CITY COUNCIL MEETING
December 5, 2019 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 5th day of December, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Weldom 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.

Chelsea Soto, 5th grader, and Chloe Soto, 3rd grader, from Ortiz Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Employee Service Awards
  - David Williams - 35 Years - Fire Department
  - James Campbell - 20 Years - Fire Department
  - Scott Douglas - 20 Years - Fire Department
  - Hondo Henderson - 20 Years - Fire Department
  - Michael Pence - 20 Years - Fire Department

CONSENT AGENDA

The Consent Agenda consisted of items 4-17. Items 5 and 9 were pulled for individual consideration.

Items pulled for individual consideration were as follows:

- David Swart, citizen – Items 5 and 9

Councilmember Rentz moved to approve the consent agenda, now consisting of items 4, 6-8, and 10-17. 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

4. Minutes: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on November 21st, 2019

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Purchasing (10) VISTA HD Cameras with 3-year no-fault warranties, as well as VISTA transfer station for docking/uploading. Purchase price also includes Evidence Library 4 for the electronic evidence preservation of videos
[ASSIGNED RESOLUTION NO. 244-2019]

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing the purchase of a Records Management & Imaging System from Kofile Technologies, Inc.
[ASSIGNED RESOLUTION NO. 245-2019]

8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing a change order to the contract with Purcell Contracting, LLC for the Buck Creek Screw Pump Station Improvements
[ASSIGNED RESOLUTION NO. 246-2019]

10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on awarding a bid to Rotational Molding, Inc. for 300 Gallon Solid Waste Refuse Containers
[ASSIGNED RESOLUTION NO. 248-2019]

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on awarding a bid to Cascade Engineering, Inc. for Solid Waste 95 Gallon automated Carts
[ASSIGNED RESOLUTION NO. 249-2019]

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Fire Station #8 Roof Replacement & Miscellaneous Work
[ASSIGNED RESOLUTION NO. 250-2019]

13. Resolution: Receive a Report, Hold a Discussion and Take Action on approving the award of Stop Loss Insurance Coverage for Health Plan Year 2020 to HCC Life Insurance Company
[ASSIGNED RESOLUTION NO. 251-2019]

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Bid to Bontke Brothers Construction Company for Minter Park Additions & Alterations Project
[ASSIGNED RESOLUTION NO. 252-2019]

15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Bid to Aqua Reign. Inc. for the Purchase and Installation of a Water Curtain in Minter Park
[ASSIGNED RESOLUTION NO. 253-2019]

16. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Purchase and Installation Contract with Buffalo Gap Instrumentation & Electrical Co. Inc. for Adventure Cove
[ASSIGNED RESOLUTION NO. 254-2019]

17. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving an Ordinance establishing the 2020 Standards of Care and setting a public hearing for December 19, 2019

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a report, Hold a Discussion and Public Hearing, and Take Action on the Purchase of Extended Warranties for Police and Marshal Vehicle Camera Systems and Body-worn Camera Systems
[ASSIGNED RESOLUTION NO. 243-2019]

The item was pulled by David Swart, citizen.

Having pulled the item, Mr. Swart stated that extended warranties are not a good idea. He believes if you purchase a warranty it should be done on the date of purchase, not after. He thinks the police department should put money away in an interest account and use that money to buy new cameras when needed, as the technology will probably be outdated in a few years anyway.

Mr. Swart's comments were addressed by Chief Stan Standridge, Chief of Police. Chief Standridge advised the dash cams are 6 years old and they should have been replaced after 5. He advised the body cams break frequently and this will provide for replacements. He advised this purchase is being made from seized dollars from narcotics investigations.

With no other speakers coming forward, the public comment period 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. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a lease/purchase contract with Stryker Medical for (11) Physio-Control LifePak 15 cardiac monitors, (6) 4G ATT modems, (3) LUCAS chest compression systems, and service contracts for the duration of the lease/purchase
[ASSIGNED RESOLUTION NO. 247-2019]

The item was pulled by David Swart, citizen.

Having pulled the item, Mr. Swart expressed his concern that the fire department is buying outdated technology. He believes they should wait and purchase 5G technology instead of 4G.

Fire Chief Cande Flores advised that this is the latest modem available to them. He advised 4G in our area is spotty, and that these devices will last us about 4-5 years.

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

Councilmember Craver 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

REGULAR AGENDA

18. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing a Professional Services Contract with Jacob and Martin, LLC for the Second Pressure Plane Water Supply Line-Phase I
[ASSIGNED RESOLUTION NO. 255-2019]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would approve a professional services contract with Jacob and Martin, LLC, for the Second Pressure Plane Water Supply Line-Phase I, in the amount not to exceed $425,000.

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. 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

19. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding the Central Business District (CBD) Concrete Project to Epic Construction Co., Inc
[ASSIGNED RESOLUTION NO. 256-2019]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would award the bid for the project of concrete pavement repair in the City of Abilene's Central Business District to Epic Construction Co., Inc., for the amount of $3,482,800.

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

- David Swart – thinks that the City should not spend money on Cedar Street repairs if they are going to turn it into a parking lot for the downtown hotel. He gave an example of the autobahn in Germany and how they don't patch potholes but replace whole sections of pavement. He questioned the savings that were brought up by the Street Maintenance Advisory Board and where that money would be going to.

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): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 3, "Subdivision Regulations," 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. 69-2019]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would improve efficiency for subdivision development by reallocating the expense of new street lights to the developers, which will save taxpayers approximately $50,000 to $100,000 annually.

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

- David Swart – stated that this is a good thing to make the developers pay for the lights. He urged Council to consider adding "energy efficient" lighting to the ordinance and spoke about the lack of street lights on Rolling Green Drive.

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

Councilmember Price asked to have language added to the ordinance to add a process for exemptions.

Councilmember Price moved to table the item until the next meeting. 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

21. Ordinance (Final Reading) CUP-2019-09: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Hudman Investment Group, agent Phillip Hill, for Conditional Use Permit to allow contractor services in General Commercial (GC) zoning district and located specifically at 118 North Pioneer Drive.
[ASSIGNED ORDINANCE NO. 70-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would allow for contractor services within General Commercial (GC) zoning on the above referenced property.

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

- Phillip Gil, agent - advised that this will allow Diamondback to increase their employment, which is expected to double in the next few years.

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

22. Ordinance (Final Reading) CUP-2019-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Reynaldo and Ixel Smith, for Conditional Use Permit to allow a home-based daycare for more than six children (other than caregivers' own children) in Agricultural Open Space (AO) zoning district and located specifically at 6605 Maple Street.
[ASSIGNED ORDINANCE NO. 71-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would grant a Conditional Use Permit to allow a home-based daycare for more than six children (other than caregiver's own children) in Agriculture Open Space (AO) zoning on the above referenced property.

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

23. Ordinance (Final Reading) Z-2019-27: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Sam Daggubati, agent Lauren Montgomery, to amend the existing Planned Development District Number 116, specifically by amending the graphic site plan (Exhibit B) guiding development on western 6.207 acres of this district including former Anson Jones Elementary School at 2002 Jameson Street.
[ASSIGNED ORDINANCE NO. 72-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would amend Planned Development 116 to allow the above referenced property to be utilized with fuel sales/convenience groceries.

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

- David Swart - advised this is a great opportunity for the north-west part of Abilene and putting the old school to use. He commented on how the store will generate a lot of sales tax, which will mean more money for our streets.
- Mike Telcott, QT representative - advised they are incorporating a masonry wall and trees, and that it will probably be quieter for the neighbors than it is now, and that headlights won't be an issue. He advised there was originally two driveways and they got rid of one. He also advised they shifted the canopy and store to the north so trucks can go straight through.

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; 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. Ordinance (Final Reading) Z-2019-28: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Stan Chapman, Ron Fogle, Bobby Bright, Carol Purser and Mesquite Gate Properties to rezone property from Light Industrial (LI) with Historic (H) Overlay, to Central Business (CB) with Historic (H) Overlay located at 802, 818, 826, 834 and 842 North 3rd Street as well as at 324 Mesquite Street
[ASSIGNED ORDINANCE NO. 73-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced properties from Light Industrial (LI) and Light Industrial Historical (LI/H) to Central Business (CB) and Central Business/Historical (CB/H).

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

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

25. Ordinance (Final Reading) Z-2019-29: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Three JB Properties to rezone property from a Heavy Industrial (HI) District to a Planned Development (PD) District allowing industrial use but with no site-related or boundary street improvements required by terms of Chapter 3 (Subdivision) in Abilene's Land Development Code, on properties at 749 China Street, 750 Rose Street and 397 South 8th Street
[ASSIGNED ORDINANCE NO. 74-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone 8.69 acres of land from its present HI zoning classification to a Planned Development District on the above referenced properties.

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

- John Hill, represents applicant - advised that their plan is to move out of the SoDA district to this 9 acre parcel, as their current building is very sought after. They will close the two rail crossings on Treadaway Blvd. He advised that changing the zoning would allow the parcel to have a better use.

With no other 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

26. Ordinance (Final Reading) TC-2019-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from, Lone Star Railroad Inc./Jeff Basket, agent John Hill, to abandon all of the 20' wide alley right-of-way (ROW) running north-south beginning at S. 8th Street, and heading north 531' terminating at the ROW of S. 7th Street. Additionally, request to abandon a portion of S. 8th Street, beginning at the easternmost extent of China Street ROW and heading east 300' to the westernmost extent of Southern Switching Railroad ROW, Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 75-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would abandon 531' of an existing 20' wide alley on the above referenced property.

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

- David Todd, represents opponent – stated he has read the comments to abandon or relocate the utilities and to make the fire lane improvements, and is okay with this.

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

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

PUBLIC COMMENTS

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

- David Swart – spoke about street lights and the need to have energy efficient lights. Spoke about the ease of changing the light heads. Urged Council to consider adding energy efficient lighting to the street light ordinance, and then reminded Council about Pearl Harbor Day on Saturday.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:15 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 Section:

26. A. 551.071 (Consultation with Attorney)
    2. Chad Carter v. City of Abilene
    13. State of Texas v. the Unknown Heirs of B.E. Caffey, Senior, et. al
26. B. 551.072 (Deliberations about Real Property)
    1. Clyde Water
    2. Use of Eminent Domain for Cedar Creek Waterway
26.D. 551.074 (Personnel Matters)
    1. City Council Appointees
26. F. 551.087 (Business Prospect/Economic Development)
    1. Abilene Convention Center Hotel Project

Item #20 – Street Light Ordinance
Item #29 – Agreement with Abilene Improvement Corporation

The Executive Session ended at 10:43 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

28. 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. 257-2019]

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
Board of Adjustment	
Roger Huber [Reappointment]	November 2021
Morton Langholtz [Reappointment]	November 2021
Jon Loudermilk [Reappointment] [Alternate]	November 2021
Civil Service Commission	
Jessica Haile [New]	November 2022
Child Advocacy Center Board	
Dee Moore [Reappointment]	December 2022
Development Corporation of Abilene	
Shae Hall [New]	November 2022
Keep Abilene Beautiful, Inc	
Brylee Ellison [New]	September 2022
Reagan Van Coutren [New]	September 2022
Laurie Miller-Ooi [New]	September 2022
Alexandra Richardson [New]	September 2021 (unexpired term)
Planning & Zoning Commission	
Mitch Barnett [new]	November 2021 (Unexpired Term)
Brad Benham [New]	November 2022
Bill Noonan [Reappointment]	November 2022
Alex Russell [New]	November 2022

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. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Economic Development Agreement with the Abilene Improvement Corporation
[ASSIGNED RESOLUTION NO. 258-2019]

Earlier in the meeting, under Section 551.072 (Deliberations about Real Property) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 10:15 a.m. and ended at 10:43 a.m. No votes or actions were taken at that time.

City Manager Robert Hanna presented the item. Adoption of the item would approve an economic development agreement with the Abilene Improvement Corporation for the demolition of the old Civic Plaza Hotel

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

- David Swart – stated this is a good thing, and thinks the lot would be a good space for covered parking that the City could charge citizens for, that would then pay for itself over time. He also thinks it would be a great place for a restaurant.

Councilmember McAlister 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

ADJOURNMENT

There being no further business, the meeting adjourned at 10:49 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: December 19, 2019