

**CITY COUNCIL MEETING
October 26th, 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 October 26, 2017, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Councilmen Shane Price, Bruce Kreitler, Weldon Hurt, Kyle McAlister, Steve Savage and Councilwoman Donna Albus. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, Interim City Secretary Tiffni Herrera, and various members of the City staff.

Councilman Kyle McAlister gave the invocation.

Emily Swangin, 4th grader, from Bowie Elementary, Aleazzia Aguila, 3rd grader from Taylor Elementary, and Novileh Louis, 4th grader from Wylie Elementary, Rheauna De La Garza 4th grader from Bonham Elementary, and Mia Grant 4th grader from Bowie Elementary led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION

Mayor Williams presented the following proclamation:

White Cane Day, Mary Kendrick, National Federation for the Blind, and Mike Vandervoort were in attendance

EMPLOYEE SERVICE AWARDS

City Manager Robert Hanna assisted Mayor Williams in recognizing the following City Employees for their years of service to the City of Abilene:

Jason Aulerich	Police Officer	20 years
Gary Bone	Police Lieutenant	20 years
Gary Castillo	Police Officer	20 years

DISPOSITION OF MINUTES

5.0 Mayor Williams stated Council has been given the minutes from the Regular Called Meeting held on October 12, 2017, with there being no deletions, no additions, or corrections, Councilman Savage made a motion to approve the minutes as presented. Councilman Kreitler seconded the motion, motion carried.

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

CONSENT AGENDA

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

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

- 6.1 **Ordinance:** *(First Reading)* **Z-2017-18** a request from HIT Ventures LLC, represented by Harley Burnett, Agent CJ Chaney, to rezone two (2) lots from AO (Agricultural Open Space) to GC (General Commercial) located at the northwest corner of Maple St. and S. 27th Street; and setting a public hearing for November 16, 2017
Councilman Savage pulled this item from consent.

- 6.2 **Ordinance:** *(First Reading)* **Z-2017-19** A request from Charles Coody, agent eHT, to enlarge the boundary of Planned Development District located at 1510 E. Industrial Boulevard, and amending Planned Development District Number 70), to allow PH (Patio Homes), and to amend other specific regulations. Located at 1510 E. Industrial Boulevard and the 1500 Block of the north side of E. Industrial Boulevard

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.

- 6.3 **Ordinance:** *(First Reading)* **OAM-2017-04** Amendment to the Land Development Code (LDC) regarding Section 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing (33) LIQUOR STORE, On-Premise Consumption; subpart a. Distances Required
Councilman Kreitler pulled this item from consent

- 6.4 **Resolution:** Authorize the Purchase of Four Solid Waste Front loader Trucks through BuyBoard Cooperative in the amount of \$1,193,852.00

Resolution: **#131-2017**

A RESOLUTION OF THE CITY OF ABILENE, TEXAS PURCHASING FOUR SOLID WASTE 2018 AUTOCAR ACX64 CHASSIS WITH A HEIL 40 CUBIC YARD FRONT LOADER PURCHASED FROM CHASTANG'S BAYOU CITY AUTOCAR THROUGH BUYBOARD COOPERATIVE PURCHASING

ITEMS PULLED FROM CONSENT

- 6.1 **Ordinance:** *(First Reading)* **Z-2017-18** a request from HIT Ventures LLC, represented by Harley Burnett, Agent CJ Chaney, to rezone two (2) lots from AO (Agricultural Open Space) to GC (General Commercial) located at the northwest corner of Maple St. and S. 27th Street
Councilman Savage pulled this item from consent

Council and Staff discussion included: 1) the city will not utilize eminent domain to acquire 10-30 feet of any citizen's property regarding this zoning request

Councilman Savage made the motion to approve the ordinance on first reading, a request from HIT Ventures LLC, represented by Harley Burnett, Agent CJ Chaney, to rezone two (2) lots from AO (Agricultural Open Space) to GC (General Commercial) located at the northwest corner of Maple St. and S. 27th Street. Councilman Kreitler seconded the motion, motion carried.

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

- 6.3 **Ordinance:** *(First Reading)* OAM-2017-04 Amendment to the Land Development Code (LDC) regarding Section 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing (33) LIQUOR STORE, On-Premise Consumption; subpart a. Distances Required
Councilman Kreitler pulled this item from consent

Council and Staff discussion included: 1) what brought about the need for this change; the city's regulations for measurement are stricter than the State of Texas 2) any business that has been denied will be able to reapply 3) explore ways to make the ordinance and process easier to understand

Councilman Savage made the motion to approve this ordinance on first reading, an amendment to the Land Development Code (LDC) regarding Section 2.4.3.3 'All Other Uses Without Specific Requirements' pertaining to changing (33) LIQUOR STORE, On-Premise Consumption; subpart a. Distances Required; Councilman Price seconded the motion, motion carried.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CITY OF ABILENE LAND DEVELOPMENT CODE, CHAPTER 2, "ZONING REGULATIONS," ARTICLE 4, "USE REGULATIONS," DIVISION 3, "REQUIREMENTS APPLICABLE TO SPECIFIC LAND USES," SECTION 2.4.3.3, "ALL OTHER USES WITH SPECIFIC REQUIREMENTS," SUBSECTION (a)(33), "LIQUOR STORE (ON PREMISE CONSUMPTION)," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW

REGULAR AGENDA

7.1 Robert Hanna, City Manager, presented this item. Mayor Williams requested that an item be placed on the agenda allowing the creation of a citizen's advisory board for people with disabilities. The purpose of the board is to serve as a point of contact and a voice for the residents of the City of Abilene to the City Council concerning matters of accessibility, use, and benefit to persons with disabilities. It would also review and discuss matters referred to the Board by the City Council and the City Manager, and provide recommendations to the City Council.

Council and Staff discussion included: 1) there are approximately 15,071 citizen's in Abilene who are classified as disabled, which is 14% of the population; 2) this board would allow individuals with disabilities the opportunity to review and provide recommendations to the City Council that would help guide and shape public policy 3) January 2018 is the target date for Council approved appointments to the 7-member board 4) classes for learning to use sign-language is offered at Disability in Action and Abilene Independent School District 5) the Governors' office provides many great resources

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

- Tim Evans, Disabilities in Action representative, is in favor
- Mike Vandervoort is supportive and pleased with this resolution

- Katherine Ballard, thanked the Council and is supportive of this resolution (Patrice Arrington interpreted)
- Cheryl Archer, need more resources for people with hearing impairments in Abilene
- Joann Fluke, Disability in Action, offered suggestions and is happy and supportive of this board creation

Councilman Savage made the motion to approve the resolution creating a citizen's advisory board for people with disabilities, Councilman Hurt seconded the motion, motion carried.

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

Resolution: # 132-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING THE CITIZEN'S ADVISORY BOARD FOR PEOPLE WITH DISABILITIES

7.2 Kent Sharp, Director of Economic Development, presented this item to the Council, which consists of the Development Corporation of Abilene, Inc.'s Project with Hardin-Simmons University (HSU) sale of the AbLabs Facility. The Development Corporation of Abilene, Inc. (DCOA) is authorized by the Development Corporation Act of 1979, as revised, to provide financial assistance to public entities in order to facilitate new and additional job training opportunities, which will help provide employment for Abilene area residents and provide a labor pool for local businesses and industry. Assistance shall thereby contribute to the economic development of Abilene.

Hardin-Simmons University's Department of Physical Therapy, founded in 1995, was the first private school in Texas to offer the entry-level physical therapy degree, the first to offer the Doctor of Physical Therapy degree (DPT) and the first to offer the post-professional transitional DPT (t-DPT) degree. HSU PT accepts 28 students/year ensuring personal attention in a caring community.

DCOA and HSU wish to enter into an agreement whereby the DCOA will sell land and a building located at 1325 Pine and 1342 Walnut ("Facility") plus all equipment located thereon to HSU for the purpose of HSU using this property as the primary facility to house their physical therapy school and scientific research related activities. HSU expects to increase the number of students enrolled in the physical therapy program and will relocate some HSU employees to this same location.

DCOA estimates the value of land and building located at 1325 Pine and 1342 Walnut to be \$2,250,000. HSU has officially offered \$1,500,000 for this real estate and equipment located thereon in a cash sale transaction. The difference between the estimated value and the offered price is \$750,000, which will be considered an incentive value for this economic development project.

DCOA board approved on October 17, 2017, setting a value on the building and land at \$2,250,000. Also approved was an Agreement for Financial Assistance with HSU, which will include the sale to HSU of the land, building and all equipment, located thereon for \$1,500,000 in cash. In exchange, HSU will execute a Promissory Note for \$750,000 at 0% interest. Annual principal reductions shall be earned by HSU over a three-year period, as long as HSU provides certification that the facility is the primary location for its physical therapy program. In addition, HSU must fulfill the performance terms of the Agreement for Financial Assistance in reference to the number of employment positions and students enrolled in the physical therapy program. Closing of this transaction will take place on or around November 17, 2017

Council and Staff discussion included: 1) this is the best-case scenario for this facility 2) question regarding the promissory note; \$750,000 is an incentive 3) there would not be a deed restriction

Councilman Price made the motion to approve the resolution approving the DCOA agreement with Hardin-Simmons University for the sale of land and AbLabs building located at 1325 Pine Street and 1342 Walnut Street for the price of \$1,500,000. Councilman Kreitler seconded the motion, motion carried.

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

Resolution: #133-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA") AGREEMENT WITH HARDIN-SIMMONS UNIVERSITY ("HSU") TO INCLUDE DCOA SELLING TO HSU THE LAND AND A BUILDING LOCATED AT 1325 PINE ST. AND 1342 WALNUT ST. AND ALL EQUIPMENT LOCATED THEREON

7.3 Michael Rice, Director of Public Works, presented this item, an oral resolution for an application and/or permit to drill and/or operate an oil and gas well from Teal Exploration, LLC.

Because all prerequisites and requirements of Chapter 21, Oil and Gas; have been met, including no anticipated adverse effect on the health, safety and welfare of the public, staff recommends that the City Council vote to approve the application for this drilling permit and authorize the Mayor to execute permit # 827705 for Teal Exploration, LLC.

Council and Staff discussion included: 1) location is in the flood plain, but it has been reviewed and is in compliance 2) Councilman Kreitler requested to be in attendance during the blow out preventer test.

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

- Koby Killion, agent with Teal Exploration, stated he would be glad to accommodate Councilman Kreitler on his request

Councilman Kreitler made the motion to approve this oral resolution authorizing Permit No. 827705, for Teal Exploration LLC, located at 3350 N. Clack Street. Councilman Savage seconded the motion, motion carried.

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

Council recessed for a five-minute break

Council reconvened into Regular Session

7.4 Rodney Taylor, Director of Water Utilities, presented this item to the Council, an ordinance on first reading amending Chapter 32 "Utilities" by inserting new Article IX: Hauled Liquid Waste, and setting a public hearing for November 2, 2017.

On February 23, 2017, staff presented the results of a Hauled Liquid Waste Program analysis in order to help determine if the City of Abilene could safely accept Hauled Liquid Waste (HLW). It was evident from that discussion that the City Council generally supported such a program.

Staff explored the creation of a hauled liquid waste collection station at Buck Creek and initially thought it might prove the most cost effective location for a HLW program. Staff has since moved away from this concept. After further analysis, it is clear that the Hamby will provide the most cost effective location for HLW program.

History and Current Practices of HLW in Abilene

- Until 1992 Abilene accepted domestic septage and portable toilet HLW.
- HLW Program discontinued in 1992
 - Received HLW resulted in regular problems with screening equipment
 - Staffing of Buck Creek Pump Station reduced
- Exception made to continue accepting certain low-risk liquid wastes.
 - Two local portable toilet companies (permits still active).
 - One local landfill disposing of condensate/leachate (permit cancelled).



Article IX: Hauled Liquid Waste

- Implementation of a Hauled Liquid Waste (HLW) Program at the Hamby WRF.
- Accept only hauled Domestic Septage and Portable Toilet Wastes.
- Normal hours of operation M-F from 8:00 am to 4:00 pm.
- Initial Rate of \$0.08 per gallon of waste discharged.



Survey of Plants Having Similar Technology and Capacities

Wastewater Treatment Plants Similar to the Hamby WRF			
Plant Name	Location	MGD	Accepts HLW
Ballenger-McKinney WWTP	Frederick, MA	8	Y
Spokane County Regional WRF	Spokane, WA	8	Y*
Redlands WTP	Redlands, CA	7	Y
City of North Las Vegas WRF	North Las Vegas, NV	25	N
Yellow River WRF	Gwinnett County, GA	22	N
Brightwater WRF	Woodinville, WA	25	N
Jordan Basin WRF	Riverton, UT	8	N
Johns Creek Environmental Campus	Alpharetta, GA	11	N
Irvine Ranch Water District	Irvine, CA	10	N
Butler Drive WRF	Peoria, AZ	10	N
Henderson South WWRF	Henderson, NV	8	N
Traverse City WWTP	Traverse City, MI	7	N

* The Spokane County WRF occasionally accepts a load of HLW, but the greater amount is directed to another facility.



Staff Evaluation for Implementing a HLW Program

ITEM	NOTES	ANNUAL COSTS	ITEMS	ANNUAL REVENUE
HLW Facility	Initial Capital \$0.520M, 20yr debt	\$39,000	Gallons / Year	768,000
Labor	new operator position X 1.4	\$0	Gallons / Month	64,000
Lab Work	Sample Analysis	\$15,000	Loads / Month	70
Administrative	Printing, billing, software, misc.	\$1,500	Price / gallon	\$0.10
O&M	Haul solids, O&M of facility	\$2,000	Revenue / Month	\$6,400
Loading	Added Cost of Treatment (Surcharge)	\$12,200		
	COSTS / YEAR	\$69,700	Revenue / Year	\$76,800.00

1. Abilene would construct a new receiving facility at the Buck Creek Pump Station.
2. No new personnel added initially, and re-evaluate after implementation.
3. Assumes Abilene would capture the local market resulting in the lowest pricing rate per gallon.



Staff believes that the best way to ensure the longevity and performance of the MBR system is to limit exposure to undesirable waste streams. However, staff has found no evidence of HLW causing damage to membrane fibers in other wastewater treatment plants of similar size and treatment technologies. The recommended path forward is to implement a HLW program that minimizes capital investment, is staffing neutral, and that is fully funded from a competitive discharge fee per gallon.

Council and Staff discussion included: 1) timing aspect of accepting waste 2) Hamby WWTP versus Buck Creek advantages and disadvantages regarding dilution 3) staff availability at the location 4) change of language regarding the termination of the permit 5) refusing a load because of plant operations interruptions and timing 6) question about load sizes and haulers with larger volume trucks 7) the city does not want to compete with private businesses in Abilene 8) does the benefits outweigh the risks 9) existing drop points are currently allowed and are permitted 10) funding will be in the form of 20 year debt

Mayor Williams made the motion to approve an ordinance on first reading, amending Chapter 32 "Utilities" by inserting new Article IX, Hauled Liquid, Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Savage declared a conflict and left the meeting during this item

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES" OF THE ABILENE MUNICIPAL CODE BY INSERTING A NEW ARTICLE IX, "HAULED LIQUID WASTE", THAT PROVIDES FOR THE IMPLEMENTATION OF A HAULED LIQUID WASTE PROGRAM FOR THE CITY OF ABILENE, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

EXECUTIVE SESSION

Mayor Williams recessed the Council into Executive Session at 10:33 a.m. pursuant to the Open Meetings Act.

The Council reconvened in Open Session at 11:22 a.m. and reported no votes or action were taken in Executive Session.

10.1 Robert Hanna, City Manager presented this item, a resolution on the adoption of wholesale water contract with the City of Ballinger, Texas.

Brian Grimes, City Manager from the City of Ballinger, spoke to thank the City of Abilene staff, in addition, stated how this agreement solves a long-term water issue for this generation of their citizens.

Councilman Price made the motion to approve the Resolution, with some typographical corrections, to enter into this wholesale water services contract with the City of Ballinger. Councilman Savage seconded the motion, motion carried.

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

NAYS: None

Resolution: #134-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO PROVIDE WATER TO THE CITY OF BALLINGER, TEXAS

10.2 Robert Hanna, City Manager briefed the council on this item, a resolution to approved the adoption of a water infrastructure agreement with the City of Ballinger, Texas. The City of Abilene and the City of Ballinger,

Texas, have been discussing a wholesale regional water supply contract for several months. A component of the discussion has been the construction of a pipeline connecting the Hargesheimer Water Treatment Plant and the Grimes Water Treatment Plant.

The term is an evergreen term, meaning it is effective until Ballinger performs and the pipeline is completed. The contract is not effective until Ballinger secures funding for the planning, acquisition of right of way, and design (PAD) of the LFPH infrastructure, CRMWD consent to sell of Lake Ivie water. Ballinger is responsible for the PAD of the pipeline connecting Hargesheimer to Grimes, which should flow 18MGD (Abilene + Ballinger's needs). In short, Ballinger completes the PAD associated with Abilene and Ballinger needs for the pipeline. Ballinger shall pay for its portion of pipeline construction. Abilene will pay for its portion of pipeline construction. Abilene owns the pipeline, and Ballinger owns 3 MGD of dedicated capacity, which Abilene can use if Ballinger is not.

Councilman Savage made the motion to approve the Resolution on the adoption of a water infrastructure agreement with the city of Ballinger, Texas. Councilwoman Albus seconded the motion, motion carried.

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

NAYS: None

Resolution: #135-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF BALLINGER FOR WATER SUPPLY INFRASTRUCTURE AND IMPROVEMENTS

10.3 Resolution: Nominations for person(s) on the Board of Directors of the Central Appraisal District of Taylor County for 2017-2018.

Mayor Williams made the motion to nominate Paul Falade. Councilman Savage seconded the motion, motion carried.

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

NAYS: None

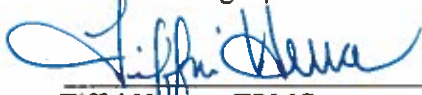
Resolution: #136-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF BALLINGER FOR WATER SUPPLY INFRASTRUCTURE AND IMPROVEMENTS

Mayor Williams recessed the Council into Executive Session at 11:30 a.m.

The Council reconvened in Open Session at 12:55 pm. and reported no votes or action were taken in Executive Session.

There being no further business the meeting adjourned at 12:56 p.m.



Tiffni Herrera, TRMC
Interim City Secretary



Anthony Williams
Mayor