

**CITY COUNCIL MEETING**  
**October 17, 2019 at 4:30 p.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 October 17, 2019, at 4:30 p.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.

**EXECUTIVE SESSION**

Mayor Pro-Tem Weldon Hurt recessed into Executive Session at 4:30 p.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)
  - 11. City of Abilene v. 3118 South 22<sup>nd</sup> Street, Abilene, Texas, et al., In the District Court, Taylor County, Texas, filed October 11, 2019
- 21. B. 551.072 (Deliberations about Real Property)
  - 1. Clyde Water
  - 2. Use of Eminent Domain for Cedar Creek Waterway
- 21. F. 551.087 (Business Prospect/Economic Development)
  - 1. Abilene Convention Center Hotel Project
  - 2. 1166 N 2<sup>nd</sup> Street

The Executive Session ended at 4:58 p.m. and reconvened to Open Session at 5:30 p.m. as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Mayor Anthony Williams delivered the invocation.

Joel DeLaGarza, 7<sup>th</sup> Grader at Mann Middle School, and Antonio DeLaGarza, 5<sup>th</sup> Grader at Johnston Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

**PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS**

- Proclamation
  - Odis Dolton Day - Mayor Williams and City Manager Robert Hanna presented this proclamation in honor of the Assistant Director for Code Compliance and Neighborhood Services, Odis Dolton, who passed away recently
  - White Cane Day – presented to the Big Country Chapter of the National Federation of the Blind of Texas
  - National Physical Therapy Month – accepted by Dr. Jill Jumper and Dr. Marsha Rutland, with Hardin Simmons University, and Hardin Simmons University physical therapy students
  - National Chiropractic Health Month – accepted by Dr. Ryan Bailey and Dr. Scott Wofford
  - Texas Arbor Day – accepted by Chad Luckow with AEP Texas on behalf of the Abilene Salutes Texas Arbor Day event Planning Team

## CONSENT AGENDA

The Consent Agenda consisted of items 4-9.

Items pulled for individual consideration were as follows:

- Councilmember Price - Item 7

Mayor Pro-tem Hurt moved to approve the Consent Agendas, now consisting of items 4-6 and 8-9, 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

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular meeting held on October 3, 2019
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Contract for HVAC System and Air Duct Cleaning for City Hall with Clearfork Enterprises, Inc. dba Servpro  
**[ASSIGNED RESOLUTION NO. 212-2019]**
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Professional Services Contract with Enprotec/Hibbs & Todd, Inc. for Design of Huckleberry Lane Lift Station Improvements  
**[ASSIGNED RESOLUTION NO. 213-2019]**
8. Ordinance (First Reading) Z-2019-25: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Bryan Pope, John Michael Clark, Jerold Armstrong and Abilene Auto Glass; agent C.J. Chaney, to rezone seven tracts of land from a Heavy Industrial (HI) to a Heavy Commercial (HC) District. Proposed HC zoning includes all except the south 139 feet of the east 130 feet of the city block bounded by South Treadaway Boulevard; Dimmitt, Cherry and South 14<sup>th</sup> Streets, plus Lots 4 thru 6 in Block B of John Touy's Subdivision of Lot Numbers 3 and 4 in Block 208, Original Town of Abilene and located at northwest corner of Cherry and South 14<sup>th</sup> Streets
9. Ordinance (First Reading) Z-2019-26: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Lytle Creek Golf Links LLC; agent David Todd of Enprotec/Hibbs & Todd, to amend Planned Development District Number 70 (a.k.a. PD 70) to include revised building setback standards for patio homes constructed therein located at 3669 thru 3963 National Drive, which said street projects north from 1500 Block of East Industrial Boulevard in southeast Abilene

## ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Professional Services Contract Awarded to Jacob & Martin for Design of Pavement Roadway & Drainage Improvements for Griffith Road  
**[ASSIGNED RESOLUTION NO. 214-2019]**

Having pulled the item, Councilmember Price suggested the need for a sidewalk option and asked if it would change the dollar amount of the contract. City Manager Robert Hanna advised it would not change the amount, but it can be brought back before Council at a later date, if need be.

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

Councilmember Price moved to approve the item with the addition of a professional services contract on engineering work for a sidewalk. Deputy Mayor Pro-tem Albus seconded the motion; motion carried.

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

### REGULAR AGENDA

10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Appeal of a Denial of a Sidewalk Waiver for Funeral Directors Life Insurance Company Building Addition Located at 6550 Directors Parkway  
**[ASSIGNED RESOLUTION NO. 215-2019]**

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would waive the required sidewalks associated with the new commercial addition of the FDLIC offices.

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

- Kris Seal - spoke and presented a slide show pointing out the depth and width of the drainage ditch on the property, and the inconsistency in sizes that are available to install a sidewalk.

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

11. Ordinance (Final Reading) Z-2019-20: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the City of Abilene to rezone property from Medium Density Residential (MD)/Historic Overlay (H) zoning to Medium Density Residential (MD) located at 782 Palm Street, on the north side of South 9<sup>th</sup> between Elmwood Drive and Grover Street  
**[ASSIGNED ORDINANCE NO. 55-2019]**

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would remove the Historic Overlay Zoning on the above referenced property from Medium Density Residential/Historic Overlay (MD/H) to MD.

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. 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

12. Ordinance (Final Reading) Z-2019-21: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Tim Smith, agents Pat and Mitchel Harris, to rezone from Central Business (CB) to a Planned Development District (PDD) located at 833 S 1<sup>st</sup> Street  
[ASSIGNED ORDINANCE NO. 56-2019]

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Central Business (CB) to Planned Development (PD-163) zoning, to allow the 'light manufacturing' of alcoholic beverages, and maintain the base or default zoning of CB and the permitted uses within this zoning district.

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

Councilmember Craver 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

13. Ordinance (Final Reading) Z-2019-22: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Houses for Healing, Inc. to rezone from Single Family Residential (RS-6) to Medium Density Residential (MD) zoning located at 3065 Hickory Street  
[ASSIGNED ORDINANCE NO. 57-2019]

Deputy Mayor Pro-tem Albus had a conflict on the item. She left the room and abstained from voting. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Single Family Residential (RS-6) to Medium Density (MD) zoning for the development of "Tiny Homes", to serve as temporary residential housing for recovering medical patients and/or family members.

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

- Brian Massey – made Council aware of the plans for the space – free housing to patients and families of patients that come to Abilene for medical care

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

14. Ordinance (Final Reading) Z-2019-23: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Judy Proctor, agent Paul Johnson, to rezone two (2) properties from General Retail (GR) to General Commercial (GC) zoning located at 5001 and 5009 Hwy 277 South [ASSIGNED ORDINANCE NO. 58-2019]

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from General Retail (GR) to General Commercial (GC) zoning.

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

15. Ordinance (Final Reading) Z-2019-24: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Eduardo Garza to rezone from General Commercial (GC) to Multi-Family Residential (MF) zoning located at 126 Merchant Street [ASSIGNED ORDINANCE NO. 59-2019]

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from General Commercial (GC) to Multi-Family (MF) zoning, for the purpose of constructing a single-family residence.

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. 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

16. Ordinance (Final Reading) CUP-2019-07 (142 & 202 Vine Street): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from BCFS, agent Alana Jeter, for a Conditional Use Permit to allow the expansion of an 'Institutional Dwelling' in Medium Density Residential (MD) zoning located at 142 & 202 Vine Street [ASSIGNED ORDINANCE NO. 60-2019]

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would approve a Conditional Use Permit to allow the expansion of a "Dwelling-Institutional" in Medium Density Residential (MD) zoning.

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

- Alana Jeter - spoke about the current transitional home for men aging out of foster care and her plans to create a transitional home for women.

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

Councilmember McAlister 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

17. Ordinance (Final Reading) TC-2019-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the Texas Department of Public Safety to abandon six (6) segments of street and alley rights-of-way (ROW). Each segment is less than 1000 square feet in size and adjoins a consistently 120-ft-wide ROW on Buffalo Gap Road. All ROW's were formally dedicated for public use by subdivision plats.  
**[ASSIGNED ORDINANCE NO. 61-2019]**

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would formally relinquish the City's control on segments or "slivers" of right-of-way dedicated with subdivisions of land on the above referenced property, so proposed street and sidewalk improvements may be made.

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

- Tommy Jones – Texas Department of Transportation representative. Spoke about why they need to own the properties, their plans to tie in alleys and driveways, and advised they would work with property owners in the surrounding areas.

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

18. Ordinance (Final Reading) SNC-2019-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Iziar Lankford to change the name of San Jacinto Drive to Claudie C. Royals Drive as it extends east to west from Fair Drive to N. Judge Ely Boulevard approx.. 3,993 feet.  
**[ASSIGNED ORDINANCE NO. 62-2019]**

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

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would change the name of San Jacinto Drive to Claudie C. Royals Drive, as it extends west to east from N. Judge Ely to Fair Drive.

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

- Kelvin Kelly – stated that Abilene has been known to name things after prominent citizens, using Craig Middle School as an example. Spoke of honoring the legacy of people that come before us, and urged Council to value heritage by making this change.
- Alan Lockett - spoke about why San Jacinto street was chosen, about how Claudie Royals was a native Abilenean, his love of the City and of his influence on the African American community and all races.
- Marjorie Hutchinson - did not speak but advised she was in favor.
- Brienda Lockett-Middleton – Claudie Royals was her brother-in-law. She spoke about his impact on the Pasadena Heights community and the entire City. Stated that there is a plaque in Washington, DC with his name on it, and thinks Abilene should do him the same honor with this street name.
- Lenora Taylor - did not speak but advised she was in favor.
- Michael T. Royals – Claudie Royals was his father. He spoke about how Claudie had to grow up early, taking care of his mother with breast cancer, and how he helped people until the day he died, in hopes someday someone would return the favor.
- Izair Lankford - gave two quotes from Robert Kennedy and Bernard Shaw. Advised a lot of people want to see the name change as he put his life on the line for anyone, not just those who looked like him.
- Brianna Royals – Claudie Royals was her grandfather. She spoke about how young people look at street names and wonder about them, and how this name change would allow little kids to ask about him and look up to him.
- Marilyn Miller – spoke about meeting Claudie when she first came to Abilene and how he helped her find jobs. Stated that Claudie inspired her to work harder.

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 (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Rentz and Craver

NAYS (0): None

ABSTAIN (3): Mayor Williams, Councilmembers Price and McAlister

At 7:12 p.m., Mayor Williams called a short break. Meeting reconvened at 7:20 p.m. Councilmember Craver departed the meeting during the break and was absent for the remainder.

19. Resolution (Final Reading) SNC-2019-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Minda Street Church of Christ for an honorary street name change of Minda Street to Dr. Tony Roach Street as it extends east to west from T&P Lane to S. Judge Ely Boulevard approximately 2,139 feet.  
[ASSIGNED RESOLUTION NO. 216-2019]

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would add an honorary street name of “Dr. Tony Roach Street” to Minda Street, from T&P Lane to South Judge Ely Boulevard.

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

- Ian Nickerson - minister of Minda Street Church. He spoke about how Dr. Roach exemplified what Abilene strives for – a multi-cultural congregation, and the various impact he had on the community. Also thanked Council, Izair Lankford for heading this request, and King Solomon Baptist Church and Minda Street Church for their support.
- Dorothy Drones - spoke about how Dr. Roach made a tremendous impact on Minda Street. She met him before he started his congregation there, and that he was a great man that loved all people.
- Kim Osborn – Dr. Roach is her father. Stated that this honorary name change is an honor for their family. She stated her father always told her to leave a place better than when you started, and about leaving his legacy behind through books and ministry, and his strive for unity and diversity.
- Kiera Liam – read a quote from Calvin Coolidge, “honor in reward for what he gave,” for what Dr. Roach has given to the community.
- Eric Mallet – a member of the Minda St Church of Christ. Spoke of Dr. Roach’s impact on his life, and how he appreciates his own opportunity to serve because of Dr. Roach.
- Terry Savoy - met Dr. Roach at a gospel meeting. Stated his father was a cowboy and used racial slurs until Dr. Roach taught him how to apologize and see the error of his ways.
- Izair Lankford - met Dr. Roach more than 20 years ago, and they became friends. Concur with all of what was said about him before and about the street name change.

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

Mayor Williams 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, and McAlister

NAYS (0): None

ABSENT (1): Councilmember Craver

20. Ordinance (Final Reading) Z-2019-20: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an ordinance of the City Council of the City of Abilene, TX amending the Tax Increment Reinvestment Zone No. 2 Project Plan  
[ASSIGNED ORDINANCE NO. 63-2019]

Michael Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would amend the TIRZ No. 2 Project Plan, as reflected in “Exhibit A” of the proposed Ordinance, to better reflect the needs expressed by the development community within the TIRZ boundaries.

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, and McAlister

NAYS (0): None

ABSENT (1): Councilmember Craver

22. 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 ORDINANCE NO. 217-2019]**

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

Council member McAlister advised he would have to abstain from voting.

Mayor Pro-tem Hurt moved to (re)appoint the following.

Board	Term End Date
<i>Abilene Housing Authority</i>	
Tim Evans [Reappointment]	November 2021
<i>Abilene-Taylor County Venues District Board</i>	
Downing Bolls [Reappointment]	November 2021
Kyle McAlister [Reappointment]	November 2021
Anthony Williams [Reappointment]	November 2021
<i>Board of Building Standards</i>	
David Beard [Reappointment]	November 2021
Betty Bradley [Reappointment]	November 2021
Anthony McColum [Reappointment]	November 2021
Wayne Paris [Reappointment]	November 2021
Lloyd Turner [Reappointment]	November 2021
<i>Jones County Central Appraisal District Board Nomination</i>	
Seaton Higginbotham	December 2020
<i>Street Maintenance Advisory &amp; Appeals Board</i>	
Joey Devora [New]	March 2021
<i>Taylor County Central Appraisal District Board</i>	
Jessica Cantu [New]	December 2021
<i>Tax Increment Reinvestment Zone (TIRZ) Board</i>	
Stormy Higgins (Chair)	August 2020

Councilmember Rentz seconded the motion; motion carried.

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

NAYS (0): None

ABSTAIN (1): Councilmember McAlister

ABSENT (1): Councilmember Craver

**PUBLIC COMMENTS**

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

- David Swart – reminded Council to wear red shirts on Fridays to honor the deployed. Spoke about the hotel signing ceremony tomorrow at the NCCIL, and asked if the name would be revealed. Spoke about a yield sign South 1<sup>st</sup> and Sayles, and how no adheres to it, and the new construction on Ridgmont Drive and how you can't turn right by the 7-11 there. Stated the signs on Rolling Green Drive are too far back.

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

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:44 p.m.



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Shawna Atkinson  
City Secretary

for



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Anthony Williams  
Mayor

Minutes approved on: November 7, 2019

