

Pre-Council Work Session of the Mayor and City Council of the City of Abilene, Texas, to be held in the Basement Conference Room of City Hall on Thursday, December 20, 1984, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chambers of the City Hall on Thursday, December 20, 1984, at 9:00 a.m.

CITY COUNCIL: Mayor David Stubbeman; Council - Dr. Julian Bridges, Billye Proctor-Shaw, Walter E. Wheat, A. E. Fogle, Jr., Welton Robinson and Harold Nixon.

1. Call to Order.
2. INVOCATION: Councilman A. E. Fogle, Jr.
3. APPROVAL OF MINUTES: Pre-Council Work Session and Regular City Council Meeting held December 6, 1984.

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 requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

4. Ordinances
 - a. Consider on second and final reading - an ordinance amending Chapter 18, Abilene Municipal Code, concerning parking meter rates; oral resolution adopting schedule of parking meter rates and charges.
 - b. Consider on second and final reading - an ordinance amending Chapter 27, Refuse, Abilene Municipal Code, concerning rates and charges.
 - c. Consider on first reading - an ordinance amending Chapter 18, Traffic, of the Abilene Municipal Code, to prohibit parking in various locations.
5. Resolutions
 - a. Oral Resolution to consider renewal of land lease at Airport.
 - b. Oral Resolution amending Risk Management Policy Statement.
 - c. Resolution appointing Assistant Municipal Court Judges.
6. Award of Bid
 - a. C-900 6" water pipe for the Water Department.

REGULAR AGENDA

7. Ordinances & Resolutions
 - a. Public Hearing - consider resolution to authorize the filing of an UMTA grant application concerning handicapped transportation service.
 - b. Public Hearing - consider on second and final reading - Taylor Electric Cooperative rates and tariffs.
 - c. APPEALED ITEM:
Public Hearing - consider on second and final reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) district, located on F.M. 600, approximately 7 miles north of I-20.
 - d. Public Hearing - consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at N. 2nd Street and Kirkwood Avenue.

- e. Public Hearing - consider on second and final reading - reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 202 Graham.
 - f. Public Hearing - consider on second and final reading - reclassification request from RM-2 (Residential Multi-Family) to LC (Limited Commercial) district, located in the 2300 block of Old Anson Road.
 - g. Public Hearing - consider on second and final reading - reclassification request from O (Office) to GC (General Commercial) district, located at Rolling Green & Ridgemont Drives.
 - h. Public Hearing - consider on second and final reading - street name change being Linda Joy Drive to Buffalo Gap Road.
 - i. Oral Resolution to consider - ambulance service contract.
 - j. Consider on first reading - amending Ordinance #102-1983, Part 3, Subdivision Regulations, concerning the effective date of the ordinance, **
 - k. Resolution to consider - request for Waiver of Subdivision Regulations relative to street improvements for Sunlake Subdivision.
 - l. Resolution to consider - revision of landfill rates and charges and amend landfill contract.
8. Award of Bid
- a. Equipment Management Information computer system.
9. Request to Advertise
- a. Sale of land, being a part of Lot 1, Fair Park Acres, Outlot 2, and located between S. 7th and S. 5th Streets between Miller and Portland.
10. Other Business
- a. Consider use of land at Redbud Park for YMCA.
 - b. Discuss Utility Relocation Costs for F.M. 3438.
 - c. Discuss status of Change Order #5 on the Wastewater Reclamation Facility.
 - d. Discuss signalization of ES 11th & Oldham and EN 16th & Judge Ely.
 - e. Review Annexation Study Areas.
 - f. Progress Report on Reinvestment Zone Number One.
 - g. Discuss Water Conservation Plan.
 - h. Pending and Contemplated Litigation.
 - i. Appointment and Evaluation of Public Officials.
 - j. Consider agreement with Brazos River Authority.

ADJOURN

** and set a public hearing for January 10, 1985, at 9:00 a.m.

PRE-COUNCIL WORK SESSION
THURSDAY, DECEMBER 20, 1984 8:30 A.M.

CITY COUNCIL OF THE CITY OF ABILENE,
TEXAS, BASEMENT CONFERENCE ROOM, CITY HALL

The City Council of the City of Abilene, Texas, met in a Pre-Council Work Session on December 20, 1984, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was present and presiding with Councilman Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Walter E. Wheat, A.E. Fogle, Jr., Welton Robinson and Harold Nixon. Also present were City Manager Jim C. Blagg, City Attorney Harvey Cargill, Jr., City Secretary Patricia Patton, and various members of the City Staff.

Mr. Blagg briefed the Council on the ambulance service contract, which will expire December 31, 1984. He reviewed with the Council the changes in the contract being: (1) the requirement of AEMS to upgrade their service to provide advance life support service; and (2) the addition of the First Responder Program. The First Responder Program is a program whereby anytime a call for medical assistance is received by AEMS, the Fire Department or the Police Department, the call would first be given to AEMS and the Fire Department and/or Police Department would make a joint response to the scene to provide life saving support until the AEMS arrived. Once the AEMS arrives at the scene, their personnel would be responsible for the situation. The City's subsidy for this contract will remain at the current rate of \$150,000 per year.

Councilman Bridges mentioned that he had noticed the enthusiasm from the fire fighters for the program and asked the staff if this service would imply an increase in salaries for specialized training. He inquired that since this would be additional work for the fire fighters, what incentive would there be for them to take this additional training?

Assistant Chief Edwards replied that there would be no increase in salaries. Mr. Blagg added that the Fire Department is a Department that has looked for opportunities for good public relations and they do have an interest in saving peoples' lives. The Council commended the employees of the Fire Department for their desire to provide this kind of service to the community.

Mr. Blagg briefed the Council on the use of land at Redbud Park for a YMCA full service facility. He explained the technicalities involved in the YMCA receiving funding for the facility and the need for a 99-year lease to the YMCA from the City to use this land. The City could not give the YMCA a 99-year lease; however, the technicalities and concerns of all parties involved have been resolved and the City will abandon four acres in the Park in order for the YMCA to use it for constructing the facility. The Council stated this is a prime example of joint utilization of the property to benefit the entire community.

Mr. Blagg briefed the Council on the resolution revising landfill rates and charges, an amendment to the landfill contract, and the operation of those particular rates. The current contract of April, 1983, specifies two basic criteria for adjustments in the fee that the City pays to the landfill operator: (1) the change in the cost of #2 Diesel Fuel; and, (2) the change in the minimum wage. As the staff reviewed the operation under the provisions of the contract, it became clear to the City and operator, that those two items did not clearly reflect the change in cost of the operation.

The contract does indicate that the City is to complete their discussions with the operator by April so that any changes may be included in the budget in October. The contractor provided the City with the necessary information in April and, at

that time, the staff felt the two criteria did not adequately reflect the change in the cost of operation. Therefore, staff did not include any increases in the October budget. The proposed criteria changes for consideration by the Council, more accurately reflect the changes in the cost of operation. In the future, the staff should be able to more timely provide for the annual review of those charges and get them in the budget at the proper time.

Councilman Wheat expressed his feelings about the way the contract was written. He feels that the City has made an agreement to review costs in April and now, in the middle of the year, the staff is attempting to change those costs.

Bob Whitehead, Director of Public Works, explained that the time frame in the current contract for fuel is from January 1 of the current year to January 1 of the next year. What is proposed in the revised contract, is the price the City paid for fuel for the year and the average of the monthly averages. The staff feels this more clearly reflects fluctuations during the year. He explained that the staff is attempting to cover the increase in cost. The intent of the contract was to get a base figure so that the contractor did not add any inflation to it. The City, by using their cost of living factor adjustment, would cover any increase or decrease each year due to inflation. Two factors originally chosen that would represent that was the fuel from January 1 to January 1. However, it is not accurate because it fluctuates so much. Therefore, what is proposed, is using what the City paid for fuel and using the average of every month, or the average of monthly averages for fuel. That is a change from the way the contract was written.

Mr. Blagg stated that the Council may choose not to change these provisions, as proposed. If that is the case, the staff can figure the change in the price based on the what the contract is now -- the change in the cost of fuel and the minimum wage. The staff can have those figures for the Council by the time this item comes up on the agenda in the Regular Council Meeting. The staff, however, feels the proposed changes in the formula more clearly reflect the cost of operation than what is presently in the contract.

Councilman Nixon stated that the Council considered a change in the landfill contract for operating hours last year. At that time, the staff mentioned that the landfill had not been in operation for a full year and could not review the operation charges. He agreed that operation costs should not have been reviewed in April, 1984, and any changes to the contract should be reviewed in April, 1985, to be included in the 1985-86 budget.

Councilman Bridges questioned the references in the proposed changes, first on page 9L-4 of the agenda regarding the landfill dump fee schedule where the contractor is to notify the City Council of all rates and any subsequent changes; and second, on page 9L-5, regarding the cost of living adjustment where all new fee schedules shall be submitted to the City Council for their approval. Mr. Blagg explained that the first change on 9L-4 refers to the rates that are charged to the commercial, non-resident individuals that are dumping at the landfill and the change on 9L-5 refers to the fee the City pays to the landfill operator for dumping at the landfill. These are two separate items and are part of the staff's proposed change in the contract.

Bob Whitehead, Director of Public Works, explained the advantages in allowing the contractor to set his own rates for the commercial, non-resident individuals. He stated it may not be wise for the City to establish rates for private businesses. Originally, the City planned to establish the contractor's rates, but now, Mr. Whitehead recommends the contractor establish his own rates and notify the City Council of all changes. Other cities have been known to use this landfill for dumping.

Councilman Wheat mentioned that he read in the original contract that a local citizen hauling their own refuse, in their own vehicle, to the landfill may dump their garbage free of charge. He could not find anywhere in the contract where it stated that the City would reimburse them for their dumping; yet, the City pays out a large amount of money per month for tickets from local residents who have hauled their own refuse.

Mr. Blagg responded that Councilman Wheat was correct. He stated that when the City owned the landfill, residents had the privilege of using the landfill for dumping by paying the monthly sanitation charge, but the cost for that additional dumping was being absorbed by the City in that charge. When the City went to the private landfill, there was some discussion about whether or not to allow the landfill to charge residents of the City for bringing refuse to the landfill. The decision was made not to charge residents for dumping and that the City would incur that cost as in the past and, therefore, the City would continue that way. It is not spelled out in the contract and if the Council still feels that way, it should be clearly included in the contract.

Councilwoman Proctor-Shaw mentioned that she recalled the discussions of the Council at that time, and the Council did not want to add any additional expense to the citizens of Abilene. The intent was that any citizen of Abilene could use the landfill without any cost. She stated that the Council realized that the cost would have to be absorbed somehow, and it should have been spelled out in the contract.

There being no more questions on any of the agenda items, the meeting was recessed to the City Council Chambers for the Regular City Council Meeting.

REGULAR CITY COUNCIL MEETING
THURSDAY, DECEMBER 20, 1984, 9:00 A.M.

CITY COUNCIL OF THE CITY OF ABILENE,
TEXAS, CITY COUNCIL CHAMBERS OF CITY HALL

The City Council of the City of Abilene, Texas, met in Regular Session December 20, 1984, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor David Stubbeman was present and presiding with Councilman Julian Bridges, Councilwoman Billye Proctor-Shaw, Councilmen Walter E. Wheat, A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Also present were City Manager Jim C. Blagg, City Attorney Harvey Cargill, Jr., and City Secretary Patricia Patton.

Invocation was given by Councilman A. E. Fogle, Jr.

There being no additions or corrections to the minutes of the Pre-Council Work Session and the Regular City Council Meeting held December 6, 1984, they stand approved.

Councilwoman Proctor-Shaw moved to approve the consent agenda items being 4a, 4b, 4c, 5a, 5b, 5c and 6a, as shown below and as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

4. Ordinances

- a. Consider on second and final reading - an ordinance amending Chapter 18, Abilene Municipal Code, concerning parking meter rates; oral resolution adopting schedule of parking meter rates and charges. The ordinance is numbered 120-1984 and is captioned as follows:

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

- b. Consider on second and final reading - an ordinance amending Chapter 27, Refuse, Abilene Municipal Code, cocerning rates and charges. The ordinance is numbered 121-1984 and is captioned as follows:

AN ORDINANCE AMENDING CHAPTER 27, "REFUSE", BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; AND RPROVIDING A SEVERABILITY CLAUSE.

- c. Consider on first reading - an ordinance amending Chapter 18, "Traffic", of the Abilene Municipal Code, to prohibit parking in various locations.

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

5. Resolutions

- a. Oral Resolution to consider renewal of land lease at Airport. The renewal lease was granted to Saddle Tramp Land and Cattle Company, owned by John A. Mathews, Jr., to use land at the municipal airport for a private hangar.
- b. Oral Resolution amending Risk Management Policy Statement.
- c. Resolution appointing Assistant Municipal Court Judges. The resolution is numbered 76-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE,
TEXAS, APPOINTING A PANEL OF ASSISTANT JUDGES TO ACT IN
THE ABSENCE OR UNAVAILABILITY OF THE JUDGE OF THE
MUNICIPAL COURT.

6. Award of Bid

- a. C-900 6" water pipe for the Water Department. The bid was awarded to Trans-Tex Supply Company in the amount of \$31,950.00.

Wayne Kurfees, Director of Traffic and Transportation, briefed the Council on a resolution to authorize the filing of an UMTA (Urban Mass Transportation Administration) grant application concerning handicapped transportation service. In response to requests from a number of citizens, the staff has developed recommendations for instituting door-to-door transportation for the handicapped. The staff has developed a grant application to UMTA for funds to provide eighty (80%) percent and the State Public Transportation Fund will provide an additional thirteen (13%) percent of the capital cost of the program. The capital the staff proposes to acquire is four (4) heavy-duty vans with platform-type wheelchair lifts and two (2) spare powertrain assemblies for the 1981 Blue Bird buses. Staff recommends Council approve the resolution to officially authorize the filing of the grant application.

Councilwoman Proctor-Shaw asked Mr. Kurfees if the vans that were being recommended could only carry four (4) wheelchair passengers or 12 ambulatory riders.

Mr. Kurfees responded that the vans requested, as he has envisioned, would have both, wheelchair and ambulatory space. He asked that in the description of the vans the word "approximately" be added so that during the bid process they would not be tied down to any certain amount of any certain type space.

Councilman Nixon asked what the cost of the fareboxes were because of the contradiction in the figures provided. He also mentioned that until it is decided to charge a fare for the use of these vans, why should the City spend \$8,800 for fareboxes?

Mr. Kurfees replied that the cost of the fareboxes is \$8,800. He also mentioned that if they were going to use these vehicles for a back-up duty for a regular route, then they would have to have at least a couple of fareboxes, assuming this was something that could be moved from bus to bus. He feels that the City would have to charge something.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor of the request:

- . Peggy Allred, spoke about two individuals in her family that would benefit greatly from a service like this.

Olin Ince asked questions of the staff. He asked if a survey had been conducted to see how many people would use this service and if there are persons that would use it, why aren't they using the current system?

Mr. Kurfees responded that there had been a survey conducted about five (5) years ago, before the acquisition of the buses in 1981. It indicated that there were a lot of agencies that have programs for the handicapped and some of them provided transportation for their specific programs but not handicapped transportation in general. The questionnaire indicated that there was a big demand in the community for transportation for the handicapped. He then responded to why the current system is not used. He mentioned that the lifts on the current buses are not reliable, and even if the lifts worked all of the time, there are a lot of people who could not get from where they need

to be picked up to the bus, and then the bus route might not get them sufficiently close enough to their final destination. He also stated that there is no other program currently that completely provides this service.

Mr. Ince asked what the estimated cost of maintaining this program would be to the City?

Mr. Kurfees responded that the actual cost would depend greatly on the usage. Based upon figures used from cities of similar size, an estimated figure would be \$50,000 to \$60,000 per year. This would be eligible for Federal Operating Subsidy which picks up fifty (50%) percent of the net deficit.

Mr. Ince asked how many riders the City's current transit system is carrying? Mr. Kurfees stated that the transit system carries 38,000 passengers a month.

Mr. Ince asked if it was operating at a \$700,000 per year deficit? Mr. Kurfees stated that figure was very close. The deficit per passenger is about \$1.50. This figure is typical compared to other cities of the same size. The cost per trip on a door-to-door type service in other cities is about \$10.00 per trip. So a door-to-door type service is more expensive than any type of fixed route service, although in a city of our size, any type of public transportation costs alot more that you can recover through the farebox.

There being no one else present and desiring to be heard Mayor Stubbeman closed the public hearing.

Councilman Nixon moved to approve the resolution authorizing the filing of the UMTA Capital Grant Application for the purpose of providing a handicapped transportation service and as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

The resolution is numbered 77-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED (FY-85).

Harvey Cargill, City Attorney, briefed the Council on rate schedules to be changed by Taylor Electric Cooperative. Taylor Electric Cooperative is requesting this action to ensure that their rates are uniform and there can be no question that the rates imposed by the Public Utility Commission are also operable within the city limits of Abilene.

Councilman Fogle asked when their last rate increase was? Mr. Cargill stated 1981.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and there being no one present and desiring to be heard Mayor Stubbeman closed the public hearing.

Councilman Wheat moved to approve an ordinance on second and final reading, approving rate schedules to be changed by Taylor Electric Cooperative, as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried:

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

NAYS: None.

The ordinance is numbered 122-1984 and is captioned as follows:

AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHANGED BY TAYLOR ELECTRIC COOPERATIVE, INC., IN THE CITY OF ABILENE, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES, PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED, OR WITHDRAWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.

John Hancock, Senior Planner, briefed the Council on an appealed item being a reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) district, located on F.M. 600, approximately 7 miles north of I-20. Both the Planning & Zoning Commission and the staff recommend disapproval. The staff's recommendation for disapproval is based on the site's inappropriateness for Heavy Industrial use, given the lack of adequate public facilities and potential incompatibilities with the semi-rural nature of the surrounding area.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and the following person spoke in favor of the item:

- . Mr. Ronald Tutt, applicant and co-owner of F.M. 600 Wrecking, stated that he has lived in this same place for 20 years and that his business has been there for 7 years and presently is classified as legally non-conforming use.

There being no one else present and desiring to be heard, Mayor Stubbeman closed the public hearing.

Mayor Stubbeman questioned what would be seen of the operation from the street.

Mr. Tutt stated that he has constructed a fence along the street, but some scrap metal would be seen. He also stated that on the north side of his property, where it joins the City, he has constructed a fence and trimmed the trees. He proposes to construct a new building costing approximately \$100,000.

Councilman Fogle asked if the non-conforming classification would continue as long as Mr. Tutt was operating the wrecking facility on that property?

Mr. Hancock responded that it would be a non-conforming use for an AO (Agricultural Open Space) zone. He also stated that while a legal non-conforming use could continue, the Zoning Ordinance does not allow an expansion of a non-conforming use. The staff feels that the building Mr. Tutt has proposed to build would be considered an expansion of the use. Therefore, to accommodate the new building and the sale of materials, Mr. Tutt needed a HI (Heavy Industrial) classification. He also mentioned that the Planning & Zoning Commission and the staff have discussed with Mr. Tutt other means of constructing a this building and selling materials without rezoning the 33 acres to HI (Heavy Industrial).

There being no one else present and desiring to be heard, the public hearing was closed.

Councilman Fogle asked the staff if they felt they offered Mr. Tutt a reasonable alternative in order that he could construct a new building and continue his operation?

Lee Roy George, Director of Planning, mentioned that Mr. Tutt wants to construct a facility to sell used automobile parts and he cannot construct a building on that property with an AO zoning, thereby initiating the request for a zone change. With

the HC zoning, he would be a conforming use. One alternative that has been discussed with him is to square off a smaller area and zone it for something less than HI (Heavy Industrial) like HC (Heavy Commercial). The staff plans to develop a land use plan for this area to identify those locations best suited for commercial zoning.

Mayor Stubbeman asked for Mr. Tutt's comments.

Mr. Tutt feels that with the alternatives suggested, he could probably accomplish his plans without jeopardizing his business; however, he prefers the HC zoning.

Councilman Bridges feels that the Council would be setting a precedent if they approved this reclassification request and that in time, that entire area could become HI (Heavy Industrial). He expressed appreciation to Mr. Tutt for constructing the fence and ensuring that his operation would not become an eyesore.

Councilman Bridges moved to DENY the request on second and final reading. The motion was seconded by Councilman Fogle based on the fact that there is a reasonable alternative proposed to the applicant. The motion carried.

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

NAYS: Councilmen Wheat and Robinson.

The request was DENIED.

John Hancock, Senior Planner, briefed the Council on a reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at North 2nd Street and Kirkwood Avenue. Staff recommends disapproval of the request based on the perception that this request represents an intrusion of commercial zoning into a stable residential neighborhood. However, the Planning & Zoning Commission recommends approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following persons spoke in favor of the request:

- . Eddie Chase, representing proponent, S.E. Clayton. He stated that Mr. Clayton has talked to all residents in this area and they do not oppose the zone change.
- . Mike Hughes, 1142 Sylvan and representing Fred Hughes Buick, stated he is trying to create a good mood in the neighborhood and plans to pave the property and park cars on it.

There being no one else present and desiring to be heard Mayor Stubbeman closed the public hearing.

Councilman Bridges stated that he has some serious reservations about mixing these uses. He agrees with the staff that the neighborhood, as a whole, is subject to decline and abandonment due in part to the spotty rezoning which occurs. These older residential neighborhoods, are still sound, and represent an affordable and convenient housing option to those not able to live in newly developed areas of the city.

Councilman Fogle stated that he also has some reservation about mixing general commercial and single family resident zoning in the same block of land. He feels that is just not compatible and they do not mix. He asked the staff what their procedures are for a transition of this nature?

Lee Roy George, Director of Planning, stated that there are a number of ways to handle a request like this. One would be to update the land use plan. He suggested a Mixed Use Overlay Zone. Staff does not feel like they are in the position to say that this area is in transition enough to institute a general commercial plan.

Councilman Bridges asked if this request were denied, if there would be other options that the proponent could seek?

Mr. George stated that Mixed Use would be one of those. It would require the proponent to be more specific about what he is going to do with the property.

Councilman Bridges stated that he was not concerned with what the proponent planned for this property, but he was concerned with someone else buying the property and changing the use, since General Commercial is a broad category.

Mayor Stubbeman stated that he agreed that the staff is not the in a position to assume a neighborhood like this is in transition, but it appears the Planning & Zoning Commission, by approving this request, is making a statement that it is in transition.

Councilman Bridges moved to DENY the reclassificaiton request from RM-3 to GC district, located at North 2nd Street and Kirkwood Avenue, on second and final reading, as presented by the staff. The motion failed for lack of second.

Councilwoman Proctor-Shaw moved to approve the reclassificaiton request from RM-3 to GC district, located at North 2nd Street and Kirkwood Avenue, on second and final reading, as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried:

AYES: Councilwoman Proctor-Shaw, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: Councilman Bridges.

The ordinance is numbered 123-1984 and is captioned as follows:

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.

John Hancock, Senior Planner, briefed the Council on a reclassification request from RM-3 (Residential Multi-Family) to GC (General Commercial) district, located at 202 Graham. The staff recommends disapproval of the request because it represents an inappropriate encroachment of commercial zoning into a residential neighborhood. However, the Planning & Zoning Commission recommends approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and with no one being present and desiring to be heard Mayor Stubbeman closed the public hearing.

Councilman Nixon moved to approve the reclassification request from RM-3 to GC district, located at 202 Graham, on second and final reading, as presented by the staff. The motion was seconded by Councilman Robinson and the motion carried:

AYES: Councilwoman Proctor-Shaw, Councilmen Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: Councilman Bridges.

The ordinance is numbered 124-1984 and is captioned as follows:

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.

John Hancock, Senior Planner, briefed the Council on a reclassification request from RM-2 (Residential Multi-Family) to LC (Limited Commercial) district, located in the 2300 block of Old Anson Road. The staff and the Planning & Zoning Commission recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and the following person spoke in favor of the request:

- . Doug Schmidt, 2774 Pine Street, proponent.

There being no one else present and desiring to be heard Mayor Stubbeman closed the public hearing.

Councilman Bridges moved to approve the reclassification request from RM-2 to LC district, located in the 2300 block of Old Anson Road, on second and final reading, as presented by the staff. The motion was seconded by Councilman Nixon and the motion carried:

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

NAYS: None.

The ordinance is numbered 125-1984 and is captioned as follows:

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.

John Hancock, Senior Planner, briefed the Council on a reclassification request from O (Office) to GC (General Commercial) district, located at Rolling Green & Ridgemont Drives. The staff recommends disapproval of the request for GC (General Commercial) zoning. This recommendation is based on the requestor's nonconformance with the adopted land use plan for this area. Generally, the plan recommends maintenance of the existing Office district as a means of providing a land use buffer, or gradient, between intense commercial activity at and near the Mall of Abilene to the east and residential development to the west. However, the Planning & Zoning Commission recommends approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned request and the following persons spoke in favor of the item:

- . Mr. Jim Aneff, owner, asked Mr. Michael Powers, District Real Estate Representative, to explain the proposed use of the property.
- . Mr. Michael Powers, representative of Colonial Food Stores and Stop & Go. He proposes to build a convenience store.
- . Mr. Jim Aneff explained that when the land use plan was developed for this area they felt very comfortable with the O (Office) zoning since a study had been conducted which showed that office space was very limited in Abilene. He also stated that no one expected so much office space to be developed in Abilene. He feels using this property for a convenience store would be in good use of the land and that it is a needed service.

Councilman Bridges asked the staff if they periodically update land use studies or does the staff make recommendations based on the changes?

Lee Roy George, Director of Planning, replied that they do indeed make changes because the land use plans do become outdated. He stated that the staff probably does need to go back and look at this area. He stated that there may be a need for some convenience stores in that area but the proponent is asking for GC (General Commercial) zoning and that is not necessary for a convenience store. The only time GC is needed for a convenience store is in order to sell beer and wine. It is felt by the staff that LC (Limited Commercial) zoning would be an alternative for that area.

The Council asked Wayne Kurfees, Director of Traffic and Transportation, to address the traffic problem. He stated that traffic is already a problem on Ridgemont Drive and with the Target Store near completion and more construction underway they are looking at some real problems. Originally Ridgemont was designed as a back entry to the Mall of Abilene.

Mr. Powers stated that at the present time in a 24-hour period there are 1,965 cars on Rolling Green and 6,427 cars on Ridgemont. He mentioned an indepth study of an area is conducted prior to deciding on a location.

There being no one else present and desiring to be heard, Mayor Stubbeman closed the public hearing.

Mr. Hancock stated that Rolling Green was originally planned to be a collector street, a 36'-40' wide strip of pavement, but with pipeline problems in the area it was reduced to a small minor street about 30' wide.

Councilman Fogle asked if there was any possibility of widening Rolling Green at a future date?

Mr. Hancock replied that at one time, there was a pipeline easement that restricted the widening of the street, the staff has been told the pipeline has been abandoned. He is unaware of the details involved at the present time.

Councilman Fogle feels that by granting this request for GC (General Commercial) zoning in this area, which was to be used as a buffer zone, would only invite additional requests of the same source.

Councilwoman Proctor-Shaw stated that when this area was being developed, much time was spent to carefully create buffer zones.

Councilman Bridges asked the staff how long it would take the staff to revise the requirements for LC (Limited Commercial) and GC (General Commercial) zones for this area? Mr. George replied that it would take about two to three months.

Councilman Nixon moved to DENY the request to rezone from O to GC district, located at Rolling Green & Ridgemont Drives. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried:

AYES: Councilman Bridges, Councilwoman Proctor-Shaw, Councilman Wheat, Fogle and Nixon.

NAYS: Councilman Robinson and Mayor Stubbeman.

The request was DENIED.

Councilman Bridges requested that the staff look at the different types of classifications particularly LC (Limited Commercial) and GC (General Commercial) for this area, in light of changes that have occurred in that area.

John Hancock, Senior Planner, briefed the Council on a street name change being Linda Joy to Buffalo Gap Road. The staff and the Planning & Zoning Commission recommend approval of the request.

Mayor Stubbeman opened a public hearing for the purpose of considering the aforementioned item and no one present and desiring to be heard, the public hearing was closed.

Councilwoman Proctor-Shaw left the meeting.

Councilman Fogle moved to approve the street name change ordinance, on second and final reading, being Linda Joy to Buffalo Gap Road, and as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried.

AYES: Councilmen Bridges, Wheat, Fogle, Robinson, Nixon and Mayor Stubbeman.

NAYS: None.

The ordinance is numbered 126-1984 and is captioned as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF LINDA JOY DRIVE TO BUFFALO GAP ROAD.

Councilwoman Proctor-Shaw returned to the meeting.

Ronald Pollard, Risk Manager, briefed the Council on a proposed contract renewal with the Abilene Emergency Medical Service (AEMS) for five (5) years to provide emergency ambulance service. The current lease is scheduled to expire December 31, 1984. The proposed contract will require an upgrade in the level of service to provide advanced life support, as defined by the Emergency Medical Services Act of 1984. The City's subsidy will remain at the current level of \$12,500 per month. In addition, this agreement includes a first responder clause, which requires that both AEMS and the Abilene Fire Department respond to all emergency medical requests received by either.

Fire Chief Richard Knopf, in anticipation of this service, has budgeted funds for consumable medical supplies for fiscal year 1984-85 and the only additional cost will be a minimal increase in fuel consumption, due to the short travel distances involved. No additional vehicles are required, since the existing fire companies are utilized, thus preserving their availability for fire suppression. Staff recommends approval of this proposed contract by oral resolution.

The Council questioned whether we could eliminate the first responder program if so desired, at any time during the term of the contract. The staff responded that the contract could be amended at any time. The purpose of placing this program into the contract is to specifically define the duties and responsibilities of the Fire Department as well as the emergency medical service.

The Council commended the Fire Chief and Fire Department for proposing to provide this first responder program. Councilman Nixon moved to approve by oral resolution the renewal contract to the Abilene Emergency Medical Service, as presented by the staff. The motion was seconded by Councilman Fogle and the motion carried.

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

NAYS: None.

Lee Roy George, Director of Planning and Development, briefed the Council on an amendment to the Subdivision Regulation Ordinance #102-1983 concerning the effective date of those regulations. The new regulations became effective January 1, 1984. Inherent within these new regulations was the recognition that some subdivisions were already in the approval process under the old regulations; therefore, a grandfather clause was included in the enacting ordinance. The grandfather clause allows a one year grace period from January 1, 1984, to December 31, 1984, for subdivisions that are already in the approval process prior to that time. All subdivisions falling in this category have been resolved with the exception of one--Sunlake Village Addition.

Sunlake Village developers have been attempting to receive their final approval but they will not finish until after December 31, 1984. The Planning and Zoning Commission recommends that the date be changed from December 31, 1984, to March 4, 1985, to allow this subdivision to continue its platting procedure under the old regulations. Sunlake Village is the only plat that is pending. Both the staff and Planning and Zoning Commission recommend approve of this ordinance change.

Councilman Bridges moved to approve the amendment to the Subdivision Regulation Ordinance #102-1983 on first reading as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

AN ORDINANCE AMENDING ORDINANCE NO. 102-1983 CONCERNING ENACTMENT OF SUBDIVISION REGULATIONS, REPEALING PART 3, OF SAID ORDINANCE, WHICH SPECIFICALLY SETS FORTH THE EFFECTIVE DATE OF REVISED SUBDIVISION REGULATIONS, AND SUBSTITUTING THEREFORE THE FOLLOWING PART 3.

Bob Whitehead, Director of Public Works, briefed the Council on a request from Mr. Burl Harris and Mr. Jim Turkett, developers of the Sunlake Village Addition, to waive the street improvements as required under the Subdivision Regulations. The property is located in the northwest section of the City bounded by F.M. 2404 (Old Anson Road) and Santa Barbara Drive. The staff recommends denial of this request. Other options are available to the owners if this request is denied being: (1) to provide the City with a performance bond equal to the cost of improvements; (2) to provide a trust agreement for a sum of money equal to the estimated cost of all site improvements; and (3) to provide a irrevocable letter of credit agreeing to pay the City on demand a stipulated sum of money to apply to the estimated cost of all site improvements.

Mr. Burl Harris, 1464 Tanglewood, was present and requested to address the Council on this item. He gave a brief history on the development of the project and his application for the waiver. Councilman Nixon stated that if the Council approved Mr. Harris' waiver for street improvements until the adjoining property was developed, would Mr. Harris be willing to participate in the costs at that time. Mr. Harris stated he would be willing to participate in the street improvements when it becomes economically feasible for him. He added that it is very inconvenient for him to keep his letter of credit current until the time that this road is paved. Mr. Whitehead stated it will be some time before this street is developed.

Mr. Whitehead stated that under the new subdivision regulations, a developer may pay the City money upfront for street improvements, and even though Mr. Harris' development falls under the old regulations, the staff has agreed to allow Mr. Harris this additional option--to pay the City money upfront for the street improvements. Mr. Harris stated that if he had to pay the City upfront, he could not afford to continue his subdivision, Phase 2.

Councilman Wheat moved to approve the waiver request for street improvements for the Sunlake Village Addition. The motion was seconded by Councilman Nixon and the motion carried.

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

NAYS: None.

The resolution is numbered 78-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, WAIVING IMPROVEMENTS REQUIRED BY THE SUBDIVISION ORDINANCE ON SUNLAKE VILLAGE ADDITION, SECTION 3, WHICH ABUTS F.M. 2404 (OLD ANSON ROAD AND SANTA BARBARA DRIVE).

Jim C. Blagg, City Manager, briefed the Council on the revisions to the landfill rates and the landfill contract. He stated that in addition to the concerns that the staff originally had concerning the criteria to be used to determine the cost of living increase to be applied to the cost for landfill and in attempting to work through the formula that is currently in the landfill contract, given the current information that the City has on our diesel cost, the staff found some additional errors in the formula. Whereby, if the formula is applied just as it is in the current contract, the Contractor would have to pay the City to use the landfill which is illogical. The reason for those errors is unknown, and it is suggested that the Council approve the proposed changes for the formula for the present time. The staff could then work on the other areas of the contract with which the Council is concerned and bring it back for consideration at a later date.

Mayor Stubbeman asked if the Council could wait on all of it and consider it all at one time? Mr. Blagg replied that was one option.

Councilman Bridges asked Mr. Blagg how a change to the formula would affect the other concerns of the Council such as to increase the price for cubic yard.

Mr. Blagg stated that if the Council changed the formula as suggested, it would increase the cost from \$1.145 to \$1.23 per cubic yard. If the formula is calculated with the information provided by the contractor, there would be a reduction.

Councilman Fogle suggested that the staff develop the appropriate information and present it to the Council in April to make a decision for the next budget year. Councilman Bridges agreed.

Councilman Robinson asked the staff to also review the no-charge provision for residents of the City.

Mr. Blagg stated that the delay is no fault of the operator and he feels that the City may be penalizing the operator if a decision is not made until April.

Councilman Fogle stated that he had no problem with the proposed formula. The Council has increased City salaries seven percent (7%). There is a fluctuation in the cost of fuel and the contractor does have to maintain that equipment. He stated that expense would have fallen on the City if the City was operating the landfill.

Mr. Blagg stated that he does not disagree with delaying this decision. However, he was concerned with waiting until April. Councilman Fogle requested to consider it in thirty days from now.

Mr. Blagg asked the Council to specify their concerns relating to not charging residents of Abilene for using the landfill.

Councilman Nixon stated that he did not feel there was any misunderstanding. He feels the Council plainly intended not to charge the citizens of Abilene. The misunderstanding is the Council did not understand the fee would be charged to the City. He said the original contract states that the Council would review fee changes April 1st, and as of April 1, 1984, the landfill had not been in operation for a full year, therefore there was no review. As of April 1, 1985, the landfill will have operated for a full year and he feels that would be the proper time to review the entire contract.

Councilman Nixon moved to table the item until after April 1, 1985, and until the Council has the information necessary to make a decision. The motion was seconded by Councilman Robinson. (The votes will appear following the discussion.)

Councilman Bridges asked if the City Manager would be able to bring back any rate request prior to that time? Mr. Blagg replied no. Councilman Bridges expressed about being fair with the operator of the landfill.

Councilman Bridges asked the staff what was intended by not reviewing this contract in April.

Bob Whitehead, Director of Public Works, stated that the intent of the contract, when bidd, was to give the City a base bid where the contractor did not add in inflation. The annual review was for April and the contractor submitted figures to the staff in April, 1984. Based on those figures, using the formula in the contract, the result was illogical. The staff has been working with the contractor since that time, looking at all of the costs due to inflation, trying to arrive at a figure that would reflect a local cost of inflation that the contractor could apply. The intent was to look at the contract in April, 1984, and apply any increase into the October 1, 1984 budget. If the Council delays a decision until April 1, 1985, and if there is a rate increase, the City will penalize the contractor three months. Or, if there is a rate decrease, penalize the City for three months. The contractor would like the City to allow him to include in the contract several other factors that he did not anticipate. The staff is attempting to negotiate and satisfy both parties.

Councilman Bridges stated he is concerned with making these changes in the middle of the budget year. If the intent was to review any changes during the budget sessions, and those changes could not be ready, the Council should be apprised that the contract is still pending.

Mayor Stubbeman asked the staff if it would be cheaper on the City to have a contractor run the landfill rather than City employees. Has the City accomplished that under the present contract? Mr. Whitehead stated that all they have at this point is preliminary figures and a good deal of analysis would be necessary prior to answering that question.

Councilman Fogle stated that he could not vote to delay this until April 1. He has no problem with delaying the decision and taking some time to absorb the information. He feels the contractor is entitled to a determination and was entitled to it last October.

Councilman Robinson stated that if the Council had reviewed the contract in April, the contractor would have owed the City a refund and by renegotiating the contract is perfectly fair to the contractor.

There being no further discussion on the motion, the motion made by Councilman Nixon is to table the item until after April 1, 1985, and until the Council has the information necessary to make a decision. The motion was seconded by Councilman Robinson and the motion failed:

AYES: Councilman Wheat, Robinson and Nixon.

NAYS: Councilman Bridges, Councilwoman Proctor-Shaw, Councilman Fogle and Mayor Stubbeman.

Councilman Fogle asked the staff when they would be in a position to make a recommendation to the Council? Mr. Blagg stated in 30 days.

Councilman Fogle moved to table the item for 30 days and that a decision be made at that time as to the effective date of any adjustments. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: Councilmen Wheat and Robinson.

Bob Whitehead, Director of Public Works, briefed the Council on an award of bid for an equipment management information computer system. The system will provide an upgrade to our current limited system by providing greatly improved parts inventory management and control, vehicle and equipment records, fuel management, maintenance and repair information, and a means of monitoring personnel performance. The proposal on the DEC 11/730 computer is a five year lease with annual upgrade capabilities. Staff recommends that the proposals submitted be accepted by the City Council and the City Manager be authorized to execute the appropriate agreements with Gelco Maintenance Systems for software at \$51,000 and Digital Equipment Corporation at \$13,755 per year for the lease agreement.

Councilman Fogle moved to approve the award of bid for the equipment management information computer system as presented by the staff. The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

John Pierce, Land Agent, briefed the Council on a request from Mr. C. O. Patton, agent for Abilene Equities, Inc., to purchase a piece of City property in the general vicinity of South 5th and South 7th Streets, between Portland and Miller Streets. The legal description being the East 144 feet of the South 175 feet of Lot 1, Fair Park Acres, Out-Lot 2, City of Abilene, Taylor County, Texas. The tract is bisected by Catclaw Creek and is completely land locked. The Central Appraisal District has the land valued at \$4,726, which the Land Agent believes to be completely out of line due to its location.

Staff recommends the Council authorize the staff, by oral resolution, to advertise this property for sale with the condition that the City retain a 100-foot channel easement or 50-foot on each side of the present center line of Catclaw Creek. Mr. Patton has agreed to pay for the cost of advertising if they are the successful bidder.

Councilwoman Proctor-Shaw moved to authorize, by oral resolution, the staff to advertise for sale the aforementioned piece of City property, generally located in the vicinity of South 5th and South 7th Streets, between Portland and Miller Streets. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

Mike Hall, Director of Community Services, briefed the Council on a request from the Abilene YMCA for use of City land for a southside YMCA full-service facility. The YMCA made a formal request to the Parks and Recreation Board at their December 11, 1984, meeting that the City abandon approximately four acres of land in Redbud Park for the facility. The abandonment of the property was requested due to the Texas Constitution and the State Statutory Provisions that do not allow the City of Abilene to sell or give the requested four acres of land to the YMCA.

The Abilene Parks Plan addresses the need for a recreational facility in this section of the City and also indicates that Redbud Park, due to its classification as a District Park, can accommodate a recreation facility. The Parks and Recreation Board unanimously approved the abandonment of the four acres in Redbud Park for this purpose. Staff recommends the Council approve the resolution abandoning this piece of property.

Mr. Hal Pender, YMCA Representative, made a brief presentation to the Council and spoke to the advantages of the project to the School District, the City of Abilene, and the

citizens of the community for this joint use. Also present were Frank Meyers and Jack Turner, Parks Board; Walter Bryan, Abilene Independent School District; Bud Arndt, Legal Counsel YMCA; Dwight Kinard, President YMCA; Jack Gressett, Judy Wilson and Martin McCarty, YMCA Board Members; Charles Landers, YMCA Architect; and Larry Gill, Dodge-Jones Foundation.

Councilman Nixon moved to approve the abandonment of four acres of land located in Redbud Park for the purpose of allowing a 99-year lease to the YMCA to construct a full-service facility as presented by the staff and as recommended by the Parks and Recreation Board. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

The resolution is numbered 79-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ABANDONING APPROXIMATELY FOUR (4) ACRES OF LAND IN REDBUD PARK FOR A YMCA FACILITY.

Bob Whitehead, Director of Public Works, briefed the Council on the utility relocation costs for the F.M. 3438 project. The State Highway project to extend F.M. 3438 from Arnold Boulevard to Highway 277 is tentatively scheduled for a mid-March, 1985, bid letting.

Pursuant to the terms of the State Department of Highways and Public Transportation contract, the City is responsible for all utility relocation costs, with all relocations to be completed at the time of bid letting. The original rough estimate for utility relocation costs was an arbitrary \$80,000. At the time this estimate was made, there were no preliminary road construction drawings available and the plans for the project have changes several times. At the present time, we have cost estimates from all the affected utilities on the relocation and, at this time, the staff reported the cost estimates and related contingencies as follows:

Southwestern Bell Telephone Co. & United Cable Television	No Cost
Taylor Electric Cooperative, Inc.	\$ 4,150
Lone Star Gas Co.	149,011
West Texas Utilities	132,511
Sanitary Sewer	<u>48,000</u>
Estimated utility relocation costs	\$333,672

The estimated utility relocation costs are \$333,672 and \$80,000 funds have been budgeted for this purpose, leaving an additional \$253,672 in funds that are needed. The cost to purchase the land is \$35,000, plus there will be damage costs we may incur acquiring the necessary channel easement, and these costs are not included in the estimated cost of \$333,672.

At this time, the staff requests that funds, originally designated in the 1980 General Bond Street Improvement Fund for improvements to North 6th Street from Shelton to Victoria, be used to cover the additional expense. These funds amount to \$568,000.

Councilman Bridges moved to approve the use of the 1980 General Bond Street Improvement Funds for the utility relocation costs for the F.M. 3438 project, as presented by the staff. The motion was seconded by Councilman Nixon and the motion carried.

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

NAYS: None.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on Change Order No. 5, Wastewater Reclamation Plant Project. On August 23, 1984, the City Council authorized the submission of Change Order No. 5 to the Texas Department of Water Resources for review. The State has made some preliminary decisions and will not make a final decision until such work is authorized by the City. Staff, as well as the City's engineers on the project, Parkhill, Smith & Cooper, recommend the Council authorize the "probably" and "possibly" items that total \$245,470. If these items are given final approval, the Environmental Protection Agency (EPA) will fund \$184,102 of the project.

Councilman Nixon moved, by oral resolution, to authorize the contractor, Gracon Construction, Inc., to proceed with the actual construction of the "probably" and "possibly" items as listed in the Change Order No. 5. The motion was seconded by Councilman Robinson and the motion carried:

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

NAYS: None.

Wayne Kurfees, Director of Traffic and Transportation, briefed the Council on the signalization of two additional intersections being E.S. 11th Street and Oldham Lane and E.N. 16th Street and Judge Ely Boulevard. The staff has received frequent citizen requests for signalization of both these intersections and estimated cost is approximately \$20,000 and \$25,000 respectively. Funds are available from the 1979 bond funds specifically earmarked for this purpose.

Councilman Bridges moved to authorize the signalization of the E.S. 11th Street and Oldham Lane and E.N. 16th Street and Judge Ely Boulevard, as presented by the staff. The motion was seconded by Councilman Wheat and the motion carried:

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

NAYS: None.

Mr. H. C. Zachry, Chairman of the Planning Committee of the Reinvestment Zone Board of Directors, presented a year-end review of the Board's activities to the Council. He presented a synopsis of the Board's activities from January 24, 1984, to current. The primary objective of the Board has been to select a consultant to develop a tax increment financing district plan and provide input to the consultant during the plan development stage. At the present time, the Board is awaiting the draft redevelopment plan, which will be presented by the consultant of Trkla, Pettigrew, Allen and Payne, sometime in mid-January, 1985.

No action is necessary by the Council at this time.

Lee Roy George, Director of Planning and Development, reviewed with the Council four annexation study areas that were identified by the staff and discussed with the Council at the November 1, 1984, Council meeting. He presented a report on the four areas, the annexation process that may be followed by the Council, including a flow chart listing the various tasks that must be accomplished during annexation and depicting a time frame. The purpose of this discussion today, is to receive additional Council input for the four areas and direction on how the Council would like to proceed.

Staff is not recommending annexation at this time, but only that the Council look at large study areas initially with the knowledge that once an annexation calendar is approved, the study areas can be decreased in size but not increased. In addition, the staff suggests that the Council study each of these areas separately according to the following order: Study Area 2 to be considered first; Study Area 1 to be considered second; Study Area 3 to be considered third; and Study Area 4 to be considered last.

Listed below is a timetable which the staff also recommends to be applied separately to each of the four study areas.

1. The City Legal, Water, and Planning Departments identify those areas outside City limits which appear to be similarly situated to property owners with access to or currently receiving City water and which could, upon request to the City, require hookup to City water.
2. The Water Utilities Department identify alternatives for use or disposition of private water supply corporation facilities that exist in the study areas.
3. Staff to notify property owners and set up informal meetings between staff and property owners to discuss the annexation process.
4. Report to the Council concerning property owner discussion.
5. Council decides to either proceed or not to proceed with the annexation study:

If Council decides to proceed, then a formal annexation calendar is adopted; if Council proceeds with the long form annexation procedures, then a 90-day calendar is adopted; or if Council proceeds with the short form annexation procedure, then the Council may complete annexation within 30 days from receipt of a request from property owners within the area.

6. Council directs staff to develop a service plan.

Councilman Fogle authorized the staff to review Study Area 2, then Study Area 1, in that order, and in accordance with the staff timetable and flow chart. (The flow chart is hereby attached and incorporated herewith as part of these minutes.) The motion was seconded by Councilman Bridges and the motion carried:

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

NAYS: None.

Dwayne Hargesheimer, Director of Water Utilities, briefed the Council on the water conservation plan and reported on historical water usage.

Presently, Fort Phantom Lake is at 15.5 feet below the spillway and the City is receiving all of its water from Lake Hubbard. The staff proposes to revise the provisions of the water conservation ordinance and present it for Council consideration sometime in February, 1985, to prepare for the summer.

It was the consensus of the Council to remain in Stage 4 and discuss the conservation plan at each Council meeting until instructed otherwise.

Mayor Stubbeman recessed the Council into executive session, pursuant to Section 2e and 2g of the Open Meetings Act, to consider pending and contemplated litigation and the appointment and evaluation of public officials.

The Council reconvened from executive session and reported to action taken.

Councilman Wheat moved to authorize the Mayor to sign a letter of agreement and understanding with the Brazos River Authority and the resulting water supply contract. The motion was seconded by Councilwoman Proctor-Shaw and the motion carried:

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

NAYS: None.

The resolution is numbered 80-1984 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A MEMORANDUM OF AGREEMENT/UNDERSTANDING AND WATER PURCHASES CONTRACT WITH THE BRAZOS RIVER AUTHORITY CONCERNING EFFLUENT.

There being no further business, the meeting was adjourned at 4:30 p.m.

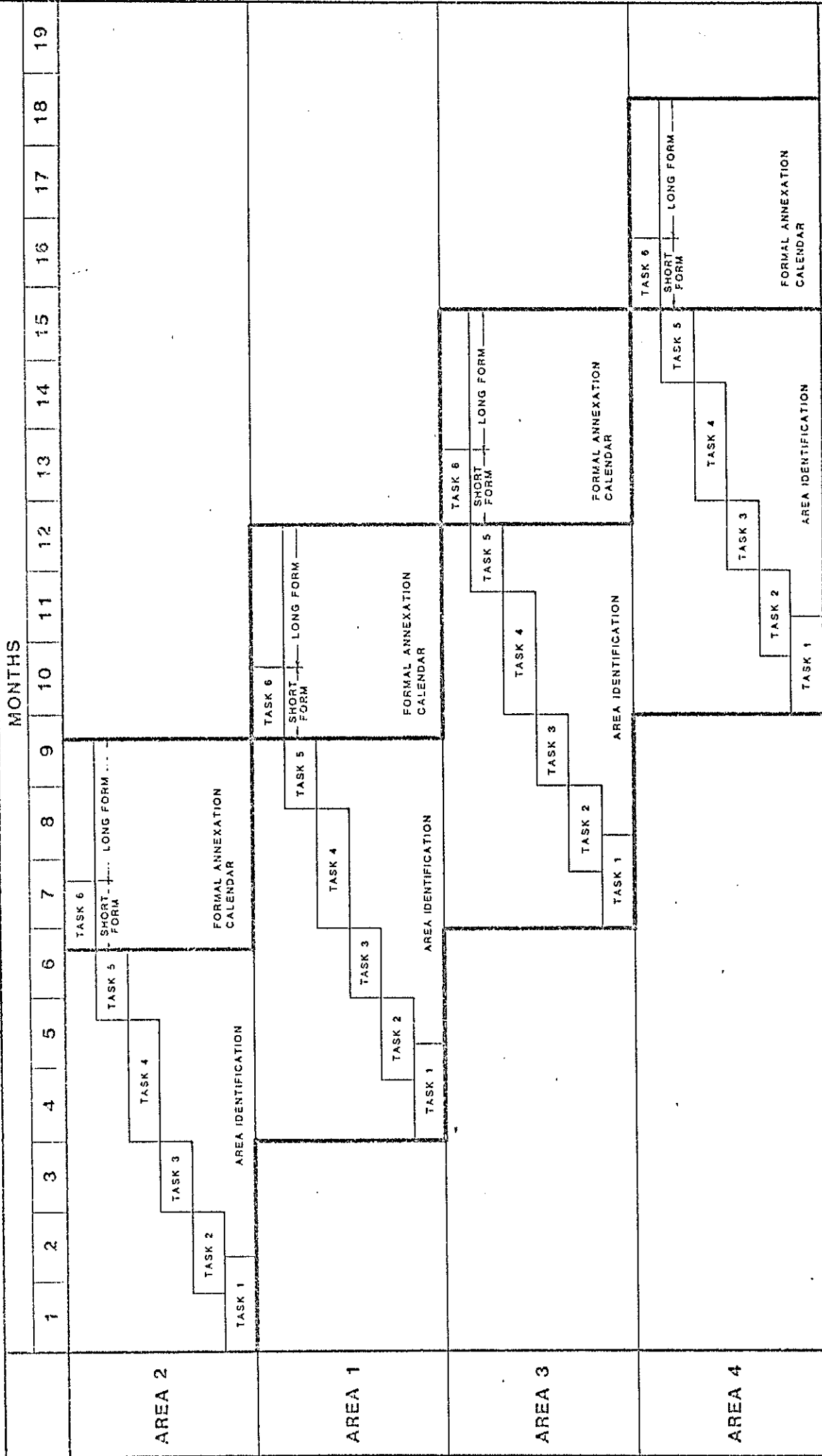

Patricia Patton

Patricia Patton
City Secretary

David Stubbeman

David Stubbeman
Mayor

ANNEXATION PROCESS FLOW CHART



DESCRIPTION OF TASKS...

1. LEGAL, WATER UTILITIES AND PLANNING DEPARTMENTS TO IDENTIFY CUSTOMERS BEING SERVED BY THE CITY.
2. WATER UTILITIES DEPARTMENT TO IDENTIFY ALTERNATIVES FOR DISPOSITION OF PRIVATE WATER SUPPLY LINES.
3. INFORMAL MEETING WITH PROPERTY OWNERS.
4. STAFF REPORT TO COUNCIL.
5. COUNCIL ADOPTION OF ANNEXATION CALENDAR.
6. COUNCIL DIRECTS STAFF TO DEVELOP SERVICE PLAN.

3-23