

CITY OF ABERNATHY

The City Council for the City of Abernathy met in regular session on June 12, 2017 at 7:00 P.M. in the City Hall building at 811 Avenue D. Members present were Mayor Kester-Fair, Ron Johnson, Bill Atchley, Victor Cavazos, Shawn Vandygriff, and Michael Macias. Also present were City Staff including Mike Cypert, Cameron Bowman, and Alfredo Marez III. Members of the public included Tommy and Karla Mathews, Jay Stephenson, Desiree Stach, and Joe Martinez. Mike Arismendez was present with business on the agenda.

MINUTES

- I. **Call to Order**
Mayor Kester-Fair called the meeting to order
- II. **Welcome Guests**
Mayor Kester-Fair welcomed the guests
- III. **Invocation**
Councilman Macias gave the invocation
- IV. **Review/Approval minutes of the previous meeting**
Councilman Atchley made a motion to approve the minutes. Councilman Cavazos seconded the motion. The motion passed with a vote of 5/0
- V. **Presentation/Approval of Monthly Financial Reports**
Councilman Macias made a motion to approve the Financial Reports. Councilman Atchley seconded the motion. The motion passed with a vote of 5/0
- VI. **Discussion Only Items**
 - A. **Public Hearing for Proposed Cell Tower Site - 4th Street between Avenues D & E**
 - B. **Public Hearing for Proposed Cell Tower Site - 9th Street between Avenues E & F**
A Public Hearing was conducted for both proposed tower sites listed above. Mobilitie representative Mike Arismendez described the proposed project and answered questions. At the conclusion of discussion, Mayor Kester-fair closed the Public Hearings.
 - C. **Continuation of Budget Discussion from 6-8-17 (if needed)**
City Manager Cypert reported that 3 employees have expressed interest in health insurance if the city offers a 25% cost share of dependant expenses.
- VII. **Public Comment (non-action)**
No public comments were offered.
- VIII. **Action Items For Consideration**
 - A. **Resignation of City Council Member**
Councilwoman Vandygriff offered her written resignation from the City Council effective at the end of the meeting with the statement that she had moved outside of the city on June 5. A point of order was made and the Council took a short recess to review law. Upon reconvening, the Council highlighted Texas Local Government Code sections 22.031(b) and 22.041(a). Councilwoman Vandygriff verbally amended her resignation to be effective immediately.
 1. **Approval and Acceptance of Resignation**
Councilman Macias made a motion to approve and accept the resignation of Councilwoman Vandygriff. Councilman Cavazos seconded the motion. The motion passed with a vote of 4/0
 2. **Consideration on Filling Vacancy on City Council.**
Councilman Cavazos made a motion to appoint Jay Stephenson to fill the unexpired Council vacancy. Councilman Atchley seconded the motion. The motion passed with a vote of 4/0

Mayor Kester-Fair administered an Oath of office to Councilman Stephenson and he was seated on the council bench for the remainder of the meeting.

B. Consider Proposed Cell Tower Site - 4th Street between Avenues D & E

Councilman Cavazos made a motion to approve the tower site, conditional to the offered price of \$1,500 for the first year and \$250/year thereafter with a CPI clause to be added as allowable by SB1004. Councilman Atchley seconded the motion. The motion passed with a vote of 5/0.

C. Consider Proposed Cell Tower Site - 9th Street between Avenues E & F

Councilman Atchley made a motion to approve the tower site, conditional to the offered price of \$1,500 for the first year and \$250/year thereafter with a CPI clause to be added as allowable by SB1004. Councilman Cavazos seconded the motion. The motion passed with a vote of 5/0.

D. Lubbock County Memorandum of Understanding – Allowing the use of City property for 911 radio equipment.

Councilman Johnson made a motion to enter into a Memorandum of Understanding with Lubbock County for the placement of 911 radio equipment on City property. Councilman Cavazos seconded the motion. The motion passed with a vote of 4/0/1 with Councilman Macias abstaining to avoid any possibility of conflict of interest on an issue involving his employer.

E. Consider City Hall Modification – Secretarial Window with no funds requested.

Councilman Cavazos made a motion to allow the opening of the secretarial window space with regular budget funds utilizing in-house and contracted labor. Councilman Macias seconded the motion. The motion passed with a vote of 5/0

F. Executive Session - In accordance with Texas Government Code, Section 551.074, Deliberate Personnel Matters.

The City Council entered into executive session at 8:07 P.M.

G. Reconvene Open Session - in accordance with Texas Government Code, consider any action necessary regarding matters discussed in Executive Session.

The City Council reconvened in open session at 9:27 P.M. Councilman Macias made a motion for the City Council to seek the resignation of Police Chief Bowman. This motion died due to a lack of second. Councilman Macias then made a motion for the City to issue a Letter of Reprimand to the Police Chief accompanied with 24-hours suspension without pay. This motion died due to a lack of second. Councilman Cavazos made a public statement that the Chief of Police knows his policies and officers should be allowed to work second jobs. Councilman Atchley made a public statement supporting police involvement in outreach activities, especially when it involved at-risk youth.

IX. Items Presented for Information Only

A. Police Chief – Report to Council

Police Chief Bowman made his report to Council.

B. City Manager – Report to Council

City Manager Mike Cypert made his report to council.

X. Adjournment

There being no more business, Councilman Cavazos made a motion to adjourn. Councilman Atchley seconded the motion. The vote was 5/0