



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

AMENDED

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on April 22, 2021, at 4:30 p.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

1. **Executive Session** - City Council will convene into Executive Session at 4:30 p.m.
Reconvene - City Council will reconvene into open session at 5:30 p.m.

INVOCATION

2. Deputy Mayor Pro-tem Jack Rentz

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

3. **Proclamation:**
 - Children's Book Week
 - Mental Health Awareness Month
 - National Work Zone Awareness Week

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.

4. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on April 8, 2021 **(Shawna Atkinson)**
5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action Approving the Appointment of Haley Napier as Assistant City Attorney **(Stanley Smith)**
6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the First Amended Bylaws of Abilene Convention Center Hotel Development Corporation **(Robert Hanna)**
7. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Budget of the Abilene Convention Center Hotel Development Corporation **(Robert Hanna)**
8. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Child Advocacy Center OVAG Grant **(Chief Marcus Dudley)**
9. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Execute A Professional Services Contract With OccMedTX To Conduct Annual Medical Physicals For Employees Of The Abilene Fire Department (AFD) **(Chief Cande Flores)**
10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Signal Repair at the Intersection of S14th & Clack **(Greg McCaffery)**
11. **Ordinance (First Reading) Z-2021-06:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from all five owners of the subject properties, represented by Jacob & Martin LLC, to amend terms and conditions of Planned Development District Number 82 (PD 82) specifically as they affect certain commercial properties located directly north of Lone Star Drive and east of Loop 322, to allow use and development in compliance with requirements of General Retail (GR) zoning, instead of specific uses and standards now required by PD 82. **(Mike Warrix)**
12. **Ordinance (First Reading) Z-2021-07:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Heart of Texas Hearing Centers, represented by Fallen Perrie Busenlehner, to rezone property from a Neighborhood Office (NO) to a Planned Development (PD) District intended to allow retail sale of apparel and related accessories, in addition to all uses ordinarily allowed in NO Districts. **(Mike Warrix)**
13. **Ordinance (First Reading) Z-2021-08:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Cimarron Meadows Development Corporation, represented by Jacob & Martin LLC, to rezone property from a Residential Medium-Density (MD) to a Planned Development (PD) District intended to allow duplex dwellings as well as townhomes (with no more nor fewer than two dwellings in any one row of attached buildings) on approximately 14 acres of now-vacant land located on the 2000 block (east side) of Maple Street and directly north from the Abilene State-Supported Living Center in southeast Abilene. **(Mike Warrix)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

14. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Economic Development Agreement with Cimarron Meadows Development Corporation regarding approximately 59 acres of land out of Lot 102, Block A, Parkview Addition, Section 2, Taylor County, Texas, located on Maple Street and Berry Lane (**Robert Hanna**)
15. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on creation of the Mayor's Entertainment District Task Force (**Robert Hanna**)
16. **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**)
 - Parks & Recreation Board
 - Mayor's Entertainment District Task Force
 - Senior Citizens Advisory Board

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

17. **The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:**

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
3. 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
4. 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
5. 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
6. 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
7. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
8. 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
9. Natasha Jones v. City of Abilene, Texas; EEOC Charge of Discrimination, 450-2020-06446; filed September 15, 2020
10. Patrick Sumrall v. City of Abilene, Texas; Cause No. 28,269-B, In the 104th Judicial District Court, Taylor County, Texas; filed February 18, 2021
11. Officer Mark Watson and City of Abilene, Case No. 01-21-0002-5335; Appeal of Indefinite Suspension to Arbitration, filed March 10, 2021
12. Governor's Executive Orders COVID-19
13. Frontier Texas! Discussion of Bylaws
14. City's Liability for the Firefighter's Pension Fund

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. 4725 Loop 322

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

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 Amended meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 16th day of April, 2021 at 2:05 p.m.

Shawna Atkinson, TRMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on April 8, 2021 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting held on April 8, 2021

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 04-08-2021 Minutes - Regular - Morning

CITY COUNCIL MEETING

April 8, 2021 at 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS COUNCIL CHAMBERS, CITY HALL

The City Council of the City of Abilene, Texas met in Regular Session on April 8, 2021, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding, along 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, and City Secretary Shawna Atkinson.

Councilmember Donna Albus delivered the invocation.

From Bassetti Elementary, Tye Kohler, 5th Grader, and Emelynn Kohler, 1st Grader, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Employee Service Awards
 - Rodney Abila – 20 Years – Public Works

CONSENT AGENDA

The Consent Agenda consisted of items 3-8. Item 5 was pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Councilmember McAlister– Item #5

Councilmember Albus moved to approve the consent agenda, now consisting of items 3, 4 & 6-8. Councilmember Hurt 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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Retreat Agenda on March 22, 2021, and the Regular Meeting Held on March 25, 2021
4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19) Issued March 11, 2021
[ASSIGNED RESOLUTION NO. 40-2021]
6. Resolution: Receive a report, Hold a Discussion and Public Hearing and Take Action to Approve a Master Contract with Kutchins & Groh for Consulting Work for Abilene Regional Airport
[ASSIGNED RESOLUTION NO. 42-2021]
7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve Task Order 1 with Kutchins & Groh
[ASSIGNED RESOLUTION NO. 43-2021]

8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to approve Task Order 2 with Kutchins & Groh
[ASSIGNED RESOLUTION NO. 44-2021]

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding a \$75,000 Grant Match for Public Art
[ASSIGNED RESOLUTION NO. 41-2021]

The item was pulled by Councilmember McAlister.

Having pulled the item, Councilmember McAlister asked for clarification on where the \$200,000 was coming from.

Robert Hanna, City Manager addressed the Council and stated that \$75,000 was coming from TIRZ funds and the remaining amount is coming from private citizens. The General Fund budget will not be used for this project.

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

Councilmember McAlister moved to approve the item as presented. Councilmember 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

REGULAR AGENDA

9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Airport Master Plan
[ASSIGNED RESOLUTION NO. 45-2021]

Don Green, Director of Transportation, presented the item. Adoption of the item would approve the Airport Master Plan.

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

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

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 he attended the DCOA virtual meeting on March 31st, and can see why some people complain about the DCOA, as they do not follow the rules of procedure in their meetings. Mr. Swart stated there was a vote and then immediately went to a presentation, then two more people joined the meeting and then they went back and let them vote. Mr. Swart thinks they need to go back to in person meetings, as all other city boards are back to normal. Mr. Swart also stated that there were media reports that the Code Red system was incorrectly calling wireless phones.
- Rosten Callerman – stated that he was encouraged by the Council retreat and the infill development talk. He thinks infill development is the most responsible policy, as it takes care of resources we already have and will develop and maximize neighborhoods. If it is not done carefully it can easily lead to gentrification and push out legacy neighbors. Mr. Callerman stated that we need gentrification without displacement, and that the city needs to work with organizations that are already working in these neighborhoods to continue to develop better housing opportunities for legacy neighbors.
- Samuel Garcia – stated that he agrees that the DCOA does not run their meetings in the correct way. He submitted an open records request for a copy of their March 31st meeting and it has been eight days and he hasn't received it. He thinks that open records request are supposed to be done as quickly as possible, but the city tends to take the full ten days, and that the City does a poor job of providing information. Mr. Garcia stated that it has been two years since the hotel was approved, and the average Abilenian has no idea what is going on with it, and they deserve to know what is happening. Mr. Garcia asked if this still based on the feasibility study done over three years ago, where are the private investments, is the funding still the same, and if the LGC is still in charge.
- Jack Rich – stated his appreciation the comments about the DCOA and that he is open to learning and growing. He is hoping to get back to in person meetings soon, but there are health concerns they are dealing with and that takes precedence. Mr. Rich stated there is mischaracterizations made about the DCOA and he is happy to provide additional answers to any questions someone might have. They are trying to grow the economy and any citizen can make comments that misrepresent the facts and that hurts the community's ability to grow. He stated that it hurts the costs in direct time and attorney fees of focusing on finding information for requests. Mr. Rich appreciates Don Green's comments that we are a community that wants to see growth, and he wants to stay focused on this.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:15 a.m., pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

- 10. A. 551.071 (Consultation with Attorney)
 - 1. Officer Mark Watson and City of Abilene; Case No 01-21-0002-5335
 - 2. Frontier Texas! Discussion of Bylaws
- 10. B. 551.072 (Deliberations about Real Property)
 - 1. Clyde Water
- 10. B. 551.074 (Personnel Matters)
 - 1. Boards & Commissions – Mayor’s Entertainment District Task Force
- 10. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project

The Executive Session ended at 9:57 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on creation of the Mayor's Entertainment District Task Force
[NOT CONSIDERED]

Mayor Williams pulled this item from consideration.

- 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.
[ASSIGNED RESOLUTION NO. 33-2021]

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

Mayor Pro-tem Price moved to (re)appoint the following from Frontier Texas! only:

Board	Term End Date
<i>Frontier Texas! Board of Directors</i>	
Audrey Perry [Reappointment]	February 2024
Alex Russell [Reappointment]	February 2024
Cameron Wiley [New]	February 2024
Kay Richards [New]	February 2024
Rebecca Bridges [New]	February 2024
Logan Bussell [New]	February 2024

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 (0): None

ABSTAINED (1): Councilmember Hurt

18. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Design-Build Agreement with DPR Construction regarding construction of Downtown Convention Center Hotel, City Facilities and Parking
[ASSIGNED RESOLUTION NO. 48-2021]

Robert Hanna, City Manager, presented the item. Adoption of the item would approve a design-build agreement with DPR Construction regarding construction of Downtown Convention Center Hotel, City Facilities and Parking.

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

- David Swart, citizen – Mr. Swart stated that there has been speculation on social media and he understands COVID had an impact. He claims there was a meeting scheduled for the LGC board, but no agenda was posted. Mr. Swart stated he hurt his back and didn't get to come down to see if the meeting was held. He questioned if HOT taxes were being used for the hotel or a different funding. Mr. Swart hopes that there will be local subcontractors hired, and stated his frustration in seeing the two vacant lots in the downtown area.

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

Mayor Williams moved to table the item. Councilmember McAlister 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

ADJOURNMENT

There being no further business, the meeting adjourned at 10:13 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

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

FROM: **Stanley Smith, City Attorney**

SUBJECT: **5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action Approving the Appointment of Haley Napier as Assistant City Attorney (*Stanley Smith*)**

GENERAL INFORMATION

Section 73 of the Charter of the City of Abilene provides that there shall be such Assistant City Attorneys as may be authorized by the Council and appointed by the City Attorney. The City Council has authorized four Assistant City Attorney positions. There is currently one vacancy.

Section 73 of the Charter of the City of Abilene provides for the appointment of an Assistant City Attorney upon approval of the City Council, and that such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney.

Stanley Smith, City Attorney, recommends Haley Napier, Attorney at Law, for appointment as an Assistant City Attorney, in accordance with the City Charter of the City of Abilene.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

The City Attorney recommends that the City Council approve the appointment of Haley Napier as an Assistant City Attorney for the City of Abilene.

BOARD OR COMMISSION RECOMMENDATION

n/a

ATTACHMENTS:

1. 2021 Resolution Appointing Haley Napier Asst City Atty
2. Appoint Asst City Attorney Haley Napier

RESOLUTION _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING THE APPOINTMENT OF HALEY NAPIER AS ASSISTANT CITY
ATTORNEY**

WHEREAS, Section 73, Charter of the City of Abilene, provides that there shall be such Assistant City Attorneys as may be authorized by the Council and appointed by the City Attorney; and,

WHEREAS, Section 73, Charter of the City of Abilene, further provides for the appointment of an Assistant City Attorney upon approval of the City Council; and,

WHEREAS, such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney; and

WHEREAS, Haley Napier, Attorney at Law, is recommended by the City Attorney for appointment as an Assistant City Attorney, in accordance with the City Charter of the City of Abilene.

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

That the City Council of the City of Abilene hereby approves of the appointment of Haley Napier, attorney at law, as an Assistant City Attorney, City of Abilene.

ADOPTED this 22nd day of April, 2021.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

Resolution: Appointment of Assistant City Attorney



- Section 73, Charter of the City of Abilene, provides that there shall be such Assistant City Attorneys as may be authorized by the Council and appointed by the City Attorney
- Section 73 further provides for the appointment of an Assistant City Attorney upon approval of the City Council
- Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney
- Haley Napier, Attorney at Law, is recommended by the City Attorney for appointment as an Assistant City Attorney, in accordance with the City Charter of the City of Abilene



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the First Amended Bylaws of Abilene Convention Center Hotel Development Corporation (Robert Hanna)

GENERAL INFORMATION

On March 28, 2019, the City Council approved the formation of the Abilene Convention Center Hotel Development Corporation, and approved its Bylaws on April 11, 2019.

The Abilene Convention Center Hotel Development Corporation's Bylaws may be amended by approval of its Board of Directors and approval by the City Council.

The Board of Directors seek amendment of the Bylaws to name the City Manager of the City of Abilene as the Chief Executive Officer of the Corporation. Additionally, to remove the 90-day deadline regarding approval of the Corporation's annual budget.

SPECIAL CONSIDERATIONS

The sections of the Bylaws to be amended are Section 3.1(d), Section 3.2 and Section 4.2.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

The Board of the Abilene Convention Center Hotel Development Corporation approved the First Amendment to the Corporation's Bylaws at its meeting on April 6, 2021.

ATTACHMENTS:

1. 2021 Resolution Approving First Amendment LGC Bylaws
2. Proposed First Amended Bylaws (April 2021)
3. Approve First Amended Bylaws

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING THE FIRST AMENDMENT TO THE BYLAWS OF THE ABILENE
CONVENTION CENTER HOTEL DEVELOPMENT CORPORATION**

WHEREAS, on April 11, 2019, the City Council approved the Bylaws of the Abilene Convention Center Hotel Development Corporation; and

WHEREAS, those Bylaws may be amended by the Board of Directors of the Corporation with approval of the City Council; and

WHEREAS, on April 6, 2021 the Board of Directors of the Corporation adopted amendments to the bylaws addressing the Chief Executive Officer and the deadline to prepare the Corporation's annual budget.

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

PART 1: That the City Council of the City of Abilene approves the First Amended Bylaws of the Abilene Convention Center Hotel Development Corporation, as amended and attached hereto as Exhibit "A."

PART 2: That this resolution is effective immediately upon adoption.

ADOPTED this 22nd day of April, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

FIRST AMENDED BYLAWS OF THE

ABILENE CONVENTION CENTER HOTEL DEVELOPMENT CORPORATION

ARTICLE 1

PURPOSE AND POWERS

Section 1.1. Purpose. The Abilene Convention Center Hotel Development Corporation (the “Corporation”) is organized as a public, nonprofit corporation in accordance with Subchapter D of Chapter 431, Texas Transportation Code (the “Act”) and the Texas Nonprofit Corporation Law, Chapter 22, Texas Business Organizations Code (the “TNCL”), and other applicable laws, for the purpose of aiding, assisting, and acting on behalf of the City of Abilene, Texas (the “City”) in the performance of its governmental functions to promote the common good and general welfare of the City, including, without limitation, for the purpose of aiding, assisting, and acting on behalf of the City in the performance of its governmental functions to promote and accomplish the development of the geographic area of the City included at or in the vicinity of the Abilene Convention Center, in furtherance of the promotion, development, encouragement and maintenance of employment, commerce, convention and meeting activity, tourism and economic development in the City, including specifically, without limitation, the development and financing of a convention center hotel to be located within 1,000 feet of the Abilene Convention Center.

The Corporation is formed pursuant to the provisions of the Act as it now or may hereafter be amended, which authorizes the Corporation to assist and act on behalf of the City to accomplish any governmental purpose of the City and to engage in activities in the furtherance of the purposes for its creation and the TNCL.

The Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to non-profit corporations incorporated wider the Act including, without limitation, the TNCL. The Corporation shall have all other powers of a like or different nature not prohibited by law which are available to non-profit corporations in Texas and which are necessary or useful to enable the Corporation to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created.

The Corporation is created as a local governmental corporation pursuant to the Act and shall be a governmental unit within the meaning of Subdivision (2), Section 101.001, Texas Civil Practice and Remedies Code. The operations of the Corporation are governmental and not proprietary functions for purposes of the Texas Tort Claims Act, Section 101.001 et seq., Texas Civil Practice and Remedies Code. The Corporation shall have the power to acquire land in accordance with the Act as amended from time to time.

The Corporation is a duly constituted authority and a public instrumentality within the meaning of the regulations of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 103), as amended, and the Corporation is authorized, and has as an additional specific purpose for its organization and operation, to act on behalf of the City as provided in the Corporation's Certificate of Formation. However, no agreements, bonds, debts or obligations of the Corporation are or shall ever be deemed to be the agreements, bonds, debts or obligations, or the lending of credit, or a grant of public money or thing of value, of or by the City, or any other political corporation, subdivision or agency of the State of Texas, or a pledge of the faith and credit of any of them.

ARTICLE II

BOARD OF DIRECTORS

Section 2.1. Powers, Number and Term of Office.

- (a) The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by law, by the Certificate of Formation, and by these Bylaws. The Board shall exercise all of the powers of the Corporation.
- (b) The Board shall consist of **five (5)** Directors, each of whom shall be appointed by the Mayor of the City and approved by the City Council of the City (the "City Council"). All members of the Board shall be persons who are residents of the City. **At least two (2) members of the Board shall be persons who are not members of the City Council and who are not employees or officers of the City.** Each Director, including the initial Directors, shall be eligible for reappointment.
- (c) The Directors constituting the first Board shall be those Directors named in the Certificate of Formation. Successor Directors shall serve for a term of **three (3)** years or until his or her successor has qualified and is appointed by the Mayor and approved by City Council.
- (d) Any Director may be removed from office by the City Council at any time with or without cause.
- (e) Any Director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the President or Secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

- (f) Any vacancy occurring on the Board shall be filled by appointment by the Mayor with the approval of the City Council.

Section 2.2. Meetings of Directors. The Directors may hold their meetings at such place or places in the City as the Board may from time to time determine; provided, however, in the absence of any such determination by the Board, the meetings shall be held at the principal office of the Corporation as specified in Article V of these Bylaws.

Section 2.3. Notice of Meetings to Directors.

- (a) Regular meetings of the Board shall be held without the necessity of notice to Directors at such time and places as shall be designated from time to time by the Board.
- (b) Special meetings of the Board shall be held whenever called by the President, by the Secretary, by a majority of the Directors, by the Mayor of the City, or by a majority of the City Council.
- (c) The Secretary shall give or cause to be given notice to each Director of each special meeting in person or by mail, telephone or e-mail, at least two hours before the meeting. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special meeting.
- (d) Whenever any notice is required to be given to the Board, said notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address as it appears on the books of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. Attendance of a Director at a meeting shall constitute a waiver of notice of such mailing. Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any regular or special meeting of the Board need be specified in the notice to the Directors or waiver of notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 2.4. Open Meetings Act and Open Records Act.

All meetings and deliberations of the Board shall be called, convened, held, and conducted, and notice shall be given to the public, in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

The Corporation and the Board are subject to Chapter 552, Texas Government Code, as amended.

Section 2.5. Quorum. A majority of the entire membership of the Board shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law.

Section 2.6. Conduct of Business.

(a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board.

(b) At all meetings of the Board, the President shall preside; provided that in the absence of the President, the Vice President shall preside; and further provided that in the absence of the President and Vice President, the Directors present at the meeting may appoint a Director to preside at such meeting.

(c) The Secretary of the Corporation shall act as Secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as Secretary of the meeting.

Section 2.7. Committees of the Board. The Board may designate two or more Directors to constitute an official committee of the Board to exercise such authority of the Board as may be specified by Board resolution. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 2.8. Compensation of the Directors. Directors shall not receive any salary or compensation for their services as Directors. However, they shall be reimbursed for their actual expenses incurred in the performance of their official duties as Directors.

ARTICLE III

OFFICERS

Section 3.1. Titles and Terms of Office.

- (a) The officers of the Corporation shall be a President, a Vice President, a Secretary, and a Treasurer, and such other officers as the Board may from time to time elect or appoint. One person may hold more than one office, except that the President shall not hold the office of Secretary or assistant Secretary. Terms of offices shall be one (1) year or until a successor has been appointed, with the right of an officer to be re-elected.
- (b) All officers are subject to removal from office at any time by a vote of a majority of the entire Board.
- (c) A vacancy in the office of any officer shall be filled by a vote of a majority of the Directors.
- (d) **The City of Abilene City Manager shall serve as Executive Director of the Corporation, who shall be the chief ~~executive~~administrative officer of the Corporation and shall exercise such powers and perform such duties as shall be determined from time to time by the Board. Additionally, the chief executive officer shall be in general charge of the properties and affairs of the Corporation, and may sign and execute all contracts, conveyances, franchises, bonds, debt instruments, deeds, assignments, mortgages, notes, and other instruments and obligations in the name of the Corporation.**

Section 3.2. Powers and Duties of the President. The President shall be the ~~chairperson~~~~chief executive officer~~ of the Board of the Corporation, ~~and, subject to the paramount authority of the Board, the President shall be in general charge of the properties and affairs of the Corporation,~~ shall preside at all meetings of the Board, ~~and may sign and execute all contracts, conveyances, franchises, bonds, debt instruments, deeds, franchises, assignments, mortgages, notes, contracts and other instruments and obligations in the name of the Corporation, and shall have such other powers and duties as may be prescribed by the Board.~~

Section 3.3. Vice President. The Vice President shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the President during that officer's absence or inability to act. Any action taken by the Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken.

Section 3.4. Secretary.

- (a) The Secretary shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the President in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, debt instruments, deeds, franchises, assignments, mortgages, notes and other instruments and obligations of the

Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities of which the Treasurer shall have custody and charge, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during business hours, and shall in general perform all duties incident to the office of Secretary subject to the control of the Board.

(b) The Board may appoint one or more persons to serve as an Assistant Secretary. The Assistant Secretary may perform any duty required of or granted to the Secretary in these Bylaws and/or in any resolution or order approved by the Board.

Section 3.5. Treasurer.

(a) The Treasurer shall have the responsibility to see to the handling, custody, and security of all funds and securities of the Corporation in accordance with these bylaws. When necessary or proper, the Treasurer may endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes and other obligations in or drawn upon such bank, banks or depositories as shall be designated by the Board consistent with these Bylaws. The Treasurer shall see to the entry in the books of the Corporation full and accurate amounts of all monies received and paid out on account of the Corporation. The Treasurer shall, at the expense of the Corporation, give such bond for the faithful discharge of his/her duties in such form and amount as the Board or the City Council may require. **The Treasurer need not be a member of the Board.**

(b) The Board may appoint one or more persons to serve as an Assistant Treasurer. The Assistant Treasurer may perform any duty granted to the Treasurer in these Bylaws and/or in any resolution or order approved by the Board.

Section 3.6. Board Positions. The President, the Vice President, and the Secretary shall be named from among the members of the Board. **The Treasurer and any Assistant Treasurer or Assistant Secretary may, at the option of the Board, be persons other than members of the Board, and may be employees of the City of Abilene.**

Section 3.7. Compensation. Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties as officers.

ARTICLE IV

FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 4.1. General Corporate Duties and Authority.

- (a) In carrying out its purposes, the Corporation shall be authorized to exercise all rights and powers granted under its Certificate of Formation, in the Act, the TNCL and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof.
- (b) The Board shall periodically, but at least annually, submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section, **and, with respect to each project undertaken by the Corporation shall submit quarterly annual reports on the status and finances of such project.**
- (c) Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law.
- (d) All construction and other contracts let or entered into by the Corporation shall be let or entered into in accordance with the laws applicable to the letting or entering into of contracts by the City, unless applicable law permits otherwise.

Section 4.2. Annual Corporate Budget. ~~At least ninety (90) days prior to the commencement of each fiscal year of the Corporation, t~~The Board shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. **The budget shall not be effective until the same has been approved by the City Council.**

Section 4.3. Books, Records, Audits.

- (a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.
- (b) If approved by the City Council, the books, records, accounts and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff, and personnel of the City.
- (c) The Corporation, or the City if the option described in subsection (b) is selected, shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and accounting firm selected by the Corporation and approved by the City Council. Such audit shall be at the expense of the Corporation.

Section 4.4. Deposit and Investment of Corporate Funds.

(a) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments (“Obligations”) issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, contract or other documents authorizing or relating to their execution or issuance.

(b) Subject to the requirements of contracts, loan agreements, indentures, contracts or other agreements securing Obligations, all other monies of the Corporation, if any, shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City. The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the Corporation upon the signature of its Treasurer and such other persons as the Board shall designate. **The accounts, reconciliation, and investment of such funds and accounts shall be performed by the Department of Finance of the City.**

Section 4.5. Expenditures of Corporate Money. The monies of the Corporation, may be expended by the Corporation for authorized purposes of the Corporation. Proceeds of obligations issued or incurred by the Corporation shall be identified and described in the orders, resolutions, indentures, or other agreements in connection with such obligations. Other proposed expenditures shall be made in accordance with the annual budget required by Section 2 of this Article or in contracts meeting the requirements of Section 1 (d) of this Article.

Section 4.6. Issuance of Obligations. Prior to the consummation of the sale and delivery of any bonds, notes, or other forms of debt instruments, the Corporation shall obtain authority to sell bonds, notes or other forms of debt instruments from the City Council. The Corporation may not deliver obligations, including refunding Obligations, unless the City Council adopts a resolution or ordinance, **not earlier than the 90th day** before the date the Obligations are delivered, specifically approving the Corporation's resolution providing for the issuance of the Obligations.

Section 4.7. Appropriations and Grants. The Corporation shall have the power to request and accept any appropriation, grant, contribution, donation, or other form of aid from the federal government, the State, any political subdivision, or municipality in the State or from any other source.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 5.1. Principle Office.

(a) The principle office and the registered office of the Corporation shall be **Abilene City Hall, 555 Walnut Street, Abilene, Texas 79601.**

- (b) The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act.

Section 5.2. Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City, or such other consecutive twelve-month period determined by the Corporation and approved by the City.

Section 5.3. Seal. The seal of the Corporation shall be as determined by the Board.

Section 5.4. Approval or Advice and Consent of the City Council. To the extent that these bylaws refer to any approval by the City or refer to advice and consent by the City Council, such advice and consent shall be evidenced by a certified copy of a resolution, ordinance or motion duly adopted by the City Council.

Section 5.5. Services of City Staff and Officers. The Corporation shall have the right to utilize the services of the City Attorney, the City Clerk, City Finance Director and City Manager, provided (i) that the Corporation shall pay reasonable compensation to the City for such services, and (ii) the performance of such service does not materially interfere with the other duties of such personnel of the City.

Section 5.6. Indemnification of Directors, Officers and Employees.

(a) As provided in the Act and in the Certificate of Formation, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.

(b) The Corporation shall indemnify each and every member of the Board, its officers, and its employees, and each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorney's fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation.

(c) The Corporation may purchase and maintain insurance for the Corporation and on behalf of any person who is or was a Director, officer, employee or agent of the Corporation or who is or was serving at the request of the Corporation as a Director, officer, employee, agent or similar position, against any liability asserted against him or her or incurred by him or her in such capacity or arising out of his or her status as such, whether or not the Corporation would have the power to indemnify him or her against that liability under Chapter 8 of the Business Organizations Code. If such insurance is obtained, the insurance may be procured, maintained or established with an insurer deemed appropriate by the Board. In the absence of fraud, the judgment of the Board as to the terms and conditions of the insurance shall be conclusive.

(d) No dividends shall ever be paid by the Corporation and no part of its net earnings remaining after payment of its expenses (including payment of indebtedness of the Corporation and payments to implement the purposes for which the Corporation has been created) shall be distributed to or inure to the benefit of its Directors or officers or any individual, firm, corporation or association, except that in the event the Board shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the Corporation, then any net earnings of the Corporation thereafter accruing shall be paid to the City. No part of the Corporation's activities shall be carrying on propaganda, or otherwise attempting to influence legislation, and it shall not participate in, or intervene in, (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

(e) If the Corporation ever should be dissolved when it has, or is entitled to, any interest in any funds or property of any kind, real, personal or mixed, such funds or property or rights thereto shall not be transferred to private ownership, but shall be transferred and delivered to the City, after satisfaction or provision for satisfaction of debts and claims.

Section 5.7. Interpretation of Bylaws. These Bylaws and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section or other part of these Bylaws, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Bylaws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these Bylaws to any other person or circumstance shall not be affected thereby.

ARTICLE VI

EFFECTIVE DATE, AMENDMENTS

Section 6.1. Effective Date. These Bylaws shall become effective upon the occurrence of the following events:

- (i) the approval of these Bylaws by the City Council; and
- (ii) the adoption of these Bylaws by the Board.

Section 6.2. Amendments to Bylaws. These Bylaws may be amended only by the Board with approval by the City Council.

APPROVAL OF FIRST AMENDED BYLAWS OF ABILENE CONVENTION CENTER HOTEL DEVELOPMENT CORPORATION

- On April 6, 2021, the Board of Directors of the Abilene Convention Center Hotel Development Corporation approved the First Amended Bylaws
- The Corporation's Bylaws may only be amended by final approval of the City Council
- The First Amended Bylaws of the Corporation designates the City Manager as its Chief Executive Officer, and removes the 90-day deadline for the Board of Directors to approve the Corporation's annual budget



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Budget of the Abilene Convention Center Hotel Development Corporation (*Robert Hanna*)

GENERAL INFORMATION

On April 11, 2019, the City Council approved the Bylaws of the Abilene Convention Center Hotel Development Corporation.

The Bylaws state that the Board of Directors of the Corporation shall adopted a proposed budget of expected revenues and proposed expenditures for the ensuing fiscal year.

On April 6, 2021 the Board of Directors of the Corporation adopted the Corporation's proposed budget for FY20-21 of \$0.00 in expected revenues and \$0.00 of proposed expenditures.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends that the City Council approve the Corporations FY20-21 annual budget as presented.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2021 Resolution Approve Annual Budget LGC
2. Approving Annual Budget for Hotel Dev Corp PPT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPROVING THE ANNUAL BUDGET OF THE ABILENE CONVENTION CENTER
HOTEL DEVELOPMENT CORPORATION**

WHEREAS, on April 11, 2019, the City Council approved the Bylaws of the Abilene Convention Center Hotel Development Corporation; and

WHEREAS, those Bylaws state that the Board of Directors of the Corporation shall adopted a proposed budget of expected revenues and proposed expenditures for the ensuing fiscal year; and

WHEREAS, on April 6, 2021 the Board of Directors of the Corporation adopted the Corporation's proposed budget for FY20-21 of \$0.00 in expected revenues and \$0.00 of proposed expenditures.

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

PART 1: That the City Council of the City of Abilene approves the FY20-21 annual budget of the Abilene Convention Center Hotel Development Corporation.

PART 2: That this resolution is effective immediately upon adoption.

ADOPTED this 22nd day of April, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Resolution:
**Approving the Annual Budget of
the Abilene Convention Center
Hotel Development Corporation**



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Robert Hanna, City Manager

FROM: Marcus Dudley, Chief of Police

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Child Advocacy Center OVAG Grant (Chief Marcus Dudley)

GENERAL INFORMATION

The Other Victim Assistance Grant (OVAG) will be utilized to fund a full-time Victim Services Specialist at the Child Advocacy Center. The Victim Services Specialist conducts interviews of children who have been victims of abuse and works as a Family Advocacy in order to support families and provide services when needed. During FY 2020, we conducted approximately 413 interviews at the Child Advocacy Center and currently serve approximately 150 families in the advocate role.

SPECIAL CONSIDERATIONS

The Abilene/Taylor Co. CAC has been a recipient of the OVAG grant since FY 2010. The application deadline is 11:59pm on April 23, 2021.

In special considerations, the Resolution of Governing body may be submitted after the application deadline.

FUNDING/FISCAL IMPACT

The OVAG Grant will cover approximately 99.3% of the salary and fringe benefits for the

Victim Services Specialist. This is a two year grant and would cover FY 22-23.

STAFF RECOMMENDATION

Staff recommends the application for the OVAG grant.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. CAC Agenda Item
2. Resolution OVAG FY 22-23

RESOLUTION NO. _____

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE ABILENE POLICE DEPARTMENT TO APPLY FOR THE FY 22
AND 23 TEXAS OTHER VICTIM ASSISTANCE GRANT (OVAG).**

WHEREAS, the Police Department has historically received grants from the State's OVAG in furtherance of child abuse prevention and advocacy; and

WHEREAS, the Mayor of Abilene has historically designated the Chief of Police as the authorized official for purposes of applying for and administering OVAG grants; and

WHEREAS, the OVAG grant is administered over two fiscal years for \$45,000 each, for a total of \$90,000 in FY 22 and 23, beginning September 1, 2021; and

WHEREAS, the Department uses these funds to assist with salaries for victim service specialists in the Abilene/Taylor County Child Advocacy Center.

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

PART 1: The Police Chief is designated as the authorized official for this grant.

PART 2: If awarded the grant, the City will use the funds for full-time positions assigned to the Child Advocacy Center.

PART 3: That this Resolution shall take effect immediately from and after passage.

Adopted the 22nd day of April, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Resolution:

OVAG FY 2022-2023

(Other Victim Assistance Grant)

- Award \$45,000 per year
- Funding for current (full-time) Victim Services Specialist (estimated 99.3% of salary and fringe benefits)
- Abilene/Taylor County Child Advocacy Center - OVAG recipient since FY 2010



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Robert Hanna, City Manager

FROM: Cande Flores, Fire Chief

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Execute A Professional Services Contract With OccMedTX To Conduct Annual Medical Physicals For Employees Of The Abilene Fire Department (AFD) (*Chief Cande Flores*)

GENERAL INFORMATION

National Fire Protection Agency (NFPA) 1582 outlines procedures for annual firefighter medical testing and physicals. NFPA 1582 is a national standard followed by the majority of Texas fire departments, including the Abilene Fire Department.

Annual medical physicals are imperative to maintaining a healthy workforce and for identifying job-related medical issues before they can negatively affect firefighters.

Article 11 of the Meet & Confer Agreement with the Abilene Professional Firefighters Association IAFF Local 1044 provides that an annual physical examination of each firefighter will be conducted at no cost to the firefighter.

SPECIAL CONSIDERATIONS

OccMedTX has been providing annual medical physicals for the AFD since 2007 and are well acquainted with NFPA 1582 and the physical requirements of AFD personnel.

OccMed has qualified personnel in the positions of lead physician, radiology, and cardiology.

FUNDING/FISCAL IMPACT

The total cost of this professional services contract is quoted at \$57,875.00. Total funding will come from the AFD's FY21 Medical Service fund.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution to authorize the execution of the professional services contract.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution - OccMedTX
2. 2021.AFD.RateAgreement
3. OccMedTX Presentation

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH OCCMEDTX FOR ANNUAL MEDICAL PHYSICALS FOR EMPLOYEES OF THE ABILENE FIRE DEPARTMENT.

WHEREAS, the Abilene Fire Department (AFD) is guided by the National Fire Protection Agency (NFPA) 1582 to provide annual medical physicals to all fire department employees.

WHEREAS, OccMedTX is an approved vendor for the City of Abilene and has been conducting the annual physical process for the AFD since 2007.

WHEREAS, the AFD is required to provide an annual physical evaluation for each firefighter in accordance with the current Meet and Confer Agreement between the City of Abilene and the Abilene Professional Fire Fighters Association, IAFF Local 1044.

WHEREAS, this service contract will provide a medical physical, consistent with NFPA 1582 guidelines, for all AFD personnel.

WHEREAS, \$57,875.00 will be funded through the AFD Medical Service fund.

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

Part 1: The City Manager is hereby authorized to execute a Professional Services Contract with OccMedTX for the purpose of providing annual medical physicals to all AFD employees.

Part 2: This Resolution shall take effect immediately from and after passage.

ADOPTED and approved by the City Council on the 22nd of April, 2021.

ATTEST:

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

APPROVED:

Stanley Smith
City Attorney

SERVICE AGREEMENT

Company: Abilene Fire Department

This agreement for services is made effective as of April 01, 2021, by and between City of Abilene Fire Department of (the "Recipient"), and OCCMEDTX PLLC | Clifford DePrang M.D. of 3449 N. 10th St., Abilene, Texas 79603 (the "Provider").

DESCRIPTION OF SERVICES. Beginning on April 01, 2021, OCCMEDTX PLLC will provide to Abilene Fire Department the following services for 2021 Annual AFD Member Physicals.

Services will be performed "on-site" in three separate phases:

- PHASE I: Lab Draw
- PHASE II: Corporate Component Testing (Annual Audiogram, Resting EKG, and Spirometry Testing)
- PHASE III: Physical Exam with History & Component Review, Respiratory Clearance, and Duty Clearance

PRIMARY GROUP

- PHASE I: **(Primary Group (Basic) Lab)** CBC, CMP, LIP, UA, PSA (≥ 40 yrs or older and/or w/History)
- PHASE II AND PHASE III

RATE: \$250.00 per AFD member

Estimated Total based on 155 AFD Members:\$38,750.00

SELECT "45"

- PHASE I: **(Select "45" Labs)** CBC, CMP, LIP, UA, PSA, A1C, TSH, Testosterone, AFP, CA 19-9, Amylase/Lipase
- PHASE II AND PHASE III

RATE: \$425.00 per AFD member

Estimated Total based on 45 AFD Members:\$19,125.00

Estimated Total Project Cost\$57,875.00

PROJECT TIMELINE: PHASE I & II (May 2021); PHASE III (June 2021)

Expected date of completion: June 30th, 2021

ADDITIONAL Rates: (Upon Request by AFD Member or Provider)

Labs:

PSA\$ 32.00

X-Ray: (PROVIDER REQUEST for respiratory clearance on "as need" basis only)

Chest 2 View w/Interpretation\$ 75.00

DISCOUNTED LABS for "SELF-PAY" – AFD MEMBERS ONLY:

Testosterone\$ 45.00

Special Advanced Panel: AFP, CEA, CA 19-9, CA 15-3\$ 175.00 (Discounted)

A1C\$ 24.00

Occult Blood\$ RATE PENDING

PAYMENT. Payment shall be made to OccMEDTX PLLC within 30 days from receipt of invoice. Invoicing for this project will be split as follows:

- **1st Invoice** – ½ of Member total rate will be invoiced following completion of Phase I & Phase II.
- **2nd Invoice** – remaining balance will be invoiced upon completion of Phase III.

If an AFD member completes Phase I & Phase II but does not complete Phase III, the billed amount will be ½ of the total AFD member rate. **No individual or company insurances will be billed for these screenings.**

TERM. This agreement is for the 2021 AFD Annual Corporate Health Exam specific to employed personnel.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

Service Recipient: City of Abilene Fire Department

By: _____ Date: _____
City of Abilene Fire Department

Service Provider: OCCMEDTX, PLLC | Clifford DePrang, M.D.

By: _____ Date: _____
Clifford DePrang, M.D.

Annual Medical Physicals

ABILENE FIRE DEPARTMENT

April, 2021



ANNUAL PHYSICALS

AFD Conducts Annual Medical Physicals For All Employees

- Requirements based on NFPA 1582: Standard on Comprehensive Occupational Medical Program for Fire Departments
- Meet & Confer Contract: Article 11
 - “an annual physical examination will be conducted for each firefighter at no cost to the firefighter”*
- Allows for medical history to be monitored throughout a career
- Identifies abnormalities before they become major issues
- Supports maintaining a healthy workforce
- Assists in reducing risks and improving safety



NFPA 1582

- Promotes Annual:
 - Physical Examination
 - Chest X-rays
 - Cancer Screening
- Focus is on early detection of hidden health issues
- Required Medical Testing:
 - Blood Analysis
 - Urinalysis
 - Pulmonary Function Test
 - Chest X-ray (Every 5 years)
 - EKG
 - Infectious Disease Screening
 - Audiometric Exam
 - Vision Testing
- Advanced Screenings
 - One-Quarter of AFD personnel will received advanced screening each year
 - One-quarter rotation results in every firefighter receiving advanced screenings each four years
 - Advanced screenings include ultrasound of major organs and additional blood work to screen for cancer markers



OccMedTX

- 3449 N. 10th
- Specializes in Occupational Medicine
- Current City of Abilene Vendor
- Has conducted AFD medical physicals since 2007
- Familiar with the physical demands of firefighting
- Qualified physicians involved with the process



FISCAL IMPACT

- Base pricing is set at \$250 per employee
- Advanced Screening is \$425 per employee
- Total quote of \$57,875.00
 - Additional testing may increase the overall price
 - Additional testing is ordered as determined by the physician
- Additional testing may be required for select employees
 - Based on Age and Risk Factors
 - Increase in price but not significant
 - Overall cost should not exceed \$55,000.00
- Funding will come from AFD Medical Service Fund for FY21
- Competitive bidding is not required for medical services



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Robert Hanna, City Manager

FROM: Greg McCaffery

SUBJECT: **10. Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Signal Repair at the Intersection of S14th & Clack (Greg McCaffery)

GENERAL INFORMATION

The signal pole at S 14th and Clack was damaged in a vehicle accident and is not structurally sound. An emergency repair is needed.

SPECIAL CONSIDERATIONS

The adjacent pole has also been damaged. We are replacing both poles with one and adding two arms. Also, we are moving the assembly further from the intersection for better protection.

FUNDING/FISCAL IMPACT

Self insurance account.

STAFF RECOMMENDATION

Approve.

BOARD OR COMMISSION RECOMMENDATION

N/A.

ATTACHMENTS:

1. Resolution
2. Signed contract
3. Power Point

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING A CONTRACT TO WILLIS ELECTRIC, CO., ABILENE, TEXAS**

WHEREAS, the traffic signal pole at the intersection of South 14th Street and Clack Street was damaged by an uninsured motorist in a vehicle accident; and,

WHEREAS, the unforeseen damage to the signal pole caused an immediate public safety issue for the City's residents; and,

WHEREAS, the City of Abilene solicited quotes from for repair of the signal pole; and,

WHEREAS, Willis Electric provided the lowest quote for repair in the amount of \$64,400.00 to replace all necessary components to get this signal functioning properly and safely.

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

PART 1: That the City Council approves this emergency contract in the amount of \$64,400.00 to Willis Electric.

PART 2: That the procurement of emergency repairs to the damaged signal pole is necessary to preserve and protect the public health and safety of the City's residents, and is necessary because of unforeseen damage to public property.

PART 3: That this Resolution shall take effect immediately upon passage.

ADOPTED this 22nd day of April, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



CONTRACT

This contract, dated the 1st day of April, 2021, is between the City of Abilene ("City"), a home rule municipal corporation of the State of Texas and Willis Electric ("Contractor"), a company organized under the laws of the State of Texas.

I. TERMS

In consideration of \$64,400.00, the Contractor must provide the services described in Attachment A, which is incorporated by reference, according to all its provisions.

After the CONTRACTOR has fully performed the terms of this AGREEMENT and the CITY'S agent is satisfied that the work has been completed with the terms of this Agreement, the CITY'S agent shall pay the contractor in one lump sum the money specified.

The CITY reserves the right to prorate or to withhold payment from the CONTRACTOR if the CITY'S agent determines that the CONTRACTOR fails to fully perform the work in accordance with the terms of this Agreement, in which case the CONTRACTOR shall bear all costs, including the cost of hiring someone else, due to the CONTRACTOR'S neglect, delay, or refusal to fulfill the terms of this Agreement.

The CITY reserves the right to have its agent inspect the premises to determine whether or not the CONTRACTOR has fully complied with the terms of this Agreement.

II. PAYMENT

Payment shall be made under the terms of Attachment B, which is incorporated by reference, according to all its provisions.

III. DURATION

Contractor must complete all required work within 30 (after procurement of materials) calendar days after the effective date of this Contract.

IV. ASSIGNMENT

Contractor may not assign any interest under this contract without the City's prior written consent. All of the terms and provisions of this Contract are binding on Contractors successors and assigns and may be enforced by the City against such successors and assigns.

V. STATUS OF CONTRACTOR

The Contractor is an Independent Contractor. Contractor and Contractor's employees are not the agents, servants or employees of the City.

VI. AMENDMENT OR MODIFICATION

This contract, including any attachments, constitutes the parties' entire agreement. This agreement may not be modified or replaced except by another signed written agreement.

VII. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

"City" shall mean all officers, agents and employees of the City of Abilene.

"Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.

"Contractor" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

"Contractor's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees of Contractor.

"Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:

- (i) injury or damage to any property or right
- (ii) injury, damage, or death to any person or entity
- (iii) attorneys fees, witness fees, expert witness fees and expenses, and
- (iv) all other costs and expenses of litigation

"Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

“Proven” shall mean that a court of competent jurisdiction has entered a final unappealable judgment on a claim adjudging an entity or person liable for a monetary judgment.

“Sole negligence” shall mean negligence of a party that is unmixed with the fault of any other person or entity.

B. Indemnity

The Contractor must indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Contractor's work and activities conducted in connection with this Contract.

The Contractor is an independent contractor and is not, with respect to its acts or omissions, an agent or employee of the City.

Contractor must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Contractor's employees while in the vicinity where the work is being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Contractor or Contractor's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects. Responsibility for all such defects is expressly assumed by the Contractor.

The City and Contractor must provide the other prompt and timely notice of any covered event which in any way affects or might affect the Contractor or City. The City has the right to compromise and defend the same to the extent of its own interests.

BOTH CITY AND CONTRACTOR EXPRESSLY INTEND THIS CONTRACT'S INDEMNITY PROVISION TO REQUIRE CONTRACTOR TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCES OF THE CITY'S OWN NEGLIGENCE WHILE CITY IS PARTICIPATING IN THIS CONTRACT, WHERE THAT NEGLIGENCE IS A CONCURRING CAUSE OF THE DAMAGES. THIS CONTRACT'S INDEMNITY PROVISION DOES NOT APPLY TO ANY CLAIM WHERE DAMAGE IS PROVEN TO RESULT FROM THE SOLE NEGLIGENCE OF THE CITY.

VIII. INSURANCE

A. GENERAL REQUIREMENTS

The Contractor agrees to maintain the type and amounts of insurance required in this contract throughout the term of the agreement. The Contractor is solely responsible for providing the

required certificates of insurance. The City may terminate this agreement if the Contractor fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Before the City executes the notice to proceed with any work under this agreement, the Contractor must provide the City Secretary with either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance. Thereafter, the Contractor must furnish new certificates or copies of the policy before the expiration date.

Texas Labor Code Section 406.096 requires a city to ensure that contractors carry workers' compensation for each employee when the city is a party to any "building or construction contract." The code enumerates that "building and construction" includes:

(A) erecting or preparing to erect a structure, including a building, bridge, roadway, public utility facility, or related appurtenance;

(B) remodeling, extending, repairing, or demolishing a structure; or

(C) otherwise improving real property or an appurtenance to real property through similar activities.

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

1. Name the City as an additional insured for operations under this contract.
2. Provide for 30 days advance written notice of cancellation or material change.

C. TYPES AND AMOUNTS OF INSURANCE

The following insurance is required under this contract:

<u>Type</u>	<u>Amount</u>
☒ 1. Workers' Compensation	Statutory
Employer's Liability	\$100,000 per occurrence

- | | |
|--|---|
| <p>☒ 2. Commercial (Public) Liability
including, but not limited to:</p> <ul style="list-style-type: none">• Premises/Operations• Independent Contractors• Products/Completed Operations• Contractual Liability
(insuring above indemnity)
and where the exposures exist• Explosion Collapse and Underground | <p>\$500,000 combined single
limit for bodily injury
and property damage
(per occurrence)</p> |
| <p>☒ 3. Business Automobile Liability
to include coverage for:</p> <ul style="list-style-type: none">• Owned/Leased Autos• Non-Owned Autos• Hired Cars | <p>\$500,000 combined single
limit for bodily injury
and property damage
(per occurrence)</p> |
| <p>☐ 4. Professional Liability</p> | <p>\$500,000 combined single limit
(per occurrence)</p> |
| <p>☐ 5. See Addendum for Special
Coverages and/or revisions</p> | |
| <p>☐ 6. No Insurance Required</p> | |

IX. VENUE, CHOICE OF LAW AND INTERPRETATION

Venue for any cause of action arising under this contract is Taylor County, Texas. This contract is governed by the laws of the State of Texas both as to interpretation and performance. This contract shall, in any dispute over its meaning or application, be interpreted fairly and reasonably, and not more strongly for or against either party.

X. VERIFICATION OF EMPLOYMENT ELIGIBILITY

Contractor must comply with the Immigration Reform and Control Act (IRCA) and may not knowingly obtain labor or services of an unauthorized alien. Contractor -- not City -- must verify eligibility for employment as required by IRCA.

XI. INDEBTEDNESS TO CITY

Contractor agrees that no payments owed by him, of any nature whatsoever, to the City, including payment in advance for service charges or any sums of any character whatsoever, shall become delinquent or in arrears.

The City will not knowingly award contracts for goods or services to any bidder in arrears to the City for any debt, claim, demand, or account whatsoever, including taxes, penalty and interest. Contractor is responsible for ensuring that no indebtedness exists.

Section 130 of the City Charter authorizes the City to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation in arrears to the City for any debt, claim, demand or account of any nature whatsoever, including taxes, penalty and interest.

XII. EQUAL EMPLOYMENT OPPORTUNITY

It is the City's policy to recruit, employ, and to provide compensation, promotion, and other conditions of employment without regard to race, color, religion, sex, age, national origin, or disability. The City affirms that employment decisions shall be made only on the basis of bona fide occupational qualifications. The City shall continually review its employment practices and personnel procedures and take positive steps to assure that equality of employment opportunity in the City of Abilene, Texas, is a fact as well as an ideal.

XIII. MINORITY AND WOMEN BUSINESS ENTERPRISES

The City hereby gives notice that Minority and Women Business Enterprises will be afforded equal opportunities to submit bids in for this contract and will not be discriminated against on the grounds of race, ethnicity, color, sex, religion or national origin in awarding the contract. Technical assistance is available to Minority and Women Business Enterprises through the Texas Tech University Small Business Development Center, 749 Gateway St., #301, Building C, Abilene, Texas, 79602, 325-670-0300.

XIV. SALES TAX

The City qualifies as an exempt agency under the Texas Limited Sales, Excise and Use Tax Act (the Tax Act), and is not subject to any State or City sales taxes on materials incorporated into the project. Labor used in the performance of this contract is also not subject to State or City sales taxes. The City will provide an exemption certificate to the Contractor. The Contractor must have a sales tax permit issued by the Comptroller of Public Accounts and shall issue a resale certificate complying with the Tax Act, as amended, when purchasing said materials. The Contractor is responsible for any sales taxes applicable to equipment purchases, rentals, leases, consumable supplies which are not incorporated into the project, tangible personal property purchased for use in the performance of this contract and not completely consumed, or other taxable services used to perform this contract, or other taxes required by law in connection with this contract.

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

Contractor, its agents, employees and subcontractors must comply with all applicable federal and state laws, the charter and ordinances of the City of Abilene, and with all applicable rules and regulations promulgated by local, state and national boards, bureaus and agencies. Contractor must obtain all necessary permits and licenses that are required in completing the work contracted for in this agreement.

XVI. PAYMENT AND PERFORMANCE BONDS

If the value of this Bid is below \$50,000, Performance and Payment Bonds are not required; however, the City will not pay the Contractor until the work is accepted and the Contractor furnishes an acceptable Release of Lien and Affidavit of Bills Paid to the City.

If the value of this Bid exceeds \$50,000, the Contractor must also furnish a payment bond. If the value of this Bid exceeds \$100,000, the Contractor must furnish a performance bond when the Contract is executed and delivered to the City. The Bonds, for the full amount of the contract, must be executed by a corporate surety company authorized to do business in the State of Texas and acceptable to the City. Bonds for projects using federal dollars must be underwritten by a surety name in the current list of "Surety Companies Acceptable on Federal Bonds" as published in the Federal Register by the Audit Staff Bureau of Accounts, U.S. Treasury Department.

The City may require additional security if the initial surety becomes insolvent, bankrupt, or otherwise financially unable to protect the City under the terms of the contract. The City's requiring new or additional security relieves neither the original surety nor the Contractor of their obligations under the contract. City may, without incurring any liability, stop work under the contract until Contractor furnishes additional security.

XVII. SEVERABILITY AND WAIVER

The partial or complete invalidity of one or more provisions of the Contract shall not affect the validity or continuing force and effect of any other provision. The failure of either party hereto to insist, in any one or more instances, upon the performance of any of the terms, covenants or conditions of this Contract, or to exercise any right herein, shall not be construed as a waiver or relinquishment of such term, covenant, condition or right as respects further performance.

XVII. NOTICES

Any notices or other communications required or permitted under this agreement are sufficiently given if delivered personally or sent by registered or certified mail, postage prepaid, addressed to City at:

ATTN: Steve Keith
P.O. Box 60
Abilene, Texas 79604-0060

or to Contractor at:

ATTN: Weston Willis, 4242 Sayles Blvd, Abilene, Tx 79605

or to such other address furnished in writing by any party to the others. Notice will be deemed given as of the date so delivered or on the date of deposit in the United States mail, as the case may be.

XVII. COUNTERPARTS

This Contract may be executed in two or more counterparts (including fax, email, or electronic PDF counterparts), each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

XVIII. BOYCOTT OF ISRAEL

In accordance with Chapter 2270, Texas Government Code, a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.

This section only applies to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees, and (b) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity. Additionally, "company" does not include a sole proprietorship.

If this section is applicable, the signatory executing this contract on behalf of company verifies that the company does not boycott Israel and will not boycott Israel during the term of this contract.

XIX. SECTIONS AND OTHER HEADINGS

Section, paragraph, and other headings contained in this Contract are for reference purposes only and do not affect in any way the meaning or interpretation of this Contract.

{Remainder of Page Intentionally Left Blank—Signature Page Follows}

IN WITNESS HEREOF, the parties hereto have executed this contract effective as of the date written above:

CITY OF ABILENE

CONTRACTOR

By: Robert Hanna

By: Tommy Willis

Name: Robert Hanna

Name: Tommy Willis, President of
Roy Willis Electric Co., Inc.,
General Partner

Title: City Manager

Title:

ATTEST:

[Signature]
City Secretary

Federal Tax ID#:

41-2035799

APPROVED:

By: [Signature]
City Attorney

Corporate Seal if applicable

ATTACHMENT A

Scope of Work

S 14th & Clack St Traffic Signal Repair

- 0001 MOBILIZATION
- 0002 TRAFFIC CONTROL
- 0003 48" DRILL SHAFT
- 0004 44' - 55' DUAL MAST ARM SIGNAL POLE
- 0005 TYPE A GROUND BOX WITH APRON
- 0006 3IN SCH 40 PVC
- 0007 3 SECTION SIGNAL HEADS W/ BACKPLATES
- 0008 4 COND 14 AWG SIGNAL CABLE
- 0009 12 COND 14 AWG SIGNAL CABLE
- 0010 REMOVE SIGNAL POLE ASSEMBLY
- 0011 REMOVE SIGNAL FOUNDATION BELOW GRADE
- 0012 RELOCATE SIGNAL SIGNS
- 0013 #6 AWG BARE GROUND WIRE

NOTES:

WE WILL REQUIRE NOTICE OF INTENT TO USE WILLIS ELECTRIC WITHIN 14 DAYS OF BID SO WE CAN TIE DOWN MATERIAL PRICES CONTINGENT UPON AWARD

Willis Electric co., LP will NOT hold general contractor HARMLESS FROM ITS OWN ACTIONS, OR provide PRIMARY or NON-CONTRIBUTORY coverage.

Willis Electric Co., LP will provide insurance coverage naming contractor as ADDITIONAL INSURED for OUR ITEMS OF WORK ONLY.

Prices do NOT include any bond or AGC dues.

SURVEYING and/or ENGINEERING to be DONE BY OTHERS.

We EXCLUDE riprap around illumination poles or sign structures, if required.

Willis Electric WILL NOT perform any NIGHT OPERATIONS WE EXCLUDE ANY LANE USAGE FEES.

ATTACHMENT B

PAYMENT SCHEDULE

OPTION 1 ____

Compensation is based on actual hours of work/time devoted to providing the described professional services and will be paid at a rate of \$Click or tap here to enter text. per hour not to exceed \$Click or tap here to enter text..

Contractor must submit monthly invoices to City accompanied by an explanation of charges, professional fees, and services. City will pay invoices according to its normal payment procedures.

OPTION 2 _x_

Payment is in a lump sum amount of \$64,400.00 upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Contractor must execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Contractor has been notified.

OPTION 3 ____

Payment is a fixed fee amount of \$Click or tap here to enter text. payable per Click or tap here to enter text. upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Contractor shall execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Contractor has been notified.

ATTACHMENT C

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

THIS ATTACHMENT IS ONLY APPLICABLE IF WORKERS' COMPENSATION COVERAGE IS PROVIDED

a. Definitions

Certificate of coverage ("certificate") - a copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (TWCC-81, TWCC-82, TWCC-83, or TWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project - includes the time from the beginning of the work on the project until the contractors'/person's work on the project has been completed and accepted by the City.

Persons providing services on the project ("subcontractors" in 406.096) - includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes, without limitation, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitations, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

- b.** The Contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the contractor providing services on the project, for the duration of the project.

- c.** The Contractor must provide a certificate of coverage to the City prior to being awarded the contract.

- d.** If the coverage period shown on the Contractor's current certificate of coverage ends during the duration of the project, the Contractor must, prior to the end of the coverage period, file a new certificate of coverage with the City showing that coverage has been extended.

- e.** Contractor shall obtain from each person providing services on a project and provide to City:

(1) a certificate of coverage, prior to that person beginning work on the project, so the City will have on file certificates of coverage showing coverage for all persons providing services on the project; and

(2) no later than seven (7) days after receipt by the Contractor, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.

f. The Contractor shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.

g. The Contractor shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Contractor knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.

h. The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.

i. The Contractor shall contractually require each person with whom it contracts to provide services on a project to:

(1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;

(2) provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing service on the project, for the duration of the project;

(3) provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(4) obtain from each other person with whom it contracts, and provide to the Contractor:

(a) a certificate of coverage, prior to the other person beginning work on the project; and

(b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(5) retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter;

(6) notify the City in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing service on the project;

(7) contractually require each person with whom it contracts, to perform as required by paragraphs (1) - (7), with the certificates of coverage to be provided to the person for whom they are providing services.

- j. By signing this contract or providing or causing to be provided a certificate of coverage, the Contractor is representing to the City that all employees of the Contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.**
- k. The Contractor's failure to comply with any of these provisions is a breach of contract by the Contractor which entitles the City to declare the contract void if the Contractor does not remedy the breach within ten (10) days after receipt of notice of breach from the City.**

(End of Document)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/12/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Frank Siddons Insurance Agency Fort Worth, Inc. Member: K & S Group 2900 Marquita Drive Fort Worth TX 76116-4016	CONTACT NAME: Holly Gravenor PHONE (A/C No. Ext.): (817) 737-4943 FAX (A/C No.): (817) 737-4947 E-MAIL ADDRESS: Holly@fsifw.com																					
INSURED Willis Electric Co., L.P. P.O. Box 7109 Abilene TX 79608	<table border="1"><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>Travelers Commercial Insurance Company</td><td>36137</td></tr><tr><td>INSURER B:</td><td>North River Insurance Co.</td><td>21105</td></tr><tr><td>INSURER C:</td><td>Hanover Insurance Company</td><td>22292</td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Travelers Commercial Insurance Company	36137	INSURER B:	North River Insurance Co.	21105	INSURER C:	Hanover Insurance Company	22292	INSURER D:			INSURER E:			INSURER F:		
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INSURER F:																						

COVERAGES

CERTIFICATE NUMBER: ALOB 20-21

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTY	TYPE OF INSURANCE	ADDL INSR	SUBR WOV	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY						
	☒ COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR			07-CO-70623588-71A-20	5/6/2020	5/6/2021	DAMAGE TO RENTED PREMISES (Per occurrence) \$ 300,000
	☒ XCU						MED EXP (Any one person) \$ 10,000
	☒ Contractual						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	☐ POLICY ☒ PRO- JECT ☐ LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY						
	☒ ANY AUTO			0A-0X251663-20-26-0	5/6/2020	5/6/2021	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000
	☐ ALL OWNED AUTOS						BODILY INJURY (Per person) \$
	☒ HIRED AUTOS	☒ SCHEDULED AUTOS NON-OWNED AUTOS					BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							PIP-Basic \$
B	☒ UMBRELLA LIAB			Follows Form			EACH OCCURRENCE \$ 5,000,000
	☐ EXCESS LIAB	☒ CLAIMS-MADE		HO20EXCES125UTV	5/6/2020	5/6/2021	AGGREGATE \$ 5,000,000
	☐ DED ☒ RETENTION \$ 10,000						\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						☒ WC STATUTORY LIMITS ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? (Mandatory in RW)	Y/N	N/A	0B-4K352442-20-26-0	5/6/2020	5/6/2021	E L EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E L DISEASE - EA EMPLOYEE \$ 1,000,000
							E L DISEASE - POLICY LIMIT \$ 1,000,000
C	Contractor's Equipment			AND043713-075Q	5/6/2020	5/6/2021	Leased/Rented Any One Item \$250,000.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Re: S. 14th and Clack Pole Replacement. The general liability and auto policies include blanket automatic additional insured endorsements that provide additional insured status on a primary & non-contributory basis to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status.

The general liability, auto & workers compensation policies include blanket automatic waiver of subrogation endorsements that provide this feature only when there is a written contract between the named insured and the certificate holder that requires it.

CERTIFICATE HOLDER**CANCELLATION**

steve.keith@abilenetx.gov City of Abilene Att: James Rogge P.O. Box 60 Abilene, TX 79604	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Steven Siddons/TPAXNE <i>Steven Siddons</i>
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ACORD 25 (2010/05)

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IN3028 (201005) 01

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2

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

...

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

Ablene City Secretary

APR 13 2021

Filed for Record

1 Name of vendor who has a business relationship with local governmental entity.

Willis Electric Co LP

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 Signature of vendor doing business with the governmental entity

Date

4/12/21

Resolution:

Traffic Signal Repair at S 14th & Clack St.





QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **11. Ordinance (First Reading)Z-2021-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from all five owners of the subject properties, represented by Jacob & Martin LLC, to amend terms and conditions of Planned Development District Number 82 (PD 82) specifically as they affect certain commercial properties located directly north of Lone Star Drive and east of Loop 322, to allow use and development in compliance with requirements of General Retail (GR) zoning, instead of specific uses and standards now required by PD 82. *(Mike Warrix)***

GENERAL INFORMATION

Amend Planned Development 82 to remove all current development standards and restrictions applicable to Tract 1 and allow all development standards ordinarily applicable within General Retail zoning.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 7-0.

ATTACHMENTS:

1. Z-2021-06 DRAFT PD ordinance
2. Z-2021-06 Council Staff Report
3. Z-2021-06 Applications
4. Z-2021-06 Council presentation

ORDINANCE NO. _____
PAGE 1
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-82, A PLANNED DEVELOPMENT DISTRICT, AS WELL AS ORDINANCE NUMBER 40-2003, 02-2005, and 19-2006; 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 Ordinance Numbers 40-2003, 02-2005 and 19-2006; specifically 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 ordinance 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 this 22nd day of April, 2021.

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 20th day of March, 2021, 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 13th day of May, 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 13th day of May, 2021.

ATTEST:

Shawna Atkins,
City Secretary

Anthony Williams,
Mayor

APPROVED:

Stanley Smith,
City Attorney

ORDINANCE NO. _____

Exhibit "A"

4th Amendment to Ordinance No. 40-2003, 02-2005, and 19-2006

PART 7: Specific Modifications: As identified in Exhibit B of Ordinance 40-2003; Tract 1 shall be subject to the requirements of the General Retail (GR) zoning district; as modified below:

DELETE: Portion of Section B. Permitted Uses

B. Permitted Uses:

Tract 1 (north of Lone Star Drive)

- Service and retail uses listed on Permitted Use List "A"

ADD: New subparagraph to Section B, to read as follows:

B. Permitted Uses:

Tract 1 (north of Lone Star Drive)

- All uses ordinarily permitted within General Retail (GR) Zoning.

DELETE: Portion of Section D. Signage

D. Signage

Tract 1:

1. No more than seven monument signs shall be permitted on Tract 1, as shown in approximate locations on Exhibit B (signs marked "C"). Each monument sign shall not exceed a height of 6 feet and a width of 10 feet.
2. One pole sign of no greater than 30 feet in height and not exceeding 100 square feet in area is permitted along the access road frontage in the northwest portion of the property, shown on the site plan for "future development" (see sign denoted "D" on Exhibit B).
3. One Pole sign of no greater than 30 feet in height and not exceeding 100 square feet in area is permitted near the southwest corner of the property. This sign shall be at least 50 feet north of southwest corner of the property (see sign denoted "B" on Exhibit B).
4. One monument sign identifying the project and business located within shall be permitted, not to exceed 30 feet in height and 10 feet in width. This sign shall be constructed with similar materials as the buildings (masonry, stone, brick, etc.) and shall match the architectural quality of these buildings (see sign denoted "A1" on Exhibit B).
5. Up to two monument signs identifying the project and businesses located within shall be permitted, not to exceed 10 feet in height and 10 feet in width. These signs shall be constructed with similar materials as the buildings (masonry, stone brick, etc.) and shall match the architectural quality of these buildings (see signs denoted "A2" on Exhibit B).
6. All signs on Tract 1 shall include landscaping in addition to turf, such as low shrubs, around the base of each sign.

ADD: Section D. Signage

D. Signage

Tract 1:

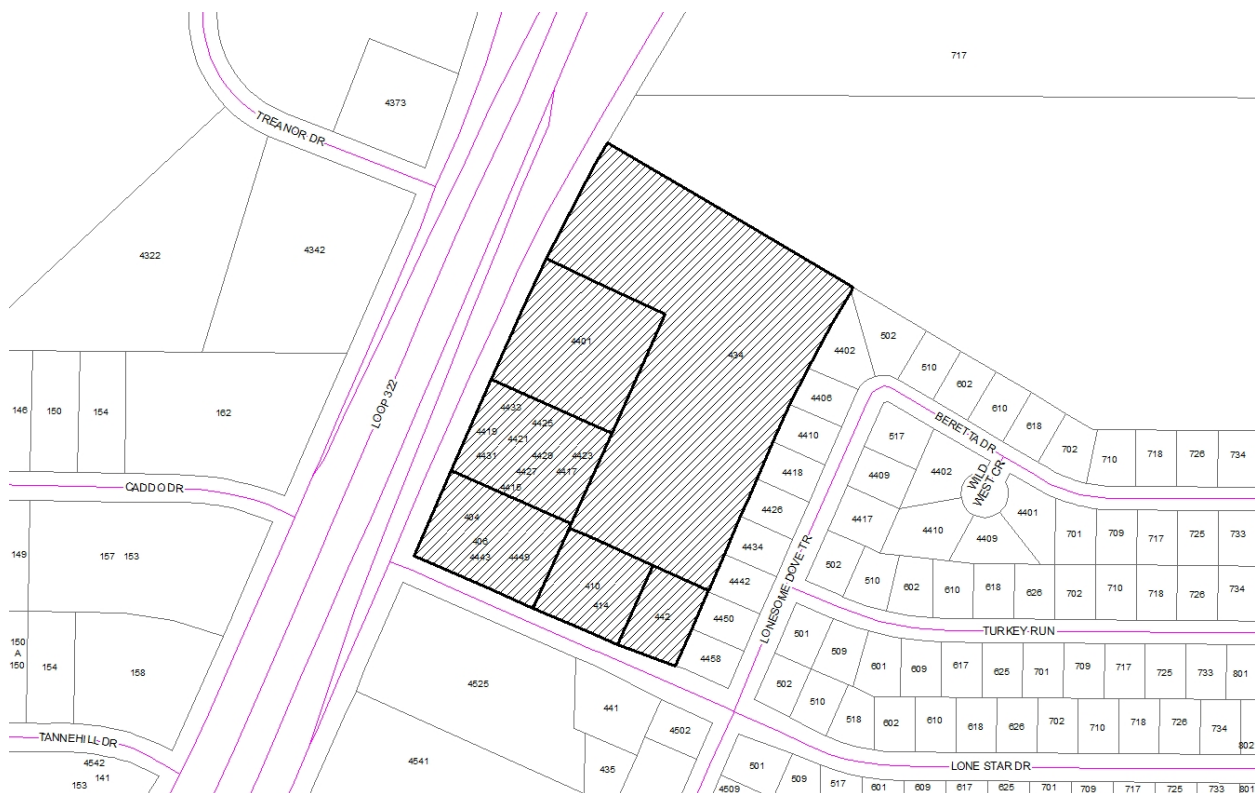
1. All signs within Tract 1 shall conform to standards ordinarily applicable within General Retail (GR) Zoning.

DELETE: Section f. Structure Height

- Maximum of 35 feet, except hotel/motel, which may be a maximum of 4 stories if they are separated from residentially zoned property by a minimum of 100'

ADD: Section f. Structure Height

- Tract 1:
 - Structure height shall be subject to standards ordinarily applicable within General Retail (GR) Zoning
- Tract 2:
 - Maximum of 35 feet, except hotel/motel, which may be a maximum of 4 stories if they are separated from residentially zoned property by a minimum of 100'

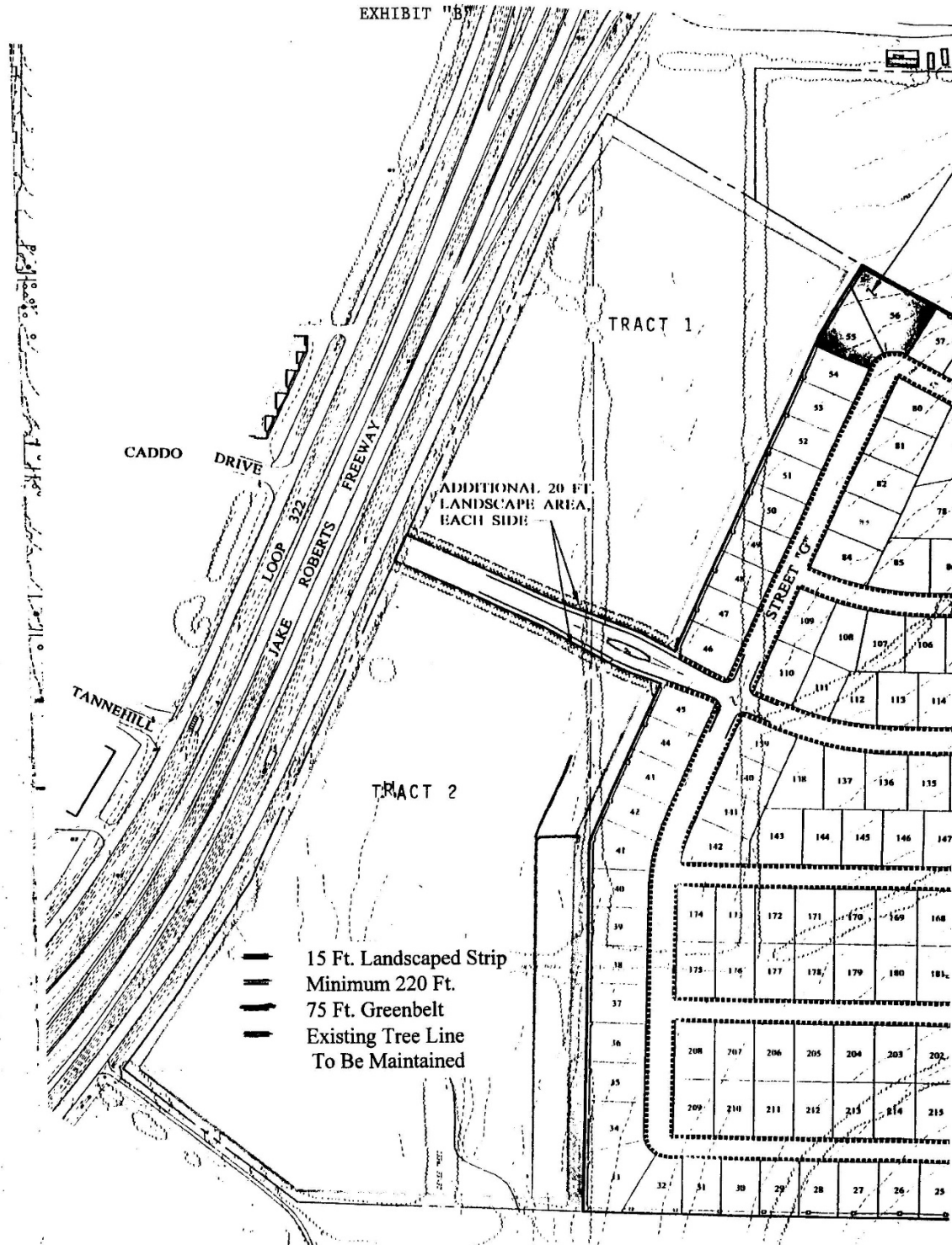


Location: 4300 block (east side) of Loop 322, at 4401 thru 4449 Loop 322 and at 404 thru 442 Lone Star Dr.

Graphic Concept Plan

ORDINANCE NO. 40-2003

EXHIBIT "B"



ZONING CASE Z-2021-06

STAFF REPORT



Scheduled Hearings

P & Z Commission: April 6, 2021

City Council 1st Reading: April 22, 2021

City Council 2nd Reading: May 13, 2021

Applicant

Owner: Moore 322 LLC, Moore Outpost LLC, Moore Lone Star LLC, Rykard Copper Creek, and Acme Commercial Properties LLC

Agent: Jacob & Martin

Request

Amend Planned Development District 82 (PD-82) to remove all current development standards and restrictions applicable to Tract 1 and allow all development standards ordinarily applicable within General Retail (GR) zoning.

Location

4300 block (east side) of Loop 322, at 4401 thru 4449 Loop 322 and 404 thru 442 Lone Star Drive. The property is bound to the west by Loop 322; to the north by Cisco College; to the east by single-family residential properties; and the south by vacant property.

Background

The subject properties were annexed in 1968 and zoned Agricultural Open Space (AO). In 1998, a portion of the subject properties were rezoned to General Commercial (GC), and in 2003, all of the subject properties were rezoned to Planned Development District 82 (PD-82) without the designation of a base zoning. PD-82 consists of two tracts, Tract 1 and Tract 2. This request affects the parcels in Tract 1. A copy of the original ordinance (#40-2003) containing the list of permitted uses is included in this report. One amendment was made to Tract 1 in PD-82 since initially adopted in 2003. The 2005 amendment added "hotel/motel" to the list of permitted uses.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated in this report. As indicated on the map, adjacent zoning consists of Planned Developments 81 and 82 to the east and south; General Commercial and College University to the north; and Heavy Industrial to the west of Loop 322.

Criteria Assessment

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;**

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan and Future Land Use and Development Plan Map. The Future Land Use and Development Plan includes the subject properties within a “Major Commercial Activity Center” designation. Such centers aim to provide the highest level of commercial, service, and employment concentration outside of the downtown area. The proposed zone change is generally consistent with the uses described in a major commercial activity center.

(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.

It is the opinion of staff that uses permitted by the proposed base designation of General Retail (GR) zoning, and related development standards will be appropriate with existing uses in the immediate area. All of the existing land uses within the subject properties are permitted by-right in General Retail zoning. Additionally, any proposed commercial development constructed adjacent to the existing single-family residences east of the subject property will be required to provide a Type B Land Use Buffer pursuant to Section 4.2.4.2 of the Land Development Code. This land-use buffer will generally alleviate any nuisances that may be created by commercial development in proximity to residential land uses.

(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 properties currently have access to existing utilities and public amenities, which are adequate for servicing the development. The request presents no apparent conflict with existing or proposed plans for community facilities and related infrastructure.

(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 present that would substantially affect the public health, safety, morals, or general welfare.

Staff Recommendation

Staff recommends approval.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission recommended approval by a vote of seven (7) to zero (0) on April 6, 2021.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on March 26, 2021, via certified mail to the applicant and other property owners within a 200-foot radius of the subject properties. These property owners and associated parcel ID numbers are identified in Table 1.

TABLE 1

Owner	Parcel ID	Response
ACME COMMERCIAL PROPERTIES LLC	974864	
BAILEY STEPHEN C & LINDA S	109805	
BENAVIDES ROBERT VALDEZ JR &	969274	
BRANDON TERRY ALANA	969290	
CISCO JUNIOR COLLEGE	987466	
CISCO JUNIOR COLLEGE	105338	
CLARK JAMES & DEBORAH	109807	
CLARK KIMBERLY C	109831	
COX JAMES L & DELORES ANN	973309	
HESSON DANIEL T & BAILEY M	973310	
LEWIS DONALD SCOTT &	972994	
MOORE 322 LLC	1062086	
MOORE 322 LLC	25083	
MOORE 322 LLC	99122	
MOORE 322 LLC	974865	
MOORE LONE STAR LLC	971992	
MOORE OUTPOST LLC	972980	
MURPHY RODNEY D & SUZANNE	973311	
NAZWORTH BRUCE F & NIKKI	973308	
OWEN JANNA SUE	969291	
QUINTANA DAVID & JENNIFER	109829	
RYKARD COPPER CREEK	972979	In Favor
SANDERS EDDIE	973324	
SANDERS EDDIE	969275	
SODERWALL SCOTT L & TERRI	109804	Opposed
SPEARS LORRY	109806	
STOCKARD INVESTMENTS INC	205470	
VELASQUEZ LUIS FELIPE &	109830	
WIESE LEONARD A & BARBARA L W	109808	
WRISTEN CHARLES W JR	109803	
YATES ROBERT HUNTER	973312	

ATTACHMENTS:

- PD-82 Original Ordinance 40-2003
- Draft Amended Ordinance
- Application
- PowerPoint

[illegible]

4



Case # Z-2021-06
March 23, 2021

ORDINANCE NO. 40-2003

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-82 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 Chapter 23, Subpart E, known as the Zoning Ordinance 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.

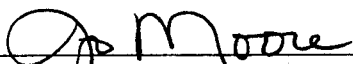
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

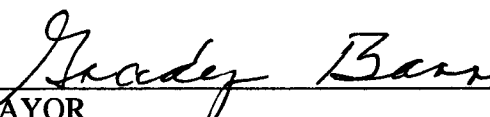
PASSED ON FIRST READING this 23 day of OCTOBER _____ A.D.
20 03.

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 5 day of October, 20 03, 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 13 day of NOVEMBER, 20 03, 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.

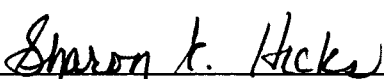
PASSED ON SECOND AND FINAL READING THIS 13 day of NOVEMBER _____,
A.D. 2003.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 40-2003

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 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 District shall be in accordance with the 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 District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District 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 District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO, GC & PDD (Agricultural Open Space, General Commercial & Planned Development) District to PDD (Planned Development District) 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 PDD is as follows:

TRACT 1:

BEING a 12.808 acre tract out of a 25.133 acre tract conveyed to Centro Real Estate, L.P., a Texas Limited Partnership, recorded in Volume 2612, Page 237, Official Public Records, Taylor County, Texas and out of a 118.66 acre tract conveyed to Centro Real Estate, L.P., a Texas Limited Partnership, recorded in Volume 2775, Page 460, Official Public Records, Taylor County, Texas said 4.449 acre tract being more particularly described as follows:

(Bearings are based on the City of Abilene Survey, Monumentation and Mapping Program, City Survey Markers 041R & 065R)

BEGINNING at the northwest corner of said 118.66 acre tract, for the northwest corner of this tract;

THENCE South 58 degrees 58 minutes 54 seconds East (being the Reference Bearing for this description, Record Bearing for said 118.66 acre tract being South 59 degrees 59 minutes 18 seconds East), along the north line of said 118.66 acre tract for a distance of 601.80 feet to a point for the northeast corner of this tract;

THENCE South 31 degrees 05 minutes 35 seconds West for a distance of 95.68 feet to a point for corner;

THENCE South 27 degrees 51 minutes 47 seconds West for a distance of 194.03 feet to a point for corner;

THENCE South 24 degrees 07 minutes 53 seconds West for a distance of 594.34 feet to a point for corner;

THENCE North 69 degrees 09 minutes 50 seconds West for a distance of 145.53 feet to a point for corner;

THENCE North 65 degrees 52 minutes 07 seconds West for a distance of 455.85 feet to a point in the southeast right of way line of State Highway Loop 322, same being the west line of said 25.133 acre tract, for the southwest corner of this tract;

ORDINANCE NO. 40-2003

EXHIBIT "A"

Page 3

THENCE along the southeast right of way line of said State Highway Loop 322 same being the west line of said 25.133 acre tract as follows:

North 24 degrees 05 minutes 24 seconds East for a distance of 622.80 feet to a point for corner;

North 27 degrees 51 minutes 24 seconds East for a distance of 230.85 feet to a point for corner;

North 31 degrees 02 minutes 24 seconds East for a distance of 111.11 feet to the place of beginning, containing 12.808 acres of land.

TRACT 2:

BEING a 20.925 acre tract out of a 25.133 acre tract conveyed to Centro Real Estate, L.P., a Texas Limited Partnership, recorded in Volume 2612, Page 237, Official Public Records, Taylor County, Texas and out of a 118.66 acre tract conveyed to Centro Real Estate, L.P., a Texas Limited Partnership, recorded in Volume 2775, Page 460, Official Public Records, Taylor County, Texas said 20.925 acre tract being more particularly described as follows:

(Bearings are based on the City of Abilene Survey, Monumentation and Mapping Program, City Survey Markers 041R & 065R)

BEGINNING at a point in the southeast right of way line of State Highway Loop 322, said point also being the southwest corner of said 25.133 acre tract, for the southwest corner of this tract;

THENCE North 38 degrees 01 minutes 24 seconds East along the southeast right of way line of said State Highway Loop 322, same being the West line of said 25.133 acre tract, for a distance of 400.00 feet to a point for corner;

THENCE North 24 degrees 05 minutes 24 seconds East (being the Reference Bearing for this description, Record Bearing for said 25.133 acre tract being North 23 degrees 05 minutes 00 seconds East), along the southeast right of way line of said State Highway Loop 322, same being the West line of said 25.133 acre tract, for a distance of 836.70 feet to a point for the northwest corner of this tract;

ORDINANCE NO. 40-2003
EXHIBIT "A"
Page 4

THENCE South 65 degrees 52 minutes 07 seconds East for a distance of 455.81 feet to a point for corner;

THENCE South 62 degrees 34 minutes 24 seconds East a distance of 145.53 feet to a point for the northeast corner of this tract;

THENCE South 24 degrees 07 minutes 35 seconds West for a distance of 385.85 feet to a point in the east line of said 25.133 acre tract;

THENCE along the east line of said 25.133 acre tract as follows;

South 00 degrees 59 minutes 23 seconds West for a distance of 253.51 feet to a point for corner;

North 88 degrees 51 minutes 36 seconds West for a distance of 15.20 feet to a point for corner;

South 01 degrees 28 minutes 24 seconds West for a distance of 519.20 feet to the southeast corner of said 25.133 acre tract for the southeast corner of this tract;

THENCE along the south line of said 25.133 acre tract as follows;

North 88 degrees 33 minutes 36 seconds West for a distance of 579.10 feet to a point for corner;

North 51 degrees 58 minutes 36 seconds West for a distance of 461.40 feet to the place of beginning, containing 20.925 acres of land.

Location:

Loop 322

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial development and related activities of a large tract which generally has not developed under present zoning and development procedures.

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

a. Development Regulations:

The PDD shall be developed in accordance with the attached site plan (Exhibit B).

b. Permitted Uses:

Tract 1 (north of Lone Star Ranch Drive)

- Service and retail uses listed on Permitted Use List "A"

Tract 2 (south of Lone Star Ranch Drive)

- All uses listed in Permitted Use List "A"
- Permitted Use List "B" with the following conditions:
 - Minimum of 75 feet from east boundary of tract 2. This area shall be entirely landscaped using xeriscape materials and/or natural vegetative materials.
 - Minimum of 250 feet south of east-west collector street
 - Access directly onto Loop 322 frontage road ONLY
 - Maintain existing tree line along the east side of Tract 2
 - The east side of all structures shall have no windows, doors, or other openings
- Building materials:

The following regulations shall apply to those structures that have facades that are visible from the right-of-way of Loop 322 and Lone Star Ranch Drive. The facades shall also have architectural resemblance to those structures built in Tract I. This may be accomplished in several different ways:

 - Visual interest may be accomplished through the use of recessed facades, or offsets to break up the expanse of the large warehouse
 - Suspended awnings or canopies to encourage a more pedestrian-friendly atmosphere
 - Use of similar light fixtures as used in Tract I structures
 - Use of similar color scheme and textured wall materials as Tract I

- Use of slopes and angles at particular points of entry to add visual interest

c. Landscaping

- Minimum 15' landscaped strip along all PDD boundaries
- Use of xeriscape materials and principles
- Specific landscaping to be determined via the site plan review process

~~d. Signage~~ *Handwritten: A monument 2-2005*

- Tracts One and Two- One monument-style group sign per tract with maximum height of 12 feet, with maximum area of 300 square feet and base of sign must be a minimum of 40% of the width of the sign itself, for commercial/retail.
- An additional monument sign may be erected to direct warehousing traffic, with maximum area of 50 square feet
- Wall signs shall cover no more than 20% of any wall
- Off-site advertising and portable signs prohibited

e. Setbacks

- 15 feet along Loop 322 frontage *LIST B*
- 30 feet along east-west collector frontage (applies to permitted use list A only, see above for distance back for permitted use B)
- 20 feet from south PDD boundary
- 20 feet from north PDD boundary
- 30 feet from east PDD boundary
- 10 feet from all lot lines interior to the PDD

f. Structure Height - maximum of 35 feet

g. Storage – Outdoor storage and display shall be prohibited

h. Freight Containers – Shall be prohibited

PERMITTED USE LIST "A"

RESIDENTIAL:

- All residential uses EXCEPT Vacation Travel Trailer Parks

ACCESSORY AND INCIDENTAL

- All Accessory Uses typical for the permitted uses on this list

CULTURAL AND RECREATIONAL

- Art Galleries
- Bowling Lanes
- Golf Driving Range
- Golf Courses (including par 3 and miniature golf)
- Libraries
- Museums
- Parks/playgrounds
- Planetariums
- Pool/Billiard Halls
- Skating Rinks
- Public Swimming Pools and/or Tennis Courts
- Theaters/Playhouses

EDUCATIONAL AND RELIGIOUS

- Art, Music and Dance Schools
- Business, Commercial, Driving or Trade Schools
- Church or Place of Worship
- Educational and Scientific Research
- Kindergarten/Child Care
- Youth Organizations/Centers

OFFICE

- All types of offices

SERVICES

- Auctions
- Carwash
- Banking and other Financial Services
- Beauty and Barber Shops
- Blueprinting/Photocopying/Typesetting
- Post Office
- Catering
- Delivery Services
- Diaper Services
- Employment Services

- Food Lockers
- Health Clubs/Physical Fitness Centers/Gymnastics
- Interior Decorating
- Janitorial
- Laundry and Dry Cleaning
- Painting/Wallpaper Services
- Photographic
- Printing
- Radio/TV Studio
- Tailoring
- Travel Arranging
- Optical Shops
- Veterinarians (small animals only, may include kennel)

RETAIL TRADE

- Antiques
- Appliances
- Bakery Products
- Bicycles
- Books and Stationery
- Cameras and Photographic Supplies
- China, Glassware, Metal ware
- Clothing and Apparel
- Coins and Stamps
- Department Stores
- Pharmacy
- Electronics
- Floor Coverings/Carpet
- Furniture and Home Furnishings
- Furriers
- Gasoline (including auto servicing)
- Gifts, Novelties
- Grocery Store/Food and Beverage sales
- Convenience Stores
- Hardware
- Hobby and Crafts
- Jewelry
- Liquor Stores (all types)
- Music/Record Stores

- Newspaper/Magazines
- Office Supplies/Equipment and Medical Supplies/Equipment Sales or Rental
- Optical Goods
- Pets and Pet Supplies
- Florist
- Radios/Televisions
- Restaurants (standard and fast food)
- Shoes
- Sporting Goods
- Variety Stores

PERMITTED USE LIST "B"

- Cabinet Making
- Carpentry and Wood flooring
- Electrical Equipment/Wiring Supplies
- Exterminating/Fumigating
- Freight Service
- Furniture, Appliance, Fur Repair
- HVAC
- Indoor Shooting Range
- Janitorial
- Landscaping Services
- Lumber and Building Materials
- Masonry, Stonework, Tile
- Foods/Beverages (including refrigerated)
- Moving and Storage
- Paper and Paper Products
- Periodical Publishing/Printing
- Plastic Products
- Plumbing Supplies/Equipment
- Roofing/Sheet Metal
- Rug Cleaning
- Self Storage Units
- Storage and Warehousing General
- Textiles and Textile Products
- Wood Products

ORDINANCE NO. 40-2003

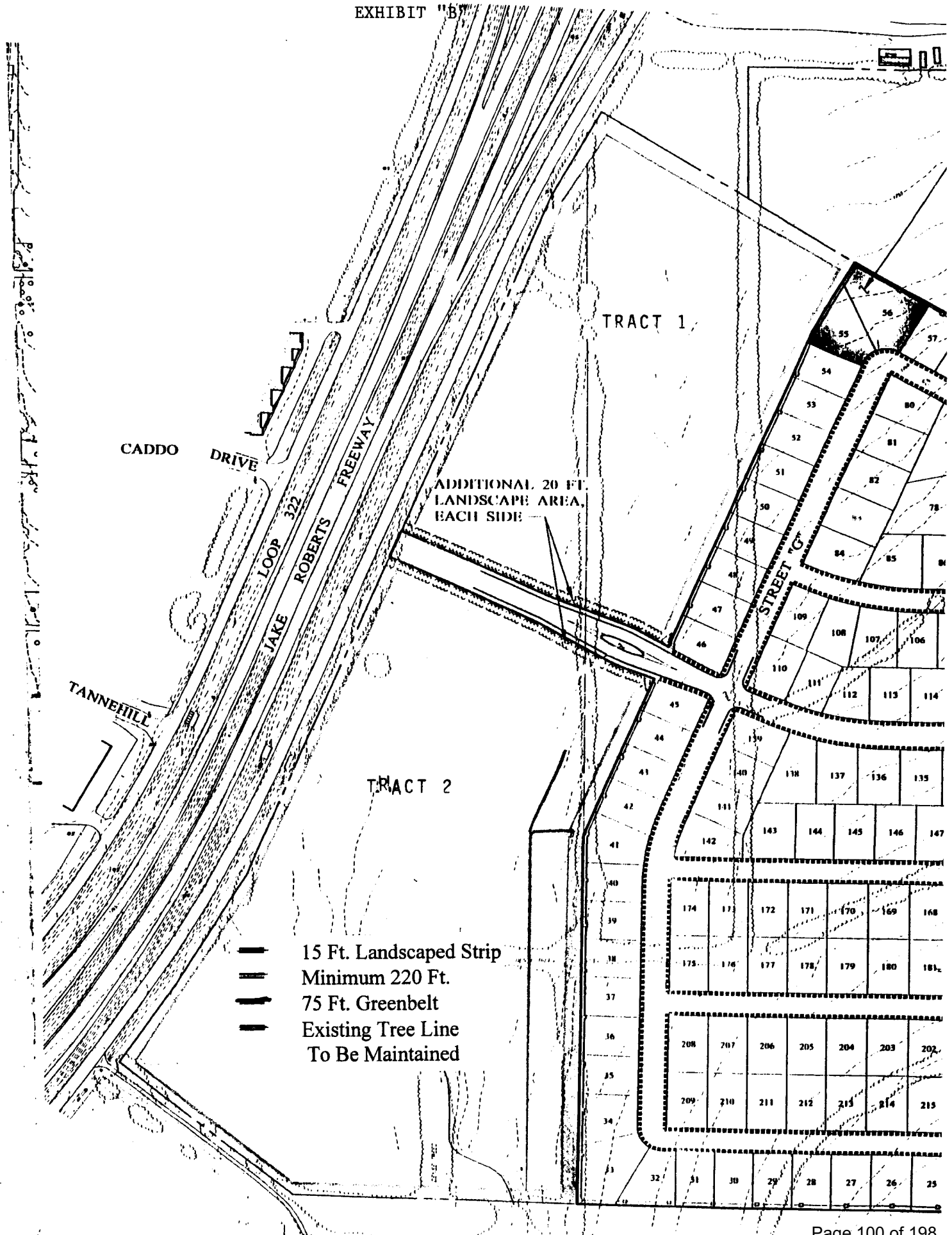
EXHIBIT "A"

Page 10

NA PART 8: Development Schedule. If a plat for all or a portion of this subdivision is not approved within 12 months of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to AO (Agricultural Open Space).

-END-

EXHIBIT "B"



AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-82 AND ORDINANCE NO. 40-2003, 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 Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing Ordinance No.40-2003, 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 16th day of December A.D. 2004.

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 28th day of December, 2004, 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 13th day of January, 2005, 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 13 day of January, A.D. 2005.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO.

Exhibit "A"

1st Amendment to Ordinance No. 40-2003

Amend:

PART 7: Specific Modifications

ADD: Add to Permitted Use List "A"
Hotel/Motel

DELETE: Section D. Signage

ADD: Section D. Signage

Tract 1:

1. No more than seven monument signs shall be permitted on Tract 1, as shown in approximate locations on Exhibit B (signs marked "C"). Each monument sign shall not exceed a height of 6 feet and a width of 10 feet.
2. One pole sign of no greater than 30 feet in height and not exceeding 100 square feet in area is permitted along the access road frontage in the northwest portion of the property, shown on the site plan for "future development" (see sign denoted "D" on Exhibit B).
3. One pole sign of no greater than 30 feet in height and not exceeding 100 square feet in area is permitted near the southwest corner of the property. This sign shall be at least 50 feet north of southwest corner of the property (see sign denoted "B" on Exhibit B).
4. One monument sign identifying the project and businesses located within shall be permitted, not to exceed 30 feet in height and 10 feet in width. This sign shall be constructed with similar materials as the buildings (masonry, stone, brick, etc.) and shall match the architectural quality of these buildings (see sign denoted "A1" on Exhibit B).
5. Up to two monument signs identifying the project and businesses located within shall be permitted, not to exceed 10 feet in height and 10 feet in width. These signs shall be constructed with similar materials as the buildings (masonry, stone, brick, etc.) and shall match the architectural quality of these buildings (see signs denoted "A2" on Exhibit B).
6. All signs on Tract 1 shall include landscaping in addition to turf, such as low shrubs, around the base of each sign.

Tract 2 (the north 250'):

7. One freestanding sign identifying the project shall be permitted within the north 250 feet of Tract 2, and shall not exceed 30 feet in height and 10 feet in width. This sign shall be constructed with similar materials as the

ORDINANCE NO. 2-2005

EXHIBIT "A"

PAGE 3

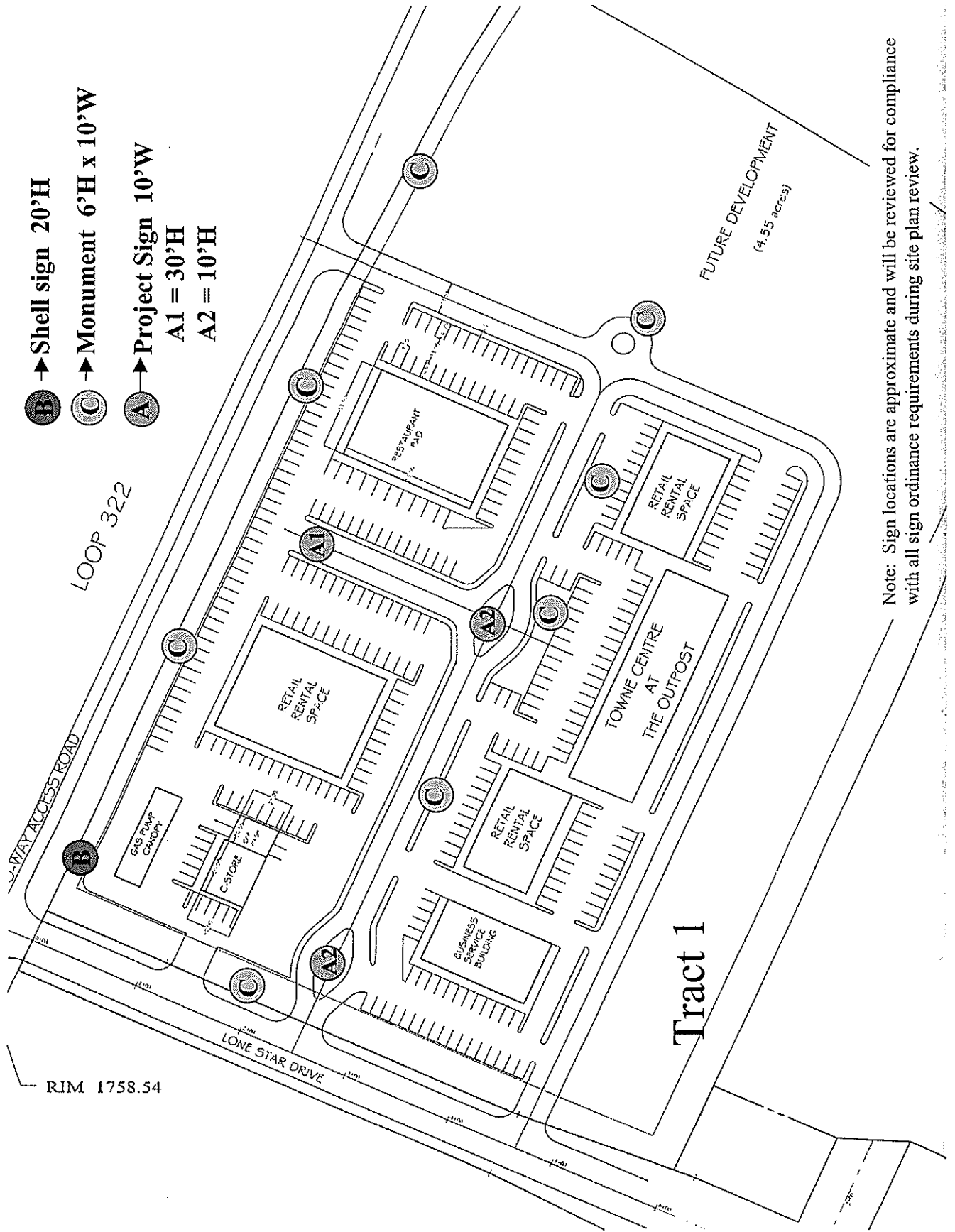
buildings (masonry, stone, brick, etc.) and shall match the architectural quality of these buildings.

Location: Lone Star Drive and Loop 322

-END-

Exhibit B: Staff Recommendation

- B** → Shell sign 20'H
- C** → Monument 6'H x 10'W
- A** → Project Sign 10'W
A1 = 30'H
A2 = 10'H



Note: Sign locations are approximate and will be reviewed for compliance with all sign ordinance requirements during site plan review.

ORDINANCE NO. 19-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-82 AND ORDINANCE NO. 40-2003 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 Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing Ordinance No. 40-2003, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

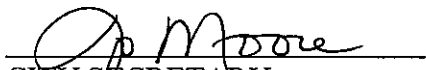
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$500.00). Each day such violation shall continue or be permitted to continue,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

PASSED ON FIRST READING this 11th day of May, A.D. 2006.

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 12th day of April, 2006, 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 23rd day of May, 2006, 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 23rd day of May, A.D. 2006.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO.

Exhibit "A"

2nd Amendment to Ordinance No. 40-2003

PART 7: Specific Modifications

ADD: Add to Permitted Use List "A"

- Electric Go-Cart Track (100' minimum separation from residentially zoned property)
- Indoor Water Park

DELETE: Section f. Structure Height

- Maximum of 35 feet

ADD: Section f. Structure Height

- Maximum of 35 feet, except hotel/ motel, which may be a maximum of 4 stories if they are separated from residentially zoned property by a minimum of 100'

Location: Lone Star Drive and Loop 322

-END-

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-06

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: MOORE 322 LLC RYKARD COPPER CREEK
Parcel I.D.: 972979

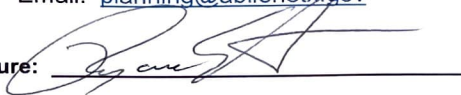
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: _____



RECEIVED

APR 05 2021

PLANNING

101 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060
We work together to build and maintain a community of the highest quality for present and future generations.



PLANNING & DEVELOPMENT SERVICES

SODERWALL SCOTT L & TERRI
4410 LONESOME DOVE TRL
ABILENE, TX 79602-8154

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2021-06

03/26/2021

The Planning and Zoning Commission will hold a public hearing on **April 6, 2021 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 all five owners of the subject properties, represented by Jacob & Martin LLC, to amend terms and conditions of Planned Development District Number 82 (PD 82) specifically as they affect certain commercial properties located directly north of Lone Star Drive and east of Loop 322, to allow use and development in compliance with requirements of General Retail (GR) zoning, instead of specific uses and standards now required by PD 82. Legal description being all of the following six tracts in Lone Star Ranch Section One in Abilene, Taylor County, Texas: Lot 101 in Block A (Cont. 1), Lot 102 in Block A (Cont. 2), Lot 1 in Block A (Cont. 2), Lots 1 and 2 in Block A (Cont. 4) and Lot 1 in Block A (Cont. 5).

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 this request. Only that area which is bounded by the cross-hatched line on the map is being considered for amendment to the existing Planned Development District. 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 public hearing on **May 13, 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 Jared Smith, Planner II at telephone 325-676-6490 or by email address jared.smith@abilenetx.gov.

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-06

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: ~~MOORE 322 LLC~~ SODERWALL SCOTT L & TERRI
Parcel I.D.: 109804

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

MAR 31 AM 11:36



Development Application

Planning

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

Project Name: Lone Star Ranch Tract 1
Address: 434 Lone Star Drive No. of lots: 6 Acreage: _____
Legal Description: _____
Subdivision Name: Lone Star Ranch Block: A Lot: 1,2,101,102
Current Zoning: PD Proposed Zoning (if applicable): PD (Base Zoning GR for Tract 1)

OWNER AND AUTHORIZATION

Owner Name: MOORE 322 LLC
PO BOX 6444
Address: ABILENE, TX 79608-6444
City, State, Zip: _____ Fax: _____
Phone: 325-380-3131 Email: alexandermoore325@gmail.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) Jacob & Martin, LLC will act as my agent before the Planning and Zoning Commission.

Agent Name: Jacob & Martin, LLC
Address: 3465 Curry Ln
City, State, Zip: Abilene, TX 79606 Fax: _____
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: 01/28/21

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
Case No.: Z-2021-006 Reviewed By: _____

FEB 1 4:16



Development Application

Planning

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

Project Name: Lone Star Ranch Tract 1
Address: 434 Lone Star Drive No. of lots: 6 Acreage: _____
Legal Description: _____
Subdivision Name: Lone Star Ranch Block: A Lot: 1,2,101,102
Current Zoning: PD Proposed Zoning (if applicable): PD (Base Zoning GR for Tract 1)

OWNER AND AUTHORIZATION

Owner Name: MOORE OUTPOST LLC
PO BOX 6444
Address: ABILENE, TX 79608-6444
City, State, Zip: _____ Fax: _____
Phone: 325-380-3131 Email: alexandermooore325@gmail.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: Jacob & Martin, LLC
Address: 3465 Curry Ln
City, State, Zip: Abilene, TX 79606 Fax: _____
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: 01/28/21

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
Case No.: Z-2021-06 Reviewed By: _____



Development Application

Planning

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

Project Name: Lone Star Ranch Tract 1
 Address: 434 Lone Star Drive No. of lots: 6 Acreage: _____
 Legal Description: _____
 Subdivision Name: Lone Star Ranch Block: A Lot: 1,2,101,102
 Current Zoning: PD Proposed Zoning (if applicable): PD (Base Zoning GR for Tract 1)

OWNER AND AUTHORIZATION

Owner Name: MOORE LONE STAR LLC
PO BOX 6444
 Address: ABILENE, TX 79608-6444

City, State, Zip: _____ Fax: _____
 Phone: 325-380-3131 Email: alexandermoores325@gmail.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: Jacob & Martin, LLC
 Address: 3465 Curry Ln
 City, State, Zip: Abilene, TX 79606 Fax: _____
 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: 01/28/21

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
 Case No.: 2-2021-060 Reviewed By: _____



Development Application

Planning

☐ Conditional Use

☐ Easement Release

☐ Rezoning

☐ Other

☐ PDD

☐ Street Name Change

☐ Thoroughfare Abandonment

☒ PDD Amendment

Other: _____

Project Name: Lone Star Ranch Tract 1

Address: 434 Lone Star Drive No. of lots: 6 Acreage: _____

Legal Description: _____

Subdivision Name: Lone Star Ranch Block: A Lot: 1,2,101,102

Current Zoning: PD Proposed Zoning (if applicable): PD (Base Zoning GR for Tract 1)

OWNER AND AUTHORIZATION

Owner Name: RYKARD COPPER CREEK

RESTAURANT DEVELOPMENT LP

Address: 4401 LOOP 322

ABILENE, TX 79602-8056

City, State, Zip: _____ 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) Jacob & Martin, LLC will act as my agent before the Planning and Zoning Commission.

Agent Name: Jacob & Martin, LLC

Address: 3465 Curry Ln

City, State, Zip: Abilene, TX 79606 Fax: _____

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: 1/26/21

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____

Case No.: 2-2021-06 Reviewed By: _____



Development Application

Planning

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

Project Name: Lone Star Ranch Tract 1

Address: 434 Lone Star Drive No. of lots: 6 Acreage: _____

Legal Description: _____

Subdivision Name: Lone Star Ranch Block: A Lot: 1,2,101,102

Current Zoning: PD Proposed Zoning (if applicable): PD (Base Zoning GR for Tract 1)

OWNER AND AUTHORIZATION

Owner Name: ACME COMMERCIAL PROPERTIES LLC

PO BOX 6060

Address: ABILENE, TX 79608-6060

City, State, Zip: _____ 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) _____ will act as my agent before the Planning and Zoning Commission.

Agent Name: Jacob & Martin, LLC

Address: 3465 Curry Ln

City, State, Zip: Abilene, TX 79606 Fax: _____

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: Walter S. Harkins Date: 1-26-21

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____

Case No.: 2-2021-06 Reviewed By: _____



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.

This property has essentially functioned as GR throughout its history in terms of usage and layout.

The owner would like to amend the PD to fully allow GR requirements & uses for Tract 1 of this PD

by deleting the current requirements for Tract 1 and replacing them with those found in a GR

zoning.

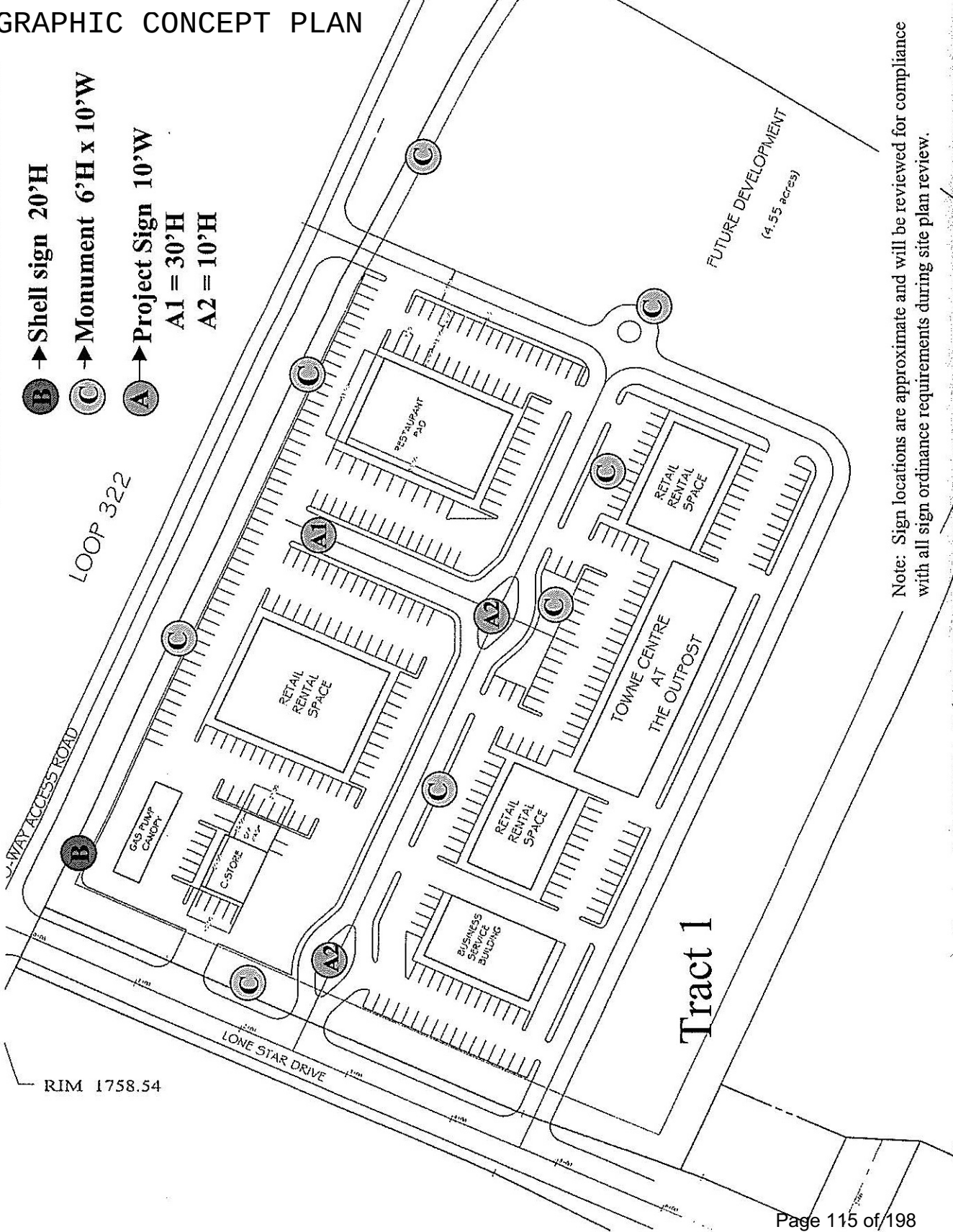
GRAPHIC CONCEPT PLAN

Exhibit B: Staff Recommendation

● → Shell sign 20'H

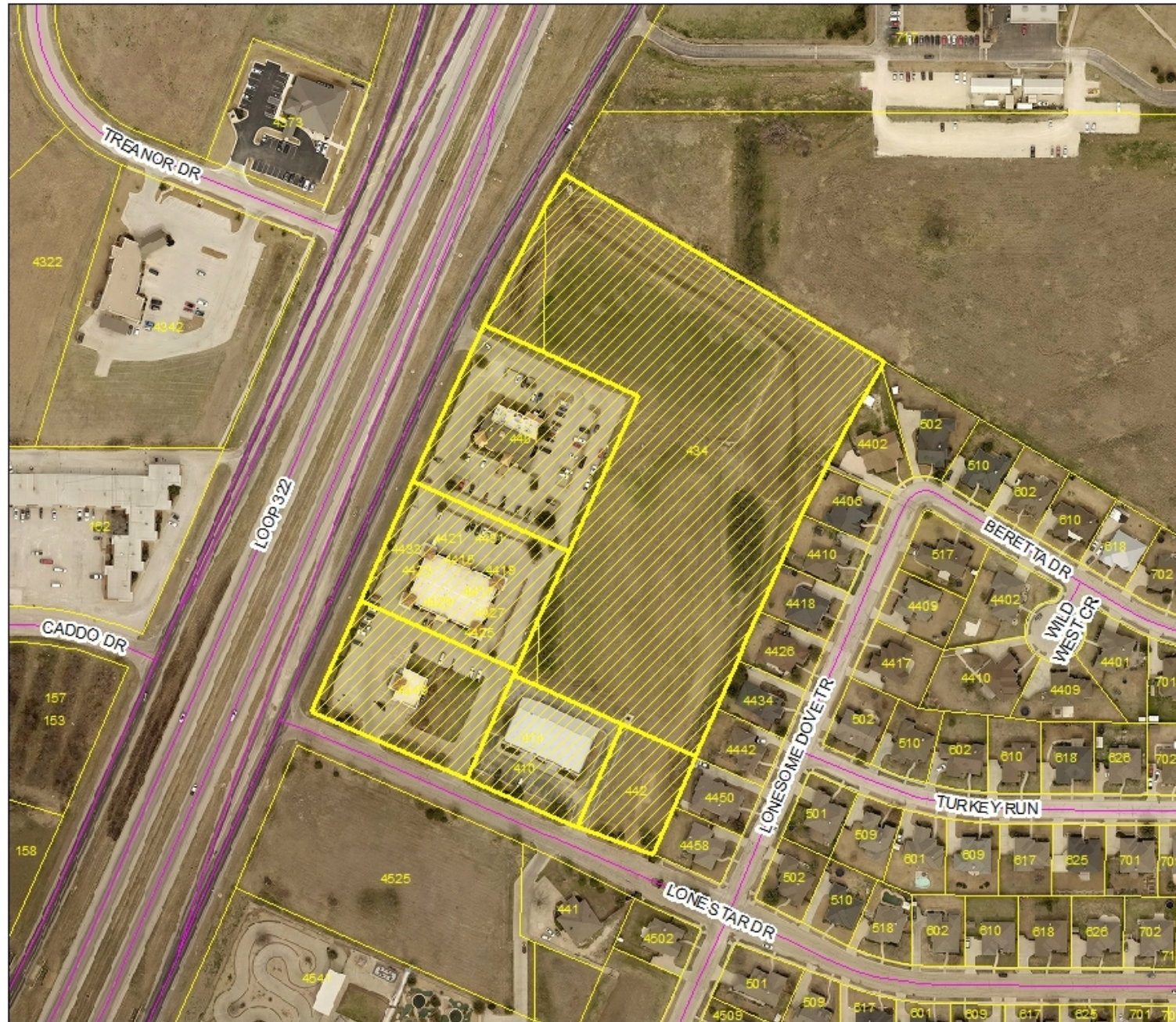
● → Monument 6'H x 10'W

● → Project Sign 10'W
A1 = 30'H
A2 = 10'H

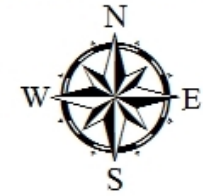


Note: Sign locations are approximate and will be reviewed for compliance with all sign ordinance requirements during site plan review.

Case:	Z-2021-06
Owner:	Moore 322 LLC, Moore Outpost LLC, Moore Lone Star LLC, Rykard Copper Creek and Acme Commercial Properties LLC
Agent:	Jacob & Martin
Request:	Amend Planned Development District 82
Location:	4300 block (east side) of Loop 322, at 4401-4449 Loop 322 and at 404- 442 Lone Star Drive
Notification:	0 in Favor, 1 Opposed
Planning & Zoning Recommendation:	Approval



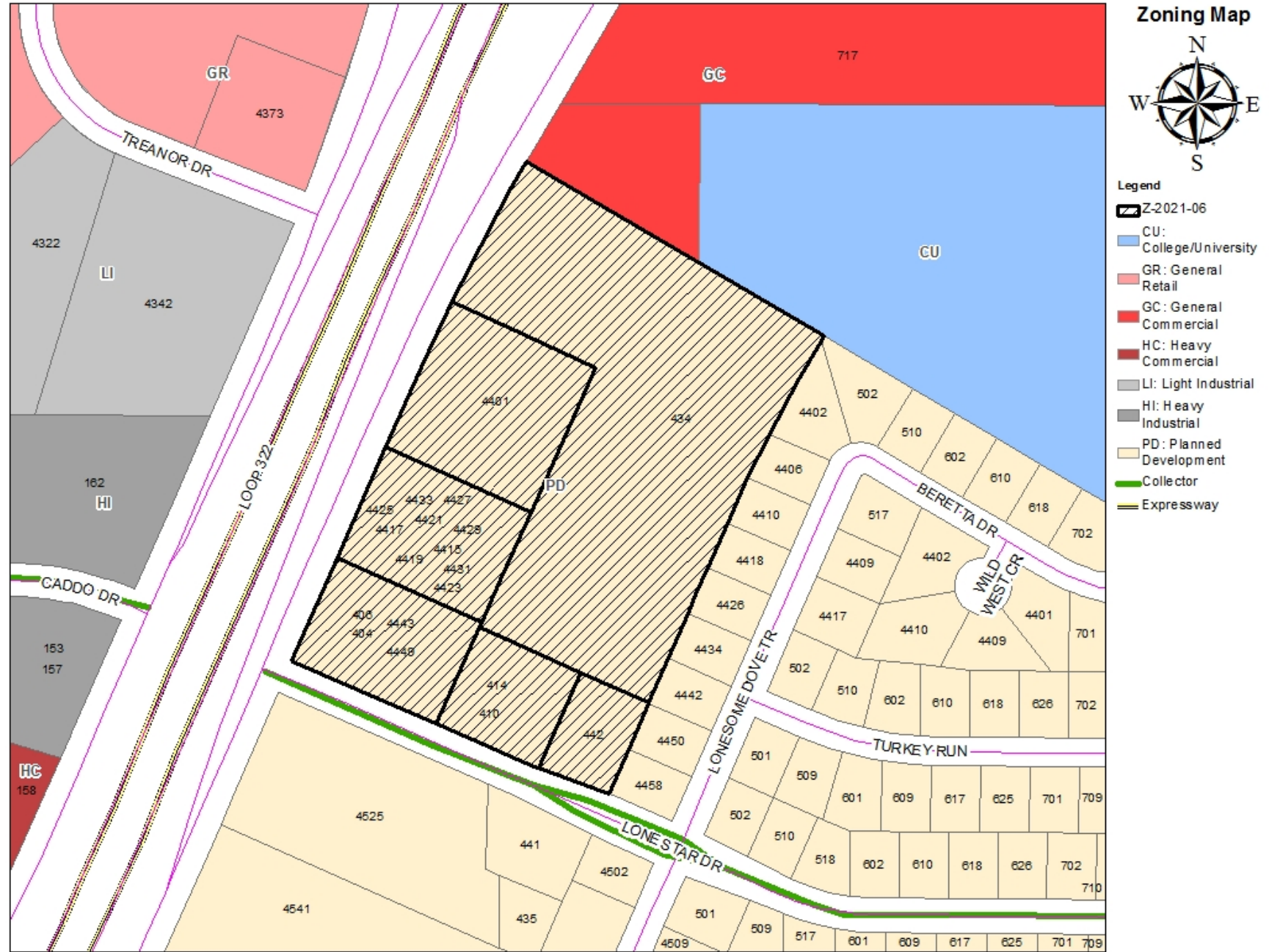
Location Map



Legend

 Z-2021-06

Z-2021-06 ZONING MAP



GENERAL RETAIL (GR) PERMITTED USES

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single Family Detached
- P Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Day Care Operation – Home Based
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- P Garage Sales
- P Home Occupation
- TP Itinerant Business
- P Manufacturing (incidental)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- P Recycling Collection Point
- P Subdivision Sales Office (temporary)
- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- C Ambulance Service
- P Fire/Police Station
- P Medical/Dental Laboratory
- P Post Office
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- C Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Funeral Home/ Mortuary/Morgue
- P Kennel (Without Outdoor Pens)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

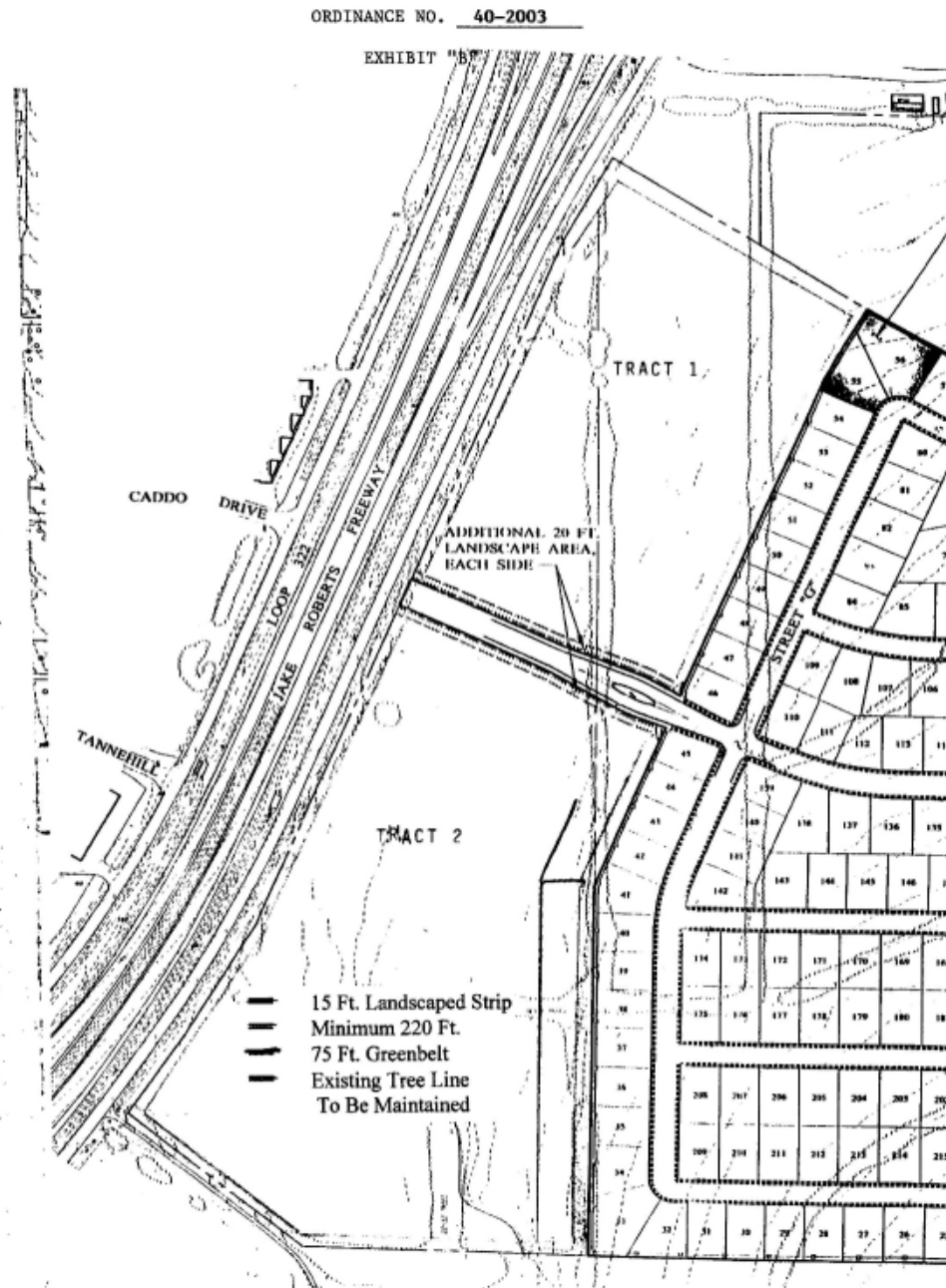
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)
- C Retail Sales/Rental (outdoors, non-vehicle)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower- Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

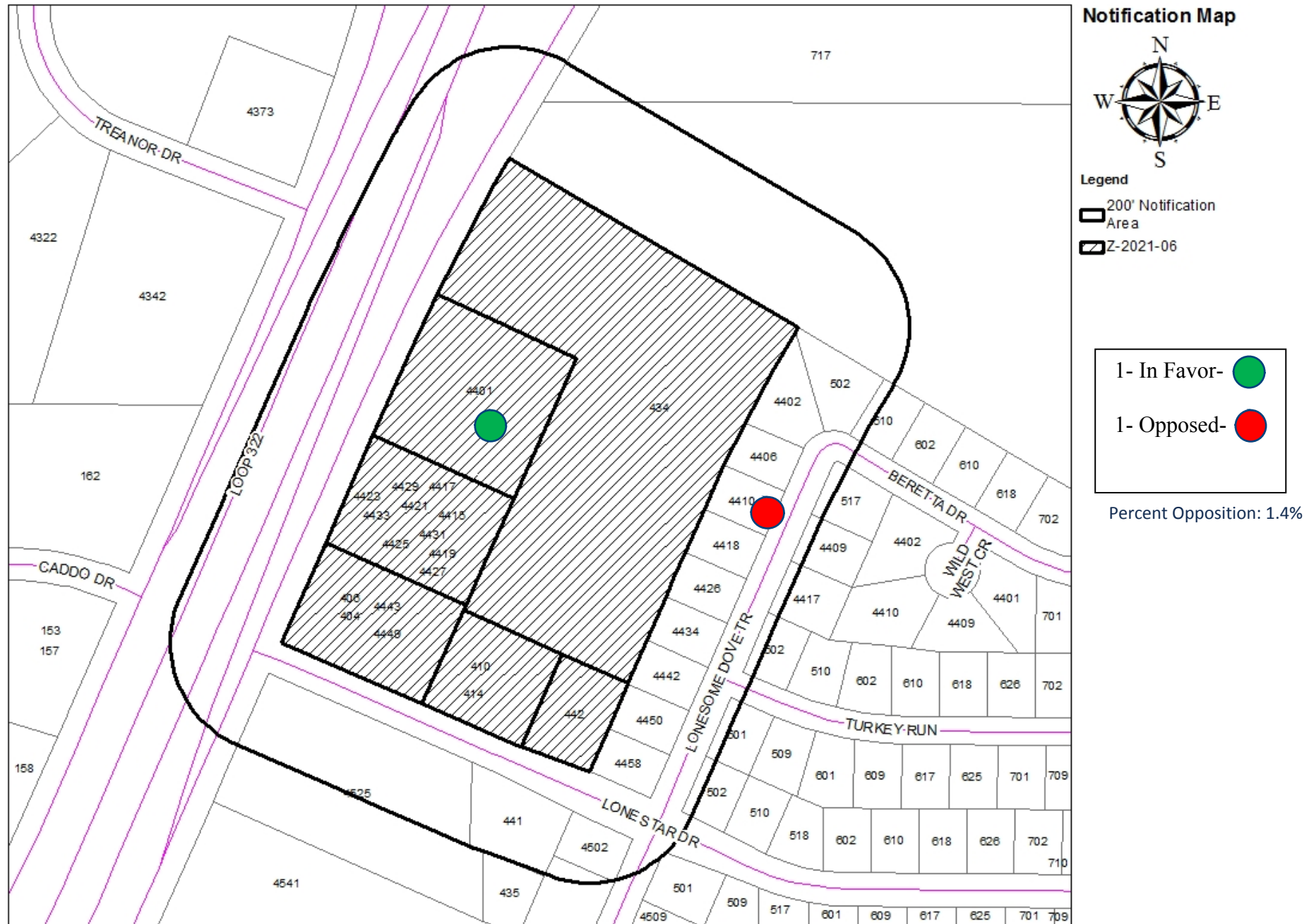
- P Petroleum or Gas Well
- P Urban Garden11



Z-2021-06 VIEWS OF SUBJECT PROPERTIES



Z-2021-06 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)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **12. Ordinance (First Reading) Z-2021-07: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Heart of Texas Hearing Centers, represented by Fallen Perrie Busenlehner, to rezone property from a Neighborhood Office (NO) to a Planned Development (PD) District intended to allow retail sale of apparel and related accessories, in addition to all uses ordinarily allowed in NO Districts. (Mike Warrix)**

GENERAL INFORMATION

Rezone existing commercial building and paved parking area from Neighborhood Office (NO) to a Planned Development District with base zoning of NO to allow for retail sales of apparel and related accessories.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request by a vote of 7-0.

ATTACHMENTS:

1. Z-2021-07 DRAFT Ordinance
2. Z-2021-07 Council Staff Report
3. Z-2021-07 application
4. Z-2021-07 Council presentation

ORDINANCE NO.

Comment [RGG1]: Page: 1
To be filled in by the City Secretary's office.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-169 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: 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 this 22nd day of April, 2021.

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 20th day of March, 2021, 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 13th day of May, 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 13th day of May, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 1

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 Neighborhood Office (NO) to Planned Development (PD) 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 PDD is as follows: 0.558 acres out of a tract of land recorded on Page 784 in Volume 837 of Deed Records for Taylor County, Texas and being in the A. Greenwall Survey No. 100 in the City of Abilene, Taylor County, Texas, said 0.558 acres being more particularly described by metes-and-bounds as follows:

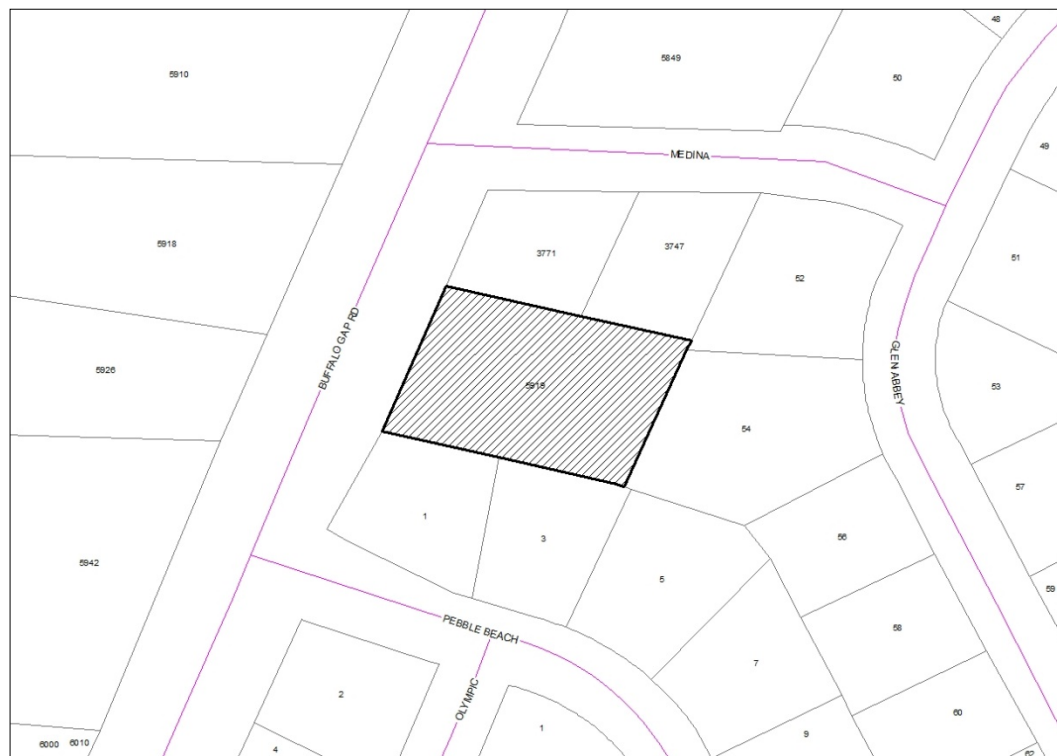
BEGINNING at a found 3/8-inch metal rebar on the east line of right-of-way for Buffalo Gap Road (120' wide) at the southwest corner of that certain tract recorded on Page 784 in Volume 837 (of Deed Records) and at the northwest corner of Lot 56 in Block I of The Fairways Addition to the City of Abilene Taylor County, Texas as shown by plat recorded on Slide 294-C in Cabinet 2 of Plat Records for Taylor County, Texas, said 3/8" metal rebar being the southwest corner of this tract, and from whence a found 3/8" metal rebar at the southwest corner of said Lot 56 bears South 21°56' 27" West 120.08 feet;

THENCE North 22° 40' 44" East with the east line of right-of-way for Buffalo Gap Road for a distance of 119.70 feet to a 1/2-inch metal rebar set for the northwest corner of this tract and from whence a 1/2-inch metal rebar set for the northwest corner of that certain tract recorded on Page 748 in Volume 837 of Deed Records for Taylor County, Texas bears North 22° 40' 44" East 93.49 feet;

THENCE South 78° 27' 17" East for a distance of 207.35 feet to a 1/2-inch metal rebar set on the west line of Lot 1 in Block I of The Fairways Addition, for the northeast corner of this tract and from whence a found 3/8-inch metal rebar at the northwest corner of said Lot 1 bears North 23° 59' 56" East 134.32 feet;

THENCE South 23° 59' 56" West with the west line of Lots 1 and 2 in said Block I, for a distance of 121.48 feet to a found PK nail at the common corner of said Lot 2 with Lots 54 and 55 in said Block I, for the southeast corner of this tract;

THENCE North 78° 07' 30" West with the north line of said Lots 55 and 56, for a distance of 204.27 feet to the POINT OF BEGINNING.



ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development (PD) District is to allow limited retail sales of apparel and related accessories on the subject property, as well as other uses ordinarily allowed within Neighborhood Office (NO) zoning districts.

PART 7: Specific Modifications. The use and development of land and buildings in this Planned Development (PD) District shall generally be subject to requirements of the Neighborhood Office (NO) zoning classification, except as modified below:

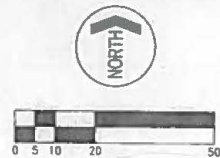
A. Permitted Uses

- (1) In addition to uses allowed (by right or with approval of a Conditional Use Permit) in Neighborhood Office Districts, retail sales of apparel and related accessories shall also be allowed.

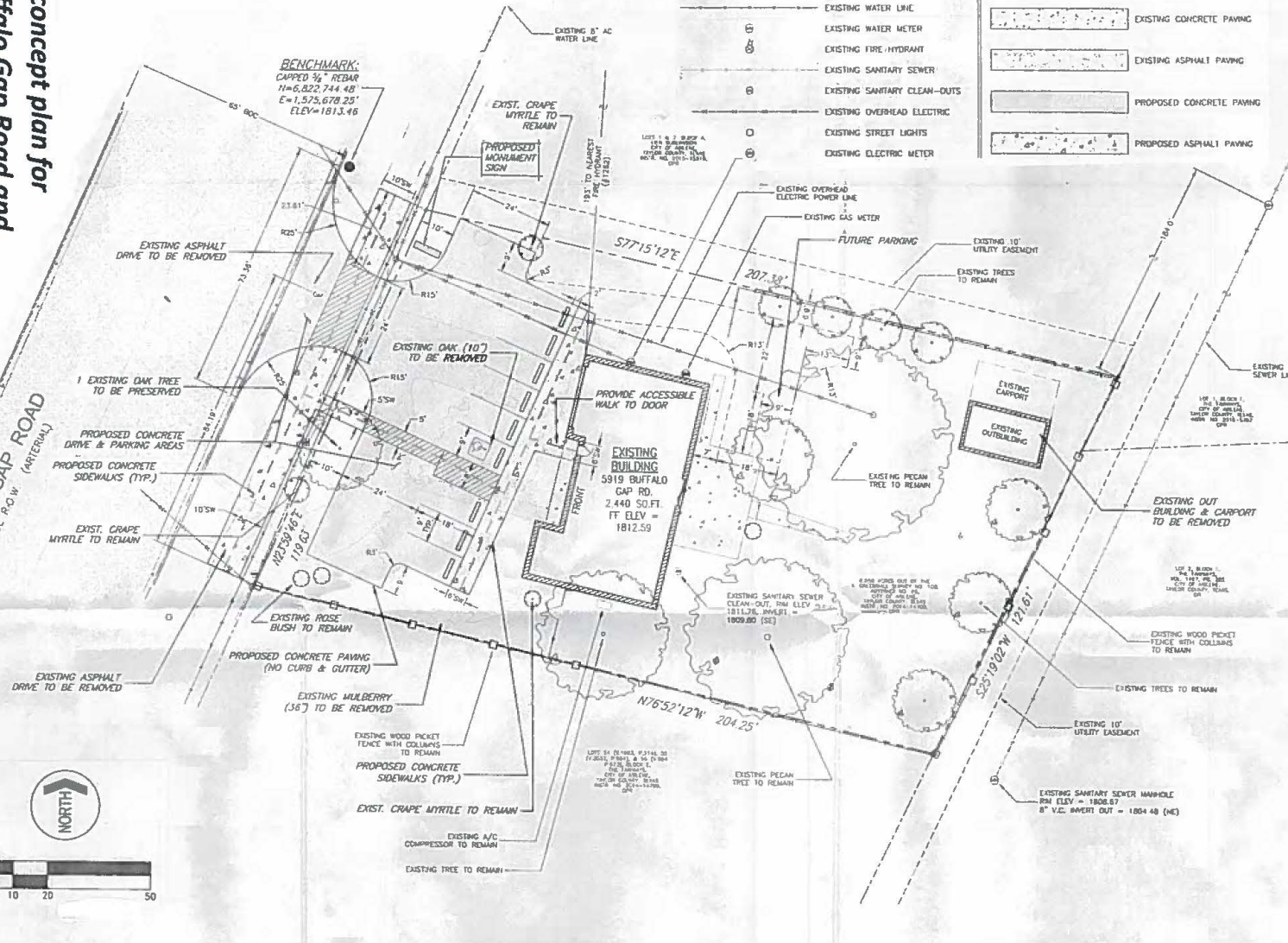
EXHIBIT "A" GRAPHIC CONCEPT PLAN
PAGE 4

**graphic concept plan for
5919 Buffalo Gap Road and
Planned Development (PD)
District Number 169**

BUFFALO GAP ROAD
120' WIDE R.O.W. (ARTERIAL)



SITE PLAN LEGEND	
---	SITE BOUNDARY
---	ADJACENT R.O.W. & BOUNDARIES
---	BUILDING SETBACK LINE
---	UTILITY & DRAINAGE EASEMENTS
---	EXISTING WATER LINE
---	EXISTING WATER METER
---	EXISTING FIRE HYDRANT
---	EXISTING SANITARY SEWER
---	EXISTING SANITARY CLEAN-OUTS
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING STREET LIGHTS
---	EXISTING ELECTRIC METER
---	PROPOSED ACCESSIBLE ROUTE
---	HANDICAP ACCESSIBLE PARKING
---	PROPOSED ACCESSIBLE CURB RAMP
---	PROPOSED WHEELSTOPS
---	EXISTING CONCRETE PAVING
---	EXISTING ASPHALT PAVING
---	PROPOSED CONCRETE PAVING
---	PROPOSED ASPHALT PAVING



ZONING CASE Z-2021-07

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: April 6, 2021

City Council 1st Reading: April 22, 2021

City Council 2nd Reading: May 13, 2021

Applicant

Owner: Heart of Texas Hearing Centers Inc. (Erika Vela)

Agent: Fallen Perrie Busenlehner

Request

Rezone 0.558 acres of land with an existing commercial building and paved parking area, from Neighborhood Office (NO) to a Planned Development (PD) District. Based upon the information provided in the application, the purpose of this request is to keep the existing base zoning classification of Neighborhood Office zoning, with an additional allowance for retail sales of apparel and related accessories. A graphic concept plan provided with the application depicts the existing commercial building and paved parking area on this property.

Location

The subject property is located at 5919 Buffalo Gap Road, midway between its intersections with Medina and Pebble Beach. This particular location lies 0.3 miles north of Antilley Road and 0.4 miles south of Woodlake Drive. The property is bound to the south, east, and west by single-family residential; and to the north by vacant property.

Background

The subject property was annexed in 1963, and property tax records indicate the existing building (originally a residence) was completed in 1966. Between 1974 and 2018, the subject property was incorporated into a Residential Single-Family zoning district. In 2018, this property was rezoned to its existing Neighborhood Office (NO) classification, and in 2019, the existing building was converted for commercial use as an office and clinic for an audiologist. The audiologist has moved and seeks to lease the subject property as a retail space to an apparel boutique.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of a vacant Neighborhood Office (NO) tract directly to the north; to the south and east are single-family homes in "The Fairways" Planned Development District; and to the west, on the opposite side of Buffalo Gap Road are single-family homes in an RS-8 zoning district.

Criteria Assessment

Section 1.4.1.4 of the Land Development Code states that, 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;

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan, Future Land Use and Development Plan Map, and the 1994 Buffalo Gap Corridor Study. The primary objective (#1A) of the Buffalo Gap Corridor Study is to ensure that development throughout this corridor is accomplished appropriately, specifically by encouraging office zoning along Buffalo Gap Road frontage at mid-block locations. The limited expansion of allowed uses on the subject property is anticipated to have only a negligible impact (if any) on the intensity of commercial activity and nearby residences. The overall appearance from street frontage is also expected to be unaffected.

(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.

It is the opinion of staff that the uses permitted by the proposed zone change are consistent with the surrounding properties, which are a mixture of other Neighborhood Office zones and single-family residential properties. Uses allowed within the existing NO classification are primarily limited to business, administrative, and professional offices. Other restrictions include limitations on building size and operating hours for business activity between 6:00 a.m.-11:00 p.m. These other restrictions will remain in effect, with approval of this proposed Planned Development District. The only difference will be expanding allowed uses to include retail sales of apparel and related accessories. The expansion represents a modest increase in permitted use and is not anticipated to increase traffic flow to and from this location substantially.

(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 currently has access to existing utilities and public amenities adequate for the existing and for the proposed additional uses. This request also presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

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

Staff Recommendation

City staff recommends approving this proposed Planned Development District.

Planning and Zoning Commission Action

The Planning and Zoning Commission recommended approval by a vote of seven (7) to zero (0) on April 6, 2021.

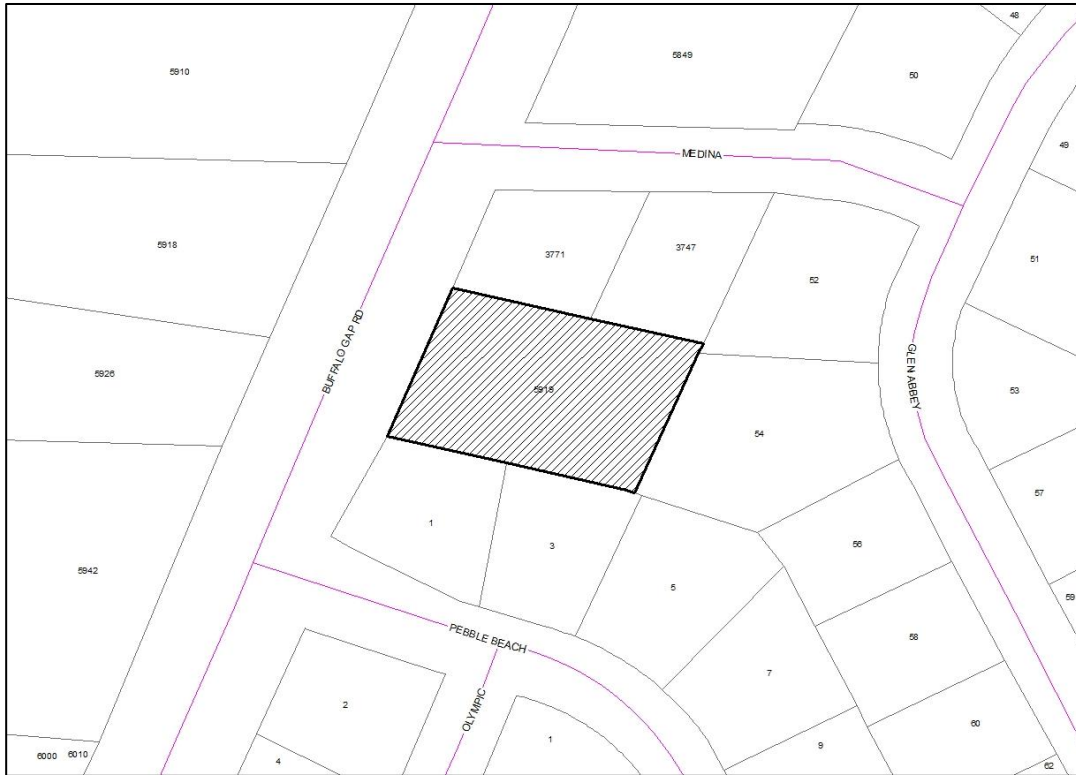
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on March 26, 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated addresses are identified in Table 1.

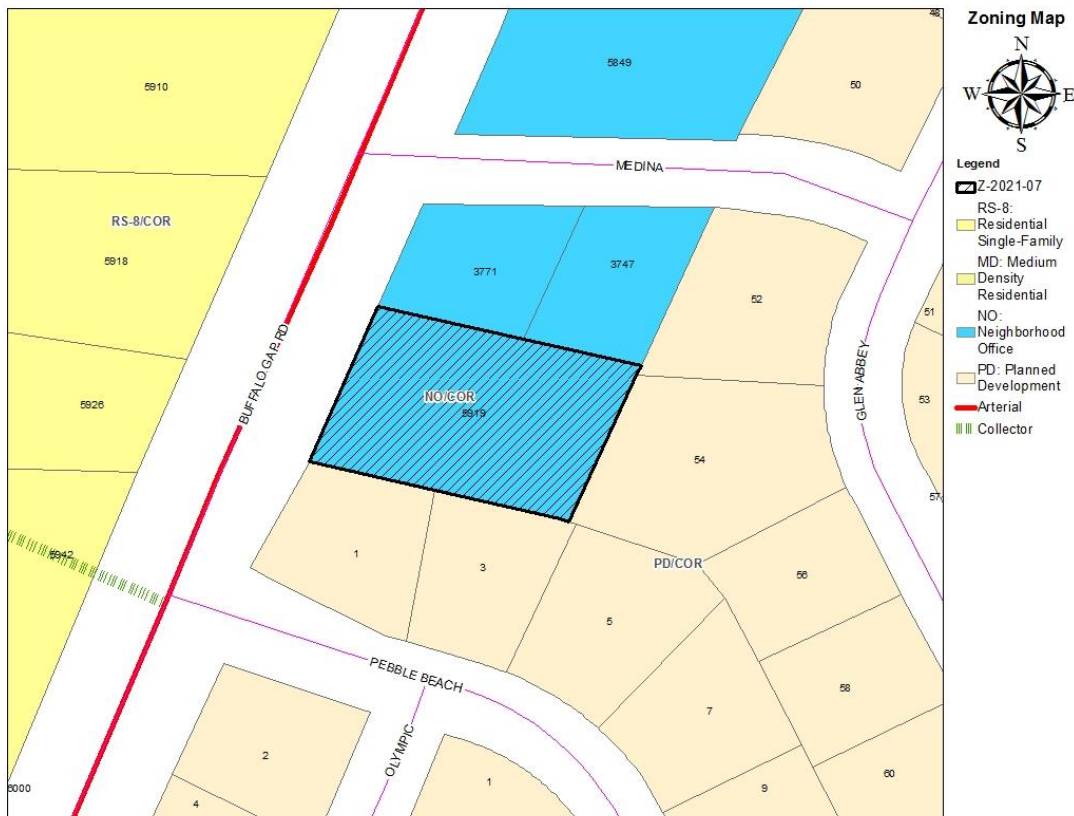
TABLE 1

Owner	Parcel ID	Response
5 S DEVELOPMENT LLC	12859	
ADAMS JAMES W & HOLLI N	53182	
BARBER MARVIN NATHAN II	16042	
BARSTAD ERIC & JESSICA	54108	
DAVIS MARGARET HICKS	16164	Opposed
ELLIS GLENN C & HEATHER E	16406	
FRYMIRE TOMMY R & LORI D	22704	
HEART OF TEXAS HEARING CENTERS INC	12010	
KLEIN CHAD J	22580	
MC NEER JAMES F & BEVERLY K	22834	Opposed
MOORE SAM	75702	Opposed
NGUYEN STEVE &	207276	
NGUYEN STEVE &	207275	
STEARNS JOSH R & DIANE	16282	
STEPHENS O B JR DECD ET AL	11262	
STEPHENS PROPERTIES I LTD	11420	
STEPHENS PROPERTIES LLC	11023	
STROUD MARY	55796	
WALKER DWAYNE K& C LA RUE	22975	In Favor

LOCATION MAP



ZONING MAP



Attachments

PD Graphic Concept Plan

Draft PD Ordinance

Application

PowerPoint Presentation

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-07

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: WALKER DWAYNE K & C LA RUE
Parcel I.D.: 22975

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: Dwayne K Walker

555 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060

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

If you have
address brad.ston

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-07

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: MOORE SAM
Parcel I.D.: 75702

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: Sam Moore

555 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060

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



Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Case #Z-2021-07

MH Davis <m51davis@suddenlink.net>

Fri, Apr 2, 2021 at 6:53 PM

To: planning@abilenetx.gov

Cc: "Stone, Brad" <brad.stone@abilenetx.gov>

Hello,

I am responding to the notice (case #Z-2021-07) I received regarding the business located behind (west) of my home at 54 Glen Abbey Street.

I am selecting OPPOSED to this zoning change. The zoning was changed from residential to NO to accommodate the hear aide center. If the change is made to PD for this retail establishment does that mean it will then go further and have commercial or industrial development practically in my back yard?

I understand this is Buffalo Gap Road and things will change, however, having lived here almost 35 years I believe our home development area needs to be recognized, protected and preserved and another change in the zoning will likely jeopardize this area.

Thank you for listening to the views of a person living within FEET of this building.

Respectfully submitted,

Margaret Hicks Davis

54 Glen Abbey

Abilene, Texas 79608-6546

(325) 698-0493

--

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/!%26!AAAAAAAAAAAAAYAAAAAAAAADM7%2BGatC7VGoSqMjPeq0G/CgAAAEAAAABXU7azRwp5OnjCBhd5Pv2gBAAAAAA%3D%3D%40suddenlink.net>.

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-07

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: MC NEER JAMES F & BEVERLY K
Parcel I.D.: 22834

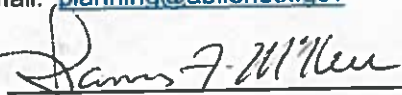
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____



APR 6 AM 10:56

555 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060

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



Development Application

Planning

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

Project Name: Heart of Texas Hearing Centers
 Address: 5919 Buffalo Gap Rd No. of lots: 1 Acreage: .558
 Legal Description: A0086 Sup 100 A Greenwall
 Subdivision Name: ↑ Block: ↑ Lot: ↑
 Current Zoning: Office Proposed Zoning (if applicable): FE1 PD

OWNER AND AUTHORIZATION

Owner Name: Erika Vela
 Address: 1925 Hospital Place
 City, State, Zip: Abilene, TX 79606 Fax: 325-455-3018
 Phone: 325-232-8593 Email: erika@heartoftexashearing.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) Fallen Perrie Busenlehner will act as my agent before the Planning and Zoning Commission.

Agent Name: Fallen Perrie Busenlehner
 Address: 5919 Buffalo Gap Rd.
 City, State, Zip: Abilene, TX 79606 Fax: _____
 Phone: 325-977-0022 Email: fallen@shoptrcschic.tx.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: Erika Vela Date: 3/2/2021

FOR OFFICE USE ONLY

Received: 03-09-2021 Fee: \$ 2000 Receipt No.: 0001058720
 Case No.: 2-2021-07 Reviewed By: _____

0.558 acre out of A. Greenwall
 Survey Number 100



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.

I am wanting to put in a simple, small neighborhood boutique. I plan to sell women's clothing & gifts. My hours are Tues-Sat 10-6. I am so excited to become part of Abilene & bring my unique style to the women of Abilene.

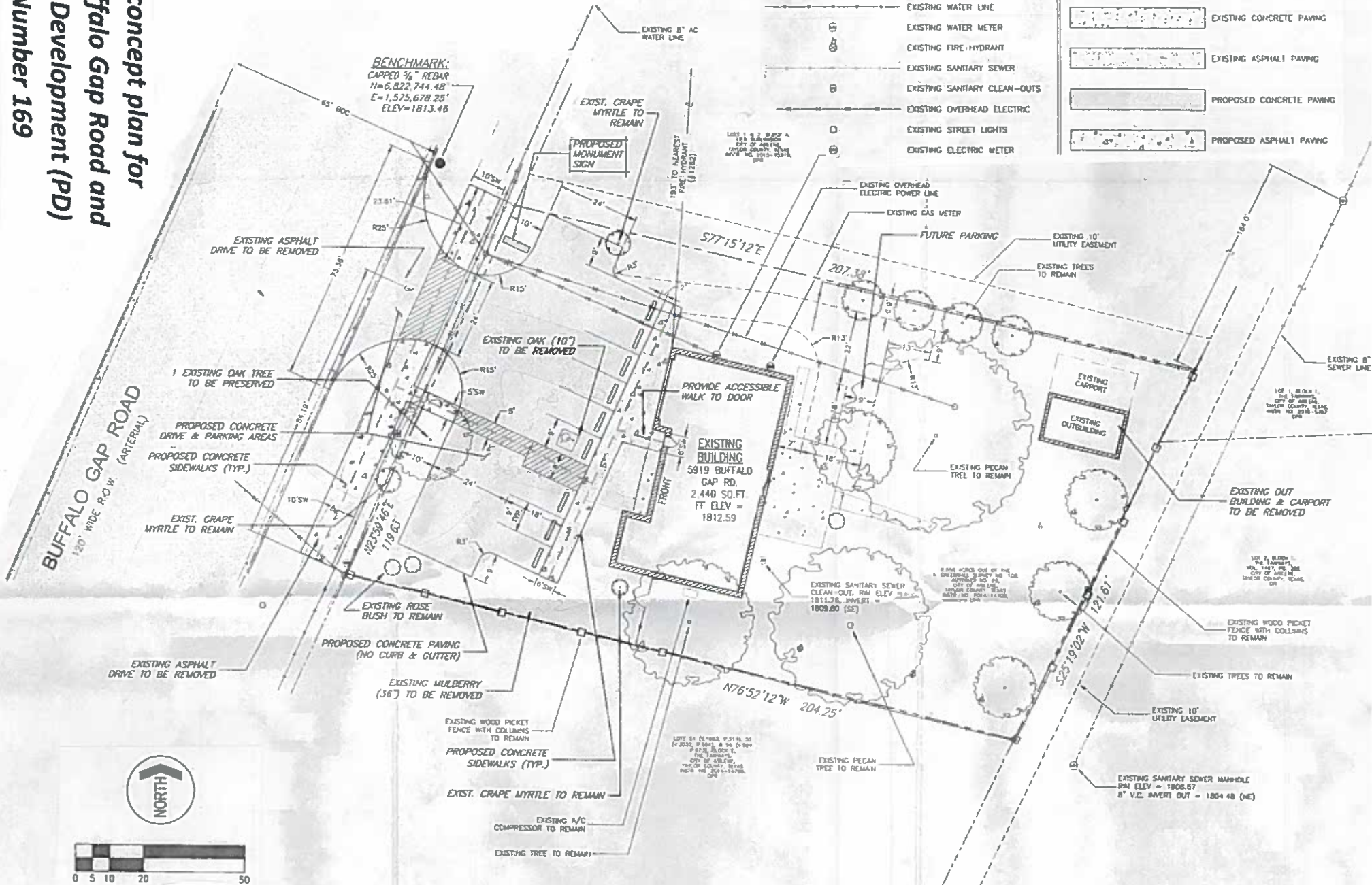
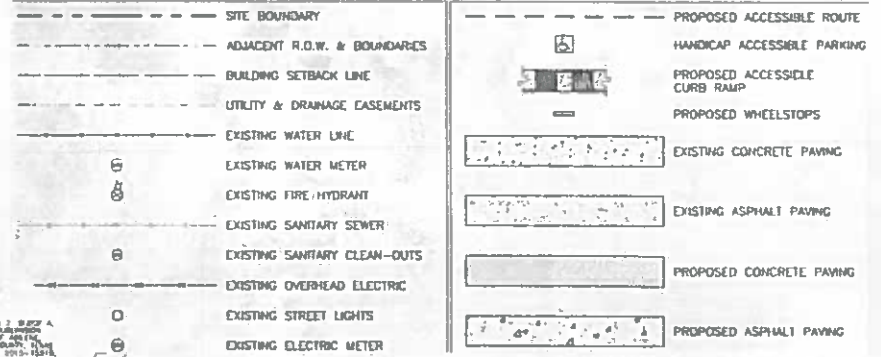
I vow to not be anything short of a positive asset to Abilene & look forward to working with the community.

Thank you for your consideration.

Fallen Busentekner

**graphic concept plan for
5919 Buffalo Gap Road and
Planned Development (PD)
District Number 169**

SITE PLAN LEGEND



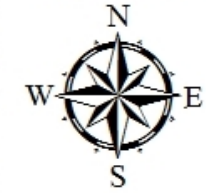
Case: Z-2021-07
Owner: Heart of Texas Hearing Centers Inc.
Agent: Fallen Perrie Busenlehner
Request: Rezone from Neighborhood Office to Planned Development District

Location: 5919 Buffalo Gap Road
Notification: 2 in Favor, 3 Opposed
Planning & Zoning Recommendation: Approval

Z-2021-07 LOCATION MAP



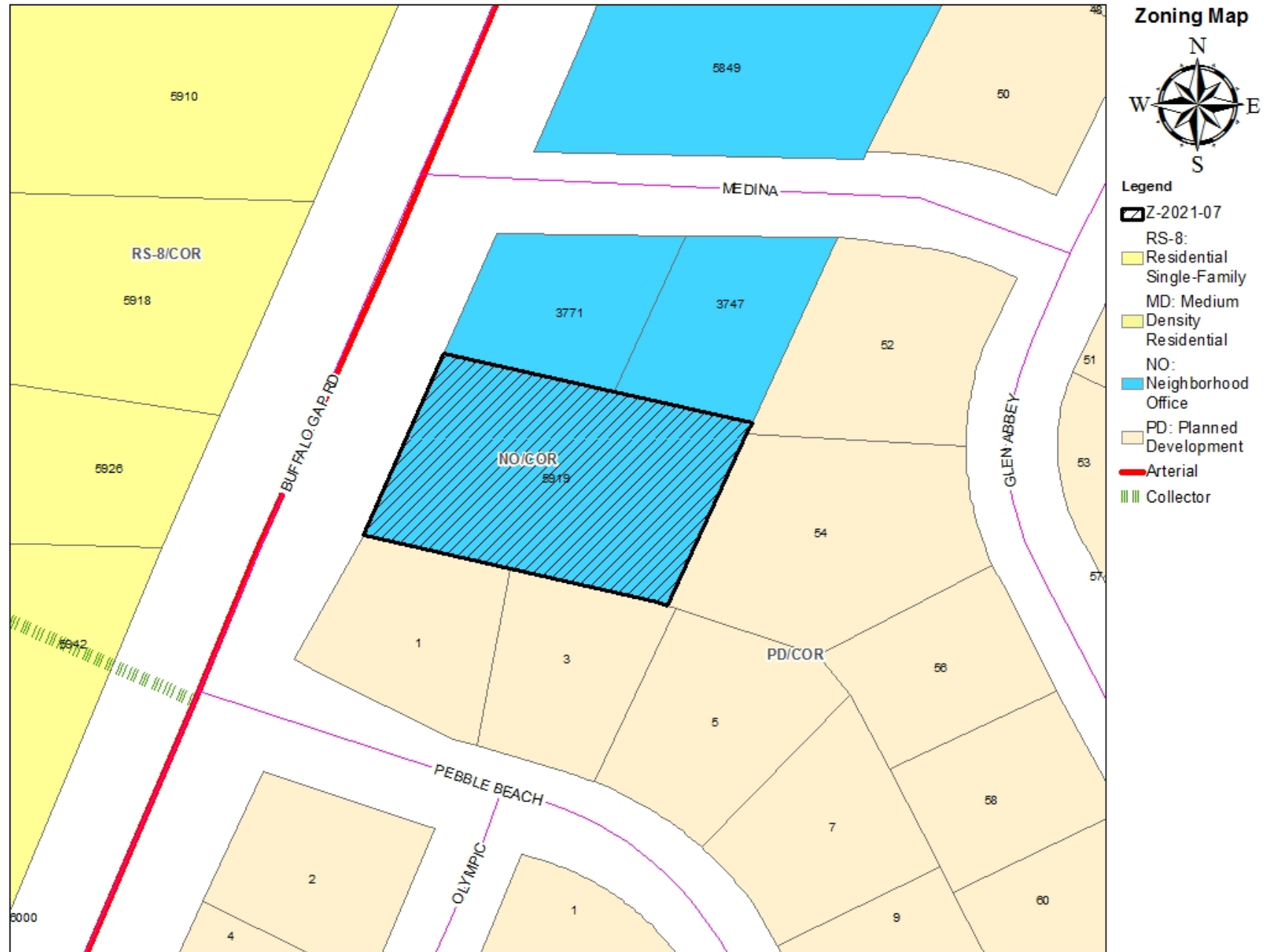
Location Map



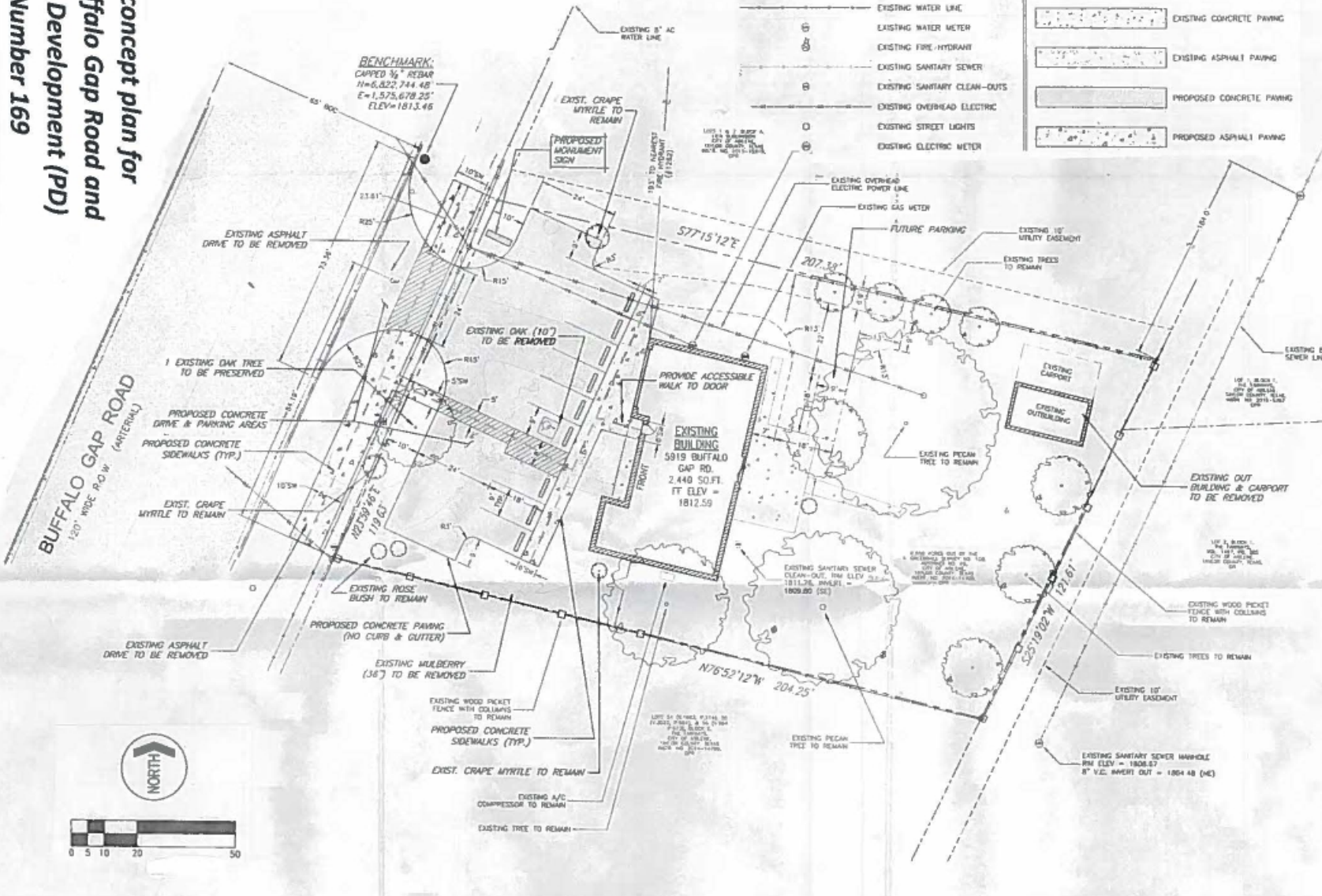
Legend

 Z-2021-07

Z-2021-07 ZONING MAP



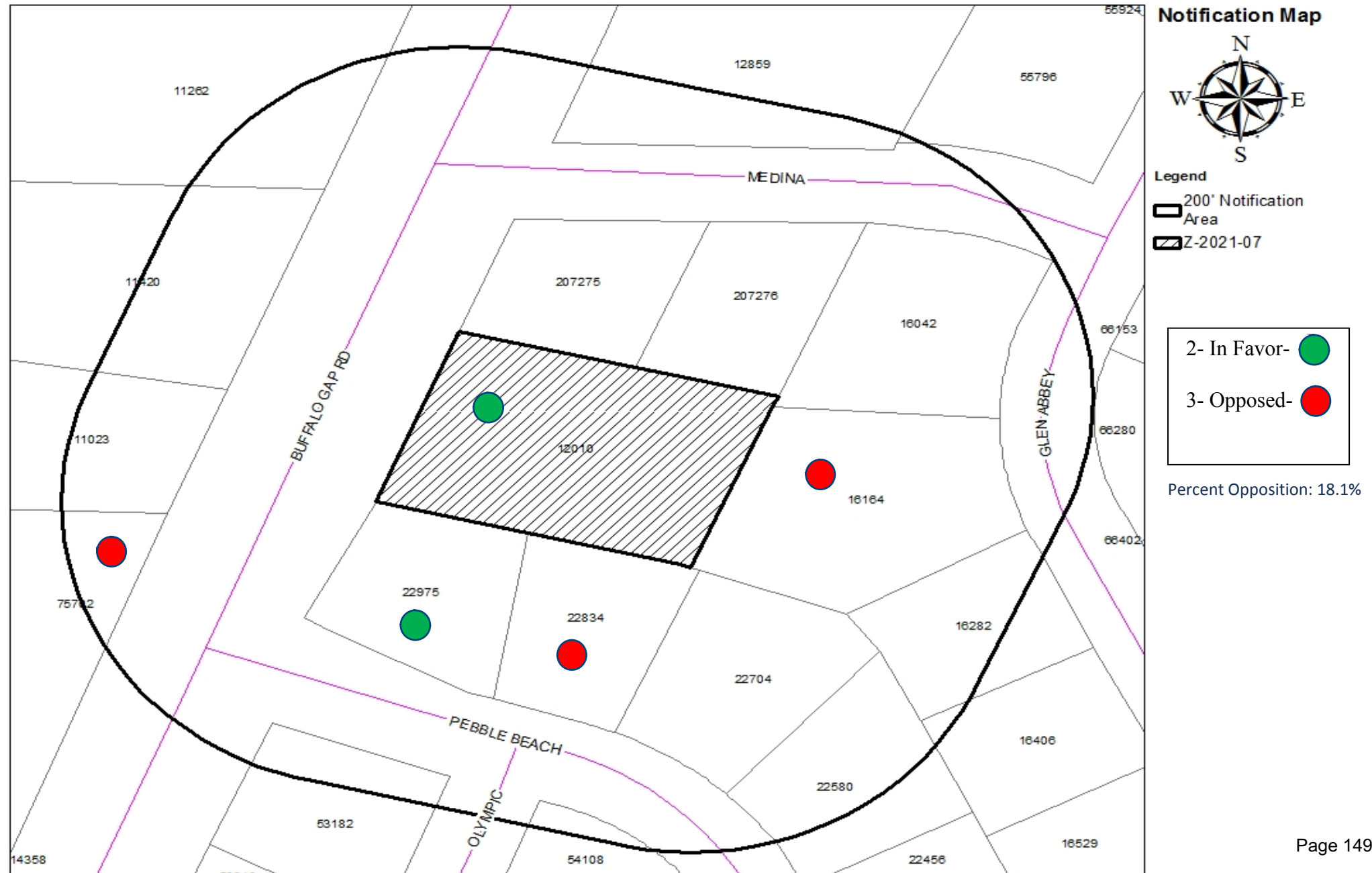
**graphic concept plan for
5919 Buffalo Gap Road and
Planned Development (PD)
District Number 169**



Z-2021-07 VIEWS OF SUBJECT PROPERTIES



Z-2021-07 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan, Future Land Use and Development Plan Map* and the 1994 *Buffalo Gap Corridor Study*
- 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: 4/22/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **13. Ordinance (First Reading) Z-2021-08:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Cimarron Meadows Development Corporation, represented by Jacob & Martin LLC, to rezone property from a Residential Medium-Density (MD) to a Planned Development (PD) District intended to allow duplex dwellings as well as townhomes (with no more nor fewer than two dwellings in any one row of attached buildings) on approximately 14 acres of now-vacant land located on the 2000 block (east side) of Maple Street and directly north from the Abilene State-Supported Living Center in southeast Abilene. *(Mike Warrix)*

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Z-2021-08 DRAFT ORDINANCE
2. Z-2021-08 Council Staff Report
3. Z-2021-08 Full Application
4. Z-2021-08 Council presentation

ORDINANCE NO. [REDACTED]

Comment [RGG1]: Page: 1
To be filled in by the City Secretary's
office.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-170 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: 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 this 22nd day of April, 2021.

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 20th day of March, 2021, 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 13th day of May, 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 13th day of May, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 1

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 Medium Density (MD) District to Planned Development (PD) District.

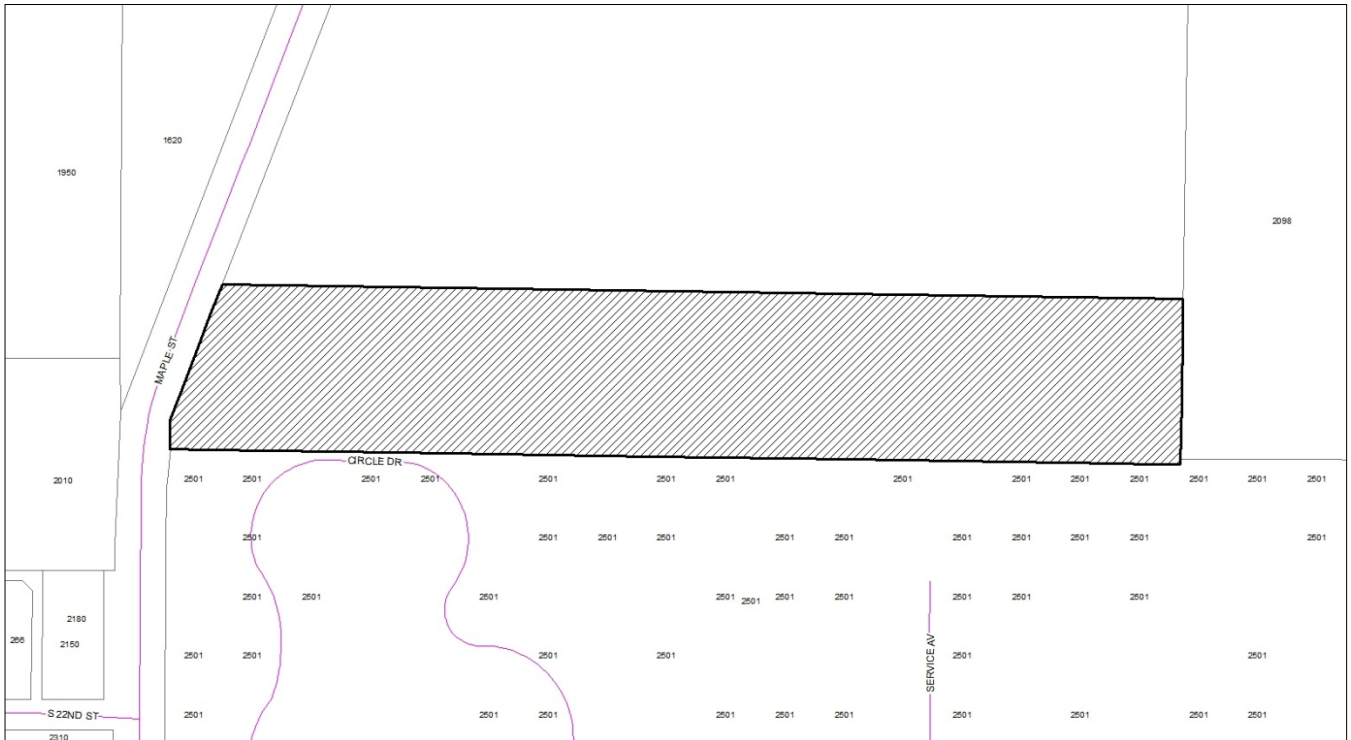
That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 2

PART 5: Legal Description. The legal description of this PDD is as follows: The south 320-feet of Lot 102, Block A of the Parkview Addition to Abilene, Taylor County, TX.



Location: Approximately 14 acres located in the 2000 block (east side) of Maple Street and directly north from the Abilene State-Supported Living Center in southeast Abilene.

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for development of townhomes with only two units instead of the usual three or more; as well as traditional duplex developments.

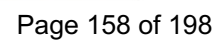
PART 7: Specific Modifications. This Planned Development District shall be subject to the requirements of the Residential Town Home (TH) zoning district, except as modified below:

A. Permitted uses and Specific Regulations

1. All residential uses ordinarily permitted within Residential Town Home (TH) Zoning in addition to the following modifications:
 - a. DWELLING –TOWNHOME
 - i. The definition of DWELLING – TOWNHOME amended to be “one of a group of no less than two (2) nor more than two (2) attached dwelling units, separated by a fire-rated wall.” NOTE: Ordinarily, no less than three (3) attached dwelling units are required.
 - b. DWELLING – DUPLEX
2. Site Layout and Building Requirements:
 - a. DWELLING – TOWNHOME
 - i. All site layout and building requirements ordinarily applicable within Residential Townhome (TH) Districts, except as otherwise specified within this section.
 - ii. A contiguous row of attached townhome dwellings shall have a minimum length of two (2) dwelling units and a maximum length of two (2) dwelling units. NOTE: Ordinarily, a contiguous row of attached townhome dwellings must have a minimum length of three (3) dwelling units.
 - iii. Townhome developments of no more than two units shall be exempt from the requirement of major Site Plan review by Abilene’s Development Review Committee.
 - iv. Setbacks:
 - Minor Street: 10-feet
 - Collector Street: 20-feet
 - Arterial Street: 30-feet
 - Side Yard: 6-feet
 - Rear Yard: 20-feet
 - b. DWELLING – DUPLEX
 - i. All site layout and building requirements ordinarily applicable within Medium Density (MD) Districts shall apply.

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 Town Home (TH) zoning classification.

EXHIBIT "A" GRAPHIC CONCEPT PLAN
PAGE 4



ZONING CASE Z-2021-08

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: April 6, 2021

City Council 1st Reading: April 22, 2021

City Council 2nd Reading: May 13, 2021

Applicant

Owner: Cimarron Meadows Development Corporation

Agent: Jacob & Martin, LLC

Request

Rezone approximately 13.7 acres of Residential Medium Density (MD) zoning to a Planned Development District with a base zoning of Residential Townhome (TH). Based upon information provided within the application, the purpose of this request is to allow the construction of townhome and duplex dwellings. Residential Townhome zoning requires a minimum of three contiguous units. However, the applicant is requesting a minimum of two units which split lot boundaries as depicted in the graphic site plan submitted with the application pursuant to Section 1.4.2.3 (Concept Plan) of the Land Development Code.

Location

The subject property is the southernmost 320-feet (approximately 13.7 acres) out of Lot 102, Block A, Section 2, of the Parkview Addition. The property is bound to the west by Maple Street; to the north by vacant property; to the east by a single-family residential property; and to the south by the Abilene State Supported Living Center.

Background

The subject property was annexed in 1957 and zoned Agricultural Open Space (AO). In 1995, the property was rezoned to Planned Development District 58 (PDD-58); with the intention of allowing an amusement park. Between 1997 and 2006, the property was utilized for this use. In 2020, City Council approved ordinance #44-2020; effectively rezoning approximately 60 acres of this Planned Development to a combination of Single-Family Residential (RS-6) and Residential Medium Density (MD).

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the immediate area of the subject property are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of Agricultural Open Space (AO) to the south and east; Residential Medium Density (MD) to the north; and PD-58 as well as Agricultural Open Space (AO) west of Maple Street.

Criteria Assessment

Section 1.4.1.4 of the Land Development Code states that 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;

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan and Future Land Use and Development Plan Map. The Future Land Use and Development Plan Map identifies the subject property as low density residential development. The proposed zone change is consistent with low density residential land use. Additionally, the proposed zone change will promote the Comprehensive Plan's goal of infill by encouraging development of land within an interior region of the City that has remained vacant since its annexation in 1957.

(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.

It is the opinion of staff, that the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity, which are primarily residential. Furthermore, this proposed Planned Development will function much like Residential Townhome (TH) zoning but at a lower density than ordinarily required within a TH district. According to Abilene's Land Development Code TH zoning serves as a medium density transitional buffer from the Abilene State Supported Living Center to the south and the single-family residential homes to the north.

(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 currently has access to existing utilities and public amenities which are adequate for servicing the development that may result from this change in zoning. Furthermore, the request presents no apparent conflicts with existing or proposed plans for community facilities and/or related infrastructure.

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

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

Staff Recommendation

Staff recommends approval.

Planning and Zoning Commission Action

The Planning and Zoning Commission recommended approval by a vote of seven (7) to zero (0) on April 6, 2021.

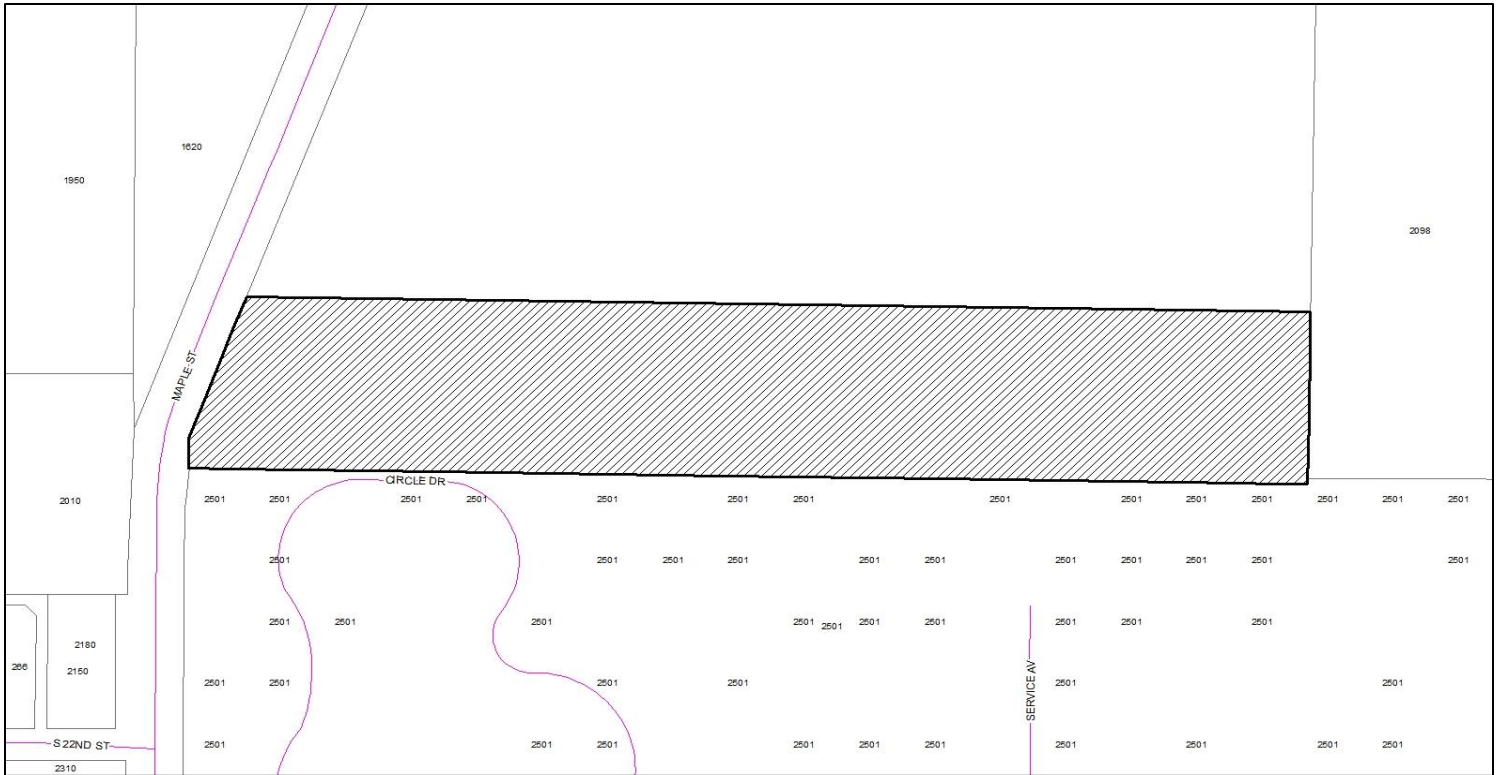
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on March 26, 2021, via certified mail to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated addresses are identified in Table 1.

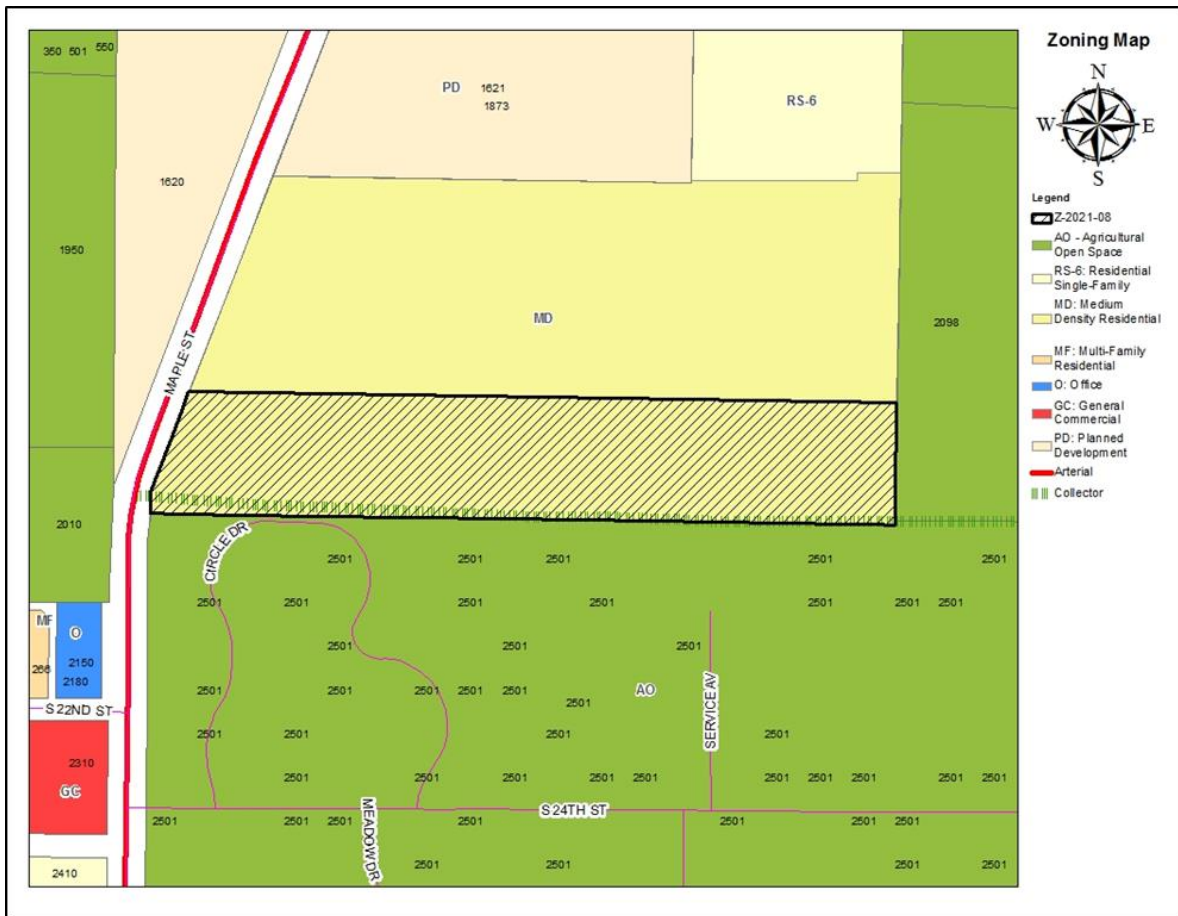
TABLE 1

Owner	Parcel ID	Response
ABILENE IND SCHOOL DIST	33283	
ABILENE STATE SCHOOL	12623	
LEWIS DONALD	74501	
ROGERS RECREATION INC	1063566	In Favor
SCHWERTNER CHARLES & KAYE TRUST	52606	In Favor
TURQUOISE DOG PROPERTIES SERIES T	32761	

LOCATION MAP



ZONING AND EXISTING LAND USE MAP



Attachments

Ordinance 44-2020

PD Concept Plan

Draft PD Ordinance

Application

PowerPoint Presentation

ORDINANCE NO. 44-2020

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.

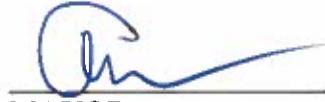
PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 22nd day of October, 2020.

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 19th day of September, 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 5th day of November, 2020, 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 5th day of November, 2020.

ATTEST:


CITY SECRETARY

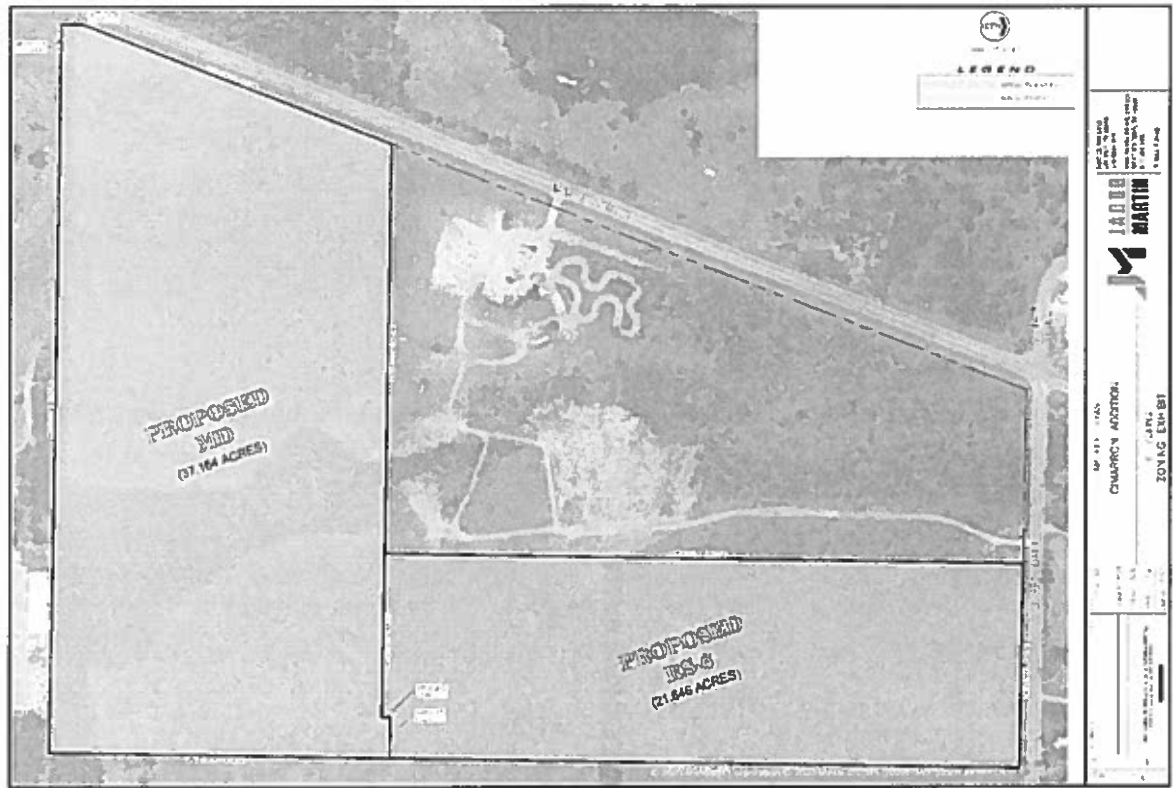

MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT A

Rezone property from Planned Development District 58 (PDD 58) zoning classification, to a combination of Medium Density (MD) and Residential Single-Family (RS-6) zoning districts, as follows:



Location: 6800-6900 blocks (west side) of Highway 83-84 Abilene, Taylor County, Texas.

Medium Density (MD) zoning district

BEING a 37.164 acre zoning tract out of the northwest quarter of Section No. 51, Blind Asylum Lands, Abstract No. 630, City of Abilene, Taylor County, Texas, and being out of the southern portion of Lot 1, Block A, Section 2, Parkview Addition as shown per plat recorded in Cabinet 3, Slide 270, Plat Records, Taylor County, Texas, and further conveyed (called "TRACT TWO") in a Warranty Deed to Rogers Recreation, Inc. recorded in Volume 2236, Page 860, Official Public Records, Taylor County, Texas, and also being out of "Tract Three" as described in said Volume 2236, Page 860. Said 37.164 acre zoning tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the southwest corner of this described tract and said "TRACT THREE", and being in the southeasterly right-of-way line of Maple Street;
THENCE N. 00° 37' 56" E. along the west line of this described tract, same being the west line of said "TRACT THREE", same being the southeasterly right-of-way line of said Maple Street, a distance of 55.73 feet to a point for corner of this described tract;

THENCE N. 21° 10' 42" E. along the northwest line of this described tract, same being the northwest line of said "TRACT THREE", same being the southeasterly right-of-way line of said Maple Street, a distance of 891.39 feet to a point for the northwest corner of this described tract;

THENCE along the northerly lines of this described tract; and over and across said "TRACT THREE" and said Lot 1, Block A, the following bearing and distances:

- S. 89° 04' 34" E, at 106.47 feet pass the southeast line of said "TRACT THREE", same being the northwest line of said Lot 1, Block A, and continuing on for a total distance of 1540.36 feet to a point for an interior corner of this described tract;
- N. 00° 55' 26" E a distance of 23.96 feet to a point for a corner of this described tract;
- S. 89° 04' 34" E a distance of 110.00 feet to a point for the northeast corner of this described tract, and being in the east line of said Lot 1, Block A;

THENCE S. 00° 55' 26" W along the east line of this described tract, same being the east line of said Lot 1, Block A, a distance of 913.96 feet to a point for the southeast corner of this described tract, same being the southeast corner of said Lot 1, Block A;

THENCE N. 89° 07' 46" W along the south line of this described tract, same being the south line of said Lot 1, Block A, a distance of 1872.87 feet to a point for a slight angle point of this described tract, and being at the southwest corner of said Lot 1, Block A, same being the southeast corner of said "TRACT THREE";

THENCE N. 89° 14' 38" W, and continuing along the south line of this described tract, same being the south line of said "TRACT THREE", a distance of 85.80 feet to the POINT OF BEGINNING and containing 31.164 acres of land, more or less.

Single Family Residential (RS-6) zoning district

BEING a 21.646 acre zoning tract out of the northwest quarter of Section No. 51, Blind Asylum Lands, Abstract No. 630, City of Abilene, Taylor County, Texas, and being out of the eastern portion of Lot 1, Block A, Section 2, Parkview conveyed (called "TRACT TWO") in a Warranty Deed to Rogers Recreation, Inc. recorded in Volume 2236, Page 860, Official Public Records, Taylor County, Texas. Said 21.646 acre zoning tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the northeast corner of this described tract, and said Lot 1, Block A, and being in the south right-of-way line of Berry Lane;

THENCE S. 00° 55' 26" W along the east line of this described tract, same being the east line of said Lot 1, Block A, a distance of 1695.10 feet to a point for the southeast corner of this described tract;

THENCE along the southerly lines of this described tract, and over and across said Lot 1, Block A, the following bearings and distances:

- N. 89° 04' 34" W a distance of 110.00 feet to a point for an interior corner of this described tract;
- S. 00° 55' 26" W a distance of 23.96 feet to a point for a corner of this described tract;
- N. 89° 04' 34" W a distance of 440.00 feet to a point for the southwest corner of this described tract;

THENCE N. 00° 55' 26" E, and continuing over and across said Lot 1, Block A, and along the west line of this described tract, a distance of 1719.32 feet to a point for the northwest corner of this described tract, and being in the north line of said Lot 1, Block A, same being the south right-of-way line of said Berry Lane;

THENCE S. 89° 02' 59" E along the north line of this described tract, same being the north line of said Lot 1, Block A, same being the south right-of-way line of said Berry Lane, a distance of 550.00 feet to the POINT OF BEGINNING and containing 21.646 acres of land, more or less.

-END-

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

MAR 31 AM 11:36

CASE #: Z-2021-08

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: SCHWERTNER CHARLES & KAYE TRUST
Parcel I.D.: 52606

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:

Charles & Kaye Schwertner Trust

555 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060

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

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

APR 7 AM 10:33

CASE #: Z-2021-08

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: ROGERS RECREATION INC
Parcel I.D.: 1063566

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:

Ken Lee Y.P.

555 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060

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



Development Application

Planning

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

Project Name: Cimarron Meadows
Address: PARKVIEW SEC 2, BLOCK A, LOT 102 REP, ACRES 58.81 Acreage: _____
Legal Description: A0777 SUR 14 L A L SW/4, ACRES 92.013
Subdivision Name: Cimarron Meadows Block: _____ Lot: _____
Current Zoning: MD Proposed Zoning (if applicable): PD (Base Zoning TH)

OWNER AND AUTHORIZATION

Owner Name: Cimarron Meadows Development Corporation
Address: 13209 Villa Montana Way
City, State, Zip: Austin, TX 78732-1635 Fax: _____
Phone: 325-665-4348 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: 03-08-2021

FOR OFFICE USE ONLY

Received: 3/8/21 Fee: \$ 2,000.00 Receipt No.: _____
Case No.: Z-2021-08 Reviewed By: [Signature]

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: _____



DATE: _____

03-08-2021

PROJECT OVERVIEW

Project Type: Zoning Application

ID # 21-000038 | **Started** 03/08/2021 at 11:43 AM



Address

1873 Maple St, Abilene,
TX USA 79602

Legal

Parkview Sec 2 Blk Block
A Lot Lot 1
Parkview Sec 2, Block A,
Lot 1, Acres 83.355

Property Info

Property ID: 95952

Description

We would like to rezone a portion of the existing zoned MD tract to a Planned Development District with a base zoning of Town Home (TH). Unlike traditional Town Home zoning; the owner wishes to have a minimum of TWO units split by a lot line and no more than TWO units in a contiguous townhome "set" so that this functions as a duplex, but is able to sell off individual sides of the unit. Additionally, we request the provision to allow duplexes by right; subject to the standards ordinarily applicable within MD zoning. Furthermore, we would like to amend the requirement regarding minimum building separation for townhome structures from 15-feet to 12-feet. Finally, the owner wishes to have the setback requirements for Townhome Developments to mirror those setbacks which are ordinarily applicable within Medium Density (MD) zoning.

PROJECT STEPS	DATE & TIME	RESULT	USER
Request	03/08/2021 at 11:45 AM	Accept	-
Zoning Application Review	03/09/2021 at 8:58 AM	Accepted	Jared Smith
Planning Payment	03/09/2021 at 3:34 PM	Paid	Jared Smith
Create Agenda for Planning and Zoning Commission	03/26/2021 at 10:47 AM	Created	Cheryl Sawyers
Staff Prepares Report & Send Property Notification Letters	03/26/2021 at 10:47 AM	Completed	Cheryl Sawyers
P&Z Commission Decision	-	-	-
Prepare City Council Agenda	-	-	-
City Council Decision	-	-	-
Archive	-	-	-

INFORMATION FIELDS

Owner Name

Cimarron Meadows Development Corporation

Agent Name

Jacob & Martin

Block

-

Lot

-

Acreage

14.13

Legal Description of property

PARKVIEW SEC 2, BLOCK A, LOT 102 REP, ACRES 58.81

Subdivision Name

Cimarron Meadows Addition

Current Zoning

MD

Proposed Zoning

PD

Agree to Terms

Clayton Farrow 3-8-2021

INVOICES	DUE DATE	CONTACT	TOTAL	PAID	DUE
21-000970	03/09/2021	Clayton Farrow	\$ 2,000.00	\$ 2,000.00	\$ 0.00
	Fees	Account No	Total	Paid	Due
	Zoning - Planned Development District	1002503010-42101	\$ 2,000.00	\$ 2,000.00	\$ 0.00
TOTALS			\$ 2,000.00	\$ 2,000.00	\$ 0.00

CREDENTIALS

Engineer

Name	Contact Info	Address	Credentials	Availability	Validity
Clayton Farrow	cfarrow@jacobmartin.com (325) 695-1070	3465 Curry Lane Abilene, TX 79606-2287		0 days left	Off

Surveyor

Developer

Homeowner

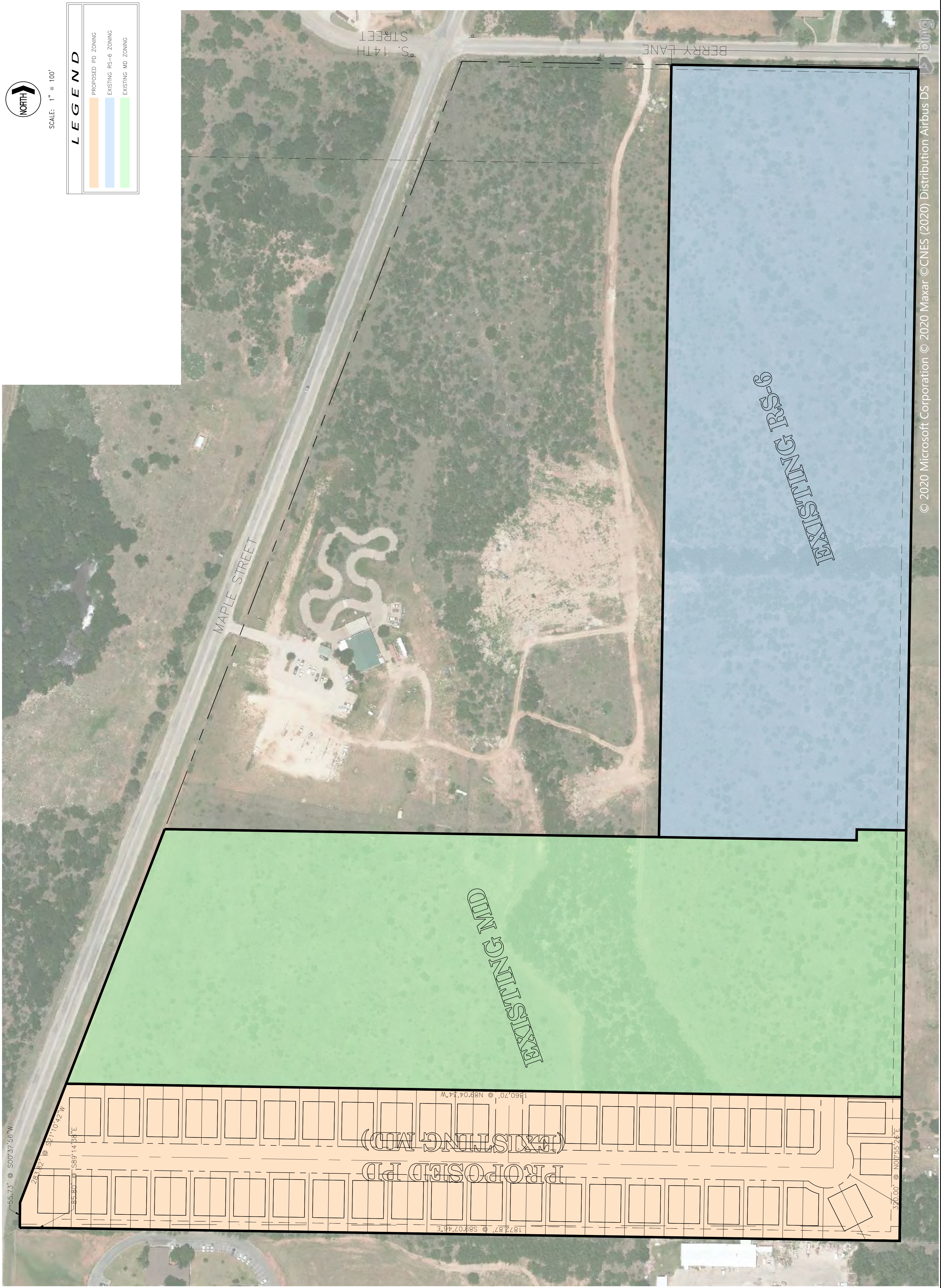
REVIEWS	DATE & TIME	STATUS	HISTORY
Zoning Application Review	03/09/2021 at 8:58 AM	Approved	Accepted
Create Agenda for Planning and Zoning Commission	03/26/2021 at 10:47 AM	Approved	Created
Staff Prepares Report & Send Property Notification Letters	03/26/2021 at 10:47 AM	Approved	Completed
P&Z Commission Decision	03/26/2021 at 10:47 AM	In Review	-

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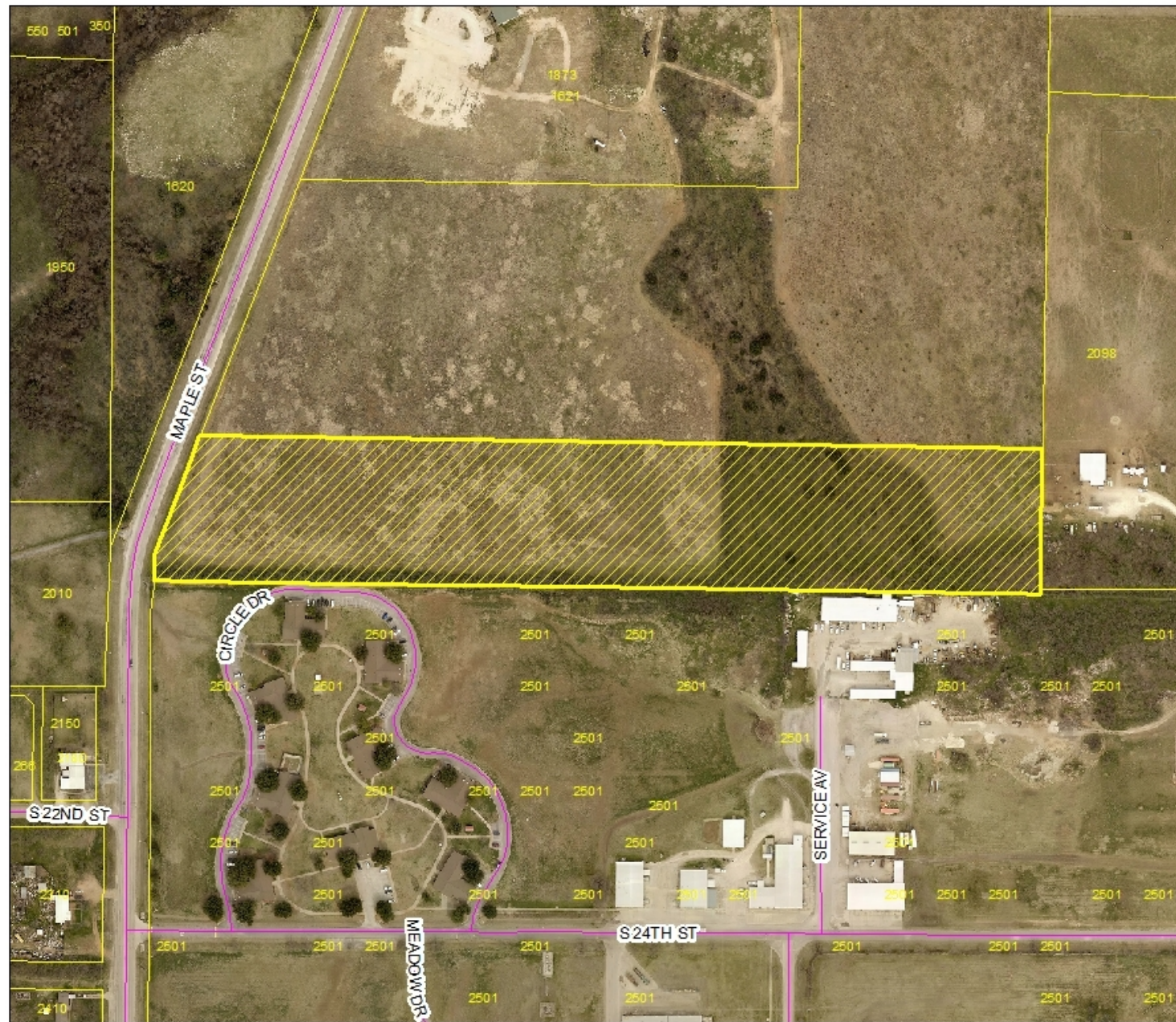
ABILENE TEXAS
CIMARRON ADDITION, SECTION 2

RE-ZONING
ZONING EXHIBIT


JACOB
MARTIN
 3465 CUNRY LANE
 ABILENE, TX 79606
 325-695-91070
 1508 SANTA FE DR., STE 204
 WEATHERFORD, TX 76086
 817-594-9880
 FRM# F-2448



Case:	Z-2021-08
Owner:	Cimarron Meadows Development Corp.
Agent:	Jacob & Martin
Request:	Rezone from Medium Density (MD) to Planned Development District (PD) with a base zoning of Residential Townhome (TH)
Location:	Lot 102, Block A, Sec 2 Parkview Addition
Notification:	2 in Favor, 0 Opposed
Planning & Zoning Recommendation:	Approval



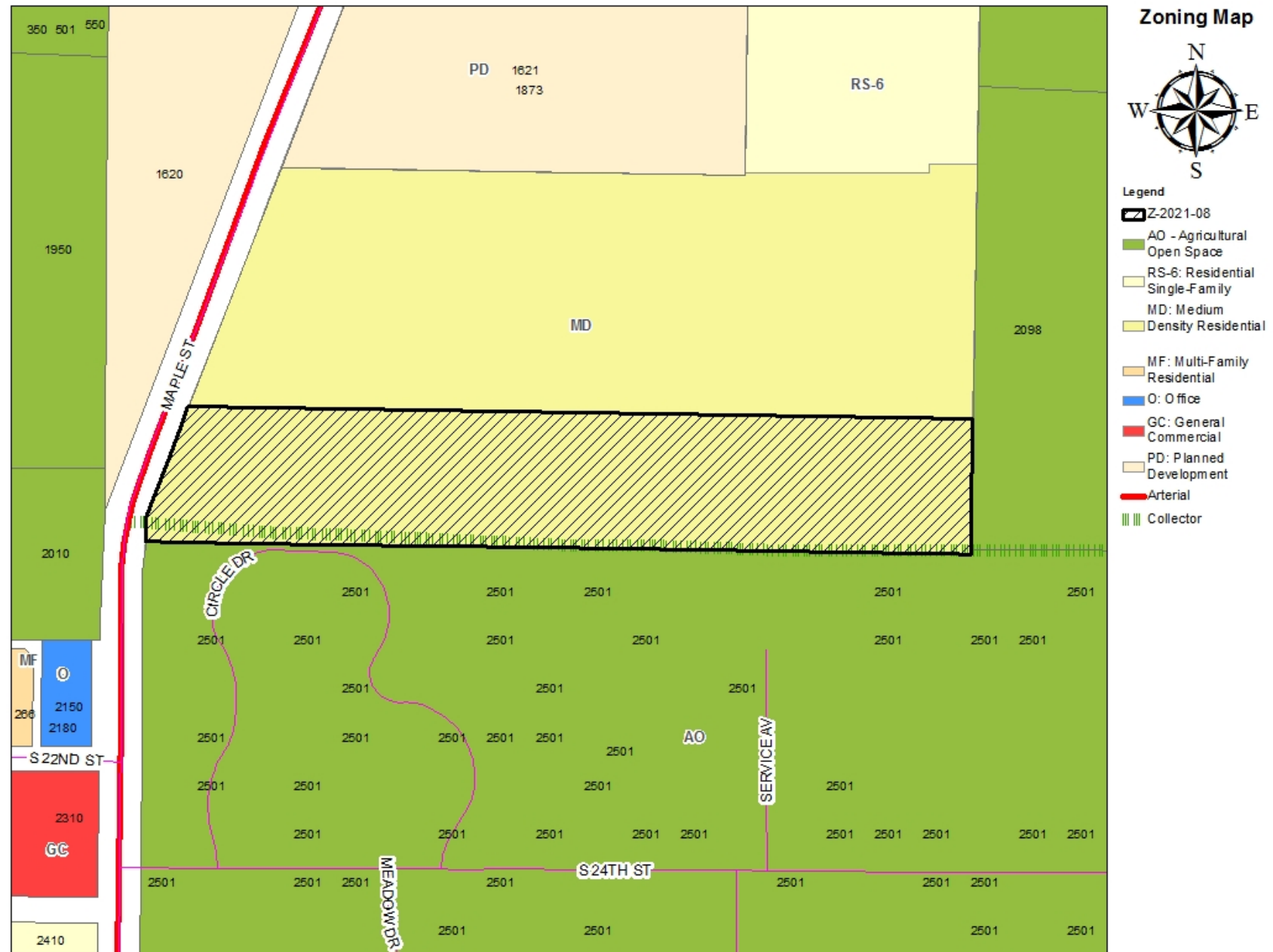
Location Map

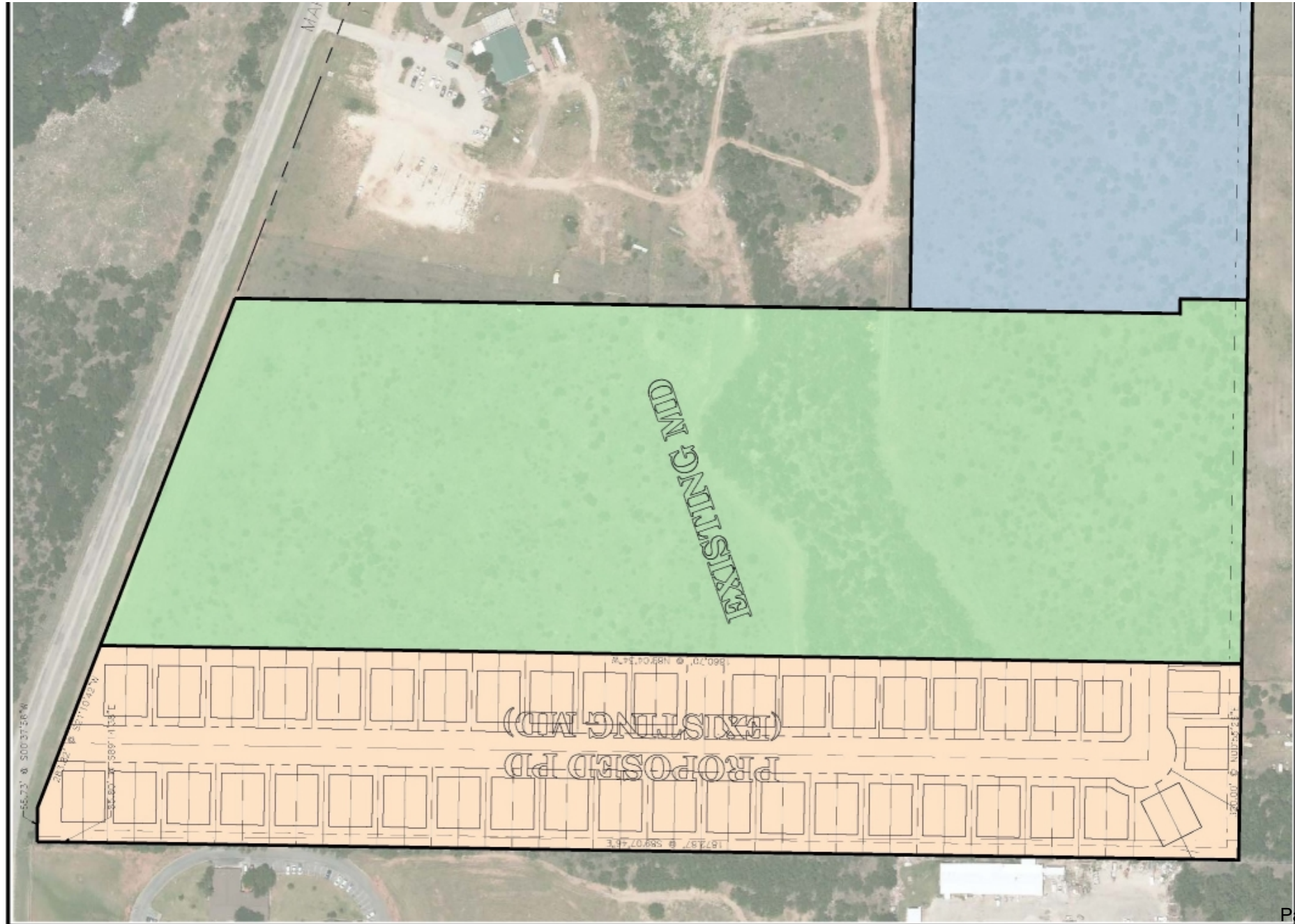


Legend

 Z-2021-08

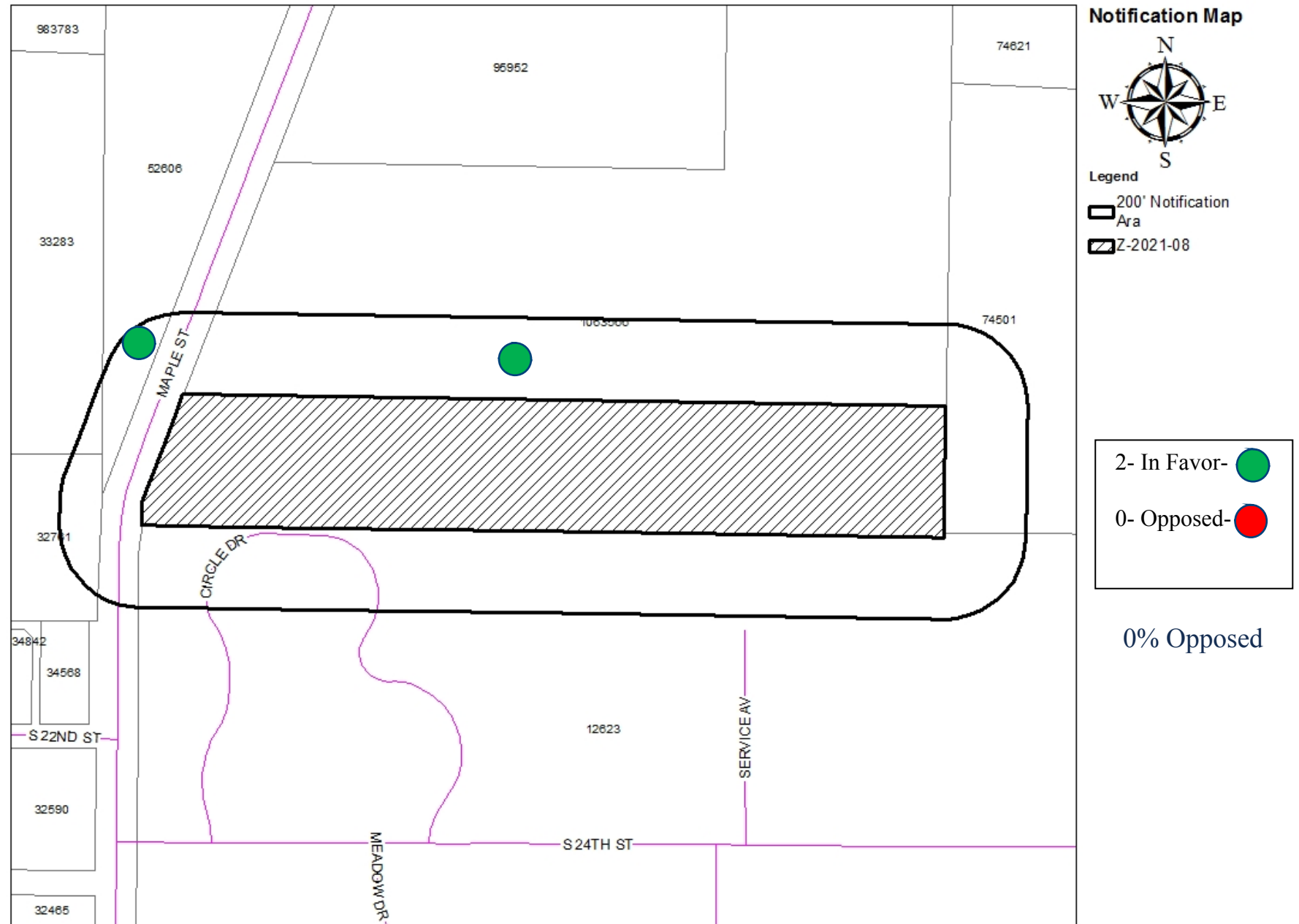
Z-2021-08 ZONING MAP







Z-2021-08 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: 4/22/2021

TO: Honorable Mayor and City Council

FROM: Robert Hanna, City Manager

SUBJECT: 14.

Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Economic Development Agreement with Cimarron Meadows Development Corporation regarding approximately 59 acres of land out of Lot 102, Block A, Parkview Addition, Section 2, Taylor County, Texas, located on Maple Street and Berry Lane (*Robert Hanna*)

GENERAL INFORMATION

More information will be provided at the meeting.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Cimarron Meadows Eco Dev Agreement Powerpoint

Economic Development Agreement with Cimarron Meadows Development Corporation for 59 Acres of Land located on Maple Street and Berry Lane



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Honorable Mayor & Members of City Council

FROM: Robert Hanna, City Manager

SUBJECT: **15. Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on creation of the Mayor's Entertainment District Task Force (*Robert Hanna*)

GENERAL INFORMATION

The City of Abilene's Downtown Central Business District and the South of Downtown Abilene (SoDA) District have seen remarkable growth and development in recent years due to the involvement of Private Developers and the City of Abilene.

The City of Abilene seeks to find ways to continue the revitalization of the downtown areas and incentivize private developers to invest in downtown Abilene.

Therefore, the City Council, in an effort to accomplish this goal of continued revitalization of downtown Abilene, will create the Mayor's Entertainment District Task Force to appoint citizens of Abilene to help realize this revitalization.

SPECIAL CONSIDERATIONS

The Task Force shall consist of seven (7) voting members, who shall be residents of the City of Abilene.

The Task Force is charged with studying and reviewing options to create a downtown entertainment district, which includes allowing off premise consumption of alcohol within the district and addresses land development regulations that limit or prohibit private developer's efforts to revitalize the district.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2021 Mayors Entertainment District Taskforce Resolution
2. Appt Members to Downtown Entertainment District Task Force PPT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS CREATING THE MAYOR'S ENTERTAINMENT DISTRICT TASK FORCE, AND ESTABLISHING A CHARGE AND SCOPE FOR THEIR WORK

WHEREAS, the City of Abilene's Downtown Central Business District and the South of Downtown Abilene (SoDA) District have seen remarkable growth and development in recent years due to the involvement of Private Developers and the City of Abilene; and

WHEREAS, the City of Abilene seeks to find ways to continue the revitalization of the downtown areas and incentivize private developers to invest in downtown Abilene; and

WHEREAS, the Abilene City Council, in an effort to accomplish this goal of continued revitalization of downtown Abilene, hereby creates the Mayor's Entertainment District Task Force to appoint citizens of Abilene to help realize this revitalization.

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

- Part 1. That the City Council hereby establishes the Mayor's Entertainment District Task Force, for the purposes and guidelines set forth below, and that its first meeting shall be held within one month of its establishment.
- Part 2. That the Task Force shall be comprised of seven (7) voting members. The Mayor and each Council Member will each appoint a voting member to the Task Force, subject to final approval by the City Council. All voting members shall be residents of the City of Abilene, and may have a vested interest in the revitalization of downtown Abilene. Voting members shall serve one-year terms and may be reappointed for successive terms. All voting members are subject to removal by the City Council. The Mayor shall name the Chairperson of the Task Force.
- Part 3. That the Director of Planning and Development Services, or his or her designee, shall be an ex officio, non-voting member of the Task Force and may act in an advisory capacity to the Board.
- Part 4. That the Entertainment District Task Force is charged with studying and reviewing options to create an downtown entertainment district, which includes allowing off premise consumption of alcohol within the district and addresses land development regulations that limit or prohibit private developer's efforts to revitalize the district.
- Part 5. The Entertainment District Task Force will make a formal presentation to the City Council and the Planning and Zoning Commission at the conclusion of its work. This presentation will be its official work product and shall contain their recommendations regarding the creation of a downtown entertainment district and allowing off premise alcohol consumption in the district.
- Part 6. That the Entertainment District Task Force shall use the Council's Rules of Procedure for parliamentary guidelines, and it shall comply with the requirements of the Texas Open Meetings Act.

Part 7. That this Resolution takes effect immediately upon its adoption.

ADOPTED this the 22nd day of April, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Resolution: Creating the Mayor's Entertainment District Task Force



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 16.

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*)

- **Parks & Recreation Board**
- **Mayor's Entertainment District Task Force**
- **Senior Citizens 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 22nd day of April, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____

Board	Term End Date
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Mayor's Entertainment District Task Force

Katherine Beeman [New]

Jeff Ronquillo [New]

Cindy Frazier [New]

Mandy Schumann [New]

Steve Davis [New]

Ian Nickerson [New] [Chair]

J.R. Cochran [New]

Parks & Recreation Board

David Pittman [Reappointment]

May 2024

Gary Grubbs [Reappointment]

May 2024

Senior Citizens Advisory Board

Joe Lopez [Reappointment]

May 2023

Sydney Moore [Reappointment]

May 2023

Debra Williams [New]

May 2023

***Resolution:* Appointing Member(s) to various Boards and Commissions per the City Charter**

- Parks & Recreation Board
- Mayor's Entertainment District Task Force





**City Council
Agenda Memo**

City Council Meeting Date: 4/22/2021

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 17. 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. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
3. 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
4. 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
5. 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
6. 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
7. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
8. 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

9. Natasha Jones v. City of Abilene, Texas; EEOC Charge of Discrimination, 450-2020-06446; filed September 15, 2020
10. Patrick Sumrall v. City of Abilene, Texas; Cause No. 28,269-B, In the 104th Judicial District Court, Taylor County, Texas; filed February 18, 2021
11. Officer Mark Watson and City of Abilene, Case No. 01-21-0002-5335; Appeal of Indefinite Suspension to Arbitration, filed March 10, 2021
12. Governor's Executive Orders COVID-19
13. Frontier Texas! Discussion of Bylaws
14. City's Liability for the Firefighters Pension Fund

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. 4725 Loop 322

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