

CITY COUNCIL MEETING
June 10, 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 June 10, 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 Anthony Williams delivered the invocation.

Analise McCoy, 4th Grader at Dyess Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Proclamations:
 - Elder Abuse Awareness Month – accepted by the Adult Protective Services Partner Board Members
 - Solid Waste and Recycling Workers Week – accepted by Public Works staff
 - Ride to Work Day – accepted by MPO staff and Kent’s Harley-Davidson
 - Mark Rogers Day – accepted by the family of Mark Rogers

CONSENT AGENDA

The Consent Agenda consisted of items 3-13. Items 4, 5, 6 & 7 were pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Councilmember Beard– Item #5 & 7
- Councilmember Price – Item #4
- Councilmember Hurt – Item #5
- David Swart, citizen – Items #6

Councilmember Price moved to approve the consent agenda, now consisting of items 3 and 8-13. 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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Meeting on May 26, 2021, and the Regular Meeting Held on May 27, 2021
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing a professional services contract with Jacob & Martin, LLC for the Second Pressure Plane Water Supply Line - Phase 2
[ASSIGNED RESOLUTION NO. 90-2021]

9. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve the Purchase of Nine (9) Type III Cutaway Vans
[ASSIGNED RESOLUTION NO. 91-2021]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2138 to J.H. Strain & Sons for Street Resurfacing Project Work Zone N15B and S11A
[ASSIGNED RESOLUTION NO. 92-2021]
11. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-286, Decreased Speed Limits - School Zones," of the Abilene Municipal Code, By Amending Certain Sections
12. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 33-2020 Adopting Fees and Charges, by Establishing a Maximum Fee for Subdivision Plat Review
13. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 33-2020 Adopting Fees and Charges, by Amending Solicitors Permit Fees

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

4. 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 May 13, 2021
[ASSIGNED RESOLUTION NO. 86-2021]

The item was pulled by Councilmember Price.

Having pulled the item, Councilmember Price stated that since the COVID-19 reporting was modified at the last meeting, he would like to modify the disaster declaration to match that language.

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

Councilmember Price moved to approve the item with the modification to the language on the COVID-19 reporting to match what was approved at the last Council meeting. 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

5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Authorize the City Manager to sign a Letter of Approval supporting the Abilene Fire Department (AFD) application to the Department of State Health Services (DSHS) to become an EMS Provider
[ASSIGNED RESOLUTION NO. 87-2021]

The item was pulled by Councilmember Hurt and Councilmember Beard.

Having pulled the item, Councilmember Hurt questioned if this was a move to replace Metrocare as our primary EMS provider. Councilmember Beard stated that there is not an acquisition cost with this unit asked if staffing exists, and how large of an area it will cover.

Robert Hanna, City Manager, confirmed that this is not general ambulance service for the general population. Cande Flores, Fire Chief, confirmed that staff already exists and that it will cover Region 2, which covers quite a few counties.

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

- David Swart – stated that since the mid-1970s, the City has paid a private company to do something our firefighters already do, and that it would probably be cheaper for them to provide EMS service completely. He questioned why firefighters have to take EMS training if they don't want to work an EMS unit, and why his tax dollars are going to supplement a private company for ambulance services. Mr. Swart hopes that Council will look into providing EMS services through the fire department in the future.

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

City Manager Hanna addressed Mr. Swart's concerns, stating that it would not be a savings to operate an EMS service, and we would end up having to charge citizen's like private companies do anyway.

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

6. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Purchase of City Hall Door Access Controls [ASSIGNED RESOLUTION NO. 88-2021]**

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart asked if this item was in reference to the recent construction in the City Administration offices. He questioned why there is a conduit that goes to nowhere and why the electrician wouldn't have waited to fish that through the wall. He would like to know if this restricts citizens from coming in during normal business hours.

Robert Hanna, City Manager, addressed Mr. Swart's questions, stating that the outside doors already have a lock system that doesn't work correctly. This will be to replace that system and standardize it across City Hall. Mr. Hanna also stated that there will be secure access to the City Administration offices, since there are instances of people walking into offices and this will make it a safer, more secure environment for employees.

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

Mayor Pro-tem McAlister 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

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Considering Adoption of a Resolution Directing Publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation for Street Projects
[ASSIGNED RESOLUTION NO. 89-2021]

The item was pulled by Councilmember Beard.

Having pulled the item, Councilmember Beard wanted to clarify that this is just to publish the notice of intent to issue debt, and questioned if the DCOA will be chipping in any money.

Robert Hanna, City Manager, addressed Councilmember Beard's concerns, stating that the DCOA amount is a set amount, but the water utility amount is tied to the remediation and could potentially change.

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

Deputy Mayor Pro-tem Craver 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

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Application/Permit to Drill and/or Operate an Oil and/or Gas Well--Bullet Development-Lytle #4 Permit No.868686 (2002 Hardison Lane).
[ASSIGNED RESOLUTION NO. 93-2021]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would approve a permit for drilling and operating oil/gas wells within the City limits at the above referenced location.

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

- Larry Welhausen – stated that he is the applicant in this request. It's been 4 years since he has come here for an application and they've drilled about 23 times since that first meeting.

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

15. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Application/Permit to Drill and/or Operate an Oil and/or Gas Well--Bullet Development-Lytle S-68#1 Permit No. 868687 (1502 Hardison Lane)**
[ASSIGNED RESOLUTION NO. 94-2021]

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would approve a permit for drilling and operating oil/gas wells within the City limits at the above referenced location.

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

Mayor Pro-tem McAlister 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

16. **Ordinance (Final Reading) Z-2021-09: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Bethany and Kaden Connell to Rezone Properties Located at 1802 and 1810 Huckleberry Lane from Residential Single-Family (RS-6) to Agricultural Open Space (AO)**
[ASSIGNED ORDINANCE NO. 19-2021]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Single-Residential (RS-6) to Agricultural Open Space (AO) to allow for maintaining and quartering cattle.

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

Mayor Pro-tem McAlister 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

17. **Ordinance (Final Reading) Z-2021-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Sitzes APB LP, Agent Enprotec/Hibbs & Todd Inc., to Change Zoning from Heavy Industrial (HI) to Heavy Commercial (HC) District and Located at 2249 Butternut Street, on the Northeast Corner of Butternut and South 23rd Streets**
[ASSIGNED ORDINANCE NO. 20-2021]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Heavy Industrial (HI) to Heavy Commercial (HC) to allow a temperature controlled self-storage facility.

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. 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

18. Ordinance (Final Reading) TC-2021-06: Receive a Report and Hold a Discussion and Public Hearing on a Request from Hardin-Simmons University, Agent Enprotec/Hibbs & Todd Inc., to Abandon the Complete 60-Foot-Width of Public Right-of-Way of Beech Street as it Extends 160 feet South from Sandefer Street's Right-of-Way, and 152.5 to 312.5 Feet North from the Right-of-Way of Ambler Avenue in North Central Abilene
[ASSIGNED ORDINANCE NO. 21-2021]

Deputy Mayor Pro-tem Craver had a conflict on this item and left the room during discussion, and abstained from voting on the item. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's Office.

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would abandon the 60 foot right-of-way of Beech Street.

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

- BJ Pritchard – represents the buyer and seller. Stated that this is a continuation of a previous abandonment from a few months ago. They were originally going to make a cul-de-sac, but decided this was a better all-around solution.

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

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

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

19. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Budget Ordinance No. 31-2020 to Include Updated Staffing Levels for the Police Department
[ASSIGNED ORDINANCE NO. 22-2021]

Marcus Dudley, Chief of Police, presented the item. Adoption of the item would change the Police Department staffing levels, designating 3 Assistant Chiefs, 9 Lieutenants, 26 Sergeants, and 178 Officers, for the same authorized strength of 216.

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

- David Swart – stated that he previously gave some examples of officers you see in the media that have been on duty for a long time and are retiring at a low level. He recommends adding a Corporal position, as there are a lot of other similarly sized cities that have this position, and it's a good opportunity for an officer to have a little more advancement.

With no other speakers coming forward, the public hearing was 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

PUBLIC COMMENTS

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

- David Swart – spoke about his municipal services bill and stated that it does not say anywhere on the bill that there is a 3% service charge to use a debit card. He stated that it does say online when you are making the payment that there is a service charge to use a credit card, but not a debit card, and they should not be processed the same way. He called the Water Utilities office and they told him they are ran the same way, which he believes is inaccurate. Mr. Swart thinks the Legal department should have looked at this before it was okayed, as he now has to pay \$1.84 per month.
- Shawnte Fleming – invited Council to attend the annual Juneteenth celebration at Stevenson Park. Ms. Fleming thanked Mayor Williams for always coming out and being supportive, but would like to see the rest of the Council there as well. She described the events they will be having and the sponsors of the event. Ms. Fleming also thanked the City Parks department for their help getting Stevenson Park looking better.

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

EXECUTIVE SESSION


Mayor Williams recessed into Executive Session at 9:37 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:

- 20. A. 551.071 (Consultation with Attorney)
 - 1. Possible Claim Against Netflix, Hulu & Disney+
- 20. B. 551.072 (Deliberations about Real Property)
 - 1. 101 Cypress Street
- 20. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project

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

ADJOURNMENT

There being no further business, the meeting adjourned at 10:23 a.m.



Shawna Atkinson
City Secretary



Anthony Williams
Mayor

Minutes approved on: June 24, 2021