

**CITY COUNCIL MEETING**  
**May 28, 2020 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 May 28, 2020, 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 and Kyle McAlister. Councilmember Travis Craver was absent. 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 Williams 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:

- 20. A. 551.071 (Consultation with Attorney)
  - 1. Sanctuary City for the Unborn
  - 2. Moving General Election to non-uniform election date
  - 3. Governor's Executive Order GA-23
- 20. B. 551.072 (Deliberations about Real Property)
  - 1. Clyde Water
  - 2. T&P Freight Warehouse, 901 North 1<sup>st</sup> Street, Abilene

The Executive Session ended at 5:03 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.

Councilmember Jack Rentz delivered the invocation and 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
  - City Manager Robert Hanna – 5 Years

**CONSENT AGENDA**

The Consent Agenda consisted of items 3-9. Items 4, 6 & 7 were pulled for individual consideration. Items pulled for individual consideration were as follows:

- David Swart, citizen – Item #4
- David Swart, citizen – Item #6
- David Swart, citizen – Item #7

Mayor Pro-tem Hurt moved to approve the Consent Agenda, now consisting of items 3, 5, 8 and 9. Councilmember Rentz seconded the motion. Motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and McAlister

NAYS (0): None

ABSENT (1): Councilmember Craver

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Meeting Held on May 12, 2020, the Regular Meeting Held on May 14, 2020, and the Special Meeting Held on May 15, 2020.
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Payment of Ongoing Annual Subscription/Maintenance Costs Associated with Software Provided by MyGov, LLC.  
**[ASSIGNED RESOLUTION NO. 98-2020]**
8. Ordinance (First 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.
9. Ordinance (First 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.

#### ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve Contracting with Best Friends Animal Society to Provide Direct Oversight Responsibilities and an Interim Animal Services Director.  
**[ASSIGNED RESOLUTION NO. 97-2020]**

*The item was pulled by David Swart, citizen.*

Having pulled the item, David Swart stated that he is not opposed, but there is still an underlying issue he thinks needs to be addressed since the other director left so suddenly. He also questioned if this will be a prorated contract since the fiscal year begins in October.

Robert Hanna, City Manager stated that the contract will begin on July 1<sup>st</sup> for 12 months, with the option to renew. He hopes to partner with this organization to achieve a 90% live release rate.

Councilmember Price clarified further that the contract states that it is paid on a month by month basis, so it will be split across two fiscal years.

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

- Robert Sudberry – thanked Council for helping animals during the Covid-19 pandemic, as they were well taken care of. He stated that Best Friends is a great partner and an excellent choice.

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

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and McAlister

NAYS (0): None

ABSENT (1): Councilmember Craver

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. CB 2054 to J.H. Strain & Sons for Curry Lane, Cedar Run Drive, Rolling Green Drive and Tuner Plaza Drive Resurfacing.  
**[ASSIGNED RESOLUTION NO. 99-2020]**

*The item was pulled by David Swart, citizen.*

Having pulled the item, David Swart gave compliments to the Public Works Director and the Street Maintenance Board for all of their hard work. Mr. Swart also stated he is very grateful for the three new street lights on Rolling Green Dr.

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

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

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

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Contract with the Siddons Martin Emergency Group for the purchase of an Aerial Ladder Truck.  
**[ASSIGNED RESOLUTION NO. 100-2020]**

*The item was pulled by David Swart, citizen*

Having pulled the item, David Swart stated he is supportive of our firefighters. Mr. Swart stated that this cost seems like a lot of money for a fire truck, but if it lasts as long as the previous vehicle did, it will be worth it in the long run.

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

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

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

#### REGULAR AGENDA

10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Extended Term Street Use License at 137B Oak Street with Tim Smith (dba Soda District Courtyard, LLC)  
**[ASSIGNED RESOLUTION NO. 101-2020]**

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would approve an extended term Street Use License at 137B Oak Street, so the applicant may build an ADA service ramp into the building.

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

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and McAlister

NAYS (0): None

ABSENT (1): Councilmember Craver

11. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and by inserting a new Article IX, "Plumbing Ordinance", that provides for a cross connection control program for the City of Abilene, as set out below, providing for a severability clause, and declaring a penalty.  
**[ASSIGNED ORDINANCE NO. 18-2020]**

Robert Hanna, City Manager, presented the item. Adoption of the item would amend Chapter 32, "Utilities", of the Abilene Municipal Code, by inserting a new Article IX, "Plumbing Ordinance", that addresses various TCEQ regulations associated with cross connection and customer service inspection programs.

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

Council questioned how annual inspections of lawn irrigation systems will be done, who will patrol it and how will the City get the word out about this. Rodney Taylor, Director of Water Utilities, clarified that the homeowner will be required to have a private party inspect the system and then send the inspection results to the City. He also stated that they will send out letters notifying customers of this, as well as through their utility billing system and website.

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and McAlister

NAYS (0): None

ABSENT (1): Councilmember Craver

12. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Developer Participation Agreement between the City of Abilene, Texas and Abilene Forrest Hill, LLC  
**[ASSIGNED ORDINANCE NO. 19-2020]**

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would authorize a developer participation agreement with Abilene Forrest Hill, LLC., for the Forrest Meadows subdivision.

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

13. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing and Take Action on a Developer Participation Agreement between the City of Abilene, Texas and Aaron Waldrop. [ASSIGNED ORDINANCE NO. 20-2020]

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would authorize a developer participation agreement with Aaron Waldrop for the Carriage Hills subdivision.

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

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

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

14. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Section 3.2.13.6 (Exceptions, Waivers, and Deferrals) of the Land Development Code pertaining to appeals of construction of Sidewalks [ASSIGNED ORDINANCE NO. 21-2020]

Councilmember McAlister moved to remove the item from the table. Councilmember Rentz seconded the motion; motion carried.

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

Mike Warrix, Planning and Development Director, presented the item. Adoption of the item would approve Amending Section 3.2.13.6 (Exceptions, Waivers, and Deferrals) of the Land Development Code, to provide an appeals process to the City Manager prior to appealing to the City Council.

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 McAlister seconded the motion; motion carried.

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

15. 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 Avenues; 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)

**[NOT REMOVED FROM THE TABLE / NOT CONSIDERED AT THIS TIME]**

17. 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. 102-2020]**

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

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

Board	Term End Date
<i>Keep Abilene Beautiful, Inc</i>	
Akane Thaxton (New)	September 2021 [unexpired term]
<i>Library Advisory Board</i>	
Dorothy Davidson (Reappointment)	November 2022
Tim de la Vega (Reappointment)	November 2023
Joe Specht (Reappointment)	November 2022
<i>Parks &amp; Recreation Board</i>	
Leigh Black (Reappointment)	May 2023
Jeff Goodin (Reappointment)	May 2023
Robyn Wertheim (Reappointment)	May 2023
<i>Visual Arts Jury</i>	
Grayson Alfred (New)	May 2023
Melissa Noonan (Reappointment)	May 2023
Pam Tober (Reappointment)	May 2023
Mike Warner (Reappointment)	May 2023

Deputy Mayor Pro-tem Albus seconded the motion; motion carried

**AYES (6):** Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and McAlister

**NAYS (0):** None

**ABSENT (1):** Councilmember Craver

**PUBLIC COMMENTS**

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

- David Swart – spoke about the high weeds at the Cedar Hill Cemetery and how they were taken care of quickly once he reported it. He also stated that he saw a Police Department Tahoe going under a shelter to keep the car safe during the recent storms, and how he appreciates staff taking care of investments the City has made. Mr. Swart also spoke about the recent announcement that the City will use a third party company to select a new Chief of Police. He stated the public will not be happy doing that, nor will they be just letting Council select one; the City will be criticized either way.

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

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:22 p.m.

  
Shawna Atkinson  
City Secretary

  
Anthony Williams  
Mayor

Minutes approved on: June 11, 2020

