

**CITY COUNCIL MEETING**  
**September 26<sup>th</sup>, 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 September 26<sup>th</sup>, 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, Kyle McAlister and Councilwoman Kellie Miller. Anthony Williams was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, Assistant City Secretary Tiffni Herrera, and various members of the City staff.

Councilman Robert Briley gave the invocation.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the September 12<sup>th</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Briley made a motion to approve the minutes as presented. Councilman Spano seconded the motion, motion carried.

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

**CONSENT AGENDA**

Councilman Spano made the motion to approve consent item 6.1 through 6.15 as recommended by staff. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, McAlister, Councilwoman Miller and Mayor Archibald  
NAYS: None  
ABSTAINED: Councilmen Price and McAlister – Item 6.12

**Oral Resolutions:**

**6.1** **Oral Resolution:** The City Council authorized an amendment to On Demand General Engineering Service Contract with Jacob & Martin, LTD., for Water Distribution Pipeline Design.

There exists a professional services contract with Jacob and Martin, Ltd. for On Demand General Engineering Services for the City of Abilene Water Department. This amendment to the on demand contract is for Engineering Services for Updating of the City's Hydraulic Water Model and Planning, Designing and Construction Management of the City Water Line Improvement Project (Amendment). The Amendment has a value not to exceed \$150,000.00.

Updating the existing Computer Based Hydraulic Water Model (Model) is needed prior to the design of the following pipeline projects. Jacob & Martin, Ltd. partnered with Freese & Nichols Inc. to develop the original Model for the Water Master Plan Project completed in March 2010. It is important that the Model be updated to incorporate new developments and system improvements and then be recalibrated using field measurements to assure that the model closely simulates real world behavior of the water distribution system.

There is a need for water distribution system improvements within the 3rd Pressure Plane (3PP) of south Abilene that will greatly improve the movement of water across the 3PP under current and future conditions. It will also improve the capability to transfer water produced by the Hargesheimer Water Treatment Plant into other areas of Abilene as part of the Department's Drought Response Project. Water distribution system improvements are also needed in the far southwest part of the Second Pressure Plane (2PP) that will improve water flow characteristics and reduce water age in that area.

The Amendment provides for Updating the Model, and for the design, bidding assistance, and construction oversight (not Resident Project Representation) of the described water distribution system improvements. The total cost of the Amendment is not to exceed \$150,000.00.

**6.2 Oral Resolution:** City Council awarded a bid for the Water Distribution System Improvements Project to Starks Construction Company in the amount of \$1,420,101.00.

On September 5, 2013 the City of Abilene received bids for the Water Distribution System Improvements Project CB-1352 (Project). The Project was advertised in the Abilene Reporter News on August 18 and 25, 2013. Two bids were received. The low bid was submitted by Starks Construction Company (Starks) of Abilene, TX in the amount of \$1,420,101.00. The Engineer, after evaluating the bid submittal and the contractor references, does recommend awarding the bid to Starks. The Project is partially funded by a loan from the Texas State Revolving Fund (SRF), and the bid will be contingently awarded by the Abilene City Council pending final approval by the funding agency, Texas Water Development Board.

There is a need to replace certain sections of aged cast iron pipe that are prone to pipe failure resulting in numerous leaks, service disruptions, and water quality concerns. Water Department staff has identified three sections of cast iron pipe each with a history of failures and in need of replacement. Jacob and Martin, Ltd. was hired to prepare plans, specifications and contract documents for the Water Distribution Systems Improvement Project that provides for the repair of the following three piping segments. The replacement and new installation of piping along South Danville Street beginning west of Buffalo Gap Road and continuing east to near the highway interchange with Treadaway Boulevard. The replacement of existing 20inch piping beginning south of the Winters Freeway and extending generally north to Bennett Street. The replacement of existing piping along the south side of West Business 20 beginning near Fulwiler Road and continuing east to Arnold Boulevard. The Project will result in the replacement of over 10,000 feet of existing cast iron piping and the installation of over 1,400 feet of new piping needed to fill a gap in piping in the water distribution system.

The City received a low interest loan in the amount of \$1,135,000.00 from the Texas SRF. Additional funds of \$285,101.00 will come from existing Water Department funds (Pro rata fund).

**6.3 Oral Resolution:** City Council approved \$550,000 to be paid to Pepper Lawson Waterworks, LLC for preconstruction services for the Hamby Wastewater Treatment Plant Improvements (Phase 2).

On September 12, 2013 the City Council approved an oral resolution authorizing the City Manager to negotiate an Agreement, and subsequent associated Agreements, with Pepper Lawson Waterworks, LLC to serve as the Construction Manager at Risk for the Hamby Wastewater Treatment Plant Improvements (Phase 2) (Project). Pursuant to such negotiations, an Agreement has been prepared between the City of Abilene and Pepper Lawson Waterworks, LLC to serve as the Construction Manager at Risk.

This Oral Resolution authorizes funds in the amount not to exceed \$550,000 for preconstruction phase services to be paid to Pepper Lawson Waterworks, LLC.

The obligations to support any costs associated with the Project are expected to be sold in the near future. Any expenditure on the Project will be paid by the Water Utility Fund then may be reimbursed upon delivery of the obligation money.

**6.4 Oral Resolution:** City Council authorized Change Order No. 1 to the contract with UtiliTex Construction for Sewer Collection System Improvements Project.

On July 11, 2013 the Abilene City Council awarded a bid to UtiliTex Construction (UtiliTex) in the amount of \$1,257,032.50 for the Sewer Collection System Improvements Project (Project). The Project consists of the renovation of eight sewer main segments using various construction methods best suited for each segment as determined by Project Engineer Jacob & Martin, Ltd. (Engineer).

City staff has identified two additional sewer main segments that are in need of immediate repair. Each pipe segment recently failed resulting in an emergency response of City staff to make repairs. Additional repairs are necessary in order to fully correct the failed sections. Each segment has unique characteristics such as large pipe size, depth, and/or close proximity to adjacent structures which are not favorable for utilizing City force labor to perform that work. The Engineer subsequently evaluated each pipe segment and determined that cured in place pipe lining (CIPP) is the recommended method of repair for each segment. UtiliTex is capable of providing CIPP installations for the piping segments. UtiliTex is already mobilized and performing work in Abilene related to the Project. UtiliTex can respond quickly to make the CIPP repairs as additional work to the existing contract.

Change Order No. 1 authorizes UtiliTex to order the appropriate CIPP liner materials and make the installations in each of the two pipe segments. Change Order No. 1 has a value of \$167,265.25.

Change Order No. 1 will be funded using existing Water Department funds.

**6.5 Oral Resolution:** City Council awarded a contract for reconstruction of Taxiways M, N and P at the Abilene Regional Airport to Duininck, Inc. in the amount of \$7,504,551.85.

As part of the Airport's FY13 Airport Improvement Program (AIP), the City conducted a bid solicitation (CB-1354) for Taxiways M, N and P Reconstruction Project. One bid was received and opened September 18. The City's contracted engineer for this project, URS, has reviewed the bid and recommends award to Duininck, Inc. at a contract price of \$7,504,551.85. The bid was slightly under engineer's estimate and within budget.

This project is 90% funded by the FY13 AIP Grant 43. The remaining 10% is funded by the City at a cost of \$750,456.00. The City's 10% match is included in the FY13 budget at \$944,450.

The Airport Development Board voted to recommend approval of the construction contract with Duininck, Inc. at a special meeting on September 23<sup>rd</sup>.

**6.6 Oral Resolution:** City Council approved Task Order 32 with URS Corporation for the Abilene Regional Airport as a part of the Airport's FY13 Airport Improvement Program (AIP). The fee for this service is an amount not to exceed \$388,893.55.

As part of the Airport's FY13 Airport Improvement Program (AIP), Task Order 32 is requested to be considered for authorization. This Task Order provides authorization for URS to perform project management, inspection and testing services associated with Taxiways M, N and P Reconstruction Project.

This fee is covered under the FY13 AIP Grant 43 at the 90/10% rate. The total cost to the City will be \$38,890.

The Airport Development Board voted to recommend approval of Task Order 32 of URS' contract at a special meeting on September 23<sup>rd</sup>.

- 6.7** **Ordinance:** (First Reading) **Case No. Z-2013-28**, a request from David Phillips, to rezone property from RS-6 (Single-Family Residential) to PD-55 (Planned Development) zoning & to amend PD-55 (Planning Development) zoning regarding allowable uses, located at 6156 & 6164 Hartford St; and setting a public hearing for October 7, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, PART "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, AMENDING PD-55 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.8** **Ordinance:** (First Reading) **Case No. Z-2013-29**, a request from Terry & Mary Cathryn Casey, to rezone property from RS-8 & RS-8/COR (Single-Family Residential/Corridor Overlay) to GR & GR/COR (General Retail/Corridor Overlay) zoning, located at 6382 & 6458 Buffalo Gap Rd; and setting a public hearing for October 7, 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) **Case No. Z-2013-30** - a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), GR (General Retail), and NR (Neighborhood Retail) zoning, being approximately 45.4 acres located at 750 Gateway St to include the property north; and setting a public hearing for October 7, 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.

- 6.10** **Ordinance:** (First Reading) **Case No. Z-2013-31** - a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being approximately 11 acres on the south side of Scottish Rd east of Musgrave Blvd; and setting a public hearing for October 7, 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.

- 6.11** **Ordinance:** (First Reading) **Case No. Z-2013-32** –a request from Jerry Hallmark, agent Brad Andrews, to rezone property from AO (Agricultural Open Space) & PD (Planned Development) to GC (General

Commercial) zoning, being approximately 4.27 acres located at 3602 Catclaw Dr. & a portion of 4491 Curry Ln; and setting a public hearing for October 7, 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.

- 6.12 Ordinance:** (First Reading) **Case No. Z-2013-33** - a request from the City of Abilene to rezone property from AO (Agricultural Open Space) to PD (Planned Development) zoning, located at 435 College Dr.; and setting a public hearing for October 7, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-139 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Award of Bids:**

- 6.13 Bid Award:** **CB-1351** City Council approved the purchase of various Bulk Chemicals used for Water and Wastewater treatment processes from the following vendors:

The City of Abilene Water Department is requesting that by oral resolution the City Council award bids for bulk chemicals to be used in water and wastewater treatment processes. Notices were published in the Abilene Reporter News on August 18 and August 25, and the bid opening date was September 4, 2013. The following table lists the individual chemicals bid, the staff recommended bidder, and the unit price for that bid.

Item:	Company	Unit Price
1. Alum 48% Solution	General Chemical	\$ 209.00 / Dry Ton
2. Liquid Ammonium Sulfate (LAS)	Hydro Plus Ltd.	\$ 476.00 / Dry Ton
3. Liquid Caustic Soda	DPC Industries, Inc.	\$ 584.00 / Dry Ton
4. Liquid Chlorine	DPC Industries, Inc.	\$ 537.00 / Liquid Ton
5. Sodium Bisulfite 40% Solution (WW)	Dimmitt Sulfur Products, Ltd.	\$ 485.625 / Dry Ton
6. Hydrated Lime	Lhoist North America	\$ 149.15 / Dry Ton
7. Fluorosilicic Acid	Key Chemical Inc.	\$2,735.87 / Dry Ton
8. Ferric Sulfate	Pennco Chemical Inc.	\$ 287.00 / Dry Ton
9. Sodium Chlorite	International Dioxide Inc.	\$3,396.00 / Dry Ton
10. Ferrous Chloride	Pennco Chemical Inc.	\$ 783.00 / Dry Ton
11. Dry Polyacrylamide Cationic Polymer	SNF Polydyne	\$3,580.00 / Dry Ton
12. Sodium Bisulfite 38% Solution (water)	Tapwater Technologies	\$ 0.355 / Wet Pound
13. Bleach Sodium Hypochlorite	Tapwater Technologies	\$ 1.96 / Gallon
14. Citric Acid	Hydro Plus Ltd.	\$ 0.75 / Wet Pound
15. Sodium Permanganate	Brenntag Southwest	\$ 9.6699 / Gallon

- 6.14 Bid Award:** **CB-1350** City Council approved the Contract for Consulting to Boyd Group International for services related to air carrier services at the Abilene Regional Airport.

Funding will be addressed through task orders for specific services and much of the scope of services is included in the airport’s Business Development Program funding by DCOA. The task orders are expected to be issued throughout FY14.

**6.15 Bid Award:** (BuyBoard) City Council approved the renewal of the Online Auctioneering Service Agreement.

The City of Abilene has been under contract with Rene Bates Auctioneers, Inc. for the past seven (7) years and has received excellent online auctioneering service.

The new Buyboard contract will be for a period of one (1) year with automatic annual renewal by Rene Bates Auctioneers, Inc. and Buyboard. The City of Abilene can elect not to continue the contract at the end of each period.

**REGULAR ITEMS**

**7.1** Wayne Lisenbee Assistant Director of Water Utilities briefed the council on a Resolution revising the Schedule of Rates and Charges for Water & Sewer Utility Services.

In support of the City’s ongoing Drought Response Projects, and specifically the Hamby Wastewater Treatment Plant Rehabilitation – Phase 2 project, the City will be issuing \$63.785 Million in Certificates of Obligation (COs). This debt issuance will incur an annual debt service obligation of approximately \$4.5 Million per year for 25 years. The COs are supported by revenues from the Water and Sewer Fund, so the attached Resolution and Schedule of Rates and Charges reflects the rates for water and sewer service necessary to provide the additional annual debt service requirements. There are no Operations & Maintenance increases factored into this proposed rate adjustment.

**Recommended Water Management Strategy  
Monthly Water & Sewer Bill**

Customer	Customer Monthly Use (gallons/month)	Current Monthly Water & Sewer Bill	2013 \$63.785 Million C.O. Adjustment	Total Monthly Bill (Water & Sewer)
Residential	5,000	\$37.75	\$5.75	\$43.50
	10,000	%59.14	\$8.43	\$67.57
Commercial	50,000	\$236.28	\$35.49	\$271.77
	200,000	\$915.08	\$136.44	\$1,051.52
Industrial				
Dyess AFB	15.5 million	\$54,219.00	\$5,146.00	\$59,365.00
Pepsi	6.6 million	\$19,839.60	\$985.00	\$21,186.00
Coca-Cola	9.5 million	\$28,557.00	\$1,789.00	\$30,495.00

Note: Costs shown only reflect the monthly cost for Water and Sewer on a monthly bill, and include the Ivie Fee. Monthly costs shown do not include charges for Solid Waste, Storm Water and Environmental

Rates Effective: October 1, 2013

Council and Staff discussion included: 1) Wholesale customers (Contract) 60 day notice and the rates will be effective Dec. 1.

Councilman McAlister made the motion to approve the Resolution revising the schedule of rates and charges for water and sewer utility service. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Resolution #[24-2013](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REVISING THE SCHEDULE OF RATES AND CHARGES FOR WATER AND SEWER UTILITY SERVICE.

**7.2** Megan Santee Director of Public Works briefed the Council on a petition for relief of development on Griffith Road.

On August 20, 2013, the City of Abilene received a Petition for Relief with the required study attached, as per the City of Abilene Land Development Code (LDC) Section 1.3.2.3, for the development of a single-family residence on Griffith Road. The petition, submitted by agent David Todd, Enprotec/Hibbs & Todd, argues that the cost of the construction of the public works improvements, street and curb and gutter, is disproportionate to the total project cost, as provided for under LDC Section 3.2.2.4. Staff has reviewed the petition and attached study and is placing this item on the City Council agenda as directed under LDC 1.3.2.5(d) for resolution.

Additionally, a waiver of sidewalk construction requirements has also been submitted for the same development under LDC Section 3.2.13.6. The waiver is requested based on anticipated cost of the sidewalk as compared to the total development cost. The LDC gives staff the authority to approve a sidewalk waiver request, only denials are appealable to City Council. Staff has reviewed the request and has approved the waiver of sidewalk construction for this development only.

○ Action. Based on the criteria:

- ✦ (1) Deny the petition and impose the standard.
- ✦ (2) Deny the petition and require additional dedication or improvements.
- ✦ (3) Grant the petition and waive any dedication or construction requirements to the extent necessary to achieve proportionality.
- ✦ (4) Grant the petition and direct the City to participate in the costs.

#### **Development Options Considered**

- Construct/Commit Funds LDC 3.1.8.2/3.2.2.2
- Deferral – sidewalk/public improvements for five years.
- Re-plat – divide property such that the single-family residence is located on smaller acreage with remainder tract so that requirements would only apply to single-family tract. LDC 3.1.1.3
- Waiver of Sidewalks LDC 3.2.13.6.
- Petition for Relief – petition City Council for relief of some or all of the construction requirements. LDC 3.2.2.4.

#### **Petition for Relief**

- Study – Section 1.3.2.3
  - Water infrastructure – minimal impact (0.22%)

- Sewer infrastructure – minimal impact (0.0018%)
- Stormwater infrastructure - minimal impact (0.5%)
- Parks infrastructure – NA
- Roadway infrastructure – minimal impact (0.5%)
- Cost Estimate - \$59,914.00 for 22 ½ feet Wide and 456 feet long street section.

### **City of Abilene**

#### **DRC/PW Director Recommendation**

- Reduction of requirements in the form of a grant in part and deny in part motion.
  - Grant for frontage that exceeds a standard block width of 100': Waive construction requirements of public improvements for the current development for 356' of frontage until future development is triggered through submission of a plat or site plan.
  - Deny for 100' frontage where single-family residence is planned. Total Cost - \$13,139.00
- Reduction of requirements in the form of a grant in part and deny in part motion.
  - Grant for frontage of any length: Waive construction requirements of public improvements for the current development as determined by Council until future development is triggered through submission of a plat or site plan.
  - Deny for frontage where single-family residence is planned, as determined by Council. Total cost - \$131.39 x \_\_\_\_\_ feet.
- Motion to grant a waiver of all construction requirements for the current development. However, any future development, through submission of a plat or site plan, will void the waiver and all LDC requirements will be applicable again, including deferrals and waivers.

Council and Staff discussion included: 1) Part of the CIP program; 2) located partially in a flood plain; 3) country road (without curb and gutter); 4) substandard road, the road has been in place for years; 5) Jon James Director of Planning and Development spoke on the requirements of zoning; 6) David Todd Enprotec/Hibbs & Todd spoke on behalf the family; and 7) the city is in the street business.

Councilman Price made the motion to grant the petition and direct the City to participate in the costs. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

### **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 9:45 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 10:15 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with Attorney.

There being no further business the meeting was adjourned at 10:20 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor