

CITY COUNCIL MEETING
March 28, 2019 at 7:15 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 28, 2019, at 7:15 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, 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, Interim City Secretary Shawna Atkinson, and various members of the City staff.

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 7:15 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 Sections:

- 24.B 551.072 (Deliberations about Real Property)
 - 1. The Cotton Warehouse
 - 2. 802 Pine Street
- 24.D 551.074 (Personnel Matters)
 - Evaluation of City Attorney Stanley Smith
 - Evaluation of Municipal Court Judge Keith Barton
- 24.F 551.087 (Business Prospect/Economic Development)
 - 1. Hotel Proposals
 - 2. Windsor Hotel
 - 3. Civic Plaza Hotel

The Executive Session ended at 8:25 a.m. The meeting was reconvened to Open Session at 8:30 a.m. as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Mayor Anthony Williams delivered the invocation.

Maye Willard, 2nd grader at Austin Elementary School, and Hattie Willard, 1st grader at Austin Elementary School, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

Mayor Williams introduced Gray Bridwell, Vice President of Military Affairs for the Abilene Chamber of Commerce, who made the announcement that Dyess Air Force Base has been selected to house both the Training and Operations Centers for the new B-21 Bomber, which will bring hundreds of new jobs and families to Abilene.

CONSENT AGENDA

The Consent Agenda consisted of items 3-16.

Items pulled for individual consideration were as follows:

- David Swart, Robert Sudusky and Karen Lindsey, Citizens: Item 8
- Councilmember Price: Item 10

Items pulled from consideration were as follows:

- Robert Hanna, City Manager: Item 11

Councilmember Albus moved to approve the consent agenda, now consisting of items 3-7, 9, and 12-16.
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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on approving the minutes from the Regular meeting held on March 14, 2019
4. Resolution: Receive a Report, Hold a Discussion and Take Possible Action approving a Interlocal Agreement between Taylor County, City of Abilene and Betty Hardwick Center for a Jail Navigator position and funding
[ASSIGNED RESOLUTION NO. 64-2019]
5. Resolution: Receive a Report, Hold a Discussion and Take Action approving amendments to the Keep Abilene Beautiful, Inc. By-laws
[ASSIGNED RESOLUTION NO. 65-2019]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Award of a Purchase Agreement for Cartegraph Systems, Inc. Asset Management System
[ASSIGNED RESOLUTION NO. 66-2019]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on approving the DCOA's Airport Roofing Project and Award of Contracts (Bid CB-1929)
[ASSIGNED RESOLUTION NO. 67-2019]
9. Resolution: Receive a Report, Hold a Discussion and Take Action authorizing the City Manager to execute a Master Street Expenditure Agreement with the Development Corporation of Abilene, Inc.
[ASSIGNED RESOLUTION NO. 69-2019]
12. Ordinance (First Reading): CUP-2019-03 : Receive a Report, Hold a Discussion and Take Action on a request from the City of Abilene for Conditional Use Permit to allow a 150' Antenna Tower on property zoned General Commercial (GC) located adjacent to the existing building at 4565 South First Street; and setting a public hearing for April 11, 2019
13. Ordinance (First Reading): OAM-2019-02 Receive a Report, Hold a Discussion, and Take Action on proposed amendments to Section 2.4.2.1 (Land Use Matrix) of Abilene's Land Development Code, specifically to allow 'Tattoo Parlor' use within Central Business (CB) District with a Conditional Use Permit (CUP); and setting a public hearing for April 11, 2019
14. Ordinance (First Reading): Z-2019-05 Receive a Report, Hold a Discussion and Take Action on a request from the City of Abilene, Charlie Wolfe, and Zachary Sheets to rezone properties from Light Industrial (LI) to Central Business (CB) located at 741 North 3rd Street, 602 North 1st Street, and 702 North 2nd Street; and setting a public hearing on April 11, 2019
15. Ordinance (First Reading): Z-2019-06 Receive a Report, Hold a Discussion and Take Action on a request from the City of Abilene, agent Don Green, to adopt a new Planned Development District Number 161 (PD 161) to include all 1460.82+/- acres in Lot 101 of Block A of the Abilene Airport Addition to Abilene, Taylor County, Texas, allowing General Retail (GR) and Light Industrial (LI) uses as well as all

Airport-related uses in Lot 101. Lot 101 includes the entire site of Abilene Regional Airport at 2850 Airport Boulevard; and setting a public hearing for April 11, 2019

16. Ordinance (First Reading): Z-2019-07 Receive a Report, Hold a Discussion and Take Action on a request from Rondo Properties PTSH and First Bank of West Texas, agent Paul Johnson, to rezone 2.673 acres of now-vacant land bordering south side of South 25th Street between Buffalo Gap Road and Ross Avenue from a combination of General Commercial (GC) and Neighborhood Retail (NR) Districts, to a General Retail (GR) District with a Conditional Use Permit allowing multi-family residences on all 2.673 acres; and setting a public hearing for April 11, 2019

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

8. Resolution: Receive a report, hold a discussion and take action of adopting a resolution authorizing the City Manager to enter into an agreement for professional design services for a new Animal Shelter [ASSIGNED RESOLUTION NO. 68-2019]

Having pulled the item, David Swart, citizen, spoke in support of the item. He stated that having an animal shelter geared more towards adoptions is what Abilene needs.

Also having pulled the item, Robert Sudberry with Angel Animal Rescue, spoke in support of the item. This shelter is needed, specifically for people who come from out of town and need access to the shelter after hours or on the weekends. He also spoke about the vast improvement he has seen at the current shelter in the last several months.

Also having pulled the item, Karen Lindsey, a volunteer at the animal shelter, spoke in support of the item. She thinks the current shelter is reminiscent of a jail, and would like to see a birthing area, better meet-and-greet areas, and a larger front desk area at the new shelter.

Paul Washburn, President of Rescue the Animals ASPCA, also spoke in support of the item. He thinks that Jackie Hernandez, an employee at the Animal Shelter, should be hired as the Director of the Animal Shelter. He also let Council know that the ASPCA is willing to help raise funds for this project.

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a contract with Tim Rice McClarty and Connolly Architects for the design of a new Animal Shelter.

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

10. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic", Article I, "In General," Section 18-3, "Use of Roadway by Persons on Roller Skates, Etc.," and Section 18-10, "Rollerskates, Bicycles and Similar Devices Prohibited Within Certain District; Exception," of the Code of Ordinances, Providing a Severability Clause, Declaring a Penalty, and setting a Public Hearing on April 11, 2019

Having pulled the item, Councilmember Price stated his concern that this change would allow for the use of bicycles and scooters downtown only if they are rented, but not if you own the scooter. He would like staff to consider if this was the intent or if the wording needs to be changed before the final reading.

Stanley Smith, City Attorney, presented the item. Adoption of the item would amend Chapter 23 of the Code of Ordinances that allows for the use and operation of scooters and bicycles in certain areas within the City limits.

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

ITEMS PULLED FROM CONSIDERATION

11. Ordinance (First Reading): CUP-2019-02 Receive a Report, Hold a Discussion, and Take Action on a request from the Abilene ISD for Conditional Use Permit to allow a new track-and-field complex on property zoned Agricultural Open Space (AO) located on the grounds of Shotwell Stadium at 1350 Expo Drive; and setting a public hearing for April 11, 2019
This item was pulled from consideration by City Manager Robert Hanna.

Stanley Smith, City Attorney explained the item was pulled because a School District is not required to obtain a Conditional Use Permit for land they already own.

REGULAR AGENDA

17. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving formation of the Abilene Convention Center Hotel Development Corporation; Approving the Certificate of Formation; and resolving other matters related thereto
[ASSIGNED RESOLUTION NO. 70-2019]

Stanley Smith, City Attorney, presented the item. Adoption of the item would authorize the City to create a nonprofit corporation for the purposes of accomplishing governmental purposes of, and to aid and act on behalf of the City. The nonprofit corporation is an entity separate and apart from the City of Abilene, and its assets and liabilities are separate from the City.

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

- David Swart – spoke in support of the item. He thinks it is right to do it separately from the City.

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

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

18. **Presentation: Abilene Public Library Update and Year in Review**

Lori Grumet, Library Director, presented the item. She spoke about the following items that happened at the Abilene Public Library over the past year:

- Hometown Teams Exhibit at the Library from the Smithsonian
- An annual seminar the Library held for librarians
- Partnership with AISD for book loans
- Craft projects and workshops
- The new "Read" posters to get children reading
- A new grant from the Texas State Library and Archives Commission that helped them to develop a mobile computer lab
- The upcoming event – LibCon, that will be held in April.

The item was for presentation only.

19. **Policy Statement: Receive a Report, Hold a Discussion and Take Action on adopting Policy 2019-001 - Ninety Percent Live Release Rate**

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a Policy Statement to formally set forth the Council's desire to operate the Abilene Animal Shelter as a 90% live release rate facility, with a challenge goal to achieve this by 2027. The item also sets forth Council's formal desire to construct a new animal shelter and adoption center through a public-private partnership.

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, Albus, Rentz, and Hurt

NAYS (0): None

ABSENT (1): Deputy Mayor Pro-tem Savage

20. **Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing a professional services contract with Jacob & Martin, LLC for the Buffalo Gap Road (FM 89) Utility Relocates [ASSIGNED RESOLUTION NO. 71-2019]**

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would authorize the City Manager to execute a contract with Jacob & Martin, LLC, in the amount of \$120,000 for the Buffalo Gap Road (FM 89) Utility Relocates project. The contract will provide for the preparation of design plans and contract documents, bidding assistance, contract administration, and general project supervision for the water utility locates necessary for the roadway improvements by the Texas Department of Public Transportation.

Council requested Mr. Taylor check into using crushed glass in the construction phase for the backfill on this project.

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, Albus, Rentz, and Hurt

NAYS (0): None

ABSENT (1): Deputy Mayor Pro-tem Savage

21. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing a contract with IDE Americas, Inc. for the Purchase of a Reverse Osmosis Concentrate Reduction System for the Hargesheimer Water Treatment Plant
[ASSIGNED RESOLUTION NO. 72-2019]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would approve a contract with IDE Americas, Inc., that would install a pilot demonstration unit Concentrate Reduction System. At the end of a successful piloting demonstration the City is obligated to purchase a full scale version of the Concentrate Reduction System in the amount of \$580,000.

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

22. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing 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
[ASSIGNED ORDINANCE NO. 18-2019]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would amend the Code of Ordinances in regards to the Street Maintenance Fee, to clarify the fee payment for a single use, single building utility customer, which means the customer would only pay the Street Maintenance Fee one time, rather than having to pay multiple monthly fees.

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

- Frank Estes, Pastor at Bethel Temple – spoke in support of the item, as his church is one of the locations that has 3 meters and is being charged 3 Street Maintenance Fees.
- Ernie Kite, Pastor at Windrock Baptist Church – spoke in support of the item. They have a small congregation and it is hard for them to come up with the \$45 each month for the Street Maintenance Fee. He would like to see additional amendments to allow reductions for small churches, like his.

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

23. Ordinance & Public Hearing (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, 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
[ASSIGNED ORDINANCE NO. 19-2019]

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would amend the current Fee Ordinance to add an initial permit fee of \$1,500 (24 moth duration), and a renewal permit fee of \$750 (12 month duration) for the Scooter and Bicycle Sharing Permit.

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 Albus 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

25. Resolution: Appointing Members to various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 73-2019]

Mayor Pro-tem McAlister moved to (re)appoint the following.

Board	Term End Date
<i>TIRZ Board</i>	
Charles Black [Reappointment]	August 2020
Sam Vinson [Reappointment]	August 2020
Stormy Higgins [Reappointment]	August 2020
Ben Grant [Reappointment]	August 2020
Petty Hunter [New]	(unexpired term)
<i>Board of Building Standards</i>	
Wayland Schroeder [Reappointment]	November 2020
<i>Citizen's Advisory Board for People with Disabilities</i>	
Pamela Barnhill [New]	October 2020 (unexpired term)

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

26. Oral Resolution: Receive a Report, Hold a Discussion and Take Action on the annual evaluation of the City Attorney and the Municipal Court Judge

Earlier in the meeting, under Section 551.074 (Personnel Matters) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 7:15 a.m. and ended at 8:25 a.m. No votes or actions were taken at that time.

No formal action was taken during open session on the item.

27. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing an Economic Development Agreement with the Abilene Improvement Corporation
[ORAL RESOLUTION]

Robert Hanna, City Manager, presented the item. Adoption of the item would authorize an Economic Development Agreement with the Abilene Improvement Corporation for the development of a property at the

corner of Pine Street and North 8th. AIC will purchase the property and own it, but the City will contribute \$150,000 for development.

Mayor Pro-tem McAlister 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, 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 his concerns of a lack of street lights on Rolling Green Drive and where it intersects with Catclaw Drive. There are currently no street lights and he is concerned for those driving at night on those roads.
- Emerald Cassidy – spoke about the recent March Madness at ACU and extended her appreciation to the Mayor and Council for issuing the proclamation for the event, which really put ACU and Abilene on the map.
- Angie Olford – spoke about the animal shelter and also stated her support of hiring Jackie Hernandez as the Animal Shelter Director. She also suggests using the old shelter as an intake facility/holding area for strays on the weekends and after hours.
- Bob Colquist – spoke about the lack of lane markings near Abuelo's on South 14th. He is concerned that they are hard to see at night and could be dangerous. There are currently "pucks" for the markers but thinks that the City needs to use paint instead.
 - Robert Hanna, City Manager, addressed his comment and let him know that the City is currently exploring the paint lane marker option for the Fiscal Year 2020.
- Robert Sudberry – spoke about a dangerous situation at the Chick-fil-A on the South side of town, where there is too much traffic and it blocks the roadway during busy times. He urges the City to talk to the Chick-fil-A management and come up with a way to re-route traffic there to make it safer.

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

Councilmember Hurt extended his appreciation to City Staff on the excellent job they did at the Business Expo held on March 27, 2019.

Mayor Williams seconded this and also praised Mari Cockerell, Communications & Media Relations Manager, and Jill D'Entremont, Interactive Media Specialist & Webmaster, for their involvement in the event.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:14 a.m.



Shawna Atkinson
Interim City Secretary



Anthony Williams
Mayor

Minutes approved on: 4/11/19