

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 23, 1983, at 9:00 a.m.

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

1. Call to Order.
2. INVOCATION: Councilman Julian Bridges.
3. APPROVAL OF MINUTES: Regular Meeting held June 9, 1983.

4. AWARDS & PRESENTATIONS:

Carroll L. Parks	Equipment Operator	Street Division	30 Years
Bernice D. Goen	Captain	Fire Department	30 Years

CONSENT AGENDA

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

5. Ordinances
 - a. Appealed - 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 July 14, 1983, at 9:00 a.m.
 - b. Consider on first reading - Fire Code Ordinance Revision.
6. Resolutions
 - a. Consider Street Use License for LaJet Classic.
 - b. Consider amending the 1983 Housing Assistance Program.
 - c. Consider Airport supplement agreement for the FAA Control Tower Lease.
 - d. Consider Confederate Air Force Lease of Hangar No. 3.
7. Award of Bids
 - a. Water Drafting Pit for Fire Department.
 - b. Word Processors for Finance and Planning.
 - c. Tools and Equipment for Transit System.
 - d. Counter Sinks for Water Meter Repair Shop.
8. Request to Advertise
 - a. Breathing Air Compressor for Fire Department.

REGULAR AGENDA

9. Public Appearance
 - a. Presbyterian Medical Care Mission request - Dr. Fred White.
10. Ordinances and Resolutions
 - a. Tabled Item: Public Hearing - Consider on second and final reading - reclassification request from RS-12 (Residential Single Family) to RM-3 & GC (Residential Multi-Family & General Commercial) District, located at ES 11th & Lytle Way.
 - b. Public Hearing - Consider on second and final 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.
 - c. Public Hearing - Consider on second and final reading - (Appealed Item) - reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) District, located at 2002 Grape.

10. Ordinances & Resolutions, Cont'd.
- d. Public Hearing - Consider on second and final reading - reclassification request from RM-2 (Residential Multi-Family) to MH (Mobile Home) District, located on Sycamore Street from S. 29th to S. 32nd Street.
 - e. Public Hearing - Consider on second and final 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.
 - f. Public Hearing - Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to RM-2 (Residential Multi-Family) District, located at N. 21st & Hardy Streets.
 - g. Public Hearing - Consider on second and final reading - a thoroughfare abandonment, being three 20' alleys.
 - h. Public Hearing - Consider on second and final reading - reclassification request from LC & GC (Limited Commercial & General Commercial) to RM-3 (Residential Multi-Family) District, located on Industrial Boulevard.
 - i. Public Hearing - Consider on second and final reading - a thoroughfare abandonment, being a 20' north-south alley extending from the south right of way of N. 19th.
 - j. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to SC, RS-6 & RM-3 (Shopping Center, Residential Single Family & Residential Multi-Family) Districts, located at East Lake Road (FM 2833) & Hwy 351.
 - k. Public Hearing - Consider on second and final reading - reclassification request from AO & GC (Agricultural Open Space & General Commercial) to LI (Light Industrial) District, located on Hwy 351 at I-20.
 - l. Public Hearing - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RS-6 (Residential Single Family) District, located at Gilmer Avenue & Stonehedge.
 - m. Public Hearing - Consider on second and final 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.
 - n. Public Hearing - Consider on second and final 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.
 - o. Public Hearing - Consider on second and final reading - reclassification request from RS-8 (Residential Single Family) to RM-3 (Residential Multi-Family) District, located at EN 10th & Judge Ely Boulevard.
 - p. Public Hearing - Consider on second and final 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.
 - q. Resolution - Consider the disposition of City land.
 - r. Resolution - Approving submission of a request for funding through the Federal Jobs Bill Program.
 - s. Public Hearing - Special Assessment Paving Program - Phase II.
 - t. Resolution - Consider agreements with the T & P Railroad Company for crossing improvements.
 - u. Resolution - Awarding Bank Depository Agreements.
11. Other Business
- a. Appointment & evaluation of public officers.
 - b. Pending & contemplated litigation.
 - c. Public Hearing - Resolution - WTU rate increase request.
 - d. Annexation requests by Burl Harris and Burl McAlister.

ADJOURN

CERTIFICATE

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 20th day of June, 1983, at 9:00 a.m.


Assistant 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 23, 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 Harold D. Nixon lead the invocation.

Councilwoman Proctor-Shaw moved approval of the minutes for the last Regular Meeting held on June 9, 1983, with corrections on pages 301, 302, 304, 307, 308 and 310. Councilman Nixon seconded the motion. The motion carried as follows:

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

Mayor Hall presented service awards to Carroll L. Parks for his service as an Equipment Operator in the Street Division for 30 years, and Bernice D. Goen, a Captain in the Fire Department for 30 Years.

Councilman Fogle moved approval of the items listed on the consent agenda. 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.

5. Ordinances

- a. Appealed - 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 July 14, 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 PH A
HUNT & SEWELL
1ST READING
APPROVED

- b. Consider on first reading - Fire Code Ordinance Revision.

AN ORDINANCE AMENDING CHAPTER 10, FIRE PROTECTION AND PREVENTION, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

FIRE CODE -
REVISION
1ST READING
APPROVED

6. Resolutions

- a. Consider Street Use License for LaJet Classic.
- b. Consider amending the 1983 Housing Assistance Program.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A HOUSING ASSISTANCE PLAN.

STREET USE
LICENSE - LA
JET CLASSIC
APPROVED, ORAL

- c. Consider Airport Supplement agreement for the FAA Control Tower Lease.
- d. Consider Confederate Air Force Lease of Hangar Number 3. (Even though this item was listed on the consent agenda, the Staff removed it for perhaps later consideration.)

HOUSING ASSI
TANCE PROG.
AMENDMENT AP
R41-1983/B3-11

AIRPORT LEAS
FAA CONTROL
TOWER. APPR.
Oral

7. Award of Bids

- a. Water Drafting Pit for Fire Department.
- b. Word Processors for Finance and Planning.
- c. Tools and Equipment for Transit System.
- d. Counter Sinks for Water Meter Repair Shop.

AWARD OF BID
DRAFTING PIT
FOR FIRE; WO
PROCESSORS F
FINANCE &
PLANNING; EC
FOR TRANSIT;
SINKS FOR W
METER SHOP

8. Request to Advertise

- a. Breathing Air Compressor for Fire Department.

Mayor Hall began the meeting by pointing out to the audience that it was not legal for the Council to have a public hearing on the proposed Spring 1983 Special Assessment Paving Program - Phase II

REQ. TO ADV.
COMPRESSORS
FOR FIRE.

Mr. Sam Babbington said he is interested in the paving assessment on S. 2nd between Willis and Clyde Street. He owns six pieces of property on that 3/4 of that block. He wanted to tell the Council that he wanted the paving done.

Mr. Jose Fuentes was concerned about the paving assessment on the corner of Russell and Clyde Streets. He said the City sent him a letter telling him that he would have to pay \$16.75 per frontage foot. He said he could not afford the paving assessment and he asked that some other solution be considered.

Councilman Bridges asked Mr. Fuentes if he was aware that the paving assessment amount could be paid out over a long period of time. Mr. Fuentes said he understood that, but the payments would be too high and he could not afford them.

Mayor Hall asked if the amount of the assessment had been determined. Mr. Cargill said that \$16.75 Mr. Fuentes referred to is the correct amount being assessed. However, the appraiser will have to testify to the enhancement of the paving and his testimony may prove that the enhancement may not be as high as the \$16.75. Mr. Cargill said he has understood, though, that all of the properties have been enhanced at least the amount of the assessment on the property. Mr. Seegmiller said the assessment is based on the cost of the paving, and the appraiser determines if the paving will enhance the property by at least that amount. He reminded the Council that it could change the assessment no matter what the appriaser feels the enhancement will be. Councilman Bridges told Mr. Fuentes that the amount of the assessment would probably not change unless the Council wants to make an exception in his case.

Mr. Cargill told Mr. Fuentes that his payments could be spread out for as long as he wanted and for as small an amount as he wanted. He asked Mr. McDaniel what the interest rate the City charged on paving assessments. Mr. McDaniel said the rate is 5 percent if its current and 8 percent when it goes delinquent.

Mayor Hall pointed out that the \$16.75 was the maximum the City could charge for the paving assessment. The appraiser will determine if the property is enhanced as much as the assessment. Sometimes he determines that the enhancement is less, but it does not happen very often.

SPRING 1983
PAVING ASSES

Mr. Truitt Ball, property owner on Vogel Avenue, said he owns about 1102 feet of property on Vogel Avenue. He said his assessment for \$13.75 per front foot, would cost him \$15,163.23. He doubted that the property would be enhanced by that amount because of the paving. He said he thought that the funding for the north side of the street was coming from Federal funds. He asked why his and his neighbors' portion could not also be funded Federally or through the City.

MENT PROGRAM
INFORMAL
PUBLIC
HEARING

Mayor Hall said since the previously called public hearing on Phase II of the 1983 Spring Paving Assessment Program set for June 23, 1983, could not be held because of inadequate notice, the City Secretary is hereby directed to publish a notice of public hearing to be held in the Council Chambers of Abilene, Texas, on the 28th day of July, 1983, at 9:00 a.m., and to comply with the statutory notice requirements.

Mayor Hall closed the public hearing.

Dr. Fred White appeared before the Council to request the use of the Sears Public Health facility in Sears Park. He said the Presbyterian Medical Care Mission would like to provide medical service to the working poor. In the 1980 Census, it was found that 13,279 persons in Taylor County who fall in a poverty level. That is approximately 12 percent of the persons living in Taylor County. These individuals make \$4,680 per year. These people do not have medical health coverage such as Medicare, Medicaid, or insurance from their employers.

The Presbyterian Church would like to establish a Medical Care Mission in which it would be a fee for service, but a non-profit organization. The fee for service would be based upon income of these people and would be based upon the percentage of the going rate in the community. A similar project was carried out in Lubbock and their fees are 20 percent of what the going rate is in Lubbock. That is approximately what the Medical Care Mission in Abilene would like to charge. Those fees would be used to take care of the operating overhead.

since it was not advertised properly. However, since there were several people in the audience who were attending the Council meeting to speak at the public hearing, the Council decided to let those persons speak in an informal public hearing later in the meeting when appropriate. Mayor Hall reminded those persons that they could speak at the public hearing and they could also come back on July 28, 1983, when another public hearing would be scheduled.

Mr. Wayne Herrington, Assistant Director of Planning and Community Development, presented the request by Theta Gamma Omega Chapter of the Alpha Kappa Alpha, Inc., for lease of City land located in the vicinity of N. 8th and Mesquite. Mr. Herrington said Mrs. Mary Island of the Sorority composed a letter for the Mayor to send to HUD if the lease of the City land was approved by the Council. He said the Sorority was in the process of attempting to attain a loan from HUD. The only thing remaining that the Sorority must furnish with their application is some type of evidence showing site control on the site. He said the City Attorney has discussed the matter with HUD, and the letter or evidence must be in the HUD office by 4:30 p.m., that day.

Mrs. Mary Island, representing the Sorority, said she appeared before the Council on May 26, 1983, to propose a joint venture project involving the City of Abilene, the Sorority and HUD. The project would utilize the Section 202 housing and will embark applying for loan funds to build low cost housing within the Carver Community for the elderly and handicapped. She asked the Council at the last meeting for the seed money investment of \$20,000 required for developing the project, to assist in the land acquisition either by donating the land or providing the land at a nominal charge, and to provide technical assistance during the application and development stages of the project. She said her appearance at the Council meeting on June 9, was to ask for the Council's consideration of the acquisition of the land at N. 8th & Mesquite. She asked that the Council provide her with some type of evidence of site control so she could get that evidence to the HUD office in Dallas by 4:30 p.m. She said the Sorority is willing to purchase the property or lease it from the City during the Council meeting--just as long as they have site control by 4:30 p.m.

Councilwoman Proctor-Shaw asked how the land was used in the past. Mrs. Island said the land belonged to Mrs. Pickard when Mrs. Island was a small girl. She said when Mrs. Pickard died, the land went to the City and the funds were used for the Eugenia Pickard Library. The Harkriders later came into possession of the land. Mrs. Island said she lived in the 800 block of Mesquite when she was small.

Councilwoman Proctor-Shaw asked Mr. Seegmiller if the City had any plans for the property. Mr. Seegmiller said that property and other properties like it were purchased so projects such as the Sorority's low cost housing project could be established in Abilene.

Mr. Herrington said the City could provide a 99 year lease and would have the option for further negotiations. It will depend on the Sorority's receiving approval of their application. If they do receive it, then the City has the option to negotiate the lease or the possible sale of the land. Mr. Seegmiller said the Staff had a concern with the length of the lease--they felt that 99 years was excessive and would like to consider the lease for the duration of the investment.

Mr. Cargill said the Council will probably want to authorize the Mayor to sign the letter provided by Mrs. Island to show evidence to HUD that the Sorority has site control over the property. The letter does refer to both tracts of property.

Councilman Bridges moved to authorize the Mayor to sign the letter provided by Mrs. Island and that negotiations on the lease be worked out between the City's legal staff and the requesting agency. 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.

LAND
LEASE - OF
CITY PROPER
TO ALPHA KAP
ALPHA AT N.
8TH & MES-
QUITE - APP

Mayor Hall opened public hearing for those wishing to speak for or against the proposed Spring 1983 Special Assessment Paving Program - Phase II. He reminded the audience again that it was not a formal, legal public hearing, but their comments would be recorded and considered.

The Sears Health facility building would be operated under the direction of First Central Presbyterian Medical Mission. There will be two full time medical directors on hand--Dr. Fred White and Dr. B. J. Estes. There will be a physician's assistant to help with the screening and carrying out of the mission and there will be a family practice resident to help with the clinic from Hendrick Medical Center. Dr. White assured the Council that quality care would be provided to those coming to the clinic.

Dr. White said a lease agreement has been composed by the City. He said there have been a few changes made to the agreement. One is that only licensed physicians may dispense drugs. Sample medications from pharmaceutical houses will be used instead of keeping a great quantity of drugs on hand at the clinic and it should also help defray expenses.

Dr. White said the other change to the agreement was not actually in writing, but the Presbyterian Church members have already been notified about the clinic to be started on July 5. He said that date was not set with the forethought of trying to push the Council into a decision.

Councilman Bridges asked how the people working at the clinic would determine who the working poor are. Dr. White said there will be times when people will take advantage of the clinic, but perhaps last year's income tax return would be a help to determine eligibility of a client or a stub off of a pay check.

Mr. Seegmiller suggested Dr. Ferris of the Health Department speak to the Council about the Abilene-Taylor County Health Board's views on the proposed clinic. He assured the Council that the insurance and indemnity clauses have been added to the agreement for the City's protection.

Dr. Curzon Ferris of the Abilene-Taylor County Health Department said his Department was the only other user of the facility presently. He said the facility is in use three mornings a week. The agreement will be that the Health Department will continue to use that facility on those three mornings.

Councilman Rodriguez asked if the Health Department used or dispensed drugs. Dr. Ferris said there were no drugs dispensed at the facility, but he had no problem with licensed physicians dispensing samples of drugs at the facility. Councilman Rodriguez was just concerned about the use of drugs in Abilene and he did not want them to become more available through that facility.

Councilman Bridges moved that the City enter into a lease agreement with the Presbyterian Medical Care Mission effective July 5, 1983. 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.

LEASE AGREEMENT
PRESBYTERIAN
MEDICAL CARE
MISSION LEAS
FOR SEARS
HEALTH FACI
ITY. APPR.

Mr. Hansen presented a reclassification request from RS-12 (Residential Single Family) to RM-3 & GC (Residential Multi-Family & General Commercial) District, located on ES 11th & Lytle Way. The item had been tabled from the May 26, 1983 Council Meeting after a public hearing was held. Councilman Fogle at that time asked that the item be tabled so the two parties could try to come up with a compromise.

Councilwoman Proctor-Shaw moved to remove the item from the table. 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.

Mr. Hansen concluded his presentation by saying that the Planning & Zoning Commission and the Staff both recommended approval of the request.

Mayor Hall asked what the purpose was of the preliminary development plan. Mr. Hansen said the Planning & Zoning Commission has a policy of requesting applicants to submit a questionnaire and a preliminary development plan. The proponents did submit the questionnaire and preliminary development plan, but it is not binding on the proponent. The zoning is the only thing that is binding--it is not approved as per site plan. A site plan will be required if the Council should approve the zone change request. The flooding question was mentioned at the Planning & Zoning Commission meeting and it was taken into consideration during the building permit procedure. All building permits are accepted by the Building Inspection Department, routed through

Zoning, then to Engineering. After that Engineering checks for floodwater management criteria.

Councilman Fogle asked the difference between General Commercial zoning and Shopping Center zoning. Mr. Hansen said Shopping Center zoning requires a 10 acre minimum. That particular site did not contain 10 acres so it would not be eligible for a Shopping Center zone unless the applicant obtained a variance from the Board of Adjustment.

Mayor Hall asked what were some of the uses permitted in General Commercial and Shopping Center. Mr. Hansen said Shopping Center zoning was more restrictive as to setbacks. It requires a 30' setback from all property lines, whereas General Commercial is not as restrictive. Also, General Commercial does allow a few more intensive type commercial uses. The zoning list for General Commercial is more extensive than the list for Shopping Center.

Mayor Hall opened the public hearing on the reclassification request.

Mr. Mel Richards, proponent, said he had several meetings with the property owners, attorney and engineering firm that represented the neighborhood. He said the owners asked the proponents to reserve their west lot of RM-3 for the purpose of letting the water flow to the low spot on Castle Drive. The proponents agreed that they would not build on that lot. However, later, the owners requested that a channel be dedicated across the above property for the purpose of handling the water flow. The owners also at that time requested that WTU dedicate a channel. Mr. Richards said the proponents agreed to the channel if WTU would agree. Again, the owners told the proponents that they would be at the Council meeting to oppose the reclassification, because they would not be comfortable with how the channel would be constructed. He said the owners have told the proponents that their main concern was flooding and not zoning.

Mr. Tom Choate, representing the property owners, said the property owners were very concerned with flooding, but they were also concerned that the property will be used as General Commercial. He said the problem with the proposal for channelization is that there were too many "ifs" involved. If WTU agrees to the channelization; if the channel can be designed to carry enough water; and if it can be built in such a way as to carry that water under Castle Drive.

Mr. Choate mentioned that no one knows the elevation on the property in question. The property owners asked for that information. In November, 1982, the City gave the proponents a permit to haul up to 1,000 cubic yards of dirt to that property. At that time, the northeast corner was at about 1720, the NE third was 1718, the middle was at 1716, the NW was 1710, etc. Water that hits that elevation at 1716 is going to flow through that property out the west side of it. Now that they have hauled dirt on it, the property owners have no idea where that water will flow, although it is obvious that more water will flow because of the higher elevation.

Mr. Choate said the property owners were concerned with the General Commercial request. He said there are many types of commercial activities that can operate in a General Commercial zone, such as body shops, public auction facilities, auto repair, bowling lanes, bus terminals, fortune tellers, poultry and egg sales, drive in groceries, gas stations, sewage pressure control stations, taxi-cab terminals, hotels and motels. All of those activities listed above are rights of use activities and they do not need variances. Also under the Zoning Ordinance Section 32-1.3.10 is stated, "GC--District regulations are designed to permit development of commercial activities which are generally not appropriate for shopping centers or central business districts". Residential uses are not compatible with the environment created in a GC district due to the character and high level of activity of the permitted uses. Also, Mr. Choate pointed out that Mr. Richards and the other proponents are not going to own this property for a long time--someone else will develop it and will probably utilize the property for a high intensity commercial activity. He also mentioned that the RM-3 zoning proposal will allow 32 new families on 2 1/2 acres of land.

Mayor Hall closed the public hearing.

Councilman Fogle asked the Staff how the development would affect the flooding in the area. Mr. Bob Whitehead, Public Works Director, said a development permit is required for any property to be developed. A

detention facility is required for commercial property over 2 acres to control any excess water. A developer will need to submit with his plat a drainage plan that requires a development permit. Mr. George said this particular property has already been platted, therefore, the flooding problem has not been handled. During the site review process, flooding questions will be resolved.

Councilman Fogle asked if the proponents would be able to use a grandfather clause since their property had already been platted. Mr. George said the grandfather clause was built into the ordinances for property under development. Possibly, the proponents will need to have the property replatted. If that is so, then the drainage problem can be addressed at that time.

Councilman Rodriguez asked if the process would start all over if someone brought the property from the present proponents. Mr. George said a final site plan would have to be approved before a building permit would be issued.

Councilman Rodriguez asked if the development permit was a device to help control any development to not allow any more water than already exists from runoff. Mr. Whitehead said any property with less than 2 acres under the present ordinance does not have to have a detention facility. That includes any residential development under 4 acres. The property in question will have to have a detention facility. Mr. George assured the Council that the proposed development for the property would not increase the runoff any more than what it already is.

Mayor Hall moved approval of the reclassification request from RS-12 (Residential Single Family) to RM-3 & GC (Residential Multi-Family & General Commercial) Districts, located at ES 11th & Lytle Way. Councilman Bridges seconded the motion. The motion carried as follows:

AYES: Councilmen Bridges, Rodriguez, Fogle, Nixon and Mayor Hall. ZONING RE -
NAYS: Councilman Robinson. RS-12 TO RM-3
ABSTAINED: Councilwoman Proctor-Shaw. & GC AT ES 11
& LYTLE WAY.

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. 2ND & FINAL APPROVED

Mr. Hansen presented the 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. The Staff recommended disapproval and the Planning & Zoning Commission recommended approval. Mr. Hansen said the property fronting on Butternut is already zoned Heavy Commercial, and the zone change requested is for the four lots on Poplar.

Mayor Hall asked why the Staff disapproved of the zone change. The Staff felt that it would be undesirable to extend the commercial zoning across the alley. Mr. Hansen said there is an alley to the east of the four lots that are proposed for rezoning.

Mayor Hall opened public hearing on the reclassification request. Mr. Doug Wafford representing the Salvation Army said GC was the only zone type they could ask for. He said property to be used contains approximately 38,000 square feet. He said the Salvation Army plans to implement a financial campaign & build new facilities where they may adequately care for persons making demands on them presently. It will be an opportunity for the Salvation Army to acquire land at less than \$2 per square foot. He said there is a growing need for elderly care and child care in Abilene. The facility to be located on Poplar will hopefully house those programs. He said the property is under contract with the Salvation Army for a fine purpose.

Mr. Don Lunsby, owner of property at 1701 Poplar, is scheduled to close on a contract for his property next week. He said his property will be used as four single bedroom apartments. The Salvation Army facility will be immediately next door to his apartments. He said if the Salvation Army facility was walled off, perhaps that would help his situation. As it is, however, he feels that it would be detrimental to his property by building of a Salvation Army facility. He said he has talked with Captain Turner of the Salvation Army to work something out, but so far there has been no compromise. He said Captain Turner

has told him that the Salvation Army would construct any type of fence, but still their plans have not been made final. Also, he was concerned with constructing an egress and ingress on Poplar Street.

Councilwoman Proctor-Shaw asked how his property was zoned. Mr. Lunsby said it was zoned RS-6. The apartments are already existing and are conforming.

Mr. Noble Harris, agent for the Salvation Army, said their preliminary plans have a buffer zone between the apartments and the Salvation Army facility.

Mayor Hall closed the public hearing on the reclassification request.

Mayor Hall asked if General Commercial zoning was the only type of zoning the Salvation Army could use. Mr. George said the Salvation Army was under a category called civic, social and fraternal, so General Commercial is the lowest zoning the Salvation Army could have gone for. The Staff has consistently (up and down Butternut) recommended against zoning into the Poplar Street area, because once commercial zoning got started, it would be very difficult to regulate it. Even a PDD would not be possible for the Salvation Army because it requires a certain number of acres.

Councilman Rodriguez asked if the Staff had ever done a study to find out what kind of business or traffic a social, civic or fraternal organization generates. Mr. George said the Staff looked at that question about five years ago. The kinds of activities in that group include halfway houses for alcoholics and drug users.

Councilman Bridges asked if there has ever been a variance given in regard to a PDD. Mr. George said that has happened, and that could be possible step for the Salvation Army.

Councilman Bridges asked if the item was tabled would the Salvation Army have the opportunity to consider a PDD with a variance, or would they lose the option to bring that back before the Council. Mr. George said it would probably be August before the Salvation Army could request a variance from the Board of Adjustments. The Planned Unit Development District would be a somewhat different request than just an open General Commercial request. The Planning & Zoning Commission would have to make that decision.

Mr. Cargill said when there is a zone change request and it is denied, that same request cannot come back for one year. However, it is up to the Planning & Zoning Commission to decide whether the request is the same or not and whether to allow that request to start the process again. He reminded the Council that they could send the request back to the Planning & Zoning Commission to let the proponents work it out with the Commission.

Councilman Bridges moved to refer the request of the Salvation Army back to the Planning & Zoning Commission. However, Mr. Harris said the Salvation Army has been instructed to take final steps on the request, whether to receive a denial or approval, because they have been granted their last extension on closing for the property. Therefore, Councilman Bridges withdrew his motion.

Councilwoman Proctor-Shaw moved approval of the request. However, the motion died for lack of a second.

Councilman Fogle moved to deny the request. Mayor Hall seconded the motion. The motion carried as follows:

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

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

ZONING RE -
RM-1 & RS-6 T
GC AT 1700 BI
OF POPLAR
2ND & FINAL

Mr. Hansen presented the reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) District, located at 2002 Grape. The Staff and the Planning & Zoning Commission both recommended denial of the request. He said the Grape Street Land Use Study plan indicates residential single family activities for the site. DENIED

Councilman Bridges said there are some commercial activities along Grape Street in the vicinity of the request. He asked if those activities were non-conforming. Mr. Hansen said those commercial activities are legal.

Mayor Hall opened a public hearing on the reclassification request.

Mr. Douglas Sturgeon, a hairdresser, said on February of 1981 he opened Total Design Hair Studio at 701 College Drive. The Total Design Hair Studio has been very successful and he would now like to expand his business. He said the house at 2002 Grape is a large house and he would like to expand his business in the house. He said on June 6, 1983, the Planning & Zoning Commission denied his request to zone the property commercial. He said the Commission's main concern seemed to be the possibility of a turn-over of the property, but the Commission did not seem to be opposed to a hair salon being in that location at 2002 Grape. Mr. Sturgeon presented several slides of the house and the homes and businesses surrounding it. He also presented slides of homes that have been renovated and turned into businesses. He said by using the house as a hair salon, it would enhance the community because he would have to renovate the house and it would provide a service to the neighborhood.

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

Councilman Rodriguez asked if those homes that have been renovated and used as businesses were rezoned from residential to general commercial. Mr. Hansen said some of the properties shown by Mr. Sturgeon were in a central business district, some were in commercial zones, and some were classified as home occupations. The Zoning Ordinance has a list of the home occupations allowed in residential single and multi-family areas subject to certain conditions. Home occupations must have the owner residing there, cannot have more than one employee, cannot have over 300 square feet of the residence used as a business, must provide adequate parking and cannot have a sign over one square foot close to a window. The Staff discussed a home occupation classification with Mr. Sturgeon, but he wanted more than one employee and wanted to use more than 300 square feet of the house for the business.

Mayor Hall asked how a request is handled for a renovated structure or historical preservation project. Mr. George said the actual commercial use of a property in a residential district would not be addressed by the Historical Ordinance the Council will be considering soon. He said the Zoning Ordinance is being revised and hopefully, there will be some mention of mixed uses for different types of businesses in the new Zoning Ordinance.

Mayor Hall asked if a historical district was created and one area of it was designated as commercial, would a commercial enterprise be allowed in the non-commercial area. Mr. George said if the Zoning Ordinance so allowed. He said the Historical Ordinance will be an overlay onto the Zoning Ordinance.

Councilman Bridges mentioned that much of the area has been designated to be widened in the Grape Street widening project. He asked if the 2002 Grape house would be included in the commercial portion of that widening project. Mr. George said the Grape Street Land Use Study has been contradictory to many of the requests for rezoning that the Staff has received in the recent past. He felt that perhaps the Grape Street Study would need to be revised after talking with many property owners to receive their input.

Councilman Bridges asked if that process of looking at revising the Grape Street Land Use Study could be completed in less than one year's time. Mr. George said that is likely. Councilman Bridges said if the Council denied Mr. Sturgeon's request, then he would have to wait one year before he could bring the request back. In the interim, however, it might be possible that with the revised Grape Street Land Use Study, the Council might be willing to look favorably on similar requests.

Mayor Hall said if the request is denied by the Council and if after the Planning & Zoning Commission suggested the change in the Grape Street Land Use Study to make the area commercial, could the Council, on its own motion, approve the Commission's suggestion, therefore, enabling the request to be approved. The proponent would not have to wait the one year requirement to rezone his property. Mr. George said that was correct.

Councilman Bridges moved to deny the request. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

NAYS: None.

ZONING RE -
RM-3 TO GC A
2002 GRAPE
2ND & FINAL
DENIED

Mr. Hansen presented the reclassification request from RM-2 (Residential Multi-Family) to MH (Mobile Home) District, located on Sycamore Street from S. 29th to S. 32nd Streets. The request has been amended to exclude tract one of the original request. Therefore, only tract two will be considered by the Council. The Staff and the Planning & Zoning Commission both recommended approval of the request.

Mayor Hall opened a public hearing for the reclassification request.

Mr. Mac McClure, representing the proponent, said General Commercial zoning had been requested for tract one on the original request. The General Commercial zoning was going to act as a buffer between the Heavy Industrial to the north and the MH to the south. The Staff recommended Limited Commercial instead of General Commercial. Since Mr. McClure was not aware of the Staff's recommendation until later, he requested withdrawal of the GC zoning request for tract one. He said the proponents intend to sell the lots to individual mobile home owners to develop tract two.

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

Councilman Rodriguez moved approval of the request. 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.

ZONING RE -
RM-2 TO MH OI
SYCAMORE FROM
S. 29TH TO S.
32ND. 2ND &
FINAL. APPR.

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

Mayor Hall mentioned that since the agenda was so long, the Council would like to try to handle items 10e through 10p with one motion after hearing the Staff's and Planning & Zoning Commission's recommendations on each one.

Mayor Hall opened a public hearing for the purpose of considering items 10e through 10p.

Mr. Ron Hansen presented item 10e a reclassification request from AO to GC & RM-3 Districts, located at Bob-O-link & Brentwood Drive. The Staff and the Planning & Zoning Commission both recommended approval.

ZONING RE -
GC & RM-3 AT
BOB-O-LINK &
BRENTWOOD
2ND & FINAL
APPROVED

Mr. Eddie Chase, representing the proponent offered to answer questions for the Council.

Mr. Hansen presented item 10f a reclassification request from RS-6 to RM-2 District, located at N. 21st & Hardy Streets. The request was originally for HC and was recommended for denial by the Planning & Zoning Commission. The proponents then amended their request to RM-2. The Planning & Zoning Commission and Staff both recommended approval of the request to RM-2.

ZONING RE -
RS-6 TO RM-2
AT N. 21ST &
HARDY. 2ND
& FINAL. APP

Mr. Wilfred Kennon, agent, said the property would be used to develop 85 low income apartments for the elderly and the handicapped. It is also a 202 HUD project waiting for approval from the HUD office in Ft. Worth. The developing group for the project is Fitz, Holdridge, Bisony and Holcomb from Houston. They have made arrangements for a sponsor, but he did not know who that sponsor was.

THOROUGHFARE
ABANDONMENT
THREE 20'
ALLEYS AT
BOB-O-LINK
2ND & FINAL
APPROVED

Mr. Hansen presented item 10g a thoroughfare abandonment, being three 20' alleys. This request is related to the previous item 10e. The Plat Review Committee recommended approval to the Planning & Zoning Commission subject to retaining the alleys as easements because of some existing facilities and relocation of the alley opening out to a public thoroughfare on the south alley along the south boundary line. The proponent has submitted a plat and the plat does show a new opening to the proposed extension of Bob-O-Link Drive. The Planning & Zoning Commission and the Staff both recommended approval of the request subject to the retaining of the alleys as easements.

No one wanted to speak during the public hearing.

ZONING RE -
LC & GC TO
RM-3 ON IND.
BLVD. 2ND
& FINAL.
APPROVED

Mr. Hansen presented item 10h a reclassification request from LC & GC to RM-3 District, located on Industrial Boulevard. The Planning & Zoning

Commission and the Staff both recommended approval of the reclassification request.

THOROUGHFARE
ABANDONMENT -
20' ALLEY ON
N. 19TH. 2ND

No one wished to speak at the public hearing.

Mr. Hansen presented item 10i a thoroughfare abandonment, being a 20' north-south alley extending from the south right of way of N. 19th. He said the closure is an existing alley way located in the parking lot of Hendrick Medical Center. The Planning & Zoning Commission and the Staff both recommended approval.

No one wished to speak at the public hearing.

Mr. Hansen presented item 10j a reclassification request from AO to SC, RS-6 & RM-3, located at East Lake Road (FM 2833) & Hwy 351. The Planning & Zoning Commission and the Staff both recommended approval subject to including a strip of intervening RM-3 zoning, which the applicant agreed to. The original request was to have RS-6 zoning abutting SC zoning.

ZONING RE -
AO TO SC,
RS-6 & RM-3
AT EAST LK
RD & HWY 35

Mayor Hall asked if the request was part of the Quail Valley Subdivision project. Mr. David Todd, representing the Quail Valley Subdivision, said that was correct. No one else wished to speak at the public hearing.

Mr. Hansen presented item 10k a reclassification request from AO & GC to LI District, located on Hwy 351 at I-20. The Staff and the Planning & Zoning Commission both recommended approval.

ZONING RE -
AO & GC TO LI

Mr. Doug Adams, representing Skinney's, Inc., was available to answer questions.

AT HWY 351
I-20. 2ND &
FINAL. APPR

Mr. Hansen presented item 10l a reclassification request from AO to RS-6 District, located at Gilmer Avenue & Stonehedge. The Staff and the Planning & Zoning Commission both recommended approval of the request.

ZONING RE -
AO TO RS-6 AT

Mr. David Todd, representing the proponent, said the property had been purchased from the AISD. Obviously, the AISD would not sell the property if it intended to use the property for a school in the future.

GILMER &
STONEHEDGE
2ND & FINAL
APPROVED

Councilman Nixon asked if the proponent intended to open a street on the west side of the property. Mr. Todd said the street was not intended because it would create a jog in the road. That would be created because there is already a subdivision in progress to the west of the property. No one else wished to speak at the public hearing.

ZONING RE
O & AO TC

Mr. Hansen presented item 10m a reclassification request from O & AO to RM-2 & GC Districts, located at Curry Lane & Hwy 83-84. The Staff and the Planning & Zoning Commission both recommended approval.

RM-2 & GC
AT CURRY
LN & HWY
83 & 84

Mr. Eddie Chase, representing the proponents, offered to answer questions. No one else wished to speak at the public hearing.

2ND & F
APPROVED

Mr. Hansen presented item 10n a reclassification request from RS-6 & RM-2 to RM-3 & RM-2 located in Canterbury Trales Addition. The Staff and the Planning & Zoning Commission both recommended approval.

ZONING RE -
RS-6 & RM-2
RM-3 & RM-2
CANTERBURY

No one wished to speak at the public hearing.

Mr. Hansen presented item 10o a reclassification request from RS-8 to RM-3 District, located at EN 10th & Judge Ely Boulevard. The Staff and the Planning & Zoning Commission both recommended approval.

TRALES ADDN.
2ND & FINAL
APPROVED

No one wished to speak at the public hearing.

Mr. Hansen presented item 10p to amend Section 32-9.2 of the Zoning Ordinance to permit full service car wash as a right of use in SC zones. He said the Staff received an inquiry from a man who wished to place a full-service car wash in the Mall of Abilene area. Presently, the Zoning Ordinance allows a self-service car wash in a SC zone, but not a full-service car wash. The Staff and Planning & Zoning Commission both recommended the amendment composed by the Staff.

ZONING RE -
RS-8 TO RM-3
AT EN 10TH &
JUDGE ELY BL
2ND & FINAL
APPROVED

Mr. Royce Caulk, representing the proponents, offered to answer any questions.

ZONING AMEND-
FULL SERVICE
CAR WASH AS
RIGHT OF USE
2ND & FINAL
APPROVED

Mayor Hall closed the public hearing for all of the items from 10e to 10p.

Councilman Bridges moved approval of all of the items from 10e to 10p. Councilman Rodriguez seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw (on all items except 10L), Councilman Rodriguez, Councilman Fogle (on all items except 10i), Councilmen Robinson, Nixon and Mayor Hall.

NAYS: None.

ABSTAINED: Councilwoman Proctor-Shaw for item 10L, and Councilman Fogle for item 10i.

The Ordinance Caption for items 10e, 10f, 10h, 10j, 10k, 10L, 10m, 10n, 10o and 10p:

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.

The Ordinance Caption for items 10g and 10i:

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.

Mr. Wayne Herrington presented the request to approve submission for funding through the Federal Jobs Bill Program. He said a few months ago, the City received word that it would receive an allocation of \$341,000 of the Emergency Jobs Bill Fund. The purpose of the Jobs Bill was to provide a one time grant to the City to enable it to help local unemployed persons and to hasten Federal construction projects. The primary beneficiary has to be low and moderate income people.

The Community Development Committee held a meeting at which the Committee received one request from Doris Ballard of the Housing Office for \$100,000 to rehabilitate approximately 20 houses in the Carver and Locust neighborhood. The Abilene Volunteer Weatherization Project had requested \$2,500 to hire a part time volunteer. The volunteer would be a retired persons who would work from November for the following six months through the winter. The last item was recommended by Mr. Bob Whitehead for the creek cleanout project.

Mr. Bob Whitehead said the creek cleanout project is intended for three purposes: 1) to put people to work; 2) to accomplish a portion of the Stream Management Plan; and 3) to provide a tie to the whole Floodwater Management Plan. He mentioned also that those persons hired through the Jobs Bill could be used to fulfill an agreement with the Railroad to help beautify the railroad right-of-way.

The cleanout program would take place in Will Hair Park. The property owners have provided easements along Cedar Creek. The channel has been cleaned out from College Drive to Will Hair Park. The Staff is currently working to acquire the right-of-way to enable them to straighten and widen the creek from Ambler to I-20. There are a few elevated sewer lines that will have supported by some concrete piers in order to clean out the creek under them.

The second phase of the program is on Little Elm Creek. The Staff will continue to widen Little Elm Creek from Hwy 80 to N. 10th or N. 14th. This will include a portion of the Industrial Park. The channel will be widened from 40' bottom width to 60 to 100' bottom width. He said the proposal is to hire unemployed people and not use City employees or equipment. The equipment in the proposal will be all rented equipment. Part of that rental equipment will be required to have the rental agency's own man drive the equipment, such as a dump truck. Therefore, seven operators will be included in the proposal.

The Industrial Foundation's executive committee has approved the proposal and has promised to give the City the required easements to their property.

Councilman Bridges asked if it would be better to use City equipment so that more of the Jobs Bill funds could be used to create jobs. Mr. Whitehead said the City equipment that would be available would be the equipment that the City is currently using in the flood control programs. Also, it would mean that City employees would be without their equipment because that equipment would be furnished to the Jobs Bill Program. The City will provide foreman supervision with City Staff.

Councilman Bridges asked if the full amount that Mr. Whitehead is asking for would not be provided, would he be able to proceed with the creek cleanout or would he have to postpone the work until funds were available. Mr. Whitehead said both projects could probably be completed, but it would take longer.

Councilman Fogle said the projects for cleaning creeks are scheduled and will be completed as long as the funds are available. Mr. Whitehead said the funds are available, because Cedar Creek through Will Hair Park is part of the master plan for creek cleaning. Little Elm Creek on the master plan will be regulated through administrative controls. A developer can either give that entire floodway to the City for maintenance purposes or channelization is possible. He said Little Elm Creek with the exception of a portion near Vapor Trail has already been channelized to about a 45' bottom width.

Councilman Fogle asked if the creek cleaning would benefit the Industrial Park that might otherwise cause the developers of the Park to invest time and money into their promotion. He said it would. He said the Jobs Bill purpose is to promote long range sort of hiring opportunities.

Councilman Fogle asked if the concrete piers would protect the elevated sewer lines enough to insure no damage would be done to them during a major flood. Mr. Whitehead said there is no way to protect those sewer lines 100 percent. However, the sewer lines are in the same danger now as they would be when creek cleaning is in process. The only difference will be that the sewer lines will perhaps be more exposed over the channel than before because the channel is wider.

Councilman Rodriguez asked if the City had a commitment to take over the work on the T & P Railroad Beautification project. Mr. Seegmiller said the City committed to provide the irrigation system and the dirt. The Staff indicated that it would be hauling dirt from the creek cleaning projects and would dump the dirt along the T & P Railroad for the beautification project. Councilman Rodriguez said he was concerned that the City would be spending a lot of money trying to find something to do when construction companies around the City are always looking for places to dump dirt. If the City could eliminate paying for that type of work out of the Jobs Bill program, then that would leave more money to devote to hiring employees. He was also concerned that the City would be spending money to help the Industrial Park project by cleaning the creek. Mr. Whitehead said the Staff has figured approximately \$98,000 would have to be spent to haul dirt from Will Hair Park to the T & P Railroad project. The estimated amount of dirt to be hauled to T & P Railroad project is 15,000 cubic yards. That \$98,000 also includes the cost of equipment and employees.

Councilman Rodriguez asked if some of that dirt could not be reused within the channel. Mr. Seegmiller said that will be possible on some areas especially along Elm Creek, but it will still involve the use of the trucks.

Mayor Hall said he shared Councilman Rodriguez' concern that the money would be spent on other things besides putting people to work. At the same time, he said it will feel good to be able to look at something such as the creek channelization or the Railroad beautification and realize that something has been accomplished.

Mr. Seegmiller said one of the Staff's major concerns has always been the ability to acquire easements. He said the City in the past has never had a good program of acquiring easements. Therefore, accessibility to enough area to actually clean is one concern. Also, the City's unemployment rate has just dropped below 5 percent so there may be a limit as to how many people the City may be able to find to work.

Councilman Rodriguez asked if the City would not have to come in later to complete projects started by the Jobs Bill program. He said there have been other projects started by other organizations or programs that the City has had to help complete later. Mr. Seegmiller said he did not anticipate that happening. He said the City will do 17 weeks worth of work--unfortunately, those weeks of work will have to be pieced together since the Staff is still waiting on easements, etc.

Mayor Hall asked if the Staff had come up with some alternatives to put more people to work with the funds than using the funds for rental and cost of equipment. Mr. Seegmiller said other than the foremen and operators, 14

unemployed people will be put to work through the Jobs Bill program. He said the alternative of doing a literal cleaning of the creeks would be jumping from one area to another where the City does have easements. Mr. Curtis Hawk, Assistant City Manager, said the Staff was concerned that so much of the money would be used in equipment costs. He said if the equipment is not available, however, the work proposed could not be done. But, the Staff could use the money to employ people to cut trees, haul trash, etc., from the creek channels. He said there is a provision in the Community Development guidelines that says on going maintenance kinds of activities cannot be done. There is a fine line between what is on going maintenance and what is not. Next year, crews will still have to cut brush from the same creek channels because that is an annual procedure. The Staff was just not sure under the Jobs Bill guidelines that the City has the alternative to hire persons to cut brush and haul trash. That might not even be approved by HUD.

Mr. Seegmiller said that if the Council really wanted to make that kind of a move, then the Staff would try to get HUD to approve that type of work. He said the Staff was simply trying to bring to the Council something that would make the greatest impact in the longest, most effective way.

Mayor Hall asked if the Staff had tried to make some measurement of the number of jobs that might be created on the housing rehabilitation program. Mr. Wayne Herrington said 20 houses would be rehabilitated and normally, the program is done with some of the smaller contractors in Abilene. Therefore, very few jobs would be created because of this program, although it would provide temporary work for some people.

Mayor Hall asked how much it would take per house to rehabilitate it and then what would be done with the home after rehabilitation. Mr. Herrington said Mrs. Ballard estimated \$5,000 per house and the houses would be for low income persons to rent. Mrs. Ballard seemed to think that with the waiting list her office compiles, it will be no hard task to find 20 houses to rehabilitate.

Mayor Hall asked if the Staff had a waiting list for persons looking to rent those types of houses. Mr. Herrington said the Staff does have such a list.

Mayor Hall said the rehabilitation is done for the owner of the property. He asked if that owner then agrees to rent that property under a fair market. Mr. Herrington said that would be part of the provisions the Staff is asking for under the program. And the Housing Office feels that there are enough property owners willing to make that kind of arrangement to have their property rehabilitated.

Mrs. Penny Boyett, Energy Coordinator, spoke concerning the Abilene Volunteer Weatherization Program. She said the program is not sponsored by the City, but the City was involved in starting the program and keeping it going. She said the money would be used to pay a coordinator for the first year. The first year of the program, the job was done by a committee, but the Staff feels that it could be done much more effectively by one person. The coordinator would be a retired person, with the use of seed money for the program. The job, hopefully, can be a permanent job and the Committee feels that enough money can be raised each year to hire a permanent retired person.

Councilman Rodriguez said he understood the job would be from September to January. What would happen to the program and the coordinator after that time. Mrs. Boyett said the interest is high at the beginning of the Fall and, of course, the program must come to an end around January because of the incimate weather. Councilman Rodriguez asked if the program can be refunded or reestablished the next year. Mrs. Boyett said last year enough money was raised to do the type of weatherization work necessary at the beginning of the program to do emergency work on about 50 homes. As the program gains credibility, funds raising efforts could continue to fund the job of coordinator.

Councilwoman Proctor-Shaw asked if there is a requirement that the property must be lived in by the persons who own the homes. Mrs. Boyett said the homes can either be owned by the persons living in them, or rented. If it is a rental unit, the landlord's permission must be obtained. The type of work that will be done, however, is more for the well-being of the resident who is paying the utility bill than to affect significantly the value of the home. Plastic storm windows, caulking, tightening windows, weather stripping, and other minor repairs will be the main focus for most of the homes. No insulation or equipment will be installed.

Mrs. Boyett said the reason the program started was because their Energy Conservation Specialist was going into the homes of mostly elderly people who needed the kind of help he was recommending, but they were physically and sometimes financially unable to do the things themselves. Therefore, the program was meeting a need.

Councilman Bridges asked how the people are able to afford the weatherization needed on their homes. Mrs. Boyett said the weatherization supplies are purchased by the program. Donations were given directly to the program of money and materials and volunteers. Many of the volunteers do the actual work on the homes.

Councilman Nixon asked if the bridge repair on Old Anson Road, for example, would qualify for the Jobs Bill Program. Mr. Whitehead said the repair of the bridge would be more of a maintenance sort of a project and it would have to be through contract. The last estimate ranged from \$600,000 to \$700,000 to replace the bridge. The Jobs Bill only has \$300,000 available. Councilman Nixon asked if that bridge would be considered during the bond issue. Mr. Whitehead said the next item on the agenda would go into that discussion.

Councilman Bridges said he and Councilman Rodriguez were present at the Community Development Committee meeting when the Committee voted upon which programs would best use the funds. The Committee voted specifically on the \$100,000 housing rehabilitation program, so he is more inclined to that item also, although he said he understood the need for a creek cleaning program. He said he would not be in favor of the creek cleaning if the other two programs were excluded. He said, unfortunately, the Community Development Committee did not have a quorum the night that the creek cleaning project came before them, because they did have quite a bit of discussion and interest about it.

Councilman Rodriguez said the Community Development Committee recommended smoke detectors at the same meeting. Mr. Herrington said the smoke detectors item was on the agenda under the Jobs Bill discussion. However, it was suggested later that night to fund that project through the regular current year CD program funds.

Mr. Bailey Choate said he is not against creating jobs and not against improving the City's drainage system. He said four years ago, his property along Elm Creek was involved in a creek cleanout project and it has been on going ever since. He said those property owners in his area have given their land south of the creek improvements and it has taken almost seven years to get through that five miles of property. He said if another flood like the Columbus Day flood happens in the near future, a channel almost 300' feet in size will carry water through a 30' culvert. Now that the City has purchased property from Carl Shoults for his portion of the Creek, it is very important that something be done about the bridge/culvert soon. He said the property owners along Elm Creek are afraid that there could be a great deal of damage upstream as a result of not expediting the construction of the bridge and the cleaning out of the channel downstream.

Mr. Choate wanted to tell the Council that it has taken a very long time to make any kind of progress on the channel improvements thus far--men, equipment and funds are needed to speed up that progress. He mentioned that the property owners would probably jump at the chance to have the dirt that is taken from the channels. He felt there is no need to have the dirt hauled away. Therefore, all the funds available should go to hiring crews to get on the project and to get it done before another flood happens.

Mr. Seegmiller said on the next Council meeting agenda, the Staff will bring back to the Council the request for the additional personnel to go along with the equipment that has been purchased. Part of the agreement was that the Staff wait until the equipment purchase was made. He said that should strengthen the flood control program. He said the funds to be used on the bond projects will be discussed in the next time and will be able to talk about that bridge.

Mayor Hall expressed appreciation to Mr. Choate for appearing and telling the Council his concern about the creek cleaning program. He pointed out that it was not likely that the bridge would be replaced out of the Jobs Bill fund money.

Councilman Bridges moved to grant \$238,500 for the creek project, \$100,000 for the housing rehabilitation, and \$2,500 for the weatherization coordinator. Mr. Whitehead mentioned that Cedar Creek at Will Hair Park project will take approximately \$84,000 and \$188,000 for Little Elm Creek project. Therefore, all of Will Hair Park project could be done with about 1/3 of the Little Elm Creek project.

Councilman Robinson said if the dump trucks could dump the dirt in the area and not have to haul it miles away, then some costs could be saved. Mr. Whitehead said mileage will be a factor, but the T & P Railroad project will still need the dirt.

Councilman Bridges said he would like to add to the motion the priority of doing the work in Will Hair Park first, then use the remaining funds to work on Little Elm Creek. Mayor Hall suggested not placing a priority on the creeks project because it may prevent some of the other Council members from voting to approve it.

Councilman Bridges' motion to grant \$238,500 for the creek project, \$100,000 for the housing rehabilitation, and \$2,500 for the weatherization coordinator stood. Councilwoman Proctor-Shaw seconded the motion. The motion carried as follows:

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

NAYS: Councilman Nixon and Mayor Hall.

Mayor Hall wanted to say that he and Councilman Nixon probably would have voted for a project with a different division of the funds, but the previous motion carried. He suggested someone make a motion to place a priority on how the \$238,500 funds should be used.

Mr. Seegmiller felt that the Will Hair Park project should have the priority, then the left over funds can be used as much as possible on the Little Elm Creek project.

Councilman Fogle moved to follow the Staff's recommendation to place the Will Hair Park project as first priority for the \$238,500 funds. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

Mr. Whitehead presented the item for right-of-way crossing improvements for three locations with the Missouri Pacific Railroad. He said on February 10, 1983, the Council approved a contract for the crossing at Antilley Road (rubberized). That contract is scheduled for those improvements for mid-August. He said the Staff recently received three contract (of the City's three priorities). These contracts are for Willis Street, Sayles Street and Industrial Boulevard Crossings in that order. Those three crossings will total a cost of \$177,000 to make the rubberized improvements to the crossings. There are three ways that those crossings can be constructed: 1) the Railroad could furnish all of the materials and do all of the construction; 2) the City provide the material, but the Railroad must do the construction under their Union & Pacific Railroad contract. The Staff proposes that the Railroad should buy the material and do the construction work. For the City to do something different, it would have to do a contract amendment and would have to go through a bid process before the contract could be signed.

The funds for these crossings will be from the remaining 1980 Street Bond Fund of \$3.5 million and the 1980 Bridge Bond Fund of \$1 million. The first project in the 1980 Street Bond Fund was Antilley Road from US 83/84 to Buffalo Gap Road. That has been completed and cost \$551,000. The package also included the extension from Buffalo Gap Road to Catclaw Creek at an estimated cost of \$100,000. That has not been designed because of a right-of-way problem. South 14th has been completed; Pine Street is in construction with the final cost of \$356,000. The Grape Street right-of-way is being purchased and has been estimated at \$575,000. N.10th Street from Forrest to Mockingbird has been estimated at \$150,000 with no purchase of right-of-way necessary. North 6th will cost \$568,000 with the purchase of a lot of right-of-way. EN 10th Street from Treadaway to the railroad tracks has been estimated to cost \$80,000. The Railroad crossing at Antilley Road will cost \$37,500 under contract. The City's cost of Southwest Drive from Winters Freeway to Curry Lane will be \$92,000 because of the development in the area. Industrial Boulevard from Loop 322 to FM 1750 will cost approximately \$70,000. As the area develops north and south, the developers will add to the construction as their costs. Approximately \$5,000 will be

needed to hire appraisers for the extension of Arnold Boulevard off of Vapor Trails.

Mr. Whitehead said out of the 1980 Street Bond Fund, almost \$1.2 million has been committed. The projects including the three Railroad crossings total \$1.8 million. That adds up to \$2,985,500. Subtract that from the \$3.5 million leaves \$514,500 that would be essentially uncommitted. The 1980 voter approval was for an entire package of \$6.5 million on the entire proposition, which included streets, bridges, traffic, and special assessment. He said the S. 7th and S. 11th bridges on Catclaw Creek have been completed. S. 27th bridge improvement has been deleted until a later time. The bridge at Antilley Road at Buttonwillow Creek has been completed, Antilley Road at Catclaw Creek is now under contract at a final cost of \$85,000. Curry Lane at Catclaw Creek was originally estimated at \$60,000 but because of the change in connection with Southwest Drive, the improvements will be more extensive, therefore, the cost will be approximately \$150,000. The S. 7th at Cedar Creek project has been deleted, EN 10th at Rainy has been completed, Antilley Road at Elm Creek will be completed in a few weeks at a cost of \$25,000, and Rebecca Lane and Curry Lane at Elm Creek projects will cost approximately \$370,400 with \$60,000 for right of way. The City has either committed or spent \$415,000 with another \$580,400 worth left to do. The total to be spent by the City is \$995,400. That leaves a total of approximately \$520,000 uncommitted of the 1980 Street Bond Fund and 1980 Bridge Bond Fund.

Mayor Hall asked if Mr. Whitehead proposed that the City use part of the left over bond funds for railroad crossings. Mr. Whitehead said his presentation included \$177,000 in the 1980 Street Bond Fund for the railroad crossings. Therefore, even if the Council approves the railroad crossings, the \$520,000 will still be uncommitted.

Mayor Hall said he did not understand where S. 7th at Cedar Creek bridge is. Mr. Whitehead said, after explaining its location, the Staff recommended to delete those improvements one year ago because of the relocation of the Goodlow neighborhood.

Mayor Hall said he would like to see material of how the Staff publicized the use of the bond funds from the Bond Election and to what degree the City might be morally if not legally committed to certain projects. (The Bond Election of 1980.)

Councilman Nixon moved approval of the railroad crossing improvements on Willis Street, Sayles Boulevard, and Industrial Boulevard by the standard agreement, which means the Railroad will provide the material and labor. Councilman Fogle seconded the motion. The motion carried as follows:

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

Councilman Fogle asked how much profit the Railroad makes by furnishing the materials. Mr. Whitehead said the only difference according to the Railroad between them furnishing the materials and the City, is that the City does not have to pay sales tax and they do.

Mr. Whitehead said the earliest the Railroad can start the project will be December, 1983.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING AGREEMENT WITH MISSOURI-PACIFIC RAILROAD COMPANY TO
IMPROVE THREE RAILROAD CROSSINGS AND MAKING FUNDS AVAILABLE
THEREFORE.

Mr. David Wright, Director of Finance, presented the bank depository contracts. He said in order for the City to place funds in a bank, State law requires the City to have a contract with the bank. Therefore, every July 1, the City signs new contracts with the banks that wish to have some of the City's funds. Traditionally, the demand account has rotated among the five banks that have shown the ability to handle the City's account. This year that rotation list brings up the Bank of Commerce. In addition, as the City's has investments come up through the year, all the banks that the City has an agreement with, have the opportunity to bid on those investments. Nine applications were sent out (all the banks in Abilene), but First State Wylie and American National did not respond to the application. The Bank of Commerce, First State Bank, First National Bank, Abilene National Bank, Security State Bank, and both Interfirst Banks did submit an application to be depository banks.

RAILROAD -
CROSSING IMP
AT SAYLES,
INDUSTRIAL,
WILLIS & SIG
AGREEMENT WI
M&P RAILROAD
CO. APPROVED
42-1483

Mr. Wright said the Council has only the Bank of Commerce documents in their agendas. All the other banks have to submit the same documents, but for the sake of volume, only the Bank of Commerce documents were placed in the agenda. Mr. Wright suggested the Council Members who must abstain from voting on particular banks tell the City Secretary those facts, then vote on the entire group of contracts with one vote.

Councilwoman Proctor-Shaw said she must abstain from voting on the First State Bank contract. Councilman Fogle said he must abstain from voting on the First National Bank contract. Councilman Nixon said he must abstain from voting on the First State Bank contract.

Councilman Robinson moved approval of the bank depository contracts with Bank of Commerce, Abilene National Bank, First National Bank, First State Bank, Interfirst Bank Abilene, NA, Interfirst Bank South, and Security State Bank and designate Bank of Commerce as the demand depository bank. Councilman Rodriguez seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw (with the exception of First State Bank), Councilmen Rodriguez, Fogle (with the exception of First National Bank), Robinson, Nixon (with the exception of First State Bank), and Mayor Hall.

NAYS: None.

ABSTAINED: Councilwoman Proctor-Shaw for First State Bank only, Councilman Fogle for First National Bank only, and Councilman Nixon for First State Bank only.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE BANK OF COMMERCE, ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, AND APPROVING SECURITIES PLEDGED.

BANK DEPOSIT-
ORIES & DEMAN
DEPOSIT ACCT.
APPROVED
44 through 52
1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING ABILENE NATIONAL BANK, ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, AND APPROVING SECURITIES PLEDGED.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING FIRST NATIONAL BANK, ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, AND APPROVING SECURITIES PLEDGED.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE FIRST STATE BANK, ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, AND APPROVING SECURITIES PLEDGED.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING INTERFIRST BANK ABILENE, N.A., ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, AND APPROVING SECURITIES PLEDGED.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING INTERFIRST BANK SOUTH ABILENE, ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, AND APPROVING SECURITIES PLEDGED.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING SECURITY STATE BANK, ABILENE, TEXAS, AS A DEPOSITORY FOR CUSTODY OF FUNDS OF THE CITY OF ABILENE, AND APPROVING SECURITIES PLEDGED.

The Council went into executive session to discuss the appointment and evaluation of public officers and pending and contemplated litigation.

Mayor Hall reported that no action was taken in the executive session.

Mr. Cargill stated that West Texas Utilities Company filed a rate request on June 10, 1983, for \$26.5 million for a system wide rate request. WTU has also filed a rate request with the Public Utility Commission and with the City of Abilene's sister cities that are served by WTU. The Staff is recommending the Council pass an ordinance on first reading and note that it will not become effective unless or until a second reading by the Council. The Staff has also asked that the Council would authorize the City's participation in a system wide increase case. An intervention was received by the Public Utility Commission on June 17, 1983. The PUC sent to the City on June 22, 1983, a notice that the deadline for filing was June 20, 1983.

Because of that deadline, the Staff requests that the Council ratify the intervention and would approve the hiring of Touche Ross, rate analysts, to begin the analysis. The Staff also asked for the Council's approval to hire Don Butler for the City of Abilene and the TML cities.

Mr. Cargill mentioned that there will be a public hearing in Austin on June 27, 1983, (pre-hearing conference), before the Public Utility Commission at 9:00 a.m. At that hearing, the schedule will be set for the hearing on the WTU case and the time frame in which the City will have to be responding and filing testimony. On June 29, 1983, at 1:00 p.m., there will be a presentation by Touche Ross if they are authorized to be hired by the Council. Also on the 29th, there will be a meeting in the City of Abilene Council Chambers from 2:30 to 4:30 and from 5:30 to 7:30 p.m., by the PUC Hearing Examiner. All the citizens of Abilene and its sister cities are invited to come and express any feelings about the case.

Mr. Holman King, representative of WTU, said WTU has again found it necessary to file a request for an increase in the retail rates. WTU is requesting an increase in total retail revenue of \$26.5 million. This amounts to 11.4 percent based on revenues in the test year, which ends March 31, 1983. The principal reason rate relief is needed is to bring WTU's rates in line with the investment it has made in necessary facilities since the last rate filing. This added investment already made, has required the addition of new capital. The higher cost of that capital, and to a lesser degree, the affect of inflation on operating costs, have reduced WTU's earnings below an acceptable level. Without realistic earnings, new capital will be even more costly for WTU to raise. By the time the proposed rates become effective, WTU will have invested almost \$85 million in new facilities. The present rates do not reflect the additional \$13.4 million annual cost of the capital WTU has had to raise to pay for the new construction, nor do the present rates reflect the \$5.5 million increases in operation and maintenance expense WTU incurs. Time and adequate rate adjustments are needed to allow the company to meet its customers' needs. Most of the customers have been expecting another rate increase. Especially, since WTU announced at the time of the last rate increase that the new rates would not be adequate for long. It is simply a matter of revenues not keeping up with expenditures.

WTU is in the midst of the largest and most expensive construction program in its history. This program, the center of which is the coal fired local unit power station must be carried out if WTU is to satisfy the growing needs of service area at a reasonable cost. The demand for electricity is steadily increasing in West Texas. Last year, WTU's summer peak demand was 994 megawatts. The capacity of WTU's existing plants is only 1,054 megawatts. That means on August 27, 1982, WTU's own generating system had a reserve of only 6 percent. A safe reserve margin is considered to be 15 to 20 percent. Currently, WTU is buying power from other utilities to make up that difference. When the new plant comes on line in 1986 or 1987, its 350 megawatt capacity will bring the installed reserve levels back to a reasonable level. The increased demand for electricity is one thing WTU has no control over. WTU encourages its customers to conserve in many ways, but it cannot discourage growth. To carry out the kind of construction program that is vital for the future welfare of both WTU and the service territory, WTU must remain financially strong. Much of the capital WTU uses comes from outside investors. To attract those stockholders, WTU must be able to pay dividends equal to what competitive investments would bring. To sell bonds at reasonable interest rates, WTU must have a respectable credit rating, and to keep a good credit rating, WTU must increase its revenues. Because of the continuing and increasing level of the construction program, WTU is asking the regulatory authorities to recognize its construction expenditures up to the time that the rates go into effect by allowing WTU to recover the carrying charges, and only the carrying charges, on WTU's current investment in two major projects-- the new construction project and the related high voltage transmission facilities. This will be a cost effective way for WTU to maintain its credit and to minimize rate increases in the long run.

So far 19 cities have sought jurisdiction for the rate increase request, and will depend on the PUC to analyze their cases in the same way it does for the rural customers. Others will suspend WTU's request and intervene at the PUC level. In the past, the City of Abilene, has passed the ordinance on first reading and then suspended that request in order to join with other cities as interveners at the PUC.

Mayor Hall opened public hearing for the purpose of considering the request of West Texas Utilities Company for a rate increase. Hearing no one wish to speak, Mayor Hall closed the public hearing.

Councilman Fogle moved passage of the ordinance on first reading and the resolution suspending WTU's rate increase request. Councilman Nixon seconded the motion. The motion carried as follows:

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

NAYS: None.

AN ORDINANCE APPROVING ELECTRIC UTILITY RATE SCHEDULE FOR WEST TEXAS UTILITIES COMPANY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE WEST TEXAS UTILITIES RURAL RATE CASE, SUSPENDING THE LOCAL INCREASE.

WEST TEXAS
UTILITIES RATE
INCREASE REQ.
APPROVING ON
1ST READING &
APPROVING CITY
PARTICIPATION
& SUSPENDING
INCREASE.

Mr. Cargill said by approving the resolution, the Council authorized the City Manager to hire a rate analyst and has ratified the intervention the City Attorney filed.

Mayor Hall said there is a vacancy on the Tax Increment Board. Dr. James Flamming moved to Richmond, Virginia leaving a vacancy. Mayor Hall recommended Mr. Sam Waldrop as his replacement. 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.

BOARD - TAX
INCREMENT BD.
Dr. SAM WALDROP
APPROVED

see Resolution 10-208

Mr. Lee Roy George, Director of Planning & Community Development, presented the two annexation requests by Burl Harris and Burl McAlister. He said on June 9, the Staff went over four options with the Council concerning these two annexation requests. He said the first option was not to encourage growth in these areas by not annexing the requests. The second option was to go ahead and initiate annexation proceedings on the requested sites only by petitions (974g). The third option was to initiate annexation proceedings under 970a stretching the time and delaying the process until it was convenient for the Council to annex. The fourth option was to serve and annex at a later date and get an agreement with the individual to be annexed at a later date. A fifth option might be to initiate annexation under 974g or 970a and delaying the effective date of those articles in order to get the annexation process out of the way of the bond issue, then finishing the annexation in January of 1984.

Mr. George said the Staff is under the impression that the Council instructed them to start the annexation process, which they have begun to do. Since the last meeting, both of the individuals have filed a petition under the short form 974g process. One of the requests is of a little bit different configuration than what the Council was considering at the last Council meeting. Mr. Burl Harris has enlarged his request from 60 acres to 144 acres.

Mayor Hall said he wanted to express his concern about it interfering with the City's proposed bond election. However, he felt that the problem has been accommodated by first, Mr. Asbury's filing ahead of time for his annexation request, and the Staff's suggestion that the Council go through the process that the City will determine it will annex and that annexation will be effective at some later date. Another advantage was in that if the City had determined formally it was going to annex the property only at a future date, the City could begin furnishing City services. The part the Mayor did not like about the suggestion was that the City may be faced with annexations under 974g in small segments. He said he would be favorably disposed to approving the annexation requests even to the point of announcing the City's intentions to furnish City services if the request included all of the land under the ownership of the proponent. He said it would be quite possible that the Council might be faced with an annexation request each week.

Mr. Jim Turkett, partner with Burl Harris, said in regard to the Mayor's concern about the possible annexation requests coming to the Council inch by inch, what disturbed him about the 970a process was that he would be limited to 60 acres of a 203 acre plot. The reason he is asking for 144 acres is because under Statute 974g, the tract of land cannot be more than 1/2 mile in each direction. He said he and Mr. Harris would be delighted to annex 203 acres at one time. They would like a commitment from the Council, and the only way they felt like they could get the commitment was under 974g. He said they would be perfectly willing with some type of commitment to wait until 1984 or 1985 for the water and sewer.

Mr. Cargill said Mr. Turkett was saying that his property was larger than what 974g would allow. Also, he felt that Mr. Turkett was agreeing to what the Council was suggesting. If the Council could come up with a way to get his property annexed and a commitment to annex all of it with water and sewer, then he would probably go for that too. That would make the Council follow the three hearing method, But the 974a method will take only a month more of time. If the effective date is delayed, then it will not impair the bond election.

Councilwoman Proctor-Shaw asked if the Council approved the annexation requests, would it mean that the Council approved the annexation, but has forestalled or delayed the hearing process that is necessary. Mr. Cargill said the time frame that Mr. Asbury is working under is that the first reading took place on June 9, 1983, published in the newspaper on June 13, and second and final reading will take place on July 14. Ordinarily, an ordinance goes into effect immediately or perhaps 10 days after publication, but the date could be delayed to a time in the future which is known. He said he picked January 2, 1984 because a bond issue takes place in the interim, the persons involved in the annexation will not be able to vote on the bond issue and they will not be taxed until January 1, 1985. It makes more sense to do all of the annexation requests in January, rather than take each one at a different time, especially due to the voting rights submission. For Mr. Asbury's request, a voting rights submission could be filed by July 14th, then approval could be expected by September 18 if everything went well. He said a variation could be whereby the City delay the effective date, complete the process, have the hearings, and decide whether the Council wants to annex the areas or not. By so doing, that will put off any possibility of there being any impairment of any bond issue.

Councilwoman Proctor-Shaw said even if the City had a policy whereby the Council would only consider annexations twice a year, that still would not prevent the Council from getting requests every two weeks. Mr. Cargill said that was true, but it would not prevent the Council from denying the requests either.

Mayor Hall said the recommendation from the Staff would enable the Council to begin the process (not the rapid process like Mr. Asbury's, but the three hearing process). The Council's intent would be that if the Council decided to take final action to approve the annexation, the Council would set the date when that annexation would be effective, but the Council would begin to furnish City services, if they were requested, in the area that the Council determined it would annex on that future date.

Councilwoman Proctor-Shaw asked if Mayor Hall meant providing City services prior to the time of final approval or extending the time frame as if the annexation would go through the normal three hearing process. If approved, the area would receive City services, but annexation would only occur at an effective date. Mayor Hall said that area would receive City services following the date when the Council determined it would annex the area, but prior to the effective date of the annexation.

Councilman Nixon asked if the Council could delay the effective date without Mr. Asbury's presence for his annexation request. Mr. Cargill said the Council could delay the effective date for his request. He said he talked with Mr. Asbury several days ago and Mr. Asbury indicated that as long as the City provided him with water and sewer, the effective date delayed would be no problem.

Mr. Burl McAlister said the only reason he agreed to go the short route was to accomplish two purposes--to be annexed within a short period of time so it would not interfere with a bond election and to begin construction right away. If the long route was taken, he said he would probably be able to utilize more acreage, but the acreage to be utilized under the short form will allow him to miss the bond election and get started. At a later time, he plans to take in a much larger area to be annexed.

Mayor Hall said if the routine submission to the Justice Department did not work out, then the Council would have to postpone the effective date of the annexation even under the short route. If the Council postpones the effective date, then the Council would have that right submit to a lawsuit by Mr. McAlister for not giving the City services for the area. Therefore, if Mr. McAlister would like to take the longer route and he lets the Council consider all of his property in the request, then the City will commit to him that if his property is annexed, the City will begin to furnish City services

to the property on the usual basis even if the effective date is on down the line from when actual approval is given.

Mr. McAlister said that would be satisfactory to him because he would like to have all of his property considered at one time.

Mayor Hall asked what the Council needed to do to start the process for Mr. McAlister and Mr. Harris. Mr. Cargill said when petitions are filed the Council must act within five but not more than 30 days either to grant the petition or deny it. He said a motion to deny the petitions and direct the Staff to begin the annexation process would be in order.

Mayor Hall asked if the Council denied the two petitions, he assumed that the Council would revert to the action taken at the last Council meeting. Mr. Seegmiller said a plan was submitted to the Council with dates on it. A service plan would encompass looking at the service requirements of the area from all of the City's departments, a land use plan would also be required, and the characteristics of a larger area would be included. At a later Council meeting, the Staff would present the area to the Council, and the Council would determine the boundaries that they would agree to. Public hearings would begin after that time. The annexation process would take approximately 66 days to complete.

Mayor Hall asked how long it would take the Staff to furnish the information to the Council to begin the process. Mr. George said he would like at least 1 1/2 months to prepare. Therefore, it will take probably four months before the Council could make a final decision on the annexation requests. By using the 974g route, it would only take about one month to complete the annexation process.

Mr. Jim Turkett, representing Mr. Burl Harris, asked in the event they continue with the 974g and strike a bargain with the City and the Council did not vote against the petition, could the proponents not go ahead with the 974g route and delay the annexation until January 2, 1984. He said he would like to see all of the property annexed at the same time, but it would be four months from the meeting date before some type of commitment could be received from the City concerning water or sewer. He would much rather have the whole piece of property annexed at the same time and forget the 974g route.

Mayor Hall clarified the situation to the other Council members. He said if the proponents would go the long route, and if they were annexed, the City would not deny them service until the effective date and the City would give them services and would be prepared to give that service on the date that the Council formally annexes the property.

Mr. Seegmiller mentioned that if the two proponents would initiate a letter to the Council requesting that all of their land be considered in the annexation, that would help the Staff get the process going.

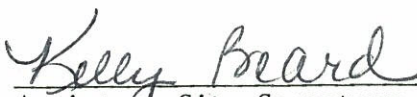
Councilman Bridges moved to deny the annexation petitions of Mr. Burl Harris and Mr. Burl McAlister. Councilman Fogle seconded the motion. The motion carried as follows:

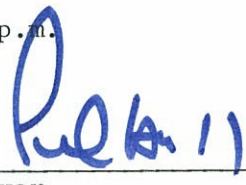
AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, Fogle, Robinson, Nixon and Mayor Hall.

NAYS: None.

The Council set a work session for July 11, 1983, at 1:00 p.m.

Mayor Hall adjourned the meeting at 3:45 p.m.


Assistant City Secretary


Mayor

ANNEXATION -
PETITIONS FROM
MCALISTER &
HARRIS DENIED
STAFF TO BEGIN
LONG PROCESS
OF ANNEXATION
FOR BOTH