

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, November 3, 1983, at 9:00 a.m.

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

1. Call to Order.
2. INVOCATION: Councilman Harold Nixon.

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.

3. Ordinances
 - a. Consider on second and final reading - Ordinance amending fire classification plan & numbers of positions in each classification.
 - b. Consider on second and final reading - Ordinance amending Section 18-295, Motor Vehicles and Traffic, regarding fire lane locations at Westgate Mall.
4. Resolutions
 - a. Authorize Mayor to sign contract with Abilene Community Theatre.
5. Award of Bid
 - a. Painting, caulking, etc., for City Hall and Civic Center.

REGULAR AGENDA

6. Ordinances and Resolutions
 - a. Appealed Item:
 - Public Hearing - Consider on second and final reading - reclassification request from HI (Heavy Industrial) to MH (Mobile Home) district, located at Summit and Jarman.
 - Public Hearing - Annexation for Northwest Abilene.
 - Resolution - Casting vote for Directors of Taylor County Appraisal District.
7. Other Business
 - a. Discussion of downtown parking control program.
 - b. Consider Lease Agreement for Frontier Airlines.
 - c. Consider change in Landfill Contract relative to operation hours.
 - d. Discuss bridge over Lytle Creek at Industrial Blvd.
 - e. Discussion of bidding procedures.
 - f. Consider use of property at Cherry Street & South 9th.
 - g. Appointment and evaluation of public officials.
 - h. Pending and Contemplated Litigation.

ADJOURN

REGULAR CITY COUNCIL MEETING
THURSDAY, NOVEMBER 3, 1983 - 9:00 A.M.

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

The City Council of the City of Abilene, Texas, met in Regular Session, Thursday, November 3, 1983, at 9:00 a.m. in the City Council Chambers of City Hall. Mayor Elbert E. Hall was present and presiding with Councilman Julian Bridges, Councilwoman Proctor-Shaw, Councilmen Rodriguez, A. E. Fogle, Jr., Welton Robinson and Harold Nixon. Also present were City Manager Ed Seegmiller, City Attorney Harvey Carill, Jr., and City Secretary Patricia Patton.

Councilman Harold Nixon gave the invocation.

Agenda item 5a being an award of bid for painting, caulking, etc., for City Hall and the Civic Center was removed from the consent agenda to be discussed separately.

The Council questioned the two lowest bids received by Gage Painting Company and Dean Hagler, Inc. Bid tabulation shows lowest bidder for the Civic Center is Gage Painting and lowest bidder for City Hall is Dean Hagler; however the staff recommended both projects be awarded to the same bidder of the lowest bid, being Gage Painting in the amount of \$37,881. Council discussed with the staff the possibility of splitting the award to the lowest bidders and the legal opinion thereof. Staff stated the bid invitation (or specifications) would have to state that the Council would have that authority before awarding the bid in that manner, and staff is uncertain at this time if that is the case.

Councilman Bridges moved approval of the award of bid for painting, caulking, etc., for City Hall and Civic Center to the two lowest bidders as two separate projects, if it is determined allowable by the staff to do so; otherwise to approve the award as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

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

NAYS: None.

Councilman Nixon moved approval of the consent agenda items as presented. The motion was seconded by Councilman Fogle and the motion carried as follows:

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

NAYS: None.

Ordinances

- a. Consider on second and final reading - Ordinance amending fire classification plan & numbers of positions in each classification.

The ordinance is numbered 125-1983 and is captioned as follows:

AN ORDINANCE AMENDING PART 6 OF ORDINANCE NO. 98-1983 AND PART 2 OF ORDINANCE 59-1979, AS TO THE CLASSIFIED PLAN FOR THE FIRE DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

- b. Consider on second and final reading - Ordinance amending section 18-295, Motor Vehicles and Traffic, regarding fire lane locations at Westgate Mall.

The ordinance is numbered 126-1983 and is captioned as follows:

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

AWARD BID -
Paint, caulk
City Hall &
Civic Center
approved

CLASS PLAN &
BUDGET AMEND
Fire positio
final, appd.
125-1983

TRAFFIC -
fire lane
Westgate Mall
final, appd.
126-1983

Resolutions

- a. Authorize Mayor to sign contract with Abilene Community Theatre. The item was passed by oral resolution.

Agenda Item 6a, being a public hearing for an appealed item to be considered on second and final reading reclassification request from HI (Heavy Industrial) to MH (Mobile Home) district, located at Summit and Jarman was withdrawn by Mrs. H. D. Crawford, proponent.

Mayor Hall opened a public hearing for the purpose of considering annexation proceedings for northwest Abilene, in accordance with Article 970a, Municipal Annexation Act, and the following persons spoke in favor of the annexation with no one speaking in opposition.

IN FAVOR:

Burl McAlister, Abilene, representing Pecan Ridge Addition;
Jim Turkett, representing Sunlake Addition.

No one else present and desiring to be heard, Mayor Hall closed the public hearing.

Councilman Fogle moved approval of a resolution casting 799 votes for Bill Hilton and 800 votes for Abe Allen in the election for Directors of the Board of Directors of the Central Appraisal District for January 1984 through December 1985. The motion was seconded by Councilman Bridges and the motion carried as follows:

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

NAYS: None.

The resolution is numbered 106-1983 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
DESIGNATING ITS VOTES FOR DIRECTORS OF BOARD OF DIRECTORS OF
THE CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY.

Roy McDaniel, Assistant City Manager, reported to the Council findings regarding the downtown parking control program, as the Council requested during the budget proceedings for 1983-84. At that time, Council discontinued the downtown parking control and a subsequent decision was made by the Council to fund the program through November, 1983, and the staff was to report back prior to that time concerning all aspects of downtown on-street parking. Following is a synopsis of the findings.

- o A need in downtown Abilene for time limit parking exists. If Council agrees, the time limits must be enforced, therefore, parking control officers are also needed.
- o Staff is of the opinion the most efficient way to achieve time limit parking in the downtown area is by meter at a fee of 25¢ per hour.
- o Court collections on parking tickets are averaging approximately seventy-five (75%) percent; all voluntary. In one year, with parking tickets at \$1.00 per ticket, these are worth approximately \$15,000. It is suggested the fine for overtime parking violations be raised from \$1.00 to \$3.00 and that the cost double after ten (10) days.
- o That the parking control officers, during their "dead-time" be utilized in a clerical manner to see that follow-up letters are sent out after tickets become delinquent.
- o Consider authorizing the staff to purchase a "tire boot" on flagrant violators to assure that tickets are collected at some point.

CONTRACT -
Ab. Comm. Theatr
appd., oral res.

ZONING RE -
HI to MH/Summit
& Jarman,
withdrawn

ANNEXATION -
Northwest Ab.
Pecan Ridge Addr
& Sunlake Addn.
1st PH

If the Council were to decide to install parking meters for the downtown area, and a modest fee of 25¢ per hour be charged the City would recover the full cost of the meters within two years, along with paying for the enforcement, maintenance, and collection.

The Council discussed the controversy among downtown business owners and operators and their feelings regarding the installation of the meters. Some of the merchants dealing with less expensive merchandise, feel the meters would be detrimental to their business, while other firms such as attorneys, and bankers feel the meters would be advantageous to free up the parking spaces.

Ed Seegmiller, City Manager, spoke to the Council regarding the work instigated by the Reinvestment Zone (Tax Increment) for the downtown area. The Board of Directors for the Reinvestment Zone is receiving input on various items, one being parking for the downtown area and it was suggested the Council may wish to receive that information prior to a definite decision on the purchase of parking meters. The Council may wish to authorize the parking control officers and increase the fine structure to temporarily manage the parking problem until hearing the input and report from the Reinvestment Zone.

Council Members expressed their individual feelings on the subject. Wayne Kurfees further reported to the Council an analysis of the percentage of persons parking in the downtown area. The intent of the increase in parking fines from \$1.00 to \$3.00 is to penalize the minority of people who abuse the time-limit parking, but not to raise the fee so high as to discourage persons who may park one or two minutes past the time limit from returning to the downtown area. First offense over-time parking is currently \$1.00 and it is recommended to raise it to \$3.00; all other offenses are \$5.00 and it recommended they be raised to \$6.00. It is also proposed that all fines double after ten (10) days if they have not been paid. Staff is attempting to do everything they can to assist those persons that receive a ticket rarely and penalize those persons who accumulate tickets and flagrant violators.

In July, 1983, an analysis for parking in the downtown area showed that in one day's time approximately 4,400 different vehicles park at least one time on the streets in downtown Abilene. About seventy-three (73%) percent of those vehicles stay for one hour or less; thirteen (13%) percent stay from one to two hours; and about thirteen and six tenths (13.6%) percent stay more than two hours. Therefore, using those occupancy categories, thirty-six (36%) percent of the available parking spaces are occupied in the one hour or less category; twenty and two tenths (20.2%) percent in the one to two hour category; and forth-three and eight tenths (43.8%) in the more than two hour category.

Ed Seegmiller, reported that several parking spaces are available at the Civic Center for free all-day parking for the downtown area.

Mayor Hall recognized in the audience, merchants from the downtown area and allowed them to speak on the subject.

Mr. Bill Standly, F & S Clothiers, spoke in opposition to the parking meters due to the number of persons that park for a short period of time. He spoke in faovr of identifying the habitual violator and penalizing them by means of the tire boot. He spoke in favor of the two-hour parking and the increase in fines.

Mr. Frank Fite, President Busch Jewelers, Cypress Street, thanked the Council for their thorough review of the subject and feels positive about the revitalization of the downtown area. He also spoke in favor of the two hour parking.

Mr. Mel Richards, property owner in the downtown area, spoke in favor of parking meters and felt the two hour parking limit would compound the problem.

Councilman Fogle recommended the Council review this subject again in approximately twelve months or after some period of time.

Councilwoman Proctor-Shaw moved to continue the parking control enforcement for downtown and increase certain violations from \$1.00 to \$3.00; all other parking violations from \$5.00 to \$6.00 with a penalty after ten (10) days when they become delinquent; a fine for second and subsequent violations and that the staff bring back to the Council the appropriate documents to finalize those increases. Also, that the staff be authorized to purchase a tire boot; and authorize the use of parking at the Civic Center for downtown all day parking. The motion was seconded by Councilman Fogle and the motion carried as follows:

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

NAYS: None

Bob Whitehead, Director of Public Works briefed the Council on a lease agreement for Frontier Airlines at the Abilene Municipal Airport.

Councilman Bridges moved approval of the lease agreement with Frontier Airlines as presented. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

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

NAYS: None.

Bob Whitehead, Director of Public Works, briefed the Council on a contract change relative to operation hours for the landfill. Regional Landfill, Inc., has requested a change in operation hours being to close the landfill during the following Holidays:

- o Noon on December 24, 1983 (Saturday)
- o Noon on December 31, 1983 (Saturday)
- o All day on January 1, 1984 (Sunday)

Also, to change operation hours for Saturdays and Sundays as follows:

- o Saturdays - From 8:00 a.m. - 6:00 p.m.
To 9:00 a.m. - 6:00 p.m.
- o Sundays - From 8:00 a.m. - 6:00 p.m.
To 10:00 a.m. - 5:00 p.m.

Staff recommends, by oral resolution, to authorize the change in operation hours as requested, by means of a contract amendment.

Council questioned Mr. David Bidelsbach, representative of Regional Landfill as to justification for the above changes. Mr. Bidelsbach presented statistical information gathered since July, 1983, regarding average number of vehicles during the aforementioned time periods. No historical information was kept on the landfill while operated by the City for comparison.

After some discussion, Councilman Bridges moved approval of request to close the landfill during the three holiday periods. He asked Regional Landfill to continue keeping statistics for Saturdays and Sundays and postpone any decision on those days until the Spring or Early Summer of 1984. The motion was seconded by Councilman Rodriguez and the motion carried as follows:

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

NAYS: Councilman Nixon.

Bob Whitehead, Director of Public Works, briefed the Council on a bridge over Lytle Creek at Industrial Blvd. On June 6, 1983, Council denied an ordinance which would abandon that portion of Industrial Blvd. which runs along the southernmost portion of the Airport. At that time, Council authorized an engineering firm to study the bridge structure at a cost not to exceed \$6,000. Two proposals were received--one to conduct an in-depth study for \$4,200

TRAFFIC - Parking downtown/appr. park. control enforcement; initiate increase in fines; author. pur. of tire boot author. use of CC for all day parkg

LANDFILL - amend contract w/Reg. Landfill, Inc. to close portion of holidays '83.

and the second was a recommendation to the Council not to conduct an indepth study, thus save the \$6,000 and the staff agrees. Therefore, staff recommends:

- o Not to spend the previously authorized \$6,000 for an in-depth study of the bridge structure;
- o Demolish the existing bridge and replace it with a proper low-water crossing;
- o authorize that the \$6,000 specified for the study be used for the demolition of the bridge and construction of the low-water crossing.

Councilman Nixon moved approval of the 3 recommendations and that the demolition be conducted either by means of an agreement with the County or the City accomplishing the duty. Also the Council appreciates the expertise of Doyle Harper, Professional Engineer, and his time spent in making his recommendations. The motion was seconded by Councilman Robinson and the motion carried as follows:

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

NAYS: None.

The item regarding discussion of bidding procedures was not considered at this time.

Arkie Pierce, Land Agent, briefed the Council on some City property located at the corner of South 9th and Cherry Streets, with a building structure that is currently vacant. An inquiry was received from the Abilene Food Bank and the Meals on Wheels organizations concerning leasing of the property. It appears that Abilene Day Care for the Elderly probably owns the buildings on the City property.

Sonny Herman, Chairman Abilene Food Bank, was present and asked the Council for permission to lease the property and use the buildings for their volunteer operations. The Council questioned Mr. Herman about his organization and whether any improvements would be made to the existing structures. Mr. Herman responded that the current structures are very dirty and some minor volunteer improvements would be made to clean it up. The Council expressed a concern regarding leasing the property and then requiring a use for it in the future or the possibility of selling it in the future and explained those possibilities to Mr. Herman. Mr. Herman stated, if the Council were to lease the property to Abilene Food Bank and at some point in the future wish to cancel the lease, Abilene Food Bank would request approximately sixty (60) days notice to find another location.

It was stated that the property will require a zone change if the Abilene Food Bank were to use the property and the surrounding area is currently under study and that will need to be worked out prior to any decision.

Ed Seegmiller, City Manager, stated that no formal action is required by the Council at this time, other than some indication that the Council is willing to pursue the matter and allow the staff to proceed in this direction. The Council would need to determine at some point whether they would like to retain the property and whether there is any projected use for the property by the City.

Mayor Hall instructed the staff to continue to proceed on the basis that the Council is interested in leasing the property to the Abilene Food Bank and would like answers to all the questions raised today prior to making any final decision.

Mayor Hall convened the Council into Executive Session to consider contemplated litigation and the appointment and evaluation of public officers.

BRIDGE IMPROV-
demolish bridge/
Lytle Crk, on
Industrial Blvd.
approved

PROPERTY CITY -
begin proceed.
to lease prop.
Cherry & S. 9th

Due to Mayor Hall leaving the meeting, Mayor Pro Tempore Fogle reconvened the Council into session with the following items under consideration.

Gary Landers, First Assistant City Attorney, briefed the Council on the present litigation regarding View-Caps Water Supply Corporation. During the past several years, the City and View-Caps W.S.C. have been involved in litigation proceedings before the Public Utility Commission regarding the question of right of service in an area in Southwest Abilene. The interest of City, View-Caps W.S.C., the P.U.C. and the Federal Housing Administration are all interested in the outcome of this dispute. The P.U.C. is interested in the best possible service for the area and the F.H.A. for the security of their loan and future improvements that the Corporation might make. Recently Abilene and View-Caps W.S.C. met with the officials of F.H.A. to see if a compromise agreement might be reached. F.H.A. suggested a method of arising at a possibly acceptable settlement amount, which is called a depreciated replacement value and he explained the details of the replacement value. As a result of that recommendation, the City staff took an inventory and replacement value amount that had already been provided to the City by View-Caps W.S.C. and deleted two lines that are in the disputed area that View-Caps would have to retain title to in order for the rest of their system to be serviced. Then a straight line forty (40) year depreciation was applied to the remaining items at their replacement value, resulting in an amount of \$61,485.60. Staff is requesting authorization to formally offer \$61,485.60 to View-Caps W.S.C. as a settlement offer over the current dispute.

Councilwoman Proctor-Shaw moved approval of the staff recommendation. The motion was seconded by Councilman Bridges and the motion carried as follows:

WATER - formal settlement offer made to View-Caps W.S.C.

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

Gary Landers, First Assistant City Attorney, reviewed another item regarding View-Caps W.S.C. At the last regular meeting of the City Council, being October 27, 1983, View-Caps appeared before the Council and requested a formal request asking for an amendment to their current contract by doubling the total water amount or an amount the Council saw fit to supply. It is appropriate that the Council take formal action on that request today.

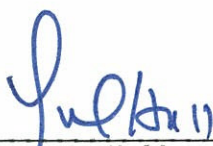
Councilwoman Proctor-Shaw stated in light of past Council policy for a moratorium on water, due to inadequate sources available at this time until an alternate plan for additional water can be determined. Also, that inasmuch as the Council would like to grant their request and in the best interest of the citizens of Abilene, she moved to deny the request by View-Caps W.S.C. and instruct the City Manger to forward a letter to View-Caps stating the wishes and policy of the Council. The motion was seconded by Councilman Bridges and the motion carried as follows:

WATER - deny req. of View-Caps for add'l water.

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

There being no further business, the meeting was adjourned at 2:15 p.m.


Patricia Patton
City Secretary


Elbert E. Hall
Mayor