

CITY COUNCIL MEETING
August 9, 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 August 9, 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.

Deputy Mayor Pro-tem Savage delivered the invocation.

Janson Miller, 6th grader at Baird 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
 - Anthony “Tony” D. Redman, Community Services – 20 years
- Proclamation
 - RSVP Volunteer Recognition Day was accepted by Susie English, West Texas RSVP Advisory Committee Chair, and Max Ann Bowlin, West Texas RSVP Volunteer Coordinator
 - Celebrating Health Centers: Home of America’s Health Care Heroes was accepted by Cyndee Stevens, Senior Director, Texas Tech University Health Sciences Center
 - Responsible Dog Ownership Day was accepted by Diane Dotson with the Abilene Kennel Club
- Announcements
 - New Kirby Lake Nature Play area ribbon cutting scheduled for Friday, August 10, at 10:30 a.m. at the Kirby Lake park pavilion
 - Splash Pad ribbon cutting scheduled for Monday, August 13, at 9 a.m. at Sears Park

CONSENT AGENDA

The consent agenda consisted of items 4-10.

Items pulled for individual consideration were as follows:

- Councilmember Price: Items 6 and 9
- Citizen David Swart: Item 6

Deputy Mayor Pro-tem Savage moved to approve the consent agenda, now consisting of items 4, 5, 7, 8, and 10. 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

4. Approval of the minutes from the Special Called Meeting held July 24, 2018 and Regular Meeting held July 26, 2018

5. Resolution: Authorizing the City Manager to execute contract with Swagit Productions, LLC for Video Streaming Services in the amount of \$55,488.00 and an additional one time purchase for Closed Captioning Hardware and Streaming Appliances in the amount of \$24,765.00
[ASSIGNED RESOLUTION NO. 122-2018]
7. Ordinance: (First Reading) Removal of various No Parking Zones in the Carver Neighborhood that no longer serve their intended purpose; and setting a public hearing for August 23, 2018 (Greg McCaffery)
8. Resolution: Bid Award of #CB-1853 to Contract Paving Co. for the Water Department Street & Miscellaneous Repair Work 2018-2019 Project
[ASSIGNED RESOLUTION NO. 123-2018]
10. Resolution: Authorizing Combined Purchases From the Specified Vendors in Amounts Exceeding \$50,000 During Fiscal Year 2018
(ASSIGNED RESOLUTION NO. 125-2018)

ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

6. Ordinance: (First Reading) Ordinance Allowing Variance to Texas Food Establishment Rules to Permit Dogs on Patios at Food Establishments Under Certain Conditions
The item was pulled at the request of Councilmember Price and Citizen David Swart

Councilmember Price, having pulled the item, identified the following as changes/issues to address when the item returns for the second reading:

- Modify Section 11-6 – clarifying the verbiage currently stating “... a variance waiving the prohibition against permitting the presence of a dog...” Staff to reword the section.
- Modify Section 11-5(j) – “*While on duty, wait staff ~~or~~ and other food handlers at the food establishment may not pet or otherwise come into contact with any dog located on the premises of the food establishment.*”
- Provide the form the food establishments are to complete as part of the agenda packet, but not as part of the ordinance.
- Discuss the reasons why there is no cost to those that request the variance.
- Research what other sister cities are doing. The information provided for other cities as noted on the presentation did not include sister cities.
- Research/discuss whether or not food establishments that permit dogs on the patio have a separate menu for them.

Staff clarified there are already regulations in place on who is responsible for the pet when at a food establishment.

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

- David Swart – spoke in favor of the item

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

9. Resolution: Authorizing the City Manager to execute the Agreement with the Texas Department of Transportation and the Abilene Metropolitan Planning Organization for Transportation Planning in the Abilene Area

[ASSIGNED RESOLUTION NO. 124-2018]

The item was pulled at the request of Councilmember Price.

As identified by Councilmember Price, staff agreed to modify the proposed agreement to note the Fiscal Agent's (City) mailing address to the P.O. Box 60, Abilene, Texas 79604. The street address currently shown has the post office zip code to the noted street address.

Councilmember Price moved to approve the item with the change to the mailing address as noted above. 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

11. Ordinance & Public Hearing: (Final Reading) Approval of the 2017-18 Revised Budgets
[ASSIGNED ORDINANCE NO. 41-2018]

Mike Rains, Director of Finance, presented the item. Adoption of the item would adopt the General Fund Revised 2017-18 Budget of \$97,833,200.

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

- David Swart – spoke on street lighting, street traffic lights, and traffic signals at intersections

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

12. Resolution: Authorize purchasing Phase 2 of the Public Safety Communications System Upgrade from Dailey-Wells Communications, Inc.
(ASSIGNED RESOLUTION NO. 126-2018)

Stan Standridge, Chief of Police, presented the item. Adoption of the item would authorize the implementation of Phase 2 of the system replacement.

The Fire Department is reviewing radio system purchases that may have Bluetooth capabilities and how the models will be able to handle the heat during a fire when worn with the fire suits, including the compatibility with the system purchases being considered. The updated quote from Daily-Wells Communications, Inc. was received that honors the price quote being presented past the noted August 1, 2018 date. The quote needs to be modified to show the "Payment Terms Without Option Aux RX Sites" will be "\$1,104,838.51" and not "\$1,104,838.50" (51¢ not 50¢). The amount was correctly noted on the item cover sheet.

Councilmember Price identified that Part 4 of the resolution needed to change to reflect the remaining balance would be paid in equal annual payments in the “*subsequent*” years, not “*preceding*” years.

Councilmember Price moved to approve the item with the change to Section 4 of the resolution and the Price Quote Sheet as noted above. 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

13. Resolution: Authorizing the City Manager to execute an Investment Grade Audit Agreement with Schneider Electric for Phase III of the City’s Energy Efficiency Facilities Capital Program
(ASSIGNED RESOLUTION NO. 127-2018)

Howdy Wayne Lisenbee, Director of Facilities & Public Improvements, presented the item. Adoption of the item would help identify new energy efficiency capital projects. If the savings shown on the audit are not materialized for those projects selected by the City, Schneider Electric is required to pay the City the difference. Councilmember Price identified the second paragraph of the agreement needed to change from “*security system audit and training*” to “*investment grade audit.*” The security system audit for city hall will be a separate issue from what is being considered.

Councilmember Price moved to approve the item with the contract change noted above. 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

14. Ordinance & Public Hearing: (Final 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
(ASSIGNED ORDINANCE NO. 42-2018)

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would rezone a single property from Office to General Commercial. The applicant is requesting General Commercial whereas the Planning and Zoning Commission is recommending General Retail. Currently, the proposed use (development) for the 2017 S. Danville Drive property is unknown.

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

- Kenneth Heaton – spoke in opposition to the item
- Barry Fowlkes – spoke in opposition to the item

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

Deputy Mayor Pro-tem Savage moved to approve the item with General Commercial (GC) zoning. Motion died due to lack of a second.

Mayor Pro-tem McAlister moved to approve the item with General Retail (GR) zoning. Councilmember Hurt seconded the motion; motion carried.

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

NAYS (1): Councilmember Price

15. Ordinance & Public Hearing: (Final 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 (ASSIGNED ORDINANCE NO. 43-2018)

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would rezone eight (8) adjoining lots from Light Industrial Districts to Central Business District in order to allow for restaurant uses.

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

- Steve Detrick – 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

16. Ordinance & Public Hearing: (Final 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 (ASSIGNED ORDINANCE NO. 44-2018)

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would rezone three (3) lots from Agricultural Open Space to General Retail District, with consideration of Conditional Use Permit allowing for Multi-Family Residential uses within the same General Retail Zoning district. During the presentation, staff clarified the exhibit should not reflect a cul-de-sac on the diagram. Upon consultation with staff following the Planning and Zoning Commission hearing, the applicant revised his request to rezone the northern 1/3 of the subject property to Medium Density (MD) Residential district and to rezone the southern 2/3 to General Retail (GR) district.

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

- David Todd – representing the applicant, spoke on the proposed zoning change

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

Deputy Mayor Pro-tem Savage moved to approve the item to allow rezone of the northern 1/3 of the subject property to Medium Density (MD) Residential district and to rezone the southern 2/3 to General Retail (GR) district. 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. Ordinance & Public Hearing: (Final 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 (ASSIGNED ORDINANCE NO. 45-2018)

Ken Flynn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would adopt the recommended changes to the Land Development Code as recommended by the Landmarks Commission and offer clarity and further protection for historic structures in the City.

Councilmember Price noted that under the proposed changes if a homeowner initiated a request and it is denied, the homeowner has a 10-day period to appeal; but if the Landmarks Commission initiates the request and the Planning and Zoning Commission denies it, there is no deadline during which the Landmarks Commission can file an appeal. As a result, the general consensus was to provide a 45-day appeal period in those circumstances.

Staff clarified the Landmarks Commission did review the recommendation to consider including an appeal process for the property owner if they did not agree to a Landmarks Commission initiated designation, but did not include it as part of the recommendations being presented. City Attorney Smith clarified there was already a safeguard in place wherein a super-majority vote would be required if over 20% of the property owners in the affected area were in opposition.

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 Price inquired if he would add the 45-day deadline discussed earlier. The motion was withdrawn.

Councilmember Price moved to adopt the item with the change providing that on a request initiated by the Landmarks Commission and denied by the Planning and Zoning Commission, the Landmarks Commission has 45 days during which to file an appeal to the City Council. 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

Mayor Williams moved to reschedule the regular meeting set for Thursday, October 11, 2018, to Tuesday, October 9, 2018, with the start time of 8:30 a.m. to stay as is. 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

ADJOURNMENT

There being no further business, the meeting adjourned at 10:58 a.m.



Rosa Rios, TRMC
City Secretary



Kyle McAlister
Mayor Pro-tem

Minutes approved on: August 23, 2018