

CONSENT AGENDA

Councilman Kreitler pulled item 6.1. Councilman Savage pulled items 6.2 and 6.3. Councilman Savage made the motion to approve the consent agenda item 6.4 as presented by staff. Councilman Price seconded the motion, motion carried.

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

- 6.1 **Resolution:** Awarding the purchase of the annual street services division bulk materials contracts. *Councilman Kreitler pulled item 6.1.*
- 6.2 **Resolution:** Authorizing the continuation of a rental contract with United Rentals for two temporary pumps for the Buck Creek Pump Station. *Councilman Savage pulled item 6.2.*
- 6.3 **Resolution:** Awarding a contract to Barr Roofing to repair the CityLink Roof in the amount of \$401,210.00. *Councilman Savage pulled item 6.3.*
- 6.4 **Resolution:** City Council authorized the City Manager to submit a grant application to the Office of Governor for the 2017 Rifle-Resistant Body Armor Grant Program.

The goal of the Governor's Criminal Justice Division (CJD) is to provide needed funding to improve public safety and support victims of crime by filling system gaps and promoting innovative solutions to common problems. In 2017, in response to the July 7th 2016, shooting of numerous police officers in Dallas, Texas, the Legislature passed and the Governor signed Senate Bill 12, which created a grant program within the governor's office to increase the safety of Texas law enforcement officers by assisting agencies in the purchase of rifle-resistant body armor. CJD is now accepting applications for projects under this program. The deadline has been extended for the submission of the application.

Resolution: **#106-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING THROUGH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM.

ITEMS PULLED FROM CONSENT

- 6.1 **Resolution:** Awarding the purchase of the annual street services division bulk materials. *Councilman Kreitler pulled this item.*

Council and Staff discussion included: 1) cost of delivery.

Contracts are as follows:

Item:	Company	Unit Price
Limestone Rock Asphalt, Type CC	Vulcan Const. Materials	\$ 81.19/Per Ton
Hot Mix, Type D-Delivered	Vulcan Const. Materials	\$ 73.56/Per Ton
Hot Mix, Type D	Vulcan Const. Materials	\$ 68.00/Per Ton

A-1 Flex Base-Delivered	Vulcan Const. Materials	\$ 10.90/Per Ton
A-1 Flex Base	Vulcan Const. Materials	\$ 6.00/Per Ton
Type A, Grade 6 Rock	Vulcan Const. Materials	\$15.00/Per Ton
Portland Cement, Type I	Abilene Lumber	\$ 11.25/Per Sack
Polymer Modified Crack Sealant	Crafco Texas	\$.40/Per Pound
HPPM	Unique Paving Materials	\$ 116.75/Per Ton
CBS-1	Envirotx	\$ 4.25/Per Gallon

Councilman Kreitler made the motion to approve the awarding of the bulk materials supply contract to various vendors as listed. Councilman Savage seconded the motion, motion carried.

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

Resolution: #107-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARD, THE BULK MATERIALS SUPPLY CONTRACTS TO VARIOUS BIDDERS AS LISTED BELOW - FUNDS ARE AVAILABLE IN THE 2017-18 GENERAL OPERATING BUDGET

6.2 Resolution: Authorizing the continuation of a rental contract with United Rentals for two temporary pumps for the Buck Creek Pump Station. *Councilman Savage pulled this item.*

The rental contract was initiated on an emergency basis in order to restore the pumping capacity lost due to the catastrophic failure of the west screw pump. The expenditure associated with the rental contract will exceed \$50,000 in value and thus requires the approval of the Abilene City Council. It is estimated that the rental pumps may be necessary for up to 12 months resulting in a total expenditure not to exceed \$225,000.

Council and Staff discussion included: 1) what would be the cost to purchase the pumps that are being rented; and 2) the value of having these pumps on hand if purchased.

Councilman Savage made the motion to approve the continuation of a rental contract with United Rentals for two temporary pumps for the Buck Creek Pump Station. Councilman Hurt seconded the motion, motion carried.

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

Resolution: #108-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CONTINUATION OF A CONTRACT WITH UNITED RENTALS FOR THE RENTAL OF TWO TEMPORARY SUBMERSIBLE PUMPS FOR THE BUCK CREEK PUMP STATION'S SCREW PUMP LIFT STATION

6.3 Resolution: Awarding a contract to Barr Roofing to repair the CityLink Roof in the amount of \$401,210.00.

On June 8, the city received proposals from the Request For Proposals (CB-1750) to repair hail damage to the roof at the CityLink Terminal. The damage occurred in the 2014 hailstorm.

Council and Staff discussion included: 1) original bid was awarded to Layne Tech; 2) contract with them was never executed due to some issues; and 3) this item was re-bid.

Councilman McAlister made the motion to award the bid to Barr Roofing to repair CityLink Roof in the amount of \$401,210.00. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Councilwoman Albus and Mayor Williams

NAYS: Councilman Savage

Resolution: #109-2017

A RESOLUTION OF THE CITY OF ABILENE, TEXAS TO AWARD THE CONTRACT TO REPAIR THE ROOFS OF THE CITYLINK TERMINAL TO BARR ROOFING

REGULAR AGENDA

7.1 Rodney Taylor Director of Water Utilities briefed the city council on the Resolution awarding a bid to Lupe Rubio Construction Company for the Industrial Boulevard Waterline Replacement Project.

The City contracted with Jacob and Martin Engineering, LLC (JM) for the design, preparation of plans and contract documents, bidding assistance, project supervision (not RPR), and project administration for the replacement of approximately 4,600 feet of 12inch diameter cast iron pipe with 12inch PVC pipe. Lupe Rubio Construction Company submitted the lowest qualifying bid totaling \$835,054.65. JM verified references and does recommend awarding the bid to Rubio.

Council and Staff discussion included: 1) water line doesn't go East from Treadaway to Maple Street; 2) after the water line then Public Works will begin the street rehab in early 2018; and 3) on this contract and contracts going forward the City will do the quality control supervision along with the checks of water line installations.

Councilman McAlister made the motion to approve the Resolution awarding a bid to Lupe Rubio Construction Company for the Industrial Boulevard Waterline Replacement Project. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

Resolution: #110-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING A BID TO LUPE RUBIO CONSTRUCTION COMPANY FOR THE INDUSTRIAL BOULEVARD WATERLINE REPLACEMENT PROJECT

7.2 Dana Schoening Director of Planning and Development Services briefed the city council on the Ordinance for OAM-2017-02, Amendment to the Land Development Code (LDC) regarding Section 2.4.2.1 "The Land Use Matrix", Section 2.3.2.9 Residential Multiple-Family, and 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing Residential Uses- Dwelling-Multiple-Family (24 units per acre), 'P-Permitted' to allowed with a 'C-Conditional Use Permit' in CU (College & University), O (Office), NO (Neighborhood Office), GR

(General Retail), MU (Medical Use), CB (Central Business) MX (Mixed Use) and NR (Neighborhood Retail) zoning districts.

STAFF RECOMMENDATION

Staff recommends amendment to the Land Development Code that changes MF (Multiple-Family) as a Permitted (P) use to Conditional Use Permit (C) in certain non-residential zoning districts to include NO, O, NR, and GR zoning districts.

Alternate recommendation if City Council would like to consider would be to delay the effect of the ordinance for one year that changes MF (Multiple-Family) as a Permitted (P) use to Conditional Use Permit (C) in certain non-residential zoning districts to include NO, O, NR, and GR zoning districts.

BOARD OR COMMISSION RECOMMENDATION

On August 7, 2017, the Planning and Zoning Commission considered and recommended approval of MF as a conditional use in NO, O and NR zoning districts. MF as a conditional use in GR, is conditional with provision of a two-year grace period upon ordinance approval to obtain vested right for MF as a permitted use by-right, with an additional three years from the end of the two-year grace period as vested right by a vote of five (5) in favor (Smith, Famble, Rosenbaum, Calk, Noonan) and none (0) opposed

Mayor Williams 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 for **OAM-2017-02**, amendment to the Land Development Code (LDC) regarding Section 2.4.2.1 "The Land Use Matrix", Section 2.3.2.9 Residential Multiple-Family, and 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing Residential Uses-Dwelling-Multiple-Family (24 units per acre), 'P-Permitted' to allowed with a 'C-Conditional Use Permit' in CU (College & University), O (Office), NO (Neighborhood Office), GR (General Retail), MU (Medical Use), MX (Mixed Use) and NR (Neighborhood Retail) zoning districts effective October 1, 2018. Councilman Price seconded the motion, motion carried.

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

Ordinance: #35-2017

AN ORDINANCE AMENDING CHAPTER 8, CONSTRUCTION REGULATIONS, DIVISION 6, MINIMUM STANDARDS FOR BUILDINGS AND STRUCTURES, SECTION 8-557 REMEDIES AS SET OUT BELOW; PROVIDING FOR SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

7.3 Dana Schoening Director of Planning and Development Services briefed the city council on the Ordinance for Case #Z-2017-17 a request from AJWO, Inc., c/o Tom Lindley, agent Chris Barnett, to rezone 12.064 acres from AO/COR (Agricultural Open Space/Corridor Overlay) to GR/COR (General Retail/Corridor Overlay), located at 4250 Forrest Hill Road, the northeast corner of the intersection of Forrest Hill Road and Buffalo Gap Road.

The applicant's request is to rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) to GR/COR (General Retail/Corridor Overlay), in order to provide more retail land uses along Buffalo Gap Road and in close proximity to Antilley Road. Currently, the property is undeveloped. The adjacent properties

have RS-6 (Single-Family Residential) to the east, PD-37/COR to the south, PD-142/COR to the west, and AO/COR and GR/COR to the north. Additionally, there is a large portion of the property (approximately 6+ acres) located in the floodway and another portion dissected by a large, electric highline easement. Staff feels that these two factors will provide a buffer from the retail uses that may develop on the property from any adjacent single-family uses. The applicant states, "only 3.5+/- acres out of the 12.064 are developable due to these constraints."

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

On August 7, 2017, the Planning and Zoning Commission considered and recommended approval of the zoning request by a vote of five (5) in favor (Smith, Famble, Rosenbaum, Calk, Noonan) and none (0) opposed.

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

Councilman Price made the motion to approve the Ordinance for Case #Z-2017-17 a request from AJWO, Inc., c/o Tom Lindley, agent Chris Barnett, to rezone 12.064 acres from AO/COR (Agricultural Open Space/Corridor Overlay) to GR/COR (General Retail/Corridor Overlay), located at 4250 Forrest Hill Road, the northeast corner of the intersection of Forrest Hill Road and Buffalo Gap Road. Councilman Kreitler seconded the motion, motion carried.

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

Ordinance: #36-2017

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: 4250 Forrest Hill Road

7.4 Danette Dunlap City Secretary briefed the city council on the Ordinance for approving the Dissolution of the Municipal Golf Course Advisory Board.

Council reviewed the boards and commission earlier in the year and made recommendations for various boards and commissions to be dissolved. The Municipal Golf Course Advisory Board would take action per an ordinance.

Council and Staff discussion included: 1) Maxwell Golf Course; and 2) there is a contract with the company that is currently running the Course.

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

- Phil Gage – on the current board supports the dissolution

- Lawayne Harris – on the current board doesn't support the dissolution
- Dale Boecker – asked questions regarding the board

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 dissolve the Municipal Golf Course Advisory Board. Councilman Hurt seconded the motion, motion carried.

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

Ordinance: #37-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE DISSOLUTION OF THE MUNICIPAL GOLF COURSE ADVISORY BOARD

8.1 Mike Rains Director of Finance briefed the council on the proposed Budget for Fiscal Year 2017-18 in the amount of \$92,352,000.

Council and Staff discussion included: 1) reduction of the facility maintenance of \$28,261; 2) tax rate increase; 3) 7.6% increase over last year's budget; 4) streets; 5) street maintenance fee will be coming back to council later in the month; 6) convention center maintenance; and 7) Chamber of Commerce and the HOT funds.

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

- Dale Boecker – concerned over the tax rate and the increases
- Bob Thomas – supported pay raise for employees

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

Councilwoman Albus made the motion to approve and adopt the budget for Fiscal Year 17-18 in the amount of \$92,352,000. Councilman McAlister seconded the motion, motion carried.

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

Ordinance: #38-2017

AN ORDINANCE APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

Councilman McAlister made the motion to acknowledge (ratify) that the Adopted Budget will cost more than last year's budget. "This budget will raise more total property taxes than last year's budget by an amount of \$2,297,760 which is a 7.6% increase from last year's budget. Of that amount \$860,268 is tax revenue to be raised from new property added to the tax roll this year." Councilwoman Albus seconded the motion, motion carried.

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

8.2 Mike Rains Director of Finance briefed the city council on the Ordinance on the Proposed 2017-18 Tax Rate. The FY 2018 Budget approved by Council on July 27, 2017 set the tax rate at \$.7751. State law requires that two (2) public hearings must be held prior to the final public hearing and vote. Public hearings were held on August 24, 2017 and September 7, 2017.

Council and Staff discussion included: 1) .81 is the roll back rate on the taxes.

Mayor Williams opened the public hearing and the council heard from the following citizen:

- Dale Boecker – spoke against the increase in the tax rate

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

Mayor Williams made the motion to move that the property tax rate be increased by the adoption of the tax rate of \$.7751 per \$100, which is effectively a 7% increase in the tax rate. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Hurt, McAlister, Councilwoman Albus and Mayor Williams

NAYS: Councilmen Kreitler and Savage

Ordinance: #39-2017

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2017, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE FISCAL YEAR 2018; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE

8.3 Mike Rains Director of Finance briefed the city council on the Ordinance that sets the Fees and Charges for Fiscal Year 2017-18.

It was noted in the Ordinance Exhibit the minor changes that were made from the first reading until this meeting.

Mayor Williams 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 that sets the fees and charges for the Fiscal year 17-18. Councilman Hurt seconded the motion, motion carried.

AYES: Councilmen Price, Kreitler, Hurt, McAlister, Councilwoman Albus, and Mayor Williams

NAYS: Councilman Savage

Ordinance: #40-2017

AN ORDINANCE APPROVING AND ADOPTING FEES AND CHARGES FOR THE FISCAL YEAR OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018, FOR THE CITY OF ABILENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES, RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

11.1 Resolution: Appointing members to various boards and commissions per the City Charter.

- Russel Berry West Central Texas Municipal Water District May 2019
- Ron Butler West Central Texas Municipal Water District May 2019

Mayor Williams made the motion to re-appoint the above listed members to the West Central Texas Municipal Water District. Councilman Savage seconded the motion, motion carried.

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

Resolution: #111-2017

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

There being no further business the meeting was adjourned at 7:32 p.m.



Danette Dunlap, TRMC
City Secretary



Anthony Williams
Mayor