

CITY COUNCIL MEETING

July 14, 2022 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 July 14, 2022, at 8:30 a.m. in the Council Chambers, 555 Walnut St. 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.

Councilmember Lynn Beard delivered the invocation.

Lauren Sawyers, 4th Grader at Wylie West Intermediate, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Service Awards:
 - Mike Michaud – 30 Years – Water Utilities
- Proclamations:
 - Minority Mental Health Awareness Month – accepted by William Boyd from NAMI.
 - Parks & Recreation Month – accepted by Lesli Andrews and Parks & Recreation Department Staff.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 4-12. No items were pulled for individual consideration.

PUBLIC COMMENTS

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

- Cynthia Alvidrez – stated she is opposed to Items 5, 10, 11, and 17. She has issues with people getting on boards and stated that she wants a change to the process on board member selection. Ms. Alvidrez stated that the items to be donated for Item 10 would be better utilized being recycle back into the parks and recreation department. She also questioned when the last time the TIRZ board met.
- David Swart – stated that citizens come to meetings to save the babies and are against a few library books that are available to children, but he is concerned that no one comes out to talk about government waste. He is upset that the LED fixtures that were in council chambers have been taken out and that the various traffic signals that were fixed in 2018 now do not work.
- Jack Heard – wanted to thank staff for putting on the skateboarding event this past weekend and cleaning up the vandalism at the park. Stated his concern that there was a closed sign due to vandalism at the skate park that was too vague.
- Ryan Goodwin – stated that Steve Justice with Justice Construction spoke at last month's meeting to say his bid wasn't accepted for Cedar Creek, even when he was the lowest bidder. Mr. Goodwin reached out to Mr. Justice and he hasn't heard anything back from the city. Mr. Goodwin wanted an update.
- Randall Barton – stated he loves what the city has done with the Cedar Creek project, however, he asked that the city do something about the various locations that vehicles are able to access, as they are tearing it up.
- Carolyn Walden – stated that she wants everyone to consider what is being promoted in our libraries, such as pornography for children. She urged council to stand up and protect the innocent.

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

CONSENT AGENDA

Mayor Pro-tem Hurt moved to approve the consent agenda, consisting of items 4-12. Councilmember McAlister 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 June 23, 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. 103-2022]

Board	Term End Date
<i>Abilene-Taylor County 9-1-1 District Board</i>	
Michael Rice (Casting a Vote Only)	
<i>Board of Building Standards</i>	
JD Coffee [Alternate] [New]	11/4/2023 [unexpired term]

- 6. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Renew the Google - Workspace Software Licenses From SADA Systems, Inc., for Boards and Commissions
[ASSIGNED RESOLUTION NO. 104-2022]
- 7. Resolution: Receive a Report, Hold a Discussion and Take Action on awarding the bid for the E.N. 10th and S. Maple Street Utility Improvements
[ASSIGNED RESOLUTION NO. 105-2022]
- 8. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding the Rebid of Bulk Chlorine Chemical Used by Water Treatment Plants in Fiscal Year 2022
[ASSIGNED RESOLUTION NO. 106-2022]
- 9. Resolution: Receive a Report, Hold and Discussion and Take Action Authorizing the City Manager to execute an Agreement with Impact Promotional Services, LLC dba Got You Covered Work Wear & Uniforms for the Purchase of Flame Resistant (FR) Station Uniforms for the Abilene Fire Department
[ASSIGNED RESOLUTION NO. 107-2022]
- 10. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the Donation of Police Department Bicycles, Clothing, and Electronic Items to Local Non-Profit Organizations **[ASSIGNED RESOLUTION NO. 108-2022]**
- 11. Resolution: Receive a Report, Hold a Discussion and Take Action on Amending and Expanding the Boundaries of the Abilene Neighborhood Empowerment Zone No. 1
[ASSIGNED RESOLUTION NO. 109-2022]

12. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-286, Decreased Speed Limits - School Zones," of the Abilene Municipal Code, By Amending School Zone near Dyess Elementary and Updating AISD school names

REGULAR AGENDA

13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute the Software Services Agreement with Tyler Technologies, Inc. for the Enterprise Resource Planning (ERP) MUNIS Products Implementation
[ASSIGNED RESOLUTION NO. 110-2022]

Bob Von Wolfradt, Director of Information Technology, presented the item. Adoption of the item would approve an agreement with Tyler Technologies for the Enterprise Resource Planning (ERP) system MUNIS product implementation.

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

- David Swart – stated that he hopes this software will correct the 3% processing fee for debit cards.

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

Councilmember Price moved to approve the item as presented. Councilmember Beard 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): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amending Chapter 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE XIII, "SCHEDULES," SECTION 18-286, "Decreased speed limits-School Zones," of the Abilene Municipal Code to Add School Traffic Zones at Wylie East Elementary
[ASSIGNED ORDINANCE NO. 26-2022]

Max Johnson, Director of Public Works, presented the item. Adoption of the item would amend Chapter 18 of the code to establish a new school zone for Wylie East Elementary school.

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 McAlister 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): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Ordinance amending Chapter 32 "Utilities", Article VI "Water Conservation Plan", of the Abilene Municipal Code by amending Sections 32-140, 32-141, 32-142, 32-143, 32-144, 32-145, and 32-146, as set out below, providing a severability clause, and declaring a penalty
[ASSIGNED ORDINANCE NO. 27-2022]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would amend Chapter 32 "Utilities", Article VI "Water Conservation Plan", of the Abilene Municipal Code by amending Sections 32-140, 32-141, 32-142, 32-143, 32-144, 32-145, and 32-146. Mr. Taylor introduced Jordan Hibbs with Enprotec/Hibbs & Todd, who went over the background of the plan, the purpose of the change in the plan, and the appropriate water conservation measures to be implemented during normal and drought conditions.

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

- David Swart – stated that a long time ago when inflation was real high like it is now, there was conservation plan like this but it went away. Now we will have a plan permanently. Mr. Swart also stated that it is hard to justify a storm water fee when we are talking about a drought.
- Hershel Redding – stated he drove down Elmwood and there was water on both sides of the street and water running down the curb due to a leaking irrigation system. He also stated that there is a fire hydrant by his house that has leaked since the catastrophic freeze. He has notified the city of these and claims that no one is enforcing anything.

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

Councilmember McAlister 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

16. Ordinance (Final Reading) Z-2022-13: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC Represented By Jacob & Martin, LLC To Change The Zoning Of Approximately 36.5 Acres From Residential Multi-Family (MF), Office (O), And Agricultural Open (AO) To General Retail (GR), Residential Multi-Family (MF) And General Commercial (GC)
[ASSIGNED ORDINANCE NO. 28-2022]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Multi-Family (MF), Office (O), and Agricultural Open (AO) to General Retail (GR), Residential Multi-Family (MF) and General Commercial (GC).

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

- Clayton Farrow, agent for developer – stated that the developer had success north of the property and he is acquiring this land to do the same thing. The uses are appropriate given the location.

With no other 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

17. Ordinance (Final Reading) CUP-2022-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Windmill Circle Apartments LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) For Approval Of A Conditional Use Permit Allowing Multi-Family Residential Buildings On Approximately 15 Acres Of Now-Vacant Land In A General Retail (GR) District At 28 Thru 36 Windmill Circle And At 5601 Memorial Drive In South Abilene
[ASSIGNED ORDINANCE NO. 29-2022]

This item required a supermajority vote, due to the opposition received.

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would approve of a Conditional Use Permit Allowing Multi-Family Residential Buildings on Approximately 15 Acres of Now-Vacant Land in a General Retail (GR) District at the above referenced property.

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

- BJ Pritchard, represents the applicant – stated that this project is consistent with Abilene’s historic zoning practices across town. It is situated next to HWY 83/84, which is a busy highway that will only get busier, and the area is prime for growth. They engaged an engineering firm to do a traffic study there and the retail traffic trips are significantly higher than the proposed apartment complex traffic would be. It will be landscaped and manicured and will provide a buffer between zoned areas.
- Harold Moniz, also represents the applicant – stated that they are only at 75% of the maximum density allowed with this zoning, and that they are more than happy to relocate the access point to the south to match up with Legacy Drive, and add another access on Windmill Circle. Mr. Moniz did ask if it would be possible to change the masonry fence to landscaping in certain areas.
- Cindy Ramsay – spoke in opposition to the item.
- Fran Beale – did not wish to speak, but is opposed to the item.
- Charles Davis – did not wish to speak, but is opposed to the item.
- Randall Crosswhite – did not wish to speak, but is opposed to the item..
- Lisa Crosswhite – did not wish to speak, but is opposed to the item.
- Cynthia Webb – did not wish to speak, but is opposed to the item.
- Brenda Hufke – spoke in favor of the item.
- Maggie Zapeda – spoke in favor of the item.
- Brianna Richards – spoke in favor of the item.
- Amanda Rockhill – spoke in favor of the item.
- Nova Underwood – spoke in favor of the item.
- Jessalyn Davis – spoke in favor of the item.
- Janet Dawkins – spoke in favor of the item.
- Linda Griggs – did not wish to speak, but is opposed to the item.
- Billy Griggs – did not wish to speak, but is opposed to the item.
- Carol Parker – did not wish to speak, but is opposed to the item.
- James Parker – did not wish to speak, but is opposed to the item.
- Carole Greenhurts – did not wish to speak, but is opposed to the item.

- Ed Farnsworth – did not wish to speak, but is opposed to the item.
- William Robbins – did not wish to speak, but is opposed to the item.
- Jessalie Vargees – read a letter from her friend who has COVID that lives in the area. She spoke in opposition to the item.
- Lisa Chavez – did not wish to speak, but is opposed to the item.
- Tanya Miles – did not wish to speak, but is opposed to the item.
- Colby Walker – did not wish to speak, but is opposed to the item..
- David Swart – stated that those for those who didn't speak, council will be less apt to take your consideration in. He thinks the concern is the multilevel housing, and that people are fearful of change in their neighborhood because they expected houses to go in there.
- Nancy Liles – spoke in opposition to the item.
- Lisa Dues – spoke in opposition to the item.
- Eric Holden – spoke in opposition to the item.
- Rodney Robertson – spoke in opposition to the item.

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

Council discussed the various options before them at length.

Councilmember McAlister moved to approve Planning and Zoning's recommendation, but require buildings 5, 6, 7, 8, 10, and 11 be single story along Memorial Drive, and those behind it to be three story, and to move the main entrance as far south as possible to mitigate the traffic on Memorial Drive. Mayor Pro-tem Hurt seconded the motion; motion failed.

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

Councilmember Price moved to approve Planning and Zoning's recommendation, with the modification of moving the main entrance on Memorial as far south as possible without impacting emergency services. Mayor Pro-tem Hurt seconded the motion; motion failed

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 11:01 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. D. 551.074 (Personnel Matters)
 - 1. City Manager
- 18. F. 551.072 (Deliberations about Real Property)
 - 1. Chapter 380 Agreement with Habitat for Humanity (Agenda Item #19)

The Executive Session ended at 11:27 a.m. and reconvened to Open Session. Mayor Williams 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 Authorizing the City Manager to Enter into a Chapter 380 Agreement with Habitat for Humanity for Infill Residential Development
[ASSIGNED RESOLUTION NO. 111-2022]

Earlier in the meeting, under Section 551.087 (Deliberations about Real Property) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 11:01 a.m., and ended at 11:27 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a Chapter 380 Agreement with Habitat for Humanity for Infill Residential Development, to demolish the old Saint Anne's Hospital in order to develop an affordable single-family neighborhood in its place.

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

- David Swart – stated that several years ago a developer came in and tried to turn this property into something but there was arson incident. He questioned if now the developer wishes to flatten it and build homes.


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 Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, McAlister, and Craver
NAYS (0): None

ADJOURNMENT

There being no further business, the meeting adjourned at 11:31 a.m.


Shawna Atkinson
City Secretary


Anthony Williams
Mayor

Minutes approved on: July 28, 2022