

CITY COUNCIL MEETING
December 1st, 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 December 1st, 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, City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Amara McGee who is a 5th grade students from Jackson Elementary. Amara led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

Mayor Archibald was assisted by City Manager Robert Hanna in recognizing the following City Employees for their years of service to the City of Abilene.

Dee Lott	Computer Programmer III	20 Years
Joseph Silvas	Supervisor III	20 Years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the November 17th 2016 Regular Meeting there being no deletions, no additions, and no corrections. Councilman Savage made a motion to approve the minutes as presented. Councilman Hardaway seconded the motion, motion carried.

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

CONSENT AGENDA

Councilman Price pulled item 6.2 and Councilman Savage pulled item 6.3. Councilman Savage made the motion to approve item 6.1 and 6.4-6.6 as presented by staff. Councilman Hardaway seconded the motion, motion carried.

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

Ordinances:

6.1 **Ordinance:** *(First Reading)* Adopting the Standards of Care; and setting a public hearing for December 15, 2016.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING

- 6.2 **Ordinance:** *(First Reading)* To amend Chapter 18 designating one-way streets; and setting a public hearing for December 15th, 2016. *Item pulled from Consent by Councilman Price.*
- 6.3 **Ordinance:** *(First Reading)* Amending Chapter 20, Offenses, Article I, In General, Section 20-3, "Amplifiers, etc. Use on Premises" of the Abilene Code of Ordinances; providing a severability clause; declaring a penalty; and setting a public hearing on December 15th 2016. *(Item pulled from Consent by Councilman Savage.)*

Resolutions:

- 6.4 **Oral Resolution:** The City Council approved the extended term Street Use License with Sojourner Drilling, Inc.

The applicant wishes to place two (2) two and three-eighths (2 3/8) inch pipelines for the transportation of crude oil and water from an oil well location to existing storage facilities. Sojourner Drilling, Inc. has applied for and has obtained a City drilling permit for a well located on Vogel Avenue.

- 6.5 **Resolution:** The City Council authorized the City Manager to enter into a Professional Surveying Services agreement with Sheppard Survey Co., Inc. for the sixth section of the Lake Fort Phantom Hill Platting Project. This is for the surveying of the lots along Bird Blvd., Yaw Rd., Wits End, Blackfoot Rd., Fishing Village Cr., Cherokee Cr., Boat Ramp Rd., Mohawk Rd., and Seminole Rd. at Lake Fort Phantom Hill in the amount of \$198,900.00 with Sheppard Surveying.

Resolution: **#146-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SHEPPARD SURVEYING CO., INC.

- 6.6 **Resolution:** The City Council awarded the bid #CB-1705 for North 10th & North Mockingbird Intersection Reconstruction Project to Bontke Brothers Construction Co. in the amount of \$465,023.45.00.

Resolution: **#147-2016**

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

ITEMS PULLED FROM CONSENT

- 6.2 **Ordinance:** *(First Reading)* To amend Chapter 18 designating one-way streets; and setting a public hearing for December 15th, 2016. *Item pulled from Consent by Councilman Price.*
Michael Rice Director of Public Works discussed with council some additional designation changes to clean up and clarify street designations for Stamford Street and Danville Drive. Changes will be included in the Exhibit A at the next meeting.

Councilman Price made the motion to approve the first reading of the Ordinance to amend Chapter 18 designating one-way streets; and setting a public hearing for December 15th 2016. Councilman Kreitler seconded the motion, motion carried.

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

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE XIII, "SCHEDULES," SECTION 18-289, "ONE-WAY STREETS-AT ALL TIMES," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

- 6.3 **Ordinance:** *(First Reading)* Amending Chapter 20, Offenses, Article I, In General, Section 20-3, "Amplifiers, etc. Use on Premises" of the Abilene Code of Ordinances; providing a severability clause; declaring a penalty; and setting a public hearing on December 15th 2016. *(Item pulled from Consent by Councilman Savage.)*

Councilman Savage would like to see the City review all Ordinances for out of date and superseded ordinances per state laws.

Councilman Savage made the motion to approve the first reading of the Ordinance amending Chapter 20, Offenses, Article I, In General, Section 20-3, "Amplifiers, etc. Use on Premises" of the Abilene Code of Ordinances; providing a severability clause; declaring a penalty; and setting a public hearing on December 15th 2016. Councilman Hardaway seconded the motion, motion carried.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 20, OFFENSES, ARTICLE I. IN GENERAL, SECTION 20-3, "AMPLIFIERS, ETC. USE ON PREMISES," OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

REGULAR ITEMS

- 7.1 Rodney Taylor Director of Water Utilities briefed the city council on the awarding of the bid for the Antilley Road Sewer, Catclaw Creek to Elm Creek.

The Project is for the installation of approximately 3,900 linear feet of 12" diameter PVC sewer main along the south side of Antilley Road beginning at Catclaw Creek and extending west to near Elm Creek. The money is coming from the pro-rata fund of the water department for this purpose.

Councilman Hardaway made the motion to approve awarding the bid to Starks Construction Company Inc. in the amount of \$514,615.00 for the Antilley road Sewer, Catclaw Creek to Elm Creek, project CB-1704. Councilman Price seconded the motion, motion carried.

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

Resolution: **#148-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO STARKS CONSTRUCTION COMPANY INC. FOR THE ANTILLEY ROAD SEWER, CATCLAW CREEK TO ELM CREEK, IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT BETWEEN CITY OF ABILENE AND RED DIRT HOLDINGS, INC.

7.2 Stanley Smith City Attorney briefed the city council on the Ordinance amending Chapter 15, "Lakes", Article I, "In General", Article II, "Lake Fort Phantom Hill", Article III, "Lake Abilene and Lake Kirby".

The Wildlife Conservation Act of 1983 (the "Act") provides the TPWD with authority over the, "means, methods, and places" in which an individual may take wildlife resources from within the State. Tex. Parks & Wild. Code § 61.052. This authority applies regardless of whether a separate public entity may own or control the land upon which a body of water is situated. Op. Tex. Att'y Gen. LO-98-064.

The Texas Attorney General has interpreted the legislative intent of the Act to give "exclusive jurisdiction" to TPWD to regulate the means, methods, manners and places by which one may take or possess fish. Other Attorney General Opinions indicate that the intent of the Legislature with the Act was to "preempt the field" with regard to regulations on the means or methods of taking wildlife, such as bag or size limits. Therefore, the Act prevails over any such local laws that regulate the same area in which TPDW has been given authority.

Chapter 15 of the City of Abilene Code of Ordinances includes several prohibitions on the times, places, methods, and means of taking fish from Lakes Kirby, Abilene, and Lake Fort Phantom Hill. Since the State Legislature has given exclusive jurisdiction to TPWD through the Act over the subject matter of these ordinances, these City Ordinances should be amended in order to comply with State Law. All proposed amendments to Chapter 15 remove any City regulation of fishing at the aforementioned lakes.

Council and Staff discussion included: 1) Texas Parks & Wildlife has been contacted; and 2) which body of waters this pertains to.

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

- Michael Homer Natural Resources Specialist – District Supervisor with the Texas Parks and Wildlife Department – spoke on regulations and in support of the amendment to the ordinance.

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

Councilman Savage made the motion to approve Amending Chapter 15, "Lakes", Article I, "In General", Article II, "Lake Fort Phantom Hill", Article III, "Lake Abilene and Lake Kirby" of the Abilene Code of Ordinances; providing for a severability clause; declaring a penalty. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance: **#62-2016**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 15, LAKES, ARTICLE I. IN GENERAL, SECTION 15-4, "FISHING REGULATIONS," AND SECTION 15-5, "FISHING FROM BRIDGES, CULVERTS, PROHIBITED;" ARTICLE II. LAKE FORT PHANTOM HILL, DIVISION I. GENERALLY, SECTION 15-18, "PROHIBITED AREAS," ARTICLE III. LAKE ABILENE AND LAKE KIRBY, SECTION 15-72, "ENFORCEMENT," SECTION 15-73, "PROHIBITED AREAS," SECTION 15-74, "FISHING REGULATIONS," AND SECTION 15-75, "LAKE ABILENE HOURS OF OPERATION," OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

Mayor Archibald declared a conflict on item 7.3.

7.3 Dana Schoening, Director of Planning and Development Services briefed the city council on the Ordinance for Case #Z-2016-44 A request from St. Ann's Hospital LLC, Agent Chad Baker, to rezone property from MD (Medium Density) Residential to MF (Multi-Family) Residential zoning, located at 1350 Cypress St.

The intent is to give the homeless and low income population the opportunity to enter into a standard 1-year lease agreement at an affordable cost. An accessory use of the development will be the location of one case manager office at the property to service the residents. This office will operate during regular business hours only

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of six (6) in favor (Bixby, Dunnahoo, Famble, Rosenbaum, Calk and McClarty) and one (1) abstained (Smith).

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

Councilman Savage made the motion to approve the Ordinance for Case #Z-2016-44 A request from St. Ann's Hospital LLC, Agent Chad Baker, to rezone property from MD (Medium Density) Residential to MF (Multi-Family) Residential zoning, located at 1350 Cypress St. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Mayor Archibald

Ordinance: #63-2016

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: 1350 Cypress St.

7.4 Dana Schoening, Director of Planning and Development Services briefed the city council on the Ordinance Case #Z-2016-45 A request from Hit Ventures LLC, agent Harley Burnett, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 720 China St.

The applicant is proposing to rezone the properties to allow for greater flexibility in the permitted uses allowed by the LI zoning. Staff's understanding is the applicant would like to use the existing building a micro-brewery and brewpub, but is not an authorized use in the HI zoning district. The requested change of zoning would allow for the proposed use as well as other varieties of uses for this building.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of seven (7) in favor (Bixby, Dunnahoo, Famble, Rosenbaum, Calk, Smith and 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 Savage made the motion to approve the Ordinance for Case #Z-2016-45 A request from Hit Ventures LLC, agent Harley Burnett, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 720 China St. Councilman Hardaway seconded the motion, motion carried.

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

Ordinance: **#64-2016**

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: 720 China Street

Councilman Kreitler stepped out of the meeting and returned for item 7.6.

7.5 Mike Rains Director of Finance briefed the city council on authorizing the City Manager to enter into a services agreement through Texas Department of Information Resources (DIR) with Dell Computers for OpenGov, Inc. software for financial transparency, data visualization and business intelligence services.

Brad Snyder with OpenGov gave an in depth review of what OpenGov provides. It will provide for citizens and staff to access the City's financial and performance data without needing any specialized software knowledge, provides ease of data analysis, and communicates complex budget and financial information in an easy-to-understand way. It also supports visualization of data on maps, and is fully capable of doing mid-year financial projection and trend analysis to improve forecasting. OpenGov also has an interactive budget builder which will do several things: improve efficiency of reporting with building the budget, decrease the time required to modify, amend, and adjust the budget, plan capital improvements, and generate the budget document.

Council and Staff discussion included: 1) where the money is coming from in the budget – 2009 CO for software upgrade for Human Resource and Finance; 2) Financial transparency; 3) Budget module; and 4) interactive for citizens and council through the internet

Councilman Price made the motion to approve the Resolution authorizing the City Manager to enter into a services agreement through Texas Department of Information Resources (DIR) with Dell Computers for OpenGov, Inc. software for financial transparency, data visualization and business intelligence services in the amount of \$114,998.75 for a three year agreement. Councilman Hardaway seconded the motion, motion carried.

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

Resolution: **#149-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICES AGREEMENT, THROUGH DIR, WITH DELL COMPUTERS FOR OPENGOV, INC. SOFTWARE FOR FINANCIAL TRANSPARENCY, DATA VISUALIZATION AND BUSINESS INTELLIGENCE SERVICES

7.6 Danette Dunlap, City Secretary presented the city council with a list of the current boards and commissions created per the city charter.

Council and Staff discussion included: 1) would like for staff to review and make recommendations on those boards; 2) Youth Advisory Board – has become Youth in Action and is supported through the Abilene Independent School District and the Wylie Independent School District; 3) Community Access Task Force/ Human Relations Committee; 4) Civic Abilene; 5) Small Business Counsel; 6) Municipal Golf Board; 7) Civil Service Commission.

No action needed on this item.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 11:00 a.m. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Section 551.071

A) TML-IRP Roofs

Business Prospect/Economic Development – Section 551.087

A) Hotel Proposals

The Council reconvened in Open Session at 11:25 a.m. and reported no votes or action was taken in Executive Session.

There being no further business the meeting was adjourned at 11:27 a.m.


Danette Dunlap, TRMC
City Secretary


Norm Archibald
Mayor