

**CITY COUNCIL MEETING**  
**January 14<sup>th</sup> 2016, 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 January 14<sup>th</sup> 2016, 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 Price gave the invocation.

Mayor Archibald introduced Hudson Bearden who is a 4<sup>th</sup> grade student at Wylie Intermediate School. Hudson led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PROCLAMATION**

Mayor Archibald recognized Tim Yandell along with Jamie Bearden with Big Brothers/Big Sisters for National Mentoring Month. Big Brothers/Big Sisters has partnered with the Abilene Fire Department. AFD firemen have volunteered to become Big Brothers and are making a difference in young boy's lives.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the December 17<sup>th</sup> Regular Meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Savage 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. Councilman Savage pulled items 6.2.

**Resolution:**

**6.1** **Resolution:** In support of a submission of an application to the Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) by 302 N. Mockingbird Housing, LP (MH LP) for the project known as "Mockingbird Trails."

**Ordinance:**

**6.2** **Ordinance:** (*First Reading*) An Ordinance Adopting the 2014 National Electrical Code, with Local Amendments, and calling a Public Hearing for January 28<sup>th</sup> 2016.

**ITEMS PULLED FROM CONSENT**

**6.1** **Resolution:** In support of a submission of an application to the Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) by 302 N. Mockingbird Housing, LP (MH LP) for the project known as "Mockingbird Trails." *Councilman Kreitler pulled item 6.1.*

Council and Staff discussion included: 1) low-income housing availability; 2) how the housing tax credit program works.

Mayor Archibald made the motion to approve the Resolution in support of a submission of an application to the Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) by 302 N Mockingbird Housing, P (MHLP) for the project known as "Mockingbird Trails". Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#01-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE 2016 COMPETITIVE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY 302 N. MOCKINGBIRD HOUSING, LP (MH LP) FOR THE PROJECT KNOWN AS "MOCKINGBIRD TRAILS".

- 6.2** **Ordinance:** (*First Reading*) An Ordinance Adopting the 2014 National Electrical Code, with Local Amendments, and calling a Public Hearing for January 28<sup>th</sup> 2016. *Councilman Savage pulled item 6.2.*

Council and Staff discussion included: 1) power and duties of the building official; 2) 2014 National Electrical Code; 3) building officials are not peace officers and what their legal authority is; and 4) talked about processes.

Councilman Price made the motion to approve the first reading of an Ordinance adopting the 2014 National Electrical Code, with Local Amendments. Councilman Hardaway seconded the motion, motion carried.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 8, ARTICLE VI, DIVISION 3, SECTION 8-496 "ELECTRICAL CODE", AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

## REGULAR ITEMS

- 7.1** Robert Hanna, City Manager briefed the council on his recommendation of Larry Bell for Abilene's Fire Chief.

Section 54 of the Abilene City Charter provides that at the head of each department which is under the control and direction of the City Manager, there shall be a director, who shall be appointed by the City Manager.

Pursuant to Texas Local Government Code 143.013, the Fire Chief appointment is made by the municipality's chief executive must be confirmed by the municipality's governing body.

Councilman Williams made the motion to confirm Larry Bell as the next Abilene Fire Chief. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Resolution: **#02-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CONFIRMING THE MUNICIPALITY'S CHIEF EXECUTIVE OFFICER APPOINTMENT OF LARRY BELL TO THE POSITION OF FIRE CHIEF

**7.2** Lesli Andrews Interim Director of Community Services, briefed the council on the resolution authorizing the City Manager to execute an agreement with Eikon Consulting Group, LLC. in the amount of \$561,750 for the design of the new aquatics center.

On May 9, 2015, voters approved Proposition 6 which allowed the issuance of \$6,000,000 in General Obligation Bonds for the construction of a new aquatics center. This item grants authority to the City Manager to execute an agreement with Eikon Consulting Group, LLC (Eikon). Eikon's scope of work includes design, development of construction documents and construction administration. The project plan includes the demolition of the existing pool and facilities at Rose Park with the new aquatics center located in the general vicinity of the previous facility. Staff's goal for the project is a facility that accommodates approximately 900 guests at peaks times with features such as zero depth entry, lazy river, play features and water slides. Other amenities will include bathrooms, concessions, a party room as well as additional parking.

In order to select the best firm for this premier project, a Request for Qualifications process took place. Eight firms submitted qualifications in response to the advertisement. A committee was formed to review the proposals including Assistant City Manager James Childers, Assistant City Manager Mindy Patterson, Interim Director of Community Services Lesli Andrews and Recreation/Senior Administrator Jeff White along with assistance from Freese & Nichols. Each committee member reviewed the proposals and ranked them on criteria such as ability to provide services, qualifications, availability, project approach, similar project experience and history of successful performance. In addition, local participation was a significant consideration. Freese & Nichols compiled the four independent rankings and the top three firms were invited to interview. After the presentation and interviews, the committee again ranked the three firms using the same criteria. Eikon had the highest score of all of the firms.

\$1,000,000.00 is funded from voter approved General Obligation Bonds. Of the \$1,000,000.00 the design agreement is for \$561,750 which includes a basic service cost of \$487,500, an additional services cost not to exceed \$49,250 and an out of pocket not to exceed cost of \$25,000.

Council and Staff discussion included: 1) party room; 2) CMAR process; 3) water savings and usage; 4) private money was in relation to a possible recreational center; 5) gate rate questions; and 6) timing for the construction as it relates to the summer swim time and life guards.

Councilman Savage made the motion to approve the Resolution authorizing the City Manager to execute an agreement with Eikon Consulting Group, LLC. in the amount of \$561,750 for the design of the new aquatics center. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Resolution: **#03-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EIKON CONSULTING GROUP, LLC.

**7.3, 7.4 & 7.5** Rodney Taylor Water Utilities Director, briefed the council on the Resolutions authorizing the City Manager to execute water supply contracts with City of Buffalo Gap, City of Lawn, Tuscola-Taylor County WCID#1..

The City of Abilene (Abilene) has been a regional water supplier to the surrounding Cities and communities of this region for many years. The existing and projected water demands of Abilene's wholesale customers are included in the Abilene's water planning strategies. Abilene continues to identify and develop future water supply sources. The costs of evaluating, planning, and developing for future water needs and for maintaining and operating Abilene's water supply infrastructure is funded in large part by water sales revenue based on the established schedule of rates and fees and is shared by all potable water customers including Abilene's wholesale customers.

At this time Abilene has a water supply contract with the Steamboat Mountain Water Supply Corporation (SMWSC). That contract allows the SMWSC to supply potable water to the City of Buffalo Gap (BG) and the Tuscola-Taylor County Water Control Improvement District No. 1 (Tuscola), which generally consists of the City of Tuscola. Those three entities have verbally agreed that BG and Tuscola will each pursue individual water supply contracts directly with Abilene for its respective water supply.

Abilene has received a written request from BG, dated December 22, 2014, requesting that BG contract directly with Abilene for a direct connection to Abilene's Public Water Supply as a wholesale water customer. BG is requesting a contract quantity of 50 million gallons per year, and a maximum take rate of 500 gallons per minute (gpm).

Abilene has received a written request from Tuscola, dated January 19, 2015, requesting that Tuscola contract directly with Abilene for a direct connection to Abilene's Public Water Supply as a wholesale water customer. Tuscola is requesting a contract quantity of 30 million gallons per year (MGY), and a maximum take rate of 300 gallons per minute (gpm).

At this time Abilene has an existing water supply contract with the City of Lawn (Lawn). The current contract quantity is 25 million gallons per year (MGY), and the maximum take rate is 300 gallons per minute. The current contract quantity is not sufficient to meet the total customer demand of Lawn's public water supply. To date Lawn has not connected to Abilene's public water supply.

Abilene has received a written request from Lawn, dated November 18, 2014, requesting that the existing water supply contract with Abilene be amended to increase the contract quantity to 100 MGY. The maximum take rate of 300 gallons per minute would not be modified. City staff recommends that 50 MGY is a more appropriate quantity to meet the water supply demands of Lawn. The written resolution authorizes the City Manager to execute Addendum I to the water supply contract with Lawn increasing the Base Contract Amount to 50 MGY.

Council and Staff discussion included: 1) quantity and deliver rates; 2) contract amounts; and 3) region 3 information.

Councilman Savage made a motion to approve the Resolution authorizing a New Water Supply Contract with the City of Buffalo Gap. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#04-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A NEW WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND THE CITY OF BUFFALO GAP

Councilman Savage made a motion to approve the Resolution authorizing a New Water Supply Contract with the Tuscola-Taylor County WCID No. 1. Councilman Price seconded the motion, motion carried.

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

Resolution: **#05-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A NEW WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND THE TUSCOLA-TAYLOR COUNTY WATER CONTROL IMPROVEMENT DISTRICT, NO. 1

Councilman Price made a motion to approve the Resolution Authorizing the City Manager to execute Addendum I to the Water Supply Contract with the City of Lawn. Councilman Savage seconded the motion, motion carried.

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

Resolution: **#06-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING AN AMENDMENT TO THE EXISTING WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND THE CITY OF LAWN BY INCREASING THE BASE CONTRACT AMOUNT

**7.6** Rodney Taylor Director of Water Utilities briefed the council on the resolution authorizing a Change Order to the Contract with Pepper Lawson Waterworks LLC. for the Ivie Intake Pump Station Floating Pump Station.

The ongoing drought has had a significant impact on water levels in the O. H. Ivie Reservoir. The current level of the reservoir is 1505.60 ft (Mean Sea Level) or 12.6% capacity and water levels continue on a downward trend. The Raw Water Pump Station which provides water from the O. H. Ivie Reservoir to the Hargesheimer Water Treatment Plant currently utilizes two raw water pumps. These pumps have the ability to pump water to the Hargesheimer Water Treatment Plant until water levels reach 1492.0 ft. Although the existing pumps will not be capable of pumping water below the 1492.0 ft level, an estimated 5 to 10 feet of water will still be available under the pump station which can be sent to the Hargesheimer Water Treatment Plant. The installation of floating pumps at the O. H. Ivie Raw Water Pump Station will provide the City with the ability to continue to supply the Hargesheimer Water Treatment Plant with raw water until the supply of raw water around the Raw Water Pump Station has been exhausted. Additionally, once the reservoir has filled or the raw water supply has been exhausted, these floating pumps can be disconnected from the pump station and utilized by the City at other locations if needed or stored for future use.

This project is a part of Abilene's Short Term Drought Response Strategy. This project will extend the timeframe for which Abilene has access to raw water from Lake O. H. Ivie while under this extreme and extended drought condition. The continued operation of the Ivie Pipeline System and the Hargesheimer Water Treatment Plant are dependent of having available water from Lake O. H. Ivie.

Equipment procurement and installation for the floating pumps will be performed by Pepper Lawson Waterworks, LLC, under the Construction Manager at Risk contract for the Hamby Water Reclamation Facility, Phase II. Work will be authorized by a Change Order to the Pepper Lawson contract. Cost of the work is not included in the Guaranteed Maximum Price for the Hamby facility; it will be paid from cash reserves in the Water Utility Fund. The proposal from Pepper Lawson Waterworks for the installation of the floating pump station has a

cost of \$826,000.

Council and Staff discussion included: 1) not a bond project; 2) money for the project comes from reserves in the water fund; and 3) if there is a sudden rise of the lake due to a high water inflow and the ability for the pump to rise with water levels.

Councilman Kreitler made the motion to authorize a change order to the contract with Pepper Lawson Waterworks, LLC for the Ivie intake floating pump station. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#07-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH PEPPER LAWSON WATERWORKS, LLC FOR THE IVIE INTAKE FLOATING PUMP STATION

**7.7** Doug Wrenn Assistant Chief of Police briefed the council on the resolution for the purchase of Public Safety Technology Software for Abilene Police Department & Abilene Fire Department.

The current technology used by the Police and Fire departments was originally installed in 2006. It helps serve the critical public safety needs in our community. This software system includes our Computer Aided Dispatch, our Mobile Software in the vehicles, and our Records Management System. There are also associated servers that store the data from these software systems. We are in need of replacing critical components from both the hardware and software aspects. Currently the servers are beyond their life cycle and the software is requiring patch type fixes in order for it to run on modern computers. We recognize the fact that our servers no longer have replacements parts available on the regular market and believe the replacement of this equipment is mission critical.

A committee was formed prior to the 15/16 budget year to analyze our cost options in upgrading this public safety technology. As part of the committee's role, we also took into consideration the lack of current efficiency inherent within our current technology. The committee evaluated several vendors while keeping cost in mind as well as insuring that the system would move both agencies forward technologically. The committee believes that Spillman Technologies offers significant improvements to our current methodologies.

Council and Staff discussion included: 1) \$500,000 set aside for the purchase; 2) inter fund transfer from fleet fund; and 3) fire department use.

Councilman Price made the motion to approve the purchase of Public Safety Technology Software for the Abilene Police Department and Abilene Fire Department. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#08-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY OF ABILENE TO ENTER INTO A PUBLIC SAFETY SOFTWARE AND HARDWARE TECHNOLOGY CONTRACT WITH SPILLMAN TECHNOLOGIES.

**7.8** Dana Schoening Director of Planning and Development Services briefed the council on 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.

Food establishments across the State are governed by the Texas Food Establishment Rules (TFER). This regulation based on established science provides a sound basis for protecting the public against potentially serious health threats that can occur from food-borne illnesses as a result of improper or unsafe preparation, storage or handling of food.

Historically, the City of Abilene has accepted these standards as our minimum by adopting the TFER locally. This allows our local Health Inspectors to ensure restaurants, mobile vendors and other food establishments within the City are meeting minimum safe practices.

On October 11, 2015 changes came into effect aligning the Texas Food Establishment Rules (TFER) with Federal standards. These changes will improve practices and increase safety. Most in the general public will likely not notice any difference at their favorite restaurants. Food establishments however will now need to modify some of their practices in order to improve safety.

We must now amend our local ordinance in order to re-adopt the updated State TFER standards. The proposed ordinance has been written this time so that changes made by the State in the future will hopefully not require re-adoption locally.

The proposed change is needed to ensure that the City will be in compliance with State food safety standards. Inspectors have attended training sessions with State officials and reviewed the new rules for several weeks in preparation for applying them. We are also preparing to host at least one State training session locally for interested participants and will work with our local establishments one-on-one to assist them in becoming familiar with the changes.

Council and Staff discussion included: 1) minimum requirements, to comply with state law; 2) informing the public and effects on businesses.

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

Councilman Williams made the motion to approve the Ordinance amending Chapter 11, Article 1, Section 11-3 & Section 11-4, Regulation of Food Establishments to conform with Texas Administrative Code, Chapter 228 & Chapter 229. Councilman Price seconded the motion, motion carried.

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

NAYS: Councilmen Kreitler and Savage

**Ordinance #01-2016**

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.

**7.9** Ben Bryner Planning Services Manager briefed the council on the 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) & MF (Multi-Family Residential) located at 1142 & 1202 Ash Street.

Currently the property is zoned RS-6 & MF and is developed but has been vacant for some time. The surrounding area is developed generally with single-family residential uses to the north, south, & west. The properties to the east transition quickly to HC zoning along N. Treadaway Blvd. The request is to allow for a ‘Social Service Facility’ for a new temporary housing (emergency) shelter for short term care (30 days or less) to children age Newborn-17. The maximum occupancy for the shelter will be up to 64 children. Both of the existing zoning districts require approval of a Conditional Use Permit for the proposed use.

The Future Land Use section of the Comprehensive Plan designates this general area as ‘low density residential’. The property is just north of the Central Business District. Just to the east, N. Treadaway Blvd is designated as an ‘enhancement corridor’. The area transitions quickly east to west from the HC zoning to residential zoning. The requested CUP is compatible with the Future Land Use Map and the adjacent residential uses in the area. However, if there are concerns with the single-family residential uses, conditions may be added to ensure compatibility with the neighborhood.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of 6 in favor (Bixby, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstained (Calk).

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

- Cynthia Pearson with Day Nursery – spoke in favor of the CUP

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

Councilman Price made the motion to approve the 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) & MF (Multi-Family Residential) located at 1142 & 1202 Ash Street for newborn to 17 and on emergency basis’s. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#02-2016**

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.



**7.10** Ben Bryner Planning Services Manager briefed the council on the ordinance for **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.

This is a result of the realignment of N. 16<sup>th</sup> St east of Pine St. The realignment has created an unpaved section south of the new street segment. The request is to create a new south right-of-way (ROW) boundary and abandon the remaining unpaved segment. This would allow the property owner to the south to create a larger lot to be used for additional parking associated with the existing restaurant. There is a water line than is located in the ROW. There are also other utilities that will need to remain or relocated.

The abandonment of the extra ROW would not create any block or traffic issues. There are some utilities within this portion of the street and any existing utilities will require an easement or be relocated and be the responsibility of the developer. A plat is required to incorporate the area into the adjacent property. During the plat process, appropriate easements can be dedicated.

STAFF RECOMMENDATION

**Plat Review Committee:** The Plat Review Committee recommends **approval** of the requested closure with the following conditions:

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

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

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of 6 in favor (Bixby, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstained (Calk).

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

- David Todd with Enprotec, Hibbs & Todd – spoke in favor of the 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 **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. Councilman Kreidler seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilmen Williams and Mayor Archibald

Ordinance **#03-2016**

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.

**Location: An unpaved segment from the south margin of the right-of-way of N. 16th St and extending 140 feet east from Pine St**

**7.11** Robert Hanna City Manager briefed the council on the policy establishing criteria for the use of pro-rata funds for residential development.

The purpose of this policy is to establish rules and guidelines governing the use of the City's pro-rata program as authorized by Section 32-117 of the City's Code of Ordinances for the purpose of promoting and encouraging the development of residential subdivisions within the corporate limits of the City of Abilene.

Section 32-117 of the City's Code of Ordinances establishes a pro-rata fund. The text of which is below:

Sec. 32-117. Pro rata water and sewer account; disposition of revenue.

- a) There shall be a pro rata water and sewer account maintained as part of the city's account. All money received for pro rata payments or for payment of the total cost of water and sewer extensions as provided in this article shall be deposited in the pro rata water and sewer account.
- b) Payment of the pro rata charge or the total cost of extensions as provided in this article shall authorize the director of water utilities to cause the required construction to be done. All charges for work done to extend water and sanitary sewer service shall be charged to the water and sewer pro rata account.
- c) Pro rata charges shall be refunded to certain landowners or developers who, under the terms of a previous ordinance, are entitled to pro rata charges collected from property owners connecting to mains which they, the landowners or developers to be refunded, have paid to be installed. In accordance with that previous ordinance, refunds shall be made only for a period of fifteen (15) years following the city's acceptance of such mains.

(Ord. No. 59-1987, pt. 1, 9-24-87)

The 15 year provision mentioned in item (c) above expired in 2002.

It is anticipated that this policy would allow the City to partner with residential developers for single-family residential subdivisions that will create 200 or more homes at build-out of all phases.

This policy allows the City Manager to negotiate development agreements using this tool to encourage and promote infill development and redevelopment in established neighborhoods regardless of the size of the development.

This policy would serve as a means whereby the City could partner with developers for utility line extensions that may prove too costly to complete at the initial onset of a development, but could be reimbursed to the City by the developer over time by phases as the development builds out.

**SPECIAL CONSIDERATIONS**

All development agreements negotiated under this policy would require the approval of the City Council.

**FUNDING/FISCAL IMPACT**

The pro-rata fund has a current balance of \$962,399. It is anticipated that all projects completed through this policy would be reimbursed over time by the developer as each phase receives a final plat and is authorized for construction.

Council and Staff discussion included: 1) money has been set aside for many years; 2) up front cost; 3) the number of houses in the proposed addition; and 4) will be an added policy to help developers.

Councilman Hardaway made the motion to approve the policy establishing criteria for the use of pro-rata funds for residential development. Councilman McAlister seconded the motion, motion carried.

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

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 12:35 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 2:37 pm and reported no votes or action was taken in Executive Session in regards Personnel Section 551.074, Real Property Section 551.072 and Litigation/Consultant City Attorney Section 551.071. Councilman Williams left during Executive Session.

**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.

**10.2 Resolution:** Appointing members to various Boards and Commissions per City Charter.

Councilman Hardaway made the motion to approve the appointment and the reappointment to the Boards and Commissions as listed. Councilman Kreitler seconded the motion, motion carried.

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

Resolution: **#9-2016**

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 STATUTES OF THE STATE OF TEXAS

#### Abilene Taylor Co. Child Advocacy Board

Members

- Leslie Boiles (New appointment) Nov. 2017
- Karon Bingaman (Reappointment) Nov. 2018

#### Animal Services Advisory Board

Members

- Lora Jones (replaces Leah Herron) Nov. 2018

Development Corporation of Abilene, Inc.

No appointment made

**10.3 Resolution:** Discussion and possible action for the appointment of Assistant City Attorney.

Interim City Attorney Stanley Smith talked about his recommendation to council to hire Steven M. Levesque as Assistant City Attorney.

Councilman Price made the motion to approve the appointment of Steven M. Levesque as Assistant City Attorney. Councilman Hardaway seconded the motion. Motion carried.

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

NAYS: None

Resolution: **#10-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE APPOINTMENT OF AN ASSISTANT CITY ATTORNEY

There being no further business the meeting was adjourned at 2:40 pm.

\_\_\_\_\_  
Danette Dunlap, TRMC  
City Secretary

\_\_\_\_\_  
Norm Archibald  
Mayor