

CITY COUNCIL MEETING
May 13, 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 May 13, 2021, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Kyle McAlister, Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynn Beard, Donna Albus, and Weldon Hurt. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Mayor Pro-tem Kyle McAlister delivered the invocation.

Gabe Weatherford and Emma Cromwell, both 5th Graders from Taylor Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Recognition:
 - Mayor Williams recognized girls from the Wylie, Cooper and Abilene High School softball teams, as they are all in the third round of playoffs.
- Proclamations:
 - National Public Works Week – Accepted by City of Abilene Public Works Staff
 - Ride of Silence – Accepted by E’Lisa Smetana and the Metropolitan Planning Organization Staff
- Employee Service Awards
 - Sheletra Hayes – 20 Years – Legal
 - Rodney Goodman – 35 Years – Fire
 - Jeffery Jones – 35 Years – Fire
 - Joey Kincaid – 35 Years – Fire

CONSENT AGENDA

The Consent Agenda consisted of items 4-19. Items 6-9, 11 and 14 was pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Councilmember Beard– Item #6, 8-9, and 14
- Councilmember Price – Item # 11
- David Swart, citizen – Items # 7-8

Councilmember Hurt moved to approve the consent agenda, now consisting of items 4-5, 10, 12-13, and 15-19. Councilmember Price seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt

NAYS (0): None

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Joint Meeting with the DCOA on April 16, 2021, and the Regular Meeting Held on April 22, 2021

5. 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 April 8, 2021
[ASSIGNED RESOLUTION NO. 59-2021]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Accepting Proposal# CB-2128 for the Asbestos Abatement and Demolition of Cesar Chavez Recreation Center
[ASSIGNED RESOLUTION NO. 64-2021]
12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2131 to Flat Line, Inc. on Crosswalk Pavement Marking Replacements
[ASSIGNED RESOLUTION NO. 66-2021]
13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Extended Term Street Use License with ABI 173, Inc.
[ASSIGNED RESOLUTION NO. 67-2021]
15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action for the submittal of an application for the State of Texas Department of Transportation 2021 Alternative (TA) Program call for projects for the Old Anson Road Walkability Project (West Stamford Street to Ambler Avenue)
[ASSIGNED RESOLUTION NO. 69-2021]
16. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Execute an Agreement with Meals on Wheels Plus, Incorporated for the Disbursement of Community Development Block Grant (CDBG) Funds
[ASSIGNED RESOLUTION NO. 70-2021]
17. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Professional Services Contract for Baylor Drive Lift Station RPR Services
[ASSIGNED RESOLUTION NO. 71-2021]
18. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Contract for Repair of Ivie Raw Water Intake Pump #3 Using BuyBoard Purchasing Cooperative
[ASSIGNED RESOLUTION NO. 72-2021]
19. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Land Development Code, Chapter 3, Subdivision Regulations, Article 2, Subdivision Standards, Division 7, Roadways, Section 3.2.7.4, Street, Alley Abandonment and Closure Policy

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute an Agreement with the Abilene Chamber of Commerce, Abilene Cultural Affairs Council, and Abilene Convention and Visitors Bureau for the Management and use of the Hotel Occupancy Taxes
[ASSIGNED RESOLUTION NO. 60-2021]

The item was pulled by Councilmember Beard.

Having pulled the item, Councilmember Beard asked if the 25% fund balance is a requirement that we have to maintain, and if the Chamber of Commerce and Convention and Visitors Bureau asked for an advance, if we would be able to cover it.

Robert Hanna, City Manager, addressed the Council and stated that the 25% is a requirement, and that we do not have the funds for them to do that right now; we would have to build it up over time.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt

NAYS (0): None

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Finding That AEP Texas Inc.'s Application to Amend It's Distribution Cost Recovery Factors to Increase Distribution Rates Within the City Should Be Denied; Authorizing Participation With the Cities Served By AEP Texas; Authorizing Hiring of Legal Counsel; Finding that the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel

[ASSIGNED RESOLUTION NO. 61-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated that he is for the denial of AEP's request to increase distribution rates. Mr. Swart stated that we pay an annual amount for each street light, and AEP has yet to fix the majority of the poles that are not working.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt

NAYS (0): None

8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Execution of a Purchase Contract with Benchmark Business Solutions, Inc. for the Purchase of (20) Panasonic CF-33 Toughbooks

[ASSIGNED RESOLUTION NO. 62-2021]

The item was pulled by Councilmember Beard.

Having pulled the item, Councilmember Beard questioned how healthy the apparatus fund was, and it's lifespan.

Robert Hanna, City Manager, addressed the Council and stated that it is funded with general fund dollars, which allows us to cash fund these larger purchases. It is well funded and we can dip into it from time to time to pay for things that benefit the fire department. We can use it through 2040.

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

- David Swart –questioned if these are replacements for the Toughbooks purchased in 2019. Mr. Swart stated that we have previously purchased locally from Toner Tiger and questioned why we were not purchasing from a local company this time, as well as why the memory was so small on these.

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

Fire Chief Cande Flores addressed David Swart’s questions and stated that these are replacements for the laptops purchased in 2016, not 2019. All of them use cloud based storage, so a large memory capacity is not required,, and that this vendor is the only one in our region that carries Panasonic.

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt

NAYS (0): None

9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Sign a Lease Agreement with Betty Hardwick Center for the Adaptive Recreation Building
[ASSIGNED RESOLUTION NO. 63-2021]

The item was pulled by Councilmember Beard.

Having pulled the item, Councilmember Beard questioned if the City will be the landlord in this situation and provide maintenance, if we will be leasing them the parking lot behind Safety City, and if there is indemnification language in the contract.

Stanley Smith, City Attorney, addressed the Council and stated that this was correct, and that we will be leasing the parking lot, and will ensure that there is indemnification language in the contract, but enforcement may be unavailable since Betty Hardwick is a governmental agency.

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

- Jenny Goode, Betty Hardwick representative – stated that they are excited about collaborating with other community members on this project. Ms. Goode wanted to thank her team for making this happen. She stated that after today, they have events scheduled to move this forward, but they plan a transition starting in July and bringing clients back for full opening on September 1st.
- Rudy Blasick – stated she has a special needs daughter that is 57 years old and she has been home with her ever since the facility closed. Ms. Blasick stated that this will be a blessing to have her daughter be able to attend again.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt

NAYS (0): None

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2130 to Flat Line, Inc. on Downtown Pavement Marking Project
[ASSIGNED RESOLUTION NO. 65-2021]

The item was pulled by Councilmember Price

Having pulled the item, Councilmember Price stated he received the layout of this item, but would like to discuss the striping in front of the Post Office. Since it will transition to parallel parking in front of the Post Office and across the street will be angled, he thinks this might be less safe for those walking across the street. He wanted to make sure we are intentional in the design of the marking and lanes on Pine before we commit to it.

Robert Hanna, City Manager addressed the Council and stated that the road is not wide enough to carry four lanes and keep the parking how it currently is on both sides. This solution is the best route, and what was recommended by both the City traffic engineers and the Mayor's Downtown Task Force.

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

- David Swart – stated that parallel parking in front of the federal building is probably not the best idea, as they tried it years ago and switched back because it didn't work. He thinks that when you have something you have to get out of your car, opening your door into four lanes will be a good way to get your door taken off. Mr. Swart stated if we do this he won't go to this post office anymore.
- Joanne Fluke, Chairman of the Citizens Advisory Board for People with Disabilities – stated that parallel parking for accessibility parking is not good. This building is a challenge to get into anyway, and if there is a ramp on a van, it will be on the passenger side. Ms. Fluke talked about all the challenges this will present to the disabilities community.

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

Council and staff discussed the item at length, going over different options.

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

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

NAYS (1): Councilmember Hurt

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action for the submittal of an application for the State of Texas Department of Transportation 2021 Alternative (TA) Program call for projects for the South 14th Street Walkability Project (Pioneer Street to Barrow Street)
[ASSIGNED RESOLUTION NO. 68-2021]

The item was pulled by Councilmember Beard.

Having pulled the item, Councilmember Beard stated his only concern in the language is the cost being the responsibility of the City, and given the large volume of concrete and varying cost of building materials this could be a huge expense.

Robert Hanna, City Manager, addressed the Council and stated that most contractors build that into their bid. These dollars are from the 2015 bond, so we have money for this well above the amount here.

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 Beard seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt

NAYS (0): None

REGULAR AGENDA

20. Ordinance (Final Reading) Z-2021-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Five Owners of the Subject Properties, Represented by Jacob & Martin LLC, to Amend Terms and Conditions of Planned Development District Number 82 (PD 82) Specifically as They Affect Certain Commercial Properties Located Directly North of Lone Star Drive and East of Loop 322, to Allow Use and Development in Compliance with Requirements of General Retail (GR) Zoning, Instead of Specific Uses and Standards Now Required by PD 82.
[ASSIGNED ORDINANCE NO. 15-2021]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would amend terms and conditions of Planned Development District Number 82 to allow use and development in compliance with requirements of General Retail zoning, instead of specific uses and standards now required by PD 82.

Council questioned why we are basically changing the PD to a GR with no allowances or restrictions, but keeping it a PD, so why would it not just be rezoned to GR.

Mr. Warrix addressed Councilmember Price's concerns, and stated that it will be a PD in name only and they intend to keep the PD intact, since it also includes the neighboring lot. City Attorney Smith also stated that a change would require re-sending notifications and restarting the zoning process.

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

- Tal Filingham, agent for the property owner – stated this is a request simply to allow the land owners' to use the additional land uses permitted in GR zoning. GR has been updated since they did this PD and they want to take advantage of it. The current PD doesn't require buffering, and when it's rezoned they will be required to put in a buffer. They property owners are aware of what they are doing, and feel like this is the simplest way to address the zoning and make the changes they want to make.

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

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

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

NAYS (0): None

ABSTAIN (1) Mayor Pro-tem McAlister

21. Ordinance (Final Reading) Z-2021-07: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Heart of Texas Hearing Centers, Represented by Fallen Perrie Busenlehner, to Rezone Property from Neighborhood Office (NO) to Planned Development (PD) District to Permit Retail Sale of Apparel and Related Accessories, In Addition to All Uses Permitted in NO Zoning Districts [ASSIGNED ORDINANCE NO. 16-2021]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Neighborhood Office (NO) to Planned Development District (PD) to permit retail sale of apparel and related accessories, in addition to all uses permitted in NO zoning districts.

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

- Fallen Busenlehner, property owner – stated she is moving her business here from Ballinger and hopes the Council will consider approving this item.

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

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

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

22. Ordinance (Final Reading) Z-2021-08: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Cimarron Meadows Development Corporation, Represented by Jacob & Martin LLC, to Rezone Property from Residential Medium-Density (MD) to Planned Development (PD) District to Allow Duplex Dwellings as well as Townhomes (with no more nor fewer than two dwellings in any one row of attached buildings) on Approximately 14 acres of Vacant Land Located on the 2000 block (east side) of Maple Street and Directly North from the Abilene State-Supported Living Center in Southeast Abilene [ASSIGNED ORDINANCE NO. 17-2021]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Medium-Density (MD) to Planned Development District (PD) to allow duplex dwellings as well as townhomes, on approximately 14 acres of vacant land.

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

- Clayton Farrow, agent for the property owner – stated the intent is the same with duplexes, but since there is no zoning that allows them to split them down the middle of the structure, this is the only way they can do what they want to do. There is a master plan for the street length that allows for better connectivity, and one additional street that should reduce that and allow for emergency access.

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

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

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

23. Presentation: Receive a Report and Hold a Discussion and Public Hearing on Accessibility Alterations and Renovations to Council Chamber

Mari Cockerell, Communications and Media Relations Manager, presented the item. Ms. Cockerell presented different options from Parkhill to remodel the Council Chambers, including accessibility alterations.

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

- David Swart – questioned if this would include changing the current monitors that hide Council’s faces. Mr. Swart suggested something he saw at Dyess in the 60s, where they are mounted into the desk. Mr. Swart also questioned if this would include lighting upgrades.
- Joanne Fluke – thanked staff for thinking about the disability community when doing renovations. Ms. Fluke stated that Ms. Cockerell has attended several of the Citizens Advisory Board for People with Disabilities meetings to discuss making this room more accessible. Ms. Fluke really likes the analogy of this is Abilene’s living room. Currently, their board cannot meet here, so with these renovations they could be a part of that living room.

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

It was the consensus of Council that if renovations are to be made, to do them completely and make it look great.

This item was only for presentation and to provide direction to staff. No votes or action were taken at this time.

PUBLIC COMMENTS

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

- David Swart – stated he previously mentioned the online city calendar needed to add events from the Convention Center, and that it was fixed promptly after that meeting. The Senior Services calendar has the menu for the next month up early as well, so he thanked whoever made those changes. Mr. Swart stated he has been going to Cobb Recreation Center for lunch and the person in charge is really friendly and nice. In regards to the parallel parking, Mr. Swart wanted staff to keep track of how many wrecks this will cause, as he does not think it’s logical to put parallel parking on the busiest side of the street. Mr. Swart also asked staff to put a link in SeeClickFix to report a street light outage to AEP.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:41 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:

- 24. A. 551.071 (Consultation with Attorney)
 - 1. Officer Mark Watson and City of Abilene; Case No 01-21-0002-5335
 - 2. Clyde Water
- 24. B. 551.072 (Deliberations about Real Property)
 - 1. 4725 Loop 322
- 24. B. 551.074 (Personnel Matters)
 - 1. City Manager
 - 2. Municipal Court Judge
- 24. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project
 - 2. Civic Plaza Hotel Site

The Executive Session ended at 12:05 p.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 25. 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. 73-2021]**

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

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

Place #	Board	Term End Date
<i>Frontier Texas! Board of Directors</i>		
	Martez Hawkins [New]	February 2024
<i>Office of Neighborhood Services Advisory Council</i>		
3	Bill Enriquez [New]	November 2023
4	Darla Mayes [New]	11-1-2022 [Unexpired Term]
5	Lauren Cantrell [New]	November 2023
6	Terry Cagle [New]	November 2023 [Unexpired Term]
<i>West Central Texas Municipal Water District Board</i>		
	Russell Berry [Reappointment]	May 2023
	Robert Benham [New]	May 2023
	Norm Archibald [Reappointment]	May 2023

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

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

Councilmember Hurt abstained from voting on the Frontier Texas! Appointment only.

26. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Possible Action on Changing the Dates of the Budget Hearings
[ORAL RESOLUTION]

The budget hearings were scheduled for July 20th, 21st, and the regular meeting on July 22nd. Mayor Williams has requested we move the budget hearings to the following week. City Manager Hanna suggested that if we move the budget hearings, that we also move the regular Council meeting to the same week, provided this does not interfere with the Planning & Zoning Commissions notification process.

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

Councilmember Hurt moved to change the budget hearing dates to July 27th and 28th, and move the regular evening Council meeting to the 29th. Councilmember Albus seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt

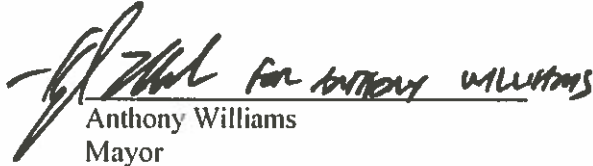
NAYS (0): None

ADJOURNMENT

There being no further business, the meeting adjourned at 12:08 p.m.



Shawna Atkinson
City Secretary



Anthony Williams
Mayor

Minutes approved on: May 27, 2021

