

**CITY COUNCIL MEETING  
June 14, 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 June 14, 2018, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Kyle McAlister, Deputy Mayor Pro-tem Steve Savage, and Councilmembers Shane Price, Bruce Kreidler, Donna Albus, and Weldon Hurt. 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 Savage delivered the invocation.

Ella Alvarez, 5th grader at Jackson 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
  - Elena D. Martinez, Water Utilities – 20 years
- Proclamation
  - Motorcycle and Scooter Ride to Work Day was accepted by Jill Christie from TxDOT D.R.I.V.E. Coalition and E'Lisa Smetana from Abilene Metropolitan Planning Organization

**MINUTES**

6. Approval of the minutes from the Regular Meeting held May 24, 2018

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreidler, Albus, and Hurt  
NAYS (0): None

**CONSENT AGENDA**

The consent agenda consisted of agenda items 5-12.

Items pulled for individual consideration were as follows:

- Councilmember Kreidler: Item 7;
- Deputy Mayor Pro-tem Savage: Item 10;
- Deputy Mayor Pro-tem Savage and Citizen David Swart: Items 11 and 12.

Councilmember Hurt moved to approve the consent agenda, now consisting of items 5, 6, 8, and 9. Deputy Mayor Pro-tem Savage seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreitler, Albus, and Hurt  
NAYS (0): None

5. Resolution: Extended Term Street Use License with Welltower TCG NNN Landlord, LLC  
[ASSIGNED RESOLUTION NO. 89-2018]
6. Resolution: Authorizing a Professional Services Contract with Jacob & Martin, LLC for the East Lake Road Water Line Design and Construction Review  
[ASSIGNED RESOLUTION NO. 90-2018]
8. Resolution: Authorizing the Bid Award to J.S. Haren Company for the Northeast Water Treatment Plant Prison Pump Modifications Project  
[ASSIGNED RESOLUTION NO. 92-2018]
9. Resolution: Awarding the Bid for the 24 inch Sewer Line Abandonment Project  
[ASSIGNED RESOLUTION NO. 93-2018]

#### ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

7. Resolution: Authorizing Combined Purchases of Assorted Laboratory Instruments and Equipment from Seal Analytical, Inc.  
[ASSIGNED RESOLUTION NO. 91-2018]  
*Councilmember Kreitler pulled the item.*

At Councilmember Kreitler's inquiry, staff reported there is \$150,000 budgeted for these bid items. Staff screens the rates in the regionally competitive market. Internal costs of operation are hard to recover.

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 McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreitler, Albus, and Hurt  
NAYS (0): None

10. Resolution: Authorizing the City Manager to execute a Construction Contract with Don Faulkner Construction for the Convention Center Auditorium Lobby Ceiling Replacement Project  
[ASSIGNED RESOLUTION NO. 94-2018]  
*Deputy Mayor Pro-tem Savage pulled the item.*

Deputy Mayor Pro-tem Savage expressed his being disheartened the replacement of tiles as being done before addressing the non-compliant ADA bathroom. Staff reported an in-depth evaluation had been conducted on the needed improvements to the bathrooms and other areas of the convention center to ensure ADA compliance. An item will be presented soon to the City Council.

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

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

NAYS (1): Deputy Mayor Pro-tem Savage

11. Resolution: Authorizing the City Manager to execute a Construction Contract with TMG Systems for the Convention Center Auditorium Sound System Replacement Project  
**[ASSIGNED RESOLUTION NO. 95-2018]**  
*Deputy Mayor Pro-tem Savage and Citizen Swart pulled the item.*

At Citizen Swart inquiry, staff reported the project would not be funded out of the 1¢ maintenance funds adopted as part of the 2018 budget and that other funds had previously been set aside for the project.

Wayne Lisenbee, Director of Facilities & Capital Improvements, presented the item. The bidding came in under budget. The life cycle of the existing system has been 22 years with the new system's expected to be 10-15 years. The art audio can be programmed and customized per event. The warranty is 1-year parts/labor.

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

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

NAYS (0): None

12. Resolution: Authorizing the City Manager to execute a Construction Contract with Harris Acoustics for acoustical improvements to the Convention Center Auditorium  
**[ASSIGNED RESOLUTION NO. 96-2018]**  
*Deputy Mayor Pro-tem Savage and Citizen Swart pulled the item.*

Wayne Lisenbee, Director of Facilities & Capital Improvements, presented the item. The project calls for an effective combination of a stationary curtain system and a digital audio projection system.

Citizen Swart stated his questions had been answered during the conversation. Mayor Pro-tem Savage opined the item should be held until after the funds approved for the other items were expended and projects finalized.

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

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

NAYS (1): Deputy Mayor Pro-tem Savage

## REGULAR AGENDA

13. Oral Resolution: Confirming the appointment of the Abilene Fire Chief, as hired by the city manager

Robert Hanna, City Manager, presented the item. City Manager Hanna appointed Cande Flores as Fire Chief of the Abilene Fire Department. Under Chapter 143 of the State Civil Service Statute, the Chief Executive Officer appoints the Fire Chief and the City Council affirms.

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 McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreitler, Albus, and Hurt  
NAYS (0): None

14. Ordinance & Public Hearing: (Final 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 468 feet toward Vogel Avenue  
**(ASSIGNED ORDINANCE NO. 29-2018)**

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would 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 approximately 468 feet toward Vogel Avenue. Staff clarified that if the two owners who agreed to the abandonment change their minds after Council approval, the property would remain paved and the abandonment would occur south of the property. The abandonment would occur at time of replat with the owners signing off on that.

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

- Bj Prichard – inquired as to what would happen if the homeowners no longer supported the change; confirmed there is at least one more proposed development in the area.

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

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 McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreitler, Albus, and Hurt  
NAYS (0): None

15. Ordinance & Public Hearing: (Final 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  
**(ASSIGNED ORDINANCE NO. 30-2018)**

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would rezone 10 parcels of land at locations within the area noted on the agenda caption.

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

- Bj Prichard – confirmed someone else had owned the vacant gas station.

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

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 McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreitler, Albus, and Hurt

NAYS (0): None

16. Ordinance: Authorizing the Issuance and Sale of City of Abilene, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2018A; Levying an Annual Ad Valorem Tax and Providing for the Security for and Payment of Said Certificates; Approving the Official Statement; Providing an Effective Date; and Enacting Other Provisions Relating to the Subject  
**(ASSIGNED ORDINANCE NO. 31-2018)**

Mike Rains, Director of Finance, presented the item. Adoption of the item would authorize the sale of certificates of obligation for the new Law Enforcement Center, Municipal Court, Marshal and Water Utilities offices and Records Storage building in the former Kmart building. In addition, the bonds would include funds for Griffith Road street improvements. Mr. George Williford with Hilltop Securities detailed the report distributed to the City Council, encompassing information applicable to Agenda Items 16-18. The Preliminary Financial Statement outlined in the handout were the same as included in the presentation but would later be updated once all is final.

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 McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreitler, Albus, and Hurt

NAYS (0): None

17. Ordinance: Authorizing the Issuance and Sale of City of Abilene, Texas General Obligation Bonds, Series 2018; Levying an Annual Ad Valorem Tax and Providing for the Security for and Payment of Said Bonds; Approving the Official Statement; Providing an Effective Date; and Enacting Other Provisions Relating to the Subject  
**(ASSIGNED ORDINANCE NO. 32-2018)**

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve the issuance and sale of the 2018 General Obligation bond issuance. The bonds are part of the 2015 voter approved bond referendum and would include funds for street improvements and airport matching funds for Federal Aviation Administration grants. Staff to provide the total savings cost from street improvement projects approved by City Council that have been come in under budget.

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreitler, Albus, and Hurt  
NAYS (0): None

18. Ordinance: Authorizing the Issuance and Sale of City of Abilene, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2018B; Levying an Annual Ad Valorem Tax and Providing for the Security for and Payment of Said Certificates; Approving the Official Statement; Providing an Effective Date; and Enacting Other Provisions Relating to the Subject  
**(ASSIGNED ORDINANCE NO. 33-2018)**

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve the issuance and sale of 2018B certificates of obligation for the City's portion of improvements for the Abilene Youth Sports Authority's planned Sports Complex at Nelson Park.

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

At 9:40 a.m., the meeting recessed for a break and reconvened at 9:50 a.m.

19. Resolution: Creating Trip Factor Indexes for use in calculating individual Street Maintenance Fees as established by the Street Maintenance Fee Ordinance  
**(ASSIGNED RESOLUTION NO. 97-2018)**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item would approve the Trip Factor Indexes, which were based on the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition with modifications made by the City and including only those categories staff felt applied. Approval allows citizens an advance view of how the charges will work/apply to them. As the implementation process is underway, staff agrees changes will be needed; such changes can be made through an amendment to this resolution.

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

- Bob Thomas – agrees with the trip factor but opined the Street Maintenance Advisory & Appeals Board should be given something that does not have to be reconfigured
- David Swart – need to address unique businesses rather than placing them with the big guys

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

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

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

20. **Ordinance & Public Hearing: (Final 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 (ASSIGNED ORDINANCE NO. 34-2018)**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item would officiate staff's traffic engineering action (recently implemented for safety purposes) to move "NO Parking" signage south of Potomac Avenue. Up to this point, the signage has served as an educational effort with no fines issued; adoption would make the "No Parking" enforceable.

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. Councilmember Hurt seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Kreitler, Albus, and Hurt  
NAYS (0): None

21. **Ordinance & Public Hearing: (Final Reading) Adopting the Street Maintenance Fee ordinance (ASSIGNED ORDINANCE NO. 35-2018)**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item would institute a Street maintenance Fee. The results of the May 5, 2018 Special Election were that a majority of the voters voted in favor of the City establishing such a fee. The equity of setting such a fee was discussed in the areas of senior citizens, disabled, renters, and property/apartment owners. Removing all fee structures or having every one pay the same fee were noted as options. Staff reported the ordinance established a method of appeal and review by the Street Maintenance Advisory and Appeals Board.

Councilmember Price proposed an amendment to provide that the Street Maintenance Advisory and Appeals Board evaluate the fees every spring rather than every four (4) years as currently stated in the ordinance.

Having spoken to the senior citizen community, Councilmember Albus recommended proposed exemptions be removed except for income-based exemptions.

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

- David Swart – reported email was sent to the City Council, with some of his questions being answered; consider the over 65, disabled and lower income be accepted exemptions
- Herman Barren – tunnel vision in setting up the fees; should consider fee payment based on vehicles versus households as a lot of homes have many cars
- Tammy Kister – representing Big Country Apartment Association; unfair to properties having low occupancy rate by making them pay the fee for all apartment units; feels fee is not equitable
- Jud Beall – provided examples of possible exemptions and requiring documentation to qualify; in support of the fee
- Ron Kinder – what everybody voted to do is already being changed
- Johnnie Fluke – the community voted and things are now being changed; consider doing income-based with documentation; if keeping at 65+ and disabled need to consider those that rent

- Bob Thomas – agrees with the board reviewing annually; future councils will be voting on these fees; need to move upward on the issue
- Oscar Aguilar – need to move forward on this; don't depend on citizens; citizens depend on city council
- Jay Riley – citizens approved; do what the public said to do; exemptions need to require documentation

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

Brief commentary by the City Council on its accountability to the citizens.

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

- The Street Maintenance Advisory and Appeals Board evaluate the fees every spring rather than every four (4) years as currently stated in the ordinance (as proposed by Councilmember Price); and
- Remove the reduced rate option for "Over 65 and Disabled" (as recommended by Councilmember Albus).

Councilmember Albus seconded the motion; motion carried.

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

NAYS (0): None

#### EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 11:33 a.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session:

- 22.A 551.071 (Consultation with Attorney)
  - (8) Ballinger Water Supply Contract
- 22.E 551.087 (Business Prospect/Economic Development)
  - (1) Hotel Proposals

The meeting reconvened to Open Session at 11:47 a.m. Mayor Williams reported no votes or action were taken in Executive Session.


#### PUBLIC COMMENTS

With no citizens remaining in the Council Chambers, there was no need to hold this portion of the meeting.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 11:47 a.m.

  
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Rosa Rios, TRMC  
City Secretary

  
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Anthony Williams  
Mayor

Minutes approved on: June 28, 2018