

CITY COUNCIL MEETING
September 22, 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 September 22, 2022, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Hurt was present and presiding, along with Deputy Mayor Pro-tem Donna Albus, and Councilmembers Shane Price, Lynn Beard and Travis Craver. Mayor Anthony Williams and Councilmember Kyle McAlister were absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Councilmember Lynn Beard delivered the invocation.

Caleb Williams, 4th grader at Stafford Elementary, 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 2-18. Item 13 was pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Councilmember Price – Item 13

PUBLIC COMMENTS

Mayor Pro-tem Hurt opened the public comment period. The following addressed the city council:

- David Swart – spoke about the naming rights for the downtown hotel, and that he hopes there will be charging stations for electric cars at the hotel. He also stated that the roof for the new Police Station should've been replaced when the remodel took place.
- Brandt Fisher – spoke about the special events permit process and stated his opposition to the Pride Parade happening this Saturday.
- Jason Delong – read a scripture from the Bible and stated his opposition to the Pride Parade happening this Saturday.
- Tammy Fogle – stated her opposition to the Pride Parade happening this Saturday.
- Thomas Englemeyer – stated his opposition to the Pride Parade happening this Saturday.
- Ryan Goodwin – stated his opposition to the Pride Parade happening this Saturday.
- Mario Centron – spoke about his concerns with decency and his time in Guatemala.
- Eric Bengs – stated his opposition to the Pride Parade happening this Saturday.

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

CONSENT AGENDA

Councilmember Price moved to approve the consent agenda consisting of items 2-12 and 14-18. Councilmember Beard seconded the motion. Motion carried.

AYES (5): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, and Craver
NAYS (0): None
ABSENT (2): Mayor Williams and Councilmember McAlister

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on September 8, 2022
3. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Convention and Visitors Bureau FY 2023 Budget
[ASSIGNED RESOLUTION NO. 164-2022]
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Financing for the Benefit of Abilene Christian School and Related Matters
[ASSIGNED RESOLUTION NO. 165-2022]
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Enter Into a Professional Services Agreement with Garfield Public/Private LLC for Naming Rights to Downtown Hotel and Conference Center, and the Existing Convention Center Facilities
[ASSIGNED RESOLUTION NO. 166-2022]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on entering into a Chapter 380 Economic Development Agreement with All Kind Animal Initiative for the Completion of Design Services and Construction of a New Animal Shelter
[ASSIGNED RESOLUTION NO. 167-2022]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the Funding of Change Order No. 003 - Hotel Facilities for the Downtown Hotel Development Project
[ASSIGNED RESOLUTION NO. 168-2022]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Execute Change Order No. 003 - Conference Facilities for the Downtown Hotel Development Project
[ASSIGNED RESOLUTION NO. 169-2022]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bids for Purchase of Bulk Chemicals to be Used by Water and Wastewater Treatment Plants in Fiscal Year 2023
[ASSIGNED RESOLUTION NO. 170-2022]
10. Resolution: Receive a Report, Hold a Discussion, and Take Action on Approving a Professional Services Agreement with Enprotec, Hibbs & Todd, Inc for the Abilene Master Drainage Plan Project V-7 Implementation - Catclaw Creek Drainage Improvements between S. 7th and S. 11th Streets
[ASSIGNED RESOLUTION NO. 171-2022]
11. Ordinance (First Reading): Receive a Report, Hold a Discussion, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-285, "Increased Speed Limits," of the Abilene Municipal Code, by Amending the Extent of Listed Speed Limit of 55 mph on Oldham Lane to 1,250 feet south of Hardison Lane and Adding a 60 mph Speed Limit on Oldham Lane from 1,250 feet south of Hardison Lane to the south City Limits
12. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Contract for the Replacement of the Police Department, Municipal Court, Water Office Complex Roof with CS Advantage USAA, Inc.
[ASSIGNED RESOLUTION NO. 172-2022]

14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending Chapter 29, Article IX, "Special Events License" of the Code of Ordinances
15. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending the Fees and Charges Ordinance adding Special Events Fees
16. Ordinance (First Reading) TC-2022-02: Receive a Report, Hold a Discussion, and Take Action on a Request from Hardin Simmons University, Represented by Enprotech Hibbs & Todd, to Abandon Hickory Street Between North 26th Street and Vogel Avenue; Cedar Street Between North 26th Street to Vogel Ave., Located in the City of Abilene, Taylor County, Texas.
17. Ordinance (First Reading) Z-2022-20: Receive a Report, Hold a Discussion and Take Action on a Request from Choi Fser Ventures, LLC to Change the Zoning of Approximately 3.37 Acres from Agricultural Open (AO) to General Commercial (GC)
18. Ordinance (First Reading) Z-2022-21: Receive a Report, Hold a Discussion, and Take Action on a Request from Pak Harris Enterprises Ltd, Represented by Harris Acoustics Ltd, to Change the Zoning of Approximately 4.76 Acres from Heavy Commercial (HC) to General Commercial (GC)

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

13. Resolution: Receive a Report, Hold a Discussion and Take Action on approving the Special Events Permit Policy
[TABLED]

Adoption of the item would approve the Special Events Permit Policy, that will create one location where citizens and organizations can access the Special Event Application, make payments, and access all City of Abilene resources needed to support an event.

Having pulled the item, Councilmember Price wanted to have a discussion in regards to the part of the permit process on street closures that require businesses to have 51% approval from businesses in the area. His concern is that there is no requirement of notification of all impacted businesses and that requirement should be added to the policy.

Mayor Pro-tem Hurt opened the public hearing. With no speakers coming forward, the public hearing was closed.

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

AYES (5): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, and Craver

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember McAlister

REGULAR AGENDA

19. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending and Renumbering the Street Maintenance Fee Ordinance
[ASSIGNED ORDINANCE NO. 47-2022]

Max Johnson, Director of Public Works, presented the item. Adoption of the item would amend the Code to remove conflicting information in the Street Maintenance Fee Schedule within Section 29-172, adding language to clarify that the fees are provided within the City's Fees and Charges Ordinance, as well as renumber the Code section to 29-181, to mirror the numbering listed in the current Code of Ordinances.

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

- David Swart – spoke about the rising Street Maintenance Fee and his concern that it will put “mom-and-pop” stores out of business.

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

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

AYES (5): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, and Craver

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember McAlister

20. Ordinance (Final Reading) TC-2022-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Griffith Lake Estates, LLC Represented by Jacob & Martin to Abandon the Entire southern portion of the Existing Scottish Road south of E. Stamford Road in Abilene, Taylor County, Texas [ASSIGNED ORDINANCE NO. 48-2022]

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 abandon the entirety of the existing unimproved right-of-way at the above referenced property.

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

- Tal Filingham, agent for the developer – stated that this request is to support a multi-family and retail development and asked for the council's support.
- Ryan Goodwin – spoke in support of the item, but stated his concern regarding the entrance onto I20, which is a one way street. He would like to see a right turn only lane added there.
- Patrick Batten – spoke in support of the item.

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

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

AYES (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Beard and Craver

NAYS (0): None

ABSTAIN (1): Councilmember Price

ABSENT (2): Mayor Williams and Councilmember McAlister

21. Ordinance (Final Reading) Z-2022-12: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Griffith Lake Estates Represented by Jacob & Martin, LLC to Change Zoning Of Approximately 30.7 Acres from Agricultural Open (AO) and Residential Multi-Family (MF) to Residential Multi-Family (MF) and General Commercial (GC)
[ASSIGNED ORDINANCE NO. 49-2022]

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 Agricultural Open (AO) and Residential Multi-Family (MF) to Residential Multi-Family (MF) and General Commercial (GC).

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

- Tal Filingham, agent for the developer – stated that this request is to support the multi-family retail development that was already presented during the last item.

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

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

AYES (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Beard and Craver
NAYS (0): None
ABSTAIN (1): Councilmember Price
ABSENT (2): Mayor Williams and Councilmember McAlister

EXECUTIVE SESSION

Mayor Pro-tem Hurt recessed into Executive Session at 9:24 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:

- 22. D. 551.071 (Consultation with Attorney)
 - 1. Allstate Fire & Casualty Insurance Company as Subrogee of Del Davis v. City of Abilene
- 22. D. 551.074 (Personnel Matters)
 - 1. Annual Evaluation of the City Secretary
 - 2. Annual Evaluation of the City Attorney
- 22. F. 551.087 (Business Prospect/Economic Development)
 - 1. Project Double Eagle II

The Executive Session ended at 10:35 a.m. and reconvened to Open Session. Mayor Pro-tem Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Development Corporation of Abilene, Inc.'s Incentive for Project Eagle II
[ASSIGNED RESOLUTION NO. 174-2022]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve the Development Corporation of Abilene, Inc.'s Incentive for Project Eagle II, which is Bridgestone Bandag.

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

- David Swart – stated that the Great Lakes Cheese Factory has ended their job fairs even after advertising hiring over 200 positions, so they are not hiring what was expected. Mr. Swart also expressed his excitement for this Bandag expansion.

With no other 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 (5): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, and Craver

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember McAlister

24. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Evaluation of the City Secretary
[ORAL RESOLUTION]

Earlier in the meeting, under Section 551.074 (Personnel Matters) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:24 a.m. and ended at 10:35 a.m. No votes or actions were taken at that time.

Mayor Pro-tem Hurt opened the public hearing. With no speakers coming forward, the public hearing was closed.

Councilmember Beard moved to approve the annual evaluation of the City Secretary. Deputy Mayor Pro-tem Albus seconded the motion; motion carried.

AYES (5): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, and Craver

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember McAlister

25. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Evaluation of the City Attorney
[ORAL RESOLUTION]

Earlier in the meeting, under Section 551.074 (Personnel Matters) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:24 a.m. and ended at 10:35 a.m. No votes or actions were taken at that time.

Mayor Pro-tem Hurt opened the public hearing. With no speakers coming forward, the public hearing was closed.

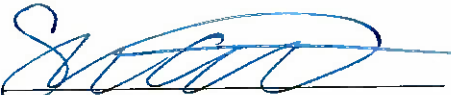
Councilmember Craver moved to approve the annual evaluation of the City Attorney. Deputy Mayor Pro-tem Albus seconded the motion; motion carried.


AYES (5): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, and Craver
NAYS (0): None
ABSENT (2): Mayor Williams and Councilmember McAlister

26. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Evaluation of the City Manager
[NOT CONSIDERED]
27. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Evaluation of the Municipal Court Judge
[NOT CONSIDERED]

ADJOURNMENT

There being no further business, the meeting adjourned at 10:55 a.m.


Shawna Atkinson
City Secretary


Anthony Williams
Mayor

Minutes approved on: October 13, 2022

