

CITY COUNCIL MEETING
November 5th 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 November 5th 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, Interim City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Logan Sawyers who is a 6th grade student at Wylie Middle School and the son of Cheryl Sawyers Communications & Media Relations Manager for the city. Logan led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the October 22nd 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

No Items for consent

REGULAR ITEMS

7.1 Gordon Browning Interim Director Planning and Development Services, briefed the council on the Ordinance for Case **#Z-2015-24** a request from 1049 Industrial Abilene, LP, agent Tal Fillingim, Jacob & Martin, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1049 Industrial Blvd.

Currently the property is developed with a multi-tenant building housing office and service uses. The surrounding area is developed with other office uses to the west and industrial uses to the south & east. The Abilene Country Club exists to the north across Industrial Blvd. The applicant has indicated the purpose of the rezoning is to allow for a gym user to locate within the building. This use is classified under the "Recreation & Commercial Entertainment – Indoor" designation which is not allowed in the LI district. A performing arts school currently exists in the building. The proposed use would be compatible with the other uses in the building.

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial'. Just to the west, S. Treadaway Blvd is designated as an 'enhancement corridor'. Industrial Blvd is a major corridor connecting Buffalo Gap Rd with Loop 322. The corridor has transitioned to more commercial uses from the industrial uses. 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 Planning and Zoning Commission recommends approval by a vote of 5 in favor (Calk, Dunnahoo, McClarty, Rosenbaum, & Famble) and none opposed.

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

- Tal Fillingim agent for the applicant. Supports the zone change,

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 **Z-2015-24** a request from 1049 Industrial Abilene, LP, agent Tal Fillingim, Jacob & Martin, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1049 Industrial Blvd. Councilman Price seconded the motion, motion carried.

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

Ordinance #**55-2015**

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: at 1049 Industrial Blvd

7.2 Gordon Browning Interim Director Planning and Development Services, briefed the council on the ordinance for Case #**Z-2015-25** - a request from Whistle Stop RV Resort, LLC, agent David Todd, EH-T, to amend PD-148 (Planned Development) zoning specifically to allow for 2 freight containers closer than 200' from any property line, located at 695 E. Stamford St.

Currently the property is zoned PD-148 and is being developed as 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 purpose of the amendment to the PD zoning is to allow for the use of 2 freight containers for storage less than 200 feet from property lines. The PD has a base AO zoning that allows for 1 freight container a minimum of 200 feet from all property lines. The zoning requires a Conditional Use Permit in order to allow for more than one freight container or if a freight container is proposed to be less than 200 feet from a property line. The proposed location for the freight containers is along the west boundary and closer than allowed.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested PD zoning amendment will maintain the AO zoning and allow for a Travel Trailer (RV) Park but add additional regulations for freight containers to be used on the site. The requested zoning amendment is compatible with the Future Land Use Map and the adjacent residential uses in the area.

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, McClarty, Rosenbaum, & Famble) and none opposed.

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

- David Todd – agent for the applicant. For the zone change

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 # **Z-2015-25** - a request from Whistle Stop RV Resort, LLC, agent David Todd, EH-T, to amend PD-148 (Planned Development) zoning specifically to allow for 2 freight containers closer than 200' from any property line, located at 695 E. Stamford St. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Hardaway

Ordinance **#56-2015**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-148 AND ORDINANCE NO. 09-2015 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: 695 E. Stamford St.

1st Amendment to Ordinance No. 09-2015

AMEND: PART 7: Specific Modifications. Sub-part (2) (f) as follows:

ADD: Add regulations pertaining to the use of freight containers.

7.3 Gordon Browning Interim Director Planning and Development Services, briefed the council on the ordinance for Case **#Z-2015-26** - a request from Glen Weatherbee, agent David Todd, EH-T, to amend PD-104 (Planned Development) zoning specifically to allow for a church or place of worship use in the western portion of the property (Tract 3), located at the northwest corner of Oldham Ln & Loop 322

Currently the property is zoned PDD-104 and has not been developed. The City of Abilene has one of its fire stations in the northeast corner of this PDD. There is single and multi-family zoning located to the east across Oldham Lane from the subject property. The remainder of the properties that surround the subject property are zoned for agricultural uses and used as such. The applicant indicates the purpose of the amendment to the PD zoning is to allow for a church or place of worship use in the western approximately 20 acres of the property (Tract 3). The PD has a many tracts which are governed by a base zoning district except for this tract. At this time the only use allowed on Tract 3 is self-storage units. The proposed amendment will place the MD (Medium Density Residential) district as the base zoning for the tract which will allow for the church use in addition to single-family residential and multi-family residential uses such duplexes, triplexes and quadplexes. The option for self-storage units will remain on the tract.

The Future Land Use section of the Comprehensive Plan designates this general area as a Community Enhancement Corridor and for residential uses. The current zoning allows for service and retail uses along Loop 322 with single and multi-family uses along S. 27th St. The requested amendment is consistent with the allowed uses within the PD and is compatible with the surrounding uses.

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

- David Todd – agent for the applicant. For the zone change

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-2015-26 - a request from Glen Weatherbee, agent David Todd, EH-T, to amend PD-104 (Planned Development) zoning specifically to allow for a church or place of worship use in the western portion of the property (Tract 3), located at the northwest corner of Oldham Ln & Loop 322. Councilman Savage seconded the motion, motion carried.

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

Ordinance: #57-2015

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-104 AND ORDINANCE NO. 24-2006 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: 1st Amendment to Ordinance No. 24-2006

AMEND: PART 7: Specific Modifications. Sub-part (A) (3) as follows:

ADD: Add the MD (Medium Density Residential) district to define permitted uses

7.4 Chief of Police Stan Standridge briefed the council on the ordinance to revise the alarm system.

On August 13, 2015, the City Council awarded PM AM a contract with the City to fully automate and manage the Police Department's alarm system. During that Council action, the alarm ordinance was discussed as well as the desire for Council to re-consider the fee schedule.

Beginning September 1, 2015, Texas Local Government Code (LGC) 214.201 through 214.2105 grants a municipality's authority to regulate burglar alarms by ordinance, and it provides guidance for permits, durations and fees. The current alarm ordinance was approved by City Council in October 2005, and regulates both burglar and fire alarms.

It is a violation of the ordinance to operate an alarm without a permit (Sec. 20-71 (a)). As of August 27, 2015, the City had 4,182 residential permits and 1,682 commercial permits. The current fee schedule for permits per the City's ordinance, including new and renewals, is \$20 for residential and \$40 for commercial. City permits are valid for one year and expire on the last day of the month of issuance. LGC 214.203 requires that permits be valid for at least one year. LGC 214.204(b) prohibits a city from charging a burglar alarm permit fee in excess of \$50 per year for residential alarms and \$250 per year for commercial alarms.

LGC 214.207 allows for service fees for false burglar alarms during a 12-month period. Those service fees can be up to \$50 for four and five false alarms, \$75 for six and seven false alarms, and \$100 for eight or more false alarms.

Further, the Fire Department no longer utilizes the City's alarm ordinance for permitting and enforcement of fire alarms, but handles fire alarms through its Fire Prevention division. The need for permitting fees for fire alarm systems, and service fees for false fire alarms no longer exists. Removal of all references to fire alarms in the Alarm System ordinance is necessary.

Request is made that the ordinance be amended to clarify that fees and penalties will be set by Council

Resolution, and that permit revocation and permit renewal requirements as set by LGC 214.205. Additionally, burglar alarm permitting is not necessary for private businesses and institutions that employ their own internal security or police department, and a revision to the ordinance is recommended to make this effective.

Staff recommends the fee schedule be re-assessed and that the 8th false alarm be billable. Additionally, staff recommends that all references to fire alarms be removed from the ordinance.

Council and Staff discussion included: 1) permit fees for residents and commercial businesses; 2) false alarm fees are based on state statute; and 3) removing the fire department from the ordinance.

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 Amending Chapter 20 Article II. Offenses against Public Safety; Section 20-25 Fireworks. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: **#58-2015**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 20, ARTICLE V, SECTION 20-70, "DEFINITIONS," SECTION 20-71, "PERMIT APPLICATION; ISSUANCE," SECTION 20-72, "FALSE ALARMS, SERVICE FEES GENERALLY," SECTION 20-73, "REVOCATION OF PERMITS," AND SECTION 20-74, "STANDARDS; PROHIBITING AUTOMATIC DIALING AND REVIEW," OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

7.5 Chief of Police Stan Standridge briefed the council on the resolution approving the permit fees for the Alarm Systems and Service Fees for False Alarms.

By approving item 7.4 of this agenda, the City Council amended Chapter 20, Article V, Alarm Systems, of the Abilene Municipal Code. Annual Alarm System Permit fees and False Alarm Service fees, specified in Chapters 20-71 and 20-72 respectively, shall be determined by City Council and placed on file in the city secretary's office.

Beginning September 1, 2015, Texas Local Government Code (LGC), Subchapter F-1, Sections 214.201 – 214.2105 grants a municipality's authority to regulate burglar alarms, and it provides guidelines for permits and fees. LGC Sec. 214.203 requires that burglar alarm permits be valid for at least one year. LGC Sec. 214.204(b) prohibits a city from charging a burglar alarm permit fee in excess of \$50 per year for residential alarms and \$250 per year for commercial alarms.

It is a violation of the current ordinance to operate an alarm without a permit (Sec. 20-71 (a)). As of August 27, 2015, the City had 4,182 residential permits and 1,682 commercial permits for burglar alarms. City permits are valid for one year and expire on the last day of the month of issuance. As of August 31st, there were 892 residential alarms that had not been renewed on time and 197 delinquent commercial alarms.

LGC Sec. 214.207 allows for service fees for false burglar alarms during a twelve-month period. Those service fees can be up to \$50.00 for four and five false alarms, \$75.00 for six and seven false alarms, and \$100.00 for eight or more false alarms. There is no service fee allowed for the first three false alarms.

Annual Permit fees: Residential location: \$20
Commercial location: \$50

False Alarm Service fees: 4th and 5th false alarm: \$50.00 each
6th and 7th false alarm: \$75.00 each
8th or more false alarm: \$100.00 each

STAFF RECOMMENDATION

Staff is making this recommendation for annual permit fees and false alarm service fees based upon internal review of current fees. Staff has reviewed the time and requirements needed for the review of the applications and based the permit fee on that requirement. Additionally, staff has reviewed the expenses associated with responding to false alarms and based the false alarm service fee on those expenses.

Councilman Williams made the motion to approve the Resolution setting the permit fees and false alarm service fees as presented in the Resolution. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#65-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING PERMIT FEES FOR ALARM SYSTEMS AND SERVICE FEES FOR
FALSE ALARMS.

7.6 Mindy Patterson, Director of Finance briefed the council on the purchase of utility trucks.

Vendors notified the City of Abilene the cutoff date for order placement for Utility Trucks will occur earlier in the fiscal year than in previous years. The vehicles will start production sometime after January 2016. However, the order must be placed by mid November 2015, to reserve vehicles for this production cycle. These vehicles can only be guaranteed ordered once in the model year. We are anticipating delivery of the vehicles in late summer 2016. Assuming all vehicles received meet specifications, the preparation and placement of the vehicles will be phased in starting in the late fall 2016. Due to the delay in the receipt of the vehicles as well as the ability to order only once every model year, Fleet Management projects the replacement of vehicles to be 18 months out or more. Currently, the guidelines have been that utility trucks will be replaced at 100,000 miles. The attached spreadsheet shows the status of the vehicles being replaced as well as the disposition of those vehicles after replacement. Staff is developing a written Council Policy Statement with specific guidelines on all City of Abilene vehicle replacements that will be brought for Council approval in the next few weeks.

Fleet Management seeks approval to purchase three utility trucks to replace units that are worn out or no longer cost-effective to maintain. One unit each will be assigned to Facilities Maintenance, Solid Waste, and Water Distribution. Advertisements were published on September 24, 2015 and October 1, 2015.

Bids were opened on October 9, 2015 at 11:00 A.M. Seventeen bid invitations were requested with three vendors submitting a bid.

SPECIAL CONSIDERATIONS

Neither Lawrence Hall Chevrolet nor Caldwell Country Chevrolet met the Gross Vehicle Weight Rating specifications.

FUNDING/FISCAL IMPACT

Funds for this purchase are to be provided by the Fleet Replacement Fund.

STAFF RECOMMENDATION

It is recommended that Bid CB-1600 be awarded to Arrow Ford in the amount of \$90,287.00

Council and Staff discussion included: 1) Gross Vehicle Weight rating.

Councilman Savage made the motion to award the bid to Arrow Ford in the amount of \$90,287.00. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

7.7 Mindy Patterson, Director of Finance briefed the council on the purchase of Patrol SUV's for the Police Department.

Vendors notified the City of Abilene the cutoff date for order placement for Police Package Vehicles (PPV) will occur earlier in the fiscal year than in previous years. The vehicles will start production sometime after January 2016. However, the order must be placed by November 9, 2015, to reserve vehicles for this production cycle. The PPV are specialized vehicles that can only be ordered once in the model year. We are anticipating delivery of the vehicles in early summer 2016. Assuming all vehicles received meet specifications, the preparation and placement of the vehicles will be phased in starting in the fall 2016. Due to the delay in the receipt of the vehicles as well as the ability to order only once every model year, Fleet Management projects the replacement of vehicles to be 18 months or more out. Currently, the guidelines have been that Crown Victorias will be replaced at 100,000 miles and Tahoes at 125,000 miles. The attached spreadsheet shows the status of the vehicles being replaced as well as the disposition of those vehicles after replacement. Staff is developing a written Council Policy Statement with specific guidelines on all City of Abilene vehicle replacements that will be brought for Council approval in the next few weeks.

Fleet Management seeks approval to purchase twenty-two patrol packaged SUVs to replace units that are approaching their out of service dates. Two additional patrol packaged SUVs are requested as newly budgeted items for a total of twenty-four vehicles.

Advertisements were published on September 24, 2015 and October 1, 2015. Bids were opened on October 9, 2015 at 11:00 A.M. Seventeen bid invitations were requested with two vendors submitting a bid.

Lawrence Hall Chevrolet was not the outright low bidder, but was within the 5% local preference.

FUNDING/FISCAL IMPACT

Funds for this purchase are to be provided by the Fleet Replacement Fund.

STAFF RECOMMENDATION

It is recommended that Bid CB-1605 be awarded to Lawrence Hall Chevrolet in the amount of \$866,150.00

Council and Staff discussion included: 1) Chief Standridge addressed the issue of the Crown Victorias and high water.

Councilman Savage made the motion to approve the purchase of Patrol SUV's from Lawrence Hall Chevrolet in the amount of \$866,150.00. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

7.8 Cheryl Sawyers, Communications/Media Relations Manager briefed the council on the purchase of SWAGIT Productions LLC.

SWAGIT is a hands-free video streaming tool used to improve transparency to constituents. This company specializes in providing streaming media solutions to cities, counties, states and school districts. They offer on demand content for the end user and allows them to choose what sections of the video they would like to view. There is also an innovative keyword search feature that will allow end users to enter a keyword, and the search will return all meetings where that word was mentioned by a meeting participant. The end user will be able to select that portion of the meeting's video without the need to watch the whole meeting. The video will play a few seconds before the mention of the word in the meeting to help establish context for the end user.

With this product Abilene:

- Will have the ability to broadcast our cable channel in Hi Def
- Be accessible through a mobile device
- Provide live-streaming content on the website
- Will have unlimited storage
- Will have reduced staff hours spent on recording, producing, uploading, or archiving public meetings

SPECIAL CONSIDERATIONS

SWAGIT is a sole-source product and therefore exempt from State competitive bidding requirements. The nature of the sole-source exemption is the service provided to alleviate staff time associated with recording, uploading, producing, and archiving public meetings. No other company offers this service and other firms will require significant staff time to time-stamp agenda items for playback.

FUNDING/FISCAL IMPACT

- Up front cost: \$39,864.00 for system and installation
- Monthly re-occurring costs: \$1,475.00 for up to 50 meetings a year (individual pricing after that)
- Funding will come from (Public, Educational, Governmental) PEG channel funds balance. These funds can only be used for the public cable access channel required by the FCC.

Councilman Williams made the motion to approve the purchase of SWAGIT. Councilman Hardaway seconded the motion, motion carried.

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

7.9 Chief of Police Stan Standridge briefed the council on the public safety communications system upgrade.

The installation for the City's current digital public safety radio network, along with its associated infrastructure (towers, microwave dishes, etc.) was completed in 2005. We have experienced excellent performance from the radio system. Dailey-Wells Communications, Inc. sold us the system, installed it, has provided excellent support and has been a proven business partner for the last 10 years.

The radios (terminals, mobiles and portables) have all reached end-of-life status with the manufacturer. We can no longer obtain parts for the radios from the manufacturer. Parts are available in the resale market, but that supply is shrinking. Further, the radio consoles in the dispatch center are also in end of life status and are operating on Windows XP, which is no longer supported by Microsoft. Staff has worked with Dailey-Wells to develop a phased in upgrade strategy for the radio system which will provide for spreading the costs over multiple years.

The proposed radio system upgrade is comprised of two phases. Phase 1 will replace all police, fire, city marshal and EOC radios. The radios will be the latest Harris digital technology. Additionally, Phase 1 will upgrade the consoles, computers and network switches in the dispatch center. The radios will be backward and forward compatible, meaning they will work on the existing and new digital technologies. This allows us to delay upgrading the antenna infrastructure to Phase 2 of the project.

Phase 2 will provide for replacement of the remainder of the radios across the organization (Animal Control, Civic Center, Public Works, Water, etc.). Further, Phase 2 will upgrade all the tower network infrastructure to the latest digital standards.

SPECIAL CONSIDERATIONS

Dailey-Wells is able to offer the equipment through HGAC (Houston Galveston Area Council) cooperative purchasing contract pricing, providing significant discounts. Further, Dailey-Wells is able to offer trade-in allowances on the old equipment. Dailey-Wells is providing three year payment terms with no interest on Phase 1.

Phase 2 will not begin until sometime after fiscal year 18. Financing terms for Phase 2 are yet to be determined.

FUNDING/FISCAL IMPACT

Pursuant to quotes attached, Payments for Phase 1 are as follows:

\$500,000 to be paid December 15, 2015, funded by an interfund loan.

\$1,453,008.73 to be paid November 15, 2016, to be included as part of the fiscal year 17 budget.

\$1,453,008.73 to be paid November 15, 2017, to be included as part of the fiscal year 18 budget.

Total Phase 1 \$3,406,017.46

Total Phase 2: \$4,429,126.57 with financing terms to be determined.

Council and Staff discussion included: 1) GPS capability question – didn't invest in; 2) life span is approximately 10 years; 3) Mindy Patterson Director of Finance addressed the funding for the project; 4) possible use of seized funds if the Police Department had an arrest that would bring in funds to the police department; 5) Looking at 2019 or 2020 for the phase 2 portion of the project; and 6) will be built into future budgets to fund the remaining expenditures.

Councilman Hardaway made the motion to approve the Resolution to approve the installment payment agreement with Dailey-Wells for procurement of the public safety communication system upgrade. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Resolution: #66-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING INSTALLMENT PAYMENT AGREEMENT WITH DAILEY-WELLS FOR PROCUREMENT OF PUBLIC SAFETY COMMUNICATION SYSTEM UPGRADE

7.10 Chief of Police Stan Standridge presented information regarding a Juvenile Curfew Ordinance.

In calendar year 2014, the Youth Division assigned nearly 1,200 cases involving juveniles in our City, while

referring 359 offenders to Juvenile Probation for consideration of criminal charges. These charges included 97 assaults, 74 drug offenses, 19 sexual assaults, 1 attempted capital murder, 2 counts of organized crime, 6 vehicle thefts, 10 aggravated robberies and other various crimes. A 16-year-old juvenile was also arrested for murder after running over a man near the intersection of S. 7th and Elm, after the victim refused to purchase him alcohol.

"Two years ago I proposed implementation of a juvenile curfew, but after meeting with the Chief of Police we determined it was not the right timing," said Councilman Anthony Williams. "Currently, our crime rate is projected to be up 40% from two years ago, and it is alarming how many juveniles are committing crimes. To be proactive in addressing crime in our area, I believe we must discuss a juvenile curfew. I am confident this will benefit our community as many of our sister cities have implemented juvenile curfews with positive results."

"Juvenile crimes in Abilene are a serious concern which warrants consideration of a curfew," said Police Chief Stan Standridge.

Most peer cities in West Texas have had curfews since the mid to late 1990's. State law mandates that curfews be revisited every three years, thus ensuring their necessity. Each municipality that first adopted them continues to have curfew ordinances. They serve as an additional tool for law enforcement to reduce crime and the fear of crime. Additionally, curfews ensure families are fully involved in the parenting of juveniles, at least related to accountability during late night hours when some crimes are committed.

SPECIAL CONSIDERATIONS

If adopted, the City Council will have to review the ordinance every three years. By allowing staff to present information before a First Reading occurs, Council can direct staff on matters including but not limited to: town hall meetings and citizen surveys.

Regarding the proposed ordinance, it was obtained from the International Municipal Lawyers Association. This same ordinance language was adopted by the City of Dallas and upheld by the Supreme Court. All Texas agencies have since used this ordinance language.

By adopting a curfew ordinance in the winter months, the fiscal impact on the Police Department will be considerably less. This will also help the ordinance become known and perhaps cultural while school is in session (it will be easier to teach a captive audience). With that said, other agencies indicated the first three months of implementation were the most strenuous on staff. Some departments contracted with non-profits on weekend nights to ensure officers could return to service immediately after taking custody of a juvenile whose guardian could not be contacted immediately.

Council and Staff discussion included: 1) another tool for the police officer; 2) must be reviewed every three years; 3) hours for the curfew; 4) exceptions that are in the suggested ordinance; 5) this sample ordinance has been vetted through the court system by City of Dallas; 6) officer discretion; 7) Taylor County jail – less personnel currently; 8) number of repeat offenders? Time and place of juvenile incidents; 9) victim information – Community policing; 10) special events; 11) survey – has any city repealed the ordinance (no city in the current region for Abilene); 12) taken into protective custody and returned to family; 13) neighborhood blight and 14) 1st amendment rights.

Mayor Archibald opened up for a public input time and council heard from:

- Dale Boecker – what is the end result
- Alan Copeland – had concerns

Mayor Archibald closed the public input after there being no one else present and desiring to be heard.

Council and Staff discussion included: 1) propose to bring back to council in late January; 2) prior to bringing back to council propose to hold 2 town hall meetings and use a survey to get feedback from the public.

No action on this item at this time.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 12:04 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 1:50 pm and reported no votes or action was taken in Executive Session in regards Personnel Section 551.074, Real Property Section 551.072.

10.1 Resolution: Voting for an individual to the Jones County Appraisal District.

Mayor Archibald made the motion to vote for Seaton Higginbotham to the Board of Directors of the Jones County Appraisal District. Councilman Price made the second, motion carried.

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

Resolution: **#67-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
VOTING FOR THE FOLLOWING INDIVIDUAL TO THE BOARD OF DIRECTORS OF
THE JONES COUNTY APPRAISAL DISTRICT OF JONES COUNTY FOR 2016-2017.

There being no further business the meeting was adjourned at 1:52 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor