

CITY COUNCIL MEETING
March 14, 2019 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 March 14, 2019, 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 and Councilmembers Shane Price, Donna Albus, Weldon Hurt and Jack Rentz. Deputy Mayor Pro-tem Steve Savage was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, Interim City Secretary Shawna Atkinson, and various members of the City staff.

Councilmember Shane Price delivered the invocation.

Averie Homer, second grader at Taylor Elementary led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Employee Service Award
 - John Gallagher, Fire Department – 25 Years
 - James “Jimmy” Hall, Fire Department – 25 Years
- Proclamation
 - Gunnery Sergeant Eric Nelson with the Marine Corps presented the 2018 Toys for Tots Campaign

CONSENT AGENDA

The Consent Agenda consisted of items 3-12.

Items pulled for individual consideration were as follows:

- David Swart, citizen: Item 5
- City Manager Robert Hanna: Item 9
- Councilmember Hurt: Item 10

Councilmember Price moved to approve the consent agenda, now consisting of items 3-4, 6-8 and 11-12. Councilmember Rentz 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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on approving the minutes from the Special meeting held on February 25, 2019 and the Regular meeting held on February 28, 2019
4. Resolution: Receive a Report, Hold a Discussion, and Take Action on Approving Authorized Representatives for the TexPool Local Government Investment Pool
[ASSIGNED RESOLUTION NO. 46-2019]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing an Agreement to Provide Sanitary Sewer Services with the City of Tye, Texas
[ASSIGNED RESOLUTION NO. 48-2019]

7. Resolution: Receive a Report, Hold a Discussion and Take Possible Action on Using Federal Seized Funds to Purchase Vehicles for Street Crimes Unit
[ASSIGNED RESOLUTION NO. 49-2019]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on awarding Bid No. CB #1932 - South of Downtown Area Roadway Improvements Phase 3 (S. 1st Street to S. 7th Street - Elm, Sycamore, Pecan and Cherry Streets), to Bontke Brothers Construction Co. Inc.
[ASSIGNED RESOLUTION NO. 50-2019]
11. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending the Code of Ordinances, Chapter 29, "Streets and Sidewalks," Article X, "Street Maintenance Fee," Section 29-172, Subsection (g), "Determination of Street Maintenance Fee," regarding payment of the fee for Single Use, Single Building with Multiple Water Meters; and setting a public hearing for March 28, 2019
12. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending Ordinance 54-2018 Adopting Fees and Charges by Amending and Adding Fees For Permit for Scooter and Bicycle Sharing Vendors, Repealing All Ordinances and Parts Of Ordinances, Resolutions and Parts of Resolutions in Conflict Herewith, Providing a Severability Clause, and setting a public hearing on March 28, 2019

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a Report, Hold a Discussion and Take Action on the purchase of three Police Patrol Vehicles from Caldwell Country Chevrolet through Buyboard Cooperative
[ASSIGNED RESOLUTION NO. 47-2019]
This item was pulled by David Swart, Citizen.

Having pulled the item, David Swart spoke on his suggestions to use the savings from the item to purchase a new motorcycle for the motorcycle patrol unit. He is in support of the item.

Councilmember Hurt moved to approve the item as presented. 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

9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving the Application/Permit to Drill and/or Operate an Oil and/or Gas well – Lakewood Operating, Ltd.: "Denson #1" Permit No. 845811, located at 3617 E. Industrial Blvd.
[ASSIGNED RESOLUTION NO. 51-2019]
This item was pulled by Robert Hanna, City Manager.

Having pulled the item, City Manager Hanna stated that the item requires a Public Hearing and could not be on the Consent Agenda.

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would allow a permit for drilling and operating an oil/gas well within the city limits, specifically to drill the "Denson #1" well, located at 3617 E. Industrial Blvd.

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

Councilmember Price moved to approve the item as presented. 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

10. Resolution: Receive a Report, Hold a Discussion and Take Action on amending Street Maintenance Fee Trip Factor Indexes
[ASSIGNED RESOLUTION NO. 52-2019]
This item was pulled by Councilmember Hurt.

Having pulled the item, Councilmember Hurt asked for clarification on the current way the Street Maintenance Board is allowed to make changes to fees. Robert Hanna, City Manager, and Stanley Smith, City Attorney both clarified that the board can only make recommendations to change the fees, and the recommendations have to be presented to City Council to actually make the change.

Councilmember Hurt also asked about allowing the Street Maintenance Board to make these types of changes themselves in the future, without having to go to Council, and City Attorney Smith was tasked with looking into this.

Councilmember Hurt 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

REGULAR AGENDA

13. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing a contract with ZENON Environmental Corporation for the Hamby WRF Expansion-Phase I
[ASSIGNED RESOLUTION NO. 53-2019]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would authorize the City Manager to execute a contract with Zenon Environmental Corporation, doing business as SUEZ Water Technologies & Solutions, in the amount of \$693,250 for the Hamby WRF Expansion-Phase I. The contract will provide for the expansion of the MBR filtration system capacity with the installation of additional cassettes into the remaining open slots of the existing MBR system.

Councilmember Price 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, Albus, Rentz, and Hurt
NAYS (0): None
ABSENT (1): Deputy Mayor Pro-tem Savage

14. Financial Workshop: Discussion and possible action on the following items:

- a. Resolution: Review and Acceptance of FY 2018 Comprehensive Annual Financial Report - Eide Bailly LLP

[ASSIGNED RESOLUTION NO. 54-2019]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve the FY 2018 Comprehensive Annual Financial Report and accept the audit. Diane Bailly, representing Eide Bailly, reviewed the results of the financial statement audit conducted for the year ending September 30, 2018.

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

At this time, City Manager Robert Hanna had Mike Rains, Director of Finance, introduce the members of the Finance Department: Alicia Rooney, Pam McComas, Marjorie Knight, and Alice Jackson. The City Manager and Council thanked them for their hard work in this audit.

- b. Resolution: Amendment to Council Policy Statement 2015-001 Revenues Collected in Excess of Revised Budget

[ASSIGNED RESOLUTION NO. 55-2019]

Mike Rains, Director of Finance, presented the item. At the August 25, 2015, City Council meeting, Council approved the policy which stipulated that 50% of excess reserve funds would be directed to street maintenance and 50% would be directed to the Fire Apparatus Fund. Since the enactment of the policy, the Street Maintenance Fee has been approved and additional funds have been provided in the General Fund operating budget to adequately fund the Fire Apparatus Fund. Adoption of the item would amend the policy to direct 100% of the excess to the Minor Improvement Fund.

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 (0): None

ABSENT (1): Deputy Mayor Pro-tem Savage

- c. Resolution: Approval of expenditure of funds in excess of the three month reserve

[ASSIGNED RESOLUTION NO. 56-2018]

Mike Rains, Director of Finance, presented the item. Approval of the item would allocate the excess amount of \$1,406,712 to the Minor Improvement Fund.

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

d. **Resolution: Approval of the Investment Policy**
[ASSIGNED RESOLUTION NO. 57-2018]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve the Investment Policy, which must be approved annually. Staff reported there were no changes to the policy since last year.

Mayor Pro-tem McAlister 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 (0): None

ABSENT (1): Deputy Mayor Pro-tem Savage

15. **Ordinance and Public Hearing (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 22-2 Intoxicating Beverages Prohibited; Confiscation**
[ASSIGNED ORDINANCE NO. 14-2019]

Lesli Andrews, Director of Community Services, presented the item. Adoption of the item would change the current ordinance to allow intoxicating beverages, upon pre-approval for specific events and appropriate permitting, at the following locations: activity buildings, recreation center, Senior Center, Abilene Community Theatre, Bridge Club Building, Rose Tennis Center Complex and Grover Nelson Park Softball Complex. The item would also allow for the City Manager, or his designee, to waive the requirement to use the services of a licensed caterer and any security requirements.

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

- Ashley Simpson – is against the item. Suggests Council should deny the change to the ordinance and provided details and statistics about alcohol consumption and crime.
- Jacob Weckworth – is against the item. He helped present the current ordinance and thinks that it should not be changed. He thinks the current ordinance is not being enforced properly now and this will only make it harder to enforce.
- Ginger Vincent – supports the item. She is the President of the Abilene Community Theater and states it is a constant effort to raise funds for the theater. By changing this ordinance, this will allow citizens to support both the theater and the community better.

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

Council had questions regarding the “activity buildings” and “recreation center” listed in the change to the ordinance; they thought this was too broad of a term and would like to see this defined better. Also the stipulation allowing the City Manager to waive the security for smaller events was brought into question. They would like to see a set number for guests in attendance for the fee to be waived.

Police Chief Stan Standridge answered Council’s questions regarding current security at these types of events and thinks this change will increase accountability for the people attending and allow for more responsible drinking.

City Manager Hanna thinks a courtesy should be given to the Abilene Community Theater since they are leasing the building from the City, and the decision to allow alcohol in their events should be left up to them.

Councilmember Hurt moved to approve the item with the following changes: taking out “activity” or “recreation center” and specifically naming the 6 locations that intoxicating beverages will be allowed in. Mayor Williams seconded the motion; motion carried.

AYES (4): Mayor Williams, and Councilmembers Rentz, Albus, and Hurt
NAYS (2): Mayor Pro-tem McAlister and Councilmember Price
ABSENT (1): Deputy Mayor Pro-tem Savage

16. Ordinance and Public Hearing (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, Section 18-294 "Parking Prohibited-At All Times," of the Abilene Municipal Code, by amending certain sections, providing a severability clause and declaring a penalty
[ASSIGNED ORDINANCE NO. 15-2019]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would approve the installation of No Parking at All Times on the east side of Cedar Street between N 16th Street and N 17th Street.

Council had questions regarding the placement of a crosswalk on Pine Street, as well, and James Rogge, City Traffic Engineer stated that they did a study at the intersection and there were no pedestrians at the crossing, so a crosswalk is not warranted, at this time.

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

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

17. Ordinance and Public Hearing (Final Reading): CUP-2019-01 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Kurt and Amanda Vidrine, for Conditional Use Permit to allow a 120' 'Antenna Tower - Commercial' on property zoned General Commercial (GC) located at 610 Ross Avenue
[ASSIGNED ORDINANCE NO. 16-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would allow a Conditional Use Permit (CUP) to allow a 120' tall antenna tower to be located on the above noted property.

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

- Vince Heubinger – represents the applicant – supplied a PowerPoint presentation with the research the applicant has done to meet the requirements of the City.

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

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. Ordinance and Public Hearing (Final Reading): OAM-2019-01 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on amendments to Section 2.3.4.4 (c) (Historic Overlay (HO) District) of Abilene's Land Development Code, specifically to amend the section 'Criteria for Designation', amending the requirements to be considered for Historic Landmark in the City of Abilene
[ASSIGNED ORDINANCE NO. 17-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would update sections in the Land Development Code that are in relation to Historic Preservation.

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 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. Resolution and Public Hearing: SNC-2019-01 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Abilene Cultural Affairs Council; agent, Lynn Barnett, by adding the honorary street name of Storybook Lane to Cypress Street from N. 1st Street to N. 6th Street, and adding the honorary street name of Santa Calls Lane to Cedar Street from N. 1st Street to North 3rd Street, Abilene, Taylor County, Texas
[ASSIGNED RESOLUTION NO. 58-2019]

Mike Warrix, Director of Planning & Development Services presented the item. Adoption of the item would allow for the honorary renaming of a five-block segment of Cypress Street as Storybook Lane, and a two-block segment of Cedar Street as Santa Calls Lane.

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

Mayor Williams 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, Albus, Rentz, 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:

- David Swart – spoke about the 2019 Street Bond and questioned which streets would fall under this bond. He also stated that the Downtown Association should address the covered parking issue, as there is a need for it downtown. He also believes the donations for the memorial benches from a previous Council meeting will only go up after the passing of the honorary street name changes.
- Jeremy Wood – Spoke about Item #20.A.13 in the Executive Session. He thinks there needs to be a greater separation of church and state by not praying before Council meetings.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:35 a.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 Section:

- 28.A 551.071 (Consultation with Attorney)
 1. Susan Lewis King & Austin King MD v. Ken Paxton, Attorney General of Texas and the City of Abilene
 2. Pensco Trust FBO Faith Ann Cheek v. City of Abilene
 3. Legislative Prayer
 4. Alfredo Valencia v. Corey Davis and City of Abilene
 5. Texas Open Meetings Act – State v. Doyal
 6. Cherry Street Abandonment
- 28.B 551.072 (Deliberations about Real Property)
 1. The Cotton Warehouse
 2. 302 Medical Drive
 3. 802 Pine Street
 4. Proposed utility easement off of North Danville Drive
- 28.D 551.074 (Personnel Matters)
 2. City Council Appointees
- 28.F 551.087 (Business Prospect/Economic Development)
 1. Hotel Proposals
 3. 101 Oak Street – Materra Paper Building

Mayor Williams departed at the conclusion of the Executive Session.

The Executive Session ended at 11:16 a.m. and reconvened to Open Session with Deputy Mayor Pro-tem McAlister presiding. Deputy Mayor Pro-tem McAlister reported no votes or action were taken in Executive Session.

REGULAR AGENDA

21. Resolution: Appointing Members to various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 59-2019]

Councilmember Rentz moved to (re)appoint the following.

Board	Term End Date
<i>Abilene-Taylor County Public Health Advisory Board</i>	
Hector Garcia [New]	November 2021
<i>Board of Building Standards</i>	
DeAnn Yeilding [Appointment to Alternate]	November 2020
Gary Webb [Appointment to Regular]	November 2020

Councilmember Albus seconded the motion; motion carried.

AYES (5): Mayor Pro-tem McAlister and Councilmembers Price, Albus, Rentz, and Hurt
 NAYS (0): None
 ABSENT WHEN VOTE TAKEN (1): Mayor Williams
 ABSENT (1): Deputy Mayor Pro-tem Savage

22. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing the City Manager to enter into a Development Agreement with Matera Gardens, LLC for the redevelopment of 833 South 1st Street.
[ASSIGNED RESOLUTION NO. 60-2019]

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 10:35 a.m. and ended at 11:16 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of the item would approve an economic development agreement with Matera Gardens, LLC, for the redevelopment of 833 South 1st Street. The City of Abilene will offer direct economic incentives in an amount not to exceed \$78,499; in addition, the City will waive building permit and zoning fees associated with the project. The total economic incentives are anticipated to be \$83,499.

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

AYES (5): Mayor Pro-tem McAlister and Councilmembers Price, Albus, Rentz, and Hurt
 NAYS (0): None
 ABSENT WHEN VOTE TAKEN (1): Mayor Williams
 ABSENT (1): Deputy Mayor Pro-tem Savage

23. Hold a Discussion and Take Possible Action on changing the start time of the March 28, 2019 City Council Meeting to 8:30 a.m.

Councilmember Price moved to change the start time of the March 28, 2019, meeting to 7:15 a.m. with the Executive Session starting first and reconvening to Open Session at 8:30 a.m. Councilmember Hurt seconded the motion; motion carried.

AYES (5): Mayor Pro-tem McAlister and Councilmembers Price, Albus, Rentz, and Hurt
NAYS (0): None
ABSENT WHEN VOTE TAKEN (1): Mayor Williams
ABSENT (1): Deputy Mayor Pro-tem Savage

ADJOURNMENT

There being no further business, the meeting adjourned at 11:21 a.m.



Shawna Atkinson
Interim City Secretary



Anthony Williams
Mayor

Minutes approved on: 3/28/2019