

CITY COUNCIL MEETING
February 10, 2022 at 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
SOUTH BRANCH LIBRARY

The City Council of the City of Abilene, Texas met in Regular Session on February 10, 2022, at 8:30 a.m. at the South Branch Library, Mall of Abilene, 4310 Buffalo Gap Road. 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.

Deputy Mayor Pro-tem Travis Craver delivered the invocation.

Kaysen Smith, 4th grader at Martinez Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Presentation:
 - Mayor Williams recognized City Secretary Shawna Atkinson, for her recent Abilene Young Professional's Top 20 Under 40 Award
 - Mayor Williams recognized Misty Mayo and the Development Corporation of Abilene staff for winning the 2022 CiCi Award
- Service Awards:
 - Lois Woods – Public Health – 30 Years
 - Cody Davis – Fire – 20 Years
 - Richard Fuentes – Fire – 20 Years
 - J Sanders – Fire – 20 Years
 - Martin Sanders – Fire – 20 Years
 - Jeremy Williams – Fire – 20 Years

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 3-12. No items were pulled for individual consideration.

PUBLIC COMMENTS

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

- Marcus Wiley – introduced himself as the new program director for 2-1-1 Texas, A Call for Help. Spoke about 2-1-1 Day, thanked his staff and gave helpful facts about 2-1-1 and what they do.
- Tammy Fogle – spoke in favor of making Abilene a sanctuary city for the unborn.
- David Swart – spoke about the micro-grid for water utilities and thinks it is unnecessary. He thinks that money should go towards a new fire station instead. Also gave a brief history of President's Day.
- Dorothy Clay – spoke in favor of making Abilene a sanctuary city for the unborn.
- Samuel Garcia – spoke about the DCOA, specifically the CEO's salary and bonuses. Encouraged citizens to research the DCOA and the money going there.
- Cynthia Alvidrez – spoke about the DCOA board meetings not being accessible to the public and questioned what different councilmembers and their spouses salaries are at Abilene Christian University. Also spoke about the playground at Rose Park and its need for updates.

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

CONSENT AGENDA

Councilmember Hurt moved to approve the consent agenda, consisting of items 3-12. 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 voted differently on item 6 only. The vote for item 6 was as follows:

AYES (6): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Albus
NAYS (1): Councilmember Hurt

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on January 27, 2022
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Ordering a City of Abilene General Election to be Held on Saturday, May 7, 2022, for the Purpose of Electing Members to City Council Places 5 and 6
[ASSIGNED RESOLUTION NO. 18-2022]
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Joint Election Agreement and Contract for Election Services with Taylor County for a General Election to be Held on Saturday, May 7, 2022, and Authorizing the Extension of this Contract to Cover a Runoff Election, if Needed
[ASSIGNED RESOLUTION NO. 19-2022]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19)
[ASSIGNED RESOLUTION NO. 20-2022]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Contract with Child's Play, Inc. for the Purchase and Installation of a New Playground in Oscar Rose Park
[ASSIGNED RESOLUTION NO. 21-2022]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid No. 2221 to Bontke Brothers Co. Inc., for Street Resurfacing Project Work Zone N15A
[ASSIGNED RESOLUTION NO. 22-2022]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Professional Services Contract for the Design of the Second Pressure Plane Pump Station - Phase 3
[ASSIGNED RESOLUTION NO. 23-2022]
10. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding the Bid for the Ivie Booster Pump Station Ground Storage Tank Silt Removal and Butterfly Valve Installation Project
[ASSIGNED RESOLUTION NO. 24-2022]

11. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the First Amendment to Services Contract Between the City of Abilene and Smith Pump Company, Inc. for the Repair of the Raw Water Intake Pump #1
[ASSIGNED RESOLUTION NO. 25-2022]
12. Resolution: Receive a Report, Hold a Discussion and Take Action on the Approval of the Use of the DEAG grant funds for the Dyess Air Force Base Security Gate Project
[ASSIGNED RESOLUTION NO. 26-2022]

REGULAR AGENDA

13. Presentation: Receive a Report, Hold a Discussion and Public Hearing on the Development Corporation of Abilene FY 2021 Annual Report

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Ms. Mayo went over the DCOA's Mission and Vision Statement, as well as their core goals, 2021 accomplishments and major projects. Ms. Mayo thanked the DCOA staff and board, and gave a brief overview of the various projects from the last year.

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

- David Swart – thinks the report should have included profits and losses. Mr. Swart is concerned that we are not getting the full story.
- Cynthia Alvidrez – requested that the DCOA meetings be available online. Ms. Alvidrez also spoke about the poverty rates in Abilene and how this information provided is manipulative and changes are needed.
- Rosten Callerman – stated that Cynthia Alvidrez is an advocate for vulnerable citizens, and that Ms. Mayo was engaged while she was talking. He would like to encourage a conversation between the DCOA and the nonprofits in town that represent the vulnerable.

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

This item was for presentation only. No votes or action were taken.

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving Purchase Agreement with Motorola Solutions for the Body-Worn Camera/In-Car Video Project & Real-Time Intelligence Center Project
[ASSIGNED RESOLUTION NO. 27-2022]

Marcus Dudley, Chief of Police, presented the item. Adoption of the item would approve the purchase of replacement body-worn cameras, and needed upgrades to in-car and interview room cameras, from Motorola Solutions.

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

- David Swart – questioned if this is a lease or a purchase, and if it will be installed by Motorola themselves?
- Cynthia Alvidrez – questioned if APD is able to release body-worn camera footage. Ms. Alvidrez stated that she has requested officer-involved shooting footage several times and has been denied. She would like Council to release the footage.

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

Council and staff discussed the various details of the agreement in detail.

Mayor Pro-tem McAlister 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

15. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Amend Chapter 10, Article III, "Fire Prevention Code", Division 1, Sec. 10-46 of the Abilene Municipal Code

[ASSIGNED ORDINANCE NO. 06-2022]

Cande Flores, Fire Chief, presented the item. Adoption of the item would approve the 2021 version of the International Fire Code with amendments as the Abilene Fire Prevention Code.

Councilmember Beard discussed the changes he would like made to the exhibit. Council and staff discussed the various changes at length.

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

- Cade Browning – representing the Expo Center. Spoke about keeping the ratio of crowd managers at what the current code lists.

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

Councilmember Beard moved to approve the item as presented with the following changes: Section 111 not adopted at this time; Section 403.11.3 – Change 500 to 1000; Section 403.11.3.1 – Change 250 to 1000 and add "Employees or volunteers of the entity responsible for the event may serve as crowd managers even if they are performing other duties consistent with their employment or appointment as volunteers at the event" to the end; and Section 3107.17.2 – Change 250 to 1000. 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

16. Ordinance (Final Reading) Z-2021-38: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Exceptional Holdings LP (represented by Michael Burton) to amend terms and conditions of Planned Development District Number 122 (a.k.a. PD 122) specifically to modify the requirement for screening along or near the north and east boundaries of a tract occupied by an existing restaurant building at 3001 South Danville Drive

[ASSIGNED ORDINANCE NO. 07-2022]

Tim Littlejohn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would amend the terms and conditions of Planned Development District 122.

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

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

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

NAYS (0): None

ABSENT (1): Deputy Mayor Pro-tem Craver

17. Ordinance (Final Reading) Z-2022-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Lien Jung and Yi-Chien (represented by Jacob & Martin LLC) to change zoning from Agricultural Open Space (AO) to a Planned Development (PD) District allowing landscape contractor services, in addition to uses commensurate with General Retail zoning, on approximately 12.94 acres of now-vacant land at the southwest corner of Antilley Road and Fairway Oaks Boulevard in south Abilene
[ASSIGNED ORDINANCE NO. 08-2022]

Mayor Pro-tem McAlister had a conflict of interest on this item and 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 and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agriculture Open Space (AO) to a Planned Development District (PD), allowing uses commensurate with General Retail (GR) zoning, as well as landscaping contractor services.

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

- Tal Filingham – represents the applicant. Stated that this will be the new headquarters for Extreme Exteriors and it is an appropriate use. Any material stored or heavy equipment will be hidden behind landscaping at the back of the property.

With no other speakers coming forward, the public hearing was 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

18. Ordinance (Final Reading) Z-2022-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Houston Polasek (represented by Heath Polasek) to change zoning from Agricultural Open Space (AO) to a Residential Single-Family Patio Home (PH) District, on 46.25 acres of existing agricultural land at the southwest corner of Maple and East South 27th Streets in southeast Abilene
[ASSIGNED ORDINANCE NO. 09-2022]

Tim Littlejohn, Interim Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agriculture Open Space (AO) to a Residential Single-Family Patio Home (PH) District.

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 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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 10:43 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:

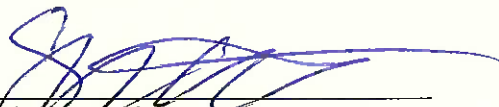
16. D. 551.071 (Consultation with Attorney)

1. City of Abilene, Texas v. Ken Paxton, Attorney General of Texas Cause No. D-1-GN-21-006299
2. Samuel Hightower v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner
3. Zach Williams v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner


The Executive Session ended at 11:07 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 11:07 a.m.



Shawna Atkinson
City Secretary



Anthony Williams
Mayor

Minutes approved on: February 24, 2022

