

CITY COUNCIL MEETING
March 14th, 2013, 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 March 14th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Robert O. Briley, Stormy Higgins and Councilwoman Miller. Councilman Williams absent. 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 Meagan & Madison Hunt daughters of Cindy Chitwood City Manager's Office, they are 2nd graders at Wylie Elementary School, and they led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

Mayor Archibald assisted by City Manager Larry Gilley honored the following City Employee for their years of service.

Paul Ozuna	Civic Center Attendant II, Community Service	20 Years
Jeredith Madison	Public Safety Dispatcher II, Police	20 Years
Robert Coffin	Firefighter, Fire Department	20 Years
Kelly Davis	Firefighter, Fire Department	20 Years
Ronald Teal	Firefighter, Fire Department	20 Years
Samuel Hightower	Firefighter, Fire Department	20 Years

PRESENTATIONS

Mayor Archibald presented the following Presentations:

Alzheimer's Association:

Libby Connally with the Alzheimer's' Association came and brought attention to the 7th Annual Steppin' Out for Memories Event to be held April 6th @ 6:30 p.m. Taylor County Expo Center.

Outstanding Professional in Aging:

James Childers Community Services Director recognized Janet Whisenhunt for her work with the Abilene Senior Services Division where she received the Outstanding Professional in Aging Award.

Lone Star Legacy Park Award:

James Childers Community Services Director spoke on the Oscar Rose Park being recently selected as a Texas Recreation and Park Society Lone Star Legacy Park Award winner. A Lone Star Legacy Park is classified as a park that holds special prominence in the local community and the state of Texas.

To qualify for consideration, the park must have endured the test of time and become iconic to those who have visited, played and rested on its grounds. Because of the award's strict criteria, Oscar Rose Park is one of a dozen parks in the State of Texas to receive this recognition.

The Community Services Staff recognized Mayor Norm Archibald, the Abilene City Council, Jay Moore, Abilene Preservation League, City of Abilene Parks and Recreation Board, Texas State Historical Commission, Abilene Reporter News, and the Abilene Convention and Visitors Bureau for their assistance in composing this award.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the February 28th regular meeting there being no deletions, no additions, and no corrections. Councilman Higgins made a motion to approve the minutes as presented. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, Higgins, and Councilwoman Miller and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Briley pulled items 6.4 and 6.5 from consent. Councilwoman Miller made the motion to approve consent items 6.1 through 6.8 with the exception of 6.4 and 6.5 as recommended by staff. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, Higgins and Councilwoman Miller and Mayor Archibald
NAYS: None

Resolutions and Oral Resolutions:

6.1 **Resolution:** City Council approved the financing by the Red River Health Facilities Development Corporation for Sears Methodist Retirement System, Inc.

Sears Methodist Retirement System (Sears) has requested the Red River Health Facilities Development Corporation to issue bonds that will provide funds to finance and refinance health facilities owned by Sears and its affiliates in Abilene, Amarillo, Lubbock, Odessa, and Tyler. The bond issue is not to exceed \$100 million, of which no more than \$41 million will be used to finance and refinance certain costs incurred for construction, improvement, and equipping the project, which is Wesley Court Methodist Retirement Community. Wesley Court, a continuing care retirement community, has approximately 127 independent living units, 19 assisted living units, and 30 nursing beds, together with common areas for administration, dining, and recreation. The project is located on approximately 50 acres at 2617 Antilley Road, Abilene, Texas.

The Internal Revenue Code contains a provision, Section 147(f) that requires the chief elected officer of the City of Abilene to sign an approval of the financing and the project, since the project is located in the City.

Resolution [#4-2013](#) and captioned as follows:

RESOLUTION APPROVING THE FINANCING BY THE RED RIVER HEALTH FACILITIES DEVELOPMENT CORPORATION OF A HEALTH FACILITY LOCATED WITHIN THE CITY OF ABILENE, TEXAS.

- 6.2 Oral Resolution:** City Council approved an Extended Term Street Use License for Abilene Independent School District for use of South 7th and Buccaneer Streets right-of-way at the Bonham Elementary School Campus.

Abilene Independent School District (AISD) has submitted an Extended Term Street Use License (SUL) application for use of three strips of public right-of-way on South 7th Street and Buccaneer Street at the Bonham Elementary School campus. The applicant wishes to utilize these portions of right-of-way in order to maintain existing parking and fences that are within the right-of-way. The Extended Term SUL Agreement will be for a term of (10) years from the date of execution, and the City may cancel the License Agreement at any time should it become necessary.

- 6.3 Resolution:** City Council approved the Resolution designating a name for an access way on private property for 911 and other addressing purposes.

A good addressing scheme is important for proper delivery of a variety of services especially for emergency services. For a private development that has internal vehicular access ways assigning names to these access ways can improve the addressing scheme.

By Resolution No. 14-1998 adopted on April 23, 1998. The City Council designated names for internal access ways in the Mesa Springs retirement community campus for addressing purposes. Mike Saxton, 9-1-1 Administrator, has requested that another of the access ways within the Mesa Springs campus be named to solve an addressing issue.

Resolution [#5-2013](#) and captioned as follows:

A RESOLUTION DESIGNATING A NAME FOR AN ACCESS WAY ON PRIVATE PROPERTY FOR 911 AND OTHER ADDRESSING PURPOSES

Location: Mesa Springs Circle-SE from Mesa Springs Blvd 300 ft. south of Forrest Hill Rd, then south, then NW to Mesa Springs Blvd 600 ft. south of Forrest Hill Rd at Mesa Bend

- 6.4 Resolution:** Approving a Lease Purchase Agreement for the purpose of Procuring Computers for Public Safety Vehicles and Other Users. *Item pulled by Councilman Briley*
- 6.5 Oral Resolution:** Approving the Purchase of Software Upgrades from Tyler Technologies for the Water Billing Office. *Item pulled by Councilman Briley*
- 6.6 Oral Resolution:** City Council authorized the City Manager to execute a Temporary Airport Use Agreement with Big Country AirFest, Inc.

Big Country AirFest is scheduled to occur May 4, 2013 and the agreement covers the period May 3-5. However, due to the partnership with Dyess Air Force Base for AirFest to be part of Dyess' community appreciation day, agreements must be in place early for the Department of Defense to arrange for military aircraft displays. The Agreement gives Airfest the ability to conduct activities associated with aircraft displays, performances and public admittance for the event on the northwest

general aviation ramp. These activities are coordinated with Airport Management, FAA, TSA and affected airport tenants. No airline service interruption is planned.

- 6.7 Oral Resolution:** City Council authorized the purchase of hematology analyzer, chemistry analyzer and laboratory information system from Physician Sales & Services.

Physician Sales & Services was the only vendor to submit a proposal. The equipment and software will be used to support the clinical laboratory needs of Health Division clinics, address requests for testing from outside organizations and physicians, and provide immediate testing for the employee health clinic.

Purchase price for the equipment and software from the selected vendor is \$102,858. The City will receive \$4,000 worth of supplies and reagents at no additional cost. Funding for the initial purchase will be borne by the City Equipment Replacement Fund.

Bid Award:

- 6.8 Award of Bid:** CO-OP purchase, Sewer Truck. City Council approved the purchase of the Sewer Truck. The truck is utilized in the cleaning of sewer lines to prevent spillage and overflow. The unit is to be purchased through the HGAC Cooperative.

BID TABULATION

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
Houston Freightliner	2013 Freightliner 114SD HGAC contract # HT11-12	\$ 91,175.00
Vac-Con, Inc.	2013 Sewer body 311E/1300 HGAC contract # SC01-12	\$244,614.79

ITEMS PULLED FROM CONSENT

- 6.4 Resolution:** City Council approved a Lease Purchase Agreement for the purpose of Procuring Computers for Public Safety Vehicles and Other Users.

Councilman Briley asked about the difference between leasing and out right purchasing of these computers. Ronnie Kidd Managing Director for Administration explained it had to do with the timing of the funding – funding will be spread out over 3 years and the difference between leasing and purchasing was not significant.

Current computers in use in police patrol and fire vehicles are five years old, at the end of their life cycle, and are increasingly beginning to fail. The previous computer provider, L-3, is no longer in business and replacement computers and/or parts are unavailable. We are ready to implement the fourth and final phase of a project to replace vehicle computers with Panasonic "Tough Book" laptop

computers that will be leased/purchased over a three year period. This fourth and final phase addresses replacing eleven (11) of those computers. The entire project will have encompassed replacing one hundred fourteen 114 computers that are deployed in public safety vehicles of police, fire, and city marshals. The new computers increase bandwidth and allow use of web based data sources for intelligence led policing, which is not currently available in patrol units. Additionally, these computers will provide access from the vehicle to the Police Department's records management system. In addition, sixteen (16) computers of the total twenty-seven (27) computers in this request are being deployed in Building Inspections and Water to utilize wireless capabilities in the field for permitting and billing efficiencies for customers and the City. The computers will be purchased from Toner Tiger, a local vendor that meets bidding requirements as a member of the State of Texas Department of Information Resources Cooperative Purchasing Program for state and local governments. The lease financing will be accomplished through DivLend Equipment Leasing.

Resolution [#6-2013](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY OF ABILENE TO ENTER INTO A LEASE PURCHASE
AGREEMENT WITH DIVLEND EQUIPMENT LEASING, LLC FOR PURPOSE OF PROCURING
COMPUTERS; DESIGNATING THE AGREEMENT AS A QUALIFIED TAX EXEMPT
OBLIGATION; AND DESIGNATING AUTHORIZED SIGNERS OF THE AGREEMENT

- 6.5 Oral Resolution:** City Council approved the Purchase of Software Upgrades from Tyler Technologies for the Water Billing Office.

Staff and Council discussion included: 1) water billing – auto drafts; 2) the possibility of not mailing out bills in the mail – save on postage; 3) on-line water payments; 4) e-mail delivery of the bill; 5) Customers can now sign up for e-mail delivery of the bill with current software in use; 6) we are not set up to handle debit and credit card payments on auto-drafts; 7) have been looking at other software to handle the text messaging and notifications; 8) fees - transaction cost are being absorbed through the water fund; and 9) cuts down on walk in traffic at the water office.

Tyler Technologies, provider of software for use in the Water Billing Office and Municipal Court, has upgraded their software from version 9 to version 10. It is a substantial re-write/upgrade to their system and the City of Abilene needs to incorporate the upgrades to maintain operational effectiveness. Water upgrades include Utility CIS System, Cashiering, and Mobile Interface. Municipal Court upgrades include Criminal Court Case Management and Collections Interface. Due to the substantial changes made, Tyler Technologies will also provide training.

Councilman Price made the motion to approve consent items 6.4 and 6.5 as recommended by staff. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, Higgins and Councilwoman Miller and Mayor Archibald
NAYS: None

REGULAR ITEMS

- 7.1** Jon James Director of Planning and Development Services, briefed the council on the Ordinance for Case No. **TC-2013-01**, a request from AISD, Agent David Todd, to abandon the existing alleys: a 20' alley north to south between S 7th Street and Potomac Avenue, a ±575' long; and a 30' alley/easement east to west

between Buccaneer Street and Hawthorne Street, ±795' long; and also to abandon right-of-way along Buccaneer Street (7'X300') and right-of-way along S 7th Street (13' & 3') adjacent to Bonham Elementary.

The applicant is requesting to abandon the alley right-of-way (ROW) to plat all the property owned by Abilene I.S.D. into 1 lot. The school is constructing a new classroom building on the campus, thus requiring the need for platting. The alleys to be abandoned have not been improved and do not affect refuse collection for the exiting residential uses to the east. The applicant is requesting to abandon the street ROW in order to match the limits of the existing improvements related to the school property. There is an existing parking lot in the northwest that encroaches into Buccaneer Street and a fence that is located in the ROW along S. 7th Street. Rather than abandoning the street ROW, the encroachment can be addressed by a street-use license that would allow AISD to retain the encroachment within the ROW. The street-use license was approved earlier in the meeting – see Item 6.2.

The Plat Review Committee recommends denial of the requested street ROW closures (along S. 7th St & Buccaneer Dir.) and approval of the requested alley closures with the following conditions:

1. Where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities or the applicant will be responsible to move all of the utilities;
2. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff recommends approval of the requested alley abandonments, with the conditions suggested by the Plat Review Committee and denial of the street ROW abandonments.

The Planning and Zoning Commission recommended approval of the alley ROW abandonments per the conditions of the Plat Review Committee by a vote of six (6) in favor (Yungblut, Glenn, Famble, Bixby, Rosenbaum and McClarty) and none (0) in opposition. (Mr. Todd abstained from this request).

Mayor Archibald opened the public hearing and the council heard from the following:

- B.J. Pritchard – with Enprotec/ Hibbs & Todd Engineering, asked for approval of the request.

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

Councilwoman Miller made the motion to approve Ordinance for Case No. **TC-2013-01**, a request from AISD, Agent David Todd, to abandon two existing alleys: a 20' alley north to south between S. 7th Street & Potomac Avenue, ±575' long; and a 30' alley/easement east to west between Buccaneer Street & Hawthorne Street, ±795' long. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, Higgins Councilwoman Miller and Mayor Archibald
NAYS: none

Ordinance [#5-2013](#) and captioned as follows:

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

7.2 Jon James Director of Planning and Development Services, briefed the council on the Voluntary Annexation to consider annexation of property to include 55.88 acres of land located south of Beltway South (FM 707) and east of the Beltway Park Baptist Church property.

This is the first public hearing to receive public input on a proposed annexation of land. This item originated as a request from Tack Investments, agent David Todd, to have approximately 56 acres of land annexed south of Beltway South (FM 707). The proposed area is adjacent to the Beltway Park Baptist Church.

The proposed area is currently undeveloped with no utilities (water and sewer) and no public facilities to be maintained (streets, drainage facilities, etc.). Police and Fire services will be available. The proposed annexation would present no adverse service impacts to any of the services or facilities offered by the Community Services Department.

FM 707 ANNEXATION CALENDAR

December 10, 2012	Petition received by Planning Dept.
December 20, 2012	Memo placed on City Council agenda: Oral Resolution concerning annexation of FM 707 property
January 8, 2013	Formal request to service providers for information regarding types and levels of service currently being provided.
February 11, 2013	Finalize Service Plan.
February 18, 2013	Written notice to proposed area of annexation
Feb 25 – March 1, 2013	Publish Public Notice of First Public Hearing in ARN, on the Web, and to Wylie ISD (10 days prior to hearing)
March 11, 2013	Post first Public Hearing
March 14, 2013	First Public Hearing
March 11-15, 2013	Publish Public Notice of Second Public Hearing in ARN, on the Web, and to Wylie ISD (10 days prior to hearing)
March 25, 2013	Post second Public Hearing (72 hours prior to hearing)
March 28, 2013	Second Public Hearing
April 25, 2013	First Reading of Annexation Ordinance
May 9, 2013	Second Reading of Annexation Ordinance

Mayor Archibald opened the public hearing and the council heard from the following:

- Steve Savage – spoke in favor of the annexation, had concerns about hunting in the area.

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

No action needed today on this item.

7.3 Megan Santee Director of Public Works, briefed the council on an application/permit to drill and/or operate an oil and/or gas well (4) – Bob Hughes Oil Co., LLC: “Hantman #4”, “Hantman #5”, “Hantman #6” & “Hantman #7” wells, Permit No.’s 748559, 748558, 748560 & 748561.

Bob Hughes Oil Company, LLC of San Angelo, Texas has submitted applications to drill the Hantman #4, #5, #6 & #7 wells on property owned by Joseph Hantman, located west of the Winters Freeway and south of Elm and Little Elm Creeks. Because these wells are all located within the floodway of Little Elm Creek, a floodplain analysis was required to be performed for each well location and a Floodplain Development Permit obtained for each location. These are attached to, and made part of the permit for each well location. These applications have been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill sites have been notified of these applications and of the City Council meeting to consider their approval, as required by City ordinance.

Staff recommends approval.

Mayor Archibald opened the public hearing and council heard from the following:

- Larry Wellhausen spoke in favor of the permits.

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

Councilman Briley made the motion to approve an application/permit to drill and/or operate an oil and/or gas well (4) – Bob Hughes Oil Co., LLC: “Hantman #4”, “Hantman #5”, “Hantman #6” & “Hantman #7” wells, Permit No.’s 748559, 748558, 748560 & 748561. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:48 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 11:05 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property, Section 551.071 Consultation with Attorney and Section 551.074 Personnel Matters.

10 Oral Resolution: Approving the appointment to the following boards: Abilene Housing Authority and Abilene Library Board. No action was taken.

There being no further business the meeting was adjourned at 11:05 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor