

NOTICE OF MEETING

JOINT MEETING OF THE CITY COUNCIL AND THE PLANNING & ZONING COMMISSION

To Be Held

MARCH 3, 1983, at 10:00 A.M.

IN THE BASEMENT CONFERENCE ROOM

- Discussion and consideration of the Floodwater Management Plan
- Discussion of Capital Improvements Program

EMERGENCY NOTICE FOR ADDITIONAL SUBJECT

For The Meeting To Be Held In The Basement Conference Room of
City Hall, Abilene, Texas

MARCH 3, 1983, at 10:00 A.M.

WHEREAS, due to the unexpected taking of legal action against the City of Abilene, there is an urgent public necessity that the City Council be advised of the emergency in order that the City can respond; therefore, this emergency notice is hereby posted to enable the City to take appropriate action.

Contemplated and pending litigation.

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 28 day of February, 1983, at 9:00 o'clock AM. ~~PM.~~

Kelly Beard
Assistant City Secretary

BASEMENT CONFERENCE ROOM
CITY HALL, CITY OF ABILENE

The City Council of the City of Abilene, Texas, met with the members of the Planning & Zoning Commission in a Special Work Session March 3, 1983, at 10:00 a.m., in the Basement Conference Room in City Hall. Councilman Julian Bridges, Councilwoman Billye Proctor, Councilmen Juan C. Rodriguez, A. E. Fogle, Jr., L. D. Hilton and Councilwoman Kathy Webster were present. Mayor Elbert E. Hall was present and presiding. City Manager Ed Seegmiller, Assistant City Manager of Fiscal Resources Roy McDaniel, and Assistant City Secretary Kelly Beard were present.

Invocation by Councilman L. D. Hilton.

Mr. Seegmiller said the meeting would give the Council the opportunity to look at not only the stream management plan but also the ordinance. Mr. Seegmiller asked Lee Roy George, Director of Planning & Community Development, to go through what the goals of the Council are for a stream management plan and ordinance.

Mr. George said the stream management plan is composed of several components. All of those components are interrelated. The proposed Floodwater Management Program had its beginnings in at least two considerations. The first instance was a \$270,000 concrete lining program on Catclaw Creek that was recommended by the Public Works Director and the Community Development Program. When that project came up before the Council, there was a question about where that might fit into a plan. It became very apparent that there was no plan, so rather than go out for bids on that particular project, the Council decided to formulate a plan. The second instance was the development on Catclaw Creek in Mesquite Forest, which was about two or three miles upstream from any existing development. The Mesquite Forest development brought to the attention of the Planning & Zoning Commission and the Council the question of what the City would allow developers to do on some of the creeks around Abilene. In March, 1980, the Council authorized the Staff to send out a request for proposals for a floodwater management plan. The Staff submitted requests for proposals to several firms, and received by June of 1980 at least eight responses to the request for proposals. The Staff reviewed those proposals and narrowed down those proposals to three which the Staff felt like really addressed the factors that the City had intended in the request. The Staff then made the recommendation that the firm of Freese & Nichols, Inc., be hired to work with the Staff. In September, 1980, the Council did hire the firm of Freese & Nichols, Inc.

The Floodwater Management Program was to provide for the Council rational framework for choosing among various alternative solutions--those solutions that would best fit Abilene. In February, 1981, the Staff and Freese & Nichols, Inc., presented various scenarios to the Technical Review Committee for the Strategies for Responsible Growth Program. In June, 1981, Phase I findings were presented to the Council and in February and March of 1982, Phase III results were presented to the Council. The Council then began discussing utilizing another citizens' committee, the Mayor's Taskforce on Floodwater Management, to make recommendations concerning the Floodwater Management Program. In July, 1982, the Council appointed a Mayor's Taskforce on Floodwater Management, which divided into four subcommittees--Committee on Policies and Ordinances, Committee on Public Information, Committee on Finance, and Committee on Technical Alternatives and Evaluations. Each committee had a specific function in dealing with the entire Floodwater Management Program. These committees, while they worked independently, worked on the same problem.

The Floodwater Management Program is composed of four parts: 1) Policies, 2) Stormwater Management Ordinance, which is currently being reviewed by the Planning & Zoning Commission, 3) Stream Management Plan, and 4) Drainage Standards. There are 14 policies in all. Policy 1 sets up the approval process. Policy 1 also extends the ordinances and implementing devices into the ETJ, and sets up a sort of grandfather clause for developments already in the process. Policy 2 recommends the adoption of a stream management plan. Policy 3 deals with runoff control. The Committee on Policies and Ordinances felt that as the City developed, the City might want to encourage developers to not increase runoff over that which is in the area under normal conditions. Policy 4 regionalizes runoff control where developers and the City may identify areas in a region that would help solve existing problems that face developments. Policy 5 deals with erosion control. If improvements were made, it would be unwise to let those improvements sediment. Policy 6 provides for a major drainage system which is defined by floodways, improved channels, detention

structures, and over land swells. Policy 7 provides for a minor drainage system which includes streets, storm drain inlets, culverts, ditches, etc. FLOODWATER Policy 8 states that development other than flood control structures or MANAGEMENT developments as defined in the Floodwater Management ordinance shall not be PROGRAM permitted within the 100 year floodway. Mr. George said the remaining policies would be submitted to the City Engineer for approval. He said the policies form the basic framework that the plan, ordinance, and the drainage standards all hinge around.

Mr. George said the stream management plan deals not only with current but with proposed problems that may come up--the ordinance primarily deals with future development. The stream management plan is dependent on the fact that the City will not have any more or additional increased runoff than what is there presently. The plan has been drawn to include the concept that there will not be additional runoff. The ordinance and the stream management plan are, therefore, tied together and should be followed as one part of the overall process.

Mr. George said the Planning & Zoning Commission is currently reviewing the ordinance. The Commission has already held one public hearing with another scheduled on March 7. He said the Staff is in the process of clarifying the ordinance to make sure it says what the Staff and Committees want it to say in regard to floodway development. The policies imply that the City will allow floodway development when it is consistent with the stream management plan.

Mr. George used an overhead projector to present to the Council and the Planning & Zoning Commission a typical stream channel. He said a stream channel will not always carry the existing 100 year flood. When the City receives a large magnitude flood, the stream channel will not carry all of the water that has accumulated, therefore, it flows out of the banks in an area called the floodplain. Mr. George showed the Council and P & Z Commission the official FIA Map which delineates the floodplain. The Map also delineates the floodplain into a floodway and a floodway fringe. Mr. George said since 1979, the City has accomplished a two floodway concept in the ordinances. The City currently allows not only encroachments in the floodway fringe as long as the developments comply with the existing requirements and elevate at the base flood elevation, but also currently allows encroachments in the floodway as long as the water surface elevation is not increased. The encroachment is allowed currently, but the Council could redefine the floodway so that the encroachment area may not be in the floodway. According to the FIA Map, the encroachment may still be in the floodway, but legally it would not be. He said the Planning & Zoning Commission now has a policy to discourage development in the floodway until a Floodwater ordinance has been composed. Under the proposed ordinances and policies and according to the stream management plan, the City will allow encroachments within the floodway on the FIA Map as long as developers are consistent with the stream management plan and they make the necessary improvements. As long as developers elevate structures one foot and make the necessary improvements, encroachments will be allowed in the existing floodway, which in effect will redefine the floodway.

Mr. Bob Whitehead, Director of Public Works, said the drainage standards are now in the process of being prepared. The design standards intended are the technical part of implementing the ordinance and policies. The Mayor's Taskforce Committee suggested that the standards also provide for the maximum number of design options possible. The Staff will intend to write the ordinance so that it is in a cookbook form so that there are certain procedures and formulas so figures can be plugged in to check designs. The ordinance will also have a performance section so an engineer or developer can design something unique, but something that can be built into the design standard also.

Mr. Whitehead said the Mayor's Taskforce went through three alternatives for each stream and recommended a plan to the Council. The plan involves conveyence, which is channelization and other methods to get water through town as quick as possible, and it involves storage concept, which is to store the water close to where it fell and then release the water later. Mr. Whitehead used a map to show the Council and P & Z Commission the storage facilities and detention ponds located on each stream. He said on Elm Creek storage facilities would be implemented upstream or to the south of Abilene. The detention ponds will be built on Elm Creek, Cedar Creek and Lytle Creek. When those ponds are in place, improvements can be made in the conveyence concept on the creeks going through the build up part of Abilene.

Mr. Whitehead said Rainy Creek is recommended to be under administrative controls, which is a policy where the developer can either use the area as a floodway or administer channelization so the water elevation will not be increased.

Lytle Creek will have a storage concept, which should provide for the build up part of the community on Lytle Creek. Hopefully, that will help provide the protection for the rest of Cedar Creek north of where Cedar Creek joins Lytle Creek.

The Cedar Creek system involves the storage concept south of the community upstream. With the storage facilities in place, the City should be able to use administrative controls on the south part of Abilene because a large portion of that area is already under City control (Golf Course, parks, and Goodlow). North of the railroad tracks, an improved channel would be implemented. The channel would have an approximate 50' bottom width on Cedar Creek. These improvements can be phased in; however, the plan that is recommended is protection for the 100 year flood.

Buttonwillow Creek is the third tributary of Cedar Creek. It is scheduled just for administrative controls. Most of the area around Buttonwillow Creek has been developed under the current ordinance. The floodway south of Antilley Road should be maintained.

Catclaw Creek will be managed by administrative controls south of Curry Lane in the undeveloped area. Improvements to the present conveyance system through town on Catclaw Creek will be implemented. The channel will be improved to a 45' bottom width. Selected bridges along Catclaw Creek will be designed to convey the 100 year flood. The Staff recommends looking at the bridges along S. 14th, S. 11th, S. 7th, etc., to convey the 100 year flood so the City emergency vehicles, flood control vehicles and public traffic will still have access to certain parts of the community.

Little Elm Creek is designed by administrative controls south of the Dyess Air Force Base to the intersection with Elm Creek. Part of the administrative controls along Little Elm Creek will be to obtain the floodway that is now designated to reduce part of the floodway where some land may be reclaimed along the floodway.

Elm Creek will have approximately 13 detention facilities upstream for the 100 year flood. Part of the community will need to be built up by cleaning channels to the south. Elm Creek becomes more narrow as it goes north or downstream. Therefore, the channel would have to be improved with a 90' to 110' bottom width for a 100 year flood. That channel could be continued northward until the water could safely be released into Fort Phantom Lake.

Indian Creek is a minor creek west of Abilene and north of I-20. So far, the area is undeveloped, therefore, an administrative control format will be adopted for it.

Mr. Seegmiller said it became apparent to him and the Staff that a set of guidelines will be achieved for a specific purpose. He said the committee recommended a stream management plan. That plan is what Mr. Whitehead went over with the Council and the Planning & Zoning Commission earlier. An ordinance was then recommended to accomplish that stream management plan. If there is a problem with the ordinance or if the Council decides not to follow the stream management plan as it has been recommended, then a major modification must be made. The stream management plan recommends a 100 year flood protection plan and it then sets forth the guidelines to accomplish that. He said the staff has asked the Council to consider formally adopting the stream management plan so the first step will be taken and a path will be laid. Presently, the City holds to the policy that there should be no development in the floodway. If a developer or engineer can meet the guidelines of the stream management plan he can utilize all of the area. The floodway will then be reduced to some other dimension and that portion that the developer utilizes, if approved, is no longer a part of the floodway. Therefore, the City's disapproval of a developer building in the floodway does not hold true, except and until the City has that area removed from the floodway on the FIA Map. Legally, on the FIA Map, where the area is physically in the floodway or not, the area is still in the floodway. Part of the process in the ordinance ought to spell out that requirement which the City is responsible for.

Mr. Seegmiller said the Staff has built the whole plan around the required elevations of FIA. The developer should not have to provide two sets of plans in order to please both the FIA and the City. Everything should be developed according to the FIA guidelines.

Councilwoman Webster said in the policies that the Council received from the Floodwater Management Committee and the stormwater management ordinance both state that development of other than flood control structures shall not be permitted within the 100 year floodway. She said the Council should not have a policy statement in two areas of that nature and then allow development in the floodway. Those statements are not consistent. Mr. Seegmiller said he did not think a developer could build in the floodway, but if the developer is able to take that property out of the floodway, then that property is no longer in the floodway, therefore, it can be developed.

Councilman Hilton said the FIA will not take property out of the floodway until the development is completed. There should be some way to let a developer build on the property before the FIA approves it.

Mr. Dale Scoggins, member of the Planning & Zoning Commission, said he understood that the FIA will issue a preliminary letter of approval subject to the construction of the improvements and a post construction survey proving that the improvements have been built as per plans and specifications. Mr. Seegmiller said the Staff has tried to build the entire plan around the FIA's program and their definitions. He said the City hopes to eventually convince the FIA to let the City be the judge concerning developments in the floodway. He said he does not believe that very many developments can take place because of the requirements in the ordinance. He thinks it is defined in such a way that it will be difficult for a developer to build. But, if a developer can meet those requirements, he would not be able to change the amount of water flow in the channel.

Mr. Tony Neitzler, Assistant Director of Planning & Community Development, said there is a floodplain that extends some distance either side of a stream in the event of a 100 year flood. That is the area needed to carry all of the water that would occur during a 100 year flood. He said the current ordinance redefines the floodway where the floodplain is divided into a floodway fringe and a floodway. Encroachment can occur into the floodway fringe and the result of that encroachment along the fringe would be an increase in the height of the floodway. The height cannot exceed 1 foot above the base flood elevation. The current ordinance allows further encroachment into the floodway provided the developer can demonstrate that he will not raise the water surface elevation of the base flood at any point. The Council and the P & Z Commission also have a policy presently to discourage any development in the floodway areas.

Mr. Neitzler said with all of the improvements, the entire floodplain will be confined to a channel. The floodway and the floodway fringe the City used previously is still on the FIA Map. But when the plan is implemented and all of the improvements are made, the floodplain will be contained in a channel. In the process of developing the ordinance, the Mayor's Taskforce Committee discussed floodway encroachment prohibitions. That Committee was speaking of an absolute prohibition against encroachments into the floodway. Unfortunately, the Committee perhaps used the same language that was used in terms of the existing FIA floodway. That is probably where some of the confusion stemmed from. Unfortunately, the City still has a regulatory floodway and also a prohibition in the ordinance against encroachment into the floodway. He said the Staff suggests an amendment to the proposed ordinance that would allow a developer to encroach into the floodplain provided that the improvements he makes are consistent with whatever the plan calls for and provided that he meets all of the existing FIA requirements. Remember, if it was not for the policy prohibitions in the current ordinance, a developer could encroach into the floodway now provided the developer would not show an increase in the base flood elevation. Even though it may be very difficult for a developer to comply with the requirements, it will not be impossible.

Councilman Bridges asked if by making the improvements and developing in the floodway would that not cause more backup water prior to that point. Mr. Whitehead said that would be a factor that would force the developer to prove that that type of situation would not occur to the FIA.

Mr. Seegmiller said the developer would also have to work with the property owners upstream and downstream from his development.

Mr. Ken Baker, Chairman of the Planning & Zoning Commission, said there was a regional runoff or contention plan referenced in the policies, but as far as the construction modifying the channel and creating an increase in water elevation, he said he was unaware of any necessity for the developer to consult his neighbors. Mr. George said in the second policy, "the plan whether adopted in whole or in part shall become the official stormwater management plan for streams. Deviations from the plan shall not be permitted unless the following criteria are met: 1) when it can be clearly shown that changes will not increase flooding either upstream or downstream of the point of change, and 2) owners directly affected by the change are in agreement, and 3) are not in conflict with other plans adopted by the City Council. The requested deviations shall be approved by the City Council." He said it has become apparent already that the City needs a clarification further modifying the policy allowing the Council to change it. The Staff would suggest that modifications to the plan may be made by the City Council when it deems necessary. The plan will not be static and can be changed. When the stream management plan calls for channel improvements, it can be changed to ensure both land owners are protected and that all property owners will be in agreement with that change.

Mr. Ken Baker said in the public hearings that the Planning & Zoning Commission has held, the interpretation of Policy 2 of how many owners must be in agreement for deviation of the stream management plan, was not necessarily the unanimous agreement or the majority, but if land owners had a conflict it would be resolved by the Council. That at least was his interpretation of Policy 2.

Mayor Hall said the Council thought it should be able follow the concept of the stream management plan and to be able to change it whenever it deemed necessary. Also, that there would not be the requirement of approval of the land owners. He said one of the reasons for having the meeting with the Planning & Zoning Commission was to consider changing the language regarding amendment of the policies.

Mr. Seegmiller said if a developer tries to meet the criteria of the plan and that developer wants to make a change, then certain steps are required to get the approval of the land owner upstream and downstream.

Mr. Lee Roy George stated that the intent is to make sure both property owners on both sides are in agreement on property boundaries; there are no formal property agreements. Mayor Hall said two things are being talked about - 1) deviation from the plan, unchanged and 2) modification of the plan. He stated that these two differences need to be cleared as to the language. Mr. Seegmiller stated this will need to be worked into the Ordinance. The Ordinance needs to have the agreement in it so that the policy will set up the standards for the possible deviation.

Mr. Ken Baker stated that he wanted to allow people to go ahead and develop so the Ordinance will not restrict proponents wanting to change after the Stream Management Plan is in place. He stated that the reason for wanting this restriction is the possibility that one obstinate property owner could make for an unfavorable hearing. He wanted the City Council to hold the ability to arbitrate this type of dispute in order that the proposed change would be a valid change on its own merits with the approval of the neighbors being secondary. Mr. Seegmiller condensed this idea by stating that the developer would have to be able to prove that he would not affect the upstream or downstream property; that is the whole effect of the ordinance in the first place.

Councilman Hilton referred back to the Land Use Study by stating that the City Council needs to be able to change this plan, which has not been adopted because of specifics that would need to be changed. For example, he cited Lake Kirby as a detention area which the City Council was not comfortable with because of the strict specifications that could not ever be changed; however, if it could be changed, then the City Council could adopt the plan with the idea that it could be changed as needed. Mr. Lee Roy George stated that the foremost idea of this Policy was to comply with the Stream

Management Plan as that was what the Ordinance was intended to accomplish. Secondly, Mr. George stated that the Planning and Zoning Commission wanted to recognize that deviation from this Plan would be accomplished by procedures approved by the City Council. Mayor Hall stated that this was a valid point as the Planning and Zoning changes does not require an excessive amount of changes by others; the City Council only tries to satisfy itself that it is a change that should be approved.

Mr. Seegmiller stated that the ordinance should put the burden of achieving the Ordinance goals and plans on the person bringing in the development. According to Mayor Hall, only those persons directly affected should be involved in the approval. Mr. Dale Scoggins requested that the term "directly affected" be defined since some flooding problems may manifest themselves further downstream and not just with the adjacent property owners. He stated that some criteria needed to be developed for notification of property owners and that the definition of "directly affected" needed to be expanded. Mr. Seegmiller stated that, hopefully, a plan had been developed for the entire city in terms of engineering. Every stream has been engineered, and a plan has been proposed to accommodate the administrative requirements on every drainage area along with its effects. Also, the engineering standards, which will be developed in a manual form, will be used by the developers, public works, and all engineers. As developments come in on the entire stream, once completed, it will not have been able to increase more than a foot. In this respect, the engineering standards are being set to achieve this purpose - what happens upstream has a direct effect on downstream. The Ordinance will have to handle engineering standards in order to keep control internally.

Mayor Hall wanted to provide modification, or deviation, whichever the City Council decided to use for the Stream Management Plan. The City Council would get whatever input they always got from the people who would be concerned by public hearing, regardless of location. This still leaves it to the City Council to decide.

Mr. Dale Scoggins stated that there will have to be a public hearing process for the persons having an interest in it. Although there should be few persons who will want to be involved, a hearing process will allow the people who are interested to express their concerns, or support, of the project. Mr. Seegmiller asked if this process was not already in the Ordinance. Mr. Lee Roy George stated at this time it is not; however, it could be done very simply as it is already done on the thoroughfare closures at this time. Although the Planning and Zoning Commission is not required to notify all adjoining property owners of a closed street, it is done as a matter of policy. Mr. Seegmiller wanted to know if the City should provide for notification by landowner or notification generally. Mr. Dale Scoggins stated that it would be difficult to notify by landowner, with the exception of adjacent landowner, since it would be hard to "draw the line" of concerned landowners. He stated that general publication would be a better way of bringing it to the attention of the public since it might affect persons on the end of the stream. Mr. George stated that the Ordinance currently does say, on page 20, "the final, ultimate decision of a deviation be entered by the Council after hearing. The City Council of the City of Abilene secure and render judgement on requests for deviation." Since it is already in the Ordinance, Mr. George stated that a process would not be set up particularly to notify people. This could be done fairly simply.

Councilman Bridges requested that a clarification be made with the dealings of an ordinance applying to the 100 year flood when present standards are being discussed. Also, being dealt with is the 25 year flood, which is what is immediately being accomplished. He state it was important to deal with the language in the 100 year flood ideals that are before the Council. According to Councilman Bridges, there needs to be a way to differentiate the new floodplain, which is more restrictive and still deal with the encroachments on the present floodplain. Mr. Seegmiller stated that the 25 year flood and the 100 year flood, from the standpoint of a bond issue, only relates to this issue in the financing. He stated that his idea at one time had been to ask the voters to look at a package to decide if they wanted to do the improvements or not. However, at the present time, the Council has a Stream Management Plan that ought to be adopted. Later, the voters can decide if they feel that the improvements can financially be made in a shorter period of time than the Council has recommended.

The Plan is based on recommendations that were made by the Mayor's Task Force Committee for 100 year flood improvements. The ordinance that the

Council is asking the Planning & Zoning Commission to look at will be based on the 100 year flood. A bond issue, if necessary, would decide the funding. Mr. Seegmiller said the City could fund improvements that would accommodate a 25 year flood, then public-type improvements could be implemented later to accommodate a 100 year flood. But the ordinance and administrative controls would actually require those that want to encroach now to base their improvements on the 100 year flood. Once the whole plan is completed, developments will be out of the flood plain.

Councilman Bridges asked how wide would a stream channel be on a 25 year flood. If the City was to do present significant improvements, it would bring the channel as narrow as it would for a 100 year flood. Mayor Hall stated that if the City only restricted compliance with the 25 year flood, and it goes on with implementing the 100 year flood, the City could accept it as general principle. Then there could be declared structures there that would not be out of the 100 year plain. The City can just start now implementing what will eventually be in the plan.

Councilman Bridges expressed his concern that if the Council passes an ordinance for the 100 year flood, what will the City do about present development and what will it do until the goals of the 100 year floodplain are achieved. Mrs. McDaniel, Planning & Zoning Commission member, explained the question as being "what if someone comes in right now who wants to develop around the 25 or 100 year floodplain?" Developers would have to develop according to the 100 year flood. If they develop with the 100 year improvements in mind, they would certainly comply with the 25 year flood.

Mr. Neitzler stated that the other aspect to that is until such time these improvements are made and in order to retain eligibility for flood insurance, the City has got to design and build to the 100 year floodplain requirements.

Councilman Hilton stated that in regard to the 25 year flood, the only significant thing is the public improvements that would be made with dollars that might be approved by the voters. If those improvements were not approved, the public improvements that the City would make would be on the basis of the maintenance program.

Mayor Hall condensed the basic question being asked by saying, "if a person is all right on the 100 year, then he will be all right on the 25 year". Another question still unanswered was asked by Councilman Bridges. He asked what will happen until the ultimate goal is achieved. Mr. George said the Floodwater Management Program is designed to take care of the existing problem that is there no matter what happens and regardless of any further development. Part of the Floodwater Management Program is designed to take care of the existing flood problem in Abilene at the present time, regardless of whether there is further development or not. Some of the improvements proposed under the plan are designed to take care of retention structures, although some of those will not keep the problem from getting any worse as that will be taken care of in the ordinance, particularly in the new development area by the zero increase in runoff. There are two different concepts in the ordinance-- when the developer complies with all the FIA regulations, he will have to build according to regulations at the existing 100 year flood elevation. If the developer makes improvements, he will be building them at the existing, current 100 year floodplain elevation, plus one foot in the proposed ordinance.

Mr. Seegmiller stated that if a developer cannot remove his development from the floodplain, the City will not allow him to build because his development will be in the floodplain, therefore, it will be against City ordinance.

Councilman Bridges stated that it would just be making it hard on the developers to develop any property that is now in the floodplain, but it would be possible if they want to spend the money and effort to do it. If the developer wants to build the floodway up, then the property could be taken out of the floodplain and used as development.

Mr. Ken Baker said, in reference to Councilman Hilton's comments on the Catclaw Creek 100 year floodplain and bridges, if the City is not going to provide replacement of all bridges that would accommodate the

100 year flood, then the City is in violation of the philosophy that is being defended at the time. Another concern of Mr. Baker's was that if the developer owns land next to a bridge, the developer would not know if the bridge will accommodate a 100 year flood or one which will accommodate a 25 year flood. When the developer asks for a zone request, he will want a replacement bridge to accommodate a 100 year flood. That might cause a problem for the City to decide whether the bridge in question will be replaced to accommodate a 100 year flood. If the bridge is to be replaced, but is not, the City has allowed the developer to build in what becomes the 100 year floodway. Mr. Seegmiller said he was referring to an existing bridge.

Mr. Scoggins said he agreed that the City may have some problems with the language in both the policies and the ordinance when referring to the floodplain. He said it is legal at the time under the FIA rules to encroach in the floodway. But, the Council has self-imposed a rule that will discourage development in the floodway. The floodway will be dynamic over the next 25 years. If the Council institutes the 25 year flood plan, it will constantly shrink unless the 100 year flood plan is implemented. A developer will have to deal with all of the existing FIA requirements--bridges, existing floodway in the point in time when the developer makes application. If the developer can prove that his improvements will successfully shrink the floodway, then the City could grant him the right to develop. If after that fact, the 100 year flood protection is instituted, it will place the development just that much further out of the floodway. It will enhance the condition beyond that which existed at the time the developer made the encroachment on the floodway. Mr. Baker asked if the improvements that the developer is making presumes nothing by the City or anyone else. If the plan is adopted by the Council, the bond issue is passed, the public improvements are begun but not yet to that developer's piece of property, will the City presume nothing. Mr. Scoggins said that was correct and if anything that is done after his approval will enhance the existing conditions. He said the policies and the ordinance both read specifically that development in the floodway is prohibited. That language needs to be changed or at least further clarify the wording. Mr. Baker stated that it can not be presumed that any improvements will be made because of not knowing whether a bond issue would be passed; and if not, there will have to be an ongoing maintenance program to do the public improvements. It will be assumed that nothing has been done; the developer will be a part of the improvements to enhance the property, if possible. In some areas, this can be done, but in others it can not. In other areas, the City Council may decide to leave them open which will be made possible with the amount of land that is owned by the City. The other land, if it can be proved under the Ordinances that it can be done, then it would be allowed. Councilman Rodriguez was concerned as to what engineering modifications need to be made if only six bridges are replaced in the 100-year plan. According to Mr. Whitehead a decision needs to be made to ascertain if every bridge is to pass the 100-year storm. If a bridge does not pass the 100-year storm, then a bridge would create some backwash, which will then create some flooding upstream from that bridge. Although it will cost to get every bridge to the 100-year design, each bridge could be designed as a low water crossing. In this way, it will pass the 100-year flow, but it will overtop the structure. However, vehicular access will be diminished across that bridge. Certain bridges in the community that will be for emergency access need to have the vehicular access and also pass the 100-year storm. The same situation can be applied to the 25-year storm. The bridges can be funded to pass various storms; they can be designed to be overtopped and still accomplish the purpose. This will create backwash, but it can be designed to what the backwash will be. Councilwoman Webster questioned whether it would be conditional in the bond issue if the City Council was aiming at the 100-year Stream Management Program but did not have 100-year bridges. Mr. Baker answered by stating that the items that are in the bond issued pertain to the structural issues and channelizations; however, there will be a small amount of bridge replacement in the first bond issue. He stated that the reason it is going to be considered 25-year because they will only be handling enough improvements to contain a flood with all of the detention facilities to be constructed. The remaining improvements would finish out building all of the detentions facilities, developing the rest of the channelizations, and the bridge constructions to handle a 100-year flood.

Councilman Hilton stated that the basis of the question is that the City Council needs to state what is necessary to take care of the 100-year flood. If the bond issue makes it clear that all of this is not economically feasible, other things will still need to be done. The projected plan is to have something to take care of the 100-year flood. At this time, however, when the person comes in for the development permit, the engineers need to ascertain what is in existence today. That permit will either be issued, or not issued, depending on how their plans will fit in without causing further flooding.

Mr. Scoggins reviewed concerns from engineers and developers who attended the public hearing held last month. One concern was that the Ordinance placed an excessive amount of burden on the developer, but it did hold opportunity for development, if the bond issue was passed. The feeling that was expressed at that public hearing was that the Ordinance is onerous, but with the bond issue it can be tolerated. However, without the bond issue, the developers hope the Ordinance discarded. Mr. Scoggins stated that these opinions were not isolated. He requested, on behalf of Planning and Zoning, that the City Council give some direction on their reaction on these opinions.

Mayor Hall stated that the unpaid consultants of the committee brought this study to this point of the management of the 100-year flood. He stated the City Council accepted this study, and at this time the City Council needs to start on a program which will eventually enable the City to handle a 100-year flood. He did state that this will probably be a costly and lengthy process; however, the voters will have a chance to accelerate the completion of this process by accepting the 25-year flood which could be handled in about eleven years. If the voters do not approve the 25-year flood, the Ordinance is then expected to do two things: 1) stop the amount of problem at this point and 2) control the present problem at a later date. Mayor Hall stated that if the City Council adopts the 100-year plan and the Ordinance and the voters turn down the bond issue, then the City has a still has a feasible program.

Councilman Hilton stated that if the wording was changed under "Policies", then the plan could be amended if the future City Councils decided it was too onerous. At this time this Council needs to accept this to get started on. Mayor Hall asked for the secretary to poll the Council.

Councilman Fogle stated that he thought it is significant that the City Council is trying to put a cap on things as they know stand; that the streams can not continue to have more water put in them and continue to flood the people downstream. The City needs to stop that even if it requires stopping development. Development can continue by going through the implementation of the plan and, hopefully, through bond issues be able to accelerate this plan. Councilwoman Proctor concurred, as did the remaining Council members. Councilman Hilton said for years, plans have been studied and eventually abandoned. He thought it was time the City does something to eliminate the flooding problem. Councilman Rodriguez said he heard some of the members on the Mayor's Taskforce Committee say the same thing.

Mr. Seegmiller said it is essential to have the ordinance--without it there is no stream management plan. Mayor Hall said the Council will probably adopt the stream management plan. If the language in the plan is definitive enough after the Planning & Zoning Commission finishes it to administer, the Council can then review the plan. Mr. Baker said the Planning & Zoning Commission understood what the Council would like for them to do.

Mr. Scoggins said any commercial plat in excess of two acres and any residential plat in excess of four acres requires a development permit. It also requires some extensive engineering studies to document that it does not increase runoff above the existing level. There will have to be some substantial engineering done on the part of the proponent. The City Staff will then have a substantial increased burden of checking the mathematics to determine if the calculations are correct. He said right now, the City Staff does not have the manpower to do that. He felt that it will cause a bottleneck because the ordinance imposes some very stringent time requirements for the Staff to respond to requests.

Mr. Baker said the ordinance creates a flood hazard technical review committee and the question was raised if there are enough people in the community to populate that committee without a conflict of interest.

Mr. Fred Sandlin, member of the Mayor's Task Force Committee and former City Manager of Abilene, said he felt there will be enough members of the community available to serve on the flood hazard technical review committee without a conflict of interest. He thought that the committee as well as the Staff will probably need some outside help. Mr. Whitehead said the intent of the standards are to have a cookbook formula; when the performance type of standards are used, then the Staff may need some outside help.

Councilman Hilton said earlier, the City had asked Freese & Nichols to do a study as to the point in which a runoff requirement was not needed. Mr. Whitehead said Freese & Nichols has made a preliminary evaluation but nothing final has been presented. Councilman Hilton said on the northern area of Abilene, runoff may need to flow faster and not have the same standards required as upstream. Mr. Seegmiller said that idea could be built into the requirements of the developers.

Councilwoman Webster asked if the Planning & Zoning Commission will consider a zone change without considering the development permit. She said there may be some instances where the Council or the Planning & Zoning Commission might approve a zone change simply because it does not meet the zoning criteria. . . She said she would not like to see a developer go through all of the expense of getting a development permit then not get the zone change. She suggested that the Planning & Zoning Commission consider the zone change first, then the developer could request a development permit and perhaps could get that worked out with a plat.

Mr. Scoggins said the Planning & Zoning Commission's policy has been that they would not zone anything that was in the floodway. He said he had argued unsuccessfully with the other members of the Planning & Zoning Commission that it was really a double burden on the developer because once his property is zoned, the developer still must meet the platting requirements. It seemed that if property in the floodway was zoned, he must receive a development permit before he will be able to plat.

Mr. Baker said if the Commission makes a recommendation to the Council regarding zoning before the development permit is fully complied with, then all the Planning & Zoning Commission has done is transfer the same problem to the Council. Would the Council then approve the zone request before the development permit was complied with. He said with the ordinance in place, the Council would not approve the zone request before the development permit was completed, because the Council would be telling a proponent on the south side of Abilene who is close to a creek to go ahead even though the floodway boundaries have not been established. He said he thought the City should consider zoning after the development permit has been obtained. Mrs. Webster said the public should be reeducated so they will know that just because the City has approved a zone change does not mean building can occur. All the Council has done is approve the zone change--if a development permit is obtained, then building may occur.

Mr. Scoggins said there has been a fear on the part of the Planning & Zoning Commission that by zoning an implication that the property is useable may be created. He said the reality is that if the Council adopts the new ordinance, not only will a developer have to go through the platting process but a development permit must be obtained. The fact that it is zoned speaks not at all to the utility of the land for a given purpose. It simply says that the Planning & Zoning Commission and the Council deems that use appropriate if all the requirements are met. Councilman Hilton said a developer will not want a zone change unless he is sure a development permit can be obtained. That developer will not want to change the zone from AO and pay taxes on the property that is zoned commercial unless he is able to get the development permit. Mrs. McDaniel said the Planning & Zoning Commission has seen people who have bought property according to the zone change and then they are shocked to be told they are not able to use their property for a certain activity. She asked what is the Planning & Zoning Commission's responsibility. Mr. Baker said most of the time, the developer is not a street wise, large developer--usually the developers are individuals who want to install a small building.

Mr. George said it is important for the public to be educated about the zoning process. Until the present time, zoning has been the only tool that has been available. He said the ordinance will probably resolve the

problem through the platting process. He said the City now no longer has to depend upon the zoning and the zoning can probably now come first. The criteria will be determined by zoning categories by virtue of the two and four acre provisions.

Mr. Baker stated that persons in the northern edge of Abilene have been concerned that the proposed ordinance in the Stream Management Plan did not fully take them into consideration. Their primary concern was that, if channelization was done, it would begin at the southern end which they fear would increase the rapidity that the flood waters reached the north side of Abilene. The request was made to the Planning and Zoning that they footnote any recommendation to the City Council on public works or the ordinance; that the channelization begin downstream and proceed upstream. Although it would not reduce the flooding on the southside during the period of channelization, it would not make it any worse. Whereas, if it were begun on the southside of Abilene, it would make the northside flooding worse.

Mr. Seegmiller stated that at this time the City is trying to get easements to start channelization down by Ambler and Interstate 20, which is to be the starting place. On Elm Creek by Old Anson Road and the Winters Freeway, the channelization has already begun. Mayor Hall stated that, according to the Councilman Hilton's proposal, once all the channelization was completed upstream that the requirements in the northern part of the city might be modified. The engineers have agreed with that theory.

Mr. Seegmiller proposed to Mayor Hall that the City Council consider adopting the Stream Management Plan either at this Council meeting or to be put on the agenda for the next Council meeting. Also, Mr. Seegmiller requested that the Planning and Zoning Commission consider the Ordinance based on the 100-year flood and this Stream Management Plan. If this plan is not acted on this date, then another Stream Management Plan will have to be done. This is recommended to be considered by resolution. Into this resolution the wording of "from policy" has been added; the policy statement on the Stream Management Plan has been taken out and it has been put into the resolution. Added to the resolution were the words "additionally the plan may be amended from time to time as deemed necessary by the City Council." Mr. Seegmiller stated that the meaning of this wording was that the exact location of detention facilities are going to have to be defined. Mr. Seegmiller stated that these two recommendations needed to be considered. Although no pressure is meant to be put on the Council, he stated that this is the time to recognize that the Kirby situation has to be dealt with.

Mayor Hall requested the date of the next Planning and Zoning public hearing. Mr. Baker stated that there was a discussion item on the meeting the next Monday, the 7th. Also, he stated that a meeting had been scheduled on the 14th of March, which he stated should be the finalized recommendation meeting. Mayor Hall wanted whatever needed to be done to enable the Planning and Zoning Commission to do its job be completed this date. Mayor Hall stated that this includes the adoption of the Stream Management Plan. Mayor Hall expressed some concern about whether they had been specific enough and cautious enough in the modification of this plan. He also was concerned about whether what the Council was doing was not in conflict with what the policies of the subcommittee of the Taskforce.

Mr. Seegmiller stated that unless the recommendations are changed, he does not foresee the resolution changing anything that is being proposed. Through this resolution, Mr. Seegmiller believes that the City is accomplishing what the committee asked to be accomplished. In fact, the Council's approval of this resolution would be a formal endorsement of that plan. This would give creditability to the plan which would enable the Planning and Zoning and the development people to proceed. Mayor Hall stated that this change would remove the matter of asking for approval of landowners. Mr. Seegmiller stated that it is his understanding that there would be a public hearing built into the ordinance. Mr. Scoggins expressed concern that there was a need for notification to the public, not necessarily by property ownership, but general, in a public hearing to be held anytime there was a modification to be considered.

Mr. Baker stated that the Planning and Zoning Commission has been using the Stream Management Plan as a backdrop for considering the ordinance. The Commission has been considering ordinance changes, and therefore zone changes, from a plan that has not been adopted. He did state that he understands Mr. Seegmiller's request that the plan be adopted and that this may be a procedural question at this point. Mayor Hall replied that the City Council appreciated the attention to the problems being brought before them. Had these problems not been brought before the Council, they might have adopted an ordinance that referred to another plan.

Councilwoman Webster stated that she did not see any reason why she would not vote for it this date; however, she requested to put it off since the Council would meet on Thursday, the 10th. In the meantime anything that might come to the attention of the Planning and Zoning members during this time, could be considered. Councilman Fogle seconded the motion. Mayor Hall regarded this as a motion made and seconded. The Council was polled and all agreed to wait to consider this on the 10th of March.

Mr. Baker had a question concerning the persons who would be heard on Monday. He stated that it is the suggestion of the Council that the Planning and Zoning does not have any favorable consideration of zone requests that is defined as being in the floodway at this time, whether or not they comply with any proposed ordinance or Stream Management Plan.

Councilman Rodriguez referred to the recommendations that Mr. Seegmiller presented to the City Council last week reference to the bond issue proposal. Councilman Rodriguez stated that last week's recommendations had a total of \$48,780; this meeting the recommendation was \$49,645. He was concerned with the higher figure.

Mr. McDaniel stated that this was part of the problem that was to be discussed. He said that everytime that the projects are gone over again, something extra is added. The figure \$49,645 was caused because utility relocations had not been picked up along with some of the street projects. Part of the problem is that not all of the studies are complete and not all of the commissions have totally completed their studies. Part of the initial figures are guesswork. He stated that what the City Council received in their packet was a brief description of every project and what it entails. They are primarily in the order of what the City Manager is recommending. The handouts that were distributed at the beginning of this meeting addresses other questions from the Council. Exhibit A is a plan of how the bonds could be sold. The items that the Council has before them is for a period of eleven or twelve years. These projects are not necessarily fixed. However, it has been discussed that the City needs to try and average \$4,000,000 a year to meet the limitations that are self-imposed. Some years may be higher while others may have no projects at all. Mr. McDaniel stated that the City is trying to show the City Council that the Police facilities are extremely critical. The first sale would entail enough money of the Police facility to allow the City to hire architects to design work; the second sale being set up to allow construction. He stated that when a contract is let, the City has to have the money on hand to pay that contract. Although a contract may take two years to complete, the money has to be there at the time the contract is let. This does not necessarily mean that the City would have to have all of the bond money. If the contract will be paid, regardless, it could be backed up with the General Fund balance. If, however, the General Fund money is spent, it can not be paid back with bond money. The plan that is before the Council at this time shows \$1.5 million for the Police facilities for the second year, even though realistically the construction phase of this facility would probably take two or three years. This \$1.5 million does have to be on hand.

CAPITAL IMP]
DISCUSSION

Citing an example of the Abilene Treatment Plant, Mr. McDaniel stated that the City designed this Plant and awarded the bid on this approximately twenty days before the bond money was actually delivered. The bonds were sold but not delivered; the money was not there until delivery of the bond is made.

Mr. McDaniel reinforced the statement that the money does need to be on hand before the contract is let. The Civic Center, for example, show \$500,000 one year and \$3,500,000 the next year for a total of \$4,000,000. This contract can not actually be let until the bonds for this project are sold. He emphasized that this is not absolutely the only way to do this. Mr. Hilton commented that the bonds can be sold ahead of construction in order to have more money. Mr. McDaniel agreed with this comment, but he did state that there are limitations.

Exhibit B is a schedule that was totalled at \$48,000,000 rather than \$49,600,000. There is little difference in this exhibit and Exhibit C, with the exception of the bottom totals. At this point, the Council would see the difference over the life of bonds of what an additional \$1.6 million could do. For our purposes, according to Mr. McDaniel, Exhibit C is what the City Council will be concerned with. On the left side of this exhibit is the present indebtedness. This is the net tax supported debt. In other words, the self-supporting debt of the Water and Sewer system has been subtracted out of this. These are the numbers the City is concerned with as far as the credit rating on the General Obligation bonds. The second column, showing principal and interest, would be the \$49,645,000 sold, as shown, on Exhibit A - \$4,000,000 per year until the final year of \$1,645,000. Added all of these up, the final column will show a peak in the total requirements of the year 1994, \$6,712,256. On Exhibit B, it shows what this will do to the City, as far as the tax rate is concerned. The debt service peaks in 1994 at \$6,712,000. The City is projecting an assessed valuation at that point of \$2.6 billion, which would be a tax rate required to pay the debt of 27 1/2 cents. Our current tax rate for debt is 11 cents. This means there will need to be a 16 1/2 cent increase by 1994, if this particular scenario is followed. There are ways, however, to reduce the total increase. If the City Council wanted to go higher than 12 1/2 cents this year which would create a surplus which would allow the Council not to have to go to the 27 1/2 cents. This is an option available to the Council. The same amount of money will have to be generated over a certain time frame.

Councilman Fogle stated that the City Council depends on new development to pay for any growth in the budget itself. It appears to Mr. Fogle that if there is any growth in the normal budget, it will have to come out of new tax dollars. Mr. McDaniel stated that at the present time the total tax rate is 48 cents, which 11 cents is for debt. As the development occurs and the tax base increases, the City, it is assumed that the operating budget would continue to have the equivalent of 37 cents. It would share in the new growth also. This will be the City Council's decision on the tax base growth. At this time, Mr. McDaniel stated that he is speaking strictly of the debt service and what is required. In reference to the Flood Water Plan, there will possibly be a need for additional staff help. There are several other projects in the package which would probably lead to additional staff after the actual construction.

Mayor Hall stated that there is a fairly uniform rate of growth for some years and wanted to know if this was a pattern of conservative project. Mr. McDaniel stated that a simple answer was "yes". He stated that the City Administration has looked at projecting that type of growth in several ways, i.e., percentage, dollars. A safe projection would be a \$50,000,000 growth pattern. At the time that these numbers were assembled, the tax increment district was undecided. At this time, however, it is decided which limits the growth that can be applied to this. There may be future districts of that nature created so the \$2.6 million was decided at a levelling off place. Mr. McDaniel stated that these numbers have been used since last September when the first meetings were held with the Flood Water Task Force. These numbers have been held consistent in order to avoid confusion. The news that is coming in is fairly good. For example, the national medians that has been used as the City's safety margin has been increased substantially in 1982. At the beginning, \$4,000,000 was a very safe figure; however, at this time this figure is even more conservative.

Councilman Hilton referred to Mr. McDaniel's comments on building a reserve by asking what that would do to the tax rate level. Mr. McDaniel stated that he had not specifically calculated this level, but the Council will be looking at a 16 1/2 percent total increase. This probably could be cut to about 9. When the reserve is starting to build, interest is made. The reserve then begins to compound at a faster rate. Somewhere around 9 cents the first year would carry the City through. Mr. Hilton stated that a possibility would be that the first year there would be a 1 1/2 cent increase, but the public will not hear this; they will hear the 16 1/2 percent tax increase to do the bond issue. Realistically, it will be a 9 cent tax increase due to the bond issue over the total period.

Mr. McDaniel stated that these concerns of Councilman's Hilton needed to be discussed. These concerns include time limit, how much information will be able to be gotten out to the public, along with the simple legal factors involved in having a bond election. Councilman Bridges did ask if any predictions beyond the year 1994 had been made for a reduction of the tax base. Mr. McDaniel stated that if this is all that happens, then the debt service would begin to decrease and, therefore, the tax rate to support it would be able to decrease.

Mayor Hall was concerned that a future Council may only see a surplus and then decide to spend the surplus. Whereas, in reality it is not really a surplus to be used. Mr. McDaniel stated that the plan was used in the last bond approval in 1979 and at to this point the Council has been very good in recognizing this plan. Every year this plan is touched on in the financial reporting. Last year the City finished with lack of a half million dollar surplus in that sinking fund because enough tax is not being generated to pay the bond requirements without that surplus. Mayor Hall stated that they are unable to hypothecate the surplus. Mr. McDaniel stated that the City would have to rely on the fact that previous and present Councils have been financially prudent and are willing to accept the plan and follow it. A philosophy of some people is that they do not want to pay more taxes early when their children are the ones who will be using all of the improvements; why don't they pay for them. Their philosophy also is that they have to pay more taxes this year so it might be cheaper to go ahead and pay the 16 1/2 cents in nine years when money may be cheaper. Mr. McDaniel stated that he is unable to answer the philosophical questions, but he tries to lay out financial options.

Mr. Seegmiller stated that there was an item that needs to be questioned - the timing of considering the bond issue. The Council had discussed holding a bond issue in May. As a staff, it has been discussed several times with quite a bit of input as to the legal requirements to set up a bond issue as well as the ability to put it together. There also has to be time to convince the public that there is a need for the issue. He stated that there is a budget process that is set out by charter that will begin in April. May and June are months that are hectic for the City Staff. On top of all of this, there is an annual retreat during the first part of June during which time the Staff spends several days with the City Council. There is a lot of preparation that goes into this retreat. If the bond issue is to be in May, the Staff would have to consider changing this retreat. The retreat is usually yet a couple of months before the budget hearings in order to go through the goals to be accomplished in the following year. For these reasons, the staff requests that the bond issue be postponed at a future date. Also, if it were postponed, more information could be available.

Mayor Hall stated that he thought that it should be done very soon. He was concerned with the thought of putting it on a new council in April which would have to face an issue that they had no part in calling. He did tell the Council to disregard any of his insistence that they call the bond issue soon. He did state that the Council can still use Councilwoman Webster's and Councilman Hilton's input until April 2. After that time, they can still use them for input. Mr. Seegmiller stated that other people may have additional input at a later date and also there is a time squeeze for the amount of work involved to do a good job. Mayor Hall stated that at this time he does not feel that they are firm enough on what they want to do in order to go to the voters. He stated, however, they may be close to ready on the floodwater. However, he feel that these need to be put on together.

Councilman Fogle stated that he believed that if voters would vote against this issue if they were rushed into this and had to make a quick decision. He believes that it would be wise to delay a decision to vote on this issue until late summer or early fall.

Councilman Rodriguez questioned how this issue would be presented to the voters if the Council were to take it before the voters at this time. Mr. McDaniel suggested to the City Council that the actual wording on the ballot be kept as broad as possible. He stated that in all the preelection publicity it would be described in detail as to which parks that were talked about and what these improvements would be. However, on the ballot it would just state "park improvements". The legal restrictions that the City would have would be what was actually on the ballot. Mr. McDaniel suggested not put the parks on the ballot separately because if one park was finished for less than was anticipated, the money could not be moved to another park. It would be better to have the ballot actually say "park improvements" and then the extra money could be moved to another park. Councilman Rodriguez agreed that the City Council did not want to tie down the money for one specific park and have extra money left that could not be transferred to another park. He did state that he believed the Council should be able to describe what was to be done to the park and why; the voters need this information. Mr. McDaniel stated that this would be done but it would be up to the news median and public information officer and the information that the City would give out, but not on the ballot as such. Councilman Rodriguez stated that he does not believe the City Council is ready to present it to the voters because there are still questions that need to be answered. He stated that he believed the Council needed to be as prepared as possible for questions from the voters.

Councilman Bridges stated that he agreed with Councilmen Fogle and Rodriguez that the Council needed to wait, but he believed it would not be put off until next year. He stated that the School Board is going to be presenting their request to the public next year; and in fairness to the voters, he believed it would be better for the two issues to be clearly separated in the voters' minds. He stated that because of vacations some people will not be able to vote so he believes that the fall would be better. He stated that there are disadvantages to the summer. The summer could be fully used in terms of publicity and opportunity for civic groups and other gatherings to ask questions.

Councilwoman Procter concurred with everything stated so far as did Councilman Hilton.

Mayor Hall stated that it would be good for the public for the issue to be presented in the fall so they could have full information about these projects.

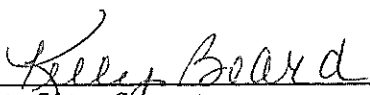
Mr. Seegmiller stated that it has been very difficult for the City Staff to get prepared for a bond issue in terms of getting the items down to specifics. The information could not be fully prepared for a bond issue in May. He recommended holding off on the issue. Mayor Hall stated that there will be more information available concerning the library, the police study, and the costs of several projects. Mr. Seegmiller stated that the Staff would proceed thinking that they have to set up schedules and programs for summer. He stated that the Staff will prepare the things that the Council has requested today. They will look at it in a six months period. Mr. Seegmiller did request to talk to Mr. McDaniel on the 10th to talk about the water and sewer project. Mr. McDaniel stated that they could talk about it on the 10th; however, he was not sure whether an actual recommendation would be available. He stated that the Staff is continuing to move ahead and assume that no water and sewer projects in this bond issue. He did say that funds needed to be generated for this water and sewer system if the capital improvements were to be done, i.e. the big sewer line through Will Hair Park, the raw water delivery system at Fort Phantom Lake. Mr. McDaniel stated that the Staff would come to the Council, if not the next meeting, then the one after that, with a proposed rate increase to generate additional revenue for them this summer in order for the projects to begin. Mr. Seegmiller requested Mr. McDaniel explain the purpose of suggesting this route rather than the bonds.

Mr. McDaniel stated that there are several purposes. Number one is that it is cheaper to pay cash and no interest. Number two is that the City needs to move fast on some of these projects. Number three is that the base plan that was accepted in 1979 calls for trying to get the water and sewer system out of debt as soon as possible or at least by the time the City is ready to finance the future water supply in the early 1990's. All of this brings together an attempt to do what the City has tried to do.

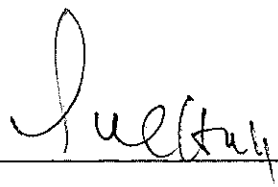
Mayor Hall stated that there is an emergency item on the agenda and requested the City Council to have an executive session. Mayor Hall stated that during the executive session the Council discussed the negotiations that the City has had with the View-Caps Water Supply Corporation and the present status of those discussions. The Council has come to a conclusion which will be implemented.

Councilman Fogle moved that the Council authorize their legal staff to make application for dual certification of the newly annexed area in south Abilene. Councilwoman Procter seconded. All Council members concurred.

Mayor Hall adjourned the meeting.



Assistant City Secretary



Mayor