



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 September 23, 2021, at 4:30 p.m., at the Abilene Public Library, South Branch, Mall of Abilene, 4310 Buffalo Gap Road, Abilene, Texas, 79606, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

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

INVOCATION

2. Councilmember Lynn Beard

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

3. **Employee Service Awards:**

- Annette Lerma - 20 Years - Health Services

4. **Proclamations:**

- Fire Prevention Week

CONSENT AGENDA

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

5. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on September 9, 2021 (**Shawna Atkinson**)

6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Abilene Cultural Affairs Council FY 2022 Budget **(Mike Rains)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Annual Street Services Division Materials Bid #CB-2161 **(Greg McCaffery)**
8. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of a Professional Services Contract with Parkhill for the Abilene Zoo Master Plan **(Jesse Pottebaum)**
9. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Purchase of a Wachs Grand LX Valve Maintenance Trailer Through Buyboard Cooperative Purchasing for the Water Utilities Department **(Rodney Taylor)**
10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Purchase of a CleverScan Manhole Inspection System Through BuyBoard Cooperative Purchasing for the Water Utilities Department **(Rodney Taylor)**
11. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Awarding Bids for Purchase of Bulk Chemicals to be Used by Water and Wastewater Treatment Plants in Fiscal Year 2022 **(Rodney Taylor)**
12. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Execution of Professional Services Contracts in Support of the Public Health Workforce and Health Equity Grants **(Annette Lerma)**
13. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021-22 Budgets **(Mike Rains)**
14. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2020-2021 Budgets **(Mike Rains)**
15. **Ordinance (First Reading) Z-2021-22:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from The Conder Company (Represented by Jacob Martin LLC) to Change Zoning from Agricultural Open Space (AO) to a Planned Development (PD) District of Single-Family Home Sites on Approximately 7.77 Acres of Now-Vacant Land Bordering the 7700-7900 Blocks (West Side) of Hardwick Road in Far South Abilene. Legal Description Being Approximately 7.77 Acres Out of the W.J. Reddell Survey in Abilene, Taylor County, Texas. **(Tim Littlejohn)**
16. **Ordinance (First Reading) Z-2021-24:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Brookhollow Christian Church (Represented by Paul Johnson & Associates) to Change Zoning from Residential Medium-Density (MD) to a Neighborhood Retail (NR) District on Properties at 2310 South Willis Street and 2325 Ivanhoe Lane in Southwest Central Abilene. Legal Description Being Lots 1, 2 And 22 (And Intervening Abandoned Alleyway) Block 13 of Brookhollow Addition Section 4, Abilene, Taylor County, Texas. **(Tim Littlejohn)**
17. **Ordinance (First Reading) Z-2021-25:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Christian Evenson to Change Zoning from Heavy Industrial (HI) to a Heavy Commercial (HC) District on Approximately 1.5 Acres of Now-Vacant Land at 1425 Dunnam Drive, Situated Approximately 1000 Feet East of South Treadaway Boulevard in South Abilene. Legal Description Being Lots 20, 21 and 22 in the Atlas Industrial Subdivision, Abilene, Taylor County, Texas. **(Tim Littlejohn)**
18. **Ordinance (First Reading) Z-2021-26:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Dewayne Blair to Change Zoning from Agricultural Open Space (AO) to a Manufactured/Mobile Home (MH) District on Approximately 57.442 Acres of Land Located on the 100 Block (West Side) of Chapel Hill

Road in Far West Abilene. Legal Description Being 21.656 Acres Out of the Northwest Part of the H.B. Martin Survey in Abilene, Taylor County, Texas. **(Tim Littlejohn)**

19. **Ordinance (First Reading) Z-2021-27:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From KPLB LLC, Agents Jacob & Martin LLC, to Rezone Property from Residential Medium-Density (MD) District to a Planned Development (PD) District on 5.85 Acres of Now-Vacant Land at 1826 Colony Hill Road in Southeastern Abilene. Legal Description Being 5.85 Acres Out of Southwest Quarter of Lunatic Asylum Lands Section 8 in Abilene, Taylor County, Texas. **(Tim Littlejohn)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

20. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 10, Article III, “Fire Prevention Code”, Division 1, Sec. 10-46 of the Abilene Municipal Code **(Cande Flores)**.

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

- Animal Services Advisory Board
- Keep Abilene Beautiful
- Street Maintenance Advisory & Appeals Board

22. **Oral Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Attorney

23. **Oral Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Secretary

EXECUTIVE SESSION

24. **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. 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
3. 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
4. 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
5. 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
6. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
7. 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
8. Natasha Jones v. City of Abilene, Texas; EEOC Charge of Discrimination, 450-2020-06446; filed September 15, 2020

9. Officer Mark Watson and City of Abilene, Case No. 01-21-0002-5335; Appeal of Indefinite Suspension to Arbitration, filed March 10, 2021
10. 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
11. Steve Van Horne, et al. v. City of Abilene, et al.; Cause No. 12530-D, In the 350th Judicial District Court, Taylor County, Texas; filed September 7, 2021
12. Governor's Executive Orders - COVID-19
13. Clyde Water
14. ETJ with Clyde, Texas

B. 551.072 (Deliberations about Real Property)

1. ETJ with Clyde, Texas

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

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.

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 17th day of September, 2021, at 2:15 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 5. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on September 9, 2021
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting held on September 9, 2021

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 09-09-2021 Minutes - Regular - Morning

CITY COUNCIL MEETING
September 9, 2021 at 8:30 a.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on September 9, 2021, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Kyle McAlister, Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynn Beard, Donna Albus, and Weldon Hurt. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Councilmember Donna Albus delivered the invocation.

Anderson Braden, 5th grader from Austin Elementary, and Emberlyn Jackson 2nd grader from Bowie Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Employee Service Awards
 - Brad McGary – 30 Years – Police Department
 - Mindy Patterson – 30 Years – City Manager’s Office
 - Mike Perry – 30 Years – Police Department
- Chief Flores spoke about the parade and 9/11 services that will be taken place at the West Texas Fair and Rodeo and encouraged everyone to attend.

CONSENT AGENDA

The Consent Agenda consisted of items 3-14. Items 4, 5, 8, 9 & 11 were pulled for individual consideration. Items 12 & 13 were pulled from consideration, prior to the meeting.

Items pulled from consideration were as follows:

- Item #12
- Item #13

Item pulled for individual consideration were as follows:

- David Swart, citizen – Items #4, 5, 8, 9 & 11

Councilmember Beard moved to approve the consent agenda, now consisting of items 3, 6-7, 10 & 14. 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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 26, 2021
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of One 2022 Ford F250 Three-Quarter Ton Utility Truck for Sewage Collection from Randall Reed Ford per sealed bid CB-2125
[ASSIGNED RESOLUTION NO. 153-2021]

7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of two 2022 Chevrolet 3500 One Ton Utility Trucks for Sewage Collection and Water Distribution from Caldwell Country Chevrolet per sealed bid CB-2125
[ASSIGNED RESOLUTION NO. 154-2021]
10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing Combined Purchases from the Specified Vendors in Amounts Exceeding \$50,000 during Fiscal Year 2021
[ASSIGNED RESOLUTION NO. 157-2021]
14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 10, Article III, "Fire Prevention Code", Division 1, Sec. 10-46 of the Abilene Municipal Code

ITEMS PULLED FROM CONSIDERATION

12. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Execution of Professional Services Contracts in Support of the Public Health Workforce and Health Equity Grants
[NOT CONSIDERED]
13. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Budget Ordinance No. 41-2021 to Include Updated Revenues and Expenditures for the Health Department
[NOT CONSIDERED]

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19) Issued August 12, 2021
[ASSIGNED RESOLUTION NO. 151-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, Mr. Swart spoke about the different COVID vaccines on the market and gave his opinions on them.

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

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

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

NAYS (1): Councilmember Hurt

5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Abilene Convention and Visitors Bureau FY 2022 Budget
[ASSIGNED RESOLUTION NO. 152-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, Mr. Swart stated he is not concerned about the budget but he is concerned about the language in it; in particular the “uninformed yet vocal and closed minded citizens” language, and the criticism of the Convention Center fees.

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

Mayor Pro-tem McAlister had a conflict of interest on this item and abstained from voting. A conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary’s office.

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

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

NAYS (0): None

ABSTAIN (1): Mayor Pro-tem McAlister

8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of One 1-Ton Utility truck with crane for Fleet Maintenance from local vendor, Arrow Ford, through CB-2160

[ASSIGNED RESOLUTION NO. 155-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, Mr. Swart stated that this is \$22,000 over budget, and that is coming out of tax payer’s pockets. Mr. Swart thinks more should have been budgeted for this to begin with.

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

Councilmember Hurt moved to approve the item. 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

9. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the purchase of six 4WD Police Patrol Vehicle Tahoes through Caldwell Country Chevrolet

[ASSIGNED RESOLUTION NO. 156-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, Mr. Swart stated the winter storm made them reconsider having four wheel drive. Mr. Swart stated that these are also over budget and asked what the justification was for replacing Crown Vics.

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

Deputy Mayor Pro-tem Craver moved to approve the item. 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

11. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve an Extended Term Street Use License with Abilene Convention Center Hotel Development Corporation
[ASSIGNED RESOLUTION NO. 158-2021]

The item was pulled by David Swart, citizen.

Having pulled the item, Mr. Swart questioned why the City is asking itself permission to do something, as it seems awkward. He is in favor of the awnings for times when it is raining or snowing though.

Councilmember Price addressed Mr. Swart's concern and stated that the hotel is not owned by the City, but by the Hotel Development Corporation, and that is who is asking for the street use licenses.

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

Councilmember Price moved to approve the item. Councilmember Hurt 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 22-2 Intoxicating Beverages Prohibited; Confiscation
[ASSIGNED ORDINANCE NO. 45-2021]

Lesli Andrews, Parks and Recreation Director, presented the item. Adoption of the item would amend Chapter 22-2 Intoxicating Beverages Prohibited; Confiscation, to allow alcohol to be served and consumed at the Big League Field in Rose Park, during baseball games and special events.

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

- David Swart – spoke in favor of the item.

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

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

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

NAYS (1): Councilmember Price

16. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Developer Participation Agreement between the City of Abilene, Texas and PB 6950, LLC
[ASSIGNED ORDINANCE NO. 46-2021]

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would approve a Developer Participation Agreement with PB 6950, LLC.

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

Deputy Mayor Pro-tem Craver moved to approve the item as presented. Councilmember 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

17. Ordinance (Final Reading) Z-2021-20: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Bel Air West LLC (Represented By Ronny Guerrero) to Change Zoning from General Commercial (GC) to a Residential Multi-Family (MF) District on the Eastern 240 Feet of a Site Occupied by Bel Air West Apartments at 5220 Hartford Street, on the Northeast Corner of Presidio and Hartford Streets in Western Abilene
[ASSIGNED ORDINANCE NO. 47-2021]

Tim Littlejohn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from General Commercial (GC) to a Residential Multi-Family (MF) District.

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. 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

18. Ordinance (Final Reading) TC-2021-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Iris Abilene: Camp Barkeley (Represented by Overland Property Group) to Abandon the Public's Right-of-Way Within the Following Street and Alley Segments in South Central Abilene: An Unimproved 55.62-Foot Width of South 10th Street (Formerly Church Street) Between Sycamore and Elm Streets; A 20-Foot-Wide Alley Projecting 150 Feet South from Said Unimproved Segment of South 10th Street, Midway and Parallel Between Sycamore and Elm Streets; And a 20-Foot-Wide Alley (Unimproved) Extending East-to-West for a Distance of 300 Feet Between Sycamore and Elm Streets, 140 Feet South from and Parallel to Right-of-Way for South 9th Street
[ASSIGNED ORDINANCE NO. 48-2021]

Tim Littlejohn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would abandon the public's right-of-way at the above referenced location.

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 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

19. Ordinance (Final Reading) Z-2021-21: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Iris Abilene: Camp Barkeley (Represented By Overland Property Group) to Change Zoning from Residential Medium-Density (MD) to a Residential Multi-Family (MF) District, on Approximately 3.58 Acres of Land Occupied by a Building at 1101 South 9th Street (Formerly Travis Elementary School) Between Sycamore and Elm Streets in South Central Abilene
[ASSIGNED ORDINANCE NO. 49-2021]

Tim Littlejohn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would rezone the above referenced property from Residential Medium-District (MD) to a Residential Multi-Family (MF) District.

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

- April Angstrom – represents the developer. Ms. Angstrom wanted to thank the staff and the Mayor for their help with this project, and stated their excitement to be here.

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

Councilmember Hurt 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. Ordinance (Final Reading) HOZ-2021-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Dan Steven and Tracy A. Morgan McNeill to Apply a Historic (H) Overlay Zone onto the Underlying Residential Single-Family (RS-12) Zoning District at 702 Sayles Drive
[ASSIGNED ORDINANCE NO. 50-2021]

Tim Littlejohn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would apply a Historic (H) Overlay Zone onto the Underlying Residential Single-Family (RS-12) Zoning District at the above referenced property.

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. 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

21. Ordinance (Final Reading) TC-2021-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request From Barbara Robinson And Dylan Golden (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) to Abandon the Public's Right-of-Way Within a 20-Foot Wide Alley (a Dead End) Extending for a Distance of Approximately 100 Feet West from Right-of-Way For Melissa Lane and Situated 100 Feet South from and Parallel to Right-of-Way for Princess Lane In Western Abilene

[ASSIGNED ORDINANCE NO. 51-2021]

Tim Littlejohn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would abandon the public's right-of-way at the above referenced property.

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

- David Todd – represents Enprotec, Hibbs & Todd. Mr. Todd stated that closing the alley allows the developer to do the development as planned without running the alley all the way through. They submitted the final plat already for the alley, which will go to Planning and Zoning Commission Board next month to incorporate the alley.

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

Councilmember Hurt moved to approve the item as presented. 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

PUBLIC COMMENTS

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

- David Swart – spoke about an item he missed when speaking about the ACVB budget item. He thinks the trolleys were a great addition downtown and that AEP does the lighting, so that part should be on them and not the City. Mr. Swart would like to see something done with the lighting downtown.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:41 a.m., pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

22. A. 551.072 (Deliberations about Real Property)
1. 101 Cypress Street
 2. 1250 N 1st Street
22. D. 551.087 (Personnel Matters)
1. City Manager Evaluation (and agenda item #23)
 2. Jones County Appraisal District Board Nomination
 3. City Council Rules of Procedure – Public Comment Period

22. F. 551.087 (Business Prospect/Economic Development)
1. Abilene Convention Center Hotel Project
 2. Semi-Pro Baseball team (Agenda Item #15)

The Executive Session ended at 10:48 a.m. and reconvened to Open Session. Mayor Williams reported no votes or action were taken in Executive Session.

REGULAR AGENDA

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

Earlier in the meeting, under Section 551.074 (Personnel Matters) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:41 a.m., and ended at 10:48 a.m. No votes or actions were taken at that time.

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

Mayor Pro-tem McAlister moved to approve the evaluation and salary adjustment of the City Manager. Councilmember Beard seconded the motion; motion carried

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

24. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Casting a Vote to Nominate a Member to the Taylor County Appraisal District Board of Directors
[ASSIGNED RESOLUTION NO. 160-2021]

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

Councilmember Price moved approve the nomination of Ms. Jessica Cantu to the Taylor County Appraisal District Board of Directors. Councilmember Hurt seconded the motion; motion carried.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 10:51 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Abilene Cultural Affairs Council FY 2022 Budget (*Mike Rains*)

GENERAL INFORMATION

The agreement with the Abilene Chamber of Commerce for expenditure of hotel occupancy tax funds requires the Abilene Cultural Affairs Council (ACAC) budget be presented to Council for approval. It further states that the City Manager shall review and make a recommendation to Council to approve, modify or amend the budget.

The City Manager is recommending approval of the budget for FY 2022.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval based on the City Manager's review.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Approving the FY 2022 Abilene Cultural Affairs Council Budget
2. ACAC Budget FY 22
3. Powerpoint - Resolution Approving the Abilene Cultural Affairs Council FY 2022 Budget

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE ABILENE CULTURAL AFFAIRS COUNCIL FY 2022 BUDGET**

WHEREAS, the agreement with the Abilene Chamber of Commerce for expenditure of hotel occupancy taxes requires the approval of City Council of the annual budget for the Abilene Cultural Affairs Council based on the review and recommendation of the City Manager; and

WHEREAS, the City Manager has reviewed the budget for FY 2022; and

WHEREAS, the City Manager recommends approval of the budget.

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

Part 1: The City Council of the City of Abilene, Texas has approved the budget of the Abilene Cultural Affairs Council for FY 2022.

ADOPTED this 23rd day of September, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Abilene Cultural Affairs Council

	Proposed FY 2021-2022	ACTUAL YTD 30-Jun-20	PROJECTED YR. END Sept. 30, 2020	PROPOSED Budget 2020-2021
Description				
REVENUE				
Proj. Rev. -Storybook Sculpture	350	0		
Proj. Rev - Storybook Store	2,335	326	1550	1550
Proj. Rev.- Celebrate the Arts	0	20	0 -	
Proj. Rev.-Young Audiences	29,299	21,641	40,000	30,000
Proj. Rev.- HeArts for the Arts	0	0	200	200
Proj. Rev.- C.A.L.F.	61,097	2,488	3,085	61,000
Proj. Rev. -Storybook Events	3,026	1,624	3,000	3,000
City of Abilene -Room Tax	530,849	332,347	434,000	527,290
Grant Rev. -Outdoor Sculpture	0	0	4000	0
Grant Rev. -StoryBook Sculpture	125,000	89,000	89,000	50,000
Grant Rev. -Marketing	0	0	12,000	0
Grant Rev. - Abilene Scene	8,417	11,022	10,000	8,417
Grant Rev. Young Audiences	103,500	76,150	100,000	100,000
Grant Rev. HeArts for the Arts	64,150	74,650	72,450	87,250
Grant-SB Lighting/Improvements	9,000	146,000	205,069	184,000
Grant - C.A.L.F.	60,000	65,500	72,500	60,000
Grant Rev.- Unallocated	12,000	6,500	12,500	24,650
Cultural District	0	0	0	0
Broadway Series	10,750	10,000	10,750	10,750
Interest - Paramount Series	541	384	170	170
Children's Series	88,403	57,224	84,500	84,500
Interest - Children's Series	447	152	300	300
Interest	411	185	235	235
Abilene Arts Alliance			30,000	
TOTAL REVENUE	1,109,575	895,213	1,185,309	1,233,312
PROGRAM & SERVICES EXPENSES				
Cultural District/Tourism	65,495	50,150	63,000	63,000
Local Organization Grants	77,394	59,077	67,783	72,150
Broadway Series	2,717	1,673	3,667	4,000
Children's Series	99,446	57,374	84,500	84,500
Outdoor Sculpture	1,391	2,864	10,000	2,000
Celebrate the Arts	12,072	14,633	12,000	12,000
Story Book Sculpture	130,659	79,057	84,000	50,000
Storybook Lighting/Improvements	2,100	139,728	199,660	0
Storybook Events	8,435	5,861	8,000	8,000
Cultural District Enhancements				213,975
Marketing	14,788	9,355	15,000	15,000
Abilene Scene	18,417	16,128	18,000	18,000
Young Audiences	131,222	95,724	140,000	140,000
HeArts for the Arts	69,239	81,271	82,169	87,250
C.A.L.F	153,690	51,130	62,734	121,000

	Proposed FY 2021-2022	ACTUAL YTD 30-Jun-20	PROJECTED YR. END Sept. 30, 2020	PROPOSED Budget 2020-2021
Description				
Storybook Store	3,150	259	3,000	400
Sculpture Maintenance				
TOTAL PROGRAM & SERVICES EXP.	790,215	664,284	853,513	891,275
ADMINISTRATIVE EXPENSES				
Accounting Services	7,500	5,625	7,200	7,200
Administrative Fee	10,617	6,647	9,565	8,000
Auditing & Legal	2,900	3,600	4,000	4,000
Auto Expense	171	0	400	400
Office Supplies	2,082	1,475	2,000	2,000
Equipment Repairs	0	0	600	600
Postage	461	142	1,000	1,000
Printing	562	342	1,500	1,500
Telephone	10,869	7,255	12,000	12,000
Personal Property Taxes	-787	0	750	750
Rent	19,404	18,900	27,000	27,000
Depot Expenses	6,080	3,725	10,000	10,000
Dues & Subscriptions	3,342	2,683	3,500	5,000
Travel & Entertainment	4,354	2,073	3,000	5,000
Computer Services	4,337	4,130	6,000	6,000
Equipment & Furniture	230			
Depreciation	7,116	5,400	7,500	7,500
Liability Insurance	2,385	2,232	1,959	1,959
Loss on Disposal of Asset	0	0 -	-	
Document Storage	827	585	780	780
TOTAL ADMINISTRATIVE EXPENSES	82,450	64,814	98,754	100,689
STAFF EXPENSES				
Contract Labor	0	0	548	548
Salaries	168,190	125,584	168,251	175,251
Payroll Tax	12,151	9,379	17,474	17,474
Group Insurance	19,188	14,104	25,674	25,674
Retirement	18,909	15,564	17,851	17,851
Unemployment Taxes	761	421	1,500	1,500
Worker's Compensation Ins.	540	292	550	550
Professional Development	7147	21	21	2,500
TOTAL Staff Expense	226,886	165,365	231,869	241,348
TOTAL EXPENSE	1,099,551	894,463	1,184,136	1,233,312
INCR (DECR) IN NET ASSETS	10,024	750	1,173	0

Resolution Approving the Abilene Cultural Affairs Council FY 2022 Budget

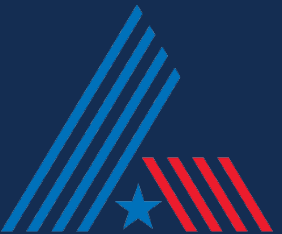


Resolution Approving the Abilene Cultural Affairs Council FY 2022 Budget

- In accordance with the agreement with the Abilene Chamber of Commerce for expenditure of hotel occupancy taxes the budget of the Abilene Cultural Affairs Council must be approved by City Council based on a review and recommendation by the City Manager.
- The City Manager has reviewed the FY 2022 budget and recommends approval.



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Gregory McCaffery

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Annual Street Services Division Materials Bid #CB-2161 (Greg McCaffery)

GENERAL INFORMATION

The City of Abilene Street Services Division is requesting the City Council award bids, by resolution, for materials used in the maintenance and rehabilitation of the street and alley system. Notices were published in the Abilene Reporter News on August 15th, 2021 and August 22, 2021, and bids were opened on August 31, 2021. The following table lists the individual materials bids, staff recommended bidder and unit price bid. In addition, staff recommends an alternative bid for Hot Mix Asphalt, Type D - Delivered be awarded to Vulcan Materials, Abilene, Texas for the unit price of \$83.37 per ton. The alternative award would only be used when the primary is not able to provide the product within two days. Item #1 and #16 shall not be awarded as no bids were received.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funding for the materials is available in the 2021/2022 general operating budget for Street Maintenance Fund

STAFF RECOMMENDATION

It is recommended that the City Council award, by resolution, the bulk materials supply

contracts as listed and recommended by the City Staff, and to authorize the City Manager or his designee to execute all necessary documents related to these contracts.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. REV_Resolution CB-2161
2. CB2161 TABSHEET-STREET MAINTENANCE MATERIALS (1)
3. Information_Materials_Summary
4. REV2_PP_Resolution Award of Bid CB-2161

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARD, THE BULK MATERIALS SUPPLY CONTRACTS TO VARIOUS BIDDERS AS LISTED BELOW – FUNDS ARE AVAILABLE IN THE 2021-22 GENERAL OPERATING BUDGET

WHEREAS, the City of Abilene Street Services Division is requesting the City Council award bids, for materials used in the maintenance of street and alley system. The City of Abilene duly advertised and gave such noticed, as required by law, and bids opened on August 31, 2021; and

WHEREAS, the following table lists the individual materials bid, and the staff recommended bidder and unit price bid:

Hot Mix Type D – Delivered	J.H. Strain & Sons Inc.	\$ 79.00/Per Ton
Hot Mix Type D – Picked Up	J.H. Strain & Sons Inc.	\$ 72.00/Per Ton
Hot Mix Type B – Delivered	J.H. Strain & Sons Inc.	\$ 77.00/Per Ton
Hot Mix Type B – Picked Up	J.H. Strain & Sons Inc.	\$ 70.00/Per Ton
A-1 Flexible Base – Delivered	Vulcan Const. Materials	\$ 13.04/Per Ton
A-1 Flexible Base – Picked Up	Vulcan Const. Materials	\$ 7.75/Per Ton
Type A, Grade 6 Rock – Delivered	Vulcan Const. Materials	\$ 29.69/Per Ton
Type A, Grade 6 Rock – Picked Up	Vulcan Const. Materials	\$ 16.25/Per Ton
Portland Cement Type 1	Abilene Lumber BMC	\$ 12.47/Per Ton
Class A Portland Cement, 5 Sack	Ingram Concrete	\$ 133.00/Per Cubic Yd
Class P Portland Concrete	Ingram Concrete	\$ 138.00/Per Cubic Yd
Flowable Fill Concrete	Ingram Concrete	\$ 118.00/Per Cubic Yd
Polymer Modified Crack Sealant	Crafco Inc.	\$.54/ Per Pound
HPPM	J.H Strain & Sons Inc.	\$ 105.00/Per Ton

WHEREAS, staff recommends an alternate supply contract with Vulcan Const. Materials, Abilene TX, for the purchase of Hot Mix Type D – Delivered at the price of \$83.37 per ton when the primary is not able to provide the same material within two days of notice.

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

PART 1: That the City Council award the supply contracts as listed in the table above, including the alternate contract, recommended by the Street Service’s Staff and to authorize the City Manganer or his designee to execute all necessary documents related to the contracts.

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

ADOPTED this 23rd day of September, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

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

PAGE
1 OF 1

DEPARTMENT: STREETS
BID NO.: CB-2161
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: AUGUST 31, 2021

INGRAM CONCRETE
BROWNWOOD, TX

CRAFCO, INC.
CHANDLER, AZ

UNIQUE PAVING
CLEVELAND, OH

ABILENE LUMBER / BMC
ABILENE, TX

J.H. STRAIN
TYE, TX

VULCAN MATERIALS
ABILENE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	LIMESTONE ROCK ASPHALT, TYPE CC	100	TON												
2.	HOT MIX, TYPE D – DELIVERED	600	TON									79.00		83.37	
3.	HOT MIX, TYPE D – PICKED UP	1200	TON									72.00		77.00	
4.	HOT MIX, TYPE B – DELIVERED	300	TON									77.00		82.37	
5.	HOT MIX, TYPE B – PICKED UP	200	TON									70.00		76.00	
6.	A-1 FLEX BASE - DELIVERED	16,000	TON									15.40		13.04	
7.	A-1 FLEX BASE – PICKED UP	500	TON									8.00		7.75	
8.	TYPE A GRADE 6 ROCK - DELIVERED	300	TON											29.69	
9.	TYPE A GRADE 6 ROCK – PICKED UP	300	TON											16.25	
10.	PORTLAND CEMENT, TYPE I	250	SACK							12.47					
11.	CLASS A PORTLAND CEMENT, 5-SACK	120	C.Y.	133.00											
12.	CLASS P CONCRETE	50	YD	138.00											
13.	FLOWABLE FILL CONCRETE	30	YD	118.00											
14.	POLYMER MODIFIED CRACK SEALANT	110,00	LBS			.54									
15.	HPPM	400	TONS					119.50				105.00			
16.	CBS-1	5,000	GAL												
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD

City of Abilene
Department of Public Works
Street Services Division
2021-22 Annual Materials Bid, Bid# CB-2161 - Summary

Hot Mix Type D-Delivered	J.H. Strain & Sons Inc.	\$79.00/Per Ton
Hot Mix Type D-Delivered (Alternate)	Vulcan Const. Materials	\$83.37/Per Ton
Hot Mix Type D-Picked Up	J.H. Strain & Sons Inc.	\$72.00/ Per Ton
Hot Mix Type B-Delivered	J.H. Strain & Sons Inc.	\$77.00/ Per Ton
Hot Mix Type B-Picked Up	J.H. Strain & Sons Inc.	\$70.00/ Per Ton
A-1 Flex Base-Delivered	Vulcan Const. Materials	\$13.04/ Per Ton
A-1 Flex Base-Picked Up	Vulcan Const. Materials	\$7.75/ Per Ton
Type A, Grade 6 Rock-Delivered	Vulcan Const. Materials	\$29.69/ Per Ton
Type A, Grade 6 Rock-Pick Up	Vulcan Const. Materials	\$16.25/ Per Ton
Portland Cement Type I	Abilene Lumber BMC	\$12.47/Per Sack
Class A Portland Cement, 5 Sack	Ingram Concrete	\$133.00/ Per Cubic Yard
Class P Concrete	Ingram Concrete	\$138.00/ Per Cubic Yard
Flowable Fill Concrete	Ingram Concrete	\$118.00/ Per Cubic Yard
Polymer Modified Crack Sealant	Crafco Inc.	\$00.54/ Per Pound
HPPM	J.H. Strain & Sons Inc.	\$105.00/ Per Ton

Alternate – This contract will be used when Strain & Sons Inc is unable to provide Hot Mix Type D-Delivered within 2 days of notice from the city.

Resolution Award of Bid Annual Street Services Division Materials Bid #CB-2161

G. McCaffery



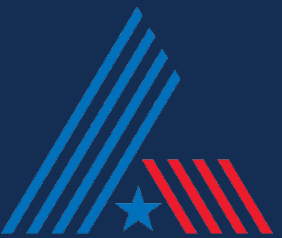
Agenda Item

Item	Company	Unit Price
Hot Mix Type D-Delivered	J.H. Strain & Sons Inc.	\$79.00/Per Ton
Hot Mix Type D-Delivered (Alternate)	Vulcan Const. Materials	\$83.37/Per Ton
Hot Mix Type D-Picked Up	J.H. Strain & Sons Inc.	\$72.00/ Per Ton
Hot Mix Type B-Delivered	J.H. Strain & Sons Inc.	\$77.00/ Per Ton
Hot Mix Type B-Picked Up	J.H. Strain & Sons Inc.	\$70.00/ Per Ton
A-1 Flex Base-Delivered	Vulcan Const. Materials	\$13.04/ Per Ton
A-1 Flex Base-Picked Up	Vulcan Const. Materials	\$7.75/ Per Ton
Type A, Grade 6 Rock-Delivered	Vulcan Const. Materials	\$29.69/ Per Ton
Type A, Grade 6 Rock-Pick Up	Vulcan Const. Materials	\$16.25/ Per Ton
Portland Cement Type I	Abilene Lumber BMC	\$12.47/Per Sack
Class A Portland Cement, 5 Sack	Ingram Concrete	\$133.00/ Per Cubic
YardClass P Concrete	Ingram Concrete	\$138.00/ Per Cubic Yard
Flowable Fill Concrete	Ingram Concrete	\$118.00/ Per Cubic Yard
Polymer Modified Crack Sealant	Crafco Inc.	\$00.54/ Per Pound
HPPM	J.H. Strain & Sons Inc.	\$105.00/ Per Ton

Alternate – This contract will be used when Strain & Sons Inc is unable to provide Hot Mix Type D-Delivered within 2 days of notice from the city.



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Jesse Pottebaum, Zoo Director

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of a Professional Services Contract with Parkhill for the Abilene Zoo Master Plan (Jesse Pottebaum)

GENERAL INFORMATION

The former Abilene Zoo Master plan was completed in the Spring of 2021 with the opening of Madagascar. The zoo submitted a Request for Proposals and two firms responded, Parkhill and Zoo Advisors. A committee reviewed both proposals and on August 27th, 2021, Parkhill was selected. Parkhill will work in conjunction with Zoo staff, the City of Abilene, and Parks and Recreation, to ensure an effective and exciting 10-year Master Plan for the Abilene Zoo.

SPECIAL CONSIDERATIONS

The Zoo has requested the Master Plan be completed before the Spring of 2022, just before their main fundraising Gala, Zoobilation, in order to create hype and positive energy for the community to continue their support of the Abilene Zoo.

FUNDING/FISCAL IMPACT

All costs will be covered by the Zoo Operations account, not General Fund dollars.

STAFF RECOMMENDATION

Zoo staff, as well as the fundraising Society Board, will be part of the Master Plan process of innovating new ideas that will bring quality exhibits, experiences, and focus on the zoo's most important effort, Conservation. Staff recommends approval of the contract with Parkhill for the Abilene Zoo Master Plan.

BOARD OR COMMISSION RECOMMENDATION

The Abilene Zoological Society agreed to support and encourage the development of a new Master Plan at their Board retreat on June 8, 2021. An RFP was then discussed and agreed to submit.

ATTACHMENTS:

1. 9_23_21 Resolution COA Parkhill Zoo Master Plan Agreement .docx
2. City Contract -Zoo Master Plan-Parkhill-Signed
3. Resolution_ Parkhill Zoo Master Plan

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH
PARKHILL FOR THE DEVELOPMENT OF THE ABILENE ZOO MASTER PLAN.**

WHEREAS, the former Abilene Zoo Master plan was completed in 2021; and

WHEREAS, the City of Abilene did a Request for Proposals and Parkhill was selected:
and

WHEREAS, the cost of the of the contract will be \$148,486 paid from Abilene Zoo
Operations Account; and

WHEREAS, on June 8, 2021 the Abilene Zoological Society approved supporting the
development of a Zoo Master Plan; and

WHEREAS, on September 21, 2021 the Parks and Recreation Board approved the
contract for Parkhill to develop Zoo Master Plan; and

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

Part 1: The City Manager is hereby authorized to enter into a contract with Parkhill to
create and deliver a Zoo Master Plan to be completed before the Spring of 2022.

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

ADOPTED this 23rd day of September 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



PROFESSIONAL SERVICES CONTRACT Engineers & Architects

This contract, dated the twenty-third day of September, 2021, is between the City of Abilene, a home rule municipal corporation of the State of Texas (“City”), and Parkhill, Smith & Cooper, Inc. , a Corporation organized under the laws of the State of Texas (“Consultant”).

The City is engaged in services to design a 5 to 10 year Zoo Master Plan and desires to engage the services of Consultant, as an independent contractor and not as an employee, to assist in the project and to render his or her or its services on the terms and conditions provided in this Contract.

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

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

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

I. TERMS

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

II. FEE

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

III. FACILITIES

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

IV. ASSIGNMENT

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

V. STATUS OF CONSULTANT

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

VI. AMENDMENT OR MODIFICATION

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

VII. OWNERSHIP OF DOCUMENTS AND MATERIALS

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

VIII. NONDISCLOSURE

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

IX. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

B. Indemnity

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

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

Consultant must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Consultant’s employees while in the vicinity where the work is

being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Consultant or Consultant's employees.

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

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

X. INSURANCE

A. GENERAL REQUIREMENTS

The Consultant agrees to maintain the type and amounts of insurance required in this contract throughout the term of the agreement. The Consultant is solely responsible for providing the required certificates of insurance. The City may terminate this agreement if the Consultant fails to timely comply with the insurance requirements.

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

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

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

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

- (A) erecting or preparing to erect a structure, including a building, bridge, roadway, public utility facility, or related appurtenance;
- (B) remodeling, extending, repairing, or demolishing a structure; or

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

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

1. Name the City as an additional insured with respect to operations for which this agreement is made.
2. Provide for 30 days advance written notice of cancellation or material change.

C. TYPES AND AMOUNTS OF INSURANCE

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

	<u>Type</u>	<u>Amount</u>
X1.	Workers' Compensation Employer's Liability	Statutory \$100,000 per occurrence
__2.	Commercial (Public) Liability including, but not limited to: • Premises/Operations • Independent Contractors • Products/Completed Operations • Contractual Liability (insuring above indemnity) and where the exposures exist • Explosion Collapse and Underground	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
X3.	Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
X4.	Professional Liability	\$500,000 combined single limit (per occurrence)
__5.	See Addendum for Special Coverages and/or revisions	

___6. No Insurance Required

XI. VENUE, CHOICE OF LAW AND INTERPRETATION

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

XII. TERMINATION

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

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

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

XIII. PROJECT REPRESENTATION

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

XIV. NOTICE

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

City – ATTN:
Lesli Andrews
633 Walnut
Abilene, TX 79601

Consultant – ATTN:
Parkhill – Ruppert Rangel
340 Beech St.
Abilene, TX 79601

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

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

XVI. NO INDEBTEDNESS

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

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

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

XVII. EQUAL EMPLOYMENT OPPORTUNITY

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

XVIII. VERIFICATION OF EMPLOYMENT ELIGIBILITY

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

XIX. MINORITY AND WOMEN BUSINESS ENTERPRISES

The City hereby gives notice that Minority and Women Business Enterprises will be afforded equal opportunities to submit bids in for this contract and will not be discriminated against on the grounds of race, ethnicity, color, sex, religion or national origin in awarding the contract. Technical assistance is available to Minority and Women Business Enterprises through the Texas

Tech University Small Business Development Center, 749 Gateway St., #301, Building C, Abilene, Texas, 79602, 325-670-0300.

XX. SALES TAX

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

XXI. LEGAL CONSTRUCTION

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

XXII. BOYCOTT OF ISRAEL

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

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

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

XXIII. SECTIONS AND OTHER HEADINGS

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

XIV. COUNTERPARTS

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

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

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

CITY OF ABILENE

PROFESSIONAL

By:

By: 

Name:

Name: Ruppert S. Rangel, AIA

Title:

Title: Principal

Address: 340 Beech Street, Abilene, TX
79601

Phone Number: 325-673-8178

Federal Tax ID#: 75-1156936

ATTEST:

ATTEST: (if corporation)

City Secretary

Corporation's Secretary

APPROVED:

Corporate Seal (if available)

By: _____
City Attorney

Attachment A

Abilene Zoo
Master Plan Fee Proposal
Scope of Services

Parkhill

Proposal Items:

1. Review of Existing conditions, infrastructure, context, connections to surrounding areas.
2. Recommendation for flexible and intentional facility or facilities which provide expansion of programming, animal education and outreach. Promotes inclusivity, pride, versatility within community with economical access options. Design Promotes longevity with durable design features and adaptable spaces.
3. Financial Performance
 - a. Development of an Operating Budget for the proposed facility program. Return on Investment targets included.
 - b. Identify any new revenue sources or service enhancements not currently being utilized.
4. Opinion of Probable Cost for construction and future expansion of staffing levels and costs of goods if required.

Our Line Itemized List (Refer to RFP for more information)

1. Executive summary
2. Narrative description of analyses / evaluations / observations
3. Goals & Strategies
4. Overall rendered site plan (not illustrative, unless additional service selected)
5. Digital Inspiration image boards (22"x34") and narrative descriptions of each Series Concept, up to 5
6. Diagrammatic floor plan(s) of holding and support buildings, as needed
7. Exhibit plans, up to 5
8. Project programs per Series Concept, as needed
9. Five artistic color renderings total, additional as additional service.
10. Black and white loose sketches of each concept, as needed
11. Master Plan level estimates (ROM)
12. Roll-out schedule for all projects
13. Projected attendance impact, yearly
14. Projected revenues, yearly
15. Projected operation costs, yearly
16. Projected parking and toilet needs
17. Phased plans
18. Scale Model of Overall Site Plan with 3D Printed Buildings. (Schematic Level Buildings)

Fee: Refer to Fee Proposal document for break down of costs.

Services specifically excluded from our scope include the following:

- Geotechnical Investigations and Reports
- Hydraulic/Hydrology and Flood Plan Studies
- Asbestos and Hazardous Material Studies
- Forensic Structural Investigations
- Traffic Impact Studies
- Construction Documents

Delayed 2 Weeks at this time. Projection accommodates for some holidays allowing for proper scheduling of Milestones.
Updated Schedule is:

1. Contract	27-Sep	1 week
2. Questionnaires Sent Out	4-Oct	1 week
3. Kick off meeting / Analysis Gathering	11-Oct Full Team	3 weeks
4. Analysis Review	1-Nov Full Team	2 week
5. Analysis Review / Goals and Strategies Draft	15-Nov Meeting*	1 weeks
6. Analysis Report Published	22-Nov Milestone	1 weeks
7. Creative Development Kickoff / Brainstorm	6-Dec Full Team	3 week
8. Concept Narrative Review / Overall Zoo Site Bubble Diagram Review	10-Jan Meeting*	2 weeks
9. Concept Review / Site Plan Options Review / Design Programs	24-Jan Meeting*	2 weeks
10. Concept Review / Site Plan / Design Programs / Rendering Prep	7-Feb Meeting*	2 weeks
11. Concept Review / Estimates / Attendance Projections / Rendering Review	21-Feb Meeting*	1 week
12. Concept Reviews / Estimates / Revenue Projections / Operating Cost Projections / Roll-Out Plan Review / Rendering Review	28-Feb Meeting*	1 week
13. Phasing Diagrams / Final Site Plan / Final Renderings	7-Mar Meeting*	1 week
14. Draft Final Master Plan Published and Presented for Comments	14-Mar Full Team	1 week
15. Final Master Plan Published	21-Mar Milestone	

*Zoo Consultant will be present virtually to help mitigate cost of travel.

Recommendation: Owner Provide a full site survey through EHT, EHT has prior experience and expertise in and around Abilene and the Abilene Zoo. Owner to provide this survey because it could potentially save a little cost without going through Parkhill. We can help coordinate if needed but not provide the service through our contract. Without the survey we can speculate the extents of the zoo property, however, to produce a professional master plan it is best to have a survey to define what the extents the master plan and property will be.



Section 02

PROJECT APPROACH/ PROPOSED TIMELINE

As the only zoo in the region, Abilene Zoo has a great opportunity to reach a very large market including local residents, regional residents, and tourists from across Texas and the surrounding southwestern states drawn, in part, to Grover Nelson Park's growing recreational attractions. The potential for tourism growth in the area means the Zoo itself needs to become more than a local attraction—appealing to visitors who are likely to have visited many larger zoos across the country. This means a differentiated brand as well as modernization of all aspects of the Zoo to the highest standards of design and animal care. Two areas of adjacent land present opportunities for physical expansion of the Zoo's footprint, which offer the benefit of adding new and innovative attractions that respond to the desires of the community and tourism market. Here is a brief outline of Four Keys areas of focus for the strategic and master planning process for the Abilene Zoo.

- | Brand Experience
- | Attendance Growth and Capacity Building
- | Animal Wellness
- | Revenue Generation

The Abilene Zoo Master Plan will require a strong foundation in Analysis, followed by creation of Goals and Strategies which will guide the Creative Development. Finally, the Implementation phase determines the scope and phasing of projects along a realistic timeframe related to funding availability and construction logistics.



PROJECT SCHEDULE		
Contract	13-Sep	
Questionnaires Sent Out	20-Sep	
Kick off meeting / Analysis Gathering	27-Sep	Full Team Meeting
Analysis Review	18-Oct	Full Team Meeting
Analysis Review / Goals and Strategies Draft	1-Nov	Meeting*
Analysis Report Published	8-Nov	Milestone
Creative Development Kickoff / Brainstorm	15-Nov	Full Team Meeting
Concept Narrative Review / Overall Zoo Site Bubble Diagram Review	6-Dec	Meeting*
Concept Review / Site Plan Options Review / Design Programs	20-Dec	Meeting*
Concept Review / Site Plan / Design Programs / Rendering Prep	3-Jan	Meeting*
Concept Review / Estimates / Attendance Projections / Rendering Review	10-Jan	Meeting*
Concept Reviews / Estimates / Revenue Projections / Operating Cost Projections / Roll-Out Plan Review / Rendering Review	17-Jan	Meeting*
Phasing Diagrams / Final Site Plan / Final Renderings	24-Jan	Meeting*
Draft Final Master Plan Published and Presented for Comments	7-Feb	Full Team Meeting
Final Master Plan Published	14-Feb	Milestone
*Zoo Consultant will be present virtually to help mitigate cost of travel.		

Analysis

The goal of the analysis phase is to determine your assets and the characteristics that make you unique, and to determine the obstacles and challenges that the master plan seeks to overcome.

During Analysis, the planning team will visit the zoo together, meet with stakeholders, review information about finances and market, review previous drawings of any planned facilities, generally become familiar with the site, story and its market potential, and draw initial observations and conclusions. We also highly recommend market research to determine community perceptions (of visitors and non-visitors alike), barriers to visitation, and desires for the future of the Zoo. Analysis allows the planning team to develop strategies for management, new attractions and support facilities based on analysis of potential.

- | Visitor Amenities
- | Existing Exhibits
- | Animal Care Facilities
- | Existing Service Facilities and Service Routes
- | Existing Land Use and Existing Buildings
- | Attendance, Traffic, Parking
- | Revenues
- | Animal Collection
- | Visitation and Visitor Profile
- | Community Engagement
- | Goals and Strategies

Creative Development

We will explore a range of engaging, innovative guest experience products based on key strategies, and create a roadmap for execution of the plan.

During this phase, we'll explore the development of engaging guest experiences based on business goals, in support of your mission, and resulting from a storyline-based thematic concept. We'll conceptualize exhibits, rides, theatres, gated entrances, shops, restaurants, gardens, animal experiences, transportation systems, educational facilities, or other capital projects—new, or reworked—that maximize revenue, offer a mix of activities, and collectively form a seamless visitor experience.

- | Message
- | Guest Experience
- | Animal Wellness
- | Conceptual Themes
- | Animal Program
- | Facility Support Services
- | Visitor Circulation Plan
- | Capital Cost Estimates
- | Service and Operations Plan
- | Vehicular Circulation Plan (visitor parking)
- | Additional Revenue Opportunities
- | Visitor Services and Amenities
- | Concept Drawings
- | Artistic Renderings

Implementation

The goal of the Implementation Plan is to create a feasible, yet flexible roadmap for implementing the projects to meet the goals of the master plan. Once product concepts are refined and estimated, we will work with staff and stakeholders to develop priorities and reflect them in a phased implementation plan. Phasing considerations generally include market impact, funding, planning time, construction disruption, attendance growth strategies, revenue generation, and a phasing plan.

During this phase, the Parkhill team will perform the following tasks:

- | Capital Cost Estimates
 - | Attendance Projections
 - | Revenue Projections
 - | Operational Expense Projections
 - | Prioritization and Phasing
 - | Funding Projections
 - | Overall Facility Site Plan
 - | Phasing Plans
 - | Illustrative Site Plan
 - | Summary Booklet
1. *Executive summary*
 2. *Narrative description of analyses / evaluations / observations*
 3. *Goals & Strategies*
 4. *Overall rendered site plan (not illustrative, unless additional service selected)*
 5. *Digital Inspiration image boards (22"x34") and narrative descriptions of each Series Concept, up to 5*
 6. *Diagrammatic floor plan(s) of holding and support buildings, as needed*
 7. *Exhibit plans, up to 5*
 8. *Project programs per Series Concept, as needed*
 9. *Five artistic color renderings total, additional as additional service.*
 10. *.Black and white loose sketches of each concept, as needed*
 11. *Master Plan level estimates (ROM)*
 12. *Roll-out schedule for all projects*
 13. *Projected attendance impact, yearly*
 14. *Projected revenues, yearly*
 15. *Projected operation costs, yearly*
 16. *Projected parking and toilet needs*
 17. *Phased plans*
 18. *Scale Model of Overall Site Plan with 3D Printed Buildings. (Schematic Level Buildings)*



Attachment A - Continued

STANDARD CONDITIONS: OWNER and A/E (Parkhill) agree that the following Provisions shall be part of the Agreement.

ARTICLE 1. SERVICES

1.1 INVOICING

Payments are due and payable pursuant to Texas Prompt Payment Act, Texas Government Code 2251.

1.2 ESTIMATES OR OPINIONS OF PROBABLE CONSTRUCTION COST

In providing estimates or opinions of probable construction cost, the OWNER understands that the A/E has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the A/E's estimates or opinions of probable construction costs are made on the basis of the A/E's professional judgment and experience. The A/E makes no warranty, express or implied, that the bids or the negotiated construction cost will not vary from the A/E's estimates or opinions of probable construction cost.

1.3 HAZARDOUS MATERIALS

As used in this Agreement, the term hazardous materials shall mean any substances, including without limitation asbestos, toxic or hazardous waste, PCBs, combustible gases and materials, petroleum or radioactive materials (as each of these is defined in applicable federal statutes) or any other substances under any conditions and in such quantities as would pose a substantial danger to persons or property exposed to such substances at or near the project site.

Both parties acknowledge that the A/E's scope of services does not include any services related to the presence of any hazardous or toxic materials. In the event the A/E or any other person or entity involved in the project encounters any hazardous or toxic materials, or should it become known to the A/E that such materials may be present on or about the jobsite or any adjacent areas that may affect the performance of the A/E's services, the A/E may, at its sole option and without liability for consequential or any other damages, suspend performance of its services under this Agreement until the OWNER retains appropriate qualified consultants and/or contractors to identify and abate or remove the hazardous or toxic materials and warrants that the jobsite is in full compliance with all applicable laws and regulations.

1.4 ACCESSIBILITY

The OWNER acknowledges that the requirements of the Americans with Disabilities Act (ADA), Texas Accessibility Standards (TAS) for projects in the State of Texas, and other federal, state and local accessibility laws, rules, codes, ordinances, and regulations will be subject to various and possibly contradictory interpretations. The OWNER further acknowledges that the ADA is a Civil Rights law and not a building code, and does not have prescriptive language. The A/E, therefore, will use its reasonable professional efforts and judgment to interpret applicable accessibility requirements in effect as of the date of the execution of this Agreement, and as they apply to the Project. The A/E, however, cannot and does not warrant or guarantee that the OWNER's Project will comply with all interpretations of the accessibility requirements and/or the requirements of other federal, state and local laws, rules, codes, ordinances and regulations as they apply to the Project.

All projects in the State of Texas must be submitted to the Texas Department of Licensing and Regulations (TDLR) – Elimination of Architectural Barriers (EAB) Division for plan review for compliance with TAS requirements. The A/E will include in the design of the Project all changes that are the result of the TDLR plan review. After construction of the project TDLR requires an inspection of the project for compliance confirmation. However, the A/E cannot and does not warrant or guarantee that different rules and or interpretation may be applied to the OWNER's Project at the time of the final TDLR inspection. Compliance with changes required by the TDLR final inspection that were not mentioned in the TDLR plan may be required.

1.5 SERVICES BY OWNER

OWNER will provide access to work site, obtain applicable permits, provide all legal services in connection with the project, and provide environmental impact reports and energy assessments unless specifically included in the Scope of Work. OWNER shall pay the costs of checking and inspection fees, zoning application fees, soils engineering fees, testing fees, surveying fees, and all other fees, permits, bond premiums, and all other charges not specifically covered by the terms of this Agreement.

1.6 OWNERSHIP OF DOCUMENTS

All reports, drawings, specifications, computer files, field data, notes, data on any form of electronic media, and other documents prepared by the A/E as Instruments of Service shall remain the property of the A/E. The A/E shall retain a common law, statutory and other reserved rights, including copyrights.

The A/E grants to the OWNER a nonexclusive license to reproduce the A/E's Instruments of Service solely for the purpose of constructing, using and maintaining the Project. The OWNER shall not use the Instruments of Service for other projects without prior written agreement of the A/E.

The OWNER shall not make any modification to the Instruments of Service without the prior written authorization of the A/E. The OWNER agrees, to the fullest extent permitted by law, to indemnify and hold harmless the A/E against any damages, liabilities or costs, including reasonable attorney's fees and defense costs, arising from or allegedly arising from or in any way connected with the unauthorized reuse or modification of the Instruments of Service by the OWNER or any person or entity that acquires or obtains the Instruments of Service from or through the OWNER without the written authorization of the A/E.

1.7 DELIVERY OF ELECTRONIC FILES

In accepting and utilizing any form of electronic media generated and furnished by the A/E, the OWNER agrees that all such electronic files are Instruments of Service of the A/E. The OWNER is aware that differences may exist between the electronic files delivered and the printed hard-copy Contract Documents. In the event of a conflict between the original signed Contract Documents prepared by the A/E and electronic files, the original signed and sealed hard-copy Contract Documents shall govern.

Electronic files created by the A/E through the application of software licensed for the sole and exclusive use by the A/E will be furnished to the OWNER in read-only format. The OWNER is responsible to obtain and maintain software licenses as appropriate for the use of electronic files provided by the A/E.

Under no circumstances shall delivery of electronic files for use by the OWNER be deemed a sale by the A/E, and the A/E makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall the A/E be liable for indirect or consequential damages as a result of the OWNER'S use or reuse of the electronic files.

ARTICLE 2. GENERAL PROVISIONS

2.1 APPLICABLE LAW

This agreement shall be interpreted and enforced according to the laws of the State of Texas, unless agreed otherwise.

2.2 PRECEDENCE OF CONDITIONS

Should any conflict exist between the terms herein and the terms of any purchase order or confirmation issued by OWNER, the terms of these Standard Conditions shall prevail.

2.3 ASSIGNMENT

Neither party to this Agreement shall transfer, sublet or assign any rights or duties under or interest in this Agreement, including but not limited to monies that are due or monies that may be due, without the prior written consent of the other party. Subcontracting to subconsultants, normally contemplated by the A/E as a generally accepted business practice, shall not be considered an assignment for purposes of this Agreement.

2.4 AMENDMENTS

This agreement may be amended only by a written instrument, signed by both OWNER and A/E, which expressly refers to this agreement.

2.5 DELAYS

The OWNER agrees that the A/E is not responsible for damages arising directly or indirectly from any delays for causes beyond the A/E's control. For purposes of this Agreement, such causes include, but are not limited to, strikes or other labor disputes; severe weather disruptions or other natural disasters or acts of God; fires, riots, war or other emergencies; failure of any government agency to act in timely manner; failure of performance by the OWNER or the OWNER's contractors or consultants; or discovery of any hazardous substances or differing site conditions.

In addition, if the delays resulting from any such causes increase the cost or time required by the A/E to perform its services in an orderly and efficient manner, the A/E shall be entitled to a reasonable adjustment in schedule and compensation.

2.6 INSURANCE

The A/E agrees to provide Professional Liability Insurance and General Liability Insurance during the scope of the services provided for this project and for a period of 3 years after the completion of services.

2.7 MERGER: WAIVER: SURVIVAL

Except as set forth by Amendment, this Agreement constitutes the entire and integrated Agreement between the parties hereto and supersedes all prior negotiations, representations and/or agreements, written or oral. One or more waiver of any term, condition or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provisions. If any term or provision of this Agreement is held to be invalid or unenforceable under any applicable statute or rule of law, such holding shall be applied only to the provision so held, and the remainder of this Agreement shall remain in full force and effect.

2.8 TERMINATION

In the event of termination of this Agreement by either party, the OWNER shall within 15 calendar days of termination pay the A/E for all services rendered and all reimbursable costs incurred by the A/E up to the date of termination, in accordance with the payment provisions of this Agreement.

The OWNER may terminate this Agreement for the OWNER's convenience and without cause upon giving the A/E not less than seven calendar days' written notice.

Either party may terminate this Agreement for cause upon giving the other party not less than seven calendar days' written notice for any of the following reasons:

- Substantial failure by the other party to perform in accordance with the terms of this Agreement and through no fault of the terminating party;
- Assignment of this Agreement or transfer of the Project by either party to any other entity without the prior written consent of the other party;
- Suspension of the Project of the A/E's services by the OWNER for more than 90 calendar days, consecutive or in aggregate;
- Material changes in the conditions under which this Agreement was entered into, the Scope of Services or the nature of the Project, and the failure of the parties to reach agreement on the compensation and schedule adjustments necessitated by such changes.

2.9 CONSEQUENTIAL DAMAGES

Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the OWNER nor the A/E, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the project or this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation and any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the OWNER and the A/E shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.

2.10 THIRD-PARTY BENEFICIARIES

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the OWNER or the A/E. The A/E's services under this Agreement are being performed solely for the OWNER's benefit, and no other party or entity shall have any claim against the A/E because of this Agreement or the performance or nonperformance of services hereunder. The OWNER and A/E agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors and other entities involved in this Project to carry out the intent of this provision.

ARTICLE 3.

3.1 STANDARD OF CARE

In providing services under this Agreement, the A/E shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances at the same time and in the same or similar locality. The A/E makes no warranty, express or implied, as to its professional services rendered under this Agreement.

3.2 DISPUTE RESOLUTION

OWNER and A/E agree to negotiate all disputes between them in good faith for a minimum of 30 days from the date of notice. Should such negotiations fail, the OWNER and A/E agree that any dispute between them arising out of, or relating to, this Agreement shall be submitted to nonbinding mediation prior to exercising any other rights under law, unless the parties mutually agree otherwise.

3.3 BETTERMENT

If, due to an error or an omission by the A/E, any required item or component of the project is omitted from the Construction Documents, the A/E shall not be responsible for paying the cost to add such item or component to the extent that such item or component would have been otherwise necessary to the project or otherwise add value or betterment to the project.

*** END ***

ATTACHMENT B

PAYMENT SCHEDULE

PARTIES TO INITIAL OPTION SELECTED

OPTION 1_X_

Compensation is based on actual hours of work/time devoted to providing the described professional services and will be paid at hourly rates, as noted in attachment "G" per hour not to exceed \$118,000. If scope changes and not to exceed price will be exceeded, Architect will obtain approval from The City prior to proceeding with additional scope or services.

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

OPTION 2 ____

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

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

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

OPTION 3 ____

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

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

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

ATTACHMENT C

OWNERSHIP OF DOCUMENTS AND MATERIALS

Parties to initial option chosen

(Option 1) ____

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

(Option 2) __X__

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

ATTACHMENT D

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

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

a. Definitions

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

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

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

- b. The Professional shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Professional providing services on the project, for the duration of the project.
- c. The Professional must provide a certificate of coverage to the City prior to being awarded the contract.
- d. If the coverage period shown on the Professional's current certificate of coverage ends during the duration of the project, the Professional must, prior to the end of the coverage period, file a new certificate of coverage with the City showing that coverage has been extended.
- e. Professional shall obtain from each person providing services on a project and provide to City:
- (1) a certificate of coverage, prior to that person beginning work on the project, so the City will have on file certificates of coverage showing coverage for all persons providing services on the project; and

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

- f. The Professional shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.
- g. The Professional shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Professional knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.
- h. The Professional shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.
- i. The Professional shall contractually require each person with whom it contracts to provide services on a project to:
 - (1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;
 - (2) provide to the Professional, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing service on the project, for the duration of the project;
 - (3) provide the Professional, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - (4) obtain from each other person with whom it contracts, and provide to the Professional:
 - (a) a certificate of coverage, prior to the other person beginning work on the project; and
 - (b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - (5) retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter;
 - (6) notify the City in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing service on the project;

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

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

ATTACHMENT E
NOTICE TO PROCEED

Click or tap here to enter text.

ATTACHMENT F
CHANGE IN SCOPE OF SERVICES

Click or tap here to enter text.

Attachment G

Parkhill Hourly Rate Schedule

Client: City of Abilene

Project: Abilene Zoo 5-10 Year Master Plan

Agreement Date: September 2021

Location: Abilene Zoo

CLASSIFICATION	HOURLY RATE	CLASSIFICATION	HOURLY RATE	CLASSIFICATION	HOURLY RATE
SUPPORT STAFF I	\$55.00	PROFESSIONAL LEVEL III		PROFESSIONAL LEVEL VI	
SUPPORT STAFF II	\$65.00	Architect	\$138.00	Architect	\$229.00
SUPPORT STAFF III	\$90.00	Civil Engineer	\$163.00	Civil Engineer	\$247.00
SUPPORT STAFF IV	\$96.00	Electrical Engineer	\$158.00	Electrical Engineer	\$257.00
SUPPORT STAFF V	\$106.00	Interior Designer	\$124.00	Interior Designer	\$198.00
SUPPORT STAFF VI	\$115.00	Landscape Architect	\$134.00	Landscape Architect	\$213.00
PROFESSIONAL LEVEL I		Mechanical Engineer	\$158.00	Mechanical Engineer	\$257.00
Architect	\$113.00	Structural Engineer	\$156.00	Structural Engineer	\$236.00
Civil Engineer	\$117.00	Surveyor III	\$110.00	Professional Surveyor VI	\$180.00
Electrical Engineer	\$120.00	Other Professional	\$122.00	Other Professional	\$194.00
Interior Designer	\$107.00	PROFESSIONAL LEVEL IV		PROFESSIONAL LEVEL VII	
Landscape Architect	\$107.00	Architect	\$170.00	Architect	\$295.00
Mechanical Engineer	\$117.00	Civil Engineer	\$190.00	Civil Engineer	\$295.00
Structural Engineer	\$112.00	Electrical Engineer	\$186.00	Electrical Engineer	\$295.00
Surveyor I	\$85.00	Interior Designer	\$135.00	Interior Designer	\$222.00
Other Professional	\$105.00	Landscape Architect	\$145.00	Landscape Architect	\$295.00
PROFESSIONAL LEVEL II		Mechanical Engineer	\$186.00	Mechanical Engineer	\$295.00
Architect	\$122.00	Structural Engineer	\$181.00	Structural Engineer	\$295.00
Civil Engineer	\$131.00	Surveyor IV	\$127.00	Professional Surveyor VII	\$200.00
Electrical Engineer	\$135.00	Other Professional	\$144.00	Other Professional	\$295.00
Interior Designer	\$113.00	PROFESSIONAL LEVEL V			
Landscape Architect	\$113.00	Architect	\$206.00		
Mechanical Engineer	\$135.00	Civil Engineer	\$229.00		
Structural Engineer	\$127.00	Electrical Engineer	\$227.00		
Surveyor II	\$95.00	Interior Designer	\$163.00		
Other Professional	\$111.00	Landscape Architect	\$176.00		
		Mechanical Engineer	\$227.00		
		Structural Engineer	\$219.00		
		Professional Surveyor V	\$150.00		
		Other Professional	\$160.00		

Expenses: Reimbursement for expenses as listed, but not limited to, incurred in connection with services, will be at cost plus 15 percent for items such as:

1. Maps, photographs, postage, phone, reproductions, printing, equipment rental, and special supplies related to the services.
2. Consultants, soils engineers, surveyors, contractors, and other outside services.
3. Rented vehicles, local public transportation and taxis, road toll fees, travel, and subsistence.
4. Special or job-specific fees, insurance, permits, and licenses applicable to work services.
5. Mileage at IRS-approved rate.

Rate for professional staff for legal proceedings or as expert witnesses will be a rate one-and-a-half times these Hourly Rates. Excise and gross receipt taxes, if any, will be added as an expense.

Foregoing Schedule of Charges is incorporated into the Agreement for Services provided, effective January 1, 2021 through December 31, 2021. After December 31, 2021, invoices will reflect the Schedule of Charges currently in effect.

Resolution: Parkhill Zoo Master Plan



Scope:

1. Review of existing conditions, infrastructure, context, connections to surrounding areas.
2. Recommendation for flexible and intentional facility or facilities which provide expansion of programming, animal education and outreach. Promotes inclusivity, pride, diversity within community with economical access options. Design promotes longevity with durable design features and adaptable spaces.
3. Financial Performance:
 - a. Development of an Operating Budget for the proposed facility program. Return on Investment targets included.
 - b. Identify any new revenue sources or service enhancements not currently being utilized.
4. Opinion of probable cost for construction and future expansion of staffing levels and costs of goods if required.
5. Parties involved:
 - a. Zoo staff, along with other City representatives
 - b. Society Members



Timeline:

- 10/11/21 Kick off meeting / Analysis Gathering
- 11/15/21 Analysis Review / Goals and Strategies Draft
- 12/6/21 Analysis Report Published / Creative Development Kickoff / Brainstorm
- 1/10/22 Concept Narrative Review / Overall Zoo Site Bubble Diagram Review
- 2/21/22 Concept Review / Estimates / Attendance Projections / Rendering Review
- 3/7/22 Phasing Diagrams / Final Site Plan / Final Renderings
- 3/14/22 Draft Final Master Plan Published and Presented for Comments
- 3/22/22 Final Master Plan Published



Cost Breakdown:

➤ ParkHill Fee	\$66,250
➤ Felis Consulting Fee	\$51,750
➤ Zoo Topographic Survey	\$20,000
➤ Travel Expenditures	\$9,936
➤ Misc Expenses	\$550
TOTAL	\$148,486





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

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 Authorizing the Purchase of a Wachs Grand LX Valve Maintenance Trailer Through Buyboard Cooperative Purchasing for the Water Utilities Department (*Rodney Taylor*)

GENERAL INFORMATION

Water Utilities staff is requesting that the Abilene City Council authorize the purchase of a Wachs Grand LX Valve Maintenance Trailer (VMT) in the amount of \$94,197.50. The purchase is through BuyBoard Cooperative Purchasing, Contract #597-19, a Local Government Purchasing Cooperative created in accordance with Section 791.001 of the Texas Government Code. The valve maintenance trailer will be utilized to expand and improve the preventative maintenance program for water distribution system valves.

SPECIAL CONSIDERATIONS

The Grand LX Valve Maintenance Trailer is a new item purchase that enables Water Utilities to execute a regularly scheduled, AWWA-approved, preventative maintenance program to ensure all of the City's 14,485 water distribution isolation valves are maintained in good working condition. Operable valves are needed when repairing the approximately 800 leaks that occur in the City annually, and to resolve any other water distribution emergency. This self-contained trailer includes all of the maintenance, cleaning and vacuum tools needed in the field to non-destructively locate, excavate, expose, clean and repair valve boxes. It can be towed behind any of the City's pickup trucks, and its extendable, rotating boom provides quick access to valves in hard-to-reach areas. With this trailer, a dedicated field crew can exercise valves and operative valves as needed in less time and with significantly less impact to the public than is currently possible.

FUNDING/FISCAL IMPACT

Funding for the purchase was included in the FY21 annual operating budget of the Water Utilities Department.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council authorize the purchase of the Wachs Grand LX Valve Maintenance Trailer from BuyBoard Cooperative Purchasing in the amount of \$94,197.50.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-Authorize Purchase-BuyBoard-Wachs Valve trailer-9-23-2021
2. Quote-BuyBoard 597-19-Wachs Valve maintenance trailer-9-23-2021
3. Grand LX Valve Maintenance Trailer (VMT), Diesel (2)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE PURCHASE OF A WACHS VALVE MAINTENANCE TRAILER
FOR USE BY THE WATER UTILITIES DEPARTMENT.**

WHEREAS, the City of Abilene (City) owns and operates a Public Water Supply System for the distribution of potable water; and

WHEREAS, the probability of underground water distribution system valve failure increases as infrastructure ages, especially in cases of inadequate proactive maintenance; and

WHEREAS, proactively managing valve systems reduces the consequence of inoperable valves failures by reducing the areas that requires water isolation, expediting repair time and minimizing the impact to customers; and

WHEREAS, the Water Utilities Department is in need of a more flexible and adaptable valve maintenance equipment in order to effectively conduct a valve preventative maintenance program; and

WHEREAS, City staff recommends purchasing the Wachs Grand LX Valve Maintenance Trailer (VMT) through BuyBoard Cooperative Purchasing, which complies with Texas Government Code Section 791.001, at the contract price of \$94,197.50; and

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

That the City Manager is authorized to execute the documentation necessary to purchase a Wachs Grand LX Valve Maintenance Trailer (VMT) through BuyBoard Cooperative Purchasing at a contract price of \$94,197.50

ADOPTED this 23rd day of September, 2021

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

Quotation

Page 1 of 1

TO: **Chris Rowe**
Division Manager
City of Abilene
701 E. Highway 80
Municipal Service Center
Abilene, TX 79604

Date: 8/20/2021
Quotation Number: JB159981
Payment Terms: Net 30 Days
Shipping Terms: FOB Origin
Valid Through: 10/20/2021
Estimated Delivery: See Below
Reference: BuyBoard#597-19

E.H. Wachs is pleased to offer the following quotation.

Item Number	Description	Qty	U/M	Unit Price (USD)	Disc%	Line Total (USD)
1	77-000-28 Grand LX (Diesel) - VMT (RH): Twin turner valve maintenance trailer; includes Wachs 1,500 Ft/lb (2,040 Nm) TM-7 SD Plus with both automated and manual control for those stubborn valves, Wachs 750 Ft/lb (1020 Nm) Extended Reach Valve operators for those preventive maintenance activities, telescoping valve key and Wachs ruggedized TC-100 with GPS controller/datalogger. A Tier 4F compliant, Kubota 1.1L, I-3 4-stroke, liquid cooled, IDI diesel engine provides ample power for all contained functions, including an auxiliary HTMA Class II circuit; 10 gallon (38 L) reservoir, fan cooled heat exchanger, continuous duty rated for 8 GPM (30.3 LPM) @ 2,000 PSI (140 bar). A positive displacement blower provides 500 CFM (14.2 cmm)-11" (280mm) Hg vacuum, with spoils containment provided by a 250 gallon (950 L) tank with power hydraulic dump (curb side discharge) and latching rear door. Also driven from the common power train is a 2.5 GPM (9.5 LPM) @ 3000 PSI (210 bar) pressure washer system with 7 gallon (26.5 L) anti-freeze tank and 66 gallon (250 L) water tank. Includes 2-1/2" (63.5mm), 1-1/4" (31.75mm) & 7/8" (22mm) suction wands and one each short and long wash-down guns. The LX package bundles the light bar with arrow board, 45' (14 M) auxiliary hydraulic hose reel for operation of hydraulic power tools, Bluetooth tethering modules (installed in ERV-750 & TM-7) for wireless communication between the exerciser and Controller/Data Logger and 24" (61cm) X 18" (46cm) x 18" (46cm) aluminum job box. Other options available include: Under deck mounted Spare Tire Kit (77-411-00), 2-5/16" Ball Tongue (77-215-01), 45lb Breaker, Mount and 14" Moil Point (08-000-10, 08-405-00 & 08-410-02) or already GPS enabled controller/datalogger, however adding Trimble R2 GNSS receiver (79-412-02) provides capability of submeter to centimeter level positioning accuracy (highest accuracy in real-time with the use of correction sources).	1	EA	93,500.00	1.5%	92,097.50
Subtotal						92,097.50
Motor Freight						2,100.00
Total (USD)						\$94,197.50

Thank you for the opportunity to quote your application needs. If you have any questions or if I may be of any further assistance to you please do not hesitate to notify me.

(SALES TAX!!!!) We collect sales tax in all but the following states: AK, DE, MT, OR and NH. If you are tax exempt please supply your identification number and certificate with your order. If your exempt number is not on file, tax will be added to your order.

Jeffrey Brehm
Outside Sales Rep Utility Div.
512-348-0171
jbrehm@ehwachs.com

Sales of E.H. Wachs products and services are expressly limited to and made conditional on acceptance of its current Terms and Conditions of Sale, found at www.ehwachs.com ("Terms"). Any additional or different terms are hereby rejected. Commencement of work by E.H. Wachs or acceptance of delivery of products by you constitutes your acceptance of the Terms.

Authorize Purchase of a Wachs Grand LX Valve Maintenance Trailer for the Water Utilities Department



- Purchase of Wachs Grand LX Valve Maintenance Trailer
- Purchase price of \$94,197.50
- Purchase through BuyBoard Cooperative Purchasing contract in compliance with Texas Government Code Sec. 791.001
- Utilize designated funds of the FY21 Annual Operating Budget
- Equipped to aid in the non-destructive excavation of buried valves and clearing debris from valve boxes.
- Extendable hydraulically operated wrench to quickly and safely operate valves.



Needed for preventative maintenance of 14,485 valves located throughout the Water Distribution System



Authorize Purchase of a Wachs Grand LX Valve Maintenance Trailer for the Water Utilities Department

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

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 Authorizing the Purchase of a CleverScan Manhole Inspection System Through BuyBoard Cooperative Purchasing for the Water Utilities Department (Rodney Taylor)

GENERAL INFORMATION

Water Utilities staff is requesting that the Abilene City Council authorize the purchase of a CleverScan Rapid, Automated Manhole Inspection System in the amount of \$73,127.00. The purchase is through BuyBoard Cooperative Purchasing, Contract #577-18, a Local Government Purchasing Cooperative created in accordance with Section 791.001 of the Texas Government Code.

SPECIAL CONSIDERATIONS

The CleverScan Manhole Inspection System is a new item purchase that enables Water Utilities to conduct National Association of Sewer Service Companies (NASSCO) Manhole Assessment Certification Program (MACP) inspections of the City's 8,090 sewer manholes. Effective manhole inspections are needed to help reduce rain and groundwater inflow and infiltration, maintain the integrity of the wastewater infrastructure, and to ensure Water Utilities only executes wastewater Capital Improvement Program projects with an actual, documented need, verified by a MACP inspection.

Currently the Water Utilities does not have the resources to perform a MACP inspection, and instead relies on a quick visual inspection from the outside looking down through the opening to determine the manhole's general condition.

The requested inspection unit is a small, lightweight, self-contained camera system that gets placed directly on top of the open manhole. It automatically descends to the bottom (maximum

of 31 feet deep), making a continuous 360-degree FOV video, photograph, and laser measurement record of the manhole's condition. The unit is small, portable, and lightweight enough for one person to carry. The entire scanning process takes only a few minutes. Afterwards, the inspector uses the included software and recorded sensor data to quickly complete the MACP certified evaluation.

FUNDING/FISCAL IMPACT

Funding for the purchase was included in the FY21 annual operating budget of the Water Utilities Department.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council authorize the purchase of the CleverScan Rapid, Automated Manhole Inspection System from BuyBoard Cooperative Purchasing in the amount of \$73,127.00.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-Authorize Purchase-BuyBoard-CleverScan Manhole Inspection System-9-23-2021
2. Quote-BuyBoard XXX-YY-Green Equipment-CleverScan MH Inspection System-9-23-2021
3. Presentation-Authorize Purchase-CleverScan Automated Manhole Inspection System-9-23-2021

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE PURCHASE OF A CLEVERSCAN RAPID, AUTOMATED
MANHOLE INSPECTION SYSTEM FOR USE BY THE WATER UTILITIES
DEPARTMENT**

WHEREAS, the City of Abilene (City) owns and operates a Publicly Owned Treatment Works for the collection and treatment of municipal wastewater; and

WHEREAS, the City has 8,090 manholes used to monitor for excessive infiltration and inflow (I&I), maintain wastewater collection system structural integrity, address public safety-related sanitary sewage issues, and implement general wastewater maintenance requirements; and

WHEREAS, it is estimated that more than half of these manholes have exceeded their design service life, potentially compromising their ability to fulfill their purpose; and

WHEREAS, the Water Utilities Department currently does not have the ability to perform an industry standard National Association of Sewer Service Companies NASSCO evaluation of its manholes to determine their actual condition; and

WHEREAS, City staff recommends purchasing the CleverScan Rapid, Automated Manhole Inspection System through BuyBoard Cooperative Purchasing, which complies with Texas Government Code Section 791.001, at the contract price of \$73,127.00; and

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

That the City Manager is authorized to execute the documentation necessary to purchase a CleverScan Rapid, Automated Manhole Inspection System through BuyBoard Cooperative Purchasing at a contract price of \$73,127.00

ADOPTED this 23rd day of September, 2021

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney



Corporate Address:
2563 Gravel Drive, Fort Worth, TX 76118
t. 8175892704 f. 8172841107

QUOTE

Number BVIBQ1851

Date Aug 19, 2021

Bill To

City of Abilene
Keith Bradford
P.O. Box 60

Phone 325-676-6005
Fax 325-671-8109
E-Mail keith.bradford@abilenetx.gov

Terms

Ship To

City of Abilene
Keith Bradford
701 E. Highway 80
P.O. Box 60
Abilene, TX 79604-0060

Phone 325-676-6005
Fax 325-671-8109
E-Mail keith.bradford@abilenetx.gov

Ship Via

Salesperson	E-mail	Phone Number
Brandon Baker	brandonbaker@greenequipco.com	

Qty	Part Number	Description	Unit Price	Ext. Price
1		E-030-0900-00 CleverScan Scanning System System includes manhole scanner camera head, camera head control assembly, ring base, hand truck for mobility, 2 hoods, ring base extenders, and WinCan license.	\$72,800.00	\$72,800.00

Please contact me if I can be of further assistance.

SubTotal	\$72,800.00
Tax	\$0.00
Shipping	\$327.00
Total	\$73,127.00

QUOTE GOOD FOR 30 DAYS

Thank you for the opportunity. We offer free training at the time of product delivery, loaner equipment is available on most products we sell. My contact information is listed above and if I can assist you in any way please, contact me.

HGAC MEMBER

BUY BOARD MEMBER

Authorize Purchase of a CleverScan Rapid, Automated Manhole Inspection System for the Water Utilities Department



- Purchase of a CleverScan Rapid, Automated Manhole Inspection System
- Purchase price of \$73,127.00
- Purchase through BuyBoard Cooperative Purchasing contract in compliance with Texas Government Code Sec. 791.001
- Utilizes designated funds of the FY21 Annual Operating Budget
- Operator can quickly set unit up over open manhole
- Automatically lowers scanning probe taking field of view video and laser measurement record of the manhole interior surfaces



CleverScan Rapid, Automated Manhole Inspection System



Authorize Purchase of a CleverScan Rapid, Automated Manhole Inspection System for the Water Utilities Department

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

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 Awarding Bids for Purchase of Bulk Chemicals to be Used by Water and Wastewater Treatment Plants in Fiscal Year 2022 (Rodney Taylor)

GENERAL INFORMATION

The City of Abilene Water Department is requesting that by written resolution the Abilene City Council award bids for CB-2144 Water Treatment Chemicals and CB-2164 Ferrous Chloride. The bid is for the purchase of bulk chemicals to be used in water and wastewater treatment processes. For CB-2144 notices were published in the Abilene Reporter News on August 1st and 8th, 2021, and the bid opening date was August 18th, 2021. For CB-2164 notices were published in the Abilene Reporter News on August 29th and September 5th, 2021, and the bid opening date was September 14th, 2021. The following table lists the individual chemicals bid, the staff recommended low bidder, the unit price for that bid, the pricing unit used for each chemical, and the maximum projected annual cost for each chemical during fiscal year 2022. It is customary that the bulk treatment chemicals be purchased based on unit prices.

SPECIAL CONSIDERATIONS

The following chemicals are used for the treatment of drinking water at the Grimes, Northeast, and Hargesheimer Water Treatment Plants, and/or for the treatment of wastewater at the Hamby Water Reclamation Facility.

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	ANNUAL \$
Liquid Chlorine	DPC Industries, Inc.	1,139.00	Liquid Ton	\$344,447.92
Ferrous Chloride	Pencco	1,074.00	Dry Ton	\$336,766.82

Dry Polymer	SNF Polydyne	3,460.00	Dry Ton	\$78,980.54
Ferric Sulfate	Chemtrade Chemicals	494.00	Dry Ton	\$206,564.49
Sodium Chlorite	International Dioxide, Inc.	3,576.00	Dry Ton	\$560,650.91
Fluorosilicic Acid	Univar Solutions	1,826.00	Dry Ton	\$44,532.94
Bleach (Mini-Bulk)	Chemstation	3.05	Gallon	\$25,925.00
Sodium Permanganate	Shannon Chemical Corp.	16.77	Gallon	\$17,334.41
Alum	Chameleon Industries Inc.	410.00	Dry Ton	\$1,603,937.96
LAS	Chameleon Industries Inc.	610.00	Dry Ton	\$91,756.35
Caustic	Univar Solutions	800.00	Dry Ton	\$784,660.56
Citric Acid	Chemstation	1.71	Wet Pound	\$470,642.04
Bleach (Bulk)	DPC Industries, Inc.	0.98	Gallon	\$490,000.00
Sodium Bisulfite 40%	Dimmit Sulfur Products	512.50	Dry Ton	\$86,612.50
Liquid Oxygen	Airgas, LLC	0.0075	Cubic Ft.	\$31,077.00

For CB-2144 all of the above listed chemicals were solicited, but no bids were received for Ferrous Chloride. Pencco was the sole bidder for Ferrous Chloride in FY21. Due to Covid-19 related issues, Pencco was not able to submit a FY22 bid for Bid CB-2144 Ferrous Chloride. City staff contacted Pencco and confirmed its interest in submitting a bid if the City conducted a rebid for this product. The City advertised for Bid CB-2164 Ferrous Chloride, and Pencco was the sole bidder for the product.

FUNDING/FISCAL IMPACT

Funds for the purchase of bulk chemicals come from the fiscal year 2022 Annual Operating Budget of the Water Utilities Department.

STAFF RECOMMENDATION

It is recommended that the Abilene City Council award the bulk chemical supply contracts for FY22 as described above and as recommended by staff.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. WrittenResolution-WtrDpt-AwardBid-Purchase Bulk Chemicals for W-WW Treatment-FY2022-9-23-2021
2. Bid Tab Sheet-CB2144-W-WW Bulk Chemicals-9-23-2021
3. Bid Tab Sheet-CB2164-W Ferrous Chloride-9-23-2021
4. Presentation-Resolution Award Bid for Purchase of Bulk Chemicals for W-WW-FY22-9-23-2021

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO VARIOUS VENDORS FOR THE PURCHASE OF BULK CHEMICALS USED FOR WATER AND WASTEWATER TREATMENT PROCESSES DURING FISCAL YEAR 2022.

WHEREAS, The City of Abilene (City) owns and operates the Grimes, Northeast, and Hargesheimer Water Treatment Plants (WTPs) and the Hamby Water Reclamation Facility (WRF); and

WHEREAS, the WTPs and the WRF utilize large quantities of chemicals in the respective treatment processes, and the chemicals are purchased in bulk quantities from various vendors based on the results of an annual bid solicitation process; and

WHEREAS, City staff evaluated all bids for conformance with the specifications, and the following list identifies the recommended low bidder and unit price for each bulk chemical bid item for fiscal year 2022:

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	ANNUAL \$
Liquid Chlorine	DPC Industries, Inc.	1,139.00	Liquid Ton	\$344,447.92
Ferrous Chloride	Pencco	1,074.00	Dry Ton	\$336,766.82
Dry Polymer	SNF Polydyne	3,460.00	Dry Ton	\$78,980.54
Ferric Sulfate	Chemtrade Chemicals	494.00	Dry Ton	\$206,564.49
Sodium Chlorite	International Dioxide, Inc.	3,576.00	Dry Ton	\$560,650.91
Fluorosilicic Acid	Univar Solutions	1,826.00	Dry Ton	\$44,532.94
Bleach (Mini-Bulk)	Chemstation	3.05	Gallon	\$25,925.00
Sodium Permanganate	Shannon Chemical Corp.	16.77	Gallon	\$17,334.41
Alum	Chameleon Industries Inc.	410.00	Dry Ton	\$1,603,937.96
LAS	Chameleon Industries Inc.	610.00	Dry Ton	\$91,756.35
Caustic	Univar Solutions	800.00	Dry Ton	\$784,660.56
Citric Acid	Chemstation	1.71	Wet Pound	\$470,642.04
Bleach (Bulk)	DPC Industries, Inc.	0.98	Gallon	\$490,000.00
Sodium Bisulfite 40%	Dimmit Sulfur Products	512.50	Dry Ton	\$86,612.50
Liquid Oxygen	Airgas, LLC	0.0075	Cubic Ft.	\$31,077.00

WHEREAS, all listed chemicals were included in bid CB-2144, no bid was received for Ferrous Chloride, and therefore only Ferrous Chloride was included in rebid CB-2164; and

WHEREAS, City staff, after evaluating the bid submittals for fiscal year 2022, does recommend awarding the bids to the low bidders identified herein; and

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

The City Manager is hereby authorized to execute a contract with each low bidder identified above in the amount of each associated unit price for the fiscal year 2022.

ADOPTED this 23rd day of September, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney

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

DEPARTMENT: WATER
BID NO.: CB-2144
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: AUGUST 18, 2021

VENDOR / ITEM DESCRIPTION	ITEM 1. LIQUID CHLORINE	ITEM 2. FERROUS CHLORIDE	ITEM 3. DRY POLYMER	ITEM 4. FERRIC SULFATE	ITEM 5. SODIUM CHLORITE	ITEM 6. FLUORO- SILICIC ACID	ITEM 7. BLEACH, MINI-BULK	ITEM 8. SODIUM PERMAN- GANATE	ITEM 9. ALUM	ITEM 10. LAS	ITEM 11. CAUSTIC	ITEM 12. CITRIC ACID	ITEM 13. BLEACH, BULK	ITEM 14. SODIUM BISULFITE	ITEM 15. LIQUID OXYGEN
DPC INDUSTRIES, INC. SWEETWATER, TX	*\$1,139.00										\$817.01		*\$0.98		
SNF POLYDYNE RICEBORO, GA			*\$3,460.00												
INTERNATIONAL DIOXIDE INC NORTH KINGSTOWN, RI					*\$3,576.00										
UNIVAR SOLUTIONS KENT, WA						*\$1,826.00				\$1,165.88	*\$800.00				
SOUTHERN IONICS INC WEST POINT, MS														\$737.44	
EVOQUA WATER TECHNOLOGIES, LLC SARASOTA, FL					\$3,640.18										
AIR PRODUCTS AND CHEMICALS, INC MIDLOTHIAN, TX															\$0.00875
NALCO WATER NAPERVILLE, IL			\$4,300.00												
DIMMIT SULFUR PRODUCTS PORTALES, NM														*\$512.50	
AFFINITY CHEMICAL, LLC FLANDERS, NJ									\$422.00						
AIRGAS, LLC ABILENE, TX															*\$0.0075
CHEMTRADE CHEMICALS US, LLC PARSIPPANY, NJ				*\$494.00					\$475.00	\$725.00					
SHANNON CHEMICAL CORP MALVERN, PA						\$4,117.17		*\$16.77				\$1.724			
CHAMELEON INDUSTRIES INC MESQUITE, TX									*\$410.00	*\$610.00					
ALTIVIA CHEMICALS, LLC HOUSTON, TX				\$670.00											
CHEMSTATION ABILENE, TX					\$6,458.93		*\$3.05					*\$1.71			
HYDRO PLUS, LLC ABILENE, TX													\$3.10		

*Recommended Award

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

PAGE
1 OF 1

DEPARTMENT: WATER
BID NO.: CB-2164
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: SEPTEMBER 14, 2021

PENCCO, INC.
SAN FELIPE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	FERROUS CHLORIDE			*1,074.00											
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD

Awarding Bids for Purchase of Bulk Chemicals Used for Water and Wastewater Treatment Plants During Fiscal Year 2022.



- The City's three Water Treatment Plants and the Water Reclamation Plant utilize large quantities of chemicals in the respective treatment processes.
- Treatment chemicals are purchased in bulk quantities from various vendors based on the results of an annual bid solicitation process.
- It is typical that bulk chemicals be purchased using unit pricing.
- All listed chemicals were included in bid CB-2144, no bid was received for Ferrous Chloride, and therefore only Ferrous Chloride was included in rebid CB-2164



City staff evaluated all bids for conformance with the specifications, and the following list identifies the low bidder recommended for each bid item for FY2022:

CHEMICAL	RECOMMENDED VENDOR	UNIT PRICE	PRICING UNIT	ANNUAL \$
Liquid Chlorine	DPC Industries, Inc.	1,139.00	Liquid Ton	\$344,447.92
Ferrous Chloride	Pencoco	1,074.00	Dry Ton	\$336,766.82
Dry Polymer	SNF Polydyne	3,460.00	Dry Ton	\$78,980.54
Ferric Sulfate	Chemtrade Chemicals	494.00	Dry Ton	\$206,564.49
Sodium Chlorite	International Dioxide, Inc.	3,576.00	Dry Ton	\$560,650.91
Fluorosilicic Acid	Univar Solutions	1,826.00	Dry Ton	\$44,532.94
Bleach (Mini-Bulk)	Chemstation	3.05	Gallon	\$25,925.00
Sodium Permanganate	Shannon Chemical Corp.	16.77	Gallon	\$17,334.41
Alum	Chameleon Industries Inc.	410.00	Dry Ton	\$1,603,937.96
LAS	Chameleon Industries Inc.	610.00	Dry Ton	\$91,756.35
Caustic	Univar Solutions	800.00	Dry Ton	\$784,660.56
Citric Acid	Chemstation	1.71	Wet Pound	\$470,642.04
Bleach (Bulk)	DPC Industries, Inc.	0.98	Gallon	\$490,000.00
Sodium Bisulfite 40%	Dimmit Sulfur Products	512.50	Dry Ton	\$86,612.50
Liquid Oxygen	Airgas, LLC	0.0075	Cubic Ft.	\$31,077.00



Awarding Bids for Purchase of Bulk Chemicals Used for Water and Wastewater Treatment Plants During Fiscal Year 2022.

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Annette Lerma, Director

**SUBJECT: 12.
Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Execution of Professional Services Contracts in Support of the Public Health Workforce and Health Equity Grants (*Annette Lerma*)**

GENERAL INFORMATION

The City of Abilene, Public Health Department, has received a Workforce grant in the amount of \$1,511,180 and a Health Equity grant in the amount of \$400,000

The purpose of the Workforce grant is to establish, expand, train, and sustain the public health workforce to support COVID-19 prevention, preparedness, response, and recovery initiatives.

Public health agencies are expected to use the funding to recruit, hire, and train personnel to address projected jurisdictional COVID-19 response needs to include hiring personnel to build capacity to address public health priorities deriving from COVID-19.

The purpose of the health equity grant is to ensure community engagement in targeted communities disproportionately impacted by COVID-19.

In furtherance of the purposes of the Grants, there is a need to hire various Professional services to meet the goals of the Grants. Request is made to authorize the City Manager to negotiate and execute various Professional Services Agreement in response to and in furtherance of the purposes of the Grants.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the Resolution to authorize the City Manager to negotiate and execute various Professional Services Agreements in furtherance of the purposes of the Workforce grant and the Health Equity grant relating to COVID-19.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2021 Resolution Approving Various Professional Services COVID-19
2. City Council PowerPoint_Professional Services Contracts_Sept.9.2021

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE VARIOUS
PROFESSIONAL SERVICES AGREEMENTS REGARDING COVID-19 GRANTS**

WHEREAS, the City of Abilene, Health Department, has received a Workforce grant in the amount of \$1,511,180, and a Health Equity grant in the amount of \$400,000; and

WHEREAS, the purpose of the Workforce grant is to establish, expand, train, and sustain the public health workforce to support COVID-19 prevention, preparedness, response, and recovery initiatives; and

WHEREAS, Public health agencies are expected to use the funding to recruit, hire, and train personnel to address projected jurisdictional COVID-19 response needs to include hiring personnel to build capacity to address public health priorities deriving from COVID-19; and

WHEREAS, the purpose of the Health Equity grant is to ensure community engagement in targeted communities disproportionately impacted by COVID-19; and

WHEREAS, it is anticipated that the following professional services relating to COVID-19 will be needed for the Abilene-Taylor County Public Health District in furtherance of the Grant purposes:

1. Grant Manager;
2. Media Specialist;
3. Licensed Vocational Nurse;
4. PHEP Consultant;
5. Training Specialist;
6. Assistant Director of Nursing;
7. Data Analyst;
8. Health Equity Specialist; and
9. Epidemiologist.

WHEREAS, request is made that the City Council authorize the City Manager to negotiate and execute various Professional Services Agreements in response to and in furtherance of the Workforce grant and the Health Equity grant in cumulative amounts not to exceed the grant amounts.

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

Part 1: That the City Council of the City of Abilene, Texas authorized the City Manager to negotiation and execute various Professional Services Agreement in response to and in furtherance of the purposes of the Workforce grant in a cumulative amount not to exceed \$1,511,180.00, and the Health Equity grant in a cumulative amount not to exceed \$400,000.00.

Part 2: That this Resolution is effective immediately upon adoption.

ADOPTED this 9th day of September, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

**Resolution:
Approve Professional Services
Contracts for Workforce,
Health Equity & Infectious
Disease Grants**



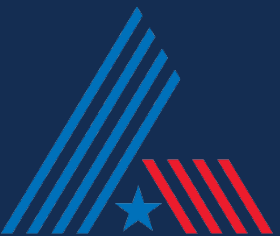
New Public Health Grants

- Workforce

- \$1,511,180
- End date June 30, 2023
- Purpose: Expand, train & sustain public health workforce to support COVID-19 prevention, preparedness, response & recovery efforts

- Health Equity

- \$400,000
- End date May 31, 2023
- Purpose: Ensure community engagement in targeted populations that were disproportionately impacted by COVID-19 and seek to close gaps in health outcomes & improve access to education & services.



The Abilene-Taylor County Public Health District **IS CURRENTLY HIRING!**

- ▶ **ASSISTANT DIRECTOR OF NURSING** - \$35.00/hour
- ▶ **DATA ANALYST** - \$28.85/hour
- ▶ **EXECUTIVE ASSISTANT** - \$19.23/hour
- ▶ **GRANT MANAGER** - \$24.00/hour
- ▶ **MEDIA SPECIALIST** - \$19.23/hour
- ▶ **COVID LICENSED VOCATIONAL NURSE (LVN)** - \$19.23/hour
- ▶ **TRAINING SPECIALIST** - \$21.63/hour
- ▶ **PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) CONTRACTOR** - \$21.63/hour
- ▶ **DATA ENTRY SPECIALIST** - \$15.00/hour
- ▶ **CASE INVESTIGATOR** - \$15.00/hour
- ▶ **PRN COVID-19 MA, CNA, PHLEBOTOMIST & LVN** - \$16.00-18.00/hour

How to Apply

ONLINE

Please submit resumes to
ATCPHDjobs@abilenetx.gov

IN PERSON

Please bring resumes to our temporary location at
555 Walnut Street
Old Municipal Court location at the back of City Hall

Applications & information will be available.



For a full list of required qualifications, experience, & additional information, visit
abilenetx.gov/health



Public Health
Prevent. Promote. Protect.
Abilene Taylor County
Public Health District



CITY OF ABILENE

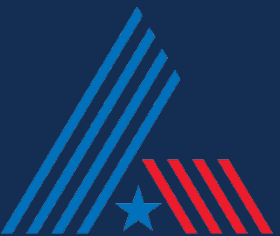
Professional Services Contracts NTE Amounts (per FY)

- Asst. DON: \$92,000
- Data Analyst: \$76,000
- Executive Asst: \$55,000
- Grant Mgr.: \$63,000
- COVID LVN: \$53,000
- Training Specialist: \$53,000
- PHEP Specialist: \$53,000
- Health Equity Specialist: \$57,000
- Case Investigator: \$38,000
- Data Entry Specialist: \$38,000
- Medical Assistant/Certified Nursing Assistant /Phlebotemist: \$42,000

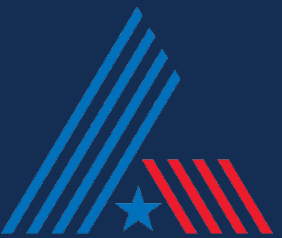


Existing Infectious Disease Grant

- Epidemiologist
- COVID-19 lead epi resignation effective September 23, 2021
- Responsible for oversight of case investigation, data entry and data analyst teams
- IDCU grant covers 100% of salary
- IDCU Contract amount: \$146,189
- \$64,973 ends April 30, 2022
- \$81,216 ends July 31, 2023
- Contract Epi NTE amount: \$80,000



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 13. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021-22 Budgets (Mike Rains)

GENERAL INFORMATION

Council approved the Fiscal Year 2021-22 budgets on August 12, 2021. As a result of several changes occurring since this approval, staff is proposing to amend the budgets.

The Abilene-Taylor County Public Health District has received new funding for workforce and health equity grants as well as additional funding for Women, Infants & Children (WIC), Family Planning, Immunization, and Refugees. This additional funding will result in approximately \$2,375,280 of additional revenues and corresponding expenditures.

The Abilene Zoo would like to add an Associate Veterinarian position which will result in an additional full-time equivalent at a cost of \$111,270. This position will be reimbursed 100% by the Abilene Zoological Society. The position will allow cross training between the Animal Shelter and Zoo and have the ability to serve both locations as needed.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Total revenues and expenditures will increase by \$2,486,550 and will have a net effect to fund balance of \$0.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance-Amending the FY 2021-22 Budgets
2. Powerpoint - Ordinance Amending the FY 2021-22 Budgets

ORDINANCE NO. _____

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2021-2022; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

WHEREAS, the City Manager has prepared a revision of certain figures in the 2021-2022 budget and submitted same to the City Council; and,

WHEREAS, the City Council has reviewed and considered said proposed revised budget and made revisions of same; and,

WHEREAS, said budget, as revised by the City Council, was duly set for a public hearing ordered to be called by the City Council and held on October 14th, 2021, after due notice, as required by the Charter of the City of Abilene and laws of the State of Texas; now, therefore,

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

PART 1: That the revised figures, prepared and submitted by the City Manager for the 2021-2022 budget, be, and the same are hereby, in all things, approved and appropriated, and any necessary transfers between accounts and departments are hereby authorized, approved, and appropriated.

PART 2: That the City Manager and his authorized and designated employees, at his direction, be, and are hereby, authorized to sign or release easements, permits, licenses, and change orders; to sign interlocal agreements as authorized by state law; to sign documents authorizing the payment of funds, and to expend public funds as authorized by state law unless otherwise authorized by the City Council; to settle paving assessment, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating factual circumstances. The City Manager is authorized to adjust compensation, within Council policy guidelines, of any City employee, including appointees, when in his discretion an adjustment needs to be made to retain qualified personnel. The intent of this section is to provide the ability to conduct daily affairs of the City, which involves numerous decisions of a routine nature and to retain qualified personnel.

PART 3: That the City Council hereby approves grants and contracts that are set out by this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign said federal, state, and other such grant and contract documents, including interlocal agreements, on behalf of the City. The funds for said contracts, agreements, and purchases are hereby approved and appropriated. The intent of this section is to approve and simplify the grant process and approve expenditures that are exempt from the Purchasing and Contracting Authority of Municipalities, Chapter 252 of the Local Government Code.

PART 4: That upon passage of this ordinance on first reading, the City Secretary be, and is hereby authorized and directed to have published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, a notice that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 8:30 A.M., on the 14th of October, 2021, to permit the public to be heard prior to consideration of this ordinance for second and final reading, said publication to be made on the 11th of October 2021, being more than twenty-four (24) hours prior to the time designated for such public hearing in accordance with Section 18 of the City Charter. 102.0065(b) Local Government Code, Special Notice by publication for Budget – except that if another law requires the governing body to give notice, by publication, of a hearing on a budget this section does not apply.

PART 5: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict. It is specifically provided that Resolution 40-1997 concerning liability claims shall remain in full force and effect.

PART 6: That the number, classification, and designation of each position as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified service of the Police and Fire Departments of the City of Abilene for the fiscal year October 1, 2021 through September 30, 2022, or as may be amended by City Council. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished.

<u>Police Department</u>		<u>Fire Department</u>	
Assistant Police Chief	3	Deputy Fire Chief	2
Police Lieutenant	9	Battalion Chief	5
Police Sergeant	26	Fire Captain	12
Police Officers	<u>178</u>	Fire Lieutenant	33
	216	Fire Fighter	<u>146</u>
			198

PART 7: That the City's operating budgets are amended as set forth in Exhibit A attached and incorporated into as part of this Ordinance.

PASSED ON FIRST READING on the 23rd day of September, A.D. 2021.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the
14th day of October, A.D. 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

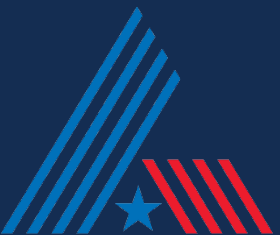
All Operating Funds	Adopted 2021-2022	Amended 2021-2022
Fund Balance Beginning	\$76,847,065	\$76,847,065
Total Revenue	283,101,699	285,588,249
Total Expenditures	288,668,300	291,154,850
Fund Balance Ending	\$71,280,464	\$71,280,464

Ordinance & Public Hearing Amending the FY 2021-22 Budgets



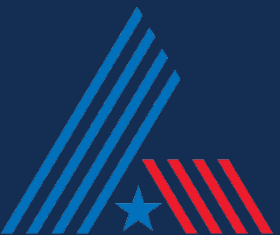
Ordinance & Public Hearing – Amending the FY 2021-22 Budgets

- As a result of several changes occurring since approval of the FY 2021-2022 budgets on August 12, 2021, staff is proposing an amendment to the budget ordinance.
 - The Health Department has been awarded new grants for workforce and health equity and also received additional funding for the Women, Infants & Children (WIC), Family Planning, Immunization, and Refugee grants which will result in additional revenue and corresponding expenditures of \$2,375,280.
 - The Abilene Zoo would like to add an Associate Veterinarian position which will result in an additional full-time equivalent at a cost of \$111,270. This position will be reimbursed by the Abilene Zoological Society for a net cost of \$0. The position will allow cross training between the Animal Shelter and Zoo and have the ability to serve both locations as needed.

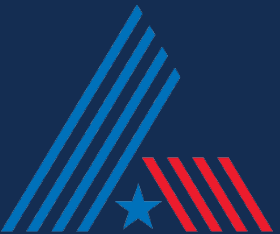


Ordinance & Public Hearing – Amending the FY 2021-22 Budgets

	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance
Total All Funds as approved on August 12, 2021	\$76,847,065	\$283,101,699	\$288,668,300	\$71,280,464
Health Grants		2,375,280	2,375,280	0
Additional Zoo position		111,270	111,270	0
Total All Funds - Revised	\$76,847,065	\$285,588,249	\$291,154,850	\$71,280,464



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2020-2021 Budgets
(Mike Rains)

GENERAL INFORMATION

Council approved on August 12, 2021 a revised budget for Fiscal Year 2020-2021. Since that time, staff has received final guidance from the U.S. Treasury regarding reporting of the American Rescue Plan Act (ARPA) grant. The budget amendment will increase revenues and expenditures in the amount of \$10,728,000 representing the ARPA funding received in the current year. The net effect to fund balance will be \$0.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The additional funding received will increase revenues and expenditures by \$10,728,000. There will be \$0 effect to fund balance.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance-Amended Budget 2021
2. Powerpoint - Ordinance Amending the Revised 2020-21 Budgets

ORDINANCE NO. _____

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2020-2021; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CALLING A PUBLIC HEARING.

WHEREAS, the City Manager has prepared a revision of certain figures in the 2020-2021 budget and submitted same to the City Council; and,

WHEREAS, the City Council has reviewed and considered said proposed revised budget and made revisions of same; and,

WHEREAS, said budget, as revised by the City Council, was duly set for a public hearing ordered to be called by the City Council and held on October 14th, 2021, after due notice, as required by the Charter of the City of Abilene and laws of the State of Texas; now, therefore,

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

PART 1: That the revised figures, prepared and submitted by the City Manager for the 2020-2021 budget, be, and the same are hereby, in all things, approved and appropriated, and any necessary transfers between accounts and departments are hereby authorized, approved, and appropriated.

PART 2: That the City Manager and his authorized and designated employees, at his direction, be, and are hereby, authorized to sign or release easements, permits, licenses, and change orders; to sign interlocal agreements as authorized by state law; to sign documents authorizing the payment of funds, and to expend public funds as authorized by state law unless otherwise authorized by the City Council; to settle paving assessment, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating factual circumstances. The City Manager is authorized to adjust compensation, within Council policy guidelines, of any City employee, including appointees, when in his discretion an adjustment needs to be made to retain qualified personnel. The intent of this section is to provide the ability to conduct daily affairs of the City, which involves numerous decisions of a routine nature and to retain qualified personnel.

PART 3: That the City Council hereby approves grants and contracts that are set out by this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign said federal, state, and other such grant and contract documents, including interlocal agreements, on behalf of the City. The funds for said contracts, agreements, and purchases are hereby approved and appropriated. The intent of this section is to approve and simplify the grant process and approve expenditures that are exempt from the Purchasing and Contracting Authority of Municipalities, Chapter 252 of the Local Government Code.

PART 4: That upon passage of this ordinance on first reading, the City Secretary be, and is hereby authorized and directed to have published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, a notice that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 8:30 A.M., on the 14th of October, 2021, to permit the public to be heard prior to consideration of this ordinance for second and final reading, said publication to be made on the 11th of October 2021, being more than twenty-four (24) hours prior to the time designated for such public hearing in accordance with Section 18 of the City Charter. 102.0065(b) Local Government Code, Special Notice by publication for Budget – except that if another law requires the governing body to give notice, by publication, of a hearing on a budget this section does not apply.

PART 5: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict. It is specifically provided that Resolution 40-1997 concerning liability claims shall remain in full force and effect.

PART 6: That the number, classification, and designation of each position as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified service of the Police and Fire Departments of the City of Abilene for the fiscal year October 1, 2020 through September 30, 2021, or as may be amended by City Council. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished.

<u>Police Department</u>		<u>Fire Department</u>	
Assistant Police Chief	3	Deputy Fire Chief	2
Police Lieutenant	9	Battalion Chief	5
Police Sergeant	26	Fire Captain	12
Police Officers	<u>178</u>	Fire Lieutenant	33
	216	Fire Fighter	<u>146</u>
			198

PART 7: That the City's operating budgets are amended as set forth in Exhibit A attached and incorporated into as part of this Ordinance.

PASSED ON FIRST READING on the 23rd day of September, A.D. 2021.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the
14th day of October, A.D. 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

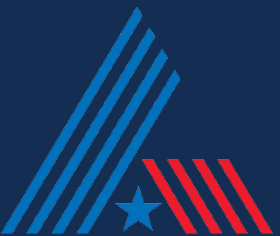
All Operating Funds	Revised 2020-2021	Amended 2020-2021
Fund Balance Beginning	\$74,995,411	\$74,995,411
Total Revenue	284,965,819	295,693,819
Total Expenditures	283,114,165	293,842,165
Fund Balance Ending	\$76,847,065	\$76,847,065

Ordinance & Public Hearing Amending the Revised 2020-21 Budgets



Ordinance & Public Hearing – Amending the Revised 2020-21 Budgets

- As a result of a change occurring since approval of the FY 2020-2021 budgets on August 12, 2021, staff is proposing an amendment to the budget ordinance.
- Final reporting guidance has been received from the U.S. Treasury regarding funding received from the American Rescue Plan Act (ARPA). The budget amendment will increase revenues and expenditures in the amount of \$10,728,000 representing the ARPA funding received in the current year. The net effect to fund balance will be \$0.

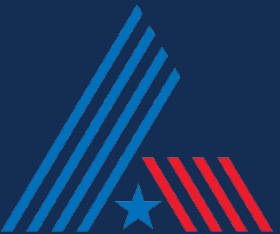


Ordinance & Public Hearing – Amending the Revised 2020-21 Budgets

	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance
Total All Funds as approved on August 12, 2021	\$74,995,411	\$284,965,819	\$283,114,165	\$76,847,065
ARPA Grant		10,728,000	10,728,000	0
Total All Funds - Amended	\$74,995,411	\$295,693,819	\$293,842,165	\$76,847,065



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **15. Ordinance (First Reading) Z-2021-22:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from The Conder Company (Represented by Jacob Martin LLC) to Change Zoning from Agricultural Open Space (AO) to a Planned Development (PD) District of Single-Family Home Sites on Approximately 7.77 Acres of Now-Vacant Land Bordering the 7700-7900 Blocks (West Side) of Hardwick Road in Far South Abilene. Legal Description Being Approximately 7.77 Acres Out of the W.J. Reddell Survey in Abilene, Taylor County, Texas. *(Tim Littlejohn)*

GENERAL INFORMATION

Based upon information provided within the application, the purpose of this request is to allow a single-family residential development with lot dimensions of 50'x100' or a minimum of 5,000 square feet in size.

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 7-0.

ATTACHMENTS:

1. Z-2021-22 DRAFT Ordinance
2. Z-2021-22 Staff Report
3. Z-2021-22 Application
4. Z-2021-22 Council presentation

ORDINANCE NO. _____

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-173 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 23rd day of September, 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 21st day of August, 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 14th day of October, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 14th day of October, 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 Agricultural Open (AO) to Planned Development (PD) District.

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

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 2

PART 5: Legal Description. The legal description of this PDD is as follows: Being two tracts totaling 7.75 acres out of the W.J Reddell Pre-Emption Survey in the City of Abilene, Taylor County, Texas, each of the two tracts comprising said 7.75 acres being more particularly described by metes-and-bounds as follows:

TRACT 1

BEING 3.88 acres out of W.J. Reddell Pre-Emption Survey, Taylor County Texas, said 3.88 being all of a 4.00-acre tract recorded in Volume 1250, Page 763, Deed Records, Taylor County, Texas, save and except a 0.113 acre tract recorded in Volume 2233, Page 975, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a ½" rebar found on the WBL of Hardwick Road (right-of-way varies) at the northwest corner of said 0.113 acre tract and the southeast corner of Lot 2, Block A, Wylie Middle School Addition, City of Abilene, Taylor County, Texas, as shown by plat recorded in Cabinet 1, Slide 781, Plat Records, Taylor County, Texas for the northeast corner of this tract;

THENCE S00°16'36"W 299.65 feet along the WBL of Hardwick Road to a ½" rebar found at the southwest corner of said 0.113-acre tract for the southeast corner of this tract;

THENCE N89°21'12"W 564.03 feet to a 3/8" rebar set on the EBL of Lot 1, Block A, Wylie Middle School Addition, City of Abilene, Taylor County, Texas as shown by plat recorded in Cabinet 1, Slid 469, Plat records, Taylor County, Texas for the southwest corner of this tract;

THENCE N00°09'10"E 299.65 feet to a 3/8" rebar set on the SBL of said Lot 2 at the most northerly northeast corner of said Lot 1 for the northwest corner of this tract;

THENCE S89°21'12" 564.68 feet along the SBL of said Lot 2 to the place of beginning and containing 3.88 acres of land.

TRACT 2

BEING 3.78 acres out of the W.J. Reddell Pre-Emption Survey, Taylor County, Texas, said 3.87 acre being all of a 4.00 acre tract recorded in Volume 1245, Page 89, Deed Records, Taylor County, Texas, save and except a 0.116 acre tract recorded in Volume 2228, Page 113, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at ½" rebar found on the WBL of Hardwick Road (right-of-way varies) at the southwest corner of said 0.116 acre tract and the northeast corner of a 1.882 acre tract recorded in Volume 2615, Page 688, Official Public Records, Taylor County, Texas, for the southeast corner of this tract;

THENCE N89°21'12"W 563.65 feet to a 1/2" pipe found at an interior corner of Lot 1, Block A, Wylie Middle School Addition, City of Abilene, Taylor County, Texas, as shown by plat recorded in Cabinet 1, Slide 469, Plat Records, Taylor County, Texas for the southwest corner of this tract;

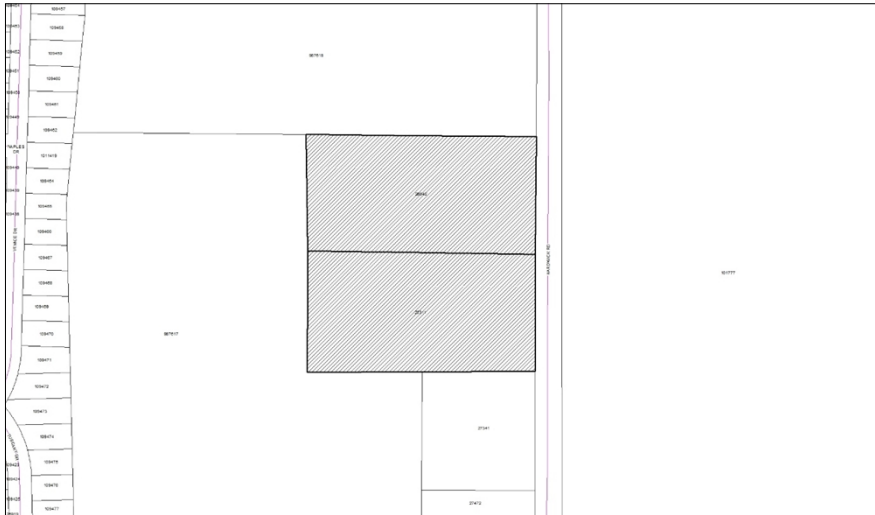
THENCE N00°09'10"E 299.33 feet to a 3/8" rebar set on the EBL of said Lot 1 for the northwest corner of this tract;

THENCE S89°21'12"E 564.03 feet to a ½" rebar found at the northwest corner of said 0.116 acre tract for the northeast corner of this tract;

THENCE S00°13'32"W 299.3 feet along the WBL of said 0.116 acre tract to the place of beginning and containing 3.87 acres of land.

ORDINANCE NO. _____

EXHIBIT "A"
PAGE 2



Location: 7.75 acres located between the 7700-7900 blocks (west side) of Hardwick Road and east of Wylie East Elementary and Wylie East Intermediate Schools.

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development (PD) District is to allow single-family residential development, similar to what would be found within Patio Home (PH) 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 Patio Home (PH) zoning classification, except as modified below:

A. Site Layout and Building Requirements:

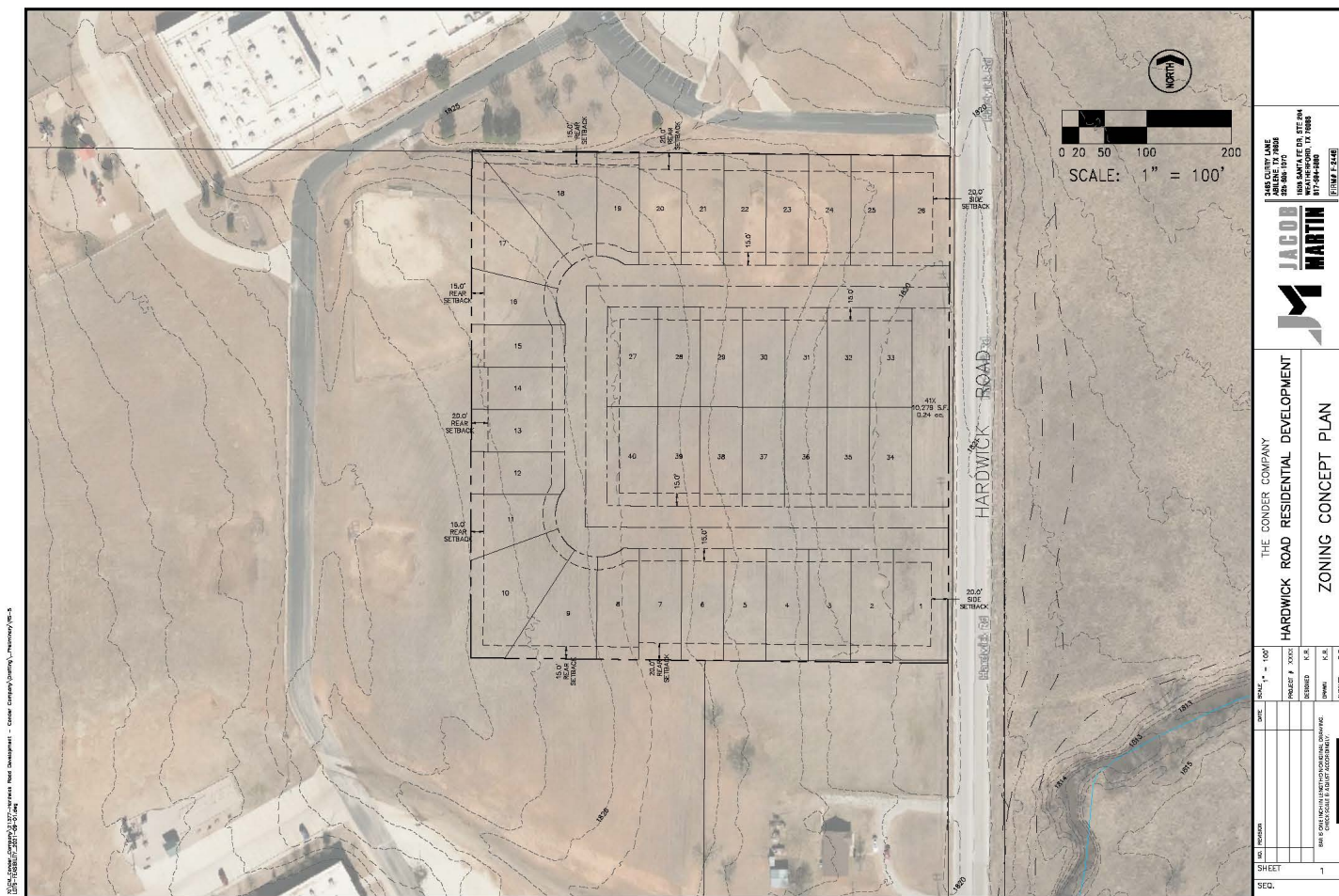
1. Lot Size:

- a. Platted lots within this Planned Development District must be a minimum of 5,000 square feet in area.

2. Setbacks:

- a. Interior Side Yard: 5-feet
- b. Rear Yard Setback:
 - Cul-de-Sac lots identified in the attached exhibit are permitted 15-foot rear yard setbacks.
 - All other lots shall be subject to a minimum 20-foot rear yard setback.

EXHIBIT "A" GRAPHIC CONCEPT PLAN
PAGE 4



ZONING CASE Z-2021-22

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: September 7, 2021

City Council 1st Reading: September 23, 2021

City Council 2nd Reading: October 14, 2021

Applicant

Owner: The Conder Company

Agent: Jacob & Martin, LLC

Request

Rezone approximately 7.7 acres of Agricultural Open Space (AO) zoning to a Planned Development District with a base zoning of Patio Home (PH). Based upon information provided within the application, the purpose of this request is to allow a single-family residential development with lot dimensions of 50'x100' or a minimum of 5,000 square feet in size. Additionally, the Planned Development request is to allow 5-foot side yard setbacks, as well as 15-foot rear yard setbacks on specified the keyed lots identified within the planned development graphic exhibit attached to this staff report.

Location

The subject property is approximately 7.7 acres of land out of the W J Reddell Survey, located in the City of Abilene, Taylor County Texas. More precisely identified as being between the 7700-7900 blocks of Hardwick Road (west side).

Background

The subject property was annexed in 1980 and Agricultural Open Space (AO) zoning was applied to the property. The property has remained vacant since annexation.

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 RS-6 and AO zoning districts. The surrounding RS-6 properties north, west, and south of the subject property were rezoned in 1983. In 1983, a building permit was issued for the construction of what is presently Wylie West Intermediate School; situated southwest of the subject property. In 1988, a building permit was issued for the construction of what is presently Wylie West Elementary School; situated northwest of the subject property. Immediately south of the subject property is a 1.88-acre single-family homesite within AO zoning; the residence that is located within this tract predates annexation and was constructed in 1961. The property east of Hardwick Road is currently within an AO zoning district and is vacant at this time.

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 the 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 single-family residential development. The proposed zone change is consistent with single-family residential land use. Additionally, the comprehensive plan details the necessity of promoting a variety of housing opportunities in close proximity to neighborhood activity centers. This zone change request achieves each of these goals by providing an alternative to traditional single-family housing found in RS zoning districts and will create alternative housing in close proximity to the schools that will serve residences within the neighborhood. Ultimately, this proximity to these existing facilities will further achieve the Comprehensive Plan's objective of promoting the walkability of neighborhoods.

(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 the staff, that the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity. Aside from the two school sites, the surrounding properties are entirely residential.

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

Staff Recommendation

Staff recommends approval

Planning and Zoning Commission Action

The Planning and Zoning Commission will hear this request on September 7, 2021.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on August 21, 2021, via certified mail to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

Owner	Parcel ID	Response
GRAHAM SARA L TR	101777	
LAMB STEVEN H & HAZEL D	27341	
OWENS BENNY R	28042	
WORLEY ROBERT L & COLLEEN H	28311	
WYLIE IND SCHOOL DIST	987617	
WYLIE IND SCHOOL DIST	987618	

Zoning Map

N
W E
S

Legend

- Z-2021-22
- AO - Agricultural Open Space
- RS-6: Residential Single-Family

987618

29042

RS-6

AO

28311

HARDWICK RD

101777

987617

27341

27472

Attachments

PD Concept Plan

Draft PD Ordinance

Application

PowerPoint Presentation

PROJECT OVERVIEW

Project Type: Zoning Application

ID # 21-000108 | **Started** 07/21/2021 at 9:06 AM



Address

Abilene, TX USA 79606

Legal

A1371 W J Reddell Blk
Acres 3.88
A1371 W J Reddell,
Acres 3.887

Property Info

Property ID: 28042

Description

This request is for a planned development zoning district, essentially a copy of the standard RS-6 zoning district with a few modifications detailed here: 50'x100' minimum lot dimensions, 5000 sq. ft. lot area, 5' side setbacks, and 15' rear yard setbacks, with the same allowable land uses as RS-6 zoning district

INFORMATION FIELDS

Owner Name

The Conder Company

Agent Name

Jacob & Martin

Block

-

Lot

-

Acreage

7.77

Legal Description of property

A1371 W J REDDELL, ACRES 3.884 & A1371 W J REDDELL, ACRES 3.887

Subdivision Name

-

Current Zoning

AO

Proposed Zoning

PD

Agree to Terms

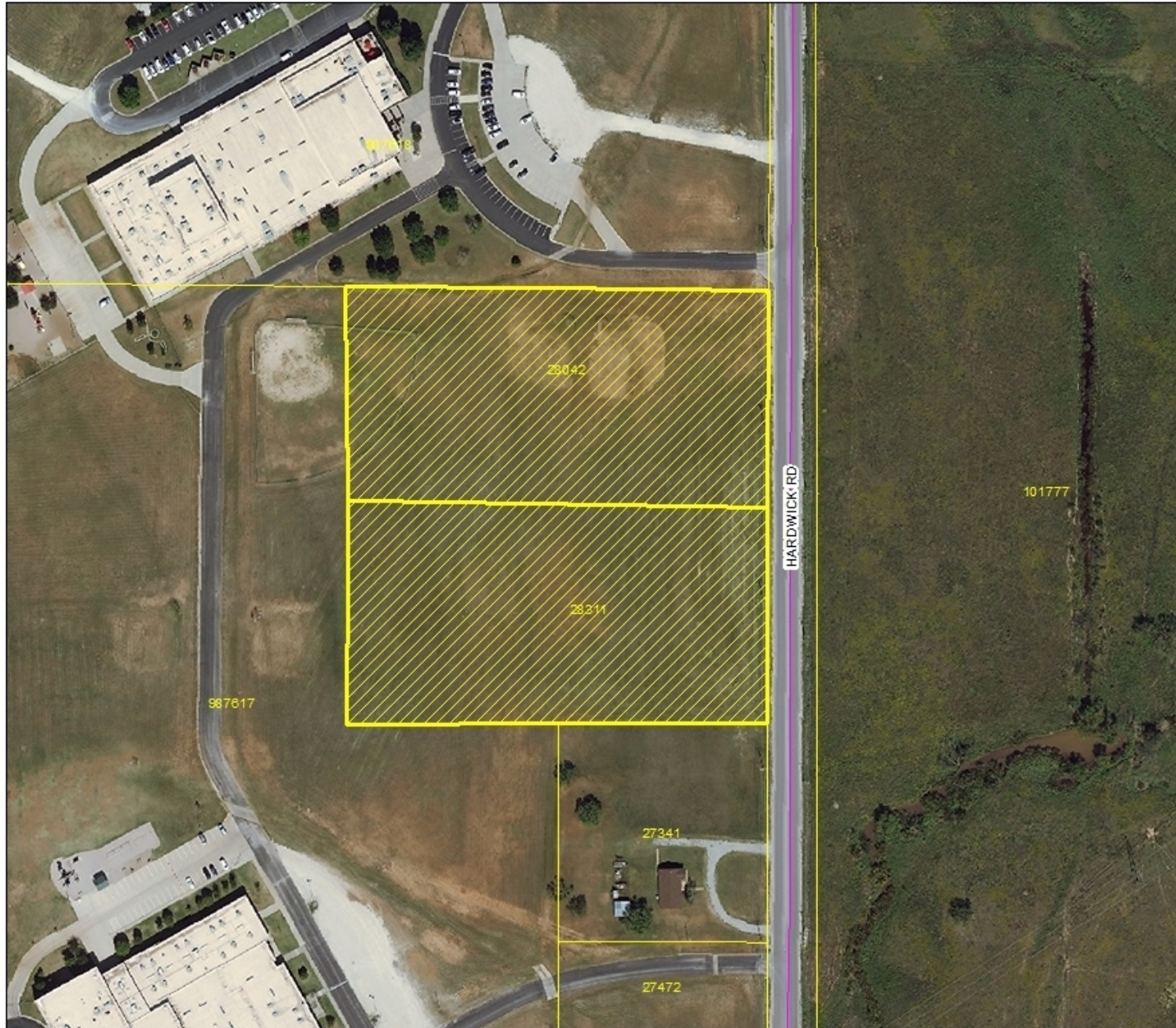
Clayton Farrow 7-21-2021



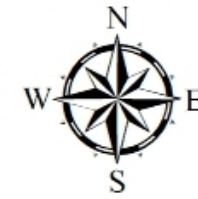
ZONING CONCEPT PLAN

Case: Z-2021-22
Owner: The Conder Company
Agent: Jacob & Martin, LLC
Request: Rezone Agricultural Open Space (AO) to
Planned Development District (PD 173)
Location: Between 7700-7900 blocks of Hardwick Rd.
Notification: 0 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval, September 7, 2021

Z-2021-22 LOCATION MAP



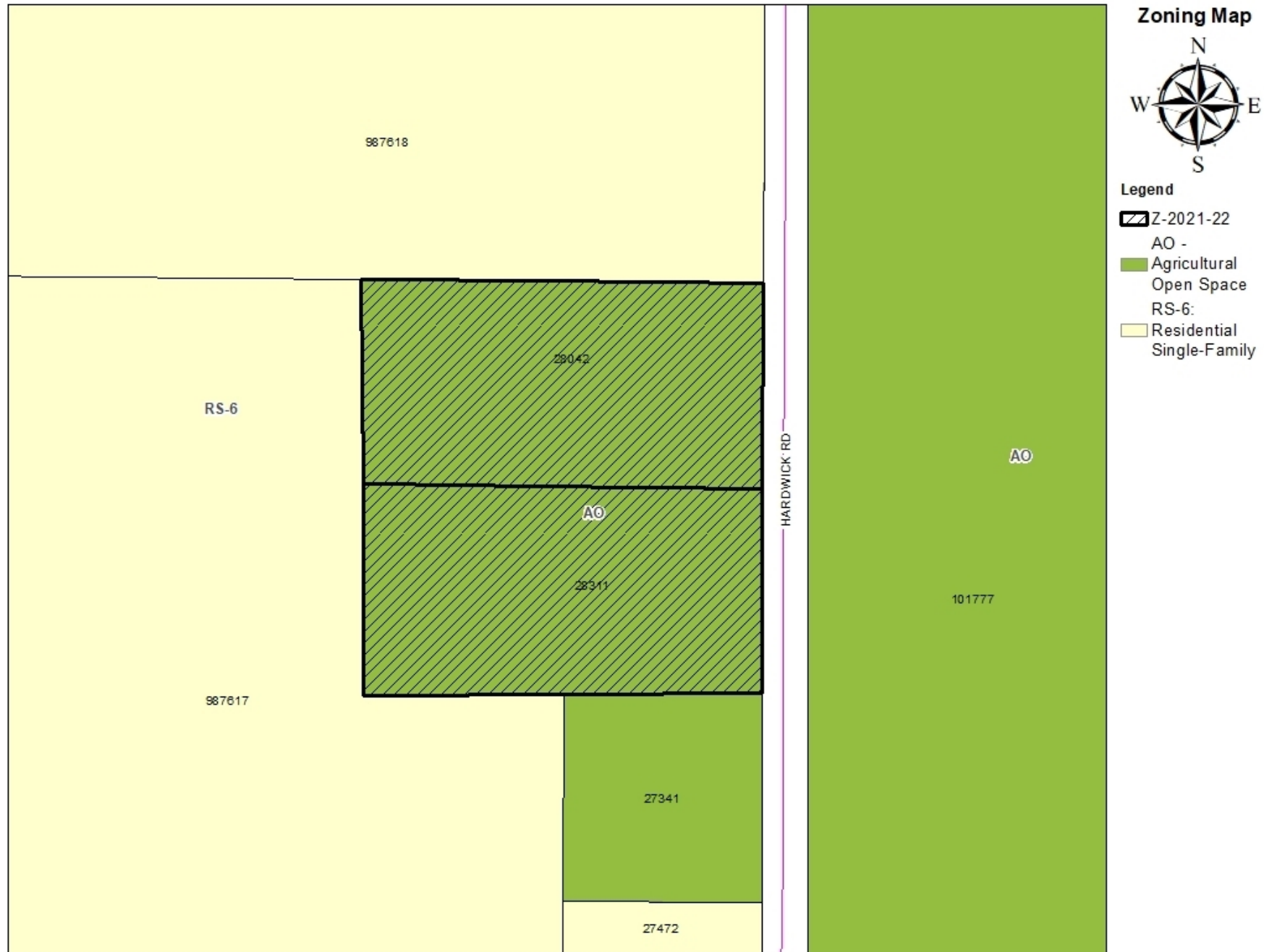
Location Map

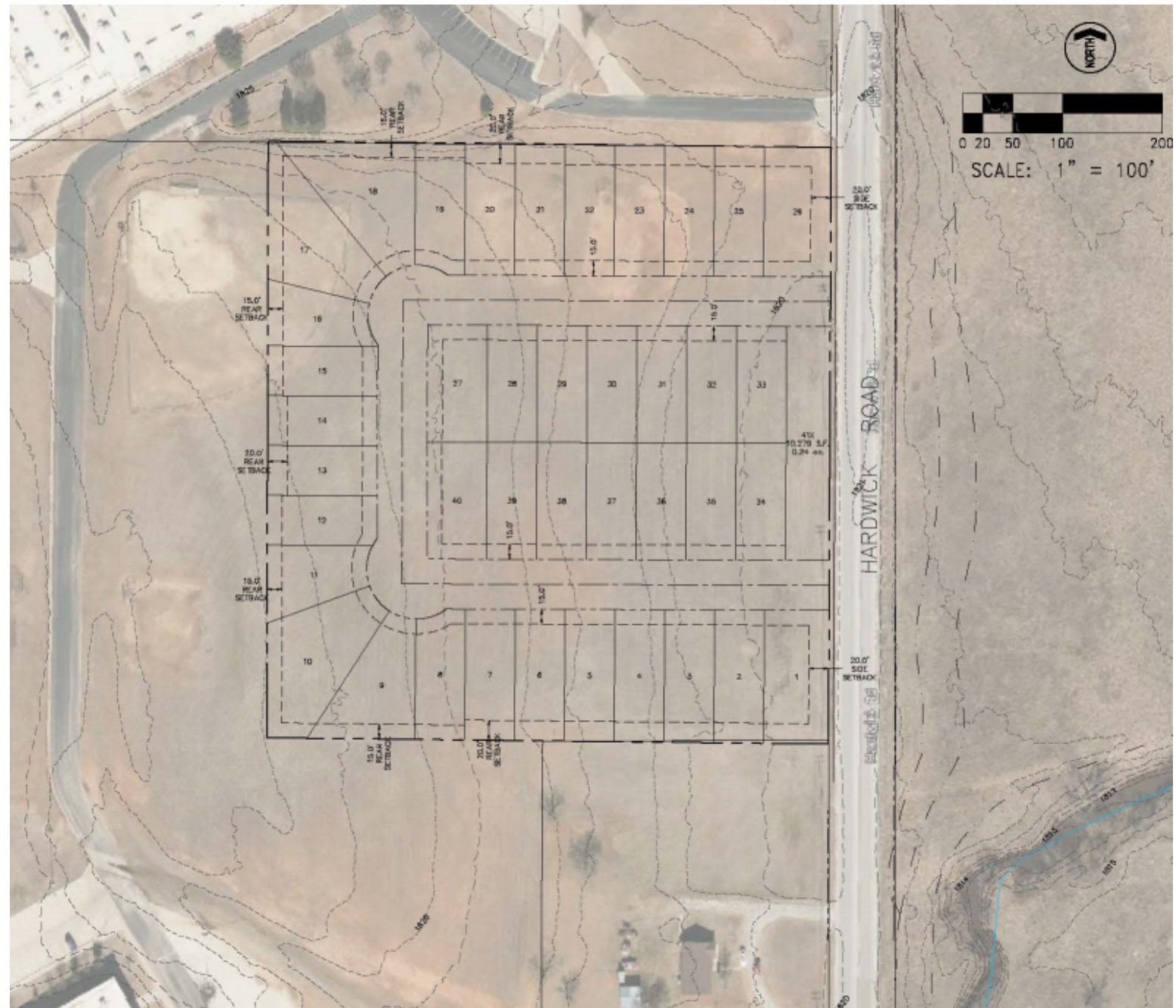


Legend

 Z-2021-22

Z-2021-22 ZONING MAP





Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well
- 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

Permitted Uses in PH Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P/C Day Care Operation – Home-Based
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- 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 Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P 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



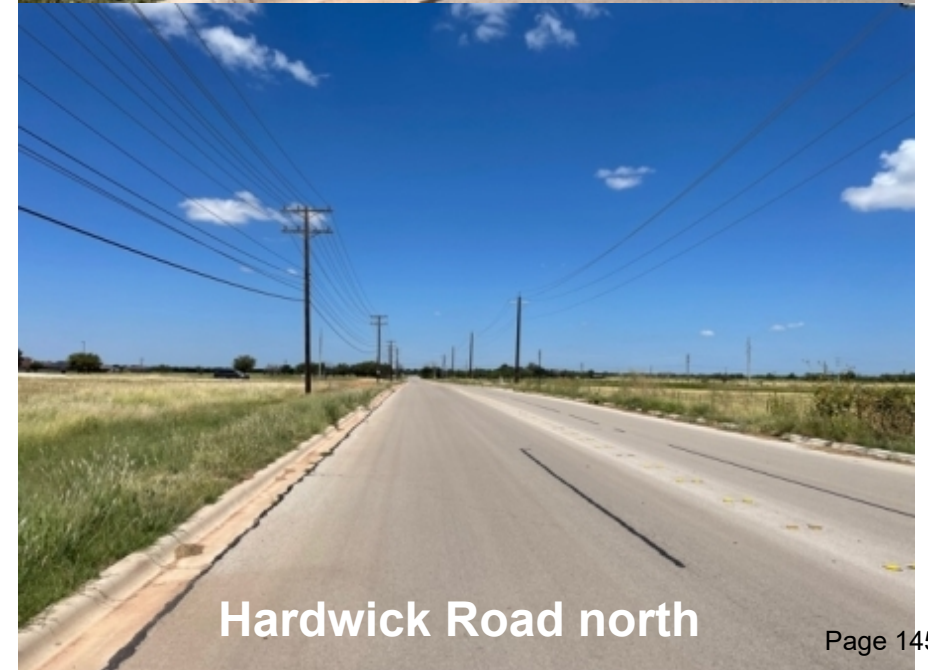
Southwestern view of subject property



Northwestern view of subject property

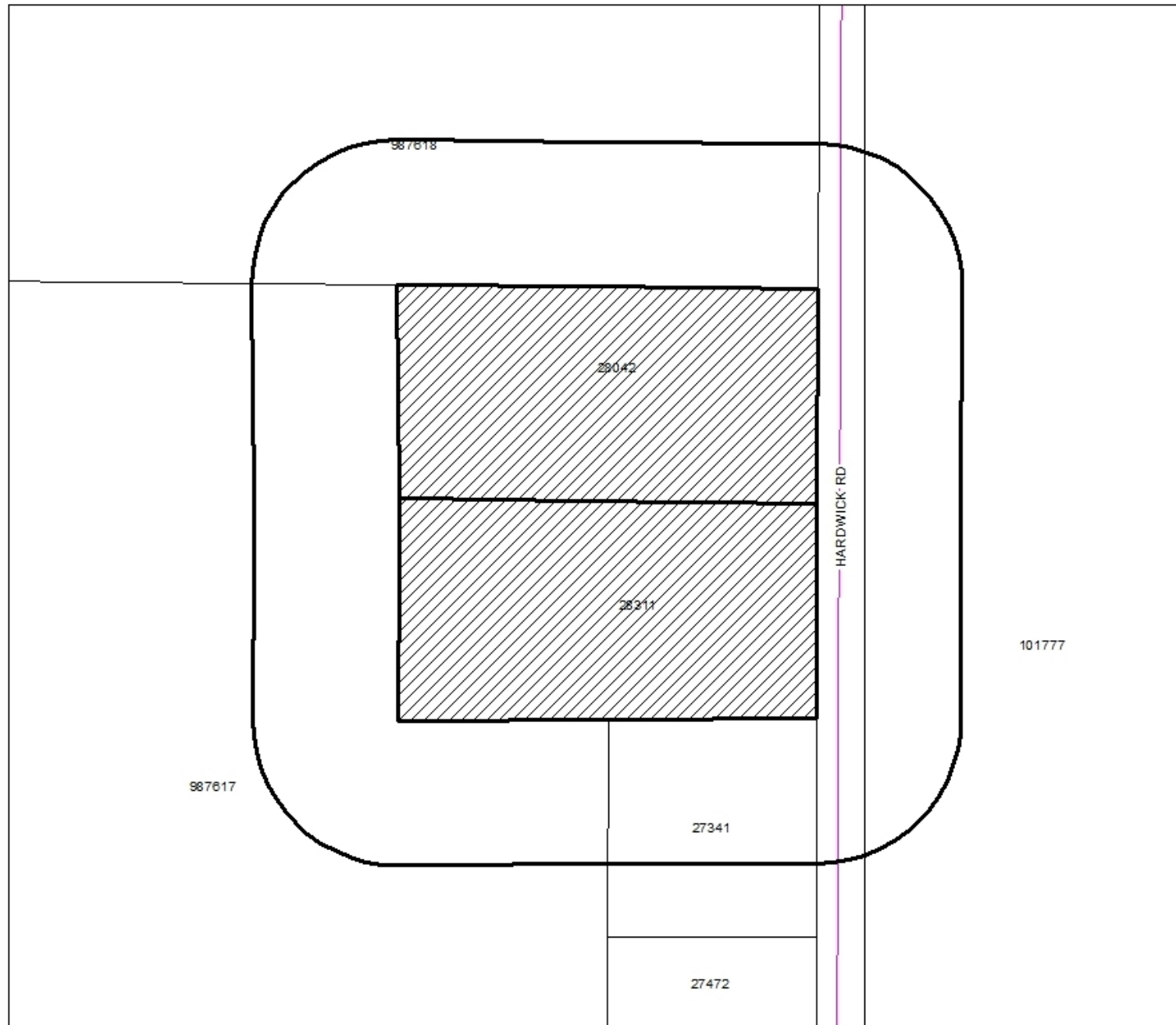


Hardwick Road south

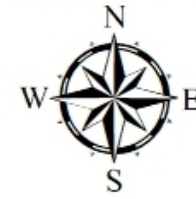


Hardwick Road north

Z-2021-22 NOTIFICATION AREA MAP



Notification Map



Legend

- 200'
- Notification Area
- Z-2021-22

0- In Favor-

0- Opposed-

- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **16. Ordinance (First Reading) Z-2021-24:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Brookhollow Christian Church (Represented by Paul Johnson & Associates) to Change Zoning from Residential Medium-Density (MD) to a Neighborhood Retail (NR) District on Properties at 2310 South Willis Street and 2325 Ivanhoe Lane in Southwest Central Abilene. Legal Description Being Lots 1, 2 And 22 (And Intervening Abandoned Alleyway) Block 13 of Brookhollow Addition Section 4, Abilene, Taylor County, Texas. *(Tim Littlejohn)*

GENERAL INFORMATION

This request is to rezone from Residential Medium-Density (MD) to a Neighborhood Retail (NR) District.

SPECIAL CONSIDERATIONS

This zoning item will require a super-majority vote for final approval.

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 7-0.

ATTACHMENTS:

1. Z-2021-24 draft ordinance
2. Z-2021-24 staff report
3. Z-2021-24 App
4. Z-2021-24 Council presentation

ORDINANCE NO. _____

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

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

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

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

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

PASSED ON FIRST READING the 23rd day of September, 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 21st day of August, 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 14th day of October, 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 in the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of October, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land, from a Residential Medium-Density (MD) District to a Neighborhood Retail (NR) District:



Lots 1, 2, 22 and intervening abandoned alleyway in Block 13 of Brookhollow Addition, Section Four, and which said properties are located at 2310 South Willis Street and 2325 Ivanhoe Lane.

-END-

ZONING CASE Z-2021-24

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: September 7, 2021

City Council 1st Reading: September 23, 2021

City Council 2nd Reading: October 14, 2021

Applicant

Owner: Brookhollow Christian Church

Agent: Paul Johnson & Associates

Request

Rezone from Residential Medium-Density (MD) to a Neighborhood Retail (NR) District.

Location

Approximately 1.6276 acres at the southwest corner of South Willis and South 23rd Streets, extending all the way west to Ivanhoe Lane, and including all contiguous facilities (buildings and parking lots) of Brookhollow Christian Church at 2310 South Willis Street and at 2325 Ivanhoe Lane

Background

The subdivision plat of Brookhollow Addition, Section 4, was approved and recorded in 1958. This subdivision includes the entire city block where the subject properties* are now located, as well as two additional city blocks to the west.

Since 1960, the subject properties as well as most other lots on that same city block have been embraced within a Residential Medium-Density (MD) zoning district or its predecessor, RM3 zoning.

These properties have been occupied by Brookhollow Christian Church. Original worship facilities for Brookhollow Christian Church (at 2310 South Willis Street) were permitted for construction in 1959. A significant building addition was later permitted during 1966. In 1993, another addition of almost 8000 square feet (including a fellowship hall and classrooms) was completed at 2325 Ivanhoe Lane, which lies parallel to South Willis Street.

Zoning, Existing and Proposed 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. The existing MD zoning classification of these properties is generally intended for middle densities of housing in one-, two-, three- and four-family dwellings.

Places of religious worship are allowed in all zoning districts in Abilene. Religious worship includes incidental activity ordinarily considered accessory to such use. That includes but is not limited to religious education, fellowship gatherings and administrative offices. But all such incidental activity must be subordinate to the principal use of religious worship, in order to be allowed within a residential zoning district.

* at 2310 South Willis Street and 2325 Ivanhoe Lane

Existing facilities on the subject properties (at 2310 South Willis and 2325 Ivanhoe) are proposed to be converted to day-care and counseling services, among other uses. Religious worship will no longer be the principal use of these facilities.

As a result, the existing MD zoning will no longer be appropriate for subject properties' proposed conversion to day-care and counseling services. In order for this conversion to occur, the zoning classification of these properties must be changed to some suitable nonresidential district.

The proponents have selected a Neighborhood Retail (NR) District for the proposed new zoning of their properties. NR zoning allows day-care centers as well as a wide variety of administrative and professional offices, including those devoted to counseling services.

As its name implies, Neighborhood Retail (NR) zoning also allows a limited range of retail trade and services needed to serve a neighborhood area. Specific terms of NR zoning also include limitations on the intensity and scale of development, intended to promote some reasonable degree of compatibility with nearby residences. For example, no nonresidential use in an NR District may operate later than 11:00 PM, nor earlier than 6:00 AM.

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.

According to the map of Future Land Use and Development in Abilene's Comprehensive Plan, the subject properties at 2310 South Willis and 2325 Ivanhoe are earmarked for "low-density residential" use. The same is true of most land located west of the Brookhollow Shopping Center situated east of these subject properties. However, Abilene's Comprehensive Plan also encourages suitable transitions in the intensity of use, between commercial use and low-density residences located nearby. This particular proposed NR District (on existing Brookhollow Christian Church) is wedged between:

- a more intensive General Retail District occupying most of a city block located directly east of these subject properties and;
- a low-density residential environment located directly to the west.

(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.

In the opinion of City staff, the limited range of retail trade and services in this proposed NR District will provide a suitable transition in the intensity of use between two dramatically different environments: extensive retail development on an adjacent city block occupied by Brookhollow Shopping Center, and low densities of single-family homes to the west.

(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.

This subject property appears well-integrated with the City's system of sewer and water utilities, mitigating concerns about increased demand (from commercial use on a more daily basis) and the capacity of those utility systems.

The combination of these subject properties is also surrounded by paved public streets on three of its four boundaries. More importantly, two of these three streets include South 23rd and South Willis Streets, both of which are functionally classified as collector-type streets. As the name implies, this type of street "collects" traffic from local streets and connects that traffic with a larger network of arterial thoroughfares. As such, the intersection of two collector streets is often viewed as a suitable location for neighborhood-oriented trade and services, given its exposure to neighborhood traffic flow.

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

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

Staff Recommendation

City staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on August 27, 2021, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

Owner	Parcel ID	Response
ABILENE SUNRISE PROPERTIES LP	76821	
AMARO BELINDA &	14686	
BACON MARYLAN K	26488	Opposed
BROOKHOLLOW CHRISTIAN	26360	
BROOKHOLLOW CHRISTIAN	11419	
BROOKHOLLOW CHRISTIAN	76567	
BROOKHOLLOW SHOPPING CENTER NORTH LTD	76084	In Favor
BROWN NURY JR & GAY S KING	16489	
COLLINS STEPHEN DALE & TERRI ANN	14470	Opposed
DOBY CHARLES A &	75896	
DORSETT GRADY & EVELYN	11263	
GARCIA MIRANDA M	14244	
GIDDINGS RICHARD CHASE	14792	
GILBREATH VIOLA M	11024	
GUTIERREZ CHRISTOPHER W &	21891	
JBARJ PROPERTIES & CONSTRUCTION LP	16606	
JOHNSON WILLIAM N	16854	
LAW THOMAS	14937	
LIGON VAN WRIGHT	11147	Opposed
MAXEY WILLIAM L & SALLY	31546	Opposed
MERGELE JACK E	76946	
MOSS CATHERINE LEIGH	26625	Opposed
PARRIS RICKY D	16718	
RATCLIFFE JESSE LEE	31675	Opposed
SHAW WANELL JEAN	26242	
SMITH DOUGLAS M & REVONDA	14574	Opposed
SPRINGSTEAD YOKO	21769	Opposed
VAN STEENBURG DIANE	10906	
WANG STEVE C & DINAH H	75634	
WHELCHER WILMA KAY	14359	Opposed

Attachments

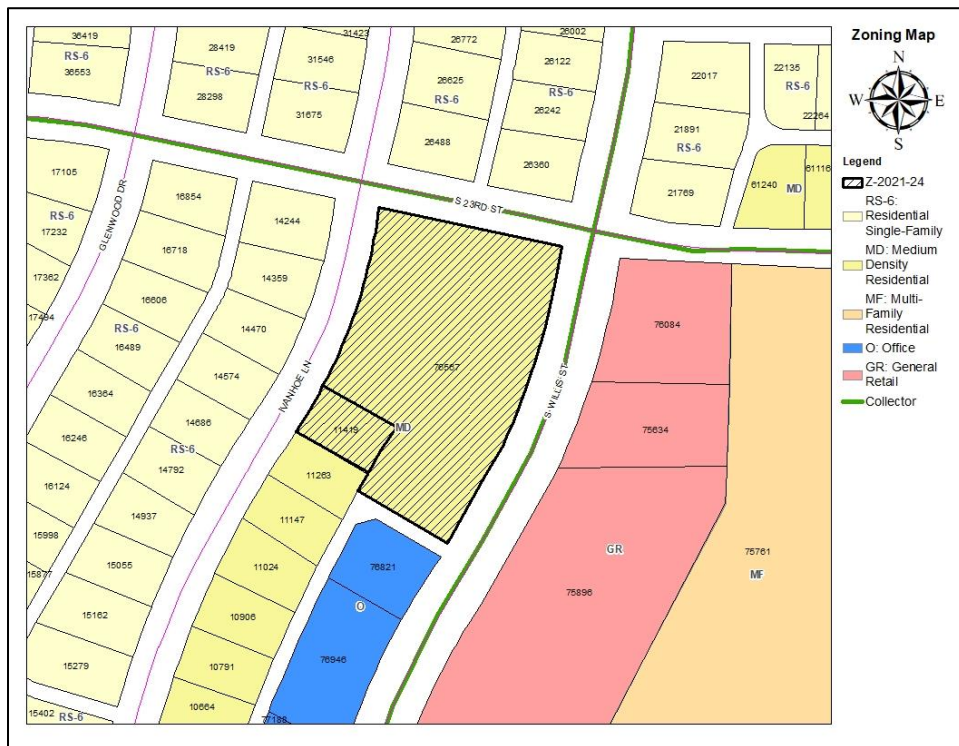
Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP





PLANNING & DEVELOPMENT SERVICES

BROOKHOLLOW SHOPPING CENTER NORTH LTD
4633 S 14TH ST
ABILENE, TX 79605-4734

NOTICE OF PUBLIC HEARING

RE: ZONE CHANGE REQUEST NUMBER Z-2021-24

08/27/2021

The Planning and Zoning Commission will hold a public hearing on **September 7, 2021, at 1:30 PM**, in Council Chambers on the second floor of Abilene's City Hall, 555 Walnut Street, to recommend approval or denial to City Council on a request from Brookhollow Christian Church to change zoning from Residential Medium-Density (MD) to a Neighborhood Retail (NR) District on properties at 2310 South Willis Street and 2325 Ivanhoe Lane. Legal description being Lots 1, 2 and 22 (and intervening abandoned alleyway) in Block 13 of Brookhollow Addition Section 4, Abilene, Taylor County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments about 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 striped lines on the map is being considered for zone change. The solid boundary line around the subject property is only a notification area. If approved by the Planning and Zoning Commission or if denied and promptly appealed to Abilene's City Council, this case will be heard by City Council for 2nd and Final Reading with public hearing on **October 14, 2021 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Bradley Stone at telephone 325-676-6382 or by email address planning@abilenetx.gov

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

CASE #: Z-2021-24

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

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

Name: BROOKHOLLOW SHOPPING CENTER NORTH LTD
Parcel I.D.: 76084
Address: 2301 S WILLIS ST

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2021-24

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

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

I am in favor ☐

I am opposed ☒

Additional Comments:

Name: RATCLIFFE JESSE LEE

Parcel I.D.: 31675

Address: 2240 IVANHOE LN

Email: planning@abilenetx.gov

Signature: _____

SEP 1 AM 10:32

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-2021-24

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SPRINGSTEAD YOKO

Parcel I.D.: 21769

Address: 2249 S WILLIS ST

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: Yoko Springstead

SEP 8 AM 11:15

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-2021-24

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: WHELCHER WILMA KAY

Parcel I.D.: 14359

Address: 2310 IVANHOE LN

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

Email: planning@abilenex.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature:

Wilma K. Whelcher

SEP 7 AM10:51

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.

8/31/21

To: City of Abilene Planning and Zoning Commission

Fr: Van Ligon, et al

Re: Zone Change Request Z-2021-24

Brookhollow Christian Church has been an outstanding neighbor for the 55 years I have been in this neighborhood. I moved here in 1964 with my parents and have been here all but 5 years of my life otherwise.

While we (the undersigned) have no reason to believe that the currently proposed non-profit use of the facility as a Day Care and counseling center would be any less an agreeable neighbor, we are concerned about the long term potentials of NR Zoning.

If we are reading NR Zoning correctly, it allows a variety of uses, many of which are not objectionable, but it leaves the doors open to future uses such as those listed in TRADE-RETAIL USES section which could mean a gas station, convenience store or a fast food restaurant.

While the potential for such use at that location is low and would involve razing the church buildings we believe that this surprisingly tranquil neighborhood would be better served for the long term by a different zoning, perhaps a PDD that would restrict the use to non-profits along the lines of day care, counseling, professional office, church, or even those listed in RESIDENTIAL USES under NR Zoning.

To be clear, those possibilities listed under SERVICE, TRADE-RETAIL and a Majority of those under ACCESSORY and INCIDENTAL are simply not acceptable to us.

Therefore please accept this as our official OPPOSITION to NR Zoning for this property as listed and our request that the commission consider an appropriately protective zoning or a PDD.

Regards:

VAN LIGON 325-692-0780
NAME PHONE
2401 IVANHOE LANE
ADDRESS
Van Ligon
SIGNATURE

Continued to Next Page

DANNY CARPENTER

NAME

325-645-7654

PHONE

2409 IVANHOE

ADDRESS

Danny Carpenter

SIGNATURE

Terry Crawford 325-733-3755

NAME

PHONE

2417 IVANHOE LN

ADDRESS

Terry Crawford

SIGNATURE

ROGER JENSEN

NAME

325 864 3007

PHONE

2418 IVANHOE

ADDRESS

Roger Jensen

SIGNATURE

Ray James

NAME

999 549-2878

PHONE

2407 Ivanhoe

ADDRESS

Ray James

SIGNATURE

Wendy Brivant 325-664-5867

NAME

PHONE

2334, Ivanhoe Rd Abilene TX 79605

ADDRESS

Wendy Brivant

SIGNATURE

Continued to Next Page

Revonda Smith

NAME

325-370-2906

PHONE

2326 Ivanhoe Lane

ADDRESS

Abilene, Tx 79605

Revonda G. Smith

SIGNATURE

Marylan Bacon

NAME

325-698-4252

PHONE

2241 Ivanhoe Ln.

ADDRESS

Marylan Bacon

SIGNATURE

Catherine Moss

NAME

325-829-8811

PHONE

2233 Ivanhoe Lane

ADDRESS

Catherine Moss

SIGNATURE

Cherie Pierce

NAME

830-282-2380

PHONE

2232 Ivanhoe Lane

ADDRESS

Cherie Pierce

SIGNATURE

Wilma Kay Whelchel

NAME

325 701 4547

PHONE

2310 Ivanhoe Ln.

ADDRESS

79605

Wilma K. Whelchel

SIGNATURE

Continued to Next Page

Terri Collins

(325) 733-4485

NAME

PHONE

2318 Ivanhoe Lane

ADDRESS

Terri Collins

SIGNATURE

LeRoy Edwards

NAME

PHONE

2323 Ivanhoe

225 626-3504

ADDRESS

LeRoy Edwards

SIGNATURE

Jessica Kessler

830 688 0619

NAME

PHONE

2410 Ivanhoe lane

ADDRESS

Jessica Kessler

SIGNATURE

NAME

PHONE

ADDRESS

SIGNATURE

NAME

PHONE

ADDRESS

SIGNATURE

Continued to Next Page



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

Z-2021-24



CONTACTED - OBJECTED TO NR ZONING ALL
CONCERNED ABOUT INCREASED TRAFFIC 2



UNABLE TO MAKE CONTACT



PARKING LOT

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

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Development Application

Planning

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

Project Name: Brookhollow Christian Church (Contract to Sell)
 Address: 2310 S Willis / 2325 Ivanhoe Lane No. of lots: 3 Acreage: 1.6276
 Legal Description: BROOKHOLLOW SEC 4, BLOCK 13, LOT 1 & 2, ACRES 1.4458 & BROOKHOLLOW SEC 4, BLOCK 13, LOT 22
 Subdivision Name: BROOKHOLLOW Block: 13 Lot: 1, 2, and 22
 Current Zoning: MD Proposed Zoning (if applicable): NR

OWNER AND AUTHORIZATION

Owner Name: BROOKHOLLOW CHRISTIAN c/o Deborah Bolls
 Address: 2300 S WILLIS ST
 City, State, Zip: Abilene, TX 79605 Fax: _____
 Phone: tel:+1325 280-5124 Email: retroactive@sbcglobal.net

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

Agent Name: Erik Johnson of Paul Johnson & Associates
 Address: 4633 S 14th
 City, State, Zip: Abilene, TX 79605 Fax: _____
 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: Deborah Bolls Date: 07/28/2021
7/28/2021 5:01:23 PM CDT

FOR OFFICE USE ONLY

Received: 08/09/2021 Fee: \$ 1500 Receipt No.: 0001062942
 Case No.: E-2021-2A Reviewed By: Brad Stone



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:  *Deborah Bolle*
7/28/2021 3:01:31 PM CDT

DATE: 07/28/2021



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

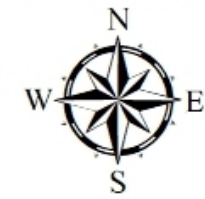
The reason for choosing NR zoning is that it was recommended by the city staff. The two intended uses are both allowed under the NR zoning.

Case: Z-2021-24
Owner: Brookhollow Christian
Agent: Erik Johnson
Request: Rezone Medium Density (MD) to
Neighborhood Retail (NR)
Location: 2300 S. Willis Street
Notification: 1 in Favor, 9 Opposed
Planning & Zoning Recommendation: Approval, September 7, 2021

Z-2021-24 LOCATION MAP



Location Map



Legend

 Z-2021-24



Permitted Uses in MD Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- C Dwelling – Institutional
- P Dwelling – Multiple-Family
- 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
- 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 Homeless/Emergency Shelter
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- 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

Permitted Uses in NR Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P 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 Sales
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- C 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
- C Cultural Facilities
- P Recreation – Outdoors (passive)
- C Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Fire/Police Station
- C 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 School: Public/Private

SERVICE

- C Automobile Wash
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)**
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- 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
- C Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- C Restaurant, Brew Pub
- C Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C 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



Subject Property



Southern view of subject property

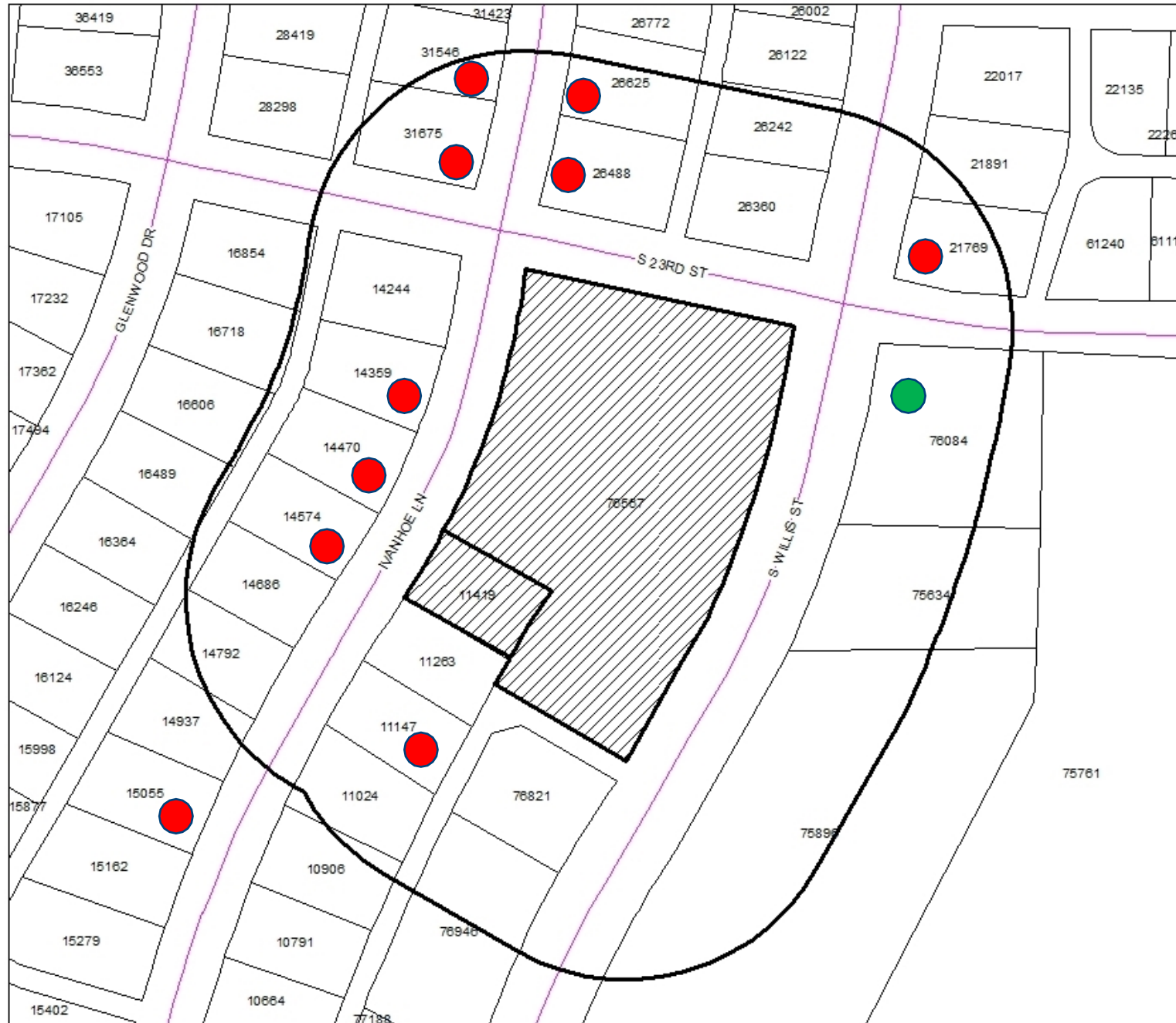


Western view subject property



Properties to the east

Z-2021-24 NOTIFICATION AREA MAP



Notification Map



Legend

- 200'
- Notification Area
- Z-2021-24

1- In Favor-



9- Opposed-



26.97% Opposition
Requires Super-majority

- 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: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **17. Ordinance (First Reading) Z-2021-25:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Christian Evenson to Change Zoning from Heavy Industrial (HI) to a Heavy Commercial (HC) District on Approximately 1.5 Acres of Now-Vacant Land at 1425 Dunnam Drive, Situated Approximately 1000 Feet East of South Treadaway Boulevard in South Abilene. Legal Description Being Lots 20, 21 and 22 in the Atlas Industrial Subdivision, Abilene, Taylor County, Texas. *(Tim Littlejohn)*

GENERAL INFORMATION

According to the information provided in the application, the owner of the subject property is requesting the rezone because automotive maintenance, repair and servicing is no longer allowed in Heavy Industrial (HI) zoning districts, as it was before 2010. The proponent's application also indicates he plans to use his property for outdoor storage of boats and other recreational vehicles.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2021-25 draft ordinance
2. Z-2021-25 staff report
3. Z-2021-25 Application
4. Z-2021-25 Council presentation

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 23rd day of September, 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 21st day of August, 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 14th day of October, 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 in the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of October, 2021.

ATTEST:

CITY SECRETARY

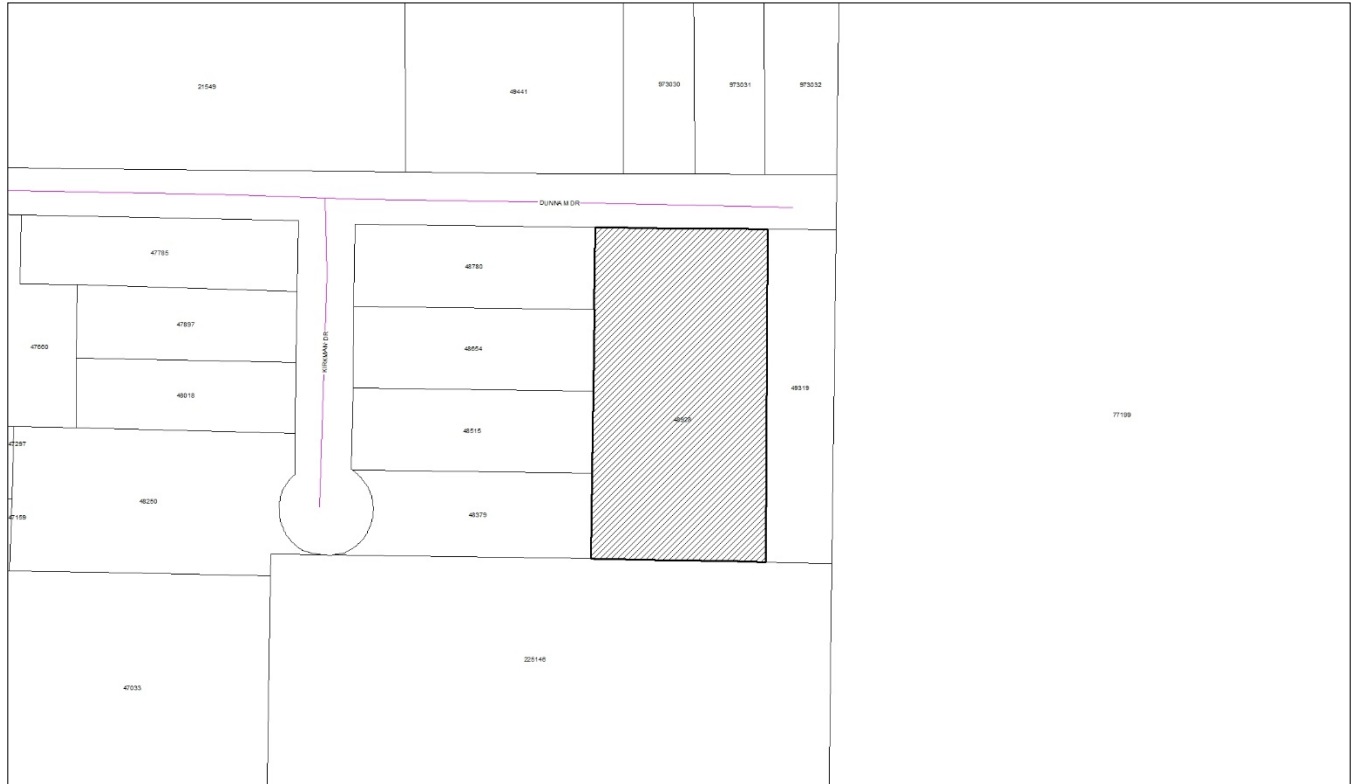
MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from a Heavy Industrial (HI) District to a Heavy Commercial (HC) District:



Location: 1425 Dunnam Drive, encompassing Lots 20, 21 and 22 in the Atlas Industrial Subdivision of 16.3699 acres out of the southwest quarter of Section No. 66, Blind Asylum Lands in the City of Abilene, Taylor County, Texas.

-END-

ZONING CASE Z-2021-25

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission:

September 7, 2021

City Council 1st Reading: September 23, 2021

City Council 2nd Reading: October 14, 2021

Applicant

Owner: Christian Evenson

Request

Rezone from Heavy Industrial (HI) to a Heavy Commercial (HC) District.

Location

1.5 acres of vacant land at 1425 Dunnam Drive, approximately 1000 feet east of South Treadaway Boulevard, specifically encompassing Lots 20, 21 and 22 in the Atlas Industrial Subdivision

Background

The plat of Atlas Industrial Subdivision was approved and recorded during 1977. Aerial photos from 1980 show Dunnam Drive to have been improved, by that time. Those same 1980 photos indicate the subject property to be vacant, as it remains today.

Zoning, Existing and Proposed 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. The subject property is surrounded by land in a Heavy Industrial (HI) zoning district for at least 212 feet in any direction. At a location approximately 212 feet northeast from this subject property, a tract was rezoned to Heavy Commercial (HC) from HI, less than a year-and-a-half ago. That HC-zoned tract is now the location of C-4 Fuels which, among other things, is a retailer of gasoline and diesel fuels.

According to the information provided in the application, the owner of the subject property is requesting the rezone because automotive maintenance, repair and servicing is no longer allowed in Heavy Industrial (HI) zoning districts, as it was before 2010. The proponent's application also indicates he plans to use his property for outdoor storage of boats and other recreational vehicles.* All above-mentioned activities are allowed in the Heavy Commercial (HC) zoning classification requested by this property's owner.

The existing Heavy Industrial (HI) zoning classification of this property is intended for the most egregiously offensive industrial activities whose nuisance effects are ordinarily greater than that of other industries. These include fabrication or processing of goods or materials undertaken outside of an enclosed building. Concrete batching plants and animal auction yards are also confined to Heavy Industrial Districts.

* which is also no longer allowed in HI Districts

The Heavy Commercial (HC) zoning classification proposed for this property is intended for selling and servicing commodities and equipment which, by their nature, may not be compatible with many other less-intensive such activities. Construction contractor yards and large-scale warehousing are good examples of such heavy commercial use. More consumer-oriented retail trade and services are also allowed in HC Districts, as well as in other less-intensive commercial zoning classifications.

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.

According to the map of Future Land Use and Development in Abilene's Comprehensive Plan, the subject properties are located in an area designated simply "business/industrial."

(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.

While not allowed in Heavy Industrial (HI) Districts, the activities allowed in Heavy Commercial (HC) Districts will not necessarily suffer[†] from close proximity to HI Districts. Nor will offensive uses allowed exclusively in HI Districts suffer from their close proximity to HC Districts.

(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.

This subject property appears well-integrated with the City's system of sewer and water utilities.

The subject property also lies adjacent to a paved roadway, albeit a dead end. However, uses allowed in Heavy Commercial Districts (and not also in less-intensive commercial zones) tend to generate lower volumes of consumer traffic. In other words, an automotive repair shop, building contractor or wholesale supplier (all typical of HC Districts) will generate substantially less traffic than do most consumer retail sales. The existing dead-end street may thereby suffice for an indefinite period of time.

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

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

Staff Recommendation

City staff recommends approval.

[†] in property value or user comfort

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on August 27, 2021, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

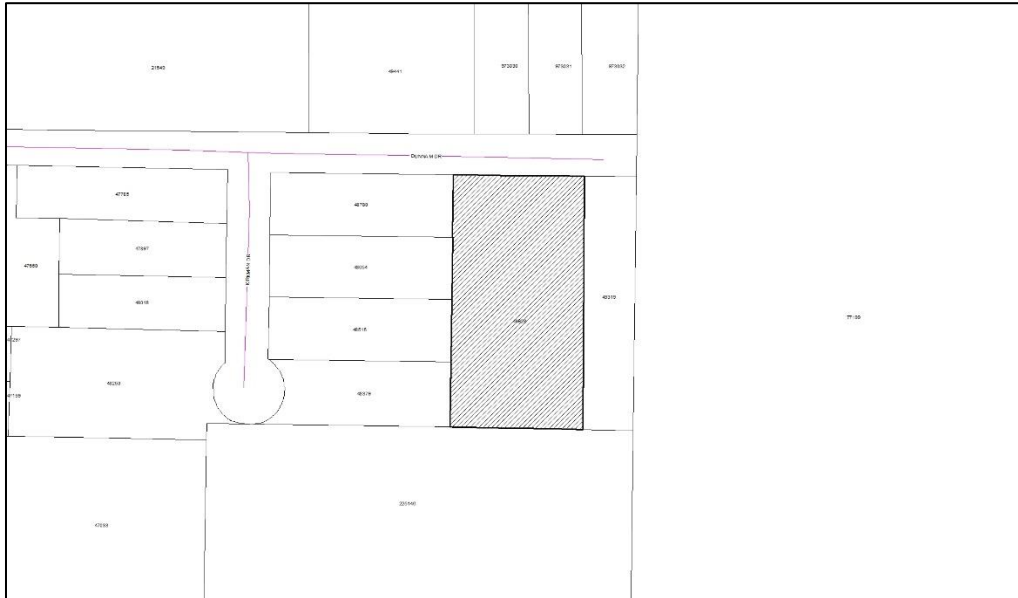
Owner	Parcel ID	Response
ABILENE ASSET MANAGEMENT LLC	77199	
BML INC	225146	
EVENSON CHRISTOPHER	48928	
GRAY STEPHEN	48654	
GRAY STEPHEN	48780	
KIRKMAN SAMUEL E SR & MARTHA	48379	
KIRKMAN SAMUEL E SR & MARTHA	48515	
KIRKMAN SAMUEL E SR & MARTHA	49319	
MONCLA MOBILE ENTERPRISES LLC	973031	
MONCLA MOBILE ENTERPRISES LLC	973030	
NORMAN LARRY LF EST	973032	
VADER ENTERPRISES LLC	49441	

Attachments

Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP





Development Application

Planning

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

Project Name: _____

Address: 1425 Dunnam Drive, Abilene TX 79602 No. of lots: 3 Acreage: 1.6

Legal Description: _____

Subdivision Name: Atlas Industrial Subdivision Block: _____ Lot: 20, 21, 22

Current Zoning: Heavy Industrial Proposed Zoning (if applicable): ~~Light Industrial~~ OR Heavy Commercial

OWNER AND AUTHORIZATION

Owner Name: Christopher Evenson

Address: 149 Blackburn Road

City, State, Zip: Abilene, TX 79602 Fax: N/A

Phone: 573-881-8468 Email: abilenetinting@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) Chris Evenson (Self) will act as my agent before the Planning and Zoning Commission.

Agent Name: N/A

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

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

Signature Owner: [Signature] Date: 08/04/2021

FOR OFFICE USE ONLY

Received: 08/04/2021 Fee: \$ 1500.00 Receipt No.: 0001062488
Case No.: _____ Reviewed By: NICK WATTS



Development Application

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

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

I started my business in Abilene part time in 2017 and it quickly grew into full time and has kept me very busy the past four years. Needless
to say, I am very thankful and grateful for the opportunity to serve the citizens of Abilene and the Big Country. I have been renting space
since I opened and moving from location to location as I have grown. The opportunity arose for me to buy this land, hoping I would be
able to build my own storefront and offer a small storage facility with RV and boat storage as well. This piece of land is not currently
zoned for my needs and that is why we are where we are and requesting this rezoning. This land is on a dead end road, has tall grass,
and creates no current revenue for anyone. Allowing a zoning change will turn this currently barren piece of property into a thriving
business location and would also bring revenue for other vendors that will work to fulfill this project. My dream for this property is my first big "risk"
that my wife and I are willing to take to continually grow the business and expand in new ideas. I have many dreams, a few too big for my
britches, as my wife would say - ha! On this property I plan on building covered RV and boat storage with some enclosed units, as well as, have
my business in the front middle of the lot as the main storefront. I picture a metal building in the center with big glass front windows, big red lit
block letters for my business name overhead, and concrete front parking lot with coded gates on both sides of the building for easy access
to load and unload. My business would be approximately 3500-4000 square feet connected to enclosed storage units. I am only thinking
off the top of my head to give you an idea of what I am envisioning. I have not had any formal blueprints drawn up since the zoning is not
finalized. This land is our investment and my wife and I would love to be approved for this exciting new adventure. Thank you for
your time and have a great day!



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.

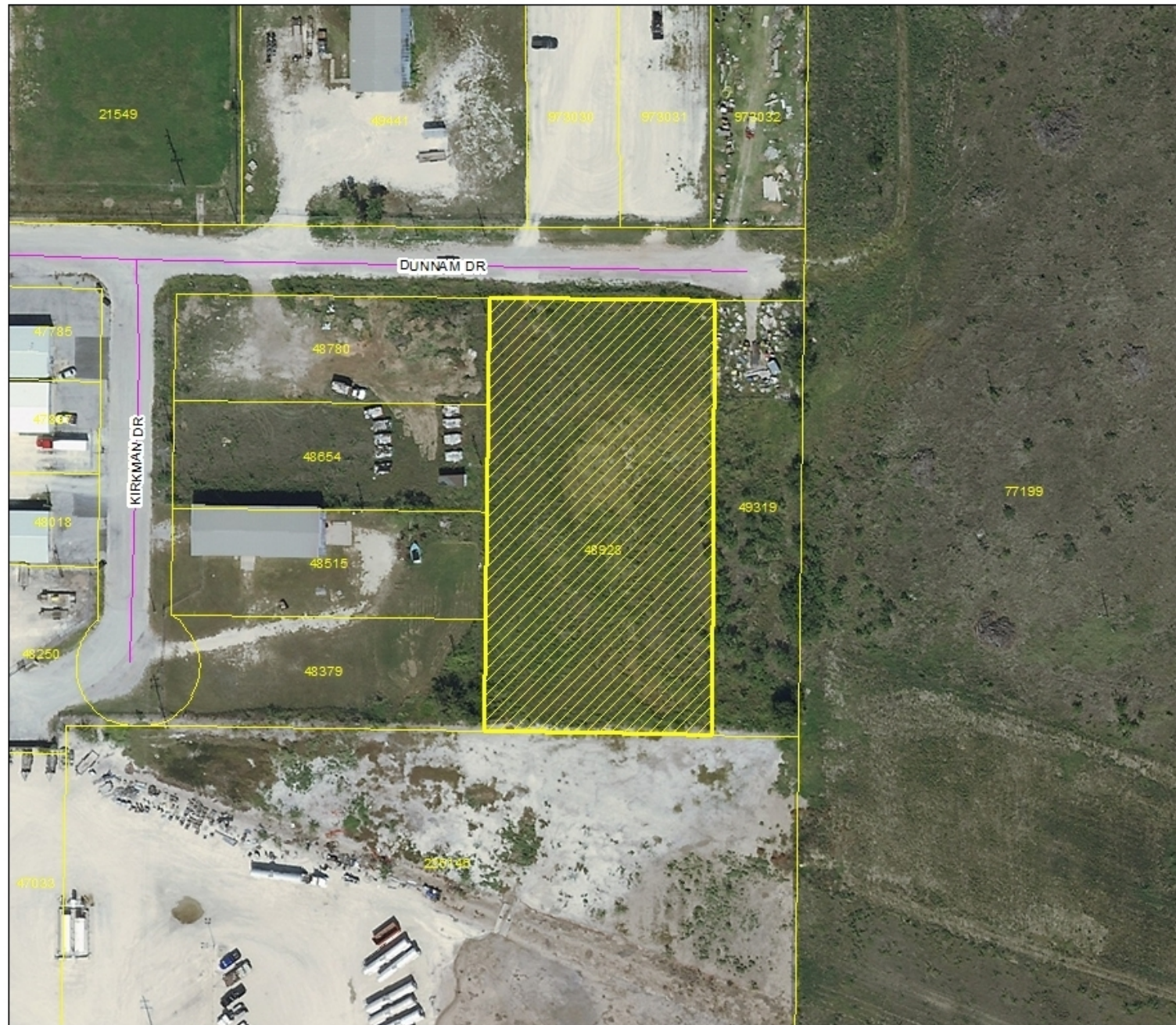
I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of 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: 

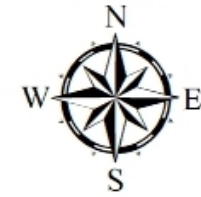
DATE: 08/04/2021

Case: Z-2021-25
Owner: Christopher Evenson
Request: Rezone Heavy Industrial (HI) to
Heavy Commercial (HC)
Location: 1425 Dunnam Drive
Notification: 3 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval September 7, 2021

Z-2021-25 LOCATION MAP



Location Map



Legend

 Z-2021-25



Existing Uses in HI Zoning

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
- TP Field Office or Construction Office (temporary)
- P Freight Container
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recycling Collection Point
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Adult Entertainment Enterprise
- C Motorized Racing

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Fire/Police Station
- P Homeless/Emergency Shelter
- P Post Office
- P Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P Educational and Scientific Research
- P School: Public/Private

SERVICE

- P Contractor Services
- P Recycling Collection and Processing Center
- P Scales (public)
- P Wrecker/Towing

TRADE – RETAIL USES

- P Head Shop
- C Scrap and Waste Material

TRADE – WHOLESALE USES

- C Livestock – Wholesale or Auction
- P Wholesaling and Storage (indoor)
- P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
- P Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Pressure Control Station
- P Public Utility Facility
- P Railroad Switching and Marshaling Yard
- P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Mining
- P Petroleum or Gas Well
- P Liquor
- P Manufacturing (light)
- P Manufacturing (heavy)
- 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

Permitted Uses in HC Zoning

RESIDENTIAL USES:

C Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

P Accessory Structure (Also see Division 4 of this article)
P Antenna, Non-Commercial/Amateur
P ATM's, Self-Serve Kiosks, and Similar Facilities
P Drive-Through Facility
TP Field Office or Construction Office (temporary)
P Freight Container
P Fuel Sales
TP Itinerant Business
P Manufacturing (incidental)
C Mobile Home (permanent security residence)
TP Mobile Home (temporary security residence)
P Mobile Home or Temporary Building (office for sales and service)
P Recycling Collection Point
C Travel Trailers (accessory to hospitals)
P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P Ambulance Service
C Correction, Detention, or Penal Facilities
P Fire/Police Station
P Homeless/Emergency Shelter
P Hospital
P Medical/Dental Laboratory
P Military and Armed Forces Reserve Center
P Post Office
P Rehabilitation Facility
C Sanitary Landfill
P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P Arts School
C Cemetery, Crematorium, and Mausoleum
P Church or Place of Worship
P Educational and Scientific Research
P School: Public/Private
P Trade/Business School

SERVICE

P/C Automobile Wash
P Contractor Services
P Funeral Home/ Mortuary/Morgue
P Kennel (With Outdoor Pens)
P Kennel (Without Outdoor Pens)
P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
P Laundry/Dry Cleaning Services & Facilities
P Office (general, professional, financial)
P Printing, Copying, Reproduction, Publishing
P Recycling Collection and Processing Center
P Repair and Maintenance Services - Automobile/Small Truck (major)
P Repair and Maintenance Services - Automobile/Small Truck (minor)
P Repair and Maintenance Services (indoor)
P Repair and Maintenance Services (outdoors)
P Repair and Maintenance Services (truck and other large vehicles)
P Scales (public)
P Storage - Self-Service Units
P Tattoo Parlor
P Taxidermist
P Veterinary Service (all size animals)
P Veterinary Service (small animals)
P Wrecker/Towing

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

P Liquor, Wholesale/Distribution
P Wholesaling and Storage (indoor)
C Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
C Antenna Tower - Commercial
P Automobile Parking Lot or Structure - Commercial
P Broadcast Studio
P Passenger Ground Transportation Terminal
P Pressure Control Station
P Public Utility Facility
C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

P Petroleum or Gas Well
C Manufacturing (light)
P Urban Garden

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



Subject Property



Western view of Dunnam Drive

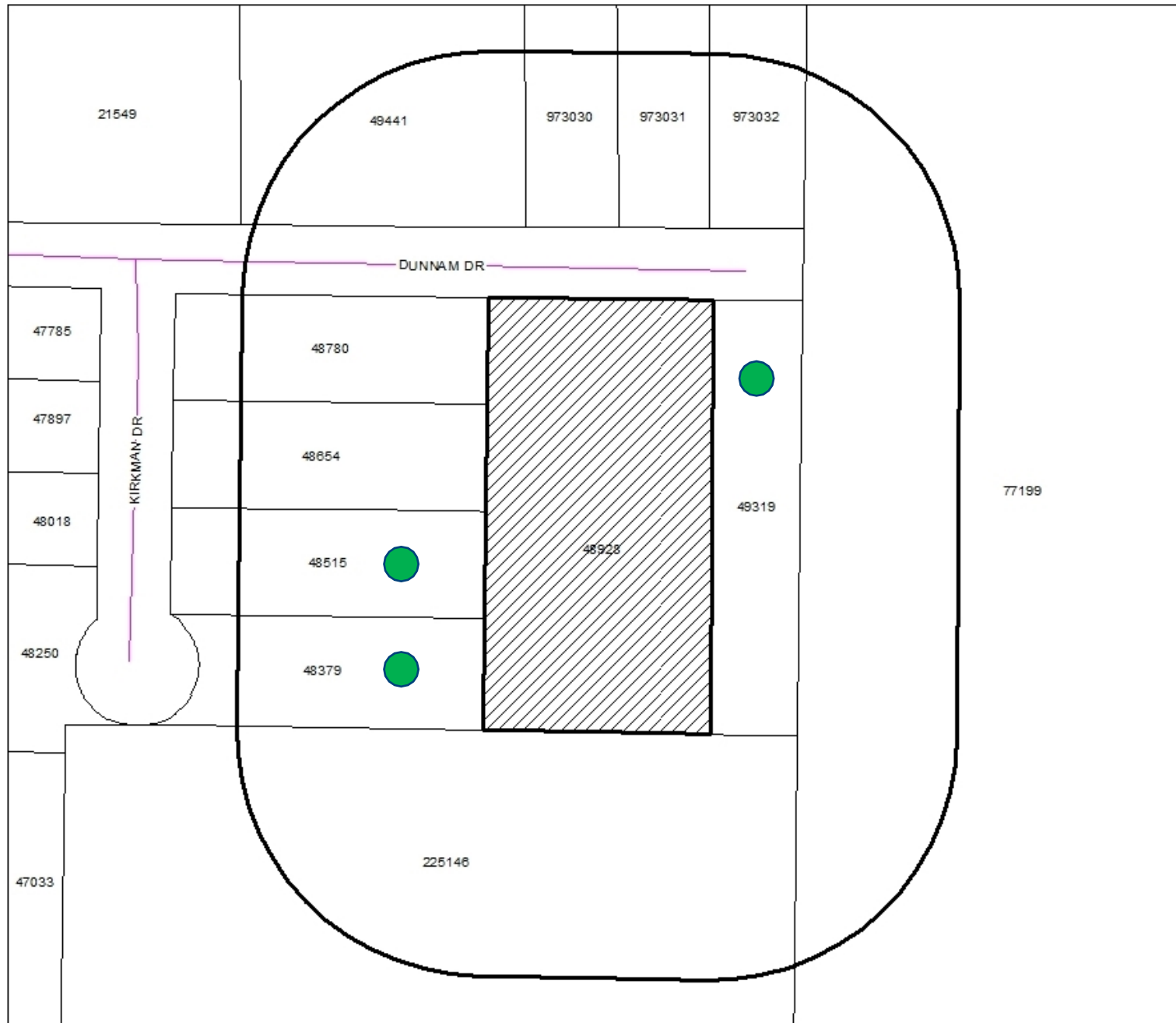


Adjacent property to the north

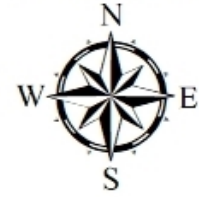


Eastern view of Dunnam Drive

Z-2021-25 NOTIFICATION AREA MAP



Notification Map



Legend

- 200'
- Notification Area
- Z-2021-25

- 3- In Favor- (Green Circle)
- 0- Opposed- (Red Circle)

- 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: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **18. Ordinance (First Reading) Z-2021-26:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Dewayne Blair to Change Zoning from Agricultural Open Space (AO) to a Manufactured/Mobile Home (MH) District on Approximately 57.442 Acres of Land Located on the 100 Block (West Side) of Chapel Hill Road in Far West Abilene. Legal Description Being 21.656 Acres Out of the Northwest Part of the H.B. Martin Survey in Abilene, Taylor County, Texas. *(Tim Littlejohn)*

GENERAL INFORMATION

This request is to rezone from an Agricultural Open Space (AO) District to a Manufactured/Mobile Home (MH) District. According to information provided in the application, the applicant does not intend to establish a mobile-home park. The applicant would simply like to place a mobile home on the property for his elderly parents to reside.

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 7-0.

ATTACHMENTS:

1. Z-2021-26 ordinance
2. Z-2021-26 PZ Staff Report (revised)
3. Z-2021-26 Application
4. Z-2021-26 Council presentation

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 23rd day of September 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 21st day of August, 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 5:30 a.m. on the 14th day of October, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of October, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

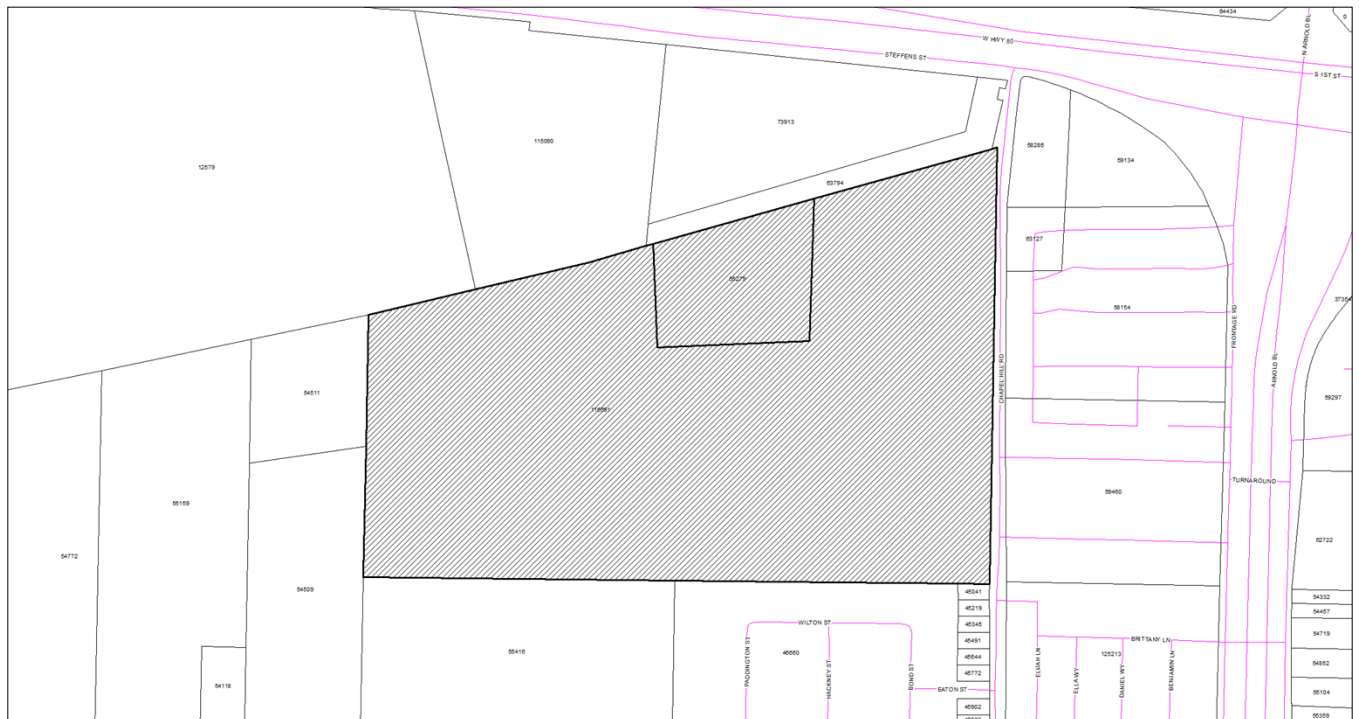
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Rezone property from Agricultural Open Space (AO) District to Manufactured/Mobile Home (MH) District.

Legal description being approximately 57.442 acres of land located on the 100 block (west side) of Chapel Hill Road in far west Abilene. Legal description being 57.442 acres put of the northwest part of the H.B. Martin Survey in Abilene, Taylor County, Texas.



Location: 158 Chapel Hill Road

-END-

ZONING CASE Z-2021-26

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: September 7, 2021

City Council 1st Reading: September 23, 2021

City Council 2nd Reading: October 14, 2021

Applicant

Owner: DeWayne Blair

Request

Rezone from an Agricultural Open Space (AO) District to a Manufactured/Mobile Home (MH) District

Background

This zone change request incorporates approximately fifty-eight (58) acres of un-platted land with five (5) acres of the land currently dedicated for single-family residential use. The remaining fifty-three (53) acres is currently vacant land. According to information provided in the application, the applicant does not intend to establish a mobile-home park, the applicant would simply like to place a mobile home on the property for his elderly parents to reside in.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of Agricultural Open Space (AO) to the north and west (vacant land) and Mobile Home (MH) Districts to the south and east.

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;**

The Future Land Use and Development Plan Map identifies this area for mobile home districts. The requested zone change is appropriate for the land use and aligns with the Development Plan Map.

- (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 the staff that the uses permitted by the proposed zone change is appropriate in the immediate area of the land as a majority of the adjacent land to Chapel Hill Road is reserved for Manufactures/Mobile Home usage.

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

The subject properties currently have access to existing utilities and public amenities adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

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

Staff Recommendation

Staff recommends approval.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on August 27, 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.

Owner	Parcel ID	Response
ABILENE MAINTENANCE INC	59460	
AMIGO REALTY LLC	73913	
AMIGO REALTY LLC	115090	
BAILEY TOLIVER CHEVROLET LLP	12579	
BLAIR DEWAYNE & SENG	55279	
BLAIR DEWAYNE & SENG	116691	
CITY OF ABILENE	63794	
D M INVESTMENTS INC	58154	
D M INVESTMENTS INC	63127	
EVEEZ LLC	54509	
EVEEZ LLC	54511	
MHP DEVELOPMENT	45345	
MHP DEVELOPMENT	55416	
MHP DEVELOPMENT	46660	
PALACIOS JOAQUIN	45041	
PALACIOS JOAQUIN	45219	
PHILS BOYS ESTATES LLC	125213	
R & L LONE STAR PROPERTIES LLC	58286	
RINCON FRANCISCO	45491	

TABLE 1

Attachments

Application

The City of Abilene Land Development Code Section 2.3.2.10 & 2.4.4.1

Future Land Use Map

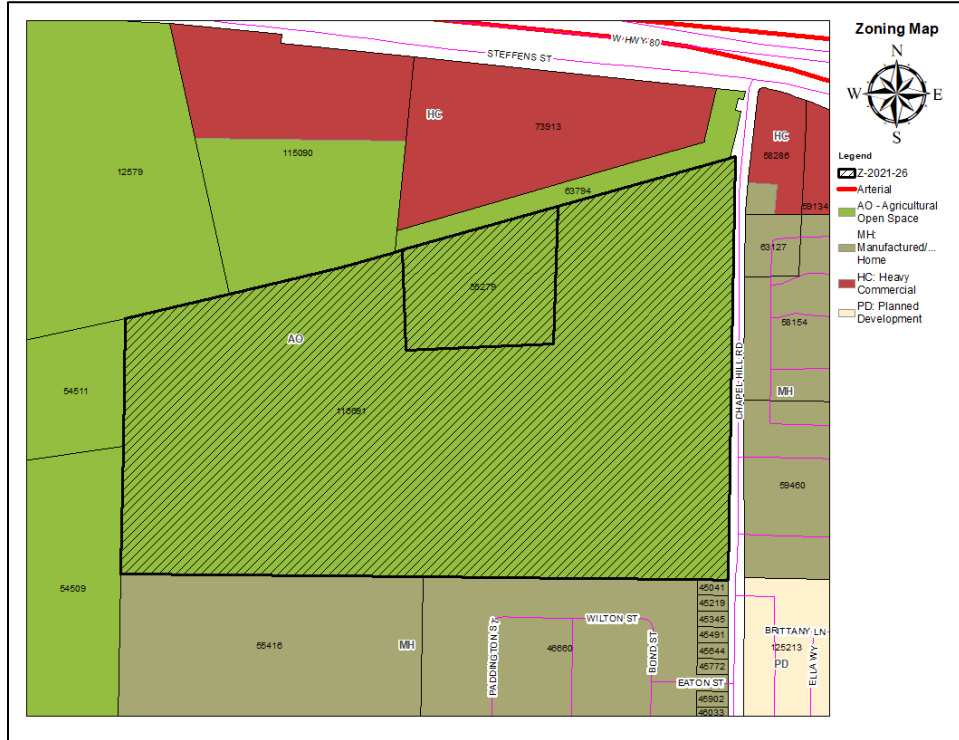
The City of Abilene Sectional Map

FP-3983 (Chapel Hill Road Addition Section 1) (1983)

FP-3084 (Chapel Hill Road Addition Section 3) (1985)

Western Hills Addition Plat (1954)

ZONING MAP



LOCATION MAP



PROJECT OVERVIEW

Project Type: Zoning Application

ID # 21-000115 | **Started** 08/09/2021 at 12:06 PM



Address

158 Chapel Hill Rd,
Abilene, TX USA 79605

Legal

A0487 H B Martin Pre Blk
Acres 53
A0487 H B Martin Pre,
Acres 53.

Property Info

Property ID: 116691

Description

Plan to move 1ea mobile home onto MY land for my parents to live in. They are elderly and need our help at times and need to be nearby our residence. There are numerous mobile homes on the lands surrounding our land! We ARE NOT establishing any form of mobile home development other than to place ! mobile home on MY land. Appropriate permits for placement and utilities will be submitted after this Zoning change is approved.

INFORMATION FIELDS

Owner Name

DeWayne Blair

Agent Name

-

Block

100

Lot

158

Acreage

53

Legal Description of property

A0487 H B MARTIN PRE, ACRES 53. Property ID 116691, Geographic ID: A0487001001, Type: REAL, Neighborhood CD: 569, Map ID: J04

Subdivision Name

SC FERRELL,ANDERSON,THOMPSON(DYESS AREA)

Current Zoning

AO

Proposed Zoning

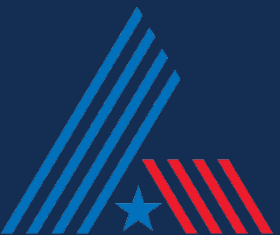
MH

Agree to Terms

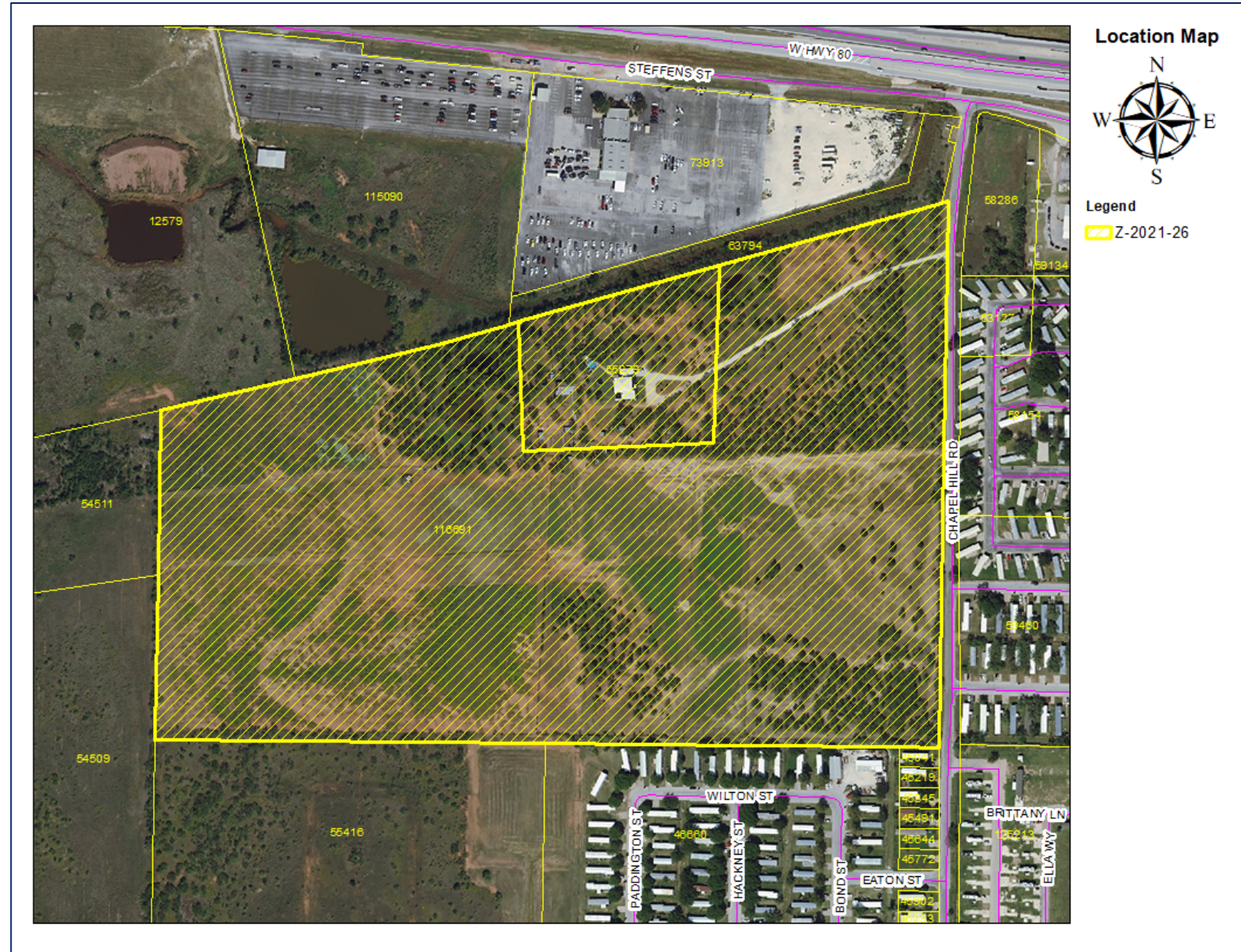
DeWayne R Blair

REZONE

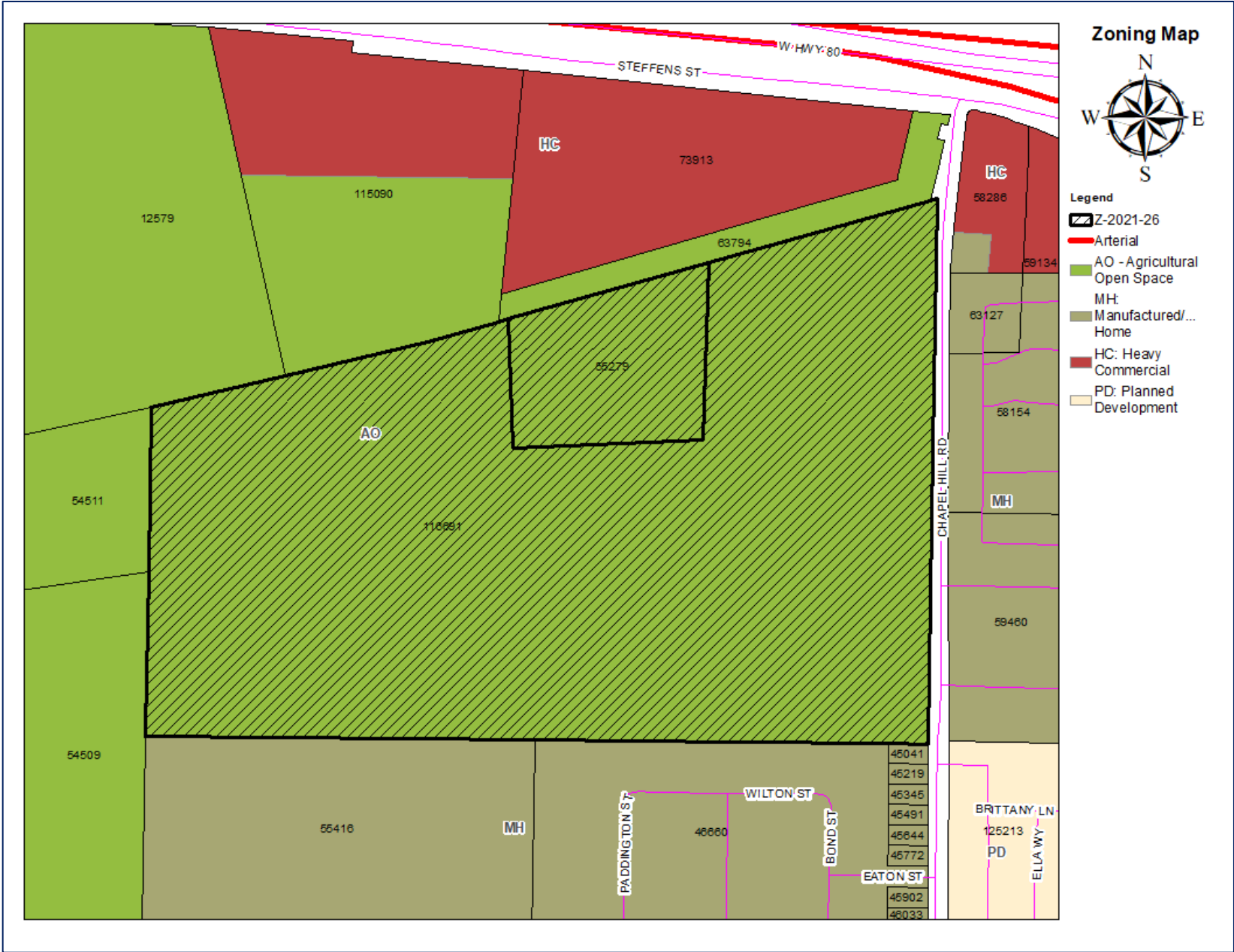
Case: Z-2021-26
Owner: DeWayne Blair
Request: Rezone from Agricultural Open Space (AO)
District to Manufactured/Mobile Home
District
Location: 158 Chapel Hill Rd
Notification: 0 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval, September 7, 2021



Z-2021-26 LOCATION MAP



Z-2021-26 ZONING MAP



Z-2021-26 PHOTOS

West view of Subject Property



South view of Chapel Hill RD.



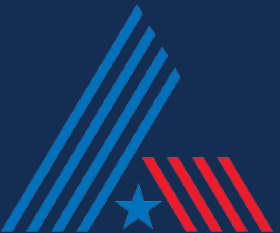
North view of Chapel Hill RD.



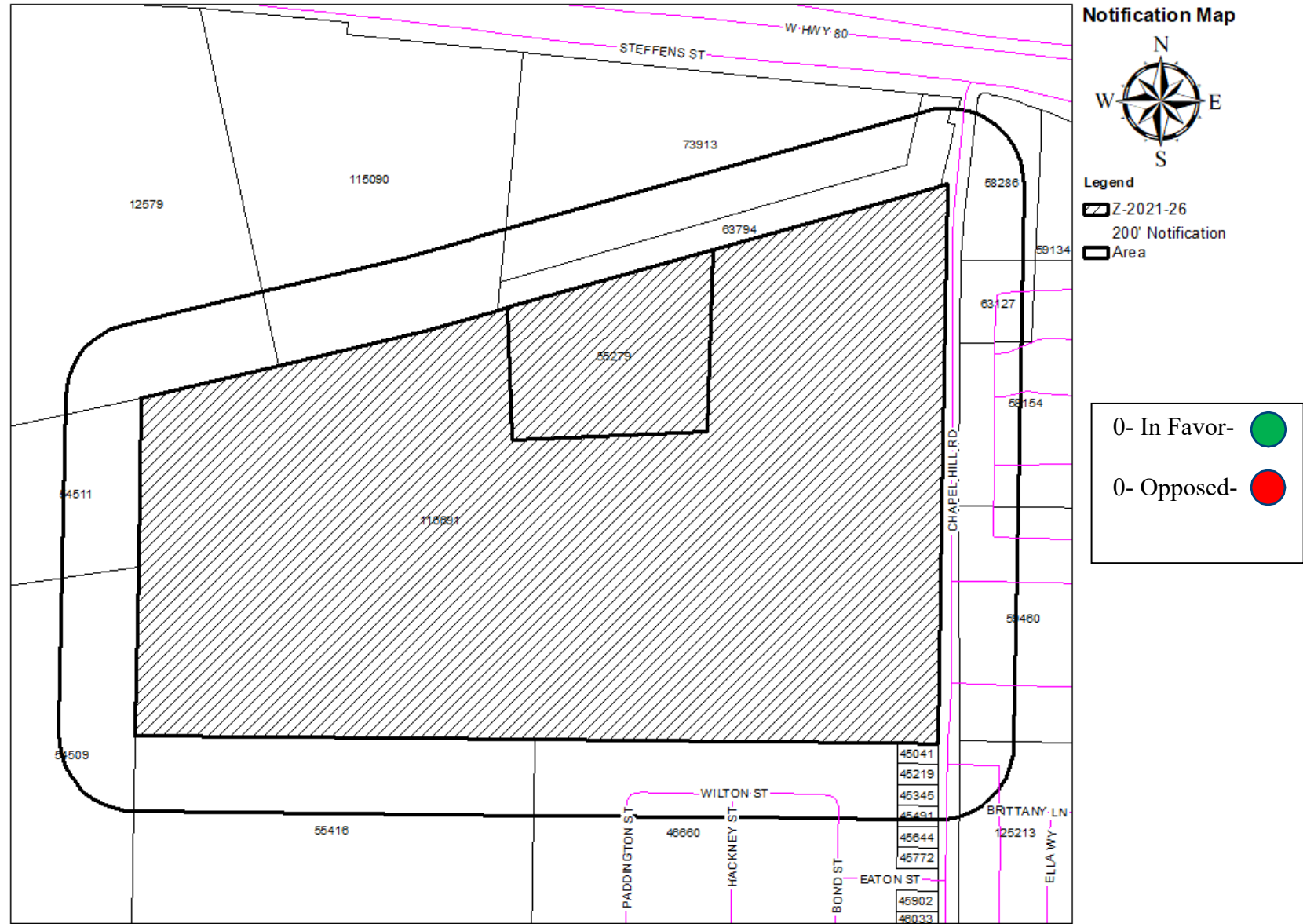
East neighboring property



East neighboring property



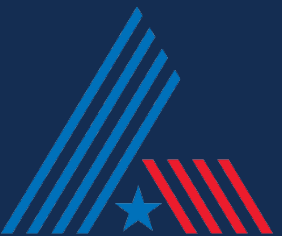
Z-2021-26 NOTIFICATION MAP



- 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: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **19. Ordinance (First Reading) Z-2021-27:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request From KPLB LLC, Agents Jacob & Martin LLC, to Rezone Property from Residential Medium-Density (MD) District to a Planned Development (PD) District on 5.85 Acres of Now-Vacant Land at 1826 Colony Hill Road in Southeastern Abilene. Legal Description Being 5.85 Acres Out of Southwest Quarter of Lunatic Asylum Lands Section 8 in Abilene, Taylor County, Texas. *(Tim Littlejohn)*

GENERAL INFORMATION

This request is to rezone approximately 5.83 acres of vacant land from Residential Medium-Density (MD) to a Planned Development District. Based upon the information provided in the application, the purpose of this request is to keep the existing base zoning of MD but allow for more than 4 units per lot.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends changing the base zoning from MD to MF with specific modifications being to allow for only 12 units per acre, a height limit of 35-feet, and a Type A land use buffer. The applicant agreed to the new base zoning classification and the specific modifications.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of the staff recommendation by a vote of 7-0.

ATTACHMENTS:

1. Z-2021-27 DRAFT Ordinance
2. Z-2021-27 staff report
3. Application
4. Z-2021-27 Council presentation

ORDINANCE NO. _____

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-174 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 23rd day of September, 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 21st day of August, 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 14th day of October, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

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

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 1

ORDINANCE NO. _____

Exhibit
"A"

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

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

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: from Medium Density (MD) 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 3

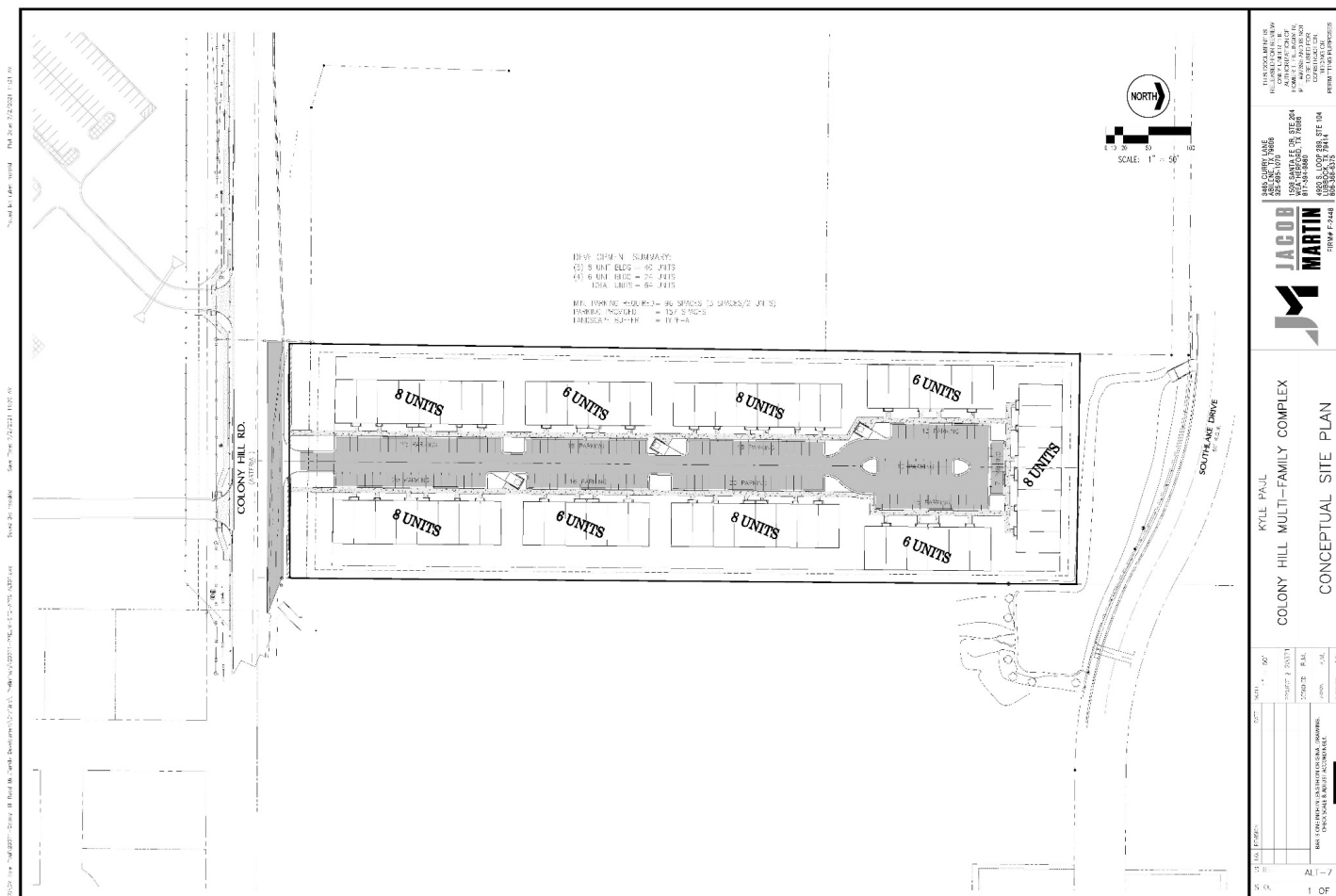
PART 6: Purpose. The purpose of the Planned Development (PD) District is to allow multi-family development as described by the Multi-Family Residential regulations in the Land Development Code.

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 Multi-Family (MF) zoning classification, except as modified below:

A. Site Layout and Building Requirements:

1. Units per acre:
 - a. No more than 12 units per acre
2. Building height:
 - a. Maximum height of 35-feet
3. Landscaping:
 - a. Type "A" land use buffer on north, east, and west perimeters

EXHIBIT "A" GRAPHIC CONCEPT PLAN
PAGE 4



ZONING CASE Z-2021-27

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: September 7, 2021

City Council 1st Reading: September 23, 2021

City Council 2nd Reading: October 14, 2021

Applicant

Owner: Kyle Paul Construction

Agent: Jacob & Martin Engineering

Request

Rezone approximately 5.83 acres of vacant land from Residential Medium-Density (MD) to a Planned Development District. Based upon the information provided in the application the purpose of this request is to keep the existing base zoning of MD but allow for more than 4 units per lot. 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 layout of residences to meet density requirements for MD zoning regulations contained on a single lot.

Location

1826 Colony Hill Road

Background

The subject property was annexed in 2009 and zoned Agricultural Open Space (AO). In January of 2016, the property was rezoned to Medium-Density (MD). In February of 2020, the property was rezoned to Patio Home (PH) and then rezoned again in December of that same year back to MD. The property has remained vacant since its annexation.

The Land Development Code defines Medium-Density as a zoning designed to encourage the provision of conveniently located, centrally maintained accommodations with a combination of single-family, two-family (duplex), triplex, quadraplex, and townhouse housing units developed with no more than 12 units per acre, and no more than 4 units per lot. Abilene's typical medium density products are duplexes. However, our Land Development Code does not have a mid-range between the typical duplex, triplex and quadraplex, seen in medium density zoning, and what most would view as multi-family complexes. As new products for greater density are desired, staff sees a future need to add one or more zonings that allow for multi-family units on single lots with less density than that of the Multi-Family Residential (MF) zoning that exists in our Land Development Code.

The graphic concept plan provided in the application depicts this type of development. Since the Land Development Code does not provide for the type of development the owner of the property is desiring, a planned development was proposed.

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. To the north and west are large single-family residential lots zoned Agricultural Open Space (AO) and to the south is Wylie East Elementary School which is

also zone Agricultural Open Space. To the east is a large vacant Residential Single-Family (RS-6) lot.

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.

When the Future Land Use and Development Plan Map of the Comprehensive Plan was developed in 2004, this subject property had not yet been annexed to the City limits of Abilene. Therefore, the Future Land Use and Development Plan provides no real guidance in regard to the zoning of the subject property. However, the City's Thoroughfare Plan identifies both Colony Hill Road and Maple Street to be future "Arterial" streets which are intended to carry major traffic between large areas of the city. The change in the allowed number of units per lot will provide for a greater number of units to occupy the property and may offer an effective transition in the intensity of urban use and carrying-capacity characteristic of arterial streets by separating anticipated retail development to the west and lower density residential development to the east. However, the intent of the medium density zoning classification is not meant for multi-family type developments where central ownership of all of the units on one lot is usually seen.

(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.

The allowance of more than four units per lot for this particular property maximizes the density of units, central maintenance of the property, and addresses typographical constraints in development. However, this is more indicative of a Multi-Family base zoning than of medium density. It is the opinion of the staff that a base zoning of multi-family with restrictions on the number of units per acre and height is more appropriate than removing the lot restriction of medium density. The number of units proposed in the graphic concept plan is appropriate in the immediate area.

(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.

It is the opinion of staff that the proposed change will not affect any proposed plans for public services or utilities to the area.

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

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

Staff Recommendation

City staff recommends changing the base zoning from Medium Density (MD) to Multi-family (MF) with specific modifications made to allow only 12 units per acre, height limits of 35-feet, and a Type A land use buffer between the surrounding properties. This change better encompasses the planned use of the property and allows for all of the units to remain on one lot, owned by one owner.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on August 27, 2021, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

Owner	Parcel ID	Response
JOHNSTON TYLER	1055857	
KPLB LLC	91537	In Favor
LIVELY LEVI & MINDY	92108	
MC LEOD PROPERTY DEV LLC	993423	
MC LEOD PROPERTY DEV LLC	993425	
MC LEOD PROPERTY DEV LLC	993422	
MC LEOD PROPERTY DEV LLC	17866	
NEWQUIST DENNIS M & AMY A	986228	
WEEKS ROBERT MCKAY	986227	
WYLIE INDEPENDENT SCHOOL DISTRICT	1017176	

Attachments

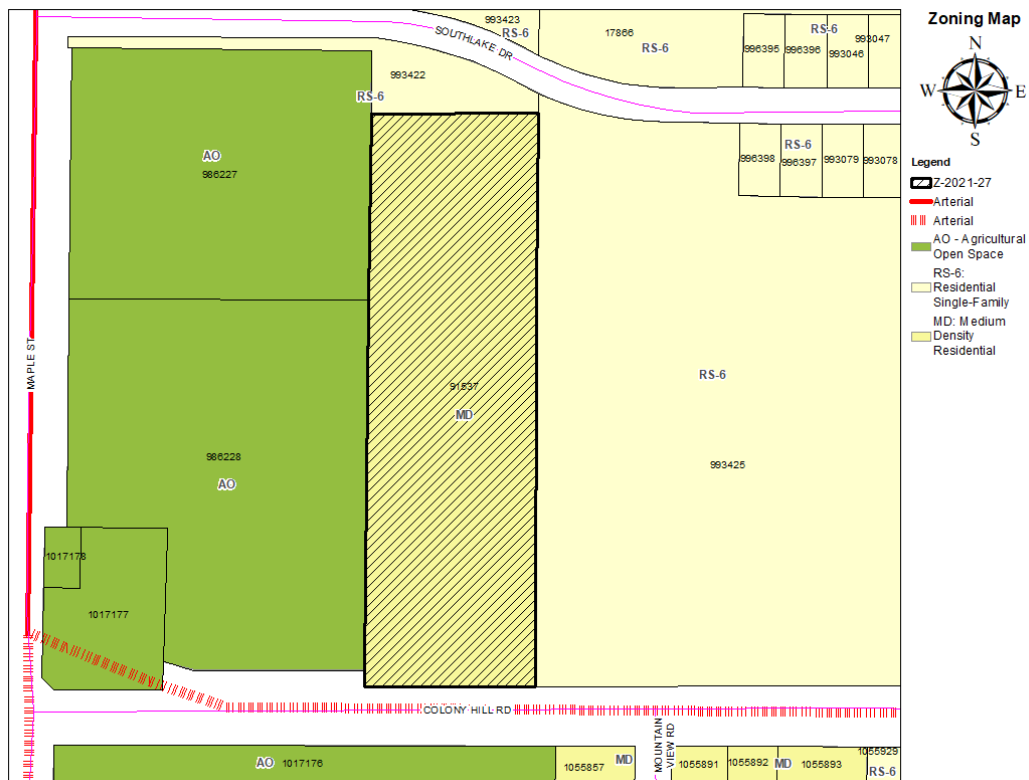
Application

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-2021-27

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: KPLB LLC
Parcel I.D.: 91537
Address: 1826 COLONY HILL RD

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.

PROJECT OVERVIEW

Project Type: Zoning Application

ID # 21-000124 | Started 08/19/2021 at 3:15 PM



Address

1826 Colony Hill Road,
Abilene, Texas 79602

Legal

No legal information

Property Info

No property information

Description

Rezone property from residential medium density (MD) to a Planned Development District on 5.85 acres of vacant property at 1826 Colony Hill Road. Allowing a base zoning of Medium Density without the 4 unit per lot maximum requirement.

INFORMATION FIELDS

Owner Name

KPLB LLC

Agent Name

Jacob & Martin LLC

Block

-

Lot

-

Acreage

5.85

Legal Description of property

5.85 Acres out of Southwest Quarter of Lunatic Asylum Lands Section 8, Abilene, Taylor County, Texas

Subdivision Name

Colony Hill Road Development

Current Zoning

Medium Density

Proposed Zoning

Planned Development

Agree to Terms

Yes

CREDENTIALS

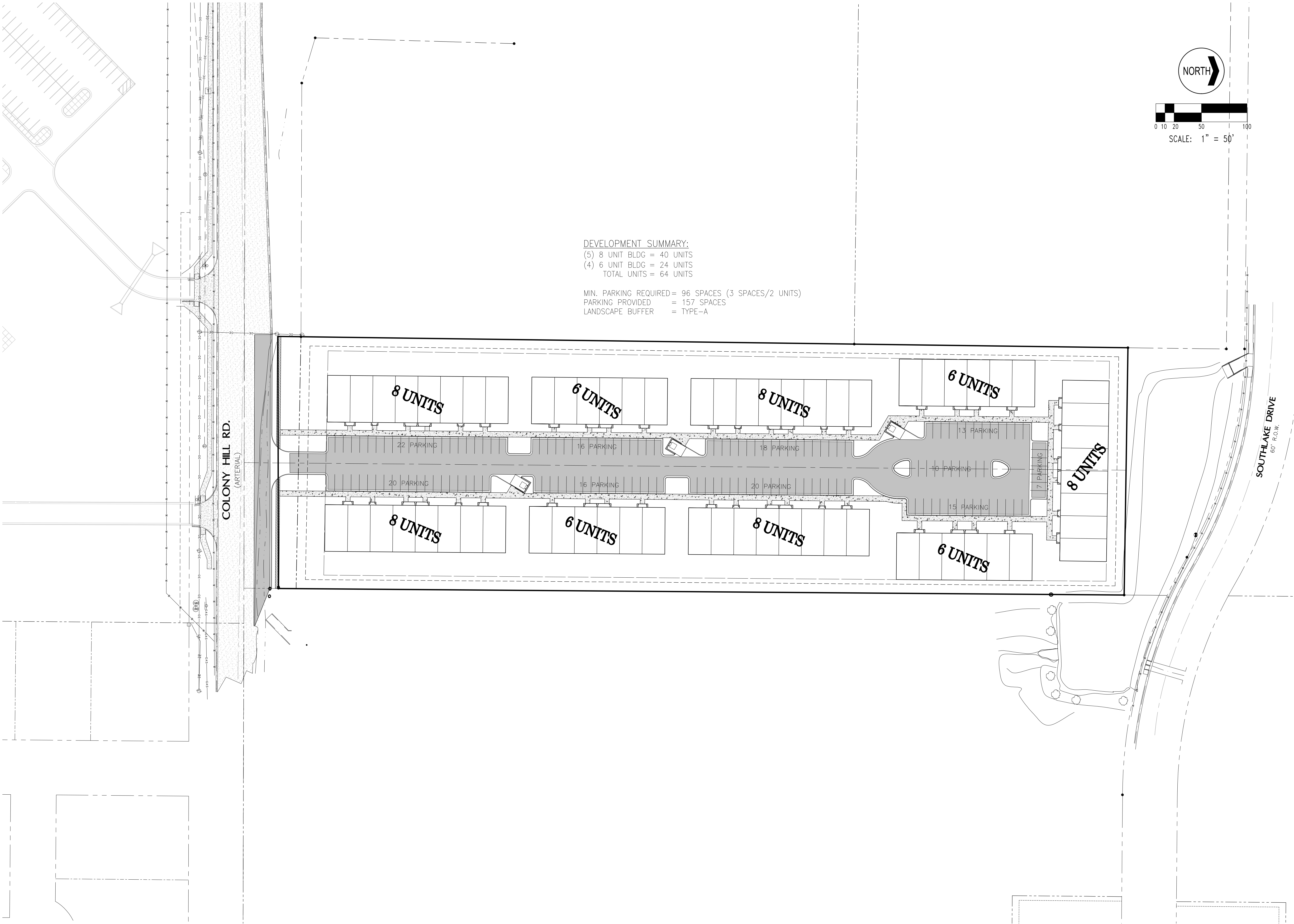
Engineer

Surveyor

Developer

Homeowner

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Tal Fillingim	tal@jacobmartin.com 3256951070	3465 Curry Ln Abilene, TX 79606-8217	-	APPLICANT

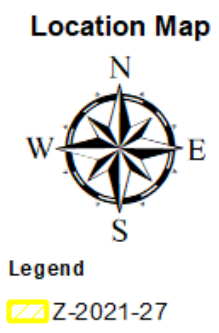


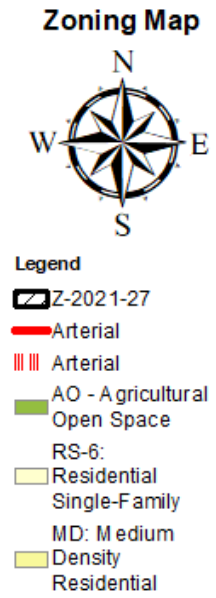
DEVELOPMENT SUMMARY:
(5) 8 UNIT BLDG = 40 UNITS
(4) 6 UNIT BLDG = 24 UNITS
TOTAL UNITS = 64 UNITS

MIN. PARKING REQUIRED= 96 SPACES (3 SPACES/2 UNITS)
PARKING PROVIDED = 157 SPACES
LANDSCAPE BUFFER = TYPE-A

NO.		REVISION		DATE	SCALE 1" = 50'	KYLE PAUL COLONY HILL MULTI-FAMILY COMPLEX			3465 CURRY LANE ABILENE, TX 79606 325-693-1070 1508 SANTA FE DR., STE 204 WEATHERFORD, TX 76086 817-594-9880 4920 S. LOOP 289, STE 104 LUBBOCK, TX 79414 806-365-6375			THIS DOCUMENT IS RELEASED FOR REVIEW ONLY UNDER THE AUTHORIZATION OF HOMER T. FILLINGIM IV, P.E. #97395 AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMITTING PURPOSES	
					PROJECT # 20371	CONCEPTUAL SITE PLAN			JACOB MARTIN FIRM# F-2448				
					DESIGNED R.M.				J				
					DRAWN R.M.								
					CHECKED T.F.								
SHEET SEQ.					ALT-7 1 OF 1								
BARI IS ONE INCH IN LENGTH ON ORIGINAL DRAWING. CHECK SCALE & ADJUST ACCORDINGLY													

Case: Z-2021-27
Owner: Kyle Paul Construction
Agent: Jacob & Martin, LLC
Request: Rezone Medium Density (MD) to
Planned Development District (PD 174)
Location: 1826 Colony Hill Rd
Notification: 1 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval of staff
recommendations, September 7, 2021





Permitted Uses in MD Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- C Dwelling – Institutional
- P Dwelling – Multiple-Family
- 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
- 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 Homeless/Emergency Shelter
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- 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

Permitted Uses in MF Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- 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
- 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 Homeless/Emergency Shelter
- C Personal Care Facility
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- 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

Subject Property Facing North



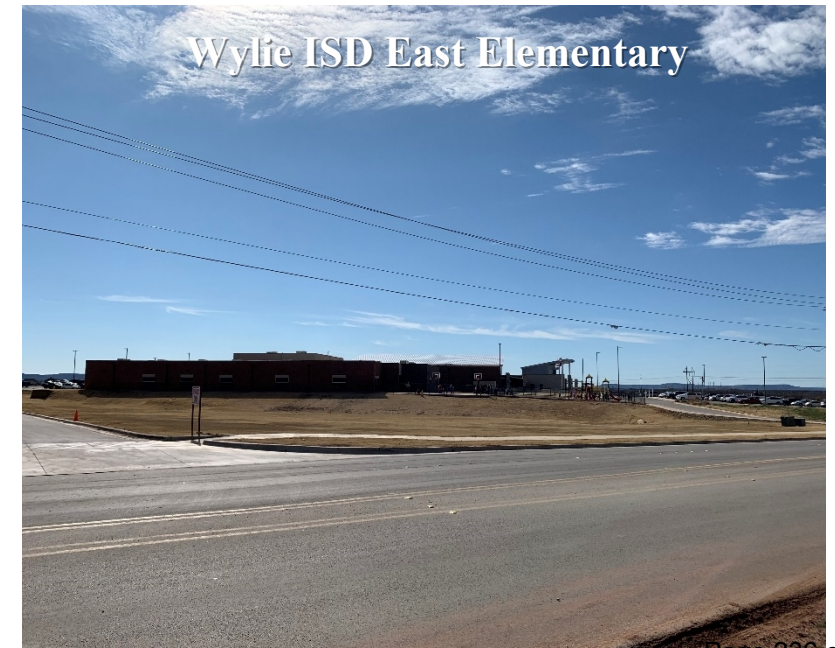
Vacant land to the East

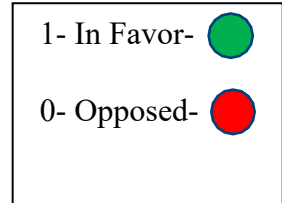


Subject Property Eagle View



Wylie ISD East Elementary





- 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: Change the base zoning from MD to MF with specific modifications:
 - Only allow 12 units per acre
 - Height limit of 35-feet
 - Type A land use buffer
- Planning & Zoning Recommendation: Approval of staff recommendations.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Robert Hanna, City Manager

FROM: Cande Flores, Fire Chief

SUBJECT: 20. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 10, Article III, “Fire Prevention Code”, Division 1, Sec. 10-46 of the Abilene Municipal Code (Cande Flores).

GENERAL INFORMATION

The Fire Prevention Code was last updated in 2009.

The 2021 version of the International Fire Code has been reviewed and is proposed as an amendment to the Abilene Municipal Code.

SPECIAL CONSIDERATIONS

A review committee was organized to review the 2021 version of the International Fire Code and to suggest possible amendments to this code. The committee was chaired by the Abilene Fire Marshal and included five (5) other members. The additional members represented fire protection systems, architecture, and construction.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the ordinance amendment.

STAFF RECOMMENDATION

Staff recommends amending Chapter 10, Article III, “Fire Prevention Code”, Division 1, Sec.

10-46 to adopt the 2021 International Fire Code in its entirety, with the amendments outlined in Attachment “A”.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Amended Ordinance
2. Attachment A
3. Exhibit A
4. Fire Code Presentation

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, “FIRE PREVENTION CODE”, FOR THE CITY OF ABILENE; SEC. 10-46 OF THE ABILENE MUNICIPAL CODE BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SERVERABILITY CLAUSE; AND DECLARING A PENALTY.

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

- PART 1:** That Chapter 10, Article III, Division I, Sec. 10.46 of the Abilene Municipal Code be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.
- PART 2:** That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3:** 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 punishable as provided in section 1-9 of this Code. Each day such violation shall continue or permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 9th day of September, 2021.

After passage on first reading, a notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of September, 2021, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 23rd day of September, 2021, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 23rd day of September, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

ATTACHMENT “A”

ABILENE FIRE CODE

Adopt the 2021 International Fire Code in its entirety, with the following amendments:

Chapter 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. *{Amend to read as follows.}* These regulations shall be known as the *Fire Code* of the City of Abilene, hereinafter referred to as “this code”

{Amend Section 103 heading as follows.} SECTION 103 DIVISION OF FIRE PREVENTION

103.1 Creation of Agency. *{Amend to read as follows.}* The division of Fire Prevention is established within the Fire Department under the direction of the fire code official. The function of the division shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. *{Amend to read as follows and add sentence at the end.}* The fire code official shall be appointed by the fire chief. The fire code official shall also be known as fire marshal.

103.3 Deputies. *{Amend to read as follows.}* In accordance with the prescribed procedures of the Fire Department and with the concurrence of the fire chief, the fire code official shall have the authority to appoint two deputy fire marshals, other related technical officers, inspectors, and other employees.

{Amend Section 111 heading as follows}

SECTION 111

APPEALS

111.1 Appeals. *{Delete in its entirety and add the following.}* The Board of Building Standards as established in Chapter 8, Sec. 8-361, et. seq. of the City Code of the City of Abilene, Texas is charged with hearing appeals arising from any decision of the fire code official concerning this code, determining the suitability of alternate materials and methods of construction and providing reasonable interpretation of this code.

Any reference to the board of appeals in this code shall be construed to mean and does mean the Board of Building Standards as established in Chapter 8, Sec. 8-361, et. seq. of the City Code of the City of Abilene, Texas. In the event the board should be of the opinion that any provisions of this code need to be amended, it shall make such recommendation to the City Council for consideration.

SECTION 112

VIOLATIONS

112.4 Violation penalties. *{Amend to read as follows.}* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor, punishable by a fine of not more than five hundred dollars (\$500).

SECTION 113

STOP WORK ORDER

113.4 Failure to comply. *{Amend to read as follows.}* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500).

Chapter 3

GENERAL PRECAUTIONS AGAINST FIRE

SECTION 308

OPEN FLAMES

308.1.4 Open-flame cooking devices. *{Amend to read as follows.}* Charcoal burners and other open-flame cooking devices shall not be operated or located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Chapter 5 FIRE SERVICE FEATURES

SECTION 503 FIRE APPARATUS ACCESS ROADS

503.2.1 Dimensions. *{Amend to read as follows.}* Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 14 feet.

503.2.2 Authority. *{Amend to read as follows.}* The fire code official shall have the authority to require an increase in the minimum access widths and vertical heights where they are inadequate for fire or rescue operations.

503.2.3 Surface. *{Amend to read as follows.}* An engineered road constructed of asphalt, concrete, processed road base material or other approved driving surface capable of supporting the imposed loads of a fire apparatus. The road shall be properly graded to drain so as to prevent the road from failing to support the fire apparatus imposed load during a rainfall event.

503.3 Identification. *{Amend to read as follows.}* Where required by the fire code official, approved markings and/or signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Markings and signs shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Marking shall consist of a red stripe not less than six inches wide along both borders of a fire apparatus access road. The words "FIRE LANE NO PARKING" shall be marked on the stripes in white letters not less than four inches high at intervals of not more than 25 feet. The stripe and words shall consist of traffic paint. The markings shall be applied to the vertical face of curbs if adjacent to the fire apparatus access road. If curbs are not present, then the markings shall be applied to the pavement.

{Add Subsection 503.3.1}

503.3.1 Signs. Signs shall be not less than 12 inches wide and 18 inches high. Signs shall consist of a white background bordered by a red stripe not less than 3/8 inch wide with the words "FIRE LANE NO PARKING" in red letters not less than two inches high. The sign face shall be retro-reflective. Signs shall be permanently affixed to stationary posts or, where approved by the fire code official, buildings or walls. The bottom of signs shall be not less than seven feet above grade. Signs shall be placed at intervals of not more than 50 feet.

SECTION 506 KEY BOXES

506.1 Key Boxes. *{Add following sentence.}* Any structure that is 12,000 square feet or more, or contains a fire protection or detection device will be required to have a key box installed.

506.1 Installation. *{Add following sentences.}* Where required, a key box will be installed on the right hand side not less than 60 inches (5feet) from the main entrance of the structure. The key box placement is required to be between 60 inches and 72 inches (between 5 and 6 feet) above the finished floor or as approved by the fire code official.

SECTION 507 FIRE PROTECTION WATER SUPPLIES

507.5.4 Obstruction. *{Amend to read as follows.}* Unobstructed access to fire hydrants, fire department inlet connections, or fire protection system control valves shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Chapter 6 BUILDING SERVICES AND SYSTEMS

SECTION 605 FUEL-FIRED APPLIANCES

605.5 Portable unvented heaters. *{Amend to read as follows.}* Rooms or areas where listed and approved portable unvented fuel-fired heating equipment is allowed shall be provided with a means of ventilation capable of supplying required combustion air and preventing the accumulation of toxic products of combustion. **Exceptions:** *{Delete exception1}*

Chapter 9
FIRE PROTECTION SYSTEMS

SECTION 903
AUTOMATIC SPRINKLER SYSTEMS

903.2.8 Group R *{Add following.}*

Exception: 1 and 2 Family Dwellings.

903.3.1.1.1 Exempt locations. *{Amend first sentence to read.}* Where approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion.

Exception 3. *{Amend to read as follows.}* Generator and transformer rooms under the direct control of a public utility and separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

Exception 4. *{Delete Number 4 in its entirety.}*

907.6.6.2 MIY Monitoring. *{Amend to read as follows.}* Direct transmission of alarms associated with Monitor it Yourself (MIY) transmitters to a public safety answering point (PSAP) shall not be permitted.

3305.5.1 Fire watch during construction. *{Amend to read as follows.}* A fire watch shall be provided during nonworking hours for new construction that exceeds 40 feet (12 192 mm) in height above the lowest adjacent grade at any point along the building perimeter, for new multistory construction with an aggregate area exceeding 50,000 square feet (4645 m²) per story if required by the fire code official.

ORDINANCE NO. _____

EXHIBIT “A”

ABILENE CODE

DIVISION 1. GENERALLY

Replace Sec. 10-46 as follows:

Sec. 10-46. Adopted.

The International Fire Code, 2021 Edition, published by the International Code Council, Inc., together with the Abilene Fire Code booklet amending and supplementing that code, are hereby enacted and adopted by reference, as the fire code for the City of Abilene, and is here by incorporated herein. The Abilene Fire Code booklet, along with the International Fire Code, are on file in the Fire Marshal’s and City Secretary’s Offices.

Any cross-reference to other codes contained herein shall be construed to mean those codes as adopted by the City of Abilene and amended by local ordinance.

Any cross-reference to specific state agencies tasked with duties or oversight under the International Fire Code shall be construed to mean the agency in the state of Texas then tasked with the duties or oversight referenced, even if such agency might change from time to time.

2021 Abilene Fire Code

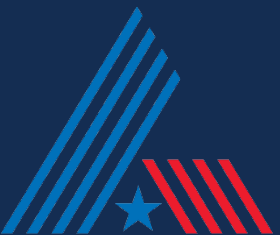
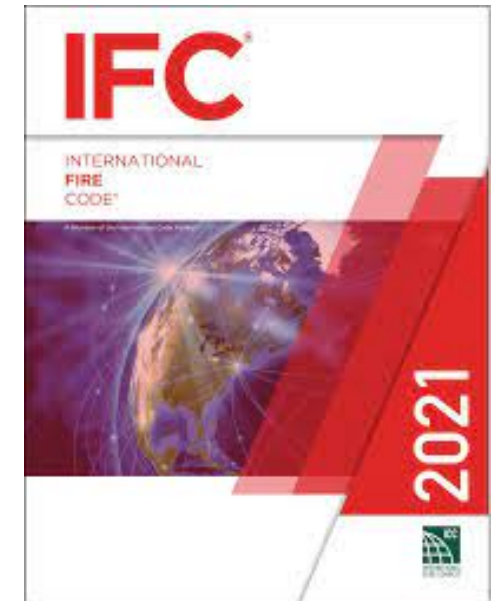
ABILENE FIRE DEPARTMENT

September, 2021



ABILENE FIRE CODE

- Local adoption of the International Fire Code (IFC)
 - Includes local amendments that only apply to the City of Abilene
- IFC is published by the International Code Council
 - Establishes minimum requirements for fire prevention and fire protection systems
 - Updated every 3 years
- The Abilene Fire Code has not been updated since 2009



AMENDMENT PROCESS

- The AFD Fire Marshal created a committee to review the latest edition of the International Fire Code
 - Comprised of:
 - Fire Marshal (chair)
 - Jim Bob Barbee (Fire Protection Systems)
 - Alfredo Gunderson (Fire Protection Systems)
 - Ruppert Rangel (Architect)
 - Will Duncan (Architect)
- The IFC Committee met several times and decided which parts of the Code would be adopted in whole and which parts required amendments
- The amendments, in conjunction with the IFC resulted in the Abilene Fire Code

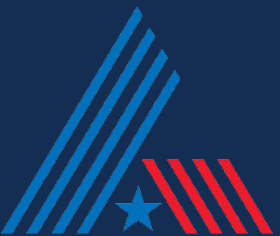


APPLICABILITY

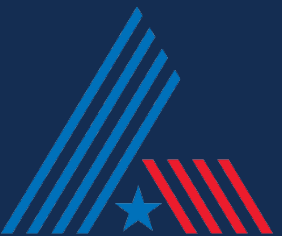
- The Abilene Fire Code is applicable to all commercial structures within the city limits of Abilene
- It does not apply to family residences



- The Abilene Fire Marshal's Office recommends amending Article II "Fire Prevention Code" of the City Ordinance to include the 2021 version of the Abilene Fire Code



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 21.

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

- Animal Services Advisory Board
- Keep Abilene Beautiful
- Street Maintenance Advisory & Appeals Board

GENERAL INFORMATION

The item provides for reappointment of new members as well as new members to certain boards and commissions.

SPECIAL CONSIDERATIONS

Member terms vary per board and commission and are outlined in Exhibit A of the resolution.

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. B&C Resolution
2. Exhibit A
3. B&C Presentation Slide

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND STATUTES OF THE STATE OF TEXAS

WHEREAS, the Charter of the City of Abilene and the Statutes of the State of Texas require that certain Boards and Commissions be established with a portion of the memberships thereof to be filled by appointment each year; and

WHEREAS, the City Council is of the opinion that the following members should be appointed to the designated Boards and Commissions, and has requested the Mayor to appoint same with the approval of the Council.

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

PART 1: That the list of Members is attached hereto as Exhibit A, shall be in all things, approved.

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

PASSED this 23rd day of September, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Animal Services Advisory Board</i>	
Andrew Houser [Reappointment]	November 2023
Lora Jones [Reappointment]	November 2024
Justin Lelesch [New]	November 2024
Lynn Beard [New]	November 2024
<i>Keep Abilene Beautiful</i>	
Akane Thaxton [Reappointment]	September 2024
Garrett Strickland [New]	September 2024
Aida Pantoja [New]	September 2024
Deborah Williams [New]	September 2022 [unexpired term]
<i>Street Maintenance Advisory & Appeals Board</i>	
Tony Pallarez [New]	March 2022 [unexpired term]

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

- Animal Services Advisory Board
- Keep Abilene Beautiful
- Street Maintenance Advisory & Appeals Board





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

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

FROM:

SUBJECT: **22. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Attorney**

GENERAL INFORMATION

To be discussed in Executive Session

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Evaluation of City Attorney

Oral Resolution: Evaluation of the City Attorney



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Honorable Mayor & Members of City Council

FROM:

SUBJECT: **23. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Secretary**

GENERAL INFORMATION

To be discussed in Executive Session

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Evaluation of City Secretary

Oral Resolution: Evaluation of the City Secretary



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 9/23/2021

TO: Honorable Mayor & Members of City Council

FROM: Stanley Smith, City Attorney

SUBJECT: 24. 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. 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
3. 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
4. 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
5. 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
6. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
7. 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
8. Natasha Jones v. City of Abilene, Texas; EEOC Charge of Discrimination, 450-2020-06446; filed September 15, 2020
9. Officer Mark Watson and City of Abilene, Case No. 01-21-0002-5335; Appeal of Indefinite Suspension to Arbitration, filed March 10, 2021

10. 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
11. Steve Van Horne, et al. v. City of Abilene, et al.; Cause No. 12530-D, In the 350th Judicial District Court, Taylor County, Texas; filed September 7, 2021
12. Governor's Executive Orders COVID-19
13. Clyde Water
14. ETJ with Clyde, Texas

B. 551.072 (Deliberations about Real Property)

1. ETJ with Clyde, Texas

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