

**CITY COUNCIL MEETING**  
**June 11<sup>th</sup> 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 June 11<sup>th</sup> 2015, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Bruce Kreitler, Anthony Williams, Jay Hardaway, Kyle McAlister and Steve Savage. Also present were City Manager Robert Hanna, City Attorney Dan Santee, Assistant City Secretary Tiffni Herrera, and various members of the City staff.

Councilman Shane Price gave the invocation.

Mayor Archibald introduced Jacob Smith an 8<sup>th</sup> grade student at Madison Middle School. Jacob led the Pledges of Allegiance to the Flag of the United States of America and the State of Texas Flag. Jacob is a member of Boy Scout Troop 252.

**PROCLAMATION**

Mayor Archibald presented the following proclamation

Motorcycle and Scooter Ride to Work Day 2015 was accepted by Dean Carter, E'Lisa Smetana and Grady Waddell.

**RECOGNITION**

Mayor Archibald and members of the Keep Abilene Beautiful Board recognized the following honorees:

The Cooper Green Team and Jeremy Jenkins winners of Keep Texas Beautiful's Ruthe Jackson Youth Leadership Award and Sadie Ray Graff Educator Awards

**EMPLOYEE SERVICE AWARDS**

Mayor Archibald and City Manager Robert Hanna recognized the following City employee for her years of service.

Debra Arnold-Higgins	Library Assistant I	25 Years
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**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the May 28<sup>th</sup> Regular Meeting there being no deletions, no additions, and no corrections. Councilman Savage made a motion to approve the minutes as presented. Councilman Hardaway seconded the motion, motion carried.

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

**CONSENT AGENDA**

Councilman Kreitler pulled item 6.3. Councilman Hardaway made the motion to approve items 6.1 through 6.2 as presented by staff. Councilman Williams seconded the motion, motion carried.

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

### **Oral Resolutions**

**6.1 Oral Resolution:** The Council finds a public purpose and approves the donations of stored library shelving and various metal library items to various local charities through the End of the 2014-2015 Fiscal Year

From approximately 2006 on the Library has stored, with a local moving company, shelving pieces and other metal library items such as bookends. The cost of maintaining these stored items is \$3,600 per year. The Abilene Public Library seeks approval to donate these used items to local charities as they are not likely to be used in the future. Many items are mismatched and would not be appealing if utilized in the existing library settings. Un-transferred items may be recycled as scrap metal at approximately \$10.00 per ton. The funds saved from storage charges will be utilized to refresh existing shelving and other library furnishing needs.

#### SPECIAL CONSIDERATIONS

The Texas Constitution requires that before a City can make a donation to a private non-profit there must be a finding by City Council that such a donation constitutes a legitimate public purpose. This authorization is intended to include all items donated from the date of passage of this resolution through the 2014/2015 fiscal year.

#### FUNDING/FISCAL IMPACT

The items would likely be sold for scrap metal value if not donated. Donations will allow schools and non-profit community organizations to utilize the shelving parts to support their missions when they do not have the resources to purchase library shelving parts. Therefore, donation of the items will result in the loss of the sale value of approximately \$60.00 but will also put the pieces into the recycling by re-use process and save the \$3600.00 annual storage fee.

Staff recommends the Council finds there is a legitimate public purpose in a donation of shelving parts and other library metal items to local non-profit organizations and authorize such donations through the end of the 2014/2015 fiscal year.

**6.2 Oral Resolution:** Council approved the acceptance of the donated: “Duck on a Bike” and “David & Fergus” sculptures to be placed in downtown Abilene.

Two commissioned sculptures: “Duck on a Bike” and “David & Fergus” by David Shannon are being offered to the City of Abilene as a permanent addition to Abilene’s Outdoor Sculpture Storybook Collection. The statues will be located at Vleta’s and National Center for Children’s Illustrated Literature (NCCIL).

#### FUNDING/FISCAL IMPACT

The Abilene Cultural Affairs Council has commissioned the sculptures. There are no cost considerations to the City other than approximately 20 hours of labor by Parks staff.

#### STAFF RECOMMENDATION

Staff recommends the City Council approve an oral resolution for the acceptance of the sculpture donations.

## BOARD OR COMMISSION RECOMMENDATION

The Visual Arts Jury reviewed the donation request at the June 1, 2015 meeting, and recommends acceptance.

**6.3 Bid Award: #CB-1534 – Corsicana Ave. Sidewalk Project. Item pulled by Councilman Kreitler.**

### ITEM PULLED FROM CONSENT

**6.3 Bid Award: #CB-1534 – Corsicana Ave. Sidewalk Project. Council awarded the bid to Bontke Brothers Construction Co. in the amount of \$121,555.00.**

This project is for the construction of curb ramps and sidewalks on Corsicana Ave. from Laguna Dr. to Lamesa Ave. Also included in the project is replacing driveway and alley aprons to accommodate the new sidewalk. Advertisements were published May 10, 2015 and May 17, 2015. Bids were opened May 27, 2015 at 11:00 a.m.

Funding is available from a Community Development Block Grant as well as 07 GO funds.

Council and Staff discussion included the following: 1) the warranty and specifications; 2) what funds are being used.

Councilman Price made the motion to award the bid to Bontke Brothers Construction Co., in the amount of \$121,555.00. Councilman Williams seconded the motion, motion carried.

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

## REGULAR ITEMS

**7.1** Jon James Director of Planning and Development Services, briefed the council on the Ordinance for # **CUP-2015-02** - a request from Star Towers, LLC, agent Alec Broadus, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned PD (Planned Development), being the south side of the 600-700 block of E. Stamford St.

Currently the property is zoned PD and is undeveloped but was recently rezoned to allow for an RV park. The surrounding area is developed generally with single-family residential uses to the south and proposed multi-family residential zoning to the east. The request is to allow for an 'Antenna Tower - Commercial' for a new cell tower. The PD zoning defaults to the AO zoning which requires approval of a Conditional Use Permit for a cell tower. The approved concept plan for the RV Park identified an area for a future cell tower lease pad.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested CUP request will maintain the PD zoning and allow for a cell tower at this site. The requested CUP is compatible with the Future Land Use Map and the adjacent residential uses in the area.

Mayor Archibald opened the public hearing and council heard from Chris Hendrick with Star Towers, 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 # **CUP-2015-02** - a request from Star Towers, LLC, agent Alec Broadus, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned PD (Planned Development), being the south side of the 600-700 block of E. Stamford St. Councilman Williams seconded the motion, motion carried.

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

**Ordinance #28-2015**

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "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.

**Location: being the south side of 600-700 block of E Stamford St.**

**7.2** Jon James Director of Planning and Development Services briefed the council on the Ordinance #**TC-2015-02** - a request from the City of Abilene to abandon Foot Hills Ct., east of Foot Hills Dr. in the Lake Fort Phantom Hill Subdivision, Section 4.

A plat was recently approved for Section 4 of the Lake Fort Phantom Hill Subdivision. The plat created a small cul-de-sac for Foot Hills Court. However, negotiations with the current resident at this location include revising the platted boundaries and eliminating the cul-de-sac. The improvements have not been made at this time for the street.

The abandonment of this cul-de-sac would not create any block or traffic issues. Foot Hills Drive will continue to the south in the future. The cul-de-sac was dedicated for the sole purpose of providing access to the current resident. There is no identifiable need for construction of Foot Hills Ct at this location.

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

Councilman Williams made the motion to approve the Ordinance #**TC-2015-02** - a request from the City of Abilene to abandon Foot Hills Ct., east of Foot Hills Dr. in the Lake Fort Phantom Hill Subdivision, Section 4. Councilman Hardaway seconded the motion, motion carried.

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

**Ordinance #29-2015**

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: to abandon Foot Hills Ct., east of Foot Hills Dr. in the Lake Fort Phantom Hill Subdivision, Section 4**

**7.3** Amending Chapter 5 “Ambulance” of the Abilene City Code. Item will be discussed after executive session.

**7.4** Ed McRoy Assistant Director of Planning and Development Services briefed the council on the 2015-2019 Capital Improvements Program.

The 2015-2019 Capital Improvements Program (CIP) is a five-year plan that identifies needed capital projects and coordinates the financing and timing of these projects. The first year of the CIP (2015) is referred to as “Capital Budget” and it represents the City Manager’s recommendation for expenditure of funds and annual Certificate of Obligation (C.O.) sale. Projects scheduled for subsequent years are approved for planning purposes only and do not receive expenditure authority until they are part of the Capital Budget. Qualifying projects include those with a minimum cost of at least \$25,000 and that have a minimum useful service life of at least 15 years. Examples of typical CIP projects include street and drainage improvements, building construction, purchase of land, installation of water/sewer lines, and repair/replacement of facilities/equipment.

The program began in October of 2014 with City Staff soliciting suggestions for projects from the public. This included web announcements, a news release, notices on City Cable Channel 7, a public hearing at the P&Z, and an on-line survey. City Departments then developed project proposals. Department Directors narrowed the list of projects, and issued a progress report to the P&Z in April 2015. In May the P&Z and forwarded a recommendation to the City Manager in accordance with the City Charter.

#### Significant Changes/Notes

Project #4020-07-99 Nth 5th Street Reconstruction (GRADUATED) An evaluation by Public Works determined reconstruction of this street section needed to be prioritized. The project has been proposed for graduation from the Unfunded List and accelerated to 2015. The cost of this project together with 4020-01-15 & 4030-01-12 (below) required rescheduling of a number of other CIP projects.

Project #4020-01-15 Miscellaneous Concrete Intersection Construction (NEW) This is a recurring project that is designed to receive funding at a target amount on an annual, basis. Recurring projects are not typically tied to a specific location. This provides flexibility to respond to emerging needs, opportunities, or concerns. This project had been previously funded in the CIP for a number of years in the past. Public Works has identified a need to reintroduce it back into the CIP.

Project #4030-01-12 14th St Signals (ACCELERATED) Public Works has identified a need to accelerate the replacement of traffic signals along this thoroughfare. This would advance the project ahead one year sooner. A slight increase in cost is also identified.

7120-01-05 Library Renovation (GRADUATED) This project was originally focused primarily on asbestos abatement. It has now been broadened in scope to deal with additional needs at the facility. It was recommended for graduation from the Unfunded List after it was removed from consideration as a potential Bond project.

7010-04-98 Playground Modernization & 7010-01-06 Ball Field Concession Buildings Community Services has reevaluated scheduling and prioritization of the elements to both of these multi-year and multi-location projects.

#### FUNDING/FISCAL IMPACT

The CIP “Capital” Budgets for years 2011-2014 were funded using excess reserve funds rather than through the issuance of Certificates of Obligations. Certificates of Obligation to fund proposed projects in 2015 can be funded within the current certificate debt tax rate policy of 10.7¢. Water and Wastewater projects proposed over the next 5 years will be funded through an enterprise fund. These costs will therefore be capitalized primarily

through utility rates. No increase in the debt tax rate will occur because of issuance of certificates of obligations (C.O.'s) if approved as recommended.

#### BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission conducted a public hearing on this item on May 4, 2015 and unanimously forwarded their recommendation for projects to the City Manager.

#### STAFF RECOMMENDATION

The City Manager recommends approval as shown.

Council and Staff discussion included the following: 1) Building infrastructure issues; 2) 304 city owned buildings; 3) 1,720 lane miles of paved streets in the city; 4) \$300,000 was part of the match for grant with TXDOT; 5) Bike Plan; 6) Buildings; 7) Water CIP; 8) Sidewalk project; 9) former 21/21 apartments site location regarding streets; 10) Ball fields and library issues; 11) Hardison Lane reconstruction in 2014 and other street projects; 12) unfunded list; and 13) funding of CO's and how they are sold.

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

Mayor Archibald made the motion to approve the Resolution approving the CIP 2015/2019. Councilman McAlister seconded the motion, motion carried.

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

NAYS: Councilman Savage

#### Resolution #37-2015

A RESOLUTION OF THE CITY COUNCIL OF ABILENE APPROVING AND ADOPTING THE 2015-2019 CAPITAL IMPROVEMENTS PROGRAM.

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 11:05 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 12:46 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.

**7.3** Amend Chapter 5 Ambulance Ordinance. Mayor Archibald made comments regarding MetroCare and AMR Ambulance Service. AMR is in the process of purchasing MetroCare. The City will have a due diligence process to determine the assignment of the license. Council will postpone the amending of the Ambulance Ordinance and council will bring back the amendment of the Ordinance at a later date.

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

- Leslie Mueller, Regional CEO for American Medical Response – spoke for AMR
- George Knipple, MetroCare – spoke in favor of AMR

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

Mayor Archibald made the motion to TABLE the amendment to Chapter 4 Ambulance Ordinance. Councilman Price seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 12:58 pm.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor