

CITY COUNCIL MEETING
July 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 July 27th, 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 Kreidler, Weldon Hurt, Kyle McAlister, Steve Savage and Councilwoman Donna Albus. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Anthony Williams gave the invocation.

Mayor Williams introduced the following Krysenia Herrera she will be a 7th grade student at Mann Middle School, Krysenia 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 Water Quality Month – Michael Rice accepted the proclamation and he was joined by several Stormwater staff members.

DISPOSITION OF MINUTES

5.0 Mayor Williams stated Council has been given the minutes from the Regular Council Meeting on July 13th, the Special Called Meeting July 14th 2017 there being no deletions, no additions, and no corrections. Councilman Savage made a motion to approve the minutes as presented. Councilman McAlister seconded the motion, motion carried.

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

CONSENT AGENDA

Councilman Hurt made the motion to approve items 6.1 through 6.3 as presented by staff. Councilman Savage seconded the motion, motion carried.

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

6.1 **Ordinance:** *(First Reading)* **Z-2017-15** a request from Hubert E Young, Todd Lancaster, Ronald Grigsby, Robert W. Bails, George R. Jackson, Keith and Melyssa Lafontaine, and Jared and Regina Wall, agent City of Abilene, to rezone property from AO (Agricultural Open Space) to RS-8 (Residential Single-Family minimum 8,000 square foot lots), located at 5126, 5134, 5142, 5150, 5202, 5210 and 5218 Rio Mesa Dr; and setting a public hearing for August 10, 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.

- 6.2 **Ordinance:** (First Reading) **Z-2017-16** a request from Weatherbee Construction, Inc., agent Enprotec/Hibbs & Todd, to amend the terms and conditions of PD111 (Planned Development 111) to allow for GR (General Retail) uses, legal description being 6.23 acres; and setting a public hearing for August 10, 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.

- 6.3 **Resolution:** City council awarded Bid #CB-1751 for the purchase of structural firefighting protective gear from Casco Industries in the amount of \$1,995 per unit.

Resolution: **#88-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AWARDED BID TO CASCO INDUSTRIES, GRAND PRAIRIE, TEXAS.

REGULAR AGENDA

Councilman Savage declared a conflict and left the council chambers.

- 7.1 Alva Cox Assistant Director of Water Utilities and Kelley Waller briefed the city council on the Ordinance first reading Amending Chapter 32 "Utilities" by inserting new Article VIII Fats, Oils and Grease.

On June 19, 2013, the City of Abilene entered a Sanitary Sewer Overflow Initiative agreement with the Texas Commission on Environmental Quality (TCEQ). As required per the terms of the agreement, City staff has created a separate Fats, Oils and Grease (FOG) Ordinance to implement and enforce the FOG Program. City staff recommends amending Chapter 32 "Utilities" with the insertion of a new Article VIII "Fats, Oils, and Grease".

For many years the City of Abilene Water Utilities Department attempted to address FOG issues using the Industrial Waste Ordinance (IWO). However the IWO did not specifically address commercial restaurants which made it more difficult to effectively address FOG issues and take enforcement actions when necessary.

In order to help reduce the number of overflows and prevent further buildup of grease in the sewer system, City staff has developed the proposed FOG Ordinance (Exhibit A) in order to provide a more balanced and comprehensive approach to dealing with FOG issues.

Council and Staff discussion included: 1) public education; 2) ability to inspect as in-acted through the ordinance; 3) TCEQ requirement to come into compliance; 4) cleaning procedures for the grease traps and interceptors; 5) sampling in grease traps; 6) enforcement; 7) guidelines; and 8) no authority at Dyess.

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

- John Rosue – septic hauler spoke in favor of the ordinance
- Bill Whitley – City Marshall spoke in favor of the ordinance

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

Councilman McAlister made the motion to approve the First Reading of the Ordinance amending Chapter 32 "Utilities" by inserting new Article VIII :Fats, Oils and Grease, and setting a public hearing for August 10, 2017. Councilman Price seconded the motion, motion carried.

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

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES" OF THE ABILENE MUNICIPAL CODE BY INSERTING A NEW ARTICLE VIII, "FATS, OILS, AND GREASE", THAT IS BASED ON THE MODEL STANDARDS FOR A GREASE ORDINANCE DEVELOPED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

Councilman Savage returned to the council chambers.

7.2 Michael Rice Director of Public Works briefed the city council on the Resolution authorizing the City Manager to execute a Local Transportation Project Advanced Funding Agreement with the Texas Department of Transportation for improvements to the Northbound Loop 322 frontage road near Highway 36.

The City of Abilene has been working with Texas State Technical College (TSTC) and their development efforts on a new campus located between the Abilene Airport and Loop 322. As part of these efforts, the City of Abilene has discussed, and worked with TSTC and the Texas Department of Transportation on traffic safety concerns.

The scope of the project consists of relocation of the existing State Highway 36 exit ramp on Northbound Loop 322 to a new location approximately 2000 feet to the south, paving improvements from the new exit ramp to Highway 36, conversion of the frontage road to a One-Way, Northbound frontage road, and intersection improvements at Navajo Trail.

Council and Staff discussion included: 1) one way access roads near the new Texas State Technical College (TSTC).

Councilman Price made the motion to approve the Resolution authorizing the City Manager to execute a Local Transportation Project Advanced Funding Agreement with the Texas Department of Transportation for improvements to the Northbound Loop 322 frontage road near Highway 36. Councilman McAlister seconded the motion, motion carried.

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

Resolution: #89-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH THE STATE OF TEXAS THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION.

7.3 Wayne Lisenbee Director of Capital Improvements briefed the city council on the Construction Contract with Bontke Brothers for the Stevenson Parking Lot Rehab.

The adopted 2016 Capital Improvement Budget included the rehabilitation of the parking lots at Stevenson and Scarborough Parks in support of the Splashpad Bond Projects. Jacob & Martin has provided the design for the Stevenson parking lot.

Low bid was received from Contract Paving in the amount of \$89,733. However, Bontke Brothers was within the 5% local preference by submitting an amount of \$93,786. In accordance with the recently adopted Local Preference Policy by the City Council, the bid award goes to Bontke Brothers.

Council and Staff discussion included: 1) council policy

Councilman Hurt made the motion to approve the bid for the rehabilitation of the parking lots at Stevenson and Scarborough Parks in support of the Splashpad Bond Projects to Bontke Brothers in the amount of \$93,786. Councilman Savage seconded the motion, motion carried.

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

Resolution: #90-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AWARDED BID TO BONTKE BROTHERS OF ABILENE, TEXAS.

7.4 Wayne Lisenbee Director of Capital Improvements for the consideration and adoption of the 2018 Capital Improvements Program.

The 2018 Capital Improvements Program (CIP) is a five-year program that includes proposed projects in the General Fund Program in the amount of \$24,335,000. Adoption of this year's CIP only authorizes the project(s) within the first year of the Program. The 2018 Program Year includes only one project, the Kmart Remodel project. Outlying years include projects previously authorized by City Council, projects previously submitted in past CIPs, and proposed funding for various Facilities' needs.

Council and Staff discussion included: 1) AYSA project; 2) Convention Center projects; 3) Industrial Blvd (already approved in the CIP process); 4) Planning and Zoning voted to deny the CIP projects; 5) possible covered parking for the New Law Enforcement Center; 6) Street Maintenance Fee; 7) sidewalks; and 8) property purchased at Plum Street.

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 Resolution for the adoption of the 2018 Capital Improvements Program. Councilman Kreitler seconded the motion, motion carried.

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

Resolution: #91-2017

A RESOLUTION OF THE CITY COUNCIL OF ABILENE APPROVING AND ADOPTING THE 2018 CAPITAL IMPROVEMENTS PROGRAM.

7.5 Dana Schoening Director of Planning and Development Services briefed the city council on the Resolution for the FY 2017/2018 One-Year Action Plan for use of CDBG and HOME funds; FY 2017/18 Source of Funds, Public Service/Administrative Caps.

A public hearing and 4 community neighborhood meetings were held to receive input for the FY 2017/2018 Action Plan in the EOC Conference Room, located at City Hall. The needs discussed were: housing, community services, economic development, community/public facilities, public improvements and homeless services. Invitees were service providers and nonprofits, the homeless network, disability services, 211 Call for Help agencies, religious organizations/churches and neighborhood associations and City of Abilene, residents. Professionals from housing, insurance, real estate and lending were invited. All City directors and managers were invited along with all previous funding recipients. Discussion centered on the community needs that could be addressed with CDBG/HOME funds or alternative funds. Funding applications were received from March 31, 2017-May 1, 2017. A summary of the One-Year Action Plan outlining the proposed FY 2017/2018 budget was published in the Abilene Reporter-News on June 21, 2017 (which began the HUD-required 30-day comment period). As of July 17, 2017, no written comments had been received in response to the proposed Action Plan and budget as published. A second public hearing on July 27, 2017, is required with approval of the attached resolution. The FY 2017/2018 Action Plan must be received by HUD no later than August 16, 2017.

Council and Staff discussion included: 1) Code Enforcement; 2) Infill development; 3) administrative costs; 4) critical repairs; and 5) staffing.

Mayor Williams opened the public hearing and council heard from:

- Rev. Izair Lankford – spoke in support of the expenditures
- Steven Leggett – Habitat spoke in support of the programs

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

Councilman Savage made the motion to approve the Resolution for the FY 2017/2018 One-Year Action Plan for use of CDBG and HOME funds; FY 2017/18 Source of Funds, Public Service/Administrative Caps. Councilman Price seconded the motion, motion carried.

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

Resolution: #92-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 2017 ACTION PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS

8.1 **B) Consider on First Reading** – Ordinance Approving the Proposed FY17-18 Budget. Robert Hanna City Manager briefed and recapped the discussion from the Workshop meetings from July 25 & 26. The original proposed budget in the amount of \$91,817,900 with the reduction identified as \$342,601 and the reduction of pay increase from 3% to 1 ½% at January would be \$499,538.00 that total would be \$842,139.00 Also it was identified through motions to set aside .01 of the tax rate to be used for self insurance fund and was in the proposed budget as presented. An additional .01 tax rate increase to be set aside for the maintenance of the Convention Center in the amount of \$534,000. With the increase of the revenue of \$534,000 and the expenditure of \$534,000 plus the identified savings of \$842,139.00, this would be used to repair the auditorium sound system and the acoustics.

Councilman McAlister made the motion to approve the first reading of the Ordinance for the Proposed FY17-18 Budget in the amount of \$92,352,000 with the changes as presented with the extra .01 of tax rate to be dedicated to the Convention Center maintenance. Councilman Price seconded the motion, motion carried.

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

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.

8.1 C) Consider on First Reading – Ordinance Setting the Tax Rate.

Councilman McAlister made the motion to approve the first reading of the Ordinance setting the tax rate at .7751 (Maintenance and Operation .5648 and Interest and Sinking .2103) Councilwoman Albus seconded the motion, motion carried.

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

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 YEAR 2017, PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

8.1 D) Consider on First Reading – Ordinance adopting fees and charges for FY 17-18.

Council and Staff discussion included: 1) Convention Center Fees and Civic Abilene, Inc. – waiting on the Hotel process before making any decisions.

Councilman McAlister made the motion to approve the first reading of the Ordinance adopting fees and charges for FY 17-18. Councilman Price seconded the motion, motion carried.

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

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.

EXECUTIVE SESSION

Mayor Williams recessed the Council into Executive Session at 12:09 p.m. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Section 551.071

- A) Regional Water Supply
- B) Brad McGray – Appeal to Civil Service Commission

8) City of Abilene and Development Corporation of Abilene v. Texas Municipal League Governmental Risk Pool, Cause No. 11018-D in the 350th Judicial District Court, Taylor County, Texas, filed January 9, 2017.

Personnel Matters – Section 551.074

A) City Secretary

Business Prospect/Economic Development – Section 551.087

A) Hotel Proposals

The Council reconvened in Open Session at 12:45 p.m. and reported no votes or action was taken in Executive Session.

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

- Betty Hardwick, MH/MR Board Rita Johnston Reappointment Term Expires: August 2019

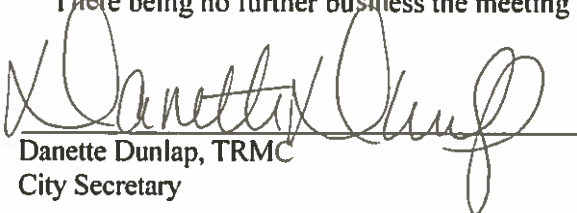
Mayor Williams made the motion to appoint Rita Johnston to the Betty Hardwick, MH/MR Board. Councilman Savage seconded the motion, motion carried.

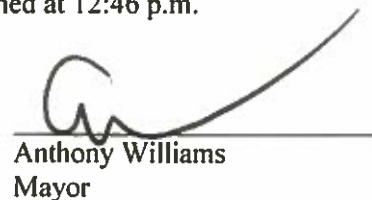
AYES: Councilmen Price, Kreitler, Hurt, McAlister, Savage, Councilwoman Albus and Mayor Williams
NAYS: None

Resolution: #93-2017

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 12:46 p.m.


Danette Dunlap, TRMC
City Secretary


Anthony Williams
Mayor