

CITY COUNCIL MEETING
December 17th 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 17th 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.

Councilman Savage gave the invocation.

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

RECOGNITION

Mayor Archibald recognized Cynthia Pearson with Day Nursery of Abilene who wanted to thank the City Staff for helping them to apply for grant funds through CDBG that has provided new playground equipment for the children at the Sherry Lane location.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the December 3rd 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, Hardaway, McAlister, Savage and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Kreitler pulled items 6.2 and 6.3. Councilman Savage pulled items 6.4 and 6.6. Councilman Hardaway made the motion to approve items 6.1, 6.5 and 6.7 as presented by staff. Councilman Price seconded the motion. Motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, Savage and Mayor Archibald
NAYS: None
ABSTAIN: Mayor Archibald and Councilman Williams declared a conflict on item 6.5

Resolutions:

6.1 **Resolution:** City Council awarded the Bid for #CB-1613 - Solid Waste, 300 Gallon Automated Refuse Containers to Rotational Molding Inc. in the amount of \$147,420.00.

This bid is for annual purchase of 300-gallon automated refuse containers to replenish inventory due to new housing starts and to replace worn-out and damaged containers. The bid is for 300-gallon automated Poly refuse containers. Advertisements were published on November 16, 2015 and November 23, 2015. Three (3) bid packages were sent out with Three (3) bids received. The bids were opened on December 1, 2015.

Resolution: **#82-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDED BID TO ROTATIONAL MOLDING INC. (RMI), GARDENA, CA.

- 6.2 **Resolution:** Award of Bid **CB-1614** - Solid Waste, 95 Gallon Carts. *Pulled from consent by Councilman Kreidler.*

Ordinances:

- 6.3 **Ordinance:** (*First Reading*) Amend Chapter 11, Article 1, Section 11-3 & Section 11-4, Regulation of Food Establishments to conform with Texas Administrative Code, Chapter 228 & Chapter 229; and setting a public hearing for January 14, 2016. *Pulled from consent by Councilman Kreidler.*
- 6.4 **Ordinance:** (*First Reading*) **CUP-2015-03** A request from Day Nursery, Inc., agent Catrena Browning, for a Conditional Use Permit to allow for a "Social Service Facility" on property zoned RS-6 (Single Family Residential) & MF (Multi-Family Residential) located at 1142 & 1202 Ash Street; and setting a public hearing for January 14, 2016. *Pulled from consent by Councilman Savage.*
- 6.5 **Ordinance:** (*First Reading*) **TC-2015-06** A request from Morgan Green, agent Enprotec, Hibbs & Todd, to abandon an unpaved segment from the south margin to the right-of-way of N. 16th and extending 140 feet east from Pine Street; and setting a public hearing for January 14, 2016.

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

- 6.6 **Oral Resolution:** Adopting a Fleet Replacement Policy for the City *Pulled from consent by Councilman Savage*
- 6.7 **Resolution:** Overland Property Group Resolution of Support for Housing Tax Credit Application.

The Overland Property Group is applying for Housing Tax Credits through the Texas Department of Housing and Community Development to develop and construct a 36-40 unit facility for affordable senior housing. Estimated cost of the project is \$6-8M. The proposed site, located at Memorial Drive and Preston, is zoned adequately as GR and has adequate water and sewer capacity.

This project will provide 24 one-bedroom and 12 two-bedroom units. All required amenities will be provided including, a full kitchen, energy star appliances, washer and dryer, access to a community room, fitness room, dining area and business center.

The majority of units will qualify for the 60% income category with several in the 40-50% income group.

This project meets the stated goals and objectives of the 2015-2019 Consolidated Plan and the Land Use Plan.

Resolution: **#84-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY OVERLAND PROPERTY GROUP (OPG) LAKEVIEW PARTNERS, LLC FOR THE PROJECT KNOWN AS "THE RESERVES AT LAKEVIEW".

ITEMS PULLED FROM CONSENT

- 6.2** **Resolution:** Award of Bid **CB- 1614** - Solid Waste, 95 Gallon Carts. *Pulled from consent by Councilman Kreitler.*

Councilman Kreitler had questions regarding the type of containers: square vs round containers. Currently round containers are not available.

Citizen Doug Offermann inquired into how long the containers last. Michael Rice Director of Public Works addressed the questions. Discussion included: 1) lasting approximately 10 years; 2) this is an annual purchase; 3) had issues with another brand and have changed vendor; and 4) these have a 10 year warranty.

This bid is for annual purchase of 95-gallon automated refuse containers to replenish inventory due to new housing starts and to replace worn-out and damaged containers. The bid is for 95-gallon automated Poly refuse containers. Advertisements were published on November 16 and November 3, 2015. Three (3) bid packages were sent out with Three (3) bids received. The bids were opened on December 1, 2015.

Councilman Kreitler made the motion to approve the purchase of 95 gallon carts from Rehrig Pacific Co. in the amount of \$69,948.00. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#83-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDED BID TO REHRIG PACIFIC COMPANY, DALLAS, TEXAS.

- 6.3** **Ordinance:** (*First Reading*) Amend Chapter 11, Article 1, Section 11-3 & Section 11-4, Regulation of Food Establishments to conform with Texas Administrative Code, Chapter 228 & Chapter 229; and setting a public hearing for January 14, 2016. *Pulled from consent by Councilman Kreitler.*

Council and staff discussion included: 1) like a list of differences in the ordinance; and 2) will this effect food trucks.

Councilman Price made the motion to approve the first reading of the Ordinance to amend Chapter 11, Article 1, Section 11-3 & Section 11-4, Regulation of Food Establishments to conform with Texas Administrative Code, Chapter 228 & Chapter 229; and setting a public hearing for January 14, 2016. Councilman Hardaway seconded the motion, motion carried.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 11, ARTICLE I, SECTION 11-1, "PURPOSE; SCOPE," SECTION 11-3, "ADOPTED", SECTION 11-4 "APPEALS, CITY MANAGER; TEXAS DEPARTMENT OF HEALTH; GENERALLY", ARTICLE II, SECTION 11-6, "ISSUANCE", SECTION 11-8, "TERM; TRANSFER; RENEWAL", SECTION 11-9, "REVOCATION OR SUSPENSION; REINSTATEMENT", ARTICLE III SECTION 11-12, "PERMIT

REQUIRED”, SECTION 11-13, “REQUIREMENTS”, AND SECTION 11-14, “ISSUANCE” OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

- 6.4** **Ordinance:** (*First Reading*) **CUP-2015-03** A request from Day Nursery, Inc., agent Catrena Browning, for a Conditional Use Permit to allow for a “Social Service Facility” on property zoned RS-6 (Single Family Residential) & MF (Multi-Family Residential) located at 1142 & 1202 Ash Street; and setting a public hearing for January 14, 2016. *Pulled from consent by Councilman Savage.*

Councilman Savage had concerns regarding the grease trap for this site location.

Councilman Hardaway made the motion to approve the first reading of an Ordinance for **CUP-2015-03** A request from Day Nursery, Inc., agent Catrena Browning, for a Conditional Use Permit to allow for a “Social Service Facility” on property zoned RS-6 (Single Family Residential) located at 1142 & 1202 Ash Street, and setting a public hearing for January 14, 2016. Councilman Savage seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Williams

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, 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

- 6.6** **Oral Resolution:** Adopting a Fleet Replacement Policy for the City *Pulled from consent by Councilman Savage*

Council and Staff discussion included: 1) this is a guide for future actions as it relates to fleet purchases; 2) provides trigger points and guidelines; 3) sister cities comparison; 4) break out some of the classifications; 5) CityLink buses; 6) seasonally or availability; and 7) used, instead of new.

Mayor Archibald made the motion to TABLE the Fleet Replacement Policy to the last meeting in January. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

REGULAR ITEMS

- 7.1** Robert Hanna, City Manager and Stan Standridge Chief of Police, briefed the council on the Vehicles for Hire ordinance and how the ordinance relates to Transportation Network Companies. (Uber)

Current Ordinance Provisions (Article IV, Sections 31.48 and 31.50)

- Permits can be denied or revoked based on:
 - Materially false statements
 - Criminal history, including known investigations that may not have been adjudicated
 - Traffic record
 - Not licensed in Texas

Uber Provisions

- APD does not get final approval on drivers
- APD could identify which background check provider Uber uses, but the identified company will conduct their own inquiries
- This company, per Uber, must possess a PI license in the State of Texas

The Difference...

- Uber drivers will not be vetted through APD's records management system
- Persons who have been indicted for serious offenses will not be identified by Uber
- Persons involved in ongoing, serious investigations will not be identified by Uber
- Uber is willing to consider arrests that we bring to their attention

Council and Staff discussion included: 1) Public safety issues – would want them vetted; 2) equal playing field for taxi drivers and uber drivers; 3) disrespect for the laws in the City by Uber as they have been operating in the city without a permit; 4) market demand; 5) insurance questions; 6) concerns for the safety of the citizens of Abilene; and 7) continue to engage and review what other cities are doing in regards to the Transportation Network Companies.

Item was for discussion only and to hear the concerns of council and staff.

7.2 Lesli Andrews Interim Director of Community Services, briefed the council on the ordinance to amend Chapter 22-2 Intoxicating Beverages Prohibited at the Abilene Zoo.

Chapter 22-2 of the City of Abilene Code of Ordinances states that no person shall bring or carry or have in his possession within any public park in the City any intoxicating beverage. In 2010 the City Council approved allowing intoxicating beverages within the Abilene Zoological Gardens at an invitation only fund raising event. There have been multiple organizations that have recently petitioned the City to amend our current policy for special events. The attached ordinance was developed through research of our ten comparison cities, requests of local organizations, and Parks and Recreation Board.

The proposed ordinance would allow the ability to sell or serve intoxicating beverages within the perimeter fence of the Abilene Zoological Gardens, within the perimeter fence of the Festival Gardens, or within the perimeter fence of the softball fields at Grover Nelson Park with a permit granted by the Parks and Recreation Board. The proposed ordinance removes the restriction of being an invitation only fund raising event. It also reduces the written notice to the Parks and Recreation Board from 90 days to no less than 60 days. A minimum of one security person on site per 100 occupants in addition to the caterer's personnel is required. The ordinance limits the hours of operation to between 6:00 p.m. and 12:01 a.m. (midnight) unless extended by the Parks and Recreation Board. The selected beverage providers must be on the Community Services approved concessionaire list and meet all City insurance, zoning, food service, building and other code requirements. All Texas Alcohol Beverage Commission (TABC) rules and regulations must also be met for approval.

SPECIAL CONSIDERATIONS

The City Council requested that an amended draft ordinance be developed that would give City Staff the approval rights for permits while the Parks Board would hear the appeal of any permits denied by staff. The amended draft also decreases the notice time to apply for a permit from 60 to 30 days. Both these changes will streamline the experience for those seeking a permit for these events.

STAFF RECOMMENDATION

Staff recommends approval of the changes of the City of Abilene Code of Ordinances Chapter 22-2

BOARD OR COMMISSION RECOMMENDATION

The City of Abilene Parks and Recreation Board approved the changes to the City of Abilene Code of Ordinances Chapter 22-2 at the board meeting on November 17, 2015.

Council and Staff discussion included: 1) softball games and alcohol issues; 2) Children playing at Fort Imagination and the splash pad; 3) private events; 4) concession stands; and 5) security.

Mayor Archibald opened the public hearing and council heard from:

- Rachel Saxton – against the ordinance change
- Betty Hukill – Abilene Zoological Society Board – for the change
- Ernie Kite – had concerns about the change
- Jim Barr – for the change
- Jacob Weekwerth – Taylor Alliance for Prevention Coordinator – against
- Nanci Liles – Abilene Convention and Visitors Bureau – for the change
- Gary Grubbs – Parks Board – for the change
- Winston Ohlhausen – against the 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 to amend Chapter 22-2 Intoxicating Beverages Prohibited at the Abilene Zoo – excludes the softball fields and allow for City Staff to have approval rights and allow for 30 days on the permit side. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: Councilmen Price and Kreidler

Ordinance: # **61 -2015**

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.

Councilman Williams had to leave the meeting.

7.3 Lesli Andrews Interim Director of Community Services, briefed the council on the Resolution authorizing the City Manager to execute an amendment to the on-demand contract, not to exceed \$76,000, with Jacob & Martin, LLC, for engineering services for two splash pads.

On May 9, 2015, voters approved Proposition 7 which allowed the issuance of \$2,500,000 in General Obligation Bonds for the construction of four new splash pads. This item is for an amendment to the Jacob and Martin, LLC. on demand contract for professional services related to engineering and construction administration for two splash pads. The splash pads will be located at Stevenson and Scarborough Parks. Staff plans to bring a contract to the City Council for the construction of the two splash pads in January 2016. The two splash pads at Sears and Redbud Parks are scheduled for 2018.

Councilman Price made the motion to approve the Resolution authorizing the City Manager to execute an amendment to the on-demand contract, not to exceed \$76,000, with Jacob & Martin, LLC, for engineering services for two splash pads. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#85-2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO THE ON DEMAND CONTRACT WITH JACOB AND MARTIN LLC. FOR ENGINEERING SERVICES FOR TWO SPLASH PADS.

7.4 Ken Dozier Fire Chief, briefed the council on the Resolution to authorize the City Manager to enter into an Exclusive Rights Contract for Ambulance Services.

A Request for Proposal (RFP) for Emergency Medical Services/Ambulance Services was issued on October 16, 2015. The City received three (3) responsive proposals. Based upon the overall ranking by the selection committee, the City entered into contract negotiations with the selected proposer. The item before the City Council is a request to approve the Exclusive Right Contract for Ambulance Service that has resulted from the above mentioned process.

MetroCare/AMR was selected as the top ranked proposer from the RFP process. The contract for services will include a continuation and an enhancement of the services currently provided by MetroCare. The contract will specify the details of the exclusive rights franchise contract. This contract includes the following items:

- A five (5) year contract term
- A fleet requirement of 12 units with a maximum age of 5 years or 150,000 miles (whichever comes first).
- This fleet requirement also stipulates that units used for emergency transports will be Type I or Type III units. (Note: These are the larger "box" type ambulances. The smaller van type units, Type II ambulances, are allowed for non-emergency transfers.)
- There will be a minimum of 5 Mobile Intensive Care Units (MICUs) staffed 24/7 for 911 calls within the city limits. The unit hour requirement will be a minimum of 1008 hours per week. This will result in an average of 6 MICUs in service for emergency responses.
- There will be \$20,000 per year in First Responder aid to be used for Abilene Fire Department EMS training.
- The Franchisee will provide a minimum of 13 annual licenses for electronic patient care reporting software.
- The initial Average Patient Charge (APC) will remain at the current rate.

SPECIAL CONSIDERATIONS

This contract for ambulance services will correspond to Ordinance 50-2015 that was passed by City Council on October 8, 2015.

FUNDING/FISCAL IMPACT

The proposed rate (average patient charge) will remain unchanged from the current approved fee schedule. This contract does not require a subsidy from the City. It will be funded through user fee revenue, billed and collected by the franchisee.

STAFF RECOMMENDATION

Staff recommends approval.

Council and Staff discussion included: 1) standby service; 2) mobile command center; 3) mutual aid

responses; and 4) contracts have plus and minuses.

Councilman Price made the motion to approve the Resolution authorizing the City Manager to enter into an Exclusive Rights Contract for Ambulance Services with MetroCare/AMR. Councilman Kreidler seconded the motion, motion carried.

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

7.5 Kent Sharp, CEO of the Development Corporation of Abilene, briefed the council on the FY15 Annual Report.

Fiscal year 2014-2015 was a very good year for the Development Corporation of Abilene (DCOA). Throughout our twenty-five year history the DCOA has helped companies and organizations create thousands of jobs and invest hundreds of millions of dollars into the Abilene community. We are happy to announce several new projects being added to our roster of successes.

A \$2.5 million project to expand hangar 1 at the Abilene Regional Airport used by Eagle Aviation Services to accommodate the new Embraer 175 regional jet, which is much larger than the current Embraer 145RJ. This addition allows Eagle Aviation to continue its superior service to Envoy, the regional affiliate to American Airlines, as well as maintain its 450 good jobs in Abilene.

In partnership with Texas Tech University Health Sciences Center and other local organizations, the DCOA was able to provide an incentive for construction of the new TTUHSC School of Public Health in Abilene. The new school will be the fourth on the Abilene campus, joining the Schools of Pharmacy, Nursing and Biomedical Sciences. The DCOA joined with area high schools, Cisco College and Workforce Solutions of West Central Texas to create a much needed industrial workforce training program. Each year area high school students will be enrolled in classes to provide education and training in industrial plumbing, HVAC, electrical, welding and industrial maintenance, with opportunities for possible paid internships with local employers. After graduation from high school these students will have the advanced skills needed to apply for jobs with good wages in the industrial workforce of Abilene.

An incentive package was approved for Coca Cola Refreshments to allow the company to expand their production in Abilene by increasing the manufacturing technology inside the local plant. This \$32 million capital expenditure by Coca Cola Refreshments will help keep the Abilene plant competitive with other U.S. plants under the Coca Cola umbrella.

A private sector win for Abilene was the announcement of Prairie Dog Pet Products choosing Abilene as the site for their new \$30 million manufacturing and processing facility. Abilene competed with ten other states and over a dozen cities for this project. The company will not only invest millions in the new facility, but will also create over 200 new jobs when fully operational.

As I look back over my first year in Abilene, I am proud of our efforts to enhance economic development in Abilene. I would be remiss if I did not take this opportunity to thank all of our partners for their outstanding dedication to this process. Develop Abilene is a team sport and the players include the DCOA, America's Small Business Development Center, Abilene Industrial Foundation, Abilene Chamber of Commerce, City of Abilene, Workforce Solutions of West Central Texas, as well as local school districts and our local institutions of higher education.

Councilman Savage made the motion to accept the FY 2015 Annual Report from the Development Corporation of Abilene, Inc. Councilman Price seconded the motion, motion carried.

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

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 12:39 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 3:32 pm and reported no votes or action was taken in Executive Session in regards Personnel Section 551.074, Business Prospect/Economic Development Section 551.087 and Litigation/Consultant City Attorney Section 551.071.

10.1 Oral Resolution: Discussion and possible action related to annual performance evaluations of City Manager, City Secretary, City Attorney and Municipal Judge.

No action taken on performance evaluations.

There being no further business the meeting was adjourned at 3:32 pm.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor