



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 October 14, 2021, at 8:30 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Councilmember Shane Price

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. Employee Service Awards:

- Tim Keawmanee - 20 Years - Police Department
- Bryan Stevens - 20 Years - Police Department
- Gabriel Thompson - 20 Years - Police Department
- Phillip Engel - 25 Years - Convention Center

3. Proclamations:

- Emergency Nurses Week
- National Physical Therapy Month

CONSENT AGENDA

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

which event the item will be removed from the Consent Agenda and considered separately.

4. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on September 23, 2021 **(Shawna Atkinson)**
5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19) Issued September 9, 2021 **(Robert Hanna)**
6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Appoint the Health Authority and Medical Director for the Abilene-Taylor County Public Health District **(Annette Lerma)**
7. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving Safety/Security Cameras and Access Controls **(Bob von Wolffradt)**
8. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 43-2021 Adopting Fees and Charges, by Amending Alcoholic Beverage Permit Fees **(Shawna Atkinson)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

9. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021-22 Budgets **(Mike Rains)**
10. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2020-2021 Budgets **(Mike Rains)**
11. **Ordinance (Final 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)**
12. **Ordinance (Final 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)**
13. **Ordinance (Final 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)**
14. **Ordinance (Final 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)**
15. **Ordinance (Final 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)

PUBLIC COMMENTS

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

EXECUTIVE SESSION

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

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. 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
15. Attorney General Opioid Settlement

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

REGULAR AGENDA

17. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Casting a Vote to Nominate a Member to the Jones County Appraisal District Board of Directors **(Shawna Atkinson)**

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please call 325-676-6208.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 8th day of October, 2021, at 2:40 p.m.

Kaitlin Richardson,
Deputy City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 10/14/2021

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on September 23, 2021
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Special Meeting Held on September 23, 2021

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 09-23-2021 Minutes - Regular - Evening

CITY COUNCIL MEETING
September 23, 2021 at 4:30 p.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
SOUTH BRANCH LIBRARY

The City Council of the City of Abilene, Texas met in Regular Session on September 23, 2021, at 4:30 p.m. at the South Branch Library, Mall of Abilene, 4310 Buffalo Gap Road. Mayor Anthony Williams was present and presiding, along with Mayor Pro-tem Kyle McAlister, Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynn Beard, Donna Albus, and Weldon Hurt. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Shawna Atkinson, and various members of the City staff.

EXECUTIVE SESSION

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

- 24. B. 551.071 (Consultation with Attorney)
 - 1. Steve Van Horne v. City of Abilene
 - 2. Clyde Water
 - 3. ETJ with Clyde, Texas
 - 4. Agenda Item #7
 - 5. Central Appraisal District of Taylor County vs. Veronica Jakstas
- 24. D. 551.074 (Personnel Matters)
 - 1. City Attorney (and Agenda Item #22)
 - 2. City Secretary (and Agenda Item #23)
- 24. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Project

The Executive Session ended at 5:15 p.m. and reconvened to Open Session at 5:30 p.m. as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Councilmember Lynn Beard delivered the invocation.

Cecelia Cockerell, Kindergartner at Austin 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
 - Annette Lerma – 20 Years – Health Department
- Chief Flores spoke about the parade and 9/11 services that will be taking place at the West Texas Fair Proclamation
 - Fire Prevention Week was accepted by Fire Chief Cande Flores and Sparky the Fire Dog

CONSENT AGENDA

The Consent Agenda consisted of items 5-19. Item 6 was pulled for individual consideration.

Item pulled for individual consideration were as follows:

- Councilmember Albus – Item #6

Councilmember Hurt moved to approve items 5, and 7-19. 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

Councilmember Beard had a conflict of interest on item #16 and abstained from voting on that item. A conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office. The vote for Item #16 was as follows:

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

NAYS (0): None

ABSTAIN (1): Councilmember Beard

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

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

[ASSIGNED RESOLUTION NO. 162-2021]

Earlier in the meeting, under Section 551.071 (Consultation with Attorney) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 4:30 p.m., and ended at 5:15 p.m. No votes or actions were taken at that time.

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

[ASSIGNED RESOLUTION NO. 163-2021]

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

[ASSIGNED RESOLUTION NO. 164-2021]

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

[ASSIGNED RESOLUTION NO. 165-2021]

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
[ASSIGNED RESOLUTION NO. 166-2021]
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
[ASSIGNED RESOLUTION NO. 167-2021]
13. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021-22 Budgets
14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2020-2021 Budgets
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
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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
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
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

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Abilene Cultural Affairs Council FY 2022 Budget
[ASSIGNED RESOLUTION NO. 161-2021]

The item was pulled by Councilmember Albus.

Having pulled the item, Councilmember Albus thanked Lynn Barnett with the Abilene Cultural Affairs Council for making the quality of life better in Abilene, and for bringing visitors to our city and showing them what we can be.

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 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

REGULAR AGENDA

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
[ASSIGNED ORDINANCE NO. 52-2021]

Cande Flores, Fire Chief, presented the item. Adoption of the item would Amend Chapter 10, Article III, "Fire Prevention Code", Division 1, Sec. 10-46 of the Abilene Municipal Code, adopting the 2021 version of the Abilene Fire Code.

Councilmembers Price and Beard had concerns over some of the language in the ordinance. After discussion, City Manager Hanna recommended tabling the item until the next meeting so staff can make the changes before Council votes.

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

Councilmember Beard moved to table the item until the October 14, 2021 meeting. 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

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.
[ASSIGNED RESOLUTION NO. 168-2021]

Councilmember Beard 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.

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

- David Swart – spoke about the Street Maintenance Advisory and Appeals Board not being able to get a quorum. He let Council know he would be available to attend all meetings.

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

Councilmember Hurt moved to (re)appoint the following:

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]

Councilmember Albus seconded the motion; motion carried

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

NAYS (0): None

ABSTAIN (1): Councilmember Beard

22. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Attorney
[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 4:30 p.m., and ended at 5:15 p.m. No votes or actions were taken at that time.

Mayor Williams opened the public hearing. 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 Attorney. 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

23. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Evaluation of the City Secretary
[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 4:30 p.m., and ended at 5:15 p.m. No votes or actions were taken at that time.

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

Councilmember Hurt moved to approve the evaluation and salary adjustment of the City Secretary. 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 Beard, Price, 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 the Street Maintenance Advisory & Appeals Board and AEP not fixing street lights.
- Elizabeth Smyser – spoke against making Abilene a Sanctuary City for the Unborn
- Jim Sullivan – spoke about the Historic Hickory Street Association and asking Council to consider expanding the Western Border of the Art & Cultural District to include Hickory Street.

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

ADJOURNMENT

There being no further business, the meeting adjourned 6:07 p.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 10/14/2021

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster (COVID-19) Issued September 9, 2021 (*Robert Hanna*)

GENERAL INFORMATION

On September 9, 2021, the City Council issued its Resolution Further Modifying Its Extension of Disaster Declaration, which was effective until October 14, 2021. On July 29, 2021, Governor Abbott issued his Executive Order GA-38 regarding COVID-19. On September 28, 2021, Governor Abbott issued his Proclamation Renewing his declaration of a State-wide Disaster due to COVID-19. Due to the ongoing local disaster caused by COVID-19, request is made to continue the City of Abilene's Declaration of Local Disaster and continue to adopt the Governor's Executive Order regarding COVID-19.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 23rd Resolution Extending Declaration of Local Disaster COVID-19 redline draft
2. EO-GA-38-continued-response-to-the-COVID-19-disaster-IMAGE-07-29-2021 (1)
3. proc09282021_COVID
4. Disaster Declaration PPT

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, FURTHER MODIFYING ITS EXTENSION OF DECLARATION OF DISASTER (COVID-19) ISSUED ON ~~SEPTEMBER 9~~AUGUST 12, 2021.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on June 10, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor’s Executive Orders GA-34 and GA-36, and which was effective until July 8, 2021; and

WHEREAS, on July 8, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor’s Executive Orders GA-34 and GA-36, and which was effective until August 12, 2021; and

WHEREAS, on August 12, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-38, and which was effective until September 9, 2021; and

WHEREAS, on September 9, 2021, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-28, and which was effective until October 14, 2021; and

WHEREAS, on July 29, 2021, the Governor of the State of Texas issued his Executive Order GA-38, effective until it is modified, amended, rescinded, or superseded by the Governor, and which related to the continue response to the COVID-19 disaster; and

WHEREAS, on ~~September 28~~~~August 29~~, 2021, the Governor of the State of Texas renewed his disaster proclamation for all counties in Texas due to COVID-19 continuing a state of disaster; and

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

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

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

WHEREAS, the City Council finds that it is in the public interest to authorize additional authority as described herein pursuant to the Texas Disaster Act of 1975, as amended, Texas Government

Code, and provide rules to protect the health of persons in the City of Abilene, pursuant to the Texas Government Code and Texas Health and Safety Code.

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

1. The foregoing recitals as incorporated herein and made findings of fact.
2. That the City Council, effective immediately, hereby renews and continues the local state of disaster for the City of Abilene, Texas, pursuant to Section 418.108(b) of the Texas Government Code.
3. Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for the City of Abilene. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.
5. The use of all available resources of the City of Abilene that are reasonably necessary to cope with this disaster are hereby authorized.
6. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement with would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.
7. Pursuant to Section 418.108(g) of the Government Code, the City of Abilene may control ingress to and egress from a disaster area within the incorporated limits of the City of Abilene and control the movement of persons and the occupancy of premises in that area.
8. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Abilene may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.
9. The intent of this Order is to protect the physical health and well-being of City of Abilene residents, to protect the financial health and well-being of City of Abilene residents and businesses, and to slow the spread of COVID-19 to the maximum extent possible while

safeguarding the Constitutional liberties of City of Abilene residents by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

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

10. The City of Abilene hereby adopts and incorporates herein Governor Greg Abbott's Executive Order GA-38, the same as if it were copied and set-forth at length herein. The City of Abilene will follow and enforce the conditions and restrictions as set forth in GA-38 , and adopts and incorporates any further Proclamations modifying, amending or superseding GA-38 during the term of Abilene's declaration of local disaster.

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

11. In the event the Governor of the State of Texas amends or modifies his Executive Order GA-38, this Declaration and Order is automatically amended or modified without further Council action to reflect said amendments or modifications to the Governor's Executive Orders. It being the express intent of the City Council and this Declaration and Order to follow the Governor's Executive Orders.
12. All public, private and commercial laboratories operating within the City of Abilene and performing COVID-19 testing shall report by 5:00 p.m. each day, Monday through Friday, but excluding holidays, for the period since the last report, to the Abilene-Taylor County Public Health District the following information:

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

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

13. That any City ordinance or regulation imposing a time requirement for payment, filing or appealing a decision, may be extended by the Mayor without further confirmation by the City Council.
14. That the Mayor may suspend or modify any other ordinance or regulation of the City of Abilene for a period of not more than seven days from the date of this resolution unless continued or renewed by the City Council.

15. That the City Manager or designee of the City Manager is authorized, without further approval of the City Council, to:

- (a) Make application for local, state and federal assistance as necessary and/or applicable;
- (b) Accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
- (c) Enter into Interlocal cooperation agreements or memorandums of understanding with other cities, counties, or jurisdictions to provide for law enforcement assistance or other shared services to assist in this Resolution or the COVID-19 pandemic;
- (d) Contract for expenditures for budgeted items and emergency expenditures in an amount not to exceed \$250,000; and
- (e) Defer any fines or fees imposed by the City.

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

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

- (a) Close, including closure to the public, of any City offices, facilities, or properties, including parks, playgrounds, or playground equipment; and
- (b) Provide city services by means other than in-person delivery, such as accepting permit applications online or by mail only, and/or to cease any city service that are not required by state or federal law.

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

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

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

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

19. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
20. Pursuant to Section 418.173, Government Code, failure to comply with this Order is an offense punishable by a fine not to exceed \$1,000, except as otherwise provided in the Governor's Executive Orders GA-38.
21. That any violation of this Resolution, Declaration and Order can be enjoined by the City of Abilene by a suit filed in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Resolution, Declaration and Order or in the Code of Ordinances, City of Abilene, Texas.
22. That nothing in this Resolution, Declaration and Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Resolution.
23. All provisions of this Resolution, Declaration and Order should be interpreted to effectuate its intent.
24. That this Declaration and Order is effective immediately and continues until 11:59 p.m. November 4~~October 14~~, 2021 unless otherwise modified, terminated or extended.
25. That the terms and provisions of this Resolution, Declaration and Order shall be deemed to be severable and that if any section, subsection, sentence, clause, phrase or word herein shall be declared to be invalid or unconstitutional, the same shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word herein, and the remainder of this Resolution, Declaration and Order shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

ADOPTED this 14~~9~~th day of October~~September~~, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



GOVERNOR GREG ABBOTT

July 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

3:15 PM O'CLOCK

JUL 29 2021

Secretary of State

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

Dear Deputy Secretary Esparza:

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

Executive Order No. GA-38 relating to the continued response to the COVID-19 disaster.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "G. Davidson", with a long horizontal flourish extending to the right.

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 29, 2021

EXECUTIVE ORDER GA 38

Relating to the continued response to the COVID-19 disaster.

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

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, from March 2020 through May 2021, I issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing and other mitigation strategies; and

WHEREAS, combining into one executive order the requirements of several existing COVID-19 executive orders will further promote statewide uniformity and certainty; and

WHEREAS, as the COVID-19 pandemic continues, Texans are strongly encouraged as a matter of personal responsibility to consistently follow good hygiene, social-distancing, and other mitigation practices; and

WHEREAS, receiving a COVID-19 vaccine under an emergency use authorization is always voluntary in Texas and will never be mandated by the government, but it is strongly encouraged for those eligible to receive one; and

WHEREAS, state and local officials should continue to use every reasonable means to make the COVID-19 vaccine available for any eligible person who chooses to receive one; and

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

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

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

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to

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JUL 29 2021

and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

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

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

1. To ensure the continued availability of timely information about COVID-19 testing and hospital bed capacity that is crucial to efforts to cope with the COVID-19 disaster, the following requirements apply:
 - a. All hospitals licensed under Chapter 241 of the Texas Health and Safety Code, and all Texas state-run hospitals, except for psychiatric hospitals, shall submit to the Texas Department of State Health Services (DSHS) daily reports of hospital bed capacity, in the manner prescribed by DSHS. DSHS shall promptly share this information with the Centers for Disease Control and Prevention (CDC).
 - b. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to DSHS, as well as to the local health department, daily reports of all test results, both positive and negative. DSHS shall promptly share this information with the CDC.
2. To ensure that vaccines continue to be voluntary for all Texans and that Texans’ private COVID-19-related health information continues to enjoy protection against compelled disclosure, in addition to new laws enacted by the legislature against so-called “vaccine passports,” the following requirements apply:
 - a. No governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
 - b. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
 - c. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed

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JUL 29 2021

- in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.
- d. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
 - e. This paragraph number 2 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.
3. To ensure the ability of Texans to preserve livelihoods while protecting lives, the following requirements apply:
- a. There are no COVID-19-related operating limits for any business or other establishment.
 - b. In areas where the COVID-19 transmission rate is high, individuals are encouraged to follow the safe practices they have already mastered, such as wearing face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.
 - c. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.
 - d. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
 - e. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
 - f. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
 - g. As stated above, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials. This paragraph number 3 supersedes any conflicting local order in response to the COVID-19 disaster, and all relevant laws are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

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3:15pm O'CLOCK

JUL 29 2021

4. To further ensure that no governmental entity can mandate masks, the following requirements shall continue to apply:
- a. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; provided, however, that:
 - i. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
 - ii. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
 - b. This paragraph number 4 shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in subparagraph number 4.a. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
 - i. Sections 418.1015(b) and 418.108 of the Texas Government Code;
 - ii. Chapter 81, Subchapter E of the Texas Health and Safety Code;
 - iii. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
 - iv. Chapter 54 of the Texas Local Government Code; and
 - v. Any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

- c. Even though face coverings cannot be mandated by any governmental entity, that does not prevent individuals from wearing one if they choose.
5. To further ensure uniformity statewide:
- a. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the

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JUL 29 2021

- COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.
- b. Confinement in jail is not an available penalty for violating this executive order. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except that it does not supersede or rescind Executive Orders GA-13 or GA-37. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 29th
day of July, 2021.

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

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Joe A. Esparza".

JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15pm O'CLOCK

JUL 29 2021



GOVERNOR GREG ABBOTT

September 28, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 PM O'CLOCK

SEP 28 2021

Secretary of State

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

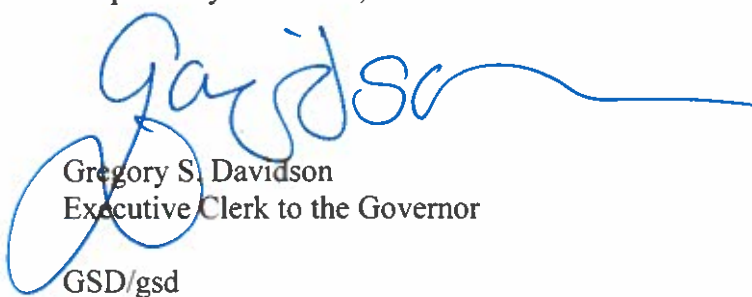
Dear Mr. Deputy Secretary:

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

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

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

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

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

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

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

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

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



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 28th day of September, 2021.

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

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4pm O'CLOCK

SEP 28 2021

ATTESTED BY:



JOE ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK
SEP 28 2021

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



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Annette Lerma, Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Appoint the Health Authority and Medical Director for the Abilene-Taylor County Public Health District (*Annette Lerma*)

GENERAL INFORMATION

Dr. Gary Goodnight is a local ear nose & throat specialist who has been in private practice since 1990. He has previously served in various leadership roles such as Chief of Staff for Hendrick Medical Center, and currently serves on the board of trustees for the local Medical Care Mission. The current contract with Dr. Annie Drachenberg will be terminated on October 29, 2021 and Dr. Goodnight's contract will be effective October 30, 2021.

SPECIAL CONSIDERATIONS

n/a

FUNDING/FISCAL IMPACT

This professional services contract is paid out of the general health services operating budget which is funded through fee for service rendered as well as general fund dollars through city and county contribution.

STAFF RECOMMENDATION

Staff recommends approval based on Dr. Goodnight's experience, reputation in the community and heart of service for the underserved populations of this community. His license is in good

standing and active in Texas.

BOARD OR COMMISSION RECOMMENDATION

The past two board of health meetings have not had a quorum present and this appointment has not been presented to the advisory board.

ATTACHMENTS:

1. 2021 Resolution Dr Goodnight health and medical director
2. Professional Services Contract G.Goodnight-DO FINAL
3. City Council PowerPoint_Health Authority_Goodnight_Oct.14.2021

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPOINTING A HEALTH AUTHORITY AND MEDICAL DIRECTOR FOR THE ABILENE-TAYLOR COUNTY PUBLIC HEALTH DISTRICT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DR. GARY GOODNIGHT AS THE HEALTH AUTHORITY AND MEDICAL DIRECTOR.

WHEREAS, the Local Public Health Reorganization Act, Chapter 121, Texas Health and Safety Code provides that a governing body of a municipality or the commissioner's court of a county may enforce any law that is reasonably necessary to protect the public health; and

WHEREAS, the City of Abilene, Texas and Taylor County, Texas, have created the Abilene-Taylor County Public Health District to provide public health services in this region; and

WHEREAS, a Health Authority is a physician appointed under the terms of the Local Public Health Reorganization Act to administer state and local laws relating to public health within the appointing body's jurisdiction; and

WHEREAS, a Health Authority must be a competent physician with a reputable professional standing who is legally qualified to practice medicine in the state of Texas, and be a resident of the state of Texas, and

WHEREAS, the Health Authority shall serve a term of two years and may be appointed to successive terms;

WHEREAS, Dr. Gary Goodnight meets the qualifications to be appointed as the Health Authority and as the Medical Director of the Abilene-Taylor County Public Health District; and

WHEREAS, the Taylor County Commissioners have also approved Dr. Gary Goodnight as the Health Authority of the Abilene-Taylor County Public Health District.

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

PART 1. That Dr. Gary Goodnight is appointed as the Health Authority for the region covered by the Abilene-Taylor County Public Health District, and shall serve a term of two years.

PART 2. That Dr. Gary Goodnight is appointed as the Medical Director for the Abilene-Taylor County Public Health District.

PART 3. That the City Manager is authorized to negotiate and enter into a Professional Services Agreement with Dr. Gary Goodnight as the Health Authority and Medical Director.

PART 4. That this Resolution shall be effective immediately upon adoption.

ADOPTED this 14th day of October, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



PROFESSIONAL SERVICES CONTRACT (Not Architect or Engineer)

This contract, dated the 30th day of October, 2021, is between the City of Abilene, a home rule municipal corporation of the State of Texas ("City"), and Dr. Gary D. Goodnight ("Professional").

The City is engaged in assigning a local physician to perform the duties of the Medical Director and Health Authority and desires to engage the services of Professional, as an independent contractor and not as an employee, to assist in the project and to render his or her services on the terms and conditions provided in this Contract.

The Professional is a[n] qualified Doctor of Osteopathic Medicine properly licensed to practice in the State of Texas. Professional desires to render professional services as further described in Attachment A to the City on the terms and conditions provided in this Contract.

The Professional must perform services with the professional skill and care ordinarily provided by competent professionals 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 physician or doctor.

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

I. SCOPE OF SERVICES AND TERM

In consideration of the compensation stated in Paragraph II and further described in Attachment B., the Professional must provide all services as described in Attachment A, which is incorporated by reference for all purposes. The Professional must complete all services by October 30, 2023. Professional shall provide a minimum of twelve (12) hours of professional services each workweek.

II. PAYMENT

For the services to be rendered under this Contract, the Professional will be entitled to a fee as described in Attachment B, which is incorporated by reference for all purposes. In addition to the fee, the Professional shall be entitled to reimbursement of up to \$5,000.00 for his annual

out-of-pocket cost for medical malpractice insurance for this contract upon providing proof of payment. In addition to the fee, the Professional shall further be entitled to reimbursement of his actual travel expenses for attending the Health Authority conference upon providing proof of payment. The fee described in Attachment B and the allowed reimbursements listed herein shall not exceed the total of \$110,000.00 per 12-month period.

III. ASSIGNMENT

The Professional 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 Professional 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 Professional's successors and assigns and may be enforced by the City against such successors and assigns.

IV. STATUS OF PROFESSIONAL

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

V. 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.

VI. OWNERSHIP OF DOCUMENTS AND MATERIALS

Ownership of Documents and Materials is according to Attachment C.

VII. NONDISCLOSURE

The Professional may not show to any person or entity any documents, reports, plans, programs, reports, drawings, or any other materials which Professional prepares or acquires in performing this contract, including any duplicate copies kept by Professional. The Professional 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.

VIII. 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.

“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.

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

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

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

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

B. Indemnity

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

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

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

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

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

IX. INSURANCE

A. GENERAL REQUIREMENTS

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

Professional 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 Professional must furnish new certificates or copies of the policy before the expiration date.

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must 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>
___1. 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)
___3. Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
_X_4. Professional Liability	\$500,000 combined single limit (per occurrence)
___5. See Addendum for Special Coverages and/or revisions	
___6. No Insurance Required	

X. 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.

XI. TERMINATION

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

If, through any cause, the Professional fails to fulfill his obligations under this contract, or if the Professional 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 Professional. The Professional will be compensated for work satisfactorily performed before the termination date.

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

XII. 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: **Annette Lerma, MPH, CPH**
 City of Abilene
 850 N. 6th, Abilene, Tx 79601

Professional - ATTN: **Gary D. Goodnight, D.O.**
 1427 Tanglewood Road
 Abilene, Tx 79605

XIII. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

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

XIV. NO INDEBTEDNESS

Professional 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. Professional 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.

XV. 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.

XVI. VERIFICATION OF EMPLOYMENT ELIGIBILITY

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

XVII. 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.

XVIII. 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 Professional. The Professional 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 Professional 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.

XIX. 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.

XX. 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.

XXI. 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.

XXII. 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: Robert Hanna

By: Dr. Gary Goodnight

Title: City Manager

Title: D.O.

Address: 1427 Tanglewood, Abilene, Tx
79605

Phone Number: 325-665-0712

Federal Tax ID#: 509-60-4399

ATTEST:

ATTEST: (if corporation)

City Secretary

Corporation's Secretary

APPROVED:

Corporate Seal (if available)

By: _____
City Attorney

ATTACHMENT A

Scope of Services

Professional agrees to provide professional services as described in items below, as required by City, and to be available to City to furtherance of these responsibilities

1. Develop, review and approve Abilene-Taylor County Public Health District (ATCPHD) medical evaluation, treatment protocols, standing operating procedures for all medical programs
2. Develop, review, approve and sign all standing delegation orders (SDOs) for:
 - a. Immunization Clinic to include record reviews, vaccinations, emergency services and vaccinations for foreign travel inclusive of flu and COVID-19 vaccines.
 - b. Laboratory Services, procedure and protocols
 - c. Sexually Transmitted Diseases (STD) Clinic to include laboratory testing, diagnosis and treatment;
 - d. Human Immunodeficiency Virus to include laboratory testing and medications.
 - e. Texas Health Steps children's program to include examinations and laboratory testing;
 - f. Adult Health Clinics to include examinations and laboratory testing; Clinic Programs-Refugees, Healthy Texas Women, Family Planning Program to include examinations and laboratory testing;
 - g. Communicable Disease Monitoring to include examinations and laboratory testing;
 - h. Tuberculosis Clinic to include TB skin tests, Chest x-rays and examinations and laboratory testing.
3. Establish, provide and revise medication prescriptions for all district programs as needed
4. Oversee the medical care provided by the Physician Assistant(s) and/or Nurse Practitioner(s) providing services in the Employee Medical Clinic (COACH clinic), MERCY Health Care Center, Refugee Program and other medical programs within ATCPHD
 - a. Maintain the appropriate Physician-Physician Assistant/Nurse Practitioner relationship required for compliance with all applicable Texas laws to include ongoing communication with the Physician Assistant/Nurse Practitioner(s) regarding patient care, assisting in situations of conflict with a patient and other health care professionals, and consulting on matters of patient welfare
 - b. Ensure appropriate oversight and compliance with grant requirements
5. Serve as medical consultant for ATCPHD. May provide medical consultation to Abilene Fire Dept (AFD), Abilene Police Dept (APD), Legal and other departments of the City, as requested and appropriate. This may include screening and testing for blood borne pathogen exposures for ATCPHD, AFD and APD as well as evaluating medical records as requested by Legal.
6. Serve as Rabies Control Authority for the City of Abilene and Taylor County as appropriate and/or assign responsibility for unincorporated portions of Taylor County to other offices or officials, and provide rabies vaccines prescription orders as appropriate

Perform other District duties/functions/tasks as needed:

1. Review and sign various Medicaid, Children's Health Insurance Program (CHIP) and other program

applications; review and sign enrollment application for the Texas Vaccines For Children (TVFC) program

2. Provide consultation for epidemiological investigations.
3. Advise medical and other District Professional staff on medical aspects of disease conditions;
4. Answer questions from the news media concerning medical issues of public health concern including recorded interviews/press conferences
5. Participate in and represent the Health District's medical views at Abilene-Taylor County Public Health District Advisory Board Meetings
6. Serve as District Liaison to the Taylor-Jones-Haskell Counties Medical Society
7. Serve as the District's representative to Medical Communities in the District's service area;
8. Attend the Texas Department of State Health Services (DSHS) and other Health Authority meetings as needed to represent the District;
9. Fulfill all requirements of the District Agreement to include serving as the Health Authority for Taylor County and the City of Abilene;
10. Serve as the "Medical Expert" in situations where the City of Abilene's Health Services Department is involved, and be responsible for reviewing medical practices, orders and records, and decisions used in the various medical clinics conducted by the District;
11. Review reports of long-term care facilities within Taylor County as appropriate during disease outbreaks or as requested by DSHS;
12. Promote the District to non-profit agencies and other community groups in effort to enhance overall service delivery structure of (ATCPHD) from a collaborative perspective;
13. Serve as District Liaison with other health care providers to improve overall health programs and delivery methods, health status indicators and essential public health services in Abilene-Taylor County;
14. Serve on the District's Quality Assurance Committee;
15. Serve in capacities as outlined in appropriate annexes to the Abilene-Taylor County Emergency Operations plan; and;
16. Maintain 24-hour per day accessibility to provide medical advice to the District in times of disaster or public health emergencies (routine on-call status not required).

ATTACHMENT B
PAYMENT SCHEDULE
PARTIES TO INITIAL OPTION SELECTED

Payment is a fixed fee amount of \$8,334.00 per month payable in monthly installments.

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

ATTACHMENT C

OWNERSHIP OF DOCUMENTS AND MATERIALS

Parties to initial option chosen

(Option 1) X

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)

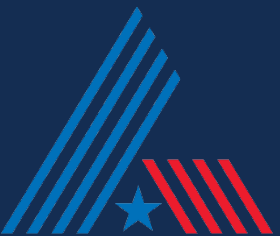
All documents and materials prepared by the Professional remain the property of the Professional; however, Professional must furnish City, at no additional cost, one set of reproducible mylars of the original drawings of the work and/or one copy of all documents prepared by the Professional pursuant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

Resolution to appoint the Health Authority for ATCPHD



Health Authorities in Texas

- Required under Health and Safety Code Chapter 121, Subchapter B, Sections 121.021-121.025
- “Must be a competent physician with a reputable professional standing legally qualified to practice medicine in Texas”
- Must be a Texas resident



Duties

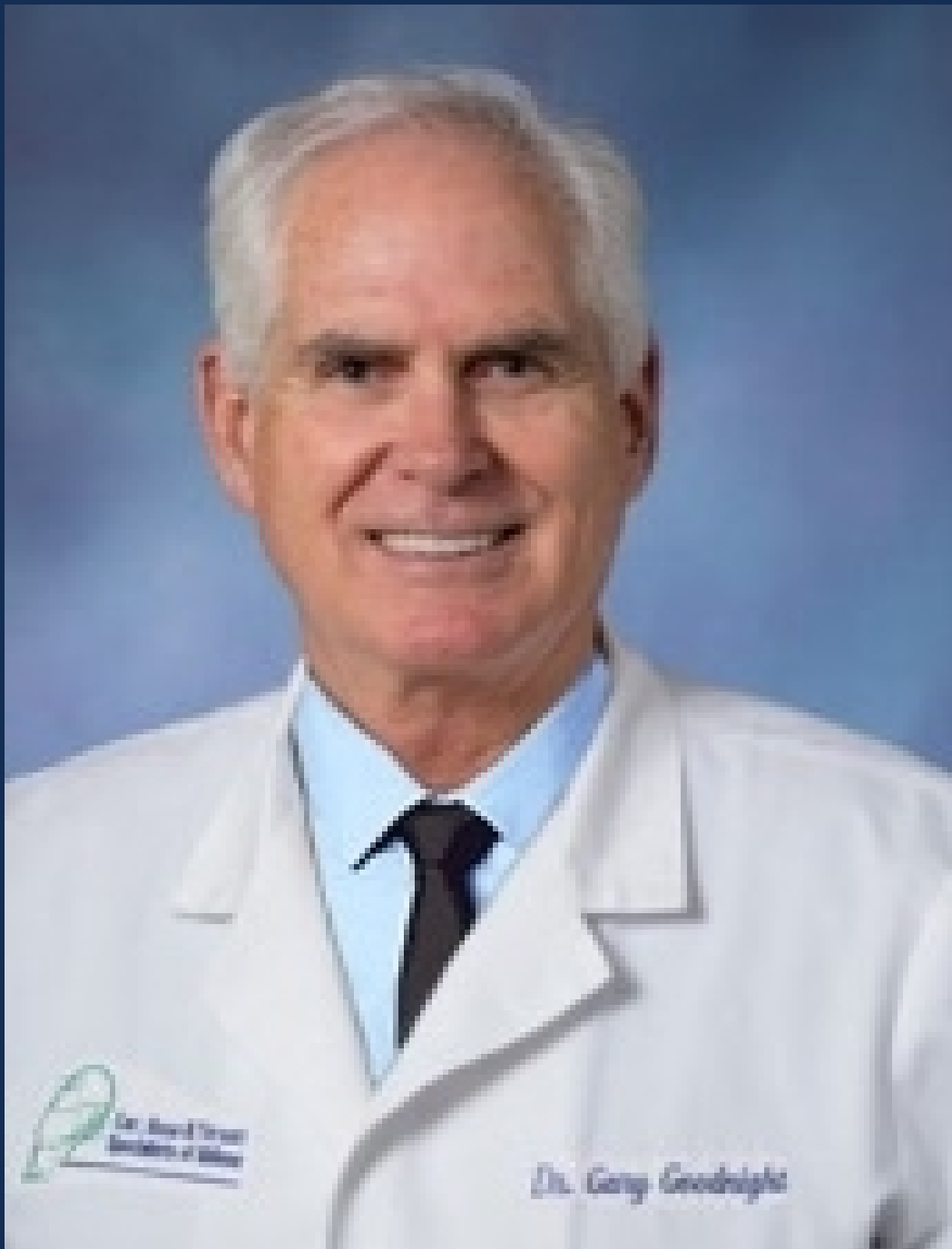
- Establish, and enforce quarantine orders
- Aid in disease prevention, quarantine inspections, sanitation issues and general population health for local jurisdiction
- Oversee reporting of infectious diseases to state authorities
- Serve as medical director for the health district and act as overseeing physician for mid-level practitioners (nurse practitioners and physician assistants)
- Aid local jurisdictions in carrying out public health required rules and ordinances.



Health Authority Selection

- Dr. Gary Goodnight
- Doctor of Osteopathic Medicine - Oklahoma State University
- Bachelor of Pharmacy - Southwestern Oklahoma State University
- Board Certified – American Osteopathic Board of Ophthalmology & Otolaryngology
- Member of the American Osteopathic Association, American Academy of Otolaryngology, American Osteopathic College of Ophthalmology & Otolaryngology-Head/Neck Surgery, Texas Osteopathic Medical Association, Texas Medical Association, Big Country Medical Association
- Is currently serving as campaign chair along with his wife, Jean Goodnight, for this year's United Way Fundraising Campaign
- Has been in private practice since 1990





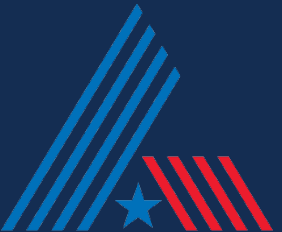
Dr. Gary Goodnight

- Primary Specialty:
Otolaryngology – Head and Neck Surgery
Otolaryngic Allergy
- Board of Directors-Hendrick Medical Center
Foundation 2000-2008
- Chief of Staff-Hendrick Medical Center 2011-2013
- Physician of the Quarter-Hendrick Medical Center
2012
- Consumers Research Council of America-
America's Top Physicians 2008, 2010, 2012, 2013

Contract:

- 2 year term
- Will exceed \$50,000 annually
- Paid out of General Health Services funding

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Bob von Wolffrad, Technical/Back up

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving Safety/Security Cameras and Access Controls *(Bob von Wolffrad)*

GENERAL INFORMATION

The City is continuing to improve the safety and security of city facilities for the general public and employees. The purchase request is the latest procurement to support this effort.

SPECIAL CONSIDERATIONS

none

FUNDING/FISCAL IMPACT

Included in approved budgets.

STAFF RECOMMENDATION

Approve the purchase of the safety and security cameras and door access controls for \$275,746.00 from Sigma Surveillance, Inc.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

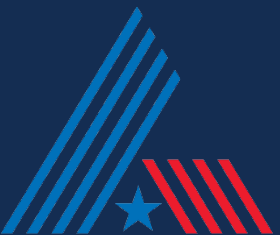
1. Safety_Security Cameras_Access Controls Oct 2021
2. Safety_Security Cameras_Access Controls Oct 21 Resolution-a

Resolution

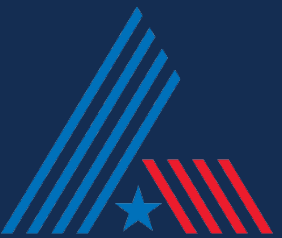


Safety and Security Cameras and Access Controls

- The city standardized on the most cost effective and efficient safety and security camera and door access control system with Sigma Surveillance Inc. in 2020.
- Previous installations include the Departments of Information Technology, Community Services, Health and the Zoo. Facilities included for this purchase are City Hall, Minter Park, Armory, with additional installations in-progress for Everman Park, Everman Park Tunnels, and City Hall.
- Purchases are through the Texas Department of Information Technology and/or BuyBoard with government pricing and include a ten (10) year warranty on cameras with five (5) year licenses, wiring, and installation.
- The work orders for Council approval include the Convention Center (\$53,264), Citylink (\$76,067), Police Impound Lot (\$96,000), Water Facilities (\$50,416) for a total of \$275,746.00, including 94 cameras, 8 door access controls, 5 connecting door controllers, and 18 door sensors. The total of these work orders is \$275,746.00



QUESTIONS?



RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE THE WORK ORDERS
ASSOCIATED WITH INSTALLING THE SAFETY AND SECURITY CAMERAS AND
ACCESS CONTROLS AT VARIOUS CITY FACILITIES WITH SIGMA
SURVEILLANCE INCORPORATED.**

WHEREAS, The City has standardized on cost-effective and efficient safety and security solutions, including access control systems that minimize resource and maintenance costs over five years; and

WHEREAS, Since June 2020, the City has compared, tested and installed the systems in the Departments of Information Technology, Community Services, Health, Zoo, City Hall, Minter Park, the Armory, with additional installations in-progress for the Everman Park, Everman Park Tunnels, and City Hall; and

WHEREAS, purchases are made utilizing the Texas Department of Information Resources (DIR) contract pricing and/or BuyBoard Contract pricing for government and include a ten (10) year warranty on cameras with five (5) year licenses, wiring and installation; and

WHEREAS, work orders to be executed include the Convention Center (\$53,264), Citilink (\$76,067), Police Impound Lot (\$96,000), Water Facilities (\$50,416) for a total of \$275,746.00, including 94 cameras, 8 door access controls, 5 connecting door controllers, and 18 door sensors, all wiring and installation services.

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

Part 1: The City Council authorizes the City Manager to execute the work orders for safety and security cameras and door access controls for \$275,746.00 from Sigma Surveillance, Inc.

Part 2: That this Resolution takes effect immediately upon its adoption.

ADOPTED this 28th day of October, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



**City Council
Agenda Memo**

City Council Meeting Date: 10/14/2021

TO: Honorable Mayor and City Council Members

FROM: Shawna Atkinson, City Secretary

SUBJECT: 8. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Amendment to Ordinance 43-2021 Adopting Fees and Charges, by Amending Alcoholic Beverage Permit Fees (Shawna Atkinson)

GENERAL INFORMATION

The TABC recently released a Maximum Local Fee Schedule for Alcoholic Beverage Licenses & Permits that went into effect on September 1, 2021. The FY 2021-2022 Fee Schedule was updated with these new changes, but the Mixed Beverage fees were calculated incorrectly. Cities are able to charge for Mixed Beverages starting in the third year of billing, not the fourth like previously calculated. This ordinance will amend the fee schedule to allow the City to charge \$1,125 per permit in their third year of billing.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

The City will earn more revenue with this addition.

STAFF RECOMMENDATION

Approval of the ordinance, so the City will be in line with the TABC's Maximum Local Fee schedule.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Alcohol Fee Amendment
2. Fee Schedule Exhibit FY22
3. Alcohol Fees Ordinance Presentation

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 43-2021 ADOPTING FEES AND CHARGES, BY AMENDING FEES FOR ALCOHOL FEES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES, RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

WHEREAS, the City Council adopted Ordinance 43-2021 ("Fee Ordinance") on August 12, 2021 setting fees and charges commencing on October 1, 2021; and

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

WHEREAS, the City of Abilene desires to amend the alcohol permit fees, to be in accordance with the maximum local fee scheduled set by the TABC.

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

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

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

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

PASSED ON FIRST READING on the 14th day of October, 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 28th day of October, A.D. 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

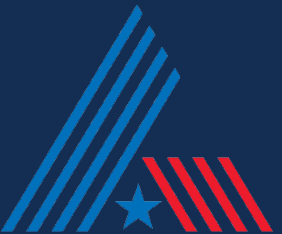
Stanley Smith, City Attorney

ALCOHOL BEVERAGE PERMIT (State Regulated)		
	(AW) Manufacturer's Agent's Warehouse Permit	\$375.00
	(BB) General distributor's License	\$150.00
	(BC) Branch distributor's License	\$37.50
	(BE) Retail Dealer's On-Premise License	\$75.00
	(BF) Retail Dealer's Off Premise License	\$30.00
	(BG) Wine & Malt Beverage Retailer's Permit	\$87.50
	(BP) Brewpub License	\$250.00
	(BQ) Wine & Malt Beverage Retailer's Off-Premise Permit	\$30.00
	(BW) Brewer's License	\$750.00
	(D) Distiller's & Rectifier's Permit	\$750.00
	(G) Winery Permit	\$37.50
	(J/JD) Bonded Warehouse Permit	\$75.00
	(LP) Local Distributor's Permit	\$50.00
	(MB) Mixed beverage permit (Original)	no fee
	(MB) Mixed beverage permit (Year 2-3)	no fee
	(MB) Mixed Beverage Permit (4th Year)	\$1,125.00
	(MB) Mixed beverage permit (Years 5-6)	\$750.00
	(MB) Mixed Beverage Permit (Years 7 +)	\$375.00
	(P) Package Store Permit	\$250.00
	(PR) Promotional Permit	\$150.00
	(Q) Wine Only Package Store Permit	\$37.50
	(S) Nonresident Seller's Permit	\$75.00
	(SD) Brewer's Self-Distribution License	\$300.00
	(W) Wholesaler's Permit	\$937.50
	(X) General Class B Wholesaler's Permit	\$150.00
	Fee not to exceed one-half of the maximum local fees set by the TABC, in accordance with Alcoholic Beverage Code Sec. 11.38 and Sec. 61.36.	

Ordinance: Amending Ordinance 43-2021, Amending the Alcoholic Beverage Permit Fees



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 9. Ordinance (Final 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

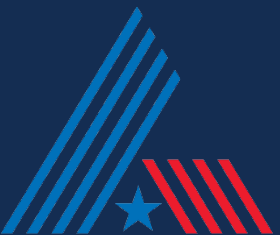
EXHIBIT A

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



- 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.

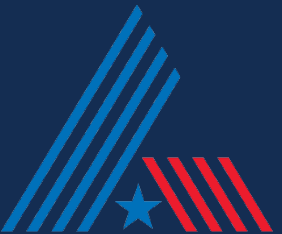


Ordinance & Public Hearing – Amending the FY 2021-22 Budgets

	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: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 10. Ordinance (Final 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.

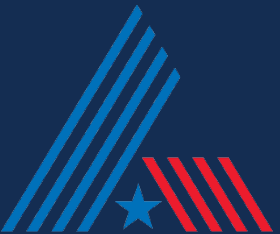


Ordinance & Public Hearing – Amending the Revised 2020-21 Budgets

	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: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **11. Ordinance (Final 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;

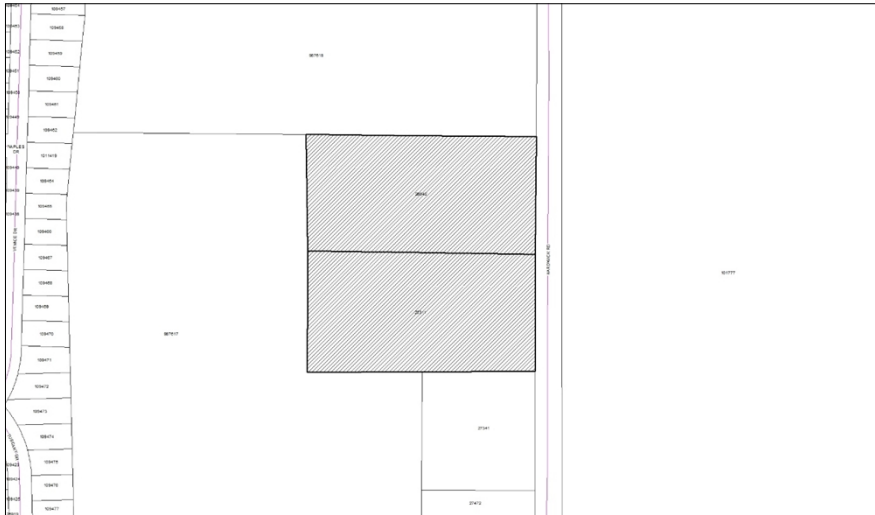
THENCE N00°09'10"E 299.33 feet to a 3/8" rebar set on the EBL of said Lot 1 for the northwest corner of this tract;

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:

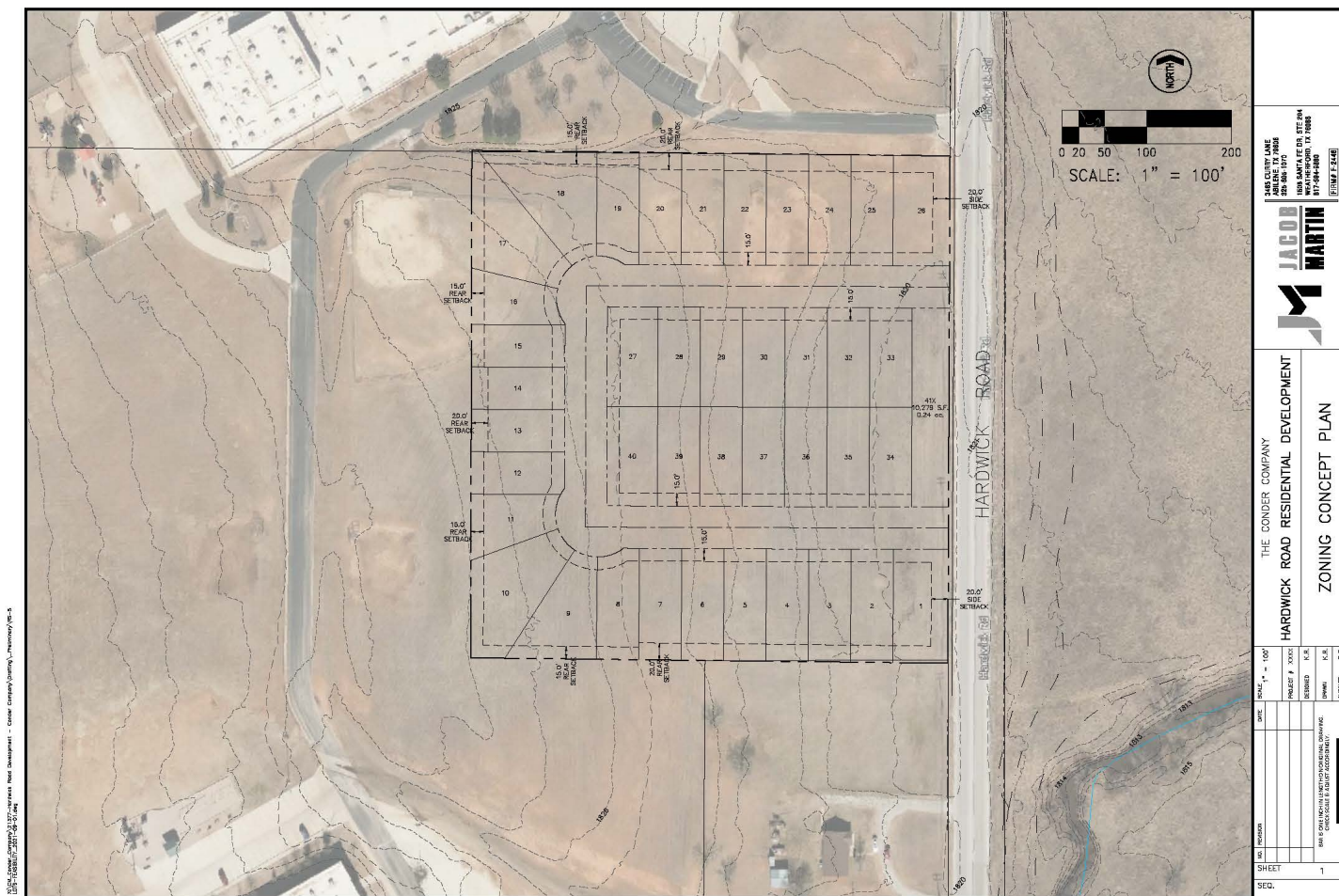
1. Lot Size:

- 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.

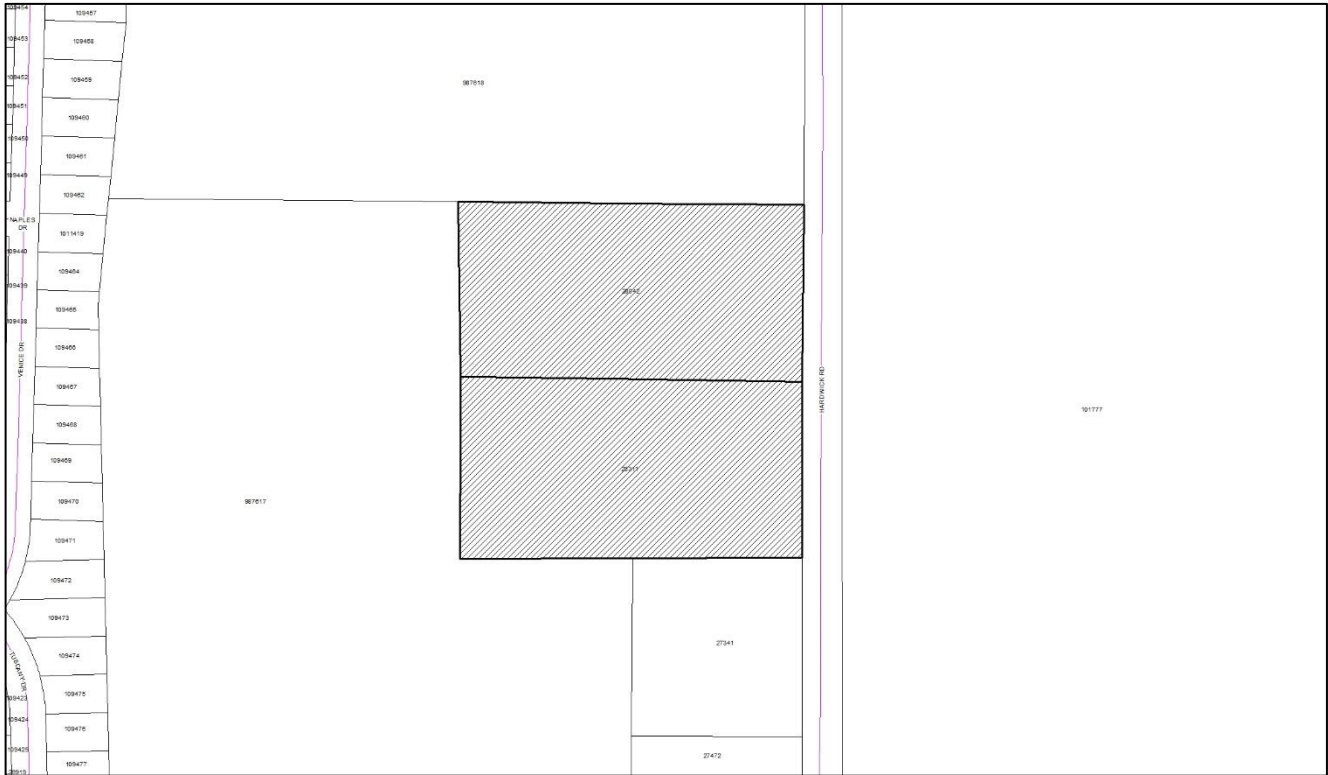
Notification

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	

LOCATION MAP



ZONING AND EXISTING LAND USE MAP



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

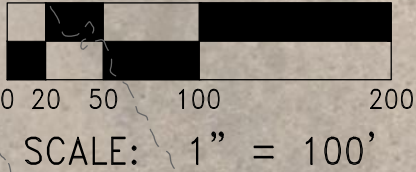
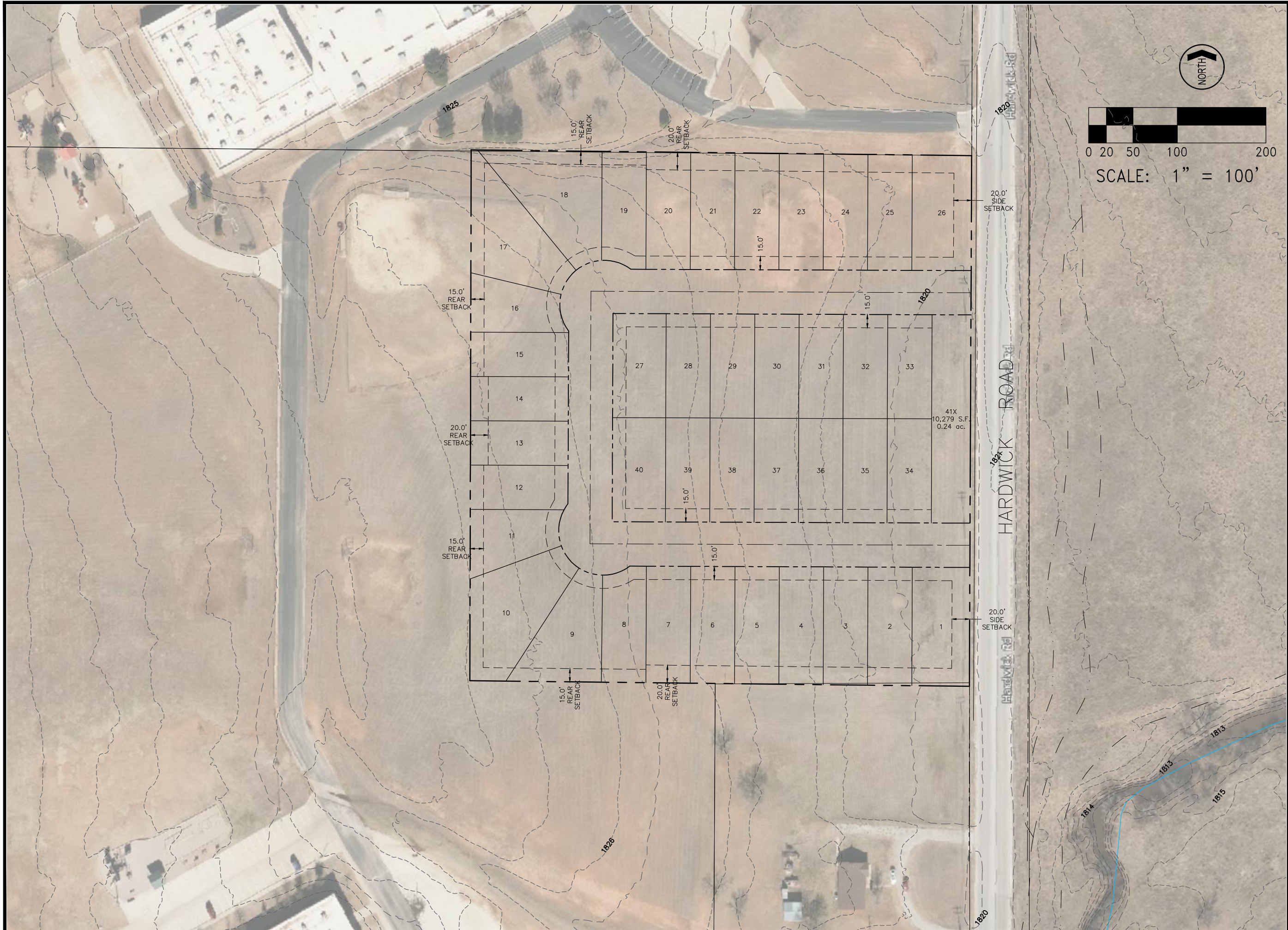
AO

Proposed Zoning

PD

Agree to Terms

Clayton Farrow 7-21-2021



THE CONDER COMPANY
HARDWICK ROAD RESIDENTIAL DEVELOPMENT

ZONING CONCEPT PLAN

NO.	REVISION	DATE	SCALE 1" = 100'
			PROJECT # XXXX
			DESIGNED K.R.
			DRAWN K.R.
			CHECKED C.F.

BAR IS ONE INCH IN LENGTH ON ORIGINAL DRAWING.
CHECK SCALE & ADJUST ACCORDINGLY.

3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

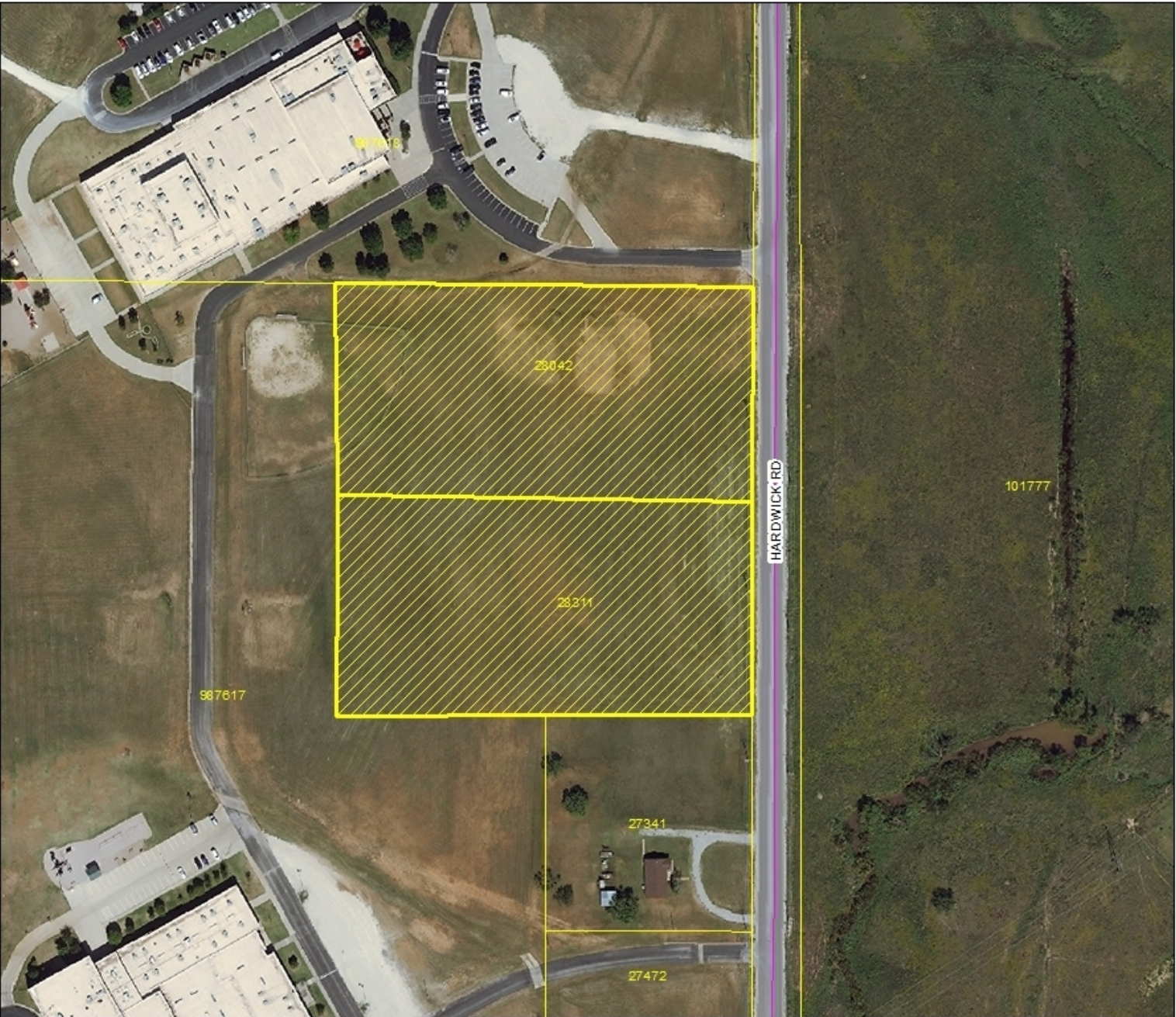
1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-594-9880

FORM# F-2149



**JACOB
MARTIN**

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

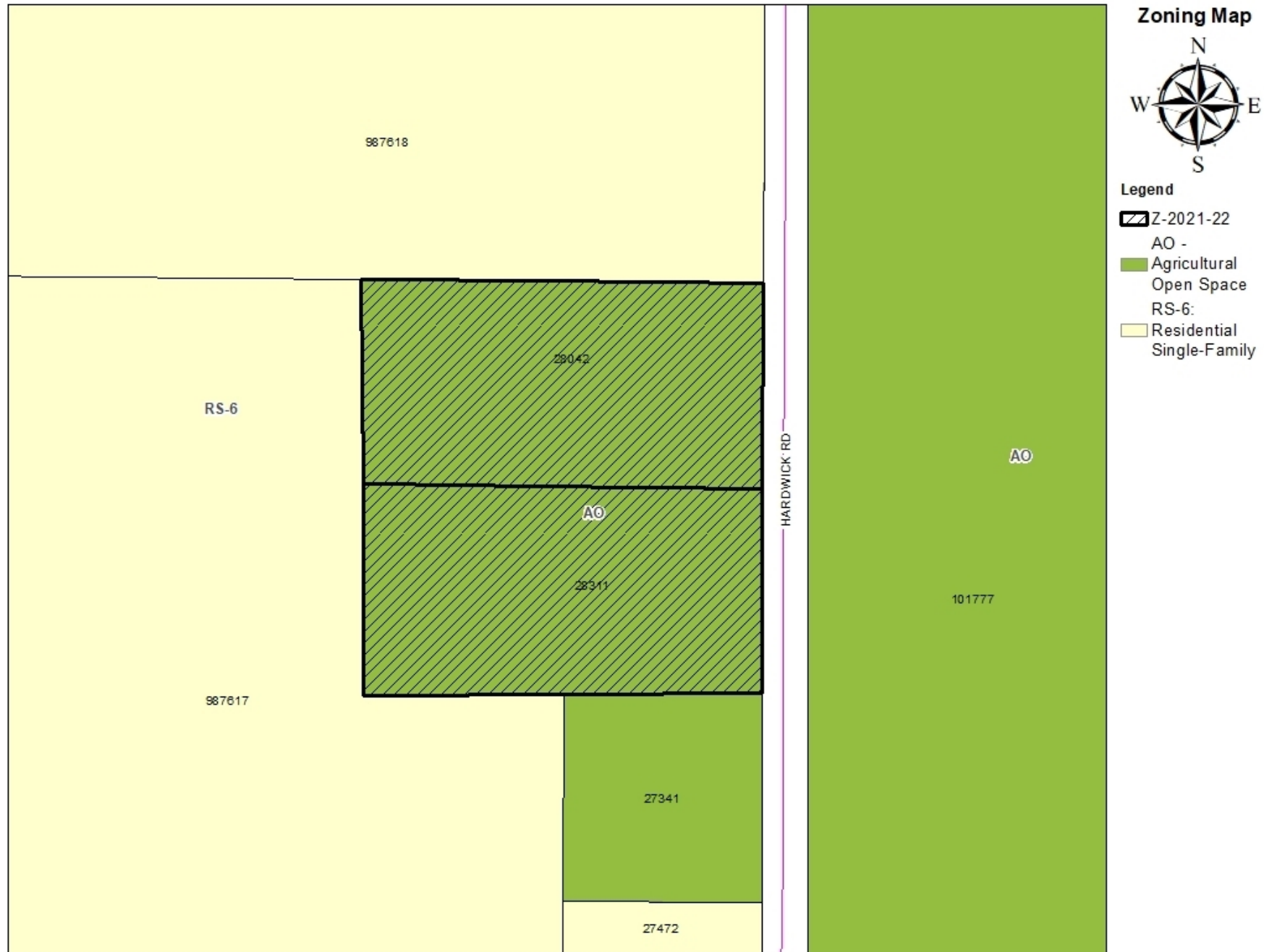


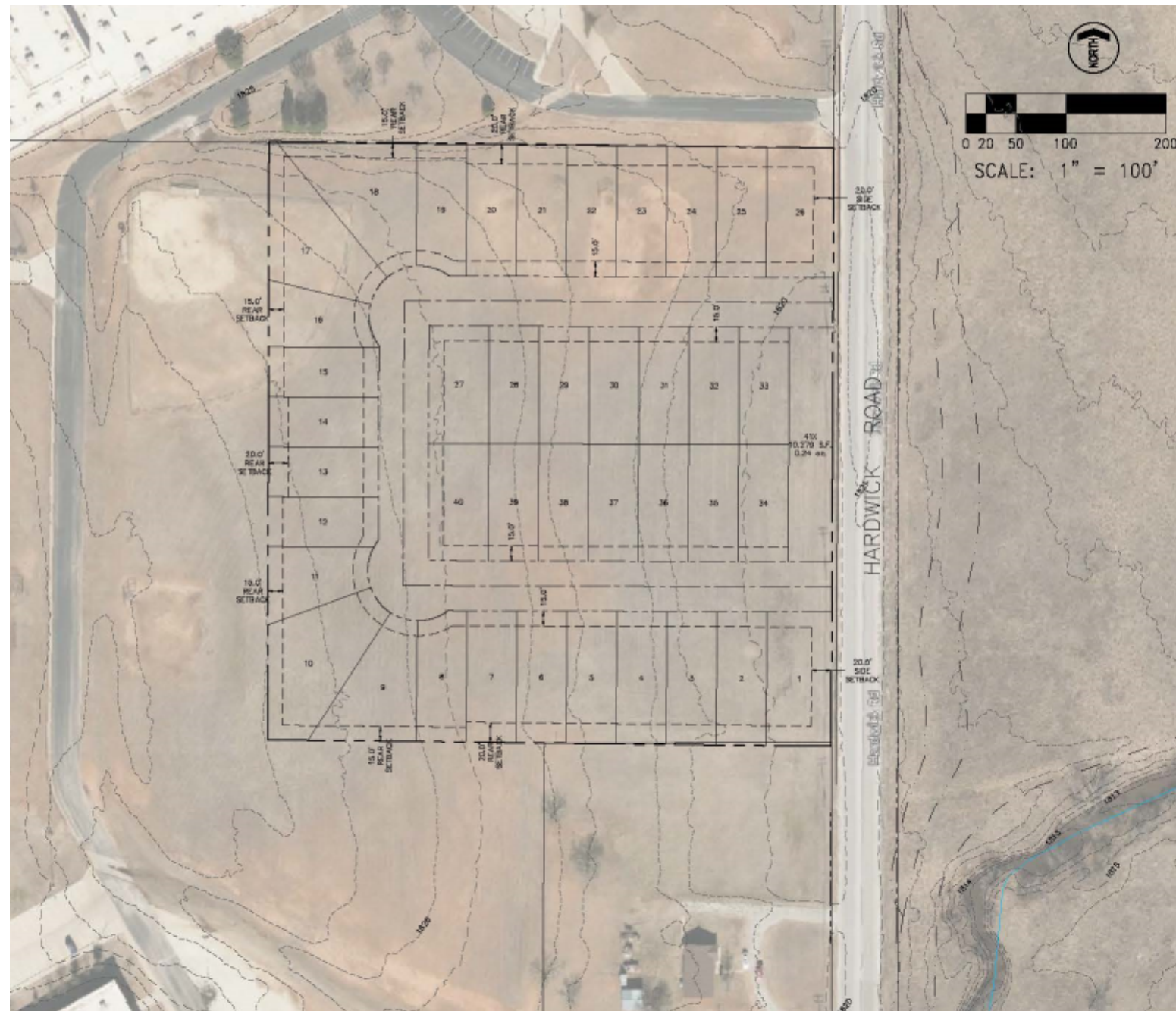
Location Map



Legend

 Z-2021-22





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



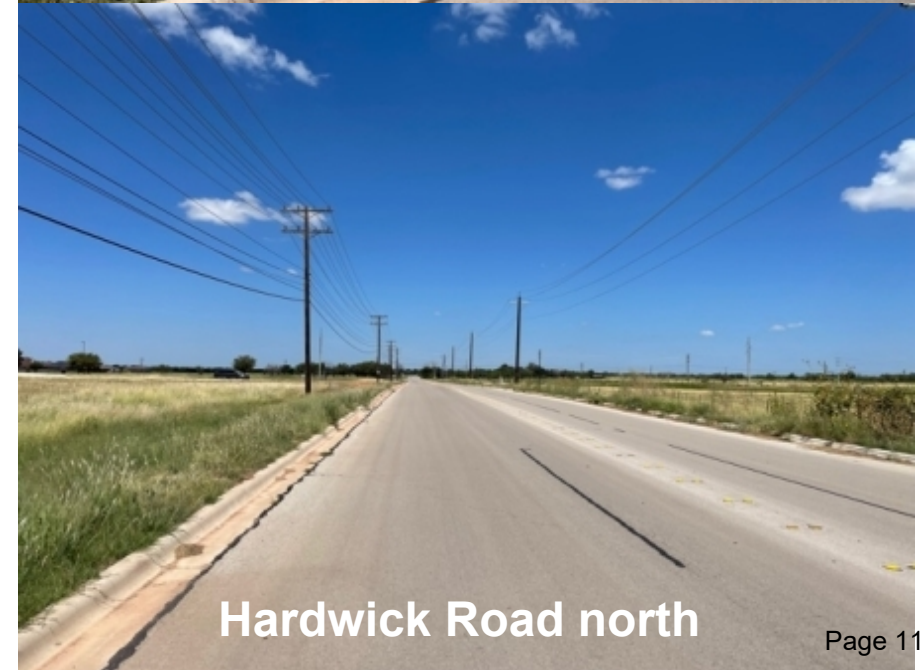
Southwestern view of subject property



Northwestern view of subject property

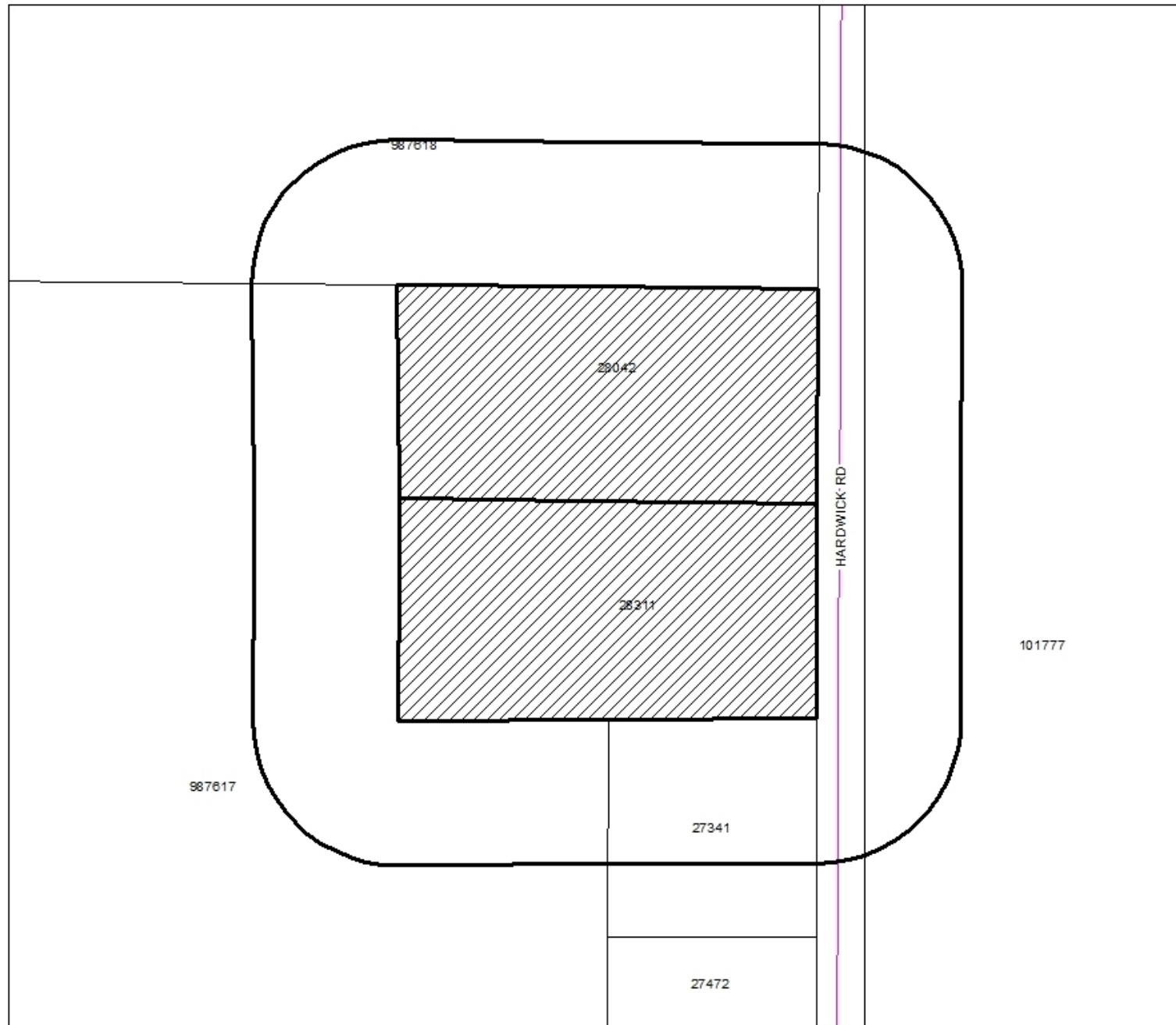


Hardwick Road south

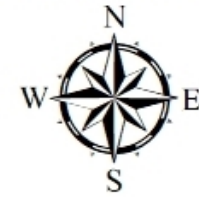


Hardwick Road north

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: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **12. Ordinance (Final 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

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

Zoning Map

N
W E
S

Legend

Z-2021-24
 RS-6: Residential Single-Family
 MD: Medium Density Residential
 MF: Multi-Family Residential
 O: Office
 GR: General Retail
 Collector

Map details: The map shows a grid of streets including Glenwood Dr, Main St, S 23rd St, S 24th St, S 25th St, S 26th St, S 27th St, S 28th St, S 29th St, S 30th St, S 31st St, S 32nd St, S 33rd St, S 34th St, S 35th St, S 36th St, S 37th St, S 38th St, S 39th St, S 40th St, S 41st St, S 42nd St, S 43rd St, S 44th St, S 45th St, S 46th St, S 47th St, S 48th St, S 49th St, S 50th St, S 51st St, S 52nd St, S 53rd St, S 54th St, S 55th St, S 56th St, S 57th St, S 58th St, S 59th St, S 60th St, S 61st St, S 62nd St, S 63rd St, S 64th St, S 65th St, S 66th St, S 67th St, S 68th St, S 69th St, S 70th St, S 71st St, S 72nd St, S 73rd St, S 74th St, S 75th St, S 76th St, S 77th St, S 78th St, S 79th St, S 80th St, S 81st St, S 82nd St, S 83rd St, S 84th St, S 85th St, S 86th St, S 87th St, S 88th St, S 89th St, S 90th St, S 91st St, S 92nd St, S 93rd St, S 94th St, S 95th St, S 96th St, S 97th St, S 98th St, S 99th St, S 100th St. The map also shows various zoning codes: RS-6, MD, MF, GR, O, and Collector. A large parcel in the center is shaded with diagonal lines and labeled 'MD'. Other parcels are labeled with their addresses and zoning codes.



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


SIGNATURE

Continued to Next Page

DANNY CARPENTER

54
325-645-7654

NAME

PHONE

2409 IVANHOE

ADDRESS

Danny Carpenter

SIGNATURE

Terry Crawford 325-733-3755

NAME

PHONE

2417 IVANHOE LN

ADDRESS

Terry Crawford

SIGNATURE

ROGER JENSEN

325 864 3007

NAME

PHONE

2418 IVANHOE

ADDRESS

Roger Jensen

SIGNATURE

Ray James

999 549-2878

NAME

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 Lw.

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

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



Development Application

Planning

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

Project Name: 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 current zoning is MD and one of the desired uses for the property is not permitted in MD. The intended use of the property is for child care and for counseling services.

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

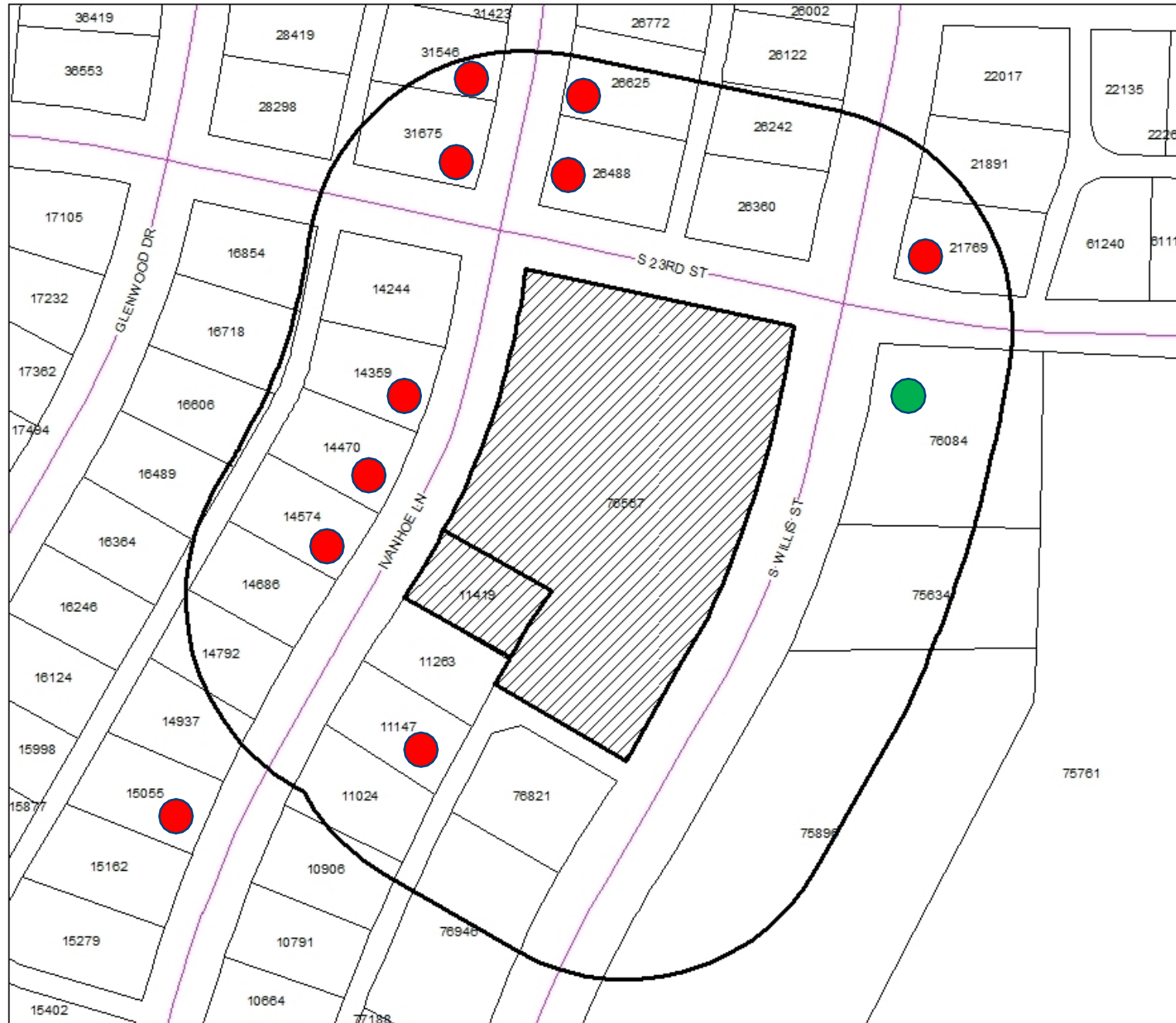


Western view subject property



Properties to the east

Z-2021-24 NOTIFICATION AREA MAP



Notification Map



Legend

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

- 1- In Favor- (Green circle)
- 9- Opposed- (Red circle)

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: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **13. Ordinance (Final 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

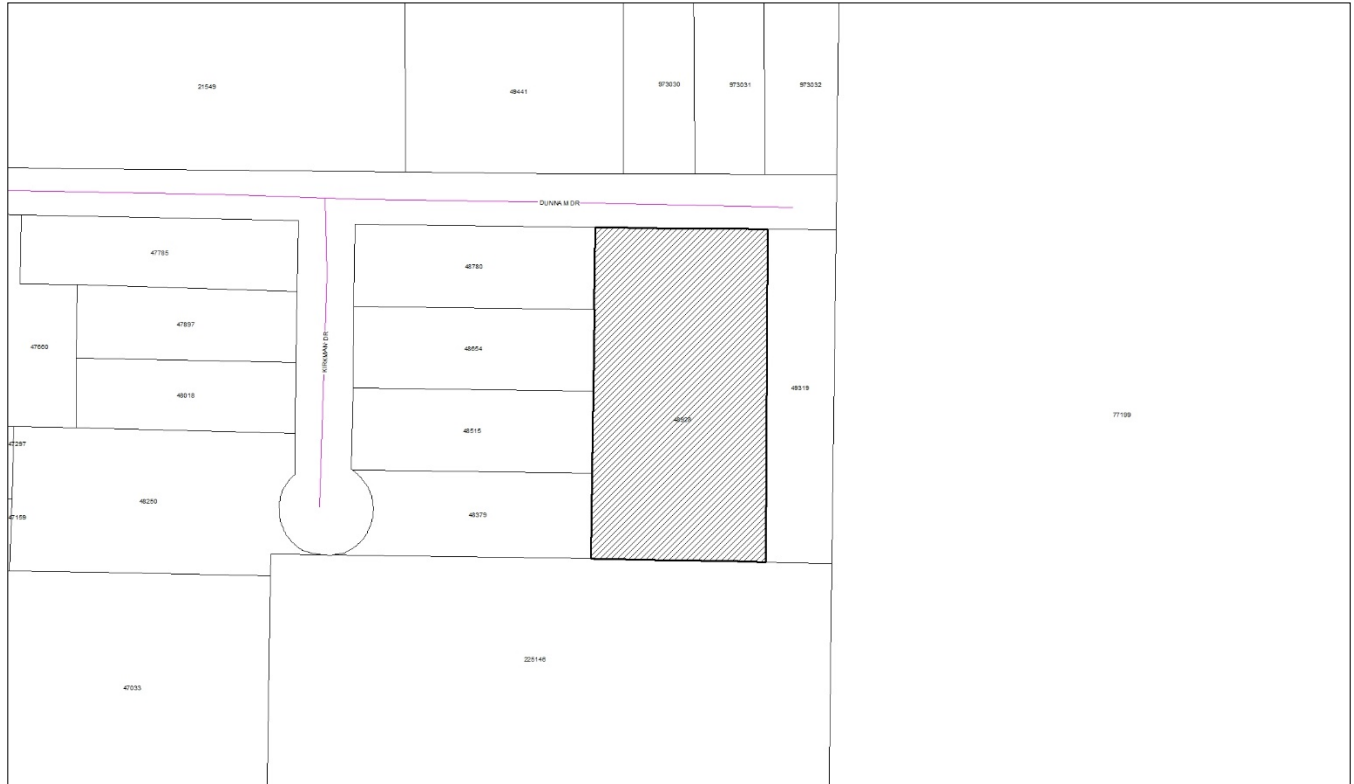
MAYOR

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

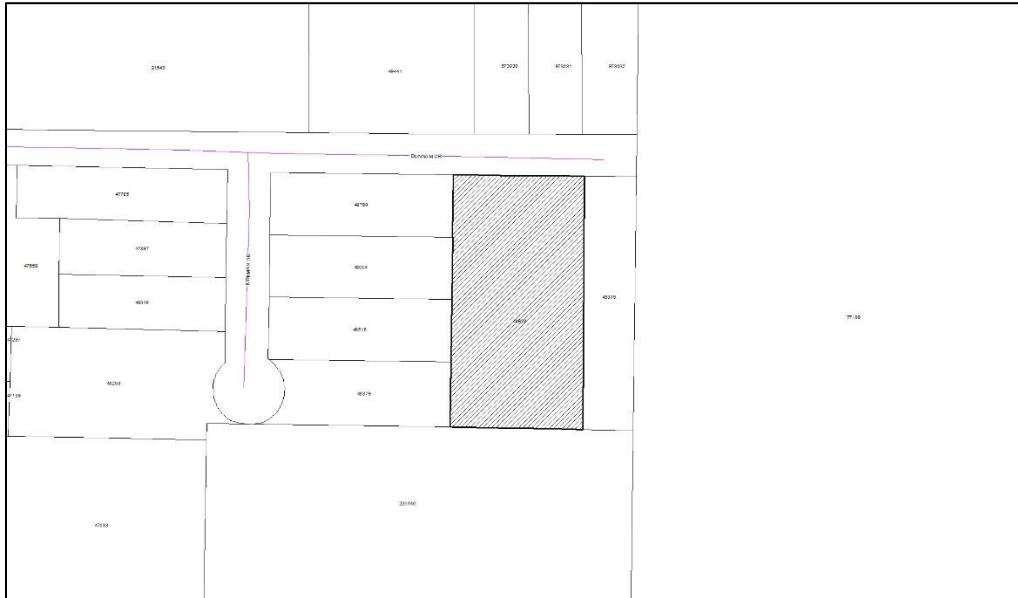
Owner	Parcel ID	Response
ABILENE ASSET MANAGEMENT LLC	77199	
BML INC	225146	
EVENSON CHRISTOPHER	48928	
GRAY STEPHEN	48654	
GRAY STEPHEN	48780	
KIRKMAN SAMUEL E SR & MARTHA	48379	
KIRKMAN SAMUEL E SR & MARTHA	48515	
KIRKMAN SAMUEL E SR & MARTHA	49319	
MONCLA MOBILE ENTERPRISES LLC	973031	
MONCLA MOBILE 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.

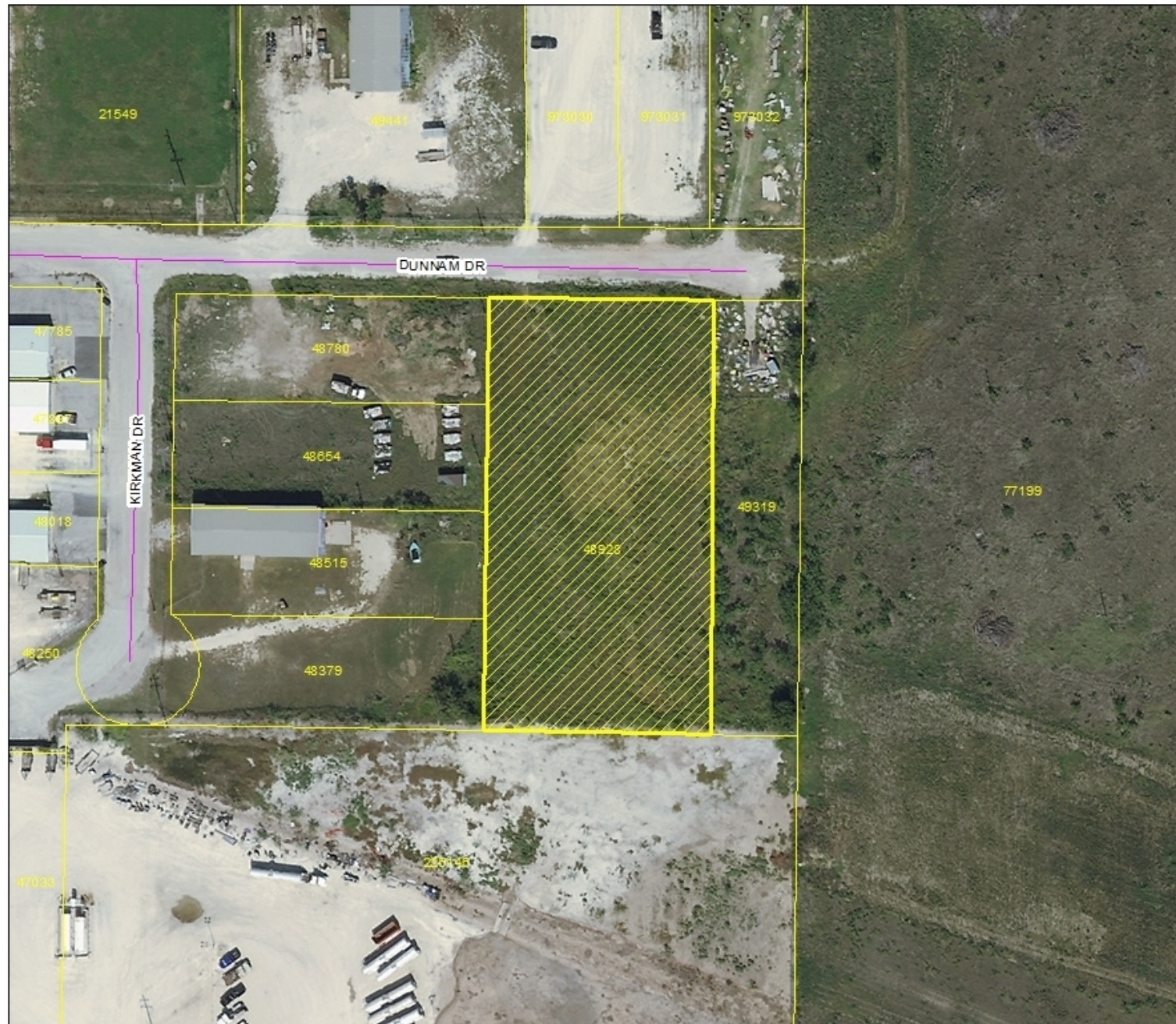
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SIGNED: 

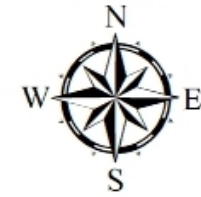
DATE: 08/04/2021

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

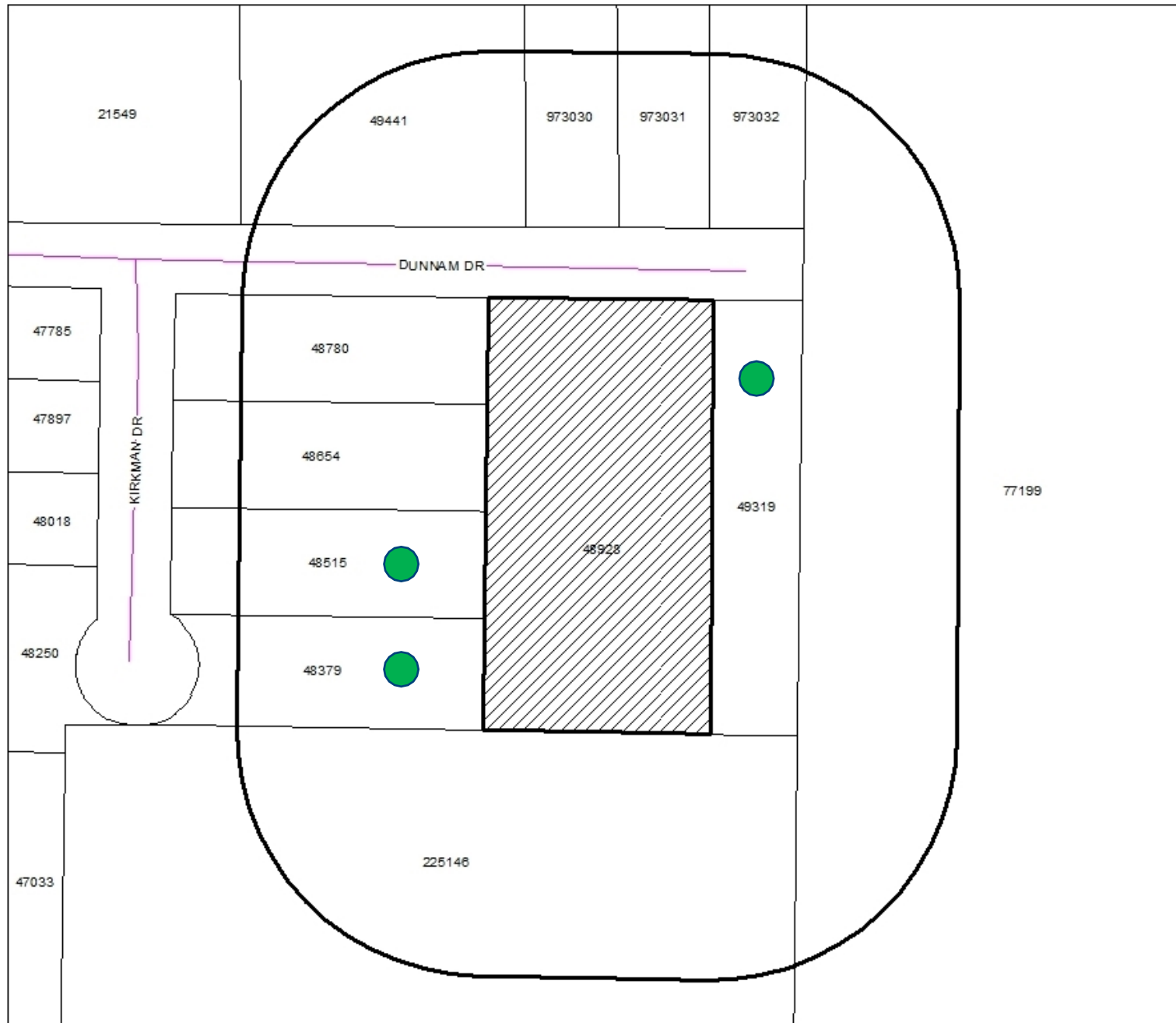


Adjacent property to the north

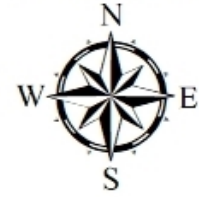


Eastern view of Dunnam Drive

Z-2021-25 NOTIFICATION AREA MAP



Notification Map



Legend

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

- 3- In Favor-
- 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: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **14. Ordinance (Final 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 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 FINAL READING THIS 14th day of October, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

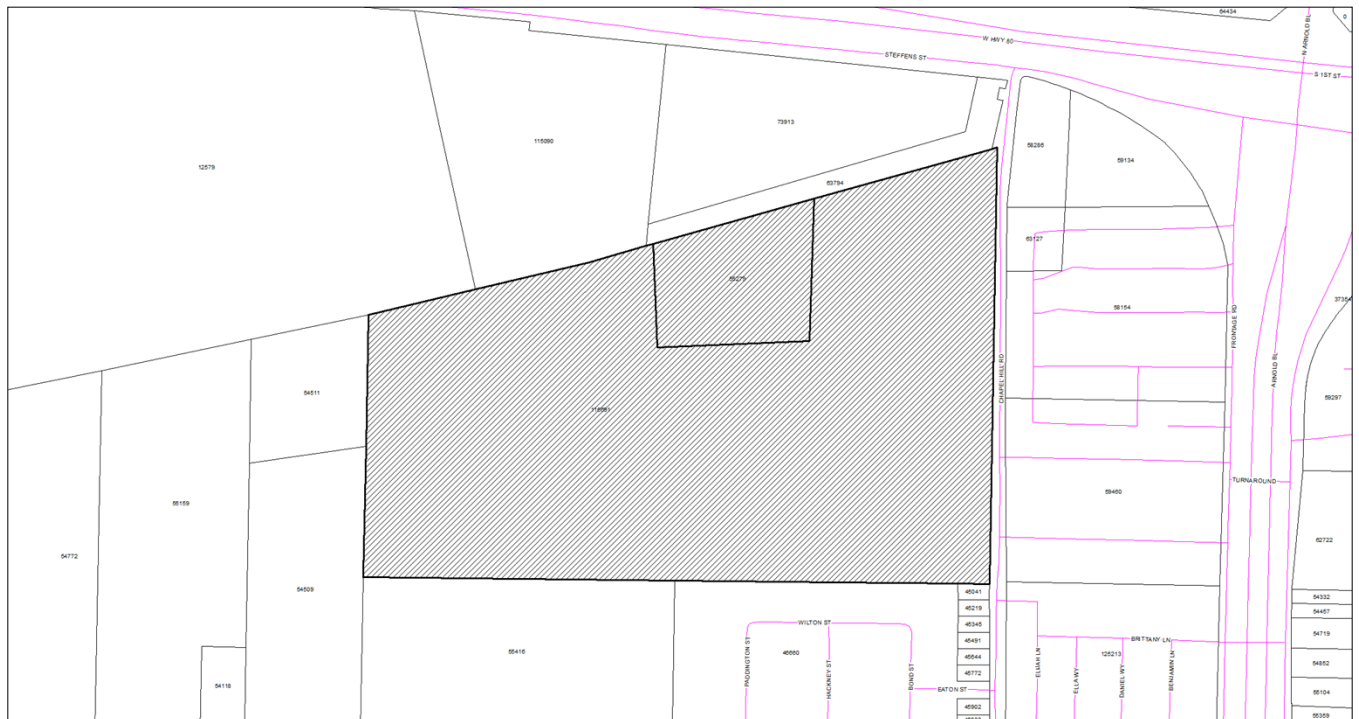
CITY ATTORNEY

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 out 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

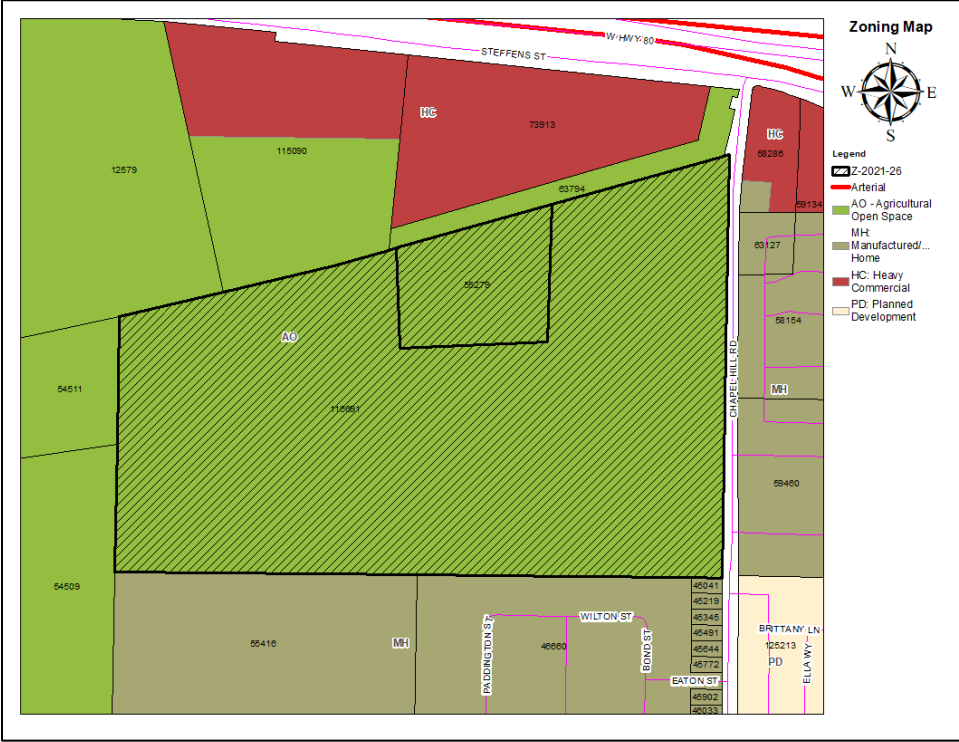
The City of Abilene Sectional Map

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 1 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

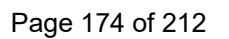
Agree to Terms

DeWayne R Blair

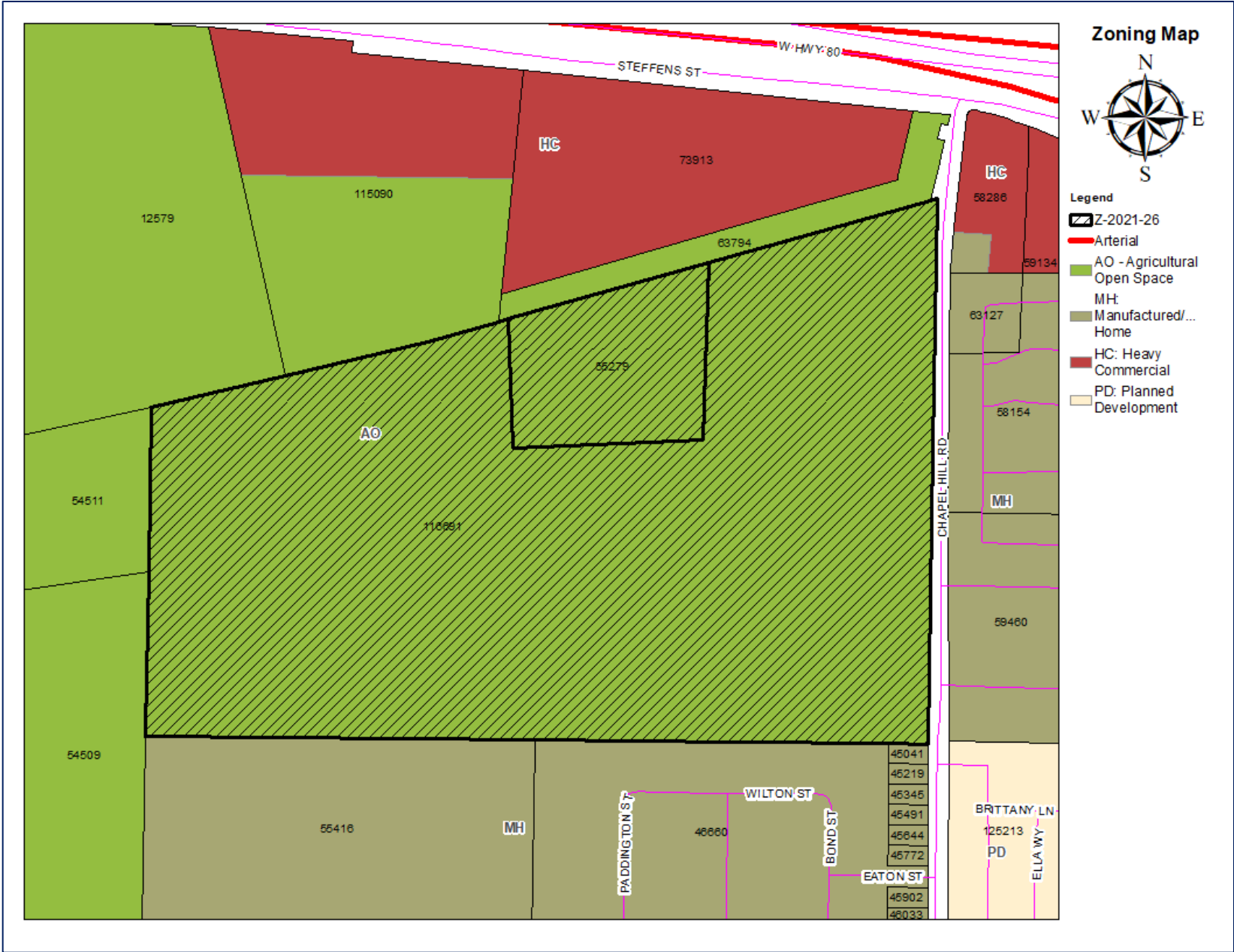
REZONE

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 ZONING MAP



Z-2021-26 PHOTOS

West view of Subject Property



South view of Chapel Hill RD.



North view of Chapel Hill RD.



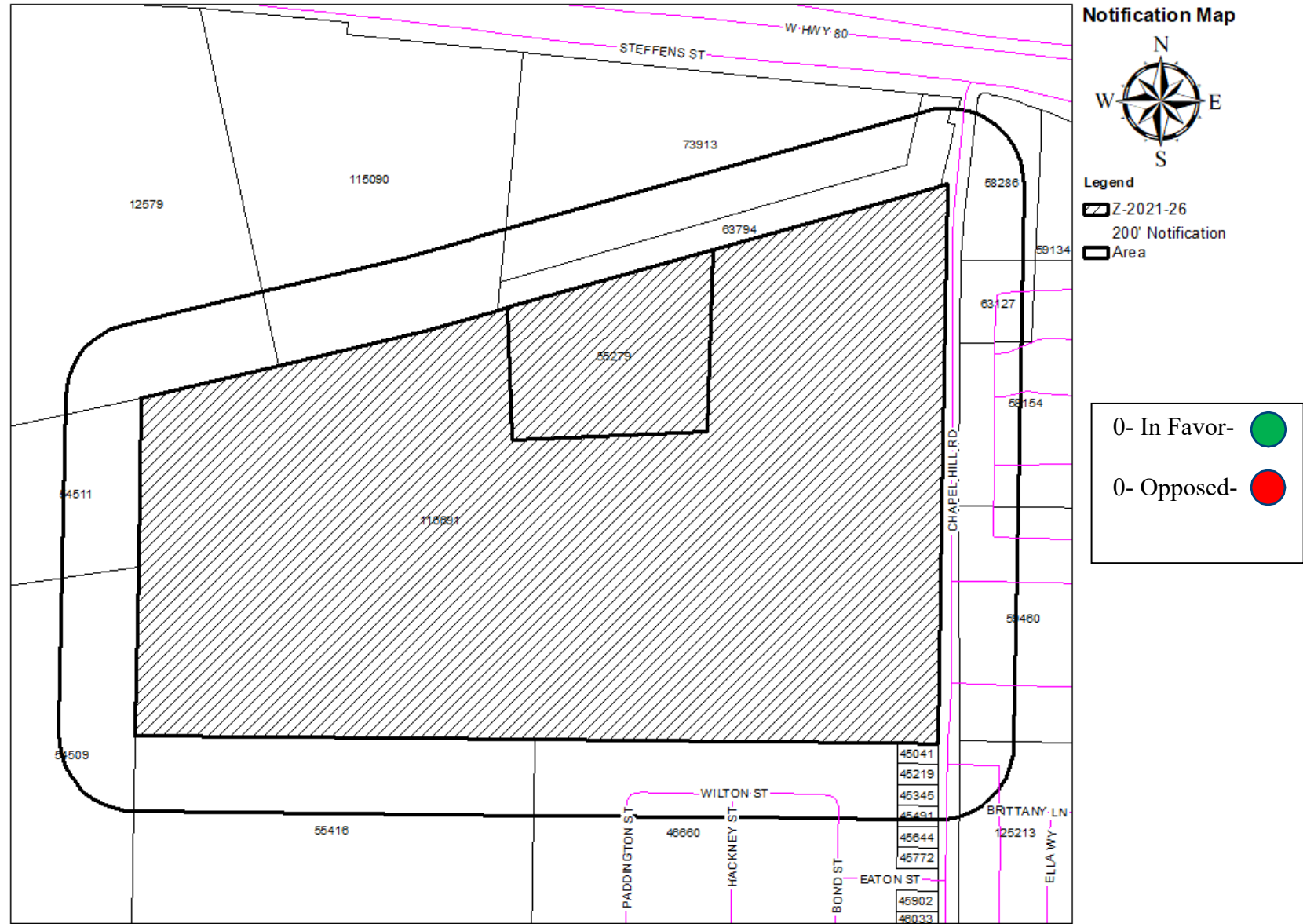
East neighboring property



East neighboring property



Z-2021-26 NOTIFICATION MAP



Permitted Uses in MH Zoning

RESIDENTIAL USES:

- P Dwelling – Industrialized Housing Unit
- P Dwelling – Manufactured Home (HUD-Code)
- P Dwelling – Mobile Home
- P Dwelling – Single-Family Detached

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P/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)
- C Mobile Home or Temporary Building (Office for sales and service)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage & parking)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility
- P Petroleum or Gas Well*
- P Urban Garden

LEGEND

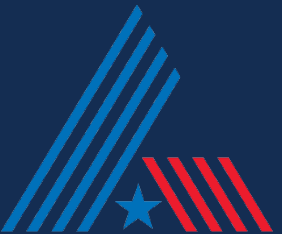
P
C
TP

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

- 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: 10/14/2021

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Chief Building Official

SUBJECT: **15. Ordinance (Final 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

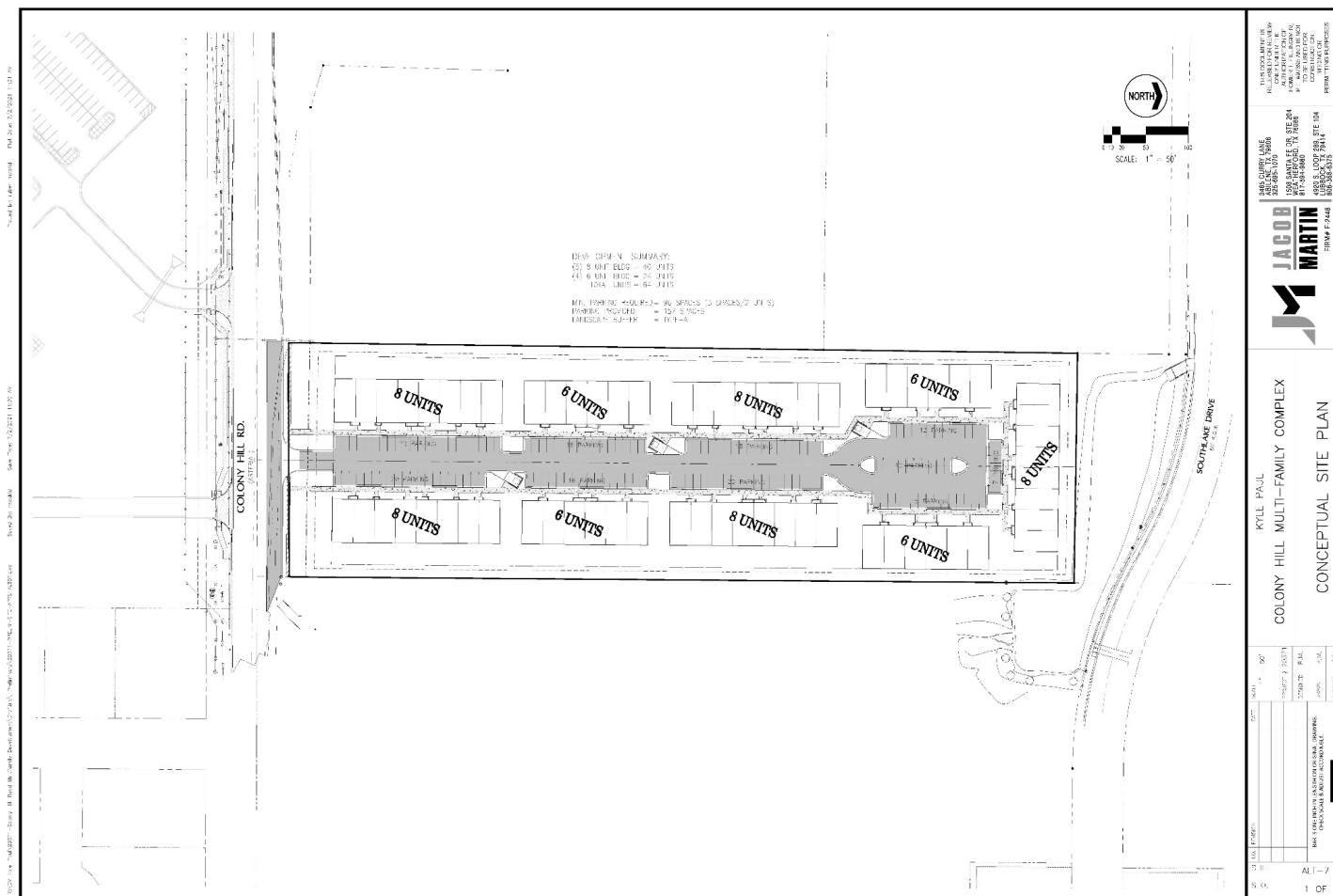
PART 6: Purpose. The purpose of the Planned Development (PD) District is to allow multi-family development as described by the Multi-Family Residential regulations in the Land Development Code.

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

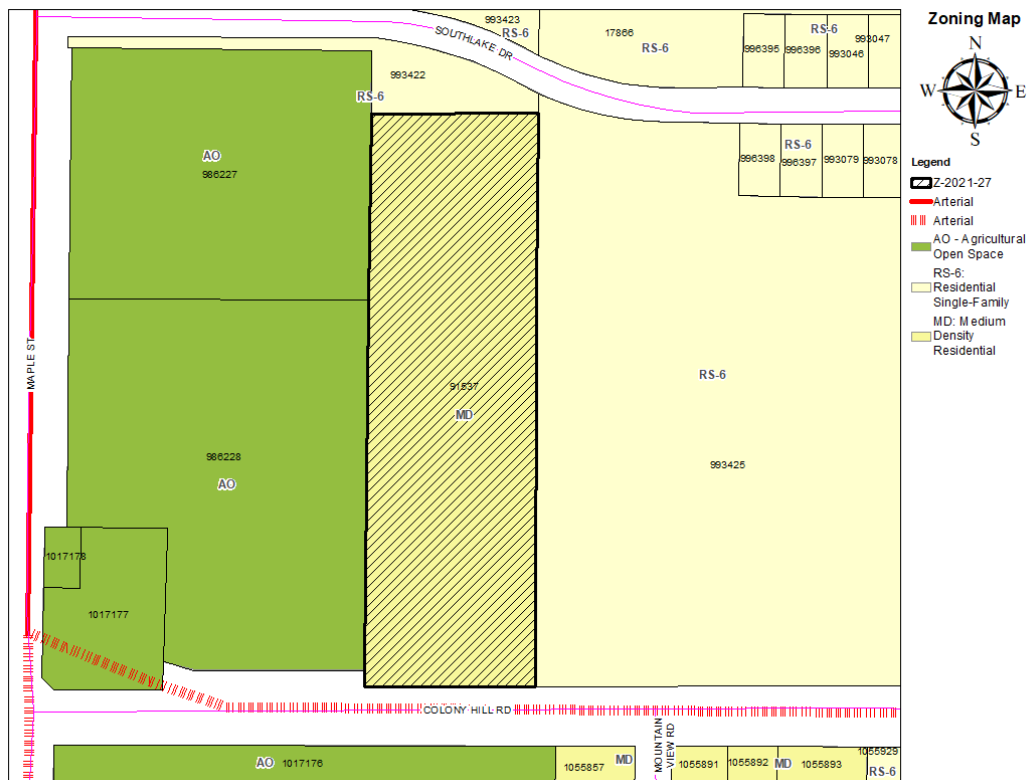
Application

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

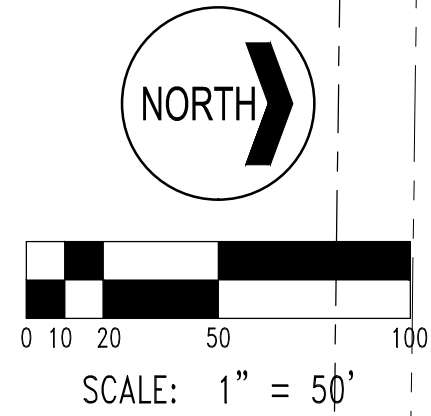
Engineer

Surveyor

Developer

Homeowner

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

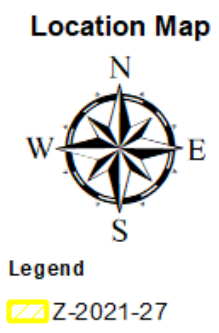


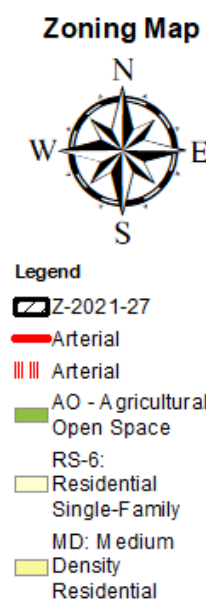
MIN. PARKING REQUIRED= 96 SPACES (3 SPACES/2 UNITS)
PARKING PROVIDED = 157 SPACES
LANDSCAPE BUFFER = TYPE-A

CONCEPTUAL SITE PLAN

LENGTH ON OR
LE & ADJUST ACCO

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







(5)	8 UNIT B DG	-	40	JN S
(4)	5 UNIT B DG	-	24	JN S
	<u>OTAL UNITS</u>		<u>54</u>	<u>JN S</u>

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

3465 CURRY LANE
ARILENE, TX 79606
328-695-1070

1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76096
817-594-9880

4920 S. LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375

3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

1508 SANTA FE DR
WEATHERFORD, TX
817-594-9880

4920 S. LOOP 289,
LUBBOCK, TX 7941
806-368-6375

**JACOB
MARTIN**
FIRM # F-2448



KYLE PAUL
COLONY HILL MULTI-FAMILY COMPLEX
CONCEPTUAL SITE PLAN

NO. _____	DATE _____
PROJECT _____	DESIGNED BY _____
DRAWN BY _____	CHECKED BY _____

DATE	
BY	
FOR	
REMARKS	
REVISION	

BAR IS ONE INCH IN LENGTH ON ORIGINAL DRAWING.
CHECK SCALE & ADJUST ACCORDINGLY.

ALT-7

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



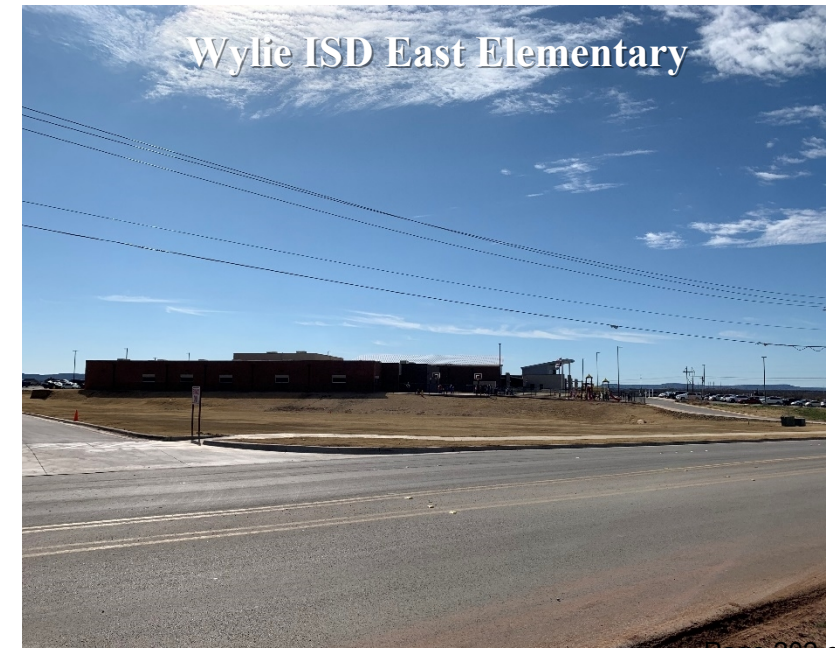
Vacant land to the East



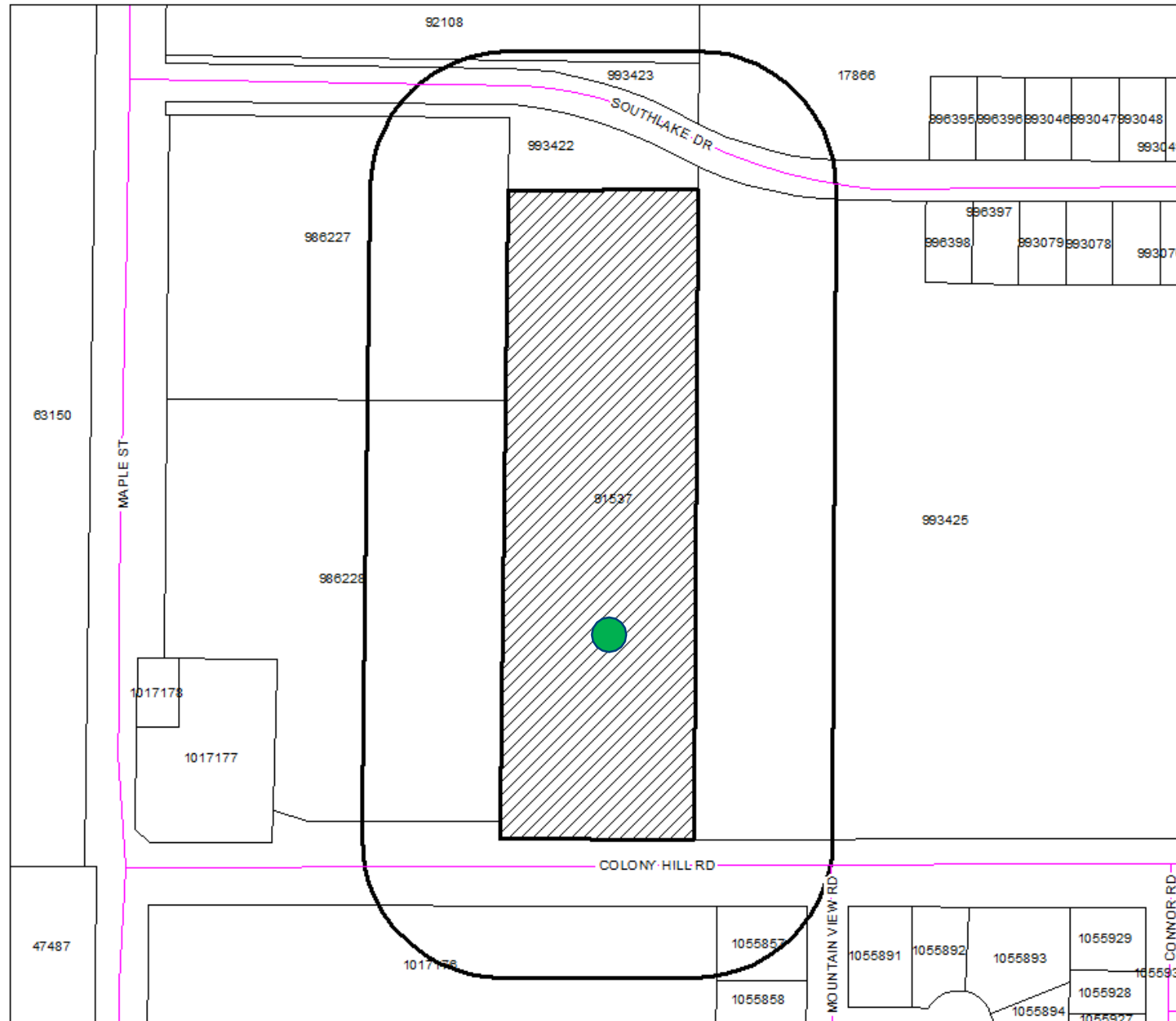
Subject Property Eagle View



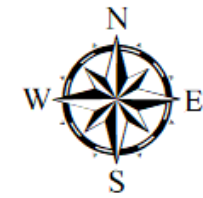
Wylie ISD East Elementary



Z-2021-27 NOTIFICATION AREA MAP



Notification Map



Legend

- Z-2021-27
- 200'
- Notification Area

1- 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: 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: 10/14/2021

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 16. The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

GENERAL INFORMATION

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

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. 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
15. Attorney General Opioid Settlement

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



**City Council
Agenda Memo**

City Council Meeting Date: 10/14/2021

TO: Honorable Mayor and Members of the City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 17. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Casting a Vote to Nominate a Member to the Jones County Appraisal District Board of Directors (*Shawna Atkinson*)

GENERAL INFORMATION

The City of Abilene is a taxing unit in Jones County and participates in the selection of members of the Jones County Appraisal District Board of Directors, composed of 5 members who serve two-year terms, all of which expire on December 31, 2021. The City of Abilene may nominate, by resolution, one or more candidates for the directorship of the board.

SPECIAL CONSIDERATIONS

Haley Jo Oates

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the nomination of Haley Jo Oates for the Jones County Appraisal District Board of Directors

BOARD OR COMMISSION RECOMMENDATION

None

ATTACHMENTS:

1. Jones County Appraisal District Nomination Resolution
2. JonesCounty Presentation Slide (1)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CASTING
OUR VOTES FOR THE JONES COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**

WHEREAS, the Texas Property Tax Code allows tax jurisdictions to cast votes for a single nominee or up to five nominees to serve on the Board of the Central Appraisal District of Jones County for a term of office of two years beginning January 1, 2022;

WHEREAS, the City of Abilene desires to cast votes to nominate a person to said board;

AND WHEREAS, said tax unit recognizes the importance of cost-effective operations of the Appraisal District;

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

SECTION 1: The City Council of the City of Abilene hereby resolves to cast our votes for the following individual for a position on the Board of Directors of the Jones County Appraisal District:

Haley Jo Oates

PASSED AND APPROVED THIS THE 14th DAY OF October, 2021.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Resolution:

**Casting a Vote to Nominate a Member to the
Jones County Appraisal District Board of
Directors:**

Haley Jo Oates



QUESTIONS?

