

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chamber of the City Hall on Thursday, February 10, 1983, at 9:00 a.m.

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

1. Call to Order.
2. INVOCATION: Councilman L. D. Hilton
3. APPROVAL OF MINUTES: Regular Meetings held January 13, & 27, 1983, and Special Meeting held January 20, 1983.

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 second and final reading - amendment to the Traffic Code concerning parking in various locations.
 - b. Consider on first reading - reclassification request from SC (Shopping Center) to RM-2 (Residential Multi-Family) District, located at EN 10th & Bruceway & set a public hearing for February 24, 1983, at 9:00 a.m.
 - c. Consider on first reading - reclassification request from A0 (Agricultural Open Space) to PDR (Planned Development Residential) District, located on Hartford Street & set a public hearing for February 24, 1983, at 9:00 a.m.
 - d. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RS-6 (MHR) (Modular Overlay) District, located in the Pasadena Heights Addition & set a public hearing for February 24, 1983, at 9:00 a.m.
 - e. Consider on first reading - thoroughfare abandonment, located between Simmons & Hickory and set a public hearing for February 24, 1983, at 9:00 a.m.
 - f. Consider on first reading - reclassification request from A0 (Agricultural Open Space) to GC (General Commercial) District, located at 7601 Buffalo Gap Road & set a public hearing for February 24, 1983, at 9:00 a.m.
 - g. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to GC (General Commercial) District, located at Buffalo Gap Road & Marlboro Drive & set a public hearing for February 24, 1983, at 9:00 a.m.
 - h. Consider on first reading - reclassification request from A0 (Agricultural Open Space) to HC (Heavy Commercial) District, located at I-20 & Newman Road & set a public hearing for February 24, 1983, at 9:00 a.m.
 - i. Consider on first reading - reclassification request from A0 (Agricultural Open Space) to RM-2 & GC (Residential Multi-Family & General Commercial) Districts, located at Winters Freeway & Southwest Drive & set a public hearing for February 24, 1983, at 9:00 a.m.
5. Resolutions
 - a. Approving amendment No. 1 to the agreement with Freese & Nichols, Inc., for Professional Services in connection with the Lake Fort Phantom Raw Water Delivery System.
 - b. Agreement with the State to assume their responsibility for drainage at location on Loop 322.
 - c. Awarding a contract for the 1983 Spring Assessment Paving Program and set a public hearing for March 10, 1983, at 9:00 a.m.
6. Award of Bids
 - a. Four Wheel Loaders for Street & Water Departments.
 - b. Ditcher for Parks Division.
 - c. Pipe for Water & Sewer Department.
 - d. Police Cars for Police Department.
 - e. Trailers for Shop Division.

7. Request to Advertise
 - a. Water Treatment Chemicals for Water & Sewer Department.
 - b. Water Meters for Water Department.
 - c. Sand Blaster for Refuse Collection.
 - d. Asphalt Tank Trailers.
 - e. Bridge replacement on Catclaw Creek at Antilley Road.
 - f. For bids for reconstruction of Pine Street (N. 6th to N. 13th)


REGULAR AGENDA

8. Public Hearings
 - a. Consider on second and final reading - amendment to the Building Permit Fees.
 - b. Consider on second and final reading - amendment to the Mechanical Code, Contractor's Licensing Requirements.
 - c. Consider on second and final reading - thoroughfare abandonment, being 0.152 acres located at Curry Lane and South Clack.
9. Ordinances
 - a. Consider on first reading - Upgrade in Texas Municipal Retirement System.
10. Resolutions
 - a. Authorization to enter into contract with Missouri Pacific Railroad Company for improvement of crossing at Antilley Road.
11. Other Business
 - a. Discussion of Capital Improvements Program.
 - b. Appointment and evaluation of public officers.
 - c. Pending and Contemplated Litigation.

ADJOURN

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall, City of Abilene, on February 7, 1983, at 9:00 a.m.


Assistant City Secretary

CHAMBER OF THE CITY COUNCIL
CITY HALL, ABILENE, TEXAS

The City Council of the City of Abilene, Texas, met in Regular Session Thursday, February 10, 1983, at 9:00 a.m., with Mayor Elbert E. Hall present and presiding. Councilmen Julian Bridges, Carlos Rodriguez, A. E. Fogle, Jr., L. D. Hilton, and Councilwoman Kathy Webster were present. Councilwoman Proctor was absent. Also present were City Manager Ed Seegmiller, City Attorney, Harvey Cargill, and Assistant City Secretary, Kelly Beard.

Invocation by Councilman L. D. Hilton.

The minutes of the last Regular Meetings held January 13, 1983 and January 27, 1983, and Special Meeting held January 20, 1983 were approved as written. Councilwoman Webster moved the approval of the minutes. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

Mr. Bob Whitehead, Director of Public Works, introduced a new City employee, Mr. Ben Garbage. Mr. Garbage is a puppet made by Ms. Julie Thorpe. Mr. Garbage will be used as a promotional device for the new refuse side loading system.

Councilman Bridges moved approval of the consent agenda with the exception of item 4i, 6a and 6c to be voted upon separately. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

4. Ordinances

- a. Consider on second and final reading - amendment to the Traffic Code concerning parking in various locations. TRAFFIC & TRAFFIC PARKING IN VARIOUS LOCATIONS - APPROVED 2ND READING

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

- b. Consider on first reading - reclassification request from SC (Shopping Center) to RM-2 (Residential Multi-Family) District, located at EN 10th & Bruceway & set a public hearing for February 24, 1983, at 9:00 a.m. ZONING RE - SC TO RM-2 AT EN 10TH & BRUCEWAY APPROVED ON 1ST READING

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 PDR (Planned Development Residential) District, located on Hartford Street & set a public hearing for February 24, 1983, at 9:00 a.m. ZONING RE - AO TO PDR AT HARTFORD APPROVED ON 1ST READING

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

- d. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RS-6 (MRH) (Modular Overlay) District, located in the Pasadena Heights Addition & set a public hearing for February 24, 1983, at 9:00 a.m. The Planning & Zoning denied the request and it was not appealed. ZONING RE - RS-6 TO RS-6 MRH IN PASADENA HEIGHTS DENIED BY P&Z

- e. Consider on first reading - thoroughfare abandonment, located between Simmons & Hickory & set a public hearing for February 24, 1983, at 9:00 a.m. THOROUGHFARE ABANDONMENT - SIMMONS & HICKORY APPROVED 1ST READING

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.

- f. Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at 7601 Buffalo Gap Road & set a public hearing for February 24, 1983, at 9:00 a.m. The Planning & Zoning Commission denied the request and it was not appealed.
- g. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to GC (General Commercial) District, located at Buffalo Gap Road & Marlboro Drive & set a public hearing for February 24, 1983, at 9:00 a.m. The Planning & Zoning Commission denied the request and it was not appealed.
- h. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) District, located at I-20 & Newman Road & set a public hearing for February 24, 1983, at 9:00 a.m.

ZONING RE -
AO TO GC AT
7601 BUFFALO
GAP ROAD
1ST READING
DENIED BY P&Z

ZONING RE -
RM-2 TO GC AT
BUFFALO GAP
ROAD & MARLBO
DRIVE - 1ST
READING
DENIED BY P&Z

ZONING RE -
AO TO HC AT
I-20 & NEWMAN
ROAD
1ST 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.

- i. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RM-2 & GC (Residential Multi-Family & General Commercial) Districts, located at Winters Freeway & Southwest Drive & set a public hearing for February 24, 1983, at 9:00 a.m.

Mr. Lee Roy George, Director of Planning and Community Development, said the proponents requested to rezone some property on the Winters Freeway near Southwest Drive. The general zoning in the area consists of General Commercial on the northwest, GC on the southwest and AO on the south and east. The Southwest Area Land Use Plan recommends General Commercial at the proposed intersection. The tract 1 of the request is proposed to be General Commercial and is in a configuration that conforms to boundaries that have been platted. Other parts of the request propose Multi-Family zoning on the south. He said the Planning & Zoning Commission did have concerns about a resolution that was passed by them in April, 1982, that dealt with development in the flood plain. The resolution would expire under one of the two conditions, being that until the Floodwater Management Plan is completed and at the end of 1982. Then, upon expiration of the resolution the Planning & Zoning Commission will reassess its position on flood plain developments in the light of available plans or policies of the City Council. On February 27, the Planning & Zoning Commission has set up a public hearing for the policies and ordinances of the Floodwater Management Plan. The Planning & Zoning Commission would like some direction from the Council now that the resolution has expired. That explains the 3 to 3 vote on the zone change by the Commission. The Commission denied the request and the proponent has appealed.

Mr. Bob Whitehead, Director of Public Works, said the proponent's property is in the flood plain. When the proponent first talked with the City Staff, he found that the Floodwater Management Plan was not complete and there was no way he could have anything rezoned until the Plan had been approved by the Council. The Staff requested that the proponent submit a flood way development permit. That permit will enable the Staff to check the development under the current ordinance to see whether the development would be raising the water elevation in the flood way. The development permit requires that a development not raise the water elevation in the flood way. The proponent was also asked to meet all of the requirements proposed ordinances of the Floodwater Management Plan. Mr. Whitehead said the zone change has become sort of a test case in reference to future ordinances and how development is handled in a flood way. The Floodwater Management Plan for the particular area calls for an improved channel in Catclaw Creek along Curry Lane. The alternative plan on Elm Creek would be to place detention facilities upstream. Once the detention facilities are placed upstream, the affected portion of Elm Creek will need to be cleaned out and placed under administrative control. Where Elm Creek impacts Catclaw Creek, it

creates an over-flow area. That is why the request is considered in the flood plain--because of the spill over area. The proponent was asked to come back to the Staff with a plan that would fit into the Floodwater Management Plan and not increase the water elevation from his development, and to not increase run off from the development. The proponent is planning to improve Catclaw Creek by using an earthen channel narrowing to a concrete lined channel running to the Winters Freeway. To handle the excess water from the development, a detention facility will be placed appropriately and it will help to reduce the flood elevation. He said the proponent's development is not curing the problem of flooding in the area, but it will not increase flooding either. He said the Staff recommended the development permit and with the proposed ordinances, the Staff felt that it would be a good development and could be allowed at the present time.

Mayor Hall said he wrote a letter to the Chairman of the Planning & Zoning Commission in the behalf of developers building in the flood plain. He said in that letter developments in the flood way that might alter the outcome of the Floodwater Management Plan or adversely affect flood conditions should be discouraged until the Floodwater Management Plan is completed and the policies for all flood ways are adopted. He said the Council is within two or three months of being able to take action on the Floodwater Management Plan ordinances. He said the Council presently is operating under a proposed ordinance and has a zone change submitted that more than complys with the proposed ordinance. He said the problem seems to be that development is starting to occur in the flood plain before the Floodwater Management Plan is completed.

Councilman Hilton asked if the proponent would fulfill all of the requirements of the proposed ordinance. He said he could not imagine the Council passing another ordinance more restrictive than the proposed ordinance. He said if the proponent met the requirements of the proposed ordinance, he did not think there would be much danger in proceeding with the zone change.

Councilman Bridges asked how much the Council would gain by waiting to hear the final recommendations of the Floodwater Management Plan. He said he would not like to delay the development because of legalities. Mr. George said there was some doubt in the Planning & Zoning Commission as demonstrated by their 3 to 3 vote. He said the three that voted against the zone change felt they needed some direction from the Council concerning the expired resolution and the completed Floodwater Management Plan.

Mayor Hall agreed with Councilman Hilton in thinking that the Council could implement another plan that would be more restrictive than the proposed plan. He said the Council needs to find a way to return the zone change request to the Planning & Zoning Commission after the moratorium has been lifted. (The moratorium pertains to the expired resolution, the end of 1982 or the completion of the Floodwater Management Plan.)

Councilman Hilton asked if under the present ordinance would the zone change be legal. Mr. George said the proponent has met the criteria of both the present and proposed ordinances. Probably the only concern by the Planning & Zoning Commission is the policy of discouraging development in the flood plain. Councilman Hilton said it looked as if the City were making a law by moratorium and he said he was not sure if that is legal. He said if the zone change complys with both the present and the proposed ordinances, it looked like the Council could proceed with the first reading.

Councilwoman Webster said she did not know how the Council could act on the zone change without first knowing if the voters would pass the Floodwater Management Plan bond package since the Floodwater Management Plan will have definite influence on the development. If the bond issue is approved, then the Council could act on situations like the zone change. But if the bond issue is defeated, then the Council may have to disallow development in the flood way anywhere in the City. She said if the Planning & Zoning Commission would like some direction from the Council, then the Council should tell them to continue to readopt their resolution until after the Floodwater Management Plan is fully implemented or the bond issue is turned down or at least until May, 1983.

Councilman Rodriguez said he would not like to approve a zone change before the Floodwater Management Plan ordinances are adopted.

Councilman Fogle said the Staff has approved the engineering designs of the zone change and has said that the development will not impact the flooding situation as it is at the present time. Additional water will not be added to that area. He said the only way to completely stop the flooding downstream will be the detention ponds and other improvements that first must be voted upon by the citizens of Abilene. He said by approving the zone change, the Council would not be violating the present policy provided that the engineering of the development will show that water run off will not be increased.

Councilman Bridges asked if the proponent or developer was in the Council Chambers and if he could say why the Council must act on the zone change so soon. Mr. Seegmiller said the developer is not trying to put pressure on the Council for a decision. If the Council waits several months to make a decision, then it will put almost impossible burdens on developer and project. If the Council would like to wait another two months for the Floodwater Management Plan ordinances to be adopted, then the developer could possibly wait that long.

Mayor Hall said that within two months, the Council should have the opportunity to act on the Floodwater Management Plan ordinance. Mr. George said the ordinances should come before the Council by late March or early April. Mayor Hall said when the time comes for the Council to hold a public hearing on the Floodwater Management Plan ordinances, he would like to hear citizens' input on the ordinances. If the Council adopts the ordinances and the Plan seems to be well on its way to being implemented, then if someone develops in the flood way, the Council could probably let him as long as he agrees to take care of the extra run off his development creates. Therefore, the Planning & Zoning Commission could continue its present policy with infrequent input by the Council.

Mr. Seegmiller said the developer is rather frustrated with the situation knowing that he has complied with both the present and proposed ordinances, however, he has been told of the predicament that the Council and the Planning & Zoning Commission has found themselves in.

Mr. Ben Stribling, developer, said he has been working with the City Staff on the zone change since last summer. He said he recognizes the problem that the City has and has been aware of the problem since last spring. He said Freese and Nichols, the City's engineering consultants, also verified that the engineering designs of the development would not contribute to more water run off. He said his engineers made plans and commitments pending the approval of the Planning & Zoning Commission and the Council in February. He said his deadline is March 30, 1983, but could manage if the Council wanted to take some extra time to go over the zone change. The developer did not think he had a problem with getting the zone change approved knowing his plans fit the criteria, until the Planning & Zoning Commission. He knew about the moratorium that expired at the end of 1982. He said he also knew about the Floodwater Management Plan that had been recommended to the Council. He was told that at the end of those two events, the City would be ready to accept a zone change like his.

Mayor Hall said Mr. Stribling has done the City a favor by showing the citizens and other developers that administrative controls of flooding are not impossible to implement. He asked Mr. Stribling if he could live up to his commitments if the Council could wait until the end of March to approve his zone change. Mr. George said a second reading and public hearing of the Floodwater Management Plan ordinance would come before the Council some time in April. Mr. Stribling said the fact that the Planning & Zoning Commission denied the zone change is a little misleading. He said he did not think the zone change was denied on its merits only because of an uncertainty by the Planning & Zoning Commission. He also asked if his zone change could follow the Floodwater Management Plan ordinance through each of the required steps so the progress of both could be easily followed.

Mayor Hall asked how the Council could postpone the decision on the zone change until after the Floodwater Management Plan ordinance has been approved. Mr. Cargill said the Council could send the zone change back to the Planning & Zoning Commission and ask them to consider the zone change in light of the ordinances that are recommended to the Council. Another alternative the Council has is it could pass the zone change on first reading, then when it came before the Council

on second reading, it could be tabled until the Floodwater Management Plan ordinance has been considered. The final alternative would be for the Council to just pass the zone change on first reading.

Councilwoman Webster asked Mr. George if other zone changes have been submitted for consideration by the Staff or Planning & Zoning Commission. Mr. George said nothing specific has been submitted, but he said he did know of several developers who have been talking about projects similar to the present development. Mr. Seegmiller said other developers may be waiting to come forth with projects after the moratorium has been lifted.

Councilman Bridges asked if Mr. Stribling could proceed with the project if the Council could not make a decision on the zone change until April. Mr. Stribling said he could not say for sure until he has had a chance to talk with the corporation that has a commitment with him. He said the corporation has no idea of the problem that has arisen on the zone change.

Mayor Hall asked if a motion was made to pass the zone change on first reading but it failed, what would happen to the zone change request. Mr. Cargill said if the zone change is denied, it cannot be brought back to the Council for one year. Mayor Hall asked if the Council referred the zone change back to the Planning & Zoning Commission, what would happen to it. Mr. Cargill said the Planning & Zoning Commission would review the zone change in the light of the Floodwater Management Plan ordinance and consider the zone change after the Commission has developed a package of ordinances to refer to the Council.

Councilman Rodriguez said he would like to see Mr. Stribling's request that the zone change be considered at the same time the Floodwater Management Plan ordinance goes before the Council be granted.

Councilman Fogle said the Council will almost have to adopt the Floodwater Management Plan ordinance before it can approve the zone change, so he suggested passing the zone change on first reading, tabling it on the second reading, then wait for the Floodwater Management Plan ordinance to be adopted.

Mayor Hall made the motion to approve the reclassification request from AO (Agricultural Open Space) to RM-2 & GC (Residential Multi-Family & General Commercial) Districts, located at Winters Freeway and Southwest Drive and let the developer note that several of the Council Members will want to table the zone change on second reading until the Floodwater Management Plan ordinance is passed. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

ZONING RE --
AO TO RM-2 &
GC AT WINTERS
FREEWAY &
SOUTHWEST DR.
1ST READING
APPROVED

Councilwoman Webster asked what the Council's direction will be to the Planning & Zoning Commission regarding the moratorium. She said she wished the situation was brought before the Council in December since the moratorium expired at the end of 1982. Mayor Hall read a portion of a letter from the Council stating, "...developments in the flood way that might alter the outcome of the Floodwater Management Plan or adversely affect it or adversely impact flood conditions on other properties should be discouraged until the Plan is completed and policies for all flood ways in Abilene are adopted". Mayor Hall suggested referring to the letter and stating to the Planning & Zoning Commission that it appears that the Council is getting close to that point but is not there yet. Mr. George said the Staff would pass that information on to the Planning & Zoning Commission to hold fast to that suggestion until the Floodwater Management Plan ordinance is implemented.

5. Resolutions

- a. Approving amendment No. 1 to the Agreement with Freese & Nichols, Inc., for professional services in connection with the Lake Fort Phantom Raw Water Delivery System.

WATER -
AMENDMENT #1
TO AGREEMENT
WITH FREESE &
NICHOLS FOR
RAW WATER DELI
IVERY SYSTEM
APPROVED

- b. Agreement with State to assume their responsibility for drainage at location on Loop 322.
 - c. Awarding a contract for the 1983 Spring Assessment Paving Program & set a public hearing March 10, 1983, at 9:00 a.m.
6. Award of Bids
- a. Four Wheel Loaders - Street & Water Department.

EASEMENT -
DRAINAGE AT
LOOP 322 WITH
STATE

STREET IMPR -
1983 SPRING
ASSESSMENT
PAVING PROGRA
CONTRACT

Mr. Roy McDaniel, Assistant City Manager for Fiscal Resources, presented the item awarding the bid on the four wheel loaders for the Street & Water Departments. He said the City is beginning to use what is called "a total cost bid basis". The concept has been in use in other cities for about 20 years, but it has not been used by the City frequently. He said a pre-bid conference was held with the vendors and the concept was explained to them at that conference. He said all factors would be considered was stressed to the vendors. Evidentially not all of the vendors understood the concept. He pointed out on the tabulation sheet, that in every case without a trade in, Treanor Equipment Company was the low bidder. Even considering the cost of money, Treanor Equipment Company is still low bidder without a trade in. With a trade in, Treanor Equipment Company is second lowest bidder. If the value of money over a five year term is considered, Treanor Equipment Company is again low bidder. He said one of the vendors called and said he did not understand the concept. He said he explained to the vendor the concept. He said the Staff is recommending that the Council award the bid on all three items to Treanor Equipment Company, but to leave open the option of whether it will be with or without trade until the Staff checks on the value of the City's trade in. A base value would be available from Treanor on that trade in, but the City would like to see if the trade in would be worth more on the open market.

Councilman Hilton asked if the money use concept was explained during the bid process. Mr. McDaniel said he had not had the chance to listen to the whole tape of the pre-bid conference, but he has been assured that the statement of "all factors would be considered" was stressed during the conference. He said he would assume that means the value of money. He said he did not know if the value of money was specifically stated.

Councilman Hilton asked what the time limit was on the decision of whether to trade or not. Mr. McDaniel said sometime between 45 to 60 days, and would depend upon the delivery time of the new equipment. The successful bidder does not care whether the City trades in or not, because they have bid both ways. However, it would make a difference in who was the low bidder except for the money concept.

Councilman Fogle said the question seemed to be whether the vendors were fully informed or not to the method that the City was going to use to accept bids. He said he thinks it is a good concept for the City to use and he would think that the City is in a position to approve the award of bid if the Council is sure that the vendors understood the concept. Mr. McDaniel said he does not know for sure whether the term "value of money" was stressed during the pre-bid conference.

Councilman Bridges asked if the postponement of the item would cause problems later. Mr. McDaniel said the Council has the prerogative to accept the bid or reject the bid. The Council is not required to take the low bid. The Council's responsibility is to take the bid that is best for the City.

Mayor Hall asked if a disappointed bidder had raised the question of how the Staff arrived at the successful bidder. Councilman Hilton said the bidder probably just wanted to clarify the method used to arrive at the successful bid. Mr. McDaniel said the bidder informed him that he was not at the pre-bid conference. That could have been the reason the bidder was unclear as to the method used.

Mayor Hall said just because the Staff mentioned "all factors considered" did not mean that all the bidders understood what was at stake, unless the cost of money concept had been discussed at a previous conference. Mayor Hall asked who conducted the pre-bid conference. Mr. McDaniel said Mr. Huett and five members of the Public Works Department.

Mr. Gene Cook, Resource Services Division, said the term "value of money" was not used at the pre-bid conference. He said the statement was made that the Staff would take everything into consideration during the evaluation of the bids. He said during the evaluation, the Staff did recognize there was a bid factor involved in the money which the City would be paying out initially and that should be considered into the evaluation and that is why the value of money (7 percent compounded for 5 years) was used. Mayor Hall asked if there would have been a difference as to who received the bid if a different rate of interest was used. Mr. McDaniel said the Staff evaluated the bids from 7 percent to 8 1/2 percent which is the current value of money. There could be a difference if 2 percent was used or up to 20 percent.

Mayor Hall said there could be a problem in that a bidder might feel that the City set out to find a percentage to ensure that he would not be the low bidder. He said the Council would like some assurance that each bidder got a square deal on the evaluation of the bids.

Councilman Hilton said the City must find a concept that will ensure that bids are received and bidders will not assume there is no reason to bid.

Councilwoman Webster asked if all the bidders were local. Mr. Huett said Conely-Lott Nichols are from Dallas, but the other 4 bidders are from Abilene.

Mr. Rob Allen, Assistant Sales Manager for Treanor Equipment Company, explained how Treanor arrived at their bid. He said Treanor's bid was based strictly on real prices and actual values. He said Treanor did not inflate the cost of the machine when it was new and the trade in was not inflated nor was the trade ins in the future inflated. He said Treanor did not take into effect the cost of money of having the additional amount of money the City would give Treanor up front by inflating the figures that Treanor could use to lower its bid, which the competitor did. He felt most of the bidders used the real prices and actual values to submit their bids.

Mr. Cargill said if there is no motion to approve the bid, then the bid will not be awarded.

Councilman Fogle said he would like the Council to take action on the award of bid to either accept or deny the bid. He made the motion to accept the low bid of Treanor Equipment Company as recommended by the Staff. Mayor Hall seconded the motion. The motion failed to carry.

AYES: Councilman Fogle and Mayor Hall.

NAYS: Councilmen Bridges, Rodriguez, Hilton and Councilwoman Webster.

AWARD OF BID -
LOADERS FOR
STREET DIVISIO
DENIED

Councilman Hilton said the Staff needs to re-bid the equipment and use the same concept, but to be sure and explain it fully to the bidders.

- b. Ditcher for Parks Division.
- c. Pipe for Water & Sewer Department.

AWARD OF BID -
DITCHER FOR
PARKS - APPROV

Mr. Bernard Huett, Purchasing Agent, explained that the second tabulation sheet was left out of the agenda accidentally, which contained the bid of Jim Lane who the Staff recommended to receive the bid. He said the Water & Sewer Department does not need the 21" pipe now, so the Staff decided to take new bids later in the year when needed. He said the Department does need a load of pipe and if the Council would authorize the load of pipe, the Staff could come back at the next Council meeting with the proper tabulation sheets.

Mr. Cargill said the Council only needs to explain who the bidder is who will be receiving the bid and the amount of his bid so it will be in the record.

Councilman Fogle moved to approve the award of bid to Jim Lane in the amount of \$110,000 as recommended by the Staff in memorandum form on February 3, 1983. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

AWARD OF BID -
PIPE FOR W&S
APPROVED

- d. Police Cars.
 - e. Trailers for Shop Division.
7. Request to Advertise
- a. Water Treatment Chemicals for Water & Sewer Department.
 - b. Water Meters for Water & Sewer Department.
 - c. Sand Blaster for Refuse Division.
 - d. Asphalt Tank Trailer.
 - e. Bridge Replacement on Catclaw Creek at Antilley Road.
 - f. For reconstruction of Pine Street (N. 6th to N. 13th).

AWARD OF BID -
CARS FOR POLICE
DEPARTMENT;
TRAILERS FOR
SHOP DIVISION.

REQ. TO ADV. -
CHEMICALS-W&S;
METERS FOR W&S
SAND BLASTER
FOR REFUSE DIV
ASPHALT TANK
TRAILER; BRIDGE
AT CATCLAW &
ANTILLEY ROAD;
PINE STREET
IMPROVEMENTS.

Mr. Bob Fowler, Director of Building Inspection, presented the amendment to the Building Code. He said the present Permit Fee Schedule is not responsive to a popular type of development that is taking place in Abilene at the present--construction of an incomplete building with interior to be completed at a later date. He said the present fee schedule establishes 5¢ per square foot as the fee for a building permit for a complete building. The only other fee the City has is one that is \$3 per \$1,000 of evaluation for alterations. The \$3 per \$1,000 is primarily intended for residential remodeling. The proposed amendment was requested by a developer and has been reviewed by the Board of Building Standards. It is not an attempt to increase or decrease the Fee schedule. The Staff recommends that a shell building be permitted with a 4¢ per square foot permit fee and that the developer at a later time would be granted a permit at 3¢ per square foot when the building interior is completed. The total cost of buildings would then be 7¢ per square foot for buildings which are built in two phases, and 5¢ per square foot for buildings which are built in a single phase. The City's additional cost of inspecting on two different occasions would then be reflected by the fee change.

He said the Staff also wanted to take the opportunity to propose one other amendment to the cost of demolition permits. He said presently the City charges \$10 for residential and \$25 for commercial. He said there have been occasions where small commercial buildings would be charged \$25 for a demolition permit where a rather large residential project would be only \$10. The Staff recommends that the value of the demolition costs be subject to the amount of fee charged. Costs up to \$10,000 would be charged \$10 and costs over \$10,000 would be charged \$25 regardless of whether it be commercial or residential.

Another amendment the Staff would like to propose is in the area of installation of mobile homes in mobile home subdivisions. He said the only fee the City presently uses is 5¢ per square foot which is the same fee that is used for a site built residential project. He said the Staff does not feel it is fair to the mobile home escalation due to the relative small number of inspections that are required as opposed to site built residences. He talked with the retailers of mobile homes and they would also prefer a flat rate, which will make it easier to work with their clients. He said the Staff felt that a flat rate of \$30 would defray the cost of City inspections.

Councilman Hilton asked how the alteration fee of \$3 per \$1,000 compare with the 3¢ per square foot when a builder completes a building and would like to call the project a alteration. Mr. Fowler said the Staff would let that builder do that, but normally, interior developments run about \$20 per square foot which would be about 6¢ per square foot permit fee. If the \$20 per square foot and multiply it by the number of square feet in a building, then apply the 3¢ per \$1,000 to that evaluation, it would equate to about 6¢ per square foot in permit fee. The Staff did not feel it was fair because a builder could buy a permit for the entire structure for 5¢ per square foot. He said the Staff has charged part of the fee of 2 1/2¢ per square foot for a shell building when the permit was issued, then when the builder wanted to finish the project the other 2 1/2¢ was charged. He said the Staff does not actually have the authority to do that, but it has been an interpretation for some time even though it made the Staff very uncomfortable.

Mayor Hall opened a public hearing on the amendments to the Building Code, however, no one wished to speak, so Mayor Hall closed the public hearing.

Councilman Hilton asked how the City would collect fees if a builder completed part of a building but left a part of it as a shell. Mr. Fowler said the Staff could issue a permit for the part of the building

that was complete at 5¢ per square foot, then the Staff could issue a permit for the other part of the building for 4¢ per square foot. At a later date, the builder could purchase a permit at 3¢ per square foot when he wanted to complete the shell.

Councilman Hilton moved approval of the ordinance amending the Building Code concerning Permit Fee Scheduling, demolition fees, and mobile home subdivision installation fees. Councilwoman Webster seconded the motion. The motion carried as follows:

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

NAYS: None.

BUILDING CODE
AMENDING PER-
MIT FEES
2ND READING
APPROVED

AN ORDINANCE AMENDING CHAPTER 8, CONSTRUCTION REGULATIONS, ARTICLE IV, UNIFORM CODES AND OTHER REGULATIONS, DIVISION 2, BUILDING CODE, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Mr. Fowler presented the ordinance amending the Mechanical Code concerning mechanical licensing of contractors. He said recently the Council adopted a new Mechanical Code for use in Abilene. The new ordinance contains provisions for licensing contractors. It is the first time in the history of Abilene that mechanical contractors of electrical and plumbing have been licensed. He said the attempt was made at the time that the ordinance was drafted for the Council's approval to allow contractors who are currently conducting the business of heating, air conditioning, and installation of appliances, to be able to merely apply for their license under a grandfather-type clause and become licensed without any further tests or procedures. The ordinance stated that if the contractor had an appliance installers bond on file with the City and was conducting business, he could obtain his license through the grandfather clause. He said unfortunately, about 5 or 6 contractors that were innocently operating a business without an appliance installers bond on file. Those contractors were trapped and unable to get a license due to that oversight in the ordinance. He said the Staff recommends that the grandfather clause be re-opened for an additional 90 day period and that the provisions requiring that the appliance bond be on file be removed in order to allow those contractors to obtain their licenses. He said the original provisions also had a clause that state if a contractor did not fall under the grandfather clause, he could provide a letter to the mechanical board from a licensed contractor certifying that he had at least two years of qualifying experience in the field. With that letter and the approval of the board, a contractor could obtain his license. However, if a contractor wished to leave his present place of employment to open his own business, then he is placed in a position of having to ask his former employer for permission to go into competition with him. The Staff is recommending that an additional route of licensing be provided--an examination. Therefore, with the approval of the amendment, there would be 4 methods of obtaining a mechanical contractors license--the grandfather clause, a letter certifying two years of qualifying experience, examination, and the board's acceptance of a license in a sister city having similar ordinances.

Councilman Bridges asked if a reinstatement of an appliance bond would be necessary. Mr. Fowler said the appliance bond is an old form of bond--the City does require that all newly licensed contractors post a \$1,000 bond. But the provision that was causing problems was a retroactive provision that required that the contractor have on file an appliance installers bond. There were several contractors that did not have an appliance installers bond on file so were unable to obtain their license.

Councilman Rodriguez wanted to be sure that the amendment did not open the door to just anyone who wanted a license. Mr. Fowler said a contractor will still have to demonstrate that he is either currently in business or is qualified to do the work.

Mayor Hall opened public hearing on the amendment to the Mechanical Code, however, no one wished to speak, so Mayor Hall closed the public hearing.

Councilman Bridges moved passage of the ordinance amending the Mechanical Code concerning the licensing of mechanical contractors. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

MECHANICAL CO
AMENDMENT ON
LICENSING MEC
ANICAL CON-
TRACTORS
2ND READING
APPROVED

AN ORDINANCE AMENDING CHAPTER 8, CONSTRUCTION REGULATIONS, ARTICLE IV, UNIFORM CODES AND OTHER REGULATIONS, DIVISION 5, MECHANICAL CODE, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Mrs. Diane Foresman, Assistant Zoning Administrator, presented the ordinance authorizing a thoroughfare abandonment, being 0.152 acres located at Curry Lane & S. Clack. She said the request came from Target Stores represented by Eddie Chase. She said the thoroughfare to be closed is on the corner of Curry Lane north of John Knox Drive and south and west of the Winters Freeway. The land use in the area is predominantly vacant with the area to the east being General Commercial. The 1981 street paving and assessment realigned Curry Lane west of Loop 322 as it exists today, therefore, the proponent has requested the abandonment to maintain the land for landscaping. The Plat Review Committee discovered that utilities are in the street and drainage facilities are proposed for the street. Therefore, the Staff, the Plat Review Committee and the Planning & Zoning Commission recommend approval of the abandonment subject to a utility and drainage easement over the property and with the understanding that such property have no permanent structures.

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

Councilwoman Webster moved passage of the ordinance authorizing a thoroughfare abandonment, being 0.152 acres located at Curry Lane & S. Clack. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

THOROUGHFARE
ABANDONMENT -
0.152 ACRES
AT CURRY LANE
& S. CLACK
2ND READING
APPROVED

Mrs. Foresman pointed out the correction on the ordinance on page 8d-7, which shows the legal description of the property. She said in addition to the statement on the ordinance, "save and except for a utility and drainage easement over the above described property", the statement, "the utility and drainage easement be retained and that no permanent structures be built on the above described property" be added.

Councilwoman Webster amended her motion to include the addition to the legal description of the property. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

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

BOARD APPTS -
PARKS & REC
& AC/DC, INC.

The Council adjourned at 11:00 a.m., to go into executive session. The Council returned at 1:00 p.m., with three appointments made to various boards and commissions. They were:

PARKS & RECREATION BOARD

Mr. George Williams to replace Mr. Bob Hart for a term ending May, 1983.

ABILENE COMMUNITY DEVELOPMENT CO., INC.

Mr. George Linicoll, Administrative Ass't to replace Mr. Ed Thatcher; and Mr. John Patterson, Ass't City Attorney to replace Mr. Ron Clark for a term ending May, 1983.

Councilman Hilton moved approval of the appointments of Mr. George Williams, Mr. George Linicolm and Mr. John Patterson to the appropriate boards. Councilwoman Webster seconded the motion. The motion carried as follows:

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

NAYS: None.

BOARD APPTS -
PARKS & REC.
AC/DC, INC.
APPROVED

Councilman Hilton made the motion to remove from the table the ordinance to upgrade the Texas Municipal Retirement System for first reading. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

Mr. Roy McDaniel presented the ordinance upgrading the Texas Municipal Retirement System for consideration on first reading. He said the ordinance states, "be it ordained by the City Council of the City of Abilene, Texas, that all employees of the City of Abilene Police Department who are members of the Texas Municipal Retirement System shall make deposits to the System at the rate of 7 percent of their individual earnings. However, this rate shall not be applied to earnings in excess of the maximum earnings subject to retirement deductions as fixed by ordinance". In the City's case, there is no maximum so that last sentence would not apply. He said last summer during the Council Budget hearings, the Council agreed to set aside the money to accomplish the ordinance with the instructions that the Staff look at other options and wait for the results of the Police Management Study. The Study has been completed but the Council has not approved it. The upgrade of the ordinance if passed will go into effect the first of the month following the approval on second reading.

Councilman Hilton said there is a question about the Police Department employees who are on Social Security and those who are not. He said that probably needs to be clarified. Mr. McDaniel said the way the ordinance is written says the Abilene Police Department. However, there are 42 civilian employees in the Police Department who are presently paying Social Security. The Staff does need to look at those employees. Either those employees will have to be moved from the Police Department or they will have to be taken off Social Security with other arrangements made for them.

Mayor Hall said at the Budget hearings, Roger Dickey spoke in behalf of the Police Department, and his particular concern was the necessity for an older officer still on the street having to fight drunks and cope with disturbances past what that officer is physically capable of. Mayor Hall asked for a break down of the age of an average officer joining the force and that officer's retirement benefits at the age of 55 under the present system.

Mr. McDaniel said an officer that entered the Police Department at age 25 and retired at age 55 would have 30 years of service. That officer's salary would be about \$4,000 per month at age 55. At age 55, that officer would be eligible to retire at \$1,136 per month under the present plan. That same officer could retire at age 55 at \$1,790 per month under the 7 percent plan. Mr. McDaniel explained that updated service credit is an option that the City may choose any year effective January 1. The option can be adopted at either 70 percent, 80 percent or 100 percent. It is a credit that is given for the employees' most current 3 years of actual salary versus their salaries for their entire career. An employee that had worked for a very low salary for several years, but was presently making a much higher salary could benefit from an updated service credit because it would give his credit on his retirement for the difference between his early lower salaries and his present higher salaries. The cost of the upgrade would be left entirely up to the City. He said updated service credit is probably unique to most governmental plans and possibly to private business in the State of Texas. The City has already updated the municipal employees' plan on January 1, 1983.

Councilwoman Webster asked what would the same officer's retirement be if he stayed until he was 65 under the 7 percent plan. Mr. McDaniel said his retirement would be approximately \$4,987 per month. Under the present plan, his retirement at age 65 would be \$3,600 per month. That would mean that officer would be receiving more in retirement at 65 than he would working at 55.

Councilwoman Webster said she has found that most private businesses retire an employee at about 60 percent of his salary. She asked if the 7 percent plan was the only option available to the City. Mr. McDaniel said the Staff has looked at other options. The Staff started with the premise that it would try to achieve what the police officers have said they wanted, which was to be able to retire at age 55. In order to achieve the similar amounts at age 55, in the private sector it would cost more than TMRS. TMRS is called a defined contribution plan, which means retirement is based on what the person has in his account as opposed to a defined benefit plan, which usually guarantees a percentage of salary. In TMRS, if an employee works long enough and contributes enough, he could possibly retire at twice his working salary. The City cannot force employees to retire. Once an individual's retirement potential even gets close to his salary, that individual is better off retiring because of the tax situation and the expenses that are associated with working.

Mayor Hall said if the Police Department has good men in executive capacities, then the City would like to see those men stay. Councilman Hilton said unfortunately, that is not always true, because if a person sees that if he continues to work, his retirement will still be larger when he does finally retire because he is not starting to draw it. He said that was particularly true on the City's defined contribution plan as opposed to the defined benefit plan. Councilman Hilton asked if an employee could stop making contributions at age 65 with TMRS. Mr. McDaniel said he could not if he was still working. He said the employee could quit working and vest. Councilman Hilton said as long as an employee is still contributing and the money is still building without drawing it, there is not the incentive to retire for the employee. Mr. McDaniel said that while TMRS is not subject to ERISA, it is still attempting to catch up with changes that have been made in the Federal pension requirements. It has been very recently that TMRS has had to take employees into the system at an older age. Previously, an employee could not join the system if he was over age 50.

Councilman Hilton asked if TMRS would give projections without the updated service credit. He thought that the updated service credit might be the factor pushing the retirement up and if inflation does level around 4 percent, the City may not have the pressure to have updated service credit. Mr. McDaniel said if salaries stabilize there probably will be no reason to have updated service credit.

Councilman Rodriguez asked how the retirement system would include the new young officers that have just been added to the Police Department. Mr. McDaniel said the Police Management Study is reflecting that 80 percent of the Police Department are under age 50 leaving 20 percent over the age 50. He said there are about 10 percent of the employees in the Police Department that could be affected in the near future. He said the average age in the Department is 34. The Police Management Study has reflected that operationally the 7 percent plan will make no difference to the City since there are virtually no old-timers the City would like to get rid of. However, it would be much cheaper for the City to implement the 7 percent plan now than in 10 or 15 years.

Councilman Hilton said that the City should consider not bearing the cost of updating the service credit in the future. Mayor Hall said he agreed. Councilwoman Webster said looking at the current retirement plan for all the City employees, the City has a very good retirement plan.

Councilman Hilton moved passage of the ordinance upgrading the Texas Municipal Retirement System with the understanding that there be further study on the group to be determined for the TMRS upgrade and that all the options be studied thoroughly to see at what level or age an employee will retire and to see whether it will be updated service or not so the Council may better determine whether to vote upon the second and final reading of the ordinance. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

RETIREMENT -
UPGRADE OF
TMRS FOR
POLICE DEPT
EMPLOYEES
1ST READING
APPROVED

AN ORDINANCE TO INCREASE THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE CITY OF ABILENE POLICE DEPARTMENT.

Mayor Hall left the meeting.

Mr. Bob Whitehead, Director of Public Works, presented the resolution authorizing an agreement with the Missouri Pacific Railroad Company for improvement of the crossing at Antilley Road. During the construction of Antilley Road, the resolution was brought before the Council in the form of a contract and at that time, the Council had two major problems with the contract itself as proposed by the Railroad. Those two problems regarded the liability that the City assumes and also the special assessment that was assessed against the Railroad. The Staff finally met with the Railroad last December to straighten out the problems. The liability problem was cleared up with some language that refers back to the City's construction. It was intended that the City would be liable for the City's contractor when he put the curb and gutter and street on Railroad property. That action has been in place for almost 18 months now. By signing the agreement, the City does not assume any liability that the City had not already assumed just by going ahead and having the work done. The City only assumed the liability during the construction of the street. He said Paragraph 4 of the agreement cleared up the question raised in Section 2 concerning the grade crossing in the street.

The City did assess the Railroad, and it said that if the City signs the agreement, it will receive no future assessments. That would also waive the existing assessment against the Railroad of about \$2,087. Also in the agreement, the Railroad asked that future Councils would not assess anything else against the Railroad. Mr. Landers, First Assistant City Attorney, pointed out to the Railroad's attorney that he could not advise the Council to sign the contract because the Council cannot bind another Council in an assessment procedure. Even if the Council signs the agreement, a future Council could assess the Railroad in other projects. The Railroad understands that, but it still wanted the language left in the agreement. Therefore, the Staff recommends that the Council authorize the Mayor to sign the agreement on behalf of the City for the improvement to the crossing. Mr. Whitehead said the agreement is written for a wooden plank crossing on Antilley Road. The Railroad will charge \$18,500 for the plank crossing. About \$20,000 was set aside in the bond program to do the work. However, in the last 18 months, development has increased in the area, so the Staff recommends the Council authorize the Mayor to sign the agreement and have an amendment that the City would upgrade the crossing to a rubberized type material crossing. The Railroad will charge \$37,500 for the crossing. He said the Railroad installed a rubberized crossing about 10 years ago and so far they have not had to maintain it.

Councilman Fogle asked if the funds were available to pay for the rubberized crossing. Mr. Whitehead said \$20,000 was available from the street bonds, however, another \$17,500 will have to come the rubberized crossing fund in the street bond issue. He said within two weeks, the Staff should have an estimated cost of all other crossings in town to install rubberized crossings. Councilman Fogle asked why the Antilley Road crossing will be repaired when other crossings are in worse shape. Mr. Whitehead said the Railroad wanted to compose an agreement that could be used for all crossings in Abilene. The crossing at Antilley Road was an agreement that had been pending, so the Railroad just used it to compose a satisfactory agreement. Councilman Fogle asked if Mr. Whitehead thought the amounts quoted by the Railroad were reasonable. Mr. Whitehead said he thought they were.

Councilman Bridges moved approval of the resolution authorizing an agreement with the Missouri Pacific Railroad Company for improvement of the crossing at Antilley Road. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING AN AGREEMENT WITH MISSOURI PACIFIC RAILROAD COMPANY
FOR THE IMPROVEMENT OF THE CROSSING ON ANTILLEY ROAD.

RAILROAD
CROSSING IMPR
AT ANTILLEY
ROAD
APPROVED

Mr. Seegmiller said Staff hoped the Council would look at the several options they have presented to the Council on the Capital Improvements Program. He said the Council did not need to make a decision about the Program at the meeting, but the Council did need to discuss the options and get a good idea of what they wanted so they could take action at a later meeting. He said the only dollars that have been committed by the Council are those to be used for the floodwater management program.

Mr. McDaniel said the figures in the various options are not firm other than those for the floodwater management program. Even those projects that would normally have to have approval by a board or commission have not been thoroughly discussed by the appropriate board or commission.

Mr. McDaniel said Option 1 comes from the final recommendations of the floodwater study committee. That committee recommended that the City look at completing the 25 year protection at a cost of \$28 million over an 11 year period. The Staff decided to look at a 5 year Capital Improvements period. In effect, half of the floodwater money and then the balance will be used to make up the total \$24 million. Even the categories that the dollars are in under Option 1 do not mean that much. The Council may decide not to improve streets and do something else instead. He said the things wrong with Option 1 are if the Council used Option 1, it would have to go to the voters twice just to complete the first phase of the floodwater management plan; and as long as the possibility exists of the floodwater management bonds not being passed, it will severely limit what the Council can do in other areas. He said the floodwater management plan is so massive that as long as the City is planning it, it will have a tremendous bearing on what the Council can do in other areas.

Option 2 consists of looking only at the floodwater management plan and getting an answer one way or another on it. Afterwards, the Council can use what money is left over for other projects which is Option 3.

Options 4 & 5 are a combination of the first three Options. Option 4 means the floodwater management plan would be accomplished over 11 years and the other projects would be accomplished in 5 years. Option 5 is a combination of Options 1 and 2. Option 5 means the floodwater management plan and other projects will be accomplished over a 13 year period.

Option 6 includes all the projects listed including the floodwater management plan and will be accomplished over an 18 year period.

Councilman Bridges asked if the Staff could obtain citizen input of the options through the various boards and commissions involved in the projects. He also asked the Staff to inform the Council how they arrived at the figures for each project. He said he was particularly interested in Options 4, 5 and 6. Mr. McDaniel said the figures listed for the other projects like streets and bridges came entirely from his own idea of how much should and could be spent in that area. Councilman Bridges asked which of the items would be considered top priority. Mr. McDaniel said Option 4 includes the floodwater management plan and another \$10.5 million to be used for other projects. He said the Council will have the decision as to the priority of how much should go to what project. He said all of the totals in each of the options are arbitrary--the Council will need to decide how much to spend on what projects.

Councilman Fogle suggested finding out how much the City can spend through bonds. He said the Council must consider that the voters will be facing a school bond election also in the next few months.

Mr. McDaniel said normally, the City will have a project planned and will then find the means to finance it. However, because of the size of the floodwater management plan, the committee is asking the Council how much can the City manage. He said by taking into consideration the school's upcoming bond election and by taking into consideration the major factors involved in a credit rating, the City should be able to safely issue \$4 million a year indefinitely. In the 16th year, the City will be recapturing as many bonds as it will be selling. Mr. Seegmiller said the reason the Staff and the committee has had to go sort of backwards on listing the options is because the City is limited as to how many bonds that can be sold. There will always be more projects

to finance than the City will be able to accommodate. That is the reason the Council must choose what projects are priority. Mr. McDaniel pointed out that the only figures on the listing of options that mean anything are the totals and the floodwater management plan funds.

Councilman Rodriguez wanted to point out that no matter which option the Council directs the Staff to pursue, the Council may choose the projects most needed for the bonds. Those projects listed will not necessarily be the projects to receive the funds. Mr. McDaniel said if the Council wants to choose Option 4, then the floodwater management plan will be implemented and some other projects totaling \$38.5 million. He said the Council will not have told the Staff that the \$10.5 million must be streets or bridges or buildings.

Mayor Webster said the projects other than the floodwater management plan that she would like to see implemented would be the Police building and communication equipment. She said the other Council members could then come up with what they would like to see implemented and that might give the Staff some direction as to the priorities of the funds. Mr. McDaniel said the Council should probably decide whether it would want a bond issue on the floodwater management plan only or if they would want to combine it with other projects.

Councilman Bridges felt that it would be better if the voters could see a listing of the other projects at the same time as the floodwater management plan. He said if the City went to the voters for a decision on bonds for only the floodwater management plan then came back to the voters in a short time asking for additional bonds for projects, the voters would probably turn it down. He said he was inclined to vote separately on the projects and then in turn let the voters vote on them separately, but presenting the whole package to them at one time.

Councilman Rodriguez said Option 1 could probably be eliminated since the committee recommended \$28 million to implement the 25 year plan. (Option 1 totaled \$24 million.) Mayor Webster and the other Council members agreed with Councilman Rodriguez to eliminate Option 1.

Councilman Hilton felt the Council should combine the \$28 million in floodwater management costs to the costs of other specific projects until a total is reached that the Council feels the City can afford and pass by election. Specific projects may need to be listed for the voters approval and also to insure that the City will have enough money to complete each project. He also said some of the projects listed in the options probably should not be funded by bonds--they should probably be funded through the normal budgeting process. He said he would like to see an option somewhere between Option 4 and Option 6 in regard to the total.

Councilman Fogle said when the Council decides on the overall total figure, then it can prioritize its needs.

Councilman Hilton asked if even though the Council approves a total, the City will only be able to issue \$4 million per year. Mr. McDaniel said that was correct. He said if the Council chose Option 6 with a \$74 million total, it would take approximately 18 years to sell those bonds.

Councilman Fogle asked if all of the City's credit would be used up during the bond selling period so that no emergency items could be considered. Mr. McDaniel said so far the City has been very conservative in the growth figures, evaluation figures, and bond structure. Therefore, he is expecting there to be a little bit of "give" if the City should need it.

Mr. Seegmiller told the Council that Mayor Hall told him that his interest lies somewhere around Option 4 and Option 5.

Councilwoman Webster asked if a total figure for the Police facility had been quoted. Mr. Seegmiller said the total of the Police facility would have to be further studied. He said Mr. McDaniel had quoted a price of somewhere between \$1.4 million to \$6.7 million. He said the City is not looking at a Police facility costing \$6.7 million.

Mr. McDaniel said the City can afford whatever it is willing to take the time for. In over 50 years, the City could conceivably sell over \$200 million worth. He said the \$6.7 million is a figure that

is based on the concept of building a complete, new Police facility with an expected 20 to 25 years of useful life. That would also include a new jail. The Police Management Study recommends the City considering the possibility of adding to the present facility, and that the Police Officers need at least another 14,000 square feet with no additional jail space. That plan would cost \$1.4 million.

Councilman Fogle said he would be interested in Option 5 for a total figure. (\$52.1 million) He said he would prefer looking at Option 4 through Option 6 regarding the total costs, then start down the list of projects to see which projects the Council would like to include and which it would rather leave out of the bond issue.

Councilman Bridges agreed, and he also said he would like to see as many of those items funded through the normal budgeting process as possible. Then the Council could contact the various boards and commissions that would be involved in some of the projects and find out what their input would be. That way the Council could go to the voters with a tight bond package that the voters would be less likely to turn down.

Councilman Fogle asked if the Department Directors had compiled the list of other projects and if they had put them in priority order. Mr. Seegmiller said that was right and that each year, the Department Directors prepare a Capital Improvement Plan for their departments. These plans are all updated each year by the Department Directors and the boards or commissions involved.

Mayor Webster said it was time for the Council to make the decision about the floodwater management plan and the other projects. She said the boards and commissions have already looked at their capital improvements plans and now it is time for the Council to decide.

Councilman Bridges asked if the persons serving on the Library Board considered cutting back one of the projects on the list of Capital Improvement Plans so the funds could be used elsewhere within the department. He said he would like to see the boards and commissions given the opportunity to go back and look over the projects to see which ones the Council is considering including in the bond issue and those which will be left out to be included in the normal budgeting process.

Councilman Rodriguez said it would probably be a good idea to include projects in the bond issue that will affect the north side of Abilene. He said the voters will be more likely to pass the bond issue if the projects are dispersed equally in the City.

Mr. Mike Hall, Director of Community Services, said the Parks & Recreation Board has not prioritized the projects that would affect it. He said a location for the Branch Library has not been chosen, but the Library Master Plan should be completed by May. Mr. Seegmiller said if the Council would like the Staff to take the Community Services projects back to the Parks & Recreation Board for prioritization, then the Staff would do that.

Councilman Hilton suggested taking an Option 4A, approximately \$48 million which would be about a 12 year program, and try to pick out the priority projects that would fit in. He would like to see some alternatives to the Police facility project. He said he would much rather see the City propose a \$1.4 million Police facility than a \$6.7 million if it will serve the same purpose. Mr. McDaniel said the \$1.4 million would double what the Police Department has presently and would be adequate for the next few years. It would involve either using part of the City Hall parking lot, part of the street, or part of the front lawn, but it could be done. He said the original plans for City Hall included a tower located at the northwest corner of the building.

Councilman Hilton asked if the City Manager and his Staff would come back to the Council with a list of their priorities for the various projects. Mr. Seegmiller said he will try to get that as soon as possible since there is very little time before the Council would like to have the bond election.

Councilman Hilton thought Councilman Rodriguez's idea about the dispersing of projects throughout Abilene was a good way of stimulating voter participation.

Mr. Seegmiller said since the Council has had a chance to look at an update of the Traffic Signal Improvements Plan that has been left over from the last bond issue, should the City consider the Traffic Signal System. Mayor Webster said the City is very far behind in the technology of traffic signalization and the City is still growing. She said she would like to see traffic signalization included. Councilman Bridges also agreed that traffic signalization should be included.

Mr. Seegmiller asked if the Council would prefer the rubberized railroad crossings being included in the normal budgeting process rather than in the bond issue. He said he hoped that a certain number of the crossings could be accomplished each year to cut costs and wear and tear on vehicles.

Mr. Seegmiller also mentioned that the City is being pressured to move ahead on the 42" out fall sewer line. Mr. McDaniel said the entire Water & Sewer package could be financed from current revenues if the rates could be raised to compensate the cost. He said the City has started a plan that will gradually increase the rates until the 1990's. If that plan could be accelerated, then the Water & Sewer package could be handled through the budget. Councilman Fogle said that way, interest could be saved by not including the Water & Sewer package in the bond issue.

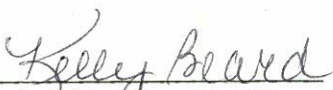
Councilman Bridges asked if the persons who developed the \$5 million figure on the Cultural Arts Center would be willing to settle for less. Mr. Seegmiller said the City Staff has not been involved with developing the figure, but he felt sure the persons in charge of the Cultural Arts Center would negotiate. Mayor Webster said the voters turned down the Cultural Arts Center during the last bond election and she was not sure the Council should elect to include it again this bond election. Councilman Bridges said he would like to see the Cultural Arts Center taken back to the voters, but not at the \$5 million figure.

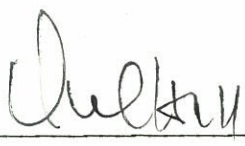
Mayor Webster said the Staff needed to keep in mind the Mayor's interest in the Library. Councilman Hilton mentioned that the City should remember the Joint Utilization when discussing the Library. He said with the universities' and college's libraries, perhaps an agreement could be made for the general public's use.

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TAKEN

Councilman Hilton asked the other Council Members if the \$48 million figure he suggested was acceptable. All of the Council Members and Mayor Webster agreed. Councilman Hilton said the \$48 million was not a binding figure, only a working figure.

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


Assistant City Secretary


Mayor