

CITY COUNCIL MEETING
December 3, 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 December 3, 2020, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Shane Price, Deputy Mayor Pro-tem Jack Rentz, and Councilmembers Donna Albus, Kyle McAlister, and Travis Craver. Councilmember Weldon Hurt was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Mayor Anthony Williams delivered the invocation.

Carson Dooley, 5th Grader at Austin Elementary, 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 Matthews – 25 Years – Public Works
- Issue the following to Councilmember-Elect Donna Albus
 - Certificate of Election
 - Oath of Office: Administered by City Secretary Atkinson

CONSENT AGENDA

The Consent Agenda consisted of items 4-9. Item 9 was pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Mayor Pro-tem Price and David Swart, citizen – Item #9

Deputy Mayor Pro-tem Rentz moved to approve the consent agenda as presented. Mayor Pro-tem Price seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Meeting Held on November 16, 2020, and the Regular Meeting Held on November 19, 2020
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Contract for Budget and Online Transparency Software to Questica Ltd.
[ASSIGNED RESOLUTION NO. 226-2020]
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on awarding a bid to Cascade Engineering, Inc. for Solid Waste 95 Gallon Refuse Containers
[ASSIGNED RESOLUTION NO. 227-2020]

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Bid (CB-2107) to Rotational Molding, Inc. for Solid Waste 300 Gallon Refuse Containers [ASSIGNED RESOLUTION NO. 228-2020]
8. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving an Ordinance establishing the 2021 Standards of Care and Setting a Public Hearing for December 17, 2020

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

9. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Fiscal Year 2021 Budget Cuts
The item was pulled by Deputy Mayor Pro-tem Price and David Swart, citizen.

Having pulled the item, David Swart stated that he assumes this includes cutting 2-1-1, A Call for Help. Mr. Swart has used 2-1-1 in the past and stated it has been very helpful to him. He thinks City Link could pick up the slack and provide transportation for seniors, and charging \$2.50 for the senior meals sounds like going into the restaurant business, and it will be hard to keep up with the change for that amount. Mr. Swart suggested changing the price to an even \$2.00.

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

Robert Hanna, City Manager, presented the item. Adoption of the item would approve budget cuts for the Fiscal Year 2021 budget. Mr. Hanna let Council know they were able to work with the United Way to keep the 2-1-1 program. Council and staff discussed the various options on the table: closing adaptive recreation, closing the dental program, stopping the senior transportation program, adding per-player league play fees for ball fields, charging for senior meals, stopping salary increases for both civil service and non-civil service employees, and potentially using the money previously allocated for park updates to cover some of these items.

Council and staff discussed various options for the budget cuts and revenue enhancements.

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

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

REGULAR AGENDA

10. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021 Annual Operating Budget for the City of Abilene by Appropriating Funds from the Bureau Justice Assistance Grant to Add One (1) Civilian Position to the Abilene Fire Department Budget Ordinance [ASSIGNED ORDINANCE NO. 46-2020]

Cande Flores, Fire Chief, presented the item. Adoption of the item would Amend the Fiscal Year 2021 Annual Operating Budget for the City of Abilene by Appropriating Funds from the Bureau Justice Assistance Grant to Add One (1) Civilian Position to the Abilene Fire Department Budget Ordinance to staff a second CRT team, with a non-civil service paramedic.

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

11. Ordinance (Final Reading) Z-2020-15: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Carriage Hills Development Corporation, agent Jacob & Martin LLC, to rezone property from Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District on 52.88 acres of now-vacant land in the 7700-7800 blocks (east side) of Maple Street in far south Abilene [ASSIGNED ORDINANCE NO. 47-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above reference property from Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District.

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

- Clayton Farrow with Jacob & Martin – stated this is to expand the Carriage Hills subdivision and is appropriate for this area, as there is similar zoning nearby.

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

12. Ordinance (Final Reading) Z-2020-16: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Carriage Hills Development Corporation, agent Jacob & Martin LLC, to rezone property from Agricultural Open Space (AO) to a Planned Development (PD) District allowing residential townhome development having clusters of as few as two dwelling units, on 22.13 acres of now-vacant land located east from the 7700-7800 blocks of Maple Street and west from Kristie Path and Alex Way in the Sawgrass Addition [ASSIGNED ORDINANCE NO. 48-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AO) to a Planned Development (PD167) District with a base zoning of Medium Density (MD), allowing for residential townhome development.

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

- Clayton Farrow with Jacob & Martin – stated this is the final phase of this development. The gas line and county line create a natural boundary for a pocket community, and that the buffer is difficult to enforce, but they are already bound by the MD restraints.

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

Councilmember McAlister moved to approve the item following staff's recommendation of only requiring a Type "A" landscape buffer. Mayor Pro-tem Price seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

13. Ordinance (Final Reading) Z-2020-17: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from QT South LLC, agent Lauren Montgomery, to change the terms of Planned Development (PD) District Number PD 116 located on southeast corner of Old Anson Road and Interstate Highway 20 in northwest Abilene, specifically regarding the height and area of signs allowed there. Legal description being Lot 1 in Block 1 of the subdivision known as QT South LLC
[ASSIGNED ORDINANCE NO. 49-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would amend the existing PD ordinance to allow a free-standing pole sign as tall as 100-feet and as large as 700 square feet at the above referenced location.

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

- David Swart – questioned how much more the City would generate in sales tax with the extra square feet. Mr. Swart is in support in allowing 75ft, as he thinks this will be beneficial for the city and make it much more visible for visitors.
- Mari Montgomery, representative with QT – availed herself for questions from Council, and stated they will take the biggest sign they can get. They are installing another sign at a different location that is 49 feet taller than this one will be.

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

Mayor Pro-tem Price moved to approve the item as presented, with the modification of the height to 75 feet, and the area of the sign to 400 square feet.

Council discussed the size further and increasing it to 450 square feet.

Mayor Pro-tem Price amended his original motion and moved to approve the item as presented, with the modification of the height to 75 feet and the area of the sign to 450 square feet. Councilmember McAlister seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

14. Ordinance (Final Reading) Z-2020-19: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Oldham Partners LP and Windmill Circle Partners LP, agent Tony Conder, to rezone approximately 3.8 acres in a General Retail (GR) District extending 300 feet north from the 900 block of Gateway Street, and approximately 4.3 acres in an adjacent Neighborhood Retail (NR) District extending 300 feet west from the 3600-3700 blocks of Oldham Lane, to a General Commercial (GC) District
[ASSIGNED ORDINANCE NO. 50-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would rezone approximately 8.1 acres of vacant land from what is now a combination of General Retail (3.8 acres) and Neighborhood Retail (4.3 acres) districts at the above referenced location, to a General Commercial (GC) District.

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

- Tony Conder, representative for the applicant – stated this is the planned location for the Warren Caterpillar location. Similar zoning was approved recently for John Deer which is nearby to this location.

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

15. Ordinance (Final Reading) Z-2020-20: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Albert Houle, agents Chris Barnett and Dale Scoggins, to rezone approximately 8.14 acres at 7602 thru 7734 Hwy. 83-84 and situated at or near the southwest corner of Waldrop Drive and U.S. Hwys. 83-84, from an Agricultural Open Space (AO) District to a General Commercial (GC) District
[ASSIGNED ORDINANCE NO. 51-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would rezone approximately 8.14 acres from Agricultural Open Space (AO) to General Commercial (GC) at the above referenced location.

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

- Chris Barnett, representative for the applicant – stated that there is a shortage of good developable commercial property, so he appreciates Council considering this.

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

16. Ordinance (Final Reading) Z-2020-21: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Vinson Higginbotham, agent Jack Zanger of Triangle Engineering, to rezone approximately 4.04 acres on the 4900-5000 blocks (southwest side) of South Clack Street, from an Agricultural Open Space (AO) to a General Commercial (GC) District
[ASSIGNED ORDINANCE NO. 52-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AO) to a General Commercial (GC) District.

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

- Pamela Kaye Carr – spoke in opposition to the item
- Cassidy Caddell – spoke in opposition to the item
- Ron Smith – spoke in opposition to the item
- Jack Zanger, agent - stated he was surprised by the opposition on this, as this commercial use is an asset to the city. He stated it will be a premier auto body shop and work will occur indoors. As a compromise and concession to the neighbors, he would be willing to put up a wood fence buffer, instead of the planned chain link fence.

Mayor Williams asked Mr. Zanger at this time if he would like Council to table the item in order to facilitate a discussion between him and the neighbors before putting this to a vote. Mr. Zanger declined and stated he would like a decision today.

- David Swart – spoke about the noise issue brought up and how sound carries. Stated there is nothing that can be done about noise.
- Kirk Harra – spoke in opposition to the item
- Randy Carr – spoke in opposition to the item
- Chuck Lawson – spoke in opposition to the item
- James Reese – spoke in opposition to the item
- Julie Sparks – spoke in opposition to the item
- Don Whitehead – spoke in opposition to the item
- Leeland Kincaid – spoke in opposition to the item
- Richard Rhodes – spoke in opposition to the item
- Dara Rhodes – spoke in opposition to the item
- Juliana Nixon – spoke in opposition to the item
- Samuel Garcia – stated that he is neither for nor against this item. He stated that he feels sorry for these neighbors and for the person trying to develop his business, as someone is walking out of here upset. He thinks there is a fine line between development and a standard of living, and that the City needs to have a bigger conversation on this issue.
- Bruce Krook – spoke in opposition to the item
- Rocky Champion – spoke in opposition to the item

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

17. Ordinance (Final Reading) CUP-2020-08: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Oldham Partner LP and Windmill Circle Partners LP, agent Tony Conder, for approval of a Conditional Use Permit allowing retail sales and rental of trucks and other large vehicles and equipment on 24.371 acres in a General Commercial (GC) District at 750 Gateway Street and the 3600-3700 blocks (east side) of Loop 322
[ASSIGNED ORDINANCE NO. 53-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would approve a Conditional Use Permit allowing retail sales and rental of trucks and other large vehicles and equipment in a General Commercial (GC) zoning district, at the above referenced location.

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

- Tony Conder, representative for the applicant – stated that their goal was to mirror the request that John Deer made recently, since they are so similar in both location and use.

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

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

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

18. Ordinance (Final Reading) OAM-2020-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Land Development Code, Chapter 2, "Zoning Regulations," Article 3, "Zoning Districts," Division 3, TABLE 2-4: Site Layout and Building Requirements for Nonresidential Zoning Districts," and Article 4, "Use Regulations," Division 3, "Requirements Applicable to Specific Land Uses," Section 2.4.3.3, "All Other Uses with Specific Requirements," to clarify Multiple Family Dwellings by Conditional Use Permit in Certain Non-Residential Districts
[ASSIGNED ORDINANCE NO. 54-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would amend the above referenced chapters of the Land Development Code concerning development of multi-family dwellings in certain non-residential districts.

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

Cheryl Sawyers, Planning Manager, spoke about the City's Comprehensive Plan and the process in place to involve the community in that plan.

Mayor Pro-tem Price moved to approve the item as presented with the following modifications: A (MD density for multi-family use) will have MX, NR and NO zoning, and B (MF density for multip-family use) will have CU, CB, O, GR and MU zoning. Councilmember McAlister seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (1): Councilmember Hurt

PUBLIC COMMENTS

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

- David Swart – stated that the media announced Councilmember Rentz is not going to run for re-election next year and that he is an asset to Council. He thinks the recent street projects have been good, but that Willis still needs work, as it is two different colors. He appreciates the Street Maintenance board. Mr. Swart also questioned what will happen after the holidays with the rising COVID-19 cases.
- Samuel Garcia – thanked the City Manager for providing information on budget cuts and questioned when the budget cuts will take effect. Mr. Garcia questioned if the money designated for the hotel can be assigned to cover parts of these budget cuts instead. Mr. Garcia urged Council to step up when the COVID-19 vaccines come out to take them and promote them, so the people hit hardest by the virus, minorities, can see they are safe.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 11:21 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:

- 19. A. 551.071 (Consultation with Attorney)
 - 1. Agenda Items #22 & #23 – DCOA Certificate of Formation & Bylaws
- 19. A. 551.074 (Personnel Matters)
 - 1. Agenda Item #9 – FY 2021 Budget Cuts
- 19. F. 551.087 (Business Prospect/Economic Development)
 - 1. Agenda Item #21 – DCOA Project One Stop

Mayor Williams left the meeting at the conclusion of Executive Session. Mayor Pro-tem Price presided over the remainder of the meeting.

The Executive Session ended at 12:20 p.m. and reconvened to Open Session. Mayor Pro-tem Price reported no votes or action were taken in Executive Session.

REGULAR AGENDA

20. 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. 229-2020]

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

Councilmember Craver moved to (re)appoint the following:

Board	Term End Date
<i>Citizens Advisory Board for People with Disabilities</i>	
Debra Sue Turner [Reappointment]	October 2022
<i>Landmarks Commission</i>	
Jamie Dalzell [Reappointment]	November 2023

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Hurt

21. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Agreement with Project One Stop
[ASSIGNED RESOLUTION NO. 230-2020]

Earlier in the meeting, under Section 551.087 (Deliberations about Business Prospects/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 11:21 a.m. and ended at 12:20 p.m. No votes or actions were taken at that time.

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve an agreement with Jacob & Martin for the relocation of their headquarters to downtown Abilene.

Mayor Pro-tem Price opened the public hearing. The following addressed the Council:

- David Swart – stated that this sounds good but we don't know what's certain anymore with COVID-19. If the DCOA keeps loaning money out like this they will turn more into a bank, but they are only supposed to be an incubator program. Mr. Swart stated the DCOA needs to reel in some of this spending and wait to see how this pandemic plays out.
- Floyd Miller – wanted to thank the City Council for their support of the DCOA. The DCOA is making the best possible decisions to benefit Abilene in the long term, and they enjoy working with Ms. Mayo - she's working very hard.
- Samuel Garcia – stated his opposition to this item. Mr. Garcia thinks there is no oversight from the board and Council regarding the DCOA. As the City considers budget cuts, the DCOA is spending money on country club memberships and alcohol. Taxpayers pay \$435 a month for the CEO to be a country club member, while she is making more money than the new Chief of Police. Mr. Garcia stated Council needs to look at the spending from the DCOA more carefully.

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

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

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

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Hurt

22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approval of a Resolution approving of (i) a Restated Certificate of Formation (formerly Articles of Incorporation) of the DCOA with amendments and (ii) an Application to present to the Abilene City Council to amend the DCOA's Certificate of Formation (formerly Articles of Incorporation)
[NOT CONSIDERED]

Earlier in the meeting, under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 11:21 a.m. and ended at 12:20 p.m. No votes or actions were taken at that time.

This item was pulled from consideration.


23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action Authorizing Changes to the DCOA's Bylaws
[NOT CONSIDERED]

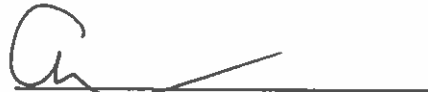
Earlier in the meeting, under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 11:21 a.m. and ended at 12:20 p.m. No votes or actions were taken at that time.

This item was pulled from consideration.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:36 p.m.


Shawna Atkinson
City Secretary


Anthony Williams
Mayor

Minutes approved on: December 17, 2020

