

CITY COUNCIL MEETING
August 13th 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 August 13th 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, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Hardaway gave the invocation.

Mayor Archibald introduced Cade Batten and Jacob Clute; both boys are with the Boy Scouts and are working on a merit badge. Cade and Jacob led the Pledges of Allegiance to the Flag of the United States of America and the State of Texas Flag.

EMPLOYEE SERVICE AWARDS

Mayor Archibald and City Manager Robert Hanna recognized the following City employees for their years of service.

Joe Helm	Animal Control Coordinator	30 years
Diana Reid	Public Safety Dispatcher	25 years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the July 20th, July 21st Budget Workshops and July 23rd Regular Meeting. Councilman Kreitler had a question regarding the motion on item 6.4 in the minutes from the July 23rd meeting. Council postponed the vote until later in the meeting.

CONSENT AGENDA

Councilman Kreitler and Savage pulled item 6.4. Councilman Williams made the motion to approve 6.1 through 6.3 as presented by staff. Councilman Hardaway seconded the motion, motion carried.

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

Oral Resolutions:

6.1 Oral Resolution: Council acknowledged receipt of the Abilene-Taylor County Events Venue District Budget for Revised FY 2015 and Approved FY 2016.

In accordance with the bylaws, attached is the budget of the Abilene-Taylor County Events Venue District. The Board approved this funding at their July 28, 2015 meeting. Board members are Mayor Norm Archibald, County Judge Downing Bolls, Jr., Councilman Kyle McAlister, County Commissioner Stan Egger, and Glenn Dromgoole.

Fiscal Year 2015:

Collections for FY 2015 are expected to exceed the original estimate. Therefore, each entity will receive additional funds.

Fiscal Year 2016:

The Board approved distributing all funds after the debt payment and the administrative expenses are paid based on the newly approved allocation of 57% for Frontier Texas! and 43% for Expo Center. A portion will go toward payment on the bonds issued for improvements to the Expo Center and Abilene Independent School District’s Shotwell Stadium. This amount is deducted prior to distributing any balance.

6.2 Oral Resolution: Council approved amending the Memorandum of Understanding with the Metropolitan Planning Organization (MPO) Policy Board.

The City of Abilene and the Abilene Metropolitan Planning Organization (MPO) Transportation Policy Board entered into a Memorandum of Understanding in August 2011 to define the fiscal, personnel, and property management roles and responsibilities between the Board and the City.

Currently under Article 5 – Personnel Management Number 5b it requires that the MPO Policy Board meet to discuss any disciplinary action regarding employees. It states that “The MPO Executive Director shall have the authority and responsibility for disciplinary action, including termination, arising from performance issue and duties related to work product following consultation with the Board”. Under the Policies and Procedures Manual disciplinary action can include verbal warnings, written warnings, suspensions, and dismissals.

The MPO Policy Board at their August 3rd meeting voted to change the wording on that sentence to “The MPO Executive Director shall have the authority and responsibility for disciplinary action, including termination, arising from performance issue and duties related to work product in consultation with the Chairman of the Board”. This change will help clear up the personnel responsibilities and expedite the ability of the Executive Director to manage the MPO staff.

Bid Awards:

6.3 Award of Bid: #CB-1540 Annual Street maintenance Materials. Council approved the following: The City of Abilene Street Department is requesting the City Council award bids, by oral resolution, for materials used in the maintenance and rehabilitation of the street and alley system. Notices were published in the Abilene Reporter News on July 12th and July 19th, and bids were opened on July 28, 2015. The following table lists the individual materials bid, and the staff recommended bidder and unit price bid.

Item:	Company	Unit Price
Limestone Rock Asphalt, Type CC	Vulcan Const. Materials	\$ 79.68/ Per Ton
Hot Mix, Type D-Delivered	J.H. Strain & Sons	\$ 72.25/ Per Ton
Hot Mix, Type D	J.H. Strain & Sons	\$ 67.75/ Per Ton
A-1 Flex Base-Delivered	J.H. Strain & Sons	\$ 12.00/ Per Ton
A-1 Flex Base	Vulcan Const. Materials	\$ 8.00/ Per Ton
Type A Grade 6 Rock	R.E. Janes Gravel Co.	\$ 5.75/ Per Ton
Portland Cement Concrete, Class A, 5-Sack	Ingram Concrete	\$ 117.50/ Per Cubic Yd.
Portland Cement, Type I	Abilene Lumber	\$ 10.45/ Per Sack
Polymer Modified Crack Sealant	Crafco Texas	\$ 0.43/ Per Pound
HPPM	Unique Paving Materials	\$ 116.00/ Per Ton
CBS-1	Envirotex	\$ 4.25/ Per Gallon

FUNDING/FISCAL IMPACT

Funding for the materials is available in the 2015/2016 general operating budget for Street Services.

STAFF RECOMMENDATION

It is recommended that the City Council award, by oral resolution, the bulk material supply contracts as listed above and recommended by the Street Department Staff, and to authorize the City Manager or his designee to execute all necessary documents related to the contracts. Special Note: Street Department Staff did not recommend the low bid by Ergon Asphalt for Item 11 (CBS-1) because the product bid was for an alternative product that does not meet specifications.

- 6.4** **Award of Bid: #CB-1538** PMAM, a full service alarm management company. Item pulled by Councilmen Kreitler and Savage.

ITEMS PULLED FROM CONSENT

- 6.4** **Award of Bid: #CB-1538** PMAM, a full-service alarm management company. *Item pulled by Councilmen Kreitler and Savage.*

Councilmen Kreitler and Savage had questions regarding the false alarms, responses and charges for alarm calls. Chief Standridge briefed the council on the proposal for a full-service alarm management company. This item is for the management of the alarm process for licenses. The Police Department disseminated an RFP on June 10, 2015, asking for proposals from full-service alarm management companies. Currently the Department has one full-time employee who oversees all alarm aspects, including registrations, renewals, delinquencies, and related inquiries. The one full-time position will be reclassified and be used in the Criminal Investigation Division. Annually the Department responds to more than 4,000 alarms, so the workload is demanding and would be better managed by a full-service alarm company with multiple employees. Many Texas police agencies have adopted similar strategies to manage an ever-increasing workload related to alarms.

Two proposals were received in response to the RFP, although as many as ten vendors were alerted to the RFP. CryWolf and PM AM responded with proposals that met all qualifications of the RFP. Cry Wolf has been in operation for 16 years and currently provides services for 280 agencies supporting more than 500 cities and counties. They fully interface with Intergraph’s Computer-Aided Dispatch (CAD) as well as provide full internet services for all customers, including citizens and the requesting city. The company is headquartered in Bonita Springs, Florida and incorporated as Public Safety Corporation (PSC). They do not have any staff or offices in Texas, although they currently provide services to 30 Texas agencies.

PM AM Corporation is headquartered in Dallas, TX, and has been incorporated since 1999. The company also has offices in Houston and Colorado Springs, CO. PM AM began offering False Alarm Management Solutions (FAMS) in 2004, and it currently provides services for Houston, Conroe, Richardson, McKinney, Allen, Mesquite, and approximately 20 other Texas agencies. PM AM services include alarm registration; alarm tracking and billing; collections; reporting; citizen education; and full CAD integration. PM AM is also fully web-based.

Both Cry Wolf and PM AM provide full alarm services that will surpass current City of Abilene capabilities. Additionally, both providers assure the City of Abilene that their management will reduce false alarms and increase revenue for the City (their collections are more efficient and robust than a single City employee). Additionally, both providers require no startup expenses by the City.

Cry Wolf proposed revenue sharing with the City based on fixed revenue percentages of 35% for the vendor and 65% for the City.

PM AM proposed a revenue split with the City according to the following revenue: total permit fees; renewal fees; false alarm fines; reinstatement fee; civil penalties; late fee; alarm company civil penalties and other

fees or fines. The percentage split is 25% for the vendor and 75% for the City. Additionally, PM AM submitted their proposal for a (5) year contract with the option to renew.

Because both vendors provide similar services, staff recommends the Award of Bid be given to PM AM. PM AM offers a greater percentage of revenue for the City of Abilene, and the company is headquartered in Dallas. Service calls that may be originated by City residents will be handled primarily in Dallas.

There are no upfront costs associated with this transition. Additionally, PM AM will share revenue with the City at 75 % for the City and 25 % for the vendor. PM AM projects revenues for the City should increase as efficiency of operations increases.

Councilman Price made the motion to approve authorizing the City Manager to enter into a contract with PM AM Alarm Management Company. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

REGULAR ITEMS

7.1 Ben Bryner Planning Services Manager, briefed the council on the Ordinance **Z-2015-20** a request from Wal-Mart Stores East, LP, agent Kimley-Horn & Associates, Inc., to rezone property from MD (Medium Density Residential) & O (Office) to GR (General Retail) zoning, being all property between Grape St & Simmons Ave and Ambler Ave & N. 21st St.

Currently the property is zoned MD & O and is developed University Baptist Church as well as some parking lots developed and used for the Hendrick Hospital campus. The surrounding area is developed generally with residential uses. However, the campuses for Hendrick Hospital and Hardin-Simmons University are located just to the east of this property. Additionally, the intersection of Grape St & Ambler Ave is a commercial node with retail uses located on two of the existing corners. The purpose of the zoning change is to allow for retail development. The church and adjacent properties will be demolished and the site developed with a neighborhood Wal-Mart to include fuel sales.

The Future Land Use section of the Comprehensive Plan designates this general area as ‘low density residential’ with an existing church use. Ambler Ave is classified as an ‘arterial’ street. Grape St is classified as a ‘minor arterial’ street. Both Ambler Ave & Grape St are designated as ‘enhancement corridors’. The recently adopted Ambler Corridor Plan’s primary purpose is to encourage high-quality development and redevelopment within a corridor along Ambler Ave from Grape Street to Interstate 20. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting. This intersection creates a node for retail and office development. The proposed zoning is deemed compatible with the Future Land Use Map, the Ambler Corridor Plan, and the adjacent properties.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and 1 opposed (Bixby).

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

- Mike Murray – Attorney for the applicant – spoke in favor

- Kelly -- PIO for Wal-Mart – spoke in favor
- Dewayne Martin – Hendrick – spoke in favor
- Chris Cartwright – Wild Bill’s Pawn Shop – in favor
- Jeana Posey – spoke against
- Kevin Peters – Pastor – spoke in favor
- Doug Smith – former pastor – 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 -**2015-20** A request from Wal-Mart Stores East, LP, agent Kimley-Horn & Associates, Inc., to rezone property from MD (Medium Density Residential) & O (Office) to GR (General Retail) zoning, being all property between Grape St & Simmons Ave and Ambler Ave & N. 21st St. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreidler, Hardaway, McAlister, Savage

NAYS: None

ABSTAINED: Councilman Williams and Mayor Archibald

Ordinance #34-2015

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 all property between Grape St & Simmons Ave and Ambler Ave & N. 21st St

7.2 Ben Bryner Planning Services Manager, briefed the council on the ordinance for **TC-2015-04** A request from Wal-Mart Stores East, LP, agent Kimley-Horn & Assoc, Inc., to abandon: Beech St between N. 21st St & Ambler Ave; an east-west alley north of N. 21st St between Grape St & Beech St; & a north-south alley east of Beech St between N. 21st St & Ambler Ave.

The street and alleys currently exist and provide access to the adjacent properties. The request is to abandon the street and alleys in this block so that a new Wal-Mart development with fuel sales can be accommodated. There are water and/or sewer lines that are located in each of these rights-of-way. There are also other utilities that will need to remain.

The abandonment of this alley would not create any block or traffic issues. The maximum block length permitted is 1,200 feet. The abandonment of Beech St will leave a block length of approximately 720 feet between Grape St and Simmons Ave. There are some utilities within the street and alleys and any existing utilities will require an easement or be relocated and be the responsibility of the developer.

STAFF RECOMMENDATION

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 as needed.
2. The proponent must pay the cost for retirement and removal of street lights along the right-of-way to be abandoned.
3. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

Staff Recommendation: Approval per the Plat Review Committee. The request would not create any block issues.

BOARD OR COMMISSION RECOMMENDATION

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

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

- Mike Murray – Attorney for Wal-Mart – in support of abandonment
- Royce Sanchez – concern about residents living in the area

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 **TC-2015-04** a request from Wal-Mart Stores East, LP, agent Kimley-Horn & Assoc, Inc., to abandon: Beech St between N. 21st St & Ambler Ave; an east-west alley north of N. 21st St between Grape St & Beech St; & a north-south alley east of Beech St between N. 21st St & Ambler Ave. Councilman Price seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Williams and Mayor Archibald

Ordinance **#35-2015**

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: Beech St between N. 21st St & Ambler Ave; an east-west alley north of N. 21st St between Grape St & Beech St; & a north-south alley east of Beech St between N. 21st St & Ambler Ave.

7.3 Ben Bryner Planning Services Manager, briefed the council on the ordinance for **Z-2015-17** a request from Jamie Anderson, to rezone property from RS-6 (Single-Family Residential) to RS-6/H (Single-Family Residential/Historic Overlay) zoning, located at 1134 Grand Ave.

Currently the property is developed with a home. The surrounding area is developed with single-family homes in all directions. The Presley/Anderson House was built c. 1929. This house has had few external alterations since 1930. Building records do show that there was an additional separate garage structure added to the lot in 1947, it is of age and construction type to be considered contributing to the property. The purpose of the zoning is to designate a historic overlay on the home in order to protect the home and provide tax incentives for the home owner.

The Future Land Use section of the Comprehensive Plan designates this general area as ‘low density residential’. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Commission recommends approval by a vote of 5 in favor (Butman, Lee, McClellan, Miller, & Minter) and none opposed.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) 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 Price made the motion to approve the Ordinance for **Z-2015-17** a request from Jamie Anderson, to rezone property from RS-6 (Single-Family Residential) to RS-6/H (Single-Family Residential/Historic Overlay) zoning, located at 1134 Grand Ave. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#36-2015**

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: 1134 Grand Ave

7.4 Ben Bryner Planning Services Manager, briefed the council on the ordinance for Case No. **Z-2015-18**, a request from PAK Harris Enterprises, Ltd. to rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning, being approximately 1.35 acres located directly south of 2642 E. Lake Rd.

Currently the property is undeveloped. The surrounding area is developed with the Coca-Cola bottling facility to the west and the new Golden Chick & Heff's Burgers restaurants to the north. The Lowe's exists nearby to the southwest. The purpose of the zoning is to accommodate for a new restaurant.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The intersection of Hwy 351 with I-20 is identified as a "Major Commercial/Business Center". The City has recently adopted the Highway 351 Development Plan to help define the goals of the corridor. One of the goals of the plan includes: "Ensure the long-term economic viability of a vital retail and service hub serving this sector of the community and outlying communities." Additionally, this area was included in the concept plan for a major retail area with frontage on both I-20 and Highway 351. An initial Planned Development (PD-113) district was approved along I-20 for the Lowe's with plans to continue development to Hwy 351. Part of the initial development included the construction of E. Lake Rd south of Hwy 351. The PD zoning was intended to continue in order to maintain continuity in the development. Staff has determined that continuation of the PD zoning is the appropriate course of action.

STAFF RECOMMENDATION

Staff recommends denial as requested and approval of PD-113 zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of GR zoning by a vote of 4 in favor (Calk, Dunnahoo, Ellinger, & Rosenbaum), 1 opposed (McClarty), and 1 abstained (Bixby).

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

- Kevin Phillips – Developer asking for GR zoning
- Bob Thomas – in favor of the GR zoning

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

Councilman Savage made the motion to approve the GR zoning for Ordinance **Z-2015-18**, a request from PAK Harris Enterprises, Ltd. to rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning, being approximately 1.35 acres located directly south of 2642 E. Lake Rd. Councilman Kreidler seconded the motion, motion carried.

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

Ordinance: **#37-2015**

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.

7.5 Jon James Director of Planning and Development Services, briefed the council on the Ordinance for **Z-2015-19** a request from Development Corporation of Abilene, Inc. to amend PD-91 (Planned Development) zoning concerning signage for property located at 1842 Hwy 351. (*This item was moved to the end of the Regular Items so that staff can review the minutes from the last meeting regarding the motion.*)

7.6 Ben Bryner Planning Services Manager, briefed the council on the ordinance for Case **#TC-2015-05** a request from Michael Pritchard to abandon: Bacon Dr., west of Lincoln Dr. a distance of approximately 175 feet; and an east-west alley south of Bacon Dr. a distance of approximately 233 feet.

This is an unimproved section of street and alley that exists west of Lincoln Dr. The right-of-way (ROW) was dedicated with the plat for the subdivision but was never improved. The request is to abandon the street and alley west of Lincoln Dr so that the land can be combined to create a larger lot for a single-family home. There are sewer lines than are located in each of these rights-of-way. There are also other utilities that will need to remain or relocated.

The abandonment of the road and alley would not create any block or traffic issues. However, Bacon Dr does provide frontage for the large property to the west. Additionally, there is a north-south alley that extends north from Bacon Dr. The closure of Bacon Dr would eliminate the street frontage of the property to the west as well as cause a dead-end alley. There are some utilities within the street and alleys and any existing utilities will require an easement or be relocated and be the responsibility of the developer.

STAFF RECOMMENDATION

Plat Review Committee: The Plat Review Committee recommends denial of the requested closure of Bacon Dr. The Plat Review Committee recommends approval of the requested closure with the following conditions:

1. Provide appropriate drainage easements and utility easements as needed.
2. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

Staff Recommendation: Approval per the Plat Review Committee. The request would not create any block issues.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of the south ½ of Bacon Dr (±30') and the alley by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and none opposed.

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

- Michael Pritchard – current owner and in favor of the abandonment
- Manual Carnia – future owner and in favor of the abandonment
- Charles Cromwell – owner of 2450 Lincoln and had concerns of the abandonment of Bacon Dr.

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 #TC-2015-05 a request from Michael Pritchard to abandon: the south ½ of Bacon Dr. (±30'), west of Lincoln Dr. a distance of approximately 175 feet; and an east-west alley south of Bacon Dr. a distance of approximately 233 feet. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman McAlister

Ordinance: #38-2015

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: the south ½ of Bacon Dr. (±30'), west of Lincoln Dr. a distance of approximately 175 feet; and an east-west alley south of Bacon Dr. a distance of approximately 233 feet

7.7 Ben Bryner Planning Services Manager, briefed the council on the ordinance for Case an amendment to the Land Development Code (LDC) regarding requirements related to review time of drainage plans.

At a recent Planning & Zoning Commission meeting, a discussion item was held to discuss requirements related to review time of drainage plans. Specifically, the discussion centered on the lengthy amount of time given to City staff to review and approve drainage plans that are required for development of property.

Properties being developed, and that require a site plan, typically require submittal and approval of a drainage plan prior to construction. The Land Development Code (LDC) authorizes up to 20 working days to either approve or deny the drainage plan. Historically, these plans have been reviewed and approved in a timely manner and have not delayed approval of the site plan. Recently, several construction projects have been delayed waiting for drainage plans to be approved. The Planning & Zoning Commission determined that an amendment is needed to reduce the amount of time for review of these plans.

The proposed amendment reduces the amount of time given to the Floodplain Administrator to approve or deny a submitted drainage plan. The proposed reduction is from 20 working days down to 10 working days. The section in the LDC being amended is Section 3.2.11.4(g)(1) – Processing of Drainage Plans.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment to Section 3.2.11.4(g)(1) of the Land Development Code.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) 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 the amendment to the Land Development Code (LDC) regarding requirements related to review time of drainage plans. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance: #39-2015

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.

7.8 Jon James Director of Planning and Development Services, briefed the council on the ordinance creating and adopting the Bike Master Plan.

The City of Abilene adopted a "Bikeway Plan" in 1983 as part of the City's Master Thoroughfare Plan that identified locations for bike paths, bike lanes, and bike routes. However, many, if not most, of the recommendations of the 1983 Plan were never realized. One of the goals of the City's Comprehensive Master Plan is to make the city friendlier for bicyclists and bicycling as an accepted and accommodated mode of transportation. In 2014, an update to the 1983 Bike Plan was initiated. A Citizen Advisory Roundtable was formed to facilitate this update. This group, comprised of a diverse range of citizens, established a vision and a set of goals that, if implemented, will lead to an improved transportation system in Abilene that better accommodates bicyclists. Relying on input from professional staff, input obtained from two public meetings, and the advice of the Citizen Advisory Roundtable, a vision was formed for the role of bicycling in our City. This vision is reflected in the following statement: "Abilene will be a community where bicycling is a viable means of transportation with a comprehensive network of bicycle facilities".

Bicycle facility improvements can range from minimal (designated bike route) to moderate (striped bike lane) to intensive (protected bike lanes and bike paths). One of the questions asked throughout this process, which will also be asked of the Council, is "what kind of City do we want to be in relation to bicycles?" Everything from "Bike at your own risk" to "Bike Friendly" was considered (see attachment). The recommendations of this plan can be best described as "Bike Accommodating". This is not a plan to make Abilene a City known for top notch bicycle facilities, but instead is a more cautious plan to better and more safely accommodate those who would choose to use bicycles for transportation in our community. The goal of the plan is to outline strategies and facilities that will not only benefit those who bicycle today, but that promotes bicycling as a means of transportation for the future.

STAFF RECOMMENDATION

Staff recommends approval of adoption of the update to the City of Abilene Bicycle Plan

Council and Staff discussion included: 1) range of costs for different types of paths; 2) possibility of TxDOT grants that are typically 80/20 on the funding; 3) reach out to Wylie ISD regarding safe routes to school; and 4) sidewalks would be addressed during street projects.

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

- David Davis – support bike paths
- Bob Thomas – has issues with the plan
- Elva Salinas – in favor but also had questions about upkeep of the roadways.

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

Mayor Archibald made the motion to approve the ordinance that creates and adopts the Bike Master Plan. Councilman Savage seconded the motion, motion carried.

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

NAYS: Councilman Kreitler

Ordinance: #40-2015

AN ORDINANCE TO AMEND THE CITY’S COMPREHENSIVE PLAN AND THOROUGHFARE PLAN AMENDING AND ADOPTING THE CITY OF ABILENE BICYCLE PLAN; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

7.9 Jon James Director of Planning and Development Services, briefed the council on the ordinance amending “Chapter 6 – Animals” of the City of Abilene Code of Ordinances.

As part of an effort to update and modernize the City Code, as well as bringing city ordinances in line with requirements of State law, City staff began the process of updating Chapter 6 of the City Code of Ordinances related to the regulation of animals within the city. A citizen committee, the Animal Ordinance Review Committee, including general citizens, veterinarians, and representatives from local animal organizations met to discuss the ordinance and review various options for amendments. The attached ordinance represents the consensus recommendation of that group, City staff in Animal Services and Legal, along with the recommendation of the Animal Services Advisory Board.

The primary substantive changes include changes regarding the limitation on the number of animals allowed per household, regulation of roosters, cleanup after dogs, setting traps, adequate shelter, tethering of dogs, and the definition, procedures, and requirements for dangerous dogs.

Council and Staff discussion included: 1) dangerous dogs section; 2) out of jurisdiction animals; and state laws.

Councilman Savage made the motion to remove the section 6-6.2 Rooster requirements. Councilman Kreitler seconded the motion. After discussion Councilman Savage withdrew his motion from the table.

Mayor Archibald made the motion to move the ordinance amending “Chapter 6 – Animals” to a final reading and public hearing for August 27th. Councilman Williams seconded the motion, motion carried.

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

NAYS: Councilman Savage

AN ORDINANCE AMENDING, CHAPTER 6 OF THE CODE OF THE CITY OF ABILENE BY
ADOPTING A COMPREHENSIVE REVISION OF CHAPTER 6: ANIMALS AND FOWL; PROVIDING
A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

7.10 Mindy Patterson, Director of Finance briefed the council on the issuance of the general obligation refunding and improvement bonds, series 2015 and combination tax and limited surplus revenue certificates of obligation, series 2015A. George Williford with First Southwest presented the information regarding the bonds.

The general obligation improvement bonds will finance not to exceed \$23,000,000 of the voter approved bonds for the public purpose of constructing, improving, extending, expanding, upgrading, developing, installing, and equipping the following projects: streets and roads, including utility relocation, landscaping, sidewalks, traffic safety and operational improvements, drainage, and the purchase of any necessary right-of-way; improvements and renovations to the City's civic center; City sidewalks and the acquisition of land; public safety facilities for the fire and police departments consisting of fire stations, fire training facility and storage and maintenance facilities, with any surplus funds to be used for the construction, renovation and equipment of fire stations; improvements and additions to the City's zoo; parks and recreational facilities at Rose Park, including a swimming pool and other aquatic features; splash pads at municipal parks; parks and recreational facilities along Cedar Creek Waterway and Lytle Creek, including trails, picnic areas and water features, and the acquisition of land; and runways, taxiways and other improvements at the City's airport. The general obligation refunding bonds in the amount of \$16,255,000 will refund a portion of the City's outstanding debt, in order to lower the overall debt service requirements of the City. These maturities include certificates of obligation, Series 2005, 2005A, 2005 water and sewer, 2006, and 2007; and general obligation bonds, Series 2006 and 2007.

The certificates of obligation sale will finance not to exceed \$2,000,000 in projects for the purpose of constructing, reconstructing and improving streets and roads, sidewalks, bikeway system, and alleys including related drainage, intersections, signalization, landscaping, lighting, and signage; constructing and equipping improvements and renovations to existing municipal buildings, including primarily the animal shelter and municipal library; and constructing and equipping parks and recreation improvements, including ball field concession buildings and Nelson Festival Gardens Pavilion.

FUNDING/FISCAL IMPACT

For the general obligation refunding and improvement bonds, we are projecting a 3.15% interest rate with an average rate of 3.45% attributable to the issuance of \$23 million in newly authorized bonds. For the refunding bonds, the projected average annual savings is in excess of \$150,000 per year for 2017 through 2020, and \$60,000 or above annually for 2021 through 2026. The certificates are being issued within the current certificate debt tax rate policy of 10.7¢. We are utilizing a projected 3.35% interest rate on the certificates. The credit rating from Standard and Poor's is affirmed at AA+, and the rating from Fitch Ratings is AA+.

STAFF RECOMMENDATION

Staff recommends passage of the ordinances authorizing issuance of \$38,690,000 in general obligation refunding and improvement bonds and \$1,990,000 in certificates of obligation.

Councilman Hardaway made the motion to approve the Ordinance Authorizing the Issuance and Sale of City of Abilene General Obligation Refunding and Improvement Bonds, Series 2015. Councilman Price seconded the motion, motion carried.

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

Ordinance #41-2015

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2015; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

Councilman Williams made the motion to approve the ordinance authorizing the issuance and sale of the City of Abilene, Combination Tax and Limited Surplus Revenue Certificates of Obligation Series 2015A. Councilman McAlister seconded the motion, motion carried.

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

Ordinance: #42-2015

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

7.11 Mindy Patterson, Director of Finance briefed the council on the revised budget for FY14-15.

During the budget work sessions, the City Council approved a General Fund Revised 2014 15 Budget of \$85,814,470. This included the increase for the Airport of \$37,000.

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 revised budget for FY14-15. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: #43-2015

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2014-2015; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

7.12 Mindy Patterson, Director of Finance briefed the council on the Ordinance Setting tax levy; and set a public hearing for August 27, 2015 at 8:30 a.m.

The FY 2016 Budget approved by Council on July 21, 2015 set the tax rate at 71.40¢. State law requires that two (2) public hearings must be held prior to the final public hearing and vote. Another public hearing will be held on August 27, 2015, with the final public hearing and vote to be held on September 10, 2015.

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

Mayor Archibald announced that the city council is scheduled to vote on the tax rate on Thursday, September 10th at 8:30 a.m. at City Hall, 555 Walnut St., Abilene, Tx.

No votes or actions are needed on this item.

7.5 Jon James Director of Planning and Development Services, briefed the council on the Ordinance for **Z-2015-19** a request from Development Corporation of Abilene, Inc. to amend PD-91 (Planned Development) zoning concerning signage for property located at 1842 Hwy 351. *(This item was moved to the end of the Regular Items so that staff can review the motion from the last meeting.)*

Currently the property is zoned PD-91 and is undeveloped. The lot was created with the construction of Enterprise Drive. The surrounding area is developed generally with retail uses. This property was incorporated into the existing Wal-Mart PD early this year. This was done to ensure compatible development with the existing Wal-Mart development. The purpose of the amendment is to increase the height & size allowed for a multi-tenant sign at the corner of Enterprise Dr and Hwy 351. The future property owner desires a sign that will be taller and larger than currently allowed in the PD district (40 feet tall and 200 square feet). The requested height & area is 50 feet tall and 250 square feet in size.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Major Commercial/Business Center'. The recently adopted Hwy 351 Development Plan also identifies this area as part the 'Commercial Activity Center'. The construction of Enterprise Dr on the north side of Hwy 351 has created a new intersection that is planned to have a traffic signal. The existing zoning is deemed compatible with the Future Land Use Map, the Hwy 351 Development Plan, and the adjacent properties.

Council and Staff discussion included: 1) portable signs prohibition only applies to the current PD and does not apply to the other business that are not a part of the PD; 2) changes can only effect this property; 3) change in the height and size of pole signs; 4) transcript of the minutes from the last meeting reflect the motion should be "move to approve the striking out the language that says "Prohibited signs: Portable signs, off-site advertising, other free-standing temporary signs; 5) council took up the review of the minutes from the July 23rd council meeting.

Mayor Archibald made the motion to amend the **minutes** from the July 23rd council meeting reference zoning case **Z-2015-19** to reflect the motion as "striking out the language that says "Prohibited signs: Portable signs, off-site advertising, other free-standing temporary signs." Councilman Price seconded the motion, motion carried.

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

Council and Staff discussion included: 1) an overall sign ordinance for the entire city would not over rule the PD's in the city; 2) PD's are crafted ordinances for each individual site and stand alone; and 3) the change in language will make the ordinance less restrictive.

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

Councilman Kreitler made the motion to approve as amended after amending the minutes (**from the July 23rd meeting which reflect the following "striking out the language that says "Prohibited signs: Portable signs, off-site advertising, other free-standing temporary signs."**) from the PD for Case #**Z-2015-19** A request from Development Corporation of Abilene, Inc. to amend PD-91 (Planned Development) zoning concerning signage for property located at 1842 Hwy 351. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: **#44-2015**

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

5. Councilman Savage made the motion to approve the two budget workshop minutes from July 20th and 21st as presented by staff. Councilman Hardaway seconded the motion, motion carried.

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

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 12:52 pm. 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 1:44 pm. and reported no votes or action was taken in Executive Session in regards to Deliberations about Business Prospects and Economic Development Section 551.087.

10. Kent Sharp CEO for the DCOA briefed the council on the assistance package for Coca Cola Refreshments.

The bottling system for Coca Cola is made up of locally-rooted enterprises committed to quality. Coca Cola Refreshments USA, Inc. (Coke) is an established employer for Abilene that has been in operation on Highway 35 1 for many years and currently employs 3 full crews, 6 days/week (about 300 people) in manufacturing and distribution/transportation. The company has operated a facility in Abilene since 1920 at various locations, but has resided in its current location for more than 50 years. The company's goal is to expand its manufacturing operations in the region. As it considers the consolidation of its production, packaging, warehouse and distribution operations, Abilene has been identified as a prime facility for its long reputation as being both cost efficient and able to handle a wide range of specialty/seasonal packaging, not to mention its central location in Texas.

Councilman Williams made the motion to approve the Resolution approving the DCOA funding for Coca Cola Refreshments USA, Inc. Councilman Price seconded the motion, motion carried.

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

Resolution: **#50-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA") FUNDING FOR COCA COLA REFRESHMENTS USA, INC. ABILENE PRODUCTION FACILITY ("CCR").

There being no further business the meeting was adjourned at 1:48 pm.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor