



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

CALL TO ORDER

INVOCATION

1. Councilmember Lynn Beard

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Employee Service Awards:**

- Becky Windham - 50 Years - Accounting

3. **Proclamations:**

- Parks & Recreation Month

CONSENT AGENDA

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

4. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on June 24, 2021 and the Special Workshop Meeting Held on June 28, 2021 **(Shawna Atkinson)**
5. **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 June 10, 2021 **(Robert Hanna)**
6. **Resolution** – Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Extended Term Street Use License with Soda District Warehouse, LLC (806A S. 2nd St.) **(Greg McCaffery)**
7. **Resolution** – Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Extended Term Street Use License with Titan Towers, LP (Woodlawn Drive) **(Greg McCaffery)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

8. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Closure of N 6th Street between Cedar Street and Cypress Street **(Michael Rice)**
9. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on adopting the Wastewater Collection System Modeling and Master Plan **(Rodney Taylor)**
10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting the 2020 Water Distribution Master Plan **(Rodney Taylor)**
11. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on adopting the 2020 Water Treatment Plants Master Plan **(Rodney Taylor)**
12. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting the FY2022 Five Year Rate Plan for Water Utilities **(Rodney Taylor)**
13. **Ordinance (Final Reading) Z-2021-11:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From HRT Enterprises Inc. and Johnny Trotter, Represented by Jacob Martin LLC, to Change Zoning from Agricultural Open Space (AO) to Residential Single-Family (RS-6) on 245.285 Acres of Now-Vacant Land Bordering 3000-3100 Blocks (North Side) of Highway 351 and 3500-3600 Blocks (East Side) of East Lake Road. **(Mike Warrix)**
14. **Ordinance (Final Reading) Z-2021-12:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Marilu and Gary Corpian to Change Zoning from Central Business (CB) to Planned Development (PD) District to Allow Automobile Sales as Well as All Uses Permitted by CB Zoning, on a 0.44 Acre Parcel Located at 1243 South 1st Street at the Southeast Corner of Butternut and South 1st Streets In Central Abilene. **(Mike Warrix)**
15. **Ordinance (Final Reading) Z-2021-13:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Charles Wolfe to Change Zoning of Adjoining Properties at 126 South Mockingbird Boulevard and 2958 South 2nd Street, from Neighborhood Retail (126 S. Mockingbird) and Residential Medium-Density (2958 South 2nd) to General Commercial District. **(Mike Warrix)**
16. **Ordinance (Final Reading) Z-2021-14:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Shops at Carriage Hills LLC, Represented by Jacob Martin LLC, to Change Zoning from Agricultural Open Space (AO) to General Retail (GR) for 16.937 Acres of Vacant Land Bordering 100-300 Blocks (North Side) of East Beltway South for a Distance of Approximately 0.35 Mile East from Maple Street. **(Mike Warrix)**

17. **Ordinance (Final Reading) TC-2021-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from ACCO Feeds Inc., Represented by Erik Paul Johnson, to Abandon the 80-Foot Width of Public Right-of-Way of South 9th Street Extending 140 Feet East from South Treadaway Boulevard's Right-of-Way, and the 10-Foot-Width of Right-Of-Way for a Publicly-Dedicated Alley as it Extends 50 Feet South from the East End of the Above-Described Segment of South 9th Street and Located Behind a Vacant Lot at 901 South Treadaway Boulevard in South Central Abilene. **(Mike Warrix)**

PUBLIC COMMENTS

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

EXECUTIVE SESSION

18. **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. Governor's Executive Orders COVID-19
- 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

REGULAR AGENDA

19. **Discussion:** Receive a Report and Hold a Discussion and Public Hearing on the Sale of Property around Lake Fort Phantom Hill **(Travis McClure)**
20. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Double T **(Misty Mayo)**
21. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Future Hope **(Misty Mayo)**
22. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Tiger **(Misty Mayo)**

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 2nd day of July, 2021, at 11:30 a.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on June 24, 2021 and the Special Workshop Meeting Held on June 28, 2021 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting held on June 24, 2021, and the Special Workshop Meeting held on June 28, 2021

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 06-24-2021 Minutes - Regular - Evening
2. 06-28-2021 Minutes - Special - Denison Meeting

CITY COUNCIL MEETING
June 24, 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 June 24, 2021, at 4:30 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, City Secretary Shawna Atkinson, and various members of the City staff.

EXECUTIVE SESSION

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

- 21. B. 551.072 (Deliberations About Real Property)
 - 1. 101 Cypress Street
- 21. D. 551.074 (Personnel Matters)
 - 1. Municipal Court Judge
 - 2. Discussion of Public Officials
- 21. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project

The Executive Session ended at 5:06 p.m. and reconvened to Open Session at 5:30 p.m. as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Councilmember Donna Albus delivered the invocation.

Wayne Kruger, Paratransit Supervisor in the Transportation Department, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

CONSENT AGENDA

The Consent Agenda consisted of items 3-14. Items 4 and 9 were pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Mayor Williams – Item #4
- David Swart, Citizen – Items #4 & #9

Councilmember Hurt moved to approve items 3, 5-8 and 10-14. Mayor Pro-tem McAlister seconded the motion. Motion carried.

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

NAYS (0): None

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on June 10, 2021

5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing Amendment No. 1 to the professional services contract with Enprotec/Hibbs & Todd, Inc. for the Hamby WRF Phase II MBR Expansion
[ASSIGNED RESOLUTION NO. 96-2021]
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on authorizing the Software as a Service Agreement with Tyler Technologies, Inc.
[ASSIGNED RESOLUTION NO. 97-2021]
7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of Single-Family Rehabilitation/Reconstruction Program Budgeted with HOME Program Funds
[ASSIGNED RESOLUTION NO. 98-2021]
8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving an Extended Term Street Use License with Gunn General Contractors, Inc. (Family Dollar Store)
[ASSIGNED RESOLUTION NO. 99-2021]
10. Ordinance (First Reading) Z-2021-11: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From HRT Enterprises Inc. and Johnny Trotter, Represented by Jacob Martin LLC, to Change Zoning from Agricultural Open Space (AO) to Residential Single-Family (RS-6) on 245.285 Acres of Now-Vacant Land Bordering 3000-3100 Blocks (North Side) of Highway 351 and 3500-3600 Blocks (East Side) of East Lake Road
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ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Making June 26th of Every Year "Mark Rogers Day" in the City of Abilene
[ASSIGNED RESOLUTION NO. 95-2021]

The item was pulled by Mayor Williams and David Swart, Citizen.

Having pulled the item, Mayor Williams stated that we have done this similarly with other individuals like Leo Scott. This recognition is consistent with identifying great Abilenians.

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

- David Swart – questioned if this was a day of recognition or paid City holiday. Mr. Swart stated he is in favor of the item, but urged Council to also consider treating Abilene's birthday the same way.
- Travis Ruiz – spoke in favor of the item and gave a brief summary of Mark Rogers' life and what he meant to the entire community.
- London Gray – spoke in favor of the item and gave a brief summary of how Mark Rogers's death impacted her life and inspired her to transfer to Abilene Christian University.

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

Mayor Williams recognized Urban and Melissa Rogers, Mark's parents. Mr. Rogers spoke about his son briefly. Each Councilmember spoke about Mark and his legacy.

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt
NAYS (0): None

9. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amendment of the Schedule of Rates and Charges for the City of Abilene Stormwater Services

The item was pulled by David Swart, Citizen

Having pulled the item, David Swart stated that he remembers his grandparents in the 80s and 90s saying they were voting for bonds again to clean out the creeks, and that they thought that would be the end of it. Mr. Swart thinks the City is hurting people who are water customers in doing this, no one else. Mr. Swart thinks this should come out of the General Fund instead and expressed his concern about the news that the City is not going through with Cedar Ridge after so much money has been spent on it. Mr. Swart urged people to consult an attorney to get this up for an election.

City Manager Hanna addressed Mr. Swart's concerns and stated the storm water fees are used to mitigate storm water issues. Council approved a master plan recently and it has a number of projects that need funding and that will be needed to continue funding storm water mitigation. Mr. Hanna stated that it could

be moved to the general fund but you would have to raise property taxes to do that. Staff has chosen to do it this way, because it was dedicated revenue stream and no chance of it going to something else.

Mayor Williams opened the public hearing.

- Cynthia Alvidrez – stated that item #19 on the agenda has bonds regarding stormwater works and sewer and questioned if those bonds have anything to do with this stormwater issue. Ms. Alvidrez asked to see the staff presentation.

City Manager Hanna clarified that the bonds are separate from this. Mayor Williams clarified that the staff presentation will be held at the second reading.

With no other 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 (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt
NAYS (0): None

REGULAR AGENDA

15. Ordinance (Final 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 **[ASSIGNED ORDINANCE NO. 23-2021]**

Greg McCaffery, Director of Public Works, presented the item. Adoption of the item would amend 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

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

- George Miller – stated that the former YMCA on State Street will be the Texas Leadership High School and questioned if that whole area on State Street will become a school zone.

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

Greg McCaffery, Director of Public Works addressed George Miller's concerns and stated that typically a school zone has to meet criteria from the traffic control manual, which means that they have to wait until the school is in place before they can add the school zone. They will make that change at a later date, if need be.

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt
NAYS (0): None

16. Ordinance (Final 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
[ASSIGNED ORDINANCE NO. 24-2021]

Mike Warrix, Director of Planning and Development Services, presented the item. Adoption of the item would make an amendment to the Ordinance 33-2020 Adopting Fees and Charges, by Establishing a Maximum Fee for Subdivision Plat Review

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt
NAYS (0): None

17. Ordinance (Final 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
[ASSIGNED ORDINANCE NO. 25-2021]

Shawna Atkinson, City Secretary, presented the item. Adoption of the item would increase the fees for solicitor's permits from \$10 per individual to \$30 per individual.

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

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

AYES (7): Mayor Williams, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Albus and Hurt
NAYS (0): None

18. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving June 19th, Juneteenth, as an Official City Holiday
[ORAL RESOLUTION]

Council briefly discussed Juneteenth becoming an Official City Holiday or possibly giving staff the option to have this as a floating holiday, if they so choose.

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

- Samuel Garcia – spoke in support of the item
- Rev. Izair Langford – spoke in support of the item
- Via Jones – spoke in support of the item
- David Swart – spoke in support of the item
- Shawntee Fleming – spoke in support of the item
- Rosten Callerman – spoke in support of the item

- Cynthia Alvidrez – spoke in support of the item

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

Mayor Williams moved to approve June 19th an official City Holiday. Councilmember Beard seconded the motion; motion carried.

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

NAYS (0): None

19. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Directing Publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation for Convention Center Facilities
[RESOLUTION 101-2021]

Robert Hanna, City Manager, presented the item. Adoption of the item would approve the Directing Publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation for Convention Center Facilities

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

- Samuel Garcia – spoke in opposition to the item
- Luke Miller – questioned if taxes would go up because of this
- David Swart – spoke in support of the item
- Colby Hatchett – spoke in opposition to the item
- Gary Collins – stated that he is neutral on the hotel itself, but questioned if there is a plan to have solar panels on the top of it.
- Cynthia Alvidrez – spoke in opposition to the item
- Bob Thomas – spoke in opposition to the item

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

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

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

NAYS (0): None

20. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Expend Project Funds Up to \$450,000 for Early Release Packages and Other Pre-Development Expenses for the Downtown Hotel Project
[RESOLUTION 102-2021]

Robert Hanna, City Manager, presented the item. Adoption of the item would authorize the City Manager to Expend Project Funds Up to \$450,000 for Early Release Packages and Other Pre-Development Expenses for the Downtown Hotel Project

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

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

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

NAYS (0): None

PUBLIC COMMENTS

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

- David Swart – stated this weekend is the American Radio League Field Day, located at the 24 hour emergency operations center that shows the community what our radio can do for you. He urged Council to come during the event, as they get credit if a public official attends.
- James Bailey – stated he is from the Fort Phantom Hill Lake Association, which is not a homeowners association, but for anyone within the Abilene area that has a general interest in the Lake. Their vision is to develop the lake into a safe, clean, wholesome, model community with recreation and economic enhancements that promotes the lakes natural resources, tourism and quality of life. They are requesting support for a future agenda item to explore the full potential of Ft Phantom Hill Lake as a viable resource.
- Hailey Jo Oates – business owner and head of the development for Lake Fort Phantom. Ms. Oates urged the Council to look at selling land currently used for camping at the lake, in order to provide more places to stay and an economic impact for the area.
- Gary Collings – Mr. Collings spoke about the recycling program that has been laid to waste recently. The bubble wrap he presented is made from 100% recycled plastic, as are many other things he provided examples of. He urged the Council to look into starting the program back up again.
- Cynthia Alvidrez – stated she would like the Council to reconsider the individuals appointed to City boards, specifically the TIRZ board appointees. She thinks there are concerns about people on Council who get a paycheck from places that benefit from the TIRZ zone, when that money could go to people in an area that's been forgotten about. Ms. Alvidrez is requesting that every board meeting be recorded and when someone is on the board that you utilize their official name.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 7:46 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____

SPECIAL CALLED WORKSHOP MEETING
June 28, 2021 at 9:30 a.m.

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

The City Council of the City of Abilene, Texas met in a Special Workshop Session on June 28, 2021, at 9:30 a.m. at Denison City Hall, 300 W Main Street, Denison, Texas, 75020. Mayor Pro-tem Kyle McAlister was present and presiding with Councilmembers Shane Price, Lynn Beard, Donna Albus and Weldon Hurt. Mayor Anthony Williams and Deputy Mayor Pro-tem Travis Craver were absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

AGENDA ITEMS

1. Welcome and Introductions by Denison Mayor Janet Gott & Interim City Manager Bobby Atteberry

Denison Mayor Janet Gott welcomed everyone, gave a brief introduction to Denison's staff, spoke about Denison's Mission, Vision Statement and Values, and how those play into their infill development programs.

Interim Denison City Manager Bobby Atteberry gave an overview of their infill development program and how it came about, their five TIRZ zones, and how their staff plays into the program.

2. Setting the Stage for Reinvestment: Affordable Housing Program

Betty Floyd, Denison Chief Building Official, spoke about how this process got started with their Affordable Housing Program. They had a surplus of lots available so they gave them to builders with stipulations, and they were able to develop these properties and receive tax rebates in the process. These homes have to be owner occupied, and not rented out. They do not have to have garages or sidewalks. Ms. Floyd went over the growth of the program over the 7 years since its implementation, starting with 11 homes in 2014 and up to 171 homes in 2020.

Ms. Floyd then discussed their Builder Incentive Program. This is an incentive program for builders to build outside of the infill district. There is a minimum square footage per house, and garages or carports are required. Builders receive the same incentives as the Affordable Housing Program, but they also get tax rebates paid over three years after completion of the home.

Lastly, Ms. Floyd covered their Remodel Incentive Program. This program helps older homes that people wanted to invest in, instead of demoing. This program has the same incentives as the others and they get checks for rebates that are paid out one time, instead of over three years like the others. This program started in October of 2017 and is still going today. Remodelers must show on their building permit that they will be increasing the value by over \$40,000, and actually spend that amount.

Ms. Floyd showed before and after photos of houses in the program and others in the infill area.

Some areas that Council questioned and Ms. Floyd elaborated on: CDBG funds are not used for any of these projects. In hindsight, they would have made garages and carports mandatory and are working on changing that going forward. The original lots were given away on a first come first served basis, but builders had only 12 months to build or they would lose the lot. Their program was structured to meet state requirements for affordable housing, so they didn't really face any challenges on giving the lots away. The demographics in these neighborhoods did change – they are more a mixture of races in each

neighborhood. They did not face a lot of opposition to this program at all, even from those who had lots for sale at the same time. Ms. Floyd also said they still would have done this program even if they didn't have the surplus of lots available.

3. Neighborhood Redevelopment & Enhancement

Robert Lay, Neighborhood Services Manager, presented this segment. Mr. Lay spoke about the challenges that Denison faced before they started implementing these programs. The median age of housing in their city was from 1965, a high percentage of their residents were over 65, and they had a large number of rental properties and LMI areas. They came up with their Minimum Property Standards ordinance in 2012 that protects the health, safety, morals and welfare of the citizens of Denison, by establishing minimum standards applicable to the use, occupancy and maintenance of all structures, buildings and properties in the city. They have targeted strategic locations in high visibility areas, and do proactive MPS work to bring homes up to standard.

Mr. Lay highlighted the success of this program and showed before and after photos of the homes that have been demolished and rebuilt, and remodeled under it. 407 homes were demolished since 2011. They have builders buying old houses and asking the city to demo them so they can rebuild under the incentive programs. Mr. Lay highlighted their code compliance activity from 2012 to 2021 and discussed their idea of creating a database of community volunteer partners to help with those who are unable to participate.

Council questioned if their demo work is done by staff or contracted out and Mr. Lay stated that they currently have an in-house demolition team, but will look at reevaluating that in the future. He also clarified that they do not file demolition liens at all.

4. Building Better Moving Forward

John Webb, Denison Director of Planning & Community Development, spoke about some of the issues that have arisen in their infill development process. Lack of sidewalks, a variety of elevations, and no street access are all issues they have had to work around. They have also experienced a lot of growth from the metroplex and have a high demand for quality multi-family housing. They have a few master planned communities in the works and have issued 109 housing permits this year. Duplexes are allowed by right in their current ordinance, so they are also looking to change that. One other issues they have seen after these programs have been implemented, is that people are trying to build anywhere they can and they would like to preserve a little greenspace here and there.

5. Question and Answer Session

Council asked what Denison would do differently knowing what they know now. They stated that definitely requiring garages or carports and making sure to have street access. They are revising their ordinance right now and encouraged Council to take a look at it once it's approved.

Denison staff also recommended including something about commercial corridors in anything we implement. They are also looking to implement a program to revitalize commercial signs and potentially something for converting vacant commercial properties to residential and recommends to look into those.

Council questioned if there was any recourse for those developers who started a project under one of their programs and not finished. Denison staff said they have never had that happen, and usually the house is sold before the developer has finished it.

6. Tour of Relevant Sites

Council split into separate cars with Abilene and Denison Staff, and toured multiple neighborhoods in Denison to see houses that have been built and remodeled under their various programs.

7. Lunch with Denison City Council

Denison provided lunch for Council and Staff at Denison City Hall.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:50 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 5. 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 June 10, 2021 *(Robert Hanna)*

GENERAL INFORMATION

On June 10, 2021, the City Council issued its Resolution Further Modifying Its Extension of Disaster Declaration, which was effective until July 8, 2021 and which adopted the Governor's Executive Orders GA-34 and GA-36 regarding COVID-19. Due to the ongoing disaster caused by COVID-19, request is made to continue the City of Abilene's Declaration of Local Disaster and continue to adopt the Governor's Executive Orders regarding COVID-19.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 20th 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. proc06042021_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 ~~JUNE 10~~MAY 13, 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

WHEREAS, on June 10, 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 Orders GA-34 and GA-36, and which was effective until July 8, 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

WHEREAS, on ~~June 4~~May 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. It being the express intent of the City Council and this Declaration and Order to follow the Governor's Executive Orders.

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, Monday through Friday, but excluding holidays, for the period since the last report, to the Abilene-Taylor County Public Health District the following information:

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- (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. ~~August 12~~~~July 8~~, 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 ~~8th~~~~10th~~ day of ~~July~~~~June~~, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

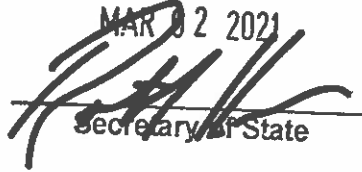


GOVERNOR GREG ABBOTT

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

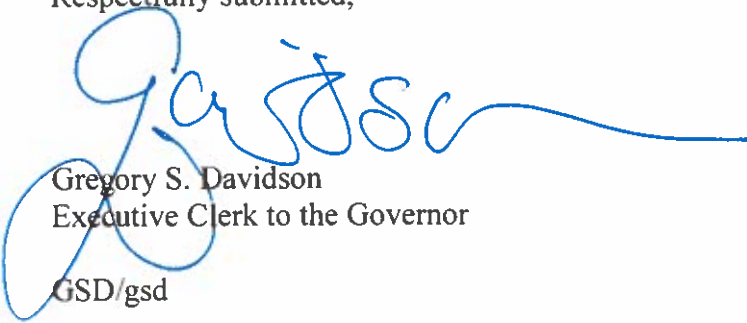
Dear Secretary Hughs:

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

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

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

MAY 18 2021

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

June 4, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2pm O'CLOCK

JUN 04 2021

Secretary of State

Mr. Joe Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

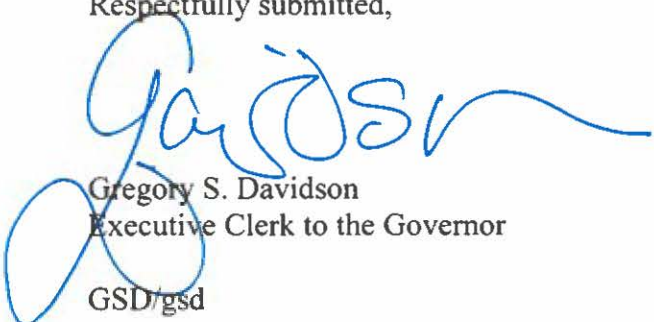
Dear Mr. Deputy Secretary:

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, 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 4th day of June, 2021.

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

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:04 PM O'CLOCK

JUN 04 2021

Governor Greg Abbott
June 4, 2021

Proclamation
Page 2

ATTESTED BY:



JOE ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2^{pm} O'CLOCK
JUN 04 2021

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



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: 6. Resolution – Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Extended Term Street Use License with Soda District Warehouse, LLC (806A S. 2nd St.) (*Greg McCaffery*)

GENERAL INFORMATION

Soda District Warehouse, LLC has submitted an application for an Extended Term Street Use License to use a portion of the City right-of-way along the west side of Pecan Street at South 2nd Street at the property addressed as 806A S. 2nd Street. The applicant is planning an addition to the building with the intention of placing a 1000 gallon grease trap in the gravel area that is in the right-of-way. This will allow for a direct connection to the sewer line to the east of the proposed addition. The grease trap is rated for traffic use and proposed location will not require any alteration of foot or vehicle traffic.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff has reviewed this request and recommends that the City Council authorize the City Manager to execute the attached Extended Term Street Use License with Soda District Warehouse, LLC for use of a portion of the City's right-of-way along the west side of Pecan

Street at South 2nd Street.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution (2b)
2. SUL Pkt
3. Presentation2020

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXTENDED TERM STREET USE
LICENSE WITH SODA DISTRICT WAREHOUSE, LLC**

WHEREAS, the applicant has submitted an Extended Term Street Use License application to place 1000 gallon grease trap in a portion of the City's west right-of-way of Pecan Street at South 2nd Street; and

WHEREAS, this application and Extended Term Street Use License have been reviewed and approved by City Staff.

**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 Extended Term Street Use License with Soda District Warehouse, LLC.

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

ADOPTED this 8th day of July , 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

THE STATE OF TEXAS

STREET USE LICENSE AGREEMENT
EXTENDED TERM

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this ____ day of _____, A.D., 20____, by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and Soda District Warehouse, LLC, hereinafter referred to as "Licensee".

WITNESSETH:

That City, pursuant to Chapter 29, "Streets and Sidewalks", Article V, "Street Use License", does hereby grant to Licensee the privilege of using the following described public property, to-wit:

-A portion of the City's right-of-way on the west side of Pecan Street at South 2nd Street

commencing the date of execution unless otherwise specified, and upon the conditions and covenants set forth in this License and in Exhibit A incorporated by reference for all purposes herein.

I. Purpose:

The purpose of this License is to permit Licensee to:

-Place a 1000 gallon grease trap in the gravel area in the west right-of-way of Pecan Street to allow direct connection to the sewer line to the east of proposed addition to current building at 806A South 2nd Street. Grease trap is rated for traffic use and proposed location will not require any alteration of foot or vehicular traffic.

II. 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.

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

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

"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:

injury or damage to any property or right

injury, damage, or death to any person or entity

attorneys fees, witness fees, expert witness fees and expenses, and

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 part that is unmixed with the fault of any other person or entity.

B. Indemnity

The Licensee agrees to indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Licensee's occupancy or use of the premises described above and/or activities conducted in connection with this License.

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

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects which may now exist or which may hereafter arise on the premises, whether or not caused in whole or in part by improvements constructed by the Licensee. Responsibility for all such defects is expressly assumed by the Licensee.

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

BOTH CITY AND LICENSEE EXPRESSLY INTEND THIS LICENSE'S INDEMNITY PROVISION TO REQUIRE LICENSEE 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.

III. Insurance

Licensee agrees to secure and maintain the following types and amounts of insurance, for the term of this license:

<u>Type</u>	<u>Amount</u>
Comprehensive General Liability to include (but not limited to) the following:	\$250,000 -----Per Person
a) Premises/Operations Coverage	\$500,000 -----Per Occurrence for Bodily Injury, and
a) Contractual Liability Coverage	\$100,000 -----Per Occurrence for Property Damage

The preceding insurance requirements notwithstanding, the City reserves the right to revise the types and amounts of insurance required by this License prior to the approval of the License or if License is in effect, to be effective thirty (30) days after notice is sent to the address provided herein.

All insurance policies or certificates shall contain the following provisions:

- a. That the City of Abilene, Texas, is named as an additional insured.
- b. That such insurance shall not be cancelled or materially changed without a minimum of thirty (30) day's advance notice in writing to the City.

All insurance policies shall be subject to the examination and approval of the Office of the City Attorney, City of Abilene, Texas, for their adequacy as to form and content, form of protection, and insurance company. Licensee shall furnish to City Secretary for her License file certificates or copies of the policies, plainly and clearly evidencing such insurance at the time of application, and thereafter new certificates prior to the expiration date of any prior certificate.

Licensee understands that it is its sole responsibility to provide this necessary information and that failure to timely comply with the requirements of this article shall be a cause for termination of this License.

IV. License Requirements and Restrictions:

1. During the term of this License, Licensee shall maintain the premises licensed herein in a good and safe condition at all times. If the street surface, parkway, or facilities in the parkway, including landscaping, are damaged or disturbed by any activity associated with this License, the Licensee shall at its expense, restore the same to as good a condition as before the activity, to the satisfaction of the Director of Public Works or designee.

2. The construction signing and barricading requirements of the Texas Manual On Uniform Traffic Control Devices shall be met for all work done in the public right-of-way.

3. The Licensee shall be responsible for locating, protecting, and repairing (if damaged) all utilities within the area permitted and shall pay all costs associated with adjustments to utilities including street lights that are necessitated by the permitted use.

4. Permitted facilities shall be installed in accordance with all applicable laws, regulations, and codes.

5. The Licensee shall relocate its facilities at its own expense to accommodate public improvements in the right-of-way.

6. In the performing or permitting of work consistent with its normal course of duty within the right-of-way, the City shall not be liable for any damages to the Licensee's facilities or equipment or injury to Licensee, all such claim for damage or injury being expressly waived by Licensee.

7. If Street Use License regulations change, the Licensee shall agree to any new requirements or shall remove all constructed facilities from the right-of-way.

8. Upon termination the Licensee shall restore the property at its expense, to a good workmanlike condition and in a manner satisfactory to the Director of Public Works or designee.

9. The City Manager, Police Chief, Fire Chief, or a designee of such officials, shall have the authority to order immediate removal of any objects or materials placed on the premises by Licensee if, in the City's opinion, removal is necessary to protect the health, safety, or welfare of the public. If the Licensee fails to comply with the order, the City shall remove the materials, and the Licensee shall reimburse the City for the cost of compliance. The Licensee may appeal the removal order to the Abilene City Council by filing written notice with the City Secretary within 5 days of the order; provided, however that ANY APPEAL SHALL NOT STAY THE OFFICIAL'S ORDER OR THE REMOVAL PROCEDURE.

V. Termination

1. This License shall automatically terminate 10 years from the date of execution.

2. The City shall have the right to cancel this License at any time by giving Licensee thirty (30) days notice of its cancellation. The notice shall be in writing delivered to Licensee by certified mail.

3. In the event Licensee shall permit any City of Abilene, Abilene Independent School District, West Central Texas Municipal Water District, or any other taxes assessed against it to become delinquent, this License shall automatically terminate and become null and void.

4. This License may not be assigned or conveyed; any attempt by Licensee to do either shall automatically terminate the License. In the event Licensee should sell the property adjacent to the area for which the License has been granted, this License shall automatically terminate.

CITY OF ABILENE, TEXAS

NAME OF LICENSEE:

City Manager

Soda District Warehouse, LLC

ATTEST:

By



Signature

City Secretary

Nathan Hathorn, member
Printed Name and Title

APPROVED:

Business Address: 806A South 2nd Street

City Attorney

Abilene, Texas 79602

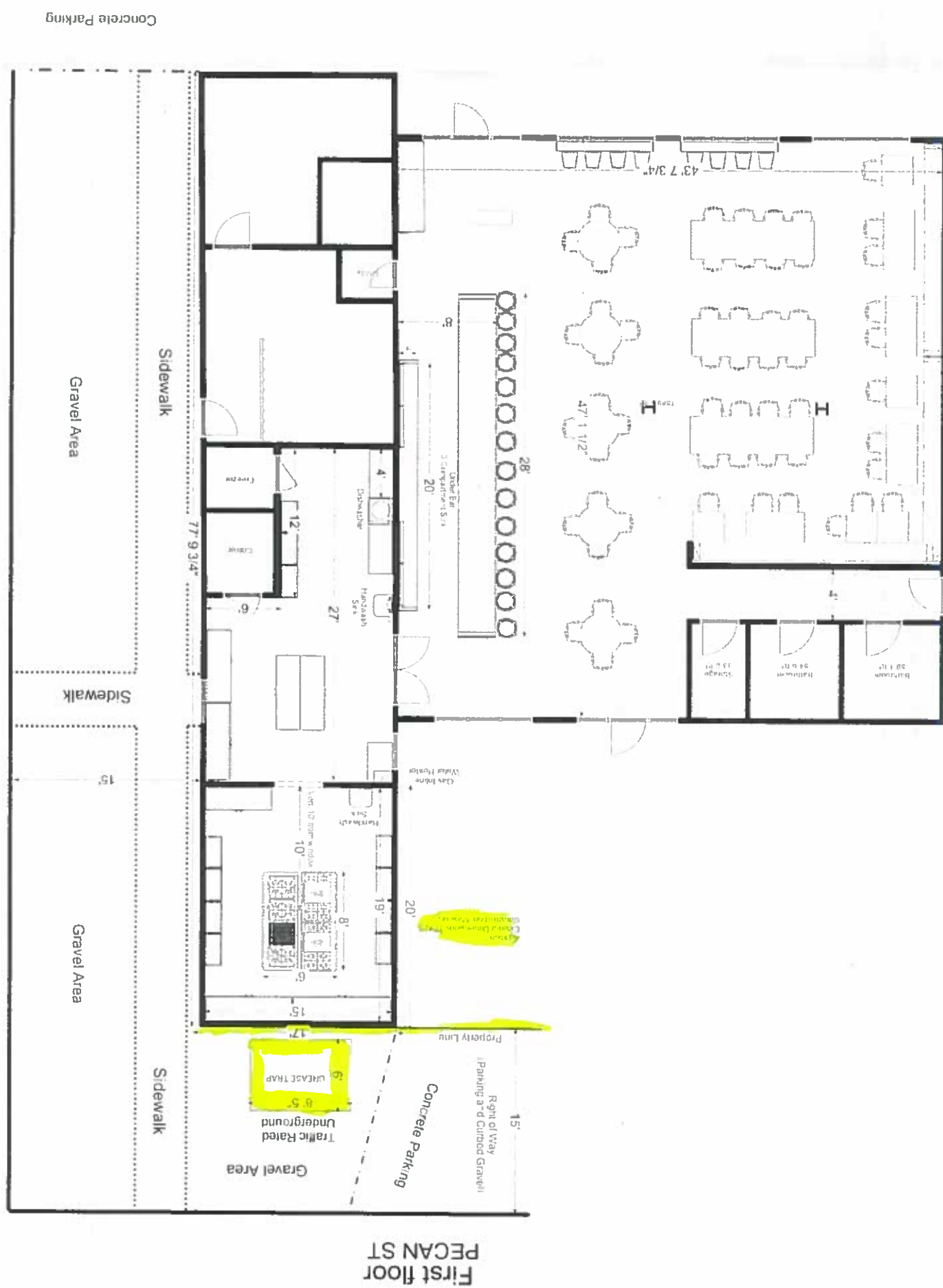
EXHIBIT "A"
STREET USE LICENSE AGREEMENT
WITH

Soda District Warehouse, LLC

CONDITIONS AND COVENANTS

The Street Use License Agreement is subject to the following conditions and covenants:

1. The Licensee shall contact the city's Engineering Division (676-6281) prior to commencing any work in the right-of-way.
2. The Licensee shall submit a traffic control plan to the Traffic and Transportation Division (676-6281) for approval before beginning any work that will result in blocking traffic lanes.
3. The Licensee shall contact the Traffic Signal Shop (676-6066) or the Traffic Engineering office (676-6281) for location of traffic signal facilities and shall contact the Water Utilities Department (676-6425) for location of water and sewer lines before beginning excavation in the right-of-way.
4. The Licensee shall contact the city of Abilene Building Inspections (676-6232) regarding any necessary permits for the installation of the requested facility.
5. The Licensee shall ensure all underground utilities are identified and marked prior to any excavation.
6. The Licensee shall barricade any excavation in the right-of-way to prevent pedestrian and/or vehicular access while excavation is unattended. Any barricades left in the right-of-way overnight must be lighted.
7. The Licensee shall promptly repair all signs, pavement markings, and other traffic control devices damaged by its work in the right-of-way.
8. If the City determines that the subject right-of-way is needed for purposes that would be adversely impacted by the permitted facility, the Licensee shall remove the permitted facility within sixty (60) days notice of cancellation.



S 2nd St



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/16/2021

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 Silverthorne Insurance Brokers, LLC 310 N Willis Street, Suite 200 Abilene, TX 79603	CONTACT NAME: Kaysee Rosario		
	PHONE (A/C, No, Ext): (325) 733-1333 FAX (A/C, No): (325) 733-1322		
	E-MAIL ADDRESS: CLservice@silverthorneins.com		
INSURED Soda District Warehouse, LLC 310 N Willis Street, Suite 200 Abilene, TX 79603	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Mesa Underwriters Specialty Insurance Company		36838
	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:	X		MP0042039000114	06/07/2021	06/07/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	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)

The certificate holder is listed as additional insured when required by written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Abilene
555 Walnut Suite 100
Abilene, TX 79601

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

Nate Hall

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STREET USE LICENSE AGREEMENT
EXTENDED TERM

APPLICATION

Applicant: Soda District Warehouse LLC Phone: 325-721-0366

Address: 806 S 2nd Street, Abilene, TX, 79602

Agent: Cole Micah Patten Phone: 719-272-1752

Description of Public Right-of-Way to be used: ROW defined as the 15' extending from the west edge of Pecan st just North of S 2nd St

Owner of adjacent property: Soda District Warehouse LLC

Proposed use of public right-of-way: Burial of 101"x72" 1000 gal grease trap in the gravel area to allow direct connection to sewer line to the east of proposed addition to current building.

Grease trap is rated for traffic use and proposed location will not require any alteration of foot or vehicle traffic.

Reasons for the request: Burial in any other area outside of ROW would required demolition of concrete parking adjacent to the proposed plot.

Application is not complete unless all of the following are included:

- Application fee- \$300
- Certificate or other evidence of insurance
- A dimensioned drawing showing existing and proposed features in the public right-of-way and on adjacent property (sidewalks, curbs, fire hydrants, buildings, fences, etc.)

Cole Micah Patten

Signature of Applicant or Agent

16 June 2021

Date

Return Application to:
Public Works Dept.
City of Abilene
PO Box 60
Abilene TX 79604

Agenda Item: Extended Term Street Use License

Resolution: Approval of Extended Term
Street Use License
(McCaffery)

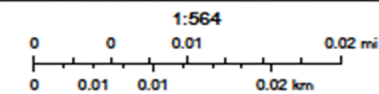


LOCATION MAP

ArcGIS Web Map



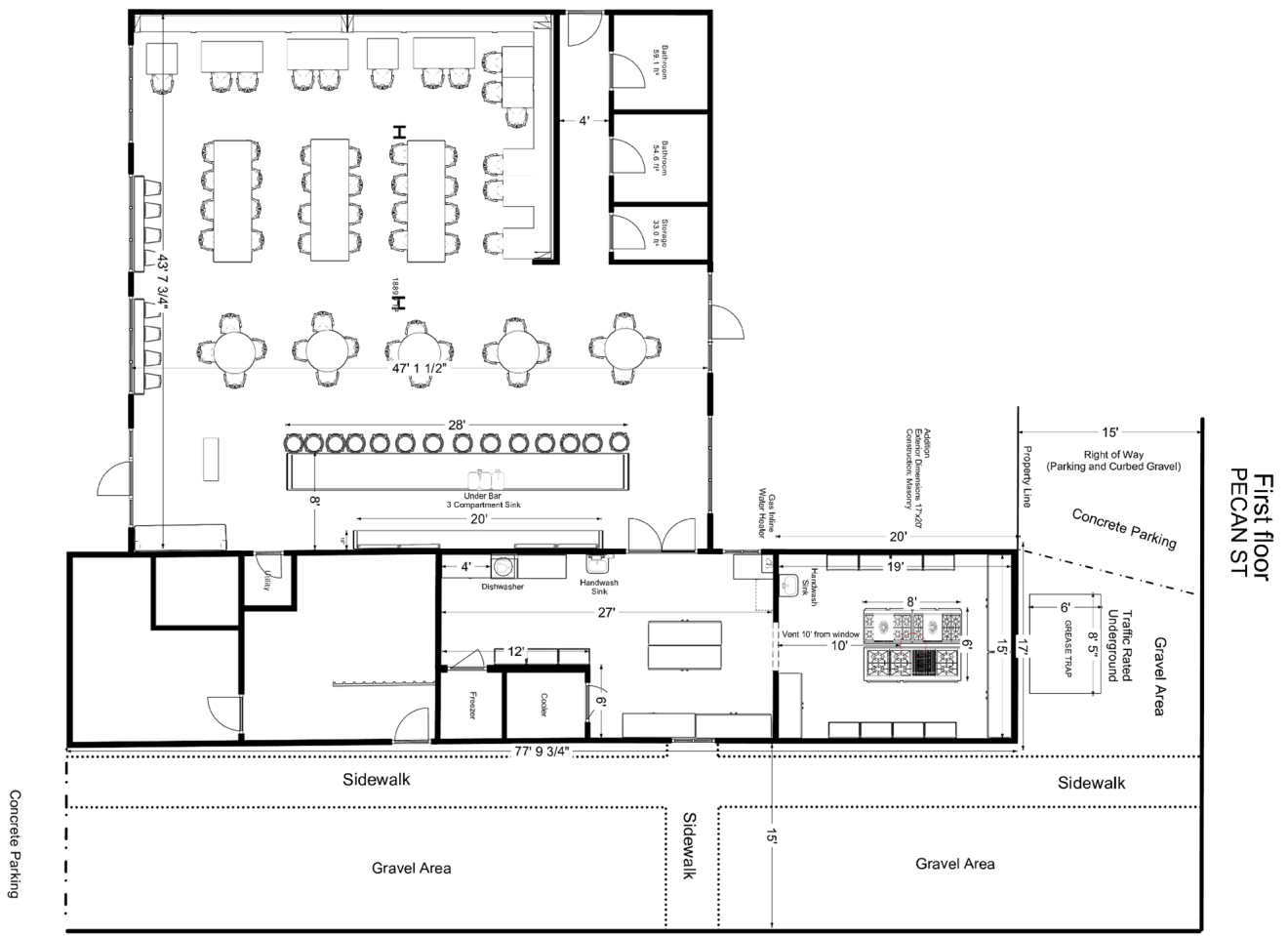
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City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin,

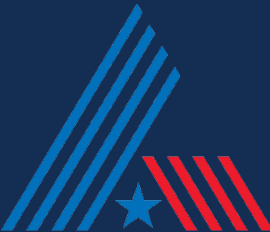
ArcGIS Web AppBuilder
City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

Site Plan



First floor
PECAN ST

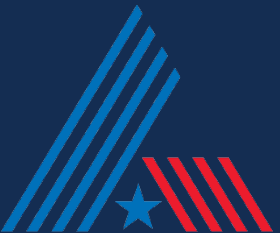
S 2nd St



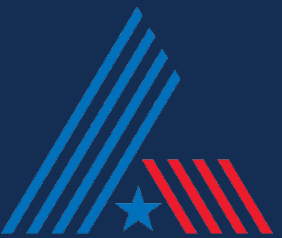
Agenda Item:

Extended Term Street Use License

- Soda District Warehouse, LLC has submitted an application for an Extended Term Street Use License to use a portion of City right-of-way along the west side of Pecan Street at South 2nd Street for the purpose of placing a 1000 gallon grease trap following the proposed addition to the building at 806A South 2nd Street. The application has been reviewed and found to be complete.
- Staff recommends approval of the Extended Term Street Use License.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: 7. Resolution – Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Approve an Extended Term Street Use License with Titan Towers, LP (Woodlawn Drive) (Greg McCaffery)

GENERAL INFORMATION

Titan Towers, LP has submitted an application for an Extended Term Street Use License to use a portion of the City right-of-way along the west side of 100 block Woodlawn Drive. The applicant wishes to construct and maintain a concrete ramp to the overhead freight door of the building addressed at 3128 N. 1st Street to allow ease of access on Woodlawn Drive for unloading trucks. The current ramp has deteriorated and is no longer functional.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff has reviewed this request and recommends that the City Council authorize the City Manager to execute the attached Extended Term Street Use License with Titan Towers, LP for use of a portion of the City's right-of-way along the west side of Woodlawn Drive.

-

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution (2b)
2. SUL Pkt
3. Presentation2020

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXTENDED TERM STREET USE
LICENSE WITH TITAN TOWERS, LP**

WHEREAS, the applicant has submitted an Extended Term Street Use License application to construct and maintain a concrete ramp to the overhead freight door of the building addressed at 3128 N.1st Street to allow ease of access on Woodlawn Drive for unloading trucks; and

WHEREAS, this application and Extended Term Street Use License have been reviewed and approved by City Staff.

**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 Extended Term Street Use License with Titan Towers, LP.

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

ADOPTED this 8th day of July , 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

THE STATE OF TEXAS

STREET USE LICENSE AGREEMENT
EXTENDED TERM

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this ____ day of _____, A.D., 20____, by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and Titan Towers, LP, hereinafter referred to as "Licensee".

WITNESSETH:

That City, pursuant to Chapter 29, "Streets and Sidewalks", Article V, "Street Use License", does hereby grant to Licensee the privilege of using the following described public property, to-wit:

-To Use Approximately 3ft 6in of the City's right-of-way on the west side of the 100 block of Woodlawn Drive

for and in consideration of THREE HUNDRED AND NO/100 (\$300.00) DOLLARS, commencing the date of execution unless otherwise specified, and upon the conditions and covenants set forth in this License and in Exhibit A incorporated by reference for all purposes herein.

I. Purpose:

The purpose of this License is to permit Licensee to:

Construct and maintain a concrete ramp to the overhead freight door of the building addressed at 3128 N. 1st Street to allow ease of access on Woodlawn Drive for unloading trucks

II. 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.

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

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

"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:

injury or damage to any property or right

injury, damage, or death to any person or entity

attorneys fees, witness fees, expert witness fees and expenses, and

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 part that is unmixed with the fault of any other person or entity.

B. Indemnity

The Licensee agrees to indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Licensee's occupancy or use of the premises described above and/or activities conducted in connection with this License.

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

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects which may now exist or which may hereafter arise on the premises, whether or not caused in whole or in part by improvements constructed by the Licensee. Responsibility for all such defects is expressly assumed by the Licensee.

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

BOTH CITY AND LICENSEE EXPRESSLY INTEND THIS LICENSE'S INDEMNITY PROVISION TO REQUIRE LICENSEE 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.

III. Insurance

Licensee agrees to secure and maintain the following types and amounts of insurance, for the term of this license:

<u>Type</u>	<u>Amount</u>
Comprehensive General Liability to include (but not limited to) the following:	\$250,000 -----Per Person
a) Premises/Operations Coverage	\$500,000 -----Per Occurrence for Bodily Injury, and
a) Contractual Liability Coverage	\$100,000 -----Per Occurrence for Property Damage

The preceding insurance requirements notwithstanding, the City reserves the right to revise the types and amounts of insurance required by this License prior to the approval of the License or if License is in effect, to be effective thirty (30) days after notice is sent to the address provided herein.

All insurance policies or certificates shall contain the following provisions:

- a. That the City of Abilene, Texas, is named as an additional insured.
- b. That such insurance shall not be cancelled or materially changed without a minimum of thirty (30) day's advance notice in writing to the City.

All insurance policies shall be subject to the examination and approval of the Office of the City Attorney, City of Abilene, Texas, for their adequacy as to form and content, form of protection, and insurance company. Licensee shall furnish to City Secretary for her License file certificates or copies of the policies, plainly and clearly evidencing such insurance at the time of application, and thereafter new certificates prior to the expiration date of any prior certificate.

Licensee understands that it is its sole responsibility to provide this necessary information and that failure to timely comply with the requirements of this article shall be a cause for termination of this License.

IV. License Requirements and Restrictions:

1. During the term of this License, Licensee shall maintain the premises licensed herein in a good and safe condition at all times. If the street surface, parkway, or facilities in the parkway, including landscaping, are damaged or disturbed by any activity associated with this License, the Licensee shall at its expense, restore the same to as good a condition as before the activity, to the satisfaction of the Director of Public Works or designee.

2. The construction signing and barricading requirements of the Texas Manual On Uniform Traffic Control Devices shall be met for all work done in the public right-of-way.

3. The Licensee shall be responsible for locating, protecting, and repairing (if damaged) all utilities within the area permitted and shall pay all costs associated with adjustments to utilities including street lights that are necessitated by the permitted use.

4. Permitted facilities shall be installed in accordance with all applicable laws, regulations, and codes.

5. The Licensee shall relocate its facilities at its own expense to accommodate public improvements in the right-of-way.

6. In the performing or permitting of work consistent with its normal course of duty within the right-of-way, the City shall not be liable for any damages to the Licensee's facilities or equipment or injury to Licensee, all such claim for damage or injury being expressly waived by Licensee.

7. If Street Use License regulations change, the Licensee shall agree to any new requirements or shall remove all constructed facilities from the right-of-way.

8. Upon termination the Licensee shall restore the property at its expense, to a good workmanlike condition and in a manner satisfactory to the Director of Public Works or designee.

9. The City Manager, Police Chief, Fire Chief, or a designee of such officials, shall have the authority to order immediate removal of any objects or materials placed on the premises by Licensee if, in the City's opinion, removal is necessary to protect the health, safety, or welfare of the public. If the Licensee fails to comply with the order, the City shall remove the materials, and the Licensee shall reimburse the City for the cost of compliance. The Licensee may appeal the removal order to the Abilene City Council by filing written notice with the City Secretary within 5 days of the order; provided, however that ANY APPEAL SHALL NOT STAY THE OFFICIAL'S ORDER OR THE REMOVAL PROCEDURE.

V. Termination

1. This License shall automatically terminate 10 years from the date of execution.

2. The City shall have the right to cancel this License at any time by giving Licensee thirty (30) days notice of its cancellation. The notice shall be in writing delivered to Licensee by certified mail.

3. In the event Licensee shall permit any City of Abilene, Abilene Independent School District, West Central Texas Municipal Water District, or any other taxes assessed against it to become delinquent, this License shall automatically terminate and become null and void.

4. This License may not be assigned or conveyed; any attempt by Licensee to do either shall automatically terminate the License. In the event Licensee should sell the property adjacent to the area for which the License has been granted, this License shall automatically terminate.

CITY OF ABILENE, TEXAS

City Manager

ATTEST:

City Secretary

APPROVED:

City Attorney

NAME OF LICENSEE:

Titan Towers, LP

By: _____
Signature

Gordon Washington VP OPERATIONS
Printed Name and Title

Business Address: 1500 INDUSTRIAL BLVD.,
SUITE 201, ABILENE, TX 79602

EXHIBIT "A"
STREET USE LICENSE AGREEMENT
WITH

TITAN TOWERS, LP

CONDITIONS AND COVENANTS

The Street Use License Agreement is subject to the following conditions and covenants:

1. The Licensee shall contact the city's Engineering Division (676-6281) prior to commencing any work in the right-of-way.
2. The Licensee shall contact the city's Engineering Division (676-6281) for an inspection once forms are in place and prior to concrete being poured.
3. The Licensee shall submit a traffic control plan to the Traffic and Transportation Division (676-6281) for approval before beginning any work that will result in blocking traffic lanes.
4. The Licensee shall contact the Traffic Signal Shop (676-6066) or the Traffic Engineering office (676-6281) for location of traffic signal facilities and shall contact the Water Utilities Department (676-6425) for location of water and sewer lines before beginning excavation in the right-of-way.
5. The Licensee shall contact the city of Abilene Building Inspections (676-6232) regarding any necessary permits for the installation of the requested facility.
6. The Licensee shall ensure all underground utilities are identified and marked prior to any excavation.
7. The Licensee shall barricade any excavation in the right-of-way to prevent pedestrian and/or vehicular access while excavation is unattended. Any barricades left in the right-of-way overnight must be lighted.
8. The Licensee shall promptly repair all signs, pavement markings, and other traffic control devices damaged by its work in the right-of-way.
9. If the City determines that the subject right-of-way is needed for purposes that would be adversely impacted by the permitted facility, the Licensee shall remove the permitted facility within sixty (60) days notice of cancellation.



STREET USE LICENSE AGREEMENT
EXTENDED TERM

APPLICATION

Applicant: TITAN TOWERS LP Phone: (325) 660-3691

Address: 3110 - 3128 N. 1st.

Agent: _____ Phone: _____

Description of Public Right-of-Way to be used: 100 BLOCK OF woodlawn,
West side at end of building in front of overhead
door used by tenant "Harbor Freight"

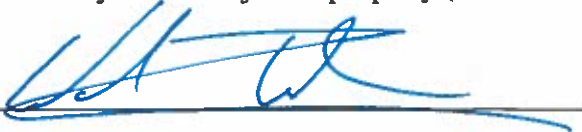
Owner of adjacent property: KNIGHT CARPET WAREHOUSE

Proposed use of public right-of-way: to put in A cement ramp
to overhead door as Asphalt is crushed and
ruined by Forklift unloading trucks at this
Door (warehouse of Harbor Freight).

Reasons for the request: Asphalt Not holding up of roadway
at delivery door.

Application is not complete unless all of the following are included:

- Application fee- \$300
- Certificate or other evidence of insurance
- A dimensioned drawing showing existing and proposed features in the public right-of-way and on adjacent property (sidewalks, curbs, fire hydrants, buildings, fences, etc.)

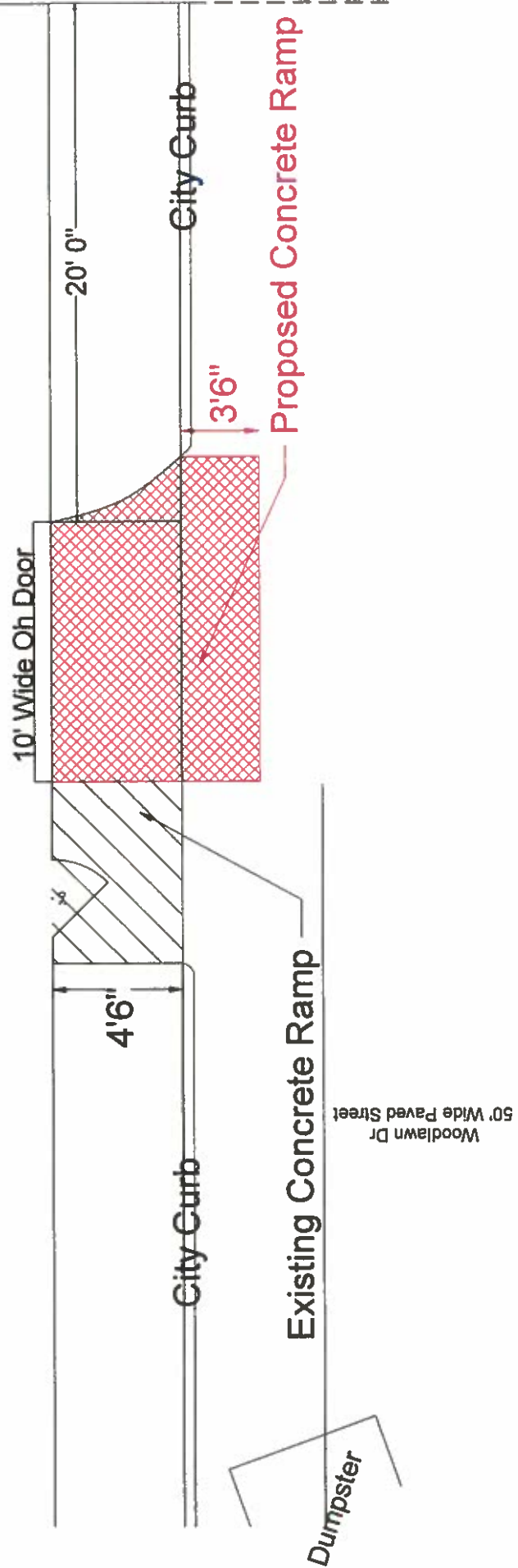


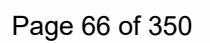
Signature of Applicant or Agent

6-11-2021
Date

Return Application to:
Public Works Dept.
City of Abilene
PO Box 60
Abilene TX 79604

Harbor Freight Tools





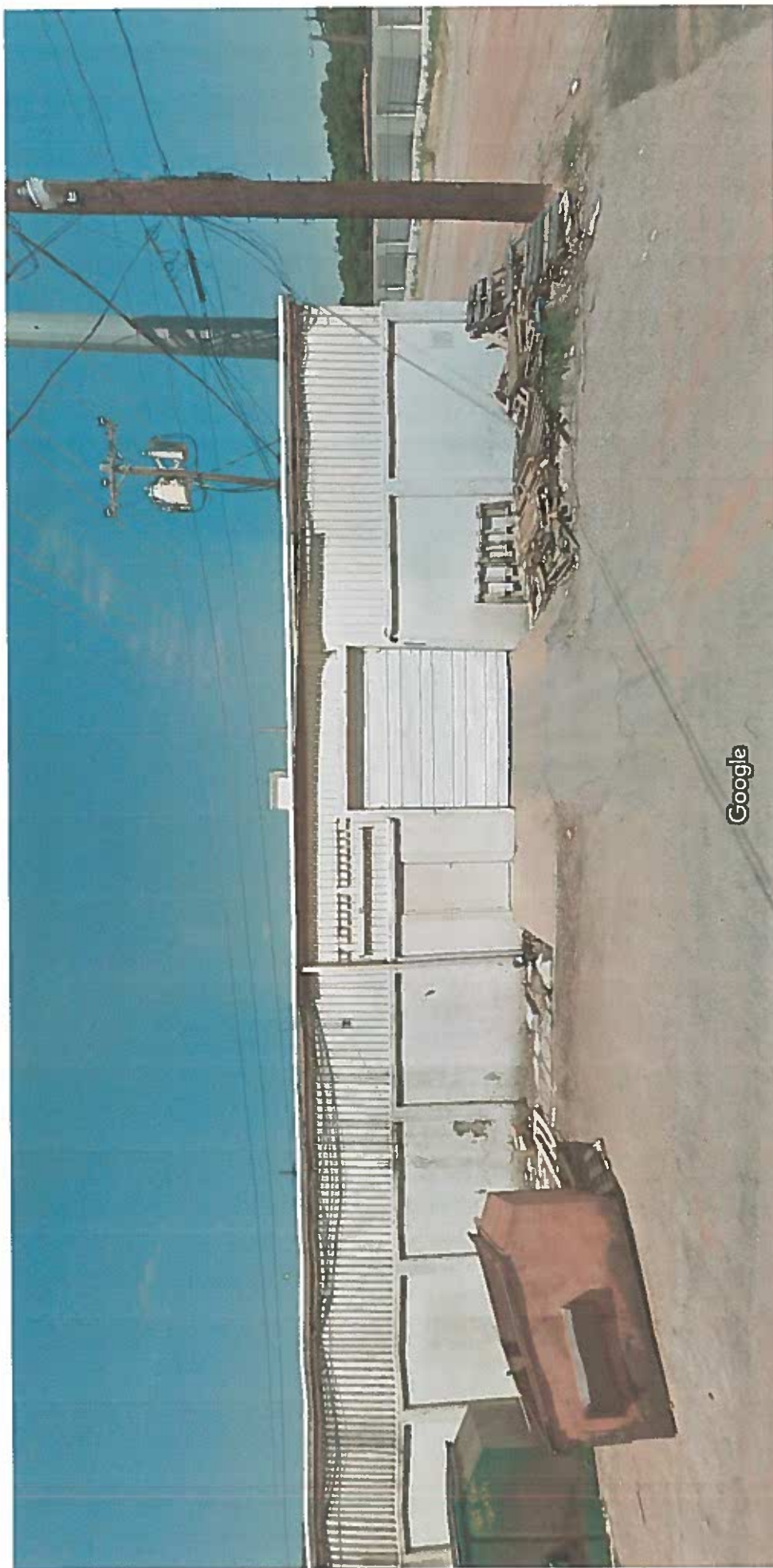


Image capture: Jul 2019 © 2021 Google

Abilene, Texas



Street View

LaundryLuv



Harbor Freight Tools



m's Pets



Armando's Mexican Food



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/16/2021

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 Perkins Insurance Agencies, LLC 749 Gateway, Suite 501 Abilene, TX 79602	CONTACT NAME: Melissa Mick	
	PHONE (A/C, No, Ext): (325) 673-9300 FAX (A/C, No): (325) 673-9317	
INSURED Titan Towers LP PO Box 6972 Abilene, TX 79608	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Atlantic Casualty 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:			M297000283-0	4/2/2021	4/2/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ included
	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)

Project at Location:
3110-3128 N 1st St Abilene, TX 79603**CERTIFICATE HOLDER**CITY OF ABILENE
PO BOX 60
ABILENE, TX 79604**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

Agenda Item: Extended Term Street Use License

Resolution: Approval of Extended Term
Street Use License
(McCaffery)



LOCATION MAP

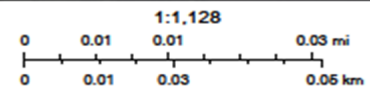
ArcGIS Web Map



6/16/2021, 8:31:28 AM

Courier Parcels

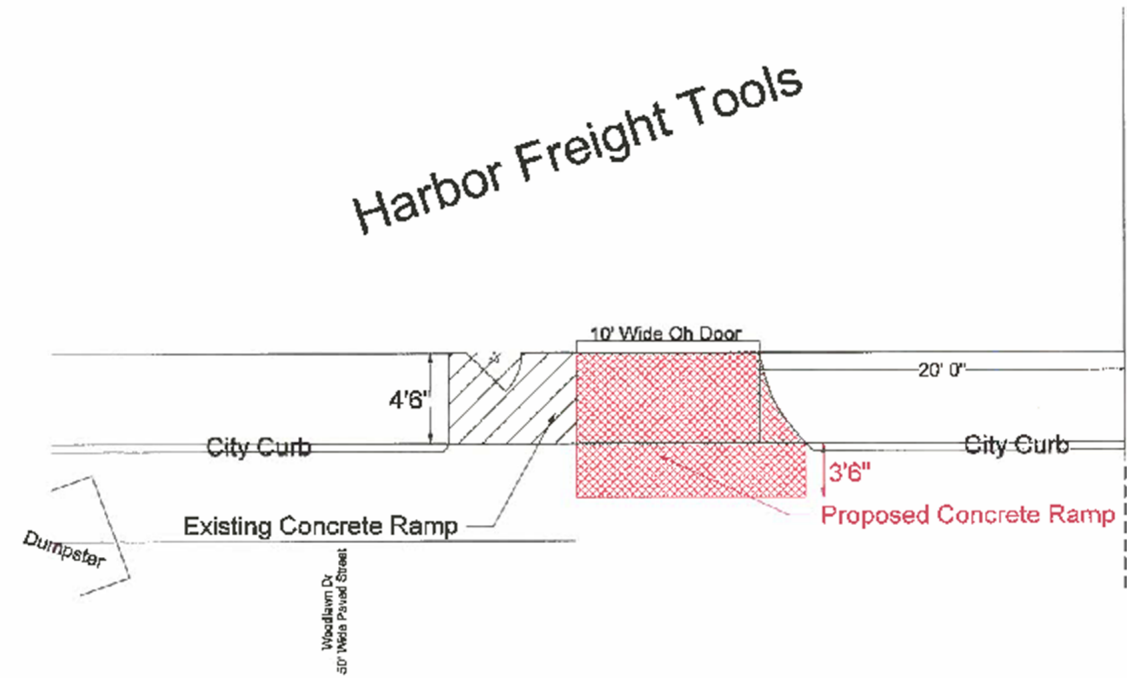
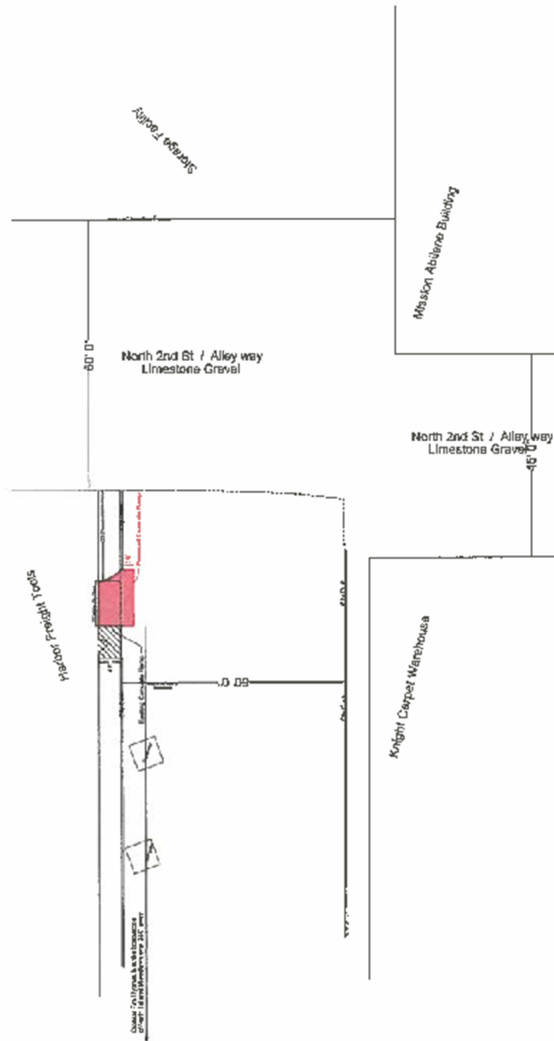
Road Centerlines



City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin,

ArcGIS Web AppBuilder
City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

Site Plan



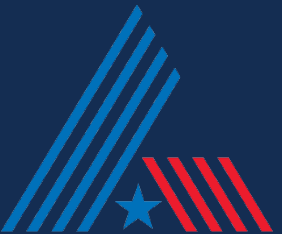
Agenda Item:

Extended Term Street Use License

- Titan Towers LP has submitted an application for an Extended Term Street Use License to use a portion of City right-of-way along the west side of the 100 block of Woodlawn Drive. The applicant wishes to construct and maintain a concrete ramp to the overhead freight door at 3128 N. 1st Street to allow ease of access on Woodlawn Drive for unloading trucks. The current ramp has deteriorated and is no longer functional. The application has been reviewed and found to be complete.
- Staff recommends approval of the Extended Term Street Use License.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Closure of N 6th Street between Cedar Street and Cypress Street (*Michael Rice*)

GENERAL INFORMATION

The closure of N. 6th Street between Cedar Street and Cypress Street is necessary to prohibit vehicular traffic, while allowing for the creation of public green space and pedestrian connectivity between the proposed Downtown Convention Center Hotel and the existing Abilene Convention Center. The authority and the process for the Closure of a thoroughfare, alley, right-of-way or public street may be found within Abilene's Land Development Code, Section 2.3.7.4.d.

SPECIAL CONSIDERATIONS

Closure of N. 6th Street between Cedar Street and Cypress Street would become effective upon funding of the Downtown Convention Center Hotel and City Manager Approval.

FUNDING/FISCAL IMPACT

Funding for the repurposing of N 6th Street between Cedar Street and Cypress Street is currently planned as a portion of the Downtown Convention Center Hotel project.

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Resolution_Closure of N 6th St between Cedar and Cypress
2. Presentation-Closure of N 6th St-Cypress to Cedar

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING
THE CLOSURE OF N. 6TH STREET BETWEEN CEDAR STREET AND CYPRESS STREET**

WHEREAS, the closure of N. 6th Street between Cedar Street and Cypress Street is necessary to prohibit vehicular traffic, while allowing for the creation of public green space and pedestrian connectivity between the proposed Downtown Convention Center Hotel and the existing Abilene Convention Center; and

WHEREAS, the City Council has the authority to Close a thoroughfare, alley, right-of-way or public street as within Abilene's Land Development Code, Section 2.3.7.4.d, and

WHEREAS, the closure of N. 6th Street between Cedar Street and Cypress Street would become effective upon funding of the Downtown Convention Center Hotel and City Manager Approval.

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

PART 1: N. 6th Street between Cedar Street and Cypress Street is officially closed.

PART 2: That this Resolution shall take effect upon funding of the Downtown Convention Center Hotel and City Manager Approval and after its passage.

ADOPTED this 8th day of July, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

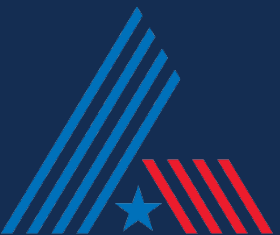
Stanley Smith, City Attorney

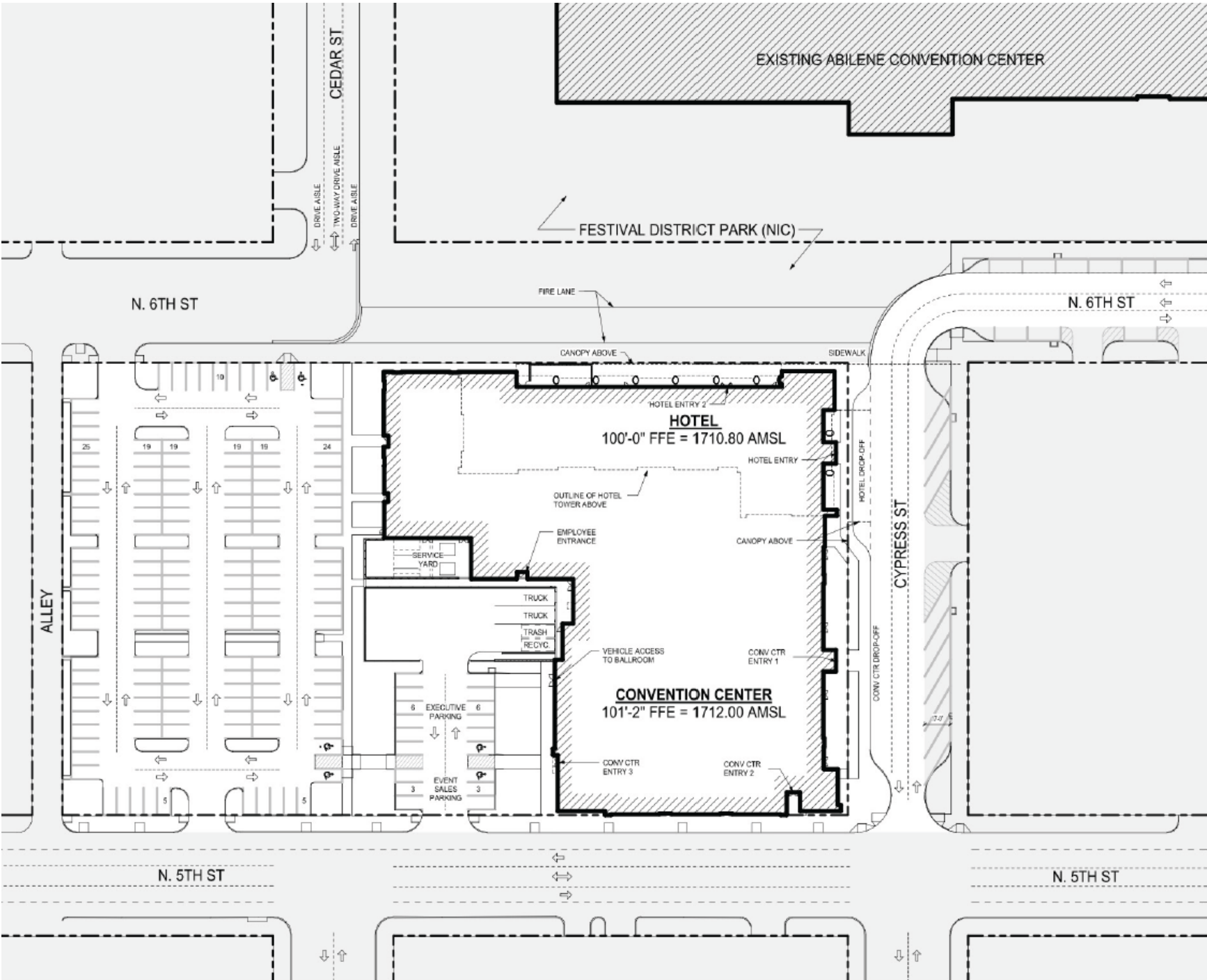
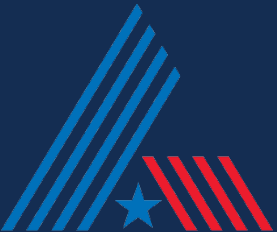
Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Closure of N 6th Street between Cedar Street and Cypress Street (Michael Rice)

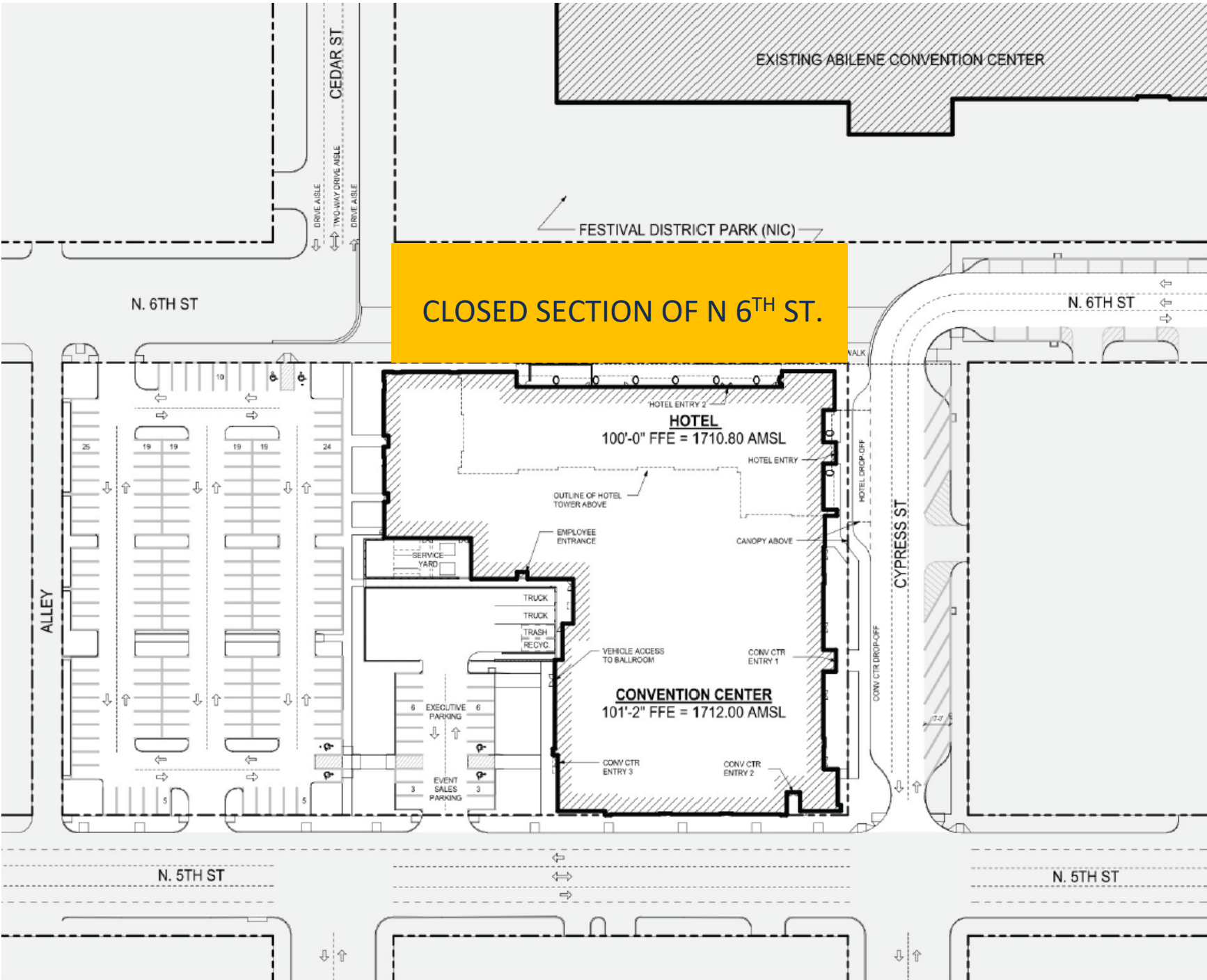
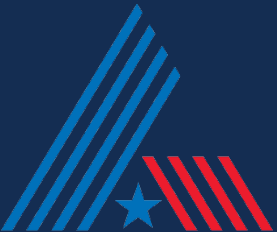


Resolution: Closure of N 6th Street between Cedar St and Cypress St

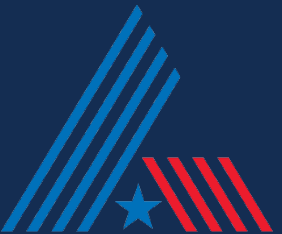
- The closure of N. 6th Street between Cedar Street and Cypress Street is necessary to prohibit vehicular traffic, while allowing for the creation of public green space and pedestrian connectivity between the proposed Downtown Convention Center Hotel and the existing Abilene Convention Center
- City Council has the authority to Close a thoroughfare, alley, right-of-way or public street within Abilene's Land Development Code, Section 2.3.7.4.d
- Closure would become effective upon funding of the Downtown Convention Center Hotel and City Manager Approval







Questions ?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on adopting the Wastewater Collection System Modeling and Master Plan (*Rodney Taylor*)

GENERAL INFORMATION

The Water Utilities Director will introduce a representative of Enprotec/Hibbs & Todd, Inc. to the City Council who will then make a presentation summarizing the City of Abilene 2020 Wastewater Collection System Modeling and Master Plan. The City Council will have the opportunity to ask questions and discuss the plan with the consultant and staff. City staff is requesting that the Abilene City Council approve the resolution adopting the 2020 Wastewater Collection System Modeling and Master Plan as a primary reference resource when evaluating and planning infrastructure improvements to Abilene's wastewater collection system.

SPECIAL CONSIDERATIONS

A large portion of the wastewater collection system exceeds the fifty year design life, has capacity limitations, and is in need of rehabilitation or replacement. On September 28, 2017 the Abilene City Council authorized a contract with Enprotec/Hibbs and Todd, Inc. (EHT) for the 2017 Wastewater System Master Plan Update project to evaluate the condition of the existing collection system, to update the computer based hydraulic model, develop the framework for integrating asset management, model current and future system capacities, and recommend needed capital improvements with schedules and costs. EHT partnered with the Plummer firm for preparing the Master Plan.

The adoption of the 2020 Wastewater Collection System Modeling and Master Plan formalizes this master plan as an important tool and reference document to be utilized by City staff when evaluating and planning infrastructure improvements for the City of Abilene's wastewater collection system.

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approved the resolution adopting the 2020 Wastewater Collection System Modeling and Master Plan as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Adopting the 2020 Wastewater Master Plan-7-8-2021
2. Presentation-2020 Wastewater Master Plan-7-8-2021

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ADOPTING THE 2020 WASTEWATER COLLECTION SYSTEM MODELING AND
MASTER PLAN.**

WHEREAS, the City of Abilene (Abilene) owns and operates the Publically Owned Treatment Works that includes the Hamby Water Reclamation Facility and the wastewater collection system; and

WHEREAS, a large portion of the wastewater collection system exceeds the fifty year design life, has capacity limitations, and is in need of rehabilitation or replacement; and

WHEREAS, the City of Abilene contracted with Enprotec/Hibbs and Todd, Inc., assisted by the Plummer firm, for the 2017 Wastewater System Master Plan Update project to evaluate the condition of the existing collection system, to update the computer based hydraulic model, develop the framework for integrating asset management, model current and future system capacities, and recommend needed capital improvements with schedules and costs; and

WHEREAS, the 2020 Wastewater Collection System Modeling and Master Plan is the culmination of the extensive efforts by City staff and the engineering teams; and

WHEREAS, the adoption of the 2020 Wastewater Collection System Modeling and Master Plan formalizes this master plan as an important tool and reference document to be utilized by City staff when evaluating and planning infrastructure improvements for the City of Abilene's wastewater collection system; and

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

That the Abilene City Council does adopt the 2020 Wastewater Collection System Modeling and Master Plan as a primary reference resource when evaluating and planning infrastructure improvements to Abilene's wastewater collection system.

ADOPTED this 8th day of July, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

Presentation, Discussion, and a Resolution Adopting the Wastewater Collection System Modeling and Master Plan



Wastewater Collection System Modeling and Master Plan

- Introduction of Presenter
- Presentation of Wastewater Collection System Modeling and Master Plan
- Response to Questions by City Council
- Resolution Adopting the Wastewater Collection System Modeling and Master Plan



Wastewater Collection System Modeling & Master Plan



Enprotec / Hibbs & Todd
402 Cedar, Abilene, Texas 79601
Phone: (325) 698-5560 / Fax: (325) 690-3240
Website: e-ht.com
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

City of Abilene Water Utility



PLUMMER
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764
TBPE Firm Registration No. 13



Wastewater Collection System Master Plan

General Master Planning Objectives

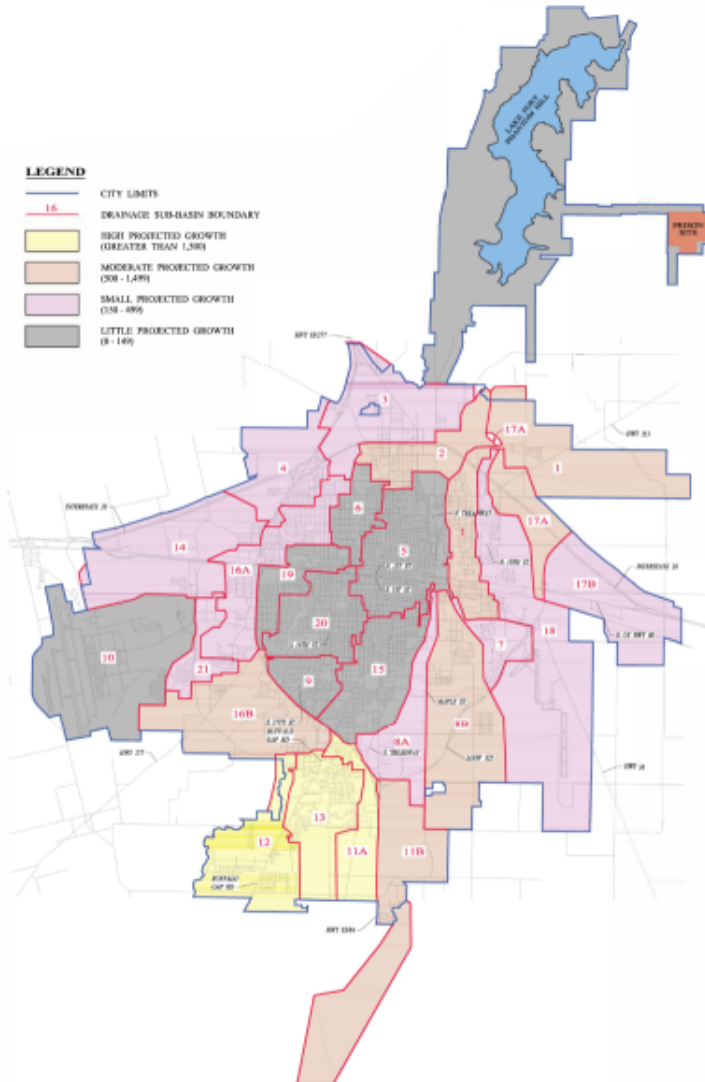
- Provide City Staff with a dynamic decision-making tool to aid in the management and expansion of the wastewater collection system.
- Identify Capacity “Bottlenecks” and other system capacity limitations
- Develop Capital Improvements Plan

Master Plan Components

- Population Analysis
- Hydraulic Computer Modeling
- Development of and Asset Management Plan for integration into the City’s CMMS Software
- Existing System Condition Analysis
- Future System Conditions Analysis
- Recommendations



Population Projection and Distribution



Population Data Sources:

- Texas Water Development Board
(2016 Region G and 2017 State Water Plans)
- City of Abilene Planning and Development Services
- Abilene Metropolitan Planning Organization
- Census Data (2010 Census)

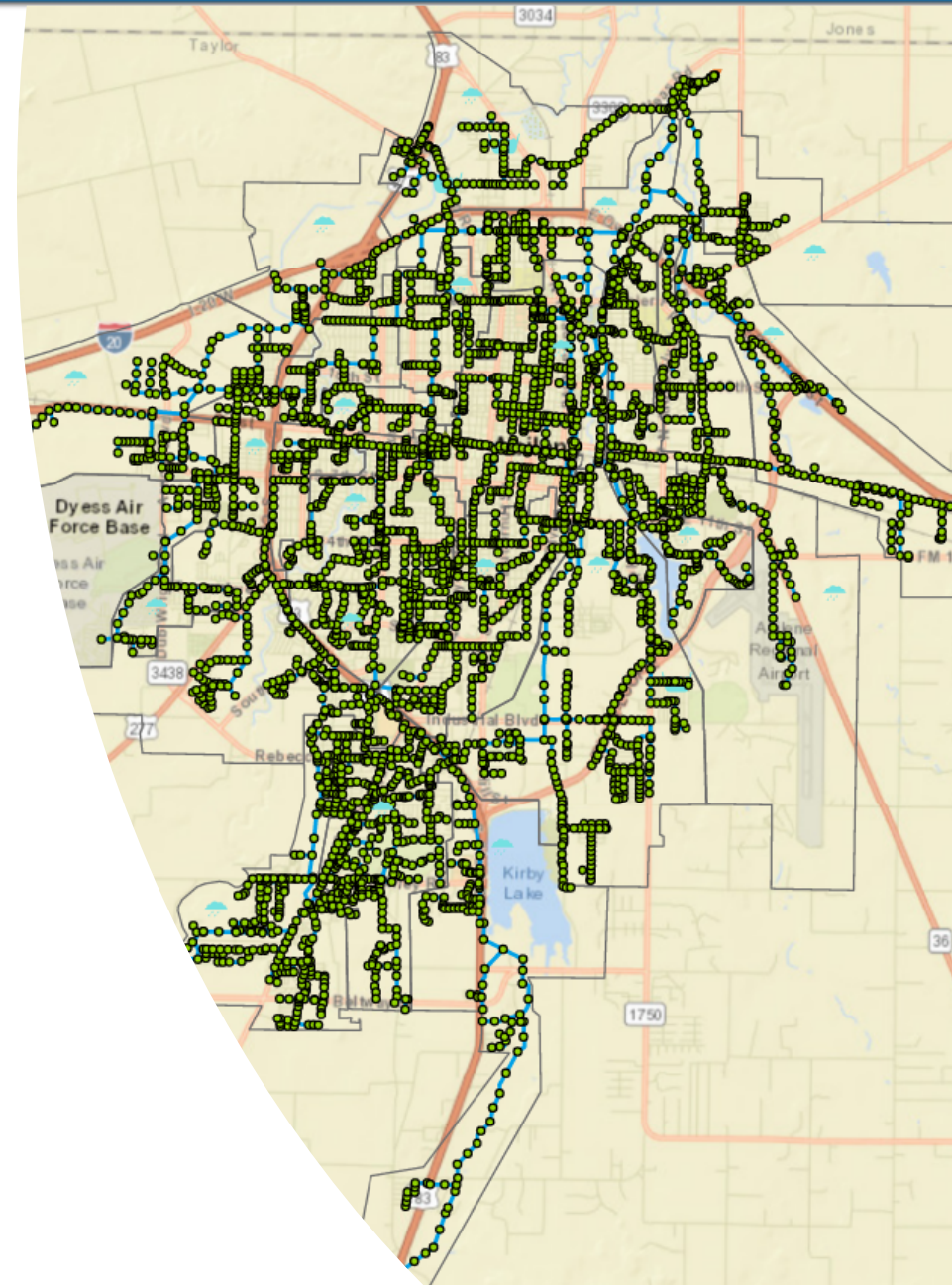
Planning Population Projections:

- 2019: 114,640
- 2030: 124,470 (8.6% Growth)
- 2040: 132,960 (7% Growth)



Hydraulic Computer Model Updates

- Incorporated flow data captured during a two-year monitoring program.
- Captured flow data utilized to establish current dry weather and wet weather hydraulic characteristics including:
 - *Base Dry Weather Flows*
 - *Wet Weather Flows*
 - *Quantification of Rainfall Dependent Inflow/Infiltration (RDII)*
 - *Estimation of Ground Water Infiltration*
- Updated modeled infrastructure to include recent commercial and residential developments
- Accounted for the future phased expansion of existing residential subdivisions currently in development



Asset Management

Collection System Inventory



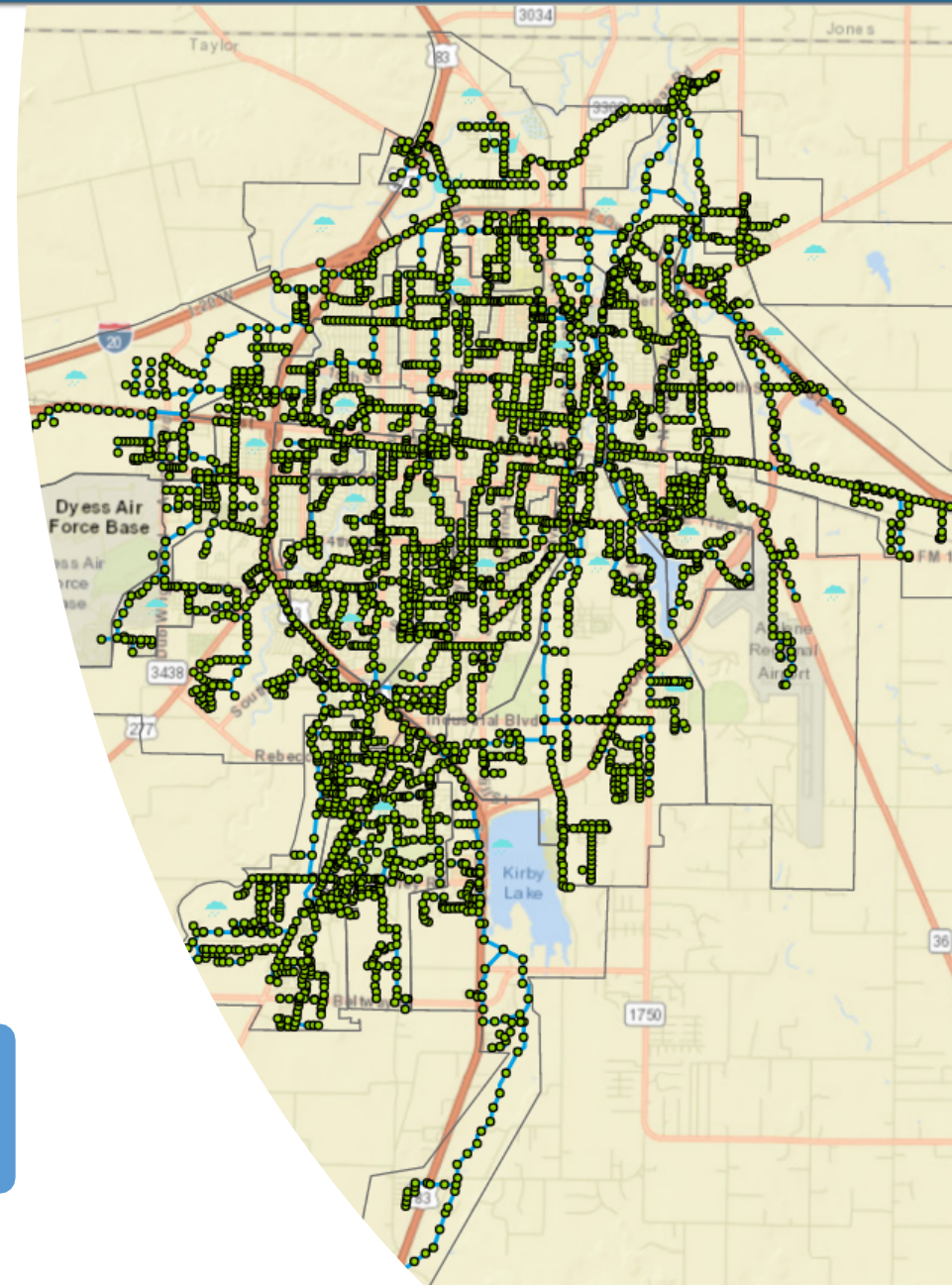
Collection System Condition
Assessment



Collection System Risk
Assessment



Asset Management
Implementation



Collection System Analysis: *Existing Dry Weather*

Dry Weather Flows

- Average Daily Dry Weather Flow: 13.2 MGD

Capacity Evaluation Criteria

- 75% Flow Depth (d)/Max. Flow Depth (D)

Critical Dry Weather System Capacity Deficiencies

- Five Segments (totaling 2,800 linear feet) of 36" West Interceptor along the North side of I-20 near Old Anson Road
(36-Inch West Interceptor)
- 9,335 linear feet of 21-inch pipe near Five Points Business Park
(36-Inch West Interceptor)

Sub-Basin ID	Pipe Segments Over 75% of Full Capacity	Pipes Over 75% of Full Capacity (LF)	Pipe Size (IN)
1	7	2,188	6, 8
2	4	788	8, 48
3	11	6,897	6, 8, 10, 36
4	4	2,640	6, 8, 15, 21, 24
5	136	47,115	6, 8, 10, 12, 18, 21, 24, 36
6	7	2,765	8, 10, 12
7	1	483	6
8	5	1,506	8, 10, 18, 21
9	3	875	6
10	-	-	-
11	0	0	N/A
12	0	0	N/A
13	1	540	8
14	9	7,777	15, 21
15	18	4,701	6, 8, 10, 15, 21
16	2	635	8, 10
17	1	500	15
18	0	0	N/A
19	2	765	6, 10
20	5	1,250	8, 10, 12, 18
21	1	200	8
TOTAL	217	81,625	



Collection System Analysis: *Wet Weather*

WET WEATHER FLOWS

- Average Wet Weather Flow: 15.4 MGD

CAPACITY EVALUATION CRITERIA

- 75% Flow Depth (d)/Max. Flow Depth (D)
- System evaluated under a 10 Year, 3-hour Storm event

WET WEATHER SYSTEM CAPACITY DEFICIENCIES

- In addition to the dry weather capacity deficiencies, modeling identified over 300 additional pipe segments that will exceed capacity during wet weather flow events that meet or exceed a 10 Year, 3-hour rain event.

Sub-Basin ID	Pipe Segments Over 75% of Full Capacity	Pipes Over 75% of Full Capacity (LF)	Pipe Size (IN)
1	10	3,072	6, 8, 10
2	7	2,229	8, 24, 48
3	65	29,688	6, 8, 10, 24, 27, 36
4	35	14,460	6, 8, 15, 21, 24
5	151	53,881	6, 8, 10, 12, 18, 21, 24, 36
6	45	15,655	8, 10, 12, 18, 21, 24
7	1	483	6
8	32	17,391	8, 10, 18, 21
9	10	3,850	6, 18, 21
10	-	-	-
11	6	2,596	8, 10, 15, 18
12	0	0	N/A
13	12	3,770	8, 12, 15
14	37	26,907	6, 8, 10, 12, 15, 21, 42
15	23	7,981	6, 8, 10, 15, 21
16	92	36,422	6, 8, 10, 21, 24, 27
17	1	500	15
18	0	0	N/A
19	35	12,425	6, 8, 10, 15, 18
20	8	2,425	8, 10, 12, 18
21	1	200	8
TOTAL	571	233,696	



Infiltration and Inflow

Typical Sources of Infiltration and Inflow (I/I)

- Groundwater seeping into broken and corroded pipes
- Deteriorated brick and mortar (or old concrete) manholes
- Stormwater entering the system through open pipes and manholes
- Storm drain piping connected directly to the collection system

Groundwater Infiltration (GWI)

Defined as the continual seepage of groundwater into the collection system. Elements potentially impacting GWI in a collection system include:

- Weather Conditions
- Depth of the groundwater table
- Proximity to surface lakes and streams
- Predominant land use
- Overall physical condition of the collection system

For heavily residential systems, GWI can be approximated by comparing average daily flows and minimum daily flows. High percentages of minimum flows to average flows indicate a higher probability of significant groundwater intrusion.



Infiltration and Inflow

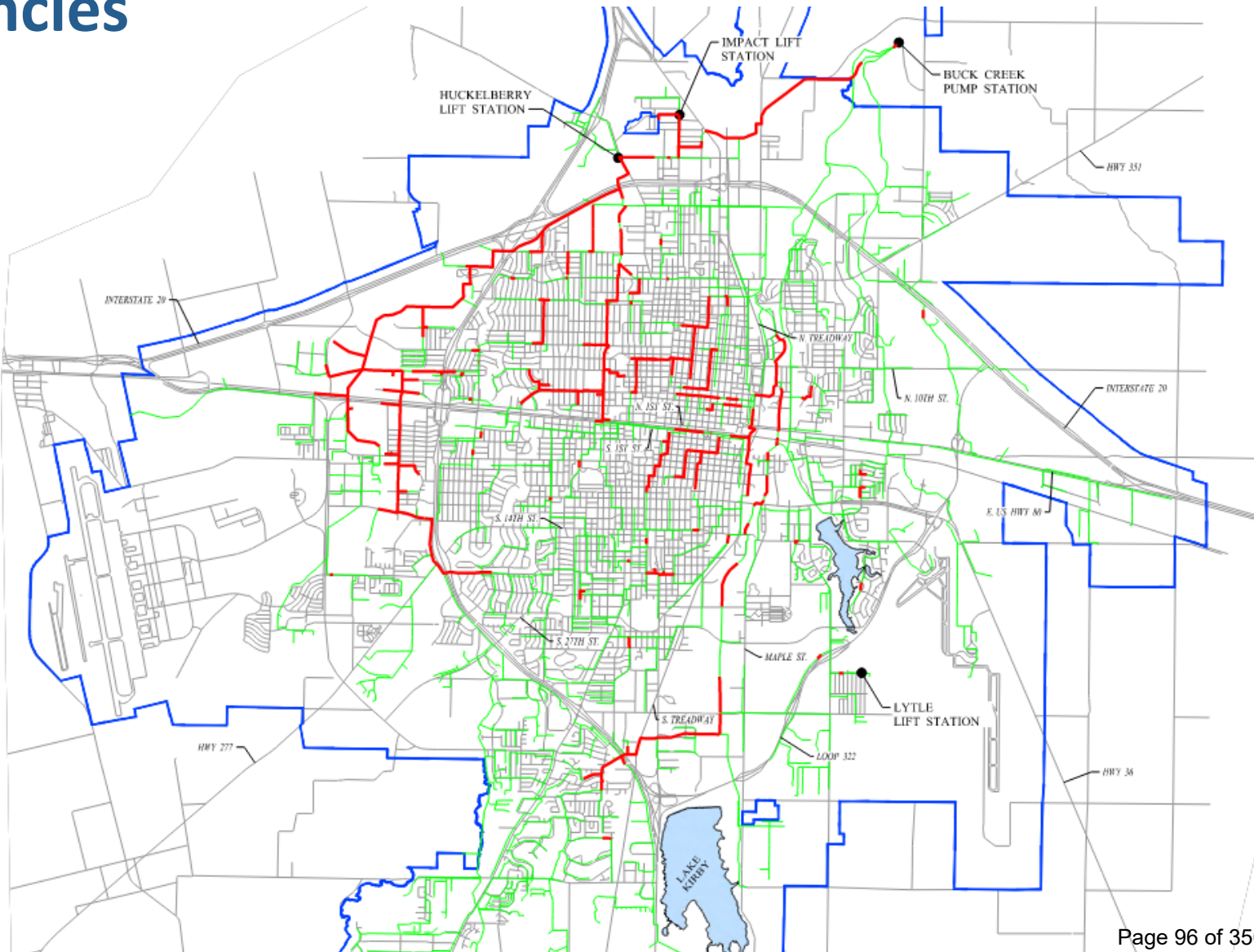
Sub-Basin ID	Average Daily Flow (MGD)	Minimum Daily Flow (MGD)	Percentage Min. Flow/Ave. Flow	Predominant Land Use	Probability of Groundwater Infiltration
1	0.88	0.54	61%	Residential	Moderate
2	0.32	0.24	76%	Residential	High
3	0.38	0.28	73%	Residential	High
4	0.18	0.10	55%	Residential	Moderate
5	2.70	1.38	51%	Commercial & Residential	Moderate
6	0.95	0.14	14%	Residential	Low
7	0.08	0.03	40%	Residential	Moderate
8	0.62	0.40	64%	Commercial	Moderate
9	0.28	0.04	15%	Residential	Low
10	0.40	0.22	56%	Dyess	Moderate
11	0.33	0.27	81%	Residential	High
12	0.34	0.12	35%	Residential	Moderate
13	0.50	0.17	34%	Residential	Moderate
14	0.17	0.13	76%	Residential	High
15	1.06	0.51	48%	Residential	Moderate
16a	0.51	0.29	57%	Residential	Moderate
16b	0.93	0.58	63%	Commercial & Residential	Moderate
17	0.43	0.19	44%	Commercial	Moderate
18	0.38	0.17	46%	Industrial	Moderate
19	0.24	0.03	12%	Commercial & Residential	Low
20	0.86	0.49	57%	Commercial & Residential	Moderate
21	0.66	0.45	69%	Residential	High
TOTAL	13.21	6.77	51%	Low (0-30%) Moderate (30-65%) High (65-100%)	



Existing Collection System Wet Weather Capacity Deficiencies

LEGEND

- CITY LIMITS
- LAKES & RESERVOIRS
- MODELED SEWER LINES
- OVER 75% CAPACITY SEWER LINE



Collection System Analysis: *Future Flows*

PROJECTED 2040 WET WEATHER FLOWS

- Average Wet Weather Flow: 20.62 MGD
- Peak Wet Weather Flow: 44.52 MGD

CAPACITY EVALUATION CRITERIA

- 75% Flow Depth (d)/Max. Flow Depth (D)
- System evaluated under a 10 Year, 3-hour Storm event

WET WEATHER SYSTEM CAPACITY DEFICIENCIES

- Modeling identified over 40 additional pipe segments that will exceed capacity during projected 2040 wet weather flow events that meet or exceed a 10 Year, 3-hour event.

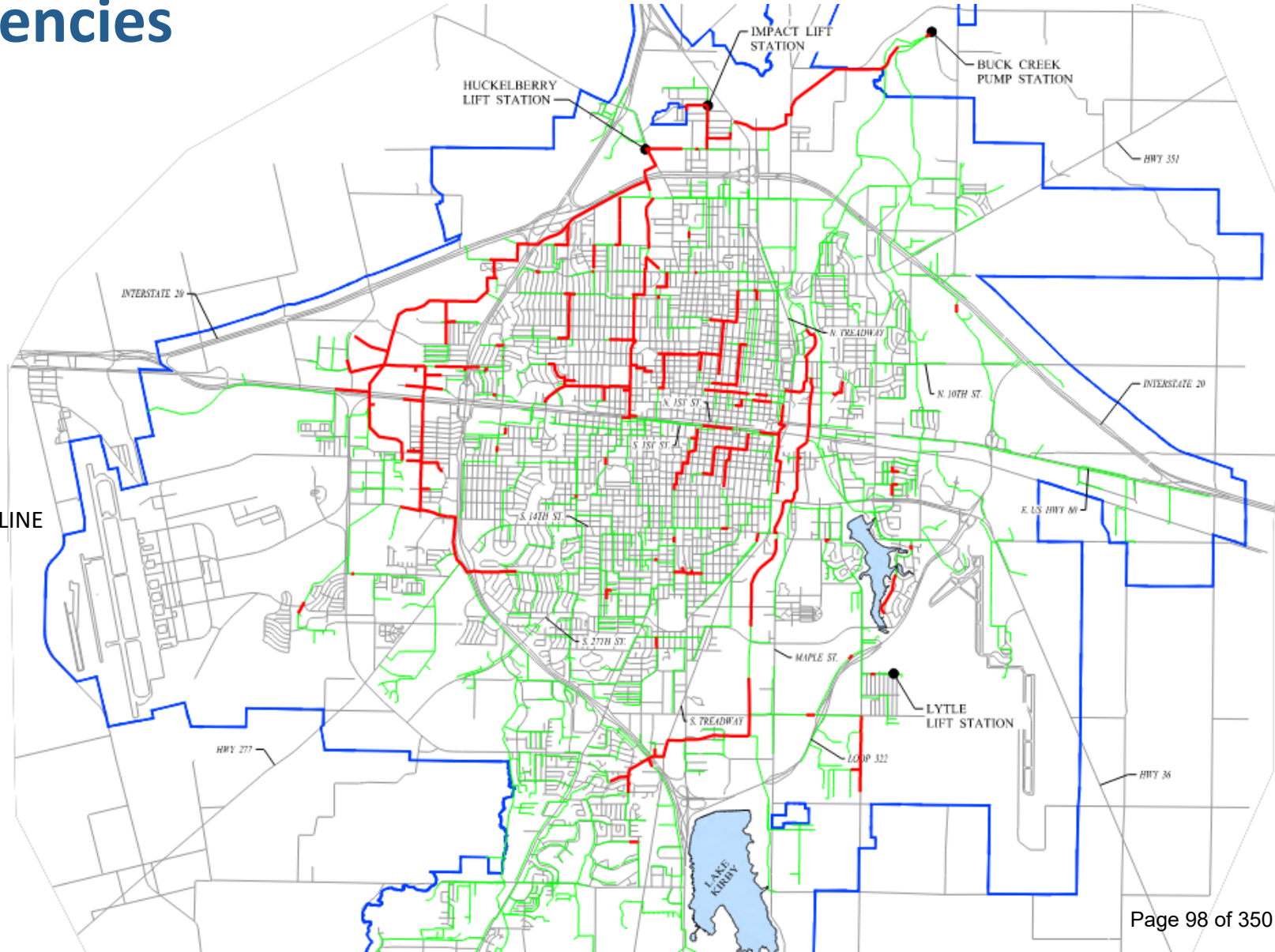
Sub-Basin ID	Pipe Segments Over 75% of Full Capacity	Pipes Over 75% of Full Capacity (LF)	Pipe Size (IN)
1	10	3,072	6, 8, 10
2	7	2,229	8, 24, 48
3	66	30,089	6, 8, 10, 24, 27, 36
4	36	14,590	6, 8, 15, 21, 24
5	154	55,316	6, 8, 10, 12, 18, 21, 24, 36
6	47	16,030	8, 10, 12, 18, 21, 24
7	6	3,039	6, 8
8	55	28,722	8, 10, 15, 18, 21
9	10	3,850	6, 18, 21
10	-	-	-
11	6	2,596	8, 10, 15, 18
12	0	0	N/A
13	12	3,770	8, 12, 15
14	39	27,945	6, 8, 10, 12, 15, 21, 42
15	23	7,981	6, 8, 10, 15, 21
16	92	36,422	6, 8, 10, 21, 24, 27
17	1	500	15
18	0	0	N/A
19	37	12,800	6, 8, 10, 15, 18
20	8	2,425	8, 10, 12, 18
21	4	2,055	8, 12, 21, 42
TOTAL	613	253,432	



Existing Collection System 2040 Wet Weather Capacity Deficiencies

LEGEND

- CITY LIMITS
- LAKES & RESERVOIRS
- MODELED SEWER LINES
- OVER 75% CAPACITY SEWER LINE



Future System Growth and Expansion

Future Growth Centers Include:

- **Southwest Drive Area**
(Southwest Drive, Catclaw Drive, Rebecca Lane)
- **Southwest Abilene**
(FM 707 between Old Forrest Hill Rd and Elm Creek)
- **Maple Street and Oldham Lane (FM 1750)**
- **Highway 83/84**
(Between FM 707 and Antilley Road)
- **Highway 351 / I-20 Frontages**



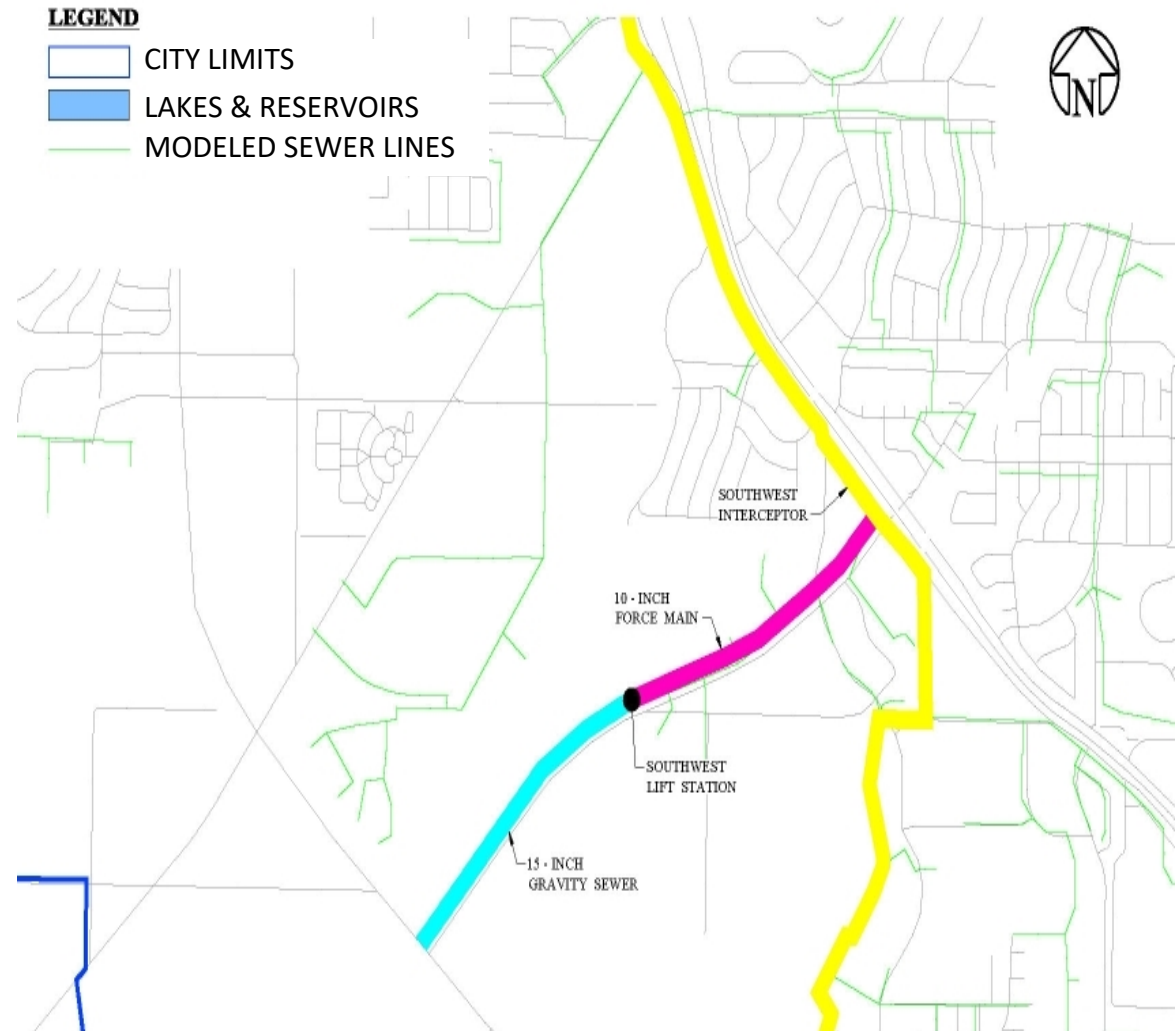
Future System Growth and Expansion

Gravity Line Expansion

- New Developments on Maple and Oldham can potentially be served by the extending of the 10" main running along Maple.
- New Developments on Highway 83/84 can potentially be served by the extending/upsizing existing gravity lines along the frontage roads between FM 707 and Antilley Road.

Southwest Regional Lift Station

- 1,5 MGD Capacity Lift Station could serve up to 3,750 new residents
- A 4,600 LF of 15-inch gravity sewer extended along Southwest Drive could open service to new areas in the southwest.



Immediate System Improvements

(2020 thru 2025)

① Buck Creek Pump Station

- Replacement of the main transfer pumps

② 36"- West Interceptor

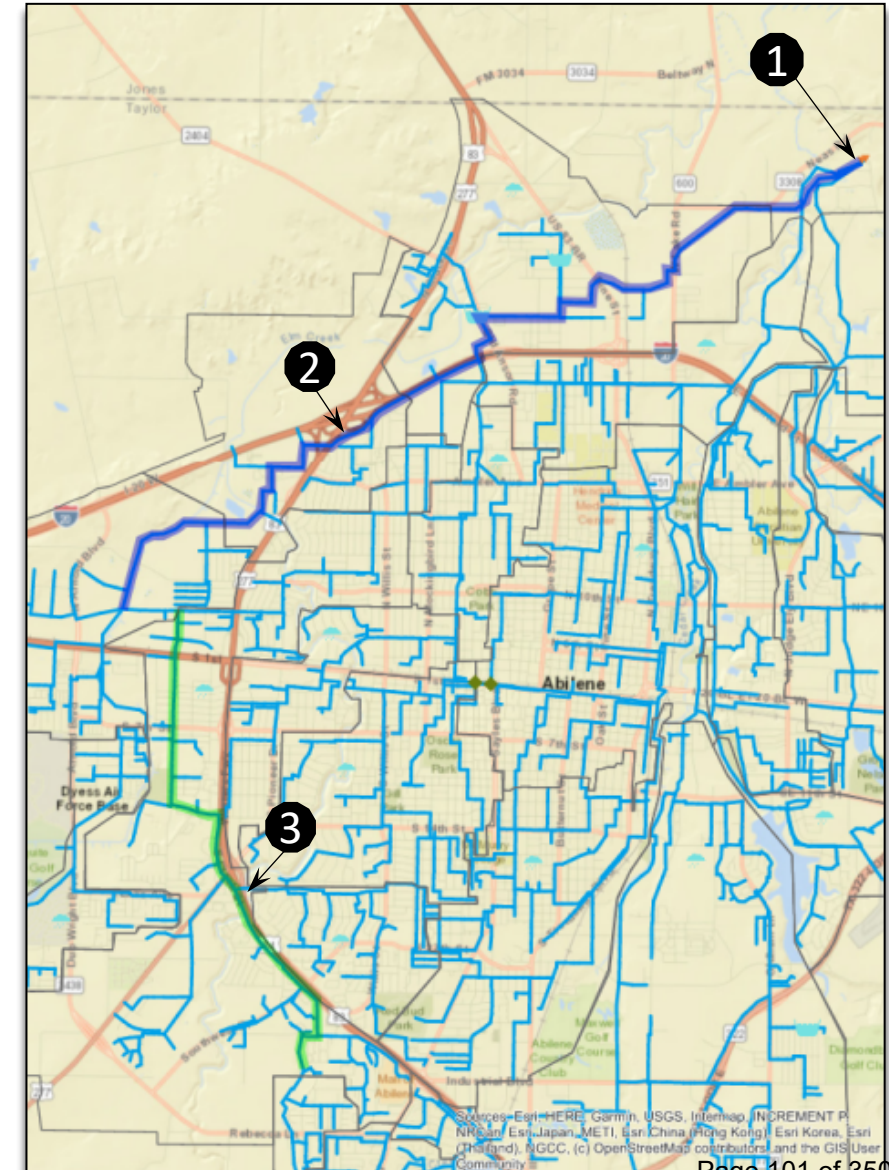
- Address hydraulic capacity limitations
- 47,000 linear feet of pipe (24"-48" Pipe)

③ Southwest Interceptor

- Address hydraulic capacity limitations
- 31,600 linear feet of pipe (36" Pipe)

④ Individual Pipe Segment Improvements

- Over capacity pipe segments identified through modeling and categorized as “high-risk” based on collection system risk assessment
- 29,500 linear feet of pipe (8" – 36" Pipe)



Immediate System Improvements (2020 thru 2025)

- Opinion of Probable Project Cost (2019 Dollars)
- City applied for funding through the Texas Water Development Board Clean Water State Revolving Fund (CWSRF) 2021 Funding Cycle to complete recommended Immediate System Improvements

YEAR	IMPROVEMENT	LF	OPPC
2020	36-INCH WEST INTERCEPTOR	7,100	\$ 5,540,000
	SOUTHWEST INTERCEPTOR	5,200	\$ 3,145,000
	INDIVIDUAL PIPE SEGMENTS	4,700	\$ 1,650,000
SUBTOTAL		17,000	\$ 10,335,000
2021	36-INCH WEST INTERCEPTOR	7,200	\$ 5,400,000
	SOUTHWEST INTERCEPTOR	5,300	\$ 3,165,000
	INDIVIDUAL PIPE SEGMENTS	5,000	\$ 1,900,000
	BUCK CREEK PS IMPROVEMENTS	N/A	\$ 3,275,000
SUBTOTAL		17,500	\$ 13,740,000
2022	36-INCH WEST INTERCEPTOR	8,000	\$ 5,600,000
	SOUTHWEST INTERCEPTOR	5,300	\$ 3,180,000
	INDIVIDUAL PIPE SEGMENTS	4,500	\$ 1,675,000
SUBTOTAL		17,800	\$ 10,455,000
2023	36-INCH WEST INTERCEPTOR	7,900	\$ 5,500,000
	SOUTHWEST INTERCEPTOR	5,300	\$ 3,190,000
	INDIVIDUAL PIPE SEGMENTS	5,100	\$ 1,800,000
SUBTOTAL		18,300	\$ 10,490,000
2024	36-INCH WEST INTERCEPTOR	8,100	\$ 5,460,000
	SOUTHWEST INTERCEPTOR	5,400	\$ 3,260,000
	INDIVIDUAL PIPE SEGMENTS	5,400	\$ 1,766,000
SUBTOTAL		18,900	\$ 10,486,000
2025	36-INCH WEST INTERCEPTOR	8,700	\$ 4,900,000
	SOUTHWEST INTERCEPTOR	5,100	\$ 3,060,000
	INDIVIDUAL PIPE SEGMENTS	4,800	\$ 1,450,000
SUBTOTAL		18,600	\$ 9,410,000
TOTAL		108,100	\$ 65,000,000

Typical Funding Agency Delivery: (Includes Loan Origination Fee, Legal & Fiscal) (rounded)	20%	\$ 13,000,000
15% Contingency (rounded)	15%	\$ 10,000,000
Total OPPC for Funding Agency Budget (rounded)		\$ 23,000,000



Short Term System Improvements (2025 thru 2030)

① Northwest Interceptor

- Address hydraulic capacity limitations
- 24,800 linear feet of pipe (36" – 42")

② Cedar Creek / Button Willow Interceptor

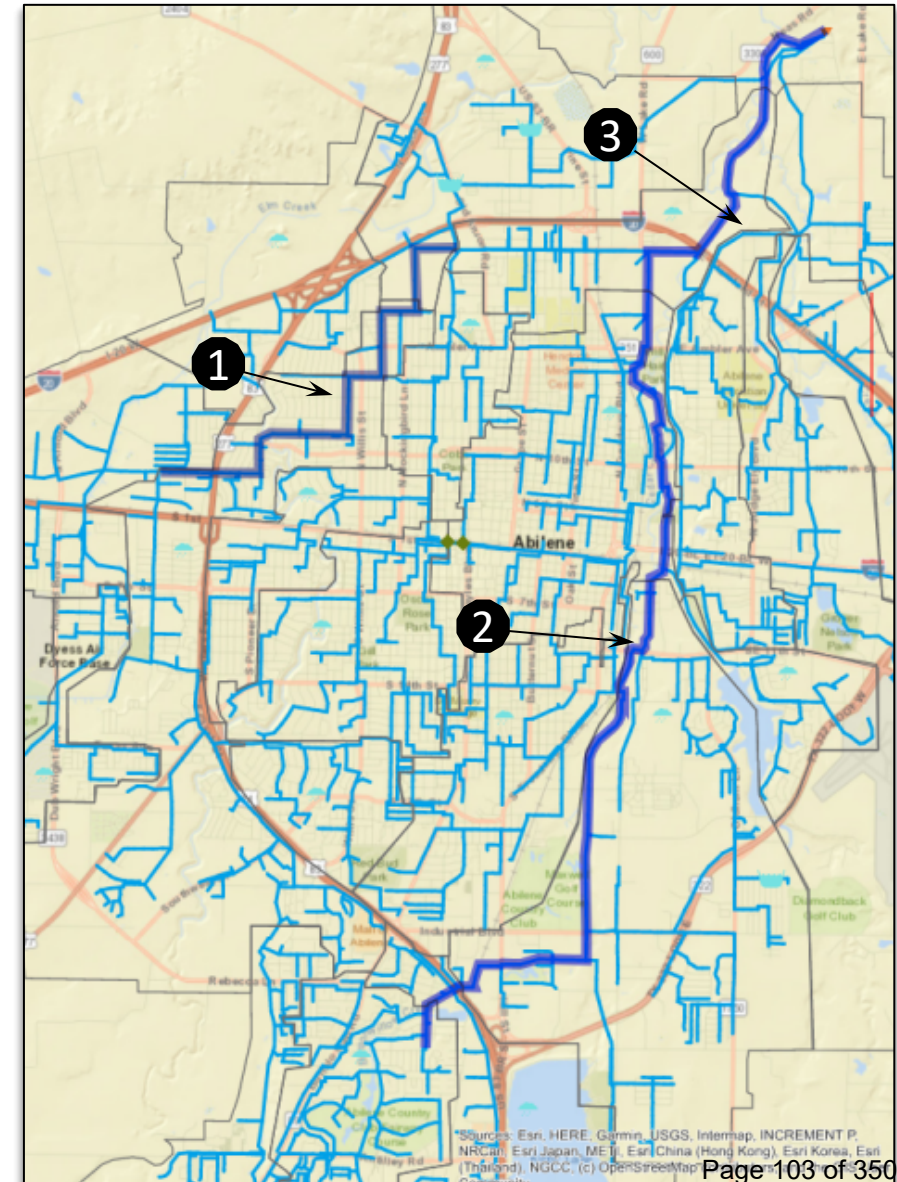
- Address hydraulic capacity limitations
- 56,200 linear feet of pipe (18" – 48")

③ Additional Overflow Equalization Basin

- Develop new collection system equalization basin for emergency overflow relief

④ Individual Pipe Segment Improvements

- Over capacity pipe segments identified through modeling and categorized as "high-risk" based on collection system risk assessment
- 36,600 linear feet of pipe (8" – 48" Pipe)



Short Term System Improvements (2025 thru 2030)

- Opinion of Probable Project Cost
(2019 Dollars)

YEAR	IMPROVEMENT	LF	OPPC
2026	NORTHWEST INTERCEPTOR	4,700	\$ 3,300,000
	CEDAR CREEK INTERCEPTOR	6000	\$ 8,870,000
	OVERFLOW EQ BASIN	N/A	\$ 2,000,000
	INDIVIDUAL PIPE SEGMENTS	5,000	\$ 1,896,000
SUBTOTAL		11,000	\$ 16,066,000
2027	NORTHWEST INTERCEPTOR	5,600	\$ 3,920,000
	CEDAR CREEK INTERCEPTOR	10900	\$ 8,550,000
	INDIVIDUAL PIPE SEGMENTS	7,700	\$ 2,000,000
SUBTOTAL		18,600	\$ 14,470,000
2028	NORTHWEST INTERCEPTOR	4,800	\$ 3,025,000
	CEDAR CREEK INTERCEPTOR	11400	\$ 8,650,000
	INDIVIDUAL PIPE SEGMENTS	10,400	\$ 2,100,000
SUBTOTAL		21,800	\$ 13,775,000
2029	NORTHWEST INTERCEPTOR	5,000	\$ 3,025,000
	CEDAR CREEK INTERCEPTOR	14400	\$ 8,350,000
	INDIVIDUAL PIPE SEGMENTS	7,100	\$ 1,900,000
SUBTOTAL		21,500	\$ 13,275,000
2030	NORTHWEST INTERCEPTOR	4,700	\$ 2,830,000
	CEDAR CREEK INTERCEPTOR	13500	\$ 6,580,000
	INDIVIDUAL PIPE SEGMENTS	6,400	\$ 2,200,000
SUBTOTAL		19,900	\$ 11,610,000
TOTAL		92,800	\$ 70,000,000

Typical Funding Agency Delivery: (Includes Loan Origination Fee, Legal & Fiscal) (rounded)	20%	\$ 14,000,000
15% Contingency (rounded)	15%	\$ 11,000,000
Total OPPC for Funding Agency Budget (rounded)		\$ 100,000,000



Long Term System Improvements (Beyond 2030)

① South 1st Street Interceptor

- Address hydraulic capacity limitations
- 5,600 linear feet of pipe (8"-18")

② Grimes Interceptor

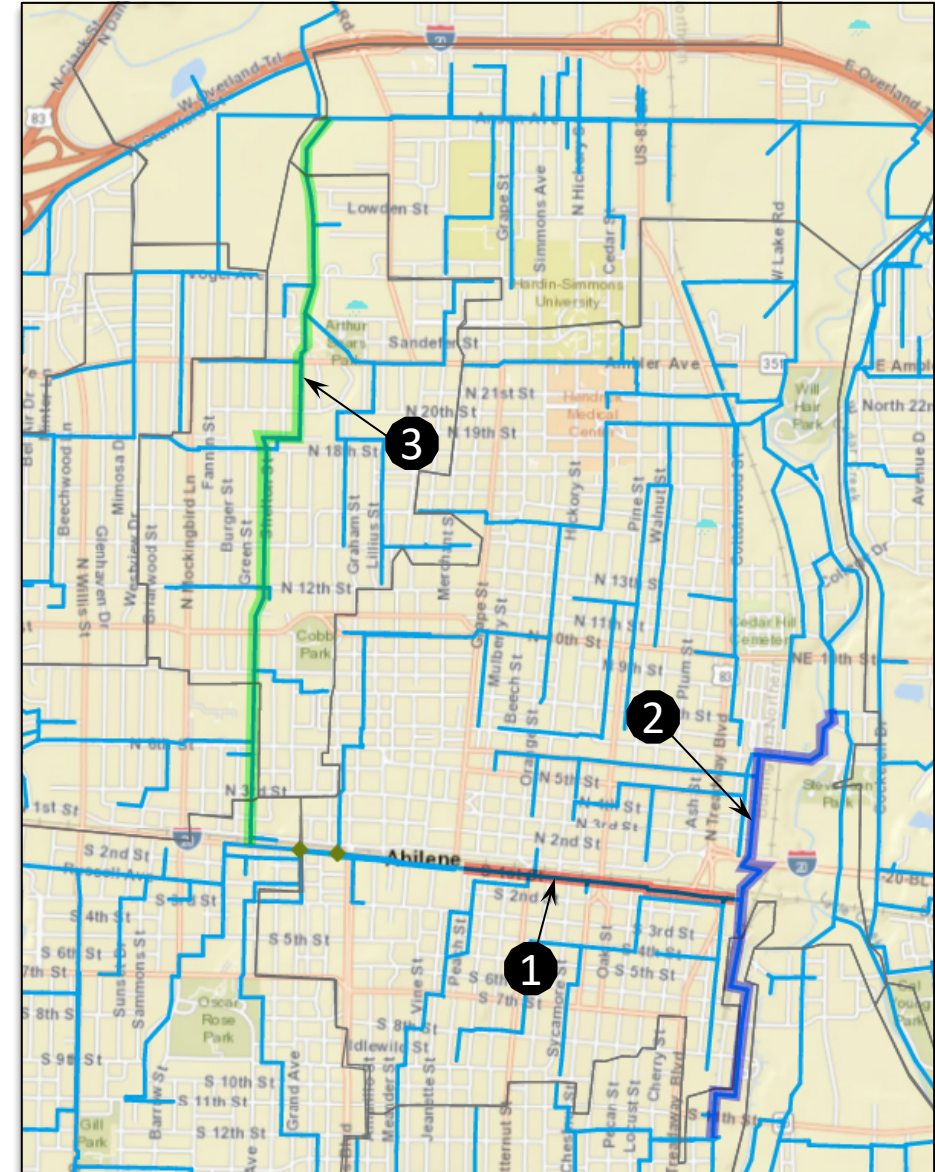
- Address hydraulic capacity limitations
- 10,300 linear feet of pipe (30"– 36")

③ Shelton-Anson Interceptor

- Address hydraulic capacity limitations
- 14,400 linear feet of pipe (24"– 30")

④ Individual Pipe Segment Improvements

- Over capacity pipe segments identified through modeling and categorized as "high-risk" based on collection system risk assessment
- 19,100 linear feet of pipe (8" – 48" Pipe)



Long Term System Improvements (Beyond 2030)

- Opinion of Probable Project Cost
(2019 Dollars)

YEAR	IMPROVEMENT	LF	OPPC
2031	1ST STREET INTERCEPTOR	5,600	\$ 690,000
	SHELTON-ANSON INTERCEPTOR	2,700	\$ 1,570,000
	GRIMES INTERCEPTOR	1,900	\$ 1,200,000
	INDIVIDUAL PIPE SEGMENTS	3,300	\$ 1,375,000
SUBTOTAL		13,500	\$ 4,835,000
2032	SHELTON-ANSON INTERCEPTOR	2,900	\$ 1,650,000
	GRIMES INTERCEPTOR	1,900	\$ 1,100,000
	INDIVIDUAL PIPE SEGMENTS	3,500	\$ 1,280,000
SUBTOTAL		8,300	\$ 4,030,000
2033	SHELTON-ANSON INTERCEPTOR	3,200	\$ 1,770,000
	GRIMES INTERCEPTOR	2,000	\$ 1,150,000
	INDIVIDUAL PIPE SEGMENTS	3,800	\$ 1,250,000
SUBTOTAL		9,000	\$ 4,170,000
2034	SHELTON-ANSON INTERCEPTOR	2,600	\$ 1,450,000
	GRIMES INTERCEPTOR	2,500	\$ 1,400,000
	INDIVIDUAL PIPE SEGMENTS	3,900	\$ 1,350,000
SUBTOTAL		9,000	\$ 4,200,000
2035	SHELTON-ANSON INTERCEPTOR	3,000	\$ 1,660,000
	GRIMES INTERCEPTOR	2,000	\$ 1,050,000
	INDIVIDUAL PIPE SEGMENTS	4,600	\$ 1,243,000
SUBTOTAL		9,600	\$ 3,953,000
TOTAL		49,400	\$ 22,000,000

Typical Funding Agency Delivery: (Includes Loan Origination Fee, Legal & Fiscal) (rounded)	20%	\$ 5,000,000
15% Contingency (rounded)	15%	\$ 4,000,000
Total OPPC for Funding Agency Budget (rounded)		\$ 40,000,000



Presentation, Discussion, and a Resolution Adopting the Wastewater Collection System Modeling and Master Plan

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting the 2020 Water Distribution Master Plan (Rodney Taylor)

GENERAL INFORMATION

The Water Utilities Director will introduce a representative of Jacob & Martin, LLC to the City Council who will then make a presentation summarizing the City of Abilene 2020 Water Distribution Master Plan. The City Council will have the opportunity to ask questions and discuss the plan with the consultant and staff. City staff is requesting that the Abilene City Council approve the resolution adopting the 2020 Water Distribution Master Plan as a primary reference resource when evaluating and planning infrastructure improvements to Abilene's water distribution system.

SPECIAL CONSIDERATIONS

There are numerous facilities within the water distribution system that are aged and worn, that do not meet current design criteria, that have capacity limitations or elevation issues, and/or are in need of rehabilitation or replacement. On December 7, 2017 the Abilene City Council authorized a contract with Jacob and Martin, LLC. (JM) for the Water Distribution System Evaluation, Modeling, and Master Plan 2018 project to evaluate the condition of the existing distribution system, to update the computer based hydraulic model, develop the framework for integrating asset management, model current and future system capacities, and recommend needed capital improvements with schedules and costs. JM partnered with the firm of Freese and Nichols, Inc. for the plan.

The adoption of the 2020 Water Distribution Master Plan formalizes this master plan as an important tool and reference document to be utilized by City staff when evaluating and planning infrastructure improvements for the City of Abilene's water distribution system

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approve of the resolution adopting the 2020 Water Distribution Master Plan as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Adopting the 2020 Water Distribution Master Plan-7-8-2021
2. Presentation-2020 Water Distribution Master Plan-7-8-2021

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ADOPTING THE 2020 WATER DISTRIBUTION MASTER PLAN.**

WHEREAS, the City of Abilene (Abilene) owns and operates a Public Water System that includes treatment, storage and pumping facilities, and a distribution piping network; and

WHEREAS, there are numerous facilities within the water distribution system that are aged and worn, that do not meet current design criteria, that have capacity limitations or elevation issues, and/or are in need of rehabilitation or replacement; and

WHEREAS, the City of Abilene contracted with Jacob and Martin, LLC, assisted by Freese and Nichols, Inc., for the Water Distribution System Evaluation, Modeling, and Master Plan 2017 project to evaluate the condition of the existing distribution system, to update the computer based hydraulic model, develop the framework for integrating asset management, model current and future system capacities, and recommend needed capital improvements with schedules and costs; and

WHEREAS, the 2020 Water Distribution Master Plan is the culmination of the extensive efforts by City staff and the engineering teams; and

WHEREAS, the adoption of the 2020 Water Distribution Master Plan formalizes this master plan as an important tool and reference document to be utilized by City staff when evaluating and planning infrastructure improvements for the City of Abilene's water distribution system; and

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

That the Abilene City Council does adopt the 2020 Water Distribution Master Plan as a primary reference resource when evaluating and planning infrastructure improvements to Abilene's water distribution system.

ADOPTED this 8th day of July, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

Presentation, Discussion, and a Resolution Adopting the 2020 Water Distribution Master Plan



2020 Water Distribution Master Plan

- Introduction of Presenter
- Presentation of 2020 Water Distribution Master Plan
- Response to Questions by City Council
- Resolution Adopting the 2020 Water Distribution Master Plan





City of Abilene 2020 Water Distribution Master Plan

Prepared by:

Jacob & Martin, LLC and Freese & Nichols, Inc.

Presented by

Kirt Harle, P.E., Jacob & Martin, LLC

July 8, 2021

Master Plan Scope of Work

- Population and water demand projections
- Water distribution system capacity analysis and hydraulic modeling
- Water distribution system water quality analysis
- Development of water system improvements for 2030 and 2040 planning periods
- Development of asset management plan
- Development of capital improvement plan



Population and Water Demand Projections



- **Population Projections:**

- 17.4% projected population growth over the planning period

	Estimated Current Population	Projected Population	
		2030	2040
City Abilene	122,225	131,036	135,837
Wholesale Customers	42,909	51,497	58,021
Total	165,134	182,533	193,858

- **Water Demand Projections:**

- 23% projected increase in water demand over the planning period

Year	Annual Water Demand (MG)			Avg. Day (MGD)	Max Day (MGD)	Peak Hour (MGD)
	Abilene	Wholesale	Total			
2011 - 2017	6,646	1,061	7,706	21.11	32.99	-
2030	7,557	1,649	9,206	25.22	45.99	90.59
2040	7,685	1,794	9,479	25.97	47.50	92.29

Water System Capacities

SYSTEM CAPACITY EVALUATION

- Storage tanks (ground and elevated)

Pressure Plane	Existing Connections	Total Storage (MG)		Elevated Storage (MG)	
		Existing	Required	Existing	Required
1st (Lower)	34,165	19.76	6.83	0.65	3.42
2nd (Middle)	16,370	4.00	3.27	1.50	1.64
3rd (Upper)	3,600	6.95	0.72	1.25	0.36
4th (Prison)	262	0.30	0.05	0.30	0.03
5th (5-Points)	35	0.20	0.01	0.20	0.00
Total	54,432	31.21	10.89	3.25	5.44

Water System Capacities

SYSTEM CAPACITY EVALUATION

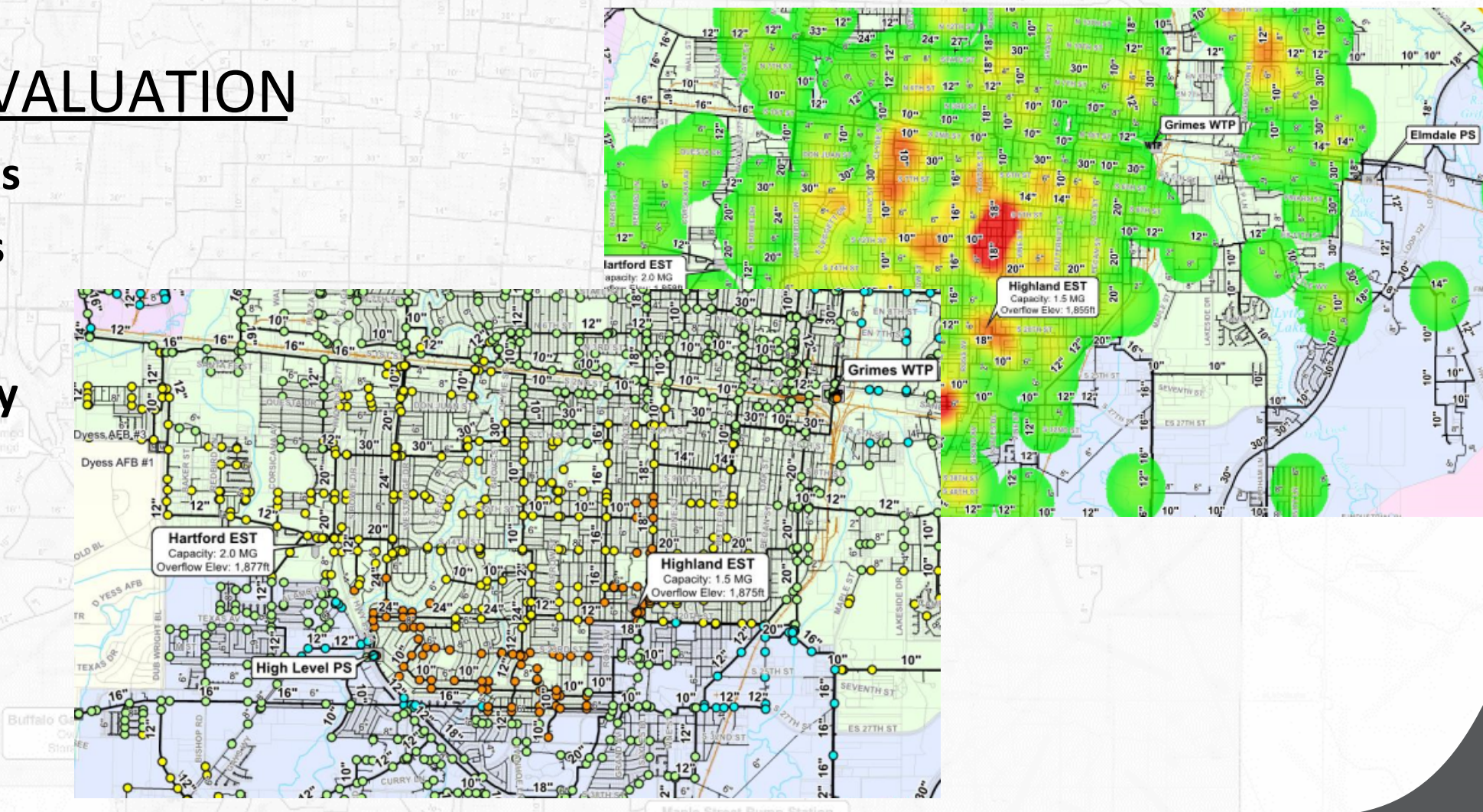
- **Booster pumping**

Pressure Plane	Existing Connections	Elevated Storage (MG)	Gallons per connection	Pump Capacity (MGD)	
				Existing	Required
1st (Lower)	34,165	3.50	102	103.71	105.72
2nd (Middle)	16,370	1.50	92	32.62	47.15
3rd (Upper)	3,600	1.25	347	36.42	17.44
4th (Prison)	262	0.30	1,145	2.79	0.75
5th (5-Points)	35	0.20	5,714	8.64	0.10
Total	54,432	6.75		184.18	171.16

Water System Hydraulics

HYDRAULIC EVALUATION

- System pressures
- Piping capacities
- Fire flows
- System reliability



Water Quality

WATER QUALITY DATA

- Nitrification Action Plan (NAP) Data
- Water Quality Parameters
- Water Age

AVERAGE RESIDUALS

Average for 2017

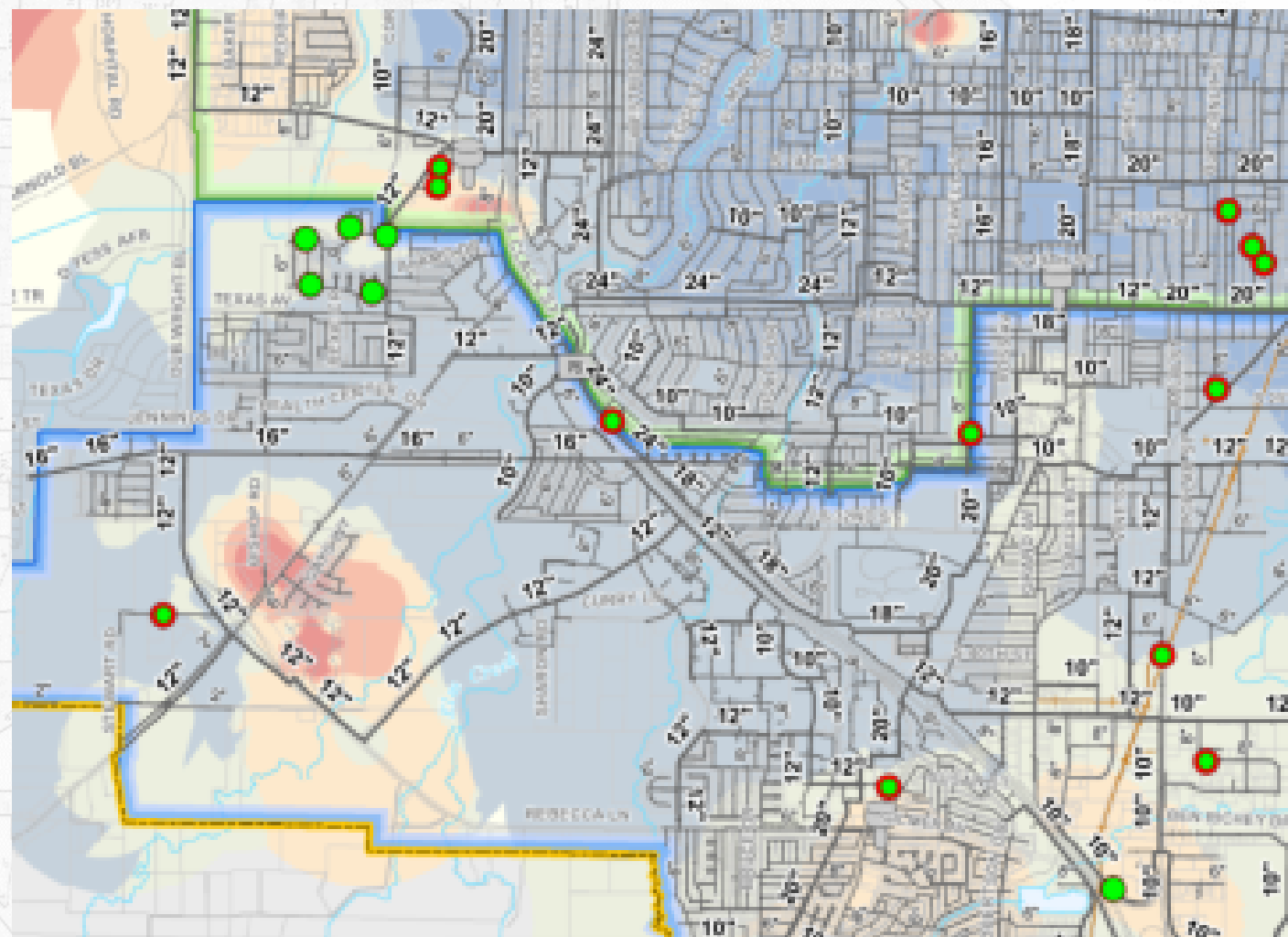
- Less than 2.25
- 2.25 - 3.25
- Greater than 3.25

Average for 2018

- Less than 2.25
- 2.25 - 3.25
- Greater than 3.25

AVERAGE WATER AGE

- Less than 1 Day
- 1 - 2 Days
- 2 - 3 Days
- 3 - 5 Days
- 5 - 7 Days
- Greater than 7 Days



Water Quality

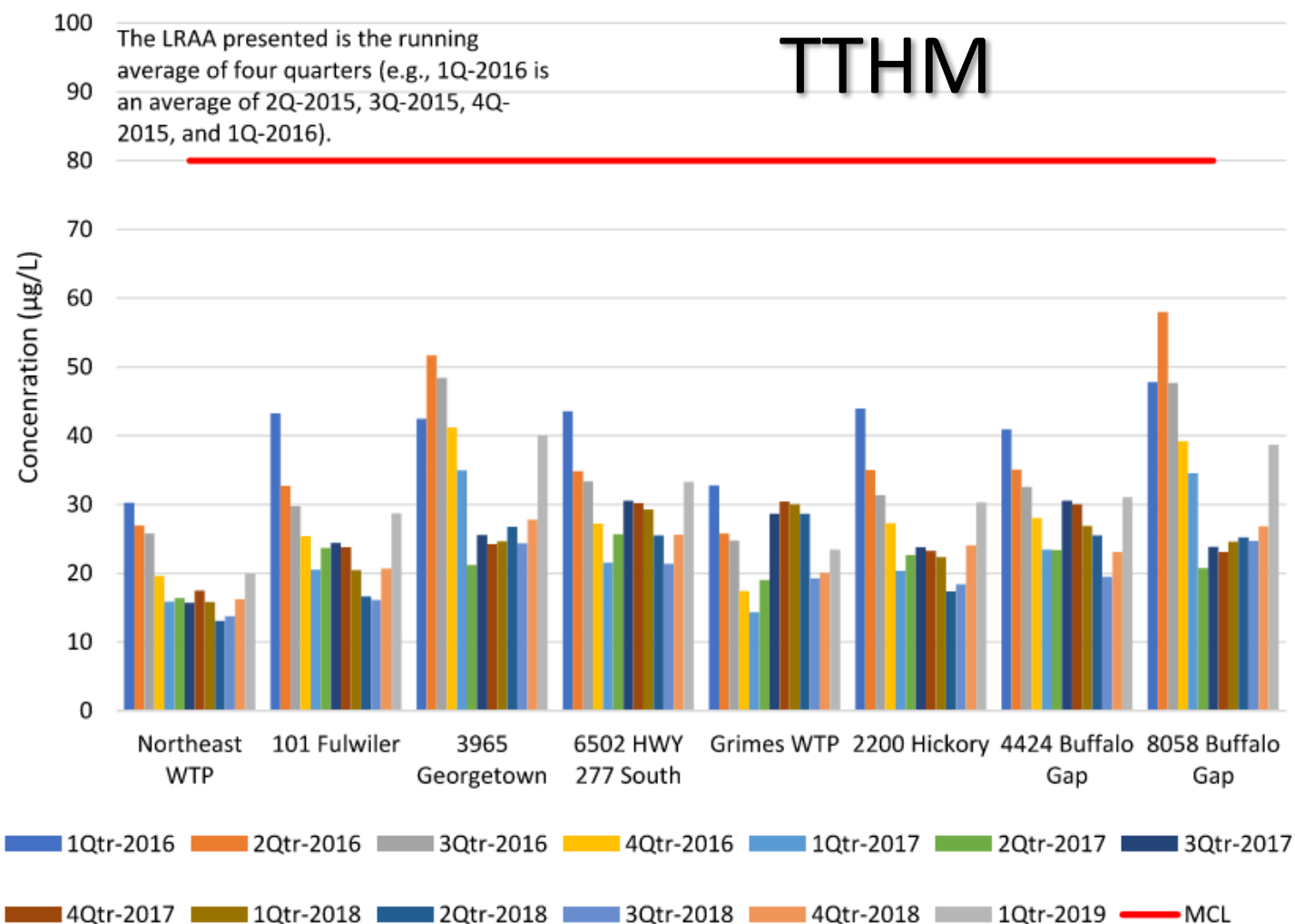
WATER QUALITY DATA

- Total Coliform Data
- Disinfection Byproducts
 - TTHM
 - HAA5s

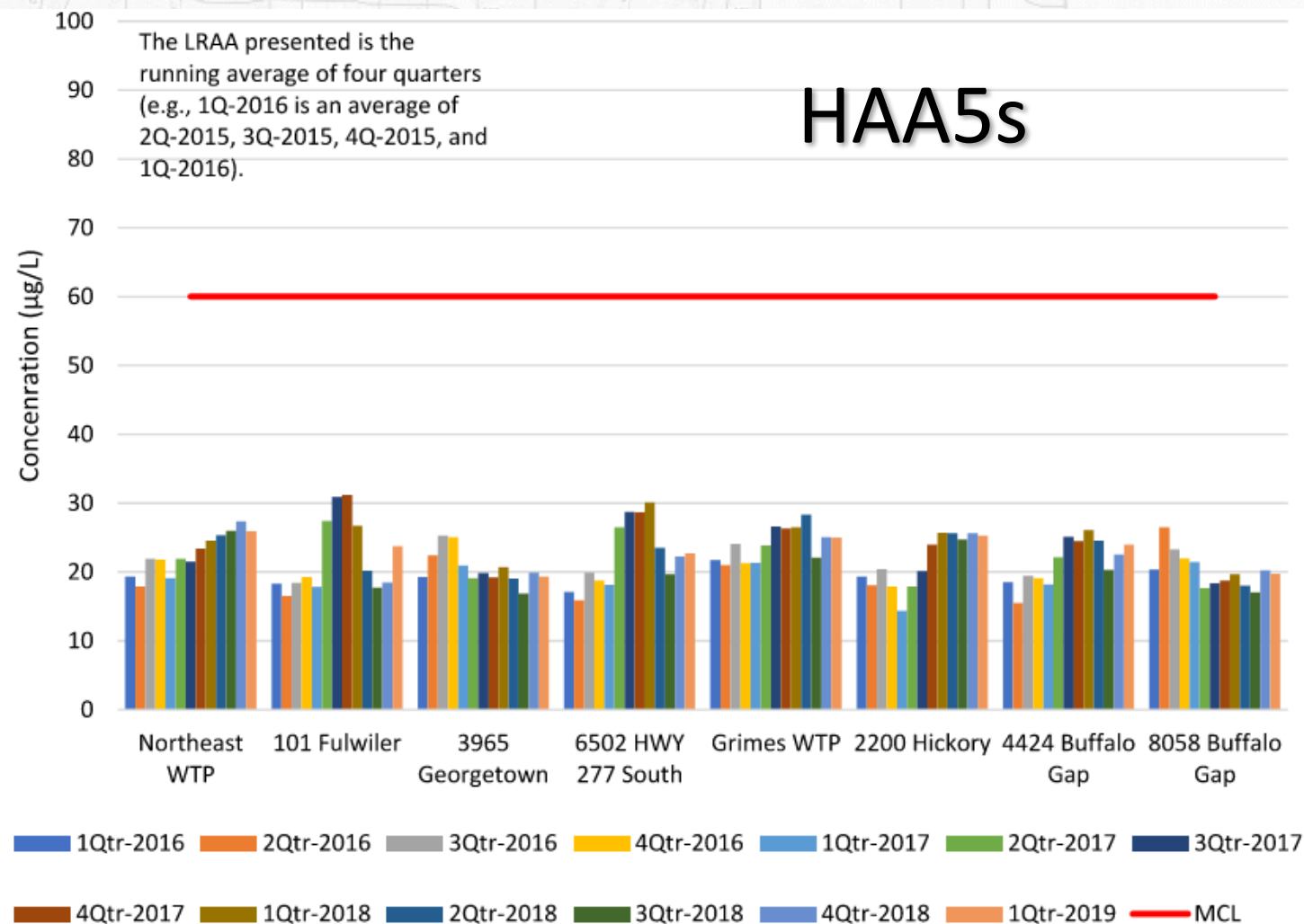
Total Coliform Data

	2013	2014	2015	2016	2017
Number of Samples	1256	1275	1270	1319	1332
Number of Detections	2	9	1	3	2
Percentage of Detections	0.16%	0.71%	0.08%	0.23%	0.15%

Water Quality



Water Quality





Water System Improvements

2020-2030 Improvements



BASIS FOR PROPOSED IMPROVEMENTS

- Capacity deficiencies
- Projected growth
- Regulatory requirements
- Water quality
- System reliability

PLANNING PERIODS

- 2020-2030
- 2030-2040

Phase	Project ID	Prerequisite Projects	Project Description	Estimated Cost
2020-2030	1A		30" WL, Rebecca Lane and Dub Wright Blvd BG EST to Dyess AFB	\$6,576,000
	1B		30" WL, Dub Wright / Arnold Blvd Dyess AFB to Northwest PS	\$5,738,000
	1C		New 2nd PP PS at Northwest PS	\$9,936,000
	2	1	Abandon High Level PS	\$198,000
	3		1.5 MG 1st PP EST (Demo Highland EST)	\$4,140,000
	4		1.5 MG 2nd PP EST	\$4,140,000
	5	1, 2, 3, 4	1st/2nd PP Boundary Modification (WL & Valve Improvements)	\$1,587,000
	6		20" HWY277/ Twilight Trail WL	\$2,559,000
	7		24" Loop 322 WL, Maple to BG EST	\$3,465,000
	8		Prison GST and PS	\$3,105,000
	9		Northeast WTP 5.0 MG Clearwell Replacement	\$3,498,000
	10		Abandon Abilene PS and GST	\$198,000
SUBTOTAL OF 2030 PROJECT COSTS				\$45,140,000



Water System Improvements



2030-2040 Improvements

Phase	Project ID	Prerequisite Projects	Project Description	Estimated Cost
2031-2040	11A		New Grimes High Service PS (24 MGD)	\$8,349,000
	11B		Convert 30" Raw WL to Treated WL; Northeast WTP Transfer PS (12 MGD)	\$6,133,000
	12	7	Maple Street PS Expansion (21 MGD 2nd PP Pumps, 2MG GST)	\$3,726,000
	13		Northwest PS 1st PP Pump Replacement (21 MGD)	\$1,188,000
	14		20" Buffalo Gap Road WL and Transfer Valve Station	\$3,810,000
	15		18" Loop 322 WL, Maple to Elmdale PS	\$4,727,000
	16		10" Maple St. WL Loop	\$349,000
	17		10"/12" Pine Street WL	\$999,000
	18		10" Lake Fort Phantom Loop	\$3,221,000
	19		Hargesheimer Distribution Supply Line	\$4,670,000
	20		16" Vogel Ave / 12" Bridge Ave WL	\$828,000
SUBTOTAL OF 2040 PROJECT COSTS				\$38,000,000

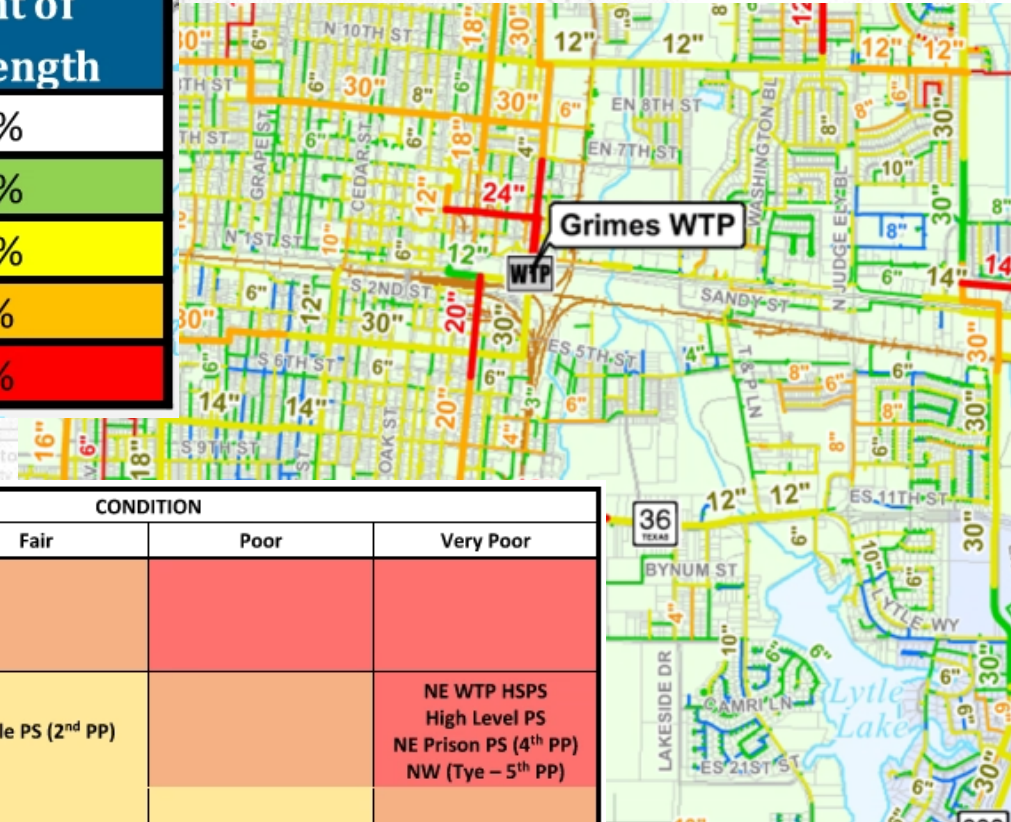
Planning Period	Total Project Costs
2020-2030	\$45,140,000
2030-2040	\$38,000,000
Total	\$83,140,000

- **Water System Data Assessment/Gap Analysis**

- **Risk-Based Assessment**
 - Water Lines
 - Water Facilities (Tanks, Pump Stations, etc.)

Risk Category	Percent of Total Length
Negligible Risk	12.9%
Low Risk	38.7%
Medium Risk	37.9%
High Risk	8.1%
Extreme Risk	2.4%

		CONDITION			
		Good	Fair	Poor	Very Poor
CRITICALITY	Extreme	Hargesheimer HSPS			
	High		Maple PS (2 nd PP)		NE WTP HSPS High Level PS NE Prison PS (4 th PP) NW (Tye – 5 th PP)
	Moderate		Maple St (3 rd PP)	Abilene PS	Grimes HSPS Northwest PS
	Low				



Asset Management

RESULTS

- Develop short, mid, and long-term rehab and replacement CIP plan for:
 - Water facilities (Tanks, Pump Stations, etc.)
 - Water Lines

Water Facilities

FACILITY REHABILITATION AND RENEWAL CIP PROJECTS		
Project Number	Project Description	Estimated Cost
1	Northeast HSPS	\$6,192,300
2	Prison EST Rehab (0.25 MG)	\$589,900
3	Elmdale EST Rehab (0.5 MG)	\$635,400
	2020-2030 TOTAL	\$7,417,600
4	Maple GST Rehab (2.0 MG)	\$1,843,400
5	FM 707 EST Rehab (0.75MG)	\$980,100
6	Hartford EST Rehab (2.0 MG)	\$2,720,900
7	Northeast (Natgun) Clearwell Rehab (5.0 MG)	\$1,898,700
	2020-2030 TOTAL	\$7,443,100
	2020-2040 TOTAL	\$ 14,860,700

Asset Management



2020-2030 Projects

1	30" Cottonwood Street	\$ 1,310,600
2	10" College Drive	\$ 582,400
3	N. 10th Street and N. Pioneer Dr.	\$ 1,147,200
4	Chimney Rock Road	\$ 827,200
5	N. 12th Street	\$ 1,684,100
6	High Meadows/Southwest Dr.	\$ 1,011,400
7	E. N. 10th Street	\$ 666,600
8	E. Ambler Avenue	\$ 1,136,200
9	Cottonwood/N. 16th/Treadaway/Plum	\$ 1,528,200
10	Portland Street	\$ 798,800
11	S. 11th Street	\$ 917,600
2020-2030 Total		\$ 11,610,300

2031-2040 Projects

12	FM 707	\$ 966,300
13	S. 14th Street	\$ 1,165,300
14	Cherry Street	\$ 878,900
15	S. Pioneer Drive/ N. Pioneer Drive	\$ 947,200
16	N. 14th St./Victoria St.	\$ 1,431,100
17	Pine Street	\$ 1,573,900
18	Grand Ave/Highland Ave/ S. 7th St.	\$ 1,370,800
19	Fair Drive & Alley	\$ 748,200
20	East Highway 80	\$ 788,100
21	1st St./Easement 1	\$ 326,900
2031-2040 Total		\$ 10,196,700

Beyond 2040 Projects

22	Easement 2	\$ 774,700
23	ACU Drive/Ave F/E. N. 16th/Judge Ely	\$ 1,917,100
24	Merchant St./N. 11th St./ Clinton St.	\$ 1,314,400
25	Mesquite/N. 19th St./N. 21st St.	\$ 1,084,300
26	Buffalo Gap Rd.	\$ 796,900
27	N. 4th Street	\$ 1,451,300
28	Potomac Avenue	\$ 1,000,400
29	Don Juan/Encino/S. Clack/S. Danville	\$ 1,980,300
30	Willis St./Spanish Trail	\$ 1,516,800
Beyond 2040 Total		\$ 11,836,200
CIP Total		\$ 33,643,200

Water Lines

High Level Pump Station
Total Pumping Capacity = 16.5 mgd
Pump Capacity = 9.9 mgd

Highland Elevated Storage Tank
Overflow Elev. - 1875 ft
Storage Capacity - 1.5 MG

Buffalo Gap Elevated Storage Tank
Overflow Elev. - 1926 ft
Storage Capacity - 1.0 MG

Combined CIP Program

Planning Years	Hydraulic Capacity and Water Quality CIP Projects	Water Line Rehabilitation CIP Projects	Facility Rehabilitation CIP Projects	Combined CIP Projects
2020-2030	\$45,140,000	\$11,610,300	\$7,417,600	\$64,167,900
2030-2040	\$38,000,000	\$10,196,700	\$7,443,100	\$55,639,800

Presentation, Discussion, and a Resolution Adopting the 2020 Water Distribution Master Plan

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 11. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on adopting the 2020 Water Treatment Plants Master Plan (Rodney Taylor)

GENERAL INFORMATION

The Water Utilities Director will introduce a representative of the Plummer firm to the City Council who will then make a presentation summarizing the City of Abilene 2020 Water Treatment Plants Master Plan. The City Council will have the opportunity to ask questions and discuss the plan with the consultant and staff. City staff is requesting that the Abilene City Council approve the resolution adopting the 2020 Water Treatment Plants Master Plan as a primary reference resource when evaluating and planning infrastructure improvements to Abilene's water treatment plants.

SPECIAL CONSIDERATIONS

Abilene's three water treatment facilities vary greatly in age, and each utilizes unique treatment processes and technologies to produce high quality drinking water, and each has items that require varying degrees of rehabilitation or replacement in order to meet future water demands and compliance criteria. On October 9, 2018 the City of Abilene contracted with Alan Plummer Associates, Inc. (now known as Plummer) for the Water Treatment Plants Master Plan project to evaluate the condition of the existing water treatment facilities and processes, to evaluate water production capacity needs, to assess local water quality preferences and regulatory compliance criteria, and recommend needed capital improvements with schedules and costs. Plummer partnered with Enprotec/Hibbs & Todd, Inc. for the plan.

The adoption of the 2020 Water Treatment Plants Master Plan formalizes this master plan as an important tool and reference document to be utilized by City staff when evaluating and planning infrastructure improvements for the City of Abilene's water treatment facilities.

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approve the resolution adopting the 2020 Water Treatment Plants Master Plan as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-Adopting the 2020 Water Treatment Master Plan-7-8-2021
2. Presentation-2020 Water Treatment Master Plan-7-8-2021

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ADOPTING THE 2020 WATER TREATMENT PLANTS MASTER PLAN.**

WHEREAS, the City of Abilene (Abilene) owns and operates a Public Water System that includes raw water production and water treatment plant facilities; and

WHEREAS, Abilene's three water treatment facilities vary greatly in age, and each utilizes unique treatment processes and technologies to produce high quality drinking water, and each has items that require varying degrees of rehabilitation or replacement in order to meet future water demands and compliance criteria; and

WHEREAS, the City of Abilene contracted with the Plummer engineering firm, assisted by Enprotec/Hibbs & Todd, Inc., for the Water Treatment Plant Master Plan project to evaluate the condition of the existing water treatment facilities and processes, to evaluate water production capacity needs, to assess local water quality preferences and regulatory compliance criteria, and recommend needed capital improvements with schedules and costs; and

WHEREAS, the 2020 Water Treatment Plants Master Plan is the culmination of the extensive efforts by City staff and the engineering teams; and

WHEREAS, the adoption of the 2020 Water Treatment Plants Master Plan formalizes this master plan as an important tool and reference document to be utilized by City staff when evaluating and planning infrastructure improvements for the City of Abilene's water treatment facilities; and

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

That the Abilene City Council does adopt the 2020 Water Treatment Plants Master Plan as a primary reference resource when evaluating and planning infrastructure improvements to Abilene's water treatment facilities.

ADOPTED this 8th day of July, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

Presentation, Discussion, and a Resolution Adopting the Water Treatment Plants MasterPlan



Water Treatment Plants Master Plan

- Introduction of Presenter
- Presentation of Water Treatment Plants Master Plan
- Response to Questions by City Council
- Resolution Adopting the Water Treatment Plants Master Plan





City of Abilene

Water Treatment Plants Master Plan

July 8, 2021

PLUMMER



Enprotec / Hibbs & Todd



Agenda



- Water Quality Summary
- WTP Capacity Summary
- Projected Total Water Demands
- WTP Expansion Scenarios
- Implementation Plan - Project Drivers
- Implementation Plan
- Project No. 1 Summary

Water Quality Goals Summary

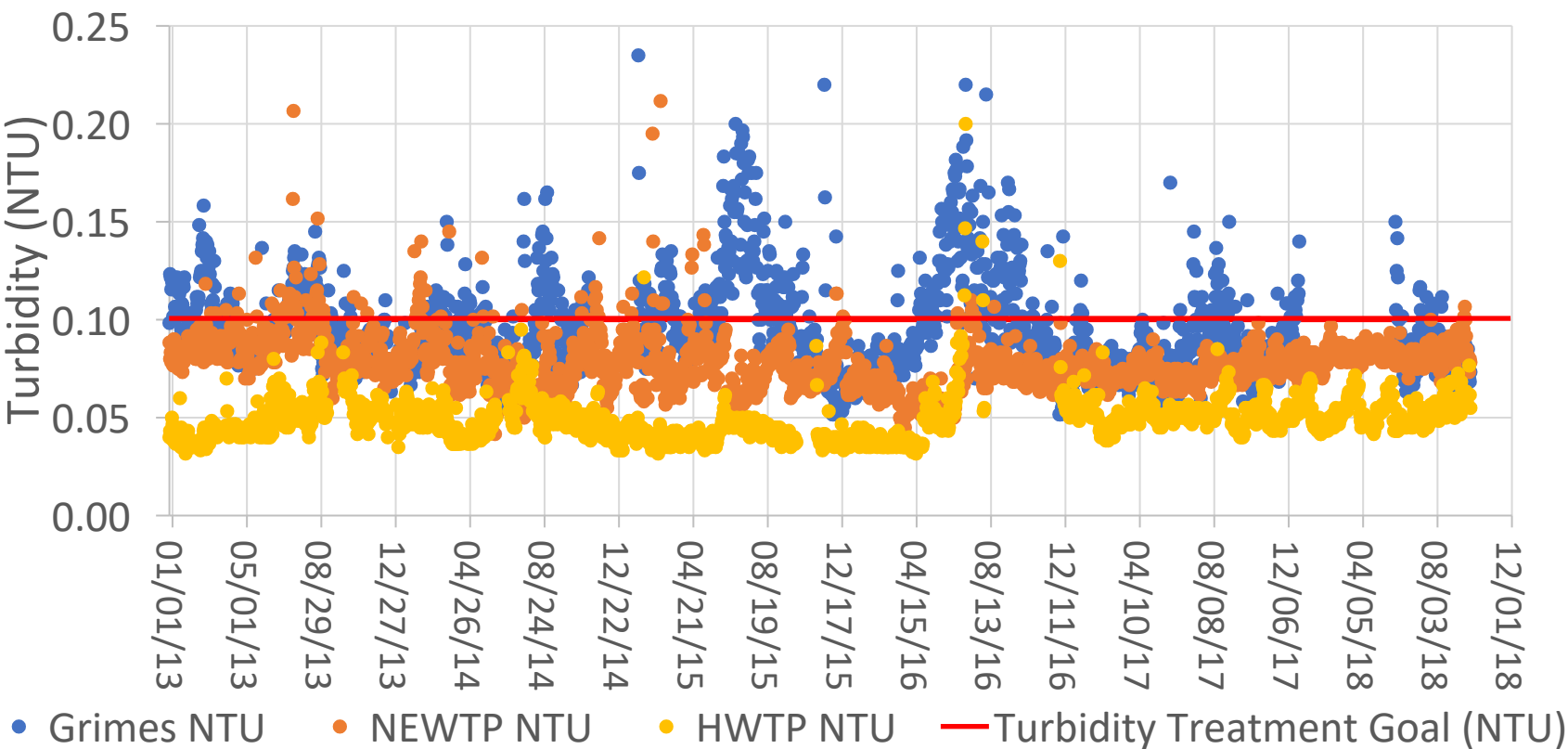


Water Quality Goals			
Parameter	MCL	Goal	Units
Iron	0.3 ^A	≤ 0.1	mg/L
Manganese	0.05 ^A	≤ 0.03	mg/L
TOC	TT ^B	25-35% reduction	
TTHMs	0.08	≤ 0.080	mg/L
HAA5	0.06	≤ 0.060	mg/L
Turbidity	1.0 ^C	≤ 0.1	NTU
TDS	1,000 ^A	500	mg/L
A. TCEQ Secondary Standard			
B. Treatment technique (TT) for removal ratio based on source water TOC and alkalinity			
C. 1.0 Nephelometric Turbidity Unit (NTU) is the maximum limit for any turbidity measurement. Combined filter effluent turbidity must be less than or equal to 0.3 NTU in 95% of the measurements taken each month.			

Water Quality Summary



Finished Water Turbidity



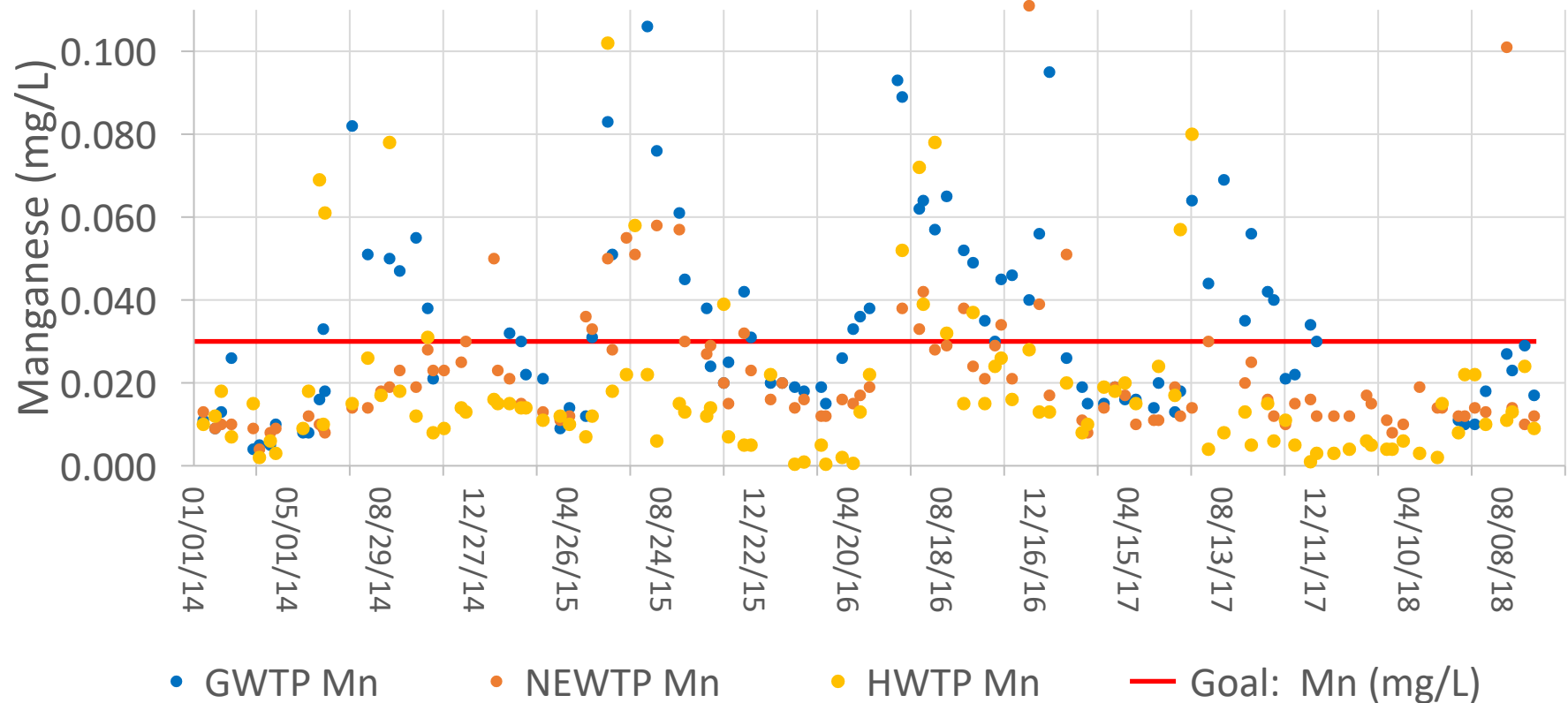
Finished Water Turbidity			
	GWTP	NEWTP	HWTP
	NTU	NTU	NTU
Average	0.09	0.08	0.05
Std Dev.	0.02	0.01	0.01



Water Quality Summary



Finished Water Manganese



Finished Water Manganese Concentrations			
	GWTP	NEWTP	HWTP
	Mn (mg/L)	Mn (mg/L)	Mn (mg/L)
Average	0.037	0.025	0.022
Std Dev.	0.027	0.024	0.038



Manganese Control Strategies



- Manganese in finished water can lead to “brown” water
- Abilene primarily uses permanganate and chlorine dioxide for manganese control
- Additional Manganese Control Strategies include:
 - On-line manganese monitoring
 - Cascade aeration (already used at Hargesheimer WTP)
 - Engineered Greensand Media Filters



WTP Capacity Summary



Grimes WTP: Rated for **25 MGD**, but limited to less than **13 MGD**

Northeast WTP: **25 MGD**

Hargesheimer WTP: **12 MGD**

Total Abilene WTP Capacity: Rated for **62 MGD**, but limited to **50 MGD**

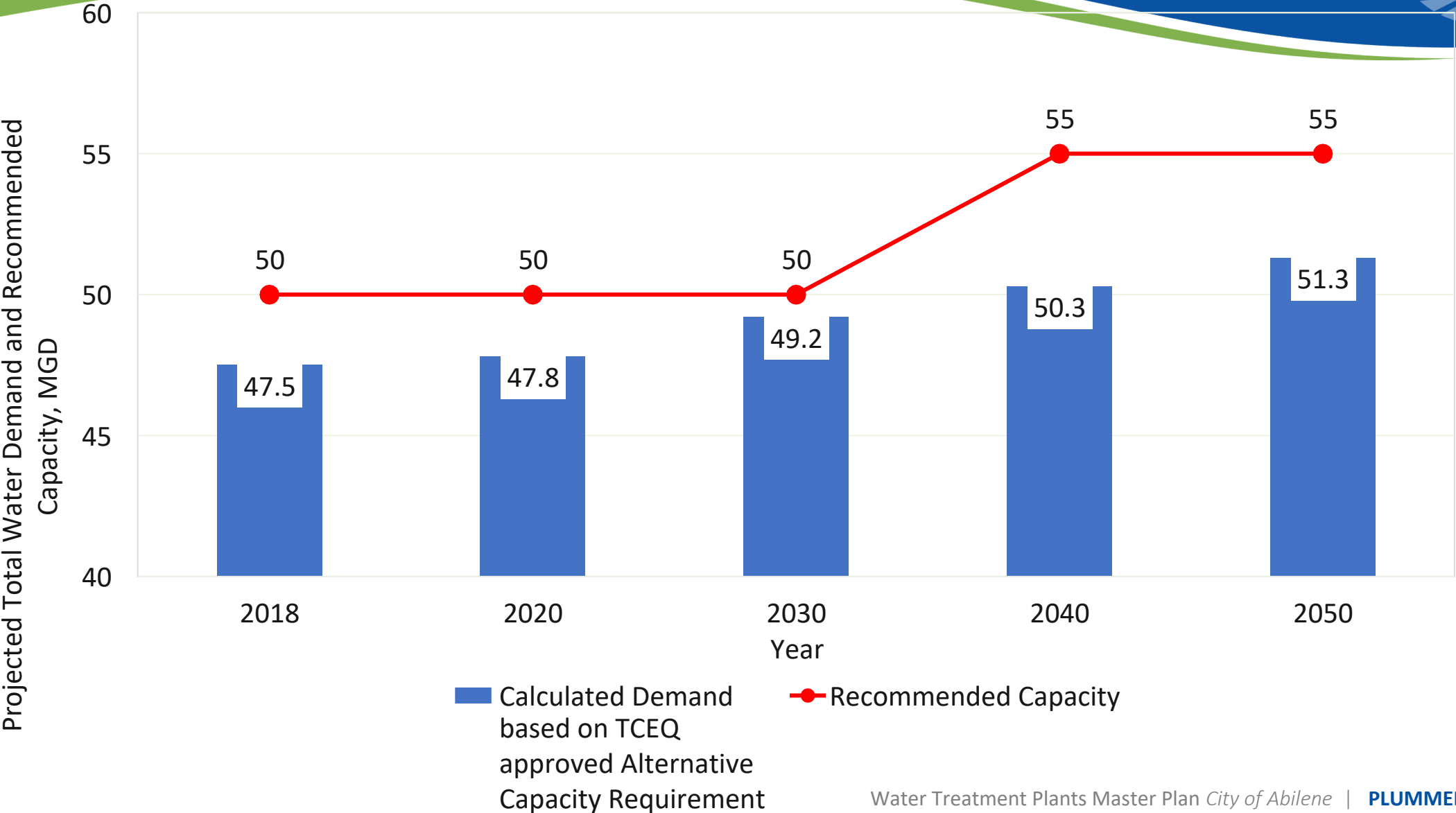
Grimes WTP Condition



- Significant Issues Include:
 - Major rehabilitation needed for clarifiers, filters, clearwells and high service pump station
 - Finished Water Quality (manganese and turbidity)
 - Capacity limited due to finished water quality



Projected Total Water Demand and Recommended Capacity



WTP Expansion Scenarios



Scenario	Flow (MGD)			
	Northeast WTP	Hargesheimer WTP	Grimes WTP	Total
1	37	18	0	55
2	31	24	0	55
3	31 (25 Distribution, 6 Grimes WTP)	24	0 Treatment, 6 Finished Water PS	55

- Scenario 2 is recommended because:
 - It most closely balances treatment capacity between Northeast and Hargesheimer WTPs, with either WTP able to supply the expected future annual average daily flow.
 - It received the highest overall non-cost criteria score

Implementation Plan - Project Drivers



Project	Primary Drivers
1	• Increase reliability of the NEWTP in meeting water quality goals at its rated capacity by rehabilitating current infrastructure • Replace High Service Pump Station (HSPS)
2	• Expand the NEWTP capacity to meet the recommended system-wide treatment capacity with the GWTP offline • Modify chlorine dioxide injection to bring it inside the fence line of the NEWTP • Increase manganese treatment at the NEWTP with cascade aeration
3	• Expand the HWTP capacity to meet the recommended system-wide treatment capacity with the GWTP offline
4	• Demolish the GWTP and eliminate production of lower quality water
5-7	• Replace aged pipelines

Scenario 2: Implementation Plan



Project No.	Description	OPPC (2020 Dollars)	Projected Construction Completion Year
1	NEWTP Rehabilitation and HSPS	\$23.2M	2023-2024
2	NEWTP Expansion to 31 MGD and NE Pipeline Segment 1	\$41M	2030
3	HWTP Expansion to 24 MGD, Crosstown Pipeline, Ivie Raw Water Imp.	\$108.9M	2035
4	Demolition of GWTP	\$3.9M	~2035
5	NE Segment 2 – 42-inch Pipeline (LFPH ClO ₂ Site to Grimes BPS)	\$9.6M	2040
6	NE Segment 3 – 42-inch Pipeline (LFPH Intake PS to LFPH ClO ₂ Site)	\$9.6M	2045
7	Replacement of Existing Pipeline from LFPS Intake PS to Grimes RWPS	\$31M	2050

Project No. 1 Summary



NEWTP Rehabilitation and HSPS		
Description	OPPC	Projected Completion Year
Superpulsators® Rehab	\$500,000	2023-2024
Dual Media Filter Rehab (w/o Greensand Conversion)	\$5,000,000	
Clearwell No. 1 Demolition	\$600,000	
HSPS	\$15,700,000	
Chemical Storage	\$100,000	
Electrical System Improvements *	\$1,300,000	
Project Total	\$23,200,000	

* Does not include emergency backup power.



QUESTIONS?

David Gudal, PE *Water/Reuse Treatment Practice Leader*

817.806.1728 | dgudal@plummer.com

PLUMMER



Enprotec / Hibbs & Todd

Presentation, Discussion, and a Resolution Adopting the Water Treatment Plants Master Plan

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: **12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Adopting the FY2022 Five Year Rate Plan for Water Utilities (Rodney Taylor)**

GENERAL INFORMATION

The Director of Water Utilities will make a presentation on the proposed FY2022 Annual Operating Budget for the Water Utilities Department that will include a brief discussion of the following items:

- Five Year Capital Improvements Program for Water Utilities based on the recommended projects of the Wastewater Collection, Water Distribution, and Water Treatment Plants Master Plans.
- Managing around the existing debt service obligations for funding future capital improvements.
- Recommendations for adjusting staffing levels to improve performance in maintenance and customer service.
- Review of the FY2022 Annual operating budget for Water Utilities.
- Discussion of the proposed rate adjustments.

Staff is recommending that the Abilene City Council City Council approve the resolution adopting the FY2022 Five Year Rate Plan. The plan describes incremental rate adjustments to both the Customer Service Charges (based on meter size) and volumetric charges. Both Water and Sewer rates are being adjusted. The rate adjustments of the FY2022 Five Year Rate Plan are necessary in order to meet the projected demands on revenues over the five year period.

SPECIAL CONSIDERATIONS

The City's contractors completed the Water Distribution Master Plan, Wastewater Collection Master Plan, and the Water Treatment Plants Master Plan in late 2020. Each plan includes and evaluation of the respective system infrastructure regarding material and capacity conditions, and makes recommendations for capital improvement projects. Those three plans are the basis of City staff's proposed 5 Year CIP Plan as described in the presentation. The Five Year CIP Plan represents 14 projects totaling \$57.35M.

The Water Utility has a sizable amount of existing debt service obligations. Funding for planned capital improvements will be additional monetary obligations of the Water Utility fund. A strategy for cash funding the majority of future CIP projects can minimize significant interest payment obligation related to CIP projects. Staff is recommending that primarily cash funding be utilized beginning in FY2022.

The Water Utilities Department has been challenged over the past several years at providing the expected level of customer service and satisfactory levels of system maintenance. An assessment of utility needs identifies low staffing levels as a primary concern in multiple areas. The presentation describes the significant number of proposed programs to address those challenges. The proposed staffing changes include positions affected by the pending completion of the AMI meter replacement project.

The bottom line of the FY2022 Annual Operating Budget of the Water Utilities Department is significantly higher when compared to FY2021. In reality the allocations for normal operations and maintenance activities is close in value to the prior year. There are several items that should be considered when evaluating and comparing the FY2022 budget. There is cash transfer of \$6,200,000 from undesignated fund balance to Fund 575 designated for capital improvements, which is necessary for accounting purposes. The Franchise Tax was increased by 2% resulting in a transfer of an addition \$1,125,000 to the general fund. The net first year effect of the staffing adjusts and related fleet costs is \$958,848. There is a general increase in the cost of treatment chemicals and construction and maintenance materials that also affect most every division.

The resolution for the proposed FY2022 Five Year Rate Plan describes recommended adjustments to both base (customer service charges based on meter size) and consumption rates for both water and sewer. The rates were developed using the water rate model and reflect an annual increase of about 8% across all customer classes, with some exceptions. The O.H. Ivie Charge seen on water bills will be eliminated, and the remaining debt service is rolled into the revenue requires for establishing the rates. Those rate adjustments are necessary in order to produce the revenues required to fund the capital improvement projects, funding methodologies, staffing adjustments, and other rising expenses of the proposed FY2022 and future year budgets.

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approve the resolution adopting the FY22 Five Year Rate Plan as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Written Resolution-FY2022 5 Yr Plan for Rate Changes-7-8-2021-V2
2. Presentation-FY2022 Budget and 2022 5 Yr Rate Plan

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE FY2022 FIVE YEAR RATE PLAN FOR REVISING THE SCHEDULE OF RATES AND CHARGES FOR WATER AND SEWER UTILITY SERVICE.

WHEREAS, Section 32-37 and Section 32-39 of the Abilene Municipal Code provide for the establishment of a Schedule of Rates and Charges for Water and Sewer Utility Service; and,

WHEREAS, the Schedule of Rates and Charges for Water and Sewer Utility Service (Rate Schedule) has from time to time been revised by the Council; and,

WHEREAS, on July 25, 2019 the City Council of the City of Abilene adopted, by Resolution No. 159-2019, the Five Year Plan for Revising the Schedule of Rates and Charges for Water and Sewer Utility Service; and,

WHEREAS, at this time there is a need to revise the Five Year Plan for Revising the Schedule of Rates and Charges for Water and Sewer Utility Service adopted on July 25, 2019; and

WHEREAS, City staff is recommending that the Abilene City Council adopt the FY2022 Five Year Rate Plan to Revise the Rate Schedule effective November 1, 2021 and to also provides for automatic revisions to the Rate Schedule to be made effective in each of four subsequent fiscal years in accordance with the respective Rate Schedules of the five year plan; NOW THEREFORE;

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

PART 1: That the Five Year Plan for Revising the Schedule of Rates and Charges for Water and Sewer Utility Service adopted on July 25, 2019 is hereby replaced by the respective Schedule of Rates and Charges for Water and Sewer Utility Service for each year of the five year plan as attached hereto as Exhibit "A".

PART 2: That this Resolution adopting the FY2022 Five Year Rate Plan for Revising the Schedule of Rates and Charges for Water and Sewer Utility Service shall be kept on file in the City Secretary's office and in the Water Utility office.

PART 3: That the effective date of the action for all non-contract customers shall be such that the first billing statement prepared in November 2021, and each November of the subsequent four years of the five year plan, which generally reflects water used in the prior October, and all subsequent billing statements of each plan year, shall be based upon and reflect the rates presented in Exhibit A.

PART 4: That the effective date of the action for all contract customers shall be such that the first billing statement prepared in November 2021, and each November of the subsequent four years of the five year plan, which generally reflects water used in the prior October, and all subsequent billing statements of each plan year, shall be based upon and reflect the rates presented in Exhibit A.

PART 5: City staff will annually review the Schedule of Rates and Charges for Water and Sewer Utility Service to ensure that projected revenues can cover all projected expenses and financial obligations of the Department.

ADOPTED the _____, A.D., 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

(Proposed FY22) EXHIBIT A

**CITY OF ABILENE
WATER UTILITY DEPARTMENT
SCHEDULE OF RATES AND CHARGES
ADOPTED _____
BY RESOLUTION NO _____**

	WATER	SEWER
Residential Service to all domestic housing of three units or less.	Customer Service Charge....Based on Meter Size* First 6,000 gallons.....\$3.30 per thousand gallons 7,000 – 15,000 gallons...\$5.60 per thousand gallons Over 15,000 gallons.....\$7.85 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge...\$14.00 Minimum First 10,000 gallons...\$2.15 per thousand gallons Over 10,000 gallons.....No Charge
Commercial Business operations including residential housing with four units or more.	Customer Service Charge. . . Applicable Minimum* All consumption. \$5.60 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge . . . \$14.00 Minimum All use \$2.15 per thousand gallons
Industrial	Customer Service Charge . . Applicable Minimum* All consumption \$4.60 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge . . . \$14.00 Minimum All use \$2.15 per thousand gallons
Yard Meter	Yard Meters all use \$6.80 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	<u>Surcharge Rate:</u> B.O.D. (\$0.091/lb) T.S.S. (\$0.067/lb) F.O.G (\$0.091/lb)
Construction Water	All Use \$6.80 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	
Wholesale Water (Contract)	All Use \$6.80 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	
Outside of City limits, double above rates for water consumption		
*Charge Applies to Meter Size Indicated:		
5/8 or ¾ \$16.25 Min. per month		
1 inch 24.75		
1-1/2 inch 46.00		
2 inch 76.50		
3 inch 144.00		
4 inch 216.00		
6 inch 402.00		
8 inch 655.00		
10 inch 880.00		
		MONTHLY ACCOUNT FEES
		<u>Environmental Rate:</u> All accounts \$2.50 per account <i>This fee supports the Stormwater Services and the Solid Waste Environmental Program.</i>
		<u>Multiple Housing Units:</u> When more than two living or business units are supplied through one meter, each additional living or business unit will be charged two dollars and fifty cents (\$2.50). No credit shall be allowed for vacant or unoccupied units if the utility account remains active.
		<u>Fire Line Sprinkler Systems:</u> \$2.00 per inch in diameter of service connection

SERVICE FEES AND CONSTRUCTION FEES ON REVERSE SIDE

City of Abilene Water Utilities
Schedule of Rates and Charges – continued (FY22)

SERVICE CHARGES:

New Service	\$25.00
Transfer Service	\$17.50
Temporary Service	\$10.00
Delinquent On	\$25.00
Illegal Consumption	\$50.00
Re-read meter	\$10.00
Return Check Charge	\$30.00 per account
Meter Test	\$25.00

DEPOSITS:

Deposits may be required based on payment history and/or credit worthiness.

TAP FEES:

Note: A plumbing permit must be issued by Building Inspection prior to payment of the tap fee.

New Taps:

$\frac{3}{4}$ inch	\$500.00
1 inch	550.00
1 $\frac{1}{2}$ inch	775.00
2 inch and larger	Actual cost of installation

Replacement Tap Credit:

$\frac{3}{4}$ inch	\$20.00
1 inch	40.00
1 $\frac{1}{2}$ inch	100.00

PRO RATA CHARGE FOR WATER AND SEWER LINE CONNECTION:

Sewer:

Installed prior to June 30, 1981	\$2.25 per frontage foot
Installed after June 30, 1981	\$4.00 per frontage foot

Water:

Installed prior to June 30, 1981	\$3.25 per frontage foot
Installed after June 30, 1981	\$5.00 per frontage foot

The basis for determining footage amounts is described in Chapter 32 of the Municipal Code.

(Proposed FY23) EXHIBIT A

**CITY OF ABILENE
WATER UTILITY DEPARTMENT
SCHEDULE OF RATES AND CHARGES
ADOPTED _____
BY RESOLUTION NO _____**

	WATER	SEWER
Residential Service to all domestic housing of three units or less.	Customer Service Charge....Based on Meter Size* First 6,000 gallons.....\$3.55 per thousand gallons 7,000 – 15,000 gallons...\$6.05 per thousand gallons Over 15,000 gallons.....\$8.50 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge...\$15.00 Minimum First 10,000 gallons...\$2.50 per thousand gallons Over 10,000 gallons.....No Charge
Commercial <i>Business operations including residential housing with four units or more.</i>	Customer Service Charge. . . Applicable Minimum* All consumption. \$6.05 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021 (Two Tier Rate Structure eliminated effective 11/1/2019)	Customer Service Charge . . . \$15.00 Minimum All use \$2.50 per thousand gallons
Industrial	Customer Service Charge . . Applicable Minimum* All consumption \$5.00 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge . . . \$15.00 Minimum All use \$2.50 per thousand gallons
Yard Meter	Yard Meters all use \$7.40 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	<u>Surcharge Rate:</u> B.O.D. (\$0.091/lb) T.S.S. (\$0.067/lb) F.O.G (\$0.091/lb)
Construction Water	All Use \$7.40 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	
Wholesale Water (Contract)	All Use \$7.20 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	
Outside of City limits, double above rates for water consumption		MONTHLY ACCOUNT FEES
*Charge Applies to Meter Size Indicated:		<u>Environmental Rate:</u> All accounts \$2.50 per account <i>This fee supports the Stormwater Services and the Solid Waste Environmental Program.</i>
5/8 or ¾ \$17.30 Min. per month 1 inch 26.00 1-1/2 inch 48.50 2 inch 81.00 3 inch 152.00 4 inch 229.00 6 inch 425.00 8 inch 690.00 10 inch 930.00		<u>Multiple Housing Units:</u> When more than two living or business units are supplied through one meter, each additional living or business unit will be charged two dollars and fifty cents (\$2.50). No credit shall be allowed for vacant or unoccupied units if the utility account remains active. <u>Fire Line Sprinkler Systems:</u> \$2.00 per inch in diameter of service connection

SERVICE FEES AND CONSTRUCTION FEES ON REVERSE SIDE

City of Abilene Water Utilities
Schedule of Rates and Charges – continued (FY23)

SERVICE CHARGES:

New Service	\$25.00
Transfer Service	\$17.50
Temporary Service	\$10.00
Delinquent On	\$25.00
Illegal Consumption	\$50.00
Re-read meter	\$10.00
Return Check Charge	\$30.00 per account
Meter Test	\$25.00

DEPOSITS:

Deposits may be required based on payment history and/or credit worthiness.

TAP FEES:

Note: A plumbing permit must be issued by Building Inspection prior to payment of the tap fee.

New Taps:

¾ inch	\$500.00
1 inch	550.00
1 ½ inch	775.00
2 inch and larger	Actual cost of installation

Replacement Tap Credit:

¾ inch	\$20.00
1 inch	40.00
1 ½ inch	100.00

PRO RATA CHARGE FOR WATER AND SEWER LINE CONNECTION:

Sewer:

Installed prior to June 30, 1981	\$2.25 per frontage foot
Installed after June 30, 1981	\$4.00 per frontage foot

Water:

Installed prior to June 30, 1981	\$3.25 per frontage foot
Installed after June 30, 1981	\$5.00 per frontage foot

The basis for determining footage amounts is described in Chapter 32 of the Municipal Code.

(Proposed FY24) EXHIBIT A

CITY OF ABILENE
WATER UTILITY DEPARTMENT
SCHEDULE OF RATES AND CHARGES
ADOPTED _____
BY RESOLUTION NO _____

	WATER	SEWER
Residential Service to all domestic housing of three units or less.	Customer Service Charge....Based on Meter Size* First 6,000 gallons.....\$3.85 per thousand gallons 7,000 – 15,000 gallons...\$6.55 per thousand gallons Over 15,000 gallons.....\$9.20 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge...\$16.00 Minimum First 10,000 gallons...\$2.90 per thousand gallons Over 10,000 gallons.....No Charge
Commercial <i>Business operations including residential housing with four units or more.</i>	Customer Service Charge. . . Applicable Minimum* All consumption. \$6.55 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021 (Two Tier Rate Structure eliminated effective 11/1/2019)	Customer Service Charge . . . \$16.00 Minimum All use \$2.90 per thousand gallons
Industrial	Customer Service Charge . . Applicable Minimum* All consumption \$5.40 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge . . . \$16.00 Minimum All use \$2.90 per thousand gallons
Yard Meter	Yard Meters all use \$8.00 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	<u>Surcharge Rate:</u> B.O.D. (\$0.091/lb) T.S.S. (\$0.067/lb) F.O.G (\$0.091/lb)
Construction Water	All Use \$8.00 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	
Wholesale Water (Contract)	All Use \$7.80 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	MONTHLY ACCOUNT FEES <u>Environmental Rate:</u> All accounts \$2.50 per account <i>This fee supports the Stormwater Services and the Solid Waste Environmental Program.</i> <u>Multiple Housing Units:</u> When more than two living or business units are supplied through one meter, each additional living or business unit will be charged two dollars and fifty cents (\$2.50). No credit shall be allowed for vacant or unoccupied units if the utility account remains active. <u>Fire Line Sprinkler Systems:</u> \$2.00 per inch in diameter of service connection
Outside of City limits, double above rates for water consumption		
*Charge Applies to Meter Size Indicated:		
5/8 or ¾ \$18.25 Min. per month		
1 inch 28.00		
1-1/2 inch 51.75		
2 inch 86.00		
3 inch 162.00		
4 inch 243.00		
6 inch 452.00		
8 inch 734.00		
10 inch 990.00		

SERVICE FEES AND CONSTRUCTION FEES ON REVERSE SIDE

City of Abilene Water Utilities
Schedule of Rates and Charges – continued (FY24)

SERVICE CHARGES:

New Service	\$25.00
Transfer Service	\$17.50
Temporary Service	\$10.00
Delinquent On	\$25.00
Illegal Consumption	\$50.00
Re-read meter	\$10.00
Return Check Charge	\$30.00 per account
Meter Test	\$25.00

DEPOSITS:

Deposits may be required based on payment history and/or credit worthiness.

TAP FEES:

Note: A plumbing permit must be issued by Building Inspection prior to payment of the tap fee.

New Taps:

¾ inch	\$500.00
1 inch	550.00
1 ½ inch	775.00
2 inch and larger	Actual cost of installation

Replacement Tap Credit:

¾ inch	\$20.00
1 inch	40.00
1 ½ inch	100.00

PRO RATA CHARGE FOR WATER AND SEWER LINE CONNECTION:

Sewer:

Installed prior to June 30, 1981	\$2.25 per frontage foot
Installed after June 30, 1981	\$4.00 per frontage foot

Water:

Installed prior to June 30, 1981	\$3.25 per frontage foot
Installed after June 30, 1981	\$5.00 per frontage foot

The basis for determining footage amounts is described in Chapter 32 of the Municipal Code.

(Proposed FY25) EXHIBIT A

CITY OF ABILENE
WATER UTILITY DEPARTMENT
SCHEDULE OF RATES AND CHARGES
ADOPTED _____
BY RESOLUTION NO _____

	WATER	SEWER
Residential Service to all domestic housing of three units or less.	Customer Service Charge....Based on Meter Size* First 6,000 gallons.....\$4.15 per thousand gallons 7,000 – 15,000 gallons...\$7.10 per thousand gallons Over 15,000 gallons.....\$9.95 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge...\$16.00 Minimum First 10,000 gallons...\$3.40 per thousand gallons Over 10,000 gallons.....No Charge
Commercial <i>Business operations including residential housing with four units or more.</i>	Customer Service Charge. . . Applicable Minimum* All consumption. \$7.10 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021 (Two Tier Rate Structure eliminated effective 11/1/2019)	Customer Service Charge . . . \$16.00 Minimum All use \$3.40 per thousand gallons
Industrial	Customer Service Charge . . Applicable Minimum* All consumption \$5.85 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge . . . \$16.00 Minimum All use \$3.40 per thousand gallons
Yard Meter	Yard Meters all use \$8.65 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	<u>Surcharge Rate:</u> B.O.D. (\$0.091/lb) T.S.S. (\$0.067/lb) F.O.G (\$0.091/lb)
Construction Water	All Use \$8.65 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	
Wholesale Water (Contract)	All Use \$8.45 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	MONTHLY ACCOUNT FEES <u>Environmental Rate:</u> All accounts \$2.50 per account <i>This fee supports the Stormwater Services and the Solid Waste Environmental Program.</i> <u>Multiple Housing Units:</u> When more than two living or business units are supplied through one meter, each additional living or business unit will be charged two dollars and fifty cents (\$2.50). No credit shall be allowed for vacant or unoccupied units if the utility account remains active. <u>Fire Line Sprinkler Systems:</u> \$2.00 per inch in diameter of service connection
Outside of City limits, double above rates for water consumption		
*Charge Applies to Meter Size Indicated:		
5/8 or ¾ \$18.25 Min. per month		
1 inch 28.00		
1-1/2 inch 51.75		
2 inch 86.00		
3 inch 162.00		
4 inch 243.00		
6 inch 452.00		
8 inch 734.00		
10 inch 990.00		

SERVICE FEES AND CONSTRUCTION FEES ON REVERSE SIDE

City of Abilene Water Utilities
Schedule of Rates and Charges – continued (FY25)

SERVICE CHARGES:

New Service	\$25.00
Transfer Service	\$17.50
Temporary Service	\$10.00
Delinquent On	\$25.00
Illegal Consumption	\$50.00
Re-read meter	\$10.00
Return Check Charge	\$30.00 per account
Meter Test	\$25.00

DEPOSITS:

Deposits may be required based on payment history and/or credit worthiness.

TAP FEES:

Note: A plumbing permit must be issued by Building Inspection prior to payment of the tap fee.

New Taps:

¾ inch	\$500.00
1 inch	550.00
1 ½ inch	775.00
2 inch and larger	Actual cost of installation

Replacement Tap Credit:

¾ inch	\$20.00
1 inch	40.00
1 ½ inch	100.00

PRO RATA CHARGE FOR WATER AND SEWER LINE CONNECTION:

Sewer:

Installed prior to June 30, 1981	\$2.25 per frontage foot
Installed after June 30, 1981	\$4.00 per frontage foot

Water:

Installed prior to June 30, 1981	\$3.25 per frontage foot
Installed after June 30, 1981	\$5.00 per frontage foot

The basis for determining footage amounts is described in Chapter 32 of the Municipal Code.

(Proposed FY26) EXHIBIT A

CITY OF ABILENE
WATER UTILITY DEPARTMENT
SCHEDULE OF RATES AND CHARGES
ADOPTED _____
BY RESOLUTION NO _____

	WATER	SEWER
Residential Service to all domestic housing of three units or less.	Customer Service Charge....Based on Meter Size* First 6,000 gallons.....\$4.50 per thousand gallons 7,000 – 15,000 gallons...\$7.70 per thousand gallons Over 15,000 gallons.....\$10.80 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge...\$16.00 Minimum First 10,000 gallons...\$3.95 per thousand gallons Over 10,000 gallons.....No Charge
Commercial <i>Business operations including residential housing with four units or more.</i>	Customer Service Charge. . . Applicable Minimum* All consumption. \$7.70 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021 (Two Tier Rate Structure eliminated effective 11/1/2019)	Customer Service Charge . . . \$16.00 Minimum All use \$3.95 per thousand gallons
Industrial	Customer Service Charge . . Applicable Minimum* All consumption \$6.35 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	Customer Service Charge . . . \$16.00 Minimum All use \$3.95 per thousand gallons
Yard Meter	Yard Meters all use \$9.35 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	<u>Surcharge Rate:</u> B.O.D. (\$0.091/lb) T.S.S. (\$0.067/lb) F.O.G (\$0.091/lb)
Construction Water	All Use \$9.35 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	
Wholesale Water (Contract)	All Use \$9.15 per thousand gallons + O.H. Ivie Charge eliminated effective 11/1/2021	
Outside of City limits, double above rates for water consumption		MONTHLY ACCOUNT FEES
*Charge Applies to Meter Size Indicated:		<u>Environmental Rate:</u> All accounts \$2.50 per account <i>This fee supports the Stormwater Services and the Solid Waste Environmental Program.</i>
5/8 or ¾ \$18.25 Min. per month 1 inch 28.00 1-1/2 inch 51.75 2 inch 86.00 3 inch 162.00 4 inch 243.00 6 inch 452.00 8 inch 734.00 10 inch 990.00		<u>Multiple Housing Units:</u> When more than two living or business units are supplied through one meter, each additional living or business unit will be charged two dollars and fifty cents (\$2.50). No credit shall be allowed for vacant or unoccupied units if the utility account remains active.
		<u>Fire Line Sprinkler Systems:</u> \$2.00 per inch in diameter of service connection

SERVICE FEES AND CONSTRUCTION FEES ON REVERSE SIDE

City of Abilene Water Utilities
Schedule of Rates and Charges – continued (FY26)

SERVICE CHARGES:

New Service	\$25.00
Transfer Service	\$17.50
Temporary Service	\$10.00
Delinquent On	\$25.00
Illegal Consumption	\$50.00
Re-read meter	\$10.00
Return Check Charge	\$30.00 per account
Meter Test	\$25.00

DEPOSITS:

Deposits may be required based on payment history and/or credit worthiness.

TAP FEES:

Note: A plumbing permit must be issued by Building Inspection prior to payment of the tap fee.

New Taps:

¾ inch	\$500.00
1 inch	550.00
1 ½ inch	775.00
2 inch and larger	Actual cost of installation

Replacement Tap Credit:

¾ inch	\$20.00
1 inch	40.00
1 ½ inch	100.00

PRO RATA CHARGE FOR WATER AND SEWER LINE CONNECTION:

Sewer:

Installed prior to June 30, 1981	\$2.25 per frontage foot
Installed after June 30, 1981	\$4.00 per frontage foot

Water:

Installed prior to June 30, 1981	\$3.25 per frontage foot
Installed after June 30, 1981	\$5.00 per frontage foot

The basis for determining footage amounts is described in Chapter 32 of the Municipal Code.

Water Utilities Department

Budget Discussion and Adoption of the

FY22 Five Year Rate Plan



Water Utilities FY22 Budget Discussion

- System infrastructure needs and Five Year Capital Improvements Program (CIP)
- Funding plan for CIP and existing Debt Service
- Programs and staffing adjustments
- Water Utilities FY22 Budget in a nutshell
- FY22 Five Year Rate Plan



Water Utility Infrastructure Needs - April 2016

- Described about \$280 million in Water and Wastewater System needs
- Proposed a Plan for the City of Abilene to strategically address Aging Infrastructure Issue
 - Independent Master Plans - Prioritizing, Scheduling, Funding:
 - Water Treatment
 - Wastewater Collection
 - Water Distribution
 - Consolidated Long Term Funding and Scheduling Plan



CIP Development Process

1. Sort all Master Plan recommended capital improvements into either a Major or Minor category based on cost estimates
 - A. Combined Master Plans lists: \$578 Million
2. Eliminate duplicates, completed, existing, and internal workforce
 - A. Actual Minor CIP list: \$62 Million
 - B. Actual Major CIP list: \$407 Million
3. Use Decision Matrix to rank projects in priority order within each category and then plug into Rate Model
4. Use Rate Model scenarios to evaluate CIP funding options and overall revenue requirements
5. Develop 5 Year Capital Improvements Plan



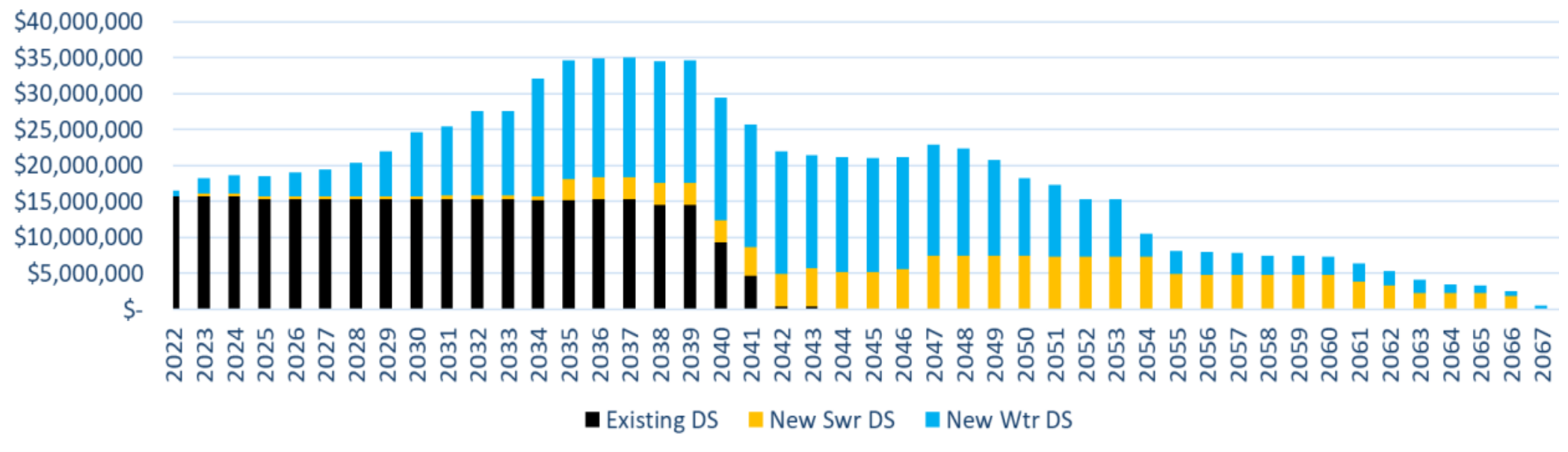
CIP YEAR	PROJECT #	PROJECT DESCRIPTION	COST (\$ MILLIONS)
2022	80700121	Hamby WWTP Phase II MBR Expansion	\$5.20
	80500221	30" Water line Dyess AFB to Northwest PS	\$5.80
	80300122	PK RO Concentrate Discharge Line	\$2.80
	80500422	New 2nd PP PS at Northwest PS	\$10.00
	80400123	Northeast HSPS	\$6.20
	80500522	EN 10th and Maple Utility Relocates	\$3.50
2023	80500423	East Highway 80 14" CI Replacement	\$1.95
	80500323	Abandon High Level Pump Station	\$0.20
2024	80300221	Lake Abilene Dam Improvements	\$3.50
	80500124	24" Loop 322 Water Line, Elmdale PS to Buffalo Gap EST	\$3.50
2025	80500125	1.5 MG EST for 1st Pressure Plane	\$4.20
	80500225	18" Loop 322 Water Line, Maple to Elmdale PS	\$4.80
2026	80500126	1st/2nd Pressure Plane Boundary Modifications	\$1.60
	80500223	1.5 MG 277 Elevated Storage Tank for far west of 2nd PP	\$4.10
CIP Totals			\$57.35



CIP Funding Considerations

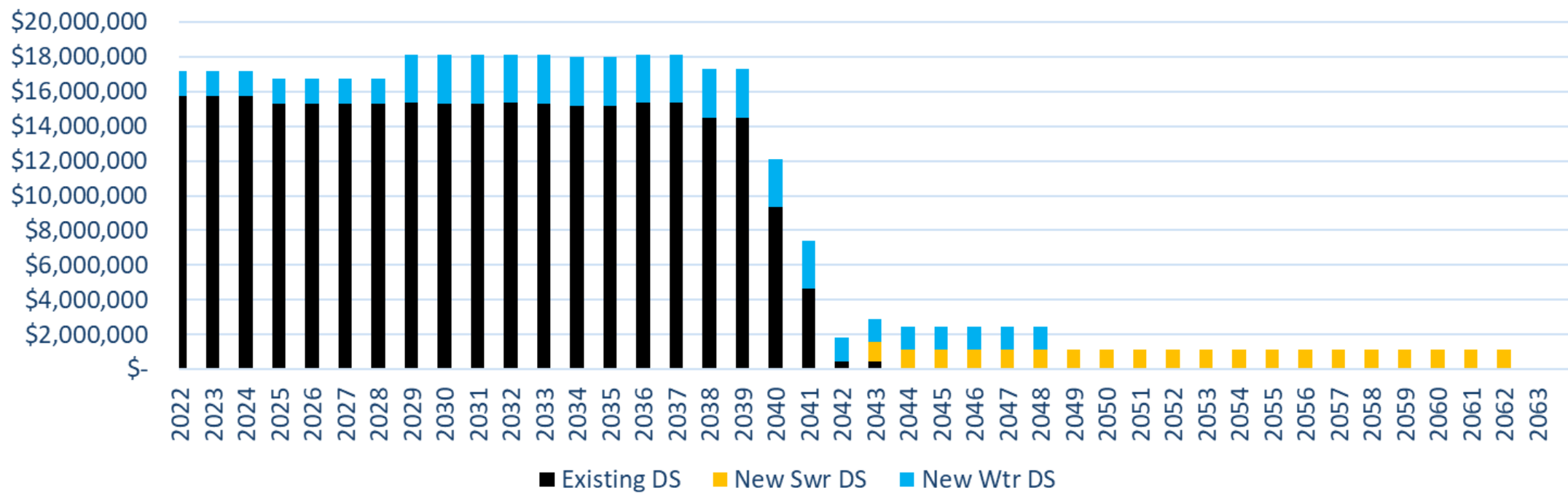
1. Existing Debt Service challenge resulting from City's investment strategy of relying on issuing debt over time to fund CIP and Drought Response Strategies
2. New Strategy focuses on more cash funding and less debt
3. Allows more revenue to go to projects instead of interest
4. Not enough cash on hand to jump right in, so need debt issuance while building cash reserve





- Graph shows annual Debt Service Payments
- Black bars represents existing debt of \$222M principal & \$68M of interest.
- Scenario issues debt as needed annually for all new CIP projects
- This strategy greatly increases the total interest paid on new debt issuances over the 40-year period
- Costs approximately \$77M in total new interest paid
- Assuming new debt will be for 20 years at 1.5% APR





- Graph demonstrating annual debt service payments
- Scenario of primarily cash funding with minimal (3) debt issuances
- This strategy greatly reduces the total interest paid on new debt issuances over the 40-year period
- Savings of approximately \$66M in total new interest paid when compared to fully new debt funded strategy
- Assuming new debt will be for 20 years a 1.5% APR



Recommended Staffing Adjustments

Budget Impact Columns include salaries, benefits, support costs, and fleet capital purchases

Requested Changes	Program Descriptions	FY22 New Fleet Units	FY22 New Fleet Cost	Annual New Personnel & Associated Cost	Annual Eliminated Personnel Savings
New 3	8050 Add Valves & Hydrants: UW (X2), LS	2	\$ 52,000	\$ 149,006	\$ -
New 4 & Eliminate 7	8050 Expand Meter Workers: UW (X4)	2	\$ 52,000	\$ 174,104	\$ (284,018)
New 3	8060 Expand Sewer Main Inspection: UW (X2), LS	1	\$ 325,000	\$ 149,006	\$ -
New 1	IT Add Water Utilities IT Systems Administrator	0	\$ -	\$ 94,220	\$ -
New 1 & Eliminate 1	8010 Add Public Information Coordinator	0	\$ -	\$ 65,965	\$ (65,965)
New 1 & Eliminate 4	8010 Add Construction Inspector II	1	\$ 26,000	\$ 55,026	\$ (220,104)
New 1	8060 Add Sewer Supervisor III	1	\$ 26,000	\$ 70,446	\$ -
New 1 & Eliminate 1	8010 Add Construction Project Manager	1	\$ 26,000	\$ 73,490	\$ (73,490)
New 1	8020 Expand Customer Service Rep	0	\$ -	\$ 36,200	\$ -
New 1	IT Add Water Utilities IT Computer Technician	0	\$ -	\$ 75,240	\$ -
New 1	8080 Expand Lab Technician	0	\$ -	\$ 55,026	\$ -
New 2	8040 Expand Treatment Plant Operator staffing	0	\$ -	\$ 97,696	\$ -
		8	\$ 507,000	\$ 1,095,425	\$ (643,577)

Total FY22 Impact - \$ 958,848

Total FY23+ Impact - \$491,257



Water Utilities Annual Operating Budget

Division	FY21 Budget	FY22 Proposed
8010		
Water Administration	\$ 2,916,861	\$ 2,794,596
8020		
Customer Service	\$ 2,470,687	\$ 2,872,237
8030		
Water Production	\$ 7,590,226	\$ 7,916,475
8040		
Water Treatment	\$ 5,111,334	\$ 5,476,808
8050		
Water Distribution	\$ 6,506,683	\$ 7,266,648
8060		
Wastewater Collection	\$ 1,709,182	\$ 2,601,862
8070		
Wastewater Treatment	\$ 3,416,510	\$ 4,570,361
8080		
Quality Control	\$ 1,801,571	\$ 1,749,680
8110		
Utility Special Services	\$ 24,638,580	\$ 31,119,870
Annual Budget Totals	\$ 56,161,634	\$ 66,368,537

Significant FY22 Budget Items

- Cash Transfer to CIP Fund 575 (+6,200,000)
- Additional 2% Franchise Tax (+\$1,150,720)
- Personnel staffing adjustments (+\$958,848)
- Chemical Supply Increases (+\$732,535)
- Other Machinery and Equipment (+\$424,813)
- Water Service and Wholesale Water costs (+\$206,522)
- Sanitary Sewer System Improvements (+\$160,000)

Why a New FY22 Five Year Rate Plan?

- Recommended Capital Improvement Projects of Master Plans requires increase in revenues
- Increase in Franchise Tax transfer to General Fund
- Adjustment to Authorized Personnel in Department
- Increase in Cost of Water Resources
- Global increase in Chemical and material costs which make up a large percentage of overall budget for Water Utilities



FY22 Five Year Rate Plan

- The Ivie Fee is being eliminated from the customers bill, and remaining Ivie Debt is being rolled into total revenue requirements used for setting rates
- The annual adjustment of approximately 8.3% is at a steeper incline compared to the existing rate plan
- The rate incline will peak in FY27 and may remain constant through FY35



FY22 FIVE YEAR RATE PLAN - VOLUMETRIC RATES

	2021	2022	2023	2024	2025	2026
Water Customer Service Charge*	\$15.25	\$16.25	\$17.25	\$18.25	\$18.25	\$18.25
Residential Tier 1	\$3.10	\$3.30	\$3.55	\$3.85	\$4.15	\$4.50
Residential Tier 2	\$5.25	\$5.60	\$6.05	\$6.55	\$7.10	\$7.70
Residential Tier 3	\$7.25	\$7.85	\$8.50	\$9.20	\$9.95	\$10.80
Ivie Charge	\$0.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Commercial	\$5.25	\$5.60	\$6.05	\$6.55	\$7.10	\$7.70
Industrial	\$4.32	\$4.60	\$5.00	\$5.40	\$5.85	\$6.35
Construction Meter	\$6.31	\$6.80	\$7.40	\$8.00	\$8.65	\$9.35
Yard Meter	\$6.31	\$6.80	\$7.40	\$8.00	\$8.65	\$9.35
Wholesale Water (Contract)	\$6.20	\$6.80	\$7.20	\$7.80	\$8.45	\$9.15
Sewer Customer Service Charge	\$13.00	\$14.00	\$15.00	\$16.00	\$16.00	\$16.00
Sewer Unit Charge	\$1.85	\$2.15	\$2.50	\$2.90	\$3.40	\$3.95

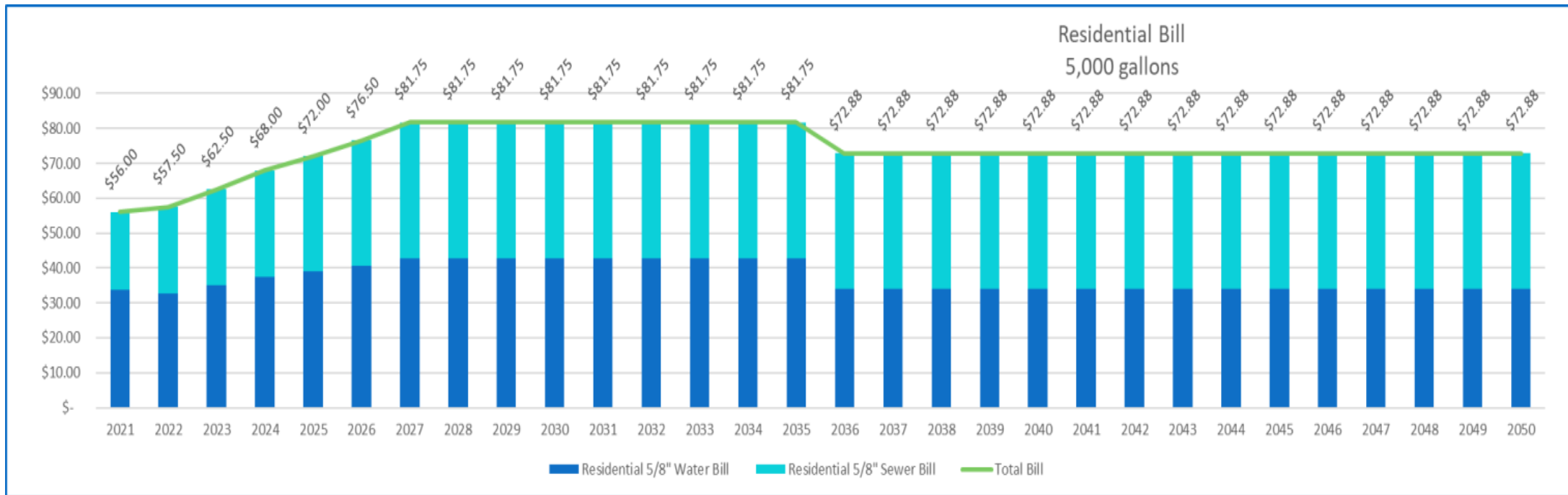


FY22 FIVE YEAR RATE PLAN - CUSTOMER SERVICE CHARGE*

METER SIZE	2021	2022	2023	2024	2025	2026
5/8 or 3/4	15.25	16.25	17.30	18.25	18.25	18.25
1 inch	23.00	24.75	26.00	28.00	28.00	28.00
1 1/2 inch	42.75	46.00	48.50	51.75	51.75	51.75
2 inch	71.00	76.50	81.00	86.00	86.00	86.00
3 inch	134.00	144.00	152.00	162.00	162.00	162.00
4 inch	201.25	216.00	229.00	243.00	243.00	243.00
6 inch	373.75	402.00	425.00	452.00	452.00	452.00
8 inch	606.75	655.00	690.00	734.00	734.00	734.00
10 inch	818.25	880.00	930.00	990.00	990.00	990.00

* Based on Customer Meter Size

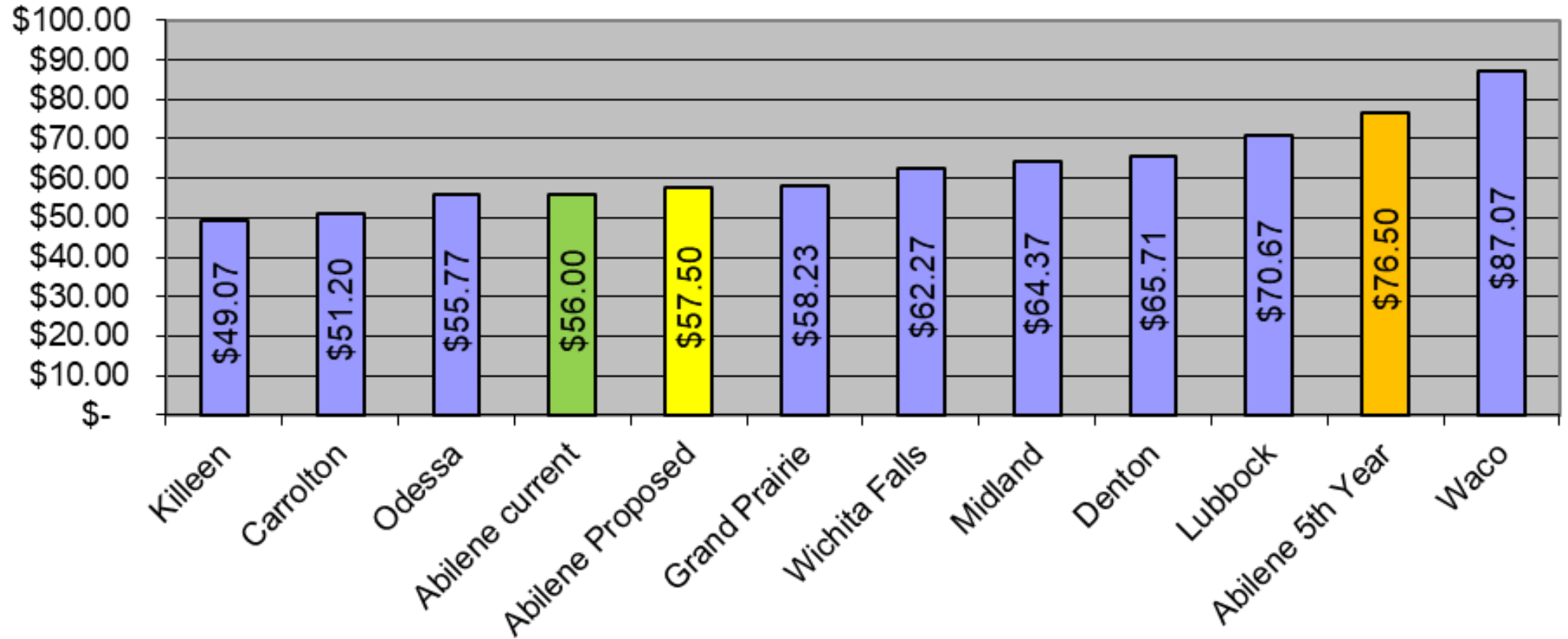




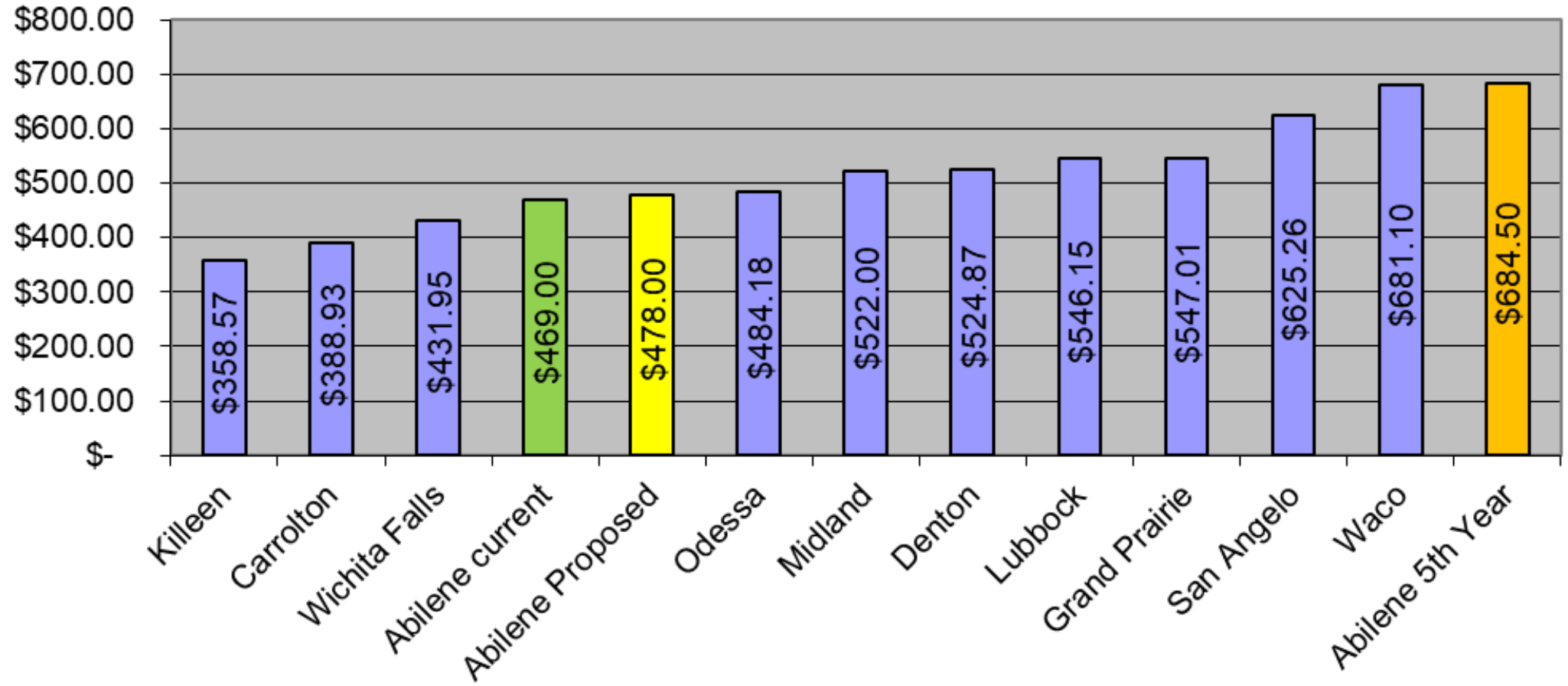
- Graph represents a typical Residential Water Bill based on 5,000 gallons of monthly consumption
- Rate increases over six fiscal years beginning in FY22
- Note that a ceiling to rate increases is established in FY27 that is the maximum rate required to produce the needed revenues
- Beginning in FY36 the City has options for rate relief or to tackle unforeseen major CIP projects



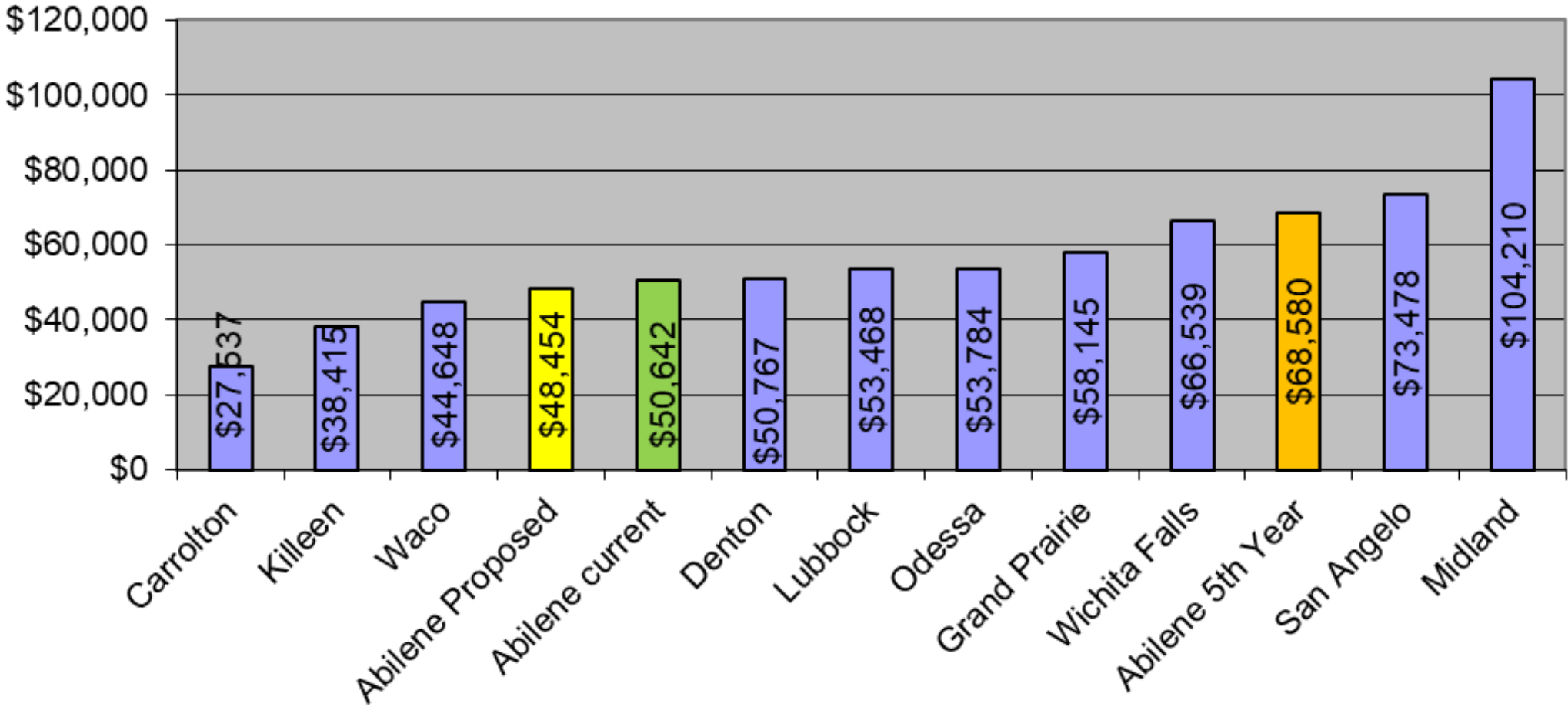
Residential Water & Sewer Bill 5,000 gallons



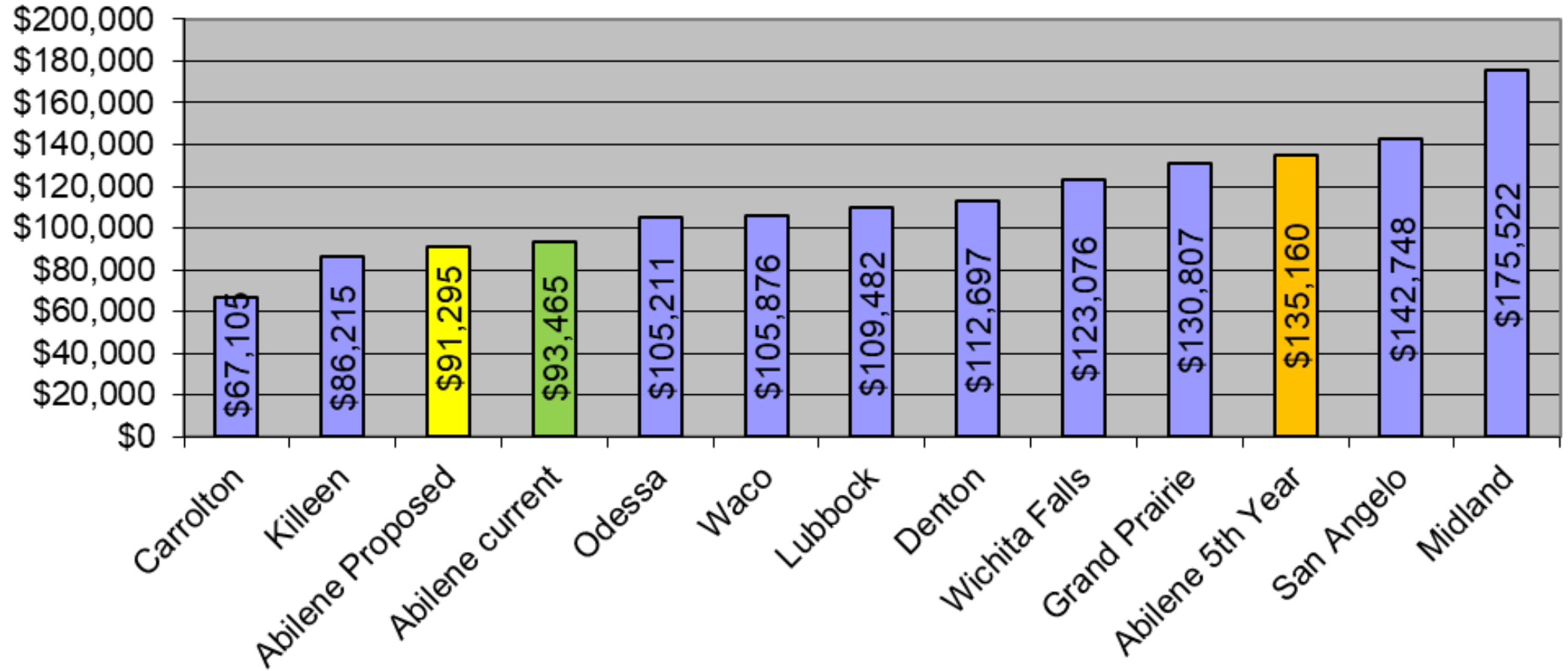
Commercial Water & Sewer Bills 50,000 gallons



Coca Cola Water & Sewer Bills
9,500,000 gallons



Dyess AFB Water & Sewer Bills 15,500,000 gallons



Conclusion

- We need to address Abilene's aging public infrastructure and stress on systems related to population growth
 - These are global and local issues
- We should consider new strategies to pay for CIP that are more advantageous to the City's current and future citizens
- We need to adjust staffing levels within Water Utilities in order to catch up with system growth and to meet performance expectations for maintenance and customer service
- We need the new FY22 Five Year Rate Plan to generate the revenues necessary to achieve these goals and strategies of the Water Utilities Department



Water Utilities Department
Budget Discussion and adoption of the
FY22 Five Year Rate Plan

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **13. Ordinance (Final Reading) Z-2021-11:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From HRT Enterprises Inc. and Johnny Trotter, Represented by Jacob Martin LLC, to Change Zoning from Agricultural Open Space (AO) to Residential Single-Family (RS-6) on 245.285 Acres of Now-Vacant Land Bordering 3000-3100 Blocks (North Side) of Highway 351 and 3500-3600 Blocks (East Side) of East Lake Road. (Mike Warrix)

GENERAL INFORMATION

The request is to rezone approximately 242 acres of vacant land from Agricultural Open Space (AO) to Residential Single-Family (RS-6). Based on the information provided in the application, the purpose of this request is to add new home sites to the entirety of the tract.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2021-11 draft ordinance
2. 1- Z-2021-11 Staff report
3. 2- Heritage park Application
4. 3- Z-2021-11 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 24th 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 the 15th day of May, 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 8th day of July, 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 8th day of July, 2021.

ATTEST:

CITY SECRETARY

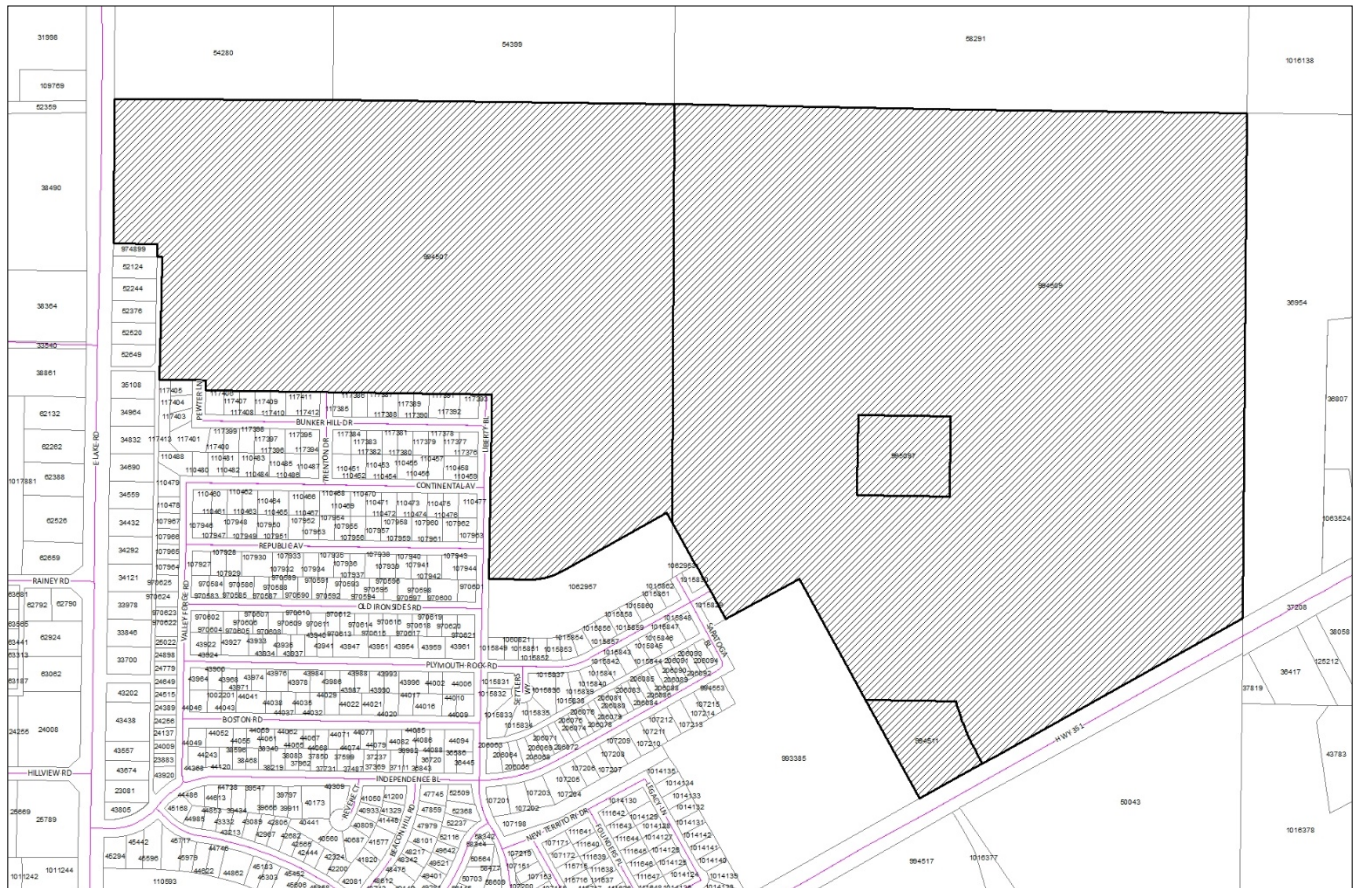
MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described 239.658 acres of land, from an Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District:



BEING 253.733 acres of land out of the southwest and southeast quarters of Blind Asylum Lands Section 21 and the northwest and northeast quarters of Blind Asylum Lands Section 25 in the City of Abilene, Taylor County, Texas and containing the follow tracts of land conveyed to Musgrave and Musgrave, LLP: (1) remainder of 223.29 acres recorded on Page 857 in Volume 3121 of Official Public Records of Real Property in Taylor County, Texas; (2) remainder of 20.21 acres described on Instrument Number 2008-15508 of said Official Public Records; (3) a 5.50-acre tract recorded in Instrument Number 2013-11420 of said Official Public Records; and (4) a 79.0-acre tract recorded on Page 967 in Volume 3127 of said Official Public Records; these 253.733 acres being more particularly described by metes-and-bounds as follows:

BEGINNING at a found $\frac{3}{4}$ -inch aluminum rod with 2-inch aluminum Jacob & Martin, Ltd. Cap (henceforth called a standard monument) with Texas State Plane Coordinates of N=6,862,457.92 feet and E=1,605,127.64 feet, and lying in the northwesterly right-of-way line of State Highway No. 351, for the southeasterly corner of Lot 1 in Block A of Heritage Parks Section 9 in the City of Abilene, Taylor County, Texas and as shown on a plat thereof recorded on Slide 121 in Cabinet 4 of Plat Records for said Taylor County, Texas;

THENCE N. 29° 08' 50" W. along the east line of said Heritage Parks Section 9, same being a southwest-erly line of the remainder of said 223.20-acre tract, at 1041.20 feet pass the east line of said 20.21-acre remainder tact, **continuing a total distance of 1147.17 feet** to a found standard monument, for a corner;

THENCE S. 60° 53' 12" W., at 452.75 feet pass a standard monument found for the northwest corner of said Heritage Parks Section 9, at 527.75 feet pass a standard monument found for the northeast corner of a 20-foot-wide dedicated alley containing 0.694 acres as shown per Replat of Heritage Parks Addition, Section 5, Block B recorded on Slide 41 in Cabinet 4 of Plat Records for said Taylor County, Texas, and **continuing a total distance of 1355.50 feet** to an iron rod found in the north line of said Section 5;

THENCE continuing along the north line of said 20-foot-wide alley for a southerly line of the herein described 253.733-acre tract, over and across following bearings and distances:

S. 62° 21' 10" W. for a distance of 39.22 feet to a point,

S. 66° 09' 35" W. for a distance of 38.41 feet to a point,

S. 70° 32' 15" W. for a distance of 38.36 feet to a point,

S. 74° 54' 56" W. for a distance of 38.36 feet to a point,

S. 79° 17' 36" W. for a distance of 38.14 feet to a point, and

S. 84° 34' 12" W. for a distance of 52.63 feet to a ½-inch rebar rod with a Jacob & Martin, Ltd. cap set in the east right-of-way line of Liberty Boulevard, same being the west line of said 20.21-acre remainder tract and the northwest corner of said Block B in Heritage Parks Addition, Section 5, and being an interior corner thereof;

THENCE N. 00° 54' 12" E. along the east right-of-way line of Liberty Boulevard, at 561.01 feet pass a 60d nail found for the northwest corner of said 20.21-acre remainder tract, and **continuing a total distance of 1560.44 feet** to a standard monument found for the northeast corner of Heritage Parks Addition, Section 8, as shown on a plat thereof recorded on Slide 365-B in Cabinet 2 of Plat Records for Taylor County, Texas, for an interior corner of this herein described 253.733-acre tract and of said 223.29-acre remainder tract;

THENCE N. 89° 05' 45" W. for a distance of 1299.55 feet along a north line of said Heritage Parks Addition, Section 8 and a southerly line of said 223.29-acre remainder tract, to a standard monument found for an ell corner of this herein described 253.733-acre tract and of said 223.29-acre remainder tract;

THENCE N. 00° 34' 13" E. for a distance of 44.81 feet along the east right-of-way line of Pewter Lane, to a standard monument found for an interior corner of this herein described tract and of said 223.29-acre remainder tract, and being the most westerly northeast corner of said Heritage Parks Addition, Section 8;

THENCE N. 89° 06' 22" W. for a distance of 209.84 feet along the most westerly and northerly north line of said Section 8, to a standard monument found for the northwest corner thereof, same being on the east line of a 20-foot-wide alley and on the east line of Harvest Hill Addition, Section 1, according to a plat thereof recorded on Slide 188-D in Cabinet 2 of Plat Records for Taylor County, Texas;

THENCE N. 00° 47' 47" E. for a distance of 555.94 feet along said 20-foot-wide alley, to a ½-inch rebar rod with a Jacob & Martin, Ltd. cap set for the northeast corner of Quail Valley Northeast, Section 2, according to a plat thereof recorded on Slide 475 in Cabinet 1 of Plat Records for Taylor County, Texas;

THENCE N. 89° 08' 20" W. for a distance of 19.77 feet along the north line of said Quail Valley Northeast, Section 2, to a ½-inch rebar rod with a Jacob & Martin, Ltd. cap found for the southeast corner of a called 0.321-acre tract conveyed to J.D. Wilson and described on Page 175 in Volume 3119 of Official Public Records of Real Property in Taylor County, Texas;

THENCE N. 00° 47' 28" E. for a distance of 69.95 feet along the east line of said 0.321-acre tract, to a ½-inch rebar rod with Jacob & Martin, Ltd. cap found for the northeast corner of said 0.321-acre tract, for an interior corner of this 253.733-acre tract and of said 223.29-acre remainder tract;

THENCE N. 89° 06' 54" W. for a distance of 199.95 feet along the north line of said 0.321-acre tract, to a found rebar rod with cap marked "CHASE" for the northwest corner of said 0.321-acre tract and being located on the east right-of-way line of East Lake Road (a.k.a. F.M. Hwy. 2833) and the west line of said 223.29-acre tract;

THENCE N. 00° 58' 00" E. for a distance of 641.74 feet along said east right-of-way line and the west line of said 223.29-acre tract, to a found 3/8-inch rebar rod in the half-section line of said Blind Asylum Lands Section 21, for the northwest corner of said 223.29-acre tract, the same being the southwest corner of the Max C. King (et ux) property described and recorded on Page 58 in Volume 711 of Deed Records for Taylor County, Texas;

THENCE S. 89° 21' 23" E. along said half-section and the common line between said 223.29-acre tract to the south and said "King" tract to the north, at 2606.29 feet pass the southeast corner of said "King" tract, the same being the southwest corner of a called 160-acre tract conveyed to Charles Atkinson Revocable Living Trust, as recorded on Instrument Number 2010-5789 of Official Public Records of Real Property in Taylor County, Texas, at 3861.16 feet pass the northeast corner of said 223.29-acre tract, the same being the northwest corner of said 79.0-acre tract, and **continuing a total distance of 5105.85 feet** to a found 5-inch square pipe gate post on the east line of said Section 21 and on the west line of Blind Asylum Lands Section 20, for the northeast corner of the herein described 253.733-acre tract and of said 79.0-acre tract, the same being the northwest corner of a called 37.5-acre tract conveyed to Rob H. Hailey (et ux) and described on Page 342 in Volume 970 of Deed Records for Taylor County, Texas, and being the southwest corner of a called 160-acre tract conveyed to Janice Harkins and described on Page 660 in Volume 1361 of said Deed Records;

THENCE S 00° 02' 24" W. for a distance of 2271.03 feet along the east line of said Section 21, the east line of said 79.0-acre tract, the west line of said 37.5-acre tract and the east line of the herein described 253.733-acre tract, to a found ½-inch rebar rod located on the northwesterly right-of-way line of State Highway 351, for the southeast corner of said 79.0-acre tract, the southwest corner of said 37.5-acre tract, and from which a found 3/8-inch rebar rod at the southeast corner of said Section 21 bears S. 00° 02' 24" W. 375.9 feet;

THENCE S. 60° 48' 21" W. for a distance of 1654.80 feet along said right-of-way line and the southerly line of said 79.0-acre tract and said 223.29-acre tract, to the **POINT OF BEGINNING** and containing 253.733 acres of land, more or less;

SAVE AND EXCEPT those portions of the above-described 253.733 acres already encompassed within a Residential Single-Family (RS-6) zoning district, which include both the following tracts:

8.174 acres of land embraced by the subdivision of Heritage Parks Addition, Section 9, Continuation 1 and represented on a plat recorded on Slide 375 in Cabinet 4 of Plat Records for Taylor County, Texas; and

5.901 acres of land embraced by a proposed subdivision of Heritage Park, Section 10 and which is more particularly described by metes-and-bounds as follows:

BEGINNING at a set ½-inch rebar rod with a plastic cap stamped "J&M BOUNDARY" and henceforth known as a SET REBAR for the southwest corner of this described tract and the northwest corner of Heritage Parks Addition, Section 9, Continuation 1 as shown per plat recorded on Slide 375 in Cabinet 4 of Plat Records for Taylor County, Texas and being in the east right-of-way line of Liberty Boulevard;

THENCE N. 00° 53' 51" E. for a distance of 265.33 feet along the west line of this described tract, the above-described 253.733-acre tract and the east right-of-way line of said Liberty Boulevard, to a SET REBAR for the northwest corner of this described tract;

THENCE along the northerly line of this described tract, over and across the following bearings and distances:

S. 89° 06' 09" E. for a distance of 200.73 feet to a SET REBAR;

N. 82° 12' 55" E. for a distance of 51.37 feet to a SET REBAR;

N. 74° 49' 37" E. for a distance of 31.45 feet to a SET REBAR;

N. 70° 04' 06" E. for a distance of 18.37 feet to a SET REBAR;

N. 63° 39' 15" E. for a distance of 57.82 feet to a SET REBAR; and

N. 60° 53' 12" E. for a distance of 522.07 feet to a SET REBAR, for the northeast corner of this described tract;

THENCE S. 29° 06' 48" E. for a distance of 270.00 feet along the easterly line of this described tract, to a found ½-inch rebar rod with a plastic cap stamped "J&M BOUNDARY" and henceforth known as FOUND REBAR for the southeast corner of this described tract and being the northeast corner of said Heritage Parks Addition, Section 9, Continuation 1;

THENCE along the southerly line of this described tract and the northerly line of said Heritage Parks Addition, Section 9, Continuation 1, over and across the following bearings and distances:

S. 60° 53' 12" W. for a distance of 593.00 feet to a FOUND REBAR;

S. 63° 57' 34" W. for a distance of 55.69 feet to a FOUND REBAR;

S. 74° 59' 08" W. for a distance of 54.98 feet to a FOUND REBAR;

S. 85° 26' 31" W. for a distance of 54.978 feet to a FOUND REBAR; and

N. 89° 06' 09" W. for a distance of 266.87 feet to the **POINT OF BEGINNING** and containing 5.901 acres of land, more or less.

-END-

ZONING CASE Z-2021-11

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: June 1, 2021

City Council 1st Reading: June 24, 2021

City Council 2nd Reading: July 8, 2021

Applicant

Owners: HRT Enterprises, Inc. and Johnny Trotter

Agent: Jacob Martin, LLC

Request

Rezone approximately 242 acres of vacant land from Agricultural Open Space (AO) to Residential Single-Family (RS-6). Based on the information provided in the application, the purpose of this request is to add new home sites to the entirety of the tract.

Location

The subject property borders the 3000-3100 blocks (north side) of Highway 351 and the 3500-3600 blocks (east side) of East Lake Road, north and east from existing sections of the Heritage Parks Addition in northeast Abilene.

Background

Approximately 213 acres of this subject property was annexed into Abilene in 1982. The remaining approximately 29 acres (within 1000 feet of East Lake Road) were annexed in 1980. All acreage was zoned Agricultural Open Space (AO) upon its annexation.

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 land located south and west of the subject property are zoned for Single-Family Residential (RS-6), Patio Home (PH) and Medium Density Residential (MD). These include conventional single-family homes as well as townhomes, patio homes and duplexes. A church campus also adjoins the southernmost southwest corner of this subject property, adjacent to Highway 351.

Land located north and east of this subject property remains, for the most part, outside of Abilene's City limits and in agricultural use.

Criteria Assessment

Section 1.4.1.4 of Abilene's 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.**

The Future Land Use and Development Plan Map designates all land encompassed in this request as low-density residential. Proposed RS-6 zoning is consistent with the Comprehensive Plan.

(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 uses permitted by this requested zone change are compatible with surrounding properties in the immediate vicinity.

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

The subject property has extensive frontage on two arterial streets. This includes approximately 0.32 miles of frontage on Highway 351, more than half of which is fully-improved with pavement as well as curb-and-gutter. Additionally, the subject property has access to municipal water and sewer mains at several key locations. This request presents no apparent conflict with existing or proposed plans for community facilities or related infrastructure.

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

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

Staff Recommendation

City staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on May 20, 2021, to the applicant and to 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	Parcel ID	Response
ACEVEDO DAVID & PAMELA	35108	
AKOR CHARLOTTE	117404	
ATKINSON HAL GREGORY	58291	
BAILEY JESSICA L	117397	
BARKER CHARLES R & DEBRA JUNE	110459	
BATTEN CHRISTINA M	117387	
BELTWAY PARK BAPTIST	993385	
BLAIR PHILLIP T & LISA K	1015829	
BOYD BROOKS J & MELISSA L	117380	
BURSON MASON	117379	
CAMMARANO VINCENT R & ERICA	117382	
CARDENAS MICHAEL & ROSA LEE	117377	Opposed
CASEY JUDY	117388	Opposed
CITY OF ABILENE	117413	
CLEVELAND WILLIAM CHANCE	117396	Opposed
COBB DILLON & TALAN	117386	
COX DANIEL A & ESTHER R	117392	In Favor
DAVIS WILLIAM	1015862	
DEWS ANDREW W & LISA	110477	
DIGGS CAROL	107963	
EZAGUI EDWARD P & VANESSA E	117376	
FAIR BENJAMIN C	38364	
FLEMING G LANCE & JILL C	117395	
FORD CHRISTOPHER R & ASHLEY K	117403	
FORD JACKIE ROY III	110476	
GREENWOOD PAULA	117406	Opposed
GRIFFITH RUTH E LF EST	31998	
HARKINS CHARLES RANDLE	1016138	
HOLOWIECKI ANDREW & KRISTY N	117398	
HOUSTON SPRING CREEK RANCH LTD	37819	
HOWE LARRY D & PAULA S	117409	
HUFFAKER ERIC WOODSON &	117408	Opposed
HUMMEL JASON B & MELISSA K	52376	
JACKSON STEVE	206093	
JACKSON STEVE	206094	
JOHNSON CURTIS A	117384	
JOHNSON ZACHERY S	117383	
JONES CHERYL A	117405	
JONES JACOB & FELICIA	117399	
KENNEY JOHNNY LEE	1015830	Opposed

KING BETTY DIANE	54280	
KING BETTY DIANE	54399	
LITTLE JO ANN	36417	
LONG RICKIE WADE	117378	
MC GREW JAMES MICHAEL & PAMELA	110458	
MEITL ANDREW	1015848	
MESSENGER BRENDAN RUSS &	117394	Opposed
MR W FIREWORKS INC	36954	
MURPHY MICHAEL A & MELISSA L	117411	
NALDOZA THERESA	117410	Opposed
NEW JOE MICHAEL	109769	
NICHOLS ALAN K & SONYA M	117391	
OSBORN WALTER	117389	
RANGEL JORGE P	52649	
RIDDLE RICHARD E & LISA L	117381	
ROAD	37208	
ROGERS MARK HUNTER &	117393	
ROMAN JOE D & NATALIA	117385	
ROWLANDS HARRY R & THELMA H	117400	
SADBERRY ADAM L	970601	
SALAS ANA	117390	
SANCHEZ DAVID F & CHRISTINE A	970621	
SANDERS GARY & GLICERIA	107943	
SANDOVAL ISMAEL & SCHOONMAKER BRADLEY THOMAS &	970600	
THOMAS LANCE &	34964	
TOLLETT DANIEL S	117407	Opposed
TROTTER JOHNNY	117412	Opposed
TROTTER JOHNNY	994507	In favor
TROTTER JOHNNY	994517	
TROTTER JOHNNY	994511	In favor
TROTTER JOHNNY	995097	In favor
TROTTER JOHNNY	994509	In favor
TROTTER JOHNNY	1062957	In favor
TROTTER JOHNNY	1062953	In favor
TUBBS MELVIN C &	107944	
TUCKER HUNTER	117401	Opposed
TURNER COLTON R & VICTORIA K	52520	
VALE VICTOR & MUTSUKO	107962	Opposed
VARNER GARY & LINDA R	1016377	
VARNER PIPE LLC	50043	
WALKER FAMILY TRUST	38490	
WEST ELLEN	52359	
WEST ELLEN	52359	

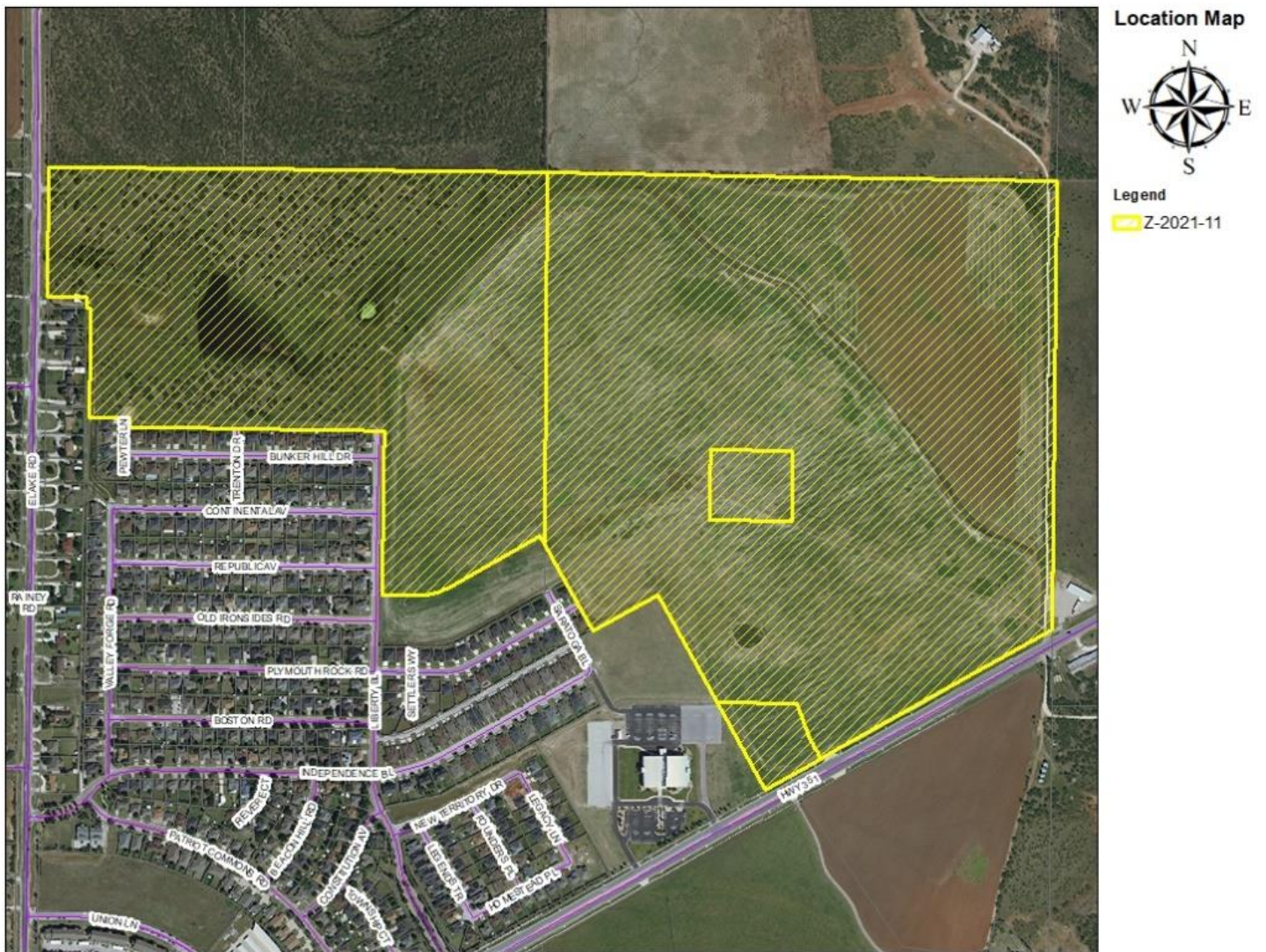
WILLIAMS ERIK BENTLEY	52244	
WILSON J D	974899	
WILSON J D	52124	

Attachments

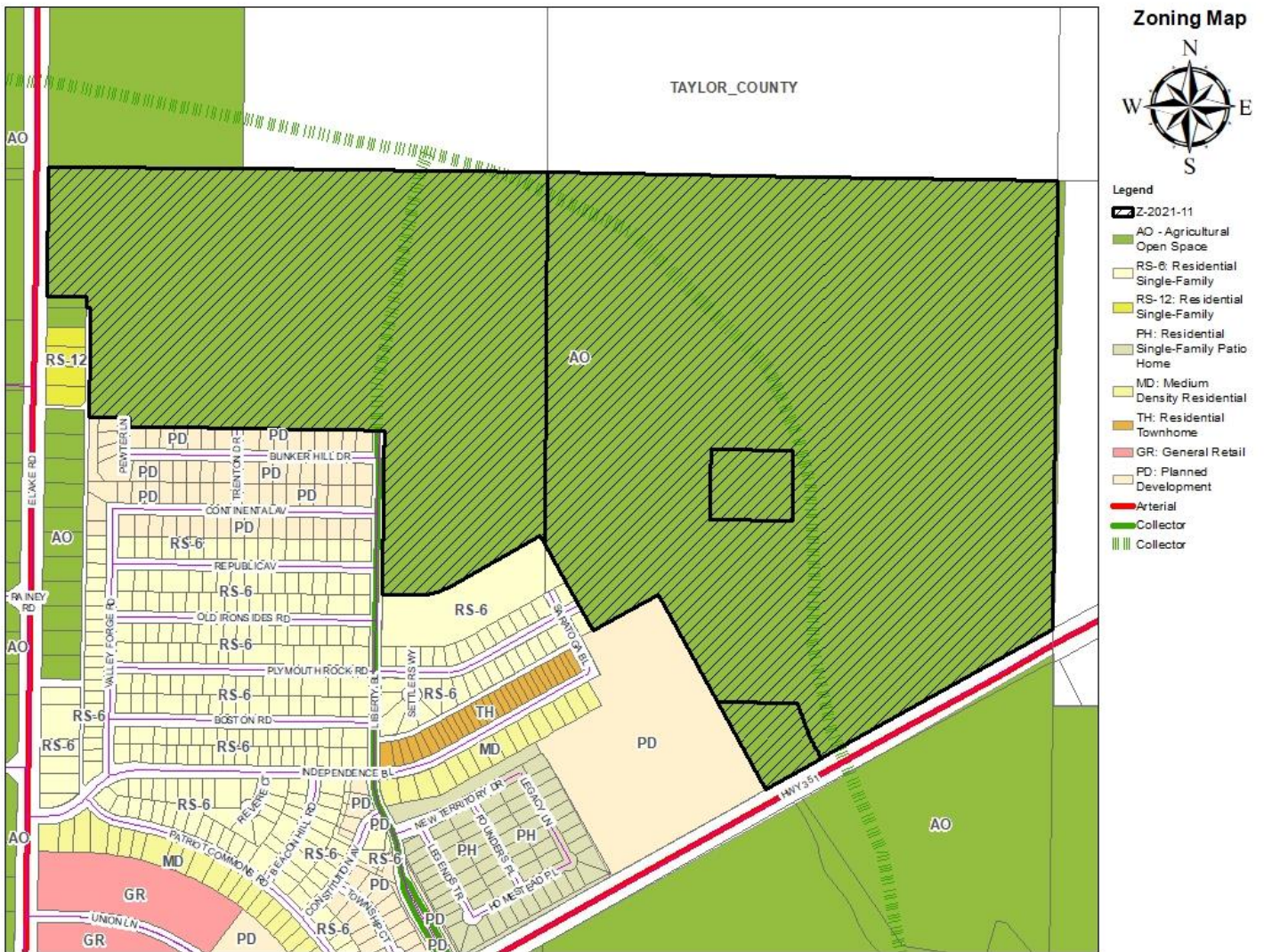
Application

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-2021-11

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: TROTTER JOHNNY

Parcel I.D.: 1062957

Address:

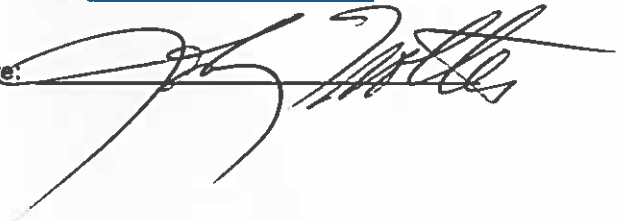
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature:



MAY 27 PM 12:21

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

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

For the PLANNING & ZONING COMMISSION

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Name: TROTTER JOHNNY

Parcel I.D.: 1062953

Address:

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:

MAY 27 PM12:21

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

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Name: TROTTER JOHNNY

Parcel I.D.: 995097

Address:

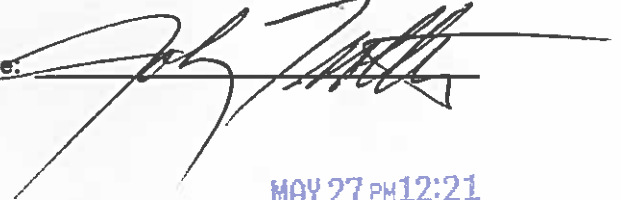
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature:



MAY 27 PM12:21

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

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Name: TROTTER JOHNNY

Parcel I.D.: 994511

Address:

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:

MAY 27 PM12:21

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

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Name: TROTTER JOHNNY

Parcel I.D.: 994509

Address:

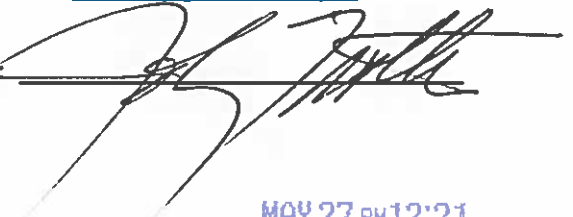
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature:



MAY 27 PM12:21

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

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Name: TROTTER JOHNNY
Parcel I.D.: 994507
Address: 3369 LIBERTY BL

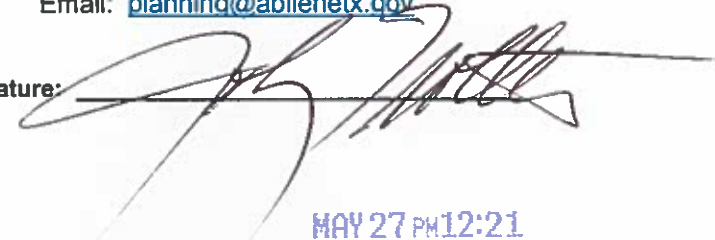
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature:



MAY 27 PM12:21

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

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Smith, Jared <jared.smith@abilenetx.gov>

[Planning] Zone Change Application Z-2021-11

1 message

Dan Cox <dcox057@gmail.com>
To: planning@abilenetx.com

Tue, May 25, 2021 at 10:02 AM

To the Planning and Development Services:

I currently live at 2258 Bunker Hill Drive in the Heritage Parks addition in northeast Abilene. Prior to that, I lived on the other side of the subdivision on Valley Forge Road. I recently received a notice about Zone Change Application Z-2021-11.

In regards to Zoning Change Application Z-2021-11, I am in favor of developing more housing in the neighborhood. The land east of Liberty Drive seems well suited for the purpose. I know that more homes in the neighborhood bring the likelihood of more businesses, churches, and other positive things to this corner of our city.

My concern is for the area directly north of Bunker Hill Drive. This particular parcel of land receives the drainage from almost the entire neighborhood of Heritage Parks. When I lived on Valley Forge, the water levels would get really high on the street as it made its way north to this area. Now that I live on the east end of Bunker Hill Drive, I see the same tendency for the water on Liberty Drive to run either north towards the land in question, or flow west to Valley Forge and then on towards the agricultural land north of Bunker Hill.

My concern is two-fold—

1. Will developing the land just north of Bunker Hill Drive cause a worsening of the drainage on our streets in Heritage Parks? The entire street of Valley Forge is easily covered in water during a hard rain, making passage difficult.
2. What about the large stock tank that is in that parcel? From our position on Bunker Hill Drive, we see that the stock tank serves as a watering hole for wildlife in addition to livestock. We have seen deer, foxes, migratory geese and ducks, coyotes, and more. Virtually all of the water that drains from Heritage Parks goes into the watershed of this stock tank. I am not a homebuilder, but it would seem to be a real challenge to build houses on a plot that has been previously covered in water. Will this parcel of land containing the stock tank be prohibited from building houses over it?

Thank you for allowing me to express my concerns. Again, I am in favor of the zoning change to the east of Liberty towards Beltway church, but have serious concerns about the land north of Bunker Hill Drive.

Sincerely,

Daniel Cox

--

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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/CAKOZoiZ54M493WB_MtUGwgWb3-XfBF7f1P4hB9iAN2dseCfQSw%40mail.gmail.com.

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

CASE #: Z-2021-11

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: KENNEY JOHNNY LEE
Parcel I.D.: 1015830
Address: 2602 PLYMOUTH ROCK RD

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: 

JUN 15 AM 9:12

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For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

JUN 2 AM 10:01

CASE #: Z-2021-11

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: TOLLETT DANIEL S

Parcel I.D.: 117412

Address: 2158 BUNKER HILL DR

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:

[Handwritten signature: Daniel Tollett]

One main reason we purchased our home on Bunker Hill Dr. was because there was no development behind. Please don't destroy this wildlife habitat!

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CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

NALDOZA THERESA
2142 BUNKER HILL DR
ABILENE, TX 79601-4792

NOTICE OF PUBLIC HEARING

RE: Zone Change Application Number Z-2021-11

05/18/2021

The Planning and Zoning Commission will hold a public hearing on **June 1, 2021 at 1:30 PM**, in **City Council Chambers, 2nd Floor**, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council from HRT Enterprises Inc. and Johnny Trotter, represented by Jacob Martin LLC, to change zoning from Agricultural Open Space (AO) to Residential Single-Family (RS-6) on 245.285 acres of now-vacant land bordering 3000-3100 blocks (north side) of Highway 351 and 3500-3600 blocks (east side) of East Lake Road. Legal description being 245.285 acres out of the northeast quarter of Blind Asylum Lands Section 25 and the south half of Blind Asylum Lands Section 21 in the City of Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for abandonment. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with public hearing on **July 8, 2021 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Cheryl Sawyers, Planning Services Manager at telephone 325-676-6230 or by email address Cheryl.Sawyers@abilenetx.gov

For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-11

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: NALDOZA THERESA
Parcel I.D.: 117410
Address: 2142 BUNKER HILL DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

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.

To Planning and Zoning Commission:

This letter is in regards to a Zoning change request (Application Z-2021-11) for the following reasons. We own the home at 2142 Bunker Hill Drive. Our backyard faces the north, where the re-zoning request is being made.

When we purchased our home in 2017, we did so because of the location and the view from the backyard. Additionally, we were under the impression that this land would not be developed by the landowner for multiple reasons, including the terrain and the difficulty that this would entail. I believe that many within Heritage Parks purchased homes for the location, small neighborhood size, and closeness to the openness of the surrounding land and the peacefulness it provides. I think building would influence many to rethink those decisions and look elsewhere for a home.

We are opposed to the change due to the already existing drainage problems in Heritage Parks (I've included a few pictures below). With each heavy rain, drainage flows down Valley Forge and Independence and eventually drains into the ponds located in the zoning request area. We have watched these 2 ponds grow year after year. Even the yards in Bunker Hill have a difficult time draining (see pictures below). During heavy rainfalls, Valley Forge is especially difficult to travel on due to the runoff.

For these reasons, I oppose the request.

Sincerely,

Theresa & Harry Naldoza

2142 Bunker Hill Dr

Abilene, TX 79601

naldoza@att.net

Valley Forge & Continental



Backyard drainage problems



For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-11

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: GREENWOOD PAULA

Parcel I.D.: 117406

Address: 2102 BUNKER HILL DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Paula Greenwood

JUN 2 AM 10:01

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For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-11

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Name: TUCKER HUNTER

Parcel I.D.: 117401

Address: 2101 BUNKER HILL DR

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

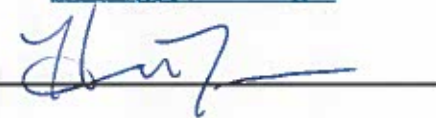
Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: _____



MAY 27 PM12:21

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

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

CASE #: Z-2021-11

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: CLEVELAND WILLIAM CHANCE
Parcel I.D.: 117396
Address: 2141 BUNKER HILL DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

JUN 4 PM 2:44

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

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CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

CASEY JUDY
2226 BUNKER HILL DR
ABILENE, TX 79601-4794

NOTICE OF PUBLIC HEARING

RE: Zone Change Application Number Z-2021-11

05/18/2021

The Planning and Zoning Commission will hold a public hearing on **June 1, 2021 at 1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council from HRT Enterprises Inc. and Johnny Trotter, represented by Jacob Martin LLC, to change zoning from Agricultural Open Space (AO) to Residential Single-Family (RS-6) on 245.285 acres of now-vacant land bordering 3000-3100 blocks (north side) of Highway 351 and 3500-3600 blocks (east side) of East Lake Road. Legal description being 245.285 acres out of the northeast quarter of Blind Asylum Lands Section 25 and the south half of Blind Asylum Lands Section 21 in the City of Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

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If you have any questions, please contact Cheryl Sawyers, Planning Services Manager at telephone 325-676-6230 or by email address Cheryl.Sawyers@abilenetx.gov

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

CASE #: Z-2021-11

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: CASEY JUDY
Parcel I.D.: 117388
Address: 2226 BUNKER HILL DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

Judy Casey

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

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

CASE #: Z-2021-11

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: CARDENAS MICHAEL & ROSA LEE
Parcel I.D.: 117377
Address: 2257 BUNKER HILL DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:



MAY 27 PM 12:20

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For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-11

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: VALE VICTOR & MUTSUKO

Parcel I.D.: 107962

Address: 2258 REPUBLIC AV

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: 

MAY 27 PM 12:21

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

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Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Opposition CAsE z-2021-11 Heritage Parks

2 messages

Douglas Offermann <deoffermann@gmail.com>
To: "Sawyers, Cheryl" <cheryl.sawyers@abilenetx.gov>

Mon, May 31, 2021 at 8:34 PM

Ms Sawyers

I am opposed to the change of zoning until I am satisfied with further information

I have some questions I would like addressed by Jacob Martin at tomorrows hearing

- 1) How much land does the owner of the 245.285 acres in Taylor County
- 2) Does the City have a master plan for the subdivision they could share at the meeting
- 3) What requirements (if any) does the city have for open /park space in this subdivision as it grows

--

Douglas E. Offermann, Accountant

2234 Old Ironsides

"Without a report, you cannot support"

325-660-0770

Catalyst Consulting Group, LLC, President

Member AIP, SHRM, Texas CPA Society, Council of Petroleum and Gas Accountants

deoffermann@gmail.com

Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>
To: Planning Services <planning@abilenetx.gov>

Tue, Jun 1, 2021 at 11:34 AM

FYI

[Quoted text hidden]

--

CHERYL SAWYERS, MS, MBA, CNU-A

Planning Services Manager

Planning & Development Services

City of Abilene

555 Walnut Street, Suite 110

Abilene, Texas 79601-5254

Post Office Box 60

Abilene, Texas 79604-0060

(325) 676-6230 (Office)

[City of Abilene Planning & Development Services](#)





Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Additions north of bunker hill

2 messages

Brendan Messenger <brendan@kodainsurancegroup.com>
To: cheryl.sawyers@abilenetx.com

Mon, May 31, 2021 at 8:47 AM

Hello my name is Brendan Messenger, and I live at 2157 Bunker Hill. Recently we received a notice about the attempts to build on to our subdivision. I inadvertently threw the notice away, but I would like to have our voice heard in this. My wife Kayla and I oppose this addition, as it ruins the very purposes of why we bought on Bunker Hill years ago. Please add our vote against this proposal. Thank you! Brendan Messenger, 325-320-2602

Sent from my iPhone

Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>
To: Planning Services <planning@abilenetx.gov>

Tue, Jun 1, 2021 at 11:34 AM

FYI

[Quoted text hidden]

--

CHERYL SAWYERS, MS, MBA, CNU-A

Planning Services Manager

Planning & Development Services

City of Abilene

555 Walnut Street, Suite 110

Abilene, Texas 79601-5254

Post Office Box 60

Abilene, Texas 79604-0060

(325) 676-6230 (Office)

[City of Abilene Planning & Development Services](#)





Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

[Planning] Z-2021-11

1 message

'jen huffaker' via Planning Services <planning@abilenetx.gov>

Sat, May 29, 2021 at 11:00 AM

Reply-To: jen huffaker <huffmom03@yahoo.com>

To: planning@abilenetx.gov

I am opposed to the zone change application number Z-2021-11 because of existing water drainage problems and wetlands and green space protection.

Most of Abilene has drainage problems and Heritage Parks is no different. High clay content in the soil at Heritage Parks makes for very slow absorption and water percolation rates. High clay soil plus more concrete streets and houses will force more water down Liberty Blvd and Valley Forge that are already prone to deep water piling up on the north ends.

Most, if not all, of the rainwater that falls on Independence Blvd drains to north 6 blocks along Liberty Blvd and Valley Forge Rd into the green space, marshy wetlands and stock tanks in the 50 acres the north of Bunker Hill Drive. This area is the northwest 50 acres of the plat shown on Z-2021-1 (see attached images). During heavy rains, water piles up on the north ends of Liberty Blvd and Valley Forge Rd. making access to the houses in those areas very difficult at best. More construction to the north of Bunker Hill Dr and to the east of Liberty Blvd will create more water drainage problems for Heritage Parks and particularly for ingress and egress to all streets connected to Liberty Blvd and Valley Forge Rd. As I understand it, the previous land owner did not develop the area to the north of Bunker Hill Dr for this reason.

Also, I believe that some, if not all of the northwest 50 acres of the proposed zoning change area would qualify as wetlands according to the Army Corp of Engineers and/or EPA definitions.

For these reasons, I am opposed to the zoning change for the northwest 50 acres in application number Z-2021-11 and urge the Planning and Development Service of Abilene to reject the application until the Army Corps of Engineers and/or professional civil engineers can study and address water drainage, retention and wetlands issues.

Sincerely,
Jennifer Huffaker
[2126 Bunker Hill Dr.](#)
[Abilene, Tx 79601](#)

Laughter is the best medicine....

--

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6/4/2021

City of Abilene Mail - [Planning] Z-2021-11

To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/3C65D663-A041-46C0-91FD-F4DF7ED83E31%40yahoo.com>.



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Case #: Z-2021-11

1 message

Lance Thomas <lkthomas@stasney.com>

Fri, May 28, 2021 at 9:18 PM

To: planning@abilenetx.govCc: cheryl.sawyers@abilenetx.gov

I am opposed to the zone change application number Z-2021-11 because of existing water drainage problems and wetlands and green space protection.

Most of Abilene has drainage problems and Heritage Parks is no different. High clay content in the soil at Heritage Parks makes for very slow absorption and water percolation rates. High clay soil plus more concrete streets and houses will force more water down Liberty Blvd and Valley Forge that are already prone to deep water piling up on the north ends.

Most, if not all, of the rainwater that falls on Independence Blvd drains to north 6 blocks along Liberty Blvd and Valley Forge Rd into the green space, marshy wetlands and stock tanks in the 50 acres the north of Bunker Hill Drive. This area is the northwest 50 acres of the plat shown on Z-2021-1 (see attached images). During heavy rains, water piles up on the north ends of Liberty Blvd and Valley Forge Rd. making access to the houses in those areas very difficult at best. More construction to the north of Bunker Hill Dr and to the east of Liberty Blvd will create more water drainage problems for Heritage Parks and particularly for ingress and egress to all streets connected to Liberty Blvd and Valley Forge Rd. As I understand it, the previous land owner did not develop the area to the north of Bunker Hill Dr for this reason.

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For these reasons, I am opposed to the zoning change for the northwest 50 acres in application number Z-2021-11 and urge the Planning and Development Service of Abilene to reject the application until the Army Corps of Engineers and/or professional civil engineers can study and address water drainage, retention and wetlands issues.

Sincerely,

Lance Thomas

Parcel ID: 117407

Address: [2118 Bunker Hill Dr.](#)
[Abilene, Tx 79601](#)

2 attachments

PXL_20210525_010708373.jpg
3732K



PXL_20210525_005041986.jpg
6487K



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

[Planning] Heritage Parks resident in opposition to new addition

1 message

Hunter Tucker <htucker@vanoperating.com>
To: "planning@abilenetx.gov" <planning@abilenetx.gov>

Sat, May 29, 2021 at 2:22 PM

Hello,

It has recently come to my attention that there is a new addition being weighed in on. I live at [2101 bunker hill drive, Abilene, TX, 79601](#). I am concerned about the drainage issues we already have and feel that if we add more homes to the system it could very well put me in a very precarious situation. Most of the running water flows towards my house. All of the water from both in front of my house and the back flows towards me into a drainage ditch behind my house. I am very concerned adding more homes could actually start flooding my property or even worse flood my home. I am opposed and hope this does not move forward. I believe this is a very real issue and needs to be looked at thoroughly.

Thank you,

Hunter Tucker
2101 bunker hill drive
Office: [325-762-3353](tel:325-762-3353)
Cell: [940-782-0999](tel:940-782-0999)

DISCLAIMER:

This communication is intended only for the personal use of the recipient(s) named above and may contain information and/or attachments that are privileged, confidential, proprietary and protected from disclosure. If you are not the intended recipient of this message, you are hereby notified that any dissemination, distribution or copying of this message, and any attachments thereto, is strictly prohibited. If you receive this message in error, please promptly delete it without further distribution and reply to the sender that you have received the message in error.

This communication or any attachment thereto is not intended, and should not be construed, as investment advice or and does not constitute an offer or commitment, a solicitation of an offer, or any advice or recommendation, to enter into or conclude any transaction. This communication or any attachment thereto is not intended, and should not be construed, as legal, tax, public accounting or auditing advice or opinions. You should consult your legal counsel, accountants and/or tax advisors prior to making any decisions or taking any action concerning the matters in this communication. Attachments hereto may have additional important disclosures and disclaimers, which you should read.

IRS CIRCULAR 230 NOTICE: To the extent that this communication or any attachment thereto concerns tax matters, it is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or promoting, marketing or recommending to another party any tax-related matters.

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To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/307AD313-525D-40FF-9AFD-FCF61D01B8EE%40vanoperating.com>.

PROJECT OVERVIEW

Project Type: Zoning Application

ID # 21-000067 | Started 05/03/2021 at 4:10 PM



Address

3369 Liberty Bl, Abilene,
TX USA 79601

Legal

A1039 Sur 21 B A L Sw/4
Blk 90.551 Ac
A1039 Sur 21 B A L Sw/4,
Acres 90.551

Property Info

Property ID: 994507

Description

Rezone remaining tract from AO to RS6

INFORMATION FIELDS

Owner Name

HRT ENTERPRISES INC

Agent Name

Jacob & Martin

Block

-

Lot

-

Acreage

233.24

Legal Description of property

A1039 SUR 21 B A L SW/4, ACRES 84.954 and A1040 SUR 21 B A L SE/4, ACRES 148.294

Subdivision Name

-

Current Zoning

AO

Proposed Zoning

RS6

Agree to Terms

Clayton Farrow 5-3-2021

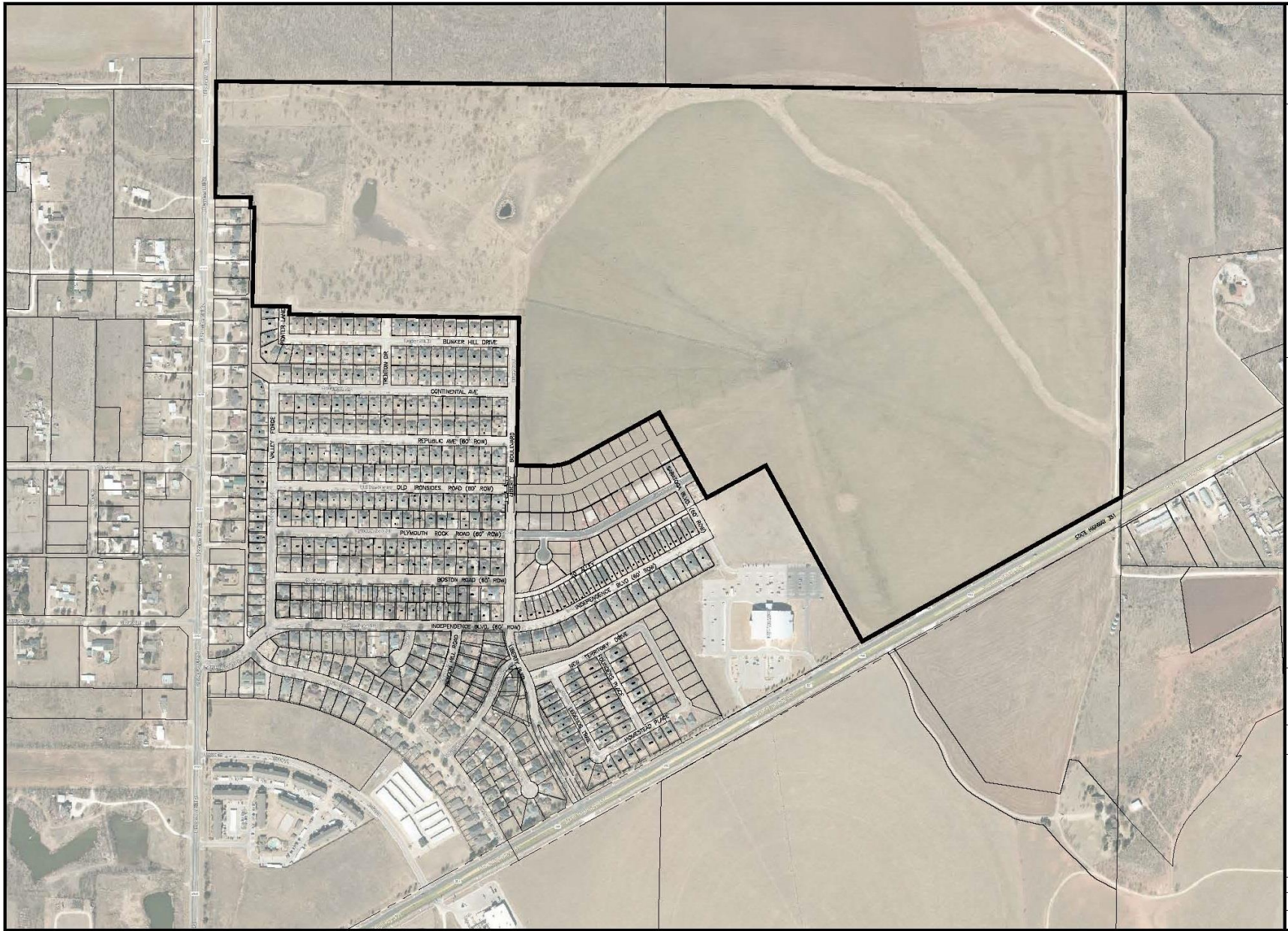
INVOICES	DUE DATE	CONTACT	TOTAL	PAID	DUE
21-002030	05/05/2021	Clayton Farrow	\$ 1,500.00	\$ 1,500.00	\$ 0.00
	Fees	Account No	Total	Paid	Due
	Zoning - Zone change request	1002503010-42101	\$ 1,500.00	\$ 1,500.00	\$ 0.00

TOTALS	\$ 1,500.00	\$ 1,500.00	\$ 0.00
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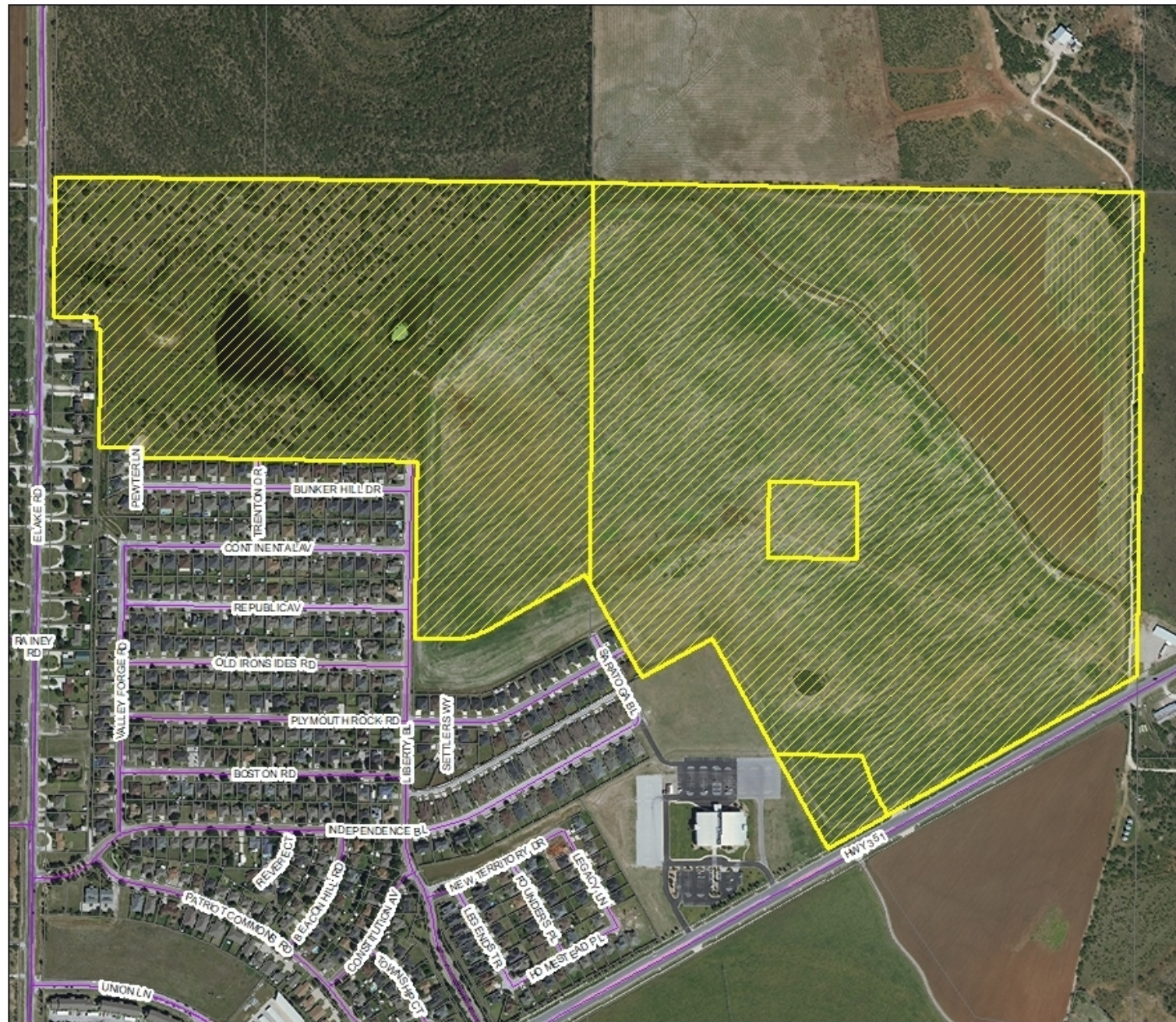
REVIEWS	DATE & TIME	STATUS	HISTORY
Zoning Application Review	05/05/2021 at 9:06 AM	Approved	Accepted
Create Agenda for Planning and Zoning Commission	05/12/2021 at 10:04 AM	In Review	-
Staff Prepares Report & Send Property Notification Letters	05/12/2021 at 10:04 AM	In Review	-

GENERAL COMMENTS

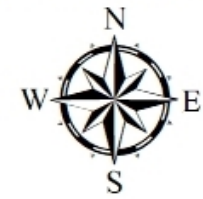
No data for General Comments.



Case:	Z-2021-11
Owner:	HRT Enterprises Inc.
Request:	Rezone from Agricultural Open Space (AO) to Residential Single Family (RS-6)
Location:	3369 Liberty Blvd
Notification:	7 in Favor, 12 Opposed
Planning & Zoning:	Approval, June 1, 2021

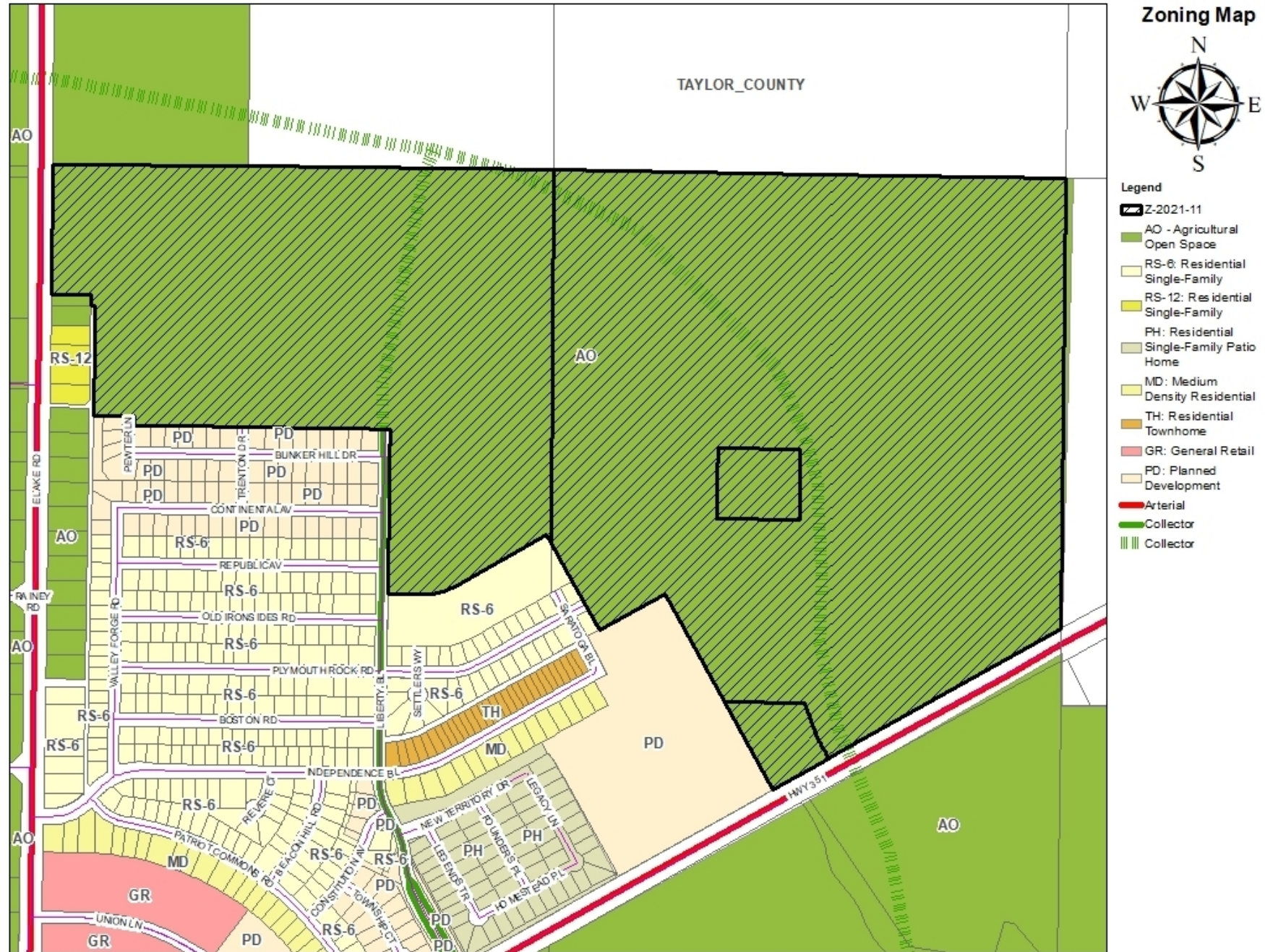


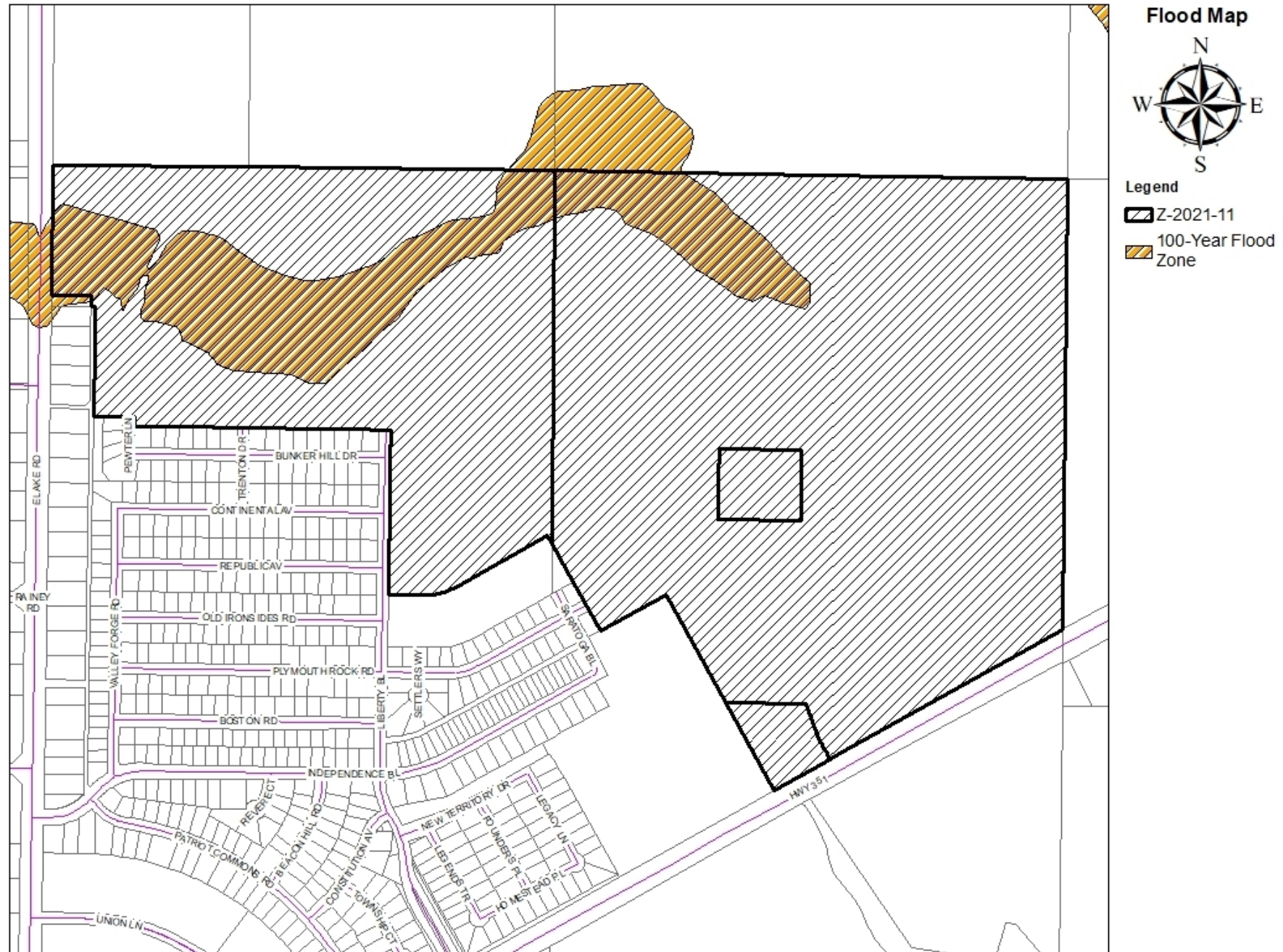
Location Map



Legend

 Z-2021-11





Z-2021-11 WETLANDS MAP



Z-2021-11 Wetlands Map



June 14, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Permitted Uses in RS Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- C Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Group Home

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P/C Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage & parking)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- C Civic, Social, and Fraternal Organization
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2021-11 VIEWS OF SUBJECT & ADJACENT PROPERTIES



Z-2021-11 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: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **14. Ordinance (Final Reading) Z-2021-12: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Marilu and Gary Corpian to Change Zoning from Central Business (CB) to Planned Development (PD) District to Allow Automobile Sales as Well as All Uses Permitted by CB Zoning, on a 0.44 Acre Parcel Located at 1243 South 1st Street at the Southeast Corner of Butternut and South 1st Streets In Central Abilene. (Mike Warrix)**

GENERAL INFORMATION

The request is to rezone an approximate 0.44 acre parcel from Central Business (CB) to Planned Development District (PD). Based upon information provided in the application, the request is to maintain the existing base zoning classification of Central Business zoning, with an additional allowance for retail sales of automobiles. A graphic concept plan was submitted with the application pursuant to Section 1.4.2.3 (Concept Plan) of the Land Development Code. The plan depicts the existing commercial building and paved parking area on this property.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. 2021-12 DRAFT Ordinance
2. 1- Z-2021-12 Staff Report
3. 2- Z-2021-12 Application
4. 4- Z-2021-12 Council presentation

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-171 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

PASSED ON FIRST READING this 24th 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 the 15th day of May, 2021, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 8th day of July, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 8th day of July, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 1

ORDINANCE NO. _____

Exhibit
"A"

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

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

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: from Neighborhood Office (NO) to Planned Development (PD) District.

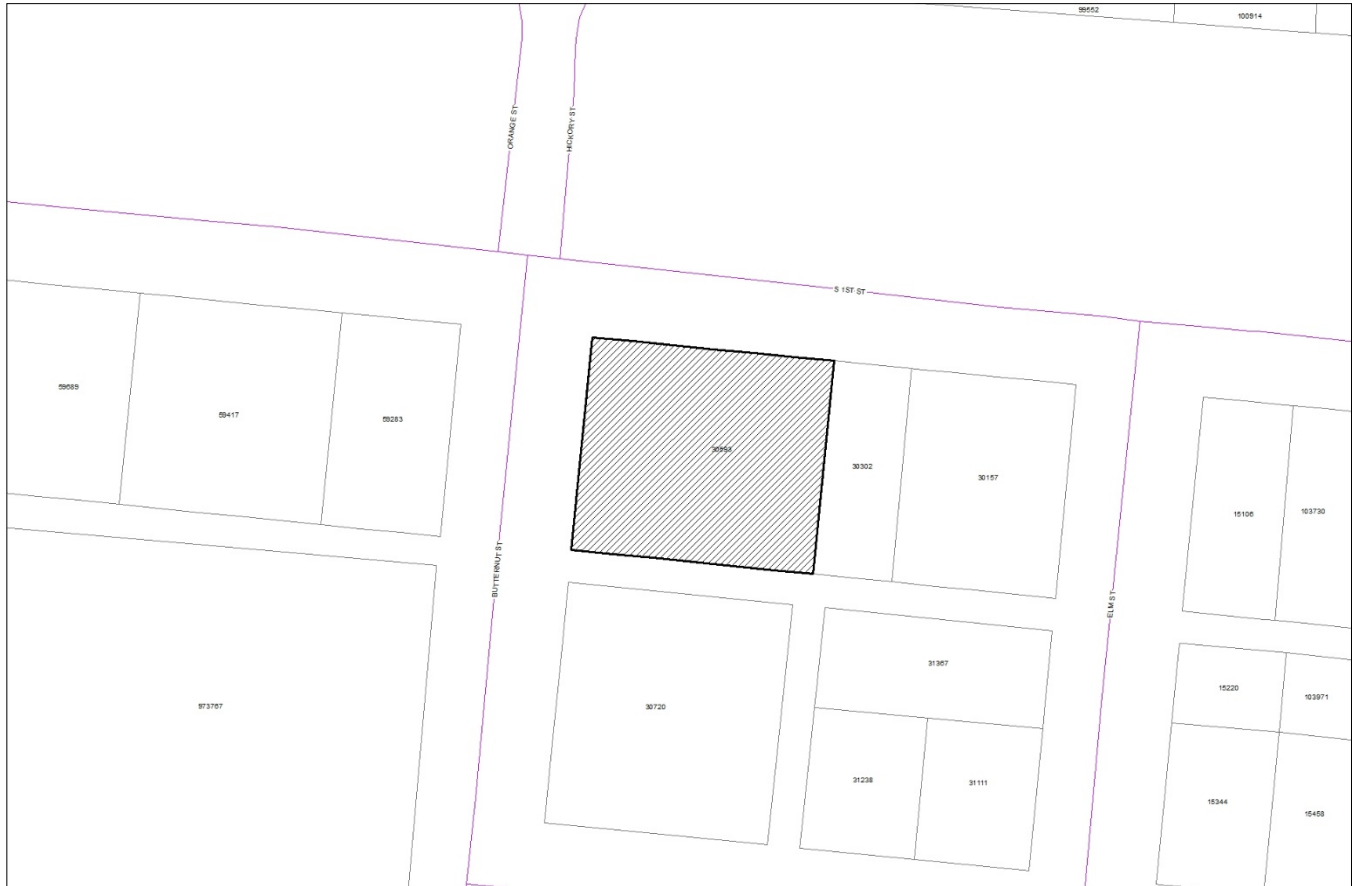
That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 2

PART 5: Legal Description. All of Lots 7 thru 12 in Block 49 of Abilene's Original Townsite in the City of Abilene, Taylor County, Texas.



Location: 1243 South 1st Street

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development (PD) District is to allow retail sales of small automobiles on the subject property, as well as other uses ordinarily allowed within Central Business (CB) zoning districts.

PART 7: Specific Modifications. The use and development of land and buildings in this Planned Development (PD) District shall generally be subject to requirements of the Central Business (CB) zoning classification, except as modified below:

A. Permitted Uses

- (1) In addition to uses allowed (by right or with approval of a Conditional Use Permit) in Central Business Districts, retail sales of small automobiles shall also be allowed.

ORDINANCE NO. _____

EXHIBIT "A" GRAPHIC CONCEPT PLAN

PAGE 4



-END-

ZONING CASE Z-2021-12

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: June 1, 2021

City Council 1st Reading: June 24, 2021

City Council 2nd Reading: July 8, 2021

Applicant

Owner: Gary and Marilu Corpian

Request

Rezone approximately .44 acres of Central Business (CB) zoning to a Planned Development District (PD). Based upon information provided within the application, the purpose of this request is to keep the existing base zoning classification of Central Business zoning, with an additional allowance for retail sales of small automobiles. A graphic concept plan was submitted with the application pursuant to Section 1.4.2.3 (Concept Plan) of the Land Development Code. The plan depicts the existing commercial building and paved parking area on this property.

Location

The subject property is located at 1243 South 1st Street, on the corner of South 1st and Butternut Streets.

Background

The subject property is a part of the 1881 Original Town site of Abilene and zoned Central Business in 1974. Building records from 1956 recorded the subject property as a service station and in 1962 the property started to sell auto parts and tires. The property has changed owners and uses many times over in the last 40 years to include retail sales of automobiles. The last certificate of occupancy was given to a chocolatier for retail sales.

Small automobile sales are not permitted within the Central Business district by right and therefore the property is not in conformance with current zoning regulations to return to its previous use of automobile sales.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the immediate area of the subject property are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of Central Business (CB) on all sides. To the south, east, and west are commercial businesses and to the north is an arterial street and the railroad.

Criteria Assessment

Section 1.4.1.4 of the Land Development Code states that in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

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

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan and Future Land Use and Development Plan Map. The Future Land Use and Development Plan Map identifies the subject property as commercial and is embraced in the Central Business District. The proposed zone change is consistent with both commercial activity and maintains Central Business as a base zoning.

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

It is the opinion of staff, that the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity, which are commercial. The subject property has operated off and on as a gas station and car sales business since 1956 and the expansion of the use to allow for retail sales of small automobiles will bring the property into conformance with current zoning regulations.

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

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

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

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

Staff Recommendation

Staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on May 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	Parcel ID	Response
CORPIAN GARY LEE & MARILU LEE	30593	
DUKE NOAH & KENDRA	31111	
EAGLE JAMES C II & SAMANTHA	31238	
FIRST UNITED METHODIST CHURCH	973767	
HOEMKE ROBERT PAUL & HOLLY LYNNE	30157	
HOEMKE ROBERT PAUL & HOLLY LYNNE	30302	
ROADRUNNER MANAGEMENT LLC	30720	
ROADRUNNER MANAGEMENT LLC	31367	
YOUNG JAMES W & JULIE T	59283	
YOUNG JIMMY & JULIE	59417	

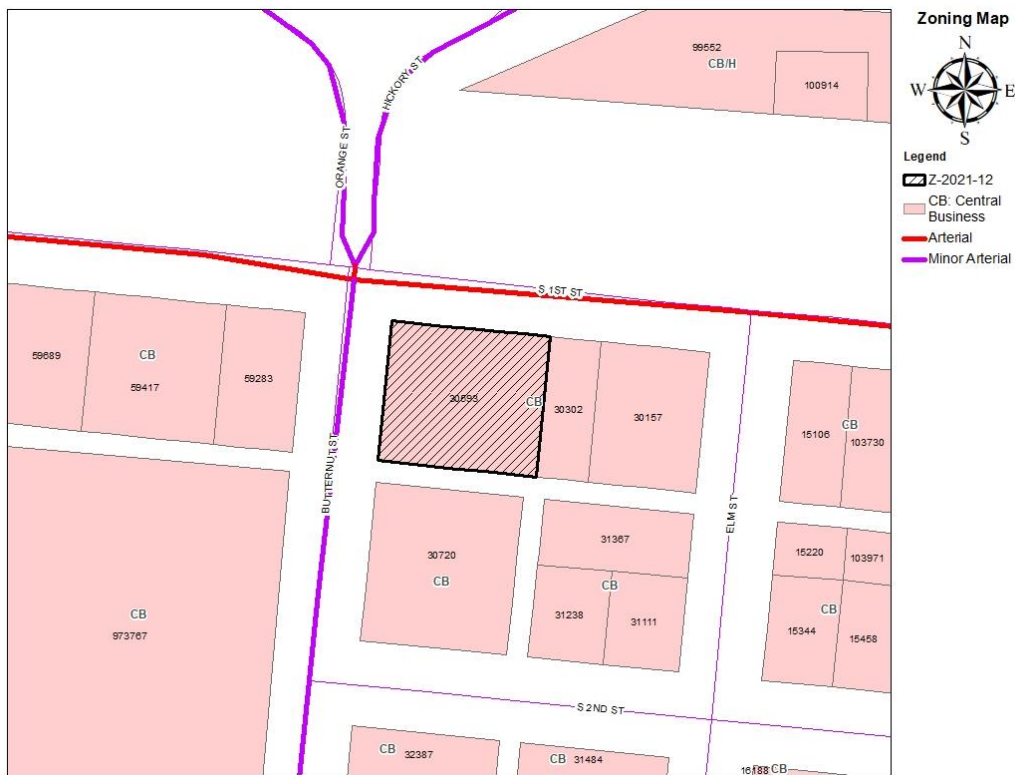
Attachments

PD Concept Plan
 Draft PD Ordinance
 Application
 PowerPoint Presentation

LOCATION MAP



ZONING AND EXISTING LAND USE MAP





Development Application

Planning

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

Project Name: GARY CORPIAN

Address: _____ No. of lots: _____ Acreage: _____

Legal Description: _____

Subdivision Name: _____ Block: _____ Lot: _____

Current Zoning: CB Proposed Zoning (if applicable): PD

OWNER AND AUTHORIZATION

Owner Name: GARY CORPIAN & MARILU CORPIAN

Address: 70 CASTLE DRIVE

City, State, Zip: Abilene, Texas 79602 Fax: _____

Phone: 325-721-3721 Email: _____

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

Agent Name: _____

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

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

Signature Owner: Gary Corpian Date: 5-5-2021

FOR OFFICE USE ONLY

Received: 5-5-2021 Fee: \$ NA Receipt No.: _____

Case No.: E-2021-12 Reviewed By: NW



Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Rezone from Central Business to a planned development with base
Zoning of central Business and to allow Automobile Sales.

S 1ST ST

1243

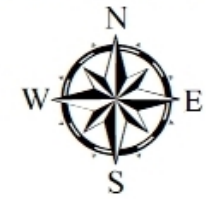
CB

Central Business Base zoning with the specific use to allow for retail sales of small automobiles and small trucks.

Case:	Z-2021-12
Owner:	Gary & Marilu Corpian
Request:	Rezone from Central Business (CB) to Planned Development District (PDD 171)
Location:	1243 S. 1 st Street
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	Approval, June 1, 2021

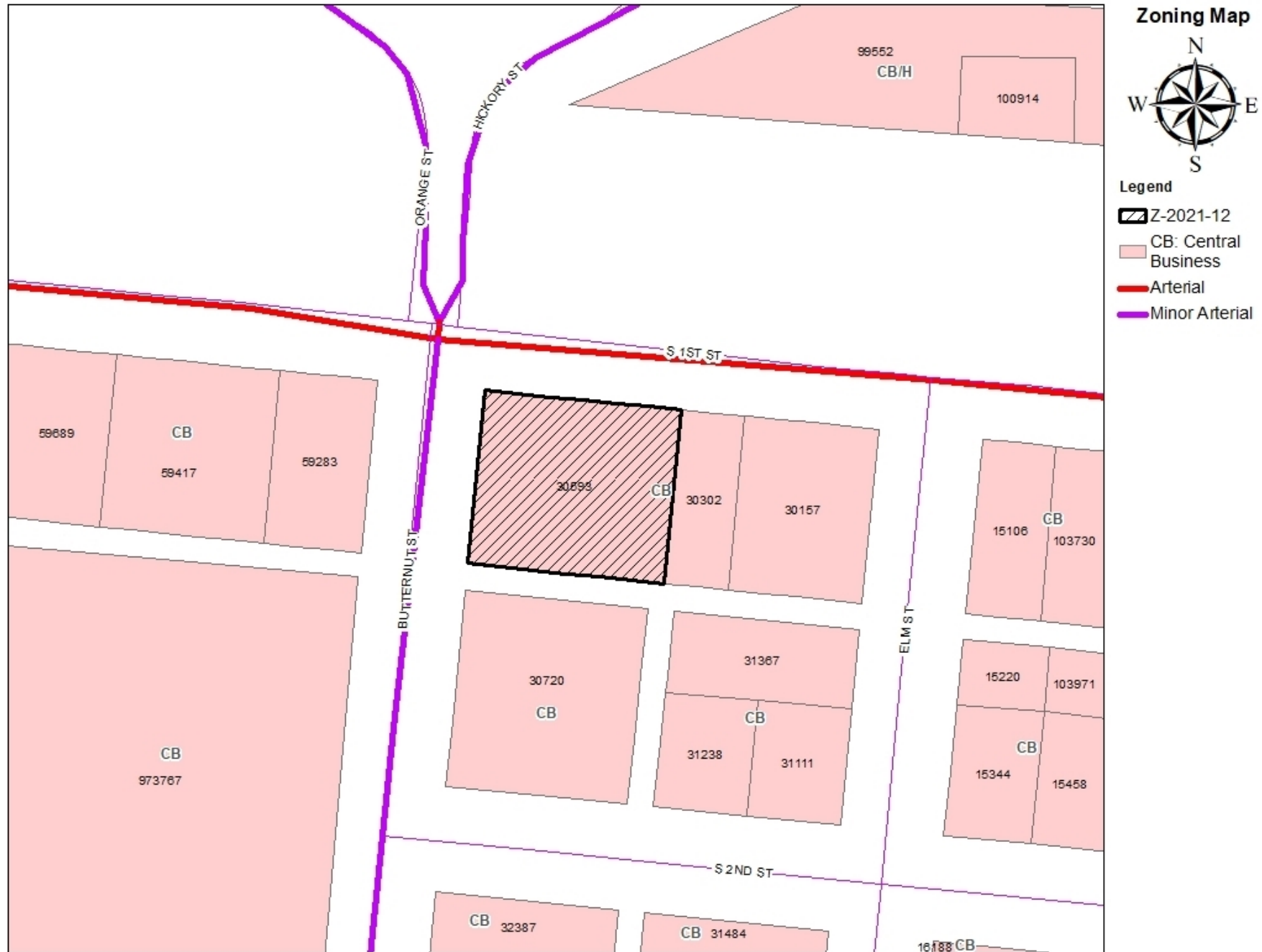


Location Map



Legend

 Z-2021-12



Permitted Uses in CB Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

- P Funeral Home/ Mortuary/Morgue
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- P Printing, Copying, Reproduction, Publishing
- C Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Storage - Self-Service Units
- C Tattoo Parlor*
- P Veterinary Service (small animals)

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)

C

Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment



Z-2021-12 VIEWS OF SUBJECT & ADJACENT PROPERTIES

May 18, 2021 at 2:57:56 PM
1243 S First St
Abilene TX 79602
United States



May 18, 2021 at 2:58:36 PM
1243 S First St
Abilene TX 79602
United States



May 18, 2021 at 2:58:12 PM
1243 S First St
Abilene TX 79602
United States



Z-2021-12 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: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **15. Ordinance (Final Reading) Z-2021-13: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Charles Wolfe to Change Zoning of Adjoining Properties at 126 South Mockingbird Boulevard and 2958 South 2nd Street, from Neighborhood Retail (126 S. Mockingbird) and Residential Medium-Density (2958 South 2nd) to General Commercial District. *(Mike Warrix)***

GENERAL INFORMATION

The request is to rezone the subject properties from Neighborhood Retail (NR) and Medium Density (MD) to General Commercial (GC) District.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2021-13 draft ordinance
2. Z-2021-13 PZC Staff Report
3. 2- Z-2021-13 Application
4. 3- Z-2021-13 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 24th 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 the 15th day of May, 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 8th day of July, 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 8th day of July, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described tract(s), from Medium Density (MD) and Neighborhood Retail (NR) Districts to a General Commercial (GC) District.

Legal description being: The south 149.43 feet of Lot 101 and all of Lot 103 in Block 7 of Scott Highway Place Subdivision, Abilene, Taylor County, Texas.



-END-

ZONING CASE Z-2021-13

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: June 1, 2021

City Council 1st Reading: June 24, 2021

City Council 2nd Reading: July 8, 2021

Applicant

Owner: Charles Wolfe

Request

Rezone from Neighborhood Retail (NR) and Medium Density (MD) to General Commercial (GC) District.

Location

126 S. Mockingbird Ln. and 2958 S 2nd Street.

Background

The subject properties were annexed in 1927 and were rezoned from Agricultural Open Space to RM-3 in 1974. RM-3 zoning has since been reclassified to Medium Density (MD) zoning which currently exists on one of the subject properties. The remaining portion of this zone change request was rezoned to Limited Commercial (LC) in 2005 (Ordinance #15-2005). Limited Commercial zoning was later reclassified to Neighborhood Retail (NR) zoning which currently embraces all of the remaining portion of this zone change request. Prior to 2007, the subject properties were occupied by two single-family residences; one built in 1948 and another built in 1951. In 2007 and 2008, permits were issued for the demolition of the structures. In 2007, a site plan was approved and permits issued for the construction of the existing office building at 126 S. Mockingbird Lane. In 2008, a certificate of occupancy was issued for Wolfpak Software to occupy the building for software sales/training purposes. The applicant is requesting a rezone to General Commercial (GC) in order to expand the use of the existing training building to include "Trade School" as a permitted use.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the immediate area are illustrated on the map included in this report. As indicated on the map, properties to the north are occupied commercial businesses within General Commercial (GC) zoning; to the west, south, and east are single-family residences zoned Medium Density (MD).

Criteria Assessment

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

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

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan, and Future Land Use and Development Plan Map. The Future Land Use and Development Plan Map identifies the subject properties as commercial. The amendment to the zoning map to General Commercial (GC) zoning will allow a wider range of commercial activities on the subject properties.

(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. Immediately north of the subject properties as well as the majority of the block immediately east of Mockingbird Land. are currently zoned General Commercial. Therefore, the uses that are permitted within this proposed zoning district may not appear out of character with the area. General Commercial (GC) zoning does present the possibility of permitting commercial uses that may be viewed as a nuisance to nearby residential properties. The uses which could potentially create nuisances are primarily automotive oriented (Automobile Repair Services, Automotive Sales, Car Washes Etc.). In order to mitigate future nuisances that may be created by commercial activities on these subject properties; Section 4.2.4.2 of the Land Development Code prescribes a "Type B" Land Use Buffer. This land use buffer will be required along all property lines that are adjacent to the remaining Medium Density (MD) properties surrounding the subject properties.

(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

Staff recommends approval

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on May 15, 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	Parcel ID	Response
BHAKTA NATVAR & INDIRA	20479	
HICKS RALPH C & BONEDA L	26802	
KUHN GRETA C	18136	
KUHN GRETA C	18012	
KUHN GRETA C	18248	
LARRY BOBBY JR & KATHY A	16376	
LEAL FRED & STEPHANIE	22287	
LEAL FRED & STEPHANIE	19674	
LEAL FRED & STEPHANIE	19552	
LEAL FRED & STEPHANIE	22160	
LEAL STEPHANIE	21017	
LEAL TINA	19423	
LOVE HOLLY LEE	29633	
MARCIKESE JOSEPH B &	28445	
MC COY LAND & MINERALS LLC	205586	
MOLINA RAFAEL	26932	
OVALLE BAUDILIO & MANUELA	20349	
REUNION ENTERPRISES INC	20879	
TORRES PEDRO	20609	
WOLFE CHARLES	20739	
WOLFE CHARLES	19048	
WOLFE CHARLES L	21913	
WOLFE CHARLES L	22040	
WOLFE CHARLES L	20065	

Attachments

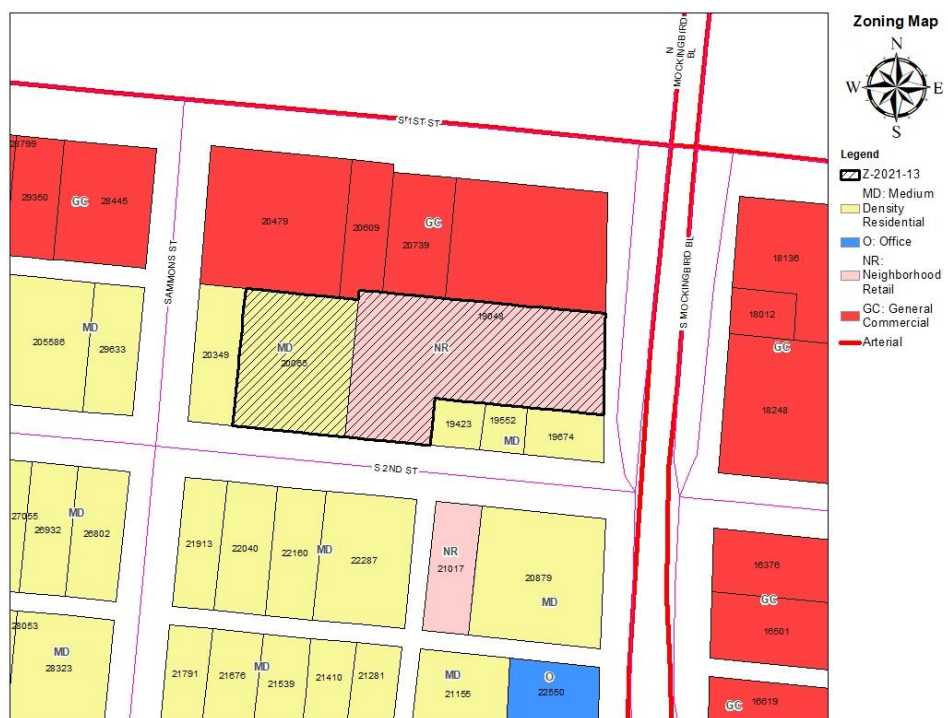
Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP





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: _____



Development Application

Planning

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

Project Name: Safety Training Rezone
 Address: 2958 S 2nd No. of lots: _____ Acreage: _____
 Legal Description: _____
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: MD Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: Charles Wolfe
 Address: 201 Mesquite St
 City, State, Zip: Abilene, TX 79601 Fax: _____
 Phone: 325-669-4203 Email: Charles.L.Wolfe@gmail.com

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

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

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

Signature Owner: Charles Wolfe Date: 4/28/2021

FOR OFFICE USE ONLY

Received: 29 Apr 21 Fee: \$ 1500.00 Receipt No.: Check # F16BL67
 Case No.: _____ Reviewed By: [Signature]



Development Application

Planning

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

Project Name: Safety Training Reserve
Address: 126 Mockingbird / 2901 S First No. of lots: _____ Acreage: _____
Legal Description: _____
Subdivision Name: _____ Block: _____ Lot: _____
Current Zoning: GC4 NR Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: Charles Wolfe
Address: 201 Mesquite St
City, State, Zip: Abilene, TX 79601 Fax: _____
Phone: 325-669-4203 Email: _____

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

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

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

Signature Owner: Charles Wolfe Date: 4/28/21

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
Case No.: _____ Reviewed By: _____

Development Application - Background Information

Safety Technology USA is the American branch of an international safety training company (www.safetytechnologyusa.com). They are currently offering two sets of classes: a 5-day basic course or a 3-day refresher course on GWO Basic Safety Training that leads to a certification. They are needing to add a 5-day advance class along with a 3-day refresher.

Before COVID, they were using classroom space at TSTC in Sweetwater, but TSTC's response to COVID shut that down. They bring in students from all over the United States. They also have a training center located in Iowa, in partnership with the Iowa Lakes Community College. They are currently renting space on a week-to-week basis at the T&P Freight Depot, 901 N 1st Street, and renting TSTC's portable tower (can be seen in the Depot's parking lot).

The classes are designed to be applicable for all trades that perform work for GWO members (i.e. anyone that does any work on a Wind Turbine). GWO (Global Wind Organization) is a non-profit body founded by wind turbine manufacturers and owners, aims to achieve an injury-free work environment in the wind turbine industry through the deployment of common international standards for safety training and emergency procedures. It is standard practice to require all workers to have a current GWO safety certification before they can perform any work. The basic classes consist of 4 sections: First Aid, Working at Height, Manual Handling and Fire Awareness.

Because the school is beyond K-12, it is viewed by some as a Trade school instead of a private school. Trade schools are limited to zones: CU, CB, GC, HC, and LI. Trade schools are not allowed at all in MD nor NR, hence the need to change the zoning.

The former WolfePak training center at 126 Mockingbird is currently zoned NR. The facility was specifically designed for adult training with features such as classroom space with tall ceiling and large bathrooms. The space is well suited for both classroom instruction and being able to place various pieces of equipment and ladders inside for hands on training.

In addition to equipping the classrooms, an outdoor climbing structure is needed by the students to complete their training with real life rappelling down a tower and to simulate other height-based safety situations. It was suggested that the South 2nd part of 126 Mockingbird be used for that. From a neighborhood aesthetics standpoint, we feel it would be better to put such on the property on the back part of 2958 South 2nd Street (Currently zoned MD) to provide for more buffer space between it and the existing residential. Fred Leal, the homeowner at 2933 South 2nd, which is directly across the street from the South 2nd part of 126 Mockingbird is supportive of that. In addition, if we are successful in bringing more training classes to Abilene, additional training apparatus will be needed for more specialized advanced training and the area between the existing parking and S 2nd would be too limiting in size.

Fred Leal is asking that 2902 South 2nd Street to be included in the rezoning to (1) reflect the commercial usage of the property and (2) be available for the training school to utilize. As alternatives or in addition to, the two lots at 2965 and 2941 South 2nd street are also available for some type of rezoning. They could be used for overflow parking by either the training school, Mr. Leal's trucks, or by the plumbing company at 2929 South 1st Street (as they don't have enough parking).

Historically, the land in the area has not seen much residential development. As housing is removed because of age or natural disasters, it usually is not replaced. We believe this is primarily because of the high costs prohibits the construction of new low-cost residential housing in a flood zone. The best use of these properties is to rezone them and allow the existing city infrastructure to be utilized.

Case:	Z-2021-13
Owner:	Charles Wolfe
Request:	Rezone from Medium Density (MD) to General Commercial (GC)
Location:	2958 S. 2 nd & 126 Mockingbird Lane
Notification:	5 in Favor, 0 Opposed
Planning & Zoning:	Approval, June 1, 2021



Z-2021-13 ZONING MAP



Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- 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 ATM's, Self-Serve Kiosks, and Similar Facilities
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- TP Itinerant Business
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- C 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:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

- P/C Automobile Wash
- C Contractor Services
- P Funeral Home/ Mortuary/Morgue
- C 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 Personal Services
- P Printing, Copying, Reproduction, Publishing
- C 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)
- C Repair and Maintenance Services (outdoors)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- C Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Brew Pub
- 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)
- C Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- 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

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P
- C
- TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)

Permitted as a Conditional Use Permit, Requiring Approval by City Council

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2021-13 VIEWS OF SUBJECT & ADJACENT PROPERTIES



Z-2021-13 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: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **16. Ordinance (Final Reading) Z-2021-14: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Shops at Carriage Hills LLC, Represented by Jacob Martin LLC, to Change Zoning from Agricultural Open Space (AO) to General Retail (GR) for 16.937 Acres of Vacant Land Bordering 100-300 Blocks (North Side) of East Beltway South for a Distance of Approximately 0.35 Mile East from Maple Street. (Mike Warrix)**

GENERAL INFORMATION

The request is to rezone approximately 16.4 acres from Agricultural Open Space (AO) to General Retail (GR). Based upon the information provided in the application, the purpose of this request is to build GR pad sites to accommodate a range of retail uses.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2021-14 draft ordinance
2. 1- Z-2021-14 PZC Staff Report
3. 2- Shops at Carriage Hills Application
4. 3- Z-2021-14 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 24th 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 the 15th day of May, 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 8th day of July, 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 8th day of July, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described tract(s), from Agricultural Open Space (AO) District to a General Retail (GR) District

BEING a **16.397 acre** tract out of the southwest-quarter of Section No. 14, Lunatic Asylum Lands, Abstract No. 777, City of Abilene, Taylor County, Texas and being out of the south end of the remainder of that certain 264.813 acre tract conveyed to Carriage Hills Development Corporation and described in a Warranty Deed with Vendor's Lien recorded in Instrument No. 2015-00006545 of the Official Public Records of said Taylor County, Texas. Said **16.397 acre** tract is more particularly described in metes and bounds as follows:

BEGINNING at a found aluminum disk monument stamped "J&M 4247" for the southeast corner of the herein described tract, and the southeast corner of said 264.813 acre tract, and being in the north right-of-way line of FM Highway No. 707, said corner being the beginning of a non-tangent curve to the left, having a radius of 5779.82 feet, a delta angle of $01^{\circ}31'11''$, and a long chord which bears $S88^{\circ}51'32''W$ 153.31 feet;

THENCE along the southerly line of the herein described tract and said 264.813 acre tract, and along the northerly right-of-line of said FM Highway No. 707 the following bearings and distances:

- Along said curve to the left an arc length distance of 153.32 feet to a found concrete monument at the end of said curve;
- $S88^{\circ}06'23''W$ a distance of 769.79 feet to a found concrete monument for the beginning of a tangent curve to the right, having a radius of 5679.30 feet, a delta angle of $02^{\circ}52'06''$, and a long chord which bears $S89^{\circ}39'42''W$ 284.30 feet;
- Along said curve to the right an arc distance of 284.33 feet to a found concrete monument at the end of said curve;
- $N89^{\circ}01'16''W$ a distance of 586.33 feet to a found concrete monument at the southeast end of a "clipped corner";
- $N44^{\circ}10'36''W$ a distance of 70.51 feet to a found concrete monument at the northwest end of said "clipped corner" and being in the occupied east line of Maple Street;
- $N88^{\circ}24'02''W$ a distance of 19.28 feet to a MAG-NAIL with metal washer stamped "J&M 4247" found in asphalt pavement of said Maple Street for the most westerly southwest corner of the herein described tract and said 264.813 acre tract;

THENCE $N01^{\circ}14'14''E$ along the west line of the herein described tract and said 264.813 acre tract, and along the general course of said Maple Street, a distance of 310.96 feet to a MAG-NAIL with metal washer set in asphalt pavement of said Maple Street for the northwest corner of the herein described tract from which a MAG-NAIL with metal washer found in asphalt pavement of said Maple Street and being at an interior corner of said 264.813 acre tract bears $N01^{\circ}14'14''E$ 1808.33 feet;

THENCE $N88^{\circ}35'07''E$ along the north line of the herein described tract and over and across said 264.813 acre tract, a distance of 1863.47 feet to a found 1/2 inch rebar rod for the northeast corner of the herein described tract, and being in the east line of said 264.813 acre tract, said corner also being at the common corner between the southwest corner of Lot 10, Block A and the northwest corner of Lot 4, Block A, both being in the Sawgrass Addition, Section 1, as shown per plat recorded in Cabinet 4, Slide 112, Plat Records of said Taylor County, Texas;

THENCE $S01^{\circ}11'02''W$ along the east line of the herein described tract and said 264.813 acre tract, and the west line of said Sawgrass Addition, Section 1, a distance of 387.93 feet to said **POINT OF BEGINNING** and containing **16.397 acres** of land, more or less.



ZONING CASE Z-2021-14

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: June 1, 2021

City Council 1st Reading: June 24, 2021

City Council 2nd Reading: July 8, 2021

Applicant

Owner: Shops at Carriage Hills LLC.

Agent: Clayton Farrow, Jacob & Martin

Request

Rezone approximately 16.4 acres from Agricultural Open Space (AO) to General Retail (GR). Based upon the information provided in the application, the purpose of this request is to build GR pad sites to accommodate a range of retail uses.

Location

Northeast corner of Maple Street and FM 707

Background

The subject property was annexed in 1932 and zoned Agricultural Open Space (AO) in 1974. Since annexation, the property has remained vacant.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the immediate area are illustrated on the map included in this report. As indicated on the map, properties to the north are within Planned Development District (PD-167) and Single-Family Residential (RS-6) zoning; to the east and south is vacant property zoned Agricultural Open Space (AO); the properties west of the subject property are outside of the City limits and do not fall within a zoning district.

Criteria Assessment

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

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

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan. The Future Land Use and Development Plan Map identifies the subject property as low density residential. However, since the adoption of the current Future Land Use and Development Plan Map approximately 900 single family residential home sites have been platted to date; with an additional 449 single-family home sites preliminarily platted for Sections 3 & 4 of Carriage Hills. The promotion of supportive commercial land uses in close proximity to these existing and

proposed residential homes directly achieves the Comprehensive Plan's objective of creating a mixture of land uses by integrating multiple uses, shortening automobile trips, and promoting pedestrian and bicycle accessibility.

(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. The permitted uses in this proposed zone change will promote the objectives of a 15-minute city by providing supportive commercial uses within a walkable/bikeable distance to nearby residential developments. Additionally, any future commercial construction at this location will be required to incorporate a "Type B" Land Use Buffer as prescribed in Section 4.2.4.2 of the Land Development Code. This Land Use Buffer is utilized to alleviate any possible nuisances that may result from commercial activity that would immediately back up to future residences. Furthermore, it is generally appropriate to locate commercial activities at the intersections of major thoroughfares such as the intersection of Maple Street (Major Arterial) and FM 707 (Expressway). These intersections provide the volume of traffic often deemed necessary to promote vitality of future businesses at this location.

(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

Staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on May 15, 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

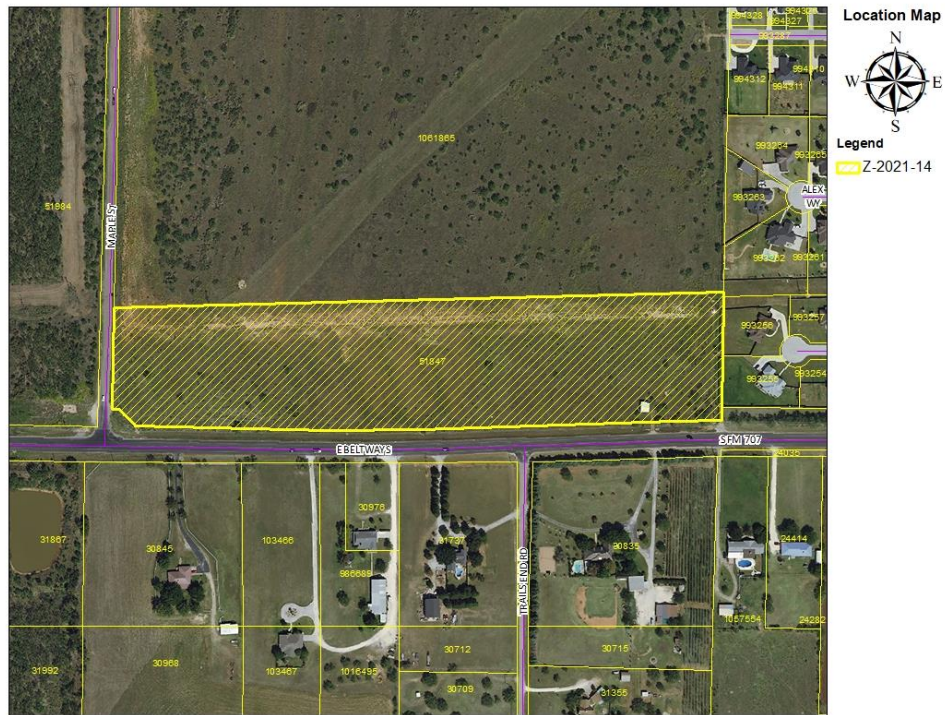
Owner	Parcel ID	Response
BOYD EDWARD R	1057554	
CITY OF ABILENE	51984	
Confidential Owner	24414	
GIESECKE LEON & JANET	993262	
HIGHWAY	24035	
LAZY T LAND & CATTLE LLC	31867	
MOORE JAMES B &	31737	
NEESE JOHN MELVIN &	993256	
PHILLIPSON KEVIN & ANGIE	30835	
SHOPS AT CARRIAGE HILLS LLC	51847	In favor
SHOPS AT CARRIAGE HILLS LLC	1061865	In favor
SMITH JOYCE F LF EST	986689	
SMITH JOYCE F LF EST	30976	
SMITH RODNEY GLENN &	103466	
TAYLOR COUNTY	993287	
TOVAR ROGELIO & MARTHA	993263	
URY JEFFREY S	993255	
WILSON SAMMIE JOE	30845	Opposed

Attachments

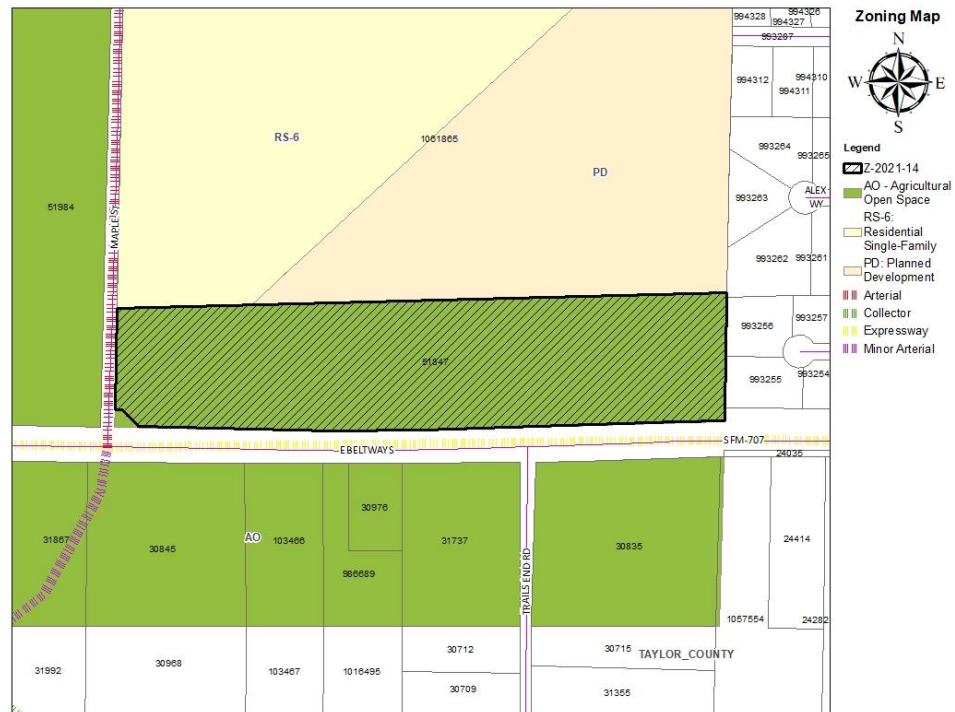
Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP



For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

SE #: Z-2021-14

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: SHOPS AT CARRIAGE HILLS LLC

Parcel I.D.: 51847

Address: 420 X E BELTWAY S

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.

For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-14

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: SHOPS AT CARRIAGE HILLS LLC

Parcel I.D.: 1061865

Address: 250 E BELTWAY S

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

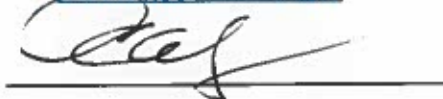
Email: planning@abilenetx.gov

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.

For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2021-14

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: WILSON SAMMIE JOE

Parcel I.D.: 30845

Address: 149 E BELTWAY S

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: _____



MAY 27 PM12:21

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.

PROJECT OVERVIEW

Project Type: Zoning Application

ID # 21-000068 | **Started** 05/03/2021 at 4:26 PM



Address

420 X E Beltway, Abilene,
TX USA 79602

Legal

A0777 Sur 14 L A L Sw/4
Blk Acres 108.
A0777 Sur 14 L A L Sw/4,
Acres 108.41

Property Info

Property ID: 51847

Description

Rezoning property from AO to GR

PROJECT STEPS	DATE & TIME	RESULT	USER
Request	05/10/2021 at 2:18 PM	Accept	Jared Smith
Zoning Application Review	05/10/2021 at 2:18 PM	Accepted	Jared Smith
Planning Payment	05/11/2021 at 3:25 PM	Paid	Jared Smith
Create Agenda for Planning and-Zoning Commission	-	-	-
Staff Prepares Report & Send Property Notification Letters	-	-	-
P&Z Commission Decision	-	-	-
Prepare City Council Agenda	-	-	-
City Council Decision	-	-	-
Archive	-	-	-

INFORMATION FIELDS

Owner Name

SHOPS AT CARRIAGE HILLS LLC

Agent Name

Jacob & Martin

Block

-

Lot

-

Acreage

16.397

Legal Description of property

A0777 SUR 14 L A L SW/4, ACRES 16.397

Subdivision Name

-

Current Zoning

AO

Proposed Zoning

GR

Agree to Terms

Clayton Farrow 5-3-2021

INVOICES	DUE DATE	CONTACT	TOTAL	PAID	DUE
21-002121	05/10/2021	Clayton Farrow	\$ 1,500.00	\$ 1,500.00	\$ 0.00
		Fees	Account No	Total	Paid
				Due	
		Zoning - Zone change request	1002503010-42101	\$ 1,500.00	\$ 1,500.00
				\$ 0.00	\$ 0.00
TOTALS			\$ 1,500.00	\$ 1,500.00	\$ 0.00

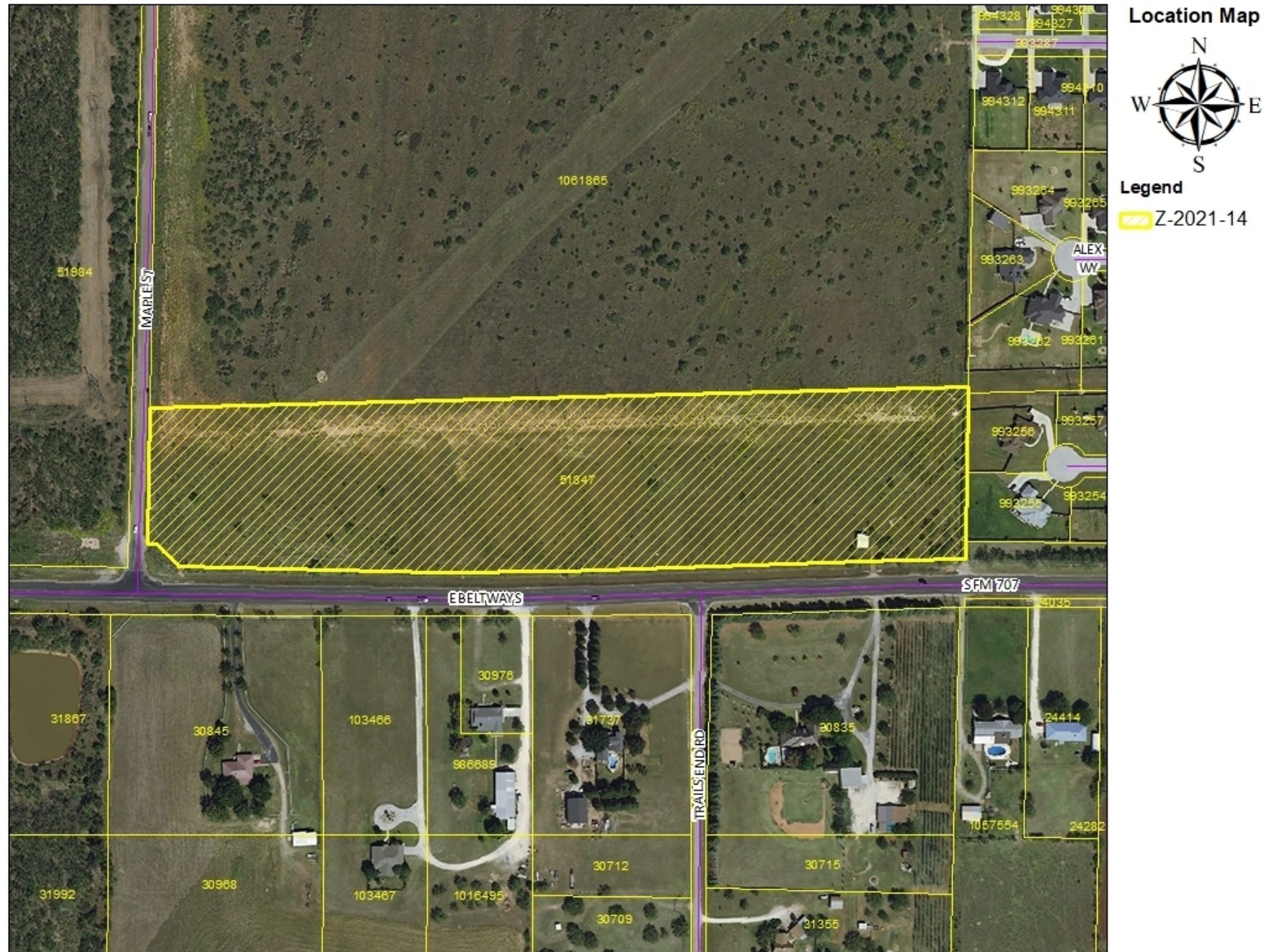
REVIEWS	DATE & TIME	STATUS	HISTORY
Zoning Application Review	05/10/2021 at 2:18 PM	Approved	Accepted
Create Agenda for Planning and Zoning Commission	05/11/2021 at 3:25 PM	In Review	-
Staff Prepares Report & Send Property Notification Letters	05/11/2021 at 3:25 PM	In Review	-

GENERAL COMMENTS

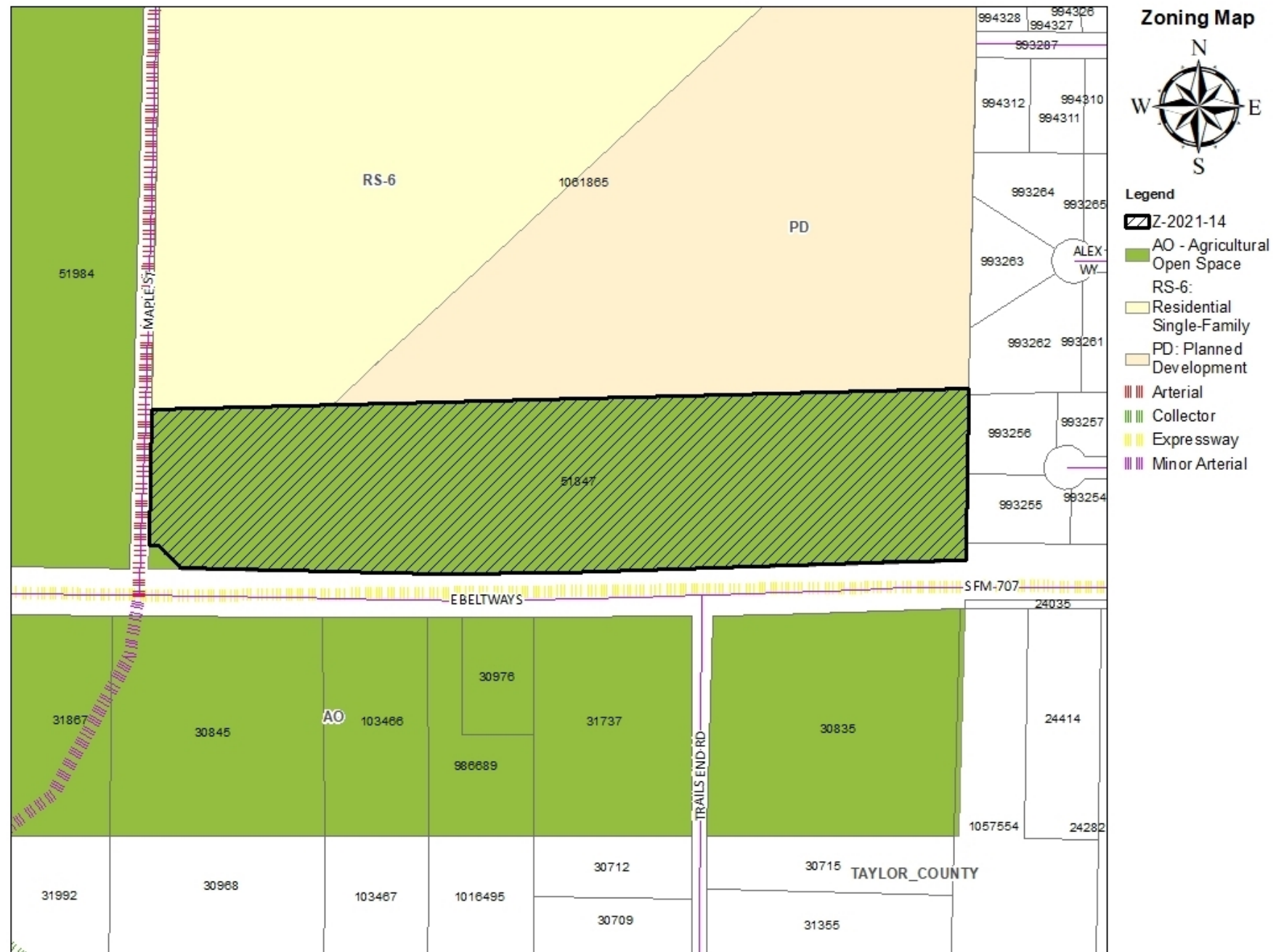
No data for General Comments.

Case:	Z-2021-14
Owner:	Shops at Carriage Hills LLC
Request:	Rezone from Agricultural Open Space (AO) to General Retail (GR)
Location:	420 E. Beltway
Notification:	2 in Favor, 1 Opposed
Planning & Zoning:	Approval, June 1, 2021

Z-2021-14 LOCATION MAP



Z-2021-14 ZONING MAP



Permitted Uses in GR Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

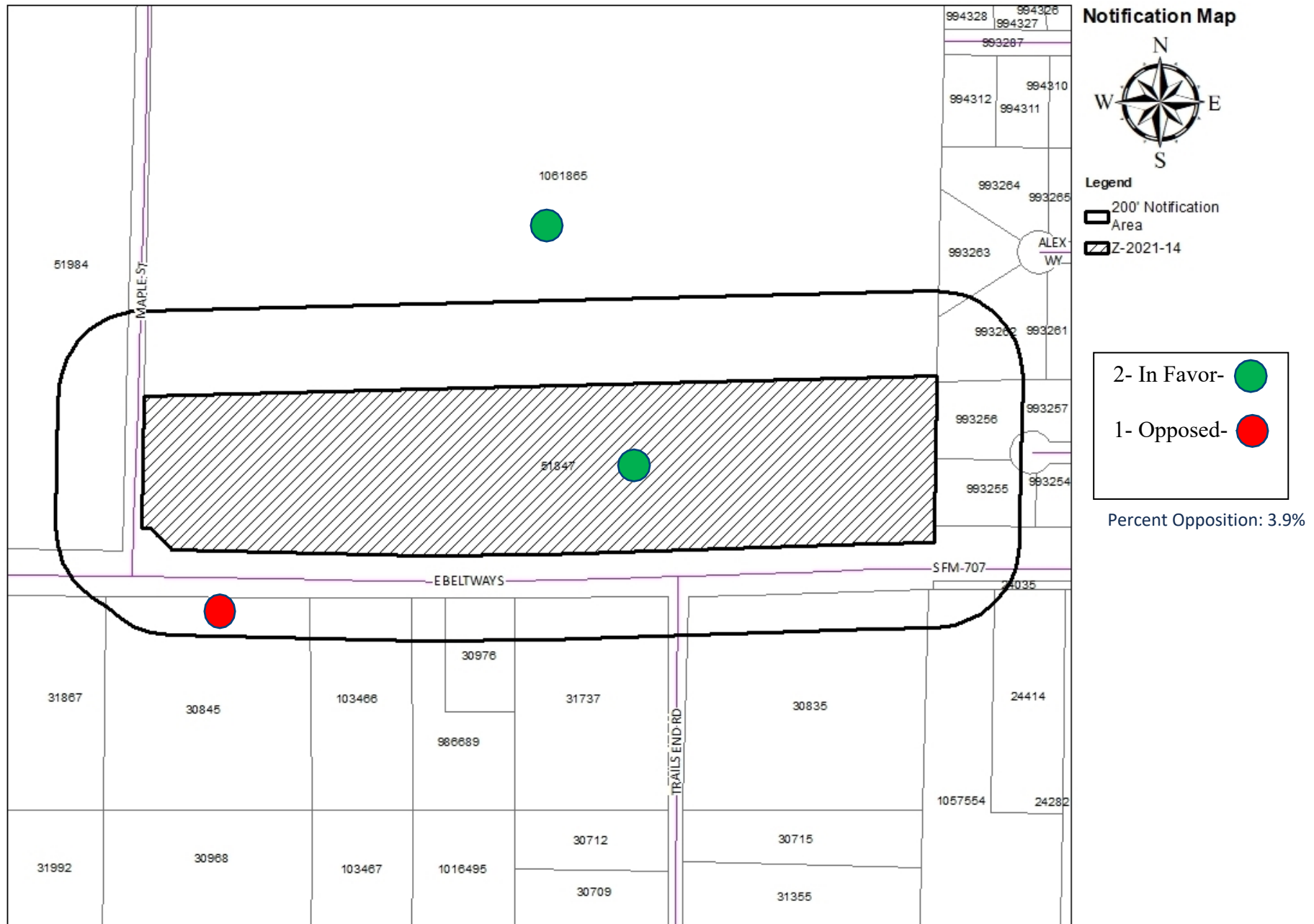
P
C
TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2021-14 VIEWS OF SUBJECT & ADJACENT PROPERTIES



Z-2021-14 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

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **17. Ordinance (Final Reading) TC-2021-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from ACCO Feeds Inc., Represented by Erik Paul Johnson, to Abandon the 80-Foot Width of Public Right-of-Way of South 9th Street Extending 140 Feet East from South Treadaway Boulevard's Right-of-Way, and the 10-Foot-Width of Right-Of-Way for a Publicly-Dedicated Alley as it Extends 50 Feet South from the East End of the Above-Described Segment of South 9th Street and Located Behind a Vacant Lot at 901 South Treadaway Boulevard in South Central Abilene. (Mike Warrix)

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request (subject to the conditions listed in the staff report) by a vote of 5 - 0.

ATTACHMENTS:

1. TC-2021-05 draft ordinance (June 2021)
2. TC-2021-05 revised staff report
3. TC-2021-05 Application
4. TC-2021-05 Council presentation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF CERTAIN PORTION OF PUBLIC RIGHT-OF-WAY FOR SOUTH 9TH STREET AND THE ENTIRE ALLEY EXTENDING 50 FEET DIRECTLY SOUTH THEREFROM, 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 South 9th Street and the entire width of an alley projecting 50 feet south from said portion of South 9th Street, as described on Exhibit “A” attached hereto and made part of this ordinance for all purposes, be and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the City of Abilene is concerned, subject to conditions expressed also in attached Exhibit “A”.

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 24th day of June, 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 15th day of May, 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 8th day of July, 2021, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 8th day of July, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the 80-foot-wide public right-of-way for South 9th Street extending 140 feet east from the easternmost line of right-of-way for South Treadaway Boulevard (a.k.a. Business U.S. Highway 83) as well as the entire alley located directly east from Lot 1 in Block W of J. Stoddard's Subdivision of Lot 2 in Block 190 of Abilene's Original Townsite, as said Lot 1 appears on the subdivision plat originally recorded on Page 629 in Volume J of Deed Records for Taylor County, Texas; SUBJECT TO the following conditions:

1. A suitable graphic resubdivision (replat) is prepared by a Texas-registered surveyor, approved by the City of Abilene and, then, recorded with the Taylor County Clerk. Such replat must illustrate how both affected rights-of-way (authorized to be abandoned) will be integrated with adjoining property and/or reserved in an alternative arrangement of dedicated alleyways or easements allowing free access by refuse collection trucks, as well as otherwise suitable access for maintaining, repairing and replacing underground and overhead utilities located therein.
2. Installation of any one or more fence(s) projecting across easements reserved with overhead electric or telecommunication utilities therein shall necessitate coordination with affected utility providers, to ensure minimum vertical and horizontal clearances as well as placement of gates offering ease of access by utility service providers.



-END-

TC-2021-05

STAFF REPORT (revised)



Scheduled Hearings

Planning & Zoning Commission: June 1, 2021

City Council 1st Reading: June 17, 2021

City Council 2nd Reading: July 8, 2021

Applicant

ACCO Feeds

Agent: Erik Paul Johnson

Request

Abandon the complete 80-foot width of public right-of-way available for South 9th Street extending 140-feet east from right-of-way for South Treadaway Boulevard, and the 10-foot width of right-of-way for an alley that extends 50-feet south from the east end of this segment of South 9th Street.

Location

Approximately 300-feet south from and parallel to South 8th Street in south central Abilene

Background

In 1906, all of Outlot Number 2 in Block 190 of the Original Townsite of Abilene was divided into 30 lots and segments of two street rights-of-way.¹ These dedicated streets included an 80-foot wide right-of-way for what is now known as South 9th Street extending east from South Treadaway Boulevard. The eastern 10 feet of this 1906-era subdivision was also dedicated as a north-south alleyway.

Two (2) of the subdivision's 30 lots directly adjoin the segment of South 9th Street extending east from South Treadaway Boulevard; one to the north is now owned by AEP Texas North, and one to the south is owned by ACCO Feeds.

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.

Both lots adjoining this proposed thoroughfare closure of South 9th Street have primary frontage on South Treadaway Boulevard, a fully-improved arterial street. Additionally, this segment of South 9th Street extends no further east than the two adjacent lots that are directly north and south. The property located east from this dead-end segment of South 9th Street has approximately 300-feet of frontage elsewhere on South 8th Street. As a result, this entire segment of South 9th Street's right-of-way can be abandoned without jeopardizing public street access to any existing property.

¹ See J. Stoddard Johnston's Subdivision of Lot 2, Block 190, Abilene Original Town.

The far eastern end of South 9th Street coincides with the north end of an alleyway extending 680 feet farther south to intersect South 11th Street. Besides that segment of this alley which coincides with South 9th Street, the north 50 feet of the remaining alley is also proposed to be abandoned. This 50-foot-long alley segment lies directly behind (east of) the lot owned by ACCO Feeds adjoining South 9th Street. This 50-foot alley segment separates ACCO Feeds' frontage on South Treadaway Boulevard from their feed mill on property facing South 11th Street.

If this entire segment of South 9th Street and the alley are completely abandoned as proposed, then the north-south alleyway would be left a dead end with no outlet to another alley or street right-of-way. Appropriate easements or dedicated rights-of-way should be reserved to ensure an outlet for the alley and provide access to utilities located there. These include an underground sewer main as well as overhead electric power and telecommunication lines. An east-west easement or right-of-way should also be reserved for refuse collection and other trucks servicing the remaining north-south alleyway.

Staff Recommendation

City staff recommends approving the current request to abandon these rights-of-way, including both the subject segment of South 9th Street as well as an alley projecting 50 feet southward, subject to the following conditions:

1. That a suitable graphic resubdivision (replat) is prepared by a registered surveyor, approved by the City of Abilene and, then, recorded with the Taylor County Clerk. Such replat must illustrate how the affected rights-of-way (authorized to be abandoned) will be integrated with adjoining property and/or reserved in an alternative arrangement of dedicated alleyways or easements allowing free access by refuse collection trucks, as well as otherwise suitable access for maintenance and repair of existing underground and overhead utilities.
2. That installation of any fences projecting across easements reserved with overhead electric or telecommunication utilities therein shall require coordination with affected utility providers, to ensure maintenance of minimum vertical and horizontal clearances as well as placement of gates offering ease of access by utility service vehicles.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on May 20 of 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of the subject street and alley rights-of-way. These property owners and associated parcel identification numbers are identified in Table 1.

Table 1

Owner	Property ID	Response
902 S TREADAWAY LLC	16218	
ABILENE HOPE HAVEN INC	100182	
ACCO FEEDS INC	15854	
ACCO FEEDS INC	21491	
ACUNA DAVID	18093	
BETHEL ROBERT	20152	
HOEMKE ROBERT	18327	
LONE STAR RAILROAD INC	15610	
LONE STAR RAILROAD INC	15494	
MK POWELL PROPERTIES LLC	16823	
PARKS GREGORY L	17199	
POPE BRYAN	16689	
POPE BRYAN E	16098	
SMITH LARRY C & KRISTY K	16946	
WEST TEXAS UTILITIES CO	15733	In favor

Attachments

- DRC Comments
- Application
- PowerPoint

location map



Comments List

Project Type: Thoroughfare Closure Application | ID # 21-000041



Athan Himmelstein

Planning Division, Mar 16, 2021 at 5:07 PM ago

Athan Himmelstein

AEP Texas Abilene Distribution

325.674.7290 & adhimmelstein@aep.com

AEP Texas Distribution has an existing overhead line on the east side of the abandonment and down guys and anchoring that we will need to keep utility rights for or need utility easements to cover us.

Also will need to reach to the AEP Transmission group as they also have overhead lines and down guying and anchoring in this road abandonment.

abandoning S. 9th Street and adjacent alley

2 messages

Stone, Brad <brad.stone@abilenetx.gov>
To: "rwbaxter@aep.com" <rwbaxter@aep.com>

Mon, May 24, 2021 at 11:55 AM

ACCO Feeds (a.k.a. Cargill Animal Nutrition) owns a vacant lot bordering the south side of an unimproved, dead-end segment of South 9th Street extending east from South Treadaway Boulevard.

AEP has a substation located on the north side of that same unimproved segment of South 9th Street. See attached aerial photo.

ACCO Feeds is seeking to have the City of Abilene officially abandon this segment of right-of-way for South 9th Street, as well as an alley located at the very east end of South 9th Street's right-of-way and extending for an additional 50 feet south of South 9th Street. See attached map graphic, with ACCO Feed's request for right-of-way abandonment highlighted in yellow.

ACCO Feeds' goal is to have a secure, fenced-in driveway approach extending all the way from South Treadaway Boulevard, eastward, to their feed mill located at the dead end of South 9th Street.

This alley segment appears to encompass overhead electric transmission lines feeding AEP's substation. I believe that Rachel Wason described it as "Abilene Oil Mill Tap 69 kV line (TLN192:00138)."

My question of AEP Transmission is whether these power lines should remain in a public alleyway or at least within a utility easement (on private property) required to be open and unobstructed? Or is it sufficient for these power lines to be situated within a simple utility easement, knowing that this easement will be obstructed by a fence?

Please let me know what the recommendation of AEP Transmission will be.

Please respond soon, preferably, by email.

Thank you for your attention to this matter.

Bradley Stone,
for the City of Abilene's
Planning Services Division

telephone number 325-676-6382

2 attachments

 9th Street_S._abndmnt. with alley photo.pdf
114K

 9th Street_S._abndmnt. with alley map.pdf
28K

Robbie Baxter Jr. <rwbaxter@aep.com>
To: "Stone, Brad" <brad.stone@abilenetx.gov>
Cc: Steve Thomas <slthomas@aep.com>, Rachel D Wason <rdwason@aep.com>, Nickie Plaisance <ngplaisance@aep.com>, "Gilbert Robledo Jr." <grobledo@aep.com>

Mon, May 24, 2021 at 2:08 PM

Brad

Sorry for the delayed response. I know you had some e-mails exchanged with Real Estate and Distribution last week. I was out of town at a condemnation hearing during that time.

You are correct about the asset being a 69kV line that serves the Abilene Oil Mill station on a radial feed. With it being a radial line it is crucial that we be able to have unobstructed access to that line as there is no other source to that station. In other words when that line has problems we would lose all of the customers served by that station. Our preference would be to have a utility easement across private land. AEP transmission has no issues with ACCO creating another entrance provided that they keep us abreast of their plans as we have to maintain certain clearances both vertical and horizontal. Should there fence that is being proposed encompass our structures then we will want to place a lock in the gate and ensure that is suitable for entry of our equipment.

I have also copied Steve Thomas who might want to provide additional comments on behalf of transmission.

Please let me know if you have any questions or need further clarification.

Thanks



ROBBIE BAXTER JR. | TRANS RIGHT OF WAY AGENT LEAD
RWBAXTER@AEP.COM | D:325.674.7552 | C:325.280.2615
4550 S LOOP 322, ABILENE, TX. 79602-8040

From: Stone, Brad <brad.stone@abilenetx.gov>
Sent: Monday, May 24, 2021 11:56 AM
To: Robbie Baxter Jr. <rbaxter@aep.com>
Subject: [EXTERNAL] abandoning S. 9th Street and adjacent alley

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]



9th Street_S._abndmnt. with alley photo.pdf
114K

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

3/12/2021

CASE # TC-2021-05

THOROUGHFARE LOCATION: 80-foot-wide right-of-way of S. 9th Street extending east approximately 140-linear feet from the eastern most right-of-way boundary of S Treadaway Blvd.

CITY DEPARTMENT/PVT. UTILITY CO.: Water Administration

REPRESENTATIVE: Kevin Jaeger

TITLE: Utility Engineer

I HAVE REVIEWED THE ABOVE THOROUGHFARE CLOSURE REQUEST AND FIND IT TO BE:



SATISFACTORY



UNSATISFACTORY (explain below:

X

SATISFACTORY WITH CONDITIONS

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

The portion of South 9th Street east of S. Treadaway Blvd. currently contains active water and sewer utilities including a 6 inch PVC water line located along the east side of S. Treadaway Blvd., a 10 inch Cast Iron water line located along the southern Right of Way of S. 9th Street, and a 6 inch Vitrified Clay sewer line (running generally north to south) located along the eastern boundary of the lots fronting S. Treadaway Blvd. The applicant has two options. The applicant can provide the City with a utility easement for each of the existing utilities. If the existing utilities conflict with the intended use of the applicant, the applicant can obtain the services of a Civil Engineer to evaluate the possibility of abandoning or relocating the existing utilities. Should the Civil Engineer determine that the existing utilities can be abandoned or relocated, engineering plans would need to be created showing the relocation of those utilities. These engineering plans would need to be submitted to the City Engineer for review and approval prior to the utilities being relocated.

03/12/2021
DATE

Kevin Jaeger
SIGNED: DIRECTOR / REPRESENTATIVE



Development Application

Planning

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

Project Name: Cargill and AEP
 Address: S 9th and S Treadaway east side No. of lots: _____ Acreage: TBD
 Legal Description: SEE ATTACHED
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: HI Proposed Zoning (if applicable): N/A

OWNER AND AUTHORIZATION

Owner Name: ACCO FEEDS INC Attn: Jayson Bates
 Address: 1025 CHINA ST
 City, State, Zip: Abilene, TX 79602 Fax: _____
 Phone: (217) 778-0869 Email: jayson_bates@cargill.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) Paul Johnson & Associates will act as my agent before the Planning and Zoning Commission.

Agent Name: Erik Paul Johnson
 Address: 4633 S 14th
 City, State, Zip: Abilene, TX 79605 Fax: 325 692-8508
 Phone: 325 439-0186 Email: erik@pauljohnsonrealtors.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: 01/28/2021

FOR OFFICE USE ONLY

Received: 02/23/2021 Fee: \$ 1500 + 1252.20 Receipt No.: 0001058673
 Case No.: TC-2021-05 Reviewed By: _____

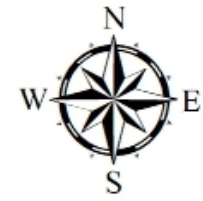
→ 10% OF THE ESTIMATED VALUE
 OF LAND IN THAT SEGMENT OF
 SOUTH 9TH STREET
 PROPOSED TO BE
 ABANDONED, AND
 WHICH EXCEEDS
 THE \$1500 BASIC
 APPLICATION FEE



Case:	TC-2021-05
Owner:	ACCO Feeds Inc.
Agent:	Erik Paul Johnson
Request:	Complete 80-foot width of right-of-way for South 9 th Street as it extends 140-feet east from South Treadaway Boulevard and the 10-foot width of right-of-way for the alley that extends 50-feet from the east end of South 9 th
Notification:	1 in Favor, 0 Opposed
Planning & Zoning:	Approval, June 1, 2021



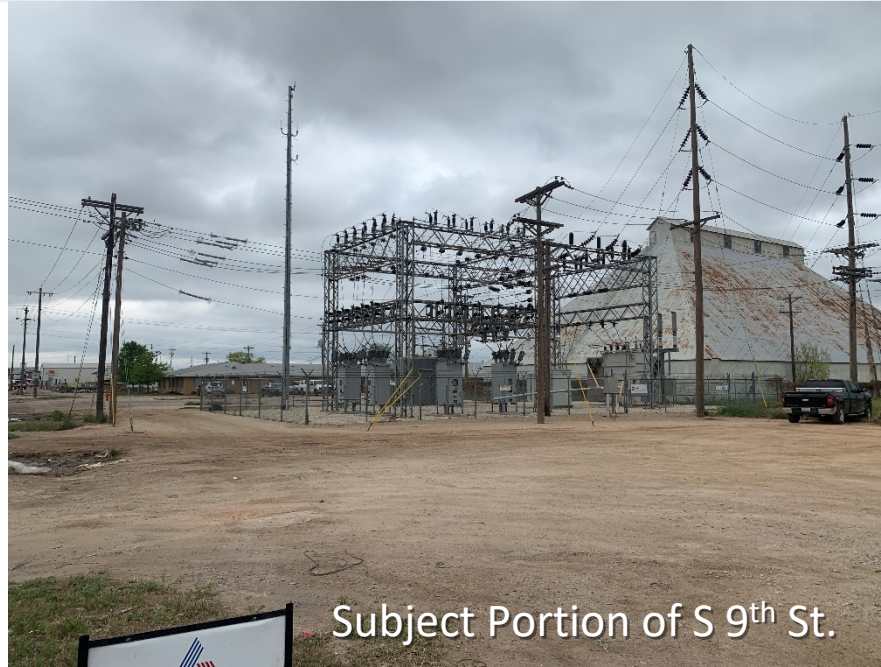
Location Map



Legend

 TC-2021-05





Subject Portion of S 9th St.



S 9th St. West of S. Treadaway



Alley Adjoining S 9th Street ROW

TC-2021-05 NOTIFICATION AREA MAP



- **DRC Recommendation: Satisfactory with conditions**
- **Staff Recommendation: Approval with conditions**

That a suitable replat shall be prepared, approved and recorded, showing how affected rights-of-way will be integrated with adjoining property and/or reserved in alternative arrangement of dedicated alleyways or easements allowing free access by refuse collection trucks, as well as otherwise suitable access for maintenance/repair of existing underground/overhead utilities.

That installation of fences projecting across easements reserved for overhead electric or telecommunication utilities shall necessitate coordination with affected utility providers, to ensure maintenance of minimum vertical and horizontal clearances as well as placement of gates offering ease of access by utility service vehicles.

- **Planning and Zoning Recommendation: Approval with conditions**

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 18. 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. Governor's Executive Orders COVID-19

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



**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Robert Hanna, City Manager

FROM: Travis McClure, Land Agent

SUBJECT: 19. Discussion: Receive a Report and Hold a Discussion and Public Hearing on the Sale of Property around Lake Fort Phantom Hill (Travis McClure)

GENERAL INFORMATION

City staff has been working through the surveying, platting, appraising and sale of City owned lots around Lake Fort Phantom over the last several years, with the final section of lots being offered for sale in March 2021. An overview of the current status of this project will be provided to City Council, as well as a discussion of possible actions going forward.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. PresentationJune2021

Agenda Item: Discussion on the Sale of Property Around Lake Fort Phantom Hill

(McClure)



LAKE FORT PHANTOM LOT SALES PROJECT

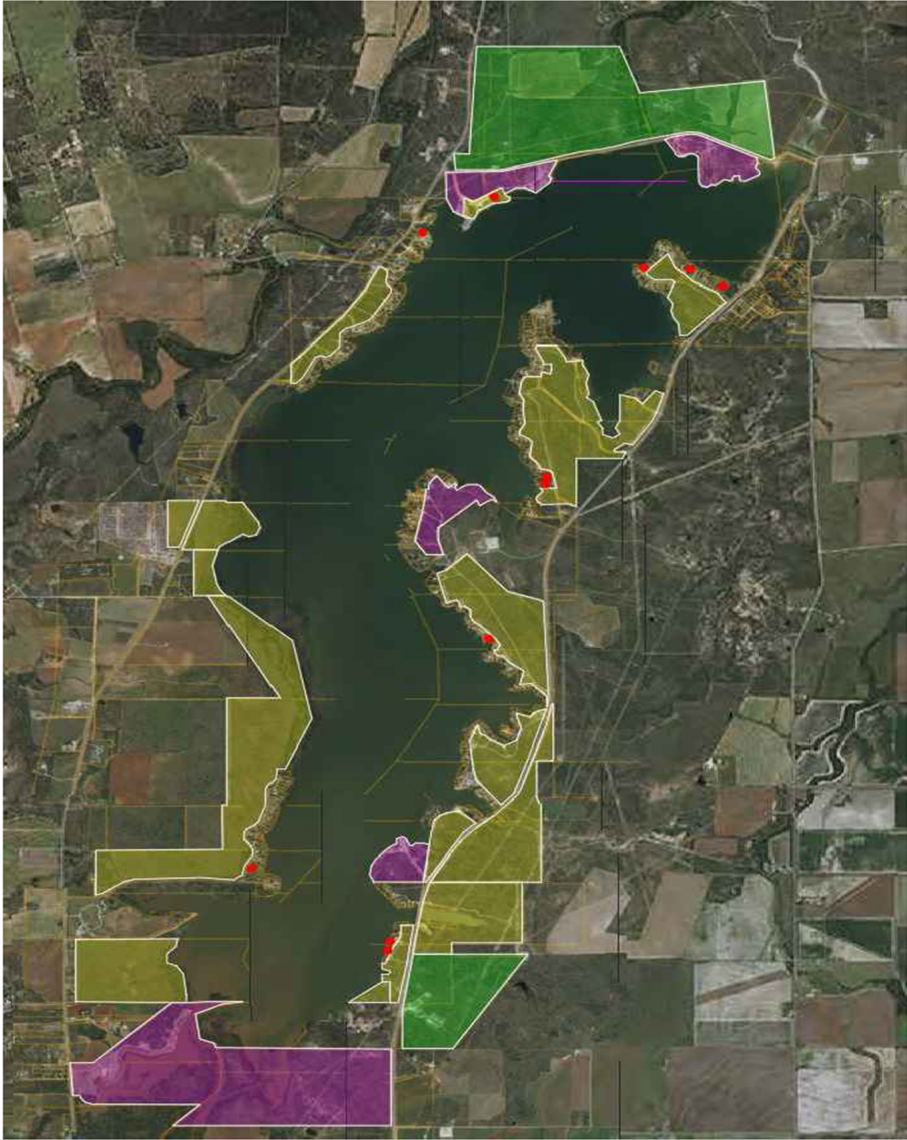
	Number of Lots Offered For Sale	Number of Lots Sold To Date	Number of Lots Remaining	Percentage of Lots Sold To Date
Sections 1-5	225	198	27	88%
Section 6 (Offered March, 2021) (Seminole, Mohawk, Cherokee, Yaw, Fishing Village, Blackfoot, Wits End, Bird)	81	38	43	47%
TOTAL	306	236	70	77%

Number of City Lots To Be Advertised For Sale To The Public In Sections 1-5 9

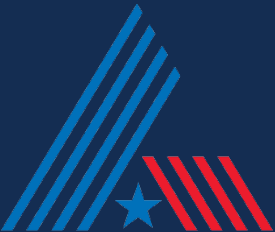
Number of City Lots To Be Advertised For Sale To The Public In Section 6 4



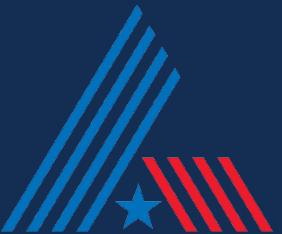
LAKE FORT PHANTOM



- LEGEND**
- CITY LAKE LOTS
 - DEDICATED PARK LAND
 - UNDEVELOPED CITY OWNED LAND
 - CITY OWNED (LEASED) LAND



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Honorable Mayor & Members of City Council

FROM: Misty Mayo

SUBJECT: **20. Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Double T (*Misty Mayo*)

GENERAL INFORMATION

Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Double T

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval of Resolution

BOARD OR COMMISSION RECOMMENDATION

Approval of Resolution

ATTACHMENTS:

1. City Resolution - Project Double T

2. DCOA_City_Council_General_Session_07.08.2021

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE DEVELOPMENT CORPORATION OF ABILENE, INC.'S ("DCOA")
INCENTIVE FOR PROJECT DOUBLE T ("COMPANY").**

WHEREAS, Company is a hospital system that desires to purchase a new facility in Abilene, Texas to locate its call center, additional warehousing, and back office operations; and,

WHEREAS, on June 7, 2021, the DCOA approved Resolution No. DCOA-2021.06 (the "**DCOA Resolution**") authorizing the DCOA's President to enter into an agreement with the Company for an incentive for Project Double T in an amount not to exceed \$1,540,000 (the "**Incentive**") in exchange for the Company's retention of at least 317 full-time employees ("**FTEs**") and creation of 74 new FTEs for total employment of 391 FTEs at the end of a 5-year period; and,

WHEREAS, the DCOA requests that the City of Abilene approve the DCOA's Incentive with the Company as set forth in the DCOA Resolution.

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

PART 1. The City of Abilene hereby authorizes, in exchange for the Company's retention of 317 FTEs and creation of 74 new FTEs for total employment of 391 FTEs at the end of a 5-year period, the DCOA to provide the Company with an incentive in an amount not to exceed \$1,540,000, under the terms and as set forth in the DCOA Resolution.

PART 2. The DCOA's budget is hereby amended to include the expenditures described herein.

PART 3. This Resolution takes effect immediately upon its adoption.

ADOPTED this 8th day of July, 2021.

ATTEST:

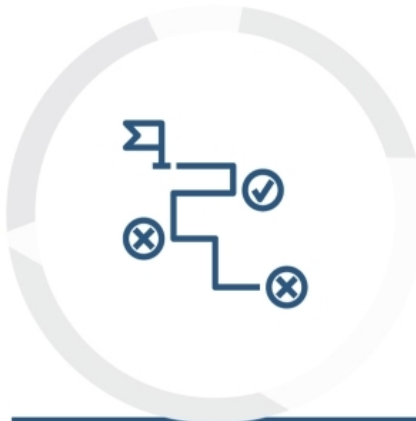
Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

The DCOA invests your sales tax dollars in opportunities that will generate a positive return on investment in our community – investing for today and the future.



BUSINESS ATTRACTION

Aggressively market & promote Abilene as a destination for new investment.

BUSINESS RETENTION & EXPANSION

Spur and facilitate the growth and prosperity of existing businesses.

ENTREPRENEURIAL

Develop an ecosystem that spawns and supports innovative businesses.

WORKFORCE & TALENT DEVELOPMENT

Elevate initiatives and partnerships to create and retain a viable workforce that can support current and future industry.

MARKETING & BRAND AWARENESS

Activate strategies to promote Abilene as the premier location for business.

CONNECTION TO MISSION

Project aligns with DCOA's core mission of creating primary jobs and increasing capital investment in Abilene

Project fits within the strategy of growing existing local industry
- healthcare being one of the key industries in our community

Project Type – Business Expansion

Industry – Healthcare | Back Office & Warehousing

- Consolidates IT and Call Center operations in Abilene
- Supports the shift from single hospital to hospital system

Company Context

- Company is a non-profit
- While Company pays property taxes, this project will not generate property taxes
- **Economic modeling of project relied heavily on payroll and job creation**

Project Summary

- Capital Investment = \$15.4 Million
- Job Retention = 317
- Job Creation = 74
 - Average Salary of Created Jobs = \$45,817

Real Estate Solution

- 153,000 sq ft Purchase

Incentive = \$1,540,000

\$1.00 = \$28.66

10 Year Investment Ratio

**For every \$1.00 the DCOA invests in the
Company,
The Company will invest \$28.66 in the
project in Abilene**

CONNECTION TO MISSION

Project aligns with DCOA's core mission of creating primary jobs and increasing capital investment in Abilene

Project fits within the strategy of attracting new industries to Abilene and creating the workforce of tomorrow through research and development

Project Type – Business Expansion

Industry – Research and Development | Energy

Company Context

- Company is a non-profit
- While Company pays property taxes, this project will not generate property taxes
- **Economic modeling of project relied heavily on payroll and job creation**

Project Summary

- Capital Investment = \$29.3 Million
- Job Retention = 28
- Job Creation = 37 (Includes 13 Student Positions)
 - Average Salary of Created Jobs = \$62,865

Real Estate Solution

- Former Taylor Elementary School Site
- 25,895 sq ft Research and Development Facility

Incentive = \$2,930,000

\$1.00 = \$23.14

10 Year Investment Ratio

**For every \$1.00 the DCOA invests in the
Company,
The Company will invest \$23.14 in the
project in Abilene**

CONNECTION TO MISSION

Project aligns with DCOA's core mission of creating primary jobs and increasing capital investment in Abilene

Project fits within the strategy of growing local existing industry in Abilene

Project Type – Business Expansion

Industry – Manufacturing

Company Context

- Company was acquired by a Private Equity Firm in 2019
- Since 2018, major improvements have been made in the Abilene facility
- Company has raised their wages and broadened their health benefits (now offering to all employees)

Project Summary

- Capital Investment = \$31.6 Million
- Job Retention = 119
- Job Creation = 139
 - Average Salary of Created Jobs = \$40,132

Real Estate Solution

- 60,000 sq ft of Warehouse and Office Space
- Expansion of current facility

Incentive= \$3,160,130

\$1.00 = \$45.02

10 Year Investment Ratio

**For every \$1.00 the DCOA invests in the
Company,
The Company will invest \$45.02 in the
project in Abilene**



**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Honorable Mayor & Members of City Council

FROM: Misty Mayo

SUBJECT: 21. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Future Hope (*Misty Mayo*)

GENERAL INFORMATION

Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Future Hope

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval of Resolution

BOARD OR COMMISSION RECOMMENDATION

Approval of Resolution

ATTACHMENTS:

1. City Resolution - Project Future Hope

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE DEVELOPMENT CORPORATION OF ABILENE, INC.'S ("DCOA")
INCENTIVE FOR PROJECT FUTURE HOPE ("COMPANY").**

WHEREAS, Company performs scientific research and development related to sustainable energy; and,

WHEREAS, on June 7, 2021, the DCOA approved Resolution No. DCOA-2021.19 (the "**DCOA Resolution**") authorizing the DCOA's President to enter into an agreement with the Company for an incentive for Project Future Hope in an amount not to exceed \$2,930,000 (the "**Incentive**") in exchange for the Company's retention of 28 full-time employees ("**FTEs**") and creation of 37 new FTEs for total employment of 65 FTEs at the end of a 5-year period; and,

WHEREAS, the DCOA requests that the City of Abilene approve the DCOA's Incentive with the Company as set forth in the DCOA Resolution.

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

PART 1. The City of Abilene hereby authorizes, in exchange for the Company's retention of 28 FTEs and creation of 37 new FTEs for total employment of 65 FTEs at the end of a 5-year period, the DCOA to provide the Company with an incentive in an amount not to exceed \$2,930,000, under the terms and as set forth in the DCOA Resolution.

PART 2. The DCOA's budget is hereby amended to include the expenditures described herein.

PART 3. This Resolution takes effect immediately upon its adoption.

ADOPTED this 8th day of July, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



**City Council
Agenda Memo**

City Council Meeting Date: 7/8/2021

TO: Honorable Mayor & Members of City Council

FROM: Misty Mayo

SUBJECT: 22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Tiger (*Misty Mayo*)

GENERAL INFORMATION

Receive a Report, Hold a Discussion and Public Hearing, and Take Action on approving a Resolution approving an Agreement with Project Tiger

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval of Resolution

BOARD OR COMMISSION RECOMMENDATION

Approval of Resolution

ATTACHMENTS:

1. City Resolution - Project Tiger

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE DEVELOPMENT CORPORATION OF ABILENE, INC.'S ("DCOA")
INCENTIVE FOR PROJECT TIGER ("COMPANY").**

WHEREAS, Company is a manufacturer with facilities across the United States; and,

WHEREAS, on June 7, 2021, the DCOA approved Resolution No. DCOA-2021.20 (the "**DCOA Resolution**") authorizing the DCOA's President to enter into an agreement with the Company for an incentive for Project Tiger in an amount not to exceed \$3,160,130 (the "**Incentive**") in exchange for the Company's retention of 119 full-time employees ("**FTEs**") and creation of 139 new FTEs for total employment of 258 FTEs at the end of an 8-year period; and,

WHEREAS, in order to secure the full amount of the incentive, the Company will be required to have FTEs equal to 75% of the Company's projected 258 FTEs (the "**Required FTEs**"); and,

WHEREAS, the DCOA requests that the City of Abilene approve the DCOA's Incentive with the Company as set forth in the DCOA Resolution.

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

PART 1. The City of Abilene hereby authorizes, in exchange for the Company's retention and creation of the Required FTEs at the end of a period of up to 8 years, the DCOA to provide the Company with an incentive in an amount not to exceed \$3,160,130, under the terms and as set forth in the DCOA Resolution.

PART 2. The DCOA's budget is hereby amended to include the expenditures described herein.

PART 3. This Resolution takes effect immediately upon its adoption.

ADOPTED this 8th day of July, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney