



City of Abilene City Council Agenda

Shane Price, Mayor Pro-tem
Weldon Hurt, Council Member
Jack Rentz, 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 January 14, 2021, 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 Donna Albus

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

CONSENT AGENDA

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

2. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 17, 2020 **(Shawna Atkinson)**
3. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Supporting a Housing Tax Credit Application for Abilene Pioneer Crossing and Commitment of Development Incentives **(Mike Warrix)**
4. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster Issued December 17, 2020 **(Robert Hanna)**

5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of seven Chevrolet Police Pursuit Vehicle Tahoes from Caldwell Country Chevrolet for Abilene Police Department (**Tim Cass**)
6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of three Rear Loaders from Houston Freightliner for Solid Waste (**Tim Cass**)

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

7. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting and Ratifying the City's Governing Principles, Rules of Procedure, and Council Policies (**Robert Hanna**)
8. **Discussion:** Receive a Report and Hold a Discussion and Public Hearing on Recycling in Abilene, TX (**Michael Rice**)
9. **Ordinance (Final Reading) Z-2020-22:** Receive a Report and Hold a Discussion and Public Hearing on a request from Mobile Home Concepts, LLC to rezone property from a combination of Manufactured/Mobile Home (MH) and General Commercial (GC) to Planned Development (PD) District allowing occupancy by recreational vehicles and vacation travel trailers as well as mobile and manufactured homes on property at 6101 South 7th Street in western Abilene (**Mike Warrix**)
10. **Ordinance (Final Reading) Z-2020-23:** Receive a Report and Hold a Discussion and Public Hearing on a request from Eugene Rickert to rezone property from Agricultural Open Space (AO) to Rural Residential (RR-1) District on one acre of land located at 1949 Beltway South (F.M. Highway 707) (**Mike Warrix**)
11. **Ordinance (Final Reading) Z-2020-24:** Receive a Report and Hold a Discussion and Public Hearing on a request from Donald Callaway (agents Jacob & Martin LLC) and the City of Abilene to rezone approximately 0.6 acre of land (120 feet wide) located behind the restaurant building at 4801 Buffalo Gap Road, from Agricultural Open Space (AO) to Neighborhood Retail (NR) District (**Mike Warrix**)
12. **Ordinance (Final Reading) Z-2020-25:** Receive a Report and Hold a Discussion and Public Hearing on a request from KPLB LLC, agents Jacob & Martin LLC, to rezone property from Residential Single-Family Patio Home (PH) to a Residential Medium-Density (MD) District on 5.85 acres of now-vacant land at 1826 Colony Hill Road in southeastern Abilene (**Mike Warrix**)
13. **Ordinance (Final Reading) Z-2020-26:** Receive a Report and Hold a Discussion and Public Hearing on a request from Abilene Christian University, agent Kendra Hanfeld of Parkhill, Smith and Cooper Inc., to rezone 13.05 acres (occupied since 1955 by Taylor Elementary School) at 916 East North 13th Street, from Residential Medium-Density (MD) to a College University (CU) District (**Mike Warrix**)
14. **Ordinance (Final Reading) TC-2020-07:** Receive a Report and Hold a Discussion and Public Hearing on a request from Abilene Christian University, agents Enprotec/Hibbs & Todd Inc., to abandon the public right-of-way within a 0.4039-acre tract of presently unpaved land initially dedicated for what is now known as North Judge Ely Boulevard and located northeast from the original campus of Taylor Elementary School at 916 E.N. 13th Street in northeast Abilene (**Mike Warrix**)

15. **Ordinance (Final Reading) TC-2020-06:** Receive a Report and Hold a Discussion and Public Hearing on a request from the City of Abilene to abandon the public right-of-way within the complete 418-foot length of Crow Street as it extends north from right-of-way for East South 5th Street, approximately 765 feet west from and parallel to T&P Lane in southeast central Abilene **(Mike Warrix)**

PUBLIC COMMENTS

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

EXECUTIVE SESSION

16. **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. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
 3. Alfredo Valencia v. Corey Davis and City of Abilene; Case No. 1:19-cv-00017-C; In the United States District Court, Northern District of Texas, Abilene Division, filed February 4, 2019.
 4. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
 5. 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
 6. City of Abilene, Texas and Garfield Public/Private LLC v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-000900, In the 261st Judicial District Court, Travis County, Texas, filed February 13, 2020
 7. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020
 8. 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
 9. 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
 10. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P-8277-83-CV, In the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
 11. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
 12. 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
 13. Governor's Executive Orders - COVID-19
 14. Annual Ethics Training

B. 551.072 (Deliberations about Real Property)

1. Clyde Water

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)

1. Abilene Convention Center Hotel Project

RECONVENE

REGULAR AGENDA

17. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**

- Abilene Taylor County Child Advocacy Center Board
- Development Corporation of Abilene
- Keep Abilene Beautiful
- Planning & Zoning Commission
- Senior Advisory Board
- Street Maintenance Advisory Board

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 8th day of January, 2021, at 11:00 a.m.

Shawna Atkinson, TRMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 17, 2020
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting held on December 17, 2020

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 12-17-2020 Minutes - Regular - Evening

CITY COUNCIL MEETING
December 17, 2020 at 4:30 p.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 November 19, 2020, at 4:30 p.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Shane Price, Deputy Mayor Pro-tem Jack Rentz and Councilmembers Donna Albus, Weldon Hurt, Kyle McAlister and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Shawna Atkinson, and various members of the City staff.

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 4:30 p.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:

- 27. A. 551.071 (Consultation with Attorney)
 - 1. City of Abilene, Texas & Garfield Public/Private LLC v. Ken Paxton, AG of Texas
 - 2. DCOA Bylaws (Also Agenda Item 25)
- 27. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project
 - 2. DCOA Project Legacy

The Executive Session ended at 5:12 p.m. and reconvened to Open Session at 5:30 p.m. as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Councilmember Weldon Hurt delivered the invocation and led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

CONSENT AGENDA

The Consent Agenda consisted of items 3-18. Item #4 was pulled for individual consideration.

Items pulled for individual consideration were as follows:

- Councilmember Hurt and David Swart, citizen– Item #4

Councilmember Hurt moved to approve the Consent Agenda, now consisting of items 3 and 5-18. Deputy Mayor Pro-tem Rentz seconded the motion. Motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, McAlister and Craver

NAYS (0): None

Mayor Williams, Mayor Pro-tem Price, and Councilmember McAlister had a conflict of interest on Items 16 and 17, and abstained from voting on those two items alone. The vote for Items 16 and 17 only was as follows:

AYES (4): Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, and Craver

NAYS (0): None

ABSTAIN (3): Mayor Williams, Mayor Pro-tem Price, and Councilmember McAlister

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 3, 2020
5. Resolution: Receive a Report, Hold a Discussion and Take Action on Stop Loss Insurance Coverage for Health Plan Year 2021
[ASSIGNED RESOLUTION NO. 234-2020]
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a Contract for Uniform Rentals to Unifirst Corporation
[ASSIGNED RESOLUTION NO. 235-2020]
7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of one Bucket Truck from ETI Equipment Technology for Traffic Engineering
[ASSIGNED RESOLUTION NO. 236-2020]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Extended Term Street Use License at 141 Oak Street with DBST Investments, 141 Oak Series
[ASSIGNED RESOLUTION NO. 237-2020]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2108 to Raydon, Inc. on Street Resurfacing Project Work Zone S10 & S17
[ASSIGNED RESOLUTION NO. 238-2020]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2109 to Raydon, Inc. on Street Resurfacing Project Work Zone N3 N5 N8 & N14
[ASSIGNED RESOLUTION NO. 239-2020]
11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authoring the City Manager to Enter into an Advanced Funding Agreement with Texas Department of Transportation for the TxDOT Railroad Crossing and Intersection Improvements Project
[ASSIGNED RESOLUTION NO. 240-2020]
12. Ordinance (First Reading) Z-2020-22: Receive a Report and Hold a Discussion and Public Hearing on a request from Mobile Home Concepts, LLC to rezone property from a combination of Manufactured/Mobile Home (MH) and General Commercial (GC) to Planned Development (PD) District allowing occupancy by recreational vehicles and vacation travel trailers as well as mobile and manufactured homes on property at 6101 South 7th Street in western Abilene
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16. Ordinance (First Reading) Z-2020-20: Receive a Report and Hold a Discussion and Public Hearing on a request from Abilene Christian University, agent Kendra Hanfeld of Parkhill, Smith and Cooper Inc., to rezone 13.05 acres (occupied since 1955 by Taylor Elementary School) at 916 East North 13th Street, from Residential Medium-Density (MD) to a College University (CU) District
17. Ordinance (First Reading) TC-2020-07: Receive a Report and Hold a Discussion and Public Hearing on a request from Abilene Christian University, agents Enprotec/Hibbs & Todd Inc., to abandon the public right-of-way within a 0.4039-acre tract of presently unpaved land initially dedicated for what is now known as North Judge Ely Boulevard and located northeast from the original campus of Taylor Elementary School at 916 E.N. 13th Street in northeast Abilene
18. Ordinance (First Reading) TC-2020-06: Receive a Report and Hold a Discussion and Public Hearing on a request from the City of Abilene to abandon the public right-of-way within the complete 418-foot length of Crow Street as it extends north from right-of-way for East South 5th Street, approximately 765 feet west from and parallel to T&P Lane in southeast central Abilene

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster Issued November 19, 2020
[ASSIGNED RESOLUTION NO. 233-2020]

The item was pulled by Councilmember Hurt and David Swart, citizen.

Having pulled the item, David Swart stated that he understands that we have to keep approving this in order to receive funds, and hopes we will know in January if this will continue or not. Mr. Swart gave some statistics on COVID-19 numbers and thinks that small business are being targeted in these shut downs. He thinks this is unfair.

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

Councilmember Hurt expressed his opinions and concerns in regards to this item, stating that every business is essential.

Robert Hanna, City Manager, presented the item. Adoption of the item would modify and extend the Declaration of Local Disaster issued on October 22, 2020.

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

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, McAlister and Craver

NAYS (1): Councilmember Hurt

REGULAR AGENDA

19. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Ordinance Establishing the 2021 Standards of Care
[ASSIGNED ORDINANCE NO. 55-2020]

Lesli Andrews, Director of Community Services, presented the item. Adoption of the item would approve the 2021 Standards of Care.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, McAlister and Craver

NAYS (0): None

20. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Fiscal Year 2021 Budget Cuts
[ASSIGNED ORDINANCE NO. 55-2020]

Robert Hanna, City Manager, presented the item. Adoption of the item would approve budget cuts and revenue enhancements for Fiscal Year 2021. Mr. Hanna gave the reasoning behind these needed cuts and went over the programs he recommends cutting, and the revenue enhancements he recommends putting in place.

Council discussed the various options on the table at length and gave their opinions on them.

Mayor Williams opened the public hearing. The following addressed the Council:

- David Swart – spoke about the senior meal program and questioned the sales tax deficit and if that will affect the money going to the DCOA from sales tax.
- Jenny Goode – spoke about 2-1-1 and how Betty Hardwick is interested in taking on Adaptive Rec.
- Sue Davidson – spoke in favor of keeping the Adaptive Rec program.
- Leah Beltran – spoke in favor of the Adaptive Rec program and having Disabilities in Action help with it.
- JoAnn Fluke – spoke in favor of keeping the Adaptive Rec program and having Disabilities in Action help with it.
- Ruby Blascyk – spoke in favor of keeping the Adaptive Rec program.
- Shannon Bryant – spoke in favor of keeping the senior meal program free.
- Jerry Holman – spoke in favor of keeping the Adaptive Rec program.
- Brandi Kaufmann – spoke in favor of keeping the Adaptive Rec program.
- Taylor Kohler – spoke in favor of keeping the Adaptive Rec program.
- Jeff Bell – spoke in favor of keeping the Adaptive Rec program.
- Katherine Ballard (through a sign language interpreter) – spoke in regards to the importance of helping those with special needs, and keeping the senior meals free.
- Welton Robinson – spoke in favor of keeping the senior meals free.

- Jerry Smith – stated he always gets a recording when he calls 2-1-1 and hopes that can be fixed. Also stated that he thinks City employees would not suffer from a 5% salary reduction to help the budget shortfalls.
- Tammy Sanford – spoke in favor of keeping the Adaptive Rec program.
- LouAnne Chastain – spoke in favor of keeping the Adaptive Rec program.
- Chantee Fleming – spoke in favor of keeping the money already approved for parks updates as it is.
- Niccolus Moses – understands the need of the Adaptive Rec program but hopes the money can come from somewhere other than the money budgeted for parks upgrades,
- Chris Daughtry – encouraged Council not to take away money from any recreation department.
- Candy Ice – spoke in favor of keeping the Adaptive Rec program.

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

Mayor Williams moved to approve the item as presented with the following changes:

- Funding for Adaptive Recreation Services is removed for the remainder of FY 2021, and the City Manager is directed to identify and negotiate the divestment by the City and assumption of the program by a trusted nonprofit entity.
- A fee in the amount of \$2.00 is to be charged for Senior meals. The implementation will be delayed until a scholarship program can be established.
- A fee in the amount of \$25 is to be charged to league sport players as a facility use charge, per player, per season. Those players who reside in the corporate boundaries of the City of Abilene shall be charged a discounted rate of \$20. The implementation will be delayed until a scholarship program can be established.
- The funding set aside for Park improvements shall be reduced by \$50,200 and the same amount shall be appropriated for Senior meals.
- The City Manager will make travel and training cuts, as needed.

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

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, McAlister and Craver

NAYS (0): None

21. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Airport Master Plan
[NOT CONSIDERED]

This item was pulled from consideration.

Mayor Williams recessed the meeting for a 5-minute break at this point, from 7:30 p.m. to 7:35 p.m.

22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve Renaming the Airport Conference Room
[ASSIGNED RESOLUTION NO. 242-2020]

Don Green, Director of Transportation, presented the item. Adoption of the item would approve the formal naming of the Airport Lower Level Conference Room to Lawrence E. Gill Conference Room.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, McAlister and Craver

NAYS (0): None

23. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing Members to Various Boards and Commissions per the City Charter.
[ASSIGNED RESOLUTION NO. 243-2020]

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

Councilmember McAlister moved to (re)appoint the following:

Board	Term End Date
<i>Abilene-Taylor County Child Advocacy Center Board</i>	
Karon Bingaman Hall [Reappointment]	December 2023
Leslie Holley [Reappointment]	December 2023
Craig Shaw [Reappointment]	December 2023
Sherita Nickerson [Reappointment]	December 2023
Becky Poindexter [Reappointment]	December 2023
Casey Wasson [Reappointment]	December 2023

Councilmember Craver seconded the motion; motion carried

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, McAlister and Craver

NAYS (0): None

24. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approval of a Resolution approving of (i) a Restated Certificate of Formation (formerly Articles of Incorporation) of the DCOA with amendments and (ii) an Application to present to the Abilene City Council to amend the DCOA's Certificate of Formation (formerly Articles of Incorporation)
[ASSIGNED RESOLUTION NO. 244-2020]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would amend the Development Corporation of Abilene's Certificate of Formation (formerly the Articles of Incorporation).

Mayor Williams opened the public hearing. The following addressed the Council:

- David Swart – stated that he doesn't understand why the City is looking at budget cuts while the DCOA is getting to spend more money here. He thinks that the DCOA should be put back on the ballot for the voters to decide again because of this.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, McAlister and Craver

NAYS (0): None

25. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action Authorizing Changes to the DCOA's Bylaws
[ASSIGNED RESOLUTION NO. 245-2020]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve changes to the Development Corporation of Abilene's bylaws.

Mayor Williams opened the public hearing. The following addressed the Council:

- David Swart – stated that he doesn't understand how the Public Works Department would have to come to City Council to get a new dump truck, but that the DCOA now is going to be able to spend way more than that without coming to Council. Also spoke about the DCOA employee salaries and how he feels they are high.
- Jerry Smith – spoke about the DCOA CEO's salary and compared it to the City Manager's. Questioned why they only give money to current businesses and not new business.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, McAlister and Craver

NAYS (0): None

26. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving the FY 2020 Annual Report of Activities for the Development Corporation of Abilene
[ORAL RESOLUTION]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve the Fiscal Year 2020 Annual Report of Activities for the Development Corporation of Abilene. Ms. Mayo discussed the DCOA's various projects throughout the year, including their mission, vision, and strategic plan, their achievements from the past year, project summaries, their partners, staff, and board members, and investing in Abilene.

Mayor Williams opened the public hearing. The following addressed the Council:

- Jerry Smith – apologized to Ms. Mayo for his previous statements and stated that it wasn't a personal attack on her, but he would like to know how they calculate the \$7 coming back to Abilene for every \$1 spent by these companies.
- David Swart – stated that the only business that affects him is Coca-cola. Thinks we are ripe in the picking for new business and we should have started on the hotel project now since it's a good time.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Rentz, and Councilmembers Albus, Hurt, McAlister and Craver

NAYS (0): None

PUBLIC COMMENTS

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

- David Swart – stated that the media reports Mayor Williams is leaving Abilene after he just got re-elected, and that he will miss him. He hopes that things will get better next year with COVID-19.
- Wendell Glen Pugh – introduced himself as the new representative from Senator Dawn Buckingham's Abilene office.
- Aaron Young – spoke about the new Taylor Elementary School opening up in January and requests a school speed zone put in place before school starts.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 8:31 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **3. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Supporting a Housing Tax Credit Application for Abilene Pioneer Crossing and Commitment of Development Incentives (Mike Warrix)**

GENERAL INFORMATION

Abilene Pioneer Crossing, LLC is proposing to develop "Abilene Pioneer Crossing," an affordable rental housing community located on Eplens Court in Abilene. The applicant is requesting Council support for their application in the form of a Resolution, as required by the Texas Department of Housing and Community Affairs.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

If approved, the resolution commits the City of Abilene to granting financial incentives in the form of a loan, grant, fee reductions, or contributions equaling \$500 conditioned upon the project receiving 2021 Competitive 9% Housing Tax Credits from the Texas Department of Housing and Community Development.

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Abilene Pioneer Crossing Tax Credit
2. Abilene Pioneer Crossing PowerPoint

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
SUPPORTING A HOUSING TAX CREDIT APPLICATION SUBMITTED FOR ABILENE
PIONEER CROSSING AND COMMITTING DEVELOPMENT INCENTIVES**

WHEREAS, Abilene Pioneer Crossing, LLC has proposed the development of affordable rental housing at approximately 149-182 Eplens Court named “Abilene Pioneer Crossing” in the City of Abilene, Taylor County, Texas; and

WHEREAS, Abilene Pioneer Crossing, LLC has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2021 Competitive 9% Housing Tax Credits for the proposed development.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ABILENE:**

PART 1. That the City of Abilene, acting through its governing body, hereby confirms that it supports the application for Abilene Pioneer Crossing, to be located at approximately 149-182 Eplens Court and that this formal action has been taken to put on record the opinion expressed by the City of Abilene on January 14, 2021.

PART 2. That the City of Abilene does hereby commit to provide a loan, grant, reduced fees, or contribution of other value that equals \$500.00, conditioned upon Abilene Pioneer Crossing receiving a commitment of 2021 Competitive 9% Housing Tax Credits from the Texas Department of Housing and Community Development.

PART 3. That for and on behalf of the Governing Body of the City of Abilene, Mr. Robert Hanna, City Manager, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

PART 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Abilene, and it is accordingly so resolved.

ADOPTED this 14th day of January 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

ABILENE PIONEER CROSSING



PROPOSAL FOR A HIGH QUALITY FAMILY APARTMENT COMMUNITY
IN ABILENE, TEXAS



OVERVIEW

- Affordable Housing Tax Credit Program
- Development Team & Experience
- Abilene Pioneer Crossing
 - Location Map
 - Details
 - Proposed Design
 - Target Market
 - Preliminary Market Analysis
- Benefits to Abilene and Taylor County
- What We Need
- Contacts

TAX CREDIT PROGRAM OVERVIEW

- Housing Tax Credit Program created through the Tax Act of 1986 under the Reagan Administration
- Encourages private industry to invest and develop housing for moderate income families
- Tax Credit is realized by the Investor
- Investor dollars are used as Equity to reduce debt on the development
- Average Equity 65-70%



TAX CREDIT PROGRAM OVERVIEW, CONT.

- Reduction in debt allows for lower operating income thus allowing for lower rents to residents
- This is NOT a HUD development
- This DOES NOT equate to a lower quality of tenant
- ALL tenants must go through a thorough screening and background check process:
 - Must have verifiable source of income
 - Zero tolerance for criminal activities
 - Strict compliance with lease agreement



TAX CREDIT PROGRAM OVERVIEW, CONT.

- Regulated by the Internal Revenue Service
- State credit allocations published annually
- Administered by each state through Qualified Allocation Plan
- Highly competitive annual application process
 - Only one application will be awarded per Rural region



DEVELOPER EXPERIENCE - PORTFOLIO

Mineral Wells Pioneer Crossing: In 2007 applied for the 2008 tax credit application round and was awarded the 9% tax credit along with HUD HOME loan thru a very competitive process for the maximum of 80 unit Family project in the city of Mineral wells. In these financial uncertainty and meltdown, the tax credits were successfully syndicated and a construction loan secured, thereby enabling construction to start. The construction has been completed and the project achieved a faster than anticipated stabilization and is almost 100% occupied. www.pioneercrossingmwapts.com

Lufkin Pioneer Crossing for Seniors: In 2008 applied for the 2009 tax credit application round and was awarded the 9% tax credit along with HUD HOME loan thru a very competitive process for the maximum of 80 unit Seniors project in the city of Lufkin. The construction has been completed and the project achieved a faster than anticipated stabilization and is almost 100% occupied. www.pioneercrossinglufkinseniors.com

Lufkin Pioneer Crossing for Family: In 2009 applied for the 2010 tax credit application round and was awarded the 9% tax credit along with HUD HOME loan thru a very competitive process for the maximum of 80 unit Family project in the city of Lufkin. The construction has been completed and the project achieved a faster than anticipated stabilization and is almost 100% occupied. www.pioneercrossinglufkinapts.com

Sulphur Springs Pioneer Crossing for Seniors: In 2009 applied for the 2010 tax credit application round and was awarded the 9% tax credit along with HUD HOME loan thru a very competitive process for the maximum of 80 unit Seniors project in the city of Sulphur Springs. The construction has been completed and the project achieved a faster than anticipated stabilization and is almost 100% occupied. www.pioneercrossingssseniors.com

Burkburnett Pioneer Crossing: In 2010 applied for the 2011 tax credit application round and was awarded the 9% tax credit along with HUD HOME loan thru a very competitive process for the maximum of 80 unit Seniors project in the city of Burkburnett. The construction has been completed and the project achieved a faster than anticipated stabilization and is almost 100% occupied. www.pioneercrossingbb.com

DEVELOPER EXPERIENCE – PORTFOLIO, CONT.

Mineral Wells Royal Gardens for Seniors: In 2011 applied for the 2012 tax credit application round and was awarded the 9% tax credit along with HUD HOME loan thru a very competitive process for the maximum of 75 unit Seniors project in the city of Mineral Wells. The construction has been completed and the project achieved a faster than anticipated stabilization and is almost 100% occupied. www.royalgardensapts.net

Henrietta Pioneer Crossing for Seniors: In 2016 applied for the 2017 tax credit application round and was awarded the 9% tax credit thru a very competitive process for a 49 unit Seniors project in the city of Henrietta. The construction has been completed and the project is almost 100% occupied. www.pioneercrossinghenrietta.com

Diboll Pioneer Crossing: In 2017 applied for the 2018 tax credit application round and was awarded the 9% tax credit thru a very competitive process for the maximum of 80 unit Family project in the city of Diboll. The construction is nearing 100% completion and the project is in the lease-up phase. www.pioneercrossingdiboll.com

Reserves at San Marcos: In 2019 applied for the 2020 tax credit application round and was awarded the 4% tax credit thru a very competitive process for a 376 unit Family project in the city of San Marcos. The transaction closed on financing in June 2020, and construction is underway on the development.

Vernon Pioneer Crossing for Seniors: In 2019 applied for the 2020 tax credit application round and was awarded the 9% tax credit thru a very competitive process for a 64 unit Seniors project in the city of Vernon. The construction is expected to start early 2021.

Livingston Pioneer Crossing for Seniors: In 2019 applied for the 2020 tax credit application round and was awarded the 9% tax credit thru a very competitive process for the maximum of 80 unit Senior project in the city of Livingston. The construction is expected to start December 2020.

DEVELOPMENT TEAM & EXPERIENCE

HOUSING LAB by BETCO is a full service housing development consulting firm, established in 2011. The firm specializes in the securing of funds for the development of affordable housing via programs including: Housing Tax Credits (9% and 4%); HOME; and other public funds. We also provide financial analysis and compliance services.



www.betcohousinglab.com

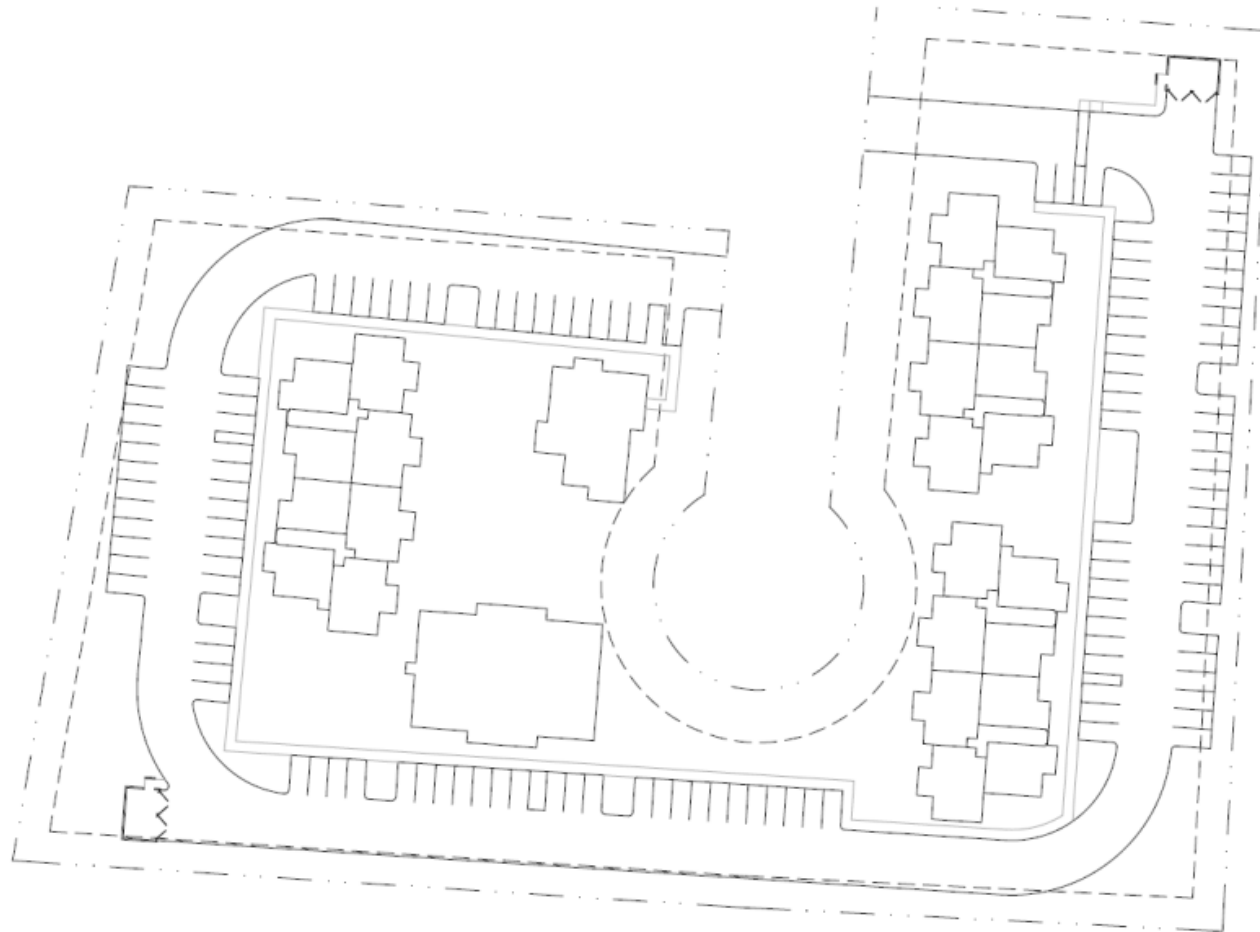
ABILENE PIONEER CROSSING - LOCATION -



- United Supermarket - < 1 mi
- Pharmacy – < 1 mi
- YMCA - < 1 mi
- Movie Theater – < .5 mi
- Grace Museum - < 2.25 mi
- Oscar Rose Park < 1 mi



ABILENE PIONEER CROSSING - PRELIMINARY SITE PLAN



ABILENE PIONEER CROSSING - DEVELOPMENT OVERVIEW

- 2 - 3-Story Multi-Family Buildings
- Stone (or Brick) and Siding
- Clubhouse
- Mix of 1, 2, and 3 bedroom units
- Approximately 80 units
- Serving families



ABILENE PIONEER CROSSING

- TARGET RENT AND INCOME LEVELS -



INCOME LIMITS

2020 Area Median Income:

\$64,800

AMFI %	Number of Household Members							
	1	2	3	4	5	6	7	8
20	\$ 9,080	\$ 10,380	\$ 11,680	\$ 12,960	\$ 14,000	\$ 15,040	\$ 16,080	\$ 17,120
30	\$ 13,620	\$ 15,570	\$ 17,520	\$ 19,440	\$ 21,000	\$ 22,560	\$ 24,120	\$ 25,680
40	\$ 18,160	\$ 20,760	\$ 23,360	\$ 25,920	\$ 28,000	\$ 30,080	\$ 32,160	\$ 34,240
50	\$ 22,700	\$ 25,950	\$ 29,200	\$ 32,400	\$ 35,000	\$ 37,600	\$ 40,200	\$ 42,800
60	\$ 27,240	\$ 31,140	\$ 35,040	\$ 38,880	\$ 42,000	\$ 45,120	\$ 48,240	\$ 51,360
70	\$ 31,780	\$ 36,330	\$ 40,880	\$ 45,360	\$ 49,000	\$ 52,640	\$ 56,280	\$ 59,920
80	\$ 36,320	\$ 41,520	\$ 46,720	\$ 51,840	\$ 56,000	\$ 60,160	\$ 64,320	\$ 68,480
120	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

RENT LIMITS

AMFI %	Number of Bedrooms						
	0	1	2	3	4	5	
20	\$227	\$243	\$292	\$337	\$350	\$415	
30	\$340	\$364	\$438	\$505	\$564	\$622	
40	\$454	\$486	\$584	\$674	\$752	\$830	
50	\$567	\$608	\$730	\$842	\$940	\$1,037	
60	\$681	\$729	\$876	\$1,011	\$1,128	\$1,245	
65							
70	\$794	\$851	\$1,022	\$1,179	\$1,316	\$1,452	
80	\$908	\$973	\$1,168	\$1,348	\$1,504	\$1,660	

*Income and Rental limits above will not apply to the market rate units

ABILENE, TEXAS PRELIMINARY MARKET ANALYSIS

FAMILY									
Unit Size	2020 Demand	2021 & 2022 Growth Demand	10% External Demand	Total Demand	Subject Units	Comparable Units	Inclusive Capture Rate		Additional Units Allowed
Overall	8,084	-77	801	8,808	0	40	0.5%		841
30% Band	2,007	-45	196	2,158	0	4	0.2%		212
50% Band	1,854	-26	183	2,011	0	8	0.4%		193
60% Band	4,224	-6	422	4,640	0	28	0.6%		436
1 BR/30%	458	-11	45	492	0	1	0.2%		319
1 BR/50%	468	-7	46	508	0	2	0.4%		328
1 BR/60%	683	-3	68	748	0	2	0.3%		484
2 BR/30%	414	-10	40	444	0	2	0.5%		287
2 BR/50%	451	-10	44	485	0	4	0.8%		311
2 BR/60%	803	-5	80	878	0	16	1.8%		554
3 BR/30%	133	-3	13	143	0	1	0.7%		92
3 BR/50%	172	-2	17	187	0	2	1.1%		120
3 BR/60%	375	-1	37	412	0	10	2.4%		258

ABILENE PIONEER CROSSING – Examples of Previous Design Results for Tax Credit Development in Sulphur Springs, Texas



Information Center



Community Courtyard

ABILENE PIONEER CROSSING – Examples of Previous Design Results for Tax Credit Development in Sulphur Springs, Texas CONT.



Fitness Center



Community Clubhouse



ABILENE PIONEER CROSSING – Examples of Previous Design Results for Tax Credit Development in Sulphur Springs, Texas CONT.



Interior/Kitchen



Internet Computer Lab

ABILENE PIONEER CROSSING – Examples of Previous Design Results for Tax Credit Development in Lufkin, Texas



Clubhouse Exterior/Community Entrance



Community Courtyard

UNIT AMENITIES – Lufkin, Texas



Kitchen



Covered Patios

INTERIOR AMENITIES – Burkburnett, Texas



Kitchen



Bathroom

BENEFITS TO ABILENE AND TAYLOR COUNTY

Economic Benefits

- Estimated new \$10-\$12 mill. construction investment
 - Use of local contractors/suppliers if competitive
- Creation of approximately 100-150 jobs during construction
- Creation of at least 2 permanent jobs after construction
- Generation of fees for the City
- New property taxes paid annually to the City, County, School
- New utilities revenues generated for the City
- New sales taxes generated for the City

BENEFITS TO THE TENANTS

Potential Tenant Services

- Exercise and Fitness Rooms
- Community Business Rooms
- BBQ Grills with Picnic Tables
- Pet Park
- Garden Areas
- Internet Computer Lab and Library
- Planned Resident Activities
- Clubhouse



*Community business center,
Mineral Wells Pioneer Crossing*



*Community fitness center,
Lufkin Pioneer Crossing*

WHAT WE NEED TO MAKE THIS HAPPEN

1. Resolution of support from the City by Feb. 25th
2. Resolution of funding commitment of \$500
 - a) We propose waiver of building permit fees
3. Assistance with obtaining a letter of support from the State Representative.
4. We will also speak with local community organizations serving the City to request letters of support

CONTACT INFORMATION

Roger Canales

roger@betcohousinglab.com

210-247-8192

Housing Lab by BETCO

Michael Beard, CPA

michael@betcohousinglab.com

512-993-7665

Housing Lab by BETCO

Office:

812 San Antonio Street, Suite L-14

Austin, Texas 78701



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: **Honorable Mayor & Members of City Council**

FROM: **Robert Hanna, City Manager**

SUBJECT: **4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster Issued December 17, 2020 (Robert Hanna)**

GENERAL INFORMATION

On December 17, 2020, the City Council adopted a Further Modification and Extension of Declaration of Local Disaster due to the COVID-19 pandemic. That extension lasts through January 14, 2021.

On July 2, 2020, the Governor of the State of Texas issued his Executive Order GA-29, relating to the use of face coverings during the COVID-19 disaster.

On October 7, 2020, the Governor of the State of Texas issued his Executive Order GA-32, relating to the continued response to the COVID-19 disaster as Texas reopens, and which is effective state-wide until modified, amended, rescinded, or superseded by the Governor.

On January 5, 2021, the Governor of the State of Texas extended the State of Disaster for all counties in Texas due to the continuing COVID-19 pandemic.

SPECIAL CONSIDERATIONS

The Governor's Executive Orders GA-29 and GA-32 supersede any conflicting order issued by local officials in response to the COVID-19 disaster. This includes Mayors and City Councils. A local order may not restrict essential services or reopened services allowed by the Governor's orders. A local order may not allow gatherings prohibited by the Governor's orders. A local

order may not expand the list of essential services or the list or scope of reopened services as set forth in the Governor's orders.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 14th Resolution Extending Declaration of Local Disaster COVID-19 redline draft
2. EO-GA-29-use-of-face-coverings-during-COVID-19-IMAGE-07-02-2020
3. GA-32
4. proc01052021_COVID
5. Disaster Declaration PPT

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, FURTHER
MODIFYING ITS EXTENSION OF DECLARATION OF DISASTER ISSUED ON
DECEMBER 17~~NOVEMBER 19~~, 2020.**

WHEREAS, on March 16, 2020, the Mayor of the City of Abilene, by proclamation, issued a Declaration of Local Disaster; and

WHEREAS, on March 23, 2020, the City Council issued its Resolution Renewing and Continuing the Mayor's Declaration of Disaster Issued on March 16, 2020, which prohibited the social gathering of more than 10 persons; and

WHEREAS, on March 30, 2020, the City Council issued its Resolution Modifying its Extension of Declaration of Disaster, which created a limited shelter in place through 11:59 p.m., April 14, 2020; and

WHEREAS, on April 13, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which continued the limited shelter in place through 11:59 p.m., April 30, 2020; and

WHEREAS, on April 30, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-18; and

WHEREAS, on May 15, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-21; and

WHEREAS, on June 1, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-23, which was effective until June 25, 2020; and

WHEREAS, on June 25, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-26, which was effective until July 23, 2020; and

WHEREAS, on July 23, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-28, as amended, and Executive Order GA-29, which was effective until August 27, 2020; and

WHEREAS, on August 27, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which continued to adopt the regulations and restrictions issued in the Governor's Executive Order GA-28, as amended, and Executive Order GA-29, which was effective until September 24, 2020; and

WHEREAS, on September 24, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which continued the adopt the regulations and restrictions issued in the Governor’s Executive Order GA-29, and Executive Order GA-30, which was effective until October 22, 2020; and

WHEREAS, on October 22, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-29, and Executive Order GA-32, which was effective until November 19, 2020; and

WHEREAS, on November 19, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-29, and Executive Order GA-32, which was effective until December 17, 2020; and

WHEREAS, on December 17, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-29, and Executive Order GA-32, which was effective until January 14, 2021; and

WHEREAS, on July 2, 2020, the Governor of the State of Texas issued his Executive Order GA-29, effective until it is modified, amended, rescinded, or superseded by the Governor, and which related to the use of face coverings during the COVID-19 disaster; and

WHEREAS, on October 7, 2020, the Governor of the State of Texas issued his Executive Order GA-32, effective until it is modified, amended, rescinded, or superseded by the Governor, and which relates to the continued response to the COVID-19 disaster as Texas reopens; and

WHEREAS, on ~~January 5~~December 6, 2021~~10~~, the Governor of the State of Texas renewed his disaster proclamation for all counties in Texas due to COVID-19 continuing a state of disaster; and

WHEREAS, because of the continuing risk of the rapid spread of the COVID-19 virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services and commerce to continue, and the desire to slow the spread of COVID-19 to maximum extent possible, this Order is required; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City of Abilene and Taylor County, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; and

WHEREAS, the City Council has determined that extraordinary and immediate measures must continue to be taken to respond quickly to prevent and slow down community spread of COVID-19 in the City of Abilene; and

WHEREAS, the City Council finds that it is in the public interest to authorize additional authority as described herein pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code, and provide rules to protect the health of persons in the City of Abilene, pursuant to the Texas Government Code and Texas Health and Safety Code.

NOW THEREFORE, IT IS HEREBY RESOLVED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

1. The foregoing recitals as incorporated herein and made findings of fact.
2. That the City Council, effective immediately, hereby renews and continues the local state of disaster for the City of Abilene, Texas, pursuant to Section 418.108(b) of the Texas Government Code.
3. Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for the City of Abilene. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.
5. The use of all available resources of the City of Abilene that are reasonably necessary to cope with this disaster are hereby authorized.
6. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement with would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.
7. Pursuant to Section 418.108(g) of the Government Code, the City of Abilene may control ingress to and egress from a disaster area within the incorporated limits of the City of Abilene and control the movement of persons and the occupancy of premises in that area.

8. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Abilene may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.
9. The intent of this Order is to protect the physical health and well-being of City of Abilene residents, to protect the financial health and well-being of City of Abilene residents and businesses, and to slow the spread of COVID-19 to the maximum extent possible while safeguarding the Constitutional liberties of City of Abilene residents by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

All persons should follow the CDC recommended guidelines to protect themselves from exposure and to protect the public from further community spread.

10. The City of Abilene hereby adopts and incorporates herein Governor Greg Abbott's Executive Order GA-29 and Executive Order GA-32, the same as if they were copied and set-forth at length herein. The City of Abilene will follow and enforce the conditions and restrictions as set forth in GA-29 and GA-32, and adopts and incorporates any further Proclamations modifying, amending or superseding GA-29 or GA-32 during the term of Abilene's declaration of local disaster.

The City Manager is authorized without further Council action to enforce these provisions to the fullest extent allowed by law.

11. In the event the Governor of the State of Texas amends or modifies his Executive Order GA-29 or GA-32, this Declaration and Order is automatically amended or modified without further Council action to reflect said amendments or modifications to the Governor's Executive Order. It being the express intent of the City Council and this Declaration and Order to follow the Governor's Executive Order.
12. All public, private and commercial laboratories operating within the City of Abilene and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period to the Abilene-Taylor County Public Health District the following information:

- (a) The number of COVID-19 tests performed;
- (b) The number of positive COVID-19 tests; and
- (c) The patient names and demographic information of positive COVID-19 tests.

This information will be used solely for public health purposes to monitor the testing conducted in the City of Abilene, and mitigate and contain the spread of COVID-19.

13. That any City ordinance or regulation imposing a time requirement for payment, filing or appealing a decision, may be extended by the Mayor without further confirmation by the City Council.
14. That the Mayor may suspend or modify any other ordinance or regulation of the City of Abilene for a period of not more than seven days from the date of this resolution unless continued or renewed by the City Council.
15. That the City Manager or designee of the City Manager is authorized, without further approval of the City Council, to:
 - (a) Make application for local, state and federal assistance as necessary and/or applicable;
 - (b) Accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
 - (c) Enter into Interlocal cooperation agreements or memorandums of understanding with other cities, counties, or jurisdictions to provide for law enforcement assistance or other shared services to assist in this Resolution or the COVID-19 pandemic;
 - (d) Contract for expenditures for budgeted items and emergency expenditures in an amount not to exceed \$250,000; and
 - (e) Defer any fines or fees imposed by the City.

After cessation of this emergency and state of disaster, the City Manager shall provide the City Council a list of all actions taken under this paragraph.

16. That although not required by law and out of an abundance of caution, the City Manager is authorized to (and any prior acts in response to the COVID-19 pandemic are ratified):
 - (a) Close, including closure to the public, of any City offices, facilities, or properties, including parks, playgrounds, or playground equipment; and
 - (b) Provide city services by means other than in-person delivery, such as accepting permit applications online or by mail only, and/or to cease any city service that are not required by state or federal law.
17. That any ordinances, rules, or regulations of the City of Abilene, Texas, that conflict with this Resolution are hereby suspended, such suspension to remain in effect until the state of disaster is terminated or until there is a subsequent Resolution of this Council, whichever occurs first.

18. That pursuant to Section 418.020(d) of the Texas Government Code, the City of Abilene is authorized to:
- (a) Temporarily or permanently acquire by lease, purchase, or other means sites required for installation of temporary housing units or emergency shelters for disaster victims; and
 - (b) Enter into arrangements necessary to prepare or equip the site to use the housing units or shelters, including arrangements for the purchase of temporary housing units or shelters and the payment of transportation charges.
19. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
20. Pursuant to Section 418.173, Government Code, failure to comply with this Order is an offense punishable by a fine not to exceed \$1,000. Pursuant to the Governor's Executive Order GA-29, failure to wear a face covering as required in GA-29 is punishable by a fine not to exceed \$250 for a second violation and each subsequent violation.
21. That any violation of this Resolution, Declaration and Order can be enjoined by the City of Abilene by a suit filed in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Resolution, Declaration and Order or in the Code of Ordinances, City of Abilene, Texas.
22. That nothing in this Resolution, Declaration and Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Resolution.
23. All provisions of this Resolution, Declaration and Order should be interpreted to effectuate its intent.
24. That this Declaration and Order is effective immediately and continues until 11:59 p.m. February 11~~January 14~~, 2021 unless otherwise modified, terminated or extended.
25. That the terms and provisions of this Resolution, Declaration and Order shall be deemed to be severable and that if any section, subsection, sentence, clause, phrase or word herein shall be declared to be invalid or unconstitutional, the same shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word herein, and the remainder of this Resolution, Declaration and Order shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

ADOPTED this ~~14~~¹⁷th day of ~~January~~^{December}, 202~~1~~⁰.

ATTEST:

Anthony Williams, Mayor

Shawna Atkinson, City Secretary

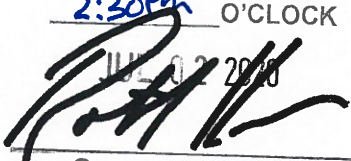
APPROVED:

Stanley Smith, City Attorney



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK
JUL 02 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

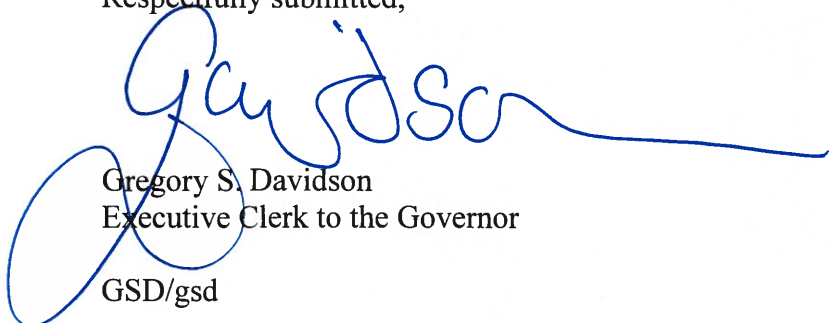
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-29 relating to the use of face coverings during the
COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 2, 2020

EXECUTIVE ORDER GA 29

Relating to the use of face coverings during the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

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2:30pm O'CLOCK

JUL 02 2020

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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JUL 02 2020

the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: www.tdem.texas.gov/ga29.

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: “, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.”

The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

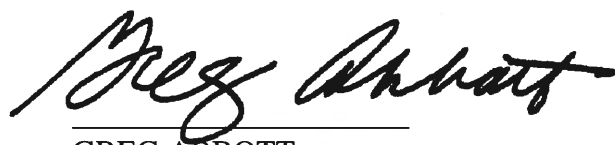
This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

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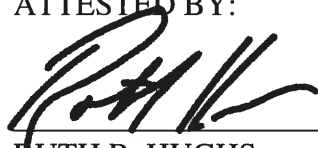


Given under my hand this the 2nd
day of July, 2020.



GREG ABBOTT
Governor

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK
JUL 02 2020



GOVERNOR GREG ABBOTT

October 7, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3pm O'CLOCK

OCT 7 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-32 relating to the continued response to the COVID-19
disaster as Texas reopens.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
October 7, 2020

EXECUTIVE ORDER GA 32

Relating to the continued response to the COVID-19 disaster as Texas reopens.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, expanding the social-distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, I subsequently issued Executive Orders GA-16, GA-18, GA-21, GA-23, and GA-26 from April through early June 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to reopen Texas; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texas residents safe is for all Texans to consistently follow good hygiene and social-distancing practices, especially those set forth in the minimum standard health protocols from the Texas Department of State Health Services (DSHS); and

WHEREAS, in June 2020, Texas experienced substantial increases in COVID-19 cases and hospitalizations, necessitating targeted and temporary adjustments to the reopening plan to achieve the least restrictive means for reducing the growing spread of COVID-19 and the resulting imminent threat to public health, and to avoid a need for more extreme measures; and

WHEREAS, I therefore issued Executive Orders GA-28 and GA-29 in late June and early

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OCT 07 2020

July 2020, respectively, and amended Executive Order GA-28 by proclamation on July 2, 2020; and

WHEREAS, due to improved medical treatments for COVID-19 patients, substantial increases in testing, abundant supplies of personal protective equipment, and Texans' adherence to safe practices like social distancing, hand sanitizing, and use of face coverings, the spread of COVID-19 and the number of new COVID-19 cases and hospitalizations have steadily and significantly declined since late July; and

WHEREAS, I therefore issued Executive Orders GA-30 and GA-31 on September 17, 2020, allowing additional reopening and non-essential medical surgeries and procedures in Texas, except in some areas with high hospitalizations as defined in those orders; and

WHEREAS, as Texas continues to reopen, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols from DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, other medical advisors, the White House, and the CDC, do hereby order the following on a statewide basis effective at 12:01 a.m. on October 14, 2020:

Every business establishment in Texas shall operate at no more than 75 percent of the total listed occupancy of the establishment; provided, however, that:

1. There is no occupancy limit for the following:

- a. any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 4.0 or any subsequent version;
- b. religious services, including those conducted in churches, congregations, and houses of worship;
- c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;

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- d. child-care services;
 - e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths;
 - f. recreational sports programs for youths and adults;
 - g. any public or private schools, and any public or private institutions of higher education, not already covered above;
 - h. drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle; and
 - i. the following establishments that operate with at least six feet of social distancing between work stations: cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.
2. In areas with high hospitalizations as defined below, any business establishment that otherwise would have a 75 percent occupancy or operating limit may operate at up to only 50 percent. This paragraph does not apply, however, to business establishments located in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19.
- “Areas with high hospitalizations” means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity is 15 percent or less. A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031.
3. Except as provided below by paragraph No. 5, there is no occupancy limit for outdoor areas, events, and establishments, with the exception of the following outdoor areas, events, or establishments that may operate at no more than 75 or 50 percent, as applicable, of the normal operating limits as determined by the owner:
- a. amusement parks;
 - b. water parks;
 - c. swimming pools;
 - d. museums and libraries; and
 - e. zoos, aquariums, natural caverns, and similar facilities.
4. All indoor and outdoor professional, collegiate, and similar sporting events, including rodeos and equestrian events, shall remain limited to 50 percent of the normal operating limits as determined by the owner.
5. For any outdoor gathering in excess of 10 people, including rafting, tubing, and related services, other than those set forth above in paragraph Nos. 1, 3, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.

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SECRETARY OF STATE
3pm O'CLOCK

OCT 07 2020

6. Restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated, may offer dine-in services.
7. Bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC), and are not restaurants as defined above in paragraph No. 6, may offer on-premises services only as described by this paragraph. A bar or similar establishment may offer on-premises services at up to 50 percent of the total listed occupancy of the establishment *if*:
 - a. the bar or similar establishment is not in an area with high hospitalizations as defined above, and the county judge of the county in which the bar or similar establishment is located files the requisite form with TABC; or
 - b. the bar or similar establishment is in an area with high hospitalizations as defined above, but is located in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, and the county judge of the county in which the bar or similar establishment is located also files the requisite form with TABC.

Patrons at bars or similar establishments operating under this paragraph may eat or drink only while seated, except that in an establishment that holds a permit from TABC as a brewer, distiller/rectifier, or winery, customers may sample beverages while standing so long as they are in a group of six people or fewer and there is at least six feet of social distancing or engineering controls, such as partitions, between groups.

Where applicable, this 50 percent occupancy limit applies only indoors; the limit does not apply to outdoor areas, events, or establishments, although social distancing and other protocols must be followed.

People shall not visit bars or similar establishments that are located in counties not included in parts (a) or (b) above. A current list of all counties reopening under this paragraph will be maintained on TABC's website.

The use by bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks remains allowed to the extent authorized by TABC.

8. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed.
9. Staff members are not included in determining operating levels, except for manufacturing services and office workers.
10. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.
11. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.
12. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS.
13. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining

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services.

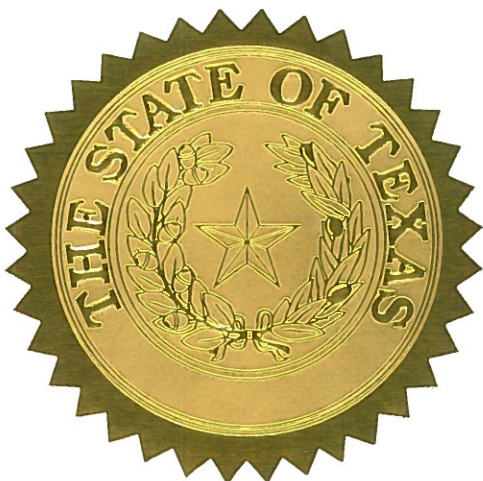
14. People may visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
15. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards.

Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall not visit.

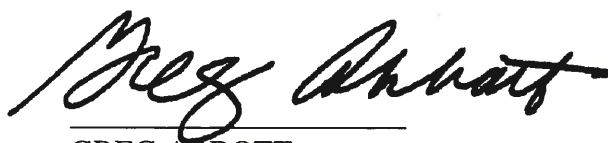
This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-30, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-24, GA-25, GA-29, or GA-31. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 7th
day of October, 2020.

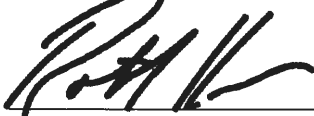


GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3pm O'CLOCK

OCT 07 2020

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3pm O'CLOCK

OCT 07 2020



GOVERNOR GREG ABBOTT

January 5, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 PM CLOCK

JAN 05 2021

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 5th day of January, 2021.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

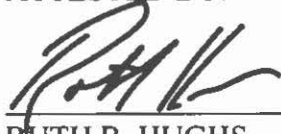
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JAN 05 2021

Governor Greg Abbott
January 5, 2021

Proclamation
Page 2

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

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SECRETARY OF STATE
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JAN 05 2021

Resolution:
**Modifying & Extending the
Local Disaster Declaration**



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Tim Cass

SUBJECT: **5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of seven Chevrolet Police Pursuit Vehicle Tahoes from Caldwell Country Chevrolet for Abilene Police Department (Tim Cass)**

GENERAL INFORMATION

Fleet Management seeks approval to purchase seven Chevrolet Police Pursuit Vehicle Tahoes for Abilene Police Department. Units are to be 2021 Chevrolet Police Pursuit Vehicle Tahoes.

SPECIAL CONSIDERATIONS

Texas law allows a municipality to purchase goods through a state or local cooperative purchasing program. BuyBoard is such a program, and the purchase meets the competitive bidding requirements.

These units will be have the up-fitting process completed in-house by City of Abilene personnel.

FUNDING/FISCAL IMPACT

Funds for the purchase are to be provided by the Fleet Replacement Fund and total \$265,875.00. This is below budget estimates.

STAFF RECOMMENDATION

Staff recommends the purchase of these Police Pursuit Vehicle units.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. CO-OP Police SUVs Resolution.doc
2. FY21 PPV Pricing Worksheet
3. PPV Addl Info
4. CO-OP Patrol SUVs Budget vs Actual
5. CO-OP Police Patrol SUVs Presentation

RESOLUTION NO _____

**A RESOLUTION OF THE CITY OF ABILENE, TEXAS
TO PURCHASE SEVEN POLICE SPORT UTILITY VEHICLE CLASS PATROL VEHICLES FROM CALDWELL
COUNTRY CHEVROLET
THROUGH BUYBOARD COOPERATIVE CONTRACT 601-19**

WHEREAS, City of Abilene has a need for seven replacement Police Sport Utility Vehicle class Patrol Vehicles; and

WHEREAS, City of Abilene budgeted this purchase for Fiscal Year 2021; and

WHEREAS, City of Abilene received pricing for seven 2021 Model Police Tahoes through BuyBoard Co-Op Contract 601-19; and

WHEREAS, Caldwell Country Chevrolet is the BuyBoard approved vendor for police Tahoes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the City Council approves this purchase from Caldwell Country Chevrolet of Caldwell, Texas in the amount of Two Hundred Sixty Five Thousand Eight Hundred and Seventy Five Dollars (\$265,875) for seven Police Patrol Tahoes through BuyBoard Co-Op Contract 601-19.

PART 2: That this resolution shall take effect immediately from and after passage

ADOPTED this 14th day January, 2021

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

QUOTE# 002

CONTRACT PRICING WORKSHEET

End User: CITY OF ABILENE		Contractor: CALDWELL COUNTRY			
Contact Name: CASSANDRA LAMBERT		CALDWELL COUNTRY			
Email: CASSANDRA.LAMBERT@ABILENETX.GOV		Prepared By: Averyt Knapp			
Phone #: 325-437-4525		Email: aknapp@caldwellcountry.com			
Fax #:		Phone #: 979-567-6116			
Location City: ABILENE, TX		Fax #: 979-567-4376			
Date Prepared: DECEMBER 16, 2020		Address: P. O. Box 27, Caldwell, TX 77836			
Contract Number: BUY BOARD #601-19		Tax ID # 14-1856872			
Product Description: 2021 CHEVROLET TAHOE PPV					
A Base Price & Options:			\$37,925		
B Fleet Quote Option:					
Code	Description	Cost	Code	Description	Cost
	LH LED SPOTLIGHT, PPV, 5.3L-V8, 10-SPD AUTOMATIC, LOCKING REAR AXLE DIFFERENTIAL, DUAL BATTERIES, CLOTH BUCKETS/ CENTER ROW BENCH, FULL RUBBER FLOOR, AIR CONDITION, AMFM-STEREO W/BLUETOOTH, TILT, CRUISE, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, KEYLESS ENTRY, DEEP TINT GLASS, RUNNING BOARDS, TRAILER TOW HITCH, REAR VISION CAMERA, FLASHER SYSTEM HEADLAMP AND TAILLAMP DRL COMPATIBLE W/CONTROL WIRE 6J7, CALIBRATION SURVEILLANCE MODE INTERIOR LIGHTING, CALIBRATION TAILLAMP FLASHER RED/WHITE, CALIBRATION TAILLAMP FLASHER RED/RED, 20% SECTION FRONT CENTER SEAT DELETE, GRILLE LAMPS AND SIREN SPEAKER WIRING, REAR WINDOW INOP SWITCHES, REAR DOOR LOCKS AND HANDLES INOP, REMOTE KEYLESS ENTRY	INCL			

	PACKAGE, ALTERNATE FLASHING RED & BLUE REAR COMPARTMENT LID WARNING LIGHTS, DELETE DAYTIME RUNNING LIGHTS, *SPECIAL PAINT TWO TONE BLACK & WHITE*				
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY PO BOX 27 CALDWELL, TEXAS 77836	
	1FL,5J3,5J9,5LO,5Y1, 6J3,6J7,6N5,6N6,7X3,9C1, 9G8,AAC,AMF,ATD,AZ3,C 5Z,FE9,GBA,GU5,H1T,I0R, J55,K3W,K6K,KX4,L84,M QC,PXT,R9Y,RAV,RC1,RN Q,T53,T66,UT7,V03,V53,V PV,VXT,VZ2,WUA,XCS,Z5 6, *SPECIAL TWO TONE*				
	(NO ATZ)				
Subtotal B				INCL	
C Unpublished Options					
Code	Description	Cost	Code	Description	Cost
Subtotal C					
D Other Price Adjustments (Installation, Delivery, Etc...)					
Subtotal D				INCL	
E Unit Cost Before Fee & Non-Equipment Charges(A+B+C+D)					\$37,925
Quantity Ordered					7
Subtotal E					\$265,475
F Non-Equipment Charges (Trade-In, Warranty, Etc...)					
BUY BOARD					\$400
G. Color of Vehicle: BLACK & WHITE (SPECIAL TWO TONE)					
H. Total Purchase Price (E+F)					\$265,875
Estimated Delivery Date:				150 DAYS APPX	

ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM**Police Pursuit Vehicle Tahoes**

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Total Maintenance Costs	Disposal Method	Replacement Reasoning
4442	Police Patrol	2014	Chevrolet	PPV Tahoe	73,461	7,882	\$8,506.04	Auction	Will exceed mileage critiria by delivery
4443	Police Patrol	2014	Chevrolet	PPV Tahoe	112,094	9,967	\$19,555.47	Auction	Will exceed mileage critiria by delivery
4369	Police Patrol	2013	Chevrolet	PPV Tahoe	133,387	16,584	\$31,726.32	Auction	Exceeds mileage criteria
4370	Police Patrol	2013	Chevrolet	PPV Tahoe	131,578	16,984	\$29,607.98	Auction	Exceeds mileage criteria
4372	Police Patrol	2013	Chevrolet	PPV Tahoe	140,547	18,897	\$23,139.09	Auction	Exceeds mileage criteria
4528	Police Patrol	2015	Chevrolet	PPV Tahoe	125,112	14,687	\$22,281.92	Auction	Exceeds mileage criteria
4534	Police Patrol	2015	Chevrolet	PPV Tahoe	138,961	16,177	\$16,986.02	Auction	Exceeds mileage criteria

BUDGET vs ACTUAL COSTS *****PATROL SUVs**

Repl For Unit #	Division #	Division Name	Type Equipment	Budgeted Cost	Actual Cost	Budgeted vs Actual Variance
4442	5015	Police Patrol	Police Patrol SUV	\$52,500.00	\$37,925.00	(\$14,575.00)
4443	5015	Police Patrol	Police K-9 SUV	\$54,250.00	\$37,925.00	(\$16,325.00)
4369	5015	Police Patrol	Police Patrol SUV	\$52,500.00	\$37,925.00	(\$14,575.00)
4370	5015	Police Patrol	Police Patrol SUV	\$52,500.00	\$37,925.00	(\$14,575.00)
4372	5015	Police Patrol	Police Patrol SUV	\$52,500.00	\$37,925.00	(\$14,575.00)
4528	5015	Police Patrol	Police Patrol SUV	\$52,500.00	\$37,925.00	(\$14,575.00)
4534	5015	Police Patrol	Police Patrol SUV	\$52,500.00	\$37,925.00	(\$14,575.00)
				\$369,250.00	\$265,475.00	(\$103,775.00)

*** This budgeted amount includes the price of a fully upfitted police packaged Chevrolet Tahoe. The actual cost reflected above is for the vehicle only. The remainder of the budget will be utilized to complete the upfit of each unit.

Purchase of 7 Police Patrol SUVs

Fleet Management



7 Police Patrol SUVs

- CO-OP Purchase of Seven Police Patrol SUVs Assigned to Police Department to replace existing units
- BuyBoard Cooperative purchase to coordinate the build and delivery process through BuyBoard Contract # 601-19
- Current price is for vehicles only, up-fitting was budgeted for and will be completed at a later date
- Units to be 2021 Chevrolet Police Pursuit Vehicle Tahoes







**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Tim Cass

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of three Rear Loaders from Houston Freightliner for Solid Waste (Tim Cass)

GENERAL INFORMATION

Fleet Management seeks approval to purchase three Rear Loader Refuse Trucks for Solid Waste. Units are to be 2021 Freightliner M2 106 TRA chassis with Leach 2RIII Refuse Body. Two of the units replace two current units and one unit is an addition to Solid Waste's fleet.

SPECIAL CONSIDERATIONS

Texas law allows a municipality to purchase goods through a state or local cooperative purchasing program. HGAC is such a program, and the purchase meets the competitive bidding requirements.

FUNDING/FISCAL IMPACT

Funds for the purchase are to be provided by the Fleet Replacement Fund and total \$575,599.88

STAFF RECOMMENDATION

Staff recommends the purchase of these Rear Loader Refuse Trucks

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Rear Loaders Resolution
2. Pricing for Rear Loader Refuse Trucks
3. Co-Op Rear Loader Addtl Info
4. Co-Op Rear Loaders Budget vs Actual
5. CO-OP Rear Loader Refuse Truck Presentation

RESOLUTION NO _____

**A RESOLUTION OF THE CITY OF ABILENE, TEXAS
TO PURCHASE THREE REAR LOADER REFUSE TRUCKS FOR SOLID WASTE FROM HOUSTON
FREIGHTLINER, THROUGH
HGAC COOPERATIVE CONTRACT HT06-20**

WHEREAS, City of Abilene's Solid Waste Division has a need for three Rear Loader Refuse Trucks; and

WHEREAS, City of Abilene budgeted this purchase for Fiscal Year 2021; and

WHEREAS, City of Abilene received pricing to purchase three Rear Loader Refuse Trucks through HGAC Co-Op Contract HT06-20; and

WHEREAS, Each unit is to be a 2021 Freightliner M2-106 TRA chassis with a Leach 2RIII Refuse body; and

WHEREAS, Houston Freightliner is the HGAC approved vendor for the cab and chassis and is using HGAC vendor Reliance Truck & Equipment of Texas to supply the refuse body and system components.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the City Council approves this purchase from Houston Freightliner in the amount of Five Hundred Seventy Five Thousand Five Hundred Ninety Nine Dollars and Eighty Eight Cents (\$575,599.88) for three complete Rear Loader Refuse Trucks through HGAC Co-Op Contract HT06-20.

PART 2: That this resolution shall take effect immediately from and after passage

ADOPTED this 14th day January, 2021

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



CONTRACT PRICING WORKSHEET

For MOTOR VEHICLES Only

Contract No.:

HT06-20

Date Prepared:

12/17/2020

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	City of Abilene	Contractor:	Houston Freightliner
Contact Person:	Cheri Carter	Prepared By:	Adam Neuse
Phone:	325-676-6252	Phone:	713-580-8148
Fax:		Fax:	713-676-1603
Email:		Email:	adam.neuse@strhouston.com

Product Code:	D6	Description:	2021 Freightliner M2-106 TRA
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract:	71311
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B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.

(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
L9 330 HP 1000 LB FT TQ ENGINE	\$9,897.0	315/80R22.5 20 Ply RR Tires	1104
3500 RDS AUTOMATIC TRANSMISSION	\$5,033.0	Dual West Coast Mirrors w/LH-RH Remote	215
DA-F-14.7-3 14,700 LB FRONT AXLE	\$602.0	Basic High Back Air Driver Seat	159
14,600 LB TAPERLEAF FRONT SUSPENSION	\$393.0	2 Man Passenger Seat	144
RT-46-160 46,000 LB REAR AXLE	\$3,713.0	Adjustable Steering Column	359
Vehicle Interface Wiring and PDM with Body Builder Connect	431	TUFTRAC GEN2 46,000 LB REAR SUSPENSION	2995
Driver Controlled Differential Lock (Both Axles)	\$1,124.0		
186" Wheelbase	688		
11/32x3-1/2x10-15/16" Frame 120KSI	464		
1/4" Inner Frame Reinforcement	775	Leach: 2RIII Series, 25-Yd, Commercial Rear Loader	88600
LH 80 Gallon Fuel Tank	218	Subtotal From Additional Sheet(s):	
315/80R22.5 20 Ply FR Tires	552	Subtotal B:	117466

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.

(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
ALCOA ULTRA ONE 89U64X FR Wheels	482	Subtotal From Additional Sheet(s):	0
ALCOA ULTRA ONE 89U64X RR Wheels	1928	Subtotal C:	2410

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	For this transaction the percentage is:	1%
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D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	3	X Subtotal of A + B + C:	191187	=	Subtotal D:	573561
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E. H-GAC Order Processing Charge (Amount Per Current Policy)	Subtotal E:	1500
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F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
CUM 2017 L9: HD1 MD DTY 5 YEARS / 150,000 MILES	2040	ALLISON 3500 RDS 5 YEAR TRANS WARRANTY	1057
CUM 2017 L9: AT3 MD DTY 5 YEARS / 150,000 MILES	760	Discount	-3318.12
		Subtotal F:	538.88

Delivery Date:	G. Total Purchase Price (D+E+F):	575599.88
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ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM
REAR LOADER REFUSE TRUCKS

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Total Maintenance Costs	Disposal Method	Replacement Reasoning
NBI	Solid Waste	--	--	--	--	--	--	--	--
3511	Solid Waste	2005	STERLING/LEACH	LT8500/WRIII	125,396	19,867	\$153,823.51	Auction	Meets all replacement criteria
3976	Solid Waste	2009	FREIGHTLINER/HEIL	M2 106/F5000-32	113,190	17,410	\$101,823.77	Auction	Meets all replacement criteria

BUDGET vs ACTUAL COSTS**Rear Loader Trucks**

Repl For Unit #	Division #	Division Name	Type Equipment	Budgeted Cost	Actual Cost	Budgeted vs Actual Variance
NBI **	4060	Solid Waste	Rear Loader	\$172,000.00	\$191,866.63	\$19,866.63
3511 **	4060	Solid Waste	Rear Loader	\$172,000.00	\$191,866.63	\$19,866.63
3976	4060	Solid Waste	Rear Loader	\$250,000.00	\$191,866.63	(\$58,133.37)
						(\$18,400.11)

** NOTE: These two units were budgeted for in Fiscal Year 2020 with the funds being moved to Fiscal Year 2021 appropriately.

Under Budget

Rear Load Refuse Trucks

Fleet Management



Rear Load Refuse Trucks

- CO-OP Purchase for Three Rear Load Refuse Trucks assigned to Solid Waste.
- Two unit to be a replacement. One unit is a New Budget Item to help with the growing needs of the division.
- Units to be 2021 Freightliner M2-106 TRA chassis with a Leach 2RIII Refuse Body
- HGAC Cooperative purchase to coordinate the build and delivery process.







**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: **Honorable Mayor and Members of the City Council**

FROM: **Robert Hanna, City Manager**

SUBJECT: **7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting and Ratifying the City's Governing Principles, Rules of Procedure, and Council Policies (Robert Hanna)**

GENERAL INFORMATION

A bedrock of the Council-Manager form of government is that Council is the policy-maker and the City Manager is the administrator. In practice, it is important to clearly define roles and responsibilities so that these two roles are not blurred anymore than they can be by the nature of the role the Council plays and the Manager plays. Moreover, clearly defined roles and expectations help solidify and support the Council-Manager relationship in service to the community.

The attached documents accomplish a number of objectives. First, they solidify certain core principles and beliefs that shape and guide the behavior of the City of Abilene. Second, they set forth simple and clear constructs for the Council-Manager relationship. Third, they formalize the City's practice of Council's role as a policy-making body and exercises Council's proper role of authority of municipal actions by defining a set of clear and articulate policy requirements for the organization to follow and for the Manager to wield in the administration of the City.

Some of these items are repeated from prior Council action, and some of these items are new. The intent of this action, and this document is to bring all of these items under the organization of one document that can be administered uniformly by having a source point for information and policy, and that can be amended from time to time as dynamics change and Council's policy desires adjust over time.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

There are no adverse fiscal impacts created by adopting this document.

STAFF RECOMMENDATION

Staff recommends approval as submitted.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2021 Resolution Council Policies Rules of Procedure and Administration
2. Red DRAFT - Governing Principles, Rules of Procedure, and Council Policies
3. Exhibit A - Governing Principles Rules of Procedure and Council Policies
4. Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, ADOPTING, ESTABLISHING AND CONFIRMING CERTAIN DEPARTMENTS AND OTHER ADMINISTRATIVE ORGANIZATIONAL UNITS, AND COUNCIL POLICIES AND RULES OF PROCEDURE

WHEREAS, Section 53 of the City Charter authorizes the City Council to create such administrative departments; and

WHEREAS, Section 10 of the City Charter authorizes the City Council to determine all matters of policy, which are expressly or by implication conferred on or possessed by the City; provided, however, that the Council shall have no authority to exercise those powers which are expressively conferred upon City officers by the City Charter; and

WHEREAS, Section 48 of the City Charter authorizes the City Manager to direct and supervise the administration of all functions of the City and of its departments;

WHEREAS, Section 17 of the City Charter authorizes the City Council by resolution to determine its own rules and order of business; and

WHEREAS, the City Council has previously adopted its Rules of Procedure, as amended, by resolution, and have adopted certain Council policies by resolution; and

WHEREAS, the City Manager has adopted certain administrative policies; and

WHEREAS, the City Council and City Manager seek to incorporate the policies, rules of procedure, and governing principles into one document.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

- Part 1.** That the Governing Principles, Rules of Procedures, and Council Policies, set forth in the attached Exhibit A, are hereby adopted and approved.
- Part 2.** That any prior resolutions which adopted Council rules of procedure or Council policies, are hereby rescinded and replaced by this Resolution and the attached Governing Principles, Rules of Procedure, and Council Policies.
- Part 3.** That any City of Abilene Charter provisions or Ordinance, which conflict with the attached Governing Principles, Rules of Procedure, and Council Policies, shall take precedence.
- Part 4.** That this Resolution is effective immediately upon adoption.

ADOPTED AND APPROVED this 14th day of January, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



Governing Principles, Rules of Procedures, and Council Policies

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Article 1 – Governing Principles

It is the policy of the City of Abilene, Texas that the core purpose and core values as stated in this Article of Governing Principles shall govern our actions as an organization and color our discussions as policy makers. Moreover, the programs and services provided by the City shall be done in a manner that furthers the actualization of our Strategic Goals and Priorities within the context of our Core Purpose and Core Values.

1.1 Core Purpose

- 1.1.1 We work together to build and maintain a community of the highest quality for present and future generations.

1.2 Core Values

- 1.2.1 RESPECT – demonstrating through our actions that we hold ourselves and our citizens in high enough regard to do what we say we will do, in the timeframe we commit to; recognizing that everyone has dignity and deserves helpful, courteous and prompt attention; consistently doing what is necessary, expected and required, and when able to do so, exceeding expectations.
- 1.2.2 INTEGRITY – possessing an unwavering commitment to doing the right things right; consistently adhering to high professional and ethical standards; keeping commitments to our citizens, co-workers and others.
- 1.2.3 SERVICE ABOVE SELF – being open and approachable to council members, citizens and our fellow employees at all times; treating our customers like we would like to be treated; fostering a servant’s heart in ourselves and each other by conscientiously doing what is best for the community in all cases; passionately committed to serving others; helping to make our citizens lives better; finding ways to say yes.
- 1.2.4 EXCELLENCE IN ALL WE DO – delivering on promises made, taking personal responsibility for achieving community minded goals; leading by example, recognizing the importance of working together to meet everyone’s needs, treating everyone with dignity, courtesy and respect; sharing resources and information freely; communicating regularly and honestly with council members, citizens and employees; having a can do attitude.

1.3 Council Strategic Goals and Priorities

1.3.1 The City of Abilene practices effective governance.

1.3.2 The City of Abilene exercises sound financial discipline.

1.3.3 The City of Abilene enjoys a high quality of life.

1.3.4 The City of Abilene is known for well-maintained and reliable municipal infrastructure.

1.3.5 The City of Abilene consistently provides excellent service.

1.3.6 The City of Abilene encourages economic growth.

1.3.7 The City of Abilene actively fosters and seeks an engaged community.

1.4 Organizational Vision

1.4.1 Within thirty (30) years, the City of Abilene will be known as a thriving, national leader that other communities strive to be like, and where people consciously decide to live and locate their businesses. It will be a beautiful City, with quality, well maintained housing for all income levels, and well maintained municipal infrastructure. It will serve as a regional employment center and provide a rich and varied shopping experience. It will be a community that offers regionally renowned parks and recreation facilities and it will be well known for enjoying an excellent quality of life.

1.5 Relationship between Council, City Manager, Staff and Public

1.5.1 The City Council is a Policy Making Body

The City Council of the City of Abilene, Texas is primarily a policy-making or legislative body. It does not exercise management authority over the operations of the City, but hires a City Manager to perform day to day management functions as the City's Chief Executive. Council Members shall not direct the work of employees of the City of Abilene. The City Council as a whole directs the work of those employees given them to do so in the City Charter, namely the City Manager, City Attorney, City Secretary and the Municipal Judge.

- 1.5.2 The City Manager and the City Council have Separate and Unique Roles
The City Manager is the City's Chief Executive Officer and exercises managerial control over the City's operations. The City Manager may establish administrative policy through the form of an administrative directive and may recommend legislative policy, but the City Manager is not a legislative policy maker and should defer legislative policy decisions to the City Council.
- 1.5.3 Performance Driven Management
The City of Abilene strives to be a high performance organization; the City Council evaluates the City Manager, the City Attorney, the City Secretary and the Municipal Judge. The City Manager evaluates all other employees free from Council influence. The City gauges the performance of its various services through a system of performance measures that are tied to the Council's Strategic Goals and Priorities. The City Manager should ensure the City uses a performance management system that measures the City's effectiveness in achieving the City's Strategic Goals and Priorities.
- 1.5.4 Service Above Self, our first and foremost Core Value
The City of Abilene exists to serve our citizens. In our dealings with our citizens we should go out of our way to be courteous, and responsive in so far as administrative policy and sound business decisions allow. We cannot be all things to all people, but we should find ways to say yes when asked to assist the citizens and businesses of the City of Abilene. If it's legal, ethical and the right thing to do, just do it.
- 1.5.5 Citizen Concerns shall be communicated to necessary parties and responded to in a fair and consistent manner
Citizen concerns received by the Council directly shall be communicated to the City Manager's Office so that a response can be coordinated and the citizen's concern can be addressed in the most efficient manner possible. Citizen concerns received in the City Manager's Office and addressed to Council Members, will be communicated to the Council as a whole and the City Manager will coordinate a response that resolves the citizen's concern in the most efficient manner possible, or the City Manager shall provide the Council with the necessary information to respond to the citizen for concerns that do not require action, but information only.
- 1.5.6 Council requests for information
Council Members should make requests for information on City programs, activities or policies directly to the City Manager. The City Manager may answer the question or refer the question to the appropriate Director. Any direction of *work*,

request for work or change to established practice that may be desired as a result of the request for information shall be brought to the City Manager for consideration and action as appropriate.

1.6 Ethics Training (Council Policy Statement 2017-002 - Adopted 07/13/2017)

1.6.1 Purpose

The purpose of this policy is to provide for orientation and annual ethics training for the members of the City Council in order to be in compliance with the 43 Texas Administrative Code Section 10.51 requirements.

Pursuant to 43 TAC Section 31.39, subrecipients receiving state or federal public transportation funds from or through the Texas Department of Transportation (TXDOT) must have adopted an internal ethics and compliance program that satisfies the requirements of 43 TAC Section 10.51.

1.6.2 Policy

Newly elected members of the Abilene City Council shall receive ethics training as part of their orientation training.

Additionally, all members of the Abilene City Council shall receive annual ethics training and the requirements of the City's internal compliance program. Ethics training shall include the topics of conflicts of interest, bribery, gifts, unjust benefit, abuse of office, and nepotism. Such ethics training shall be conducted by the City Attorney and may be presented by oral presentation or written material.

Article II – Rules of Procedure

Article II, Section 17 of the City Charter of the City of Abilene, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and authority of said provision.

2.1 Construction of Authority

2.1.1 The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statutes of the United States of America; (2) The Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Abilene, Texas; and, (5) these Rules.

2.2 Purpose of Parliamentary Procedure

2.2.1 The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and therefore, do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day. These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

2.3 Meetings Shall be Public

2.3.1 Except as otherwise allowed by law, all meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given at least 72 hours before the time set for any meeting. (Charter § 16)

2.4 Conduct of Meetings

2.4.1 Meetings of the City Council shall be conducted in accordance with the Rules adopted by the City Council as set forth herein, and as may be amended from time to time.

2.5 Council Meetings

2.5.1 For the months of January, February, March, April, May, June, July, August, and September, the Regular Meetings of the City Council shall be on the second and fourth Thursday of each month. For the month of October, Regular meetings will be either the first and third Thursday of the month, or the second and fourth

Thursday of the month, depending on the meeting date of the Texas Municipal League's Annual Meeting. The meeting dates for October shall be announced no later than the last meeting in September. For the months of November and December, the Regular Meetings of the City Council shall be on the first and third Thursdays of each month. The first regular meeting of the month shall begin at 8:30 AM, and the second regular meeting of the month shall begin at 4:30 PM for the purposes of holding executive session, and shall reconvene into open session at 5:30 PM for regular business. (Charter § 16) 2.5.2 Meetings shall be held at City Hall unless another convenient place within the City is designated by the meeting agenda. (Charter § 16)

2.5.3 Special meetings may be called by the City Secretary upon written request of the Mayor, or any three members of the City Council. (Charter § 16) For purposes of administrative feasibility, the City Council specifically grants the City Manager authority to call a special called meeting when necessary through the adoption of these *Rules*.

2.5.4 In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and public notice is posted at least two (2) hours before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

2.5.5 The City Council may move a regular meeting date from a regularly scheduled meeting date expressed in Section 2.5.1 above, to an alternative meeting date upon the affirmative vote of four members or more, and by providing reasonable notice.

2.5.6 There is hereby established, as a part of every agenda for Regular Called Meetings of the City Council, a Public Comment category to allow commentary from any interested citizens in attendance at said meeting(s).

2.6 Workshop Sessions

2.6.1 Workshop Sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.6.2 Workshop Sessions may be held at such times as may be convenient and necessary, and shall be scheduled in accordance with Section 2.5.3 of these Rules.

2.7 Executive Sessions (Closed Sessions)

2.7.1 Executive Sessions are closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Notice of topics to be discussed during executive sessions shall be made known to the public in accordance with the requirements of the Open Meetings Act.

- 2.7.2 The City Council may retire into an executive session as stated on a posted agenda during a regular or special meeting, or if a motion is duly made and seconded and affirmed by a majority of the Council. However, before said session begins, the Presiding Officer shall announce that the executive session is commencing. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the Presiding Officer or his or her designee, sealed and permanently kept, subject to opening by Court order. No voting or action shall be taken by the City Council during an executive session. No other subject but that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during an open public meeting.
- 2.7.3 Items discussed in Executive Session are to remain private and confidential. Except as provided by law, no Council Member, staff member or legal counsel may discuss or reveal the proceedings of an Executive Session to persons not present during the Executive Session. In the event an elected official is absent from the Executive Session the Presiding Officer, the City Manager or the City Attorney may brief the elected official who was absent from the meeting on the discussion.
- 2.7.4 Additionally, the certified agenda or recording of the Executive Session is confidential, and no persons may disclose to a member of the public the certified agenda or recording of the Executive Session, except as provided by law. Section 551.146 of the Texas Government Code makes such an act a Class B Misdemeanor and opens the person who reveals such information personally liable for any damages resulting from such action.
- 2.8 Recessed Meetings
- 2.8.1 No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of workshops or special meetings, to a date certain by motion duly passed.
- 2.9 Quorum
- 2.9.1 Four or more members of the Council shall constitute a quorum for all meetings for the transaction of all business. (Charter § 17)
- 2.10 Presiding Officer
- 2.10.1 The Mayor shall serve as the Presiding Officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor Pro Tem, the Deputy Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor, the Mayor Pro Tem and the Deputy Mayor Pro Tem, the City Secretary shall call the meeting to order if a quorum of the Council is present and the first order of business shall be for Council

to elect by majority vote, a temporary Presiding Officer from the members then seated and in attendance. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned, or until the Presiding Officer, the Mayor Pro Tem, or the Deputy Mayor Pro Tem is present at the meeting, whichever occurs first.

2.10.2 The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the Presiding Officer are final unless overruled by the City Council through a Motion to Appeal as described in Section 2.18 – Courtesy, Decorum and Order of these *Rules*.

2.10.3 The Presiding Officer is entitled to participate in the discussion and debate, and is entitled to vote on all business before the City Council. Because the Presiding Officer conducts the meeting, it is common courtesy and custom for the chair to take a less active role than other members of the Council in debates and discussions. This practice in no way precludes the Presiding Officer from participating in the meeting fully and freely

2.11 Minutes of Meetings

2.11.1 The City Secretary shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas. (Charter § 15)

2.12 Suspension and Amendment of Rules

2.12.1 Any provisions of these *Rules* not governed by federal, state law or the City Charter may be temporarily suspended by a super majority vote of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purpose of this section, preliminary approval shall mean a motion and a second with a majority vote to approve the amendment preliminarily.

2.13 Agenda

2.13.1 The City Manager and the City Secretary shall prepare an agenda and cause the same to be posted at least 72 hours prior to the meeting. Agendas shall be delivered to the City Council on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law, or the City Charter.

2.13.2 In order to facilitate the agenda process, the City Manager is responsible for placing items on the agenda. A written request from the Mayor or any member of the Council shall cause the City Manager to place an item on the agenda for Council

consideration. The Council Member requesting the item shall be identified in the agenda item heading for the requested item. Staff assistance, if required, should be requested through the City Manager (Charter § 13). If a Council requested agenda topic does not allow for staff to adequately prepare information for Council's consideration, the item shall be postponed by the City Manager until the next Regular Meeting, or until such time as mutually agreed.

2.14 Consent Agenda

- 2.14.1 There is hereby established, as a part of every agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda that shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all business regularly coming before the City Council.
- 2.14.2 All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of at least four of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.
- 2.14.3 Any member of the City Council or a citizen may request, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote.

2.15 Model Format for an Agenda Item Discussion

- 2.15.1 The following ten steps can be used as a model or guidebook by the Presiding Officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the Presiding Officer in the following basic format:
 - (a) **Announce the Item.** The Presiding Officer should clearly announce the agenda item number, and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
 - (b) **Receive a Report.** The Presiding Officer should invite the appropriate people to report on the item, including any recommendations they might have.
 - (c) **Ask Clarifying Questions.** The Presiding Officer should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and those people should be given time to respond.
 - (d) **Get Citizen Input.** The Presiding Officer may invite citizen comments – or if a public hearing, shall open the public hearing. Upon conclusion, the Presiding

Officer should announce that public input is closed, or if a public hearing, close the public hearing. Unless the item requires a public hearing, no public input is required.

- (e) **Discussion.** The Presiding Officer should now invite the members of the City Council to discuss the item. If there is no desired discussion, the Presiding Officer may call for a motion.
- (f) **Motion First.** The Presiding Officer should invite a motion from the City Council after the initial discussion is concluded. The Presiding Officer should announce the name of the member who makes the motion.
- (g) **Motion Second.** The Presiding Officer should determine if any member of the City Council wishes to second the motion. The Presiding Officer should announce the name of the member who seconds the motion.
- (h) **Repeat Motion.** If the motion is made and seconded, the Presiding Officer should make certain that everyone (including the audience) understands the motion. This is done in three ways:
 - (1) The Presiding Officer may ask the maker of the motion to repeat it;
 - (2) The Presiding Officer can repeat the motion; and/or
 - (3) The Presiding Officer can ask the City Secretary to repeat the motion.
- (i) **Discuss the Motion.** The Presiding Officer should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Presiding Officer may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, The Presiding Officer should repeat the motion before calling for the vote.
- (j) **Vote.** The Presiding Officer calls for the vote. Unless a super-majority is required for passage of the motion, an affirmative vote of at least four (4) members is required for any motion to pass (Charter §18). Unless a member of the Council abstains from discussing and voting on any question where the discussion and vote would constitute a conflict of interest, all members of the Council, including the Mayor, should vote upon every question, ordinance or resolution. For the purposes of these *Rules* a vote is properly made if it is cast *for the motion*, or *against the motion*. A member may properly abstain from voting on the motion if they choose to do so.
 - (1) Upon consideration for passage of any ordinance, resolution, or motion, the City Secretary shall call the roll of the Council and record the voters, which record of votes shall constitute a public record. (Charter § 18)

(2) Ordinances changing the zoning of a property that is properly protested by the owners of twenty percent (20%) or more of the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, requires a 3/4 super-majority vote, which is an affirmative vote of at least six Council Members.

(3) Other votes of the City Council may require a 2/3 or 3/4 majority vote as determined by the statutes of the State of Texas or the ordinance of the City of Abilene.

(k) **Announce the Outcome.** The City Secretary announces the results of the vote and should also state what action (if any) the Council has taken.

2.16 The Basic Motions

2.16.1 **The Basic Motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move for approval of the Ordinance as submitted."

2.16.2 **Motion to Amend.** If a member wants to change a basic motion, he or she would have to motion to amend it. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the Ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. It requires the agreement of the person making the original motion, and this agreement shall constitute the second required to amend the basic motion. No motion to amend shall be allowed after a motion has been called for a vote.

2.17 Discussion and Debate

2.17.1 The basic rule of motions is that they are subject to discussion and debate. Accordingly, the motion is eligible, for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Presiding Officer decides to end discussion and call a vote on the motion.

2.17.2 There are exceptions to the general rule of free and open discussion and debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are not debatable, and the Presiding Officer must immediately call a vote on the motion, if seconded by another member. The following motions require an affirmative vote of at least four (4) members.

- (a) **Motion to Adjourn.** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting.
- (b) **Motion to Recess.** This motion, if passed, requires the Council to immediately take a recess. Normally the Presiding Officer will determine the length of the recess which could last for a few minutes to several hours.
- (c) **Motion to Fix the Time to Adjourn.** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.”
- (d) **Motion to Table.** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item should be placed on the agenda at the following regularly scheduled Council meeting.
- (e) **Motion to Allow Public Comment.** This motion, if passed, requires the Presiding Officer to allow public comment even though a public hearing may not be required under the law.

2.17.3 The following motions require a supermajority vote to pass (3/4 majority). In all cases, a super majority vote consists of at least 6 affirmative votes.

- (a) **Motion to Limit Debate.** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Presiding Officer should ask for a second, stop the discussion and vote on the motion to limit debate.
- (b) **Motion to Object to the Consideration of an Item.** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda.
- (c) **Motion to Suspend the Rules.** This motion is debatable. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

2.17.4 **Motion to Reconsider.** A motion to reconsider requires at least a four (4) member majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

- (a) The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if

properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

- (b) Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion cannot make a motion to reconsider, it must be ruled out of order by the Presiding Officer. The purpose of this rule is finality.
- (c) If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

2.18 Courtesy, Decorum and Order

2.18.1 These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Presiding Officer (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Presiding Officer should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings:

- (a) **Request to Speak.** Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Presiding Officer. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly.
- (b) **Order.** If a person fails to request to speak before speaking, the Presiding Officer may rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members should preserve order and decorum. No person or Council Member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person or Council Member while speaking or refuse to obey the orders of the Presiding Officer.
- (c) **Improper References Prohibited.** Speakers shall use good manners and refrain from personal attacks and the use of profanity. Speakers shall confine themselves to the question under debate.
- (d) **Interruptions.** A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below (subsections e – through i). If the Council Member, while

speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed speaking.

- (e) **Point of Privilege.** The proper interruption would be: “Point of Privilege.” The Presiding Officer would then ask the interrupter to, “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
- (f) **Point of Order.** The proper interruption would be: “Point of Order.” The Presiding Officer would then ask the interrupter to, “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Presiding Officer called for a vote on a motion that permits debate, without first allowing any discussion.
- (g) **Motion to Appeal.** If the Presiding Officer makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Presiding Officer by stating, “motion to appeal.” If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Presiding Officer is reversed.
- (h) **Call for orders of the day.** This is simply another way of saying, “let’s return to the agenda,” if a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Presiding Officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- (i) **Withdraw a Motion.** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

2.18.2 The City Council is prohibited from using text messages, email, social media posts or other means of electronic messaging during a public meeting except in cases where they are being notified of something of a personal nature. The use of such messaging could constitute a violation of the Texas Open Meetings Act.

2.18.3 In the event a Council Member or the Presiding Officer declares a conflict of interest and files the affidavit required under Local Government Code §171.004, that Council Member shall leave the Council Chambers for the duration of the item. In the event of a conflict of the Presiding Officer, the Mayor Pro Tem or Deputy Mayor Pro Tem shall serve as the Presiding Officer. In the event a majority of the members declare a conflict of interest for the item, they are not required to leave the Council Chambers and may participate in the item as allowed in Local Government Code §171.004 (c).

Exceptions:

- (a) If the conflict exists for a consent agenda item, the member with the conflict of interest is not required to leave the Council Chambers and their vote on the consent agenda items shall only be counted for those items where the member has not filed a conflict.
- (b) If a conflict exists for a member's relative, and the member and the relative are related in the first degree of consanguinity or the first degree of affinity, the member is not required to leave the Council Chambers, but they shall not discuss, provide direction or vote on the item.

2.19 Enforcement of Rules and Procedures

2.19.1 The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Presiding Officer under his or her own action, or upon a Motion to Enforce by any Council Member.

- (a) **Warning.** The Presiding Officer may order any person (Council Member, staff member or audience member) in violation of these rules to be silent.
- (b) **Removal.** If, after receiving a warning from the Presiding Officer, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Presiding Officer may order the person to leave the meeting. If the person does not leave the room, the Presiding Officer may order the Sergeant-at-Arms to remove the person. A Council member may only be removed from a Council meeting by a majority vote of the City Council. No person may be removed from a meeting merely due to the views or opinions expressed by the person.
- (c) **Sergeant-at-Arms.** The Sergeant-at-Arms shall be the highest ranking police officer in attendance at the Council Meeting, or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (§ 42.05, Texas Penal Code)

- (d) **Motion to Enforce.** Any Council Member may move to require the Presiding Officer to enforce these rules and the affirmative vote of four (4) or more members of the Council shall require the Presiding Officer to do so. A motion to enforce is an allowable interruption and is not debatable.

2.19.2 In the event a Council Member violates the Charter, these *Rules* or any other Ordinance of the City, or acts in a manner that causes embarrassment or disgrace to the City of Abilene, the City Council on supermajority vote may discipline the offending member.

- (a) Such action may only take place after an Executive Session is held to discuss the offense. The offending member shall be present at the Executive Session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the Executive Session, the remaining members of the City Council may proceed in his or her absence.

- (1) The discipline by the City Council may be as follows, and if required by law, shall be made publicly in Open Session in accordance with the Texas Open Meetings Act:

- (2) **No Action.** The City Council chooses to take no action.

- (3) **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the Executive Session.

- (4) **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

2.20 Regular Meeting Agenda Order

2.20.1 **Call to Order.** The Presiding Officer shall call the meeting to order.

2.20.2 **Invocation.** The Presiding Officer shall invite a Council Member or another member of the audience to lead the City Council in a prayer.

2.20.3 **Pledge to United States Flag and the Texas Flag.** The Presiding Officer shall announce who will lead the City Council in the pledges of allegiance and the pledges shall be said.

2.20.4 **Presentations, Recognitions, Proclamations and Announcements.** The Presiding Officer shall make any presentation, recognition, announcement, or deliver any proclamation as may be required from time to time.

2.20.5 **Minutes.** The Presiding Officer shall ask for a motion to approve or amend the minutes as required. The minutes may be considered as part of the consent agenda rather than as a separate agenda item.

2.20.6 **Consent Agenda.** Before seeking a motion on the consent agenda, the Presiding Officer shall first ask the Council if any member would like to remove an item from the Consent Agenda and discuss it as an item for individual consideration. The same question will then be asked of any citizen(s) in attendance at the meeting. The remaining items on the consent agenda shall be voted upon before the consideration of any item removed for individual consideration.

2.20.7 **Regular Agenda – Ordinances and Public Hearings – Resolutions.** This section of the agenda requires each item to be considered individually. If a public hearing is required, the Presiding Officer shall open the public hearing and receive citizen input. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules establish herein for citizen comments. Upon conclusion of citizen comments, the Presiding Officer shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing. All items shall be considered by the City Council individually and approved by either an affirmative vote of at least four (4) members, or a super majority vote as the case may be.

2.20.8 **Public Comment.** There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

2.20.9 **Executive Session.** The City Council shall convene into Executive Session only in accordance with Chapter 551 of the Texas Government Code.

2.20.10 **Reconvene.** The Presiding Officer shall reconvene the regular meeting at the conclusion of the executive session and shall take any action as may be required from the executive session through a continuation of the Regular Agenda.

2.20.11 **Adjournment.** There being no further business before the City Council, the Presiding Officer shall adjourn the meeting.

2.30 Rules Governing Citizen Comments

2.30.1 It is the desire of the City Council to hear from the citizens of Abilene and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

- (a) The Presiding Officer shall recognize each person requesting to speak in turn. A person may not speak unless recognized by the Presiding Officer.

- (b) Upon being recognized by the Presiding Officer, each person may have a time limit of three (3) minutes or such other time as the Presiding Officer may deem prudent, and shall be given notice that one (1) minute is remaining. The time limit shall govern all public hearings, citizen comments on agenda items and public comments at work sessions.
- (c) Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall use good manners and refrain from personal attacks and the use of profanity. On items other than 'Public Comment', speakers shall confine themselves to the question under debate.

2.30.2 The Presiding Officer shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

2.40 Universal Applicability of these Rules to City Boards and Commissions

2.40.1 It is the intent of the City Council that these Rules shall serve as the model and guide for the City's Boards and Commissions, it being the intent of the City Council that all Boards and Commissions should follow similar rules of procedure for ease of understanding and full participation by the citizens in the public's business.

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Appendix 1 – Table of motions and points of order

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	4 affirmative votes
Motion to Amend	*	No	**	N/A
Motion to Adjourn	Yes	No	No	4 affirmative votes
Motion to Recess	Yes	No	Yes	4 affirmative votes
Motion to Fix the Time to Adjourn	Yes	No	No	4 affirmative votes
Motion to Table	Yes	No	No	4 affirmative votes
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	4 affirmative votes
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	4 affirmative votes
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	4 affirmative votes

* For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion.

** Once the original motion is amended, it becomes the motion on the floor and replaces the original motion, therefore you cannot amend an amendment. You simply amend the motion on the floor at the time.

Article III – Financial Policies

The purpose of this article is to establish rules governing the financial activities of the City of Abilene, Texas. It is not intended to be an all-encompassing article and it is expected that this article shall be amended from time to time as required. (Adopted by Ordinance XX-2020)

3.1 Financial Planning Policies

3.1.1 General Policies

- (a) The City's fiscal year shall begin October 1, and end September 30 of the following calendar year.
- (b) The City shall account for all revenue and expenditures on a budget basis, except in those instances where identified elsewhere in this policy.
- (c) The City shall adopt the budget on or before the 25th day in September of the previous budget year. Should the City Council fail to enact a budget within this time period, then the budget as submitted by the City Manager becomes the legally authorized budget.
- (d) The budget as adopted must set forth the appropriations for services, functions and activities of the various city departments and agencies, and shall meet all fund requirements provided by law and required by bond covenants.
- (e) The budget shall balance upon adoption and at year's end. At the close of each fiscal year, any unencumbered appropriation balance shall lapse and revert to the unassigned fund balance, unless Council designates the balance for other purposes (See Section 3.4, Council Policy Statement 2015-001).
- (f) The City shall comply with all applicable federal, state and local requirements in the conduct of its financial affairs and shall conform to the practices set forth by the Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principles (GAAP).
- (g) The budget for all capital projects are legally adopted for specific projects using project length budgeting rather than fiscal year based budgeting. The unencumbered appropriated balance for capital projects does not lapse at fiscal year end, rather they lapse at the conclusion of the project. Unencumbered appropriated balances at the conclusion of a capital project are transferred to

the Minor Improvement Fund, the Utility Capital Development Fund, or such other fund as may be specified by the City Council.

- (h) Formal budgetary integration is not employed for the proprietary funds. The City adopts an annual budget as a financial plan for all proprietary funds. These budgets are used in a manner similar to commercial enterprises to determine whether their costs will be recovered or to estimate the amount of subsidy needed from the City, if costs are not meant to be recovered.
- (i) The City shall strive to ensure that the taxpayers receive the full benefit of “qualified” tax-exempt debt issuances and do not subsidize the interest expense of other debt issuers using corporations created by the City on their behalf. Any differential in interest expense to the City between "qualified" and "non-qualified" tax exempt debt status that results from debt issued through corporations established by the City Council will be born by those issuers of debt. The differential will be prorated among the issuers utilizing the corporations based on the amount of debt it issues to total debt issued by all corporation issuers during the calendar year. Any differential in the City's cost shall be calculated by the City's financial advisor based on market conditions on the date of the City sale of debt.
- (j) The budget document shall contain a fund summary sheet(s) that lists all funds, their beginning and ending balances, the anticipated revenues and the appropriated expenses authorized for the fiscal year being appropriated. It being the intent of this requirement that the taxpayer may see all sources and uses of public funds in one section of the budget document.

3.1.2 Long range planning

The City of Abilene shall conduct an annual strategic planning session at the start of the budget process in the early spring. Council shall consider current strategic goals, the adoption of additional goals, the current financial condition of the City, and the impact that current and future operating and capital needs will have on the financial condition of the City for the upcoming fiscal year and four subsequent years thereafter.

3.1.3 Budget reserves and capital project funds

- (a) The City of Abilene shall strive to maintain an unassigned fund balance of twenty-five (25%) percent of General Fund expenditures. A fund balance of less than twenty (20%) percent is cause for concern.
- (b) The City of Abilene shall strive to maintain an unassigned fund balance of twenty-five (25%) percent of Utility Fund expenditures. A fund balance of less than twenty (20%) percent is cause for concern.
- (c) The City of Abilene shall contribute 5% of sales tax receipts to a “Minor Improvement Fund” for general government related capital project purposes. In order to achieve this requirement without impacting the ability to provide essential services, the City shall phase in the contribution over a three-year period. For FY 2022, the contribution shall be 1.66%, for FY 2023 the contribution shall increase an additional 1.67%, and for FY 2024 the contribution shall increase an additional 1.67%.

In the event transferring 5% of sales tax receipts into the Minor Improvement Fund, creates a financial hardship, the Council will be notified and will be asked to provide direction on whether or not to make the required transfer.

- (d) The City of Abilene shall contribute 5% of utility sales to a “Utility Capital Development Fund” for expansion of the utility system to unserved, or underserved areas, and for other business activity related capital needs. In order to achieve this requirement without impacting the ability to provide essential services, the City shall phase in the contribution over a three-year period. For FY 2022, the contribution shall be 1.66%, for FY 2023 the contribution shall increase an additional 1.67%, and for FY 2024 the contribution shall increase an additional 1.67%.

In the event transferring 5% of utility sales into the Utility Capital Development Fund, creates a financial hardship, the Council will be notified and will be asked to provide direction on whether or not to make the required transfer.

3.1.4 Capital Project Budgeting

- (a) The City may consider the use of pay as you go financing by using the Minor Improvement Fund or Utility Capital Development Fund when prudent.
- (b) The City shall schedule bond issues so that an equal principal amount is retired each year over the life of the issuance, thus producing a total debt service

schedule with a declining balance each year. (This does not prohibit the issuance of new debt.)

3.2 Revenue Policies

3.2.1 Revenue diversification

The City of Abilene shall seek ways to reduce its reliance on ad-valorem tax by pursuing and adopting alternative revenue streams as allowed by statute and entrepreneurial endeavors.

3.2.2 Fees and charges

(a) The City of Abilene shall review fee schedules every year through the budget process to ensure that all fees and service charges capture the revenue requirements set forth by the City Council.

(b) Fees and charges should recover direct costs and indirect costs. A cost of service study should be completed at least once every five years.

(c) The City will use the following methodologies to determine fees and charges:

(1) Full-cost and return on investment pricing – under most circumstances, enterprise services should be priced at full cost, including both direct and indirect costs associated with providing the service. A return on investment should also be considered.

(2) Partial-cost pricing – partial-cost pricing is the subsidy of a program or service with tax revenues and it is justified (1) when some of the benefits from the service accrue to the whole community, or (2) the City wants to stimulate demand for the service, or (3) enforcement of full-cost pricing will result in widespread evasion of the fee or charge, or (4) the service is primarily used by low-income households. Council shall determine how much a service should be subsidized, will use the following table to determine the amount of subsidy.

For each question in the table below, if answered in the affirmative, 25 points are assigned. The total points for all questions equals the percent discount off full-cost pricing for the program or service.

Program or Service Subsidy Table	
Question	Weight
Does a substantial portion of the program or service benefit the whole community?	25
Does the City need to stimulate demand for the program or service?	25
Will full cost pricing cause widespread evasion of the program or service?	25
Is the program or service primarily used by low-income households?	25
Percent discount off full-cost pricing =	100%

3.2.3 Use of one-time revenues and other unpredictable revenues

The City of Abilene shall use one-time revenues (gas and oil royalties, cash settlements, etc.) for non-recurring capital purchases. At no time may the funds be used for recurring costs (salaries, dues, etc.), except for cases of emergency, and as authorized by the City Council.

3.3 Expenditure Policies

3.3.1 Current expenditures paid with current revenues

The City of Abilene shall fund current operating expenditures with current operating revenues, approved grants or through the use of fund balance if specifically authorized by the City Council.

3.3.2 Regular financial reporting required

The City Manager, or his or her designee, shall provide a report on the financial conditions of the City of Abilene to the City Council no less frequently than once per quarter.

3.3.3 Department Heads responsible for adherence to the adopted budget

Department Heads are charged with budgetary responsibility for managing the expenditures of their departments. Department heads are expected to manage total expenditures within the limits established by City Council during the budget process for that fiscal year. The department head shall notify the City Manager and Finance Director in writing as soon as possible when it is identified that total expenditures are expected to exceed the authorized limits of the adopted budget.

3.3.4 City Manager empowered to adjust allocations as necessary

The City Manager or his or her designee, is empowered to adjust budget allocations within departments, and from department to department, but is not authorized to increase total budget appropriations within a fund without prior Council approval. The City of Abilene shall only expend funds, regardless of the funding source, if they have been appropriated for expenditure by the City Council.

3.3.5 Number of authorized positions established by the City Council

- (a) The number of authorized full-time positions are established by the City Council during the annual budget process. Part time, seasonal or temporary positions are budgeted not by authorized positions, but by authorized total dollar amounts.
- (b) The City Manager may employ the number of part time, seasonal or temporary employees necessary to perform the required work provided the City Manager does not exceed the total authorized dollar amount. Any increase of full-time positions above the City's authorized workforce must be approved by the City Council.
- (c) The City Manager may reallocate authorized positions between departments, combine positions, or eliminate positions for the purpose of adding new positions or redistributing the workforce without Council approval, provided that the total authorized positions and the total appropriated funds do not exceed the levels approved by the City Council during the annual budget process, or as may otherwise be amended by the City Council.

3.4 Revenues collected in excess of revised budget. (Council Policy Statement 2015-001 – adopted 08/27/2015; Amended by Resolution 55-2019 passed on 03/14/2019)

3.4.1 Purpose

The purpose of this policy is to establish rules governing the use of revenues collected in excess of revised budget amounts for the General Fund in any given fiscal year.

3.4.2 Policy and Procedure

The City shall exercise sound, conservative principles and other recognized best practices when estimating revenues to be collected in any given fiscal year. It is recognized that the use of these principles have historically resulted in the collection of revenues in excess of budgeted amounts, and may continue to do so in the future. For any given fiscal year, it shall be the policy of the City Council of the City of Abilene, Texas that the City shall collect and expense revenue in excess of amounts needed to balance expenditures as follows:

(a) Revenues to be set aside at annual audit

1. The annual audit shall identify revenue in excess of revised budget amounts.
2. Identified revenues shall be set aside in the Minor Improvement Fund for Council's consideration and expended in accordance with an adopted funding program.

(b) Funds to be spent in accordance with an adopted funding program

1. The City Council shall adopt a funding priority list as part of the annual budget process for the upcoming fiscal year. The funding program shall consider unfunded budget requests, additional resources for recurring operating expenses, one-time capital expenditures, dedication of resources for capital replacement funds or other internal service funds.
2. The City Manager shall inform the City Council of the auditor's findings and present a recommended funding program based on Council's adopted funding priority list within 30 days of receiving the final audit. The City Manager may recommend a program that differs from the adopted Council funding priority list if, in the opinion of the City Manager, a business necessity exists.
3. The City Council may authorize the City Manager to expend revenue in excess of revised budget amounts, and in accordance with the City Manager's recommended funding program as amended and adopted by the City Council.

(c) Reserve requirement obligations

1. Nothing in this policy supersedes the City's obligation to maintain

reserve requirements at their adopted levels.

3.5 Pursuing an insurable loss. (Council Policy Statement 2016-002 – adopted 07/14/2016)

3.5.1 Purpose

The purpose of this policy is to establish rules governing whether or not the City will decide to pursue an insurable loss of its municipal infrastructure against a party that may or may not have insurance.

3.5.2 Policy and Procedure

(a) The City Manager, in his or her discretion, is directed by the City Council to pursue remuneration of the full or partial recovery of municipal infrastructure damaged or destroyed by a vehicle, vandalism or any other act or failure to act that causes the damage or destruction, but not including a natural disaster whereby:

1. The party or parties responsible for the damage or destruction is readily known or otherwise ascertainable; and
2. The party or parties responsible for the damage or destruction is insured; or
3. The party or parties responsible for the damage or destruction is not insured or the status of insurance is not known, and the City Manager in consultation with the City Attorney reasonably believes that the legal costs to pursue full or partial recovery of the damaged or destroyed municipal infrastructure is less than the replacement cost of the damaged or destroyed item.

(b) Nothing in this policy limits or otherwise prohibits the City Manager from consulting the City Council and the City Attorney on loss events that are not contemplated in this policy.

3.6 Fleet Replacement (Council Policy Statement 2015-002 – adopted 01/07/2016; Amended by Ordinance XX-2020)

3.6.1 Purpose

The purpose of the fleet replacement policy is to provide exceptional service at the best possible price to the end recipient, the citizen. These replacement guidelines will be used to ensure the citizens the best value for their tax dollars.

3.6.2 Policy and Procedure

a. Equipment and Vehicle Procurement

1. The City shall procure equipment and vehicles in the most productive and cost-effective way including exploring the purchase of used equipment and/or leasing of infrequently needed equipment.
2. The City shall develop standard specifications for equipment and vehicles that maximize the likelihood of receiving multiple bids, rather than narrowing the specifications so that only one equipment or vehicle manufacturer will qualify to submit a bid.

OR

3. The City shall develop standard specifications for equipment and vehicles that maximize the City's ability to qualify only one equipment or vehicle manufacturer as a qualified bidder. It being the express intent of this policy to minimize part and maintenance variations by coalescing equipment and vehicle manufacturers through vehicle standardization across the fleet.

b. Equipment and Vehicle Replacement

1. The City shall use a scoring process to determine equipment or vehicle replacement eligibility. Final determination on whether or not to replace a piece of equipment or a vehicle, is at the discretion of the City Manager.
2. The City shall assign one point to each of the following criteria when the minimum requirements for the individual criterion is achieved:

CRITERION	MINIMUM REQUIREMENT
Useful Life	As defined on the Life Expectancy Table.
Miles/Hours	As defined on the Life Expectancy Table.
Maintenance Costs	Total maintenance cost equates to 75% of purchase price, or vehicle is out for maintenance more than 25% of total available operating hours in the past 12 months.
Fleet Determination	Fleet Maintenance makes a recommendation for replacement or not based on the totality of the circumstances.

3. Unless as otherwise determined by the City Manager, a vehicle must score 3 or more points to be eligible for replacement. Eligibility for replacement does not guarantee replacement, as replacement is determined based on the totality of the circumstances, priorities of the City, and the availability of funds.

3.6.3 Life Expectancy Table

ASSET CLASS	USEFUL LIFE	MILES/HOURS
Light Duty Vehicles	10 years	125,000 miles
Police Patrol Vehicles	7 years	15,000 hours
Police Motorcycles	10 years	60,000 miles
Heavy Duty Vehicles (single axle)	12 years	125,000 miles
Heavy Duty Vehicles (tandem axle)	12 years	150,000 miles
Refuse Trucks (Front and Side Loader)	7 years	10,000 hours
Refuse Trucks (Rear Loaders)	10 years	14,000 hours
Refuse Trucks (roll off)	12 years	200,000 miles
Sewer (flushing) Trucks	10 years	100,000 miles
Bucket Trucks	12 years	125,000 miles
Street Sweepers	7 years	10,000 hours
Knuckle Boom Trucks	12 years	10,000 hours
Small Riding Equipment Small Tractors Out Front Mowers	15 years	1,800 hours
Motorgraders Tracked Equipment Backhoes Loaders	15 years	8,000 hours
Other Heavy Equipment (2-ton +) Tractor Mowers Diesel Zero Turn Mowers Trenchers Scrapers Compaction Equipment	15 years	5,000 hours
Forklifts	30 years	7,500 hours
ATV's, Side-by-Sides	10 years	5,000 hours
Fire Apparatus (front line)	15 years	N/A
Fire Apparatus (reserve)	5 years	N/A

Article IV – Development Incentives

- 4.1 It is the policy of the City of Abilene that private development should bear the cost of its development. However, it is also recognized that certain undeveloped parcels in the city limits are undeveloped because the cost of developing them exceed a reasonable rate of return for private investment, or there is some other barrier or defect to the property that has curtailed development or redevelopment of an otherwise viable tract.

In these instances, the City Manager is authorized to negotiate economic development incentives utilizing the incentives authorized in this Article IV – Development Incentives provided that the following conditions are met:

- (a) The entire tract considered for development incentives is in the city limits, or will be in the city limits as a result of the agreement negotiated to receive the incentives, and;
- (b) The development is significant in terms of capital investment, job creation, single family lot creation, redevelopment of blighted areas, or of community interest. In general, the City Manager is left to his or her own discretion on what constitutes significant, it being the requirement of every development agreement to be approved by the City Council, unless otherwise authorized by the City Council, and;
- (c) The City’s participation in any development project should generally be limited to off-site improvements, or non-utility eligible project enhancements where applicable and appropriate for the incentive being considered. Unless otherwise defined in State statute, an eligible project is any legally available participation opportunity between the City and a private developer.

- 4.2 Use of Pro-Rata for promoting residential development (Council Policy Statement 2016-001 adopted – 01/14/2016, Amended by Ordinance XX-2020)

4.2.1 Purpose

The purpose of this policy is to establish rules and guidelines governing the use of the City’s pro-rata program as authorized by Section 32-117 of the City’s Code of Ordinances for the purpose of promoting and encouraging the development of residential subdivisions.

4.2.2 Policy and Procedure

- (a) The City Manager is authorized to negotiate Development Agreements with private developers that expends funds held in the City's pro-rata fund for water and sewer utility related public improvements subject to the parameters and conditions set forth below:
 - 1. The proposed residential development must create at least 200 additional new single-family detached dwellings at the completion of all development phases.
 - 2. The proposed residential developer is required to pay the City a pro-rata payment for the total cost of the public improvements contemplated under the Development Agreement, on a pro-rata basis by development phase. The residential developer is responsible for the total cost of hiring a Texas Licensed Professional Engineer to design the onsite and offsite public improvements, and those costs shall not be paid from the pro rata fund.
 - 3. The total number of development phases contemplated for the residential development shall be minimized so that the required pro-rata payment is maximized over the shortest time period allowable under prevailing market conditions.
- (b) The City Manager is authorized to use the provisions set forth in this policy statement for in-fill development, and may negotiate Development Agreements for the use of pro-rata funds on infill development and redevelopment projects in established neighborhoods regardless of the total number of new single-family detached dwellings created.
- (c) All Development Agreements authorized and negotiated under this policy statement are subject to the approval of the City Council, and shall not result in the establishment of an impact fee as defined in applicable State statute.
- (d) This policy does not circumvent or amend any requirements of the City's code of ordinances or land development code or other applicable laws.
- (e) This policy does not require the City Manager to negotiate Development Agreements with any private developer, but allows the City Manager to do so in his sole discretion.

4.3 Chapter 380 Agreements

4.3.1 Program established

The City Council created a Chapter 380 Economic Development Program in accordance with Article III, 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code by adopting Resolution 49-2016 on April 14, 2016.

4.3.2 Program Requirements and Incentives Offered

- (a) The City Council will consider Chapter 380 economic development program agreements on a case-by-case basis, and reserves the right to deny an agreement, or a request for an agreement.
- (b) The City Manager is authorized to negotiate Chapter 380 economic development program agreements subject to final approval by the City Council that may contain the following:
 - 1. The City of Abilene may make monetary loans or grants of public money, and provide personnel and services of the City of Abilene, to businesses, developers, and other commercial and residential ventures that the City Council determines will promote state and local economic development and stimulate business and commercial activity in the City of Abilene.
 - 2. A business, developer or other entity is required to make specific public infrastructure improvements that serve the public's interest and meet a public purpose as determined by the City Council.
 - 3. The City of Abilene must be able to cease/and or recapture payment of the economic development incentive or to otherwise terminate the economic development agreement in the event the public purpose is not carried out.
 - 4. Economic development incentives paid out under this program will be on a reimbursement basis.

4.4 Neighborhood Empowerment Zones

4.4.1 Zones Established.

The City has established Abilene Neighborhood Empowerment Zone No. 1 pursuant to Chapter 378 of the Texas Local Government Code through Resolutions

78-2018 on May 10, 2018 and may establish additional zones through the same or similar resolutions.

4.4.2 Program Requirements and Incentives Offered

The City Manager or his or her designee is authorized to negotiate agreements offering the following enumerated incentives, provided that any agreement using incentives authorized and set forth below must be approved by the City Council:

- (a) The City may enter into agreements for a period of not more than ten (10) years, for the purpose of benefiting the zone, refunds of municipal sales tax on sales made within the zone.
- (b) The City may enter into agreements abating municipal property taxes on property within the Zone subject to Chapter 312 of the Texas Tax Code and the City's Tax Abatement Policy.
- (c) The City may set minimum code requirements to encourage the use of alternative building materials that address building costs, maintenance and energy consumption.
- (d) The City may participate up to 50% of the cost of water or sewer line extensions necessary to serve property being developed within the Zone.
- (e) The City may choose to authorize these incentives through a Chapter 380 Economic Development Agreement.
Pursuant to Resolution 78-2018, the City Manager is authorized to offer the following incentives without further Council approval:
- (f) Waive or reduce fees related to the construction or remodel of buildings in the Zone.
- (g) Provide roll-off containers and the associated charges at the City's actual cost.
- (h) Waive or reduce water and sewer tap fees.
- (i) Waive or reduce zoning application fees.

4.5 Tax Increment Financing

4.5.1 Tax Increment Reinvestment Zones Established

The City of Abilene in the sole discretion of the City Council, may establish Tax Increment Reinvestment Zones as contemplated in Chapter 311 of the Texas Tax Code.

4.5.2 Maximum Tax Revenue Available

For Tax Increment Reinvestment Zones (TIRZ) created on or after January 1, 2021, the maximum amount of tax revenue available for the TIRZ is 50% of the tax revenue that is attributable to increased property values brought about by improvements within the reinvestment zone. The remaining 50% is retained by the City for general purposes.

The tax revenue available to a TIRZ created before January 1, 2021 is limited to the amounts authorized in the enabling legislation for that Zone, or as may otherwise be amended pursuant to Chapter 311 of the Texas Tax Code.

4.5.3 Projects of an Exceptional Nature

Projects of an exceptional nature, as determined by the City Council in its sole discretion and authority, may be eligible for tax revenues greater than 50%, but no greater than 75% of the tax revenue that is attributable to increased property values brought about by improvements within the reinvestment zone.

4.6 Public Improvement Districts

4.6.1 Purpose

The purpose of this policy is to establish rules that govern the City's use of Public Improvement Districts (PID) as authorized by Chapter 372 of the Texas Local Government Code.

4.6.2 Policy and Procedure

(a) It is the policy of the City of Abilene (the "City") to pursue public/private partnerships through the use of Public Improvement Districts, where and when appropriate as negotiated by the City Manager, and approved by the City Council.

(b) Nothing in this policy statement should be perceived as a promise, or commitment to approve the use of a Public Improvement District (PID), and

the City of Abilene reserves the right to deny the creation of a PID as set forth in Section 372.010 of the Texas Local Government Code that it finds unadvisable.

4.6.3 Parameters for the Creation of a Public Improvement District

- (a) The Developer is required to escrow money for professional costs for financial and legal review of the proposed PID and related finance plan by the City, and the City's agents.
- (b) Before the City will create a PID, the Developer and the City must have a fully negotiated and executed Development Agreement.
- (c) The City will only consider a reimbursement PID, with debt financing occurring only after all improvements are in the ground and PID revenues have been collected and reimbursed to the Developer for a period of two years.
- (d) The City will only consider a PID financing plan with a minimum 3:1 value to lien.
- (e) The City will not allow financing of right of way.
- (f) The City will only consider PID terms of a maximum of 20 years.
- (g) The City will not consider PID financing with increasing assessments over the life of the bonds, assessments must be approximately equal on an annual basis.
- (h) The issuance of PID bonds, if any, must be approved the Attorney General of the State of Texas.

Article V – Community Support Policies

5.1 City Sponsored Events (Council Policy Statement 2016-003 – adopted 09/22/2016, Amended by Ordinance XX-2020)

5.1.1 Purpose

The purpose of this policy is to identify which special events will receive financial or in-kind benefits from the City of Abilene.

5.1.2 Policy and Procedure

- (a) The following special events are of a character or nature that benefits the entire community, provides substantial economic impact, or are of a significant cultural importance to warrant financial or in-kind benefits:

SPONSORED EVENT	SPONSORSHIP TYPES	SPONSORED EVENT	SPONSORSHIP TYPES
Abilene Chamber Event	1, 2	March of Dimes Walk	5
ARN 20 under 40	1, 2	McMurry Homecoming	3
ACU Fireworks	3	MLK Banquet	1, 2
Balloon Fest	5	MLK March	1, 2, 3
Barrio Sancudo Reunion	1, 2, 4, 5, 6, 7	NICCL Events	1, 5, 8
CALF Festival	1, 2, 5, 8, 9	Neighborhood Cleanups	5, 9, 10, 11
Christmas Lights Parade	1, 5, 8, 9	Special Olympics	1, 2, 3, 11
Claudie Royals Day	1, 2	SSLC - Bocce Ball	3
Dyess AFB Special Events	1, 2, 3	Texas Mission of Mercy	1, 2, 3
Fourth of July Fireworks	1, 2, 3, 5, 8, 9	United Way Events	1, 2, 5, 8, 11
Fourth of July Parade	1, 3, 5, 8, 9	VA – Operation Thanksgiving	1, 2
Freedom Festival	8	Veteran’s Day Parade	1, 3, 5, 8, 9
Fun Run	5	West Texas Fair	5, 9
HEB Feast of Sharing	1, 2, 3, 5	West Texas Fair Parade	1, 5, 8, 9
High School Rodeo	5	Western Heritage Classic	5
Juneteenth	1, 2, 4, 5, 6, 7	Western Heritage Rodeo	1, 2, 9
KEAN Cruise Walk	5	World’s Largest BBQ	3, 5
LULAC Tournament	1, 2, 5		

- (b) The City of Abilene offers the following sponsorship types:

1. Permit fees are waived
2. Venue rental fees are waived

3. Event specific Police and Fire services are provided free of charge
 4. Port-a-lets
 5. Solid waste services
 6. Temporary outdoor lighting
 7. Electrical generation
 8. Traffic Control
 9. Street Sweeping
 10. Promotion and Advertising
 11. City labor as authorized by the City Manager
- (c) The City Manager is authorized to approve free, or reduced cost solid waste services to neighborhood associations to assist with City coordinated neighborhood cleanups.
- (d) Nothing in this policy limits or otherwise prohibits the City Manager from denying a request for event sponsorship. If in the opinion of the City Manager, an event listed on this sponsorship list is making an unreasonable request of City resources, the City Manager may deny that request. Any denial by the City Manager may be appealed to the City Council if written notice of appeal is submitted to the City Manager at least 30 days prior to the event.
- (e) The City Manager is authorized to extend city sponsorship types to new special events upon the written request of the event organizer. Said requests must be submitted at least 90 days prior to the event. The City Manager shall accept or reject the request in writing within 30 days of receiving the written request from the event organizer. Any denial by the City Manager may be appealed to the City Council if written notice of appeal is submitted to the City Manager at least 30 days prior to the event.

Article VI – Administrative Policies

6.1 The City Manager is hereby directed to create a Purchasing Manual for the City and to see that it is properly administered.

6.1.1 Local Preference for Bidders (Council Policy Statement 2017-001 – adopted 05/11/2017)

(a) Purpose

The purpose of this policy is to establish rules governing the applicability of local preference points as authorized in the Texas Local Government Code Chapter 271.905 and 271.9051, and to promulgate the same.

6.1.2 Policy and Procedure

(a) It is the policy of the City of Abilene (the “City”) to use local vendors whenever possible for the purchase of the goods and services required by the City.

(b) It is the policy of the City to place an affirmative duty on City departments to grant a preference to local vendors to the fullest extent allowed by law, unless so doing would be contrary to the best interests of the City.

(c) Nothing in this Council Policy Statement prohibits the City from rejecting any and all bids.

6.1.3 Definitions

The words and phrases in this section and used in this policy statement have the following meaning:

Bid means a response to a procurement for goods or non-professional services awarded solely on the basis of price.

Bidder means a responsible person or business entity that submits a responsive bid.

City Manager means the City Manager of the City of Abilene, Texas or his or her designee.

Headquartered means the place where a business entity’s officers direct, control and coordinate the entity’s activities.

Joint Venture means a collaboration of for-profit business entities, in response to a solicitation, wherein two or more independently owned and controlled business

firms form a third business entity solely for the purposes of undertaking the completion of a given contract awarded through the solicitation.

Local vendor means a for-profit business with a principal place of business within the city limits.

Principal Place of Business means a business headquartered for one year or more, or having an established place of business for one year or more in the city limits of the City and from which full-time employees are regularly-based and perform substantial and commercially useful functions for the business.

6.1.4 Purchases of Personal Property

- (a) For contracts for personal property not affixed to real property, if the City receives one or more bids from a bidder that is a local vendor and whose bid is within three (3%) percent of the lowest bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract with the bidder that is a local vendor. (Texas Local Government Code § 271.905)
- (b) In addition, contracts for personal property not affixed to real property that are submitted by a local vendor are eligible to receive a bid award if their bid is within five (5%) percent of the lowest bid received by the City from a bidder who is not a local vendor. This five (5%) local preference is not cumulative of, but is in the alternative of, the three (3%) percent authorized above, and it is only allowed if the total contract award is under \$500,000. (Texas Local Government Code § 271.9051)
- (c) When a bidder is a joint venture, each joint venture partner must meet the definition of a local vendor to be eligible for the preferences authorized above.
- (d) In determining whether or not to award the bid to the bidder that is a local vendor through the three (3%) percent or five (5%) percent local preference, the City Council must determine in writing the following: “the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City.” Such determination shall be recommended by the City Manager, and confirmed by the City Council by affirmative vote of the City Manager’s recommendation.

6.1.5 Purchases of Non-Professional Services

- (a) For non-professional service contracts under five hundred thousand dollars

(\$500,000), excluding construction services, if the City receives one or more competitive sealed bids from a bidder that is a local vendor and whose bid is within five (5%) percent of the lowest competitive sealed bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract that requires an expenditure of under five hundred thousand dollars (\$500,000) with the bidder that is a local vendor. (Texas Local Government Code § 271.9051)

- (b) For a contract for construction services under one hundred thousand dollars (\$100,000), if the City receives one or more competitive sealed bids from a bidder that is a local vendor and whose bid is within five (5%) percent of the lowest competitive sealed bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract that requires an expenditure of less than one hundred thousand dollars (\$100,000) with the bidder that is a local vendor. (Texas Local Government Code § 271.9051)
- (c) When a bidder is a joint venture, each joint venture partner must meet the definition of a local vendor to be eligible for the preference authorized above.
- (d) In determining whether or not to award the bid to the bidder that is a local vendor through the five (5%) percent local preference, the City Council must determine in writing the following: “the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City.” Such determination shall be recommended by the City Manager, and confirmed by the City Council by affirmative vote of the City Manager’s recommendation.

6.1.6 Purchases for Professional Services; Revenue and Concession Contracts

- (a) In procuring professional services under the Professional Services Procurement Act, Government Code § 2254.004, the City Manager may award up to five (5%) percent of the total available points to a respondent based upon the knowledge of, and experience regarding local conditions as part of the qualifications determination.
- (b) In procuring other professional services not governed by statute, revenue and concession contracts, the City Manager may award up to five (5%) percent of the total available points to a respondent that is a local vendor headquartered within the city limits of the City, or up to three (3%) percent of the total available points to a respondent that is a local vendor not headquartered within the city limits of the City.
- (c) When a respondent is a joint venture, at least one joint venture partner must meet the definition of a local vendor to be eligible for the point awards

authorized above.

6.1.7 Additional Provisions

- (a) If two or more bidders have bids that are identical in nature and amount, with one bidder being a resident of the City and the other bidder or bidders being non-residents, the City Council must select the resident bidder. (Local Government Code § 271.901(b))
- (b) The City must give local preference to a local vendor if there are out-of-state bidders that have bid on the contract and the out-of-state bidder or manufacturer is located in a state that discriminates against out-of-state bidders in its bid awards in favor of local bidders. (Government Code § 2252.001 et seq.)

6.1.8 Exceptions to this policy

- (a) This policy does not apply to any contract funded in whole or in part by the federal government or where the City acts as a conduit for federal money.
- (b) This policy does not apply to any contract where the City Manager or City Council fail to determine that that it would be in the City's best interest to award local preferences.
- (c) This policy does not apply to any contract procured through a "best value" procurement method or other Alternative Delivery methods as authorized by the Government Code and Local Government Code.
- (d) Per Texas Local Government Code § 271.9051, this policy does not apply to the purchase of telecommunication services and information services, as defined by 47 U.S.C.A § 153.

6.1.9 Reference chart for local preference for bidders

Local preference may be awarded up to the following maximum percentages			
Description	Under \$100,000	\$100,000 to under \$500,000	\$500,000 or more.
Personal Property	5%	5%	3%
Construction Services	5%	N/A	N/A
Non-professional Services	5%	5%	N/A

- 6.2 The City Manager is hereby directed to create an Employee Policy Manual for the City and to see that it is properly administered.

6.3 Ninety Percent Live Release Rate (Council Policy Statement 2019-001 – adopted March 28, 2019)

6.3.1 Purpose

The purpose of this policy is to publicly declare the intention of the City Council to operate the Abilene Animal Shelter as a 90% Live Release Rate facility.

6.3.2 Policy and Procedure

- (a) It is the policy of the City of Abilene (the “City”) to operate the Abilene Animal Shelter in a manner that will achieve a 90% live release rate for all companion animals by end of calendar year 2027.
- (b) For calendar year 2018, canines had a live release rate of 67.28%. For the same period, felines had a live release rate of 33.50%. The live release rate for all companion animals for calendar year 2018 was 55.90%. The City’s live release rate for all companion animals has increased 28.97% between 2013 and 2018. Euthanasia is down 44% over the same period.
- (c) In order to build upon this positive trend, the City seeks to utilize best practices in shelter management, shelter medicine, community outreach and adoption activities, and shelter operations and services to achieve the 90% live release rate for all companion animals.
- (d) In addition to these four areas of work, the City will actively pursue the design and construction of a new animal shelter, and will work with private foundations and private donations to seek cooperative public-private funding opportunities.

6.4 COVID-19 Reporting Requirements (Council Policy Statement 2020-001 – Adopted July 23, 2020)

6.4.1 Purpose

The purpose of this policy is to establish rules that govern what the City reports and does not report on a daily basis regarding the COVID-19 Pandemic.

6.4.2 Policy and Procedure

- (a) It is the policy of the City of Abilene (the “City”) to be transparent with all information concerning the COVID-19 response, and to report information as accurately and timely as possible without releasing the names, or other personal identifying information of COVID-19 positives.

- (b) It is the policy of the City to designate and only report Molecular PCR test results as the official number of COVID-19 cases in Abilene.
- (c) It is the policy of the City to designate and only report Antigen test results as probable COVID-19 cases, until otherwise directed by the Department of State Health Services, and only then in conjunction with the State of Texas doing the same.

6.4.3 Reportable Information

- (a) The City shall report the following information daily:
 - 1. Total Test Results
 - 2. Total Positives (*Molecular PCR only*)
 - 3. Total Probable Cases (*Antigen*)
 - 4. Total Negatives
 - 5. Total Active Cases
 - 6. Total Recovered
 - 7. Total Deaths
 - 8. Average Age of Death
 - 9. Average Age of Hospitalization
 - 10. Total Hospitalizations – In County
 - 11. Total Hospitalizations – Out of County
- (b) The City Manager will report the information in a format that is easy to understand.
- (c) State or federally mandated reporting requirement changes will be implemented as required by law, and Council will be informed of the reporting requirement changes within two business days.

6.5 Organizational Structure (Adopted by Ordinance XX-2020)

6.5.1 Purpose

The purpose of this policy is to set forth the organizational structure of the City as required by Section 53 of the City Charter.

6.5.2 Policy and Procedure

- (a) The City of Abilene shall be composed of the following departments, each of which are under the control and direction of the City Manager, unless otherwise provided in the City Charter.

1. Finance
2. Fire
3. General Government
4. Human Resources
5. Information Technology
6. Library Services
7. Parks and Recreation (Community Services)
8. Planning & Development Services
9. Police
10. Public Health
11. Public Works
12. Transportation Services
13. Water Utilities



Governing Principles, Rules of Procedures, and Council Policies

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Article 1 – Governing Principles

It is the policy of the City of Abilene, Texas that the core purpose and core values as stated in this Article of Governing Principles shall govern our actions as an organization and color our discussions as policy makers. Moreover, the programs and services provided by the City shall be done in a manner that furthers the actualization of our Strategic Goals and Priorities within the context of our Core Purpose and Core Values.

1.1 Core Purpose

- 1.1.1 We work together to build and maintain a community of the highest quality for present and future generations.

1.2 Core Values

- 1.2.1 RESPECT – demonstrating through our actions that we hold ourselves and our citizens in high enough regard to do what we say we will do, in the timeframe we commit to; recognizing that everyone has dignity and deserves helpful, courteous and prompt attention; consistently doing what is necessary, expected and required, and when able to do so, exceeding expectations.
- 1.2.2 INTEGRITY – possessing an unwavering commitment to doing the right things right; consistently adhering to high professional and ethical standards; keeping commitments to our citizens, co-workers and others.
- 1.2.3 SERVICE ABOVE SELF – being open and approachable to council members, citizens and our fellow employees at all times; treating our customers like we would like to be treated; fostering a servant’s heart in ourselves and each other by conscientiously doing what is best for the community in all cases; passionately committed to serving others; helping to make our citizens lives better; finding ways to say yes.
- 1.2.4 EXCELLENCE IN ALL WE DO – delivering on promises made, taking personal responsibility for achieving community minded goals; leading by example, recognizing the importance of working together to meet everyone’s needs, treating everyone with dignity, courtesy and respect; sharing resources and information freely; communicating regularly and honestly with council members, citizens and employees; having a can do attitude.

1.3 Council Strategic Goals and Priorities

1.3.1 The City of Abilene practices effective governance.

1.3.2 The City of Abilene exercises sound financial discipline.

1.3.3 The City of Abilene enjoys a high quality of life.

1.3.4 The City of Abilene is known for well-maintained and reliable municipal infrastructure.

1.3.5 The City of Abilene consistently provides excellent service.

1.3.6 The City of Abilene encourages economic growth.

1.3.7 The City of Abilene actively fosters and seeks an engaged community.

1.4 Organizational Vision

1.4.1 Within thirty (30) years, the City of Abilene will be known as a thriving, national leader that other communities strive to be like, and where people consciously decide to live and locate their businesses. It will be a beautiful City, with quality, well maintained housing for all income levels, and well maintained municipal infrastructure. It will serve as a regional employment center and provide a rich and varied shopping experience. It will be a community that offers regionally renowned parks and recreation facilities and it will be well known for enjoying an excellent quality of life.

1.5 Relationship between Council, City Manager, Staff and Public

1.5.1 The City Council is a Policy Making Body

The City Council of the City of Abilene, Texas is primarily a policy-making or legislative body. It does not exercise management authority over the operations of the City, but hires a City Manager to perform day to day management functions as the City's Chief Executive. Council Members shall not direct the work of employees of the City of Abilene. The City Council as a whole directs the work of those employees given them to do so in the City Charter, namely the City Manager, City Attorney, City Secretary and the Municipal Judge.

- 1.5.2 The City Manager and the City Council have Separate and Unique Roles
The City Manager is the City's Chief Executive Officer and exercises managerial control over the City's operations. The City Manager may establish administrative policy through the form of an administrative directive and may recommend legislative policy, but the City Manager is not a legislative policy maker and should defer legislative policy decisions to the City Council.
- 1.5.3 Performance Driven Management
The City of Abilene strives to be a high performance organization; the City Council evaluates the City Manager, the City Attorney, the City Secretary and the Municipal Judge. The City Manager evaluates all other employees free from Council influence. The City gauges the performance of its various services through a system of performance measures that are tied to the Council's Strategic Goals and Priorities. The City Manager should ensure the City uses a performance management system that measures the City's effectiveness in achieving the City's Strategic Goals and Priorities.
- 1.5.4 Service Above Self, our first and foremost Core Value
The City of Abilene exists to serve our citizens. In our dealings with our citizens we should go out of our way to be courteous, and responsive in so far as administrative policy and sound business decisions allow. We cannot be all things to all people, but we should find ways to say yes when asked to assist the citizens and businesses of the City of Abilene. If it's legal, ethical and the right thing to do, just do it.
- 1.5.5 Citizen Concerns shall be communicated to necessary parties and responded to in a fair and consistent manner
Citizen concerns received by the Council directly shall be communicated to the City Manager's Office so that a response can be coordinated and the citizen's concern can be addressed in the most efficient manner possible. Citizen concerns received in the City Manager's Office and addressed to Council Members, will be communicated to the Council as a whole and the City Manager will coordinate a response that resolves the citizen's concern in the most efficient manner possible, or the City Manager shall provide the Council with the necessary information to respond to the citizen for concerns that do not require action, but information only.
- 1.5.6 Council requests for information
Council Members should make requests for information on City programs, activities or policies directly to the City Manager. The City Manager may answer the question or refer the question to the appropriate Director. Any direction of *work*,

request for work or change to established practice that may be desired as a result of the request for information shall be brought to the City Manager for consideration and action as appropriate.

1.6 Ethics Training (Council Policy Statement 2017-002 - Adopted 07/13/2017)

1.6.1 Purpose

The purpose of this policy is to provide for orientation and annual ethics training for the members of the City Council in order to be in compliance with the 43 Texas Administrative Code Section 10.51 requirements.

Pursuant to 43 TAC Section 31.39, subrecipients receiving state or federal public transportation funds from or through the Texas Department of Transportation (TXDOT) must have adopted an internal ethics and compliance program that satisfies the requirements of 43 TAC Section 10.51.

1.6.2 Policy

Newly elected members of the Abilene City Council shall receive ethics training as part of their orientation training.

Additionally, all members of the Abilene City Council shall receive annual ethics training and the requirements of the City's internal compliance program. Ethics training shall include the topics of conflicts of interest, bribery, gifts, unjust benefit, abuse of office, and nepotism. Such ethics training shall be conducted by the City Attorney and may be presented by oral presentation or written material.

Article II – Rules of Procedure

Article II, Section 17 of the City Charter of the City of Abilene, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and authority of said provision.

2.1 Construction of Authority

2.1.1 The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statutes of the United States of America; (2) The Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Abilene, Texas; and, (5) these Rules.

2.2 Purpose of Parliamentary Procedure

2.2.1 The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and therefore, do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day. These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

2.3 Meetings Shall be Public

2.3.1 Except as otherwise allowed by law, all meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given at least 72 hours before the time set for any meeting. (Charter § 16)

2.4 Conduct of Meetings

2.4.1 Meetings of the City Council shall be conducted in accordance with the Rules adopted by the City Council as set forth herein, and as may be amended from time to time.

2.5 Council Meetings

2.5.1 For the months of January, February, March, April, May, June, July, August, and September, the Regular Meetings of the City Council shall be on the second and fourth Thursday of each month. For the month of October, Regular meetings will be either the first and third Thursday of the month, or the second and fourth

Thursday of the month, depending on the meeting date of the Texas Municipal League's Annual Meeting. The meeting dates for October shall be announced no later than the last meeting in September. For the months of November and December, the Regular Meetings of the City Council shall be on the first and third Thursdays of each month. The first regular meeting of the month shall begin at 8:30 AM, and the second regular meeting of the month shall begin at 4:30 PM for the purposes of holding executive session, and shall reconvene into open session at 5:30 PM for regular business. (Charter § 16) 2.5.2 Meetings shall be held at City Hall unless another convenient place within the City is designated by the meeting agenda. (Charter § 16)

2.5.3 Special meetings may be called by the City Secretary upon written request of the Mayor, or any three members of the City Council. (Charter § 16) For purposes of administrative feasibility, the City Council specifically grants the City Manager authority to call a special called meeting when necessary through the adoption of these *Rules*.

2.5.4 In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and public notice is posted at least two (2) hours before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

2.5.5 The City Council may move a regular meeting date from a regularly scheduled meeting date expressed in Section 2.5.1 above, to an alternative meeting date upon the affirmative vote of four members or more, and by providing reasonable notice.

2.5.6 There is hereby established, as a part of every agenda for Regular Called Meetings of the City Council, a Public Comment category to allow commentary from any interested citizens in attendance at said meeting(s).

2.6 Workshop Sessions

2.6.1 Workshop Sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.6.2 Workshop Sessions may be held at such times as may be convenient and necessary, and shall be scheduled in accordance with Section 2.5.3 of these Rules.

2.7 Executive Sessions (Closed Sessions)

2.7.1 Executive Sessions are closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Notice of topics to be discussed during executive sessions shall be made known to the public in accordance with the requirements of the Open Meetings Act.

- 2.7.2 The City Council may retire into an executive session as stated on a posted agenda during a regular or special meeting, or if a motion is duly made and seconded and affirmed by a majority of the Council. However, before said session begins, the Presiding Officer shall announce that the executive session is commencing. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the Presiding Officer or his or her designee, sealed and permanently kept, subject to opening by Court order. No voting or action shall be taken by the City Council during an executive session. No other subject but that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during an open public meeting.
- 2.7.3 Items discussed in Executive Session are to remain private and confidential. Except as provided by law, no Council Member, staff member or legal counsel may discuss or reveal the proceedings of an Executive Session to persons not present during the Executive Session. In the event an elected official is absent from the Executive Session the Presiding Officer, the City Manager or the City Attorney may brief the elected official who was absent from the meeting on the discussion.
- 2.7.4 Additionally, the certified agenda or recording of the Executive Session is confidential, and no persons may disclose to a member of the public the certified agenda or recording of the Executive Session, except as provided by law. Section 551.146 of the Texas Government Code makes such an act a Class B Misdemeanor and opens the person who reveals such information personally liable for any damages resulting from such action.

2.8 Recessed Meetings

- 2.8.1 No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of workshops or special meetings, to a date certain by motion duly passed.

2.9 Quorum

- 2.9.1 Four or more members of the Council shall constitute a quorum for all meetings for the transaction of all business. (Charter § 17)

2.10 Presiding Officer

- 2.10.1 The Mayor shall serve as the Presiding Officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor Pro Tem, the Deputy Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor, the Mayor Pro Tem and the Deputy Mayor Pro Tem, the City Secretary shall call the meeting to order if a quorum of the Council is present and the first order of business shall be for Council

to elect by majority vote, a temporary Presiding Officer from the members then seated and in attendance. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned, or until the Presiding Officer, the Mayor Pro Tem, or the Deputy Mayor Pro Tem is present at the meeting, whichever occurs first.

2.10.2 The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the Presiding Officer are final unless overruled by the City Council through a Motion to Appeal as described in Section 2.18 – Courtesy, Decorum and Order of these *Rules*.

2.10.3 The Presiding Officer is entitled to participate in the discussion and debate, and is entitled to vote on all business before the City Council. Because the Presiding Officer conducts the meeting, it is common courtesy and custom for the chair to take a less active role than other members of the Council in debates and discussions. This practice in no way precludes the Presiding Officer from participating in the meeting fully and freely

2.11 Minutes of Meetings

2.11.1 The City Secretary shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas. (Charter § 15)

2.12 Suspension and Amendment of Rules

2.12.1 Any provisions of these *Rules* not governed by federal, state law or the City Charter may be temporarily suspended by a super majority vote of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purpose of this section, preliminary approval shall mean a motion and a second with a majority vote to approve the amendment preliminarily.

2.13 Agenda

2.13.1 The City Manager and the City Secretary shall prepare an agenda and cause the same to be posted at least 72 hours prior to the meeting. Agendas shall be delivered to the City Council on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law, or the City Charter.

2.13.2 In order to facilitate the agenda process, the City Manager is responsible for placing items on the agenda. A written request from the Mayor or any member of the Council shall cause the City Manager to place an item on the agenda for Council

consideration. The Council Member requesting the item shall be identified in the agenda item heading for the requested item. Staff assistance, if required, should be requested through the City Manager (Charter § 13). If a Council requested agenda topic does not allow for staff to adequately prepare information for Council's consideration, the item shall be postponed by the City Manager until the next Regular Meeting, or until such time as mutually agreed.

2.14 Consent Agenda

2.14.1 There is hereby established, as a part of every agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda that shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all business regularly coming before the City Council.

2.14.2 All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of at least four of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

2.14.3 Any member of the City Council or a citizen may request, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote.

2.15 Model Format for an Agenda Item Discussion

2.15.1 The following ten steps can be used as a model or guidebook by the Presiding Officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the Presiding Officer in the following basic format:

(a) **Announce the Item.** The Presiding Officer should clearly announce the agenda item number, and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.

(b) **Receive a Report.** The Presiding Officer should invite the appropriate people to report on the item, including any recommendations they might have.

(c) **Ask Clarifying Questions.** The Presiding Officer should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and those people should be given time to respond.

(d) **Get Citizen Input.** The Presiding Officer may invite citizen comments – or if a public hearing, shall open the public hearing. Upon conclusion, the Presiding

Officer should announce that public input is closed, or if a public hearing, close the public hearing. Unless the item requires a public hearing, no public input is required.

- (e) **Discussion.** The Presiding Officer should now invite the members of the City Council to discuss the item. If there is no desired discussion, the Presiding Officer may call for a motion.
- (f) **Motion First.** The Presiding Officer should invite a motion from the City Council after the initial discussion is concluded. The Presiding Officer should announce the name of the member who makes the motion.
- (g) **Motion Second.** The Presiding Officer should determine if any member of the City Council wishes to second the motion. The Presiding Officer should announce the name of the member who seconds the motion.
- (h) **Repeat Motion.** If the motion is made and seconded, the Presiding Officer should make certain that everyone (including the audience) understands the motion. This is done in three ways:
 - (1) The Presiding Officer may ask the maker of the motion to repeat it;
 - (2) The Presiding Officer can repeat the motion; and/or
 - (3) The Presiding Officer can ask the City Secretary to repeat the motion.
- (i) **Discuss the Motion.** The Presiding Officer should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Presiding Officer may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, The Presiding Officer should repeat the motion before calling for the vote.
- (j) **Vote.** The Presiding Officer calls for the vote. Unless a super-majority is required for passage of the motion, an affirmative vote of at least four (4) members is required for any motion to pass (Charter §18). Unless a member of the Council abstains from discussing and voting on any question where the discussion and vote would constitute a conflict of interest, all members of the Council, including the Mayor, should vote upon every question, ordinance or resolution. For the purposes of these *Rules* a vote is properly made if it is cast *for the motion*, or *against the motion*. A member may properly abstain from voting on the motion if they choose to do so.
 - (1) Upon consideration for passage of any ordinance, resolution, or motion, the City Secretary shall call the roll of the Council and record the voters, which record of votes shall constitute a public record. (Charter § 18)

(2) Ordinances changing the zoning of a property that is properly protested by the owners of twenty percent (20%) or more of the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, requires a 3/4 super-majority vote, which is an affirmative vote of at least six Council Members.

(3) Other votes of the City Council may require a 2/3 or 3/4 majority vote as determined by the statutes of the State of Texas or the ordinance of the City of Abilene.

(k) **Announce the Outcome.** The City Secretary announces the results of the vote and should also state what action (if any) the Council has taken.

2.16 The Basic Motions

2.16.1 **The Basic Motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move for approval of the Ordinance as submitted."

2.16.2 **Motion to Amend.** If a member wants to change a basic motion, he or she would have to motion to amend it. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the Ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. It requires the agreement of the person making the original motion, and this agreement shall constitute the second required to amend the basic motion. No motion to amend shall be allowed after a motion has been called for a vote.

2.17 Discussion and Debate

2.17.1 The basic rule of motions is that they are subject to discussion and debate. Accordingly, the motion is eligible, for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Presiding Officer decides to end discussion and call a vote on the motion.

2.17.2 There are exceptions to the general rule of free and open discussion and debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are not debatable, and the Presiding Officer must immediately call a vote on the motion, if seconded by another member. The following motions require an affirmative vote of at least four (4) members.

- (a) **Motion to Adjourn.** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting.
- (b) **Motion to Recess.** This motion, if passed, requires the Council to immediately take a recess. Normally the Presiding Officer will determine the length of the recess which could last for a few minutes to several hours.
- (c) **Motion to Fix the Time to Adjourn.** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.”
- (d) **Motion to Table.** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item should be placed on the agenda at the following regularly scheduled Council meeting.
- (e) **Motion to Allow Public Comment.** This motion, if passed, requires the Presiding Officer to allow public comment even though a public hearing may not be required under the law.

2.17.3 The following motions require a supermajority vote to pass (3/4 majority). In all cases, a super majority vote consists of at least 6 affirmative votes.

- (a) **Motion to Limit Debate.** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Presiding Officer should ask for a second, stop the discussion and vote on the motion to limit debate.
- (b) **Motion to Object to the Consideration of an Item.** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda.
- (c) **Motion to Suspend the Rules.** This motion is debatable. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

2.17.4 **Motion to Reconsider.** A motion to reconsider requires at least a four (4) member majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

- (a) The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if

properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

- (b) Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion cannot make a motion to reconsider, it must be ruled out of order by the Presiding Officer. The purpose of this rule is finality.
- (c) If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

2.18 Courtesy, Decorum and Order

2.18.1 These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Presiding Officer (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Presiding Officer should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings:

- (a) **Request to Speak.** Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Presiding Officer. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly.
- (b) **Order.** If a person fails to request to speak before speaking, the Presiding Officer may rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members should preserve order and decorum. No person or Council Member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person or Council Member while speaking or refuse to obey the orders of the Presiding Officer.
- (c) **Improper References Prohibited.** Speakers shall use good manners and refrain from personal attacks and the use of profanity. Speakers shall confine themselves to the question under debate.
- (d) **Interruptions.** A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below (subsections e – through i). If the Council Member, while

speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed speaking.

- (e) **Point of Privilege.** The proper interruption would be: “Point of Privilege.” The Presiding Officer would then ask the interrupter to, “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
- (f) **Point of Order.** The proper interruption would be: “Point of Order.” The Presiding Officer would then ask the interrupter to, “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Presiding Officer called for a vote on a motion that permits debate, without first allowing any discussion.
- (g) **Motion to Appeal.** If the Presiding Officer makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Presiding Officer by stating, “motion to appeal.” If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Presiding Officer is reversed.
- (h) **Call for orders of the day.** This is simply another way of saying, “let’s return to the agenda,” if a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Presiding Officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- (i) **Withdraw a Motion.** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

2.18.2 The City Council is prohibited from using text messages, email, social media posts or other means of electronic messaging during a public meeting except in cases where they are being notified of something of a personal nature. The use of such messaging could constitute a violation of the Texas Open Meetings Act.

2.18.3 In the event a Council Member or the Presiding Officer declares a conflict of interest and files the affidavit required under Local Government Code §171.004, that Council Member shall leave the Council Chambers for the duration of the item. In the event of a conflict of the Presiding Officer, the Mayor Pro Tem or Deputy Mayor Pro Tem shall serve as the Presiding Officer. In the event a majority of the members declare a conflict of interest for the item, they are not required to leave the Council Chambers and may participate in the item as allowed in Local Government Code §171.004 (c).

Exceptions:

- (a) If the conflict exists for a consent agenda item, the member with the conflict of interest is not required to leave the Council Chambers and their vote on the consent agenda items shall only be counted for those items where the member has not filed a conflict.
- (b) If a conflict exists for a member's relative, and the member and the relative are related in the first degree of consanguinity or the first degree of affinity, the member is not required to leave the Council Chambers, but they shall not discuss, provide direction or vote on the item.

2.19 Enforcement of Rules and Procedures

2.19.1 The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Presiding Officer under his or her own action, or upon a Motion to Enforce by any Council Member.

- (a) **Warning.** The Presiding Officer may order any person (Council Member, staff member or audience member) in violation of these rules to be silent.
- (b) **Removal.** If, after receiving a warning from the Presiding Officer, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Presiding Officer may order the person to leave the meeting. If the person does not leave the room, the Presiding Officer may order the Sergeant-at-Arms to remove the person. A Council member may only be removed from a Council meeting by a majority vote of the City Council. No person may be removed from a meeting merely due to the views or opinions expressed by the person.
- (c) **Sergeant-at-Arms.** The Sergeant-at-Arms shall be the highest ranking police officer in attendance at the Council Meeting, or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (§ 42.05, Texas Penal Code)

- (d) **Motion to Enforce.** Any Council Member may move to require the Presiding Officer to enforce these rules and the affirmative vote of four (4) or more members of the Council shall require the Presiding Officer to do so. A motion to enforce is an allowable interruption and is not debatable.

2.19.2 In the event a Council Member violates the Charter, these *Rules* or any other Ordinance of the City, or acts in a manner that causes embarrassment or disgrace to the City of Abilene, the City Council on supermajority vote may discipline the offending member.

- (a) Such action may only take place after an Executive Session is held to discuss the offense. The offending member shall be present at the Executive Session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the Executive Session, the remaining members of the City Council may proceed in his or her absence.

- (1) The discipline by the City Council may be as follows, and if required by law, shall be made publicly in Open Session in accordance with the Texas Open Meetings Act:

- (2) **No Action.** The City Council chooses to take no action.

- (3) **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the Executive Session.

- (4) **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

2.20 Regular Meeting Agenda Order

2.20.1 **Call to Order.** The Presiding Officer shall call the meeting to order.

2.20.2 **Invocation.** The Presiding Officer shall invite a Council Member or another member of the audience to lead the City Council in a prayer.

2.20.3 **Pledge to United States Flag and the Texas Flag.** The Presiding Officer shall announce who will lead the City Council in the pledges of allegiance and the pledges shall be said.

2.20.4 **Presentations, Recognitions, Proclamations and Announcements.** The Presiding Officer shall make any presentation, recognition, announcement, or deliver any proclamation as may be required from time to time.

2.20.5 **Minutes.** The Presiding Officer shall ask for a motion to approve or amend the minutes as required. The minutes may be considered as part of the consent agenda rather than as a separate agenda item.

2.20.6 **Consent Agenda.** Before seeking a motion on the consent agenda, the Presiding Officer shall first ask the Council if any member would like to remove an item from the Consent Agenda and discuss it as an item for individual consideration. The same question will then be asked of any citizen(s) in attendance at the meeting. The remaining items on the consent agenda shall be voted upon before the consideration of any item removed for individual consideration.

2.20.7 **Regular Agenda – Ordinances and Public Hearings – Resolutions.** This section of the agenda requires each item to be considered individually. If a public hearing is required, the Presiding Officer shall open the public hearing and receive citizen input. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules establish herein for citizen comments. Upon conclusion of citizen comments, the Presiding Officer shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing. All items shall be considered by the City Council individually and approved by either an affirmative vote of at least four (4) members, or a super majority vote as the case may be.

2.20.8 **Public Comment.** There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

2.20.9 **Executive Session.** The City Council shall convene into Executive Session only in accordance with Chapter 551 of the Texas Government Code.

2.20.10 **Reconvene.** The Presiding Officer shall reconvene the regular meeting at the conclusion of the executive session and shall take any action as may be required from the executive session through a continuation of the Regular Agenda.

2.20.11 **Adjournment.** There being no further business before the City Council, the Presiding Officer shall adjourn the meeting.

2.30 Rules Governing Citizen Comments

2.30.1 It is the desire of the City Council to hear from the citizens of Abilene and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

- (a) The Presiding Officer shall recognize each person requesting to speak in turn. A person may not speak unless recognized by the Presiding Officer.

- (b) Upon being recognized by the Presiding Officer, each person may have a time limit of three (3) minutes or such other time as the Presiding Officer may deem prudent, and shall be given notice that one (1) minute is remaining. The time limit shall govern all public hearings, citizen comments on agenda items and public comments at work sessions.
- (c) Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall use good manners and refrain from personal attacks and the use of profanity. On items other than 'Public Comment', speakers shall confine themselves to the question under debate.

2.30.2 The Presiding Officer shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

2.40 Universal Applicability of these Rules to City Boards and Commissions

2.40.1 It is the intent of the City Council that these Rules shall serve as the model and guide for the City's Boards and Commissions, it being the intent of the City Council that all Boards and Commissions should follow similar rules of procedure for ease of understanding and full participation by the citizens in the public's business.

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Appendix 1 – Table of motions and points of order

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	4 affirmative votes
Motion to Amend	*	No	**	N/A
Motion to Adjourn	Yes	No	No	4 affirmative votes
Motion to Recess	Yes	No	Yes	4 affirmative votes
Motion to Fix the Time to Adjourn	Yes	No	No	4 affirmative votes
Motion to Table	Yes	No	No	4 affirmative votes
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	4 affirmative votes
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	4 affirmative votes
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	4 affirmative votes

* For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion.

** Once the original motion is amended, it becomes the motion on the floor and replaces the original motion, therefore you cannot amend an amendment. You simply amend the motion on the floor at the time.

Article III – Financial Policies

The purpose of this article is to establish rules governing the financial activities of the City of Abilene, Texas. It is not intended to be an all-encompassing article and it is expected that this article shall be amended from time to time as required.

3.1 Financial Planning Policies

3.1.1 General Policies

- (a) The City's fiscal year shall begin October 1, and end September 30 of the following calendar year.
- (b) The City shall account for all revenue and expenditures on a budget basis, except in those instances where identified elsewhere in this policy.
- (c) The City shall adopt the budget on or before the 25th day in September of the previous budget year. Should the City Council fail to enact a budget within this time period, then the budget as submitted by the City Manager becomes the legally authorized budget.
- (d) The budget as adopted must set forth the appropriations for services, functions and activities of the various city departments and agencies, and shall meet all fund requirements provided by law and required by bond covenants.
- (e) The budget shall balance upon adoption and at year's end. At the close of each fiscal year, any unencumbered appropriation balance shall lapse and revert to the unassigned fund balance, unless Council designates the balance for other purposes (See Section 3.4, Council Policy Statement 2015-001).
- (f) The City shall comply with all applicable federal, state and local requirements in the conduct of its financial affairs and shall conform to the practices set forth by the Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principles (GAAP).
- (g) The budget for all capital projects are legally adopted for specific projects using project length budgeting rather than fiscal year based budgeting. The unencumbered appropriated balance for capital projects does not lapse at fiscal year end, rather they lapse at the conclusion of the project. Unencumbered appropriated balances at the conclusion of a capital project are transferred to

the Minor Improvement Fund, the Utility Capital Development Fund, or such other fund as may be specified by the City Council.

- (h) Formal budgetary integration is not employed for the proprietary funds. The City adopts an annual budget as a financial plan for all proprietary funds. These budgets are used in a manner similar to commercial enterprises to determine whether their costs will be recovered or to estimate the amount of subsidy needed from the City, if costs are not meant to be recovered.
- (i) The City shall strive to ensure that the taxpayers receive the full benefit of “qualified” tax-exempt debt issuances and do not subsidize the interest expense of other debt issuers using corporations created by the City on their behalf. Any differential in interest expense to the City between "qualified" and "non-qualified" tax exempt debt status that results from debt issued through corporations established by the City Council will be born by those issuers of debt. The differential will be prorated among the issuers utilizing the corporations based on the amount of debt it issues to total debt issued by all corporation issuers during the calendar year. Any differential in the City's cost shall be calculated by the City's financial advisor based on market conditions on the date of the City sale of debt.
- (j) The budget document shall contain a fund summary sheet(s) that lists all funds, their beginning and ending balances, the anticipated revenues and the appropriated expenses authorized for the fiscal year being appropriated. It being the intent of this requirement that the taxpayer may see all sources and uses of public funds in one section of the budget document.

3.1.2 Long range planning

The City of Abilene shall conduct an annual strategic planning session at the start of the budget process in the early spring. Council shall consider current strategic goals, the adoption of additional goals, the current financial condition of the City, and the impact that current and future operating and capital needs will have on the financial condition of the City for the upcoming fiscal year and four subsequent years thereafter.

3.1.3 Budget reserves and capital project funds

- (a) The City of Abilene shall strive to maintain an unassigned fund balance of twenty-five (25%) percent of General Fund expenditures. A fund balance of less than twenty (20%) percent is cause for concern.
- (b) The City of Abilene shall strive to maintain an unassigned fund balance of twenty-five (25%) percent of Utility Fund expenditures. A fund balance of less than twenty (20%) percent is cause for concern.
- (c) The City of Abilene shall contribute 5% of sales tax receipts to a “Minor Improvement Fund” for general government related capital project purposes. In order to achieve this requirement without impacting the ability to provide essential services, the City shall phase in the contribution over a three-year period. For FY 2022, the contribution shall be 1.66%, for FY 2023 the contribution shall increase an additional 1.67%, and for FY 2024 the contribution shall increase an additional 1.67%.

In the event transferring 5% of sales tax receipts into the Minor Improvement Fund, creates a financial hardship, the Council will be notified and will be asked to provide direction on whether or not to make the required transfer.

- (d) The City of Abilene shall contribute 5% of utility sales to a “Utility Capital Development Fund” for expansion of the utility system to unserved, or underserved areas, and for other business activity related capital needs. In order to achieve this requirement without impacting the ability to provide essential services, the City shall phase in the contribution over a three-year period. For FY 2022, the contribution shall be 1.66%, for FY 2023 the contribution shall increase an additional 1.67%, and for FY 2024 the contribution shall increase an additional 1.67%.

In the event transferring 5% of utility sales into the Utility Capital Development Fund, creates a financial hardship, the Council will be notified and will be asked to provide direction on whether or not to make the required transfer.

3.1.4 Capital Project Budgeting

- (a) The City may consider the use of pay as you go financing by using the Minor Improvement Fund or Utility Capital Development Fund when prudent.
- (b) The City shall schedule bond issues so that an equal principal amount is retired each year over the life of the issuance, thus producing a total debt service

schedule with a declining balance each year. (This does not prohibit the issuance of new debt.)

3.2 Revenue Policies

3.2.1 Revenue diversification

The City of Abilene shall seek ways to reduce its reliance on ad-valorem tax by pursuing and adopting alternative revenue streams as allowed by statute and entrepreneurial endeavors.

3.2.2 Fees and charges

(a) The City of Abilene shall review fee schedules every year through the budget process to ensure that all fees and service charges capture the revenue requirements set forth by the City Council.

(b) Fees and charges should recover direct costs and indirect costs. A cost of service study should be completed at least once every five years.

(c) The City will use the following methodologies to determine fees and charges:

(1) Full-cost and return on investment pricing – under most circumstances, enterprise services should be priced at full cost, including both direct and indirect costs associated with providing the service. A return on investment should also be considered.

(2) Partial-cost pricing – partial-cost pricing is the subsidy of a program or service with tax revenues and it is justified (1) when some of the benefits from the service accrue to the whole community, or (2) the City wants to stimulate demand for the service, or (3) enforcement of full-cost pricing will result in widespread evasion of the fee or charge, or (4) the service is primarily used by low-income households. Council shall determine how much a service should be subsidized, will use the following table to determine the amount of subsidy.

For each question in the table below, if answered in the affirmative, 25 points are assigned. The total points for all questions equals the percent discount off full-cost pricing for the program or service.

Program or Service Subsidy Table	
Question	Weight
Does a substantial portion of the program or service benefit the whole community?	25
Does the City need to stimulate demand for the program or service?	25
Will full cost pricing cause widespread evasion of the program or service?	25
Is the program or service primarily used by low-income households?	25
Percent discount off full-cost pricing =	100%

3.2.3 Use of one-time revenues and other unpredictable revenues

The City of Abilene shall use one-time revenues (gas and oil royalties, cash settlements, etc.) for non-recurring capital purchases. At no time may the funds be used for recurring costs (salaries, dues, etc.), except for cases of emergency, and as authorized by the City Council.

3.3 Expenditure Policies

3.3.1 Current expenditures paid with current revenues

The City of Abilene shall fund current operating expenditures with current operating revenues, approved grants or through the use of fund balance if specifically authorized by the City Council.

3.3.2 Regular financial reporting required

The City Manager, or his or her designee, shall provide a report on the financial conditions of the City of Abilene to the City Council no less frequently than once per quarter.

3.3.3 Department Heads responsible for adherence to the adopted budget

Department Heads are charged with budgetary responsibility for managing the expenditures of their departments. Department heads are expected to manage total expenditures within the limits established by City Council during the budget process for that fiscal year. The department head shall notify the City Manager and Finance Director in writing as soon as possible when it is identified that total expenditures are expected to exceed the authorized limits of the adopted budget.

3.3.4 City Manager empowered to adjust allocations as necessary

The City Manager or his or her designee, is empowered to adjust budget allocations within departments, and from department to department, but is not authorized to increase total budget appropriations within a fund without prior Council approval. The City of Abilene shall only expend funds, regardless of the funding source, if they have been appropriated for expenditure by the City Council.

3.3.5 Number of authorized positions established by the City Council

- (a) The number of authorized full-time positions are established by the City Council during the annual budget process. Part time, seasonal or temporary positions are budgeted not by authorized positions, but by authorized total dollar amounts.
- (b) The City Manager may employ the number of part time, seasonal or temporary employees necessary to perform the required work provided the City Manager does not exceed the total authorized dollar amount. Any increase of full-time positions above the City's authorized workforce must be approved by the City Council.
- (c) The City Manager may reallocate authorized positions between departments, combine positions, or eliminate positions for the purpose of adding new positions or redistributing the workforce without Council approval, provided that the total authorized positions and the total appropriated funds do not exceed the levels approved by the City Council during the annual budget process, or as may otherwise be amended by the City Council.

3.4 Revenues collected in excess of revised budget. (Council Policy Statement 2015-001 – adopted 08/27/2015; Amended by Resolution 55-2019 passed on 03/14/2019)

3.4.1 Purpose

The purpose of this policy is to establish rules governing the use of revenues collected in excess of revised budget amounts for the General Fund in any given fiscal year.

3.4.2 Policy and Procedure

The City shall exercise sound, conservative principles and other recognized best practices when estimating revenues to be collected in any given fiscal year. It is recognized that the use of these principles have historically resulted in the collection of revenues in excess of budgeted amounts, and may continue to do so in the future. For any given fiscal year, it shall be the policy of the City Council of the City of Abilene, Texas that the City shall collect and expense revenue in excess of amounts needed to balance expenditures as follows:

(a) Revenues to be set aside at annual audit

1. The annual audit shall identify revenue in excess of revised budget amounts.
2. Identified revenues shall be set aside in the Minor Improvement Fund for Council's consideration and expended in accordance with an adopted funding program.

(b) Funds to be spent in accordance with an adopted funding program

1. The City Council shall adopt a funding priority list as part of the annual budget process for the upcoming fiscal year. The funding program shall consider unfunded budget requests, additional resources for recurring operating expenses, one-time capital expenditures, dedication of resources for capital replacement funds or other internal service funds.
2. The City Manager shall inform the City Council of the auditor's findings and present a recommended funding program based on Council's adopted funding priority list within 30 days of receiving the final audit. The City Manager may recommend a program that differs from the adopted Council funding priority list if, in the opinion of the City Manager, a business necessity exists.
3. The City Council may authorize the City Manager to expend revenue in excess of revised budget amounts, and in accordance with the City Manager's recommended funding program as amended and adopted by the City Council.

(c) Reserve requirement obligations

1. Nothing in this policy supersedes the City's obligation to maintain

reserve requirements at their adopted levels.

3.5 Pursuing an insurable loss. (Council Policy Statement 2016-002 – adopted 07/14/2016)

3.5.1 Purpose

The purpose of this policy is to establish rules governing whether or not the City will decide to pursue an insurable loss of its municipal infrastructure against a party that may or may not have insurance.

3.5.2 Policy and Procedure

(a) The City Manager, in his or her discretion, is directed by the City Council to pursue remuneration of the full or partial recovery of municipal infrastructure damaged or destroyed by a vehicle, vandalism or any other act or failure to act that causes the damage or destruction, but not including a natural disaster whereby:

1. The party or parties responsible for the damage or destruction is readily known or otherwise ascertainable; and
2. The party or parties responsible for the damage or destruction is insured; or
3. The party or parties responsible for the damage or destruction is not insured or the status of insurance is not known, and the City Manager in consultation with the City Attorney reasonably believes that the legal costs to pursue full or partial recovery of the damaged or destroyed municipal infrastructure is less than the replacement cost of the damaged or destroyed item.

(b) Nothing in this policy limits or otherwise prohibits the City Manager from consulting the City Council and the City Attorney on loss events that are not contemplated in this policy.

3.6 Fleet Replacement (Council Policy Statement 2015-002 – adopted 01/07/2016)

3.6.1 Purpose

The purpose of the fleet replacement policy is to provide exceptional service at the best possible price to the end recipient, the citizen. These replacement guidelines will be used to ensure the citizens the best value for their tax dollars.

3.6.2 Policy and Procedure

a. Equipment and Vehicle Procurement

1. The City shall procure equipment and vehicles in the most productive and cost-effective way including exploring the purchase of used equipment and/or leasing of infrequently needed equipment.
2. The City shall develop standard specifications for equipment and vehicles that maximize the likelihood of receiving multiple bids, rather than narrowing the specifications so that only one equipment or vehicle manufacturer will qualify to submit a bid.

OR

3. The City shall develop standard specifications for equipment and vehicles that maximize the City's ability to qualify only one equipment or vehicle manufacturer as a qualified bidder. It being the express intent of this policy to minimize part and maintenance variations by coalescing equipment and vehicle manufacturers through vehicle standardization across the fleet.

b. Equipment and Vehicle Replacement

1. The City shall use a scoring process to determine equipment or vehicle replacement eligibility. Final determination on whether or not to replace a piece of equipment or a vehicle, is at the discretion of the City Manager.
2. The City shall assign one point to each of the following criteria when the minimum requirements for the individual criterion is achieved:

CRITERION	MINIMUM REQUIREMENT
Useful Life	As defined on the Life Expectancy Table.
Miles/Hours	As defined on the Life Expectancy Table.
Maintenance Costs	Total maintenance cost equates to 75% of purchase price, or vehicle is out for maintenance more than 25% of total available operating hours in the past 12 months.
Fleet Determination	Fleet Maintenance makes a recommendation for replacement or not based on the totality of the circumstances.

3. Unless as otherwise determined by the City Manager, a vehicle must score 3 or more points to be eligible for replacement. Eligibility for replacement does not guarantee replacement, as replacement is

determined based on the totality of the circumstances, priorities of the City, and the availability of funds.

3.6.3 Life Expectancy Table

ASSET CLASS	USEFUL LIFE	MILES/HOURS
Light Duty Vehicles	10 years	125,000 miles
Police Patrol Vehicles	7 years	15,000 hours
Police Motorcycles	10 years	60,000 miles
Heavy Duty Vehicles (single axle)	12 years	125,000 miles
Heavy Duty Vehicles (tandem axle)	12 years	150,000 miles
Refuse Trucks (Front and Side Loader)	7 years	10,000 hours
Refuse Trucks (Rear Loaders)	10 years	14,000 hours
Refuse Trucks (roll off)	12 years	200,000 miles
Sewer (flushing) Trucks	10 years	100,000 miles
Bucket Trucks	12 years	125,000 miles
Street Sweepers	7 years	10,000 hours
Knuckle Boom Trucks	12 years	10,000 hours
Small Riding Equipment Small Tractors Out Front Mowers	15 years	1,800 hours
Motorgraders Tracked Equipment Backhoes Loaders	15 years	8,000 hours
Other Heavy Equipment (2-ton +) Tractor Mowers Diesel Zero Turn Mowers Trenchers Scrapers Compaction Equipment	15 years	5,000 hours
Forklifts	30 years	7,500 hours
ATV's, Side-by-Sides	10 years	5,000 hours
Fire Apparatus (front line)	15 years	N/A
Fire Apparatus (reserve)	5 years	N/A

Article IV – Development Incentives

- 4.1 It is the policy of the City of Abilene that private development should bear the cost of its development. However, it is also recognized that certain undeveloped parcels in the city limits are undeveloped because the cost of developing them exceed a reasonable rate of return for private investment, or there is some other barrier or defect to the property that has curtailed development or redevelopment of an otherwise viable tract.

In these instances, the City Manager is authorized to negotiate economic development incentives utilizing the incentives authorized in this Article IV – Development Incentives provided that the following conditions are met:

- (a) The entire tract considered for development incentives is in the city limits, or will be in the city limits as a result of the agreement negotiated to receive the incentives, and;
- (b) The development is significant in terms of capital investment, job creation, single family lot creation, redevelopment of blighted areas, or of community interest. In general, the City Manager is left to his or her own discretion on what constitutes significant, it being the requirement of every development agreement to be approved by the City Council, unless otherwise authorized by the City Council, and;
- (c) The City’s participation in any development project should generally be limited to off-site improvements, or non-utility eligible project enhancements where applicable and appropriate for the incentive being considered. Unless otherwise defined in State statute, an eligible project is any legally available participation opportunity between the City and a private developer.

- 4.2 Use of Pro-Rata for promoting residential development (Council Policy Statement 2016-001 adopted – 01/14/2016)

4.2.1 Purpose

The purpose of this policy is to establish rules and guidelines governing the use of the City’s pro-rata program as authorized by Section 32-117 of the City’s Code of Ordinances for the purpose of promoting and encouraging the development of residential subdivisions.

4.2.2 Policy and Procedure

- (a) The City Manager is authorized to negotiate Development Agreements with private developers that expend funds held in the City's pro-rata fund for water and sewer utility related public improvements subject to the parameters and conditions set forth below:
 - 1. The proposed residential development must create at least 200 additional new single-family detached dwellings at the completion of all development phases.
 - 2. The proposed residential developer is required to pay the City a pro-rata payment for the total cost of the public improvements contemplated under the Development Agreement, on a pro-rata basis by development phase. The residential developer is responsible for the total cost of hiring a Texas Licensed Professional Engineer to design the onsite and offsite public improvements, and those costs shall not be paid from the pro rata fund.
 - 3. The total number of development phases contemplated for the residential development shall be minimized so that the required pro-rata payment is maximized over the shortest time period allowable under prevailing market conditions.
- (b) The City Manager is authorized to use the provisions set forth in this policy statement for in-fill development, and may negotiate Development Agreements for the use of pro-rata funds on infill development and redevelopment projects in established neighborhoods regardless of the total number of new single-family detached dwellings created.
- (c) All Development Agreements authorized and negotiated under this policy statement are subject to the approval of the City Council, and shall not result in the establishment of an impact fee as defined in applicable State statute.
- (d) This policy does not circumvent or amend any requirements of the City's code of ordinances or land development code or other applicable laws.
- (e) This policy does not require the City Manager to negotiate Development Agreements with any private developer, but allows the City Manager to do so in his sole discretion.

4.3 Chapter 380 Agreements

4.3.1 Program established

The City Council created a Chapter 380 Economic Development Program in accordance with Article III, 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code by adopting Resolution 49-2016 on April 14, 2016.

4.3.2 Program Requirements and Incentives Offered

- (a) The City Council will consider Chapter 380 economic development program agreements on a case-by-case basis, and reserves the right to deny an agreement, or a request for an agreement.
- (b) The City Manager is authorized to negotiate Chapter 380 economic development program agreements subject to final approval by the City Council that may contain the following:
 - 1. The City of Abilene may make monetary loans or grants of public money, and provide personnel and services of the City of Abilene, to businesses, developers, and other commercial and residential ventures that the City Council determines will promote state and local economic development and stimulate business and commercial activity in the City of Abilene.
 - 2. A business, developer or other entity is required to make specific public infrastructure improvements that serve the public's interest and meet a public purpose as determined by the City Council.
 - 3. The City of Abilene must be able to cease/and or recapture payment of the economic development incentive or to otherwise terminate the economic development agreement in the event the public purpose is not carried out.
 - 4. Economic development incentives paid out under this program will be on a reimbursement basis.

4.4 Neighborhood Empowerment Zones

4.4.1 Zones Established.

The City has established Abilene Neighborhood Empowerment Zone No. 1 pursuant to Chapter 378 of the Texas Local Government Code through Resolutions

78-2018 on May 10, 2018 and may establish additional zones through the same or similar resolutions.

4.4.2 Program Requirements and Incentives Offered

The City Manager or his or her designee is authorized to negotiate agreements offering the following enumerated incentives, provided that any agreement using incentives authorized and set forth below must be approved by the City Council:

- (a) The City may enter into agreements for a period of not more than ten (10) years, for the purpose of benefiting the zone, refunds of municipal sales tax on sales made within the zone.
- (b) The City may enter into agreements abating municipal property taxes on property within the Zone subject to Chapter 312 of the Texas Tax Code and the City's Tax Abatement Policy.
- (c) The City may set minimum code requirements to encourage the use of alternative building materials that address building costs, maintenance and energy consumption.
- (d) The City may participate up to 50% of the cost of water or sewer line extensions necessary to serve property being developed within the Zone.
- (e) The City may choose to authorize these incentives through a Chapter 380 Economic Development Agreement.
Pursuant to Resolution 78-2018, the City Manager is authorized to offer the following incentives without further Council approval:
- (f) Waive or reduce fees related to the construction or remodel of buildings in the Zone.
- (g) Provide roll-off containers and the associated charges at the City's actual cost.
- (h) Waive or reduce water and sewer tap fees.
- (i) Waive or reduce zoning application fees.

4.5 Tax Increment Financing

4.5.1 Tax Increment Reinvestment Zones Established

The City of Abilene in the sole discretion of the City Council, may establish Tax Increment Reinvestment Zones as contemplated in Chapter 311 of the Texas Tax Code.

4.5.2 Maximum Tax Revenue Available

For Tax Increment Reinvestment Zones (TIRZ) created on or after January 1, 2021, the maximum amount of tax revenue available for the TIRZ is 50% of the tax revenue that is attributable to increased property values brought about by improvements within the reinvestment zone. The remaining 50% is retained by the City for general purposes.

The tax revenue available to a TIRZ created before January 1, 2021 is limited to the amounts authorized in the enabling legislation for that Zone, or as may otherwise be amended pursuant to Chapter 311 of the Texas Tax Code.

4.5.3 Projects of an Exceptional Nature

Projects of an exceptional nature, as determined by the City Council in its sole discretion and authority, may be eligible for tax revenues greater than 50%, but no greater than 75% of the tax revenue that is attributable to increased property values brought about by improvements within the reinvestment zone.

4.6 Public Improvement Districts

4.6.1 Purpose

The purpose of this policy is to establish rules that govern the City's use of Public Improvement Districts (PID) as authorized by Chapter 372 of the Texas Local Government Code.

4.6.2 Policy and Procedure

(a) It is the policy of the City of Abilene (the "City") to pursue public/private partnerships through the use of Public Improvement Districts, where and when appropriate as negotiated by the City Manager, and approved by the City Council.

(b) Nothing in this policy statement should be perceived as a promise, or commitment to approve the use of a Public Improvement District (PID), and

the City of Abilene reserves the right to deny the creation of a PID as set forth in Section 372.010 of the Texas Local Government Code that it finds unadvisable.

4.6.3 Parameters for the Creation of a Public Improvement District

- (a) The Developer is required to escrow money for professional costs for financial and legal review of the proposed PID and related finance plan by the City, and the City's agents.
- (b) Before the City will create a PID, the Developer and the City must have a fully negotiated and executed Development Agreement.
- (c) The City will only consider a reimbursement PID, with debt financing occurring only after all improvements are in the ground and PID revenues have been collected and reimbursed to the Developer for a period of two years.
- (d) The City will only consider a PID financing plan with a minimum 3:1 value to lien.
- (e) The City will not allow financing of right of way.
- (f) The City will only consider PID terms of a maximum of 20 years.
- (g) The City will not consider PID financing with increasing assessments over the life of the bonds, assessments must be approximately equal on an annual basis.
- (h) The issuance of PID bonds, if any, must be approved the Attorney General of the State of Texas.

Article V – Community Support Policies

5.1 City Sponsored Events (Council Policy Statement 2016-003 – adopted 09/22/2016)

5.1.1 Purpose

The purpose of this policy is to identify which special events will receive financial or in-kind benefits from the City of Abilene.

5.1.2 Policy and Procedure

- (a) The following special events are of a character or nature that benefits the entire community, provides substantial economic impact, or are of a significant cultural importance to warrant financial or in-kind benefits:

SPONSORED EVENT	SPONSORSHIP TYPES	SPONSORED EVENT	SPONSORSHIP TYPES
Abilene Chamber Event	1, 2	March of Dimes Walk	5
ARN 20 under 40	1, 2	McMurry Homecoming	3
ACU Fireworks	3	MLK Banquet	1, 2
Balloon Fest	5	MLK March	1, 2, 3
Barrio Sancudo Reunion	1, 2, 4, 5, 6, 7	NICCL Events	1, 5, 8
CALF Festival	1, 2, 5, 8, 9	Neighborhood Cleanups	5, 9, 10, 11
Christmas Lights Parade	1, 5, 8, 9	Special Olympics	1, 2, 3, 11
Claudia Royals Day	1, 2	SSLC - Bocce Ball	3
Dyess AFB Special Events	1, 2, 3	Texas Mission of Mercy	1, 2, 3
Fourth of July Fireworks	1, 2, 3, 5, 8, 9	United Way Events	1, 2, 5, 8, 11
Fourth of July Parade	1, 3, 5, 8, 9	VA – Operation Thanksgiving	1, 2
Freedom Festival	8	Veteran’s Day Parade	1, 3, 5, 8, 9
Fun Run	5	West Texas Fair	5, 9
HEB Feast of Sharing	1, 2, 3, 5	West Texas Fair Parade	1, 5, 8, 9
High School Rodeo	5	Western Heritage Classic	5
Juneteenth	1, 2, 4, 5, 6, 7	Western Heritage Rodeo	1, 2, 9
KEAN Cruise Walk	5	World’s Largest BBQ	3, 5
LULAC Tournament	1, 2, 5		

- (b) The City of Abilene offers the following sponsorship types:

1. Permit fees are waived
2. Venue rental fees are waived
3. Event specific Police and Fire services are provided free of charge

4. Port-a-lets
 5. Solid waste services
 6. Temporary outdoor lighting
 7. Electrical generation
 8. Traffic Control
 9. Street Sweeping
 10. Promotion and Advertising
 11. City labor as authorized by the City Manager
- (c) The City Manager is authorized to approve free, or reduced cost solid waste services to neighborhood associations to assist with City coordinated neighborhood cleanups.
- (d) Nothing in this policy limits or otherwise prohibits the City Manager from denying a request for event sponsorship. If in the opinion of the City Manager, an event listed on this sponsorship list is making an unreasonable request of City resources, the City Manager may deny that request. Any denial by the City Manager may be appealed to the City Council if written notice of appeal is submitted to the City Manager at least 30 days prior to the event.
- (e) The City Manager is authorized to extend city sponsorship types to new special events upon the written request of the event organizer. Said requests must be submitted at least 90 days prior to the event. The City Manager shall accept or reject the request in writing within 30 days of receiving the written request from the event organizer. Any denial by the City Manager may be appealed to the City Council if written notice of appeal is submitted to the City Manager at least 30 days prior to the event.

Article VI – Administrative Policies

6.1 The City Manager is hereby directed to create a Purchasing Manual for the City and to see that it is properly administered.

6.1.1 Local Preference for Bidders (Council Policy Statement 2017-001 – adopted 05/11/2017)

(a) Purpose

The purpose of this policy is to establish rules governing the applicability of local preference points as authorized in the Texas Local Government Code Chapter 271.905 and 271.9051, and to promulgate the same.

6.1.2 Policy and Procedure

(a) It is the policy of the City of Abilene (the “City”) to use local vendors whenever possible for the purchase of the goods and services required by the City.

(b) It is the policy of the City to place an affirmative duty on City departments to grant a preference to local vendors to the fullest extent allowed by law, unless so doing would be contrary to the best interests of the City.

(c) Nothing in this Council Policy Statement prohibits the City from rejecting any and all bids.

6.1.3 Definitions

The words and phrases in this section and used in this policy statement have the following meaning:

Bid means a response to a procurement for goods or non-professional services awarded solely on the basis of price.

Bidder means a responsible person or business entity that submits a responsive bid.

City Manager means the City Manager of the City of Abilene, Texas or his or her designee.

Headquartered means the place where a business entity’s officers direct, control and coordinate the entity’s activities.

Joint Venture means a collaboration of for-profit business entities, in response to a solicitation, wherein two or more independently owned and controlled business

firms form a third business entity solely for the purposes of undertaking the completion of a given contract awarded through the solicitation.

Local vendor means a for-profit business with a principal place of business within the city limits.

Principal Place of Business means a business headquartered for one year or more, or having an established place of business for one year or more in the city limits of the City and from which full-time employees are regularly-based and perform substantial and commercially useful functions for the business.

6.1.4 Purchases of Personal Property

- (a) For contracts for personal property not affixed to real property, if the City receives one or more bids from a bidder that is a local vendor and whose bid is within three (3%) percent of the lowest bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract with the bidder that is a local vendor. (Texas Local Government Code § 271.905)
- (b) In addition, contracts for personal property not affixed to real property that are submitted by a local vendor are eligible to receive a bid award if their bid is within five (5%) percent of the lowest bid received by the City from a bidder who is not a local vendor. This five (5%) local preference is not cumulative of, but is in the alternative of, the three (3%) percent authorized above, and it is only allowed if the total contract award is under \$500,000. (Texas Local Government Code § 271.9051)
- (c) When a bidder is a joint venture, each joint venture partner must meet the definition of a local vendor to be eligible for the preferences authorized above.
- (d) In determining whether or not to award the bid to the bidder that is a local vendor through the three (3%) percent or five (5%) percent local preference, the City Council must determine in writing the following: “the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City.” Such determination shall be recommended by the City Manager, and confirmed by the City Council by affirmative vote of the City Manager’s recommendation.

6.1.5 Purchases of Non-Professional Services

- (a) For non-professional service contracts under five hundred thousand dollars

(\$500,000), excluding construction services, if the City receives one or more competitive sealed bids from a bidder that is a local vendor and whose bid is within five (5%) percent of the lowest competitive sealed bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract that requires an expenditure of under five hundred thousand dollars (\$500,000) with the bidder that is a local vendor. (Texas Local Government Code § 271.9051)

- (b) For a contract for construction services under one hundred thousand dollars (\$100,000), if the City receives one or more competitive sealed bids from a bidder that is a local vendor and whose bid is within five (5%) percent of the lowest competitive sealed bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract that requires an expenditure of less than one hundred thousand dollars (\$100,000) with the bidder that is a local vendor. (Texas Local Government Code § 271.9051)
- (c) When a bidder is a joint venture, each joint venture partner must meet the definition of a local vendor to be eligible for the preference authorized above.
- (d) In determining whether or not to award the bid to the bidder that is a local vendor through the five (5%) percent local preference, the City Council must determine in writing the following: “the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City.” Such determination shall be recommended by the City Manager, and confirmed by the City Council by affirmative vote of the City Manager’s recommendation.

6.1.6 Purchases for Professional Services; Revenue and Concession Contracts

- (a) In procuring professional services under the Professional Services Procurement Act, Government Code § 2254.004, the City Manager may award up to five (5%) percent of the total available points to a respondent based upon the knowledge of, and experience regarding local conditions as part of the qualifications determination.
- (b) In procuring other professional services not governed by statute, revenue and concession contracts, the City Manager may award up to five (5%) percent of the total available points to a respondent that is a local vendor headquartered within the city limits of the City, or up to three (3%) percent of the total available points to a respondent that is a local vendor not headquartered within the city limits of the City.
- (c) When a respondent is a joint venture, at least one joint venture partner must meet the definition of a local vendor to be eligible for the point awards

authorized above.

6.1.7 Additional Provisions

- (a) If two or more bidders have bids that are identical in nature and amount, with one bidder being a resident of the City and the other bidder or bidders being non-residents, the City Council must select the resident bidder. (Local Government Code § 271.901(b))
- (b) The City must give local preference to a local vendor if there are out-of-state bidders that have bid on the contract and the out-of-state bidder or manufacturer is located in a state that discriminates against out-of-state bidders in its bid awards in favor of local bidders. (Government Code § 2252.001 et seq.)

6.1.8 Exceptions to this policy

- (a) This policy does not apply to any contract funded in whole or in part by the federal government or where the City acts as a conduit for federal money.
- (b) This policy does not apply to any contract where the City Manager or City Council fail to determine that that it would be in the City's best interest to award local preferences.
- (c) This policy does not apply to any contract procured through a "best value" procurement method or other Alternative Delivery methods as authorized by the Government Code and Local Government Code.
- (d) Per Texas Local Government Code § 271.9051, this policy does not apply to the purchase of telecommunication services and information services, as defined by 47 U.S.C.A § 153.

6.1.9 Reference chart for local preference for bidders

Local preference may be awarded up to the following maximum percentages			
Description	Under \$100,000	\$100,000 to under \$500,000	\$500,000 or more.
Personal Property	5%	5%	3%
Construction Services	5%	N/A	N/A
Non-professional Services	5%	5%	N/A

- 6.2 The City Manager is hereby directed to create an Employee Policy Manual for the City and to see that it is properly administered.

6.3 Ninety Percent Live Release Rate (Council Policy Statement 2019-001 – adopted March 28, 2019)

6.3.1 Purpose

The purpose of this policy is to publicly declare the intention of the City Council to operate the Abilene Animal Shelter as a 90% Live Release Rate facility.

6.3.2 Policy and Procedure

- (a) It is the policy of the City of Abilene (the “City”) to operate the Abilene Animal Shelter in a manner that will achieve a 90% live release rate for all companion animals by end of calendar year 2027.
- (b) For calendar year 2018, canines had a live release rate of 67.28%. For the same period, felines had a live release rate of 33.50%. The live release rate for all companion animals for calendar year 2018 was 55.90%. The City’s live release rate for all companion animals has increased 28.97% between 2013 and 2018. Euthanasia is down 44% over the same period.
- (c) In order to build upon this positive trend, the City seeks to utilize best practices in shelter management, shelter medicine, community outreach and adoption activities, and shelter operations and services to achieve the 90% live release rate for all companion animals.
- (d) In addition to these four areas of work, the City will actively pursue the design and construction of a new animal shelter, and will work with private foundations and private donations to seek cooperative public-private funding opportunities.

6.4 COVID-19 Reporting Requirements (Council Policy Statement 2020-001 – Adopted July 23, 2020)

6.4.1 Purpose

The purpose of this policy is to establish rules that govern what the City reports and does not report on a daily basis regarding the COVID-19 Pandemic.

6.4.2 Policy and Procedure

- (a) It is the policy of the City of Abilene (the “City”) to be transparent with all information concerning the COVID-19 response, and to report information as accurately and timely as possible without releasing the names, or other personal identifying information of COVID-19 positives.

- (b) It is the policy of the City to designate and only report Molecular PCR test results as the official number of COVID-19 cases in Abilene.
- (c) It is the policy of the City to designate and only report Antigen test results as probable COVID-19 cases, until otherwise directed by the Department of State Health Services, and only then in conjunction with the State of Texas doing the same.

6.4.3 Reportable Information

- (a) The City shall report the following information daily:
 - 1. Total Test Results
 - 2. Total Positives (*Molecular PCR only*)
 - 3. Total Probable Cases (*Antigen*)
 - 4. Total Negatives
 - 5. Total Active Cases
 - 6. Total Recovered
 - 7. Total Deaths
 - 8. Average Age of Death
 - 9. Average Age of Hospitalization
 - 10. Total Hospitalizations – In County
 - 11. Total Hospitalizations – Out of County
- (b) The City Manager will report the information in a format that is easy to understand.
- (c) State or federally mandated reporting requirement changes will be implemented as required by law, and Council will be informed of the reporting requirement changes within two business days.

6.5 Organizational Structure

6.5.1 Purpose

The purpose of this policy is to set forth the organizational structure of the City as required by Section 53 of the City Charter.

6.5.2 Policy and Procedure

- (a) The City of Abilene shall be composed of the following departments, each of which are under the control and direction of the City Manager, unless otherwise provided in the City Charter.

1. Finance
2. Fire
3. General Government
4. Human Resources
5. Information Technology
6. Library Services
7. Parks and Recreation (Community Services)
8. Planning & Development Services
9. Police
10. Public Health
11. Public Works
12. Transportation Services
13. Water Utilities

Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on adopting and ratifying the City's Governing Principles, Rules of Procedure, and Council Policies.



The document before the Council contains the principles and policies that the Council has directed the City Manager to use in the administration of the City.

The intent of this resolution is to formally adopt these principles and policies in a single document for ease of administration and implementation.



The document contains the following information:

1. Governing Principles
2. Rules of Procedure
3. Financial Policies
4. Development Incentives
5. Community Support Policies
6. Administrative Policies



As new policies are adopted by the City Council, this document will be amended and updated by resolution of the City Council.

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: 8. Discussion: Receive a Report and Hold a Discussion and Public Hearing on Recycling in Abilene, TX (*Michael Rice*)

GENERAL INFORMATION

The City of Abilene's contractor for receiving and processing of Cardboard and Paper products has placed the City of Abilene on Notice they will no longer be able to provide this service after Jan. 31, 2021. This information has a large impact on Abilene's current recycling services provided to the public. This discussion is needed to determine the council's desire for Abilene's recycling program in the future.

SPECIAL CONSIDERATIONS

Wayne Lanham, Owner of Texas Metals and Recycling, will be present to answer questions from the City Council.

FUNDING/FISCAL IMPACT

The City of Abilene has contracted with Texas Metals and Recycling since September of 2019 for the recycling of cardboard and paper. This contract subsidizes the cost for cardboard and paper recycling by \$20 per ton for cardboard and paper delivered by the City of Abilene to the Texas Metals and Recycling facility.

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Cardboard Recycling Discussion

City Council Meeting

Discussion on Recycling in Abilene, Texas





**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **9. Ordinance (Final Reading) Z-2020-22: Receive a Report and Hold a Discussion and Public Hearing on a request from Mobile Home Concepts, LLC to rezone property from a combination of Manufactured/Mobile Home (MH) and General Commercial (GC) to Planned Development (PD) District allowing occupancy by recreational vehicles and vacation travel trailers as well as mobile and manufactured homes on property at 6101 South 7th Street in western Abilene (Mike Warrix)**

GENERAL INFORMATION

The applicant is requesting to rezone from Manufactured/Mobile Home (MH) and General Commercial (GC) to a Planned Development (PD) District allowing occupancy by recreational vehicles and vacation travel trailers as well as mobile and manufactured homes on property.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 5-0.

ATTACHMENTS:

1. PD 168 Council Ordinance
2. Z-2020-22 Council Staff Report full
3. Z-2020-22 Council Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD 168, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING the 17th day of December, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18rd day of November, 2020, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 14th day of January, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 14th day of January, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: from Agricultural Open Space (AO) to PD (Planned Development) District.

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description. The legal description of this PD is as follows: All of Lot 1 in Block 1 of a Replat of Section 1, Westglen Addition in Abilene, Taylor County, Texas.



Location:
6101 S. 7th Street

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow occupancy by Manufactured/Mobile Homes and Recreational Vehicles and Vacation Travel trailers on property.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

- The eastern 200 feet to be reserved for manufactured/mobile homes only

Except as otherwise specified in and allowed by this ordinance, the use and development of this subject property shall be governed by regulations applicable to the Manufactured/Mobile Home (MH) District zoning classification.

**6101 S 7th St
Abilene, TX 79605
(325) 672-7785**

Page 195 of 347

ZONING CASE Z-2020-22

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Mobile Home Concepts, LLC

HEARING DATES:

P & Z Commission: December 1, 2020

City Council 1st Reading: December 17, 2020

City Council 2nd Reading: January 14, 2021

LOCATION:

- 6101 S. 7th Street
- Legal description (s): all of Lot 1 in Block 1 of a Replat of Section 1, Westglen Addition in Abilene, Taylor County, Texas.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone a 17.5 acre tract from Manufactured/Mobile Home (MH) and General Commercial (GC) to Planned Development District 168 (PD 168) to allow recreational vehicles, vacation travel trailers, and manufactured homes.

APPLICATION REVIEW:

Pursuant to Section 1.4.1.4, Criteria for Approval, of the Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council may consider the following factors:

- (1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a “local community center.” The intent of local community centers is to provide neighboring residential districts with a mixture of supermarkets, retail stores, service shops, churches, and parks within a walkable distance. Higher-density housing and retail centers typically surround local community centers. Permitting a mixture of both manufactured/mobile homes and vacation travel trailers would be consistent with the characteristics of higher density housing and consistent with the Future Land Use and Development Plan map.

- (2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

The subject property has been predominately vacant for several years. There is a property zoned Planned Development (PD 95) located just northwest that permits both manufactured/mobile homes and vacation travel trailers. It is the opinion of staff that the proposed PD zoning is appropriate in the immediate area.

	Zoning	Existing Land Use
North	AO	Vacant land
South	RS-6	Single-family residential
East	MD	Duplex residences
West	GC	Retail and Fuel Sales

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

The subject property is served with the necessary utilities and is located along an existing arterial street (S. 7th St.).

(4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

It is the opinion of the staff that there are no other factors, which would substantially affect the public health, safety, morals, or general welfare.

STAFF COMMENTS: If approved, PD 168 will be subject to all requirements within the Land Development Code regarding Section 2; Article 3; Division 2. Chapter 10 (Section 2.3.2.10 Manufactured/Mobile Home District requirements and Section 4; Article 2; Division 11 (Section 4.2.11) regarding vacation travel trailer/recreational vehicle parks except for 4.2.11.1; c) site location. A site plan must also be approved before any building permits are granted.

STAFF RECOMMENDATION:

This request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) in the Land Development Code. Staff recommends approval with the following condition:

- The eastern 200 feet to be reserved for only manufactured/mobile homes to protect the character of the adjacent medium density neighborhood.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval by a vote of five (5) to zero (0) on December 1, 2020.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
ADRIAN DAVID M & KATHERINE	728 CHAPARRAL CR	In Favor
ADRIAN DAVID M & KATHERINE	726 CHAPARRAL CR	
ADRIAN DAVID M & KATHERINE Y	712 CHAPARRAL CR	
ADRIAN DAVID M & KATHERINE Y	710 CHAPARRAL CR	
ALLSUPS CONVENIENCE STORE	765 VETERANS DR	
ARNOLD GERALD M	6009 PUEBLO DR	
BEALL FRED	761 ARNOLD BL	
BLK GOLD LTD PTSH	742 CHAPARRAL CR	
BLK GOLD LTD PTSH	744 CHAPARRAL CR	
BLK GOLD LTD PTSH	741 CHAPARRAL CR	
BLK GOLD LTD PTSH	743 CHAPARRAL CR	
BRACKETT JOHN A	718 CHAPARRAL CR	
BRACKETT JOHN A	720 CHAPARRAL CR	
CHURCH OF GOD OF PROPHECY	6110 S 7TH ST	
CHURCH OF GOD OF PROPHECY	6102 S 7TH ST	
COKER LORRIE & TRAVIS	6202 S 7TH ST	
CORPIAN GARY LEE & MARILU	769 ARNOLD BL	
DAVIS JOE E	6126 S 7TH ST	
ENGBERG WILLIAM DEREK	704 CHAPARRAL CR	
ENGBERG WILLIAM DEREK	702 CHAPARRAL CR	
ENGBERG WILLIAM DEREK	736 CHAPARRAL CR	
ENGBERG WILLIAM DEREK	734 CHAPARRAL CR	
FILLMON BRENDA J	818 BAKER ST	
G LAUGHLIN PARTNERS	6150 S 7TH ST	
HANTMAN JOSEPH		
JACQUES DANILE A & LINDA M	6118 S 7TH ST	
KOREAN METHODIST CHURCH	6024 S 7TH ST	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 94	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 47	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 1	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 20	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 33	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 15	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 41	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 8	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 13	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 90	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 104	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 61	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 73	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 45	
MOBILE HOME CONCEPTS LLC	6101 S 7TH ST TRLR 12	
SKINNYS INC	733 ARNOLD BL	
SKINNYS INC	6267 S 7TH ST	
SKINNYS INC	6265 S 7TH ST	
TCR REALTY	6263 S 7TH ST	
TEST TERRY E	743 ARNOLD BL	
TEST TERRY E	741 ARNOLD BL	
TEST TERRY E	749 ARNOLD BL	
TEST TERRY E	755 ARNOLD BL	
VFW POST #6873	825 VETERANS DR	In Favor
VFW POST #6873	6249 PUEBLO DR	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

- ☐ Conditional Use ☐ Easement Release ☐ Rezoning ☐ Other
☒ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
 Other: _____

Project Name: WESTGLEN MOBILE HOME AND RV PARK
 Address: 6101 S 7th Street No. of lots: 127 Acreage: 17.53
 Legal Description: WESTGLEN ADDN, block 1 Sec 1, Lot 1 & 2
 Subdivision Name: Westglen ADDN Block: 1 Sec 1 Lot: 1 & 2
 Current Zoning: MH Proposed Zoning (if applicable): PD

OWNER AND AUTHORIZATION

Owner Name: Mobile Home Concepts LLC
 Address: 4742 DERRICK DR
 City, State, Zip: ABILENE Fax: 325 455 1489
 Phone: 325 672 7785 Email: bo@mobilehomeconcepts.com

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) _____ will act as my agent before the Planning and Zoning Commission.

Agent Name: _____
 Address: _____
 City, State, Zip: _____ Fax: _____
 Phone: _____ Email: _____

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: [Signature] Date: Oct 2, 2020

FOR OFFICE USE ONLY

Received: 10/5/2020 Fee: \$ 2000. Receipt No.: ADD1055686
 Case No.: _____ Reviewed By: NICK WATTS



Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Gentlemen,

We kindly request that zoning will be changed to allow us place RV's along with Mobile Homes.

Currently there are 6 Mobile homes in the park located on spaces 15, 28/29/30, 47/48/49, 45, 93/4, 119/120. Remaining spaces we would like to be able place RV's along with the Mobile Homes.
(Maps Attached)



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

A handwritten signature in black ink, appearing to read "Thomas S. Hoff", written over a horizontal line.

DATE: _____

Oct 2, 2020

**6101 S 7th St
Abilene, TX 79605
(325) 672-7785**

PUEBLO ST

Page 203 of 347



ADRIAN DAVID M & KATHERINE
1626 PALMA PLZ
AUSTIN, TX 78703-3453

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-22

11/20/2020

The Planning and Zoning Commission will hold a public hearing on **December 1, 2020 at 1:30 PM**, in **City Council Chambers, 2nd Floor**, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Mobile Home Concepts, LLC to rezone property from a combination of Manufactured/Mobile Home (MH) and General Commercial (GC) to Planned Development (PD) District allowing occupancy by recreational vehicles and vacation travel trailers as well as mobile and manufactured homes on property at 6101 South 7th Street in western Abilene. Legal description being all of Lot 1 in Block 1 of a Replat of Section 1, Westglen Addition in Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **January 14, 2021 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Nick Watts Planner I at (325) 437-4585 or nick.watts@abilenetx.gov

For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

NOV 30 AM 11:49

CASE #: Z-2020-22

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: ADRIAN DAVID M & KATHERINE
Address: 726 CHAPARRAL CR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ *if* I am opposed ☐
Additional Comments:

Signature: *ADrian David M*

THEY PUT UP A TALL PRIVACY FENCE, PLEASE

PLANNING & ZONING COMMISSION

Call (325) 676-6237 if you have any questions about this notice.

2

Our position on the above request by detaching this sheet at the dotted line and returning it to the address below. Additional sheets if needed. You may also email your position to the email address listed below. All correspondence name and address.

Name: VFW POST #6873

Address: 825 VETERANS DR

Planning and Development Services

P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

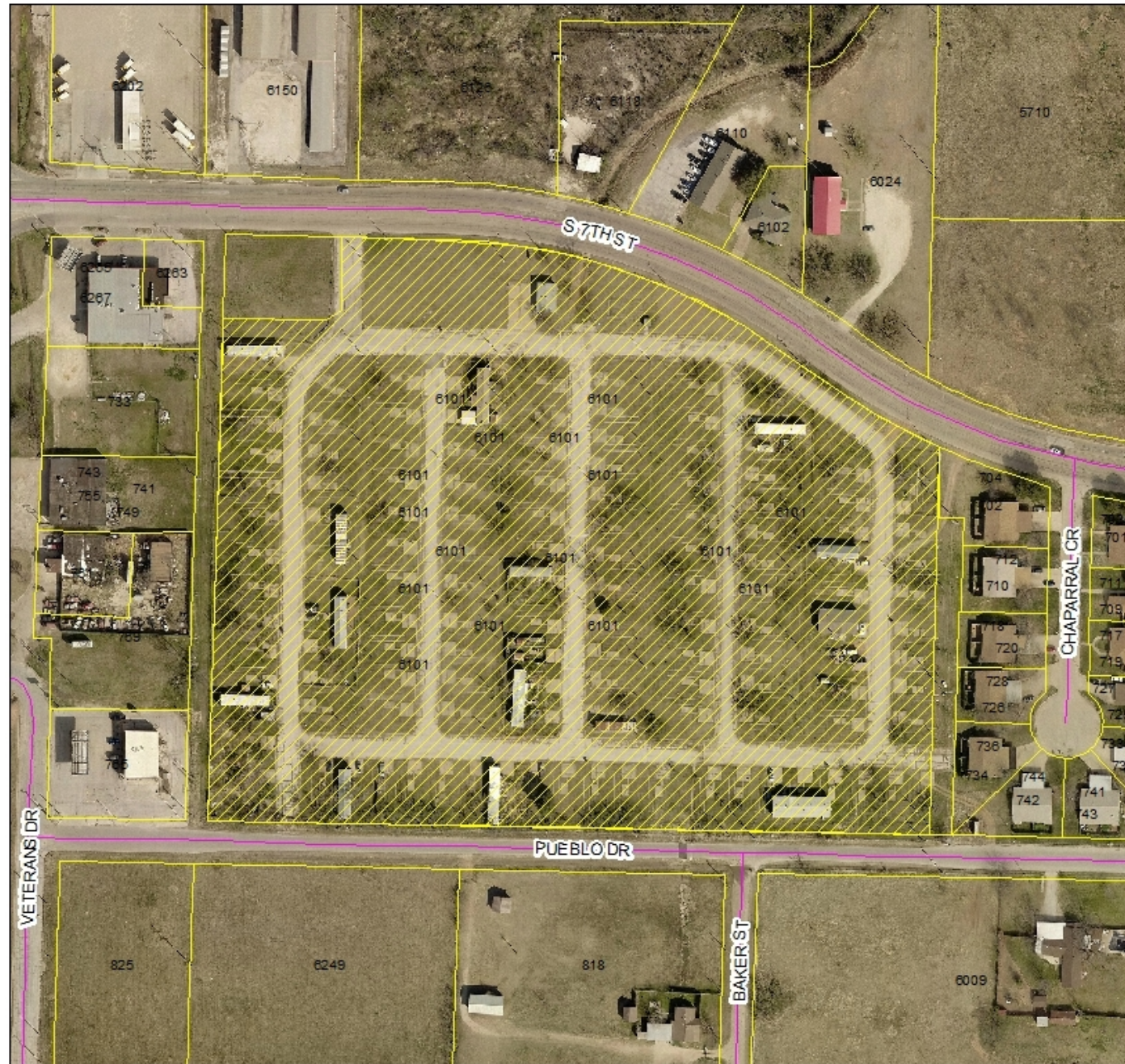
☒ I am opposed ☐

Signature:

Richard A. Marchant
ADJUTANT / Quartermaster

NOV 25 AM 11:07

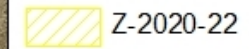
Case:	Z-2020-22
Owner:	Mobile Home Concepts, LLC
Request:	Rezone from MH and GC to PDD
Legal Description:	Lot 1 in Block 1 of a Replat of Section 1, Westglen Addition in Abilene, Taylor County, Texas. Located at 6101 South 7 th Street
Notification:	2 in Favor, 0 Opposed
Planning & Zoning Recommendation:	Approval



Location Map

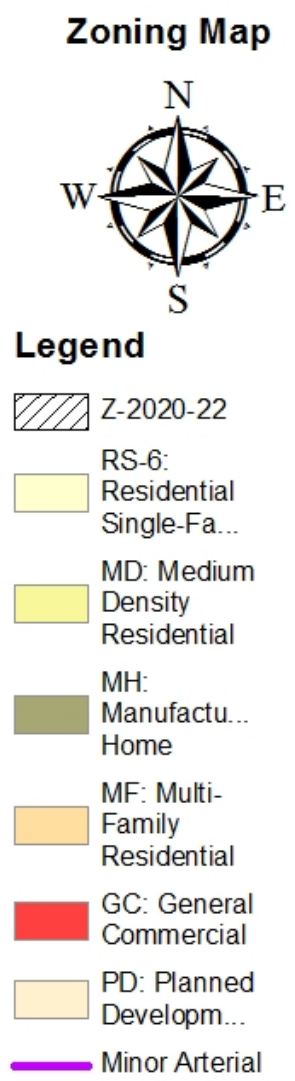


Legend



Z-2020-22

Z-2020-22 ZONING MAP



Z-2020-22 FLOOD ZONE MAP





MANUFACTURED/MOBILE HOME PERMITTED USES

RESIDENTIAL USES:

- P Dwelling – Industrialized Housing Unit
- P Dwelling – Manufactured Home (HUD-Code)
- P Dwelling – Mobile Home
- P Dwelling – Single-Family Detached

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Day Care Operation – Home-Based
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (temporary security residence)
- C Mobile Home or Temporary Building (Office for sales and service)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage & parking)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- C Civic, Social, and Fraternal Organization
- P Recreation – Outdoors (passive)
- C Recreation – Outdoors (active)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)

C

Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

MD Neighboring properties to east



MD Neighboring properties to east



Neighboring property to west



Southern view and Office zoned GC



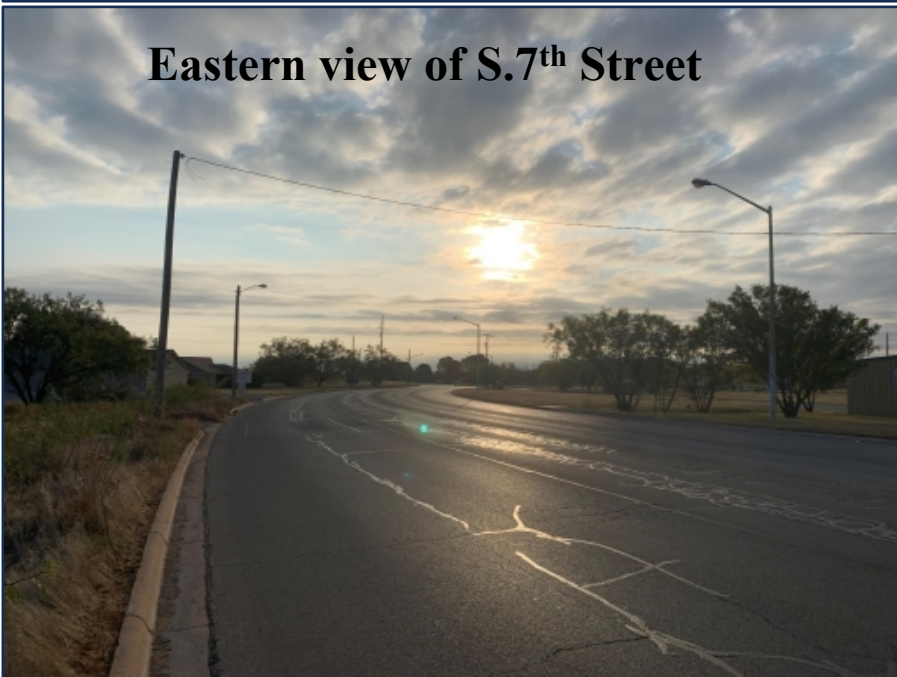
Middle private road



Utilities



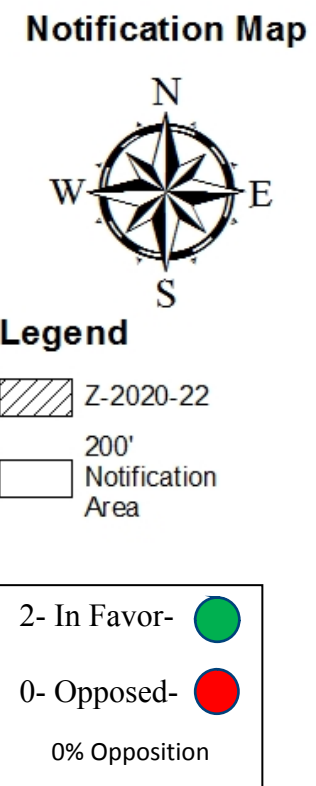
Eastern view of S.7th Street



Western view of S.7th Street



Z-2020-22 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval with conditions
 - The eastern 200 feet to be reserved for only manufactured/mobile homes to protect the character of the adjacent medium density neighborhood
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **10. Ordinance (Final Reading) Z-2020-23: Receive a Report and Hold a Discussion and Public Hearing on a request from Eugene Rickert to rezone property from Agricultural Open Space (AO) to Rural Residential (RR-1) District on one acre of land located at 1949 Beltway South (F.M. Highway 707) (Mike Warrix)**

GENERAL INFORMATION

The applicant is requesting to rezone from Agricultural Open Space (AO) to Rural Residential (RR1) District. The reason for this request is to plat this tract of land into one parcel in order to construct an addition to an existing single family residence.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 5-0.

ATTACHMENTS:

1. Z-2020-23 draft ordinance
2. Z-2020-23 Council Staff Report full
3. Z-2020-23 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 17th day of December, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of November, 2020, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of January, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of January, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described tract(s), from Agricultural Open Space (AO) District to a Rural Residential (RR-1) District:

TRACT 1

Being 1 acre (also known as Tract No. 10), out of a .22.27 acre tract off the South side of the Northeast one-fourth of Section 23, L. A. Lands, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin set in the South line of said Northeast one-fourth of Section 23, from whence the Southwest corner of said Northeast one-fourth of Section 23 bears North 89 deg. 50 min. West 996.8 feet;

THENCE North 0 deg. 34 min. East 389.0 feet to an iron pin set in the South R/W line of F. M. Highway 707, at a point 60 feet South from the present center line of said highway;

THENCE South 89 deg. 26 min. East 112.1 feet along said R/W to an iron pin;

THENCE South 0 deg. 34 min. West 388.2 feet to an iron pin set in the South line of said Northeast one-fourth of Section 23;

THENCE North 89 deg. 50 min. West 112.1 feet to the place of beginning and containing 1.0 acre more or less.

TRACT 2

Being 1 acre (also known as Tract No. 10), out of a .22.27 acre tract off the South side of the Northeast one-fourth of Section 23, L. A. Lands, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin set in the South line of said Northeast one-fourth of Section 23, from whence the Southwest corner of said Northeast one-fourth of Section 23 bears North 89 deg. 50 min. West 996.8 feet;

THENCE North 0 deg. 34 min. East 389.0 feet to an iron pin set in the South R/W line of F. M. Highway 707, at a point 60 feet South from the present center line of said highway;

THENCE South 89 deg. 26 min. East 112.1 feet along said R/W to an iron pin;

THENCE South 0 deg. 34 min. West 388.2 feet to an iron pin set in the South line of said Northeast one-fourth of Section 23;

THENCE North 89 deg. 50 min. West 112.1 feet to the place of beginning and containing 1.0 acre more or less.



location: 1949 Beltway S.

ZONING CASE Z-2020-23

STAFF REPORT



REQUEST: Rezone two (2), one acre tracts from Agricultural Open Space (AO) Zoning to Rural Residential (RR-1).

APPLICANT:

Owner: Eugene Rickert

HEARING DATES:

P & Z Commission: December 1, 2020

City Council 1st Reading: December 17, 2020

City Council 2nd Reading: January 14, 2021

LOCATION:

- 1949 Beltway South
- Legal description(s): Two (2) acres out of northeast quarter of Lunatic Asylum Lands Section 23 in Taylor County, TX.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone two (2), one acre tracts from Agricultural Open Space (AO) to Rural Residential (RR1) District for the purpose of combining the lots through a replat. The rezone and subsequent replat will bring the lots into conformity with the Land Development Code allowing the construction of an addition to an existing single family residence.

BACKGROUND

The residence located on the subject property was constructed in 1970, prior to annexation into the City Limits of Abilene in 1980. Both subject properties are owned by the applicant who is now seeking a building permit for an addition which exceeds 30% of the existing floor area. Pursuant to Section 3.1.1.1, Provisions Applicable to Platting Procedures, of the Land Development Code, if an addition/accessory building exceeds 30% of the existing floor area on a piece of property, no permit shall be issued for any building or structure until a plat has been approved and filed at the County Clerk's Office.

APPLICATION REVIEW:

Pursuant to Section 1.4.1.4, Criteria for Approval, of the Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

- (1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended.**

The Future Land Use and Development Plan Map of the Comprehensive Plan identifies this general area as low density residential. Low density residential is designed to encourage large tracts of land that limit concentration of development. Abilene's Land Development Code defines Rural Residential (RR-1) as a district that preserves open space and limits overcrowding.

(2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

Rural Residential (RR-1) would be appropriate in the immediate area as the surrounding lots are similar in character, size, and density.

Direction	Zoning	Existing Land Use
North	AO	Single-Family Residence
South	AO	Single-Family Residence
East	AO	Single-Family Residence
West	AO	Single-Family Residence

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

The rezoning would not negatively affect any proposed or existing plans for public services and utilities.

(4) Any other factors which will substantially affect the public health, safety, morals, or general welfare.

It is the opinion of the staff that there are no other factors which will substantially affect the public health, safety, morals, or general welfare.

STAFF COMMENTS:

Due to the proposed size of the addition, the property owner is required to execute a subdivision plat for the property to meet minimum setbacks. Prior to plat approval for the subject properties an appropriate zoning must be approved. The property is currently zoned Agricultural Open Space (AO), however, it no longer meets the minimum lot size requirement of five (5) acres within AO zoning. The subject property meets the minimum requirement of one (1) acre that is required within Rural Residential (RR-1) Zoning.

STAFF RECOMMENDATION:

Rezoning to RR-1 is consistent with the Future Land Use and Development Plan Map and is consistent with the currently surrounding land uses. Staff recommends approval of the request.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommended approval by a vote of five (5) to zero (0) on December 1, 2020.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
DAVIDSON DAVID K &		
DAVIDSON DAVID K &	2009 BELTWAY S	
FANNING JANIE R		
GILL KELLY	1964 BELTWAY S	
GRAHAM SARA L ET AL		
GRAHAM SARA L ET AL	150 HWY 83-84	
JOHNSTON EVAN D	1873 BELTWAY S	
REYNOLDS BETTY GRACE TRUST	1925 BELTWAY S	
RICKERT EUGENE WILLIAM &	1949 BELTWAY S	
RICKERT EUGENE WILLIAM &		
SAURBER SYBIL LF EST	1958 BELTWAY S	
SAURBER SYBIL LF EST		

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
 Other: _____

Project Name: Rickert Residence
 Address: 1949 Beltway S No. of lots: 2 Acreage: 2
 Legal Description: _____
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: AO Proposed Zoning (if applicable): RR

OWNER AND AUTHORIZATION

Owner Name: Eugene Rickert
 Address: 1949 Beltway S
 City, State, Zip: Abilene, Tx, 79606 Fax: _____
 Phone: 325 698 0841 Email: takbill@hotmail.com

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) _____ will act as my agent before the Planning and Zoning Commission.

Agent Name: _____
 Address: _____
 City, State, Zip: _____ Fax: _____
 Phone: _____ Email: _____

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: Eugene Rickert Date: Nov 2, 2020 ^{BR}

FOR OFFICE USE ONLY

Received: 11/2/20 Fee: \$ 1500.00 Receipt No.: 0001056463
 Case No.: 2-2020-23 Reviewed By: [Signature]



Development Application

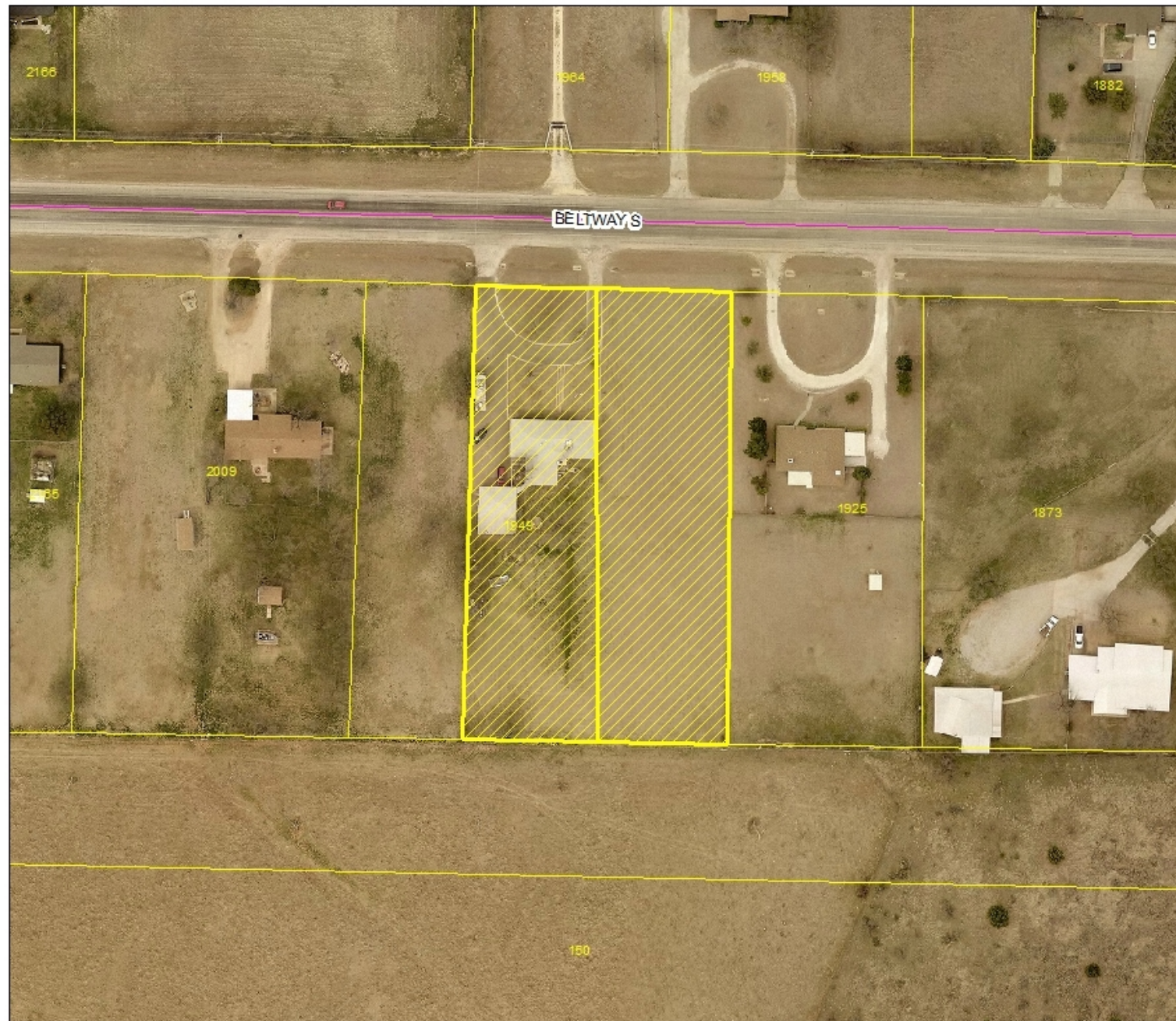
Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Rezone 2 acres of property from AO to RR in order to get a plat approved to allow an addition to the residence greater than 30%.

Case:	Z-2020-23
Owner:	Eugene Rickert
Request:	Rezone from AO to RR-1
Legal Description:	2 acres out of northeast quarter of Lunatic Asylum Lands Sec. 23, Taylor County, TX.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning Recommendation:	Approval

Z-2020-23 LOCATION MAP



Location Map



Legend

 Z-2020-23

Z-2020-23 ZONING MAP



Existing Uses in RR-1 Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Single-Family Detached

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- C Civic, Social, and Fraternal Organization
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.2.1 of the Land Development Code)
- C Permitted as a Conditional Use Permit, Requiring Approval by City Council
- TP Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Subject Property



Subject property vacant lot



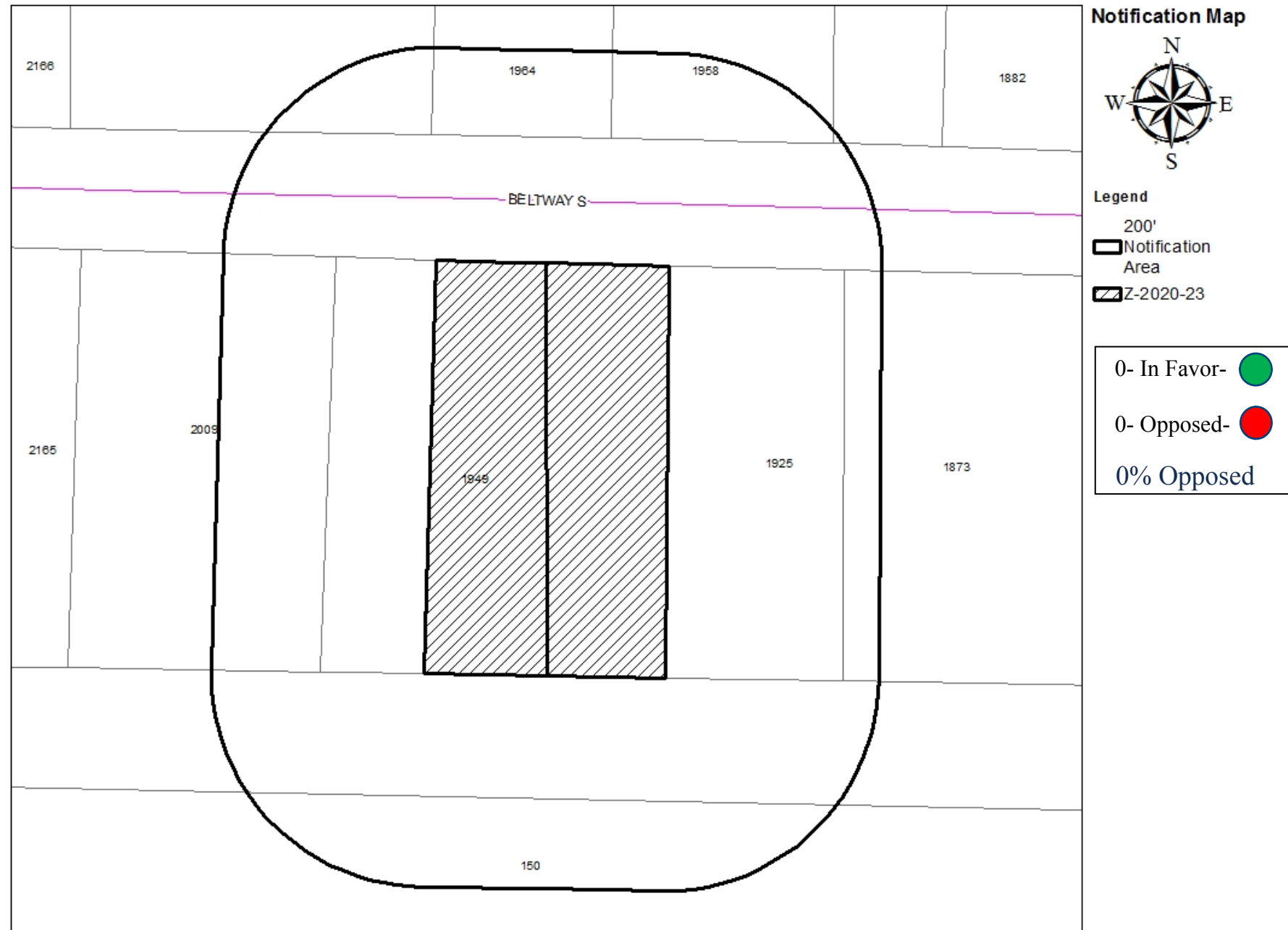
Northern neighboring property



Northern neighboring property



Z-2020-23 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **11. Ordinance (Final Reading) Z-2020-24: Receive a Report and Hold a Discussion and Public Hearing on a request from Donald Callaway (agents Jacob & Martin LLC) and the City of Abilene to rezone approximately 0.6 acre of land (120 feet wide) located behind the restaurant building at 4801 Buffalo Gap Road, from Agricultural Open Space (AO) to Neighborhood Retail (NR) District *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to rezone a portion, approximately 61-foot by 102-feet, of the AO zoning to accommodate additional parking. In order to expand the existing parking area for Al's Mesquite Grill, Abilene's Land Development Code Section 4.2.1.3 stipulates that off-street parking requirements shall be within the same zoning classification required of the use which the parking area supports.

However, it is the opinion of staff that the remaining .75 acres of this subject property be rezoned from Agricultural Open Space (AO) to Neighborhood Retail (NR) in order to avoid spot zoning and avoid creating a remnant piece of property which is unusable and unnecessary.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 5-0.

ATTACHMENTS:

1. Z-2020-24 draft ordinance
2. Z-2020-24 Council Staff Report
3. Z-2020-24 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 17th day of December, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of November, 2020, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of January, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of January, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ZONING CASE Z-2020-24

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Donald A Callaway
Agent: Jacob & Martin, LLC.

HEARING DATES:

P & Z Commission: December 1, 2020
City Council 1st Reading: December 17, 2020
City Council 2nd Reading: January 14, 2021

LOCATION:

- 4801 Buffalo Gap Rd.
- Legal description(s): Easternmost 150 feet of Lot 1, Block A of Squares Restaurant Addition to Abilene, Taylor County, Texas, being the rear (eastern) approximately .75 acres of a building site at 4801 Buffalo Gap Road.

BACKGROUND:

The subject property was annexed into the City limits of Abilene in 1959, at which time it was zoned Agricultural Open Space (AO). In January 2010, the Planning & Zoning Commission considered the rezoning of the entire two acre tract to Neighborhood Retail (NR) Zoning. However, the Commission recommend City Council rezone the approximate western 1.25 acres of the property to NR and the remaining easternmost .75 acres would remain in AO Zoning. According to the applicant the easternmost .75 acres of land was reserved for onsite detention for the proposed development. The Commission recommended it serve as an effective land use buffer from the residentially zoned lots to the east. Ordinance #2-2010 was approved by City Council in February 2010, which rezoned the westernmost 1.25 acres of the subject property to NR Zoning and the remaining easternmost .75 acres of the subject property was left in AO Zoning. In November 2010, Abilene's Development Review Committee approved the official Site Plan for what is now the site of Al's Mesquite Grill.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone a portion, approximately 61-foot by 102-feet, of the AO zoning to accommodate additional parking. In order to expand the existing parking area for Al's Mesquite Grill, Abilene's Land Development Code Section 4.2.1.3 stipulates that off-street parking requirements shall be within the same zoning classification required of the use which the parking area supports.

However, it is the opinion of staff that the remaining .75 acres of this subject property be rezoned from Agricultural Open Space (AO) to Neighborhood Retail (NR) in order to avoid spot zoning and avoid creating a remnant piece of property which is unusable and unnecessary.

APPLICATION REVIEW:

According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

(1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a mixture of commercial and residential land uses. The proposed zone change will further promote the Comprehensive Plans objective of creating a mixture of mutually supportive land uses which are integrated residential and non-residential land uses.

(2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The proposed zone change will be appropriate in the immediate area. Neighborhood Retail Zoning is intended to accommodate a limited range of retail trade, services and office activities that are needed to serve a neighborhood area. The level of intensity and scale of development permissible within the NR District are designed for compatibility with nearby residential uses.

Zoning		Existing Land Use
North	O/COR	Optometry Office
South	AO/COR	Single Family Residence
East	RS-6	Single Family Residences
West	RS-6	Single Family Residences

(1) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

The subject property has access to existing water mains and sewer mains. Therefore water and sewer capacity should not be a limiting factor to the further development of this property. No additional development of above stated facilities/infrastructure will be necessary for the development of this subject property.

(2) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

It is the opinion of the staff that there are no other factors, which substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS:

The subject property was rezoned in 2010, however, during that rezoning the rear .75 acres was left out of the zone change and required the rear 150-feet remain in AO zoning to serve as a buffer leaving a remnant piece of property. This 150-foot “buffer” greatly exceeds the land use buffers typically required in similar arrangements found throughout Abilene where NR uses back up to residential homes. By nature, Neighborhood Retail (NR) Zoning is intended to be in close proximity to residential neighborhoods in an effort to provide necessary amenities that will benefit the nearby community; any necessary buffering is ordinarily determined during the site planning process. Furthermore, the level of intensity and scale of development within NR Districts are designed to be compatible with nearby residential uses. Additionally, the property directly north of the subject property is within an Office (O) Zoning District which extends the full length of the property and backs up to residential homes to the north and east. In May 2020, the Development Review Committee approved a site plan which allowed the expansion of the existing office building at this location and permitted the expansion of the parking lot as close as 29-feet to the residential homes to the east.

STAFF RECOMMENDATION:

This rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) in the Land Development Code and staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval by a vote of five (5) to zero (0) on December 1, 2020.

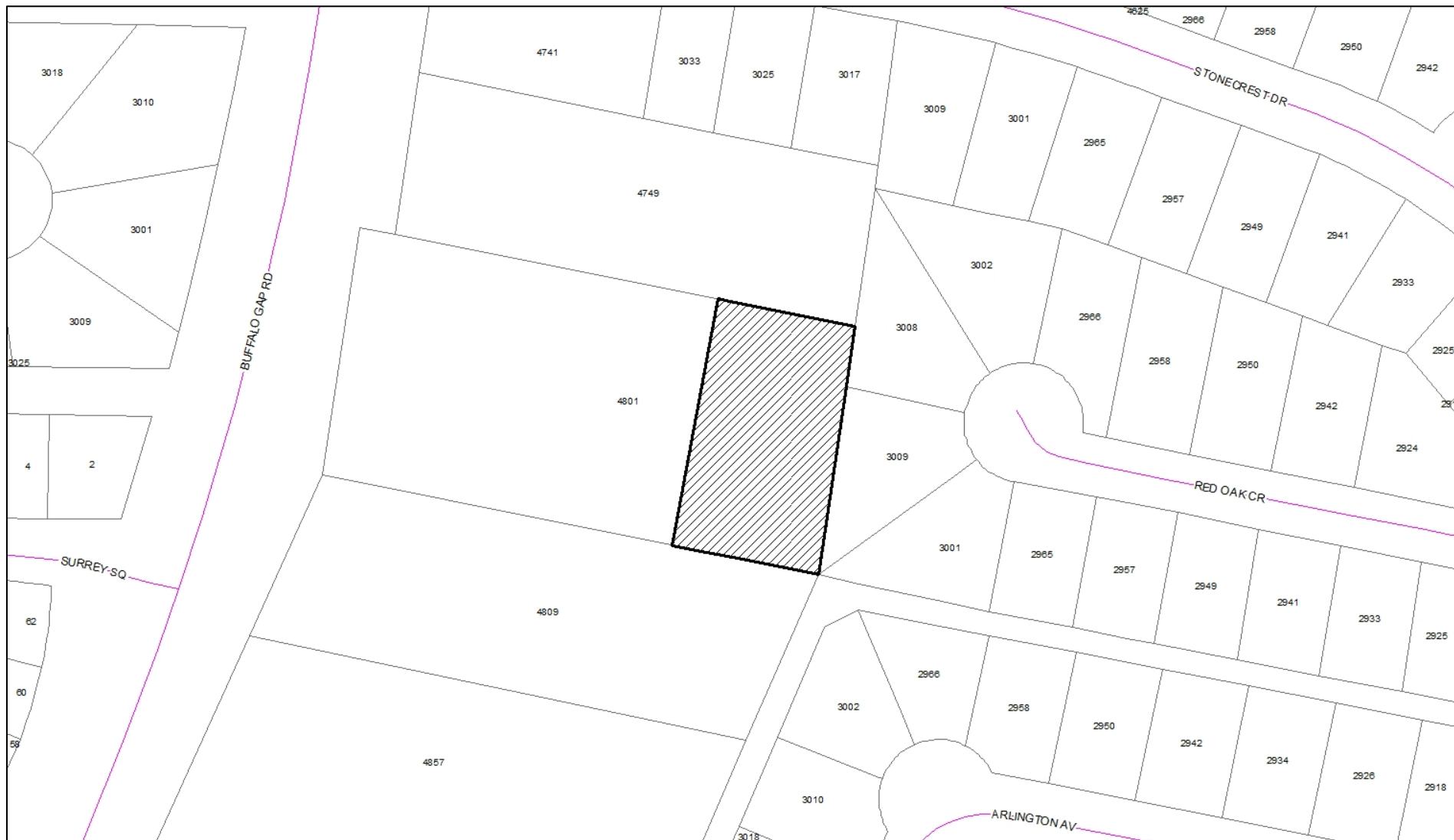
NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
ABILENE PEDIATRIC DENTAL ASSOCIATES PLLC	3033 STONECREST DR	
AVILA GABRIEL & SHERRY	4749 BUFFALO GAP RD	
BERG MELANIE D	2958 ARLINGTON AV	
BROWN LINDA	2966 ARLINGTON AV	
BUFFALO GAP STREET PROPERTIES LLC	4741 BUFFALO GAP RD	
CALLAWAY DONALD A III	4801 BUFFALO GAP RD	
CALLAWAY STOMI JANEWAY &	4809 BUFFALO GAP RD	
CANALES CALEB ANTHONY &	3017 STONECREST DR	
COLES JERI LYNN	3001 STONECREST DR	
DEAVER TOMMIE H	3009 RED OAK CR	
FALADE OLUGBENGA & JANET F	2965 RED OAK CR	
HARRISON DEBORAH BLESSING LF EST	3002 ARLINGTON AV	
JOSHUA MATTHEW W & GLORIA	3025 STONECREST DR	
MC ALISTER JERRY P & SUE	2966 RED OAK CR	
MORALES BENJAMIN III & JUSTINE	3010 ARLINGTON AV	
RIDGEMONT BAPTIST CHURCH	4857 BUFFALO GAP RD	
SHARP STEVEN R & ANGELA R	3008 RED OAK CR	
SINGLETON JAMES A &	3009 STONECREST DR	Opposed
STONE JAMES C & MEREDITH J	3001 RED OAK CR	
THARP GWYNN & BEVERLY	2965 STONECREST DR	Opposed
WRIGHT SHANNA C	3002 RED OAK CR	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

☐ Conditional Use

☐ Easement Release

☒ Rezoning

☐ Other

☐ PDD

☐ Street Name Change

☐ Thoroughfare Abandonment

☐ PDD Amendment

Other: _____

Project Name: Rezone for Al's Mesquite Grill
 Address: 4801 Buffalo Gap Road No. of lots: 1 Acreage: 2.006
 Legal Description: Squares Restaurant Addition, Block A, Lot 1
 Subdivision Name: Squares Restaurant Addition Block: A Lot: 1
 Current Zoning: AD Proposed Zoning (if applicable): NR

OWNER AND AUTHORIZATION

Owner Name: Donald A Callaway
 Address: 4801 Buffalo Gap Rd.
 City, State, Zip: Abilene, TX 79606 Fax: _____
 Phone: _____ Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Tal Fillingim will act as my agent before the Planning and Zoning Commission.

Agent Name: Jacob + Martin, LLC
 Address: 3465 Curry lane
 City, State, Zip: Abilene, TX 79606 Fax: _____
 Phone: 325-675-1070 Email: Tal@jacobmartin.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: Donald A Callaway Emi Callaway Date: 11/3/2020

FOR OFFICE USE ONLY

Received: 11/3/20 Fee: \$ 1500 Receipt No.: 0002056464
 Case No.: 2-2020-24 Reviewed By: [Signature]



Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

The platted lot where Al's Mesquite Grill is located is currently zoned NR along front portion of the lot and is zoned AO along the back 125'. This zoning request is to extend the existing NR zoning for Al's Mesquite Grill to the east for a portion (61'x102') of the existing AO zoned area on this same lot. Exhibit is attached that outlines the area requested for rezone. The zoning is being extended to accommodate the addition of 20 parking spaces immediately adjacent to the existing Al's parking area.



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: Donald A. Kelley III Shirley Callaway DATE: 11/3/2020



Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Rezoning Application Number z-2020-24

1 message

'Gbenga Falade' via Planning Services <planning@abilenetx.gov>

Mon, Nov 30, 2020 at 6:09 PM

Reply-To: "gbengafal@yahoo.com" <gbengafal@yahoo.com>

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

I am opposed to the rezoning of the 0.6 acre of land behind the restaurant building at [4801 Buffalo Gap Road](#) from AO to NR District.

Name: Falade Olugbenga & Janet F

Address: [2965 Red Oak Cr, Abilene TX 79606](#)

--

You received this message because you are subscribed to the Google Groups "Planning Services" group.

To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.

To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/416523604.1885932.1606781354636%40mail.yahoo.com>.

For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2020-24

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Name: DEAYER TOMMIE H
Address: 3009 RED OAK CR

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Tommie H. Deaver

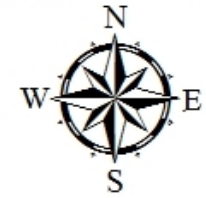
NOV 30 AM 11:49

Case:	Z-2020-24
Owner:	Donald A Callaway
Agent:	Jacob & Martin, LLC
Request:	Rezone from AO to NR
Legal Description:	Approximately .75 acres of Lot 1, Block A of Squares Restaurant Addition to Abilene, Taylor County, Texas, 4801 Buffalo Gap Rd.
Notification:	0 in Favor, 2 Opposed
Planning & Zoning Recommendation:	Approval

Z-2020-24 LOCATION MAP



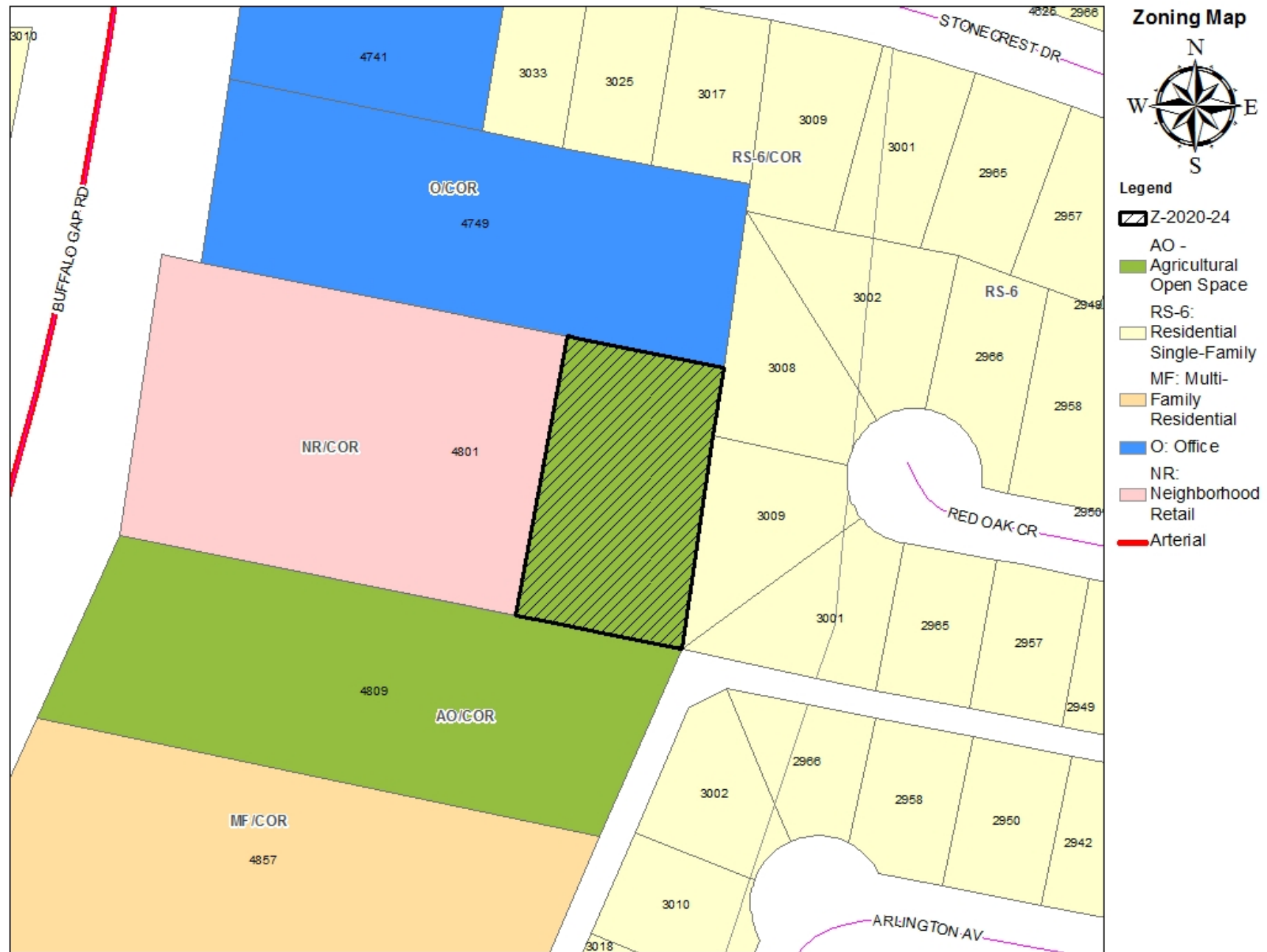
Location Map



Legend

 Z-2020-24

Z-2020-24 ZONING MAP



Southern view Buffalo Gap Road



Northern view Buffalo Gap Road



Northern view neighboring property



Southern view neighboring property



Z-2020-24 VIEWS OF SUBJECT PROPERTY

Northeast view neighboring properties



Southeast view neighboring property



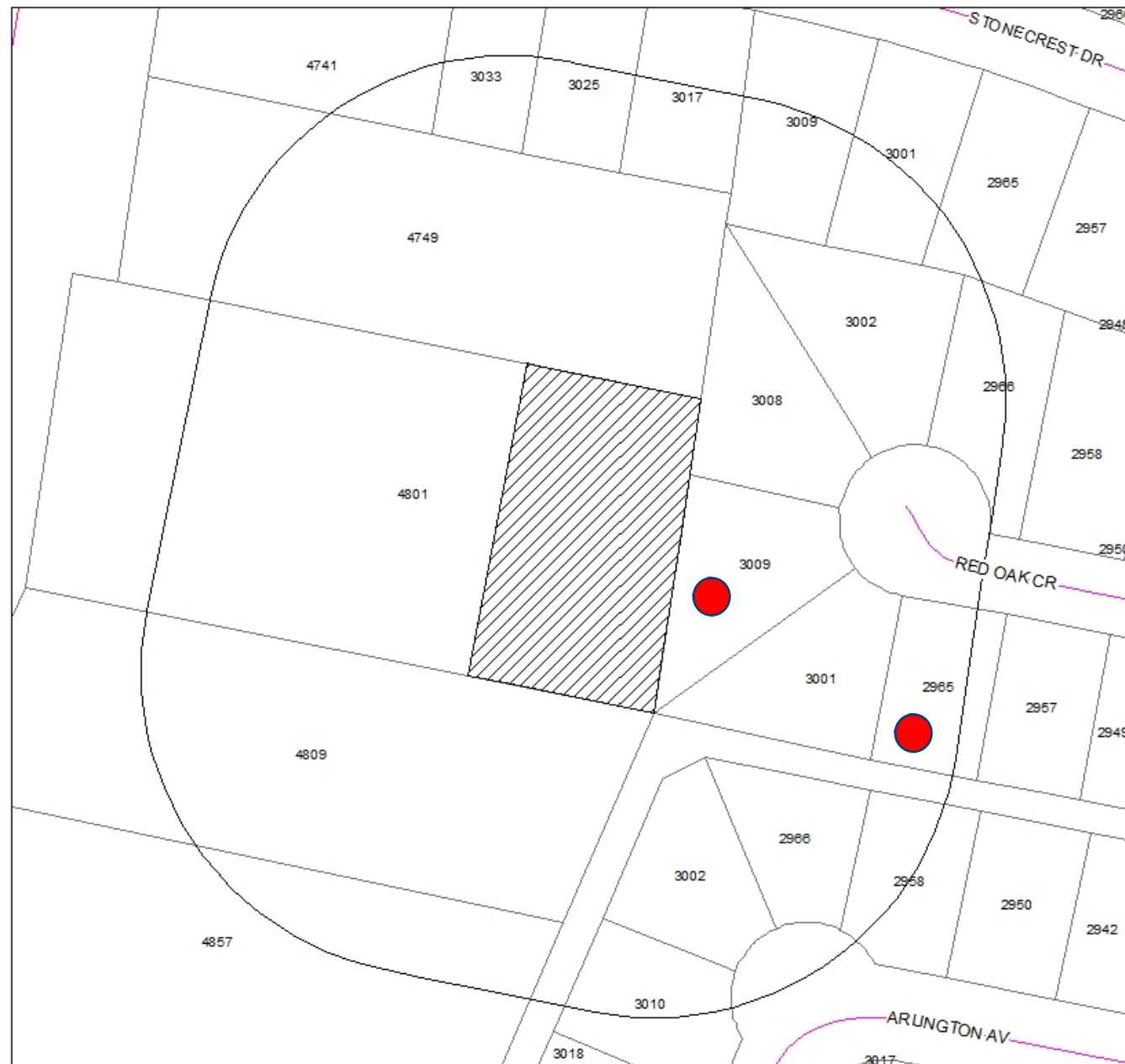
Subject property



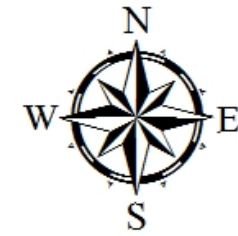
Subject property



Z-2020-24 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Notification Area
- Z-2020-24

- 0- In Favor-
- 2- Opposed-
- 7% Opposed

- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **12. Ordinance (Final Reading) Z-2020-25: Receive a Report and Hold a Discussion and Public Hearing on a request from KPLB LLC, agents Jacob & Martin LLC, to rezone property from Residential Single-Family Patio Home (PH) to a Residential Medium-Density (MD) District on 5.85 acres of now-vacant land at 1826 Colony Hill Road in southeastern Abilene (Mike Warrix)**

GENERAL INFORMATION

The applicant is requesting to rezone from Residential Single-Family Patio Home (PH) to the subject property's previously zoned Residential Medium-Density (MD). The applicant has shown renewed interest in MD after reviewing market trends and the growing demand for MD type units.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of this request.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 5-0.

ATTACHMENTS:

1. Z-2020-25 draft ordinance
2. Z-2020-25 Council Staff Report
3. Z-2020-25 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 17th day of December, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of November, 2020, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of January, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of January, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Rezone one tract of land from a Patio Home (PH) to a Medium Density (MD) District.

Legal description being a certain 5.85-acre tract of vacant land out of southwest quarter of Lunatic Asylum Lands Section 8 in City of Abilene, Taylor County, Texas.



Located at 1826 Colony Hill Road approximately 500 to 800 feet east from its intersection with Maple Street.

-END-

ZONING CASE Z-2020-25

STAFF REPORT



REQUEST: Rezoning from existing Residential Single-Family Patio Home District (PH) to previous Residential Medium-Density District (MD) zoning.

APPLICANT:

Owner: Kyle Paul Construction

Agent: Jacob & Martin Engineering

HEARING DATES:

P & Z Commission: December 1, 2020

City Council 1st Reading: December 17, 2020

City Council 2nd Reading: January 14, 2021

LOCATION:

- 1826 Colony Hill Road
- Legal description(s): 5.85 acres of vacant land out of Southwest quarter of Lunatic Asylum Lands Section 8

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Residential Single-Family Patio Home (PH) to the subject property's previously zoned Residential Medium-Density (MD). The applicant has shown renewed interest in MD after reviewing market trends and the growing demand for MD type units.

APPLICATION REVIEW:

Pursuant to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

- (1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

When the Future Land Use and Development Plan Map of the Comprehensive Plan was developed in 2004, this subject property had not yet been annexed to the City limits of Abilene. Therefore, the Future Land Use and Development Plan provides no real guidance in regard to the zoning of the subject property. However, the City's Thoroughfare Plan identifies both Colony Hill Road and Maple Street to be future "Arterial" streets which are intended to carry major traffic between large areas of the city. Proposed MD zoning of the subject property may offer an effective transition in the intensity of urban use and carrying-capacity characteristic of arterial streets by separating anticipated retail development to the west and lower density residential development to the east.

- (2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

The Medium Density (MD) zoning classification is intended to accommodate the development of duplex, triplex, and quadraplexes which allows a density of 9 units per acre. The Patio Home (PH)

zoning classification is designed to accommodate the development of detached single-family dwellings on lots smaller than those in RS-6 single family housing districts and typically allows densities of 7 ½ units per acre. The change back to MD from PH is a slight change in intensity and is still appropriate for the surrounding area with an increased density of 1 ½ units per acre.

	Zoning	Existing Land Use
North	AO	Single Family Residential Large Lots
South	AO	Wylie ISD East Elementary
East	RS-6	Single Family Residential Vacant Acreage
West	AO	Single Family Residential Large Lot

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

The subject property has access to existing water mains and sewer mains. Therefore, water and sewer capacity should not be a limiting factor to the development of these properties.

(4) Any other factors which substantially affect the public health, safety, morals, or general welfare.

It is the opinion of staff that there are no other factors which will substantially affect the public health, safety, morals or general welfare of the City of Abilene.

STAFF COMMENTS:

The subject property was annexed in 2009 and zoned Agricultural Open Space (AO) classification. In January 2016, a request to rezone the subject property to Residential Medium-Density (MD) was approved by the Planning and Zoning Commission and City Council. In February 2020 the Planning and Zoning Commission recommended approval of a zone change from MD to PH zoning and the City Council approved the rezoning in March. However, since approval, a plan and/or subdivision plat was never provided for the planning staff to review and the applicant has a renewed desire to develop the subject property into MD zoning standards. It is the opinion of staff that the intended development of this vacant tract of land for Residential Medium-Density zoning (MD) is appropriate for the surrounding area and size of this tract of land.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request complies with Section 1.4.1.4 (Criteria for Approval).

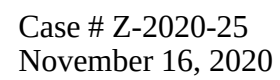
PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval by a vote of five (5) to zero (0) on December 1, 2020.

NOTIFICATION: The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and to all owners of property within a 200-foot radius of the subject property.

Owner	Situs	Response
JOHNSTON TYLER	7302 MOUNTAIN VIEW RD	
KPLB LLC	1826 COLONY HILL RD	
LIVELY LEVI & MINDY	7081 MAPLE ST	
MC LEOD PROPERTY DEV LLC		
MC LEOD PROPERTY DEV LLC		
MC LEOD PROPERTY DEV LLC	7089 MAPLE ST	
MC LEOD PROPERTY DEV LLC		
NEWQUIST DENNIS M & AMY A	7201 MAPLE ST	
WEEKS ROBERT MCKAY	7101 MAPLE ST	
WYLIE INDEPENDENT SCHOOL DISTRICT	7401 MAPLE ST	

ATTACHMENTS: 1) Application 2) PowerPoint





Development Application

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PUD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PUD Amendment
 Other: _____

Project Name: Colony Hill Road Development

Address: 1826 Colony Hill Road No. of lots: _____ Acreage: 5.85

Legal Description: A0806 SUR 8 L A L SW/4, ACRES 5.85

Subdivision Name: Colony Hill Road Development Block: _____ Lot: _____

Current Zoning: PH Proposed Zoning (if applicable): MD

OWNER AND AUTHORIZATION

Owner Name: KPLB, LLC

Address: 3409 S. 14TH Street, Suite 204

City, State, Zip: Abilene, TX 79605 Fax: _____

Phone: 325-260-6935 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Jacob & Martin will act as my agent before the Planning and Zoning Commission.

Agent Name: Jacob & Martin

Address: 3465 Curry Lane

City, State, Zip: Abilene, TX 79606 Fax: 325-691-5134

Phone: 325-695-1070 Email: cfarrow@jacobmartin.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: [Signature] Date: 10/30/2020

FOR OFFICE USE ONLY

Received: 10/30/20 Fee: \$ 1500.00 Receipt No.: 0001056465

Case No.: Z-2020-25 Reviewed By: [Signature]



1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Owner understands the property was recently rezoned from MD to PH, but has requested to return to the previous zoning after reviewing additional market trends. Area has previously been zoned MD, and there is similar zoning in the Carriage Hills neighborhood to the south.



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

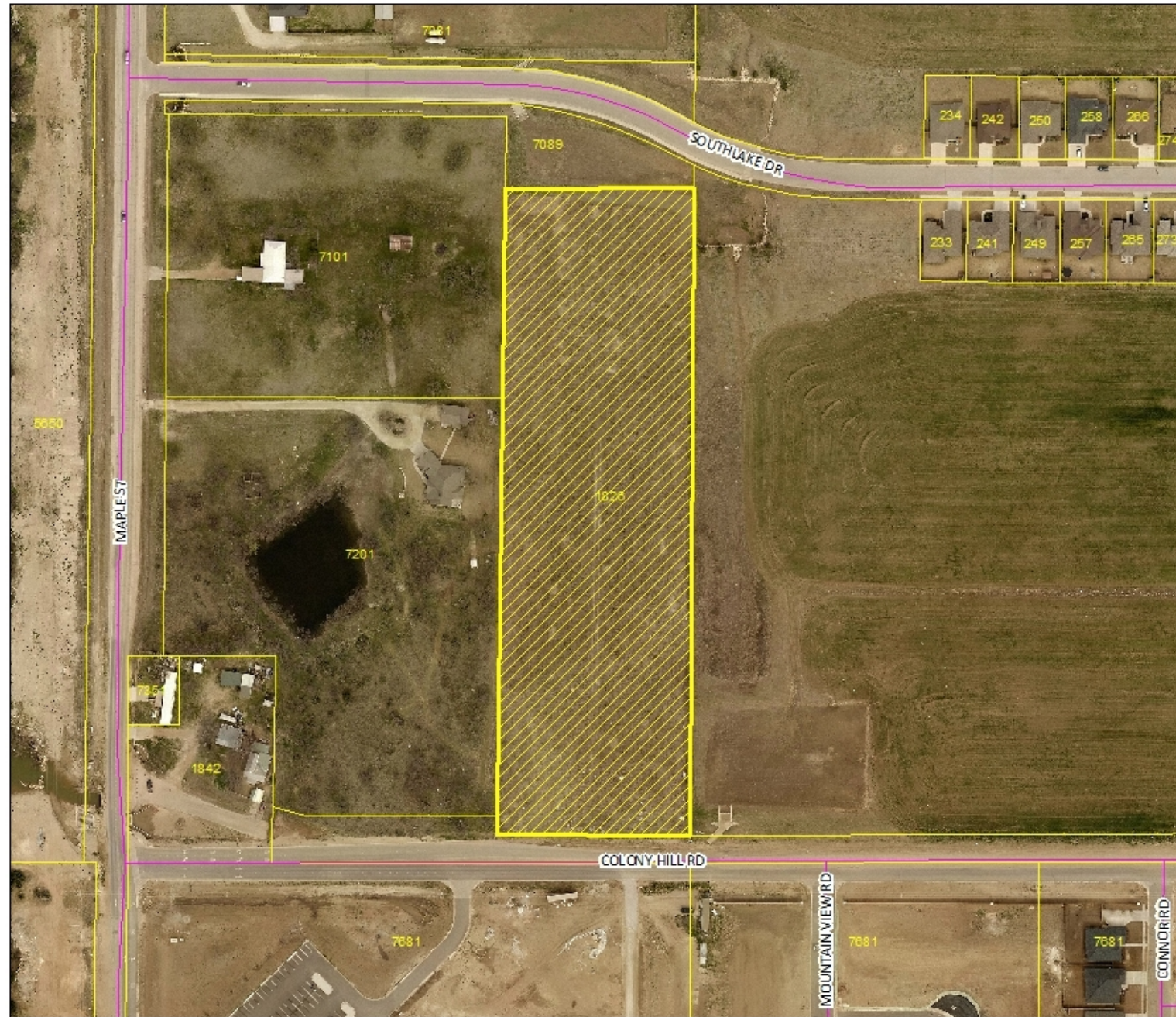
A handwritten signature in black ink, appearing to be 'KJ' or similar, written over a horizontal line.

DATE: _____

10/30/2020

Case:	Z-2020-25
Owner:	KPLB, LLC
Agent:	Jacob & Martin, LLC
Request:	Rezone from PH to MD
Legal Description:	5.85-acre tract of vacant land out of southwest quarter of Lunatic Asylum Lands Section 8 in City of Abilene, Taylor County, Texas and located at 1826 Colony Hill Road
Notification:	0 in Favor, 0 Opposed
Planning & Zoning Recommendation:	Approval

Z-2020-25 LOCATION MAP



Location Map



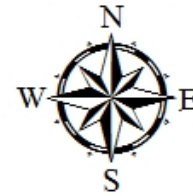
Legend

 Z-2020-25

Z-2020-25 ZONING MAP



Zoning Map



Legend

- Z-2020-25
- Arterial
- Arterial
- AO -
Agricultural
Open Space
- RS-6:
Residential
Single-Family
- PH:
Residential
Single-Family
Patio Home
- MD: Medium
Density
Residential

Subject Property Facing North



Vacant land to the East



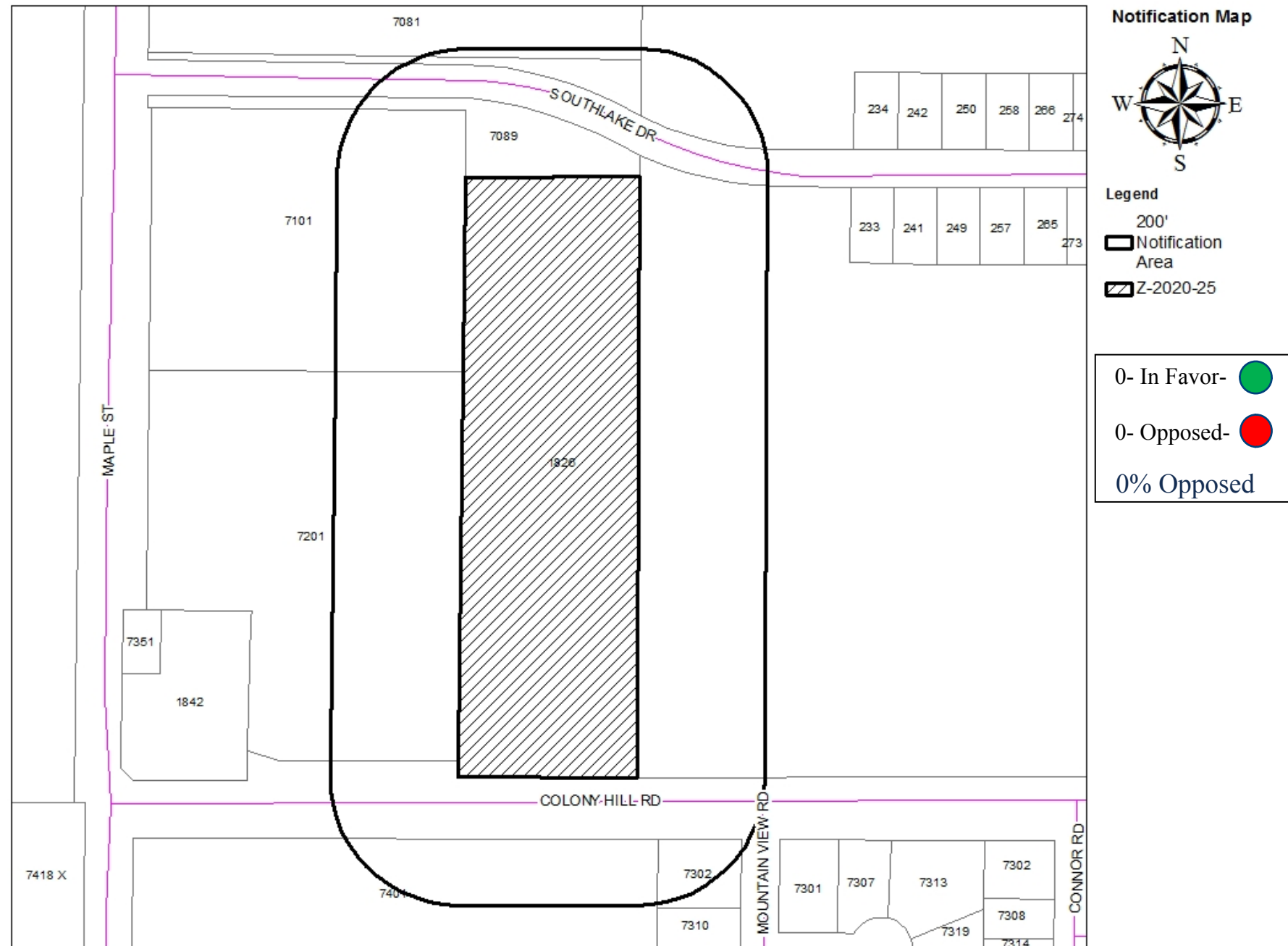
Subject Property Eagle View



Wylie ISD East Elementary



Z-2020-25 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **13. Ordinance (Final Reading) Z-2020-26:** Receive a Report and Hold a Discussion and Public Hearing on a request from Abilene Christian University, agent Kendra Hanfeld of Parkhill, Smith and Cooper Inc., to rezone 13.05 acres (occupied since 1955 by Taylor Elementary School) at 916 East North 13th Street, from Residential Medium-Density (MD) to a College University (CU) District *(Mike Warrix)*

GENERAL INFORMATION

Rezone 13.05 acres in a Residential Medium-Density (MD) District, to a College University (CU) District.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 4-0.

ATTACHMENTS:

1. Z-2020-26 draft ordinance
2. Z-2020-26 Council staff report full
3. Z-2020-26 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibits A and B, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 17th day of December, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of November, 2020, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of January, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of January, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described tract (and as shown on attached Exhibit B) from a Residential Medium-Density (MD) District to a College University (CU) District:

BEING a 13.06-acre tract out of the southwest quarter of Section 33 in Blind Asylum Lands, Taylor County, Texas, and being the same tract conveyed on Page 297 in Volume 649 of Deed Records for Taylor County, Texas, said 13.06-acre tract being more particularly described as follows:

BEGINNING at a found ½-inch iron rod with plastic cap marked “H&T” at the southwest corner of this tract, where a found 3/8-inch iron rod at the southeast corner of Block 3 in the Abilene Heights Addition (as recorded on Page 564 of Volume 1 of Plat Records for Taylor County, Texas) bears North 89° 20’ 30” West a distance of 60.00 feet;

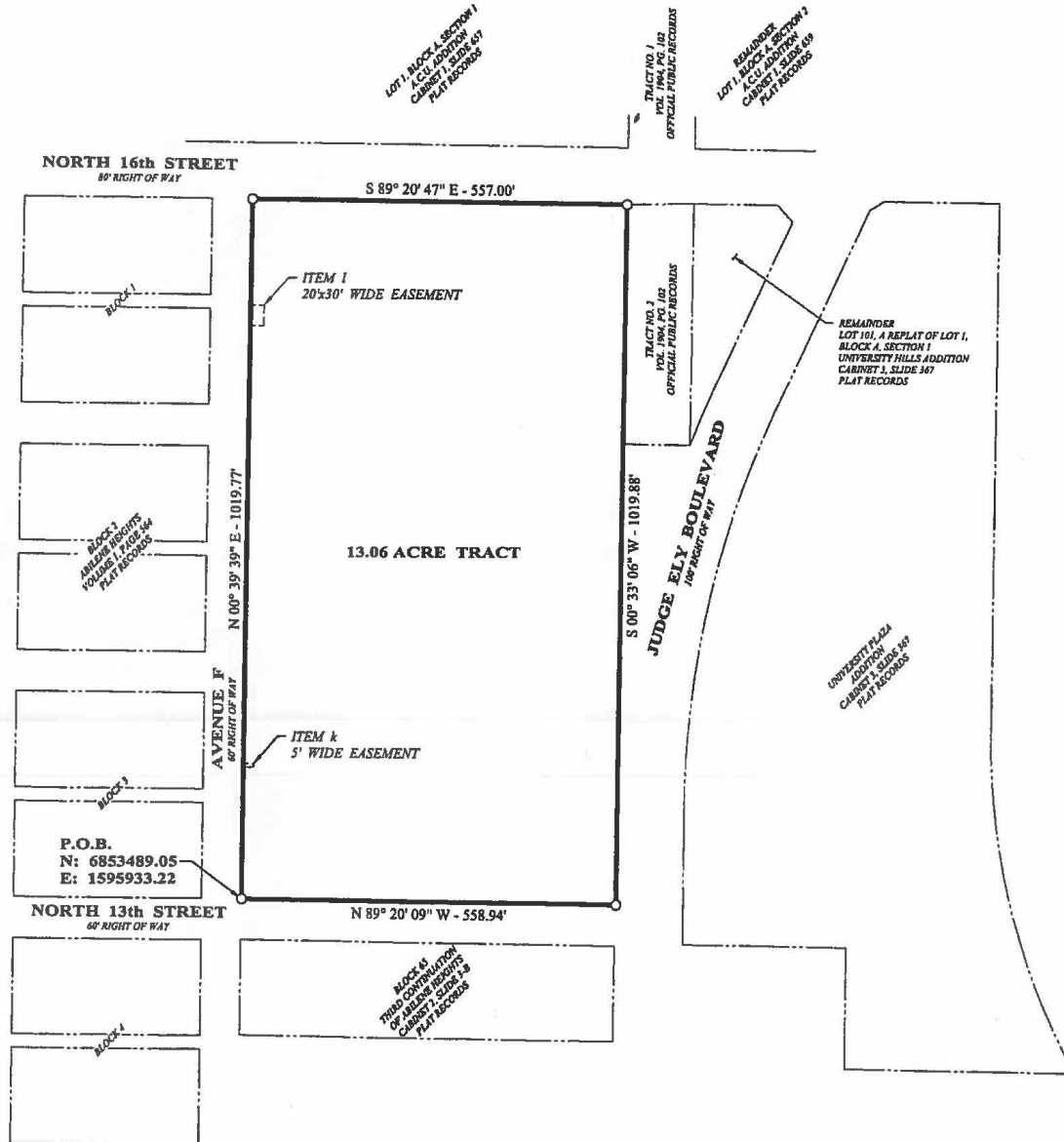
THENCE North 00° 39’ 39” East for a distance of 1019.77 feet to a found ½-inch iron rod with plastic cap marked “H&T” on the south line of right-of-way for East North 16th Street, at the northwest corner of this tract;

THENCE South 89° 20’ 47” East for a distance of 557.00 feet along the south line of right-of-way for East North 16th Street, to a found ½-inch iron rod with plastic cap marked “H&T” at the northeast corner of this tract, and being the northwest corner of a 0.805-acre tract recorded on Page 106 in Volume 1904 of Official Public Records of Real Property in Taylor County, Texas;

THENCE South 00° 33’ 06” West, at 883.04 feet passing a found TxDOT right-of-way monument at the intersection of the original west line of right-of-way for North Judge Ely Boulevard and the beginning of a curve in the new right-of-way for North Judge Ely Boulevard, continuing along the west line of right-of-way for North Judge Ely Boulevard for a total distance of 1019.88 feet to a found ½-inch iron rod with plastic cap marked “H&T” at the intersection of the of the west line of right-of-way for North Judge Ely Boulevard and the north line of right-of-way for East North 13th Street, for the southeast corner of this tract;

THENCE 89° 20’ 09” West for a distance of 558.94 feet to the **POINT OF BEGINNING** and containing an area of 13.0631 acres.

EXHIBIT B



ZONING CASE Z-2020-26

STAFF REPORT



REQUEST: Rezone 13.05 acres in a Residential Medium-Density (MD) District, to a College University (CU) District.

APPLICANT:

Owners: Abilene Christian University

Agent: Parkhill (Architects and Engineers) represented by Kendra Hanfeld

HEARING DATES:

P & Z Commission: December 1, 2020

City Council 1st Reading: December 17, 2020

City Council 2nd Reading: January 14, 2021

LOCATION: 13.05 acres at 916 East North 13th Street, on the east side of Avenue F and extending south from East North 16th Street. Since the mid-1950's, this acreage has been the site of Taylor Elementary School. After December 2020, Taylor Elementary School will relocate to another campus on East North 10th Street. Abilene Christian University has committed to purchase these 13.05 acres situated south (of East North 16th Street) from the University's main campus.

PROPOSAL AND REQUESTED ACTION:

All 13.05 acres of the subject property are zoned Residential Medium-Density (MD), the same as the residential neighborhood to the west of this subject property. Abilene Christian University seeks to rezone this acreage to a College University (CU) District for university use after Taylor Elementary moves into their new building.

With their application for zone change, Abilene Christian University indicated they plan to use this site for "academic and research offices, classrooms, laboratories and other administrative uses." For at least the past 15 years, Abilene Christian University has leased (from Abilene Independent School District) the northern half of this school site, to use as paved parking and for intramural athletic fields. As mentioned above, Abilene Christian University's main campus lies directly north from what will soon be the former site of Taylor Elementary School, separated only by the width of East North 16th Street.

BACKGROUND:

As the name implies, College University (CU) zoning districts are intended for use and occupancy by a college or university. A wide variety of educational, residential and support service facilities (including sports venues) are allowed in College University zoning districts, commensurate with the needs of these institutions for higher learning. Abilene's Land Development Code goes on to state the College University (CU) zoning classification is "*designed to promote the orderly, interrelated development of college- and university-related facilities and to prevent the encroachment of incompatible use into such areas of high building concentration and pedestrian activity.*"

APPLICATION REVIEW:

Section 1.4.1.4 of Abilene's Land Development Code concerns criteria for approval of zoning changes. This Section stipulates that, in making a recommendation regarding a requested zone change, the Planning and Zoning Commission and City Council should consider the following factors:

(1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended.

The map of Future Land Use and Development in Abilene's Comprehensive Plan (circa 2004) indicates the subject 13+ acres are wedged between Abilene Christian University's main campus and a "local activity center" focused at the intersection of North Judge Ely Boulevard and E.N. 10th Street. Local activity centers are intended to contain a mix of shopping, dining and other entertainment uses serving the neighborhoods which surround them. More than a few such businesses are located within this existing activity center; however, one-and-a-half blocks of solid residences now separate that activity center from the subject property at Taylor Elementary School.

(2) Whether the uses permitted by the proposed change in zoning classification (and the standards applicable to such uses) will be appropriate in the immediate area of the land to be reclassified.

Two extensive sides of these 13+ acres are bordered by streets separating this site from residential districts to the south and west. This is a common attribute of existing College University districts embracing all three Abilene universities: McMurry, Hardin-Simmons and Abilene Christian Universities. The College University zoning classification has not been viewed or proven to be inherently incompatible with adjacent and nearby residences.

	Zoning	Existing Land Use
North	CU	ACU's main campus (across E.N. 16 th Street)
South	RS-6	one-family residences (across E.N. 13 th Street)
East	GR	vacant land, restaurant (across N. Judge Ely)
West	MD	one-, two- and multi-family residences

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

The remaining two sides of these 13+ acres (not adjoining residential districts) have frontage on either E.N. 16th Street or on North Judge Ely Boulevard. E.N. 16th is a collector-type street, while North Judge Ely Boulevard is a major arterial. Both such streets are intended and improved to carry relatively high volumes of traffic commensurate with what may be generated by college and university facilities.

(4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

It is the opinion of City staff that there are no other factors about this zone change request, which substantially affect the public health, safety, morals, or general welfare of residents in Abilene.

STAFF RECOMMENDATION:

City staff recommends approving this requested change to a College University zoning district, based on (a) the extent to which College University zoning districts routinely adjoin residential neighborhoods elsewhere in Abilene, and (b) the capacity of at least two adjacent streets for carrying higher traffic volumes generated by potentially more intensive use of this subject property

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval by a vote of four (4) to zero (0) on December 1, 2020.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and to owners of property within a 200-foot radius of this subject property;

Owner	Situs	Response
ABILENE CHRISTIAN UNIV	1548 N JUDGE ELY BL	In Favor
ABILENE CHRISTIAN UNIV	843 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	841 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	847 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	845 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	851 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	853 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	855 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	849 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	849 EN 13TH ST	In Favor
ABILENE CHRISTIAN UNIV	861 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	859 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	857 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	863 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV		In Favor
ABILENE CHRISTIAN UNIV	1725 ACU DR	In Favor
ABILENE CHRISTIAN UNIV	1949 ACU DR	In Favor
ABILENE CHRISTIAN UNIV	2000 Y N JUDGE ELY BL	In Favor
ABILENE CHRISTIAN UNIV	1401 N JUDGE ELY BL	In Favor
ABILENE CHRISTIAN UNIV	792 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	2010 ACU DR	In Favor
ABILENE CHRISTIAN UNIV	990 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	1950 ACU DR	In Favor
ABILENE CHRISTIAN UNIV	2195 OLIVER JACKSON BL	In Favor
ABILENE CHRISTIAN UNIV	1850 TEAGUE BL	In Favor
ABILENE CHRISTIAN UNIV	2310 OLIVER JACKSON BL	In Favor
ABILENE CHRISTIAN UNIV	1995 CAMPUS CT	In Favor
ABILENE CHRISTIAN UNIV	845 COLISEUM WY	In Favor
ABILENE CHRISTIAN UNIV	870 COLISEUM WY	In Favor
ABILENE CHRISTIAN UNIV	1925 CAMPUS CT	In Favor
ABILENE CHRISTIAN UNIV	1750 CAMPUS CENTER RD	In Favor
ABILENE CHRISTIAN UNIV	760 LIBRARY CT	In Favor
ABILENE CHRISTIAN UNIV	1695 CAMPUS CT	In Favor
ABILENE CHRISTIAN UNIV	2070 ACU DR	In Favor
ABILENE CHRISTIAN UNIV	1600 CAMPUS CT	In Favor
ABILENE CHRISTIAN UNIV	790 LIBRARY CT	In Favor

ABILENE CHRISTIAN UNIV	1730 CAMPUS CENTER RD	In Favor
ABILENE CHRISTIAN UNIV	1775 CAMPUS CENTER RD	In Favor
ABILENE CHRISTIAN UNIV	1850 CAMPUS CENTER RD	In Favor
ABILENE CHRISTIAN UNIV	795 COLISEUM WY	In Favor
ABILENE CHRISTIAN UNIV	1885 CAMPUS CT	In Favor
ABILENE CHRISTIAN UNIV	860 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	1755 CAMPUS CT	In Favor
ABILENE CHRISTIAN UNIV	930 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	1680 CAMPUS CENTER RD	In Favor
ABILENE CHRISTIAN UNIV	1730 ACU DR	In Favor
ABILENE CHRISTIAN UNIV	1625 CAMPUS CT	In Favor
ABILENE CHRISTIAN UNIV	790 EN 16TH ST	In Favor
ABILENE CHRISTIAN UNIV	849 COLISEUM WY	In Favor
ABILENE CHRISTIAN UNIV	825 E AMBLER AV	In Favor
ABILENE CHRISTIAN UNIV	1668 CAMPUS CENTER RD	In Favor
ABILENE CHRISTIAN UNIV	2018 ACU DR	In Favor
ABILENE CHRISTIAN UNIVERSITY	834 EN 13TH ST	In Favor
ABILENE CHRISTIAN UNIVERSITY	858 EN 15TH ST	In Favor
ABILENE CHRISTIAN UNIVERSITY	848 EN 15TH ST	In Favor
ABILENE IND SCHOOL DIST	916 EN 13TH ST	
ABILENE IND SCHOOL DIST	1342X AVENUE F	
ANDERSON JOHN D &	909 EN 13TH ST	Opposed
ANDERSON JOHN D &	911 EN 13TH ST	Opposed
DALZELL DAVID E	841 1/2 EN 15TH ST	
DALZELL DAVID E	843 EN 15TH ST	
DALZELL DAVID E	841 EN 15TH ST	
DAVISTA LLC SERIES Q	925 EN 13TH ST	
FORD WILLIE	901 EN 13TH ST	
GANIRON ANTONINO B III LF EST	849 EN 14TH ST	
JANECOLE PROPERTIES LLC	949 EN 13TH ST	
JOHNSON DAVID C &	846 1/2 EN 14TH ST	
JOHNSON DAVID C &	846 EN 14TH ST	
JOHNSON DAVID LANCE &	1420 AVENUE F	
JOHNSON DAVID LANCE &	858 EN 14TH ST	
JOHNSON JUDY LYNN ET AL	941 EN 13TH ST	
KKTHAX INVESTMENTS LLC	841 EN 13TH ST	
KKTHAX INVESTMENTS LLC	841 1/2 EN 13TH ST	
KNIGHT STEVE	917 EN 13TH ST	
LEE MATTHEW S	842 EN 13TH ST APT D	
LEE MATTHEW S	842 EN 13TH ST APT A	
LEE MATTHEW S	842 EN 13TH ST APT B	

LEE MATTHEW S	842 EN 13TH ST APT C	
MAYES GARRET DIXON	849 EN 15TH ST	
MC DONALDS CORP 421614	1201 N JUDGE ELY BL	
OXLEY DAVID & TERRY	933 EN 13TH ST	
PEARSON JOSEPH D & DANA A	845 EN 14TH ST	
PEARSON JOSEPH D & DANA A	857 EN 15TH ST	
PEARSON JOSEPH DAVID & DANA A	872 EN 15TH ST	
RIGGS HAROLD S	857 EN 14TH ST	In Favor
SONJOHN PROPERTY LLC	850 EN 13TH ST	
SONJOHN PROPERTY LLC	852 EN 13TH ST	
SOULAR RTS LLC SERIES B	957 EN 13TH ST	
STRICKLAND FAMILY TRUST ET AL	1301 N JUDGE ELY BL	
UNREAL ESTATE LLC	857 EN 13TH ST	

ATTACHMENTS:

- Application
- PowerPoint



Development Application

Planning

- ☐ Conditional Use
 ☐ Easement Release
 ☒ Rezoning
 ☐ Other
☐ PDD
 ☐ Street Name Change
 ☐ Thoroughfare Abandonment
 ☐ PDD Amendment
 Other: _____

Project Name: ACU South Campus
 Address: 916 E North 13th St, Abilene, TX 79601 No. of lots: 1 Acreage: 13.05
 Legal Description: 13.05 acres of SW1/4 Section 33, Blind Asylum Lands, Abstract 1050
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: Residential Medium Density (MD) Proposed Zoning (if applicable): College & University (CU)

OWNER AND AUTHORIZATION

Owner Name: Abilene Christian University
 Address: ACU Box 29120
 City, State, Zip: Abilene, TX 79699 Fax: 325-674-6713
 Phone: 325-674-6552 Email: Kevin.Campbell@acu.edu

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Kendra Hanfeld will act as my agent before the Planning and Zoning Commission.

Agent Name: Kendra Hanfeld with Parkhill
 Address: 340 Beach St
 City, State, Zip: Abilene, TX 79601 Fax: _____
 Phone: 325-696-7336 Email: KHanfeld@parkhill.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: [Signature] Date: Oct 27, 2020

FOR OFFICE USE ONLY

Received: 10/27/20 Fee: \$ 1,500.00 Receipt No.: 0001056466
 Case No.: Z-2020-26 Reviewed By: [Signature]



1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

This site is currently the location of the Taylor Elementary School. In addition, ACU has a use agreement with AISD that allows ACU to use the northern part of the property for intramural fields and a parking lot. ACU has recently acquired the site from AISD. When AISD is finished with the site at the end of the fall term, ACU is proposing to use it for academic and research offices, classrooms, laboratories and other administrative uses.



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED:  Kevin Campbell (Oct 27, 2020 16:36 CDT)

DATE: Oct 27, 2020



Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Case Z02020-26

1 message

Mark Phillips (home) <howdymark@gmail.com>
 To: planning@abilenetx.gov

Tue, Nov 24, 2020 at 10:37 AM

I am in favor of this zoning change. The proposed use of the property will add value for the city without decreasing value for the neighborhood.

Mark Phillips
 dba Unreal Estate LLC
 827 EN 13th

857 E.N. 13th

--
 You received this message because you are subscribed to the Google Groups "Planning Services" group.
 To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
 To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CABNmQkx0LmDCm5J1GKknhsd1QCMmE65MfEcv1peJUV7ApFEP1A%40mail.gmail.com>.

For the PLANNING & ZONING COMMISSION
 Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2020-26

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below.
 You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: ANDERSON JOHN D &
 Address: 911 EN 13TH ST

Mailing To: Planning and Development Services
 P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐
 Additional Comments:

I am opposed ☒

Signature: *John D. Anderson*

NOV 25 AM 11:07

For the PLANNING & ZONING COMMISSION
 Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2020-26

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below.
 You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: ANDERSON JOHN D &
 Address: 909 EN 13TH ST

Mailing To: Planning and Development Services
 P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐
 Additional Comments:

I am opposed ☒

Signature: *John D. Anderson*

NOV 25 AM 11:07



RECEIVED
NOV 30 2020
PLANNING

ABILENE CHRISTIAN UNIV
ATTN: INVESTMENT SERVICE
PO BOX 29139
ABILENE, TX 79699-0001

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-26

11/20/2020

The Planning and Zoning Commission will hold a public hearing on **December 1, 2020 at 1:30 PM**, in **City Council Chambers, 2nd Floor**, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Abilene Christian University, agent Kendra Hanfeld of Parkhill, Smith and Cooper Inc., to rezone 13.05 acres (occupied since 1955 by Taylor Elementary School) at 916 East North 13th Street, from Residential Medium-Density (MD) to a College University (CU) District. Legal description being 13.05 acres out of southwest quarter of Blind Asylum Lands Section 33 in Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **January 14, 2021 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Brad Stone Planner III at (325) 676-6382 or brad.stone@abilenetx.gov

For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2020-26

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: ABILENE CHRISTIAN UNIV

Address: 2010 ACU DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

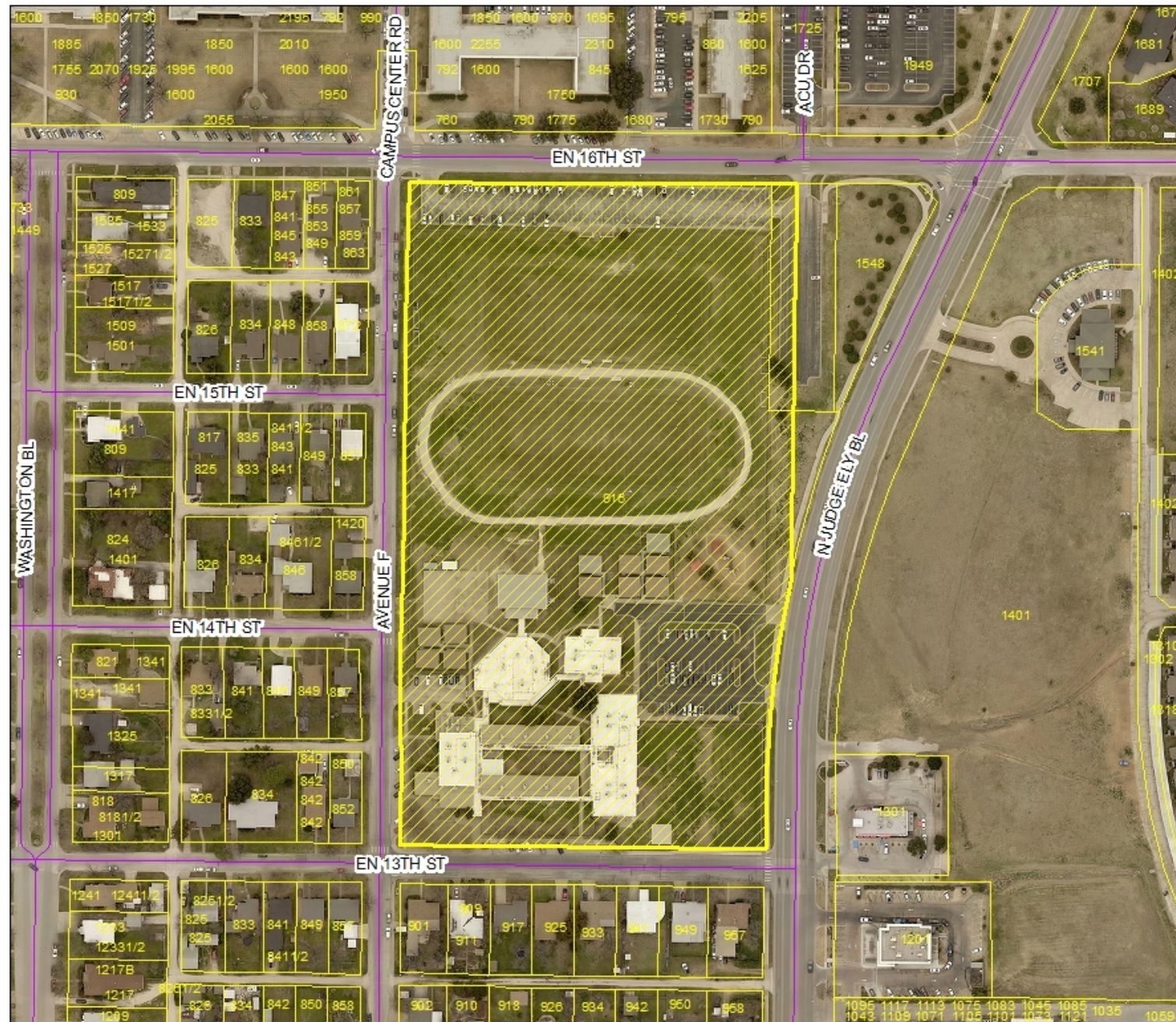
I am opposed ☐

Signature:  (Nov 30, 2020 13:13 CST)

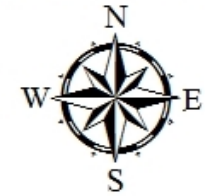
Please apply this notice to all ACU owned properties for this case.

Case:	Z-2020-26
Owner:	Abilene Christian University
Agent:	Kendra Hanfeld, Parkhill
Request:	Rezone from MD to CU
Legal Description:	13.05 acres out of southwest quarter of Blind Asylum Lands Section 33 in Abilene, Taylor County, Texas.
Notification:	55 in Favor, 1 Opposed
Planning & Zoning Recommendation:	Approval

Z-2020-26 LOCATION MAP



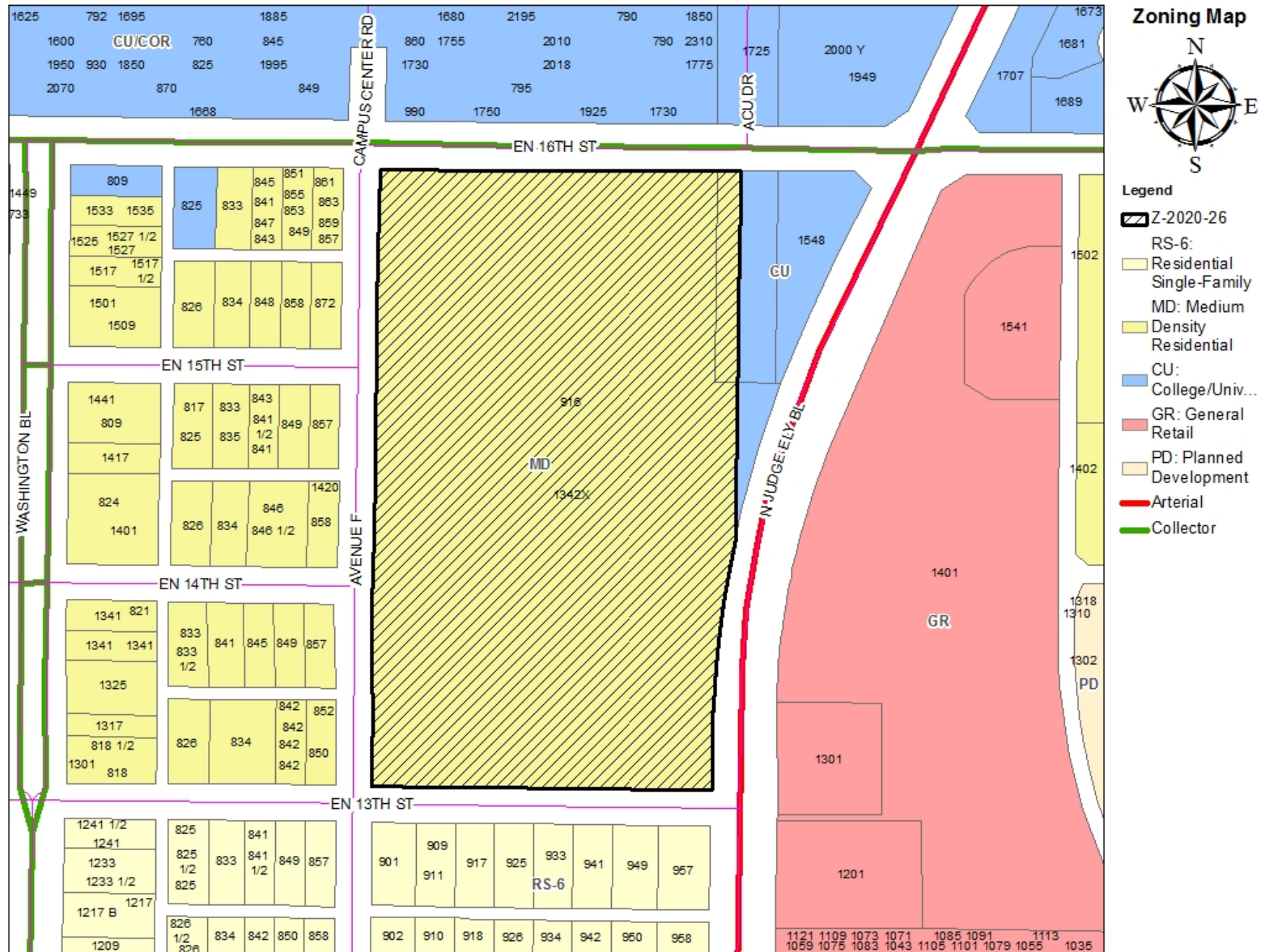
Location Map



Legend

 Z-2020-26

Z-2020-26 ZONING MAP



Z-2020-25 VIEWS OF SUBJECT PROPERTY



Existing Uses in CU Zoning

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
- C Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Animal Lot
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Day Care Operation – Home-Based
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recycling Collection Point
- P Recreation Equipment, Mobile (storage & parking)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Fire/Police Station
- P Hospital
- P Post Office

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P School: Public/Private
- P Trade/Business School
- P University/College

TRADE – RETAIL USES

- P/C Restaurant, Fast Food
- P/C Restaurant, Standard

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower – Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

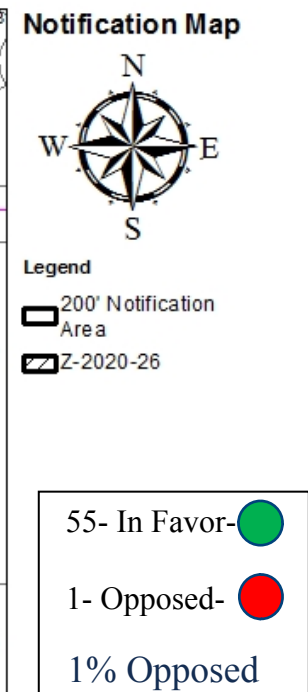
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
- C Permitted as a Conditional Use Permit, Requiring Approval by City Council
- TP Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2020-26 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **14. Ordinance (Final Reading) TC-2020-07: Receive a Report and Hold a Discussion and Public Hearing on a request from Abilene Christian University, agents Enprotec/Hibbs & Todd Inc., to abandon the public right-of-way within a 0.4039-acre tract of presently unpaved land initially dedicated for what is now known as North Judge Ely Boulevard and located northeast from the original campus of Taylor Elementary School at 916 E.N. 13th Street in northeast Abilene *(Mike Warrix)***

GENERAL INFORMATION

Abandon the public right-of-way within a 0.4039-acre parcel of presently unpaved land initially dedicated for what is now known as North Judge Ely Boulevard and located northeast from the original campus of Taylor Elementary School at 916 E.N. 13th Street in northeast Abilene

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.
DRC recommends this request is satisfactory with comments.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 5-0.

ATTACHMENTS:

1. TC-2020-07 draft ordinance
2. TC-2020-07 Council staff report
3. TC-2020-07 Council presentation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF A PORTION OF PUBLIC RIGHT-OF-WAY FOR THE ORIGINAL (BUT NOW UNPAVED) ALIGNMENT OF NORTH JUDGE ELY BOULEVARD; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the following described portion of public right-of-way, as described on Exhibit A, attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in said Exhibit A.

PART 2: That said portions of a public right-of-way are not needed for public purposes, and it is in the public interest of the City of Abilene to abandon said described portions of public right-of-way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tract of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING the 17th day of December, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of November, 2020, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of January, 2021, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 14th day of January, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

The City of Abilene hereby abandons the public right-of-way within an 0.4039-acre parcel described below and which is embraced with the original right-of-way acquired for North Judge Ely Boulevard but which said parcel is now considered obsolete (save and except for utility placement) due to the realignment of pavement on North Judge Ely Boulevard:

BEING a 0.4039-acre tract out of the southwest quarter of Section 33 in Blind Asylum Lands, Taylor County, Texas, and being out of a 12.055-acre tract recorded on Page 249 in Volume 427 of Deed Records for Taylor County, Texas, said 0.4039-acre tract being more particularly described as follows:

BEGINNING at a found TxDOT bronze disk (called STA 97+67.63R) at the end of a curve on the west line of right-of-way for North Judge Ely Boulevard (previously known as Metropolitan Highway 25 and FM Highway 1234) and also being on the east side of a 13.06-acre tract recorded in Document No. 2020-20580 in Official Public Records of Real Property in Taylor County, Texas, at the southeast corner of this 0.4039-acre tract;

THENCE North $00^{\circ} 33' 12''$ East, being the reference bearing for this tract (*called -N. $0^{\circ} W.$*) along the common line of original right-of-way for North Judge Ely Boulevard and said 13.06-acre tract, for a distance of 535.23 feet to a point at the southwest corner of a certain Tract No. 2 recorded in a document found on Page 102 in Volume 1904 of Official Public Records of Real Property in Taylor County, Texas, for the northwest corner of this 0.4039-acre tract and from where a found $\frac{1}{2}$ -inch iron rod at the northeast corner of said 13.06-acre tract bears N $00^{\circ} 33' 12''$ East 347.63 feet;

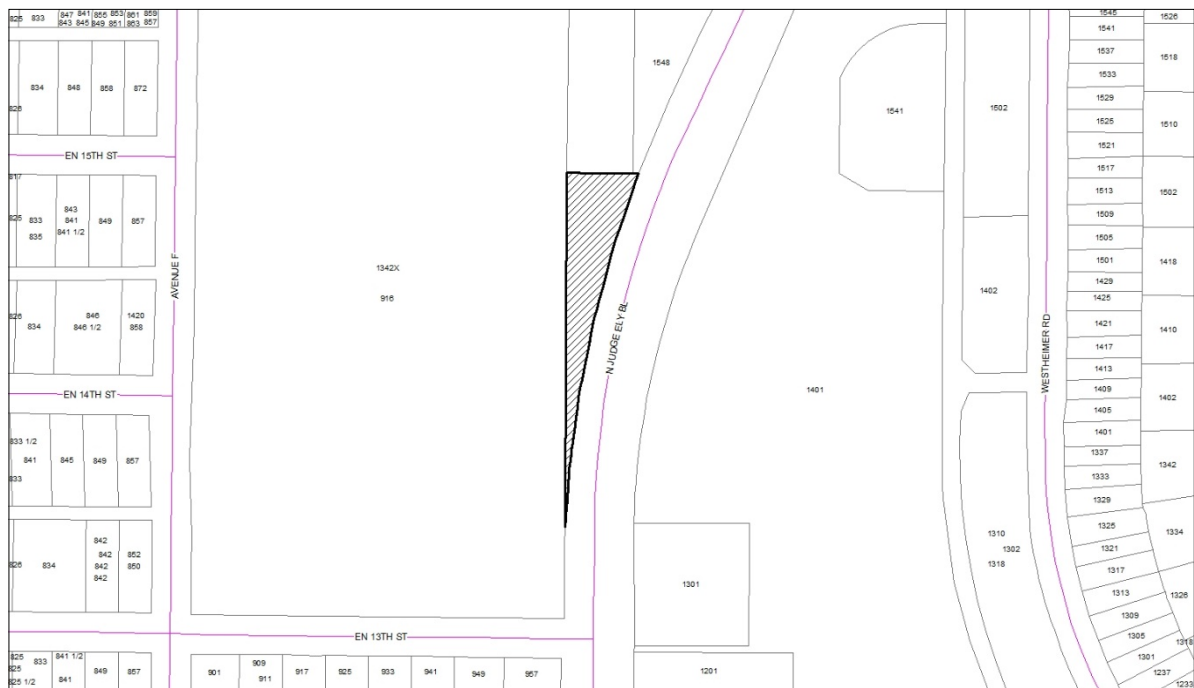
THENCE South $89^{\circ} 26' 42''$ East along the south line of said Tract No. 2, for a distance of 100.00 feet to a point on the west line of present right-of-way for North Judge Ely Boulevard at the southeast corner of said Tract No. 2 and the south corner of a certain remainder of Lot 101 in Block A in the University Hills Addition (as recorded on Slide 406 in Cabinet 1 of Plat Records for Taylor County, Texas, for the northeast corner of this 0.4039-acre tract and where a found TxDOT bronze disk (called STA 91+44.23R) at the beginning of a curve on the west line of right-of-way for North Judge Ely Boulevard bears N. $23^{\circ} 36' 16''$ E. 97.55 feet on a chord;

THENCE along the west line of right-of-way for North Judge Ely Boulevard, with a curve turning to the left and having a delta angle of $21^{\circ} 09' 54''$, a radius of 1482.39 feet, an arc length of 547.59 feet, and a chord bearing S. $11^{\circ} 08' 11''$ W. for a distance of 544.49 feet to the POINT OF BEGINNING and containing an area of 0.4039 acres;

-CONTINUED-

SUBJECT to the following conditions:

1. approval and subsequent recording of a subdivision plat showing how this right-of-way (authorized to be abandoned) will be integrated with adjacent property;
2. reservation of a 20-foot-wide utility easement along the entire west margin of the otherwise abandoned right-of-way;
3. reservation of a 10-foot-wide utility easement along the entire east margin of the otherwise abandoned right-of-way



TC-2020-07

STAFF REPORT



REQUEST: Abandon the public right-of-way within a 0.4039-acre parcel of presently unpaved land initially dedicated for what is now known as North Judge Ely Boulevard and located northeast from the original campus of Taylor Elementary School at 916 E.N. 13th Street in northeast Abilene.

APPLICANT: Abilene Christian University

AGENT: Enprotec / Hibbs & Todd

HEARING DATES:

P & Z Commission: December 1, 2020

City Council 1st Reading: December 17, 2020

City Council 2nd Reading: January 14, 2021

LOCATION:

A triangular-shaped segment of unpaved right-of-way once (but no longer) occupied by North Judge Ely Boulevard, located directly east from what will soon be the former site of Taylor Elementary School and west from the present alignment of North Judge Ely Boulevard

BACKGROUND:

Until the 1990's, North Judge Ely Boulevard projected straight north from North 1st Street, all the way to Interstate Highway 20 and beyond. During the 1990's, North Judge Ely Boulevard was relocated eastward (in an arc-like manner) to allow enlargement of Abilene Christian University without having this major arterial street projected through the center of their campus.

Almost all of the now-obsolete segments of North Judge Ely's right-of-way were subsequently abandoned and relinquished to Abilene Christian University, who own the adjacent properties to those segments.

The subject 0.4039-acre of now obsolete right-of-way for North Judge Ely has never been formally and officially abandoned by the public. This acreage lies adjacent to what will soon be the former site of Taylor Elementary School. A new building for Taylor Elementary School has been constructed at a campus on East North 10th Street, approximately ¾ mile from the original campus. The Abilene Independent School District never sought abandonment of this sole remaining segment of North Judge Ely Boulevard's original and now-obsolete right-of-way.

Abilene Christian University is now committed to purchase the 13.05-acre site of Taylor Elementary School's original campus. As a result, the University will become the sole owner of land adjacent to this remaining segment of North Judge Ely's original and now-obsolete right-of-way. Abilene Christian University thereby seeks to have this 0.4039-acre parcel of right-of-way officially abandoned by the public. If this request is approved, the University may then integrate that acreage within its expanded campus on the former site of Taylor Elementary School.

ANALYSIS:

Street pavement has long been removed from this 0.4039-acre parcel of North Judge Ely Boulevard's original right-of-way. It is now surfaced entirely with grass cover and is no longer needed as a thoroughfare for either vehicle or pedestrian traffic. However, this 0.4039-acre parcel still includes some critical utility lines for which suitable easements must be reserved:

- A thirty-inch-wide raw water main lies in the west margin of right-of-way requested to be abandoned. At least a 20-foot-wide utility easement must be reserved (for such) along the entire west margin of the otherwise abandoned right-of-way.
- An electric distribution utility (AEP Texas) has a 12.47 KV electric power line encroaching into the east margin of right-of-way requested to be abandoned. At least a 10-foot-wide utility easement must be reserved (for such) along the entire east margin of the otherwise abandoned right-of-way.

APPLICATION REVIEW:

Pursuant to Section 3.2.7.4, Street, Alley Abandonment, and Closure Policy, of the Land Development Code, any closure or abandonment shall follow the same process as required for a zoning change. Section 1.4.1.4, Criteria for Approval, states in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

- (1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended.**

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as University/College District. Abandoning this obsolete section of public right-of-way will help implement the goals of the Comprehensive Plan.

- (2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

Abilene Christian University owns all of the surrounding property adjacent to this obsolete right-of-way. The proposed street closure will have no adverse effects to the immediate area.

Direction	Zoning	Existing Land Use
North	CU	Vacant/Parking Lot
South	MD	Taylor Elementary School
East	GR	Vacant/Undeveloped Land
West	MD	Vacant/Recreational Fields

- (3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.**

The subject property is served with existing utilities and is located along an arterial street.

- (4) Any other factors which will substantially affect the public health, safety, morals, or general welfare.**

It is the opinion of the staff that there are no other factors which will substantially affect the public health, safety, morals, or general welfare.

STAFF RECOMMENDATION:

Case # TC-2020-07
November 23, 2020

City staff recommends approving the requested abandonment of this right-of-way, subject to the following conditions:

1. Approval and subsequent recording of a subdivision plat showing how this right-of-way (authorized to be abandoned) will be integrated with adjacent property;
2. Reservation of a 20-foot-wide utility easement along the entire west margin of the otherwise abandoned right-of-way;
3. Reservation of a 10-foot-wide utility easement along the entire east margin of the otherwise abandoned right-of-way

As described in the above analysis, this segment of North Judge Ely’s original right-of-way is no longer needed as a thoroughfare for vehicles or pedestrian traffic. But it is a useful conduit for some critical utilities.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

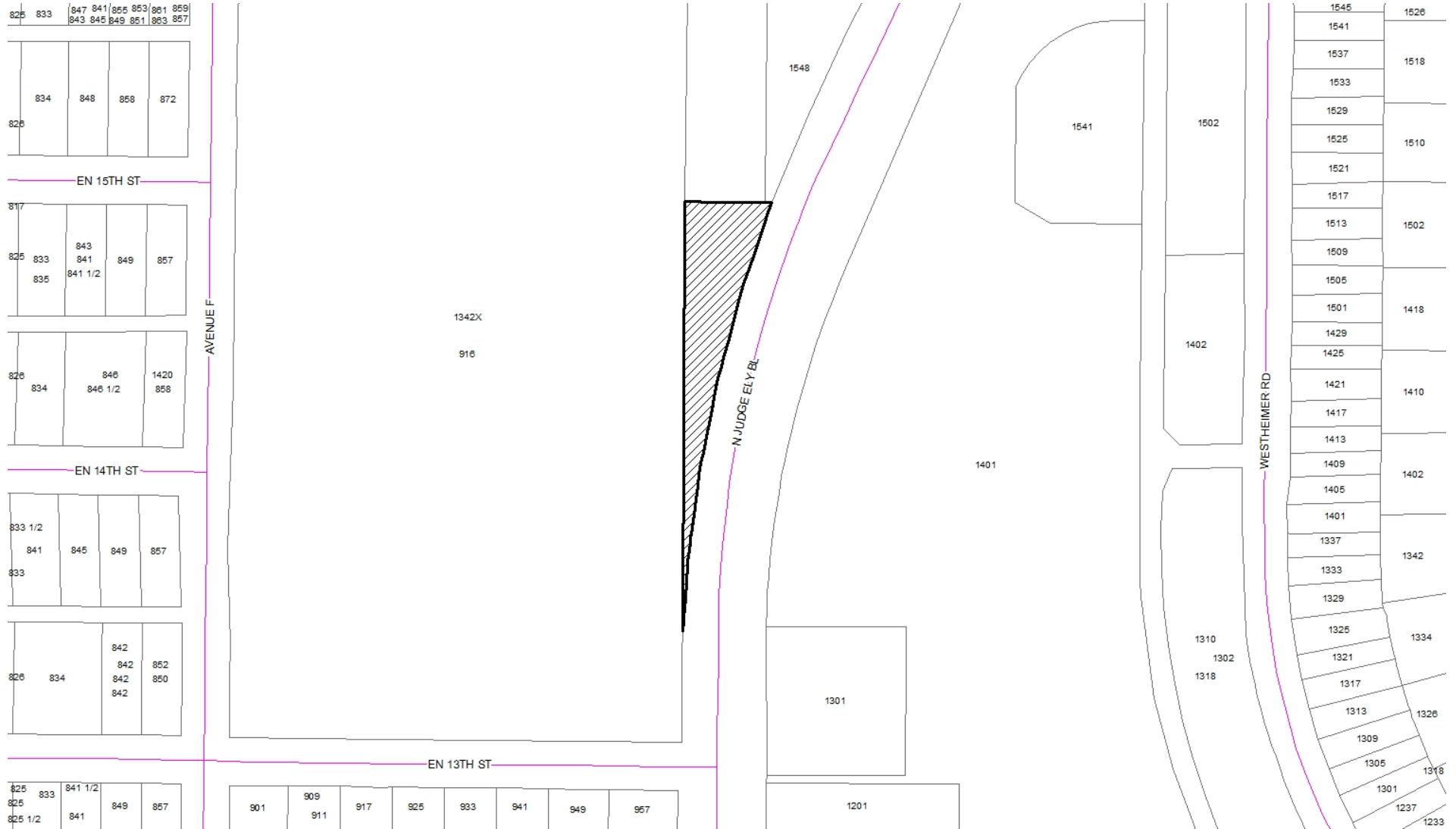
The Planning & Zoning Commission recommended approval by a vote of five (5) to zero (0) on Tuesday, December 1, 2020.

NOTIFICATION:

The planning Services Division sent written notice of this request (with certificate of mailing) to all owners of property within a 200-foot radius of this subject property.

Owner	Situs	Response
ABILENE CHRISTIAN UNIV	1548 N JUDGE ELY BL	In Favor
ABILENE CHRISTIAN UNIV		In Favor
ABILENE CHRISTIAN UNIV	1401 N JUDGE ELY BL	In Favor
ABILENE IND SCHOOL DIST	916 EN 13TH ST	In Favor (Now owned by ACU)
ABILENE IND SCHOOL DIST	1342X AVENUE F	In Favor (Now owned by ACU)
SOULAR RTS LLC SERIES B	957 EN 13TH ST	
STRICKLAND FAMILY TRUST ET AL	1301 N JUDGE ELY BL	

ATTACHMENTS: 1) Application 2) PowerPoint





Development Application

Planning

- | | | | |
|--|---|--|---|
| ☐ Conditional Use | ☐ Special Exceptions | ☐ Rezoning | ☐ Variance |
| ☐ PDD Amendment | ☐ Street Name Change | ☒ Thoroughfare Abandonment | ☐ Easement Release |
| ☐ Historic Certification of Appropriateness | ☐ Historic Project Tax Reduction | | |

Relief Procedures

- | | | | |
|--|---|---|---------------------------------|
| ☐ Petition for Relief | ☐ Proportionality Appeal | ☐ Vested Rights Petition | ☐ Appeal |
|--|---|---|---------------------------------|
- Other: _____

Project Name: Abilene Christian University - Request for Abandonment of a Portion of Existing Judge Ely ROW

Address: 916 EN 13th Street, Abilene, Texas No. of lots: 1 Acreage: 14.889 Acres

Legal Description: See attached Exhibit

Subdivision Name: ACU Addition, Section 3 Block: A Lot: 1

Current Zoning: N/A Proposed Zoning (if applicable): N/A

OWNER AND AUTHORIZATION

Owner Name: Abilene Christian University

Address: PO Box 29139

City, State, Zip: Abilene, Texas 79699-0001 Fax: N/A

Phone: 325-674-2665 Email: corey.ruff@acu.edu

Agent Name: Enprotec / Hibbs & Todd, Inc

Address: 402 Cedar Street

City, State, Zip: Abilene, Texas, 79601 Fax: N/A

Phone: 325-698-5560 Email: bj.prichard@e-ht.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: [Signature] Date: 11/03/2020

FOR OFFICE USE ONLY

Received: 11/3/20 Fee: \$ 1,500.00 Receipt No.: 0001056467

Case No.: ~~2020-07~~ Reviewed By: [Signature]

TC-2020-07



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

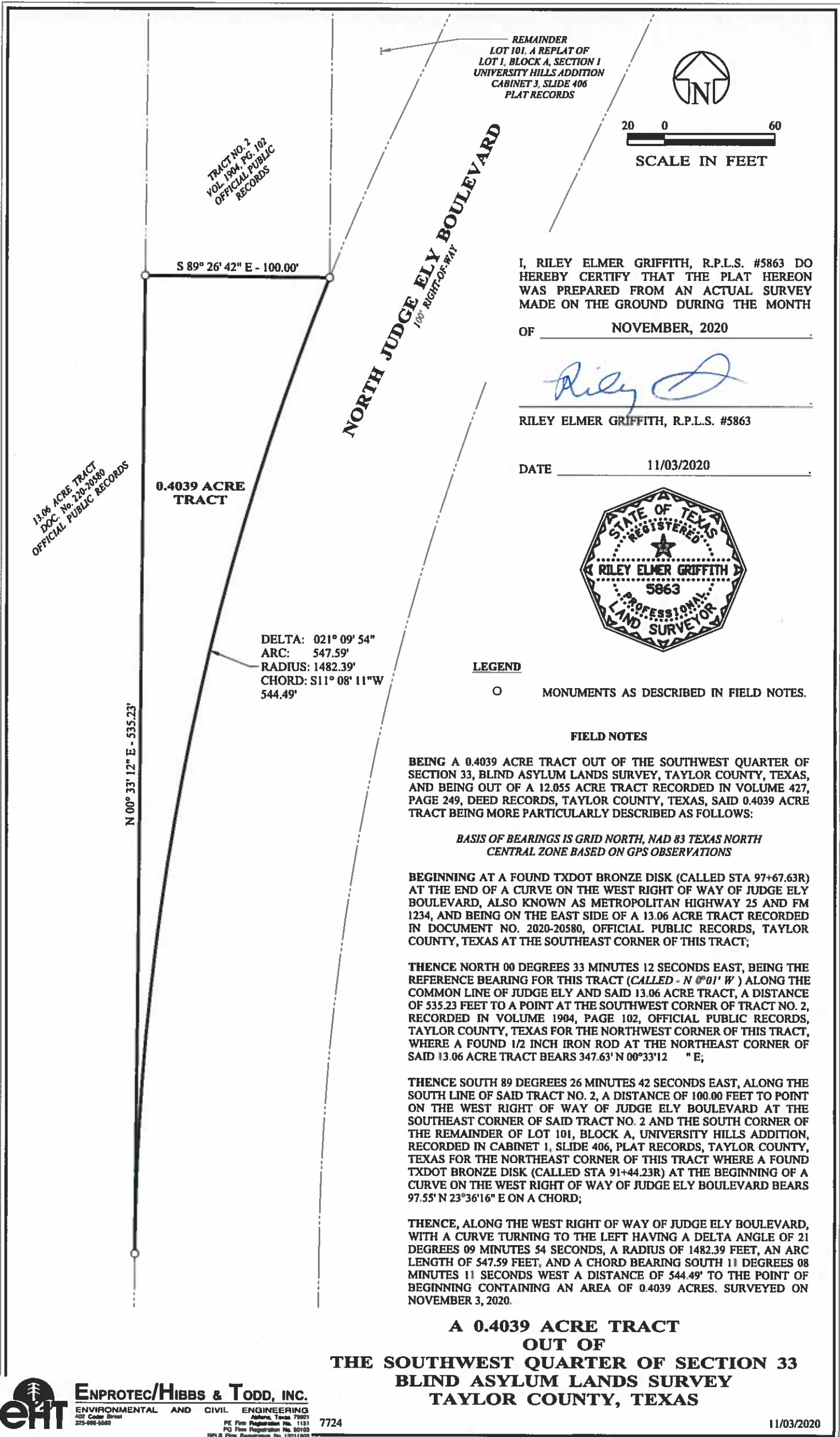
The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

A handwritten signature in blue ink, appearing to be "M. P. D.", written over a horizontal line.

DATE: 11/03/2020





RECEIVED
NOV 30 2020
PLANNING

ABILENE CHRISTIAN UNIV
ATTN: INVESTMENT SERVICE
PO BOX 29139
ABILENE, TX 79699-0001

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Application Number TC-2020-07

11/20/2020

The Planning and Zoning Commission will hold a public hearing on **December 1, 2020 at 1:30 PM**, in **City Council Chambers, 2nd Floor**, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Abilene Christian University, agents Enprotec/Hibbs & Todd Inc., to abandon the public right-of-way within a 0.4039-acre tract of presently unpaved land initially dedicated for what is now known as North Judge Ely Boulevard and located northeast from the original campus of Taylor Elementary School at 916 E.N. 13th Street in northeast Abilene.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for Thoroughfare Closure. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **January 14, 2021 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Brad Stone Planner III at (325) 676-6382 or brad.stone@abilenetx.gov

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: TC 2020-06

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: ABILENE CHRISTIAN UNIV
Address: 1401 N JUDGE ELY BL

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

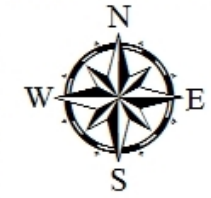
Signature:  (Nov 30, 2020 13:12 CST)

Please apply this notice to all ACU
owned properties for this case.

Case:	TC-2020-07
Owner:	Abilene Christian University
Agent:	Enprotec Hibbs & Todd, Inc.
Request:	Abandon a 0.4039- acre public right-of-way initially dedicated for what is now known as North Judge Ely Boulevard
Location:	Taylor Elementary School at 916 E.N. 13 th Street in northeast Abilene, Texas
Notification:	5 in Favor, 0 Opposed
Planning & Zoning Recommendation:	Approval

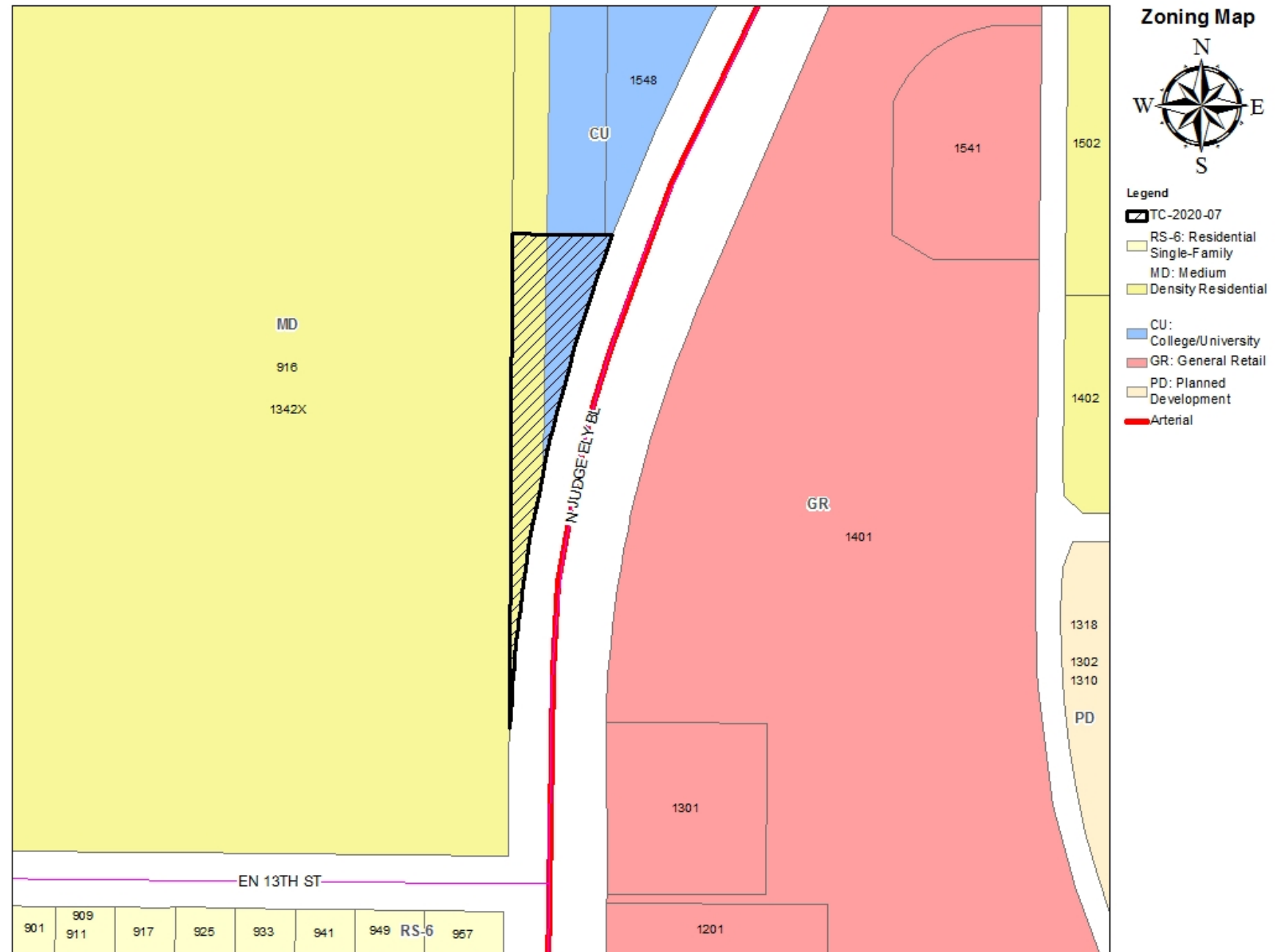


Location Map



Legend

 TC-2020-07



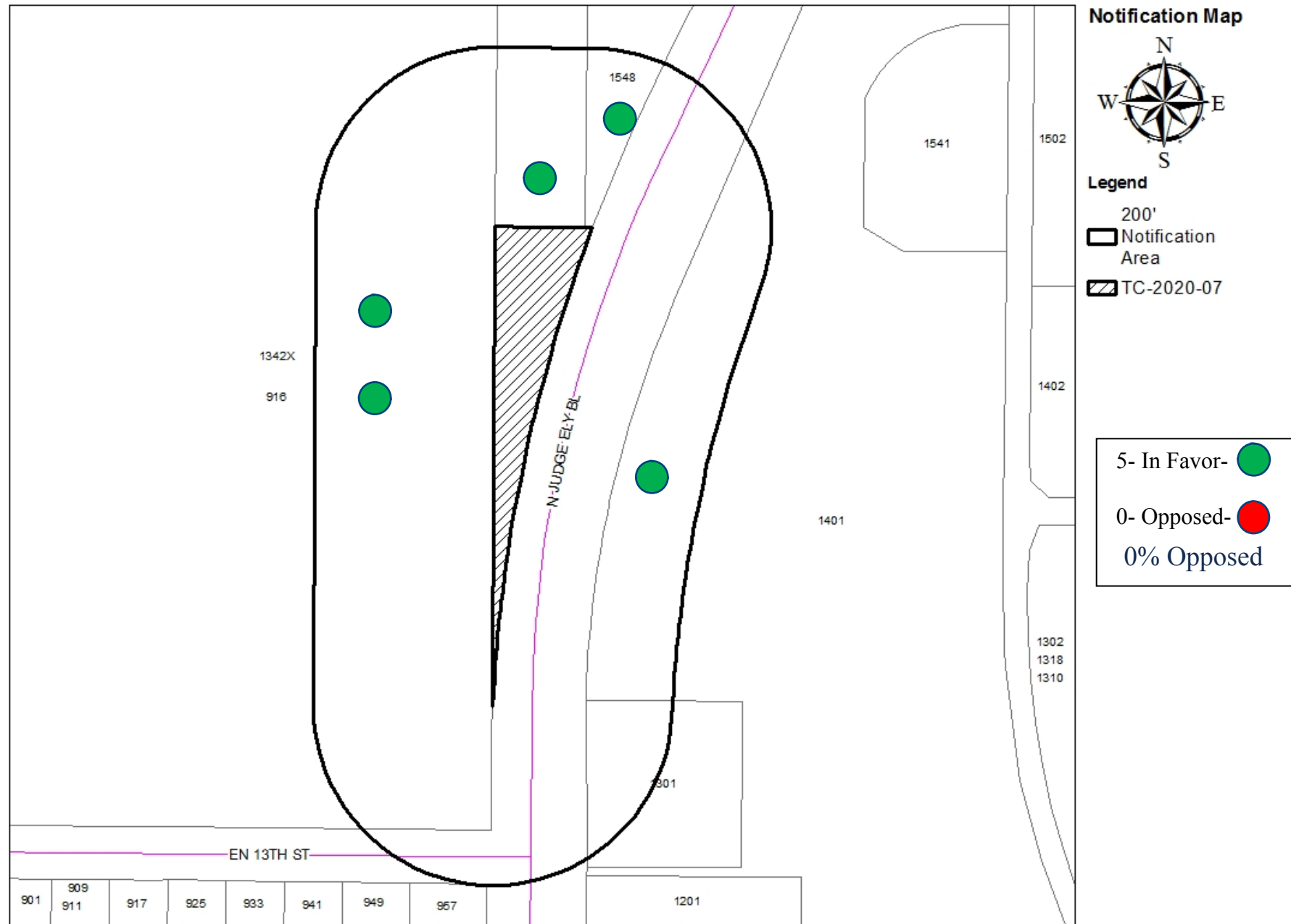
Northern property view



Southern property view



TC-2020-07 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- DRC Recommendation: Satisfactory with conditions
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **15. Ordinance (Final Reading) TC-2020-06: Receive a Report and Hold a Discussion and Public Hearing on a request from the City of Abilene to abandon the public right-of-way within the complete 418-foot length of Crow Street as it extends north from right-of-way for East South 5th Street, approximately 765 feet west from and parallel to T&P Lane in southeast central Abilene (Mike Warrix)**

GENERAL INFORMATION

Abandon the public right-of-way within the complete 418-foot length of Crow Street. This proposed public right-of-way abandonment is a part of the Cedar Creek Waterway Project and the City has initiated the request for abandonment due to the frequency of illegal dumping on this dead-end unimproved roadway. Additionally, of Crow Street and the adjacent properties to the west are within the floodway.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 5-0.

ATTACHMENTS:

1. TC-2020-06 authorizing ordinance
2. TC-2020-06 Council Staff Report
3. TC-2020-06 Council presentation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF THE PUBLIC RIGHT-OF WAY WITH IN THE COMPLETE 418-FOOT LENGTH OF CROW STREET, PROVIDING FOR TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the following described portion of public right-of-way for Crow Street, as described on Exhibit "A" attached hereto and made part of this ordinance for all purposes, be and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the City of Abilene is concerned, subject to the underlying property owner(s) graphically resubdividing (by replat,) the subject portion of public right-of-way into the adjoining properties.

PART 2: That said portion of public right-of-way is not needed for public purposes, and it is in the public interest to abandon the above described portion of public right-of-way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tract of land specifically described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING THE 17th day of December, A.D. 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of November, 2020, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 14th day of January, 2021, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 14th day of January, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the following within the complete 418-foot length of Crow Street as it extends north from right-of-way for East South 5th Street, approximately 765 feet west from and parallel to T&P Lane in southeast central Abilene.



Location: 473 Crow Street, Abilene, Taylor County, Texas

-END-

TC-2020-06

STAFF REPORT



REQUEST: Abandon the public right-of-way within the complete 418-foot length of Crow Street.

APPLICANT:

City of Abilene

HEARING DATES:

P & Z Commission: December 1, 2020

City Council 1st Reading: December 17, 2020

City Council 2nd Reading: January 14, 2021

LOCATION:

- 60-foot wide right-of-way with an approximate depth of 440 feet that extends north of East South 5th Street and approximately 750 feet west of T & P Lane.

BACKGROUND AND REQUESTED ACTION: This proposed public right-of-way abandonment is a part of the Cedar Creek Waterway Project and the City has initiated the request for abandonment due to the frequency of illegal dumping on this dead-end unimproved roadway. Additionally, of Crow Street and the adjacent properties to the west are within the floodway.

REQUEST ANALYSIS:

Plans for proposed abandonment were shared with the City of Abilene's Development Review Committee (DRC) whose members include representatives from locally franchised utility services as well as the City's Utilities Department. There were no objections from members of the DRC, however, the proposed right-of-way abandonment will require water and sewer easement(s), as both pipelines extend from Lot 10 of Williams Estate Subdivision south down East South 5th Street. Proposed easement(s) are designated during plat review.

APPLICATION REVIEW:

Pursuant to Section 3.2.7.4, Street, Alley Abandonment, and Closure Policy, of the Land Development Code, any closure or abandonment shall follow the same process as required for a zoning change. Section 1.4.1.4, Criteria for Approval, states in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

- (1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended.**

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as public/semipublic space with an emphasis on parks, recreation, and open space. Abandoning Crow Street will help the City of Abilene transform vacant residential property in to a vibrant outdoor recreational space and enhance the image of the entire community.

- (2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

The City of Abilene owns all of the surrounding properties of Crow Street, all of which are vacant. The proposed street closure will have no adverse effects to the immediate area.

Direction	Zoning	Existing Land Use
North	AO	Vacant/Undeveloped Land
South	AO	Cal Young Park
East	RS-6	Vacant/Undeveloped Land
West	RS-6	Vacant/Undeveloped Land

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

There are currently water and sewer lines that extend through the entirety of Crow Street that serve surrounding properties. All proposed easements will be addressed during the re-platting process.

(4) Any other factors which will substantially affect the public health, safety, morals, or general welfare.

It is the opinion of the staff that there are no other factors which will substantially affect the public health, safety, morals, or general welfare.

STAFF RECOMMENDATION:

City staff recommends approving the requested abandonment subject to approval and subsequent recording of a re-plat showing how the right-of-way (authorized to be abandoned) will be integrated with one or more adjacent new lot(s).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommended approval by a vote of five (5) to zero (0) on Tuesday, December 1, 2020.

NOTIFICATION:

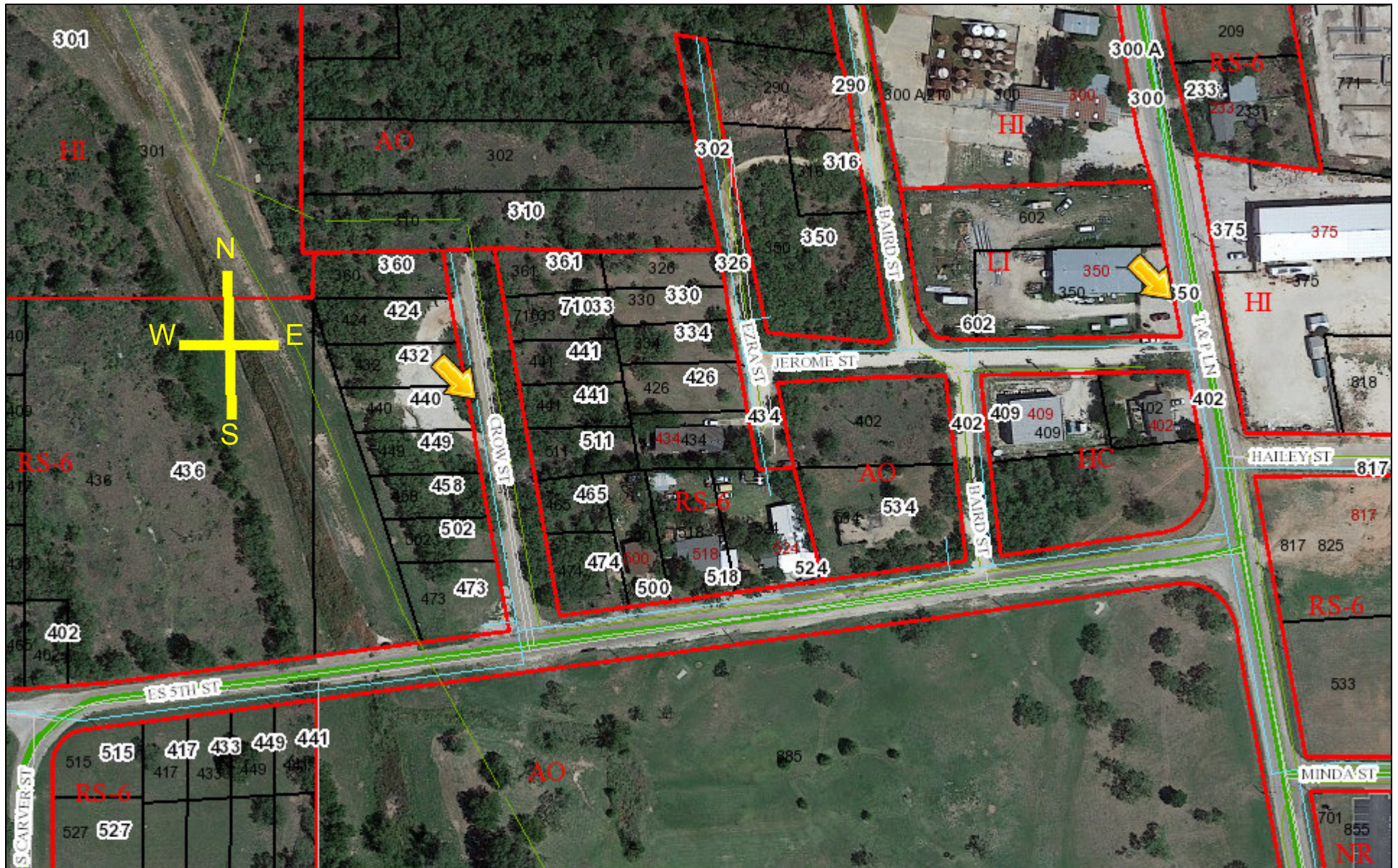
The planning Services Division sent written notice of this request (with certificate of mailing) to all owners of property within a 200-foot radius of this subject property.

Owner	Situs	Response
PICHARDO JOE	500 ES 5TH ST	
BURTON EUGENIA	310 EZRA ST	Opposed
CITY OF ABILENE	449 CROW ST	
CITY OF ABILENE	441 CROW ST	
CITY OF ABILENE	361 CROW ST	
CASAREZ STEVE	434 EZRA ST	
CASAREZ STEVE	330 EZRA ST	
CITY OF ABILENE CAL	885 CAL YOUNG PK	
CITY OF ABILENE	432 CROW ST	
CASAREZ STEVE	334 EZRA ST	
CASAREZ STEVE	426 EZRA ST	
CITY OF ABILENE	465 CROW ST	
CITY OF ABILENE	424 CROW ST	
CITY OF ABILENE	473 CROW ST	
CITY OF ABILENE	502 CROW ST	
CEDAR CREEK WATERWAY DEV INC	436 ES 5TH ST	
THOMPSON JOHNNY B &	518 ES 5TH ST	
CASAREZ STEVE	326 EZRA ST	
TUTT THOMAS ET AL	302 EZRA ST	
CITY OF ABILENE	441 CROW ST	
CITY OF ABILENE	360 CROW ST	
CITY OF ABILENE	511 CROW ST	
CITY OF ABILENE	71033 CROW ST	
CITY OF ABILENE	474 CROW ST	
CITY OF ABILENE	458 CROW ST	
CITY OF ABILENE	440 CROW ST	
TUTT THOMAS ET AL	288 BAIRD ST	
CITY OF ABILENE	301 HENDERSON AV	

ATTACHMENTS: 1) Application 2) PowerPoint

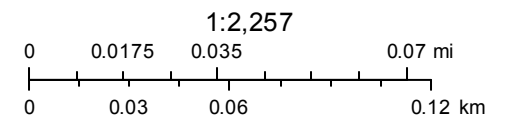


ArcGIS Web Map



October 23, 2020

- | | | | |
|-------------|-------------------------|----------------|--------------------------|
| Water Lines | Streets | Collector | Thfrplan Extended |
| Sewer Lines | Thfrplan Current | Expressway | Arterial - Extended |
| ROW_width | Arterial | minor arterial | Expressway |



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

THE STATE OF TEXAS |
COUNTY OF TAYLOR |

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Price Campbell, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said West Texas Utilities Company, a Private Corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 27th day of October, 1953.

J. C. Crownover, Notary Public
in and for Taylor County, Texas

(SEAL)

FILED FOR RECORD NOVEMBER 19, 1953 at 3:30 P. M.

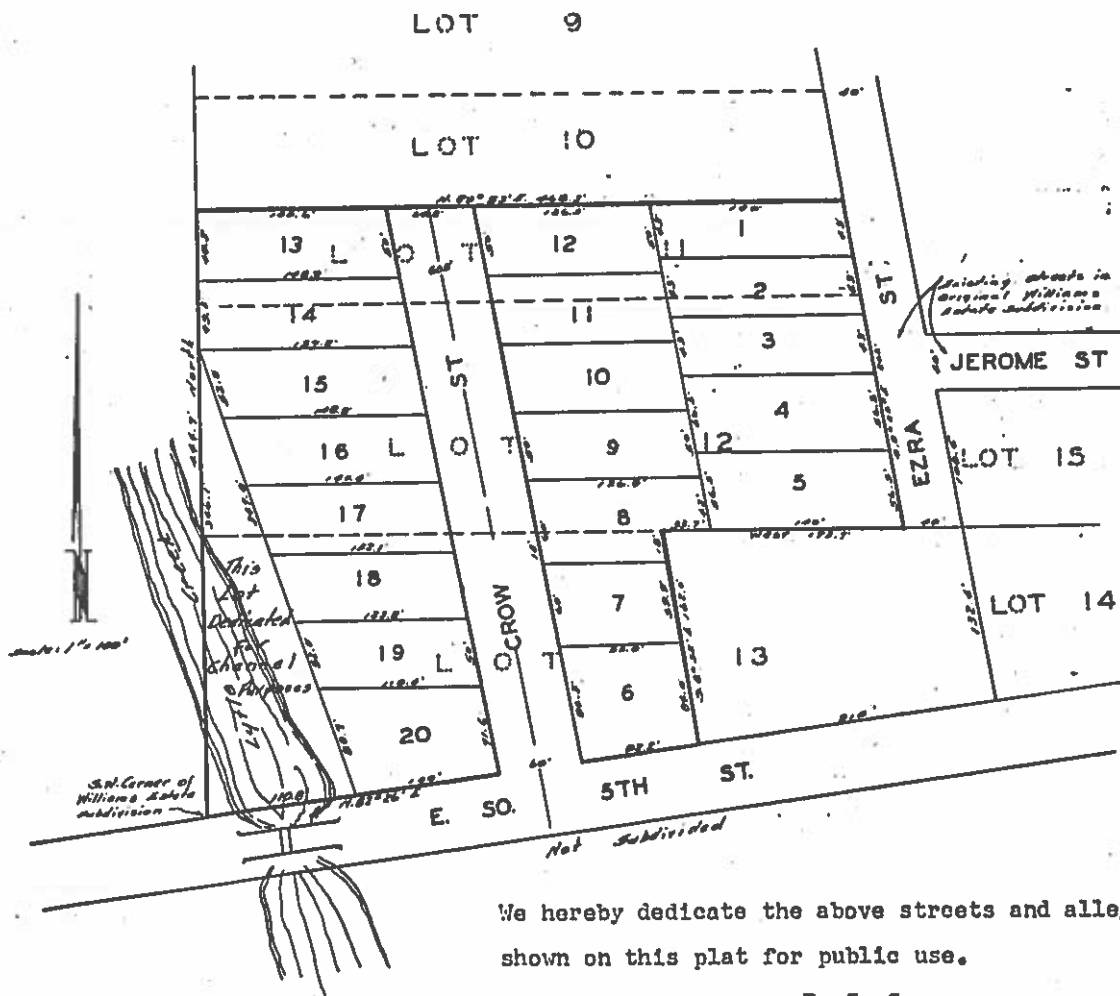
RECORDED JUNE 10, 1954 at 2:15 P. M.

Mrs. Chester Hutcheson, County Clerk
By Marjorie Clark, Deputy

FILE NO. 2528

CROW SUBDIVISION

A SUBDIVISION OF LOTS 11, 12, AND ALL BUT THE EAST 215' OF LOT 13, WILLIAMS ESTATE SUBDIVISION OF SECTIONS 37 & 48, B. A. LANDS, TAYLOR CO., TEXAS.



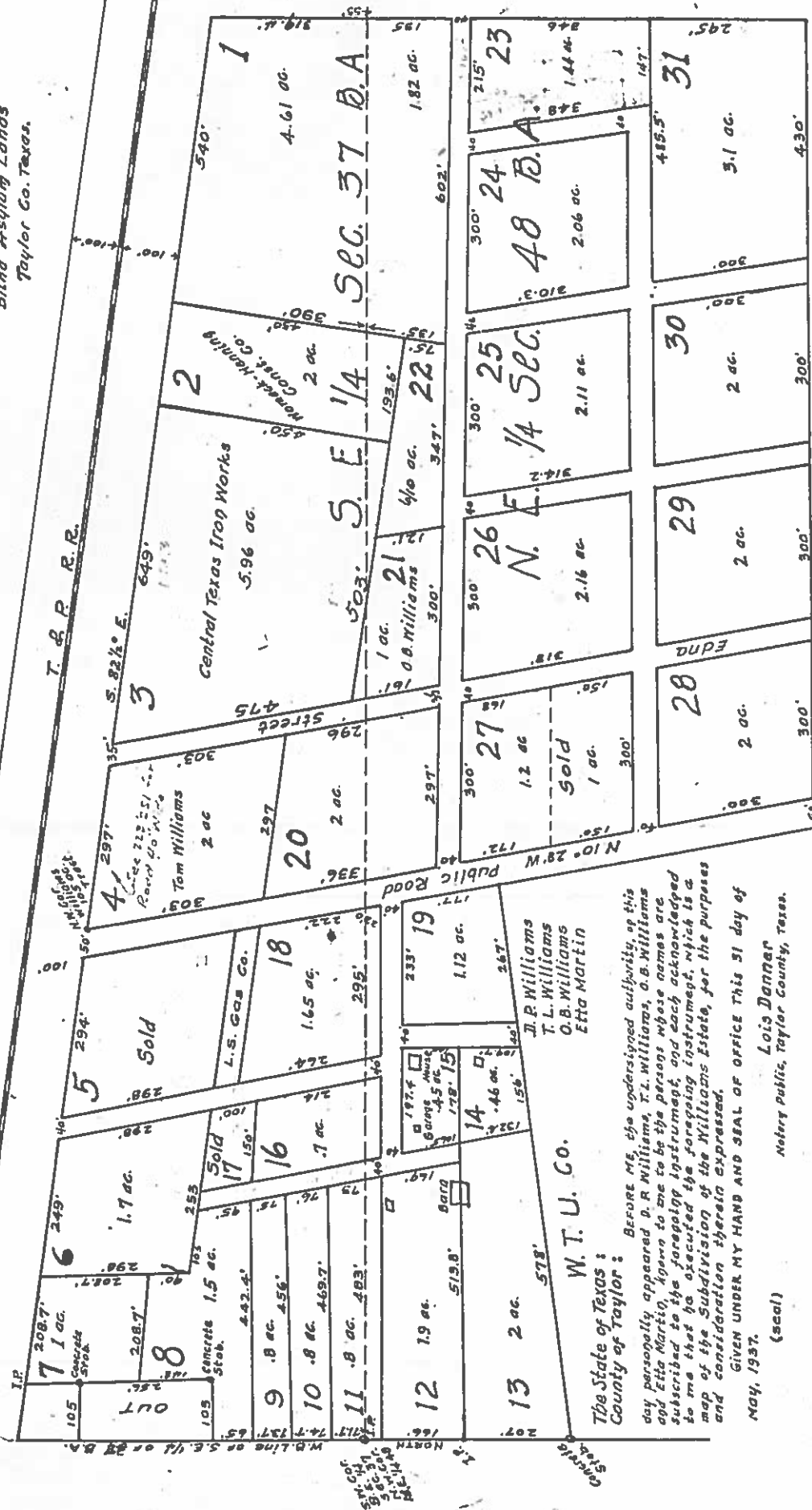
We hereby dedicate the above streets and alley shown on this plat for public use.

B. J. Crow
A. L. Frazier

COUNTY OF TAYLOR |
STATE OF TEXAS |

Before me, the undersigned authority, a Notary Public in and for

Williams Estate Subdivision
of
Part of Sections 37 & 48
Blind Asylum Lands
Taylor Co. Texas.



I, G.M. Thomson, do hereby certify the above plat is true and correct as surveyed by me on the ground March 23 & April 5 & 6, 1937.

G.M. Thomson,
Licensed Land Surveyor,
Athens, Tex.

BEFORE ME, the undersigned authority, on this day personally appeared D. R. Williams, T. L. Williams, O. B. Williams and Edna Martin, known to me to be the persons whose names are subscribed to the foregoing instrument, and each acknowledged to me that he executed the foregoing instrument, which is a map of the Subdivision of the Williams Estate, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 31 day of May, 1937.

Lois Danner
Notary Public, Taylor County, Texas.

Filed for RECORD June 1, 1937 at 10:00 o'clock A.M.
RECORDED June 30, 1937 at 5:00 o'clock P.M.

Vivian Fryar
County Clerk, Taylor County, Texas

File No 2400.



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Fwd: NOTICE OF PUBLIC HEARING DECEMBER 1, 2020

1 message

Williams, Anthony <anthony.williams@abilenetx.gov>
To: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>

Fri, Dec 11, 2020 at 4:37 PM

----- Forwarded message -----

From: **DWB** <donalddbunton@gmail.com>

Date: Mon, Nov 30, 2020 at 3:28 PM

Subject: NOTICE OF PUBLIC HEARING DECEMBER 1, 2020

To: <anthony.williams@abilenetx.gov>, <council@abilenetx.gov>, Smith, Stanley <stanley.smith@abilenetx.gov>

Good afternoon,

My mother received a letter from the City of Abilene dated November 20, 2020, last week concerning a "NOTICE OF PUBLIC HEARING", in reference to her property located at [310 Ezra Street](#). At this time we are opposed to the Thoroughfare Closure. Please find our explanation in the attachment.

Kindest regards,
Donald W. Burton

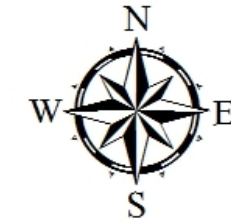
**Letter to City of Abilene .docx**

6692K

Case:	TC-2020-06
Owner:	City of Abilene
Request:	Abandon Crow St. right-of-way
Location:	418-foot length of Crow Street as it extends north from right-of-way for East South 5 th Street, approximately 765-feet west from and parallel to T&P Lane in southwest central Abilene, Texas
Notification:	0 in Favor, 1 Opposed
Planning & Zoning Recommendation:	Approval



Location Map



Legend

 TC-2020-06

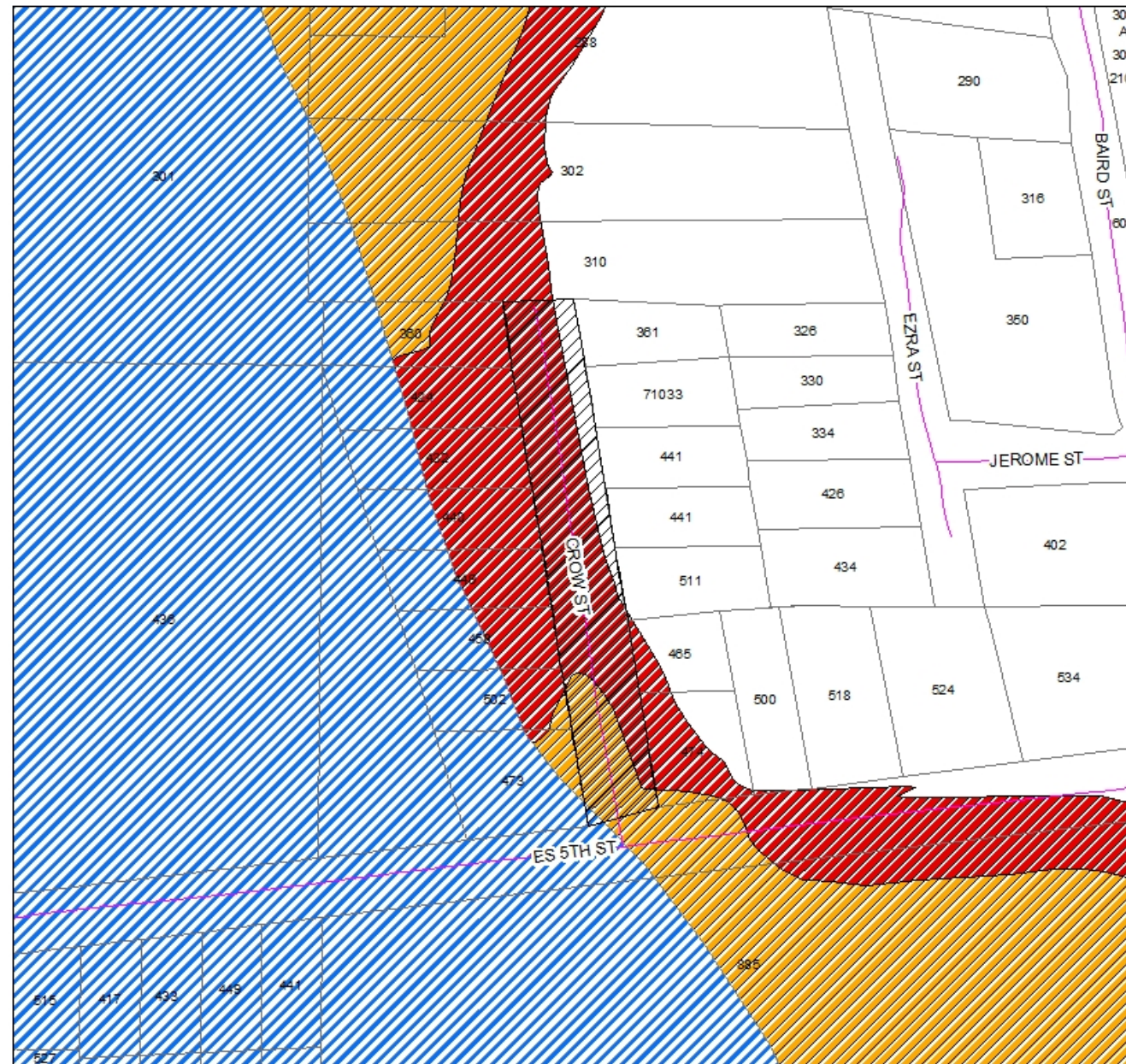


Zoning Map

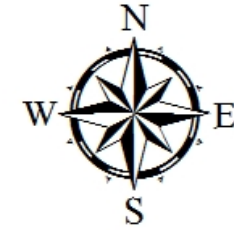


Legend

- TC-2020-06
- AO - Agricultural Open Space
- RS-6: Residential Single-Fa...
- LI: Light Industrial
- HI: Heavy Industrial
- Collector



Flood Zone Map



Legend

-  TC-2020-06
-  Flood Way
-  100-Year Flood Zone
-  500-Year Flood Zone

Northern view of Crow St.



Southern view of Crow St.



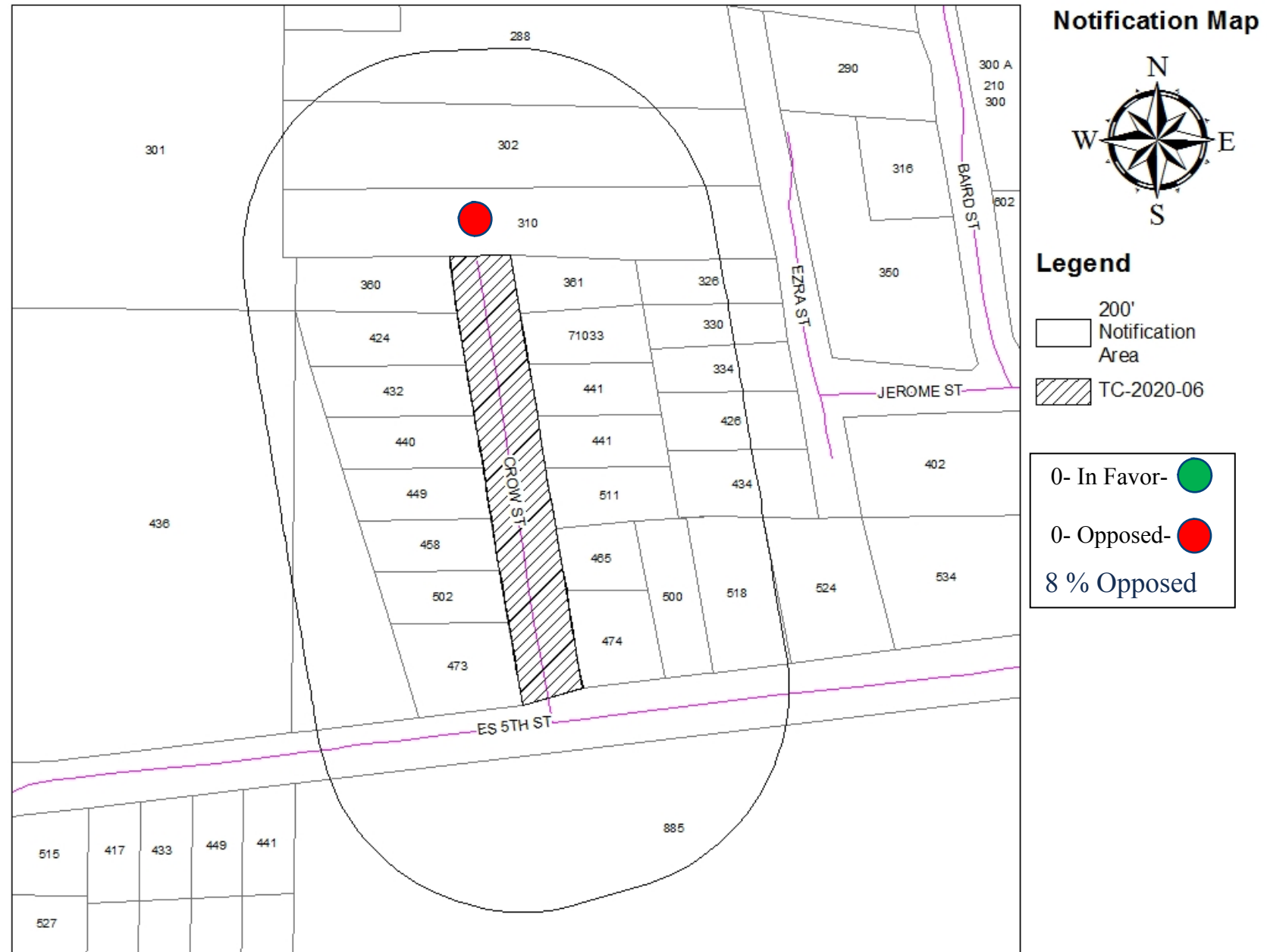
Eastern view of E.S. 5th St



Western view of E.S. 5th St



TC-2020-06 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- DRC Recommendation: Satisfactory
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 16. 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:

GENERAL INFORMATION

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. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
3. Alfredo Valencia v. Corey Davis and City of Abilene; Case No. 1:19-cv-00017-C; In the United States District Court, Northern District of Texas, Abilene Division, filed February 4, 2019.
4. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
5. 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
6. City of Abilene, Texas and Garfield Public/Private LLC v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-000900, In the 261st Judicial District Court, Travis County, Texas, filed February 13, 2020
7. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020

8. 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
9. 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
10. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P-8277-83-CV, In the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
11. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
12. 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
13. Governor's Executive Orders COVID-19
14. Annual Ethics Training

B. 551.072 (Deliberations about Real Property)

1. Clyde Water

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 and Commissions may be discussed, as needed for (re)appointment

E. 551.076 (Deliberations about Security Devices)

F.551.087 (Business Prospect/Economic Development)

1. Abilene Convention Center Hotel Project

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None



**City Council
Agenda Memo**

City Council Meeting Date: 1/14/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 17.

Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing Members to Various Boards and Commissions per the City Charter (*Shawna Atkinson*)

- **Abilene Taylor County Child Advocacy Center Board**
- **Development Corporation of Abilene**
- **Keep Abilene Beautiful**
- **Planning & Zoning Commission**
- **Senior Advisory Board**
- **Street Maintenance Advisory Board**

GENERAL INFORMATION

The item provides for reappointment of new members as well as new members to certain boards and commissions.

SPECIAL CONSIDERATIONS

Member terms vary per board and commission and are outlined in Exhibit A of the resolution.

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. B&C Resolution
2. Exhibit A
3. B&C Presentation Slide

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND STATUTES OF THE STATE OF TEXAS

WHEREAS, the Charter of the City of Abilene and the Statutes of the State of Texas require that certain Boards and Commissions be established with a portion of the memberships thereof to be filled by appointment each year; and

WHEREAS, the City Council is of the opinion that the following members should be appointed to the designated Boards and Commissions, and has requested the Mayor to appoint same with the approval of the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the list of Members is attached hereto as Exhibit A, shall be in all things, approved.

PART 2: That this resolution shall take effect immediately from and after its passage.

PASSED this 14th day of January, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____

Board	Term End Date
<i>Abilene Taylor County Child Advocacy Center Board</i>	
Kari Leong [New]	December 2023
<i>Development Corporation of Abilene</i>	
Jack Rich [Reappointment]	December 2023
<i>Keep Abilene Beautiful</i>	
John Willey [New]	December 2022 [unexpired term]
<i>Planning & Zoning Commisison</i>	
Shawnte Fleming [New]	November 2023 [unexpired term]
<i>Street Maintenance Advisory & Appeals Board</i>	
James McCoy [New]	March 2021 [unexpired term]
<i>Senior Citizens Advisory Board</i>	
Dorothy Drone [New]	May 2022 [unexpired term]

***Resolution:* Appointing Member(s) to various Boards and Commissions per the City Charter**

- Abilene Taylor County Child Advocacy Center Board
- Development Corporation of Abilene
- Keep Abilene Beautiful
- Planning & Zoning Commission
- Senior Citizens Advisory Board
- Street Maintenance Advisory Board

