

CITY COUNCIL MEETING
June 22, 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 June 22, 2023, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Weldon Hurt was present and presiding, along with Mayor Pro-tem Shane Price, Deputy Mayor Pro-tem Lynn Beard, and Councilmembers Blaise Regan, Brian Yates, Kyle McAlister, and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson

Mayor Pro-tem Shane Price delivered the invocation.

Austin Sparks, 6th Grader at Madison Middle School, 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 2-16. No items were pulled for individual consideration.

PUBLIC COMMENTS

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

- Eric Bengs – spoke about the library collection development policy and the reconsideration request process. He is in opposition to the requirement to live in the Abilene city limits.
- Dorothy Clay – read a resolution about life month.
- Sue Schackmuth – spoke in favor of item 17.
- Nick Nowicke – is the owner of Good Earth Recycling. Thanked council for the opportunity and stated their excitement to offer recycling to this community.

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

CONSENT AGENDA

Councilmember Yates moved to approve the consent agenda consisting of items 2-16. Councilmember McAlister seconded the motion. Motion carried.

AYES (7): Mayor Hurt, Mayor Pro-tem Price, Deputy Mayor Pro-tem Beard, and Councilmembers Regan, Yates, McAlister and Craver
NAYS (0): None

Mayor Pro-tem Price and Councilmember McAlister had conflicts of interest on item #9 and #13 and abstained from voting on that item. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office. The vote for item #9 and #13 alone was:

AYES (5): Mayor Hurt, Deputy Mayor Pro-tem Beard, Councilmembers Regan, Yates, and Craver
NAYS (0): None
ABSTAIN (2): Mayor Pro-tem Price and Councilmember McAlister

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on June 8, 2023

3. Resolution: Receive a Report, Hold a Discussion and Take Action on the Purchase of Six (6) 4WD Police Packaged Chevrolet Tahoes from Caldwell Country Chevrolet through BuyBoard Co-operative #601-19
[ASSIGNED RESOLUTION NO. 104-2023]
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Contract Amendment with Tyler Technologies, Inc.
[ASSIGNED RESOLUTION NO. 105-2023]
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Award of Bid No. CB2349 - Sale of land at 1909 W. Stamford
[ASSIGNED RESOLUTION NO. 106-2023]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Change Order #1 with Bontke Brothers Construction Co., Inc. for Water Department Street and Miscellaneous Repair Work 2022-2023
[ASSIGNED RESOLUTION NO. 107-2023]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #CB-2351 South 27th St./Southwest Dr. Improvements (Barrow St. to Danville Dr.) to Bontke Brothers Construction Co., Inc.
[ASSIGNED RESOLUTION NO. 108-2023]
8. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on amending Chapter 3, "Subdivision Regulations," Article 2, "Subdivision Standards," Division 11. "Stormwater Management Requirements," of the Abilene Land Development Code, by amending certain sections as set out below
9. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Approving the Financing Plan for TIRZ District #3
10. Ordinance (First Reading) CUP-2023-03: Receive a Report, Hold a Discussion and Take Action on a Request from Waco Parkdale, LP to Apply a Conditional Use Permit to Approximately 9.82 Acres to Allow for a Trade School Within General Retail (GR) Zoning. Located at 3301 South 14th Street, #35A
11. Ordinance (First Reading) CUP-2023-04: Receive a Report, Hold a Discussion and Take Action on A Request From Marla Pollitt – Clearview RV, LLC to Apply a Conditional Use Permit to Approximately 11.16 Acres on a Site Zoned Agricultural Open (AO) and PDD-42 to Allow an RV Park Within the Portion of the Lot Zoned Agricultural Open. Located at 4051 W. Lake Road
12. Ordinance (First Reading) Z-2023-15: Receive a Report, Hold a Discussion and Take Action on a Request from IWS2 Investments, LLC to Change the Zoning of Approximately 1.26 Acres from Residential Single Family-6 (RS-6) to Multi-Family Residential (MF) Located on the 900 Block of Minda Street
13. Ordinance (First Reading) Z-2023-17: Receive a Report, Hold a Discussion and Take Action on a Request from Mike and Buffi Awtry to Change the Zoning of Approximately 0.08 Acres from Agricultural Open (AO) to Heavy Commercial (HC). Located at 2401 E. Stamford Street
14. Ordinance (First Reading) Z-2023-19: Receive a Report, Hold a Discussion and Take Action on a Request from Antonio and Elizabeth Gonzales to Change the Zoning of Approximately 0.82 Acres from Agricultural Open (AO) To Mobile Home (MH). Located at 350 Comanche Trail

15. Ordinance (First Reading) Z-2023-20: Receive a Report, Hold a Discussion and Take Action on a Request from the City Of Abilene on Behalf of Petra Ortiz to Change the Zoning of Approximately 0.32 Acres from Heavy Commercial (HC) to Residential Single-Family (RS-6). Located at 1317 Mesquite Street
16. Ordinance (First Reading) TC-2023-03: Receive a Report, Hold a Discussion and Take Action on a Request from IWS2 Investments, LLC to Abandon the Unimproved Manilla Street Located Between Hailey Street and Minda Street, Abilene, Taylor County, Texas

REGULAR AGENDA

17. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Ordinance Adding Chapter 27, "Solid Waste," Article VI, "Recyclable Material," which creates a Permitting Process for Private Haulers of Recyclable Materials
[ASSIGNED ORDINANCE NO. 28-2023]

Max Johnson, Director of Public Works, presented the item. Adoption of the item would create an annual permit process for the private collection and transportation of recyclable materials within the city limits of Abilene.

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

- Nick Nowicke – stated that they staff and hire drivers to collect the recyclable materials, and that they source separate what they can process locally and then transport the remainder. Mr. Nowicke stated that they do not handle hazardous materials.
- Sue Schackmuth – spoke in favor of this item.
- Dianne Bennett – spoke in favor of this item.

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

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

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

NAYS (0): None

18. Discussion: Hold a Discussion and Public Hearing on the Sanctuary City for the Unborn Ordinance to better understand the impact of the ordinance. In posting this agenda heading, the City is categorically declaring that there is not an interest on the part of the City Council to repeal the Ordinance, but rather to understand if elements of the Ordinance need to be clarified or amended to address unintended consequences.

Mr. Hanna read through the agenda heading for this item and clarified that this is for discussion only.

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

- Rob Wiley – spoke in favor of amending the ordinance to clarify a lot of unclear areas. Mr. Wiley requested the city council to revisit this ordinance in collaboration with the medical community.
- Darla Avery – did not wish to speak but indicated their support of the ordinance as written.
- Sabrina Elliot – a midwife. Spoke about the medication this ordinance prohibits and how she cannot use them when a mother needs them to save her life.

- Ree Nunn – did not wish to speak but indicated their support of the ordinance as written.
- Teresa Maddingly Clause – spoke in support of the ordinance as written.
- Chesley Martin – read a statement from Jane Beard, a 45-year licensed attorney. Mrs. Beard stated in her letter that this ordinance is poorly written, that there are too many unknowns and it lacks explanation. She asked to let the legislature do their job and not us.
- Peter Norton – did not wish to speak but indicated their opposition to the ordinance.
- Tia Thorpe – did not wish to speak but indicated their support of the ordinance as written.
- Liz Pickens – spoke in support of the ordinance as written.
- Enda Core – did not wish to speak but indicated their support of the ordinance as written.
- Jennifer Bell – stated that the ban on misoprostol is concerning and gave her personal experience she went through since the passing of the ordinance.
- April Brannon – gave her personal experience with a doctor’s visit since the ordinance was passed and not being able to receive the drugs she needed for a procedure.
- Scott Seymour – spoke in support of the ordinance as written.
- Scott Beard – spoke in support of the ordinance as written.
- Mark Mangrum – did not wish to speak but indicated their support of the ordinance as written.
- Denise Alcure – did not wish to speak but indicated their support of the ordinance as written.
- Bruce Tinsler – spoke in support of the ordinance as written.
- Vincent Nigro – spoke in support of the ordinance as written.
- Matt Fogle – did not wish to speak but indicated their support of the ordinance as written.
- Ruth York (not an Abilene resident) – spoke in support of the ordinance as written.
- Susan Russell – did not speak or indicate opposition or support.
- Amy Boone – spoke about her concerns with the ban of misoprostol and stated her opposition to the ordinance.
- Marie Nuhn – spoke in support of the ordinance as written.
- Tammy Fogle – spoke in support of the ordinance as written.
- Jeff Hatcher – spoke in support of the ordinance as written.
- Mary Becking – spoke in support of the ordinance as written.
- Robin Pertchuga – spoke in opposition to the ordinance and asked the council to take the women who have been directly impacted by this ordinance into consideration.
- Dorothy Clay – spoke in support of the ordinance as written.
- Tyler Lymaker (not an Abilene resident) – spoke in support of the ordinance as written.
- Darrian Starnuff – spoke in favor of amending the ordinance to be more clear.
- Carey Tinsler – spoke in support of the ordinance as written and gave her adoption story.
- Madiline Mangrum – spoke in support of the ordinance as written.
- Sheila Becker – spoke in support of the ordinance as written.
- Ryan Goodwin – spoke in support of the ordinance as written.
- Dianne Bennett – spoke in support of the ordinance as written.
- Michael Bob Starr – stated the impact on healthcare in Abilene can have unintended consequences, and urged Council to consider that any threat to healthcare in Abilene is a threat to Dyess AFB.
- Beige Anderson – spoke in support of the ordinance as written.

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

Council discussed the ordinance at length. It was recommended to have a committee put together to look at what amendments can be done. The committee and members will be established at a later date.

EXECUTIVE SESSION

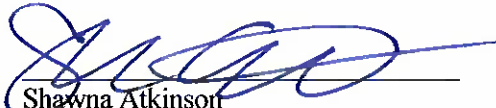
Mayor Hurt recessed into Executive Session at 10:55 a.m., pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:


- 19. B. 551.071 (Consultation with Attorney)
 - 1. Little, et al. v. Llano County Lawsuit
 - 2. Texas Regulatory Consistency Act
 - 3. Library Collection Policy and House Bill 900
- 19. D. 551.076 (Personnel Matters)
 - 1. City Manager
- 19. D. 551.087 (Business Prospect/Economic Development)
 - 1. Recycling & Retention Center on Southwest Drive

The Executive Session ended at 12:09 p.m. and reconvened to Open Session. Mayor Hurt reported no votes or action were taken in Executive Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:09 p.m.


Shawna Atkinson
City Secretary


Weldon Hurt
Mayor

Minutes approved on: July 13, 2023

