CITY COUNCIL MEETING
September 12, 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 September 12, 2024, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Weldon Hurt was present and presiding, along with Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynn Beard, Blaise Regan, and Brian Yates. Mayor Pro-tem Kyle McAlister was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Mayor Weldon Hurt delivered the invocation.

Eagle Joyce, Eli Tijerina, and Rea Wood, all 5th Graders from Thomas 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 Awards:
  - Kowe Carmichael – 20 Years – Parks & Recreation
- Proclamations:
  - Service Dog Month – accepted by Hardin-Simmons University staff and students with their service dogs in training.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 4-20. Items 7 and 9 were pulled for individual consideration. Item 17 was pulled from consideration.

Items pulled from consideration prior to the meeting:

- Item 17

Items pulled for individual consideration:

- Item 7: Councilmember Yates
- Item 9: Councilmember Regan

PUBLIC COMMENTS

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

- Andrew Penns
- Tammy Fogle

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

CONSENT AGENDA

Councilmember Beard moved to approve the consent agenda now consisting of items 4-6, 8, 10-16, 18-20. Councilmember Yates seconded the motion. Motion carried.

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

Councilmember Regan 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 (5): Mayor Hurt, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Yates
NAYS (0): None
ABSTAIN (1): Councilmember Regan
ABSENT (1): Mayor Pro-tem McAlister

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 22, 2024

5. 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. 191-2024]

Board	Term End Date
Mayor's Advisory Board for People with Disabilities	
Nikki Parkhill [New]	December 2025 [unexpired term]
TIRZ #2 Board	
Charles Black [Reappointment]	August 2026
Sam Vinson [Reappointment]	August 2026
Ricardo Gutierrez [Reappointment]	August 2026
Robert Higgins [Reappointment]	August 2026
Ben Grant [Reappointment]	August 2026

6. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Contract with United States Geological Survey for Streamflow Monitoring Stations
[ASSIGNED RESOLUTION NO. 192-2024]

8. Resolution: Receive a Report, Hold a Discussion, and Take Action on Awarding Bid# CB-2473 Corsicana Ave. Rehabilitation Project to Bontke Brothers Construction Co., Inc.
[ASSIGNED RESOLUTION NO. 194-2024]

10. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Convention and Visitors Bureau FY 2025 Budget
[ASSIGNED RESOLUTION NO. 196-2024]

11. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Taylor County Expo Center's FY 2025 Budget
[ASSIGNED RESOLUTION NO. 197-2024]

12. Resolution: Receive a Report, Hold a Discussion, and Take Action on the Renewal of Samsara Telematics Software using Sourcewell Cooperative Contract #020221
[ASSIGNED RESOLUTION NO. 198-2024]

13. Resolution: Receive a Report, Hold a Discussion, and Take Action to Accept Grant B-24-CP-TX-2052 from the U.S. Department of Housing and Urban Development
[ASSIGNED RESOLUTION NO. 199-2024]

14. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve a Task Order with Enprotec, Hibbs and Todd to Design the New Airport Access Road
[ASSIGNED RESOLUTION NO. 200-2024]

15. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve a Rent Abatement of Up to $6,500.00 to Help Offset Unanticipated Costs for Brevard Capital to Get Electricity to its On-Airport Service Facility
[ASSIGNED RESOLUTION NO. 201-2024]

16. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid CB-2465, CB-2466, and CB-2469 for the Demolition of G.V. Daniels and Cesar Chavez Recreation Centers and Asbestos Abatement of G.V. Daniels to AAR, Inc.
[ASSIGNED RESOLUTION NO. 202-2024]

18. Resolution: Receive a Report, Hold a Discussion and Take Action on the Approval to Purchase Hardware from RCN Technologies as a Provider of Wireless Communication Hardware Through the OMNIA Partners Contract #R200803
[ASSIGNED RESOLUTION NO. 204-2024]

19. Resolution: R eceive a Report, Hold a Discussion and Take Action to Execute a Purchase Agreement with Flex Financial, a Division of Stryker Sales, LLC to Purchase LifePak 35 Cardiac Monitors and LUCAS CPR Devices for the Abilene Fire Department (AFD)
[ASSIGNED RESOLUTION NO. 205-2024]

20. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on amending Chapter 8, Article VI, "Code and other Regulations", Division 2,"Building Code" Section 8-481 and Division 7 "Residential Code" Section 8-581

ITEM PULLED FROM CONSIDERATION

17. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving Bid CB-2476 for Improvements to Garcia Field in Sears Park to CJ Fencing LLC.
[NOT CONSIDERED]

This item was pulled from consideration prior to the meeting.

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

7. Resolution: Receive a Report, Hold a Discussion, and Take Action on Awarding Bid# CB-2472 Street Resurfacing Project Work Zone S10A (West of Rose Park Neighborhood) to Bontke Brothers Construction Co., Inc.
[ASSIGNED RESOLUTION NO. 193-2024]

Having pulled the item, Councilmember Yates wanted to highlight that this item is a routine process, but is part of the ongoing effort of improving our streets, and that we have met over one-third of our street improvement project goal.

Adoption of the item would award a bid to Bontke Brothers Construction for milling existing asphalt and replacing 2" type D HMAC in Work Zone S10A.

Mayor Hurt opened the public hearing. The following addressed the council:

- Tammy Fogle

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

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

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

9. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Cultural Affairs Council FY 2025 Budget
[ASSIGNED RESOLUTION NO. 195-2024]

Having pulled the item, Councilmember Regan wanted clarification on the amount of funds the City gives to the Cultural Affairs Council and the grants they also receive. Lynn Barnett with the Cultural Affairs Council answered Councilmember Regan's questions.

Adoption of the item would approve the FY 2025 budget for the Abilene Cultural Affairs Council.

Mayor Hurt opened the public hearing. The following addressed the council:

- Tammy Fogle

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

Deputy Pro-tem Craver moved to approve the item as presented. Councilmember Yates seconded the motion. Motion carried.

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

REGULAR AGENDA

21. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving Eminent Domain Proceeds for Utility Easement, Being a 0.882 acre strip of land out of the SW/4 of Section No. 66, Blind Asylum Lands, Abstract No. 745, City of Abilene, Taylor County, Texas, and Being out of that certain 64.73 acre tract of land described in a Special Warranty Deed to Abilene Asset Management LLC recorded in Instrument No. 2018-9771, Official Public Records, Taylor County, Texas
[ASSIGNED RESOLUTION NO. 206-2024]

Stanley Smith, City Attorney, presented the item. Adoption of the item would approve eminent domain proceedings for a utility easement for the above referenced property.

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

Councilmember Price moved that the City Council of the City of Abilene authorize the use of the power of eminent domain to acquire a 0.882 acre strip of land out of the Southwest quarter of Section No. 66, Blind Asylum Lands, Abstract No. 745, City of Abilene, Taylor County, Texas for a public utility easement. Councilmember Yates seconded the motion; motion carried.

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

22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting the Lake Fort Phantom Master Plan
[ASSIGNED RESOLUTION NO. 207-2024]

Lesli Andrews, Director of Parks and Recreation, presented the item. Adoption of the item would adopt the Lake Fort Phantom Master Plan. Ms. Andrews introduced Ryan Brown from LJA who gave the presentation on the plan, as well as Abra Neusser, also from LJA, who answered questions from the Council.

Mayor Hurt opened the public hearing. The following addressed the council:

- Faith Gage
- Haley Jo Oates
- Tammy Fogle
- Cedric de Bourbon-Poisson

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

Councilmember Beard moved to approve the item as presented without dedicating any new park land for the project. Councilmember Price seconded the motion; motion carried.

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

Mayor Hurt recessed the meeting for a five-minute break at 10:15 a.m.

23. Resolution SNC-2024-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Jerome Abor, for an Honorary Street Name Change for a Portion of North 13th Street To Gladys Abor Street, More Specifically that Portion Of North 13th Street Between Walnut Street And North Treadaway Boulevard
[ASSIGNED RESOLUTION NO. 208-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would approve an honorary street name change for the above referenced portion of North 13th street to Gladys Abor Street.

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

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

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

24. Ordinance (Final Reading) HOZ-2024-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Rachel Rowland, to Apply Historic Overlay Zoning to Approximately 0.31 Acres Zoned Single Family Residential (RS-12), Located at 940 Sayles Boulevard
[ASSIGNED ORDINANCE NO. 39-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would apply Historic Overlay (HO) zoning at the above referenced location.

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

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

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

25. Ordinance (Final Reading) Z-2024-19: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, Represented by Garold Ropp, to Change the Zoning of Approximately 0.51 Acres from Medium Density (MD) to Multi-Family (MF), Located at 1665 S 15th St.
[ASSIGNED ORDINANCE NO. 40-2024]

Councilmember Regan had a conflict of interest on this item and left the room during deliberation and abstained from voting. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would change the zoning from Medium Density (MD) to Multi-Family (MF) at the above referenced location.

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

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

AYES (5): Mayor Hurt, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, and Yates
NAYS (0): None
ABSENT (1): Mayor Pro-tem McAlister
ABSTAIN (1): Councilmember Regan

26. Ordinance (Final Reading) Z-2024-20: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, Represented by Erik Johnson, to Change the Zoning of Approximately 10.1 Acres from Agricultural Open (AO) To Heavy Commercial (HC), located at the southeast corner of the intersection at Loop 322 and East Stamford Street
[ASSIGNED ORDINANCE NO. 41-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would change the zoning from Agricultural Open Space (AO) to Heavy Commercial (HC) at the above referenced location.

Mayor Hurt opened the public hearing. The following spoke in favor of the item:

- Eric Johnson, agent

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

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

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

Deputy Mayor Pro-tem Craver left the meeting at 10:38 a.m.

27. Ordinance (Final Reading) Z-2024-21: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, Represented by Enprotec/Hibbs & Todd Inc, to Change the Zoning of Approximately 5.09 Acres From Medium Density (MD) To Medical Use (MU), Located At 1301-1441 Compere Boulevard And 1935, 1945 Simmons Ave.
[ASSIGNED ORDINANCE NO. 42-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would change the zoning from Medium Density (MD) to Medical Use (MU) at the above referenced location.

Mayor Hurt opened the public hearing. The following spoke in favor of the item:

- BJ Prichard, agent

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

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

AYES (5): Mayor Hurt and Councilmembers Price, Beard, Regan, and Yates
NAYS (0): None
ABSENT (2): Mayor Pro-tem McAlister and Deputy Mayor Pro-tem Craver

28. Ordinance (Final Reading) Z-2024-22: Receive a Report, Hold a Discussion and Public Hearing and Take Action on a Request from the Owner, Represented by Enprotec / Hibbs & Todd, Inc, to Change the Zoning of Approximately 0.56 Acres from Residential Single-Family (RS-6) To General Retail (GR), Located At 1618, 1626, 1642 Ambler Ave.
[ASSIGNED ORDINANCE NO. 43-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would change the zoning from Residential Single-Family (RS-6) to General Retail (GR) at the above referenced location.

Mayor Hurt opened the public hearing. The following spoke in favor of the item:

- BJ Prichard, agent

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

Councilmember Regan moved to approve the item as presented. Councilmember Yates seconded the motion; motion carried.

AYES (5): Mayor Hurt and Councilmembers Price, Beard, Regan, and Yates
NAYS (0): None
ABSENT (2): Mayor Pro-tem McAlister and Deputy Mayor Pro-tem Craver

29. Ordinance (Final Reading) Z-2024-23: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, Represented by Civetta Solutions, to Amend the Terms and Conditions of Planned Development District 76 (PDD-76), Specifically to Allow for Patio Home Uses and Medium Density Residential Uses, Located at Health Way Drive, the 5800 Block of Health Center Drive and the 2800 Block of Bishop Drive
[ASSIGNED ORDINANCE NO. 44-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would amend the conditions of Planned Development District 76 (PDD-76) to allow for Patio Home uses and Medium Density Residential uses at the above referenced location.

Mayor Hurt opened the public hearing. The following spoke in favor of the item:

- Cheryl Sawyers, agent

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

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

AYES (5): Mayor Hurt and Councilmembers Price, Beard, Regan, and Yates
NAYS (0): None
ABSENT (2): Mayor Pro-tem McAlister and Deputy Mayor Pro-tem Craver

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 10:49 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:

19.B.551.073 (Real Estate), C.551.073 (Deliberations About Gifts & Donations) & E. 551.087 (Economic Development)

1. 101 Cypress Street

19.D.551.074 (Personnel Matters)

1. City Manager
2. City Attorney

The Executive Session ended at 12:46 p.m. and reconvened to Open Session. Mayor Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

16. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Manager
[ORAL RESOLUTION]

Earlier in the meeting, under Section 551.074 (Personnel Matters) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 10:38 a.m., and ended at 12:46 p.m. No votes or actions were taken at that time.

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

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

AYES (5): Mayor Hurt and Councilmembers Price, Beard, Regan, and Yates
NAYS (0): None
ABSENT (2): Mayor Pro-tem McAlister and Deputy Mayor Pro-tem Craver

17. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Attorney
[ORAL RESOLUTION]

Earlier in the meeting, under Section 551.074 (Personnel Matters) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 10:38 a.m., and ended at 12:46 p.m. No votes or actions were taken at that time.

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 Beard seconded the motion; motion carried.

AYES (5): Mayor Hurt and Councilmembers Price, Beard, Regan, and Yates
NAYS (0): None
ABSENT (2): Mayor Pro-tem McAlister and Deputy Mayor Pro-tem Craver

ADJOURNMENT

There being no further business, the meeting adjourned at 12:48 p.m.

Shawna Atkinson
City Secretary

Weldon Hurt
Mayor

Minutes approved on: September 26, 2024