CITY COUNCIL MEETING
December 15, 2022 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 December 15, 2022, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Weldon Hurt, Deputy Mayor Pro-tem Donna Albus, and Councilmembers Shane Price, Lynn Beard, Kyle McAlister and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Councilmember Lynn Beard delivered the invocation.

Kaden Ballard and Sawyer Booe, 5th graders from Austin Elementary, 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 2-14. No items were pulled for individual consideration.

PUBLIC COMMENTS

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

- David Swart – spoke about Abilene's history and stated that buffalos were not indigenous to North America, and that they are actually bison. He suggested changing everything to bison instead of buffalo.
- Dorothy Clay – spoke about harmful materials in the library for children.
- Ryan Goodwin – stated that we may need to change Buffalo Gap to Bison Gap and then prayed.
- Heather Wargo – spoke about people having the choice to make their own decisions about their own bodies.

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

CONSENT AGENDA

Mayor Pro-tem Hurt moved to approve the consent agenda consisting of items 2-14. Councilmember Craver seconded the motion. Motion carried.

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

Mayor Williams, and Councilmembers Price and McAlister had conflicts of interest on item #7 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 7 alone was:

AYES (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, Councilmembers Beard and Craver
NAYS (0): None
ABSTAIN (3): Mayor Williams, Councilmembers Price and McAlister

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 1, 2022

3. Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 217-2022]

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
[ASSIGNED RESOLUTION NO. 218-2022]

5. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Google Workspace License Renewal
[ASSIGNED RESOLUTION NO. 219-2022]

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
[ASSIGNED RESOLUTION NO. 220-2022]

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
[ASSIGNED RESOLUTION NO. 221-2022]

8. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Miscellaneous FY23 Cumulative Purchases Over $50,000
[ASSIGNED RESOLUTION NO. 222-2022]

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
[ASSIGNED RESOLUTION NO. 223-2022]

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.
[ASSIGNED RESOLUTION NO. 224-2022]

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
[ASSIGNED RESOLUTION NO. 225-2022]

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)

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

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

REGULAR AGENDA

15. Ordinance (Final Reading) Z-2022-24: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving an Ordinance establishing the 2023 Standards of Care
[ASSIGNED ORDINANCE NO. 66-2022]

Lesli Andrews, Director of Parks & Recreation presented the item. Adoption of this item would approve the 2023 Standards of Care for Youth Programs in the City's Parks & Recreation Department.

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

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

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

16. Ordinance (Final Reading) Z-2022-25: 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
[ASSIGNED ORDINANCE NO. 67-2022]

Stanley Smith, City Attorney, presented the item. Adoption of this item would certify the charter amendments approved by voters in a Special Election held on November 8, 2022, and codify them into one single document.

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

Councilmember Beard moved to approve the item as presented. Councilmember Craver seconded the motion; motion carried.

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

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
[ASSIGNED ORDINANCE NO. 68-2022]

Stanley Smith, City Attorney, presented the item. Adoption of this item would amend chapter 5 of the City Code, Ambulance Services, Article I, to allow for intrafacility transfers between Hendrick's facilities, as that is not currently allowed under the current franchise agreement with AMR Metrocare.
Mayor Williams 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 Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price Beard, McAlister and Craver
NAYS (0): None

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)
[ASSIGNED ORDINANCE NO. 69-2022]

Randal Anderson, Assistant Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AP) to Heavy Commercial (HC). Staff recommends General Commercial (GC) for the use, since it will require a CUP, which will allow Council to put more conditions in place.

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

- Matthew Muzechenko, represents the applicant – stated they originally asked for light industrial, which allows for the uses they need and Planning and Zoning stated they preferred Heavy Commercial for this property. His applicant is ok with this type of zoning, but he was not made aware that staff had requested it be lowered to General Commercial.

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

Councilmember Price moved to approve the item as presented. Councilmember McAlister seconded the motion; motion carried.

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

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)
[ASSIGNED ORDINANCE NO. 70-2022]

Mayor Williams, and Councilmembers Price and McAlister had conflicts of interest on this item and abstained from voting. Conflict of Interest Affidavits were filled out before the meeting and filed with the City Secretary's office.

Randal Anderson, Assistant Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above reference property from Agricultural Open Space (AO) to Heavy Commercial (HC). This piece is the companion piece to the previous item, so the same

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

- Matthew Muzechenko, represents the applicant – stated they had to have both pieces rezoned to make this project work. They are wanting the facility to look similar to John Deer or Warren Cat, where they park their vehicles they lease out. They are not wanting to go back to P&Z to do a conditional use permit, as it will just put them behind schedule.

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

Councilmember Beard moved to approve the item as presented. Deputy Mayor Pro-tem Albus seconded the motion; motion carried.

AYES (4): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Beard, and Craver
NAYS (0): None
ABSTAIN (3): Mayor Williams, and Councilmembers Price and McAlister

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
[ASSIGNED RESOLUTION NO. 226-2022]

Robert Hanna, City Manager, and Julee Hatton, Library Director, presented the item. Ms. Hatton went over the upcoming changers to the library, including the kids catalogue, the order review process, and restricted access juvenile library cards. Mr. Hanna then presented the resolution up for approval. Adoption of the resolution would prohibit the display or promotion of obscene or harmful materials to minors in the Abilene Public Library.

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

- Pam Caraza – spoke in support of the resolution.
- Kayla Lemons – spoke in support of the resolution.
- Mandy Rhodes – spoke in support of the resolution.
- Christy Compton – did not wish to speak, but is in support of the resolution.
- Louisa Marie Parson – spoke in support of the resolution.
- Rebecca Lee – spoke in support of the resolution.
- Amy Boone – spoke in support of the resolution.
- Hanna O'Shields – spoke in support of the resolution.
- David Swart – spoke in support of the resolution.
- Callie Elliott – spoke in support of the resolution.
- Elizabeth Powell – spoke in support of the resolution.
- Raven Cook – spoke in support of the resolution.
- Jason Hernandez – spoke in support of the resolution, and thanked the Council for his time serving on the Library Advisory Board.
- Elizabeth Doughtery – spoke in support of the resolution.
- Ryan Goodwin – spoke in opposition to the resolution and gave Council a copy of an ordinance his group is proposing instead that is written by the same individual that wrote the sanctuary city for the unborn ordinance.
- Brandt Fisher – spoke in opposition to the resolution.

- Tammy Fogle – spoke in opposition to the resolution, and in support of the ordinance that was handed out.
- Rhiannon Mathis – spoke in support of the resolution.
- Francisca Rodriguez – spoke in opposition to the resolution, and in support of the ordinance that was handed out.
- Erica Batten – spoke in opposition to the resolution.
- Rebecca Gingrich – spoke in opposition to the resolution, and in support of the ordinance that was handed out.
- Eric Bengs – spoke in opposition to the resolution.
- Scottie Shelton – spoke in support of the resolution and is against the ordinance that was suggested by other citizens.
- Patrick Batten – spoke in opposition to this item and is for creating an ordinance.
- Gavin Hardigree – spoke in support of the resolution.
- Martha McGee – spoke in support of the resolution.
- Tim Palmer – spoke in support of the resolution and is against the ordinance that was suggested by other citizens.
- Liz Casepickens – spoke in support of the resolution.
- James Sargent – spoke in opposition to the resolution.
- Carlos Quinonez – spoke about community standards.
- Johnathan Brokaw – spoke in support of the resolution.
- Thomas Englemeyer – spoke in opposition to the resolution, and in support of the ordinance that was handed out.

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

Councilmember Beard moved to approve the item as presented. Councilmember Price seconded the motion; motion carried.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 11:10 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:

21. A. 551.071 (Consultation with Attorney)
    1. Easement on Burger King Property located at 3901 N 1st Street
21. B. 551.072 (Deliberations about Real Property)
    1. Easement on Burger King Property located at 3901 N 1st Street
21. F. 551.087 (Business Prospect/Economic Development)
    1. DCOA Project Little Giant (Agenda Item #22)
    2. DCOA Project Fox Hill (Agenda Item #23)
    3. Chapter 380 Agreement with Rainy Creek LP (Agenda item #24)

Mayor Williams left the meeting at the conclusion of Executive Session. Mayor Pro-tem Hurt presided over the remainder of the meeting.

The Executive Session ended at 11:46 a.m. and reconvened to Open Session. Mayor Pro-tem Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving DCOA Project Little Giant
[ASSIGNED RESOLUTION NO. 227-2022]

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 11:10 a.m., and ended at 11:46 a.m. No votes or actions were taken at that time.

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of this item would approve Project Little Giant, for a deal with Tige Boats.

Mayor Pro-tem 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 Price seconded the motion; motion carried.

AYES (6): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price Beard, McAlister and Craver
NAYS (0): None
ABSENT (1): Mayor Williams

23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving DCOA Project Fox Hill
[ASSIGNED RESOLUTION NO. 228-2022]

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 11:10 a.m., and ended at 11:46 a.m. No votes or actions were taken at that time.

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of this item would approve Project Fox Hill, which the name of the business will remain confidential on due to ongoing real estate negotiations.

Mayor Pro-tem 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 Beard seconded the motion; motion carried.

AYES (6): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price Beard, McAlister and Craver
NAYS (0): None
ABSENT (1): Mayor Williams

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
[ASSIGNED RESOLUTION NO. 229-2022]

Earlier in the meeting, under Section 551.087 (Business Prospect/Economic Development) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 11:10 a.m., and ended at 11:46 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of this item would approve a Chapter 380 Economic Development Agreement with Rainy Creek Abilene, LP, for a multi-family and mixed use retail development.

Mayor Pro-tem 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 (6): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus, and Councilmembers Price Beard, McAlister and Craver
NAYS (0): None
ABSENT (1): Mayor Williams

ADJOURNMENT

There being no further business, the meeting adjourned at 12:01 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: January 12, 2023