



City of Abilene City Council Agenda

Weldon Hurt, Mayor Pro-tem
Shane Price, Council Member
Lynn Beard, Council Member
Robert Hanna, City Manager

Anthony Williams, Mayor

Donna Albus, Council Member
Kyle McAlister, Council Member
Travis Craver, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on August 11, 2022, at 8:30 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Councilmember Kyle McAlister

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Service Awards:**

- Tye Brooks - 25 Years - Fire Department
- Jay Tabor - 25 Years - Fire Department
- Gaite Taylor - 25 Years - Fire Department
- Jeffery Waggoner - 25 Years - Fire Department
- Wyatt Robinson - 20 Years - Water Department

CONSENT AGENDA AND PUBLIC COMMENTS

All items listed in the Consent Agenda are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion or presentation of these items unless otherwise requested by a Council Member. In the event one or more Council Members remove an item from the consent Agenda for separate discussion or presentation, the item or items removed will be considered in numerical order as part of the Regular Agenda and shall include a public hearing.

After the Council Members have requested any item on the consent Agenda be considered separately, the public comment period will be held. The public comment section of the consent agenda allows members of the public to present any ideas or information to the City Council and staff, and also allows for public

comment on the consent agenda items not otherwise pulled for separate consideration. Neither the City Council nor staff will engage in discussion with the public during the public comments unless the item is listed on the Council agenda.

Members of the public will have a total time limit of three (3) minutes to speak during the public comments section.

3. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Workshop Meeting Held on July 27, 2022, and the Regular Meeting Held on July 28, 2022 **(Shawna Atkinson)**
4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**
 - Tax Increment Reinvestment Zone (TIRZ) Board
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Ordering a City of Abilene Special Election to be Held on Tuesday, November 8, 2022, for the Purpose of a Citizen Initiative to Make Abilene a Sanctuary City for the Unborn **(Shawna Atkinson)**
6. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on Ordering a City of Abilene Special Election to be Held on Tuesday, November 8, 2022, for the Purpose of Amending Sections of the Charter of the City of Abilene **(Shawna Atkinson)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing a Joint Election Agreement and Contract for Election Services with Taylor County for a Special Election to be Held on Tuesday, November 8, 2022 **(Shawna Atkinson)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the Renewal of the Tax Increment Reinvestment Zone No. 2 Facade Improvement and Demolition Assistance Grant Programs and Committing Funds for Implementation **(Tim Littlejohn)**
9. **Resolution:** Receive a Report, Hold a Discussion and Take Action to accept a Federal Aviation Administration Airport Improvement Program Grant. **(Don Green)**
10. **Resolution:** Receive a Report, Hold a Discussion and Take Action to accept the award of the FY22 Airport Infrastructure Grant (AIG). **(Don Green)**
11. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the 2022 Edward Byrne Memorial Justice Assistance (JAG) Grant Program **(Marcus Dudley)**
12. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding a Professional Services Contract to Kimley-Horn and Associates, Inc. For N 5th St Traffic Signal Modifications **(Max Johnson)**
13. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2255 N. 6th St. and Cypress St. Improvements to Bontke Brothers, Inc. **(Max Johnson)**
14. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2256 Reconstruction of EN 10th St From Treadaway Blvd to Judge Ely Blvd to Bontke Brothers, Inc. **(Max Johnson)**
15. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #2257 S 14th St. RR Tie-in to Bontke Brothers, Inc. **(Max Johnson)**
16. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving

Financing for the Benefit of McMurry University and Related Matters (Mike Rains).

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

17. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on On Calling a Bond Election to be Held within the City, Making Provisions for the Conduct of the Election, and Enacting Other Provisions Relating to the Subject (Robert Hanna)
18. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-286, Decreased Speed Limits - School Zones," of the Abilene Municipal Code, By Amending Two (2) School Zones near Bassetti Elementary and Wylie Early Childhood Center; Adding Two (2) Existing Zones on Beltway South (FM 707); and Adding a New School Zone on Oldham Ln (FM 1750) (Max Johnson)
19. **Ordinance (Final Reading) CUP-2022-06:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Patrick Batten Represented By Rylie Batten For Approval Of A Conditional Use Permit Allowing A Group Home (A.K.A. Halfway House) On Approximately .16 Acres Of Residential Medium Density (MD) District at 1242 Orange St In North Abilene, Legal Description Being Lot 12 In Block F Of Steffens & Lowden, Abilene, Taylor County, Texas. (Tim Littlejohn)
20. **Ordinance (Final Reading) Z-2022-14:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Weatherbee Construction Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 104 Specifically Rezone approximate 14.34 acres currently Residential Medium Density to create and add tract 6 of Planned Development District (PD- 104) and modifying PD-104 to add and allow 50' wide residential lots as a permitted use within all tracts, save and except, Lot 1, Block A (MF), Trails of Abilene Addition. (Tim Littlejohn)
21. **Ordinance (Final Reading) Z-2022-16:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Arete Interests, LLC Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 159A Specifically To Amend The Concept Plan To Allow For More Residential Uses. Legal Description Being Lots 101-109, Block A, Parramore's Subdivision, Abilene In Taylor County, Texas. (Tim Littlejohn)
22. **Ordinance (Final Reading) Z-2022-17:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Grace Tabernacle Church Represented By Nancy Brown And Gene Dezell To Change Zoning From Residential Single Family (RS-6) To Neighborhood Retail (NR), On Approximately .62 Acres In South Abilene, Legal Description Being Lots 5-8, Block 15, Campus Addition, Abilene, Taylor County, Texas. (Tim Littlejohn)
23. **Ordinance (Final Reading) Z-2022-18:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Sugar Agua #1 Ltd Represented By Matthew Muzechenko To Change Zoning On Approximately 7.15 Acres In Southwest Abilene From Agricultural Open (AO) To General Commercial (GC). (Tim Littlejohn)
24. **Ordinance (Final Reading) Z-2022-15:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Cimarron Meadows Development Corp. Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 170 Specifically To Add Approximately 37 Acres Of Existing Residential Medium Density (MD) And Approximately 15 Acres Of Agricultural Open Space (AO) Zoning And Amending Them To Allow For 5,000 Square Foot Lots With 5 Foot Side Setbacks And 50 X 100 Foot Lot Dimensions. (Tim Littlejohn)

BUDGET ORDINANCES

25. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and

Take Action on Approving the 2021-2022 Revised Budget **(Mike Rains)**

26. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed Budget for Fiscal Year 2022-2023 **(Mike Rains)**
27. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving and Adopting the Proposed 2022-2023 Tax Rates **(Mike Rains)**
28. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting Fees and Charges for Fiscal Year 2022-2023 **(Mike Rains)**

EXECUTIVE SESSION

29. **The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:**

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al.; Cause No. 11968-D, In the 350th Judicial District Court, Taylor County, Texas; filed October 11, 2019
3. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
4. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
5. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
6. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-007028, In the 459th Judicial District Court, Travis County, Texas; filed November 18, 2020
7. Alton H. Smith, Jr. and Alicia Malorie Smith v. City of Abilene, Texas; Cause No. 51055-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 11, 2021
8. Steve Van Horne, et al. v. City of Abilene, et al.; Cause No. 12530-D, In the 350th Judicial District Court, Taylor County, Texas; filed September 7, 2021
9. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P827783CV, in the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
10. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-21-006299, In the 250th Judicial District Court, Travis County, Texas; filed October 20, 2021
11. Samuel Hightower v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021
12. Zach Williams v. City of Abilene, Appeal of Temporary Suspension to Hearing Examiner, filed December 28, 2021
13. Allstate Fire and Casualty Insurance Company as Subrogee of Del Davis v. City of Abilene; Case No. SC22-11166J11, In the Justice Court, Precinct 1, Place 1, Taylor County, Texas, filed March 30, 2022

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

1. City Council may consider appointment, employment, compensation, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal

Court Judge, City Secretary, and City Board and Commission Members
2. City of Abilene Boards & Commissions May be Discussed, as needed for (re)appointment

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)

RECONVENE

REGULAR AGENDA

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please call 325-676-6208.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 5th day of August, 2022, at 2:30 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary