

CITY COUNCIL MEETING
October 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 October 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.

Councilmember Rentz delivered the invocation.

Kayli Billings, 5th grader at Bowie Elementary, led the Pledge of Allegiance to the Flag of the United States of America; and Destinie Russell, 3rd grader at Bonham Elementary, led the Pledge of Allegiance to the State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Employee Service Awards
 - Brent Irvy, Police Department – 20 years
 - Ismael Jaimes, Police Department – 20 years
 - Cody Josselet, Police Department – 20 years
 - Thomas “Jody” Peavy III, Police Department – 20 years
 - Craig Jordan, Police Department – 20 years
 - John “Jeff” Hogue, Police Department – 20 years
- Proclamations
 - Physician’s Assistant Week was accepted by Derek Hundt, Hardin-Simmons Physician Assistant Program Class President
 - White Cane Day, in honor of Mary Kendrick and in memory of Michael Vandervoort
 - National Physical Therapy Month was accepted by Dr. Marsha Rutland, Hardin-Simmons Physical Therapy Department
 - Fire Prevention Week was accepted by Fire Marshal Justin Tiemann

CONSENT AGENDA

The Consent Agenda consisted of items 4-10. Mayor Williams announced Item 9 had been pulled from consideration prior to the meeting.

Item pulled for individual consideration was as follows:

- Councilmember Price: Item 10

Deputy Mayor Pro-tem Savage moved to approve the consent agenda, now consisting of items 4-8. 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. Minutes: Approval of the minutes from the Regular Meeting held September 27, 2018
5. Resolution: Authorizing the City Manager to Negotiate and Execute an Interlocal Agreement between Abilene, Midland and San Angelo to Work Together to address Water Management Strategies to Meet Future Water needs
[ASSIGNED RESOLUTION 165-2018]
6. Resolution: Authorizing a professional service contract with Alan Plummer Associates, Inc. for the Water Treatment Plant
[ASSIGNED RESOLUTION 166-2018]
7. Resolution: Approving Purchase of Various IT Network Gear, Servers, and associated Software
[ASSIGNED RESOLUTION 167-2018]
8. Resolution: Awarding Bid No. CB-1865 – Sale of Property – 140 Mulberry (AKA Old Central Fire Station #1) to TPC Productions, LLC
[ASSIGNED RESOLUTION 168-2018]
9. Ordinance: (First Reading) OAM-2017-03 – Repealing Chapters 23, Subpart C, “Signs and Billboards,” of the Code of Ordinances , and Amending Chapter 4, Article 2, Division 8, “Signs Regulations,” of the Local Development Code, providing a severability clause, declaring a penalty, and setting a public hearing for October 25, 2018
[PULLED FROM CONSIDERATION PRIOR TO THE MEETING]

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

10. Ordinance: (First Reading) Amending Chapter 8, Article VI, Division 6, Section 8-553, “Authority of the Building Official,” Code of Ordinances of the City of Abilene, designating code enforcement officials for administrative search warrants, providing a severability clause, declaring a penalty, and calling for a public hearing on October 25, 2018
The item was pulled by Councilmember Price

Having pulled the item, Councilmember Price requested that at second reading, staff be prepared to answer questions relating to (1) what “every remedy provided by law to secure entry” entails, and (2) for those member cities polled that do not have this type of ordinance in place, how do they handle issues of this type.

Councilmember Price 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

11. Receive, Report, Hold Discussion and Provide Direction/Take Action on the Final Report of the Hotel Occupancy Tax Performance (HOT) Audit
[ORAL RESOLUTION]

Robert Hanna, City Manager, introduced the item and outlined the process of engaging Moss Adams to conduct the audit. Ms. Colleen Rozillis with Moss Adams presented the item. Hotel owners, operators, and managers in the City collect a 13% hotel occupancy tax (HOT), 6% of which is remitted to the State of Texas with the remaining 7% retained by the City. The City contracts with the Abilene Chamber of Commerce (ACOC) to expend a portion of HOT revenues, which are passed on to the Abilene Cultural Affairs Council (ACAC) (15%), the Abilene Convention and Visitors Bureau (ACVB) (50%), and the remaining 35% of revenues provided to the Abilene Convention Center (ACC). State law requires HOT revenues be spent on activities that directly enhance and promote tourism.

The audit was conducted between May and September 2018 and consisted of four phases, including: (1) startup/management, (2) fact finding, (3) analysis, and (4) reporting. The resulting 19 Findings and Recommendations were outlined, which covered the areas of (1) HOT Revenue Contract, (2) Tourism in Abilene, (3) ACC, (4) ACOC, (5) ACAC, (6) ACVB, and (7) Interagency Collaboration. Staff confirmed the City has already started working on the recommendations.

Douglas Peters, President & CEO of the Abilene Chamber of Commerce, spoke on the Chamber's succession planning. Mayor Williams asked staff to bring forth a new agreement, 5-year plan, and outline of where the City expects to be in 10-15 years. Staff confirmed they expect to bring a contract for consideration within 60 days.

Deputy Mayor Pro-tem Savage moved to approve the Final Report of the Hotel Occupancy Tax Performance (HOT) audit 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. Discussion: Water and Wastewater Utility System Cost of Service and Rate Structure Update Study and Capital Improvements Discussion

Rodney Taylor, Director of Water Utilities, introduced the item. The Rate Study evaluated the financial condition of the water utility, explored methods of allocating water and sewer expenses to each respective revenue stream, considered equity between customer classes, and the trigger points of the inclining tier rate structure. A water rate model was developed as a tool for managing revenues and expenses and for testing rate adjustment scenarios.

Angie Flores with Raftelis Financial Consultants, Inc. provided the overview of the study, which included its (1) process, (2) objectives, (3) rate setting principles/financial goals and pricing objectives, (4) financial planning model and results of existing rates, and (5) cost of service allocation.

Water Utilities Director Taylor discussed the purpose of the current and upcoming 2019 cost allocation process. While staff recommends staying with the current process, City Council was asked to provide direction as the decision to stay or modify the process was at their discretion. Following discussion, staff was asked to (1) evaluate the wholesale customer class from both a cost of service and a rate of return perspective and be prepared to discuss any need to consider making adjustments to the wholesale water and/or sewer rates, (2) evaluate the commercial customer class and make a recommendation on either maintaining the current 2 tier system or changing to a single tier system for that commercial class, and (3) provide data demonstrating the seasonal variability in consumption typical for each customer class. The information is to be presented at a workshop in January 2019.

Also presented was the recommended 2019-2023 Capital Improvements Program (CIP) schedule, a key component in projecting future revenue needs. Currently, the water bill contains a line item showing an Ivie Debt Service Charge which pays off debt specific to the Ivie pipeline. Staff recommended the Ivie Charge transition to a permanent per-unit charge for funding Capital Improvements Program projects and it no longer be displayed on the bill. The change to the notation on the water bill would be within a matter of months, but not this year. Discussion continued on the Undesignated Fund Balance, with staff recommending that fund balance above the three months reserve be specifically dedicated to funding the CIP. Revenues generated would be specifically to replenish the fund, which would be utilized to manage future issuance of debt. City Council concurred with that recommendation.

The presentation provided as part of the agenda packet included a proposed CIP schedule; City Council was asked to contact City Manager Hanna if there were any questions.

Mayor Williams recessed the meeting for a short break at 10:40 a.m. and reconvened the meeting at 10:49 a.m.

13. Presentation: Abilene Citizen Perceptions Survey

Michael Rice, Assistant City Manager, introduced Dr. Thomas Winters from Abilene Christian University who presented the results of the survey. The purpose of the survey was to help Abilene citizens communicate to City Council and staff on various service delivery areas. All residential households with city water/waste services received the survey, with 4,209 citizens responding.

The survey included three major content sections:

- Citizen opinions on how well the city is attaining seven (7) primary goals (effective governance, sound financial discipline, quality of life, well maintained and reliable municipal infrastructure, excellent service, economic growth, and community engagement);
- Levels of satisfaction and importance on ten (10) key city functions (quality of community services, public safety, library services, parks and recreation, city maintenance, public health, solid waste service, water and sewer service, customer service, and city communications); and,
- Citizen opinions about future spending priorities (street maintenance and improvements, downtown development, and recreational infrastructure expansion/development).

Assistant City Manager Rice detailed the method of distributing the surveys. There was a low African/American, Hispanic response rate. Staff will talk about strategies to include those ethnic groups and proposes to conduct the survey every 2 years using the same format.

Mayor Williams announced his departure from the meeting due to a scheduling conflict with Mayor Pro-tem McAlister continuing as the Presiding Officer.

14. Ordinance & Public Hearing: (Final Reading) Z-2018-26 A request from JDK Development, Agent Enprotec/Hibbs & Todd, to rezone property located in property 7300 block of Buffalos Gap Road, specifically at northwest corner of Wagon Wheel 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 [ASSIGNED ORDINANCE NO. 58-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. He clarified adoption of the item would *rezone 7.06 acres of land from Agricultural Open Space (AO) and Agricultural Open Space/Corridor (AO/COR) to General Retail (GR) and General Retail/Corridor (GR/COR), as requested by the applicant.* The action the City Council was being asked to consider is not what was on the posted agenda. An additional clarification was that staff's recommendation, approved by the Planning and Zoning Commission, was to *rezone the property to General Retail/Corridor (GR/COR) for the first 540', which coincides with the west line of the corridor overlay and then Neighborhood Retail (NR) for the remaining "western (not eastern)" portion due to its' close proximity to neighbor residence.*

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

- David Todd – representing the applicant, confirmed support of staff's recommendation

Councilmember Price moved to approve the item as recommended by staff and approved by the Planning and Zoning Commission. 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 WHEN VOTE TAKEN (1): Mayor Williams

15. Ordinance & Public Hearing: (Final 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 [ASSIGNED ORDINANCE NO. 59-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would rezone seven now-vacant lots from Residential Single Family (RS-6) to Medical Use (MU).

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

- Mildred Fincher – spoke in opposition to the item.

With no other 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 (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

Note: Mayor Williams had a conflict of interest on the item. However, having temporarily departed earlier in the meeting, recusal was not applicable.

16. Ordinance & Public Hearing: (Final Reading) Z -2018-28 A request from Richard Wright to zone property from RS-6 (Single Family Residence) to RS-6/H (Single Family Residence/Historical Overlay) located at 842 Sayles Boulevard on northwest corner of Idlewild Street and Sayles Blvd.
[ASSIGNED ORDINANCE NO. 60-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would approve the applicant's request for Historic Overlay Zoning on the above-noted property. Staff clarified the request was approved by both the Planning and Zoning Commission and Abilene Landmarks Commission.

Mayor Pro-tem McAlister 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 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

17. Ordinance & Public Hearing: (Final Reading) CUP Z -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
[ASSIGNED ORDINANCE NO. 61-2018]

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 crematorium in Heavy Commercial (HC) zoning on the above-noted property.

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

- Chris Baldree (applicant) – stated the services to be provided would be to funeral homes and not the general public as well as confirmed the business and employees are licensed by the State

With no other 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 (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

18. Ordinance & Public Hearing: (Final 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 allowing a standard restaurant (and subject to same conditions)
[ASSIGNED ORDINANCE NO. 62-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would amend the Land Development Code to include a category of use identified as “Brewpub”. Currently, Section 2.4.3(a)(33)(e)(2) states “*Alcohol Sales Percentage. Alcohol sales constitute no more than fifty percent (50%) of the gross receipts of the premises.*” Since the State, and not the City, regulates alcohol sales, that subsection could be deleted. Staff stated the Land Development Code would be reviewed in its entirety at a future date to identify and recommend needed changes.

Discussion continued on the possibility of having Neighborhood Retail (NR) and Mixed Use (MX) be conditional uses.

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

Councilmember Price moved to approve the item with the modification that Neighborhood Retail (NR) and Mixed Use (MU) be conditional uses and all else approved 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 WHEN VOTE TAKEN (1): Mayor Williams

PUBLIC COMMENTS

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

- David Swart – spoke to Agenda Item 11 and increasing problems with mosquitos
- Ron Kinder – spoke about no overpasses being closed due to the rain and to Agenda Items 12 and 13; also mentioned that 909 Graham has too many dogs, stinks and is unhealthy and inhumane

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

EXECUTIVE SESSION

Mayor Pro-tem McAlister recessed into Executive Session at 12:50 p.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session, as listed on the agenda:

NOTE: Mayor Williams returned to the meeting at this point in time and resumed as Presiding Officer.

19.D 551.074 (Personnel Matters)

1. Performance Evaluation of City Manager Robert Hanna

19.F 551.087 (Business Prospects / Economic Development)

1. Hotel Proposals

The executive session ended at 2:00 p.m. after which the City Council reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

20. Resolution: Nominating an individual to fill the existing vacancy on the Board of Directors of the Jones County Appraisal
[ASSIGNED RESOLUTION NO. 169-2018]

Mayor Pro-tem McAlister moved to nominate the following to the Board of Directors of the Jones County Appraisal District:

- Robert "Stormy" W. Higgins

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

ADJOURNMENT

There being no further business, the meeting adjourned at 2:02 p.m.



Rosa Rios, TRMC
City Secretary



Anthony Williams
Mayor

Minutes approved on: October 25, 2018