

CITY COUNCIL MEETING
August 13, 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 August 13, 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 Shane Price delivered the invocation and led 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
 - Michael Payne – Water Distribution – 20 Years

CONSENT AGENDA

The Consent Agenda consisted of items 3-12. Item 6 was pulled for individual consideration.

Items pulled for individual consideration were as follows:

- David Swart, citizen – Item 6

Mayor Pro-tem Hurt moved to approve the consent agenda, now consisting of items 3-5 and items 7-12. 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

Deputy Mayor Pro-tem Albus, Councilmember Rentz and Councilmember Craver had a conflict of interest on Item 8 and abstained from voting on that item alone. The vote for Item 8 only was as follows:

AYES (4): Mayor Williams, Mayor Pro-tem Hurt, Councilmember McAlister and Councilmember Price

NAYS (0): None

ABSTAIN (3): Deputy Mayor Pro-tem Albus, Councilmember Rentz and Councilmember Craver

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Meeting Held on July 21, 2020, and the Regular Meeting Held on July 23, 2020
4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute a Contract with United States Geological Survey for Streamflow Monitoring Stations
[ASSIGNED RESOLUTION NO. 144-2020]
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2068 to Raydon, Inc. for Briarwood and N. 3rd Alley Construction
[ASSIGNED RESOLUTION NO. 145-2020]

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City of Abilene to apply for the 2020 Justice Assistance Grant and Approving an Interlocal Agreement with Taylor County for distribution of the Grant funds
[ASSIGNED RESOLUTION NO. 147-2020]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Selection of a Primary Depository Bank
[ASSIGNED RESOLUTION NO. 148-2020]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Printing Services Contract to Abilene Printing and Stationary Co
[ASSIGNED RESOLUTION NO. 149-2020]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Revised 2019-2024 Meet and Confer Agreement between the City of Abilene and the Abilene Police Officers' Association
[ASSIGNED RESOLUTION NO. 150-2020]
11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Revised 2019-2023 Meet and Confer Agreement between the City of Abilene and the Abilene Professional Firefighters' Association, IAFF Local 1044
[ASSIGNED RESOLUTION NO. 151-2020]
12. Ordinance (First Reading) Z-2020-11: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Cade and Katie Browning to rezone property from Single Family Residential 12 (RS-12) to Single Family Residential 12/Historic Overlay (RS-12/HO) zoning located at 910 Highland Avenue

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on allowing the City Manager to execute a contract with Texas Fire Apparatus, LLC for the purchase of one Sutphen Custom Aerial Platform Truck
[ASSIGNED RESOLUTION NO. 146-2020]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart questioned why this purchase was not made at the same time the previous truck was purchased. He stated that 18 months is a long time for delivery of this item, and that the Fire Department should purchase what they need now while they can, since there will be budget restraints in the future due to COVID-19.

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

REGULAR AGENDA

13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the City of Abilene Master Stormwater Drainage Plan - 25 Year Implementation Scenario [ASSIGNED RESOLUTION NO. 152-2020]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would approve the City of Abilene Master Stormwater Drainage Plan with a 25 Year Implementation Scenario. Mr. McCaffery introduced Curtis Beitel with HDR, who gave the complete overview of the project.

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

- David Swart – stated that his main concern is the stormwater fee on the water bill. Mr. Swart is concerned that the City is not using the general fund for this project, while citizens are being charged to fund it. Mr. Swart stated that we should look at financing this another way.

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

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Award of Bid No. CB-2067 – Sale of Land (60.66 Acres) [ASSIGNED RESOLUTION NO. 153-2020]

Travis McClure, Land Agent, presented the item. Adoption of the item would award Bid No. CB-2067 to Bryan Meers, for 60.66 acres of the property located in the Northwest part of the H.M Gibson Survey, A-1349, on the bank of the Clear Fork of the Brazos River, Jones County Appraisal District Property ID #10016.

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 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

15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Provide Direction on Adopting a Resolution in Support of Local Businesses and Local Control of COVID-19 Response to the Governor of Texas
[NO ACTION TAKEN]

Robert Hanna, City Manager, presented the item. This item is requesting direction from Council on drafting a Resolution to the Governor of Texas, asking for local control of COVID-19 response to better help small businesses in Abilene.

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

- David Swart – stated that the social distancing guidelines should be applied to bars, so that they may re-open. He also stated that bar owners are the ones who are being affected the most and we should allow them to open.
- Tim Smith – thanked Council for discussing this. Mr. Smith stated that the Governor has tied bar owners' hands, and that it is detrimental for people to stay alone all the time. Mr. Smith stated that our Council needs to be the one to determine what businesses should be open for our city. We know our city better than the Governor and he has over stepped his authority.

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

Robert Hanna, City Manager stated that he would like to see a committee come together to assist him in drafting a resolution to express our concerns in a positive fashion. It was the consensus of Council to have staff draft this resolution and bring back at a later date for approval.

16. Ordinance (Final Reading) CUP-2020-04: Receive a Report and Hold a Discussion and Public Hearing on a request from AT&T, agent David Draper, for Conditional Use Permit to allow construction of a 75' tall monopole within General Retail (GR) zoning district located at 3309 N. 10th Street, Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 29-2020]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would approve a Conditional Use Permit to allow construction of a 75' tall monopole antenna tower within General Retail (GR) zoning district located at the above referenced property.

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

- David Swart – stated at the last meeting that a 75 foot pole is not tall enough. He thinks that a 120 feet pole wouldn't hit anything if it went down, and since there isn't enough coverage in the area the 120 foot pole would be a better option.

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

Councilmember McAlister 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

17. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the 2019-2020 Revised Budget
[ASSIGNED ORDINANCE NO. 30-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve the 2019-2020 Revised Budget.

Councilmember Price pointed out that the motion made at the first reading of the budget that allocated MIP funds to Stevenson Park repairs is in conflict with the City Charter. The money should be set aside for the Parks in general, and then the Parks and Recreation Board should make the decision on how to allocate the funds, with the knowledge that it is Council's wishes to fix the restrooms at Stevenson Park.

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

- Samuel Garcia – stated that he is very confused at the thought process for this year. Mr. Garcia stated that the City should not raise the tax rate to fund the budget when there is enough money in the General Fund. He stated that he received clarification that the money in the General Fund is extra money from revenue, and he has a hard time understanding why the City is raising the tax rate to fund the budget when we have those extra funds that could be used instead.
- Billy Enriquez – stated he is with the Sears Park Recreation Committee and shared that they have a neighborhood plan with specific items set out for this park. Mr. Enriquez stated that the committee and City staff have worked together regarding updates to this park and he is very proud of what they have accomplished so far. He would like to see the walking track renovated, but stated they are willing to wait.
- Nicholas Moses – stated that the Stevenson Park group have communicated with Mr. Enriquez. It is his understanding from Council that the change in these parks is possible, and that the community in the Stevenson Park area have stated that this group is bringing hope back into this park.
- Chantae Fleming – stated she is here to speak on behalf of Stevenson Park. She is grateful for what they have done so far, and for Mr. Enriquez guiding them. She expressed how beautiful Sears Park is, and that would like to see the same improvements for Stevenson.
- Chris Daughtery – thanked the Stevenson Park community for the park cleanup previously held. Mr. Daughtery stated that the community is stepping up with a feeling of pride in their community.
- Cynthia Alvidrez – representing the Arthur Sears park Neighbors and would like to request that the track be repaired immediately, as an older individual fell at the track. Ms. Alvidrez stated that playground is not ADA accessible and they would like to have that replaced with one that is, and also have the tennis court turned into a full basketball court. She also stated that the water fountain is not ADA accessible and would like to see something similar to what is at Redbud. Ms. Alvidrez is also requesting emergency blue lights be installed as individuals have been robbed there.
- Elida Lujan – stated she was glad to see Stevenson Park group stepping up and she is asking the same for Sears Park. Ms. Lujan stated that the retirement community utilizes the track in this park. She also stated that the tennis court has not been utilized and would like to see it turned into a full basketball court. She is requesting the same items that Ms. Alvidrez went over in her comments.
- Rasmie Zamora – stated that both Sears and Stevenson Park need work. There have been three individuals that have been hurt on the track. Mr. Zamora stated that there are businesses that are willing to assist in getting it patched until the track is able to be renewed.

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

Deputy Mayor Pro-tem Albus moved to approve the item as presented with the modification that the funds allocated at the first reading for Stevenson Park, be allocated to the Parks in general, with the Parks & Recreation Board providing recommendation on how the money is dispersed, at a later date. 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

18. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed Budget for Fiscal Year 2020-2021
[ASSIGNED ORDINANCE NO. 31-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve and adopt the proposed budget for Fiscal Year 2020-2021.

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

- Cynthia Alvidrez – stated that they will need more than \$432,000, since this will need to be split between the parks now.
- David Swart – would like clarification that nothing has changed in the budget.
- Samuel Garcia – stated that council needs to step back and look at the broader picture. He stated people are begging for small things for the park, but they need to look at the MIP. The money is going towards the hotel, which is currently at a standstill.
- Elida Lujan – stated on July 21st, the budget approval for the \$432,000 was for one park and now there is a second park. Ms. Lujan asked if both parks would be sharing this total, and if so, she is requesting more money.

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

Councilmember Price moved to approve and adopt the Proposed Budget for Fiscal Year 2020-2021 with a specific amount of money - \$107,059,430 General Fund Budget. 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

Councilmember Price moved to approve the item as presented, stating this budget will raise more total property taxes than last year's budget by an amount of \$1,191,540 which is a 3.1% increase from last year's budget. Of that amount \$603,840 is tax revenue to be raised from new property added to the tax roll this year. 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

19. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed 2020-21 Tax Rates
[ASSIGNED ORDINANCE NO. 32-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would approve and adopt the Proposed 2020-21 Tax Rates.

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

- Cynthia Alvidrez – questioned if Council could still change the tax rate at this point. When Mayor Williams clarified that yes they could, she requested the tax rate be changed to \$0.7465. This will still allow Council to do what they need. Ms. Alvidrez stated that citizens are asking for the same mercy from Council here, like the City is asking for from the Governor.

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

Councilmember Price moved that the property tax rate be increased by the adoption of the tax rate of \$.7877 per \$100, which is effectively a 3.1% increase in the tax rate. 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

20. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting Fees and Charges for Fiscal Year 2020-21
[ASSIGNED ORDINANCE NO. 33-2020]

Mike Rains, Director of Finance, presented the item. Adoption of the item would adopt the fees and charges for Fiscal Year 2020-21.

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. 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

PUBLIC COMMENTS

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

- David Swart – wanted to remind everyone that tomorrow is V-J Day. 75 years ago the war ended and it is also his mother's birthday. Mr. Swart stated that people who disrespect the flag and national anthem don't remember the wars and sacrifices made. Mr. Swart gave a history of World War II, and thanked all Veterans.
- Billy Enriquez – thanked council for their hard work and stated that people don't know all the hard decisions that Council has to make.

- Nicholas Moses – stated that they are humbled for the funding for Stevenson Park and hopes more funding will be considered in the future. Mr. Moses stated that an individual in this community told him that they were doing the Lord’s work and he was humbled by that.
- Paul Belk – thanked council and those who stand up. Mr. Belk stated that the Council and the City have done amazing in this pandemic. He stated that there will be a Honk for Hero’s tonight at the Police Department parking lot to honk at and celebrate first responders and would like to invite everyone to participate in the event.
- Demetrius Earthly – thanked council for hearing the concerns from the public, and that he would like to invite everyone to a back to school bash and school supply drive tomorrow.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:51 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. John Doe v. Robert Hanna, Individually and as City Manager, Cause No 28078-B
 - 2. Local Election Date, November 3, 2020
 - 3. Claim of Discrimination – Rita Monterrosa
 - 4. Texas Public Information Act – vexatious requesters
- 10.B 551.072 (Deliberations about Real Property)
 - 2. T&P Freight Warehouse, 901 North 1st Street (also agenda item #22)
- 10.D 557-074 (Personnel Matters)
 - 1. Personnel Matters – City Secretary

The Executive Session ended at 11:17 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session. Councilmember Craver left the meeting at the conclusion of Executive Session.

REGULAR AGENDA

- 22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Award of Bid No. CB-2069 – Sale of Property, T & P Freight Warehouse (901 N. 1st)
[ASSIGNED RESOLUTION NO. 154-2020]

Earlier in the meeting, under Section 551.087 (Deliberations about Real Property) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 10:51 a.m. and ended at 11:17 a.m. No votes or actions were taken at that time.

Travis McClure, Land Agent, presented the item. Adoption of the item would award Bid No. CB-2069 – Sale of Property, T & P Freight Warehouse. There were two bidders, Charles Wolfe (dba Abilene Majestic, LLC) at \$950,000, and the Abilene Chamber of Commerce at \$770,000.

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

- Pete Garcia – stated he supports the Chamber, but also supports Charlie Wolfe. He thinks Mr. Wolfe will put the building to a better use attracting more people downtown. Mr. Garcia stated that Charlie Wolfe has done a lot of good in the community and encourages council to award the bid to him.
- David Swart – stated that a restaurant would go well with the feeling downtown, and that if we get out of COVID, he thinks it would be a good fit, but that the City does need to get the roof fixed first. Mr. Swart stated that Council should go with the highest bidder.
- William Wolfe (son of Charlie Wolfe, speaking on his behalf) – stated that if the T & P Warehouse could talk it would have countless stories. Their goal is to preserve its history. The T & P Warehouse was built for the railroad and they intend to use it to make a connection between the SoDA District and the Downtown area, just like the railroad did for Abilene and the country.
- Tim Smith – stated that he feels a restaurant is the best idea for this property. Mr. Smith stated that everyone's goal is to make downtown vibrant and active, and that more restaurants are needed downtown. The SoDA District is a bar area with no food and this remedies that. Mr. Smith supports the Chamber of Commerce, but believes this is a better fit.
- Tim Yandell – stated he is in support of both projects. Mr. Yandell stated that private investment is important for growth in Abilene, and that a restaurant would inject new life downtown that a meeting space would not. Mr. Yandell encourages council to choose Charlie Wolfe.
- Cindy Wolfe (wife of Charlie Wolfe) – stated that she envisions this building as a great place to make family memories while learning about Abilene's railroad history. If their bid is chosen, she hopes to include railroad memorabilia in the restaurant design. Mrs. Wolfe hopes that council can envision their idea and get on board with them.
- Darrin Black (Chairman for the Chamber of Commerce) - stated they have spent a lot of time and effort looking for new headquarters, and that they have a lot of people going in the building with them. The Chamber respects the downtown revitalization efforts and appreciates Mr. Wolfe, but they will have everything for businesses under one roof.
- Doug Peters (President and CEO of the Chamber of Commerce) – stated that the Chamber has served the community for 112 years and that he would like for everyone to look at the long term instead of the immediate return on this.

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

Mayor Williams moved to award the sale of the property to Charlie Wolfe (dba Abilene Majestic, LLC) with the conditions of a signed letter of agreement with a local restaurateur within six months, and that the roof repairs be completed before closing. Councilmember Price seconded the motion; motion failed.

AYES (3): Mayor Williams, Mayor Pro-tem Hurt and Councilmembers Price

NAYS (3): Deputy Mayor Pro-tem Albus, Councilmember McAlister and Councilmember Rentz

ABSENT (1): Councilmember Craver

Mayor Williams moved to table this item until further discussion can be made. Councilmember Price seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, Councilmember Price and Councilmember McAlister

NAYS (1): Councilmember Rentz

ABSENT (1): Councilmember Craver

23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Approving the Development Corporation of Abilene, Inc.'s Economic Relief Incentive Agreement with Project ERG-9

[NOT CONSIDERED]

This item was pulled from consideration prior to the meeting.

- 24. 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. 156-2020]

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

Councilmember Price moved to (re)appoint the following:

Board	Term End Date
<i>Ablene-Taylor County Public Health District Board</i>	
Jaime Correa [New]	November 2023
<i>Landmarks Commission</i>	
Kevin Halliburton [New] [Architect]	November 2023

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

- 25. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Salary of the City Secretary
[NOT CONSIDERED]

Mayor Williams pulled this item from consideration.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:44 a.m.



Shawna Atkinson
City Secretary



Anthony Williams
Mayor

Minutes approved on: August 27, 2020

