

**CITY COUNCIL MEETING**  
**August 28<sup>th</sup>, 2014, 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 August 28<sup>th</sup>, 2014, 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, Kyle McAlister and Councilwoman Kellie Miller. Councilman Jay Hardaway 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 Kyle McAlister gave the invocation.

Mayor Archibald introduced Ashlynn and Kayleigh Henry they are the nieces of City of Abilene employee James Rogge, Traffic Engineer, Public Works. Ashlynn and Kayleigh led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald announced that City Manager Larry Gilley has announced his retirement effective October 17<sup>th</sup>. Mr. Gilley has been City Manager for the last 12 years.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the August 14<sup>th</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

**CONSENT AGENDA**

Councilman Price pulled item 6.6 and 6.7. Councilman McAlister made the motion to approve consent item 6.1 through 6.8 with the exception of 6.6 and 6.7 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

**Ordinances:**

**6.1** **Ordinance:** *(First Reading)* **Z-2014-35** - A request from Shane McClung to rezone property from HC/H (Heavy Commercial/Historic Overlay) to CB/H (Central Business/Historic Overlay) zoning, located at 150 Locust St; and setting a public hearing for September 11, 2014.

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.

- 6.2** **Ordinance:** (*First Reading*) **Z-2014-36** - A request from MC Real Estate Holdings, LLC, agent eHT, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, being the front ±1.5 acres of the property located at 4100 S. Danville Dr.; and setting a public hearing for September 11, 2014.

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.

- 6.3** **Oral Resolution:** City Council authorized the City Manager to enter into a professional services agreement with Kameko McGuire for the purpose of providing primary health care in the Primary Health Care Clinic..

The operation of the Primary Health Care clinic has relocated from the Presbyterian Medical Care Mission and will be provided by the Abilene-Taylor County Public Health District starting September 1, 2014. The Primary Health Care clinic will be combined with the new Expanded Primary Health Care clinic to provide medical services to men, women, and children in Abilene and Taylor County as well as 18 other surrounding counties. The family nurse practitioner will be contracted to conduct healthcare services to men and children three days a week within the primary health care program.

*SPECIAL CONSIDERATIONS:* The Texas Department of State Health Services primary health care program renewal contract is September 1, 2014 through August 31, 2015 in the amount of \$110,161.

*FUNDING/FISCAL IMPACT:* The family nurse practitioner will be funded through the Department of State Health Services' primary health care grant and will not impact the City's general public health fund.

*BOARD OR COMMISSION RECOMMENDATION:* The Abilene-Taylor County Public Health District's Local Board of Health supports the family nurse practitioner for the primary health care program.

- 6.4** **Oral Resolution:** City Council authorized the City Manager to enter into an agreement with Epic Construction for the renovation of the health clinic to be located at 1902 Shelton.

The Expanded Primary Health Care and Primary Health Care clinics will be combined to provide primary medical services to men, women, and children in Abilene-Taylor County as well as 18 other surrounding counties. Epic Construction is responsible for the direct design modification of the identified location at 1902 Shelton (formally the Boys & Girls Club) which will serve as a health center housing both the Expanded Primary Health Care and Primary Health Care Center(s) respectfully. The City has been awarded the Primary Health Care grant in the amount \$110,161 and the Expanded Primary Health Care grant in the amount of \$512,638 for a total of \$622,799 grant funds for the 2015 grant cycle.

*SPECIAL CONSIDERATIONS:* The health center will serve as a centralized clinic facility in Abilene-Taylor County that is located in a community with the target population for its services. This location should maximize access by targeted clientele that may not have the ability to travel by personal transportation. Our clinical staff is ready to meet the needs of the citizens under established Texas Department of State Health Services' protocols. The estimated renovation of the 11,300 square foot facility is \$448,987.00.

*FUNDING/FISCAL IMPACT:* The proposed contract with Epic Construction will be funded through the City of Abilene General Fund.

*BOARD OR COMMISSION RECOMMENDATION:* The Abilene-Taylor County Public Health District's Local Board of Health supports the construction redesign bid.

- 6.5** **Oral Resolution:** The City council acknowledges and accepts the 9-1-1 Emergency Communications District Revised FY 2014 and Proposed FY 2015 budgets.

The City of Abilene manages the Abilene/Taylor County 9-1-1 District ("the District"), via contractual agreement with the District's Board of Governors. The V.T.C.A. Health & Safety Code, Section 772, provides that an annual budget be prepared for the District and reviewed and accepted by the Taylor County Commissioners Court, Abilene City Council, and governing bodies of other participating jurisdictions prior to adoption by the District Board. Attached is the District Budget (revised 2014 and Proposed 2015) as proposed to the District Board. Highlights in the District's budget include:

- Anticipated compensation adjustments for both City and County positions for which the District provides funding, in accordance with those entities' budgets (proposed)
- Monthly recurring costs for PSAP at Dyess Air Force Base
- Monthly recurring costs for fiber redundancy added to primary and back-up call centers to maintain uninterrupted operations

- 6.6** **Oral Resolution:** Authorizing the purchase of a Project Management Information System from e-Builder. *Councilman Price pulled item 6.6.*

**Award of Bids:**

- 6.7** **Bid Awards:** Approving the purchase of Tactics Traffic Engineering Software from Iteris in the amount of \$57,500. *Councilman Price pulled item 6.7.*

- 6.8** **Bid Awards:** City Council authorized the City Manager to enter into the contract with Rene Bates Auctioneers Inc. for Online Auctioneering Service Agreement.

Staff is proposing to enter into an auctioneering service agreement with Rene Bates Auctioneers, Inc. through the Local Government Purchasing Cooperative (Buyboard).

The City of Abilene has been under contract with Rene Bates Auctioneers, Inc. for the past eight (8) 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 will reserve the option to extend this contract for two (2) additional one (1) year terms.

The commission fee of 5% paid by the City to Rene Bates Auctioneers, Inc. is less than the regular 7.5% commission fee stated on the Buyboard contract.

## ITEMS PULLED FROM CONSENT

**6.6 Oral Resolution:** Authorizing the purchase of a Project Management Information System from e-Builder.

Councilman Price inquired into the funding of the purchase of the software and Assistant Water Utilities Director Wayne Lisenbee explained that this was part of the Water CIP projects.

The City of Abilene Water Department is requesting that by oral resolution the City Council authorize the purchase of a Project Management Information System (PMIS) from e-Builder. The software will be used primarily by the Water Department to improve the planning and management of capital projects. It will also greatly improve the efficiency of handing documents and project information as well as reporting project status to stakeholders.

The planning component of the PMIS will also be made available to the rest of the City Departments to improve the efficiency of the CIP planning and budgeting process.

### *FUNDING/FISCAL IMPACT*

Purchase and implementation of the PMIS will be funded as part of the recently approved CIP budget for 2014. Purchase Price through the State DIR Contract will be \$142,290.53. Beginning in FY 2015, the Annual License and Maintenance cost will be \$53,915 and is part of the FY2015 Budget before Council. This allows for an unlimited number of users to be designated. This cost can be reduced in the future if utilization drops below 50 unique users per year.

### **Award of Bids:**

**6.7 Bid Awards:** Approving the purchase of Tactics Traffic Engineering Software from Iteris in the amount of \$57,500.

Councilman Price inquired into the security of the software from being hacked into from wireless connections. Traffic Engineer James Rogge explained that the city does not have a lot of wireless connections in the system and that the software is secure.

The current traffic software was acquired through a joint agreement between the City and TxDOT in 1999 as part of the North and South 1st St projects; these computers are scheduled to be replaced. The replacement of these computers will make our existing software obsolete because the software only works on Windows XP which the City stopped buying in 2008 and Microsoft no longer supports Windows XP as of April of 2014.

Tactics is traffic engineering software that is capable of supporting the new controllers. It will save time by not having to manually program the traffic controllers and give the City the ability to use flashing yellow arrows should that operation be needed. It will give technicians advanced warning that something is failing at an intersection providing them with information they can use in responding in a timelier manner. This new software will give more control to the timing programs that are used at the intersections to control the sequence of the lights. This software should be able to take advantage of our existing GIS Based Mapping. This new software will update and store our traffic timing plan databases. Tactics has the ability to adjust to timing plans based on real time traffic data. This software will aid in the future signal project along S. 14th St. as well.

On April 4, 2014 the City of Abilene received a quote from Iteris, a sole source provider for Tactics Traffic Engineering Software, for upgrading of our existing traffic software. The quote is for \$57,500.

Councilman Price made the motion to approve consent item 6.6 and 6.7 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

## REGULAR ITEMS

**7.1** Mindy Patterson Director of Finance briefed the council on the proposed 2014-2015 Tax Rate. The FY 2015 Budget approved by Council on July 29, 2014 set the tax rate at 68.60¢. State law requires that two (2) public hearings must be held prior to the final public hearing and vote.

Mayor announced that the Abilene City Council is scheduled to vote on the tax rate on Thursday, September 11th at 8:30 a.m. at City Hall, 555 Walnut St, Abilene, TX.

Mayor Archibald opened the public hearing and council heard from:

- Doug Offermann – who proposed various ways he feels would help the budget to be more transparent to the public.

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

No action required for this item. Item moves to the public hearing on September 11<sup>th</sup>.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2014, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2014; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

**7.2** Jon James Director of Planning and Development Services, briefed the council on the Plat Waiver to the required extension of municipal sewers for Lots 4 & 5, Replat of Block 18, Section 2, Abilene Plaza Addition.

A new plat is proposing a 2-lot subdivision within the Abilene Plaza Addition located in the vicinity of Plaza St and N. 3rd St. The proposed subdivision does not currently have access to the City's sanitary sewer system. The Land Development Code (LDC) requires the extension of the City of Abilene's sanitary sewer system for any subdivision within City limits.

The required extension of municipal sewers may be waived wherever the City Council finds that:

1. such extension would require unreasonable expenditures, as compared with other methods of sewage disposal,
2. on-site sewage disposal facilities will function properly, and
3. there are not substantial negative impacts for development on adjacent properties and surrounding areas.

Additionally, the advice of the Planning Director and the Director of Water Utilities, or designees, shall be considered in making a decision. The applicant is requesting a waiver to the required extension of municipal

sewers. The section requested to be waived is Section 3.2.5.2 (a). The applicant is requesting the waiver based on the number of lots, the proposed use (power generation), and that the properties are at the end of the sanitary sewer main line.

*STAFF RECOMMENDATION*

Staff has reviewed the request and recommends approval of the requested plat waiver. The waiver would block the westerly extension to Plaza St of the sanitary sewer through the project. However, those affected properties to the west of Plaza St (west of project) do have access to sanitary sewer both along N. 3rd Street and along Lockheed Way. The sewer along Lockheed Way is of sufficient depth to serve the lowest point (southeast corner) on the affected property to the west of the project.

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

- Carey Jordan- on behalf of the DGSP2 facility and for the waiver
- Randy Dodd – asked about sewer line to property to the west (Staff advised that the next section would be served by two other lines)

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

Councilwoman Miller made the motion to approve the Plat Waiver to the required extension of municipal sewers for Lots 4 & 5, Replat of Block 18, Section 2, Abilene Plaza Addition. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

**7.3** Jon James, Director of Planning and Development Services briefed the council on the appeal of a denial of a sidewalk waiver for the Section 1, Corley Estates, located at 3642 W. Lake Rd.

The Corley-Wetsel business, located at 3642 W. Lake Rd, is going through the development process currently. The preliminary site plan has been submitted for review and currently does not show for the provision of sidewalks along the Plum Street and W. Overland Trail. Section 3.2.13.5 (a) of the Land Development Code (LDC) requires for the provision of sidewalks along street frontages as part of a site plan. The applicant is requesting a waiver of the sidewalk requirement for this development along Plum Street and W. Overland Trail.

The City's ordinance recognizes that major streets, like Plum St & W. Overland Tr. (the frontage road for I-20), provide connectivity for a larger area and thus are expected to provide sidewalks. The property is near the intersection of W. Lake Rd & I-20 which is designated as a Major Commercial/Business Center area on the City's Future Land Use Plan. The intersection will be a major retail/commercial node in the future and will generate pedestrian traffic.

While this particular development may not generate or encourage a substantial sidewalk need, sidewalks in this area would create and begin important sidewalk connections for the greater area (and likewise waiving sidewalks would create a significant gap in the future sidewalk system in this area). The subject property is on the I-20 frontage between a convenience store and 2 hotels on one side and a residential neighborhood on the other side. It appears that adequate space exists for proper installation of a sidewalk.

This request was reviewed by both the Planning Director and City Engineer. They determined that there was not reasonable justification for granting the waiver. Several justifications were provided in the applicant's letter; however, the justifications lacked sufficient substance to grant the waiver request:

- The first justification regarding an exemption for industrial zoning applies only to "local" streets and is

therefore not applicable since the subject streets are a freeway frontage road and planned collector street.

- The second justification, while potentially applicable, is generally intended for larger areas of heavy commercial and industrial uses, not just one property that lies within an area that includes both residential and retail/hotel/restaurant development.

**STAFF RECOMMENDATION**

Based on the information provided by the applicant, the Planning Director and City Engineer both continue to recommend denial of the waiver of the sidewalks in the area.

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

- Vic Corley – owner of the property and supporting the request for a waiver of the sidewalk
- Dale Boecker – support of waiver

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

Council and Staff discussion included: 1) the location; 2) dead-end street to the west of the property; 3) did not see evidence that residents were walking from the west to the convenience store at the corner; and 4) the access road U-turns under the interstate and goes back to the east.

Councilwoman Miller made the motion to approve the sidewalk waiver for Section 1, Corley Estates, located at 3642 W. Lake Rd. Councilman Spano seconded the motion, motion carried.

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

**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 9:42 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 551.074 Personnel.

No action from executive session.

10. **Oral Resolution:** Approving the appointments/reappointment to the following boards and commissions:

No action taken on board appointment.

There being no further business the meeting was adjourned at 11:28 a.m.

City Secretary

Mayor