

CITY COUNCIL MEETING
April 9th 2015, 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 April 9th 2015, 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, Kyle McAlister and Steve Savage. Also present were Interim Deputy City Manager Don Green, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Maddi Cameron, Kindergarten student at St. John's Episcopal School and A'Navion Granville, 5th grade student at Johnston Elementary. Maddi led the Pledge of Allegiance to the Flag of the United States of America and A'Navion led the Pledge of Allegiance to the State of Texas Flag.

EMPLOYEE SERVICE AWARD

Mayor Archibald and Interim Deputy City Manager Don Green recognized the following City employee for her years of service.

Helen Williams	Facilities Maintenance, Admin Clerk	25 Years
----------------	-------------------------------------	----------

PROCLAMATIONS

Mayor Archibald presented the following proclamations

April 12 –18, 2015

Week of the Young Child

Cynthia Pearson, Executive Director Day Nursery of Abilene accepted the proclamation. Children from Day Nursery and staff were also in attendance to pass out cookies and milk to the Mayor and Council.

April 12-18, 2015

National Library Week

Lori Grumet, Director Abilene Public Library accepted the proclamation.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the March 25th Special Called meeting and the March 26th Regular Called Meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Savage pulled item 6.1 and Councilman Price pulled item 6.2.

Resolutions

6.1 Resolution: Resolution of Support for the submittal of a TxDOT Transportation Alternatives Program “US 277 Pedestrian & Bicycle Safety Project”.

Councilman Savage had questions regarding whether or not the funds are available for this project without use of Bond funds. Jon James Director of Planning and Development Services explained that the city has funds set aside from the CIP process and will have more funds from this year’s CIP program when it completes the approval process .

The Texas Department of Transportation announced a 2015 call for projects for the Transportation Alternatives Program (TAP). This program provides funding for a variety of alternative transportation projects, including on-and off-road pedestrian and bicycle facilities, infrastructure for non-driver access to public transportation, projects that enhance mobility and Safe Routes to School infrastructure projects. An estimated \$52 million in federal funds is anticipated to be available to fund authorized pedestrian and bicycle infrastructure projects submitted under this call for projects. The project application deadline is 5:00 p.m. on May 4, 2015.

Staff recommends a project for this program called the “US 277 Pedestrian & Bicycle Safety Project”. This project will include a pedestrian/bike path along US 277 from Clack Street to Rebecca Lane; sidewalk connections along the southeast side of US 277 from Danville Dr. to Clack St, along the northwest side of US 277 from Danville Dr. to Texas Ave, and along the north side of Texas Ave from US 277 to Corsicana Ave; a bike lane on Texas Ave from US 277 to Dub Wright Blvd.; intersection improvements with pedestrian islands, signal upgrades, and pavement marking improvements; and a portion of the sidewalks along Clack Street connecting to the Elm Creek bridge project. The project will provide safer bicycle and pedestrian connections to Bassetti Elementary School and Clack Middle School and will create a much-improved pedestrian and bicycle network within this area with connections from many apartments and homes to schools and retail areas.

The resolution includes a commitment to provide a local funding match of at least 20% of the allowable costs of the project. The local funding match is a cash match or an approved in-kind contribution. The City agrees to commit to the project’s development, implementation, construction, maintenance, management, and financing and also be willing to enter into an agreement with the department by resolution or ordinance should the project receive TAP funding. The total project cost is estimated at \$2,043,562.26 with the City’s local match consisting of \$408,712.45, which will come from designated sidewalk funds from the Capital Improvements Plan (CIP) and/or the Bond Election.

Councilman Hardaway made the motion to approve the Resolution authorizing the filing of an application with the Texas Department of Transportation (TXDOT) for the Transportation Alternatives Program. Councilman McAlister seconded the motion, motion carried.

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

NAYS: Councilman Savage

Resolution # 25-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE FILING OF AN APPLICATION WITH THE TEXAS DEPARTMENT OF

TRANSPORTATION (TXDOT) FOR THE TRANSPORTATION ALTERNATIVES PROGRAM

6.2 **Resolution:** Resolution approving the Annual Renewal of Software Maintenance for Infor [Lawson] Systems. (Councilman Price pulled item 6.2)

Councilman Price had questions regarding the use of Cloud based software and whether or not the City was moving into that direction for software. Ronnie Kidd Managing Director for Administration briefed the council that yes the city is moving in that direction.

Infor [formerly Lawson] provides maintenance service support for the Lawson Enterprise system purchased by the City of Abilene in 2009 for its Human Resources, Payroll, Finance, and Budget programs that provide critical operational services. The software maintenance agreement renews on an annual basis, effective May 1. Examples of support provided through the maintenance agreement include help desk technical support, patches for security and program fixes, updates to existing software to ensure operational efficiencies, and updates to governmental regulatory changes for payroll and accounting, such as W-2s and 1099s. The maintenance support services are critical to maintain operational effectiveness and system integrity on an ongoing basis.

SPECIAL CONSIDERATIONS

Human Services, Payroll, Finance, and Budget Services will be adversely impacted and unable to perform critical operational functions of their jobs if software maintenance is unavailable for them to access for troubleshooting problems and securing fixes along with receiving latest regulatory updates.

FUNDING/FISCAL IMPACT

The purchase price for Infor [Lawson] is \$141,755.12. This amount is included in the Technology Fund FY 14-15 budget that Council has approved as part of the overall City Budget.

Councilman Price made the motion to approve the Resolution approving the renewal of software maintenance for Infor (Lawson) Systems. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Resolution **#26-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE RENEWAL OF SOFTWARE MAINTENANCE FOR INFOR [LAWSON] SYSTEMS

REGULAR ITEMS

7.1 Mindy Patterson Director of Finance briefed the council on authorizing Issuance and Sale of Combination Tax and Surplus Revenue Certificates of Obligation, Series 2015, for Water and Wastewater System Improvements. George Williford with First Southwest reviewed the sale of the Certificates of Obligations.

The certificates of obligation sale will finance \$69,510,000 for the purpose of constructing, acquiring, installing, and equipping additions, extensions and improvements to provide additional water supply for the City's water and wastewater system, including water treatment improvements, distribution lines and pump stations, and engineering fees and acquisition of easements. The Attorney General has indicated that they will not approve certificates of obligation issued for the portion of the project related to the pipeline from Hubbard

Creek, based on the form of contract with the West Central Texas Municipal Water District. Therefore, the certificates of obligation will finance an equivalent amount of projects in the Water Department Capital Improvements Program (CIP) so that the same amount of funds can be used for the cost of the pipeline from Hubbard Creek.

The \$69,510,000 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+. We are utilizing a projected 3.77% interest rate on the certificates.

Councilman Hardaway made the motion to approve the Ordinance authorizing issuance and sale of combination tax and surplus revenue certificates of obligation, Series 2015, for Water and Wastewater System Improvements. Councilman Williams seconded the motion, motion carried.

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

Ordinance **#15-2015**

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS, COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2015; 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

7.2 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case **#Z-2015-06** a request from AJWO, agent E-HT, to rezone property from RS-6 (Single-Family Residential) to GC (General Commercial) zoning, located at 2533 N. Danville Dr., 2510 Bel Air Dr. and portions of 2549 & 2625 N. Danville Dr.

Currently the property is zoned RS-6 and generally vacant but does include 2 church facilities. The surrounding area is developed generally with a single-family uses to the south & east. There are 2 other churches, a school, and apartments nearby as well. Vogel Ave is designated as a 'collector' street. Freeways border the north and west boundaries. The purpose of the zoning is to allow for self-storage warehousing on the property. The GC zoning is the first zoning district to allow for this use. Typically, commercial zoning would be appropriate along freeway properties. The presence of residential zoning to the south and west cause some concern from the types of uses permitted in the GC zoning. A retail zoning would be more appropriate on the south and east portions of the property.

The Future Land Use section of the Comprehensive Plan designates the block as 'low density residential'. The proposed GC zoning is similar to the existing GC zoning on the north portion of the property adjacent to I-20. This area transitions from the GC zoning to residential uses to the south and east. The requested zoning is not compatible with the Future Land Use Map and the adjacent properties. Staff recommends transition to a retail district that would be more compatible with the residential uses. One possibility is to rezone to a PD district that would allow for GR (General Retail) zoning but would also include self-storage warehousing as a permitted use.

Staff recommends approval of a PD zoning with GR (General Retail) zoning but to allow for self-storage Warehousing as a permitted use.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of a PD zoning per staff recommendation and removing 2510 Bel Air Dr. from the request by a vote of 4 in favor (Bixby, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstention (Calk). 2510 Bel Air Dr. was removed as it was determined that it is not part of the area purchased and to be developed by the applicant.

Mayor Archibald opened the public hearing and council heard from:

- David Todd with Enprotec/Hibbs & Todd was available for any questions

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

Councilman Hardaway made the motion to approve Ordinance for Case #**Z-2015-06** a request from AJWO, agent E-HT, to rezone property from RS-6 (Single-Family Residential) to PD-149 with GR (General Retail) zoning, located at 2533 N. Danville Dr. and portions of 2549 & 2625 N. Danville Dr. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance #16-2015

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-149 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 2533 N. Danville Dr. and portions of 2549 & 2625 N. Danville Dr.

7.3 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case #**Z-2015-07** a request from Aubrey Hotel Investments, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to PH (Patio Home) zoning, located at 3902 Bettes Ln & adjacent tracts totaling approximately 6.88 acres.

Currently the property is zoned AO & RS-6. The main property has an existing house. The overall request includes several smaller adjacent tracts. The total area is approximately 6.88 acres. The surrounding area is developed generally with single-family residences to the north, east & west. The immediate property to the south is zoned AO and is currently vacant. The purpose of the zoning is to allow for patio homes. There is some existing PH zoning to the north off of Chimney Rock Rd. Both Catclaw Dr. and Bettes Ln will be extended as this property develops. Both are designated as a 'collector' street. With the amount of right-of-way and improvements needed, the PH zoning would allow for greater flexibility and yield on the property.

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The PH zoning is similar to the existing PH zoning to the north off of Chimney Rock Rd. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Calk, McClarty, Rosenbaum, & Famble) and none opposed.

Mayor Archibald opened the public hearing council heard from:

- Blake Howard – agent for the developer spoke in favor
- Kathy Webster –spoke in favor of the project
- David Todd – spoke in favor and wanted to make sure that the church can get to Bettes Lane

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-2015-07** a request from Aubrey Hotel Investments, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to PH (Patio Home) zoning, located at 3902 Bettes Ln & adjacent tracts totaling approximately 6.88 acres. Councilman Price seconded the motion, motion carried.

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

Ordinance **#17-2015**

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.

Location: 3902 Bettes Ln & adjacent tracts totaling approximately 6.88 acres

7.4 Mayor Archibald and Councilman Williams announced a conflict on this item. Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case **#Z-2015-08** a request from Abilene CMC Investments, LLC, agent Erik Johnson, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 1881 N. Treadaway Blvd.

Currently the property is zoned LI and is developed with a building that has been used as a restaurant in the past but has been vacant for more than 6 months. The surrounding area is developed generally with industrial uses to the north, south & east. The property to the west is developed with medical office uses. The purpose of the zoning is to allow for another restaurant use similar to what has occupied the building in the past. The LI zoning does not allow for restaurant uses. The HC zoning is the next district that allows for the proposed use.

The Future Land Use section of the Comprehensive Plan designates the property as part of a 'Special Activity Center' centered on the N. Treadaway Blvd & Ambler Ave intersection. N. Treadaway Blvd is designated as an 'enhancement corridor'. This area is primarily developed with heavy commercial and light industrial uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of GC (General Commercial) zoning by a vote of 5 in favor (Bixby, Calk, McClarty, Rosenbaum, & Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from:

- Erik Johnson – agent, spoke in favor

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

Councilman Spano made the motion to approve the Ordinance for Case #**Z-2015-08** a request from Abilene CMC Investments, LLC, agent Erik Johnson, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1881 N. Treadaway Blvd. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Hardaway, McAlister, and Savage

NAYS: None

ABSTAINED: Councilman Williams and Mayor Archibald

Ordinance # **18-2015**

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.

Location: 1881 N. Treadaway Blvd.

7.5 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case # **SNC-2015-01** on a request from the City of Abilene for a Street Name Change to change Mason Rd & Mason Ct to Foot Hills Rd & Foot Hills Ct in Lake Fort Phantom Hill Subdivision, Section 4.

The applicant is requesting to change the name of Mason Rd & Mason Ct to Foot Hills Rd & Foot Hills Ct. All property owners that would be directly affected by the street name change have been notified and are in favor of the change.

The streets were platted as part of the Lake Fort Phantom Hill Subdivision, Section 4 and Foot Hills Rd was changed to Mason Rd. This action will rename the road back to its original name. Only 1 home exists on this portion of the road and is currently occupied. Other homes exist in this section of the subdivision but are addressed off of other streets. The applicant is the City of Abilene as the transfer of the property has not yet occurred.

PLAT REVIEW COMMITTEE RECOMMENDATION

Approval as requested with no conditions.

STAFF RECOMMENDATION

Approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Calk, Rosenbaum, McClarty, and Famble) and none opposed.

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

Councilman Savage made the motion to approve the Ordinance for Case # **SNC-2015-01** on a request from the City of Abilene for a Street Name Change to change Mason Rd & Mason Ct to Foot Hills Rd & Foot Hills Ct in Lake Fort Phantom Hill Subdivision, Section 4. Councilman Williams seconded the motion, motion carried.

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

Ordinance #19-2015

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, PART KNOWN AS THE "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: Change Mason Rd & Mason Ct to Foot Hills Rd & Foot Hills Ct in Lake Fort Phantom Hill Subdivision, Section 4

7.6 Discussion item regarding managing landscaping expectations during drought conditions. This item has been moved down after the item 7.7 for the Ambulance Service.

7.7 Dan Santee City Attorney briefed the council on the application for a license of public convenience and necessity to operate an Ambulance Service in the City of Abilene.

The City has received an application for a license under Section 5-26 of the Ambulance Ordinance. Under this section the council shall cause a public hearing to be held concerning such application. Notice of the hearing has been given in writing to the applicant (Allegiance Ambulance) and to all persons holding licenses for ambulance service in the city (MetroCare). Notice has also been given to the public by publication in the newspaper published in the city.

Section 5-27 Ascertaining public convenience, necessity.

In determining whether public convenience and necessity require the licensing of a proposed ambulance service, the city council shall consider whether the public is, at any time, adequately served, the financial responsibility of the applicant, the number, kind and type of equipment to be operated by the applicant, a schedule of rates proposed to be charged, whether the safe use of the streets by the public, both vehicular and pedestrian will be preserved, and such other facts as the city council shall consider relevant.

The council must make specific findings if it determines that a license of public convenience and necessity to operate an ambulance service in the city of Abilene should be granted. We have prepared two written resolutions, one that states that the applicant has met its burden, and one that it has not.

SPECIAL CIRCUMSTANCES

The application process, presentation and consideration of this item is complicated and involves numerous factors for consideration. It is my recommendation that the council allow Allegiance Ambulance to provide a full presentation and request, followed by any comments or presentation by the Abilene Fire Chief Ken Dozier, and then open the public hearing as required by the ordinance.

STAFF RECOMMENDATION

Staff believes that Allegiance Ambulance has presented a complete application and is entitled under the ordinance to a public hearing on their application.

Dan Gillespie Vice President of Allegiance Health presented to the city council their request to be a back-up provider for MetroCare and to be allowed to take non-emergency transports. They are asking to be able to compete openly in the free market business of non-emergency transports.

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

- Dr. Robert Lawson – Medical Director. Support of current system
- Neil White – MetroCare – spoke on staffing and number of vehicles they are currently running
- Ryan Carney – Marketing Coordinator for Allegiance – spoke on nursing homes they have reached out to them requesting the ability to have a choice in provider
- David Allman – South Taylor EMS. Spoke for MetroCare
- George Knipple – Chief Operating Officer for MetroCare. Spoke for MetroCare
- Ricky Powell – President of Allegiance. Spoke for the ability to provide a choice and fill in the gap of service
- Will Hendon – MetroCare – spoke for MetroCare
- Jacob Eric – MetroCare. spoke for MetroCare

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

Council and Staff discussion included: 1) Chief Dozier spoke on the findings of the 2010 committee that had discussed the possibility of a fire based ambulance service. Concerns that at current if we went to two providers we would need to consolidate the dispatch. A survey was done in 2012 regarding concerns from business and at that time businesses did have concerns.

Councilman Williams made the motion to TABLE this item until the Ambulance Ordinance has had a chance to come before council. Councilman Spano seconded the motion, motion carried.

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

7.6 Discussion regarding managing landscaping expectations during drought conditions. Item was not heard at this time and will be moved to the agenda for April 23rd.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 11:47 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 in Open Session at 11:54 a.m. and reported no votes or action was taken in Executive Session in regards Personnel Matters Section 551.074.

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

11. **Resolution:** Appointing members to various boards and commissions as required by the Charter of the City of Abilene and Statutes of the State of Texas. No action taken

There being no further business the meeting was adjourned at 11:54 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor