# CITY COUNCIL MEETING September 13, 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 September 13, 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.

Natalia Sanchez, 5<sup>th</sup> grader at Bassetti Elementary, led the Pledge of Allegiance to the Flag of the United States of America, and Lainey Thompson, 5<sup>th</sup> grader at Austin Elementary, led the Pledge of Allegiance to the State of Texas Flag.

# PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Employee Service Awards
  - o Alfred "Al" Flores, Jr., Community Services 20 years
  - o Margarita (Margie) D. Ramirez, Finance 25 years

# **CONSENT AGENDA**

The Consent Agenda consisted of items 3-14.

Items pulled for individual consideration were as follows:

- Councilmember Price: Item 5
- Deputy Mayor Pro-tem Savage: Item 10
- Citizen David Swart: Items 12 and 14

Councilmember Hurt moved to approve the consent agenda, now consisting of items 3, 4, 6-9, 11, and 13. Deputy Mayor Pro-tem Savage seconded the motion; motion carried.

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

- 3. Minutes: Approval of the minutes from the Regular Meeting held August 23, 2018
- 4. Resolution: Awarding Bid for the NEWTP Prison Jockey Pump Installation Project [ASSIGNED RESOLUTION NO. 138-2018]
- Resolution: Authorizing the City Manager to Execute a Contract with Purafill Inc. for the Chlorine Scrubber Media Replacement Project [ASSIGNED RESOLUTION NO. 140-2018]

- Resolution: Authorizing the City Manager to Execute a Professional Services Contract for the 2018/2019 Sewer Main and Manhole Rehabilitations Project [ASSIGNED RESOLUTION NO. 141-2018]
- Resolution: Authorizing the City Manager to execute the Second Extension of the Facility Management Agreement for Rose Tennis Center with Chris Redman [ASSIGNED RESOLUTION NO. 142-2018]
- Resolution: Voting for Places 11 14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool [ASSIGNED RESOLUTION NO. 143-2018]
- 11. Ordinance: (First Reading) Z-2018-23 A request from Robert Nobles, agent Jacob & Martin, to rezone property from Residential Multi-Family (MF) to Planned Development (PD) District located at northeast end of Kala Drive; and setting a public hearing for September 27, 2018
- 13. Ordinance: (First Reading) Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-289, "One-way streets at all times," of the Abilene Municipal code to provide one-way only traffic on Lindbergh Dr. and a portion of Loop 322 East Frontage Rd., providing a severability clause, declaring a penalty, and setting a public hearing for September 27, 2018

# ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

 Resolution: Authorizing the City Manager to Execute a Professional Services Contract with Jacob and Martin, LLC for the Butternut and North 6th Water Line Replacements *The item was pulled at the request of Councilmember Price.* [ASSIGNED RESOLUTION NO. 139-2018]

Councilmember Price, having pulled the item, expressed his concern on the work to be performed on North 6<sup>th</sup> as it is not ready to be fully reconstructed and asked the Streets and Public Works Departments to not unnecessarily dig up the road.

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

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

 Ordinance: (First Reading) Z-2018-24 A request from Chad Deaver to rezone property from Heavy Industrial (HI) to Agricultural Open Space (AO) located in the 4700 block of FM 18; and setting a public hearing for September 27, 2018 The item was pulled at the request of Deputy Mayor Pro-tem Savage.

Deputy Mayor Pro-tem Savage, having pulled the item, stated he did not agree with the proposed zoning change and outlined certain types of business needed in the affected area of the City.

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

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

 Resolution: Authorizing the purchase of a Crane Truck from Houston Freightliner, Inc. through the Houston-Galveston Area Council Cooperative The item was pulled at the request of Citizen David Swart. [ASSIGNED RESOLUTION NO. 144-2018]

Citizen David Swart, having pulled the item, commented on the status of the Fire Department Budget, making the purchase from a non-local vendor, and radio system on the truck.

Staff clarified the competitive bid process and exception available through the cooperative purchasing program. The history of the Houston-Galveston Area Council Cooperative was provided. It is expected the truck will be assembled and delivered by a local company. Staff will provide information that clarifies the warranty coverage/cost on/for the truck.

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

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

Mayor Pro-tem McAlister arrived at the meeting.

14. Resolution: Approving the Award of Bid CB – 1851; DCOA's Contract for Roof Replacement - Vine St. Property

The item was pulled at the request of Citizen David Swart. [ASSIGNED RESOLUTION NO. 145-2018]

Citizen David Swart, having pulled the item, commented on the applicability of the insurance coverage through the Texas Municipal League Intergovernmental Risk Pool on damages to the building.

Staff provided information on the applicability of the insurance coverage and noted the Texas Municipal League Intergovernmental Risk Pool issue was set for discussion in executive session.

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

#### **REGULAR AGENDA**

# Ordinance & Public Hearing: (Final Reading) Consider adoption of the Tax Reinvestment Zone No. 2 Final Project and Financing Plan [ASSIGNED ORDINANCE NO. 48-2018]

Robert Hanna, City Manager, presented the item. Adoption of the item would approve the noted Plan which reflects the need to use hotel generated property taxes to pay for the debt service associated with the hotel project. TIRZ revenues can be used to assist in funding repairs for the festival district and needed amenities and upgrades to the City of Abilene Convention Center.

Mayor Williams opened the public hearing; and with no speakers coming forward, the public hearing was closed.

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

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

16. Ordinance & Public Hearing: (Final 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

[ASSIGNED ORDINANCE NO. 49-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would approve a Conditional Use Permit to allow a 'broadcast studio' in Office (O) zoning.

Councilmember Price questioned the restriction included as No. 4 in Exhibit A (Antenna shall be located in required front yard extending 30 feet south from this site's boundary on Texas Avenue). Staff determined the limitation in No. 4 were not required. Councilmember Price then asked if there would still be standard setbacks required by the Land Development Code on all sides if No. 4 was removed. Staff's response was to recommend a recess to research the question.

Mayor Williams opened the public hearing; and with no speakers coming forward, the public hearing was closed.

The meeting recessed at 9:18 a.m.to allow staff to research the effect, if any, that removal of the verbiage noted in Item 4 of Exhibit A to the resolution could have on the project.

The meeting reconvened at 9:25 a.m. Staff reported Item 4 on the Exhibit could be deleted.

Councilmember Price moved to approve the item with the change to Exhibit A of the resolution by removing Item 4. 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  Ordinance & Public Hearing: (Final 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 [ASSIGNED ORDINANCE NO. 50-2018]

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
- Councilmember Price

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would rezone two lots from Residential Single Family (RS-6) to Medium Density (MD). The maximum dwelling units allowed on the property would be four units.

Deputy Mayor Pro-tem Savage opened the public hearing; and with no speakers coming forward, the public hearing was closed.

Councilmember Rentz moved to approve item as presented. Motion seconded by Councilmember Albus.

AYES (4): Deputy Mayor Pro-tem Savage and Councilmembers Rentz, Albus, and Hurt NAYS (0): None ABSTENTIONS (3): Mayor Williams, Mayor Pro-tem McAlister, and Councilmember Price

 Ordinance & Public Hearing: (Final 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 [ASSIGNED ORDINANCE NO. 51-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would rezone two lots from Light Industrial (LI) to Central Business (CB).

Mayor Williams opened the public hearing; and with no speakers coming forward, the public hearing was closed.

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

19. Resolution: Approving Change Order with Siemens Industry, Inc. for 2015 Bond Signal Project [ASSIGNED RESOLUTION NO. 146-2018]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item approves changes that are necessary because of unforeseen field conditions and additional items. The change order to the Siemens Industry Inc. contract total \$196,891.50.

Although under his purview, Mayor Williams requested city council vote on allowing speakers on Items 19 and 21.

Mayor Pro-tem McAlister moved to allow speakers on Items 19 and 21. 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 opened the item for public comment. The following addressed the city council:

 David Swart – spoke in support of the item, resulting change to LED lights, and crosswalk on Ambler and Treadaway

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

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

20. Resolution: Authorizing the City Manager to execute a Local Participation Agreement for the FM89 (Buffalo Gap Road) Safety Improvement Project towards right of way acquisition and reimbursable utility adjustments [ASSIGNED RESOLUTION NO. 147-2018]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would authorize safety improvements on FM89 (Buffalo Gap Road) just North of US 83 to near Bettes Lane.

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

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

21. Resolution: Directing publication of notice of intention to issue combination tax and revenue certificates of obligation to provide funds for constructing, installing, acquiring and equipping additions, improvements and extensions to the City's water system, including the replacement of water meters; and resolving other matters relating to the subject

[ASSIGNED RESOLUTION NO. 148-2018]

Rodney Taylor, Director of Water Utilities presented the item. Adoption of the item would authorize the issuance of \$18,370,000 of City of Abilene, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2018. The ordinance and public hearing are scheduled for the October 25, 2018 City Council Meeting. If adopted at that time, the bonds would be utilized to purchase and install Automated Meter Reading (AMR) and Advanced Metering Infrastructure (AMI) or smart water meters throughout the City.

No rate increase to water fees is required. The estimated water usage costs are estimated to increase by 3% - 5%. For the October 25, 2018 meeting, staff was asked to include a global viewpoint on aggregate of what the anticipated cost increase in water usage will look like.

Earlier in the meeting, under Item 19, Mayor Williams requested City Council decide on allowing speakers on Items 19 and 21. As a result, Mayor Pro-tem McAlister moved to allow speakers on Items 19 and 21. 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 opened the item for public comment. The following addressed the city council:

 David Swart – spoke on meter reading methods as well as those by ATMOS Energy and radio frequency with added infrastructure by using smart water meters

With no other speakers coming forward, the public comment period was closed.

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

22. Ordinance & Public Hearing: (Final Reading) Approving and Adopting the Proposed Budget for Fiscal Year 2018-19

### [ASSIGNED ORDINANCE NO. 52-2018]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve the Fiscal Year 2018-19 Budget at \$98,650,350. City Council approved on first reading (July 24, 2018) a General Fund budget of \$98,345,460. Staff is recommending changes to the General Fund, Debt Service Fund and Self Insurance Fund budgets approved on first reading due to changes in the assessed property tax values, receipt of the SAFER grant for the Fire Department, changes to the health insurance plan and settlement of hail damage claims. Adoption of the item requires two motions. The presentation covered the following:

	Revenue	Expenditures	Excess (Deficit)
Y 2019 General Fund Budget as approved by City Council on first reading	\$98,355,800	\$98,345,460	\$10,340
Proposed changes:			
Correction of Certified Tax Roll Assessed Value	(166,050)		
Adjust 1 cent transfer to Convention Center due to adjustments in tex roll		10,490	
Adjust 1 cent transfer to Self insurance Fund due to adjustments in tax roll		10,490	
SAFER Grant - 15 Firefighters with 75% FEMA reimbursement in first year	470,940	576,320	
Reduce Minor Improvement Fund transfer		(292,410)	
FY 2019 General Fund Proposed Budget	\$98.660.690	\$98,650,350	\$10.340

Staff reported (1) the project list is not being affected even though reducing the minor improvement fund transfer by \$292,410; (2) projects will be presented for approval by City Council; and (3) the health insurance coverage would continue with AETNA.

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

• David Swart - predicted for Year 2020, the budget would exceed \$105 million

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

Councilmember Price moved to approve and adopt the Proposed Budget for Fiscal Year 2018-19 of \$98,650,350. Mayor Pro-tem McAlister seconded the motion.

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

Councilmember Price moved to acknowledge (ratify) that the Adopted Budget will cost more than last year's budget. "This budget will raise more total property taxes than last year's budget by an amount of \$1,547,820 which is a 4.7% increase from last year's budget. Of that amount, \$597,971 is tax revenue to be raised from new property added to the tax roll this year."

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

23. Ordinance & Public Hearing: (Final Reading) Approve and Adopt the Proposed 2018-19 Tax Rate [ASSIGNED ORDINANCE NO. 53-2018

Mike Rains, Director of Finance, presented the item. The FY 2019 Budget approved on first reading by Council on July 24, 2018 set the tax rate at \$.7722 per \$100. State law requires that two public hearings be held prior to the final public hearing and vote. Public hearings were held on August 23, 2018 and September 6, 2018. The final hearing followed.

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

• David Swart – spoke on the few number of citizens showing up; rate could have been left the same as initially presented to address other needs or increase reserves

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

Mayor Pro-tem McAlister moved that the property tax rate be increased by the adoption of the tax rate of \$.7722 per \$100, which is effectively a 2.8% increase in the tax rate. 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

# 24. Ordinance & Public Hearing: (Final Reading) Ordinance Adopting Fees and Charges for Fiscal Year 2018-19 [ASSIGNED ORDINANCE NO. 54-2018]

Mike Rains, Director of Finance, presented the item. As part of the budget workshop on July 24, 2018, Council approved on first reading the Fee Ordinance. The ordinance presented for consideration incorporated City fees in one comprehensive document.

Specific fees discussed were (1) Library fines removed because recovery is difficult; (2) Lifeguard certification costs would be refunded to those that work some minimum amount at Adventure Cove once it closes after its initial opening for the season; the example provided was for those that work two months; (3) City Manager having the authority to waive certain fees, such as ballfield lighting fee for parks and recreation; and (4) Tree trimming increased from \$100 to \$250. The intent of fees is for cost recovery.

Mayor Williams opened the public hearing; and with no speakers coming forward, the public hearing was closed.

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

# **PUBLIC COMMENTS**

Mayor Williams opened the public comment period. The following individual addressed the city council:

 David Swart – requested to know when the next Street Maintenance Advisory & Appeals board meeting is; intersection on Sayles and Business Route 20 (S. 1<sup>st</sup> Street); and digital water meters and the effect on infrastructure

With no other speakers coming forward, public comment period was closed.

### **EXECUTIVE SESSION**

Mayor Williams recessed into Executive Session at 11:04 a.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session: as listed on the agenda:

- 25. The City Council of Abilene reserves the right to adjourn into executive session at any time during the course of the meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:
  - 25.A 551.071 (Consultation with Attorney)
    - City of Abilene and Development Corporation of Abilene v. Texas Municipal League Governmental Risk Pool, Cause No. 11018-D In the 350th Judicial District Court, Taylor County, Texas, filed January 9, 2017
    - Officer Patrick Sumrall and City of Abilene, Case No. 01-18-0000-8650; Appeal of Temporary Suspension to Arbitration; Case No. \_\_\_\_\_; Appeal of Indefinite Suspension to Arbitration, filed January 31, 2018

### 25.B 551.072 (Deliberations about Real Property)

- 1. Old Central Fire Station
- 2. The Cotton Warehouse
- 25.D 551.074 (Personnel Matters)
  - 1. Performance of City Manager Robert Hanna
- 25.F 551.087 (Business Prospect/Economic Development)

1. Hotel Proposals

- Agenda Item 26: Resolution: Authorizing the City Manager to enter into an Economic Development Agreement with Motis Investments, LLC, for a project located on 202 Pine Street
- Agenda Item 27: Resolution: Authorizing Release of Lien and Debt Agreement Windsor Hotel

The executive session ended at 12:40 p.m. The meeting reconvened to Open Session at 12:44 p.m. Mayor Williams reported no votes or action were taken in Executive Session.

### **REGULAR AGENDA**

26. Resolution: Authorizing the City Manager to enter into an Economic Development Agreement with Motis Investments, LLC, for a project located on 202 Pine Street [ASSIGNED RESOLUTION NO. 149-2018]

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 11:04 a.m. and ended at 12:40 p.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. The agreement promotes infill development within the reinvestment zone. Incentives total \$140,295 over a 5-year period with the City receiving \$195,589 over the same five years. Sales tax incentives would cap at \$81,671 and includes the TIRZ Sidewalk Assistance with a payment of \$52,924 cash payment upon completion.

Councilmember Albus 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

### 27. Resolution: Authorizing Release of Lien and Debt Agreement - Windsor Hotel [ASSIGNED RESOLUTION NO. 150-2018]

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 11:04 a.m. and ended at 12:40 p.m. No votes or actions were taken at that time.

Mindy Patterson, Deputy City Manager, presented the item. The redevelopment of the Windsor Hotel has facilitated economic activity in downtown Abilene and now the City has been requested to forgive the City loans to the National Development Council so that the project can be sold and other improvements made to the project. Forgiving the City loans and release of any liens securing such loans is an exchange for receiving 55% of the net sales proceeds, estimated to be approximately \$950,000.



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

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 12:49 p.m.

Rosa Rios, TRMC City Secretary

Anthony Williams Mayor

Minutes approved on: September 21, 2018