CITY COUNCIL MEETING
June 11, 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 June 11, 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, and City Secretary Shawna Atkinson.

Councilmember Travis Craver delivered the invocation and 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 2-8. Item 3 was pulled for individual consideration.

Items pulled for individual consideration were as follows:

- David Swart, citizen – Item 3
- David Swart, citizen – Item 4
- David Swart, citizen – Item 7
- Pulled prior to meeting to allow public hearing – Item 8

Councilmember Rentz moved to approve the consent agenda, now consisting of items 2, 5 & 6. 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

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on May 28, 2020, and the Special Meeting Held on June 1, 2020

5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Purchase of Ammunition from Precision Delta for the Police Department and Marshals Division
[ASSIGNED RESOLUTION NO. 106-2020]

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on awarding the bid to Starks Construction Company Inc. for the South 14th Water Line Improvements Project
[ASSIGNED RESOLUTION NO. 107-2020]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

3. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2057 to Bontke Brothers Construction for Sayles Blvd Pavement Rehabilitation
[ASSIGNED RESOLUTION NO. 104-2020]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart praised staff and the Street Maintenance Board for identifying funds for this major project.

With no 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

4. Resolution: Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2058 to Epic Construction for South 23rd Street and Barrow Street Reconstruction **[ASSIGNED RESOLUTION NO. 105-2020]**

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated how much this road needs the reconstruction and his appreciation for the Public Works Director on getting this done.

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

Councilmember Craver 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

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action Authorizing the City Manager to enter into an agreement with Texas Department of Transportation for the Bridge Replacement on N. 18th Street at Catclaw Creek **[ASSIGNED RESOLUTION NO. 108-2020]**

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated that he is happy that the City will only have to put up 10% for this project and that the rest of the money is coming from the $10 license plate fee. He is glad that this money is going towards a good use. He questioned if this project would take until 2024 to begin.

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

Greg McCaffery, Director of Public Works, addressed Mr. Swart's concerns and let him know that they are looking at 2024, but if they get the project in the system soon enough and there are others that can't start, it could be as early as 2022.

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

8. Presentation: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving the FY 2020/2021 Action Plan and proposed use of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds

The item was pulled by staff in order to allow for the required public hearing.

Zack Rainbow, Assistant Director of Planning & Development Services, presented the item. This presentation is for a consolidated plan that strategically addresses the City's goals and objectives for housing and community development over the course of a five-year period. The City of Abilene is also required to submit a one-year action plan outlining specific uses of Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funds planned for the coming fiscal year. This is the first public hearing of the reports and it will be brought back to Council in July for a final vote.

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

- Cynthia Alvidrez – is against the item. Stated her concerns on the current projects CDBG funds are used for and requests reallocation of funds to other projects, like low-income citizens.
- Chloe Roberts – thanks Council for their transparency. Stated she thinks there is an insufficiency on multi-family housing in Abilene and is advocating for a resident housing committee.

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

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

REGULAR AGENDA

9. Presentation: Receive a Presentation, Hold a Discussion and Public Hearing on the concept of a Public Improvement District

Michael Rice, Assistant City Manager, introduced Robert Rivera and Tripp Davenport from FMS Bonds, who are Public Improvement District (PID) underwriters in Texas. They provided the presentation on what PIDs are, how they can be used, what they can finance and any foreseeable issues that may arise from them. Mr. Davenport and Mr. Rivera answered various questions from Staff and Council on PIDs.

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

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

10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adding Additional Liability Coverage with Texas Municipal League Intergovernmental Risk Pool (TMLIRP) **[ASSIGNED RESOLUTION NO. 109-2020]**

Brenda Alexander, Director of Human Resources, presented the item. Adoption of the item would add the following liability coverages: General Liability, Law Enforcement Liability, Errors & Omissions Liability, and Cyber Liability from Texas Municipal League Intergovernmental Risk Pool. Ms. Alexander introduced

Rodney Peters from TML, who presented additional information on the liability insurance and answered Council's questions.

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

- David Swart – stated his concern on purchasing insurance that you never use. He suggested looking into some type of interest bearing account to put money into instead.

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 Williams, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz, McAlister and Craver
NAYS (1): Mayor Pro-tem Hurt

11. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Budget Ordinance No. 050-2019 to Include Updated Staffing Levels for the Fire Department **[ASSIGNED ORDINANCE NO. 22-2020]**

Cande Flores, Fire Chief, presented the item. Adoption of the item would implement a restructuring strategy that will reduce the Captain positions by one, and increase the Lieutenant positions by one. This will result in an overall staffing of twelve Fire Captains and thirty-three Lieutenants.

Mayor Williams opened the public hearing. With no 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

12. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on An Ordinance, in Accordance with Texas Local Government Code 143, Section 143.042(b) Authorizing Assignment Pay for Specialized Functions Within the Abilene Fire Department **[ASSIGNED ORDINANCE NO. 23-2020]**

Cande Flores, Fire Chief, presented the item. Adoption of the item would authorize assignment pay for the Deputy Fire Marshall position.

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

Councilmember Craver 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

13. Ordinance (Final Reading) Z-2020-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Prairie Song LLC, agent Nick Coates, to amend the terms of Planned Development (PD) District Number 144 by expanding its original 14.166 acres to include 0.5 acre of additional now-vacant land at 2660 Garfield Avenue, by changing allowed uses to include all those permissible within Residential Medium-Density (MD) zoning districts and by requiring all access to future development of this property to be from Garfield Avenue; Legal description being 12.004 acres out of T&P Railway Co. Section 84 (and located at least 140 feet north of Garfield Avenue) as well as Lots 4-5 in Block 10 and all of Block 11 in the Hillcrest Addition (on north side of 2600 block of Garfield Avenue)
[FAILED]

Mayor Williams, Councilmember Price and Councilmember McAlister had a conflict of interest on this item and abstained from voting. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office. Mayor Williams and Councilmember McAlister left the room during this discussion and Mayor Pro-tem Hurt presided.

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would amend the terms of Planned Development District Number 144.

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

- Philip Jergins – for the item
- Derrell Sloan – against the item
- James Edward Earls – against the item
- Timothy Owen – against the item
- Judd White – for the item
- Chris Brannan – for the item, but worries about the traffic this will bring.
- Linda Light – against the item
- David Swart – urges Council to find a solution for traffic.
- Clint Rosenbaum – stated this is a difficult case and worries about the traffic flow
- Edward Walker – against the item
- MaryAnn Martin – against the item
- Carmen Price – against the item
- Rostyn Calloran – for the item and asked the applicant to look at doing this in his neighborhood.
- Chris Hammond – against the item
- Nick Coates (applicant) – thanked Council for considering this item and state he appreciates the comments that have been made. He believes this is a good idea for this area as the City needs to develop more on the north side of town. Also stated that this property would bring in tax revenue that the City needs.
- Chloe Roberts – for the item. Ms. Roberts stated that the City needs to develop more housing on the north side of town.

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

Mayor Pro-tem Hurt moved to approve the item with the addition of the recommendations from Staff and adding the word "only" to part 7B between the words "shall" and "be". Deputy Mayor Pro-tem Albus seconded the motion; motion failed.

AYES (3): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmember Rentz
NAYS (1): Councilmember Craver
ABSTAIN (3): Mayor Williams, Councilmembers Price and McAlister

PUBLIC COMMENTS

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

- David Swart – stated that there are so many street lights out. He knows that SeeClickFix is a way to report it and suggests adding a direct link to AEP in that system to report the outages properly. He also stated his frustration in trying to get in touch with someone at AEP to report outages.
- Rostyn Callerman – Thanked Councilmember Price about his comments in regards to low to moderate income neighborhoods. In regards to Mr. Rainbows comments on Item #8, he is concerned that the consultants that were spoken about are not contacting the public as described. Mr. Callerman is willing to help facilitate those conversations, should staff need him to.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 11:00 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. Claim of Discrimination – Rita Monterrosa

10.B 551.072 (Deliberations about Real Property)
    1. Clyde Water
    2. T&P Freight Warehouse, 901 North 1st Street

10. F. 551.087 (Business Prospect/Economic Development)
    1. Request from Abilene Hotel Owners Group
    2. Public Improvement District for property adjacent to Boys Ranch Road
    3. 5KLM Properties – The Harvest Subdivision

The Executive Session ended at 12:15 p.m. and reconvened to Open Session. Mayor Williams left the meeting during the Executive Session. Mayor Pro-tem Hurt presided over the remainder of the meeting and reported no votes or action were taken in Executive Session.

REGULAR AGENDA

15. 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. 110-2020]

Mayor Pro-tem Hurt 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
Library Advisory Board	
Trent Dietz [New]	November 2020 [Unexpired Term]

Councilmember Price 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
ABSENT (1): Mayor Williams

16. Resolution: Receive a Report, Hold a discussion and Public Hearing, and Take Action on approval of DCOA's Chief Executive Officer to extend and/or amend the DCOA's Agreements with Prairie Dog Pet Products
[ASSIGNED RESOLUTION NO. 111-2020]

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented the item. Adoption of the item would amend and extend the agreement with Prairie Dog Pet Products that was approved in 2015.

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

- David Swart – stated when the original deal came up last year he questioned if you could even buy their product in Abilene. He couldn't find anywhere local to buy their products – just online, but he thinks the new ownership will change things for the better.
- Cynthia Alvidrez – stated that this company is ranked the lowest amongst ten competitors. She stated that the taxpayer dollars invested in the DCOA are not worth the effort, but she hopes that the numbers Misty Mayo quoted are accurate.

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

17. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving an Agreement with Project ERG-2
[ASSIGNED RESOLUTION NO. 112-2020]

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented the item. Adoption of the item would provide Economic Relief Incentives to Laureen Engineers & Constructors, Inc., to provide qualified incentives not to exceed $500,000 to support business retention and business expansion through any expenditures that are consistent with the Development Corporation Act.

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

- David Swart – questioned if this is where the $1 million "blank check" that was approved in the DCOA's budget is going. He stated now is not the time to venture into new deals as we don't know where COVID-19 is heading.

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

18. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving an Agreement with Project ERG-3
[ASSIGNED RESOLUTION NO. 113-2020]

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented the item. Adoption of the item would provide Economic Relief Incentives to Prairie Dog Pet Products to provide qualified incentives not to exceed $300,000 to support business retention and business expansion through any expenditures that are consistent with the Development Corporation Act.

Mayor Pro-tem Hurt 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 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
ABSENT (1): Mayor Williams

19. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving the FY 2020 Semi-Annual Report of Activities for the Development Corporation of Abilene
[ORAL RESOLUTION]

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented the item. Adoption of the item would approve the FY 2020 Semi-Annual Report of Activities for the Development Corporation of Abilene.

Mayor Pro-tem Hurt 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 Price 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
ABSENT (1): Mayor Williams

20. Presentation: Receive a Report and Hold a Discussion and Public Hearing on the Economic Relief Grant

Misty Mayo, Chief Executive Officer of the Development Corporation of Abilene, presented an update on the Economic Relief Grant and on the funds set aside for these relief incentives.

Mayor Pro-tem Hurt opened the public hearing. With no other speakers coming forward, the public hearing was closed.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 1:01 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: June 25, 2020