

## **CITY COUNCIL MEETING**

**May 24, 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 May 24, 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, Weldon Hurt and Kyle McAlister. Also present were Assistant City Manager Mindy Patterson, City Attorney Stanley Smith, City Secretary Rosa Rios, and various members of the City staff.

Mayor Pro-tem Price delivered the invocation.

Ryan Salyers, 5<sup>th</sup> grader at Ward 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
  - Gerald R. Moran, Police – 25 years
  - Douglas Wrenn, Police – 25 years
  - Brian Cokonougher, Police – 25 years
  - Scott A. Riggins, Fire – 30 years
  - Steve M. Taylor, Fire – 30 years
  - Jess W. Madison, Fire – 30 years
- Proclamation
  - Older Americans and Elder Abuse Prevention Month was accepted by Michelle Parker, West Central Texas Council of Governments Aging and Disability Programs Director
- Recognition
  - Marine Corps Reserve "Toys for Tots" was accepted by Cpl. Uriel Ortiz and 1st Sgt. Jorge L. Valdez
- Presentation
  - Larry Bell, Fire Chief, City of Abilene, Texas, in appreciation of 35 years serving the City of Abilene Fire Department

#### **MINUTES**

6. Approval of the minutes from the Regular Meeting held May 10, 2018 and Special Called Meeting held May 16, 2018

Deputy Mayor Pro-tem Savage moved to approve the minutes as presented. Councilmember McAlister 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

The consent agenda consisted of agenda items 7-12.

Items pulled for individual consideration were as follows:

- Councilmember Albus: Item 7;
- Councilmember Kreitler: Item 10; and
- Mayor Pro-tem Price: Item 11.

Councilmember Hurt moved to approve the consent agenda, now consisting of items 8, 9 and 12. Deputy 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

8. Resolution: Authorizing combined purchases of the Abilene-Taylor County Public Health District (ATCPHD) from GlaxoSmithKline, McKesson Medical-Surgical Inc., and Sanofi Pasteur for various vaccines and medical supplies  
**[ASSIGNED RESOLUTION NO. 83-2018]**
9. Ordinance: (First Reading) Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Sec. 18-293. "Parking Prohibited-At All Times," by amending certain sections; providing a severability clauses; and declaring a penalty; and setting a public hearing to be held June 14, 2018
12. Ordinance: (First Reading) Z-2018-11 A request from Hardin Simmons University, agent Enprotec/Hibbs & Todd, to rezone property from HC/COR (Heavy Commercial/COR Overlay), HC (Heavy Commercial), and RS-6 (Residential Single-Family) to CU/COR (College University/Corridor Overlay) and CU (College University) to allow for university and related uses on property located just north of Hardin Simmons University. Location being 10 parcels located north of Vogel Avenue and south of Lowden Street, between Cedar Street and Pine Street and hold a public hearing on June 14, 2018

## ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

7. Resolution: Approving the acceptance of the donated Marcel the moose and his friend Wilfred sculpture for placement on the Adamson Spalding Storybook Garden lawn of the Abilene Convention Center  
**[ASSIGNED RESOLUTION NO. 82-2018]**  
*Councilmember Albus pulled the item.*

Councilmember Albus thanked the Abilene Cultural Affair for all the previous work they had done in securing the bronzes all over town that make such a great tourist attraction.

Deputy Mayor Pro-tem Savage moved to approve the item 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

10. Resolution: Finding that AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and legal counsel **[ASSIGNED RESOLUTION NO. 84-2018]**  
*Councilmember Kreidler pulled the item.*

Staff clarified the City of Abilene is in the north division. Staff to notify Councilmember Kreidler as to whether or not the city has ceded jurisdiction.

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

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

NAYS (1): Deputy Mayor Pro-tem Savage

11. Ordinance: (First Reading) TC-2018-04 A request from Hardin Simmons University, agent Enprotec/Hibbs & Todd, to abandon all that portion of right-of-way for Cypress Street, being on the south line of right-of-way for Lowden Street and heading 363.88 feet toward Vogel Avenue and hold a public hearing on June 14, 2018  
*Mayor Pro-tem Price pulled the item.*

Mayor Pro-tem Price requested, and staff agreed, to reach out to property owners in the adjacent area to determine what the reaction would be to the proposed abandonment.

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

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

NAYS (0): None

#### REGULAR AGENDA

13. Ordinance & Public Hearing: (Final Reading) Nominating Abilene Regional Medical Center as an Enterprise Zone Project  
**(ASSIGNED ORDINANCE NO. 28-2018)**

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would allow the Abilene Regional Medical Center to apply for designation as an Enterprise Zone by the Office of the Governor. Staff clarified City Council approval was the first step, with the State evaluation to follow. The only other known designation was Blue Cross/Blue Shield.

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

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Mayor Pro-tem Price 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

14. **Resolution & Public Hearing: Conduct a public hearing regarding the issuance of obligations for park and recreational improvements to be leased to the Abilene Youth Sports Authority. Consider Adoption of a Resolution Approving Proposed Issuance of Obligations for Financing Park and Recreational Improvements (ASSIGNED RESOLUTION NO. 85-2018)**

Mike Rains, Director of Finance, presented the item. Adoption of the item would authorize the issuance, up to a maximum aggregate face value of \$1,703,000, of certificates of obligation to finance the City's matching portion of the Abilene Youth Sports Authority (AYSA) sports complex at Nelson Park.

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

- David Swart – not opposed to the project, but feels the city should find other ways of funding this type of project

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

Mayor Williams asked for a motion to authorize the Mayor to approve the proposed issuance of obligations for park and recreational improvements via the execution of the Approval of Proposed Issuance of Obligations for Financing Park and Recreational Improvements.

Councilmember McAlister moved to authorize the Mayor to approve the proposed issuance of obligations for park and recreational improvements via the execution of the Approval of Proposed Issuance of Obligations for Financing Park and Recreational Improvements. Councilmember Hurt seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Albus, Hurt, and McAlister  
NAYS (1): Councilmember Kreitler

15. **Resolution: Authorizing purchase of motor fuels from Mansfield Oil and Petroleum Traders for the city's Fleet and CityLink operations (ASSIGNED RESOLUTION NO. 86-2018)**

Don Green, Director of Transportation Services, presented the item. Adoption of the item would authorize cumulative purchases for the remainder of this Fiscal Year (September 30, 2018) Mansfield Oil and Petroleum Traders up to \$450,000 each, but cumulatively not exceeding the remaining Unleaded and Diesel budgeted amounts for Fleet and CityLink.

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

16. Resolution: Authorizing the award of Bid #CB-1846 to Bontke Brothers Construction Co., Inc. for rehabilitation of the Airport Business Park Access Road  
**(ASSIGNED RESOLUTION NO. 87-2018)**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item would provide a complete one-way access road from State Hwy 36 to Navajo Tr. Also included in the project would be the relocation of the Airport security fence along the proposed roadway.

Mayor Pro-tem Price moved to approve the item as presented. Councilmember Hurt 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

17. Ordinance: (First Reading) Establishing a Street Maintenance Fee and setting a public hearing for June 14, 2018

The item was held until after the executive session to allow for consultation with the city attorney on the item.

Under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, along with other duly posted items. The executive session started at 9:25 a.m. and ended at 10:49 a.m. No action was taken at that time.

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item would institute a Street Maintenance Fee and was structured/designed to meet the expectations of the community and City Council. Target date for implementation set for January 1, 2019. City Manager Hanna (1) explained the fee is classified as a utility fee; (2) noted this issue would be discussed with the Street Maintenance Advisory & Appeals Board; and (3) outlined the responsibilities of that board.

At the request of Council Member Kreitler, Mayor Williams polled the audience to see if there were people who wished to address the Council on this issue. Seeing that there were citizens wishing to speak, Council Member Kreitler moved to open a public hearing. Motion seconded by Deputy Mayor Pro-tem Savage.

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

- David Swart – questioned the applicability of the fee to citizens (senior citizens) and those that lease but don't own the property
- Bruce Bixby – neither in favor of or opposition to the item; leased properties are problematic in that the lease do not provide for collection of the fee; he as an owner would have to pay; similar situation exists with shopping centers as businesses come and go

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

City Manager Hanna reported changes to the ordinance and its applicability could be made by the City Council during the implementation stages.

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

Councilmember Hurt moved to approve the item as presented. Mayor Pro-tem Price 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

**EXECUTIVE SESSION**

Mayor Williams recessed into Executive Session at 9:26 a.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session:

18.A 551.071 (Consultation with Attorney)

- Agenda Item 17, Establishing a Street Maintenance Fee and setting a public hearing for June 14, 2018
- (3) 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
- (6) City of Abilene and Development Corporation of Abilene v. Texas Municipal League Governmental Risk Pool, Cause No. 11018-D In the 350th Judicial District Court, Taylor County, Texas, filed January 9, 2017
- (7) Iris Guerrero, et al. v. Taylor County, Texas, et al., Civil Action No. 1:17-cv-00050-BL, In the U.S. District Court, Northern District of Texas, Abilene Division, filed April 6, 2017
- (9) Iris R. Guerrero, et al. v. City of Abilene, et al.; Cause No. 27320-B, In the 104th Judicial District Court, Taylor County, Texas; filed March 26, 2018

18.B 551.072 (Deliberations about Real Property)

- (1) Weatherbee Development and Dyess Air Force Base

18.D 551.074 (Personnel Matters)

- (1) Any action, if needed, on annual evaluation of the city secretary and municipal judge (Agenda Item 20 – city secretary and municipal judge)

The meeting reconvened to Open Session at 10:49 a.m. Mayor Williams reported no votes or action were taken in Executive Session.

**REGULAR AGENDA**

19. Resolution: Appointing members to various Boards & Commissions per the City Charter [ASSIGNED RESOLUTION NO. 88-2018]

Deputy Mayor Pro-tem Savage moved to approve appointment of the following:

Board	Term End Date
<i>Keep Abilene Beautiful, Inc.</i>	
Mashall Lowry [New]	September 2020
<i>Office of Neighborhood Services Advisory Board</i>	
Amy M. Owens (At-Large) [New]	November 2018 (Unexpired Term)

Councilmember Albus 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

20. Oral Resolution(s): Any action, if needed, on the annual evaluation for the city secretary 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, which started at 9:26 a.m. and ended at 10:49 a.m. No votes or actions were taken at that time.

The item was not considered.

21. Oral Resolution: Appointing the Mayor Pro-tem

Mayor Williams asked for a motion on the appointment of Councilmember Kyle McAlister as Mayor Pro-tem.

Deputy Mayor Pro-tem Savage moved to appoint Councilmember Kyle McAlister as Mayor Pro-tem. Councilmember Hurt 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

#### PUBLIC COMMENTS


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

- David Swart – city’s need to find a way to retrofit a vehicle; types of vehicles used by police

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

#### ADJOURNMENT

There being no further business, the meeting adjourned at 11:41 a.m.

  
Rosa Rios, TRMC  
City Secretary

  
Anthony Williams  
Mayor

Minutes approved on: June 14, 2018