

CITY COUNCIL MEETING
December 4th, 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 December 4th, 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.

Kyle McAlister gave the invocation.

Mayor Archibald introduced Kaitlyn Strain a 5th grade student at Austin Elementary. Kaitlyn 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 Archibald stated Council has been given the minutes from the November 20th Regular meeting, there being no deletions, no additions, and no corrections. Councilman Price made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

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

CONSENT AGENDA

Mayor Archibald pulled item 6.1 from the agenda, this will come back at another meeting. Councilman Hardaway made the motion to approve consent items 6.2 through 6.5 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

Resolutions:

6.1 **Resolution:** Approval of sole source contract with the National Development Council for Professional Services for FY2014/2015. *Pulled from the agenda.*

6.2 **Resolution:** Amend Resolution Ordering a Special Called Election for the purpose of Electing a City Council Member for City Council Place 6 to serve the remainder of the unexpired term.

Resolution: **#31-2014**

AMENDED 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

Ordinances:

- 6.3** **Ordinance:** (*First Reading*) **Z-2014-47** – on a request from RGP Enterprises, Inc., agent Derek Peterson, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 3250 S. Treadaway Blvd; and setting a public hearing for December 18, 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

- 6.4** **Ordinance:** (*First Reading*) **Z-2014-48** - on a request from Danville O5, agent Tom Niblo, to rezone property from PD (Planned Development) to MU (Medical Use) zoning, located at 3434 Mabray Ln; and setting a public hearing for December 18, 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.

- 6.5** **Ordinance:** (*First Reading*) Replacing Chapter 31 "Vehicles for Hire"; and setting a public hearing for December 18th, 2014.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE DELETING AND REPLACING CHAPTER 31, "TAXICABS" OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

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 Williams seconded the motion, motion carried. Conflict of interest statements have been filed from Councilmen Williams, McAlister and Price for their association with Abilene Christian University. A supermajority will be needed for passage due to the opposition to the zone change.

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

Jon James Director of Planning and Development Services briefed the council **Z-2014-44** – an appealed Item - on a request from Caleb Ensor, to rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2126 Campus Ct.

Currently the property is zoned RS-8 and is developed with a home. The surrounding area is developed generally with residential uses to the north, south, & west. The property across Campus Ct to the east is Abilene Christian University. Campus Ct is designated as a 'collector' street. The applicant is requesting the NR zoning for development of a neighborhood retail store, such as a coffee shop. Staff has concerns about the traffic that the potential uses would generate. Typically, retail zoning would be located at intersections or in nodes designated for retail/commercial activity. However being adjacent to the university, this neighborhood has a greater pedestrian population as students walk to and from school. This property is oriented toward Campus Ct. An alley

separates it from the adjacent lot to the west. Additionally, there are other properties with similar uses further south on Campus Ct.

The Future Land Use section of the Comprehensive Plan designates this area as 'low-density residential'. The general area on the west side of Campus Ct is developed with single-family homes. Abilene Christian University exists to the east across Campus Ct. This area has seen some mixed-use development on properties further south.

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 58%; therefore, a super-majority vote is required for this item.

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends denial by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

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

- Caleb Ensor – Proponent for the zone change
- Linda Childers – against the zone change
- Mandy Scudder – against the zone change
- Robin Hardegree – against the zone change
- Duwain Houston – against the zone change
- Susan Pigeon – against the zone change
- Scott Hughes – against the zone change
- Gary Oliver – against the zone change
- James Scudder – against the zone change

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

Council and Staff discussion included: 1) difference between General Retail and Neighborhood Retail – hours of operation and square footage of the building; and 2) the future of Campus Ct and the construction by Abilene Christian University.

Councilman Price made the motion to deny Ordinance for Case #**Z-2014-44** – an appealed Item - on a request from Caleb Ensor, to rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2126 Campus Ct. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

7.2 Kent Sharp Director of Economic Development briefed the Development Corporation of Abilene, Inc.(DCOA) Report of Activities for the fiscal year ended September 30, 2014.

Project Summaries:

- Fehr Foods
- Clavel Corporation (Project AH)
- Project BE – The company decided not to pursue assistance from the DCOA
- Smith Pipe – Phase 5 Expansion
- Corley Wetsel Trucking Center
- Broadwind Towers
- BWJ Consulting (Project BW)
- Project KW
- Genesis Networks (WaveCreste)
- Spec 3 Finish-Out – CarbonLITE Recycling

DCOA has formed a committee and will be focusing on a Strategic Plan for Economic Development.

Councilman Williams made the motion to approve the Report of Activities for the fiscal year ended September 30, 2014 for the Development Corporation of Abilene, Inc. Councilman Hardaway seconded the motion, motion carried.

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

7.3 Stan Standridge Chief of Police briefed the council on Authorizing the Purchase of Digital Dash Cameras and Interrogation Room Systems from WatchGuard.

Chapter 2 of the Texas Code of Criminal Procedure codifies the prohibition of bias-based policing. In addition to requiring an annual report to the governing council and the Texas Commission on Law Enforcement, law enforcement agencies are required to collect data on all self-initiated traffic stops. In furtherance of this data, Abilene has used dash-camera systems since 2002. The current systems in all marked units are 5 years old, and they use Microsoft XP. XP is no longer supported by Microsoft as of April 2014, thus necessitating replacements. Additionally, some units have already failed and more risk failure as the computers age. The Police Department and the Marshal's Office seek 79 new units for vehicles and 4 interrogation-room systems.

The digital camera systems will be purchased from WatchGuard through a cooperative contract with HGAC. Purchases made through cooperative contracts meet all of the competitive bid requirements found in the Texas Local Government Code.

The purchase price does not include the acquisition of a server, a Network Attached Storage (NAS), or DVD burner, which will be considered outside of this contract through the Technology Fund. The approximate cost for these three items is \$35,100.

FUNDING/FISCAL IMPACT

These purchases are subject to leasing options approved by the vendor and the City. Costs for the fleet units, interview room solutions, 4 access points for wireless upload, and warranties and licenses for a 5-year period, are \$513,880. The City will finance the cost of these purchases over 48 months. Because camera systems are essentially computers, their life expectancy is 5 years, thus requiring routine replacement in the years ahead.

STAFF RECOMMENDATION

Staff recommends the Council approve the lease purchase of these items. Video evidence of citizen contacts is invaluable for risk reduction, criminal prosecution and transparency of police operations.

Discussion between Council and Staff included: 1) real-time uploads – problem with local speeds and cost.

Councilman Hardaway made the motion to approve Purchase of Digital Dash Cameras and Interrogation Room Systems from WatchGuard. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Resolution: **#32-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE COOPERATIVE PURCHASE OF WATCHGUARD DIGITAL DASH CAMERAS AND INTERROGATION ROOM SYSTEMS.

7.4 Ronnie Kidd, Managing Director for Administration briefed the council on the purchase of Intergraph Maintenance Services for Public Safety.

This is the annual renewal of the maintenance services contract with Intergraph Corporation in support of our public safety system. In regards to Dispatch, Records Case Management and Mobile Data as the major components.

The City's public safety system would be at risk operationally without the ongoing maintenance services provided by this Intergraph maintenance contract.

Funding for this maintenance contract in the amount of \$252,561.92 has been budgeted and approved by Council in the FY 2015 Technology Fund Vendor Maintenance budget.

Councilman Williams made the motion to approve purchase of Intergraph Maintenance Services for Public Safety . Councilman Price seconded the motion, motion carried.

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

NAYS: None

Resolution: **#33-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE CONTRACT BETWEEN THE CITY OF ABILENE AND INTERGRAPH CORPORATION

7.5 Ronnie Kidd, Managing Director for Administration briefed the council on the Stop Loss Insurance coverage for Health Plan Year 2015.

The City of Abilene provides health and prescription insurance coverage to employees and retirees through its self-funded health plan. To insure against the loss risk of significant health claims, the City purchases stop loss insurance for each plan year. This is accomplished through a competitive bidding process with stop loss insurance carriers. The stop loss insurance provides coverage for both individual and aggregate

claims above a certain level (deductible). Our current (plan year 2014) individual stop loss deductible is \$190,000 and aggregate stop loss deductible is 125% of expected claims (\$6.8 million). The stop loss insurance carriers factor the deductible levels into the quote that they provide.

The deadline for best and final offers (quotes) from carriers was November 25, 2014. Five carriers responded with offers, including the recently chosen third party administrator, Aetna. HCC presented the lowest cost offer, as reflected below:

Carrier	Current Yr	Aetna	HCC	Transamerica	Voya	SA Benefit Svc
Cost	\$483,561	\$831,744	\$517,824	\$577,613	\$728,525	\$567,475

FUNDING/FISCAL IMPACT:

The stop loss coverage is part of the self-insurance fund fiscal year 2015 budget. The total cost for the stop loss premium for plan year 2015 is estimated to be \$517,824. The individual stop loss deductible will remain at \$190,000 and the aggregate stop loss deductible will be 120% of expected claims (\$7.2 million).

Councilman Price made the motion to approve the Stop Loss Insurance coverage for the Health Plan Year 2015. Councilman Spano seconded the motion, motion carried.

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

Resolution #34-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE STOP LOSS INSURANCE COVERAGE FOR THE HEALTH PLAN OF THE CITY OF ABILENE FOR PLAN YEAR 2015.

7.6 Tommy O’Brien Director of Water Utilities briefed the council on a Resolution requesting that the Brazos G Regional Water Planning Group and the Texas Water Development Board designate the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.

The City is located in the Brazos G Regional Water Planning area. The Brazos G Regional Water Planning Group is currently developing its 2016 Brazos G Regional Water Plan, which will become part of the 2017 State Water Plan, to be adopted by the Texas Water Development Board ("TWDB").

Pursuant to previous Brazos G Regional Water Plans and the State Water Plans, the Cedar Ridge Reservoir is the City’s and the region’s recommended water management strategy for meeting future water needs. The City has begun activities to acquire the necessary permits to allow the construction of the Cedar Ridge Reservoir, to be located on the Clear Fork Brazos River downstream of the City’s existing Fort Phantom Hill Reservoir, to meet this additional need.

The 2007 State Water Plan designates the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir. In 2007, the Texas Legislature adopted Senate Bill 3, creating, in part, Texas Water Code § 16.051(g-1) and designating, by reference to the 2007 State Water Plan, the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir. This designation is significant as it prevents state agencies or political subdivisions of the state from obtaining a property interest at sites designated as unique for

the construction of a reservoir if such interest would “significantly prevent” the construction of a reservoir. The 2011 Brazos G Regional Water Plan and 2012 State Water Plan identified Cedar Ridge Reservoir as having unique value for the construction of a reservoir. Thus, the proposed resolution seeks to request that the Brazos G Regional Water Planning Group and TWDB designate the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.

The unique reservoir site designation for the Cedar Ridge Reservoir Site included in Senate Bill 3 and the 2007 and 2012 State Water Plans represents good public policy by preserving, to an important extent, the ability of the City to pursue the permitting and construction of the Cedar Ridge Reservoir to meet future water needs. This policy should be reflected in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.

Councilman Hardaway made the motion to approve the Resolution requesting that the Brazos G Regional Water Planning Group and the Texas Water Development board designate the Cedar Ridge Reservoir site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan. Councilman Price seconded the motion, motion carried.

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

Resolution #35-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS REQUESTING THAT THE BRAZOS G REGIONAL WATER PLANNING GROUP AND THE TEXAS WATER DEVELOPMENT BOARD DESIGNATE THE CEDAR RIDGE RESERVOIR SITE AS A SITE OF UNIQUE VALUE FOR THE CONSTRUCTION OF A RESERVOIR IN THE 2016 BRAZOS G REGIONAL WATER PLAN AND THE 2017 STATE WATER PLAN.

7.7 Don Green Director of Aviation briefed the council on the purchase of an Airfield Vacuum Sweeper Truck for the Abilene Regional Airport.

AIP Grant 43 includes the purchase of an airfield vacuum sweeper truck to help maintain debris-free ramps, taxiways and runways. Airport staff has reviewed the specifications of different vacuum sweeper truck manufacturers and believes the Tymco Model 600 will meet the airport’s needs. Tymco gave a quote to the city’s Purchasing Manager of its Base Model 600 through the HGAC Contract Pricing Worksheet, with 11 requested optional items added, has a cost of \$239,775.00.

Councilman Williams made the motion to approve the purchase of an airfield vacuum sweeper truck through the HGAC Contract Pricing at a cost of \$239,775.00 as a part of the AIP Grant 43. Councilman Spano seconded the motion, motion carried.

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

7.8 James Childers Director of Community Service briefed the council on the Ordinance establishing the Standards of Care.

In August of 1997 the 74th Legislature enacted Section 42.041(14) of the Texas Human Resources Code, which exempts youth programs operated by a municipality from state child-care licensing requirements. The Texas Human Resources Code provides that in order for a municipality to be exempt from the state’s licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a

public hearing. The major difference in the City's standards is that we have established standards for 6-13 years of age, whereas the state's standard is for 0-6 years of age, a population we do not serve.

The Standards of Care require three inspections/review levels be performed each year to insure compliance. The first level is performed by the Recreation Coordinator to confirm adherence to the Standards themselves. The second is a visual inspection of the facilities to be conducted by the program Administrator with the assistance of a Parks and Recreation Professional not associated with the City of Abilene. That visual inspection was conducted on October 20, 2014. The Parks and Recreation Professional who assisted was Kathy Geil from Wichita Falls, Texas. The third level is an annual inspection by both the Fire Department and Environmental Health. All of these inspections and reviews were satisfactorily completed and the program is in compliance. A copy of the Standards of Care will be online for additional access.

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

Councilman Price made the motion to approve the Ordinance Adopting the Standards of Care. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance # **74-2014**

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.

7.9 E'Lisa Smetana MPO Executive Director briefed the council on the Abilene Metropolitan Planning Organization on the FY 2015-2040 Metropolitan Transportation Plan (MTP).

The MPO coordinates transportation planning in the Taylor and Jones County region. The MTP is a list of long-range street, highway, transit, rail, bicycle, and pedestrian projects to be funded with Federal, State, and local funds for the next twenty years.

A Metropolitan Planning Organization (MPO) is a transportation policy-making body made up of representatives from local government and transportation agencies with authority and responsibility in metropolitan planning areas. Federal legislation passed in the early 1970s required the formation of an MPO for any urbanized area with a population greater than 50,000. MPOs were created in order to ensure that existing and future expenditures for transportation projects and programs were based on a continuing, cooperative, and comprehensive (3-C) planning process.

Transportation planning plays a fundamental role in the state, region or community's goals for their future. It comprises not only the transportation system that provides for the mobility of people and goods, but also influences patterns of growth and economic activity by providing access to land. The performance of the system affects public policy concerns like air quality, environmental resource consumption, social equality, land use, urban growth, economic development, safety, and security. The MTP process involves more than just a mere listing of transportation projects since in general terms, transportation affects every single aspect of life.

No Action required on this item.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:52 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 11:47 a.m. and reported no votes or action was taken in Executive Session in regards to Personnel Section 551.074 and Real Property Section 551.072.

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 11:47 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor