

CITY COUNCIL MEETING
August 25th, 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 August 25th, 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 and came in later during the meeting. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Kreitler gave the invocation.

Mayor Archibald introduced Caven & Chandler Dooley (twins) who are 5th grade students from Austin Elementary, Caven & Chandler 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 Regular Meeting on August 11th 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

Councilman Hardaway made the motion to approve items 6.1 through 6.11 with the exception of 6.4 and 6.8 as presented by staff. Councilman Savage seconded the motion, motion carried.

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

CONFLICT: Councilmen Kreitler, Williams, Price and McAlister declared a conflict on item 6.7 & 6.11. Per section 171.004 Local Government Code the council filed a conflict of interest affidavit and due to a majority with a conflict were allowed to vote regarding this item.

Resolutions:

6.1 **Resolution:** City Council approved the Abilene-Taylor County Events Venue District Revised FY 2016 and Approved FY 2017 Budget.

The Board approved distributing all funds after the debt payment and the administrative expenses are paid based on the newly approved allocation of 55% for Frontier Texas! and 45% for Expo Center. A portion will go toward payment on the bonds issued for improvements to the Expo Center and Abilene Independent School District's Shotwell Stadium. This amount is deducted prior to distributing any balance.

Resolution: **#107-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ACKNOWLEDGING RECEIPT OF THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT'S BUDGET FOR REVISED FY 2016 AND APPROVED FY 2017

- 6.2 **Resolution:** City Council authorized the City Manager to execute an Interlocal Agreement between the City of Abilene and Taylor County for office supplies and furniture.

The City has been a participant of previous Interlocal Agreements of this type with Taylor County. The Interlocal Agreement does not require an annual fee. The bid contract began on August 1, 2016 and ends on July 31, 2017. The Bid specifications allow for four one-year extensions if both (Taylor County and each vendor) parties agree.

Resolution: **#108-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL GOVERNMENT AGREEMENT WITH COUNTY OF TAYLOR, TEXAS.

- 6.3 **Resolution:** The City Council approved the nomination of Health Care Service Corporation (Blue Cross Blue Shield) as an Enterprise Project to the State of Texas under the Enterprise Zone Program.

Local incentives are scored by the state when they consider a business' application. City Council previously adopted Ordinance No. 6-2004 on April 22, 2004, amended by Ordinance No. 20-2010 on August 30, 2010, electing to participate in the Texas Enterprise Zone Program and offering local incentives.

The following local incentives are available to the nominated project, should it receive Project designation from the State, and to future projects at the discretion of the City Council:

- a) Abate taxes up to five (5) years, on a case-by-case basis;
- b) Establish a Tax Increment Financing District to fund public improvements to serve a project;
- c) Adopt the Freeport Tax Exemption;
- d) Offer assistance through its 4A Development Corporation of Abilene, Inc.;
- e) Provide regulatory relief to businesses, including:
 - 1) Zoning changes or variances; and/or,
 - 2) streamlined permitting.
- f) Provide enhanced municipal services to businesses, including:
 - 1) Institution of community crime prevention programs; or,
 - 2) Special public transportation routes or reduced fares.
- g) Provide improvements in community facilities, including:
 - 1) Capital improvements in water and sewer facilities;
 - 2) Road repair; or,
 - 3) Creation or improvement of parks.
- h) Provide improvements to housing, including:
 - 1) Low-interest loans for housing rehabilitation, improvement, or new construction; or,
 - 2) Transfer of abandoned housing to individuals or community groups.
- i) Provide business and industrial development services, including:
 - 1) Low-interest loans for business;
 - 2) Provision of publicly-owned land for development purposes, including residential, commercial, or industrial development; or,
 - 3) Creation of special one-stop permitting and problem resolution centers or ombudsmen.

- j) The City may provide job training and employment services to businesses, including:
- 1) Retraining programs;
 - 2) Literacy and employment skills programs;
 - 3) Vocational education;
 - 4) Customized job training; or,
 - 5) Job training programs.

Resolution: **#109-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, NOMINATING HEALTH CARE SERVICE CORPORATION, A MUTUAL LEGAL RESERVE COMPANY, D/B/A BLUE CROSS AND BLUE SHIELD OF TEXAS ("HCSC") AS A TEXAS STATE ENTERPRISE ZONE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

- 6.4 **Resolution:** Award of Contract to Fugro Roadware, Inc. for a Roadway Network Inventory. *(Item pulled by staff prior to the meeting.)*
- 6.5 **Resolution:** The City Council approved granting general authority to the City Manager to approve change orders involving \$50,000 or less.

The Local Government Code, Section 252.048, authorizes the governing body of a municipality to approve change orders to a contract. Additionally, Section 252.048(c), allows the governing body of a municipality to grant general authority to an administrative official of the municipality to approve a change order involving an increase or decrease in the amount of \$50,000 or less.

Resolution: **#110-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS GRANTING GENERAL AUTHORITY TO THE CITY MANAGER TO APPROVE CHANGE ORDERS INVOLVING \$50,000 OR LESS.

Ordinances:

- 6.6 **Ordinance:** *(First Reading)* **Z-2016-33** A request from Taylor County Disabled American Veterans, Chapter 36 to zone property from RS-6 (Single-Family Residential) to RS-6/H (Single-Family Residential/Historic Overlay) zoning, located at 2555 Grape St.; and setting a public hearing for September 8th, 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.

- 6.7 **Ordinance:** *(First Reading)* **Z-2016-34** A request from Abilene Christian University, agents McMahon, Surovik Suttle, P.C. & Enprotec/Hibbs & Todd Inc., to rezone property from CU/COR (College University/Corridor Overlay) to PD/COR (Planned Development) zoning, located at the northeast & the northwest corners of Ambler Ave & N. Judge Ely Blvd.; and setting a public hearing for September 8th 2016.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-157 A

PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

- 6.8 **Ordinance:** *(First Reading)* **Z-2016-35** a request from Mark Huffington, agent Jacob & Martin Ltd. and City of Abilene, to amend PD-32 (Planned Development) specifically by allowing uses permitted in NR (Neighborhood Retail) as well as in O (Office) districts on all properties bordering west and north sides of Hospital Drive.; and setting a public hearing for September 8th 2016. *(Councilman Kreidler pulled this item.)*
- 6.9 **Ordinance:** *(First Reading)* **Z-2016-36** A request from PAK Harris Ltd, agent Kevin Phillips, to rezone property from HC (Heavy Commercial), LI (Light Industrial), & HI (Heavy Industrial) to PD (Planned Development) district, located on the north side of the 900-1500 blks. of Ben Richey Drive, the south side of the 1100-1400 blks. of Petroleum Drive, and 4485 S. Treadaway Blvd.; and setting a public hearing for September 8th 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.

- 6.10 **Ordinance:** *(First Reading)* **Z-2016-38** A request from Aaron Waldrop, agent Jacob & Martin, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) & MD (Medium Density Residential) zoning, located at the southeast corner of Maple St and Colony Hill Rd.; and setting a public hearing for September 8, 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.

- 6.11 **Ordinance:** *(First Reading)* **TC-2016-01** a request from ACU, agents McMahon, Surovik Suttle, P.C. & Enprotec/Hibbs & Todd Inc., to abandon a triangular segment from the west margin of the right-of-way of ACU Drive at the intersection with N. Judge Ely Blvd.

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.

ITEM PULLED FROM CONSENT

- 6.8 **Ordinance:** *(First Reading)* **Z-2016-35** a request from Mark Huffington, agent Jacob & Martin Ltd. and City of Abilene, to amend PD-32 (Planned Development) specifically by allowing uses permitted in NR (Neighborhood Retail) as well as in O (Office) districts on all properties bordering west and north sides of Hospital Drive.; and setting a public hearing for September 8th 2016. *(Item pulled by Councilman Kreidler)*

Council and Staff discussion included: 1) concerns with the City staff expanding the zone change request to include the other lots in the original Planned Development District; and 2) notification concerns – for those other lots in the PD. Staff sent 41 property owners a formal notice of proposed amendments to provisions of the PD 32. This included all twenty parcels of land with in the area of the proposed amendment, as well as 21 additional properties within 200 feet thereof. Staff will send another letter out to property owners in the area before the public hearing on September 8th.

Councilman Savage made the motion to approve on the first reading on the Ordinance for **Z-2016-35** a request from Mark Huffington, agent Jacob & Martin Ltd. and City of Abilene, to amend PD-32 (Planned Development) specifically by allowing uses permitted in NR (Neighborhood Retail) as well as in O (Office) districts on all properties bordering west and north sides of Hospital Drive.; and setting a public hearing for September 8th 2016. Councilman Price seconded the motion. Motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, 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 Resolution approving the purchase of a Solid Waste Roll-off truck awarded through BuyBoard contract.
(This item was pulled from the agenda before the meeting began.)

7.2 Mike Rains Director of Finance briefed the council on the proposed 2016 tax rate for the FY 17 budget.

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

- Ryan Marrs – spoke on the tax rate and levy
- Winston Ohlhausen – spoke on the tax rate and levy

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

No action to be taken.

Mayor announced the final public hearing and approval of the Budget and Tax rate for FY 17 will be on September 8th 2016, at the 8:30 am Council Meeting at 555 Walnut Street.

7.3 Mike Rains Director of Finance briefed the council on the Ordinance Authorizing City of Abilene, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2016.

George Williford with First Southwest Company briefed the council on the sale of the Certificates of Obligations, Series 2016 and the General Obligation Refunding and Improvement Bonds, Series 2016.

Councilman Price made the motion to approve the Ordinance Authorizing City of Abilene, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2016. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: #41-2016

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

7.4 **Ordinance:** Authorizing City of Abilene, Texas General Obligation Refunding and Improvement Bonds, Series 2016.

Councilman Savage made the motion to approve the Ordinance Authorizing City of Abilene, Texas General Obligation Refunding and Improvement Bonds, Series 2016. Councilman Kreitler seconded the motion, motion carried.

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

Ordinance: #42-2016

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2016; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

Councilman McAlister joined the meeting.

7.5 Michael Rice Director of Public Works briefed the council on the Pilot, Subscription Based, Single Stream, Automated, Residential Curbside Recycling Program.

Council and staff discussion included: 1) current drop off sites; 2) difficulty of selling the products collected; 3) private sector and costs; 4) contracts and costs associated with the contract that the residents have signed. Amount was based upon the percentage of residents that have signed up.; 5) the historical process staff has taken and time line; 6) equipment costs; and 7) would like to see the city encourage private entities to be in the recycle business.

Mayor Archibald opened a public comment period and council heard from the following citizens:

- Amy Boone – spoke for the program
- Karen Vick – spoke for the program
- Ray Grothaus – with Republic Services Inc. spoke on recycling
- Dale Boecker – spoke against the program

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

Councilman Kreitler made the motion to not adopt a recycling curbside program. Councilman Savage seconded the motion, motion carried.

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

7.6 Robert Hanna City Manager briefed the council on the Council Policy 2016-003 City Sponsored Events.

It would be considered a best practice to have a list of events and the type of sponsorship offered to those events approved by the City Council, if it is indeed the will of the Council to sponsor special events. In light of this, staff has prepared Council Policy Statement 2016-003 - City Sponsored Events. The intent of the policy is to clearly state those events considered "official" city sponsored events. The policy also creates a mechanism whereby the City Manager can add events or limit the City's cost in a sponsorship of an event. All City manager actions are appealable to the City Council as presently written.

No action was taken on the Council Policy 2016-003. This item will come back to council.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 12:03 pm. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Sections 551.071

- A) Eminent Domain
- B) AEP Franchise
- C) Ordinance 01-2016
- D) TML-IRP – City Roofs

Business Prospect/Economic Development Section 551.087

- E) Pedestrian and Vehicular Bridge Agreement
- F) DCOA – Broadwind Towers Expansion

The Council reconvened in Open Session at 1:41 pm. and reported no votes or action was taken in Executive Session. Councilman Williams left during the Executive Session.

10.1 Ken Sharp, CEO Development Corporation of Abilene briefed the council on the request for Assistance for Broadwind Towers Expansion.

Broadwind Towers, Inc., is based in Manitowoc, Wisconsin and manufactures wind turbine towers. The Development Corporation of Abilene, Inc. (DCOA) has assisted Broadwind Towers since 2008 when the company constructed its Abilene manufacturing facility in the Five Points Business Park.

Today, Broadwind employs approximately 170 people. As West Texas, and several other parts of the mid-west, continue to develop for wind energy farms, Broadwind has experienced an increase in demand from customers such as Siemens, GE, Vestas and Gamesa, providing ample orders for the foreseeable future.

Councilman Price made the motion to approve the Resolution approving the Development Corporation of Abilene, Inc. (DCOA) funding for expansion of Broadwind Towers. Councilman Savage seconded the motion, motion carried.

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

Resolution: #111-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA") FUNDING FOR EXPANSION OF BROADWIND TOWERS ("COMPANY").

10.2 Ordinance: *(First Reading)* Granting to AEP Texas North Company, its successors and assigns, a non-exclusive right to use and occupy public rights-of-way within the City of Abilene for the Construction and Operation of an Electric Transmission and distribution System; and setting a public hearing for September 8th 2016.

The City of Abilene and AEP Texas North Company have negotiated a new franchise agreement to extend until February 21, 2034.

Councilman Savage made the motion to approve the first reading of the Ordinance granting to AEP Texas North Company, its successors and assigns, a non-exclusive right to use and occupy public rights-of-way within the City of Abilene for the Construction and Operation of an Electric Transmission and distribution System; and setting a public hearing for September 8th 2016. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

AN ORDINANCE GRANTING TO AEP TEXAS NORTH COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE RIGHT TO USE AND OCCUPY PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF ABILENE FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM; PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR COMPENSATION THEREFOR; PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; CALLING A PUBLIC HEARING; AND PROVIDING FOR SEVERABILITY

10.3 Resolution: Authorizing a Development Agreement between City of Abilene and PDG, Inc. for a Pedestrian and Vehicular Bridge.

The Development Agreement provides that PDG, Inc. will construct the bridge and transfer ownership of the bridge to the public upon its completion. The City of Abilene will accept public dedication of the bridge. As an economic incentive for PDG, Inc.'s cost of construction of the public bridge, the City of Abilene will pay to PDG, Inc. an annual payment of the City's portion of the Sales Tax generated in the development area multiplied by 0.33. For example, if the development generates \$100,000 in sales tax, the annual economic incentive amount paid to PDG, Inc. would be \$33,000.

The annual economic incentive payments to PDG, Inc. shall be paid until the full cost of construction of the public bridge is reimbursed, or until the amount of \$375,000 is paid, whichever amount is less.

Councilman Hardaway made the motion to approve the Resolution authorizing a Development Agreement between City of Abilene and PDG, Inc. for a Pedestrian and Vehicular Bridge. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Resolution: #112-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ABILENE AND PDG, INC. REGARDING CONSTRUCTION OF A PUBLIC PEDESTRIAN AND VEHICULAR BRIDGE

There being no further business the meeting was adjourned at 1:53 p.m.



Danette Dunlap, TRMC
City Secretary



Norm Archibald
Mayor

