

CITY COUNCIL MEETING
October 14, 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 October 14, 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 Deputy City Secretary Kaitlin Richardson.

Councilmember Shane Price delivered the invocation.

Trinity Marsh and Jose Ramirez Zamago, 5th Graders at Ortiz Elementary, and Kyler Broyles, 1st 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

- Employee Service Awards:
 - Bryan Stevens – 20 Years – Police Department
- Proclamations:
 - Emergency Nurses week – accepted by Jonna Look and the staff at Hendrick Medical Center Emergency Department
 - National Physical Therapy Month – accepted by Jill Jumper and the students at Hardin-Simmons University Department of Physical Therapy

CONSENT AGENDA

The Consent Agenda consisted of items 4-8. Items 5 and 8 were pulled for individual consideration. Item 7 was pulled from consideration, prior to the meeting.

Item pulled from consideration:

- Item #7

Item pulled for individual consideration were as follows:

- David Swart, citizen – Item #5
- Mayor Pro-tem McAlister – Item #8

Councilmember Hurt moved to approve the consent agenda, now consisting of items 4 and 6. 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 September 23, 2021
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Appoint the Health Authority and Medical Director for the Abilene-Taylor County Public Health District
[ASSIGNED RESOLUTION NO. 169-2021]

ITEM PULLED FROM CONSIDERATION

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving Safety/Security Cameras and Access Controls
[NOT CONSIDERED]

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

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 September 9, 2021
[ASSIGNED RESOLUTION NO. 168-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, Mr. Swart spoke about the President's mandates on the COVID-19 vaccine.

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

Councilmember Price moved to approve the item. Councilmember Beard 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

8. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 43-2021 Adopting Fees and Charges, by Amending Alcoholic Beverage Permit Fees

The item was pulled by Mayor Pro-tem McAlister.

Having pulled the item, Councilmember McAlister spoke about the billing for Mixed Beverages and wanted clarification as to when this type of permit would be billed.

Stanley Smith, City Attorney stated that the new maximum local fee schedule set by the TABC allows for billing on the fourth year. So therefore, we will not bill for the first three years.

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. 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

REGULAR AGENDA

9. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021-22 Budgets
[ASSIGNED ORDINANCE NO. 52-2021]

Mike Rains, Finance Director, presented the item. Adoption of the item would amend the Fiscal Year 2021-2022 Budget, to add positions to the Health Department and Zoo.

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. 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

10. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2020-2021 Budgets
[ASSIGNED ORDINANCE NO. 53-2021]

Mike Rains, Finance Director, presented the item. Adoption of the item would amend the Fiscal Year 2020-2021 Budgets, to allocate American Rescue Plan Act funds received into the budget.

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. 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

11. Ordinance (Final Reading) Z-2021-22: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from The Conder Company (Represented by Jacob Martin LLC) to Change Zoning from Agricultural Open Space (AO) to a Planned Development (PD) District of Single-Family Home Sites on Approximately 7.77 Acres of Now-Vacant Land Bordering the 7700-7900 Blocks (West Side) of Hardwick Road in Far South Abilene. Legal Description Being Approximately 7.77 Acres Out of the W.J. Reddell Survey in Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 54-2021]

Tim Littlejohn, Interim 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 District (PD) of Single-Family Home Sites.

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

- Clayton Farrow – represents the applicant. Briefly went over the details of this request, and asked for support from the Council.

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

NAYS (0): None

12. Ordinance (Final Reading) Z-2021-24: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Brookhollow Christian Church (Represented by Paul Johnson & Associates) to Change Zoning from Residential Medium-Density (MD) to a Neighborhood Retail (NR) District on Properties at 2310 South Willis Street and 2325 Ivanhoe Lane in Southwest Central Abilene. Legal Description Being Lots 1, 2 And 22 (And Intervening Abandoned Alleyway) Block 13 of Brookhollow Addition Section 4, Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 55-2021]

Councilmember Beard had a conflict of interest on this item abstained from voting. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

Tim Littlejohn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Medium-Density (MD) to a Neighborhood Retail District (NR).

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

- Eric Johnson – represents the applicant. Stated they were surprised there were so many oppositions to this, but anything they are concerned about would have to come back to Council for approval first.
- Cynthia Pearson – stated she is in favor of this item. Ms. Pearson represented Day Nursery of Abilene and stated that childcare is a much needed service in Abilene.

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

NAYS (0): None

ABSTAIN (1): Councilmember Beard

13. Ordinance (Final Reading) Z-2021-25: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Christian Evenson to Change Zoning from Heavy Industrial (HI) to a Heavy Commercial (HC) District on Approximately 1.5 Acres of Now-Vacant Land at 1425 Dunnam Drive, Situated Approximately 1000 Feet East of South Treadaway Boulevard in South Abilene. Legal Description Being Lots 20, 21 and 22 in the Atlas Industrial Subdivision, Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 56-2021]

Tim Littlejohn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Heavy Industrial (HI) to a Heavy Commercial (HC) District.

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 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

14. Ordinance (Final Reading) Z-2021-26: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Dewayne Blair to Change Zoning from Agricultural Open Space (AO) to a Manufactured/Mobile Home (MH) District on Approximately 57.442 Acres of Land Located on the 100 Block (West Side) of Chapel Hill Road in Far West Abilene. Legal Description Being 21.656 Acres Out of the Northwest Part of the H.B. Martin Survey in Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 57-2021]

Tim Littlejohn, Interim 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 Manufacture/Mobile Home (MH) District.

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

15. Ordinance (Final Reading) Z-2021-27: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From KPLB LLC, Agents Jacob & Martin LLC, to Rezone Property from Residential Medium-Density (MD) District to a Planned Development (PD) District on 5.85 Acres of Now-Vacant Land at 1826 Colony Hill Road in Southeastern Abilene. Legal Description Being 5.85 Acres Out of Southwest Quarter of Lunatic Asylum Lands Section 8 in Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 58-2021]

Tim Littlejohn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Medium-Density (MD) District to a Planned Development (PD) District.

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

- Clayton Farrow – represents the applicant. Stated that he met with staff when it was previously rezoned to Medium-Density. There was a misunderstanding under this zoning with the number of units allowed along with the required distance in between units, so that is why it is being rezoned again.

With no speakers coming forward, the public hearing was 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

PUBLIC COMMENTS

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

- Carrie Lieb – spoke in favor of making Abilene a sanctuary city for the unborn.
- Dorothy Clay – spoke in favor of making Abilene a sanctuary city for the unborn.
- David Swart – spoke about AEP not fixing street lights and urged Council and the Mayor to instruct the City Attorney to send a letter of non-compliance to AEP.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:17 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. 551.072 (Consultation with Attorney)
 - 1. Steven van Horne et al v. City of Abilene
 - 2. Clyde Water
 - 3. ETJ with Clyde, Texas
 - 4. Attorney General Opioid Settlement
- 16. D. 551.087 (Personnel Matters)
 - 1. Military Affairs Committee Trips to Washington DC
- 16. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project

The Executive Session ended at 9:30 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 24. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Casting a Vote to Nominate a Member to the Jones County Appraisal District Board of Directors
[ASSIGNED RESOLUTION NO. 171-2021]

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

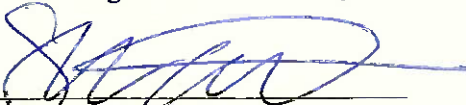
Mayor Pro-tem McAlister moved approve the nomination of Ms. Haley Jo Oates to the Jones County Appraisal District Board of Directors. Councilmember Price seconded the motion; motion carried.

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


NAYS (0): None

ADJOURNMENT

There being no further business, the meeting adjourned at 9:32 a.m.



Shawna Atkinson
City Secretary



Anthony Williams
Mayor

Minutes approved on: October 28, 2021