

CITY COUNCIL MEETING
January 28th 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 28th 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 Kreitler gave the invocation.

Mayor Archibald introduced Hunter Tevebaugh who is a 5th grade student at Bowie Elementary School. Hunter 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 January 14th 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

Councilman Kreitler pulled item 6.3. Councilman Savage pulled item 6.4. Councilman Williams made the motion to approve items 6.1, 6.2, 6.5 & 6.6 as presented by staff. Councilman Savage seconded the motion. Motion carried.

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

Resolution:

6.1 **Oral Resolution:** The City Council approved the Street Use License requested by Banester Engineering Consultants, Ltd, on behalf of Allsup's Convenience Store.

Banester Engineering Consultants, Ltd (Banester), on behalf of Allsup's Convenience Store (Allsup's), has applied for a Street Use License (SUL) to install two groundwater monitoring wells within City of Abilene right of way, bounded by Post Oak Road to the east, Brief Street to the west, Brookhollow Drive to the north and South Danville Drive on the south. Banester is conducting a groundwater assessment around the Allsup's Convenience Store #326, located at 2550 South Clack Street, pursuant to requirements mandated by the Texas Commission on Environmental Quality (TCEQ).

6.2 **Resolution:** The City Council designated Peter Norton M.D. as Health Authority for the Abilene-Taylor County Public Health District.

On January 23, 2014, the City Council approved a resolution designating Dr. Peter Norton as Health Authority and Medical Director for the Abilene-Taylor County Public Health District. It is necessary for the Council to designate a licensed physician as Health Authority and Medical Director every two years. The Health Authority and Medical Director is responsible for assisting the Abilene-Taylor County Public Health District with its medical responsibilities in areas such as quarantine, inspections, food safety, disease prevention, vital statistics and general sanitation in the District's jurisdiction.

Resolution: **#11-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING A HEALTH AUTHORITY AND MEDICAL DIRECTOR FOR THE ABILENE/TAYLOR COUNTY PUBLIC HEALTH DISTRICT REGION.

Ordinances:

- 6.3** **Ordinance:** *(First Reading)* **CUP-2016-01** A request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St); and setting a public hearing for February 11, 2016. *Councilman Kreitler pulled item 6.3.*
- 6.4** **Ordinance:** *(First Reading)* **Z-2016-01** A request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr. and extending north being a total of 103.13 acres; and setting a public hearing for February 11, 2016. *Councilman Savage pulled item 6.4.*
- 6.5** **Ordinance:** *(First Reading)* **Z-2016-02** A request from East Lake Five, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to MD (Medium Density Residential) zoning, located at 1826 Colony Hill Rd; and setting a public hearing for February 11, 2016.

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

- 6.6** **Ordinance:** *(First Reading)* **Z-2016-03** A request from Christian Service Center of Abilene, Inc. to rezone property from MD (Medium Density Residential) to GR (General Retail) zoning, located at 3185 N. 10th St; and setting a public hearing for February 11, 2016.

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.

ITEMS PULLED FROM CONSENT

- 6.3** **Ordinance:** *(First Reading)* **CUP-2016-01** A request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St); and setting a public hearing for February 11, 2016. *Councilman Kreitler pulled item 6.3.*

Council and Staff discussion included: 1) location of the tower on the property.

Councilman Savage made the motion to approve the (*First Reading*) **CUP-2016-01** a request from Allen & Tanya Bolt, agent TowerTex, LLC, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned GC (General Commercial), located at 7550 Hwy 83-84 (S. Clack St); and setting a public hearing for February 11, 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 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

- 6.4** **Ordinance:** (*First Reading*) **Z-2016-01** A request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr. and extending north being a total of 103.13 acres; and setting a public hearing for February 11, 2016. *Councilman Savage pulled item 6.4.*

Council and Staff discussion included: 1) number of acres in the zone request; and 2) the recommendation of Staff to only rezone a portion of the property.

Councilman Price made the motion to approve the (*First Reading*) **Z-2016-01** A request from Cinemark USA, Inc., agent Ironwood Equity, LLC, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 750 E. Overland Tr. and extending north being a total of 103.13 acres; and setting a public hearing for February 11, 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 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.

REGULAR ITEMS

- 7.1** Dana Schoening Director of Planning and Development Services briefed the council the Resolution of the Overland property group for support for Housing Tax Credit Application.

The Overland Property Group is applying for Housing Tax Credits through the Texas Department of Housing and Community Affairs to develop and construct a 40-48 unit facility for senior housing. Estimated cost of the project is \$6.5 million. The following items constitute the proposed development:

The proposed project will include up to 4 units at market rate, with the remaining units reserved for 30%-60% Area Median Income (AMI).

- There will be 2 units for handicap and one unit for hearing/visual impaired.
- Area amenities within the 1.5 mile radius include grocery, pharmacy, Church, bank, retail/shopping and dining.

- Unit amenities: appliances include a self-cleaning oven, refrigerator, microwave, garbage disposal and full size washer/dryer.
- The proposed site, located at Rebecca Lane and Autumn Sage, is currently zoned OA Open Agriculture and will need to be rezoned to accommodate the proposed development. There is no guarantee that a rezoning will be approved for the subject property site as this decision is made by the City Council with recommendation made by the Planning and Zoning Commission.
- Water main access and capacity would need to be improved to serve the proposed development at the developer's expense. This would involve a looped water main extension across Rebecca Lane to the proposed site and on to a looped connection point to the City's distribution system.
- A public sanitary sewer main would need to be extended to serve the proposed development at the developer's expense.

A primary objective associated with the 2015-2019 Consolidated Plan is to overall improve the housing stock in the Abilene community. A benefit of these types of projects is to improve housing stock in the community with modern amenities. In addition, these types of projects are required to have minimum 15 year ownership and maintenance agreements for the development.

Bret Johnson with Overland Property spoke on the proposed project and asked for councils approval the resolution of support.

Councilman Savage made the motion to approve the Resolution of the Overland property group for support for Housing Tax Credit Application. Councilman Kreitler seconded the motion, motion carried.

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

Resolution: **#12-2016**

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) AUTUMN SAGE PARTNERS, LLC FOR THE 2016 LOW INCOME HOUSING TAX CREDIT (HTC) PROGRAM FOR THE PROJECT KNOWN AS "THE RESIDENCE AT AUTUMN SAGE".

7.2 Michael Rice Director of Public Works, briefed the council on the resolution for the Bid Award **#CB-1624** Antilley Rd. Overlay Project.

This project was advertised as a Public Notice on December 13th and 20th of 2015 with a bid opening dated January 12th 2016. This construction contract involves the resurfacing of Antilley Rd. from Buffalo Gap Rd. to South Clack St., it will include a mill and overlay as well as an underseal. The contract will also include removing and replacing sections of curb and gutter, small sections of sidewalk and a curb ramp, and the placement of bicycle route signs along the project length.

The Antilley Rd. Overlay Project is one of four streets projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program.

Council and Staff discussion included: 1) one year warranty on their work.

Councilman Price made the motion to approve the Resolution awarding of the bid to Bontke Brothers

Construction in the amount of \$1,091,675.39. Councilman Savage seconded the motion, motion carried.

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

Resolution: **#13-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARING BID TO BONTKE BROTHERS CONSTRUCTION CO. ABILENE TEXAS.

7.3 David Sartor Building Official, briefed the council on the an Ordinance adopting the 2014 National Electrical Code, with local amendments

The National Electrical Code is utilized throughout the United States. The City of Abilene is currently utilizing the 2011 National Electrical Code, with amendments. It is recommended that the 2014 National Electrical Code, with local amendments, be adopted in order that the City's construction regulations are kept up to date. Local amendments pertain to licensing and administrative procedures with very limited modifications made to the technical provisions of the National Electrical Code. It is important that Abilene maintains compatible construction regulations with other cities, in order to reduce variation to typical standards, and eliminate uncertainty to the design professions and the electrical contractors.

BOARD OR COMMISSION RECOMMENDATION

The following Committee and Board unanimously voted to recommend approval of the 2014 National Electrical Code, with amendments, on the dates listed below:

- Electrical Code Review Committee – December 17, 2014.
- Mechanical, Plumbing, Electrical & Swimming Pool Board of Appeals – August 11, 2015

Council and Staff discussion included: 1) the main code changes; 2) current construction that is already in progress is grandfathered; and 3) covered the (GFCI) Ground Fault Circuit Interrupters protection on outlets.

Jay White – owner of White Electric spoke on behalf of the Electrical Code Review Committee and explained the work that they did in the review process.

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

Councilman Hardaway made the motion to approve the Ordinance adopting the 2014 National Electrical Code with Local Amendments. Councilman McAlister seconded the motion, motion carried.

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

Ordinance: **#4-2016**

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

7.4 Councilman Hardaway made the motion to REMOVE FROM THE TABLE the Fleet Replacement Policy for the City. Councilman McAlister seconded the motion. Motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, and Mayor Archibald
NAYS: None
Councilmen Williams and Savage had stepped out of the chambers during the vote.

Mike Rains Director of Finance briefed the council on the Fleet Replacement Policy for the City.

The purpose of a fleet replacement program is to provide exceptional service at the best possible price to the end recipient, the citizen. Reliable vehicles and equipment in good working order are essential to maintain streets, keep utilities in proper working order, ensure public safety officers are on the streets, and in performing countless other activities that ensure public services of all sorts are available to citizens in a timely and professional manner. These replacement guidelines will be used to ensure the citizens receive the best value for their tax dollars.

Council and Staff discussion included: 1) used vehicles – in frequent purchases of used vehicles; 2) objective standard for use during purchases; 3) Auction site – currently we use Rene Bates; and 4) this is council’s policy and would take council action to amend.

Councilman Savage made the motion to approve the Fleet Replacement Policy for the City. Councilman Williams 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 10:20 a.m. 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 11:37 a.m. 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.

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 reappointment to the Boards and Commissions as listed. Councilman Williams seconded the motion, motion carried.

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

Resolution: **#14 -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 STATUES OF THE STATE OF TEXAS

Abilene Housing Authority

Members

- Vanessa Faz Term expires: 11/2017

There being no further business the meeting was adjourned at 11:38 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor