

CITY COUNCIL MEETING
September 14, 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 September 14, 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.

Councilmember Travis Craver delivered the invocation.

Elisha Johnson and Kinley Rodriguez, both 5th graders at Austin 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:
 - Anthony Redman – 30 Years – Library
 - Jerry Rose – 20 Years – Parks & Recreation

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 3-7. Item 6 was pulled from consideration prior to the meeting. Item 4 was pulled for individual consideration.

Item pulled for individual consideration:

- Item 4: Councilmember Yates

Item pulled from consideration:

- Item 6

PUBLIC COMMENTS

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

- Theresa Maddingly
- Eric Bengs
- Tammy Fogle

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

CONSENT AGENDA

Councilmember McAlister moved to approve the consent agenda consisting of items 3, 5 & 7. 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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 24, 2023
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Amending the Professional Services Agreement with Enprotec/Hibbs & Todd, Inc. for the South 14th Street Pedestrian Improvements Design **[ASSIGNED RESOLUTION NO. 142-2023]**
7. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action to Revise the FY 23-24 Budget Ordinance and to Increase Staffing for the Texas State Veterans Cemetery in Abilene

ITEMS PULLED FROM CONSIDERATION

6. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter into a contract with the Veterans Land Board for the Management of the Texas State Veterans Cemetery at Abilene **[NOT CONSIDERED]**

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

4. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Cultural Affairs Council FY 2024 Budget **[ASSIGNED RESOLUTION NO. 134-2023]**

Having pulled the item, Councilmember Yates stated that he pulled this item at the request of a citizen. Lynn Barnett, VP of the Abilene Cultural Affairs Council, presented the item. Adoption of the item would approve the FY 24 budget for the ACAC.

Mayor Hurt opened the public hearing. The following spoke:

- Tammy Fogle

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

Councilmember Yates 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

REGULAR AGENDA

8. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article VII., "Stop, Yield Intersections," Article X, "Stopping, Standing, and Parking," and Article XIII, "Schedules," of the Abilene Municipal Code, By Amending Certain Sections As Set Out Below, Providing A Severability Clause; And Declaring A Penalty **[ASSIGNED ORDINANCE NO. 55-2023]**

Max Johnson, Director of Public Works, presented the item. Adoption of the item would amend Chapter 18, "Motor Vehicles and Traffic," Article VII., "Stop, Yield Intersections," Article X, "Stopping, Standing, and Parking," and Article XIII, "Schedules," of the Abilene Municipal Code.

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

Deputy Mayor Pro-tem Beard 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

9. Ordinance (Final Reading) CUP-2023-05: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Alan Wartes, Represented By Jovon Christophe, To Apply A Conditional Use Permit To Approximately 0.17 Acres To Allow For A Daycare Within Residential Single Family (RS-6) Zoning For Up To 12 Children. Located At 3236 Ambler Avenue
[ASSIGNED ORDINANCE NO. 55-2023]

Tim Littlejohn, Director of Planning and Development Services, presented the item. Adoption of the item would apply a conditional use permit to the above referenced property, to allow for a daycare within residential single family zoning, for up to 12 children.

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

- Jovann Christophe

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

Councilmember Craver 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

10. Ordinance (Final Reading) Z-2023-24: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Amazing Grace True Grit, LLC, Represented By Sara Trammel, To Change The Zoning Of Approximately 0.68 Acres From Residential Single Family (RS-12) To A Planned Development District (PDD-183) To Allow For A Medical Spa. Located At 642 Sayles Boulevard
[ASSIGNED ORDINANCE NO. 55-2023]

Tim Littlejohn, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Single Family (RS-12) to a Planned Development District (PDD-183), to allow for a medical spa.

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

Deputy Mayor Pro-tem Beard 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

11. Ordinance (Final Reading) Z-2023-26: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From KKP Investments, LLC, Represented By Jacob & Martin, To Amend The Terms Of Planned Development District 172 To Allow Single-Family Residential Uses With No Through Connection To East Stamford Street. Located At 2668 Garfield Avenue
[ASSIGNED ORDINANCE NO. 55-2023]

Tim Littlejohn, Director of Planning and Development Services presented the item. Adoption of the item would amend the terms of Planned Development District 172 (PDD-172), to allow single-family residential uses with no through connection to East Stamford Street, at the above referenced property.

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-26:

- Tal Filingham
- Carmen Price

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

Mayor Pro-tem Price 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

12. Ordinance (Final Reading) Z-2023-28: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Darin Albergucci, represented by e-HT, to change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). Located at 910 Bandera Park
[ASSIGNED ORDINANCE NO. 55-2023]

Tim Littlejohn, Director of Planning and Development Services presented the item. Adoption of the item would rezone the above referenced property from Light Industrial (LI) to General Commercial, to allow for a baseball training facility.

Mayor Hurt opened the public hearing. The following spoke in favor of Z-2023-28:

- Bj Prichard

Mayor Hurt opened the public hearing. The following spoke in opposition of Z-2023-28:

- Paul Johnson

With no other 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

13. Ordinance (Final Reading) CZ-2023-29: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Moore Abilene Holdings, LP, represented by Alex Moore, to change the zoning of approximately 0.64 acres from Heavy Industrial (HI) to Heavy Commercial (HC). Located at 2222, 2234, 2250 Butternut Street
[ASSIGNED ORDINANCE NO. 55-2023]

Tim Littlejohn, Director of Planning and Development Services, presented the item. Adoption of the item would rezone the above referenced property from Heavy Industrial (HI) to Heavy Commercial (HC).

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

Councilmember Regan 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

14. Discussion: Receive a Report, Hold a Discussion and Public Hearing on the Impact of Water Supply Contracts on Rural Development in Abilene's ETJ

Rodney Taylor, Director of Water Utilities, presented the item. Mr. Taylor went over the background of the City's water supply. Abilene provides water for Taylor County, and 6 other counties by wholesale purchase. We have 17 wholesale contracts currently. Growth in the City and outside was discussed, and what we have done to restrict rural growth in our ETJ. There is a 1 ½ inch maximum cap on each meter size, that is intended to stop large developments. The questions Mr. Taylor presented to Council were: What is our path forward? Does Council desire to attempt to restrict future development in the ETJ? Does the City desire to reserve the excess water supplies primarily for its retail customers within the city limits? We have a permit application for state water rights currently in process for Cedar Ridge. Mr. Hanna would like us to remain a regional water supplier, since we've done it since 1954. He would like to shift towards a take-or-pay pricing approach, where increases will be made based on established unit pricing for reserving capacity and take rate. This will allow us to plan for future water needs and allow us to be able to intelligently say "we don't have the capacity to meet your needs."

Mayor Hurt stressed that we cannot turn the tap off on people. We need to look at future needs. The 1 ½ inch meter limit was discussed at length. Council questioned if an audit of all the wholesalers could be performed to see where we are at and how big the problem is. No one on Council wants to restrict growth, but deliberate conversations on reshaping our role as a regional water supplier are necessary. Other similar sized city's water supply and setups were discussed. Cedar Ridge was discussed at length. Council would like to move forward on conducting an audit, and then with that information to try and create a structure with quantity reserves that also allow for reasonable growth rates, and look at what a take-or-pay model might do to our demand, while remaining a regional water provider.

This item was for discussion only. No votes or action were taken.

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 10:38 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:

- 115. A. 551.071 (Consultation with Attorney)
 - 1. The Woodlands Pride, Inc. et al v. Angela Colmenero, Interim AG of Texas
 - 2. Eminent Domain lawsuits – North First & Leggett Streets intersection
 - 3. Eminent Domain – 212 ES 11th Street
- 15. B. 551.074 (Personnel Matters)
 - 1. City Manager (also agenda item #16)
 - 2. City Attorney (also agenda item #17)
- 15. F. 551.087 (Business Prospect/Economic Development)
 - 1. 505 Pine Street

The Executive Session ended at 12:18 p.m. and reconvened to Open Session. Mayor Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

16. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Manager
[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 10:38 a.m., and ended at 12:18 p.m. No votes or actions were taken at that time.

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

Deputy Mayor Pro-tem Beard 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

17. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the 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 10:38 a.m., and ended at 12:18 p.m. No votes or actions were taken at that time.

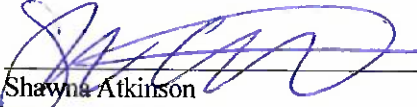
Mayor Hurt opened the public hearing. With no speakers coming forward, the public hearing was closed.


Councilmember Craver moved to approve the item as presented. Councilmember 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

ADJOURNMENT

There being no further business, the meeting adjourned at 12:19 p.m.


Shawna Atkinson
City Secretary


Weldon Hurt
Mayor

Minutes approved on: September 28, 2023

