

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, April 14, 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 Julian Bridges.
3. APPROVAL OF MINUTES: Special Work Session with Planning & Zoning Commission held on March 3, 1983.

4. GRADUATION OF FIRE ACADEMY

REGULAR AGENDA
(OLD BUSINESS)

5. Public Hearings
 - a. Consider on second and final 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.
 - b. Consider on second and final reading - thoroughfare abandonment, being a 20' X 140' alley located in the 1000 Block of Amarillo St.
 - c. Consider on second and final reading - amending the Zoning Ordinance to allow establishment of Maximum Land Use intensity ratings in residential multi-family zones.
 - d. Consider on second and final reading - amending the Zoning Ordinance to allow electrical services in GC zoning Subject to obtaining a special exception from the Board of Adjustment and subject to certain conditions.
 - e. Consider on second and final reading - Floodwater Management Ordinances and Policies.
6. Ordinances
 - a. Tabled Item: Consider on second and final reading - increasing fees in Parks, Recreation, Golf & Cemetery.
 - b. Tabled Item: 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.
 - c. Tabled Item: 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.
 - d. Tabled Item: Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RM-2 & GC (Residential Multi-Family & General Commercial) Districts, located at Winters Freeway & Southwest Drive.
7. Award of Bids
 - a. Awarding a contract for landfill site.
8. Resolutions
 - a. Consider reprogramming Community Development Funds for FY 1982-1983.
9. Other Business
 - a. Discussion Health Care Facility Corporation.
 - b. Discuss Industrial Park Concept.
10. Special Items:
 - a. Canvass of Regular City Election held April 2, 1983 & calling a Run Off Election.
 - b. Presentations.
 - c. Induction of Councilman Place VI.
 - d. Reception.
 - e. Election of Mayor Pro Tempore.

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.

11. Ordinances

- a. Consider on first reading - reclassification request from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 2959 Buffalo Gap Road & set a public hearing for April 28, 1983, at 9:00 a.m.
- b. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to HC (Heavy Commercial) District, located at N. 21st & Hardy Street & set a public hearing for April 28, 1983, at 9:00 a.m.
- c. Consider on first reading - reclassification request from RS-12 (Residential Single Family) to RS-6 (Residential Single Family) District, located at South 21st Street & Belmont Blvd. (Elm Street) & set a public hearing for April 28, 1983, at 9:00 a.m.
- d. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located at Hartford & Andy Streets & set a public hearing for April 28, 1983, at 9:00 a.m.
- e. Consider on first reading - reclassification request from SC (Shopping Center) to RM-2 (Residential Multi-Family) District, located at Quail Run & Texas Avenue & set a public hearing for April 28, 1983, at 9:00 a.m.
- f. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at S. 22nd & Poplar Streets & set a public hearing for April 28, 1983, at 9:00 a.m.
- g. Consider on first reading - thoroughfare abandonment, being the north 10' of Mabray Lane from Buffalo Gap Road to the west side of Ridgeline Drive and all of Mabray west of Ridgeline Drive & set a public hearing for April 28, 1983, at 9:00 a.m.
- h. Consider on first reading - thoroughfare abandonment, being North 12th Street between Alameda & Roma Streets & set a public hearing for April 28, 1983, at 9:00 a.m.
- i. Consider on first reading - amending Section 32-9.2 of the Zoning Ordinance under Retail Sales to permit plant material including Shrubs, trees and garden supplies conditionally in GC (General Commercial) zones & set a public hearing for April 28, 1983, at 9:00 a.m.

12. Resolutions

- a. Consider authorizing an easement release located on Olympic.
- b. Consider Subdivision Waiver - paving, curb and gutter on Belle Plain Road.
- c. Consider Library Grant Application.

13. Award of Bids

- a. Mowers for Community Services.
- b. Water Chemicals for Water Department.
- c. Compressor for Refuse Collection.

14. Request to Advertise

- a. Sewer Cleaning Equipment for Water Department.
- b. Replacement Truck for Water Department.
- c. Secure contractors for weed control mowing program.
- d. Signalization of S. 14th & Ross.

15. Other Business--REGULAR AGENDA

- a. Consider exchange of property in southwest Abilene for property in northeast Abilene.
- b. Appointment & evaluation of public officers.
- c. Pending & Contemplated Litigation.

CITY COUNCIL OF THE CITY OF ABILENE
CITY COUNCIL CHAMBER OF CITY HALL

The City Council of the City of Abilene, Texas, met in regular session, April 14, 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 Carlos Rodriguez, A. E. Fogle, Jr., L. D. Hilton and Councilwoman Kathy Webster. City Manager, Ed Seegmiller, City Attorney, Harvey Cargill, and Assistant City Secretary Kelly Beard were also present.

Councilman Julian Bridges lead the invocation.

The minutes of the last regular meeting held March 24, 1983, Special Meeting held March 28, 1983, and Special Work Session held March 3, 1983, were tabled until the next regular meeting to enable the Council members to have enough time to go through the minutes carefully. Council Hilton moved to table the approval of the minutes until April 28, 1983. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

Mayor Hall asked Richard Knopf, Fire Chief, to introduce the graduating Fire Department cadets. Those cadets were:

Larry Wayne Bell	William Craig Rogers
Philip Ray Chapman	Larry Dean Ross
William Darwin Crim	Paul Sheldon Slabaugh
Frederick Keith Ellison	Guy Frank Turner
Wilburn Scott Estes	Gerald Dennis Woodard
David Ray Jones	Louis Darrell Fox - Ranger Fire Dept.

Mayor Hall pointed out that since the new Council member was going to be inducted later in the meeting, the regular agenda items would be considered first while Councilwoman Webster was still on the Council.

Mr. Ron Hansen, Assistant Zoning Administrator, presented a thoroughfare abandonment being a 20' X 184.7' alley and a 20' X 393.4' alley and the west 550' of Potomac Street between Baker Street and Vapor Trail. The Plat Review Committee recommended approval subject to compliance with certain conditions. The proponent has complied with those certain conditions as per the filing of a plat with the Planning and Zoning Commission. One of those conditions was the requirement to replat the entire property to make sure all sites front on public streets and to retain portions of a 20' north/south utility easement which crosses the 20' alleys on Potomac Street. Also, a requirement set out that the proponent will pay for any required relocations of City services or utility facilities. The Staff and the Planning and Zoning Commission recommended approval of the thoroughfare abandonment--to abandon a portion of Potomac Street from Vapor Trails to about half way between Vapor Trails and Baker Street and have a cul-de-sac in a portion of Potomac Street.

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

Councilman Bridges moved passage of the thoroughfare abandonment, being a 20' X 184.7' alley and a 20' X 393.4' alley and the west 550' of Potomac Street between Baker Street and Vapor Trail subject to the conditions outlined by the Plat Review Committee. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

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

THOROUGHFARE
ABANDONMENT
2 E/W ALLEY
ON POTOMAC
BTWN BAKER
VAPOR TRAIL
2ND & FIFTH
APPROVED

Mr. Hansen presented a thoroughfare abandonment, being a 20' X 140' alley located in the 1000 Block of Amarillo Street. The Staff, Plat Review Committee and the Planning & Zoning Commission recommended approval of the thoroughfare abandonment.

Councilman Rodriguez asked if the alley was being used by the City in any way. Mr. Hansen said the City was not using it for trash pickup or repair of any utilities. The utility companies also have no use for the alley.

Mayor Hall opened public hearing on the thoroughfare abandonment, however, no one requested to speak and Mayor Hall closed the public hearing.

Councilman Hilton moved passage of the thoroughfare abandonment, being a 20' X 140' alley located in the 1000 Block of Amarillo Street. Councilman Fogle seconded the motion. The motion carried as follows:

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

NAYS: None.

ABSTAINED: Councilwoman Proctor.

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

THOROUGHFARE
ABANDONMENT
ALLEY ON
AMARILLO
2ND & FIN
APPROVED

Mr. Tony Neitzler, Assistant to the Director of Planning & Community Development, presented the Zoning Ordinance amendment to allow establishment of Maximum Land Use Intensity ratings in residential multi-family zones. He said density in multi-family zones is controlled by a land use intensity index or the LUI rating. The LUI is a set of ratios that control the density of development in multi-family areas or the bulk. The LUI ratios consist of floor area ratios, open space ratios, livability space ratios. The LUI ratio is governed by the zoning--RM-3 which is the least dense of the multi-family zones has an LUI of 4.0 or 20 percent that a site is allowable for floor area. RM-1 which is the most dense, has an LUI of 6.5 or 113 percent floor area. The existing ordinance was intended to provide the City with the flexibility to assign specific ratings in multi-family developments. However, the Council has been faced with establishing LUI's as maximums based on the zoning category. In most cases, the Council has been forced to assume the worst case situation if a specific proposal does not materialize. Presently, those types of developments could request Planned Development Districts. The development community has indicated reluctance to use that tool because it takes too long to request a PDD, and too much detail is required. Developers have indicated that they would rather gamble on the denial of a conventional multi-family zone change than to go through the extra time and detail necessary for a PDD. The Staff and the Strategies for Responsible Growth Committee have recommended to change the Planned Development Residential District regulations to reduce the time to align it with how long it usually takes to do a zone change and to liberalize the submission requirements. This will give the Council the ability to set LUI's for each specific development based on their own merits. There are six changes in the Planned Development Residential requests. First, the time for a PDR submission from 45 days has been reduced to 20 days. Required submissions have been liberalized from 11 submissions to 5 submissions. Site plans are still required. The Planning and Zoning Commission will be able to recommend to the Council an LUI rating for each development. The minimum site requirement has been reduced from 4 acres to 0 so the Council can consider these kinds of developments on any scale. Also, the PDR fee will be reduced from \$250 to \$150.

Councilman Hilton asked if a request would always be considered a PDR or PDD. Mr. Neitzler said that was correct because under the provisions, an ordinance will be drafted for a specific site and development so if a developer is not able to follow through with his proposed development, the next owner will still be bound by the same rules that is part of the PDR or PDD.

Councilman Bridges asked if the Staff will be sure to bring to the Council's attention if a developer requests for any increased density above what would have formerly been required in a zone change. Mr. Neitzler said the Staff will definitely point that out to the Council.

Councilwoman Proctor asked if the amendment was for PDD's or PDR's only. Mr. Neitzler said the Legal Department has advised that the Council has actually not had the ability to set an LUI for the conventional RM zones. If an RM zone proposal is brought to the Council, then the amendment will give the Council the ability to set an LUI or request that it be changed to PDD or PDR.

Councilman Hilton asked if the present maximums or minimums would still stay with the RM-1, RM-2 and RM-3 requests. Mr. Neitzler said they would.

Mayor Hall opened public hearing on the zoning amendment.

Mr. Terry Franklin, 3125 S. 27th, said the zoning amendment would give the development community a flexible tool and give the City a strong control of developments in multi-family zones. It will give the developers something in between the RM-3 and RM-2 densities to work with in special projects. He said the developers are in favor of the Zoning Ordinance amendment.

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

Councilwoman Proctor moved passage of the amendment to the Zoning Ordinance to allow establishment of Maximum Land Use Intensity ratings in residential multi-family zones. Councilman Fogle seconded the motion. The motion carried as follows:

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

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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.

Mr. Ron Hansen presented the amendment to the Zoning Ordinance to allow Electrical Services in GC (General Commercial) Districts with a special exception from the Board of Adjustment and subject to certain conditions. An owner of an electrical services business on N. Mockingbird brought the request before the Staff. His property is currently zoned General Commercial with a non-conforming status. The owner talked with the Staff about a proposed ordinance amendment which would allow him to purchase nearby property, also zoned GC, to allow expansion of his existing electrical services business. Presently, the only zones that allow electrical services by right are Heavy Commercial, Light Industrial and Heavy Industrial. The Staff presented three alternatives to the Planning & Zoning Commission-- allowing electrical services by right in a General Commercial district, allowing a separate category of a less intensive type of electrical services (allowable in GC or HC), or allowing a special exception which would require a public hearing to allow all neighbors or property owners within 200' to voice their opposition. The Board of Adjustment could also attach additional conditions they considered appropriate at a location. Certain conditions relating to outdoor storage was also suggested by the Staff. The Planning & Zoning Commission recommended the third alternative.

Councilman Bridges asked if the Council approved the amendment, would it be authorizing the Board of Adjustment to approve the property owner's request if the Board approved it. Mr. Hansen said that was correct and the property owners would be notified when a property owner filed an application. By approving the zoning amendment, the Council would not be approving the request of the electrical shop owner.

Mayor Hall opened public hearing on the zoning amendment.

Mr. W. D. Bunkley, owner of Bunkley Electric Company, said he was the shop owner who requested the zoning amendment. He said the amendment would allow him to purchase a piece of property with which to expand his business. He understood that if the Council approved the zoning amendment, it would only provide him a way for him to expand his business, not that the approval would grant him the special exception.

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

Councilman Bridges moved passage of the Zoning Ordinance amendment allowing electrical services in GC (General Commercial) Districts with a special exception from the Board of Adjustment and subject to certain conditions. Councilwoman Webster seconded the motion. The motion carried as follows:

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

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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.

Mr. Lee Roy George, Director of Planning & Community Development, presented the Floodwater Management Ordinances and Policies. The four parts of the Floodwater Management Program are the Floodwater Management Policies, the Stormwater Management Ordinance, the Stream Management Plan, and the Drainage Standards. The Council has adopted the Stream Management Plan and the Council is holding a public hearing on the Floodwater Management Policies and the Stormwater Management Ordinance. He said the ordinance was studied at length by the Mayor's Task Force on Floodwater Management, and the Planning & Zoning Commission has held several public hearings on the Policies and Ordinances. The Planning & Zoning Commission submitted a final recommendation on March 14, 1983, to the Council.

Councilman Hilton asked if the Staff had developed a run off boundary. Mr. Bob Whitehead, Public Works Director, said the Staff has attempted to evaluate in the Floodwater Management Program a line whereby property north of that line could effectively allow the water to run off without retention or detention. That would allow the water to get to the creeks as fast as possible and out of the way before the water from the south of the community catches up with it. That line has been drawn from Hayter Road to the west to I-20 and Hwy 83, then to the Railroad tracks all the way to the east boundary of the water shed. The area north of the line would not be required to have retention or detention ponds because the water could be allowed to run off to the creek as fast as it can. He said the boundary would have an effect on a stretch between the confluence of Indian Creek to the confluence on Elm Creek at Catclaw Creek. The increase in flow in the stretch from 33,000 CFS to 33,400 CFS, which will not be significant because the channel has been designed to handle it.

Councilman Hilton said the boundary looked good and the channeling on Elm Creek has already been started and the purchase has already been made for additional property in the area.

Mayor Hall asked if the effect would be that north of the boundary line, the provisions of the Stormwater Management Ordinance would not apply. Mr. Whitehead said the only the provision of detention or retention would not apply--the other conditions, such as design of streets, etc., would apply.

Mr. Whitehead said the boundary could be incorporated in the Ordinance so that if the boundary needed to be changed, the Ordinance would have to be amended and public hearings held. He said the Council could incorporate the boundary in the Drainage Standards and adopt it was a resolution. The Council would be able to change it by another resolution instead of by an ordinance amendment and public hearings.

Councilman Hilton said he thought a public hearing would be appropriate.

Mayor Hall opened a public hearing on the Floodwater Management Policies and Ordinances.

Mr. David Todd, developer at 2626 S. Clack, said he was not in opposition to the Policies or Ordinances, however, he was concerned that the Council might pass policies where a design standard is mentioned 21 times, yet the design standards are not available to the developers. He felt that the Staff of the City and developers would be put into a precarious position until the design standards are published.

Councilman Hilton asked Mr. Todd if he felt the unavailability of the design standards would be more difficult for the developers than is it now where there is no ordinance or policies to go by. Mr. Todd said in the last few weeks, developers have received a great deal of "I don't know", from the Staff. He said it is very hard to operate without a more concrete answer from the authorities.

Councilwoman Proctor asked what kind of time frame the Staff thought the design standards would be ready. Mr. Todd said April 18, the Staff has a meeting with the local engineers and developers to receive input for the design standards. He said the Staff indicated the standards may be ready within 30 to 60 days.

Mr. Terry Franklin, Lee Moore Company, expressed his concern about the Stormwater Management Ordinance and the resulting implications to the development community as a whole. He realized that the City is very aware of the expenses incorporated into the implementation of the Program. He said he is in favor of the Ordinance, but he would like the Council to give the development community an indication of the Council's intent to push

hard in the future for the implementation of the \$28 million package in the bond issue, and at that time, allow the City to have a reasonable growth pattern and not be incumbered by the Ordinance. He said should the bond election not pass, there may be implications in the development community that will be harmful in association with the Ordinance.

Mayor Hall responded that the Ordinances are designed to put a cap on the volume and the velocity of the water that is being poured downstream. The Floodwater Management Program will take a great deal of money and a great deal of time to manage, but it is the hope of the Council that the people downstream will never be faced with increased volumes of water on their property because of development. He said the Council has been indebted to the development community for all they have done, but there are other citizens in Abilene whose rights also must be protected.

Mr. Franklin said the reason he registered his concern was that if it takes 15 years to implement the Floodwater Management Program, Abilene may face another 100 year flood before the Program is completed and the City may suffer extreme damages. He said, however, that he does support the Council on the Floodwater Management Program.

Councilman Hilton said he appreciated Mr. Franklin's support and his urging the voters to vote for the Floodwater Management Program. He said even if the bond issue does not pass, the Council still may have other alternatives and could possibly amend the Ordinances and Policies.

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

Councilman Hilton moved passage of the Floodwater Management Ordinances and Policies with the addition of the boundary map for run off in Section 10.1.3 of the development permit policies and standards. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

AN ORDINANCE 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.

FLOODWATER
MANAGEMENT
PROGRAM -
ADOPTING
FINANCES AND
POLICIES
2ND & FIN.
APPROVED

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

Mr. Whitehead explained for the record, that the motion made by Councilman Hilton would be included in Section 10.1.3 of the Stormwater Ordinance. He suggested the paragraph read, "No earth change shall be permitted which will increase surface runoff to a level, amount or rate greater than that existing under natural conditions except the area bounded on the west by Hayter Road and I-20, on the south by the Railroad tracks and on the east by the water shed, when runoff from that development has been provided for through use of a regional detention facility". Councilman Hilton said that would be acceptable as did the entire Council.

Mr. Mike Hall, Director of Community Services, presented the ordinance increasing fees in Parks, Recreation, Golf and Cemetery. Mr. Hall said the Parks & Recreation Board recommended the user fee schedules for Parks, Recreation, Golf and Cemetery. He said the Board tried to maintain a reasonable user fee for the public and tried to minimize the amount of deficit by activity.

Mayor Hall moved to lift the ordinance increasing fees in Parks, Recreation, Golf and Cemetery from the table. Councilman Hilton seconded the motion. The motion carried as follows:

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

NAYS: None.

Mayor Hall said he had asked at an earlier meeting for the Council to postpone voting on the item because there was a discrepancy between the projections of income and the deficit in the operation of the golf course. He said the projections were somewhat optimistic and the budget item that was used for comparison, was the budget for the previous year. The increase has been approved by the Golf Association and he felt that the course has been

a great deal of play. He moved passage of the ordinance increasing fees in Parks, Recreation, Golf and Cemetery. Councilman Fogle seconded the motion. The motion carried as follows:

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

NAYS: None.

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

Councilman Bridges moved to lift from the table the reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located on Westheimer Road. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

Mr. Hansen presented the reclassification request and he said the item relates directly to the Zoning Ordinance amendment the Council just approved concerning the establishment of Maximum Land Use intensity ratings in residential multi-family zones. He said the applicant has submitted a site plan and proposal. The Staff recommended a proposal of a maximum LUI of 5.1 which is about 40 percent lot coverage. Normally, in RM-2, it would allow up to 56 percent lot coverage. The Staff and the Planning & Zoning Commission both felt that it would not be compatible to allow the maximum density of 56 percent at that particular location. The applicant then proposed 36 condominium units (12 units in 3 separate buildings). The Staff then recommended to the Planning & Zoning Commission that they should establish an LUI of 5.1. The Planning & Zoning Commission agreed and recommended that the LUI be limited to 5.1.

Councilwoman Proctor said it was her understanding earlier that if a proponent requests a change from one RM zone to another, that he could request a certain LUI. She said the answer she got was that no, a proponent could not change from RM-3 to RM-2 because it would become a PDR. She asked why the request did not become a PDR instead of RM-2 zoning. Mr. Hansen said when the request came before the Staff, there was no provision in the ordinance concerning maximum land use intensity ratings. He said the case was caught in the interium between the ordinance change to allow PDR's that would establish LUI's. The effect of granting an RM-2 with a limited LUI would be the same as if the proponent requested a PDR zone.

Councilwoman Proctor asked if the Staff could change the request to a PDR zone now that the zoning amendment is in effect. Mr. Hansen said that would be possible if the proponent agreed to the change.

Councilman Rodriguez stated that perhaps the Council did not accomplish anything when it passed the zoning amendment if the Staff is suggesting a diversion away from the amendment. Mr. Hansen said he thought the Council would be accomplishing something by the zoning amendment--in this particular case the only thing the proponent could do at the time was apply for a rezone from RM-3 to RM-2 because they wanted to increase the density, not necessarily to the maximum allowed in the RM-2 but to something greater than was allowed in RM-3. The area would be rezoned to RM-2 if approved by the Council. If the development does not take place and a new owner takes over, the Staff would specify to him that the LUI is limited as approved by the Council.

Mr. Cargill said Councilwoman Proctor's suggestion about the PDR made a lot of sense. He said the Zoning Ordinance, by law, has to be equal and uniform, therefore, if there is a RM-2 or RM-3 throughout the City, the City must allow the same intensity of use everywhere unless it is specifically provided in the ordinance by some means whereby the City could restrict the use. He said the amendment will actually go into effect 10 days from the day of passage and so will the zone change.

Mr. Terry Franklin, proponent, said the change from RM-2 to PDR was fine with him.

Councilwoman Proctor moved passage of the reclassification request from RM-3 (Residential Multi-Family) to PDR (Planned Development Residential) District, located on Westheimer Road. Councilman Rodriguez seconded the motion. The motion carried as follows:

Councilman Bridges asked how many stories would the highest unit in the development have. Mr. Franklin said there would be three stories in a portion of the development. He said the project has been designed around a studio concept--the condominium units in the project are flats all on one level, there are also flats on the second floor, then there will be studio units both two and three stories.

The motion made by Councilwoman Proctor carried as follows:

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

ZONING RE
RM-3 TO P
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ROAD
2ND & FIN
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.

Councilman Hilton moved to lift from the table the reclassification request from RM-3 (Residential Multi-Family) to RM-2 (Residential Multi-Family) District, located at N. 7th & Merchant Street. Councilwoman Webster seconded the motion. The motion carried as follows:

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

Mr. Hansen presented the reclassification request and he said the item also relates directly to the Zoning Ordinance amendment the Council just approved concerning the establishment of Maximum Land Use intensity ratings in residential multi-family zones. The applicant wishes to increase the density of his project to 22 percent instead of the 20 percent that is allowed in RM-3 zoning. The Staff and the Planning & Zoning Commission approved the zone request with a limited LUI of 4.2.

Mr. David Todd, applicant, said he would have no objections to changing his zone request to PDR instead of RM-2.

Councilman Hilton moved passage of the reclassification request from RM-3 (Residential Multi-Family) to PDR (Planned Development Residential) District, located at N. 7th & Merchant Street. Councilwoman Webster seconded the motion. The motion carried as follows:

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

ZONING RE
RM-3 TO P
AT N. 7TH
MERCHANT
2ND & FIN
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.

Councilman Fogle moved to lift from the table the reclassification request from AO (Agricultural Open Space) to RM-2 & GC (Residential Multi-Family & General Commercial) District, located at Winters Freeway & Southwest Drive. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

Mrs. Diane Foresman, Assistant Zoning Administrator, presented the reclassification request from the Stribling Company. She said the request is for 45 acres to be rezoned to Residential Multi-Family and General Commercial. She said the request came before the Planning & Zoning Commission on February, 1983, but the Planning & Zoning Commission denied it based upon the uncertainty of dealing with the floodway question. The City Council considered the request under first hearing on February 10, 1983 and approved it. The request was tabled on second hearing on February 24, 1983, pending the outcome of the Floodwater Management Program. The Staff recommended approval, however, the Planning & Zoning Commission recommended denial.

Councilman Bridges asked if there is construction on the location to meet the new floodwater standards, the elevation must be 1' above the floodway. Mr. Whitehead said that was correct according to the new Stormwater Management Ordinance the Council previously approved. The proponents must channelize along Catclaw Creek and a detention pond must be built.

Councilman Bridges asked if the channelization would create back water downstream. Mr. Whitehead said the proponent must channelize to the City's satisfaction. He said the Winters Freeway essentially serves as a dam--any channelization will increase the flow and the speed of the water getting downstream. The real flooding problem comes from Elm Creek, not Catclaw Creek. If Elm Creek did not flood into the area, the City could handle Catclaw Creek and the channelization would not have an affect on the flooding in the area. Therefore, essentially, the improvement on Catclaw Creek will not add to or improve the existing flooding problem.

Councilman Hilton moved passage of the reclassification request from AO (Agricultural Open Space) to RM-2 & GC (Residential Mulit-Family and General Commercial) Districts, located on Winters Freeway and Southwest Drive. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

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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. Whitehead presented the award of contract for a landfill site and services to Regional Landfill, of Abilene. He said in the early part of 1977, the City began the search for a new landfill site. By july of 1977, the Staff located three possible sites--southwest of Lake Kirby which had a projected life of 15 years accommodating 300 to 350 tons of refuse per day; north Abilene owned by the Abilene Brick Company which is the present location of the landfill, and has an estimated life of 10 years accommodating 200 to 250 tons of refuse per day; and the far west end of N. 1st, however, the site was found to be unsuitable. Later, the Council approved the Abilene Brick Company site for 110 acres. In December, 1978, the Staff, while looking for other sites, discovered four possible locations--140 acres located on both sides of W. Hwy 80 west of Arnold Boulevard; the same Lake Kirby site that was considered previously; one mile south of Caps on FM 707; and 1/2 mile south of FM 707 and Buffalo Gap Road. The two sites on FM 707 were rejected because of problems with the owner and soil. Public hearings were held on the Hwy 80 was held, but the site was not able to be negotiated later in the process.

In 1980, the Council directed the Staff to look at the use of private contractors for operation of a landfill and to continue searching for new landfill sites. After looking at many more sites, the Staff was directed to study a site in north Abilene. Engineering studies were completed on the site and the permit securing process was underway. The Abilene Brick Company, at the same time, underwent some changes in their operation so the City was able to extend the lease agreement. On July, 1981, the Mayor signed an extension of the lease agreement on the Abilene Brick Plant site. The Staff continued in its search for other sites and the possibly of a private contractor taking over the landfill operation. The Staff was authorized about a month ago to advertize for bids for an individual contractor to operate the landfill.

Mr. Whitehead said the Staff has discovered that the area east of Abilene from Lake Kirby and Loop 322 east, there is only a few feet of soil and then solid rock. The whole east part of Abilene therefore, has been eliminated as a potential landfill site. The south area of Abilene is involved in high growth and the price of land is extremely high. Southwest of Abilene is Dyess Air Force's flight pattern, therefore, that area is eliminated. Far west Abilene and north Abilene are about the only possible areas for landfill sites.

Mr. Whitehead said the Staff advertised on March 30, for bids for individual contractors for the landfill. Two bids were submitted--Regional Landfill, Inc., and National Disposal Systems of Fort Worth. Regional Landfill, Inc., was able to meet all of the City's specifications which included a permitted site. National Disposal Systems, however, proposed to sublease the present site until suitable land and a permit could be obtained. National Disposal Systems said a permit should be obtained in about a year, but they wanted a three year option on the present site. The Staff felt that since there are few sites available for a landfill, it would be difficult for the company to locate a site that could be permitted. Mr. Whitehead mentioned that National Disposal Systems offered

a very good price. He said if National Disposal Systems was to operate the present landfill, they could do it cheaper than the City is now operating it. National Disposal Systems also plans to sublease the present site for one to three years. Mr. Whitehead said one of the assurances the City tried to build into the contract system was the assurance that the City would have the present site if anything ever happened to the contractor or his site. The City could fall back on the present site and reopen it to provide a landfill again. The State has assured Mr. Whitehead that the permit will remain with the present site and the landowner is also willing to keep open the permit and the site. The term of the lease of the present site is until the landfill is completed, which is around 4.7 years. As the landowner needs the property, the City would release certain portions of the site.

Mr. Whitehead presented a map to the Council outlining the different parts of the present landfill. He said 45 acres north of Pine Street is presently being filled. When that acreage is filled, (approximately June, 1983), 18 acres south of Pine Street will be available. A total of 48 acres between Summitt and Elm Creek also belongs to the landowner. However, part of that 48 acres lies in the floodway, therefore, cannot be used as a landfill. Another 13 acres of the total 48 acres lies in the flood plain--that can be filled if a dam is built so no water can get in or get out of the site. Those acres would be very expensive to operate as a landfill. That would leave 21 plus 18 acres available to the City for landfill purposes. If the City continued to operate the landfill in the present location using about 8.2 acres per year, then 4.7 years would be left in the landfill. Therefore, if the City accepts the proposal of National Disposal Systems to use the present site for a three year commitment, then the present site will be used up and the City will not have something to fall back on if the contractor is not able to find another site or obtain a permit. The State has also told Mr. Whitehead that if the City has no other site to fall back on, that will not constitute an emergency and they will not issue a permit for another site.

Mr. Whitehead mentioned some of the assurances the City has regarding an individual operating the landfill. He said the City does have the right to inspect the premises and the records concerning City business. The City also has the right to go onto the landfill property if something happens and operate the contractor's business. The City has the right to buy the landfill first if the contractor ever wanted to sell it. Insurance requirements and performance bond requirements have also been built into the contract.

Mr. Whitehead presented comparisons between the City's operation of the present landfill site and Regional's proposed landfill operation. The Staff has estimated that the landfill disposes of about 560,000 cubic yards of material per year, and the total City budget to handle the landfill is approximately \$970,500. The Regional Landfill, Inc., has estimated that it could operate the landfill for approximately \$646,000. Added to that estimate would be \$103,000 for the City's refuse trucks to travel the extra three miles to the proposed site, plus \$9,700 added to the Street and Parks Budgets. That would make the total of Regional's proposal \$758,900. The City now receives about \$110,000 from commercial dump fees. The City would lose that revenue if Regional operates the landfill. Under the contract, a citizen hauling refuse to the landfill, that citizen would not be charged, however, a commercial business would continue paying the same price that is received by the City landfill. Therefore, there will be no additional charges to the citizens or to businesses at the proposed landfill. The only cost to citizens would be the extra three miles round-trip to the proposed landfill--approximately \$44,280. Commercial customers cost would be approximately \$66,000 for the extra three miles round-trip. The extra mileage costs of both commercial customers and citizens, plus the \$110,000 in commercial fees would be added to Regional's total proposal of \$758,900. The total community cost to have an individual contractor operate the landfill would be \$974,180. That figure compares with the total community cost for the City to operate the landfill of \$970,500. The Staff recommended awarding the agreement with Regional Landfill, Inc., to operate a landfill.

Mrs. Vida Wills, 1255 Matador, was concerned with the possibility of hazardous waste being dumped at the landfill. She said she would much better knowing the City was directly responsible for the landfill and what was being dumped there.

Mrs. Maria Velasquez, 2910 S. 22nd, asked what were the benefits of the taxpayers to have an individual contractor operating the landfill. Also, she

asked what the name "Regional" meant. She was also concerned with how the hospitals disposed of their radioactive wastes.

Mayor Hall said he was concerned with the liability presented with operating a landfill. He said the one way the City would by pass that liability would be to contract with an individual to operate the landfill.

Mr. Whitehead said hospitals must comply with regulations to dispose of any material. The hospitals do use the landfill their their non-hazardous materials. The hospitals have a different method of disposing of their hazardous materials. The City has never controlled or monitored hospital wastes. Radioactive wastes are disposed at one of the few disposal sites around the country.

He said the name "Regional" means just what it says--Regional. The contractor's intent is to operate a regional landfill. The landfill will serve probably several counties around the Abilene area. That will prevent the City from footing the entire bill. The contractor will not handle more waste and he is not to hire more people or equipment. As more waste is brought into the landfill, the City's cost should not increase.

Mr. Whitehead said the cost savings to the community will depend on how the citizens operate. No citizen should have to haul refuse to the landfill--the Refuse Collection Division is capable of picking up any citizen's refuse. He said the City's intent is to move all of the landfill equipment and manpower to flood control. When the City's present landfill is completed (approximately June, 1983), the City must cover the landfill as required by the State. If any City equipment is not useable after the City covers the present landfill, the contractor will buy the equipment at the fair market value.

Mr. Charles Nolen, former Refuse Collection Superintendent for the City, said he conducted three major studies for the City. The studies showed that the basic item that ran up the costs rapidly was manpower and equipment. He said the proposed landfill is even further north than the present landfill and will create increased costs for citizens and the City in vehicle costs. If a landfill is located in the south or west part of the City, then daily collection costs would be reduced as well as providing a facility that is more convenient to use. He said the citizens are already overburdened with taxes on all governmental levels, so the City should try to find a landfill operation that will decrease the costs for its citizens.

Mrs. Vida Wills asked where Hendrick's Medical Center takes its hazardous wastes. Mr. Mike Waters, Hendrick's Medical Center, said all hazardous waste disposal is handled in a very safe manner by all of the hospitals in Abilene. He said the hospitals are very highly regulated for disposal of hazardous wastes.

Councilman Hilton said the City should not stop looking for a landfill site on the south or west side of Abilene. He realized there would be a problem finding a site in those areas because of the price of land, Dyess Air Force Base and the Airport. He felt that through the agreement, the City has many ways of inspecting and controlling the possibility of hazardous wastes being dumped in the proposed landfill. He assured that the City as well as the State would, through regulations and inspections, try to protect its citizens.

Councilman Rodriguez asked if the proposed landfill would have the same 50 year life if other communities in the area use it. Mr. Whitehead said the 50 year life included the use by other communities. He said the minimum life of the landfill has been estimated as 50 years. Depending upon how the landfill is operated, it could have a life up to 100 years.

Councilman Rodriguez pointed out that no matter who operates the landfill after this summer, preparations must be made to operate either the proposed landfill or continue with the present landfill. Mr. Whitehead said that was correct and that will cost the City in labor and time to prepare to continue with the present site if the Council should not award the bid to the individual contractor.

Councilwoman Webster said she felt better knowing that the proposed landfill has a life of 50 years. She thought the City had itself covered knowing that if something should go wrong with the proposed landfill, the City could take up again in the present site and continue with the landfill.

Councilman Bridges said when a motion is made, he would like to include that the City Staff continue to look for a landfill site on the south side of Abilene.

Councilwoman Proctor asked if the possibility of having a transfer station located on the south side of Abilene has materialized. Mr. Whitehead said that idea is still in the works, and hopefully, the contractor may be able to operate the transfer station as well. He said the City Staff would like to encourage anyone who would like to contract for a transfer station to talk with the City about that possibility.

Councilman Fogle said by using an individual contractor, the City will be able to have a landfill that is cost effective. The long life of the proposed site and even its location will be big assets to the City. He said the City will continue to look for new sites, but it will be difficult.

Councilman Hilton moved to award the contract to Regional Landfill, Inc., for an individually operated landfill and that the City Staff continue to search for landfill sites preferably on the south or west side of Abilene. Councilman Bridges seconded the motion. The motion carried as follows:

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

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Mr. George presented a resolution to consider reprogramming of Community Development funds for FY 1982-83. He said on August, 26, 1982, the Council approved the Staff's submission of the Community Development Program to the Department of Housing and Urban Development of \$1.4 million. One of the projects that would take almost \$1 million of the funds would depend upon the Floodwater Management Program. He said the Staff would like the Council to make the decision of what to do with the funds. The funds have been earmarked for the Stevenson Park Project pending the outcome of the Floodwater Management Program. He said the Council has approved the Stream Management Plan and there were no provision in that Plan for a relocation in the Stevenson Park area.

Mayor Hall said even if the Floodwater Management Program did not include relocation of the Stevenson Park area, that did not mean that some relocation of the area could not take place. He said the Council is merely going to review the uses for the funds. Mr. George said it may be possible to hold another public hearing to give people a chance to make proposals for the funds. He said it has been planned to add members to the Community Development Committee so it will not be limited to the approval or disapproval of community development funds. He said if the Council does not intend to proceed with the Stevenson Park Program, then the Council needs to authorize the Staff to begin a reprogramming process of the \$988,000 that was preliminarily earmarked for the Stevenson Park relocation.

Mayor Hall wanted to make sure that the Staff realized the Council would like to see the Staff review the allocation of the funds, yet set aside some funds for use in the Stevenson Park Program. Mr. Seegmiller said a Council member could make that part of the motion.

Councilman Hilton said the funds could be reprogrammed yet not eliminated from the Stevenson Park area, because there are unsightly buildings near Hwy 80 that should be taken care of. He said since channeling work must be done in the area anyway, it might be wise to use part of the funds to increase the park area to help lessen the amount needed on some of the other flood activities.

Mayor Hall moved to release the preliminary allocation of the Community Development funds for the Stevenson Park relocation and that the Council ask the Staff to recommend a reprogramming of those funds. Councilman Hilton seconded the motion. The motion carried as follows:

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

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Councilman Bridges thought the Community Development Committee is being revitalized and he would like to see that Committee being challenged with the reprogramming and make a recommendation to the Council concerning the future of the funds.

Mr. Roy McDaniel, Assistant City Manager for Fiscal Resources, presented a discussion of the Health Care Facility Corporation. He said the Council was given a fact sheet outlining what a health facilities corporation's purpose

is and the legalities a corporation operates under. He said the Council was also given a new set of proposed by-laws drawn by the City's bond attorney, with certain annotations showing the significance of each section and the areas where the Council may wish to change to either have more control over the corporation or less control or allow certain uses or disallow certain uses.

Mayor Hall said the by-laws provided that such a corporation would be restricted to a non-profit organizations which had secured a certificate of need. He said the Council questioned whether it wanted to be so restrictive. Since that time, Pete Tart, the City's bond attorney, provided the Council with the alternatives mentioned by Mr. McDaniel. He said if the Council wanted to create a Health Facility Corporation, it must at the same time create a board. The board will be subject to the will of the Council and can be removed for cause or at the option of the Council. The purpose of the board is to look at projects submitted to the corporation and determine whether those projects are in keeping with the policies established by the Council. Then, the Council will just have to approve or disapprove the project. He proposed that the Council appoint a steering committee to advise the Council in the interim. Those members of the committee would put themselves in contact with other such corporations within the State to get an idea of how restrictive the by-laws should be and to get a feel of how a corporation works. In that way, the Council could hear from the public and the City would end up with a group of people who either would or would not be willing to serve as the board for the corporation. He suggested that the Council not take action on Mr. Tart's recommendations or alternatives, but that they authorize the Mayor to appoint a steering committee and submit names to the Mayor.

Councilwoman Proctor moved approval to authorize the Mayor to appoint a steering committee of citizens to advise the Council concerning a health facilities corporation. Councilman Fogle seconded the motion. The motion carried as follows:

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

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Councilman Bridges asked that when the steering committee reports to the Council, they would include in their report the reasoning behind their suggestions.

Mrs. Maria Velasquez asked if persons not connected with the local hospitals be appointed to the steering committee.

Mrs. Vida Wills requested that the citizens get the chance to vote on the possibility of the City establishing a health care facilities corporation.

Mr. Seegmiller presented the discussion on the Industrial Park Concept. He said the Council requested some facts and figures concerning the industrial park concept from the Staff on April 8.

Mr. George said the City will be concerned with the engineering and planning costs of an industrial park. The City Staff will probably be involved with the engineering and planning of an industrial park to the amount of approximately \$3,500. Mr. Whitehead has estimated a cost of approximately \$20,000 in the Public Work's Staff alone for preliminary engineering. He said Fulwiler Road will be one of the first portions of the industrial park to need work. Some cost sharing of minor street improvements initially might also be acceptable. Mr. George pointed out that some of the costs will not necessitate expenditures immediately. He mentioned some of the other streets that will need improvements--Hayter Road, \$115,200; S. 14th from Fulwiler to Hayter Road, \$220,800; S. 14th to Fulwiler, \$335,104; and finally, Fulwiler \$240,000; Railroad crossing, \$20,000; N. 1st, \$57,000; Bridge to Fulwiler, \$313,000; and N. 10th from Wall to Hayter Road, \$172,000. The total comes to approximately \$1,475,000. Cost estimates on the water and sewer extensions were also submitted.

Councilman Bridges asked if Council were to approve the engineering and planning costs, how would that help the Staff to present the industrial park to the Council. Mr. George said a refinement of the costs of the planning process and engineering needs would be available. The preliminary engineering would indicate the early costs of extending water and sewer to the area.

Mr. Syd Niblo, representing the Chamber of Commerce, said for almost one year the Industrial Foundation of the Chamber of Commerce has been trying to identify, acquire and suitable finance an industrial park as a non-private

development project. Approximately 659 acres is presently under contract for the project and \$900,000 raised from fund drives and pledges have accumulated. The School Board has elected to support the endeavor to increase the tax base in the future, and the County has been contacted for support. The two most critical items are the improvements on Fulwiler Road and the extension of sewer service. The other cost estimates presented by Mr. George are necessary, but are not needed immediately. He said Mr. Wade Terrell, former President of the Chamber of Commerce in Waco, initiated an industrial park in Waco and that industrial park has developed a tax base over a period of years of \$155 million. The taxable portion of that \$155 million is currently \$744,000 per year.

Mr. Seegmiller said the Industrial Foundation of the Chamber of Commerce is requesting three things from the City--is that the Council agrees to the concept of participating in the in-kind projects on an individual basis; to allow the City Planning and Engineering Staff to participate as a part of their daily, routine work to do the design and planning part of the projects; and, to present funds for improvements to Fulwiler Road and the extension of sewer service to the area. He said the Industrial Foundation is going to talk with the County to seek their participation in the cost of improving portions of the entire package. Hopefully, Fulwiler Road will be improved to a standard two-lane road that can be maintained by the County. Some time later, the City would improve Fulwiler Road so that it would become a four-lane, divided and curbed highway. The Industrial Foundation is also asking that the City extend the sewer line to the area. The Staff has proposed to extend the sewer line 2,400 or 2,500'. By reprogramming the direction of the sewer line, the City could extend the sewer line to just south of N. 10th at a total cost of approximately \$150,000. The Staff would like to consider extending the sewer line all the way to E. Hwy 80 to eventually eliminate a lift station on the east side of E. Hwy 80. The actual cost of Fulwiler Road will be determined at a later date. The \$150,000 can be programmed from the Water & Sewer Budget and work can begin sometime late this summer or early fall.

Councilwoman Proctor asked if the Council's action would obligate future Councils to participate in the industrial park improvements. Mr. Seegmiller said each portion or each project of the industrial park would come back one by one to the Council for approval of funds.

Mr. Wade Terrell, President of the Abilene Chamber of Commerce, said the Industrial Foundation of the Chamber of Commerce is asking the approval of the Council for the concept and for the extension of the sewer line to N. 10th.

Mayor Hall said when and if the Council approves the industrial park in concept, it merely means that the Council likes the concept and the City will participate within its Budget and consider the benefits that the citizens would reap from the paving of a street or the extension of a sewer line.

Mr. McDaniel said there would need to be no changes in Planning or Engineering budgets depending on how fast the Staff could move on the plans and specifications on the sewer line. Mr. Seegmiller said any changes that may need to be made in the Budget will probably take place during the compilation of the entire Budget for the fiscal year, which will take place at approximately the same time the money will be spent for the extension of the sewer line plans and specifications.

Councilman Hilton said the costs that will be absorbed by the Engineering and Planning Staff will not be new costs--basically, the same costs would apply if an outside firm brought in plans and specifications and the Engineering and Planning Staff had to review it. Mr. Seegmiller said when a particularly large industry settles in the City, the City will have to provide for the additional supports, however, with the industrial park, the City should be able to have an organized tract where the streets and utilities will be available to the City to control and maintain. In order to do that, many of the costs to the City will be in-house costs using personnel and equipment.

Councilwoman Proctor made the motion to approve in concept the industrial park development and that the Council authorizes the Engineering and Planning Staff to proceed with the preliminary planning of the project and that the City commit itself to the extension of the sewer line at a cost to the City of \$150,000 and that the City is open to participation on the street improvements which is subject to subsequent approval by the Council. Councilman Fogle seconded the motion. The motion carried as follows:

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

Mr. Cargill, City Attorney, presented the canvass of the Regular City Election held April 2, 1983 and calling a Run Off Election to be held May 3, 1983.

Mayor Hall read the amount of ballots used in the Regular City Election and also the number of votes cast for each candidate in the Regular City Election.

COUNCILMAN PLACE V	AB	A	B	C	D	E	F	G	H	I	J	TOTAL
Robert English	24	71	48	66	44	41	28	40	40	28	30	460
Welton Robinson	202	332	396	261	228	269	268	250	331	298	279	3114
Bobbie Lee Wolfe	245	168	326	141	497	238	396	268	335	287	237	3138
Total Votes	471	571	770	468	769	548	692	558	706	613	546	6712

COUNCILMAN PLACE VI	AB	A	B	C	D	E	F	G	H	I	J	TOTAL
Sharon Streeter	13	35	19	44	28	22	10	16	8	8	10	213
Carroll Goldsmith	207	153	210	111	413	166	311	189	208	193	148	2309
Harold Nixon	240	364	528	295	319	348	372	343	484	410	388	4091
Robert Lowery	7	14	13	13	6	11	3	7	7	7	8	96
Total Votes	467	566	770	463	766	547	696	555	707	618	554	6714
TOTAL BALLOTS	474	579	782	473	777	552	702	569	714	628	560	6810

BALLOT REGISTER FOR ENTIRE ELECTION

PRECINCT A	00001 - 02000	2,000
PRECINCT B	02001 - 04000	2,000
PRECINCT C	04001 - 06000	2,000
PRECINCT D	06001 - 08000	2,000
PRECINCT E	08001 - 10000	2,000
PRECINCT F	10001 - 12000	2,000
PRECINCT G	12001 - 14000	2,000
PRECINCT H	14001 - 16000	2,000
PRECINCT I	16001 - 18000	2,000
PRECINCT J	18001 - 19000	1,000
ABSENTEE	19001 - 20000	1,000

TOTAL 20,000

Councilwoman Webster moved approval of the resolution canvassing the election results of the Regular City Election held April 2, 1983, and approval of the resolution call for a Run Off Election to be held May 3, 1983. Councilman Hilton seconded the motion. The motion carried as follows:

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD IN THE CITY OF ABILENE ON APRIL 2, 1983.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING A RUNOFF ELECTION TO BE HELD IN SAID CITY ON MAY 3, 1983; PROVIDING FOR THE ELECTION OF A PERSON TO SERVE IN PLACE V ON THE CITY COUNCIL OF THE CITY OF ABILENE; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; APPOINTING VARIOUS ELECTION OFFICIALS AND FIXING THEIR RATE OF COMPENSATION; PROVIDING THAT SUCH ELECTION BE HELD PURSUANT TO THE LAWS OF THE STATE OF TEXAS AND CHARTER OF THE CITY OF ABILENE, TEXAS; PROVIDING FOR BILINGUAL ELECTIONS; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION OF NOTICE OF SAID ELECTIONS.

ELECTION -
CANVASSING
ELECTION I
APRIL 2, 1
& CALLING
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3, 1983.

Councilman Hilton served as Master of Ceremonies as the Council bid Councilwoman Kathy Webster farewell. Councilman Bridges presented Councilwoman Webster with a miniature City bus, Councilman Rodriguez presented her with a lifetime Abilene Transit System pass, and Councilman Fogle honored her by making Friday, April 15, 1983, as Kathy Webster Day on the Abilene Transit System. He said anyone saying Councilwoman Webster's name would ride free on April 15. Councilwoman Proctor presented her with a gold City pin, and Mayor Hall presented her with a Certificate of Appreciation and presented Dr. Jim Webster with a gold City tie tack.

All of the Council members were given \$1 for their service as a City Council member.

Mr. Harold D. Nixon was sworn in as Councilman Place VI by the Assistant City Secretary. Immediately following, the Council had a reception honoring Mrs. Webster and Councilman Nixon.

The Council returned to the meeting to consider the items on the Consent Agenda.

Councilwoman Proctor moved approval of the items on the consent agenda with the exception of item 12b, which was a subdivision waiver on Belle Plain Road. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

11. Ordinances

- a. Consider on first reading - reclassification request from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at 2959 Buffalo Gap Road & set a public hearing for April 28, 1983, at 9:00 a.m.

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

ZONING RE
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APPROVED

- b. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to HC (Heavy Commercial) District located at N. 21st & Hardy Street & set a public hearing for April 28, 1983, at 9:00 a.m.

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

ZONING RE
RS-6 TO HC
AT N. 21 &
HARDY ST.
1ST READI
APPROVED

- c. Consider on first reading - reclassification request from RS-12 (Residential Single Family) to RS-6 (Residential Single Family) District, located at S. 21st Street & Belmont Boulevard (Elm Street) & set a public hearing for April 28, 1983, at 9:00 a.m.

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

ZONING RE
RS-12 TO R
AT S. 21ST
BELMONT BI
1ST READI
APPROVED

- d. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) located at Hartford & Andy Streets & set a public hearing for April 28, 1983, at 9:00 a.m.

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

ZONING RE
AO TO RS-6
AT HARTFO
ANDY STRE
1ST READI
APPROVED

- e. Consider on first reading - reclassification request from SC (Shopping Center) to RM-2 (Residential Multi-Family) District, located at Quail Run & Texas Avenue & set a public hearing for April 28, 1983, at 9:00 a.m.

ZONING RE
SC TO RM-2
AT QUAIL R
& TEXAS AV
1ST READI
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.

- f. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at S. 22nd & Poplar Streets & set a public hearing for April 28, 1983, at 9:00 a.m.

ZONING RE
RS-6 TO RM
AT S. 22ND
POPLAR ST
1ST READING
APPROVED

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

- g. Consider on first reading - thoroughfare abandonment, being North 12th Street between Alameda & Roma Streets & set a public hearing for April 28, 1983, at 9:00 a.m.

THOROUGHFA
ABANDONME
N. 12TH B
ALAMEDA & R
1ST READING
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.

- h. Consider on first reading - amending Section 32-9.2 of the Zoning Ordinance under Retail Sales to permit plant material including shrubs, trees and garden supplies conditionally in GC (General Commercial) zones & set a public hearing for April 28, 1983, at 9:00 a.m.

ZONING AM
RETAIL SA
SHRUBS, TR
& GARDEN I
IN GC ZON
1ST READING
APPROVED

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

12. Resolutions

- a. Consider authorizing an easement release located on Olympic.
b. Consider Subdivision Waiver - paving, curb and gutter on Belle Plain Road.

EASEMENT I
ON OLYMPI
APPROVED

Mr. Whitehead said Belle Plain Road is a County road located in the ETJ. Belle Plain Road is a boundary road and under the Subdivision Ordinance, the Council has the option to waive the requirement for paving, curbing and gutter on the road. The proponent also asked for the waiver of street improvements within the subdivision. He said the present Subdivision Ordinance does not give the Council an option except to require the paving of those streets where the lots are less than 5 acres. The proponent has the lots platted at two acres. The County is willing to maintain the streets as gravel or unimproved streets. Presently, Belle Plain Road is close to the City's limit of ETJ and it will take some time before the City reaches that area, but there is no provision to waive that section. The Council could take action to waive Belle Plain Road (that is what the Staff recommended) or it could consider waiving the requirements within the subdivision.

Mr. Cargill said the reason the Subdivision Ordinance allows the boundary streets to be waived and not the interior streets is that when the Ordinance was drafted it was felt that if the acreage was at least 5 acres or more, the City could waive the streets and condemn the land to obtain the streets, then there would be sufficient distance between the homes for the project to be economical. It was also felt that by having a large tract, the residents could have a septic system that had plenty of room to work.

Mr. Whitehead said his earlier recommendation presented to the Council in their agenda packets was in error now that the Staff has found that the Council cannot waive the interior paving according to the Subdivision Ordinance. Mr. Cargill said the most the Council could give the proponent is a waiver of boundary street according to the Subdivision Ordinance.

Councilman Fogle said it seemed the only alternative the proponent had was to replat and ask for 5 acre tracts. Councilwoman Proctor said the proponent's letter explained that since land prices have increased so much in the last few years that 5 acre tracts would not be as saleable. However, as much as she sympathized with the proponent, she had to agree with Councilman Fogle.

Mr. Whitehead said one option for the Council to consider would be to waive the paving of the boundary street. Then the proponent could

post a bond and pave the streets later as his project develops. Or, with the waiver, the proponent could come back to the City with a plat and not have to ask the City for another waive on Belle Plain Road.

Councilman Fogle moved to waive the paving, curb and gutter on Belle Plain Road. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

NAYS: None.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON BELLE PLAIN ROAD.

- c. Consider Library Grant Application.
13. Award of Bids
- a. Mowers for Community Services.
 - b. Water Chemicals for Water Department.
 - c. Compressor for Refuse Collection Division.
14. Request to Advertise
- a. Sewer Cleaning Equipment for Water Department.
 - b. Replacement Truck for Water Department.
 - c. Secure contractors for weed control mowing program.
 - d. Signalization of S. 14th & Ross.

Mr. Arkie Pierce presented the exchange of property in southwest Abilene for property in northeast Abilene. He said the property in northeast Abilene is made up of lots immediately east of the City Hall east parking lot on the corner of N. 5th and Plum Street. The old S. 7th Street Fire Station site now owned by the City will be exchanged for the N. 5th & Plum lots if the Council approves the exchange. He said the only bid the City received for the exchange was from the Abilene Day and Health Care Center for Elderly, the present occupants of the S. 7th Street Fire Station site. He said the Day Care Center proposed to exchange the N. 5th & Plum lots plus \$65,000 in cash for the S. 7th Street property. He said in the advertisement there was no provisions made for terms and the Day Care Center did not specify terms in their bid. The Day Care Center stated that they would exchange the two lots on N. 5th & Plum plus \$20,000 in cash and a note in the amount of \$45,000 at 7 percent interest for a six month term.

Councilman Bridges asked if 7 percent was a reasonable rate of interest for a note. Mr. McDaniel said the City is currently receiving a rate of 8.9 percent from the banks. He said the Staff felt that the City should not get into the practice of carrying notes if there are other options. He said the Day Care Center has indicated that they could get a note from some other source and pay the City the cash.

Mr. Raymond Jones, representative of the Day Care Center, said they have been negotiating for the property with a lease form for many months. They were presented with the ultimatum of finding another location, yet they feel that their bid will be something advantageous to the City as well as to the Day Care Center. He said, so far, the Day Care Center has been able to raise \$95,000, and they hoped that the City would be able to wait to receive the rest of the money through the note. He said they feel very confident that the rest of the money can be raised in six months. If the Day Care Center fails to raise the money in six months, they do not intend to ask the City for an extension--they will secure the money through other sources.

Councilman Fogle asked if the money could be raised in a shorter period of time. Mr. Jones said if and when the Day Care Center raises the money, the City will get it. Councilman Fogle said the City has been working with the Day Care Center for a long time and it has had problems with the ability to terminate the lease with the Day Care Center. He said the City found how awkward it would be to have to ask the Day Care Center to leave the City's property. He said the Council is now concerned with the same situation. He said suppose the Day Care Center was not able to raise the money--the City would be in the same situation. He said he would prefer that the Council set a reasonable period of time for the Day Care Center to raise the money and hold the transaction in abate. Mr. Jones said that would be satisfactory with the Day Care Center.

SUBDIVISION
WAIVER -
PAVING, CURB
& GUTTER ON
BELLE PLAIN
ROAD. APPROVED

LIBRARY -
LIBRARY GRANT
APPLICATION
APPROVED

AWARD OF BIDS
MOWERS FOR
PARKS; WATER
CHEMICALS
W&S; COMPRESSOR
FOR REFUSE

REQ. TO ADVERTISE
SEWER EQUIPMENT
FOR W&S; TRUCK
FOR WATER
WEED MOWING
CONTRACTOR
SIGNALIZATION
OF S. 14th & ROSS

Councilman Fogle said he felt that the City was not in the lending business and there were lending institutions in Abilene, and the Day Care Center should contact one of those institutions for the money. Mayor Hall agreed with Councilman Fogle and thought that the Day Care Center should have 30 days in which to complete the transaction.

Mr. Cargill said the City has already advertised for bids and there has been a bid accepted. Councilman Fogle has suggested that the City accept the bid, but not draw any kind of deed or demand the money for 30 days.

Councilman Hilton moved to accept the bid of the Abilene Day and Health Care Center for Elderly and try to close in 30 days. Councilman Rodriguez seconded the motion. The motion carried as follows:

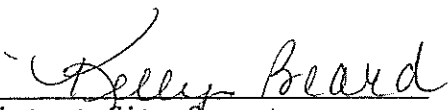
AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Rodriguez, Fogle, Hilton, Nixon and Mayor Hall.

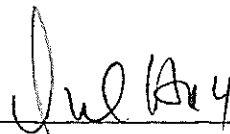
NAYS: None.

Mayor Hall recessed the meeting for the Council members to go into an executive session to discuss pending and contemplated litigation.

The Council reconvened, but reported that no action was taken in the executive session.

There being no further business, Mayor Hall adjourned the meeting at 3:00 p.m.


Assistant City Secretary


Mayor

PROPERTY
EXCHANGE (C
CITY OWNEI
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NE ABILENE
ABILENE DA
CARE CENTI
FOR ELDERI