

**CITY COUNCIL MEETING  
February 9<sup>th</sup> 2017, 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 February 9<sup>th</sup>, 2017, 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, 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 Shane Price gave the invocation.

Mayor Archibald introduced Malia Williams who is a 5<sup>th</sup> grade student from Ortiz Elementary. Malia 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:

David Gray	Police Officer	35 Years
Mike Ricker	Police Officer	35 Years

**RECOGNITIONS**

Mayor Archibald and City Manager Robert Hanna recognized the United Way Committee Members that worked on the City's campaign for the United Way. The City is recognized as the "Most Improved Campaign Award".

United Way Committee Members present:

Montana Anderson, Legal  
Chief Larry Bell, Fire, United Way Loan Executive  
Mickey Chaney, Water Administration  
Cindy Chitwood, HR/Benefits, UW Campaign Coordinator  
Odis Dolton, Planning & Development Svcs.  
Nicole Eaves, Stormwater  
Joshua New, P.D. - Patrol  
Rachel Yorkowitz, City Manager's Office

Sgt. George Valdez with the U.S. Marine Corps Reserve "Toys for Tots" presented the Mayor with a plaque for recognition of the contributions of City staff during the 2016 Toys for Tots Campaign.

Rachel Yorkowitz, City Manager's Office, Toys for Tots Campaign Coordinator

Department Representatives:

Dee Lott, IT  
Ann Hall, Recreation  
Charlie Pyron, Office of Neighborhood Services  
Linda Smith, City Manager's Office  
Lori Grumet, Library  
Montana Anderson, Legal

**DISPOSITION OF MINUTES**

5.0 Mayor Archibald stated Council has been given the minutes from the January 24<sup>th</sup> 2017 Special Called Meeting and the January 26<sup>th</sup> Regular Meeting there being no deletions, no additions, and two corrections 1) Capitalize “The Compliance Engine” in 7.3 and 2) add “Councilman Hardaway to the vote on item 10.1. Councilman Kreitler made a motion to approve the minutes as presented with corrections. Councilman Williams seconded the motion, motion carried.

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

### CONSENT AGENDA

Councilman Savage pulled item 6.1 Councilman McAlister made the motion to approve item 6.2 as presented by staff. Councilman Price seconded the motion, motion carried.

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

#### Resolution:

6.1 **Resolution:** Order a City of Abilene General Election to be held on May 6<sup>th</sup> 2017 for Mayor At-Large, Council Place 3 and Council Place 4 At-Large. *Councilman Savage pulled item 6.1.*

#### Ordinance:

6.2 **Ordinance:** (First Reading) to amend Chapter 18 Parking prohibited At all times; and setting a public hearing for February 23<sup>rd</sup> 2017.

AN ORDINANCE AMENDING CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC,” ARTICLE XIII, “SCHEDULES,” SECTION 18-293, “SCHEDULES,” OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

### ITEMS PULLED FROM CONSENT

6.1 **Resolution:** Order a City of Abilene General Election to be held on May 6<sup>th</sup> 2017 for Mayor At-Large, Council Place 3 and Council Place 4 At-Large. Total cost of the Election is \$18,434.35. *Item pulled by Councilman Savage.*

Council and Staff discussion included: 1) how the Taylor County Vote centers work – they allow any citizen of Abilene to be able to vote anywhere in the county for the city ballot and allows residents of other communities in Taylor County to vote at locations in Abilene.

Councilman Savage made the motion to approve the Resolution ordering a City of Abilene General Election to be held on May 6<sup>th</sup> 2017 for Mayor At-Large, Council Place 3 and Council Place 4 At-Large for a cost of \$18,434.35. Councilman Williams seconded the motion, motion carried.

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

Resolution: #13-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ORDERING A GENERAL ELECTION TO BE HELD ON MAY 06, 2017.  
(UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS, PIDIENDO UNA ELECCIÓN GENERAL QUE SE LLEVARA A CABO EL 06 DE MAYO DEL 2017.)

## REGULAR ITEMS

7.1 Dana Schoening, Director Planning and Development Services briefed the city council on the Ordinance for Case #Z-2017-01 a request from Nora Carpenter, to rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) to GR/COR (General Retail/Corridor Overlay), being 1.005 acres, located at 7542 Buffalo Gap Rd.

The subject parcel is 1.005 acres in size and is undeveloped. The parcel is adjacent to the intersection of Buffalo Gap Road and Marlboro Drive and has a delineated driveway cut 75 feet north of the intersection. The surrounding properties to the north, west, and south are zoned AO/COR and developed with single family homes (one parcel is undeveloped).

Opposition is from 29% of the property owners within the radius area of 200'. Therefore, a super-majority vote of the city council is required to approve this rezoning request.

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

- Nora Carpenter – applicant spoke in favor.

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

Staff recommends approval.

The Planning & Zoning Commission approved the request by a vote of four in favor (Smith, Dunnahoo, Famble and McClarty) with none in opposition.

Councilman Price made the motion to approve the Ordinance for Case #Z-2017-01 a request from Nora Carpenter, to rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) to GR/COR (General Retail/Corridor Overlay), being 1.005 acres, located at 7542 Buffalo Gap Rd. Councilman Kreitler second the motion, motion carried.

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

Ordinance: #04-2017

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 1.005 acres, located at 7542 Buffalo Gap Rd**

7.2 Dana Schoening, Director Planning and Development Services briefed the city council on the Ordinance Case #Z-2017-02 a request from Tuscany Ridge, LLC., agent Enprotec/Hibbs and Todd, to rezone property from

RS-6 (Residential Single Family) to PH (Patio Home) being 17.292 acres located in the 7550 Block (west side) of Hardwick Rd, north of Waldrop Dr.

The subject parcel is approximately 17.292 acres and is currently zoned RS-6 (Residential Single-Family). The property is undeveloped. The adjacent properties have RS-6 zoning to the south and west and AO (Agricultural Open Space) zoning to the north and east.

Staff recommends approval as requested.

Planning and Zoning Commission approved the request by a vote of four in favor (Smith, Dunnahoo, Famble and McClarty) with none in opposition.

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

- David Todd with Enprotec/Hibbs and Todd Engineering – spoke on behalf of Tuscany Ridge.

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 Case #Z-2017-02 a request from Tuscany Ridge, LLC., agent Enprotec/Hibbs and Todd, to rezone property from RS-6 (Residential Single Family) to PH (Patio Home) being 17.292 acres located in the 7550 Block (west side) of Hardwick Rd, north of Waldrop Dr. Councilman McAlister seconded the motion, motion carried.

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

Ordinance: #05-2017

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 17.292 acres located in the 7550 Block (west side) of Hardwick Rd, north of Waldrop Dr.**

7.3 Michael Rice, Director of Public Works briefed the city council on the Oral Resolution for the application/permit to drill and/or operate an oil and/or gas well, Bullet Development, LLC., "WTRC B #1" Permit No. 820860, located on East Industrial Blvd.

Because of the proximity to Abilene Regional Airport, a Federal Aviation Administration (FAA) Aeronautical Study was required for this well. The aeronautical study is attached to, and made part of the application/permit. The study concluded that the drilling rig for this well does not exceed obstruction standards and would not be a hazard to air navigation, provided that the marking/lighting and notification requirements detailed in the study are met.

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

- Larry Wellhausen – Bullet Development, spoke in favor of the application to drill.

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

Councilman Kreitler made the motion to approve the Oral Resolution for the application/permit to drill and/or operate an oil and/or gas well, Bullet Development, LLC., "WTRC B #1" Permit No. 820860, located on East Industrial Blvd. Councilman Price seconded the motion, motion carried.

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

**7.4** Michael Rice, Director of Public Works briefed the city council on the Resolution awarding of bid #CB-1723 – South 20<sup>th</sup> St. Rehabilitation Project.

The South 20th St. project is one of the street projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program.

A portion of South 20th St. is located on the approved Bicycle Plan for the City of Abilene.

Councilman Price made the motion to approve the Resolution awarding bid #CB-1723 – South 20<sup>th</sup> St Rehabilitation Project to Bontke Brothers Construction Co., Inc in the amount of \$620,707.70. Councilman Williams seconded the motion, motion carried.

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

Resolution: #14-2017

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

**7.5** Michael Rice, Director of Public Works briefed the city council on the Resolution awarding of bid #CB-1724 – Central Business District East Side Overlay Project.

This contract involves the mill and overlay of North 2nd St., North 3rd St., North 4th St. North 5th St., and North 6th St. from Walnut St. to Treadaway Blvd., and Mesquite St., Plum St., and Ash St. from N. 1st St. to N. 6th St. The contract will also include a under seal, removal of existing railroad track in the paving, segments of sidewalk, and curb ramps.

The Central Business District Hot Mix Project is one of the street projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program.

Councilman Williams made the motion to approve the Resolution awarding bid #CB-1724 – Central Business District East Side Overlay Project to J. H. Strain & Sons, Inc. of Tye in the amount of \$874,384.80. Councilman Kreitler seconded the motion, motion carried.

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

Resolution: #15-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID  
TO J.H. STRAIN & SONS, INC., TYE, TEXAS

**7.6** Michael Rice, Director of Public Works briefed the city council on the Resolution authorizing the City Manager to enter into a Professional Engineering Services Agreement with HDR Engineering Inc. for services related to Abilene Stormwater Drainage Master Plan.

The City of Abilene has identified the need for a Master Drainage Plan for the City of Abilene. This contract will include several facets of work including data collection and review, site reconnaissance surveys, flooding problem identification, CIP project development, water quality enhancements, CIP prioritization, financial plan, council presentation, as well as other operations not listed

Council and Staff discussion included: 1) the type of data collection; 2) scope of services; and 3) Stormwater fee.

Councilman Price made the motion to approve the Resolution authorizing the City Manager to enter into a Professional Engineering Services Agreement with HDR Engineering Inc. for services related to Abilene Stormwater Drainage Master Plan. Councilman Kreidler seconded the motion, motion carried.

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

Resolution: #16-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH HDR ENGINEERING, INC

**7.7** Stan Standridge, Chief of Police briefed the city council on the Resolution authorizing the use of police patrol seized funds.

The Police Department originally budgeted \$15,000 for minor tools and equipment in Patrol Seized Funds, which Council approved as part of the FY 16-17 budget. However, an additional \$15,000 is needed for the purchase of additional body-worn cameras and related equipment. The City Council had previously authorized the purchase of 134 body-worn cameras for the Police Department and the Marshals Division. A grant was obtained that reimbursed more than \$99,000 of those expenses. However, the grant mandated that all cameras be assigned to front-line officers only, such as the Patrol Division and the Traffic Division. Therefore, the Department will use seized funds to purchase additional cameras, docking stations, and mounting brackets and clips, to equip detectives and other personnel on an as needed basis.

Council and Staff discussion included: 1) how the cameras work; and 2) who in the department are using them now and these will be used to equip detectives and other personnel on an as needed basis.

Councilman Savage made the motion to approve the Resolution authorizing the use of police patrol seized funds. Councilman Williams seconded the motion, motion carried.

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

Resolution: #17-2017

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE POLICE DEPARTMENT TO PURCHASE BODY-WORN CAMERAS AND RELATED EQUIPMENT USING SEIZED FUNDS

7.8 Robert Hanna, City Manager briefed the city council on the Resolution supporting House Bill 1529 and Senate Bill 729 of the 85th Regular Legislative Session, relating to the authority of certain municipalities to pledge certain tax revenue for the payment of obligations related to hotel projects.

The City of Abilene intends to build a qualifying hotel project as contemplated under Section 351.102 (b) of the Tax Code. Representative Stan Lambert has introduced HB 1529 and Senator Dawn Buckingham has introduced Senate Bill 729. Both bills will extend to Abilene the ability to receive the State's portion of the hotel occupancy tax generated by a qualifying hotel project, and the State's portion of the local sales and use tax generated by a qualifying hotel project and to use these two revenue streams for the payment of bonded indebtedness associated with the qualifying hotel project.

Council and Staff discussion included: 1) hotel occupancy tax how it is calculated and how it can be used on the qualifying hotel project; and 2) talked about the other cities across the state that have utilized these type of funds for similar projects.

Councilman Price made the motion to approve the Resolution supporting House Bill 1529 and Senate Bill 729 of the 85th Regular Legislative Session, relating to the authority of certain municipalities to pledge certain tax revenue for the payment of obligations related to hotel projects. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution: #18-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, SUPPORTING HB1529 AND SB729, RELATING TO THE AUTHORITY OF CERTAIN MUNICIPALITIES TO PLEDGE CERTAIN TAX REVENUE FOR THE PAYMENT OF OBLIGATIONS RELATED TO HOTEL PROJECTS

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 10:49 a.m. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Section 551.071

6.) Abilene Matera LLC v Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D

Deliberations about Real Property – Section 551.072

A) Regional Water Supply

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. Councilman Savage left during Executive Session.

10.1 Resolution: Appointing members to various boards and commissions per the City Charter:

Mayor Archibald made the motion to approve the Resolution appointing members to various boards and commissions per the city charter and listed below. Councilman Williams seconded the motion, motion carried.

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

Resolution: #19-2017

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 STATUTES OF THE STATE OF TEXAS

Animal Services Advisory Board

Members                      New appointment of the following:

- Dr. Andrew Houser, DVM Veterinarian                      Nov. 2019

DCOA

Member                      New appointment of the following:

- Jack Rentz                      Nov. 2018

Frontier Texas Board of Directors

Member                      Appointment of the following:

- Brad Birchum (Taylor Co Comm Precinct 3)

Library Board

Member                      Appointment of the following:

- Dennis C. Billig

Office of Neighborhood Services

Member                      Appointment of the following:

- Jori Sechrist                      Nov. 2017

Reappointments of the following:

- Kristina (Campos) Davis                      Nov. 2018
- Fernando Quintana                      Nov. 2018
- Kris Kowatch                      Nov. 2018

10.2 Oral Resolution: Approving the appointment of Deputy Mayor Pro-tem.



Mayor Archibald made the motion to appoint Councilman Price as the Deputy Mayor Pro-tem. Councilman Williams seconded the motion, motion carried.

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

There being no further business the meeting was adjourned at 11:28 a.m.



Danette Dunlap, TRMC  
City Secretary



Norm Archibald  
Mayor