

CITY COUNCIL MEETING
September 10th 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 September 10th 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 Savage gave the invocation.

Mayor Archibald introduced Aiden Jackson a 4th grade student at Reagan Elementary School. Aiden 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.

Pat Perez	Administrative Clerk – COACH Clinic	25 Years
Kelly D Willis	Police Department, Traffic Division	35 Years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the August 27th Regular 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, Kreitler, Williams, Hardaway, McAlister, Savage and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Kreitler pulled items 6.1 and 6.3. Councilman Savage pulled item 6.2. Councilman Price pulled item 6.4. Councilman Savage made the motion to approve item 6.5 as presented by staff. Councilman Hardaway seconded the motion, motion carried. Councilmen Price, Williams and McAlister declared a conflict on item 6.5.

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

Resolutions:

- 6.1** **Resolution:** Accept Airport Improvement Program Grant 45. *(Item pulled from Consent by Councilman Kreitler).*
- 6.2** **Resolution:** CB # 1543 - 3/4 Ton Utility Trucks for the Water Department. *(Item pulled from Consent by Councilman Savage)*
- 6.3** **Resolution:** CB # 1546 - Gas Chromatograph/Mass Spectrometer for the Abilene Environmental Laboratory. *(Item pulled from Consent by Councilman Kreitler)*

6.4 **Resolution:** **CB # 1542** - Civic Center Sound System (*Item pulled from Consent by Councilman Price*)

6.5 **Ordinance:** (First Reading) An ordinance approving a request from Abilene Christian University (ACU) for amendment to the TIRZ boundary to include additional property owned by ACU, and setting a public hearing for September 22nd, 2015.

AN ORDINANCE DESIGNATING A CERTAIN AREA AS PART OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWO, CITY OF ABILENE, TEXAS, MAKING CERTAIN FINDINGS, AND OTHER MATTERS RELATED THERETO.

ITEMS PULLED FROM CONSENT

6.1 **Resolution:** Accept Airport Improvement Program Grant 45. (*Pulled by Councilman Kreitler*)

Councilman Kreitler asked questions regarding only one contractor responding to the bid invitation. Don Green Director of Aviation explained that he had reached out to other vendors and they had responded that they didn't have crews available. FAA has reviewed the one bid and the vendor has passed review.

Airport Improvement Program (AIP) Grant 45 is the FY15 grant from the Federal Aviation Administration to support Abilene Regional Airport's FY15 Capital Improvement Program project for Runway 17R/35L Rehabilitation (Construction Phase). The grant is in the amount of \$17,602,598.00 and will pay 90% of the costs associated with this project. The city is responsible for the 10% cost match (\$1,955,845.00). The total project funding will be \$19,558,443.00.

The City received one bid for construction on July 30th. All contracts for the project will be brought to Council separately for approval at a future meeting.

Councilman Williams made the motion to approve the Airport Improvement Program Grant 45. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#51-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE ACCEPTANCE OF AIRPORT IMPROVEMENT PROGRAM GRANT 45 OFFERED BY THE FEDERAL AVIATION ADMINISTRATION.

6.2 **Resolution:** **CB # 1543** - 3/4 Ton Utility Trucks for the Water Department. (*Item pulled by Councilman Savage*)

Fleet Management seeks approval to purchase two 3/4 ton utility trucks to replace vehicles assigned to Water Production that are worn out and no longer cost effective to maintain. Both units are utilized to maintain water production equipment in Abilene, Crews, Lake Fort Phantom and Lake Ivie along with the inspection and repair of electrical lines, raw water pipelines and valves.

Council and Staff discussion included: 1) the age and conditions of the current vehicles that are up for replacement. Mindy Patterson Director of Finance explained the process that the Fleet department goes through before going out to bids for any vehicle replacements. The current mileage on the trucks are

147,000 and 115,000. Councilman Savage would like to have a breakdown of the issues with vehicles that are being slated to be replaced. Rodney Taylor Interim Director of Utilities briefed the council on the uses for both of these vehicles, the territory that they cover and the conditions they go through.

Councilman Price made the motion to approve the purchase of two ¾ ton utility trucks from Caldwell Country Ford in the amount of \$67,265.00. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: Councilman Savage

Resolution: **#52-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDED BID TO CALDWELL COUNTRY FORD, CALDWELL, TEXAS

6.3 **Resolution: CB # 1546** - Gas Chromatograph/Mass Spectrometer for the Abilene Environmental Laboratory. *(Item pulled from Consent by Councilman Kreitler)*

On August 25, 2015 the City of Abilene received bids for the purchase of a Gas Chromatograph/Mass Spectrometer (GC/MS) CB-1546 for the Abilene Environmental Laboratory. The new GC/MS will replace an existing unit. The GC/MS was advertised in the Abilene Reporter News on August 9 and 16, 2015. Three bids were received. The lowest bid meeting the minimum requirements of the bid documents was submitted by Shimadzu Scientific (SS) of Houston, TX in the amount of \$93,703.18. City staff evaluated the bid submittal and does recommend awarding the bid to SS.

The Abilene Environmental Laboratory utilizes the GC/MS instrument for measuring the concentration of organic disinfection by-products in drinking water such as Trihalomethanes (THMs). The Environmental Protection Agency and the Texas Commission on Environmental Quality regulate the concentration of THMs in drinking water. THMs are formed during the disinfection process when chlorine or certain chlorine compounds react with naturally occurring organics in the raw water. The City of Abilene must regularly monitor for THM's at various points in the water treatment process and in the water distribution system so that adjustments can be made in the treatment processes and in the distribution system in order to maintain compliance with the applicable regulations. The existing GC/MS unit is approximately 15 years old and is in need of replacement due to ongoing issues with reliability and the lack of replacement parts.

Council and Staff discussion included: 1) whether or not the DCOA has a Gas Chromatograph/Mass Spectrometer (GC/MS) located at the Abilene Laboratories. Staff will check to see if there is one at this location.

Councilman Kreitler made the motion to TABLE this item so that staff has the opportunity to visit the Abilene Laboratories to see if there is one available. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

6.4 **Resolution: CB # 1542** - Civic Center Sound System *(Item pulled from Consent by Councilman Price)*

The Conference Center is one of the most utilized areas of the Abilene Civic Center. This space continuously hosts a wide range of events that make use of the sound system a majority of the time. The most consistent

complaint that the Civic Center receives from its patrons is the poor quality of the sound in the Conference Center. The sound system replacement is crucial to addressing that facility's biggest weakness.

A sound audit of the Conference Center was performed by Marsh PMK to ensure that the sound system was designed to meet the audio/visual needs of the diverse range of users of the space. The audit findings emphasized that the sheer age of the current system (24 years old) is the main cause of our consistent audio issues in the Conference Center.

SPECIAL CONSIDERATIONS

Electro Acoustics and Video Inc. submitted a bid of \$160,000 to furnish and install the products as specified in the Audio Electrical (AE) and Sound System (SS) series drawings provided by Marsh PMK. The vendors will provide all accessories, cabling/wiring, supervision, coordination with other trades, software programming, testing, documentation, and instructions as required to provide a complete and properly functioning audio-video system including all required interoperability with other connected systems.

FUNDING/FISCAL IMPACT

This project will be funded through a combination of FY 2014 year-end funds and FY 2015 Civic Center operating funds.

Council and Staff discussion included: 1) other items that are in need of repairs – doors, floor and parking lot; and 2) Sound audit was performed and this bid is for a new system that will meet the audio/visual needs of the users of the space.

Councilman Price made the motion to award the bid to Electro Acoustics and Video Inc. in the amount of \$160,000. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#53-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARING BID 1542 FOR THE CIVIC CENTER SOUND SYSTEM DESIGN AND REPLACEMENT

REGULAR ITEMS

7.1 Councilmen Price, Williams, McAlister and Mayor Archibald all declared conflicts regarding this item.

Ben Bryner Planning Services Manager, briefed the council on the Ordinance **Z-2015-21** a request from Gerald Johnson, agent Jacob & Martin, to rezone property from AO (Agricultural Open Space) to PH (Single-Family Residential Patio Home) zoning, located at 1702 EN 10th St.

Currently the property is undeveloped. The surrounding area is developed with single-family homes to the north and east. There are some townhomes at the corner of EN 10th St and Griffith Rd. There are some existing patio homes further north on Griffith Rd that are part of the Wildlife Trails subdivision. The property has frontage along EN 10th St as well as along Wildlife Trails Pkwy in the northwest corner of the property. Patio homes are a type of single-family residential development.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. EN 10th St is designated as an 'arterial' street. It is also designated as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

When a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council. The opposition from the surrounding property owners equals approximately 55%; therefore, a super-majority vote is required for this item.

The Council directed staff to modify the PD (Planned Development) ordinance as recommended by the Planning & Zoning Commission to eliminate the required connection to Wildlife Trails Pkwy and to stipulate that 2 street connections onto EN 10th St are to be required.

Council and Staff discussion included: 1) proposed road east of said property running north and south will not be built until property is developed; 2) the location of the second entrance and the spacing; 3) the neighborhood of the Wildlife Trails has withdrawn their opposition to the rezone after the proposed road into the new addition will not connect onto Wildlife Trails; and 4) add or "alley" connection will be added to the PD language under item #1 of the Exhibit.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of a PD (Planned Development) district with PH (Patio Home) zoning and requiring the streets to be private streets with gates to be closed and maintained in good repair by a vote of 4 in favor (Bixby, Dunnahoo, McClarty, and Famble) and none opposed.

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

- Blake Howard – agent for the developer, supportive of the PD
- Tim Yandel – spoke on behalf of the neighborhood, in support of the PD
- Thomas Peters – landowner to the east of property to be rezoned – had concerns about property values
- Randy Byers – landowner to the east of property to be rezoned – also had concerns

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

Exhibit Section:

1) No street (add **or alley**) connection shall be provided to the subdivision to the north of this PD onto Wildlife Trails Pkwy.

2) A minimum of two (2) streets intersecting with EN 10th Street shall be required to provide access to the neighborhood.

Councilman Price made the motion to approve the Ordinance - **Z-2015-21** A request from Gerald Johnson, agent Jacob & Martin, to rezone property from AO (Agricultural Open Space) to PH (Single-Family Residential Patio Home) zoning, located at 1702 EN 10th St. Also adding in #1 "or alley" of the PD Exhibit. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance #46-2015

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-151 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 1702 EN 10th St.

7.2 Ben Bryner Planning Services Manager, briefed the council on the ordinance for an amendment to the Land Development Code (LDC) regarding Section 4.2.1.4 (h) Off-Street Parking – Design & Construction Standards, Paving of Parking Areas for Permanent, Principal Uses.

As part of new development and redevelopment, a minimum amount of parking is required to serve the new use. The current standard is for this parking to be paved with asphalt, concrete, or a similar surface approved by the City Engineer. A “similar surface” is intended to allow for hardscape alternatives, such as pavers or other specialty pavement. This is not intended for surfaces, such as caliche or gravel, which do not meet the ordinance definition of all-weather surface.

Recently there have been a few instances where a new business owner has requested to use one of these alternative surfaces. These surface types are not allowed as they do not provide both a durable and dustless surface as required. Based on these recent questions, the Planning staff is bringing this ordinance item for consideration and to seek clarification.

The purpose of this review is to clarify the City’s intent for appropriate parking surfaces for development other than single-family and two-family. Options include no changes, clarification of the current regulation to avoid confusion, or changes to the regulations to allow these alternative surfaces. The question comes down to two main issues. The first being what is an appropriate surface for engineering and technical reasons, such as fire protection, engineering standards for adequate parking areas, etc. The second issue is one of community appearance and aesthetics – what do we want the community, and new businesses, to look like.

Our peer cities do not allow unpaved surfaces for parking lots. Several reasons for not allowing unpaved surfaces include maintenance, accessibility for disabled persons, striping of parking spaces & firelanes, and stormwater control.

The section in the LDC being considered for possible amendment is Section 4.2.1.4 (h) Off-Street Parking – Design & Construction Standards, Paving of Parking Areas for Permanent, Principal Uses.

SPECIAL CONSIDERATIONS

The Planning and Zoning Commission discussed the issue of whether non-required parking or overflow parking should have a different standard and perhaps allow alternative surfaces such as caliche or gravel. However, the Commission recommended against any such change.

STAFF RECOMMENDATION

Staff recommends no change to the current ordinance.

It must be noted that a business owner could use an alternative material than asphalt or concrete with an approved Planned Development or by seeking a variance. In the case of a variance, they would need to prove a hardship other than financial in order for the variance to be approved. That said, even if approved as a PD or by variance, staff believes that asphaltic or Portland cement paved surfaces should be a requirement.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends no change by a vote of 4 in favor (Bixby, Dunnahoo, McClarty, & Famble) and none opposed.

Land Development Code (LDC)

Section 5.1.1.4 General Definitions

(a) General Definitions. The following general definitions shall be used for wording and interpretation of wording throughout this LDC.

(8) ALL-WEATHER SURFACE: Paving material that provides a hard base for automobile use. The all-weather surface shall be composed of asphaltic or Portland cement bind pavement or other pavement material approved by the City Engineer, so as to provide a durable and dustless surface.

Zoning Ordinance (effective March 26, 1984)

23-315.2. H. Surfacing

All off street parking spaces, as well as accompanying maneuvering areas and driveway access, shall have an all-weather surface. For single family and two family dwellings, the all-weather surface may be composed of gravel. (However, the driveway extending from the street to the private property boundary shall be paved the same as all other parking areas.) For all other parking areas, the all-weather surface shall be composed of asphaltic or Portland cement bind pavement, or a penetration surface, so as to provide a durable and dustless surface. The off street parking area shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading, parking and storage of vehicles.

Zoning Ordinance (effective September 26, 1974)

32-15.3 OFF-STREET PARKING AREA REQUIREMENTS

3. Surfacing

All off-street parking areas shall be surfaced with asphaltic or Portland cement binder pavement so as to provide a durable and dustless surface. The off-street parking area shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading, parking and storage of vehicles.

Council and Staff discussion included: 1) staff recommends no change; 2) caliche is not all weather material; 3) alleys are normally caliche construction; 4) use of trash trucks and fire trucks on the caliche parking areas; 5) giving small businesses the ability to work up to the construction of paved parking areas; 6) dustless; 7) variance process is available to businesses ; 8) over flow parking; 9) industry standard; 10) PD's are the alternative to the process and for different regulations on that property; 11) Fire lanes; and 12) ADA requirements.

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

- Tim Smith – local business owner – has issues on the parking lot requirements
- Cat Colson – has issues with the regulations
- Alton Smith – wondering about small business loans for help with these type of issues
- Winston Ohlhausen – asked about the materials
- Kevin Phillips – with Harris Acoustics – issues with planned development districts, believes we need to stick to zoning regulations only

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

Mayor Archibald made the motion to TABLE the Ordinance amending the Land Development Code regarding Section 4.2.1.4 (h) Off-Street Parking – Design & Construction Standards, Paving of Parking Areas for Permanent, Principal Uses and have staff bring back discussion descriptions for this item at a meeting not to exceed

the first meeting in November. Council will hold a public hearing with possible action at that meeting. Councilman Williams seconded the motion, motion carried.

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

Council took item 7.4 before item 7.3.

7.4 Mindy Patterson, Director of Finance briefed the council on the Ordinance approving the Budget for FY 16. During the budget work sessions, the City Council approved a General Fund Proposed 2015-16 Budget of \$87,310,920. The Proposed Budget can be funded at the tax rate of 71.40¢.

Council and Staff discussion included: 1) publication of the tax rate – the rate has been published in the Abilene Reporter News and on the City of Abilene website.

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

- Alton Smith – asked about the \$9 million DCOA project.

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

Councilman Williams made the motion to approve Ordinance adopting budget for the Fiscal Year October 1, 2015 through September 30, 2016, appropriating funds. Councilman Kreitler seconded the motion, motion carried.

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

Ordinance: **#47-2015**

AN ORDINANCE APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2015, THROUGH SEPTEMBER 30, 2016, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

7.3 Mindy Patterson, Director of Finance briefed the council on the Ordinance Setting tax levy.

The FY 2016 Budget approved by Council on July 21, 2015 set the tax rate at 71.40¢.

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

Mayor Archibald made the motion to move that the property tax rate be increased by the adoption of a tax rate of 71.40¢. per \$100 valuation, which is the effectively an 8.6 percent increase in the tax rate. Councilman Savage seconded the motion, motion carried.

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

Ordinance: **#48-2015**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR

2015, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2015; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 11:33 am. 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 12:49 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, and Real Property Section 551.072.

10. Kent Sharp CEO for the DCOA briefed the council on the assistance package for Project Goldstar.

Project Goldstar is a manufacturer of quality pet products for the pet industry in the United States and globally. As a U.S. Headquartered company established in 2007, the main focus of the business has been the development of innovative pet treats manufactured in the U.S. from U.S. sourced raw materials to the highest quality standards available, in which to meet the just in time demands of its customers at a competitive price.

The goal of Project Goldstar is to expand its manufacturing and distribution needs in the U.S. This initiative will enable manufacturing of high quality "Made in the USA" product lines at price points that can compete with imported products. In doing so, Project Goldstar will be creating more than 200 direct new manufacturing and distribution jobs at this facility.

Councilman Hardaway made the motion to approve the Resolution approving the DCOA funding for Project Goldstar. Councilman Price seconded the motion, motion carried.

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

Resolution: **#54-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA") FUNDING FOR PROJECT GOLDSTAR.

There being no further business the meeting was adjourned at 12:49 pm.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor