

CITY COUNCIL MEETING
April 28, 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 April 28, 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.

Councilmember Shane Price delivered the invocation and Councilmember Hurt led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 2-14. No items were pulled for individual consideration.

PUBLIC COMMENTS

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

- David Swart – spoke about his concerns on not being able to pull and speak on consent items. Mr. Swart also stated concerns he had about the radio systems in the new fire apparatus.
- Beverly Paxton – spoke about needing better communication and transparency with the city council and residents. Ms. Paxton also expressed concerns about the new bitcoin facility.
- Marshall Morris – spoke on behalf of the Chamber of Commerce. Mr. Morris stated that next week is small business week and the theme this year is Building a Better America through Entrepreneurship. Mr. Morris has invited everyone to the luncheon next week and the ribbon cutting on Monday.
- Colby Marcy – spoke in support of item number 14.
- Bailey Hide – spoke in support of item number 14.
- Dorothy Clay – spoke in support for the sanctuary city for the unborn.
- Tim Smith – spoke in support of item number 14.
- Susie Tucker – spoke about Brazil and freedoms she has found in America.
- Megan Russe – spoke in support for the sanctuary city for the unborn.
- Jason DeLong – spoke in support for the sanctuary city for the unborn.
- Courtney Shore – spoke in support of item number 14.
- Heather Hidewargo – spoke in support of item number 14.
- Zack Darr – spoke in support for the sanctuary city for the unborn.
- Isaac Castro – spoke in support for the sanctuary city for the unborn.
- Ashley Lenertz – spoke in support for the sanctuary city for the unborn.
- Rita Obrient – spoke in support for the sanctuary city for the unborn.
- Ruth York – spoke in support for the sanctuary city for the unborn.
- Kimberly Bealy – spoke in support for the sanctuary city for the unborn.
- Carla Qually – spoke in support for the sanctuary city for the unborn.

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

Cande Flores, Fire Chief, addressed Mr. Swart's concerns on the new fire apparatus – the radio system is coming from the current vehicles, and the weather station is being provided by the vendor and included in the price.

CONSENT AGENDA

Councilmember Hurt moved to approve the consent agenda, consisting of items 2-14. 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

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on April 14, 2022
3. Resolution: Receive a Report, Hold a Discussion and Take Action on the purchase of One 2021 Komatsu Wheel Loader for Water Distribution
[ASSIGNED RESOLUTION NO. 65-2022]
4. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing a contract with Parkson Corporation for the purchase and installation of a replacement Drum Screen Unit for the Hamby Water Reclamation Facility
[ASSIGNED RESOLUTION NO. 66-2022]
5. Resolution: Receive a Report, Hold a Discussion and Take Action on authorizing change orders with Aclara Technologies, LLC and Pedal Valves, Inc. for the close out of the project for the acquisition and installation of Advanced Metering Infrastructure and Smart Water Meters
[ASSIGNED RESOLUTION NO. 67-2022]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Contract Renewal for the City's Three-year Environmental Systems Research Institute, Inc. ("ESRI") Geographical Information System (GIS) and Mapping Software
[ASSIGNED RESOLUTION NO. 68-2022]
7. Resolution: Receive a Report, Hold a Discussion and Take Action to Authorize the City Manager to Execute a Contract with Texas Fire Apparatus, LLC for the Purchase of One (1) Custom Built HazMat/Communication Apparatus with Updated Pricing and Specifications
[ASSIGNED RESOLUTION NO. 69-2022]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid No. 2231 to Bo Simons Inc., for CR 311 Rehabilitation Project
[ASSIGNED RESOLUTION NO. 70-2022]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Finding that AEP Texas Inc.'s Application to Amend Its 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. 71-2022]

10. Oral Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Updates to the City Council Rules of Procedure
[ORAL RESOLUTION]
11. Resolution: Receive a report, Hold a discussion and Take Action on Approving the Issuance of Multifamily Housing Revenue Bonds (Villages at Westlake Apartments) series 2022, to be Issued in One or More Series of Tax Exempt Bonds in an Aggregate Principal Amount not to Exceed \$18,000,000.00
[ASSIGNED RESOLUTION NO. 72-2022]
12. Ordinance (First Reading) Z-2022-07: Receive A Report, Hold A Discussion And Take Action on a Request from the Collective Owner of Properties Within the Subdivision Known as Windmill Acres (Represented By Jacob & Martin LLC) to Amend the Zoning from Planned Development District (PDD 156) to Add Self-Storage as a Permitted Use in Windmill Acres in the City of Abilene, Taylor County, Texas
13. Ordinance (First Reading) Z-2022-08: Receive A Report, Hold A Discussion and Take Action on a Request from the Collective Owner of Property Within the Subdivision Known as Mill Ridge Estates to Change the Zoning of 27.859 Acres from Residential Single-Family District-6 (RS-6) to Residential Single-Family Patio Home District (PH) at the 200 Block of Hardison Lane, Abilene, Taylor County, Texas
14. Ordinance (First Reading) CUP-2022-01: Receive a Report, Hold a Discussion and Take Action on a request from the collective owner of property within the subdivision known as Original Town of Abilene to allow the use of a tattoo studio within the Central Business (CB) district, 536 Hickory Street, Abilene, Taylor County, Texas

REGULAR AGENDA

Mayor Williams moved item 17 to the beginning of the Regular Agenda.

17. Initiative Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Initiative Ordinance Outlawing Abortion, Declaring Abilene a Sanctuary City for the Unborn, Making Various Provisions and Findings, Providing for Severability, and Establishing an Effective Date
[FAILED]

Robert Hanna, City Manager, presented the item. Adoption of the item would make Abilene a Sanctuary City for the Unborn. The ordinance was officially read in its entirety via a pre-recorded audio file.

Mayor Williams recessed into a short break at 10:00 a.m. and reconvened at 10:08 a.m.

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

- Senator Charles Perry – spoke in support of the item.
- Karson Rigsby – spoke in support of the item.
- Ryan Goodwin – spoke in support of the item.
- Theresa Jarocki – spoke in support of the item.
- Virginia Smith – spoke in support of the item.
- Jose Reyes – spoke in support of the item.
- Scott Beard – spoke in support of the item.
- Charles Byrn – spoke in support of the item.
- James Sargent – spoke in support of the item.
- Vernetta Howell – spoke in support of the item.

- Hershel Redding – did not speak, but was in support of the item.
- Patsy Smith – did not speak, but was in support of the item..
- Kimberly Beard – did not speak, but was in support of the item.
- Julio Santana – did not speak, but was in support of the item.
- Linda Buckman – did not speak, but was in support of the item being placed on the ballot for citizen vote.
- Lisa VanCleave – did not speak, but was in support of the item.
- Nancy Hulit – did not speak, but was in support of the item.
- Bethany Gilliam – did not speak, but was in support of the item being placed on the ballot for citizen vote.
- Jason Delong – did not speak, but was in support of the item
- Peggy Santana – did not speak, but was in support of the item
- Nathan VanEchaute – did not speak, but was in support of the item
- Elizabeth Redding – did not speak, but was in support of the item
- Ann Sasse – did not speak, but was in support of the item
- Rick Bennett – did not speak, but was in support of the item
- Denise Alkire – did not speak, but was in support of the item
- Anadelia Landin – did not speak, but was in support of the item
- Mary Starks – did not speak, but was in support of the item
- Bruce Tentzer – did not speak, but was in support of the item.
- Linda Casady – spoke in support of the item.
- Carla Qually – spoke in support of the item.
- Mark Lee Dixon – spoke in support of the item.
- John Sheppard – spoke in support of the item.
- Drothy Clay – spoke in support of the item.
- Lance Thomas – spoke in support of the item.
- Reba O'Bryant – spoke in support of the item.
- Jimmie Wait – did not speak, but was in support of the item
- Vanna Hinson – did not speak, but was in support of the item
- James Henson – did not speak, but was in support of the item
- Cara (last name unknown) – did not speak, but was in support of the item
- Angela Vann – did not speak, but was in support of the item
- Caroline Walden – did not speak, but was in support of the item
- Jeremy Curries – spoke in support of the item.
- Grace Jones – spoke in support of the item.
- Isaac Castro – spoke in support of the item.
- Samuel Garcia – did not speak, but was in support of the item
- Amanda Estevez – spoke in support of the item.
- Cathy Tinzler – spoke in support of the item.
- Zach Darr – did not speak, but was in support of the item
- Ashley lenertz – did not speak, but was in support of the item
- Lesli Bowen – spoke in support of the item.
- Ruth York – did not speak, but was in support of the item
- Susie Tucker – did not speak, but was in support of the item
- Tianne McClindan – spoke in support of the item.
- David Swart – expressed that he was neither for nor against this item, but worries about the cost it would incur the city tax payers if litigation occurs. He thinks that money could be better spent elsewhere like fixing potholes.

- Rodney Casey – did not speak, but was in support of the item
- Katherine White – did not speak, but was in support of the item
- Olga Chavonne – did not speak, but was in support of the item
- Angela Moore – spoke in support of the item.
- Elvira Oliver – spoke in support of the item.
- Angel Poorman – spoke in support of the item.
- Dianne Bennett – spoke in support of the item.
- David Black – spoke in support of the item.
- Katherine White – spoke in support of the item.
- Jerry Peters – spoke in support of the item.
- Jerry Massen – spoke in support of the item.
- Michelle Taliaferro – spoke in support of the item.

With no other speakers coming forward, the public hearing was closed. Council discussed their concerns and view on this item.

Mayor Pro-tem McAlister moved to send the ordinance to a citizen vote at the next General Election in November. Deputy Mayor Pro-tem Craver seconded the motion; motion carried.

AYES (4): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver and Councilmembers Beard and Albus
NAYS (3): Mayor Williams, Councilmembers Price and Hurt.

15. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Ordinance of the City of Abilene, Texas, and Providing for the Extension of the Boundary Limits of the City of Abilene, Texas, and for the Annexation of Certain Territory - 71.88 acres - Lying Adjacent and Contiguous to the Present Boundary Limits of the City of Abilene, and Granting to All the Inhabitants of the Territory, all the Rights and Privileges of Other Citizens and Binding the Inhabitants by All of the Acts, Ordinances, Resolutions, and Regulations of the City of Abilene; and Adopting a Service Plan Agreement
[ASSIGNED ORDINANCE NO. 14-2022]

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would annex 71.88 acres of South ½ Section 77, Block 14, T& P RR Co Surveys, and Jones County into the City limits of Abilene.

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 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

Mayor Williams left the meeting after this item and Mayor Pro-tem McAlister presided over the remainder of the meeting.

16. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Ordinance of the City of Abilene, Texas, and Providing for the Extension of the Boundary Limits of the City of Abilene, Texas, and for the Annexation of Certain Territory - 821.22 acres - Lying Adjacent and Contiguous to the Present Boundary Limits of the City of Abilene, and Granting to All the Inhabitants of the Territory, all the Rights and Privileges of Other Citizens and Binding the Inhabitants by All of the Acts, Ordinances, Resolutions, and Regulations of the City of Abilene; and Adopting a Service Plan Agreement
[ASSIGNED ORDINANCE NO. 15-2022]

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would annex 285.90 acres out of Sections 53 & 54, Block 16, T&P RR Co Surveys, Taylor County; 191.18 acres out of Section 55, Block 16, T&P RR Co Surveys, Taylor County; 305.95 acres out of Section 24, WW SILLS Survey, Taylor County; 3.59 acres of land out of and a part of Section 53, T&P RR Co Block 16, Taylor County; 3.91 acres of land out of Section 53, T&P RR Co, Block 16, Taylor County; 18.33 acres of land out of Subdivision 5, AF McDonald Subdivision of the WW Sills Surveys 23 & 24, Taylor County; 2.07 acres of land out of Survey 54, Block 16, T&P RR Co Survey, Taylor County; 4.25 acres of land of which 0.31 acres are out of Thompson Survey No. 20 and 3.94 acres are out of Survey No. 54, Block 16, T&P RR Co., Taylor County; 6.04 acres of land out of Section 23, Block 16, T&P RR Co Survey, Taylor County, into the City limits of Abilene.

Mayor Pro-tem McAlister opened the public hearing. With no 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 Pro-tem McAlister, Deputy Mayor Pro-tem Craver and Councilmembers Price, Beard, Albus and Hurt

NAYS (0): None

ABSENT (1): Mayor Williams

An audience member called Point of Order at this point. A second audience member got up and expressed her concern that the vote for Item 17 was an illegitimate action and needed to be re-voted on in her opinion.

Stanley Smith, City Attorney, stated that there was no agenda item to discuss and he would not give legal advice. No items were reopened and the matter was dropped.

EXECUTIVE SESSION

Mayor Pro-tem McAlister recessed into Executive Session at 11:58 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:

- 18. A. 551.071 (Consultation with Attorney)
 - 1. Sanctuary City for the Unborn (Agenda Item 17)
- 18. D. 551.074 (Personnel Matters)
 - 1. City Manager
- 18. F. 551.087 (Business Prospects & Economic Development)
 - 1. Chapter 380 Agreement with Dyess AFB

The Executive Session ended at 12:10 p.m. and reconvened to Open Session. Mayor Pro-tem McAlister reported no votes or action were taken in Executive Session.

REGULAR AGENDA

19. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Chapter 380 Agreement with Dyess Air Force Base, United States Airforce regarding flight line gates project [ASSIGNED RESOLUTION NO. 73-2022]

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a Chapter 380 Agreement with Dyess Air Force Base, United States Air Force regarding flight line gates project.

Mayor Pro-tem McAlister opened the public hearing. The following addressed the city council:

- David Swart – stated he did not understand the overview of the project and wanted to know why we were purchasing a gate for the DOD.

Robert Hanna, City Manager addressed Mr. Swart's concern and stated that state funds for this purpose would be used for this purchase, not city tax dollars.

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

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


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


NAYS (0): None

ABSENT (1): Mayor Williams

ADJOURNMENT

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


Shawna Atkinson
City Secretary


Anthony Williams
Mayor

Minutes approved on: May 12, 2022

