

**CITY COUNCIL MEETING**  
**March 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 March 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.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Kate Watts who is a 5<sup>th</sup> grade student from Taylor Elementary. Kate 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:

Candelario Flores Jr.	Deputy Fire Chief	25 Years
James Walker	Police Officer	30 Years
Billy Schulle	Fire Fighter	35 Years
David Standard	Fire Fighter	35 Years

**PROCLAMATION**

Mayor Archibald presented the following proclamation:

One-Hundredth Anniversary, Volunteers of America Texas  
Elizabeth Valdez, Community Administrator for Carver Plaza Apartments accepted the proclamation.

**AWARDS PRESENTATIONS**

Leslie Andrews Director of Community Services joined with Mayor Archibald to recognize the following awards to the City of Abilene and First Financial Bank.

**Texas Recreation and Park Society Leisure and Aging Cool Idea Award**

This was awarded on behalf of the City of Abilene Senior Services Division and First Financial Bank for their annual Day of Service on October 10, 2016.

**Texas Recreation and Park Society Gold Medal Award**

This is the highest honor that a Parks and Recreation Department can receive from the State.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the February 21<sup>st</sup> Workshop Special Called Meeting and the February 23<sup>rd</sup> Regular Meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

### CONSENT AGENDA

Councilman Savage pulled item 6.2. Councilman McAlister made the motion to approve items 6.1 and 6.3 as presented by staff. Councilman Savage seconded the motion, motion carried.

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

### Resolutions:

- 6.1 **Oral Resolution:** The city council authorized the extended term street use license request by EE& G, Inc. on behalf of Skinny's LLC.

They will install one groundwater monitoring well in the right of way necessary in the area bounded by Erie Street to the east, Buffalo Gap Road to the west, South 39th Street to the north and South 41st Street on the south. EE&G, Inc. is conducting additional site assessment of the groundwater at and around the former Skinny's (7-Eleven) located at 4001 Buffalo Gap Road, pursuant to the Texas Commission on Environmental Quality (TCEQ) requirement.

- 6.2 **Resolution:** Approving the purchase for a replacement tractor 3377 for the Water Department through BuyBoard Cooperative Purchasing in the amount of \$71,203.24. *Councilman Savage pulled item 6.2.*

- 6.3 **Resolution:** The city council approved the Resolution supporting the Application for CityLink's 5310 Grant funds.

TXDOT administers a grant program to assist with a transit system's operational costs under FTA's Section 5310. TXDOT now requires that the sponsoring agency (City of Abilene) demonstrate official support for the application of 5310 Grant funds and a City Council resolution is one of the accepted methods of support for CityLink's upcoming grant application

Resolution: **#27-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS SUPPORTING CITYLINK'S APPLICATION FOR A GRANT UNDER TEXAS DEPARTMENT OF TRANSPORTATION'S 5310 TRANSIT GRANT PROGRAM

### ITEM PULLED FROM CONSENT

- 6.2 **Resolution:** Approving the purchase for a replacement tractor 3377 for the Water Department through BuyBoard Cooperative Purchasing in the amount of \$71,203.24. *Councilman Savage pulled item 6.2.*

Council and Staff discussion included: 1) diesel costs; 2) type of tractor; 3) the batwing mower that the tractor is pulling is larger and is causing the tractor to operate at or near its mechanical limits; and 4) this unit mows from the water plant south of Abilene to the lake.

Councilman McAlister made the motion to approve the purchase the Kubota 4WD Farm Tractor from BuyBoard Cooperative Purchasing at a price of \$71,203.24. Councilman Price seconded the motion, motion carried.

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

Resolution: #28-2017

A RESOLUTION OF THE CITY OF ABILENE, TEXAS REPLACING TRACTOR 3377 WITH A KUBOTA FOUR-WHEEL DRIVE FARM-RATED TRACTOR PURCHASED THROUGH THE BUYBOARD COOPERATIVE PURCHASING

### REGULAR ITEMS

7.1 Dana Schoening Director of Planning and Development Services briefed the city council on the Ordinance to amend 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".

19-34(1) – The Texas Transportation Code requires that if an individual who receives notice of a junked vehicle violation requests a hearing, such hearing must be held not earlier than the 11th day after the date of the service of notice. § 683.076(b). The current City Ordinance requires that a hearing be held within ten (10) days of the date of citation, which conflicts with state law.

19-34(2) First Paragraph – In order to comply with the above State Law provision, the proposed change to the ordinance is for the hearing to be held within 21 calendar days after a request for hearing but not earlier than the 11th day after citation or notice to the alleged violator. See Tex. Loc. Gov't Code 54.044(b)(1); Tex. Trans. Code § 683.076.

19-34(2) Third Paragraph – This proposed change inserts a required State law provision that a junked vehicle may not be made operable again after code enforcement officers have removed the vehicle and provided notice to the state. See Tex. Trans. Code § 683.074.

19-34(2) Fourth Paragraph – This section inserts an optional provision allowed by State law that helps code enforcement officers with enforcement of junked vehicle regulations. Code enforcement officers sometimes encounter the problem where a junked vehicle owner, once he or she receives notice of violation, will move the junked vehicle to another location within the City. This proposed provision provides that a junked vehicle remains a public nuisance whether or not it is subsequently moved to another location in order to avoid enforcement. This section provides that the procedural timetables for enforcement are not reset if a vehicle is moved to a new location. See Tex. Trans. Code § 683.074(g).

Council and Staff discussion included: 1) the hearing provision, 2) hearing officer – appeal to Municipal Court; 3) classic cars and more information needed on these type of vehicles; and 4) to bring city code into compliance with State law.

Mayor Archibald made the motion to TABLE the Ordinance to amend 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" so that staff can bring back more information to council. Councilman Kreitler second the motion, motion carried.

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

NAYS: None

**7.2** Dana Schoening Director of Planning and Development Services briefed the city council on the Ordinance for Case #TC-2016-03 A request from Abilene Independent 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.

The applicant is requesting to abandon the street right-of-way (ROW) area for future development. The street was dedicated to the public by a deed filed at the Courthouse in 1929 and has never been improved or platted. The abandonment will clean up the property records and allow the applicant to include the land into a replat of the surrounding properties they own. Additionally, the closure of this right-of way does not create any violations to the maximum block length in this area

Based on Title Opinion of the applicant's legal counsel, upon abandonment the easement would be split 50% each to AISD and Eric White who are current owners of property abutting on the easement. In addition, Eric White currently owns multiple tracts in common ownership abutting the easement. As tracts are owned in common ownership by Mr. White, the entire property holding of Mr. White along the easement would not be landlocked as property is accessible from Vine Street.

Plat Review Committee:

The applicant must replat upon development of the properties.

Staff Recommendation:

Approval of abandonment request on condition abandonment does not remove legal access rights/requirements for abutting property tracts.

Board or Commission Recommendation:

Mr. Bixby moved to approve this request per Plat Review Committee and staff recommendation, and Mr. Smith seconded the motion. The vote was approved by four (Famble, Smith, Bixby, and Calk) with none in opposition.

Council and Staff discussion included: 1) the plat process; 2) the ownership of the property; and 3) Councilman Savage noted that some of the page numbers were wrong in the council packet for this item.

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

- Tal Fillingim – agent for AISD, spoke in favor

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 #TC-2016-03 A request from Abilene Independent 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. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

Ordinance: #07-2017

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

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

The subject parcel is up to 60.29 acres in size. (The legal description provided by the applicant's agent indicates a parcel size of 60.29 acres; the Taylor Central Appraisal District uses a figure of 52.43 acres in their appraisal of the property. The exact size of the parcel will not be known until a survey is completed on the property.) There is a single-family residence on the subject parcel, and a substantial portion of the property has been used for agricultural purposes.

Staff Recommendation:

Staff recommends approval of the requested rezoning.

Board or Commission Recommendation:

Mr. Bixby made the motion to approve this rezoning request, and Mr. Smith seconded the motion. However, the motion was not approved due to a lack of four eligible votes. Three Commissioners voted to approve (Famble, Smith, and Bixby,) but Mr. Calk abstained from the vote.

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

- David Todd – agent for Ramsey Leasing Inc., spoke in favor

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-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. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

Ordinance: #08-2017

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 60.29 acres, located at 302 E. Overland Trail**

7.4 Michael Rice Director of Public Works briefed the city council on the Resolution awarding bid **#CB-1730** – South of Downtown area roadway improvements phase I.

This contract involves two different types of construction, the first type of construction is a mill and overlay on S. 2nd St. from Chestnut St. to Cherry St, S. 4th St. from Sycamore St. to Treadaway Blvd., S. 5th St. from Butternut St. to Willow St., Locust St. from S. 7th St. to S. 1st St., and Willow St. from S. 5th St. to S. 3rd St. The second type of construction is a rehabilitation on S. 2nd St. from butternut St. to Chestnut St., and on S. 4th St. from Butternut St. to Sycamore St. The contract will also include an underseal on all areas with a mill and overlay section.

The South of Downtown Area streets project is one of the street projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program. Staff will be working with both the contractor and CityLink to coordinate the construction.

Councilman Kreitler made the motion to approve the Resolution authorizing the City Manager to execute a Construction Contract with Nobles Road Construction, Inc. for South of Downtown area roadway improvements phase I in the amount of \$800,236.95. Councilman Price seconded the motion, motion carried.

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

Resolution: #29-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDDING BID TO NOBLES ROAD CONSTRUCTION, INC., ABILENE, TEXAS

7.5 Mike Rains Director of Finance briefed the city council on the Financial Workshop. Giving an overview of the Government Wide Financial Statements for the Net Position for September 30, 2016. An overview of the Balance Sheets for the Governmental Funds and the Proprietary Funds.

General Fund

Revenues Exceeding Estimates:

▪ Property taxes	\$216,175
▪ Sales tax	257,218
▪ Charges for services	143,064
▪ Interest & miscellaneous	99,017
▪ All other revenue	269,206

Revenues Not Exceeding Estimates:

▪ Fines & forfeitures	<u>(93,157)</u>
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\$891,523

Expenditures Below Estimates:

▪ Personnel services	\$561,744
▪ Supplies	314,469
▪ Maintenance	196,583
▪ Other services and charges	604,439
▪ Capital outlay	<u>11,431</u>
	\$1,688,666

**GENERAL FUND**  
**2015 - 2016**  
**Approved Revised Budget**

	<u>Approved Revised Budget</u>	<u>Final Budget</u>	<u>Difference</u>
100 GENERAL GOVERNMENT	\$2,302,490	\$2,302,490	-
150 ADMINISTRATIVE SERVICES	3,039,650	3,039,650	-
200 FINANCE	11,508,410	11,508,410	-
250 PLANNING & DEVELOPMENT SERVICES	2,273,970	2,273,970	-
305 PUBLIC WORKS	6,536,380	6,536,380	-
500 POLICE	26,199,720	26,199,720	-
550 FIRE	19,069,600	19,069,600	-
600 TRANSPORTATION SERVICES	2,602,690	2,602,690	-
700 COMMUNITY SERVICES	<u>13,895,210</u>	<u>13,895,210</u>	-
TOTAL EXPENDITURES INCLUDING			
TRANSFERS OUT	<u>\$87,428,120</u>	<u>\$87,428,120</u>	<u>-</u>

Cara Hilbrich with Davis Kinard & Co presented the FY 2016 Comprehensive Annual Financial Report and gave a clean opinion. No audit adjustments this year and no comments.

Council and Staff discussion included: 1) cost of the audit is \$83,000 with a 5 year contract with Davis Kinard & Co.

Councilman Kreidler made the motion to approve the Resolution accepting the Comprehensive Annual Financial Report for the Fiscal Year ending September 30, 2016. Councilman Price seconded the motion, motion carried.

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

Resolution: #30-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016.

**General Fund**

FY 2016 Fund Balance – Budget Basis \$23,977,597 or 3.2 months  
Per Policy FY 2016 Fund Balance \$22,228,150 or 3.0 months  
\$1,749,447

Council and Staff discussion included: 1) recommendation by staff of \$1,000,000 to the Self Insurance Fund and \$700,000 for fire stations #3,#4 and #7; 2) the construction and design of the fire stations; 3) fire apparatus fund; 4) fleet fund; 5) health claims and real property insurance claims; and 6) street maintenance funds.

Mayor Archibald made the motion to approve the Resolution approving the expenditure of General Fund FY 2016 Fund Balance in Excess of the three-month reserve requirement with \$1,000,000 to the Self Insurance Fund and \$700,000 for the fire stations. Councilman Price seconded the motion, motion failed.

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

Councilman Williams made the motion to approve the Resolution approving the expenditure of General Fund FY 2016 Fund Balance in Excess of the three-month reserve requirement with \$500,000 to the Self-Insurance Fund, \$500,000 Street Maintenance and \$700,000 for the fire stations. Councilman Savage seconded the motion, motion carried.

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

Resolution: #31-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE EXPENDITURE OF GENERAL FUND FY 2016 FUND BALANCE IN EXCESS OF THE THREE MONTH RESERVE REQUIREMENT

Council and Staff discussion of the Investment Policy included: 1) written policy per Government Code Chapter 2256; and 2) must be reviewed and approved annually by the council.

Councilman Kreitler made the motion to approve the Resolution approving the Investment Policy. Councilman McAlister seconded the motion, motion carried.

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

Resolution: #32-2017



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE INVESTMENT POLICY

**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session at 11:43 a.m. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Section 551.071

A) Regional Water Supply

3) Gary Lee and Marilu Lee Corpian v. City of Abilene, Cause No. 48,766-A in the 42<sup>nd</sup> District Court, filed August 7, 2014

5) Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene. Cause No. D-1-GN-16-001160, filed March 16, 2016

6) Abilene Matera LLC v. Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D. March 17, 2016

8) E.G., et al. v. Barry Bond, City of Abilene, and Abilene Independent School District, Case 1:16-cv-00068-BL, U.S. District Court, Northern District, Abilene Division, filed April 28, 2016

9) Gary Corpian and Marilu Lee Corpian v. City of Abilene, Texas, Cause No. 49451-A, In the 42nd Judicial District Court, Taylor County, Texas, filed June 24, 2016

Deliberations about Real Property – Section 551.072

A) Regional Water Supply

Business Prospect/Economic Development – Section 551.087

A) DCOA additional support of the New Texas State Technical College Abilene Campus

The Council reconvened in Open Session at 12:19 p.m. and reported no votes or action was taken in Executive Session.

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

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

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

NAYS: None

Resolution: #33-2017

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

Airport Development Board

Member

Appointment of the following:

- Kathy Keane, Texas Midwest Community Network Nov. 2017 (unexpired term)

**10.2** Kent Sharp, CEO of the Development Corporation of Abilene, Inc. briefed the city council on the Resolution of support for additional funding for the new Texas State Technical College (TSTC) – Abilene Campus.

In order to serve anticipated expanding growth in Abilene in the services, mining, manufacturing and trade industries, TSTC received in 2016 authorization from the state to issue \$12,000,000 in tuition revenue bonds to construct a new Abilene campus.

TSTC requested from the community \$6,000,000 in match grant funds over 10 years, including about 50 acres of land on Loop 322 in the NW quadrant of the Abilene Regional Airport. Phase I construction will consist of site development and Building One to house Industrial Maintenance and Welding. The site will be designed for multiple buildings and 13-15 technical programs.

The actual amount of acreage being purchased by TSTC from the City's excess airport land is 51.891, which is located on the west side of the airport at the corner of Loop 322 frontage road and Navajo Trail. An appraisal performed in 2015 valued the land at \$3,000 per acre, or \$155,673. FAA required a second appraisal in 2016, which values the land at \$8,961.09 per acre, or \$465,000. A third appraisal received in February values the land at \$8,479.31 per acre, or \$440,000; however, FAA requires the highest value be applied to airport land being sold.

TSTC will increase its budget for land purchase to \$5,500 per acre, or \$285,400, and requested the DCOA provide the difference of \$3,461.09 per acre (\$8,961.09 - \$5,500.00), or \$179,600 total. The additional funds will be paid to TSTC upon approval by City Council and execution of a contract addendum in order for the funds to be made available for closing of the land purchase in March.

Council and Staff discussion included: 1) the amount of acreage in the request; 2) sizes of other TSTC campuses – Rick Denbow with TSTC discussed the proposed campus with the council; and 3) the number of buildings to be built and possible time frame of when that might happen.

Councilman McAlister made the motion to approve the Resolution approving the Development Corporation of Abilene, Inc. (DCOA) additional funding to support the new Texas State Technical College (TSTC) Abilene Campus. Councilman Savage seconded the motion, motion carried.

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

NAYS: Councilman Kreidler

Resolution: #34-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
APPROVING THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA")  
ADDITIONAL FUNDING TO SUPPORT THE NEW TEXAS STATE TECHNICAL  
COLLEGE ("TSTC") ABILENE CAMPUS

There being no further business the meeting was adjourned at 12:54 p.m.

  
Danette Dunlap, TRMC  
City Secretary

  
Norm Archibald  
Mayor