

CITY COUNCIL MEETING
June 13, 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 June 13, 2019, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Kyle McAlister and Councilmembers Shane Price, Donna Albus, Weldon Hurt, Jack Rentz and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, Interim City Secretary Shawna Atkinson, and various members of the City staff.

Councilmember Donna Albus delivered the invocation.

Gia Ward, 7th Grader at Madison Middle School, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Proclamation
 - Ride to Work Day – accepted by E’Lisa Smetana and Ed McRoy with the Abilene Metropolitan Planning Organization, and Steve Hood with Kent’s Harley Davidson.
- Recognition
 - City Manager Robert Hanna recognized Isaac Donaldson, an Intern with the City of Abilene who is seeking a career in Public Administration
 - Mayor Pro-tem McAlister recognized Logan Hamilton, a local Boy Scout who is trying to get his communication badge and has to attend a City Council meeting to do so

CONSENT AGENDA

The Consent Agenda consisted of items 3-9.

Items pulled for individual consideration were as follows:

- Councilmember Price: Item 8

Councilmember Hurt moved to approve the consent agenda, now consisting of items 3-7 and 9. Mayor Pro-tem McAlister seconded the motion; motion carried.

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

NAYS (0): None

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Emergency Meeting Held on May 19, 2019, and the Regular Meeting Held on May 23, 2019
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Fire Station #5 Roof Replacement & Miscellaneous Work
[ASSIGNED RESOLUTION NO. 122-2019]
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Fire Station #6 Roof Replacement & Miscellaneous Work
[ASSIGNED RESOLUTION NO. 123-2019]

6. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding TSTC Hangar 4 Roof Replacement & Miscellaneous Work
[ASSIGNED RESOLUTION NO. 124-2019]
7. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve a Ground Lease with Texas A&M Forest Service
[ASSIGNED RESOLUTION NO. 125-2019]
9. Ordinance (First Reading): Receive a Report, Hold a Discussion & Take Action on Amending the Building and Construction Fee Schedule to comply with the requirements of HB 852; Setting a Public Hearing for June 27, 2019

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

8. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Waiver of Building and Construction Permit Fees for the May 18, 2019 Storm Related Repairs
[ASSIGNED RESOLUTION NO. 126-2019]

The item was pulled by Councilmember Price

Having pulled the item, Councilmember Price wanted clarification on whether or not citizens will still have to get a permit. City Manager Robert Hanna clarified that yes, citizens will still need to get the proper permits, but the permit fees will be waived for them.

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

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

NAYS (0): None

REGULAR AGENDA

10. Oral Resolution: Receive a Report, Hold a Discussion and Take Action on Approving July 5, 2019, as a City Holiday

City Manager Robert Hanna presented the item. Adoption of the item would add an additional City holiday of July 5, 2019, in gratitude to all City employees for their hard work during the tornado on May 18, 2019.

Council thanked employees for their hard work and agreed that this is an appropriate award, but asked for clarification on which employees will have the day off, and if it is just for this year only. City Manager Hanna clarified that it will be for all employees but the Zoo will still be open. He also clarified that it is indeed just for 2019 only.

Mayor Williams opened a public hearing on the item. The following addressed the City Council:

- David Swart – spoke in favor of the item. He thinks this is a good way to thank employees for their hard work but that the employees in the trash service area should also have the day off. He thinks they normally work on holidays and they deserve a day off as well.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
NAYS (0): None

11. **Presentation: The Development Corporation of Abilene's Fiscal Year 2019 Semi-Annual Report of Activities**

Charlie Dromgoole, Interim Chief Executive Officer, presented the item. He spoke about the following items that the Development Corporation of Abilene took part in:

- Zoltek Properties at Five Points Business Park
- FDLIC (Project Column 2)
- Street Expenditures
- Joint Land Use Study
- Eagle Aviation Services Roof Replacement
- Abilene Industrial Foundation – NEXT University and BE in Abilene
- Military Affairs Committee – the Economic impact of Dyess AFB and the new B-21 “Raider” Bomber”
- America’s Small Business Development Center at Texas Tech in Abilene
- Airport Business Management Program

The item was for presentation only.

12. **Resolution: Receive a Report, Hold a Discussion and Take Action to expand CityLink's On-Call Service Area and Expand Route 10**
[ASSIGNED RESOLUTION NO. 127-2019]

Don Green, Director of Transportation, presented the item. Adoption of the item would increase accessibility and usability of CityLink by expanding the current on-call area shuttle near the Cisco College area, and expanding Route 10 to be more convenient for Hope Haven.

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
NAYS (0): None

13. **Resolution: Receive a Report, Hold a Discussion & Take Action on Approving a Professional Services Contract with Enprotec/Hibbs & Todd, Inc. for Hamby Phase II MBR Expansion**
[ASSIGNED RESOLUTION NO. 128-2019]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would execute a contract with Enprotec/Hibbs & Todd, Inc., in the amount of \$281,000 for engineering services related to the Hamby Phase II MBR Expansion Project.

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
NAYS (0): None

14. Discussion: Receive a Report, Hold a Discussion and Take Action on potential amendments to Section 20-22, Code of Ordinances, which allows the Discharge of a Firearm within the City Limits in Limited Circumstances.

Stanley Smith, City Attorney, presented the item. This is in response to a citizen request to consider expanding the minimum acreage to 30 acres or more, and increasing the distance requirements of the current ordinance.

Mayor Williams opened a public hearing on the item. The following addressed the City Council:

- Justin Wallace – the citizen that requested the change. He spoke about the 4 ½ months out of the year for dove and duck hunting season and how there is constant gunfire around his house that he can hear inside his house. He stated he doesn't want to outright ban hunting, but would like to see the ordinance increased to 30 acres and 600 feet or more.
- David Swart – spoke about the indoor gun range and how it can be heard from across Kirby Lake. He questions if 600 feet even long enough of a distance as sound carries.
- David Todd – stated that he currently hunts inside the City limits and suggests maybe 20 acres would be a good compromise, as there are not a lot of 30+ acre lots.

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

City Manager Hanna asked Council if they would give staff direction on how to proceed with this, but there were differing opinions on the subject from each Council member. It was decided that Council would like more information, including which areas this would affect, which areas would be grandfathered in, and how other cities handle the issue before making any decisions.

The item was for discussion only.

15. Ordinance and Public Hearing (Final Reading): **Z-2019-11** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Carriage Hills Development Corporation, Clayton Farrow/Jacob and Martin, to rezone property from Agricultural Open Space (AO) to Residential Single Family (RS-6). located at 7681 Maple Street and 250 E Beltway S., east of Maple Street and south of Carriage Hills Parkway
[ASSIGNED ORDINANCE NO. 30-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone vacant property from Agricultural Open Space (AO) to Residential Single-Family (RS-6) on the above referenced property.

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

- Clayton Farrow, engineer for the development – stated he agrees with staff and seeks approval for the project.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
NAYS (0): None

16. Ordinance and Public Hearing (Final Reading): **Z-2019-12** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Shane McClung to rezone property from Light Industrial (LI)/Corridor Overlay (COR) zoning to General Commercial (GC)/Corridor Overlay (COR) zoning located at 617 Ambler Avenue
[ASSIGNED ORDINANCE NO. 31-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would change the zoning classification from Light Industrial (LI)/Corridor Overlay (COR) zoning to General Commercial (GC)/Corridor Overlay (COR) zoning on the above reference property.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
NAYS (0): None

17. Ordinance and Public Hearing (Final Reading): **Z-2019-13** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Susan Montolvo, Independent exec. of Dorthey Shaw Parker (Deceased) to rezone approximately 62.1 acres located on 6800-6900 blocks (west side) of Highway 83-84, from its existing Agricultural Open Space (AO) zoning classification to a combination of General Retail (GR), Office (O), Residential Medium-Density (MD), and Residential Multi-Family (MF) zoning districts
[ASSIGNED ORDINANCE NO. 32-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone approximately 62 acres of predominately vacant land from Agricultural Open Space (AO) to a combination of General Retail (GR), Office (O), Residential Multi-Family (MF), and Residential Medium-Density (MD) zoning districts. The original request has been modified and Council will vote on the amended request.

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

- Tal Filmingham – agent for the developer. Stated he didn't realize there was opposition in the beginning of this process, so he met with the opposing party and they came to an amended agreement that still allows his client to accomplish their goals.
- David Todd – property owner that filed the opposition. Stated that they have reached a compromise and he is now in support of the request.

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

Councilmember Craver moved to approve the amended request as presented. Councilmember Price seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
NAYS (0): None

18. Ordinance and Public Hearing (Final Reading): **Z-2019-14** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Pauline Houlihan, Ronald Poston (agent), to rezone property from Heavy Commercial (HC) zoning to Planned Development District (PDD) zoning located at 717 and 719 Butternut Street
[ASSIGNED ORDINANCE NO. 33-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would change the zoning of the single lot referenced above from its present Heavy Commercial (HC) classification, to a Planned Development (PD) zoning district to allow indoor production of plant material as well as the production of alcohol beverages.

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

- Ron Poston – owner. Stated he will be making mead at the property but not selling it there, so there won't be any foot traffic. They are primarily a mushroom manufacturer and aim to have zero impact on the neighborhood, with no waste or smell. Also stated they have significantly improved the building and area since purchase and hope to make the area safer.

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

Councilmember Price moved to approve the item with the removal of the noise ordinance portion, part 7.A.4 in the exhibit. Councilmember Hurt seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
NAYS (0): None

19. Ordinance and Public Hearing (Final Reading): **Z-2019-15** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Kevin Batton to rezone property from Residential Single-Family (RS-6) zoning to Planned Development District (PDD) zoning to allow broadcast studio located at 1909 Victoria Street
[ASSIGNED ORDINANCE NO. 34-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from RS-6 (Residential Single Family) to PD (Planned Development) zoning, to allow a podcast studio in a currently vacant church.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
NAYS (0): None

20. Ordinance and Public Hearing (Final Reading): **Z-2019-16** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Canon Light Enterprises, LLC, Karen Light (agent) to rezone property from Heavy Industrial (HI) zoning to Rural Residential (RR-1) zoning located at 210 Hardison Lane
[ASSIGNED ORDINANCE NO. 35-2019]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Heavy Industrial (HI) zoning to Rural Residential (RR-1) zoning.

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

- Karen Light – developer/owner. Aailed herself to questions from Council.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt 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 water restrictions that were established in the 1980s. He thinks that with all the rain recently that has made the lakes full and overflowing, these restrictions need to be voluntary now. He also thinks the City should be spraying for mosquitos preventatively, not just when a dangerous mosquito is found. He thanked Councilmember Albus for her remembrances of D-Day in her opening Invocation.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:09 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:

- 21.A 551.071 (Consultation with Attorney)
 2. Chad Carter v. City of Abilene
 3. Susan Lewis King & Austin King MD v. Ken Paxton, Attorney General of Texas and the City of Abilene

- 6. Brad McGary v. the City of Abilene
 - 7. Officer Patrick Sumrall and City of Abilene
 - 10. Terrell Hughes v. Abilene Police Department, et al.
 - 11. Pensco Trust FBO Faith Ann Cheek v. City of Abilene
 - 13. Emergency Services District Petition
 - 14. City of Abilene v. Patrick Sumrall
 - 15. New Texas "Walking Quorum" Law
 - 21.B 551.072 (Deliberations about Real Property)
 - 1. 302 Medical Drive
 - 21.D 551.074 (Personnel Matters)
 - 1. City Secretary
 - 21.F 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project
 - 2. Windsor Hotel
 - 3. Civic Plaza Hotel
- Action Item 22 – Sunset of the Texas State Board of Plumbing Examiners

The Executive Session ended at 10:36 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 22. Discussion: Receive a Report, Hold a Discussion and Take Action on the Sunset of the Texas State Board of Plumbing Examiners

Robert Hanna, City Manager, presented the item. This item is in regards to the State legislation that will allow the sunset of the Texas State Board of Plumbing Examiners. City Manager Hanna stated that this means there will no longer be a state licensing entity for plumbers in Texas. He is currently working with local plumbers to create an authority for the City of Abilene and possibly other smaller cities in the area. He does anticipate that the Governor will fix the problem, but these measures are just in case he cannot.

The item was for discussion only.

- 17. Resolution: Appointing Members to various Boards and Commissions per the City Charter [ASSIGNED RESOLUTION NO. 129-2019]

Councilmember Price moved to (re)appoint the following.

Board	Term End Date
<i>West Central Texas Council of Governments</i>	
Jack Rentz (New)	

Mayor Pro-tem McAlister seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem McAlister and Councilmembers Price, Rentz, Albus, Hurt and Craver
 NAYS (0): None

ADJOURNMENT

There being no further business, the meeting adjourned at 10:39 a.m.



Shawna Atkinson
Interim City Secretary



Anthony Williams
Mayor

Minutes approved on: June 27, 2019

