

## **CITY COUNCIL MEETING**

**August 23, 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 August 23, 2018 at 4:30 p.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Kyle McAlister was present and presiding with Deputy Mayor Pro-tem Steve Savage, and Councilmembers Shane Price, Jack Rentz, Donna Albus, and Weldon Hurt. Mayor Anthony Williams was absent. 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 Pro-tem McAlister 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:

- 19.A 551.071 (Consultation with Attorney)
  - 6. City of Abilene and Development Corporation of Abilene v. Texas Municipal League Governmental Risk Pool, Cause No. 11018-D In the 350<sup>th</sup> Judicial District Court, Taylor County, Texas, filed January 9, 2017
- 19.B 551.072 (Deliberations about Real Property)
  - 1. Old Central Fire Station
  - 2. The Cotton Warehouse
- 19.F 551.087 (Deliberations about business prospects and economic development)
  - 1. Hotel Proposals

The executive session ended at 5:14 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 Pro-tem McAlister reported no votes or action were taken in executive session.

Mayor Pro-tem McAlister delivered the invocation.

Christopher Primus, 4th grader at Clyde 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

#### **CONSENT AGENDA**

The consent agenda consisted of agenda items 3-10.

Items pulled for individual consideration were as follows:

- Councilmember Price: Items 4 and 6
- Councilmember Albus: Items 5
- Citizen David Swart: Item 7

The following conflicts were announced:

- Mayor Pro-tem McAlister: Item 9
- Councilmember Price: Item 9

Deputy Mayor Pro-tem Savage moved to approve the consent agenda, now consisting of items 3 and 8-10. Councilmember Hurt seconded the motion; motion carried.

Items 3, 8, and 10:

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

NAYS (0): None

ABSENT (1): Mayor Williams

Item 9:

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

NAYS (0): None

ABSTENTIONS (2): Mayor Pro-tem McAlister and Councilmember Price

ABSENT (1): Mayor Williams

3. Approval of the minutes from the Special Called/Joint DCOA Meeting held August 2, 2018 and Regular Meeting held August 9, 2018
8. Ordinance: (First Reading) CUP-2018-03 A request from Sivadco LTD, agent Robert Calk, for Conditional Use Permit to allow a 'Broadcast Studio' on property zoned Office (O) located at 5189 Texas Avenue; and setting a public hearing for September 13, 2018
9. Ordinance: (First Reading) Z-2018-21 A request from Walter J. and Ronica Worgull to rezone property from Residential Single-Family (RS-6) to Medium Density (MD) zoning located at 1141 Washington Boulevard; and setting a public hearing for September 13, 2018
10. Ordinance: (First Reading) Z-2018-22 A request from SODA District Warehouse, LLC to rezone property from Light Industrial (LI) to Central Business (CB) located at 806 S. 2nd Street; and setting a public hearing for September 13, 2018

**ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION**

4. Resolution: Adopting the name of a new one-way roadway on the NW side of Abilene Regional Airport [ASSIGNED RESOLUTION NO. 129-2018]  
*The item was pulled at the request of Councilmember Price*

Staff clarified the one-way designation would be presented for City Council confirmation at a later date. The signage currently in place is non-enforceable.

Councilmember Price moved to approve the item as presented. Councilmember Hurt 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 (1): Mayor Williams

5. Resolution: Approving Extended Term Street Use License Agreement with Abilene Jaycee Foundation  
**[ASSIGNED RESOLUTION NO. 130-2018]**  
*The item was pulled at the request of Councilmember Albus*

Councilmember Albus thanked the Abilene Jaycee Foundation (AJF) for having benches and asked for language change to the license agreement to allow benches to be constructed of other materials in addition to what is currently provided for (Red Wood) in the event the AJF wants to change materials used in the future.

Councilmember Albus moved to approve the item with the change as noted above. 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 (1): Mayor Williams

6. Resolution: Acknowledging Receipt of Abilene-Taylor County Events Venue District's Budget for Revised FY 2018 and Approved FY 2019  
**[ASSIGNED RESOLUTION NO. 131-2018]**  
*The item was pulled at the request of Councilmember Price*

At Councilmember Price's inquiry, staff clarified that, while the Venue District's dissolution is proposed during FY 2024 after the last payment of bonds, in order to continue the Venue tax, new projects would have to be identified.

Councilmember Price moved to approve the item as presented. Deputy Mayor Pro-tem Savage 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 (1): Mayor Williams

7. Resolution: Approving a contract assignment with MetroCare Services - Abilene, L.P.  
**[ASSIGNED RESOLUTION NO. 132-2018]**  
*The item was pulled at the request of Citizen David Swartz*

Citizen David Swart, having pulled the item, commented on the history of ambulance services in the city.

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

Clarification was provided the contract being considered was already in place, but due to a change in ownership, City Council approval was required.

AYES (6): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Rentz, Albus, and Hurt  
NAYS (0): None  
ABSENT (1): Mayor Williams

**REGULAR AGENDA**

11. **Resolution: Approving the Development Corporation of Abilene, Inc. (DCOA) Revised FY18 and Proposed FY19 Budgets**  
**[ASSIGNED RESOLUTION NO. 133-2018]**

Kent Sharp, CEO of Development Corporation of Abilene, Inc., presented the item. Adoption of the item would approve the proposed total FY 2019 revenues in the amount of \$12,664,069 and total expenditures, including economic development projects, in the amount of \$10,993,697, with a proposed surplus budget in FY 2019 of \$1,670,372.

Councilmember Hurt moved to approve the item as presented. Deputy Mayor Pro-tem Savage 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 (1):** Mayor Williams

12. **Resolution: Authorizing the City Manager to execute a Professional Services Contract for the Buck Creek Screw Pump Station Improvements**  
**[ASSIGNED RESOLUTION NO. 134-2018]**

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would authorize a professional services contract with Enprotec/Hibbs & Todd, Inc. (EHT) for the Buck Creek Screw Pump Station Improvements in an amount not to exceed \$85,000.

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 (1):** Mayor Williams

13. **Resolution: Authorize Purchase of a Wheel Loader Through BuyBoard Cooperative Purchasing for the Water Utilities Department**  
**[ASSIGNED RESOLUTION NO. 135-2018]**

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would authorize the purchase of a John Deere 444K Wheel Loader (Loader) from Yellowhouse Machinery Company (Yellowhouse).

Councilmember Hurt 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 (1):** Mayor Williams

14. **Resolution: Authorize the City Manager to execute a construction contract with Bontke Construction for the site civil improvements in support of the AYSA Sports complex at Grover Nelson Park**  
**[ASSIGNED RESOLUTION NO. 136-2018]**

Howdy Wayne Lisenbee, Director of Facilities & Capital Improvements, presented the item. Adoption of the item would meet the city's cash/in-kind contributions not to exceed \$1,670,000 for the complex' site and civil improvements under the Memorandum of Agreement adopted March 24, 2018. Staff clarified that if unspent funds were left, those funds could be used to pay the interest but not reduce the principal.

Councilmember Price moved to approve the item as presented. Councilmember Hurt 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 (1): Mayor Williams

15. **Ordinance & Public Hearing: (Final Reading) Ordinance Allowing Variance to Texas Food Establishment Rules to Permit Dogs on Patios at Food Establishments Under Certain Conditions**  
**[ASSIGNED ORDINANCE NO. 46-2018]**

Annette Lerma, Interim Health Services Director, presented the item. Adoption of the item would allow dogs in food establishments that met certain conditions/requirements. Establishments would be required to have an enclosed patio. Establishments that have seating/serve food in the sidewalk area are not operating under the food code.

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

- David Swart – spoke in favor of the item
- Bob Thomas – expressed concerns on who the liability rests with if the item is adopted

Staff clarified the liability lies with both the property owner and dog owner.

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

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Rentz, and Hurt  
NAYS (1): Councilmember Albus  
ABSENT (1): Mayor Williams

Mayor Pro-tem McAlister recessed the meeting at 6:50 p.m. for a short break and reconvened the meeting at 6:55 p.m. Councilmember Rentz departed during the recess period.

16. **Ordinance & Public Hearing: (Final Reading) Removal of various No Parking Zones in the Carver Neighborhood that no longer serve their intended purpose**  
**[ASSIGNED ORDINANCE NO. 47-2018]**

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would eliminate the No Parking requirements throughout the Carver Neighborhood.

Mayor Pro-tem McAlister opened the public hearing. With no speakers coming forward, Mayor Pro-tem McAlister closed the public hearing.

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Albus, and Hurt

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Rentz

ABSENT (1): Mayor Williams

17. Ordinance & Public Hearing: Proposed FY 2019 Tax Rate; and Setting a Public Hearing for September 6 and Final Vote on September 13, 2018

Mike Rains, Director of Finance, presented the item. The item accomplishes the first of two public hearings before the public hearing adopting the tax rate. Staff reported that following the budget workshop, an error was discovered with the certified tax rolls. The error was clerical in nature from the Taylor County Appraisal District. As a result, staff recommended to lower the property tax rate by \$166,050 and reported on the following adjustments:

FY 2019 General Fund Budget

	Revenue	Expenditures	Excess (Deficit)
FY 2019 General Fund Budget as approved by City Council on first reading	\$98,355,800	\$98,345,460	\$10,340
<b>Proposed changes:</b>			
Correction of Certified Tax Roll Assessed Value	(166,050)		
Adjust 1 cent transfer to Convention Center due to adjustments in tax roll		10,490	
Adjust 1 cent transfer to Self Insurance Fund due to adjustments in tax roll		10,490	
Reduce Minor Improvement Fund transfer		(187,030)	
<b>FY 2019 General Fund Proposed Budget</b>	<b>\$98,189,750</b>	<b>\$98,179,410</b>	<b>\$10,340</b>

Property Tax Rate

	Maintenance & Operations	Debt Service	Total
FY 2018 Tax Rates	\$0.5648	\$0.2103	\$0.7751
2018 GO Bonds - as approved by voters		0.0060	0.0060
2018A CO Bonds - Law Enforcement Center, Streets		0.0072	0.0072
2018B CO Bonds - AYSA		0.0011	0.0011
Debt service changes to previously issued bonds		(0.0172)	(0.0172)
<b>FY 2019 Tax Rate as Approved by City Council on First Reading</b>	<b>\$0.5648</b>	<b>\$0.2074</b>	<b>\$0.7722</b>

Mayor Pro-tem McAlister opened the public hearing. With no speakers coming forward, Mayor Pro-tem McAlister closed the public hearing. No City Council action was needed on the item. The public was informed the next public hearing dates were September 6 and September 13, both at 8:30 a.m.

18. Ordinance: (First Reading) Consider adoption of the Tax Reinvestment Zone No. 2 Final Project and Financing Plan

Robert Hanna, City Manager, presented the item. Staff reported that while the City Council, in February of 2015, had discussed the plan, it was found there was no action taken at that time or thereafter. As a result, the plan was reviewed by staff with changes being made. The Plan being presented was reviewed with and adopted by the Tax Increment Reinvestment Zone Board on August 16, 2018. The Final Project and Financing Plan includes each element required by Sections 311.011 (b) and (c) of Chapter 311 of the Texas Tax Code. Once all obligations of the Tax Reinvestment Zone No. 2 are met, it is terminated. However, the project plan can be amended if there are additional revenues being generated. Those funds could be used for additional projects.

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Albus, and Hurt

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Rentz

ABSENT (1): Mayor Williams

20. Resolution: Appointing Members to various Boards and Commissions per the City Charter [ASSIGNED RESOLUTION NO. 137-2018]

Councilmember Hurt moved to (re)appoint the following.

Board	Term End Date
<i>Animal Services Advisory Board</i>	
Annette Lerma [New]	November 2019 (Unexpired Term)

Councilmember Price seconded the motion; motion carried.

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Price, Albus, and Hurt

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Rentz

ABSENT (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 DCOA Budget (Agenda Item 11), jobs, business attraction, Krispy Kreme and possibility of having Southwest Airlines at the Abilene Airport.

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 7:17 p.m.

  
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Rosa Rios, TRMC  
City Secretary

  
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Kyle McAlister  
Mayor Pro-tem

Minutes approved on: September 13, 2018