

CITY COUNCIL MEETING
March 8, 2018 at 4:00 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 March 8, 2018, at 4:00 p.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Shane Price, Deputy Mayor Pro-tem Steve Savage, and Councilmembers Bruce Kreidler, Weldon Hurt, Kyle McAlister, and Donna Albus. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Rosa Rios, and various members of the City staff.

EXECUTIVE SESSION

Mayor Williams called the meeting to order and recessed into Executive Session at 4:00 p.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session, as listed under the noted agenda item:

- 8.1 551.071 (Consultation with Attorney)
 - C) Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene. Cause No. D-1-GN-16-001160, filed March 16, 2016
 - E) E.G., et al. v. Barry Bond, City of Abilene, and Abilene Independent School District, Case 1:16-cv-00068-BL, U.S. District Court, Northern District, Abilene Division, filed April 28, 2016
- 8.2 551.072 (Deliberations about Real Property)
 - (A) Winn-Dixie/Kmart Building
 - (B) Lake Fort Phantom Hill lake lots #264 through #270
- 8.3 551.074 (Personnel Matters)
 - (A) Any action, if needed, on annual evaluation of the city manager, and city attorney (Agenda Item 9.1)
 - (B) Street Maintenance Advisory and Appeals Board (Agenda Item 7.1)
- 8.5 551.087 (Deliberations about business prospects and economic development)
 - (B) DCOA Project Lady Bug
 - (C) DCOA Project CO2

The meeting reconvened to Open Session at 5:37 p.m. Mayor Williams reported no votes or action were taken in Executive Session.

Mayor Williams delivered the invocation.

Emily Ratliff, 4th grader at Taylor Elementary, led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

There were no items under this category.

MINUTES

5.1 Approval of the minutes from the Special Called Meeting held February 20, 2018 and Regular Meeting held February 22, 2018

Deputy Mayor Pro-tem Savage moved to approve the minutes as presented. Councilmember Kreitler seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreitler, Albus, Hurt, and McAlister

NAYS (0): None

CONSENT AGENDA

Item pulled for individual consideration was as follows:

- Deputy Mayor Pro-tem Savage: Item 6.1

As the consent agenda consisted of only one item, pulled for individual consideration, there was no consent agenda item to consider.

ITEM(S) PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

6.1 Ordinance: (First Reading) Amending Ordinance Adopting Fees and Charges for the Fiscal Year October 1, 2017, through September 30, 2018, for the City of Abilene; Changing the Adventure Cove fees and adding the electrical use in parks fee, Shallow Water Lifeguarding Course, Mayor's Race, and TAAF track meet; and set a public hearing for March 22, 2018 *Deputy Mayor Pro-tem Savage pulled the item.*

Staff clarified the item was generated as a result of the City Council's request for cost recovery on the noted facilities/events. Discussion centered on (1) cost recovery efforts, and (2) Adventure Cove and related costs for electrical outlet use by visitors.

Councilmember Hurt moved to approve the item as presented. Councilmember McAlister seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, and Councilmembers Kreitler, Albus, Hurt, and McAlister

NAYS (1): Deputy Mayor Pro-tem Savage

REGULAR AGENDA

7.1 Resolution: Receive a report, hold a discussion and provide staff direction/take action on the creation of a Street Maintenance Advisory Board **[ASSIGNED RESOLUTION NO. 25-2018]**

Earlier in the meeting, under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 4:00 p.m. and ended at 5:37 p.m. No action was taken at that time.

Mayor Williams announced he would need to depart shortly, and Mayor Pro-tem Price would serve as the Presiding Officer for the remainder of the meeting.

Robert Hanna, City Manager, presented the item.

Mayor Williams requested Section 4 of the proposed resolution needed to be amended to provide initial board member terms to end as follows.:

- Places 1, 3, 5 and 7 initial terms to end in 2021; and
- Places 2, 4, and 6 initial terms to end in 2020.

Mayor Williams announced the members he would be submitting for appointment at the March 22, 2018 Regular Meeting of the City Council would be the following:

South Side:

- Kenneth Martin, to serve as Chair
- Wayne Lanham
- Louis Rangel
- Michael Schultz

North Side:

- James Bridwell
- Kristina Davis
- Matthew Lubin

Mayor Pro-tem Price requested Section 2(f) of the item be amended to reflect the applicability of the ITE Trip generation Manual 9th Edition, or its adopted successor.

Mayor Williams moved to approve the item with the following amendments:

- Section 4:
 - Board member Places 1, 3, 5 and 7 initial terms to end in 2021;
 - Board member Places 2, 4, and 6 initial terms to end in 20.
- Section 2(f):
 - "... and determining trip factors based on the ITE Trip generation Manual 9th Edition, or its adopted successor, ..."

Mayor Pro-tem Savage seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreitler, Albus, Hurt, and McAlister

NAYS (0): None

Mayor Williams left the meeting and Mayor Pro-tem Price took over as Presiding Officer.

7.2 Financial Workshop: Discussion and possible action on the following items:

- a. Resolution: Review and Acceptance of FY 2017 Comprehensive Annual Financial Report - Eide Bailly LLP
[ASSIGNED RESOLUTION NO. 26-2018]

Mike Rains, Director of Finance, presented the item. Staff was asked to ensure, for following years, that this information was submitted to city council far enough in advance to allow time for detailed review well before the item being scheduled for consideration. Shelby Ebarb, representing Eide Bailly, reviewed the results of the financial statement audit conducted for the year ending September 30, 2017.

Councilmember Kreitler moved to approve the item as presented. Councilmember Hurt seconded the motion; motion carried.

AYES (6): Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreitler, Albus, Hurt, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

- b. Resolution: Approval of expenditure of funds in excess of the three- month reserve
[ASSIGNED RESOLUTION NO. 27-2018]

Mike Rains, Director of Finance, presented the item. Expenditure funds totaling \$2,165,000 being applied to (1) \$1,000,000 for Street Maintenance – Maple & Colony Hill Road, (2) \$415,000 for Replacement of the City phone system, and (3) \$750,000 Reserve for the replacement of the City's ERP software.

Councilmember McAlister moved to approve the item as presented. Councilmember Hurt seconded the motion; motion carried.

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

NAYS (1): Deputy Mayor Pro-tem Savage

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

- c. Resolution: Reallocation of capital improvement projects funds
[ASSIGNED RESOLUTION NO. 28-2018]

Mike Rains, Director of Finance, presented the item. Capital improvement funds totaling \$458,500 being applied to (1) Fire training facility at \$251,400, and (2) City's phone system at \$207,100.

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

AYES (6): Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreitler, Albus, Hurt, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

- d. Resolution: Approval of the Investment Policy
[ASSIGNED RESOLUTION NO. 29-2018]

Mike Rains, Director of Finance, presented the item. Staff reported there were no changes to the policy since last year.

Councilmember Hurt moved to approve the item as presented. Deputy Mayor Pro-tem Savage seconded the motion; motion carried.

AYES (6): Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreidler, Albus, Hurt, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

- 7.3 Ordinance & Public Hearing: (Final Reading) Z-2018-03 On a request from Butterfield Meadows, LLC, agent Clayton Farrow/Jacob Martin, to rezone property from Agricultural Open Space (AO) to a combination of Patio Home (Patio Home) and Residential Single-Family (RS-6), and located at the present east ends of Foxfire Drive and Abbey Road
[ASSIGNED ORDINANCE NO. 11-2018]

Zack Rainbow, Planning Services Manager/Planning & Development Services, presented the item. The change would subdivide the property into single-family home sites.

Mayor Pro-Tem Price opened the public hearing. The following addressed the city council:

- Tal Fillingham – representing the applicant

With no other speakers coming forward, Mayor Pro-Tem Price closed the public hearing.

Councilmember Albus moved to approve the item as presented. Councilmember Kreidler seconded the motion; motion carried.

AYES (6): Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreidler, Albus, Hurt, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

- 7.4 Ordinance & Public Hearing: (Final Reading) Z-2018-04 On a request from Butterfield Meadows, LLC, agent Clayton Farrow/Jacob Martin, to rezone property from General Commercial (GC) to Patio Home (PH), and located at 5973 & 6017 Hwy 277 S.
[ASSIGNED ORDINANCE NO. 12-2018]

Zack Rainbow, Planning Services Manager/Planning & Development Services, presented the item. The change would subdivide the property into single-family patio home sites.

Mayor Pro-Tem Price opened the public hearing. The following addressed the city council:

- Tal Fillingham – representing the applicant

With no other speakers coming forward, Mayor Pro-Tem Price closed the public hearing.

Councilmember McAlister moved to approve the item as presented. Councilmember Albus seconded the motion; motion carried.

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

NAYS (1): Councilmember Hurt

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

- 7.5 Ordinance & Public Hearing: (Final Reading) Z-2018-05 On a request from Amy Leigh Critz to rezone property from Residential Single-Family/Corridor Overlay (RS-8/COR) to Neighborhood Office/Corridor Overlay (NO/COR), and located at 5669 Buffalo Gap Road
[ASSIGNED ORDINANCE NO. 13-2018]

Zack Rainbow, Planning Services Manager/ Planning & Development Services, presented the item. The proposed change would allow for building of a new neighborhood office development.

Mayor Pro-Tem Price opened the public hearing. With no speakers coming forward, Mayor Pro-Tem Price closed the public hearing.

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Councilmember Hurt seconded the motion; motion carried.

AYES (6): Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreidler, Albus, Hurt, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

- 7.6 Ordinance & Public Hearing: (Final Reading) An Ordinance repealing Chapter 12, Franchises, Article III, Cable Television
[ASSIGNED ORDINANCE NO. 14-2018]

Stanley Smith, City Attorney, presented the item. Staff clarified the franchise fee was controlled by the State.

Mayor Pro-Tem Price opened the public hearing. With no speakers coming forward, Mayor Pro-Tem Price closed the public hearing.

Councilmember Kreidler moved to approve the item as presented. Deputy Mayor Pro-tem Savage seconded the motion; motion carried.

AYES (6): Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreidler, Albus, Hurt, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

REGULAR AGENDA

- 9.1 Resolution: Any action, if needed, on the annual evaluation for the city manager, city attorney, and municipal judge

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 city manager and city attorney, which started at 4:00 p.m. and ended at 5:37 p.m. No action was taken at that time.


The item was not considered.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:22 p.m.



Rosa Rios, TRMC
City Secretary



Anthony Williams
Mayor

Minutes approved on: MARCH 22, 2018

