

CITY COUNCIL MEETING
March 9, 2023 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 March 9, 2023, 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.

Deputy Mayor Pro-tem Donna Albus delivered the invocation.

Bria Green, 1st Grader, Caleb McRae, 1st Grader, and Ian McRae, 3rd Grader, all from Alcorta Elementary, 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:
 - Scott Ferrell – 35 Years – Police Department
 - Scott Rowley – 35 Years – Police Department
 - Joe Tauer – 35 Years – Police Department

- Presentations & Proclamations:
 - Presentation of the Texas Association of City and County Health Officials Public Health LEADer Award to Cari Waller
 - Developmental Disabilities Awareness Month Proclamation presented to Jamie Thomas
 - Social Work Awareness Month Proclamation presented to Roz Evans
 - Key to the City presented to Larry Gill

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:04 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:

- 21. D. 551.074 (Personnel Matters)
 - 1. Chief of Police
- 21. D. 551.087 (Business Prospect/Economic Development)
 - 1. DCOA Project Saldo
 - 2. DCOA Project Bonanza

The Executive Session ended at 9:52 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 15. Ordinance (Final Reading) HOZ-2022-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Martha Mckinzie Shipp Graves, To Apply Historic Overlay Zoning To Approximately 0.32 Acres Zoned Multi-Family Residential (MF) Located At 689 EN 18th Street
[ASSIGNED ORDINANCE NO. 09-2023]

Mayor Williams, and Councilmembers Price and McAlister had conflicts of interest on this item and left the room during deliberation. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office. Mayor Pro-tem Hurt presided over this item.

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would Apply Historic Overlay Zoning to Approximately 0.32 Acres Zoned Multi-Family Residential (MF) at the above referenced property.

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

- Martha Groves – spoke in favor of the item, and stated that this will be a hospitality house for ACU.
- Terry Groves – spoke in favor of the item and gave the history of the home.
- Cynthia Alvidrez – questioned why the agenda has been changed, as her children wanted to present. Ms. Alvidrez stated her belief that this is favoritism towards ACU.

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 (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Beard and Craver
NAYS (0): None
ABSTAIN (3): Mayor Williams, Councilmembers Price and McAlister

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 4-12. Item #12 was pulled for individual consideration.

Item pulled for individual consideration:

- Item 12 – Mayor Pro-tem Hurt requested this item be considered before the public comments.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

12. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending the Tax Increment Reinvestment Zone (TIRZ) #3 Board Members from Seven (7) to Five (5)

Mayor Williams, and Councilmembers Price and McAlister had conflicts of interest on this item and left the room during deliberation. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office. Mayor Pro-tem Hurt presided over this item.

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would reduce the number of board members for the Tax Increment Reinvestment Zone #3 from seven (7) to five (5).

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

Councilmember Craver moved to approve the item as presented. Councilmember Beard 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 (3): Mayor Williams, Councilmembers Price and McAlister

Mayor Pro-tem Hurt left the meeting at this point.

PUBLIC COMMENTS

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

- Joey Devora – spoke in favor of the Library Collection Development Policy.
- Susie Mackaluso – spoke in favor of the Library Collection Development Policy.
- Ryan Goodwin – questioned why the TIRZ board members are being reduced from seven to five members.
- Tammy Fogle – spoke in opposition to the Library Collection Development Policy.
- Connie Howard – spoke in opposition to the Library Collection Development Policy.
- Bennie Mouser – spoke in opposition to the Library Collection Development Policy.
- Eric Bengs – read part of a book that he thought was obscene and showed images on a poster.
- Patsy Watson – spoke in favor of the Library Collection Development Policy.
- Brandt Fisher – questioned the Library Board, Council and Mr. Hanna’s silence to books he thinks are obscene.
- Rebecca Gingrich – spoke in opposition to the Library Collection Development Policy.
- Cynthia Alvidrez – spoke about the TIRZ item. She also stated her belief that ACU is getting all of the benefits but not paying enough in taxes.
- Thomas Englemeyer – spoke in opposition to the Library Collection Development Policy.
- Danny Ziprich – spoke in opposition to the Library Collection Development Policy.

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

CONSENT AGENDA

Mayor Williams moved to approve the consent agenda consisting of items 4-11. Councilmember Beard seconded the motion. Motion carried.

AYES (6): Mayor Williams, Deputy Mayor Pro-tem Albus, and Councilmembers Price, Beard, McAlister and Craver
NAYS (0): None
ABSENT (1): Mayor Pro-tem Hurt

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on February 23, 2023
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. 45-2023]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding the Bid for Ion Chromatograph Systems for the City of Abilene Environmental Laboratory
[ASSIGNED RESOLUTION NO. 46-2023]

7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Purchase of Body-worn Cameras and In-Car Cameras for the City Marshal's Division
[ASSIGNED RESOLUTION NO. 47-2023]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Execute an Agreement with Pellerin Laundry Machinery Sales Company, Inc. for the Purchase of Four (4) Commercial Gear Extractors for the Abilene Fire Department
[ASSIGNED RESOLUTION NO. 48-2023]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Execute an Agreement with Glenna Huggins Estate, Executor Jerry Martinez for the Purchase of Real Estate Lot 1694, SUR 22 L A L N/2 & SW/4, Acres 5.03 for the Abilene Fire Department
[ASSIGNED RESOLUTION NO. 49-2023]
10. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter an Agreement with Broker to Sell Real Property, and Authorizing the Sale of Real Property located at 10449 and at 10433 Arrow Pt. Road, Abilene, Jones County, Texas
[ASSIGNED RESOLUTION NO. 50-2023]
11. Resolution: Receive a Report, Hold a Discussion and Take Action on Replacing Key Network Infrastructure Appliances and Licenses, Fix Network Deficiencies and Improve Technology Support and Maintenance for all Departments and Operations
[ASSIGNED RESOLUTION NO. 51-2023]

REGULAR AGENDA

13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action Amending Article V - Community Support Policies of the City Council's Governing Principles, Rules of Procedure, and Council Policies
[ASSIGNED RESOLUTION NO. 52-2023]

Lesli Andrews, Director of Parks & Recreation, presented the item. Adoption of the item would approve ten city sponsored events to be held in the Convention Center and the venue waiver fee list.

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

- Tammy Fogle – read a book in honor of David Swart.
- Rebecca Bridges – with the Center for Contemporary Arts and would like this organization to be a part of this list.
- Susan Melbourne –asked for the Friends of the Library Book Sale to be added to the list
- Brandt Fisher – asked for the Business Mercado to be added to the list.

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

Mayor Williams moved to approve the five staff recommendations, and adding Business Expo, Friends of the Library Book Sale, Claudie Royals Day, Juneteenth, and the Business Mercado, and also adding a category for the venue fee waiver for the Convention Center, but keeping the list of waivers the same. Councilmember McAlister seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem Hurt

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Collection Development Policy for the Abilene Public Library
[ASSIGNED RESOLUTION NO. 53-2023]

Julee Hatton, Library Director, presented the item. Adoption of the item would approve the Collection Development Policy for the Abilene Public Library.

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

- Linda Perkins – spoke in favor of the item.
- David Perkins – spoke in favor of the item.
- Chesna Riley – spoke in favor of the item.
- Penny Bidy – spoke in favor of the item.
- Noah Henderson – spoke in favor of the item.
- Jessica Belk – spoke in favor of the item.
- Pam Peraza – spoke in favor of the item.
- Nathan Williams – spoke in favor of the item.
- Ryan Goodwin – spoke in opposition to the item.
- Paul Matthis – spoke in favor of the item.
- Elizabeth Dougherty – spoke in favor of the item.
- Tammy Fogle – spoke in opposition to the item.
- Eric Bengs – spoke in opposition to the item.
- Riley Dawson – spoke in favor of the item.
- Trevon Hardy – spoke in favor of the item.
- Tylor Stewart – spoke in favor of the item.
- Joey Devora – spoke in favor of the item.
- Zach Snyder – spoke in favor of the item.
- Rebecca Gingrich – spoke in opposition to the item.
- Danny Ziprich – stated his understanding that if you are not a resident you cannot speak at meetings or have a voice.
- Brandt Fisher – spoke in opposition to the item.

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

Councilmember McAlister moved to approve the item with the change of 90 days to review a book complaint to 180 days, and the addition of the proposed Young Adult and Young Adult Plus sections. Deputy Mayor Pro-tem Albus seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem Hurt

Mayor Williams recessed the meeting for a five minute break at this point.

16. Ordinance (Final Reading) SNC-2023-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The City Of Abilene To Permanently Change The Name Of Blackhawk Road To Blackhawk Drive Between Wildflower Way And Maple Street
[ASSIGNED ORDINANCE NO. 10-2023]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would change the name of Blackhawk Road to Blackhawk Drive, between Wildflower Way and Maple Street.

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem Hurt

17. Ordinance (Final Reading) Z-2023-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Chaile Allen, Represented By Borden Bluff, To Change The Zoning Of Approximately 0.32 Acres From Multi-Family Residential (MF) To Office (O) Located At 508 Mulberry Street
[ASSIGNED ORDINANCE NO. 11-2023]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Multi-Family residential (MF) to Neighborhood Office (NO), which is Planning and Zoning Commissions recommendation, located at 508 Mulberry Street. The applicant has agreed to the recommended zoning classification.

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

- Chaile Allen, applicant – spoke in favor of this item. She will be using this property for her law office.

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

Councilmember McAlister moved to approve the item with Planning and Zoning Commissions recommendation to Neighborhood Office (NO). Councilmember Beard seconded the motion; motion carried.

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem Hurt

18. Ordinance (Final Reading) Z-2023-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Clayton Coffey, To Change The Zoning Of Approximately 40 Acres From Agricultural Open (AO) To Planned Development District 179 (PDD-179) To Allow One Manufactured Home, Uses Permitted In The Agricultural Open (AO) District, And Agriculture Related Commercial Uses. This land is currently addressed as 6441-B East Lake Road in Jones County
[ASSIGNED ORDINANCE NO. 12-2023]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open (AO) District to Planned Development District 179 (PDD-179).

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

- Clay Coffey, applicant – stated his appreciation for the Planning and Zoning department for helping them and their farm to move forward. Mr. Coffey availed himself to questions from Council.

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem Hurt

19. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Amended Chapter 1, "General Provisions;" Section 1-9, "General penalty for violation of code, continuing violations, culpable mental state not required," Abilene Code of Ordinances to Increase the Misdemeanor Penalty for Zoning Violations
[ASSIGNED ORDINANCE NO. 13-2023]

Stanley Smith, City Attorney, presented the item. Adoption of the item would move the maximum fine for zoning violations from \$500 to \$2000.

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

NAYS (0): None

ABSENT (1): Mayor Pro-tem Hurt

Councilmember Craver left the meeting as this point.

20. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a proposal to adopt a new Comprehensive Plan prepared by Halff and Associates Inc.

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would adopt a new Comprehensive Plan prepared by Halff and Associates Inc. Brennan King with Halff and Associates Inc., presented the plan in detail.

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 Beard seconded the motion; motion carried.

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

ABSENT (2): Mayor Pro-tem Hurt and Councilmember Craver

REGULAR AGENDA

22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving DCOA Project Saldo

[ASSIGNED RESOLUTION NO. 54-2023]

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:04 a.m., and ended at 9:52 a.m. No votes or actions were taken at that time.

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve Project Saldo, which is Hendrick Health's business expansion into the Mall of Abilene.

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. Councilmember Price seconded the motion; motion carried.

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

ABSENT (2): Mayor Pro-tem Hurt and Councilmember Craver

23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving DCOA Project Bonanza

[ASSIGNED RESOLUTION NO. 53-2023]

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:04 a.m., and ended at 9:52 a.m. No votes or actions were taken at that time.

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve Project Bonanza, which is a new project with a manufacturing company called ABI Windows.

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

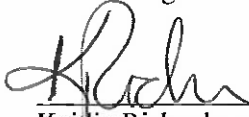
Councilmember McAlister moved to approve the item as presented. Councilmember Price seconded the motion; motion carried.

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


ABSENT (2): Mayor Pro-tem Hurt and Councilmember Craver

ADJOURNMENT

There being no further business, the meeting adjourned at 1:14 p.m.



Kaitlin Richardson
Deputy City Secretary



Anthony Williams
Mayor

Minutes approved on: March 23, 2023

