

**CITY COUNCIL MEETING**  
**September 22<sup>nd</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 22<sup>nd</sup>, 2016, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Williams was present and presiding with Councilmen Shane Price, Bruce Kreitler, Jay Hardaway, Kyle McAlister and Steve Savage. Mayor Archibald was absent. 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 Pro-tem Williams introduced Maya Wellborn who is a 4<sup>th</sup> grade student from Bonham Elementary, Maya 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 Pro-tem Williams stated Council has been given the minutes from the September 8<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 Savage seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, Savage and Mayor Pro-tem Williams

NAYS: None

**CONSENT AGENDA**

Councilman Price pulled item 6.5 and Councilman Savage pulled item 6.6. Councilman Hardaway made the motion to approve items 6.1, 6.2, 6.3 and 6.7 as presented by staff. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, Savage and Mayor Pro-tem Williams

NAYS: None

ABSTAIN: Mayor Pro-tem Williams abstained on item 6.7

**Resolutions:**

**6.1** **Resolution:** Council approved the renewal of software maintenance agreement for Public Safety Systems with Intergraph Corporation.

The annual maintenance agreement period runs from November 1 through October 31. Examples of support provided through the maintenance agreement include help desk technical support, resolution of program operational issues, patches and updates to software for identified program fixes and 24/7 knowledge base access. Additionally, the agreement provides for after hours and holiday support for critical software errors that bring the system down. The cost of the agreement is \$140,847.00 and is included in the FY 17 Technology Fund.

Resolution: **#119-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE RENEWAL OF A SOFTWARE MAINTENANCE AGREEMENT BETWEEN THE CITY OF ABILENE AND INTERGRAPH CORPORATION.

- 6.2 **Resolution:** City Council awarded the bid award **CB-1670** Elm Creek Bridge Guardrail Project to Bontke Brothers Construction Co. in the amount of \$122,315.00.

This contract involves the removal and replacement of the guardrail on Elm Creek Bridge located on Rebecca Lane.

Resolution: **#120-2016**

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

- 6.3 **Resolution:** City Council authorized Physio-Control, Inc. to provide a 4-year service contract to City of Abilene for thirteen LifePak 15 cardiac monitors.

The cardiac monitors are covered through Physio-Control, Inc. and covers equipment malfunctions, software updates, scheduled service and calibration, batteries, and some of the cabling. Each year there has been a price increase for this service. The 2016 fiscal year rate is \$1,540 per unit per year. Without the 4-year contract, the 2017 fiscal year rate would be \$1,680 per unit per year, with potential increases each additional year. Total base proposal price for a 4-year service contract is \$75,817.00.

Resolution: **#121-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A 4-YEAR SERVICE CONTRACT WITH PHYSIO-CONTROL, INC.

- 6.4 **Resolution:** Authorizing the purchase of Level IV body armor for the Police Department and Marshals Division. This item was inadvertently left out of the vote on the items under consent approval.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PURCHASE LEVEL IV BODY ARMOR FROM GT DISTRIBUTORS IN EXCESS OF \$50,000.00.

- 6.5 **Resolution:** Approving the purchase of (151) Patrol rifles in support of Departmental Program. *(Item pulled by Councilman Price)*

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PURCHASE 5.56 PATROL RIFLES FROM TROY INDUSTRIES, INC., IN EXCESS OF \$50,000.

**Ordinances:**

- 6.6 **Ordinance:** *(First Reading)* **Z-2016-39** a request from the City of Abilene to rezone property from an AO (Agricultural Open Space) zone to a PD (Planned Development) district located at the southeast corner of Ben Richey Dr. and Boys Ranch Rd.; Setting a public hearing for October 13, 2016. *(Item pulled from consent by Councilman Savage)*.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-158 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN

EFFECTIVE DATE.

- 6.7 **Ordinance:** *(First Reading)* **TC-2016-02** A request from Hendrick Medical Center to abandon all of the portions of Wilson Street between Cedar and Hickory Streets, and the alley between Cedar and Hickory Street, both between N. 16th and N. 17th Streets; Setting a public hearing for October 13, 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.

#### ITEMS PULLED FROM CONSENT

- 6.5 **Resolution:** Approving the purchase of (151) Patrol rifles in support of the Police Departmental Program. *(Item pulled by Councilman Price).*

Council and Staff discussion included: 1) difference between the cost per rifle and the approximate cost listed on the Resolution of \$158,551.00 is the difference of cost of flash lights that did not require council action to purchase; and 2) each officer will pay for his/her rifle.

The Police Department and the Marshals Division seek the purchase of (151) patrol rifles in support of the Patrol Rifle Program. These will be 5.56 x 45 mm NATO chambered AR15 style semi-automatic, gas impingement rifles. The Police Department has a long-standing Patrol Rifle Program wherein officers are authorized to carry standardized rifles of .223 caliber. Patrol rifles have been recognized as an enhancement to officer safety during high-risk calls for service, as seen throughout the nation on many occasions. Policies and training standards govern the Department's Patrol Rifle program, as well as the Marshal's program. Participating sworn employees will, after proper federal firearm license transfers have occurred and full reimbursement is made to the City, own and maintain the new rifles. Before sworn personnel can carry these rifles, however, they must complete a qualification course of a minimum of twenty (20) hours.

Resolution: **#122-2016**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PURCHASE 5.56 PATROL RIFLES FROM TROY INDUSTRIES, INC., IN EXCESS OF \$50,000.

Councilman Savage made the motion to approve Resolution authorizing the purchase of patrol rifles in support of the Police Department. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, Savage and Mayor Pro-tem Williams

NAYS: None

- 6.6 **Ordinance:** *(First Reading)* **Z-2016-39** a request from the City of Abilene to rezone property from an AO (Agricultural Open Space) zone to a PD (Planned Development) district located at the southeast corner of Ben Richey Dr. and Boys Ranch Rd.; Setting a public hearing for October 13, 2016. *(Councilman Savage pulled this item from consent.)*

Council and Staff discussion included: 1) sidewalk exemption; and 2) this PD will allow for the Ranch to continue to operate as normal.

Councilman Price made the motion to approve the first reading on the Zoning Case **Z-2016-39** a request from the City of Abilene to rezone property from an AO (Agricultural Open Space) zone to a PD (Planned Development) district located at the southeast corner of Ben Richey Dr. and Boys Ranch Rd; and setting a public hearing for October 13, 2016. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, Savage and Mayor Pro-tem Williams  
NAYS: None

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-158 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

### REGULAR ITEMS

7.1 Dana Schoening briefed the council on the 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".

Existing ordinance 8-151 requires all floor slabs, foundations, footings, sidewalks, fences and posts to be removed in a demolition. The existing ordinance provides for the property owner(s) to request to the Board of Building Standards (BOBS) to allow for the slab to remain. The proposed ordinance removes the requirement for the removal of a slab on grade, but only upon request to and with the approval of the Building Official.

In addition, the current Chapter 8, Division 4 ordinance provisions do not provide a definition of slab. The proposed ordinance creates Section 8-152: "Definitions" to provide for the definition of Slab on Grade to define what is meant by slab as referenced in Section 8-151.

Council and Staff discussion included: 1) permits; 2) on grade; 3) pier and beam is not a slab; 4) time limit; and 5) demolition permit process.

Mayor Pro-tem Williams opened the public hearing and the council heard from the following citizens:

- Anthony McColum – Board of Building Standards Commissioner – has concerns regarding this amendment.
- David Beard – Board of Building Standards Commissioner – has concerns regarding this amendment.

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

Councilman Price made the motion to TABLE the Ordinance amending Chapter 8, Division 4 Section 8-151 Demolition Permit Conditions so that the Board of Building Standards Commission can review the definition and provide feedback on the proposed changes. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, Savage and Mayor Pro-tem Williams  
NAYS: None

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.

7.2 Don Green Director of Transportation briefed the council on the proposed increase to the fares for all

CityLink services.

Council and Staff discussion included: 1) general fund contributes to CityLink; 2) \$51.00 per hour to put a bus on the street and operating; 3) ADA prices are different; and 4) bus stop for the Noah project.

Mayor Pro-tem Williams opened the public hearing and council heard from the following citizens:

- Leigh Ann Fry – Noah Project, has concerns on location of bus stop
- Cindy Ramsey – Goodwill/West Texas, had concern over the % of the increase
- Juan Pitts - worker with Goodwill and a rider of the ADA paratransit bus, was upset at the rate increase

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

Councilman Kreitler made the motion to approve Resolution on the proposed increase to the fares for all CityLink Services. Councilman Savage seconded the motion, motion carried.

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

NAYS: Mayor Pro-tem Williams

Resolution: #123-2016

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

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.

Councilman McAlister made the motion to approve the Council Policy 2016-003 City Sponsored Events. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, Savage and Mayor Pro-tem Williams

NAYS: None

Council Policy 2016-003

7.4 Howdy Wayne Lisenbee, Director of Capital Improvements briefed the council on the Resolution authorizing the City Manager to execute a Professional Services Agreement with Freese & Nichols to provide Construction Oversight Services for current 2015 Bond Projects.

Both the City and FNI have mutually agreed that the City has developed the internal capacity to oversee the 2015 Bond Program, so the existing contract will be terminated at the end of September 2016. There are two billing periods left (Aug & Sept), but it is anticipated that the final cost of the contract will be approximately \$445,000.00. This represents a savings of approximately \$215,000.00 over the original contract value.

Now the City is about to have six simultaneous vertical construction projects going at the same time (Abilene Aquatic Center, Fire Station #4, Fire Station #7, Fire Station #3, Fire Maintenance Facility, and Police

Records & Evidence Facility). The City has limited internal capacity and experience to provide construction oversight for these simultaneous projects. As a result, the City is requesting that FNI provide part-time construction oversight services to accomplish: bi-weekly site inspection visits for each active project; and, to train existing City staff in the process of construction oversight. This will develop the City's internal capacity to provide construction oversight for future projects.

Additionally, the FNI team developed and produced the first Annual Report on the Bond Program. City staff is requesting that the FNI Public Relations team again provide support and production assistance with the next Annual Report, to be produced in January 2017.

Councilman Hardaway made the motion to approve the Resolution authorizing the City Manager to execute a Professional Services Agreement with Freese & Nichols to provide Construction Oversight Services for current 2015 Bond Projects. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, Savage and Mayor Pro-tem Williams  
NAYS: None

Resolution: #124-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS FOR CONSTRUCTION OVERSIGHT SERVICES AND BOND PROGRAM ANNUAL REPORT DEVELOPMENT SERVICES.

7.5 Howdy Wayne Lisenbee, Director of Capital Improvements briefed the council on the Resolution for the approval of the Guaranteed Maximum Price (GMP) from the CMAR, W.B. Kibler, for the construction of the Abilene Aquatic Center at Rose Park; Authorizing the City Manager to execute all related documents; and, approving participation in the project by the Water Utilities Department for water and sewer system upgrades.

On February 25, 2016 the City Council authorized the execution of a Construction Manager at Risk (CMAR) contract with W.B. Kibler for the construction of the Abilene Aquatic Center at Rose Park. The approved construction budget at the time of contract execution was \$5 Million. As part of the CMAR process, during the design phase of the project, the Construction Manager team (Kibler) is required to develop a Guaranteed Maximum Price (GMP) based on the design for the facility.

The full design of the Abilene Aquatic Center has been completed, and Kibler has had an opportunity to review the designs and bid out the construction work. Their efforts have led to the GMP proposal in the amount of \$6,058,654. This GMP proposal includes \$576,056 for early-out construction activities (demolition of the existing pool and structures, water & sewer utilities) and \$5,482,598 for the remaining construction activities.

Once approved, the Guaranteed Maximum Price becomes final, and the Construction Manager (Kibler) is at risk to complete the construction of the facility, as designed, within the GMP amount. If the final construction cost of the facility exceeds the GMP, the CMAR must cover the cost of the overage. If the final construction cost of the facility is beneath the GMP, the savings are returned to the City.

Council and Staff discussion included: 1) water and sewer line upgrades; 2) construction cost were coming in higher than expected; and 3) onsite advertising.

Councilman Price made the motion to approve the Resolution for the approval of the Guaranteed Maximum Price (GMP) from the CMAR, W.B. Kibler, for the construction of the Abilene Aquatic Center at Rose Park;

Authorizing the City Manager to execute all related documents; and, approving participation in the project by the Water Utilities Department for water and sewer system upgrades. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Hardaway, McAlister and Mayor Pro-tem Williams  
NAYS: Councilmen Kreitler and Savage

Resolution: #125-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS TO APPROVE THE GUARANTEED MAXIMUM PRICE FOR THE ABILENE AQUATIC CENTER AT ROSE PARK; AUTHORIZE THE CITY MANAGER TO SIGN ALL RELATED DOCUMENTS; AND APPROVE PARTICIPATION BY THE WATER UTILITIES DEPARTMENT FOR WATER AND SEWER SYSTEM UPGRADES.

7.6 Rodney Taylor Director of Utilities briefed the council on the Resolution awarding bid for the replacement laboratory furniture for the Abilene Environmental Laboratory.

The Water Utilities Department is requesting that the Abilene City Council award bid CB-1668 to Gray & Green Laboratory Systems, Inc. (GG) in the amount of \$275,277.00 for the purchase and installation of Phase 3 and Phase 4 laboratory furniture for the Abilene Environmental Laboratory.

Council and Staff discussion included: 1) difference in cost between repair and purchase of new; 2) no warranty with the blast and coat repairs; and 3) will be a Phase 5 late next year.

Councilman Price made the motion to approve the Resolution awarding of the bid to Gray & Green Laboratory Systems, Inc. in the amount of \$275,277.00 for the purchase and installation of Phase 3 and Phase 4 laboratory furniture for the Abilene Environmental Laboratory. Councilman Hardaway seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hardaway, McAlister, Savage and Mayor Pro-tem Williams  
NAYS: None

Resolution: #126-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO GRAY AND GREEN LABORATORY SYSTEMS FOR PURCHASE OF LABORATORY FURNITURE FOR THE ABILENE ENVIRONMENTAL LABORATORY.

#### EXECUTIVE SESSION

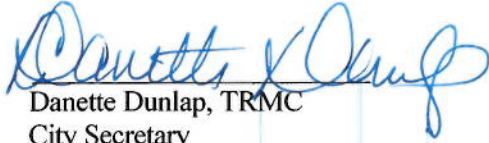
Mayor Pro-tem Williams recessed the Council into Executive Session at 11:08 am pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Sections 551.071


- A) TML – Roofs
- B) DCOA – Contract with the City of Abilene

The Council reconvened in Open Session at 12:09 pm and reported no votes or action was taken in Executive Session.

There being no further business the meeting was adjourned at 12:09 p.m.



Danette Dunlap, TRMC  
City Secretary



Anthony Williams  
Mayor Pro-tem