

CITY COUNCIL MEETING
November 20th, 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 November 20th 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, Jay Hardaway, and Kyle McAlister. Also present were Interim City Manager David A. Vela, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Jay Hardaway gave the invocation.

Mayor Archibald introduced Emma Lowry, 6th grader at Wylie Middle School. Emma led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION & RECOGNITION

Mayor Archibald presented a proclamation for Aviation Appreciation Month and Jill Tidwell, General Manager of Envoy/American Eagle along with Don Green Director of Aviation accepted the proclamation. Also members of the Airport Development Board.

Mayor Archibald recognized Shmulik Riffman the Mayor from Ramat Hanegev, Israel that is here visiting.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the November 6th Regular meeting, there being no deletions, no additions, and no corrections. Councilman Hardaway made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

CONSENT AGENDA

Council pulled items 6.1, 6.2 and 6.5. Councilman Williams made the motion to approve consent items 6.3 and 6.4 as recommended by staff. Councilman Hardaway seconded the motion, motion carried.

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

Resolutions:

6.1 **Resolution:** Authorizing the Interim City Manager to execute the contract between Taylor County Elections Administrator and the City of Abilene. *(Item pulled by council.)*

6.2 **Resolution:** Adopting and amending a Fair Housing Policy in accordance with the Civil Rights Act of 1968 and the Constitution of the United States. *(Item pulled by council.)*

- 6.3 Oral Resolution:** City Council authorized the Interim City Manager to execute the Change Order 7 to the Taxiway M, N and P Rehabilitation contract with Duinick, Inc. for the Abilene Regional Airport.

Duinick, Inc. is the contractor for the Taxiways M, N and P Reconstruction Project. The original contract was awarded by Council on September 26, 2013 and work is over 93% complete. However, excessive moisture under the construction area has caused the need to tear out a portion of the paved shoulder on Taxiway N and do additional soil stabilization work. The change order also includes about \$9,500 in miscellaneous quantities adjustment due to other field conditions. This change order adds **\$56,464.37** to the contract and brings the contract to \$7,966,380.57.

The Airport Development Board voted to recommend approval of Change Order 7 to the contract with Duinick, Inc. at its November 12 meeting.

Ordinance:

- 6.4 Ordinance:** (*First Reading*) Adopting the Standards of Care; and setting a public hearing for December 4th 2014.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

Bid Award:

- 6.5 Bid Award:** CB-1506, Police Patrol SUVs. (*Item pulled from consent*)

ITEMS PULLED FROM CONSENT

- 6.1 Resolution:** Authorizing the Interim City Manager to execute the contract between Taylor County Elections Administrator and the City of Abilene. (*Item pulled by council.*)

Danette Dunlap City Secretary briefed the council on the Vote Centers and polling locations. Taylor County used Vote Centers during the November Election, but the Secretary of State has informed the County that Vote Centers cannot be used for non-uniform election days.

The City has proposed to use 4 early voting locations:

Taylor County Plaza January 5th through January 9th Hours: 8 a.m. till 5 p.m. Monday, Tuesday, Wednesday and Friday. 7 a.m. till 7 p.m. on Thursday.

City Hall January 5th through January 9th Hours: 8 a.m. till 5 p.m. Monday – Friday

Mall of Abilene January 5th through January 9th Hours: 10 a.m. till 6 p.m. Monday – Friday

K-Mart January 5th through January 9th Hours: 10 a.m. till 6 p.m. Monday – Friday

Election Day 101, 107A, 201 202, 205	From 7:00 a.m. till 7:00 p.m.:	
	Johnston Elementary School	3602 North 12 th
102, 103, 104, 105, 106, 404 405	Westminster Presbyterian Church	4515 South 14 th St
203, 204, 401	Sears Park Recreation Center	2250 Ambler Ave.
108, 301, 302 304, 305, 306 307A	New Beginnings United Pentecostal Church	5535 Buffalo Gap Rd
402, 403, 406 407	Hillcrest Church of Christ	650 East Ambler Ave.

Resolution will be updated with the hours on Election Day. Estimated cost of the election is \$21, 403.80.

Councilman Price made the motion to approve the Resolution authorizing the Interim City Manager to execute the contract with Taylor County Elections Administrator. Councilman Williams seconded the motion, motion carried.

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

Resolution # **26-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE CONTRACT BETWEEN THE CITY OF ABILENE AND TAYLOR COUNTY ELECTIONS ADMINISTRATOR FOR A SPECIAL ELECTION TO BE HELD ON JANUARY 13, 2015.

6.2 **Resolution:** Adopting and amending a Fair Housing Policy in accordance with the Civil Rights Act of 1968 and the Constitution of the United States. *(Item pulled by council.)*

The City adopted an amended Fair Housing Policy May 28, 2009. The Fair Housing Act protects individuals from discrimination in purchasing and renting housing. The Department of Housing and Urban Development has issued guidelines in determining what is considered discrimination (HUD 1260). The Fair Housing Act prohibits discrimination in housing because of: race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under age 18) and disability.

Council asked about the changes to the Fair Housing Policy. Changes were made in regards to staffing and training of staff located in Exhibit A.

Councilman Spano made the motion to approve the Resolution adopting and amending a Fair Housing Policy in accordance with the Civil Rights Act of 1968 and the Constitution of the United States. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Hardaway, McAlister, and Mayor Archibald

NAYS: None

Resolution: #27-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ADOPTING AND AMENDING A FAIR HOUSING POLICY IN ACCORDANCE WITH THE CIVIL RIGHTS ACT OF 1968 (AS AMENDED) AND THE CONSTITUTION OF THE UNITED STATES AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 1260 FAIR HOUSING AND EQUAL OPPORTUNITY GUIDELINES.

- 6.5** **Bid Award: CB-1506**, Police Patrol SUVs. City Council approved the purchase of Police Patrol SUV's from Caldwell Country Chevrolet in the amount of \$370,620.00. (*Item pulled from consent*)

Fleet Management seeks approval to purchase twelve police patrol packaged SUVs to replace units that are approaching out-of-service dates.

Advertisements were published on October 5 and October 12, 2014. Bids were opened on October 21, 2014 at 11:00 A.M. Seven (7) bid invitations were requested with two (2) vendors submitting a bid.

Councilman Hardaway made the motion to approve the purchase of Police Patrol SUV's from Caldwell Country Chevrolet in the amount of \$370,620.00. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Hardaway, McAlister, and Mayor Archibald

NAYS: None

REGULAR ITEMS

- 7.1** Mayor Archibald stated that this item was TABLED from the November 6th meeting. Mayor Archibald made the motion to remove this item from the TABLE and Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Hardaway, McAlister and Mayor Archibald

NAYS: None

Rodney Taylor Assistant Director of Utilities briefed the council on authorizing the Mayor to enter into an agreement to provide sanitary sewer services with the Town of Buffalo Gap.

The Water Department is requesting that by written resolution the City Council authorize the Agreement to Provide Sanitary Sewer Services (Agreement) with the Town of Buffalo Gap (Buffalo Gap). The Agreement authorizes Buffalo Gap to connect to and discharge its total sanitary sewer output into the Abilene sanitary sewer collection system for treatment in compliance with all State and Federal Regulations.

The Town of Buffalo Gap is located approximately five miles south of Abilene. The voters of Buffalo Gap approved funds for the construction of a sanitary sewer collection system to serve the citizens within Buffalo Gap. At the recommendation of Jacob and Martin, Ltd. Buffalo Gap petitioned Abilene for an Agreement to Provide Sanitary Sewer Services, which establishes the terms and conditions for the connection and the discharge into the Abilene sanitary sewer system. The Buffalo Gap collection system will include gravity sanitary sewer piping and appurtenances, lift station(s), and a sewer force main. All sewage collected from Buffalo Gap will be transported by force main to a connection point with the City of Abilene cedar gap outfall

sewer located at the Hargesheimer Water Treatment Plant site. The maximum annual average daily flow of Buffalo Gap shall not exceed 150,000 gallons per day. There exists sufficient capacity at the point of connection and at the Hamby Wastewater Treatment Plant to accept the sanitary sewage from Buffalo Gap. Abilene currently treats the sanitary sewage output from the City of Tuscola, the City of Tye, and the Hawley ISD.

Buffalo Gap will implement a customer sewer collection rate adequate to equip its town with equipment to service its collection system and to provide for outside assistance as needed. Abilene will not be the primary sewer service provider for Buffalo Gap.

The construction of the Buffalo Gap sanitary sewer project is funded by USDA Rural Development. The Agreement has a forty year term. The effective date of the Agreement will coincide with the closing date of the loan between Buffalo Gap and USDA Rural Development.

Mr. Taylor noted that there should be a wording change on the 3rd Whereas on the Resolution – from “voters” to “city council”.

Councilman Hardaway made the motion to authorize the Resolution for an Agreement to Provide Sanitary Sewer Services with the Town of Buffalo Gap with the change on the Resolution wording. Councilman Price seconded the motion, motion carried.

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

Resolution: # **28-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING AN AGREEMENT TO PROVIDE SANITARY SEWER SERVICES BETWEEN THE CITY OF ABILENE AND THE TOWN OF BUFFALO GAP

7.2 Rodney Taylor Assistant Director of Water Utilities briefed the council on the Resolution authorizing the purchase from Pall Corporation of Microfiltration Units and Related Equipment for Expansion of the Hargesheimer Water Treatment Plant.

The City of Abilene Water Department is requesting that by resolution the City Council authorize the purchase from Pall Corporation (Pall) of Cortland NY the Microfiltration Membrane Units and Related Equipment for the Expansion of the Hargesheimer Water Treatment Plant (HWTP). The purchase price is \$1,585,000.00. This is a pre-construction purchase of sole source items necessary to meet delivery schedules of the drought response strategy. Pall supplied the original Microfiltration (MF) system at the HWTP, and Pall will be supplying this proprietary equipment to assure its compatibility with existing plant equipment.

In response to the on-going drought and as a part of the City’s overall second-stage, short-term drought response strategy, the City is expanding the capacity of the Hargesheimer WTP. Enprotec/Hibbs & Todd was hired as the Texas Professional Engineer to design the plant expansion. The Hargesheimer WTP began operating in 2003. The expansion project will double the capacity to treat water from the O.H. Ivie Reservoir from 6 MGD to 12 MGD. The expansion project includes a new pretreatment facility, on-site residuals handling facilities, up-sizing of several chemical feed systems, and expansion of the hollow fiber microfiltration (MF) system. This purchase from Pall includes providing two MF skids with all related valves, controls/instruments, filter modules, and related appurtenances. Additionally, Pall will be supplying a new air receiver tank for the air scour cleaning system, new enhanced flux maintenance (EFM) tank for membrane cleaning, and all computer hardware and programming necessary to incorporate the new equipment into the existing control network. The purchased

equipment and hardware will be installed by a general contractor under separate contract. Pall will install all control software.

Mayor Archibald made the motion to approve the Resolution to purchase from Pall Corporation for Microfiltration Units and Related Equipment for Expansion of the Hargesheimer Water Treatment Plant. Councilman Williams seconded the motion, motion carried.

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

Resolution # **29-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE PURCHASE OF MICROFILTRATION UNITS AND RELATED EQUIPMENT FOR EXPANSION OF THE HARGESHEIMER WATER TREATMENT PLANT FROM PALL CORPORATION

7.3 Mayor Archibald stated that this item was TABLED from the November 6th meeting. Mayor Archibald made the motion to remove this item from the TABLE and Councilman Hardaway seconded the motion, motion carried.

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

Jon James, Director of Planning and Development Services briefed the council on 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.

Currently the property is zoned RS-12 and is developed with a home. The surrounding area is developed generally residential uses. A church exists directly to the north. Another church exists close by across Buffalo Gap Rd and to the south. This property has frontage along Buffalo Gap Rd and gains access directly from Buffalo Gap Rd. The applicant is requesting the GR zoning for development of a fitness facility. This would be the 2nd fitness facility for the applicant.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is not close to a major intersection. The Buffalo Gap Corridor study indicates that retail & commercial zoning is allowable in nodes at intersections of major thoroughfares. The requested zoning would allow for retail & commercial uses, including a fitness facility. The requested zoning would not be compatible with the adjacent uses or the Comprehensive Plan.

When a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council. The opposition from the surrounding property owners equals approximately 26%; therefore, a super-majority vote is required for this item.

Staff recommends denial.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of a PD zoning with restrictions by a vote of 4 in favor (Bixby, Calk, Ellinger, & Famble) and 2 opposed (McClarty & Rosenbaum).

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

- Tim Smith – proponent for the change
- Dr. Zane Travis – for the rezone
- Scott Bishop – for the rezone
- Gary Adams – for the rezone
- Deborah Bell – for the rezone
- Leigh Walker – for the rezone
- Nita Brewer – for the rezone
- Harold Wicker – against the rezone (neighbor)
- Larry Gill – for the rezone, concern in regards to the church
- Bruce Kreidler – for the rezone
- Steve Savage – for the rezone
- Charlie Quinonez – for the rezone
- Pam Smith – for the rezone
- Priscilla Wood – for the rezone
- Bob Nutt – for the rezone
- Doug May – against the rezone
- Michael Carter – against the rezone
- Cheryl Hanks – against the rezone
- Virginia Mc Dole – against the rezone
- Pat Wicker – against the rezone
- Patty Carter – against the rezone
- Bernie Taylor – concern about parking at the Catholic Church
- Perry Haynes – for the rezone
- Mark Powell – for the rezone

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

Discussion between Council and Staff included: 1) Parking; 2) lighting; 3) fencing; and 4) hours of operation.

Mayor Archibald made the motion to approve the Ordinance for Case for **Z-2014-41**, a request from Timothy Smith, to rezone property from RS-12 (Single-Family Residential) to Planning & Zoning recommendation of PD-147 with the following conditions 1) Site plan required; 2) 6ft fence on North and South sides; 3) directional lighting; 4) signage should meet the Buffalo Gap Overlay requirements; 5) allow 24 hours of operation; 6) reserve the right for council to change if and when opposition comes up regarding noise levels – PD would go back to Planning & Zoning then to Council to address; 7) no alley access; and 8) Ingress and Egress according to city standards, using the existing driveways, located at 5526 Buffalo Gap Rd. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Hardaway, and Mayor Archibald
NAYS: Councilman McAlister

Ordinance: **#73-2014**

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.

Location: 5526 Buffalo Gap Rd

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 11:43 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 12:53 p.m. and reported no votes or action was taken in Executive Session in regards to Personnel Section 551.074

No action from executive session.

10. Oral Resolution: Discussion and possible action related to annual performance evaluations of City Attorney, City Secretary and Municipal Judge. No-action taken.

There being no further business the meeting was adjourned at 12:53 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor