

CITY COUNCIL MEETING
July 12, 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 July 12, 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, Jack Rentz, 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.

Mayor Williams delivered the invocation.

Caleb Moore, 3rd 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
 - Emily P. Bolton, Water Utilities – 20 years
 - Daniel O. Flores, Water Utilities – 25 years
- Proclamation
 - Parks and Recreation Month and National Therapeutic Recreation Week was accepted by Lesli Andrews, Director of Community Services; Jeff White, Recreation & Senior Services Administrator; and Richard Rodger, Parks Manager
- Announcement
 - Mayor Williams announced the proposed Budget schedule as follows:

Budget Workshop	Tuesday, July 24, 2018	1:30 pm
Budget Workshop	Wednesday, July 25, 2018	8:30 am
Budget Workshop	Thursday, July 26, 2018	8:30 am
Public Hearing/Final Reading- Revised	Thursday, August 9, 2018	8:30 am
First Public Hearing - Tax Rate	Thursday, August 23, 2018	4:30 pm
Second Public Hearing - Tax Rate	Thursday, September 6, 2018	8:30 am
Final Readings - Tax Rate/Proposed	Thursday, September 13, 2018	8:30 am

MINUTES

4. Approval of the minutes from the Special Called Meeting held June 25, 2018 and Regular Meeting held June 28, 2018

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

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

NAYS (0): None

CONSENT AGENDA

The consent agenda consisted of agenda items 5-7.

Item pulled for individual consideration were as follows:

- Citizen David Swart: Agenda Item 6

Councilmember Hurt moved to approve the consent agenda, now consisting of items 5 and 7. 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, Rentz, Albus, and Hurt
NAYS (0): None

5. Ordinance: (First Reading) Z-2018-13 A request from Bontke Brothers Construction Company, Inc., agent Kenneth Bontke, to rezone property from Agricultural Open Space (AO) to Heavy Industrial (HI) located on 4900-5000 Blocks (south side) of FM 18; and setting a public hearing for July 26, 2018
7. Resolution: Authorizing the City Manager to Execute a Contract with United States Geological Survey for Streamflow Monitoring Stations
[ASSIGNED RESOLUTION NO. 103-2018]

ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

6. Resolution: Authorizing the purchase of one (1) three-quarter ton pickup truck for the Abilene Fire Department from Lawrence Hall Chevrolet through CB-1850
[ASSIGNED RESOLUTION NO. 102-2018]
The item was pulled at the request of David Swart, citizen.

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

- David Swart – urged the City Council to spend extra funds to provide a quality truck

Fire Chief Flores clarified the vehicle would be for the battalion chief and included all needed features.

Councilmember Price 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, Rentz, Albus, and Hurt
NAYS (0): None

REGULAR AGENDA

8. Resolution: Authorizing the City Manager to execute a Construction Contract with Collier Construction for the Kmart/LEC Remodel project
[ASSIGNED RESOLUTION NO. 104-2018]

Wayne Lisenbee, Director of Facilities & Capital Improvements, presented the item. The property will house the Abilene Police Department, 9-1-1 Dispatch, Child Advocacy Center, Abilene Municipal Court, and the Abilene Municipal Services Center (Water Billing Office). Staff clarified the funding of the item, lifespan estimated between 20-25 years, and confirmed formal notification would be sent to the Taylor County Commissioners Court following adoption of the item and once a firm construction timeline is established. At this time, staff has no plans for the City Hall space to be vacated by Municipal Court.

Mayor Williams moved to allow for a public hearing on the item. Mayor Pro-tem McAlister seconded the motion; motion carried.

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

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

- David Swart – covered parking should be provided for city vehicles; need to have a generator system for the 911 system; can save funds by having only one flag pole

Staff confirmed there is only one flagpole and are seeking funding/donation alternatives. A new generator will go into the facility for dispatch, city server networks and a section of the police department to provide for emergency/command center. Covered parking was carefully reviewed and bid; prices are locked in and increase in cost will be only if the City asks for more than what was addressed on the plans.

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 Price seconded the motion; motion carried.

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

9. Ordinance & Public Hearing: (Final Reading) Z-2018-12 A request from Robin Lynn Mason, to rezone property located at 5919 Buffalo Gap Road from Residential Single-Family/Corridor Overlay (RS-8/COR) to Neighborhood Office Corridor Overlay (NO/COR)
(ASSIGNED ORDINANCE NO. 36-2018)

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would convert the property for occupancy by a medical office, specifically a hearing clinic.

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

- Erica Vela – spoke in favor of the item

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 Hurt seconded the motion; motion carried.

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

NAYS (0): None

10. Ordinance & Public Hearing: (Final Reading) Z-2018-14 A request from Daniel Flatt, to rezone property located at 1718 Rainey Road from Agricultural Open Space (AO) to Residential Single Family (RS-12) **(ASSIGNED ORDINANCE NO. 37-2018)**

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would subdivide the property into large, single-family home sites at least one acre in size.

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 Albus seconded the motion; motion carried.

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

NAYS (0): None

11. Ordinance & Public Hearing: (Final Reading) Z-2018-15 A request from Hardin Simmons University, agent Tal Fillingim of Jacob and Martin, to rezone property located just east of Hardin Simmons University from General Commercial/COR Overlay (GC/COR), Medium Density (MD), and General Commercial (GC) to College University/Corridor Overlay (CU/COR) and College University (CU) to allow for university and related uses on property located just east of Hardin Simmons University. Location being 12 parcels located north of Ambler Avenue and south of University Boulevard, between Pine Street and Walnut Street **(ASSIGNED ORDINANCE NO. 38-2018)**

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would rezone the 12 parcels of land recently acquired by Hardin Simmons University.

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

- Tal Fillingim – outlined the purposes of the redevelopment

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

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

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

NAYS (0): None

12. Ordinance & Public Hearing: (Final Reading) CUP-2018-02 A request from Bun Hour Puch, agent Soeun Nhorch, for Conditional Use Permit to allow a 'Restaurant-Fast Food' on property 5202 S. 7th Street zoned Neighborhood Retail (NR)
(ASSIGNED ORDINANCE NO. 39-2018)

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would allow a fast food restaurant (no wait service at table/billboard menu ordering only). Staff confirmed some buildings had split zoning which allowed a different use from one area of the building to the next adjacent area of the same building.

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 McAlister seconded the motion; motion carried.

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

NAYS (0): None

PUBLIC COMMENTS

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:33 a.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session:

13.A 551.071 (Consultation with Attorney)

7. Case No. 1:17-cv-00121-BL, Ken David Scott, Individually and as Representative of the Estate of Amanda Nicole Scott v. Taylor County, Texas, Sheriff Ricky Bishop, Taylor County Sheriff's Dept., City of Abilene, Texas, John Doe 1-10; In the United States District Court, Northern District of Texas, Abilene Division, filed August 15, 2017
8. Progressive County Mutual Insurance Company v. Gallegos Mario Pequeno and City of Abilene; Cause No. DC18-47480J11; In the Justice Court, Precinct 1, Place 1, Taylor County, Texas, filed May 16, 2018
9. Blanca Cortez v. Board of Building Standards of the City of Abilene; Cause No. 27331-B; In the 104th Judicial District Court, Taylor County, Texas; filed April 6, 2018
10. Brad McGary v. Stan Standridge, Chief of Police, and the City of Abilene; Cause No. 50115-A, In the 42nd Judicial District Court, Taylor County, Texas, filed June 22, 2018
11. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-0000-8650; Appeal of Temporary Suspension to Arbitration; Case No.
12. _____; Appeal of Indefinite Suspension to Arbitration, filed January 31, 2018 T.M. (Tracy) Gates v. City of Abilene; Case No. 1:18-cv-00095-C; In the United States District Court, Northern District of Texas, Abilene Division; filed July 3, 2018

13.D. 551.074 (Personnel Matters)

2. Boards & Commissions – Civil Service Commission (Agenda Item 17)

13.E 551.087 (Business Prospect/Economic Development)

- Agenda Item 14: Resolution: Development Corporation of Abilene, Inc.'s Assistance for Abilene Christian University's NEXT Lab
- 3. Parramore Square Development (Agenda Item 16)
- 4. DCOA's purchase of properties in West Abilene

The meeting reconvened to Open Session at 10:11 a.m. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

14. Resolution: Development Corporation of Abilene, Inc.'s Assistance for Abilene Christian University's NEXT Lab
[ASSIGNED RESOLUTION NO. 105-2018]

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 9:33 a.m. and ended at 10:11 a.m. No votes or actions were taken at that time.

Mayor Williams announced that due to a conflict of interest by the following, Deputy Mayor Pro-tem Savage would serve as the Presiding Officer over this particular item:

- Mayor Williams;
- Mayor Pro-tem McAlister; and
- Councilmember Price.

Kent Sharp, CEO of the Development Corporation of Abilene, Inc., presented the item. Project NEXT is a project of Abilene Christian University's Department of Engineering and Physics and involves the advancement of molten salt reactors technology while educating the next generation of leaders in nuclear science and engineering.

Councilmember Rentz moved to allow for public comments on the item. Councilmember Albus seconded the motion; motion carried.

AYES (4): Deputy Mayor Pro-tem Savage and Councilmembers Rentz, Albus, and Hurt

NAYS (0): None

ABSTAIN (3): Mayor Williams, Mayor Pro-tem McAlister, and Councilmember Price

Deputy Mayor Pro-tem Savage opened the public hearing. The following individual addressed the city council:

- Bruce Kreitler – spoke in support of the item

With no other speakers coming forward, Deputy Mayor Pro-tem Savage closed the public hearing.

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

AYES (4): Deputy Mayor Pro-tem Savage and Councilmembers Rentz, Albus, and Hurt

NAYS (0): None

ABSTAIN (3): Mayor Williams, Mayor Pro-tem McAlister, and Councilmember Price

Following adoption of the item, Mayor Williams took over as Presiding Officer.

15. Presentation and Oral Resolution: FY18 Semi-Annual Report of Activities for the Development Corporation of Abilene

Kent Sharp, CEO of the Development Corporation of Abilene, Inc., presented the item. The By-laws of the Development Corporation of Abilene, Inc. (DCOA) state in Section 4.13; "The Corporation is required to be regularly accountable to the City Council for all activities undertaken by them or on their behalf, and shall report on all significant activities of the Corporation to the City Council, whether discharged directly by the Board or by any person, firm, corporation agency, association or other entity on behalf of the Corporation." The presentation accomplished the requirement.

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

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

16. Resolution: Development Agreement between the City of Abilene, Texas and Parramore Square, LLC [ASSIGNED RESOLUTION NO. 106-2018]

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 9:33 a.m. and ended at 10:11 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of the item would provide for the Parramore Square development to be located within the Neighborhood Empowerment Zone No. 1, adopted May 10, 2018 (Resolution No. 78-2018). The location of the development is in the block bordered by Parramore St. on the north, N. 7th St. on the south, Beech St. on the west, and Orange St. on the east.

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, Rentz, Albus, and Hurt
NAYS (0): None

17. Resolution: Appointing Members to various Boards and Commissions per the City Charter [ASSIGNED RESOLUTION NO. 107-2018]

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 9:33 a.m. and ended at 10:11 a.m. No votes or actions were taken at that time.

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

Board	Term End Date
<i>Civil Service Commission</i>	
Joey Devora [New]	November 2019 (Unexpired Term)

Councilmember Hurt seconded the motion; motion carried.

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

NAYS (0): None

ADJOURNMENT

There being no further business, the meeting adjourned at 10:40 a.m.



Rosa Rios, TRMC
City Secretary



Anthony Williams
Mayor

Minutes approved on:


