

CITY COUNCIL MEETING
July 26, 2018 at 4:30 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 July 26, 2018, at 4:30 p.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.

EXECUTIVE SESSION

Mayor Williams called the meeting to order and recessed into Executive Session at 4:30 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:

- 22.A 551.071 (Consultation with Attorney)
 - Pipeline Easement – Lake Possum Kingdom (Also 22.B.1.)
 - 2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 201422.A
 - 13. Exclusive Rights Contract with MetroCare Services - Abilene, LP
- 22.B 551.072 (Deliberations about Real Property)
 - 1. Pipeline Easement – Lake Possum Kingdom (Also discussed under Section 551.072, Consultation with Attorney)
- 22.D 551.074 (Personnel Matters)
 - 2. Boards & Commissions:
 - Abilene-Taylor County Public Health Advisory Board
 - Abilene Metropolitan Planning Organization Transportation Policy Board (MPO)
 - West Central Texas Council of Governments (WCTCOG)
- 22.F 551.087 (Deliberations about business prospects and economic development)
 - 1. Hotel Proposals
 - 2. 202 Pine Street

The closed session ended at 5:02 p.m. after which the City Council recessed and reconvened to Open Session at 5:30 p.m., as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Councilmember Shane Price delivered the invocation.

Andrew Bennett, 3rd grader at Wylie Elementary School, led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- NONE

MINUTES

3. Approval of the minutes from the Regular Meeting held July 12, 2018

Deputy Mayor Pro-tem Savage moved to approve the minutes 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

CONSENT AGENDA

The consent agenda consisted of agenda items 4-15.

Item pulled from consideration was as follows:

- City Manager Hanna: Item 14

Items pulled for individual consideration were as follows:

- Councilmember Price: Item 9 and 15; and
- Mayor Williams at staff request: Item 13.

Deputy Mayor Pro-tem Savage moved to approve the consent agenda, now consisting of items 4-8 and 10-12. 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

4. Resolution: Authorizing the City Manager to enter into a Professional Services Contract with MGT of America Consulting, LLC for Annual Indirect Cost Studies
[ASSIGNED RESOLUTION NO. 108-2018]
5. Resolution: Designating the Abilene Reporter-News as the City's Official Newspaper
[ASSIGNED RESOLUTION NO. 109-2018]
6. Resolution: Authorizing Combined Purchases of Assorted Laboratory Instruments and Equipment from Fisher Scientific, Inc.
[ASSIGNED RESOLUTION NO. 110-2018]
7. Ordinance: (First Reading) Z-2018-17 A request from Job Done, LLC, to rezone property from Office (O) to General Commercial (GC) located at 2017 S. Danville Drive; and setting a public hearing for August 9, 2018
8. Ordinance: (First Reading) Z-2018-18 A request from Jarod Newberry and Anthony Miller to rezone property from Light Industrial (LI) to Central Business (CB) located at 721 S. 1st Street; and setting a public hearing for August 9, 2018

10. Ordinance: (First Reading) OAM-2018-02 An amendment to Abilene's Land Development Code (LDC) regarding Section 1.1.7.2 in Chapter 1, pertaining to the Powers and Duties of the Landmarks Commission. Also changes to Section 2.3.4.4 in Chapter 2, regarding initiation by Landmarks Commission, Action by the Landmarks Commission on a Certificate of Appropriateness, Minimum Maintenance Standards, and the Authority to apply a 60-day stay on potentially historic properties; and setting a public hearing for August 9, 2018
11. Resolution: Award of Annual Street Services Division Materials Requirement
[ASSIGNED RESOLUTION NO. 111-2018]
12. Resolution: Repealing and replacing Resolution 38-2018 adopting Rules of Procedure for the City Council of Abilene, Texas
[ASSIGNED RESOLUTION NO. 112-2018]
14. Ordinance: (First Reading) Ordinance Allowing Variance to Texas Food Establishment Rules to Permit Dogs on Patios at Food Establishments Under Certain Conditions.
[NOT CONSIDERED]

ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

9. Ordinance: (First Reading) Z-2018-19 A request from TXOK Investments, agent eHT, to rezone property from Agricultural Open Space (AO) to General Retail (GR), and to approve a Conditional Use Permit (CUP) to allow for multi-family residential use on the same properties located in the 1700 Block of E. Lowden Street; and setting a public hearing for August 9, 2018
Councilmember Price pulled the item.

Councilmember Price expressed the concern that the recommendation from the Planning and Zoning Commission could not be accepted as presented at final reading as that recommendation was in violation of the Land Development (LDC) and provided detail on why. He requested staff work with the proponent and return at final reading with the recommendation that meets their desired outcome. City Attorney Smith outlined, based on discussions between staff and the proponent, the intent of the applicant to zone the property to allow the uses. The item is to return at Final Reading with a recommendation that does not violate the LDC and is supported by the proponent.

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

Item 13 was considered later in the meeting.

15. Resolution: Authorizing the donation of Airport Terminal Advertising Space in the Revolving Doors to Abilene Chamber of Commerce to promote local business
[ASSIGNED RESOLUTION NO. 114-2018] *Tabled to August 09, 2018*
Councilmember Price pulled the item.

Don Green, Director of Transportation, presented the item. Approval is required due to involving donation of the space. Staff reported the Chamber of Commerce (CoC) would/could not charge businesses whose material is advertised on the donated space. The space would be utilized by the CoC only until the City finds a paying advertiser. Consensus was to first try lowering the rates charged for the unsold advertising space,

then if there still isn't any interest, then use the space to promote City and community non-profit services. Some examples provided were the Abilene Zoo, Adventure Cove, Frontier Texas, the Grace Museum, NCCIL, Western Heritage Classic, and the West Texas Fair and Rodeo.

Councilmember Price moved deny the item. Councilmember Hurt seconded the motion; motion carried.

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

13. Resolution: Authorizing the purchase of allowable expenses using Police Seized Funds
[ASSIGNED RESOLUTION NO. 113-2018]
Mayor Williams pulled the item at staff's request

Stan Standridge, Chief of Police, presented the item requesting the use of seized funds to purchase authorized equipment. The original request also included funding for one salary. The Department of Justice released an updated *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies* in July 2018. The update removed their previous authorization to fund salaries using seized funds. In accordance with this change, Chief Standridge requested we remove the temporary Narcotics employee while still funding the needed equipment.

Councilmember Price moved to approve the item with the removal of the Narcotics temporary employee. 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

REGULAR AGENDA

16. Resolution: Approving the Joint Land Use Study Final Report for Dyess Air Force Base
[ASSIGNED RESOLUTION NO. 115-2018]

Don Green, Director of Transportation, presented the item. Adoption of the item would move forward the proposed recommendations outlined in the study.

Councilmember Price 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

17. **Ordinance & Public Hearing: (Final 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 [NOT APPROVED; ASSIGNED ORDINANCE NO. 40-2018]**

Ken Flynn, Interim Director of Planning and Development, presented the item. Adoption of the item would allow a concrete batching plant on the northwest 1000' x 1000' corner of the 4900-5000 Blocks, adjacent to the south line of right-of-way for FM 18. The Planning and Zoning Commission had denied the item with an appeal filed by the applicant, Bontke Brothers. As a result, a super-majority vote, or 6 of 7 council members voting in favor, is required to approve the item.

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

- Chad Deaver – spoke in opposition to the item; handout was distributed
- Bobby Robinson – spoke in opposition to the item
- Angela Robinson – spoke in opposition to the item
- David Todd – spoke in representation of the applicant
- Ginger Antilley Shahan – spoke in opposition to the item; handout was distributed
- Matt Hawkins – spoke in opposition to the item
- Neil Shultz – spoke in opposition to the item
- David Deaver – spoke in opposition to the item
- Alicia Moore – spoke in opposition to the item
- Brandon Shahan – spoke in opposition to the item
- Jason Patterson – spoke in opposition to the item; handout was distributed

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

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

AYES (4): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmember Albus

NAYS (3): Councilmembers Price, Rentz, and Hurt

Because of a super-majority vote being required (6 of 7 council members voting in favor) to adopt the item, the item was not approved.

18. **Resolution & Public Hearing: Approving the FY 2018/2019 CDBG and HOME Budget and Action Plan [ASSIGNED RESOLUTION NO. 116-2018]**

Ken Flynn, Interim Director of Planning and Development, presented the item. Adoption would provide for services, programs and expenditures for the Community Development Block Grant (CDBG) and Home Investment Partnerships Program. Staff clarified that if funds were left over from what was adopted, there is a process whereby those funds could be reallocated. Next year's goal is to have the one remaining code enforcement officer being paid for from CDBG funds to be paid from general funds.

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

- Dason Williams – spoke in favor of the item, representing Day Nursery
- Dan Cox, spoke in favor of the item, representing the Noah Project
- Norm Archibald, former Mayor – spoke in favor of the item
- Mary Burke – 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 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

Mayor Williams recessed the meeting at 7:36 p.m. and announced his departure and that Mayor Pro-tem McAlister would preside over the remainder of the meeting. City Manager Hanna announced his departure and that Deputy City Manager Patterson would take over on his behalf.

Mayor Pro-tem McAlister, reconvened the meeting at 7:43 p.m.

19. Resolution: Adopting the Kirby Lake Master Plan
[ASSIGNED RESOLUTION NO. 117-2018]

Lesli Andrews, Director of Community Services, introduced the item. Mitch Wright, Vista Planning and Design, outlined the process utilized in developing the plan. Adoption of the item would address both immediate proposed park improvements as well as any long-term future improvements for the entire lake. It also enables the City to apply for grants. Staff emphasized that with adoption of the Plan, there is no designation of any expansion of land as parkland. Rodney Taylor, Director of Water Utilities, clarified that while the process needs to be approached with caution, this is a great opportunity and can be done in a way that the city can still preserve its facilities for the needs as a utility while allowing the community to have a potentially great asset.

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

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

20. Resolution: Authorizing the purchase of three (3) Paratransit Vans from Alliance Bus Sales through Texas Smart Buy
[ASSIGNED RESOLUTION NO. 118-2018]

Don Green, Director of Transportation, presented the item. There is no cost to the City for purchase of the vans; funding is from a Texas Department of Transportation (TxDOT) grant and TxDOT Credits, which serve as the City's grant match funds. The vans can be configured to carry (a) 14 passengers, or (b) 6 wheelchair passengers, or (c) combination of passengers and wheelchair passengers.

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

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

21. Resolution: Authorizing the City Manager to enter into an architectural services contract with Corgan for Abilene Regional Airport
[ASSIGNED RESOLUTION NO. 119-2018]

Don Green, Director of Transportation, presented the item. There is no cost associated with this contract, but task orders for the individual projects will come to City Council, as appropriate, at future meetings.

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

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

23. Resolution: Appointing Members to various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 120-2018]

Councilmember Hurt moved to (re)appoint the following.

Board	Term End Date
<i>Board of Building Standards</i>	
Wayland Schroeder	November 2018 <small>(Unexpired Term)</small>
<i>Mental Health-Mental Retardation Board of Trustees</i>	
Priscilla Rayford	August 2020

Councilmember Albus seconded the motion; motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Williams

PUBLIC COMMENTS

Mayor Pro-tem McAlister opened the public comment period. The following addressed the city council:

- David Swart – spoke on the proposed tax rate, street lighting, upgrade of public safety radio system, police vehicles/covered parking

With no other speakers coming forward, Mayor Pro-tem McAlister closed the public comment period.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:20 p.m.



Rosa Rios

Rosa Rios, TRMC
City Secretary



Anthony Williams

Anthony Williams
Mayor

Minutes approved on: August 9, 2018