

CITY COUNCIL MEETING
March 12, 2020 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 the March 12, 2020, at 8:30 a.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.

Councilmember Kyle McAlister delivered the invocation.

Jackson Richardson, 3rd grader at Bonham Elementary, and Sophia Richardson, 3rd grader at Bonham Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Chief Freida from the Sweetwater Police Department presented Chief Standridge and the Abilene Police Department with the Texas Law Enforcement Best Practices Recognition Program Award
- Jay Hardaway gave a brief presentation on the 2020 Census
- Mayor Williams gave a brief statement on the coronavirus outbreak

- Employee Service Awards
 - Suzanne Shahan – Solid Waste & Recycling – 20 Years
 - Danny Blankenship – Police Department – 35 Years
 - Willie Ford – Police Department – 35 Years

CONSENT AGENDA

The Consent Agenda consisted of items 4-14. Items 5 and 11 were pulled for individual consideration.

Items pulled for individual consideration were as follows:

- David Swart, citizen – Item 5
- Councilmember Rentz –Item 11

Mayor Pro-tem Hurt moved to approve the consent agenda, now consisting of items 4, 6-10 and 12-14. Deputy Mayor Pro-tem Albus 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

4. Minutes: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on February 27, 2020

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of a Leica RTC360 Laser and Scanner Kit for use in criminal investigations
[ASSIGNED RESOLUTION NO. 46-2020]

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of the Investment Policy
[ASSIGNED RESOLUTION NO. 47-2020]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Accepting the FY 2019 Comprehensive Annual Financial Report (CAFR)
[ASSIGNED RESOLUTION NO. 48-2020]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of Expenditure of Funds in Excess of the General Fund Three Month Operating Reserve
[ASSIGNED RESOLUTION NO. 49-2020]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB-2037 to Nobles Road Construction for T&P Lane Reconstruction Project
[ASSIGNED RESOLUTION NO. 50-2020]
12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB-2035 to Bontke Brothers Construction for S. Willis St. Rehabilitation Project
[ASSIGNED RESOLUTION NO. 52-2020]
13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB-2040 to Bontke Brothers Construction for Butternut Street Reconstruction Project
[ASSIGNED RESOLUTION NO. 53-2020]
14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Extended Term Street Use License with Motis Investments, LLC
[ASSIGNED RESOLUTION NO. 54-2020]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve the Purchase of Two (2) Brush-Wildland Fire Fighting Vehicles
[ASSIGNED RESOLUTION NO. 45-2020]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart questioned why the pictures show a Dodge pickup, if the trucks will be going to all stations will additional personnel be required to man them, and if the price listed is the out the door price or if upgrades will still need to be made. He also stated that he doesn't know how these trucks will fit in certain stations, as they are all full.

Deputy Fire Chief Brunett answered Mr. Swart's questions. He stated that the picture in the packet is only the best representative of the product they will receive. These vehicles aren't staffed normally, and they will be stationed at Station 1 and 3. They come completely ready to go, just a radio has to be added and programmed.

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

Councilmember Price moved to approve the item as presented. Councilmember McAlister 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

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB-2036 to Intermountain Slurry Seal, Inc. for Modified-Slurry-Seal in Work Zones S6 & S24 [ASSIGNED RESOLUTION NO. 51-2020]

This item was pulled by Councilmember Rentz.

Having pulled the item, Councilmember Rentz questioned if no one locally provides this service and if it is similar to what people see on parking lots but heavier.

Greg McCaffery, Director of Public Works clarified that it is a specialized application made primarily of sand, but a thicker seal coat than what you would see on a parking lot. This is a new method we are using, so we are only doing a small number of roads at first. Street Maintenance Funds are being used for this project and it will begin in the next few weeks.

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

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

15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Establishing the City of Abilene Property Assessed Clean Energy (PACE) Program [ASSIGNED RESOLUTION NO. 55-2020]

Cheryl Sawyers, Planning Services Manager, presented the item. Adoption of the item would establish the PACE program created by the State of Texas to foster economic development. The City will serve as a conduit of funds, without risk or exposure to the taxpayer, to private developers for facility improvements.

Council questioned where the funding would come from and what advantages the homeowner will receive? Ms. Sawyers clarified that the money comes from the non-profit agency, and that the lender is a private entity. She also clarified that this is an easier way for them to get a loan that won't come out on their balance sheet, and stays with the property if they chose to sell it at a later date.

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

- Charlene Hidinger, administrator of the Texas PACE program – thanked Council for their support and availed herself to questions.

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

Councilmember Price 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

16. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to execute a Professional Services Contract with the Texas Property Assessed Clean Energy Authority to administer the Texas Property Assessed Clean Energy Act (PACE Act), and serve as the Authorized Representative for the program

[ASSIGNED RESOLUTION NO. 56-2020]

Cheryl Sawyers, Planning Services Manager, presented the item. Adoption of the item would authorize a professional services contract with the Texas Property Assessed Clean Energy Authority to administer the Texas PACE Act in the City of Abilene.

Mayor Williams opened the public hearing. 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 (7): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz, McAlister and Craver

NAYS (0): None

17. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Issuance of City of Abilene, Texas General Obligation Refunding Bonds, Taxable Series 2020; Establishing Procedures and Delegating Authority for the Sale and Delivery of the Bonds; Providing An Effective Date; and Enacting Other Provisions Relating to the Subject
[ASSIGNED ORDINANCE NO. 08-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would allow the City to refund portions of the 2010 General Obligation Refunding, 2013 General Obligation Refunding, 2015 Certificates of Obligation and the 2015 General Obligation Refunding and Improvement Bonds under a taxable issuance.

Mr. Rains introduced George Williford, from Hilltop Securities, who provided a detailed presentation of the bonds and the numbers involved.

Mayor Williams opened the public hearing. With no other 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

18. Ordinance (Final Reading) Z-2020-04: 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 [ASSIGNED ORDINANCE NO. 09-2020]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Heavy Commercial (HC) to Heavy Industrial (HI) in order to utilize the location for processing, fabrication and storage of rebar for a wide range of construction services.

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

Councilmember McAlister 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

Mayor Williams recessed the meeting to take a short break from 9:30 to 9:35 a.m.

19. Ordinance (Final Reading) Z-2020-05: 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 [ASSIGNED ORDINANCE NO. 09-2020]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Medium-Density (MD) to Residential Single-Family Patio Home (PH) District.

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

- Clayton Farrow, with Jacob & Martin – stated that things are happening so fast in this portion of town that their original plan of duplexes didn't work out, and they would now like to do something more like townhouses with narrower lot lines.

With no other 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, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

20. Ordinance (Final Reading) TC-2020-02: 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
[ASSIGNED ORDINANCE NO. 11-2020]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would abandon the unimproved west margin (0.0469 acre) of right-of-way available for Lytle Acres Drive, adjacent to vacant building site at 1208 Lytle Acres Drive.

Mayor Williams opened the public hearing. 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

21. Ordinance (Final Reading) OAM-2019-03: 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
[ASSIGNED ORDINANCE NO. 12-2020]

Brad Stone, Planner, presented the item. Adoption of the item would make amendments to the local zoning regulations concerning carports and patio covers within the Land Development Code, Section 2.4.4.2.

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

- David Swart – stated that this ordinance is confusing to him. Questioned if the metal carports you currently see all over town will be grandfathered in or if the City will go through each neighborhood and crack-down on them. He also stated that the 12 foot limit is really high and the wood fascia board provision is confusing.
- Charles Byrn – stated that this is too much of a government overreach. Thinks that the government needs to stay out of this type of thing and if someone wants a larger vehicle like an RV, they should not have to use storage facilities to store them. He urged Council to vote no on this.

Council discussed the citizen's concerns and stated that there is already an ordinance in place for this, this just makes a more streamlined process and we are actually stepping back a little.

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

Councilmember Albus 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

PUBLIC COMMENTS

Mayor Pro tem Hurt opened the public comment period. The following addressed the city council:

- David Swart – spoke about a collision on North 3rd street three weeks ago where the person ran away from the scene. They took out a fiber line and this is the second time something like that has happened. Questioned why there isn't a STEP program for this type of situation.
- Bernadette Demboski – spoke about the Fort Phantom Hill dam road. Her original concern was for the safety of the road, but now that it has been shut down, she is concerned about the response time for emergency services to be able to get to her and her neighbors. She urged Council to do what they can to help.
- Cynthia Alvidrez – spoke about the Fort Phantom Hill dam road and her concerns about the safety of it and the delays in response time from emergency services because of it.

City Manager Hanna addressed citizen's concerns on the Fort Phantom Hill dam stating that the dam is not failing. We own the dam but TXDoT owns the road and it is their responsibility to fix it.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:13 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:

- 22. A. 551.071 (Consultation with Attorney)
 - 1. Chad Carter v. City of Abilene, Cause # 10138-D
 - 2. Tracy Kennedy & Richard Kennedy v. Katie Snell, Richard Perez, Thomas Bryant, Jon Doe 1&2; Case No 1:18-cv-162
 - 3. Sanctuary City for the Unborn
- 22.D. 551.076 (Deliberations about Security Devices)
 - 1. Cornoavirus Risk
- 22. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Development Project
 - 2. Economic Development Incentives for a Proposed Residential Subdivision off Buffalo Gap and North FM 707
 - 3. Agenda Item #23 – DCOA Project Gateway
 - 4. Agenda Item #24 – DCOA Project Threshold

The Executive Session ended at 11:24 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

23. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Development Corporation of Abilene, Inc.'s Incentive Package Agreement with Project Gateway [ASSIGNED RESOLUTION NO. 57-2020]**

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 10:13 a.m. and ended at 11:24 a.m. No votes or actions were taken at that time.

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented the item. Adoption of the item would approve an incentive package agreement with Chike Nutrition.

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

- David Swart – questioned if this will be at the old US Brass location. Stated he was glad to see that building was being repurposed.

With no other 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, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz, McAlister and Craver
NAYS (0): None

24. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Development Corporation of Abilene, Inc.'s Incentive Package Agreement with Project Threshold [ASSIGNED RESOLUTION NO. 58-2020]**

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 10:13 a.m. and ended at 11:24 a.m. No votes or actions were taken at that time.

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented the item. Adoption of the item would approve an incentive package agreement with Bavarian Polymers.

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

Councilmember Price 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

25. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Possible Action on Approving a Settlement Agreement in Cause No. 10138-D, Chad Carter v. City of Abilene, Taylor County, Texas [ASSIGNED RESOLUTION 59-2020]

Earlier in the meeting, under Section 551.71 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 10:13 a.m. and ended at 11:24 a.m. No votes or actions were taken at that time.

Stanley Smith, City Attorney, presented the item. Adoption of the item would approve a settlement agreement in Cause No 10138-D, Chad Carter v. the City of Abilene, Taylor County, Texas, as discussed in Executive Session.

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

Councilmember McAlister 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

26. 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. 60-2020]

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

Mayor Williams moved to (re)appoint the following:

Board	Term End Date
<i>Airport Development Board</i>	
Larry Gill [Reappointment]	November 2022
<i>Citizens Advisory Board for People with Disabilities</i>	
Jaime Thomas [New]	October 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

ADJOURNMENT

There being no further business, the meeting adjourned at 11:44 a.m.



 Shawna Atkinson
 City Secretary



 Anthony Williams
 Mayor

Minutes approved on: 3/26/2020

