

CITY COUNCIL MEETING
February 27, 2020 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 February 27, 2020, 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 Section:

- 20. A. 551.071 (Consultation with Attorney)
 - 1. Chad Carter v. City of Abilene
- 20.D. 551.074 (Personnel Matters)
 - 1. City Council Appointees – City Manager
- 20. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project

The Executive Session ended at 5:07 p.m. and 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 Jack Rentz delivered the invocation.

Troop TX1016 of the American Heritage Girls led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

CONSENT AGENDA

The Consent Agenda consisted of items 3-15. Items 7 and 15 were pulled for individual consideration. Items pulled for individual consideration were as follows:

- Mayor Pro-tem Hurt – Item #7
- Deputy Mayor Pro-tem Albus – Item #15

Councilmember McAlister moved to approve the Consent Agenda, now consisting of items 3-6 and 8-14. 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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular meeting held on February 13, 2020.
4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Airport Terminal Lease Agreement with U.S. General Services Administration
[ASSIGNED RESOLUTION NO. 34-2020]

5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Purchase of Two Tandem Axle Dump Trucks from Lonestar Truck Group
[ASSIGNED RESOLUTION NO. 35-2020]
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding purchase of three Batwing Mowing Attachments from Landmark Equipment
[ASSIGNED RESOLUTION NO. 36-2020]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding bid to Starks Construction Company Inc. for North 5th/6th & Cypress Water & Sewer Relocations Project
[ASSIGNED RESOLUTION NO. 38-2020]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Public Improvements adjacent to the new Downtown Conference Hotel and the Abilene Convention Center
[ASSIGNED RESOLUTION NO. 39-2020]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution of Intent to establish a City of Abilene property Assessed Clean Energy (PACE) Program
[ASSIGNED RESOLUTION NO. 40-2020]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Supporting a Housing Tax Credit Application for Heritage at Abilene and Commitment of Development Incentives
[ASSIGNED RESOLUTION NO. 41-2020]
12. Z-2020-04: Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Bryan Pope to Rezone property from Heavy Commercial (HC) to Heavy Industrial (HI) District Located at 1401 Cherry Street on Southeast Corner of Dimmitt and Cherry Streets
13. Z-2020-05: Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from KPLB LLC, Agent Jacob & Martin Engineering, to Rezone Property from Residential Medium-Density (MD) to Residential Single-Family Patio Home (PH) District Located at 1826 Colony Hill Road Approximately 500 to 800 Feet East from its Intersection with Maple Street
14. TC-2020-02: Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Homer Hillis, agent Riley Griffith of Enprotec/Hibbs & Todd, to abandon an unimproved west margin (0.0469 acre) of right-of-way available for Lytle Acres Drive and adjacent to vacant building site at 1208 Lytle Acres Drive occupying Block D of Lytle Lake Gardens

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

7. Resolution: Receive a Report, Hold a Discussion and public Hearing, and Take Action to designate Dr. Annie Drachenberg as Medical Director/Health Authority for Abilene-Taylor County Public Health District and Authorizing the City Manager to enter into a Professional Services Contract

The item was pulled by Mayor Pro-tem Hurt.

Having pulled the item, Mayor Pro-tem Hurt stated that there is a 12 hour minimum in the contract and asked if there was a maximum.

Annette Lerma, Director of the Abilene Taylor County Public Health District clarified that staff had verbal agreements between 12 and 15 hours, so they chose the minimum of 12. There will be no compensation if they go over these hours.

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

Mayor Pro-tem Hurt 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

15. OAM-2019-03: Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on proposed amendments to Land Development Code for the City of Abilene, removing the entire text of existing Section 2.4.4.2 in Chapter 2 (Zoning Regulations) and which specifically concerns carports and patio covers, replacing the existing text with a new Section 2.4.4.2 regulating the size, height, placement and architectural character of certain carports and patio covers; adopting new definitions of both "carport" and "patio cover" as those terms appear in Section 5.1.1.4 (34), Chapter 5 (Definitions); and deleting Paragraph 12 of Section 1.4.4.1(d), Chapter 1 (General Provisions) regarding allowing Special Exceptions for carports.

The item was pulled by Deputy Mayor Pro-tem Albus.

Having pulled the item, Deputy Mayor Pro-tem Albus questioned what would happen if the carport was not in compliance and how staff would handle it.

Brad Stone, Planner, presented the item and clarified that it would be treated as a violation of zoning regulations and building code. Mr. Stone stated that staff would ask the violator to seek approval of a permit and if it is not in compliance with the zoning, they will be asked to seek approval of a variance from the Board of Adjustments. If none of this happens and they refuse to comply, the City will seek legal action.

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

Deputy Mayor Pro-tem Albus 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

REGULAR AGENDA

16. Discussion: Receive a Report, Hold a Discussion and Public Hearing, and Provide Direction on the Design of a New Animal Shelter

City Manager Robert Hanna introduced Tim Rice McClarty, Architect, who presented the item. Mr. McClarty presented his findings on the condition of the current animal shelter, and the design he has prepared for the new animal adoption facility.

There was discussion among Council, Staff and Mr. McClarty regarding where the facility will be placed, the committee that was developed to look into the project, the “pod system” design for the new facility, and the proposed budget of the shelter with options on paying for it.

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

- David Swart – stated the new building reminds him of Frontier Texas and how beautiful it is. Mr. Swartz stated this is the first step in the right direction and thinks we need to look at grants to help cover cost.
- Robert Sudberry – stated that this is a dream come true and this has been needed for over 20 years. The current building is crumbling and now is the time. Mr. Sudberry believes we should take the same path that the Zoo took to help get some of their renovations done.
- Shelby Lawrence- stated the current facility gets very crowded. Having a facility with a meet and greet area will increase adoptions and open up a lot of education for the community to educate them on animals.
- John Conner Carl- stated he is for this item and that it is a good idea. He likes the proposed modular idea so they can add more room if they need. He thinks the current facility is not very good.
- Darla Bonner- stated that animals need to be spayed and neutered before they are adopted out. Gave examples of how many animals are born in the current facility and that something needs to be done about it.

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

Council directed Staff to look into different opportunities for funding, and to further the discussion at the City Council Retreat on 3/6.

This item was for discussion only. No votes or action were taken at this time.

17. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB-2033 to Bontke Brothers Construction for the Street Resurfacing Project of Work Zone S15 [ASSIGNED RESOLUTION NO. 42-2020]

Greg McCaffery Director of Public Works, presented the item. Adoption of the item would award the bid to Bontke Brothers Construction for the Street Resurfacing Project of Work Zone S15.

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

- Drew Spencer- stated he is paying \$7.00 on his water bill for the Street Maintenance Fund and Wylie ISD is fixing pot holes on City streets and is curious as to why that is happening.

Robert Hanna, City Manager stated he is not aware of Wylie ISD fixing pot holes.

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

Councilmember Price 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

18. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB-2032 to Bontke Brothers Construction for Street Improvements for North 6th Street and Leggett Drive.

[ASSIGNED RESOLUTION NO. 43-2020]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would award the bid to Bontke Brothers Construction for Street Improvements for North 6th Street and Leggett Drive.

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

Mayor Pro-tem Hurt 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

19. Ordinance Final Reading: Receive a Report, Hold a Discussion and Public Hearing and Take Action on Amending Chapter 3 "Subdivision Regulation," Article II, "Subdivision Standards," Division I, "Adequate Public Facilities," Section 3.2.1.1, "General Policy," of the Abilene Land Development Code, by amending sections to change initial planning and installation responsibilities of street lights in new developments from the City of Abilene to developers.

[ASSIGNED ORDINANCE NO. 07-2020]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would allow for provisions within the City Code for the installation of street lighting within new subdivisions and resubdivisions, with a shared cost and responsibility between the City and the developers for the subdivisions.

City Manager Hanna clarified that there is also an appeals process that has been added to the ordinance.

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

- David Swart- stated that the previous reading of the ordinance alluded that the developer would pay the whole cost, but now the City will be paying for the pole and fixtures, which the City will have to budget for. Mr. Swart stated that we need to look at energy efficient lighting especially in the new subdivisions.

With no other 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

21. 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. 44-2020]
Mayor Williams opened the public hearing, and with no speakers coming forward, the public hearing was closed.

Councilmember Craver moved to (re)appoint the following:

Board	Term End Date
<i>Abilene Housing Authority</i> Roberta Thompson [Reappointment]	November 2021
<i>Airport Development Board</i> Kirk Thaxton [Reappointment]	November 2022
Jordan Hibbs [Reappointment]	November 2022
Darrin Black [New]	November 2021 (unexpired term)

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 – thanked the Library for the AARP tax help. He stated it is wonderful and encouraged everyone to take advantage of it. Mr. Swart stated that San Angelo will have a system tornado drill next Thursday and then encouraged everyone to invest in a NOAA weather radio, and to attend a weather school at ACU over the weekend.
- Drew Spencer- stated for five days there was sodium hydroxide that was left on City property and exposed the public. Mr. Spencer asked what the City has done to fix the issue. Mr. Spencer also stated the City needs to stop the unconstitutional restraint of journalists in current affairs in the City.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 7:16 p.m.


Shawna Atkinson
City Secretary


Anthony Williams
Mayor

Minutes approved on: March 12, 2020

