

**CITY COUNCIL MEETING**  
**June 9<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 June 9<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, and Steve Savage. Councilman Kyle McAlister was absent. Also present were City Manager Robert Hanna, Interim City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Savage gave the invocation.

Mayor Archibald introduced Justus Childers who will be a 3<sup>rd</sup> grader at Allie Ward Elementary School and the son of Assistant City Manager James Childers. Justus led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

Motorcycle and Scooter Ride to Work Day - Monday June 20<sup>th</sup> - E<sup>3</sup>Lisa Smetana accepted the proclamation.

Myasthenia Gravis Awareness Month - Lydia Long and Mashell Lowry along with others accepted the proclamation.

**EMPLOYEE SERVICE AWARDS**

Mayor Archibald assisted by City Manager Robert Hanna recognized the following employees for their years of service:

Wayne Brandt	Division Manager, Police Communications	20 Years
Deborah Tarsiewicz	Supervisor 1, Library	20 Years
Esther Tilley	Customer Service Rep III, WIC Program	25 Years

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the May 24<sup>th</sup> Special Called Workshop and the May 26<sup>th</sup> Regular Council 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, Savage and Mayor Archibald  
NAYS: None

**CONSENT AGENDA**

No items for consent agenda.

**REGULAR ITEMS**

**7.1** Dana Schoening Director of Planning & Development Services briefed the council on the Ordinance for Case #**Z-2016-18** a request from Beltway Park Church, agent Bruce Reinhardt, to rezone property from PH (Single-Family Residential Patio Home) & AO (Agricultural Open Space) to PD (Planned Development) zoning, located at 2850 Hwy 351.

The applicant is proposing MD zoning as the underlying zoning to match the zoning to the northwest. They are also requesting to allow for NR (Neighborhood Retail) district uses provided they are located within the church building(s). Additionally, a coffee shop use (defined as a 'Restaurant, Fast Food') would be allowed by right and would not be subject to the Conditional Use Permit approval process. The zoning would allow for a coffee shop, a bookstore, and other accessory retail uses when located within the church building.

*STAFF RECOMMENDATION*

Staff recommends approval as requested.

*BOARD OR COMMISSION RECOMMENDATION*

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Calk, Dunnahoo, Famble, & McClarty), none opposed, and one (1) abstained (Bixby).

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

Councilman Price made the motion to approve the Ordinance for Case #**Z-2016-18** a request from Beltway Park Church, agent Bruce Reinhardt, to rezone property from PH (Single-Family Residential Patio Home) & AO (Agricultural Open Space) to PD (Planned Development) zoning, located at 2850 Hwy 351. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#24-2016**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-153 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Location: 2850 Hwy 351**

**7.2** Dana Schoening Director of Planning & Development Services briefed the council on the Ordinance for Case #**Z-2016-19** a request from Larry Whitten, agent Alex Whitten, to rezone property from RS-8 (Single-Family Residential) to NO (Neighborhood Office) zoning, located at 2959 Buffalo Gap Rd.

There is a mix of duplexes, single-family homes, & a church to the west across Buffalo Gap Rd. The applicant is requesting the NO zoning for development of a neighborhood office building.

*STAFF RECOMMENDATION*

Staff recommends approval as requested.

*BOARD OR COMMISSION RECOMMENDATION*

The Planning and Zoning Commission recommends approval by a vote of five (5) in favor (Bixby, Calk, Dunnahoo, Famble, & McClarty) and none opposed.

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

Councilman Kreitler made the motion to approve the Ordinance for Case #**Z-2016-19** a request from Larry Whitten, agent Alex Whitten, to rezone property from RS-8 (Single-Family Residential) to NO (Neighborhood Office) zoning, located at 2959 Buffalo Gap Rd. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: **#25-2016**

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: 2959 Buffalo Gap Rd**

**7.3** Dana Schoening Director of Planning & Development Services briefed the council on the Ordinance for Case #**Z-2016-20** a request from JR Team Holdings, LLC, agent Maxey Sheppard, to rezone property from AO (Agricultural Open Space) to NR (Neighborhood Retail) zoning, being a 2 acre tract located at 6834 E. Lake Rd.

Currently the property is undeveloped. The adjacent properties are primarily undeveloped. The Abilene Gun Club exists to the east across E. Lake Rd. The applicant is requesting the NR zoning for development of a small retail building.

*STAFF RECOMMENDATION*  
Staff recommends approval

*BOARD OR COMMISSION RECOMMENDATION*  
The Planning and Zoning Commission recommends approval by a vote of five (5) in favor (Bixby, Calk, Dunnahoo, Famble, & McClarty) and none opposed.

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

Councilman Kreitler made the motion to approve the Ordinance for Case #**Z-2016-20** a request from JR Team Holdings, LLC, agent Maxey Sheppard, to rezone property from AO (Agricultural Open Space) to NR (Neighborhood Retail) zoning, being a 2 acre tract located at 6834 E. Lake Rd. Councilman Williams seconded the motion, motion carried.

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

Ordinance: **#26-2016**

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 a 2 acre tract located at 6834 E. Lake Rd.**

**7.4** Michael Rice briefed the council on the application/permit to drill and/or operate an oil and/or gas well: Sojourner Drilling Corporation of Abilene for “City of Abilene No. 4” located at 3209 Vogel Street.

All requirements have been met according to Chapter 21 of the Abilene City Code.

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 application/permit to drill and/or operate an oil and/or gas well: Sojourner Drilling Corporation of Abilene for “City of Abilene No. 4” located at 3209 Vogel Street – Permit #810576. Councilman Price seconded the motion, motion carried.

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

**7.5** Robert Hanna, City Manager briefed the council on the agreement with the Abilene Gun Club.

The Abilene Gun Club is a longtime fixture at Lake Fort Phantom Hill area. This will cancel the current lease and will allow the city to enter into this new agreement.

The initial term of the agreement is fifteen (15) years, with one fifteen (15) year renewal upon mutual agreement of both parties.

Council and Staff discussion included: 1) hours of operation; 2) State law regarding Gun Clubs does not apply in this instance; 3) property is owned by the city; and 4) Robert Kern with the Gun Club spoke and said the Gun Club is in favor of the lease agreement.

Mayor Archibald made the motion to authorize the City Manager to enter into a lease agreement with the Abilene Gun Club. Councilman Kreidler seconded the motion, motion carried.

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

Resolution: **#72-2016**

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ABILENE TO ENTER INTO A LEASE AGREEMENT WITH THE ABILENE GUN CLUB LOCATED AT LAKE FORT PHANTOM HILL

**7.6** Robert Hanna City Manager, briefed the council on the agreement with HillCo Partners, LLC for Legislative Services.

The City utilizes the services of HillCo Partners, LLC, a legislative and regulatory consultant, to assist with legislative and other issues.

Councilman Hardaway made the motion to authorize the City Manager to enter into an agreement with HillCo

Partners, LLC, for Legislative Services. Councilman Price seconded the motion, motion carried.

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

NAYS: Councilman Kreitler

Resolution: **#73-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HILLCO PARTNERS, LLC FOR LEGISLATIVE SERVICES

**7.7** Rodney Taylor, Director of Water Utilities briefed the council on the bid award to Bill Starks Construction for the Ambler Avenue Water Line Replacement Project.

The Project is for the replacement of approximately 20,360 linear feet of existing cast iron water main along Ambler Avenue beginning near Meadowbrook Drive and continuing east to Treadaway Boulevard. The project will use Water Utility department cash reserves unrestricted, designated for capital improvements in the amount of \$1,898,948.00.

Council and Staff discussion included: 1) paving of Ambler and 2) sewer lines were reviewed by staff.

Councilman Williams made the motion to approve the Resolution awarding bid to Bill Starks Construction for the Ambler Avenue Water Line Replacement Project in the amount of \$1,898,948.00. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Resolution: **#74-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDED A BID TO STARKS CONSTRUCTION COMPANY FOR THE AMBLER AVENUE WATER LINE REPLACEMENT PROJECT.

**7.8** Stan Standridge Chief of Police briefed the council on the Ordinance - Chapter 18 – Article XII Use of Wireless Communication Devices While Driving.

Council and Staff discussion included: 1) 40 cities have ordinances; 2) statistics on distracted driving numbers; 3) I-20 would be exempt; 4) officers will not seize cell phones; 5) education is vital; 6) officer discretion; 7) moving violations – places a surcharge on driver's license for moving violations; 8) school zones; and 9) state definitions.

Councilman Williams made the motion to move the Ordinance – Chapter 18 – Article XII Use of Wireless Communication Devices While Driving on first reading to a 2<sup>nd</sup> reading on June 23<sup>rd</sup> with a public hearing. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: Councilmen Kreitler and Savage

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE XII OF THE CODE OF THE CITY OF ABILENE BY AMENDING THE ARTICLE AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

**7.9** Don Green Director of Transportation Services briefed the council on the purchase of two (2) 35-foot transit buses for CityLink Transit.

CityLink received funding through the FY2014 Section 5339 (State of Good Repair) Grant to purchase two 35-foot transit buses with an option for an additional three more buses within five years.

Council and Staff discussion included: 1) mileage on the two to be replaced; 2) Federal Transit Authority guidelines; and 3) charter service.

Councilman Price made the motion to approve the Resolution awarding the bid to Alliance Bus Sales for the purchase of two (2) thirty-five foot Eldorado Buses in the amount of \$847,821.00. Councilman Savage seconded the motion, motion carried.

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

Resolution: **#75-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE OF TWO (2) THIRTY-FIVE FOOT ELDORADO BUSES FROM ALLIANCE BUS SALES

### **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session at 11:28 a.m. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Sections 551.071

- A) Development Agreement between the City and Red Dirt Holdings, Inc. for the Elm Creek at Wylie Residential Development.
- B) Gary Lee and Marilu Lee Corpain v. City of Abilene, Cause No. 48,766-A in the 42<sup>nd</sup> District Court 2015
- C) Abilene Matera LLC v Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D March 17, 2106

Personnel – Section 551.074

- D) City Manager
- E) Board of Building Standards
- F) West Texas Municipal Water District

Property – Section 551.072

- G) 401 Plum Street

The Council reconvened in Open Session at 1:37 p.m. and reported no votes or action was taken in Executive Session.

**10.1** Robert Hanna City Manager, briefed the council on the Resolution authorizing the City Manager to execute a development agreement between the City and Red Dirt Holdings, Inc. for the Elm Creek at Wylie Residential Development.

Red Dirt Holdings, Inc. is the Developer of property located at the west end of Antilley Road and adjacent to the western Abilene City limits boundary. It is the Developer's plan to construct a residential subdivision of

approximately 400 single family residential units at build-out. The Developer plans to build-out the subdivision in four phases with the first phase containing 53 homes.

The Developer shall pay the total cost to hire a Texas Licensed Professional Engineer to provide all of the surveying, design, preparation of plans, specifications and contract documents, development of Engineers estimated cost of construction, bidding assistance to the City, and general project supervision necessary for the successful completion of the project.

This agreement shall run with the subdivision property, and any subsequent owner, successor or assignee of the subdivision property, excluding the individual lot owners, shall be responsible for any unpaid reimbursement payments at the time of transfer of ownership.

Councilman Savage made the motion to approve the Resolution authorizing the City Manager to execute a development agreement between the City and Red Dirt Holdings, Inc. for the Elm Creek at Wylie Residential Development. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#76-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN CITY OF ABILENE AND RED DIRT HOLDINGS INC FOR THE ELM CREEK AT WYLIE DEVELOPMENT

**10.2 Oral Resolution:** Discussion and possible action related to annual performance evaluations of City Manager.

Councilman Price made the motion to approve the annual performance evaluation for the City Manager and place on file with the City Secretary the salary information. Councilman Williams seconded the motion, motion carried.

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

**10.3 Resolution:** Appointing Members to Various Boards and Commissions as Required by the Charter of the City of Abilene and Statues of the State of Texas:

West Central Texas Municipal Water District  
Firemen's Pension Board

Councilman Savage made the motion to approve the appointments/reappointments to the various Boards and Commissions as required by the Charter of the City. Councilman Williams seconded the motion, motion carried.

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

Resolution: **#77-2016**

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

West Central Texas Municipal Water District

Members:

- Joe Canon Term: May 2018
- Kelly Kinard Term: May 2018

Firemen's Pension Board

Member:

- Jay Hardaway (City Council)

There being no further business the meeting was adjourned at 1:43 pm.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor