



City of Abilene City Council Agenda

Kyle McAlister, Mayor Pro-tem
Weldon Hurt, Council Member
Lynn Beard, Council Member
Robert Hanna, City Manager

Anthony Williams, Mayor

Donna Albus, Council Member
Shane Price, Council Member
Travis Craver, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on June 10, 2021, at 8:30 a.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Mayor Anthony Williams

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Proclamations:**

- Elder Abuse Awareness Month
- Solid Waste & Recycling Workers Week
- Ride to Work Day

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.

3. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Meeting on May 26, 2021, and the Regular Meeting Held on May 27, 2021 (*Shawna Atkinson*)
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 May 13, 2021
(Robert Hanna)

5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Authorize the City Manager to sign a Letter of Approval supporting the Abilene Fire Department (AFD) application to the Department of State Health Services (DSHS) to become an EMS Provider. (Chief Cande Flores).
6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Purchase of City Hall Door Access Controls (Bob von Wolftradt)
7. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Considering Adoption of a Resolution Directing Publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation for Street Projects (Mike Rains)
8. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing a professional services contract with Jacob & Martin, LLC for the Second Pressure Plane Water Supply Line - Phase 2 (Rodney Taylor)
9. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve the Purchase of Nine (9) Type III Cutaway Vans (Don Green)
10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2138 to J.H. Strain & Sons for Street Resurfacing Project Work Zone N15B and S11A (Greg McCaffery)
11. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-286, Decreased Speed Limits - School Zones," of the Abilene Municipal Code, By Amending Certain Sections (Greg McCaffery)
12. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 33-2020 Adopting Fees and Charges, by Establishing a Maximum Fee for Subdivision Plat Review (Mike Warrix)
13. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 33-2020 Adopting Fees and Charges, by Amending Solicitors Permit Fees (Shawna Atkinson)

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

14. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Application/Permit to Drill and/or Operate an Oil and/or Gas Well--Bullet Development-Lytle #4 Permit No.868686 (2002 Hardison Lane) (Greg McCaffery)
15. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Application/Permit to Drill and/or Operate an Oil and/or Gas Well--Bullet Development-Lytle S-68#1 Permit No. 868687 (1502 Hardison Lane) (Greg McCaffery)
16. **Ordinance (Final Reading) Z-2021-09:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Bethany and Kaden Connell to Rezone Properties Located at 1802 and 1810 Huckleberry Lane from Residential Single-Family (RS-6) to Agricultural Open Space (AO). (Mike Warrix)
17. **Ordinance (Final Reading) Z-2021-10:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Sitzes APB LP, Agent Enprotec/Hibbs & Todd Inc., to Change Zoning from Heavy Industrial (HI) to Heavy Commercial (HC)

District and Located at 2249 Butternut Street, on the Northeast Corner of Butternut and South 23rd Streets. (Mike Warrix)

18. **Ordinance (Final Reading) TC-2021-06:** Receive a Report and Hold a Discussion and Public Hearing on a Request from Hardin-Simmons University, Agent Enprotec/Hibbs & Todd Inc., to Abandon the Complete 60-Foot-Width of Public Right-of-Way of Beech Street as it Extends 160 feet South from Sandefer Street's Right-of-Way, and 152.5 to 312.5 Feet North from the Right-of-Way of Ambler Avenue in North Central Abilene (Mike Warrix)
19. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Budget Ordinance No. 31-2020 to Include Updated Staffing Levels for the Police Department (Marcus Dudley)

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

20. **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. Alton H. Smith, Jr. and Alicia Malorie Smith v. City of Abilene, Texas; Cause No. 51055-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 11, 2021
 13. Clyde Water

- 14. Governor's Executive Orders COVID-19
- 15. Possible Claim Against Netflix, Hulu, and Disney+

B. 551.072 (Deliberations about Real Property)

- 1. 101 Cypress Street

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 meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 4th day of June, 2021 at 4:20 p.m.

Shawna Atkinson, TRMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Meeting on May 26, 2021, and the Regular Meeting Held on May 27, 2021 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Special Meeting held on May 26, 2021 and the Regular Meeting held on May 27, 2021

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 05-26-2021 Minutes - Special
2. 05-27-2021 Minutes - Regular - Evening

CITY COUNCIL MEETING
May 26, 2021 at 1:30 p.m.

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

The City Council of the City of Abilene, Texas met in Special Session on May 26, 2021, at 1:30 p.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Kyle McAlister, Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynn Beard, Donna Albus, and Weldon Hurt. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 1:31 p.m., pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

- 2. A. 551.071 (Consultation with Attorney)
 - 1. Sanctuary City for the Unborn
 - 2. City's Liability for the Firefighter's Pension Fund

The Executive Session ended at 2:08 p.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:08 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____

CITY COUNCIL MEETING
May 27, 2021 at 4:30 p.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on May 27, 2021, at 4:30 p.m. in the Council Chambers, 555 Walnut St. Mayor Pro-tem Kyle McAlister was present and presiding with Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynne Beard, and Weldon Hurt. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Shawna Atkinson, and various members of the City staff. Not present were Mayor Williams and Councilmember Albus.

EXECUTIVE SESSION

Mayor Pro-tem McAlister recessed into Executive Session at 4:30 p.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

- 23. A. 551.071 (Consultation with Attorney)
 - 1. Potential Claim against Netflix, Hulu, Disney+, and Others
 - 2. Vivint Solicitors Permit
- 23. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project

The Executive Session ended at 4:51 p.m. and reconvened to Open Session at 5:30 p.m. as noted on the posted agenda. Mayor Pro-tem McAlister reported no votes or action were taken in Executive Session.

Councilmember Price delivered the invocation.

The Big Country Soccer Association's U10 Avengers soccer team led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Proclamations:
 - Flood Awareness Week – accepted by City of Abilene Public Works employees

CONSENT AGENDA

The Consent Agenda consisted of items 4-18. Item 6 was pulled from consideration. Items 10-11, 14, and 18 were pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Councilmember Beard – Item #10
- Councilmember Price – Item # 11
- Councilmember Hurt – Item # 14
- David Swart, citizen – Item # 18

Councilmember Hurt moved to approve items 4-5, 7-9, 12-13 and 15-17. Councilmember Beard seconded the motion. Motion carried.

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Albus

Deputy Mayor Pro-tem Craver had a conflict on Item 17 and abstained from voting on the item. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's Office. The vote for item 17 was as follows:

AYES (4): Mayor Pro-tem McAlister and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSTAINED (1): Deputy Mayor Pro-tem Craver

ABSENT (2): Mayor Williams and Councilmember Albus

4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Special Meeting to Canvass the Election on May 10, 2021, and the Regular Meeting Held on May 13, 2021
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve Change Order 3 with Collier Construction for the Airport Fire Station construction contract
[ASSIGNED RESOLUTION NO. 74-2021]
7. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve a Task Order with Corgan to Design a Consolidated Quick Turn Around Facility at Abilene Regional Airport
[ASSIGNED RESOLUTION NO. 75-2021]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve an Amendment to the Vehicle Replacement Policy
[ASSIGNED RESOLUTION NO. 76-2021]
9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the change in vendors for lease vehicles
[ASSIGNED RESOLUTION NO. 77-2021]
12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on awarding bid for the Lake Fort Phantom Hill Pump Station Improvements
[ASSIGNED RESOLUTION NO. 80-2021]
13. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of two 10 yard 2022 Freightliner M2106 PB BC-4 Patch Trucks from Freightliner of Austin for Street Services
[ASSIGNED RESOLUTION NO. 81-2021]
15. Ordinance (First Reading) Z-2021-09: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Bethany and Kaden Connell to Rezone Properties Located at 1802 and 1810 Huckleberry Lane from Residential Single-Family (RS-6) to Agricultural Open Space (AO)
16. Ordinance (First Reading) Z-2021-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Sitzes APB LP, Agent Enprotec/Hibbs & Todd Inc., to Change Zoning from Heavy Industrial (HI) to Heavy Commercial (HC) District and Located at 2249 Butternut Street, on the Northeast Corner of Butternut and South 23rd Streets

17. Ordinance (First Reading) TC-2021-06: Receive a Report and Hold a Discussion and Public Hearing on a Request from Hardin-Simmons University, Agent Enprotec/Hibbs & Todd Inc., to Abandon the Complete 60-Foot-Width of Public Right-of-Way of Beech Street as it Extends 160 feet South from Sandefer Street's Right-of-Way, and 152.5 to 312.5 Feet North from the Right-of-Way of Ambler Avenue in North Central Abilene

ITEMS PULLED FROM CONSIDERATION

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve the Purchase of Nine (9) Type III Cutaway Vans
[PULLED FROM CONSIDERATION]

This item was pulled from consideration prior to the meeting.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve the Purchase of Ecolane scheduling software to replace the current software, RouteMatch, used by CityLink
[ASSIGNED RESOLUTION NO. 78-2021]

The item was pulled by Councilmember Beard

Having pulled the item, Councilmember Beard stated he did not have any questions, but wanted to say that after his tour of CityLink yesterday, how impressed he was by that operation, and thanked them for an outstanding job.

Mayor Pro-tem McAlister opened the public hearing. With no speakers coming forward, the public hearing was closed.

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Albus

11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the acceptance of the donated "Otis and the Calf" sculptures for placement on the Adamson Spalding Storybook Garden lawn of the Abilene Convention Center
[ASSIGNED RESOLUTION NO. 79-2021]

The item was pulled by Councilmember Price.

Having pulled the item, Councilmember Price stated that this is an amazing event that happens every year, and encouraged everyone to take the time to go to the festival on June 10th. He also stated his gratitude for the sculpture donations.

Mayor Pro-tem McAlister opened the public hearing. With no speakers coming forward, the public hearing was closed.

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Albus

14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of two 2021 Dulevo 6000 Street Sweepers from Pannell Industries for Stormwater Services
[ASSIGNED RESOLUTION NO. 82-2021]

Having pulled the item, Councilmember Hurt questioned if there are six of these sweepers currently operational and only four of them will be Dulevo, if the other two will be discontinued. He also questioned if there will be staffing issues for employees to run the machines.

Tim Cass, Assistant Director of Fleet Services addressed Councilmembers questions, stating that in 2023 the other two will be discontinued and that there is no problem staffing these machines.

Mayor Pro-tem McAlister opened the public hearing. With no speakers coming forward, the public hearing was closed.

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Albus

18. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Budget Ordinance No. 31-2020 to Include Updated Staffing Levels for the Police Department

Having pulled the item, David Swart stated his concerns over this change and that the City should consider a corporal position for the department instead, as peer cities have that position. Creating that position would give tenured patrol officers a chance for a little seniority if they don't want to go straight to sergeant. Mr. Swart also questioned where the funding is coming from for this.

Chief Dudley addressed David Swart's question and concerns stating that they are not asking for an exact 1 to 1 replacement. Staff is currently going through an organizational restructuring that will require them to divide the responsibilities that fall under patrol and investigations, to create a separate support services division, and need an assistant chief to cover that new department.

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

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Albus

REGULAR AGENDA

19. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Changing the Frequency in Reporting COVID-19 Data Publicly
[RESOLUTION 83-2021]

Annette Lerma, Health Director, presented the item. Adoption of the item would change the reporting of COVID-19 data. Ms. Lerma presented Council with several different options that the City could switch to.

Mayor Pro-tem McAlister opened the public hearing. The following addressed the Council:

- David Swart – stated that Council should decide to make it effective June 1st, as that would be the simplest way to reset over the holiday weekend.

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

Councilmember Beard moved to approve switching to dashboard only reporting, effectively immediately. Councilmember Price seconded the motion; motion carried.

AYES (4): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price and Beard

NAYS (1): Councilmember Hurt

ABSENT (2): Mayor Williams and Councilmember Albus

20. 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
[RESOLUTION 84-2021]

This item was tabled at the April 8, 2021 meeting.

Councilmember Price moved to remove the item from the table. Councilmember Hurt seconded the motion; motion carried.

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Albus

Robert Hanna, City Manager, presented the item. Adoption of the item would approve an agreement with DPR Construction regarding the Downtown Hotel.

Mayor Pro-tem McAlister opened the public hearing. With no other speakers coming forward, the public hearing was closed.

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Albus

21. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve the Land Use Plan for Abilene Regional Airport
[RESOLUTION 85-2021]

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

Don Green, Transportation Director, presented the item. Adoption of the item would approve the land use plan for the Abilene Regional Airport. Mr. Green introduced Kate Alvarez, Airport Business Development Manager, who presented the complete land use plan.

Mayor Pro-tem McAlister opened the public hearing. The following addressed the Council:

- David Swart – stated that this is a wonderful vision for future generations to enjoy. He hopes to see a well-known budget carrier at our airport though, since Southwest Airlines flies over Abilene all the time anyway. The vision video reminded him of the Phoenix and Midland airport. He stated that it will be hard coming out of COVID right now and money being tied up, but maybe someday this would be achievable.

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

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price and Hurt

NAYS (0): None

ABSTAIN (1): Councilmember Beard

ABSENT (2): Mayor Williams and Councilmember Albus

22. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Land Development Code, Chapter 3, Subdivision Regulations, Article 2, Subdivision Standards, Division 7, Roadways, Section 3.2.7.4, Street, Alley Abandonment and Closure Policy
[ASSIGNED ORDINANCE NO. 18-2021]

Stanley Smith, City Attorney, presented the item. Adoption of the item would amend the Land Development Code by changing the process for street and alley abandonments and closures.

Mayor Pro-tem McAlister opened the public hearing. With no speakers coming forward, the public hearing was closed.

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

AYES (5): Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard and Hurt

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember Albus

PUBLIC COMMENTS

Mayor Pro-tem McAlister opened the public comment period. The following addressed the city council:

- David Swart – stated that Monday is Memorial Day, for all the soldiers that did not come home, and to remember that when celebrating at your BBQ. He also stated that it is energy star weekend, so if you need energy efficient products, you will get a tax break. Mr. Swart stated that in 2018 he got a library card and in the last thirty months it has been deactivated four times, and he doesn't understand why it keeps happening. He gave an example of when he went to the Mockingbird library recently to print something and it took five minutes of trying his card before realizing it was deactivated, and he didn't get to finish printing before the computers turned off for the day. He stated his frustration in this process.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 6:49 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Honorable Mayor & Members of City Council

FROM: Robert Hanna, City Manager

SUBJECT: 4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19) Issued May 13, 2021 (*Robert Hanna*)

GENERAL INFORMATION

On May 13, 2021, the City Council adopted a Further Modification and Extension of Declaration of Local Disaster due to the COVID-19 pandemic. That extension lasts through June 10, 2021.

On March 2, 2021, the Governor of the State of Texas issued his Executive Order GA-34, regarding the opening of Texas, and which is effective state-wide until modified, amended, rescinded, or superseded by the Governor.

On May 18, 2021, the Governor of the State of Texas issued his Executive Order GA-36, which prohibited governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster, and which is effective state-wide until modified, amended, rescinded, or superseded by the Governor.

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

SPECIAL CONSIDERATIONS

The Governor's Executive Orders GA-34 and GA-36 supersede any conflicting order issued by local officials in response to the COVID-19 disaster. This includes Mayors and City Councils.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 19th Resolution Extending Declaration of Local Disaster COVID-19 REDLINE draft
2. EO-GA-34-opening-Texas-response-to-COVID-disaster-IMAGE-03-02-2021
3. EO-GA-36-prohibition-on-mandating-face-coverings-response-to-COVID-19-disaster-IMAGE-05-18-2021
4. proc05052021_COVID
5. Disaster Declaration PPT

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, FURTHER MODIFYING ITS EXTENSION OF DECLARATION OF DISASTER (COVID-19) ISSUED ON ~~MAY 13~~APRIL 8, 2021.

WHEREAS, on March 16, 2020, the Mayor of the City of Abilene, by proclamation, issued a Declaration of Local Disaster regarding COVID-19; and

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on January 14, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-29, and Executive Order GA-32, which was effective until February 11, 2021; and

WHEREAS, on February 11, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-29, and Executive Order GA-32, which was effective until March 11, 2021; and

WHEREAS, on March 11, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-34, which was effective until April 8, 2021; and

WHEREAS, on April 8, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-34, and which was effective until May 13, 2021; and

WHEREAS, on May 13, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-34, and which was effective until June 10, 2021; and

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WHEREAS, on March 2, 2021, the Governor of the State of Texas issued his Executive Order GA-34, effective until it is modified, amended, rescinded, or superseded by the Governor, and which relates to the opening of Texas; and

WHEREAS, on May 18, 2021, the Governor of the State of Texas issued his Executive Order GA-36, effective until it is modified, amended, rescinded, or superseded by the Governor, and which prohibits governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster; and

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WHEREAS, on ~~May~~^{April} 5, 2021, the Governor of the State of Texas renewed his disaster proclamation for all counties in Texas due to COVID-19 continuing a state of disaster; and

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

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

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

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

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

1. The foregoing recitals as incorporated herein and made findings of fact.
2. That the City Council, effective immediately, hereby renews and continues the local state of disaster for the City of Abilene, Texas, pursuant to Section 418.108(b) of the Texas Government Code.
3. Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

4. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for the City of Abilene. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.
5. The use of all available resources of the City of Abilene that are reasonably necessary to cope with this disaster are hereby authorized.
6. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement with would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.
7. Pursuant to Section 418.108(g) of the Government Code, the City of Abilene may control ingress to and egress from a disaster area within the incorporated limits of the City of Abilene and control the movement of persons and the occupancy of premises in that area.
8. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Abilene may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.
9. The intent of this Order is to protect the physical health and well-being of City of Abilene residents, to protect the financial health and well-being of City of Abilene residents and businesses, and to slow the spread of COVID-19 to the maximum extent possible while safeguarding the Constitutional liberties of City of Abilene residents by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

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

10. The City of Abilene hereby adopts and incorporates herein Governor Greg Abbott's Executive Orders GA-34 and GA-36, the same as if ~~they~~ were copied and set-forth at length herein. The City of Abilene will follow and enforce the conditions and restrictions as set forth in GA-34 and GA-36, and adopts and incorporates any further Proclamations modifying, amending or superseding GA-34 or GA-36 during the term of Abilene's declaration of local disaster.

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

11. In the event the Governor of the State of Texas amends or modifies his Executive Orders GA-34 or GA-36, this Declaration and Order is automatically amended or modified without further Council action to reflect said amendments or modifications to the Governor's Executive Orders s. It being the express intent of the City Council and this Declaration and Order to follow the Governor's Executive Orders s.
12. All public, private and commercial laboratories operating within the City of Abilene and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period to the Abilene-Taylor County Public Health District the following information:
 - (a) The number of COVID-19 tests performed;
 - (b) The number of positive COVID-19 tests; and
 - (c) The patient names and demographic information of positive COVID-19 tests.

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

(e) Defer any fines or fees imposed by the City.

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

16. That although not required by law and out of an abundance of caution, the City Manager is authorized to (and any prior acts in response to the COVID-19 pandemic are ratified):

(a) Close, including closure to the public, of any City offices, facilities, or properties, including parks, playgrounds, or playground equipment; and

(b) Provide city services by means other than in-person delivery, such as accepting permit applications online or by mail only, and/or to cease any city service that are not required by state or federal law.

17. That any ordinances, rules, or regulations of the City of Abilene, Texas, that conflict with this Resolution are hereby suspended, such suspension to remain in effect until the state of disaster is terminated or until there is a subsequent Resolution of this Council, whichever occurs first.

18. That pursuant to Section 418.020(d) of the Texas Government Code, the City of Abilene is authorized to:

(a) Temporarily or permanently acquire by lease, purchase, or other means sites required for installation of temporary housing units or emergency shelters for disaster victims; and

(b) Enter into arrangements necessary to prepare or equip the site to use the housing units or shelters, including arrangements for the purchase of temporary housing units or shelters and the payment of transportation charges.

19. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

20. Pursuant to Section 418.173, Government Code, failure to comply with this Order is an offense punishable by a fine not to exceed \$1,000, except as otherwise provided in the Governor's Executive Orders [GA-34](#) [or GA-36](#).

21. That any violation of this Resolution, Declaration and Order can be enjoined by the City of Abilene by a suit filed in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Resolution, Declaration and Order or in the Code of Ordinances, City of Abilene, Texas.

22. That nothing in this Resolution, Declaration and Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Resolution.

23. All provisions of this Resolution, Declaration and Order should be interpreted to effectuate its intent.

24. That this Declaration and Order is effective immediately and continues until 11:59 p.m. ~~July~~~~June~~ ~~8~~~~10~~, 2021 unless otherwise modified, terminated or extended.

25. That the terms and provisions of this Resolution, Declaration and Order shall be deemed to be severable and that if any section, subsection, sentence, clause, phrase or word herein shall be declared to be invalid or unconstitutional, the same shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word herein, and the remainder of this Resolution, Declaration and Order shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

ADOPTED this ~~10~~~~3~~th day of ~~June~~~~May~~, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

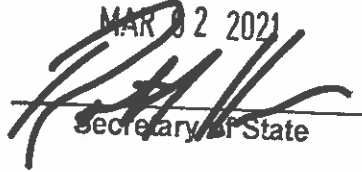


GOVERNOR GREG ABBOTT

March 2, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:15 PM O'CLOCK

MAR 02 2021


Secretary of State

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

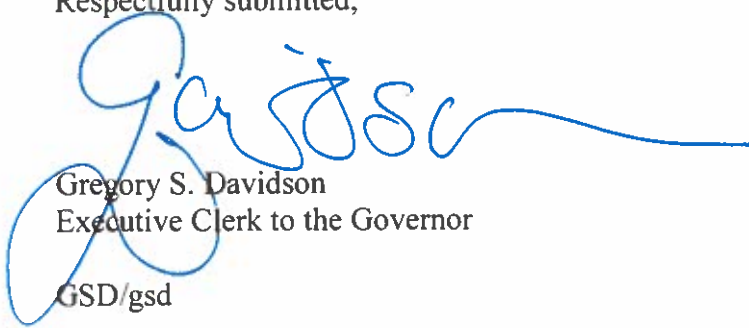
Dear Secretary Hughs:

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

Executive Order No. GA-34 relating to the opening of Texas in response to the
COVID-19 disaster.

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

Respectfully submitted,


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

Attachment

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

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 2, 2021

EXECUTIVE ORDER GA 34

Relating to the opening of Texas in response to the COVID-19 disaster.

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

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

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

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

WHEREAS, I subsequently issued a series of superseding executive orders aiming to achieve the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing restrictions while implementing a safe, strategic plan to reopen Texas; and

WHEREAS, under Executive Order GA-32, in effect since October 14, 2020, most establishments have been able to operate up to at least 75 percent of total occupancy, except in some areas with high hospitalizations as defined in that order, where most establishments have been able to operate up to at least 50 percent of total occupancy; and

WHEREAS, I also issued Executive Order GA-29, regarding the use of face coverings to control the spread of COVID-19, and a series of executive orders, most recently GA-31, limiting certain medical surgeries and procedures; and

WHEREAS, COVID-19 hospitalizations and the rate of new COVID-19 cases have steadily declined due to the millions of Texans who have voluntarily been vaccinated, many more who are otherwise immune, improved medical treatments for COVID-19 patients, abundant supplies of testing and personal protective equipment, and Texans' adherence to safe practices like social distancing, hand sanitizing, and use of face coverings; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by

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disasters” under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

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

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from medical advisors, do hereby order the following on a statewide basis effective at 12:01 a.m. on March 10, 2021:

1. In all counties not in an area with high hospitalizations as defined below:
 - a. there are no COVID-19-related operating limits for any business or other establishment; and
 - b. individuals are strongly encouraged to wear face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.

“Area with high hospitalizations” means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity is 15 percent or less. A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031.

2. In any county located in an area with high hospitalizations as defined above:
 - a. there are no state-imposed COVID-19-related operating limits for any business or other establishment;
 - b. there is no state-imposed requirement to wear a face covering; and
 - c. the county judge may use COVID-19-related mitigation strategies; provided, however, that:
 - i. business and other establishments may not be required to operate at less than 50 percent of total occupancy, with no operating limits allowed to be imposed for religious services (including those conducted in churches, congregations, and houses of worship), public and private schools and institutions of higher education, and child-care services;
 - ii. no jurisdiction may impose confinement in jail as a penalty for violating any order issued in response to COVID-19; and
 - iii. no jurisdiction may impose a penalty of any kind for failure to wear a face covering or failure to mandate that customers or employees wear face coverings, except that a legally authorized official may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.
3. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.
4. Nothing in this executive order precludes businesses or other establishments from requiring employees or customers to follow additional hygiene measures, including the wearing of a face covering.
5. Nursing homes, state supported living centers, assisted living facilities, and long-

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term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.

6. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
7. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
8. Executive Orders GA-17, GA-25, GA-29, and GA-31 are rescinded in their entirety.
9. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.
10. All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Orders GA-17, GA-25, GA-29, GA-31, and GA-32, but does not supersede Executive Orders GA-10 or GA-13. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 2nd
day of March, 2021.

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

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:15pm O'CLOCK

MAR 02 2021

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:15pm O'CLOCK

MAR 02 2021



GOVERNOR GREG ABBOTT

May 18, 2021

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SECRETARY OF STATE
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MAY 8 2021
Secretary of State

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

Dear Secretary Hughs:

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

Executive Order No. GA-36 relating to the prohibition of governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster.

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

Respectfully submitted,


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

Attachment

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

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
May 18, 2021

EXECUTIVE ORDER GA 36

Relating to the prohibition of governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster.

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

WHEREAS, I issued Executive Order GA-34 on March 2, 2021, to open Texas 100 percent and remove face-covering requirements; and

WHEREAS, since then, COVID-19 hospitalizations and the rate of new COVID-19 cases have continued their steady decline; and

WHEREAS, Executive Order GA-34 specifically provides that “no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering,” and, notwithstanding that order, some local governmental entities have caused confusion by nonetheless purporting to require face coverings; and

WHEREAS, Executive Order GA-34 also provides that “there are no COVID-19-related operating limits for any business or other establishment,” that any “conflicting order issued by local officials in response to the COVID-19 disaster” is superseded, and that all relevant statutes are suspended to the extent necessary to preclude inconsistent local orders; and

WHEREAS, to further ensure statewide uniformity, and based on the continued improvement of conditions in Texas, revised standards are appropriate to achieve the least restrictive means of combatting COVID-19; and

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

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

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

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WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, the legislature authorized as “an offense,” punishable by a fine up to \$1,000, any “failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;”

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; provided, however, that:
 - a. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
 - b. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
2. Notwithstanding the above, public schools may continue to follow policies regarding the wearing of face coverings to the extent reflected in current guidance by the Texas Education Agency, until June 4, 2021. The Texas Education Agency shall revise its guidance such that, effective 11:59 p.m. on June 4, 2021, no student, teacher, parent, or other staff member or visitor may be required to wear a face covering.
3. This executive order shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in paragraph numbers 1-2. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
 - a. Sections 418.1015(b) and 418.108 of the Texas Government Code;
 - b. Chapter 81, Subchapter E of the Texas Health and Safety Code;
 - c. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
 - d. Chapter 54 of the Texas Local Government Code; and
 - e. any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature’s command in Section 418.173 of the Texas Government Code and the State’s emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a “failure to comply with” this executive order that is subject to a fine up to \$1,000, beginning at 11:59 p.m. on May 21, 2021.

4. Under Executive Order GA-34, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials, in all counties not in an area of high hospitalizations as defined in that executive order. Executive Order GA-34 also superseded any conflicting local order in response to the COVID-19 disaster, and directed that all relevant laws

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SECRETARY OF STATE
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are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000, beginning at 11:59 p.m. on May 21, 2021.

This executive order supersedes subparagraph numbers 1(b) and 2(c)(iii) of Executive Order GA-34, but does not otherwise supersede Executive Orders GA-10, GA-13, GA-34, or GA-35. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 18th
day of May, 2021.



GREG ABBOTT
Governor

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:15 PM O'CLOCK

MAY 18 2021



GOVERNOR GREG ABBOTT

May 5, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:30 AM O'CLOCK

MAY 05 2021

Secretary of State

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

Dear Secretary Hughs:

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

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

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

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

Attachment

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

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

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

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

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

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

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

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

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



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

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

GREG ABBOTT
Governor

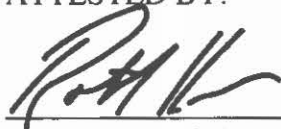
FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:30am O'CLOCK

MAY 05 2021

Governor Greg Abbott
May 5, 2021

Proclamation
Page 2

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:30 AM O'CLOCK

MAY 05 2021

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



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Cande Flores, Fire Chief

SUBJECT: **5. Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action **to Authorize the City Manager to sign a Letter of Approval supporting the Abilene Fire Department (AFD) application to the Department of State Health Services (DSHS) to become an EMS Provider. (*Chief Cande Flores*).**

GENERAL INFORMATION

The Abilene Fire is listed as a First Responder Organization (FRO) with the DSHS. This allows AFD personnel to respond to and treat patients, but does not allow for patient transporting. In order to operate a patient transport unit, such as an ambulance or AMBUS, the DSHS requires an EMS Provider License.

The AMBUS is a state, regional, and a local resource with the primary mission of providing advanced medical transport and evacuation services for natural disasters. It is also used to provide firefighter rehabilitation and serve as a cooling or warming station for patients during extreme weather conditions.

AFD is applying for an EMS Provider License that would only be applicable towards specialty units, such as the AMBUS. This License would not affect the contract between the City of Abilene and AMR/Metrocare. This has been confirmed with AMR's leadership and they are in support of AFD moving forward with the process.

SPECIAL CONSIDERATIONS

AFD was recently awarded an AMBUS through the Texas Emergency Medical Task Force (TX EMTF) Region 2. This award is contingent upon AFD obtaining an EMS Provider License through the DSHS. AFD has completed the DSHS Emergency Medical Services Provider License Declaration Form and it is ready to submit, once the Letter of Approval is signed.

The Letter of Approval is a requirement of this application and it must be authorized by the governing body of the municipality.

FUNDING/FISCAL IMPACT

There are no initial costs to receiving the AMBUS. AFD will be responsible for the upkeep and maintenance of the unit once it is received.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution to authorize the City Manager to sign the Letter of Approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2021 Resolution Letter of Approval for EMS provider
2. AMBUS Award Letter
3. Presentation

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN A LETTER OF APPROVAL SUPPORTING THE ABILENE FIRE DEPARTMENT APPLICATION TO THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) TO OBTAIN AN EMS PROVIDER LICENSE.

WHEREAS, the Abilene Fire Department (AFD) is currently listed as a First Responder Organization (FRO) with the DSHS.

WHEREAS, the AFD was recently awarded an AMBUS unit through the Texas Emergency Medical Task Force (EMTF) Region 2.

WHEREAS, the award of the AMBUS is contingent upon the AFD obtaining an EMS Provider License from the DSHS.

WHEREAS, part of the application process for an EMS Provider License requires a Letter of Approval from governing body of the municipality.

WHEREAS, the AFD is asking the governing body (City Council) to authorize the City Manager to sign the Letter of Approval in support of the EMS Provider License Application.

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

Part 1: That the City Manager is hereby authorized to sign the Letter of Approval, supporting the AFD application for an EMS Provider License through the DSHS.

Part 2: That the addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the municipality.

Part 3: That the addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers operating in the municipality.

Part 4: That the addition of another licensed emergency medical services provider will not cause an oversupply of licensed emergency medical services providers in the municipality.

Part 5: That this Resolution shall take effect immediately from and after passage.

ADOPTED and approved by the City Council on the 10th of June, 2021.

ATTEST:

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

APPROVED:

Stanley Smith
City Attorney



May 28, 2021

Candelario Flores
Fire Chief
Abilene Fire Department
250 Grape Street
Abilene, Texas 79601

Chief Flores,

Your submission (RFA- #NCTTRAC 2021-1.5A) for an AMBUS 1.5 was reviewed by a panel comprised of Emergency Medical Task Force (EMTF) - 2 AMBUS leadership. After reviewing, scoring, and prioritizing submissions from other agencies, the panel is preparing to make a final recommendation to the NCTTRAC Board of Directors.

While the review panel has selected the Abilene Fire Department to receive an AMBUS 1.5, the panel's final recommendation to the NCTTRAC Board of Directors is contingent upon receiving verification from the Texas Department of State Health Services (DSHS) that the Abilene Fire Department will be permitted to license the AMBUS 1.5 as a "Specialized" EMS vehicle per DSHS rule and NCTTRAC RFA requirements.

Please provide appropriate documentation to this effect from an official DSHS representative by no later than June 30, 2021. Upon receipt of said documentation we will have an award letter approved by the NCTTRAC Board of Directors, and contact your agency to arrange a series of meetings in preparation for the placement and operation of this vehicle.

If you have any additional questions, please contact Maurice Murray, NCTTRAC Resource Manager at mmurray@ncttrac.org, or at 817-607-7024.

Regards,

Hendrik J. Antonisse
Executive Director

cc: Chief Ricky Reeves, EMT-P, Chair
Amy Atnip, Chair Elect, RN, Chair Elect

DSHS Letter of Approval

ABILENE FIRE DEPARTMENT

June, 2021



First Responder Organization

- The Abilene Fire Department (AFD) maintains a First Responder Organization (FRO) License with the Department of State Health Services (DSHS)
- Definition according to the Texas Administrative Code:
 - (a) A First Responder Organization (FRO) is a group or association of certified emergency medical personnel that works in cooperation with a licensed emergency medical services provider to:*
 - (1) Routinely respond to medical emergency situations*
 - (2) Utilize personnel who are emergency medical services (EMS) certified by the Texas Department of State Health Services (department)*
 - (3) Provide on-scene patient care to the ill and injured and does not transport patients*



AMBUS

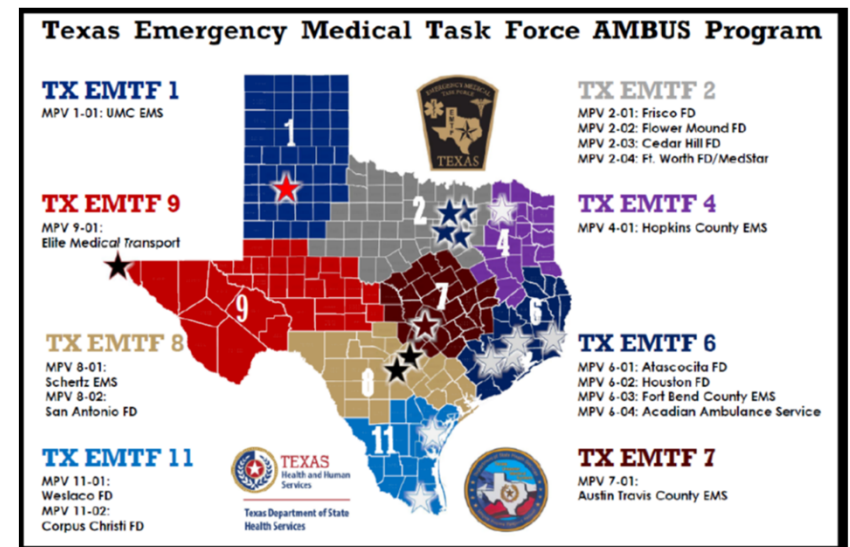
- An AMBUS is a licensed *Specialty Vehicle capable of providing intensive care and configured to support up to (20) littered patients or (24) seated patients.*
 - *Primary mission is to provide advanced medical transport and evacuation services for a large-scale disaster*
 - *Secondary missions include responding to mass casualty incidents, incident support, firefighter rehabilitation, and other like missions*
 - *These units are incorporated into local and regional response plans in addition to being available for state activation*





EMTF REGION 2

- The Texas Emergency Medical Task Force (TX EMTF) is the response system developed to fulfill the need for short notice, emergency health care during a disaster or significant incident
- Abilene is part of the Texas EMTF Region 2
- The TX EMTF has (16) AMBUS resources pre-positioned with EMS/Fire Agencies



AWARD PROCESS

- The TX EMTF identified a gap in the Western portions of Texas regarding AMBUS coverage.
- AFD was made aware that the TX EMTF was interested in placing an AMBUS in our area.
- The EMTF issued a Request for Applications (RFA) on April 14, 2021.
- AFD submitted an application on May 13, 2021
- AFD was notified on May 28, 2021 of the TX EMTF's intent to select the Abilene Fire Department to receive an AMBUS
- The award of this resource is contingent upon AFD's ability to licensed "Specialized" EMS vehicle per DSHS rule and the North Central Texas Trauma Regional Advisory Council (NCTTRAC) RFA requirements



DSHS EMS LICENSED PROVIDER

- In order to meet the requirement of being a Licensed EMS Provider, AFD must submit an application to the Dept. of State Health Services
- The EMS Provider License will only apply towards the listed “Specialty” EMS Vehicle
- AFD meets all of the requirements listed for this application
- A Letter of Approval is required from the governing authority of the municipality where this license will be issued
- Once the Letter of Approval has been signed, the application will be submitted to DSHS
- The anticipated delivery of the AMBUS unit will be in late July, 2021



LETTER OF APPROVAL

- Required by the Texas Health and Safety Code
 - Section 773.0573
- Letter of Approval is submitted on behalf of the governing body of the municipality after determining that:
 - The addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the municipality or county
 - The addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers operating in the municipality or county
 - The addition of another licensed emergency medical services provider will not cause an oversupply of licensed emergency medical providers in the municipality or county
- All of these items are determined as they pertain to the Specialty Vehicle



FISCAL IMPACT

- The AMBUS is currently being refurbished and will be available for delivery in July, 2021
- There is no costs associated with the award of the AMBUS
- Once the AMBUS is received, AFD will be responsible for regular maintenance and repairs. These costs will be absorbed through the AFD Vehicle Maintenance Budget
- If the AMBUS is deployed as a State resource, the State covers all associated expenses, including damage



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Bob von Wolffrad, Technical/Back up

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Purchase of City Hall Door Access Controls (*Bob von Wolffrad*)

GENERAL INFORMATION

Required to replace existing City Hall Door Access Controls and keys. Existing system is out of date and not supported.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

\$62,080.43

STAFF RECOMMENDATION

Approve

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. XXX-2021 Resolution

2. QUOTE - COA20210414 - CITY HALL CLOUD ACCESS CONTROL DOOR ADDITIONS
3. City Hall - Door Access Controls

RESOLUTION NO. XX-2021

A RESOLUTION OF THE CITY OF ABILENE, TEXAS TO REPLACE CITY HALL DOOR ACCESS CONTROLS FROM STS360 THROUGH BUYBOARD COOPERATIVE CONTRACT 574-18

WHEREAS, City of Abilene has a need for replacement of existing access controls in City Hall; and

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

WHEREAS, City of Abilene received pricing for Door Access Controls through BuyBoard Cooperative Contract 574-18; and

WHEREAS, STS360 is the BuyBoard approved vendor for Door Access Controls and Video Security Systems.

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

PART 1: That the City Council approves this purchase from STS360 Sixty Two Thousand Eighty Dollars and 43 cents (\$62,080.43) for City Hall Access Controls through BuyBoard Cooperative Contract 574-18.

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

ADOPTED this 10th day June, 2021

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



City of Abilene
City Hall Access Control Door Additions

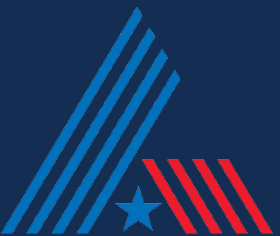
QUOTE: COA20210414
PURCHASE ON BUYBOARD CONTRACT: 574-18
PREPARED BY: John Hoffman

Access Control								
PART #	MFG.	DESCRIPTION	QTY.	MSRP	QUOTE DISCOUNT	UNIT PRICE	EXT PRICE	
CONTROLLER4	Verkada	Verkada 4 Door Controller	4	\$ 1,599.00	34%	\$1,055.34	\$ 4,221.36	
LIC-3Y	Verkada	3 year Cloud License (Per Door)	13	\$ 600.00	34%	\$396.00	\$ 5,148.00	
FPO150/150-C8D8E2	Life Safety Power	Access Control Power System, Standard, Fused, 12 Ampere 12 Volt DC/6 Ampere 24 Volt DC, 150/150 Watt, 8-Door, 8-Lock, 8 Auxiliary, 20" Width x 4.5" Depth x 16" Height	3	\$ 899.00	46%	\$480.98	\$ 1,442.94	
920PTNNEK00000	HID	MultiClass Reader, RP40, Wall Switch, HID/AWID/EM4102 Prox, SIO/SEOS + Legacy, Std Ver. 1 Keyset, Wiegand, Pigtail Cable: 18" (0.45m), Idel LED: Red, Response: Green LED, 1 Beep, Black	11	\$ 317.00	51%	\$154.98	\$ 1,704.78	
910PTNNEK00000	HID	RP15 MultiCLASS Reader SE Reader, Standard PROX, Standard, Wiegand, Pigtail, Black	2	\$ 317.00	51%	\$154.98	\$ 309.96	
RX-MEL-25-V-NL US26D 36 RHR LBR	FALCON	RX-MEL-25-V-NL US26D 36 RHR lbr MOTORIZED LATCH RETRACTION REQ2EXIT,LBR	5	\$ 2,150.00	45%	\$1,182.50	\$ 5,912.50	
RX-MEL-25-V-NL US26D 36 LHR LBR	FALCON	RX-MEL-25-V-NL US26D 36 LHR LBR MOTORIZED LATCH RETRACTION REQ2EXIT,LBR	6	\$ 2,150.00	45%	\$1,182.50	\$ 7,095.00	
1511VD	SDC	SINGLE EMLOCK 1650LB 12/24VDC 628 DPS DOOR STATUS	1	\$ 525.00	44%	\$292.05	\$ 292.05	
412NU	SDC	Illuminated Exit Switch, Narrow, Momentary, SPDT, PUSH TO EXIT Legend, 5 Ampere at 30 Volt DC, 1-3/4" Width x 4-1/2" Height, Stainless Steel, Green	1	\$ 77.00	37%	\$48.79	\$ 48.79	
DS160	Bosch	Request to Exit Sensor	1	\$ 99.00	44%	\$55.44	\$ 55.44	
MDS100-US32D	Security Door Controls	MDS100 US32D MORTISE ELEC STRK,1",12/24,32D W/5FACEPLTS	6	\$ 520.00	51%	\$255.20	\$ 1,531.20	
MC-4	Security Door Controls	Magnetic Switch, SPDT, 50 Milliampere at 30 Volt DC, 0.75" Diameter x 1" Depth Door/Frame, 0.5" Gap, Off White	16	\$ 52.00	44%	\$28.96	\$ 463.36	
31951099	Honeywell	18(4)+22(2+4+6)1S CMP PROFN 1M	4	\$ 1,099.00	41%	\$645.70	\$ 2,582.80	
77-240-2B	Superior Essex	CAT6 Plenum Cable Bleu 1000'	1	N/A	#VALUE!	\$247.25	\$ 247.25	
MISC	STS360	Misc. Installation Accessories and Consumables (Filler plates, Connectors, Patch cables, WIREMOLD, consumables, Etc.)	1	\$ 2,600.00	50%	\$1,300.00	\$ 1,300.00	
TPM	STS360	Onsite System Engineer for Programming and Project Management	1	\$ 5,200.00	50%	\$2,600.00	\$ 2,600.00	
LABOR	STS360	Turnkey 12 Door Access Control System Installation	1	\$ 48,750.00	50%	\$24,375.00	\$ 24,375.00	
WARRANTY	STS360	1 Year Onsite Parts and Labor Warranty	1	\$ 5,500.00	50%	\$2,750.00	\$ 2,750.00	
TOTAL							\$ 62,080.43	

STS360 has provided a (13) Reader Turnkey Access Control System with Verkada 4 door controllers and all required electrified Strikes and replacement door hardware (will use exiting locksets and Mag locks). STS360 will provide all readers, electrified locking devices, power supplies, controllers, licenses, cabling, installation and programming. City will provide network ports for connection of controllers. City will provide required monitor and workstation.

City Hall Door Access Controls

- The acquisition of door access controls is phase I of improving safety and security in City Hall. Phase II (FY22) will include replacing the existing non supportable security camera system. Both Facilities and IT staff partnered on the project.
- The services includes approximately 13 door readers, 4 switch/controllers, 3-year licenses, cabling, complete installation, support, and 24/7 remote web-based access without requiring any City infrastructure hardware.
- The electronic key card system door access controls will allow the City to proactively manage City Hall access with improved efficiency.
- The vendor (STS360) is the BuyBoard approved vendor for Door Access Controls and Video Security Systems under BuyBoard Cooperative Contract 574-18.





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Considering Adoption of a Resolution Directing Publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation for Street Projects (*Mike Rains*)

GENERAL INFORMATION

The City is proposing to issue \$23,501,648 of City of Abilene, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2021. These bonds will be utilized for street projects related to Maple Street and EN 10th Street. The resolution directing publication of notice of intent will reflect an amount not to exceed \$23,600,000. The final amount will be more precisely defined on the date of authorization

State law requires the City to publish a notice of intent to issue bonds at least 45 days prior to approving the bond issue. This resolution will direct staff to publish this notice of intent. Final approval of the bonds will be scheduled for the August 12th Council meeting.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the resolution directing staff to publish notice of intent to issue Certificates of Obligation.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution - Publication of Notice of Intent to Issue Certificates of Obligation
2. Powerpoint - Resolution Directing Publication of Notice of Intent to Issue Bonds for Street Projects

RESOLUTION NO. _____

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

WHEREAS, this City Council deems it advisable to give notice of intention to issue certificates of obligation of the City of Abilene Texas, as hereinafter provided; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed, was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

1. Attached hereto is a form of the Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, the form and substance of which is hereby adopted and approved.
2. The City Secretary shall cause said notice to be published in substantially the form attached hereto, in a newspaper, as defined by Subchapter C, Chapter 2051, Texas Government Code, of general circulation in the area of said City, once a week for two consecutive weeks, the date of the first publication thereof to be before the 45th day before the date tentatively set for the adoption of the ordinances authorizing the issuance of such certificates of obligation as shown in said notice.
3. The City Secretary shall cause said notice to be posted in substantially the form attached hereto, on the City's internet website for at least 45 days before the date tentatively set for the adoption of the ordinances authorizing the issuance of such certificates of obligation as shown in said notice.
4. Attached hereto is a list of outstanding debt obligations of the City which the City hereby designates as self-supporting debt for purposes of Texas Local Government Code, Subchapter C of Chapter 271, as amended.
5. The City Council hereby authorizes and directs the Mayor, City Manager, City Secretary, Director of Finance and all other officers, employees and agents of the City, in consultation with the City Attorney, if necessary, to do and perform all such acts and to execute, acknowledge and deliver in the name and on behalf of the City such documents, agreements, certificates and other instruments, whether or not mentioned in this Resolution, as may be necessary or desirable in order to carry out the terms, provisions and actions provided for in this Resolution and in connection with the issuance of the certificates of obligation.
6. This Resolution shall become effective immediately upon adoption.

[Execution Page Follows]

APPROVED AND ADOPTED June 10, 2021.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

[CITY SEAL]

CITY OF ABILENE, TEXAS
Self-Supporting Debt

The City designates all or a portion of the following outstanding debt obligations of the City as self-supporting debt for purposes of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

1. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2012 (Waterworks & Sewer)
2. General Obligation Refunding Bonds, Series 2013 (Waterworks & Sewer)
3. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2013 (Waterworks & Sewer)
4. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014 (Waterworks & Sewer)
5. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2015 (Waterworks & Sewer)
6. General Obligation Refunding and Improvement Bonds, Series 2016 (Waterworks & Sewer)
7. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2017 (Waterworks & Sewer)
8. General Obligation Refunding Bonds, Series 2017 (Waterworks & Sewer)
9. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2018 (Waterworks & Sewer)
10. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019 (Waterworks & Sewer)
11. General Obligation Refunding Bonds, Taxable Series 2019
12. General Obligation Refunding Bonds, Taxable Series 2020

**CITY OF ABILENE, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that the City Council of the City of Abilene, Texas, at its meeting to commence at 8:30 A.M. on August 12, 2021, at its regular meeting place at 555 Walnut Street, 2nd Floor Council Chambers, Abilene, Texas, tentatively proposes to adopt one or more ordinances authorizing the issuance of interest bearing certificates of obligation, in one or more series, in an amount not to exceed \$23,600,000 for paying all or a portion of the City's contractual obligations incurred in connection with: (i) constructing and improving streets, roads, alleys and sidewalks, and related utility relocation, drainage, signalization, landscaping, lighting and signage, and including acquiring land and interests in land therefor, and (ii) legal, fiscal and engineering fees in connection with such projects. The City proposes to provide for the payment of such certificates of obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a pledge of limited surplus revenues of the City's waterworks and sewer system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or any part of the net revenues of the City's waterworks and sewer system. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

In accordance with the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended ("Chapter 271"), the following information has been provided by the City (excludes \$107,240,000 principal amount of outstanding debt obligations the City has designated as self-supporting and which the City reasonably expects to pay from revenue sources other than ad valorem taxes; provided, however, that in the event such self-supporting revenue sources are insufficient to pay debt service, the City is obligated to levy ad valorem taxes to pay such debt obligations):

- (a) The principal amount of all outstanding debt obligations of the City is \$329,700,000;
- (b) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$437,286,033;
- (c) The maximum principal amount of the certificates of obligation to be authorized is \$23,600,000;
- (d) The estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$30,601,271;
- (e) The estimated interest rate for the certificates of obligation to be authorized is 2.61%; and
- (f) The maximum maturity date of the certificates of obligation to be authorized is February 15, 2042.

The Resolution designating certain outstanding debt obligations of the City as self-supporting for purposes of Chapter 271 is available upon request to the City at the address noted above.

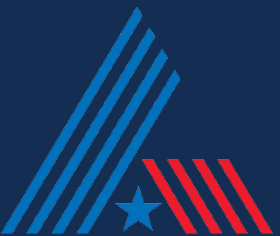
CITY OF ABILENE, TEXAS

**A Resolution Directing Publication of Notice of Intention to
Issue Combination Tax and Revenue Certificates of
Obligation For Street Projects**



A Resolution Directing Publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation For Street Projects

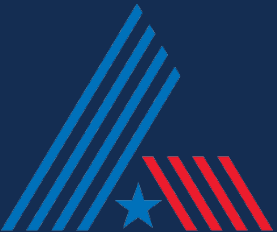
- Staff is recommending the issuance of a not to exceed amount of \$23,600,000 in certificates of obligation for street projects related to Maple and EN 10th Street.
- This resolution serves as a notice of intent to issue certificates of obligation and directs staff to publish the notice of intent in a newspaper of general circulation. The authorization to issue would occur at the August 12th City Council meeting with funding received at the end of August.
- The debt service on these certificates of obligation will be funded by ad-valorem taxes.

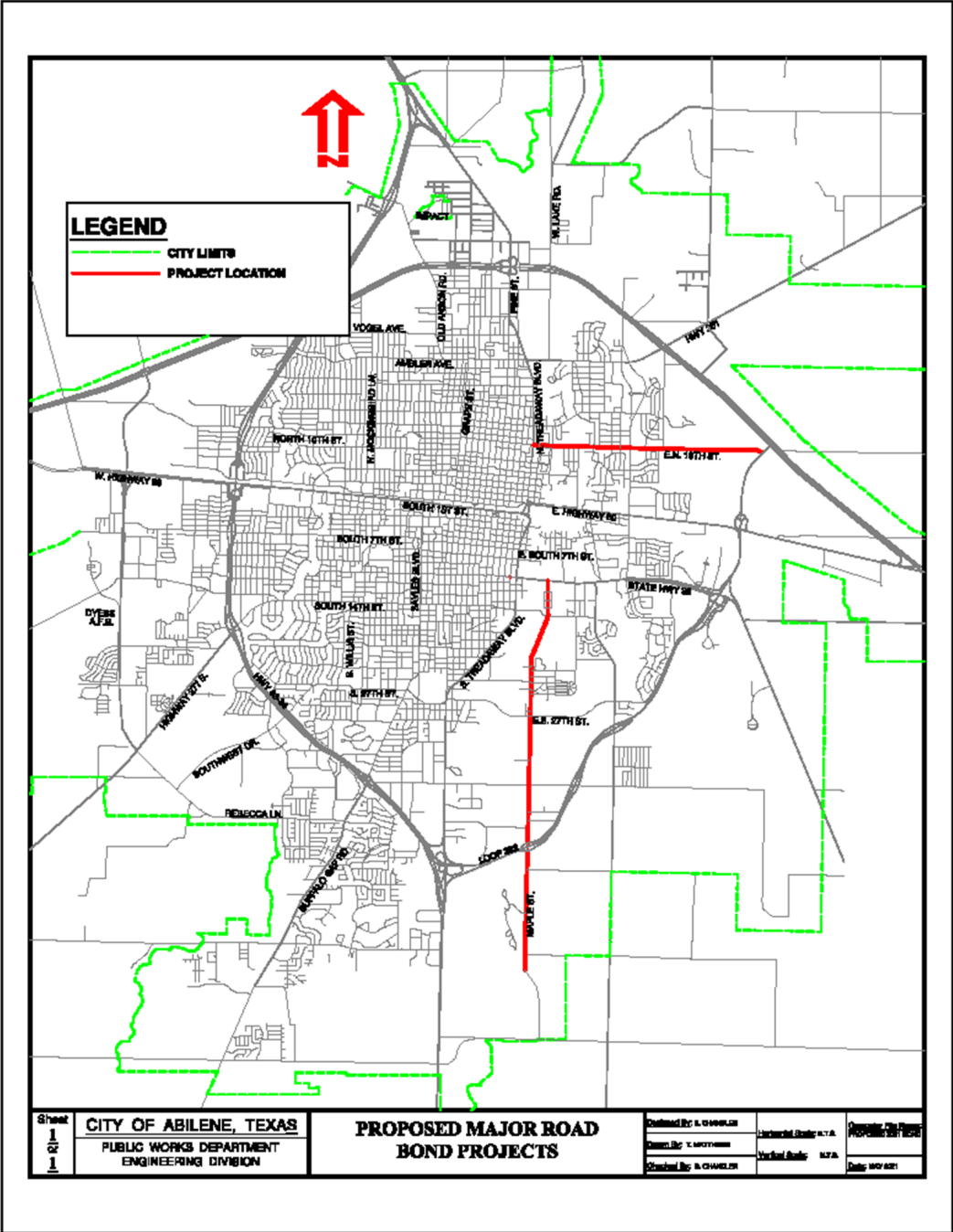
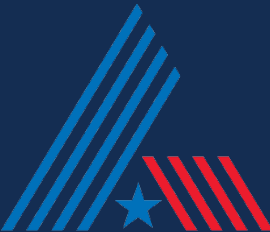


A Resolution Directing Publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation For Street Projects

Estimated Project Costs

	Maple St - 707 to ES 11th St.	EN 10th St - Treadaway to Loop 322	Total
Roadway Improvements (construction & design)	\$20,765,652	\$5,933,685	\$26,699,337
Water Utility Replacements	1,305,720	1,901,273	3,206,993
Total estimated costs	22,071,372	7,834,958	29,906,330
Other funding sources			
Water Utility funds	(1,305,720)	(1,901,273)	(3,206,993)
Capital Project funds - Maple & Colony Hill	(519,115)	-	(519,115)
DCOA participation	-	(2,000,000)	(2,000,000)
Developer Agreements (Carriage Hills, Cimarron Meadows)	(678,574)	-	(678,574)
Bond Funds Needed	\$19,567,964	\$3,933,685	\$23,501,648







**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing a professional services contract with Jacob & Martin, LLC for the Second Pressure Plane Water Supply Line - Phase 2 (*Rodney Taylor*)

GENERAL INFORMATION

Water Utilities staff is requesting that the Abilene City Council approve a Professional Services Contract with Jacob & Martin, LLC (JM) for the Second Pressure Plane Water Supply Line - Phase 2 in the amount not to exceed \$270,000.00. This contract will provide for the preparation of Phase 2 plans and contract documents, bidding assistance, project general supervision (not RPR), and contract administration. Phase 2 is a 30" diameter pipeline beginning at the Dyess 16" Water Supply Pipeline on Dub Wright Boulevard and continuing north to a pending to-be-constructed pump station at the Five Points Business Park.

In December 5, 2019 the Abilene City Council authorized a professional services contract with JM for the Second Pressure Plane Water Supply Line - Phase 1 in the amount of \$425,000.00 which provided for surveying and right-of-way acquisition for the entire multi-phase pipeline and pump station construction project, and for the preparation of Phase I plans and contract documents, bidding assistance, project general supervision, (not RPR), and contract administration. Phase I is a 30" pipeline beginning at the Buffalo Gap EST and extending to a connection with the Dyess 16" Water Supply Pipeline on Dub Wright Boulevard. Phase 1 construction is ready to advertise for bids. The right-of-way acquisition for Phase 2 is underway.

SPECIAL CONSIDERATIONS

The Second Pressure Plane Water Supply Line and pump station project was included in the 2010 Water Master Plan. The project was further justified and refined in the 2020 Water Master Plan. This large scale plan is to be performed in multiple phases as described in the 2020

Five Year Capital Improvements Program. The greater project is for the construction of a new 30" treated water pipeline to extend from the Buffalo Gap Elevated Storage Tank west and north to the Five Points Business Park. Following are some key points for justifying the greater project:

- 1) Provide redundancy to aging Dyess 16" water pipeline and also allow for its eventual replacement or abandonment.
- 2) Improve the utilization of Northwest ground storage tank to reduce water age and improve water quality.
- 3) Allow for the eventual abandonment of the High Level Pump Station (The TCEQ has set a compliance deadline of September 2023 for the abandonment of the High Level Pump Station.)
- 4) Improve water capacity and pressure in the southwest portion of the City.
- 5) Accommodate a needed future new elevated storage tank in west Abilene.
- 6) Add system redundancy and greatly increase capacity to transfer large quantities of potable water north and south across the distribution system.

FUNDING/FISCAL IMPACT

Funding for the professional services contract are included in the Fiscal Year 2021 Annual Operating Budget of the Water Utilities Department.

STAFF RECOMMENDATION

Staff recommends authorizing the professional services contract as described herein.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Authorize PS Contract with JM for 2nd PP Water Supply Line-Phase 2-6-10-2021
2. Contract-Second Pressure Plane Water Supply Line - Phase 2-JM-with Fee table-6-10-2021
3. Presentation-Authorize PS Contract-JM-Second Pressure Plane Water Supply Line - Phase 2-6-10-2021

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JACOB AND MARTIN, LLC FOR THE SECOND PRESSURE PLANE WATER SUPPLY LINE - PHASE 2.

WHEREAS, the City of Abilene (Abilene) owns and operates a Public Water Supply System for providing potable water to its retail and wholesale customers; and

WHEREAS, the 2010 and 2020 Water Master Plans have identified the need for the Second Pressure Plane Water Supply Line Improvements to include the construction of a 30" water supply pipeline and a new pump station in west Abilene; and

WHEREAS, the benefits of the greater project will provide for 1) the eventual replacement or abandonment of the aging Dyess 16" water pipeline, 2) Improved utilization of the Northwest ground storage tank to reduce water age and improve water quality, 3) the eventual abandonment of the High Level Pump Station, 4) improved water capacity and pressure in the southwest portion of the City, 5) accommodate a needed future new elevated storage tank in west Abilene, and 6) add redundancy and greatly increase capacity to transfer large quantities of potable water north and south across the distribution system; and

WHEREAS, the Texas Commission on Environmental Quality has set a compliance deadline of September 2023 for the abandonment of the High Level Pump Station; and

WHEREAS, the professional services contract with Jacob and Martin, LLC will provide for Phase 2 preparation of plans and contract documents, bidding assistance, general project supervision (not RPR) and contract administration in the amount not to exceed \$270,000.00; and

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

That the City Manager is authorized to execute the professional services contract with Jacob and Martin, LLC for the Second Pressure Plane Water Supply Line-Phase 2 in the amount not to exceed \$270,000.00.

ADOPTED this 10th day of June, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney



PROFESSIONAL SERVICES CONTRACT Engineers & Architects

This contract, dated the ____ day of _____, 20__, is between the City of Abilene, a home rule municipal corporation of the State of Texas ("City"), and Jacob & Martin, LLC, a Limited Liability Corporation organized under the laws of the State of Texas ("Consultant").

The City is engaged in Second Pressure Plane Supply Line – Phase 2 and desires to engage the services of Consultant, as an independent contractor and not as an employee, to assist in the project and to render his or her or its services on the terms and conditions provided in this Contract.

The Consultant is a[n] qualified engineer properly licensed to practice in the State of Texas. Consultant desires to render professional services to the City on the terms and conditions provided in this Contract.

The Consultant must perform services with the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license, and as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

THEREFORE, the City engages the services of the Consultant. In consideration of the mutual promises contained in this Contract, the parties agree as follows:

I. TERMS

In consideration of the compensation stated in paragraph II, the Consultant must provide all services as described in Attachment A, which is incorporated by reference for all purposes. The Consultant must complete all services by a mutually agreed upon date.

II. FEE

For the services to be rendered under this Contract, the Consultant will be entitled to a fee as described in Attachment B, which is incorporated by reference for all purposes.

III. FACILITIES

The Consultant will furnish all facilities and equipment that may be necessary to perform services required under this agreement.

IV. ASSIGNMENT

The Consultant may not assign in whole or in part any rights, duties, obligations or interest arising from this agreement without the City's prior written consent. In the event of an assignment by the Consultant to which the City has consented, the assignee or assignee's legal representative must agree in writing with the City to personally assume, perform, and be bound by all the provisions of this Contract. All of the terms and provisions of this Contract are binding on Consultant's successors and assigns and may be enforced by the City against such successors and assigns.

V. STATUS OF CONSULTANT

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

VI. AMENDMENT OR MODIFICATION

This contract, including attachments, constitutes the entire agreement of the parties. Any statements, promises, or agreements made by either party or its agent which are not contained in this contract are of no effect. This contract may not be amended or modified except by both parties' written consent. This Contract supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this Contract.

VII. OWNERSHIP OF DOCUMENTS AND MATERIALS

All documents and materials prepared by Consultant under the terms of this contract are the Consultant's property from the time of preparation. Consultant will deliver copies of the documents and materials to the City or make them available for inspection *whenever requested*. City has the right to make duplicate copies of such documents or materials for its own file or use for any other such purposes as the City deems necessary and there shall be no additional costs incurred because of such copying or use.

VIII. NONDISCLOSURE

The Consultant may not show to any person or entity any documents, reports, plans, programs, reports, drawings, or any other material which Consultant prepares or acquires in performing this contract, including any duplicate copies kept by Consultant. The Consultant may not disclose to any person or entity any information regarding the City's activities. The City may, however, specifically authorize a limited disclosure at its discretion.

IX. 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.

“Consultant” includes the person, corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

“Consultant’s employees” shall mean any employees, officers, agents, subcontractors, licensee and invitees of Consultant.

“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.

B. Indemnity

The Consultant shall indemnify, hold harmless and defend the City against liability for damage that is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Consultant or the Consultant’s agent, or another entity over which the Consultant exercises control.

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

Consultant must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Consultant’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 Consultant or Consultant'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 Consultant.

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

X. INSURANCE

A. GENERAL REQUIREMENTS

The Consultant agrees to maintain the type and amounts of insurance required in this contract throughout the term of the agreement. The Consultant is solely responsible for providing the required certificates of insurance. The City may terminate this agreement if the Consultant 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 Consultant 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 Consultant 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 with respect to operations for which this agreement is made.
2. Provide for 30 days advance written notice of cancellation or material change.

C. TYPES AND AMOUNTS OF INSURANCE

The types of insurance required in this contract are those indicated by initials. If no initials appear on any of items 1 through 6, items 1 through 4 shall be required.

<u>Type</u>	<u>Amount</u>
<u>_X_</u> 1. Workers' Compensation Employer's Liability	Statutory \$100,000 per occurrence
<u>_X_</u> 2. Commercial (Public) Liability including, but not limited to: • Premises/Operations • Independent Contractors • Products/Completed Operations • Contractual Liability (insuring above indemnity) and where the exposures exist • Explosion Collapse and Underground	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
<u>_X_</u> 3. Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
<u>_X_</u> 4. Professional Liability	\$500,000 combined single limit (per occurrence)
<u> </u> 5. See Addendum for Special Coverages and/or revisions	

___ 6. No Insurance Required

XI. 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.

XII. TERMINATION

This contract may be terminated at any time upon 30 days written notice by City to Consultant. In the event of termination, Consultant will be compensated for work satisfactorily performed before the termination date.

If, through any cause, the Consultant fails to fulfill his obligations under this contract, or if the Consultant violates any of the agreements of this contract, the City has the right to terminate the contract by giving five days written notice to the Consultant. The Consultant will be compensated for work satisfactorily performed before the termination date.

The Consultant, however, is not relieved of liability to the City for damages sustained by the City because of any breach of contract by Consultant. The City may withhold any payments to Consultant for the purpose of setoff until the exact amount of damages due the City from the Consultant is determined and paid.

XIII. PROJECT REPRESENTATION

The City agrees to appoint a Project Representative to assist in obtaining information from various City departments as requested by Consultant and in coordinating, monitoring, and evaluating the project to its completion. The Project Representative has no control over the means, methods, techniques, or procedures employed by Consultant. The City is interested only in the results obtained under this contract; the manner and means of obtaining those results is solely under the Consultant's control.

XIV. NOTICE

All notices must be in writing, hand-delivered or mailed by certified mail, to the other party at the address below. The name and address for notification may be changed by notice to the other party.

City – ATTN:
Rodney Taylor - COA
PO Box 60
Abilene, Texas 79604

Consultant – ATTN:
Kirt Harle – J&M
3465 Curry Lane
Abilene, Texas 79606

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

Consultant, 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. Consultant must obtain all necessary permits and licenses required in completing the work contracted for in this agreement.

XVI. NO INDEBTEDNESS

Consultant 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. Consultant 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.

XVII. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City 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 bonafide 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.

XVIII. VERIFICATION OF EMPLOYMENT ELIGIBILITY

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

XIX. 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.

XX. 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 Consultant. The Consultant 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 Consultant 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.

XXI. LEGAL CONSTRUCTION

In the event that any one or more of the provisions contained in this Contract is for any reason held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability will not affect any other provisions, and the Contract will be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

XXII. 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.

XXIII. 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.

XIV. 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 instrument.

{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

By:

Name:

Title:

ATTEST:

City Secretary

APPROVED:

By: _____
City Attorney

CONSULTANT

By: 

Name: Kirt Harle

Title: Vice President

Address: 3465 Curry Lane
Abilene, TX 79606

Phone Number: 325-695-1070

Federal Tax ID#: 75-1285782

ATTEST: (If Corporation)

Corporation's Secretary

Corporate Seal (if available)

ATTACHMENT A

Scope of Services

The project scope includes engineering services for design and construction review of proposed Second Pressure Plane Water Supply Line - Phase 2 which is identified as CIP project 1B in the City's 2019 Water Master Plan. Phase 2 of the Second Pressure Plane Supply Line will generally run from the intersection of Dub Wright Boulevard and Jennings Drive, then north along Dub Wright Boulevard, west along Military Drive, north cross country to East Business 20, then north along Fulwiler Road and terminate at a location near the existing Northwest Pump Station and 5 Points Business Park Ground Storage Tank along Marigold Street.

A – Design Phase (to be completed within 6 months of contract execution)

Design will be performed for Phase 2 of the Second Pressure Plane Supply Line and will include the following tasks:

- A.1 Prepare detailed specifications, contract drawings and plans for bidding project.
- A.2 Assist City with TXDOT and Union Pacific Railroad permitting.
- A.3 Prepare detailed cost estimates, which shall include summaries of bid items and quantities.
- A.4 Furnish Bidding Documents to City for legal review.
- A.5 Finalize Contract Documents incorporating City's comments.
- A.6 Perform preliminary design and layout for 2nd PP Pump Station (CIP Project 1C included in City's 2019 Water Master Plan).
- A.7 Perform required topographic surveying.
- A.8 Perform required geotechnical investigations and materials testing.

B – Bidding Phase (to be completed within 8 months of contract execution)

Bidding and award will be performed for Phase 2 of the Second Pressure Plane Supply Line and will include the following tasks:

- B.1 Assist City in the advertisement for bids.
- B.2 Conduct pre-bid meeting.
- B.3 Answer bidder's questions and issue addenda (if necessary).
- B.4 Assist the City in the opening and tabulation of bids for construction of the project and make recommendations to the Owner for the proper action on all proposals received.
- B.5 Assist in the preparation of formal Contract Documents for the construction of the project.

C – Construction Phase (to be completed within 18 months of contract execution)

Construction administration will be performed for Phase 2 of the Second Pressure Plane Supply Line and will include the following tasks:

- C.1 Coordinate Pre-Construction Conference.
- C.2 Make periodic visits to the site to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents.
- C.3 Consult and advise the City, issue all instructions to the Contractor requested by the City, and prepare routine field orders and/or change orders as required.
- C.4 Review submittals, schedules, shop drawings, laboratory tests and other data which the Contractor is required to submit, only for conformance with the design concept of the project and compliance with the information given by the Contract Documents.
- C.5 Review and recommend Contractor's payment requests.
- C.6 Conduct in company with the City a site visit following substantial completion notice and prepare punch list.
- C.7 Conduct in company with the City a final inspection of the project for conformance with the design concept of the project and compliance with the Contract Documents and approve in writing final payment to the Contractors.
- C.8 Review contract drawings with the assistance of the City's Utility Engineer and Contractor to show the work as actually constructed. Furnish two (2) sets of Record Drawings and a digital copy of the Record Drawings to the City.
- C.9 Provide construction staking and surveying as required by the Union Pacific Railroad as it relates to the railroad permit.
- C.10 Provide materials testing for density control of pavement repairs.

ATTACHMENT B
PAYMENT SCHEDULE
PARTIES TO INITIAL OPTION SELECTED

OPTION 1 X

Compensation is based on actual hours of work/time devoted to providing the described professional services and will be paid at a rate of \$(Time and Expense per the attached Fees for Professional Services) per hour not to exceed \$270,000.00.

Professional 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

Payment is in a lump sum amount of \$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 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 Professional 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 Professional has been notified.

ATTACHMENT C



INTEGRITY
EXCELLENCE
TRUST

FEEES FOR PROFESSIONAL SERVICES

Principal	\$ 200.00
Licensed Architect-1	170.00
Licensed Architect-2	140.00
Licensed Interior Designer	110.00
Architectural Associate	100.00
Registered Professional Engineer-1	175.00
Registered Professional Engineer-2	145.00
Engineer-in-Training (E.I.T.)	115.00
Engineering Technician-1	110.00
Engineering Technician-2	90.00
Engineering / Architectural Intern	60.00
Environmental Scientist	100.00
Environmental Technician	65.00
GIS Technician-1	100.00
GIS Technician-2	70.00
CAD Draftsman-1	90.00
CAD Draftsman-2	75.00
Senior Land Man	80.00
Registered Professional Land Surveyor	160.00
Surveyor-in-Training (S.I.T.)	110.00
Resident Project Representative-1	90.00
General Overtime (Weekends, Holidays or before 8 am or after 5 pm)	110.00
Resident Project Representative-2	75.00
General Overtime (Weekends, Holidays or before 8 am or after 5 pm)	95.00
Licensed Water/Wastewater Operator	80.00
Clerical-1	60.00
Clerical-2	50.00

FIELD WORK

1-Man Crew or Technician	\$ 90.00
2-Man Crew	140.00
3-Man Crew	160.00
GPS Equipment	60.00
Robotic Total Station	50.00
Vehicle Charge (per day) plus IRS rate per mile	50.00

A FACTOR OF 1.1 SHALL BE APPLIED TO THE FOLLOWING

1. Actual cost of subsistence and lodging
2. Actual cost of postage and shipping fees
3. Actual cost of materials required for the project used in surveying, drafting and associated activities
4. Actual cost of special tests and services of special consultants, if required

Effective 1/1/2021



info@jacobmartin.com
www.jacobmartin.com



3465 Curry Lane
Abilene, TX 79606
325.695.1070

1508 Santa Fe, Suite 203
Weatherford, TX 76086
817.594.9880

4920 S. Loop 289, Suite 104
Lubbock, TX 79414
806.368.6375



ATTACHMENT C

INTEGRITY
EXCELLENCE
TRUST

CONSTRUCTION MATERIALS ENGINEERING AND TESTING FEES

SERVICE TIME

Registered Professional Engineer	\$	175.00
Materials Technician Service Time		65.00
General Overtime (Weekends, Holidays or before 8 am or after 5 pm)		90.00
Pier Observation, Hot Mix, Reinforcing Steel		82.50
Overtime (Weekends, Holidays or before 8 am or after 5 pm)		97.00

CONCRETE

Concrete Cylinder Compressive Strength Tests	28.00
Client Made Cylinder	35.00
Entrained Air Content Test	32.00
Slump Tests, when cylinders are not made	20.00
Concrete Mix Design	825.00
Concrete Design Confirmation Cylinder	30.00

SOILS

Atterberg Limits (Liquid Limit, Plastic Limit & P.I.)	80.00
Field Compaction Test	29.00
Moisture-Density Curve (Proctor)	290.00
Washed Sieve Analysis (Soil)	70.00
Washed Sieve Analysis (Base Material)	75.00
Unit Weight	47.00
Absorption	47.00
Decantation	47.00
Moisture Content	47.00

ASPHALT

Rice Theoretical Specific Gravity	\$	90.00
Field Density, Hot Mix (Nuclear Method)		35.00

Local Vehicle Charge (within 20 miles of Abilene) - \$25.00 per trip to the project
Travel from and return to office at IRS rate per mile, plus service time at above rates
Travel Charges (outside 20 miles of Abilene) – Round trip mileage at IRS current rate, plus

A FACTOR OF 1.1 SHALL BE APPLIED TO THE FOLLOWING

1. Actual cost of subsistence and lodging
2. Actual cost of postage and shipping fees
3. Actual cost of materials required for the project used in surveying, drafting and associated activities
4. Actual cost of special tests and services of special consultants, if required

Effective 01/01/2021



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ATTACHMENT C

OWNERSHIP OF DOCUMENTS AND MATERIALS

Parties to initial option chosen

(Option 1) ____

All documents and materials prepared by Professional under the terms of this contract are the City's property from the time of preparation, and Professional must deliver the documents and materials to the City or make them available for inspection whenever requested. Professional has the right to make duplicate copies of such documents or materials for its own file or for other such purposes as the City authorizes in writing.

(Option 2) X

All documents and materials prepared by the Professional remain the property of the Professional; however, Professional must furnish City, at no additional cost, one set of reproducible mylars of the original drawings of the work and/or one copy of all documents prepared by the Professional pursuant to this Agreement.

ATTACHMENT D

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 Professional's/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 Professional has undertaken to perform on the project, regardless of whether that person contracted directly with the Professional and regardless of whether that person has employees. This includes, without limitation, independent contractors, subprofessionals, 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 Professional 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 Professional providing services on the project, for the duration of the project.
- c. The Professional must provide a certificate of coverage to the City prior to being awarded the contract.
- d. If the coverage period shown on the Professional's current certificate of coverage ends during the duration of the project, the Professional 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. Professional 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 Professional, 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 Professional shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.
- g. The Professional shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Professional 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 Professional 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 Professional 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 Professional, 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 Professional, 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 Professional:
 - (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 Professional is representing to the City that all employees of the Professional 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 Professional to administrative penalties, criminal penalties, civil penalties, or other civil actions.
- k. The Professional's failure to comply with any of these provisions is a breach of contract by the Professional which entitles the City to declare the contract void if the Professional does not remedy the breach within ten (10) days after receipt of notice of breach from the City.

ATTACHMENT E
NOTICE TO PROCEED

Click or tap here to enter text.

ATTACHMENT F
CHANGE IN SCOPE OF SERVICES

Click or tap here to enter text.

Authorizing a professional services contract with
Jacob and Martin, LLC for the
Second Pressure Plane Water Supply Line-Phase 2



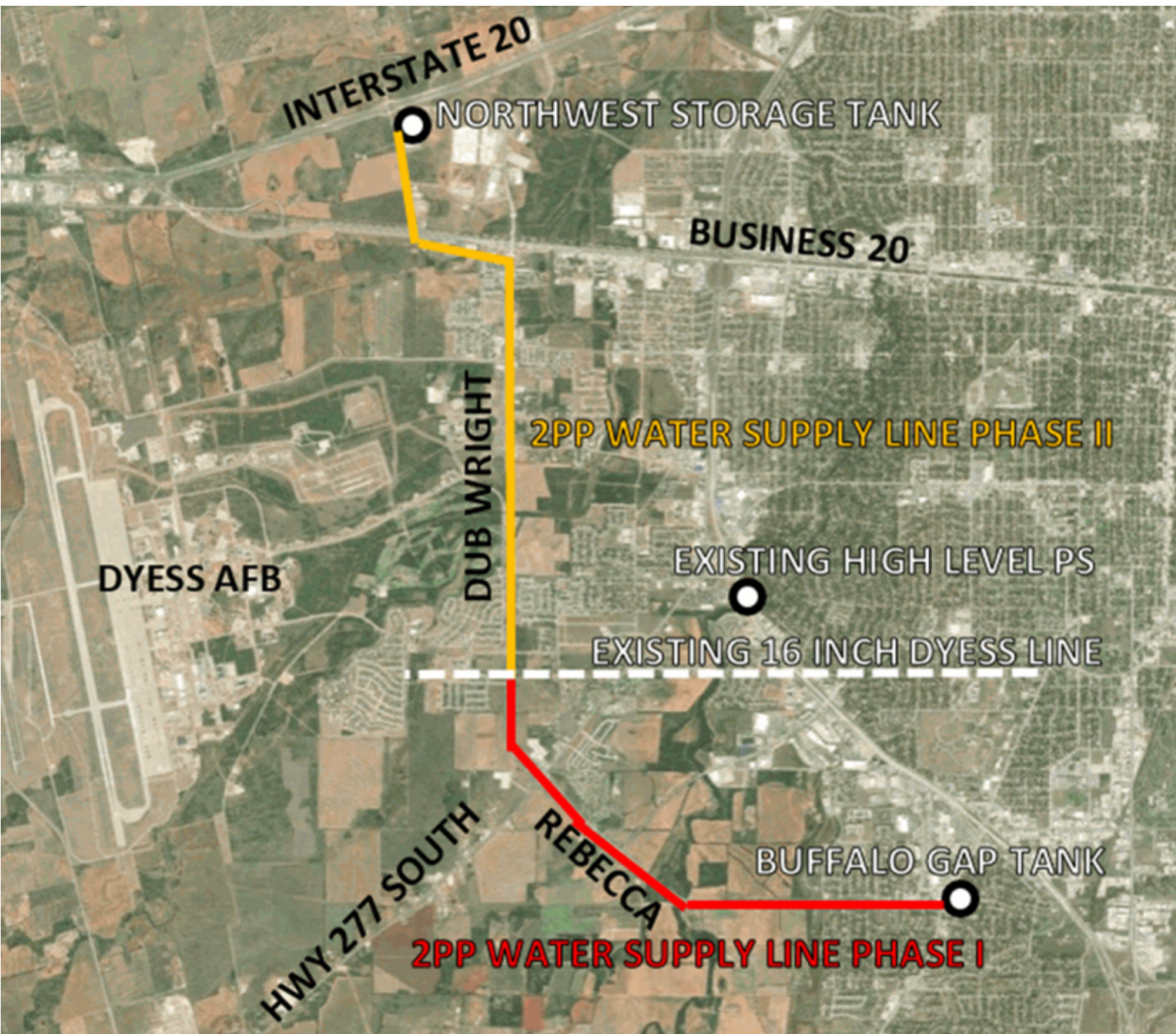
- Professional Services Contract with Jacob and Martin, LLC.
- Contract price not to exceed \$270,000.00.
- Phase 2 preparation of plans and contract documents, bidding assistance, general project supervision (not RPR) and contract administration.
- The Second Pressure Plane Water Supply Line and pump station project was included in the 2010 and the 2020 Water Master Plans.
- The multi-phased project is for the construction of new 30" treated water pipeline between the Buffalo Gap EST and the Five Points Business Park and the construction of new pump station at Five Points.
- The project will allow for the decommissioning of the High Level Pump Station by September 2023 in accordance with a TCEQ compliance deadline.



Project will provide for:

- redundancy for the aging Dyess 16" water pipeline, and allow for its eventual replacement or abandonment
- improved utilization of Northwest ground storage tank to reduce water age and improve water quality
- the eventual abandonment of the High Level Pump Station
- improved water capacity and pressure in the southwest portion of the City
- accommodating a needed future new elevated storage tank in west Abilene
- System redundancy and increased capacity to transfer large quantities of potable water north and south across the distribution system





Authorizing a professional services contract with
Jacob and Martin, LLC for the
Second Pressure Plane Water Supply Line-Phase 2

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve the Purchase of Nine (9) Type III Cutaway Vans (Don Green)

GENERAL INFORMATION

CityLink Transit is recommending the purchase of nine (9) Type III cutaway vans to replace nine (9) 2009 model cutaway vans that have far surpassed their useful life according to Federal Transit Administration (FTA) and Texas Department of Transportation (TXDOT) guidelines.

The average mileage for the expired cutaways is 250,000 miles whereas these vehicles are rated as 150,000-mile vehicles. The recommended manufacturer is Elkhart Coach, which is of similar size and style currently being operated in the CityLink fleet.

Creative Bus Sales is an approved vendor on the Texas Comptroller of Public Accounts purchasing cooperative and has provided the quote for this purchase. The cost per unit will be \$77,572.00 with a total overall cost of \$698,148.00.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funding is being supplied by FTA for six (6) vehicles at \$465,432.00 through the TX-2021-026 Fleet Replacement grant and TXDOT State-U-2020-Abilene*-00194 for three (3) vehicles at \$232,716.00. Required grant match is taken care of with Transportation Development Credits from TXDOT. No City funding is needed.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. CityLink Cutaway Vans Purchase Resolution 6-10-21
2. Para-Transit Vehicles Replacement 2021
3. Abilene Type 3, Elkhart Coach ECII-TX Comp Quote Rev 8 5-28-2021 (1)
4. Cutaway Vans Purchase Presentation (6-10-21)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING PURCHASE OF NINE TYPE III CUTAWAY VANS FROM CREATIVE BUS
SALES THROUGH TEXAS COMPTROLLER OF PUBLIC ACCOUNTS' TX SMART BUY
PROGRAM**

WHEREAS, the City of Abilene (City) contracts for the operation of CityLink as the City's public transit service; and

WHEREAS, the City receives grant funding through Federal Transportation Administration (FTA), as authorized by the Congress of the United States of America and Texas Department of Transportation (TXDOT) operating costs; and

WHEREAS, CityLink has a need to replace nine cutaway vans used for Paratransit Service; and

WHEREAS, CityLink received the lowest of three quotes from Creative Bus Sales through the TX Smart Buy program; and

WHEREAS, CityLink has funding from Federal Transit Administration (FTA) for six (6) vehicles at \$465,432.00 through the TX-2021-026 Fleet Replacement Grant and Texas Department of Transportation (TXDOT) grant State-U-2020-Abilene*-00194 for three (3) vehicles at \$232,716.00.

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

- Part 1. That the City Manager is authorized to approve the purchase of nine (9) Elkhart Coach ECII Vans from Creative Bus Sales through the TX Smart Buy program for a total cost of \$698,148.00.
- Part 2. That this resolution is effective immediately.

ADOPTED this 10th day of June 2021

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Additional Info Para-Transit Vehicles

Unit #	Assignment	Year	Make	Mileage	Total Maintenance Cost	Purchase Price	Disposal Method	Reasoning Replacement	Criteria-Score/Recommendation
906	Citylink	2010	Ford	265,004	\$103,339.87	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle.
907	Citylink	2010	Ford	251,307	\$128,069.18	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle with no local match requirement.
910	Citylink	2010	Ford	303,664	\$121,175.40	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle with no local match requirement.
911	Citylink	2010	Ford	255,373	\$105,237.87	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle with no local match requirement.
912	Citylink	2010	Ford	305,799	\$105,605.19	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle with no local match requirement.
913	Citylink	2010	Ford	294,731	\$118,038.83	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle with no local match requirement.
916	Citylink	2010	Ford	236,391	\$86,083.02	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle with no local match requirement.
917	Citylink	2010	Ford	272,454	\$108,013.31	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle with no local match requirement.
918	Citylink	2010	Ford	275,594	\$108,013.31	\$66,245	City Auction	Has exceeded the useful life. 5yr/150,000. Has surpassed 120% benchmark utilized by TX-DOT fleet replacement standard guidelines. Replacement transmission is \$5500.00. Replacement of the original engine is \$5,000. The vehicle continues to have water leaks from previous hail damage which is compromising the integrity of the vehicle.	Total score of 4. CityLink recommends replacement due to surpassing useful life/miles/maintenace cost threshold; funding in place for replacement vehicle with no local match requirement.

Category	Estimated Useful Life in Years	Mile
CityLink Buses		
Heavy Duty Large Bus (33-40,000 GVW)	12	
Heavy Duty Small Bus (26-33,000 GVW)	10	
Medium Duty Bus (16-26,000 GVW)	7	
Light Duty Mid-Sized Bus (10-16,000)	5	
Light Duty Small Bus (6-14,000 GVW)	4	

Days and/or Hours
500,000 mi
350,000 mi
200,000 mi
150,000 mi
100,000 mi



Creative Bus Sales

Texas Comptroller of Public Accounts

Contract ID No. 556A1-2718 / IFB No. 304T-20-556A1

FY 2020

Preparer: Jason Roy

Base Model

Elkhart Coach ECII 7.3L V8 Gas 176" WB 14,500 GVWR

Base Model Price: \$ 74,780.00

Options: \$ 1,714.00

Other Available Options: \$ -

Unpublished Options: \$ 1,078.00



Vehicle Length	Lift Position	WC Positions	Total # Passengers	CDL Required
26	Front	3	11	No

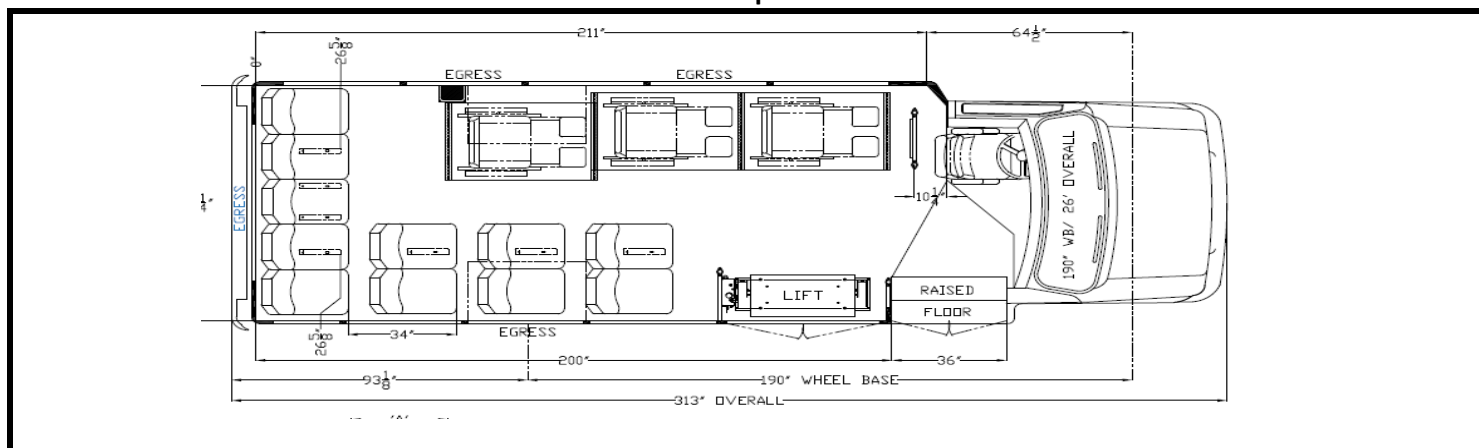
QTY Vehicles: 9 Total Contract Price: \$ 698,148.00

Per Vehicle Price: \$ 77,572.00

Customer Info

Customer:	Abilene Citylink
Address:	1189 South 2nd Street Abilene, TX 79602
Contact:	Bobby Sharpe
Office Phone:	325-676-6403
Mobile Phone:	
E-Mail:	bobby.sharpe@abilenetx.gov

Floorplan



Chassis

Ford E-450 chassis - 14,500 GVWR
7.3L V8 gasoline engine
6-Speed TorqShift Automatic Transmission
Twin I-Beam IFS front axle - 5,000 lbs.
Full-floating, Dana 10.75" HD rear axle - 9,600 lbs.
Power-assisted hydraulic front & rear disc brakes
4-wheel anti-lock brake system
240 Amp Alternator
Dual, maintenance-free batteries
55 Gallon Fuel Tank
Power steering with tilt wheel
Front coil springs
Rear multi-leaf, 2-stage rear springs
HD gas shock absorbers
Front & rear stabilizer bars
LT225/75Rx16E All Season Tires
Dual rear wheels
Cruise control
Driver sun visor
OEM chassis dash heater, A/C, and defroster
Chrome front bumper

Body

Elkhart Coach EC II 25' body
Pre-painted white aluminum sidewalls and skirts
Fiberglass front and rear caps
One-piece seamless FRP roof
65K BTU rear A/C system
FRP interior walls & ceiling
Coved flooring on sidewall to seat track
Altro flooring - 2.2mm
Yellow step nosing
3/4" plywood floor
Tectyl 127CG undercoating
Fuel tank access plate in floor
Driver running board
Rear tow hooks
Heated/Remote-controlled side mirrors with integrated turn signals
Rear mud flaps
65K BTU rear heater
Defroster fan
Window ajar alarms for egress windows
Stainless steel battery box & tray
Rotary disconnect switch
Hourmeter
LED interior and exterior lights
7" amber LED flashers in rear cap (work with brake lights)
Center mount brakelight
Midship turn/marker lights
Independent red brake & amber turn signal lights
AM/FM/Blue Tooth radio with four (4) speakers
Electrically actuated passenger entry door with full length glass

Rear emergency door with window
Twin windows on either side of rear door
Stainless steel entry step assembly - includes sides and header
Roof hatch - Transpec 1070 series
Driver coat hook
Overhead storage above driver/windshield
Ceiling grab rails (both sides of aisle)
Right hand and left hand entry grab rails - parallel to steps
Stanchion and modesty panel aft of entry door
Driver stanchion and modesty panel with upper plexiglas barrier
Freedman Shield FC recliner driver seat
Level 3 seat covers for driver
Mid High rigid passenger seats
Level 3 seat covers for passenger seats
ABS seat backs
Anti-vandal grab handles on aisle seats
Retractable passenger seat belts
Two (2) 12" seat belt extensions

ADA

Double wheelchair doors with gas strut door stays
Rear wheelchair lift (aft of rear axle)
Braun NCL1000 3454-2 wheelchair lift (1,000# capacity)
Intermotive Gateway interlock/fast idle
Two (2) Q'Straint Deluxe retractable securement kits with combo lap/shoulder belt
Two (2) Q'Straint storage pouches
Q'Straint belt cutter

Safety

10 lb. fire extinguisher
16-unit first aid kit
Body fluid kit
Emergency triangle kit
Backup alarm
Interior mirror - 6"x16" flat
Wide angle fresnel lens
Window ajar alarm buzzer on egress windows - indicator light in driver area
Door activated interior lights

OPTIONS

Type 3 Transit Vehicle - Elkhart Coach ECII

Qty	Description	FY 2020 List Price	QTY Total
1	OPT 26 - Floor plan with wheelchair lift located at front of vehicle, Type 3	\$ -	\$ -
1	OPT 28 - Four way flashers when passenger door or lift is open	\$ 64.00	\$ 64.00
1	OPT 29 - Street side exhaust	\$ -	\$ -
1	OPT 43 - Additional wheelchair seating area	\$ 750.00	\$ 750.00
1	OPT 48 - Mor/Ryde suspension system	\$ 900.00	\$ 900.00
-	Subtotal Manufacturer Options:	\$	1,714.00



CBS UNPUBLISHED OPTIONS

Type 3 Transit Vehicle - Elkhart Coach ECII

Qty	Description	FY 2020 List Price	QTY Total
1	Velvac Mirrors ILO Rosco without turn signals	\$ (155.00)	\$ (155.00)
1	Raised Floor- 2 Step Entry with additional step behind driver	\$ 675.00	\$ 675.00
1	Key Buses Alike -each unit	\$ 400.00	\$ 400.00
1	Abilene Citylink Paint Scheme and graphics	\$ 3,750.00	\$ 3,750.00
1	Passenger door manual ILO Electric	\$ (289.00)	\$ (289.00)
1	Upgraded Driver Seat- USSC G2E	\$ 1,775.00	\$ 1,775.00
1	Freedman Mid Hi Single Seat	\$ 234.00	\$ 234.00
3	Delete- Double Freedman Seat per floor plan	\$ (305.00)	\$ (915.00)
1	Freight to Abilene	\$ 350.00	\$ 350.00
1	Delete - Rear tow hooks from base	\$ (54.00)	\$ (54.00)
1	Delete - Window ajar alarms from base	\$ (115.00)	\$ (115.00)
1	Delete- AM/FM/Radio from base	\$ (250.00)	\$ (250.00)
1	Delete-Rear Emergency Door from Base	\$ (425.00)	\$ (425.00)
1	Delete-Stainless steel entry step and door frame from base	\$ (635.00)	\$ (635.00)
1	Delete-Stainless steel WC door frame from base	\$ (420.00)	\$ (420.00)
1	Delete- Twin windows either side of rear door from base	\$ (150.00)	\$ (150.00)
1	Braun Century 800lb WC lift ILO 1000lb	\$ (320.00)	\$ (320.00)
1	Delete- Fan Circulating	\$ (55.00)	\$ (55.00)
1	Delete- Cruise Control	\$ (150.00)	\$ (150.00)
1	ACT PRO AIR 70K BTU AC ILO 93K BTU	\$ (750.00)	\$ (750.00)
1	Delete- Ziebart Rustproofing	\$ (539.00)	\$ (539.00)
10	Delete- ABS Seat Backs from base	\$ (53.00)	\$ (530.00)
1	Delete Hourmeter	\$ (104.00)	\$ (104.00)
1	Yellow Powdercoat Stanchions and Handrails	\$ -	\$ -
1	Multiple Bus Discount	\$ (250.00)	\$ (250.00)
-	Subtotal CBS Unpublished Options:		\$ 1,078.00

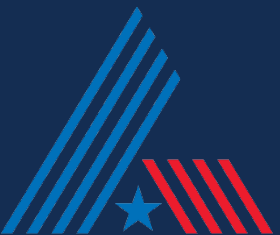
City Council Meeting

June 10, 2021



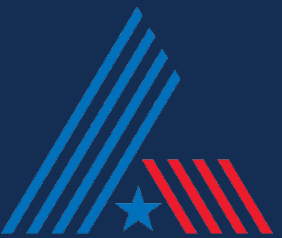
CityLink Cutaway Vans Replacement

- CityLink Transit is recommending the purchase of nine (9) Type III cutaway vans to replace nine (9) 2009 model cutaway vans that have far surpassed their useful life according to Federal Transit Administration (FTA) and Texas Department of Transportation (TXDOT) guidelines.
- The average mileage for the expired cutaways is 250,000 miles whereas these vehicles are rated at 150,000-mile vehicles.
- The recommended manufacturer is Elkhart Coach, which is of similar size and style currently being operated in the CityLink fleet.
- Funding for this purchase comes from Federal Transit Administration and TxDOT grants. There is no cost to the City.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: **10. Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bid No. 2138 to J.H. Strain & Sons for Street Resurfacing Project Work Zone N15B and S11A (Greg McCaffery)

GENERAL INFORMATION

This Project was advertised as a Public Notice on May 16, 2021, and on May 23, 2021 with a bid opening dated June 2, 2021. This contract includes the resurfacing of two residential areas within the City. This project will also include deeper repairs as needed.

The Best Value bid method was used towards the contractor selection for this projects.

The Street Maintenance Advisory and Appeals Board has recommended these projects for improvements.

SPECIAL CONSIDERATIONS

This project has a contract completion time of 40 working days (approx. 2 months, weather permitting)

FUNDING/FISCAL IMPACT

Funding for this project is allocated through the Street Maintenance Fee.

STAFF RECOMMENDATION

Staff recommends bid award to J.H. Strain & Sons, Inc. for \$1,507,143.75.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 1_N15B and S11A resolution
2. Strain - Resurfacing project council contract
3. Scope of Project
4. 3_CB2138 TABSHEET
5. PROJECT LOCATION
6. 6_N15B and S11A ppt

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDED
BID TO J.H. STRAIN & SONS, INC., TYE, TEXAS**

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the resurfacing of two residential areas within the City.; and

WHEREAS, the project includes the two residential areas within the City. This project will also include deeper repairs as needed.: and

WHEREAS, the City of Abilene has utilized the “Best Value” competitive bidding method in determining the award of the contract; and,

WHEREAS, the following bids were received and opened on the June 2, 2021:

J.H. Strain & Sons Inc., Tye, Texas	\$1,507,143.75
Contract Paving Co. Inc., Tye, Texas	\$1,533,333.00
Raydon, Inc., Abilene, Texas	\$1,570,302.75
Bontke Brothers Construction, Inc., Abilene, Texas	\$1,598,414.00

WHEREAS, J.H. Strain & Sons Inc., Tye, Texas submitted the best value bid in the amount of \$1,507,143.75 with the bid meeting specifications. Staff recommends awarding the bid to the best value bidder, J.H. Strain & Sons Inc., Tye, Texas.

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

PART 1: That the City Council approves this bid in the amount of \$1,507,143.75.

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

ADOPTED this 10th day of June, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made on the 10th day of June, 2021 is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and J.H. Strain & Sons, Inc. of the City of Tye, State of Texas. ("Contractor").

The City recognizes a need for high quality construction work; the Contractor agrees to complete the project in return for payment.

THE AGREEMENT

1. **Work and Consideration.** hereby agrees to commence and complete the construction of Work required in the Contract Documents -- incorporated herein by reference --

STREET RESURFACING PROJECT N15B AND S11A |

All work to be performed will be completed in conformance with (1) Part I and II of the City of Abilene's Standard Specifications for Construction adopted September, 2006 with the attached amendments in these Contract Documents, and (2) the Technical Specifications and Plans attached to these Contract Documents. Technical Specifications and Plans attached to these Contract Documents control in the event of a conflict.

In consideration of this Work, the City will pay the Contractor the sum of \$1,507,143.75 (One million five hundred seven thousand one hundred forty-three dollars and seventy-five cents).

2. **Timely Work.** The Contractor must begin and fully complete Work in the days stated in the Notice to Proceed. The time allows for normal delays associated with weather conditions, crew coordination, etc. Time is of the essence, and liquidated damages as set forth in the General Conditions (Paragraph 16) apply for late Work.
3. **Payment.** If Performance and Payment Bonds are required, the City will pay Contractor according to the General Conditions (Paragraph 20). If Performance and Payment Bonds are not required, the City will pay Contractor according to the Instructions to Bidders.
4. **No liens.** No mechanic, contractor, subcontractor, supplier, or other person can or will contract for, or in any other manner have or acquire any lien upon the work of this Contract, or the land upon which it is situated. The laws of the State of Texas govern this Contract.
5. **Venue.** Venue for any legal proceeding is Taylor County, Texas.
6. **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.

7. **Insurance.** The Special Conditions found in the City of Abilene's Standard Specifications for Construction adopted September, 2006, Part I, Division I, Item 3, contain the insurance requirements of this Contract.

8. **Overcharges.** The Contractor assigns to City any claims for overcharges related to this Contract which arise under antitrust laws of the United States, 15 U.S.C.A. Sec. 1 et seq., as amended.

9. **Contract Interpretation.** Any dispute about the Contract's meaning or application will be interpreted fairly and reasonably, and neither more strongly for or against either party.

10. **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 or interest. Contractor is responsible for ensuring that no indebtedness exists.

Section 130 of the City Charter authorizes the City to counterclaim and offset 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 or interest.

11. **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.

12. **Contract Execution.** The Contractor must sign the Contract first, with any necessary attestation and seal. The City Attorney or designee must review the Contract, and approve or disapprove it. If approved, the City's authorized agent will then sign. The City Secretary must keep a signed original in the City Secretary's Office.

13. **Contract Copies.** Each of the two executed copies is an original.

IN WITNESS HERE OF, the parties hereto have executed this contract:

CONTRACTOR

Name of Contractor:

J.H. STRAIN & SONS, INC.

Business Address:

PO BOX 277

TYE, TX 79563


Signature

KENT STRAIN

Name - Typed or Printed

VICE PRESIDENT

Title - Typed or Printed

325 692-0067

Business Phone No.

75-1038129

Federal Tax I.D.#

ATTEST: (If Corporation)


Corporate Secretary's Signature

Corporate Seal
(if none, write "None")

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

ATTEST:

City Secretary

Seal:

SCOPE OF PROJECT

This construction contract involves milling 1 ½" and replacing with 2" Type D HMAC in Work Zones N15B and S11A on area streets as outlined and shown on the Plan Layout sheets in the Construction Plans. Any failed roadway area will be replaced with 6" Type B HMAC before overlaid with the new 2" Type D HMAC. An underseal Seal Coat will be placed on the Work Zone S11A streets only before replacement of the Type D HMAC.

**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

PAGE
1 OF 1

DEPARTMENT: ENGR
BID NO.: CB-2138
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: JUNE 02, 2021

J.H STRAIN & SONS, INC
TYE, TX

CONTRACT PAVING
TYE, TX

RAYDON, INC
ABILENE, TX

BONTKE BROTHERS
ABILENE, TX

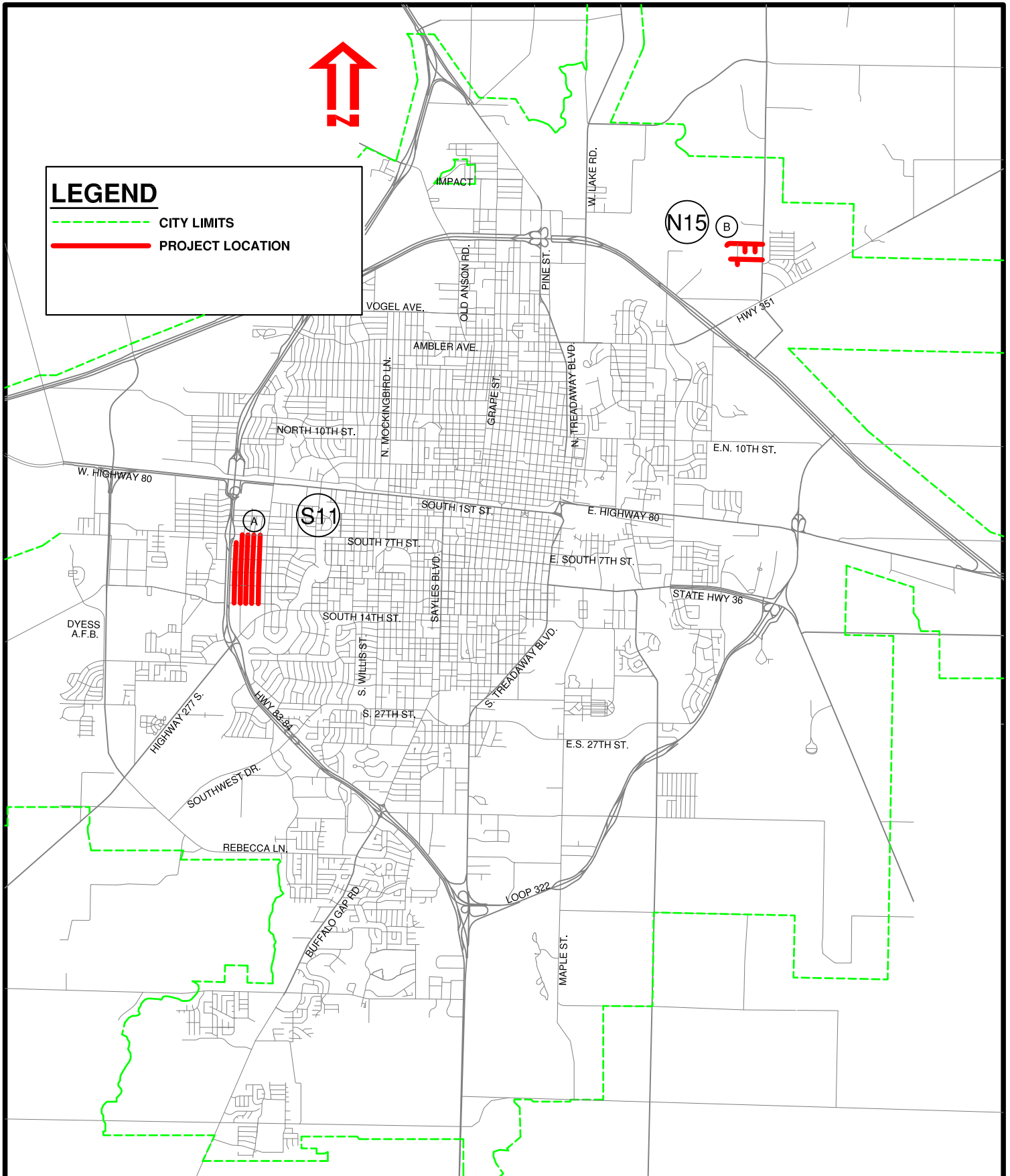
ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	STREET RESURFACING PROJECT WORK ZONE N15B AND S11A				1,507,143.75		1,533,333.00		1,570,302.75		1,598,414.00				
BASE BID					1,507,143.75		1,533,333.00		1,570,302.75		1,598,414.00				
DISCOUNT															
TOTAL BID					1,507,143.75		1,533,333.00		1,570,302.75		1,598,414.00				

*NOTES: INDICATES RECOMMENDED AWARD



LEGEND

- CITY LIMITS
- PROJECT LOCATION



Sheet
1
Of
1

CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

STREET RESURFACING POROJECT WORK ZONES N15B AND S11A

Designed By: S. CHANDLER
Drawn By: T. MATTHEWS
Checked By: S. CHANDLER

Horizontal Scale: N.T.S.
Vertical Scale: N.T.S.

Computer File Name:
2022 STREET
MAINTENANCE
Date: JUNE 2021

Agenda Item: Street Resurfacing Project Work Zones N15B and S11A

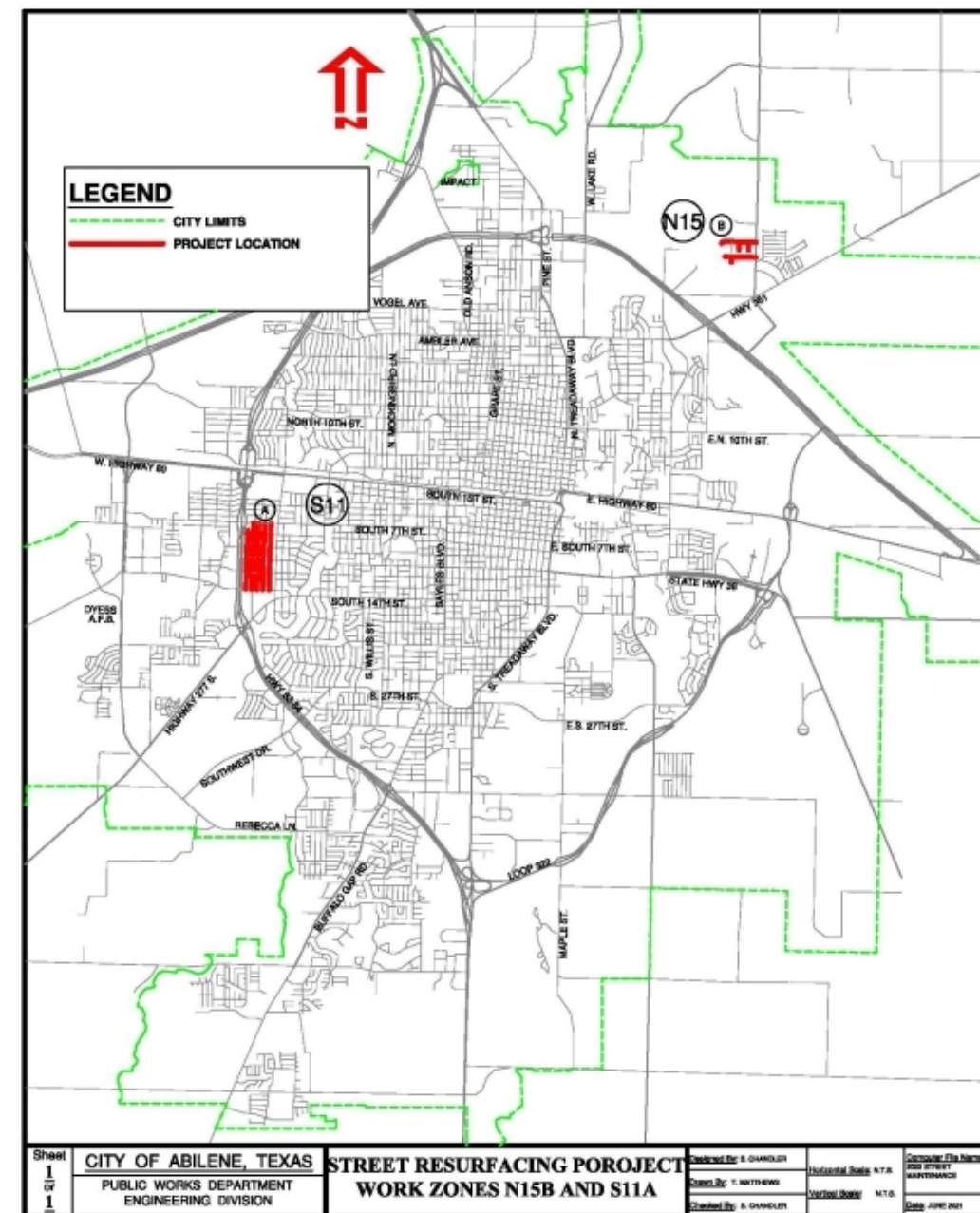
**Resolution: Bid Award #CB-2138 Street
Resurfacing Project Work Zones N15B and S11A**

(McCaffery)



Pine Street Rehabilitation Project

Streets	From	To
S Crockett Dr	Potomac Ave	Hartford St
S Bowie Dr	S 7 th St	Hartford St
S San Jose Dr	S 7 th St	Hartford St
S La Salle Dr	S 7 th St	Hartford St
S Jefferson Dr	S 7 th St	Hartford St
Rainey Rd	E Phantom Hill Rd	Circle
Hillview Rd	E Phantom Hill Rd	End
Bluff Crest Ln	Hillview Rd	S End
Shawnee Rd	Rainey Rd	S End
Osage Rd	Rainey Rd	S End



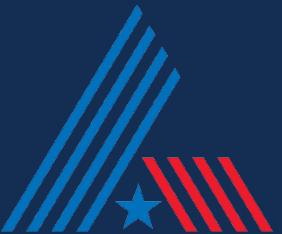
Agenda Item:

Pine Street Rehabilitation Project

- Construction Contract includes the resurfacing of two residential areas within the City. This project will also include deeper repairs as needed.
- Project Advertised May 16th 2021 & May 23rd 2021, Bids Opened June 2nd 2021.
- Four bids were received.
- Staff recommends award of contract to J.H. Strain & Sons, Inc. in the amount of \$1,507,143.75.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: **11. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article XIII, "Schedules," Section 18-286, Decreased Speed Limits - School Zones," of the Abilene Municipal Code, By Amending Certain Sections (Greg McCaffery)**

GENERAL INFORMATION

Amend Section 18-286 of the Abilene Municipal Code

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Staff Recommends Approval

BOARD OR COMMISSION RECOMMENDATION

NA

ATTACHMENTS:

1. REV4_Redline_School Zone 2020 Ord (5)
2. REV2_Blackline_Reduced Speed School Zones (2)
3. REV_School Zone Name Changes
4. School Zone Omissions
5. REV_School Zone Addition (4)
6. REV_Agenda_11_School_Speed_Zones

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC,”
ARTICLE XIII, “SCHEDULES,” SECTION 18-286, “DECREASED SPEED LIMITS—
SCHOOL ZONES,” OF THE ABILENE MUNICIPAL CODE, BY AMENDING
CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY
CLAUSE; AND DECLARING A PENALTY**

WHEREAS, certain schools throughout the City of Abilene have either been closed or relocated, and now there is a need to remove school zone designations from areas that are no longer adjacent to operating schools, and;

WHEREAS, there is a need to add a decreased speed school zone near Reagan Elementary.

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

PART 1: That Chapter 18, “Motor Vehicles and Traffic”, of the Abilene Municipal Code be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 3: That any persons, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable 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. 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 FIRST READING this 10th day of June, 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 20th day of June, 2021, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 4:30 p.m. on the 24th day of June, 2021, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 24th day of June, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Exhibit A

Chapter 18 Motor Vehicles and Traffic, Article XIII Schedules,

  Sec. 18-286. Decreased speed limits—**School zones**.

(a) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty (20) miles per hour for hours designated on **school** days, where **school** signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

School	<u>Street</u>	<u>Extent</u>
Austin Elementary	South 23rd St.	170 feet east of South Elmwood Dr. to 175 west of Greenbriar Dr.
	South 25th St.	South Elmwood to Greenbriar Drs.
	Elmwood Dr., South	South 23rd to South 25th Sts.
	Greenbriar Dr.	South 23rd St. to 245 feet south of South 25th St.
Bonham Elementary School	South 7th St.	175 feet west of Buccaneer Dr. to 150 feet east of Hawthorne St.
	Buccaneer Dr.	South 7th St. to Potomac Ave.
	Potomac Ave.	Buccaneer Dr. to 255 feet west of Hawthorne St.
Bowie Elementary	South 20th St.	255 feet west of Vine St. to 310 feet east of Jeanette St.
	South 21st St.	Vine to Jeanette Sts.
	Jeanette St.	South 20th to South 22nd Sts.
	Vine St.	South 20th to South 22nd Sts.
College Heights Elementary	North 17th St.	Orange to Beech Sts.
-	North 18th St.	320 feet west of Beech St. to 145 feet east of Orange St.
-	Beech St.	160 feet south of North 17th St. to North 18th St.
-	Orange St.	205 feet south of North 17th St. to North 18th St.

Clack Middle School	Corsicana Ave.	Alamo Dr. to 300 feet north of Sagehen Ridge Dr.
Clack Middle School	Sagehen Ridge Dr.	Corsicana Ave. to Snipe Ln.
Craig Middle School	Prof Bynum Way	From Judge Ely to 200 east of Sunrise Ave.
Dyess Elementary	Jennings Dr.	Delaware Rd. to 1,200 feet west of Delaware Rd.
	Delaware Rd.	Jennings Dr. to Hampton Hills St.
Fannin Elementary	North 18th St.	220 feet west of Burger St. to 220 feet east of Shelton St.
-	North 20th St.	Burger to Shelton Sts.
-	Burger St.	North 18th St. to 270 feet north of North 20th St.
-	Shelton St.	North 18th St. to 270 feet north of North 20th St.
Franklin Middle School		
Martinez Elementary	North 12th St.	200 feet west of Clinton St. to 260 feet east of Merchant St.
	Clinton St.	North 12th to North 14th Sts.
	Merchant St.	North 12th to North 14th Sts.
Houston Elementary	North 6th St.	Cottonwood to Bois d' Arc Sts.
-	Bois d' Arc St.	110 feet north of North 5th St. to 125 feet south of North 7th St.
Jackson Elementary	South 32nd St.	260 feet west of Buffalo Gap Rd. to 210 feet west of Marshall St.
	Marshall St.	South 32nd St. to 550 feet north of South 32nd St.
	Harford St.	160 feet west of Corsicana Ave. to Reagan Circle (west side)
Jefferson Campus	Vine St.	S. 14th St. to S. 17th St.
-	Jeanette St.	S. 14th St. to S. 17th St.
-	S. 17th St.	Jeanette St. to Vine St.
Jefferson Middle School	South 14th Street	255 feet west of Vine St. to 250 feet east of Jeanette St.
-	South 17th St.	Vine to Jeanette Sts.

-	Jeanette St.	South 14th to South 17th Sts.
-	Vine St.	South 14th to South 17th Sts.
Johnston Elementary	North 12th St.	Glendale Dr. to Minter Lane
	North 14th St.	Glendale Dr. to Minter Lane
	Glendale Dr.	Laurel Dr. to North 14th Sts.
	Minter Lane	North 12th St. to North 14th Sts.
Kenley Private School	Matador St.	South 14th St. to South 15th St.
Lee Elementary	North 10th St.	250 feet east of Pioneer Dr. to 140 feet west of North San Jose Dr.
	Pioneer Dr.	North 10th St. to San Jose Dr.
	San Jose Dr.	North 10th St. to Pioneer Dr.
Lincoln Middle School	South 3rd St.	Peach to Vine Sts.
-	Peach St.	South 1st to South 3rd Sts.
-	Vine St.	South 1st to South 3rd Sts.
Locust Elementary	South 8th St.	Pecan St. to 160 feet east of Cherry St.
-	Cherry St.	South 8th to South 10th Sts.
-	Locust St.	South 8th to South 10th Sts.
Long Elementary	Minter Lane	Vogel St. to 230 feet south of Sherry Lane
-	Sherry Lane	Yorktown Dr. to Minter Lane
-	Vogel Ave.	120 feet west of Yorktown Dr. to 220 feet east of Minter Lane
-	Yorktown Dr.	Vogel St. to 230 feet south of Sherry Lane
-	Willis St.	300 feet north of Sherry Lane to 300 feet south of Sherry Lane
Madison Middle School	Barrow St.	South 32nd St. to Edgemont Dr.
Mann Middle School	Mimosa Dr.	Vogel Ave. to Iris St.
	Vogel Ave.	Westview Dr. to Mimosa Dr.
	Westview Dr.	Vogel Ave. to Iris St.
Ortiz Elementary	Vogel Ave.	Burger St. to Catclaw Creek
Reagan Elementary	Corsicana St.	Hartford to Waldemar Sts.
	Hartsford St.	160 feet west of Corsicana Ave. to 380 feet east of Presidio St.
	Presidio St.	Hartford to Waldemar Sts.

Taylor Elementary	Waldemar St. East North 13th St. Avenue F	Corsicana to Presidio Sts. Judge Ely Blvd. to Avenue F East North 13th to 200 feet south of East North 16th Sts.
Thomas Elementary	Lakeside Dr.	200 feet South of Bynum St. to East South 11th St.
Valley View Campus	N. 8th St.	200 feet east of Merchant St. to Victoria St.
	Merchant St.	150 feet north of State St. to N. 8th St.
	State St.	Merchant St. to Victoria St.
Ward Elementary	Rebecca Ln.	Alley between Pamela Dr. and Carrie Ann Ln. to 430 feet East of Bruce Dr.
Ward Elementary	Paint Brush Dr.	Pennington Dr. to Bruce Dr.
Woodson Elementary	North 9th St. Ash St.	Plum to Ash Sts. North 9th St. to 275 feet south of North 10th St.
Woodson Skill Center	Cockerell Dr.	650 feet north of East Highway 80 to 500 feet south of E.N. 7th St.

(b) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty-five (25) miles per hour for hours designated on **school** days, where **school** signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

School	<u>Street</u>	<u>Extent</u>
Abilene High School	North 6th St.	Mockingbird Lane to Shelton St.
Bonham Elementary	Pioneer Dr.	300 feet north of Potomac Ave. to Monticello St.
Cooper High School	Amarillo St.	South 36th St. to 500 feet north of South 41st St.
	Sayles Blvd.	South 36th St. to South 40th St.
Jefferson Campus Long Elementary	S. 14th St.	Meander St. to 250 feet east of Jeanette St.
Mann Middle School	Ambler Ave.	Bel Air Dr. to Glendale Dr.
Ortiz Elementary	Ambler Ave.	From Green St. to Park Ave.

Reagan Elementary	South 7th St.	270 feet west of Alameda Rd. to 170 feet east of Alameda Rd.
Taylor Elementary	EN 10th St.	300 feet east of Avenue F to 300 feet west of Avenue F
Jackson Elementary	S. 27th St.	300 feet east of Marshall St. to 300 feet west of Marshall St.

(c) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be thirty (30) miles per hour for hours designated on **school** days, where **school** signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

School	<u>Street</u>	<u>Extent</u>
Abilene Christian School	Judge Ely Blvd.	From 680 feet south of E. Stamford St. to 1,500 feet south of E. Stamford St.
Craig Middle School	Judge Ely Blvd.	100 feet north of Luzon St. to 250 feet north of Clarks Dr.
Taylor Elementary	Judge Ely Blvd.	From E.N. 12th St. to 450 feet north of E.N. 13th St.
Wylie Elementary	Antilley Rd. (Westbound)	From Buffalo Gap Rd. to 850 feet East of Buffalo Gap Rd.
Wylie Elementary	Antilley Rd. (Eastbound)	From Buffalo Gap Rd. to 600 feet East of Buffalo Gap Rd.
Wylie Elementary	Hardwick Rd.	From 300 feet north of Waldrop Dr. to 800 feet south of Waldrop Dr.
Wylie High School	Antilley Rd. Eastbound	400 feet east of Twin Oaks Blvd. to 2,100 feet east of Twin Oaks Blvd.
	Antilley Rd. Westbound	550 feet east of Twin Oaks Blvd. to 2,550 feet east of Twin Oaks Blvd.

(d) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be thirty-five (35) miles per hour for hours designated on **school** days, where **school** signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets.

<u>School</u>	<u>Street</u>	<u>Extent</u>
Wylie Elementary	Buffalo Gap Road Southbound	710 feet north of Antilley Rd. to 100 feet south of Antilley Rd.
Wylie Elementary	Buffalo Gap Road Northbound	230 feet south of Antilley Rd. to 710 feet north of Antilley Rd.

(e) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be forty (40) miles per hour for hours designated on **school** days, where **school** signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets.

<u>School</u>	<u>Street</u>	<u>Extent</u>
Bassetti Elementary	Hwy 277 Southbound	530 feet south of Twilight Tr. to 1,970 feet south of Twilight Tr.
Bassetti Elementary	Hwy 277 Northbound	From 1,030 feet south of Twilight Tr. to 2,370 feet south of Twilight Tr.

(Code 1965, § 17-140; Ord. No. 924, 1-13-77; Ord. No. 1053, 4-13-78; Ord. No. 22-1981, pt. 1, 3-12-81; Ord. No. 20-1983, pt. 1(2), 3-24-83; Ord. No. 90-1983, pt. 1, 8-25-83; Ord. No. 72-1984, pt. 1, 7-26-84; Ord. No. 60-1986, 8-14-86; Ord. No. 4-87, pt. 1, 2-12-87; Ord. No. 44-1987, pt. 1, 7-23-87; Ord. No. 49-1988, pt. 1, 10-27-88; Ord. No. 30-1992, pt. 1, 7-23-92; Ord. No. 41-1992, pt. 1, 10-22-92; Ord. No. 50-1992, pt. 1, 12-3-92; Ord. No. 35-1993, pt. 1, 8-12-93; Ord. No. 52-1993, pt. 1, 12-2-93; Ord. No. 14-1994, pt. 1, 4-14-94; Ord. No. 31-1994, pt. 1, 7-28-94; Ord. No. 1-1995, pt. 1, 1-12-95; Ord. No. 5-1-1996, pt. 1, 2-22-96; Ord. No. 30-1997, pt. 1 (Exh. A), 7-10-97; Ord. No. 1-1998, pt. 1(Exh. A), 1-22-98; Ord. No. 18-2001, pt. 1(Exh. A), 8-9-01; Ord. No. 24-2001, pt. 1(Exh. A), 9-27-01; Ord. No. 25-2003, pt. 1(Exh. A), 8-14-03; Ord. No. 38-2003, pt. 1(Exh. A), 11-13-03; Ord. No. 15-2004, pt. 1(Exh. A), 7-8-04; Ord. No. 31-2004, pt. 1(Exh. A), 10-21-04; Ord. No. 34-2005, pt. 1(Exh. A), 7-28-05; Ord. No. 49-2006, pt. 1(Exh. A), 9-25-06; Ord. No. 31-2007, pt. 1(Exh. A), 8-9-07; Ord. No. 29-2008, pt. 1(Exh. A), 6-28-08; Ord. No. 01-2018, pt. 1(Exh. A), 1-11-18)

Blackline - Reduced Speed School Zones

Sec. 18-286. Decreased speed limits—School Zones.

(a) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty (20) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

<u>School</u>	<u>Street</u>	<u>Extent</u>
Austin Elementary	South 23rd St.	170 feet east of South Elmwood Dr. to 175 west of Greenbriar Dr.
	South 25th St.	South Elmwood to Greenbriar Drs.
	Elmwood Dr., South	South 23rd to South 25th Sts.
	Greenbriar Dr.	South 23rd St. to 245 feet south of South 25th St.
Bonham Elementary	South 7th St.	175 feet west of Buccaneer Dr. to 150 feet east of Hawthorne St.
	Buccaneer Dr.	South 7th St. to Potomac Ave.
	Potomac Ave.	Buccaneer Dr. to 255 feet west of Hawthorne St.
Bowie Elementary	South 20th St.	255 feet west of Vine St. to 310 feet east of Jeanette St.
	South 21st St.	Vine to Jeanette Sts.
	Jeanette St.	South 20th to South 22nd Sts.
	Vine St.	South 20th to South 22nd Sts.
Clack Middle School	Corsicana Ave.	Alamo Dr. to 300 feet north of Sagehen Ridge Dr.
	Sagehen Ridge Dr.	Corsicana Ave. to Snipe Ln.
Craig Middle School	Prof Bynum Way	From Judge Ely to 200 east of Sunrise Ave.

Dyess Elementary	Jennings Dr.	Delaware Rd. to 1,200 feet west of Delaware Rd.
	Delaware Rd.	Jennings Dr. to Hampton Hills St.
Jackson Elementary	South 32nd St.	260 feet west of Buffalo Gap Rd. to 210 feet west of Marshall St.
	Marshall St.	South 32nd St. to 550 feet north of South 32nd St.
	Hartford St.	160 feet west of Corsicana Ave. to Reagan Circle (west side)
Jefferson Campus	Vine St.	S. 14th St. to S. 17th St.
	Jeanette St.	S. 14th St. to S. 17th St.
	S. 17th St.	Jeanette St. to Vine St.
Johnston Elementary	North 12th St.	Glendale Dr. to Minter Lane
	North 14th St.	Glendale Dr. to Minter Lane
	Glendale Dr.	Laurel Dr. to North 14th Sts.
	Minter Lane	North 12th St. to North 14th Sts.
Kenley Private School	Matador St.	South 14th St. to South 15th St.
Lee Elementary	North 10th St.	250 feet east of Pioneer Dr. to 140 feet west of North San Jose Dr.
	Pioneer Dr.	North 10th St. to San Jose Dr.
	San Jose Dr.	North 10th St. to Pioneer Dr.
Madison Middle School	Barrow St.	South 32nd St. to Edgemont Dr.
Mann Middle School	Mimosa Dr.	Vogel Ave. to Iris St.
	Vogel Ave.	Westview Dr. to Mimosa Dr.
Martinez Elementary	North 12th St.	200 feet west of Clinton St. to 260 feet east of Merchant St.
	Clinton St.	North 12th to North 14th Sts.
	Merchant St.	North 12th to North 14th Sts.
Ortiz Elementary	Vogel Ave.	Burger St. to Catclaw Creek
Thomas Elementary	Lakeside Dr.	200 feet South of Bynum St. to East South 11th St.

Ward Elementary	Rebecca Ln.	Alley between Pamela Dr. and Carrie Ann Ln. to 430 feet East of Bruce Dr.
	Paint Brush Dr.	Pennington Dr. to Bruce Dr.
Woodson Skill Center	Cockerell Dr.	650 feet north of East Highway 80 to 500 feet south of E.N. 7th St.

(b) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty-five (25) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

<u>School</u>	<u>Street</u>	<u>Extent</u>
Abilene High School	North 6th St.	Mockingbird Lane to Shelton St.
Bonham Elementary	Pioneer Dr.	300 feet north of Potomac Ave. to Monticello St.
Cooper High School	Amarillo St.	South 36th St. to 500 feet north of South 41st St.
	Sayles Blvd.	South 36th St. to South 40th St.
Mann Middle School	Ambler Ave.	Bel Air Dr. to Glendale Dr.
Ortiz Elementary	Ambler Ave.	From Green St. to Park Ave.
Jackson Elementary	S. 27th St.	300 feet east of Marshall St. to 300 feet west of Marshall St.

(c) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be thirty (30) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

<u>School</u>	<u>Street</u>	<u>Extent</u>
Abilene Christian School	Judge Ely Blvd.	From 680 feet south of E. Stamford St. to 1,500 feet south of E. Stamford St.
Craig Middle School	Judge Ely Blvd.	100 feet north of Luzon St. to 250 feet north of Clarks Dr.
Taylor Elementary	Judge Ely Blvd.	675 feet east of Griffith Rd to 1655 feet east of Griffith Rd.
Wylie Elementary	Antilley Rd. (Westbound)	From Buffalo Gap Rd. to 850 feet East of Buffalo Gap Rd.
Wylie Elementary	Antilley Rd. (Eastbound)	From Buffalo Gap Rd. to 600 feet East of Buffalo Gap Rd.
Wylie Elementary	Hardwick Rd.	From 300 feet north of Waldrop Dr. to 800 feet south of Waldrop Dr.
Wylie High School	Antilley Rd. Eastbound	400 feet east of Twin Oaks Blvd. to 2,100 feet east of Twin Oaks Blvd.
	Antilley Rd. Westbound	550 feet east of Twin Oaks Blvd. to 2,550 feet east of Twin Oaks Blvd.

(d) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be thirty-five (35) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets.

<u>School</u>	<u>Street</u>	<u>Extent</u>
Wylie Elementary	Buffalo Gap Road Southbound	710 feet north of Antilley Rd. to 100 feet south of Antilley Rd.
Wylie Elementary	Buffalo Gap Road Northbound	230 feet south of Antilley Rd. to 710 feet north of Antilley Rd.

(e) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be forty (40) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets.

<u>School</u>	<u>Street</u>	<u>Extent</u>
Bassetti Elementary	Hwy 277 Southbound	530 feet south of Twilight Tr. to 1,970 feet south of Twilight Tr.
Bassetti Elementary	Hwy 277 Northbound	From 1,030 feet south of Twilight Tr. to 2,370 feet south of Twilight Tr.

School Zone Name Changes

Sec. 18-286. Decreased speed limits—School zones

(a) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty (20) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

~~Franklin Middle School~~

<u>Martinez Elementary</u>	North 12th St.	200 feet west of Clinton St. to 260 feet east of Merchant St.
	Clinton St.	North 12th to North 14th Sts.
	Merchant St.	North 12th to North 14th Sts.

(b) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty-five (25) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

~~Long Elementary~~

<u>*Mann Middle School</u>	Ambler Ave.	Bel Air Dr. to Glendale Dr.
----------------------------	-------------	-----------------------------

* This school zone used to serve both Long Elementary and Mann Middle School. Since Long is no longer a Elementary School and has no foot traffic, the zone is now just for Mann Middle School.

Exhibit A
School Zone Omissions

  **Sec. 18-286. Decreased speed limits–School zones.**

(a) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty (20) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

College Heights Elementary	North 17th St.	Orange to Beech Sts.
-	North 18th St.	320 feet west of Beech St. to 145 feet east of Orange St.
-	Beech St.	160 feet south of North 17th St. to North 18th St.
-	Orange St.	205 feet south of North 17th St. to North 18th St.
Fannin Elementary	North 18th St.	220 feet west of Burger St. to 220 feet east of Shelton St.
-	North 20th St.	Burger to Shelton Sts.
-	Burger St.	North 18th St. to 270 feet north of North 20th St.
-	Shelton St.	North 18th St. to 270 feet north of North 20th St.
Houston Elementary	North 6th St.	Cottonwood to Bois d' Arc Sts.
-	Bois d' Arc St.	110 feet north of North 5th St. to 125 feet south of North 7th St.
Jefferson Middle School	South 14th Street	255 feet west of Vine St. to 250 feet east of Jeanette St.
-	South 17th St.	Vine to Jeanette Sts.
-	Jeanette St.	South 14th to South 17th Sts.
-	Vine St.	South 14th to South 17th Sts.
Lincoln Middle School	South 3rd St.	Peach to Vine Sts.
-	Peach St.	South 1st to South 3rd Sts.
-	Vine St.	South 1st to South 3rd Sts.

Locust Elementary	South 8th St.	Pecan St. to 160 feet east of Cherry St.
-	Cherry St.	South 8th to South 10th Sts.
-	Locust St.	South 8th to South 10th Sts.
Long Elementary	Minter Lane	Vogel St. to 230 feet south of Sherry Lane
-	Sherry Lane	Yorktown Dr. to Minter Lane
-	Vogel Ave.	120 feet west of Yorktown Dr. to 220 feet east of Minter Lane
-	Yorktown Dr.	Vogel St. to 230 feet south of Sherry Lane
-	Willis St.	300 feet north of Sherry Lane to 300 feet south of Sherry Lane
Taylor Elementary	East North 13th St.	Judge Ely Blvd. to Avenue F
	Avenue F	East North 13th to 200 feet south of East North 16th Sts.
Woodson Elementary	North 9th St.	Plum to Ash Sts.
-	Ash St.	North 9th St. to 275 feet south of North 10th St.

(b) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be twenty-five (25) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

Jefferson Campus	S. 14th St.	Meander St. to 250 feet east of Jeanette St.
Taylor Elementary	EN 10 th St.	300 feet east of Avenue F to 300 feet west of Avenue F

(c) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be thirty (30) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

Taylor Elementary	Judge Ely Blvd.	From E.N. 12th St. to 450 feet north of E.N. 13th St.
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School Zone Additions

Sec. 18-286. Decreased speed limits—School zones.

(c) In accordance with the provisions of this chapter, and when traffic-control devices or signs are erected giving notice thereof, the prima facie speed limit shall be thirty (30) miles per hour for hours designated on school days, where school signs are posted or at any time when electrical control devices are in operation, on the following streets or portions of streets:

Taylor Elementary

EN 10th St.

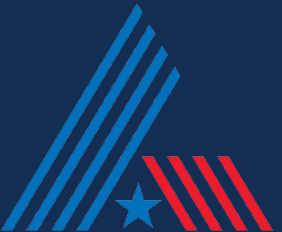
675 feet east of Griffith Rd to 1655
east of Griffith Rd.

Agenda Item: Ordinance Amendment School Speed Zones

(McCaffery)



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **12. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 33-2020 Adopting Fees and Charges, by Establishing a Maximum Fee for Subdivision Plat Review (*Mike Warrix*)**

GENERAL INFORMATION

A proposed amendment for subdivision plat fees applicable to preliminary plats, final plats, minor plats, and re-plats.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The proposed amendment would limit plat review fees to a maximum of \$2,500.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

City Council will hear this request on June 10, 2021.

ATTACHMENTS:

1. Ordinance Draft
2. Exhibit A
3. PowerPoint

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 33-2020 ADOPTING FEES AND CHARGES, BY ESTABLISHING A MAXIMUM FEE FOR SUBDIVISION PLAT REVIEW; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES, RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

WHEREAS, the City Council adopted Ordinance 33-2020 (“Fee Ordinance”) on August 13, 2020 setting fees and charges commencing on October 1, 2020; and

WHEREAS, it was contemplated that this Fee Ordinance would require amendment from time to time to modify and update fees and charges; and

WHEREAS, the City of Abilene desires to establish a maximum fee for subdivision plat reviews.

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

PART 1: That the Schedule of Fees and Charges for the City of Abilene, Texas be amended as set forth in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: That all ordinances and parts of ordinances, resolutions, and parts of resolutions in conflict herewith are repealed.

PART 3: That if any provisions or any section of this ordinance shall be held void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING on the 10th day of June, A.D. 2021.

After passage on first reading, a notice of the time and place 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. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the 24th day of June, A.D. 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

"EXHIBIT A"

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>
PLANNING	Board of Adjustment Filing/Application Fees	\$400.00
Planning Infill Development Incentive	Projects located within the designated "infill area" are eligible for a fee reduction of 50% in accordance with the City's Infill Development Strategy. This does not apply to any portion of a fee that is based on actual costs to the City, such as filing plats, photocopies, notifications, etc.	
Planning Ordinances, Minutes, Publications, Reports, Other Documents, Maps	Reports, plans, ordinances, maps and other documents are often available on the city's web site (www.abilenetx.gov) at no charge. In addition, any other actual materials costs will be assessed.	\$.10 per page
	Requests for the creation of maps or other documents not already existing will only be available based on availability of staff	\$15.00 per hour, plus the cost of reproduction and/or materials.
Subdivision	Preliminary development plan	No Charge
	Plat, preliminary (applicant will also be responsible for actual filing costs)	\$500.00*
	Plat, final (applicant will also be responsible for actual filing costs)	\$500.00*
	Plat, minor (applicant will also be responsible for actual filing costs)	\$500.00*
	Plat, replat (applicant will also be responsible for actual filing costs)	\$500.00*
	Easement release	\$400.00
	Thoroughfare abandonment (based on land value)	\$1,500.00**
	*Plat fees are \$500.00 for the first 4 lots, plus \$20.00 per lot thereafter (maximum review fee of \$2,500.00)	

FEE SCHEDULE AMENDMENT-SUBDIVISION PLAT REVIEW

- Current adopted fee for subdivision plat review is \$500 for the first four (4) lots and \$20.00 per lot thereafter plus actual filing fees
- Proposed amendment would limit plat review fees to a maximum of \$2,500.00
- Applicable to preliminary plats, final plats, minor plats, and re-plats



**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Honorable Mayor and City Council Members

FROM: Shawna Atkinson, City Secretary

SUBJECT: 13. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 33-2020 Adopting Fees and Charges, by Amending Solicitors Permit Fees (*Shawna Atkinson*)

GENERAL INFORMATION

The City Secretary's Office currently only runs background checks with the Department of Public Safety for the State of Texas only, for each applicant for a solicitors permit. Due to the increase of companies from outside the State of Texas, we will begin using First Check Screening to run national criminal history searches. The cost for each background check run by First Check is \$10. In order to cover this cost, and the staff time and overhead costs, we are proposing to change the fees from \$10 per person, to \$30 per person. The company fee of \$100 for annual permits and \$50 for 30-day permits shall stay the same.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

Increasing the cost of each application fee for solicitors to \$30 per solicitor.

STAFF RECOMMENDATION

Approval.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Ordinance Draft - Solicitors
2. Exhibit A
3. Solicitor Ordinance Fee Change PPT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 33-2020 ADOPTING FEES AND CHARGES, BY AMENDING FEES FOR SOLICITORS PERMITS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES, RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

WHEREAS, the City Council adopted Ordinance 33-2020 (“Fee Ordinance”) on August 13, 2020 setting fees and charges commencing on October 1, 2020; and

WHEREAS, it was contemplated that this Fee Ordinance would require amendment from time to time to modify and update fees and charges; and

WHEREAS, the City of Abilene desires to establish a maximum fee for subdivision plat reviews.

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

PART 1: That the Schedule of Fees and Charges for the City of Abilene, Texas be amended as set forth in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: That all ordinances and parts of ordinances, resolutions, and parts of resolutions in conflict herewith are repealed.

PART 3: That if any provisions or any section of this ordinance shall be held void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING on the 10th day of June, A.D. 2021.

After passage on first reading, a notice of the time and place 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. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the 24th day of June, A.D. 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

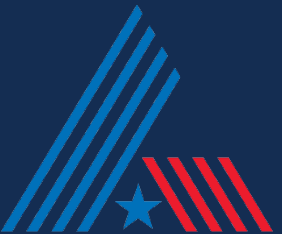
EXHIBIT A

<u>Fee/Permit</u>	<u>Item/Cost</u>	<u>Current</u>
<u>SOLICITATION PERMIT</u>	Application permit fee (30 days)	\$50.00
	For each additional solicitor/worker	\$30.00
	Yearly application fee (local business only)	\$100.00
	Yearly fee for each additional solicitor/worker	\$30.00

Ordinance: Amending the Fees for Solicitors Permits



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: 14. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Application/Permit to Drill and/or Operate an Oil and/or Gas Well--Bullet Development-Lytle #4 Permit No.868686 (2002 Hardison Lane) (Greg McCaffery)

GENERAL INFORMATION

Chapter 21, Oil and Gas, of the City of Abilene Code of Ordinances requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or deny the permit.

Bullet Development, LLC of Abilene, Texas has submitted an application to drill the “Lytle #4” well on property owned by Lytle Lake Water District, located at 2002 Hardison Lane, south of Abilene Regional Airport, as shown on the attached map. Because of the proximity to Abilene Regional Airport, a Federal Aviation Administration (FAA) Aeronautical Study was required for this well. The aeronautical study is attached to, and made part of the application/permit. The study concluded that the drilling rig for this well does not exceed obstruction standards and would not be a hazard to air navigation, provided the notification requirements detailed in the study are met.

This application has been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill site have been notified of this application and of the City Council meeting to consider its approval, as required by City ordinance.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Because all prerequisites and requirements of Chapter 21, Oil and Gas, have been met, including no anticipated adverse effect on the health, safety and welfare of the public, staff recommends that the City Council vote to approve the application for this drilling permit and authorize the City Manager to execute permit no. 868686 for Bullet Development, LLC.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution (2)
2. SignedPkt
3. PP_2002_Hardison_Lane

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE THE OIL & GAS DRILLING PERMIT
WITH BULLET DEVELOPMENT, LLC FOR “LYTLE #4”**

WHEREAS, Chapter 21, Oil & Gas, of the City of Abilene Code of Ordinances requires a permit for drilling and operating oil/gas wells within the city limits; and

WHEREAS, Bullet Development, LLC has submitted an application to drill the “Lytle #4” well; and

WHEREAS, this application has been reviewed and approved by City Staff and all owners of real property within 500 feet of the proposed drill site have been notified of this application.

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

PART 1: That the City Manager is hereby authorized to execute the Oil & Gas Permit with Bullet Development, LLC for “Lytle #4”, Permit No. 868686.

PART 2: That this Resolution shall take effect immediately from and after its passage.

ADOPTED this 10th day of June, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



APPLICATION/PERMIT TO DRILL AND/OR OPERATE
AN OIL AND/OR GAS WELL

Bond/Letter of Credit # _____ RRC Permit # 868686

1. Date 4-5-2021 Lease Name & Well No. : #4
Lytle
2. Applicant/Permit Holder Bullet Development
Address P.O. Box 1480
Abilene, TX 79604
Phone 325 829 0357
3. Local 24 hour phone contact, in case of emergency:
Name Larry Wellhausen
Phone 325-829 0357
4. Legal description of drill site including copy of survey by licensed surveyor: Survey plat should show the locations of any buildings, type of construction and use, including residences, within 200 feet of proposed drill site, and flood zone elevation lines (lines of 100 year floodplain and floodway) in relation to the proposed drill site.

5. Applicant IS/ ☒ IS NOT requesting a variance, per sections 21-26 and 21-27 of Chapter 21 of the City of Abilene Code of Ordinances, Oil and Gas, to drill within 200 feet of any existing building or buildings.

The proposed well location IS/ ☒ IS NOT within 200 feet of any residence or residences. If the proposed well location IS within 200 feet of any residence or residences, applicant should attach a list of the names of the owners of each residence corresponding to each address lying within a 200 foot radius of the proposed well location, indicating their approval/disapproval of the proposed well location.

The notarized written consent of the owner of each residence within a 200 foot radius of the proposed well location should be attached to this application.

Applicant should also attach copies of documentation of any granted exceptions to the Railroad Commission's statewide spacing rules that apply to the proposed well.

6. Proposed date to commence drilling APRIL/MAY

The height of the rig used to drill/re-enter this well will be approximately 150 feet.

7. Proposed depth of well 5999'

This well is planned/anticipated to be primarily an OIL ☒ or GAS _____ well.

8. Attached as EXHIBIT 1 the names of the
(a) Surface owners
(b) Mineral owners
(c) Royalty owners
9. Attached as EXHIBIT 2 approved Railroad Commission Form W-1 including required plat of lease and approval letter from Texas Water Development Board.

10. Attached as **EXHIBIT 3** a Certificate of Insurance evidencing the applicant as insured under the following:

<u>Type</u>	<u>Amount</u>
(1) Workers Compensation (where Required by State law) Employer's Liability	Statutory \$100,000
(2) Comprehensive General Public Liability to include (but not Limited to):	\$1 million – per Occurrence for Property Damage OR Combined single limit million – Per Occurrence
a) Premises/Operations	
b) Independent Contractors	
c) Personal Injury Liability	
d) Products/Completed Operations	
e) Contractual Liability	
f) Coverage for Explosion, Collapse, and Underground Property Damage (to include seepage, pollution and contamination coverage)	

Said Insurance Policy must insure all activities contemplated under this permit application and must be in effect at all times during production operations. The City must be notified 30 days prior to cancellation of insurance coverage and City shall be named as additional insured.

11. Indemnity

A. Definitions

For the purpose of this section the following definitions apply:

“Applicant/Permit Holder” includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

“Applicant/Permit Holder’s employees” shall mean any employees, officers, agents, subcontractors, licensee and invitees of Applicant/Permit Holder.

“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.

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

The Applicant/Permit Holder is an independent Applicant/Permit Holder and is not, with respect to its acts or omissions, an agent or employee of the City.

Applicant/Permit Holder must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Applicant/Permit Holder'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 Applicant/Permit Holder or Applicant/Permit Holder'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 Applicant/Permit Holder.

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

BOTH CITY AND APPLICANT/PERMIT HOLDER EXPRESSLY INTEND THIS CONTRACT'S INDEMNITY PROVISION TO REQUIRE APPLICANT/PERMIT HOLDER 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.

12. Attached as **EXHIBIT 4** - \$10,000 performance bond or an Irrevocable Letter of Credit from a Federally insured bank to meet the performance payment, penalty, abandonment and other provisions as required by City Council and by the Oil/Gas Ordinance, Chapter 21 of the City Code of Ordinances (This amount may be raised in appropriate circumstances).
13. Special requirements for this permit, if any, as set by City Council (drill site lighting, pits/tanks, hours of operation, fencing, buried lines, approved truck routes, noise buffers, pump type, etc.). Attachment **EXHIBIT A**.
14. The City of Abilene has required standards for drilling and production as provided by Chapter 21 of City Code, Oil and Gas Ordinance. Applicant/Permit Holder shall observe and obey all federal, state, and local laws and regulations. Violation of these or any requirements imposed by ordinance or the City Council will result in the termination of the permit.
15. By signing this application/permit, Applicant/Permit Holder certifies that he has received and read City code provisions, Chapter 21, Oil and Gas Ordinance.
16. THIS PERMIT EXPIRES SIX (6) MONTHS FROM THE DATE OF CITY COUNCIL APPROVAL. Actual drilling must commence within six (6) months from that date. Cessation of drilling or production for thirty (30) days shall cancel this permit.

- THIS PERMIT IS NOT TRANSFERRABLE OR ASSIGNABLE**

Corporate Seal

EXHIBIT A

SPECIAL REQUIREMENTS

BULLET DEVELOPMENT, LLC

LYTLE #4:

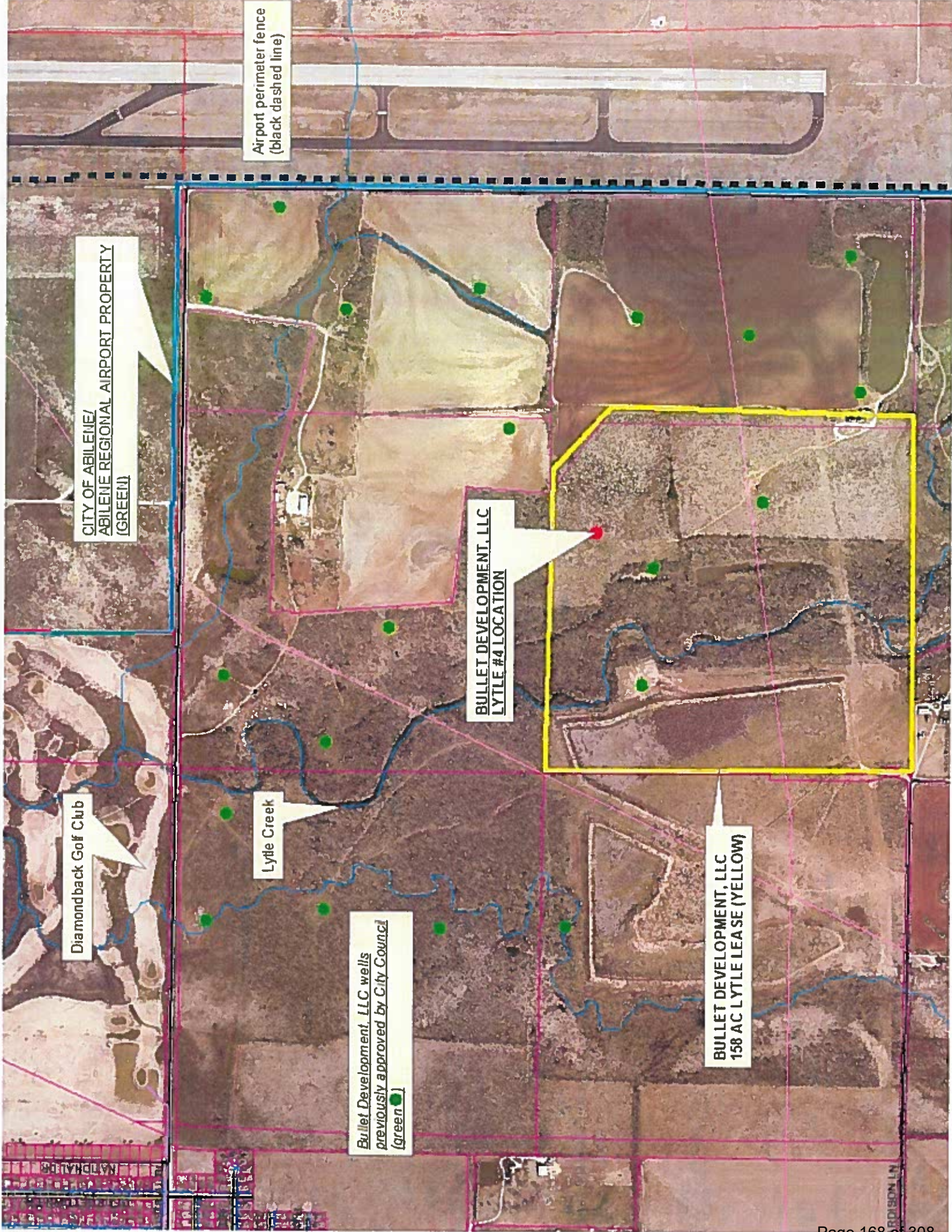
1. BECAUSE OF THE PROXIMITY OF THIS WELL LOCATION TO ABILENE REGIONAL AIRPORT, A FEDERAL AVIATION ADMINISTRATION (FAA) AERONAUTICAL STUDY WAS REQUIRED. FAA AERONAUTICAL STUDY NO. 2021-ASW-939-OE, ISSUED DATE 02/10/2021, IS ATTACHED TO AND MADE PART OF THIS PERMIT.

THIS AERONAUTICAL STUDY CONCLUDES THAT THE TEMPORARY STRUCTURE (DRILLING RIG) DOES NOT EXCEED OBSTRUCTION STANDARDS AND WOULD NOT BE A HAZARD TO AIR NAVIGATION PROVIDED THE FOLLOWING CONDITIONS ARE MET:

- A. THE MANAGER OF ABILENE REGIONAL AIRPORT MUST BE NOTIFIED AT LEAST THREE BUSINESS DAYS PRIOR TO THE TEMPORARY STRUCTURE BEING ERECTED AND AGAIN WHEN THE STRUCTURE IS REMOVED FROM THE SITE.
- B. ANY CHANGES IN COORDINATES AND/OR HEIGHTS WILL VOID THIS DETERMINATION AND REQUIRES SEPARATE NOTICE TO THE FAA.

ALL CONDITIONS AND REQUIREMENTS OF FAA AERONAUTICAL STUDY NO. 2021-ASW-939-OE , ISSUED DATE 02/10/2021, MUST BE MET AND FOLLOWED AT ALL TIMES.

2. THE CITY OF ABILENE LAND AGENT'S OFFICE (325-676-6491) MUST BE NOTIFIED AT LEAST TWO BUSINESS DAYS PRIOR TO THE COMMENCEMENT OF DRILLING OPERATIONS.



Airport perimeter fence
(black dashed line)

CITY OF ABILENE/
ABILENE REGIONAL AIRPORT PROPERTY
(GREEN)

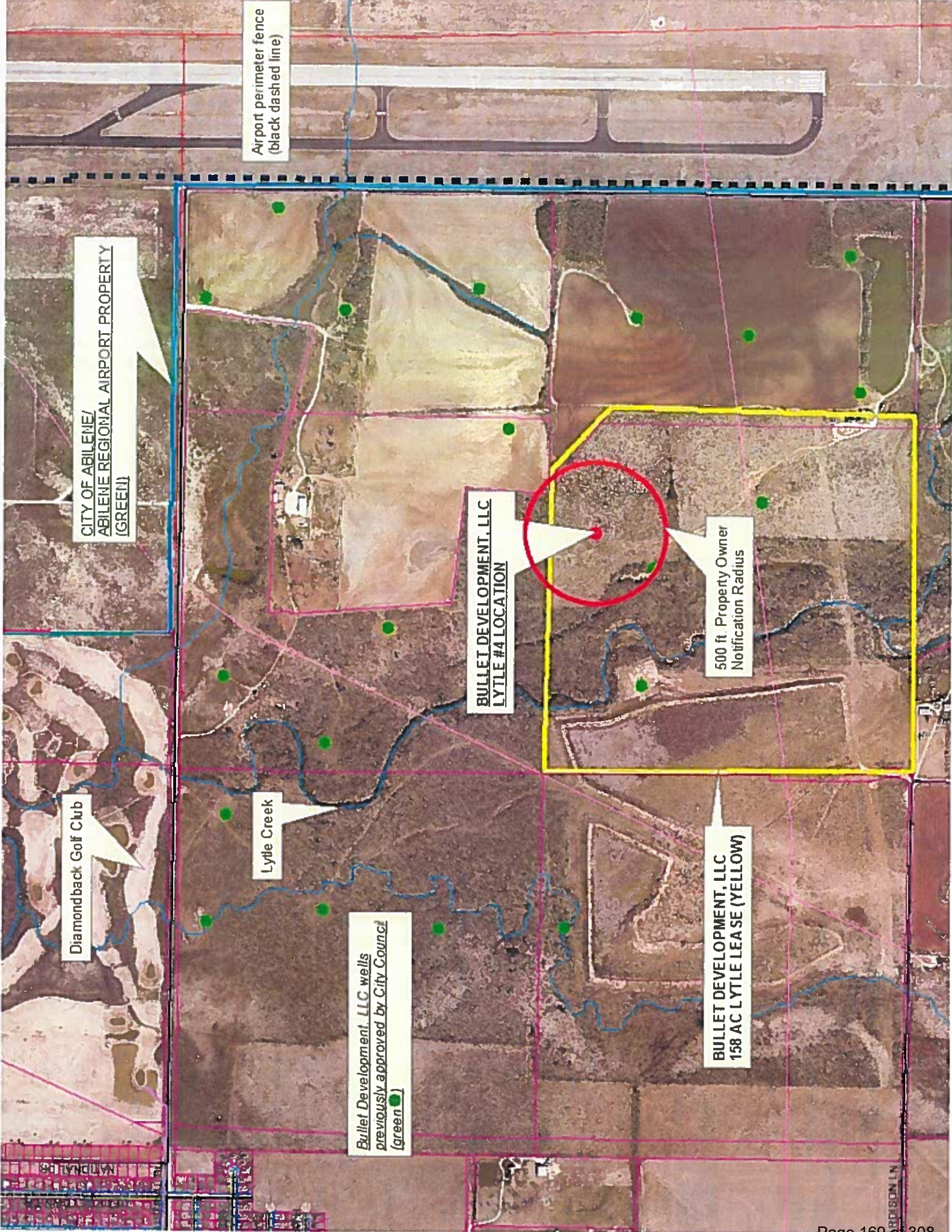
Diamondback Golf Club

Lytle Creek

BULLET DEVELOPMENT, LLC
LYTLE #4 LOCATION

Bullet Development, LLC wells
previously approved by City Council
(green ●)

BULLET DEVELOPMENT, LLC
158 AC LYTLE LEASE (YELLOW)



Airport perimeter fence
(black dashed line)

CITY OF ABILENE/
ABILENE REGIONAL AIRPORT PROPERTY
(GREEN)

BULLET DEVELOPMENT, LLC
LYTLE #4 LOCATION

500 ft Property Owner
Notification Radius

Diamondback Golf Club

Lytle Creek

Bullet Development, LLC wells
previously approved by City Council
(green ●)

BULLET DEVELOPMENT, LLC
158 AC LYTLE LEASE (YELLOW)

EXHIBIT 1

LYTLE #4

Surface Owner:

Lytle Lake WCID

Mineral Owners:

Lytle Lake WCID

David Sweeney

Larry Wellhausen

Royalty Owners:

David Sweeney

Larry Wellhausen

Terry Manning

**RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION**

EXHIBIT 2

PERMIT TO DRILL, DEEPEN, PLUG BACK, OR RE-ENTER ON A REGULAR OR ADMINISTRATIVE EXCEPTION LOCATION

PERMIT NUMBER 868686	DATE PERMIT ISSUED OR AMENDED Mar 31, 2021	DISTRICT * 7B	
API NUMBER 42-441-34640	FORM W-1 RECEIVED Mar 26, 2021	COUNTY TAYLOR	
TYPE OF OPERATION NEW DRILL	WELLBORE PROFILE(S) Vertical	ACRES 158	
OPERATOR BULLET DEVELOPMENT, LLC 402 CYPRESS SUITE 130 ABILENE, TX 79601-0000		106513 NOTICE This permit and any allowable assigned may be revoked if payment for fee(s) submitted to the Commission is not honored. District Office Telephone No: (325) 677-3545	
LEASE NAME LYTLE		WELL NUMBER 4	
LOCATION 0 miles Within direction from ABILENE		TOTAL DEPTH 5999	
Section, Block and/or Survey SECTION 1 BLOCK 614 ABSTRACT 614 SURVEY LAL/ALSOBROOK, S M			
DISTANCE TO SURVEY LINES 2304 ft. SOUTH 1728 ft. WEST		DISTANCE TO NEAREST LEASE LINE ft.	
DISTANCE TO LEASE LINES 339 ft. NORTH 1728 ft. WEST		DISTANCE TO NEAREST WELL ON LEASE See FIELD(s) Below	
FIELD(s) and LIMITATIONS: * SEE FIELD DISTRICT FOR REPORTING PURPOSES * ** THIS PERMIT IS GRANTED PURSUANT TO STATEWIDE RULE 37(h)(2)(B) ** CASE NO. 0329446			
FIELD NAME LEASE NAME	ACRES NEAREST LEASE	DEPTH NEAREST LEASE	WELL # NEAREST WE
MEP (ELLENBURGER) LYTLE	158.00	4,800	4 1117
** WILDCAT LYTLE	158.00	5,800	4 0
RESTRICTIONS: Permitted for oil only.			
TAYLOR COUNTY REGULAR LYTLE	158.00	1,875	4 455
*** PRECEDING FIELD NAME INDICATES RULE (R37)			
THE FOLLOWING RESTRICTIONS APPLY TO ALL FIELDS			
This well shall be completed and produced in compliance with applicable special field or statewide spacing and density rules. If this well is to be used for brine mining, underground storage of liquid hydrocarbons in salt formations, or underground storage of gas in salt formations, a permit for that specific purpose must be obtained from Environmental Services prior to construction, including drilling of the well in accordance with Statewide Rules 81, 95, and 97.			

**RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION**

EXHIBIT 2

PERMIT TO DRILL, DEEPEN, PLUG BACK, OR RE-ENTER ON A REGULAR OR ADMINISTRATIVE EXCEPTION LOCATION

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FIELD(s) and LIMITATIONS: * SEE FIELD DISTRICT FOR REPORTING PURPOSES * ** THIS PERMIT IS GRANTED PURSUANT TO STATEWIDE RULE 37(h)(2)(B) ** CASE NO. 0329446												
<table style="width:100%; border: none;"> <tr> <td style="width:60%;">FIELD NAME</td> <td style="width:10%;">ACRES</td> <td style="width:10%;">DEPTH</td> <td style="width:10%;">WELL #</td> <td style="width:10%;">DIST</td> </tr> <tr> <td>LEASE NAME</td> <td>NEAREST LEASE</td> <td></td> <td>NEAREST WE</td> <td></td> </tr> </table> This well must comply to the new SWR 3.13 requirements concerning the isolation of any potential flow zones and zones with corrosive formation fluids. See approved permit for those formations that have been identified for the county in which you are drilling the well in.			FIELD NAME	ACRES	DEPTH	WELL #	DIST	LEASE NAME	NEAREST LEASE		NEAREST WE	
FIELD NAME	ACRES	DEPTH	WELL #	DIST								
LEASE NAME	NEAREST LEASE		NEAREST WE									

GROUNDWATER PROTECTION DETERMINATION

Form GW-2



Groundwater Advisory Unit

Date Issued: 31 August 2017

GAU Number: 179025

Attention: RAILROAD COMMISSION OF
P.O.DRAWER 12967-CENTRAL
AUSTIN, TX 78711

API Number:
County: BAYLOR
Lease Name: NCTAGPD
Lease Number:

Operator No.: 000015

Well Number:
Total Vertical Depth: 10000
Latitude: 33.600000
Longitude: -99.200000
Datum: NAD27

Purpose: Cathodic Protection (CP)

Location: Survey-ANY ABSTRACT; Abstract-0000

To protect usable-quality groundwater at this location, the Groundwater Advisory Unit of the Railroad Commission of Texas recommends:

The interval from the land surface to a depth of 100 feet must be protected.

If this cathodic protection well is to be drilled to a depth greater than 100 feet, obtain a drilling permit from this agency.

This recommendation is applicable for all wells drilled within any survey abstract on the North Central Texas Area Groundwater Protection Determination (NCTAPGD) List and includes all or parts of Archer, Baylor, Callahan, Foard, Haskell, Jones, Knox, Shackelford, Stevens, Taylor, Throckmorton, Wichita, Wilbarger, and Young counties.

Note: Unless stated otherwise, this recommendation is intended to apply only to the subject well and not for area-wide use. This recommendation is for normal drilling, production, and plugging operations only. It does not apply to saltwater disposal operation into a nonproductive zone (RRC Form W-14).

This determination is based on information provided when the application was submitted on 08/28/2017. If the location information has changed, you must contact the Groundwater Advisory Unit, and submit a new application if necessary. If you have questions, please contact us at 512-463-2741 or gau@rrc.texas.gov.

Groundwater Advisory Unit, Oil and Gas Division

Form GW-2
Rev. 02/2014

P.O. Box 12967 Austin, Texas 78771-2967

512-463-2741

Internet address: www.rrc.texas.gov

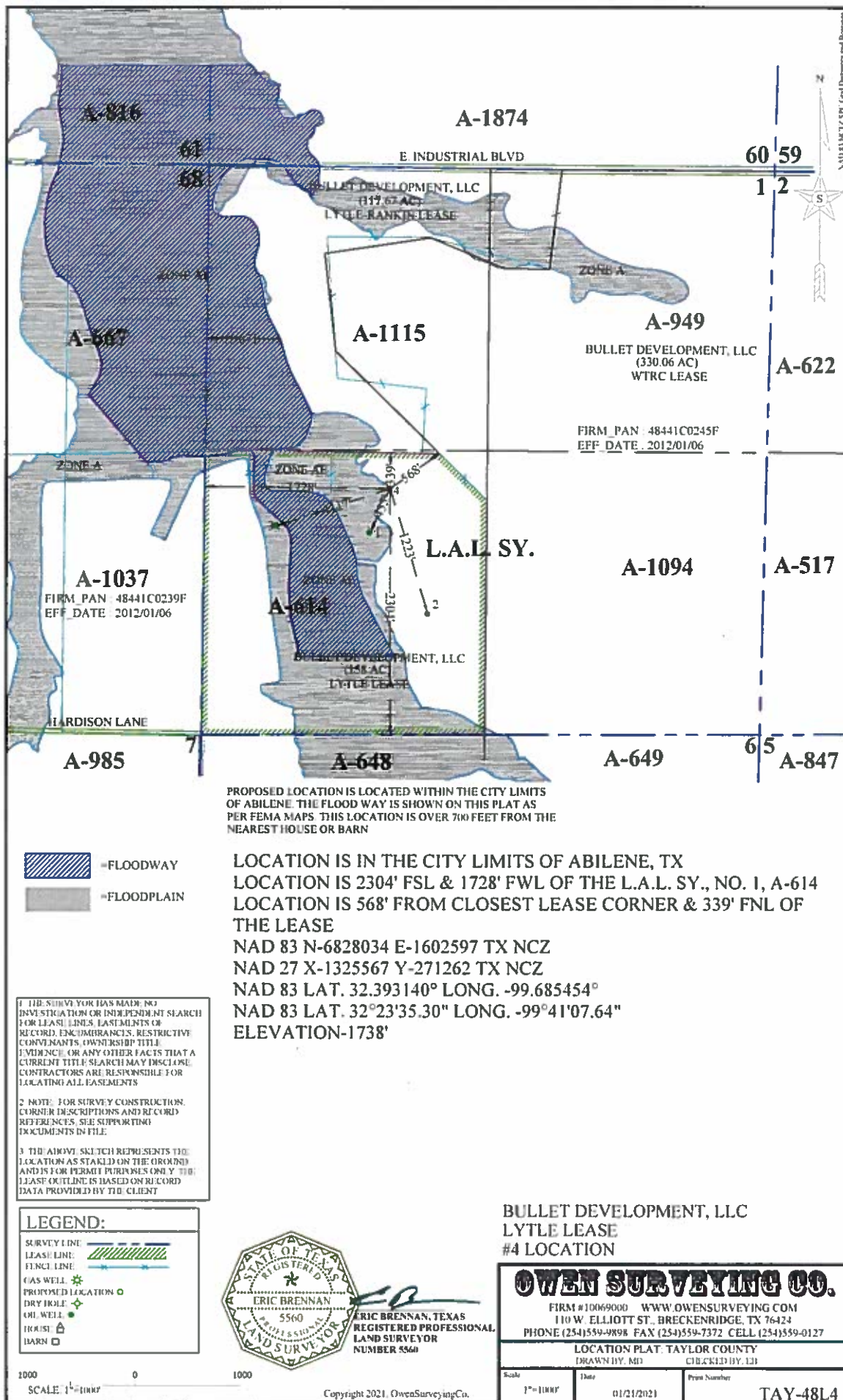




EXHIBIT 3

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/06/2021

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 have ADDITIONAL INSURED provisions or 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 Philip King Insurance 1323 South Danville Drive Abilene, TX 79605		CONTACT NAME: PHONE (A/C, No, Ext): 325-673-0192 FAX (A/C, No): 325-673-0193 E-MAIL ADDRESS: philip@alternativeins.com	
INSURED Bullet Development, LLC. 402 Cypress Street Abilene TX 79601		INSURER(S) AFFORDING COVERAGE INSURER A: HDI Global Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

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 LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	A	A	GG09C00004102	06/25/2020	06/25/2021	EACH OCCURRENCE \$ 1,000,000.00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000.00 MED EXP (Any one person) \$ 10,000.00 PERSONAL & ADV INJURY \$ 1,000,000.00 GENERAL AGGREGATE \$ 2,000,000.00 PRODUCTS - COMP/OP AGG \$ 2,000,000.00
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE ☐ OTH-ER ☐ E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

With regards to General Liability Coverage, Certificate holder is listed as Additional Insured with Waiver of Subrogation in their favor, where agreed to and required by written contract, subject to provisions and limitations of the policy.

30 Day cancel provision notice applies.

CERTIFICATE HOLDER

CANCELLATION

City of Abilene
 Attn: Travis McClure
 555 Walnut Street
 Abilene, TX 79601
 Via Fax: 325-676-6460

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

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**BULLET DEVELOPMENT, LLC.
P.O. BOX 1480
ABILENE, TX 79604
(325) 701-7805 OFFICE
(325) 829-0357 CELL**

April 6, 2021

City of Abilene
Travis McClure

Re: Lytle #4

This is to notify you that Bullet Development, LLC is not required to carry
Workers Compensation Insurance.

If you have any questions please feel free to contact us.

Respectfully,



Larry Wellhausen



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-ASW-939-OE

Issued Date: 02/10/2021

Larry Wellhausen
Bullet Development, LLC
402 Cypress St
Suite 130
Abilene, TX 79601

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Drilling Rig Lytle 4
Location:	Abilene, TX
Latitude:	32-23-35.30N NAD 83
Longitude:	99-41-07.64W
Heights:	1738 feet site elevation (SE) 150 feet above ground level (AGL) 1888 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does not exceed obstruction standards and would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (817) 222-5922, or debbie.cardenas@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-ASW-939-OE

Signature Control No: 465866439-468943055

(TMP)

Debbie Cardenas

Technician

Proposal: To construct and/or operate a(n) Drilling Rig to a height of 150 feet above ground level, 1888 feet above mean sea level.

Location: The structure will be located 1.1 nautical miles south of ABI Airport reference point.

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Aeronautical study revealed that the temporary structure will not exceed any Part 77 obstruction standard. Aeronautical study confirmed that the temporary structure will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, aeronautical study confirmed that the temporary structure will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Based on this aeronautical study, the FAA finds that the temporary structure will have no adverse effect on air navigation and will not impact any aeronautical operations or procedures.

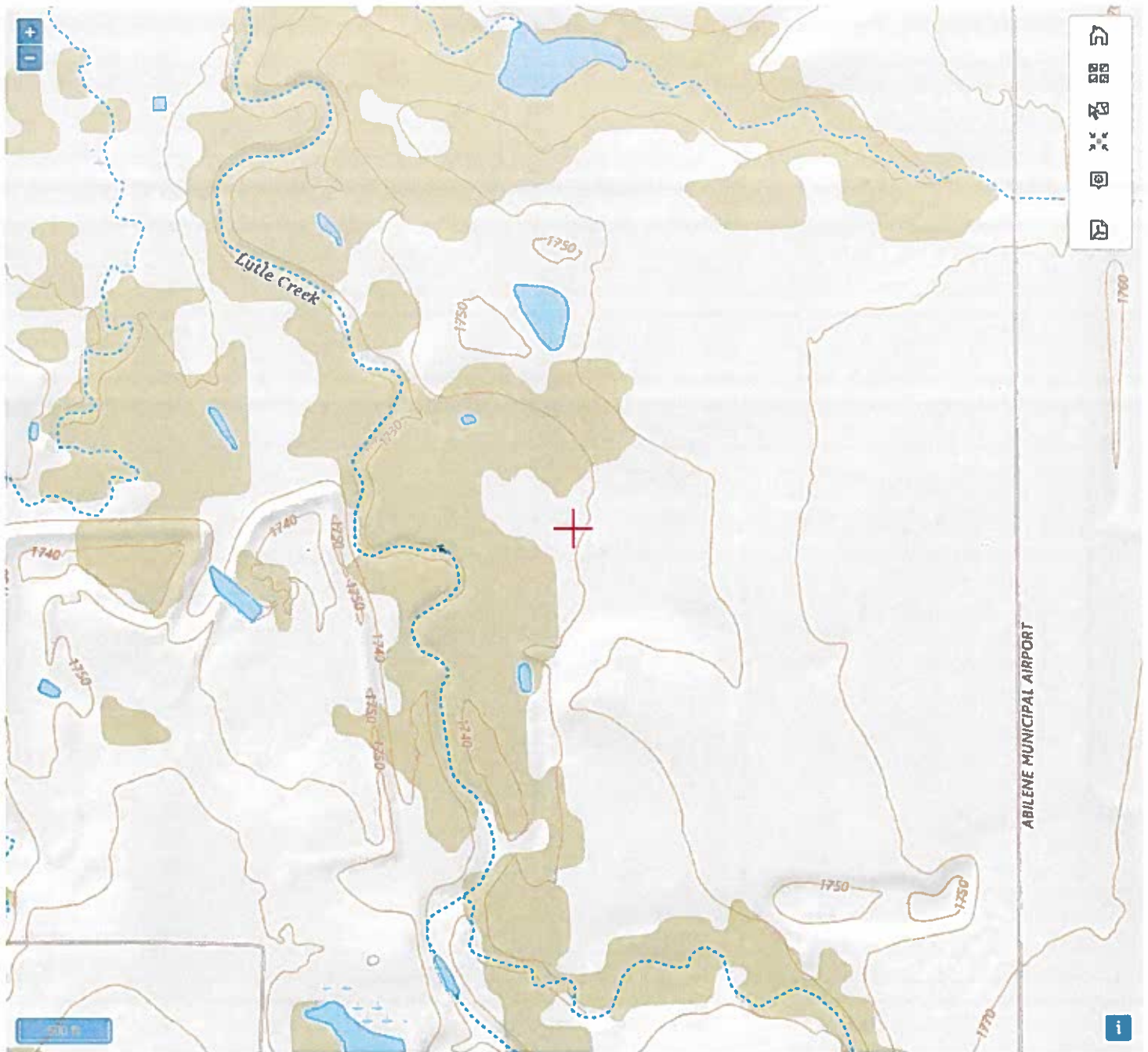
Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

It is required that the manager of ABILENE RGNL, (325) 676-6367 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site.

This determination expires on 08/10/2022 unless extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.



**BULLET DEVELOPMENT, LLC.
EMERGENCY RESPONSE PLAN
LYTLE #4
ABILENE, TAYLOR COUNTY, TEXAS**

EMERGENCY PHONE #'S

RIG OWNER	S & M DRILLING	940-232-1518
DRILLING SUPERVISOR	DAVID SWEENEY	325-864-2350
FIRE DEPARTMENT		325-676-6694
POLICE DEPARTMENT		325-673-8331
RRC DISTRICT 7B		325-677-3545

In the event of a pressure kick or blowout:

Blowout preventer (BOP) will be closed by rig personnel and mud weight will be increased to kill well.

In the event of a fire:

Fire department will be called by rig personnel, drilling supervisor or geologist on location.

THIS NOTICE WILL BE POSTED AT DRILLING RIG

Agenda Item:

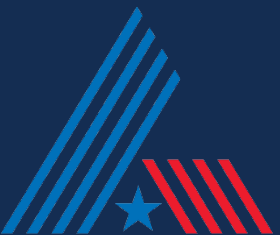
**Resolution: Permit to Drill and/or Operate
an Oil and/or Gas Well (2002 Hardison Lane)**

(McCaffery)

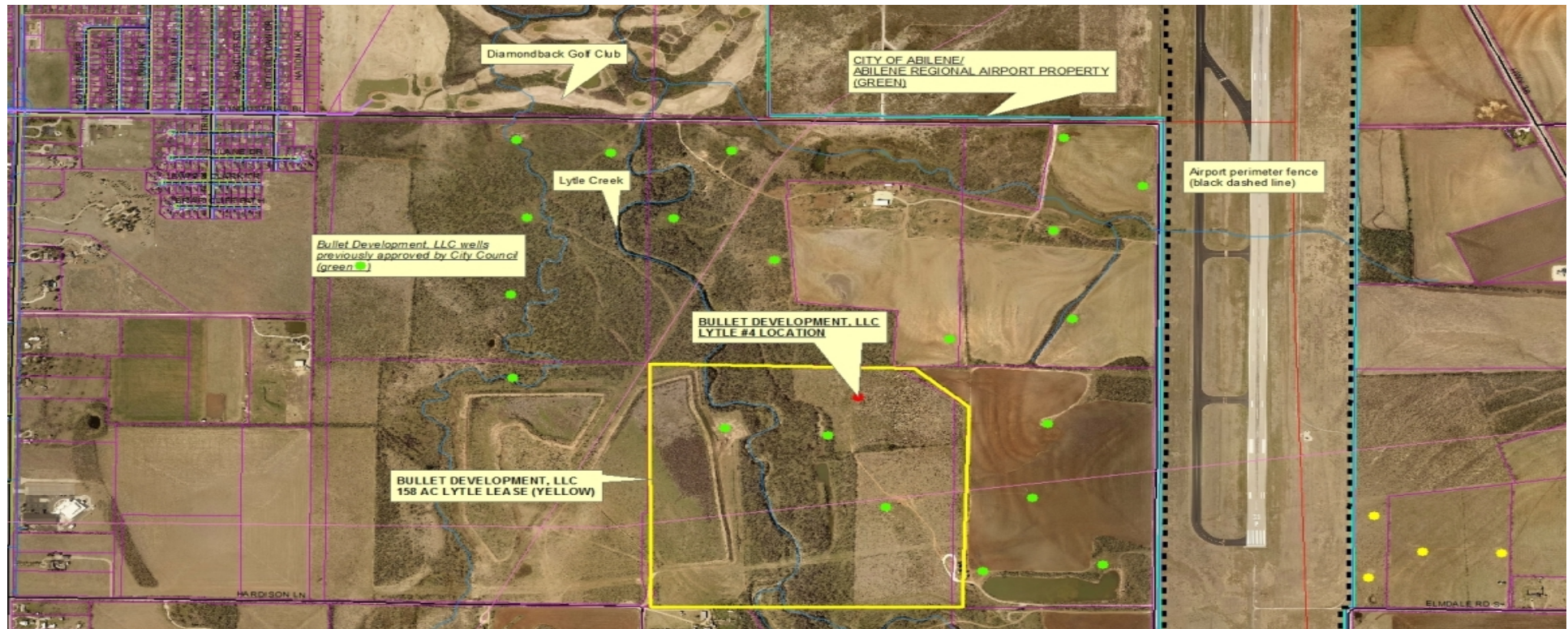


Permit to Drill and/or Operate an Oil and/or Gas Well (2002 Hardison Lane)

- Bullet Development, LLC submitted an Application/Permit to Drill and/or Operate an Oil and/or Gas Well within the city limits of Abilene. The proposed location is identified as “Lytle #4”.
- The application has been reviewed and found to be complete.
- All property owners within 500 feet of the proposed location have been notified.
- Staff recommends approval of the Permit To Drill and/or Operate an Oil and/or Gas Well to Bullet Development, LLC, for the “Lytle #4” location.



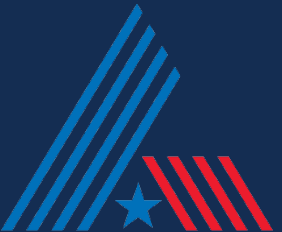
Permit to Drill and/or Operate an Oil and/or Gas Well (2002 Hardison Lane) – Location Map



Permit to Drill and/or Operate an Oil and/or Gas Well (2002 Hardison Lane) – Property Owner Notification Radius



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: 15. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Application/Permit to Drill and/or Operate an Oil and/or Gas Well--Bullet Development-Lytle S-68#1 Permit No. 868687 (1502 Hardison Lane) *(Greg McCaffery)*

GENERAL INFORMATION

Chapter 21, Oil and Gas, of the City of Abilene Code of Ordinances requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or deny the permit.

Bullet Development, LLC of Abilene, Texas has submitted an application to drill the “Lytle S-68 #1” well on property owned by Lytle Lake Water District, located at 1502 Hardison Lane, south of Abilene Regional Airport, as shown on the attached map. Because of the proximity to Abilene Regional Airport, a Federal Aviation Administration (FAA) Aeronautical Study was required for this well. The aeronautical study is attached to, and made part of the application/permit. The study concluded that the drilling rig for this well does not exceed obstruction standards and would not be a hazard to air navigation, provided the notification requirements detailed in the study are met.

This application has been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill site have been notified of this application and of the City Council meeting to consider its approval, as required by City ordinance.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Because all prerequisites and requirements of Chapter 21, Oil and Gas, have been met, including no anticipated adverse effect on the health, safety and welfare of the public, staff recommends that the City Council vote to approve the application for this drilling permit and authorize the City Manager to execute permit no. 868687 for Bullet Development, LLC.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution (2)
2. SignedPkt
3. PP_1502_Hardison_Lane

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE OIL & GAS DRILLING PERMIT WITH BULLET DEVELOPMENT, LLC FOR “LYTLE S-68 #1”

WHEREAS, Chapter 21, Oil & Gas, of the City of Abilene Code of Ordinances requires a permit for drilling and operating oil/gas wells within the city limits; and

WHEREAS, Bullet Development, LLC has submitted an application to drill the “Lytle S-68 #1” well; and

WHEREAS, this application has been reviewed and approved by City Staff and all owners of real property within 500 feet of the proposed drill site have been notified of this application.

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

PART 1: That the City Manager is hereby authorized to execute the Oil & Gas Permit with Bullet Development, LLC for “Lytle S-68 #1”, Permit No.868687.

PART 2: That this Resolution shall take effect immediately from and after its passage.

ADOPTED this 10th day of June, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



APPLICATION/PERMIT TO DRILL AND/OR OPERATE
AN OIL AND/OR GAS WELL

Bond/Letter of Credit # _____ RRC Permit # 868687

1. Date 4-5-2021 Lease Name & Well No. : Lytle S-68 #1
2. Applicant/Permit Holder Bullet Development LLC
Address P.O. Box 1480
Abilene Tx 79604
Phone 325-829 0357
3. Local 24 hour phone contact, in case of emergency:
Name Larry Wellhausen
Phone 325 829 0357
4. Legal description of drill site including copy of survey by licensed surveyor: Survey plat should show the locations of any buildings, type of construction and use, including residences, within 200 feet of proposed drill site, and flood zone elevation lines (lines of 100 year floodplain and floodway) in relation to the proposed drill site.

5. Applicant IS/ ☒ IS NOT requesting a variance, per sections 21-26 and 21-27 of Chapter 21 of the City of Abilene Code of Ordinances, Oil and Gas, to drill within 200 feet of any existing building or buildings.

The proposed well location IS/ ☒ IS NOT within 200 feet of any residence or residences. If the proposed well location IS within 200 feet of any residence or residences, applicant should attach a list of the names of the owners of each residence corresponding to each address lying within a 200 foot radius of the proposed well location, indicating their approval/disapproval of the proposed well location.

The notarized written consent of the owner of each residence within a 200 foot radius of the proposed well location should be attached to this application.

Applicant should also attach copies of documentation of any granted exceptions to the Railroad Commission's statewide spacing rules that apply to the proposed well.

6. Proposed date to commence drilling MAY-JUNE

The height of the rig used to drill/re-enter this well will be approximately _____ feet.

7. Proposed depth of well 5999'

This well is planned/anticipated to be primarily an OIL ☒ or GAS _____ well.

8. Attached as EXHIBIT 1 the names of the
(a) Surface owners
(b) Mineral owners
(c) Royalty owners
9. Attached as EXHIBIT 2 approved Railroad Commission Form W-1 including required plat of lease and approval letter from Texas Water Development Board.

10. Attached as **EXHIBIT 3** a Certificate of Insurance evidencing the applicant as insured under the following:

<u>Type</u>	<u>Amount</u>
(1) Workers Compensation (where Required by State law) Employer's Liability	Statutory \$100,000
(2) Comprehensive General Public Liability to include (but not Limited to):	\$1 million – per Occurrence for Property Damage OR Combined single limit million – Per Occurrence
a) Premises/Operations	
b) Independent Contractors	
c) Personal Injury Liability	
d) Products/Completed Operations	
e) Contractual Liability	
f) Coverage for Explosion, Collapse, and Underground Property Damage (to include seepage, pollution and contamination coverage)	

Said Insurance Policy must insure all activities contemplated under this permit application and must be in effect at all times during production operations. The City must be notified 30 days prior to cancellation of insurance coverage and City shall be named as additional insured.

11. Indemnity

A. Definitions

For the purpose of this section the following definitions apply:

“Applicant/Permit Holder” includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

“Applicant/Permit Holder’s employees” shall mean any employees, officers, agents, subcontractors, licensee and invitees of Applicant/Permit Holder.

“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.

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

The Applicant/Permit Holder is an independent Applicant/Permit Holder and is not, with respect to its acts or omissions, an agent or employee of the City.

Applicant/Permit Holder must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Applicant/Permit Holder'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 Applicant/Permit Holder or Applicant/Permit Holder'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 Applicant/Permit Holder.

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

BOTH CITY AND APPLICANT/PERMIT HOLDER EXPRESSLY INTEND THIS CONTRACT'S INDEMNITY PROVISION TO REQUIRE APPLICANT/PERMIT HOLDER 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.

12. Attached as EXHIBIT 4 - \$10,000 performance bond or an Irrevocable Letter of Credit from a Federally insured bank to meet the performance payment, penalty, abandonment and other provisions as required by City Council and by the Oil/Gas Ordinance, Chapter 21 of the City Code of Ordinances (This amount may be raised in appropriate circumstances).
13. Special requirements for this permit, if any, as set by City Council (drill site lighting, pits/tanks, hours of operation, fencing, buried lines, approved truck routes, noise buffers, pump type, etc.). Attachment EXHIBIT A.
14. The City of Abilene has required standards for drilling and production as provided by Chapter 21 of City Code, Oil and Gas Ordinance. Applicant/Permit Holder shall observe and obey all federal, state, and local laws and regulations. Violation of these or any requirements imposed by ordinance or the City Council will result in the termination of the permit.
15. By signing this application/permit, Applicant/Permit Holder certifies that he has received and read City code provisions, Chapter 21, Oil and Gas Ordinance.
16. THIS PERMIT EXPIRES SIX (6) MONTHS FROM THE DATE OF CITY COUNCIL APPROVAL. Actual drilling must commence within six (6) months from that date. Cessation of drilling or production for thirty (30) days shall cancel this permit.

EXHIBIT A

SPECIAL REQUIREMENTS

BULLET DEVELOPMENT, LLC

LYTLE S-68 #1:

1. BECAUSE OF THE PROXIMITY OF THIS WELL LOCATION TO ABILENE REGIONAL AIRPORT, A FEDERAL AVIATION ADMINISTRATION (FAA) AERONAUTICAL STUDY WAS REQUIRED. FAA AERONAUTICAL STUDY NO. 2021-ASW-5045-OE, ISSUED DATE 04/22/2021, IS ATTACHED TO AND MADE PART OF THIS PERMIT.

THIS AERONAUTICAL STUDY CONCLUDES THAT THE TEMPORARY STRUCTURE (DRILLING RIG) DOES NOT EXCEED OBSTRUCTION STANDARDS AND WOULD NOT BE A HAZARD TO AIR NAVIGATION PROVIDED THE FOLLOWING CONDITIONS ARE MET:

- A. THE MANAGER OF ABILENE REGIONAL AIRPORT MUST BE NOTIFIED AT LEAST THREE BUSINESS DAYS PRIOR TO THE TEMPORARY STRUCTURE BEING ERECTED AND AGAIN WHEN THE STRUCTURE IS REMOVED FROM THE SITE.
- B. ANY CHANGES IN COORDINATES AND/OR HEIGHTS WILL VOID THIS DETERMINATION AND REQUIRES SEPARATE NOTICE TO THE FAA.

ALL CONDITIONS AND REQUIREMENTS OF FAA AERONAUTICAL STUDY NO. 2021-ASW-5045-OE , ISSUED DATE 04/22/2021, MUST BE MET AND FOLLOWED AT ALL TIMES.

2. THE CITY OF ABILENE LAND AGENT'S OFFICE (325-676-6491) MUST BE NOTIFIED AT LEAST TWO BUSINESS DAYS PRIOR TO THE COMMENCEMENT OF DRILLING OPERATIONS.

17. If the City owns any mineral interest in the location of the proposed well, this permit is subject to compliance with an oil and gas lease obtained from the City.
18. The City Land Agent's office shall be notified prior to commencement of drilling operations.
19. If operation of the well is transferred, the City shall be notified in writing thirty (30) days prior to the transfer of the lease.
20. Applicant/Permit Holder shall make full payment for any and all damages or losses to City's Surface Lessee if the property is City owned, which shall include but not be limited to damages to and/or loss of crops, livestock, or improvements or a part thereof which loss may be the result of the Applicant's/Permit Holder's negligence or use of land.
21. This Application, upon approval, shall become the Drilling Permit.

THIS PERMIT IS NOT TRANSFERRABLE OR ASSIGNABLE

Signature:

Date:

<u>Don Su</u>	Review & Approval of Planning Director	<u>5/7/21</u>
<u>Leo Chell</u>	Review & Approval of Airport Director	<u>5/12/2021</u>
<u>Rodney Toja</u>	Review & Approval of City Engineer	<u>5/12/2021</u>
<u>Servicio Valavala</u>	Review & Approval of Water Director	<u>05/13/2021</u>
<u>Kelly Mena</u>	Review & Approval of Stormwater Administrator	<u>5/14/2021</u>
<u>Angie McClure</u>	Review & Approval of Risk Manager	<u>5/14/2021</u>
	Review & Approval of City Attorney	
	Review & Approval of Land Agent	

This permit issued this _____ day of _____ 20__.

CITY OF ABILENE

ATTEST:

MAYOR CITY MANAGER

City Secretary

City Seal:

Bullet Development LLC

ATTEST: (If Corporation)

Applicant/Permit Holder

By: Garson

Secretary

Member

Title

Corporate Seal

Airport perimeter fence
(black dashed line)

CITY OF ABILENE/
ABILENE REGIONAL AIRPORT PROPERTY
(GREEN)

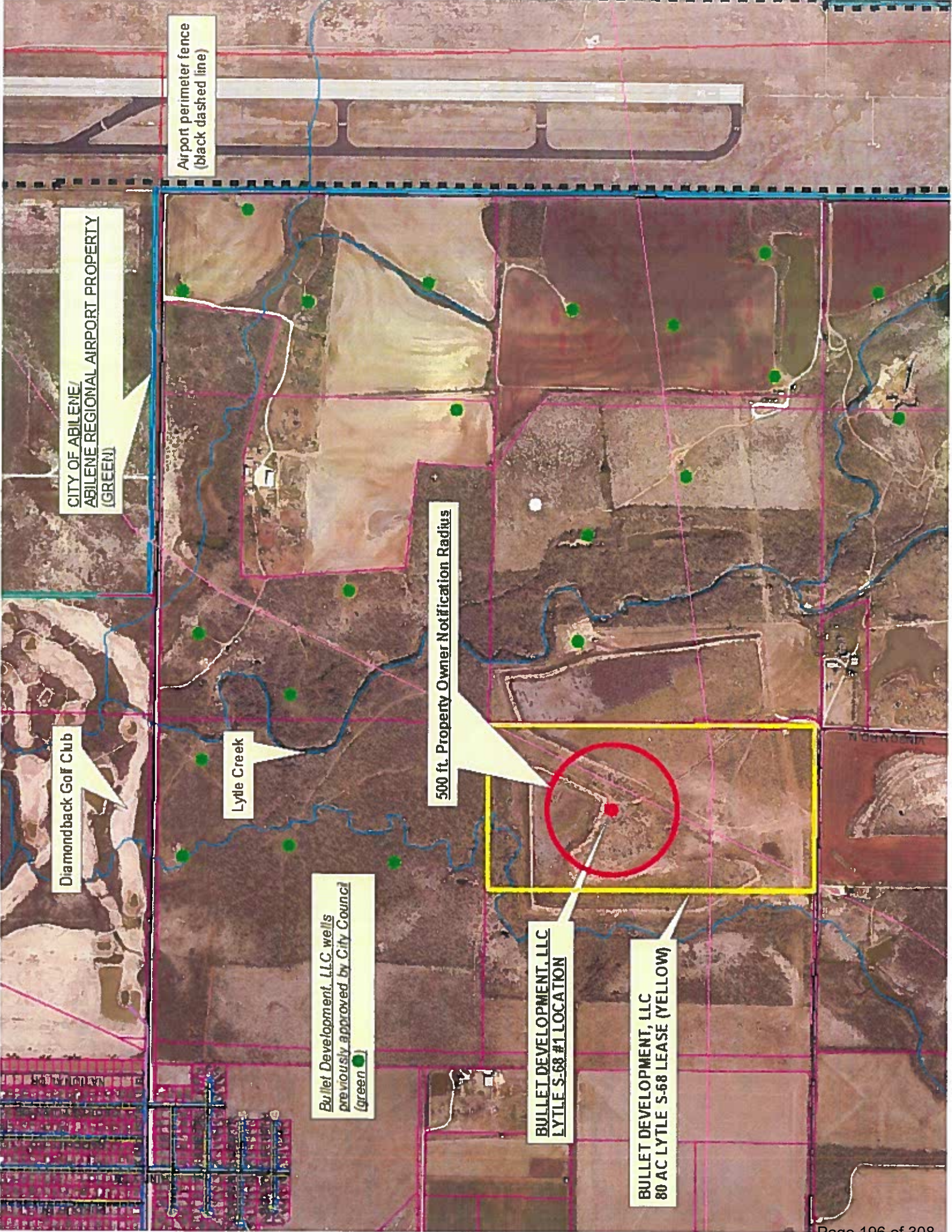
Diamondback Golf Club

Lyle Creek

Bullet Development, LLC wells
previously approved by City Council
(green ●)

BULLET DEVELOPMENT, LLC
LYLE S-68 #1 LOCATION

BULLET DEVELOPMENT, LLC
80 AC LYLE S-68 LEASE (YELLOW)



CITY OF ABILENE/
ABILENE REGIONAL AIRPORT PROPERTY
(GREEN)

Airport perimeter fence
(black dashed line)

Diamondback Golf Club

Lytle Creek

500 ft. Property Owner Notification Radius

Bulet Development, LLC wells
previously approved by City Council
(green ●)

BULLETT DEVELOPMENT, LLC
LYTLE S-68 #1 LOCATION

BULLETT DEVELOPMENT, LLC
80 AC LYTLE S-68 LEASE (YELLOW)

EXHIBIT 1

LYTLE S-68 #1

Surface Owner:

Lytle Lake WCID

Mineral Owners:

Lytle Lake WCID

Hortense Locke

D.D. Osburn

Eloise Fletcher

Clarence Buckner Osburn

Linda Sue Hunt, Trustee

Ella Mae Murray

Dorris Ann Pierson

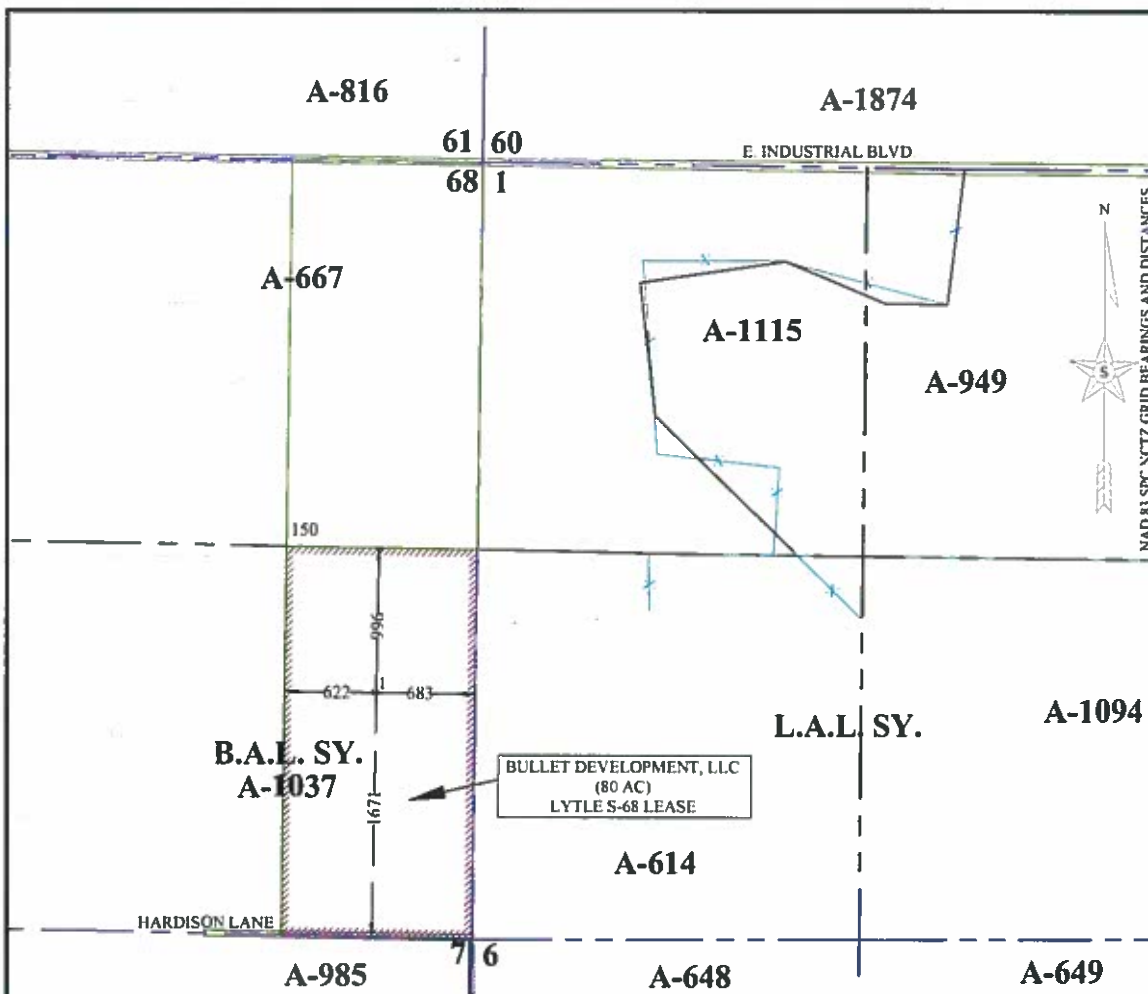
Richard Stanley Osburn

Royalty Owners:

David Sweeney

Larry Wellhausen

Terry Manning



LOCATION IS IN THE CITY LIMITS OF ABILENE, TX
 LOCATION IS 683' FEL & 966' FNL OF THE B.A.L. SY., NO. 68,
 A-1037
 LOCATION IS 622' FWL & 1671' FSL OF THE LEASE
 NAD 83 N-6827419 E-1600179 TX NCZ
 NAD 27 X-1323144 Y-270670 TX NCZ
 NAD 83 LAT. 32.391374° LONG. -99.693265°
 NAD 83 LAT. 32°23'28.95" LONG. -99°41'35.75"
 ELEVATION-1751'

1. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR LEASE LINES, EASEMENTS OR RECORD, ENCUMBRANCES, RESTRICTIVE CONVEYANCES, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. CONTRACTORS ARE RESPONSIBLE FOR LOCATING ALL EASEMENTS.

2. NOTE: FOR SURVEY CONSTRUCTION, CORNER DESCRIPTIONS AND RECORD REFERENCES, SEE SUPPORTING DOCUMENTS IN FILE.

3. THE ABOVE SKETCH REPRESENTS THE LOCATION AS STAKED ON THE GROUND AND IS FOR PERMIT PURPOSES ONLY. THE LEASE OUTLINE IS BASED ON RECORD DATA PROVIDED BY THE CLIENT.

LEGEND:

SURVEY LINE
 LEASE LINE
 FENCE LINE
 PROPOSED LATERAL
 AS-DRILLED LATERAL
 GAS WELL
 GAS WELL PER DOCS. PROVIDED
 PROPOSED LOCATION
 DRY HOLE
 OIL WELL
 HOUSE
 BARN



ERIC BRENNAN, TEXAS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR
 NUMBER 5560

BULLET DEVELOPMENT, LLC
 LYTLE S-68 LEASE
 #1 LOCATION

OWEN SURVEYING CO.

FIRM #10069000 WWW.OWENSURVEYING.COM
 110 W. ELLIOTT ST., BRECKENRIDGE, TX 76424
 PHONE (254)559-9898 FAX (254)559-7372 CELL (254)559-0127

LOCATION PLAT: TAYLOR COUNTY

DRAWN BY: MD CHECKED BY: LB

Scale 1"=1000' Date 25 January 2021 Print Number TAY-63L2

1000 0 1000
 SCALE 1"=1000'

COPYRIGHT 2021, OWEN SURVEYING CO.

**RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION**

CXH/D11 C

PERMIT TO DRILL, DEEPEN, PLUG BACK, OR RE-ENTER ON A REGULAR OR ADMINISTRATIVE EXCEPTION LOCATION

PERMIT NUMBER 868687	DATE PERMIT ISSUED OR AMENDED Mar 30, 2021	DISTRICT * 7B	
API NUMBER 42-441-34641	FORM W-1 RECEIVED Mar 26, 2021	COUNTY TAYLOR	
TYPE OF OPERATION NEW DRILL	WELLBORE PROFILE(S) Vertical	ACRES 80	
OPERATOR BULLET DEVELOPMENT, LLC 402 CYPRESS SUITE 130 ABILENE, TX 79601-0000		106513 NOTICE This permit and any allowable assigned may be revoked if payment for fee(s) submitted to the Commission is not honored. District Office Telephone No: (325) 677-3545	
LEASE NAME LYTLE S-68		WELL NUMBER 1	
LOCATION 0 miles Within direction from ABILENE		TOTAL DEPTH 5999	
Section, Block and/or Survey SECTION 68 BLOCK 1037 ABSTRACT 1037 SURVEY BAL/MITCHELL, J C			
DISTANCE TO SURVEY LINES 683 ft. EAST 1671 ft. SOUTH		DISTANCE TO NEAREST LEASE LINE ft.	
DISTANCE TO LEASE LINES 683 ft. EAST 996 ft. NORTH		DISTANCE TO NEAREST WELL ON LEASE See FIELD(s) Below	
FIELD(s) and LIMITATIONS: * SEE FIELD DISTRICT FOR REPORTING PURPOSES *			
FIELD NAME LEASE NAME	ACRES NEAREST LEASE	DEPTH NEAREST LEASE	WELL # NEAREST WE
MEP (ELLENBURGER) LYTLE S-68	80.00	4,800	1 0
WILDCAT LYTLE S-68	80.00	5,800	1 0
TAYLOR COUNTY REGULAR LYTLE S-68	80.00	1,900	1 0
DIST			
7B			
7B			
7B			

THE FOLLOWING RESTRICTIONS APPLY TO ALL FIELDS

This well shall be completed and produced in compliance with applicable special field or statewide spacing and density rules. If this well is to be used for brine mining, underground storage of liquid hydrocarbons in salt formations, or underground storage of gas in salt formations, a permit for that specific purpose must be obtained from Environmental Services prior to construction, including drilling, of the well in accordance with Statewide Rules 81, 95, and 97.

**RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION**

EXHIBIT 2

PERMIT TO DRILL, DEEPEN, PLUG BACK, OR RE-ENTER ON A REGULAR OR ADMINISTRATIVE EXCEPTION LOCATION

PERMIT NUMBER 868687	DATE PERMIT ISSUED OR AMENDED Mar 30, 2021	DISTRICT * 7B	
API NUMBER 42-441-34641	FORM W-1 RECEIVED Mar 26, 2021	COUNTY TAYLOR	
TYPE OF OPERATION NEW DRILL	WELLBORE PROFILE(S) Vertical	ACRES 80	
OPERATOR BULLET DEVELOPMENT, LLC 402 CYPRESS SUITE 130 ABILENE, TX 79601-0000		106513 NOTICE This permit and any allowable assigned may be revoked if payment for fee(s) submitted to the Commission is not honored. District Office Telephone No: (325) 677-3545	
LEASE NAME LYTLE S-68		WELL NUMBER 1	
LOCATION 0 miles Within direction from ABILENE		TOTAL DEPTH 5999	
Section, Block and/or Survey SECTION 68 BLOCK 68 ABSTRACT 1037 SURVEY BAL/MITCHELL, J C			
DISTANCE TO SURVEY LINES 683 ft. EAST 1671 ft. SOUTH		DISTANCE TO NEAREST LEASE LINE ft.	
DISTANCE TO LEASE LINES 683 ft. EAST 996 ft. NORTH		DISTANCE TO NEAREST WELL ON LEASE See FIELD(s) Below	
FIELD(s) and LIMITATIONS: * SEE FIELD DISTRICT FOR REPORTING PURPOSES *			
FIELD NAME LEASE NAME	ACRES NEAREST LEASE	DEPTH NEAREST WE	WELL # NEAREST WE
This well must comply to the new SWR 3.13 requirements concerning the isolation of any potential flow zones and zones with corrosive formation fluids. See approved permit for those formations that have been identified for the county in which you are drilling the well in.			

GROUNDWATER PROTECTION DETERMINATION

Form GW-2



Groundwater Advisory Unit

Date Issued: 31 August 2017

GAU Number: 179025

Attention: RAILROAD COMMISSION OF
P.O.DRAWER 12967-CENTRAL
AUSTIN, TX 78711

Operator No.: 000015

API Number:
County: BAYLOR
Lease Name: NCTAGPD
Lease Number:
Well Number:
Total Vertical Depth: 10000
Latitude: 33.600000
Longitude: -99.200000
Datum: NAD27

Purpose: Cathodic Protection (CP)

Location: Survey-ANY ABSTRACT; Abstract-0000

To protect usable-quality groundwater at this location, the Groundwater Advisory Unit of the Railroad Commission of Texas recommends:

The interval from the land surface to a depth of 100 feet must be protected.

If this cathodic protection well is to be drilled to a depth greater than 100 feet, obtain a drilling permit from this agency.

This recommendation is applicable for all wells drilled within any survey abstract on the North Central Texas Area Groundwater Protection Determination (NCTAPGD) List and includes all or parts of Archer, Baylor, Callahan, Foard, Haskell, Jones, Knox, Shackelford, Stevens, Taylor, Throckmorton, Wichita, Wilbarger, and Young counties.

Note: Unless stated otherwise, this recommendation is intended to apply only to the subject well and not for area-wide use. This recommendation is for normal drilling, production, and plugging operations only. It does not apply to saltwater disposal operation into a nonproductive zone (RRC Form W-14).

This determination is based on information provided when the application was submitted on 08/28/2017. If the location information has changed, you must contact the Groundwater Advisory Unit, and submit a new application if necessary. If you have questions, please contact us at 512-463-2741 or gau@rrc.texas.gov.

Groundwater Advisory Unit, Oil and Gas Division

Form GW-2 P.O. Box 12967 Austin, Texas 78771-2967 512-463-2741 Internet address: www.rrc.texas.gov
Rev. 02/2014



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/06/2021

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 have ADDITIONAL INSURED provisions or 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 Philip King Insurance 1323 South Danville Drive Abilene, TX 79605		CONTACT NAME: PHONE (A/C, No, Ext): 325-673-0192 FAX (A/C, No): 325-673-0193 E-MAIL ADDRESS: philip@alternativeins.com	
INSURED Bullet Development, LLC. 402 Cypress Street Abilene TX 79601		INSURER(S) AFFORDING COVERAGE INSURER A: HDI Global Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **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 LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	A	A	GG09C00004102	06/25/2020	06/25/2021	EACH OCCURRENCE \$ 1,000,000.00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000.00 MED EXP (Any one person) \$ 10,000.00 PERSONAL & ADV INJURY \$ 1,000,000.00 GENERAL AGGREGATE \$ 2,000,000.00 PRODUCTS - COMP/OP AGG \$ 2,000,000.00
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 With regards to General Liability Coverage, Certificate holder is listed as Additional Insured with Waiver of Subrogation in their favor, where agreed to and required by written contract, subject to provisions and limitations of the policy.
 30 Day cancel provision notice applies.

CERTIFICATE HOLDER City of Abilene Attn: Travis McClure 555 Walnut Street Abilene, TX 79601 Via Fax: 325-676-6460	CANCELLATION 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 
---	---

**BULLET DEVELOPMENT, LLC.
P.O. BOX 1480
ABILENE, TX 79604
(325) 701-7805 OFFICE
(325) 829-0357 CELL**

April 6, 2021

City of Abilene
Travis McClure

Re: Lytle S-68 #1

This is to notify you that Bullet Development, LLC is not required to carry
Workers Compensation Insurance.

If you have any questions please feel free to contact us.

Respectfully,



Larry Wellhausen



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-ASW-5045-OE

Issued Date: 04/22/2021

Larry Wellhausen
Bullet Development, LLC
402 Cypress St
Suite 130
Abilene, TX 79601

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Drilling Rig Lytle S-68 #1
Location:	Abilene, TX
Latitude:	32-23-28.95N NAD 83
Longitude:	99-41-35.75W
Heights:	1751 feet site elevation (SE) 150 feet above ground level (AGL) 1901 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does not exceed obstruction standards and would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (817) 222-5922, [or debbie.cardenas@faa.gov](mailto:debbie.cardenas@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-ASW-5045-OE

Signature Control No: 476758926-478674628

(TMP)

Debbie Cardenas
Technician

Proposal: To construct and/or operate a(n) Drilling Rig to a height of 150 feet above ground level, 1901 feet above mean sea level.

Location: The structure will be located 1.33 nautical miles southwest of ABI Airport reference point.

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Aeronautical study revealed that the temporary structure will not exceed any Part 77 obstruction standard. Aeronautical study confirmed that the temporary structure will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, aeronautical study confirmed that the temporary structure will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Based on this aeronautical study, the FAA finds that the temporary structure will have no adverse effect on air navigation and will not impact any aeronautical operations or procedures.

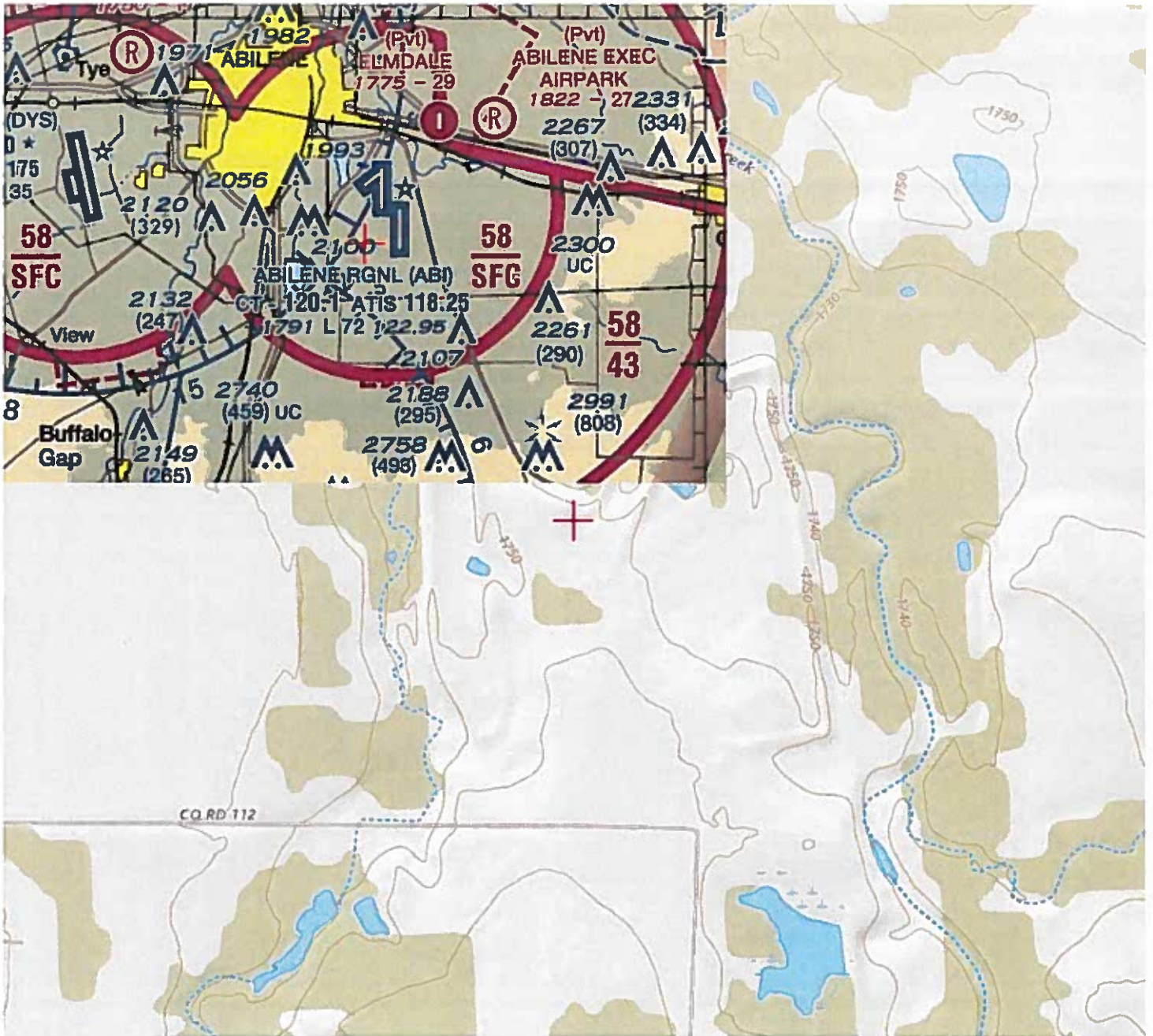
Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

It is required that the manager of ABILENE RGNL, (325) 676-6367 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site.

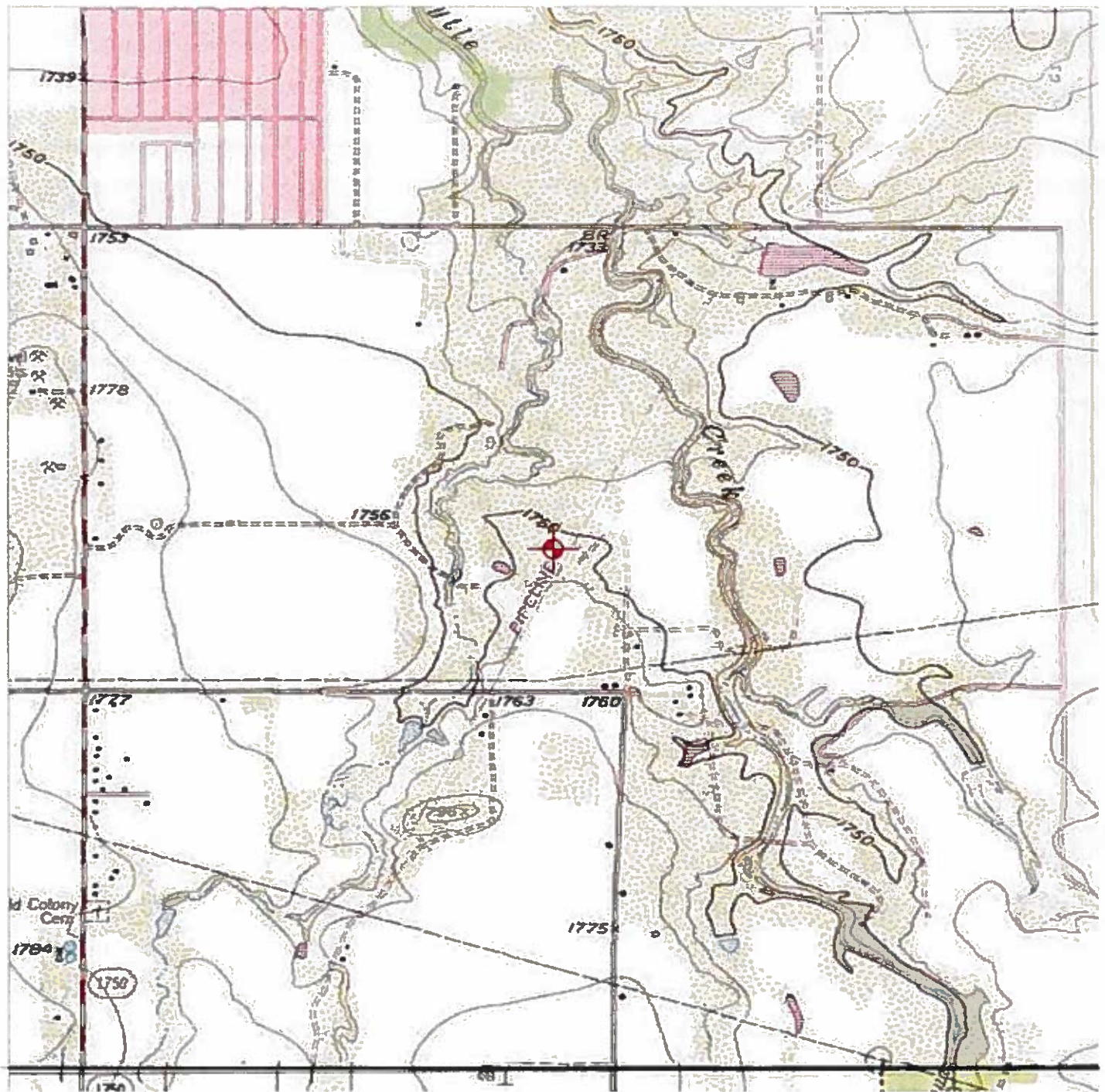
This determination expires on 10/22/2022 unless extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.



Close

Print



Agenda Item:

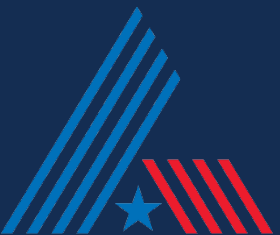
**Resolution: Permit to Drill and/or Operate
an Oil and/or Gas Well (1502 Hardison Lane)**

(McCaffery)



Permit to Drill and/or Operate an Oil and/or Gas Well (1502 Hardison Lane)

- Bullet Development, LLC submitted an Application/Permit to Drill and/or Operate an Oil and/or Gas Well within the city limits of Abilene. The proposed location is identified as “Lytle S-68 #1”.
- The application has been reviewed and found to be complete.
- All property owners within 500 feet of the proposed location have been notified.
- Staff recommends approval of the Permit To Drill and/or Operate an Oil and/or Gas Well to Bullet Development, LLC, for the “Lytle S-68 #1” location.



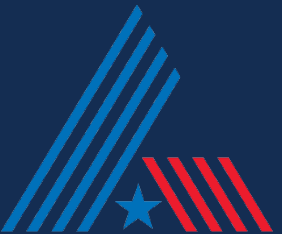
Permit to Drill and/or Operate an Oil and/or Gas Well (1502 Hardison Lane) – Location Map



Permit to Drill and/or Operate an Oil and/or Gas Well (1502 Hardison Lane) – Property Owner Notification Radius



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: 16. Ordinance (Final Reading) Z-2021-09: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Bethany and Kaden Connell to Rezone Properties Located at 1802 and 1810 Huckleberry Lane from Residential Single-Family (RS-6) to Agricultural Open Space (AO). (*Mike Warrix*)

GENERAL INFORMATION

The request is to rezone two vacant parcels comprising 6.58 acres from Single Family Residential (RS-6) to Agricultural Open Space (AO). Based upon the information provided in the application, the purpose of this request is to allow the use of the property for quartering livestock and construction of livestock shelters.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

At its May 4, 2021 meeting, the Planning and Zoning Commission voted 6-0 to recommend approval to City Council.

ATTACHMENTS:

1. Z-2021-09 draft ordinance
2. Z-2021-09 Council Staff Report
3. Z-2021-09 Application
4. Z-2021-09 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 27th day of May, 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 17th day of April, 2021, 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 10th day of June, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 10th day of June, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described tract, from Residential Single-Family District (RS-6) to Agricultural Open Space (AO).

Legal description being approximately 6.89 acres out of L. Bowerman Survey 83 in Abilene, Taylor County, Texas.



-END-

ZONING CASE Z-2021-09

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 4, 2021

City Council 1st Reading: May 27, 2021

City Council 2nd Reading: June 10, 2021

Applicant

Owner: Kaden and Bethany Connell

Request

Rezone two parcels comprising approximately 6.89 acres of vacant land, from Single-Family Residential (RS-6) to Agricultural Open Space (AO). Based upon the information provided in the application, the purpose of this request is to allow the use of the property for quartering a small amount of livestock and construction of livestock shelter(s).

Location

The subject properties are located at 1802 and 1810 Huckleberry Lane, approximately 300-700 feet west of Grape Street. The properties are bound to the south by Huckleberry Lane; to the west by vacant property zoned for Mobile Homes (MH); to the north by a vacant lot utilized as a regional detention pond for the City of Abilene; and to the east by a City of Abilene Fire Station as well as a single-family residence.

Background

The subject property was annexed in 1963, and was zoned Single-Family Residential (RS-6) since 1974. One single-family residence was located at 1810 Huckleberry Lane, which existed prior to annexation. In December 2019, this existing residence was condemned by the City of Abilene and in January 2020, a demolition permit was issued for the removal of this residence. The two subject properties have remained vacant since this time. The proposed use of the subject properties is an animal lot as defined in Section 5.1.1.3 of the Land Development Code. This use is not permitted under the current Single-Family (RS-6) Zoning. If the property is rezoned to Agricultural Open Space up to thirteen (13) animals may be quartered on the property subject to the criteria outlined in Section 2.4.3.3 of the Land Development Code.

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 vacant Single-Family (RS-6) and Mobile Home (MH) tracts directly north; to the east are two Single-Family (RS-6) tracts, one occupied by a fire station and the other occupied by a single family home; immediately west are vacant Mobile Home (MH) tracts; on the opposite side of Huckleberry Lane are Single-Family (RS-6) tracts that are occupied by single-family residences.

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 to be in the restricted open space just north of Interstate Highway-20, and surrounded by properties located within the 100-year and 500-year flood plain. Agricultural Open Space zoning is often used to preserve open space by requiring a minimum lot size of five (5) acres or more. This ability to preserve open space within the City Limits of Abilene facilitates the Comprehensive Plan's objective of preserving natural resources by providing habitat for a wide range of animals and plants found in the region.

(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 in the immediate vicinity, which are primarily residential but mostly vacant due to the FEMA flood models and restrictions on building in those areas. Furthermore, there are existing properties located along Huckleberry Lane less than one-quarter mile west of the subject properties which are currently zoned Agricultural Open Space (AO) and are presently utilized for quartering livestock.

(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 adequate for the proposed uses. This request 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

Staff recommends approval.

Planning and Zoning Commission Action

At the May 4, 2021 meeting, the Planning and Zoning Commission voted 6-0 to recommend approval to City Council.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 20, 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 parcel identification numbers are identified in Table 1.

TABLE 1

Owner	Property ID	Response
CARNEVALI ALEX A &	22772	
CITY OF ABILENE	1010806	
CITY OF ABILENE	1010805	
CONNELL KADEN & BETHANY	19274	
CONNELL KADEN & BETHANY	19278	In Favor
DAVILA HENRY JR	31677	
ESTES RENTALS LLC	31548	
JEFFERSON MICHAEL & PAULA	53326	In Favor
JONES EVELYN DIANN	32749	
LEIJA DAVID & SYLVIA	48972	
LOPEZ ERLINDA	30655	
LOPEZ ERLINDA	31173	
LOZANO JUAN M	32315	
MARTINEZ LLOLANDA	29973	
PULIDO LUIS SOTELO	53739	
RODRIQUEZ SANTIAGO JR & REBECCA J	47697	
RODRIQUEZ SANTIAGO JR & REBECCA J	55036	
ROOS KELLY RENE ET AL	22527	
TAYLOR MAXIE DWIGHT	22653	
TOMAZ SYLVIA ET AL	30528	
TOMAZ SYLVIA ET AL	31295	
TOMAZ SYLVIA ET AL	30915	
TORRES CHAVARRIA JOSE ANGEL &	20988	
VALADEZ ESTELLA	60740	
VELASQUEZ ROBERT V & ALICIA R	30381	
VELASQUEZ TONY & SUZANNA	30229	
VELASQUEZ TONY & SUZANNA	30090	
WALTON CHRISTOPHER & LAURA	22397	

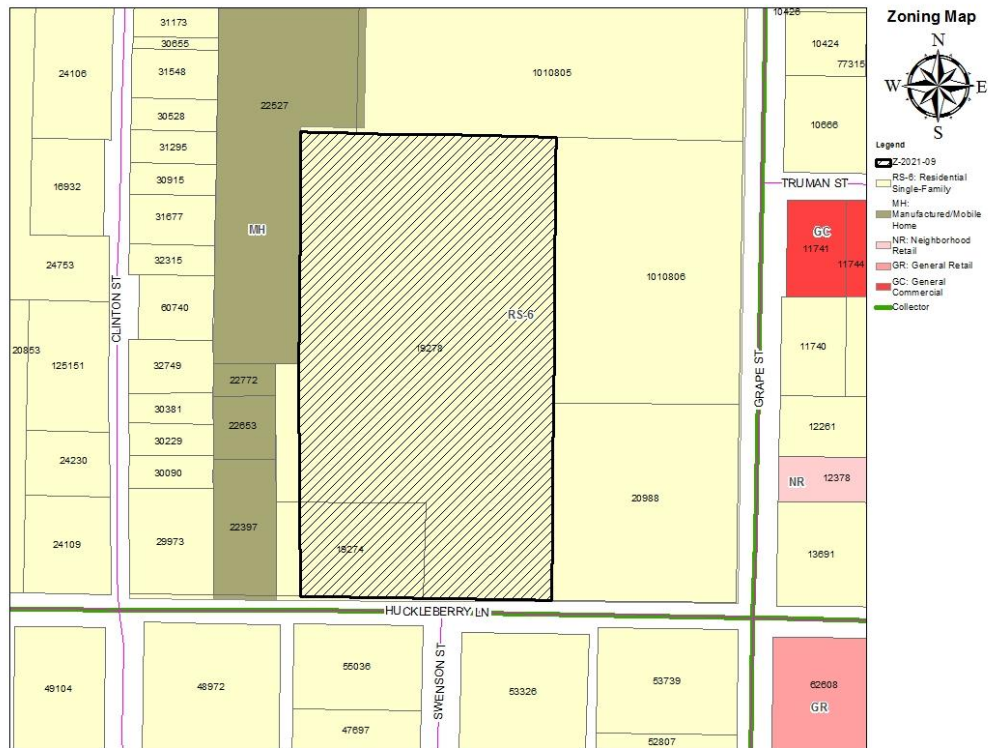
Attachments

Application
PowerPoint Presentation

LOCATION MAP



ZONING MAP



CASE #: Z-2021-09

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: CONNELL KADEN & BETHANY

Parcel I.D.: 19278

Address: 1802 HUCKLEBERRY LN

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:

Betty Cuell

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] Zone Change Case #Z-2021-09

1 message

'PLDBJ' via Planning Services <planning@abilenetx.gov>

Mon, May 3, 2021 at 6:12 PM

Reply-To: PLDBJ <luvztaz@yahoo.com>

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

I am in favor.

Jefferson Michael and Paula
[1733 Huckleberry Lane](#)

--

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/790243042.54130.1620083544412%40mail.yahoo.com>.



Development Application

Planning

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

Project Name: Connell Land
 Address: 1802 Huckleberry LN, 1810 Huckleberry LN Abilene TX 79603 No. of lots: 2 Acreage: 6.58
 Legal Description: _____
 Subdivision Name: L Bowerman Sec 83 Block: A Lot: 1
 Current Zoning: Single Residential (RS) Proposed Zoning (if applicable): Agricultural Open (AO)

OWNER AND AUTHORIZATION

Owner Name: Kaden and Bethany Connell
 Address: 1025 S 15th
 City, State, Zip: Abilene TX 79602 Fax: _____
 Phone: 325-660-2215 325-660-0378 Email: KadenleeC@gmail.com Bmc10b@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) Kaden Connell will act as my agent before the Planning and Zoning Commission.

Agent Name: Kaden Connell
 Address: 1025 S 15th
 City, State, Zip: Abilene TX 79602 Fax: _____
 Phone: 325-660-0378 Email: KadenleeC@gmail.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: Kaden Connell Bethany Connell Date: 3/28/2021

FOR OFFICE USE ONLY

Received: 03/31/2021 Fee: \$ 1500 Receipt No.: 0002095592
 Case No.: 2-2021-09 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 at 1810 and 1802 Huckleberry has been untouched and
undeveloped for years. The new owners (Kaden and Bethany Connell) have
already cleaned and fenced in the property since purchasing it six months ago.
The property neighbors a fire station and city parkway, we are lifelong Abilene
residents and aim to improve the area. The reason for the zoning request is to
allow for a small amount of livestock on the property to help maintain control of
the vegetation. By submitting this we hope to meet city ordinances and obtain
permits for further development. ** Per applicant, they intend to construct*
a barndominium, as well as other structures to house animals.

** Spoke with Mr. Connell over the phone regarding plans
for future building permits. (4/20/2021)*

all of the following described tract:

BEING 5.89 acres out of the L. Bowerman Survey No. 83, City of Abilene, Taylor County, Texas, said 5.89 acres being part of Tracts 1 and 2 and all of Tract 3 recorded in Volume 2511, Page 815, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the northeast corner of said Tract 1 and the northwest corner of Lot 2, Block A, Grape Street Fire Station Addition, as shown by plat recorded in Cabinet 4, Slide 287, Plat Records, Taylor County, Texas for the northeast corner of this tract;

THENCE S0°30'20"W 409.91 feet to a 1" iron rod found on the EBL of said Tract 1 at the southwest corner of said Lot 2;

THENCE S0°30'20"W 305.23 feet to a 3/8" rebar set on the NBL of Huckleberry Lane (40 foot right-of-way) at the southeast corner of said Tract 1 for the southeast corner of this tract;

THENCE N89°25'04"W 204.34 feet along the NBL of Huckleberry Lane to a 3/8" rebar set on the SBL of said Tract 1 for the most southerly southwest corner of this tract;

THENCE N0°30'20"E 150.0 feet to a 3/8" rebar set for an interior corner of this tract;

THENCE N89°25'04"W 200.0 feet to a 3/8" rebar set on the WBL of said Tract 2 for the most westerly southwest corner of this tract;

THENCE N0°30'20"E 569.0 feet to a point at the northwest corner of said Tract 3 for the northwest corner of this tract, whence an existing 4" wood fence corner post bears N0°30'20"E 1.8 feet;

THENCE S88°51'45"E 399.94 feet along the NBL of said Tract 3 and Tract 1 to the place of beginning and containing 5.89 acres of land.

plus

the south 150' of the west 200' of the
Combination of the following two tracts:

TRACT ONE:

Being 5 acres of land more or less out of the L. Bowerman Survey No. 83, situated in Taylor County, Texas, more particularly described as follows:

Beginning at a point in the South boundary line of Survey, 103 yards West of the SE corner of a 42 acre tract of land described in Deed recorded in Volume 135, Page 269, Deed Records, Taylor County, Texas, to which reference is made, same being the SW corner of a 10 1/3 acre tract theretofore conveyed to J.I. Moore by R.E. Davis by deed recorded in Volume 138, Page 160, Deed Records of Taylor County, Texas;

THENCE North with the West boundary line of said 10 1/3 acre tract and parallel with the East boundary line of said 42 acre tract to a point in the North boundary line of said 42 acre tract, the NW corner of said 10 1/3 acre tract and NE corner of this tract;

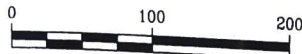
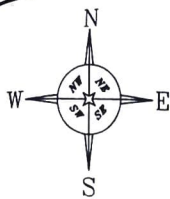
THENCE West with the North boundary line of said 42 acre tract 100 yards for NW corner of this tract;

THENCE South parallel with the East boundary line of said 42 acre tract to a point in the South boundary line of said tract and SW corner of this tract;

THENCE East with South boundary line of said 42 acre tract 100 yards to the place of beginning, containing 10 acres of land, the South 5 acres of which is hereby conveyed.

TRACT TWO:

Being a 1 acre tract out of the L. Bowerman Survey No. 83, Taylor County, Texas, described by metes and bounds in a Warranty Deed dated July 24, 1936, from E.J. Mackey and wife, Lillie Mackey, and recorded in Volume 268, Page 435, Deed Records of Taylor County, Texas, to which deed reference is here made for a metes and bounds description of the same.



SCALE IN FEET

Scale: 1" = 100'

NOTE: If this plat does not bear the signature and impression seal of James L. Williams, Jr. (Jim Williams) it is not a valid survey plat and shall not be relied upon for any purpose or filed as a public record.

NOTE: Bearings shown hereon were determined by G.P.S. observations using TXNC State Plane Coordinates NAD 83.

NOTE: There may be easements on or near this property which are not reflected by title commitment or this survey plat. At least 48 hours before any excavation type work is done, proper authorities should be contacted. One resource is DIG TESS at 1-800-344-8377.

Legend

- = Found 1" Iron Road
- = Existing 4" X 4" Wood Fence Corner Post
- = Set 3/8" rebar
- X- = Fence
- () = Recorded Call
- R/W = Right of Way
- P.O.B. = Place of Beginning
- Ac. = Acres
- O.P.R. = Official Public Records
- EBL = East Boundary Line
- WBL = West Boundary Line

4" X 4" Wood Fence
Corner Post bears
N0°30'20"E 1.8'

Lot 1, Block A,
GRAPE STREET FIRE STATION ADDITION
Cabinet 4, Slide 287, Plat Records

S88°51'45"E 399.94'

(TRACT 1)

(TRACT 3)

5.89 Ac.

Part of: (5 Ac) Tract 1
Part of: (1 Ac) Tract 2
All of: Tract 3
2511/615 O.P.R.

N0°30'20"E 569.0'

S0°30'20"W 409.91'

bearing baseline
Lot 2, Block A
GRAPE STREET FIRE STATION ADDITION
Cabinet 4, Slide 287, Plat Records

(TRACT 2)

N89°25'04"W 200.0'

(150' X 200' S & E TRACT)
2511/615 O.P.R.

(TRACT 1)

S0°30'20"W 305.23'

N89°25'04"W 204.34'

HUCKLEBERRY LANE
(40' R/W)

Kaden Connell and
Bethany Connell
1802 Huckleberry Lane
Abilene, Texas 79603
GF No. 201074M



I hereby certify to Kaden Connell, Bethany Connell and First Texas Title Company, the above to be a correct plat of 5.89 acres out of the L. Bowerman Survey No. 83, City of Abilene, Taylor County, Texas, said 5.89 acres being part of Tracts 1 and 2 and all of Tract 3 recorded in Volume 2511, Page 815, Official Public Records, Taylor County, Texas and being more particularly described by attached field notes.

SEE ATTACHED FIELD NOTES.

Surveyed on the ground June 17, 2020.

There are no visible or apparent protrusions or overlapping of improvements upon or off this property other than shown. (Fences are not entirely upon property lines.)

GEOTEX PROPERTY SOLUTIONS
209 S. Pioneer Drive, Suite 2
Abilene, Texas 79605
325-677-6712
Firm Registration No. 10194134

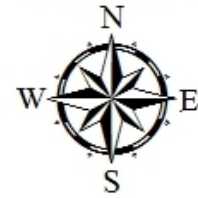
File No: 70-05-20 Copy 4 of 6
File Name: 1802 Huckleberry Lane
Location: D:\ABILENE\2020\1802Huckleberry
Geotex Property Solutions Drawn by:
© 2020 All Rights Reserved RL

James L. Williams, Jr.
RPLS #4885

Case: Z-2021-09
Owner: Bethany and Kaden Connell
Request: Rezone from Residential Single-Family (RS-6)
to Agricultural Open Space (AO)
Location: 1802 & 1810 Huckleberry Lane
Notification: 2 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval

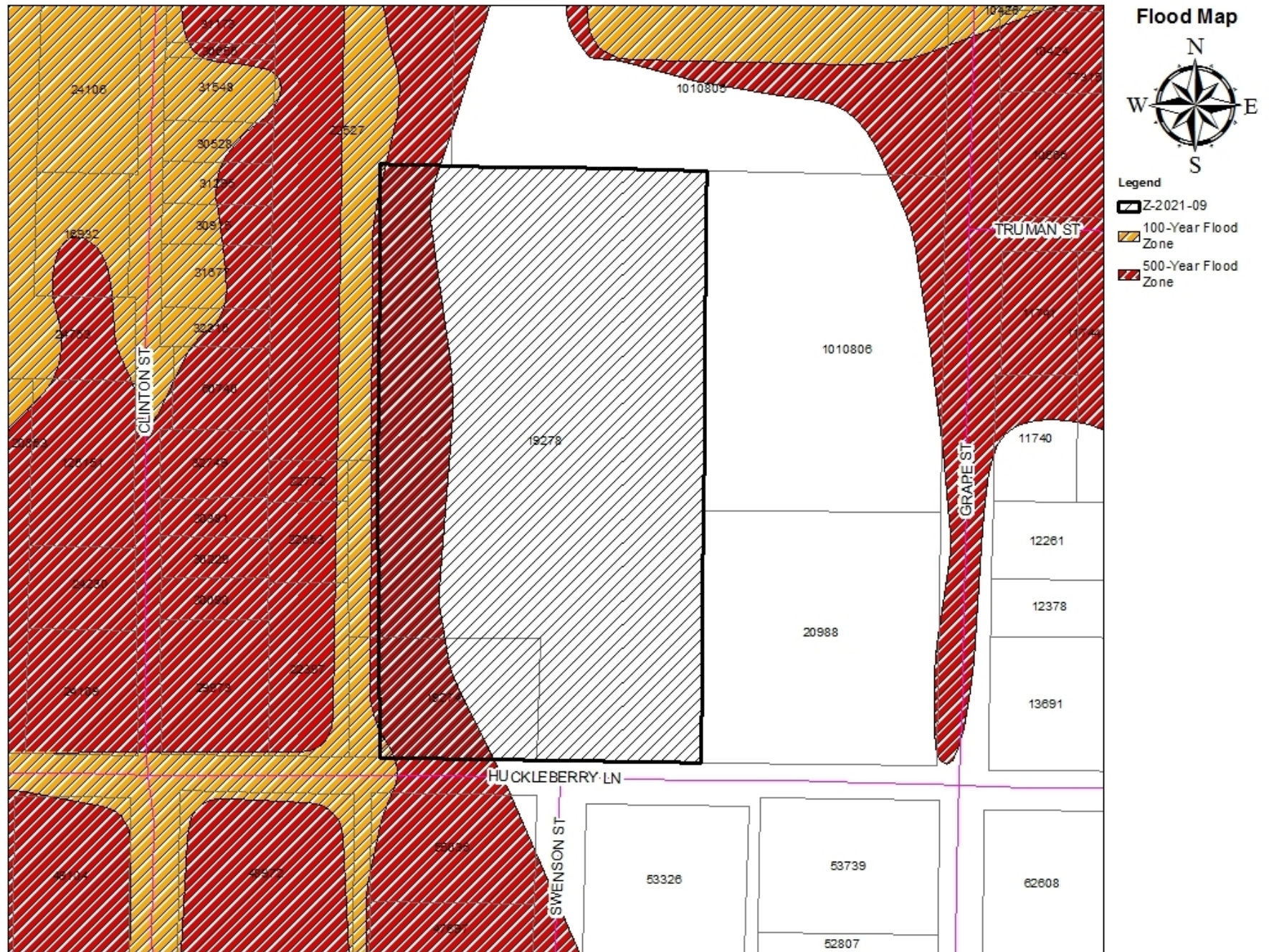


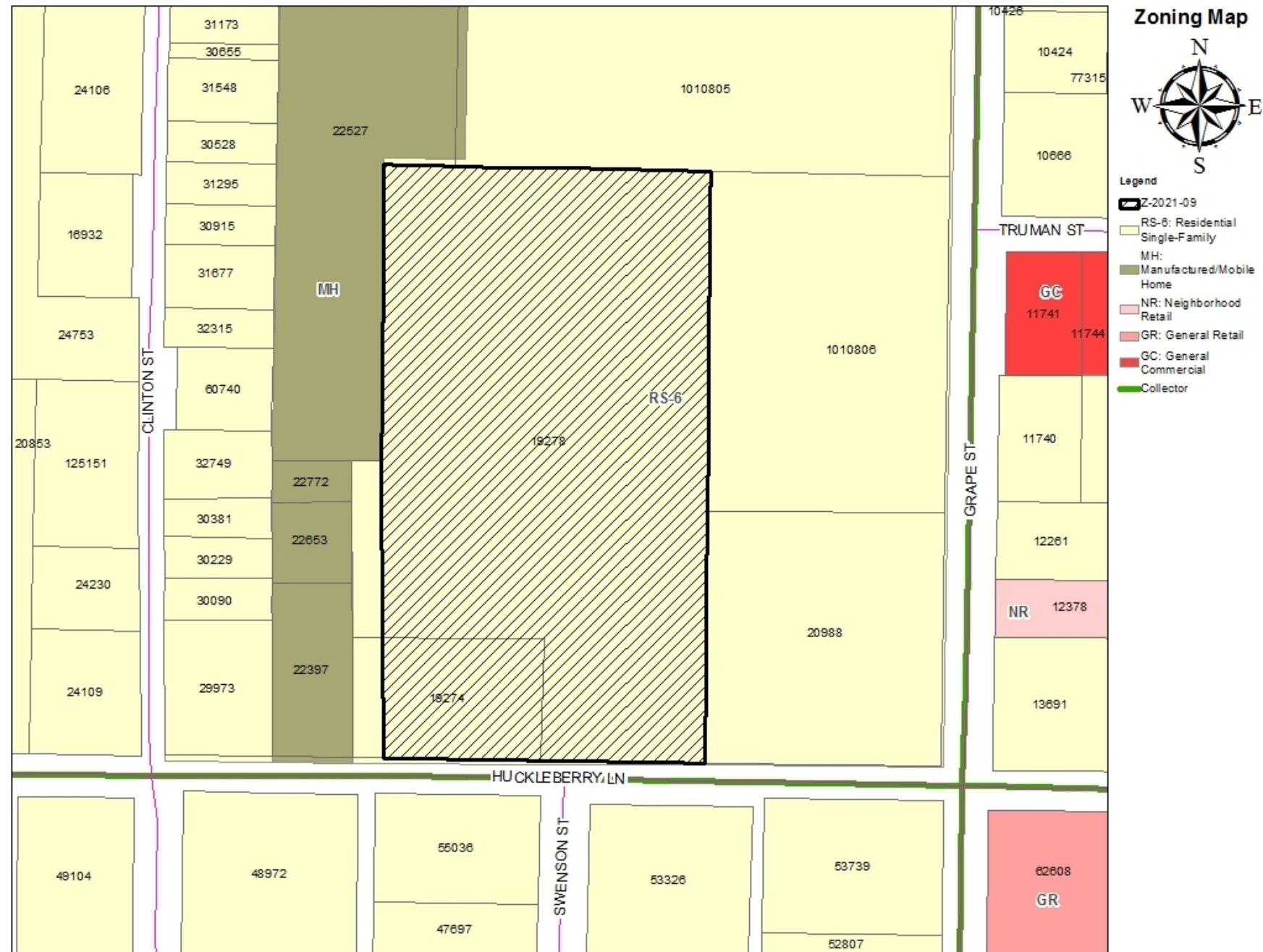
Location Map



Legend

 Z-2021-09





AGRICULTURAL OPEN SPACE (AO) PERMITTED USES

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well



Subject Property



Subject Property



Neighboring Property (west)



Neighboring Property (south)

Z-2021-09 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: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **17. Ordinance (Final Reading) Z-2021-10:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a **Request from Sitzes APB LP, Agent Enprotec/Hibbs & Todd Inc., to Change Zoning from Heavy Industrial (HI) to Heavy Commercial (HC) District and Located at 2249 Butternut Street, on the Northeast Corner of Butternut and South 23rd Streets. (Mike Warrix)**

GENERAL INFORMATION

Request to rezone a one acre parcel located at 2249 Butternut Street from Heavy Industrial (HI) to Heavy Commercial (HC).

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

At its May 4, 2021 meeting, the Planning and Zoning Commission voted 6-0 to recommend approval of this request to City Council.

ATTACHMENTS:

1. Z-2021-10 draft ordinance
2. Z-2021-10 Council Staff Report
3. Z-2021-10 Application
4. Z-2021-10 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 27th day of May, 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 17th day of April, 2021, 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 10th day of June, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 10th day of June, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

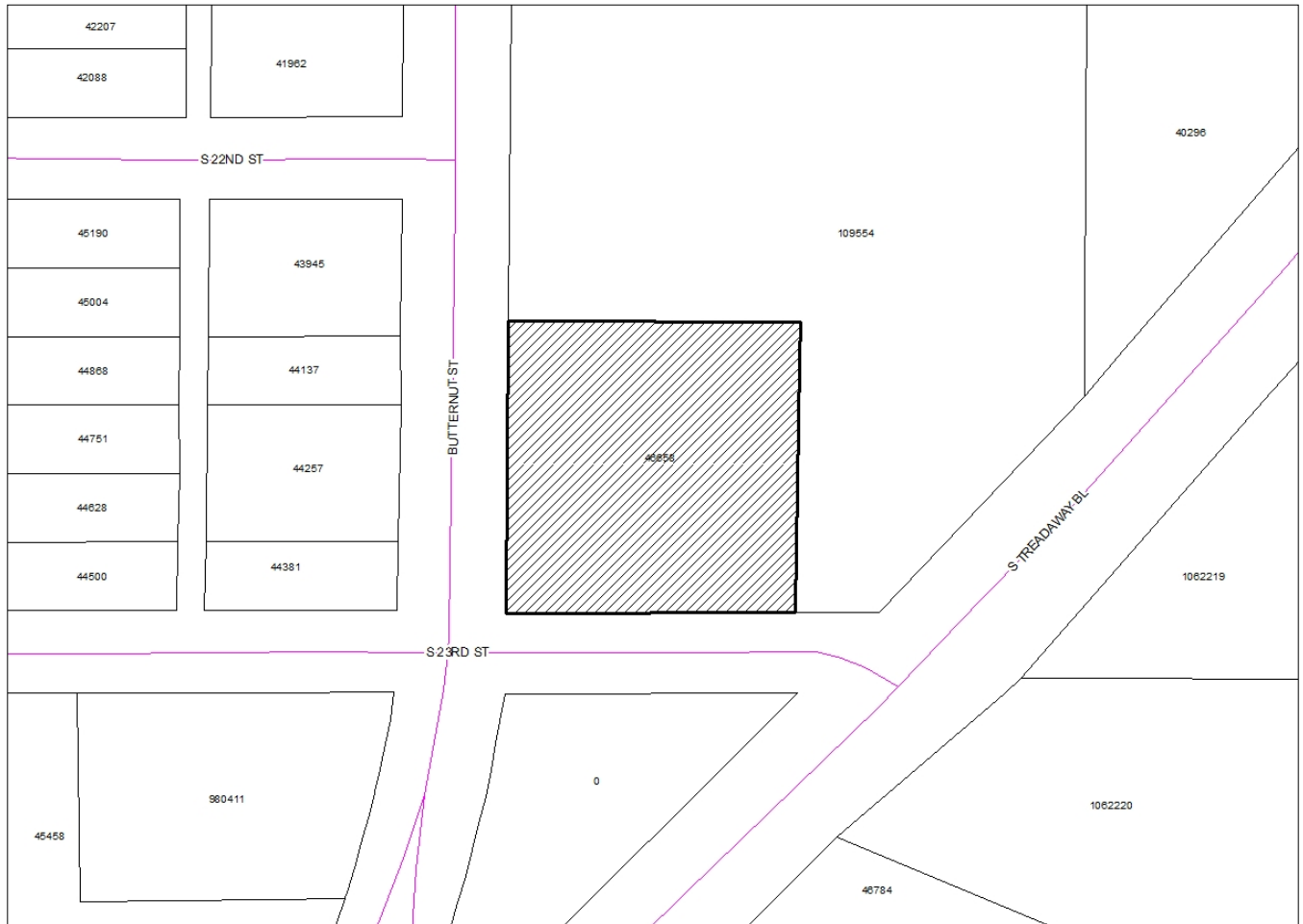
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described tract, from Heavy Industrial (HI) District to a Heavy Commercial (HC) District.

Legal description being: Lot 101 in Sitzes Subdivision of part of Block 22 of the Ellen Bowyer Estate Subdivision, Abilene, Taylor County, Texas.



-END-

ZONING CASE Z-2021-10

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 4, 2021

City Council 1st Reading: May 27, 2021

City Council 2nd Reading: June 10, 2021

Applicant

Owner: Sitzes APB LP

Agent: David Todd, Enprotec/Hibbs & Todd Inc.

Request

Rezone 1.01 acres from Heavy Industrial (HI) to Heavy Commercial (HC) District.

Location

The subject property is located at 2249 Butternut Street.

Background

The subject property has been zoned Heavy Industrial (HI) since at least 1974. Building inspection files indicate that a "Portable Buildings and Carport" manufacturer and retail-sales business has occupied the subject property since 1976. Based on information provided in the application, the applicant intends to operate a temperature-controlled self-storage facility. The proposed use of "Storage-Self-Service units" as identified in Section 5.1.1.3 of the Land Development Code is not a permitted use in Heavy Industrial (HI) zoning.

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 vacant Heavy Industrial (HI) to the south; to the east are two commercial businesses in Heavy Industrial (HI); to the north and west is a large parcel occupied by an interior design and fabrication business in Heavy Industrial (HI).

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. The Future Land Use and Development Plan Map classifies the property as commercial. The proposed rezoning will allow for greater commercial uses not generally allowed in industrial zoning districts.

(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 in the immediate vicinity as this area has slowly transitioned away from more intensive uses (manufacturing) to less intensive uses (retail sales).

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

The subject property currently has access to existing utilities and public amenities adequate for the proposed uses. This request 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 approval.

Planning and Zoning Commission Action

At the May 4, 2021 meeting, the Planning and Zoning Commission voted 6-0 to recommend approval to City Council.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 20, 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 property identification numbers are identified in Table 1.

TABLE 1

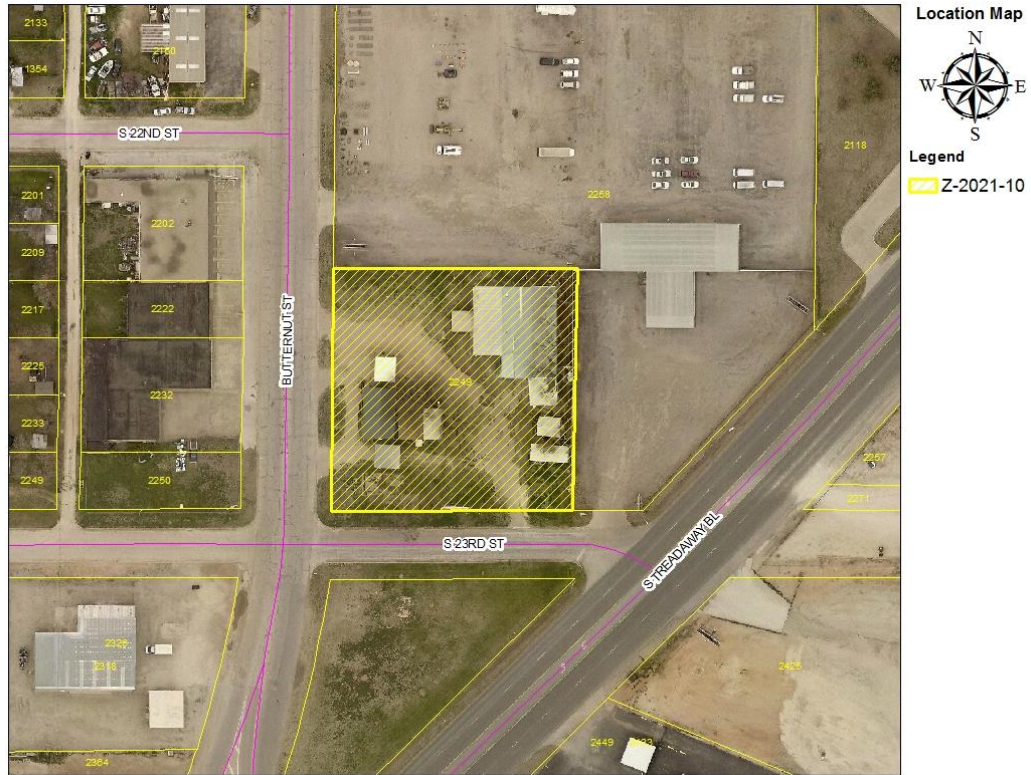
Owner	Property ID	Response
MHS LLC	1062220	
PINNACLE PARTNERS ABILENE LLC	1062219	
CAF REALTY LLC	980411	
HALL PAUL A & DEVEN M	43945	
HIT VENTURES LLC	109554	
PHOENIX COLLISION INC.	41962	
SITZES APB LP	46658	
SITZES STEVEN O	46784	
TRUONG MINH KIEN	44381	In Favor
TRUONG MINH KIEN	44257	
TRUONG MINH KIEN	44137	

Attachments

Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP



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

CASE #: Z-2021-10

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: TRUONG MINH KIEN
Parcel I.D.: 44381
Address: 2250 BUTTERNUT ST

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: _____

APR 28 AM 11:18

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: Sitzes APB
Address: 2249 Butternut No. of lots: 1 Acreage: 1.0
Legal Description: Sitzes Sub. Block 22, Lot 101
Subdivision Name: Sitzes Sub Block: 22 Lot: 101
Current Zoning: Heavy Industrial Proposed Zoning (if applicable): Heavy Commercial

OWNER AND AUTHORIZATION

Owner Name: Sitzes APB LP
Address: 2433 Butternut
City, State, Zip: Abilene, TX 79602 Fax: _____
Phone: 325-673-7123 Email: steve.sitzes59@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) David Todd will act as my agent before the Planning and Zoning Commission.

Agent Name: David Todd
Address: 402 Cedar
City, State, Zip: Abilene, TX 79601 Fax: _____
Phone: 325-698-5560 Email: david.todd@e-ht.com

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

Signature Owner: _____ Date: 3.30.21

FOR OFFICE USE ONLY

Received: _____ Fee: \$ 500.00 Receipt No.: _____
Case No.: _____ Reviewed By: _____



Portable Buildings, and is zoned Heavy Industrial. The owners are currently seeking to rezone the property to Heavy Commercial in order to construct a temperature-controlled self storage facility.



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.

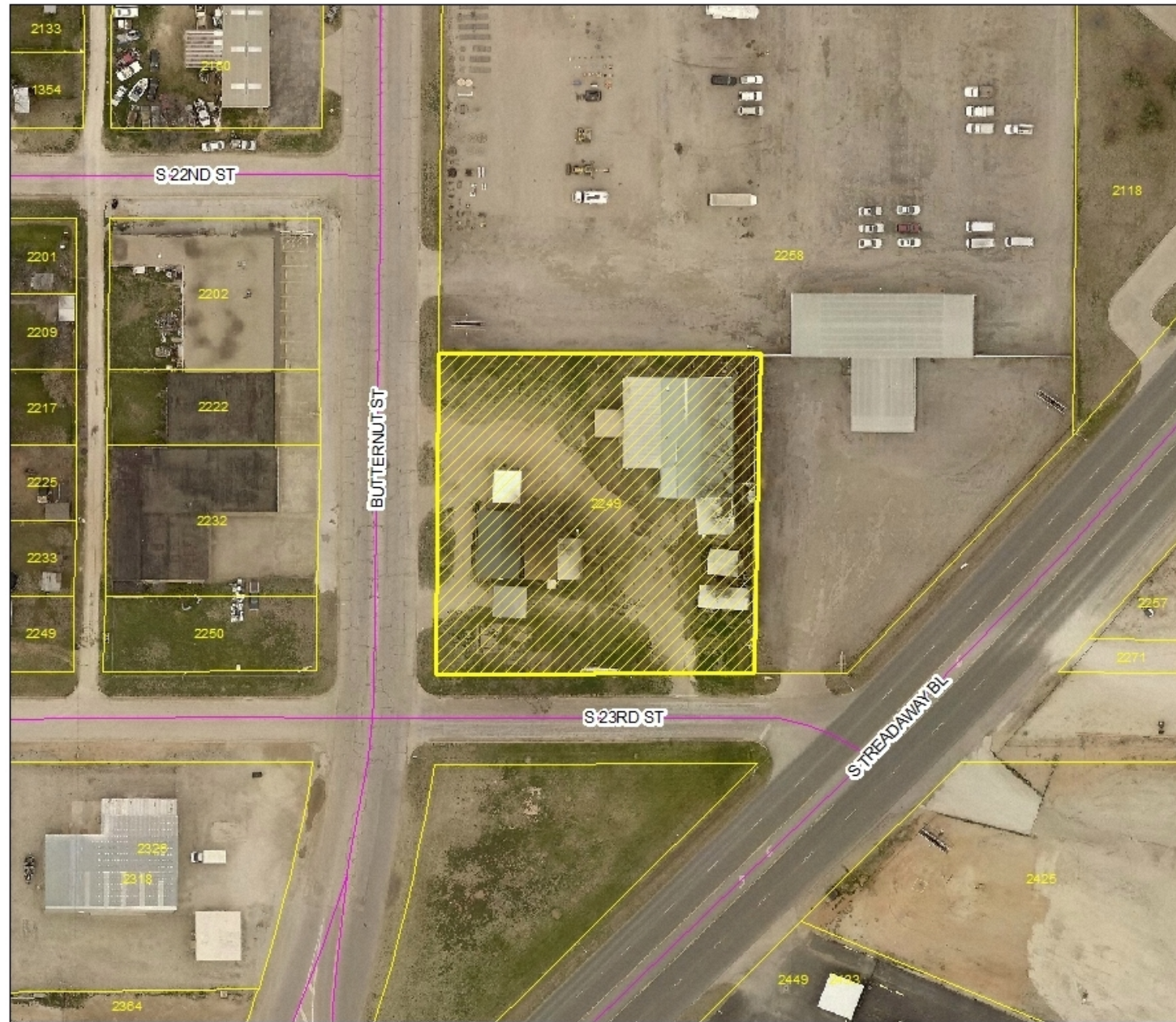
SIGNED: _____

DATE: _____

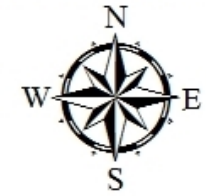
P-30-21

Case: Z-2021-10
Owner: Sitzes APB
Agent: Enprotec Hibbs & Todd Inc.
Request: Rezone from Heavy Industrial (HI) to Heavy Commercial (HC)
Location: 2249 Butternut Street
Notification: 1 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval

Z-2021-10 LOCATION MAP



Location Map



Legend

 Z-2021-10

Z-2021-10 ZONING MAP



HEAVY COMMERCIAL (HC) PERMITTED USES

RESIDENTIAL USES:

C 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 Drive-Through Facility
TP Field Office or Construction Office (temporary)
P Freight Container
P Fuel Sales
TP Itinerant Business
P Manufacturing (incidental)
C Mobile Home (permanent security residence)
TP Mobile Home (temporary security residence)
P Mobile Home or Temporary Building (office for sales and service)
P Recycling Collection Point
C Travel Trailers (accessory to hospitals)
P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

C Adult Entertainment Enterprise
P Civic, Social, and Fraternal Organization
P Cultural Facilities
P Drive-in Theater
C Motorized Racing
P Recreation – Outdoors (active)
P Recreation – Outdoors (passive)
P Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P Ambulance Service
C Correction, Detention, or Penal Facilities
P Fire/Police Station
P Homeless/Emergency Shelter
P Hospital
P Medical/Dental Laboratory
P Military and Armed Forces Reserve Center
P Post Office
P Rehabilitation Facility
C Sanitary Landfill
P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P Arts School
C Cemetery, Crematorium, and Mausoleum
P Church or Place of Worship
P Educational and Scientific Research
P School: Public/Private
P Trade/Business School

SERVICE

P/C Automobile Wash
P Contractor Services
P Funeral Home/ Mortuary/Morgue
P Kennel (With Outdoor Pens)
P Kennel (Without Outdoor Pens)
P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
P Laundry/Dry Cleaning Services & Facilities
P Office (general, professional, financial)
P Printing, Copying, Reproduction, Publishing
P Recycling Collection and Processing Center
P Repair and Maintenance Services - Automobile/Small Truck (major)
P Repair and Maintenance Services - Automobile/Small Truck (minor)
P Repair and Maintenance Services (indoor)
P Repair and Maintenance Services (outdoors)
P Repair and Maintenance Services (truck and other large vehicles)
P Scales (public)
P Storage - Self-Service Units
P Tattoo Parlor
P Taxidermist
P Veterinary Service (all size animals)
P Veterinary Service (small animals)
P Wrecker/Towing

TRADE – RETAIL USES

P Aircraft and Accessories
P ATM's, Self-Serve Kiosks, and Similar Facilities
P Fuel Sales
P Head Shop
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 (automobile/small truck)
P Retail Sales/Rental (indoor)
P Retail Sales/Rental (outdoors, non-vehicle)
P Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

P Liquor, Wholesale/Distribution
P Wholesaling and Storage (indoor)
C Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
C Antenna Tower - Commercial
P Automobile Parking Lot or Structure - Commercial
P Broadcast Studio
P Passenger Ground Transportation Terminal
P Pressure Control Station
P Public Utility Facility
C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

P Petroleum or Gas Well
C Manufacturing (light)
P Urban Garden

Northeast view of
subject property



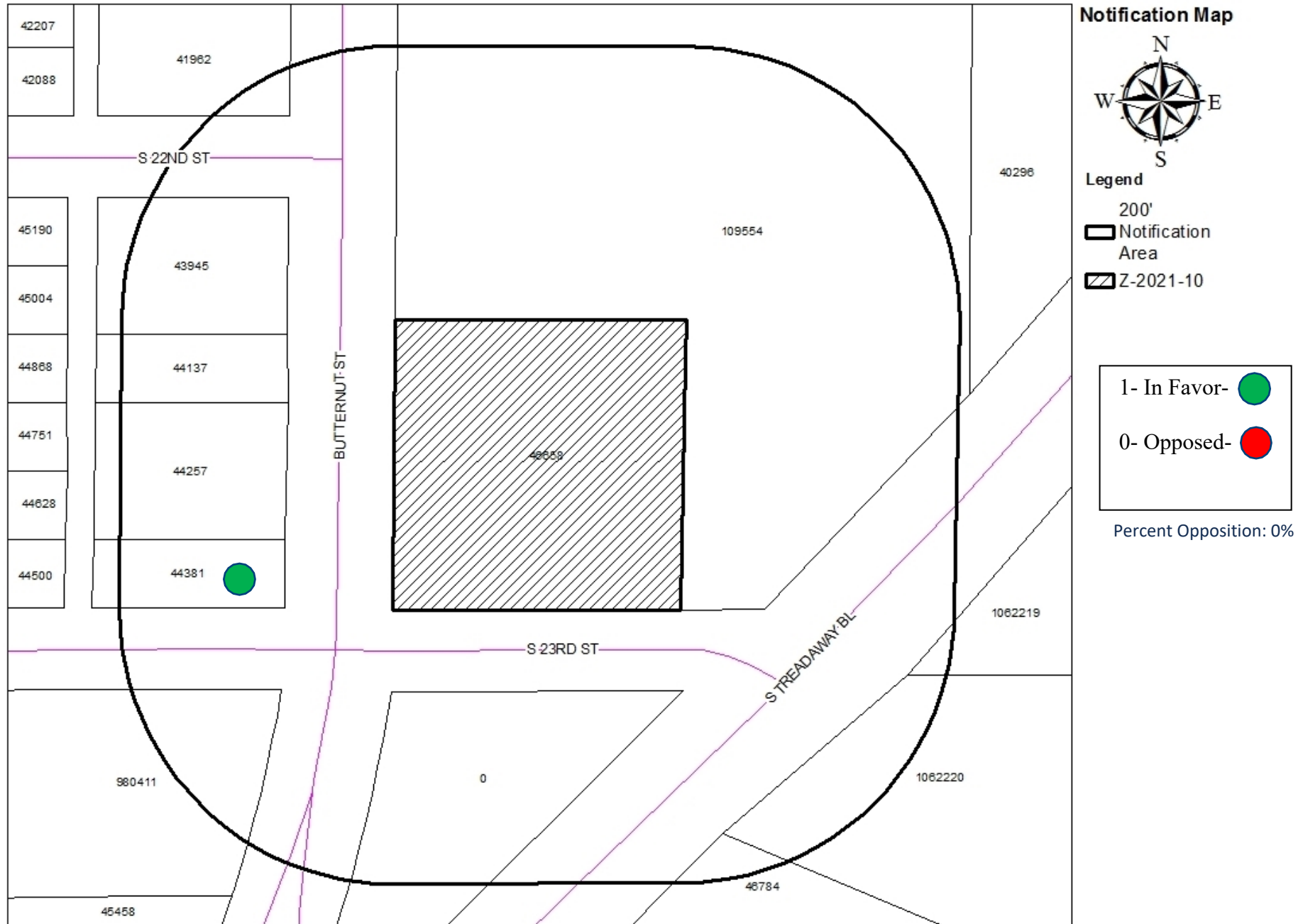
Aerial view of
neighboring properties



Southwest
neighboring property



Z-2021-10 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: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **18. Ordinance (Final Reading) TC-2021-06:** Receive a Report and Hold a Discussion and Public Hearing on a Request from Hardin-Simmons University, Agent Enprotec/Hibbs & Todd Inc., to Abandon the Complete 60-Foot-Width of Public Right-of-Way of Beech Street as it Extends 160 feet South from Sandefer Street's Right-of-Way, and 152.5 to 312.5 Feet North from the Right-of-Way of Ambler Avenue in North Central Abilene (Mike Warrix)

GENERAL INFORMATION

City Council is being asked to abandon the 60 foot right-of-way of Beech Street.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

At its May 4, 2021 meeting, the Planning and Zoning Commission voted 6-0 to recommend approval to City Council.

ATTACHMENTS:

1. TC-2021-06 Draft Ordinance (for review)
2. TC-2021-06 Council Staff Report
3. TC-2021-06 Application
4. TC-2021-06 Council presentation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF THE COMPLETE 60-FOOT-WIDTH OF PUBLIC RIGHT-OF-WAY FOR BEECH STREET, PROVIDING FOR TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portion of public right-of-way for Beech Street, as described on Exhibit "A" attached hereto and made part of this ordinance for all purposes, be and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the City of Abilene is concerned, subject to the underlying property owner(s) graphically resubdividing (by replat,) the subject portion of public right-of-way into the adjoining properties.

PART 2: That said portion of public right-of-way is not needed for public purposes, and it is in the public interest to abandon the above described portion of public right-of-way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tract of land specifically described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING THE 27th day of May, A.D. 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 17th day of April, 2021, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 10th day of June, 2021, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 10th day of June, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the complete 60-foot-width of public right-of-way available for Beech Street as it extends 160 feet south from Sandefer Street's right-of-way, and 152.5 to 312.5 feet north from right-of-way presently available for Ambler Avenue in north central Abilene, Taylor County, Texas.

SUBJECT to the following conditions:

1. Approval and subsequent recording of a re-plat showing how the street and alley rights-of-way will be integrated with one or more adjacent new lot(s).
2. On the required re-plat, the improved portion of Beech Street shall be dedicated as a 30-foot-wide improved alley; to alleviate the creation of a dead end alley and provide adequate solid waste and emergency vehicle accessibility. Additionally, the southernmost extent of the Sandefer Street right-of-way where intersected by Beech Street; a standard alley approach must be installed to visually "break up" the appearance of a through street.
3. On the required re-plat, suitable easements must be reserved for continued access to all existing utility facilities planned to remain within the otherwise abandoned street rights-of-way.
4. Relocate any affected existing facilities not remaining in place, at the expense of the property owner(s) within whose land the abandoned street right-of-way will be integrated.



-END-

THOROUGHFARE CLOSURE TC-2021-06

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 4, 2021

City Council 1st Reading: May 27, 2021

City Council 2nd Reading: June 10, 2021

Applicant

Owner: Hardin Simmons University

Agent: Enprotec/Hibbs & Todd Inc. (eHT)

Request

Abandon the complete 60-foot-width of improved public right-of-way available for Beech Street as it extends 160-feet south from Sandefer Street's right-of-way, and 152.5 to 312.5 feet north from the right-of-way presently available for Ambler Avenue in north central Abilene.

Location

The 60-foot-wide improved right-of-way for Beech Street between the westernmost boundary Block C and the easternmost boundary of Block B in Darby of North Park Addition, extending approximately 160-feet south from the southernmost right-of-way boundary of Sandefer Street.

Background

This 60-foot-wide right-of-way for Beech Street was originally dedicated by the Darby of North Park Addition in October 1925. The right-of-way for Beech Street is fully improved with approximately 30-feet of pavement width, complete with curb and gutter.

In March 2021, Abilene's City Council approved ordinance #14-2021, authorizing the abandonment of approximately 150-linear-feet of this existing 60-foot-wide right-of-way extending north from the northernmost boundary of Ambler Avenue. The authorization of this abandonment was subject to the conditions of a re-plat illustrating how this portion of the Beech Street right-of-way would be integrated with one or more adjacent new lot(s) and subject to public improvements that would provide an adequate vehicle turnaround where the remaining portion of Beech Street would "dead end."

Following design considerations for this required turn-around, the applicant determined that the required cul-de-sac or hammerhead arrangement necessary to provide vehicle turnaround would substantially encroach into the desired site they plan to create along Ambler Avenue for a future Braums restaurant.

The applicant is now requesting to abandon the remaining 160-feet of the 60-foot-wide right-of-way presently available for Beech Street between Ambler Avenue and Sandefer Street. If approved, the applicant intends to re-plat this subject portion of Beech Street into an improved alley. By doing so this will alleviate the creation of a dead-end street; thereby relieving the applicant from the requirement to create a permanent vehicle turnaround pursuant to Section 3.2.7.9 of the Land Development Code. Additionally, by dedicating this remaining portion of Beech Street as an alley it will alleviate the creation of a dead-end at the easternmost extent of this existing alley that extends in a generally east and west direction thru Block B in the Darby of North Park Subdivision.

Assessment

Pursuant to Section 3.2.7.4, Street, Alley Abandonment, and Closure Policy, of the Land Development Code, any closure or abandonment shall follow the same public hearing process as required for a zoning change.

The proposed abandonment was reviewed by the City of Abilene's Development Review Committee (DRC). The DRC determined this request to be satisfactory with conditions to be addressed during the re-plat process upon approval of the abandonment.

Staff Recommendation

City staff recommends approving the requested abandonment subject to the following conditions:

1. Approval and subsequent recording of a re-plat showing how the street and alley rights-of-way will be integrated with one or more adjacent new lot(s).
2. On the required re-plat, the improved portion of Beech Street shall be dedicated as a 30-foot-wide improved alley; to alleviate the creation of a dead end alley and provide adequate solid waste and emergency vehicle accessibility. Additionally, the southernmost extent of the Sandefer Street right-of-way where intersected by Beech Street; a standard alley approach must be installed to visually "break up" the appearance of a through street.
3. On the required re-plat, suitable easements must be reserved for continued access to all existing utility facilities planned to remain within the otherwise abandoned street rights-of-way.
4. Relocate any affected existing facilities not remaining in place, at the expense of the property owner(s) within whose land the abandoned street right-of-way will be integrated.

Planning and Zoning Commission Action

At the May 4, 2021 meeting, the Planning and Zoning Commission voted 6-0 to recommend approval to City Council.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 20, 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 parcel identification numbers are identified in Table 1.

TABLE 1

Owner	Property ID	Response
CARTER MICHAEL LEE & MARSHA	50988	
CROCKETT JOSEPH B & CAROL	51118	
HARDIN SIMMONS UNIVERSITY	51380	In Favor
HARDIN SIMMONS UNIVERSITY	52018	In Favor
HARDIN SIMMONS UNIVERSITY	51887	In Favor
HARDIN SIMMONS UNIVERSITY	51627	In Favor
HARDIN SIMMONS UNIVERSITY	51498	In Favor
HARDIN SIMMONS UNIVERSITY	51754	In Favor
HARDIN SIMMONS UNIVERSITY	54258	In Favor
HARDIN SIMMONS UNIVERSITY	53076	In Favor
HARDIN SIMMONS UNIVERSITY	53194	In Favor
HARDIN SIMMONS UNIVERSITY	53598	In Favor
HARDIN-SIMMONS UNIVERSITY	52943	In Favor
LEMOND SHEILA D ET AL	51247	
PCKC LLC	52676	
PCKC LLC	52804	

LOCATION MAP



Attachments

- DRC comments
- Application
- PowerPoint Presentation

Comments List

Project Type: Thoroughfare Closure Application | ID # 21-000048



Kevin Jaeger

Planning Division, Apr 08, 2021 at 4:19 PM ago PRIVATE

An existing 6" water line is located along the eastern right of way along Beech Street. An existing 4" water line runs down the alley south of Sandefer Street. An existing 6" sewer line is located near the center of Beech Street. The developer may choose to dedicate an easement specific to each of the utilities present within the area to be abandoned. The developer may choose to enlist the services of a Civil Engineer for the purpose of determining if the utilities can be either rerouted or abandoned. If utilities are to be relocated, engineering plans must be submitted, reviewed and approved prior to abandonment approval.



Wayne Terrell

Permits & Inspections, Apr 12, 2021 at 10:14 AM ago PRIVATE

Wayne Terrell

Engineering Technician III

Water Utilities Mapping

wayne.terrell@abilenetx.gov

325-676-6425

An existing 6" V.C. sewer main is in the center of Beech Street and an existing 6" C-900 water main is in the east right-of-way of Beech Street. The developer has the option of keeping the utilities and utility easement as they are or utilizing a Texas licensed Engineer for the rerouting and abandonment of the water and sewer utilities to continue to provide services to this area. The relocation of these utilities must be approved prior to the approval of the thoroughfare closure and the abandonment of any utilities.

**GIS Team***Permits & Inspections, Apr 14, 2021 at 8:15 AM ago* PRIVATE

Blake Tulloch

GIS/Addressing Technician

Abilene/Taylor County 9-1-1 District

blake.tulloch@abilenetx.gov|(325) 676-6239

Comments:

- Sandefer ST does not extend into the parking lot, please end Sandefer before the parking lot

**Athan Himmelstein***Planning Division, Apr 14, 2021 at 11:09 AM ago*

Athan Himmelstein

AEP Texas Abilene Distribution

adhimmelstein@aep.com & 325.674.7290

"Satisfactory with Conditions"

Will need to keep Utility rights for down guy and anchoring for streetlight pole off Sandefer.

AEP also has a low voltage 120/240V overhead line crossing over the southern part of the alley abandonment. Either will need to retain utility rights for this line or get with AEP about re-location/retirement of this line.

**David Mundschenk***Permits & Inspections, Apr 14, 2021 at 3:30 PM ago*

Will need to build an alley approach on the south side of Sandefer St and Beech St.

**Steve Keith***Permits & Inspections, Apr 14, 2021 at 3:40 PM ago* PRIVATE

Steve Keith

Traffic Services

If Braums plans on using this alley for ingress and egress they will be responsible for maintaining the alley.

**Jared Smith***Planning Division, Apr 15, 2021 at 4:32 PM ago* PRIVATE

Planning & Zoning

325-676-6490

Jared.smith@abilenetx.gov

APPROVAL WITH THE FOLLOWING CONDITIONS:

- (1) This abandonment cannot result in a dead end alley running through Block B in Darby of North Park Subdivision.
- (2) Approval and subsequent recording of a re-plat showing how the street right-of-way will be integrated with one or more adjacent new lot(s).
- (3) On the required replat, right-of-way must be reserved and/or dedicated for suitable solid waste and emergency vehicle ingress and egress from the alley running east and west through Block B in Darby of North Park Subdivision.
- (4) On the required replat, suitable easements must be reserved for continued access to all existing utility facilities planned to remain within the otherwise abandoned street right-of-way.
- (5) Relocate any affected existing facilities not remaining in place, at the expense of the property owner(s) within whose land the abandoned street will be integrated.
- (6) Provide City staff with documentation from an appropriate official of each affected utility provider (having facilities remaining in the subject street right-of-way) and which indicates that such facilities have either already been relocated or that suitable financial arrangements have been made for the timely relocation of these affected utilities.

Cc: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>, Tim Littlejohn <tim.littlejohn@abilenetx.gov>, Nickie Plaisance <ngplaisance@aep.com>

Hey Jared,

These conditions are good with us. Thanks for sending.

Thanks,

Athan

From: Smith, Jared <jared.smith@abilenetx.gov>

Sent: Wednesday, April 21, 2021 10:37 AM

To: Athan D Himmelstein <adhimmelstein@aep.com>

Cc: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>; Tim Littlejohn <tim.littlejohn@abilenetx.gov>

Subject: [EXTERNAL] Thoroughfare Closure (TC-2021-06 Conditions for Approval)

This is an **EXTERNAL** email. **STOP. THINK** before you CLICK links or OPEN attachments. If suspicious please click the '**Report to Incidents**' button in Outlook or forward to incidents@aep.com from a mobile device.

[Quoted text hidden]



10 0 30
SCALE IN FEET



ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
Abilene, Texas 79601
402 Cedar Street
325-698-5560
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

**BEECH STREET ROW
ABANDONMENT REQUEST
FOR
BRAUM'S ICE CREAM AND DAIRY STORE
EXHIBIT A**

20-7780
PROJECT NO.
04/06/2021
DATE
R.B.P.
DESIGNED BY:
J.C.
DRAWN BY:
R.B.P.
CHECKED BY:
1 OF 2



10 0 30
SCALE IN FEET



ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
Abilene, Texas 79601
402 Cedar Street
325-698-5560
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

**BEECH STREET ROW
ABANDONMENT REQUEST
FOR
BRAUM'S ICE CREAM AND DAIRY STORE
EXHIBIT A**

20-7780
PROJECT NO.
04/06/2021
DATE
R.B.P.
DESIGNED BY:
J.C.
DRAWN BY:
R.B.P.
CHECKED BY:
2 OF 2



Smith, Jared <jared.smith@abilenetx.gov>

Thoroughfare Closure (TC-2021-06 Conditions for Approval)

2 messages

Smith, Jared <jared.smith@abilenetx.gov>

Wed, Apr 21, 2021 at 10:37 AM

To: Ezequiel Herrera <ezequiel.herrera@abilenetx.gov>

Cc: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>, Tim Littlejohn <tim.littlejohn@abilenetx.gov>

Zeq,

Please see the attached document outlining the conditions for approval that the Planning Department will be recommending to the Planning & Zoning Commission meeting scheduled for May 4, 2021.

Please let me know if you have any questions or concerns with these conditions.

Thank you!

--

**Jared Smith, CNU-A**

Planner II

Planning & Development Services

(325) 676-6490 (Office)

555 Walnut Street, Suite 100

Abilene, Texas 79601-5254

2 attachments**TC-2021-06 Conditions for Thoroughfare Closure Approval (05-04-21).doc**

177K

**TC-2021-06 Graphic Exhibit.pdf**

921K

Herrera, Ezequiel <ezequiel.herrera@abilenetx.gov>

Thu, Apr 22, 2021 at 6:26 AM

To: Jared Smith <jared.smith@abilenetx.gov>

----- Forwarded message -----

From: **Chandler, Gary** <gary.chandler@abilenetx.gov>

Date: Thu, Apr 22, 2021 at 5:42 AM

Subject: Re: Thoroughfare Closure (TC-2021-06 Conditions for Approval)

To: Herrera, Ezequiel <ezequiel.herrera@abilenetx.gov>

ok provided the alley remains open

On Wed, Apr 21, 2021 at 12:10 PM Herrera, Ezequiel <ezequiel.herrera@abilenetx.gov> wrote:

[Quoted text hidden]

--



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Application Number TC-2021-06

04/19/2021

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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 #: TC-2021-06

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Name: HARDIN SIMMONS UNIVERSITY

Parcel I.D.: 54258

Address: 1518 SANDEFER ST

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____

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.



PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 53598
Address: 1530 AMBLER AV

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____



PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 53194
Address: 2220 SIMMONS AV

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____



PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY

Parcel I.D.: 53076

Address: 1602 AMBLER AV

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____



PLANNING & DEVELOPMENT SERVICES

HARDIN-SIMMONS UNIVERSITY
ATTN HAROLD PRESTON
PO BOX 16005
ABILENE, TX 79698-0001

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Name: HARDIN-SIMMONS UNIVERSITY
Parcel I.D.: 52943
Address: 1608 AMBLER AV

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____

Jodie McBaughen
as: VP for Finance



PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 52018
Address: 1625 SANDEFER ST

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature:



PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY

Parcel I.D.: 51887

Address: 1617 SANDEFER ST

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____



PLANNING & DEVELOPMENT SERVICES

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ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 51754
Address: 1609 SANDEFER ST

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY

Parcel I.D.: 51627

Address: 1601 SANDEFER ST

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: _____

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.



PLANNING & DEVELOPMENT SERVICES

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ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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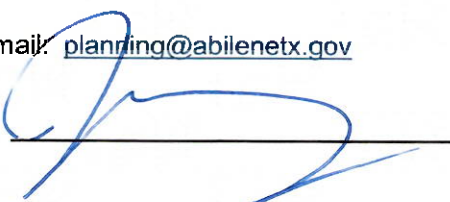
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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 51498
Address: 2318 BEECH ST

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: 



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY

Parcel I.D.: 51380

Address: 1602 SANDEFER ST APT C

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

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: _____

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: Braum's Ice Cream and Dairy Store - Beech Street ROW Abandonment Request
Address: Beech Street and Ambler Ave No. of lots: 1 Acreage: 0.220 Acres
Legal Description: See Attached Exhibit
Subdivision Name: North Park Addition Block: See attached Lot: See attached
Current Zoning: Right of Way Proposed Zoning (if applicable): General Retail (GR)

OWNER AND AUTHORIZATION

Owner Name: Hardin Simmons University
Address: PO Box 16005
City, State, Zip: Abilene, Texas 79698-0001 Fax: N/A
Phone: N/A Email: N/A

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

Agent Name: BJ Prichard, PE / eHT
Address: 402 Cedar
City, State, Zip: Abilene, Texas, 79601 Fax: 325-698-3241
Phone: 325-698-5560 Email: bj.prichard@e-ht.com

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

Signature Owner: [Signature] Date: April 5, 2021

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
Case No.: _____ Reviewed By: _____



1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

In order to remove an inadvertent dead-end street created under the previous Beech Street Abandonment Request, Braum's Ice Cream is seeking to abandon approximately 160' of additional existing Beech Street ROW. Braum's will re-route and provide appropriate easements for affected water and sewer utilities as may be required and will work with other franchise utility providers (Atmos, AEP, AT&T, etc.) to address utilities that may be located in the project area. Refer to the attached Metes and Bounds description and Exhibit highlighting portion of the street to be abandoned. The intention with this request to eliminate the dead-end street section.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

A handwritten signature in blue ink, appearing to be "J. R. [unclear]".

DATE: January 5, 2021



LEGAL DESCRIPTION:
ALL OF THE ALLEY BETWEEN THE EAST RIGHT OF WAY OF BEECH STREET AND THE WEST RIGHT OF WAY OF SIMMONS STREET, A.K.A. GIVENS STREET, IN BLOCK C, DARBY SUBDIVISION OF THE SOUTH ONE-HALF OF BLOCK NO. ONE OF NORTH PARK ADDITION TO ABILENE, RECORDED IN VOLUME 1, PAGE 368, PLAT RECORDS, TAYLOR COUNTY, TEXAS.



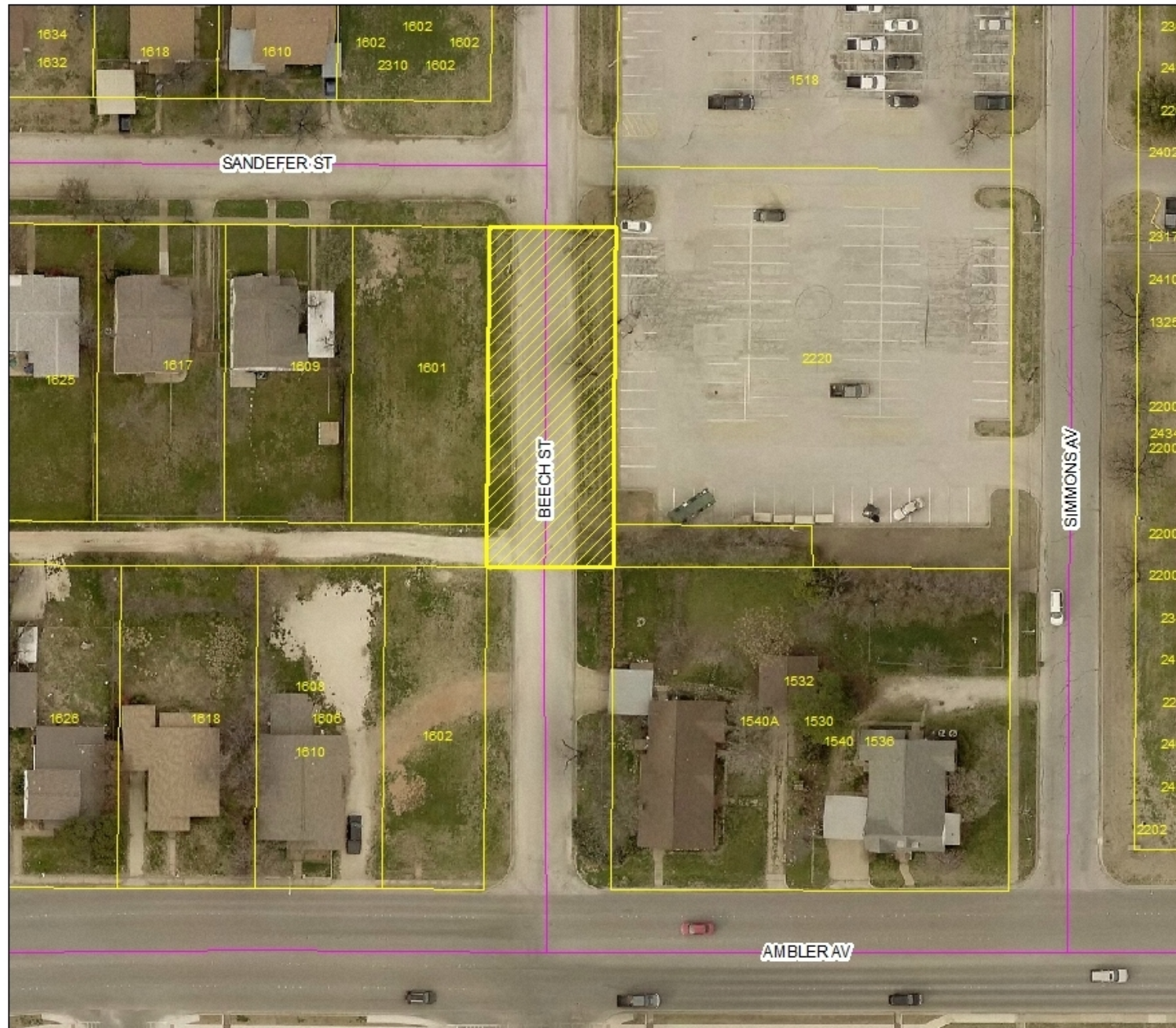
10 0 30
SCALE IN FEET

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
Abilene, Texas 79601
402 Cedar Street
325-698-5560
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

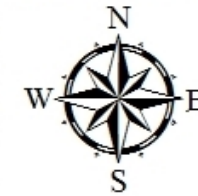
**BEECH STREET ROW
ABANDONMENT REQUEST
FOR
BRAUM'S ICE CREAM AND DAIRY STORE
EXHIBIT A**

20-7780
PROJECT NO.
01/05/2020
DATE
R.B.P.
DESIGNED BY:
J.C.
DRAWN BY:
R.B.P.
CHECKED BY:
1 OF 1

Case:	TC-2021-06
Owner:	Hardin-Simmons University
Agent:	Enprotec Hibbs & Todd (eHT)
Request:	Complete 60-foot-width of public right-of-way for Beech Street as it extends 160-feet south from Sandefer Street
Notification:	11 in Favor, 0 Opposed
Planning & Zoning Recommendation:	Approval

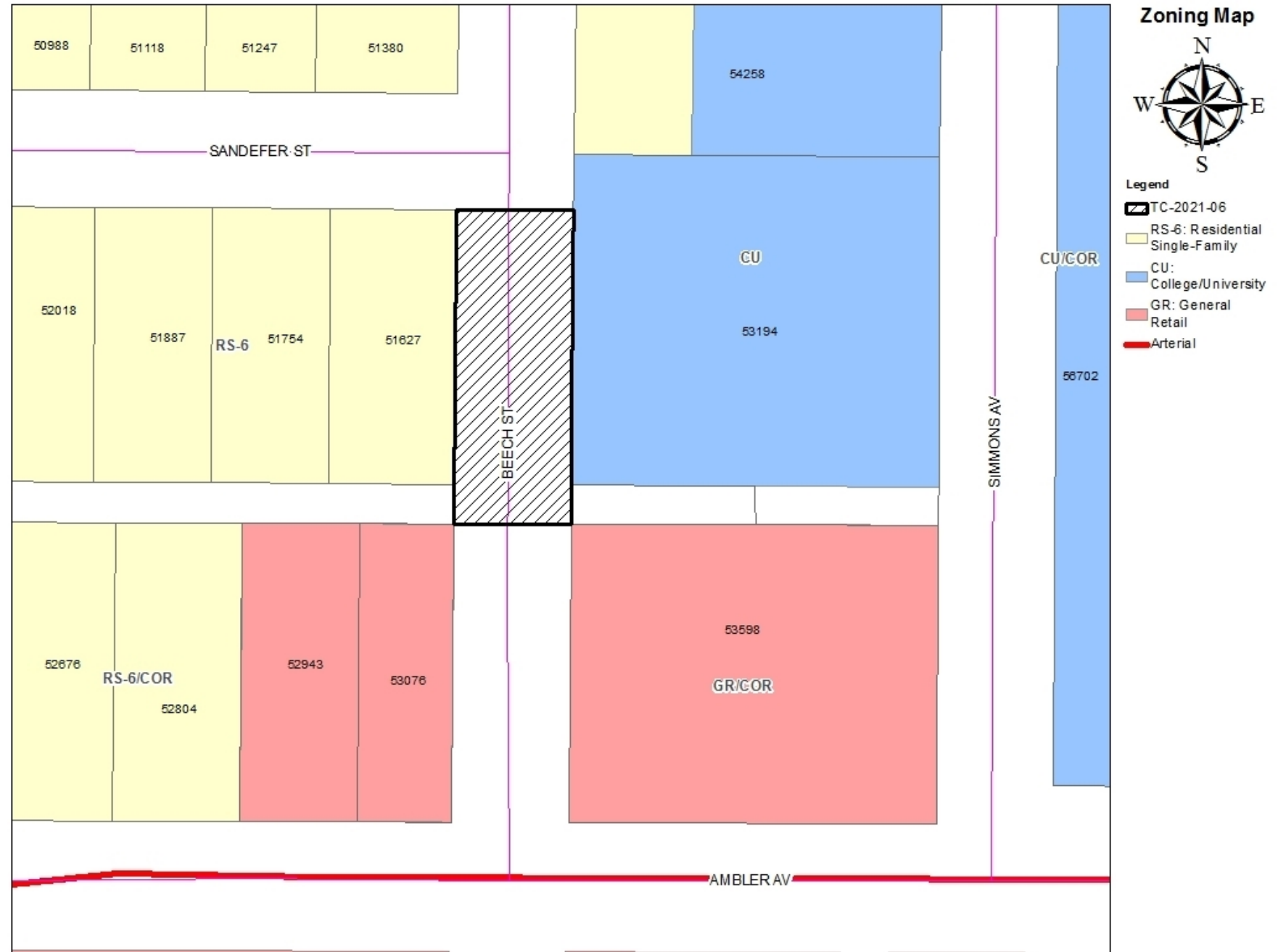


Location Map



Legend

 TC-2021-06



South view down Beech St.



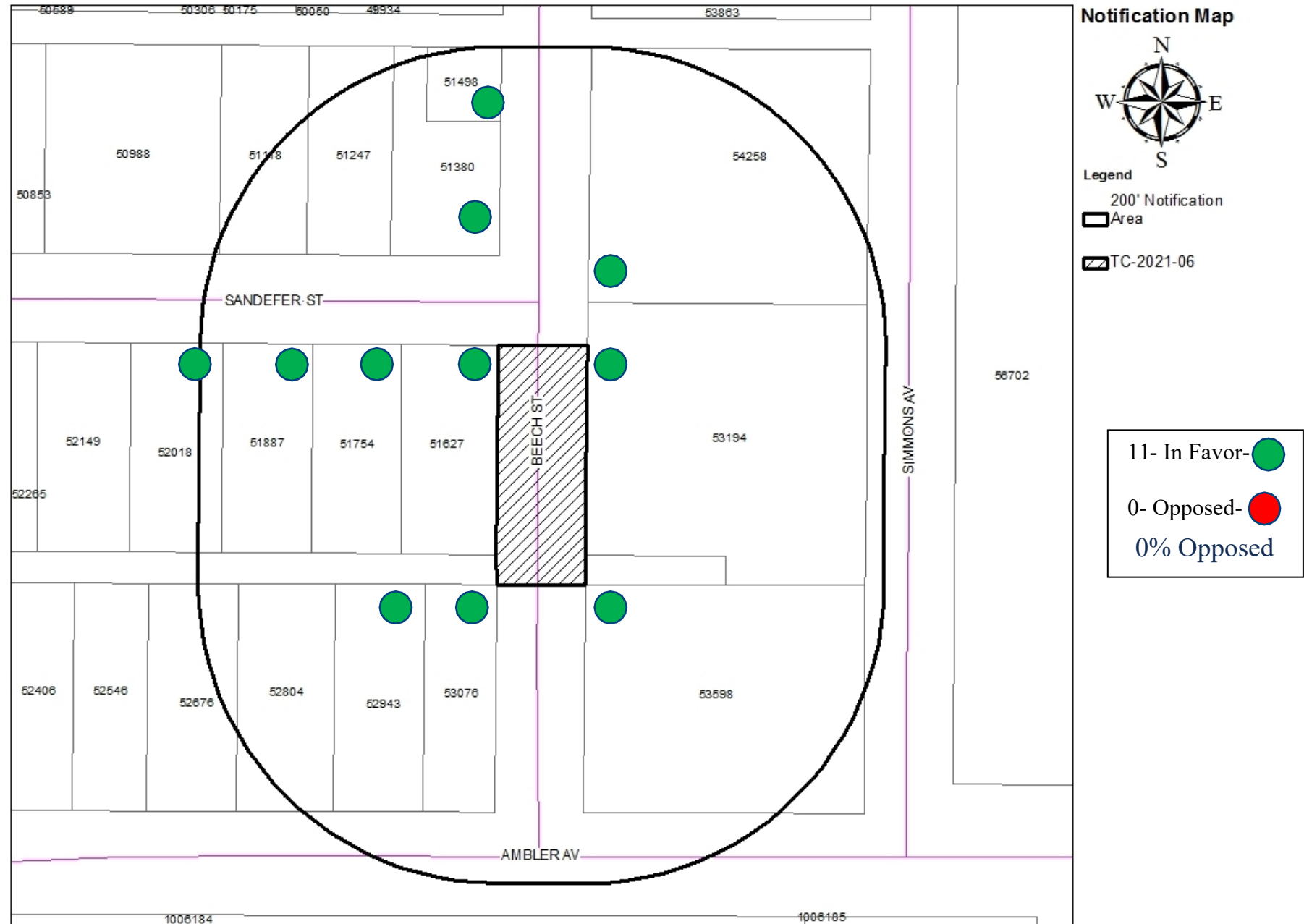
North view up Beech St.



Alley leading to Beech St.



TC-2021-06 NOTIFICATION AREA MAP



- DRC Recommendation: Satisfactory with conditions
- Staff Recommendation: Approval with conditions
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Robert Hanna, City Manager

FROM: Marcus Dudley, Chief of Police

SUBJECT: 19. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Budget Ordinance No. 31-2020 to Include Updated Staffing Levels for the Police Department (Marcus Dudley)

GENERAL INFORMATION

The FY 2020 budget ordinance for the Police currently designates 2 Assistant Chiefs, 11 Lieutenants, 24 Sergeants, and 179 Officers. The Police Department proposes organizational changes that will consist of reclassifying a Lieutenant position to an Assistant Chief and creating two new Sergeant positions from a Lieutenant reclassification and an Officer reclassification. The new sergeant positions will be used in two capacities. One will be added to the Patrol Division which will aid in decreasing the span of control on Patrol squads and improving individual officer growth and wellness. The second sergeant position will be used in an administrative capacity to improve community and media relations as well as recruiting efforts.

It should be noted that we previously had 3 Assistant Chiefs for over two decades. We have been operating with 2 Assistant Chiefs since 2012 and the complexities and litigious nature of policing have only been increasing. Having a 3rd Assistant Chief will provide the assistance needed for the holistic oversight of the opportunities to come as we engage in modern community policing and crime-fighting initiatives.

These changes will result in the Police Department designating 3 Assistant Chiefs, 9 Lieutenants, 26 Sergeants, and 178 Officers for the same authorized strength of 216.

SPECIAL CONSIDERATIONS

There is an existing Sergeant Promotional List that will be utilized to fill the two created vacancies at the Sergeant rank.

FUNDING/FISCAL IMPACT

There will be a net increase of approximately \$1,358 in the FY 21 budget after these reclassifications.

STAFF RECOMMENDATION

Staff recommends amending the budget ordinance to create a 3rd Assistant Chief and 2 additional Sergeants.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Amended Budget Enacting Ordinance APD 20-21
2. Amended APD 20-21 Budget Attachment A (red lined)
3. Amended APD 20-21 Budget Attachment A
4. PPT May 21 Council Meeting Item 16

AN ORDINANCE APPROVING A REVISION TO SECTION 6 OF ORDINANCE NUMBER 31-2020; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

WHEREAS, City Council has adopted Ordinance Number 31-2020; and

WHEREAS, said Ordinance established the number, classification, and designation of each position, as provided in the Texas Local Government Code Ann., Chapter 143, Municipal Civil Service, for the Police and Fire Departments; and,

WHEREAS, Section 6 of said Ordinance allows amendment by the City Council during the fiscal year the Ordinance is in effect; and,

WHEREAS, the Chief of the Abilene Police Department has requested changes to the classifications of position within the ranks of the Abilene Police Department; and,

WHEREAS, the overall number of approved positions will remain the same.

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

PART 1: That Ordinance No. 31-2020 is amended as set forth in Attachment A.

PART 2: That any ordinance, resolution, policy, or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be hereby repealed to the extent of any conflict.

PASSED ON FIRST READING this 27th day of May, 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 6th day of June, 2021, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 10th day of June, 2021, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 10th day of June, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

ATTACHMENT A

PART 6 OF ORDINANCE NO. 31-2020 IS HEREBY AMENDED TO READ AS FOLLOWS:

PART 6: That the number, classification, and designation of each position, as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified services of the Police and Fire Departments of the City of Abilene for the fiscal year October 1, 2020, through September 30, 2021, or as may be amended by City Council. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished:

Police Department

Assistant Police Chief	3	2
Police Lieutenant	9	11
Police Sergeant	26	24
Police Officers	<u>178</u>	179
Total	216	

Fire Department

Deputy Fire Chief	2
Batallion Chief	5
Fire Captain	12
Fire Lieutenant	33
Fire Fighter	<u>146</u>
Total	198

ATTACHMENT A

PART 6 OF ORDINANCE NO. 31-2020 IS HEREBY AMENDED TO READ AS FOLLOWS:

PART 6: That the number, classification, and designation of each position, as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified services of the Police and Fire Departments of the City of Abilene for the fiscal year October 1, 2020, through September 30, 2021, or as may be amended by City Council. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished:

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Total	216

Fire Department

Deputy Fire Chief	2
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Total	198

Ordinance 31-2020 Amendment

Abilene Police Department



Organizational Changes

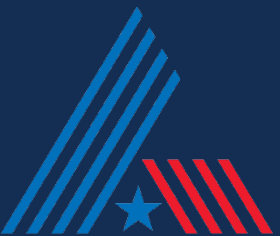
- With the added complexities of modern day policing, we request to make some organizational changes to assist with our span of control, recruiting, community relations and to improve holistic oversight of day to day operations as well as employee wellness.
- In order to accomplish this we are requesting to amend the staffing ordinance as it pertains to the Police Department.



Organizational Changes, cont.

We wish to make the following reclassifications to assist with our mission:

- one Lieutenant to an Assistant Chief of Police
- one Lieutenant to a Sergeant position (Tri-Position)
- one Officer to a Sergeant position (Patrol Division)

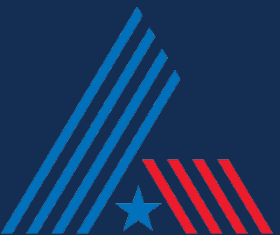


Organizational Changes, cont.

The fiscal impact of these changes will be as follows:

FY21 \$4,836	- Lieutenant to Assistant Chief of Police
FY21 (\$5,579)	- Lieutenant to Sergeant
FY21 \$2,101	- Officer to Sergeant

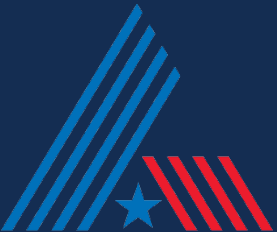
- \$1,358 Total FY21



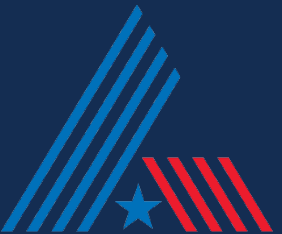
Organizational Changes, cont.

- These changes will keep our sworn strength at 216 and the breakdown is as follows:

CURRENT		PROPOSED	
Assistant Police Chief	2	Assistant Police Chief	3
Police Lieutenant	11	Police Lieutenant	9
Police Sergeant	24	Police Sergeant	26
Police Officers	179	Police Officers	178



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 6/10/2021

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 20. 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. Alton H. Smith, Jr. and Alicia Malorie Smith v. City of Abilene, Texas; Cause No. 51055-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 11, 2021
13. Clyde Water
14. Governor's Executive Orders COVID-19
15. Possible Claim Against Netflix, Hulu, and Disney+

B. 551.072 (Deliberations about Real Property)

1. 101 Cypress Street

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