

**CITY COUNCIL MEETING**  
**March 22, 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 March 22, 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, Deputy Mayor Pro-tem Steve Savage, and Councilmembers Bruce Kreitler, Donna Albus, and Weldon Hurt. Councilmember Kyle McAlister was absent. Also present were Assistant City Manager Mindy Patterson, City Attorney Stanley Smith, City Secretary Rosa Rios, and various members of the City staff.

Deputy Mayor Pro-tem Savage delivered the invocation.

Gabby DeLeon, 5<sup>th</sup> grader at Regan Elementary, and Dristain Payne, 5<sup>th</sup> 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**

- Employee Service Awards
  - Robert O'Neal, Water Department – 20 years
  - Samuel Hightower, Fire Department – 25 years
  - Kelly Davis, Fire Department – 25 years
  - Leo Tauer, Police Department – 30 years
  - Scott Ferrell, Police Department – 30 years
  - Tony Lassetter, Police Department – 30 years
  - Robert Rowley, Police Department – 30 years
- Presentation
  - The Texas Recreation and Parks Society Outstanding Individual Service Award was presented to Ms. Gail Russey
  - Everman Park - Lone Star Legacy Designation for 2018 was accepted by Dr. Michal Anne Lord, Executive Director of the Texas Recreation Society

**MINUTES**

**5.1 Approval of the minutes from the Regular Meeting held March 8, 2018**

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

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

**NAYS (0):** None

**ABSENT (1):** Councilmember McAlister

**CONSENT AGENDA**

Items pulled for individual consideration were as follows:

- Citizen Ron Kinder: Item 6.6.

Deputy Mayor Pro-tem Savage moved to approve the consent agenda, now consisting of items 6.1 through 6.5. Councilmember Hurt seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (1): Councilmember McAlister

- 6.1. Resolution: Authorizing the City Manager to execute a Professional Services Contract for an Epidemiologist at the Abilene-Taylor County Public Health District  
**[ASSIGNED RESOLUTION NO. 30-2018]**
- 6.2. Resolution: Approving a tariff authorizing an annual rate review mechanism (RRM) for Atmos Energy Corporation Mid-Tex Division as a substitution for the annual interim rate adjustment process  
**[ASSIGNED RESOLUTION NO. 31-2018]**
- 6.3 Ordinance: (First Reading) Z-2017-30: A request from MB Rentals-Mike Byrd, agent Justin McWilliams, to rezone properties from Agricultural Open Space (AO) to a combination of Heavy Industrial (HI) and General Commercial (GC), located at 4750 and 4902 Boys Ranch Road; and setting a public hearing for April 12, 2016
- 6.4. Ordinance: (First Reading) Z-2018-06 A request from TEARTEX, LLC, agent Ted Evans, to rezone property from Light Industrial (LI) to Central Business (CB), located at 173 Walnut Street; and setting a public hearing for April 12, 2018
- 6.5 Ordinance: (First Reading) Z-2018-07 A request from Parramore Square, LLC, agent John Scott, to rezone property from Central Business (CB) to Planned Development (PD), located at 702 and 710 Orange Street; and setting a public hearing for April 12, 2018

**ITEM PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION**

- 6.6 Ordinance: (First Reading) TC-2018-02 A request from Brandon C. Beck, Agent eHT to abandon the southern 103.10' of an existing 15' wide alley running north and south between South 14th Street and College Street (to the north); and setting a public hearing for April 12, 2018  
*The item was pulled at the request of Ron Kinder, citizen.*

Having pulled the item at his request, the following individual was invited to the podium to address the city council:

- Ron Kinder – spoke in opposition to the item

Zack Rainbow, Planning Services Manager/Planning & Development Services, presented the item. The specific alley segment to be abandoned begins at South 14th Street's right-of-way on the south and ends 103.10' north, at a location near the northwest corner of South 14th Street and Barrow Street. Clarification was provided as to access on/off the property area and trash pickup not being interrupted.

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

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

NAYS (0): None

ABSENT (1): Councilmember McAlister

## REGULAR AGENDA

7.1 Resolution: Award of Bid #CB-1825 - Lake Kirby Nature Play area improvements  
(ASSIGNED RESOLUTION NO. 32-2018)

Lesli Andrews, Director of Community Services, presented the item. Approval of the item would cover the base bid of \$167,750 for the Lake Kirby Nature Park construction; staff continues to seek grants as additional funding options for other improvements.

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

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

NAYS (0): None

ABSENT (1): Councilmember McAlister

7.2 Ordinance: (First Reading) Amending Ordinance adopting fees and charges for the City of Abilene Building Inspections Division; and setting a public hearing for April 12, 2018

Tim Littlejohn, Chief Building Official, presented the item. Clarification was provided on the inspection process and related, enhanced record keeping to ensure inspectors are aware of what other inspectors are doing when the same property is being inspected by different inspectors.

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

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

NAYS (0): None

ABSENT (1): Councilmember McAlister

7.3 Resolution: Receive a report, hold a discussion and take action on approving an engagement letter with MossAdams for a performance audit on the use of Hotel Occupancy Tax  
(ASSIGNED RESOLUTION NO. 33-2018)

Mindy Patterson, Assistant City Manager, presented the item. Discussion centered on (1) firm's qualifications; (2) audit being performance-based, not financial-based; (3) if adopted, the audit would not be reflective of the confidence level held in the Abilene Convention and Visitors Bureau, Abilene Cultural Affairs Council, and Abilene Chamber of Commerce.

At Mayor Pro-tem Price's request, Mayor Williams opened the item for public comment. The following addressed the city council:

- Bob Thomas – spoke in support of the item
- Myra Dean – sees no need for the audit unless there is some sign of malfeasance
- Betty Hukill – reported the Abilene Convention and Visitors Bureau are close stewards of the money that goes through there
- Robert Morris – spoke in support of staff if this is what they want done

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

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

AYES (4): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmember Kreitler

NAYS (2): Councilmembers Albus and Hurt

ABSENT (1): Councilmember McAlister

- 7.4 Resolution: Authorize purchase of a replacement Sewer Pipe Inspection Crawler Camera System for use by the Water Utilities  
**(ASSIGNED RESOLUTION NO. 34-2018)**

Rodney Taylor, Director of Water Utilities, presented the item. Clarification was provided on the daily use of the camera, which is used for preventive measures.

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

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

NAYS (0): None

ABSENT (1): Councilmember McAlister

- 7.5 Ordinance & Public Hearing: (Final 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  
**(ASSIGNED ORDINANCE NO. 15-2018)**

Lesli Andrews, Director of Community Services, presented the item. Staff confirmed the electrical (outlet) use fee would create a fee for a service not currently available.

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

- Doug Offerman – inquired if city has any metrics to compare with this project

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

Councilmember Kreidler 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 Kreidler, Albus, and Hurt

NAYS (1): Deputy Mayor Pro-tem Savage

ABSENT (1): Councilmember McAlister

7.6 Discussion and possible action regarding meeting times for City Council meetings

Mindy Patterson, Assistant City Manager, presented the item. Staff was asked to schedule an item for consideration at the April 12, 2018 Regular Meeting that would accomplish the following:

- The 1<sup>st</sup> regular meeting of the month to begin at 8:30 a.m., rather than 4:30 p.m.
- The 2<sup>nd</sup> regular meeting of the month to begin at 4:30 p.m., rather than 8:30 a.m.
- The special called meeting/work session scheduled on the 4<sup>th</sup> Tuesday of the month permanently cancelled. Special meetings/work sessions could be called if needed.
- Include a “Public Comment” section at the end of each regular meeting.

**EXECUTIVE SESSION**

Mayor Williams called the meeting to order and recessed into Executive Session at 10:20 a.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session:

- 8.1 551.071 (Consultation with Attorney)  
 (J) EEOC/TWC mediation and settlement
- 8.3 551.074 (Personnel Matters)  
 (A) Any action, if needed, on annual evaluation of the city manager and municipal judge  
 (Agenda Item 10.2)
- 8.5 551.087 (Deliberations about business prospects and economic development)  
 (B) DCOA Project Lady Bug (Agenda Item 10.3)

The meeting reconvened to Open Session at 12:47 p.m. Mayor Williams reported no votes or action were taken in Executive Session.

Mayor Williams announced Councilmember Savage had departed during the Executive Session.

**REGULAR AGENDA**

10.1 Resolution: Appointing members to various Boards & Commissions per the City Charter  
**[ASSIGNED RESOLUTION NO. 35-2018]**

Councilmember Hurt moved to approve appointment of the following:

| Board (Month of Term End)                            | Term End Date |
|--|---------------|
| <i>Street Maintenance Advisory and Appeals Board</i> |               |
| Kenneth Martin, Place 1 [New]                        | March 2021    |
| James Bridwell, Place 2 [New]                        | March 2020    |
| Wayne Lanham, Place 3 [New]                          | March 2021    |
| Kristina Davis, Place 4 [New]                        | March 2020    |
| Louis Rangel, Place 5 [New]                          | March 2021    |
| Matthew Lubin, Place 6 [New]                         | March 2020    |
| Michael Schultz, Place 7 [New]                       | March 2021    |

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

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1) Deputy Mayor Pro-tem Savage

ABSENT (1): Councilmember McAlister

- 10.2 Oral 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 municipal judge, which started at 10:20 a.m. and ended at 12:47 p.m. No action was taken at that time.

Mayor Pro-tem Price moved to approve an amendment to the employment contract with City Manager Hanna. Councilmember Kreitler seconded the motion; motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1) Deputy Mayor Pro-tem Savage

ABSENT (1): Councilmember McAlister

- 10.3 Resolution: Approving the Development Corporation of Abilene, Inc.'s Assistance Agreement with Project Ladybug  
**[ASSIGNED RESOLUTION NO. 36-2018]**

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 10:20 a.m. and ended at 12:47 p.m. No action was taken at that time.

Kim Tarrant, Chief Administrative Officer for the Development Corporation of Abilene, and Justin Jaworski, Executive Director for the Abilene Industrial Foundation, presented the item. Clarification was provided that this business would not compete with any local, already existing, businesses, as these type of products are not currently commercially grown here.

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 Hurt

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1) Deputy Mayor Pro-tem Savage

ABSENT (1): Councilmember McAlister

#### ADJOURNMENT

There being no further business, the meeting adjourned at 1:01 p.m.



Rosa Rios, TRMC  
City Secretary



Anthony Williams  
Mayor

Minutes approved on:

April 12, 2018