

**CITY COUNCIL MEETING**  
**March 11, 2021 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 March 11, 2021, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Shane Price was present and presiding with Deputy Mayor Pro-tem Jack Rentz, and Councilmembers Donna Albus, Weldon Hurt, Kyle McAlister, and Travis Craver. Mayor Anthony Williams was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Councilmember Weldon Hurt delivered the invocation.

From Dyess Elementary, Walker Manning, first grader, and Madelyn Manning, third grader, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

**CONSENT AGENDA**

The Consent Agenda consisted of items 2-9. Item 6 was pulled for individual consideration. Item 7 was pulled from consideration prior to the meeting.

Item pulled for individual consideration were as follows:

- David Swart, citizen – Item #6

Item pulled from consideration:

- Item #7

Councilmember Hurt moved to approve the consent agenda, now consisting of items 2-5 & 8-9. Deputy Mayor Pro-tem Rentz seconded the motion; motion carried.

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

**NAYS (0):** None

**ABSENT (1):** Mayor Williams

2. **Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Emergency Meeting Held on February 19, 2021, and the Regular Meeting Held on February 25, 2021**
3. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Accepting the FY 2020 Comprehensive Annual Financial Report (CAFR)**  
**[ASSIGNED RESOLUTION NO. 25-2021]**
4. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of Expenditure of Funds in Excess of the General Fund Three Month Operating Reserve**  
**[ASSIGNED RESOLUTION NO. 26-2021]**
5. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of the Investment Policy**  
**[ASSIGNED RESOLUTION NO. 27-2021]**

8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Five Points Business Park Roadway / Driveway Engineering Services Contract  
[ASSIGNED RESOLUTION NO. 30-2021]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Water Main Participation Interlocal Agreement between the City of Abilene, Texas and Wylie Independent School District  
[ASSIGNED RESOLUTION NO. 31-2021]

**ITEM PULLED FOR INDIVIDUAL CONSIDERATION**

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19) Issued February 11, 2021  
[ASSIGNED RESOLUTION NO. 28-2021]

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

Having pulled the item, David Swart stated that it is the one year anniversary of COVID. Originally officials stated that it would take two weeks to flatten the curve, but last year when students were let out for Spring Break they never went back. He stated that a lot businesses have suffered and it is hard to survive at limited capacity. Mr. Swart is starting to see a positive situation now that the Governor has lifted restrictions.

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

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

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

NAYS (0): None

ABSENT (1): Mayor Williams

**ITEM PULLED FROM CONSIDERATION**

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action Extending the Declaration of Local Disaster (Winter Weather) Issued February 19, 2021  
[NOT CONSIDERED]

**REGULAR AGENDA**

10. Discussion: Receive a Report, Hold a Discussion and Public Hearing on the Consideration of Creating an Entertainment District and Directing Staff to Bring Forth an Ordinance Authorizing the Consumption of Alcohol and Open Containers in Said Entertainment District

Robert Hanna, City Manager, presented the item. This was a request from Councilmember Hurt. The idea behind this is to create a task force and partner with the Chamber of Commerce to look at creating an entertainment district downtown and in the SODA district. This would allow someone to walk from business to business with alcohol, similar to what is done in Fredricksburg. Council discussed their different views on this item and the possibility of putting this task force together to ensure all pros and cons are weighed.

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

- David Swart – stated that this is probably a positive thing to grow the downtown area. The Governor recently authorized drinks to go, so maybe there is some flexibility because of this authorization. On the Las Vegas Strip they prohibited glass containers so that would be something for staff to look into. Mr. Swart stated that if we are going to designate an area downtown he would suggest N 8th to S 7th, east of Treadaway and west of Hickory and Butternut. This captures the whole downtown area and some room for expansion. Mr. Swart likes the idea in creating a task force.
- Cindy Frazier – works for the Recovery Council Research Center. Ms. Frazier presented information regarding safety of the community in relation to alcohol accessibility. Ms. Frazier is requesting Council to deny this item. Ms. Frazier gave crime statistics, and information on underage drinking for Taylor County, which could be undone by this ordinance. There is a family friendly environment downtown and she doesn't want to ruin that.
- Tim Smith – stated that he sees nothing wrong with exploring the pros and cons of an open container in small areas. Council discussed the SODA district, because there will be so many things in a small walkable area, one of them being a vendor market. They have had so many inquiries for vendors who want to participate that he has created a full time job for his mother handling this. Mr. Smith stated that people will be doing other things than drinking and it comes down to personal responsibility. If you behave poorly there are consequences for your actions.
- Mandy Schuman – works for the Taylor Alliance for Prevention and stated they are aiming to reduce substance abuse and underage drinking. Ms. Schuman gave data on drinking, arrests and DWI's. By allowing alcohol to be consumed outside of establishments this will add to the statistics. Ms. Schuman urges Council to not do this but if they do look at things for removing intoxicated people and ensuring underage people won't have access to alcohol in the entertainment district.
- Samuel Garcia – stated he is against this at this point. He is glad that the previous ladies came to speak about the real issues with open containers. Mr. Garcia stated when you spend your life dealing with alcoholism, it makes you think this is not a good idea. He also questioned why this would even be considered before the new hotel, which will be the "anchor" piece of the downtown, area is built.

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

This item was for discussion only. No votes or action were taken at this time.

It was the consensus of Council for staff to look into putting together this task force, and they will need to contact the community and receive feedback before making any approvals.

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing a one-time adjustment to Municipal Services Water Accounts in response to the February 2021 Winter Storm Event  
[ASSIGNED RESOLUTION NO. 32-2021]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would authorize a one-time adjustment to Municipal Services Water Accounts in response to the February 2021 Winter Storm Event, with a credit value of \$11.10 per account.

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

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

AYES (1): Mayor Pro-tem Price

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

ABSENT (1): Mayor Williams

12. Ordinance (Final Reading) Z-2021-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Abi Harvest, LLC to rezone property from Agricultural Open Space (AO) to a mixture of both General Commercial (GC) and Residential Single Family (RS-6) District and located on approximately 172.98 acres near the northwest corner of FM 707 & FM 89  
**[ASSIGNED ORDINANCE NO. 11-2021]**

Mayor Pro-tem Price had a conflict of interest on this item. Deputy Mayor Pro-tem Rentz presided over this item alone.

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone 6.9 acres of land of the above referenced property from Agricultural Open Space (AO) to General Commercial (GC), and the adjacent 169.4 acres of vacant land from AO to Residential Single-Family (RS-6).

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

- Clayton Farrow –stated that this is to support a mostly single family residential master planned community. There is a General Commercial proposed up front but since it's on an expressway, it wouldn't be appropriate to have housing there. Mr. Farrow stated that he is not familiar with a 99 year agreement to not build on that land. A title would be required to be provided when it's subdivided that would clear that confusion.
- Tim Smith – stated he used to live on Wagon Wheel and he does remember asking about the land being developed when he bought the home, and that and they said yes it would be developed, but it would be residential.

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

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

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

NAYS (0): None

ABSTAIN (1): Mayor Pro-tem Price

ABSENT (1): Mayor Williams

13. Ordinance (Final Reading) Z-2021-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Kickapoo Land Company and SKLM Properties, LP to rezone property from Agricultural Open Space (AO) to General Commercial (GC) and located on approximately 82.3 acres near the northwest corner of FM 707 & FM 89  
**[ASSIGNED ORDINANCE NO. 12-2021]**

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

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

- David Todd – represents the applicants. They have sold the preceding land to the developer to develop this land. He stated that 707 is an expressway, which is consistent with commercial endeavors.

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

NAYS (0): None

ABSENT (1): Mayor Williams

14. Ordinance (Final Reading) Z-2021-05: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Hardin-Simmons University to rezone property from Residential Single Family (RS-6) District to General Retail (GR) and located on approximately 1.203 acres at the 1500 and 1600 blocks (north side) of Ambler Avenue in north Abilene  
[ASSIGNED ORDINANCE NO. 13-2021]

Mike 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/COR) to General Retail (GR/COR).

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

- David Todd – represents the applicants, Hardin Simmons University. This will be for a Braum's location. Stated that this is consistent zoning with the area, especially with Wal-Mart across the street.

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

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

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

NAYS (0): None

ABSTAIN (1): Councilmember Craver

ABSENT (1): Mayor Williams

15. Ordinance (Final Reading) TC-2021-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Hardin-Simmons University to abandon an approximately 60-foot-width of public right-of-way available for Beech Street wedged between the westernmost boundary of Block C in Darby of North Park Subdivision and the easternmost boundary of Block B in Darby of North Park Subdivision. Extending approximately 150-feet north from northernmost right-of-way boundary for Ambler Avenue. Additionally the request is to abandon the 20-foot-wide alley north of lots 5 & 6 of Block C in Darby of North Park Subdivision extending approximately 98-feet from the easternmost right-of-way boundary of Beech Street in Abilene, Taylor County, Texas  
[ASSIGNED ORDINANCE NO. 14-2021]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would abandon the above referenced property.

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

- David Todd – represents the applicant. Stated that they agree with the conditions placed on this and will go over those in the platting and engineering.

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

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

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

NAYS (0): None

ABSTAIN (1): Councilmember Craver

ABSENT (1): Mayor Williams

#### PUBLIC COMMENTS

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

- David Swart – stated that there used to be a Railroad Days event downtown, that Monday will be the 140<sup>th</sup> birthday of Abilene and that there used to be a big Saint Patrick's Day event with a shamrock painted on the road. Mr. Swart stated he wishes we could go back to doing something like those celebrations. Mr. Swart also stated that when his power went out he went to a restaurant to eat and didn't know that they were running out of water because he doesn't get the messages the city sent out.
- Samuel Hatton – spoke about the DCOA and disturbing spending trends, in regards to the DCOA's 30<sup>th</sup> Anniversary party and the usage of public funds to purchase alcohol. The DCOA was under the oversight of the City at that time, and asked where the oversight is here since it is public money. He also stated that in December of 2019 Julie Johncox, a friend of the CEO, was hired as a consultant and paid \$20,000, and was then hired the next month at a \$34,000 salary increase from the previous person in that position. He stated that there were no moving expenses in her contract, however, she received \$12,600 on top of her salary for her moving and rent for several months.
- Samuel Garcia – stated he emailed Council all of the information he has received in regards to the DCOA and would like questions answered on moving expenses paid to the DCOA CEO. The CEO's contract in 2019 stated that only \$3,000 would cover her moving expenses, however, she was given \$5,784. In 2020 her credit card showed an expenditure of moving expenses to the same company – so we have essentially paid her over \$10,000 in moving expenses. Mr. Garcia stated he could not find any approval in their board minutes approving the overage. Also, the CEO received a \$15,000 raise several months after she was hired. She can only establish compensation for other positions, not hers, so he is questioning who is authorizing hers.

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

**EXECUTIVE SESSION**

Mayor Pro-tem Price recessed into Executive Session at 9:49 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:

- 16. A. 551.071 (Consultation with Attorney)
  - 1. Natasha Jones v. City of Abilene; EEOC Charge of Discrimination
- 16. B. 551.072 (Deliberations about Real Property)
  - 1. Clyde Water
- 16. B. 551.074 (Personnel Matters)
  - 1. City Manager
  - 2. DCOA CEO
- 16. F. 551.087 (Business Prospect/Economic Development)
  - 1. Abilene Convention Center Hotel Project
  - 2. Economic Development Agreement with Cimarron Meadows Addition

The Executive Session ended at 10:23 a.m. and reconvened to Open Session. Mayor Pro-tem Price reported no votes or action were taken in Executive Session.

**REGULAR AGENDA**

- 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. 33-2021]

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

Councilmember Hurt moved to (re)appoint the following:

| Board  | Term End Date                |
|--|------------------------------|
| <b>Board of Adjustments</b>                            |                              |
| Jon Loudermilk [Regular]                               | November 2023                |
| <b>Board of Building Standards</b>                     |                              |
| Wayland Schroeder [Reappointment]                      | November 2022                |
| David Brosig [Alternate] [Reappointment]               | November 2022                |
| Johnathan Schmutz [Alternate] [Reappointment]          | November 2022                |
| <b>Library Advisory Board</b>                          |                              |
| Jason Hernandez [New]                                  | November 2022 [unexpired]    |
| <b>Street Maintenance Advisory &amp; Appeals Board</b> |                              |
| Kenneth Martin [Reappointment]                         | March 2023                   |
| Joey Devora [Reappointment]                            | March 2023                   |
| <b>Tax Increment Reinvestment Zone (TIRZ)</b>          |                              |
| Ricardo Gutierrez [New]                                | August 2022 [unexpired term] |

Councilmember Craver seconded the motion; motion carried

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

18. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Employee Appreciation Dinner  
[ASSIGNED RESOLUTION NO. 34-2021]

Robert Hanna, City Manager, presented the item. Adoption of the item would approve an employee appreciation dinner for City of Abilene employees and their families, for their dedication and hard work during the Winter Storm Event.

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

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

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

NAYS (0): None

ABSENT (1): Mayor Williams

#### ADJOURNMENT

There being no further business, the meeting adjourned at 10:29 a.m.



Shawna Atkinson  
City Secretary



Anthony Williams  
Mayor

Minutes approved on: March 25, 2021

