

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, December 2, 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: Special Meeting held November 5, 1982, and Special Meeting held November 10, 1982.
4. AWARDS AND PRESENTATIONS:

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 second and final reading - amendment to Chapter 18, Motor Vehicles and Traffic, concerning One-Way Operation on San Jose Drive (at Lee Complex).
 - b. Consider on second and final reading - amendment to Chapter 18, Motor Vehicles and Traffic, concerning changing speed limits on various streets.
6. Award of Bids
 - a. Swamp Dozer - Street Division.
 - b. 8 Yard Refuse Containers - Refuse Division.
 - c. Golf Carts for Maxwell Municipal Golf Course.

REGULAR AGENDA

7. Public Hearings
 - a. Consider on second and final reading - amendment to Chapter 18, Motor Vehicles and Traffic, concerning parking time limits in the 300 Block of Cedar Street.
 - b. Consider on second and final reading - thoroughfare abandonment, being a 20' east-west alley running from the east boundary line of N. Treadaway to the west boundary line of Cottonwood Street & being approximately 110' in length.
 - c. Appealed Item:
Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to RM-3, GC & O (Residential Multi-Family, General Commercial & Office) Districts, located at EN 10th & Judge Ely Blvd.
 - d. Consider on second and final reading - Downtown Redevelopment/Tax Increment District #1 Ordinance.
 - e. Utilization of Park property for Barrow Street Expansion.
8. Ordinances
 - a. Consider on first reading - changing retirement benefits.
 - b. Consider on first reading - annexation of Lake Fort Phantom Hill area and set a public hearing for January 13, 1983, at 9:00 a.m.
9. Resolutions
 - a. Adopting a Service Plan for the additional property annexed surrounding Lake Fort Phantom Hill.
 - b. Waiver Request - paving & sanitary requirements on Military Drive.
 - c. Waiver Request - sewer requirements for extension #1 of Lone Oak Heights abutting Hardison Lane.
 - d. Waiver Request - sewer/water requirements on NW corner of Bumper Gate & I-20.

10. Other Business
- a. Discussion of traffic signal study.
 - b. Update of water project by Freese and Nichols.
 - c. Appointment & Evaluation of Public Officers.
 - d. Pending and Contemplated Litigation.

ADJOURN

SUPPLEMENTAL NOTICE

(Not to be considered prior to 2:00 p.m.)

10. Other Business
- e. Consider clarification of acceptance of a Utility Easement on Griffith Road.

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 31st of November, 1982, at 9:00 a.m.

Sheila Beard Assistant
Assistant City Secretary

The City Council of the City of Abilene, Texas, met in regular session December 2, 1982, at 9:00 a.m., in the City Council Chambers. Mayor Elbert E. Hall was presiding, with Councilman Julian Bridges, Councilwoman Proctor, Councilmen Rodriguez, A. E. Fogle, Jr., L. D. Hilton, and Councilwoman Kathy Webster present. Also present were City Manager, Ed Seegmiller, City Attorney, Harvey Cargill, and City Secretary Ruth Hodgins.

Invocation by Councilman Bridges.

Councilman Bridges moved approval of the November 5, 1982, and the November 10, 1982, minutes of the City Council with corrections concerning the November 10, Floodwater Management Meeting. Councilman Fogle seconded the motion. The motion carried as follows:

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

Councilman Hilton moved approval of the consent agenda with the exception of 5 to be discussed separately. 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.

5. Ordinances

a. Consider on second and final reading - amendment to Chapter 18, Motor Vehicles and Traffic, concerning One-Way Operation on San Jose Drive (at Lee Complex).

CODE -
TRAFFIC & TRA
ONE WAY OPERA
TION AT LEE
ATHLETIC COMPI
2ND READING
APPROVED

b. Consider on second and final reading - amendment to Chapter 18, Motor Vehicles and Traffic, concerning changing speed limits on various streets.

Mr. Wayne Kurfrees, Director of Traffic & Transportation, said the Staff made a comprehensive study of all the major thoroughfares in the City. The goal of the study was to try to bring all the City's speed limits into compliance with good engineering practice and to be sure that all of the speed limits the City has posted are reasonable for a particular segment of street. The study data was compiled by the Staff's using inconspicuous cars to monitor certain thoroughfares. Usually 100 cars per hour are studied and then the data is then plotted in an accumulative frequency distribution. He said 10 to 15 percent of the motorists will drive unreasonably fast--then a small percentage of the motorists will drive unreasonably slow (coming out of a drive-way, etc.). The highest percentage of motorists will travel within a narrow band of speed called the 10 mph pace.

On Sayles Boulevard from S. 11th to S. 14th, at the upper end of the 10 mph pace, is 37 mph. The lower end of the 10 mph pace is 27 mph which means that 70 percent of the motorists drive between those two rates. That particular section of Sayles Boulevard has always had a 30 mph speed limit. North of S. 10th on Sayles Boulevard the character of the street is identical to the block between S. 11th and S. 14th, but the speed limit is 35 mph. The study has found that motorists drive the way they perceive that the street ought to be driven. The speed zone signs do not have much of an affect. According to the study, the highest rates of speed occurred in the 30 mph zone and the lowest rates of speed occurred in the 35 mph zone. The Staff has tried to find the segments where speed limits may be too high for current conditions (15 segments) and has tried to find the segments where speed limits may be too low. The Police Department must have a tolerance to speeding motorists on these segments because the motorists would be receiving more tickets if not. However, motorists who might be subject to getting a ticket would really not be driving unreasonably for that particular segment of street considering the character of the street.

Even if the Staff's recommendation of 35 mph on Sayles Boulevard is accepted, it does not predict that there will be much of a change in the motorists' speeds on that street. The only motorists who will receive tickets are those who are driving extremely fast.

Councilman Rodriguez asked what the average speed was for the segment north of S. 10th on Sayles Boulevard. Mr. Kurfees explained that the guidelines adopted by the Highway Department state the speed limits should generally be based upon the 85th percentile speed, (higher end of the 10 mph pace) and that a speed limit should never be posted more than 7 mph below the 85th percentile speed. In the case of Sayles Boulevard and having it zoned 30 mph, the City is pushing the 7 mph restriction. By zoning Sayles Boulevard 35 mph, there probably will not be noticeable change in the actual speeds traffic operates.

Councilman Rodriguez asked if on streets posted at 40 mph, would the motorists tend to drive faster. Mr. Kurfees said the Staff is recommending the speed limit to be changed from S. Willis to S. Pioneer on S. 14th Street from 35 mph to 40 mph. From S. Pioneer to the Winters Freeway on S. 14th Street, the limit is 45 mph and the Staff is recommending 40 mph. After studying the speeds of the two segments, the Staff found that motorists do not drive according to the posted speed limits, but drive according to the characteristics of the road way and how safe it may be to drive those characteristics. He said the Staff has found also that as the density of development increases, traffic tends to slow down to compensate.

Councilman Rodriguez asked if speed limits were set for ideal conditions. Mr. Kurfees said the posted speed limits are supposed to be set for normal dry weather/daytime conditions. He said State law states that motorists should never drive at a speed unsafe for existing conditions.

Mr. Harvey Cargill, City Attorney, said posted speed limits were only *prima facie*—they are not absolute. The State Law requires that motorists drive reasonably and prudently considering the conditions at the time.

Mayor Hall asked if the Staff considered the accident frequency at the rates the motorists have been driving. Mr. Kurfees said the Staff has studied the number of accidents occurring at certain intersections and streets, but a speed limit can never be posted more than 7 mph below the 85th percentile speed. If it were lower, it probably could not be enforced.

Councilman Rodriguez asked if speed limits were taken into consideration when timing traffic lights. Mr. Kurfees said the traffic signal timing is based on the 85th percentile speed. Those motorists driving either several mph slower or faster will have to slow down or stop.

Councilman Rodriguez asked if the block between S. 11th and S. 14th on Sayles Boulevard was posted as 35 mph, would motorists make the light downstream. Mr. Kurfees said the posted speed limits and the traffic light timings are usually based on the 85th percentile speed. Therefore, when Sayles Boulevard speed limits are changed, the traffic signals will be appropriately timed.

Councilwoman Webster moved the passage of the ordinance concerning changing the speed limits on various streets. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

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.

CODE -
TRAFFIC & TR
CHANGING
SPEED LIMITS
ON VARIOUS
STREETS
2ND READING
APPROVED.

6. Award of Bids

- a. Swamp Dozer - Street Division.
- b. 8 Yard Refuse Containers - Refuse Division.
- c. Golf Carts for Maxwell Municipal Golf Course.

AWARD OF BID
SWAMP DOZER
REFUSE CONT.
GOLF CARTS
ALL APPROVED

Mr. Kurfees presented the ordinance for second and final reading concerning parking time limits in the 300 Block of Cedar Street. He said several weeks ago, the Staff received a petition from a group of employees in the 300 Block of Cedar. Their contention was that the effect of the current time limit on the parking (2 hour limit) was to make those employees shuffle their cars throughout the day. They asked that since there has been no bonafide short term parking taking place, they requested the time limit removed. He said a computer data center is located on the east side of Cedar on N. 3rd, and Southwestern Bell has a switching station on the corner of Cedar and N. 4th on the east side. Pride refinery is located on the corner of Cedar and N. 4th on the west side and Willis Cox Insurance and others are located in the center of the block of Cedar on the west side. He said the studies done by the Staff in past indicated that no short term parking was taking place on Cedar because employees were using the parking places. He said a letter was sent to each of the businesses on the block except Mr. Watson's CPA business. Four of the six businesses felt there was not much of a need for a time limit. The Computer Data Center said their employees were having a hard time finding parking places and the elimination of the time limit would probably be a help to those employees. Willis Cox Insurance, however, felt they do need time limit parking. Mr. Bob Springer asked if the City could compromise and eliminate the parking time limit on part of the street. Mr. Kurfees said it would be possible to compromise and have unlimited parking on part of the street with restrictions in front of Willis Cox Insurance.

Mayor Hall asked if the Staff has any reluctance to make time limit changes by the half block. He was concerned that if the Council changes the time limits on one block, would the Council be faced with changing time limits on a block every Council meeting. Mr. Kurfees said implementing this kind of a change on one block might give the Staff an opportunity to see if it will work somewhere else. He said the present time limit parking (2 hour limit) has not necessarily prevented employees from parking on the street. He said by restricting the parking to certain areas and unrestricting the parking in others may cause the employees to at least park where it will cause the least detriment to a particular business.

Councilwoman Webster mentioned that whenever employees call the City to complain about parking places, she hoped the Staff would tell those employees about the City's transit system. He said the employees are reminded of the City's transit system and also they are reminded that the parking places in front of a business are used for patrons.

Mayor Hall said most businesses provide off-area parking for their employees. He said it looks as if the City will be providing for non-free parking for those employees arriving first.

Councilman Hilton said other businesses other than the immediately located businesses probably use the parking places and would use those places more often if employees were not able to park there. He feels the City should leave the short-term parking. Mr. Kurfees said there was no way the City could prevent employees from using the parking places as long as their employers do not mind them using the places or moving the cars.

Mayor Hall said perhaps a downtown organization could give some advice on the situation. He said businessmen have complained that their customers are precluded from parking because employees park in the places next to the business.

Mayor Hall opened public hearing on the elimination of the parking time limit.

Mr. Bob Springer of W. Willis Cox Insurance said the company generates some walk-in traffic and could use short-term parking. He said there is very little parking available presently. He said W. Willis Cox Insurance furnishes their employees parking and so does Pride. He felt that one of the goals the City needs to aim at is the parking problem.

Councilwoman Proctor asked what companies are not providing parking for their employees. He said Southwestern Bell provides a few spaces for its employees, however, most of those places are taken by company vehicles.

Mayor Hall closed the public hearing after finding no one else wishing to speak.

Councilman Hilton moved that the ordinance for the elimination of parking time limits in the 300 Block of Cedar Street be denied and to be left as it is presently. 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.

CODE 4
TRAFFIC & TRA
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PARKING TIME
LIMITS ON CED
2ND READING
DENIED

Mr. Wayne Collier, Zoning Administrator, presented a thoroughfare abandonment, being a 20' east-west alley running from the east boundary line of N. Treadaway to the west boundary line of Cottonwood Street and being approximately 110' in length. He said the request was to abandon an alley dedication from Mr. Frank Solis on N. 16th and Treadaway between N. Treadaway and Cottonwood Street. He said the alley is 20' wide by 110' in length. Mr. Solis is planning to construct over the alley in the form of a car wash. He said Lone Star Gas had a line in the alley, but notified the Staff that they no longer use the line. The Planning & Zoning Commission and the Staff recommend approval.

Mayor Hall opened public hearing on the thoroughfare abandonment, however, no one wished to speak, so Mayor Hall closed the public hearing.

Councilman Bridges moved passage of the thoroughfare abandonment, being a 20' east-west alley running from the east boundary line of N. Treadaway to the west boundary line of Cottonwood Street and being approximately 110' in length. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

THOROUGHFARE
ABANDONMENT
ALLEY FROM
N. TREADAWAY
TO COTTONWOOD
2ND READING
APPROVED

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

Mr. Collier presented the reclassification request from RS-6 (Residential Single Family) to RM-3, GC & O (Residential Multi-Family, General Commercial & Office) Districts, located at EN 10th & Judge Ely Boulevard. He said the request came from Randy Nicholson to rezone a tract of land at the northwest intersection of EN 10th and Judge Ely Boulevard. He said the property is currently zoned single family residential and the request asks for residential multi-family, general commercial and office zoning. Previously, the RM-3 zoning was RM-2, however, Planning and Zoning Commission changed it to RM-3 which is a more restrictive zone. The RM-3 zoning is proposed at the northern boundary of the request with the O zoning to be at the western edge of the property. Single family residential abuts the property on the west and north. Across EN 10th to the south is RM-3 zoning and across Judge Ely Boulevard is SC zoning. The GC portion of the request comprises 3.12 acres, the O portion has .99 acres, and the RM-3 portion has 2.18 acres. He said the Staff has no objection to the GC request as it is located at the intersection of two major thoroughfares. However, the Staff is concerned with the O zoning since it is located across from RS-6 zoning. The Staff felt that a more restrictive RM-3 zoning would be better for the location. The RM-3 zoning would still permit town houses or duplexes to be constructed. One of the reasons the Staff would not suggest the O zone is that it would allow RM-2 density and if offices were built, it would permit a 4 to 1 floor area to lot area ratio. He said 25 residents were opposed to the zone change. The Staff's recommendation was for the approval of the GC and RM-3 zone change but disapproval of the O zoning. The Planning & Zoning Commission denied the request.

Mayor Hall asked what the present zoning is for the property. Mr. Collier said RS-8 was presently zoned for the area and the Staff is suggesting RM-3 in lieu of the O zoning requested. Mayor Hall said even though the Planning and Zoning Commission denied the request, the vote was only 3 for, 2 against, and 1 abstention.

Councilwoman asked what the Planning & Zoning Commission actually denied. Mr. Collier said the Planning & Zoning Commission denied the

same as what has been presented to the Council--GC, O, & RM-3. Mr. Collier pointed out that the RM-3 zoning had been RM-2 before the Planning & Zoning Commission asked Mr. Nicholson to change it.

Councilwoman Webster asked if Avenue F was a collector street. Mr. Collier said Avenue F was a residential street and considered a minor street. Councilwoman Webster was concerned that if O zoning is placed on the east side of Avenue F, there would be too much egress and ingress for the neighborhood along that street. Mr. Collier said if the proponent could move the O zoning to the east and have RM-3 zoning bordering Avenue F, then that would be satisfactory to the Staff because it would provide a necessary buffer. The depth for the O zoning is 130' and that would be acceptable to the Staff for a RM-3 zoning.

Mayor Hall asked if EN 11th was a proposed street and if the proponent will dedicate it. Mr. Collier said the proponent has indicated that he would provide that street, and if that happens, then the RM-3 zoning would be on the north side of the extension across the street from the residential area to the north.

Mayor Hall opened public hearing on the reclassification request.

Mr. Olen Fraser, representing proponents Randy Nicholson, Ray McGlothlin, Dub Orr and Dale Scoggins, said they appeared before the Planning and Zoning Commission and were denied by a vote of 3 for and 2 against. He said since that time they have been able to talk with the neighbors and feel like a more acceptable plan could be presented to the Planning & Zoning Commission. He said they have decided to try to put the O zoning along EN 10th, with GC becoming a smaller area, and RM-3 along Avenue F and EN 11th. He said they were also planning to dedicate EN 11th and build it.

Mayor Hall asked if the proponents did change the request to the RM-3 zoning along Avenue F, would the Staff be willing to approve it. Mr. Fraser said that was how he understood that the Staff would approve it. Mr. Fraser asked if the Council would refer the request back to the Planning and Zoning Commission so the proponents might be able to submit the other plan.

Mr. Dale Scoggins, 2142 River Oaks Circle, said he and the other proponents tried to react to the neighbors' thoughts concerning the rezoning. He said they were able to modify the plans from RM-2 to RM-3 because they had the legal descriptions available during the Planning & Zoning meeting. However, they did not have legal descriptions available to change the O to RM-3. After the meeting, the proponents met with some of the neighbors in the area and presented the alternate plan to them. He asked that the Council give the proponents a little more time to gain further consensus from the neighborhood and to develop the alternate plan more fully.

Mr. Bruce Campbell, 1010 Washington Boulevard, representing his parents who reside on Avenue F just west of the proposed zone change, said he would like to see the zone change request returned to the Planning & Zoning Commission to discuss the alternate plan.

Mayor Hall asked Mr. Campbell if he would oppose the zone change in its present form. Mr. Campbell said yes, but he would support the proponent's request that the request be referred back to the Planning & Zoning Commission.

Mayor Hall closed the public hearing after no one else requested to speak.

Councilman Hilton moved that the Council refer the reclassification request from RS-6 (Residential Single Family) to RM-3, GC & O (Residential Multi-Family, General Commercial & Office) located at EN 10th and Judge Ely Boulevard back to the Planning & Zoning Commission for discussion of an alternate plan. 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.

ZONING RE -
RS-6 TO RM-3
GC & O AT EN
& JUDGE ELY
RETURNED TO
P & Z

Mr. Bill Gilliland, representing the Chamber of Commerce and the Industrial Foundation, said when the Council passed on first reading the Tax Increment Financing Ordinance, it was the Foundation's concern that due consideration be given to the tax base of all taxing entities within the designated areas. He said representatives from the City Staff, the Foundation and the Chamber met with representatives of Taylor County, the West Central Texas Municipal Water District, and the Abilene Independent School District. He felt that all the representatives reacted favorably to the tax increment financing. He said the Chamber and the Foundation recommends that a member of the taxing authorities be represented on the Tax Increment Board.

Councilwoman Webster asked if the other taxing authorities have done all they can to prepare for the final decision of the Council or does the Council need those authorities' approval. Mr. Gilliland said the other taxing authorities' approval is not required. The Council has the authority to implement the district, but in other places where a district has been implemented without the other authorities' input there has been conflict.

Mr. Seegmiller said the Staff felt the Council's desire was to have the other taxing authorities' input before continuing with the implementation of the district. He said the Staff felt like it was impossible to just implement the district without the other taxing authorities' input because of the close relationship the City has with those authorities.

Mr. Gilliland said the AISD could not take a vote on the implementation of the district, but it did authorize an endorsing resolution for their next meeting.

Mayor Hall said the Council has been told that the Tax Increment Board must be appointed before the Council can pass the ordinance on second and final reading. He felt that the Council could still hold the public hearing and delay the vote on the ordinance until the December 16, meeting before which a Board should be appointed. Mayor Hall then opened the public hearing on the Tax Increment Financing Ordinance.

Mr. Mike Young, President of the Board of Trustees for the Abilene Independent School District, said the Board and Staff of the AISD has spent a great deal of time discussing and reviewing the Tax Increment Financing. He said since AISD is a land/lot school district, it becomes very cautious of anything proposing to change the tax base. He said the Trustees have considered the Tax Increment Financing and have agreed to support the City on its implementation. He said a resolution will be presented at their next regular board meeting, December 13, 1982, which will affirmatively support the implementation of the district.

Councilman Bridges asked what the feelings of Taylor County were concerning the Tax Increment Financing. Mr. McDaniel said he and others from the City Staff and the Chamber met with representatives from Taylor County and explained the mechanics of the Tax Increment Financing. While the County did not take official action, they indicated their support for the concept. He has been told that the West Central Texas Municipal Water District also supports the concept. He said it is not known whether the County or the Water District will pass resolutions like the AISD has, but at the same time, the City did not ask them to and it is not necessary for them to pass resolutions.

Mr. Seegmiller said Taylor County is vitally interested in industrial development and encouraging redevelopment within the City, because the County has an interest in development as a taxing entity. While the County has the ability to increase taxes, it also has the ability to encourage additional tax base with available tools.

Mayor Hall closed the public hearing after no one else requested to speak.

Mr. Cargill said since the Council is not able to vote on the second and final reading of the ordinance because the members of the board have not been selected, have the minutes reflect that the Mayor has opened and closed the public hearing and state that the Council will consider the ordinance on second and final reading at the next Regular Council meeting.

Mr. Seegmiller asked if the Council or the persons in the Council Chamber had any questions concerning the board. Mayor Hall suggested that Mr. Pete Tart, the City's bond advisor, explain the requirements of the board members.

Mr. Tart said under the State Statute the members of the board may be either eligible or qualified voters of the City or they must be 18 years of age and own real property located within the boundaries of the proposed reinvestment zone. In earlier discussions, it was thought that whoever Council appointed would be eligible voters so it would not be necessary to go through the criteria of finding whether those persons owned real property within the zone. However, that decision will be left up to the Council--it could name someone who is not a qualified voter of the City. He said the Council can appoint not less than 5 members and not more than 15 members. He recommended 7 members because it will provide good representation but if there are more, the board may become cumbersome to work with.

Mayor Hall asked if the major responsibility of the board was to develop a plan for the tax increment financing. Mr. Tart said yes, and the plan will be brought back to the Council for approval. After the approval, the Council has the right to amend it or change it in any way. Then, the board may receive more authority from the Council or the Council may collapse the board and implement the plan. Mr. Tart said before the next Regular Council meeting, the Council must determine the number of members of the board, determine who will be appointed to the board and who will be chairman of the board, and determine how long the reinvestment zone will be established. He said that after one year, the Council may take over the reinvestment zone and decide how long the reinvestment zone will exist. He said the statute requires that in the ordinance, it must state a period of time for which the reinvestment zone will exist. The period of time must be for the amount of time that it would take to achieve the goals for which the reinvestment zone is being established.

Councilman Fogle asked at what time will the Council be able to terminate the district. The board must develop a plan and must present the Council with the plan for approval, at that time the Council may object to the plan, change the plan, or reject it entirely. Once the Council accepts the plan, it may collapse the Board and implement the plan itself. The plan will probably be implemented in phases--at any time after a phase or phases, the Council may stop the implementation of the plan. The board or Council must pay off its debts or tax increments contracted. However, the authority to enter into contracts lies with the Council unless that authority is given to the board by the Council.

Councilman Fogle asked if the Council has review authority of decisions in the future. Mr. Tart said after the plan is submitted to the Council for approval, the board's next step will be whatever the Council wants for it to do.

Mr. Seegmiller said most of the districts the Staff studied, collapsed the board after the first year and had its Council take over the duties of completing the plan.

Mayor Hall asked if the Council may alter the plan after it has been accepted. Mr. Tart said the Council could amend the plan. Mayor Hall asked if the Council may delete portions of the plan. Mr. Tart said the Council probably could delete portions as long as contracts had not been undertaken. He felt that the plan would be comprehensive on the proposed redevelopment of the central business district. Mr. Tart said the statute provides that the plan may be amended--if the board is still functioning then the board can amend it, then that amendment must be approved by the Council. He said even if the board remains in existence after the plan has been approved, the Council has the authority to be sure that the board is following a path parallel to the wishes of the City.

Councilmen Fogle asked when funds would be available for the tax increment financing. Mr. Tart said the first thing the Council would do is to establish the district so the following January 1, tax figures will constitute the City's tax base. It will be the actual fiscal base as far as the tax appraisal values. He felt that it will be at least a year away from January 1, 1983, before there will be available funds. He said it would probably take the board a year to develop a plan anyway.

Mr. McDaniel said there would probably not be funds until late 1984 or early 1985.

Mr. Seegmiller said most of the redevelopment plans constitute 20 to 30 years of work before completion. Cities such as Los Angeles, Chicago, and Detroit, have been working on their redevelopment plans for 25 to 30 years. He said the tax increment district will not accumulate a lot of money in the beginning but will grow through the years to a substantial base.

Councilman Fogle said the process will take several years to complete and very little will take place immediately after the Council passes the ordinance on second and final reading. Mr. Seegmiller said there is a requirement in the ordinance that requires an annual report to be submitted to all the taxing entities involved so all the funds would be accounted for to each taxing entity.

Councilwoman Proctor asked if there will additional burdens placed on the citizens of Abilene because the funds held for the downtown development will not be used in the normal manner. Mr. McDaniel said there will be between \$300,000 and \$350,000 of tax increments available. However, these increments will not be available to the zone or taken from the other entities until 1985. When the zone begins to work, it is expected that a dollar for dollar investment from the outside of the zone will be received. For example, the AISD may give up a year or two of a certain increment, but then, as the zone begins to work, they will receive an additional tax base outside the zone that they would not have received without it. Initially, the loss to the entities will be a very small part of their total budgets. After a short period of time when the zone begins to work, their tax bases will grow. He said there should be no increase of burden to the tax payers.

Councilman Hilton said if the Council did not begin to reverse the trend of the deterioration in the area, some of the properties will become less valuable and the tax base will go down. When a building is torn down instead of renovating it, there will be less tax base on a parking lot or a vacant lot than on a renovated building.

Mayor Hall said the zone will cover more than just the downtown area. Part of the proposed zone extends from Grape Street to the by-pass.

Councilwoman Webster said she feels comfortable with the ordinance and the tax increment financing because it will leave the Council in control and future Councils will not have to accept something blindly.

Mr. Andrews asked what the City's interest is in the tax increment financing and what the City would like to see come from the tax increment financing. Mr. Seegmiller said the tax increment financing was a tool accepted by a Constitutional Amendment to allow communities to use it to encourage development in a downtown area and to direct specific funds to a particular location. It also gives that community the ability to issue bonds to make improvements in areas and have the bonds paid off by increments rather than actually taking the funds from the City. He said the amendment said a city can acquire deteriorating property in a blighted area for the preservation of historic sites or for public purposes and be paid for by the increment funds. He said the Council has no specific ideas of how to use the tax increment funds and will not know until the plan is submitted.

Councilman Hilton said the public and private sector of the City could cooperate to renovate and develop the downtown area. Mr. Seegmiller said parking is a major problem in the downtown area and could possibly be studied in the plan.

Councilman Hilton moved to table the ordinance on the tax increment financing until December 16, 1982, when the Council will vote on second and final reading. 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.

TAX INCREMENT
FINANCING -
PUBLIC HEARING
TABLED UNTIL
DECEMBER 16,
MEETING

Mr. Fred Aycock, Assistant Director of Community Services, presented the utilization of park property for Barrow Street expansion. He said 2.3 acres will be utilized in the Barrow Street expansion. Several months ago several options were discussed. One option would have eliminated the playing field; another option would have eliminated a portion of an existing parking lot by the Fine Arts and AGT. That option was finally determined to be the best route through Rose Park eliminating as little park property as possible. In order to accomplish the utilization, the City Charter, Section 5568 requires that before lands that are dedicated for park purposes can be sold or relinquished from the Parks & Recreation Board's control, that a four member vote be required. The Parks & Recreation Board did review the utilization and voted unanimously in favor of the project. Also, according to State Statute Article 5421q requires the City Council to hold a public hearing and make two determinations: 1) that there is no feasible or prudent alternative to taking such park land; 2) that such project includes all reasonable planning necessary to minimize harm to the remaining land used as a park as a result of the taking. He said the Staff recommends the approval of the resolution authorizing the Mayor to indicate that the above factors have been satisfied.

Mayor Hall opened the public hearing, but no one requested to speak, so Mayor Hall closed the public hearing.

Councilwoman Webster moved the approval of the resolution for the utilization of park property for Barrow Street expansion. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE UTILIZATION OF PARK LAND FOR THE BARROW STREET WIDENING PROJECT.

STREET IMP. -
ROSE PARK -
UTILIZATION O
PARK PROPERTY
FOR THE BARRO
ST. EXPANSION
PUBLIC HEARIN
APPROVED

Mr. McDaniel presented the ordinance for the Council to consider on first reading changing retirement benefits. He said the ordinance concerns updated service credit with the Texas Municipal Retirement System. Basically, it gives the older employees with many years service credit for the years they worked at a much lower salary than at what they are currently working. He said the ordinance was half of what the Council approved during the Budget sessions and the other half concerned specific retirement benefits for the Police Department. He said the Staff asks that the Council delay on the Police Department portion until after receipt of the report of the Police Management Study. He said this portion must be approved prior to January 1, 1983, in order to become effective in 1983. He said the cost is approximately \$71,000 per 9 months (which has been budgeted). Annually, that would add up to be about \$95,000 to \$96,000.

Councilman Fogle asked if the Council approved of the changes in the Budget sessions. Mr. McDaniel said yes.

Mayor Hall asked if the ordinance passes the updated retirement benefits and leaves undetermined the change in the Police Department retirement. Mr. McDaniel said yes, that the section regarding the Police Department may become effective at any time and may take effect the following month. That portion of the ordinance may be brought to the Council in January.

Councilman Fogle moved approval of the ordinance concerning updating retirement benefits. 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.

RETIREMENT -
UPDATING SERV.
CREDITS IN THE
FOR LONG-TERM
EMPLOYEES
1ST READING
APPROVED

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM IN THE EMPLOYMENT OF THE CITY OF ABILENE; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.



Mr. Tony Neitzler, Assistant Director of Planning & Community Development, presented the ordinance on first reading for the annexation of the Lake Fort Phantom Hill area. He said the ordinance identifies by legal definition the 12.5 square mile area under study, however, the ordinance may be amended to include a smaller area, but afterwards it may not be raised to a larger area. He said ordinance addresses the zoning treatment of the territory after annexation, to the rights and privileges of those who are annexed, and addresses the service plan that must be adopted and finally, it directs the Staff to publish the ordinance and notices of public hearing on January 13, 1983. The Staff recommends the passage of the ordinance on first reading with one change: the resolution schedules for consideration by the Council concerning the adoption of a service plan. The Staff learned later that the ordinance contains in Part 4 the provision for a service plan. The Staff recommends that the Part 4 be amended to read, "The City of Abilene service plan for the proposed annexation of additional area surrounding Lake Fort Phantom Hill attached hereto as Exhibit B was made available to the inhabitants of the area to be annexed and is hereby approved as part of this ordinance." He said that change would remove the necessity for adopting the service plan by resolution and would incorporate the service plan as part of the ordinance.

Councilman Hilton asked if the boundaries could be changed at the next consideration of the ordinance to less acreage but not more. Mr. Neitzler said that was correct.

Councilman Hilton moved passage of the ordinance approving the annexation of the Fort Phantom Hill area on first reading and the amendment containing the service plan in the ordinance in Part 4. The motion was seconded by Councilman Fogle. The motion carried as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
 PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY
 OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY
 LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS
 OF THE CITY OF ABILENE.

ANNEXATION O
 LAKE FORT
 PHANTOM HILL
 AREA & SERVI
 PLAN - 1ST
 READING
 APPROVED

Mayor Hall mentioned that the annexation would be a topic for the Council to discuss at a meeting to be held December 10, 1982, at 3:00 p.m., in the Basement Conference Room of City Hall.

Mr. Bob Whitehead, Director of Public Works, presented the request to waive paving and sanitary requirements on 5 acres adjacent to Military Drive. He said the request came from Mr. James Island. He said Mr. Island asked for a waiver from the sanitary sewer. The sanitary sewer is located north of the property on US Hwy 80. In order to provide the sewer to his property, the City would have to bring the line from the lift station located on the corner of US Hwy 80 and Chapel Hill Road. There is about 4,000 feet separating the lift station and the property. Since Mr. Island owns 5 acres or more, the Subdivision Ordinance allows that he can still obtain water without getting the sewer. If it is determined that the cost to bring the sewer lines to his property is excessive. The Staff recommends that since the distance is 4,000 feet and Mr. Island does own 5 acres or more, to waive the sanitary sewer requirements.

Mr. Whitehead said since Mr. Island does not need the sanitary sewer, the Council must consider whether he will have to pave along Military Drive. The Staff feels that paving can be accomplished without harming the drainage along Military Drive and it is recommending that the paving waiver request be denied.

Mr. Harold Grissom, Grissom Engineering at 301 N. Willis, said the property is about 2,000 feet west of Arnold Boulevard and the paving is over 20' wide in the area and the area to be developed is about 222 feet. To require the property owner to place 10 feet of curb and gutter along the property would not be beneficial to the property owner. He said that it would probably benefit the property owners and the City more if the whole street was paved at one time. He requested that the Council waive the paving requirements on his property.



Councilwoman Webster asked if Mr. Grissom understood the bond procedure of the City where he may not have to pave the street now, but may be required to put up a bond agreeing to pay for the paving when further development occurs. Mr. Grissom said he would be willing to pay for the paving anytime the City gets ready for paving.

Councilman Rodriguez asked when the Council waives a request of this nature, the property owner is not obligated to fulfill the requirements at any time. Mr. Whitehead said if the Council denied the waiver, the property owner's option would be to put up a bond agreeing to pave the street at a later time. If the Council waives a requirement, then the property owner is not obligated to pave, however, the Council can later establish an assessment that would assess all of the property owners along that street.

Mr. Cargill said when the City later assesses the funds for paving of the street, it can only receive 90 percent of the cost to the extent that the property is enhanced in value. Sometimes because of the enhancement, the assessment against the property would be very small. In that case, the burden of paving a street would fall on tax payers as a whole.

Councilwoman Webster asked if the property owners have agreed to put up a bond, why does the Council have to consider it. Mr. Whitehead said Mr. Grissom preferred to get the waiver, however, if the Council decides to deny the waiver, then he will put up a bond.

Councilwoman Webster moved to deny the request for waiver of paving on Military Drive. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

SUBDIVISION
WAIVER -
PAVING ON
MILITARY DRIVE
DENIED

Councilwoman Proctor asked if the motion included the denial of the sewer requirements also. Councilwoman Webster said the Council does not have to take action on the sewer waiver.

Mr. Whitehead presented the request for waiver of sanitary sewer for extension #1 of Lone Oak Heights. He said the proposed plat called for two lots along Hardison Lane and Maple Street. He said the property owner is not platting five acres--only about 3.2 acres. Therefore, the owner may not receive water service without extending sewer service unless the Council waives the requirement. The owner, W. F. Decker, requested a water waiver, however, since his request, the Staff found that the Water Department is extending a 14" water main south of Loop 322 which will be available for Mr. Decker to tap. Therefore, Mr. Decker is no longer requesting a water waiver--only a sewer waiver. The sanitary sewer line is along the south side of Loop 322 and approximately 1,000 feet from the proposed area. He said there is a rock outcropping very close to the surface in the area and would be difficult to construct a sewer line through the rocky area to furnish Mr. Decker the sanitary sewer. The Staff recommends the approval of the waiver since the cost of constructing the sewer line through the rocky area would be excessive. Also, Mr. Whitehead said the development will be a concrete plant with one restroom with minimum use. If the Council waives the sanitary sewer requirement, the owner is still required to get an approved sanitary septic tank facility through the Texas Department of Public Health.

Councilwoman Webster asked what the Staff will recommend when other property owners develop in the same area--what happens when all of those property owners request to install septic tanks. Mr. Whitehead said the Staff is unaware of pending plats proposed in the area. He said there are other homes along Hardison Lane and may be some other interest in the area that could require a sanitary sewer. He said cost, lot size, and terrain factors would influence the Staff's decision of whether to waive or require sanitary sewer. Councilwoman Webster asked when the Council granted the waiver on the lot to the west of the proposed area. Mr. Whitehead said the Council granted the waiver about six months ago.

Mayor Hall asked what would happen if the City in the future extended the sewer line to the proposed area--would the property owners have to tie on to it even though they received a waiver from the Council.

Mr. Whitehead said under the present ordinance, the City cannot require property owners to connect to sanitary sewer unless their septic tanks malfunction.

Mr. Dewayne Hargesheimer, Director of Water Utilities, said under the present ordinance, that is correct, however, the Staff would like to make a recommendation soon to amend that ordinance to require tying onto sanitary sewer lines.

Councilman Hilton asked why the previous sewer waiver did not require Council action, but this sewer waiver request does. Mr. Whitehead said a plat of 5 acres or more does not require Council action to receive water without sanitary sewer.

Mayor Hall asked why the limit was set at 5 acres. Mr. Cargill said the rationale behind the limit was that 5 acres would be enough land where a property owner could use a septic tank and make it work properly.

Councilwoman Webster asked if part of the rationale was to prevent very small lots in a subdivision. Mr. Cargill said that was correct, especially when streets, utilities and alleys must be added. Councilwoman Proctor asked Mr. Cargill if he thought the proposed area was too small to put in the septic tank. He said he could not tell the Council if a septic tank would work at that location or not. He said the explanation he gave was just the rationale behind the 5 acre limit.

Councilman Fogle said it would be the property owner's responsibility to have his septic tank approved by the Texas Department of Public Health.

Councilman Hilton asked if later the property owner would have to return to the Council requesting another sanitary sewer waiver or would a waiver enable the person to use several septic tanks in the area in the future. Mr. Whitehead said if the Council approved the waiver, it would approve the whole plat, however, if the owner split the land up and he had to replat, then he would have to return to the Council.

Mr. W. F. Decker, 302 N. Willis, said the area is zoned heavy industrial and the owners just wanted a convenient restroom for the employees.

Councilman Fogle moved approval of the resolution requesting a waiver of sanitary sewer requirements for extension #1 of Lone Oak Heights, located at Hardison Lane and Maple Street. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: Councilwoman Webster and Mayor Hall.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON
EXTENSION #1 OF LONE OAK HEIGHTS WHICH ABUTS HARDISON LANE.

SUBDIVISION
WAIVER - SEWER
REQUIREMENTS ()
HARDISON LANE
& MAPLE STREET
APPROVED

Mr. Whitehead presented a resolution requesting the waiver of water and sewer requirements on 7.94 acres adjacent to Bumper Gate Road and I-20. The proposed area lies within the City limits of Abilene and next to the city limits of Tye. He said the Subdivision Ordinance does not require curbing, paving or gutter on a State maintained street or highway. The access road is maintained by the State and about 300' feet of Bumper Gate Road. The proposed area is fronted by the access road and is adjacent to Bumper Gate Road on the west. He said an existing water main lies within 4,400 feet of the area as the main furnishes City water to Tye and Merkel. The owner would have to connect with the water main 4,400 feet to the southeast and it would have to go under I-20. The existing sewer line is 3,900 feet away from the proposed area--the owner would also have to go under I-20 to connect with the sewer line. The Staff feels that the cost of construct would be excessive, however, if the waiver of water and sewer requirements is granted, it would encourage development in the area. The Staff recommended that if the Council wants to encourage development in the area to grant the waiver. But, if the Council may not want to encourage development there since water and sewer is not readily available.

Councilman Bridges asked why the request for sewer extension was coming before the Council when the lot size is 7.9 acres. Mr. Whitehead said with a lot size of 5 acres or more, the owner can get water without getting sewer. However, the owner's plat requires City water and sewer even though he has 7.9 acres. Councilman Bridges asked if the Council needed to decide on the water waiver request as well as the sewer. Mr. Whitehead said the Council must decide first on the water waiver. If the Council grants a waiver for the water requirements, then the request for sewer does not have to come before the Council.

Councilman Rodriguez asked if the Council wanted to encourage the development in the area, granting of the waiver would help to do that. Mr. Whitehead said that is true, because the owner would probably respond as to whether he would build if the waiver was granted or not. If the Council requires him to have water, then he probably would not place a home there. If the Council grants the owner the waiver, it will be setting a precedent for other owners in the area.

Mr. Kenneth Griffin, owner, said it would cost \$94,000 to hook onto the water line. He said he would be willing to pay his part of the cost in the future if development grows in the area. But, it would be a great burden on him to spend \$94,000 on a water line. He said water would be no problem because the land has a well. He said he owns 22 acres and he has no plans of developing the land other than his own home.

Councilman Fogle asked if the requirements are the same outside the City limits as inside in the ETJ. Mr. Neitzler said the proposed area is in the city of Tye's ETJ. He said the City has a negotiated ETJ with Tye and their ETJ area adjoins Mr. Griffin's proposed area on the north. The Tye ETJ is not subject to any of the City's requirements outside the City limits. Consequently, that area is subject to Tye's requirements.

Mayor Hall asked if the City is furnishing water from the existing 12" main to anyone outside the City limits. Mr. Whitehead said Tye and Merkel is furnished water by the City, but no one else.

Councilman Rodriguez asked if the Council were to grant the waiver for the water and sewer, could the owner put up a bond agreeing to pay for the water and sewer when development in the area occurred. Mr. Whitehead said he was unsure, however, Mr. Collier said a performance bond could be put up for any utilities or paving of streets.

Councilwoman Webster said she understands Mr. Griffin's reasoning for asking for the waivers, however, more development could occur in the area asking for waivers of the same kind. She said the Council along with other City boards have been trying to discourage growth far outside the City limits so the costs would not be so great for the City to furnish services.

Mayor Hall said by granting waivers because of unique circumstances such as Mr. Griffin's waiver usually sets a precedent and he agrees with Councilwoman Webster in that the City has been trying discourage growth far outside the City limits and encourage development inside the City limits.

Councilman Hilton said if the Council was not able to grant some waivers and to make difficult decisions, then there would be no need for a Council.

Councilman Bridges asked if the Staff's recommendation was based on the fact that the distance and cost of the tie onto the water line is so excessive. Mr. Whitehead said yes, but he agrees that by granting the waiver, it would encourage other owners to develop in the area and ask for waivers. He said if Mr. Griffin were to develop on the portion of his property that falls into the Tye's ETJ, then Ablene has no requirements.

Mr. Neitzler said two of the policies adopted by the Council on the recommendation of the Strategies for Responsible Growth Committee and the Planning and Zoning Commission had to do with where and when it was appropriate to encourage or discourage growth. In instances where services

do not exist or where there are no plans to extend those services, the recommendations suggest the Council consider discouraging growth in those areas until such as development and the Council are ready to move into those areas. He said if the Council grants the waiver, he felt that it would encourage growth in the area.

SUBDIVISION
WAIVER ON I-20
& BUMPER GATE
ROAD - DENIED

Councilman Bridges moved that the request for water and sewer requirements on NW corner of Bumper Gate & I-20 be denied. Councilwoman Webster seconded the motion. The motion carried as follows:

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

Mr. Kurfees presented a request for proposals for a comprehensive study of Abilene's traffic signal system. He said even the newly installed equipment is of an old technology. In the last 25 to 30 years, technology has improved with much broader capabilities than the City now has. He recommended that the City hire a consulting engineering firm expert in all the types of traffic control coordination systems currently available to make a comprehensive analysis to manage the City's traffic flow in the most efficient manner possible. He said his Department has budgeted \$70,000 for a study.

Councilman Fogle asked if traffic signal coordination was being accomplished in the City. Mr. Kurfees said about 76 of the 139 signalized intersections are now coordinated using a low-capital cost equipment which involves City crews stringing a single twisted wire along utility poles from one intersection to the next and installing communications equipment to transmit control information over the wires at each intersection which provide basic coordination. He said the process has been slow because regular maintenance people have been used to install the equipment and wiring. He said within the next year, he hoped the Department could finish the project which has been going on for the past 5 years. He said the main problem is that the City is just now catching up with the technology that was available 20 to 25 years ago. He said other cities in Texas and the United States have already begun to take advantage of the new technology.

Councilman Fogle asked if the equipment the City is using now is adequate. Mr. Kurfees said it is better than nothing, but just over the past 5 years, the City has had a tremendous amount of growth in several areas and in these areas, the equipment the City has is rapidly becoming inadequate. In order to accommodate the future traffic flow, he feels that the City will have to incorporate new methods of coordination.

Councilman Rodriguez asked what the study will include. Mr. Kurfees said the study would deal entirely with traffic signal coordination. He said the largest percentage of complaints he receives deals with the timing of the signals. He said presently, a one-way system is used that will cause a certain group of intersections to be in a specific cycle length at a certain type of day. He said there have been instances where a problem with one of the traffic signals has gone undetected for several months without being reported. At least the more modern control systems have two-way communication so failure monitoring comes directly from the field. He said the City is operating presently as a time-of-day basis based on counts made every two years. He said he had no capability of adjusting the cycle length or the proportion of green times among the phases because of some irregularities of traffic due to seasonal shopping times, etc. He said the study would deal with improving what the City now has and what it may need in the future in terms of capital improvements to plan for the future. If improvements are recommended, they would be spread out and dealt with according to priority. He said the reason he feels the City needs this study is because prior to the 1979 bond election, a committee was set up to look at the needs the City might face in the area of traffic and transportation. In meeting with the committee, their first question was how can the traffic signals be coordinated better. However, the traffic signal coordination was not considered a high priority item, therefore, did not get included in the 1979 bond election.

Mr. Seegmiller said if another bond election becomes necessary, the study could be used as valuable information to raise the traffic signal coordination to a higher priority.

Mr. Kufees said he felt the average citizen is aware that the City's signals do not perform up to their expectations. He said he gets calls from citizens often complaining of the traffic signals. He said if the City is considering a bond issue to use as a funding mechanism, he feels the voters need to be told exactly what benefits they may receive for the expenditures. That will require very detailed work.

Councilman Fogle said that automobiles stopping at traffic signals use gasoline costing a great amount. He said the City has no idea of how much the citizens are spending under the present system. Mr. Kurfees said it would be possible to study peak periods at certain intersections and estimate the cost. However, the new signal system which is being installed in Lubbock is projected to save in gasoline and rear end accidents 12 times as much over the life of the system as Lubbock will have had to spend to install and maintain it. He said he would hope Abilene would be able to save the citizens much more over the life of any signal improvement than it would have to spend to install and maintain the improvements.

Councilman Fogle said that the figures sound reasonable if the City can communicate to the citizens that they can save \$12 for every \$1 that they spend in automobile-related costs.

Mr. Kurfees said other cities that have embarked on similar signal improvements have been able to predict similar levels of benefit. Within the last three years, the Cities of Tyler, Beaumont, Dallas and Lubbock have put in new bond financed signal systems which in every case the voters approved the expenditure by a wide margin.

Councilman Hilton asked if a study would enable the Council to come up with a bond issue. Mr. Kurfees said he did not want to presume that the City needed a specific type of signal system or that the City needed a specific way of funding it. He said when the last bond election was put together, he felt sure his Department had some needs that could have been addressed in a cost effective manner, however, he was unsuccessful in convincing the subcommittee that the City should consider the signal system. He said the study would enlighten the City to know what it needed to do, and then those actions could be implemented as the opportunities arose.

Councilman Bridges asked if the study would include the same type of data or research that was done in Lubbock. Mr. Kurfees said yes, that there will be certain elements of data that will need to be done on any type of signal system.

Councilman Rodriguez asked how much Lubbock had to spend to make the improvements on their signal system. Mr. Kurfees said Lubbock installed a modern computer based system on 108 intersections and it cost Lubbock about \$4 million. That system is expected to save about \$50 million in vehicle operating costs over the 15 year life of the system. He said Abilene has only 139 intersections, and presently, he does not feel that the City needs a sophisticated system at every intersection.

Councilwoman Proctor said one of the questions asked her by citizens is why does the City continually ask for outside personnel to come in to evaluate and/or to pay money to a team to make a survey. Mr. Kurfees said he knows a great deal about traffic engineering. However, traffic control devices and systems have been developed greatly through the years, and he feels that no one in the City at the present has the expertise to make a study to find out what would be the best system for Abilene.

Mayor Hall said recently the Council has had a great deal of input into the choices of consultants or architects or engineers that have been selected. He asked if Mr. Kurfees intended to let the Council have input into the selection of a consultant for a traffic study. Mr. Kurfees said he would welcome Council involvement. Mayor Hall said the Council does receive criticism from the citizens about hiring consultants, but he felt that it would be more cost effective to hire someone with expertise for a project, than to hire that person permanently and hope that projects will come along to keep him busy.

Councilwoman Proctor moved the approval of the request to seek proposals for a comprehensive study of Abilene's traffic signal system. 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. Hargeshelmer presented Mr. John Cook, Freese & Nichols,

who updated the Council on some of the ongoing projects that Freese & Nichols was involved in for the past several years. Mr. Hargeshelmer said he wanted to inform the Council on some of the uses of the bond money received from the bond election of 1979.

Mr. Cook presented several slides to the Council showing

before and after slides of Abilene's treatment plants. He said so far, the construction has been completed on the following project:
1) To expand the Northeast Water Treatment Plant to 24 MGD capacity;
2) renovate Grimes Water Treatment Plant to 25 MGD capacity; 3) renovate Grimes Raw Water Booster Pump Station; 4) renovate Abilene Water Treatment Plant to 3 MGD capacity; 5) modify Eldale and Upper Pressure Planes; 6) renovate Kirby Pump Station; and 7) construct 20 inch line from Kirby Pump Station to S. 20th and Buffalo Gap Road.

He said at the Northeast Water Treatment Plant a clarifier and three filters were added which increased the 16 MGD to 24 MGD. At the Abilene Treatment Plant, a new solids contact clarifier was added. One of the first things accomplished at the Grimes Treatment Plant was to demolish the filter building and hide chemical storage tanks inside a shell also containing the filters. Now, almost the whole facility is hidden from view of the traffic circle. He said Grimes also has a computer system which controls the overhead storage.

He said in 1981, Freese & Nichols was asked to study and design improvements to the Lake Fort Phantom Hill Raw Water Delivery System due to the peak water demands in 1980. Originally, it was planned to construct a booster pump station similar to the unit that is boosting to Grimes. However, the City Staff made Freese & Nichols aware of current and projected power costs that were higher than expected and they reevaluated their studies and found a more economical long-term solution. That will require the construction of a parallel pipe-line system which will make a very substantial power savings. That proposal will be presented to the Council at a later date.

He said in 1982, Freese & Nichols assisted the City in handling the annexation of a portion of a rural water system. Freese & Nichols also suggested alternatives to identify the cost of the service and have also assisted with the negotiations underway to reach a settlement for the portion of the system that is now within the City limits. Freese & Nichols assisted in determining the cause of some electrical power charges that were unexpectedly high. Field testing was completed on the units and it was determined that either malfunction of power meters or inadvertent operation of the pumping units caused the charges. Adjustments of the rate schedule are still under consideration between the City and the Water District.

Mayor Hall asked if Mr. Cook felt the charges came from malfunction of some of the units. Mr. Cook said upon completion of tests a few months ago, he and Mr. Hargeshelmer met with the Water District and reviewed the results of the tests. He said they turned the units on with special authorization from the power company and read the demand meter. The conditions could not have been duplicated without either turning the units on and the City not take water and the units were not used to serve the City, so the units were either inadvertently turned on for longer than 15 minutes or the demand meter was wrong.

Mayor Hall asked if the City would recover the excess charges paid either from the Water District or the power company. Mr. McDaniel said what the Mayor was referring to the method of splitting power company cost between other cities. Since that time, there has been a definite overcharge in July. It has not been determined whether a malfunction occurred in the meter or if the pumps were turned on longer than necessary. He said the City has applied for a refund through the Water District, which has applied for a refund from the power company of about \$12,000. He said the City and Texas Electric Service Company had disagreed about the minimum kilowatt usage. However, the City received a change which stated that the City's power cost will be less in the future.

TRAFFIC - RE-
QUEST TO SEEK
PROPOSALS FOR
COMPREHENSIVE
STUDY OF CITY
TRAFFIC SIGNA
SYSTEM
APPROVED

He said there still needs to be some modifications made to the contract with the Water District regarding the distribution of power costs. Once the City quit taking the water almost a year ago, the Staff discovered factors that still need to be discussed with the Water District.

Mr. Seegmiller said the City thought that the charge was a one-time charge. He said the City acknowledged that it would have to pay for the additional charge for use of the bulk of the water usage available. So, the charge in July was very unexpected, but the Staff has submitted a request for an adjustment.

Mayor Hall asked if the request for the adjustment of the charges was for the amount paid a year ago or for the amount charged to the City since that time. Mr. McDaniel said the request would be for the amount charged since that time. Mayor Hall asked what the difference was between treated water pumped and metered water. Mr. Hargeshimer said each year he prepares a cost analysis breakdown. The breakdown reflects the total raw water pumped from the City's reservoirs. In 1982, the City did not take water from Lake Abilene. That water is drawn out and treated with some of it being sold to customers and some of it is used for other reasons. He said 7.5 billion gallons is treated and pumped into the distribution system from the water treatment plants. Then, through meters, the City meters through metered sales 7.057 billion gallons. That is about 93 percent of accounted for water. The other 7 percent is lost through leaks, evaporation, etc. Mayor Hall asked what the total cost of pumping the water is. Mr. Hargeshimer said it is approximately \$.6895. That cost varies from year to year depending upon the amount of water pumped each year. To get the water from a lake into the distribution system, the power costs about \$.10 a thousand gallons. In 1977, that power cost was less than \$.2 per thousand. He said the power costs will increase as the years go by.

Councilman Hilton asked if the pumps have been adjusted to not come on simultaneously so the demand cost will not be so high. Mr. Hargeshimer said WTWU has no demand charge for the City pumping water. He said the City is exempt from that charge.

Mr. Hargeshimer said the Staff can determine how the money is appropriated for each section of the sewer operation. The costs of operating, treating, maintaining, and directing are subsequently passed onto the customers in the form of rates.

Mayor Hall asked if Mr. Hargeshimer had figures for the amount of gallons per day of water use. Mr. Hargeshimer said the average was about 20 million gallons per day. He said with the help of Freese & Nichols, the Staff is going to start an extensive water conservation program. He said sometimes, however, it is hard to keep the water treatment plants running because the consumption of water is so low-- around 8 or 9 million gallons per day.

Mr. Cook said the power cost savings of water conservation is a factor, but also a factor is the facilities costs. When water consumption peaks, those large water treatment plants are a tremendous asset to the City, but it costs a tremendous amount to keep those facilities running.

Councilwoman Webster asked where will the parallel water line be laid. Mr. Cook said it will run from the Fort Phantom Hill to a junction near the treatment plant.

Mr. Seegmiller said the purpose of presenting the update to the Council was to inform the Council of the schedule that was prepared after the bond issue was approved and to inform the Council of the projects that have been completed. He said the construction and improvements of the several projects have been accomplished because of the insight to develop plans, hire a consultant and to present those plans to the bond committees.

Mr. Hargeshimer said with only one exception, the projects were all completed using less funds than what was originally thought to be needed. He said the balance of the funds can either be used for additional distribution work or in the raw water delivery system. He said about \$750,000 has actually been saved from all of the projects.

Mr. Hargeshelmar pointed out on one page of his presentation where the demand charge for 1981 from Hubbard Creek Lake cost over \$68,078. He said that included a \$29,000 payment. He said the demand charge has been \$3,500 per month ever since the City started taking water from Hubbard. However, when the City quit taking water, the demand charge stayed the same. He said since that time, the Water District has amended the contract with the power company.

The Council left the meeting at 12:40 p.m., to have an executive session to discuss the appointment and evaluation of public officers and to discuss pending and contemplated litigation.

The Council returned to the meeting at 2:30 p.m., and took no action on the pending and contemplated litigation. However, Mayor Hall made the motion to appoint Mrs. Claudia Ingle to the Board of Building Standards as an alternate and to dis-establish the Goodlow Relocation Assistance Committee and the Carver Neighborhood Planning & Referral Committee. Council-BOARD APPOINTING BOARD OF BUILDING STANDARD

man Hilton seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilman

RODRIGUEZ, FOGLE, HILTON, Councilwoman Webster and Mayor Hall.

NAYS: None.

Mr. McDaniel presented an addendum to an agreement with the other

taxing authorities and Mr. C. G. Whitten to the Council for consideration.

Mr. McDaniel said the addendum involves the bank law suit situation. Earlier the local banks sued all of the taxing authorities for the tax year 1980 concerni; the way that the authorities assessed personal property in banks. Primarily the dispute involved the valuing of their portfolios and the stocks and bonds that the banks hold. In 1981, the authorities reached an agreement with the banks that they would hold the law suit in obedience while the City of Dallas tried its case and that the authorities would abide by the decision of the case. The City of Dallas did win the suit, however, it has been appealed to the Supreme Court. At the same time last year, the authorities signed an agreement with the local banks agreeing to take their money and earn interest on it and if Dallas should lose the appeal, then the authorities would return the banks' money with no interest within one year after the time final judgement was entered. He said the City signed the agreement last year for the 1980-81 taxes and have been requested to sign again this year for the 1981-82 taxes. He said the County has already signed the addendum, then after the City signs it, the School District and the Water District will sign it. When all of the authorities sign the addendum, the banks will give the tax money to the authorities. He suggested the Council authorize the Mayor sign the addendum.

Councilman Hilton moved approval to sign the addendum and ask that the money be reserved. Councilman Fogle seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen

RODRIGUEZ, FOGLE, HILTON, Councilwoman Webster and Mayor Hall.

NAYS: None.

Councilman Hilton made the motion for the approval of a resolution expressing the City's appreciation for the service of Ronald Clark as an Assistant City Attorney. 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.

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF ABILENE, TEXAS, COMMENDING RONALD HURLEY CLARK FOR SERVICE TO THE CITY AS AN ASSISTANT CITY ATTORNEY AND TRIAL LAWYER.

Mr. Bob Whitehead presented a resolution for the Council's consideration concerning the agreement between WTU, the City, and the Lee Moore Company about the University Hills joint venture in the construction of the University Hills subdivision. On November 18, the Staff requested the Council's approval to authorize the Mayor to sign an agreement for a right of way deed. However, the final agreement requires an easement for the drainage ditch (10 feet wide) and a license for three crossing for streets to go across WTU property to University Hills. The Staff recommends the easement and the licenses.

FINANCE -
BANK LAWSUIT
ADDENDUM TO
AGREEMENT
APPROVED

COMMENDING -
RONALD CLARK
ASSISTANT CI
ATTORNEY
RESOLUTION O
APPRECIATION
APPROVED

Councilwoman Webster moved the approval of the resolution accepting a utility easement from WTU and a license for three crossings. Councilman Rodriguez seconded the motion. The motion carried as follows:

EASEMENT FROM
WTU AND LICEN:
FOR CROSSINGS
ON GRIFFITH R
APPROVED

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

NAYS: None.

ABSTAINED: Councilman Hilton.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ACCEPTING A UTILITY EASEMENT FROM WEST TEXAS UTILITIES AND SUGGESTING A RECOMMENDATION FOR POSSIBLE FUTURE PAVING ASSESSMENTS ON GRIFFITH ROAD.

Mayor Hall adjourned the meeting at 2:45 p.m.

Ruth Hodgson
CITY SECRETARY

J. Hilton
MAYOR