

**CITY COUNCIL MEETING
January 25, 2018 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 January 25, 2018, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Shane Price and Councilmembers Bruce Kreitler Donna Albus, and Kyle McAlister. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Rosa Rios, and various members of the City staff. Deputy Mayor Pro-tem Steve Savage and Councilmember Weldon Hurt were absent.

Councilmember Kyle McAlister delivered the invocation.

Kendrick Lamar Robinson Jr., 2nd Grader at Lee Elementary, and Ruthanne Barnes, 5th Grader at Johnston Elementary, led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Employee Service Awards
 - Janis Test, Community Services – 20 years
 - Larry Bell, Fire Department – 35 years
- Proclamation: National Mentoring Month Proclamation to Mark Rogers, President of Big Brothers Big Sisters Abilene

MINUTES

5.1 Approval of minutes from the Regular Meeting held January 11, 2018

Councilmember Kreitler moved to approve the minutes as presented. Councilmember Albus seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

CONSENT AGENDA

Items pulled for individual consideration were as follows:

- Mayor Pro-tem Price: Items 6.5 and 6.6; and
- Councilmember Kreitler: Items 6.5 and 6.6.

Councilmember McAlister moved to approve the consent agenda, now consisting of items 6.1 through 6.4. Councilmember Albus seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

- 6.1. Ordinance: (First Reading) Z-2018-01 A request from Chisholm Exploration, agent eHT, to rezone property from Residential Single Family/Corridor Overlay (RS-8/COR) to Neighborhood Office/Corridor Overlay (NO/COR) located at 5649 Buffalo Gap Road; and setting a public hearing for February 8, 2018
- 6.2. Ordinance: (First Reading) Z-2018-02 A request from Compass Bank, agent Jason Link/Stantec, to rezone property from a combination of General Retail/Corridor Overlay and Office/Corridor Overlay (GR/COR and O/COR) to General Retail/Corridor Overlay (GR/COR.) located at 6301 Buffalo Gap Road; and setting a public hearing for February 8, 2018
- 6.3. Ordinance: (First Reading) TC-2018-01 A request from Christopher Eddleman, to abandon a portion of the portion of the west end of Ward Drive between Rivercrest Drive and Elm Creek. Ward Drive being a 50' right-of-way extending approximately 230'+/- west from Rivercrest Drive; and setting a public hearing for February 8, 2018
- 6.4. Resolution: Award Bid #CB-1809 Full-Size Sedans For Police CID
[ASSIGNED RESOLUTION NO. 07-2018]

ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

- 6.5. Resolution: Award of Bid #CB-1818 - Pioneer Dr. Overlay Project
[ASSIGNED RESOLUTION NO. 08-2018]
Mayor Pro-tem Price and Councilmember Kreitler pulled the item.

Discussion of the item was simultaneous with discussion of item 6.6.

Andy Anderson, Interim Director of Public Works clarified (1) areas under which bike route signage would or would not apply for the Pioneer Drive and N. Willis Street; (2) shared lane along Pioneer Drive between bicyclists and motorists; and (3) no elimination of on-street parking on N. Willis Street by the addition of the bike lane.

Mayor Pro-tem Price moved to approve the item as presented. Councilmember McAlister seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreitler, Albus, and McAlister
NAYS (0): None
ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

- 6.6. Resolution: Award of Bid #CB-1819 - N. Willis St. Rehabilitation Project
[ASSIGNED RESOLUTION NO. 09-2018]
Mayor Pro-tem Price and Councilmember Kreitler pulled the item.

Discussion of the item was simultaneous with discussion of item 6.5.

Andy Anderson, Interim Director of Public Works clarified (1) areas under which bike route signage would or would not apply for the Pioneer Drive and N. Willis Street; (2) shared lane along Pioneer Drive between bicyclists and motorists; and (3) no elimination of on-street parking on N. Willis Street by the addition of the bike lane.

Mayor Pro-tem Price moved to approve the item as presented. Councilmember McAlister seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreitler, Albus, and McAlister
NAYS (0): None
ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

REGULAR AGENDA

7.1 Resolution: Award of Bid for the O.H. Ivie Pump Station HVAC Improvements Project (ASSIGNED RESOLUTION NO. 10-2018)

Rodney Taylor, Director of Water Utilities, presented the item. The item provides for the upgrade replacement of the HVAC system of the Ivie intake pump station. Clarification was made that the project cost is \$214,883.

Councilmember Kreitler moved to approve the item as presented. Mayor Pro-tem Price seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreitler, Albus, and McAlister
NAYS (0): None
ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

7.2 Oral Resolution & Public Hearing: Prensorus Energy, LLC "Airport Lease" Wells 1-5

Andy Anderson, Interim Director of Public Works, presented the item. Discussion centered on (1) the wells are already in place since 2012 and producing without a city permit being issued; (2) the belief by the applicant, and initially by staff, that the properties in question were not within the city limits; (3) error was honestly made; (4) no surety bond in place and the request to waive the requirement; and (4) city's inability to enforce the code violation if the item were approved.

Mayor Williams opened the public hearing. The following individuals addressed the city council:

- Justin Russell, applicant – provided specifics on the error of not applying for permits

With no other speakers coming forward, Mayor Williams closed the public hearing.

Mayor Williams moved to approve the item as presented. Councilmember McAlister seconded the motion; motion failed.

AYES (2): Mayor Williams and Councilmember McAlister
NAYS (3): Mayor Pro-tem Price and Councilmembers Kreitler and Albus
ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

Mayor Pro-tem Price requested the item be discussed in executive session in the natural order of discussion, after which the City Council could take additional action if desired. City Attorney Smith confirmed the city council's ability to discuss the posted item as part of the executive session.

Later in the meeting, under Section 551.0714 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:45 a.m. and ended at 10:26 a.m. No action was taken at that time.

Mayor Pro-tem Price moved to reconsider the item. Councilmember Kreitler seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

Mayor Pro-tem Price moved the following:

- Adopt the item, deny the request for waiver of surety bonds, and direct staff to bring back to city council at a future time consideration for changes to the ordinance that will address incidences where an oil well is drilled without a permit.

Councilmember Kreitler requested Mayor Pro-tem Price consider amending his motion to include gas wells.

Mayor Pro-tem Price amended his motion as follows:

- Adopt the item, deny the request for waiver of surety bonds, and direct staff to bring back to city council at a future time consideration for changes to the ordinance that will address incidences where an oil or gas well is drilled without a permit.

Councilmember Kreitler seconded the motion; motion carried.

Mr. Justin Russell was allowed to address the city council on the proposed amendment. As a result, staff clarified the need for surety bonds applied to each well, and the lapse period would be 12 months.

AYES (5): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

7.3 Discussion: Receive a report, hold a discussion and provide staff direction on whether or not an amendment to the Historic Preservation Ordinance is desired by the City Council

The item was placed on the agenda at the request of Councilmember Kreitler.

Robert Hanna, City Manager, presented the item. The item sought to (1) discuss historical overlay status for a property without the homeowner's consent and the level of authority during the review process at all levels: Landmarks Commission, Planning and Zoning Commission, and City Council; (2) whether or not an ordinance amendment was desired by the City Council addressing the level of authority by the Landmarks Commission in such instances. The Register of Historic Properties outlining the Landmarks Commission and City Council's adopted properties of historic designation properties and related classifications was distributed. Staff was asked to research whether the Register of Historic Properties had been adopted by the City Council.

Further discussion was held on whether or not a change to the ordinance (process) was desired by the City Council modifying the decision-making level of the Landmarks Commission specific to involuntary historic overlay designations. The consensus of a majority of the city council was to not modify the process at the

Landmarks Commission level. However, the overall consensus of the city council was for staff to return with a proposed amendment that would require a super majority (3/4) vote of the City Council should an involuntary historic designation be presented for their consideration in the future.

EXECUTIVE SESSION

Mayor Williams called the meeting to order and recessed into Executive Session at 9:45 a.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session:

1. 551.071 (Consultation with Attorney)
 - a. Prensorus Energy, LLC "Airport Lease" Wells 1-5 (Agenda Item 7.2)
2. 551.072 (Deliberations about Real Property)
 - a. Winn-Dixie/Kmart Building
3. 551.074 (Personnel Matters)
 - a. Any action, if needed, on annual evaluation of the city manager, city attorney, city secretary, and municipal judge (Agenda Item 10.2)
 - b. Discussion of boards and commissions – Board of Adjustment (Agenda Item 10.1)
4. 551.087 (Deliberations about business prospects and economic development)
 - a. Hotel Proposals

The meeting reconvened to Open Session at 10:26 a.m. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

10.1 Resolution: Appointing members to various Boards & Commissions per the City Charter [ASSIGNED RESOLUTION NO. 11-2018]

Earlier in the meeting, under Section 551.074 (Personnel Matters) of the Open Meetings Act, the item was discussed during the Executive Session, specific to the Board of Adjustment, which started at 9:45 a.m. and ended at 10:26 a.m. No action was taken at that time.

Councilmember Albus moved to approve (re)appointment of the following:

Board (Month of Term End)	Term End Date
<i>Board of Adjustment</i>	
Bob Beerman (Regular) [Reappointment]	November 2019
Morton Langholtz (Regular) [Reappointment]	November 2019
<i>Board of Building Standards</i>	
Lloyd Turner (Reg Engineer) [Reappointment]	November 2019
Edgar Cordova (Alt Homebuilder) [Reappointment]	November 2019
Anthony McColum (Reg Homebuilder) [Reappointment]	November 2019
Wayne Paris (Reg Social Worker) [Reappointment]	November 2019
Marvin Barber (Alt Gen Contractor) [Reappointment]	November 2019
David Beard (Reg Gen Cont) [Reappointment]	November 2019
Betty Bradley (Alt Social Worker) [Reappointment]	November 2019
<i>Citizen's Advisory Board for People with Disabilities</i>	
Michael L. Vandervoort (Place 7) [New]	October 2019
<i>Frontier Texas! Board of Directors</i>	
Mindy Patterson (City Representative) [New]	February 2019 (Unexpired Term)
<i>Library Board</i>	
James D. McGee [New]	November 2019
Dorothy A. Davidson [New]	November 2019
<i>Office of Neighborhood Services Advisory Board</i>	
Rachel Slaymaker [Reappointment]	November 2019
Jon Sechrist [Reappointment]	November 2019
Linda Carleton [Reappointment]	November 2019
Joanne Roberts [Reappointment]	November 2019

Councilmember McAlister seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreidler, Albus, and McAlister

NAYS (0): None

ABSENT (2): Deputy Mayor Pro-tem Savage and Councilmember Hurt

ADJOURNMENT

There being no further business, the meeting adjourned at 10:32 a.m.



Rosa Rios, TRMC
City Secretary



Anthony Williams
Mayor

Minutes approved on: February 8, 2018