

CITY COUNCIL MEETING
June 28, 2012 at 8:30 a.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on June 28th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Anthony Williams, Joe Spano, and Robert O. Briley. Stormy Higgins and Councilwoman Kellie Miller were absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff. Youth Advisory Council Member Sarah Jones.

Mayor Archibald gave the invocation.

Mayor Archibald introduced D. J. Shahan who is a 6th grader at Madison Middle School and is the son of Suzanne Shahan, Administrative Clerk Solid Waste Division of the City of Abilene. D. J. led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the June 14th regular meeting there being no deletions, no additions, and no corrections. Councilman Spano made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Spano, Briley, and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Price pulled item 6.3. Councilman Price made the motion to approve consent items 6.1 through 6.11 with the exception of item 6.3 as recommended by staff. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Spano, Briley, and Mayor Archibald
NAYS: None

Ordinances:

6.1 **Ordinance:** *(First Reading)* **Z-2012-13** - A request from Kenneth Musgrave, Agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GR (General Retail) located at the southwest corner of Hwy 351 and East Lake Road; and setting a public hearing for July 12, 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.

- 6.2** **Ordinance:** *(First Reading)* **CUP-2012-03** A request from Milliron J & Company, LLC, Agent John M. Rogers, for a Conditional Use Permit to allow a fast food restaurant on property zoned NR/COR (Neighborhood Retail/Corridor Overlay), located at 5001 Buffalo Gap Road; and setting a public hearing for July 12, 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.

Oral Resolutions:

- 6.3** **Oral Resolution:** Finding there is a legitimate public purpose in a donation of bicycles and used clothing from Police Property to various non-profit organizations through the end of the 2012/2013 Fiscal Year. *Item pulled from consent.*
- 6.4** **Oral Resolution:** City Council authorized the City Manager to accept the anticipated FY12 FAA Airport Improvement Program Grant 42.

The AIP Grant 42 in an amount up to \$7,025,492. This grant will fund the second phase reconstruction of Taxiway C, design of Runway 17L/35R reconstruction and the airport Wildlife Hazard Management Plan. The contracts for each of these projects will be considered by Council separately.

- 6.5** **Oral Resolution:** City Council authorized the City Manager to execute a construction contract to Duininck, Inc.

As part of the Airport's FY12 Airport Improvement Program (AIP) projects, the Airport will reconstruct the north half of Taxiway C and replace the lighting system in that portion with energy-efficient LED lights. On May 8th the City accepted bids (CB-1220) from one qualified company: Duininck, Inc. Duininck's base bid was \$6,694,239. The engineer has reviewed the bid tabulation and recommends Duininck, Inc. be awarded the contract.

- 6.6** **Oral Resolution:** City Council authorized the City Manager to execute Amendment 2 of Task Order 30 with URS Corporation.

This Task Order provides authorization for URS to provide construction management and testing services for the Taxiway C North Phase Reconstruction Project. The fee for this service is a fixed fee in the amount not to exceed \$323,365.50.

- 6.7** **Oral Resolution:** City Council authorized the City Manager to execute a concession operating Agreement/Terminal Lease with EAN Holdings, LLC.

On June 8th, the City accepted proposals from car rental companies to enter into new five-year agreements to operate on-airport. The proposals included a Minimum Annual Guaranty (MAG), which is how each company was primarily rated to compete for counter and ready/return space selection. EAN Holdings proposed to operate a dual brand from its counter, Enterprise and National, which was allowed in the RFP and proposed the following MAGs for each year of the agreement:
2012/2013 - \$72,429
2013/2014 - \$72,429

2014/2015 - \$72,429
2015/2016 - \$72,429
2016/2017 - \$72,429

- 6.8 Oral Resolution:** City Council authorized the City Manager to execute Task Order 20 with URS Corporation.

As part of the Airport's FY12 Airport Improvement Program (AIP) projects, Task Order 20 is requested to be considered for authorization. This Task Order provides authorization for URS to provide design services for the Runway 17L/35R Reconstruction Project. The fee for this service is a fixed fee in the amount not to exceed **\$212,218.14**.

- 6.9 Oral Resolution:** City Council authorized the City Manager to execute a concession operating Agreement/Terminal Lease with Avis Rent-A-Car, LLC.

On June 8th, the City accepted proposals from car rental companies to enter into new five-year agreements to operate on-airport. The proposals included a Minimum Annual Guaranty (MAG), which is how each company was primarily rated to compete for counter and ready/return space selection. Avis proposed the following MAGs for each year of the agreement:

2012/2013 - \$131,000
2013/2014 - \$135,000
2014/2015 - \$139,000
2015/2016 - \$143,000
2016/2017 - \$152,000

- 6.10 Oral Resolution:** City Council authorized the City Manager to execute a concession operating Agreement/Terminal Lease with Hertz Corporation.

On June 8th, the City accepted proposals from car rental companies to enter into new five-year agreements to operate on-airport. The proposals included a Minimum Annual Guaranty (MAG), which is how each company was primarily rated to compete for counter and ready/return space selection. Hertz Corporation proposed the following MAGs for each year of the agreement:

2012/2013 - \$86,900
2013/2014 - \$91,300
2014/2015 - \$95,900
2015/2016 - \$98,200
2016/2017 - \$100,600

Award of Bid:

- 6.11 Bid Award:** City Council approved the procurement of bus wash system from Buy Board Cooperative. The current wash system at CityLink was purchased in 1996. It is a moving gantry system with the wash equipment moving along rails the length of the vehicle being washed. Due to the age of the equipment and the many moving parts, the system is often in need of repair. The parts have become difficult to obtain. The system is currently inoperable with an estimated repair cost of \$20,000.00. Given the age of the system, the difficulty in obtaining parts and the cost of repairs it is more prudent to replace the system than to continue to repair it. Therefore, the purchase of a stationary drive through wash system to replace the current system is proposed.

The City has an FY09 Section 5309 federal grant for purchase of the bus wash system. This is a capital earmark grant for a total project amount of \$70,000 with an 80/20 federal/local split. The local match will use funds from 2006 CO funds designated for improvements to the CityLink facility. Total price of \$66,787.00 from NS Corporation.

ITEM PULLED FROM CONSENT

- 6.3 Oral Resolution:** City Council finds there is a legitimate public purpose in a donation of bicycles and used clothing from Police Property to various non-profit organizations and authorize such through the end of the 2012/2013 Fiscal Year. *Item pulled from consent.*

Councilman Price asked about the procedures that are used in requesting a donation of items from Police Property. Donna Littlefield explained that the Department looks at the bicycles and determines if they can be sold in auction or if they can be donated to non-profit organizations that contact the Department. Different non-profits want bicycles that are in good condition and some take them for parts.

Councilman Price made the motion that there is a legitimate public purpose in a donation of bicycles and used clothing from the Police Property to various non-profit organizations and authorize such through the end of the 2012/2013 Fiscal Year. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Spano, Briley, and Mayor Archibald
NAYS: None

REGULAR ITEMS

- 7.1** Rodney Taylor, Assistant Director of Water Utilities, briefed the council on the amendment to the Abilene City Code, Chapter 15, Article III to allow swimming at Lake Abilene.

A Memorandum of Agreement (MOA) exists between the City of Abilene and the Texas Parks and Wildlife Department (TPWD) for certain management functions of the Lake Abilene property. The MOA is effective through December 31, 2015. The City and TPWD continue to work in partnership in maintaining a Site Management Plan establishing operating policies and procedures, and a Site Development Plan describing recommended uses.

The Park Superintendent of the Abilene State Park recently proposed to City Administrators the development of a designated swimming area at Lake Abilene. The Superintendent has received authorization from the Texas Parks and Wildlife Department to implement a swimming area at Lake Abilene. It is believed that allowing swimming in Lake Abilene will greatly increase the recreational opportunities available for park visitors. The designated swimming area would be clearly marked with appropriate signage and marker buoys in the water and would provide the protections of all applicable Water Safety Act and State Park regulations. The Abilene State Park will be responsible for implementing and managing the swimming area of Lake Abilene. Proper enforcement of these rules would be accomplished by implementing routine patrols by Abilene State Park staff.

The current Abilene City Code, Chapter 15, Article III, Sec. 15-73 (b) prohibits swimming in all areas of Lake Kirby and Lake Abilene. The amendment to Article III will allow swimming at Lake Abilene.

Council and Staff discussion included: 1) the area will be designated with signs and buoys; and 2) the area will be available sometime next year.

Mayor Archibald opened the public hearing and there being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the Ordinance amending the Abilene City Code, Chapter 15, Article III to allow swimming at Lake Abilene. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Spano, Briley, and Mayor Archibald
NAYS: None

Ordinance 29-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE REPLACING CHAPTER 15, "LAKES", ARTICLE III "LAKE ABILENE AND LAKE KIRBY" OF THE ABILENE CODE OF ORDINANCES WITH THE FOLLOWING; PROVIDING A SEVERABILITY CLAUSE; AND CALLING FOR A PUBLIC HEARING.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:11 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 11:19 a.m. and reported no votes or action was taken in Executive Session in regards to Sections 551.072 Real Property and 551.074 Personnel.

10. **Oral Resolution:** Discussion and possible action related to annual performance evaluations of the City Manager, City Attorney, City Secretary and Municipal Judge.

Mayor Archibald made the motion to adjust the salaries of the City Manager, City Attorney, City Secretary and Municipal Judge and they will be on file with the city secretary and administrative services to be effective July 1st. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Spano, Briley, and Mayor Archibald
NAYS: None

There being no further business the meeting was adjourned at 11:20 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor