation has already been certificated to supply water to an area and that area is eventually taken into the City limits, the situation can cause real problems.

Richard Petree, Tax Assessor-Collector for Taylor County, said his tax value estimations are based on the current .48¢ tax rate. He said that most of the area would be allowed to file agricultural use value. The persons who are farming and ranching will expect to pay about .19¢ per acre for City tax. Crop land will be about .33¢ per acre. The homes in the area would amount to about \$4,480,000 in value and the land would have about a \$250,000 value for a total of approximately \$4,750,000. That would generate \$22,800 to the City. He said his estimates were based on the productivity of the land not its market value. The productivity value per acre ranges from a low of \$22 per acre to a high of \$119 in Taylor County. The same property would have a market value of between \$400 and \$1,500. Any persons who have small tracts, but who are not farming those tracts, they will be taxed at market value. The productivity value is constitutionally protected and will never be changed by the Council--only by the approval of the citizens of the State of Texas. The taxation of the property, provided that the City annex the property before the end of the year, would not begin until October of 1983. If the final action takes place in January of 1983, the tax would be due in October of 1984. Any mineral interest will be taxed based upon the reserves that are in the ground and will be taxed at full value of those reserves. The absence of adequate City services to an area does not have an affect on the value of the property. The trend to rural homesites of two to five acres has been great in the past few years and people seem to be willing to pay more for this property.

Councilman Rodriguez asked James Pogue, Fire Chief, what kind of services the Fire Department was providing the proposed annexation area now. Chief Pogue said that the Fire Department was responding to fires in the area, however, the response time is about 15 minutes. The Fire Stations at EN 19th, Grape & Stanford, and Station No. 1 are responding to fires in the area. He said eventually the City would need a Fire Station in that area to provide the effective service needed. He said the property that is within Taylor County is eligible to receive service from Abilene's Fire Department. The property that is in Jones County would first be serviced by the Hawley Volunteer Fire Department or Anson Fire Department, then the City Fire Department would be called in secondary. The City does not have an actual agreement with Jones County like it does with Taylor County, although, it does have sort of a working agreement with Hawley and Anson. It was Jones County's decision not to have an agreement with the Abilene Fire Department. He said the desired response time to any location within the City is 3.5 minutes, which is above the national average of 4 to 5 minutes. He said there are scattered fire hydrants in the proposed area, but not as close together as he would desire.

Councilman Rodriguez asked Warren Dodson, Chief of Police, what kind of service the Police Department was providing the proposed area. Chief Dodson said they were answering calls in the area now and if the area was annexed, he felt there would be no increase in responsibilities for the Police Department. He said the Police Department no longer patrols an area routinely. He said the Lake Patrolman at Ft. Phantom Lake patrols the area fairly routinely--he answers to the Water Department and is a commissioned peace officer. He said at many points in the proposed area, the police officers never know whether they are in the Abilene Police Department's jurisdiction or not--by annexing the area, it would help the Police Department in that respect.

Brad Stone presented an alternative to the Council. He said there are some areas that are not directly adjacent to the City water line. Those are the areas that may not be quite as critical to annex now. Those areas are sparsely populated and are used mostly for farming and ranching.

He said that part of those areas are made up of rough terrain and flood plain and are not as developable as the area adjacent to the water lines.

Mayor Hall opened public hearing on the proposed annexation of area ANNEXATION
round Ft. Phantom Hill. LAKE FORT
PHANTOM

PH CONT'1

Mr. Truett Lambert, 758 Diamond Lake Drive, owns 1,400 acres of land of which FM 600 splits the land. He said the City limits joins his property on the northwest and is 1.3 miles on the south. He said he would like to develop the 1,400 acres, but he must have City water to develop, so therefore he would like to see the area annexed.

Mr. Fred Curlander, lives on the east side of the Lake. He would like to see the property annexed because the Police and Fire Departments would be able to service the area better. The one Lake Patrolman has a hard time patrolling the whole Lake. He said that the area is becoming more and more populated which would require the City to put another Fire Station in the area. He said he already pays Hawley School taxes, Jones County taxes, and Stamford Hospital taxes. He said the people would have a choice of going to Abilene schools or Hawley School.

Mr. Atkinson, owns 520 acres in the south east portion of the proposed area. He said some of his land is included in the proposed area and 160 acres of it was left out. He said that in the past three years, he has converted about 90 acres from pasture into cultivation, and he has spent about \$30,000 making the conversion. He said if the City annexes that property, he will be highly restricted by building codes as to the construction and maintenance of fences, barns and water sources. He said that Mr. Lambert's property could probably be furnished water by some other water supply corporation other than Abilene. He felt that the City could not offer him anything more than what he already has. He said if the City goes ahead and annexes his property, he wants protection in the way of City services and fire and police protection. He said he does not plan to ever develop his land and he would like it to remain outside the City limits.

Mr. Lynn Anderson, owns 5 acres on the southwest portion of the proposed area on the very edge of Jones County on FM 3034. He opposes the annexation because he feels that the City will not benefit the property owners for the amount of money that the owners will be paying. He said that it would probably be many years before the City provided all the services it is obligated to--road signs are the only things that he will receive in the very near future. He said there is some property closer to the City limits that is not in the proposed annexation. He said that property uses much more water than he does and also has a much higher tax base than he has. He wanted to know why the Staff included him in the proposed annexation area and why that property was left out. Mr. Stone said that at Mr. Anderson's location the Staff found that according to old City tax records, Mr. Anderson and Mr. Petree (neighbor) were City water customers. Also the Staff needed some sort of identifiable boundary so the Staff used FM 3034 and Mr. Anderson's property line. Mr. Anderson pointed out that the property he was talking about also has City water even though the tax rolls may not show it.

Mr. Seegmiller said the Staff should probably look into that situation.

Mr. Woodrow Griffith, a property owner, said that the City already has about 100 square miles and he felt that the City already has land that has not been developed. He would like the City to develop the land already in the City limits and leave his farm alone. His property is farm land and is located near the Northeast Water Treatment Plant. He said he is on City water and would not like to see it turned off.

Mrs. Woodrow Griffith said that the City left them out of a proposed annexation area before and she said she would like the City to leave them out again. She said they will continue to farm and if they ever sell their property, they will have to go back three years and pay up the taxes on it. She said she would like to leave that off for a little longer. She felt that the raising of taxes

was the major issue not water, and if the Council could guarantee that her taxes would not go up, she would not mind being taken into the City limits.

Mr. Hogan Laughlin, who owns about 128 acres of farm and ranch land located near the Nike Missile Silo, also opposes the proposed annexation. He said he did not know how the City's annexation would benefit him. He also felt that the only thing that would change, would be the increase in his taxes.

Mr. J. D. McGaha, owns property on the east side of the Lake that is part of the area that the Staff considered to be undesirable for development. He gave the Council the original plat of that land. He said the land originally belonged to H. B. Harvey, Sam R. Cox, Jr., Dennis Manly and Esta Manly before they sold the 1,797 acres to the City. He said the land was very rough and most of it was ranch land with some farm land. He felt that it would be very difficult to develop.

Mr. Dwight Rose, who lives in the very northeast corner of the proposed area, said that between 1965-76 he lived in the annexed area around the Lake. During that period there were several fires that got out of control because the Fire Department could not respond quick enough to put them out. There have been times when he called the Police Department and was told to contact the Sheriff's office. He would like to see the area remain as it is with mostly farm and ranch land surrounding the Lake.

Mr. Marvin Smith, who lives in the southwest portion of the proposed annexation area next to Mr. Anderson, said that if someone tries to build a house and is not served by an acceptable sewage system, he cannot receive an FHA or VA loan. A certificate of completion must be presented showing that the septic system has been inspected and approved by the State. He said control over water meters could be achieved by requiring the same certificate to be presented to the City. The State runs two very thorough tests to determine if the septic system is adequate. He said he owns other property within the City limits and now pays tax on on that property--he also pays school taxes, sales taxes, helps support the City by buying everything he needs within the City, pays to the West Central Texas Municipal Water District, etc. He does not think that the money the City will receive from the taxes that it will collect will pay for the services that it will have to provide for the additional area. He said one of the studies that the City completed made the point that the City has already too much land and it needs to stop annexing and develop what land is already inside the City limits. The taxation that the City will impose depends on not what the City services are, but rather what type of structure and what type of land is taxed. He said the people living outside the City limits have chosen to do so and have forfeited the few benefits the City has to offer, so let those citizens decide whether or not they would like to be in the City limits. He pointed out that the City is continuing to furnish water to persons outside the City limits--areas that are not proposed to be annexed. This is being done through rural water associations. Steamboat Mountain Water Supply System, for example, is furnishing water to persons living as much as 10 miles outside the City limits. He felt that since some of the rain water fell on his property, ran into Ft. Phantom Lake, and the City used some of his tax money to purify that water, doesn't he deserve the right to use that City water and not be annexed.

Mr. O. B. Spence, leases land owned by M. M. and Juanita Moore located in the southwest portion of the proposed annexation area. He said he has leased the land for almost 20 years and the leases are only good for farming and ranching--they would not be desirable for development. He felt that Mr. Petree was probably quoting the tax valuations a little low.

Mrs. Dollie Simpkins, who lives in the northeast corner of the proposed area, said the area where she lives has several houses and probably has no more room to put more houses. With no more development likely in her area, she does not understand why the City would want to annex it.

Councilman Bridges asked why the Staff recommended annexation in Mrs. Simpkins' area. Mr. George said it was because there are City water users in the area and there has been subdivision there previously. However, there should be no additional requests for water in the area. The subdivision located there was developed several years ago before the emergence of subdivision regulations, therefore, the City has no control over it.

Mr. Billy Vinson, owns property surrounding the Big Country Youth Services (Girls Ranch), said that according to the Agricultural Census, America is losing approximately 2 million acres of land a year to city encroachment. He thought that if the City annexed the area, it would mean an open invitation to the State or the Federal Government to put some restrictions and some limitations on cities such as Abilene who are taking prime farm land into the city limits. He said that there is really no surplus of beef and produce being supplied by American farmers and ranchers--the less farm land and ranch land America has, the less it can produce. He quoted the State Law of 39th Judicial District, "agricultural land may be brought into a city if it is intended to be used strictly for town purposes". In a recent case, Judd vs. the State, the Attorney General ruled that where 75 to 80 percent of the land was of agricultural nature, the incorporation was invalid. He said at least 90 percent of the proposed area is farm and ranch land. This land has very few houses or any other urbanization. He suggested the City develop the land that it already owns around the Lake. The City could sell the land or build a house and collect taxes off the house. He said the concern about septic tanks being used by the few people living in the area was understandable. However, he noted that the City has two landfills at the mouth of the Lake already with another one proposed in the same area. He said that all of the land on the north side of his home has a water shed that runs away from the Lake. Septic tanks should pose no danger from that point on. There are many organizations that place controls on persons living in a lake area anyway--EPA, Texas Water Development Board, Texas Air Control Board, Texas Health Department, etc. He said if the City takes in more land, it will not be able to furnish the new area with all the services required unless more personnel are added to the City Staff. He said he was worried about fire and police protection, maintenance of roads, and the additional taxes. He asked the Council to maintain its responsibilities to the area if it is annexed. He asked that Jones County set the tax for the land--that County is familiar with the land, it should already have the valuations, and it would eliminate duplication of services. He said they would also like to have a voting box in his area. It is very inconvenient to go ten miles to vote in one election and then turn around and go another ten miles in the same day and vote in another election. He asked that the Council consider the people's wishes in the area and to make the best decision possible based on that.

Mr. Hubert Watson, who lives and owns property inside the City limits, said he thought the City may be taking on additional liabilities with much less income than what was expected to be received. He said he is in the property tax business and realizes that the City would get a boost from the oil business that is in the proposed area. However, the tax would be an additional tax burden on the oil producer and the person receiving the royalty.

Mr. Cecil Wright, who owns property near the intersection of FM 600 and FM 1082 and is pastor at the Lake Breeze Church of Christ, also spoke against the annexation. He said all of his members do not want to be annexed and are afraid that the City will not be able to protect them or the church against fire or crime. He told the Council of several instances where they needed the Police Department or Fire Department and had to either settle for a volunteer fire department or Sheriff from Jones County or get help from no one. If the City annexes the area, the Jones County Sheriff and the Hawley Fire Department will never respond at all. He also mentioned that the people in the area will not be able to take care of the skunk problem themselves any more. It will be against the law to fire a firearm in the City limits. That will make the Animal Control Division work extra hard to keep up with that situation.

After no one else asked to speak before the Council, Mayor Hall closed the public hearing.

Mayor Hall reminded the citizens that there would be another public hearing on November 5, 1982, at the Big Country Youth Services building on the proposed annexation.

The Council broke for lunch and an executive session. They reconvened at 2:15 p.m. with no action taken.

Ms. Linda Moody, Land Agent's Office, presented the resolutions for Eminent Domain Proceedings for the widening of Barrow Street. The two parcels consist of 325 S. Mockingbird Lane and 341 S. Mockingbird Lane. The 325 S. Mockingbird Lane location is owned by Roy Dale and Patsy Ann Rains. The Land Agent offered \$1,870 for 812.6 square feet of the parcel, but the Rains rejected the offer. After the taking of the property, the Rains will retain 8,293 square feet. The 341 S. Mockingbird Lane location is owned by John R. and Nancy Jo Perry. The City offered the Perry's \$10,500 for 1,562.3 square feet. The Perry's will retain 28,750 square feet after the taking. STREET IMP. BARROW ST. CONDEMNATION (2)

Councilwoman Proctor moved approval of the resolutions for Eminent Domain Proceedings for the widening of Barrow Street--the locations being 325 S. Mockingbird Lane and 341 S. Mockingbird Lane. The motion was seconded by Councilman Fogle. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Rodriguez, Fogle, Councilwoman Webster and Mayor Hall.

NAYS: None.

ABSTAINED: Councilman Hilton.

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.

BUDGET-
1981-82
AMENDED
(TRANSFERS)

Mr. David Wright, Director of Finance, said the City is in the process of closing out the 1981-82 fiscal year. He said there is a little house cleaning that must be done to complete the process. The Police Department had an over expenditure of its approved 1981-82 Budget that has been modified by the September reports. Recently, some charges were discovered that had been posted wrong which now puts the Public Works Department out of Budget. The Public Works Department is only \$1,934 off but the Police Department is \$99,370. The Police Department's major reason for the problem is miscalculation of their salaries. Rental charges caused the problem for the Public Works Department. He said the Council needs to transfer the funds. Mr. McDaniel mentioned that it takes the Council to transfer funds from one Department to another. He said the Police Department did not Budget enough funds to start their academy last year--and they miscalculated other salaries. He said the City Manager has the authority to transfer funds within a Department, but it takes Council action to transfer funds outside a Department. He said he wanted to report to the Council, though, that the General Fund Budget underspent by \$385,000.

Councilman Hilton moved the approval of the transfer of funds.

Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

Mr. Bob Whitehead, Director of Public Works, presented the proposed Federal Aviation Administration's Automated Flight Service Station. On October 15, Jack Grassett, Chairman of the Chamber of Commerce's Aviation Committee and Gerald Cook, Manager of the Industrial Foundation, Glenn Meeks, Airport Manager and Mr. Whitehead attended a FAA meeting on the possibility of obtaining through a bidding process

FEDERAL
AVIATION
ADMINISTRATIVE
SERVICE
STATION
DISCUSSED

an Automated Flight Service Station. The flight service stations are manually operated and there are about 317 in the United States. The FAA would like to cut it down to 61 automated flight service stations.

A service station is basically where a person could phone in and get flight information in order to set the flight plan ahead of time. Computers will automate the now manual service stations. The FAA had planned to acquire, design and build the 61 flight stations themselves. However, with the change in the administration a few years ago, the program was changed to ask communities to bid to locate the flight service stations. About 40 communities were asked to meet with the FAA. The flight service station, if located in the City, would accommodate the north half of Texas (about 120 counties). The building will contain about 12,000 square feet and the top floor must contain the computers and other instrumentation. The bids must be submitted by December 17, and will remain open until June 17, 1983, when the FAA will make a decision. Once the FAA decides on the City where the service station will be located, they will want to occupy the building by April 1, 1986. The term of the lease will not exceed one year with the right on the behalf of the FAA to renew the lease for up to 20 renewal periods of one year each. The service station has to be located on a public use airport--it could be a city airport or it could be a private airport open to the public. He said the FAA is asking for about 4 acres for the service station and the City Airport has two possible locations for it. He could not specify how much the cost of the building would be since it will be submitted by bid. He suggested that an executive session would be in order for the announcement of the cost. Mr. Cargill agreed that it would be unwise to publicly announce what the City would be willing to bid on the service station or what methods it would use to finance the project.

Mayor Hall said the FAA was going to build 9 of the service stations for \$17,000,000--that turns out to be about \$2,000,000 instead of \$850,000 that was estimated. The FAA also said that it would be a way to enlarge the City's tax base. He did not think that the City would be able to tax the property. True, it would provide the City with a large payroll, but it cannot be taxed.

Mr. Gerald Cook, Manager of the Industrial Foundation, said that since the service station would be on the Municipal Airport property and used by a Government agent, he too thought it would be exempt from City taxation. The direct benefit to the City would be that it will provide about 80 high paying jobs with a payroll of about \$2 million. He said the Executive Committee of the Industrial Foundation was also going to work out a financial means of bidding on the project. He felt that the City should submit a bid. He said it would be better if the Council did not take action on the flight service station until after the Industrial Foundation met. He said he came before the Council to just share some information about the possibility of bidding on the flight service station.

Councilman Hilton thought that the City needed to encourage any industry that would bring in more jobs and money into the City.

Councilman Fogle said it would probably be a good idea for the City to get involved with the Industrial Foundation and put together some sort of proposal for the flight service station.

Mayor Hall then adjourned the meeting at 3:30 p.m.


CITY SECRETARY


MAYOR