

CITY COUNCIL MEETING
February 23rd, 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 23rd, 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 Anthony Williams gave the invocation.

Mayor Archibald introduced Rowando Serrano who is a 5th grade student from Reagan Elementary. Rowando 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 January 31st Workshop Special Called Meeting and the February 9th Regular Meeting there being no deletions, no additions, and no corrections. Councilman McAlister made a motion to approve the minutes as presented with corrections. Councilman Kreitler seconded the motion, motion carried.

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

CONSENT AGENDA

Councilman Price pulled item 6.1. Councilman Williams made the motion to approve items 6.2 through 6.5 as presented by staff. Councilman Savage seconded the motion, motion carried.

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

Ordinances:

- 6.1 **Ordinance:** *(First Reading)* TC-2016-03 A request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets; and setting a public hearing for March 9, 2017. *Councilman Price pulled this item from consent.*
- 6.2 **Ordinance:** *(First Reading)* Z-2017-03 A request from Ramsey Leasing Inc., agent Enprotect/Hibbs & Todd, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), being 60.29 acres, located at 302 E. Overland Trail; and setting a public hearing for March 9, 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

- 6.3 **Ordinance:** *(First Reading)* Amending Chapter 19 "Nuisances and Illegal Dumping," Article III, "Nuisance Enforcement," Section 19-34 "Administrative Procedure for Junked Vehicles" and Section 19-35 "Penalties, Costs and Fees for Section 19-1: Junked Vehicle"; and setting a public hearing for March 9th 2017.

AN ORDINANCE AMENDING CHAPTER 19, "NUISANCES AND ILLEGAL DUMPING," ARTICLE III, "NUISANCE ENFORCEMENT," SECTION 19-34, "ADMINISTRATIVE PROCEDURE FOR JUNKED VEHICLES," AND SECTION 19-35, "PENALTIES, COSTS AND FEES FOR SECTION 19-1: JUNKED VEHICLE", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

Resolutions:

- 6.4 **Resolution:** The city council awarded the bid #CB-1727 - S. 32nd & Buffalo Gap Rd. Reconstruction Project to Bontke Brothers Construction Co., Inc. in the amount of \$80,295.40.

Resolution: **#20-2017**

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

- 6.5 **Resolution:** The city council awarded the bid #CB-1728 - South 12th St. Overlay Project to J. H. Strain & Sons, Inc., Tye in the amount of \$57,189.00.

Resolution: **#21-2017**

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

ITEM PULLED FROM CONSENT

- 6.1 **Ordinance:** *(First Reading)* **TC-2016-03** A request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets; and setting a public hearing for March 9, 2017. *Item pulled by Councilman Price.*

Council and Staff discussion included: 1) who owns the property will have the answer by next meeting; 2) platting of the property; 3) original deed occurred in 1929; and 4) Abilene Independent School District.

Councilman Price made the motion to approve the first reading for the Ordinance for Case **TC-2016-03** A request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets; and setting a public hearing for March 9, 2017. Councilman Kreitler seconded the motion, motion carried.

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

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

REGULAR ITEMS

7.1 Michael Rice Director of Public Works briefed the city council on the Ordinance to amend Chapter 18 Parking prohibited–At all times.

The Abilene Independent School District has made many changes to their campuses over the years, resulting in an AISD proposed change to the prohibition of on street parking on Ave. F. AISD is requesting, and Traffic Engineering supports, the removal of the No Parking Zone on the east side of Ave. F close to EN 14th. AISD is trying to limit exposure to the interior of its campuses to third parties after the end of the school day. Taylor Elementary is considering the addition of a gate on Avenue F behind the school (west side) which would be used for after hour access by third parties to the campus gym.

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

Councilman McAlister made the motion to approve the Ordinance to amend Chapter 18 Parking prohibited-at-all times. Councilman Savage second the motion, motion carried.

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

Ordinance: #06-2017

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

7.2 Michael Rice Director of Public Works briefed the city council on the Resolution to award bid #CB-1726 - Hardwick Rd. Rehabilitation Project.

This contract involves three different construction types along the length of the roadway, a mill and overlay, a rehabilitation, and a full depth reconstruction section with widening. The contract will also include curb and gutter from Beltway South (FM 707) to Waldrop Dr. This is a 2015 Bond Project.

Councilman Price made the motion to approve the Resolution awarding bid #CB-1726 for Hardwick Rd. Rehabilitation Project to Contract Paving Co. of Tye in the amount of \$903,477.27. Councilman Williams seconded the motion, motion carried.

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

Resolution: #22-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO CONTRACT PAVING CO., TYE, TEXAS

7.3 Rodney Taylor Director of Water Utilities briefed the city council on the Resolution authorizing a contract with Raftelis Financial Consultants Inc. for the Water and Wastewater Utility System Cost of Service Rate Structure Update Study.

The Rate Study contract includes basic services described as Tasks 1-4 for cost of service and rate design,

mechanisms for paying for growth, and financial planning and a rate design model having a value not to exceed \$71,560.00. The Rate Study contract also includes as optional services described as Task 5 for investigation of the current billing functions and a forensic audit. This additional work, only as specifically authorized by the council, has an additional contract value not to exceed \$63,173.00. The total value of the contract for both basic and optional services is \$134,733.00.

Council and Staff discussion included: 1) smart meters; 2) cost of service; 3) rate designs; 4) transparency; 5) possible debt issuance process if the decision is made for smart meters; and 6) study can be finished by the end of May so that the information can be used for the budget process.

Councilman Price made the motion to approve the Resolution authorizing a contract for the Basic Service with Raftelis Financial Consultants Inc. for the Water and Wastewater Utility System Cost of Service Rate Structure Update Study. Councilman McAlister seconded the motion, motion carried.

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

NAYS: Councilmen Kreitler and Savage

Resolution: #23-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A CONTRACT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. FOR THE WATER AND WASTEWATER UTILITY SYSTEM COST OF SERVICE AND RATE STRUCTURE UPDATE STUDY

7.4 Wayne Lisenbee Director of Facilities & Capital Improvements briefed the city council on the Resolution authorizing the City Manager to execute a Construction Contract with Justice Construction for a new Crematory Unit at the Abilene Animal Shelter.

The adopted 2015 Capital Improvement Budget included Phase 3 of the improvements to the City of Abilene Animal Shelter. The existing incinerator was installed in approximately 1987 and is used for the disposal of euthanized animals. Over the past several years, the Animal Shelter has averaged about 8,100 cremations per year.

Councilman Kreitler made the motion to approve the Resolution authorizing the City Manager to execute a Construction Contract with Justice Construction for a new Crematory Unit at the Abilene Animal Shelter. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Resolution: #24-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AWARDING BID TO JUSTICE CONSTRUCTION INC. OF ABILENE TEXAS

7.5 Wayne Lisenbee Director of Facilities & Capital Improvements briefed the city council on the Resolution authorizing the City Manager to execute a construction contract with The Crowe Group, Inc. for the Abilene Zoo 2015 Bond Projects.

In 2015 the voters approved Proposition 5 which authorized the City to participate in a Public Private Partnership for 7 improvement projects at the Abilene Zoo. These improvements include: a new Lesser Flamingo Exhibit, a new Animal Hospital facility, a new Maintenance building, a new Bird Rehabilitation facility, expansion of the Jaguar Containment facility, a new Giant Anteater Exhibit, and ADA Improvements to the Fish

Pier.

Two bids were received for the construction of these projects. The Crowe Group submitted a bid in the amount of \$2,293,000 and 320 days. Collier Construction submitted a bid in the amount of \$2,574,856 and 300 days. The low bid from The Crowe Group plus the design costs incurred from PSC pushed the project over budget by \$293,182. Additional private funding was secured from the Abilene Zoological Society and The Grover Nelson Foundation to cover the total cost of the project

Councilman Price made the motion to approve the Resolution authorizing the City Manager to execute a construction contract with The Crowe Group, Inc. for the Abilene Zoo 2015 Bond Projects. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

Resolution: #25-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AWARDDING BID TO THE CROWE GROUP INC. OF ABILENE TEXAS

Councilman Savage declared a conflict for item 7.6.

7.6 Rodney Taylor, Director of Water Utilities briefed the city council on the program to receive Hauled Liquid Waste at the Hamby Water Reclamation Facility.

Hauled Liquid Waste (HLW) includes six distinct categories with each having characteristics which are distinguishable from typical municipal wastewater. Both the U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality provide separate and unique regulations and guidance documents for the transporting and disposal of HLW. Transporters of HLW must comply with the regulations of 30 TAC Chapter 312 and TCEQ regulatory guidance document RG-309.

For many years the City of Abilene Water Utilities Department had a program to accept hauled liquid wastes at the Buck Creek Pump Station. That program was discontinued in 1992. However, at that time, exceptions were made for continuing to accept hauled portable toilet wastes from two local businesses and hauled landfill condensate/leachate from one local business.

Over the years City staff has recommended that a HLW program not be implemented. However, staff has recognized and prepared for the possibility that the City may desire to implement a HLW program. The City contracted with Half Associates, Inc., an Engineering firm, to perform an independent evaluation of Abilene accepting HLW and to make a recommendation to the City Council.

Council and Staff discussion included: 1) Tim Lackey with Half Associates spoke on their study of the city's facility and other cities in the state, how they handle Hauled Liquid Waste; 2) market conditions; 3) landfill costs; 4) comparisons and the risk vs public benefit; and 5) more data points needed for council to consider.

Mayor Archibald opened up a public input time for those that are in the industry and the council heard from the following:

- Cristi Savage – Co-owner of Stinky Steve's Septic and Grease
- Ed Rhoades – Abilene Environmental Landfill

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

No action taken on this item.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 12:00 noon. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Section 551.071

- A) Payday Lending

Deliberations about Real Property – Section 551.072

- A) Regional Water Supply
- B) Law Enforcement Center

Business Prospect/Economic Development – Section 551.087

- A) Hotel Proposals

The Council reconvened in Open Session at 12:56 p.m. and reported no votes or action was taken in Executive Session. Councilman Williams 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 McAlister seconded the motion, motion carried.

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

Resolution: **#26-2017**

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 STATUES OF THE STATE OF TEXAS

Office of Neighborhood Services

Member Appointment of the following:

- *Dr. Joanne Roberts (HSU)* Nov. 2017 Unexpired term

Planning and Zoning Commission

Member Appointment of the following

- *Bruce Bixby* Nov. 2019
- *Bill Noonan* Nov. 2019

TIRZ

Member Appointment of the following

- *Ben Grant*

Aug. 2018 Unexpired term

There being no further business the meeting was adjourned at 12:58 p.m.



Danette Dunlap, TRMC
City Secretary



Norm Archibald
Mayor