

**CITY COUNCIL MEETING**  
**September 8<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 September 8<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 Kreidler, Anthony Williams, Jay Hardaway, Kyle McAlister and Steve Savage. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Regan Betts who is a 5<sup>th</sup> grade student from Bassetti Elementary, Regan led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**EMPLOYEE SERVICE AWARDS**

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

Brad McGary	Police Lieutenant II	25 Years
Mindy Patterson	Assistant City Manager	25 Years
Mike Perry	Assistant Police Chief	25 Years

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the Workshop Meeting on August 23<sup>rd</sup> and the August 25<sup>th</sup> Regular Council Meeting there being no deletions, no additions, and no corrections. Councilman Hardaway made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

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

**CONSENT AGENDA**

Councilman Kreidler pulled 6.6. Councilman Savage made the motion to approve items 6.1 through 6.5 as presented by staff. Councilman Williams seconded the motion, motion carried.

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

**Ordinance:**

**6.1** **Ordinance:** (First Reading) Proposed Amendment to Code of Ordinances, Chapter 8, Division 4, Section 8-151 Demolition Permit Conditions, and adding Section 8-152 Definitions for "Slab on Grade" and setting a public hearing for September 22, 2016.

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III, DIVISION 4, "DEMOLITION OF BUILDINGS," AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

**Resolutions:**

- 6.2 **Resolution:** City Council acknowledged and accepted the 9-1-1 Emergency Communications District Revised FY 2016 and Proposed FY 2017 Budgets.

Highlights in the District's budget include:

- Revenues remain at about status quo
- Funding for 9 telecommunicator positions for the City and 5 for the County
- Monthly recurring costs for the Public Safety Answering Points (PSAP) at the City, the County, Dyess Air Force Base and the backup PSAP at City Hall
- Monthly recurring costs for fiber redundancy at the primary and back-up call centers (PSAPs) to maintain uninterrupted operations
- Participation in the Interlocal Agreement for GIS Services with the City, County and Central Appraisal District

Resolution: **#113-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ACKNOWLEDGING AND ACCEPTING THE ABILENE-TAYLOR COUNTY 9-1-1 DISTRICT'S BUDGET FOR REVISED FY 2016 AND PROPOSED FY 2017.

- 6.3 **Resolution:** City Council authorized the Cooperative Purchasing Agreement between the City of Cedar Hill, Texas and City of Abilene Texas for EMS Supplies for the Abilene Fire Department.

Cedar Hill Fire Department has created the Cedar Hill Cooperative Purchasing Agreement which includes approximately fourteen area fire departments. The agreement allows for a very competitive pricing structure with Boundtree. In order for City of Abilene to take part in this pricing, an Inter-Local Agreement between the City of Cedar Hill, Texas and City of Abilene needs to be executed. This agreement can be terminated at any time, without consequence and it does not restrict the use of competitive bidding or any other common purchasing practices.

Resolution: **#114-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF ABILENE ("CITY") AND CITY OF CEDAR HILL, TEXAS.

- 6.4 **Resolution:** City Council awarded the following bid award #CB-1667 for the Water Department Street and Miscellaneous Repair Work 2016-2017, to Bontke Brothers Construction Co in the amount of \$912,175.00.

This contract involves the on demand repair of existing portions of streets, sidewalks, and other infrastructure that have been damaged by the replacement or repair of water or sewer lines.

Resolution: **#115-2016**

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

- 6.5 **Resolution:** City Council accepted the Airport Improvement Program Grant 46 to the City of Abilene for capital projects at Abilene Regional Airport.

Airport Improvement Program (AIP) Grant 46 is the FY16 grant from the Federal Aviation Administration to support Abilene Regional Airport's FY16 Capital Improvement Program, which includes the following projects: 1) Update the Airport Master Plan; 2) Design Taxiways Sealant and Rejuvenation Project; and 3) Update and Improve the Security and Public Address Systems. The grant amount is \$1,235,000.00 and will pay 90% of the costs associated with this project. The city is responsible for the 10% cost match, up to \$123,500.00. The total project funding will be \$1,358,500.00.

Resolution: **#116-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE ACCEPTANCE OF AIRPORT IMPROVEMENT PROGRAM GRANT 46 OFFERED BY THE FEDERAL AVIATION ADMINISTRATION.

- 6.6 **Resolution:** Award of Contract to Fugro Roadware, Inc. for a Roadway Network Inventory. *(Councilman Kreitler pulled this item).*

#### ITEM PULLED FROM CONSENT

- 6.6 **Resolution:** Award of Contract to Fugro Roadware, Inc. for a Roadway Network Inventory. *(Item was pulled by Councilman Kreitler).*

Council and Staff discussion included: 1) the process; 2) the difference is due to the lane miles; 3) Fugro is still the lower proposal with the increased lane miles; and 4) outside audit of city maintained streets.

Councilman Kreitler made the motion to approve the award of the contract to Fugro Roadware Inc for the Roadway Network Inventory in the amount of \$104,872.00. Councilman Price seconded the motion, motion carried.

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

Resolution: **#117-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FUGRO ROADWARE, INC.

#### REGULAR ITEMS

- 7.1 Rodney Taylor Director of Water Utilities briefed the council on the Resolution authorizing the on demand Contract Amendment with Jacob & Martin, Ltd for Inspection Services for the Ambler Avenue Water Line replacement project.

The Amendment provides for a Resident Project Representative by J&M to perform the day to day

inspection of water utility line replacements along Ambler Avenue and has a value not to exceed \$85,000.00.

Council and Staff discussion included: 1) Ambler and traffic impact; 2) staff numbers are down and there is not an employee that would be able to provide this in-house; and 3) Jacob & Martin Engineering is on site now.

Councilman Hardaway made the motion to approve the Resolution authorizing the on demand contract amendment with Jacob & Martin, Ltd for inspection services for the Ambler Avenue Water line replacement project. Councilman McAlister seconded the motion, motion carried.

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

Resolution: **#118-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING AN AMENDMENT TO THE ON DEMAND CONTRACT WITH JACOB AND MARTIN, LTD TO PROVIDE INSPECTION SERVICES FOR AMBLER AVENUE WATER LINE REPLACEMENT PROJECT.

**7.2** James Oliver CityLink General Manager briefed the council on the proposed increase to the fares for all CityLink services and setting a public hearing for September 22, 2016.

Council and Staff discussion included: 1) funding sources; 2) social media outreach; 3) stake holder outreach; and 4) public comment period.

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

- Leigh Ann Fry – Noah Project, spoke on the impact of the fees and requested a bus stop closer to their facility.

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

No vote or action today. A public hearing and final vote will take place on September 22<sup>nd</sup>.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE INCREASED FARES TO ALL CATEGORIES OF TRANSIT SERVICE PROVIDED BY CITYLINK

**7.3** Dana Schoening Director of Planning and Development Services briefed the council on the Ordinance for Case **#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.

The Taylor County Disabled American Veterans, Chapter 36 Chapter House was a building that was brought from Camp Barkeley after it closed down. It is a single-story structure with a porch overhang in the front. It was brought to this site in September of 1948 where it was repaired to serve as the house for the local chapter. The purpose of the zoning is to add the historic overlay on the building to allow the Taylor County Disabled American Veterans, Chapter 36 to be able to apply for a grant.

*Staff Recommendation:*  
Staff recommends approval of the request.

*Board or Commission Recommendation:*

The Planning & Zoning Commission recommends approval of this request by a vote of six (6) in favor (Dunnahoo, Bixby, Rosenbaum, Calk, Smith and McClarty), and none opposed.

*Landmarks Commission Recommendation:*

The Landmarks Commission recommends approval by a vote of five (5) in favor (Minter, Weatherl, Butman, Lee, and McClellan), and none opposed.

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

- Geri Massey Commander for the Disabled American Veterans – spoke in support for the Historical Overlay.

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

Councilman Savage made the motion to approve the Ordinance for Case #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. Councilman Kreitler seconded the motion, motion carried.

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

Ordinance: #43-2016

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: 2555 Grape St.**

7.4 Dana Schoening Director of Planning and Development Services briefed the council on the Ordinance for Case 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.

The owner is asking for the PD zoning to have a base zoning of GR (General Retail) and to allow for a mixed-use development encompassing, office, restaurant retail, multi-family housing, single family residential and parks at the property.

Council and Staff discussion included: 1) adding Multi Family zoning to the General Retail Zoning request.

*Staff Recommendation:*

Staff recommends approval of the request.

*Board or Commission Recommendation:*

The Planning and Zoning Commission recommends this request by a vote of six (6) in favor (Dunnahoo, Bixby, Rosenbaum, Calk, Smith and McClarty), and none opposed.

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

- Kelly Young – Abilene Christian University – spoke in favor of the zone change.
- Tony Chron – Developer for ACU – spoke in favor of the zone change.

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

Councilman Price made the motion to approve the Ordinance for Case **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, and MF (Multi Family Zoning) shall be allowed in GR (General Retail), located at the northeast & the northwest corners of Ambler Ave & N. Judge Ely Blvd. Councilman Kreidler seconded the motion, motion carried.

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

NAYS: None

CONFLICT: Councilmen Price, Kreidler, Williams and McAlister all declared a conflict on this item.

Ordinance: **#44-2016**

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.

**Location: The northeast & the northwest corners of Ambler Avenue & N. Judge Ely Boulevard 2209 N Judge Ely, 1450 E Ambler Av.**

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

This is a result of the realignment N. Judge Ely Blvd. and the creation of ACU Drive. The realignment has created an unpaved triangular median section at the intersection of the new street segments. The request is to abandon the triangular median segment. This would allow the property owner to the south to maintain and use this section as an entry way into their proposed new development. There is a water line that is located in the ROW. There are also other utilities that will need to remain or be relocated.

*Staff Recommendation:*

Staff recommends approval of the request.

*Board or Commission Recommendation*

The Planning & Zoning Commission recommends approval of this request by a vote of six (6) in favor (Dunnahoo, Bixby, Rosenbaum, Calk, Smith and McClarty), and none opposed.

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

- Tony Chron – Developer with ACU – spoke in favor of the abandonment.

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

Councilman Savage made the motion to approve the Ordinance for Case **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. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Williams, Hardaway, McAlister, Savage and Mayor Archibald  
NAYS: None  
CONFLICT: Councilmen Price, Kreitler, Williams and McAlister all declared a conflict on this item.

Ordinance: #45-2016

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

Location: **ACU Drive at the intersection with N. Judge Ely Blvd.**

**7.5** Dana Schoening Director of Planning and Development Services briefed the council on the Ordinance for Case **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.

The personal services category of use includes hair styling and nail salons (but not tattoo parlors) as well as massage therapy, tailoring and portrait studios.

*Staff Recommendation:*  
Staff recommends approval of the request.

*Board or Commission Recommendation:*  
The Planning and Zoning Commission recommends approval to amend PD-32, encompassing subject properties (2100 Antilley Road and Lots 2 thru 20 Hospital Drive) by a vote of four (4) in favor (McClarty, Bixby, Dunnahoo and Smith), one (1) opposed (Rosenbaum), and one (1) abstention (Calk).

Council and staff discussion included: 1) personal services; and 2) request of proponent was for only Lots 9 & 10.

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

- Tal Fillingim – agent for the applicant – in support of rezoning only Lots 9 & 10.
- Jay Holland – against rezoning all of the lots in the PD.

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

Councilman Kreitler made the motion to approve the Ordinance for Case **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 Personal Services without restriction on Lots 9 & 10 only. Councilman Savage seconded the motion, motion carried.

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

Ordinance #46-2016

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: Lots 9 & 10.**

7.6 Dana Schoening Director of Planning and Development Services briefed the council on the Ordinance for Case **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.

Willow Creek Golf Course is thereby a legally nonconforming use on land now zoned LI and HI. Golf courses and other active outdoor recreational uses are allowed in Heavy Commercial (HC) zoning districts. Changing the classification of Willow Creek's LI and HI zoning to HC zoning will thereby make that existing golf course a conforming use (with respect to zoning regulations) and allow additional building improvements on that land. The owners/operators of Willow Creek Golf Course do have plans to build a restaurant facility which is also allowed in HC zoning but not in LI or HI zoning.

*Staff Recommendation:*

Staff recommends approval of the request.

*Board or Commission Recommendation:*

The Planning and Zoning Commission recommends approval of rezoning subject properties in the 900- 1200 blocks (north side) of Ben Richey Drive, and in the 1300-1400 blocks (south side) of Petroleum Drive, from a (LI) Light Industrial District to a (HC) Heavy Commercial District; to rezone subject properties in the 1100-1200 blocks (south side) of Petroleum Drive from (HI) Heavy Industrial District to a (HC) Heavy Commercial District; and to rezone certain properties at 4353 and 4465 South Treadaway Boulevard (and at 1502 Ben Richey Drive) from a (HC) Heavy Commercial to (GC) General Commercial District.

At its meeting on August 3 of 2016, Abilene's Planning & Zoning Commission voted unanimously (6 – 0) to recommend approving proposed zone changes (to HC and GC Districts) described in this report.

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

- Kevin Phillips – agent spoke in favor of the rezone request.

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

Councilman Savage made the motion to approve the Ordinance for Case **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. Councilman Hardaway seconded the motion, motion carried.

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

NAYS: None

Ordinance **#47-2016**



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: the south side of the 1100-1400 Blks. of Petroleum Drive, and 4485 S. Treadaway Blvd.**

7.7 Dana Schoening Director of Planning and Development Services briefed the council on the Ordinance for Case **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.

The applicant is requesting a change to the RS-6 and MD zoning which would allow for single-family houses and some multifamily units. The MD zoning allows for duplex, triplex, and quadraplex unit developments up to 12 units per acre.

*Staff Recommendation:*

Staff recommends approval of the request.

*Board or Commission Recommendation:*

The Planning and Zoning Commission recommends approval by a vote of six (6) in favor (Dunnahoo, Bixby, Rosenbaum, Calk, Smith and McClarty), and none opposed.

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

- Tal Fillingim agent – spoke for the rezone.

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

Councilman Williams made the motion to approve the Ordinance for Case **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. Councilman Savage seconded the motion, motion carried.

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

NAYS: None

**Ordinance #48-2016**

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 the southeast corner of Maple St and Colony Hill Rd.**

7.9 Stanley Smith City Attorney briefed the council on 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.

On January 23, 1969, West Texas Utilities Company, the predecessor of AEP Texas North Company, was

granted a public utility franchise by the City Council. That franchise ordinance expired on February 22, 2009. The City of Abilene and AEP Texas North Company have negotiated a new franchise agreement to extend until February 21, 2034.

The City of Abilene will receive revenue on a monthly basis from AEP Texas North Company, calculated as the product of a factor of \$0.001116 per kilowatt hour multiplied times the number of kilowatt hours delivered by Company to retail customers.

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 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. Councilman Hardaway seconded the motion, motion carried.

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

**Ordinance #49-2016**

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.

**7.10** Mindy Patterson Assistant City Manager briefed the council on the Ordinance adopting fees and charges for FY 16-17.

Council and Staff discussion included: 1) updated fees from budget workshop including mulch price; 2) CityLink fees have been removed from this Ordinance they will be a part of the fees structure on the website after their review at the next council meeting; 3) Planning fees; 4) Civic Center fees; and 5) catering fees.

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

- Jud Beal – spoke on fees

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

Councilman Williams made the motion to approve the Ordinance adopting the fees and charges for FY16-17, and lowering the price of mulch back to \$1.50. Councilman Hardaway seconded the motion, motion carried.

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

**Ordinance: #50-2016**

AN ORDINANCE APPROVING AND ADOPTING FEES AND CHARGES FOR THE FISCAL YEAR

OCTOBER 1, 2016, THROUGH SEPTEMBER 30, 2017, FOR THE CITY OF ABILENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES, RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

### BUDGET AND TAX ORDINANCES

**8.1** Mike Rains Director of Finance briefed the council on the Ordinance adopting the proposed budget for Fiscal Year 16-17 in the amount \$88,912,600.00.

Council and Staff discussion included: 1) debt service retirement; 2) tax increase provides the service to the citizens as they have expressed through the approval of the bond projects; 3) solid waste is not in the general fund; and 4) the hotel funds and the Abilene Convention and Visitors Bureau.

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

Mayor Archibald made the motion to approve and adopt the proposed budget for the Fiscal Year 16-17 in the amount of \$88,912,600.00. Councilman McAlister seconded the motion, motion carried.

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

NAYS: Councilmen Kreitler and Savage

#### Ordinance #51-2016

AN ORDINANCE APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2016, THROUGH SEPTEMBER 30, 2017, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

Mayor Archibald made the motion to acknowledge and ratify that the adopted budget will raise more total property taxes than last year's budget by an amount of \$1,606,905 which is 6.01% increase from last year's budget. Of that amount, \$637,944.00, is tax revenue to be raised from new property added to the tax roll this year. Councilman Price seconded the motion, motion carried.

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

NAYS: Councilman Savage

**8.2** Mike Rains Director of Finance briefed the council on the Ordinance adopting the proposed 2016-2017 Tax Rate.

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

Mayor Archibald mad the motion to move that the property tax rate be increased by the adoption of the tax rate of 74.65¢, which is effectively a 7.5% increase in the tax rate. Councilman McAlister seconded the motion, motion carried.

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

NAYS: Councilmen Kreitler and Savage

Ordinance: #52-2016

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2016, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2016; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 1:15 pm. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Sections 551.071

- 1) City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court, Taylor County, Texas; filed November 17, 2011.
- 10) Mike Rodriguez, Lauren Rodriguez, Laura Gentry Edwards, Mike Gentry, and Lucy Gentry v. City of Abilene, Case No. 1-16CV-080-BL; In the United States District Court, Northern District of Texas, Abilene Division, filed May 17, 2016, served September 2, 2016.

Deliberations about Real Property – Section 551.072

- A) WTU Building

Personnel Matters – Section 551.074

- A) TML-IRP Board Members

The Council reconvened in Open Session at 1:48 pm. and reported no votes or action was taken in Executive Session.

**10.1** Robert Hanna City Manager briefed the council on the Oral Resolution voting for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.

Place 6 – Kyle J. Jung - City Manager Manvel

Place 7 – Richard Jorgensen – City Manager Giddings

Place 8 – Andrea M. Gardner – City Manager Copperas Cove

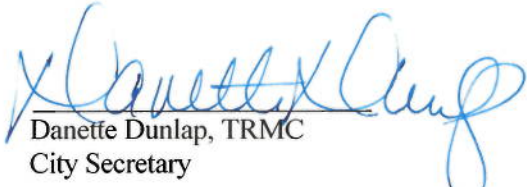
Place 9 – Richard L. Davis – City Manager Baytown

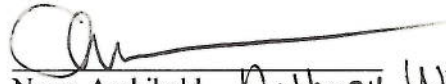
Councilman Williams made the motion to approve the slate of board members as suggested by the City Manager. Councilman Price seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 1:50 p.m.

  
Danette Dunlap, TRMC  
City Secretary

  
Norm Archibald  
Mayor

Anthony Williams,  
Mayor Pro Tem

