

CITY COUNCIL MEETING
May 20th, 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 May 20th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Stormy Higgins, Councilwoman Kellie Miller and Councilman Elect Kyle McAlister. Councilman Robert O Briley was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Courtney Holmes he is a 5th grader at Long Elementary School, and he 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 19 – 25, 2013

National Public Works Week

Megan Santee, Director of Public Works, accepted the proclamation.

May 2013

Older Americans and Elder Abuse Prevention Month

Tom Smith, West Central Texas Council of Governments, accepted the proclamation.

May 2013

Motorcycle Safety Awareness Month

Christy Sloan accepted the proclamation.

May 20, 2013

Wylie Destination ImagiNation Teams Day

Kim Cheek, Wylie ISD Destination ImagiNation Coordinator accepted the proclamation. Students were also in attendance.

SPECIAL CONSIDERATION
2013 CITY ELECTION RETURNS

City Secretary Danette Dunlap presented the Resolution Canvassing the May 11th General Election Kyle McAlister received 63.57% of the vote for Council Place 5. Kellie Miller received 43.73%, Lupe Chavez received 13.63% and Steve Savage received 42.64% with no candidate receiving the majority of the vote. The Resolution calls for a Runoff Election to be held on June 15th 2013.

Councilman Higgins made the motion to approve the Resolution canvassing the May 11th General Election and calling for the runoff election to be held on June 15th 2013. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution numbered [#10-2013](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION
HELD IN THE CITY OF ABILENE ON MAY 11, 2013 AND ORDERING A RUNOFF ELECTION TO BE
HELD ON JUNE 15, 2013

UNA RESOLUCION DEL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS, PARA EL
ESCRUTINO Y DECLARACION DE LOS RESULTADOS DE LA ELECCION GENERAL DE LA
CIUDAD LLEVADA ACABO EL 11 DE MAY DEL 2013, Y ORDENANDO LA SEGUNDA VUELTA
ELECTORAL EL 15 DE JUNIO DEL 2013

City Secretary Danette Dunlap 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.

Mayor Archibald called Councilman Stormy Higgins forward and presented him with a plaque for his years of service as a councilman for the City of Abilene.

Mayor Archibald then called Councilman Elect Kyle McAlister forward to have the Oath of Office administered. After the Oath was administered Mayor invited all to attend a reception honoring Stormy Higgins for his service and Councilman Kyle McAlister on his election.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the May 9th regular meeting there being no deletions, no additions, and no corrections. Councilwoman Miller made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent item 6.1 through 6.11 as recommended by staff. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Oral Resolutions:

6.1 **Oral Resolution:** The City Council authorized the City Manager to execute Professional Services Agreement with Alan Plummer Associates, Inc. for work associated with the Texas Pollutant Discharge Elimination System Permit Amendment Application.

The City of Abilene (City) has requested Alan Plummer Associates, Inc., (APAI), teamed with Enprotec/Hibbs and Todd, to provide services associated with assisting the City with securing an amendment to the Texas Pollutant Discharge Elimination System (TPDES) permit for the Hamby Wastewater Treatment Plant (HAMBY). The consulting team was selected after reviewing statement of qualifications submitted as response by interested firms. The current TPDES permit for HAMBY was issued by the Texas Commission on Environmental Quality (TCEQ) on July 29, 2009, and will expire on March 1, 2014. An application for renewal of the permit is due to the TCEQ 180 days prior to the expiration date, which is September 1, 2013.

These services will be provided on a cost-reimbursement basis, meaning APAI will receive reimbursement for time expended and expenses incurred, up to a maximum fee. A maximum not-to-exceed cost of \$410,000 has been established for these services.

- 6.2 Oral Resolution:** The City Council approved the Street Use License Agreement with Abilene Cultural Affairs Council and The Center for Contemporary Arts for the Children's Art & Literacy Festival June 13-15, 2013.

The Abilene Cultural Affairs Council and The Center for Contemporary Arts have submitted a Street Use License (SUL) application to hold a public event entitled "Children's Art & Literacy Festival" within the public right-of-way on North 1st Street. The applicant wishes to close North 1st Street from the east right-of-way line of Cedar Street to the west right-of-way line of Cypress Street for this event. The event will take place from Thursday, June 13th through Saturday, June 15th, 2013 throughout much of downtown. However, the applicant only wishes to close the aforementioned portion of North 1st Street for the event during the following times:

From 3:00 p.m. – 9:00 p.m. on Thursday, June 13, 2013

From 9:00 a.m. – 9:00 p.m. on Friday, June 14, 2013

From 8:00 a.m. – 6:00 p.m. on Saturday, June 15, 2013

The applicant has obtained the approval of all affected property owners and/or business tenants within the requested street closure area for this event.

- 6.3 Oral Resolution:** The City Council finds that there is a legitimate public purpose and approving bicycle and clothing donations to various local charities through the end of the 2013/2014 Fiscal Year.

Throughout the year, the Police Department acquires a large number of unclaimed bicycles and used clothing through the normal course of police business. The Department seeks approval to donate these used items to local charities as the items are accumulated. The items that are never claimed are either sold in a City auction or donated to non-profit organizations.

- 6.4 Oral Resolution:** The City Council authorized the City Manager to enter into an Election Services Contract with Taylor County Election Administrator to conduct the June 15, 2013 Runoff Election.

The estimated cost for a City Election is \$17,178.70.

- 6.5** **Oral Resolution:** The City Council approved the Notice of Runoff Election. Segunda Vuelta Electoral.

The Texas Election Code, Sec. 4.001. NOTICE REQUIRED. Notice of each general and special election shall be given as provided by this chapter.

Sec. 4.002. AUTHORITY RESPONSIBLE FOR GIVING NOTICE.

2) the presiding officer of the governing body of a political subdivision, for an election ordered by the presiding officer or the governing body

- 6.6** **Oral Resolution:** The City Council authorized the City Manager to release a request for proposals for development of a downtown hotel.

City staff seeks authorization to develop and issue a Request for Proposals (RFP) to determine the interest of qualified companies for the development of a downtown hotel, through a public/private partnership. The RFP will include potential incentives provided by the City of Abilene to encourage submission of proposals by qualified companies. Such incentives will be evaluated in the context of the proposals submitted to determine if they will be extended as forgivable expenditures by the City or will result in an equity position by the City in the project.

- 6.7** **Resolution:** City Council supports the application of the Office of the Attorney General of Texas, Crime Victims Services Division for Victims Assistance Grant.

The Other Victim Assistance Grant (OVAG) will be used to fund a full-time forensic interviewer at the Child Advocacy Center. The forensic interviewer conducts interviews of children who have been victims of abuse. In FY 2012 we conducted approximately 377 child interviews at the Center.

Resolution [#11-2013](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS SUPPORTING THE APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS, CRIME VICTIMS SERVICES DIVISION, FOR AN OTHER VICTIMS ASSISTANCE GRANT

- 6.8** **Ordinance:** (First Reading) **Z-2013-10** on a request from David Gannaway, agent Angie Shaw, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 3881 Vine St.; and setting a public hearing for June 13, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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.

- 6.9** **Ordinance:** (First Reading) **Z-2013-11** on a request from Marvin Morris, agent Cojer Surveying Inc., to rezone property from RS-7 (Single-Family Residential) to PD (Planned Development) zoning located at 773 & 809 Cherry St and 533 S 8th and setting a public hearing for June 13, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-137 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.10** **Ordinance:** (First Reading) **Z-2013-12** on a request from Gary Cheek to amend PD-132 (Planned Development), located at 497 Cheyenna Cir; and setting a public hearing for June 13, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-132 AND ORDINANCE NO. 21-2010, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.11** **Ordinance:** (First Reading) **Z-2013-13** on a request from Mason Trendsetters, agent Enprotec/Hibbs & Todd Inc., to rezone property from RS-6 (Single-Family Residential) to PD (Planned Development) zoning being 12.62 acres located west of the Tuscany Trails subdivision north of Beltway South; and setting a public hearing for June 13, 2013.

N ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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.

REGULAR ITEMS

- 7.1** Tommy O'Brien Director of Water Utilities and Scott Hibbs with Enprotec/Hibbs & Todd, briefed the council on the Amendment No.2 to the Professional Engineering Agreement with Enprotec/Hibbs & Todd Engineering for work associated with improvements to the Hamby Wastewater Treatment Plan.

On August 11, 2010 the City Council authorized execution of a Professional Engineering Services Agreement with Enprotec/Hibbs & Todd (eHT), and its team of consultants, to perform an evaluation, design and construction phase services for improvements to the Hamby Wastewater Treatment Plant (Hamby WWTP). In general, initial work included evaluating various alternative improvements to the Hamby WWTP as well as designing improvements to some of the plant's processes. On April 12, 2012 the City Council authorized execution of Professional Services Amendment No. 1 for eHT to provide the services of a Resident Project Representative during the construction phase of the initial improvements.

Although minor improvements are being made to the Hamby WWTP, it continues to marginally operate and requires additional improvements. Such improvements were identified during the initial evaluation phase of the work performed by eHT.

The current drought is having a severe impact on the City's water supplies. To prepare for the continuation of the current drought, staff is proposing to make additional improvements to the Hamby WWTP that will increase performance and reliability of the plant to treat raw wastewater to standards imposed by the Texas Commission on Environmental Quality, and will provide the option of advanced wastewater treatment

to allow the advanced treated wastewater to be directed into Lake Fort Phantom Hill, if that becomes necessary.

Staff is requesting authorization to amend the Hamby WWTP Professional Services Agreement with eHT and to begin final evaluations and preliminary design of the additional improvements to the Hamby WWTP. Such improvements are targeted to be operational by the end of 2014. Work under Amendment No. 2 also includes extending the construction phase services for the current Hamby WWTP project, including Resident Project Representative, associated with the Prison Lift Station change order. Work to be performed under Amendment No. 2 will be structured for reimbursement based on actual time spent and expenses, with total compensation not to exceed \$1.8 million.

Drought Response by other West Texas Cities

Lubbock

\$200 million to construct pipeline from Lake Alan Henry and new water treatment plant (15 MGD).

Midland

\$200 million to construct pipeline and new wells in T-Bar Ranch (10 MGD initial; 20 MGD ultimate).

San Angelo

\$140 million to construct pipeline and new wells in Hickory formation (6 MGD initial; 12 MGD ultimate).

CRMWD (Odessa / Big Spring / Snyder)

\$130 million to develop Ward County well field.

Abilene's Foresightedness

Year Round Water Conservation

- ✓ Abilene is one of the few cities in the state, and perhaps the nation, which practices water conservation year round.
 - It is a way of life around Abilene.
 - Abilene citizens can be proud of being good stewards of our water resources.

2005 Interlocal Agreement with the Brazos River Authority (BRA)

- ✓ Option to purchase up to 20,000 acre feet per year (18 MGD) from Possum Kingdom.
- ✓ BRA will not charge Abilene for its indirect reuse of wastewater effluent.

Indirect Reuse Permit

- ✓ Issued June 22, 2011.
- ✓ Allows diversion of treated wastewater from Phantom, Cedar Ridge or the Clear Fork near Hubbard Creek Reservoir.

Recycling treated wastewater into Phantom

- ✓ 2005 - Initial evaluation.
- ✓ 2008 – Completed first detailed evaluation.
- ✓ 2008 through 2013 – further detailed evaluation and collection of data.

West Texas Water Partnership

- ✓ Abilene, Midland and San Angelo are evaluating long-term cooperative water management strategies

Short Term Strategies Considered

Reuse Options

- ✓ Pumping water from Kirby into Cedar Creek (1 MGD).
- ✓ Directing advanced treated wastewater into Fort Phantom Hill (7 MGD).

Improvements to Hargesheimer WTP and Distribution System (6 MGD)

Purchase water from BRA's Possum Kingdom (6 MGD potable water)

- ✓ Use existing transmission pipeline and pumps.
- ✓ Purchase groundwater (0.5 MGD)

Recommended Short Term Strategy

Reuse Option

- ✓ Pumping water from Kirby into Cedar Creek (1 MGD).
- ✓ Directing advanced treated wastewater into Fort Phantom Hill (7 MGD).

Improvements to Hargesheimer WTP and Distribution System (6 MGD)

Total Available Water Supply – 14 MGD

Council and Staff discussion included: 1) planning stages; 2) drought planning; 3) improvements at the Hargesheimer WTP; 4) pilot testing @ Hamby; 5) water rate increase; and 6) concern with Lake O. H. Ivie.

Councilman Spano made the motion to authorize the execution of Amendment No. 2 to the Professional Engineering Services Agreement with Enprotec/Hibbs & Todd to design improvements to the Hamby Wastewater Treatment Plant. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, McAlister, Councilwoman Miller and Mayor Archibald.
NAYS: None

7.2 Jon James Director of Planning and Development briefed the council on the first public hearing to consider annexation of property located at 4009 Beltway South and being the southern portion of the Beltway Park Baptist Church property.

This item originated as a request from the City of Abilene to have the remaining property owned by Beltway Park Baptist Church, approximately 10 acres, to be annexed into the city. The church has since requested that the City of Abilene consider voluntary annexation on the approximately 10 acres outside the city limits.

The proposed area is currently developed with a church and has access to utilities (water & sewer). The property has 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.

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

No action required at this time.

7.3 Jon James Director of Planning and Development Services, briefed the council on the Capital Improvements Program for 2013-2017.

The 2013-2017 Capital Improvements Program (CIP) is a five-year plan that identifies needed capital projects and coordinates the financing and timing of these projects. The first year of the CIP (2013) is referred to as “Capital Budget” and it represents the City Manager’s recommendation for expenditure of funds and annual Certificate of Obligation (C.O.) sale. Projects scheduled for subsequent years are approved for planning purposes only and do not receive expenditure authority until they are part of the Capital Budget. 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 2012 with City Staff soliciting suggestions for projects from the public. This included web announcements, a news release, 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 February 2013. In March, the P&Z forwarded a recommendation to the City Manager in accordance with the City Charter.

Significant Changes/Notes

Project #7310-01-11 Animal Shelter Expansion (+\$50,000) Staff has confirmed the presence of groundwater below the planned building expansion area. An additional \$50,000 is needed to modify the original design to deal with this problem and to make some other design modifications needed to improve the functionality of the facility.

Project #7110-01-12 Rec Center Foundation Repair (+\$37,000) The initial estimate for this project was based on preliminary findings. More detailed site analysis indicates additional funds will be needed to correct the identified projects.

Project # 7010-02-13 (NEW) Chavez Recreation Center Bathrooms. (+\$150,000) Additional restroom facilities are needed to adequately serve the public at this heavily used facility.

Projects 7010-02-13 Ball Field Concession (Delay). Concession Buildings at Scarborough Park, Lake Kirby Park, Will Hair Park and Jackson Park are proposed for a delay of 1 year. This will allow among other things funding for the Chavez Rec Center Restrooms and projected cost increases in other projects.

The 2011 and 2012 CIP “Capital” Budgets were funded last year using excess reserve funds rather than through the issuance of Certificates of Obligations. Staff estimates that excess reserve funds will again be available in an adequate amount to fund the proposed 2013 “Capital” budget. Using cash to fund this \$2.3 million rather than certificates of obligation (C.O.’s) will save the City significantly by avoiding issuance and interest charges over the life of a debt issuance.

Water and Wastewater projects of approximately \$26,823,320 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 this program assume receipt of outside funding from the Texas Water Development Board

No action or vote is required for this item at this time.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:44 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 Executive Session at 11:30 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with Attorney.

10. Oral Resolution: Appointment of Mayor Pro-tems.

Mayor Archibald made the motion to approve Councilman Williams as Mayor Pro-tem and Councilman Briley as Deputy Mayor Pro-tem. Councilman Price seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 11:30 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor