

CITY COUNCIL MEETING
August 10, 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 August 10, 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.

Deputy Mayor Pro-tem Lynn Beard delivered the invocation.

Weston Dowell, 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.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 3-10. Items 5 & 9 was pulled for individual consideration.

Item pulled for individual consideration:

- Item 5: Councilmember McAlister
- Item 9: Mayor Pro-tem Price

PUBLIC COMMENTS

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

CONSENT AGENDA

Mayor Pro-tem Price moved to approve the consent agenda consisting of items 3-4, 6-8 & 10. 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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Workshop Meeting July 24, 2023, and the Regular Meeting Held on July 27, 2023
4. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve a Lease and Operating Agreement with Josh Rader (dba Bodeg-ish) to Operate a Food and Beverage Concession at Abilene Regional Airport
[ASSIGNED RESOLUTION NO. 133-2023]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #CB-2357 Festival District Project to The Crowe Group, Inc.
[ASSIGNED RESOLUTION NO. 135-2023]

7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Change Order No. 2 to the Contract with Blackrock Construction for the E.N. 10th and S. Maple Street Utility Improvements
[ASSIGNED RESOLUTION NO. 136-2023]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Purchase of a Replacement Pump for the Prison Lift Station
[ASSIGNED RESOLUTION NO. 137-2023]
10. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending the City Code by Adding Chapter 13, Health & Sanitation, Article VI. "Public Swimming Pools and Spas"

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a Report, Hold a Discussion and Take Action on the Approval of FY 2023/2024 One-Year Action Plan for CDBG and HOME Programs
[ASSIGNED RESOLUTION NO. 134-2023]

Having pulled the item, Councilmember McAlister wanted to make the public aware of these programs and opportunities.

Mayor Hurt 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 Beard 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

9. Resolution: Receive a Report, Hold a Discussion and Take Action on the Approval of the 2023-2025 Abilene Professional Firefighters Association Meet and Confer Agreement
[ASSIGNED RESOLUTION NO. 138-2023]

Having pulled the item, Mayor Pro-tem Price had concerns on some of the assessment processes, in particular the requirements for those active duty military personnel. This was discussed and decided it would be something to look at in the future, but to leave the process as it is for now.

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

Mayor Pro-tem Price moved to approve the item as presented. 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

REGULAR AGENDA

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Use of Eminent Domain to obtain a Public Pedestrian Access Sidewalk Easement along East South 11th Street, approximately 0.10 acres total out of the West 100' of Lot 3, Block 191, and Lot 103 Being a Replat of Lot 3, Block 191, Original Town of Abilene, Taylor County, Texas
[ASSIGNED RESOLUTION NO. 139-2023]

Max Johnson, Director of Public Works, presented the item. Adoption of the item would exercise the power of eminent domain at the above referenced location, to allow for the Texas Department of Transportation to make sidewalk improvements to portions of ES 11th Street.

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

Mayor Pro-tem Price moved that the City of Abilene authorize the use of the power of eminent domain to acquire approximately 0.10 acres of land total out of the West 100 Feet of Lot 3, Block 191, and Lot 103 being a replat of Lot 3, Block 191, Original Town of Abilene, Taylor County, Texas for the public sidewalk easements along ES 11th Street. 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

The motion and record vote applied to all units of property being condemned.

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Considering and Adopting a Bond Election to be Held within the City of Abilene, Texas, Making Provisions for the Conduct of the Election, and Enacting Other Provisions Relating to Such Election
[ASSIGNED RESOLUTION NO. 140-2023]

Robert Hanna, City Manager, presented the item. Adoption of the item would order a bond election for November 7, 2023, for three bond propositions.

Mayor Hurt opened the public hearing. The following spoke:

- Rick Hammer
- Tammy Fogle
- Barbara Berry

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

Deputy Mayor Pro-tem Beard moved for approval of the resolution calling a bond election to be held in the City of Abilene, Texas; making provision for the conduct of the election; and resolving other matters related to such election. 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

13. Ordinance (Final Reading) CUP-2023-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From WV Meridian, LLC To Apply A Conditional Use Permit To Approximately 1.09 Acres On A Site Zoned PDD-130 To Allow An Automobile Wash Which Was Previously Abandoned To Be Reopened. Located At 5190 Buffalo Gap Road
[ASSIGNED ORDINANCE NO. 42-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would approve a conditional use permit at the above referenced location to allow for an automobile wash to be reopened.

Mayor 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 Yates 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

14. Ordinance (Final Reading) TC-2023-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Southside Baptist Church To Abandon An Alley Located At 1425 South 7th Street
[ASSIGNED ORDINANCE NO. 43-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would abandon the alley at the above referenced location.

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

Councilmember McAlister moved to approve the item as presented. Councilmember Regan 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

15. Ordinance (Final Reading) TC-2023-05: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Brandon Lee And Mirran Cassidy Caddell to Abandon Hilton Head cul-de-sac, Abilene, Taylor County, Texas
[ASSIGNED ORDINANCE NO. 44-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would abandon the above referenced cul-de-sac and make it a private drive.

Mayor Hurt opened the public hearing. The following spoke in favor of TC-2023-05:

- BJ Pritchard, agent for the applicant

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

Councilmember Yates moved to approve the item as presented. Councilmember Craver 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

16. Ordinance (Final Reading) Z-2023-14: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Jose Valenzuela To Change The Zoning Of Approximately 1.95 Acres From Residential Single Family-6 (RS-6) To General Commercial (GC). Located At 1925 Henson Street [ASSIGNED ORDINANCE NO. 45-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Single Family-6 (RS-6) to General Commercial (GC).

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

Councilmember McAlister moved to approve the item as presented. Councilmember Yates 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

17. Ordinance (Final Reading) Z-2023-21: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From CKG Rentals, LLC, Represented By Jacob & Martin, To Change The Zoning Of Approximately 2.00 Acres From Agricultural Open (AO) To General Commercial (GC). Located At 6010 Highway 277 South [ASSIGNED ORDINANCE NO. 46-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AO) to General Commercial (GC)

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-21:

- Tal Fillingham, agent for the applicant

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

Councilmember Craver moved to approve the item as presented. Deputy Mayor Pro-tem Beard 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. Ordinance (Final Reading) Z-2023-22: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Teartex, LLC To Change The Zoning Of Approximately 6.0 Acres From Heavy Commercial (HC) To Planned Development District 182 To Allow A Vacation Travel Trailer Park In Addition To The Existing Uses Of The Property. Located At 1075 East Highway 80 [ASSIGNED ORDINANCE NO. 47-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Heavy Commercial (HC) to Planned Development District 182 (PDD-182).

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

Councilmember McAlister moved to approve the item as presented. Councilmember Regan 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

19. Ordinance (Final Reading) Z-2023-23: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Industrial Blocks, LLC, Paul Grohman, And Frenchman's Creek Townhome Owners Association, Represented By Jacob & Martin, To Change The Zoning Of Approximately 2.21 Acres From Medium Density Residential (MD) And PDD-45 To Medium Density Residential (MD). Located At 45, 61, And 71 Rue Maison Street
[ASSIGNED ORDINANCE NO. 48-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Medium Density Residential (MD) and PDD-45 to Medium Density Residential (MD)

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-23:

- Tal Fillingham, agent for the applicant

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

Deputy Mayor Pro-tem Beard 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

20. Ordinance (Final Reading) Z-2023-25: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC, Represented By Jacob & Martin, To Change The Zoning Of Approximately 3.6 Acres From Medium Density Residential (MD) And Patio Home (PH) To General Retail (GR). Located At 6817x Horse Head Crossing
[ASSIGNED ORDINANCE NO. 49-2023]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Medium Density Residential (MD) and Patio Homes (PH) to General Retail (GR).

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-25:

- Tal Fillingham, agent for the applicant

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

Councilmember Yates moved to approve the item as presented. 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

21. Ordinance (Final Reading) Z-2023-27: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Melinda Hill And Rebecca King Represented By Matthew Musechenko To Change The Zoning Of Approximately 3.4 Acres From Agricultural Open To Multi-Family (MF). Located At 2349 And 2333 Huckleberry Lane
[FAILED]

Tim Littejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AO) to Multi-Family (MF).

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-27:

- Matthew Muzechenko, agent for the applicant

The following spoke in opposition of Z-2023-27:

- Shannon Couch
- Kelly Couch

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

Councilmember Regan moved to approve the item as presented. There was no second. Motion failed for lack of a second.

BUDGET ORDINANCES

22. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Revised 2022-2023 Budget
[ASSIGNED ORDINANCE NO. 51-2023]

Mike Rains, Finance Director, presented the item. Adoption of the item would approve the Revised Fiscal Year 2022-2023 budget.

Mayor 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 Yates 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

Deputy Mayor Pro-tem Beard had a conflict of interest and abstained from voting only on the budget for the Child Advocacy Center Salaries, the Airport Operating Budget, and the Aerial Firefighting Base TXDOT Grant Match. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

23. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Proposed 2023-2024 Budget
[ASSIGNED ORDINANCE NO. 52-2023]

Mike Rains, Finance Director, presented the item. Adoption of the item would approve the proposed Fiscal Year 2023-2024 Budget.

Mayor Hurt opened the public hearing. The following spoke:

- John English
- Tammy Fogle

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

Mayor Pro-tem Price moved to acknowledge (ratify) that this budget will raise more total property taxes than last year's budget by an amount of \$4,735,980, which is an 8.0% increase from last year's budget. Of that amount \$2,357,044 is tax revenue to be raised from new property added to the tax roll this year. 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 moved to approve and adopt the budget for fiscal year 2023-2024 with a specific amount of money – all operating funds is \$344,198,211. Deputy Mayor Pro-tem Beard 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

Deputy Mayor Pro-tem Beard had a conflict of interest and abstained from voting only on the budget for the Child Advocacy Center Salaries, the Airport Operating Budget, and the Aerial Firefighting Base TXDOT Grant Match. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

24. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed 2023-2024 Tax Rates
[ASSIGNED ORDINANCE NO. 53-2023]

Mike Rains, Finance Director, presented the item. Adoption of the item would approve the tax rate for Fiscal Year 2023-2024.

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

Councilmember McAlister moved that the property tax rate be increased by the adoption of the tax rate of \$.7328 per \$100, which is effectively a 4.9% increase in the tax rate. 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

25. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting Fees and Charges for Fiscal Year 2023-2024
[ASSIGNED ORDINANCE NO. 54-2023]

Mike Rains, Finance Director, presented the item. Adoption of the item would approve the fees and charges for Fiscal Year 2023-2024.

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

Mayor Pro-tem Price moved to approve the item as presented with the addition to both the inspection and reinspection of the swimming pool fee to add interactive water features. Deputy Mayor Pro-tem Beard 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

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 10:42 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:

26. D. 551.071 (Consultation with Attorney)

1. The Woodlands Pride, Inc., et al. v. Angela Colmenero, Interim Attorney General of Texas,
Case #4:23-cv-02847

2. Possum Kingdom Discharge Permit

26. D. 551.074 (Personnel Matters)

1. City Manager

The Executive Session ended at 11:33 a.m. and reconvened to Open Session. Mayor Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

28. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Enter Into an Option Agreement with Garfield Clean Energy, LLC for the Option to Lease Real Property for the Purpose of Constructing a Solar Plant
[ASSIGNED RESOLUTION NO. 141-2023]

Robert Hanna, City Manager, presented the item. Adoption of the item would authorize an Option Agreement with Garfield Clean Energy, LLC for the Option to Lease Real Property for the Purpose of Construction a Solar Plant.

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

Councilmember McAlister moved to approve the item as presented. Councilmember Craver 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

ADJOURNMENT

There being no further business, the meeting adjourned at 9:53 a.m.

K. Richardson

~~Shawna Atkinson~~ *Kaitlin Richardson*

Deputy City Secretary

Weldon Hurt

Weldon Hurt
Mayor

Minutes approved on: _____

