

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chamber of the City Hall on Thursday, March 24, 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 L. D. Hilton.
3. APPROVAL OF MINUTES: Last Regular Meeting held March 10, 1983.

4. AWARDS & PRESENTATIONS:

Randolph Scarborough	Water Maint. Foreman	Water Distribution	35 Years
David R. Reddell	Captain	Fire Department	30 Years

CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so request, in which event the item will be removed from the general order of business and considered in its normal sequence.

5. Ordinances
 - a. Consider on first reading - thoroughfare abandonment, being a 20' X 184.7' alley and a 20' x 393.4' alley to the west 550' of Potomac Street between Vapor Trail to Baker Street & set a public hearing for April 14, 1983, at 9:00 a.m.
 - b. Consider on first reading - thoroughfare abandonment, being a 20' X 140' alley located in the 1000 Block of Amarillo Street & set a public hearing for April 14, 1983 at 9:00 a.m.
 - c. Consider on first reading - amending the Zoning Ordinance to allow establishment of Maximum Land Use intensity ratings in residential multi-family zones & set a public hearing for April 14, 1983, at 9:00.
 - d. Consider on first reading - amending the Zoning Ordinance to allow electrical services in GC zoning subject to obtaining a special exception from the Board of Adjustments and subject to certain conditions & set a public hearing on April 14, 1983, at 9:00 a.m.
 - e. Consider on second and final reading - amending Section 18-293, School Speed Zones, and 18-291, Through Streets.
6. Resolutions
 - a. Consider authorizing oil permit being 80 acres located east of Elmdale Road and north of I-20.
 - b. Consider a Street Use License for Boom Town Festival.
 - c. Consider a Street Use License for E-Z Serve located at EN 10th.
 - d. Approving plans and specifications of Phase II 1983 Spring Assessment Paving Program and authorization to bid project.
 - e. Subdivision Waiver - Paving, curb and gutter requirements on Forrest Hill Road.
 - f. Consider renewal of management services contract for Transit Management Facility.
 - g. Consider grant application for Interlibrary loans.
7. Award of Bids
 - a. Furniture for Library.
 - b. Phone Patch System for Police Department.
 - c. Water Meters for Water Department.
 - d. Asphalt Tank for Street Division.
8. Change Orders
 - a. Consider Change Order #2 at Transit Maintenance Facility.

REGULAR AGENDA

9. Public Hearings
- a. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-8 (Residential Single Family) District, located on Forrest Hill Road.
 - b. Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 2801 & 2809 Beech.
 - c. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located on West Lake Road (FM 600).
 - d. Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) District, located on Baker Street between Pueblo & Richmond.
 - e. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to SC, GC, RM-1 & O (Shopping Center, General Commercial, Residential Multi-Family, & Office) District, located at Antilley Road & U.S. Hwy 83-84.
 - f. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Stonecrest Drive.
 - g. Consider on second and final reading - reclassification request from GC (General Commercial) to MH (Mobile Home) District, located at N. 10th & Winters Freeway.
 - h. Consider on second and final reading - reclassification request from MH (Mobile Home) to RM-3 (Residential Multi-Family) District, located on Bishop Road.
 - i. Consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located on Westheimer Road.
 - j. Consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located at N. 7th & Merchant Street.
 - k. Consider on second and final reading - amending Section 18-283, Parking prohibited at all times.
10. Ordinances
- a. Consider on first reading - Floodwater Management Ordinances & Policies.
11. Resolutions
- a. Consider renewal of FAA lease at Airport for shop, storage and generator sites.
 - b. Consider renewal of FAA lease at Airport for radar reflector pole site.
 - c. Consider agreement with Texas State Department of Highways and Public Transportation for construction and maintenance for bridge on Curry Lane at Elm Creek.
 - d. Subdivision Waiver - Paving, curb and gutter requirements in Sidney Smith Subdivision on Grape Street.
12. Award of Bids
- a. Pine Street Reconstruction.
 - b. Bridge on Catclaw Creek at Antilley Road.
13. Other Business
- a. Approving emergency repair to the Clearwell at the Northeast Treatment Plan.
 - b. Consider implementation of Phase I of Police Management Study.
 - c. Consideration of Health Facility Development Corporation.
 - d. Discuss FEMA Stream Requirements in Stream Management Plan.
 - e. Consider acquisition of easement in Northwest Abilene.
 - f. Discussion of water and sewer rates.
 - g. Appointment & evaluation of Public Officers.
 - h. Pending & Contemplated Litigation.

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 21st day of March, 19 83, at 9:00 o'clock A.M.

Keely Beard, Asst
CITY SECRETARY

SUPPLEMENTAL NOTICE

FOR THE

CITY COUNCIL MEETING

TO BE HELD IN

CITY COUNCIL CHAMBERS

CITY HALL, ABILENE, TEXAS

THURSDAY, MARCH 24, 1983, AT 9:00 A.M.

WHEREAS, there is an urgent public necessity that the City Council consider giving authorization for the issuance of bonds by the Abilene Housing Finance Corporation at this Council meeting because of the possibility of action by the United States House of Representatives on April 14, 1983, which may nullify or require the prior actions to be partially or totally redone.

13. Other Business
 - i. Discussion and possible approval of Abilene Housing Finance Corporation bonds.

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 23rd day of March, 1983, at 2:30 p.m.


Assistant City Secretary

CITY COUNCIL OF THE CITY OF ABILENE
CITY COUNCIL CHAMBERS OF CITY HALL

The City Council of the City of Abilene, Texas, met in regular session on Thursday, March 24, 1983 at 9:00 a.m., in the City Council Chambers of City Hall. Mayor Elbert E. Hall was present and presiding with Councilman Julian Bridges, Councilwoman Billye Proctor, Councilmen A. E. Fogle, Jr., and L. D. Hilton. Absent were Councilman Juan C. Rodriguez and Councilwoman Kathy Webster. City Manager, Ed Seegmiller, City Attorney Harvey Cargill, and Assistant City Secretary Kelly Beard were also present.

Councilman L. D. Hilton lead the invocation.

The minutes of the last regular meeting held March 10, 1983, were approved as written. Councilman Hilton made the motion to approve the minutes. Councilman Bridges seconded the motion. The motion carried as follows:

Ayes: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton, and Mayor Hall.

NAYS: None.

COMMENDING:
SCARBOROUGH &
REDELL

Mayor Hall presented Mr. Randolph Scarborough with a service award for his service of 35 years to the City as a Water Maintenance Foreman for Water Distribution. Mr. David R. Reddell, Captain of the Fire Department, was also given a service award for his service of 30 years to the City.

Councilman Bridges moved to approve the consent agenda items with the exception of 6e and 7a to be considered separately. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

NAYS: None.

5. Ordinances

- a. Consider on first reading - thoroughfare abandonment, being a 20' X 184.7' alley and a 20' X 393.4' alley to the west 550' Potomac Street between Vapor Trail to Baker Street & set a public hearing for April 14, 1983, at 9:00 a.m.

THOROUGHFA
ABANDONMEN
ALLEYS ON
POTOMAC BT
VAPOR TRAI
& BAKER ST
1ST READIN
APPROVED

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

- b. Consider on first reading - thoroughfare abandonment, being a 20' X 140' alley located in the 1,000 Block of Amarillo & set a public hearing for April 14, 1983, at 9:00 a.m.

THOROUGHFA
ABANDONMEN
ALLEY ON
AMARILLO S
1ST READIN
APPROVED

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

- c. Consider on first reading - amending the Zoning Ordinance to allow establishment of Maximum Land Use intensity ratings in residential multi-family zones & set a public hearing for April 14, 1983, at 9:00 a.m.

ZONING AME
MAXIMUM LA
USE INTENS
RATINGS FO
RM ZONES
1ST READIN
APPROVED

AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- d. Consider on first reading - amending the Zoning Ordinance to allow electrical services in GC zoning subject to obtaining a special exception from the Board of Adjustments and subject to certain conditions & set a public hearing for April 14, 1983, at 9:00 a.m.

ZONING AME
ELECTRICIA
SERVICES I
GC ZONING
1ST READIN
APPROVED

AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- e. Consider on second and final reading - amending Section 18-293, School Speed Zones, and 18-291, Through Streets.

TRAFFIC & TRAI
SCHOOL SPEED
ZONES & THROU
STREETS
2ND & FINAL
APPROVED

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.

6. Resolutions

- a. Consider authorizing oil permit being 80 acres located east of Elmdale Road and north of I-20.
b. Consider a Street Use License for Boom Town Festival.
c. Consider a Street Use License for E-Z Service located at EN 10th.
d. Approving plans and specifications of Phase II 1983 Spring Assessment Paving Program and authorization to bid project.
e. Subdivision Waiver - Paving, curb and gutter requirements on Forrest Hill Road.

OIL PERMIT -
ELMDALE RD & I
STREET USE LI
BOOMTOWN FEST
STREET USE LI
E-Z SERVE
STREET IMP.
SPRING 1983
ASSESS. PAVIN
PROGRAM PHASE

Ms. Marva Pritchett, Assistant to the Director of Public Works, presented the subdivision waiver on Forrest Hill Road. Ms. Pritchett said the request would waive paving, curb and gutter requirements. The Staff's recommendation was to have the waiver request approved since the road is gravel presently. Requesting the owner to develop the street would be of no advantage to the City and by not developing the street would not cause a disadvantage to the owner. Ms. Pritchett said at an earlier meeting, the Council approved a subdivision waiver for property just south of the present request.

Councilman Fogle asked if the owner would have to post a bond if the Council approves the waiver request. Ms. Pritchett said the owner will not have to post a bond. When it becomes necessary to pave the area, the cost of the paving will be divided among the property owners in a paving program.

Mayor Hall moved approval of the subdivision waiver of paving, curb and gutter requirements on Forrest Hill Road. Councilman Hilton seconded the motion. The motion carried as follows:

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

SUBDIVISION
WAIVER - ON
FORREST HILL
APPROVED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON LOT 1, BLOCK A, WARD ADDITION, WHICH ABUTS FORREST HILL ROAD, OF W. E. VAUGHAN SURVEY NO. 101.

- f. Consider renewal of management services contract for Transit Maintenance Facility.
g. Consider grant application for Interlibrary loans.

TRAFFIC & TRA
RENEWAL OF MG
SERVICES CONTI
AT TRANSIT MA
TENANCE FACIL

7. Award of Bids

- a. Furniture for Library.

LIBRARY - GRA
FOR INTERLIBR
LOANS

Mr. Bernard Huett, Purchasing Agent, presented the award of bid for furniture at the Library. Councilwoman Proctor said she noticed that there was a wide discrepancy between the amounts that were bid. She asked if the companies bid on the same type of furniture. Mr. Huett said specifications were sent out ranging from the top of the line furniture to the less expensive types. He said he was sure that Abilene Printing Company's bid was not for the top of the line furniture that they sell, however, Abilene Printing was willing to guarantee their bid furniture for 12 years. He said Mr. Mike Hall, Director of Community Services, and Mr. Dee Blackmon, Library Manager, both agreed that the furniture bid would be acceptable and that it would be the best buy of the three bids received. All three bidders were able to meet the 12 year warranty and specifications.

Councilwoman Proctor moved approval of the award of bid of the furniture for the Library to Abilene Printing & Stationery for \$7,782.70. Councilman Fogle seconded the motion. The motion carried as follows:

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

AWARD OF BID
FURNITURE FO
LIBRARY APPR

- b. Phone Patch System for Police Department.
- c. Water Meters for Water Department.
- d. Asphalt Tank for Street Division.

8. Change Orders

- a. Consider Change Order #2 at Transit Maintenance Facility.

Mr. Ron Hansen, Assistant Zoning Administrator, presented the reclassification request from AO (Agricultural Open Space) to RS-8 (Residential Single Family) District, located on Forrest Hill Road. The property is located in the Southside Land Use Study area. The Southside Land Use Study recommends single family development for the area. The proponent intends to build a single family dwelling on the property. The property is located outside the Catclaw Creek Flood area and is in conformance with the Southside Land Use Study. Therefore, the Staff is recommending approval of the request. The Planning and Zoning Commission also recommended approval.

Mayor Hall opened public hearing on the reclassification request, however, no one requested to speak, so Mayor Hall closed the public hearing.

Councilman Hilton moved passage of the reclassification request from AO (Agricultural Open Space) to RS-8 (Residential Single Family) District, located on Forrest Hill Road. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

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

Mr. Hansen presented the reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 2801 & 2809 Beech Street. He said the surrounding land use is single family development with a church to the north. The property is not located in a land use study area and the two lots were platted in 1923. The two lots are 50' X 138' each and contain about 6,905 square feet. After deducting the required setbacks, the remaining area that could be used for building is about 2,700 and 3,300 square feet. The proponents will use the two lots to build duplexes. The Staff does not feel that it would constitute a spot zone because the proposed duplexes will be compatible with the existing single family nature of the area. The duplex structures will also provided the needed infill in the deteriorating area. The Staff and the Planning & Zoning Commission recommended the approval of the request.

Councilman Bridges asked if there would be off street parking for the residences of the duplexes. Mr. Hansen said off street parking is required.

Mayor Hall opened public hearing on the reclassification request.

Col. Charles M. Sanders, proponent, said he intends the duplexes to be off campus housing for married students attending Hardin Simmons University.

Having no one else requesting to speak, Mayor Hall closed the public hearing.

Councilwoman Proctor moved passage of the reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) Districts, located at 2801 & 2809 Beech Street. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

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

AWARD OF BIL
PHONE PATCH
SYSTEM FOR
POLICE DEPT
WATER METERS
FOR W&S DEPT
ASPHALT TANK
FOR STREET I
TRAFFIC & TR
CHANGE ORDER
#2 FOR TRANS
MAINT. FACIL
ORAL RES.

ZONING RE -
AO TO RS-8
ON FORREST
HILL ROAD
2ND & FINAL
APPROVED

ZONING RE:
RS-6 TO RM-3
2801 & 2809
BEECH
2ND & FINAL
APPROVED

Mr. Hansen presented the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located on West Lake Road (FM 600). He said there is an existing convenience store located directly to the north of the property and a few scattered single family residences. The applicant came to the City Zoning Office and inquired about building a convenience store on his property that was just recently annexed into the City limits. The applicant was told that if he started construction of the convenience store before it was annexed, he would not be required to rezone or replat. However, the applicant did not start construction before the annexation, therefore, he was informed that he would have to follow all of the procedures that are normally required within the City limits of Abilene. The applicant has poured a foundation and spread gravel on the site. Usually, commercial development is encouraged near the intersections of major arterials in the City limits. However, the Staff noticed the beginning of a commercial node near the intersection. There is already a convenience store, a restaurant, a bait store and church in the area. The Staff felt that the area would be a good area to encourage commercial development, therefore, the Staff and the Planning & Zoning Commission recommended approval.

Mayor Hall opened public hearing on the reclassification request.

Ms. Vicki Phillips, leasor of the convenience store to the north of the proposed rezoned property, said the owner of the store Mr. Myron Flash bought the store from Mr. Wade. Now, Mr. Wade would like to build another convenience store next to the existing store. She said there was not enough business in the area to support two stores. She presented her financial statement for the past year and a petition from the community stating the area would not support two stores. She said Mr. Wade had \$8,000 tied up in the venture, but she felt that Mr. Wade knew he would be investing money into a project that may not be approved by the City. She said Mr. Collier, the Zoning Administrator, had informed Mr. Wade that he would have to have the property zoned and if he kept investing money, he could possibly lose it. Mr. Wade chose to ignore that warning and had the foundation poured and the gravel spread. She felt that Mr. Wade continued to invest money in the property so he would have an edge when it came before the Planning & Zoning Commission and the Council. She also mentioned that Mr. Wade was possibly developing the property as a way to get back at her for something that happened earlier.

Mayor Hall said the Council's responsibility was not to determine whether a business might be successful or not. It was just a question of trying to determine whether it would be a proper classification for the area.

Mr. Leroy Wade, owner of the property, said a bait house and convenience store will not be successful when it opens only from 8:00 a.m. to 5:30 p.m. He said he intends to stay open from 6:30 a.m. to 9:00 p.m., therefore, he does not think his hours will interfere with Ms. Phillips.

Ms. Phillips said her store was closed that morning because she and her clerk wanted to appear at the Council meeting. Also, she said the 8:00 a.m. to 5:30 p.m. hours were only winter hours. She has longer hours in the summer and Mr. Wade knew that.

Having no one else requesting to speak, Mayor Hall closed the public hearing.

Mayor Hall asked Mr. Hansen what he knew about the situation. Mr. Hansen said the Zoning Office did receive numerous phone calls concerning Mr. Wade's construction. He said Mr. Wade did begin construction immediately after his property's annexation. The Staff informed him he was not to continue construction until he had submitted a rezoned and platted the property. He was also told that if he is going to construct a bait store, he must receive a special exception permit from the Board of Adjustment. Mr. Wade has submitted a rezoned and his plat was approved at the last Planning & Zoning Commission meeting.

Councilman Fogle asked if notices were sent to the surrounding property owners. Mr. Hansen said letters of notification were sent to surrounding property owners.

Councilman Bridges asked Lee Roy George if there had ever been a situation where the City denied a zone change because it would create too much competition for another business. Mr. George said the City only

tries to determine the best locations for a certain type of zone to be located. He said he could not remember a time the City ever made a decision about a zone change based on competition between two businesses.

Councilman Hilton asked when Ms. Phillips' store was zoned GC. Mr. Hansen said the GC zone has been there for quite some time.

Councilman Hilton moved passage of the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located on West Lake Road (FM 600). Councilman Fogle seconded the motion. The motion carried as follows:

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

NAYS: None.

ZONING RE -
AO TO GC O
WEST LAKE R
(FM 600)
2ND & FINAL
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.

Mr. Hansen presented the reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) District, located on Baker Street between Pueblo & Richmond. He said the property is located in the Western Land Use Study area. He proponent is requesting to rezone about 7.7 acres in order to construct a 148 unit apartment complex which is to be funded by HUD. The proponent actually owns about 13 acres including the area which is presently zoned RM-1 to the west. Of that 13 acres, about 9 1/2 acres is to be included in the apartment complex project. The proponent also requested the closure of the thoroughfare Pueblo Street which bisects some of her property. That thoroughfare abandonment was approved by the Council earlier in the meeting on the consent agenda. The proponent's plat will be considered at the next Planning & Zoning Commission meeting to replat some of her property so all of her property fronts on public thoroughfares. The Western Land Use Study recommends encouragement of improvement in the Baker Subdivision area and multi-family developments toward the interior of the Study. The Staff and the Planning & Zoning Commission both recommended approval. The proponent indicated to the Staff that she would be going to Dallas to apply for a HUD grant. Mr. George said the grant the proponent was probably going to receive was a grant for private developers to construct low rent housing. HUD may not grant the funds to the proponent, but the Council only has to decide about the zoning.

Councilwoman Proctor asked if the Council must decide on only a portion of what the proponent owns and intends to use for the project. Mr. Hansen said that was correct and that the proponent owns 13 acres but is only requesting that 7.7 acres be rezoned. A total of 9 1/2 acres will be used to construct the apartment complex.

Mayor Hall opened public hearing on the reclassification request.

Ms. Margaret Wood, proponent, said the HUD grant she will be requesting is 103B of IRS code. She said it is not definite that HUD will grant the funds, but she would like to clear everything with the City (zoning, plats, etc) before she goes to Dallas to talk with HUD.

Ms. Betty Thompson, 1818 Baker, said her property corners on Pueblo and Baker Street (2.73 acres). She said she was not in favor of apartments-- if any development was to occur, she would prefer that it was single family. She said she also does not want Potomac Street abandoned because she would be blocked in on the north.

Ms. Wood said a turnaround has been added so that Ms. Thompson would have complete access if she decided to develop her own property. Mr. Hansen said the Plat Review Committee met recently and Ms. Wood has indicated that Potomac will remain open and a cul-de-sac will be constructed on her property so that access will be made available on the easterly half of Potomac.

Having no one else request to speak, Mayor Hall closed the public hearing.

Councilwoman Proctor moved passage of the reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) District, located on Baker Street between Pueblo and Richmond. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

ZONING RE -
RS-6 TO RM-
ON BAKER B
PUEBLO & R
MOND
2ND & FINA
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.

Mr. Hansen presented the 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 and US Hwy 83-84. The proponent is requesting to rezone 33.7 acres--13.5 acres on tract 1 for Shopping Center zoning, 3.75 on tract 5 for General Commercial, 8 acres for Residential Multi-Family zoning, and 8.3 acres on tracts 2 and 3 for Office zoning. The Staff felt that the request was in conformance with the Southside Area Land Use Study, however, there was some concern about the proposed RM-1 type zoning located on tract 4. RM-1 zoning allows maximum densities up to 110 percent which will allow high rise developments. The Staff felt that RM-2 type densities were substituted for the proposed RM-1 which would allow for 56 percent coverage. The Staff and Planning & Zoning Commission recommended approval with the substitution of RM-2 for RM-1. The proponent agreed to substitute the RM-2 for RM-1 zoning.

Councilwoman Proctor asked what Mr. Hansen meant by high rise. Mr. Hansen said high rise meant above three stories. RM-2 zoning allows only up to three stories.

Mayor Hall opened public hearing on the reclassification request. Having no one requesting to speak, Mayor Hall closed the public hearing.

Councilman Hilton moved passage of the reclassification request from AO (Agricultural Open Space) to SC, GC, RM-2 & O (Shopping Center, General Commercial, Residential Multi-Family, & Office) Districts, located at Antilley Road & US Hwy 83-84. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

NAYS: None.

ZONING RE -
AO TO SC, G
RM-2 & O AT
ANTILLEY RD
US HWY 83-84
2ND & FINAL
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.

Mr. Hansen presented the reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Stonecrest Drive. The property is composed of two lots each containing about 10,900 square feet. The proponent has requested the zone change to construct single family structures on the two lots. The lots are not located in a land use study area. The Staff and Planning & Zoning Commission both recommend approval.

Mayor Hall opened public hearing on the reclassification request, but having no one request to speak, Mayor Hall closed the public hearing.

Councilman Bridges moved passage of the reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Stonecrest Drive. Councilman Fogle seconded the motion. The motion carried as follows:

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

NAYS: None.

ABSTAINED: Councilwoman Proctor.

ZONING RE -
AO TO RS-6
ON STONECRE
DRIVE
2ND & FINAL
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.

Mr. Hansen presented the reclassification request from GC (General Commercial) to MH (Mobile Home) District, located at N. 10th & Winters Freeway. The property contains over 3 acres and was part of a larger area containing about 8 acres which was rezoned in 1982 from Shopping Center and RM-1 to Mobile Home and General Commercial. The proponent is now requesting to rezone some of the General Commercial back to Mobile Home in order to allow 24 additional mobile home subdivision lots to be developed. The proponent also owns the property presently located to the west that is developed with a mobile home subdivision. The Staff and Planning & Zoning Commission both recommended approval.

Mayor Hall opened public hearing on the reclassification request, however, having no one request to speak, Mayor Hall closed the public hearing.

Councilman Fogle moved passage of the reclassification request from GC (General Commercial) to MH (Mobile Home) District, located at N. 10th & Winters Freeway. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

ZONING RE -
GC TO MH AT
N. 10TH &
WINTERS FRW
2ND & FINAL
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.

Mr. Hansen presented the reclassification request from MH (Mobile Home) to RM-3 (Residential Multi-Family) District, located on Bishop Road. The property contains over 10 acres and was previously part of a 40 acre rezoning request in 1982. At that time, RM-2 type zoning was placed on the property. Subsequently, the proponent has requested RM-2 to MH. However, the proponent would like to rezone the property from MH to RM-3 in order to place duplexes on the property. The Staff and the Planning and Zoning Commission both recommended approval. The Staff felt that the proponent complies with the Western Area Land Use Plan because his proposed RM-3 type development will be low density and will be compatible with the eight units per acre restriction. Mr. Hansen said low density usually indicates less than 10 dwelling units to the acre. The RM-3 zoning is basically a duplex type zone.

Mayor Hall opened public hearing on the reclassification request. However, no one wished to speak, so Mayor Hall closed the public hearing.

Councilman Hilton moved passage of the reclassification request from MH (Mobile Home) to RM-3 (Residential Multi-Family) District, located on Bishop Road. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

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

ZONING RE -
MH TO RM-3
ON BISHOP R
2ND & FINAL
APPROVED

Mayor Hall said the reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located on Westheimer Road and the reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located at N. 7th & Merchant bear a recommendation from the Staff to be tabled. He suggested holding a public hearing for both requests since notices have already been sent out to property owners.

Mr. Hansen said the proponent is proposing to place 36 condominium units on the 2 1/2 acres. The Staff had some concerns about the RM-2 densities because it allows up to 56 percent lot coverage and could allow substantially more than the 36 units proposed. The Staff favored granting the RM-2 zoning but with a limitation on the land use intensity to prohibit any greater density than the 36 units. The Staff felt that it would be

better to propose a limited LUI on the property if the Staff suggested rezoning it to RM-2. He said a zoning ordinance amendment has been passed on first reading that will allow the City to impose a restriction on all multiple family proposals in the future. Therefore, the Staff requests that the property on Westheimer Road be tabled until the zoning ordinance amendment is passed on second reading. The applicants for both the Westheimer Road property and the N. 7th and Merchant Street property have no objection to the LUI limitation being imposed as part of a rezone request for RM-2. The Staff recommended a LUI of 5.1 which would allow up to about 42.9 percent coverage of a lot. The Planning & Zoning Commission agreed with the recommendation.

Mayor Hall opened a public hearing on the reclassification requests.

Mr. Terry Franklin, Lee Moore Company, said when he originally made application to the City, he asked for RM-3 zoning on two of the tracts on Westheimer Road property. He said he visualized the property being used for town homes, patio homes, duplexes or condominiums. He said a condominium developer has offered them a contract on the property, and at that time, they found that the RM-3 would not be sufficient to handle the condominium project as proposed. He said the developer and Lee Moore Company are in agreement with the Staff's recommendation to rezone the property to RM-2 with the LUI limitation. He said the contract may be in jeopardy if the Council does not reach a decision by April 14, on their rezone request and the zoning ordinance amendment.

Mayor Hall closed the public hearing.

Councilman Hilton moved to table the reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located on Westheimer Road until April 14, 1983. Councilman Bridges

seconded the motion. The motion carried as follows:
AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton and Mayor Hall.

NAYS: None.

ZONING RE
RM-3 TO R
ON WESTHE
ER ROAD
TABLED UN
APRIL 14.

Mr. Hansen said the reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located at N. 7th & Merchant, was due to the proponent wishing to place a quadraplex type structure on the property. The proponent owns a site of approximately 12,900 square feet, and the total area for the site when computed by the Staff is 21,000 square feet. The proponent would like to increase the density on the RM-3 lot with four units measuring from 1,000 to 1,200 square feet per unit. If the zone request were granted with no limitation of LUI, the proponent could possibly place nine 1,200 square feet units on the property with RM-2 zoning. The Staff, therefore, suggested a limited LUI which would accommodate the proponent's proposed quadraplex but would limit him to less than the maximum amount of density allowed in RM-2. The Staff then recommended a LUI of 4.2, which would allow 23 percent coverage of the property. The Planning & Zoning Commission agreed with the Staff's decision.

Mayor Hall opened public hearing on the reclassification request.

Mr. David Todd, agent, said his client had no problem with waiting for the Council to make a decision about his rezone change and the zoning ordinance amendment until the April 14 Council meeting.

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

Councilman Bridges moved to table the reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located on N. 7th & Merchant. Councilman Fogle seconded the motion. The motion carried as follows:

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

NAYS: None.

ZONING RE
RM-3 TO RM
ON N. 7TH
MERCHANT
TABLED UN
APRIL 14.

Mr. Wayne Kurfees, Director of Traffic & Transportation, presented the proposed changes to the Traffic Code Schedules concerning the prohibition of On-Street Parking. He said the ordinance would prohibit parking near five intersections to correct sight distance problems caused by parked vehicles. The intersection problems were brought to the Staff's attention by citizen complaints. Those intersections are: EN 10th at Washington Boulevard, and four intersections on Mesquite Street in the four blocks south of City Hall. As a vehicle approaches a through street

from a side street and if a car is parked in the immediate vicinity of the intersection, it could obscure the driver's vision of approaching vehicles.

Councilman Bridges asked if there were driveways for residents who live on EN 10th so that there is no reason for those residents to park their cars on the street. Mr. Kurfees said most of the homes have driveways, but on corner lots, the residents have the option of parking on the through street and the stop street. Councilman Bridges pointed out that the ordinance did not include N. 4th. Mr. Kurfees said that was an error and N. 4th should have been included in the ordinance.

Mr. Gary Landers, Assistant City Attorney, said the addition of N. 4th was possible during the meeting.

Mayor Hall called a public hearing on the proposed changes of On-street parking. He closed the public hearing when no one requested to speak.

Councilman Bridges moved passage of the ordinance changing the Traffic Code Schedules concerning the prohibition of On-street Parking at various locations with the addition of N. 4th. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

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

TRAFFIC &
TRANSPOR.
ON-STREET
PARKING P
HIBITED A
VARIOUS L
2ND & FIN
APPROVED

Mr. Lee Roy George, Director of Planning & Community Development, presented the Floodwater Management Ordinances and Policies for consideration on first reading. He reminded the Council that in a work session that there was actually four parts to the overall Floodwater Management Program--Floodwater Management Policies, Stream Management Ordinance, Stream Management Plan and Drainage Standards. The Council accepted (generally) the Floodwater Management Task Force's recommendations. The Planning & Zoning Commission held several public hearings on the Floodwater Management Program and heard from interested local parties with suggestions for the Commission. The Commission then adopted the ordinance and policies on April 7, 1983, and recommended them to the Council. Mr. George said there were a few changes in the Storm Management Ordinance, such as references to the City Engineer. Another amendment dealing with encroachments was added and one amendment stating once an amendment was made to the Plan, the Public Works Director would then pursue a map amendment. Another amendment was to designate the Public Works Director as the administrator of the ordinance rather than the Director of Planning and Community Development.

Councilman Hilton said he was still very interested to know if the language in the ordinance would allow property closer to Ft. Phantom Hill Lake to deviate from the run off controls so the property near the Lake would not have to have the same run off controls as property downstream would have. Mr. Cargill said if that amendment was presented to the Council on April 14, at the same time the Floodwater Management Ordinance and Policies was considered for second reading, it could still be added to the Ordinance and Policies.

Councilman Bridges asked if there was a way the City could let property owners who are living immediately around impending development to voice their opinion in a public hearing. Mr. George said the City has adhered to a policy of notifying at least all adjoining property owners--that is not State law, but the City does notify those property owners as a matter of course. He said if the Council makes the notification part of the ordinance, the City may find itself bound by its own ordinance if the City wanted to change the entire length of a stream for example. Mr. George said basically, the changes that have been incorporated into the ordinance and policies concern encroachment, notification, and references to the Public Works Director instead of City Engineer.

Councilman Hilton said there were a few corrections the Staff and the Planning & Zoning Commission did not include in the Ordinance and Policies

that were discussed at the work session with the Council and the Planning and Zoning Commission. One of the clarifications was the name of the Flood Hazard Technical Advisory Committee. Councilman Hilton also mentioned 14.1 which stated that the major drainage system in a development may be retained at the owner's option. He asked if there may be times when the City might want to require it to be retained by the owner. Will negotiations ever need to be made or will it leave the option entirely up to the owner. Mr. George there was a great deal of discussion on the subject, but the ordinance specifies that the drainage may be left up to the owner, although there may be instances where the City may want to retain it. The Staff and the Planning & Zoning Commission both felt that the permissive language was in accord with the intended policies and ordinance. Unless the owner wishes to retain the drainage, he must transfer it by some means to the City. The Ordinance provides that any major drainage improvements that is not retained as a portion of the development will be dedicated to the City. Title ownership and maintenance of drainage facilities is discussed in 13.2.

Mr. Fred Sandlin, former City Manager, said when he retired, there was one major area he felt he had left undone--that was the flooding in Abilene. He said he was very pleased that finally the City is going to do something about the problem.

Councilman Hilton moved passage of the Floodwater Management Policies and Stormwater Management Ordinance on first reading with the understanding that the Staff will have some additional wording on run off control and deviation procedures to be presented at the second and final reading. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING FLOODWATER MANAGEMENT POLICIES.

FLOODWATER
MANAGEMENT
POLICIES -
1ST READING
APPROVED

AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART D, SUBDIVISIONS, AND SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

STORMWATER M
AGEMENT ORD
ANCE - 1ST R
APPROVED

Mr. Glen Meeks, Manager of the Abilene Municipal Airport, presented two renewals of FAA leases at the Airport. One lease is for shop, storage, and generator sites and the other is for a radar reflector pole site. The leases have been renewed every three years since their beginning in 1961. There is no monetary consideration for the leases and the Staff recommends the renewals.

Councilman Fogle moved approval of the renewal of two FAA leases at the Abilene Municipal Airport, being shop, storage, and generator sites and a radar reflector pole site. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

AIRPORT - RI
FAA LEASES I
SHOP, STORA
GENERATOR &
RADAR POLE S
ORAL RESOLU
APPROVED

Ms. Marva Pritchett presented the agreement for the bridge replacement on Curry Lane at Elm Creek. She said the agreement stemmed from the Federal Aid Bridge Replacement Program through the State Highway Department. The State is giving an estimated cost of \$171,000 to replace a 34' bridge, leaving the local share at approximately \$34,200. The Staff is also asking the Council to consider authorizing them to construct a 64' bridge at the location in keeping with the bridge replacement that has already been approved on Rebecca Lane.

Mayor Hall asked why the City is going to build a 34' bridge now when in just a few months or years, the creek will need a wider bridge. Ms. Pritchett said the State Highway Department Program will only construct a 34' bridge. The Staff is suggesting that the State go ahead and provide construction for the 64' width with the City paying the extra cost which is 30'. Therefore, the Staff is recommending the construction of a 64' wide bridge.

Ms. Pritchett said it has not been determined what part the County would play in the bridge replacement, although the bridge is located in Taylor County on a County road. If the City would like to pull out of the agreement, it would have to pay the State expenses up to the point of construction. The total amount the Staff is requesting for the agreement is \$185,200, and that amount will be determined in the next year's budget.

Councilman Bridges moved approval of an oral resolution authorizing the Mayor to enter into an agreement with the State Highway Department for a 64' wide bridge replacement on Curry Lane at Elm Creek. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

NAYS: None.

BRIDGE REPL
MENT - AGRE
MENT WITH ST
HIGHWAY DEP
FOR 64' BRI
ON CURRY LA
AT ELM CREE
ORAL RES.
APPROVED

Ms. Pritchett presented a subdivision waiver for paving, curb and gutter requirements in Sidney Smith Subdivision on Grape Street. The property is located at the corner of Grape Street and Truman Street and has 154.3' fronting on Grape Street. Grape Street presently is a 60' wide right of way with an approximate paving area of 40'. The Staff recommends denial of the waiver because they felt the development could be constructed to City specifications and meet the drainage and paving on Truman Street and take care of the water in that area of Grape Street. Grape Street is also an unimproved street presently, and Truman Street is paved, curbed and guttered. To construct the proponent's portion of Grape Street, it would cost about \$17.50 per foot which would be approximately \$2,700 for the total cost. However, to get the proponent's portion curbed and guttered, the cost would probably double to fit into the existing situation. When Truman Street was paved, a portion of the cost was assessed to property owners--the proponent was assessed, but has yet paid the City for the assessment (approximately \$1,375.76). The proponent is planning to sell off lots and is in the platting process presently.

Councilman Bridges said he has seen the property. He said it was unimproved with barbed wire fences and is built up somewhat from the street. He said he could see no reason to approve the waiver.

Councilman Fogle asked if there are any future plans for improvement of Grape Street. Ms. Pritchett said there were no plans in the immediate future. Councilman Fogle asked if there were any alternatives for the proponent such as a bonding program, letter of credit, etc. Ms. Pritchett said those avenues were still open to the proponent.

Councilwoman Proctor moved denial of the subdivision waiver for paving, curb and gutter requirements in Sidney Smith Subdivision on Grape Street. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

SUBDIVISION
WAIVER - CU
PAVING &GUT
ON GRAPE ST
DENIED

Mr. Paul Shelton, Engineering Division, presented the award of a contract for the Pine Street Reconstruction from N. 6th to N. 13th. He said the Staff received five bids, and unfortunately, the bids were higher than was expected. The bids ranged from \$363,165.90 to \$490,141.65, including all of the options specified by the City. The Staff recommended acceptance of the low bid from West Texas Construction, Inc., for \$351,165.90. The cracks on Pine Street must be sealed or they will reappear on the surface later. By using Petromat, West Texas Construction, Inc., will be the best and lowest bid. Their bid includes Optional Bid No. 1 for the reconstruction of the intersection of N. 13th and Pine Street, and Optional Bid No. 3 for the use of Petromat for fabric crack and joint sealer. Mr. Shelton said the specifications called for Optional Bid No. 2, which was for improved driveways along Pine Street, however, there were not enough funds and the Staff felt that the work could be done on Pine Street without the driveways causing too much of a problem. He said there was only \$264,000 in the Bond fund for the project, but due to increased costs in materials and labor, the base bid of West Texas Construction, Inc., was more than \$100,000 of what was set aside. However, the City has \$150,000 contingency, therefore, the Staff recommended awarding the bid to West Texas Construction, Inc., in the amount of \$351,165.90 for the total Pine Street reconstruction.

Mayor Hall asked what the Staff intended to do in the future to the driveways and approaches. Mr. Shelton said that portion of the project could be left until a later time. He did not feel that it would affect the remainder of the project. That portion of the project will cost approximately \$12,000.

Councilwoman Proctor had a question about the deduction of the \$12,000 from the low base bid of \$324,331.08. Mr. Shelton said the final total of the Pine Street reconstruction is the low base bid of \$324,331.08 plus Option No. 1 of \$23,234.82 and Option No. 3 of \$3,600. He said one reason why the project is so costly is because the construction company must tear out the old paving and replace it with new pavement.

Mayor Hall asked how the street bond fund would hold up after using necessary funds for the Pine Street reconstruction. Mr. McDaniel said when the street bond fund was voted, several streets were not named so funds could be used when the need presented itself. The Pine Street reconstruction will use some of those funds, but, there should be enough funds to do work on other streets. He felt that there still should be enough funds to work on all of the named streets in the bond issue.

Councilman Fogle asked by leaving out the work on the approaches and driveways, would Pine Street have an unfinished look to it. Mr. Shelton said the street should look just fine and should be able to get by with the existing approaches.

Councilman Bridges moved to award the bid to West Texas Construction, Inc., in the amount of \$351,165.90, for the reconstruction of Pine Street from N. 6th to N. 13th. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

STREET IMPROVEMENT
PINE ST. RECONSTRUCTION
AWARD OF BID

Mr. Shelton presented the award of bid for bridge replacement on Catclaw Creek and Antilley Road. He said the Zack Burkett Company submitted a very good bid of \$79,777.44. He said the Zack Burkett Company is a reputable company and has done extensive work for the State Highway Department. He said the City had \$107,800 allocated for the bridge replacement in the capital improvements program, therefore, there will be a savings of \$28,023. The Staff recommends awarding the bid to the Zack Burkett Company in the amount of \$79,777.44.

Councilman Fogle moved approval of awarding the bid to the Zack Burkett Company in the amount of \$79,777.44 for bridge replacement on Catclaw Creek and Antilley Road. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

NAYS: None.

BRIDGE REPLACEMENT ON ANTILLEY ROAD AT CATCLAW CREEK
AWARD OF BID

Mr. Dwayne Hargesheimer, Director of Water Utilities, presented the emergency repair of the Clearwell at the Northeast Treatment Plant. He said a Clearwell that was built in 1970 at the Northeast Treatment Plant began leaking. Engineers tried to line the Clearwell with a rubber liner to prevent the leakage, unfortunately, the liner kept rolling away from the edges. The contractor who originally installed the Clearwell also worked on the leaks in the Clearwell. The contractor lost money on the job because of the leaks and the repairs. Mr. Hargesheimer felt the work was necessary since the summer months were approaching. The repairs have been made and he felt that the liner would stay in position in the Clearwell.

Mayor Hall asked what the liner cost originally. Mr. Hargesheimer said the original contract was for \$126,000. Unfortunately, the contractor will not warranty the repairs.

Mr. McDaniel said Mr. Hargesheimer did notify him of the leaks and at that time, the Staff felt that the repair work would only take about five days at a cost of \$5,000. He authorized Mr. Hargesheimer to proceed with the repairs, however, the weather interfered with the work and the repairs cost more than was expected.

Councilman Fogle asked if the Staff was satisfied that there was no responsibility on the contractor and if it was outside of the warranty. Mr. Hargesheimer said the contractor only had a 12 month warranty on the

project. He said the material itself was not damaged and it was reused in the repair. The damage was due to the workmanship.

Councilman Hilton moved to approve the emergency repair of the Clearwell at the Northeast Water Treatment Plant in the amount of \$28,347.92. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

WATER -
EMERGENCY R
PAIR OF CLE
WELL AT NE
TREATMENT P

Chief Warren Dodson, Chief of Police, introduced Mr. Bill Evans, Cresap, McCormick and Paget Management Consultants. Chief Dodson said after he received the first report of the Management Study, several committees were set up to review the recommended Study. He said Mr. Evans would present the final recommendations of the committees.

Mr. Evans said after talking with the committees, he and his firm have agreed to make a few changes from the original report. He said he has been very impressed with the positive reaction of the police officers in the Department. He said one of the things the committees asked was to consider whether it would make sense to put the mid squad of officers (or an overlapping shift) on a 10 hour day instead of an 8 hour day. One reason was because he noticed a marked increase of the number of calls beginning about 4:00 p.m., until 2:00 a.m. A 10 hour coverage of that time span could be handled by the extra units on the streets. Also, the shift covering that time span would be a non-rotating shift. By putting those officers on a 10 hour day (4 day week), it would give them an incentive to work the mid shift. If the 10 hour day is implemented then more police officers will be needed on the force to accommodate the change.

The Police Department presently has a squad system where the officers work in groups under a single sergeant and rotate so that they have days off all on same day. The system has been very popular and it has been effective for some time. The staffing recommended by Mr. Evans for the patrol units, however, would have to be modified to make the new scheduling work. The police officers in the Department have expressed their wishes not to have the schedule changed.

Mr. Evans said the Department was skeptical about some of the workload data that had been accumulated for the Management Study. New samples were taken and reviewed and it was found that the workload has been increased since the first sampling was done. He said the recommendations have been updated to include 10 additional police officers, which would raise the authorized number of positions to 174. There are presently 41 civilian positions authorized and he recommended that the number of civilians remain the same until Phase II is completed of the Management Study. He said should the Council decide that the funeral escorts be maintained in their present posture and the practice of unlocking cars and jump starting dead batteries also be maintained, then 3 more positions would have to be added for a total of 177. In talking with Chief Dodson, Mr. Evans said the Police Department is ready to move ahead with the recommended plan.

Mr. Evans reminded the Council of how the mid shift would work. He said after looking at the type of calls that have been recorded for police service, it was found that the calls are reasonably stable or just about the same for two shifts during the day shift and midnight shift. There has been a substantially larger number of calls in the evening shift. As a way to provide enough police service on the streets during the evening shift, the idea was to have three companies of police officers assigned in sufficient numbers to be able to rotate and cover the three shifts per day. It would provide enough police officers to have 13 patrol units on the streets during the three shifts. An additional 7 patrol units could then be provided so the evening shifts could have 20 patrol units. The Management Study first recommended the use of a group of police officers who always work the mid shift hours on a daily basis. Those officers would be working 8 hours a day, 7 days a week. The committees from the Police Department have suggested that the police officers on the mid shift only be put on a work schedule of working 4 days a week, 10 hours a day rather than 5 or 7 8 hour days each week. The increase to a 10 hour day would be a more adequate coverage of the heavy workload time span. The committees also felt that working only 4 days a week would provide an incentive to police officers. Always before, the Police

Department made the mid shift a part of a rotation system where police officers would work days for a while, then the mid shift for a while, then the night shift. By adding 4 officers to the plan, the mid shift group would be under two sergeants.

Councilwoman Proctor asked how the 10 additional police officers would be used. Mr. Evans said some of those officers would be used in the platoons. Also, uniformed officers have been used in records, but after the new record keeping system is implemented those uniformed officers will be used on the streets.

Councilman Fogle asked if the new recommendations would have the inclusion of 10 officers. Mr. Evans said that was correct unless the Council wanted to change the present system of escorting funerals. Those 10 officers will only affect the uniformed officers--not civilian personnel. If the Council decided to continue with the funeral escorts, then 3 additional positions would have to be added along with the 10 positions to have enough personnel to handle the streets.

Councilman Fogle asked what the average cost is for a patrolman. Mr. Evans said he calculated the cost at approximately \$25,000 per year. Therefore, the 3 police officers used for funerals to sort of take care of the public relations work would essentially cost the City \$75,000 per year. Mr. Evans said part of that cost could be received from funeral directors to receive whatever service they wished.

Mayor Hall asked if the changes mentioned by Mr. Evans were the only major changes he made in the Management Study. Mr. Evans said that was correct. He said he still feels very strongly that each police officer should have his own patrol unit. He said presently the Police Department has one man patrol units, however, from time to time two men are placed in the same vehicle because there are not enough cars available. He said that is very inefficient because the cost of a two man patrol unit is essentially twice the cost of one man patrol unit because of salaries and fringe benefits--not the cost of the car. He said most of the time, the calls the two man patrol unit receives could be handled by one man. Therefore, the second man's time is wasted and so is a lot of money. He said there have been instances where Police Department's such as Nashville, Tennessee have been manning each patrol unit with two men in both evening and night shift because a police officer was killed in the line of duty. The Union in Nashville felt that the death could have been prevented had there been another man in the unit. However, after extensive study, Nashville decided to go back to the one man patrol units because each year the statistics reflected that more police officers are killed as members of a two man patrol unit. A high percentage of the calls taken in Nashville do require two men, therefore, 65 patrol units are one man and 10 units are two man. If a call indicates that perhaps more than one man may be needed, then the dispatcher can just radio another car. A one man car is more mobile, it can answer more calls, response time is reduced, etc. Mr. Evans went on to say that if a car is used constantly for perhaps 160 hrs a week it will be expended very quickly. Most cities have found that it takes more to repair those worn out cars than to buy new ones. The one to one car plan will be more economical because a car will last four times as long. The main additional cost the City will have to pay in the beginning of the one to one car plan implementation will be the imputed value of interest of the extra investment in the fleet. More cars will be owned, therefore, extra equipment will be needed such as radios, sirens, lights, etc. Those items can be amortized through three cars for 12 years. The advantage of the one to one car plan is that it will create visibility of the police in the community. Also, there is the capability of calling up off duty police officers in emergencies. Those officers will be able to leave from home in a marked, equipped police car ready to respond. When changing shifts, an officer will still be in his beat zone ready to respond to a call even as someone is coming to relieve him of his beat. The officer will take his police car in to be serviced on his day off.

Mayor Hall asked how the plan will lessen the chances for confusion on shift changes by the dispatcher. He said a woman in Dallas recently tried to call for help just as shift changes were taking place. There was an extreme amount of confusion and when an officer did answer the call, the woman had been murdered. Mr. Evans said eventually the communications system will be updated, but in the meantime, the system could be updated so that there will be better trained dispatchers available and a more direct access from a call to an officer. Eventually, all of the persons in the communications room will be co-trained and cross-trained as both

complaint takers and dispatchers. Each shift will have three of those persons--the steps of receiving a call should be tremendously simplified. Dispositions given over the air is also a waste of time and personnel. Those dispositions also take up precious time over the air and block calls coming into the dispatchers.

Councilman Fogle said he was impressed with most of the Management Study, but he had some problems with the one to one car plan. He said the plan covers a lot of intangible areas and it would be hard to say that crime would be reduced by providing a car to each police officer. He said the citizens may feel better by seeing more police cars in the City, but how would the City place a value on that. Mr. Evans said that would be hard to measure, but, the other advantages he mentioned are very tangible and should provide enough evidence to the Council that it would be a worthwhile plan. There have been some cities using the one to one car plan who have kept records of how many arrests have been made by off duty police officers. He said the few negative responses he receives are usually about the need for more mechanics and work bays. Though there are more vehicles in the one to one car plan, they are used less intensively and maintenance is done by intensity. Lubbock is one city that uses the one to one car plan, and it does not use any more mechanics or work bays than it did before the plan was implemented.

Mr. McDaniel said a team consisting of representatives from the Police Department, Equipment Services, and Finance Department will be going to Lubbock to study its one to one car plan. He said studies from other cities have been reviewed also by the Staff. He said if the Council adopts the Management Study in concept at the meeting, then the Staff will return the one to one car plan after more research has been done and let the Council consider it again.

Chief Dodson said he is very pleased with the Management Study. He said the Police Department has been given the opportunity to review the Study and make suggestions. He urged the Council to adopt the Management Study at least in concept because he felt that it had many positive aspects that the Police Department could implement. He said his officers are very excited about the one to one car plan. He said officers take pride in their equipment and it will benefit the officers in their work and off duty tremendously. The officers have been free to suggest ideas through the committees. Therefore, the officers have had the opportunity to review the Study and approve it.

Councilman Bridges asked if citizens have provided input concerning funeral escorts or unlocking cars. Chief Dodson said many citizens have expressed their wishes concerning those services. He said he met with all of the funeral directors asking for their opinions. The funeral directors would like to maintain the services as they are presently. The Study cited the Police Department as being a little over zealous about providing the unlocking car and jump starting services. Chief Dodson felt that it would be hard for a police officer to deny anyone help in a distressful situation.

Mayor Hall said he had the opportunity to witness a police officer jump starting a car that was in a gas station. He felt that the jump starting service had been carried a bit too far in that case. He felt that jump starting cars that were stranded late at night or in an unsafe situation would be ideal times a police officer could render that service. He asked if the Department would limit those services in any way. Chief Dodson said they do plan to limit the services and have started compiling guidelines to go by when officers receive calls of that nature.

Mayor Hall asked if the problem of the funeral escorts actually came from not being able to schedule police officers during the times of funerals. Chief Dodson said that was not entirely correct. He said there are times when too many things are happening at once such as several funerals while calls are coming in for police service, etc. A funeral home will call the station requesting an escort for a certain time span. Most of the time, police officers on traffic duty can handle funeral escorts whether there is one per day or three. He said they have had requests for nine funerals in one day--in that case, patrol officers had to help. Chief Dodson said the escorting of the family members started when it was realized that those members usually were incapable of driving during such an emotional time. The funeral directors told Chief Dodson that if the police will escort the processions, then they would consider giving up the family escorts. The funeral homes at the present time do not charge their clients for the escorts.

Chief Dodson felt sure that if the police started charging the funeral homes for escort service, the funeral homes would pass the charge on to the clients. He said he receives many compliments from out of town visitors about how friendly and helpful Abilene's police officers are. He said the funeral escorts could be cut back a little, but they should not be discontinued.

Councilman Fogle said once a practice such as the funeral escorts and the unlocking of cars has been started, it is very hard to discontinue. He felt that it would be extremely hard for the City to stop the funeral escorts or to even charge for them. He felt that many families may not be able to afford the extra burden of paying for an escort.

Councilman Bridges said after living in many other cities around the country, Abilene probably has the best community/police relationship that he has seen for its size. He also felt that the extra services should be cut down, but not discontinued altogether, and he has received many statements from citizens saying that they would be glad to call for help from a gas station or garage instead of the police when their cars will not start or when they have locked their keys in their cars.

Mayor Hall asked Chief Dodson's opinion about the Study's recommendation to give each police officer a portable radio. Chief Dodson felt the radios would be very helpful to the officers because it would not tie the officers to their cars. The radios would be carried by the officers on or off duty and the radios would provide the officers one to one contact, although off duty officers probably can be reached by telephone. He felt that even though an officer is off duty and has the availability of a radio, it would be too much to ask that the off duty officer be required to listen to the radio on his off days.

Councilman Hilton said he would like to see the police continue to furnish police cars, but use only off duty police officers for funeral escorts. That would provide some service to families and funeral homes, plus remove the need for three additional police officers and eliminate the scheduling problem. Chief Dodson said unfortunately there will be some families who will not be able to afford the cost of paying off duty police officers to escort a funeral. He said one funeral director asked if the City would charge the County for a pauper's burial.

Mayor Hall felt that by adopting the Management Study in concept, it would mean that the Council recognizes the problems the Study points out and the Council likes in principle the recommendations that have been made to correct the problems and the Council will proceed to implement the Study as funds and time permits. Councilman Hilton suggested Mr. Evans state again how the 10 additional police officers would be used in the Department.

Mr. Evans said 5 positions would have to be added to the mid shift, although 13 were recommended in the original report. Now, since the committees' suggestions, he recommended 16 positions would have to be added with 2 sergeants. There are 4 officers in the records keeping sections of the Department that can be used in those positions. Two positions will have to be added to one of the patrol units and one each to the other three regular companies, which accounts for 9 of the positions, plus the 4 in records.

Councilman Fogle pointed out that an additional 13 positions would cost approximately \$325,000. However, Mr. Evans pointed out that \$190,000 would be saved with the Plan. He said the Plan has been reviewed by almost everyone in the Police Department and counter proposals have been made, but they have decided that if the Plan is implemented it will be very positive and it will benefit the community. The increase in costs to the Department will eventually be about 5 percent.

Mayor Hall said it is very important to know that the police officers are in favor of changing the Department to achieve the goals set out by the Management Study. He said the Council would just have to look at each of the steps of the Management Study separately as they come to the Council. Mr. Evans said while the Study may result in the 5 percent increase in costs, it will probably show a 30 percent increase in police effectiveness.

Mr. Evans mentioned that in reviewing the staffing patterns and coming up with a good deployment system, there is no staff built into the system

to work football games, parades, or other special events. Overtime work will have to be involved because there is not enough police officers to take care of those special events. Essentially, that is no different from what is being done presently. Councilman Fogle said according to the original Management Study, two positions were added to help handle those situations. Mr. Evans said they decided that two police officers could not be staffed just in case a parade might occur.

Mr. McDaniel said the police officers are handling special events on overtime presently as well as other areas of their work. He said hopefully, the new staffing and deployment concept will decrease the overtime requirements.

Mr. Evans wanted to mention that the one to one car plan could not be easily phased in, as other cities have tried. He said if the plan is adopted, it should be adopted at one time. It would be very difficult to pick out 1/3 of the police officers to receive the first cars, as the other 2/3 of the officers must wait for one or two years. The plan can be implemented without causing a problem with the City's budget. He said the cars can be leased for the first few years.

Councilman Hilton moved to adopt the Management Study in concept with the Council implementing it as workshops and budget sessions are held to discuss the Police Facilities and the one to one car plan and increased staffing. Immediate items such as position statements, mission statements and organizations could be started immediately in concept. Councilman Bridges seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Fogle, Hilton and Mayor Hall.	POLICE MANAGEMENT STUDY ADOPTED IN CONCEPT
NAYS: None.	

Mayor Hall read from a recent study of the Police Executive Research Forum, which said effectiveness, integrity, courteousness, physical fitness, restraining the use of force, and openness to the community are the hallmarks of competent police officers. He felt that all of those qualities are exhibited by the Abilene police officers.

Mr. McDaniel presented the Health Care Facilities Corporation. He said at the last regular Council meeting, there was a request made to the Council by several of the medical entities in Abilene for the Council to create a Health Care Facilities Corporation for the purpose of allowing such a corporation to issue tax exempt bonds for certain types of health care facilities. At that time, the Council was given certain information by the medical community and the bond attorney representing the medical entities. Mr. McDaniel introduced Mr. Pete Tart, the City's bond attorney, and Mr. Joe Smith of First Southwest Company, the City's fiscal advisor.

Mr. Pete Tart said the Medical Development Facilities Act is very similar to the Industrial Development Corporation Act and it is an entity that is acting on behalf of the City in reference to the City's financing. The Act is very broad in its purpose and the City was interested in control and limitation of power so the City can accomplish the financing for direct medical purposes and not get into the auxiliary or secondary financings. The Act would permit financing, not only on behalf of non-profit corporations for hospital or medical facilities, but also, hospital facilities for corporations for profit. The Act provides control to the City in naming the directors and those directors serve for a term of office, upon resignation or at the will of the Council. Also, the City may approve of the corporation's by-laws and any amendments. If the corporation is ever dissolved, it must be approved and any assets that are left over after the dissolution return to the City. It requires that prior to any financing, a notice be filed with the City stating the purpose, the amount, and the manner in which the proceeds would be used. The Act states that the City may change the programs or the status of the corporation at any time. If the Council was not satisfied with the notice that was filed in reference to the financing, the Council could by formal action, order the proceedings stopped and the program could be changed. The notice requirement of 14 days and the steps the City could possibly take may not be enough action by the City because the notice could be filed and the time expired before the City has time to study the problem.

Mr. Tart suggested the notices be filed but also get the approval of the City like is done with industrial development bonds. His second suggestion was that the City under the by-laws could provide that any project that is authorized under the Act may be financed or can be limited.

He said the City was eligible to do that because the City must approve the by-laws. Various purposes have been drafted in reference to the limitation. A most restrictive purpose would require approval by the Council and would provide financing only on behalf of non-profit corporations, and would only be in reference to projects in which either a whole or a part of the project has received a certificate of need. Something between that most restrictive and the most broad purpose is probably what the City would like to have. He said perhaps something like non-profit corporations could finance any projects and corporations for profit would have to have a certificate of need. That would perhaps cover the existing corporations that have initially presented proposals for financing. The bonds will be pure revenue bonds like industrial revenue bonds.

Mayor Hall asked Mr. Tart what certificate of need meant. Mr. Tart said a certificate of need is an actual certificate that is issued by the Texas Health Facilities Commission. It requires an application to be made by the party which is seeking it, and then the corporation actually has a hearing with reports in reference to very defined projects which requires at least \$150,000 or more in expenditures. A project cannot be continued unless the Texas Health Facilities Commission issues a certificate of need. All health related facilities are governed by the certificate of need manner.

Life care facilities are not handled in the same way under the Medical Development Facilities Act. Nursing home facilities must be under the Act only for a non-profit corporation, however, they must receive a certificate of need. Life care facilities are not governed because they are not health related, therefore, they do not receive a certificate of need.

Mayor Hall asked if a life care facility would meet the definition of the Act, but not meet the definition of having a certificate of need. Mr. Tart said the certificate of need is a part of the Texas Health Facilities Commission Act. The Commission has its own idea of what is health related facilities. The Commission is attempting to regulate the facilities in reference to cost and beds in an area. Mayor Hall asked if the City's qualifications did not require a certificate of need, would it permit a life care facility. Mr. Tart said that was correct. He said a life care facility is not a nursing home which is basically used for the treatment of geriatrics. Therefore, it does not require a certificate of need. An amendment in Legislature has been introduced concerning the Act which would authorize life care projects as a part of the health facilities as defined under the Act. But, until that time that the amendment is adopted, life care facilities do not meet the definition as health facilities.

Mr. Tart said perhaps the most appropriate type of language to use could be that the certificate of need would not be required if the financing was for a non-profit corporation. That language will take care of the two entities that were proposing life care that were non-profit corporations. Facilities for a corporation for profit would require a certificate of need. Mayor Hall asked if that would permit the funding of a life care facility even before the Act is amended. Mr. Tart said it would permit a life care facility if the Act was amended, but, there is no reason under the City's terms that the City would finance non-profit corporations. The City could finance pursuant to the Act on behalf of a non-profit corporation--that does not mean the City would or it would not. The City could then be in a position to handle the financing for non-profit corporations if the Act is amended.

Councilman Fogle asked if a nursing home were a part of a life care facility would that nursing home have to have a certificate of need. Mr. Tart said the nursing home part would require a certificate of need. To even permit a nursing home, it must be a non-profit corporation under the Act. The City could only finance a nursing home facility for a non-profit corporation.

Mayor Hall asked how the City could be not quite so limiting concerning non-profit or profit corporations and still avoid being besieged by developers wanting to build doctors' offices, etc. Mr. Tart said the City could state that non-profit corporations will be the only manner in which all of the provisions of the Act will be financed. At the same time, the City could say corporations for profit must have a certificate of need. That would mean that only doctors' offices would be financed if they were non-profit corporations. That would eliminate an individual practitioner from financing his own office complex. It would not prohibit an existing non-

profit corporation from financing office buildings in order to assist doctors who are practicing in their area. The City could say that the Act cannot be used for office facilities.

Mayor Hall said it is not the intention of the Council to authorize the creation of an entity to issue tax free bonds to build doctors' offices. He requested Mr. Tart to come one step down from the most restrictive corporation to something a little more flexible.

Mr. Tart said psychiatric facilities are covered by a certificate of need, however, they are corporations for profit. Mayor Hall asked what other facilities are eligible for certificates of need. Mr. Tart said the Texas Health Facilities Act defines health facilities as, "regardless of ownership, public or private, profit or non-profit, is a private hospital, a skilled nursing facility, intermediate care facility, ambulatory surgical facility, family planning clinic, any facility which performs surgical procedures, rural health initiative clinics, urban health initiative clinics, kidney disease treatment facilities, in-patient rehabilitation facilities, and other facilities as defined by Federal law but does not include the offices of physicians or practitioners of the healing arts singly or in groups in the conduct of their profession." All of those listed require certificates of need. Mr. Tart went on to say that facilities such as an ambulatory surgical facility or any other facility in which surgery is performed is eligible under the Act. However, it does not include the offices of physicians or practitioners.

Mr. Tart said other cities have different ways of handling the situation. Amarillo adopted the Act and let developers do anything that was authorized by the Act. Lubbock restricted the Act a great deal and requested a certificate of need plus would only finance non-profit corporations. Later, Lubbock amended the Act somewhat and decided to finance only non-profit corporations with a certificate of need or the board of directors must approve the use of the facility.

Mr. Tart said the City could include in the resolution that before the City approves any financing, the City's financial advisor must give a recommendation to the Council.

Mr. Joe Smith asked Mr. Tart if the Texas Health Facilities Commission was planning to raise the limit on a certificate of need to \$500,000. Mr. Tart said he had also heard that. Mr. Smith also asked if there was a small issue limitation like on industrial development bonds. Mr. Tart said the financings using the Health Facilities Development Corporation Act that are on behalf of corporations or individuals for profit must be regulated the same as industrial development bonds. Industrial development bond regulations do not apply to non-profit corporations.

Mr. Tart said there are two six year periods the City must worry about. One of those periods is the maximum for the term of office of directors. The second is the six year period for capital expenditures in reference to industrial development bonds.

Councilman Fogle asked what the smallest issue would be for bonds that could be economically cost effective. Mr. Smith said attorneys' fees and bond consultant's fees add to the total cost of the financing so that it ends up being more expensive than conventional financing. Most of the corporations using the bonds use around \$1 million.

Mr. Smith said the First Southwest Company cannot report to either the board of directors of the Health Care Facility Corporation or to the Council until it receives audited reports for three years or a letter of credit from a bank purchaser. Concerning nursing homes, Mr. Smith stated that the Hospital Project Financing Act specifically denies the right of independent living to nursing homes.

Mayor Hall said he would feel better if Hendrick's Hospital operated under the Hospital Facilities Act because the City has a great deal more control. He said it has always concerned him that the Hospital Authority has the right of eminent domain. Mr. Smith said the City is fortunate that it is Hendrick's Medical Center that is issuing the bonds because they have such a good rating. Mr. Tart has built into the system a two level check of going to the board and directors and then being approved by the Council.

Councilman Bridges asked if radiology and pathology clinics be covered under the Act. Mr. Tart said those kinds of clinics are usually granted a certificate of need. He defined the types of financing possible under the Texas Health Facilities Act as a hospital, clinic, health facility, nursing home, extended care facility, out-patient facility, rehabilitation facility, pharmacy, medical laboratory, dental laboratory, physician's office building, laundry, administrative facilities, computer facilities, communications facilities, firefighting facilities, food service and preparation facilities, parking, storage, utility, ex-ray, or building related to any health care facility including medical staff, nurses, and interns. A certificate of need could be issued to either a non-profit or profit organization--it makes no difference to the Texas Health Facilities Commission. The Commission is only trying to regulate the duplication of facilities in an area so there will not be more beds than is necessary.

Mr. Tart said some proposed by-laws could be drawn up for the Council's inspection before any decisions are made.

Councilman Bridges asked if there were any more medical related facilities other than doctors' offices and proprietary nursing homes that would not be covered under the act. Mr. Tart said one time a laundry service was not covered. The laundry service was for a very large non-profit corporation.

Councilman Hilton suggested the limitations of getting the approval of Hospital Project Financing Act and non-profit posture. If the corporation is profit, then it must have a certificate of need. Mr. Tart suggested developing in the by-laws a statement like the Council wants then listing the types of corporations that can be covered. Also, by requiring the Council's approval, an applicant will give much more information to the City knowing that the Council will have to make the final decision about a project. Mr. Tart said he would try to put together the restrictions the Council wanted and would also try to make a listing of the types of corporations eligible for financing.

Mr. Smith suggested the requirement of dual application, so the Council would know simultaneously as the board of directors. Councilman Fogle agreed with his suggestion.

Mr. David Brown from the Woods Psychiatric Institute said the criteria outlined by Mr. Tart would meet their needs. He said his Institute was currently licensed as a residential treatment center. Their certificate of need indicates that they will constructed and have licensed a psychiatric hospital, which will include a new 56 bed facility. He said approximately \$1.6 million would be needed for the project.

Councilman Bridges asked what kind of advantage would be there for the psychiatric patients to have a hospital facility that they do not have now. Mr. Brown said they currently have three campuses in Abilene and are looking forward to consolidating them. The residential treatment center is limiting in certain respects with regard to commercial insurance carriers. A psychiatric hospital will allow access for admission to the psychiatric facility.

Mr. Wick Rhodes, representing Hendrick Medical Center, said Hendrick's is supportive to opening the possibility of a corporation to as many people as possible--private for profit and the non-profit. The current Health Facilities Commission criteria are \$400,000 for major medical equipment and \$600,000 for renovations and other types of projects. The threshold used to be \$150,000 for any project. That was changed within the last year. There is a possibility that the thresholds will go up even more in the future, but it will depend upon legislation and the review of them at the time.

Mayor Hall asked what would be the affect of changing the figures. Mr. Rhodes said it just makes for a higher threshold that a project must achieve to receive a certificate of need.

Councilman Fogle asked if that was an effort to make it more liberal or is it a recognition of the inflation factor. Mr. Rhodes said the Commission is trying to focus on the projects that will have the most influence on health care and its costs.

Mayor Hall asked if Pete Tart would bring back all of the information necessary as soon as possible.

HEALTH CARE
FACILITY COF
DISCUSSED
NO ACTION
TAKEN

Ms. Pritchett, presented the FEMA Stream Requirements in Stream Management Plan. She explained the requirements the City will have to adhere according to FEMA (Federal Emergency Management Administration) regarding street maintenance. Currently the flood management is held under the zoning ordinance. There is a section that addressess street maintenance rather generally--the same verbage will be taken from the Zoning Ordianance and will be part of the Stream Management Ordinance that is being considered. FEMA requirements have changed slightly in order to make that provision more stringent as far as maintaining streams within a city. There are three options that can be considered on how to address stream maintenance in Abilene. The first option is to adopt a stream maintenance ordinance with every stream improvement or channel improvement that is made in a new development within the city. Even though this might seem a bit cumbersome, it could be done as stated. The second option would be to amend the ordinance whether its the current one or the one we are proposing at this time, with a few additions that would address stream maintenance, specifically, and indicate what would be done, how often they would be cleaned and who would be responsible for maintaining them. The third option would be to amend the current ordinance by indicating a comprehensive approved City stream maintenance program for all improved channels. Ms. Pritchett feels that the third option is the least cumbersom and the easiest to manage with recommendation of the Denton County FEMA Office. Being that it would allow to set up a maintenance program that could be altered without having to amend an ordinance or make any type of major changes.

Mayor Hall asked for a recommendation from the above options. Ms. Pritchett stated that number three was the recommendation. Mayor Hall asked if the Council approved the third option, what whould take place. Ms. Pritchett stated that the new ordinance, Section 183F would expand slightly to indicate a policy or stream maintenance program that is being worked on at this time. The program would then be ready to be adopted by the Council by resolution and that would be the documentation to FEMA that yes, we have met their requirements and we have a maintenance program in place.

Mr. Seegmiller asked Ms. Pritchett if the engineers have been talked to about these requirements concerning street maintenance. Ms. Pritchett stated that she had spoken to David Todd, Builder/Developer.

Mr. Todd stated that the reason for his concern was that recent requirements for FHA approval on Mesquite Forrest Estates. That is the flood plain--flood way through the subdivision that has been altered, one of the requirements of FEMA is to receive approval to satisfy FHA to approve the subdivision to have a maintenance program. Mr. Todd feels that in order for a private engineer/developer to change a flood plain or flood way an ordinance will be needed addressing the maintenance of these changes so that said changes will remain changed. Mr. Todd feels the Stream Management and Flood Policy Ordinances need to have some type of stream maintenance program.

Councilman, L. D. Hilton stated that Section 183F is not satisfactory.

Mr. Todd stated that he has submitted various documentation from Mr. Whitehead and Mr. Connally addressing said issue. The entire policy and a ordinance has been sent to them and basically said Section 183F is not satisfactory.

Councilwoman Billye Proctor asked appecifically what FEMA wants. Mr. Todd responded that the example that FEMA sent was from the City of Bedford, stating that streams would be inspected every six months. The vegetation and debris would not be allowed to reach a height of 18 inches. Siltation when reached to a depth of nine inches FEMA would start looking at it and would never let it increase to twelve inches. This would need to be inspected and certified every six months by a registered professional engineer. Councilman, Hilton asked if the City would have to do this, and if not who would be responsible. Mr. Todd responded the City or someone contracting to the City. Since the easement and flood way de-dications are to the City, the City will be responsible for these maintainance programs. Councilwoman Billye Proctor commented that if a land-

owner choose to retain the property. Then he would have to provide the City this type of documentation.

Mayor Hall asked if there were any other questions or testimony from any other engineers. No one requested to speak.

Mayor Hall asked if the Council directed Ms. Pritchett to amend the current order, would she at this time offer the Council some type of list of requirements to review and receive an ordinance for the approval of the Council. Ms. Pritchett commented that it would be an order of amendment if the Council decided to approve option number three. Mr. Seegmiller said the Council is looking at the first amendment to the City's ordinance. He felt that this type of amendment would happen periodically, and felt that there is no alternative. He stated that he has asked Bob Whitehead to research it thoroughly before any final action is taken. He explained that the City is becoming more involved in flood water management and is getting more specific. He felt that if the Council can get FEMA to authorize the Council to handle the changes, the City will be responsible for controlling the flood ways. He recommended that the Council adopt option number three and put it into the ordinance and bring it back for a second reading. Councilman Hilton asked if Ms. Pritchett could have it ready by the next meeting. Ms. Pritchett said that would be possible.

Councilman Hilton moved that option number three be adopted of the Stream Maintenance Program. Councilman Fogle seconded the motion. The motion carried as follows:

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

STREAM MAIN-
TENANCE BY
FEMA REQUIRE
APPROVED &
WILL BE ADD

Mr. Arkie Pierce presented the acquisition of an easement in northwest Abilene. He explained that the acquisition of the easement was to construct and maintain a channel along Elm Creek from Old Anson Road in a northeasterly direction toward the US Highway 277 or Anson Highway. The Council received a copy of the purchase of easement with consideration shown and the conditions pointed out in part 1 through 7. Negotiations have been taking place for some time and Mr. Pierce recommended that purchase be made under the conditions pointed out in the instrument of conveyance. Mayor Hall commented that the item had been under discussion for some time and asked if there were any questions.

TO FLOODWAT
ORDINANCE F
2ND READING

Councilman Bridges moved approval of the acquisition of the easement in northwest Abilene from Old Anson Road to US Hwy 277. Councilman Fogle seconded the motion. The motion carried as follows:

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

EASEMENT -
ACQUISITION
EASEMENT IN
NW ABILENE F
OLD ANSON R
TO US HWY 2
APPROVED

Mr. McDaniel presented discussion of water and sewer rates. Mr. McDaniel explained that 1979 Capital Improvements Program decided that certain water and sewer improvements would be financed with general obligation bonds. At that time, a plan was adopted to look at minimal increases to the water and sewer rates, both to pay for those bonds and to prepare the City and the citizens for the massive financing facing them in the 1990's to assure additional water supply. Plans were to review water and sewer rates every two years. Rate increases have taken place in 1980 and 1982. Since that time, the City has faced the inflationary trends concerning power costs, chemicals, and other elements that make the system function. The City has also arrived at a point that \$6.6 million dollars is needed of additional capital improvements to the system over the next four to five years.

In discussing the 1983 capital improvements program that have now deferred for the next two or three months, the City has reached a conclusion that it should try to finance the water and sewer project out of current revenues rather than an additional bond issue. Rates being presented to the Council have been brought in effect one year early with the idea that if these rates can be put in effect soon, \$1 million can be raised this year and approximately \$1.6 million can be raised over the next 12 months. That would allow for the major projects to get started in the Fall. Rates are based on an average year situation.

Councilman Bridges, asked for rationality for lower rates for increased consumption of water, knowing that his is customary to hear the reasoning for these regulations. Mr. McDaniel explained that one of the primary reasons is that it is conventional. Mr. McDaniel also gave practical reasons for these increases. There are certain amounts of fixed costs in our system whether water is sold or not. These fixed costs have to be recovered, therefore, once these fixed costs have been recovered then the veribal costs tend to decrease with the higher usage of consumption. The percentage increase is about 19% for the average consumer. It could vary for the higher consumers and lower for the lesser users.

Councilman Bridges, moved for approval for the recommended increases of WATER & water and sewer rates. Mayor Hall seconded the motion. The motion carried as SEWER follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilman Fogle, Jr., INCREASE RATES
Councilman Hilton, Mayor Hall.

NAYS: None.

Mayor Hall announced that the two following items Appointment and evaluation of Public Officers and Pending and Contemplated Litigations will be held in exective session. The Council recessed to discuss these items.

The Council returned from their executive session and no action was taken on items discussed.

Mr. McDaniel, presented the possible approval on Abilene Housing Finance Corporation Bonds. A form approval for authorization was delivered concerning the Abilene Housing Finance Corporation to issue \$7.1 million worth of bonds. This Corporation was created in late 1980. The by-laws an the articles of incorporation were written to accomplish under the then legislation--the power for this corporation to issue tax exempt bonds for the purpose of single family residential housing. The single family issue was not received on time for discussion and all concerned assumed that there was not any other decision to make concerning this issue. Since this time, issues have arisen concerning the Abilene Housing Authority and some interium financing for housing involving the elderly.

Mr. Ray Scott, President of the Abilene Housing Finance Corporation was present to make an effort to clarity any questions concerning this issue. The first effort to secure any tax exempt bonds came about in November 1980. Several proposals were presented to them and ultimately a workable proposal was presented and Joe Smith and himself went to close out the \$20 million issue and subsequently in 1981 these funds were distributed for housing in Abilene. Since that time, additional programs have been looked for that would accomplish the objectives. A number of programs have been presented at various times and none were viable programs that would work and the lending institutions in the community would accept. In the articles of incorporation, Article 4 states, "a corporation is organized exclusively for the purpose of benefiting and accomplishing public purposes of and on behalf of the City by financing the cost of residential ownership and development that will provide decent, safe, sanitary housing for residents of the city at prices that they can afford". The impedance that was caused for the Corporation was the desire to have some funding for single family housing. The bond counsel who has been representing the Corporation assured them that the language taken verbatim from the enabling legislation was inclusive of not only single family but multi-family residential as distinguished from any type of commercial use. Operation and assumption and advise that this was totally permissable within the scope of what was being done. No opportunities were given to do this until March 1982. Ramcon Corporation requested funding for 176 unit project known as Country Place, located at the intersection of East South 11th Street and Judge Ely Boulevard. This is a private type placement, where the developer had arranged for a private investor who came and bought all \$3.1 million involved in the funding program. Internation Properties, Incorporated came with a request to fund 288 units known as the Eastern Oaks Phase 2 amounting to approximately \$4.4 million. This was a public offering type project which means that it was a rated bond in which the first project was not rated it was a private placement project. CCL and Associates came with a request for a project located on Rolling Green Drive near the Mall of Abilene for 224 units at a value of \$7,530,000.

These three projects were approved by the Abilene Housing Finance Corporation under the assumption that the enabling legislation covered not only single family, but multi-family use as well.

Mayor Hall stated that the Council will have questions concerning whether it was permitted under the advice of the Articles of Incorporation, or whether it was a change that should have been made without informing the Council as sponsoring organization.

Mr. Scott added that the proposal of the Brinkcraft Corporation requested the Abilene Housing Finance Corporation for funding 171 units located on Andy Lane near Reagan Elementary School with a value of \$7.1 million. The Internal Revenue requirements that the governing body must give approval became effective January 1, 1983. The board of directors were not aware of that fact and when that point had been reached in the Brinkcraft proposal, steps were taken to get the approval of the Council and the Mayor. Other projects done in the past did not require for that approval.

Mr. Scott asked that approval by the Council be given--approval for the issuance of \$7.1 million for the apartment project as proposed by BrinkCraft Corporation.

Mayor Hall explained to Mr. Scott that safeguards are being taken because cities are being very concerned about the growth of tax free funding. The growth in tax free funding is also concerning Congress. Several complaints have arisen concerning fostering unfair competition when cheaper money is given to corporations than to the person who has to go to the bank to get the same funds. Defaults is another item that has been taken into consideration. If an Abilene bond bearing the Abilene name is in default, will it reflect on the City's bond credit. Mayor Hall asked Mr. Pete Tart, the City's bond counsel, if the Abilene Housing Finance Corporation was within its purpose clause to finance construction of apartments.

Mr. Tart said he could not comment on what Mr. Scott said about issuing multi-family classifications for apartment housing for and on behalf of cities or counties. But, he said he was aware that there are numerous financings going on using this act as a means to finance multi-family facilities.

Mayor Hall asked why more single family residential bonds have not been issued. Mr. Scott explained that the enabling legislation which allowed the corporation to do the first project was modified and dealt with several restrictive covenants. These covenants were put into the legislation and one of the covenants was the first time home buyers. The legislation was modified considerably and several restrictions were imposed which made it almost impossible to put together a project.

Mayor Hall commented that the Dallas County News carried an item which said that the Dallas County Finance Corporation approved a \$7 million project for single family dwellings. It appeared as though someone was buying the bonds for that purpose.

Mr. Scott commented that there have been projects put together during the year, but corporations are still holding the funds because of the declining market which contributed to making it more difficult to issue the bonds. This left some housing authorities with issued bonds when the market dropped out from under them. Also, the corporation would of had to apply. The State of Texas was allocated a certain amount of dollars out of the total available funds and the Texas Housing Authority or Housing Corporation retained a certain portion of those. The rest of it was distributed to housing corporations throughout the State upon their applications. Abilene Housing Finance Corporation did not make an application. In order to do so, it would have to have signed documents that would commit it prior to knowing the terms, therefore, it did not apply for this year's allocation.

Mayor Hall commented that when the previous Council approved the item, there was some income limits. Mr. Scott stated that the income limit was left to the discretion of the Council which was set at \$40,000 adjusted gross income. The legislation left this decision to the Council. There was a certain reservation clause for the first time home buyers for a given period of time just as there was a reservation clause for new construction for a 90 day period. It was set for 180 days, then it

modified that to 90 days where a certain amount was reserved for low to moderate income people within a time frame and new construction within a time frame. Once that lapsed, it went into the general pool and anyone was eligible for it. On December, 1982, the \$40,000 limit was increased to \$50,000.

Mayor Hall asked if there were no funds for residential housing and what difference it would have. Mr. Scott responded that it did not only apply to single family residential, but it also applies to multi-family residential. Mayor Hall asked how it would apply to multi-family residential. Mr. Scott said that for 20 percent of the occupancy in the housing project must be rented to people who earn 80 percent of the income in the community. In the City of Abilene, that medium income is \$19,180. Eighty percent of that amount would be \$15,280. It is necessary for 20 percent of the units in any project to be rented or left vacant. It eventually becomes a deed restriction for 20 years. Mayor Hall asked if the project could be occupied by persons making over \$50,000. Mr. Scott said the restriction was that persons making over \$50,000 could not live in the projects.

Mayor Hall asked how the Housing Finance Corporation decided which developers or projects received the funds. Mr. Scott said the projects received money basically on a first come first serve basis. Locations played a large part in deciding what projects would receive the funds. The Brinkcraft project in question particularly will serve families. The Corporation felt that the location Brinkcraft proposed to build the apartments in was a very good location and would benefit the community.

Mr. Scott said several of the developers or companies who have received funds from the Corporations were Greg Pritchard, International Properties; and Dale Scoggins, CCL.

Mr. Newman, attorney for the Housing Finance Corporation said the issue would be for public offering. He said Dean Winter Reynolds and West Cap Securities are doing the underwriting for the project. He said the bonds have not been rated yet, but they are at Standard and Poor's presently, although he was sure it would receive a AAA rating. He said Joe Smith has done the financial advisory when the Corporation was first formed. Mr. Smith brought the Dumis firm from Houston to prepare the incorporation documents for the Corporation.

Mr. Newman said private purpose industrial development bonds, whether for health care facilities or housing or industrial plants, add to the volume of tax exempt bonds that are in the market place at any given time. He said this particular program which involves the use of the proceeds of the bonds to purchase FSLIC insured certificates of deposits from banks or savings and loan associations looked like the practice was on the way out. Congressman Pickle from Austin has introduced legislation which will propose to disallow the tax exemption with respect to governmental obligations that are insured directly or indirectly by FDIC or FSLIC. That legislation has an effective date of April 15, 1983, attached to it, so projects that are pending conclusive must be completed by April 14, or they will not be completed unless the legislation was defeated. The FSLIC insurance is what guarantees the AAA rating. The project itself will not directly or indirectly secure or provide a source of payment for the bonds. The bonds are secured by and paid from the savings and loan or commercial banks' certificate of deposit.

Since the bonds have not yet been sold, it would be hard to tell, but the interest rate will probably be around 9 percent. The law limits the mark up on the money to 1.5, therefore, the rate to the developer would be 10.5 percent, which is 3 points below the current interest rate.

Councilman Bridges asked how the term "ownership" fit into the building of apartments. Mr. Scott said the term "ownership" is in the articles of incorporation, but so is the term "development", which is a broader concept. Councilwoman Proctor said from reading the composition of a board page, the statement taken from the articles of incorporation stated, "assist persons of low and moderate income in acquiring and owning decent, safe, and sanitary housing which they can afford". She said the Council's and the Corporation's interpretation is different particularly on the articles of incorporation.

Mayor Hall said he would be willing to call another special meeting to handle the request of the project after the Council has had time to

acquaint themselves with the project. He said he was astonished that the Housing Finance Corporation board of directors did not realize that they were sponsoring Council approved projects. He said he was also surprised that there has been so little contact between the board of directors and City Staff or the Council.

Mr. Scott said while the Council's perception leans heavily toward the funds being only for the purpose of single family residential, the Council must understand that in the process, legal counsel advice told them that the legislation covered everything, so the directors did not see the change from funding single family to multi-family as a major departure. Mayor Hall said probably the original by-laws were at fault for the lack of communication between the directors and the Council.

Mr. Scott said April 14, 1983, at midnight will be the disabling date, therefore, the Council needs to make a decision on the project soon. Mr. Newman said 51 such projects must be completed between the present time and midnight of April 14. He said in order for all of the paperwork to be completed, the Council needs to make a decision as soon as possible.

Mr. Delbert McDougal, Brinkcraft Corporation, said his savings and loan source had advised him that unless he could get an ok immediately, the project will not make it on the agenda. He said the other problem was that based on the approval of the resolution it is customary to proceed with the project. He has already purchased the land and has also spent approximately \$55,000 for architectural and engineering fees to prepare for the project. He said he was not aware until a few days ago that there was a problem with the funding. He said the Housing Finance Corporation has put a moratorium on additional projects, because they felt that Abilene had ample projects for the market. He asked that the Council consider the project at the meeting.

Mr. Scott said other projects have been financed through other methods such as shared depreciation basis in which the savings and loan or the lending institution became a joint venture with the developer and took a percentage of the project in lieu of a reduced rate which would allow the project to work.

Councilwoman Proctor asked Mr. McDougal if his other projects were financed through the Housing Finance Corporation. He said he had one project in El Paso and four in Lubbock being financed through housing finance corporations. He said the rental rate on the average for each project from \$300 to \$475. On the 20 percent rate, the rentals will be reduced based on the income of the occupant that is set by HUD. He said the 10 percent interest rate allows the company to rent to the lower income bracket. He said if a person in the \$15,000 bracket wanted to rent an apartment, his rent would be somewhere around \$225 to \$400 depending on the size of the apartment. The tenants are selected according to criteria set forth by the bond program and the Internal Revenue Service. The tenants are also selected according to credit checks, employment, and character just as most apartment vacancies are filled. Under law, the project is required that persons who qualify for housing must submit their W-2 Form from the previous year. Grouping of certain persons, such as by race or religion is prohibited. He said a market survey was completed by Brinkcraft and it indicated that apartment dwellings were needed in Abilene for families especially in the Dyess area.

Councilman Hilton sympathized with the Housing Finance Corporation knowing that their hard work for several years is very hard to relate to the Council in only a few minutes. He said Abilene really needs dwellings of this type and it will provide more taxable property also.

Mayor Hall said he had some problem with the Council going to such lengths to protect itself with the health care facility financing, yet have in existence a corporation that will be able to sell bonds without the City's knowledge.

Mr. McDougal said the decision must be made in the next few days, preferably during the meeting, to enable his savings and loan association to do the paperwork. Mayor Hall suggested calling a special meeting some time between the meeting and the next Council meeting on the 14th of April.

Councilman Hilton said he felt that the Housing Finance Corporation has operated in good faith and did not try to hide anything from the City.

Councilman Fogle said the whole Council has probably been in shock as to how the Corporation has been financing the projects without the City's knowledge, but the Corporation has been operated on good faith with a good board of directors. He said he would like to have some time to think about his decision for the Brinkcraft project, so, a meeting on Monday with the Council might be a good idea. He was also concerned that if the City shut down the project, a legal problem could arise.

Mr. Newman felt the shut down would clearly be the prerogative of the Council under the 103k of the Internal Revenue Code, which is the law that has been in effect since the first of the year. The legislative history, however, behind the 103k is fairly definitive and the purpose of the 103k was to afford an opportunity for members of the community in which a project is going to be built to express their views whether pro or con. and for the governing body to also have an opportunity to make a decision based on those views.

Mr. McDougal said as far as he was concerned, the Council decision on his project would be final and will respect that decision as such.

Councilwoman Proctor moved to table the Council's decision on the Brinkcraft/Housing Finance Corporation project until Monday, April 28, 1983, Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

Mayor Hall adjourned the meeting at 6:00 p.m.

HOUSING
FINANCE COI
BRINKCRAFT
PROJECT
TABLED

Kelly Board
Assistant City Secretary

Julius Hall
Mayor