

**CITY COUNCIL MEETING
November 2, 2017 at 4:00 PM**

**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 November 2, 2017, at 4:00 p.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Councilmen Shane Price, Bruce Kreidler, Weldon Hurt, Kyle McAlister, Steve Savage and Councilwoman Albus. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, Interim City Secretary Tiffni Herrera, and various members of the City staff.

EXECUTIVE SESSION

Mayor Williams recessed the Council into Executive Session at 4:00 p.m. pursuant to the Open Meetings Act.

The Council reconvened in Open Session at 5:30 p.m. and reported no votes or action was taken in Executive Session. Councilman Hurt left the meeting during Executive Session.

Councilman Steve Savage gave the invocation.

Mayor Williams introduced Avery Clark of Madison Middle School who 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:

National Juvenile Diabetes Awareness Month accepted by Avery Clark.

CONSENT AGENDA

Councilman Savage made the motion to approve the consent agenda items 6.1 and 6.2 as presented by staff. Councilwoman Albus seconded the motion, motion carried.

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

NAYS: None

- 6.1** **Resolution:** Authorizing task order 10 with Garver to provide Construction Management Services for the taxiway seal coat rehabilitation project at the Abilene Regional Airport for \$84,926.00.

Resolution: **#137-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE TASK ORDER 10 WITH GARVER FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH TAXIWAYS SEAL COAT REHABILITATION.

- 6.2** **Resolution:** Awarding a contract to Maxwell Asphalt for taxiway seal coat rehabilitation at the Abilene Regional Airport for \$698,434.85.

Resolution: **#138-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT WITH MAXWELL ASPHALT FOR TAXIWAY SEAL COAT REHABILITATION.

DISPOSITION OF MINUTES

- 5.0 Mayor Williams stated Council has been given the minutes from the Special Meeting held on October 24, 2017, there being no deletions, no additions, and no corrections. Councilman Price made a motion to approve the minutes with correction. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

REGULAR AGENDA

- 7.1 Rodney Taylor, Director of Water Utilities, presented this item to the Council, an ordinance on final reading amending Chapter 32 "Utilities" by inserting new Article IX: Hauled Liquid Waste. City staff recommends amending City Code Chapter 32 "Utilities" with the insertion of a new Article IX "Hauled Liquid Waste" as set out in Exhibit "A" for the implementation of a Hauled Liquid Waste Program for the City of Abilene.

Council and Staff discussion included: 1) .08 per gallon fee 2) desire to avoid direct competition with private industry and the impact 3) the benefit of this program has not been realized or understood by staff 4) the city is already accepting hauled waste from two companies 5) all entities should participate in the program, if approved 6) staff recommends removing the 30-day termination from the language of the ordinance 7) 60-90 days to bring an ordinance back to Council with the changes

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 table this ordinance amending Chapter 32 "Utilities" by inserting new Article IX: Hauled Liquid Waste until the first Regular Meeting of the City Council in January 2018. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: Councilman McAlister

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

- 7.2 Rodney Taylor, Director of Water Utilities, presented a resolution authorizing the second amendment to the Interlocal Agreement between Brazos River Authority, West Central Texas Municipal Water District, and the City of Abilene.

The resolution authorizing the second amendment to the Interlocal Agreement between Brazos River Authority. The West Central Texas Municipal Water District and City of Abilene reduces the quantity of BRA's system water that is made available to the City and/or District. The reduction in available water is a direct response to the BRA offering to the City and/or District 7,200 acre-feet of water by way of a Surface Water Availability Agreement (SWAA). There is a pending SWAA for the sale of 7,200 acre-feet of raw water to the City of Abilene.

This resolution does not obligate the City of Abilene to enter into the above-mentioned SWAA with the Brazos River Authority. The 20,000 acre-feet quantity of the original agreement and amendment is being reduced to 12,800 acre-feet.

Council and Staff discussion included: 1) cleared up purpose for executing the amendment to the agreement 2) a draft agreement will be forth coming to the Council in the future 3) the benefit of the agreement relieves the Brazos River Authority with providing the city 20,000 acre feet plus 7,200 acre feet with pending contract; 7,200 acre feet will happen now instead of in the future

Councilman Price made the motion to approve the resolution authorizing the second amendment to the Interlocal Agreement between Brazos River Authority, West Central Texas Municipal Water Authority. Councilman McAlister seconded the motion, motion carried.

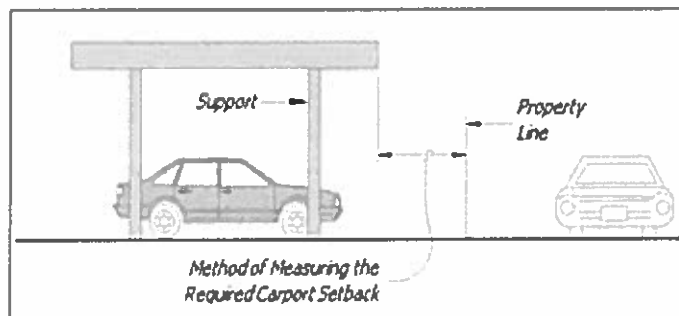
AYES: Councilmen Price, Kreitler, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Resolution: #139-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE SECOND AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE BRAZOS RIVER AUTHORITY, THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT, AND THE CITY OF ABILENE.

7.3 Taurus Freeman, Interim Director of Planning and Development Services presented an item for discussion regarding the Abilene Land Development Code. This communication serves as an analysis to potential amendments to the City of Abilene Land Development Code and other inquires. Staff will address carports, townhomes in the Central Business District, and ability to reduce civil penalties for the Board of Building Standards.

Carport



Stanley Smith, City Attorney, address the civil penalty process. Pursuant to State law, the City has adopted an ordinance allowing BOBS to assess a civil penalty against a property owner for failure to comply with a BOBS order to repair or demolish a substandard building. City staff may bring before the BOBS Board, a request for the assessment of a civil penalty against a property owner, to be considered at a public meeting.

If the Board of Building Standards orders the assessment of a civil penalty, the City is required by State law to file in the County deed records a civil penalty assessment lien against the property. The Owner has 30 days from the date of the Order in which to appeal the decision of BOBS. If no appeal taken timely, the civil penalty Order becomes "final and binding" according to State law. If the civil penalty Order becomes "final and binding," BOBS has no further authority to reduce or release the civil penalty, or to release the lien. At that point, the civil penalty Order becomes "final and binding", the collection of the civil penalty becomes the purview of the City.

Local Government Code 214.0015(b) (2) provides, in part, that the City control the "means of recovering" the assessment of the civil penalty. In other instances, the City has agreed to release property liens (i.e. securements, mowing, demolitions) for less than the full amount of the lien. Because the City typically does not receive payment on a lien until such time that the property is sold, which may not occur, the policy of accepting payment of less than the full amount of the lien has been utilized to help not only the property owner, but primarily the City to recover its expenses and costs.

Smith stated he is not aware of any state law that would prevent the City from settling and/or releasing civil penalty liens. This is a City Administration decision. To his knowledge, there is no state law that would prevent the City from amending its ordinance to provide a mechanism for BOBS to reconsider a civil penalty they previously ordered, although this additional step is not required under state or local law.

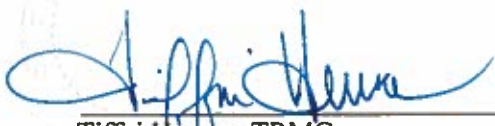
Council and Staff discussion included: 1) Board of Building Standards denials 2) definition of public right-of-way; parkway 3) similar material requirement 4) developing minimum standards that are acceptable to the citizen's 5) 26 out of 48 cases heard by the Board of Adjustment were related to carport permit requests 6) applications to the Board of Adjustment cost citizens \$400.00, add to the length of the process and this fee does not cover the cost of city staff time 7) should the ordinance limiting the Board of Adjustment from granting special exception to the 5' to the property line be eliminated 8) indicate to the Planning & Zoning Commission that the Council would like an ordinance that grants the boards more flexibility 9) modifying the Land Development Code by adding Townhomes and Patios Homes as allowed uses in the Central Business District zoning; direction to staff to bring this modification to the Planning & Zoning Commission for consideration and possible recommendation to the Council 10) having a distance measurement in neighborhoods where carports, etc. are already acceptable 11) the orders of civil penalty language could follow a policy

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

- Lenora Gongora – expressed frustration with the difficulty of the permitting process
- Leon Petty – asked question about whether he needed a permit for a carport in the rear of his residence

This item was for presentation, discussion and direction to staff, no action was taken.

There being no further business the meeting was adjourned at 7:05 p.m.



Tiffni Herrera, TRMC
Interim City Secretary



Anthony Williams
Mayor