

CITY COUNCIL MEETING
March 10th 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 March 10th 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 Jay Hardaway gave the invocation.

Mayor Archibald introduced Mahdi Paige who is a 5th grade student at Jackson Elementary School. Mahdi 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 February 23rd Special Called Meeting and the February 25th 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 Price pulled item 6.1. Councilman Hardaway made the motion to approve item 6.2 as presented by staff. Councilman Price seconded the motion. Motion carried.

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

Resolutions:

6.1 **Resolution:** Authorizing the Purchase of Paratransit Vans for CityLink. *Item pulled by Councilman Price.*

6.2 **Oral Resolution:** Extended Term Street Use License with Schkade Brothers Operating Company, Inc.

Jeff Grindstaff, Agent and Landman for Schkade Brothers Operating Co., Inc. (Schkade Brothers) of Abilene, Texas, has submitted an application for an Extended Term Street Use License to use a portion of City right-of-way on Bridge Street north of Vogel. The applicant wishes to place two 2-3 inch pipelines for the transportation of crude oil and water from a possible oil well location to existing storage facilities. Per the City oil and gas ordinance, Schkade Brothers must apply for and obtain a City drilling permit for any & all wells they plan to drill.

STAFF RECOMMENDATION

Staff has reviewed this request and recommends that the City Council authorize the Mayor to execute the Extended Term Street Use License with Schkade Brothers Operating Co., Inc. for use of a portion of the City's right-of-way on Bridge Street north of Vogel.

ITEM PULLED FROM CONSENT

6.1 Resolution: Authorizing the Purchase of Paratransit Vans for CityLink. *Councilman Price pulled item 6.1.*

CityLink Transit has received funding through FY 2016 Section 5339 (Bus and Facilities Public Transportation Grant Program) from TXDOT to purchase Paratransit Vans compatible with Americans with Disabilities Act (ADA) requirements. The grant is for \$301,951, with Transportation Development Credits (TDCs) of \$60,391 that will be the local match. CityLink Transit would utilize the funding to purchase four paratransit vans at \$64,748.25 per unit for a total of \$258,993.00.

CityLink Transit currently has 26 ADA paratransit vans within its fleet and is operating 25 of those vans. One van (Vehicle 0914) was determined to be a total loss due to an accident in 2015. Fifteen of those 25 operational paratransit vans have met the minimum useful life guidelines from Federal Transportation Administration (FTA). CityLink has identified three ADA vans that would be requested for disposal, due to the high mileage, costs of repairs and down time. The vans that are purchased would be direct replacements for the three vans designated for disposal and the one van that was determined to be a total loss. The paratransit vans would be purchased through the State Comptroller contract of TxSmartBuy.

Vehicle #0914 – Determined by TML (Texas Municipal League) to be a total loss due to wreck

Vehicle #0908 – 2010/E-450, 207,191 miles

Vehicle #0909 – 2010/E-450, 207,153 miles

Vehicle #0910 – 2010/E-450, 210,584 mile

In accordance with the city's Vehicle replacement Policy, these vans have been reviewed by the Fleet Replacement Review Committee and determined units fall within the replacement criteria.

Council and Staff discussion included: 1) staff clarified the amounts of the grant and the cost of the vans.

Councilman Price made the motion to approve the purchase of paratransit vans for CityLink through a Transportation Grant Program with TXDOT. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Resolution: **#28-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE OF FOUR (4) PARATRANSIT VANS FROM CREATIVE BUS SALES

REGULAR ITEMS

7.1 Dana Schoening Director of Planning & Development Services briefed the council on the final reading of the Ordinance for Case **Z-2016-04** a request from Abilene Auto Glass & Willie Rich Lawson, agents Jeff & Shawna Abernathy, to rezone property from HI (Heavy Industrial) & RS-8 (Single-Family Residential) to GR (General Retail) zoning, located at 2801 S. Treadaway Blvd & 2802 Palm St.

Currently the property is developed and undergoing a complete remodel. It is the previous location of RAM Printing. The adjacent properties to the south are developed with businesses that utilize outdoor storage areas. The

Hendrick Home for Children is located across S. Treadaway Blvd to the northwest. The Mrs. Baird's Factory exists nearby to the northeast. A single-family residential area exists to the east. The applicant is proposing to use the newly remodeled building for an office use. In their review of the need for an adequate parking area, the applicant determined that the area behind the adjacent home would accommodate their need for additional parking. Thus the request to rezone both properties. Single-family residential uses are permitted in the GR zoning.

The Future Land Use section of the Comprehensive Plan designates this general area as a mix of industrial and residential. Both S. Treadaway Blvd & S. 27th St are designated as 'arterial' roadways and 'enhancement corridors'. The property along S. Treadaway Blvd is part of an existing industrial area. The eastern property is part of a single-family residential development. As the area continues to redevelop, it is anticipated that retail, office, and commercial development will occur. The intersection of the 2 arterial streets creates a node that lends itself more to office & retail uses than industrial uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Calk, Dunnahoo, Ellinger, Rosenbaum, & Famble), none opposed, and 1 abstained (McClarty).

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

- Shawna Abernathy – agent and owner. Spoke in favor of the rezone.

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

Councilman Savage made the motion to approve the final reading of the Ordinance **Z-2016-04** a request from Abilene Auto Glass & Willie Rich Lawson, agents Jeff & Shawna Abernathy, to rezone property from HI (Heavy Industrial) & RS-8 (Single-Family Residential) to GR (General Retail) zoning, located at 2801 S. Treadaway Blvd & 2802 Palm St. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

Ordinance #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.

Location: 2801 S. Treadaway Blvd & 2802 Palm St

7.2 Dana Schoening Director of Planning & Development Services briefed the council on the final reading of the Ordinance for Case # **Z-2016-05** a request from Texas Methodist Foundation, agent Tom Niblo, to rezone property from AO (Agricultural Open Space) & MF (Multi-Family Residential) to GR (General Retail) zoning, being approximately 19.32 acres located at the southwest corner of Antilley Rd & Memorial Dr.

Currently the property is undeveloped. The Wesley Court retirement community is adjacent to the west. The Fairway Oaks subdivision exists to the north & northwest. Vacant property exists to the east across Memorial Dr. However, there are many non-residential uses to the east including Abilene Regional Medical Hospital, offices, hotels, restaurants, etc. The new Southridge Subdivision is located to the southeast of the property. The applicant is requesting the GR zoning to allow for the potential to include office & retail uses along with multi-family residential development. No specific use is proposed at this time.

The Future Land Use section of the Comprehensive Plan designates this general area as part of the 'Gateway/Mixed Use' & a 'Special Activity Center'. Antilley Rd is designated as an 'arterial' roadway. Memorial Dr is designated as a 'minor arterial' roadway. As the area continues to develop, it is anticipated that retail, office, and commercial development will occur. The intersection of the 2 arterial streets creates a node that lends itself to more office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

Texas Methodist Foundation is the current owner of the property requested for rezoning from AO & MF to GR. The owner of property where the Wesley Court Retirement Community is located is ER PROPCO WC, LLC. The previous owner had been Sears Methodist CTRS, INC. Texas Methodist Foundation, as represented by Agent Tom Niblo, requested GR zoning to potentially allow for general retail, as well as multiple family, for future development.

SPECIAL CONSIDERATIONS

As provided for in City of Abilene Land Development Code Article 4, Division 1, Section 1.4.1.3(I)(1), when a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council.

Regarding this particular rezoning item, the ER PROPCO WC, LLC, owner of property where the Wesley Court Retirement Community is located, has opposed the rezoning. ER PROPCO WC, LLC property located within the 200' radius constitutes 44% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.

For explanation on the 200' radius area constituting the public notification area, the radius begins at the property line of the property proposed for rezoning. The actual property area proposed for rezoning is not included as part of the public notification area. Only the 200' radius area constitutes the public notification area, therefore the portion of ER PROPCO WC, LLC property located within the 200' radius area constitutes over 20% of the total land area that defines the 200' radius area.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble), none opposed, and 1 abstained (Calk).

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

- Tom Niblo – agent for the zone request. Spoke in favor of the request
- Cheryl Harding – with Wesley Court – Spoke in opposition to the request
- Bill Billingsley – Spoke in opposition to the request
- Walter Miller – resident. Spoke in opposition to the request
- Charlie Black – representing residents of Wesley Court. Spoke in opposition to the request

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

Council and Staff discussion included: 1) the zone request and whether or not to only rezone the north part that is located on Antilley Rd; 2) assumption of noise – currently don't know what business might come into the location; and 3) concerns of the neighbors.

Councilman Savage made the motion to approve the final reading of the Ordinance **Z-2016-05** a request from Texas Methodist Foundation, agent Tom Niblo, to rezone property from AO (Agricultural Open Space) & MF (Multi-Family Residential) to GR (General Retail) zoning, being approximately 19.32 acres located at the southwest corner of Antilley Rd & Memorial Dr. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: Councilman McAlister

Ordinance: **#12-2016**

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

Location: being approximately 19.32 acres located at the southwest corner of Antilley Rd & Memorial Dr.

7.3 Dana Schoening Director of Planning & Development Services briefed the council on the final reading of the Ordinance for Case **#Z-2016-06** a request from Rick Weatherl, agent EHT, to rezone property from LI (Light Industrial) to CB (Central Business) zoning, located at 858 (850) N. 1st St.

Currently the property is developed with a building and associated parking lot. The overflow parking for Frontier Texas & area used for the farmer's market is adjacent to the east. Adjacent uses are more office & retail and not industrial. The applicant is requesting the CB zoning to allow for a new office use. The CB zoning is preferred to the LI zoning as it does not have any setback requirements from the property lines. An expansion is being considered for the building.

The Future Land Use section of the Comprehensive Plan designates this general area as part of the 'Central Business District' area. North 1st St is designated as a 'minor arterial' roadway. The majority of this area is zoned and used for CB 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 as requested by a vote of 6 in favor (Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

Council and Staff discussion included: 1) location is within the TIRZ boundary.

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

- David Todd – agent for the requestor. Spoke in favor of the rezone.

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

Councilman Price made the motion to approve the final reading of the Ordinance for Case #**Z-2016-06** a request from Rick Weatherl, agent EHT, to rezone property from LI (Light Industrial) to CB (Central Business) zoning, located at 858 (850) N. 1st St. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: **#13-2016**

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.

Location: at 858 (850) N. 1st St.

7.4 Dana Schoening Director of Planning & Development Services, briefed the council on the final reading of the Ordinance for Case #**Z-2016-07** a request from Joshua Boynton, agent C.J. Chaney - Coldwell Banker Realtor, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1701 N. Treadaway Blvd..

Currently the property is developed and was the previous Mrs. Baird's Pies. Adjacent uses are more office, retail, & commercial in nature and not industrial. A new assisted living facility and a surgery center exist to the west across N. Treadaway Blvd. Several single-family residential uses exist along the east side of Cottonwood St. The applicant is requesting the GC zoning to allow for a personal fitness gym. The proposed use is not allowed in the existing LI zoning district.

The Future Land Use section of the Comprehensive Plan designates this general area as the southern part of a 'Special Activity Center' area located at the intersection of N. Treadaway Blvd & Ambler Ave. North Treadaway Blvd is designated as an 'arterial' roadway as well as an 'enhancement corridor'. Although the corridor does include some industrial type uses, the majority have transitioned to office and 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 as requested by a vote of 6 in favor (Calk, Dunnahoo, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

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

Councilman Savage made the motion to approve the final reading of the Ordinance for Case #**Z-2016-07** a request from Joshua Boynton, agent C.J. Chaney - Coldwell Banker Realtor, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, located at 1701 N. Treadaway Blvd. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Williams and Mayor Archibald

Ordinance **#14-2016**

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

Location at 1701 N. Treadaway Blvd

7.5 Lesli Andrews Director of Community Services, briefed the council on the Resolution that authorizes the City Manager to execute design build agreement with H&G Construction Co., Inc. for improvements to the Civic Center.

On May 9, 2015, voters approved Proposition 2 which allowed the issuance of \$2,810,000 in General Obligation Bonds for improvements to the Abilene Civic Center. This item is to authorize the City Manager to execute a design build agreement with H&G Construction Co. Inc. (H&G).

Planned improvements to the Abilene Civic Center include a state-of-the-art fly system in the auditorium as well as updates to the exhibit hall and kitchen. The exhibit hall will be updated with a new ceiling and floor. The current fly system in the auditorium is 45 years old and is operated via a counter-weight system. The new system will be computer controlled.

A design build process was selected as the delivery method for the improvements to the Abilene Civic Center because it better fits the renovation project parameters combined with the schedule demands. In order to select a design build team for this project, a Request for Qualifications process took place. Two firms submitted qualifications in response to the advertisement. A committee was formed to review the proposals including Director of Community Services Lesli Andrews, Director of Capital Projects Wayne Lisenbee, Assistant Interim Director of Community Services Mirenda Walden and Civic Center Manager Molly Moser along with assistance from Freese & Nichols. Each committee member reviewed the proposals and ranked them on criteria such as proposer and team profile, qualifications and experience, organization and project approach. In addition, local participation was a significant consideration. Freese & Nichols compiled the four independent rankings and both firms were deemed qualified. Then a Request for Proposals process took place. Both firms submitted proposals and were asked to interview. After the presentation and interviews, the committee again ranked the firms. At this time Theater Technical Coordinator Phil Engel joined the committee. The criteria used included the project management plan, design and construction schedule, quality assurance, costing methodology and the interview. H&G had the highest score of both firms.

Councilman Price made the motion to approve authorizing the City Manager to execute design build agreement with H&G Construction Co., Inc. for improvements to the Civic Center. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: #29-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN BUILD AGREEMENT WITH H&G CONSTRUCTION CO. INC. FOR IMPROVEMENTS TO THE CIVIC CENTER

7.6 Fire Chief Larry Bell, briefed the council on the Resolution authorizing the City Manager to execute an agreement with Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC) in the amount of \$301,100 for the design of the new Fire Station 4.

On May 9, 2015 voters approved Proposition 4, which allowed the issuance of \$12,865,000 million in bond funds for public safety purposes. With these funds, three new fire stations, a maintenance facility, a new fire training center, and a facility for the Police Department's records and evidence storage will be constructed. The new fire stations are replacement stations for Station 3, 4, and 7. This item grants the authority to the City Manager to execute an agreement with the Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC) to provide architectural/engineering services for the Fire Station #4 prototype design located at 3802 Grape Street. Design for Stations 3 and 7 will be considered as Station 4 is being designed, but is not included in the scope of work for this item.

SPECIAL CONSIDERATIONS

To select the best firm for this project a Request for Qualifications (RFQ) process took place. Five firms submitted their Statement of Qualifications (SOQ). An internal selection committee was formed to review these submittals. This committee was made up of Assistant City Manager Mindy Patterson, Emergency Services Deputy Fire Chief Weldon Wilkerson, A-Shift Battalion Chief Mike Burden, Station 4 Capt. Randy Scalf, and Fire Chief Larry Bell. Chris Jones with Freese-Nichols facilitated the review. Each committee member reviewed the qualifications of the five firms and scored them against the dimensions of the proposer's ability to provide services, qualifications and availability, staff capabilities, similar project experience, project approach, and history of successful performance. Local participation was also considered. Individual scores were accumulated and tabulated. TLP/PSC significantly scored the highest of all firms.

FUNDING/FISCAL IMPACT

\$2,575,000 is funded from voter approved General Obligation bonds. Of the \$2,575,000 the design agreement is for \$301,100 which includes a basic services cost of \$180,000, reimbursable expenses of \$26,500, additional services cost of \$32,100, construction administration services not to exceed \$45,000 and construction materials testing allowance of \$17,500.

Councilman Savage made the motion to approve the Resolution authorizing the City Manager to execute an agreement with Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC) in the amount of \$301,100 for the design of the new Fire Station 4. Councilman Williams seconded the motion, motion carried.

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

Resolution: #30-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TITTLE LUTHER PARTNERSHIP/PARKHILL, SMITH & COOPER (TLP/PSC).

7.7 Fire Chief Larry Bell, briefed the council on the Resolution approving the purchase of mobile devices in the amount of \$56,000 for the for the Abilene Fire Department utilizing \$19,245 in grant funds.

The Abilene Fire Department has formulated a plan to provide Operations personnel with mobile devices that would enable the use of EMS field reporting, and records management. Fifteen (15) Panasonic Toughbooks, with accessories, will be purchased. The total cost for this purchase is \$56,655. To assist with this purchase, AFD personnel pursued grant opportunities. In December 2015, the Firehouse Subs Public Safety Foundation awarded a grant of \$19,245 to the Abilene Fire Department for the purchase of five (5) Panasonic Toughbooks with accessories. The City's share of this purchase would be the remaining \$37,410.

SPECIAL CONSIDERATIONS

The Panasonic devices are quoted through DIR pricing, through TonerTiger. The Panasonic Toughbook is commonly used throughout the Fire and EMS service and has a proven history of withstanding adverse work environments. These devices are Windows-based and will handle Fire Department software and hardware requirements.

The Firehouse Subs Public Safety Foundation grant has a deadline for purchase of April 30, 2016.

FUNDING/FISCAL IMPACT

Funding for this equipment is available through the 2015 Firehouse Subs Public Safety Foundation grant in the amount of \$19,245. The remaining \$37,410 will be purchased through the City's 2016 General Fund. The Abilene Fire Department will manage internal funds during the revised budget process to offset all or a majority of the costs.

STAFF RECOMMENDATION

Staff recommends purchase of this equipment in the amount of \$56,655 from Toner Tiger.

Councilman Williams made the motion to approve the Resolution approving the purchase of mobile devices in the amount of \$56,000 for the for the Abilene Fire Department utilizing \$19,245 in grant funds. Councilman Price seconded the motion, motion carried.

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

Resolution: #31-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TONER TIGER.

Councilman Williams had to leave the meeting.

7.8 Michael Rice Director of Public Works, briefed the council on the Resolution to award a bid for **CB#-1635** Catclaw Dr. Reconstruction Project.

This project was advertised as a Public Notice on February 7th and 14th of 2016 with a bid opening dated February 23rd 2016. This contract will be a combination of two separate projects on Catclaw Dr., the first being a 2015 Bond Project from Rebecca Ln. to Curry Ln. which will include reconstruction and widening of the existing roadway, also included is the addition of a section of concrete pavement, curb ramps, and curb and gutter. The second project will utilize CO funds, and will be a mill and overlay with spot full depth repair sections from Curry Ln. to Southwest Dr.

The Catclaw Dr. Reconstruction Project is the fourth of four street projects scheduled for construction in 2016 as part of Proposition 1 of the voter approved 2015 Bond Program.

SPECIAL CONSIDERATIONS

The approved 2015 Bicycle Plan does not include bike lanes, bike routes, or bike paths on Catclaw Drive.

FUNDING/FISCAL IMPACT

The funds for this project will be paid through 2015 General Obligation funds, 2011 Certificates of Obligation funds, and Private Developer Escrow funds.

STAFF RECOMMENDATION

Staff recommends bid award to Bontke Brothers Construction Co. of Abilene Texas in the amount of \$1,637,227.01

Councilman Price made the motion to approve the Resolution authorizing the award a bid for **CB#-1635** Catclaw Dr. Reconstruction Project in the amount of \$1,637,227.01 to Bontke Brothers Construction Co. Councilman Kreidler seconded the motion, motion carried.

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

Resolution: **#32-2016**

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

7.9 Mike Rains Director of Finance, briefed the council on the review of the FY 2015 Comprehensive Annual Financial Report.

**GENERAL FUND
 BALANCE SHEET
 SEPTEMBER 30, 2015**

	General Fund
ASSETS	
Cash and investments	\$ 23,553,049
Receivables (net of allowance for uncollectibles):	
Accounts receivable	3,517,852
Property taxes receivable	814,992
Due from other funds	764,927
Due from other governments	5,390,175
Inventories	2,292
Prepaid items	21,461
Total Assets	<u>\$ 34,064,748</u>
LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES	
LIABILITIES:	
Accounts payable	\$ 1,634,465
Accrued expenses	2,077,129
Due to other funds	406,528
Other deposits and liabilities	215,939
Total Liabilities	<u>4,334,061</u>
DEFERRED INFLOW OF RESOURCES:	
Unavailable revenue	2,839,849
FUND BALANCES:	
Non-spendable:	
Inventories	2,292
Prepaid items	21,461
Assigned to:	
27th pay period	1,630,000
Other purposes	858,447
Unassigned	24,378,638
Total Fund Balances	<u>26,890,838</u>
TOTAL LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES	<u>\$ 34,064,748</u>

**GENERAL FUND
 Revenues and Expenditures
 Revised Budget vs Actual Budget Basis**

	2015 Actual	2015 Budget	Variance
<i>Revenues</i>			
Property Taxes	\$ 27,389,339	\$ 26,846,620	\$ 542,719
Sales Taxes	31,656,913	31,481,690	175,223
Franchise Taxes	7,400,027	7,333,130	66,897
Penalties and interest	307,191	285,000	22,191
Miscellaneous Other Taxes	1,438,012	1,391,740	46,272
Licenses & Permits	1,548,832	1,440,710	108,122
Charges for Services	3,937,650	3,812,400	125,250
Intergovernmental Revenues	89,530	96,870	(7,340)
Interest & Miscellaneous	7,688,073	8,392,230	(704,157)
Total Revenues	<u>81,455,567</u>	<u>81,080,390</u>	<u>375,177</u>
<i>Expenses</i>			
General Government	1,902,992	2,019,450	116,458
Administrative Services	2,700,880	2,846,630	145,750
Finance	6,894,987	7,195,000	300,013
Planning & Development Services	3,178,236	3,183,350	5,114
Public Works	6,445,675	7,091,170	645,495
Police	24,557,305	24,879,120	321,815
Fire	18,565,411	18,986,770	421,359
Aviation	2,023,374	2,187,270	163,896
Community Services	11,761,418	12,499,930	738,512
Total Expenses	<u>78,030,278</u>	<u>80,888,690</u>	<u>2,858,412</u>
Transfers In	3,126,053	3,050,000	76,053
Transfers Out	(4,925,771)	(4,925,780)	9
	<u>(1,799,718)</u>	<u>(1,875,780)</u>	<u>76,062</u>
Net Change in Fund Balance	<u>\$ 1,625,571</u>	<u>\$ (1,684,080)</u>	<u>\$ 3,309,651</u>

GENERAL FUND
2014 - 2015
Approved Revised Budget

	<u>Budget</u>	<u>Actual</u>	<u>Difference</u>
100 GENERAL GOVERNMENT	\$ 2,019,450	\$ 1,902,992	\$ 116,458
150 ADMINISTRATIVE SERVICES	2,930,930	2,785,180	145,750
200 FINANCE	11,429,850	11,129,828	300,022
250 PLANNING & DEVELOPMENT SERVICES	3,190,650	3,194,486	(3,836)
305 PUBLIC WORKS	7,100,120	6,445,675	654,445
500 POLICE	24,879,120	24,557,305	321,815
550 FIRE	18,986,770	18,565,411	421,359
600 AVIATION	2,683,620	2,519,724	163,896
700 COMMUNITY SERVICES	12,593,960	11,855,448	738,512
TOTAL EXPENDITURES INCLUDING TRANSFERS OUT	<u>\$ 85,814,470</u>	<u>\$ 82,956,049</u>	<u>\$ 2,858,421</u>

Revised Budget With Adjustments

	<u>Budget</u>	<u>Actual</u>	<u>Difference</u>
100 GENERAL GOVERNMENT	\$ 2,019,450	\$ 1,902,992	\$ 116,458
150 ADMINISTRATIVE SERVICES	2,930,930	2,785,180	145,750
200 FINANCE	11,429,850	11,129,828	300,022
250 PLANNING & DEVELOPMENT SERVICES	3,199,600	3,194,486	5,114
305 PUBLIC WORKS	7,091,170	6,445,675	645,495
500 POLICE	24,879,120	24,557,305	321,815
550 FIRE	18,986,770	18,565,411	421,359
600 AVIATION	2,683,620	2,519,724	163,896
700 COMMUNITY SERVICES	12,593,960	11,855,448	738,512
TOTAL EXPENDITURES INCLUDING TRANSFERS OUT	<u>\$ 85,814,470</u>	<u>\$ 82,956,049</u>	<u>\$ 2,858,421</u>

General Fund

Revenues Exceeding Estimates:

- Property Tax = \$542,719
- Sales Tax = \$175,223
- Charges for Services = \$125,250
- Licenses and Permits = \$108,122
- Franchise Fees = \$66,897
- All Other Revenues = \$68,463

Revenues Not Exceeding Estimates:

- Interest & Miscellaneous = (\$435,418)
- Fines & Forfeitures = (\$268,739)
- Intergovernmental Revenue = (\$7,340)

Total \$375,177

Expenditures Below Estimates:

- Personal Services = \$1,214,205
- Supplies = \$246,669
- Maintenance = \$187,418
- Other Services and Charges = \$1,210,116

Total \$2,858,412

**Water & Sewer Fund
 Revenues and Expenditures
 September 30, 2015**

	2015 Actual	2014 Actual
<i>Revenues</i>		
Water Service	\$ 31,181,991	\$ 27,528,778
Sewer Service	11,559,729	11,714,275
Service & Penalty Charges	437,261	437,302
Miscellaneous Revenues	886,118	1,168,408
Interest on Investments	142,643	92,845
Rents and Royalties	134,359	157,405
<i>Total Revenues</i>	<u>44,342,101</u>	<u>41,099,013</u>
<i>Expenses</i>		
Personal Services	7,005,496	7,046,040
Supplies	2,533,499	2,006,043
Maintenance	1,515,274	1,690,032
Other Services and Charges	16,202,894	17,138,130
Depreciation/Amortization	5,412,430	5,251,964
Interest Expense	3,181,289	2,562,023
<i>Total Expenses</i>	<u>35,850,882</u>	<u>35,694,232</u>
<i>Income (Loss) before Contributions & Transfers</i>	<u>5,404,781</u>	<u>5,404,781</u>
Transfers In (Out)	-	-
Capital Contributions	2,268,575	1,486,521
<i>Net Contributions & Transfers</i>	<u>2,268,575</u>	<u>1,486,521</u>
<i>Net Income (or Loss)</i>	<u>\$ 10,759,794</u>	<u>\$ 6,891,302</u>

Diane Terrell with Davis Kinard, & Co, PC, presented a clean audit with no comments. Ms. Terrell complimented the city staff on a clean and great audit.

General Fund

FY 2015 Fund Balance – Budget Basis
 \$24,080,840 or 3.3 months

Per Policy FY 2015 Fund Balance
 \$21,827,730 or 3.0 months
 \$2,253,110

Recommendations for Addressing Fund Balance

Policy – 50% Street Maintenance/50% Fire Apparatus Fund

Staff Recommendations:

- Street Paving Index Study
- Street Pavement Patching Truck
- Fire Apparatus Fund
- CAD/RMS Software Upgrade (FY 16-Interfund loan)

FY 2015 Fund Balance Excess \$2,253,110

- Street Paving Index Study TBD
- Street Pavement Patching Truck TBD
- Fire Apparatus Fund 1,000,000
- CAD/RMS Software Upgrade (FY 16-Interfund loan) 836,492

Councilman Hardaway made the motion to approve the acceptance of the Audit for the year. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Councilman McAlister made the motion to approve the recommendation from staff to utilize the funds \$2,253,110.00 from fund balance in access of the 3 months for the Street Paving Index Study, Street Pavement Patching Truck, Fire Apparatus Fund and the CAD/RMS Software Upgrade (FY 16-Interfund loan). Councilman Hardaway seconded the motion, motion carried.

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

Councilman Price made the motion to approve the Financial and Investment Policy for the Year. Councilman Hardaway 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 11:24 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 1:07 p.m. and reported no votes or action was taken in Executive Session in regards Real Property Section 551.072, and Litigation Section 551.071.

10.1 Resolution: Authorizing the City Manager to negotiate and execute agreements or contracts with Electrical providers for electricity for the City of Abilene.

The City of Abilene is in a commercial electric supply agreement with the Texas Coalition for Affordable Power since January 2012, which will come to an end December 31, 2017. The City of Abilene plans to exercise its option to assess the electric utility market to determine the provider that will be the best option for the City. The City plans to send out a request for qualification to gather information and review those responses to determine the best option for the City of Abilene.

Councilman Savage made the motion to authorize the City Manager to negotiate and execute a agreement or contract with Electrical provides for electricity for the City of Abilene. Councilman Price seconded the motion, motion carried.

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

Resolution: **#33 -2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANGER TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY AND TO ENTER INTO A CONTRACT

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

Mayor Archibald made the motion to approve the annual performance evaluations for the City Manager, City Secretary and the Municipal Judge and place on file with the City Secretary the salary information. Councilman McAlister seconded the motion, motion carried.

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

There being no further business the meeting was adjourned at 1:10 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor