

CITY COUNCIL MEETING
October 23rd, 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 October 23rd 2014, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Spano was present and presiding with Councilmen Shane Price, Anthony Williams, Jay Hardaway, and Kyle McAlister. Mayor Archibald was absent. Also present were Interim City Manager David A. Vela, City Attorney Dan Santee, Assistant City Secretary Tiffni Herrera, and various members of the City staff.

Councilman Anthony Williams gave the invocation.

Mayor Pro-tem Spano introduced Reed Ridley a 2nd grader at Ward Elementary. Reed 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 Pro-tem Spano stated Council has been given the minutes from the October 9th 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, Williams, Hardaway, McAlister and Mayor Pro-tem Spano
NAYS: None

CONSENT AGENDA

Councilman Price and Councilman McAlister pulled item 6.3 and Councilman Price pulled item 6.7. Councilman McAlister made the motion to approve consent item 6.1 through 6.12, with the exception of 6.3 and 6.7, as recommended by staff. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Hardaway, McAlister, and Mayor Pro-tem Spano
NAYS: None

Oral Resolutions:

6.1 **Oral Resolution:** City Council approved the use of Construction Manager at Risk Procurement Process (CMAR) for Water Utilities second stage short-term drought strategies.

The Texas Local Government Code allows the use of alternative procurement methods found in Chapter 2267 of the Texas Government Code as an alternative to competitive bidding. One such method is the Construction Manager at Risk (CMAR) process. Per the Texas Government Code, before using an alternative procurement method the governing body must determine that the chosen method provides the best value for the municipality.

Staff believes that the use of the CMAR process for the water treatment plant needed to provide preliminary treatment of raw water from Possum Kingdom Lake associated with the second stage short-term drought strategies will provide the best value and most efficient method of procurement for the City of Abilene. The water treatment plant will include construction of a 4 to 14 million gallons per day (MGD) advanced treatment plant near the City of Breckenridge. In addition, use of the CMAR process for construction of raw water pipelines associated with the second stage short-term drought strategies

will also provide the best value and most efficient method of procurement for the City of Abilene. The pipelines will vary in size up to 36-inch, and will transport raw water from Possum Kingdom Lake to the new treatment facility and from the new treatment facility to the existing West Central Texas Municipal Water District transmission lines for delivery into Abilene.

While there is no fiscal impact from the recommendation of this action today, the Water Department will be bringing back to the City Council contracts with the selected water treatment plant CMAR and the selected pipeline CMAR in the near future. Funding/Fiscal Impact will be addressed when the CMAR contracts are presented to the City Council.

- 6.2** **Resolution:** City Council accepted the Donated Land located off of Southwest Drive by Kickapoo Land & Dodgco to be developed for Park Purposes.

Kickapoo Land and Dodgco has identified 40.73 acres of land located on Southwest Drive that they would like to donate to the City. The City believes that the best use this land would be for the future development of a park. The land in question is located in an area of the City that our last two Parks Master Plans identified as having a great need for a park development. This park would be eventually developed into a neighborhood park that could meet the recreational needs of the single family and multi-family developments to the north of the location as well as those visiting the commercial properties along Southwest Drive.

Resolution: **#23-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE ACCEPTANCE OF A DONATION OF LAND FOR PARK PURPOSES, BEING 40.73 ACRES OF LAND LOCATED ON SOUTHWEST DRIVE

- 6.3** **Resolution:** Ordering a Special Called Election to fill a vacancy and be held on January 13th, 2015. (Una Resolución Del Consejo De La Ciudad De Abilene, Texas, Pidiendo Una Elección Especial Que Se Llevara A Cabo El 13 De January Del 2015.) *Councilman Price and Councilman McAlister pulled Item 6.3*

Ordinances:

- 6.4** **Ordinance:** (*First Reading*) On a Case for **Z-2014-41** a request from Timothy Smith, to rezone property from RS-12 (Single-Family Residential) to GR (General Retail) zoning, located at 5526 Buffalo Gap Rd; and setting a public hearing for November 6, 2014

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-147 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.5** **Ordinance:** (*First Reading*) On a Case for **Z-2014-42** a request from Richard & Terri Hartmann, agent Southwind Group, Inc, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, being Lots 11 & 12, Block C, Lone Oak Industrial Park, Section 3, located at 115 Caddo Dr.; and setting a public hearing for November 6, 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.

- 6.6** **Ordinance:** (*First Reading*) On a Case for **Z-2014-43** a request from Rissan, Inc, to rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2352 S. 33rd St; and setting a public hearing for November 6, 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.

- 6.7** **Ordinance:** (*First Reading*) On a Case for **Z-2014-44** a request from Caleb Ensor, to rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2126 Campus Ct; and setting a public hearing for November 6, 2014. *Councilman Price pulled Item 6.7*

- 6.8** **Ordinance:** (*First Reading*) On a Case for **Z-2014-46** a request from Brad Pursley, to rezone property from HI/H (Heavy Industrial/Historic Overlay) to HI (Heavy Industrial) zoning, located at 2734 S. 27th St; and setting a public hearing for November 6, 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.

Award of Bids:

- 6.9** **Bid Award: CB-1501** - Half Ton Pickup Trucks.

Fleet Management seeks approval to purchase four half-ton pickup trucks that are worn out and no longer cost-effective to maintain. The trucks will be assigned to Traffic Engineering, Streets, Water Quality Lab and Water Distribution. Each vehicle will be utilized to carry out the respective division's functions and duties.

Caldwell Country Chevrolet was outright low bidder and met specifications but Lawrence Hall was within the 5% local preference. Arrow Ford also met specifications but was high bid

City Council awarded the bid to Lawrence Hall Chevrolet in the amount of \$89,439.00.

- 6.10** **Bid Award: CB-1502** - Three-Quarter Ton Pickup Trucks

Fleet Management seeks approval to purchase three three-quarter-ton pickup trucks that are worn out and no longer cost-effective to maintain. The trucks will be assigned to Solid Waste, Facilities Maintenance and Fire Services. Each vehicle will be utilized to carry out the respective division's functions and duties.

Advertisements were published on September 14, 2014 and September 21, 2014. Bids were opened on September 30, 2014 at 11:00 A.M. Seventeen (17) bid invitations were requested with two (2) vendors submitting a bid.

City Council awarded the bid to Arrow Ford in the amount of \$78,690.00

6.11 Bid Award: Fleet and Fuel Software

The City of Abilene’s current fleet management software is not able to keep up with all the aspects of managing a fleet of over 700 vehicles and 2,100 components and fixed assets. The current software was purchased in 1999. This software is obsolete, not supported by the vendor, and is not able to provide adequate accounting and reporting to effectively manage the costs associated with repairs, parts, preventive maintenance, scheduling, and cost projections. We are recommending FleetFocus and FuelFocus software programs to replace our old system. These products will streamline and improve all aspects of our Fleet Management and Fleet Maintenance.

FleetFocus and FuelFocus software will be purchased through the General Services Administration (GSA) cooperative. AssetWorks is the sole source provider of the FleetFocus and FuelFocus software solutions.

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
AssetWorks	FleetFocus Software including professional services and hosting	\$145,304.64
	FuelFocus Software including maintenance	\$ 73,869.99
GSA contract # GS-35F-4731G		

City Council approved the purchase of the software from General Services Administration (GSA) Cooperative in the amount of \$219,174.63.

6.12 Bid Award: Uniform Rental Agreement

Staff is proposing to enter into a uniform rental agreement with Unifirst Corporation through the Local Government Purchasing Cooperative (Buyboard).

The City of Abilene has been under contract with Unifirst Corporation for the past eight (8) years and has received excellent customer service. The new Buyboard contract will be for a period of three (3) years. The new contract unit prices will be less than the current Buyboard contract unit prices.

City Council awarded the contract to Unifirst Corporation, through the Local Government Purchasing Cooperative (Buyboard).

ITEMS PULLED FROM CONSENT

6.3 Resolution: Ordering a Special Called Election to fill a vacancy and be held on January 13th, 2015. (Una Resolución Del Consejo De La Ciudad De Abilene, Texas, Pidiendo Una Elección Especial Que Se Llevara A Cabo El 13 De January Del 2015.) *Councilman Price and Councilman McAlister pulled Item 6.3*

Council discussed the dates for the election – January 13th a Tuesday instead of on a Saturday and the dates to file. Information will be available on the city’s website.

With the resignation of Councilwoman Miller, Place 6 the City Charter states that all vacancies of the council must be filled by election pursuant to Article XI, Section 11 of the Texas Constitution.

Taylor County has introduced "Vote Centers" for the November Election and will be making application to the Secretary of State to continue using vote centers for the upcoming Special Election. Election Day voting will be held on Tuesday, January 13th and we will use the Taylor County's 16 vote centers located in the City of Abilene.

First day to file for a place on the ballot will be: October 24th 2014
Last day to file for a place on the ballot will be: November 13th 2014 by 5:00 pm

Resolution: **#24-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ORDERING A SPECIAL ELECTION BY THE QUALIFIED VOTERS OF THE CITY OF ABILENE, ON JANUARY 13, 2015, FOR THE PURPOSE OF ELECTING A CITY COUNCIL MEMBER FOR CITY COUNCIL PLACE 6 TO SERVE THE REMAINDER OF AN UNEXPIRED TERM

- 6.7** **Ordinance:** (*First Reading*) On a Case for **Z-2014-44** a request from Caleb Ensor, to rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2126 Campus Ct; and setting a public hearing for November 6, 2014. *Councilman Price pulled Item 6.7*

City Attorney Dan Santee briefed the council on the Local Government Code section 171.004 regarding a conflict of interest when the majority of the council will have a conflict on an item.

A super majority of the council will be needed to approve the zoning case due to the opposition to the zoning request.

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

Councilman Price made the motion to approve items 6.3 and 6.7 as presented. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Williams, Hardaway, McAlister, and Mayor Pro-tem Spano
NAYS: None

REGULAR ITEMS

- 7.1** Mindy Patterson, Director of Finance briefed the council on authorizing the issuance and sale of City of Abilene, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014, for water and sewer system improvements. George Wilford with First Southwest also spoke on the issuance of the Certificates of Obligation, Series 2014.

The certificates of obligation sale will finance \$65,000,000 for the purpose of constructing, acquiring, installing, and equipping additions, extensions and improvements to the City's water and wastewater system.

The \$65,000,000 for water and sewer projects will be funded from water and sewer revenue. Therefore a rate increase was necessary for this issue. The credit rating from Standard and Poor's is affirmed at AA+, and the rating from Fitch Ratings is AA+. The True Interest Cost for the Series 2014 is 3.690%.

Councilman Hardaway made the motion second by Councilman Williams, to authorize the issuance and sale of City of Abilene, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014, for water and sewer system improvements

AYES: Councilmen Williams, Hardaway, McAlister, Price and Mayor Pro-tem Spano
NAYS: None

Ordinance: **#69-2014**

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS, COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

EXECUTIVE SESSION

Mayor Pro Tem Spano recessed the Council into Executive Session 8:50 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 9:29 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

No action from executive session.

There being no further business the meeting was adjourned at 9:29 a.m.

Danette Dunlap, TRMC
City Secretary

Joe Spano
Mayor Pro Tem