

CITY COUNCIL MEETING
February 8, 2024 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 February 8, 2024, 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 Blaise Regan delivered the invocation.

Lucy Craig, 5th grader from Taylor Elementary led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

- Service Award:
 - George Taylor – 20 Years – Water Department

Mayor Hurt recognized Mari Cockerell and the Communications department for their work putting together the State of the City Address this past Tuesday.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 3-15. Items 7 and 8 were pulled for individual consideration.

Items pulled for individual consideration:

- Item 7: Councilmember Regan
- Item 8: Councilmember Regan

PUBLIC COMMENTS

Mayor Hurt opened the public comment period. The following addressed the City Council:

- Lynn Jackson
- Marcus Wiley
- Donna Albus

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

CONSENT AGENDA

Mayor Pro-tem Price moved to approve the consent agenda, now consisting of items 3-6 & 9-15 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

Deputy Mayor Pro-tem Beard had a conflict of interest on item 11 and abstained from voting on that item. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office. The vote for item 11 alone was:

AYES (6): Mayor Hurt, Mayor Pro-tem Price, and Councilmembers Regan, Yates, McAlister and Craver
NAYS (0): None
ABSTAIN (1): Deputy Mayor Pro-tem Beard

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on January 25, 2024
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 21-2024]

Board	Term End Date
<i>Board of Adjustment</i>	
John Havard [Alternate] [New]	November 2025
<i>Board of Building Standards</i>	
Jo Don Murman [New] [Alternate]	November 2025
Rodney Ritter [New] [Alternate]	November 2025
<i>Landmarks Commission</i>	
Megan Brest [Alternate] [New]	November 2025 [unexpired term]
Tommy Kister [Regular] [New] [move from Alt]	November 2026
<i>Neighborhood Services Advisory Board</i>	
Geoffrey Turner [New]	November 2025
<i>Parks & Recreation Board</i>	
Jack Hund [New]	May 2025 [unexpired term]

5. Resolution: Receive a Report, Hold a Discussion and Take Action on Ordering a City of Abilene General Election to be Held on Saturday, May 4, 2024, for the Purpose of Electing Members to City Council Places 1 and 2
[ASSIGNED RESOLUTION NO. 22-2024]
6. 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 General Election to be Held on Saturday, May 4, 2024, and Authorizing the Extension of this Contract to Cover a Runoff Election, if Needed
[ASSIGNED RESOLUTION NO. 23-2024]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Professional Services Agreement for a GIS Five-Year Strategic Plan with Freese and Nichols, Inc.
[ASSIGNED RESOLUTION NO. 26-2024]
10. Resolution: Receive a Report, Hold a Discussion, and Take Action of Authorizing the City Manager to enter into a Professional Services Agreement with Resource Data, Inc. (RDI) for Geographic Information Systems (GIS) Support Services
[ASSIGNED RESOLUTION NO. 27-2024]
11. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve an On-Airport Concession Agreement with Avis Budget Car Rental, LLC to Operate Avis Car Rental and Payless Car Rental
[ASSIGNED RESOLUTION NO. 28-2024]

12. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Contract with Jacob Martin for the Design of a Pickleball Complex at Oscar Rose Park
[ASSIGNED RESOLUTION NO. 29-2024]
13. Resolution: Receive a Report, Hold a Discussion and Take Action on the Advanced Funding Agreement (AFA) With the Texas Department of Transportation for Traffic Signal Upgrades at Intersection of South 1st and Grape Street
[ASSIGNED RESOLUTION NO. 30-2024]
14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on an Ordinance Approving Revised Budget Figures for Fiscal Year 2023-2024; for the City of Abilene; Appropriating Funds; Repealing all Ordinances and Parts of Ordinances in Conflict Herewith; Calling a Public Hearing
15. Ordinance (First Reading) Z-2024-03: Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, Represented By Enprotec/Hibbs & Todd, Inc., To Change The Zoning Of Approximately 1.84 Acres From Residential Single Family (RS-6) To Patio Home (PH). Located at The 2500 Block Of Bel Air Drive

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

7. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Execute a Water Supply Agreement with the Palo Pinto County Municipal Water District No. 1
[ASSIGNED RESOLUTION NO. 24-2024]

Having pulled the item, Councilmember Regan asked Rodney Taylor, Director of Water Utilities, to explain the details of this agreement. Adoption of this item would approve a water supply agreement between the City of Abilene and Palo Pinto County Municipal Water District No. 1 (PPCMWD), to sell up to 3,000 acre feet annually of its raw water supply, stored in Possum Kingdom Reservoir to the PPCMWD.

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. 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

8. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to execute a Temporary Resale Amendment to System Water Availability Agreement with the Brazos River Authority
[ASSIGNED RESOLUTION NO. 25-2024]

Having pulled the item, Councilmember Regan stated his questions were answered already with item 7. Adoption of this item would execute a Temporary Resale Amendment to the System Water Availability Agreement between the Brazos River Authority and the City of Abilene.

Mayor 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 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

REGULAR AGENDA

16. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Amendment to the Fee and Charges Ordinance to Add New Rates for Advertising in the Abilene Regional Airport Terminal
[ASSIGNED ORDINANCE NO. 06-2024]

Don Green, Director of Transportation, presented the item. Adoption of the item would amend the fee schedule to add rates for advertising in the Abilene Regional Airport.

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.

Deputy Mayor Pro-tem Beard and Councilmember McAlister had a conflict of interest on this item and abstained from voting. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

AYES (5): Mayor Hurt, Mayor Pro-tem Price, and Councilmembers Regan, Yate and Craver

NAYS (0): None

ABSTAIN (2): Deputy Mayor Pro-tem Beard and Councilmember McAlister

17. Ordinance (Final Reading) Z-2023-39: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From HD Development Properties LP (D/B/A The Home Depot), Represented By Cassie Permenter, To Amend The Terms Of The Planned Development District 75 To Allow Outdoor Retail Sales/Rental And Display Within The Track "The Home Depot". Located At 4590 Southwest Dr, Abilene, TX 79606
[ASSIGNED ORDINANCE NO. 07-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would amend the terms of Planned Development District 75 (PDD-75) to allow for outdoor retail sales/rental and display within the track.

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. 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

18. Ordinance (Final Reading) Z-2024-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Jacob Martin, To Change The Zoning Of Approximately 14.6 Acres From Agricultural Open To Planned Development District 185. Specifically, To Allow Residential Single-Family Uses On 5,000 Sq. Ft. Lots. Located At The 6500-6800 Block Of Fairway Oaks Blvd, Abilene, TX 79606
[ASSIGNED ORDINANCE NO. 08-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AO) to Planned Development District 185 (PDD-185).

Mayor Hurt opened the public hearing. The following spoke in favor to Z-2024-01:

- Clayton Farrow

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

19. Ordinance (Final Reading) Z-2024-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, To Change The Zoning Of 0.47 Of An Acre From Agricultural Open To Multi-Family, Located On 2900 Block Of Old Anson Road
[FAILED]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Agricultural Open Space (AO) to Multi-Family (MF). This item requires a supermajority vote due to the amount of opposition received.

Mayor Hurt opened the public hearing. The following spoke in opposition to Z-2024-02:

- Annette Dulaney – did not wish to speak, indicated opposition on card
- Denise Howison
- David Howison
- Gary Westbrook

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

This item failed due to lack of a motion.

20. Ordinance (Final Reading) OAM-2023-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The City Of Abilene To Amend The Land Development Code (LDC) To Create The Rebuild ABI Infill Overlay (RAI) District To Promote Infill Development And Redevelopment In Targeted Neighborhoods
[ASSIGNED ORDINANCE NO. 10-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would repeal Section 2.3.4.3 Neighborhood Conservation Overlay (NCO) and replace it with the new Rebuild ABI Infill Overlay (RAI) District to promote infill development and redevelopment in targeted neighborhoods.

Mayor Hurt opened the public hearing. With no 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

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 9:35 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:

20. F.551.071 (Consultation with Attorney)

1. Sharra Sampson v. City of Abilene, Cause No 8144-B
2. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No 1:16-cv-00181-BL
3. City of Dallas, et al, v. Disney DTC, LLC, et al

The Executive Session ended at 9:45 a.m. and reconvened to Open Session. Mayor 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 a Settlement Agreement Regarding Sharra Sampson v. City of Abilene (Stanley Smith)
[ASSIGNED RESOLUTION NO. 31-2024]

Stanley Smith, City Attorney, presented the item. Adoption of the item would approve a settlement agreement regarding Sharra Sampson v. City of Abilene.

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. 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

ADJOURNMENT

There being no further business, the meeting adjourned at 9:47 a.m.



Shawna Atkinson
City Secretary



Weldon Hurt
Mayor

Minutes approved on: February 22, 2024

