

CITY COUNCIL MEETING
September 27, 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 September 27, 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 Assistant City Manager Michael Rice, City Attorney Stanley Smith, City Secretary Rosa Rios, and various members of the City staff. City Manager Robert Hanna was absent.

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:

- 26.B 551.072 (Deliberations about Real Property)
 - 1. Old Central Fire Station
- 26.D 551.074 (Personnel Matters)
 - 1. Performance Evaluation City Secretary Rosa Rios

The executive session ended at 5:00 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 Albus delivered the invocation.

Araiya Jeffers, 5th grader at Allie Ward 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 items 3-19.

Items pulled for individual consideration were as follows:

- Deputy Mayor Pro-tem Savage: Items 4, 5, and 19
- Citizen David Swart: Item 12

The following conflict was announced:

- Mayor Williams: Item 16

Deputy Mayor Pro-tem Savage moved to approve the consent agenda, now consisting of items 3, 6-11, and 13-18. Councilmember Hurt seconded the motion; motion carried.

Items 3, 6-11, and 13-15, 17, and 18:

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

NAYS (0): None

Item 16:

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

NAYS (0): None

ABSTENTION (1): Mayor Williams

3. Minutes: Approval of the minutes from the Special Called Meeting held September 6, 2018 and Regular Meeting held September 13, 2018
6. Resolution: Approving the Purchase of Laptop Computers for the Abilene Public Library
[ASSIGNED RESOLUTION NO. 153-2018]
7. Resolution: Authorizing a Single-Family Rehabilitation Project with FY 2017/2018 HOME Funds
[ASSIGNED RESOLUTION NO. 154-2018]
8. Resolution: Awarding Bids for Purchase of Bulk Chemicals to be Used by Water and Wastewater Treatment Plants in Fiscal Year 2019
[ASSIGNED RESOLUTION NO. 155-2018]
9. Resolution: Authorizing the City Manager to execute a Professional Services Contract for the Baylor Drive Lift Station Improvements Project
[ASSIGNED RESOLUTION NO. 156-2018]
10. Resolution: Awarding Bid for Purchase of Filter Media for Production of Potable Water
[ASSIGNED RESOLUTION NO. 157-2018]
11. Resolution: Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division
[ASSIGNED RESOLUTION NO. 158-2018]
13. Resolution: Approving and Ratifying the 2018-2019 Meet and Confer Agreement between the City of Abilene and Abilene Police Officers' Association
[ASSIGNED RESOLUTION NO. 160-2018]
14. Resolution: Authorizing Joint Application with Taylor County Sheriff's Office for the 2018 Edward Byrne Memorial Justice Assistance Grant
[ASSIGNED RESOLUTION NO. 161-2018]
15. Ordinance: (First Reading) Z-2018-26 A request from JDK Development, agent Enprotec / Hibbs & Todd, to rezone property located in 7300 block of Buffalo Gap Road, specifically at northwest corner of Wagon Wheel Drive and Buffalo Gap Road from Agricultural Open Space/Corridor Overlay (AO/COR) and Agricultural Open Space (AO) to General Retail/Corridor Overlay (GR/COR) for the first 540', which coincides with the west line of the corridor overlay and then Neighborhood Retail (NR) for the remaining eastern portion due to its close proximity to neighbor residence; and setting a public hearing for October 9, 2018

16. Ordinance: (First Reading) Z-2018-27 A request from Hendrick Medical Center, agent Duane Martin, to rezone seven (7) lots from RS-6 (Residential Single Family) to MU (Medical Use) addressed at 1901, 1909, 1917, 1925, 1933, 1941 and 1949 Walnut Street; and setting a public hearing for October 9, 2018
17. Ordinance: (First Reading) Z-2018-28 A request from Richard Wright to zone property from RS-6 (Single-Family Residential) to RS-6/H (Single-Family Residential/Historic Overlay) located at 842 Sayles Boulevard on northwest corner of Idlewild Street and Sayles Blvd; and setting a public hearing for October 9, 2018
18. Ordinance: (First Reading) CUP-2018-04 A request from Chris Baldree and Darlene Robinson for Conditional Use Permit to allow a 'crematorium' on property zoned Heavy Commercial (HC) located at 118 Ruidosa Drive; and setting a public hearing for October 9, 2018

ITEMS PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

4. Authorizing the City Manager to execute a 2018 Amendment to the Lease Agreement for Maxwell Municipal Golf Course with West Texas Golf Systems, LLC
[ASSIGNED RESOLUTION NO. 151-2018]

The item was pulled at the request of Deputy Mayor Pro-tem Savage

Since the original 1994 agreement, set to expire September 30, 2019, there has been a change in ownership of West Texas Golf Systems, LLC. West Texas Golf Systems, LLC has requested an extension of the end date of the lease to September 30, 2024, with automatic yearly extensions thereafter, and the ability to modify green fees and other fees of the golf course up to 10% annually without need of City Council approval.

Having pulled the item, Deputy Mayor Pro-tem Savage expressed his position that fee increases should be presented as part of the budget process and reported on complaints about overhanging trees. Staff is to research the issue of overhanging trees and report back. Additional discussion centered on facility/ground maintenance being the responsibility of the operator, City's ownership of the property and equipment being originally paid for from Capital Improvement funds in the amount of \$85,000, as well as possibly having a distinction of the revenue being generated and how those funds are spent (facilities or operator salaries). If a large capital improvement is desired, the operator has the ability to present a funding request to the City Council who shall decide whether or not to fund that request.

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

AYES (5): Mayor Williams, Mayor Pro-tem McAlister, and Councilmembers Rentz, Albus, and Hurt
NAYS (2): Deputy Mayor Pro-tem Savage and Councilmember Price

5. Resolution: Authorizing the City Manager to execute two contracts with Vortex USA Inc. through the City's NPP contract #VQ10302 for the renovation of Nelson Splash Pad at Grover Nelson Park
[ASSIGNED RESOLUTION NO. 152-2018]

The item was pulled at the request of Deputy Mayor Pro-tem Savage

Having pulled the item, Deputy Mayor Pro-tem Savage voiced his opposition to the proposed expense. Staff outlined the existing damage to the Nelson Splash Pad at Grover Nelson Park.

Councilmember Price moved to approve the item as presented. Councilmember Rentz 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

12. Resolution: Authorizing the City Manager to Execute a Contract with Physio-Control, Inc. for the purchase of two (2) Physio-Control LifePak 15 Cardiac Monitors
[ASSIGNED RESOLUTION NO. 159-2018]
The item was pulled at the request of Citizen David Swart

Having pulled the item, Citizen David Swart inquired if the cardiac units were AED units similar to those at the convention center. Staff clarified the monitors do have AED function.

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

19. Ordinance: (First Reading) OAM-2018-04 Amendments to Section 2.4.2.1 (The Land Use Matrix), Section 2.4.3.3 (All Other Uses With Specific Requirements) and Section 5.1.1.3 (Land Use Definitions) of Abilene's Land Development Code, specifically to include a category of use identified as 'brew pub' which is separate and distinct from other manufacture of alcoholic beverages and which will be allowed at all locations (and subject to same conditions) as those allowing a standard restaurant
The item was pulled at the request of Deputy Mayor Pro-tem Savage

Adoption of the item would include a category of use identified as 'brewpub' which is separate and distinct from other manufacture of alcoholic beverages and which will be allowed at all locations (and subject to same conditions) as those allowing a standard restaurant. At Deputy Mayor Pro-tem Savage's inquiry, staff clarified there was no additional fee for the designation as the Texas Alcoholic Beverage Commission allows it. At its October 9, 2018 meeting, City Council will consider final adoption of the item. Staff was asked to discuss (1) neighborhood retail and mixed use and (2) possibly having conditional use at that time.

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

REGULAR AGENDA

20. Resolution: Approving the purchase of one (1) Pierce Impel Aerial Ladder Truck from Siddons-Martin Emergency Group
[ASSIGNED RESOLUTION NO. 162-2018]

Cande Flores, Fire Chief, presented the item. Adoption of the item would authorize the purchase of one (1) aerial ladder truck. The replacement plan was created to comply with recommendations outlined in NFPA Standard 1901 and to support the Class I Public Protection Classification (PPC) by the Insurance Service Office (ISO). Staff clarified the clean cab concept.

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

Having registered to speak on the item, Mayor Williams called on the following individual to address the city council:

- David Swart – spoke on the makeup of the truck and its radio system

21. Resolution: Authorizing the City Manager to Execute a Resolution for Application for a Parks and Wildlife Department Grant (TPWD) and Assurance of Eligibility for Publicly Owned Land
[NOT CONSIDERED; ASSIGNED RESOLUTION NO. 163-2018]

Mayor Williams informed the public the item had been pulled from consideration in advance of the meeting and would therefore not be considered.

22. Ordinance & Public Hearing: (Final 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
[NOT APPROVED; ASSIGNED ORDINANCE NO. 55-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would rezone a parcel of land from Heavy Industrial (HI) to Agricultural Open Space (AO). Discussion centered on an annexation study found by staff, which was not binding to previous or future property owners within the area encompassed within the study; and while the study would theoretically be applicable to the properties, they were not as there were no signed agreements. City Attorney Smith clarified a super-majority vote (6 of the 7 councilmembers voting in favor) was required for adoption of the item as over 20% of the property owners in the affected area were in opposition to the request.

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

- Chad Deaver (applicant) – spoke in favor of the item; handouts were distributed to the City Council outlining citizen support of his request
- Matt Heike – spoke on the parcel of property, owned by Bontke Brothers who were no longer interested and are selling the property; property needs to revert to AO
- Bobby Robinson – spoke on being sympathetic to the applicant but not happy about property owners being told what they can and cannot do with/in their property
- Kenneth Bontke – spoke on his property currently not being sold and in opposition to the item

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

Councilmember Price moved to approve the item the requested zone change from HI to AO. Councilmember Hurt seconded the motion; motion failed.

AYES (3): Mayor Williams and Councilmembers Price and Hurt
NAYS (4): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Savage, and Councilmembers Rentz and Albus

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.

23. Ordinance & Public Hearing: (Final 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
[ASSIGNED ORDINANCE NO. 56-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would rezone an undeveloped parcel from Residential Multi-Family (MF) to Planned Development (PD) District, allowing a modified form of townhouse appearing as a building with just two (2) attached dwelling units sharing a common wall on separate lots. Staff clarified the 10 ft. separation between the townhomes are allowed in the Fire Code. Parking requirements are two spaces per home and would be reviewed at time of the building permit. At the time the 600 ft. (or 25 units) is reached, a secondary point of ingress/egress has to be available for access to/from the development.

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

- Clayton Farrow – representing the applicant, spoke in favor of the item; confirmed the desired distance between structures is 14 ft.

With no other 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

24. Ordinance & Public Hearing: (Final 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
[ASSIGNED ORDINANCE NO. 57-2018]

Greg McCaffery, Director of Public Works, presented this item. Adoption of the item would designate Lindbergh Dr. from Hwy 36 south to Navajo Circle as One-Way only, and will also designate Loop 322 East Frontage Rd from Hwy 36 to where it dead ends to the south as One-Way only north. Staff clarified discrepancies existing in the City Code for roadways in the Airport property would be presented to City Council in the near future.

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

Councilmember Hurt 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

25. Resolution: Approving Settlement with the Texas Municipal League Intergovernmental Risk Pool, Cause No. 11018-D, In the 350th Judicial District Court, Taylor County, Texas
[ASSIGNED RESOLUTION NO. 164-2018]

Earlier in the meeting, under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 4:30 p.m. and ended at 5:00 p.m. No votes or actions were taken at that time.

Stanley Smith, City Attorney, presented the item. Adoption of the item authorizes the city manager to execute any documents necessary to effectuate the settlement agreement, payment of attorney's fees and litigation costs, and pro rata distribution of funds.

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

PUBLIC COMMENTS


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

ADJOURNMENT

There being no further business, the meeting adjourned at 7:11 p.m.



Rosa Rios, TRMC
City Secretary



Anthony Williams
Mayor

Minutes approved on: October 9, 2018