

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, May 26, 1983, at 9:00 a.m.

CITY COUNCIL: Mayor Elbert E. Hall; Council - Dr. Julian Bridges, Billye Proctor-Shaw, Juan C. Rodriguez, A. E. Fogle, Jr., Welton Robinson and Harold D. Nixon.

1. Call to Order.
2. INVOCATION: Councilman Julian Bridges.
3. APPROVAL OF MINUTES: Special Meeting held May 6, 1983, and Regular Meeting held May 12, 1983.

CONSENT AGENDA

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

4. Ordinances
 - a. Consider on first reading - street name change from Minda Street to Yeoman's Road & set a public hearing for June 9, 1983, at 9:00 a.m.
 - b. Consider on first reading - adoption of 1979 Uniform Housing Code to replace the 1970 Edition & set a public hearing for June 9, 1983, at 9:00 a.m.
 - c. Consider on first reading - amending Section 32-9.2 to permit universities or colleges as a right of use in GC (General Commercial) zones & set a public hearing for June 9, 1983, at 9:00 a.m.
 - d. Consider on first reading - amending Chapter 18, prohibiting parking on various streets.
 - e. Consider on first reading - concerning parking time limits on a portion of 1100 Block of N. 2nd & set a public hearing for June 9, 1983, at 9:00 a.m.
 - f. Consider on second and final reading - amending Section 18-290 prohibiting parking at Kirkwood and Sandefer.
 - g. Consider on first reading - ordinance extending the right to sell fireworks in City limits.
5. Resolutions
 - a. Consider easement release being a 20' utility easement between Clinton Street and a 20' north/south alley.
 - b. Consider easement release being 5' maintenance easements, 7 1/2' utility easements, and transformer easements in Champions Addition.
 - c. Consider easement release being the south 10' of a 20' utility easement and the north 10' of a 20' utility easement in Kings Cross Addition located on Oldham Lane.
 - d. Consider easement release being a 15' utility easement of Ridgement Addition located on Rebecca Lane.
 - e. Consider easement release being a 20' utility easement of Pleasant Hills Estates, located on Caldwell Road.
 - f. Consider FAA Tower Lease Renewal.
 - g. Consider easement request from WTU across south portion of Vaughn Camp Park.
6. Award of Bids
 - a. Signalization of S. 14th & Ross.
 - b. Truck for Water Department.
7. Request to Advertise
 - a. Group Health Insurance.
 - b. Bank Depository Agreement.

REGULAR AGENDA

8. Public Hearings
- a. Appealed Item:
Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located on West Lake Road.
 - b. Consider on second and final reading - a PDD ordinance amendment, located at Ridgemont and Rolling Green Drives.
 - c. Consider on second and final reading - reclassification request from RS-12 (Residential Single Family) to RM-3 & GC (Residential Multi-Family & General Commercial) District, located at ES 11th & Lytle Way.
 - d. Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to PH (Patio Home Overlay) District located at Simmons & Anson Avenues.
 - e. Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to PH (Patio Home Overlay) District, located at Westway Drive & Poplar Street.
 - f. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Chimney Rock Road & Bruce Drive.
 - g. Consider on second and final reading - a PDR ordinance amendment located on Oldham Lane.
 - h. Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located on Lakeside Drive.
 - i. Appealed Item:
Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-8 & RS-6 (Residential Single Family) Districts, located on Meadows Drive.
 - j. Consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to RM-3 (MRH) (Modular Home Overlay) District, located in the 1600 Block of S. 14th.
 - k. Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located at Button Willow Parkway & Broken Bough Trail.
 - l. Consider on second and final reading - prohibition of parking on various streets during street maintenance operations.
 - m. Consider reprogramming Community Development funds for FY 1983.
9. Resolutions
- a. Consider construction and maintenance agreements for bridge replacements on Elm Creek at Curry Lane and Rebecca Lane.
 - b. Consider creating a Health Facility Development Corporation and consider the appointment of an appropriate governing board.
10. Award of Bids
- a. Weed Control Mowing Program.
11. Other Business
- a. Consider request from Big Country Squadron of the Confederate Air Force to lease Hangar No. 3.
 - b. Tabled Item:
Discussion of annexation request.
 - c. Appointment & evaluation of public officers.
 - d. 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 23rd day of May, 1983, at 9:00 a.m.

Kerry Beard, Asst
CITY SECRETARY

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 May 26, 1983, at 9:00 a.m., in the City Council Chambers in City Hall. Mayor Elbert E. Hall was present and presiding with Councilman Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Juan C. Rodriguez, A. E. Fogle, Jr., Welton Robinson and Harold D. Nixon. City Manager, Ed Seegmiller, City Attorney, Harvey Cargill, Jr., and Assistant City Secretary, Kelly Beard were also present.

Councilman Julian Bridges lead the invocation.

Councilwoman Proctor-Shaw moved approval of the minutes of meetings held May 6, 1983, and May 12, 1983 with corrections on pages 3-7 and 3-15. Councilman Fogle seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

Councilman Rodriguez moved approval of the consent agenda items. Councilwoman Proctor-Shaw seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

4. Ordinances

- a. Consider on first reading - street name change from Minda Street to Yeoman's Road & set a public hearing for June 9, 1983, at 9:00 a.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF MINDA STREET TO YEOMAN'S ROAD.

STREET NAME
CHANGE -
FROM MINDA T
YEOMAN'S RD
1ST READING
APPROVED

- b. Consider on first reading - adoption of 1979 Uniform Housing Code to replace the 1970 Edition & set a public hearing for June 9, 1983, at 9:00 a.m.

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

UNIFORM
HOUSING CODE
1979 CODE TO
REPLACE 1970
CODE. 1ST
READING APPE

- c. Consider on first reading - amending Section 32-9.2 to permit universities or colleges as a right of use in GC (General Commercial) zones & set a public hearing for June 9, 1983, at 9:00 a.m.

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.

ZONING AMENI
UNIVERSITIES
OR COLLEGES
IN GC ZONES
1ST READING
APPROVED

- d. Consider on first reading - amending Chapter 18, prohibiting parking on various streets.

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 & TR
PROHIBITING
PARKING ON
VARIOUS STREET
1ST READING
APPROVED

- e. Consider on first reading - concerning parking time limits on a portion of 1100 Block of N. 2nd & set a public hearing for June 9, 1983, at 9:00 a.m.

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 & TRAN
PARKING TIME
LIMIT OF 110
BLK OF N. 2N
1ST READING
APPROVED

- f. Consider on second and final reading - amending Section 18-290 prohibiting parking at Kirkwood & Sandefer.

TRAFFIC & TRAN
PROHIBITING
PARKING AT
KIRKWOOD &
SANDEFER. 2N

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.

- g. Consider on first reading - ordinance extending the right to sell fireworks in City limits.

FIREWORKS -
EXTENSION OF
RIGHT TO SELL
IN CITY LIMITS
1ST READING
APPROVED

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING EXTENSION OF RIGHT TO SELL FIREWORKS IN AREA ANNEXED ON JANUARY 13, 1983.

5. Resolutions

- a. Consider easement release being a 20' utility easement between Clinton Street and a 20' north-south alley.

EASEMENT RE-
LEASE - 20'
UTILITY BTWN
CLINTON & A 20'
ALLEY. APPR.

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

- b. Consider easement release being 5' maintenance easements, 7 1/2' utility easements, and transformer easements in Champions Addition.

EASEMENT RE-
LEASE - MAINT
UTILITY & TRA
FORMER EASE-
MENTS IN
CHAMPIONS ADD
APPROVED

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

- c. Consider easement release being the south 10' of a 20' utility easement and the north 10' of a 20' utility easement in Kings Cross Addition located on Oldham Lane.

EASEMENT RE-
LEASE - UTILIT
EASEMENTS IN
KINGS CROSS
ADD. ON OLDHA
LANE. APPR.

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

- d. Consider easement release being a 15' utility easement of Ridgemont Addition located on Rebecca Lane.

EASEMENT RE-
LEASE - UTILIT
EASEMENT ON
REBECCA LANE.
APPROVED

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

- e. Consider easement release being a 20' utility easement of Pleasant Hills Estates, located on Caldwell Road.

EASEMENT RE-
LEASE - UTILIT
EASEMENT ON
CALDWELL ROAD
APPROVED

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

- f. Consider FAA Tower Lease Renewal.

AIRPORT - FAA
TOWER LEASE
RENEWAL. ORAL
RES. APPROVED

- g. Consider easement request from WTU across south portion of Vaughn Camp Park.

6. Award of Bids

- a. Signalization of S. 14th Street & Ross.
b. Truck for Water Department.

EASEMENT - FR
WTU ACROSS
VAUGHN CAMP P
ORAL RES. APP

7. Request to Advertise

- a. Group Health Insurance.
b. Bank Depository Agreement.

AWARD OF BIDS
SIGNALIZATION
OF S. 14 & ROS
TRUCK FOR W&S

Mr. Ron Hansen, Assistant Zoning Administrator, presented the reclassification request from AO (Agricultural Open Space) to GC (General Commercial) District, located on West Lake Road. The request came from Mr. John M. Wilkins for the purpose of using an existing building as a cabinet shop. The Staff and the Planning and Zoning Commission both recommended denial.

REQ. TO ADV.-
GROUP HEALTH
INS; BANK DEI
AGREEMENT.

Mayor Hall opened public hearing on the reclassification request. Mr. Bill Perry, representing Mr. Wilkins agent for Mr. Roy Adams owners of the property, said the property has been a problem for some time. He said presently a commercial building is on the property and that building was erected before the City took the property into the City limits, therefore, there was no restrictions governing the construction of the building. He said the building was originally built as a country and western dance hall. It was subsequently abandoned and eventually turned into a storage building for an oil company. Mr. Wilkins would like to buy the property and turn the building into a cabinet shop. Mr. Wilkins would operate the shop turning out custom cabinetry for the various builders in the City. The cabinet

operations will be completely within the building with no outside storage or other activity. Mr. Wilkins also intends to build his own home on the property adjacent to the building. He would also like to buy an additional amount of land which would encompass a total area of 18 acres around the property. Mr. Perry said the surrounding property has been recommended to be used for residential purposes, although there has been no pressure in the area so far to develop in the area. He said Mr. Wilkins has no intention of conducting any other type of GC activity on the property. Mr. Wilkins is willing to place deed restrictions on the other portion of the 18 acres he will not be using so that in case someone buys property from him, he will be able to restrict the type of activity surrounding his property.

Mayor Hall asked if Mr. Wilkins could restrict the use of the property to only the cabinet shop. Mr. Perry said Mr. Wilkins does have the option to use a more expensive route--a planned development district, whereby Mr. Wilkins would be permitted under restrictions & provided he platted and dedicated and achieved all of the things required in a planned development district. Mr. Wilkins could ask that the property be approved for general commercial activity for the restricted purposes that a PDD zone would allow. Mr. Perry said he did not know if a PDD zone would be opposed by the residents of the area as much as the GC zone because it would still allow general commercial uses on the property.

Mrs. Sheila Dankworth owns property across the road from the property as well as an old home south of the property. She said her family has lived in the area for eight years and does not want to see commercial activities near her property. She said the property north has been designated as residential single family, although no homes will be built in the near future because of the economy.

Mr. C. W. Presswood, resident in the area, said the property already had deed restrictions on it. He said hogs and chickens could not be raised there and only one horse and one cow per acre could be kept there. He said the owner included those conditions in the deed restrictions to insure a nice neighborhood and community. He said he is against having a cabinet shop or any other general commercial activity in the area.

Mr. J. C. Haines said he originally platted the property. However he sold the property because he had a written commitment from Western Commercials to buy the land for development in 1966. However, Western Commercial went broke and therefore his commitment was no good. Afterward, Mr. Haines sold the property to McMillan and Smiley with the understanding that the property be used for residential housing of not less than 1300 square feet. He said if the property in question was only a few hundred square feet, then he would not be so opposed to the GC zoning. However, since it is over 11 acres with the possibility of Mr. Wilkins buying more property, having GC zoning there would give him the opportunity to place several GC activities on the property.

Councilman Rodriguez asked Mr. Haines if he would be opposed to a PDD zone that would restrict Mr. Wilkins to only operating a cabinet shop. Mr. Haines said the property is to be used as residential housing. Also, he is afraid that other GC activities might be placed on the 11 acres other than just the cabinet shop.

Councilman Rodriguez asked if farmers and ranchers in the area had barns and shops to store hay or farm implements on their property. Mr. Haines said most of the land in the area was being used as farm land and most property owners had some type of barns or storage areas. Councilman Rodriguez felt that a cabinet shop would not be much different than some of the storage and farm implement shops that are normally located in a rural area, especially if the cabinet shop was in a planned development district. Mr. Haines said he did not know if he would oppose a planned development district.

Councilman Nixon asked if Mr. Haines owned the property when the building was erected. Mr. Haines said he did not own the land at that time. He said three different owners had tried to make a go of the building as a dance hall but could not.

Mrs. Dankworth said when the foundation was being built for the building, she asked Mr. Adams what the building was going to be used for. He told her that it would be used for storage.

Mr. Perry said the GC request is only for three acres of the total 11 acres. He said Mr. Haines reference to the 1300 square feet restriction applied only to houses. Mr. Perry said even though the Council turned the GC request down, Mr. Wilkins could go directly to the Planning & Zoning Commission and ask for the PDD zone.

Mr. Cargill added that a request cannot be considered by the Planning & Zoning Commission if it is a similar request. The Planning & Zoning Commission must decide that question.

Mr. C. W. Presswood was concerned that the Council could not rezone a piece of property with deed restrictions already on it.

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

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

ZONING RE -
AO TO GC ON
WEST LAKE RD
2ND & FINAL
DENIED

Mr. Hansen presented a PDD ordinance amendment, located at Ridgemont and Rolling Green Drives. The Staff and Planning & Zoning Commission both recommended approval.

Mayor Hall opened public hearing on the PDD ordinance amendment.

Mr. Bill Ayres, representing Paul Broadhead and Associates, said the PDD ordinance came about because of a request to change the existing planned development because of a change in the configuration of the proposed hotel. The hotel was originally planned for 234 rooms--that number will be reduced to 178.

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

Councilwoman Proctor-Shaw moved approval of the PDD ordinance amendment located at Ridgemont and Rolling Green Drives. Councilman Bridges seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

ZONING AMEND-
PDD AMENDMENT
LOCATED AT
RIDGEMONT &
ROLLING GREEN
DRIVES. 2ND
& FINAL. AP

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 53-1982, CONCERNING THE RHODES PLAZA PLANNED DEVELOPMENT DISTRICT, CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Mr. Hansen presented the reclassification request from RS-12 (Residential Single Family) to RM-3 & GC (Residential Multi-Family & General Commercial) located at ES 11th & Lytle Way. The Staff and the Planning & Zoning Commission both recommended approval.

Mayor Hall pointed out that the request had previously been denied by the Planning & Zoning Commission. The request had then been to rezone the property from RS-12 to GC on the whole site. Mr. Hansen said after one of the property owners expressed concern about GC zoning abutting his property, the applicant changed the request to rezone the RS-12 to RM-3 & GC using the RM-3 as a buffer between the GC and the residential areas.

Mayor Hall opened public hearing on the reclassification request.

Mr. David Todd, representing the developer, said after the proponent redesigned the project with the RM-3 buffer, the opposing property owner no longer opposed the development. He said one of the questions that have been brought up concerning the project has been the type of architecture of the buildings in the RM-3 and GC zones. He said with the high cost of the land, the proponents will not development a shoddy, poor quality type of project. He said the structures in the RM-3 zone will be designed to be compatible with the residential areas. The GC zone will include clothing shops, or other high quality businesses that will not be detrimental to the neighborhood.

Mr. Todd felt that traffic would not be a problem with the development. Most of the egress and ingress will be from the Lytle Way/ES 11th interchange. Bay Drive will provide access to Lytle Way from the RM-3 development.

Mr. Todd said the proponents have conducted many studies concerning the flooding in the area. He felt that the development in no way will alter the conditions that exist in the area. He said in May, 1982, the proponents received approval from the City for a filling and grating permit after drainage calculations had been submitted.

Mr. Todd said the development will be favorable to the existing land use plans for the area. To allow the property to remain residential will go against the trends already established by existing GC and SC zoning at the intersection of Lytle Way and ES 11th. He said the proponents have held numerous meetings with the property owners to discuss any problems they have and to receive their input concerning the type of construction they want.

Councilwoman Proctor-Shaw asked what kind of development would be incorporated into the RM-3 zone. Mr. Todd said duplexes or patio home type residences will be built for sale or rent.

Mr. Jack North, President of the Lytle Lake Family Association, said property owners liked the plans of the developers but felt that the zones requested are too broad. The property owners would like to see SC zoning instead of GC zoning. He said Lytle Lake is a unique neighborhood in Abilene, and the property owners feel the need to stick together to protect their property and neighborhood. He said the neighborhood sees a problem with the RM-3 zoning because if something happens to the project, the owners could possibly try to build something else on the property that would not be compatible to the Lytle Lake residences. Anyone living on the property will have rights to use the Lake at any time. The Lake is shallow and it is over crowded presently. He said the property owners would not like to see more people using the Lake.

He wanted to tell the Council that there is a problem with drainage in the area. He said October, 1981, a family had to move in with his family because their house was under water. He said even with the work conducted by the proponents, residents of the area will not know if their statistics are right until the next flood.

Mr. North presented the Council with a petition with 105 signatures representing 93 homes that were against the GC & RM-3 zoning.

Councilman Bridges asked if the proponent had considered SC zoning instead of the GC. Mr. Todd said that was considered, but the Zoning Ordinance requires that a minimum of 10 acres be used for SC zoning. The request has only 7.55 acres.

Mr. North said neither he nor most of the property owners knew about the Planning & Zoning Commission's public hearing on the reclassification request. He did mention that he and the other property owners would like to see some type of commercial activity on that corner. He said there would probably be no one willing to build a home on that particular corner because of the traffic and the high cost of the land. Mr. North said he has not been involved in any meetings between the proponents or the property owners, but he did know that there have been meetings between the proponents and property owners living adjacent to the property in question.

Mr. Tom Choate said his firm has been hired to represent some of the property owners. He said their major concern is the flooding issue. He said even though an engineer has developed calculations revealing that the project will not contribute to the flooding of the area, first, the Council must realize that flooding has already occurred in the area without the project. Commercial or shopping center construction will result in blocking more area with structures forcing water to run another way in the direction of the west side of the Lake. Also, WTU was advised in 1978 by the Water Resources Department to clean out the emergency spillway so water could more easily flow. WTU has not done that. A corps of engineers' study was done shortly after that in 1980 where the same spillway problems were sited again. WTU said that even in a maximum flooding situation more water would be let through than the corps of engineers' think. Even then, the water will drain to the east and to the west in the naturally low lying areas as it always has. Mr. Choate said the water will no longer drain on the east or west side because those areas have been built up.

Councilwoman Proctor-Shaw asked if the new Floodwater Management Program would alleviate the flooding problems in the Lytle Lake area. Mr. Whitehead, Public Works Director, said the Floodwater Management Program calls for a detention facility to the south of Lytle Lake. The detention facility would capture the storm water from the Potosi area before it gets to Lytle Lake. It will probably take several years before that detention facility is built since the whole bond project will extend over an 11 year period.

Councilwoman Proctor-Shaw asked if Mr. Choate or the property owners had a solution to the problem of flooding yet permit the developer to build the kind of project that would benefit the neighborhood. Mr. Choate said communication between the developer and the property owners might be a step in

the right direction and the possibility of delaying the zone change until that communication could take place.

Councilman Rodriguez asked if the proponents would have to obtain a development permit and would have to assure that their development would not increase the level of flooding presently. Mr. Whitehead said if the development was preliminarily platted before the Floodwater Management Program was adopted, then the developers do not have to comply with that requirement. The final plat does have to be submitted six months after the passage of the ordinance if the developers had a preliminary plat.

Mr. Choate said he was told that the development permit would have to show that proposed construction would not raise the water surface elevation before it was approved. He said the development around Lytle Lake was platted some 20 years ago. He had been told that regardless of when the area was platted, if there is any indication that water level will be raised, then a permit is not available unless the developer has ways of getting rid of the excess water. That information was given to Mr. Choate on a different development two years ago.

Ms. Laura Cline, property owner, said she was responsible for getting the signatures on the petition. She said the concern from the neighborhood seemed to be that they were not aware of the request until recently with the prospect of having a tract of land zoned GC & RM-3. Once the change was made, the property owners would have no way of controlling the use of the land. GC would permit a wide use of the land, and the property could eventually end up as a gas station or convenience store. The traffic is already heavy on Lytle Way and ES 11th and the attraction of a convenience store or other business would cause more traffic thus endangering the neighborhood children.

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

Councilman Bridges asked if there would be another possible zone that would allow the development of commercial activities. Mr. George said the proponents did not request the SC zoning because of the acreage requirement. However, the Board of Adjustment has been known to grant variances to permit developments on less than 10 acres to receive a SC zone. The only other zoning available for commercial activities is a LC zone, but convenience stores and other similar types of businesses would be allowed. A PDD district would be another alternative where the developer would have to specify the use of the property.

Councilman Bridges asked Mr. Todd if the proponents would be willing to consider a PDD district. Mr. Todd wanted to mention that the proponents met with the residents of the Castle Drive area. He said at a previous Planning & Zoning Commission meeting it was discussed that developers should not be pushed into considering a PDD district because of opposition to another form of zoning. He said the PDD district is a tool for the developer to do something different than normal zoning categories allow.

Councilman Bridges said since there were so many people who had a problem with the proposal, he would like to see more time devoted to see if something could be worked out. Mr. Todd said the proponents have visited with the residents in Castle Drive for almost a year.

Mr. Mel Richards, representative of Synergism, Inc., said the proponents have made every effort in the past year to work the project out with everyone. He pointed out that the three corners of the Lytle Way and ES 11th interchange are already zoned SC or GC. He said all of the problems the property owners have brought before the Council already exist because of the three areas around the interchange. He felt that because of the high cost of land, the residents should not be worried about the quality of the development that may be installed there. He asked that the Council go ahead and vote.

Councilman Nixon said he was confused by what Mr. Choate and Mr. North have said. He understood that Mr. North said the property owners he represented would be satisfied with a shopping center in the location. However, he understood Mr. Choate to say that his clients would like any kind of commercial activity there.

Mr. Choate said he and Mr. North did agree that the GC zoning was too broad and that any type of development could be built there. However, he does disagree in that flooding will result because of the development of almost any type of commercial buildings there. He felt that a PDD district would be an answer to both the developers and the property owners.

Mr. Todd offered to present to the Council their engineering calculations concerning the flooding. Mayor Hall and the Council Members did not feel that flooding was the major problem with the zoning request.

Mr. North said he would like to clarify something about the intersection. He said Kenneth Musgrave's office complex to the northeast is zoned General Commercial, but there is a large parkway with an excess road surrounding it. The other corner also has a parkway with a monument to Judge Ely with an apartment complex far enough off of the street where it will not present a problem. He said the project in question will be the only development any where close to the neighborhood.

Councilman Fogle said according to all of the policies and guidelines and trends for the area, the property should be developed. He said it seemed that there should be some kind of avenues of discussion where the property owners and developers could get together to decide what would best suit both parties involved. He moved to table the request for 30 days until June 23, 1983, to give the property owners and developers the chance to work something out. Councilman Bridges seconded the motion.

Mr. Cargill said if the Council was tabling the request to give the parties a chance to work something out, then tabling would be the avenue to take. However, if the Council was tabling the request to enable the developers the chance to tie the use down, then the Council must remember that it has had a policy it has followed that if the proponent and opponents are going to discuss some type of alternate zoning, then the Council has always sent it back to the Planning & Zoning Commission and had the property owners renotified. The reason is that there are two conflicting Court of Civil Appeals opinions one of which says that before the Council may rezone the property, they must have had a report on the specific zone change designation to consider. The other opinion says that a report is not necessary. He pointed out that the Council does not have to follow that policy--only that there has been a policy followed by previous Councils.

Councilman Fogle said he did not see a conflict and he would like to see his motion stand. Councilman Bridges let his second stand also.

Mayor Hall said he personally questioned that the two parties will be able to find a common ground.

The above motion carried as follows:

- AYES: Councilmen Bridges, Fogle, Robinson, and Nixon.
- NAYS: Councilman Rodriguez, and Mayor Hall.
- ABSTAINED: Councilwoman Proctor-Shaw.

ZONING RE -
RS-12 & RM-3
& GC AT ES11T.
& LYTTLE WAY
2ND & FINAL
TABLED UNTIL
JUNE 23, 1983

Mr. Hansen presented the reclassification request from RS-6 (Residential Single Family) to PH (Patio Home Overlay) District, located at Simmons & Anson Avenues. The Staff and the Planning & Zoning Commission both recommended approval.

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

Councilwoman Proctor-Shaw moved approval of the reclassification request. Councilman Nixon seconded the motion. The motion carried as follows:

- AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
- NAYS: None.

ZONING RE -
RS-6 TO PH AT
SIMMONS &
ANSON AVENUES
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 PH (Patio Home Overlay) District, located at Westway Drive & Poplar Street. The Staff and Planning & Zoning Commission both recommended approval.

Mayor Hall opened public hearing on the reclassification request.

Mr. Andrew Merrick, agent for the property owner, requested the Council's approval.

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

Councilman Rodriguez moved approval of the reclassification request from RS-6 (Residential Single Family) to PH (Patio Home Overlay) District, located at Westway Drive & Poplar Street. Councilwoman Proctor-Shaw seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon 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 -
RS-6 TO PH AT
WESTWAY DR &
POPLAR ST.
2ND & FINAL
APPROVED

Mayor Hall said the Council would discuss the creation of the Health Facility Development Corporation next. He said the matter has been before the Council for some time and the Council has asked a group of citizens to serve as an AD HOC Advisory Committee to make some further investigations and report back to the Council with their recommendations.

Mr. Bob Springer, Chairman of the AD HOC Advisory Committee, said the Committee was charged with the task of investigating whether the Council should form a Health Facility Development Corporation. He said the Committee did recommend that the Council create a Health Facility Development Corporation and that it not be restricted to just non-profit organizations. He said the Committee met many times and had many conference calls with other cities such as Amarillo, Lubbock, Midland, Belton and Temple. All of the meetings were public meetings. He said it was not an easy decision to make and it took time for all of the members of the Committee to make the decision. Mr. Springer introduced all of the members of the Committee that were present for the Council meeting. The members are Rosemary Suttle, Richard Johnson, Mayor Oliver Howard, other members called and were unable to attend.

Councilman Bridges said he had to make an individual decision and he differed with the recommendation that was presented to the Council. He said he agreed with Mr. Springer in saying that he would have voted no too at the beginning of the Committee's investigation. He said now that 72 percent of the bond market consists of tax exempt bonds that are of a revenue nature rather than the traditional revenue nature, he did not think the City could continue to contribute to it just because other cities were doing it. That would only leave 28 percent of the market for municipal bonds. The City is planning to take some bond issues to the voters this Fall. He did see a difference between profit and non-profit institutions. He said one pays ad valorem taxes and the other does not pay because the assumption is it is doing more work for indigent people and meeting needs that are somewhat distinctive for the good of the community. He said after weighing all of the information he has had, he would have to draw a line at that point. He felt that would be a compromise on the issue rather than giving a complete yes or no. He said he liked the route that Lubbock took. They approved non-profit institutions first, then later approved for profit institutions.

Mayor Hall mentioned that not all non-profit institutions were exempt from paying ad valorem taxes because of some charitable activities. However, they do have to pay ad valorem taxes on all of their for profit activities. Councilman Bridges said that was correct but those were relatively minor compared to what those non-profit institutions do not pay on.

Councilman Rodriguez asked if the Committee recommended the Council create a Health Facility Development Corporation with no restrictions. Mr. Springer said that was correct with no restrictions other than those restrictions that are in the State Act itself. Councilman Rodriguez asked how the Corporation would benefit the average citizen. Mr. Springer said that question was directed to the other cities who already have a Corporation. Without exception, those cities' response was that the applications they were providing to allow the facilities that were approved to be built was providing a need for the community. He said they asked what was the reaction within the community and if there was anyone talking negatively about a Corporation. Those cities said they did not hear anything negative. Those cities' bonds were immediately asked for by facility operators. Councilman Rodriguez asked if there was anyone in Abilene who attended the meetings of the Committee who expressed any opposition to the creation of a Corporation. Mr. Springer said no one expressed opposition during the meetings. However, he did receive by mail a couple of letters that addressed the question of tax exempt bonds and conversations in Congress.

Councilman Rodriguez wanted to say that he was a little concerned with allowing a Corporation to allow for profit applications.

Mayor Hall asked if the Committee felt that the Council should have the final approval about the issuance of bonds. Mr. Springer said the Committee asked one of the cities (Lubbock) if their Board was set up with the final authority or if the Council had ratification or final authority. That city said its Board had final authority and the law would not permit otherwise. However, the Committee felt that if the Abilene City Council wanted final authority, it should have it. Mayor Hall said he understood the by-laws to say that the Board members are appointed by the Council and can be removed by the Council for cause or on its own motion. He said that is a way the Council would have control, but he felt the Council should also have final approval of the issuance of bonds. He said one of the Committee members made the comment that with dedicated Board members, the Council should not need to have final approval. Mayor Hall said the citizens elected the Council and he felt that it would only be proper that the Council be the body that has the final approval.

Mayor Hall asked if the Board for the Corporation would have to follow the same open meetings act that all of the other boards and commissions of the City must follow. Mr. Springer said that issue did not come up during the meetings of the Committee. But his own personal feelings would be that the Board should have open meetings.

Mayor Hall asked if the Committee got the feeling from the other cities that if the tax exempt bonds were not made available if some facilities would not have been built or if services would not have been made available to the community. Mr. Springer said that was a question that came up often in the Committee meetings. He said there were some members who felt that there were people standing in line for the tax exempt bonds who had facilities that would eventually be built anyway with or without the bonds. Other members were not so sure. Some members felt that if the facilities were built with the lower cost financing vehicle, it would not necessarily reduce the cost of service to the community. Then, there were other members who felt that it would contribute to lowering the cost of services provided.

Mayor Hall said the provision in the Statute that for profit organizations could be eligible is a Sunset provision and it will expire unless renewed on the last day of 1986. He felt that the Corporation should be for non-profit organizations or for profit organizations with a certificate of need. However, he felt that there could be a possibility that some application could be received that would fall outside of that strict requirement and would be one that the Council and the Board would like to oblige. He said the Council could make the Corporation so restrictive that the Council or Board would almost never have to make a decision. Or, it could be a little bolder and the Council could make the final decision when the time came. Mr. Springer said in almost every case with the cities that the Committee talked with, besides the by-laws that they act within, they have a set of policies that deal with the question of legitimate applications.

Councilman Fogle asked if the Committee discussed with financial experts the possibility of diluting the bond market. Mr. Springer said the Committee did talk with bond experts, but the Committee did not receive any conclusive answers. He said though he reads that the bond market is being flooded, he said he did not receive that kind of an answer from the people the Committee talked with. He said in almost every case, the Committee was told that the financing of the particular facility they were dealing with whose bonds were called for and committed before they ever had to try to sell them in the market place.

Councilman Fogle asked how Abilene would be affected if the other cities do participate and Abilene does not. He said the City already participates in block grants, revenue sharing, etc., from the Federal Government. He said he would not like to see Abilene participate in this sort of activity. But, he said for Abilene not to participate while other cities are might mean that Abilene would be working at a disadvantage.

Councilman Robinson asked how the creation of a Corporation would affect Abilene's bond issues in the future if it had some defaults. Mr. Springer said he felt the Council could build a theoretical case that would suggest that a failure of one of the approved applications could in some indirect way bear upon the image of the credit of the City. He said the City has no obligations to the bonds, however, the fact that it happened in Abilene could indirectly influence the ratings. He said he could not imagine that the people in New York who are responsible for rating a city would fault a City for a default on an application.

Councilman Nixon said his initial feeling was that Abilene does not need a Corporation. Then he realized that there were probably some needs in Abilene

that probably could not come about without the use of tax exempt bonds. He asked if the Committee asked the other cities if they felt the liability because the bond issues were in their cities. Mr. Springer said the Committee did not ask that. He said they did ask, however, if there were any aspects of the program that could have been considered by them to be adverse or downside. Those cities could not think of any. Councilman Nixon said he read an article in the "Nation's Cities Weekly" concerning default stirring the tax exempt bond market. He said the article concerned a power supply system in Washington state. The article stated, "On the other hand, suits have been filed by investors that charge the underwriters in bond counsel with various forms of misrepresentation which may make their firms liable for payment in case of default. The impact of such a default is difficult to assess. On the one hand, there would be reverberations within the bond market for all projects because of the nature of basic security would be thrown into question. In addition the spectre of default would have reverberations throughout the entire bond market, not only in the Pacific northwest, but also around the Country. Here it might include all forms of tax exempt bonds because at least in the State of Washington it is unclear how much liability would fall upon all of the members of the WPPSS and ultimately on the State itself. Another alternative, bankruptcy, would force the courts to determine what assets exist and who would be paid. Although bond holders know there are risks associated with lending funds, this latter approach would probably have the most profound affects on the tax exempt market and hurt the cities the most since the investors would experience significant real losses." He felt that as a Council and as citizens, those statements must be kept at the back of the Council's mind and quit saying that there is no liability whatsoever to the City.

Mayor Hall said he did not understand Councilman Nixon to say anything about a city having any liability. Councilman Nixon said he did not say that a city had liability, he only read the statement that it would hurt the cities the most. Mayor Hall said Councilman Nixon was probably referring to the fact that any problem in the municipal market would hurt anyone who has bonds to sell. But, it probably should be made known that the City's bond counsel has assured the City that not only is there any liability on the bonds on the part of the City, but the City is prohibited by law from paying any principal or interest on any of the bonds. Mr. Springer said if a Corporation is formed and there is a Board appointed, it would be his recommendation that the Council would still use their tax people to look over the question of financing that had already been approved by the Board. He said the by-laws, the policies, the conditions, and the study that the City's counsel would go into in finally approving any of the applications will have some miniscule exposure to failure.

Mr. Joe Smith, First Southwest Company, the City's financial advisor, said Councilman Nixon's readings referred to the Washington Power Public Supply Corporation which has five nuclear reactors, two of which are in defacto default at this time because of the refusal of over two hundred utilities to honor take or pay contracts which secured the bonds. The bond market has no doubt discounted the default because the bonds were trading at about 38¢ on the dollar. The three other issues of the nuclear power plants are ultimately secured by revenues of bondable dams which are owned by the Department of Interior. Those bonds have a AAA ratings because of that type of guarantee. Although the two other defaults may call that into question at this time, the bonds are not in any threat. The article Councilman Nixon read is very true of what has happened in Washington. He said the main tremor is the past reliance on take or pay contracts on the purchase of water, gas and power. If this means that the take or pay contracts are not adequate security then they will have to be restructured some time in the future. He said back in 1972 and 1973, New York would have been in a default if the Federal Government had not prevented it. He said knowing the Texas market and knowing the kind of ratings the City of Abilene has had for many years, he could not help but believe that the City would have a strong market as long as the City is run like it is presently--financial discipline, attention to detail, and adequate budgeting and control. He felt that the main affect would be the requirements for the registration of bonds. Instead of bearer bonds, the City will have to deliver registered bonds on July 1 and thereafter. It could bring into question the type of contract that is based on whether the City is delivered water or not or power or not. That question is something that might definitely affect that type of security.

Mayor Hall said suppose the Corporation is created and an application is made to the Board and is approved by the Board and is approved by the financial consultant to the City. Then there is a default. The City then goes into the market for some of street or water or some other type of bond the City needs, would the default have some affect on the issuance of that bond. Mr. Smith said the First Southwest Company is also financial advisors to the Industrial Development Corporation. In order to be as careful as possible, they have

very strict criteria before they in writing either to the Council or to the Board of the Industrial Development Corporation indicate that it is their opinion that the debt could be paid. One of those two criteria is that the user or guarantor of the bonds have three years audits in which the advisors can rely and analyze. If the audits are not available, then the advisors will accept the substitution for the credit of the user of that bank by one of two means. Either a letter of credit or the agreement of the bank to hold the bonds to maturity which would abrogate their rights to prevent a default. In effect, the credit of the bank would be substituted for that of the applicant. In the absence of either of those criteria, the advisors would make no report.

Mayor Hall asked what would happen if all of those steps were taken, and still a default occurred. Mr. Smith mentioned that Mr. McDaniel had practical experience with the default of a tax exempt bond on a hospital in Hurst that was financed for a private for profit hospital. Mr. McDaniel said the rating agencies were sophisticated enough to realize what had happened. They realized that the three cities together who had created the hospital authority were not liable. That did not necessarily hold true with individual bankers or potential investors from other parts of the Country. He said he actually had calls from individual bankers saying, "Hurst, that's the City where the hospital went broke." He does not know if that had an effect on the City's credit or interest rate. He said there was a mistaken impression in certain parts of the Country that because it had the Hurst name on the bond, it was a city bond.

Councilman Robinson asked Mr. McDaniel if the City of Hurst sold any more bonds within a short period of time of the default. Mr. McDaniel said the city did sell more bonds a couple of years later. Councilman Robinson asked how the rates compared to the last time bonds were sold. Mr. McDaniel said the City of Hurst had been something like nine years between sales. The bonds that were sold in 1975 were bought by Texas investors. Therefore, he does not think the default affected the interest rate because the bonds were bought in Texas. Mr. Smith said there was a very strong underlying market in Texas that trades generally at a lower interest rate and higher price for bonds. Banks can buy on a retail basis and buy the bonds for their portfolio and pledge them against public funds.

Councilman Fogle asked if the issuance of revenue bonds by an Abilene based health facilities development corporation would have any affect of dilution or if it would have any affect of the ability of Abilene to sell its bonds at a favorable rate. Mr. Smith said it would not. The main criteria is going to be the City's financial discipline internally and the maintenance of proper debt structures that keep the per capita debt on a general obligation basis within the proper medians for a high credit rating. The recent issuance by Hendrick Hospital for their new facilities through the Hospital Authority has no bearing on the City's analysis of debt. The rating agencies has Hendrick's rated as A1 the same as the City.

Councilman Fogle asked if Mr. Smith felt there would be adequate control built into it for the inspection audits so that he might make a recommendation to the Council to minimize the possibility of a default. Mr. Smith said if the First Southwest Company is retained as financial advisors by the Health Facilities Development Corporation Board, identical requirements for any credit submitted will be required the same as is required for the Industrial Development Board.

Councilman Rodriguez said he understood the City to have five corporations eligible to issue tax exempt bonds. Mr. Smith said that was correct--the Housing Authority, the Hospital Authority, the Industrial Development Corporation, the Higher Education Authority, and the Housing Finance Corporation. Councilman Rodriguez asked Mr. Smith even with the addition one more corporation eligible to provide tax exempt bonds, does he think the City and the bond market could handle it. Mr. Smith said he does not think another corporation will hurt the City. None of the bond issuances previously have had any type of pledge except special obligation covenants that the revenues have to come from a certain source and that cannot be the City of Abilene. Therefore, when a financial statement is constructed for the City it is not even mentioned. The only thing that is mentioned is that the City's special obligation revenue bonds payable from the net revenue from the water and sewer system are detailed in the official statement and the water purchase contract agreements and the pledges that are made to the West Central Texas Municipal Water District are mentioned. Even if there was \$50 million in bonds issued, there should be no direct fallout on the City, not as long as the City conducted itself as the historical evidence shows that it has for the last several years.

Mr. Smith said Abilene has a nationally recognized credit rating. The City of Dallas probably has the highest rating (AAA) in the Country and it has had many tax exempt bonds issued. As a matter of fact, the City of Dallas sold \$30 million worth of GO bonds recently with the average interest rate of 7.9 percent.

Mr. McDaniel said in 1982, there was approximately \$75 billion worth of tax exempt bonds sold nationwide. All of the corporations that Abilene could create probably could not add 1/10 of a percent to that.

Councilman Bridges said there was at least one Texas Congressman who persuaded the Congress to put the April 15th limitation on the issuance of bonds of a certain nature. Now, Congress has placed a December 31, 1986 limitation for profit institutions. He asked why Congress has taken that kind of action. The Texas Congressman did seem to feel that it would affect Texas cities and the State government and that they would be subsidizing them to the degree of three or four percentage points. Mr. Smith said the Congressman stopped the FSLIC and FDIC guarantees of multi-family housing bonds on April 15th. The proceeds of the bonds went into a certificate of deposit at a savings and loan and which brought in the FSLIC and then bonds secured by that were sold and that resulted in a Federal guarantee of a tax exempt bond. He said he was glad that was stopped. And concerning the tax exempt Industrial Revenue Bonds, the Congress felt that nationwide, it depresses the bond market and it shuts off certain funds the Treasury Department will get.

Mayor Hall allowed members of the audience to address the Council concerning the issuance of tax exempt bonds and the creation of a Health Facilities Development Corporation.

Dr. Ralph McClesky, representing the Abilene Diagnostic Clinic, said the Clinic is the single largest provider of internal medicine care in the City. He said the average citizen in the average year of his life does not receive his medical care in a hospital. He receives it in the office of his private physician. If the Corporation is created it will provide an opportunity to impact both the cost of that care to that average citizen in his physician's office in addition to the impact of the quality of that care by providing additional office space in which new physicians may use the space and will provide additional quality care and services. He said he favored the creation of a Corporation.

Councilman Rodriguez asked Dr. McClesky if his operation was for profit. Dr. McClesky said yes.

Dr. Howard Tobin, cosmetic and facial surgeon, said he is planning a project under which he had originally planned to utilize the tax exempt bonds. He said even if the Council does not create the Corporation, his new clinic will be built. He said it would be smaller, but it would be built. He asked if the utilization of the bonds would allow the consumers in Abilene to have lower medical costs. He said his project will be an out-patient plastic facial clinic. It will be licensed by the State of Texas and it will be the first free standing licensed ambulatory surgical facility in the community. His rates will be set by insurance companies. If his expenses are kept to a minimum, the insurance companies will set lower rates thereby benefiting persons in the community. He said he would like to see the Council vote in favor of the broad interpretation of the Corporation.

Mr. Mike Waters, President of Hendrick Medical Center, said when Hendrick's originally requested the creation of the Health Facilities Development Corporation, all health care providers in the area requested the development of the Corporation.

Mayor Hall asked Mr. Waters if the facility Hendrick's had in mind would be subject to ad valorem taxes. Mr. Waters said the life care facility would have to pay ad valorem taxes. He said Hendrick Medical Center does not pay ad valorem taxes because of the amount of charity work it does. He said over \$60,000 was paid in ad valorem taxes last year by Hendrick operations. All of the health care providers in Abilene, including physicians and hospitals, do charity work. There is no City hospital the City of Abilene has to support. Neither does the County have to support a hospital.

Councilwoman Proctor-Shaw asked if the retirement center planned by Hendricks would be a for profit organization. Mr. Waters said he is not sure the center will even be built, but he said more than likely it will be a non-profit organization and he is sure it will pay ad valorem taxes as does Hendrick's current retirement center.

Dr. Everett Woods, Woods Psychiatric Clinic, said his background is church work. During those years, his operations did not pay taxes. Then, when he came to Abilene to open his clinic, he had to make the decision whether his clinic would be a non-profit or a profit organization. He decided to set it up as a profit making corporation because he wanted to pay taxes. He said if the law provides the opportunity to qualify under the statutes of a Corporation, he does not feel he should be penalized as a for profit organization. He said his clinic gives away 12 percent of everything it takes in. He also gives a great deal of his time and personal income to the community.

Mrs. Vida Wills said when the Hospital Authority was established in 1977, its territorial limits were within the boundaries of the City of Abilene. She asked if that was still true. She asked what would be the territorial limitations the Health Facilities Development Corporation would be. She said the legislation for the creation of a Corporation would appear that the territory of a Corporation would include the whole State and even foreign countries. She said authority legislation is very specified. There is a section in authority legislation that pertains to elections. Citizens may request an election if a petition is presented. However, the Health Facilities Development Corporation legislation says nothing about an election. That election would be a sort of referendum election where voters would make the decision whether to create a Corporation or not. She said when the Hospital Authority was established in 1977, Mr. Cargill, the City Attorney, said, "State law superceeds City ordinance when the two are in conflict". In that case does the Board or the Council have the final authority. She felt that by creating a Corporation, it would be setting up a superfund for persons who need it the least. She did not think a Corporation would be helping persons who cannot afford health care. She said when she became eligible for Medicare, she called several doctors offices in Abilene and was told that even though she had Medicare, their policy is cash only. She said she attended Health Systems Agency meetings for five or six years and when they discussed reducing costs, it was a provider donated agency rather than consumer. At the same time, the Higher Education Authority has not reduced the costs of tuition or other educational costs.

Mrs. Wills asked if by participating in a consortium with Lubbock, Dallas, and other cities that have corporations, would the health care operators in Abilene be able to have a Corporation without the Council's consent. Or could a State Corporation be set up to take care of all health care operators in Texas.

Mayor Hall said he has been told by the City Attorney that the Health Facilities Development Corporation Charter does not speak to territory. He felt there would be no question that if the Council creates a Corporation, that Corporation would be limited to the City limits of Abilene. The Council will vote to have the ultimate control over the Corporation. Mrs. Wills said concerning the Open Meetings Act, the legislation provides that Board could meet anywhere in the State. Mayor Hall said that was correct, but one of the questions the Council will decide is whether to have open meetings.

Councilman Rodriguez wanted to mention that an election could be called with a petition from 10 percent of the registered voters in Abilene. However, an election would not apply to a Health Facilities Development Corporation.

Mrs. Maria Velasquez, 2910 S. 22nd, said in view of the fact that the Council did not have the answers to the questions that Mrs. Wills asked, she requested the Council refrain from establishing a Health Facilities Development Corporation until they read the State act and since Mr. Cargill made the public statement that State law superceeds City ordinance.

Mayor Hall said the Council could vote to create the Corporation or not. In voting to create the Corporation, the Council has options as to the extent to which it can operate. If the Corporation is created, the by-laws and policies to be determined by the Board and the Council will provide that the Council has final approval on the issuance of any bonds. He asked if the rest of the Council would accept the proposal that the policies and by-laws provide that the meetings of the Board will come under the provision of the Open Meetings Act. And he pointed out that it would be the Council's understanding that the Corporation would be empowered to deal only with projects within the City limits of Abilene. And also that any bond issue proposed would have to be approved by the City bond attorney and financial advisor under the same guidelines they have been using for the Industrial Development Corporation.

Councilman Robinson asked who would pay for the expense of doing the financial studies. Mayor Hall said it would be paid by the Corporation. Mr. Smith said all of the costs of issuance including bond attorneys, printing, etc., would be paid for by the proceeds of the bonds. The cost would not be born by the City.

Councilman Bridges asked if the Council wanted to include in the provisions of the by-laws the 30 day notice to the City of bonds to be issued. The Council members agreed to the 30 day notice as well as the other provisions set out by the Mayor earlier.

Mayor Hall suggested the Council start with a motion to create the Corporation and that its powers be only limited to those set out in the State statute. If that is voted for, then the Council will be through with the project for the moment. If that is voted down, then the Council must make the motion for some type of limitation.

Mayor Hall moved that the Council create a Health Facilities Development Corporation whose powers will be those stipulated in the State statute authorizing such creation. Councilman Bridges seconded the motion. The motion failed as follows:

AYES: Councilmen Bridges, Fogle and Mayor Hall.

NAYS: Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson and Nixon.

Councilman Rodriguez moved that the Council create a Health Facilities Development Corporation restricted only for non-profit organizations. Mayor Hall said there was one more step he could take in his motion. He said that step would be to limit it to non-profit organizations and for profit organizations possessing a certificate of need. Councilman Rodriguez said his motion was to create a Health Facilities Development Corporation to be restricted only to non-profit organizations with a certificate of need. Councilman Bridges seconded the motion. Mayor Hall said in order for him to vote for a motion, he would have to vote against that motion and hope it failed. He asked if the Council could consider a slightly more restrictive motion before Councilman Rodriguez' motion is considered.

Councilman Fogle moved that the motion be amended to include non-profit organizations with a certificate of need. Mayor Hall seconded that motion. Councilman Rodriguez said that was what his motion said.

Councilman Rodriguez repeated his motion--to create a Health Facilities Development Corporation and that it be restricted for non-profit organizations with a certificate of need. Mayor Hall said he thought Councilman Fogle's motion was for an amendment for for profit organizations with a certificate of need. Councilman Rodriguez asked Councilman Fogle if his motion included physicians' offices and things of that nature. Mr. McDaniel said physicians' offices do not normally require a certificate of need. Mr. Waters said the State Health Facilities Commission issues certificates of need. In order to receive a certificate of need, more than \$600,000 would have to be spent in capital improvements and \$400,000 for equipment and must provide some type of health care. Physicians' offices do not generally require a certificate of need as well as retirement centers. Certificates of need are basically for hospital buildings and equipment.

Councilman Bridges asked if the facility that Hendrick Medical Center is planning and the Sears Home facility they are planning would not need certificates of need or would they not be eligible for certificates of need. The Sears facility would require a certificate of need, however, the Hendrick retirement center would not require a certificate of need. Councilman Rodriguez said he hated to use tax exempt bonds to finance physicians' offices when those offices would be built anyway. He said if there was a for profit organization that would provide services the community needs, then he would be for using tax exempt bonds to finance it.

Mayor Hall said he was under the impression that the list of facilities which are eligible under the Health Facilities Development Corporation Act, which would have been eligible had his motion passed, is a different list than the smaller list which compiles the facilities eligible or requiring a certificate of need. Mr. McDaniel said that was correct. He said the certificate of need speaks to the dollar limitations that Mr. Waters mentioned, but the economics of a bond issue and the cost of a bond issue would also speak to those same limitations. The motion the Mayor made earlier which was defeated, in his opinion, would allow anything that could be construed as health care. That would include doctors' offices, pharmacies, whether they are for profit or non-profit organizations. The amendment to the present motion, in his opinion, would allow any non-profit organization and any for profit organization that could get a certificate of need. That would eliminate the doctors' offices. Mayor Hall felt that the Council should recess the meeting until after consultation with the City's bond counsel.

Mayor Hall said he had a letter from the City's bond counsel listing options for the Council to take. Also, enclosed in the letter are copies of the State statutes under Exhibit A and D. He said Exhibit A is the statutes in which if his motion had passed all the things listed in Exhibit A would have been eligible. Councilman Fogle said it was his understanding that the non-profit organization would not require a certificate of need, but the for profit organization would require a certificate of need. Mayor Hall suggested that a conference with the bond counsel would be in order before the Council takes action on the creation of a Corporation. He recessed the meeting until 1:30 p.m.

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Mayor Hall said the Council has some by-laws prepared by the bond counsel. The by-laws are sections which the bond counsel designed which would if the Council elected to create such a Corporation give the City the controls mentioned earlier. The first provision provides for notice prior to issuance; the sponsoring entity (City) would have to approve the issuance of bonds; and the Corporation would issue revenue bonds to finance health facilities within the corporate limits of the City. Under condition D, the Corporation will only issue revenue bonds for facilities to be owned and operated by qualifying users that are non-profit corporations as defined in the Hospital Project Financing Act, Article 4437E-2, Vernon's Annotated Civil Statutes for purposes permitted by the Act. Therefore, if the Council adopted that provision for non-profit corporations, then non-profit corporations could do those things shown under Exhibit A. The second provision is that the Corporation will issue revenue bonds for facilities to be owned and operated by qualified users that are corporations for profit, which facilities have been described in the certificate of need obtained from the Texas Health Facilities Commission under Article 4418H. Those are listed in Exhibit B. That provision does not include the offices of physicians or practitioners of the healing art singly or in groups. Therefore, one option the Council has would be to have non-profit corporations using the funds for the construction of facilities mentioned in Exhibit A. Exhibit B would limit corporations further by requiring a certificate of need. The Council has already defeated the motion to allow a Corporation to finance all of the corporations listed in Exhibit A. He said if the Council could phrase a motion, then it could possibly allow for profit corporations to do the things listed under Exhibit B. Listed under the bond attorney's paragraph E, where it states that for profit corporations can do those things described in a certificate of need also states for projects which are exempted from the application of the Act. He said the bond counsel has told the Council that if that phrase is included then if the project was so small and a certificate of need was not required, then the purposes for which the funds could be used would be those described in Exhibit A.

Mayor Hall said there has been a motion made to create a Health Facilities Development Corporation and commit the use of the funds for non-profit and for profit corporations as described in Article 4437E-2, Exhibit A. That motion failed. He said Councilman Rodriguez made the motion to create a Health Facilities Development Corporation to permit the use of the funds for non-profit corporations as described in Article 4437E-2, Exhibit A. Councilman Rodriguez said that was basically right, but he had made the motion to originally to create a Corporation that would be restricted to non-profit corporations with a certificate of need. That motion was seconded by Councilman Bridges, then Councilman Fogle made the amendment to it. Mayor Hall said the motion unamended if passed would permit non-profit corporations to do only those things listed under Article 4418H. Councilman Fogle said his amendment would include for profit corporations with a certificate of need, but would eliminate the certificate of need for non-profit organizations. Councilman Rodriguez said his major concern with allowing physicians' office for profit to be included in the Corporation's use of tax exempt bonds. He felt that Councilman Fogle's amendment would change the non-profit corporation to not require a certificate of need. He said he would like to rescind his motion to go with Councilman Fogle's motion.

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Councilman Fogle moved to create a Health Facilities Development Corporation and to permit non-profit corporations to do those things enumerated in the Act as described in Article 4437E-2 and to permit for profit corporations to do the same thing except to limit them to those requiring a certificate of need. Councilman Bridges said he felt there was a definite difference between the original motion and the amended motion. He felt there might be another position that could be taken that had not been previously mentioned. The Council could simply eliminate the certificate of need requirement on Councilman Rodriguez' motion because there is an interpretation that both the facilities that Dr. Tobin and Dr. McClesky presented would be covered if the motion that Councilman Fogle had proposed was passed. He felt the motion Councilman Fogle made was not really saying what Councilman Rodriguez originally wanted. He felt that there are really three options the Council could take and only two of them have been mentioned in the motions. The third option would be to include non-profit corporations and not require them to have a certificate of need. Then in

concrete terms, the Council could do what Hendrick wants to do and what Sears wants to do, but it could not do what for profit institutions want to do. Therefore, he withdrew his second to Councilman Rodriguez' motion.

Councilman Fogle again stated his motion--he moved to create a Health Facilities Development Corporation and that non-profit corporations be permitted to use tax exempt bonds and to do those things set out in Article 4437E-2, and that for profit corporations be permitted to do those things set out in Article 4418H that require a certificate of need. Mayor Hall seconded the motion. The motion carried as follows:

AYES: Councilmen Rodriguez, Fogle, and Mayor Hall.
NAYS: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Robinson and Nixon.

HEALTH FACILITIES DEVELOPMENT CORPORATION APPROVED FOR NON-PROFIT

Councilman Nixon moved to create a Health Facilities Development Corporation to permit only non-profit corporations and with City Council control on all issues. Councilman Bridges seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

Mr. Wayne Collier, Zoning Administrator, presented the reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located on Chimney Rock Road & Bruce Drive. The Staff and Planning & Zoning Commission both recommended approval.

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

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

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

ZONING RE - AO TO RS-6 AT CHIMNEY ROCK ROAD & BRUCE DRIVE. 2ND & FINAL. APPR.

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

Mr. Collier presented the PDR ordinance amendment located on Oldham Lane. The request was from Jack Herman for the purpose of adding some additional lots. The Staff and the Planning & Zoning Commission both recommended approval of the request.

Mayor Hall opened public hearing on the PDR amendment. Hearing no one requesting to speak, Mayor Hall closed the public hearing.

Councilwoman Proctor-Shaw moved approval of the PDR amendment located on Oldham Lane. Councilman Fogle seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.
NAYS: None.

ZONING AMEND - PDR AMENDMENT ON OLDHAM LANE 2ND & FINAL APPROVED

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 55-1982, CONCERNING THE KINGS CROSS PLANNED DEVELOPMENT DISTRICT, CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Mr. Collier presented the reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located on Lakeside Drive. The proponent wants to build duplexes in a very restrictive RM-3 zoning. It will restrict the number of square feet livability area that he could build on the tract. The proponent wanted to build 12 units at 2400 square feet each. However, that would not be permitted unless he proceeded to obtain a PDD zoning for the increased land use intensity. However, since it is located in an older area of Abilene, the Staff feels that since it does meet the prerequisite for infill development, the Staff recommended approval for the RM-3 zoning. The Planning & Zoning Commission also recommended approval. Mr. Collier said the proponent is aware of the restriction and he knows that he will have to go back to the Planning & Zoning Commission with his request.

Mr. Collier said the three persons that opposed to the request stated on their comments of loud music and unclean property and a resistance to have the zoning changed in the area.

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

Councilman Bridges moved approval of the reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located on Lakeside Drive. Councilman Rodriguez seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
RS-6 TO RM-3
ON LAKESIDE D
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. Collier presented the reclassification request from AO (Agricultural Open Space) to RS-6 & RS-8 (Residential Single Family) Districts, located on Meadows Drive. The Southside Area Land Use Study does recommend single family residential in the location. The Staff was concerned that traffic may be a problem since there was only one ingress and egress if the potential of the property was realized (150 to 250 lots). The Staff recommends approval, but the Planning & Zoning Commission recommends disapproval.

Mayor Hall opened public hearing on the reclassification request.

Mr. Roger Shuman, Rt. 8 Box 849A, an investor in the project, said in 1981 the property was recommended in the Southside Area Land Use Plan for residential single family. In September, 1981, he and the other investors purchased the property. He said they felt the zoning they were requesting is in line with the planning of the City in the area and is compatible with the property adjoining it.

Mr. Jordan Wood, 35 Windmill Circle, an investor, said he realized that he failed to get the zoning request approved by the Planning & Zoning Commission but it was because he and the other proponents had not done their homework. He said the opposition was basically the traffic. He has talked with the Traffic & Transportation Director who was prepared to give the Council his opinion of how the road would hold up to the added traffic. He said when the Council decided to annex the land, surely, the Council did not intend it to remain agricultural zoning. At some point in time, whether the proponents' project is built or not, some repair and maintenance and possibly even assessment will have to take place for the street because it is now a City street. He said there were 12 persons who owned the property and many others who already wanted to buy some of the lots, therefore, he felt that the subdivision would be very successful. The land was annexed, then the Southside Land Use Plan was done, then the 12 people bought the land.

Mayor Hall asked if there would be collector streets leading to and from the property in the future. Mr. George said there would be a collector street running through the middle of the property, but it could only be built to a certain point. Therefore, the only egress and ingress to the subdivision would be on Meadows Drive.

Councilman Nixon asked if the property was on the View Caps Water Supply system. Mr. Wood said there is a water line available to the subdivision. There is also a sewer line available, as well as all of the other utility companies. Mr. Wood said the subdivision would tie on to the sewer line to the north of the property. Before a plat is ever filed as a final plat and accepted from the City, the sewer will be put in and hooked up. Rueben Rouse owns the property to the north of Wood's property and Ramcon owns the property to the southeast of Wood's property. A water line goes down Meadow Drive all the way to the property (10" water line).

Mr. Hargesheimer, Director of Water Utilities, said the purpose of the 10" water line was to provide those persons not on the View Caps Water Supply System. There are presently two customers on the City's water line. The rest are on the View Caps Water Supply system.

Mr. Tom Hannen, 2423 S. 25th, said the plat was drawn with the consideration for the residents of Mystic Meadows. He said there were 199 lots platted

instead of a possible 350 lots. Along the east common property line, there are 8,000 square feet lots platted to be used as a buffer. The average lot size is 12,985 square feet. He said all of the water in the area drains to the east from Elm Creek. He said they have taken from their east property line the drainage to Elm Creek and shifting the water to the other direction. Two detention ponds are planned to relieve the creeks.

Mr. Nathan Wood, 35 Windmill Circle, an investor in the subdivision, said their plat of the subdivision is not limited to the single ingress and egress of Meadows Drive. He said three additional ingress and egress are platted. At the present time, those ingress and egress will not be useable because the adjoining land has not been developed. They estimate that within the next three to five years, the adjoining land will develop and the collector streets will be built. He said most of the residents have two to five acre lots fronting Meadows Drive. He said most of those homes have turnaround driveways and will not have to back out into the street. Mr. Wood read part of a letter from Mr. James Condry, Assistant Traffic & Transportation Director concerning the traffic along Meadows Drive. The letter said, "...the proposed development of 199 units would generate approximately 2,000 vehicle trips. The traffic carrying capacity of a two lane roadway is well in excess of 2,000 vehicles per day. Although, this is a significant increase, the street has the capacity to accommodate the additional traffic."

Mr. Jack Chamberlain, 111 S. Judge Ely Boulevard, agent for Bronco Properties and co-owner of the property, said he represented the former owners of the property when the Planning & Zoning Commission adopted the Southside Area Land Use Plan. He said he did not remember any objections from the Planning & Zoning Commission or the residents of the area concerning the use of residential family zoning for the area. The water line extending in the area runs directly to the property with only two customers on it. The road has excess capacity to handle the traffic that will be generated by the subdivision and the developers are willing to bring the adequate sewer to the project. He said the only objections raised by the owners in the area has been the traffic. He pointed out that the Council previously passed two ordinances where only one ingress and egress was available to property owners. He respectfully requested for the Council's favorable consideration on the request because he felt it was a reasonable request and the best possible use for the land.

Mr. Gordon Asbury, Jr., an Abilene attorney who represented the Mystic Meadows Homeowners Association, said the proponents of the request were better prepared than they were at the Planning & Zoning Commission meeting. He said each one of the Association members live in the immediate vicinity of the Meadows Drive. He said the proponents of the request do not live within a mile of the project, let alone on Meadows Drive. Mr. Asbury said the subdivision started in 1967 at a time when Abilene had not reached that far to the south. The people of Mystic Meadows bought 5 to 10 acre lots and within a very short time, the subdivision was well developed. In 1980, the area was annexed into the City. In September, 1981, it was purchased by the proponents of the request. The people of Mystic Meadows had several objections to the subdivision as it was reported and planned. The main objection was the traffic problem. He said that it is about one mile from Buffalo Gap Road to the entrance into the subdivision. The mile was originally a dirt road. Subsequently, the residents of Mystic Meadows, at their own expense, paved the road to County specifications and their own specific needs. Not only do those residents have a traffic problem in terms of how many cars will the road handle, but they have a traffic problem that has been graphically demonstrated. He said the Council only needed to look at the situation along Antilley Road. If the same course is followed in this case, it would mean that each of the residents will be assessed \$7,000 for each five acre lot to curb and gutter and pave Meadows Road to City specifications. The developers will not have to pay the \$7,000 per five acres because the road does not abut them. The abutting property owners will be forced to bear this expense.

Mr. Asbury pointed out that there will be a structural problem with the road also that in time will require the structure to be improved at his clients' expense.

The proponents said they have three possible accesses to the property. One is out to the north. There is a tract of land north that is owned by the estate of Efa Bowers. The Bowers estate is entangled. Mrs. Bowers left a will which provides that on the death of her last niece, of which she has four and they range in age from 20-30, the property can be sold. Until that time, the property cannot be sold. He said it will probably be 50 years before the property could be sold for subdivision, therefore, access to the north is impossible.

Another of the proposed entrances into the subdivision lies south of Mystic Meadows. Mr. Asbury said it did not make sense that anyone from town would drive all the way south past the Mystic Meadows Road and come back in from the south to the new subdivision. He said the people coming from town are going to take the first and easiest available access into their houses which will be Mystic Meadows Drive.

He said he realized that the proponents have invested a great deal of money in the project, but his clients have invested much more into building and making homes. He said his clients did not know the land would be brought into the City limits. However, the proponents did know that the land to the north was land-locked and that access for all practical purposes would be only through one road. Those proponents did not have to purchase that land--they could have avoided it. He also submitted that the Planning & Zoning Commission ruled unanimously in favor of his clients. He wanted to say that his clients were not opposed to development in the area--as long as the development would be in two or three acre lots. Unfortunately, in the state of the City ordinances, etc., at this time, it may not be possible to do this from an economical standpoint unless the proponents could obtain a waiver of the requirements for curb, gutter and sewer.

Councilman Rodriguez asked if any of the property owners were present during the public hearings held for the Southside Area Land Use Plan. Mr. Asbury said he did not know, but the Association was not opposed to the land being developed as single family dwellings. They are merely opposing the high density of it at the expense of the sole route of ingress and egress of one road of which the residents will be responsible for bringing up to City standards.

Councilman Rodriguez asked if Mystic Meadows Drive is built to County specifications and if it would have to be improved to serve the development. Mr. Kurfees said the road is built to County specifications and that his letter to Mr. Chamberlain answered specific questions that were raised. His question was if the road was adequate to handle traffic generated by their proposed development as far as width goes. The answer to that was yes. Any two lane road anywhere can carry 2,000 cars without much problem. In terms of the structural end of it, he said he would have to refer that question to Bob Whitehead.

Councilman Rodriguez said that based on Mr. Kurfees opinion if the development occurred, the road would have to be improved and the abutting property owners would have to pay for the expense.

Mr. Whitehead said he had looked at the road. Being a County road sort of construction that it is, he would anticipate that any additional traffic, especially construction traffic would cause in very short order some major repairs to be made to the street. Eventually, as the amount of traffic increased on the street, he anticipated that there would have to be improvements made to City standards. Right now, there are two choices. One is to build it using entirely City funds or put it on a bond issue. The Street Division have bond funds billed at special assessment. Structurally, the road would not be adequate to handle the increased traffic and construction sort of traffic without improvements. Since annexation, no improvements have been made to the street.

Mr. Seegmiller said it was possible that Mr. Whitehead's first suggestion that the City would have to improve the road as it exists now could take care of that situation some time in the future until the traffic became such that it could not handle it. It would require that the City would provide some maintenance on it like it does for other streets in the community.

Councilman Rodriguez asked if Mr. Seegmiller was saying that the City would improve the road to the condition of County specifications as it is now.

Mr. Seegmiller said the City would have to go ahead and make those improvements like it would any other street that began to have an increase in traffic.

Councilwoman Proctor-Shaw asked if that included curb and gutter or simply maintaining the asphalt.

Councilman Robinson asked Mr. Asbury if the property owners were not assessed any charges on curbing or gutters or paving of the road would they be in favor of the subdivision.

Mr. Asbury said they would prefer the development to be on a larger area. Each resident would be about \$7,000 worth more in favor of it.

Mr. Royce Scott, a resident, said he, his wife and children will be damaged by the subdivision. He asked how many concrete trucks will use the road, how many truck loads of lumber will use the road, etc. He said most of the residents who live in the area work in another part of town. He drives down that road to get to work and the school bus picks up his children on that road. Most of the traffic on Meadows Drive will be from 7:30-8:00 a.m., from 5:00-5:30 p.m., not all during the day. He also pointed out that he was not one of the two that is on City water. Two years ago, he spent between \$1,500 and \$2,000 on a septic system. He has not the access to City sewer. He also said they have a problem with flooding and he wanted to know why the road was not brought up to City standards presently.

Mr. James Best, 5725 Meadow Drive, told the Council that he was one of the property owners who will be affected by the 200 houses that would be behind him. He said he could not think of any developments where you get on a road and drive one mile to get to a development where there are 200 homes. He also pointed out that the road is currently in bad shape. He thought within a year's time some really large repairs would need to be made and it would come out of the residents' pockets. He said the residents were only opposed to putting 200 houses behind them and all of the traffic in front.

Mr. Art Ray, 5650 Meadow Drive, said he is on View Caps water. He said the residents have endured the View Caps system for years, and it is inadequate. He did not see how the proponents could get sewer line through the land locked property to the north either.

Councilwoman Proctor-Shaw asked Mr. George if it was feasible that Vapor Trails and Southwest Drive may some day be tied to the area. Mr. George said the property in question has a proposed north/south collector street planned. However, streets tying onto the north/south collector street are not on the ground now and it may be some time before they are.

Councilman Nixon asked if those streets would be coming through the land locked property. Mr. Asbury said it was. The Bowers estate property borders the north property all across the property north line and even further to the east.

Mr. Wood said there would be two north ingress and egress on the plat. One of the ingress does not belong to the Bowers estate. This property is owned by a doctor, but he is now planning his development. It goes all the way to Buffalo Gap Road. If the Bowers estate is tied up for 50 years, the three ingress and egress may have to be used instead of four.

Mr. George commented to the remark that was made to the five acre tract or two acre tract. In terms of zoning, a two acre subdivision was possible under the zoning ordinance. However, there are no subdivision waiver provisions for two acre tracts or even five acre tracts in the City limits. He would be required if he does a two acre subdivision to put in all of the streets and all of the water and sewer and curb gutters. There would be no possible way for the waivers to be granted in the City limits on two or five acre tracts.

Councilman Rodriguez asked if land use studies were set in concrete, or if they just planned status of development of a particular area. Mr. George said that latter was correct. When this particular study was done, the Staff did not have some of the more detailed information of contours that is now available. When a development comes in, the Staff negotiates the location of the streets.

Councilman Rodriguez asked if the Planning Department could look at a land use study such as the Southside and change the configuration around to adapt to proposed developments.

Mr. George said that would put his Department in an awkward predicament in telling a developer how to develop his property. The Planning Department would rather stay with the loose framework of showing where collector streets and major thoroughfares should be and let the developer develop the interior streets.

Councilman Rodriguez said he would like to suggest some sort of compromise between a developer and property owner be reached through the Planning Department.

Mr. Seegmiller said that sort of thing does take place, but it ends up being an incremental kind of things that the Staff must do a piece at a time.

Mr. George said that if the Staff were asked to look at the study, it might make some suggestions and it really would not make any difference in the density.

Councilman Rodriguez felt the City should have some control over where streets are built and the Traffic Director should know where the traffic flow is going. He felt that perhaps the City's Traffic Department could help in the development of the subdivision.

Mr. Seegmiller said during the platting process, developers must show the lay of streets, however, when the developer does not own a tract of land he cannot and the City cannot tell the property owner how to put a road through his land. The only other option would be to have the City buy the property and extend the road.

Mayor Hall said the problem concerns a matter of timing. He said the City annexed the people in Mystic Meadows and the only thing they have received from the City is animal control. He said those people have been very patient with the City. He told Mr. Wood that he thought Mr. Wood was premature with the development. He said the development will eventually occur, but he did not see any reason to hasten it by imposing the problems of the development on the people who live in Mystic Meadows. He said the City has only two options: either reclassify the zone, open the street, and allow Mr. Wood to build the subdivision with the hope that someone will develop near the property so a road will be made available for another ingress and egress or the request can be denied with the invitation to come back next year when perhaps some other development has occurred.

Councilman Fogle said there is nothing wrong with the development as it is proposed. Even the Staff recommended approval. However, the timing is off and a road will have to be used that someone else prepared. The road is now substandard and it is apparent that the increase in traffic will cause that street to deteriorate to the extent that it will have to be redone to City standards. The burden of the cost will be placed on the people living in Mystic Meadows.

Councilman Bridges said he hoped that it would be economically feasible for the developers to look at a two acre tract for the subdivision they plan. But, he had to move to deny the request. Mayor Hall seconded the motion.

The motion carried as follows:

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

NAYS: Councilman Robinson.

ZONING RE -
AO TO RS-8 &
RS-6 ON MEADOW
DRIVE. 2ND &
FINAL. DENIED.

Mr. Collier presented the reclassification request from RM-3 (Residential Multi-Family) to RM-3 (MRH) Modular Home Overlay) District, located in the 1600 Block of S. 14th. The Staff and Planning & Zoning Commission both recommended approval.

Mayor Hall opened public hearing on the reclassification request.

Mr. Mac McClure, agent, said the three lots will be used as a test for a modular home concept. He said he felt the location would provide the visibility for his products. The duplexes will probably sell for \$30-35 per square feet.

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

Councilwoman Proctor-Shaw moved approval of the reclassification request. Councilman Nixon seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

ZONING RE -
RM-3 TO RM-3
(MRH) IN THE
S. 14TH. 2ND
& FINAL. APPR

AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, 1600 BLOCK OF 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. McClure said the modular homes will be subject to inspections by the State of Texas, although, he plans to submit the home plans to the Inspection Department of the City before a certificate of occupancy is received. All of the objections raised by the Inspections Director have been changed to meet the City Code. The duplexes will range in size from 1,100 square feet to 1,800 square feet.

Mr. Collier presented the reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located at Button Willow Parkway & Broken Bough Trail. The Staff and Planning & Zoning Commission both recommended approval.

Mayor Hall opened public hearing on the reclassification request.

Mr. Terry Franklin, Lee Moore Company, said the request was the last phase of the Woodlake and Hunters Creek Additions. Most of the lots in the request are sold.

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

Councilman Nixon moved approval of the reclassification request. Councilman Rodriguez seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.	ZONING RE -
NAYS: None.	AO TO RS-6
	AT BUTTON
	WILLOW PKWY &
	BROKEN BOUGH
	TRAIL. 2ND &
	FINAL. APPR.

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

Mr. Bob Whitehead presented the amendment to prohibit parking during street maintenance operations. He said the maintenance concerns the seal coating and overlay work the Street Division must do each year. The cars along the street to be maintained must be moved. Last April, the Staff approached the Council with a temporary ordinance listing certain streets that the parking would be prohibited on at certain times with adequate notice. He said the Council was concerned last year that a temporary ordinance must be passed each year to take care of the problem. The Council requested the Staff to come up with a permanent ordinance that would accomplish the Staff's goals. The construction hours would range from 7:00 a.m. to 7:00 p.m., with signs placed 48 hours in advance. The signs would be placed along the street where the parking would be prohibited during the construction. Always before, City workers would have to knock on doors and plead with people to move their cars. Sometimes, the City workers would have to manually move the cars. The ordinance will give the City the necessary authority to either hire a commercial wrecking service to move cars or use City vehicles to move cars after the adequate notice has been provided.

Councilman Bridges asked if the Staff has received any complaints from persons perhaps on a two week vacation who are unable to comply with the notice. Mr. Whitehead that has probably happened. He said 48 hours notice will be given officially, but the Staff will try to spread information through the news media several days in advance. The experience last year with the temporary ordinance worked very well, and the Staff had very few complaints or problems.

Councilman Rodriguez asked if the City will require a fee for moving a vehicle such as a commercial wrecker. Mr. Whitehead said the City has a contract with a wrecker service. But, if the City crew moves the car, then there will be no fee. If a wrecker service moves a car, then a charge will be required. The wrecker service will only move a car around a corner or to another place just so the work can be done. The car will not be impounded.

Mayor Hall opened public hearing on the ordinance amendment. Hearing no one requesting to speak, Mayor Hall closed the public hearing.

Councilman Rodriguez moved approval of the ordinance amendment to prohibit parking during street maintenance operations. Councilman Fogle seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.	TRAFFIC & TRAN
NAYS: None.	PROHIBIT PARK
	DURING STREET
	MAINT. OPER.
	2ND & FINAL
	APPROVED

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

Mr. Lee Roy George presented the item to utilize Community Development Block Grant Funds. He said on April 14, 1983, the City Council asked the City Staff to determine how \$988,530 previously set aside for a proposed Stevenson Park Relocation Program should be re-utilized. He said there were four projects the Community Development Committee would probably want to look into: the NOAH Project, Boys Club, Economic Development proposal and a Historical Preservation proposal from the NAACP. However, after discussion, the Community Development Committee only recommended two of those to the Council: the NOAH Project for \$180,000 to acquire land and

to rehabilitate a structure to move into, and the Boys Club for \$354,990 to build a new north side facility. An additional request came in later that the Community Development Committee thought should be given some consideration due to their timing need--Theta Gamma Omega Chapter of the Alpha Kappa Alpha Sorority for \$20,000 worth of seed money to assist in the acquisition of some 75 to 100 units of housing for the elderly.

Councilman Rodriguez asked if the money had to be used this year or would it only have to be appropriated for future use. Mr. George said he did not think it would have to be used this fiscal year, but each one of the organizations are graded on how well the funds are utilized. Also, when the City is audited by HUD, it will probably receive a black mark when HUD finds out that the funds have not been used.

Councilman Rodriguez asked if there were other proposals possible that might coincide with the proposals already submitted to the Council. Mr. George said the Economic Development Corporation is still in the study phase and the Staff has no idea of how much funding will be requested. There are other requests that have been brought to the attention of the Staff that will probably be brought to the Council at a later time.

Mayor Hall asked if Mr. George thought the people or organizations who are eligible for the funds know about the funds and know that they are supposed to apply for the funds. Mr. George said the Staff has not sent notices or advertised in the paper about the funds. There has been sufficient coverage, though, since the Council has been involved.

Mr. George said the City in the past has been able to build structures, although the funds have not been given to non-profit organizations or for profit organizations to build structures. The City has improved Sears Park Recreation Center, a Multi-Purpose Center at Locust, etc.

Mayor Hall asked Mr. George if the City would retain title to the property or if there would be some sort of lease agreement if the City provided the funds to acquire property and build a structure. Mr. George said if the Council wanted to retain some type of input the Council could probably ask for it. Other cities have devised joint projects within their community development programs. The intent of the legislation is that housing structures would be more acceptable rather than funding the services that go on there.

Mayor Hall asked how much the three proposals totaled out of the \$988,530. Mr. George said \$554,990. The request for the Economic Development Corporation may be as high as \$1 million, especially if the corporation is involved in a revolving loan operation. The Community Development Committee was told that the \$888,000 worth of funds were available. There is a jobs bill fund that the City will be receiving in the amount of about \$350,000. The City does need to be looking at next year's funding because the amount for next year will be approximately \$1.3 million. The letter of intent for those funds will need to be turned into HUD a month or so before October 1, 1983.

Councilman Bridges asked if one of the requests before them was tied to a June 1, 1983 deadline. Mr. George said the Theta Gamma Omega organization is under a deadline. Also, there are other groups that will be competing with Theta Gamma Omega for the units that will become available soon. The Theta Gamma Omega's deadline is actually June 23, 1983.

Councilman Rodriguez asked when the application must be sent to HUD for the \$1.3 million. Mr. George said the City does not have to send an application--it is a letter of intent. HUD checks it to make sure everything complies with the regulations. The letter must be sent a month or so before October 1, 1983.

Councilman Nixon asked what if the voters fail to approve the bond issue that would take care of the flooding in Stevenson Park. Mr. George said the Community Development Committee has an item on their next agenda to discuss what to do with Stevenson Park. He said the Staff told the Community Development Committee that even though the funds were not going to be available for the Stevenson Park project this year, it was still a viable project. Probably public hearings will be held to hear from the neighborhood at Stevenson Park.

Mayor Hall opened a public hearing to consider the utilization of the Community Development funds.

Dr. James Webster, representing the Boys Club of Abilene, said the tracts the Boys Club is interested in are near the Winters Freeway in the Pioneer & N. 10th area. The area has a male, 18 and under year old population of 55.6 percent.

However, the average housing cost in the area is \$23,000 and there are 304 one parent families in the area. He said at the present time, there are no other agencies serving the area, City or private. Neither does the "Y" reach the area and there are no plans for a City recreation center. The Boys Club provides not only recreation facilities, but on-going counseling. The boys and girls come on a daily basis and consult with a permanent staff. A one on one counseling relationship is established.

Dr. Webster said the Boys Club felt that it could do the work much better than the City could, as well as be able to maintain a building and staff it.

Councilwoman Proctor-Shaw mentioned that the Boys Club proposal requested \$354,990, but also \$300,000 was also requested for capital development community funds. Does that figure not include the land. Dr. Webster said he thought the \$300,000 was probably for the Boys Club long range plan which was only an estimate.

Councilwoman Proctor-Shaw asked if the Boys Club would be willing to give the City property ownership of a building provided to the Boys Club as long as the Boys Club was using it for that purpose. Dr. Webster said he did not think there would be a problem with that. He said the only thing the Boys Club feels like it needs guaranteed is that it have exclusive use.

Councilwoman Proctor-Shaw said if the City put up the money to build the structure, then the City should have ownership and if for some reason the Boys Club quit using it, then it would revert back to the City.

Mayor Hall said he liked that idea because he could see problems if the City builds the structure and something happens to the Boys Club and the building gets sold to someone else for some other purpose.

Dr. Webster said the Boys Club would probably be willing to negotiate with the City. He did say that the Boys Club was a little concerned with a period of time lease for \$1 per year lease on the City's land. That would leave the Boys Club up in the air. If the building was ever sold and not used as a Boys Club, then it would automatically revert back to the City so the Boys Club could not make a profit out of the City's money. Perhaps that could be written into a contract between the Boys Club and the City. That might be a solution rather than a long term lease.

Councilman Fogle said it seemed to him that a reversionary interest clause would be appropriate. The City would not want to interfere with the Boys Club program as long as the Boys Club had an on-going program. However, if that program was to cease, then the City would also be protected.

Dr. Webster said he felt that would be reasonable. He said times change-- an example is the Boys Club S. 2nd Street location. It has been closed because there are no kids in that neighborhood now. Twenty years ago, there were many kids in the neighborhood. He agreed that the Boys Club should not make a profit off of the City or the taxpayers. Twenty or thirty years from now, the Boys Club may have to move again.

Councilman Bridges he got the feeling that the Boys Club primary target area is tract 106 rather than 131. If that is correct, why--131 has a much higher minority population and a much lower income group also.

Dr. Webster said that would depend on which part of the tract. One part of the tract has upper middle class population. Dr. Webster said the Boys Club was proposing locating as close as possible to Pioneer and N. 10th and it needs to be within a mile radius of the kids because those kids can only get to the club by bicycle or by walking. Most of those kids don't have parents to drive them. All of the areas in the mile radius are high minority.

Councilman Bridges asked if the Boys Club had actually set its priority as to where it would prefer to locate the facility. Dr. Webster said their first priority is the corner of Pioneer and N. 10th. The second priority in several years would be the S. 7th area.

Councilman Bridges said he lived fairly close to those areas and knew the flow of children to Lee School. In looking at the block statistics, the average price of homes is so much lower in tract 131 than it is in 106 but he realized that the Boys Club was looking at averages.

Dr. Webster said the Boys Club felt that the children would come from the areas in 106 and not so much from 131 across the creek. That is why the Boys Club felt it needed to be in that area.

Mayor Hall asked if there were any other questions. There being no further questions, Mayor Hall thanked Dr. Webster for making his presentation.

Mayor Hall suggested ceasing the meeting since the Council had been in session so long and to resume, with approval of Mr. Cargill, possibly next Thursday or possibly the next Council session. He asked the Council what they wished to do. Councilman Rodriguez said he agreed with the Mayor, but he would like to point out that this was a public hearing and all the notices had been sent out and he felt that they were legally bound to continue. Mr. Cargill said that was not correct, that there was nothing in the law that said if an item is posted it has to be considered.

Councilman Bridges said he had a problem with next Thursday even if all those who were present could come back so he wondered if the Council could finish the Community Development fund item. Councilwoman Proctor-Shaw said she would not be able to be present next Thursday. Mayor Hall said since not all of the Council could be present next Thursday, it should continue the session. All of the Council agreed.

Ms. Diane Mehaffey, Director of the NOAH Project, said that for the last three years, they had been operating out of a very old building. They have requested \$180,000 to assist in securing another building.

Councilwoman Proctor-Shaw asked if Ms. Mehaffey would have any objection to answering the same question she had asked the Boys Club in that the City would be providing about 80 percent of the funding for the building the NOAH Project needed to purchase and any new construction.

Councilman Fogle asked if it was not true that a non-profit organization had to have provision for disposition of any assets left when it ceased to exist. Mr. Seegmiller said the City has in the past provided those kinds of provisions in its contracts.

Councilwoman Proctor-Shaw asked what would happen if the NOAH Project outgrew the new facility and maybe moved to a new building. Mr. Seegmiller said the building would revert to the City, but he doubted that would happen.

Mayor Hall asked if the same would happen if the project failed. Mr. Seegmiller said he believed the same would hold true. Ms. Mehaffey said, in her opinion, the reversionary interest was a logical arrangement.

Ms. Doris Ballard, Housing Administrator for the City of Abilene, introduced Mrs. Mary Island of the Theta Gamma Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.

Ms. Ballard first gave some background on the type of program the Sorority is attempting to pursue. She said there was a deadline of June 23, 1983, that their application must be in to the HUD office. No applications will be accepted after that date. She said the program they were talking about is the Section 202 housing for the elderly. This is a forty year loan program to finance construction of housing for the elderly. The program is not a grant program--it is a loan program. The property, if it should occur, would belong to the sponsoring organization and the borrowing organization. There are some unique requirements found in the program that are not in other HUD sponsored programs. The regulations prohibit a governmental body from participating in the program. It has to be a private, non-profit organization. Also, the regulations prohibit a for profit developer from participating in the program. This regulation was done because of recommendations coming out of the Conference on Ageing stating that the best providers of this type of service would be non-profit since they have no ulterior motive.

Ms. Ballard said the section 202 program for the Dallas office has an allocation of 171 units. This will cover only the Dallas area office and parts of New Mexico. The person or organization borrowing the money must incorporate. They will be a single purpose asset set up solely for the purpose of developing this type of housing.

Mrs. Island said because of the June 23 restraint placed upon the Sorority, they were appreciative of the Council's willingness to remain. She said she would like for the Council to know that she is Chairperson for the Alpha Kappa Alpha Sorority Housing Committee. Mrs. Island then gave a brief history of the Sorority. Mrs. Island pointed out that the Sorority is a nonprofit organization thus it would be an excellent vehicle to bring the housing for the elderly to the Carver Community. The Carver Community has expressed a desire for the maintenance of the community and the revitalization of the community. Mrs. Island said the City has also expressed a desire to revitalize the Carver Community and has named it as a target area. The Sorority would like to be the vehicle to help accomplish that goal. The Sorority feels that the proposed \$3.5 million apartment complex would enhance the community. They feel that it is vitally needed and made a telephone survey to ascertain the need for this project. The Sorority appeared before Council to ask for three things: (1) Seed money generated through the CD funds of \$20 thousand; (2) assistance in the land acquisition and; (3) technical assistance during the application period as well as during the implementation period. Of the \$20 thousand requested in seed money, \$10 thousand will be placed in escrow as a reserve to cover any operating deficit that may occur during the first 3 years of occupancy. After the 3 year period, this money will be returned. In addition, the other \$10 thousand would be used for preliminary expenses such as architecture fees, preliminary site work, land options, etc. If the Sorority is funded, all of these funds would be available to be returned to the City. Mrs. Island then asked if there were any questions.

Mayor Hall said that this was done in connection with HUD. Mrs. Island said yes. Mayor Hall said that we had recently gone through a traumatic experience of getting a site acceptable to HUD that was acceptable to the community surrounding the site and this also was a project providing housing for the elderly. Mayor Hall asked if there was any difference in the procedure that is to be followed under your program under HUD and that as followed under the Abilene Housing Authority program. Mrs. Island said number one, that they had assured support from the community and number two, since Carver has been targeted as an area for revitalization, this would enhance the possibilities of our receiving acceptance. Mayor Hall asked if they planned to locate this somewhere in the Carver area and would HUD find this acceptable. Mrs. Island said they had talked with HUD about the location and HUD has not told them it would be turned down. She said they had given HUD a rationale for wanting to place it in the Carver area. She said they feel that the citizens strongly support having it placed in the Carver community. They feel that Carver has a lot of amenities such as the hospital close by, the doctors complex, the pharmacists, City Hall, utility companies, the Carver Senior Citizens Recreation Center, churches are all close by. This has been pointed out to HUD. The Sorority feels that there are many reasons to remain within the community. They feel that this will help to turn around the decline in the community; that it will enhance new development. Mayor Hall said he agreed with her but he wanted to know if HUD gave any indication that it did not agree with them. Mrs. Island said they felt that it was being well received by HUD but they will not make a commitment at this point until the Sorority submits a proposal but HUD has not been negative. HUD has requested the Sorority keep in touch with them and let HUD know how they are proceeding. Mayor Hall asked what the deadline was that they were facing. Mrs. Island said it was June 23. HUD would not consider anything after that deadline. Mayor Hall asked why this was so. Mrs. Island said that was just the deadline HUD had given them and that the competition was especially keen and they would like the opportunity to do a good job on this proposal hoping that they will be funded. Mrs. Island said they felt that the City's cooperation would mean a great deal, to be able to go before HUD and to say that our City has a commitment to this project and they were willing to go on the line to help in the pursuit of it.

Councilman Rodriguez asked what if HUD does not approve your project, then, if we approve the funds, what would happen to the \$20 thousand. Mrs. Island said they planned to return to the CD committee any funds not used for this project. She said they were willing to follow any accountability recommendations the Council might make. She said if they were funded, the

Sorority would be able to return the \$10,000, if they are not funded they would be able to return that part that they did not use.

Councilman Rodriguez then asked how the Sorority intended to build the project since Ms. Ballard had said no developer would be involved. Ms. Ballard said that the sponsor is required to competitively bid their project if it is \$1 million or more. If it is less than \$1 million, then they can select a developer and negotiate a price. She said that the developer would not be in this to make money, it would belong to the sponsor and the borrower. Councilman Rodriguez said that, in other words, the sponsor would be the Sorority and so the developer would be a member of the Sorority. Councilman Rodriguez said he was still not clear on the fact that there would be no developer because someone still had to be paid to build this project. Ms. Ballard said that what they were saying was that there are some developers who develop subdivisions and things of this nature strictly for profit, while the accountability here would be with the sponsor even though someone would have to be hired to build the project. Councilwoman Proctor-Shaw said she believed what they were saying was that the builder would make a profit on the building but would not own the building and the sponsor would have to hold the builder accountable to keep the prices in line. Councilman Rodriguez asked that once the project was developed, would the Sorority manage and administer the operation of the project. Mrs. Island said they had tentatively thought of contracting with the City for management. Mr. Seegmiller asked if it would not be a Housing Authority that would be managing it. Mrs. Island said yes. Councilman Rodriguez asked if their organization had been involved in a project such as this before. Mrs. Island said that nationwide, they own the Job Corps Center in Cleveland but they had not really been into housing.

Mayor Hall asked if there were any other questions. There being none he asked for any other presentations under this public hearing. Mayor Hall declared the public hearing closed.

Councilman Bridges moved that the Council commend the Community Development Committee and that the Council approve these requests understanding that the Council retains the "reversionary clause" on the building of the Noah Project and the Boy's Club. Councilwoman Proctor-Shaw seconded the motion. The motion carried as follows:

AYES: Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson, Nixon, Bridges, and Mayor Hall.

NAYS: None.

Mr. Bob Whitehead said the program that was before the Council was a construction and maintenance agreement on two bridges. It is part of a Federal Aid Program for Off-System Highways. There are Federal Aid Highways and the other highways or streets are called Off-System. Occasionally funds become available for use on Off-System highways. This is a program to replace bridges. He emphasized that this is a replacement program. These two bridges have appeared and been brought to the Council previously, but what they need to look at is a possible update with the agreements with the State Highway Department. One bridge to be considered is at Curry Lane or the proposed Southwest Drive at Elm Creek and the second one is at Rebecca Lane on Elm Creek. On May 14, 1981, the Council considered and approved and authorized the Mayor to sign an agreement with the State Highway Department for the replacement of the bridge on Rebecca Lane. That was to replace it with a 34' wide structure. On March 23, 1983, Council did consider and authorize the Mayor to enter into an agreement for the replacement of the Curry Lane bridge and widen that to a 64' structure. The State has returned the two maintenance agreements and would like authorization for the Mayor to sign which would accomplish widening Rebecca Lane from a 34' structure to a 64' structure and the authorization for the Mayor to sign for the widening of the Curry Lane bridge to a 64' structure. The reason for bringing this before the Council is the anticipated construction in that area. The plating and development along Southwest Drive at Winters Freeway was approved by Council recently. This is intended to be under construction this summer and fall to extend Southwest Drive to around Curry Lane. The bridge that would connect into Southwest Drive would be on alignment to serve that entire throughfare plan as Southwest Drive would be extended in the future down to Rebecca Lane. A 34' structure can be constructed and then, as needed, go back and widen with an additional cost. The anticipated City cost now would be \$370,400 out of a total estimated cost of

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\$644,000 or about 57% of the cost. This would get both structures to the 64' width. The State would contract and bid it. The City would need to provide a ROW and reroute any utilities that might be involved plus this share of the cost. Mr. Whitehead's recommendation to the Council is that they approve an oral resolution authorizing the Mayor on behalf of the City of Abilene to enter into these amended construction maintenance agreements for bridge replacement or rehabilitation off the State Highway System for Rebecca Lane for a 64' structure and for a 64' structure on Curry Lane.

Mayor Hall asked where were the funds available for this. Mr. McDaniel said that presently there was approximately \$500,000 left in the Bond Funds that is tentatively scheduled to go into the Southwest Drive area for street construction, etc. If the project that Council recently approved goes through, the City will probably not have to spend much of its money which would leave enough for the project suggested by Mr. Whitehead. If the City does have to spend money in the Southwest Drive area, then the City will have to budget for this money in next year's budget. Mayor Hall asked what the funds left over in the Bond issue were supposed to be for. Mr. McDaniel said they were for streets, roads and bridges and a certain amount was for undesignated streets. Mayor Hall asked how the City was going to keep from spending the \$500,000 from Mr. Whitehead's viewpoint. Mr. Whitehead said that when the \$500,000 was programmed they had anticipated having to purchase the ROW and construct Southwest Drive all with City funds. Now that the City has plated and has the ROW without having to purchase it and the developer will be paying his share, out of the 64' street, the developer is committed to build 40' of that using his funds, so the City's share will be about the center 24' of the street that it will have to fund. Mayor Hall asked what was the hazard of that not coming about that Mr. McDaniel had referred to. Mr. Whitehead said that the hazard was that there was a plat that has been approved but there is no committed time frame on that plat. The best indication is that they will make the improvements and build the street this summer and fall but there is no guarantee.

Mayor Hall asked if any of the funds were allocated for the ROW for the Vapor Trail extension. Mr. Whitehead said they were not. Mayor Hall asked that if the developer develops and if the time frame meets, we will have enough money left over from this project to do the City's part of the wider bridge and the purchase of the ROW. Mr. Whitehead said that was correct. Mayor Hall said that otherwise, if they agree to the purchase of the ROW for the widening they will have to know that this will be budgeted out of next years budget. Mr. Whitehead said yes, the Council's commitment by signing this agreement will actually commit for the design but later on if the funds are not available or they decide not to expend the funds, the program can be ended but they will have to pay the State for the design. The project can actually be stopped before construction.

Councilman Nixon asked if the street was proposed to be 64'. Mr. Whitehead said yes they were both proposed to be arterial streets. Rebecca Lane will tie in to the extension of Vapor Trails.

Councilman Rodriguez asked if the bridges would be built according to the 100 Year Flood Plan. Mr. Whitehead said they would be working with the State on that and would look at area, but, it is a replacement type program, and we will work with the State to get those to a minimum of a 25 year to get them out of the water. Councilwoman Proctor-Shaw said that was a 25 year and not a 100 year. Mr. Whitehead said they were not sure what they would do right now. It would depend on the costs as they look at it. He said they did not have a direct policy right now on the arterial, whether we want every arterial up to the 100 year standard or whether we want them to just pass a 25 year storm. He said he thought on Elm Creek that as they were designed and implement the Flood Water Management Plan, as long as they are maintained on the high bank, eventually when they get all the other detention facilities upstream, they will pass the 100 year storm. Initially they will not. Councilwoman Proctor-Shaw said that she thought that was where the question was. She said they hated to put this kind of money into bridges and then find out a few years down the road that they have to be redone and elevated. Mr. Whitehead said that until the detention facilities were in place, it probably would not pass a 100 year storm.

Councilman Bridges asked Mr. Whitehead if he did say it would at least pass a 25 year storm. Mr. Whitehead said yes.

Councilman Rodriguez moved to approve the program. Councilman Bridges seconded the motion. The motion carried as follows.

AYES: Councilmen Rodriguez, Robinson, Nixon, Bridges, Councilwoman Proctor-Shaw, and Mayor Hall

NAYS: None.

Mr. Bob Fowler gave a brief history of the Weed Abatement Program. He pointed out that this program went back about 4 years. Complaints received by the City were inspected by the City Inspectors then there followed a long and cumbersome process in order to get lots mowed. The results of this program were ineffective. It was felt the program needed to be streamlined. The Council adopted a new procedure that somewhat eliminated the cumbersome processes previously used. This did alleviate some of the time frame problems. However, it did not help in the actual mowing process. The option of purchasing equipment and hiring additional staff was considered but it was determined that it would be preferable to go with a contract mowing service. All lots were posted or marked that were in need of attention. A request was then posted for bids from mowing contractors. Sealed bids were received and a low bidder then awarded the contract to mow these areas. This also proved to be time consuming. The program was then further streamlined where the mowing contractors would submit their list of equipment, the size, type and amount of equipment that they had and what was considered to be a fair rental price for this type of equipment. Complaints were then catalogued as they were received and the list of contractors were notified in numerical order and they were paid on an hourly basis depending on the type of equipment they had. This program resulted in a great deal more mowing being done but then the problem of cost came up. Cost to the property owners became excessive and the staff was not available to supervise these contractors to determine how many hours they were spending. The program had been handled by Code Administration up to this point. The program was shifted last year to the Fire Department using the same format as the last time Code Administration handled it.

Chief Richard Knopf said the Weed Abatement Program was conducted last year using the same list of contractors. It was found that quite a number of hours were being spent in mowing. They processed 1,400 complaints and mowed actually 800 properties. About 3/4 of these properties were inner-city lots. In-service Fire Companies were utilized as the Inspectors to determine an actual violation following a complaint but the actual administration of the program required a lot of time. Chief Knopf said he believed they have streamlined not only the administration part of the program but have gotten the cost to a controllable system. They have microfilmed the City maps, have a better way of processing the complaints and have been providing an additional notification to the owner. In order to control the costs, it was felt that the most appropriate way to manage the mowing was to go for bids based on the certain sizes of lots that were advertised. Approval was received from the Council to advertise for bids and did receive bids. The City has been divided into four districts for mowing purposes. Many of the bidders bid all four districts and it appears that the low bidder will mow all four districts. Chief Knopf recommended that the Council approve the low bid and authorize the City Manager to enter into a contract with the low bidder for the mowing services for the City of Abilene.

Councilwoman Proctor-Shaw asked since there was such a discrepancy in the bids, is it right that the base bid was \$10.00 and for a certain square footage it was \$15.00. Was this per lot of this size. Chief Knopf said that was right. Councilwoman Proctor-Shaw then said she noticed that it went up to almost an acre at \$25.00. It varied, was that because they were using a different size tractor. Chief Knopf said they did not have any way of knowing that. They had established a minimum size for the mowing device but we did not indicate any specific requirements above that. Councilwoman Proctor-Shaw asked, pertaining to out-of-town owners, you are talking about a 10 day notice, is that 10 days after you have postmarked that letter they must have the lot mowed or you're going to mow it. Chief Knopf said that was correct, but that notice is over and above that of the notice required in the ordinance. Every property owner is sent a notice required by ordinance that says if it is not mowed, the City will mow the lot. He said they are

not automatically mowing anyone's lot right at the moment. They are handling complaints only. There are two ways to process a complaint. If a citizen calls, they mail out the letter the same day. The Fire Company is then scheduled to make an inspection on that property a minimum of 10 days later. Also, when the Fire Company goes out to make that inspection and they observe other properties in the area that are in violation, they will initiate that complaint and a letter is sent. Councilwoman Proctor-Shaw asked if they would be attaching an additional fee. Chief Knopf said yes, there is a punitive fee of \$10.00 and a 30% administrative fee to a maximum of \$50.00. The idea being to discourage the utilization of the Fire Department as an expedient service. Councilwoman Proctor-Shaw asked if they ever sent a list of qualified people who would mow the lots to those in town or out of town. Chief Knopf said no they did not.

Councilman Bridges asked if they had indicated in the specifications to the potential bidders any limitation on the period of time that they would agree to mow the lot. He said he assumed most of the lots would need to be mowed in the summer months. Chief Knopf said he did not have a copy of the specifications with him and he could not recall. Mr. Hawk said that the contract said they had to mow it at the direction of the Fire Inspector and they did not have the option to not mow it. As far as a specific time limit that they have to mow it in X number of days, he did not believe they included that. Councilman Bridges said that he noticed a lot of personal addresses on the bid forms and wondered if they were family-type operations that might not be able to carry out the request. Mr. Hawk said that all of the people that bid have been involved in the mowing. Mr. Hawk said that he needed to point out that the low bidder is a City employee. He said they had checked with each of the contractors to be sure they knew what they were doing and that they could do the work.

Mayor Hall asked if they had any record of the mowing that was authorized to be charged against the lot that was not paid. Mr. Hawk said that last year the contractors were paid \$140,000 and we've recovered to date \$18,000 of that. If they do not pay there are legal procedures to follow. The bid format was devised by the size of the lots and a set price established. Last year it was charged by the hour, now we are doing it with a set price. Mayor Hall pointed out that last year some mowing charges were exorbitant. The range in the bids partly reflect what some of the contractors were charging and thought they could do it again this year. The Mayor asked if the \$122,000 we didn't collect is now levied against the property in the form of a lien. Mr. Hawk indicated we will still try to collect; the monies that we can't collect, if we have done all our paperwork correctly, then we will follow the legal process. Mr. Seegmiller indicated that they do not have the figures right there of how many mechanic' liens have been filed. Chief Knopf requested that the Council approve the low bid and authorize the City Manager to enter into a contract with that low bidder for his services. Mowing services for one year.

Arthur Velasquez worked for the Fire Department last year mowing and questioned the \$10 bid. He felt that a satisfactory job could be done at that price and requested the Council to consider him since he had the experience.

The City sends a letter to everybody who is listed on the tax rolls as owning a lot. This letter encloses copies of all the ordinances and things that everybody has to do and gives him a warning of things that will happen. In the letter we indicate that they mow their own lots as it is much cheaper for the owner. If the owner does not mow, then the legal process begins. Councilwoman Proctor-Shaw moved that the low WEED MOWING bid of Mr. Hodges be accepted. Councilman Bridges seconded the motion. PROGRAM - BID TO FRANCIS
The motion carried as follows. HODGES APPROVED

AYES: Councilmen Robinson, Nixon, Bridges, Rodriguez, Councilwoman Proctor-Shaw and Mayor Hall. HODGES APPROVED

NAYS: None

Mr. Whitehead presented a request from the Big Country Squadron of the Confederate Air Force to lease Hanger #3 that is presently under lease to Abilene Aero. Abilene Aero agrees to the lease to the Confederate Air Force. The hanger is in poor condition but Abilene Aero is willing to make improvements to the hanger.

Mayor Hall asked if Abilene Aero had a termination clause. Mr. Whitehead said it could be terminated on a month-to-month basis.

Mr. Ridley said that in the correspondence he had had with Mr. Meeks, the purpose for the hanger use was outlined. He said their use for the hanger was for storage and display of their Squadron aircraft. Also, they plan to build some adequate rooms inside in which to hold their meetings and to display and store historical aviation memorabilia. It would also be used to host other Confederate Air Force Aircraft on occasions for public viewing.

Councilwoman Proctor-Shaw asked if Mr. Ridley could put any kind of value on the improvements that they intend to make to the hanger. Mr. Ridley said he did not have any actual figures. He said the work would mainly be done by Squadron members. As far as increasing the property value, he did not think it would increase any. They do not anticipate spending a great deal of money.

Mayor Hall asked the Council if they were familiar with what the Confederate Air Force was. They said they were. He pointed out that this was a reputable organization and they create a lot of spirit. Mayor Hall asked Mr. Ridley how much rent they could afford. Mr. Ridley said when they had first presented this to Mr. Meeks they presented it as a rent-free proposition. Mr. Meeks said he didn't feel that would be possible. Mr. Ridley said they could pay \$100 per month with a 3 year lease with a renewal option. Mayor Hall asked that the lease will require that if they did not operate as they described it that it would revert to the City. Mr. Ridley said yes.

AIRPORT LEASE-
TO BIG COUNTRY
SQUADRON OF
CONFEDERATE
AIR FORCE FOR
HANGAR #3.
APPROVED

Councilman Bridges moved that the City rent the hanger to the Confederate Air Force for \$100 per month and grant a 3 year lease. Councilman Nixon seconded the motion. The motion carried as follows.

AYES: Councilmen Nixon, Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson, and Mayor Hall.

NAYS: None.

Councilman Nixon moved to lift a tabled annexation item. Councilwoman Proctor-Shaw seconded the motion. The motion carried as follows.

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Robinson, Nixon, and Mayor Hall.

NAYS: None.

Mr. Lee Roy George said that they had had a request from Mr. Gordon Asbury, Jr. to annex about 60 acres of property around Dyess Elementary School. When it was discussed at the last meeting, Council suggested that they meet with property owners in the area to get their opinion on the annexation. A hearing was held with them and most of them would be agreeable to the annexation. Most of the property owners at the hearing were from Twilight Trails who were already paying double water rates and double sewer rates and they felt that it would be to their benefit to be brought into the City. There has been only one negative comment received from Mr. Meyers. Now they need to know in what area to begin the process. They had already set some tentative dates for the public hearing and needed a time for that.

Councilman Nixon asked Mr. George if Mr. Meyers, the negative opinion, had attended the meeting of the property owners. Mr. George said that he had not. Councilman Nixon asked if there was anyone present who had a conflicting opinion on the annexation. Mr. Don Powers said he had talked with Mr. Myers after the last Council Meeting and he indicated to Mr. Powers at that time that he had no objection to being annexed into the City. Mr. Powers said that he was surprised to hear that Mr. Myers had called Mr. George to voice a negative opinion. He had been unable to get in touch with him since that time.

Mayor Hall mentioned the fact that on the extension of Vapor Trails, the City is obligated to provide ROW. Several conferences have been held with the County and they have agreed to purchase the ROW in the land

that was still in the County. If this is annexed that will make the cost of the ROW the obligation of the City. Also, an annexation brings about some changes in the voting involving a lot of work with the Department of Justice in order to have approval of an election. There may be a Bond Issue coming up this fall and this needs to be considered.

Mr. Seegmiller pointed out that the amount of land involved in the ROW would amount to about \$22,000 additional cost to the City over the original cost. Concerning the election, if the annexation is completed by the later part of August, probably by the first of November clearance could be obtained from the Department of Justice.

Mayor Hall asked if there was any water supply corporation serving this area being considered for annexation. Mr. George said to his knowledge there was not. View-Caps comes up into the general area but they are not in the area.

Mayor Hall asked if we are prepared to furnish this area with City services. Mr. George said there were already a number of services being provided to this area in Twilight Trails. Mayor Hall said he thought we did not furnish water outside the City Limits. Mr. George said that we did to certain areas. These areas pay double water rates and refuse rates. Mayor Hall asked if the "similarly situated" rule applied to this area. Mr. Cargill said yes it does.

Mr. Seegmiller said that the Air Force will be present at the public hearings and have some concerns about the boundaries, security and the school system also plans to be present.

Councilman Rodriguez asked if they consider both areas, will that include all the people who are tied into City water at this time. Mr. Hargesheimer said it would. Councilman Rodriguez said that we would still have some other people in other areas who are on the City water system outside the City Limits. Mr. George said yes there were still a few areas.

Councilman Bridges asked if the staff was recommending this annexation because of the water situation or had some citizen come to them and requested it. Mr. George said that they had a request.

Councilman Nixon moved that the annexation process begin for areas one and two. Councilwoman Proctor-Shaw seconded the motion.

Councilman Bridges asked for a summary of what the advantages to the City would be in annexing this property. Mr. Asbury, Jr. said that he was the one who had requested that this area be annexed. He said that it was felt that this was an appropriate time to develop that area for housing. One reason for this being the expansion of Dyess AFB. Also this area surrounds an elementary school. He felt that if this project benefited Dyess AFB and if it provided additional tax base to the City, it would benefit the City. Mr. George said, in looking at the area, it does have all the ingredients that lend themselves to potential for development. It is in an area that is adjacent to existing housing. There are already utilities in the area. He said he thought it did fit the policies that have been adopted by the Council in terms of when and where to encourage growth. Mr. Seegmiller said he felt that the extension of Vapor Trails has increased the interest of the property owners.

Mayor Hall asked if it was correct that if an area was annexed and someone else came in and wanted more area, that more land cannot be added to this process. Mr. George said that was correct and he wanted to point out that at some point, this will cost the City. Mr. Seegmiller referred back to the discussion earlier about Mystic Meadows. Mr. George said that these costs were not necessarily disassociated with development. Mr. Asbury said that the main access street into this area was paved and guttered to City standards. Mr. George said that at some point in time, improvements will need to be made in this area.

Mr. Cargill asked Councilman Nixon if his motion included approving the resolution in addition to beginning the process of annexation. Councilman Nixon said it did.

ANNEXATION -
REQUEST FROM
GORDON ASBURY
FOR HIGHLAND
HILLS DENIED

Councilman Nixon's above motion was denied as follows.
AYES: Councilwoman Proctor-Shaw, Councilman Nixon.
NAYS: Councilmen Bridges, Rodriguez, Robinson, and Mayor Hall.

Mr. George asked for a point of order. He requested another motion for Mr. Asbury's project by itself.

Councilman Nixon made a motion to begin the annexation process for tract #1 and approve the resolution. Councilman Robinson seconded the motion. The motion was denied as follows.

AYES: Councilmen Robinson, Nixon.

NAYS: Councilwoman Proctor-Shaw, Councilmen Rodriguez, Bridges and Mayor Hall.

Mayor Hall recessed the meeting to go into Executive Session to consider pending and contemplated litigation and the appointment and evaluation of public officers.

Mayor Hall resumed the meeting and reported no action was taken on the pending and contemplated litigation. On the appointment and evaluation of public officers the following appointments were made.

CIVIC ABILENE, INC.

BOARDS &
COMMISSIONS -
APPROVED

Mrs. Scott Taliaferro - Reappt.
Col. Larry F. McLendon - Reappt.
Mr. Joe Russey - Appt.
Mrs. John Shelton - Appt.
Mr. John E. Connor - Appt.
Mrs. Linda Higginbotham - Appt.

PARKS & RECREATION BOARD

Mr. Vance Marquez - Appt.
Mr. Frank Myers - Reappt.

ABILENE HIGHER EDUCATION AUTHORITY

Dr. Thomas Kim - Reappt.
Dr. Jesse Fletcher - Reappt.
Mr. Lee Underwood - Reappt.
Mr. Syd Niblo - Appt.

WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT

Mr. Ken Murphy - Reappt.
Mr. L. A. Anderson - Reappt.
Mr. Abraham Allen - Reappt.

BOARD OF ELECTRICAL EXAMINERS

Mr. Jon Irwin to fill the unexpired term of Mr. Ronnie Bryan ending November, 1983.

ABILENE HEALTH FACILITY DEVELOPMENT CORPORATION

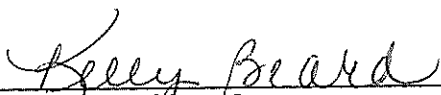
Mr. Richard M. Johnson
Mr. Rodney Joy
Dr. L. J. Webster
Mrs. Rosemary Suttle
Mr. Bob Springer

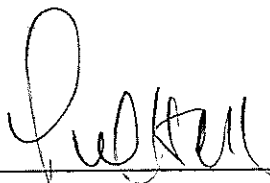
Mayor Hall moved to accept the appointments. Councilwoman Proctor-Shaw seconded the motion. The motion carried as follows.

AYES: Councilmen Bridges, Rodriguez, Robinson, Nixon, Councilwoman Proctor-Shaw, and Mayor Hall.

NAYS: None

Mayor Hall adjourned the meeting.


Assistant City Secretary


Mayor