

CITY COUNCIL MEETING
October 12th, 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 October 12, 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, Steve Savage and Councilwoman Donna Albus. Also present were Assistant City Manager Mindy Patterson, City Attorney Stanley Smith, Assistant City Secretary Tiffni Herrera, and various members of the City staff.

EXECUTIVE SESSION

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

Deliberations about Real Property - Section 2.551.072

- A) Regional Water Supply
- B) Winn-Dixie/Kmart Building

Business Prospect/Economic Development – Section 551.087

- A) Hotel Proposals
- B) HSU AbLabs Project

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

Mayor Williams gave the invocation.

Mayor Williams introduced Braylon Titus and Milo Monsey, 4th grade students from Austin Elementary. The students 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 proclamations:

National Physical Therapy Month – accepted by Dr. Marsha Rutland, Associate Professor of Physical Therapy at Hardin Simmons

Fire Prevention Week – accepted by Marty Sanders, Fire Marshal

World Homeless Day – accepted by John Cooper, Executive Director and Katherine Bisson, Housing Services Program Director, of Abilene Hope Haven

DISPOSITION OF MINUTES

- 5.0** Mayor Williams stated Council has been given the minutes from the Special Called Meeting held on September 26, 2017 and the Regular Called Meeting held on September 28, 2017. There being no deletions, no additions, and no corrections, Councilman Savage made a motion to approve the minutes as presented. Councilwoman Albus 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 the consent agenda items 6.1 through 6.4 as presented by staff. Councilman McAlister seconded the motion, motion carried.

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

- 6.1** **Resolution:** Authorization to spend more than \$50,000 in the course of the fiscal year for Firefighter Uniforms and related Equipment; \$300 per firefighter not to exceed \$52,500

Resolution: **#125-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO PURCHASE UNIFORMS AND RELATED ITEMS FROM GALL'S INC. IN EXCESS OF \$50,000.

- 6.2** **Resolution:** To execute a contract with Siddons-Martin Emergency Group for the purchase of two (2) Pierce Impel Pumps for the Fire Department for \$1,305,726

Resolution: **#126-2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE SIDDONNS-MARTIN EMERGENCY GROUP FOR THE PURCHASE OF TWO (2) PIERCE IMPEL PUMPERS

- 6.3** **Resolution:** Authorize annual purchases of Police Uniforms and equipment; \$600.00 per officer, up to \$92,000 total cost.

Resolution: **#127-2017**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING ABILENE POLICE OFFICERS TO PURCHASE UNIFORMS AND RELATED ITEMS FROM GALL'S INC. IN EXCESS OF \$50,000

- 6.4** **Resolution:** Authorize annual purchase of ammunition, Taser cartridges, less-lethal munitions, targets and other related items in the amount of \$103,950

Resolution: **#128-2017**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE ABILENE POLICE DEPARTMENT TO PURCHASE AMMUNITION FROM PRECISION DELTA THROUGH THE TEXAS PROCUREMENT & SUPPORT SERVICES (TPASS) CONTRACT #680-A1

REGULAR AGENDA

7.1 James Childers, Assistant City Manager, presented this item to the city council on the Resolution supporting the application for a Defense Economic Adjustment Assistance Grant for relocation of the perimeter fence at Dyess Air Force Base.

Dyess Air Force Base is a crucial component of our nation's defense, hosting B-1 Bombers and C-130 aircraft. As the region's largest single employer, with an estimated economic impact of over \$430 million per year to the local area, it is also an integral part of the Abilene economy, as well as that of the entire state of Texas. The matching dollars for this grant are possible through \$82,200 in design and land acquisition costs from Dyess AFB along with Development Corporation of Abilene (DCOA) funds of up to \$200,000. The formal request for funding to the TMPC would be for \$281,679.88. The total funds flowing through the City would be approximately \$481,189.76, which includes TMPC and DCOA Funding. The City of Abilene is simply serving as a pass-through for the requested funds of \$481,189.76 and will not expend any funds as part of this process.

Council and Staff discussion included: 1) all land acquisition has been completed by Dyess AFB 2) Doug Peters of the Abilene Chamber of Commerce stated that if the grant was not approved, it would remain on the list of priorities; and 3) the project is contingent on this grant getting approval

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

Councilman Savage made the motion to approve the Resolution authorizing the City Manager to apply for the Defense Economic Adjustment Assistance Grant application for relocation of a perimeter fence at Dyess Air Force Base. Councilman Kreitler seconded the motion, motion carried.

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

Resolution: #129-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, IN SUPPORT OF THE CITY OF ABILENE'S APPLICATION FOR THE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT PROGRAM (DEAAG) IN ORDER TO ENHANCE THE VALUE OF DYESS AIR FORCE BASE AS A WHOLE WITH THE DEPARTMENT OF DEFENSE

7.2 Taurus Freeman, Interim Director of Planning and Development Services, briefed the council on the Ordinance for **TC-2017-05**, a request from G & P Rentals, agent Jim Hatchett Jr., to abandon all of a 20' wide, east-west alley through Block 9, Oakwood Addition, City of Abilene, and Taylor County, Texas, located at 2960 North 1st Street. In 1958, a multi-tenant shopping center building was built over the alley and utilities. The building was constructed before the site planning process was required by the City of Abilene. The existing 'platted' alley was over-looked during the time of the issuance of a building permit and construction. During the process of preparing the building for sale, the applicant(s) discovered the existence of the alley and utilities; therefore, the reason for the thoroughfare closure request. The applicant has been working with the different utility providers to remedy the situation with the utility lines that run under the existing building. This includes, but not limited to, relocating, privatizing or removing the utility lines to the satisfaction of the individual utility providers.

STAFF RECOMMENDATION

Staff recommends approval

BOARD OR COMMISSION RECOMMENDATION

The Development Review Committee recommends approval of the request to abandon approximately 341 feet of an existing alley that runs east to west, between N. Mockingbird Lane and Burger Street, with the following conditions:

1. The applicant must replat within 12 months
2. The applicant is responsible for providing easements for and/or relocating any existing utilities

The Planning and Zoning Commission recommended approval of this request by a vote of six with none in opposition.

Council and Staff discussion included: 1) no utility lines run under the building 2) replatting and fees involved; property title is clouded because of this 3) if the site is developed in the future they would have to go through site plan review; staff will notify the applicant of those requirements

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

1. Doug Offermann – will there be a financial obligation on the City

Councilman Kreidler made the motion to approve the Ordinance for **TC-2017-05**, a request from G & P Rentals, agent Jim Hatchett Jr., to abandon all of a 20' wide, east-west alley through Block 9, Oakwood Addition, City of Abilene, and Taylor County, Texas, located at 2960 North 1st Street. Councilman Hurt seconded the motion, motion carried.

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

NAYS: None

ABSTAINED: Councilman Price declared a conflict and abstained

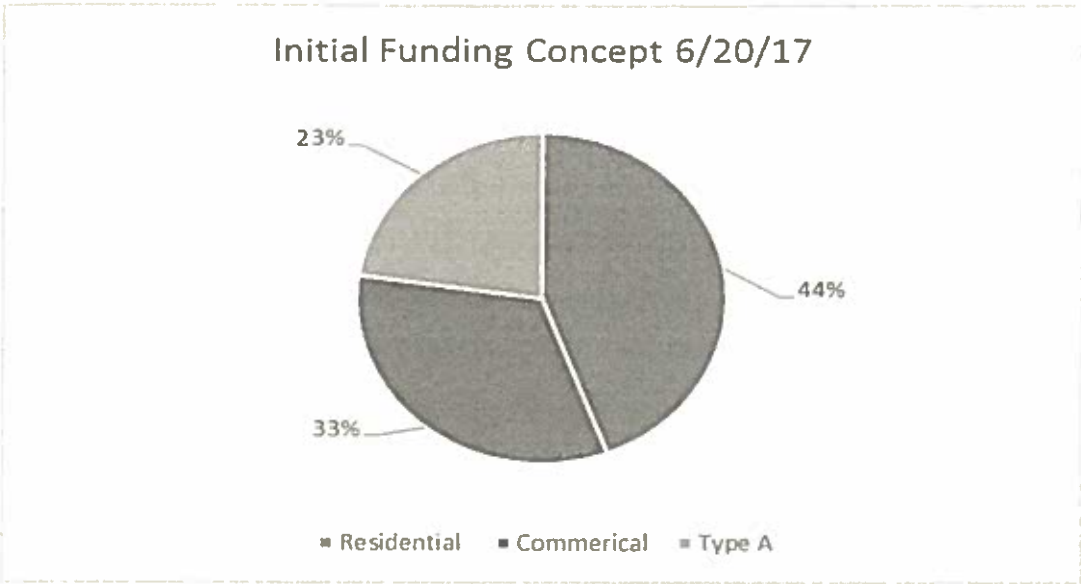
Ordinance: **#41-2017**

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING

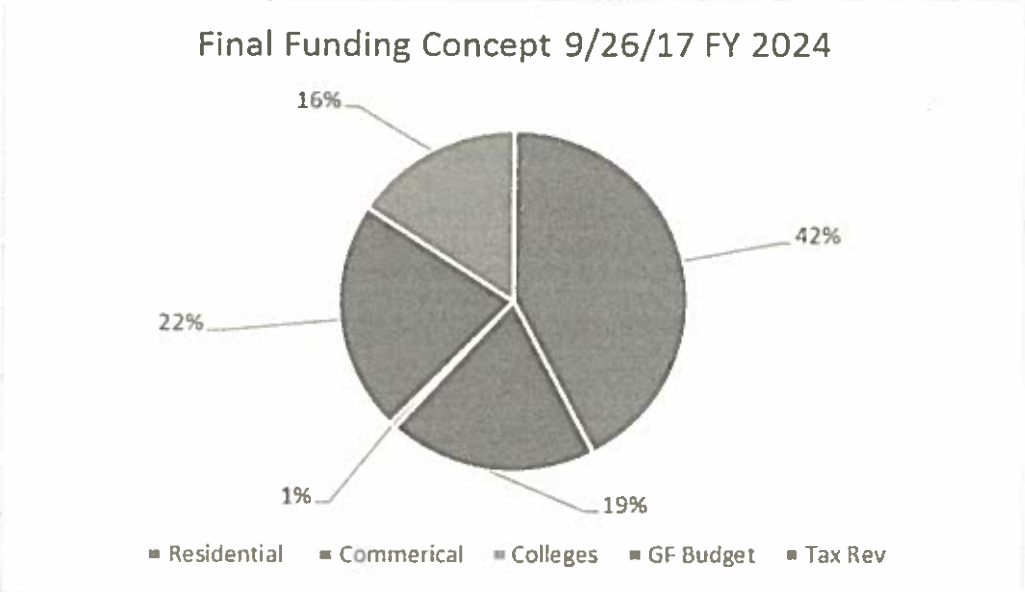
7.3 James Childers, Assistant City Manager briefed the city council on an Ordinance that would establish a Street Maintenance Fee.

The summer of 2017 saw a robust public dialogue on the merits of implementing a Street Maintenance Fee (SMF) to raise funds to maintain Abilene's road infrastructure. Feedback from community stakeholders was used to construct a proposal that generated \$10.3 million in revenue annually and was presented to the City Council at the August 10, 2017 Council Meeting. The proposed \$10.3 Million plus in revenue was realized through a combination of residential revenue, commercial revenue, and Type A Economic Development funds and did not propose the use of any existing revenue. A motion to move the presented SMF model to a November ballot ultimately failed. A general observation from both the Council and public was that generating \$10.3 Million in new revenue was "too much, too soon" for many Abilenians. The City Council instructed staff to explore other options to lower the fees.

The charts below show the revenue distribution of the model initially presented to City Council on June 20, 2017 with the model presented on September 26, 2017 Council Meeting.



This model totaled \$10,993,000, with a \$2.5 Million Type A tax, residential rates at \$9 for single and multi-family, and commercial tier rates that range from \$30 to \$300



This model is from FY24 totals \$10,259,636, with residential rates of \$8.75 residential, \$8 for multi-family, \$1.75 for seniors, commercial tier rates that range from \$45 to \$95. This model continues annual revenue from colleges at \$59,000, GFs of \$1,473,500, use of tax rate capacity of \$1,602,300. There would not be any Type A funding at this point in the program.

Childers explained that what is presented for Council consideration this meeting takes a phased approach where revenues generated from the fees on residential and commercial users are supplemented with Type A funds from the Development Corporation of Abilene (DCOA), City operational savings, and repurposing of existing tax revenue. During fiscal years 2018 and 2019, the rates charged to residential and college customers are 36% less that what was presented to the Council on August 10, 2017. Commercial customers on six tiers will see a rate savings of approximately 50% across the board during these first two years. In fiscal years 2020 through 2024, the rates will increase in both residential and commercial categories, but these rates will be 25% lower in both categories compared to what was presented on August 10, 2017.

The table below shows the financial impact over the next seven fiscal years:

Fiscal Year	SMF Rev	Tax Rev	Type A	GF Budget	Totals
2018*	\$2,188,094	\$0	\$1,500,000	\$648,500	\$4,336,594
2019	\$4,763,688	\$0	\$2,000,000	\$723,500	\$7,487,188
2020**	\$6,335,336	\$0	\$2,000,000	\$1,098,500	\$9,433,536
2021	\$6,335,336	\$534,100	\$2,000,000	\$1,473,500	\$10,342,936
2022	\$6,335,336	\$1,068,200	\$1,000,000	\$1,848,500	\$10,252,036
2023	\$6,335,336	\$1,602,300	\$0	\$2,223,500	\$10,161,136
2024	\$6,335,336	\$1,602,300	\$0	\$2,223,500	\$10,161,136

*2018 SMF Rev numbers assume the straight adoption of the SMF and billing start date of 4/1/18 for residential and commercial customers and 7/1/18 billing start date for colleges and multifamily

**Residential rates (residential and multifamily) increase by \$2 per month and commercial rates increase \$20 per month in each tier starting in FY 2020

Staff recommends approval.

Council and Staff discussion included: 1) 30 different public meetings and this evening meeting have been held to allow public input 2) how the funds would be used, street repair scheduling 3) the plan has changed, obligation to offer more public education 4) because of the impact on citizens, this needs to be put on an election ballot 5) direct staff to begin the process of creating a citizen's advisory board 6) bonds for street repairs 7) council members are elected to make hard decisions that are not always put on an election ballot 8) defining whether this is a tax or a fee; the city attorney stated that this is a user fee being that a tax is authorized by the tax code on actual property, etc., a fee is for use of a product or facility, provided to the citizens and has to be dedicated to that use

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

1. Herman Barron – in favor of the fee
2. Jim Reeves – against the fee
3. Jerry Mash – against the fee
4. Doug Offermann – offered suggestions
5. Gary Gliner – against downtown hotel/manager
6. Gary Corpian – fee does not need to be on the water bill
7. Greta Coon – citizen's should be allowed to vote on the issue
8. Brian Fennel – offered suggestions
9. Mirian Ermis – asked questions on several topics
10. Jeff Goza – in favor of the fee
11. Dennis Regan – complained about a pot hole
12. Kym Martin – funds to repair streets should come from the general fund; put it on the ballot
13. Bob Thomas – who will be the consultant on the funds use; against the fee
14. Dale Boecker – against the downtown hotel; use funds already in the budget
15. Bill Libby – in favor of the fee
16. David Swart – change storm water fee to street maintenance fee; use sales tax for street maintenance
17. Winston Olhausen – asked questions about the annual review of the fee; offered suggestions
18. Chad Carter – suggestions on better use of funding already available in the street budget
19. Michelle Gonzalez – voiced complaints about Ambler and Parks Streets
20. Dale Skeef – against the fee
21. Ron Kinder – asked whether this is a fee or a tax

Councilman Kreitler made the motion to deny approval of the Ordinance establishing a Street Maintenance Fee. Councilman Price seconded the motion, the motion carried.

AYES: Councilmen Price, Kreitler, Savage, and Mayor Williams

NAYS: Councilman McAlister, Councilwoman Albus, and Councilman Hurt

AN ORDINANCE AMENDING CHAPTER 29, STREETS AND SIDEWALKS, OF THE CODE OF THE CITY OF ABILENE BY ADDING ARTICLE X, STREET MAINTENANCE FEE, AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

- 10.1 Resolution:** Nominating individuals to the Board of Directors of the Central Appraisal District of Taylor County 2018-2019.

This item was pulled from the agenda.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, NOMINATING INDIVIDUALS TO THE BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY FOR TWO YEARS BEGINNING JANUARY 1, 2018

- 10.2 Resolution:** Nominating individuals to the Board of Directors of the Jones County Appraisal District for 2018-2019

Dale Spurgin
Eugene Griffith

Gerald Rodgers

Jim Astin

Seaton Higginbotham

Mayor Williams made the motion to nominate the above listed members to the Jones County Appraisal District. Councilman Hurt seconded the motion, motion carried.

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

NAYS: None

Resolution: #130-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, NOMINATING INDIVIDUALS TO THE BOARD OF DIRECTORS OF THE JONES COUNTY APPRAISAL DISTRICT FOR TWO YEARS BEGINNING JANUARY 1, 2018

- 10.3 Oral Resolution:** Appointing an Interim City Secretary

Mayor Williams made the motion to appoint Assistant City Secretary, Tiffni Herrera, as Interim City Secretary. Councilman Kreitler seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 8:08 pm



Tiffni Herrera, TRMC
Interim City Secretary



Anthony Williams
Mayor