

CITY COUNCIL MEETING
December 3rd 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 December 3rd 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, Kyle McAlister and Steve Savage. Councilman Jay Hardaway was absent. Also present were City Manager Robert Hanna, Interim City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman McAlister gave the invocation.

Mayor Archibald introduced Peyton McMillian who is a 5th grade student at Austin Elementary School. Peyton led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

Mayor Archibald assisted by City Manager Robert Hanna honored the following City Employee for their years of service.

Michael Matthews	Traffic Signal Manager	20 Years
Clifford Moore	Traffic Operations Tech II	35 Years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the November 13th Special Called meeting and the November 19th Regular Meeting there being no deletions, no additions, and no corrections. Councilman Savage made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

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

CONSENT AGENDA

Councilman Kreitler pulled item 6.1. Councilman Savage pulled item 6.3. Councilman Savage made the motion to approve items 6.2 and 6.4 as presented by staff. Councilman Price seconded the motion. Motion carried.

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

Ordinance:

6.1 **Ordinance:** (*First Reading*) Amendment to Chapter 22-2 Intoxicating Beverages Prohibited: Confiscation and setting a public hearing for December 17th, 2015. *Item pulled from consent by Councilman Kreitler.*

Resolutions:

6.2 **Resolution:** City Council approved the Annual Renewal of Intergraph Software Maintenance Agreement for Public Safety.

Intergraph Corporation SGI Division provides maintenance support for the Intergraph CAD/RMS/MDS

System purchased from them that supports Police and Fire Departments operations (dispatch, records management and mobile data). The maintenance agreement renews on an annual basis. Examples of support provided through the maintenance agreement include help desk technical support, program operational issues, and patches for identified program fixes. The maintenance support services are critical to maintain operational effectiveness and system integrity on an ongoing basis.

The cost for the Intergraph maintenance agreement is \$262,689.92. This amount is included in the Technology Fund FY 15-16 budget that Council has approved as part of the overall City Budget.

Resolution: **#75-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE ANNUAL AGREEMENT FOR MAINTENANCE SERVICES BETWEEN THE CITY OF ABILENE AND INTERGRAPH CORPORATION.

6.3 **Resolution:** Authorizing the City Manager to enter into a professional services agreement with Richard J. Liedl, P.C. *Item pulled from consent by Councilman Savage.*

6.4 **Resolution:** City Council approved the Resolution to Re-certifying Habitat for Humanity-Abilene, Inc. as a Community Housing Development Organization (CHDO) and Commitment of HOME Funds.

Approval and re-certification by the City of Abilene is a condition for the receipt of HOME funds for a Community Housing Development Organization (CHDO). Habitat for Humanity-Abilene, Inc. (Habitat) has been a certified CHDO since March 1995, and has received HOME funds to expand the availability of safe, dependable and affordable housing for qualified low- and moderate-income families. Habitat has updated its CHDO application and has submitted a request for CHDO re-certification. They meet the CHDO requirements for board representation and their latest independent audit meets the CHDO standards. Since 1990, Habitat has built or renovated 161 homes in Abilene, assisted 165 low- to moderate-income families composed of 262 adults and 450 children; and has partnered with the City of Abilene as a CHDO on 69 single-family homes. City CHDO funds will be used on three new constructions with plans for three more in 2017. Habitat has partnered with over 60 service clubs, church groups, businesses, military personnel and schools during the past year. More than 1,957 volunteers worked 8,523 hours in 2014 to help Habitat remain committed to creating home ownership opportunities for low- to moderate-income families. Recently, Habitat incorporated the Abilene Volunteer Weatherization Program into their work, weatherizing 45-50 houses each fall. The proposed resolution re-certifies Habitat as a CHDO and authorizes staff to disburse HOME funds as appropriate.

Resolution: **#77-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE RECERTIFICATION OF HABITAT FOR HUMANITY – ABILENE, INC. AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO), AND AUTHORIZING DISBURSEMENT OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS.

ITEMS PULLED FROM CONSENT

6.1 **Ordinance:** (*First Reading*) Amendment to Chapter 22-2 Intoxicating Beverages Prohibited: Confiscation and setting a public hearing for December 17th, 2015. *Item pulled from consent by Councilman Kreitler.*

Council and Staff discussion included: 1) historic view of this item; 2) Festival Gardens, Softball Fields, and the Abilene Zoological Gardens; 3) this will be only within the boundaries of the facilities; 4) at the request from those that are hosting events; and 5) a venue for private cooperation's to be able to hold events.

Mayor Archibald made the motion to approve on the first reading of the Ordinance to amend Chapter 22-2 Intoxicating Beverages Prohibited: Confiscation and setting a public hearing for December 17th 2015.

Councilman McAlister seconded the motion, motion carried.

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

NAYS: Councilman Kreitler

AN ORDINANCE AMENDING CHAPTER 22 SECTION 22-2 OF THE CODE OF THE CITY OF ABILENE BY AMENDING THE SECTION AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

- 6.3** **Resolution:** Authorizing the City Manager to enter into a professional services agreement with Richard J. Liedl, P.C. *Item pulled from consent by Councilman Savage.*

Council and Staff discussed the agreement with Rich Liedl and the work that he does for the city in Washington D.C.

Councilman Price made the motion to approve the Resolution authorizing the City Manager to enter into a professional services agreement with Richard J. Liedl, P.C. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution: **#76-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH RICHARD J. LEIDL, P.C.

REGULAR ITEMS

- 7.1** Lesli Andrews, Interim Director of Community Services, briefed the council on the ordinance approving the Standards of Care.

In August of 1997 the 74th Legislature enacted Section 42.041(14) of the Texas Human Resources Code, which exempts youth programs operated by a municipality from state child-care licensing requirements. The Texas Human Resources Code provides that in order for a municipality to be exempt from the state's licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing. The major difference in the City's standards is that we have established standards for 6-13 years of age, whereas the state's standard is for 0-6 years of age, a population we do not serve.

The Standards of Care require three inspections/review levels be performed each year to insure compliance. The first level is performed by the Recreation Coordinator to confirm adherence to the Standards themselves. The second is a visual inspection of the facilities to be conducted by the program Administrator with the assistance of a Parks and Recreation Professional not associated with the City of Abilene. That visual inspection was conducted on October 28, 2015. The Parks and Recreation Professional who assisted was Brent Casey from San Angelo, Texas. The third level is an annual inspection by both the Fire Department and Environmental Health. All of these inspections and reviews were satisfactorily completed and the program is in compliance. A copy of the Standards of Care will be online for additional access.

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 approving the Standards of Care for 2016. Councilman Kreitler seconded the motion, motion carried.

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

Ordinance **#59-2015**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

7.2 Ben Bryner Planning Services Manager, briefed the council on the ordinance for Case **Z-2015-27** a request from Paul Johnson to rezone property from MF (Multi-Family Residential) & AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 5301 Hwy 277 S and including approximately 4.06 acres to the east.

Currently the property is undeveloped. The surrounding area is developed with apartments to the north and southwest. The property has street frontage on both S. Clack St on the east side and Hwy 277 S on the west side. The applicant states that the purpose of the rezoning is to allow for self-storage warehouses to serve the existing residents in the area. This use is allowed in the requested zoning. There is a prevalence of other properties in the area with the GC zoning.

The Future Land Use section of the Comprehensive Plan designates this general area as 'open space'. Elm Creek runs along the southwest boundary of the property. The intersection of Hwy 277 S and Hwy 83/84 is designated as a 'Major Commercial/Business Center'. The area is a mix of multi-family residential, single family residential and retail/commercial 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 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, McClarty, & Famble) and none opposed.

Council and Staff discussion included: 1) sidewalk requirements on both ends of the property on Hwy 277 and Hwy 83/84; and 2) the pedestrian bridge proposed near the access road off of Hwy 83/84.

Mayor Archibald opened the public hearing and council heard from:

- Paul Johnson – spoke for the zone change

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

Councilman Williams made the motion to approve the ordinance for Case **Z-2015-27** a request from Paul Johnson to rezone property from MF (Multi-Family Residential) & AO (Agricultural Open Space) to GC (General

Commercial) zoning, located at 5301 Hwy 277 S and including approximately 4.06 acres to the east.. Councilman Price seconded the motion, motion carried.

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

Ordinance: # 60 -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 5301 Hwy 277 S and including approximately 4.06 acres to the east

7.3 Michael Rice Director of Public Works, briefed the council on the Resolution authorizing the City of Abilene to install a Four-Way Stop at the intersection of Sierra Sunset and Thompson parkway.

Residents of the Bella Vista Estates subdivision requested installation of traffic control devices within their subdivision during the regular City Council Meeting held on May 14, 2015. In response to this request, the Traffic Engineer has evaluated the current traffic conditions within the Bella Vista Estates subdivision, more specifically the traffic conditions upon Sierra Sunset, Thompson Parkway, and Linda Vista. The evaluation revealed current traffic conditions do not meet the Texas Manual On Uniform Traffic Control Devices requirements for the installation of additional traffic control devices, specifically the installation of stop signs.

The City of Abilene has a very clearly defined process for the installation of all traffic control devices. The City of Abilene Code of Ordinances, Section 18-67 states, "All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the state highway and public transportation commission or resolution adopted by the city council.

Council and Staff discussion included: 1) traffic study for the area; 2) cost of the traffic study; 3) time it takes for a traffic study; and 4) working with TxDOT on traffic issues along Buffalo Gap Rd and Beltway South.

Councilman Williams made the motion to approve the Resolution: authorizing the City of Abilene to install a Four-Way Stop at the intersection of Sierra Sunset and Thompson parkway. Councilman Savage seconded the motion, motion carried.

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

Resolution: #78-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY OF ABILENE TO INSTALL FOUR-WAY STOP SIGNS AT THE INTERSECTION OF SIERRA SUNSET AND THOMPSON PARKWAY

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 10:03 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 11:25 am and reported no votes or action was taken in Executive Session in regards Personnel Section 551.074, and Litigation/Consultant City Attorney Section 551.071.

10.1 Resolution: Appointing a Panel of Assistant Municipal Court Judges to act in the absence or unavailability of the Judge of the Municipal Court.

Mayor Archibald made the motion to appoint a Panel of Assistant Municipal Court Judges to act in the absence or unavailability of the Judge of the Municipal Court. Councilman Williams made the second, motion carried.

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

Resolution: **#79-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING A PANEL OF ASSISTANT MUNICIPAL COURT JUDGES TO ACT IN THE ABSENCE OR UNAVAILABILITY OF THE JUDGE OF THE MUNICIPAL COURT

10.2 Resolution: Reappointing Keith A. Barton Municipal Court Judge for a term of two (2) Years.

Mayor Archibald made the motion to approve reappointing Keith A. Barton Municipal Court Judge for a term of two (2) Years. Councilman Price made the second, motion carried.

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

Resolution: **#80-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REAPPOINTING KEITH A. BARTON MUNICIPAL COURT JUDGE FOR A TERM OF TWO (2) YEARS.

10.3 Resolution: Appointing members to various boards and commissions per the City Charter.

Mayor Archibald made the motion to approve the appointment and the reappointment to the 2015 Fall Boards and Commissions. Councilman Williams seconded the motion, motion carried.

Resolution **#81-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND STATUES OF THE STATE OF TEXAS

Members

- David Mukire
- Gwendolyn Blount

Term Expires

Nov. 2017
 Nov. 2017

Abilene Taylor Co. Events Venue District

Members

- Norm Archibald
- Kyle McAlister
- County Appointment (Downing Bolls)

Nov. 2017
 Nov. 2017
 Nov. 2017

Abilene Taylor Co. Child Advocacy Board

Members

- Peggy Humphries
- Beverly Gibson
- Anthony Williams
- Sue Ann Simmons

Nov. 2018
 Nov. 2018
 Nov. 2018
 Nov. 2018

Abilene Taylor Co. Public Health Adv. Board

Members

- Dr. Maxey McKnight
- Dr. Leigh Taliaferro

Nov. 2018
 Nov. 2018

Airport Development Board

Members

- Woody Gilliland
- David Lynn
- County Appointment (Stan Egger)

Nov. 2018
 Nov. 2018
 Nov. 2018

Animal Services Advisory Board

Members

- Leah Herron
- Aaron Vannoy
- Tom Rigsby
- Derrick Neal (City Rep)

Nov. 2018
 Nov. 2018
 Nov. 2018
 Nov. 2016

Board of Adjustment

Members

- Bob Beerman (Regular) Nov. 2017
- Roger Huber (Regular) Nov. 2017
- Col. Morton Langholtz (Regular) Nov. 2017
- Glen Mosley (Alterante) Nov. 2017

Board of Building Standards

Members

- Marvin Barber (Alternate General Contractor) Nov. 2017
- David Beard (Regular General Contractor) Nov. 2017
- Lloyd Turner (Regular Engineer) Nov. 2017
- Edgar Benito Cardova (Alternate Home Builder) Nov. 2017
- Anthony McColum (Regular Home Builder) Nov. 2017
- Wayne Paris (Regular Social Worker) Nov. 2017

Civil Service

Members

- Randy Burcell, CPA Nov. 2018

Development Corporation of Abilene (DCOA)

Member

Term Expires

- Dave Copeland Nov. 2018

Friends of Safety City Board

Members

- Sam Chase Nov. 2018
- Sparky Dean (unexpired term) Nov. 2017
- Ken Poynor Nov. 2018

Keep Abilene Beautiful

Members

- Elizabeth McAnnaly Sept. 2018
- Martin Garcia Sept. 2018
- Sylvia Holcomb Sept. 2018
- Shane Johnson Sept. 2018

Landmarks Commission

Members

- Dr. Michael McClellan, Historic Property Owner Nov. 2018
- Phil Miller, Architect Nov. 2018

Library Board

Members

- Stan Chapman Nov. 2017
- Patricia Nail Nov. 2017
- Robert Carleton Nov. 2017
- Debra Lillick Nov. 2017
- Carrie Casada Nov. 2017
- Tiffany Fink Nov. 2017
- Joe Specht Nov. 2017
- Michael Carrizales Nov. 2017

Office of Neighborhood Services

Member

Term Expires

- Rachel Slaymaker Nov. 2017
- Vanessa Bryan (McMurry Rep) Nov. 2017
- Linda Carleton (At-Large) Nov. 2017

Planning & Zoning Commission

Member

Term Expires

- Joy Ellinger Nov. 2018
- Clint Rosenbaum Nov. 2018

There being no further business the meeting was adjourned at 11:30 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor