

**CITY COUNCIL MEETING**  
**October 8, 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 October 8, 2020, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Weldon Hurt was present and presiding with Deputy Mayor Pro-tem Donna Albus and Councilmembers Shane Price, Kyle McAlister and Travis Craver. Mayor Anthony Williams and Councilmember Jack Rentz were absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Deputy Mayor Pro-tem Donna Albus 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**

- Proclamations
  - National Disability Employment Awareness Month was accepted by Leah Beltran with Disabilities in Action.
  - National Physical Therapy Month was accepted by Jill Jumper from the Hardin Simmons University Physical Therapy Department.
  - Emergency Nurses Week was accepted by Melanie Rodriguez from Abilene Regional Medical Center and Michele Simmons from Hendrick Health System.

**CONSENT AGENDA**

The Consent Agenda consisted of items 4-8. No items were pulled for individual consideration.

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Rentz

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on September 24, 2020, and the Special Joint Planning & Zoning Commission Meeting Held on October 1, 2020
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Substitute DPR Construction as the General Contractor in the Master Development Agreement with Garfield Public/Private  
**[ASSIGNED RESOLUTION NO. 197-2020]**
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2080 to Bontke Brothers Construction Inc. on Water Department Street and Miscellaneous Repair Work 2020-2021  
**[ASSIGNED RESOLUTION NO. 198-2020]**

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving the 2020-2024 Consolidated Plan, FY 2020/2021 Action Plan, and proposed use of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds  
**[ASSIGNED RESOLUTION NO. 199-2020]**
8. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an ordinance amending Chapter 32, "Utilities", Article III, "Industrial Wastes", of the Abilene Municipal Code, by amending certain sections as set out below; providing a severability clause, and declaring a penalty

#### REGULAR AGENDA

9. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Change the Time Limits and Metered Parking Zones for Downtown Parking  
**[ASSIGNED ORDINANCE NO. 35-2020]**

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would change the parking time limits in the downtown area to a standard 2-hours, except immediately in front of and beside the United States Post Office where they will remain 1-hour, and a section around the Cedar Terrace Apartments, where there will be no limit. This will also remove the parking meters in front of the United States Post Office.

Mayor Pro-tem Hurt opened the public hearing. With no speakers coming forward, the public hearing was closed.

Councilmember Price moved to approve the item with the removal of the parking limits on Cedar Street around the Cedar Terrace Apartments. Deputy Mayor Pro-tem Albus seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Rentz

10. Ordinance (Final Reading) Z-2020-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Sharon Riley, agent H.C. Zachry, to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 stating "no other signs shall be allowed" from Lots 25-30 and allowing all signage allowed in General Retail (GR)  
**[PULLED FROM CONSIDERATION]**

This item required a super-majority vote from Council. Because two members were absent, it was pulled from consideration and Mayor Pro-tem Hurt announced that it will be held at the following meeting on 10/22.

11. Ordinance (Final Reading) Z-2020-13: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Denise Dilliard Rister and Jerry Lynn Rister to rezone property from General Commercial (GC) to General Retail (GR) District  
**[ASSIGNED ORDINANCE NO. 37-2020]**

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the property located at 1425 Matador Street from General Commercial (GC) to General Retail (GR) to permit residential use by right.

Mayor Pro-tem Hurt opened the public hearing. With no speakers coming forward, the public hearing was closed.

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Rentz

12. Ordinance (Final Reading) CUP-2020-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Hit Ventures LLC, agent Cody Myers, for approval of Conditional Use Permit allowing light manufacturing and, in particular, coffee processing in a Heavy Commercial (HC) District  
**[ASSIGNED ORDINANCE NO. 38-2020]**

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would approve a conditional use permit at 802 S Treadaway Boulevard, to allow light manufacturing within Heavy Commercial (HC) Zoning.

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Rentz

#### **PUBLIC COMMENTS**

Mayor Pro-tem Hurt opened the public comment period. The following addressed the city council:

- David Swart – spoke about the search for the new police chief and stated his concerns and disappointment on not looking at an internal candidate. Mr. Swart thinks that not having an internal candidate puts the message out that the City doesn't have confidence in the current police department.
- Samuel Garcia – expressed his concern with the open records process. He stated that his requests for information were simple requests and should not have taken the full 10 business days allowed. He also stated his concern about voicemails not being returned and issues within the Development Corporation of Abilene.

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

### EXECUTIVE SESSION

Mayor Pro-tem Hurt recessed into Executive Session at 9:08 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:

- 13. A. 551.071 (Consultation with Attorney)
  - 1. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No 49368-A
  - 2. Robert Steven Reitz v. City of Abilene, Texas, et al, Case No 1:16-cv-00181-BL
  - 3. Officer Patrick Sumrall and City of Abilene, Case No 01-18-000-8653
  - 4. Alfredo Valencia v. Corey Davis and City of Abilene, Case No 1:19-cv-00017-c
  - 5. City of Abilene v. Patrick Sumrall, Cause No 27,733-B
  - 6. City of Abilene v. 3118 South 22<sup>nd</sup> Street, Abilene, TX, et al.; Cause No 11968-D
  - 7. City of Abilene, Texas and Garfield Public/Private LLC v. Ken Paxton, Attorney General of Texas, Cause No D-GN-20-000900
  - 8. Chandler Brooks v. Taylor County, et al.; Civil Action No 1:20-cv-00049
  - 9. John Doe v. Robert Hanna, Individual and as City Manager, Cause No 28078-B
  - 10. Kimberly Mattson v. City of Abilene (Board of Building Standards); Cause No 12197-D
  - 11. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598
  - 12. Cockrell Investment Partners L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No P-8277-83-CV
  - 13. Sharra Sampson v. City of Abilene, Cause No 8144-B
  - 14. Governor's Executive Orders COVID-19
  - 15. Solid Waste Truck Accident
- 13. D 557-074 (Personnel Matters)
  - 1. Personnel Matters – City Manager
- 13. F. 551-087 (Business Prospect/Economic Development)
  - 1. Abilene Convention Center Hotel Development Project

The Executive Session ended at 9:25 a.m. and reconvened to Open Session. Mayor Pro-tem Hurt reported no votes or action were taken in Executive Session.

### REGULAR AGENDA

- 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. 200-2020]

Mayor Pro-tem Hurt opened the public hearing, and with no speakers coming forward, the public hearing was closed.

Councilmember McAlister moved to (re)appoint the following:

Board	Term End Date
<i>Abilene-Taylor County Public Health District</i>	
Travis Craver [Reappointment]	November 2023
Robert Hawley [Reappointment]	November 2023
James McCoy [Reappointment]	November 2023
<i>Abilene-Taylor County Venue District Board</i>	
Glen Dromgoole [Reappointment]	November 2022

Councilmember Price seconded the motion; motion carried

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

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Rentz

#### ADJOURNMENT

There being no further business, the meeting adjourned at 9:26 a.m.



~~Shawna Atkinson~~  
Deputy City Secretary



Anthony Williams  
Mayor

Minutes approved on: October 22, 2020

