

CITY COUNCIL MEETING
April 9, 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 April 9, 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 Jack Rentz delivered the invocation and led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

This meeting was broadcast over a teleconference to allow the public to call in via telephone, since the meeting and City Hall were closed to the public during the current disaster situation.

CONSENT AGENDA

The Consent Agenda consisted of items 2-7. Items 4, 5 and 6 were pulled for individual consideration.

Items pulled for individual consideration were as follows:

- Councilmember McAlister – Item 4
- David Swart, citizen – Items 5 and 6

Councilmember Rentz moved to approve the consent agenda, now consisting of items 2-3 and 7. 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

2. Minutes: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Special Meeting Held on March 23, 2020, the Regular Meeting Held on March 26, 2020, and the Special Meeting Held on March 30, 2020.
3. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Purchase of One Vacuum Truck from Lonestar Truck Group through BuyBoard Contract 601-19.
[ASSIGNED RESOLUTION NO. 68-2020]
7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Construction Contract to Lydick Hooks Roofing for the Environmental Laboratory Roof Replacement & Miscellaneous Work
[ASSIGNED RESOLUTION NO. 72-2020]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

4. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Service Contract with Black Plumbing, Inc. for Plumbing Services
[ASSIGNED RESOLUTION NO. 69-2020]

Mayor Williams had a conflict on the item and abstained from voting. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office. Mayor Pro-tem Hurt presided for this item only.

The item was pulled by Councilmember McAlister.

Having pulled the item, Councilmember McAlister questioned if any other bids were received.

City Manager Robert Hanna answered Councilmember McAlister's question. He stated that three bids were received and the other two vendors can be used if Black Plumbing is unavailable.

Mayor Pro-tem Hurt opened the public hearing. 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 (6): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz, McAlister and Craver

NAYS (0): None

ABSTAINED (1): Mayor Williams

5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB-2043 to Bontke Brothers Construction for John Knox and Village Drive Reconstruction Project
[ASSIGNED RESOLUTION NO. 70-2020]

This item was pulled by David Swart, citizen.

Having pulled the item, David Swart questioned if the funding level for street projects will be maintained or lowered with the current situation we are in.

City Manager Robert Hanna clarified that we have not touched the Street Maintenance funds yet because they restricted funds. The Development Corporation of Abilene funds haven't been decreased either. Future projects may be effected, but not this one.

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

Councilmember Price moved to approve the item as presented. Deputy Mayor Pro-tem Albus 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

6. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Construction Contract to Barr Roofing Company for the National Guard Armory Roof Replacement & Miscellaneous Work**
[ASSIGNED RESOLUTION NO. 71-2020]

This item was pulled by David Swart, citizen.

Having pulled the item, David Swart questioned why the City is replacing a roof on a National Guard building, and asked if this building was leased by the city. He also questioned if the funding for the project is coming from the lawsuit from the 2014 hailstorm.

City Manager Robert Hanna clarified that the building was given to the City by the National Guard and houses many City departments. He also stated he insurance proceeds from the 2014 hailstorm are going to fund this project.

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

Mayor Pro-tem Hurt moved to approve the item as presented. Councilmember Craver 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

8. **Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the City of Abilene to abandon public right-of way within an 80' wide segment of Cedar Street extending 300' between the north line of right-of-way for North 5th Street and the south line of right-of-way for North 6th Street; and a request to abandon public right-of-way within a 20' wide alley extending 300' between the north line of right-of-way for North 5th Street and the south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets**
[ASSIGNED ORDINANCE NO. 14-2020]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would abandon the above referenced public right-of-ways associated with the downtown hotel project.

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

Councilmember McAlister 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

9. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Jeff Prince Operating, L.P., to abandon public right-of-way within an unimproved 60' wide segment of South 23rd Street extending approximately 500 feet between the east line of right-of-way for South Treadaway Boulevard and the west line of right-of-way for the Abilene & Southern Railway [ASSIGNED ORDINANCE NO. 15-2020]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would abandon the above referenced right-of-ways. He also clarified that there are no utilities present.

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

- Jeff Prince, applicant - stated he wanted to be present to state his case. Also stated that there was a problem on the plats and he had to spend money on correcting, that this will clean things up in the area and will not negatively affect the neighbors.

With no other 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

PUBLIC COMMENTS

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

- David Swart – spoke about the health crisis we are in and stated that a while ago the city had furlough days and questioned if it might happen again. Mr. Swart stated Good Friday is tomorrow and encourages everyone to stay positive.

Robert Hanna, City Manager addressed Mr. Swart's concerns about furloughs. He stated that he does not anticipate furloughing employees, but that non-essential employees have already been sent home. These employees are using leave balances and administrative leave to continue to receive pay.

- Michelle Taylor – wanted clarification on why private doctors are refusing to test patients. She stated she had a fever and a cough and they would not test her for COVID-19. Ms. Taylor also stated her husband works at a car lot where they cannot practice social distancing well, and asked when we will go into a full shelter in place.

Mayor Williams gave Ms. Taylor the phone number for Hendrick Health Screenings and stated he could not speak on behalf of private doctors.

Robert Hanna, City Manager stated that Abilene is doing a good job of flattening the curve and the current order seems to be working at this time. He encouraged Ms. Taylor to go to the Governor of Texas's website to get information on the list of essential businesses.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:50 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:

- 10. A. 551.071 (Consultation with Attorney)
 - 1. Chad Carter v. City of Abilene, Cause # 10138-D
 - 2. Sanctuary City for the Unborn
 - 3. DCOA Grant Fund
 - 5. Agenda Item #15 – DCOA Bylaw Changes
 - 6. Agenda Item #16 – Postponement of May 2, 2020 General Election
- 10.B 551.072 (Deliberations about Real Property)
 - 1. Clyde Water
- 10.D. 551.074 (Personnel Matters)
 - 1. City Council Appointees – City Manager
- 10. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Development Project
 - 2. Agenda Item #12 – DCOA Project ISO
 - 3. Agenda Item #13 – DCOA Project Windmill
 - 4. Agenda Item #14 – Pass Through Funding for United Way

The Executive Session ended at 10:50 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 11. 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. 73-2020]

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>Development Corporation of Abilene</i>	
Floyd Miller [New]	November 2022 (unexpired term)
<i>Mayor's Downtown Task Force</i>	
Cameron Wiley [New]	
Nichole Reno [New]	
<i>West Central Texas Municipal Water District Board</i>	
Joe Canon [Reappointment]	May 2022
Sam Chase [Reappointment]	May 2022

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

12. **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 ISO**
[ASSIGNED RESOLUTION NO. 74-2020]

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 9:09 a.m. and ended at 10:50 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 Hartmans.

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

Councilmember Rentz moved to approve the item as presented. Deputy 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

13. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Possible Action on Approving the Development Corporation of Abilene, Inc.'s Incentive Package Agreement with Project Windmill**
[ASSIGNED RESOLUTION 75-2020]

Councilmember McAlister had a conflict on the item and abstained from voting. A Conflicts of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

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 9:09 a.m. and ended at 10:50 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 Abimar Foods.

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

- David Swart- questioned if with this current environment and not knowing how this virus will affect everything, if it might be a good time to take a step back and evaluate investments.

With no other speakers the public hearing was closed.

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver
NAYS (0): None
ABSTAINED (1): Councilmember McAlister

At this time Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, spoke about an upcoming project for the DCOA – a \$3 million Grant Fund for helping businesses affected by COVID-19. She stated that this will be brought before Council in the near future.

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Funding Request from United Way of Abilene for Pass Through Funding for Partner Agencies Under the City's Chapter 380 Agreement.
[ASSIGNED RESOLUTION NO. 76-2020]

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 9:09 a.m. and ended at 10:50 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a pass through funding of up to \$250,000 to the United Way of Abilene, in accordance with the Chapter 380 agreement approved at the last regular City Council meeting. These funds will be used for funding daycare for children of essential employees and helping with rental housing.

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

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

15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Amendment to the Bylaws of the Development Corporation of Abilene, Inc., Section 7.11, Expenditures of Corporation Money for Projects or Borrow Money
[TABELED]

Mayor Williams moved to table this item at this time. 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

16. Emergency Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Postponing the May 2, 2020, General Election for Mayor and City Council Place 3 & 4
[ASSIGNED RESOLUTION NO. 78-2020]

Earlier in the meeting, under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:09 a.m. and ended at 10:50 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of the item would postpone the May 2, 2020, General Election until November 3, 2020, or an earlier date, if possible.

Council questioned if a date earlier than November is possible. City Attorney Stanley Smith clarified that November is the only option at this time, but it is possible to appeal to a District Court Judge in conjunction with other agencies in the area, and ask to be able to move it to a different date. It was proposed that July 14th, would be the best date to ask for, as the Governor of Texas has already moved the Primary Runoff Election to that date, so there wouldn't be an additional burden. Council is in agreement on this and asked City Attorney Smith to start that process.

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

- David Swart- stated that the City has done good research with the Secretary of State on this. Also stated that the July date would be a better alternative, but we don't know how much longer this pandemic will last.

With no other speakers the public hearing was closed.

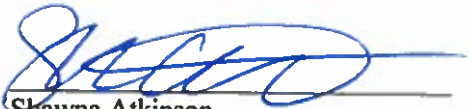
Mayor Pro-tem Hurt moved to approve the item as presented. Councilmember Price seconded the motion; motion carried.

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

NAYS (0): None

ADJOURNMENT

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



Shawna Atkinson
City Secretary



Anthony Williams
Mayor

Minutes approved on: April 23, 2020

