



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 December 15, 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 Lynn Beard

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

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.

2. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 1, 2022 **(Shawna Atkinson)**
3. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**
 - Abilene-Taylor County Child Advocacy Center Board
 - Airport Development Board
 - Board of Adjustment
 - Civil Service Commission
 - Development Corporation of Abilene
 - Landmarks Commission
4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Casting a Vote for the Rolling Plains Central Boll Weevil Eradication Zone Program Board **(Shawna Atkinson)**
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the Google Workspace License Renewal **(Mark Yearwood)**
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing the Second Amendment to Services Contract Between the City of Abilene and Smith Pump Company, Inc. for the Repair of the Raw Water Intake Pump #1 **(Rodney Taylor)**
7. **Resolution:** Receive a Report, Hold a Discussion, and Take Action on Approval of MOUs with Abilene ISD and Abilene Christian University for use of PEG Funds for Capital Expenditures in Support of Creation of Broadcast Content for the City of Abilene Suddenlink/Optimum Cable Channel 2 **(Mari Cockerell)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving Miscellaneous FY23 Cumulative Purchases Over \$50,000 **(Don Green)**
9. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the purchase of three (3) Ford F250 Three-Quarter Ton Pickup Trucks for Solid Waste and Water Department Divisions from local vendor Arrow Ford through Bid CB-2314. **(Don Green)**
10. **Resolution:** Receive a Report, Hold a Discussion and Take Action on authorizing the City Manager to enter into a Professional Services Agreement for legislative services with JPC Strategies, LLC. **(Robert Hanna)**
11. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving a Professional Services Agreement with BOKA Powell, LLC for design services for the Festival District **(Robert Hanna)**
12. **Ordinance (First Reading) Z-2022-28:** Receive a Report, Hold a Discussion, and Take Action on a Request from Buffalo Gap I & E, Represented by Harris Acoustics, to Change the Zoning of Approximately 5.83 Acres ***Located at 888 Ben Richey Drive*** from Agricultural Open (AO) to Heavy Commercial (HC). **(Tim Littlejohn)**
13. **Ordinance (First Reading) CUP-2022-11:** Receive a Report, Hold a Discussion, and Take Action on a Request from Hallum, Represented by Art Attack Tattoo, for a Conditional Use

Permit of Approximately 0.08 Acres Located at 226 Pine Street Zoned Central Business (CB) to Allow a Tattoo Parlor as a Permitted Use. (Tim Littlejohn)

14. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action on AMENDING CHAPTER 8, ARTICLE VI, "CODES AND OTHER REGULATIONS," DIVISION 1, "GENERALLY;" DIVISION 2, "BUILDING CODE;" DIVISION 3, "ELECTRICAL CODE;" DIVISION 4, "PLUMBING CODE;" DIVISION 5, "MECHANICAL CODE;" DIVISION 7, "RESIDENTIAL CODE;" DIVISION 8, "FUEL GAS CODE;" DIVISION 9, "ENERGY CODE;" DIVISION 10, "EXISTING BUILDING CODE;" ADDING DIVISION 11, "PROPERTY MAINTENANCE CODE;" ADDING DIVISION 12, "SWIMMING POOL AND SPA CODE;" AND DELETING IN ITS ENTIRETY CHAPTER 29.5 "SWIMMING POOLS AND SPAS" of the Code of Ordinances . (Tim Littlejohn)

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

15. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving an Ordinance establishing the 2023 Standards of Care (Lesli Andrews)
16. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Certifying the Charter Amendments Approved by Voters on November 8, 2022 and Incorporating the Amendments into a Single Form (Stanley Smith)
17. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 5, "Ambulance Services," Article I, "In General," Abilene Code of Ordinances. (Cande Flores)
18. **Ordinance (Final Reading) Z-2022-24** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Leticia Leija, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5 Acres From Agricultural Open (AO) To Heavy Commercial (HC) (Tim Littlejohn)
19. **Ordinance (Final Reading) Z-2022-25** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Mike And Buffi Awtry, Represented By Matthew Muzechenko, To Change The Zoning Of Approximately 5.27 Acres From Agricultural Open (AO) To Heavy Commercial (HC) (Tim Littlejohn)
20. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action Establishing Rules and Regulations for the Abilene Public Library Strictly Prohibiting Obscene and Harmful Material and Performance, and **Discussion** of Progress of Implementing Prior Council Direction Regarding the Library's Collection Policy (Robert Hanna)

EXECUTIVE SESSION

21. **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. 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
10. Easement on Burger King property located at 3901 N. 1st Street

B. 551.072 (Deliberations about Real Property)

1. Easement on Burger King property located at 3901 N. 1st Street.

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

22. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving DCOA Project Little Giant **(Misty Mayo)**
23. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving DCOA Project Fox Hill **(Misty Mayo)**
24. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Enter into a Chapter 380 Economic Development Agreement with Rainy Creek Abilene LP, a Texas Limited Partnership **(Robert Hanna)**

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 9th day of December, 2022, at 1:30 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary

