

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, January 13, 1983, 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 Work Session held December 10, 1982, and Regular Meeting held December 16, 1982.

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.

4. Ordinances
 - a. Consider on first reading - reclassification request from SC (Shopping Center) to GC(General Commercial) District, located at 6141 Texas Avenue & set a public hearing for January 27, 1983, at 9:00 a.m.
 - b. Consider on first reading - reclassification request from RS-8 (Residential Single Family) to RM-3, GC & O (Residential Multi-Family, General Commercial & Office) Districts, located at EN 10th & Judge Ely Blvd. & set a public hearing for January 27, 1983, at 9:00 a.m.
 - c. Consider on first reading - reclassification request from AO (Agricultural Open Space) to MH (Mobile Home) District, located on Military Drive & Chapel Hill Road & set a public hearing for January 27, 1983, at 9:00 a.m.
 - d. Consider on first reading - thoroughfare abandonment, being a north-south alley 701.23' X 15.28' and an east-west alley 305.50' X 15.28' located at Simmons Street & Vogel Avenue & set a public hearing for January 27, 1983, at 9:00 a.m.
 - e. Consider on first reading - reclassification request from RS-12 (Residential Single Family) to RS-8 (Residential Single Family) District, located at S. 20th & Catclaw Creek & set a public hearing for January 27, 1983, at 9:00 a.m.
 - f. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RM-2, O, GC & LC (Residential Multi-Family, Office, General Commercial & Limited Commercial) Districts, located at Curry Lane & John Knox Drive & set a public hearing for January 27, 1983, at 9:00 a.m.
 - g. Consider on emergency reading - Increasing the number of Police Officers.
5. Resolutions
 - a. Consider north-south utility easement 5' X 75.85', located at Simmons Street & Vogel Avenue.
 - b. Consider appointment of Assistant Municipal Court Judges.
 - c. Approving the plans and specifications and authorizing the Engineering Department to take bids for certain streets under the Spring 1983 Paving Assessment Program.
 - d. Authorizing Mayor to sign Tennis Pro Contract.
 - e. Street Use License for an Outdoor Advertising Bulletin - First National Bank.
 - f. Approving of hiring of Assistant City Attorney.
6. Request to Advertise
 - a. Water Main Pipe for Water Distribution Division.
 - b. Breathing Apparatus for Fire Department.
7. Change Order
 - a. Consider change order #1 for the Wastewater Reclamation Plant by Gracon Construction Company, Inc.
 - b. Consider change order #1 for the Transit Maintenance Facility.

REGULAR AGENDA

8. Graduation of Police Cadets.
9. Public Hearings.
 - a. Consider on second and final reading - ordinance amendment to the Plumbing Code.
 - b. Consider on second and final reading - ordinance annexing an area of land, located in the area of Lake Fort Phantom Hill.
 - c. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at Maple Street & Berry Lane.
 - d. Appealed Item:
Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at 3502 Cedar Street.
 - e. Appealed Item:
Consider on second and final reading - reclassification request from SC (Shopping Center) to GC (General Commercial) District, located at 2166 Lillius.
 - f. Appealed Item:
Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC & O (General Commercial & Office) Districts, located on Curry Lane.
 - g. UMTA Operating Assistance Grant Application.
10. Resolutions
 - a. Calling a Regular City Election to be held April 2, 1983.
 - b. Consider recommendation on increase of User Fees at Civic Center.
 - c. Approving purchase of property in the Carver Neighborhood Strategy area.
 - d. Waiver Request - Subdivision requirements in Mystic Meadows, Phantom Road Acres, and Hillview Subdivisions.
11. Other Business
 - a. Consider selection of engineer for traffic signal study.
 - b. Pending and Contemplated Litigation.

ADJOURN

CHAMBER OF THE CITY COUNCIL
CITY HALL, ABILENE, TEXAS

The City Council of the City of Abilene, Texas, met in Regular Session Thursday, January 13, 1983, 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. City Manager Ed Seegmiller, City Attorney Harvey Cargill and Assistant City Secretary Kelly Beard were also present.

Invocation by Councilman Julian Bridges.

The minutes of the last Special Work Session held December 10, 1982 and the last Regular Meeting held December 16, 1982 were approved as written. Councilman Hilton moved acceptance of the minutes for the Special Work Session held December 10, 1982 and the Regular Meeting held December 16, 1982. Councilwoman Webster seconded the motion. The motion carried as follows:

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

NAYS: None.

Councilwoman Proctor entered the meeting during the vote.

Before the Council voted on the Consent Agenda, Mr. Harvey Cargill, City Attorney, pointed out a correction on item 5d on page 5d-3 and 5d-10. He said the word "exclusive" needed to be deleted in paragraph A on page 5d-3 and paragraph D on page 5d-10.

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

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

NAYS: None.

Mayor Hall said the Police Study should be completed by the January 27, 1983 Council meeting. After the Council receives the report and the public has had adequate time to review the recommendations, then the Council will take proper action. He said everyone is looking forward to receiving the recommendations.

Major Pyburn, Assistant Police Chief, presented the graduates of the 29th Police Academy. He said 178 persons took the entry-level test. Only 96 passed the test. After the final screening process, 28 persons were certified to attend the Academy. The final number of persons graduating is 14. The members of the 29th Police Academy were:

Sandra Whiteside	Roy Kirby	Willie Hickey, Jr.
David Watson	Michael Janusz	Ralph Garcia
Kenneth Merchant	Drew Hufstедler	Mark Clippinger
Michael McIver	Brian Huckabay	Leslie Bruce
Michael McGrew	Rodney Holder	

The Consent Agenda Items approved are listed below:

4. Ordinances

- a. Consider on first reading - Reclassification request from SC (Shopping Center) to GC (General Commercial) District, located at 6141 Texas Avenue & set a public hearing for January 27, 1983, 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 -
SC TO GC AT
6141 TEXAS A
1ST READING
APPROVED

- b. Consider on first reading - Reclassification request from RS-8 (Residential Single Family) to RM-3, GC & O (Residential Multi-Family, General Commercial & Office) Districts, located at EN 10th & Judge Ely Boulevard & set a public hearing for January 27, 1983, at 9:00 a.m.

ZONING-RE -
RS-8 TO RM-3
GC & O AT
EN 10TH &
JUDGE ELY BL

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.

- c. Consider on first reading - Reclassification request from AO (Agricultural Open Space) to MH (Mobile Home) District, located on Military Drive & Chapel Hill Road & set a public hearing for January 27, 1983, 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 MH AT
MILITARY DRIV.
& CHAPEL HILL
ROAD
1ST READING
APPROVED

- d. Consider on first reading - thoroughfare abandonment, being a north-south alley 701.23' X 15.28' and an east-west alley 305.50' X 15.28', located at Simmons Street & Vogel Avenue & set a public hearing for January 27, 1983, at 9:00 a.m.

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

THOROUGHFARE
ABANDONMENT -
N/S & E/W
ALLEYS AT
SIMMONS ST &
VOGEL AVENUE
1ST READING
APPROVED

- e. Consider on first reading - Reclassification request from RS-12 (Residential Single Family) to RS-8 (Residential Single Family) District, located at S. 20th & Catclaw Creek & set a public hearing for January 27, 1983, at 9:00 a.m. The Planning & Zoning Commission denied the request and it was not appealed.

- f. Consider on first reading - Reclassification request from AO (Agricultural Open Space) to RM-2, O, GC & LC (Residential Multi-Family, Office, General Commercial & Limited Commercial) Districts, located at Curry Lane & John Knox Drive & set a public hearing for January 27, 1983, at 9:00 a.m. The Planning & Zoning Commission denied the request, but it was appealed.

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 RM-2, O
GC & LC AT
CURRY LANE &
JOHN KNOX DRI
1ST READING
APPROVED

- g. Consider on emergency reading - Increasing the number of Police Officers.

AN ORDINANCE AMENDING ORDINANCE NO. 108-1982 APPROVING THE OCTOBER 1, 1982, THROUGH SEPTEMBER 30, 1983, BUDGET OF THE CITY OF ABILENE, BY AMENDING PART 6 AS SET OUT BELOW; DECLARING AN EMERGENCY.

POLICE -
AMENDING BUDG
TO INCREASE
NUMBER OF
POLICE OFFICE

5. Resolutions

- a. Consider north-south utility easement 5' X 75.85', located at Simmons Street & Vogel Avenue.

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

EASEMENT -
UTILITY AT
SIMMONS STREE
& VOGEL AVENU

- b. Consider appointment of Assistant Municipal Court Judges.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING A PANEL OF ASSISTANT JUDGES TO ACT IN THE ABSENCE OR UNAVAILABILITY OF THE JUDGE OF THE MUNICIPAL COURT.

MUNICIPAL COU
JUDGES - APPT
ASSISTANTS

- c. Approving the plans and specifications and authorizing the Engineering Department to take bids for certain streets under the Spring 1983 Paving Assessment Program.

STREET IMPROV
SPRING 1983
PAVING ASSESS
PROGRAM -
APPROVING PLA
AND SPECS.

23-1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING THE IMPROVEMENT OF THE HEREINAFTER NAMED STREETS, PROVIDING FOR ASSESSMENT OF A PORTION OF THE COST OF IMPROVEMENTS THEREOF AGAINST ABUTTING PROPERTY OWNERS; APPROVING THE PLANS AND SPECIFICATIONS FOR SAID IMPROVEMENTS, AND DIRECTING THE CITY SECRETARY TO ADVERTISE FOR COMPETITIVE BIDS FOR THE CONSTRUCTION OF THE IMPROVEMENTS; THE NAMES OF THE STREETS, OR PORTIONS THEREOF, TO BE SO IMPROVED BEING AS FOLLOWS, TO-WIT:

UNIT I - 36' WIDE STREET F/C TO F/C

- 1. Vogel Avenue - Alley East of N. Mockingbird to bridges at Catclaw Creek.

UNIT II - 30' & 28' WIDE STREET F/C TO F/C

- 1. N. 16th Street (30') - Grape Street to Mulberry Street.
- 2. Walnut Street (30') - Sandefer Street to University Blvd.
- 3. Franklin Street (28') - Grape Street to Hickory Street.

- d. Authorizing the Mayor to sign Tennis Pro Contract. COMMUNITY SERVIC
- e. Street Use License for an Outdoor Advertising Bulletin - First TENNIS PRO CONTRACT
- f. Approving of hiring of Assistant City Attorney. STREET USE LI

24-1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE APPOINTMENT OF AN ASSISTANT CITY ATTORNEY FOR THE CITY OF ABILENE.

1ST NAT'L BAN
LEGAL - APPT.
ASSISTANT CIT
ATTORNEY

- 6. Request to Advertise REQUEST TO AD

 - a. Water Main Pipe for Water Distribution Division. WATER MAIN PI
 - b. Breathing Apparatus for Fire Department. FOR WATER DIS
BREATHING APP-
ARATUS FOR FI

- 7. Change Order CHANGE ORDER -

 - a. Consider change order #1 for the Wastewater Reclamation Project #1 WASTEWATER RECLAMATION PROJECT BY GRACON CONST.

25-1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING CHANGE ORDER NO. ONE (1) ON THE CONTRACT WITH GRACON CONSTRUCTION COMPANY, INC., FOR THE WASTEWATER RECLAMATION PLANT PROJECT AND AUTHORIZING THE READVERTISING OF DELETED ITEMS.

CHANGE ORDER -
TRANSIT MAINT
FACILITY BY
CHAPARRAL BLDG
SYSTEMS, INC.

- b. Consider change order #1 for the Transit Maintenance Facility.

Mr. Bob Fowler, Building Inspections Director, presented the ordinance providing an amendment to the Plumbing Code. He said the Plumbing Appeals and Advisory Board recommended that the Council approve the use of plastic pipe for sewer and water distribution. He said the present Plumbing Code allows the use of Schedule 40 PVC for both water and sewer use on site. Off site, on public property, the City requires the use of a PVC pipe called SDR 35 and a water line called C900. He said it has been difficult for the Staff to justify the dual standard. A contractor installing pipe on both private and public property is required to install one kind of pipe on one side of the property line and another type pipe on the other side. The basic difference is in the material. The Schedule 40 presently required by the Plumbing Code is a solvent welded or glued joint type of pipe. The SDR 35 and the C900 are an O-ring slip joint type pipe. The slip joint pipe lends itself better to long term installations because it will withstand expansions and contractions without causing leaks. The primary location where the demand has been from the public for the use of the SDR 35 and the C900 has been large projects, such as apartment developments where large diameter pipes are used and long runs. He said in one project underway, the new pipe was inadvertently installed due to the lack of communication between the City Staff and the developer. He said there are other developments coming up including the City's low rent housing project that could benefit from the use of the new pipe. The SDR 35 and the C900 are performance oriented pipe in that in the smaller sizes, the wall thickness will be thinner than in the larger sizes. They are designed to withstand certain pressures whereas the presently required Schedule 40 pipe has the same wall thickness continuously regardless of size. The Plumbing Board

reviewed the possible use of SDR 35 and C900 based upon a local contractor's request and it has recommended that the Council adopt the amendment to the Plumbing Code.

Councilwoman Webster asked how much of the new pipe that the City has used. Mr. Hargesheimer, Director of Water Utilities, said that in the last five years, 95 percent of the material that has been installed in the City's water and sewer system has been the O-ring type pipe. He said the City is laying about 20 miles a year of water and sewer pipe.

Councilman Rodriguez asked if the City had any problems with leaks with the new pipe. Mr. Fowler said since there is only one project currently using the new pipe, it is hard to tell. He said the City has had problems with Schedule 40 pipe (the Code required pipe) on long runs. The solvent welded joints are unyielding and as the pipe expands or contracts, the joints can break because of the expansion and contraction in them. He said the use of the new O-ring joints will eliminate the problem. Councilman Rodriguez asked if the City had any problems with the new pipe on the public side of property lines. He said the City has had less problems with the new pipe than with the older systems in use. Councilman Rodriguez asked if the new pipe is compatible as far as the withstanding of pressure inside the lines. Mr. Hargesheimer said the new pipe will be cast iron pressure rated pipe. The pipe will carry the same OD as cast iron and it carries the same pressure ratings. Each joint is tested at 600 pounds burst pressure which is Class 150 Pressure Rated Pipe, which carries the same characteristics of cast iron. Councilman Rodriguez asked what the price difference was between the new pipe and the Schedule 40. Mr. Hargesheimer said the C900 will cost about \$1 per foot more than the Schedule 40. He said Schedule 40 and a DR21 (Class 200) are approximately the same price.

Councilman Fogle said a few years ago, he remembered some difficulties with an orange-colored sewer pipe. Mr. Fowler said that prior to his employment with the City, the Plumbing Code allowed a pipe called Corlon or Schedule 21, which was a very thin walled material. He said the pipe did not have the ability to withstand the bloating of deep trenches or traffic and it was removed from the Plumbing Code after the problems were recognized. He said the Corlon was no longer permitted. He said the adoption of the new pipe will improve the quality of materials used especially in larger sizes and longer runs. There is no correlation between the old Schedule 21 and the SDR 35, and the new pipe is being recommended by the Plumbing Board as being far superior to the Schedule 21.

Mr. Seegmiller said the new pipe should improve the installations at the property line to lateral lines to houses. Mr. Fowler said that was right, and sometimes sewer lines and water lines are located on the opposite side of the street from the development. The property on the opposite side of the street from where the utility line is located must bring the City approved materials across the street, then must change to a different type of material (Schedule 40) at the property line. That requires a special adapter fitting and in the case of the sewer line, the fitting offers an opportunity for stoppage. The Plumbing Board felt that if the same material could be used for the entire hook up, the project could be cleaner for the contractors and would cause less problems for the building owners on maintenance.

Mayor Hall asked why an unapproved material was allowed to be used in the new development in question. Mr. Fowler said the project is an apartment development on the 500 Block of Judge Ely Boulevard. He said it is a large development and contains a dedicated utility easement which loops around the project. The developer prepared plans utilizing materials that are used for City mains in the streets. The developer prepared the plans as though there was a City main since it was in a dedicated utility easement. However, when the meters were set, the meters were set in the parkway, thereby subjecting the utility line to the Plumbing Code. The State regulations state that beyond the point of metering, all work must be performed by a State licensed master plumber and therefore must comply with the Plumbing Code rather than with City utility standards. Due to a lack of communication between the City and the developer, the new pipe got installed, and specifications to meet City standards were approved, not specifications to meet the Plumbing Code. He said the procedure to amend the Plumbing Code was commenced, which takes a lot of time to go through hearings with the Plumbing Board. So, rather than order the developer to remove the product which would be taking an acceptable material out and replacing it with material that would not work so well, the Staff gave the developer permission to continue with the

project, pending the decision of the Council. He said he has a letter from the developer stating that he will abide by the decision of the Council and if necessary will take the corrective action.

Mayor Hall asked if the Council adopted the amendment, would it also approve the installation already made. Mr. Fowler said the installation was inspected by City inspectors, the Engineering Department's inspectors, so it is not an uninspected installation. There was only the question of the pipe itself.

Councilman Fogle asked if the Plumbing Board members had expertise regarding plumbing matters. Mr. Fowler said the Board is made up of a licensed master plumber, a licensed journeyman plumber, a home builder, an architect and a citizen at large. He said the Plumbing Board has approved the amendment.

Councilman Rodriguez asked if the amendment would be retroactive to the installation already in the development. Mr. Cargill, City Attorney, said if the installation were approved, then it would be not beneficial to either party to order the installation taken out.

Mr. Seegmiller said the approval of the installation is pending, and if the Council were to deny the amendment, the developer would have to take the installation out. However, if the amendment is approved, the developer could have the installation authorized. The installation will still have to follow the State Code.

Councilwoman Webster asked if by approving the amendment, would other developers be tempted to use unapproved materials with the hope of getting it approved after it has already been installed. Mr. Fowler said he felt that the installation of the pipe was not a deliberate attempt on the developer's part to circumvent any City regulations. He felt that the problem developed from a misunderstanding between the developer and the City.

Councilman Rodriguez asked if the problem had not arisen of the developer installing the new pipe in the new development, did the Plumbing Board already have plans to present the material to be added to the Plumbing Code. Mr. Fowler said that the Plumbing Board had plans to request the addition to the Plumbing Code before the problem developed. He said the long range plans will be to adopt a model Plumbing Code which will be much easier to keep up to date because a model code has facilities to test and recommend new products. Model codes are automatically updated on a regular basis. He said the City's present Plumbing Code is amended only after problems arise.

Mayor Hall opened public hearing on the ordinance providing an amendment to the Plumbing Code.

Mr. Pete Krimmel, owner of H & H Plumbing, spoke against the amendment to the Plumbing Code allowing the SDR 35 or C900 PVC pipe. He presented the Council with an example of the new pipe. He said the SDR 35 pipe is about half the thickness of the Schedule 40. He said when the pipe becomes flattened or weakened, the customer he serves will start having problems with the pipe. He said City mains are larger and the pipe will be thicker. However, a 4" pipe or less is what most plumbers use to install in houses. He said a few years ago, Styrene pipe was being used, however, it was taken out of the Code because it caused so many problems. He said even after several years, plumbers are running into problems with the Styrene. He felt that if the SDR 35 or C900 pipe were allowed to be installed, a few years from now, home owners would be having to go back and pull out the pipe and install some Schedule 40 or comparable pipe. He said it was hard to install the new pipe in a customer's home and tell that customer that he has a good installation. He felt that the new pipe will not be as strong as the Schedule 40 and it is poor quality pipe. He said even though the O-ring is a good feature, if the pipe is mashed because of its weaknesses, the O-ring will do no good. He felt that the approval of the new pipe was for the convenience of the developer constructing the apartments. He said if the new pipe is approved, the lines would be run all the way to the residences and the City will be responsible for maintenance all the way to the residences. He said no other place in the City has this type of service been done. He said other plumbers have asked the City about running the lines all the way to the residences but have been turned down, yet the developer of the apartments has been able to do it.

He said the meter was placed at the parkway, which makes the City responsible for those residences' meters. He said even though the City sent inspectors out to look at the apartments, those persons were not licensed inspectors.

Mr. David Todd, Vice-President of Barber, Brannon, Traylor, Todd, Inc., said the proposed code change will mainly involve large diameter pipe of 4" and larger. He presented a chart of Schedule 40 pipe showing the wall thickness for various sizes of pipe. He said Mr. Krimmel is correct in saying that Schedule 40 pipe is a thicker walled diameter than SDR 35. He said the SDR 35 pipe was designed by testing engineers. He said all PVC pipe deflects when it is put in the ground and packed with dirt. He said the maximum allowable deflection for PVC pipe is 7.5 percent. If a contractor has problems with PVC pipe flattening out, it is probably because it is installed incorrectly. PVC pipe requires a bedding material and must be hand bedded. He said the SDR 35 pipe was designed against the deflection to have a safety factor of 4, which means that it is designed 4 times greater than what is necessary. If SDR 35 and C900 pipe are allowed in the City's water and sewer system in subdivisions, then the pipe should be allowed in domestic needs in large complexes. He said the new pipe is laid in dedicated easements, but he was not sure if Schedule 40 is laid to the residences. He said according to the City's Water and Sewer Specifications for Subdivisions, SDR 35 and C900 were the only accepted materials for developers to install under the PVC category pipe in the water and sewer systems.

Councilman Bridges asked what the dimensions of the pipe were already installed in the development. Mr. Todd said most of them were 6". He said the main lines in most cases, has a minimum size of 6". Domestic lines going to the residences are usually 3/4" to 1" in diameter. The pipe presented to the Council by Mr. Krimmel was a 4" line that is usually installed to the resident on the sewer system. He said all of the lines used in the development are 6", however, he has no idea of what size the plumber will install from the 6" line to each residence--probably 4" or smaller. Mr. Todd said the SDR 35 and C900 pipe has the capability of withstanding pressures and earth movements and the O-ring joint should cause no problems.

Councilman Bridges asked if the amendment was approved by the Council, would that also mean pipes 4" or less would be approved. Mr. Fowler said that the 4" would be approved. He said material of any kind can be abused and nothing is perfect. The long-range history of a product determines whether it is suitable. The products must be utilized that will provide the most service for the least cost and that has a good proven history. He said all of the pipes involved in the apartment complex are in dedicated easements. A solution would be to locate water meters at each one of the buildings at the easement line. The pipe from the easement line to the building presently meets the Plumbing Code and it was installed by licensed plumbers and it was inspected by plumbing inspectors. That would make the installation completely legal. What would happen then, is that the City's Water Department meter readers would have to walk around the entire project and read 18 to 20 meters instead of reading one master meter.

Mayor Hall asked when the Plumbing Board had a public hearing on the Plumbing Code amendment, were there members of the public in attendance. Mr. Fowler said very few people turned out to attend the public hearing. Mayor Hall asked if Mr. Krimmel attended the public hearing. Mr. Fowler said he did not. Mayor Hall asked when a uniform code is adopted, will changes be made in it to approve the new pipe. Mr. Fowler said the National Sanitation Foundation, which has very extensive testing facilities and which is charged with protecting the national health and safety in regards to most plumbing items, does very detailed and long term testing of products such as SDR 35 and C900. Once the National Sanitation Foundation has approved a product, then the various model code groups usually accept their tests and include those in their codes. He said it is the same as the City Building Code accepts an underwriter's lab approval of a fire rated door. When a testing facility of proper proportions is available, then the product should be shown as being satisfactory. Model codes pick up those tests when they are approved and automatically accept those tests and included in the code as each new addition is updated. When the City adopts a specific code, such as the 1979 Edition of the Plumbing Code, it recognizes the products that have been approved by the proper testing agency. Then, when the 1985 Edition of the Code is adopted, it will update and recognize the new products that have been tested and approved in the interim.

Mayor Hall asked if the Plumbing Board unanimously voted to approve the amendment. Mr. Fowler said the Board voted unanimously to approve the new material. He said the Board did have a lot of concern about the material, but they did approve the amendment.

Councilman Bridges asked if the Plumbing Board has just recently realized that the O-ring joints were superior and why has the Code not been changed earlier. Mr. Fowler said at the time the Plumbing Board approved the PVC for the vent waste and drain systems on the interior buildings, the concern expressed at the time was the fact that the glued joints would pull apart in long runs. He said that was the main objection most contractors had. The amendments to the Plumbing Code come from two sources, the Staff recommends some codes and the public brings the attention of the Plumbing Board to problems. He said in this case, a plumbing contractor petitioned the Plumbing Board for approval of the new pipe. He said that the plumbing contractor actually had another project in mind, rather than the apartments on Judge Ely Boulevard.

After no one else wished to speak, Mayor Hall closed the public hearing.

Councilman Fogle moved passage of the ordinance providing for the amendment to the Plumbing Code. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: Councilmen Bridges and Hilton.

AN ORDINANCE AMENDING CHAPTER 8, CONSTRUCTION REGULATIONS, ARTICLE IV, UNIFORM CODES AND OTHER REGULATIONS, DIVISION 4, PLUMBING, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

PLUMBING CODE
PROVIDING FOR
SDR35 & C900
PVC PIPE
2ND READING
APPROVED

Mayor Hall discussed the annexation of property near Ft. Phantom Lake Hill. He said that the major reason the City decided to try to annex the property was because of the water lines servicing many homes and other establishments. He said that the City also wanted to insure the proper growth in the area to prevent encroachment, damage to property rights, etc. He said those persons who cannot prove that they are similarly situated to someone now receiving water can be denied water under City's current policy. At the same time, the City is obligated to provide certain services to persons living in a newly annexed area. He said furnishing those services will be expensive to the City and difficult to furnish them to persons living in remote areas, so it would be deceitful to say that the services provided will be comparable to those services provided in the heart of the City. He felt it would be reasonable to say that the services that will be provided after the annexation will be better than those now provided in the area.

ANNEXATION-
Property
LOCATED NEAR
LAKE FT.
PHANTOM HILL
FINAL RD.

Mr. Lee Roy George, Director of Planning & Community Development, said back in 1979 the City started a program called Strategies for Responsible Growth. The reason the program was started was because there was growth occurring in various parts of the City and some of the Council and Planning & Zoning Commissioners became concerned about how the City grows and how the present policies apply to the growth. In 1979, the Council by voice vote became very concerned about the extensions of water and sewer and gave the City Staff instructions not to extend water and sewer outside the City limits. That was an idea based on the supposition that policies would be developed that would deal with how water and sewer is extended. Subsequently, policies were developed to regulate how and when water and sewer is extended, where and when to annex, etc. The Council adopted five policies developed by the program and one of those policies dealt with the ability of the City to be able to accomplish things through the use of contracts. That way perhaps the City could gain compliance with the Building, Plumbing, and Electrical Codes with various owners. Case law then began to develop concerning extensions and service outside the City limits. In 1982, the City adopted a policy prohibiting extensions of water and sewer services outside the City limits with the exception of when it is a large industrial user or commercial user that may be in the City's best interest to provide those services. He said

the Council has several alternatives to choose from that the Staff has drawn up. He said the original proposal consisted of 12 square miles. He said the Council knew they could take away from the area but could not add to it. He said there were also existing water supply corporation lines already in the area. The original proposal tried to include survey boundaries and property boundaries already in existence as reasonable as possible.

He said alternative number one is the proposal containing a smaller portion of the original proposal. The colors corresponding to alternative #1 on the Staff's map are brown, orange, and red. (For clarification, a map is attached indicating the areas delineated by various colors.)

Alternative #2 would contain an even smaller portion of the original proposal. The colors corresponding to Alternative #2 are brown and red.

Alternative #3 would contain only the area corresponding to the colors brown and orange.

Alternative #4 would contain only the color brown.

Councilman Hilton said at the other public hearings and work shops discussing the annexation, there was never much interest in including the yellow area. He said personally he was interested in annexing the brown area mainly because of the water lines. He said even though people living in the area have expressed a desire not to be included in the City limits, the fact that those people are still on City water lines must be considered. He said he would like to see those people who are not on City water to remain out of the City limits.

Councilman Bridges asked if the brown area included all of the persons currently receiving water from the City and if the Council were to annex all of the brown area, it would have a consistent policy that it could deny water to any future persons and the legal problem of similarly situated would be removed. Mr. George said he thought that was correct and from the records available concerning persons living in the brown area, it would include all the persons currently being served by City water.

Mayor Hall opened the public hearing regarding the annexation.

Mr. Wendell Collett, who resides in the northwestern portion of the proposed area, said he is receiving City water, but must pay a premium for it. He said he is already paying Jones County tax, Stamford Hospital Tax, and various school district taxes. He asked if there are City water lines on the east side of Ft. Phantom Lake, then those people should also be taken into the City limits, not just the west side of the Lake. He said he moved out to the Lake to get away from the City, however, now, the City is taking him in because of the water. He said he would gladly do without the water if the City would not take him into the City limits. He felt that it would not benefit the people in the area, because no one wants to develop--just farm and ranch.

Mrs. Hackett, who owns the egg farm on FM 600, said they are receiving City water, but only because the City line is the only one available to them. She said if the City water was not available then Hawley Water Supply Corporation would be glad to furnish them water, but not as long as a City line is available to them. She said she does not understand why the City wanted to annex since there is no development there.

Mr. Rufus Quintinia is also on City water, but he wanted to find out if the City could do anything about a restriction he has on his land. The restriction prohibits buildings within 200 feet of the front property line. Mr. Cargill said the restriction could be changed. He said the fact that he was annexed or not annexed would not change any deed restrictions. The City would not be able to superimpose any restrictions over the original ones. Also, Mr. Quintinia asked how a developer would be able to develop that piece of land if the land already carries that type of restriction on it. Mr. Cargill said if he can show that the deed restrictions do not apply to the conditions presently on the land, then Mr. Quintinia can get the original owners to agree to take off the restrictions.

Mr. Edwin Turner, who receives City water, lives in the brown area. He said on January 1 a mobile home, located on the McFadden property,

caught fire. He wanted to know what the response time of the Fire Department was. He said he read in the newspaper where it took the Fire Department 22 minutes to get to the mobile home. By that time the mobile home was destroyed. He said the Fire Department had to take one pump truck and two water trucks because there is no available water source for fire protection. He wanted to know what the City's plans were about putting a fire station and hydrants in the area. Mayor Hall said again it would be deceitful for the Council to promise the same sort of service the day after annexation that is available to the heart of the City. He said that of the areas already in the City limits, there is a system of adequate fire plugs which would provide a water source. In the area proposed to be annexed that is not the case and until it is the case, any firefighting necessary would have to be done with whatever equipment available. Mr. Seegmiller said it is always necessary that a particular area must grow to a certain point until the City feels it is necessary to install services that are requested by those particular citizens. In the last several years, the City has looked at the Ft. Phantom Hill area as a possible location for a fire station as growth becomes even larger. Mr. Hargesheimer, Director of Water Utilities, said the City does not have adequate fire spacing along FM 600. The Staff had discussed it previously, and its suggestion was that it would need direction from the Council as to how to handle the situation. He said the Staff could set adequate fire plugs with the existing buildings along FM 600. He said a 500 feet coverage is required to get adequate insurance protection, but it would be possible to set plugs in the area. He said it would cost from \$800 to \$1,000 to set one complete hydrant.

Mr. Turner also asked what would be done to the property around the Lake that probably does not comply with health restrictions or is appropriate for living standards. Will the City take care of the weeds in vacant lots and the trash accumulating along the Lake edge. Mr. Seegmiller said the City has already taken measures to control weed growth and trash in the City limits and hopefully the City will be able to take care of the property around the Lake. He said the problems will not be solved in a few days or even a few months--it may take even years to solve the problem. Mr. Turner said he has mixed emotions about the annexation, but he hated to see the people pay the taxes for several years before any City services are furnished.

Mr. Billy Vinson read a letter from Mr. Marvin Smith, a property owner, expressing his desire to remain left out of the annexation. Mr. Vinson suggested that the City take in only the McFadden property and the small area in the northeast. He asked how far off the FM road the brown color include. Mr. George said the Staff included property lines approximately 1,000 feet along the right of way of FM 600. He said he thought it was a high price for the persons living in the area to pay so one property owner (McFadden) could have water. He mentioned a problem the Council had to solve a few months ago when a request came to move a mobile home at an oil well site. The mobile home was stationed at the site to prevent theft, in which the well was located just a few miles from City Hall. He was concerned that if the police could not protect a site a few miles from town, how could it protect a very large area more than 10 miles from town. He assured that if the City did annex the area, the people would try to be outstanding citizens and expect to be treated as such.

Councilwoman Webster asked if he would prefer the City take all of his property into the City limits than just a small part of it. Mr. Vinson said he would rather the City limits stick to landmarks or roads such as FM 600 than to property lines so police or fire service could find his property easily.

Mayor Hall asked Mr. Cargill how a voting box could be established in the newly annexed area. Mr. Cargill said the City Council could establish a voting box if the election is the City Council Election. He said whenever there is a change in a voting precinct, the City must have the approval of the Justice Department. There are many people living around the Fort Phantom Lake area who are in the City limits that vote in a precinct within the City limits. County, School District, Water District elections precincts must be changed by those entities. When the City Council calls a Council election, voting boxes are established at that time for the election and any changes to those voting boxes are subject to approval by the Justice Department. He said the voting boxes must be placed in an area with the greatest concentration of voters and it must also increase as much as possible the participation of minority voters. Each time the City

School Board election, the City Council has a joint City/Council election with the same polling places and that holds true for other entities holding elections at the same time as a City election. He said unfortunately there are not enough people living at the Fort Phantom Lake area to establish a voting box. Normally, the entire voting population figure is divided into 10 to establish the locations of the voting boxes. Perhaps in the future, the City will be able to look at the possibility of establishing a voting box at the Lake.

Mr. Vinson asked if the City would have to notify the Justice Department that it has annexed more territory. Mr. Cargill said that the City would have to notify the Justice Department but only after the Council has decided to annex.

Mrs. Billy Vinson, who is an election judge in Center Line located in the northern section of the annexation, said there is a minimum of how many voters that are in an area. She said the area does meet that minimum requirement. She said there are 225 voters registered in Center Line which includes all of the City of Abilene at present on the west side of Fort Phantom Lake. She said there is also a polling place on the east side of the Lake.

Mrs. Vera Winsman, owner of the Western Winds Cafe on FM 600, said the annexation of her property would not benefit her. She said she already pays several different taxes. She said even though she is on the City water line, she does not use City water because she has a well that supplies her cafe. She did use City water at one time, but had the water cut off because of the high cost.

Mayor Hall reported regarding the question by Mr. Turner about the Fire Department's response time to the mobile home fire that the fire was reported at 8:38 and the response time was 8:49.

Mr. Guy Weeks, owner of 102 acres, asked if his entire property will be included in the annexation. Mr. George said Mr. Weeks' property was included in the brown colored area. He said he does not need the City water even though he is on the water line.

Mr. Cecil Wright, who lives at intersection of FM 600 and FM 1082, said there is no development in the area. He said if he is taken into the City limits, who does he call to get rid of various animals coming up to his house. He said since it is against the law to fire a fire arm in the City limits, he must contact the Police or Animal Control to take care of the problem. He said it cost \$250 to lay a line across the road from the water line to his home and in addition to that, he must pay a premium for the water. He feels that the people will be paying high taxes for no service and no protection.

Mr. Truett Lambert, owner of 1,400 acres along the east Lake road, said his property adjoins the City limits on the north. He would like to be taken into the City limits to develop his land. He said the City has easements for water and sewer crossing his land. He said there will never be development in the area until the City has water made available to developers.

Mr. Carlton Moore, owner of property adjoining City property on the north, said he would also like to be taken into the City limits to develop his land. He asked how much water would be made available. Mr. Hargesheimer said a 12" main is available and there would be adequate water for development. He said a developer would be allowed to tie onto the water line. If 40 acres were to be developed, the owners cost to tap the City main, extend the line, the engineering costs, etc., would run anywhere between \$20,000 to \$100,000. It would cost somewhere around \$1,500 to get on City water if the owner had about 200' frontage. Mr. Moore said he was already on City water to his home. Mr. George said he was unaware that Mr. Moore was on City water even though Mr. Moore has been paying a water bill. Mr. Moore asked if he would be entitled to City water due to the similarly situated policy if he should request another meter. Mr. Cargill said if the City annexes the property, then it would be no problem. Mr. Moore also mentioned that there is a fire hydrant located near his property.

Mayor Hall closed the public hearing.

Councilman Rodriguez asked when the persons living in the Fort Phantom Lake area would actually begin paying taxes. Mr. George said if the land is annexed in 1983, the taxes would not be due until the end of 1984. Mr. Cargill said the date of assessment is January 1. Councilman Rodriguez asked if the service plan has been available for the public to see. Mr. George said the plan has been available. Councilman Rodriguez asked if the service plan sets out the services that will be offered for 10 years or if those services may be increased at any time. Mr. George said the services may be increased at any time, but the services outlined in the service plan are the minimum services that will be available. Councilman Rodriguez asked if services possible in the area would have to come back for the approval of the City Council. Mr. George said some services may come to the Council through a budget review process. Councilman Rodriguez asked if once the annexation takes place, will the property be reverted to agricultural open space zoning. Mr. George said that was right. He said even though some of the property located in the northern sections of the proposed annexation area has non-conforming uses on it, the property will remain the same when it is annexed.

Mayor Hall asked if a commercial activity were already present in the annexation area, would it be allowed to remain after annexation. Mr. George said it would be allowed to continue as long as that use continues. He said a land use study could be used to make the activity conforming. Someone will have to ask for a zone change in order to have the property zone changed from agricultural open space to something else.

Councilman Hilton asked if anyone living in the yellow area either opposes or agrees to the annexation. Mr. George said Mr. Moore and Mr. Lambert both have property located in the yellow. Councilman Hilton asked Mr. Lambert and Mr. Moore if they would rather have the property in the red annexed or their property in the yellow annexed. Both said they would rather have the red annexed.

Councilman Hilton made the motion to eliminate the property in yellow from further annexation consideration. Mayor Hall suggested making the motion to annex the yellow area, then when it fails to pass, the yellow will be eliminated. Mayor Hall asked if anyone would like to make that motion, but no one did, therefore, the yellow was eliminated.

Mayor Hall asked for a motion to include the property in red. Councilman Hilton said since there were some people who wanted in the City limits with property in the red area, he was not ready to include all of the red area but he thinks the Council needs to consider part of it.

Councilwoman Webster said the original problem concerned persons on City water. She said Mr. Moore is on City water and she felt that he also needs to be included in the annexation. She said she did have some concern about annexing Mr. Lambert's property since it was so close to the sewer farm knowing he would like to develop his property.

Mayor Hall requested the Staff to find if Mr. Moore is receiving City water. In the meantime, Mayor Hall suspended the discussion on the annexation and requested continuing on with the agenda and other items.

Mr. George presented the waiver request of subdivision requirements in Mystic Meadows, Phantom Road Acres, and Hillview Subdivisions. He said several years ago, the City did some additional annexation of two or three legally recognized subdivisions. The Staff met and discussed how they would deal with the remaining lots in these subdivisions. He said there has been a request for a building permit in which case the City could not issue because the lot that was in question was less than the lot that was originally platted. He said the City could not issue the permit until the lot was replatted. The person replatting also brought up other issues regarding water and sewer, street paving and curb and gutter.

Mr. Neitzler, Assistant Director of Planning and Community Development, said all of the subdivisions were platted either in the late 1950's or early 1960's. The subdivisions were approved as platted subdivisions without a requirement to install paving or municipal utilities. Since

the original platting, there has been some re-subdivision of some of the lots by deed--someone might have bought a 5 acre lot then divided it into smaller lots later. The Mystic Meadows plat was approved in 1964 and contained 112 acres with 19 lots. Most of the lots were 5 acres. Since then, the subdivision has developed into 34 lots--all but 6 of the original lots have been re-subdivided by deed. The View-Caps water line runs partially through Mystic Meadows. The subdivision also has a paved road running through it, but it is sub-standard by City regulations. The Hillview Subdivision is located along Ambler Avenue and FM 2833. Also, the Phantom Road Acres Subdivision is located to the north of the Hillview Subdivision. Mr. Neitzler said the Hillview Subdivision originally had 15 lots, however it has been re-subdivided into 16 lots. All three of the subdivisions have been developed almost to capacity already. In Phantom Road Acres, there are some legally created lots that are still available for development and they could be developed without any installation of municipal utilities or paving. The lots that were created by deed should have been accomplished through the platting process. If that process had been undertaken, the subdivisions would have been subject to whatever the then existing requirements for improvements were. As a result, there are three legally platted subdivisions that are in the City limits containing a number of buildable lots that do not need to meet any more requirements except building permits. In two of the subdivisions, there are lots that have been re-subdivided by deed that are not buildable until they are replatted. In order to do that, public improvements like paving, water and sewer, etc., need to be met. Now that the subdivisions are inside the City limits, a building permit is required, therefore, the remaining lots are subject to subdivision requirements. Only a handful of people will have to bear the costs of paving and extending water and sewer. The Staff recommended that the Council waive the paving and utility requirements for all lots that were created either by plat or by deed prior to the time of annexation. The resolution for the subdivision waivers also takes into consideration the re-subdivision that has occurred since the annexation. If the re-subdivision lots are smaller than two acres, then those requests should go through the normal platting process.

Mr. Neitzler said the three subdivisions actually are three unprecedented circumstances. He said the Staff is unaware of a subdivision existing today that meets all of the conditions that the three subdivisions do: 1) legally platted, 2) mostly developed, 3) already have water service from a water supply corporation, 4) semi-rural in nature, and 5) would have had to have been platted under a subdivision ordinance that did not require any utility installation.

Councilwoman Webster asked if the City is legally protected from the resolution to prevent persons from deciding that they want to develop the area north or the area south of Hillview or Phantom Road Acres to be exempt from the requirements. Mr. Neitzler said the waiver will only apply to what is within the boundaries of the Hillview Subdivision and the Phantom Road Acres Subdivision. That also applies to Mystic Meadows Subdivision.

Councilwoman Webster moved the adoption of the resolution waiving the subdivision requirements of Mystic Meadows, Phantom Road Acres, and Hillview Subdivisions. 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.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS AUTHORIZING WAIVERS OF CERTAIN SUBDIVISION REQUIREMENTS IN MYSTIC MEADOWS, PHANTOM ACRES AND HILLVIEW SUBDIVISIONS.

SUBDIVISION
 WAIVER -
 MYSTIC MEADOW
 PHANTOM ROAD
 ACRES & HILL-
 VIEW SUBDIVI-
 SIONS
 APPROVED

Mr. Homero Gonzales, Board Member of the Civic Abilene, Inc., presented the recommendation to increase the user fees at the Civic Center. He said the Council requested on June 10, 1982 that the Civic Abilene, Inc., look into the rate structure that the Civic Center is charging for the use of the Civic Center. The Chairperson for the Board, Evelyn Niblo, appointed Mr. Gonzales to chair the committee. The committee also included Stanley Treanor, Mrs. Louis Gee, Mrs. Scott Taliaferro, Colonel Larry McClendon, Max Polen, Dr. Bob Manis, Dr. Billy Van Jones, and Mrs. Robert Rodriguez. He said the

committee contacted other civic centers for comparisons. After researching the situation, the committee came up with the proposal that was submitted to the Council. He said the Civic Center has not had a rate increase in three years. In those three years, there has been tremendous increases in labor, electricity and gas. He said since John Dechant, the present Civic Center Manager, has been with the City, the return per dollar has been lowered to 52 percent. He said unless the tide is turned now, the Civic Center will probably continue to lose money. It is unfair for the tax payers to pay for the use of the Civic Center for other organizations. He said the overall increase is only about 25 percent.

Mayor Hall asked if the new rates have been discussed with the Abilene Convention and Visitor's Bureau. Mr. Dechant said the Staff and committee surveyed all of the buildings listed in the proposal and tried to gauge their rates so they would not be obstructing the ACVB. In most cases, the Civic Center is cheaper per square foot than the other buildings. He said the ACVB has not expressed an opinion about the new rates.

Councilman Rodriguez asked if the Civic Center had an energy audit. Mr. Dechant said it did not have an energy audit, but the Staff did go through the air conditioning system to make it more efficient. He said the main increase has been in the rate structure of the electricity. It was a special rate, but was recently changed to a regular commercial rate. He said there has been an increase in the use of the building which will cause an increase in the electricity, but not three times what it normally was. That was the rate structure from WTU and Lone Star Gas. Councilman Rodriguez said because of the rate change, wouldn't an energy audit be wise. Mr. Dechant said that was probably a good idea and the Staff would definitely try to conduct such an audit.

Councilman Bridges moved approval of the recommended increase in rates of the Civic Center. 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.

CIVIC CENTER
USER FEES
INCREASE
APPROVED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING RATE ADJUSTMENTS FOR THE ABILENE CIVIC CENTER.

Mayor Hall recessed the Council at 12:20 p.m. for lunch and an executive session. The Council reconvened at 1:30 p.m. Mr. John Patterson, Assistant City Attorney, said on December 20, 1982, three condemnation hearings were held regarding parcels needed for the Barrow Street Widening Project--2890 S. 7th owned by Dennis Hodge with the City's offer being \$2,000 and the special commissioners awarded \$3,071.20; 1374 Barrow owned by Mary Stone and Frances Fern Stone Kresler with the City's offer being \$2,850 and the special commissioners awarded \$3,552.66; 602 S. Mockingbird owned by Thomas J. Wright with the City's offer being \$6,300 and the special commissioners awarded \$7,000. On January 7, 1983, another condemnation hearing was held involving another parcel being 402 S. Mockingbird owned by Norman and Irene Lusk with the City's offer being \$1,765 and the special commissioners awarded the same amount. It is the recommendation of the Land Agent's office and the Legal Department that the City not appeal any of the hearings. On January 5, 1983, a condemnation hearing was held involving a .439 acre tract of land which was needed for the Antilley Road at Catclaw Creek bridge project. The land is located off Antilley Road west of Buffalo Gap Road and is owned by Amy Wilson. The City's offer to Ms. Wilson was \$1,750 or approximately \$4,000 per acre. The special commissioners awarded \$4,250 or approximately \$10,000 per acre. The Land Agent's office and the Legal Department recommends that the City appeal the award in the case.

Councilman Bridges moved to appeal the award of the hearing on the acreage owned by Ms. Amy Wilson and the approval of the awarding of the four other cases. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

BARROW STREET
WIDENING PRO-
JECT CONDEM-
NATION HEARING
AWARDS
APPROVED

Mayor Hall asked if any Council Member would like to make a motion regarding annexation of any area including the property in red. Councilman Hilton moved that the Council include property in red outlined in green owned by Mr. Lambert and Mr. Moore. Councilman Fogle seconded the motion. However, Councilwoman Webster asked if no matter if the motion passes or fails, could someone make another motion concerning the red area. Councilman Fogle asked if the property annexed must be contiguous. Mr. Cargill said it only has to be contiguous with the City's boundaries. Councilwoman Webster said the City should take those persons on the City water line into the City limits, however, she was concerned that by taking in Mr. Lambert's property and encouraging development in the area, the sewer farm may become a large problem in the future. She said she did not think the City is in a position to solve the problem and she thinks the City should be discouraging growth in the area instead of encouraging it. Councilman Hilton said he agrees that the sewer farm odor will be a problem for any development in the area, however, the City will have to face the problem sooner or later anyway.

Mr. Seegmiller said the problem will have to be resolved some time at an extreme cost to the City. Mr. Hargesheimer said the existing facilities will probably have to be covered and the hydrogen sulfide that is created will have to be trapped and oxydized. Mr. Seegmiller said many years ago, it was decided to run the entire wastewater system to the sewer farm and then pump it uphill another five miles to the treatment plant. He said the City has no other alternative within the City's range of capability of dealing with the wastewater. He said the City will have to deal with the plant in the future and will always have to plan for it. Even though the odor will be improved, it will never disappear.

Mayor Hall asked if the completion of the City's wastewater treatment plant will have an affect on the sewer farm. Mr. Seegmiller said it would not.

Councilwoman Webster asked how much the cost of solving the problem would be. Mr. Hargesheimer said it would run about \$8 million. Councilwoman Webster said she felt sure the City would never realize \$8 million worth of taxes and she felt that the land would probably be better left as agricultural undeveloped territory.

Councilman Fogle asked if the City could control development in the area through zoning. Mr. Seegmiller said to some degree the City could control it, but not absolute.

Councilman Hilton said if the decision was that the City did not take the property in red in and the City abandoned the total annexation of any area then it would appear that the City would have to furnish water to those persons in red without control over development. He said it would appear that the City would have as much control in the City limits as it would out of the City limits as long as the City must provide water. He asked Mr. Lambert how the sewer farm would affect development if the City did not improve it. Mr. Lambert said the odor is bad, but he hoped the City would not try to hold back development for that reason. Mr. Moore said the odor was not that bad until the City placed the concrete pits at the sewer farm. He said usually the odor is not so bad in the winter, but even this winter the odor is overwhelming.

Mayor Hall asked if the Council would like to discuss further the motion made by Councilman Hilton. Councilman Bridges asked both Mr. Lambert and Mr. Moore if they were currently receiving City water. Mr. Moore said he is receiving water and Mr. Lambert is not. Mr. Lambert said the water line is near his property but he cannot tie on to it because he is not in the City limits. Councilman Bridges asked if Councilwoman Webster would consider annexing the Moore property but not the Lambert property because of its proximity to the sewer farm. Councilwoman Webster said she thought the Council should annex the Moore property because of the water, but not annex Lambert's property if the City has no intention of letting him develop. Councilman Hilton said even though the City may annex Mr. Lambert's property, his taxes will not increase substantially as long as the land is agricultural.

Councilman Rodriguez asked where the Hamby water line extends on the east side of the Lake and if Mr. Lambert would be able to use Hamby water for development. Mr. George thought that part of Mr. Lambert's property

does about the Hamby water line. He said he was not sure that Hamby could furnish a big development. Councilman Fogle said he did not think the City should exclude Mr. Lambert's property from being annexed because of a problem that was created by the City over the years.

Councilman Rodríguez asked if the City does not annex the Moore property could Mr. Lambert receive water by being similarly situated. Councilman Hilton said if the City does annex Mr. Moore then everyone in question will be in the City limits, therefore, the question of similarly situated will not apply.

Mayor Hall pointed out that the motion included only the red and not the brown, orange, or salmon. Mayor Hall suggested tabling the motion including the property in red. Councilman Fogle seconded the motion to table the motion including the property in red.

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

NAYS: None.

Councilman Hilton made the motion to include the property in brown. Councilwoman Webster seconded the motion. The motion carried as follows:

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

NAYS: Councilwoman Proctor and Councilman Rodríguez.

Mayor Hall asked for a motion to include the property in salmon color. However, no one made a motion concerning the salmon color.

Mr. George mentioned that the Staff found another persons receiving City water located in the red other than Mr. Moore. Councilman Bridges asked if the size of Mr. Lambert's property would be a disagreeable factor if development occurred on it that close to the sewer farm. Councilwoman Webster said Mr. Lambert told the Council he wanted to develop. She felt that the size of his property would be a problem. She suggested limiting the size of his property to be annexed by annexing only 1,000 feet of his property west of the water line. Councilman Bridges also expressed his reluctance to take in all of Mr. Lambert's property.

Councilwoman Webster moved to lift the motion including all of the property in red from the table. Councilman Fogle seconded the motion. The motion carried as follows:

AYES: Councilwoman Proctor, Councilmen Rodríguez, Fogle, Hilton, Councilwoman Webster and Mayor Hall.

NAYS: Councilman Bridges.

Councilman Bridges suggested annexing only 500 feet of Mr. Lambert's property on the west side of the water line which would run parallel to FM 2833.

Mayor Hall asked if the Council would vote on the motion made by Councilman Hilton to include the red outlined by green in the annexation. Councilman Fogle seconded the motion. The motion carried as follows:

AYES: Councilmen Hilton and Fogle.

NAYS: Councilman Bridges, Councilwoman Proctor, Councilman Rodríguez, Councilwoman Webster and Mayor Hall.

The motion did not carry. Councilman Bridges made the motion to include the property in red outlined in green which includes Mr. Moore's property and the portion of Mr. Lambert's property from the eastern edge of the red to FM 2833 and into the southern portion of red to include the other property owner receiving City water. Councilwoman Webster seconded the motion. The motion carried as follows:

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

NAYS: Councilwoman Proctor and Councilman Rodríguez.

For clarification, Mr. Cargill suggested the Council take a vote on the entire area that was intended to be annexed. He said the Council intention is to annex the brown area and the red area outlined in green. He said the annexation ordinance will contain the full legal description of the area annexed.

Councilman Hilton moved to annex the property in the brown and the property in the red that is outlined in green. Councilwoman Webster seconded the motion. The motion carried as follows:

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

NAYS: Councilwoman Proctor and Councilman Rodriguez.

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 OF
TERRITORY AT
FORT PHANTOM
LAKE HILL ARE
2ND READING
APPROVED

Mrs. Diane Foresman presented the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at Maple Street & Berry Lane. The request is from Mecca Investment Company with Voin Campbell as acting agent. She said the property is surrounded by agricultural open space in three directions with Light Industrial zoning to the northwest. The original request included 36 acres, however, the proponent amended the request to include a 10 acre tract. The thoroughfare and collector plan states that general commercial zoning is unacceptable at the intersection of collector and arterial streets, however, to the north of the request are industrial uses and general commercial would represent the appropriate step down in land use intensity between industrial activities and residences to the south. The Staff and Planning & Zoning Commission both recommend approval.

Mayor Hall had to leave the meeting, therefore, Mayor Webster presided for the remainder of the meeting.

Mayor Webster opened public hearing on the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at Maple Street & Berry Lane.

Mr. Voin Campbell, acting agent, spoke in favor of the reclassification.

After no one else wished to speak, Mayor Webster closed the public hearing.

Councilman Hilton moved passage of the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at Maple Street & Berry Lane. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

ZONING RE -
FROM AO TO GC
AT MAPLE ST.
BERRY LANE
2ND READING
APPROVED

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.

Mrs. Foresman presented the appealed reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at 3502 Cedar Street. The request came from Roger McGough. She said the property is surrounded predominantly by agricultural uses, however, there is Heavy Commercial zoning to the east. The property is currently being used as an automobile repair and body shop which is a zoning violation. The property owner is requesting General Commercial zoning to legalize the existing use. The North Park Land Use Study recommends Multi-Family and Commercial zoning at the location, however, the Staff feels that it is currently not the proper time for Commercial zoning to take place due to scattered residential and agricultural uses in the area. The Staff recommends approval of the request, however, the Planning & Zoning Commission recommends denial of the request.

Councilman Bridges asked why there is commercial in an agricultural zone. Mrs. Foresman said Mr. McGough had committed a zoning violation which was discovered by a zoning inspector.

Councilman Rodriguez asked why it was not the appropriate time to have Commercial or Multi-Family Residential zoning. Mrs. Foresman said the

Land Use Plan took into consideration the uses that might be appropriate off the Interstate 20 and Pine Street west. However, residents in the neighborhood do not see a change of going to commercial. The Heavy Commercial zone near the property takes in the commercial uses on Pine Street, however, that Heavy Commercial zone is occupied by several residences. Yet there is an objection by the residents to the commercial request.

Councilman Rodriguez asked if there were businesses in the Heavy Commercial zoning presently. Mrs. Foresman said there were not.

Mrs. Foresman said a permit for a 30' X 30' garage for accessory use to a residence was issued in 1979 and at the time the Staff stressed to the proponent that the garage was not to be used for commercial purposes.

Mayor Webster asked if the egress and ingress to the property was along Cedar Street. Mrs. Foresman said that was correct with no egress or ingress along Pine Street.

Mayor Webster opened the public hearing.

Mr. Bill Tippen, representing Mr. McGough, said there were other businesses along Pine which backs the proponent's property. He said the 30' X 30' garage is located on a couple of acres owned by Mr. McGough who is semi-disabled. He does bring in cars to work on them to supplement his income. He permitted a friend to park a large truck on his property near the garage. Mr. Tippen said only then did the neighbors complain about the garage. He said the proponent's house and garage are several hundred feet from any of the other residences. He said the Planning & Zoning Commission denied the request because of the concern over the truck. He said the proponent has no intention of ever letting another truck park on his property, but he does need the garage.

Mr. Gene Noble, 3534 Hickory, said he lives a block southwest of Mr. McGough. He said there are other businesses in the area, but he has never known the neighbors to complain about them. He said he does not oppose Mr. McGough's garage or the zone change.

Mr. Bill Hardwick, owner of Farm Equipment Company located on 3600 Pine Street, said his business is the closest business to Mr. McGough. He does not oppose Mr. McGough's garage or the zone change.

Mr. George Pierce, 3641 Hickory, said he brought his home in the area because it had a rural atmosphere with an opportunity for peace and quiet. He said most of his neighbors currently living in the area also like the rural atmosphere and they also feel that Mr. McGough's garage should be located somewhere else--out of a residential area. Mr. Pierce presented the Council with a petition opposing the zone change.

Mr. Benny Wright, representing his sister, LaVern Jennings owner of the home at 3580 Cedar, opposed the garage and the zone change. He said the neighborhood has tried to improve the area by clearing brush, mowing, etc. He said Mr. McGough has to drive along Cedar Street, which is a dirt road, and the heavy truck in wet weather damages the road. He said other businesses in the area do not cause much noise, nor are they sightly.

Councilman Rodriguez asked if any of the neighbors or his sister have problems with the noise that Mr. McGough makes. He said he has heard from some of the neighbors that cars and trucks pull into the garage late at night creating a lot of noise.

Mr. Bob Folton, 3582 Cedar, said trucks unload cars at all times of the night at Mr. McGough's garage. He said he is opposed to the zone change.

Mayor Webster closed the public hearing.

Councilman Bridges asked if a residence is on the property. Mrs. Foresman said there is a house and the owner operates the garage. Councilman Bridges asked if some other type of zoning would allow Mr. McGough to operate the garage. Mrs. Foresman said there is not a lesser zone than the General Commercial zone requested.

Councilman Rodriguez moved denial of the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at 3502 Cedar Street. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

NAYS: Councilman Bridges.

ZONING RE -
AO TO GC AT
3502 CEDAR
2ND READING
DENIED

Mrs. Foresman presented the reclassification request from SC (Shopping Center) to GC (General Commercial) District, located at 2166 Lillius. The request came from Billy and Sandra Delaney. The property is located on the corner of Ambler Avenue and Lillius Street with Shopping Center zoning surrounding the property and General Commercial zoning to the east and Residential Multi-Family to the north. She said the property is currently being used for tire repair and sales which is a use not permitted in a Shopping Center zone. The Delaneys are requesting the zone change to legalize the zoning violation. The Sears Land Use Plan recommends Office zoning at the location. The Staff and the Planning & Zoning Commission both recommend denial of the request. The proponents have appealed.

Councilman Rodriguez said even though the Sears Land Use Plan and the Staff feel that the best use for the property would be Office, he said he does not see an Office trend in the area. Mrs. Foresman said the Sears Land Use Plan was derived for suggested rezoning and the Staff thought the Office zoning more appropriate than the Shopping Center spot zones that are presently located. The Staff hoped that Residential Multi-Family and Office zoning would help encourage growth in the area. Mr. George said even though commercial activities are illegal in residential areas, occasionally reports will be made to the Staff from the public or the Staff will find where a commercial activity is operating in a residential area.

Mayor Webster opened the public hearing on the zone change. Mrs. Becky Joy, of Joy Investments, said Joy Investments owns property located 100 feet from the Delaney property. She said the property is not large enough to accommodate a business without being a hazard to other properties.

Mrs. Sandra Delaney, 2166 Lillius, said her husband realized a need for a mobile unit to fix flats. She said her husband has converted his pickup to accommodate a flat fixing operation. Eventually, Mr. Delaney realized his pickup needed to be covered to protect the flat fixing unit from the weather. She said they obtained a permit to build a carport type building in the back of one of their lots. She said the Staff recommended that they get an easement so they could have a driveway from off of Ambler Avenue. She said across the street is Northside Tire & Battery who deals in tires and batteries. She said no construction has actually started on the carport, but there has been some objection to the used tires on their lot. Therefore, they wanted to add walls to the carport to make it like a garage to store the tires.

Mayor Webster closed the public hearing.

Councilman Fogle asked if the area might be changing to more Shopping Center or General Commercial zoning. Mrs. Foresman said it has not changed for several years. She pointed out that there are several residences surrounding the property.

Councilman Rodriguez asked what kind of restrictions or ordinances would apply if the Delaneys were allowed to build the garage for their business. Mr. George said the Delaneys would have to comply with codes regulating health, welfare and safety, but the City would be somewhat limited regarding the overall regulation of the business. He said they would be required to pave the parking lot and the new structure would have to go to a site plan review committee. Even though the Delaneys have a building permit, it is only for an accessory to a residence--a carport--but the permit will not apply for an enclosed structure such as a garage. Mrs. Foresman said if the carport was build for commercial uses, then it would have to follow commercial building codes. If the building permit specified that the structure was an accessory to a residence, then different codes would apply.

Mayor Webster left the meeting.

Cargill said when the Council considers 4f and the request in question, then when Mr. Perry represents the two requests to the Council, he will clarify for the Staff and for the Council what the difference is between the two requests.

Mayor Webster closed the public hearing.

Councilman Hilton moved to table the reclassification request from AO (Agricultural Open Space) to GC & O (General Commercial & Office) Districts, located on Curry Lane so the Council could consider both this request and the 4f request. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

ZONING RE -
AO TO GC & O
AT CURRY LANE
2ND READING
TABLED

Mr. Wayne Kurfees, Director of Traffic & Transportation, presented resolution authorizing UMTA Operating Assistance Grant Applications for Fiscal Years 1975 and 1976. He said in 1980, the City applied retroactively for operating assistance for 1977, 1978 and 1979 as well as the then current year of 1980. The grants were approved. Last fall, the Urban Mass Transportation Administration audited those grants and the independent auditor ruled that the City was not eligible for part of the money it received in 1977 and 1978 by virtue of not having applied for the money the City was entitled to for 1975 and 1976. The amount of money a city is entitled to for any given year is dependent upon the city's contribution to the transit system for the previous years. When the City applied for 1977 and 1978, the Staff had a very carefully worded resolution which stated that the City had considered part of the money which had been provided by the City in previous years to have been advanced with the intent of subsequently obtaining a Federal share. The auditors now say that because the City never applied for the money, the City could not consider that part of it was Federal and part of it was City. In order to keep the \$34,000, the City must go back and apply for it for 1975 and 1976. The dollars that were available in 1975 and 1976 have lapsed, but that does not prevent the City from applying for the money if the money which is currently available to the City is sufficient to cover this past year's operating assistance. He said the City does have the money available in the current allocation, therefore, the City is eligible to apply for 1976. He said the end result will mean the City will have a potential net receipt of \$129,000. Part of the \$129,000 will be from the \$34,000 and the other part will come from the \$95,000 the City is eligible to receive from the grants of 1975 and 1976.

Mayor Webster opened the public hearing on the UMTA Operating Assistance Grant Application. She closed the public hearing after no one requested to speak.

Councilman Fogle moved approval of the resolution authorizing the UMTA Operating Assistance Grant Application for Fiscal Years 1975 and 1976. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

TRAFFIC & TRAN
SPORTATION -
UMTA GRANT
APPLICATION FO
1975 & 1976
APPROVED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

Mr. Cargill presented the resolution calling for an Election to be held April 2, 1983. He said the resolution will set the stage for the Regular City Council Election on April 2, 1983. The resolution also calls for the precincts polling places, and precinct judges. It also approves a proclamation calling for an Election in April. He said the City takes a combination of the County voting precincts and puts them together for City precincts. He said for the area around Lake Fort Phantom which lies in Jones County precincts 6 and 7, it is combined with the City's precincts 4 and 9. He said the City has picked locations for the polling places where there is the greatest concentration of total voters are to insure of no problems voting. He said the City has 10 precincts in which there are approximately the same amount of voters. He does not suggest establishing another polling place, however, the Council could look at that possibility later in the year.

Councilman Rodriguez left the meeting.

Councilman Fogle said it was unfortunate that the zoning does not comply with the Delaney's business. He commended them for being industrious. However, he said the General Commercial request does not comply with the Sears Land Use Plan.

Councilman Fogle moved denial of the reclassification request from SC (Shopping Center) to GC (General Commercial) District, located at 2166 Lillius. Councilwoman Proctor seconded the motion. The motion was as follows:

AYES: Councilwoman Proctor, Councilman Fogle, and Mayor Hilton.

NAYS: Councilman Rodriguez.

ABSTAINED: Councilman Bridges.

ZONING RE -
SC TO GC AT
2166 LILLIUS
2ND READING
DENIED

The motion failed to carry, therefore, Mayor Hilton asked for other motions.

Councilman Rodriguez moved approval of the reclassification request. Councilman Bridges seconded the motion. The motion was as follows:

AYES: Councilman Bridges and Councilman Rodriguez.

NAYS: Councilwoman Proctor, Councilman Fogle and Mayor Hilton.

The zone change was not approved due to the motion's failure to carry.

Mrs. Foresman presented the reclassification request from AO (Agricultural Open Space) to GC & O (General Commercial & Office) Districts, located on Curry Lane. She said the request came from O. B. Stephens. The property consists of two lots with General Commercial to the northeast and Residential Multi-Family to the southwest. The Southwest Area Land Use Study completed in 1982 was initiated because of the request. The Study recommends limited commercial and office at the location. Office, Limited Commercial and Multi-Family zoning would seem reasonable at the location. Thoroughfare and collectors plans states Curry Lane as a collector street and John Knox Drive as a local street. Commercial activities at this type of location are usually unacceptable. The Staff recommends to follow the Southwest Area Land Use Study. The Planning & Zoning Commission denied the request but the request was appealed.

Mayor Hilton opened the public hearing on the reclassification request.

Mr. Bill Perry, representing O. B. Stephens, said the item 4f on the Council's consent agenda is a part of the request in question. He said when the Planning & Zoning Commission denied the request, the proponent had the opportunity to make the 4f request to the Planning & Zoning Commission. The 4f request is substantially different than the request in question and is also encompassing more land. He said the lots were the last few lots in the area that are not in the planning stage for construction. The proposed 4f item covers an area which would have been the same GC area as in the original request except for 200' on the south end of the tract would have been requested to be Limited Commercial instead of General Commercial. Also the Office request has been enlarged to include the rest of the tract that 4f considers. Therefore, he said the proponent has made enlargements of the request plus made modifications in the request for General Commercial zoning. He said he would agree with the Council to table the request until the 4f item could be considered.

Mayor Webster returned to the meeting. She asked if 4f and the request in question actually covered the exact same piece of property. Mr. Perry said the 4f item actually covers more land, but the land that is comparable to the request in question has been modified. He said the proponent will go along the lesser intensity zoning. Mayor Webster suggested he withdraw the request and have the Council consider only the 4f item at the next Council meeting. Mr. Perry said if he withdraws the request, then in essence the request has been denied and he would not be able to bring the request back to the Council for a year.

Mr. Cargill suggested continuing with the public hearing on the request, then consider the request at the same time that 4f is considered, then both items will be considered at the same time. However, a public hearing will not be required on the request.

Mayor Webster asked how the Council would vote on a request for two different zone changes on the same property on the same day. Mr.

Councilman Hilton asked if more polling places were established would the precincts still have to be divided equally. Mr. Cargill said that was correct.

Councilman Fogle asked why the City did not have polling places in other buildings other than fire stations because of the emergency vehicles. Mr. Cargill said State law requires cities to utilize public buildings when possible to minimize the cost of rentals.

Councilman Hilton moved approval of the resolution calling for an Election to be held April 2, 1983. Councilwoman Webster seconded the motion. The motion carried as follows:

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

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING AN ELECTION TO BE HELD IN SAID CITY ON APRIL 2, 1983; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE IN PLACES V AND VI ON THE CITY COUNCIL OF THE CITY OF ABILENE; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION; PROVIDING THAT SUCH ELECTIONS BE HELD PURSUANT TO THE LAWS OF THE STATE OF TEXAS AND CHARTER OF THE CITY OF ABILENE, TEXAS; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; PROVIDING FOR BILINGUAL ELECTIONS; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

ELECTION -
RESOLUTION CAL
LING ELECTION,
DESIGNATING
PRECINCTS,
POLLING PLACES
& JUDGES
APPROVED

Councilwoman Proctor asked if the Staff would look into possible establishment of other polling places and precincts.

Mr. Lee Roy George presented the resolution approving the purchase of property in the Carver Neighborhood Strategy Area. He said the property is bounded by Treadaway, N. 6th, N. 18th and Walnut Street. He said to date about \$500,000 has been spent in community development funds to improve the neighborhood. He said in the 1981 Community Development Program, a program was approved as a pilot project to acquire some of the vacant lots in the area (approximately 50 lots). He said the City intended to use some of the vacant lots for replacement housing for Stevenson Park residents. Also the lots could be made available for private industry to encourage redevelopment in the area. The Staff has now developed some criteria to establish for acquisition of lots in the area: 1) look at areas that had contiguous lots so they could be put together at one time; 2) preference for acquisition of lots with the most potential for housing sites; and 3) check to see if there were any legal problems, such as title, taxes, etc., and begin to acquire the lots first that had the least amount of problems; and 4) to choose lots that were not in the flood plain. He said instead of bringing each lot to the Council for approval, the Staff hoped that the one resolution would be sufficient to authorize the City Manager to purchase the property. He said the Staff would have an appraisal made on each lot by the Land Agent or H. P. Hawkins.

Mr. Seegmiller said he was able to talk to several people at a NAACP meeting who live in the area and found that they are willing to do something privately as well as seeking help from the City.

Mayor Webster asked if the City purchases some lots and it sees the need to use the lots for City Hall expansion or something not necessarily conforming with community development regulations. Mr. George said the City would be able to use the lots for other than community development housing purposes. He said once the City acquires them, the action to dispose of them would take action by the Council.

Councilman Bridges asked if the funds proposed to be use for the purchase of the lots were the same funds proposed to be used for relocation from Stephenson Park. Mr. George said the Staff only requested about \$30,000 to start the pilot program. He said if the City decides not to relocate the people living in Stevenson Park, then the Staff may request the use of some of the Stevenson Park funds to purchase additional lots. The Community Development Committee and the Carver Neighborhood Relocation Committee both approved the plan.

Councilman Bridges moved approval of the resolution authorizing the purchase of property in the Carver Neighborhood Strategy area. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE PURCHASE OF PROPERTY IN THE CARVER NEIGHBORHOOD STRATEGY AREA.

CARVER -
PURCHASE OF
PROPERTY IN
CARVER NEIGH-
BORHOOD STRAT-
EGY AREA
APPROVED

Mr. Kurfees presented the item considering the selection of an engineer for the traffic signal study. He said on December 2, 1982, the Council authorized the Staff to request a study of the City's traffic signal system. In response, the City received 7 proposals. Three of the proposals were outstanding, therefore, the Staff requested the three firms to interview. Councilman Fogle sat in on all three interviews, and Councilwoman Proctor was able to listen to one and Councilman Rodriguez was able to listen to one. The interviews confirmed that each of the firms were qualified and each had a good track record. He said the final selection was KHC Systems, Inc., of Dallas. The Staff requests authorization from the Council to authorize the City Manager to enter into a contract with KHC Systems, Inc., for an amount not to exceed \$60,000.

Councilman Bridges asked if the City could let bids for this type of service. Mr. Kurfees said the City is not allowed to let bids on professional services. He said \$60,000 was not all of the funds actually budgeted for the project--he thought that something later on might come up that the funds may be needed for.

Councilman Fogle said the three firms interviewed were highly qualified and each other had different strengths and weaknesses. He said he was impressed with the Staff's ability to choose from the three firms by sorting through various factors.

Councilwoman Proctor moved approval of the selection of KHC Systems, Inc., as engineer for the traffic signal study in the amount of \$60,000 by oral resolution. Councilman Fogle seconded the motion. The motion carried:

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

NAYS: None.

TRAFFIC & TRANSPORTATION -
TRAFFIC SIGNAL STUDY ENGINEER
APPROVED

Mayor Webster adjourned the meeting at 4:15 p.m.

Kelley Beard
Assistant City Secretary

Ure Hay
MAYOR

