

**CITY COUNCIL MEETING
March 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 March 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 Price gave the invocation.

Mayor Archibald introduced Crew and Cam Riley, Crew attends Wylie Elementary and Cam attends Saint Johns. Crew and Cam led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARD

Mayor Archibald was assisted by City Manager Robert Hanna in recognizing the following City Employee for his years of service to the City of Abilene:

Andrew Knox	Fire Fighter	25 Years
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RECOGNITION

Mayor Archibald recognized Tim McClarty for his years of service serving on the Planning and Zoning Commission.

PROCLAMATION

Mayor Archibald presented the following proclamation:

National Work Zone Awareness - TxDOT. Stan Swiatek, P.E., TxDOT Abilene District Engineer, accepted the proclamation. Several TxDOT staff members were in attendance.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the March 9th Regular Meeting there being no deletions, no additions, and no corrections. Councilman Savage made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

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

CONSENT AGENDA

A citizen pulled item 6.2. Councilman Williams made the motion to approve items 6.1, 6.3, 6.4 and 6.5 as presented by staff. Councilman Kreitler seconded the motion, motion carried.

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

Resolutions:

- 6.1 **Resolution:** The city council authorized the lease of the maintenance facility at Lee Park to the Abilene Independent School District and the acceptance of donation of real property from the Abilene Independent School District for construction of a fire station.

Resolution: **#35-2017**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE LEASE OF THE MAINTENANCE FACILITY AT LEE PARK TO ABILENE INDEPENDENT SCHOOL DISTRICT AND THE ACCEPTANCE OF DONATION OF REAL PROPERTY FROM ABILENE INDEPENDENT SCHOOL DISTRICT FOR CONSTRUCTION OF A FIRE STATION

- 6.2 **Resolution:** Ratifying the Meet and Confer Agreement between the City and the Abilene Professional Fire Fighters Association. *A citizen pulled this item.*

- 6.3 **Resolution:** The city council approved the Resolution authorizing the City Manager to enter into a Consulting Services Contract for Employee Benefits Consulting CB#1715.

The employee benefits consultant performs important and necessary services supporting the ongoing administration of the City's employee health and wellness plans. Services include, but are not limited to:

- Evaluating and recommending plan designs appropriate for the City's employees;
- Marketing, bidding and negotiating multiple lines of health coverages, TPA networks and stop loss coverage for the City's self-insured plan;
- Performing complex analytics of ongoing medical and drug claims;
- Recommending short-term and long-term cost control strategies;
- Budgeting, financial modeling and trend projections;
- Consulting on multiple Federal compliance and regulatory requirements;
- Reviewing our self-insured plan performance, benchmarking and reporting;
- Providing ongoing support and employee communications

Resolution: **#36-2017**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING THE PROPOSAL FOR EMPLOYEE BENEFITS CONSULTING SERVICES TO McGRIFF, SEIBELS & WILLIAMS OF TEXAS

Ordinances:

- 6.4 **Ordinance:** *(First Reading)* Case #Z-2017-05 A request from Terry J Adams, to rezone property from AO (Agricultural Open Space) to LI (Light Industrial), to allow for Wholesale and Storage (Indoors) located at 3558 E Hwy 80; and setting a public hearing for April 13th 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

- 6.5 **Ordinance:** *(First Reading)* Case #Z-2017-06 A request from Orange Theory Fitness, agent Enprotec/Hibbs & Todd, to amend the terms and conditions of the PD77 (Planned Development 77) to allow for Indoor Recreation as a permitted use located at 3934 and 3950 Catclaw Drive; and setting a public hearing for April 13th, 2017.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-77 AND ORDINANCE NO. 38-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

ITEM PULLED FROM CONSENT

- 6.2 **Resolution:** Ratifying the Meet and Confer Agreement between the City and the Abilene Professional Fire Fighters Association. *Ryan Marrs asked to pull this item.*

Mr. Marrs asked about whether or not the salaries of the fire fighters is tied to the fluctuation of sales tax. Mr. Hanna stated no, unless there is a totally down turn then the city has the ability to renegotiate with the firemen.

The Meet and Confer Agreement currently in effect between the City of Abilene (the City) and the Abilene Professional Fire Fighters Association (APFFA) was for the period October 1, 2013 through September 30, 2016. We are currently in the automatic extension period of that agreement until it is superceded by a new agreement or April 1, 2017, whichever occurs first. Accordingly, a team representing the City and a team representing the APFFA have been in negotiation for the last several months to reach a new agreement with an effective date of October 1, 2016.

Councilman Price made the motion to ratify the Meet and Confer Agreement between the City and the Abilene Professional Fire Fighters Association. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Resolution: #37-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS RATIFYING THE MEET AND CONFER AGREEMENT BETWEEN THE CITY OF ABILENE AND THE ABILENE PROFESSIONAL FIRE FIGHTERS' ASSOCIATION FOR THE PERIOD OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2019

REGULAR ITEMS

- 7.1 Mayor Archibald made the motion to Remove from the 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". Councilman Savage seconded the motion, motion carried.

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

NAYS: None

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) Classic automobiles; 2) state statutory language; 3) private property; and 4) screened from view of the public.

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

- Ryan Marrs – talked about screening/tarp covering

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 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".. Councilman McAlister second the motion, motion carried.

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

NAYS: Councilmen Kreitler and Savage

Ordinance: #09-2017

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

7.2 Michael Rice Director of Public Works briefed the city council on the Pavement Condition Survey by FUGRO Roadware Inc.

Paul McLandrich with FUGRO presented the findings of the survey.

Project Objectives

- Perform a comprehensive pavement condition inventory for all roads within City jurisdiction
629+ Centerline miles
717+ Survey miles
- Develop network inventory geographical database (GIS)
- Calculate Pavement Condition Index (PCI) for each street
- Import condition data into Cartograph PMS Software
- Develop and program long-term pavement maintenance and rehabilitation strategies
- Develop budget funding scenarios based on the City’s current budget, and future needs

Network Condition Results

- Alligator (Fatigue) Cracking
- Edge Cracking
- Block Cracking
- Potholes
- Surface Raveling

Maintenance Strategies and Costs

- Crack Sealing
- Chip Seal
- Microsurfacing
- Patching
- Mill & Overlay
- Pavement Reconstruction

Council and Staff discussion included: 1) local roads; 2) software will update in real time as roads are fixed; 3) a better understanding of what the conditions are in now; 4) ways to fund improvements; and 5) cost projects.

No action taken for this item.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 10:53 a.m. pursuant to the Open Meetings Act for the following:

Councilman McAlister left the meeting prior to the start of the Executive Session

Consultation with Attorney - Section 551.071

A) Regional Water Supply

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

11) City of Abilene and Development Corporation of Abilene v Texas Municipal League Governmental Risk Pool, Cause No. 11018-D in the 350th Judicial District Court, Taylor County Texas filed January 9, 2017.

Deliberations about Real Property – Section 551.072

- A) Regional Water Supply
- B) K-Mart Building

Business Prospect/Economic Development - Section 551.087

- A) Hotel Proposals

Personnel - Section 551.074

- A) Annual performance evaluations of City Secretary and City Attorney

The Council reconvened in Open Session at 12:29 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 Williams seconded the motion, motion carried.

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

Resolution: #38-2017

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

Keep Abilene Beautiful

Member	Appointment of the following:
• Ashton Anderson	September 2018

Board of Adjustment

Member	Appointment of the following:
• Mark Odle	November 2018

Landmarks Commission

Member	Appointment of the following:
• Jamie Dalzell (Realtor)	November 2017 (unexpired term)

Board of Building Standards

Member	Appointment of the following:
• Gary Webb (Alternate Banker)	November 2018

10.2 Oral Resolution: Discussion and possible action related to annual performance evaluations of City Attorney, and City Secretary.

No action taken on annual performances.

There being no further business the meeting was adjourned at 12:30 p.m.



Danette Dunlap, TRMC
City Secretary



Norm Archibald
Mayor