



City of Abilene City Council Agenda

Shane Price, Mayor Pro-tem
Lynn Beard, Deputy Mayor Pro-tem
Blaise Regan, Council Member
Robert Hanna, City Manager

Weldon Hurt, Mayor

Brian Yates, 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 10, 2023, 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. Deputy Mayor Pro-tem Lynn Beard

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. Service Awards:

- Emily Bolton - 25 Years - Water Utilities

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 July 24, 2023, and the Regular Meeting Held on July 27, 2023 **(Shawna Atkinson)**
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 **(Don Green)**
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 **(Tim Littlejohn)**
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Bid #CB-2357 Festival District Project to The Crowe Group, Inc. **(Max Johnson)**
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 **(Rodney Taylor)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the Purchase of a Replacement Pump for the Prison Lift Station **(Rodney Taylor)**
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. **(Cande Flores)**
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" **(Annette Lerma)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

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 **(Max Johnson)**
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 **(Robert Hanna)**
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. **(Tim Littlejohn)**
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. **(Tim Littlejohn)**
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. **(Tim Littlejohn)**

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. **(Tim Littlejohn)**
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. **(Tim Littlejohn)**
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. **(Tim Littlejohn)**
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. **(Tim Littlejohn)**
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. **(Tim Littlejohn)**
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. **(Tim Littlejohn)**

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 **(Mike Rains)**
23. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Proposed 2023-2024 Budget **(Mike Rains)**
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 **(Mike Rains)**
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 **(Mike Rains)**

EXECUTIVE SESSION

26. **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. 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

4. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
5. 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
6. 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
7. 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
8. 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
9. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
10. The Woodlands Pride, Inc., et al. v. Angela Colmenero, Interim Attorney General of Texas, et al., Case No. 4:23-cv-02847, In the United States District Court, Southern District of Texas, Houston Division, filed August 2, 2023
11. Possum Kingdom Discharge Permit
12. Eminent Domain - North First Street Sidewalks

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

27. **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 **(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 4th day of August, 2023, at 1:35 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary