

## CITY COUNCIL MEETING

June 9, 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 June 9, 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 Weldon Hurt, Deputy Mayor Pro-tem Donna Albus, and Councilmembers Shane Price, Lynn Beard, Kyle McAlister and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Mayor Anthony Williams delivered the invocation.

Will and Nellie Tusing, both from Wylie ISD, 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 made an announcement in regards to homeless Veterans and chronic homelessness in Abilene, and went over the accomplishments the Homeless Network has achieved. Jenny Goode and several others from the West Texas Homeless Coalition spoke on the topic as well.

Mayor Williams made an announcement on the upcoming Parks & Recreation Master Plan Open House on June 16<sup>th</sup> at 5:30 p.m. and encouraged everyone to attend.

- Proclamations:
  - Elder Abuse Awareness Month – accepted by Adult Protective Services.
  - Waste & Recycling Workers Week – accepted by Public Works Director Max Johnson and Solid Waste staff members.
  - Ride to Work Day – accepted by E’Lisa Smetana and Ride to Work Day organizers.

#### PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 4-10. Item 8 was pulled for individual consideration.

#### PUBLIC COMMENTS

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

- David Swart – spoke about item #7 and asked for an explanation as to why we are paying for a new roof on a facility we just rehabbed.
- Steve Justice – spoke about the Cedar Creek Waterway bid and stated that his business, Justice Construction was the lowest bidder, however, they were not awarded the bid and he questioned why he was not chosen.
- Robert McCabe and Perry Covington with Abilene Hope Haven – spoke about the lack of affordable housing in town and that most landlords are not willing to accept HUD vouchers. They asked about an incentive program for builders to develop low income housing.
- Lowell Johnson – spoke about item #11. He lives in that addition, and is not in objection to the item, but stated that if they are wanting to replat into multiple lots then he would be concerned.

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

After Mr. Justice's comments, Council and staff discussed the bidding process for item #8 at length and why Justice Construction wasn't chosen for the project. Council would like to table the item to have a chance to look at all the bids that came in.

**CONSENT AGENDA**

Councilmember Beard moved to approve the consent agenda, consisting of items 4-7 and 9-10. Councilmember Craver seconded the motion. Motion carried.

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

NAYS (0): None

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on May 26, 2022

5. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter  
[ASSIGNED RESOLUTION NO. 90-2022]

Board	Term End Date
<i>Abilene-Taylor County 9-1-1 District Board</i>	
Michael Rice (Nomination Only - Board Votes)	
<i>Abilene-Taylor County Public Health Advisory Board</i>	
Dr. Leslie Hutchins [New]	November 2024 [unexpired term]
<i>Citizens Advisory Board for People with Disabilities</i>	
Rodney Young [New]	October 2023 [unexpired term]
<i>Parks &amp; Recreation Board</i>	
Tony Pallaerez [New]	May 2025
Tanell Smith [New]	May 2025
<i>Street Maintenance Advisory &amp; Appeals Board</i>	
David Todd [New] [Chair]	March 2023 [unexpired term]
Matthew Lubin [Reappointment]	May 2024

6. Resolution: Receive a Report, Hold a Discussion and Take Action on Accepting Permanent Sculptures Donated to the City of Abilene  
[ASSIGNED RESOLUTION NO. 91-2022]

7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the City Manager to Enter into a Contract with AMKO, Inc. for the Construction Documents, Bidding, and Construction Administration of a Roof Project for the Police Department, Municipal Court, and Water Office Complex  
[ASSIGNED RESOLUTION NO. 92-2022]

9. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Change Order for City Facility Improvements (Festival Park District) with DPR Construction  
[ASSIGNED RESOLUTION NO. 94-2022]

10. Resolution: Receive a Report, Hold a Discussion and Take Action on the Acceptance of the DEAAG grant funds for the Dyess Air Force Improved and Expanded Fiber and 5-G Infrastructure Project  
[ASSIGNED RESOLUTION NO. 95-2022]

**ITEM PULLED FOR INDIVIDUAL CONSIDERATION**

8. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter into a contract with Bontke Brothers Construction Company, Inc. for the Cedar Creek Development Trail Project  
[ASSIGNED RESOLUTION NO. 93-2022]

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

Mayor Williams moved to table the item. Councilmember Price seconded the motion. Motion carried.

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

NAYS (0): None

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**REGULAR AGENDA**

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Mayor Williams announced that item #16 would be considered at the beginning of the Regular Agenda.

16. Discussion: Receive a Report, Hold a Discussion and Public Hearing on the Collection Development Policy of the Abilene Public Library

Julee Hatton, Library Director, presented the item. Ms. Hatton went over the mission statement for the Abilene Public Library, the statistics on the collection, a brief overview of the collection development policy, the library advisory board and their responsibilities, the process for selecting materials for the library, the evaluation process for collections, and the process for reconsideration of materials purchased.

Council and staff discussed the policies at length.

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

- Jason Hernandez Marshall – stated he is against removing LGBTQ books from the library.
- Jane Bering – spoke about the library’s unattended children’s policy and stated that parents need to be responsible for their own children. Ms. Bering wants the policy to stay the same.
- Ann Sasse – did not speak, but indicated she is in favor of a new policy.
- Dr. Bruce Davis – did not speak, and his comment card was unclear as to his opinions.
- Kenneth Smith – did not speak, but indicated he is in opposition of banning books.
- James Wagstaff – stated he is against removing LGBTQ books from the library and that these books can help children feel like they belong.
- Sean Carasso – stated he is against removing LGBTQ books from the library and hopes Abilene will become a sanctuary city for freedom instead.
- Elizabeth Powell – gave her opinion as a mental health therapist, and stated that she is against removing LGBTQ books from the library.
- Sam Hatton – spoke in support of the library. Mr. Hatton stated that he thinks the proper steps should have been followed that have been outlined in the library policies, and that it is ultimately a parental issue in the end.
- Cierra Villarreal – spoke about the commitment to inclusivity that libraries have, and that she is against removing LGBTQ books from the library.

- Mikaela Allmand – did not speak, but indicated she had questions on proper vetting procedures for book selection before they go onto shelves for specific ages.
- Alex Russell – stated she is against removing LGBTQ books from the library, and to keep the freedom to read in place.
- Erika Batton – would like all books on sexuality taken out of the children’s section and placed into a more appropriate section. Urged the Library Advisory Board to consider this at their next meeting.
- Amanda Estevez – stated she is in favor of moving books on sexuality out of the children’s section and into a more appropriate section, and questioned where the line is drawn for appropriateness.
- Francis Rodriguez – spoke about a book her children found in the library’s children’s section and that she was forced to talk to her 5-year-old about topics out of their league because of it.
- Charles Byrn – expressed his concerns on the books in question and that he does not feel certain members of the Friends of the Library align with the values of the community.
- Ryan Goodwin – stated he is in favor of moving books on sexuality out of the children’s section and into a more appropriate section.
- David Swart – spoke about first amendment rights and the library card policy. He stated that nowhere in the policy does it state how long the cards are issued for. Mr. Swart also spoke about odd parts of the library policy.
- Patrick Batton – spoke about diversity and loving one another, and that he doesn’t want the books banned, but would like to see the Library Advisory Board have to approve the books.
- David Rodriguez – questioned why a publishing company gets to determine age appropriateness, stated that the descriptions on books are not enough to determine content, spoke about a book called “Anti-Racist Baby”, and that he would like the library to reevaluate where these books go.
- Greg Wilson – stated that he thinks the current policy is a good policy, in particular the freedom to read, and hopes we will continue to follow these policies as a community that values democracy and freedom.
- Eric Bangs – stated that they aren’t trying to ban books, just to have them put into another section, since it’s a parent’s responsibility to control what goes into a child’s brain, not the library’s.

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

Mayor Williams recessed into a break from 10:38 a.m. to 10:45 a.m.

Council discussed various options and outcomes for the library policy. Mayor Williams asked for Councilmembers Albus and Craver to sit down with staff and the Library Advisory Board, and bring back options at a later date that would be appropriate for our community.

11. Ordinance (Final Reading) Z-2022-09: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Gregory And Marcia Straughn Within The Subdivision Known As The Hillview Addition To Change Zoning Of Approximately 3.906 Acres From Agricultural Open (AO) To Residential Single-Family District-12 (RS-12)  
[ASSIGNED ORDINANCE NO. 21-2022]

Councilmember Price 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, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agriculture Open (AO) to Residential Single-Family District-12 (RS-12).

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 Albus seconded the motion; motion carried.

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

NAYS (0): None

ABSTAIN (1): Councilmember Price

12. Ordinance (Final Reading) Z-2022-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As The Green Acres Addition To Change The Zoning Of .909 Acres From General Retail (GR) To A Planned Development District (PD-176) on the 2100 Block Of N Willis St., Abilene, Taylor County, Texas [ASSIGNED ORDINANCE NO. 22-2022]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from General Retail (GR) to a Planned Development District (PD-176).

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

- BJ Prichard, agent for the applicant – availed himself for questions from Council.

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

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

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

NAYS (0): None

13. Ordinance (Final Reading) Z-2022-11: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Patrick Cowen To Change Zoning From Heavy Industrial (HI) To Heavy Commercial (HC) On Approximately 3 Acres At The 4200 Block Of Burl Harris Dr. Abilene In Taylor County, Texas [ASSIGNED ORDINANCE NO. 23-2022]

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

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. Mayor Pro-tem Hurt seconded the motion; motion carried.

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

NAYS (0): None

14. Ordinance (Final Reading) CUP-2022-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As Original Town Of Abilene To Allow The Use Of Automobile Repair And Maintenance Services-Minor Within The Central Business (CB) District, 633 Oak Street, Abilene, Taylor County, Texas  
[ASSIGNED ORDINANCE NO. 24-2022]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would approve a conditional use permit to allow for automobile repair and maintenance services within the Central Business District at the above referenced property.

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

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

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

NAYS (0): None

15. Ordinance (Final Reading) CUP-2022-05: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Collective Owners Of Property Within The Subdivision Known As Original Town Of Abilene To Allow The Use Of Wholesaling & Storage-Indoor Within The Central Business (CB) District, 149 Oak Street, Abilene, Taylor County, Texas  
[ASSIGNED ORDINANCE NO. 25-2022]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would approve a conditional use permit to allow the use of wholesaling and indoor storage within the Central Business District at the above referenced property.

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

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

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

NAYS (0): None

### EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 11:06 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:

- 17. D. 551.071 (Consultation with Attorney)
  - 1. Library Policy (agenda item #16)
- 17. F. 551.072 (Deliberations about Real Property)
  - 1. Allen Ridge Hotel
  - 2. Allen Ridge Walking Trail
  - 3. Allen Ridge Subdivision



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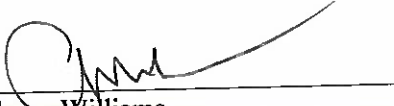


The Executive Session ended at 11:22 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:22 a.m.

  
Shawna Atkinson  
City Secretary

  
Anthony Williams  
Mayor

Minutes approved on: June 23, 2022

