

CITY COUNCIL MEETING
April 27th, 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 April 27th, 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 James and Claire Cassie along with Emma Franklin, James and Claire attend Austin Elementary School, Emma attends Abilene Christian Schools. They all 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 joined by City Manager Robert Hanna they recognized the following:

Linda Smith	Customer Relations Coordinator	30 Years
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PROCLAMATIONS

Mayor Archibald presented the following proclamations:

Lion's White Cane Day – James Wheeler accepted the proclamation.

Bicycle Awareness Month & Ride of Silence Day –E'Lisa Smetana Executive Director MPO along with Mark Spurlock, Steamboat Cycling Club, Jill Christie, TxDOT D.R.I.V.E. Safe Coalition Coordinator, and Ed McRoy MPO.

Week of the Young Child – Cynthia Pearson, Executive Director Day Nursery of Abilene, accepted the Proclamation. She was accompanied by children from Day Nursery

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular City Council Meeting on April 13th 2017 there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Savage seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Savage pulled items 6.1, 6.6, 6.7 & 6.9. Councilman Price pulled items 6.5 and 6.8. Councilman Price made the motion to approve items 6.2, 6.3, & 6.4 as presented by staff. Councilman McAlister seconded the motion, motion carried. Item 6.7 pulled prior to the start of the agenda process due to conflict of interest with 3 members of the council.

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

Ordinances:

6.1 **Ordinance:** *(First Reading)* Amending Chapter 15 "Lakes", Article II "Lake Fort Phantom Hill", and Article III "Lake Abilene and Lake Kirby", and setting a public hearing for May 11, 2017. *(Councilman Savage pulled this item from consent.)*

6.2 **Ordinance:** *(First Reading)* Case #TC-2017-02 A Request from The Covenant Group, to abandon approximately 195-feet of the Central Park Boulevard near the Royal Estates Assisted Living Facility; and setting a public hearing on May 11, 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

6.3 **Ordinance:** *(First Reading)* Case #Z-2017-07 A request from Charles Sherrill, to rezone property from AO (Agricultural Open Space) to MH (Mobile Home), to allow for placement of mobile/manufactured homes on new lots to be subdivided from this acreage, being 15.0 acres Located at 249 Neas Road; and setting a public hearing May 11th 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

6.4 **Ordinance:** *(First Reading)* Case #Z-2017-08 On a request from Efran Villalobos to rezone property from AO (Agricultural Open Space) to HC (Heavy Commercial), being 9.871 acres located at 6633 Hwy 277 S. legal description being 10 acres; and setting a public hearing on May 11, 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-2017-09 A request from City of Abilene, agent Don Green, to enlarge the boundary of Planned Development District Number 2 (PD 2) to include all of a certain 51.891-acre tract out of the northeast portion of Lot 1 in Block A of the Abilene Airport Addition, bordering the east side of Loop 322 to allow universities/colleges and trade/business schools within the 51.891-acre tract of land; and setting a public hearing on May 11, 2017. *(Councilman Price pulled this item from consent.)*

6.6 **Ordinance:** *(First Reading)* Extending hours of retail sale and public consumption of alcoholic beverages to 2:00 a.m. within the City of Abilene; and setting a public hearing on May 11th 2017. *(Councilman Savage pulled this item from consent.)*

Resolutions:

- 6.7 **Resolution:** Authorizing the donation of a CityLink Bus to Abilene Christian University. *(Item pulled prior to the start of the consent agenda due to conflict of interest declared by three councilmen on this item.)*
- 6.8 **Resolution:** Awarding the contract to Wyatt Electric for Airport Camera System Installation in the amount of \$215,758.00, the city is responsible for the 10% local grant match of \$21,576 and is funded from the 2015 bonds. *(Councilman Price pulled this item from consent.)*
- 6.9 **Resolution:** Awarding bid #CB-1741 - Transformer Trail Reconstruction Project to Epic Construction Co., of Abilene, Texas in the amount of \$159,432.40. *(Councilman Savage pulled this item from consent.)*

ITEMS PULLED FROM CONSENT

- 6.1 **Ordinance:** *(First Reading)* Amending Chapter 15 "Lakes", Article II "Lake Fort Phantom Hill", and Article III "Lake Abilene and Lake Kirby", and setting a public hearing for May 11, 2017. *(Item 6.1 was pulled from the consent agenda by Councilman Savage.)*

Council and Staff discussion included: 1) Lake Kirby – swimming and boating; 2) Lake Abilene; and 3) Nelson Park Lake and the access to the Abilene Zoo.

Councilman Price made the motion to approve the Ordinance *(First Reading)* Amending Chapter 15 "Lakes", Article II "Lake Fort Phantom Hill", and Article III "Lake Abilene and Lake Kirby", and setting a public hearing for May 11, 2017. Councilman McAlister seconded the motion, motion carried.

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

AN ORDINANCE AMENDING CHAPTER 15, "LAKES," ARTICLE II, "LAKE FORT PHANTOM HILL", SECTION 15-17, "HIGH WATER LINE," SECTION 15-18, "PROHIBITED AREAS," AND SECTION 15-43, "SEPTIC TANKS RESTRICTED," AND ARTICLE III "LAKE ABILENE AND LAKE KIRBY", SECTION 15-72, "ENFORCEMENT," AND SECTION 15-73, "PROHIBITED AREAS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

- 6.5 **Ordinance:** *(First Reading)* Case #Z-2017-09 A request from City of Abilene, agent Don Green, to enlarge the boundary of Planned Development District Number 2 (PD 2) to include all of a certain 51.891-acre tract out of the northeast portion of Lot 1 in Block A of the Abilene Airport Addition, bordering the east side of Loop 322 to allow universities/colleges and trade/business schools within the 51.891-acre tract of land; and setting a public hearing on May 11, 2017. *(Councilman Price pulled item 6.5 from consent.)*

Council and Staff discussion included: 1) Loop 322; 2) concerns about one-way frontage roads; 3) TxDOT funding; and 4) safety concerns.

Councilman McAlister made the motion to approve the Ordinance *(First Reading)* Case #Z-2017-09 A request from City of Abilene, agent Don Green, to enlarge the boundary of Planned Development District Number 2 (PD 2) to include all of a certain 51.891-acre tract out of the northeast portion of Lot 1 in Block A of the Abilene Airport Addition, bordering the east side of Loop 322 to allow universities/colleges and trade/business schools within the 51.891-acre tract of land; and setting a public hearing on May 11, 2017. Councilman Williams seconded the motion, motion carried.

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

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

- 6.6 **Ordinance:** *(First Reading)* Extending hours of retail sale and public consumption of alcoholic beverages to 2:00 a.m. within the City of Abilene; and setting a public hearing on May 11th 2017. *(Councilman Savage pulled item 6.6 from consent.)*

Council and Staff discussion included: 1) Stan Standridge Chief of Police presented the information regarding the possible effects of extending the hours of retail sale and public consumption of alcoholic beverages to 2:00 a.m.

Councilman McAlister made the motion to approve the Ordinance *(First Reading)* Extending hours of retail sale and public consumption of alcoholic beverages to 2:00 a.m. within the City of Abilene; and setting a public hearing on May 11th 2017. Councilman Price seconded the motion, motion carried.

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

AN ORDINANCE AMENDING CHAPTER 20, OFFENSES, OF THE CODE OF THE CITY OF ABILENE BY ADDING ARTICLE VII, ALCOHOLIC BEVERAGES, AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

- 6.8 **Resolution:** Awarding the contract to Wyatt Electric for Airport Camera System Installation in the amount of \$215,758.00, the city is responsible for the 10% local grant match of \$21,576 and is funded from the 2015 bonds. *(Councilman Price pulled item 6.8 from consent.) Council discussed this item in Executive Session per Texas Government Code Section 551.076 Security Devices.*

- 6.9 **Resolution:** Awarding bid #CB-1741 - Transformer Trail Reconstruction Project to Epic Construction Co., of Abilene, Texas in the amount of \$159,432.40. *(Councilman Savage pulled item 6.9 from consent.)*

Council and staff discussion included: 1) AEP has requested the repair of this section of Transformer Trail.

Councilman Kreitler made the motion to approve the award of bid for CB-1741 – Transformer Trail Reconstruction to Epic Construction Co., in the amount of \$159,432.40. Councilman Savage seconded the motion, motion carried.

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

Resolution **#50-2017**

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

REGULAR ITEMS

7.1 Robert Hanna City Manager briefed the city council on the Ordinance setting forth registration requirements and credit extension guidelines for Credit Access Businesses and providing a penalty.

This ordinance does the following:

1. Requires registration of all Credit Access Businesses with the City limits.
2. Requires the businesses maintain complete records of all loans for three years and to make the records available to the City upon request.
3. Limits the loan to no more than 20% of a consumer's gross monthly income and title loans on vehicles to no more than 3% of the consumers gross annual income or 70% of the retail value of the vehicle.
4. Provides that repayment in installments may not be in more than 4 installments.
5. Prevents renewals or refinancing of installment-payment loans.
6. Requires that any agreement be written in the consumer's language of preference.
7. Referral to credit counseling is required.
8. State mandated quarterly reports and any other requested information must be submitted to the City.

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

- Jonathan Storment – for the ordinance
- Darla Schwinn– for the ordinance
- Lydia Walsh – for the ordinance
- Pastor Izar Lankford – in Support of the State regulating the industry
- Heather Couch – against the ordinance
- Raymond Burroughs - against the ordinance
- Cheryl Morris – against the ordinance
- Kelly Renfro – against the ordinance
- Amy Lennon – against the ordinance
- Doug Offermann – against the ordinance
- John Hill – against the ordinance
- Samuel Garcia – for the ordinance
- Cheri Gunter – against the ordinance
- Kelly Elliott – for the ordinance
- Paul Mathis – for the ordinance
- Rev. Phil Christopher – for the ordinance
- Janet Mendhenhall – for the ordinance
- Chuck Farina – for the ordinance
- Juanito Veral – against the ordinance
- Brian Massey – for the ordinance
- Hillary Schmidt – against the ordinance
- Braxton Feemseter– against the ordinance
- Walter Williams – against the ordinance
- John Moore – for the ordinance
- John Cooper – for the ordinance

- Michael Davis – for the ordinance
- Jason Fikes – for the ordinance
- Kerry Ann – against the ordinance
- Salome Stevens - against the ordinance
- Kimberly Bhatti – against the ordinance
- Jen Rogers – for the ordinance
- Zack Snyder – for the ordinance
- Bill Stevens – against the ordinance
- Sue Thomesen – for the ordinance
- Ann Baddour - for the ordinance
- Robert Wheeler – against the ordinance
- Michael Brown – against the ordinance

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

Council and Staff discussed: 1) the merits for and against the ordinance.

Mayor Archibald made the motion to approve the Ordinance setting forth registration requirements and credit extension guidelines for Credit Access Businesses and providing a penalty. Councilman McAlister seconded the motion, motion failed.

AYES: Councilmen Williams, McAlister, and Mayor Archibald

NAYS: Councilmen Price, Kreitler and Savage

7.2 Rodney Taylor Director Water Utilities briefed the city council on the Resolution approving a deductive change order to Garney Companies, Inc., and establishing a final contract price for the Possum Kingdom Raw Water Transmission System Second Stage Short-term Drought Strategy.

Mayor Archibald made the motion to approve the Resolution approving a deductive change order to Garney Companies, Inc., and establishing a final contract price for the Possum Kingdom Raw Water Transmission System Second Stage Short-term Drought Strategy. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution: **#51-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING A DEDUCTIVE CHANGE ORDER TO GARNEY COMPANIES, INC., AND ESTABLISHING A FINAL CONTRACT PRICE FOR THE POSSUM KINGDOM RAW WATER TRANSMISSION SYSTEM SECOND STAGE SHORT-TERM DROUGHT STRATEGY

7.3 Mayor Archibald made the motion to approve the Resolution approving a deductive change order to Pepper Lawson Waterworks, LLC, and establishing a final contract price for the Hamby Water Reclamation Facility Initial Short-Term Drought Strategy. Councilman Savage seconded the motion, motion carried.

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

NAYS: None

Resolution: **#52-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING A DEDUCTIVE CHANGE ORDER TO PEPPER LAWSON WATERWORKS, LLC, AND ESTABLISHING A FINAL CONTRACT PRICE FOR THE HAMBY WATER RECLAMATION FACILITY INITIAL SHORT-TERM DROUGHT STRATEGY

7.4 Mayor Archibald made the motion to approve the Resolution approving a deductive change order to Pepper Lawson Waterworks, LLC., and establishing a final contract price for the Possum Kingdom Raw Water Roughing Facility Second Stage Short-term Drought Strategy. Councilman Price seconded the motion, motion carried.

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

Resolution: #53-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING A DEDUCTIVE CHANGE ORDER TO PEPPER LAWSON WATERWORKS, LLC, AND ESTABLISHING A FINAL CONTRACT PRICE FOR THE POSSUM KINGDOM RAW WATER ROUGHING FACILITY SECOND STAGE SHORT-TERM DROUGHT STRATEGY

7.5 Larry Bell Fire Chief briefed the city council on the Resolution authorizing the City Manager to execute the Guaranteed Maximum Price Amendment NO. 3 for Fire Station #7 with Speed Fab-Crete.

This Amendment #3 will establish the GMP for Fire Station #7 in the amount of \$2,549,660.

Councilman Price made the motion to approve the Resolution authorizing the City Manager to execute the Guaranteed Maximum Price Amendment NO. 3 for Fire Station #7 with Speed Fab-Crete. Councilman Savage seconded the motion, motion carried.

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

Resolution: #54-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A GUARANTEED MAXIMUM PRICE AMENDMENT WITH SPEED FAB-CRETE FOR FIRE STATION NO. 7

7.6 Lesli Andrews Director of Community Services briefed the city council on the Resolution awarding bid **CB#1742** Abilene Convention Center Parking Lot Improvements including base bid and alternates #1 and #2.

Council and Staff discussion included: 1) Entrance location; 2) Pine street overlay setback; 3) landscape; 4) drive access; 5) recommended and approved by City Engineer; and 6) visited with Scott Hibbs with Enprotec Hibbs & Todd.

Mayor Archibald made the motion to approve the Resolution awarding bid **CB#1742** Abilene Convention Center Parking Lot Improvements including base bid and alternates #1 and #2 with Bontke Brothers Construction for \$962,031.22, staff will review with engineers with the layout of ingress and egress. Councilman McAlister seconded the motion, motion carried.

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

NAYS: Councilman Savage

Resolution: #55-2017

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

7.7 Councilman Savage made the motion to remove from the TABLE the Resolution repealing and replacing Resolution 46-1991 Adopting Rules of Procedure for the City Council of Abilene, Texas. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

Robert Hanna City Manager briefed the city council on the Resolution repealing and replacing Resolution 46-1991 Adopting Rules of Procedure for the City Council.

The following changes were made by staff based upon the council's last meeting regarding changes that they would like to see:

- 1) Struck 2.6.2 No formal action may be taken in a Workshop Session (adoption of an ordinance or resolution), but council may provide staff direction that results in action taken at a Regular Meeting of the city council
- 2) Added 2.7.3 In the event an elected official is absent from the Executive Session the Presiding Officer, the City Manager or the City Attorney may brief the elected official who was absent from the meeting on the discussion;
- 3) Added 2.10.1 - or until the Presiding Officer, the Mayor Pro Tem, or the Deputy Mayor Pro Tem is present at the meeting, whichever occurs first.
- 4) Deleted 2.13.2 – option 2 – and changed “may” to “shall” under option 1
- 5) Added the following to 2.18.3 - Exceptions:
 - (a) If the conflict exists for a consent agenda item, the member with the conflict of interest is not required to leave the Council Chambers and their vote on the consent agenda items shall only be counted for those items where the member has not filed a conflict.
 - (b) If a conflict exists for a member's relative, and the member and the relative are related in the first degree of consanguinity or the first degree of affinity, the member is not required to leave the Council Chambers, but they shall not discuss, provide direction or vote on the item.

Councilman McAlister made the motion to approve the use of “or” under 2.7.2. Councilman Williams seconded the motion. Motion carried.

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

NAYS: None

Councilman Kreitler made the motion to approve the Resolution repealing and replacing Resolution 46-1991 Adopting Rules of Procedure for the City Council with changes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Resolution: #56-2017

A RESOLUTION REPEALING AND REPLACING RESOLUTION 46-1991 ADOPTING
RULES OF PROCEDURE FOR THE CITY COUNCIL OF ABILENE, TEXAS

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 2:44 pm. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Section 551.071

4) Margarita Mitchell, et al v. The City of Abilene, et al, filed in the 350th Judicial district Court, Taylor county, Texas on October 2, 2015.

Security Devices – Section 551.076

6.8) Resolution regarding the award of the contract to Wyatt Electric for Airport Camera System Installation.

The Council reconvened in Open Session at 3:12 pm. and reported no votes or action was taken in Executive Session.

Council took back up item 6.8 from the Consent Agenda.

6.8 Resolution: Awarding the contract to Wyatt Electric for Airport Camera System Installation in the amount of \$215,758.00, the city is responsible for the 10% local grant match of \$21,576 and is funded from the 2015 bonds. *(Item 6.8 was pulled by Councilman Price.)*

The airport's camera system was installed in 2003. Much of the system is inoperable or unreliable due to the age of the components. As part of the FY16 Airport Improvement Program Grant, a new camera system is proposed. The camera system will replace existing cameras, but also add new camera locations for a total of 60 interior and exterior cameras. The server-based recording has sufficient storage for 30 days of recording all cameras. The system also has user features that are not available on the current system, such as remote viewing.

Councilman Price made the motion to award the contract to Wyatt Electric for Airport Camera System Installation in the amount of \$215,758.00, the city is responsible for the 10% local grant match of \$21,576 and is funded from the 2015 bonds. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution: #57-2017

A RESOLUTION OF THE CITY OF ABILENE, TEXAS AWARDING A CONTRACT TO WYATT ELECTRICAL SERVICES, INC. TO FURNISH AND INSTALL ALL COMPONENTS OF A CAMERA MONITORING SYSTEM AT ABILENE REGIONAL AIRPORT

10.1 Oral Resolution: Discussion and possible action related to annual performance evaluations of City Manager, City Secretary, City Attorney and Municipal Judge.

No action taken on annual performances.

There being no further business the meeting was adjourned at 3:14 p.m.



Danette Dunlap, TRMC
City Secretary



Shane Price
Mayor Pro-Tem