

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, October 28, 1982, at 9:00 a.m.

CITY COUNCIL: Mayor Elbert E. Hall; Council - Dr. Julian Bridges, Billye C. Proctor, Juan C. Rodriguez, A. E. Fogle, Jr., L. D. Hilton and Kathy Webster.

1. Call to Order.
2. INVOCATION: Councilman Julian Bridges.
3. APPROVAL OF MINUTES: Regular Meeting held October 14, 1982
4. AWARDS & PRESENTATIONS:

Naomi Wilson	Computer Services	Senior Data Entry Operator	25 Years
Maurice Carter	Refuse Collection	Refuse Crew Chief	25 Years
Joseph Trammell	Police	Captain	20 Years
A. T. Worsham	Community Services	Lead Maintenance Worker	20 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. Consider on second and final reading - amendment to Chapter 18, Motor Vehicles & Traffic, concerning prohibiting parking in certain areas.
  - b. Consider on second and final reading - amending Chapter 6, Animals, of the Abilene Municipal Code.
  - c. Consider on first reading - amendment to Chapter 18, Motor Vehicles & Traffic, concerning parking prohibition and speed zone on Barrow Street.
6. Award of Bids
  - a. Custodial Services for Sears Park & South Park Centers.
  - b. Jogging Trails - Redbud & Rose Parks.
  - c. Analyzer for Wastewater Treatment Plant.
  - d. Protective Clothing - Fire Department.
  - e. Swamp Dozer - Street Division.
7. Request to Advertise
  - a. Fifty-four 8-Yard Commercial Refuse Containers.

#### REGULAR AGENDA

8. Public Hearings
  - a. Appealed Item:
    - Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to SC (Shopping Center) District, located at S. 27th & Buffalo Gap Road.
    - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to MH (Mobile Home) District, located on FM 600.
    - Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) District, located on Dunnam Drive.
    - Consider on second and final reading - reclassification request from RS-6 (Residential Single Family) to GC (General Commercial) District, located at West Overland Trail & Clinton Street.

9. Ordinances
  - a. Consider on first reading - Modular Overlay District & set a public hearing for November 18, 1982, at 9:00 a.m.
  - b. Consider on first reading - authorizing execution of a special facilities lease agreement with Chaparral Airlines, Inc.
  - c. Consider on first reading - authorizing issuance of Airport Special Facilities Revenue Bonds, Series 1982, (Chaparral Airlines Inc.).
  - d. Tabled Item:  
Consider on second and final reading - reclassification request from AO (Agricultural Open Space) to RM-3, RM-2 & RS-6 (Residential Multi-Family and Residential Single Family) Districts, located at Bishop Road & Jennings Drive.
10. Resolutions
  - a. Consider renewal of Fire & Casualty Insurance.
  - b. Tabled Item:  
Appointing Auditors for 1982-83 Fiscal Year.
11. Award of Bids
  - a. Transit Maintenance Facility.
12. Other Business
  - a. Pending and Contemplated Litigation.

ADJOURN

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, Abilene, Texas, on the 25th day of October, at 9:00 a.m.

*Shelby Bellard*  
Assistant City Secretary

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

The City Council of the City of Abilene, Texas, met in Regular Session Thursday, October 28, 1982, at 9:00 a.m., with Mayor Elbert E. Hall present and presiding. Councilman Julian Bridges, Councilwoman Billye Proctor, Councilmen Juan C. Rodriguez, A. E. Fogle, Jr., L. D. Hilton and Councilwoman Kathy Webster were present. Also present were City Manager, Ed Seegmiller, City Attorney Harvey Cargill and City Secretary Ruth Hodgkin.

Invocation by Councilman Julian Bridges.

Minutes of last Regular Meeting held October 14, 1982, were approved as written.

Mayor Pro Tem Kathy Webster presented service awards to the following City employees: Naomi Wilson, Senior Data Entry Operator, for 25 years in the Computer Services Division; Maurice Carter, Refuse Crew Chief, for 25 years in the Refuse Collection Division; Joseph Trammell, Captain, for 20 years in the Police Department; and, A. T. Worsham, Lead Maintenance Worker, for 20 years in the Community Services Department.

Councilman Rodriguez moved passage of all the consent items, with the exception of 6c, which will be voted upon separately. The motion was seconded by Councilman Hilton. The motion carried as follows:

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

5. Ordinances

a. Consider on second and final reading - amendment to Chapter 18, Motor Vehicles and Traffic, concerning prohibiting parking in certain areas.

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.

CODE -  
TRAFFIC &  
TRANS. PARKI  
PROHIBITED I  
CERTAIN AREA  
1ST READING  
APPROVED

b. Consider on second and final reading - amending Chapter 6, Animals, of the Abilene Municipal Code.

AN ORDINANCE AMENDING CHAPTER 6, ANIMALS AND FOWL, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

CODE -  
ANIMALS & FO  
1ST READING  
APPROVED

c. Consider on first reading - amendment to Chapter 18, Motor Vehicles and Traffic, concerning parking prohibition and speed zone on Barrow Street.

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.

CODE -  
TRAFFIC &  
TRANS. PARKI  
& SPEED ZONE  
ON BARROW  
1ST READING  
APPROVED

6. Award of Bids

- a. Custodial Services for Sears Park & South Park Centers.
- b. Jogging Trails - Redbud & Rose Parks.
- c. Analyzer for Wastewater Treatment.

Bernard Huett, Purchasing Agent, presented the award of bid for the analyzer for the Wastewater Treatment Plant. Councilman Rodriguez asked why there was only one bid. Mr. Huett explained that there were two bid replies. The Alpkem Corporation told him that they could not meet the City's specifications, therefore, was not able to bid. That left the bid of The Astro Company for \$13,714.

Councilman Rodriguez moved approval of the award of bid of the analyzer for the Wastewater Treatment Plant to The Astro Company in the amount of \$13,714. Councilman Fogle seconded the motion. The motion carried as follows:

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

NAYS: None.

d. Protective Clothing - Fire Department.

Mr. Seegmiller pointed out that the State Law has mandated that the City acquire a certain kind of equipment for the firefighters to use. The protective clothing that will be bought from the Fire Appliance Company meets those requirements.

- e. Swamp Dozer - Street Division. Rejected as recommended by Staff
- 7. Request to Advertise
- a. Fifty-four 8-Yard Commercial Refuse Containers.

Wayne Collier, Zoning Administrator, presented the reclassification request from RS-6 (Residential Single Family) to SC (Shopping Center) District, located at S. 27th and Buffalo Gap Road. The request is from W. H. Fulwiler. The property is located in the northwest corner of S. 27th and Buffalo Gap Road. The zoning abutting the property is Single Family to the west, Multi-Family to the north, Office on the southwest and Shopping Center on the east across Buffalo Gap Road. The proposed use for the 7 acres is a shopping center. The staff recommended approval of the request because the property is located at a major intersection (S. 27th and Buffalo Gap Road) and could be considered as an extension of the Commercial zoning across Buffalo Gap Road. Forty-four property owners were contacted--16 sent back letters opposed to the zone change and 3 were returned in favor of the zone change. A petition of 39 names was submitted also opposing the zone change. The P & Z Commission recommends disapproval.

Councilman Hilton asked if screening was planned between the property and the residences to the west. Mr. Collier said some type of screening was required when five or more vehicles would be parked facing a residential area. A six feet solid screening fence is most commonly used.

Mayor Hall noted that commercial zoning would about residential zoning without an alley in between--only a screening would separate the two types of zoning.

Mr. Collier pointed out an undeveloped area to the east of the property in question. He said part of that property is owned by the Federal Government now to be used later as a post office. Part of the land to the south is now occupied by a bank and a grocery store. This area is owned by Mr. Fulwiler also.

Mayor Hall opened the public hearing.

Mr. Allen Glenn, representing Mr. Fulwiler, said that S. 27th and Buffalo Gap Road are designed to be major arterial roads according to the Thoroughfare and Collector Plan approved in 1979 and may even become part of a loop that goes completely around the City. He said the 7 acres of property could possibly be zoned in the future for Heavy Commercial, but that was not Mr. Fulwiler's intention. He only wants to use the property for shopping center uses. He presented slides to the Council showing what is located at the property now. He said all of the houses in the area were at least 20 years old. The slides revealed debris in back yards, weeds, delapidated fences and general deterioration of houses. He pointed out that development of any kind on the perimeter of the City only causes the City to extend water lines, garbage pickup, sewer lines, police patrols which causes taxes to increase in order to pay for these services. He said Mr. Fulwiler is trying to develop in an already moderately developed area to keep the City from having to extend its services. He presented a list of what the tax value of the area is now and what the value would be if it was developed. The area is now valued at \$508,604--proposed value is \$3,119,500. Possibly, one of the stores in the shopping center will be Safeway or another national chain. Behind each of the stores, running from S. 27th to S. 25th, will be a solid wood fence. He said Mr. Fulwiler feels that the shopping center will be a benefit to the neighborhood by providing a convenient place to shop, it will bring in money for the City,

jobs for the City, and will be a good-looking addition to an older neighborhood.

Councilman Bridges asked if the 12 residences listed on the tax roll were the only residences that will abut the project. Mr. Glenn said that those 12 residences will be removed in order to build the project.

Mayor Hall asked what kind of fence or screening would be erected between the project and the residences, how the stores will be serviced, and how this will affect the residences that abuts it. Mr. Glenn said the fence will be at least 6 feet tall and it will be solid and will run all the way from S. 25th to S. 27th. The grocery store will be serviced by driving down Buffalo Gap Road across the parking area. Loading or unloading will probably be from the rear of the stores.

Chuck Hudson, Hudson and Hudson, said there are several national chain stores looking at this project. He said if the property is rezoned to SC, then a deal has been made with one of the national chain stores. The property is owned by several people, but Mr. Fulwiler has actually closed with one property owner and has the other 11 on an option contract basis pending the rezoning.

Councilman Rodriguez asked why Mr. Fulwiler is developing in a residential area and intending to buy out some property owners, when he has some property across the street that is vacant and has already been SC zoned. Mr. Glenn said that the old Super Duper grocery store needs extensive remodeling and when the lease runs out on the building, Mr. Fulwiler is going to remodel it and put another type of business there. Mr. Fulwiler has other plans for the vacant lot to the north of the Super Duper store and also the post office will be located to the north of the vacant lot.

Councilman Rodriguez asked if the residences of the area could afford to either be moved or to face higher taxes when the value of the area goes up. Mr. Glenn said the trend is to modernize the area and the vacant Office zoned area to the south of the project will probably be developed also after the project is developed.

Councilman Fogle noted that the vacant area to the east and also the area that now has the Super Duper grocery store on it is owned by Mr. Fulwiler. He said that Mr. Fulwiler has owned the property for a long time, has never developed it, and has let it become in the same general deteriorated condition that the houses in the slides displayed. Mr. Hudson said that Mr. Fulwiler is planning to remodel the building and further develop the vacant lot adjacent. He felt sure that Mr. Fulwiler will keep the new project in top condition. Mr. Glenn pointed out that the structures on the very north side of the property were owned by the Government now.

Mrs. Edith Tarrt, 2709 Ross, representing a large group of people from the neighborhood abutting the proposed project, said the community does not need a shopping center and does not want one on the corner of S. 27th and Buffalo Gap Road. She said the community is already serviced by Chimney Square Shopping Center, River Oaks, Southern Hills Shopping Center, and Brookhollow Shopping Center. There has already been a store close because of the lack of business. The community will not support another shopping center. She said traffic on S. 27th is already heavy and the addition of a shopping center would increase the traffic on both S. 27th and Buffalo Gap Road. She said the shopping center would probably create a lot of noise, trash and debris--probably even create more burglaries and vandalism. She said the people felt that the value of the homes would go down, because no one would want to buy a home next door to a shopping center. Also, not all of the homes are over 20 years old--some are less than 10 years.

Mr. Andrew Irving, 2409 S. 27th, presented a petition with 39 names opposing the zone change. He also pointed out that other shopping centers were very close to the community and could provide the neighborhood with almost anything it could want. He said even some of the area drug stores are going out of business for the lack of customers. He has talked with one of the executives of the postal service, and he told Mr. Irving that the Government had bought some property in the area and some of the buildings that are now on the property would eventually be torn down--he did not know when the renovation would begin.

Mr. Irving mentioned that a 20' waterline runs diagonally across the property in question. That waterline needs to be repaired quite often. If the project was built on top of the waterline, the people developing the property would have to pay for all of the improvements in the utilities. He said that the supply trucks were to use Buffalo Gap Road as a route to the stores. But he said he felt sure that the truck drivers would start using S. 27th as an easier route. He said the traffic on S. 27th even during odd hours was 15 cars per minute. He said from his own personal experience, living behind a shopping center causes problems--soot and ashes from an incinerator, trucks blocking the driveway, trash and debris and excessive noise. He said he did not blame the people for selling their property to Mr. Fulwiler-- One property owner received \$92,000. He pleaded with the Council to oppose the development of the property.

Mrs. B. D. Garrett, 4917 Yale, Amarillo, said she owns the property at 2618 Ross. She said her parents bought the property in the 1930's when the area was very rugged and undeveloped. She said that the proponent did not show pictures of the many nice houses in the area. The other property owners have put a lot of money into their homes and they will not get the opportunity to get a large price for their homes. She said it should not be left up to one man to dictate to a neighborhood that it needs a shopping center--the people only want peace and quiet.

Mr. Arthur Dutton, of Potosi, said his mother lives on the corner of S. 27th and Ross. He reiterated about some of the closed shopping centers around the City, the traffic, and the annoyance of having a shopping center in a residential area. He pointed out that there is no alley on the south-side of S. 27th. The people do not have access to their backyards.

Mr. Glenn said the neighborhood, in his opinion, was not being served in the most modern way. He said the old Super Duper store on Buffalo Gap Road is in bad shape and is out-dated compared to the Safeway on N. Willis and N. 10th. Some national chain store representatives have been clamoring for a place in the new shopping center--obviously, they feel that the area could support a modern store. He felt sure that, if necessary, a new waterline could be laid across the project. He said the traffic was already there and that is what makes the area a commercial use area, and the neighborhood will benefit from the convenience of the commercial uses. He pointed out that the City is progressing, its industry, and it will bring in more tax dollars for the City.

Mr. Ira King, corner of Buffalo Gap Road and S. 27th, is a property owner that supports the development of the shopping center. He said there have been a few problems with the traffic in the neighborhood and the noise is so excessive that sometimes he is unable to sleep at night. He felt that the price he was going to receive is not extravagant. It takes a lot of money to buy a comparable house, to move, and to be compensated for being relocated. He wants to get away from the noise and traffic and so is selling.

Mr. Arthur Dutton again asked the Council to oppose the development of the shopping center.

There being no one else presenting and requesting to speak, Mayor Hall closed the public hearing.

Mayor Hall asked Mr. Collier who owned the property on the corner of S. 25th and Ross. According to the map, Taylor County owns the property. However, an elderly man by the name of Perry lives in a house on that property.

Councilwoman Webster made the motion to deny the reclassification request from RS-6 (Residential Single Family) to SC (Shopping Center) District, located at S. 27th and Buffalo Gap Road. Councilman Bridges seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Rodriguez, Fogle, Hilton, Councilwoman Webster and Mayor Hall.  
NAYS: None.  
ZONING RE: RS-6 TO SC  
S. 27TH & BUFFALO GAP  
2ND READING  
DENIED

Mayor Hall asked if the Council could consider the item authorizing the execution of a special facilities lease agreement with Chaparral Airlines, Inc., and the issuance of Airport Special Facilities Revenue Bonds, Series 1982.

Mr. Roy McDaniel, Assistant City Manager for Fiscal Resources, said the two ordinances involved a special facilities lease to Chaparral Airlines and the issuance of the bonds themselves. He mentioned that the Council passed an inducement resolution in January, 1982, allowing for the lease and the bond sale. These ordinances will complete the process.

Mr. Pete Tart, McCall, Parkhurst & Horton, the City's Bond Attorneys, said the resolution adopted by the City agreed to issue bonds to finance the hangar facility at the Airport on behalf of Chaparral Airlines. In the interim, Chaparral Airlines has obtained the financing of the hangar facility from Interfirst Ablene in the amount of \$1,100,000, which would be issued in a single fully registered bond purchased by the bank. The one change made in the special facilities lease concerns the payments. The payments under the lease are payments during the initial term which goes to 2006 which equals the amount of debt service on the bond. The term of the special facilities lease is set up to coincide the term of the ground lease which is the lease that was entered into between the City and Chaparral Airlines in December, 1981. That lease permits Chaparral to renew the ground lease through the year 2031. The change is a provision that after the initial term of the lease which ends in 2006, Chaparral may renew this lease to coincide with the ground lease and they would pay a rental of \$100 through 2031. The reason for the change is that Chaparral would have paid over \$1,100,000 plus the interest in rent payments for the construction of the hangar facility and it would only be fitting that they would have the right to renew the lease for at least as long as they have the right to renew the ground lease. That was the one principle change that was made. He said that Chaparral is indemnifying the City against any and all losses or events that might occur. They are agreeing to maintain it, insure it, and keep it in good working condition. There also is a condition that no matter what happens Chaparral Airlines still has to make a payment to Interfirst of interest on the bond.

Mayor Hall asked what the extension was before it was changed. Mr. Tart said it enabled Chaparral to renew the lease under the same terms as the ground lease. He said that the City is mostly clarifying instead of changing the lease, because the lease provided the lessee had the right to renew the lease beyond the original term. It has now been made more specific as to exactly what Chaparral can do and the price that they will pay. The hangar will still be owned by the City and Chaparral is the tenant using the hangar facility.

Councilman Hilton asked if the refunding bonds could go beyond 2006. Mr. Tart said they could, but the only way the City could ever issue a refunding bond, would be to supplement the lease. If the City ever did issue a refunding bond, it would extend the lease because that is the only way of receiving revenue.

Mr. Tart said that Chaparral and the City staff felt that it should be clarified. He said that the ground lease and the lease of the facility are two sources of revenue for the City. Chaparral under the ground lease, makes a payment to the City and that is the City's funds in the Airport Fund. Under the special facilities, that is a lease payment for the use of the building that is built on the land and that will go into an interest and sinking fund held by the Interfirst Bank. He said the bond holder is giving the City an investment letter, which is addressed to all the parties including the City and in it the Bank is stating that they have made their own independent credit review and that they are an institutional investor and they are not looking to the City to furnish them with any financial information. He said the only thing that is pledged for the payment of the bond are the revenues under the special facilities lease. If the lease rental is not met, that is all the bond holder has a right to receive. He has no claim against the City. Interfirst will require Chaparral to give them Chaparral's rights under the lease.

Mayor Hall made the motion that the Mayor be authorized to execute AIRPORT - the special facilities lease agreement. Councilman Fogle seconded the SPECIAL FACILITIES LEASE motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen RODRIGUEZ, FOGLE, HILTON, Councilwoman Webster and Mayor Hall. AGREEMENT WITH CHAPARRAL

NAYS: None.

AN ORDINANCE AUTHORIZING EXECUTION OF SPECIAL FACILITIES LEASE AGREEMENT.

Councilman Hilton moved the approval of the issuance of the Airport AIRPORT - SPECIAL FACILITIES Revenue Bonds. Councilwoman Proctor seconded the motion. The motion carried as follows:

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

APPROVED

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ABILENE AIR-PORT SPECIAL FACILITIES REVENUE BONDS, SERIES 1982 (CHAPARRAL AIRLINES).

Mr. Wayne Collier presented the reclassification request from AO (Agricultural Open Space) to MH (Mobile Home) District, located on FM 600. He said the request was initiated by the Staff to rezone properties on FM 600, the West Lake Road, and also on Nease Road. The areas are on FM 600 and on the southside of Nease Road at the intersection of Caldwell Road. The zoning in the area is AO with some RS to the north of the property on FM 600. There is some existing MH zoning to the south of Nease Road. The two areas in question have been developed with mobile homes. The Northeast Area Land Use Plan that was adopted last year, does recommend mobile home uses for both sites. The P&Z Commission and the Staff both recommend approval.

Councilman Fogle asked if the basis of the staff's recommendation was to conform with the existing usage of the sites. Mr. Collier said that was correct.

Councilwoman Webster asked if the property owners had an objection the the City reclassifying the area to MH zoning. He said that the Staff received no comments to the notifications. Mr. J.C. Haines, a property owner, is aware of the request and he has not voiced objections or approval.

Mayor Hall opened a public hearing and there being no one asking to speak, Mayor Hall closed the public hearing.

Councilman Bridges moved passage of the reclassification request from AO (Agricultural Open Space) to MH (Mobile Home) District, located on FM 600. Councilman Rodriguez seconded the motion. The motion carried as follows: ZONING RE -  
AO TO MH ON  
FM 600  
2ND READING  
APPROVED

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

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

Mr. Collier presented the reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) District, located on Dunnam Drive. The request came from R. W. Wilson with agent Paul Johnson to rezone a tract from AO to HI. The zoning in the area is HI on the south and east and LI on the north and HC on the west side. The proposed use of the area is for HI uses and is in conformance with the Southeast Area Land Use Plan. Companies such as Welx, Dunnam Pipe Company, Atlas Machine & Welding, etc., are located in the area.

Mayor Hall opened public hearing on the request.

Paul Johnson, agent for R. W. Wilson, said the one residence near the site belongs to Mr. Wilson and will be moved. He said all the companies near the site are heavy industrial or heavy commercial uses.

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



Councilwoman Proctor moved passage of the reclassification request from AO (Agricultural Open Space) to HI (Heavy Industrial) District, located on Dunnam Drive. Councilwoman Webster seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Rodriguez, Fogle, Hilton, Councilwoman Webster and Mayor Hall.  
NAYS: None.  
ZONING RE -  
AO TO HI ON  
DUNNAM DRIVE  
2ND READING  
APPROVED

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

Mr. Collier presented the reclassification request from RS-6 (Residential Single Family) to GC (General Commercial) District, located at West Overland Trail & Clinton Street. The request came from Bailey Choate and the property is located on the north side of I-20 at Clinton Street. Residential zoning is on two sides, and commercial zoning is immediately on the east side. The North Park Land Use Study does recommend some type of commercial zoning along the highway frontage road at the location. The P&Z Commission and the Staff both recommend approval.

Mayor Hall asked if the Staff originally disapproved the HC zoning request at the location. Mr. Collier said the Staff now recommends the GC zoning.

Mayor Hall opened public hearing and there being no one present and requesting to speak, he closed the public hearing.

Councilman Rodriguez moved passage of the reclassification request from RS-6 (Residential Single Family) to GC (General Commercial) District, located at West Overland Trail & Clinton Street. Councilwoman Webster seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Rodriguez, Fogle, Hilton, Councilwoman Webster and Mayor Hall.  
NAYS: None.  
ZONING RE -  
RS-6 TO GC  
WEST OVERLAND  
TRAIL & CLIN-  
STREET  
2ND READING  
APPROVED

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

Lee Roy George, Director of Planning and Community Development, presented the first reading of the ordinance concerning Modular Overlay District. The Strategies for Responsible Growth and the P&Z Commission have recommended the ordinance to the Council. He said the Staff will present a more detailed presentation when the ordinance comes back for a second reading. He said the Staff asks the Council to approve the ordinance on first reading and calling for a public hearing.

Councilwoman Proctor moved passage of the ordinance on first reading for a Modular Home Overlay District. Councilman Hilton seconded the motion. The motion carried as follows:  
PLANNING -  
MODULAR HOME  
OVERLAY DIS-  
TRICT

AYES: Councilman Bridges, Councilwoman Proctor, Councilmen Rodriguez, Fogle, Hilton, Councilwoman Webster and Mayor Hall.  
NAYS: None.  
1ST READING  
APPROVED

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

Councilman Rodriguez commented that when he attended the TML Conference in Ft. Worth, the trend seemed to be that cities will be seeing more and more modular homes, so having good control will be helpful.

Councilman Fogle moved to remove from the table the reclassification request from AO (Agricultural Open Space) to RM-3, RM-2 & RS-6 (Residential Multi-Family and Residential Single Family) Districts, located at Bishop Road and Jennings Drive. Councilman Bridges seconded the motion. The motion carried as follows:

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

Mr. Collier said the request came from Mr. I.S. Gathright to rezone some property in west Abilene near the Dyess Air Force Base from AO to RS and RM uses. There is MH on the north, AO on the east and south and Dyess AFB housing on the west. When the request was first presented to the P & Z Commission in September, the Staff recommended that it be tabled until a land use plan could be considered and the right-of-way and location of Vapor Trail decided. The P & Z approved the request and forwarded it on to the Council where it was tabled on second hearing by the Council September 23, 1982. The land use plan was completed and the P & Z will review it at their next meeting. It does recommend residential uses for the property, so the Staff had no objection. The Plat Review Committee recommends a right-of-way of 150' for the extension of Vapor Trail. He said the Staff is uncertain of the right-of-way, but the zoning request could be approved and the right-of-way platting could be worked out with the P & Z Commission and they will determine what kind of right-of-way to approve.

Mayor Hall asked if the proposed extension of Vapor Trail would require the City to acquire right-of-way. Mr. Bob Whitehead, Director of Public Works, said that, yes, it will be the extension of Vapor Trail or Spur 312 that will go by the AFB and provide them with another entrance. It will extend Hwy 277 and will begin the second Loop which will tie Rebecca lane to Hwy 80. The 150' right-of-way is the amount that Dyess AFB and the Highway Department wishes. Failure on the part of the developer to dedicate the right-of-way of 150' would mean that the City would have to acquire the right-of-way.

Mr. Collier mentioned that the Plat Review Committee recommended the 150' right-of-way and it is up to the P & Z Commission to approve it or disapprove it. The Council will not have to consider it again. The developer has not said that he would donate the 150'.

Councilwoman Webster moved to approve the reclassification request from AO (Agricultural Open Space) to RM-3, RM-2 & RS-6 (Residential Multi-Family and Residential Single Family) Districts, located at Bishop Road and Jennings Drive and ask that the P&Z Commission, in the platting process, be sure that the City has acquired the proper amount of right-of-way for the extension of Vapor Trail and that they not allow any lots to be platted that would interfere with the 150' right-of-way. Councilman Bridges seconded the motion. The motion carried as follows:

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

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

Mr. Roy McDaniel presented the item concerning fire and casualty insurance. On October 14, the Staff presented to the Council a report of how the Staff was moving on the fire and casualty insurance. He said on October 19, the Staff received six proposals from several insurance companies. These proposals were based on recommendations by RIMCO--insure on a replacement basis, consider an all-risk policy rather than a named peril policy, should include earthquake, flood, etc., and should insure the City's data processing equipment. The values were raised from \$16,705,000 to \$29,368,000. One of the proposals followed the recommendations of RIMCO very closely. Appalachian went a little beyond RIMCO's recommendations--they suggested that all of the City's real and personal property with a value of over \$500,000 be insured at \$5,500,000. The highest valued building is presently \$4,500,000 and that will provide an excess of \$1,000,000. The Staff recommends that the City buy a policy from Appalachian because of the above facts and their premium cost is the lowest on the three-year \$25,000 deductible. The cost for the three years will be \$79,239. This is \$6,500 more than the City's last policy which was for \$16,000,000 and did not include the earthquake and flood nor the special coverage on the data processing equipment.

ZONING RE -  
AO TO RM-3,  
RM-2 & RS-6  
BISHOP ROAD &  
JENNINGS DRIV  
2ND READING  
APPROVED

Councilwoman Proctor asked if the City's insurance in the past was for the \$25,000 deductible. He said that, yes, it was the \$25,000 deductible for last year, but the Staff asked for quotes on both the \$25,000 and the \$100,000 deductible. But he feels that the \$25,000 deductible is a better buy. The deductible is per occurrence. If ten buildings are destroyed in one wind storm, there is only one \$25,000 deductible. The maximum coverage the City would have is \$6,000,000 per structure, with a \$29,000,000 coverage for all structures. Appalachian was sent a list of the City's buildings and contents and they have taken the highest building listed and will insure all the buildings that are valued over \$500,000 and will put a top limit on those of \$5,500,000.

Councilman Hilton asked how Appalachian was rated. Mr. McDaniel said Appalachian was rated as a B+12, however, it is a part of the Alandale Group which is rated A+15.

Councilman Rodriguez asked why the flood coverage did not include some park recreation centers that are near the floodway. Mr. McDaniel said if some facilities aren't on the floodplain list, but are not in the floodway, they can be added to the coverage. However, Appalachian does not want to insure a recreation center that is in the floodway.

Mayor Hall moved to accept the proposal of Appalachian Insurance Company provided the maximum amount of protection afforded is \$29,368,000 for three years. Councilwoman Proctor seconded the motion. The motion carried as follows: INSURANCE -

APPALACHIAN I  
FOR FIRE &  
CASUALTY  
APPROVED

Councilman Hilton moved to remove from the table the appointment of auditors for 1982-83 Fiscal Year. Councilman Rodriguez seconded the motion. The motion carried as follows:

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

Mr. McDaniel said that October 14, the Staff presented two proposals from two audit firms offering to audit the City on a five-year term. The Council asked that the firms be asked for a two-year proposal. He said the two firms were very close and both firms gave estimates rather than a firm figure. He said that both firms could do a good job for the City.

Councilman Hilton moved to approve the proposal of Condley and Company for a two-year term and that there be no commitment to Condley and Company after that time. Councilwoman Webster seconded the motion. The motion carried as follows:

AYES: Councilman Bridges, Councilwoman Proctor, Councilman Rodriguez, Fogle, Hilton, Councilwoman Webster and Mayor Hall.  
NAYS: None.  
AUDITORS -  
CONDLEY & CO.  
FOR FY 1982-83  
APPROVED

Wayne Kurfees, Director of Traffic and Transportation, presented the award of bid for the Transit Maintenance Facility. He said on October 14, the bids were opened on the renovation and construction work to be done on the new Transit Maintenance Facility. The bids were very good and the low bid of Chaparral Building System is within the budget. Because he was concerned with meeting the budget, Mr. Newt Newberry, Transit Maintenance Facility Architect, included seven add alternates where a basic facility could be constructed without going over the budget. Fortunately, the bid was good enough that all seven alternates could be accepted. The only alternate that he did not recommend was for the fire extinguishers--other extinguishers could be bought at a later date. Mr. Newberry handed out preliminary drawings of the Maintenance Facility to the Council. He felt sure that the new Maintenance Facility would increase the passenger service. Mr. Kurfees said the Staff recommended that the Council accept the bid of Chaparral Building Systems and all of the alternate add-on bids except five. The Staff will make other arrangements for the five extinguishers at a later time. The fire extinguishers are not required to be under glass and can be installed by City employees.

Councilwoman Webster asked when the completion date would be. Mr. Kurfees said Chaparral specified 180 days from the signing of the contract, so completion will probably be somewhere around six months. He said hopefully, the construction will be such that the building can be occupied by March 1.

Mayor Hall asked if UMTA would permit the City to sub-lease any part of the Facility to any other transportation facility who wants to use it, and could it be used in such a way. Mr. Kurfees said UMTA funded the project to provide a transit maintenance facility for Abilene. In the immediate future, Transit could not use the extra space for anything other than Transit use--no other City department could use the space.

Councilman Bridges asked what the City's share of the project will be. Mr. Kurfees said the City's share of the entire project will be 7 percent. That works out to be \$40,000.

Councilwoman Webster moved to accept the bid of Chaparral Building Systems for the base bid and all of the alternates except No. 5. Councilman Bridges seconded the motion. The motion carried as follows:

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

NAYS: None.

TRANSIT SYSTEM  
TRANSIT MAINTENANCE FACILITY  
CONTRACT

The Council went into executive session at 11:50 a.m. They returned at 1:25 p.m. with no action taken and Mayor Hall adjourned the meeting at 1:25 p.m.

Ruthie Hoagrin  
CITY SECRETARY

Jul 18 11  
MAYOR