

CITY COUNCIL MEETING
July 29, 2021 at 4:30 p.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 July 29, 2021, at 4:30 p.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, City Secretary Shawna Atkinson, and various members of the City staff.

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 4:30 p.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:

- 21. B. 551.071 (Consultation with Attorney)
 - 1. Clyde Water Agreement
 - 2. Item #13 on Agenda – Contract with Starks Construction
- 21. B. 551.072 (Deliberations About Real Property)
 - 1. 101 Cypress Street
- 21. D. 551.074 (Personnel Matters)
 - 1. City Manager
- 21. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project
 - 2. Big League Field 2600 S 9th
 - 3. Project Golden

The Executive Session ended at 5:21 p.m. and reconvened to Open Session at 5:30 p.m. as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Mayor Pro-tem Kyle McAlister delivered the invocation.

Marisa Dudley, 8th grader, and Amari Dudley, 5th grader, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Mayor Williams introduced Brad Holland and Dr. Wiley from Hendrick Medical Center to speak about COVID-19
- Proclamations:
 - o Water Quality Month – accepted by City of Abilene Public Works and Stormwater staff

CONSENT AGENDA

The Consent Agenda consisted of 4-20. Items 7, 11, 12, 13, 14, 18 & 19 were pulled for individual consideration.

Item pulled for individual consideration were as follows:

- David Swart, Citizen – Items #7, #12, #13, #14
- Cynthia Alvidrez, Citizen – Item #11

- Johnny Avila, Citizen – Item #18
- Carmen Price, Citizen – Item #19

Mayor Pro-tem McAlister moved to approve items 4-6, 8-10, 15-17, and 20. 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

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on June 10, 2021
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Purchase of Two 2022 Three-Quarter Ton Crew Cab Pickups from Caldwell Country Chevrolet for Traffic Services and Parks
[ASSIGNED RESOLUTION NO. 113-2021]
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Award of Contract to MG Enterprises for Heavy Truck Washing
[ASSIGNED RESOLUTION NO. 114-2021]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Award a Contract to Alliance Transportation Group to Provide the Regional Coordination 5 Year Plan Update
[ASSIGNED RESOLUTION NO. 116-2021]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Professional Services Contract for the Buttonwillow Sewer Interceptor Replacement
[ASSIGNED RESOLUTION NO. 117-2021]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing a Professional Services Contract with McKool Smith, P.C., Ashcroft Sutton Reyes LLC, Korien Tillery LLC for legal Services to represent the City of Abilene in a lawsuit against Netflix Inc., et al. pertaining to franchise fees due, and contingent upon approval of the fee contract by the Office of the Attorney General pursuant to Texas Government Code Section 2254, Subchapter C
[ASSIGNED RESOLUTION NO. 118-2021]
15. Ordinance (First Reading) Z-2021-15: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Mascorro Properties LLC, Represented by Brandon Mascorro, to Change Zoning from Residential Single-Family (RS-6) to a Residential Medium-Density (MD) District on Ten Vacant Lots Bordering the 2400 Block (East Side) of Shelton Street In Northwest Central Abilene
16. Ordinance (First Reading) Z-2021-16: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Weatherbee Construction Inc., Represented by Enprotec/Hibbs & Todd Inc., to Change Zoning from Residential Single-Family (RS-6) to a Residential Medium-Density (MD) District on 2.489 Acres of Vacant Land Bordering the 6100 Block (North Side) of Jennings Drive in Western Abilene and to Change Zoning from Planned Development District Number 111 (PD 111) to a Residential Medium-Density (MD) District on 0.8318 Acres of Vacant Land Having 40 Feet of Frontage on the 6200 Block (North Side) of Jennings Drive in Western Abilene

17. Ordinance (First Reading) Z-2021-17: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Weatherbee Construction Inc., Represented by Enprotec/Hibbs & Todd Inc., to Change Zoning from Agricultural Open Space (AO) to a Residential Medium-Density (MD) District on Two Vacant Parcels Together Comprising 8.236 Acres Having a Combined 1375+ Feet of Frontage on the 2900-3100 Blocks (West Side) of Dub Wright Boulevard in Western Abilene and to Change Zoning from Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District on a 2.618-Acre Parcel Having 250 Feet of Frontage on the 6500 Block (North Side) of Hampton Hills Street, as well as on a 5.225-Acre Parcel Having 250 Feet of Frontage on the 6500 Block (South Side) of Hampton Hills Street
20. Ordinance (First Reading) SNC-2021-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from The Development Corporation of Abilene to Change the Name of Corridor Drive to Great Lakes Cheese Drive. Corridor Drive Lies Within the Access Business Park and Extends East from Highway 36, at a Location Approximately 0.25 Mile Southeast From Loop 322 and 0.15 Mile Northwest from FM 18 in Eastern Abilene

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Purchase of Five 2022 Chevrolet 1500 Regular Cab Pickups from Caldwell Country Chevrolet for Multiple Divisions [ASSIGNED RESOLUTION NO. 115-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated his concerns on giving tax dollars to central Texas and that they are over budget by \$2,400. Mr. Swart stated that he would like the City to reach out to local dealerships and encourage them to bid on these types of contracts.

City Manager Hanna addressed Mr. Swart's concerns and stated that we are required by law to solicit sealed bids. We ask local vendors and most local dealerships don't bid because they can't compete with dealerships that get state pricing. There were three bids and two withdrew because they couldn't honor the price.

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

Councilmember Price 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

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Approval of FY 2021/2022 One-Year Action Plan for CDBG and HOME Programs [ASSIGNED RESOLUTION NO. 119-2021]

The item was pulled by Cynthia Alvidrez, citizen.

Having pulled the item, Cynthia Alvidrez questioned if City programs are allowed to submit grants regarding these specific programs. She also questioned why the Parks and Recreation department hasn't applied for CDBG Funds for Sears Park renovations. Ms. Alvidrez requested that Council consider using CDBG funding to bring down debt and help individuals in lower income neighborhoods.

City Manager Hanna addressed Ms. Alvidrez's concerns stating that in his years of experience it is very difficult to apply for CDBG funds for Parks and Recreation renovations and doesn't believe they will be able to use those funds for that.

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

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Award of Contract to Fugro USA Land, Inc. for a Roadway Network Inventory
[ASSIGNED RESOLUTION NO. 120-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated that in 2016 when this was first discussed, they said there would be a certain amount needed to fix streets, and it's becoming like a sinking ship trying to bail out water. He does not agree with doing a new study and thinks that money could be better spent elsewhere.

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

Councilmember Price 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

13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2139 to Starks Construction Co. for Grape St Stormwater Pipe Repair
[ASSIGNED RESOLUTION NO. 121-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated this contractor has filed for bankruptcy and their tabulation is coming in at a lot less than the next competitor, and questioned if that was why they filed for bankruptcy. Mr. Swart questioned if their bond has been checked out and valid, and if their quality of work would be less because of the bankruptcy.

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

- Cynthia Alvidrez – had questions regarding the MIP fund and using that money for projects like this and how long the City had been aware of this issue.

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

City Manager Hanna addressed Ms. Alvidrez's concerns. He stated the bid would be awarded today if approved, that there is \$12.4 Million in the MIP funds that was approved on the first reading, Tuesday, that we had to design the project and investigate the bidder first, that this is coming out of stormwater funds because it is available there, that staff learned about this hole when the news reported on it, and that Starks Construction has to be licensed and bonded.

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

14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Sec.18-289 One-Way Streets-At all Times in the Code of Ordinances

The item was pulled by David Swart, citizen.

Having pulled the item, David Swart stated there was a mistake in the documentation. It states that North 5th will switched to two way from Grape to City Hall, then below it says Cypress Street will be abandoned. Mr. Swart stated that is should say Cedar.

Michael Rice, Assistant City Manager stated that there was an error in the original packet but it has been corrected. We are converting Cypress Street from one way to two way, not abandoning the street.

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

- Samuel Garcia – spoke about how the MIP fund works and that he does not think the City should need to do another road study. He thinks the City staff is spending too much time on the downtown hotel project when they should be focusing on fixing streets.

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

NAYS (0): None

18. Ordinance (First Reading) Z-2021-18: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Eplen Properties Inc., Represented by Betco Housing Lab, to Change Zoning from General Commercial (GC) to a Residential Multiple-Family (MF) District on Nine Vacant Lots at 149 and 157-182 Eplens Court (At South End of Eplens Court) in West Central Abilene

The item was pulled by Johnny Avila, citizen.

Having pulled the item, Johnny Avila questioned why they want to build houses next to this nightclub. He stated they have had a license since 2008 and now they are building houses right up to it, so he questioned what protections the nightclub will receive when this project is completed.

Cheryl Sawyers, Planning Division Manager, addressed Mr. Avila's concerns stated the zoning would be MF that allows for mostly residential type homes. The developer has a plan to include a roadway in between Tequilas and this complex and their clubhouse, so no housing will be right up next to the nightclub. Planning looks at intensive uses backing up to less intensive uses, because the less intensive is going in after, they don't have to buffer themselves against the GC.

City Manager Hanna also addressed Mr. Avila's concerns stating that if Tequilas is breaking the sound ordinance now and no one hears it, they are still breaking the sound ordinance. Typically they would receive a warning though. As long as they are within the law they should operate without any issues even after this project is completed.

Mayor Williams opened the public hearing.

- Jessica Sanchez – spoke in opposition of this item.
- Gary Crane – spoke in opposition of this item.
- Carmen Wyndham – is with TABC and stated that they don't have anything to do with enforcing noise, that would be up to the City to enforce.
- Sally Frederick – spoke in opposition of this item.
- Susan Webber – spoke in opposition of this item.
- Harold Parrot – spoke in opposition of this item.
- Samuel Garcia – spoke in opposition of this item.
- Michael Beard – spoke in favor of this item.
- David Swart – spoke in opposition of this item.
- Bob Thomas – spoke in opposition of this item.

Jeremy Williams, City Fire Marshall spoke on safety issues. The Abilene fire code requires all fire lane access to be 24 feet and Eplen Court currently meets that. Adding a second means of egress would need to be discussed after the plans have been submitted.

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

Some Councilmembers expressed their concerns over this, but reminded citizens that this is a first reading only.

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, Albus and Hurt
NAYS (1): Councilmember Beard

19. Ordinance (First Reading) Z-2021-19: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Prairie Song LLC, Represented By Jacob Martin LLC, To Change Zoning From Planned Development District Number 144 (PD 144) To A Combination Of A Residential Single-Family (RS-6) District On Approximately 2 Vacant Acres At 2668 Garfield Avenue In Northeast Abilene And A Residential Medium-Density (MD) District On Approximately 12 Vacant Acres Located Directly North From Above-Described 2 Acres Of Land In Northeast Abilene, And To Change Zoning From Residential Single-Family (RS-8) To A Residential Single-Family (RS-6) District On Two Vacant Lots At 2660-2664 Garfield Street (Legal Description Being Lots 4 And 5 In Block 10 Of Hillcrest Addition, Section 4)

Mayor Williams, Mayor Pro-tem McAlister and Councilmember Price had conflicts of interest on this item and abstained from voting. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office. Deputy Mayor Pro-tem Craver presided over this item.

The item was pulled by Carmen Price, citizen.

Having pulled the item, Carmen Price stated she lives on Garfield Ave about a block away from the property, and that this has been brought forward numerous times with multiple zoning request changes. Mrs. Price stated with this current request we can see this property developed while still protecting the existing neighborhood, and that it can be zoned preventing the connection of Campus Court to I-20. No one in the neighborhood wants that connection. Mrs. Price's request is for Council to approve the MD Zoning on the upper portion of the property and a PD on the lower portion with RS6 as the base zoning, with the current PD language to prevent Campus Court from going North, East or West. A site plan is supposed to be submitted but it can be waived by the planning Director, so she is asking for the site plan to be waived.

Deputy Mayor Pro-tem Craver opened the public hearing.

- Tal Filingham, agent – stated he agrees with Mrs. Price, the zoning request and development is a win-win and to say that the zoning has been a mess is an understatement. This is quality plan and the developer has no intention of connecting the proposed MD into the neighborhood or the neighborhood to I-20. They will encapsulate the neighborhood.
- David Swart – spoke in opposition of this item.
- Phillip Jergins – spoke in favor of this item.
- Cynthia Alvidrez – questioned if Mayor Williams, and Councilmembers Price and McAlister had recused themselves from this discussion

Councilmember Price addressed Cynthia Alvidrez's questions and stated they all recused themselves because of conflicts. Mayor Williams and Councilmember McAlister were not present.

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 (4): Deputy Mayor Pro-tem Craver, and Councilmembers Beard, Albus and Hurt

NAYS (0): None

ABSTAIN (3): Mayor Williams, Mayor Pro-tem McAlister and Councilmember Price.

REGULAR AGENDA

21. **Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve a Contract with ArkStar to Create and Monitor a More Focused Marketing Effort for the United Airlines Service at Abilene Regional Airport**
[ASSIGNED RESOLUTION NO. 122-2021]

Mayor Pro-tem McAlister and Councilmember Beard had conflicts of interest on this item and abstained from voting. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office.

Don Green, Transportation Director, presented the item. Adoption of the item would approve a contract with ArkStar to create and monitor a more focused marketing effort for the United Airlines Service at the Abilene Regional Airport.

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

- David Swart – questioned if there would ever be a route to the West, specifically to Denver.
- Larry Gill – stated they all want to see SkyWest grow, and they are excited to see such an opportunity to move forward once we get out of COVID, and to keep moving toward a stand-alone airport with multiple carriers.
- Samuel Garcia – spoke in favor of this item, but that Mr. Green is not asking for enough money. Mr. Garcia thinks the airport needs to target business travelers and spend more on this campaign so they can attract more business travelers.

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

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

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

NAYS (0): None

ABSTAIN (2): Mayor Pro-tem McAlister and Councilmember Beard

Items 22, 23, 24 & 25 were not considered at this time. They were completed during the budget workshop on 7/27.

27. **Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving an amended DCOA Budget for Fiscal Year 2020-2021 and a DCOA Budget for Fiscal Year 2021-2022**
[ASSIGNED RESOLUTION NO. 123-2021]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve the amended budget for Fiscal Year 2020-2021 and the budget for Fiscal Year 2021-2022.

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

- David Swart – had questions about loan repayments and intake of money. Mr. Swart thinks there has been misuse over the years with previous DCOA leadership and had to spend millions of dollars to bring everything back up. He requested if they are presenting a budget, please include the amounts you have been paid back on loans in the future. He stated that Misty Mayo’s salary has been increased to over what Former President Clinton received when he was in office.
- Samuel Garcia – questioned where the interest is for the companies they’ve done deals with. He stated that balloon deals were never discussed before this and he hopes this will not be a situation like Lauren Engineering, who isn’t even in business anymore.
- Cynthia Alvidrez – stated that she has issues with the DCOA board and the TIRZ board and their association to ACU. She thinks ACU is starving out people in blighted areas. Ms. Alvidrez requested that future DOA meetings be held in the Council Chambers and be recorded, and accessible on their website afterwards. Ms. Alvidrez also stated that at a meeting at previous DCOA meeting, there were board members discussing business after the meeting was over.

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

28. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Economic Development Plan
[ORAL RESOLUTION]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve an Economic Development Plan.

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

- Cynthia Alvidrez – stated she would like to recommend the DCOA hosts their meetings in the Council Chambers or post the meetings where they are accessible and easily viewed. She stated you currently have to submit a public information request for the meeting when you should be able to just go online and watch it. Individuals with disabilities cannot come up to meetings because they are more at jeopardy due to COVID, and there was money given to the City to allow the public to interact.

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

Councilmember Beard 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

29. 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. 124-2021]

Mayor Williams 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
<i>Betty Hardwick Center Board of Trustees</i>	
Rosendo Contreras [Reappointment]	August 2023

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

PUBLIC COMMENTS

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

- David Swart – stated he previously proposed to keep the same tax rate, but had his numbers transposed. He clarified what it should have been. He stated that the savings will work out to \$1.35 a month, and questioned what will everyone do with that money they would save. He thinks that money could fix an intersection, or towards a new fire station. Mr. Swart also stated that starting on August 2nd the emergency alert system on your phone will receive new thunderstorm warnings.
- Paul Hammil – spoke about trees hanging into the street on South 14th that the City has told him is his responsibility. He questioned if that was indeed true and how he should go about fixing it.
- Cynthia Alvidrez - stated that at a Parks Community Meeting, the Mayor promised that people would have an opportunity to attend an evening budget hearing, but he took that away. She stated that the City is allocating \$8 million of COVID funds towards a hotel when Lesli Andrews asked for a bond for City parks. She thinks these funds are to be used for emergencies, and a hotel is not one. Ms. Alvidrez also spoke about contracts the Mayor has with certain companies but it was unclear where she is stating these contracts are posted.

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

ADJOURNMENT

There being no further business, the meeting adjourned 8:33 p.m.


 Shawna Atkinson
 City Secretary


 Anthony Williams
 Mayor

Minutes approved on: August 12, 2021

