# CITY COUNCIL MEETING June 22<sup>nd</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 June 22<sup>nd</sup>, 2017, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Shane Price was present and presiding with Councilmen Bruce Kreitler, Weldon Hurt, Kyle McAlister, Steve Savage and Councilwoman Donna Albus. Mayor Norm Archibald came in after the start of the meeting. Also present were Assistant City Manager James Childers, City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Hurt gave the invocation.

Mayor Pro-tem Price introduced the following: Xavier Garcia, Mira Savage, Emily Ratliff, Nicole Chavira, Zachary Lomas, Jackson Kirgan and Gavin Gough who all led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

### RECOGNITION

Mayor Pro-tem Price was joined by Bird Thomas who shared the projects that the campers created at the Ultimate Upscale Adventure. The campers were Xavier Garcia, Kelton and J.R. Dressen, Mira Savage, Emily Ratliff, Nicole Chavira, Zachary Lomas, Jackson Kirgan. Chris Johnson, and Gavin Gough. The Center for Contemporary Arts has partnered with Keep Abilene Beautiful for the 3rd year.

## **DISPOSITION OF MINUTES**

5.0 Mayor Pro-tem Price stated Council has been given the minutes from the Regular Called Meeting June 8th, 2017 there being no deletions, no additions, and no corrections. Councilman Savage made a motion to approve the minutes as presented. Councilwoman Albus seconded the motion, motion carried.

AYES: Councilmen Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Pro-tem Price NAYS: None

## CONSENT AGENDA

Councilman Savage pulled item 6.5. Councilman Kreitler pulled items 6.7 and 6.9. A citizen pulled item 6.3. Councilman Hurt made the motion to approve item 6.1, 6.2, 6.4, 6.6, 6.8, 6.10, 6.11 as presented by staff. Councilman Savage seconded the motion, motion carried.

AYES: Councilmen Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Pro-tem Price NAYS: None

## **Ordinances:**

6.1 Ordinance: (First Reading) Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-289.1, "Same - During Certain Hours," and Section 18-297 "Stopping, Standing and Parking Prohibited," Declaring a penalty; setting a public hearing on July 13th, 2017.

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE XIII, "SCHEDULES," SECTION 18-289.1, "SAME—DURING CERTAIN HOURS," AND SECTION 18-297 "STOPPING, STANDING AND PARKING PROHIBITIED," OF THE ABILENE MUNICIPAL CODE,

- BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY
- 6.2 Ordinance: (First Reading) Amending Chapter 10 "Fire Protection and Prevention" Article IV "Liquefied Petroleum Gas" regulating liquefied petroleum gas within the City of Abilene's jurisdiction; and setting a public hearing on July 13th, 2017.
  - AN ORDINANCE AMENDING CHAPTER 10 "FIRE PROTECTION AND PREVENTION" ARTICLE IV "LIQUEFIED PETROLEUM GAS" REGULATING LIQUEFIED PETROLEUM GAS WITHIN THE CITY OF ABILENE'S JURISDICTION BY REPEALING AND REPLACING THE ARTICLE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.
- 6.3 Ordinance: (First Reading) Z-2017-11 A request from City of Abilene to rezone property from MD/H (Residential Medium Density/Historic Overlay) to MD (Residential Medium Density), which will remove the Historic Overlay zoning district on the property, Located at 857 Peach St.; Setting a public hearing for July 13, 2017. A citizen pulled this item from consent.
- 6.4 Ordinance: (First Reading) Z-2017-12 A request from City of Abilene to rezone property from CB/H (Central Business/Historic Overlay) to CB (Central Business), which will remove the Historic Overlay zoning district on the property, Located at 750 Mesquite St.; Setting a public hearing on July 13, 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) Z-2017-13 A request from Contractor Services, Ltd., agent Tal Fillingim, to rezone approximately 14 acres from AO (Agricultural Open Space) to RS6 (Residential Single-Family) to allow single-family homes within the approximately 14-acre tract of land. Located north of Independence Boulevard and east of Liberty Boulevard; Setting a public hearing on July 13, 2017. Councilman Savage pulled this item from consent.
- 6.6 Ordinance: (First Reading) Z-2017-14 A request from Hardin Simmons University, agent Enprotec/Hibbs & Todd, to rezone property from HC/COR (Heavy Commercial/COR Overlay), HC (Heavy Commercial), and RS6 (Residential Single-Family) to CU/COR (College University/Corridor Overlay) and CU (College University) to allow for CU (College University) and related uses on property located just north of Hardin Simmons University. Location being 12 parcels/lots, north of Vogel Avenue, between Cedar Street and Pine Street. Setting a public hearing on July 13, 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.
- 6.7 Ordinance: (First Reading) TC-2017-03 A request from Hardin Simmons University, agent Enprotec/Hibbs & Todd, to abandon the entire north-south length of Cypress Street ROW (20' Width based on current GIS Mapping), beginning at Vogel Avenue and heading north 730 feet towards Lowden Street (20' Width based on current GIS Mapping); Setting a public hearing on July 13, 2017. Councilman Kreitler pulled this item from consent.

6.8 Ordinance: (First Reading) TC-2017-04 A request from AEP Texas, Inc., agent John Garcia, to abandon the remaining portion of an abandoned railroad ROW. Being an abandoned 20' wide railroad spur and ROW, running north approximately 120', north of N. 3rd St. and terminating south of N 4th St. Located between Mesquite Street and Plum Street (20' Width based on current GIS Mapping); Setting a public hearing for July 13, 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

6.9 Ordinance: (First Reading) OAM-2017-02 Amending the Land Development Code regarding Section 2.4.2.1 'The Land Use Matrix', Section 2.3.2.9 Residential Multiple- Family (MF) District permitted (P), by right, in non-residential zoning districts and Section 2.4.3.3 All Other Uses With Specific Requirements; Setting a public hearing for July 13, 2017. Councilman Kreitler pulled this item from consent.

## **Resolutions:**

**Resolution:** The city council accepted the Airport Improvement Program Grant 47 for the Abilene Regional Airport. The grant will fund the rejuvenating seal coat application to airport's taxiways.

Resolution: #79-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE ACCEPTANCE OF AIRPORT IMPROVEMENT PROGRAM GRANT 47 OFFERED BY THE FEDERAL AVIATION ADMINSTRATION.

6.11 Resolution: The city council approved the Change Order 2 to Duininck Inc.'s Contract for Reconstruction of Runway 17R/35L at the Abilene Regional Airport. Change Order 2 reduces the contract amount with Duininck a total of \$513,300.55 to the new contract total of \$18,532,697.45

Resolution: #80-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER 2 TO THE CONTRACT WITH DUININCK, INC. FOR RECONSTRUCTION OF RUNWAY 17R/35L.

#### ITEMS PULLED FROM CONSENT

6.3 Ordinance: (First Reading) Z-2017-11 A request from City of Abilene to rezone property from MD/H (Residential Medium Density/Historic Overlay) to MD (Residential Medium Density), which will remove the Historic Overlay zoning district on the property, Located at 857 Peach St.; Setting a public hearing for July 13, 2017. A citizen pulled this item from consent.

Council and Staff discussion included: 1) Jorita Hagins asked why this property was being rezoned; 2) this is the removal of the Historic Overlay the under lying zoning stays the same; and 3) Historic overlay was removed because the historic building is no longer there.

Councilman Savage made the motion to approve the first reading of the Ordinance for Case #**Z-2017-11** A request from City of Abilene to rezone property from MD/H (Residential Medium Density/Historic Overlay)

to MD (Residential Medium Density), which will remove the Historic Overlay zoning district on the property, Located at 857 Peach St.; Setting a public hearing for July 13, 2017. Councilman Kreitler seconded the motion, motion carried.

AYES: Councilmen Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Pro-tem Price NAYS: None

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) Z-2017-13 A request from Contractor Services, Ltd., agent Tal Fillingim, to rezone approximately 14 acres from AO (Agricultural Open Space) to RS6 (Residential Single-Family) to allow single-family homes within the approximately 14-acre tract of land. Located north of Independence Boulevard and east of Liberty Boulevard; Setting a public hearing on July 13, 2017. Item pulled by Councilman Savage from the consent agenda.

Council and Staff discussion included: 1) Home Owners Association (HOA); 2) the city can't regulate the HOA; 3) street lights in new developments – what is the city' policy; and 4) AEP installs the lights and the city reimburses AEP then pays the monthly rate.

Mayor Archibald came in during the discussion of this item.

Councilman Price made the motion to approve the first reading of the Ordinance for Case #Z-2017-13 A request from Contractor Services, Ltd., agent Tal Fillingim, to rezone approximately 14 acres from AO (Agricultural Open Space) to RS6 (Residential Single-Family) to allow single-family homes within the approximately 14-acre tract of land. Located north of Independence Boulevard and east of Liberty Boulevard; Setting a public hearing on July 13, 2017. Councilman Savage seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus, and Mayor Archibald NAYS: None

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

#### **PROCLAMATION**

Mayor Archibald presented the Honorary Citizen Proclamation to Marcel Adolf Bernect who is here visiting from Switzerland.

Mayor Archibald recognized three Boy Scouts that were in the audience.

#### **ANNOUNCEMENT**

City Secretary Danette Dunlap announced that she was planning on retiring from the city effective the end of September.

Council then returned to the rest of the Consent Agenda.

Ordinance: (First Reading) TC-2017-03 A request from Hardin Simmons University, agent Enprotec/Hibbs 6.7 & Todd, to abandon the entire north-south length of Cypress Street ROW (20' Width based on current GIS Mapping), beginning at Vogel Avenue and heading north 730 feet towards Lowden Street (20' Width based on current GIS Mapping); Setting a public hearing on July 13, 2017. Item pulled from consent by Councilman Kreitler.

Council and Staff discussion included: 1) the cost associated with the abandonment falls on the developer; 2) there will be a turn around for service providers such as trash service etc.

Councilman Kreitler made the motion to approve the first reading of the Ordinance for Case #TC-2017-03 A request from Hardin Simmons University, agent Enprotec/Hibbs & Todd, to abandon the entire north-south length of Cypress Street ROW (20' Width based on current GIS Mapping), beginning at Vogel Avenue and heading north 730 feet towards Lowden Street (20' Width based on current GIS Mapping); Setting a public hearing on July 13, 2017 Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus, and Mayor Archibald NAYS: 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

6.9 Ordinance: (First Reading) OAM-2017-02 Amending the Land Development Code regarding Section 2.4.2.1 'The Land Use Matrix', Section 2.3.2.9 Residential Multiple- Family (MF) District permitted (P), by right, in non-residential zoning districts and Section 2.4.3.3 All Other Uses With Specific Requirements; Setting a public hearing for July 13, 2017. Item pulled from the consent agenda by Councilman Kreitler

Council and Staff discussion included: 1) whether or not the Planning and Zoning Commission had made a recommendation – the Commission voted on this item at their last meeting.

Councilman Kreitler made the motion to approve the first reading for the Ordinance OAM-2017-02 Amending the Land Development Code regarding Section 2.4.2.1 'The Land Use Matrix', Section 2.3.2.9 Residential Multiple- Family (MF) District permitted (P), by right, in non-residential zoning districts and Section 2.4.3.3 All Other Uses With Specific Requirements; Setting a public hearing for July 13, 2017. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus, and Mayor Archibald NAYS: None

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.

## **REGULAR AGENDA**

7.1 Don Green Director of Transportation briefed the city council on the Ordinance Repealing and Deleting Chapter 14 "Transportation Network Company Services" of the Abilene Municipal Code".

The State of Texas has adopted universal standards for Transportation Network Company Services, it has now superseded the current city ordinance.

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

Councilman Kreitler made the motion to approve the Ordinance Repealing and Deleting Chapter 14 "Transportation Network Company Services" of the Abilene Municipal Code". Councilman Hurt seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Archibald NAYS: None

Ordinance: #18-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE REPEALING AND DELETING CHAPTER 14, "TRANSPORTATION NETWORK COMPANY SERVICES" OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; AND CALLING FOR A PUBLIC HEARING

7.2 Mike Rains, Director of Finance briefed the city council on the Ordinance authorizing the issuance and sale of City of Abilene, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation (CO's), Series 2017, to provide funds for acquiring and improving a building to be used for a law enforcement center, water utilities offices and records storage, and for waterworks and sewer system improvements; levying an annual ad valorem tax

providing for the security for and payment of said Certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

George Williford with First Southwest Company briefed the council on the sale of the Combination Tax and Limited Surplus Revenue Certificates of Obligations, Series 2017 and the General Obligation Bonds (GO's), Series 2017.

Council and Staff discussion included: 1) clean up of a few items in the Official Statement – look at the top 25 businesses in Abilene and look at the years of service for council and staff; 2) Lake Ivie substation and intake project; 3) 24" sewer abandonment; 4) Police records and storage; 5) possible covered storage for police units; 6) fallen employee memorial; and 7) communicate better regarding projects with the CO's money.

Councilman Savage made the motion to approve Ordinance authorizing the issuance and sale of City of Abilene, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2017, to provide funds for acquiring and improving a building to be used for a law enforcement center, water utilities offices and records storage, and for waterworks and sewer system improvements; levying an annual ad valorem tax and providing for the security for and payment of said Certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Archibald NAYS: None

Ordinance: #19-2017

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID ERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

7.3 Mike Rains, Director of Finance briefed the city council on the Ordinance authorizing the issuance and sale of City of Abilene, Texas General Obligation Bonds, Series 2017, to provide funds for projects approved at the May 9, 2015, bond election; levying an annual ad valorem tax and providing for the security for and payment of said Bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Council and Staff discussion included: 1) the sale of bonds will be for constructing road and sidewalk improvements; constructing and equipping a fire training facility, two additional splash pads for Sears and Redbud parks and airport improvements.

Councilman Price made the motion to approve authorizing the issuance and sale of City of Abilene, Texas General Obligation Bonds, Series 2017, to provide funds for projects approved at the May 9, 2015, bond election; levying an annual ad valorem tax and providing for the security for and payment of said Bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. Councilwoman Albus seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Archibald NAYS: None

Ordinance: #20-2017

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS GENERAL OBLIGATION BONDS, SERIES 2017; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT THE STATE

7.4 Mindy Patterson Assistant City Manager briefed the city council on the sale of land being 33.968 acres of vacant land located at the northeast corner of Loop 322 and State Highway 36. This property is subject to an Avigation Easement, as recorded in Volume 3135, Page 435, Taylor County Records.

Councilwoman Albus made the motion to approve the sale of the land being 33.968 acres of vacant land located at the northeast corner of Loop 322 and State Highway 36 to the Development Corporation of Abilene. Councilman Savage seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Archibald NAYS: None

Resolution: #81-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE AWARDING OF BID OF LAND SALE CB 1752

7.5 Mindy Patterson Assistant City Manager briefed the city council on the sale of land being 3.164 acres of vacant land located at 1417 N. Arnold Blvd.

Councilman Savage made the motion to approve the sale of land being 3.164 acres of vacant land located at 1417 N. Arnold Blvd to the Development Corporation of Abilene. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Archibald NAYS: None

Resolution: #82-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE AWARDING OF BID OF LAND SALE CB 1753

7.6 Kent Sharp CEO of the Development Corporation of Abilene, Inc. briefed the city council on the purchase of the real property located at 1417 N. Arnold Blvd and the NE corner of Loop 322 and State Highway 36.

The 33.968 acres is visible from Hwy 36 and Loop 322 and will be an asset to the Industrial Park for future development.

The 3 acres is at the NE corner of the intersection of Arnold Blvd and Marigold Street.

Councilman Savage made the motion to authorize the Development Corporation of Abilene to purchase the 33.968 acres and 3.164 acres from the city. Councilman McAlister seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Archibald NAYS: None

Resolution: #83-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA") PURCHASE OF TWO PARCELS OF VACANT LAND FROM THE CITY OF ABILENE ("CITY") LOCATED AT 1417 N. ARNOLD BLVD AND NE CORNER OF LOOP 322 AND HWY 36

#### **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session at 10:35 am pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Section 551.071

C) Termination of non-conforming uses within Zoning Districts

Personnel Matters - Section 551.074

A) Municipal Judge, City Secretary, City Attorney and City Manager

The Council reconvened in Open Session at 11:40 am and reported no votes or action was taken in Executive Session.

10.1 Oral Resolution: Discussion and possible action related to annual performance evaluations of City Manager, City Secretary, City Attorney and Municipal Judge. Council has had the evaluations of all of the appointees and are reporting that there was positive performance evaluations on all four. Council will not be recommending any salary adjustments at this time.

Mayor Norm Archibald made the motion to approve the positive evaluation and accommodations of the four appointees. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Archibald **NAYS: None** 

There being no further business the meeting was adjourned at 11:44 a.m.

City Secretary

Anthony Williams

Mayor

Mayor Pro-tem