

CITY COUNCIL MEETING
May 21, 2012 at 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CONFERENCE ROOM 1, CIVIC CENTER

The City Council of the City of Abilene, Texas met in Regular Session on May 21st at 8:30 a.m. in the Conference Room #1, 1100 N 6th St, Civic Center. Mayor Archibald was present and presiding with Councilmen Shane Price, Anthony Williams, Joe Spano, Robert O. Briley, Stormy Higgins and Councilwoman Kellie Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Nick Hammond who is a 7th grader at Mann Middle School and is the son of Charla Hammond with Neighborhood Services. Nick led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATIONS

Mayor Archibald presented the following Proclamations:

May 2011

Older Americans and Elder Abuse Prevention Month

Michelle Parker, Director of the Area Agency on Aging accepted the Proclamation.

Also attending:

Tom Smith, the Executive Director for the West Central Texas Council of Governments

Mary Ann Bowlin, Big Country RSVP

Lesli Andrews, The City of Abilene, Senior Division

Sandi Saringer, Adult Protective Services

Mindy Bannister, Alzheimer's Association

Cecilia Barahona, Friends for Life.

May 20-26, 2012

National Public Works Week

Megan Santee accepted the proclamation. Also attending: Jim Winward, Chad Carter, Rodney Abila, Brent McClellan, James Condry

May 21, 2012

Wylie Destination ImagiNation Teams Day

Kim Cheek, Wylie ISD Destination Imagination Coordinator accepted the proclamation. 20 students were in attendance.

SPECIAL CONSIDERATION
2012 CITY ELECTION RETURNS

City Secretary Danette Dunlap presented the Resolution Canvassing the May 12th General Election Councilman Spano received 57.99% of the vote for Council Place 2. Councilman Shane Price ran unopposed and received 100% of the vote for Council Place 1.

Councilman Price made the motion to approve the Resolution canvassing the May 12th General Election. Councilman Higgins seconded the motion, motion carried.

AYES: Councilman Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

Resolution numbered #11-2012 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
CANVASSING RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION, HELD
ON MAY 12, 2012.

*(UNA RESOLUCION DEL CONSEJO DE LA CIUDAD DE ABILENE TEXAS, REVISANDO LA
RESPUESTA Y DECLARANDO LOS RESULTADOS DE LA ELECCION GENERAL EL 12 DE MAYO DEL
2012.)*

Mayor Archibald then called Councilmen Shane Price and Joe Spano forward to have the Oath of Office administered.

Mayor announced that this is the time of year that the council receives their annual pay per the City Charter. The City Charter states that the Mayor and each Councilman shall receive a salary of one dollar per year for each year he serves as Mayor and Councilman.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the May 10th regular meeting there being no deletions, no additions, and no corrections. Councilman Higgins made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Spano, Briley, Higgins Councilwoman Miller and Mayor Archibald

NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.7 as recommended by staff. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Spano, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

Resolution:

6.1 **Resolution:** Authorizing Execution of Amendment No. 6 to the Professional Engineering Services Agreement with Enprotec/Hibbs & Todd to continue permitting and other activities associated with the Regional Water Supply Project's Cedar Ridge Reservoir.

On June 26, 2008, the City Council passed Resolution No. 24-2008 resolving that it is in the City's best interest to pursue securing the permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir.

On August 11, 2011 the City Council passed Resolution No. 14-2011 resolving that it is in the City's best interest to secure state and federal authorizations for the development of Cedar Ridge Reservoir, including applications to the Texas Commission on Environmental Quality (TCEQ) and the U.S. Army Corps of Engineers (Corps) for the proposed Cedar Ridge Reservoir. The Water Rights application was filed with the TCEQ on August 17, 2011.

Staff seeks to continue the work associated with permitting Cedar Ridge Reservoir. The next part of this work (Phase 2- 2012) involves continued work on the environmental studies which is intended to provide information necessary to support the filing of the applications for the Clean Water Act §401 certification and Clean Water Act §404 permit. Work also includes addressing issues associated with the filed Water Rights Permit application.

Resolution #12-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 6 TO A
PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO
CONTINUE PERMITTING AND OTHER ACTIVITIES ASSOCIATED WITH THE
REGIONAL WATER SUPPLY PROJECT'S CEDAR RIDGE RESERVOIR.

Ordinances:

- 6.2** **Ordinance:** (*First Reading*) **Z-2012-11** A request from Village Investment Partners, LP, Agent Dunaway Associates, LP, to amend PD-33 concerning allowable building height, located at 5550 S. Clack St. and 2225 Covenant Dr.; and setting a public hearing June 14th 2012.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-33 AND ORDINANCE NO. 64-1985, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

- 6.3** **Ordinance:** (*First Reading*) **Z-2012-12** A request from Abilene Bone & Joint Clinic, LLP, to rezone property from MD (Medium Density) to GR (General Retail) zoning, located at 1549, 1557, 1601, 1609, 1617, & 1633 Cottonwood St.; and setting a public hearing June 14th 2012.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

- 6.4** **Ordinance:** (*First Reading*) **CUP-2012-02** A request from Robert Krieger, Agent C-Tex Heating, Cooling, & Electrical, for a Conditional Use Permit to allow a Rehabilitation Facility on property zoned GC (General Commercial), located at 1133 S. 27th St.; and setting a public hearing June 14th 2012.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," 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.

- 6.5 Oral Resolution:** Council approved the Change Order #1 to the EASI Taxilane Reconstruction Contract with Epic Construction and authorized the City Manager to execute the contract.

Epic Construction has the contract to rehabilitate Taxilane EASI. This project has resulted in the potential for additional water flow through a ditch between two hangars occupied by Eagle Aviation Services. Change Order 1 will make improvements to the ditch and replace a pre-existing walkway over the ditch to allow for better water flow capacity.

This change order will add \$34,000.00 to the contract. Although the original contract is funded by AIP grant and city match funds, change order #1 will be funded by 2007 General Obligation bond money dedicated to Terminal Area Drainage. The GO balance is currently approximately \$47,742.00.

- 6.6 Oral Resolution:** Council approved Amendment 2 of Task Order 28 with URS Corporation and authorized the City Manager to execute the amendment.

URS Corporation is the Aviation Department’s airside engineering firm and is currently managing Taxiway C and Taxilane EASI Reconstruction projects. The Taxiway C project contractor, Duinick, Inc., has exceeded its contract days for the project and is now being assessed liquidated damages (LDs) of \$500 per day as stated in the contract. Duinick projects an additional 120 days to complete the project. The extended contract period requires URS to incur additional daily costs for construction management and inspection, which LDs are designed to help cover.

Amendment 2 adds 120 days and \$88,166.23 to Task Order 28. LDs will cover approximately \$60,000.00 of this increased cost and the remaining \$28,166.23 will be covered by AIP Grant 41 and the City’s 5% match of \$1,408.31.

Award of Bid:

- 6.7 Bid Award: CB-1221** Council awarded the annual street maintenance materials bid.

The City of Abilene Street Department is requesting that by oral resolution the City Council award bids for materials to be used in the maintenance and rehabilitation of the street and alley system. Notices were published in the Abilene Reporter News on April 8th and April 15th, and the bid opening date was April 24, 2012. The following table lists the individual chemicals bid, the staff recommended bidder, and the unit price for that bid.

<u>Item:</u>	<u>Company</u>	<u>Unit Price</u>
Limestone Rock Asphalt, Type CC	Vulcan Const. Materials	\$ 78.20/Per Ton
Hot Mix, Type D-Delivered	J.H. Strain & Sons	\$ 67.00/ Per Ton
Hot Mix-Type D	Vulcan Const. Materials	\$ 68.00/ Per Ton
A-1 Flex Base-Delivered	Vulcan Const. Materials	\$ 10.72/ Per Ton
A-1 Flex Base	Vulcan Const. Materials	\$ 6.00 / Per Ton
Portland Cement, 7-Sack	Ingram Concrete	\$ 105.00 /Per Cubic Yd.
Portland Cement, 5-Sack	Ingram Concrete	\$ 105.00/Per Cubic Yd.
Portland Cement, Type I	Abilene Lumber	\$ 9.75/Per Sack
Polymer Modified Crack Sealant	Crafco Texas	\$ 0.63/Per Pound
HPPM	Unique Paving Materials	\$ 107.25/ Per Ton

Qualifying projects include those with a minimum cost of at least \$25,000 and that have a minimum useful service life of at least 15 years. Examples of typical CIP projects include street and drainage improvements, building construction, purchase of land, installation of water/sewer lines, and repair/replacement of facilities/equipment.

The program began in October of 2011 with City Staff soliciting suggestions for projects from the public. This included web announcements, a news release, print and broadcast stories, notices on City Cable Channel 7, a public hearing at the P&Z, and an on-line survey. City Departments then developed project proposals. Department Directors narrowed the list of projects and issued a progress report to the P&Z in January 2012. In April, the P&Z forwarded a recommendation to the City Manager in accordance with the City Charter.

Significant Changes/Notes

Project #7110-01-12 Rec/Senior Center Foundation Repair This project is intended to evaluate and resolve recently discovered cracking and separation issues discovered at 5 separate City facilities.

Project #7310-01-12 Animal Shelter Expansion Ph 3 The 25+ year crematory unit used in the disposal of euthanized animals has significant internal and external structural deterioration and requires replacement. It is unknown if the unit can continue to function for 5 years so the project is accelerated to reduce a risk of failure.

Projects 3010-01-11 & 3010-02-11 (SODA Area). The P&Z expressed strong support this year for beginning to make improvements in the South Downtown Area (SODA). Funds for these two projects were originally included in the Sidewalk Construction Program.

Under Reporting Concern Addressed Staff has been concerned that in previous years the Funded and Unfunded Lists may have unintentionally underreported the amounts needed to fully execute proposed projects in two ways. 1) Funding for area/neighborhood street maintenance (Example #4020-01-11) is not sufficient to cover all the streets within a designated area. Some might consider these projects therefore to be underfunded. The additional amount needed to include all streets was not previously reported. 2) Many projects that “graduate” from the “Unfunded list” are multi-year. In the past, when a project “graduated” it was simply removed from the “Unfunded List” Only the first year of funding however would appear in the “Funded List”. Changes have been made to both the Funded and Unfunded Lists to improve reporting of these needs.

On 05/10/05 The City Council approved an oral resolution to utilize \$1.7 million in available surplus funds in excess of that needed for a 3-month reserve toward projects in the 2012 CIP Capital Budget. Based on current assumptions about expected finance costs, using cash to fund the 2012 CIP rather than certificates of obligation (C.O.’s) is projected to save the City approximately \$2.3 million in issuance an interest charges that would otherwise have been required over the life of these debt instruments.

Water and Wastewater projects of approximately \$25,757,225 are proposed over the next 5 years. Water/Wastewater projects are enterprise fund projects capitalized primarily through utility rates. No increase in the debt tax rate will occur because of issuance of certificates of obligations (C.O.’s) if approved as recommended. Some projects in 2012 & 2013 assume outside funding from the Texas Water Development Board.

No action needed, public hearing will be June 14th 2012.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:29 a.m. pursuant to Sections 551.071, 551.074, 551.072 and 551.087 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

The Council reconvened from Executive Session at 10:20 a.m. and reported no votes or action was taken in Executive Session in regards to Sections 551.072 Real Property. Councilman Williams was not present for Executive Session.

10. Approving appointment of Mayor Pro Tempore(s)

Mayor Archibald made the motion to appoint Stormy Higgins Mayor Pro-tem and Kellie Miller as Deputy Mayor Pro-tem. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Higgins, Briley, Councilwoman Miller and Mayor Archibald.

NAYS: None

There being no further business the meeting was adjourned at 10:21 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor