

CITY COUNCIL MEETING
April 23rd 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 23rd 2015, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Anthony Williams, Jay Hardaway, Kyle McAlister and Steve Savage. Councilman Spano was absent. Also present were Interim City Manager David Vela, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Jay Hardaway gave the invocation.

Mayor Archibald introduced Andrew Smith a 2nd grade student at Lee Elementary School. Andrew led the Pledges of Allegiance to the Flag of the United States of America and the State of Texas Flag.

PROCLAMATION

Mayor Archibald presented the following proclamation

Autism Awareness Month

Lisa White, Educational Consultant for Autism and Speech-Language Pathology from Region 14 ESC accepted the proclamation along with several students along with their parents.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the April 8th, 9th and 10th Special Called meetings and the April 9th Regular Called 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, Williams, Hardaway, McAlister, Savage and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Savage pulled item 6.6. Councilman McAlister made the motion to approve items 6.1 through 6.9 with the exception of 6.6 as presented by staff. Councilman Savage seconded the motion, motion carried. A majority of the council declared a conflict with regards to item 6.4 and was able to vote in favor.

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

ABSTAINED: 6.2 – Councilman Hardaway and Mayor Archibald
6.3 – Councilman Williams and Mayor Archibald

Resolutions

6.1 **Resolution:** Council authorized the City Manager or Interim City Manager to Negotiate and Execute an Agreement with the Johnson County Special Utility District for the Purchase of Raw Water for the Second Stage Short-Term Drought Strategy.

Due to the continuing drought, the City is implementing its second stage short-term drought strategy. One of the main projects is to deliver raw water from Possum Kingdom Lake (PK) to Abilene. To accomplish this it is necessary for Abilene to temporarily purchase raw water from the Johnson County Special Utility District (JCSUD). JCSUD has the rights to raw water pursuant to a raw water agreement with the Brazos River Authority (BRA). The JCSUD raw water right will be transferred to PK for delivery to Abilene through the use of BRA's existing raw water transmission system, the West Central Texas Municipal Water District's (WCTMWD) existing raw water transmission system, and Abilene's pipeline being constructed to connect the BRA and WCTMWD systems. JCSUD raw water will be treated at Abilene's Roughing Facility being constructed in Breckenridge.

The JCSUD "Temporary Assignment Agreement" provides Abilene with an annual supply of 4,000 Acre-Feet (AF) (approximately 3.6 MGD) of raw water. The anticipated negotiated annual cost for 4,000 AF is approximately \$305,800.

City staff and its consulting engineer are finalizing discussions with other entities for the temporary purchase of additional raw water so at least a total of 14 MGD of raw water will be available. Once discussions have been finalized, then agreements for additional raw water will be prepared and presented to the City Council for consideration. It will also be necessary to enter into a second "Water Transportation Agreement" with BRA for BRA to transport additional water that will be secured. The second Water Transportation Agreement with BRA will be presented to the City Council for consideration at a future Council Meeting.

FUNDING/FISCAL IMPACT

The proposed agreement will require Abilene's annual reimbursement for the purchase of the raw water. This annual cost is considered an operation and maintenance cost which would total approximately \$305,800 to purchase 3.6 MGD annually. Such cost will be included with the Water Department's annual budget.

Resolution # 27-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER OR INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE JOHNSON COUNTY SPECIAL UTILITY DISTRICT FOR THE PURCHASE OF RAW WATER FOR THE SECOND STAGE SHORT-TERM DROUGHT STRATEGY

- 6.2** **Resolution:** Council approved designating First Financial Bank as primary depository and authorized the Interim City Manager to execute the contracts.

In accordance with state law, staff has advertised, and mailed a Request for Proposal to all banks expressing an interest within the City of Abilene, for the purpose of selecting a primary depository for commercial banking services. The contract is to be in effect for a period of five years commencing May 1, 2015 through April 30, 2020. Service cost will be fixed for the length of the contract. Two bids were received.

SPECIAL CONSIDERATIONS

First Financial Bank is the responsible bidder therefore; Chapter 131 of the Local Government Code places certain restrictions on the designating of depositories. If any member of the City Council owns or

has beneficial interest, individually or collectively, of 10% or less in stock of First Financial Bank or serves as an officer or director of the bank, they must abstain on the voting of the resolution and must not take part in any discussions designating First Financial Bank as the depository.

FUNDING/FISCAL IMPACT

The tabulation of bids based on current activity for all required services requested and utilized at an estimated annual cost are as follows:

First Financial Bank.	BBVA Compass
\$0	\$28,122

STAFF RECOMMENDATION

Staff recommends the City Council approve the resolution designating First Financial Bank as primary depository and authorize the Interim City Manager to execute the contracts.

Resolution #28-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING FIRST FINANCIAL BANK, AS THE PRIMARY DEPOSITORY FOR COMMERCIAL BANKING SERVICES AND APPROVING SECURITIES PLEDGED.

Ordinances:

- 6.3** **Ordinance:** *(First reading)* **Z-2015-09** A request from Hendrick Medical Center, agent Duane Martin, to rezone property from MD (Medium Density Residential) to CU (College & University) zoning, located at 1202, 1210, 1218, 1226 & 1234 N. 16th St; and setting a public hearing for May 14, 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

- 6.4** **Ordinance:** *(First Reading)* **Z-2015-10** A request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to rezone property from AO (Agricultural Open Space) to CU (College & University) zoning, located at 1201 E. Ambler Ave; and setting a public hearing for May 14, 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-2015-11** A request from Butterfield Meadows, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being a portion of 4810 Southwest Dr at the end of Butterfield Meadows Pkwy; and setting a public hearing for May 14, 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-2015-12** A request from DRD Development, agent Blake Howard, to amend PD-74 (Planned Development) zoning, being generally the southeast corner of Buffalo Gap Rd & Beltway S. including the Bella Vista subdivision; and setting a public hearing for May 14, 2015.
Councilman Savage pulled this item.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-74(a), (b), & (c) AND ORDINANCE NO. 35-2001, 36-2001 & 27-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.7** **Ordinance:** *(First reading)* **Z-2015-13** A request from Taylor Electric Coop, agent Tal Fillingim, to rezone property from GC (General Commercial), GR (General Retail), and O (Office) to PD (Planned Development) zoning, located at 7850, 7918, 7966, & 7982 S. Clack St and the 5.55 acres to the north; and setting a public hearing for May 14, 2015.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-150 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.8** **Ordinance:** *(First Reading)* **TC-2015-01** A request from Jon McDonald to abandon S. 20th St, east of Oak St & S. Treadaway Blvd and west of the railroad; and setting a public hearing for May 14, 2015.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

- 6.9** **Ordinance:** *(First Reading)* Amending the Land Development Code regarding detention requirements related to pre-existing impervious cover; and setting a public hearing for May 14, 2015.

AN ORDINANCE AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

ITEM PULLED FROM CONSENT

- 6.6** **Ordinance:** *(First Reading)* **Z-2015-12** A request from DRD Development, agent Blake Howard, to amend PD-74 (Planned Development) zoning, being generally the southeast corner of Buffalo Gap Rd & Beltway S. including the Bella Vista subdivision; and setting a public hearing for May 14, 2015.
Councilman Savage pulled this item.

Councilman Savage inquired into the notice that is mailed out to the property owners in the surrounding area. Is the notice specific for the zone case. Jon James Director of Planning and Development Services briefed the council on the fact that they mail out generic letters to property owners, they do not contain specifics of the zone case. Owners in the area are requesting that the council not rezone the property, but the issue before the council is one of amending the current PD for allowance of more units and not a rezone.

Councilman Williams made the motion to approve the first reading of the ordinance for Case Z-2015-12 A request from DRD Development, agent Blake Howard, to amend PD-74 (Planned Development) zoning, being generally the southeast corner of Buffalo Gap Rd & Beltway S. including the Bella Vista subdivision; and setting a public hearing for May 14, 2015. Councilman Hardaway seconded the motion, motion carried.

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-74(a), (b), & (c) AND ORDINANCE NO. 35-2001, 36-2001 & 27-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

REGULAR ITEMS

7.1 Jon James Director of Planning and Development Services briefed the council on the first reading of a possible action on amending the City's Bike Plan.

The Planning and Zoning Commission and the City Council approved a resolution of support for a grant application to the Texas Department of Transportation for 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.

This item is to amend the City's existing 1983 Bicycle Plan to incorporate all elements of this proposed project.

Council and Staff discussion included: 1) whether or not there will be a bicycle lane on both sides – yes; and 2) traffic signals will be the type for the visually impaired.

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 first reading of the Ordinance amending the City's Bike Plan. Councilman Hardaway seconded the motion, motion carried.

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

AN ORDINANCE TO AMEND THE CITY'S COMPREHENSIVE PLAN AND THOROUGHFARE PLAN AMENDING AND INCORPORATING THE US 277 PEDESTRIAN AND BICYCLE SAFETY PROJECT AS AN ADDENDUM TO THE CITY OF ABILENE BICYCLE PLAN; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING

7.2 Jon James Director of Planning and Development Services briefed the council on managing landscaping expectations during drought conditions.

Issues

- Should we require landscaping during a drought?
- Should we allow landscaping during a drought?
- What do our peer cities do?
- Exception for new landscaping?

Current Requirements

- Stage 1:
 - New lawns allowed additional watering for 3 weeks (new residences only)
 - Beyond 3 weeks, normal watering schedule applies
- Stage 2:
 - Same as Stage 1
- Stage 3:
 - All lawn watering is prohibited
 - No new lawns may be installed
- Stage 4:
 - All outdoor watering prohibited

Peer Cities (West Tx)

- Lubbock
 - General exception to establish new landscaping with no time limit (Stage 1 and 2 only)
 - Stage 3 – no exceptions for new landscaping
 - Stage 4 – no new landscaping allowed
- Midland
 - 30 day exception, can be extended in 30 day increments
- Odessa
 - No exceptions
- San Angelo
 - 28 day exception
- Wichita Falls
 - 30 day exception (Stage 1 & 2 only)
 - Stage 4 & 5 – no irrigation allowed; no new landscaping

Why continue to require/allow new landscaping?

- Stormwater
 - Landscape areas prevent soil runoff
 - If new landscaping was deferred, properties would be required to maintain construction runoff controls until landscaping could be installed
- Water quality
 - Landscape areas cool and filter runoff
- Buildings
 - Establishing landscape areas around homes helps prevent foundation issues
- Legal requirements
 - The landscaping ordinance helped during an audit by the EPA regarding stormwater controls

- Practical
 - The amount of additional water used to establish new landscaping is minimal compared to the city's overall water use

Xeriscaping

- While businesses and homes are still allowed to use whatever landscaping they choose, the City's landscaping ordinance encourages low water use plants (xeriscaping)
- A shift to xeriscaping would address many of the concerns that developers and new business owners have with landscaping during a drought
- Other cities with much less rainfall than Abilene have landscaping requirements that result in attractively landscaped developments using these principles

Staff Recommendation

- Increase exception for new landscaping to 30 days, with the option to extend in 2 week increments to allow new landscaping to be established (and apply to both residential and commercial lawns)
- Thereafter, properties would be subject to the normal watering restrictions for each stage
- Stage 4 would continue to prohibit watering and new lawns
- Under Stage 4, landscape ordinance requirements would be deferred
- Xeriscaping:
 - Increase the amount of the required landscape area that can be non-vegetative (rocks, mulch, pavers, etc.)
 - Allow artificial turf in place of grass

Council and Staff discussion included: 1) Xeriscaping; 2) enforcement of water restrictions and citations; and 3) charity car washes.

This item was for discussion only.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:46 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 11:13 a.m. and reported no votes or action was taken in Executive Session in regards Personnel Matters Section 551.074, Consultation with Attorney Section 551.071 and Section 551.087 Deliberations about Business Prospects and Economic Development. Councilman Williams left during the executive session.

10. Oral Resolution: Discussion and possible action related to annual performance evaluations of City Attorney, City Secretary and Municipal Judge.

Mayor Archibald made the motion to adjust the salaries of the City Attorney, City Secretary and Municipal Judge and they will be on file with the city secretary. Councilman McAlister seconded the motion, motion carried.

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

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.

Mayor Archibald made the motion to approve the appointment of members of the following boards TIRZ and West Central Texas Municipal Water District. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#29-2015**

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 STATUES OF THE STATE OF TEXAS

West Central Texas Municipal Water District

Members

- Russell Berry
- Ron Butler
- Jane Beard

Term Expires

May 2015

May 2015

May 2015

TIRZ (Tax Increment Reinvestment Zone)

Members

- Sam Vinson

August 2016

There being no further business the meeting was adjourned at 11:14 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor