

CITY COUNCIL MEETING
August 10th, 2017, at 4:30 p.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 August 10th, 2017, at 4:30 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, and Councilwoman Donna Albus. Councilman Steve Savage was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Williams recessed the Council into Executive Session at 4:30 p.m. pursuant to the Open Meetings Act for the following:

Consultation with Attorney - Section 551.071

- A) Regional Water Supply
- B) Brady & Impeachment Concerns
- 2) Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014

Personnel Matters – Section 551.074

- A) City Secretary
 - B) City Manager
- Boards and Commissions:
Civil Service Commission
Planning & Zoning Commission

The Council reconvened in Open Session at 5:30 pm. and reported no votes or action was taken in Executive Session.

Chaplin Beth Reeves gave the invocation.

Mayor Williams introduced the following Grayci Wimberly she will be a 4th grade student at Wylie Intermediate School, Grayci led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATIONS

Mayor Williams presented the following proclamations:

West Texas RSVP Volunteer Recognition Day – Dolores Schwertner, West Texas RSVP Director accepted the proclamation.

Wylie Little League Junior All-Stars – Team and coaches were recognized. The team is headed to the Junior League Baseball World Series in Taylor Michigan.

DISPOSITION OF MINUTES

5.0 Mayor Williams stated Council has been given the minutes from the amended approved minutes for July 13th, the Budget Workshop July 25th & 26th and the Regular Meeting on July 27th, 2017 there being no deletions, no additions, and no corrections. Councilman McAlister made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

**CONSENT AGENDA
ITEMS PULLED FROM CONSENT**

All items on the consent were pulled. Councilman Price pulled 6.1 and 6.2. Mayor Williams pulled 6.3.

6.1 **Ordinance:** *(First Reading)* Amending the Abilene Code of Ordinances, Chapter 8, Construction Regulations, Division 6, Minimum Standards for Buildings and Structures, Section 8-557 Remedies regarding building securement provisions; and setting a public hearing on August 24th 2017. *Councilman Price pulled this item from consent.*

Council and Staff discussion included: 1) minimum standards are listed in the Building Codes; 2) tracking state statues with this amendment to the code; and 3) mailings of notice.

Councilman Price made the motion to approve the Ordinance on *(First Reading)* to amend Chapter 8, Construction Regulations, Division 6, Minimum Standards for Buildings and Structures, Section 8-557 Remedies regarding building securement provisions, and setting a public hearing on August 24th 2017. Councilman McAlister seconded the motion, motion carried.

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

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

6.2 **Ordinance:** *(First Reading)* Chapter 24, Wireless Communication Network Nodes in the Public Right of Way; and setting a public hearing for August 24th 2017. *Councilman Price pulled this item from consent.*

Council and Staff discussion included: 1) Handbook – design manual; 2) putting into place before September 1 deadline; 3) length of time to approve the permit – tracking state statue; and 4) historic overlays and fees.

Councilman Price made the motion to approve the Ordinance on *(First Reading)* Chapter 24, Wireless Communication Network Nodes in the public right of way; and setting a public hearing for August 24th 2017. Councilman Hurt seconded the motion, motion carried.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHAPTER 24, WIRELESS COMMUNICATION NETWORK NODES IN THE PUBLIC RIGHT-OF-WAY

6.3 Resolution: Abilene-Taylor County Events Venue District Revised FY 2017 and Approved FY 2018 Budget. *Mayor Williams pulled this item from consent.*

Mayor Williams made the motion to TABLE this item until the next meeting. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Hurt declared a conflict on this item.

REGULAR AGENDA

Mayor Williams moved item 7.6 Street Maintenance Fee to the start of the Regular Meeting.

7.6 James Childers, Assistant City Manager briefed the city council on the updated Street Maintenance Fee.

During the course of this summer, City Staff engaged the general public, business community, and other stakeholder groups on the potential implementation of a Street Maintenance Fee to generate at least \$10.3 Million for targeted street maintenance. The feedback received from over 23 public and private meetings was used to refine a fee structure that is presented to you as a part of this item. The fee would be administered monthly via the Municipal Account Statement for both residential and commercial customers.

The council was presented with two residential fee structures: a tiered system and a flat system. The current commercial system is comprised of 6 tiers based on trip factor rating taken from the Institute of Traffic Engineers (ITE) Traffic Generation Manual for individual business locations.

The traffic impact for the private universities is proposed to be captured at a per student rate. This rate would not go into effect until July of 2018 to better align with budget preparation for the schools. Additionally, the multifamily rates will not go into effect until July in order to allow apartment operators time to factor the impact of the rate into new lease agreements.

Council and Staff discussion included: 1) propose putting the Fee on the ballot in November to allow the citizens to decide; 2) reducing the amount from the estimated \$10.3 million; 3) no election – council to make the decision; and 4) possibly to place on the May ballot.

Councilman Kreitler made the motion to allow for a public hearing by the citizens in attendance tonight. Councilman Price seconded the motion, motion carried.

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

NAYS: None

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

- Richard Kennedy – spoke on city budget
- Doug Offermann – spoke on transparency
- Jed Taylor – spoke in favor of the fund
- Lynn Ingram – spoke in favor of the fee
- David Bradford – spoke against the fee
- Marian Ermis – spoke on spending of the city

- Andy Cleveland – talked about street maintenance
- David Swart – made other suggestions
- Kim Martin – too much too soon had concerns
- Roberta Thompson – neither nay or yay
- Randy Naylor – agree with fixing streets – too much too soon
- Tammy Kister – for the fee concerns with rental units
- Marisa Harris – concerned for low income seniors
- Jack Miller – send to vote
- Charles Coody – made other suggestions
- Bob Thomas – take money from the 1/2cent property tax – no new fee
- Jerry Smith – for the improvements
- Doug Peters – Chamber, survey of members the majority in support
- Robert Jones – spoke in support
- Billy Enriquez – for placing on the November ballot

Councilman Price made the motion to place the Street Maintenance Fee Referendum on the November ballot by Resolution Ordering the November 7th election. Councilman Kreitler seconded the motion, motion failed.

AYES: Councilmen Price, Kreitler and Mayor Williams

NAYS: Councilmen Hurt, McAlister and Councilwoman Albus

7.1 Alva Cox Assistant Director of Water Utilities and Kelley Waller briefed the city council on the Ordinance 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 in order to provide a more balanced and comprehensive approach to dealing with FOG issues.

Based upon the council’s discussion at the last meeting the following items were edited.

EDIT 1. Ordinance Exhibit A, Sec. 32-401(b). Added the following language "The City of Abilene Guidelines and Procedures document shall be reviewed annually by staff to determine if changes or updates are necessary. If so, staff recommendations shall be submitted to the City Manager for review and approval. The City Manager may consider a change to the Guidelines and Procedures document outside of the annual review period if a time-sensitive situation arises."

EDIT 2. FOG Guidelines and Procedures, Section I(B). Strike the words "and enforce" and replace with "enforce, and amend".

EDIT 3. FOG Guidelines and Procedures, Section V(B). Eliminated the requirement that Manifests must be obtained from the City by the Transporter, and inserted comma after the word "collect".

EDIT 4. FOG Guidelines and Procedures, Section V(B). Inserted comma after the word "collect".

Staff is providing the City Council with two options for adoption of the FOG Ordinance.

Staff Proposed: the City Council would adopt the Ordinance and Exhibit A, including Edit 1, and with a separate Guidelines and Procedures Document including Edit 2, Edit 3, and Edit 4 to be administered, implemented, enforced, and amended by the City Manager.

Alternative Option: The City Council would adopt the Alternate Ordinance, Alternate Exhibit A excluding Edit 1, and Alternate Exhibit B (Guidelines and Procedures Document) including Edit 3 and Edit 4, and excluding Edit 2, thus requiring that the City Council approve of any future amendments to all documents.

Council and Staff discussion included: 1) based off of the TCEQ program; 2) 2 options; 3) transporters from outside the city; 4) manifest documents; 5) camera for inspections; 6) generators; 7) enforcement; and 8) bring the guidelines to the council for any amendments.

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

- Robert Morris –in favor of the ordinance
- Kevin Phillips – had concerns about the original notification of committee input
- Tim McCary – on the Committee and spoke in favor

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

Councilman McAlister made the motion to approve the Ordinance amending Chapter 32 "Utilities" by inserting new Article VIII :Fats, Oils and Grease alternate option 2 with the manifest copy. Councilwoman Albus seconded the motion, motion failed.

AYES: Councilmen McAlister, Councilwoman Albus and Mayor Williams

NAYS: Councilmen Price, Kreitler, and Hurt

Councilman Price made the motion to approve the Ordinance amending Chapter 32 "Utilities" by inserting new Article VIII Fats, Oils and Grease alternate option without the manifest copy going to the city. Councilman Hurt seconded the motion, motion carried.

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

NAYS: None

Ordinance #29-2017

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.

7.2 Dana Schoening Director of Planning and Development Services briefed the city council on the Ordinance for Case #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.

The applicants are requesting to rezone property from AO (Agricultural Open Space) to RS-8 (Residential Single-Family, minimum 8,000 square foot lots) zoning. The property consists of seven lots (1.738 acres) described as Lots 1 and 2 of Block C, Southern Meadows Addition, and Lots 3, 4, 5, 6, and 7 of Block C, Southern Meadows Addition Section 3.

Staff Recommends approval.

Boards and Commission Recommendation:

On July 10, 2017, the Planning & Zoning Commission considered and recommended approval of this proposed rezoning by a vote of six (6) in favor (Bixby, Calk, Famble, Noonan, Rosenbaum, Smith) 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 Hurt made the motion to approve the Ordinance for Case #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. Councilman Price seconded the motion, motion carried.

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

Ordinance: #30-2017

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: 5126, 5134, 5142, 5150, 5202, 5210, and 5218 Rio Mesa Dr.

7.3 Dana Schoening Director of Planning and Development Services briefed the city council on the Ordinance for Case # 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 - at the corner of Dub Wright Blvd and Jennings Drive.

The applicant is seeking to amend the terms and conditions of PD111 (Planned Development 111), with a base zoning of O (Office) to allow for GR (General Retail) uses within PD111 (Planned Development 111). The original PD111, Ordinance No. 35-2006, was approved in 2006 with a base zoning of O (Office). The property has remained vacant and undeveloped.

Staff recommends approval

Board or Commission recommendation:

On July 10, 2017, the Planning and Zoning Commission recommended approval by a vote of six (Smith, Bixby, Famble, Rosenbaum, Calk, and Noonan) with none in opposition.

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

- David Todd with Enprotec/Hibbs & Todd – spoke in favor of the rezone

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

Councilman Kreitler made the motion to approve the Ordinance for Case # **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 - at the corner of Dub Wright Blvd and Jennings Drive. Councilman McAlister seconded the motion, motion carried.

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

Ordinance #31-2017

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: description being 6.23 acres - at the corner of Dub Wright Blvd and Jennings Drive

7.4 Discussion regarding City Park Land and the Parks & Recreation Board.

Council and staff discussion included: 1) some council would like to place vacant land back on the tax role; 2) reference Kirby Park and University Park (North 10th); 3) council would need the approval of the Parks Board to sell park land, as set out in the City Charter; 4) no decision by the council; 5) bound by the Charter requirements in accordance with the law; and 6) Parks Board met and voted to do nothing with the Park land.

No votes or action was taken on this item.

7.5 Robert Hanna City Manager briefed the city council on the Resolution to amend the Rules of procedures for the city council.

In order for the council to move a Regular Meeting date to another date during the month the rules of procedures would need to be amended.

Councilman Price made the motion to approve amending the rules of procedures by adding section 2.5.5 that allows the Council to change a regular meeting date on an affirmative vote, and with sufficient public notice. Councilman Kreitler seconded the motion, motion carried.

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

Resolution: #94-2017

A RESOLUTION REPEALING AND REPLACING RESOLUTION 86-2017 ADOPTING RULES OF PROCEDURE FOR THE CITY COUNCIL OF ABILENE, TEXAS

8.1 Mike Rains Director of Finance briefed the council on the Ordinance to approve the Revised FY16-17 Budget in the amount of \$91,891,870.

Councilman McAlister made the motion to approve the Ordinance for the Revised FY16-17 Budget in the amount of \$91,891,870. Councilman Price seconded the motion, motion carried.

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

Ordinance #32-2017

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2016-2017; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING

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

- Frann Smith Landmarks Commission Term Expires: November 2019

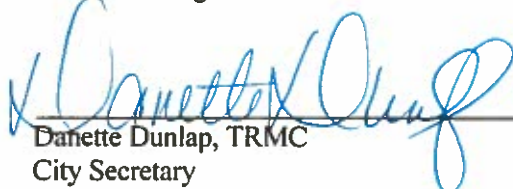
Mayor Williams made the motion to appoint Frann Smith to the Landmarks Commission. Councilman Hurt seconded the motion, motion carried.

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

Resolution: #95-2017

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 STATUTES OF THE STATE OF TEXAS

There being no further business the meeting was adjourned at 9:28 p.m.



Danette Dunlap, TRMC
City Secretary



Shane Price
Mayor-Pro Tem