

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, June 9, 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 A. E. Fogle, Jr.
3. APPROVAL OF MINUTES: Regular Meeting held May 26, 1983.

CONSENT AGENDA

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

4. Ordinances
 - a. Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC & RM-3 (General Commercial & Residential Multi-Family) Districts, located at Bob-O-Link & Brentwood Drive & set a public hearing for June 23, 1983, at 9:00 a.m.
 - b. Consider of first reading - reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) District, located at N. 21st & Hardy Streets & set a public hearing for June 23, 1983, at 9:00 a.m.
 - c. Consider on first reading - a thoroughfare abandonment, being three 20' alleys & set a public hearing for June 23, 1983, at 9:00 a.m.
 - d. Consider on first reading - reclassification request from LC & GC (Limited Commercial & General Commercial) to RM-3 (Residential Multi-Family) District, located on Industrial Boulevard & set a public hearing for June 23, 1983, at 9:00 a.m.
 - e. Consider on first reading - a thoroughfare abandonment, being a 20' north-south alley extending from the south right-of-way of N. 19th & set a public hearing for June 23, 1983, at 9:00 a.m.
 - f. Consider on first reading - reclassification request from RM-1 & RS-6 (Residential Multi-Family & Residential Single Family) to GC (General Commercial) District, located in the 1700 Block of Poplar Street & set a public hearing for June 23, 1983, at 9:00 a.m.
 - g. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) District, located at 2002 Grape & set a public hearing for June 23, 1983, at 9:00 a.m.
 - h. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RS-6 (MRH) (Modular Home Overlay) District, located at Hartford & Andy Streets & set a public hearing for June 23, 1983, at 9:00 a.m.
 - i. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to GC & MH (General Commercial & Mobile Home) Districts, located on Sycamore Street from S. 27th to S. 32nd Streets & set a public hearing for June 23, 1983, at 9:00 a.m.
 - j. Consider on first reading - reclassification request from AO (Agricultural Open Space) to SC & RS-6 (Shopping Center & Residential Single Family) Districts, located at East Lake Road (FM 2833) & Hwy 351, & set a public hearing for June 23, 1983, at 9:00 a.m.
 - k. Consider on first reading - reclassification request from AO & GC (Agricultural Open Space & General Commercial) to LI (Light Industrial) District, located on Hwy 351 at I-20 & set a public hearing for June 23, 1983, at 9:00 a.m.
 - l. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located at Gilmer Avenue & Stonehedge & set a public hearing for June 23, 1983, at 9:00 a.m.
 - m. Consider on first reading - reclassification request from O & AO (Office & Agricultural Open Space) to RM-2 & GC (Residential Multi-Family & General Commercial) Districts, located at Curry Lane & Hwy 83-84 & set a public hearing for June 23, 1983, at 9:00 a.m.
 - n. Consider on first reading - reclassification request from RS-6 & RM-2 (Residential Single Family & Residential Multi-Family) to RM-3 & RM-2 (Residential Multi-Family) Districts, located in Canterbury Trales Addition & set a public hearing for June 23, 1983, at 9:00 a.m.

4. Ordinances, Cont'd.
 - o. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to PH (Patio Home Overlay) District, located at Hunt & Sewell Streets & set a public hearing for June 23, 1983, at 9:00 a.m.
 - p. Consider on first reading - reclassification request from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at EN 10th & Judge Ely Blvd & set a public hearing for June 23, 1983, at 9:00 a.m.
 - q. Consider on first reading - amending Section 32-9.2 of the Zoning Ordinance to permit full service car wash as a right of use in SC (Shopping Center) zones & set a public hearing for June 23, 1983, at 9:00 a.m.
 - r. Consider on first reading - amending Section 32-9.2 of the Zoning Ordinance to permit microwave communication towers as a right of use in CB (Central Business) zones & set a public hearing for June 23, 1983, at 9:00 a.m.
 - s. Consider on second and final reading - amending Chapter 18, prohibiting parking on various streets.
 - t. Consider on second and final reading - ordinance extending the right to sell fireworks in City limits.
5. Resolutions
 - a. Consider a Street Use License for continuation 2, Section 6, Hillcrest Addition.
 - b. Consider easement release, being two 10' utility easements located at S. Treadaway & Industrial Boulevard.
 - c. Consider granting of and release of easement.
6. Award of Bid
 - a. Sewer Cleaning Equipment for Sewer Division.
 - b. Truckster for Golf Course.
 - c. Eight Yard Refuse Containers.
Truck Mounted Crane - Street Division.
7. Request to Advertise
 - a. Rehabilitation of Airport runway #17L-35R.
 - b. Parts for Tractor Repair for Shop Division.
 - c. Signal Heads for Traffic Division.

REGULAR AGENDA

8. Public Appearance
 - a. Joseph Scott - Fireworks display at the Mall of Abilene.
9. Ordinances and Resolutions
 - a. Public Hearing -- Ordinance considering second and final reading - thoroughfare abandonment, being a public road west of Hwy 36 to west of Lytle Creek.
 - b. Resolution considering Health Facilities Development Corporation & appoint board members.
 - c. Public Hearing -- Ordinance considering second and final reading - street name change from Minda Street to Yeoman's Road.
 - d. Public Hearing -- Ordinance considering second and final reading - adoption of 1979 Uniform Housing Code to replade the 1970 Edition.
 - e. Public Hearing -- Ordinance considering second and final reading - amending Section 32-9.2 to permit universities or colleges as a right of use in GC zones.
 - f. Public Hearing -- Ordinance considering second and final reading - concerning parking time limits on a portion of 1100 Block of N. 2nd.
 - g. Public Hearing -- Proposed use hearing of Revenue Sharing funds (11:00 a.m.)
10. Award of Bid
 - a. Wheel Loaders for Water and Street Division.
11. Other Business
 - a. Consider annexation requests.
 - b. Appointment and evaluation of public officers.
 - c. Pending & contemplated litigation.

CERTIFICATE

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 6th day of June, 1983, at 9:00 a.m.

Kelly Board, Asst
City Secretary

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

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

Councilman A. E. Fogle, Jr., lead the invocation.

Councilman Nixon moved to approve the minutes of the last Regular Meeting held May 26, 1983, with a correction on page 3-16. 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.

Councilwoman Proctor-Shaw moved approval of the items on the consent agenda with the exception of 6c, 6d and 7c to be considered separately. 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.

4. Ordinances

- a. Consider on first reading - reclassification request from AO (Agricultural Open Space) to GC & RM-3 (General Commercial & Residential Multi-Family) Districts, located at Bob-O-Link & Brentwood Drive & set a public hearing for June 23, 1983 at 9:00 a.m.

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

ZONING RE -
AO TO GC &
RM-3 AT BOB-O-
LINK & BRENT-
WOOD DRIVE
1ST READING
APPROVED

- b. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at N. 21st & Hardy Streets & set a public hearing for June 23, 1983, at 9:00 a.m.

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

ZONING RE -
RS-6 TO RM-3
AT N. 21ST &
HARDY. 1ST
READING. APPR

- c. Consider on first reading - a thoroughfare abandonment, being three 20' alleys & set a public hearing for June 23, 1983, at 9:00 a.m.

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

THOROUGHFARE
ABANDONMENT -
3 20' ALLEYS
1ST READING
APPROVED

- d. Consider on first reading - reclassification request from LC & GC (Limited Commercial & General Commercial) to RM-3 (Residential Multi-Family) District, located on Industrial Boulevard & set a public hearing for June 23, 1983, at 9:00 a.m.

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

ZONING RE -
LC & GC TO RM-
ON INDUSTRIAL
BLVD. 1ST RD.
APPROVED

- e. Consider on first reading - a thoroughfare abandonment, being a 20' north-south alley extending from the south right of way of N. 19th & set a public hearing for June 23, 1983, at 9:00 a.m.

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

THOROUGHFARE
ABANDONMENT -
ALLEY FROM S.
ROW OF N. 19T
1ST READING
APPROVED

- f. Consider on first reading - reclassification request from RM-1 & RS-6 (Residential Multi-Family & Residential Single Family) to GC (General Commercial) District, located in the 1700 Block of Poplar Street & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- ZONING RE - RM-1 & RS-6 TO GC IN 1700 BLK OF POPLAR 1ST READING APPROVED
- g. Consider on first reading - reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) District, located at 2002 Grape & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- ZONING RE - RM-3 TO GC AT 2002 GRAPE 1ST READING DENIED BY P&Z & APPEALED APPROVED
- h. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to RS-6 (MRH) (Modular Home Overlay) District, located at Hartford & Andy Streets & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- ZONING RE - RS-6 TO RS-6 MRH AT HARTFORD & ANDY STREETS 1ST READING WITHDRAWN BY P&Z
- i. Consider on first reading - reclassification request from RM-2 (Residential Multi-Family) to GC & MH (General Commercial & Mobile Home) Districts, located on Sycamore Street from S. 27th to S. 32nd Streets & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- ZONING RE - RM-2 TO GC & MH AT SYCAMORE FROM S. 27TH TO S. 32ND. 1ST READING. APPR.
- j. Consider on first reading - reclassification request from AO (Agricultural Open Space) to SC & RS-6 (Shopping Center & Residential Single Family) Districts, located at East Lake Rd (FM 2833) & Hwy 351, & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- ZONING RE - AO TO SC & RS-6 AT EAST LAKE RD & HWY 351. 1ST READING APPROVED
- k. Consider on first reading - reclassification request from AO & GC (Agricultural Open Space & General Commercial) to LI (Light Industrial) District, located on Hwy 351 & I-20 & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- ZONING RE - AO & GC TO LI ON HWY 351 & I-20. 1ST RD. APPROVED
- l. Consider on first reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located at Gilmer Avenue & Stonehedge & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- ZONING RE - AO TO RS-6 AT GILMER AVE. & STONEHEDGE 1ST READING APPROVED
- m. Consider on first reading - reclassification request from O & AO (Agricultural Open Space & Office) to RM-2 & GC (Residential Multi-Family & General Commercial) Districts, located at Curry Lane & Hwy 83-84 & set a public hearing for June 23, 1983, at 9:00 a.m.

- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.
- n. Consider on first reading - reclassification request from RS-6 & RM-2 (Residential Single Family & Residential Multi-Family) to RM-3 & RM-2 (Residential Multi-Family) Districts, located in Canterbury Trales Addition & set a public hearing for June 23, 1983 at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.
- o. Consider on first reading - reclassification request from RS-6 (Residential Single Family) to PH (Patio Home Overlay) District, located at Hunt & Sewell Streets & set a public hearing for June 23, 1983, at 9:00 a.m.
- p. Consider on first reading - reclassification request from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at EN 10th & Judge Ely Blvd & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.
- q. Consider on first reading - amending Section 32-9.2 of the Zoning Ordinance to permit full service car wash as a right of use in SC (Shopping Center) zones & set a public hearing for June 23, 1983, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.
- r. Consider on first reading - amending Section 32-9.2 of the Zoning Ordinance to permit microwave communication towers as a right of use in CB (Central Business) zones & set a public hearing for June 23, 1983, at 9:00 a.m.
- s. Consider on second and final 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.
- t. Consider on second and final reading - ordinance extending the right to sell fireworks in City limits.
- 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 Street Use License for continuation 2, Section 6, Hillcrest Addition.
- b. Consider easement release, being two 10' utility easements located at S. Treadaway & Industrial Boulevard.
- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED EASEMENT RELEASE.
- c. Consider granting of and release of easements.
6. Award of Bid
- a. Sewer Cleaning Equipment for Sewer Division.
- b. Truckster for Golf Course.
- c. Eight Yard Refuse Containers.
- ZONING RE - O & AO TO RM-2 GC AT CURRY LN & HWY 83-84 1ST READING APPROVED
- ZONING RE - RS-6 & RM-2 TO RM-3 & RM-2 AT CANTERBURY TR 1ST READING APPROVED
- ZONING RE - RS-6 TO PH AT HUNT & SEWELL DENIED BY P&Z
- ZONING RE - RS-8 TO RM-3 AT EN 10TH & JUDGE ELY BLVD 1ST READING APPROVED
- ZONING AMEND - PERMIT FULL SERVICE CAR WASH IN SC ZONES. 1ST READING. APPR
- ZONING AMEND - PERMIT MICRO-WAVE COMM. TOWERS IN CB ZONES. 1ST READING. APPR
- TRAFFIC & TRAN: PROHIBIT PARKING ON VARIOUS STREETS. 2ND & FINAL. APPR
- FIREWORKS - EXTENSION TO SELL IN CITY LIMITS.
- EASEMENT RELEASE - S. TREADAWAY INDUSTRIAL BL APPROVED
- EASEMENT RE - PLEASANT HILL & INDIAN RUN APARTMENTS APPROVED

AWARD OF BID-
SEWER CLEANING
EQUIP; TRUCK-
STER FOR
GOLF; 8
YD REFUS
CONT.
APPROVED

Mr. Bernard Huett, Purchasing Agent, said the eight yard refuse containers were used for commercial use. When the City took bids earlier, the City had the option to buy 27 more at the same price or at an additional price because the bidders were given the opportunity to raise the price if they wanted. The price for the 27 more containers will be the same as the original bid.

Councilman Bridges asked why the containers were not requested earlier. Mr. Huett said the containers are bought only as needed. The Refuse Division Staff felt that it would be more economical and more convenient to order the containers as needed instead of stock piling them.

Mr. Seegmiller said the Staff never knows how many new businesses start in Abilene. The Staff always tries to anticipate the need for new commercial containers, but it has found it to be more advantageous to order the containers as needed.

AWARD OF BID
8 YD REFUSE
CONTAINERS
FOR REFUSE
DIVISION
APPROVED

Mayor Hall moved approval of the award of bid to James Boyd for the 27 addition containers and authorized to advertise for 33 more containers. 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.

d. Truck Mounted Crane - Street Division.

Councilman Bridges asked if the swamp dozer the authorized recently would meet the needs of the Street Division. Mr. Whitehead, Director of Public Works, said the swamp dozer has been delivered and has been used. He said the truck mounted crane would allow a crane to go over the side of a bridge to do clean up work and also would allow the Division to clean out the creeks. The truck mounted crane will serve a different purpose than the swamp dozer.

Councilman Bridges moved approval of the award of bid to Naylor for a truck mounted crane. 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.

AWARD OF BID
TRUCK MOUNTEI
CRANE FOR
STREET DIV.
APPROVED

7. Request to Advertise

- a. Rehabilitation of Airport Runway #17L-35R.
- b. Parts for Tractor Repair for Shop Division.
- c. Signal Heads for Traffic Division.

REQ. TO ADV.-
AIRPORT RUNWA/
PARTS FOR
TRACTOR FOR
SHOP. APPR.

Councilman Robinson said he did not understand the need for new traffic signal heads. Mr. Wayne Kurfees, Director of Traffic and Transportation, said 36 vehicular signal heads and 18 pedestrian signal heads will be used to upgrade pedestrian cross walk signals. He said presently there are some cross walk signals that are single four way signals over an intersection. Those signals do not have the standard walk/don't walk signals although the red signal indicates stop, the yellow indicates wait and the green indicates go. The City needs to bring those signals up to standard because it may cause the City to be liable for any accidents. The 102 vehicular signals and the 24 pedestrian signal will be used to replace those that have been reconditioned several years ago. Mr. Kurfees presented several slides indicating the shadows and the dimness on some of the signals around the City. Mr. Kurfees said to recondition the signals would cost \$150 per signal plus the labor it would take to do the work. He said it would be cheaper to buy new signals than it would to recondition the old. Also, some of the signals are so old that many would not have parts available.

Councilman Robinson said he and four other citizens checked the list of bad signals Mr. Kurfees gave him over the phone. He said there was only one that he or the other citizens felt was bad--the others could be seen clearly. The bad signal was the one located on Minter Lane. He felt that \$33,000 was a lot of money to spend to change non-defective signals for new plastic ones. Mr. Kurfees said the City does need the new pedestrian signals and some spares. Councilman Robinson said he agrees that the pedestrian signals and spares were needed, but the others could probably wait until the City had to have them.

Mayor Hall said he was not prepared to approve the request to advertise since Councilman Robinson made the survey and was so interested in saving the City money. He suggested that Mr. Kurfees set up a demonstration of the difference in the new signals and the old signals. Then, the Council would be able to see for themselves the difference. Also, if the Staff could put

together a report of the number of accidents that have occurred where new signals have been installed might be helpful. He suggested tabling the item until the demonstration could be made.

REQ. TO ADV. -
TRAFFIC SIGNAL
HEADS. TABLED
UNTIL AFTER
DEMONSTRATION.

Councilman Nixon moved to table the request to advertise for traffic signal heads until the demonstration could be made. 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. Seegmiller suggested that Councilman Robinson go with Mr. Kurfees to select the signals that will be used in the demonstration.

Mr. Joseph Scott, Manager of the Mall of Abilene, requested permission to hold a fireworks display at the Mall of Abilene. The display will be held Monday, July 4, at dusk and the display would last approximately 7 to 10 minutes on the west side of the Mall. He said the Mall has contacted both property owners of the property on the west side where two vacant lots are located and have obtained their consent. The display will be provided by Atlas Enterprises of Ft. Worth. The Mall will abide by all of the conditions set forth by the Abilene Fire Department and the City Council.

Mayor Hall said the Council has approved the request by the Mall of Abilene to hold a fireworks display for the last three years. But, the Council realizes that at some time, the fireworks display will not be allowed because the area will eventually be developed and it would be too much of a fire hazard to allow a fireworks display. He said the citizens of Abilene seem to enjoy a fireworks display and the Council would like to be able to approve the display for as long as it does not create a hazard.

Councilman Rodriguez asked the Fire Chief if he has made an inspection of the area and if he feels that any development that has occurred in the past year would pose any problems for the display. Chief Richard Knopf said he and Fire Marshal Bill Mooty looked at the site. Although there has been some development in the area, it has not been enough to reduce the area and they both felt a fireworks display could be held safely. Both the Fire Chief and the Fire Marshall will be at the Mall during the display. Also, they have the authority to stop or cancel the display if any hazards should arise.

Councilman Fogle said it concerned him that the Council was being a little bit inconsistent. He said even though the City has ordinances prohibiting the sale and use of fireworks in the City limits, the Council has been allowing the fireworks display at the Mall for the past few years. However, since the Fire Chief and Fire Marshall felt that a display could be held in a safe manner, he would agree to permit the Mall of Abilene to hold a display. He said he would like to see the request brought to the Council each year, so that the Council may look at it. He felt that in the near future, a display would have to be restricted in some way or have the location of the display changed. He moved to approve the request for a fireworks display to be held Monday, July 4, on the west side of the Mall of Abilene. Councilman Robinson seconded the motion. The motion carried as follows:

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

NAYS: None.

FIREWORKS -
ALLOW DISPLAY
AT MALL OF
ABILENE ON
JULY 4, 1983.
APPROVED

Mr. Seegmiller presented the request and appeal for a thoroughfare abandonment, being a public road west of Hwy 36 to west of Lytle Creek. He said many of the neighbors who use the road have become frustrated at the City because of the uncertainty of the closure. He said the road was used for some time after the bridge over Lytle Creek was washed out due to the construction of a make shift low water crossing. However, when the Staff was alerted to the liability of the situation, the Staff acted to prevent any occurrence. After talking with some of the residents and those who use the road, the low water crossing has been reopened until the Council's action. He said the reasons for asking for a thoroughfare closure has been mainly the liability of the City for the washed out bridge and the detention facility planned along Lytle Creek in the near future. Also, land use protection and security protection for the Airport is a factor.

There has been several land use plans developed by the Staff with citizen input for the Airport area and a Master Plan has also been developed for the Airport. The Plan calls for controlled usage around the Airport runways. The thoroughfare and collector plan calls for a modification in the direction of traffic to allow for easier access to Hwy 36 by connecting Hwy 36 to Industrial Boulevard. The thoroughfare would front on the same property that

it presently fronts, only on the opposite end. Because of the detention facility plan, it would seem not necessary to construct the bridge again. He said based on the goals of the Council with the detention policy in the Floodwater Management Program, that particular facility will become a reality in the future, and it will become much more difficult to abandon the thoroughfare use than it would now.

Councilman Nixon said he would like to correct a couple of statements that may have been read in the local newspaper about what he said concerning the possible thoroughfare abandonment. He said he has not recommended replacing the bridge. He said his recommendation was that the City use the low water crossing as it exists without spending a lot of money until a detention facility is built. He asked if the detention facility would be built within the next few years. Mr. Seegmiller said he could not tell the Council when the facility would be built.

Councilwoman Proctor-Shaw asked if all of the signs would be installed at the low water crossing to provide adequate safety. Mr. Seegmiller said that would be done, and even though there is a continuous problem of having to replace the signs due to vandalism and other damages.

Mayor Hall asked if the Staff had any plans for protecting the area around the Airport to prevent the lights from being shot out even if the road is not closed. Mr. Seegmiller said a fence surrounding the Airport has been a subject in many budget sessions, but so far it has not been budgeted. The FAA has brought it to the City's attention many times and many pilots complain when the lights are out.

Councilman Fogle asked if the washed out bridge has actually been inspected from an engineering aspect. Mr. Seegmiller said Mr. Whitehead has inspected the bridge and the cost to bring in another structural engineer would be more than the Staff has felt the bridge is worth. He felt that with Mr. Whitehead's expertise, another structural engineer was not needed to tell the Council that the bridge is dangerous.

Mayor Hall asked if a traffic count had been made on the road to find out just how many people use the road. Mr. Seegmiller said a traffic count has not been made. Councilman Rodriguez said it appeared that there was quite a bit of traffic on the road and without another route leading to the properties along the road, it would be very hard for him to close the road. He said he would like to see some dollar figures for how much it would cost to the City if the road was kept open.

Mr. Seegmiller said he hated to see the City spend the money to build a new bridge when it is possible that the road may be closed in 10 years. He asked Mr. Whitehead how much it would cost to build a bridge. Mr. Whitehead said it would cost approximately \$150,000, then signs would have to be placed (\$1,700), and then the security fence at the Airport would cost approximately \$45,000. One alternative would be to destroy the bridge and build a low water crossing on the public right of way. That would cost approximately \$5,000 to demolish the bridge, \$30,000 to construct a low water crossing, \$1,700 for the signs, and \$45,000 for the security fence. Another alternative would be to demolish the bridge and create a cul-de-sac coming up to the bridge. The cost for that would \$5,000 to demolish the bridge, \$1,700 for signs and \$45,000 for the fence. The last alternative would be to abandon the road with \$5,000 to demolish the bridge.

Councilman Fogle asked how long the road had been under the City's jurisdiction. Mr. Whitehead said the road was constructed in 1969 when the runway was extended at the Airport. A portion of that road was recently annexed in 1980, therefore, the road was not under the City's jurisdiction until 1980. Councilman Fogle said the cost of signs should not be a factor because those signs should have been in place for a long time.

Councilman Bridges asked if Mr. Whitehead could give his opinion as to his opinion of having a low water crossing instead of a cul-de-sac. Mr. Whitehead said the low water crossing would completely open the road for the continued use across Lytle Creek. If the low water crossing is not put in, essentially through traffic will be cut off. Councilman Bridges asked how many people used the road when the City blocked off the bridge and before the low water crossing was installed. Mr. Whitehead said he has no idea of how many people used the cul-de-sac before the low water crossing was installed. The low water crossing was built mainly to provide access to the Rehab property. The crossing is on Rehab property.

Mayor Hall asked if it would be possible to acquire through condemnation or some other means to take over the low water crossing as it now is. Mr. Whitehead said that was a possibility either through an easement agreement or sale. He said he would not recommend that because of the approaches to the crossing. A similar amount of funds would have to be spent to get those approaches in a safe condition.

Mayor Hall asked if there was a commitment made on the part of the City to maintain or keep the road open when the road was constructed. Mr. Whitehead said a document on file establishes the right of way on the road on Airport property. He said it was a standard form of right of way agreement and it dedicates the right of way as public use for street purposes and that the City would maintain it. The Council has the authority to abandon any street or any public right of way in the City limits and this road is no different.

Councilman Robinson asked who built the present low water crossing. Mr. Whitehead said the City built it. He said it was built for the property owners, Rehab, to provide access to their property. Councilman Robinson asked why the low water crossing was not built on the City's property to begin with instead of on the Rehab property. Mr. Whitehead said the cost of demolishing the bridge was not a part of building the crossing for the Rehab. Also, the Floodwater Management Program was not under consideration at that time and was not aware that a detention facility might be placed there.

Councilman Nixon asked if it might be possible to make a five or ten year lease on the low water crossing with Rehab. Mr. Whitehead said the City could do that, but still the approaches would have to be improved.

Councilman Rodriguez asked if the vandalism because of the road was the reason for a security fence around the Airport. Mr. Seegmiller said yes. The Staff felt that even though the road might be closed to the general public, the fence would still have to be built but only after the area had been developed more.

Mayor Hall opened public hearing on the thoroughfare abandonment.

Mr. Grover Nelson said he is a board member of the West Texas Rehabilitation Center. He guaranteed that the Rehab would give the City any property necessary to improve the road or to keep it open. He felt that a low water crossing properly designed would not cost a great deal of money and it would serve the needs of the people there. He felt that it would be foolish for the City to abandon over three miles of road.

Mr. Jerry Polk, who lives adjacent to the road, presented the Council with a petition signed by property owners and residents opposing the thoroughfare abandonment. He said the City would be surprised how many people use the road. He also said that the property owners did not have a security problem there until the City put up signs that the road was closed. City police have been patrolling the area some and the security people at the Airport have stopped him. He asked why those security people are not working at night when all of the problems occur instead of working 8 a.m. to 5 p.m. Also, the gates the City has erected to keep out the public has cut off about 20 acres of his property and about 12 acres of one of his neighbors property.

Mr. W. H. Blackburn, Jr., property owner in the area, said the City closed Industrial Boulevard earlier with the agreement that the City would maintain the road around the Airport.

Mr. Roy Manahan, resident in the area and representative of the Manahan Estate, said there is oil production on his property and it is important that oil trucks and pumpers are able to obtain access to the tank batteries on his property. He said there are farm supply companies that must have access to other properties along the road to deliver fertilizer and feed.

Mr. Manahan also said that until three weeks ago, he did not realize the bridge was still standing or that there was a low water crossing constructed. He said going by the signs the City posted at the beginning of the road, it made it appear that the bridge was completely washed out. He mentioned that part of his property was on a dead end road and keys and locks were only for honest people. He did not feel that gates and locks at the road would serve the purpose besides be very inconvenient.

He said the property owners in the area have no intention of selling their property or developing it. Most of the properties are used entirely for farming or ranching. In 1960's the Manahans, Blackburns and Whitesides had 40 acres each condemned and traded for a road around the Airport that adjoined

the Sam Beam property on the south and the Nelson property on the west and the Manahan on the east. He said that trade was done solely by a handshake with no written agreement between those property owners and Mr. Pat Patterson the City Land Agent at that time.

He said the property owners and companies he represents would like to see the gates taken down and a low water crossing constructed. Also, they would like to have the police or other City personnel close the low water crossing when there is high water.

He told the Council that if the City did close the road, his property would be decreased in value by 50 percent. He said no one will buy property that has no access other than a public gate.

Mrs. Sam Beam, property owner along the road, said their fence would be very hard to fix if something happened to it if the road was closed. She said the Rehab Center Staff cannot gain access to their property either if the road is closed.

Mrs. Jerry Polk asked if the Council had seen the condition of the present bridge. Mayor Hall said each Council Member has seen the bridge. Mrs. Polk said she did not feel that the bridge was unsafe. She said the bridge is probably in better shape now than it was in 1979 when she first moved to that area. She felt that if the bridge was reopened for public use, then signs such as "weak bridge" could be placed, taking away any possible liability to the City. She also said the County took much better care of the road than the City has.

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

Councilman Fogle said everyone needed to realize the lack of permanency of the road. He said it was a gravel road and it was not up to the standards of the City, but it does serve a purpose now. He felt the Council should place some type of time limit on the usage of the road. He said he did not think the Council would want development around the Airport. He felt that a 10 year usage limit might be placed on the road or a shorter period if another road is put in or if the detention facility is constructed. However, he did want the road kept open with a low water crossing or whatever will suffice and provide safety at the least cost to the City. He suggested that the gates be left at the road, and to have them closed at night or maintain some type of security or patrol if they are left open.

Mayor Hall said he did not entirely disagree with what Councilman Fogle said, however, the item is a public hearing and a decision of some kind must be given. If the appeal is denied, then the Staff will have to provide some sort of crossing that will be safe perhaps on a temporary basis. But those specifications could be considered in another motion at another time.

Councilman Nixon moved to deny the thoroughfare abandonment. 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.

Mr. Seegmiller recommended that the City remove the bridge and create a low water crossing where the bridge is so the road will continue in a straight manner. Councilman Nixon asked if the City could get a second opinion on the condition of the bridge. Mr. Seegmiller said that was possible but it would cost approximately \$6,000.

Councilman Nixon moved to authorize the funds needed to have someone inspect the bridge's condition. Councilman Robinson seconded the motion. Councilman Fogle said he did not want to see the City put \$6,000 into a bridge which is a weak bridge at best. The \$6,000 might be enough to construct a low water crossing.

Councilman Nixon's motion carried as follows:

AYES: Councilmen Bridges, Robinson, Nixon and Mayor Hall.

NAYS: Councilwoman Proctor-Shaw, Rodriguez and Fogle.

In the meantime, the City will open the road, put up warning signs and remove the gates.

Mr. Roy McDaniel, Assistant City Manager for Fiscal Resources, presented the resolution and by-laws for the Health Facilities Development Corporation.

THOROUGHFARE
ABANDONMENT -
PUBLIC ROAD
WEST OF ELM
CREEK
2ND & FINAL
DENIED

BRIDGE -
AUTHORIZING TH
FUNDS TO HIRE
A STRUCTURAL
ENGINEER FOR
BRIDGE OVER EL
CREEK & GRAVEL
ROAD. APPR.

He said the Council would need to determine the term of office of the board members for the Health Facilities Development Corporation, however, the board has met and drew straws for the terms of office. Those terms are as follows:

HEALTH FACILITIES DEVELOPMENT CORPORATION

Richard Johnson - Nov. 1986
Rodney Joy - Nov. 1986
Bob Springer - Nov. 1985
Rosemary Suttle - Nov. 1985
L. J. Webster, MD. - Nov. 1986

Mr. Pete Tart, the City's bond counsel, said the by-laws have been altered in accordance with the wishes of the Council since the last regular Council meeting. He said the points that were changed were in reference to the purposes which are on the first page of the by-laws. He said the project that would be financed has to be filed with the City at least 30 days in advance of the approval. The by-laws also require that the sponsoring political subdivision, which is the Council, approve that bond issuance. It also requires that the financial advisor file a report with the City. These requirements are broader than what are in the Act because the Act only requires that an application be filed with the City 14 days in advance. The by-laws limit in E the application of the Act to corporations which are in effect non-profit corporations (4437E-2) and those corporations can only avail themselves of this type of financing on behalf of a non-profit corporation for those purposes authorized by the Health Facilities Development Corporation as it exists presently or as it may be amended by the legislature.

Mr. Tart said the other important change was on the second page of the by-laws in reference to notice. Under Section 307, the City has the requirement that public notice of both special and regular meetings will be required as provided by cities under Article 6252-17 (Public Notice Law). The corporation would have to comply with that statute concerning posting a notice in the same manner as a city would have to comply. Notice must be posted at the City Hall in Abilene, Texas with 72 hours posted notice. It does not require or at least it leaves to the discretion of the Board of Directors of the Corporation as to whether the meetings would be open or not.

Mr. Tart said another important change was on page 6. It was the requirement that the Corporation's financial advisor and bond counsel would be the same as the City unless the City changes. Then the Corporation could change advisors with the approval of the Council.

Mayor Hall brought Section 201C to the Council's attention which provides that if the sponsoring entity does not approve of the issuance of bonds, then the bonds are not issued by the Corporation. He also wanted to make sure that the Council understood Section 307 that Mr. Tart mentioned because earlier the Council discussed conducting the meetings in accordance with the Open Meetings Act. The by-laws do not require an open meeting. It only requires that a notice be posted. He said he was satisfied with the Section because whatever action the Corporation takes has to be finally approved by the Council and the Council, by law, has to operate under the Open Meetings Act. He said it would be difficult for the Corporation to review proposed projects in open meetings and be able to encourage the development of health care facilities in Abilene in that environment. He said it was difficult for a planned project to operate in that sort of spotlight.

Councilman Bridges asked if the minutes kept by the Corporation could be made available to Council Members to review. Mr. Tart said under the by-laws the real control that the City has is that the Corporation has to make an application and has to have approval. Furnishing minutes could be made mandatory upon submitting an application.

Mayor Hall suggested that at the next meeting a set of guidelines be developed concerning application forms to always be submitted for approval. Councilman Bridges agreed.

Councilman Bridges moved approval of the Health Facilities Development Corporation, Articles of the Corporation, the by-laws and appointing the board members for the before-mentioned terms. 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.

RESOLUTION AUTHORIZING AND APPROVING THE CREATION OF A HEALTH FACILITIES DEVELOPMENT CORPORATION ON BEHALF OF THE CITY OF ABILENE, TEXAS; APPROVING ARTICLES OF INCORPORATION AND APPROVING BY-LAWS.

HEALTH FACILITIES DEVELOPMENT CORPORATION & BOARD MEMBERS APPR. 51-1983

Mayor Hall appointed the following board members to the Health Facilities Development Corporation:

<u>BOARD MEMBER</u>	<u>TERM EXPIRES</u>
Richard Johnson	November 1986
Rodney Joy	November 1986
Bob Springer	November 1985
Rosemary Suttle	November 1985
Dr. L. J. Webster	November 1986

Mayor Hall and the Council went into executive session to discuss the appointment and evaluation of public officers. Mayor Hall appointed the following board members to the Abilene Housing Finance Corporation:

<u>BOARD MEMBER</u>	<u>TERM EXPIRES</u>
Ray Scott	April 1986
Jordan Wood	April 1986
Doyle Caughey	April 1985
Earl Williams	April 1986
Bob Stephens	April 1985

ABILENE HOUSING FINANCE CORPORATION BOARD APPOINTMENTS APPROVED

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.

In recommending these appointments, Mayor Hall reported that at the present time the Abilene Housing Finance Corporation is under a moratorium for the issuance of bonds while we are developing some new guidelines and by-laws which are similar to those that we have just passed with the health care facilities. He read again a portion of the statement that Councilwoman Proctor-Shaw and he made at the time they were discussing the bond issuance. "It first must be made very plain that we have complete confidence in the members of the board of the Abilene Housing Finance Corporation. We are grateful for the attention they have given without remuneration of any sort to the affairs of the Corporation. It is possible that the decisions they have made may have been at times contrary to their own interests."

Mr. McDaniel stated that the purpose of the public hearing is to allow the City Manager to receive input from the citizens before he submits to the governing body the proposed 1983-84 budget. Revenue Sharing is presently scheduled to expire at the end of this fiscal year, September 30, 1983. However, there are two bills in Congress proposing to extend it. Assuming that it may be extended and that the rules will remain fairly consistent, we need to have this public hearing to follow the guidelines and the rules and regulations as set out by the Office of Revenue Sharing. We have posted the notice and ran the notice in the paper twice as the rules require. We've put particular emphasis on notifying the senior citizens community of today's public hearing. The City Council in the past has had a policy of using revenue sharing only on capital-type items or one-time-type expense. We have tried very hard not to get revenue sharing involved in our daily operations where we become dependent upon it.

Mayor Hall opened public hearing on the proposed use of Revenue Sharing funds.

Mr. McDaniel told some of the things the money has been used for. The police training academy and fire training academy have been constructed out of these funds. Substantial improvements have been made on the golf course. Several pieces of heavy equipment have been purchased in our water and sewage system and in our street department. The purchase of a computer in our accounting department was achieved with these funds.

REVENUE SHARING
PUBLIC HEARING
FOR USE OF FUND

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

Wayne Collier, Zoning Administrator, entered a request to change the name of a short portion of Minda Street to Yeoman's Road. The fire chief and police department are opposed to the change since the existing street location is in direct alignment with the existing paved portion of Minda Street located to the west across Judge Ely Blvd. However, the planning committee recommends approval of the change by a vote of 5 to 1 in favor of the change.

Mayor Hall opened public hearing on the ordinance considering a street name change from Minda Street to Yeoman's Road.

Eddie Chase, representing Kenneth Musgrave, said the reasoning for the name change was two-fold. The main reason is that the subdivision has already been started and all of the names are created from a book, The Canterbury Tales. All names are trying to be kept consistent because there are plans for an apartment complex on the north side with the name of the complex to be tied to the same thing.

Kenneth Musgrave said there is no way of relating Minda Street to the other streets in that development area because all of the streets were named after stories in The Canterbury Tales. A great deal of money has been spent on advertising to get people familiar with this development and the plan is to tie all of the developments into those story book names. He doesn't think the name change would be confusing to anyone since they are not trying to change the name across the street, but just on that one small block.

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

Councilwoman Proctor-Shaw moved approval of the street name change.

Councilman Fogle seconded the motion. The motion carried as follows:

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

STREET NAME
CHANGE - FROM
MINDA TO YEOMAN
ROAD. 2ND &
FINAL. APPR.

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

Bob Fowler, Director of Building Inspections, Proposed the repeal of the 1970 edition of the Uniform Housing Code and adopt the 1979 edition of the Uniform Housing Code. The Housing Code is the document or the set of regulations that is used by the Board of Building Standards in their condemnation and rehabilitation programs dealing with housing. It establishes minimum standards for health and safety for residential units, whether existing or new units. The reason the new edition should be adopted is that the City is utilizing the 1979 edition of the Building Code. The Housing Code makes reference to the Building Code and the 1970 edition, which we are presently using, reference sections in the Building Code that have been rearranged and are, therefore, erroneously referenced. Also, the 1970 edition of the Housing Code is no longer being published. The basic standards that are in the two editions are very nearly the same. Our Board of Building Standards

has held two public hearings and has incorporated the input that has been received into the documents, and it has been coordinated so that it does work hand in glove with our Building Code.

Mayor Hall opened public hearing on the adoption of the 1979 Uniform Housing Code to replace the 1970 edition.

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

Councilman Rodriguez asked Mr. Fowler if the change would affect any of his operations. Mr. Fowler said this does not change any fee schedules and does not change any of the standards concerning light and ventilation and minimum square footage. It does not change any of the hearing procedures that the Board currently uses. Basically, what is being changed is the 1970 edition of the Housing Code references Chapter 14 in the Building Code, which is now Chapter 12 in the Building Code. These kind of items have been amended. In the adoption of the 1979 Building Code there was an amendment made in window sizes and that same kind of amendment has been made in the Housing Code to avoid confusion or sections that conflict in the two documents.

Councilman Rodriguez moved approval of the adoption of the 1979 Uniform Housing Code. 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.

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.

BUILDING CODE-
ADOPTION OF
1979 BUILDING
CODE. 2ND &
FINAL. APPR.

Mr. Collier stated that the Planning Department had a request from Cisco Junior College with reference to relocating their facility into a general commercial zoning district. Currently, colleges and universities as stated in our ordinance are permitted in certain zoning districts, primarily college/university districts, but also in the central business district, downtown area, and in a planned development district. The staff did study this request and could find no objections to allowing this type of use in a general commercial zoning district. The Planning Commission also considered it favorably and, along with the staff, recommend approval of this ordinance amendment to allow college/university uses within a general commercial zoning district.

Mayor Hall opened public hearing on ordinance amending Section 32-9.2 to permit universities or colleges as a right of use in GC zones.

Bill Kendrick spoke in favor of allowing colleges and universities in a general commercial area. He doesn't feel that it is inconsistent with the use of the area itself as our colleges become more and more involved in the community and begin to do more and more vocational education. He thinks it's good that they be allowed to go into a shopping center area or an office park area and set up a classroom right there in the marketplace. Cisco intends to teach such areas as nursing, real estate, insurance, computers, electricians, carpenters, and he feels it would be most beneficial to allow them to be in the marketplace. Some of the uses that are presently allowed under the GC ordinance in the City of Abilene are presently allowed in that particular zone: business schools, civic social and fraternal organizations, commercial trade schools, driving schools, educational and scientific research, kindergartens or day nurseries, libraries, planetariums, play lots or tot lots, special education and rehabilitation centers, and also youth organizations and centers. He feels that basically a college organization is consistent with these other types of usage.

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

Councilman Rodriguez moved approval of the ordinance to permit colleges or universities as a right of use in GC zones. Councilman Bridges seconded the motion. The motion was carried as follows:

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

NAYS: None.

ABSTAIN: Councilman Bridges.

ZONING AMEND-
PERMITTING
COLLEGES & UN
VERSITIES AS
RIGHT OF USE
IN GC. APPR.
2ND & FINAT.

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

Wayne Kurfees presented a letter from Mr. Ed Cockerell on behalf of the Credit Bureau, which is at 1133 N. 2nd. They are combining another business in with the Credit Bureau. The other business is called Data Chek. With the addition of this business, they anticipate over 100 additional trips per day for people to come in and transact short term business. To facilitate the parking problem, Mr. Cockerell has requested a 15-minute limit on several spaces in front in lieu of the one hour limit that is there now. There is no problem with a 15-minute limit, but the only way to enforce it would be to put in meters. If the 15-minute limit is agreed upon, he suggests putting in penny meters like the ones in front of the Post Office.

Councilman Rodriguez asked Mr. Kurfees how often the parking area is checked. Mr. Kurfees said someone goes by once per hour. He said it's hard to detect violators and do anything about it. They are aware of no one plugging the meters in front of the Post Office. Turnover studies have shown that in the one hour zones anywhere from four to eight different vehicles will park there per day depending on how effective the people are at moving their cars. At the Post Office, anywhere from 27 to 30 different cars will park per space per day, so the space is utilized more effectively for the people who need to stop for short-term business.

Councilman Rodriguez asked Mr. Kurfees if putting in meters would affect any of the surrounding businesses. Mr. Kurfees said it possibly would, and he thinks the effect would be beneficial. The greatest single effect of having meters is that there would be at least three spaces where employees would not park; therefore, these three spaces would be available to the public for short-term business.

Councilwoman Proctor-Shaw asked Mr. Kurfees why he would just meter three spaces instead of all five. He said he feels that three would be enough to take care of this need.

Councilman Fogle asked Mr. Kurfees if there is any kind of long-range study planned for downtown parking. Mr. Kurfees said that the City is involved in mapping out a comprehensive study of parking which will take place this summer. There is also a committee being formed within the Chamber of Commerce to discuss the parking situation.

Mr. Seegmiller commented that Mayor Hall has talked on several occasions with representatives of downtown businesses. Recently the Council met with a group of major property owners downtown and with Dave Broyles, who is the president of the Downtown Retail Association. Many years ago, the City decided to pull the parking meters out because it was felt that they were causing a detrimental effect on retailing downtown. But now that the makeup of downtown has changed, they have all suggested strongly that we reconsider parking meters in the major focal points of business downtown.

Councilman Fogle said it is imperative that the Council take another look at downtown parking. It has changed and will continue to change. Something needs to be done to provide parking for employees. We could possibly use nearby parking lots with a shuttle bus.

Mr. Seegmiller said that one of the priorities of the Tax Increment Board is looking at the possibility of acquiring lots adjacent to the downtown area for parking in a permanent provision in the downtown area.

Mayor Hall opened public hearing on ordinance concerning parking time limits change.

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

Councilman Bridges moved approval of the parking time limit change. Councilman Fogle seconded the motion. The motion carried as follows:

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

NAYS: Councilman Rodriguez.

TRAFFIC & TRANSPORTATION
PARKING TIME
LIMITS DOWNTOWN
2ND & FINAL
APPROVED

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

Mr. Bob Whitehead presented an award of bid for four front-end loaders. There are three various sizes of loaders that were bid. The award will be for those three various sizes. There will actually be three awards; one for small, medium, and two larger size loaders.

Mayor Hall stated that he asked Mr. Nixon, who is in the machinery business, and Mr. Robinson to dig deeply into this matter and to hear first from them when the presentation is over.

Gene Cook of the Resource Services Division stated that in December Resource Services asked authority from the Council to advertise and receive bids on four front-end loaders using a total cost bid concept. These procedures were similar to ones which had been used in the past, but because of the economical situation at the time, had not been used for several years. The situation was such that it was a seller's market and vendors were reluctant to submit bids. The intent of the total cost bid is to purchase equipment at the total lowest overall operating cost--equipment which meets all full specifications as has been directed in the advertisement but does not take into consideration necessarily the initial cost. We were attempting to accomplish this by establishing a maximum cap on the maintenance which we could expect to spend over the five years' life of the equipment which we projected and also to have a guaranteed buy back for the repurchase of the equipment at the end of the five years. Items which are included on the total cost bid include the initial price, which includes not only the cost of the equipment, but the price of a performance bond which is used to cover the cost of the maximum guaranteed buy back at the end of the five years plus the maximum expense that has been guaranteed by the vendor. This was to protect the City in case the winning bidder has bankruptcy along the way or any other problems. There is a maximum maintenance which the City could be expected to spend over the five years, a trade-in value, and a maximum guaranteed buy back at the end of the five years. The evaluation of all these factors would be used to determine the lowest cost bid and would be used for contract award. The life cycle cost procedure would probably have been the best method to use. This takes into consideration the cost of down time, the experiences that other people have had with the equipment, the vendor's previous history of reliability, as well as the total operating and maintenance cost that you'd be expected to have with that equipment. It also takes into consideration the value of money and interest over the life of the equipment and many other factors. But to use the life cycle procedure, it takes a great deal of documentation because there are a number of items which enter into the evaluation which used in the procedure. We did not have that documentation at this time. Therefore, it seemed that the total cost bid concept as we have proposed was our next best method of obtaining this equipment at the total lowest cost to the City. During the evaluation of bids received in January, it was discovered there were enough differences in the initial cost to the City between the bids to have an effect on the calculation. That is, one bidder could come in with a total low cost but his initial cost would be such that when interest was taken into consideration over the five year period it might have an effect on the calculations used to arrive at the lowest cost bid. Therefore, we felt that it was necessary to take this into consideration. We did this by the use of interest or, what we call, the value of money during this period. We arrived at a 7 percent compounded interest for five years as a conservative but realistic figure. During the pre-bid conference that we had with the vendors, we informed them that we would be using every factor that we could use that was appropriate in the evaluation of the bid, other than those which were used in their proposal. We did not specifically address the worth of money, however. When we came to the Council in February to ask for the award of the bid, during the discussion Council decided at that time it had not been clear to some of the vendors how the present worth of money should be used and we were directed to readvertise and to make perfectly clear to the bidders how the money would be used. During the pre-bid we did make this clear and we did in turn answer any questions which the bidders had. The readvertisement came in two forms. We asked for the proposals to include an outright purchase. This included the original cost of the equipment plus his trade-in value he would give us for the replaced equipment. It did not include a performance bond nor did it include guaranteed maximum maintenance cost or buy back. The second format which we used was the total cost bid with the trade-in and without a trade-in.

The City was then to determine which alternative was most advantageous to it and would award the bid accordingly. We did decide after the advertisement of the second time that there was another factor which should be taken into consideration. That was the fact that we might be able to get a higher price on the equipment that was offered by the bidders, though we submitted an advertisement for the sale of the trade-in equipment separately. By doing this, we had now four alternatives or options in which to make an evaluation and to choose the lowest bidder. The first was the outright purchase with the bidder's trade-in. The second was a total cost bid using the bidder's trade-in value. The third was the total cost bid without a trade-in, and the fourth was the total cost bid using the highest price that we received in separate advertisement for the sale of the equipment. The 7 percent interest rate which we had used the first time we decided was still an accurate figure to use on the second evaluations and this was the figure that we did use. Once the calculations were started it was not changed. The total cost bid concept is a bit unusual for Resource Services. Generally, equipment is purchased at the lowest bid price. In this particular case, that may not be the fact. We may be purchasing a piece of equipment which cost us more initially, but considering all the operational maintenance costs and everything else we're looking for the equipment that would cost us the least to operate over the life expectancy which has been assigned to it.

The presentation is in the agenda on page 10-A-4. Each of the individual pieces of equipment are shown separately in the agenda. Two are combined because they are identical pieces of equipment and the bidder's prices were identical. Paragraph A is a calculation on the total cost bid with trade-in as offered by the bidder. Paragraph B is a total cost bid without the trade-in and Paragraph C is the total cost bid using the highest seal bid sale price that we received in the separate advertisement. These are three alternatives that are used to compare one against the other. The paragraphs are all tabulated and the intent is to be able to compare the lowest overall total cost bid, items 10, 15, and 21, against the remaining alternatives that are shown. The lowest one is the one which is the most advantageous to the City.

Councilman Robinson asked Mr. Cook if the buy-backs are listed as an expense of the City. Mr. Cook said he doesn't see where that is an expense of the City's as far as actual cash outlay is concerned. Councilman Robinson said he thought it should have some bearing on the cost. Mr. Cook said it was not considered. The buy-back does not come into the computations on item 8. The initial cost will be item 7. It is the cost of the equipment plus the performance bond minus trade-in.

Mayor Hall said in other words, according to the chart, our cost is \$5647 plus \$1296 minus \$8, and that's \$43,943 and that's what we put out the day we get the equipment. Mr. Cook confirmed this. Mayor Hall stated that Treanor has agreed to buy this equipment back from us and asked if that is what buy-back means. Mr. Cook said it does. He is agreeing that at some time he will give us \$40,000 back for it. It has been calculated the cost of the money and that we put out \$43,943 and five years later we get back \$40,000. Item 9 is the actual interest which we figured would be the cost of the \$43,943 while we're using and waiting. The overall total cost of the bid is \$13,750 and that was arrived at by adding the interest for that five years to the initial total cost bid, which is item 6, minus the \$40,000.

Mr. Cook said the procedure was identical in Paragraph B except trade-in value was not considered. Item C is where the sealed bid price was considered. Item 16 is the highest sealed bid price that was received for the piece of equipment 8328. In arriving at item 17, the initial total cost bid, the same procedure was used as in Paragraph A--the original cost of the equipment plus the performance bond minus the new trade-in, plus the maximum expense that we were guaranteed minus the buy-back. Then we again recalculated the value of money using new initial cost to the City, or initial outlay, which is the \$28,000 in item 20. This in turn was added to item 17, the initial total cost bid to arrive at item 21, the overall total cost bid.

Councilman Robinson asked Mr. Cook for clarification of Item 16. Mr. Cook explained that the reason for the \$10,500 bid appearing under the column Taylor County Ford even though they did not bid, was merely to show what the highest sealed bid was. That factor does not actually enter into the calculations for Taylor County Ford in Paragraph C, because it was not to their advantage to do so. They offered more trade-in in their

original bid, and that is what item 21 for Treanor is compared with as far as arriving at who had the lowest total cost bid. Mayor Hall asked Mr. Cook if the \$10,500 figure was the highest bid that the Resource Services had received on its sealed bid, and did not necessarily reflect one from Treanor or Taylor County or in whichever column it appeared. Mr. Cook answered that these were two other independent people, and not either two of the bidders. Councilman Bridges asked if this bid was taken separately from the other bid for the outright purchase of the youth equipment. Mr. Cook confirmed this.

Councilman Bridges asked if the information on the original bid was known to these bidders; that is, did they know how much the trade-in allowance had been. Mr. Cook stated that Resource Services did not tell them, nor had it been asked that. He further stated that it was always possible that they had obtained the information, but it had not been through any source of the Resource Services, to his knowledge. Councilman Fogle expressed his concern that the bidders might have information that would have been beneficial in determining the amounts that they wanted to submit. It was his opinion that it would have been better if they had been asked to bid simultaneously with the people who had bid and made a trade-in allowance. He added that it shows some bidding of those who did not bid to sell the new equipment. Mr. Cook acknowledged that this was correct; and in at least one of the cases in which the sealed bid went out separately, it was an independent contractor who was purchasing the equipment for use in his business. He said that he was not absolutely certain about the other two. Councilman Fogle again expressed his concern that the City took the bids at different periods of time, rather than at the same time. Mr. Cook said that was something that came up after the second degree advertising and could very well be a factor. It was the intent of the Resource Services to obtain the highest price for the trade-in equipment that it could, and then see how it entered into the bid tabulations and evaluations. Councilman Fogle stated that he felt it actually changed the outcome of the recipient of the award. Mr. Cook acknowledged that it did in two cases.

Councilman Fogle expressed his concern over two additional items-- one being the cost of money (the 7 percent factor) and the other being estimated maintenance. Mr. Cook explained that item D was not necessarily used for the evaluation of the total cost bid, but to attempt to show why the total cost bid concept was the most advantageous way for the City to proceed in the purchase of equipment. Items 22 through 27 are the outright purchase bids that had been received. Item 24 would be the purchase price that we would be paying for that particular piece of equipment if the outright purchase option were chosen. Item 25 is the estimated maintenance, and not an arbitrary figure. It is based on research of records for the last five years on the pieces of equipment which were being replaced. They are not the same make as the pieces of equipment which were bid by the two vendors, but they are comparable pieces of equipment and the estimate was the best that we could come up with. This is the maintenance that we experienced with that piece of equipment over the last five years. In that respect the term "estimated" is used, because it is an estimate of expected projection for the next five years, but it is in actuality based on what has been experienced. This figure is an outright purchase and does not include a guaranteed maintenance or the buy back. Mr. Cook further explained that the reason estimated maintenance and estimated trade-in appear in this calculation is an attempt to project what we feel total operating costs of having that piece of equipment using the outright purchase would come to. It is just a projection.

Mayor Hall rephrased the question to Mr. Cook stating that does the guaranteed maintenance include the same thing that the estimated maintenance will be or is it for labor only and not parts replacement. Councilman Fogle added further to the question. He said that there are specifications that define the maintenance that is to be guaranteed. It was Councilman Fogle's impression that this excluded certain things in, for instance, the track. It was included as a part of the guaranteed maintenance.

Mr. Cook that this should be comparable as far as the same type of maintenance that would be on the maximum guaranteed maintenance, because that does not include any warranty maintenance that takes place.

Councilman Fogle asked if the estimated maintenance has had the warranty deducted on the total bid comparison. Mr. Cook said that is what he is estimating will be the maximum maintenance that we should incur and that is not included in any warranty costs. Councilman Fogle then wanted to know about the outright purchase-- whether it has been deducted. Mr. Cook replied that it would be because these are

maintenance costs which we have incurred, and we would be under the same situation there because there would have been a warranty on the equipment which we had purchased, and that is not a cost to us. Councilman Fogle said that he understood we had a three-year warranty on these if there was an outright purchase. Mr. Cook replied that in the bid specification it asks for a one-year warranty on all parts--one year or 1500 hours. There is a three-year warranty for drive train, but it only includes the drive train. Councilman Fogle asked if that would come off of the \$10,324. Mr. Cook confirmed this, but added a caveat to his answer saying that he didn't know what the warranty was on that particular piece of equipment when it was purchased about six years ago. It may have been only a one-year warranty, but in this particular case, we asked for a three-year warranty and it would not be included in the maximum maintenance costs. Councilman Seegmiller added that the dollars that are shown here do not include warranty. Mr. Cook confirmed this.

Mayor Hall asked Mr. Cook if he were nearing a point of recommendation where the Council could agree on Mr. Nixon. Mr. Cook said that he would like to make one more point. The second part of Paragraph D is the total cost bid evaluation as compared with the outright purchase, and it again uses the value of money comparing the two figures. We came up with item 32 as the total cost purchase in this case to differentiate between the total cost bid of \$12,855. In purchasing this piece of equipment over the next five years, by using the total cost bid format, we project that we will be saving approximately \$10,000 for the City in the operation of that equipment. It goes up significantly higher when you look at the other two pieces of equipment. Mr. Cook felt it necessary to point out one thing that Mr. Fogle brought up, and that is the value of money. That is the only assumption that was made in the calculations that we have gone through. In the case of the first piece of equipment 8328, it would take an interest rate of 9-1/2 percent in order to make the two bids equal. Consequently, we felt rather comfortably that 7 percent was still a pretty good figure and the projection was accurate. With equipment 2585 it would take well over 13 percent in order to equate the two.

Mr. Cook stated that for the purchase of equipment 2586 and 2590, the two bids were very close with approximately \$401 difference. All that it would take is a change of .3 of a percent of interest to equate the two bids. Mr. Cook felt it was necessary to bring out that point. Councilman Fogle expressed his concern that an interest factor of .3 of one percent can make the difference between the acceptance of these bids. He said that what they were talking about concerned what the City might be compensated for the use of its money during this five-year period of time. He wanted to know what was being used for a basis, calculating what will actually be received for the use of money.

Mr. Roy McDaniel answered that they had gone over it quite extensively based on what had been received for the last couple years, what is presently being received, and the trends that the money market was showing. At the time the 7 percent figure had been arrived, we were receiving on our funds, short term six months to nine months type money, barely over 8 percent and on a downward trend. In the last two weeks that trend has slightly reversed, and a figure of 9 percent was received that morning. Again in looking out over the next five years, if asked to project revenue for the City on interest earnings, he stated a figure of 7 percent and expressed hope that the City would do that good.

Councilman Fogle said that the concept is good to determine what the equipment is actually going to cost the City. However, he expressed concern regarding one or two assumptions made in the fact that they cannot be tied to actual figures; that the 7 percent is an estimated figure. He said that it may be a good estimate, but it may not be as accurate as he would like to see it.

Mr. Roy McDaniel said that when they bid out their funds, they bid the seven banks that they have contracts with against the government market for the same time frame. In other words, if they are bidding some 180 money, they look first at the Treasury bill market for 180 days. They then take bids from all the banks, and they buy what is most advantageous to the City. If they are are looking at six months' money, they do the same thing. So the government market is a part of that, and again he could't state what the interest rate would be five years from now, or two and a half, or even thirty days. He stated that his best guess based on what has happened and the trend that he sees the market taking right now, 7.3 is as good a projection as 7.

Mayor Hall commented to Mr. Fogle that he was curious, too. He said this is the second time we have asked for permission to take bids on this basis, because when the market changed it would enable us to make a better buy on the City's equipment. When we had those other bids, we had protests from a second bidder who felt that he had not been treated fairly and did not understand the bid. We did it again, and now we have bids about \$25,000 higher than those. We have gotten complaints from the bidders not being recommended. He further stated that he did not believe that even though there is a buyers market that the sellers will allow it, because every time we take it there is going to be someone who will say that he or she did not understand it.

Mayor Hall went on to comment that the idea may be good and it may save the City a whole lot of money. He felt it was doubtful that they would ever get a bid taken where there would be no complaints, or we may have to evaluate the complaints for their validity. He said he was getting discouraged about their efforts to save money by doing this.

Mayor Hall suggested that they get down to the recommended award, we will get in touch with Mr. Nixon and take a vote on it.

Mr. Cook said that based on the figures used in their calculations, the staff is recommending that all four pieces of equipment be awarded to the Treanor Equipment Company. The recommendation that is found in the agenda is a bit misleading, he added. If the City goes along with the recommendation, what it means is that they would purchase the equipment from Treanor Equipment without his trade-in. We would in turn sell the trade-in equipment that we have to the highest bidder. What this amounts to is a total outlay of \$320,603 to Treanor Equipment Company. We would then in turn receive \$57,510 for the trade in giving a net cost of \$263,093.

Councilman Fogle asked for a breakdown of the \$320,603. Mr. Cook said that it would be item 12--a combination of \$51,943; \$64,248; and \$204,412.

Mayor Hall asked Mr. Nixon for his comments as to the award of those bids heard.

Mr. Nixon said that this type of bidding was foreign to him. That in the agricultural farm equipment business, he had never looked at this type of bidding so it is a very complicated procedure. He said that he had no fault with the bid as presented--that it is the lowest bid according to all that facts that have been used. He found no fault with the company. His only concern is that at one point they had five to six bidders, and coming in with this type of procedure, it has been cut down to only two bidders. On a bid of this size, that with all the equipment companies we have only two people will bid on this much equipment. He also expressed concern for the money cost factor--that it should be such a fine line as to where that decides who does and doesn't get the bid. Another matter of concern was the method that had been taken regarding the trade-in. The men of the companies were asked to bid on the first item and list their trade-in values, assumingly 30 days or so ahead of when it was decided to take a sealed bid. He felt that this was like having to show your hand in trading. This has concerned several of the bidders that were involved the first time. They are unhappy with that and that it wasn't explained to them at the time of the bid letting that we were going to do this type of procedure. Then it was decided to look at another angle to investigate buying at the lowest cost. Mr. Nixon felt that there would be a lot of complaints on that type of bidding. His personal opinion was that an outright purchase would be the best where one could see the total cost of the equipment. A company that did not have to look at buy-backs, repair expense, etc., could probably quote a better figure, and then allow the trade-in and give a net figure that would be less than the figures here.

Mayor Hall thanked Mr. Nixon for his presentation and interpreted what he said as recommending that the Council not approve the award of the bid. Mr. Nixon confirmed this. Mayor Hall asked that no motion be made at this moment and went on to say that he assumed that Mr. Cook needed the equipment since they have been working on this since December. He asked that if the Council did not approve the award, would Mr. Cook want some guidance or advise the Council of his plans.

Mr. Seegmiller asked if the Council could not consider the outright purchase bids.

Councilman Nixon said he felt that they had discouraged several of the bidders from bidding by the type of bidding.

Mayor Hall questioned if the Council should throw out these bids and then buy on the method suggested, or should the Council look now at the outright purchase figures as a comparison before making a determination.

Mr. Whitehead said that the Council has the option for the outright purchase. He rephrased Councilman Nixon's comment that other bidders were discouraged. He said that the Council may get more bids if they go back out again. Mayor Hall and Councilman Nixon confirmed this.

Mayor Hall recognized Dwayne MacMillan, Sales Manager for Treanor Equipment. He addressed himself to the questions posed by Councilman Nixon as to why some of the other bidders possibly have not bid this, and as to what Councilman Nixon suggested as to going back and buying on dollar-low bid. Mr. MacMillan said the low price is not always the best buy. If the Council would take the time to study the records kept on equipment for each piece of machinery and what it cost to keep that machine up. It was his opinion that the equipment may be bought cheaper today, but down the line more money could possibly be paid out in repairs. That is why the staff has suggested to go with guaranteed buy-back, because they know exactly what dollars they are paying. He suggested that they take the time to check with Mr. Brewer, one of the department heads, for figures as to why the two local vendors would not put up their money as a bond as guarantee. He felt that Treanor could keep their machines going at their cost. He felt that was one of the fallacies in buying low-bid overall. He commented on the way the trade-ins were sold on the sealed bid; that is, exposing the hand on the bids. He said that his hand was exposed on the first bid, but changed his bid the second time. He also admitted that he gave \$1000 more than he did on his trade-ins here, because one or two of the machines had been repaired in the meantime and were worth more money. He felt that the other vendors did not turn in bids was because he felt they did not want to be bonded. Mr. MacMillan closed his comments with the assurance that they would live up to their agreement because they are a bonded company.

Mayor Hall asked for comments from any other bidders present.

J. Lantry, Taylor County Ford, came forward. He said that he was not in on the bidding process, but did bid on it. He said they could not answer why the other two companies did not bid, but Taylor County did bid.

Mayor Hall discussed the options: (1) We can accept the recommendation. (2) We cannot accept the recommendation and instead elect to purchase on the basis Mr. Nixon prefers; that is, an outright purchase. (3) Not accept any of the bids and readvertise this on the basis of outright purchase in the hope that more bids will be presented.

Mr. Cook added one other option. The bid could be awarded by individual piece of equipment as well. It is not a total package to either one of the two bidders. Mr. Cook stated that he was not aware of the latest date for awarding the bid. Mayor Hall asked the two bidders present if the Council could have another 30 days.

Mayor Hall asked for comments from the rest of the Council.

Councilman Rodriguez expressed his doubt that additional bids would be made. He said that in talking to the staff it has been determined that it costs additional money each time the motion is tabled. He said that he was in favor of acting upon it quickly or if the motion is tabled, to come back and act on this particular request because it is doubtful any money would be saved the longer it is put off.

Councilman Fogle said that he would appreciate some time to review the procedure with his staff.

Councilman Bridges asked what the Council would gain by waiting 30 days. He said that he would go with the option of waiting 30 days to gain further study if the additional time caused no problem to the two vendors.

Mayor Hall said that in the meantime the Council would have to ask more questions of the staff and the other bidders to gain additional information for making a sound decision at the next Council meeting. However, if the Council did not feel the additional time would be used beneficially, then they should take some action today.

Mr. Seegmiller said that it would be helpful to study the format and re-evaluate for future use.

Mayor Hall moved that the Council not take action on the item today. That it be tabled for action to be taken at the next Council meeting, and the Council be prepared to exercise one of the four alternatives at that time. He charged the staff with making certain that the Council members be given as much information as possible on the matter.

AWARD OF BID -
WHEEL LOADERS FOR
STREET & WATER
TABLED UNTIL
MORE INFO IS
AVAILABLE.

Councilman Bridges seconded the motion. The motion carried as follows:

AYES: Councilmen Nixon, Bridges, Rodriguez, Fogle, Robinson, and Mayor Hall.

NAYS: Councilwoman Proctor-Shaw.

Mr. Lee Roy George presented the annexation requests. Previous annexations had traditionally been supported as a means of increasing the City's tax base. There was a growing concern at that time that new developments and subsequent annexations were not being properly located, and consequently caused inefficient extensions of utilities and City services. In 1961 the Board of Commissions of the City of Abilene adopted a resolution concerning orderly growth and development in the Abilene urban area. Concern at the time was in the reaction to the incorporation of the City of Impact. Fears of disbursed community leadership and voter confusion with multiple governments further encouraged the resolution that the Council adopted in 1961. City officials resolved in that resolution that immediate steps were necessary to insure orderly growth, and that annexation of adjacent areas is most desirable prior to and not after the development of such areas. That came out of that resolution after looking at it. Officials around the country now consider the extension of utilities as a means of directing growth and encouraging and serving new developments as a particular tool. The extension of various utilities are what most people consider now to be a tool of cities or a means of directing growth and economically serving new developments. Therefore, the nature of annexations over the last several years indicate that it has changed from a philosophy of expanding the tax base to one of a philosophy of discouraging growth in some cases through the extension of utilities. Primarily, the philosophy of a protective purpose. The new approach based on current policies is to determine if the annexation is in the best interest of the City at the time from a broad perspective, rather than from an individual or selective property owner standpoint. In 1979 the City Council authorized a program called Strategies for Responsible Growth. Subsequently, the Council appointed a fairly large broad-based citizens' committee of twenty-plus members from the development community in the City of Abilene to assist staff and others in this endeavor that was to be undertaken under the Strategies for Responsible Growth Program. The primary purpose of that program was to examine all of the various development-related policies that the City had with regard to growth in order to assure that they were up to date. Also, in order to insure that they were consistent with one another, because at that point there had been a number of ordinances developed independently of one another that were not consistent with other ordinances. Not only that, they did not reflect at that time various policies to which the Council was asking the staff to adhere. Primarily, the reason for the Strategies Program was to make sure that the ordinances were up to date on the policies and that they were consistent with one another. More importantly, that they reflected the desires of the various community sectors or factors in place at that point. Growth policies were developed by the Strategies for Responsible Growth Committee and recommended to the Council, and subsequently adopted by the City Council. In September 1980 and May 1981 there were five various policies that were developed and adopted by the City Council. In July of 1982 these growth policies were again looked at and revised to make sure that they were consistent with the Council's wishes, and they were adopted.

Mr. George referred the Council to Part III of the policy adopted by the City Council in July 1982. It states that it is in the City's best interest, physically, socially, and environmentally to annex areas that (a) need to be protected, (b) that possess unique physical characteristics, (c) that had requested or receiving City services, (d) that minimize physical liability for the City, and (e) that are currently urbanizing or exhibit a potential for urbanization.

Currently, there are four requests pending for annexation. One was presented in a workshop about six months ago. This was B. B. Click annexation on the south of town on Antilley Lane. One was considered at the last meeting and the previous meeting to that for Mr. Gordon Asbury, which is in a letter to the City Manager dated April 6, 1983, on a request for Mr. Asbury to do some annexation around Dyess Air Force Base. There are two others to be presented today. One is from Burl McAlister in a letter to the City Manager dated May 18, 1983. Another is from Burl Harris dated May 27, 1983. Both are requesting annexation to the City of Abilene.

Mr. Burl Harris is requesting about 60 acres. This is the old Anson Road of the Highway Department. K-Texas is out in this general area on 83/84. The second request is from Mr. Burl McAlister. It is north of Interstate 20. It does adjoin the current City limits. The City limits run approximately 500 feet north of the right-of-way line of 83/84 and about 500 feet north of Interstate 20 right-of-way line.

Mr. George pointed out on the map the land use from 1970. The red dots indicate commercial entities. The yellow dots were residences that were there in 1970. He stated that he would like to give the Council an idea of what has been happening in that area since 1970. He presented a 1975 land-use map which showed a few more scattered residences. This was followed by a 1980 land-use map which showed a gravel pit and a couple other businesses and a few more residences. The 1983 land-use map shows that the gravel pit has expanded. A few more residences have been added, along with a Highway Department Credit Union. He then pointed out the utilities. First, Hawley Water Supply Corporation with both 8 and 8 1/2-inch water lines. Second, Sun Water Supply Corporation, with an 8-inch water line. The City has, and the contractor paid for, the installation of an 8-inch line in that area. A 24-inch sewer line which runs by KOA which is stubbed out on the other side of Interstate 20. This means there is a sewer available in the general area.

There have been some preliminary plats that have been approved in the area. There is a preliminary plat in the Pecan Ridge Addition, which was approved in 1975. Another preliminary plat is Indian Creek Ranchette in 1977. There was also an Indian Creek Village preliminary plat approved in 1982 for the area which is under request for annexation. There is a preliminary plat on file and it has been approved by the Planning and Zoning Commission.

Mr. George stated that he would like to present some alternatives for the Council. First, he recommended against encouraging development or annexing. Mayor Hall asked for clarification of that statement. Mr. George explained to just not annex it, and by not extending the utilities in the area, growth would be discouraged in the area. The policy indicates that service will not be provided outside of the City limits. It is a tool which cities have to discourage development to an area not annexed. That is an option that the Council has.

A second option might be to initiate annexation proceedings on the requested cites only by petition. This petition process can be explained in more detail by the City Attorney. It is presented under Article 974 G, which allows annexations by petitions.

A third option is to initiate annexation proceedings under 970A, which is the Uniform Annexation Act passed by the State of Texas. By that process, the completion of the proceedings could be delayed until after any kind of a bond election is held. Heretofore, it has been discussed with the Council of compressing the time and doing it in the least amount of time available. There is an option under there to extend the time frame, which might be suitable to the Council, should it choose to do that. The time can also be expanded to do that. So, an option would be to go ahead and initiate the proceedings to make them fit whatever kind of a time frame needed in regard to a bond issue or any other matter that may conflict.

A fourth policy might be with agreements to serve and annex at a later date. Mr. George referred the Council to Part IV of the policy. It states that it is in the City's best interest to withhold all water and sewer extensions outside of the City limits except for large volume users. He indicated that as these lots develop they will probably be large volume users. He continued with the second item--who have agreed to annexation at a later date. Thirdly, where significant community benefits will accrue to the City. And fourthly, where no significant liabilities will be incurred by the City. There are other cities that use this as a policy to stage their annexations. He suggested that this is a possibility. He said that this kind of an option would allow the Council a little bit more flexibility to go ahead and commit to the services. Then require some sort of an agreement with the owners that they would consent to annexation at a later, and that annexation could be scheduled at a point when it might be more beneficial for the City to do so. He said that the one dealing with allowing the City to schedule these annexations at a time frame that fits its needs is the one he considers to be the most beneficial option available.

Mayor Hall raised a question. He referred to the comment regarding annexing areas where there have been requests for annexation. He questioned if that is the same procedure that is being requested by one of the proponents.

Mr. George replied that it is not. He said that the request by petition is going to allow for shortening the time frame a little. Mayor Hall then questioned that it would not shorten it as much as the other projectors before the Council. The question not being understood was rephrased by Mayor Hall. He said that we have a request by a Harris and a request by a McAlister, which are separate requests for annexation. Among the options presented are those of following a particular schedule which is shorter than the uniform annexation procedures that are generally taken. Now, there is another request that comes under a different statute where the acreage is of minimum size and the number of people involved are less than three. Mayor Hall asked for clarification of whether the schedule would be shortened because of that or if it is the same procedure.

Mr. Harvey Cargill, Jr. said that the last option discussed whereby the annexations are scheduled or calendared would theoretically fall within the 970A-type annexation. It would be a little longer step process, but whereby several individuals who would come in requesting annexation are granted services to the area with the understanding that when it is proper to annex that area, it will be annexed by the proper steps. He said that what Mr. George has described is not really dovetail to the 974-G request of Mr. Asbury, but is designed to cover all the kinds of situations.

Mayor Hall asked for clarification about where the annexation was requested that there is a shortened time frame.

Mr. Cargill, Jr. said that he did say that under Article 974-G if it is done by petition from the property owner only, there is an accelerated time period. There are certain criteria to be followed. Mr. McAlister's and Mr. Harris' requests meet the criteria, but they have not submitted a petition at this point. He said that the State enabling legislation on the public hearing in the area was up for amendment. Under the 970-A, it would no longer be required to have a public hearing in the area if the Governor has signed the amendment into law.

Mayor Hall said that he objected to the annexation request last time for several reasons that he was not sure the Council had considered. The first one was its effect on a possible bond election. Following the annexation, there is a 60-day waiting period before an election can be held, assuming that the electoral process is approved. Mayor Hall stated that he personally did not want the time for the bond election set by an annexation that has been entered into. Under the 974G, that process is shortened. Therefore, the next bond election could be scheduled for September 18 or thereafter, assuming the cooperation of the Department of Justice. Under the new application his concern about the bond election is removed. The other concern he had was that we were going to be liable to buy some right-away that the County would be obligated to buy if the City did annex this. The question now under the 974G application isn't the land that has to be purchased for the right of way, so that is out. That still leaves the question which is the effect on Dyess. This land is in the area of Dyess which is about to get the B-1. There will be some change in the noise pattern and possibly the flight landing path. He felt that before the City took action on anything close to Dyess, it must give them an opportunity for input. Under the accelerated deal, there would still be a need for a public hearing, and that would give Dyess an opportunity to be heard. All of this is to say that the City has been given an opportunity under the 974G to speed the process up, and the Mayor's objections to the annexation are removed. He asked if the other request could be brought under 974G so that they could be acted on today under that statute.

Mr. Cargill, Jr. replied that it could fit under 974G or it could be delayed to be out of the way of the bond issue.

Mr. George said he felt the developers who were present and who were concerned about the annexation are interested in the commitments from the City to serve the area with utilities.

Mayor Hall called upon the Council for their opinions regarding annexation.

Councilwoman Proctor-Shaw asked a question about Part V regarding the services--"it is in the City's best interest physically, socially, and environmentally to provide services other than water and sewer to individual users beyond City limits."

Mr. George said that it would be services other than water and sewer services. For example, if there is an area that is served by one of the water supply corporations that has requested the City to furnish fire or police protection, we could do that under this section--under contract with the City Council to furnish those other kind of services in an area. He went on to say that it was realized that when we did these policies that the area surrounding the City of Abilene is served by five or six water supply corporations. The water is not the problem. Most are served by septic facilities on large lots. So they have the two utilities that are important. It was felt that it may be in their best interest, if they wanted to and if the City Council wanted to, to furnish other services than those under contract. This is simply a policy provision that allows the Council to do so if they choose.

Councilwoman Proctor-Shaw voiced her misgivings regarding annexation. She referred to a study made two or three years ago stating that Abilene had ample room. It had already annexed sufficient total area and should spend the rest of the time improving the services to those already within the City limits. Part III addresses each one of the annexation requests that have been brought forth today, which affects her feelings regarding this. Basically, she would like to see guidelines developed where annexation requests are not looked at every month regardless. They are time consuming and affect the overall plan. She said that they need to have an overall direction and an overall plan and present these at one set time. If there is some way that the overall good of the City can be protected while still enabling those who would like to be within the City limits to do so without great cost to the City, then it should be done.

Mayor Hall said regarding 974G that the Council needs to refuse the petition promptly. He asked Mr. Cargill if the Council would be under any compulsion to move quickly.

Mr. Cargill replied that under the 974G between five and thirty days after it has been filed, the Council must either grant or refuse the petition. Thereafter, there is the first and second reading of the annexation ordinance.

Mayor Hall stated that it had been suggested that one of the ways to avoid the bond election confusion was to not annex once the procedure had been started until the bond election had been held. Since 974G does compel prompt action on the original petition, does it compel prompt action on the other procedure also, or can it be slowed until the bond election is held.

Mr. Cargill did not have the answer to Mayor Hall's question. Mayor Hall then called upon Mr. Gordon Asbury to speak to the Council.

Mr. Asbury said that the statute is obscure. There are no cases interpreting the statute as it is relevant to the present situation. The statute does not address itself to any time table. The petition must be acted upon at some point in time between 5 and 30 days after it is filed, other than that the statute does not address itself to a time schedule.

Mayor Hall addressed the next question--whether the other applicants could be moved over to 974G.

Mr. Cargill said that they would have to file a petition. They had not filed petitions. If they file a petition, the Council could not act any sooner than five days after the petition was filed, nor later than thirty. Councilwoman Proctor-Shaw suggested that the Council hold an extra meeting to deal with the annexation as soon after the petitions had been filed as allowed. Mr. Cargill wondered if the other two applicants would proceed under the statute. It was indicated that they probably would.

Mr. George explained that under Part IV of the policy, there is an allowance for the Council to go ahead and receive agreements to serve with the intent of annexation later on. It states that it is in the City's best interest to hold all water and sewer extensions except for large volume users who have agreed to annexation at a later date where significant community benefits will accrue to the City and where no significant physical liability will be incurred by the City. Under that, even though it probably could not be done on a small individual request, it would allow the Council, where they are wanting to encourage development of large acreages, to go ahead and agree with the developer to serve the area with the understanding that it would be annexed at some point later on.

Councilman Rodriguez raised a question concerning the developers-- would they have a problem with that. He went on to say that the reason he was asking deals with their position in the upcoming issues, such as the bond election. He said that although he has been against annexation, he tends to look at the issue differently when some requests coming into the city, particularly when the developments are going to add to the tax base of the City when they are completed. Therefore, he is not that anxious to deny these requests. He said that the request could be tabled with the Council's agreement that it would come back and annex that area. He would favor that type of motion.

Mayor Hall asked Mr. Seegmiller for the staff's recommendation with reference to the three requests.

Mr. Seegmiller asked Mr. George to speak. He recommended option #4 as the best option for the City Council since it does not know when the bond election will be held. At this point, go ahead and make a commitment to these three developers to furnish their utilities, because they do have some dollars waiting to be put into this kind of a development. They need to begin soon, but they need a commitment in that process of the fact that they will be furnished outside of the City limits until such time that it is favorable to the Council to annex them at some subsequent date. That is the recommended option--to go ahead and give them an agreement that the City would furnish them utilities so they could be doing their engineering plans and whatever needs to be done to get the development started with the understanding that at some future date they would be annexed.

Mayor Hall said at that future date there might be other residents there that might object.

Mr. George said that if the City were only going to do the annexations a couple times a year as had been suggested, by then it would be doubtful that there would be other residents at that time.

Councilwoman Proctor-Shaw said that they could forestall a lot of that if the Council agreed to do this--by being sure that each one of the prospective homeowners or people who are moving in there are aware that they are going to be paying City taxes. She asked Mr. George to speak to each of the three proposed annexations regarding sewer lines and water lines and if there would be any impact or additional costs to the City.

Mr. George indicated that the orange lines are the Hawley Water Supply Corporation Lines. They are 8-inch lines. They pick up at 83/84, the Old Anson Road. He indicated the one that picks up off the Sun Water Supply Line. He said that they are servicing the whole area and pointed to the line, indicating where it terminated in Sun Water meter. He also indicated the relationship to the properties of Mr. McAlister and Mr. Harris.

Mr. Dwayne Hargesheimer explained that there is a 10-inch water main that crosses under the freeway about where KOA Campground is and goes west across Town Creek, turns into an 8-inch water line and goes all the way to the Sun Water Supply Corporation. This is referring to the McAlister property. That line right now has excess capacity. As to whether it would totally serve his area, he said that he did know at this time. It will have the capacity, though. At some point, some developer will have to come back and lay another line. Normally this is done at the developer's cost as he develops his property. There is a 10-inch sewer line that crosses under the freeway and stubs out just on the north side. Around 1974 or 1975 a commercial establishment wanted to be put in there, and the developer extended the sewer across. The establishment was a motel, but it never went in. He assumed that there would be adequate sewer to serve approximately 300 acres.

Councilwoman Proctor-Shaw asked if there would be any anticipated expense involved to the City in extending sewer or potential lift station.

Mr. Hargesheimer said that there would be some maintenance expense involved, especially if there is a lift station involved. The initial cost, unless we choose to oversize for future development beyond what they are trying to develop, and any expense pertaining thereto under certain regulations would be the total cost. However, it would be up to the Council's discretion to oversize.

Mr. Seegmiller said that they have not yet researched any of the areas. Once the annexation process began, however, each director would look at his

responsible areas of cost and bring those back as the study proceeds.

Councilwoman Proctor-Shaw said the problem with that is if we go along with the proposal which would be to commit them annexation at a later date, and we do not have this information, we have committed to a questionable expense.

Mr. Seegmiller said that it is also felt, in looking at the individual pieces of property, the Council will want to include more area in their recommendation. This would be a matter for additional study.

Mayor Hall commented that the developers have agreed to annexation, but the Council has not committed itself to annexation. It has committed to furnish the utilities, but there are a number of things the Council will want to know before it annexes. For that reason, he said action should be taken regarding Mr. Asbury's deal because there is time for public hearings. He explained to Mr. Asbury that he would not be committing himself to vote for the annexation, but he would be voting to start the process. He would want to hear what was said at public hearings and what the staff developed. He said that it must be clear with the other people as to who made the commitment. He thought that they would commit themselves to agree to annexation if the City agreed to furnish the utilities.

Mr. Seegmiller said that was correct. Councilwoman Proctor-Shaw asked for clarification. She asked if they were put on City services, then we still may have an expense whether we annex them or not. We have allowed them to tie on, and if the service is inadequate then Mr. Hargesheimer will still have to go in and put in the lift station or whatever has to be done. This would be because we have allowed them the use of City services.

Mr. Seegmiller disagreed. He said that any extension of utilities into the area would have to follow the present guidelines for extension of utilities like it does now. Usually the developer picks up those costs. The costs he was referring to are other costs that are incurred when property is taken in, such as existing roads or existing liabilities, additional protection, etc. As far as these particular pieces of property, they would have to follow the same guidelines as developers would today.

Mr. George commented that items could be considered on a case-by-case basis or on a broader context, which most people usually do. The question is whether the Council intends to encourage development in this area. If just this request is considered, probably the liability to the City is going to be minimal. If the Council just considers service to that area which is under consideration for annexation, there would be no problem with the service of the area regarding the utility question. He interpreted Mr. Seegmiller's comments to mean that there is a broader question of if the Council is wanting to encourage development in this area, then it should be looked at in a broader perspective to include associated costs. When that study is made, the Council still has the option of staying with this one request, but in the process other areas could be looked at as well if the intention is to encourage growth. The individual request should be fitted into the overall growth picture.

Mr. Cargill pointed out that this was not really an alternative to the annexation, but that it is being delayed or timed. The services should not be provided unless there is intent to annex the area within a reasonably near time. Otherwise, there is a violation of policy whereby we do not provide the services outside the City limits of Abilene. When the City commits to those services, it is saying that where it is providing that water and sewer, it is looking at pretty soon down the road annexing that area. So there is some annexation obligation flowing with that water and sewer when the City begins to run it.

Mr. George added that at that time the City has the option of ceasing any additional annexation and staying only with the request or perhaps looking at it in a little broader context as well. It gives the time to look at the options which is not the case now.

Mr. Cargill went on to characterize the fourth option as "timed annexation" whereby annexation is scheduled and planned. In the interim the water and sewer will be provided.

Councilman Bridges asked for the explanation between option #3 and option #4, and as to whether option #3 also assured the services.

Mr. George explained that option #3 is one whereby the proceedings would be initiated, but instead of compressing the time frame it would be stretched out to the limits. He said that the time frame could be stretched out under the 970A to fit the time sequence the Council chooses. The services would not be committed under this option, but the Council could elect to do so. These options could be mixed and matched.

Councilman Bridges asked if it meant it would give the Council time to consider whether it wanted to commit or not commit the services. It looks a rather attractive option. It would mean not getting involved in the bond elections, yet at the same time allowing more time to consider whether or not to commit the services.

Mayor Hall said that he would like the Council to act upon Mr. Asbury's request separately. If he receives a favorable vote, then we're embarked on the deal and we know where we are. We know that we are going to have a public hearing, and we know that we are not committing to annex until more is heard. The other two do not qualify under this. There is the choice of one or two routes. Elect today to begin annexation process in the usual and plan on delaying that until past the bond issue time. No commitment would be made to furnish water or sewer--just go through the annexation process. It was not their intention to let this interfere with the bond election. An alternative would be that they engage Mr. Asbury's attorney and use his statute and take the quicker route, still under notice from the Council that they will have a bond issue somewhere in the latter part of September or early October. They Mayor said that he would like not to make a commitment that implied City services would be started first, because that means annexation.

Councilman Nixon moved that the Council proceed with the annexation process on Mr. Asbury's tract under the 970a procedure.

Councilman Bridges seconded the motion.

Mr. Cargill interrupted the vote to refer the Council to page 11a-7 of the agenda to check if the minutes read correctly. He restated the motion made by Councilman Nixon--that the Council approve on first reading the annexation ordinance and grant the petition. Councilman Nixon agreed. One public hearing will be held on July 14.

The motion carried as follows:

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

ANNEXATION -
GORDAN ASBURY'S
REQUEST IN SW
ABILENE APPROV-
ED TO START
PROCESS BY
PETITION.

Councilwoman Proctor-Shaw moved regarding the other two requests to be annexed that procedure be started and the time delayed at Council's discretion so that it will not interfere in any way with the pending bond election. Councilman Bridges seconded the motion.

Councilman Rodriguez asked for clarification. He asked if the motion meant to say that the Council initiates the annexation procedures under Article 970A for these two areas, and that at any time during the procedure the proceedings can be tabled or put off if it conflicts with the bond issue. This is basically option #3.

Mr. Seegmiller asked if that would preclude the staff from bringing forth recommendation into looking at additional property around these two requests at the same time.

Mr. Cargill explained further the delay process. He said that a service plan has to be done, as well as first hearing and public. He said that they would not be in any big hurry to come back with the service plan giving the staff time to fully study it. The process would not have to be started over as far as the additional areas are concerned. The motion may have specific properties mentioned at the very minimum, but it may add some more, if that is agreeable.

Mr. Seegmiller said that the process being voted on now requires that the staff bring back the specific area to be annexed.

Councilman Rodriguez asked if under the law is there not so much property that the City can annex within a certain year's time, and is the City still within those deadlines.

Mr. George answered that the City is still well within those guidelines.

The City has 100 square miles or better, and on the first calendar day of each year, 10 percent of that can be annexed cumulatively up to three years. It is not quite that way. It could be that on the first day of any year, 30 percent of that 100 square miles. The City has not done that much annexation. Immune from that are such as the requests here. Requested annexations do not count against the 10 percent.

Councilman Rodriguez asked if the Council would be receiving these annexation requests on an individual basis. He felt that the Council should decide to take requests at regular intervals, such as twice a year, rather than having a time table every month for annexations.

Mayor Hall pointed out that under the 974G the Council cannot fail to act on a petition, if it is presented.

Mayor Hall asked the staff to work on the plan of scheduling annexation requests so that they follow a pattern thereby encouraging people to make their requests at that time, and to report back on its study.

Mr. Cargill explained the motion previously made by Councilwoman Proctor-Shaw. She was suggesting that the process be stretched out to begin considering annexing the other two tracts of property. The question was asked to be sure to understand what the staff comes back with--just for the two areas or should they bring back other areas for the Council to consider. He pointed out that when the staff presents to the Council the areas to be looked, that they could at that time indicate which areas they do not want included in the annexation.

Mayor Hall said that her motion meant for the staff to bring back to the Council a proposed area, including these two, and begin annexation process under 970A. This will not interfere with the bond election, but will move as quickly as otherwise.

Mr. Burl Harris came forth and asked Mr. George if they could proceed with their plans like the request would be accepted, or not. He said that he has 500 feet already in the City limits, so he could proceed with development without anyone's approval as far as that is concerned. But if the City annexes the property, the developer will handling it differently. Also, money is committed at this time, and in three or four months there might not be the money to do the development. If they do not do the development, they do not want inside the City limits to pay taxes on something that they cannot develop because the money is not available. In other words, they are ready to begin development immediately, as fast as they can get through the paperwork. The money is committed. Five hundred feet across the entire front is in the City limits. The problem is to develop the 500 feet or to develop all of it. It could create a problem for the City immediately, because the development plans will be different on the 500 feet all the way down the freeway than it will be for the 60 acres.

Mayor Hall addressed Mr. Harris and explained that if the motion passes, what is started is an annexation process. It does not mean that the annexation is going to be approved at the final time. There will be three public hearings. It indicates that the Council and the staff believe the property is covered within the guidelines, but it is not in any way a commitment of annexation.

Mr. Harris asked if there was any commitment that the utilities would be available in the area outside the City limits.

Mayor Hall said that if the motion is passed, the Council elected to go this route rather than the route of furnishing utilities.

Councilman Bridges said that if the developers were to file a petition for the 974G, even if they were eligible and used the same procedure as Mr. Asbury has gotten his development approved on, that would require it to be delayed and create a problem for the bond issue.

Mayor Hall said that they are aiming at somewhere between September 15 and October 15.

Councilman Bridges asked if the Council was to pass the motion, would they have the option of withdrawing their request for annexation, or would they have to go through the procedure anyway.

Mr. Seegmiller answered that the way the motion was made we would proceed with the service plan of the area. If they withdrew theirs, it would have an effect on it. There are two annexations in that area to look at.

Councilman Bridges said he was just trying to anticipate their options--if they have the option of following 974G. That may not be a viable option, the Council would have to decide. Would the two weeks' delay jeopardize the plans for the bond election. That is something which has not been discussed that fully.

Mr. Seegmiller said that they could withdraw and go the other way.

Councilman Rodriguez said he understood that by going with 974G it will eliminate some time as far as the annexation proceedings. Mr. Asbury and the two gentlemen on the other properties are not going to be any better off right now by getting approval on both motions. They would still have to go through proceedings, and they are not guaranteed that they are going to be annexed. It is at their risk right now to start their development. The only difference between the two articles is the time difference.

Mr. Seegmiller said that they would not be able to begin their development outside of the City because the utilities would not be available under this option.

Councilwoman Proctor-Shaw commented that it would be a while before the developer would know.

Mr. Burl McAlister said that on the Sherry-Rhode property it is the very same problem. They have a blanket commitment for the acreage. They have been through a tremendous amount of time, energy, expense, and study on not only this tract, but the whole area. Now they have a blanket commitment to get kicked. They are sitting in a position where they had actually paid for the water line that is going through their property. As a result of their planning and so forth at this point, we have convinced the mortgage people on the whole development. They like it and are ready to go. As far as his money is committed, six months from now, his money may not be there. This is the real concern.

Mayor Hall said that the Council could not act until it was asked. It was not until this week that the request had been made. There is a process that is required by law, and the Council is moving as quickly as it can.

Mr. McAlister said that at this point to consider proposition #4 which allows them to go ahead and tie onto utility lines that they have partially already put in themselves. They would make any kind of agreement as far as timing is concerned to make sure that anything that they do does not conflict with the City in regard to the bond election or anything else. Their problem is putting in the streets and sewer and water, and being able to get started by a given period of time. Hopefully, some kind of agreement could be made to time it in such a way as Mr. George was talking about in proposition #4, they could come under 974G.

Mayor Hall said that every time the Council has acted upon a deadline commitment, it has been sorry. When it takes a position of starting annexation and furnishing water, it has established a precedent for everybody else that it started an annexation with. Due processes are lengthy, and they are lengthy because the general public is protected by the fact that the Council can move too hastily. If the request for annexation would like to be withdrawn and substitute a request that the Council grant water and not annex, then the Council would start that. But the Council has a motion to start an annexation process and ready for vote.

Mr. Cargill said Councilwoman Proctor-Shaw made the motion to start the process, but stretch it out. And Councilman Bridges seconded. The motion carried as follows:

AYES: Councilmen Rodriguez, Fogle, Robinson, Nixon and Bridges, ANNEXATION -
Councilwoman Proctor-Shaw and Mayor Hall. REQUESTS OF
BURL MCALISTER
& BURL HARRIS

NAYS: None.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, START PROCESS
PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF
ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING
ADJACENT TO AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE
CITY OF ABILENE.

Mayor Hall recessed the meeting to go into Executive Session pursuant to Section 2(e) and 2(g) of the Open Meetings Act to seek the advice of the City Attorney with respect to pending and contemplative litigation, and to consider the appointment and evaluation of public officers.

Mayor Hall resumed the meeting and reported no action was taken.

Mayor Hall adjourned the meeting.

Keely Beard
Assistant City Secretary

Paul Hall
Mayor