

Regular Meeting of the Mayor and the City Council of the City of Abilene, Texas, to be held in the Council Chamber of the City Hall on Thursday, March 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, and Kathy Webster.

1. Call to Order.
2. INVOCATION: Councilman A. E. Fogle, Jr.
3. APPROVAL OF MINUTES: Regular Meeting held February 24, 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 first reading - reclassification request from AO (Agricultural Open Space) to RS-8 (Residential Single Family) District, located on Forrest Hill Road & set a public hearing for March 24, 1983, at 9:00 a.m.
 - b. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 2801 & 2809 Beech & set a public hearing for March 24, 1983, at 9:00 a.m.
 - c. Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located on West Lake Road (FM 600) & set a public hearing for March 24, 1983, at 9:00 a.m.
 - d. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) District, located at Old Anson Road & Wagner Street & set a public hearing for March 24, 1983, at 9:00 a.m.
 - e. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) District, located on Baker Street between Pueblo & Richmond & set a public hearing for March 24, 1983, at 9:00 a.m.
 - f. Consider on first reading - reclassification request from AO (Agricultural Open Space) to SC, GC, RM01 & 0 (Shopping Center, General Commercial, Residential Multi-Family & Office) Districts, located at Antilley Road & US Hwy 83-84 & set a public hearing for March 24, 1983, at 9:00 a.m.
 - g. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Stonecrest Drive & set a public hearing for March 24, 1983, at 9:00 a.m.
 - h. Consider on first reading - reclassification request from GC (General Commercial) to MH (Mobile Home) District, located at N. 10th & Winters Freeway & set a public hearing for March 24, 1983, at 9:00 a.m.
 - i. Consider on first reading - reclassification request from MH (Mobile Home) to RM-3 (Residential Multi-Family) District, located on Bishop Road & set a public hearing for March 24, 1983, at 9:00 a.m.
 - j. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located on Westheimer Road & set a public hearing for March 24, 1983, at 9:00 a.m.
 - k. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located at N. 7th & Merchant Street & set a public hearing for March 24, 1983, at 9:00 a.m.
 - l. Consider on first reading - Amending Section 18-286, School Speed Zones, and 18-291, Through Streets.
 - m. Consider on first reading - Amending Section 18-293, Parking prohibited at all times, & set a public hearing for March 24, 1983, at 9:00 a.m.

5. Resolutions
 - a. Consider authorizing an easement release, located at Sue Lookout.
 - b. Consider authorizing an easement release, located on Turner Plaza.
 - c. Consider authorizing an easement release, located at Buffalo Gap Road & Mabray Lane.
 - d. Spring 1983 Assessment Paving Program - Phase II, authorization to prepare plans and specifications.
 - e. Subdivision Waiver - Sanitary Sewer request on West Lake Road (FM 600).
6. Award of Bids
 - a. Tractor mounted backhoes & loaders. (Smaller Units)
7. Request to Advertise
 - a. Asphalt materials for Street Division.
 - b. Word Processors for Finance Department & Planning Department.

REGULAR AGENDA

8. Public Appearance
 - a. Mr. Mike Waters, Hendrick Medical Center - Health Facility Development Corporation.
9. Public Hearings
 - a. Appealed Item:
Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at 7601 Buffalo Gap Road.
 - b. Spring 1983 Assessment Paving Program.
10. Ordinance
 - a. Consider on first reading - an ordinance increasing fees in Parks, Recreation, Golf & Cemetery.
11. Resolutions
 - a. Consider authorizing the Stream Management Plan.
12. Other Business
 - a. Approving emergency purchase of computer power conditioner.
 - b. Pending & contemplated litigation.
 - c. Appointment & evaluation of public officers.

ADJOURN

CERTIFICATE

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


Assistant City Secretary

The City Council of the City of Abilene, Texas, met in Regular Session Thursday, March 10, 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. Also present were City Manager, Ed Seegmiller, City Attorney Harvey Cargill, and Assistant City Secretary Kelly Beard.

Invocation by Councilman A. E. Fogle, Jr.

The minutes of the last Regular Meeting held February 24, 1983, were approved as written with a correction on page 72 (3a-4). The word "indirect" should be "in direct". Councilman Hilton approved the minutes for the last regular meeting held February 24, 1983. 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.

Councilwoman Webster moved approval of the consent agenda with the exception of 6a to be considered separately. 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.

Mayor Hall pointed out that item 4d a reclassification request from AO to HC located at Old Anson Road & Wagner Street was denied by the Planning and Zoning Commission but has not been appealed. The proponent has until March 17, to appeal the request. If the request is appealed, the Council will consider it on first reading on March 24, 1983. Therefore, item 4d was removed from the consent agenda.

4. Ordinances

- a. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-8 (Residential Single Family) District, located on Forrest Hill Road & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
AO TO RS-8
FORREST HILL
ROAD - 1ST
READING APPR

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.

- b. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 2801 & 2809 Beech & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
RS-6 TO RM-3
2801 & 2809
BEECH - 1ST
READING AP

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 GC (General Commercial) District located on West Lake Road (FM 600) & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
AO TO GC AT
WEST LAKE RI
(FM 600) -
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.

- d. Consider on first reading - reclassification request from AO (Agricultural Open Space) to HC (Heavy Commercial) District located at Old Anson Road & Wagner Street & set a public hearing for March 24, 1983, at 9:00 a.m. The Planning & Zoning Commission denied the request and it was not appealed.

ZONING RE -
AO TO HC AT
OLD ANSON RI
& WAGNER ST.
DENIED BY P&Z

- e. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) located on Baker Street between Pueblo & Richmond & set a public hearing for March 24, 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 -
RS-6 TO RM-2
ON BAKER ST
BTWN PUEBLO
& RICHMOND
1ST READING
APPROVED

f. Consider on first reading - reclassification request from AO (Agricultural Open Space) to SC, GC, RM-1 & O (Shopping Center, General Commercial, Residential Multi-Family, & Office) Districts, located at Antilley Road & US 83-84 & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
AO TO SC, GC,
RM-1 & O AT
ANTILLEY RD &
US 83-84
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.

ZONING RE -
AO TO RS-6 AT
STONECREST DR
1ST READING
APPROVED

g. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Stonecrest Drive & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
AO TO RS-6 AT
STONECREST DR
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.

ZONING RE -
GC TO MH AT
N. 10TH &
WINTERS FRWY
1ST READING
APPROVED

h. Consider on first reading - reclassification request from GC (General Commercial) to MH (Mobile Home) District, located at N. 10th & Winters Freeway & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
GC TO MH AT
N. 10TH &
WINTERS FRWY
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.

ZONING RE -
MH TO RM-3 ON
BISHOP ROAD
1ST READING
APPROVED

i. Consider on first reading - reclassification request from MH (Mobile Home) to RM-3 (Residential Multi-Family) District located on Bishop Road & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
MH TO RM-3 ON
BISHOP 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.

ZONING RE -
RM-3 TO RM-2
WESTHEIMER RD
1ST READING
APPROVED

j. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located on Westheimer Road & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
RM-3 TO RM-2
WESTHEIMER RD
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.

ZONING RE -
RM-3 TO RM-2
AT N. 7TH &
MERCHANT ST.
1ST READING
APPROVED

k. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located at N. 7th & Merchant Street & set a public hearing for March 24, 1983, at 9:00 a.m.

ZONING RE -
RM-3 TO RM-2
AT N. 7TH &
MERCHANT ST.
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.

TRAFFIC & TRAN
SCHOOL SPEED
ZONES & THROUG
STREETS - 1ST
READING APPR.

l. Consider on first reading - amending Section 18-286, School Speed Zones, and 18-291, Through Streets.

TRAFFIC & TRAN
SCHOOL SPEED
ZONES & THROUG
STREETS - 1ST
READING APPR.

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.

- m. Consider on first reading - amending Section 18-293, Parking prohibited at all times & set a public hearing for March 24, 1983, at 9:00 a.m. TRAFFIC & TRANS PARKING PROHIBITED AT ALL TIMES - 1ST READING APPR.

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.

5. Resolutions

- a. Consider authorizing an easement release, located at Sue Lookout. EASEMENT RELEASE ON SUE LOOKOUT APPROVED

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

- b. Consider authorizing an easement release, located on Turner Plaza. EASEMENT RELEASE ON TURNER PLAZA APPROVED

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

- c. Consider authorizing an easement release, located at Buffalo Gap Road & Mabray Lane. EASEMENT RELEASE AT BUFFALO GAP ROAD & MABRAY L APPROVED

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

- d. Spring 1983 Assessment Paving Program - Phase II, authorization to prepare plans and specifications. STREET IMPR. - SPRING 1983 PAVING ASSESS PROGRAM APPROVED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY ENGINEERING DEPARTMENT TO PREPARE PLANS AND SPECIFICATIONS FOR THE IMPROVEMENT OF PORTIONS OF THE HEREINAFTER NAMED STREETS.

- e. Subdivision Waiver - Sanitary Sewer request on West Lake Road (FM 600). SUBDIVISION WAIVER - SEWER ON WEST LAKE RD (FM 600) APPROVED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE FOR PENDING PLAT: WADE SUBDIVISION OF 2.12 ACRES OUT OF THE NORTH 100 ACRES OF THE WEST 160 ACRES OUT OF SECTION 88, BLOCK 14, H. M. GIBSON SURVEY, JONES COUNTY, TEXAS WHICH ABUTS WEST LAKE ROAD (FM 600).

6. Award of Bids

- a. Tractor mounted backhoes & loaders. (Smaller Units)

Mr. Bernard Huett, Purchasing Agent, said the units would be used by the Water & Sewer Department and are not the loaders that were on the February 24, 1983 agenda. Mr. Huett said the wheel loaders would be returned to the Council in about a month for consideration. Mayor Hall asked if Case Construction made an offer for the trade-in. Mr. Huett said Case Construction included the trade-in figure in the net figure.

Councilman Rodriguez asked if the \$70,000 budgeted was for the loaders and other items. Mr. Huett said the \$70,000 was budgeted only for these particular loaders. Fortunately, the dealers gave excellent trade-in prices, and the City will be able to purchase the loaders for less than half of what was expected.

Mayor Hall moved approval of the award of bid to Taylor County Ford for the tractor mounted backhoes and loaders. 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.

AWARD OF BID - TRACTOR MOUNTED BACKHOES & LOADERS FOR W APPROVED

7. Request to Advertise

- a. Asphalt materials for Street Division.
b. Word Processors for Finance Department & Planning Department. REQ TO ADV - ASPHALT FOR STREET & WORD PROCESSORS FOR FINANCE & PLANNING DEPTS.

Mr. Michael Waters, Hendrick Medical Center, made a public appearance before the Council on the behalf of the proposed Health Facility Development Corporation and Hendrick Medical Center. He said his appearance was on behalf of the Medical Center to request the Council consider creating a Health Facilities Development Corporation in accordance with the Texas Health Facilities Development Act. Such a corporation would be a non-profit corporation entirely under the control of the City Council. The corporation would be used to act as a conduit through which to finance on a tax exempt basis health facilities as defined in the Act. The responsibility for the payment of any bonds issued by this corporation would be entirely under the obligation of the health care provider for whose benefit the bonds would be issued. No public body including the City would ever be required or permitted to pay any debt service on such bonds. The City Council would appoint all members to the board of directors of the corporation. The City Council would exercise continuing supervision over the corporation and the by-laws of the corporation would be subject to the approval of the City Council. At least 14 days prior to the issuance of bonds by the corporation, a notice must be filed with the City Council including a full and complete description of the health facility to be financed with the proceeds of such bonds including an explanation of the projected costs and the necessity for such health facilities in the name of the user of the facilities.

The creation of a health facilities development corporation is also supported by other principal providers of health care in Abilene. Representatives of those entities were also present at the Council Meeting. Mr. Waters presented the Council with an example ordinance authorizing the creation of such corporation including articles of incorporation and by-laws plus a fact sheet which explains the more important provisions of the law relating to such corporations. He added that Abilene is a regional medical center--it services the needs of health care providers throughout the area. The health care providers in Abilene have a major impact on the economy, and those providers need to expand the facilities and services. A health facilities corporation will help them to accomplish that.

Mr. David Collins, Executive Director of West Texas Medical Center, said there will be some limitations as to the use of the Act since West Texas Medical Center is a proprietary organization. He said West Texas Medical Center does support Mike Waters in the request before the Council.

Mr. David Brown, Woods Psychiatric Institute, said the Act that enables the establishment of a corporation was founded in the concept of helping to reduce the rising costs of health care. The corporation will enable health care facilities to obtain tax exempt financing for projects that would replace, expand, or upgrade existing health care facilities. The savings in interests costs that are realized through the tax exempt status of the construction funds is one that is ultimately realized through the health care consumer. He said neither the City nor the corporation will incur any responsibility for the debt service of the bonds, and the health care providers planning to utilize this type of financing must make their own rate term and debt service arrangements with a lender. A health care facilities corporation would service the interest of the community by contributing to the development of facilities for the provision of high quality care at reasonable costs.

Mr. Chris Spence, Sears Memorial Methodist Center, said the creation of a corporation would set in place an offer on a continuing basis an attractive method of financing which Sears Methodist Center could possibly envision using in the years to come. He said as a non-profit church related health care provider, Sears Memorial Methodist Center is proud of its service to the elderly, the employment of over 70 persons, and the impact of the institution in the local business community. The health care industry will face ever increasing demands on its services as an elderly population increase in the next few decades. The conventional long term sources of financing are no longer appropriate or available in the current interest rate confusion. Tax exempt revenue bond financing is a financing tool which can get the facilities which the Abilene community will need. Because of the lower interest rate involved, the consumer will ultimately be provided with a lower cost service.

Mayor Hall said the use of tax exempt funding is not universally approved. There are several things that cause Councils to be careful in the use of tax exempt funding. One reason is that there is a certain market for tax exempt bonds which cities use and if that source is dried up with other than municipal bonds, then there is a possibility of a

short market or a higher money rent cost. Also, the use of these bonds in some areas have been abused. For example, industrial development bonds in some areas have been abused where commercial enterprises are required to be placed in a blighted area. Some cities have been willing to call almost any area a blighted area in order to facilitate the use of the tax exempt funds for rehabilitation or construction. Congress has been concerned about the industrial development bonds and there is a timetable on the use of that type of bonds. There has also been changes in the tax treatment of structures that are built with the use of the tax exempt funds. He said certainly Abilene is a medical center, and the Council is anxious to keep Abilene as such and to enhance it as such and would like to keep Abilene in the forefront medically. He said legislation sometimes is rather broad in general terms and when an ordinance for tax exempt bonds is enacted, the Council will have to determine what medical facilities will qualify for the funds. Also, the Council will have to appoint a board of directors and would guide the corporation.

Councilwoman Webster asked how many other cities have issued tax exempt bonds for a health facilities development corporation. Mr. Waters said Midland, Amarillo and Lubbock have all created a health facilities development corporation.

Councilman Hilton asked if the profit facilities could use the health facilities development corporation when it is a non-profit organization. Mr. Waters said profit facilities could use the corporation although there are some limitations. Councilman Hilton said he noticed that the City cannot delegate the power of eminent domain. Mayor Hall said he did not think the City would be creating an authority. Mr. Waters said there is currently a Hospital Authority and Hendrick Medical Center is now in the process of issuing tax exempt bonds. However, a corporation seems to be a more flexible vehicle and will result in less expense. Mayor Hall said a health facility development corporation would not have the power of eminent domain where an authority would. Councilman Hilton read from the ordinance presented to the Council by Mr. Waters. He said..."the sponsoring entity (City) is prohibited from delegating to the corporation the power of taxation, the power of eminent domain, the power of police, etc."

Mayor Hall said under the broad terms of the legislation, would doctors' offices be permitted. Mr. John Orr, Fulbright & Joworski, said the legislation does authorize doctors' offices and it gives to the City the right to decide within the broad authorization what it wishes to authorize. Mayor Hall said the legislation would include doctors' offices, but the City, if it wished, could not include the offices and could not include those offices in the ordinance passed creating the corporation. He said sometimes hospitals build doctors' offices--how would that differ. Mr. Orr said Dallas County created a development corporation two years ago, and just recently the corporation changed their rules and regulations to permit construction of doctors' office buildings if those offices were on hospital campus. He said Lubbock prohibits the construction of private doctors' offices, but it does not prohibit them if a hospital constructs a doctors' professional office building. Amarillo has not restricted the legislation in any way. It permits the financing of any kind of facilities that are permitted under the legislation. All kinds of health care facilities, except proprietary nursing homes, are permitted to be financed under the legislation.

Mayor Hall in the case of Amarillo, the Council must approve or disapprove of each individual bond issued. He said it is likely that Abilene's City Council will try to design an ordinance to include the restrictions that would not make it necessary for Council approval on individual bonds. He asked what determines the difference between a full service medical hospital and a hospital specializing in one field. Mr. Orr said one community adopted the standard that the facility had to provide beds that were licensed by either the Texas Department of Health, MH/MR, or the Texas Council on Alcoholism. A set of regulations could be adopted that would not permit anything that was not okayed by a certificate of need. The certificate of need legislation has been restricted recently. Mayor Hall asked if a life term facility was defined as a medical facility. Mr. Orr said it is defined as a medical facility, such as nursing homes, retirement facilities, etc., there has been a tremendous development in the kinds of facilities that are being made available in the State of Texas. He said Midland created a corporation at the request of Trinity Towers, which is a nursing home facility that will eventually build a life care facility. There is legislation in the legislature now, which would clarify the language in the statute of what is a health facility to clearly include life care facilities.

Councilman Rodriguez asked what is meant by a non-profit corporation. Mr. Orr said the non-profit refers to the entity that the City would create that would be the conduit to issue the bonds. That is the way it must be created in order to comply with Federal laws. That does not relate to the kinds of facilities that can be financed through that entity so though it is technically a non-profit entity, it can issue bonds for the benefit of proprietary facilities. There are Federal law restrictions on those kinds of bonds--they are classed in a different category than bonds that are issued for non-profit health care providers. They are classed in the same category for Federal law as industrial projects with an industrial development corporation. The principal restriction that has resulted in the mechanism not being used by proprietary providers of health care, is the restriction on the capital expenditures that can be made by the entity that takes advantage of the financing. It is normally called the \$10 million small issue exemption. As a result, that entity cannot, over a 6 year period, incur capital expenditures in that community greater than \$10 million and take advantage of the tax exempt financing.

Councilman Rodriguez asked if there were any specific needs at the time that the different health care providers are looking at to implement the use of the tax exempt bonds. Mr. Orr said probably over the next year to two years, there will be projects that will qualify that could use the tax exempt financing. He said he was not aware of one particular project the providers were willing to submit now.

Councilman Bridges asked if the Council will have more than two weeks time to consider the creation of a corporation. Mayor Hall said the Council should read through the material provided to them by Mr. Waters and take careful consideration. Mr. Seegmiller said the City's bond attorney can be present and can make a presentation to the Council.

Mayor Hall asked if the City's bond attorney could be present at the next Council meeting. Mr. Seegmiller said that it could be arranged.

Councilwoman Webster said she remembered the industrial revenue bonds took a fair amount of time to implement.

Mrs. Vida Wills asked if the Act was Senate Bill 766 which was sponsored by Senator Grant Jones. She said the Hospital Authority was set up for the sole benefit of Hendricks Hospital. She said she attended most of the Authority's meetings. Mayor Hall said the Health Facility Development Corporation would be a different entity. Mrs. Wills said she listens to the House of Representatives' Cable TV broadcasts, and at the beginning of each session the representatives can make a one or two minute speech. She said last week, Congressman Pickle, Austin representative, said that tax exempt bonds were the biggest threat to the tax structure in the history of the nation and the interest is far more than may appear on the surface and the authorizing legislation that authorized the tax exempt bonds is coming up for review in Congress next month. Mr. Pickle recommended that Congress do something about the legislation.

Councilman Fogle said this community has not been called upon to provide for the health care of the community. It does not have a taxing authority, and there is no burden upon the community for the payment of taxes to provide for health care. Indigent care is provided for facilities presently in existence. He said the community needs to be aware of this fact.

Mrs. Wills said it would create a monopoly and will prevent health care facilities that pay taxes from being able to compete. She said in that way Abilene will not be fostering competition. She said she also doubted the statement that Hendricks Medical Center was a charitable organization. She said Hendricks gave up the hospital in Baird because they had too many welfare cases and the County would not subsidize them. In taking over the regional hospitals as Hendricks has been doing, she doubted that the counties would subsidize the welfare and indigent type cases. Under the Social Security amendments that were passed recently, there will be a new type of funding for hospitals, therefore, hospitals will no longer be reimbursed on an individual statement basis. Money will be given to hospitals in lump sums, and then it will be up to the hospitals to make that money stretch. People will probably be restricted who are on Medicare and Medicaid. She questioned whether those persons will receive the quality care if a hospital has only x amount of dollars to spend.

HEALTH FACI
ITY DEVELOP-
MENT CORPOR/
TION PRESEN/
ATION BY
MIKE WATERS

Mr. Ron Hansen, Assistant Zoning Administrator, presented the reclassification request from AO (Agricultural Open Space) to GC (General

Commercial) District, located at 7601 Buffalo Gap Road. Mr. Hansen said the surrounding land uses were a mixture of scattered residences and some commercial businesses in the area. The site is about 1 acre and presently contains a vacant single family dwelling and an antique store business. The Southside Land Use Plan recommends residential type uses for the 1 acre site. The request for commercial zoning to accommodate a landscape office and a retail nursery. During the discussion concerning commercial zoning in the Southside Land Use Plan, the Plan recommended GC zoning or commercial type uses for an area extending about 1,400 feet north from the intersection of FM 707 and Buffalo Gap Road on both sides of Buffalo Gap Road. The Staff feels that if GC zoning were extended to the 1 acre site, it would encourage strip zoning along Buffalo Gap Road. The 1 acre tract is not adjacent to City sewer lines but is served by other public facilities. Presently, the City's Zoning Ordinance does not allow a retail nursery in GC zoning. A retail nursery would require an HC zoning. However, the Staff does have presently a Zoning Ordinance amendment which would allow retail nurseries in GC zoning under certain conditions (screening of outdoor storage areas).

Mayor Hall asked Mr. Cargill if the item could be tabled upon the proponent's request. He said the proponent has asked to have the item tabled until a later date. Mr. Cargill said the City has advertised a public hearing for the item. The proponent has asked that the item be tabled because even if the GC zoning were approved, he still could not have the retail nursery in the zoning. He said the Council could decide to consider the item, have a public hearing, and vote on it, to table it, or to have a public hearing and then table it. Mr. Cargill said sometimes the Council has opted to table an item when the individual requested. Also, there have been times that the Council has sent an item back to the Planning & Zoning Commission for reconsideration. He said Mr. George told him that he had mentioned to the proponent the possibility of returning to the Planning & Zoning Commission.

Councilwoman Proctor asked that since the GC zoning was no longer being requested, wouldn't the item just be returned through the normal channels for their correct zoning. Mr. Cargill said a zone change that is substantially the same cannot be brought back to the Planning & Zoning Commission for one year. That decision is left up to the Planning & Zoning Commission.

Councilman Hilton said if there was no one present to speak for or against the item during a public hearing, the Council should go ahead and table the item and have a public hearing next time. Mayor Hall asked who in the audience would like to speak if a public hearing was held. No one wanted to speak.

Councilman Hilton moved to table the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located at 7601 Buffalo Gap Road. 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.

ZONING RE -
AO TO GC AT
7601 BUFFAL
GAP ROAD
TABLED

Mr. Bob Whitehead presented the proposed Spring 1983 Assessment Paving Program, Phase I. He said it would be the first of two special assessment projects that will be coming to the Council. He said the City Attorney must question two expert witnesses on the program and then hold a public hearing to determine what assessment if any the Council would like to assess against the property.

Mr. Cargill said the Council has gone through a lengthy process wherein bids have been taken, estimates on the project have been taken, and now an ordinance is before the Council to decide whether or not the property should be assessed for the paving. He asked that John Conely, City Engineer, testify as to the cost and nature of the project. After Mr. Conely testifies, Mr. Partin will testify as to whether or not the property has been enhanced in value. Property can be assessed only to the extent that it has been enhanced in value. After Mr. Conely and Mr. Partin's testimony, a public hearing will be opened and the members of the audience will be given the opportunity to speak.

Mr. Cargill asked Mayor Hall to swear in the witnesses. Mayor Hall asked Mr. Conely to pledge that he would give the Council only true and accurate testimony to the best of his knowledge and belief. Mr. Conely said he would.

Mr. Cargill: "Mr. Conely, please state your name."
Mr. Conely: "My name is John R. Conely."
Mr. Cargill: "What is your title?"
Mr. Conely: "I am the present City Engineer for the City of Abilene."
Mr. Cargill: "How long have you held this position with the City of Abilene?"
Mr. Conely: "Approximately 22 years."

Mr. Cargill: "Are you a registered professional engineer?"
Mr. Conely: "I am."
Mr. Cargill: "Are you familiar with the improvements that are the subject of this assessment program?"
Mr. Conely: "I am."
Mr. Cargill: "Please describe the improvements."
Mr. Conely: "This project consists of four streets localized to the northwest part of town. We are proposing residential-type street paving with curb and gutter in each case. Three of the streets will be 30' wide and Vogel Street is proposed to be 36' wide."
Mr. Cargill: "Did you and your department prepare an estimate of the total cost of the improvements involved?"
Mr. Conely: "We did."
Mr. Cargill: "Have you provided the Council with the copies of these estimates?"
Mr. Conely: "We have."
Mr. Cargill: "What is the total cost per foot of the project?"
Mr. Conely: "On this project, the total front foot cost figured for the 30' streets \$16.94 per foot--for the 36' streets it figured \$19.40 per foot."
Mr. Cargill: "Are you also familiar with the assessment rolls that are attached to the assessment ordinance?"
Mr. Conely: "I am."
Mr. Cargill: "Do the figures on these rolls accurately reflect the portion of the total cost that will be assessed against each abutting property?"
Mr. Conely: "They do."
Mr. Cargill: "What is the cost per foot to be assessed?"
Mr. Conely: "This assessment roll was based on a rate that was established by resolution that was approved by the Council about two years ago. Under that resolution the 30' street assessment was to be figured at \$13.75 per foot. For the 36' streets it was \$15.00 per foot. This applied to the front foot cost where there the side yard or a back yard rates were slightly lower."
Mr. Cargill: "What percent of the total cost per foot is assessed against each abutting property?"
Mr. Conely: "On this particular program on the 30' streets, 81 percent of the total front foot cost would be assessed to the owner of the adjacent property and for the 36' streets, 77 percent of the front foot cost would be assessed to the owners. In addition to this, the City would be picking up the total cost of intersections, alleyways, curb credit and other miscellaneous costs plus the additional part the City will pay for side yard and back yard credit."
Mr. Cargill: "What is the total cost per foot of each project?"
Mr. Conely: "The 30' street, the total cost as figured from the low bidder's proposal is \$16.94 and for the 36' street, it would be \$19.40 per foot."
Mr. Cargill: "In conclusion, would you please describe briefly the area that is covered by this program, giving details of the program you feel are pertinent. You might also describe briefly to the Council the steps that you have gone through in the assessment program."
Mr. Conely: "This program consists of three streets upon which we had petitions that were issued--some of them date back at least two years. The other street, Vogel Street, which we have added to the program, is a problem street. It is an unpaved street on the edge of existing development on the north side. It has been undeveloped for a number of years and it has created a very serious dust problem and it has needed to have been paved for a very long time. We were proposing to pick up the paving on about half of the length of this under this program and defer the other half for another program that will be coming up in the near future because of this housing unit that will be there. As soon as that land is platted and the necessary dedication is given, the City will be able to go ahead with this. All of these streets are pretty much in a localized area in the northwest part of town. We feel like that it will really be an enhancement to the neighborhood in general as well as to the individual property owners involved in this particular paving program."

Councilman Rodriguez asked if the figure given by Mr. Conely was the total cost per foot for the cost of paving the streets. Mr. Conely said that was correct including an engineering fee. He said based on the front foot cost, the cost of paving Vogel Street to owners will be 77 percent of the total cost. The total cost is the amount the City will have to pay the contractor. That means 77 percent of \$19.40 per foot for Vogel Street. On the 30' streets, it would be 81 percent which figures out to be \$13.75 of the \$16.94 total cost.

Mr. Cargill: "For the record, Jimmy, please state your name."

Mr. Partin: "Jimmy Partin, III."

Mr. Cargill: "How are you employed?"

Mr. Partin: "I am a realtor here in town and am a member of Southwest Appraisal Associates."

Mr. Cargill: "What degrees or certificates do you have pertaining to the appraisal and evaluation of property?"

Mr. Partin: "I am a certified appraiser, AACA, CRB, and have been in the real estate business for approximately 19 years."

Mr. Cargill: "Jimmy, what is a CRB?"

Mr. Partin: "Certified Master Management Broker."

Mr. Cargill: "What does that title mean?"

Mr. Partin: "It is a national designation of after about 10 years of participation in the real estate business and five years of schooling."

Mr. Cargill: "Jimmy, what experience, if any, have you had in the appraisal of property?"

Mr. Partin: "I have been appraising for about the last 12 years dealing with condemnation cases, commercial appraisals, residential, farm and ranch, numerous different estate appraisals throughout Texas and this area."

Mr. Cargill: "Have you appraised property for City paving assessment projects before?"

Mr. Partin: "Yes, I have."

Mr. Cargill: "Have you examined each of the properties on the assessment roll?"

Mr. Partin: "Yes, I have."

Mr. Cargill: "Are you familiar with the value of the property in this area?" "Are you familiar with the value of comparable properties that have been approved by paving and gutter?"

Mr. Partin: "I am."

Mr. Cargill: "In your opinion, will any of the properties not be enhanced by this paving project in an amount at least equal to the proposed assessment?"

Mr. Partin: "There is one street. Franklin Street from Grape Street to Hickory Street."

Mr. Cargill: "In your opinion, to what degree or portion of the assessment costs will these properties be enhanced?"

Mr. Partin: "On this particular street, Franklin Street from Grape to Hickory, I feel like this property will be enhanced by the amount of about \$5 per running foot."

Mr. Cargill: "And that is the amount you recommend should be assessed, is that right?"

Mr. Partin: "I do."

Mr. Cargill: "In your opinion, will each of these properties on this street be enhanced at a value amount equaled to or greater than \$5 per foot that you recommended?"

Mr. Partin: "Yes, I feel like that will be the maximum."

Mr. Cargill: "In the past, have you testified that the special benefit of the property was lower than a proposed assessment for a particular project?"

Mr. Partin: "I think in the last five years that I have been appraising for the street assessment for the City of Abilene, I think there has been two streets. I think that will be looking at different assessments-- probably about 15 to 20 different assessments at different times with the Council. I think of that time, there was only approximately two streets that would not meet or be enhanced by at least the amount that they were being assessed by."

Mr. Cargill: "In the past, have you recommended property when it not be enhanced that amount, that the assessment be lowered?"

Mr. Partin: "Yes."

Mr. Cargill: "Has the Council in the past lowered the assessment to reflect that lowered enhancement?"

Mr. Partin: "Yes."

Mr. Cargill: "In your opinion, will each of the other properties on the assessment roll be enhanced in value at an amount equal to or greater than the proposed assessment levied against that piece of property?"

Mr. Partin: "I do."

Mr. Cargill: "Please describe what factors you consider in your conclusion that each piece of property will be benefited, both as to the reduced assessment of \$5 and also the other pieces of property?"

Mr. Partin: "Ok, let's take the first street here, N. 16th Street from Grape to Mulberry. This is approximately, where this goes right into Grape Street, this is the only street in that area that is not paved. There are some nice residential homes there. There is a dust problem. These homes are in what I would consider a good area as far as market. The homes in that area are well taken care of and to value the properties in that area, you take what properties have sold in that area and look at the desirability factor versus another home on a street that does not have a paved street. The amount they are being assessed, I think, will enhance by at least that amount, as far as if they were to be marketed and given prudent time on the market to sell."

Mr. Cargill: "Considering all of these factors you have enumerated, will each of these properties be enhanced by at least the cost testified to by the City Engineer?"

Mr. Partin: "I haven't finished yet, that was just on Grape. Now, on Walnut Street, that is Sandefer to University Boulevard, there will be some water problems corrected on that street. These homes are in a fairly good neighborhood and this will enhance these properties by at least the amount they are being assessed by. This street runs into a paved street on both ends and that street will definitely will be a good candidate for enhancement of value. Now, moving on down to Vogel Avenue from the alley west of Fannin Street to Catclaw Creek. This property is heavily traveled. I spent about twenty minutes on that street on an off street and counted the traffic and the dust problem. There would be more development in that area if there was a good artery paved to and from that particular area. There is a water problem--I know for a fact (I was raised in that part of town, and when I was a child we had a lot of problems with water after a large rain) I feel like this property or this street, once it is paved will give a good ingress and egress for this area and cause considerable amount of pride in this area to take care of yards and the homes. Right now, it is definitely a dust problem and a water problem, so this property will be enhanced by at least the amount that is being assessed. On Franklin Street from Grape Street to Hickory Street. This is a little short street, and you have what I call in-City limit rural area where you could have gardens, vacant property, small frame homes. I feel like if they were assessed this amount on the rolls, this would exceed the value that they would be raised by if they were put on the market for sale. This street is not an artery as such--the only people using the street would be the ones that live on that immediate street. I feel like this property from Franklin Street from Grape to Hickory would not be enhanced by the amount that is being assessed."

Mr. Cargill: "Are there any other factors, Jimmy, that you would like to relate to the Council?"

Mr. Partin: "Dealing with Franklin Street?"

Mr. Cargill: "With any of the streets."

Mr. Partin: "Not unless they have any questions or something that I have overlooked."

Mr. Cargill: "Considering all of these factors will each of the properties be enhanced by at least the cost that has been testified to by the City Engineer for front foot?"

Mr. Partin: "Yes, I do believe that."

Mr. Cargill: "That amount that was testified was \$13.75 on the 30' and \$15.00 on the 36', and you are saying that each one will be enhanced by that amount. Is that correct?"

Mr. Partin: "Correct."

Mr. Cargill said the total cost of the paving is \$16.94 on a 30' street and \$19.40 on a 36' street. The amount assessed is \$13.75 and \$15.00.

Mayor Hall asked that since the cost is the larger figure \$16.94 and the assessment is \$13.75, how did the Staff arrive at the \$13.75. Was it by taking off the side and making the adjustments for side and back yards and taking up the alleys. Mr. Conely said the rates were established two years ago when the cost of paving was not this high. At the time, the City increased the existing rates by 25 percent. He said the City was hoping those rates would keep up with inflation, however, it did not quite do it.

Councilman Rodriguez asked if the \$13.75 was 81 percent of the \$16.94 total cost of 30' streets. Mr. Partin said that was correct.

Mayor Hall opened public hearing on the 1983 Spring Assessment Paving Program.

Ms. Charlene Soto, 1433 Franklin, spoke on behalf of her father also, Mr. J. C. Brooker of 1432 Franklin. She said that she and her father owns almost 2/3 of the land on Franklin Street. She said she lives on the south side of the street and her father lives on the north side. She said if the paving enhanced her property \$5 per foot, then it will only enhance their property \$1,500. She said if the Council approves the assessment of \$13.75 per front foot, they will have to pay \$4,125 to get their property enhanced \$1,500. Mayor Hall said it has been recommended by Mr. Partin that the City use only the figure of \$5.00, which will make assessment equal to the enhancement. Ms. Soto said if they were only assessed \$1,500, then they would be in favor of the paving. She asked why Franklin Street was not paved several years ago when surrounding streets were paved. Mr. Conely said several streets in that area were paved with capital improvement funds. He said under the Federal guidelines, the City was not allowed to make any assessments on those streets.

Councilwoman Webster suggested that someone explain to the audience how assessments are usually paid for by property owners. Councilman Rodriguez also suggested explaining the process of paving a street.

Mr. Whitehead said there are three ways local streets are paved: 1) when a street is developed under the Subdivision Ordinance; 2) older streets that were not paved under the Subdivision Ordinance must either be paved by the petition of 50 percent of the property owners on a street; and 3) the Staff brings problem streets to the attention of the Council, such as Vogel Street. He said the other three streets for consideration were brought to the attention of the Staff by 50 percent of the property owners living on the streets.

Mayor Hall asked if 50 percent of the property owners had signed a petition for Franklin Street. Mr. Whitehead said that was correct and that there was a plat about six months ago that was approved and a waiver was granted based on the petition in a special assessment being set up on Franklin Street.

Mr. McDaniel said once the paving job is accepted by the Public Works Department, the City pays for the project and at that time the property owners are mailed a letter stating what their share of the project is and that if they would like to come to City Hall, the City would make financing arrangements with them. He said the City is presently charging 8 percent for financing. He said the City is usually very liberal with the terms, time frames, and method of payments. He said if the property owners are unable to pay, the City will file a lien on the property. That means the property cannot be sold without the paving assessment being paid.

Councilwoman Webster said the City has never taken someone's property because they did not pay for the paving. She said the City will not sell property at a tax sale because of a delinquent paving assessment. Mr. McDaniel said if the property is a homestead, the City legally would not be able to sell the property on a paving lien. He said the City would be able to collect if the property ever changed hands.

Mrs. Ethel Jerder, owner of property at 2341 Walnut, said she was the property owner who initiated the petition to pave Walnut Street. She said since University Street connects Pine Street and Treadaway Boulevard together, there is a great deal of traffic on Walnut Street. She said her property is on the corner of Walnut Street and University Street and the dust is overwhelming. She said her letter notifying her of the paving assessment stated that the assessment would \$13.25 instead of \$13.75. She said she would gladly pay the \$13.75 for her 52' to get Walnut Street paved. She said there were other petitions circulated for the paving, but there was never enough property owners in agreement.

Mr. Robert A. Purifory, owner of property at 2326 Walnut Street, said when the petition was circulated approximately two years ago, the petition stated that it would cost \$5.50 in assessment (\$275 for his property). He said he received a letter from the Engineering Department that his assessment would be \$11.75. He said he was not able to pay the \$687.50 total-- it would have been very difficult for him to have paid the \$275. He did not think it was fair to have lead him to believe that the assessment would be \$5.50 per front foot when in reality it will be \$13.75 per front foot.

Mrs. Ethel Jerder said the petition she was given by the Engineering Department definitely stated that the assessment per front foot would be \$5.50.

Mayor Hall said that figure is probably outdated. Mr. Conely said the City has been in a transition concerning the assessment rates over the past few years. The \$5.50 was stated on the petition as an estimated figure and not necessarily a fixed rate. The petitions were given to the property owners about two years ago. The \$5.50 was a rate from a previous resolution approved by the Council.

Mr. Purifory thought the City made a big mistake when the petition was allowed to be circulated with the \$5.50 figure on it. He said that reminded him of a bond election in the late 1950's. He said the City promised that the water rates would not go up after the \$600,000 in bonds were approved. However, the City increased the water rates by 50¢ after the election. He said he was afraid the City was trying to do something like that again. He plans on living in his home for the rest of his life and he is not able to afford the \$687.50. He would rather not have the street paved if the assessment is going to be \$13.75 per front foot even though he signed the petition.

Councilman Bridges asked if property owners have been misled by the petition, perhaps the City should find out how many property owners are still willing to have the street paved if the assessment is \$13.75.

Mr. Seegmiller said when those petitions are given out, the City tries to give the property owners the last estimate that the Council has approved. Unfortunately, the City only tried to give the property owners an estimate, but, in this case, the estimate was misleading to them. He said the Staff will be willing to work with Mr. Purifory or any other property owners in order for them to pay what they can afford.

Councilman Bridges said he knew the City did not intentionally mean to mislead the property owners. But, the statement was made that the former rate was in error. If it really was in error, that is one thing--if it was a former rate that has now changed, then that is something else. Mayor Hall said when those property owners petitioned to have paving, the City did not contract with them at a certain fee. For example, the City told the property owners on Franklin that the previous rate was \$13.75, but the Council is now only considering \$5.00. The City must have the leeway to assess whatever seems to be the proper figure for the paving. The City will not hold the property owners to the petition--the owners could change their minds about wanting the paving. Councilman Bridges asked if the City would give the property owners that option to change their minds. Since there is such a big difference between the \$5.50 and the \$13.75, he was concerned that the property owners should have the option to change their minds about wanting the paving.

Councilwoman Proctor said she understood Mr. Conely to say that the previous assessment was \$5.50 per front foot. The City has now gone from \$5.50 to \$13.75.

Mayor Hall asked the Council if they wanted to poll the persons present in the audience who have property on Walnut Street if they would like to change their minds about the paving. Councilman Hilton said he felt that by having a public hearing, the Council was offering the property owners a chance to voice their opinions.

Mr. Jack Townsley, owner of 2301 Walnut, said his property was 107' and was the longest piece of property on Walnut Street. He said the assessment at \$13.75 will cost him about \$1,500. He said he plans to spend the rest of his life at this house and he does not care if his property is enhanced by the paving. He asked how many of the owners actually lived on the Street. He said the biggest portion of the people who live on the street were renters. Mr. Conely said according to the petition, there were six people who signed the petition--that is the required 50 percent. The petition was submitted September 16, 1981. Councilman Fogle said the City gave the property owners the best estimate available. It was not given to them to deceive them.

Mr. Townsley said Mr. Purifory has already expressed his desire to oppose the paving, so there would be only five persons in favor of the paving. His property has been appraised at \$21,000.

Mayor Hall asked what the consequences would be if the Council decided not to pave one or two streets of the total program. Mr. Whitehead said in the bid process, the streets are set up by units so any street could be deleted and it would not affect the bid.

Dr. W. R. Sibley, Jr., owner of property on Vogel Avenue between the alley west of Fannin Street and Catclaw Creek, sent a representative to state his opposition to the paving. Dr. Sibley does not live on the property.

Mr. Alfred Hernandez, owner of 1602 N. 16th Street, asked how streets are chosen for paving and if he could possibly get a speed trap put on his street. He said he is in favor of the street being paved and he is the property owner who initiated the petition. Councilman Rodriguez said if the assessment is passed during the meeting, the process for paving will begin. It will probably only take four month to six months.

Mr. Gregorio Moreno, owner of 2498 Fannin Street, said he is getting tired of the dust. He said he would be willing to pay the \$13.75 to pave the street if it will eliminate the dust.

Mrs. Ethel Jerder said she personally contacted the property owners on Walnut Street and she felt that they would still want the street paved no matter if the assessment was \$5.50 or \$13.75.

Mayor Hall asked if Mr. Townsley's property fronted on Walnut Street. Mr. Townsley said it fronts on Sandefer, but all of the property descriptions list it as Walnut. Mayor Hall asked if the charge was less than \$13.75 on a side street. Mr. Conely said Mr. Townsley has two entrances and the entrance where he receives mail is the address the City used for the assessment.

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

Councilman Bridges asked what would be the procedure if the Council wanted to omit one of the streets to allow the property owners the opportunity to be polled again for their wishes on the paving. Councilwoman Webster said that would probably make the street be lost for another two or three years before paving could be accomplished. She said granted that Mr. Townsley and Mr. Purifory do not want the street paved, but Mr. Townsley has part of his house facing a paved street. The rest of those property owners in the middle of Walnut that must eat dust all of the time probably have not changed their minds. If those property owners are not at the public hearing after being notified of the amount they are being charged, then the Council should accept the fact that none of those property owners attended the public hearing so they must concur and they want it paved.

Councilman Hilton said there is certainly no danger that the property owners will have their property sold if they cannot pay their assessment.

Councilman Bridges asked how soon a petition could be returned to the Staff and could be reconsidered by the Council. Mr. Seegmiller said normally several petitions are considered at a time to hold down the paving costs. Councilman Bridges asked if another petition for Walnut Street could be submitted in time for the Council to consider it next meeting. Mr. Whitehead said if the Council deletes Walnut Street from the program, the normal petition route would be to submit another petition along with other petitions in order to get a reasonable contract. He said that usually takes two or three years. Another option is there is another item on the agenda called the Spring 1983 Assessment Paving Program Phase II that was approved on the consent agenda. Possibly, the Council might be able to amend that resolution and add Walnut Street to that list and start to process over at this present time. The Phase II Program will probably come back to the Council in approximately two months. The Phase II Program has been approved to authorize the Engineering Staff to begin to prepare the plans and specifications for certain streets. Walnut Street could be added to the list. Mayor Hall asked if the Council should deny the assessment at \$13.75, will it be possible that the next time the street should come to the Council the assessment figure could be raised to \$16.94 or whatever the current construction costs are. Mr. Whitehead reminded the Council that the resolution stating the rates for assessment can be amended at any time to reflect the current paving costs. As the resolution now stands, the Staff raises the rate each year as per that resolution.

Councilwoman Proctor asked if the assessment was intended to pay for the entire cost of paving. Mr. Whitehead said the City is legally bound to assess no more than 90 percent. The City must pick up 10 percent, but the intent was to capture that 90 percent. The City is actually under

that 90 percent for the streets to be paved. Councilwoman Proctor said then that there was every reason to believe that when the City comes back with the next paving assessment, the Council will have already looked at the potential of increasing this closer to the 90 percent ratio.

Councilman Bridges asked if the costs are escalating so rapidly over such a short period of time, wouldn't it be better not to indicate an estimate on a petition. He said he would still like the Council to delay their decision if it is only going to take a couple of months.

Mr. Townsley said he went to the Tax Office and checked the ownership of the property on Walnut Street. He said Mrs. Jerder does not live on the property even though she owns the property. Mrs. Jerder said she owns the property, that her mother lived there, and that her daughter now lives there. She said she does not permanently live in the house, but it is her home.

Councilman Bridges moved that the Council delete the paving and assessment against Walnut Street with the understanding that in approximately two months, it will be brought back to the Council and the passage of the ordinance with the assessment of \$13.75 for Vogel and N. 16th and \$5.00 for Franklin Street per front foot. That would give the property owners on Walnut Street the opportunity to consider again if they would like to see the street paved. However, the motion died for lack of a second.

Councilman Hilton moved to approve of the ordinance and the assessments of \$15.00 for Vogel Street, \$13.75 for Walnut Street and N. 16th Street with \$5.00 assessment on Franklin Street. Councilwoman Webster seconded the motion. The motion carried as follows:

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

NAYS: None.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CLOSING THE PUBLIC HEARING; ORDERING IMPROVEMENTS AND LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREETS IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, TO-WIT:

STREET IMPR.
1983 SPRING
ASSESSMENT
PAVING PRO.
ASSESSMENT O
ALL 4 STREET
APPROVED
2ND READING

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

1. Vogel Avenue - Alley East of N. Mockingbird to bridge at Catclaw Creek; also alley west of Fannin Street to Catclaw Creek.

UNIT II - 30' & 28' WIDE STREETS 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.

Mr. Mike Hall, Director of Community Services, presented the ordinance requesting to amend the user fees for Parks, Recreation, Golf & Cemetery. He said the report contained recommendations on user fees from the Parks & Recreation Board. The City Staff and the Parks & Recreation Board review each year user fees in all areas. Reasonable user fees are hopefully maintained each year for the public and also deficit by the activity is hopefully lowered. The Parks & Recreation Board recommended fee increases in all activities with the exception of the swimming pool admissions fee and the Rose Park Tennis Center fee. The Board and Staff felt that the admission fees at the pools were reasonable and consistent with other cities. The Rose Park Tennis Center, which is under contract by a tennis pro, is not recommending a fee increase.

Mr. Hall said in 1980-81, the activity centers (Rose & Cobb) lost \$183.00. In 1981-82, they lost \$380.00. The Parks & Recreation Board recommends the increase the fees of Cobb Recreation Center from \$10.00 to \$13.00 for the rental periods of morning and afternoon, from \$12.00 to \$15.00 for the evening, and from \$22.00 to \$28.00 for all day. They recommended the increase in fees at Rose Park from \$12.00 to \$15.00 for morning and afternoon, from \$15.00 to \$18.00 for the evening, and from \$27.00 to \$33.00 for all day. They also recommended two additional categories to be incorporated: non-profit fund raising and commercial fund raising.

The Board recommended the gymnasium rental fees to be raised from \$6.00 to \$8.00 per hour for non-fund raising, \$10.00 per hour for non-profit fund raising and \$16.00 for commercial fund raising.

The Board recommended various fee increases for recreation centers, and to incorporate the two additional categories.

Mr. Hall pointed out the deficit from 1980-81 for the swimming pools. The deficit in 1980-81 was \$11,915.33 and in 1981-82 it was \$6,375.70. The decrease in the deficit in 81-82 was due to the swimming lessons provided by the City. The Board recommended to keep the same admission fees for the swimming pools. The fee is reasonable with other cities throughout the State and hopefully, the Staff could increase revenues with more swimming lessons. Rental fees, however, are recommended to increase. The new rates would cover direct operating costs, such as chemicals, utilities and personnel.

The Board recommended changes for opening and closing grave sites in the cemetery, the lowering device, and funerals on weekends. Mr. Hall said by changing the rates on Saturdays, the Board felt that man hours on overtime might decrease.

Councilman Bridges asked Mr. Hall if the estimate given for the expenditures and revenues for 1982-83 were based on the present fee structure or the increase the Board has recommended. Mr. Hall said those estimates would not reflect the new rates very much. The cost of living charges that have been included in the Budgets for the last few years have more or less equaled any increases made in fees. He said the City is trying to stay consistent regarding fees with other cities in the State.

Councilman Rodriguez asked why the City is charging \$50 extra for Saturday funerals. Mr. Hall said that is an extra charge to provide that service on Saturday for man hours, overtime, and rental of equipment. If it takes two men to do the work at \$6.00 per hour with another \$3.00 for overtime, then the total cost for working 4 hours for those two men would be approximately \$50 by the time retirement and other benefits are added.

Mr. Hall said anytime a Saturday afternoon funeral takes place, generally it gets reserved on Friday afternoon so late it is impossible to do any work on the funeral. The increase from \$50 to \$75 is to encourage people to utilize Monday through Friday or Saturday morning for funerals. Unfortunately, it is impossible to predict when a customer will need the funeral service.

The Board recommended Option B, which increases weekday green fee from \$4.50 to \$5.00 a round, weekend green fees from \$5.50 to \$6.00 a round, daylight savings fees from \$2.25 to \$2.50, cart rental from \$10.50 to \$11.50, personal carts from \$120 to \$130, large bucket fees from \$1.00 to \$1.25 and small buckets from 75¢ to \$1.00.

Mr. Hall said the Board requested that the Staff review the fees prior to Budget time, so that when the revenue versus the Budget is evaluated, a year's projection based on fiscal Budget year is calculated.

Councilman Bridges asked if it was customary for municipal golf courses to operate at a greater deficit than recreation centers. He also asked if Option B were approved would the Staff be forced within two years to increase the fees again. He asked if Option C would be a better recommendation since it would be a larger increase now, and the Staff would not have to return to the Council in two years asking for an increase in fees. Mr. Hall said the City tries to recover as much money as possible so the various facilities do not have a large deficit. In the past, the Staff has found that if fees are reviewed each year and increase the fees slightly each year, the customers seem to accept it better rather than increasing the fees tremendously every three or four years. The Abilene Golf Association has agreed to the .50¢ increase per round. Also, the Pan American Association, and the Key City Men's Golf Association feel the increases are justified. The Ladies' Golf Association did not want an increase. Regarding the larger deficits for golf courses, Mr. Hall said where feasible, most cities try to have revenues match the expenditures. Most golf courses in Texas operate with a deficit. He said Abilene was average for losses compared to revenues. Abilene includes direct operating costs in their Budget, yet leaves out capital expenditures.

Councilman Rodriguez asked if other cities make comparisons around the State to find out if fees should be increased. Mr. Hall said that has been sort of a measuring stick for all cities. Councilman Rodriguez said if a city is going to compare fees with another city, then those two golf courses should be equal. He said Abilene's course is the only municipal

golf course in Abilene, and that is probably why most golfers use it. He said he was not sure that the Staff should compare with other cities concerning the golf course. Mr. Hall said the Staff has tried to make sure Abilene's golf course is comparable with other cities. There are a few cities listed on his presentation that are in the process of reviewing their fee structures.

Mayor Hall said the City should not compare costs without comparing the quality of service that it renders. History would indicate that the City will continue to have deficits. Less than a year ago, the Council was asked to approve some increases in the costs of the golf course. At that time, the Staff estimated an operating deficit for 1981-82 of \$13,676 if the Council would approve the increases. The Council did approve the increases, and for that period the deficit was \$88,000. He said he had a feeling the City was following Parkinson's Law, which states that expenses tend to increase with income. He did not feel that the City would ever be able to pay for operational costs with user fees only. It is estimated that the 1982-83 deficit will be \$70,000. He said instead of tax increases, sometimes fee increases are used. He said he would like to study the Parks & Recreation Board's recommendations, because he is not comfortable increasing the fees without some review of the operating expenses and some improvement to the course. He asked what the City actually turned out to have with a revenue last year of \$290,000 and a Budget of \$303,000. Mr. Hall said the revenue was actually \$225,000 with operating expenses of \$313,000. Even if the fees are left as they were approved last year, they still will not bring the City's revenue up to the \$290,000 figure estimated last year. It will take another increase to reach the target given to the Council last year. One reason for that is trying to be corrected by the Board to review it on a fiscal year with the Budget, so it is known what the costs are going to be for the next year. Then a total year's operation can be based to actually weigh accurately what was budgeted for that year plus what the revenue will be for that year. Prior to 1981-82, the Staff had no idea of how much play would be done on the golf course because of the irrigation system going in. The figure on Option B is based on actual figures from 1981-82, therefore, 36,000 rounds of golf was played. The figures for basing the revenue projects are much better than a year ago because there has been a whole year of operation under ideal conditions.

Councilman Hilton said the Budget that the Parks & Recreation Board and Staff members are working under has already been approved, so their expense budget has been approved until October 1 with a lower fee schedule. Mayor Hall said one of the reasons why the Council probably approved that Budget was because they were approving expected income.

Councilwoman Webster moved approval on first reading of the ordinance increasing user fees for Parks, Recreation, Golf & Cemetery. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

AN ORDINANCE AMENDING CHAPTER 22, PARKS AND RECREATION, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Mr. Whitehead presented the resolution authorizing the Stream Management Plan. He said the resolution was composed so to show more clearly what the Stream Management Plan is. He said it was a policy statement that would approve the Stream Management Plan which is part of the Floodwater Management Plan. The resolution allows the Council to change the details of the Plan. The Planning & Zoning Commission had a public hearing on the Floodwater Management ordinances on March 7, but no one spoke at that public hearing. The Planning & Zoning Commission will meet again on March 14, to formulate the ordinances and recommendations to send to the Council for the March 24, meeting.

Councilman Bridges asked if there was a provision for a public hearing or will the Council be able to determine the possibility of flooding upstream or downstream of development. Will the adjacent owners be able to voice their opinions about development. Mr. Whitehead said the Staff submitted to the Planning & Zoning Commission some changes to be submitted concerning the ordinances. Mayor Hall said there was deviation from the Plan and amendment to the Plan by the Council. The policies say that certain deviations may occur and the Plan may be amended by the Council. On either deviations or amendments, will they be governed by an ordinance and will that ordinance provide for public hearings. Mr. George said the

COMMUNITY
SERVICES -
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USER FEES IN
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GOLF & CEME-
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APPROVED

Council may call a public hearing and it also prescribes in the ordinance to have a public hearing.

Councilwoman Proctor asked if the ordinance included adding additional expense to the property owner adjacent to development. Mr. George said the language in the notice of hearing would cover that, so there would be a public hearing for changes made in the Plan. He said it was probably the intent not to notify property owners in particular but to set up a process whereby a public hearing could be held before the Plan is changed.

Mayor Hall said he thought the requirement that property owners on both sides approve of the development has been eliminated because it seemed impossible to administer.

Mr. Seegmiller said the sole purpose of the Stream Management Plan set forth by the resolution would be to state the Council's wishes as to what plan to follow. That will not bind the Council from making changes.

Councilman Bridges moved approval of the resolution authorizing the Stream Management Plan. 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.

STREAM MANAG
MENT PLAN -
APPROVED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ADOPTING A STREAM MANAGEMENT PLAN.

Mr. David Wright, Director of Finance, presented the item requesting emergency approval of the purchase of a computer power conditioner. He said over the past few weeks, the computer has had a tremendous amount of down time. Repairmen determined there were drops in the voltage going into the system. Over a three week period, eighteen memory boards have been replaced. Under the City's contract, those boards are furnished by the company and the City does not have to pay for them. However, the supplier told the Staff that unless something was done, it may become a condition to the service agreement. It was determined that the power the computer receives comes in bulk, which means that it is not completely controlled as to the voltage coming into the line. During a period of two days, there were 377 fluxuations which caused the burning of the memory boards. He said he authorized the purchase of a conditioner to keep the Staff from having to spend 12 to 16 hours daily to make up for the down time. The conditioner stabilizes the power coming into the computer. If there is a drop in the power, the conditioner will shut the system down instead of damaging it. The conditioner cost \$6,050, and should be installed in one week.

Mr. Seegmiller said he authorized Mr. Wright to go ahead and approve the purchase of the conditioner due to the emergency nature.

Councilwoman Webster asked why WTU is not paying for the conditioner instead of the City. Mr. Wright said WTU has a conditioner on their system also. Councilman Rodriguez said a lot of problems with power fluxuations relate to electrical equipment in some buildings.

Mr. Wright said the City could purchase a system that would hold the computer up for 15 minutes and cost \$20,000 or the City could spend \$40,000 and have 30 minutes of up time. He did not feel that the short time span would constitute that type of cost. He said the conditioner maintains the power going to the computer while fluxuations are occurring in another line.

Councilman Fogle moved approval of the ratification of the emergency purchase of the computer power conditioner. 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.

FINANCE -
EMERGENCY
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The Council went into executive session to consider pending and contemplated litigation and the appointment and evaluation of public officers. The Council returned and reported no action taken in the executive session.

Mr. Seegmiller said when action was taken on the Police Retirement ordinance, he thought that the Staff and the Council should take a closer look at the Fire Department's retirement program and the other City employees' retirement also. He said there are other inequities that should be considered during the upcoming Budget hearings.

Mayor Hall said he did not favor the change in the Police retirement system at the last meeting, because he felt the Council was operating with some misinformation and some lack of information. He, however, did agree that the Staff and Council should look at the other retirement and the whole pay package such as sick leave, accruals, vacation, etc. He also said the employees should have it made known to them what a good group hospitalization, vacation and sick leave, and retirement plan they have.

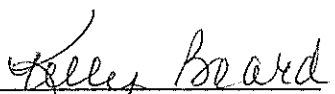
Councilman Fogle said he thought it is important that the Staff and Council try to evaluate the entire pay plan to look at all of the factors involved--the fringe benefits--to assign a weight to each of the factors and to evaluate the pay plan of each segment of the City employees. Not to do the evaluation piecemeal but to look at the whole ball of wax and to evaluate all of the various factors. He said he thought there are some benefits that should be examined. It is apparent that the Council needs to look at the firemen's retirement plan, but all City employee's retirement plans should be evaluated also.

Mr. Seegmiller said it has been the intention through the Personnel Department to involve the employees in that process so their feedback can be received.

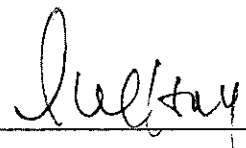
Councilman Hilton said it was a good idea to look at evaluating the other employees' retirement and benefit plans before Budget time. Mr. Seegmiller said the Staff will try to get the information available for the Council during the June retreat and other times during the next few months.

There being no further business, Mayor Hall adjourned the meeting at 1:40 p.m.

RETIREMENT
DISCUSSION
OF POSSIBL
EVALUATION
OF ALL CIT
EMPLOYEES'
RETIREMENT
BENEFITS.



Assistant City Secretary



MAYOR