

CITY COUNCIL MEETING
May 14th 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 May 14th 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 Kyle McAlister gave the invocation.

Mayor Archibald introduced Jazlynn Cantu a 5th grade student at Jane Long Elementary School. Jazlynn led the Pledges of Allegiance to the Flag of the United States of America and the State of Texas Flag.

PROCLAMATIONS

Mayor Archibald presented the following proclamations

Both Destination Imagination Teams from Wylie ISD & Abilene ISD were honored with proclamations.

EMPLOYEE SERVICE AWARDS

Mayor Archibald and Interim City Manager David Vela recognized the following City employee for her years of service.

| | | |
|-------------|--|----------|
| Dean Carter | GIS Technician II. | 20 Years |
| Kim Tarrant | Division Administrator, Economic Development | 25 Years |

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the April 23rd Regular Called Meeting there being no deletions, no additions, and no corrections. Councilman Hardaway 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 all consent items.

Ordinances:

6.1 **Ordinance:** (*First Reading*) Amending the Land Development Code to create and adopt standards for a Lake Fort Phantom Hill Overlay zone; and setting a public hearing for May 28, 2015.

Council and Staff discussion included: 1) the proposed boundaries of the Overlay zone. The boundaries have not gone to Planning & Zoning Commission; 2) whether or not notification to the residents had occurred during the overlay process; 3) outdoor gun range; 4) language of the ordinance and 5) Land Development Code.

Councilman Price made the motion to TABLE this item until staff can bring forward the proposed standards for the Lake Fort Phantom Hill Overlay zone and the proposed boundaries together at the same time. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

6.2 Ordinance: (Final Reading) 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) funding for the proposed bike plan will be through funds already set aside through the CIP process and it does not look like bond funds will be needed.

Councilman McAlister made the motion to approve the Ordinance amending the City's Bike Plan. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#20-2015**

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.

Resolution:

6.3 Resolution: Abilene Aero Ground Lease Amendment 4.

In early 2014, Abilene Aero asked airport staff to consider amending its ground lease to add new area to build a new hangar and add 10 years to the ground lease term at the current lease rate. Abilene Aero's investment in constructing this new hangar will add needed, revenue-producing aircraft storage capacity.

The Airport Development Board approved this amendment for recommendation at its March 12, 2014

meeting, but at that time, the total additional area was unknown as the hangar was still being designed. The hangar is now complete and the additional area is 33,180 square feet at the current CPI-adjusted lease rate of \$.1894/SF/Yr.

Council and Staff discussion included; 1) the city is the property owner; 2) Abilene Aero built the building and leases it from the City..

Councilman Hardaway made the motion to approve the Lease for Abilene Aero. Councilman Price seconded the motion, motion carried.

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

Bid Award:

6.4 Award of Bid: Co-Op Purchase, Police Patrol SUVs.

In September 2014 the Police Department made a change in the work period for patrol officers. This change resulted in as many as eight (8) additional officers in peak call load hours during the evening shift. This has necessitated adding five (5) new police fleet vehicles. Fleet Management seeks approval to purchase five (5) police patrol packaged SUVs to facilitate police personnel’s assigned duties.

The units are to be purchased through the Local Government Purchasing Cooperative (BuyBoard) to effectively coordinate the build and delivery process.

| Vendor | Description | Amount |
|----------------------------|--|--------------|
| Caldwell Country Chevrolet | 2015 Chevy Tahoe PPV BuyBoard contract # 430-13 | \$154,425.00 |

Funds for this purchase are to be provided by excess year end 2014 Fund Balance as approved by Council on February 26, 2015.

Council and Staff discussion included: 1) Staffing for the Police Department and whether or not the department would need more SUV’s if there is another increase in the staffing at the police department. Chief of Police Stan Standridge advised that they would not need more SUV’s.

Councilman Savage made the motion to approve the purchase of 5 new Tahoe’s from Caldwell Country Chevrolet in the amount of \$154,425.00. Councilman Price seconded the motion, motion carried.

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

REGULAR ITEMS

7.1 Councilman Hardaway made the motion to pull the Ambulance application from the TABLE and Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Fire Chief Ken Dozier briefed the council on the survey results regarding the non-emergency services in the city.

On April 9, 2015 the City Council considered a request from Allegiance Ambulance for a second ambulance license. This meeting also included a period of public comment regarding both emergency and non-emergency ambulance services. The City Council and the Mayor instructed Fire Chief Ken Dozier to contact users of the non-emergency ambulance services to see if a need exists for additional ambulance providers. That study has been completed.

1. The study indicates the current ambulance provider has made significant improvement in their non-emergency ambulance operation. There does not appear to be a pressing need for multiple non-emergency ambulance providers.
2. The current ambulance provider is providing very good emergency ambulance service.
3. The current ambulance ordinance allows non-licensed ambulance services to operate in Abilene when the licensed provider is unable to cope. This exception addresses the need for a “back-up 9-1-1 service” if/when needed.

If multiple ambulance licensees were granted, a central dispatch arrangement would be recommended. This would result in a significant fiscal impact. The estimated increase is unknown at this time.

Staff recommends denial of the application by Allegiance Ambulance for a license to operate an ambulance in Abilene.

Council and Staff discussion included: 1) Response from study done show that 6 of 18 would like a choice and 8 of 18 would not; 2) largest user is Hendrick Medical – very satisfied with MetroCare; 3) possibility of opening up the non-emergency service to more than one provider; and 4) do not have options currently for non-emergency care.

Councilman Price made the motion to deny the application by Allegiance Ambulance for a license to operate an ambulance in Abilene. Councilman Savage seconded the motion, motion carried.

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

7.2 Jon James Director of Planning and Development Services briefed the council on the first reading of Case #Z-2015-09 an 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

Currently the property is zoned MD and was previously developed with single-family residential uses. The homes have been removed recently in order to use the property as additional parking for the Texas Tech schools. The surrounding area is developed generally with residential uses to the south & west, medical uses to the north, and the Texas Tech schools to the east. The purpose of the zoning is to allow for more parking associated with the schools. Several more buildings are proposed to create a larger Texas Tech campus.

The Future Land Use section of the Comprehensive Plan designates the property just outside of a ‘Special Activity Center’ centered on the N. Treadaway Blvd & Ambler Ave intersection. Pine St to the east is designated as an ‘enhancement corridor’. This area is primarily developed with medical office uses and the Texas Tech Schools of Pharmacy & Nursing. 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, Ellinger, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstained (Calk).

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

- Duane Martin with Hendrick Medical Center, spoke in support of the rezone

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

Councilman Price made the motion to approve the Ordinance for Case **#Z-2015-09** an 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. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Hardaway, McAlister, and Savage

NAYS: None

ABSTAINED: Councilman Williams and Mayor Archibald declared conflicts

Ordinance: **#21-2015**

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: 1202, 1210, 1218, 1226 & 1234 N. 16th St

7.3 A conflict was declared by Councilmen Williams, McAlister and Price on this item, with the majority of the council with a conflict they are able to vote.

Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case **#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.

Currently the property is zoned AO and is developed with a maintenance and operation facility for Abilene Christian University (ACU). The surrounding area is developed generally with single-family residential uses to the south. ACU owns property to the north, east & west. The purpose of the zoning is to allow for an expansion to this maintenance & operations facility. The existing AO zoning does not technically permit this uses.

The Future Land Use section of the Comprehensive Plan designates the property as part of a 'Major Commercial/Business Center' centered on the I-20 & Ambler Ave intersection. The Ambler Ave Corridor Overlay was recently approved for Ambler Ave. Ambler Ave is also designated as an 'enhancement corridor'. This area is primarily developed with the ACU campus to the west and single-family residential uses to the south. 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 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

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

- David Todd with Enprotec/Hibbs & Todd spoke in favor of the request.

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-2015-10** 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. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Ordinance: # **22-2015**

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: 1201 E. Ambler Ave

7.4 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case # **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.

Currently, the property is undeveloped. This is located at the east end of Butterfield Meadows Pkwy and will be an extension for the next phase of the Butterfield Meadows subdivision. The development has a mix of single-family, duplex, and patio homes with areas for commercial, retail and office development along Hwy 277 S. The Quail Hollow apartment complex exists to the south of this subdivision. The requested RS-6 zoning would allow for the next phase of the development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the subdivision. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

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

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

- Tal Fillingim agent with Jacob & Martin Engineering spoke in favor of the request.

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-2015-11** 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. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance: # **23-2015**

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: being a portion of 4810 Southwest Dr. at the end of Butterfield Meadows Pkwy.

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

Currently, the parcel is developed with the Bella Vista subdivision. Several portions within the PD boundary are vacant. The purpose of the amendment is to combine the previous ordinances and modify the maximum number of multi-family dwellings and the maximum height allowed for multi-family structures. The current regulation limits the total number of multi-family dwellings to 400 units within the entire PD boundary. The applicant is proposing to construct apartments on the south side of Sierra Sunset with approximately 430 units. The area on the north side of Sierra Sunset allows for multi-family residential development as well. Eliminating the maximum unit number would permit apartments on both sides of Sierra Sunset. Additionally, the maximum height allowed for apartment buildings is 40 feet. The amendment would change the regulation to allow for a maximum height of 45 feet. The maximum density allowed would remain at 24 units per acre.

The Future Land Use section of the Comprehensive Plan designates this area as part 'commercial' and 'low density residential'. The requested amendment does not alter the permitted uses but will allow for the development of more apartments than currently permitted. The requested zoning is compatible with the Comprehensive Plan.

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval with 3 modifications (1. Limit to 432 multi-family (apartment) units; 2. Allow a 45' maximum height for apartments; and, increase the size of Areas 6 & 7 to match the proposed site where the apartments will be allowed) by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed

Council and Staff discussion included: 1) streets; 2) traffic during peak times of school and church; 3) detention ponds; 4) portable signs; 5) the entire PD and how it was originally created; and 6) road humps.

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

- Tal Fillingim with Jacob & Martin Engineering – spoke on the Planned Development in favor
- Dale Scoggins – represents the property owner and in favor of the zone change
- Rachel Parrish – concerns regarding drainage and streets
- Charles Chapman – concern for the roads
- Larry Clem – concern for the roads
- April Clem – concern for the roads
- David Goldie – concern for the roads
- Sherry Shaw – concern for the roads

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

Councilman Savage made the motion to approve the amendment as recommended by the Planning and Zoning Commission and to remove the restriction of portable signs to 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. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

*Note Councilman Williams had to leave the meeting.

Ordinance: **#24-2015**

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.

Location: generally the southeast corner of Buffalo Gap Rd & Beltway S. including the Bella Vista subdivision

7.6 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case **#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.

Currently, the majority of the property is undeveloped. An office building exists on the southern GR lot. This property exists along S. Clack St which is the western frontage road for Highway 83/84. The proposed development will be to include a main office with service yard for a public utility agency. The Skyline Estates subdivision exists to the west. Typically this type of use is not considered appropriate adjacent to residential property. However, potential issues with outside storage and parking of large vehicles are proposed to be mitigated by buffering and a screening. Additionally, the applicant has provided a concept plan for the development and the site will be required to substantially comply with the concept plan.

The Future Land Use section of the Comprehensive Plan designates this area as part of a 'Gateway/Mixed Use' area. The requested zoning will allow for the development of a main office with service

yard for a public utility agency. The requested zoning is compatible with the Comprehensive Plan. The proposed PD has been created to minimize impacts on the adjacent residential uses.

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

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

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

- Tal Fillingim with Jacob & Martin Engineering, spoke for the zone change

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

Mayor Archibald made the motion to approve the Ordinance for Case **#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. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Ordinance **#25-2015**

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.

Location: 7850, 7918, 7966, & 7982 S. Clack St and the 5.55 acres to the north

7.7 Jon James Director of Planning and Development Services briefed the council on the Ordinance for Case **# 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.

This section of S. 20th St does not exist today and has no plans for improvement. The right-of-way terminates at the railroad to the west. The adjacent uses utilize a portion of the right-of-way for parking. However, an abandonment is needed for any building expansions.

The abandonment of this section of S. 20th St would not create any block or traffic issues. With the closure of this section of S. 20th St, traffic will still be able to maneuver various other streets in the vicinity. The railroad to the west provides a physical barrier to extending S. 20th St to the east. A water line exists along the south side of the right-of-way. A utility easement is needed to allow for maintenance of this line. There is no identifiable need for construction of S. 20th St at this location.

PLAT REVIEW COMMITTEE

The Plat Review Committee recommends approval of the requested closure with the following conditions:

1. Provide appropriate drainage easements and utility easements.

2. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

Approval per the Plat Review Committee. The request would not create a block or traffic issues and the abandonment of this section of S. 20th St would allow for expansion of the use to the south.

BOARD OR COMMISSION RECOMMENDATION

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

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

- John McDonald – property owner to the south – spoke in favor

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

Councilman Savage made the motion to approve the Ordinance for Case #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. Councilman Williams made the seconded the motion, motion carried.

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

NAYS: None

Ordinance: #26-2015

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.

Location: abandon S. 20th St, east of Oak St & S. Treadaway Blvd and west of the railroad

7.8 Jon James Director of Planning and Development Services briefed the council on the Ordinance amending the Land Development Code regarding detention requirements related to pre-existing impervious cover.

At a recent Planning & Zoning Commission meeting, a discussion item was held to discuss detention requirements related to pre-existing impervious cover. Specifically the discussion centered on a site that had been developed at one time in the past and has since been demolished and whether credit would be given for existing impervious cover when determining if detention on the site is required.

Historically, properties that had once been developed but improvements were removed were given credit for those past improvements and a drainage plan would not be needed. Recently it was discovered that the Land Development Code (LDC) may not be explicitly clear in this regard and has caused a delay in at least one development project.

The LDC does have a definition for ‘natural’ which allows for the staff to give credit for man-made improvements that were in existence on April 30, 1983. The proposed amendments clarify this exception in 2 locations and are described with the following:

Section 3.2.11.1 Purpose, Definitions, and Methods

The LDC includes a list of methods for reducing flood losses. The first is to 'limit runoff from development to a level not to exceed that runoff that would exist under natural, undeveloped conditions unless provided for in a regional detention facility.' The amendment would add a reference to the definition for 'natural' as described above.

Section 3.2.11.4 Drainage Plans

This section specifically determines when drainage plans are required. One criterion is for development which creates less than twenty thousand (20,000) total square feet of impervious surface on the site will not be required to submit a formal Drainage Plan. The amendment clarifies that the calculation is determined as new impervious surface from its natural state and includes the reference to the definition for 'natural' as described above.

Staff recommends approval of the proposed amendments to Sections 3.2.11.1(c)(1) and 3.2.11.4(c)(2) of the LDC.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval 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 citizen:

- Bruce Kreitler – spoke in favor

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

Councilman Price made the motion to approve the amendment to the Ordinance for the Land Development Code regarding detention requirements related to pre-existing impervious cover. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Ordinance: #27-2015

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.

7.9 Ronnie Kidd Managing Director of Administration briefed the council on the TMRS presentation and introduced David Rodriguez who then presented the council the information on the TMRS program.

TMRS History & Membership

- Voluntary retirement system for Texas cities.
- 862 cities participate in TMRS (not Houston, Dallas, Ft. Worth, Austin, El Paso, or Galveston).
- TMRS has approximately 103,000 contributing members and 45,000 annuitants.
- Each city chooses a benefit design for its employees; flexible options to meet city's needs (local control).
- TMRS plans are portable across participating cities.
- Governed by 6-member Board appointed by Governor with Senate approval.

TMRS Funding Basics

- TMRS is a “hybrid” **cash-balance defined benefit plan** with statutory regulations in place that ensure oversight and responsible funding.
- TMRS has a **strong funding policy** and a healthy funded ratio around 85% over 24 billion assets.
- TMRS’ investment return assumption is **7%**, one of the lowest among large public plans.
- Several changes have been made since 2007 to ensure **long-term, advance funding** of all benefits.
- All changes have also helped **reduce volatility** of city contributions from year-to-year.

Timeline of Recent Changes

- 2007 – TMRS changed its actuarial cost method to Projected Unit Credit (**prefunding of repeated benefits**)
- 2009 – HB 360, guaranteeing annual member **interest credit** and crediting interest to cities based on total fund return
- 2011 – SB 350, combining TMRS’ three internal accounts into one Benefit Accumulation Fund (**fund restructuring**)
- **2014 Board adopted updated generational mortality tables and changed actuarial cost method to Entry Age Normal**

TMRS Makes Dollars & Sense to Cities

- Plan of choice for Texas cities; **voluntary** statewide retirement plan
- Benefits are funded by mandatory employee deposits, city contributions, and investment income
- Operates by local control: Each participating city controls employer costs by choosing its own options
- Each city is funded as separate entity; assets are pooled for investment purposes
- Each city has its own assets and liabilities and Funded Ratio
- TMRS increases a city’s competitive edge in hiring: 862 cities have chosen to participate in TMRS, and the number increases each year
- TMRS benefits are effectively portable across participating cities to help attract experienced employees

TMRS Retirement

- Retirement is traditionally described as a “three-legged” stool, comprising:
 - Retirement Program
 - Social Security (86% of TMRS cities have Social Security)
 - Personal Savings
- 401(k)s and similar DC plans were never intended to be the primary retirement vehicle

Abilene Benefits

- 7% Employee Contribution
- 2 to 1 match from city
- 5 year vesting – survivor benefits
- Retirement at 20 years of service or age 60 with 5 years service
- Restricted & Military Service Credit
- Supplemental Death Benefit
- Updated Service Credits
- COLA for retirees ad hoc January 2012 at 50% option

No action required on this item.

7.10 Kent Sharp CEO of the Development Corporation of Abilene gave the Semi-Annual report of activities through March 2015 for the DCOA.

Goals: The Board has identified six key goals in the City's economic development efforts.

1. To make Abilene competitive in the attraction of business and industry in order to create new, sustainable jobs.
2. To facilitate the creation of new jobs and retention of existing jobs by providing assistance to existing and emerging businesses.
3. To strengthen and expand the skills of the Abilene labor force in coordination with local employers
4. To strengthen and revitalize downtown Abilene.
5. To increase the number and size of minority-owned, woman-owned, small and entrepreneurial businesses in Abilene.
6. To effectively administer the sales tax revenue.

The Texas Tech University Health Sciences Center School of Public Health

The Texas Tech Health Sciences Center (TTUHSC) recently announced a 40,000 sq. ft. expansion of the Abilene campus with the addition of a School of Public Health (SOPH). Currently existing are the Schools of Pharmacy, Nursing and Biomedical Sciences. The Master of Public Health program will bring 150 new students to Abilene and provide advanced training, opportunities for research, and the study of factors which impact a population's health. Graduate students will gain the knowledge and skills necessary to serve populations as small as a local neighborhood, or as large as an entire country. The DCOA board authorized in February of 2015 up to \$1,951,431 for infrastructure improvements, limited to streets and roads, water and sewer utilities, electric utilities, gas utilities, drainage, site and related improvements, and telecommunications and Internet improvements.

CarbonLITE Recycling Amended Assistance and Additional Construction Funding

The DCOA has been working with CarbonLITE Recycling, producer of food-grade post-consumer recycled polyethylene terephthalate (rPET), since 2013 to open a second plant in the 100,000 sq ft Spec 3 building in the Five Points Business Park. Construction of finish-out plus the addition of a 100,000 sq ft warehouse and 10,000 sq ft office space will be performed by Imperial Construction at a cost of \$16,074,337 (AIE fees of \$738,100 and \$15,336,237 for construction).

In February of 2015, the DCOA approved another \$1,100,000 to the previously approved \$11,800,850 design and construction funding budget to bring the soil in the original spec building up to the standard it was originally believed to be to ensure a stable foundation. In addition, there are estimated AIE services and reimbursable costs of \$25,000, which brings the grand total for the construction project to \$16,099,337, with DCOA funding \$12,925,850 and the company funding the balance. Also authorized was a deadline of April 30, 2015, for the company to demonstrate its financial capacity to perform under the agreement plus amended lease terms to reflect the new construction budget and split costs between DCOA and CarbonLITE.

Petrosmith (formerly Smith Pipe)

In February 2015, the board re-authorized Petrosmith's Phase 5 capital investment assistance which expired before an agreement was executed. The capital investment assistance for Phase 5 is \$452,000 at 10% of the company's expected investment. The funds will be advanced under a 3-year earnable note receivable at 0% interest secured by a letter of credit. The board also approved rescinding assistance for the company's Phase 2 facility expansion originally approved in 2011. The Phase 2 expansion of the pipe coating operation has not yet materialized and the approved assistance of \$300,200 was never funded.

BBP Bird, LP (Tige Boats) Debt Restructure

In February 2015, the board authorized the restructure of the outstanding debt owed by BBP Bird, LP for the Tige Boats manufacturing facility on Hwy 36. Restructuring the debt was proposed in order to ensure better amortization of the note balance. In November 2003, the DCOA approved a \$4 million, 25-year, 0% interest construction loan for the new Tige Boats manufacturing facility located on Hwy 36 across from the airport. The monthly payments were based on the greater of \$100 for each boat produced from the previous month or \$3,600 (36 boats produced). DCOA has a first lien on the land and plant on Hwy 36 plus a corporate guaranty from Tige Boats, Inc. Under the proposed restructure, the current note balance of \$3,399,600 will be paid monthly at a flat rate of \$1 3,333.33 or \$160,000 per year beginning March 1, 201 5 for 16 years. A balloon payment of \$839,600 will be due when the note matures.

Hangar 1 Doghouse, Change Orders, and Additional Funding

Hangar 1 at the Abilene Regional Airport is occupied by Eagle Aviation Services, Inc. (EASI) and is under construction to add a "doghouse" extension that will allow the hangar to accommodate the larger aircraft under order for American Eagle (now Envoy). The DCOA approved a contract in 2014 with Lansford Construction at a cost of \$2,4 73,722.

During the plan review process six items surfaced that need to be addressed through change orders at a total cost of \$228,896; 1) chemically injecting the soil for stabilization rather than installing a lime subgrade econo-crete base and 10. 5" of unreinforced concrete paving at a savings of \$90,322, 2) adding ADA complaint restrooms and an entry ramp at a cost of \$68,096, 3) adding 2-hour fire rated hangar wall at a cost of \$64,805, 4) creating an equipment storage area between Hangars 1 and 2 plus concrete pavement between the two hangars at a cost of \$145,883, 5) installing a water line, a covered drain, and a sewer pipe into the existing oil/water separator to accommodate an open-air wash bay at a cost of \$27,934, and 6) upgrading the electrical service throughout the hangar to be able to terminate all power at a single location at an estimated cost of \$12,500. Total approved in November 2014 for these six change orders is \$90,569, which when combined with the existing construction contingency of \$168,327 covers the change orders and allows for a \$30,000 contingency.

Strategic Planning Ad Hoc Committee

In November 2014, President Dave Copeland appointed six individuals to an ad hoc committee to develop a strategic plan for economic development in Abilene. Page 3 of5 cmi-Annual Report- FY15

Those appointed were Ray Ferguson as the Chair of the committee, Tucker Bridwell as Vice Chair, Yvonne Batts, Chair of the Abilene Industrial Foundation, City Councilman Anthony Williams, and DCOA members John Beckham and Scott Senter. Kent Sharp and Jason Smith are the primary support staff for the committee.

Dyess AFB Joint Land Use Study (JLUS)

A Joint Land Use Study (JLUS) will be conducted through a grant program offered by the U.S. Department of Defense Office of Economic Adjustment, which will benefit both the Abilene community and

Dyess AFB during the process of community development. This study will be used as a cooperative land use planning effort between the City of Abilene and Dyess AFB to address any perceived development incompatibility near Dyess that could adversely affect the military base as well as the community. The DCOA approved in December 2014 up to \$50,000 to cover the required 10% grant match for a JLUS study. Actual funding will be net of the value of the City's in-kind contribution.

Sale of a .953 Acre Lot at 1842 Hwy 351

The DCOA owns .953 acre of vacant land at the intersection of Enterprise Dr. and Hwy 351. It represents the remaining portion of 1.86 acres the DCOA purchased from Region 14 Education Service Center to accommodate the extension of Enterprise Drive from Hwy 351 to East Lowden Rd., which was completed in 2014. In January 2015, the board approved the sale of the severed .953 acre tract to a buyer at the market rate of \$525,000. Vine St. Ware houses Improvements The DCOA owns warehouse space at 4009/4109 Vine St., which is occupied by Abimar Foods, Inc. (formerly Fehr Foods). In September 2014, the board approved \$135, 343 and contracts with vendors to make improvements to the warehouses to accommodate Abimar Foods' expansion into cracker production. In January 2015, the board approved an additional \$11,871 to cover needed change orders plus fees to Jacob & Martin for providing project supervision. Abimar agreed to pay 112 of the cost for the requested improvements in their monthly rent for the next 5 years.

Administrative/Other

Board Members and Officer Elections During the March 2015 meeting, President Dave Copeland introduced and welcomed Jack Rich as a new board member. Mr. Copeland then presented Scott Senter with a Certificate of Appreciation from the City of Abilene and an appreciation plaque from the DCOA for his 6 years of service to the DCOA.

Dave Copeland was re-elected board president and Marelyn Shedd and Dani Ramsay were re-elected Vice President and Secretary/Treasurer, respectively. Texas Economic Development Sales Tax Legislation and Regulations Training Attorney Jeff Moore of the Brown & Hofmeister law firm gave a presentation on the Texas Economic Development Sales Tax legislation and regulations during a joint meeting on March 25, 2015, of the DCOA and Abilene City Council. Mr. Moore also explained the differences between Type A and Type B corporations, the history of economic development, and how other cities utilize their sales tax income.

Councilman Williams made the motion to approve the Semi-Annual report of activities through March 2015. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 1:56 p.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 2:27 p.m. and reported no votes or action was taken in Executive Session in regards Personnel Matters Section 551.074 and Consultation with Attorney Section 551.071.

10. Oral Resolution: Approving the appointment of Mayor Pro-tem(s). No action taken

There being no further business the meeting was adjourned at 2:28 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor