

CITY COUNCIL MEETING
November 15, 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 November 15, 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, and Councilmembers Shane Price, Jack Rentz, Donna Albus, and Weldon Hurt. Deputy Mayor Pro-tem Steve Savage 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 Williams recessed into Executive Session at 4:30 p.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Sections:

- 1.B 551.072 (Deliberations about Real Property)
 - 1. The Cotton Warehouse
 - 2. Proposed utility easement off of North Danville Drive
 - 3. 302 Medical Drive
- 2.D 551.074 (Personnel Matters)
 - 1. Performance Evaluation City Manager Robert Hanna

The executive session ended at 5:20 p.m. The meeting was 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.

Mayor Pro-tem Kyle McAlister delivered the invocation.

The following 3rd graders from Den 3 and 5th graders from Den 5 of the Cub Scout Pack 260, based out of the Wylie School District, led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas:

Den 3:

- Alexander Garcia
- Andrew Core
- Jonathan Core
- Hayden Curry
- Andrew Bennett
- Slayde Bingham
- Noah Cogburn

Den 5:

- Alex Prichard
- Liam Ellison
- Brandon Abernathy
- Chris Cho
- Christopher Garcia
- Kieran White

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- This being his last City Council meeting, Howdy Wayne Lisenbee, Director of Facilities and Capital Improvements, was thanked for his service to the city.

CONSENT AGENDA

The Consent Agenda consisted of items 3-15.

Item pulled for individual consideration was as follows:

- Councilmember Rentz: Item 5

Item pulled from consideration was as follows:

- City Manager Robert Hanna: Item 7

The following conflict was announced:

- Councilmember Rentz: Item 14

Mayor Pro-tem McAlister moved to approve the Consent Agenda, now consisting of items 3, 4, 6, 8-15. Councilmember Price seconded the motion; motion carried.

Items 3, 4, 6, 8-13 and 15:

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

NAYS (0): None

ABSENT (1): Deputy Mayor Pro-tem Savage

Item 14:

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

NAYS (0): None

ABSENTION (1): Councilmember Rentz

ABSENT (1): Deputy Mayor Pro-tem Savage

3. Minutes: Receive a Report, Hold a Discussion and Take Action on approving the minutes from the Regular meetings held on October 25, 2018 and November 1, 2018
4. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Ordinance establishing the ~~2018~~ 2019 Standards of Care and setting a public hearing for December 6, 2018
6. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing a Third Amendment to the Water Supply Facilities and Services Contract with the Colorado River Municipal Water District
[ASSIGNED RESOLUTION 184-2018]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on awarding a bid to Rehrig Pacific Company for Solid Waste Refuse Carts
[ASSIGNED RESOLUTION 186-2018]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on awarding a bid to Rotational Molding, Inc. for 300 Gallon Solid Waste Refuse Containers
[ASSIGNED RESOLUTION 187-2018]

10. Ordinance (First Reading): CUP-2018-05 Receive a Report, Hold a Discussion and Take Action on a request from Guy and Tonya Mitchell, agent Robert Burkhart - Senter Realtors for a Conditional Use Permit to allow a 'Recreation-Outdoors (active)' use on property zoned General Retail (GR) located at 5457 S. 7th Street; and setting a public hearing for December 6, 2018
11. Ordinance (First Reading): CUP-2018-06 Receive a Report, Hold a Discussion and Take Action on a request from First Financial Trust & Asset Management Co., agent Tal Fillingim, for Conditional Use Permit to allow a Vacation Travel Trailer/Recreational Vehicle Park on property zoned Agricultural Open Space (AO) located on 2300 block of East Stamford Street, the eastbound frontage road for Interstate Highway 20; and setting a public hearing for December 6, 2018
12. Ordinance (First Reading): Z-2018-29 Receive a Report, Hold a Discussion and Take Action on a request from Edwin and Martin McDonald, to amend the terms and conditions of PD95 (Planned Development 95) to allow for the permanent placement and use of Recreational Vehicles (RV's) within the Planned Development located at 402 Arnold Boulevard; and setting a public hearing for December 6, 2018
13. Ordinance (First Reading): Z-2018-30 Receive a Report, Hold a Discussion and Take Action on a request from Jerry J. Peterson, agent Derek Peterson, to rezone property from Heavy Industrial (HI) to Light Industrial (LI) located at 4400 S. Treadaway Boulevard; and setting a public hearing for December 6, 2018
14. Ordinance (First Reading): Z-2018-31 Receive a Report, Hold a Discussion and Take Action on a request from Little Manufacturing, agent EHT, to rezone property from Agricultural Open Space (AO) and Heavy Commercial (HC) to General Commercial (GC) with a Conditional Use Permit to allow a Vacation Travel Trailer/Recreational Vehicle Park specifically located at 2702 E. Highway 80; and setting a public hearing for December 6, 2018
Councilmember Rentz had a conflict on the item and recused himself from vote/action on the item
15. Ordinance (First Reading): Z-2018-32 Receive a Report, Hold a Discussion and Take Action on a request from Menjivar Properties LLC, agent Jorge Calderon Lopez, to rezone one lot from Agricultural Open Space (AO) to General Commercial (GC) located at 5250 Highway 277 South; and setting a public hearing for December 6, 2018

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a Report, Hold a Discussion and Take Action on awarding a bid to Tankez Coatings, Inc. for the Buffalo Gap Elevated Storage Tank Rehabilitation Project
[ASSIGNED RESOLUTION NO. 183-2018]
The item was pulled by Councilmember Rentz

Having pulled the item, Councilmember Rentz inquired about the use of sand versus black beauty. Staff verified (1) sand was not being used, (2) state industry standards would be followed, and (3) life expectancy between 20-25 years.

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

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

ITEM PULLED FROM CONSIDERATION

7. Resolution: Receive a Report, Hold a Discussion and Take Action on executing a contract with Toner Tiger for the purchase of thirty-eight (38) Panasonic Model CF-33 ToughBooks, with accessories
[ASSIGNED RESOLUTION NO. 185-2018; NOT CONSIDERED]
The item was pulled from consideration by City Manager Robert Hanna

REGULAR AGENDA

16. Resolution: Receive a Report, Hold a Discussion and Take Action on the Adoption of the 2019 Capital Improvements Program & the 2019 Minor Improvements Program.
[ASSIGNED RESOLUTION NO. 188-2018]

Howdy Wayne Lisenbee, Director of Facilities and Capital improvements, presented the item. Adoption of the item authorizes four (4) projects proposed for the 2019 CIP Schedule which total \$540,000. There are nine (9) projects proposed for the 2019 MIP Schedule which total \$270,000. City Manager Hanna covered the role of the Planning and Zoning Commission, as outlined in the City Charter, regarding review of the CIP and his responsibility to present the CIP to the City Council. Councilmember Price requested the Commission be more engaged in future projects to comprise the CIP.

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

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

ABSENT (1): Deputy Mayor Pro-tem Savage

17. Resolution: Receive a Report, Hold a Discussion and Take Action on purchasing 9 mm handguns from Branded Global Partners, LLC during Fiscal Year 2018-2019.
[ASSIGNED RESOLUTION NO. 189-2018]

Stan Standridge, Chief of Police, presented the item. Adoption of the item would allow for the full transition to 9 mm handguns. Police Officers, Fire Marshals and City Marshals would be allowed to reimburse the City for the cost of their specific handgun through payroll deduction.

Mayor Williams opened a public hearing on the item. The following addressed the City Council:

- David Swart – spoke about his support of the purchase as well as his concerns with not contacting local vendors for this and keeping funds in at least the State

Staff covered the bidding/procurement process on this purchase.

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

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

ABSENT (1): Deputy Mayor Pro-tem Savage

18. Resolution: Receive a Report, Hold a Discussion and Take Action on supporting the expansion of the National Register of Historic Properties
[ASSIGNED RESOLUTION NO. 190-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, introduced the item. Steve Dieterichs, Executive Director of the Abilene Chamber of Commerce Downtown Initiative, presented the item. Adoption of the item would support the expansion to a larger Abilene National Register Historic District and provide preservation incentives, encourage historic preservation, attract outside investment, and bring awareness to Abilene's history. The Landmarks Commission was provided this presentation and support the expansion and need for the survey. The roles of the Landmark Commission and Planning and Zoning Commission on historic designations will be reviewed.

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

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

19. Ordinance & Public Hearing: (Final Reading) OAM-2017-03 Receive a Report, Hold a Discussion/Public Hearing and Take Action repealing Chapter 23, Subpart C, "Signs and Billboards," of the Code of Ordinances, and Amending Chapter 4, Article 2, Division 8, "Sign Regulations," of the Local Development Code, providing a severability clause, declaring a penalty
[ASSIGNED ORDINANCE NO. 65-2018]

Zack Rainbow, Assistant Director of Planning and Development Services, presented the item. Adoption of the item would modify the City's sign ordinance to comply with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* as well as bring it into compliance with Texas Local Government Code provisions. Specifically, the amendments provide for the relocation, reconstruction or removal of any sign under circumstances that do not require compensation or the creation of a Municipal Board on Sign Control. Exceptions were detailed. The proposed changes were approved by the Planning and Zoning Commission.

Staff covered the areas previously provided to staff via email by Councilmember Price prior to the November 1, 2018 City Council Meeting when the item was first presented and adopted at First Reading.

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

- David Swart – spoke in opposition to any language being included in the ordinance for electric signs that references wattage but should instead include reference to lumens instead
- Bob Thomas – spoke on moving Abilene upward, commended staff on developing a portable sign permit, the need to review portable signs in the corridors and planned development districts, and expressed concerns with the sign ordinance being placed within the Land Development Code and if so, establish a citizens advisory board to better review the citizens and charitable needs for signs

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

Councilmember Price moved to accept what was recommended by the Planning and Zoning Commission with the exception of the following:

- Section 4.2.8.6 (Signs exempted from permit requirements):
 - (4) Non-illuminated temporary signs placed in or on windows of structures, except as provided in section 4.2.8.109-1, special regulations for portable signs;
- Footnotes:
 - (3) Signs on developing property shall be signs on property under current construction or property that is being promoted in advance of sale and development.

Institutional signs and neighborhood entrance signs located within residential districts are permitted to be up to 80 square feet in area and up to 25 feet in height. ~~Only one such sign is permitted per street front.~~ In addition, only one wall sign is permitted per street frontage so long as such sign exceeds no more than 100 square feet in area. Such signs shall be permitted to be illuminated and may be an electronic message sign.

Councilmember Hurt seconded the motion; motion carried.

Councilmember Price requested staff begin addressing the questions from the Planning and Zoning Commission and outlined within his email by possibly January 2019, to have an update to City Council on those issues by April 2019. City Manager Hanna stated that could be done and inquired of Council on what their expectations were regarding changes to the sign ordinance; direction was needed. Councilmember Price stated he sought answers to the questions. Mayor Williams stated he was simply seeking changes that ensured the sign ordinance was in compliance with State law and nothing beyond that point. No other input was received.

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

20. Resolution: Receive a Report, Hold a Discussion and Take Action on setting the 86th Legislative Session Agenda
[ASSIGNED RESOLUTION NO. 191-2018]

Robert Hanna, City Manager, presented the item. Adoption of the item would set City's legislative agenda, which would serve as the City's primary resource for positions on legislative bills filed during the 86th Legislative Session. The agenda is attached as an exhibit to the resolution being considered.

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

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

PUBLIC COMMENTS

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

- Cynthia Alvidrez – spoke to the after-school program at Rose Park Recreation Center and encouraged the city to submit a procurement proposal for the Abilene ISD for afterschool services

- David Swart – spoke about the postal debacle to send out the street maintenance fee letters which could have been sent out as part of the water bill, abatement from the County for the downtown hotel, and consider covered parking at the hotel

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

REGULAR AGENDA

22. Resolution: Receive a Report, Hold a Discussion and Take Action on appointing members to various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 192-2018]

Councilmember Price moved to (re)appoint the following:

Board	Term End Date
<i>9-1-1 Emergency Communications Board</i>	
Vincent Cantu [Reappointment]	September 2020
<i>Abilene Housing Authority</i>	
James Batiste [Reappointment]	November 2020
Jud Beall [New]	November 2020
David Ekombe [New]	November 2019 (Unexpired Term)
<i>Abilene-Taylor County Public Health Advisory Board</i>	
Randy Williams (County Commission) [Reappointment]	November 2021
Lynn Robinson (Physician) [Reappointment]	November 2021
<i>Landmarks Commission</i>	
Don Garrett (At-Large, Alternate) [Reappointment]	November 2021
Michael McClellan (Historic Property Owner) [Reappointment]	November 2021
<i>Library Advisory Board</i>	
Beth Reeves [Reappointment]	November 2020
<i>Mechanical, Plumbing, Electrical & Swimming Pool Board of Appeals</i>	
James Wheeler [Reappointment]	May 2020
<i>Parks and Recreation Board</i>	
David Pittman [Reappointment]	May 2021
Gary Grubbs [Reappointment]	May 2021
<i>Planning and Zoning Commission</i>	
Clint Rosenbaum [Reappointment]	November 2021
Tim Smith [Reappointment]	November 2021
<i>Senior Citizens Advisory Board</i>	
Johnny Whisenhunt [Reappointment]	May 2020

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 (0): None
 ABSENT (1): Deputy Mayor Pro-tem Savage

ADJOURNMENT

There being no further business, the meeting adjourned at 7:09 p.m.



Rosa Rios, TRMC
City Secretary



Anthony Williams
Mayor

Minutes approved on: December 4, 2018