

CITY COUNCIL MEETING
September 26, 2019 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 26, 2019, at 4:30 p.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding, with Mayor Pro-tem Weldon Hurt, Deputy Mayor Pro-tem Donna Albus, and Councilmembers Shane Price, Jack Rentz, Kyle McAlister, and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Shawna Atkinson, 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:

- 30.A 551.071 (Consultation with Attorney)
 - 2. Chad Carter v. City of Abilene, Texas
 - 11. New Walking Quorum Law
- 30.B 551.072 (Deliberations about Real Property)
 - 1. Clyde Water
 - 2. Use of Eminent Domain for Cedar Creek Waterway
- 30.F 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project
 - 2. New Horizons

The Executive Session ended at 5:00 p.m. and 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.

Councilmember Kyle McAlister delivered the invocation.

Philip Lopez, 6th Grader at Clack Middle School, Isabel Lopez, 5th Grader at Bassetti Elementary School, and Shaley Day, 1st Grader at Bassetti 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

- Childhood Cancer Awareness Month – accepted by McKenzie Husing and her daughter, Ciara, as well as many other families of those affected by childhood cancer.
- National 4-H Week – accepted by Micah Hutton, President, Carson Creach, Vice President, Shay Nickelson, Secretary, Halle Beard, Treasurer, Stehlie Dahlberg, Reporter/Historia, Kaci Reyna, Safety Officer, Katie Cloud, Health Information Officer, and Candice Vann, Environmental Officer.
- Dr. Jerry Strader introduced Dale Tibbets and his mother, Leilani Tibbets, who presented Dale's Eagle Scout project for a Scattering Garden for the Texas State Veteran's Cemetery

CONSENT AGENDA

The Consent Agenda consisted of items 4-23.

Items pulled for individual consideration were as follows:

- Councilmember Price – Item 9
- Mike Cornette, citizen – Item 15
- Alana Jeter, citizen – Item 21
- Various citizens – Item 23

Mayor Pro-tem Hurt moved to approve the consent agenda, now consisting of items 4-8, 10-14, 16-17, 19-20 and 22. Councilmember Craver seconded the motion; motion carried.

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

NAYS (0): None

Deputy Mayor Pro-tem Albus had a conflict on Item 18 and abstained from voting on the item. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office. The vote for item 18 was as follows:

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

NAYS (0): None

ABSTAIN (1): Deputy Mayor Pro-tem Albus

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on September 12, 2019
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute an Easement Agreement for a Pump Station between the City of Abilene and the City of Lawn, Town of Buffalo Gap, and Tuscola-Taylor County Water Control and Improvement District No. 1.
[ASSIGNED RESOLUTION NO. 189-2019]
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute Easement Agreement for Water Pipeline for Water Pipeline Tracts No. 1-4, and Easement Agreement for Water Pipeline Tracts No. 5-10, between the City of Abilene, and the City of Lawn, Town of Buffalo Gap, and Tuscola-Taylor County Water Control and Improvement District No. 1.
[ASSIGNED RESOLUTION NO. 190-2019]
7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute an Interlocal Agreement for Water Pump Station Improvements between the City of Abilene, the City of Lawn, and Town of Buffalo Gap, and the Tuscola-Taylor County Water Control and Improvement District No. 1.
[ASSIGNED RESOLUTION NO. 191-2019]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding the Bid for the Mesquite Forest Wastewater Improvements to Weatherbee Construction, Inc.
[ASSIGNED RESOLUTION NO. 192-2019]

10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bids for Purchase of Bulk Chemicals to be used by Water and Wastewater Treatment Plants in Fiscal Year 2020.
RESOLUTION NO. 194-2019]
11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing Combined Purchases from the Specified Vendors in Amounts Exceeding \$50,000 During Fiscal year 2019.
[ASSIGNED RESOLUTION NO. 195-2019]
12. Resolution: Receive a Report, Hold a Discussion, and Take Action on Awarding the Bid for the 1952 Clearfork Scalping PS Piping Improvements to Dowtech Specialty Contractors, Inc.
[ASSIGNED RESOLUTION NO. 196-2019]
13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Street Maintenance Fee Trip Factor Indexes.
[ASSIGNED RESOLUTION NO. 197-2019]
14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding T & P Freight Warehouse Roof Replacement and Miscellaneous Work.
[ASSIGNED RESOLUTION NO. 198-2019]
16. Ordinance (First Reading): Z-2019-20 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the City of Abilene to rezone property from Medium Density Residential (MD)/Historic Overlay (H) zoning to Medium Density Residential (MD) located at 782 Palm Street, on the north side of South 9th between Elmwood Drive and Grover Street; setting a public hearing for October 17, 2019.
17. Ordinance (First Reading): Z-2019-21 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Tim Smith, agents Pat and Mitchel Harris, to rezone property from Central Business (CB) to Planned Development District (PDD) located at 833 South 1st Street; setting a public hearing for October 17, 2019.
18. Ordinance (First Reading): Z-2019-22 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Houses of Healing, Inc. to rezone from Single Family Residential (RS-6) to Medium Density Residential (MD) zoning located at 3065 Hickory Street; setting a Public Hearing for October 17, 2019.
19. Ordinance (First Reading): Z-2019-23 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Judy Proctor, agent Paul Johnson, to rezone two (2) properties from General Retail (GR) to General Commercial (GC) zoning located at 5001 and 5009 Hwy 277 South; Setting a Public Hearing for October 17, 2019.
20. Ordinance (First Reading): Z-2019-24 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Eduardo Garza to rezone from General Commercial (GC) to Multi-Family Residential (MF) zoning located at 126 Merchant Street; Setting a Public Hearing for October 17, 2019.
22. Ordinance (First Reading): TC-2019-03 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the Texas Department of Public Safety to abandon six (6) segments of street and alley rights-of-way (ROW). Each segment is less than 1000 square feet in size and adjoins a consistently 120-ft-wide ROW on Buffalo Gap Road. All ROW's were formally dedicated for public use by subdivision plats; Setting a Public Hearing for October 17, 2019.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute Addendum II to Water Supply Contract with the City of Lawn, Approving the Water Supply Contract with the Town of Buffalo Gap, and Approving the Water Supply Contract with Increased Maximum Take Rate with the Tuscola-Taylor County Water Control and Improvement District No. 1.
[ASSIGNED RESOLUTION NO. 193-2019]

The item was pulled by Councilmember Price

Having pulled the item, Councilmember Price requested to change the language in the three contracts so there doesn't appear to be a gap in the years covered. He asked to change the word "between" to "through" in all three contracts.

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

Councilmember Price moved to approve the item with the above noted changes. Councilmember McAlister seconded the motion; motion carried.

AYES (7): Mayor Williams, Deputy Mayor Pro-tem Albus, Mayor Pro-tem Hurt, and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

15. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 22, "Parks and Recreation," Section 22-4, "Closing Hours," of the Code of Ordinances to Extend the Open Hours of Kirby Lake Park.

The item was pulled by Mike Cornette, citizen

Having pulled the item, Michael Cornette stated that he works for Texas Parks and Wildlife and thinks this change is very important for the security of Lake Kirby. He stated that there is a lot of money going into the project there and this will help keep that safe. He also questioned why the ramp has been closed for the past few days.

City Manager Robert Hanna clarified that there is construction going on on the dam but it is still open for pedestrian traffic.

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

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

AYES (7): Mayor Williams, Deputy Mayor Pro-tem Albus, Mayor Pro-tem Hurt, and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

21. Ordinance (First Reading): CUP-2019-07 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from BCFS, agent Alana Jeter, for a Conditional Use Permit to allow the expansion of an 'Institutional Dwelling' in Medium Density Residential (MD) zoning located at 142 & 202 Vine Street; Setting a Public Hearing for October 17, 2019.

The item was pulled by Alana Jeter, citizen

Having pulled the item, Alana Jeter clarified that she just filled out a comment card in case anyone was wanting to rebut this case. She availed herself to questions from Council.

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

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

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

NAYS (0): None

23. Ordinance (First Reading): SNC-2019-03 Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Iziar Langford to change the name of San Jacinto Drive to Claudie C. Royals Drive as it extends east to west from Fair Drive to N. Judge Ely Boulevard approx. 3,993 feet; Setting a Public Hearing for October 17, 2019.

Mayor Williams, Councilmembers Price and McAlister had a conflict on Item 23 and abstained from voting on the item. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

The item was pulled by several citizens, listed below

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

- Effie Brewster – didn't want to speak but stated she is in favor
- Alan Lockett – didn't want to speak but stated he is in favor
- Kelvin Kelley – spoke on behalf of the Royals' family. Read a short biography of Claudie Royals and urged Council to honor Mr. Royals with this Street Name Change
- Sharon Penns – didn't want to speak but stated she is in favor
- Heloise Munson – spoke about how much Mr. Royals has done for the Abilene community
- Michelle Royals – stated her family wants this Street Name Change so her father can forever be a part of Abilene. Spoke about why this area was chosen and the significance it has on her family and Claudie Royals, himself
- Andrew Penns – stated his support for the item. He worked closely with Claudie Royals and stated all the good things he did in his life.

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

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

AYES (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Rentz & Craver and Craver

NAYS (0): None

ABSTAIN (3): Mayor Williams, Councilmembers Price and McAlister

REGULAR AGENDA

24. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Kronos Software Version 8 Upgrade Modification.
[ASSIGNED RESOLUTION NO. 199-2019]

Bob von Wolffrad, Director of Information Technologies, presented the item. Adoption of the item would approve the Kronos Software Version 8 upgrade modification.

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 Hurt seconded the motion; motion carried.

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

NAYS (0): None

25. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Designating Methods, Addresses & Locations for Receiving Public Information Requests.
[ASSIGNED RESOLUTION NO. 200-2019]

Stanley Smith, City Attorney, presented the item. Adoption of the item would designate one electronic mail address and one mailing address for receiving written requests for public information.

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

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

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

NAYS (0): None

26. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Contract to Texas Metals & Recycling, Co. for Recycling Services for Cardboard, Office Paper/Mixed Paper, and Newspaper.
[ASSIGNED RESOLUTION NO. 201-2019]

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would approve a contract with Texas Metals & Recycling, Co. for recycling services for cardboard, office paper/mixed paper and newspaper.

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

Deputy Mayor Pro-tem Albus took an opportunity to thank Wayne, the owner of Texas Metals & Recycling, for his service to Abilene. She started cardboard recycling with him early on and he graduated his business up to what it is today. She stated that he did this for the community for free for so many years, so it is the City's time to pay him back.

Deputy Mayor Pro-tem Albus moved to approve the item as presented. Councilmember Craver seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

27. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Annual Street Services Division Material Requirement to Vulcan Construction Materials.
[ASSIGNED RESOLUTION NO. 202-2019]

Greg McCaffery, Director of Public Works presented the item. Adoption of the item would award the bid for the maintenance and rehabilitation of the street and alley system to Vulcan Construction Materials.

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 Hurt seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

28. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Annual Street Services Division Material Requirement to Vulcan Construction Materials.
[ASSIGNED RESOLUTION NO. 203-2019]

Greg McCaffery, Director of Public Works presented the item. Adoption of the item would award the bid for the replacement of asphalt valley gutters located around the City of Abilene at 26 locations, to Bontke Brothers Construction Co. Inc.

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

- David Swart – questioned if this money would be coming out of the remaining Fiscal Year 2019 budget or the new Fiscal Year 2020 budget.

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

City Manager Robert Hanna answered Mr. Swart's question and stated it would be coming out of the 2019 budget.

Council questioned if this will be permanent fixes for these areas and it was clarified that it will be. Staff intends to spend every dollar that was allocated for street maintenance on street maintenance. There could be approximately \$20 million dollars spent on streets in 2020.

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

AYES (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

29. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on amending Chapter 11, Section 11-5 "Dogs in Food Establishments" of the Code of Ordinances [ASSIGNED ORDINANCE NO. 53-2019]

Annette Lerma, Health Services Director, presented the item. Adoption of the item would adopt the new State law verbatim, in regards to dogs in food establishments.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

31. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing Members to various Boards and Commissions per the City Charter. [ASSIGNED RESOLUTION NO. 204-2019]

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

Councilmember McAlister moved to (re)appoint the following.

Board	Term End Date
<i>Citizens Advisory Board for People with Disabilities</i>	
JoAnne Fluke [Reappointment]	October 2021
Sheria Davis [Reappointment]	October 2021
Katherine Ballard [Reappointment]	October 2021

Councilmember Price seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

PUBLIC COMMENTS

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

- David Swart – reminded everyone to wear red on Friday to support the military. Then spoke about the street lights in the downtown area. Stated that some of the ones he has brought up at previous Council meetings have been fixed, but several that AEP takes care of haven't been. Also stated Rolling Green Drive still needs street lights.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 6:40 p.m.



Shawna Atkinson
City Secretary



Anthony Williams
Mayor

Minutes approved on: October 3, 2019

