

**CITY COUNCIL MEETING**  
**December 18<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 December 18<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, 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.

Shane Price gave the invocation.

Mayor Archibald introduced Bryson Chocieja a 5<sup>th</sup> grade student at Bassetti Elementary. Bryson 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 December 4<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, Hardaway, McAlister and Mayor Archibald  
NAYS: None

**CONSENT AGENDA**

Councilman Price made the motion to approve consent items 6.1 through 6.9 as recommended by staff. Councilman Hardaway seconded the motion, motion carried. Conflict Statements were filed by Councilmen Price, Williams, and McAlister.

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

**Resolutions:**

**6.1** **Resolution:** The City Council authorized the Interim City Manager to execute a contract with Richard J. Leidl, P.C.

In 2005, the City of Abilene began using the professional services of Richard J. Leidl, a Washington D.C. area legislative and regulatory consultant, to assist in identifying sources of federal funding for City projects. With his assistance the City has received funding for use in projects ranging from paratransit vehicles to law enforcement training facility improvements. Mr. Leidl proposes to assist the City in seeking funding through agency grants, as well as continuing to assist with other on-going projects that involve Federal funding and oversight. Those efforts include assistance with the Cedar Ridge Reservoir Project, and the City's application to the US Army Corps of Engineers for a 404 construction permit. Mr. Leidl will also provide assistance in the City's efforts to secure future water supplies through the City's participation in the West Texas Water Partnership.

Resolution # [35-2014](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH RICHARD J. LEIDL, P.C.

- 6.2** **Resolution:** Relating to a public hearing and approving financing for the benefit of Abilene Christian University and related matters.

Abilene Christian University (ACU) has requested financing by the Sanger Cultural Educational Facilities Finance Corporation, which is a higher education finance corporation. ACU is issuing approximately \$45 million in tax exempt obligations for the purpose of financing the cost of construction and renovation of campus facilities, including (i) the Bennett Gymnasium, (ii) a new track and soccer stadium, (iii) the Onstead Science Center, (iv) the Hardin Administration Building, (v) the Zona Luce Building, (vii) the Halbert-Walling Research Center, and (viii) street and sidewalks, all located on the campus at 1600 Campus Court, Abilene, Texas. Financing has been arranged by the Frost Bank. Frost Bank's offer is conditioned upon the financing being "Bank Qualified" which means that the issuer and the City on whose behalf it was created may not issue more than \$10 million in tax-exempt securities in any year. For this reason, ACU has opted to have the Sanger Cultural Educational Facilities Finance Corporation issue the obligation instead of the Abilene Higher Education Facilities Corporation (AHEFC) since it is unknown at this time if the City will issue certificates of obligation.

The Internal Revenue Code of 1986, Section 147(f), contains a provision that requires the chief elected officer of the City of Abilene to sign an approval of the financing and the project, since the project is located in the City.

The City will have no liabilities for the payment of the obligations nor shall any of its assets be pledged to the payment of the obligations.

Resolution [#36-2014](#)

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY AND RELATED MATTERS

**Bid Award:**

- 6.3** **Bid Award:** City Council awarded the bid to Chameleon Technologies, Inc. for the purchase of bulk chemicals for use at water and wastewater treatment plants.

The City of Abilene Water Department is requesting the City Council to award a bid to Chameleon Industries Inc. of Mesquite, TX for purchase of bulk Liquid Aluminum Sulfate 48% solution (Alum). Alum is used in water and wastewater treatment processes. On September 25, 2014 the Abilene City Council authorized by oral resolution the award of bids for the purchase of bulk chemicals to be used in the water and wastewater treatment processes. Notices were published in the Abilene Reporter News on August 24 and August 31, and the bid opening date was September 9, 2014. A total of fifteen separate chemicals were included in that bid packet. TapWater Technologies of Abilene TX was the second lowest responsible bidder for Alum and was awarded the bid based on a 5% local preference. On December 9, 2014 the Water Department received written notice from TapWater Technologies that it was closing its business effective December 5, 2014 and it would not be able to fulfill the remainder of its annual contract with the City of Abilene.

Chameleon Technologies Inc. (Chameleon) was the actual low bidder for Alum City staff verified with

Chameleon that it does agree to honor its original bid price and it would contract with the City of Abilene to supply Bulk Alum for the remainder of FY 2015. The value of the contract with Chameleon is estimated to be approximately \$250,000.00.

**Ordinances:**

- 6.4** **Ordinance:** *(First Reading)* **Z-2014-49(a)** A request from Lisa Laird, agent Paul Johnson & Associates, Erik Johnson, to rezone property from RS-6 (Single-Family Residential) to GC (General Commercial) zoning, located at 2510 S. 14th St; and setting a public hearing for January 8, 2015.

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)* **Z-2014-49(b)** A request from Don Hardin, agent Paul Johnson & Associates, Erik Johnson, to rezone property from GR (General Retail) & RS-6 (Single-Family Residential) to GC (General Commercial) zoning, located at 1357, 1365, & 1373 Portland Ave and 2526 S. 14th St; and setting a public hearing for January 8, 2015.

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)* **Z-2014-51** A request from McMurry University, agent John F. Harvey, III, to rezone property from MD (Medium Density) to CU (College & University) zoning, located at 2333 Hunt St and 1726, 1734, & 1742 Santos St; and setting a public hearing for January 8, 2015.

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)* **Z-2014-52** A request from Three JB Properties, LLC, agent Kevin Jackson, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 241 S. 11th St; and setting a public hearing for January 8, 2015.

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.

- 6.8** **Ordinance:** *(First Reading)* **Z-2014-53** A request from James & Carody Bell to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 4001 Potomac Ave; and setting a public hearing for January 8, 2015.

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)* **Z-2014-54** A request from the City of Abilene to expand the limits of PD-91 to include 1842 Hwy 351, currently zoned GR (General Retail), and amend PD-91 regarding signage; and setting a public hearing for January 8, 2015.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-91 AND ORDINANCE NO. 20-2004 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**REGULAR ITEMS**

**7.1** Stormy Higgins Chairman of the Bond Committee briefed the Council on the work of the Bond Committee and presented the list of proposed projects being presented to the Council.

The following proposed bond projects list consisted of:

25 Street Projects	\$45,959,000
Civic Center & Library	\$ 3,588,900
Sidewalks South 1 <sup>st</sup> Safety Project	\$ 638,000
Fire Buildings and Police Records	\$13,012,000
Zoo Projects	\$ 1,023,096
Recreation/Aquatic/Splash Pads & Cedar Creek Waterway	\$18,990,000
Airport Capital Projects Grant Match	<u>\$ 4,200,000</u>
Total	\$87,410,996

Discussion included: 1) The age of the facilities; 2) 169.00 increase to the average household; 3) fire station issues – age, safety issues and size of stations. Includes the purchase of new property- same general area.; 4) Zoo would have additional funding from a private donors to match bond money; 5) Parks and Recreation old facilities; 6) sidewalks – some money was for connecting sidewalks, but what was really reviewed was the South 1<sup>st</sup> project; 7) public in-put received was in the majority of support of projects; 8) another bond election if called later would need to continue to address streets and libraries; 9) support received a lot for the Cedar Creek Waterway; 10) zoo is a major attraction for the city; and 11) city employees through the years made things last much longer than they normally would have lasted using spare parts and used parts.

No action needed on this item.

**7.2** Jon James Director of Planning and Development Services briefed the council the Ordinance for Case **Z-2014-47** – 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.

Currently the property is zoned LI and is developed with a several businesses and some self-storage units. The surrounding area is developed generally with similar industrial uses and farm implement/heavy equipment businesses. There are some single-family residential uses to the north and west that are close by. This property has frontage along and gains primary access directly from S. Treadaway Blvd. There is a use that has frontage along S. 32nd Street. The applicant is requesting the GC zoning to allow for personal service uses, specifically a beauty salon, to locate in the buildings fronting S. Treadaway Blvd. The business fronting on S. 32nd St utilizes big trucks and is not compatible with GC zoning and therefore that portion of the property is proposed to remain LI.

The Future Land Use section of the Comprehensive Plan designates the area as 'heavy commercial/light industrial'. S. Treadaway Blvd is designated as an 'enhancement corridor' as well. The requested zoning would allow for personal service uses, including a beauty salon. Although this zoning would be in the vicinity of industrial uses, the requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval except for the north ±235 feet adjacent to S. 32nd St as the business utilizes big trucks and is not compatible with GC zoning.

#### BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of GC for the southeastern portion only by a vote of 7 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, & Famble) and none opposed.

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

- Derek Peterson – proponent for the zone change
- Steve Savage – for the zone change

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

Councilman Hardaway made the motion to approve the Ordinance for Case **Z-2014-47** – a request from RGP Enterprises, Inc., agent Derek Peterson, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning for the southeastern portion only, located at 3250 S. Treadaway Blvd. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#75-2014**

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

**Location: 3250 S. Treadaway Blvd.**

**7.3** Jon James Director of Planning and Development Services briefed the council the Ordinance for Case **Z-2014-48** - 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.

Currently the property is zoned PD-26 and is undeveloped. This is part of a larger PD boundary that is developed with offices to the east and single-family residential lots to the north. This property is currently zoned to allow for more single-family residential lots. The applicant is requesting the MU zoning similar to the zoning on the south side of Mabray Ln. The MU zoning district allows for medical offices, surgery centers, as well as a hospital. The NO (Neighborhood Office) was created to allow for office uses, but with maximum building size and hours of operation regulations to protect adjacent residential uses.

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The requested zoning would allow for medical office uses, including a hospital. Although this zoning would

allow for office uses, the requested zoning allows for more intense uses that would not be compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval of NO (Neighborhood Office) zoning to allow for office uses but provide the protections to adjacent residential uses.

#### BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of NO zoning by a vote of 6 in favor (Bixby, Ellinger, Glenn, McClarty, Rosenbaum & Famble), none opposed, and 1 abstained (Calk).

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

- Tom Niblo – proponent for the zone change – would prefer Medical Office Use
- Steve Savage – in favor of Medical Use
- Doug Offermann – had questions on the notification area and the opposition %

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

Council and Staff discussion included: 1) street improvements; 2) planned development district next to this property; 3) difference in the uses between Medical Use and Neighborhood Office Uses; and 4) types of protection for the neighborhood.

Councilman Price made the motion to approve the Ordinance for Case #Z-2014-48, a request from Danville O5, agent Tom Niblo, to rezone property from PD (Planned Development to Neighborhood Office (NO) zoning, located at 3434 Mabray Ln. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Hardaway and McAlister

NAYS: None

ABSTAINED: Councilman Williams and Mayor Archibald

Ordinance: **#76-2014**

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.

**Location: 3434 Mabray Ln.**

**7.4** Don Green Interim Deputy City Manager briefed the council the Ordinance for Replacing Chapter 31 "Taxi-cabs" replace with "Vehicles for Hire".

The City regulates vehicles for hire by company and driver through Chapter 31 of the Code of Ordinances. This ordinance needed to be updated to better reflect how companies in Abilene are conducting legitimate vehicle for-hire business. Among the changes, the revised ordinances clarifies requirements for approval of new drivers, changes taxicab signage requirements, updates insurance and vehicle inspection requirements and eliminates the requirement for a taxi meter, but establishes that a maximum rate(s) may be set by the City. The new ordinance also allows "rideshare" applications, but with the same driver approval requirements as traditional taxicab drivers.

City staff met with local vehicle-for-hire company owners twice during this ordinance re-write and came to agreement on this ordinance. A few minor changes were noted on the ordinance and will be updated Sec. 31-32 Exempt Vehicles ... as defined in section 31-3 (3 was missing) and Sec. 31-64 Limousine fare ... as defined in section 31-3 (3 was missing).

Council and Staff discussion included: 1) Chief of Police Stan Standridge addressed the moving of the appeal process from the city council to the city manager due to issues that can come up regarding a denial of permit.

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 replacement of Chapter 31 from "Taxis" to Vehicles for Hire" including the minor changes to section 31-32 and section 31-64. Councilman Williams seconded the motion, motion carried.

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

Ordinance: **#77-2014**

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.

### **Taxicabs to Vehicles for Hire**

**7.5** Danette Dunlap, City Secretary briefed the council on the Resolution approving the Fee and Fares for the Vehicles for Hire Ordinance.

By approving item 7.4 of this agenda, the City Council revised Chapter 31 of the Abilene Municipal Code, from "Taxi's" to "Vehicles for Hire", to better reflect how companies in Abilene are conducting legitimate vehicle-for hire business. Staff has met with operators in Abilene and discussed the revision of Chapter 31.

Fees specified in this chapter (31-5) shall be determined by City Council from time to time and placed on file in city secretary's office. Fees for licenses or permits issued for less than a full year shall not be prorated. Fees are not refundable in the event the license or permits are cancelled or revoked prior to expiration. Documents which are lost or destroyed, may be replaced upon payment of a document replacement fee.

The maximum allowed fares under this Section (31-2) shall be updated and approved by City Council through written resolution as needed.

Staff is making this recommendation for fees and fares based on internal review of current fees. The process has been reviewed for the time and requirements needed for the review of the applications and the amounts are based on the process.

Owner/Operator License:	\$100.00 yearly
Vehicle Permits	\$ 25.00

Driver Permits \$ 25.00

Fares:

\$8 maximum drop fee, \$2 maximum per mile, \$1 maximum for each additional adult (over 18), \$.25 maximum per minute wait charge, first five minutes free.

Councilman Williams made the motion to approve the Resolution setting the fare and fees for the Vehicle for Hire Ordinance. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Resolution: **#37-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING FEES AND FARES FOR VEHICLES FOR HIRE AND ESTABLISHING AN EFFECTIVE DATE.

**7.6** Don Green Director of Aviation briefed the council on the parking lot covers damaged during the hail storm this summer.

On June 12th, multiple city-owned assets were damaged by a hail storm. The parking lot covers at Abilene Regional Airport and Frontier Texas (the Farmers' Market Lot) were damaged beyond repair. Therefore, City staff asked the original installation company, Shade Structures, Inc., dba USA Shade and Fabric Structures to evaluate the damage for repair/replacement. Their recommendation is to replace all fabric due to loss of structural integrity and the difficulty in matching patch color with the existing fabric. The total cost to replace the fabric at both locations is \$323,000.00. Because this project replaces hail damaged fabric of the existing USA Shade structures, no bids were required.

This cost is paid for as part of the city's hail damage claim with Texas Municipal League.

Councilman McAlister made the motion to approve the Resolution approving the replacement of the covers at the Abilene Regional Airport and Frontier Texas. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Resolution **#38-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING REPLACEMENT OF THE HAIL-DAMAGED SHADE CANOPIES IN THE ABILENE REGIONAL AIRPORT PARKING LOT AND FRONTIER TEXAS PARKING LOT.

**7.7** Ronnie Kidd Managing Director for Administration briefed the council on the purchase of Hardware, Software and Licenses related to Kronos Workforce Management Implementation.

At its June 26, 2014 meeting the City Council authorized an installment payment agreement to procure an automated timekeeping system. The cost of the system procurement was approximately \$476,000 spread over 36 months. The solution selected was Kronos Workforce Management, integrated with Telestaff for scheduling for the Fire Department.

As we have moved through the implementation project, we have identified the need to procure additional hardware, software, and licenses to complete the project. These changes are a result of miscommunications between Kronos and staff. Total project additions are \$92,333 or approximately 19% of the original project and include \$75,100 for hardware, \$14,026 for 200 additional Kronos licenses plus 25 additional Telestaff licenses, and \$3,207 in additional maintenance agreement costs.

Due to their role in the miscommunications, Kronos has agreed to discount the additional clocks by \$200 each, for a savings of \$6,200 and has waived about \$4,000 in programming fees.

As this purchase is for additional components to an existing system, Texas Local Government Code §252.022 exempts the purchase from competitive bidding as a sole source purchase. It can be added to the remaining term of the original 36 month installment payment purchasing agreement through ePlus Group, Inc. Monthly payments will increase by approximately \$3,400 to \$16,629. This will be funded through the technology fund.

Council and Staff discussion included: 1) time clocks and scanners; 2) miss communication between Kronos and city staff on the number needed; and 3) the need for more software licenses..

Mayor Archibald made the motion to TABLE the purchase of hardware, software and Licenses related to Kronos Workforce Management Implementation. Councilman Williams seconded the motion, motion carried.

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

**7.8** Tommy O'Brien Director of Water Utilities briefed the council the Resolution authorizing the execution of the Construction Manager at Risk Services Agreement with Garney Companies, Inc. to construct the Possum Kingdom Raw Water Pipelines – second-stage drought projects.

On October 23, 2014 the City Council approved an oral resolution finding that the use of the alternative procurement process method utilizing a Construction Manager at Risk (CMAR) is the best value for the City of Abilene for procurement of construction services for a new raw water roughing facility and for raw water transmission pipelines. These projects are associated with implementing Possum Kingdom Lake as a raw water supply under the City's Second Stage Short-term Drought Strategy.

The City issued Requests for Proposals through advertisements in the Abilene Reporter News on November 2, 2014 and November 9, 2014 for interest for performing the duties of a Construction Manager at Risk for the raw water pipelines. On November 21, 2014, one (1) entity submitted a response to the Request for Proposals. City Staff evaluated the proposal received in accordance with criteria established in the Request for Proposals. Based on the selection criteria, Staff is recommending the selection of Gamey Companies, Inc., as the CMAR that offers the best value for Abilene's Second-Stage Short-term Drought Strategy for the Possum Kingdom Raw Water Pipelines. The resolution authorizes funds in the amount of \$250,000 for preconstruction phase services.

The proposed Construction Manager at Risk services will be funded from the Water Department Water and Sewer Funds supplemented through the issuance of combination tax and revenue certificates of obligations. Preconstruction Phase Services of \$250,000 will be funded from the proceeds of the 2014 Series Certificates that were sold on October 22, 2014.

Staff recommends approval of a resolution selecting the firm of Gamey Companies, Inc. to serve as the Construction Manager at Risk to construct the Possum Kingdom Raw Water Pipelines, and that the City Council

authorize the City Manager to negotiate and execute an agreement, and subsequent associated agreements, with Gamey Companies, Inc. to serve as the Construction Manager at Risk to construct the Possum Kingdom Raw Water Pipelines. Initial agreement terms will include Preconstruction Phase Services at a value of \$250,000.

Councilman Hardaway made the motion to approve the Resolution selecting the firm of Garney Companies Inc. to serve as the Construction Manager at Risk and authorize the City Manager to negotiate and execute associated agreements. Councilman Williams seconded the motion, motion carried.

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

Resolution: **#39-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE EXECUTION OF THE CONSTRUCTION MANAGER AT RISK SERVICES AGREEMENT WITH GARNEY COMPANIES, INC. TO CONSTRUCT THE POSSUM KINGDOM RAW WATER PIPELINES AS PART OF THE SECOND-STAGE SHORT-TERM DROUGHT STRATEGY.

**7.9** Tommy O'Brien Director of Water Utilities briefed the council the Resolution authorizing the execution of the Construction Manager at Risk Services Agreement with Pepper Lawson Waterworks, LLC to Construct the Possum Kingdom Raw Water Roughing Facility- Second-Stage Drought Projects

On October 23, 2014 the City Council approved an oral resolution finding that the use of the alternative procurement process method utilizing a Construction Manager at Risk (CMAR) is the best value for the City of Abilene for procurement of construction services for a new raw water roughing facility and for raw water transmission pipelines. These projects are associated with implementing Possum Kingdom Lake as a raw water supply under the City's Second-Stage Short-term Drought Strategy.

The City issued Requests for Proposals through advertisements in the Abilene Reporter News on November 2, 2014 and November 9, 2014 for interest for performing the duties of a Construction Manager at Risk for the raw water roughing facility. On November 21, 2014, six (6) entities submitted responses to the Request for Proposals. City Staff evaluated the proposals received in accordance with criteria established in the Request for Proposals. Based on the selection criteria, Staff is recommending the selection of Pepper Lawson Waterworks, LLC, as the CMAR that offers the best value for Abilene's Second-Stage Short-term Drought Strategy for the Possum Kingdom Raw Water Roughing Facility. The written resolution authorizes funds in the amount of \$375,000 for preconstruction phase services and funds in the amount not to exceed \$15,000,000 for equipment procurement.

The proposed Construction Manager at Risk services will be funded from the Water Department Water and Sewer Funds supplemented through the issuance of combination tax and revenue certificates of obligations. Preconstruction Phase Services of \$375,000 and equipment procurement of up to \$15,000,000 will be funded from the proceeds of the 2014 Series Certificates that were sold on October 22, 2014.

Staff recommends approval of a resolution selecting the firm of Pepper Lawson Waterworks, LLC to serve as the Construction Manager at Risk to construct the Possum Kingdom Raw Water Roughing Facility, and that the City Council authorize the City Manager to negotiate and execute an agreement, and subsequent associated agreements, with Pepper Lawson Waterworks, LLC to serve as the Construction Manager at Risk to construct the Possum Kingdom Raw Water Roughing Facility. Initial agreement terms will include

Preconstruction Phase Services at a value of \$375,000 and equipment procurement at a value of up to \$15,000,000, which includes equipment purchased by City and to be assigned to the CMAR.

Mayor Archibald made the motion to approve the Resolution selecting the firm of Pepper Lawson Waterworks, LLC to serve as the Construction Manager at Risk and authorize the City Manager to negotiate and execute agreements. Councilman Spano seconded the motion, motion carried.

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

**Resolution #40-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE EXECUTION OF A CONSTRUCTION MANAGER AT RISK SERVICES AGREEMENT WITH PEPPER LAWSON WATERWORKS, LLC, TO CONSTRUCT THE POSSUM KINGDOM RAW WATER ROUGHING FACILITY AS PART OF THE SECOND-STAGE SHORT-TERM DROUGHT STRATEGY.

**7.10** Tommy O'Brien Director of Water Utilities briefed the council on a Resolution authorizing the execution of contracts for the Possum Kingdom Raw Water Roughing Facility equipment- Second-Stage Drought Projects.

On October 22, 2014 the City sold 2014 Series Certificates which included funds allocated for equipment procurement for the Possum Kingdom Raw Water Roughing Facility. This project is associated with implementing Possum Kingdom Lake as a raw water supply under the City's Second-Stage Short-term Drought Strategy.

The City issued a Notice for Bids through advertisements in the Abilene Reporter News on November 2, 2014 and November 9, 2014 for interest for submitting bids on equipment for the Possum Kingdom Raw Water Roughing Facility. On November 19, 2014, thirteen (13) entities submitted bids in response to the Notice for Bids.

Bids were evaluated by the City's Consulting Engineer for responsiveness and for conformity to all material conditions of the Contract Documents. City Staff has received and reviewed the Engineer's Recommendation of Award for contracts associated with equipment procurement for the Possum Kingdom Raw Water Roughing Facility in the aggregate amount of \$6,427,835.

The proposed equipment procurement for the Possum Kingdom Raw Water Roughing Facility will be funded from the proceeds of the 2014 Series Certificates that were sold on October 22, 2014. Contracts will be administered and paid through the Council authorized Construction Manager at Risk agreement.

Staff recommends approval of a resolution awarding equipment procurement for the Raw Water Roughing Facility to the companies recommended by the City's Consulting Engineer, and that the City Council authorize the City Manager to negotiate and execute contracts with these individual companies. Executed contracts will be assigned to the Council authorized Construction Manager at Risk for performance.

Mayor Archibald made the motion to approve the Resolution awarding equipment procurement for the Raw Water Roughing Facility to the companies recommended by the City's Consulting Engineer, and that the

City Council authorize the City Manager to negotiate and execute contracts with these individual companies. Councilman Hardaway seconded the motion, motion carried.

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

Resolution **#41-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE EXECUTION OF PROCUREMENT CONTRACTS FOR THE POSSUM KINGDOM RAW WATER ROUGHING FACILITY EQUIPMENT AS PART OF THE SECOND- STAGE SHORT-TERM DROUGHT STRATEGY.

**7.11** Tommy O'Brien Director of Water Utilities briefed the council on a Resolution Authorizing Execution of a Contract for the Possum Kingdom Raw Water Roughing Facility Microfiltration Equipment- Second-Stage Drought Projects.

On October 22, 2014 the City sold 2014 Series Certificates which included funds allocated for equipment procurement for the Possum Kingdom Raw Water Roughing Facility. This project is associated with implementing Possum Kingdom Lake as a raw water supply under the City's Second-Stage Short-term Drought Strategy.

The City issued a Notice for Bids through advertisements in the Abilene Reporter News on November 2, 2014 and November 9, 2014 for interest for submitting bids on microfiltration equipment for the Possum Kingdom Raw Water Roughing Facility. On November 19, 2014, three (3) entities submitted bids in responses to the Notice for Bids. Bids were evaluated by the City's Consulting Engineer for responsiveness and for conformity to all material conditions of the Contract Documents. City Staff has received and reviewed the Engineer's Recommendation of Award for a contract associated with microfiltration equipment procurement for the Possum Kingdom Raw Water Roughing Facility in the amount of \$2,437,500.

The proposed microfiltration equipment procurement for the Possum Kingdom Raw Water Roughing Facility will be funded from the proceeds of the 2014 Series Certificates that were sold on October 22, 2014. The contract will be administered and paid through the Council authorized Construction Manager at Risk agreement.

Staff recommends approval of a resolution awarding microfiltration equipment procurement for the Raw Water Roughing Facility to Pall Corporation as recommended by the City's Consulting Engineer, and that the City Council authorize the City Manager to negotiate and execute a contract with Pall Corporation. The executed contract will be assigned to the Council authorized Construction Manager at Risk for performance.

Mayor Archibald made the motion to approve the resolution awarding microfiltration equipment procurement for the Raw Water Roughing Facility to Pall Corporation as recommended by the City's Consulting Engineer, and that the City Council authorize the City Manager to negotiate and execute a contract with Pall Corporation. Councilman Hardaway seconded the motion, motion carried.

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

Resolution **#42-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE POSSUM KINGDOM RAW WATER ROUGHING

FACILITY MICROFILTRATION EQUIPMENT AS PART OF THE SECOND-STAGE SHORT-TERM DROUGHT STRATEGY.

**7.12** Tommy O'Brien Director of Water Utilities briefed the council on a Resolution Authorizing Execution of Contracts for the Hargesheimer Water Treatment Plant Expansion Equipment- Second-Stage Drought Projects

On October 22, 2014 the City sold 2014 Series Certificates which included funds allocated for equipment procurement for the Hargesheimer Water Treatment Plant Expansion. This project is associated with implementing the City's Second-Stage Short-term Drought Strategy.

The City issued a Notice for Bids through advertisements in the Abilene Reporter News on November 2, 2014 and November 9, 2014 for interest for submitting bids on equipment for the Hargesheimer Water Treatment Plant Expansion. On November 19, 2014, twenty four (24) entities submitted bids in response to the Notice for Bids.

Bids were evaluated by the City's Consulting Engineer for responsiveness and for conformity to all material conditions of the Contract Documents. City Staff has received and reviewed the Engineer's recommendation of award for contracts associated with equipment procurement for the Hargesheimer Water Treatment Plant Expansion in the amount of \$2,107,240. The purchased equipment will be assigned to a general contractor for performance and installation of the equipment.

The proposed equipment procurement for the Hargesheimer Water Treatment Plant Expansion will be funded from the proceeds of the 2014 Series Certificates that were sold on October 22, 2014.

Staff recommends approval of a resolution awarding equipment procurement for the Hargesheimer Water Treatment Plant Expansion to the companies recommended by the City's Consulting Engineer, and that the City Council authorize the City Manager to negotiate and execute contracts with these individual companies.

Mayor Archibald made the motion to approve the resolution awarding equipment procurement for the Hargesheimer Water Treatment Plant Expansion to the companies recommended by the City's Consulting Engineer, and that the City Council authorize the City Manager to negotiate and execute contracts with these individual companies. Councilman Williams seconded the motion, motion carried.

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

Resolution # **43-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE NEGOTIATION AND EXECUTION OF EQUIPMENT PROCUREMENT CONTRACTS FOR THE EXPANSION OF THE HARGESHEIMER WATER TREATMENT PLANT AS RECOMMENDED BY THE CITY'S CONSULTING ENGINEER.

**7.13** Rodney Taylor Assistant Director of Water Utilities briefed the city council on the Resolution authorizing a construction contract with Tank Builders Inc. for the Northwest 7.5 MG Ground storage tank rehabilitation.

The Water Department is requesting that by resolution the city council authorize a construction contract with Tank Builders Inc. (TBI) for the Northwest 7.5 MG Ground Storage Tank Rehabilitation. The proposal by TBI is for a turnkey project in the amount of \$1,911,000. The 7.5 MG Ground Storage Tank (GST) is an important part of the City's water distribution system and is needed for meeting peak system demands. City staff considers the demolition and rehabilitation to be an emergency repair and it is therefore exempt from standard

bidding requirements. It is necessary to complete the rehabilitation project by early summer in order to minimize the risk of potential health and safety concerns with water delivery capacity.

The GST was constructed in 1966 as a part of the Northwest Pump Station facility. The facility is located in the Five Points Business Park. The GST is constructed of a welded steel shell and a welded steel roof supported by internal steel columns and girders. On October 15, 2014 City staff became aware of a failure of the roof of the GST. The Water Department contracted with Jacob and Martin, Ltd. (J&M) to assist the City in evaluating the condition of the GST. J&M hired TBI to assist in the evaluation. TBI has extensive experience in water tank design, construction, and renovation. J&M prepared a technical report describing the tank repair or replacement considerations and options. The Engineer recommends tank rehabilitation. TBI submitted a proposal for demolition, renovation, and replacement services. DN Tanks also submitted a proposal for new tank replacement. The turnkey project is for TBI to provide demolition of the failed roof, installation of a new roof and internal support system, and blasting and recoating of both the new and existing interior and exterior surfaces of the tank. The rehabilitated tank will be equivalent to a newly constructed tank. The proposal by TBI is for a turnkey project in the amount of \$1,911,000. The rehabilitation is about \$380,000 less than constructing a new tank.

The funds for the Northwest 7.5 MG GST Rehabilitation will come from the Water Department's "Unrestricted, designated for capital projects" Fund Balance.

Councilman Price made the motion to approve the Resolution authorizing a construction contract with Tank Builders In. for the rehab of the Northwest 7.5 MG Ground Storage Tank. Councilman Williams seconded the motion, motion carried.

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

Resolution # **44-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING  
A CONSTRUCTION CONTRACT WITH TANK BUILDERS INCORPORATED FOR THE  
NORTHWEST 7.5 MG GROUND STORAGE TANK REHABILITATION

**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 11:42 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 12:25 p.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. Councilman McAlister left prior to the executive session.

No action from executive session.

**10. Resolution:** Appointing Members to Various Boards and Commissions as Required by the Charter of the City of Abilene and Statues of the State of Texas

Councilman Hardaway made the motion to approve the appointments to the various boards and commissions per the Resolution. Councilman Williams seconded the motion, motion carried.

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

Resolution **#45-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND STATUTES OF THE STATE OF TEXAS.

11. **Discussion/Possible Action:** Hiring a Professional search firm to facilitate the appointment of a City Manager. No action needed decision was made at the December 15<sup>th</sup> meeting.
12. **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 12:25 p.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor